

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**  
**OFFICIAL REPORT**

**Tuesday, 20<sup>th</sup> September, 2022**

**Third Assembly - First Session - First Day**

*(Third Assembly convened by notification vide  
Legal Notice No. 11008 dated 14<sup>th</sup> September, 2022)*

*The County Assembly met at 10.00 a.m. at County Hall along Mwatu wa Ngoma Road,  
Machakos on Thursday, 20<sup>th</sup> September, 2022, it being the first day of the first meeting of this  
County Assembly.*

*[The proceedings were opened with a prayer read by the  
Clerk of the County Assembly (Mr. Joseph Mutisya)]*

**COMMUNICATION FROM THE CHAIR**  
**WELCOME ADDRESS BY THE CLERK**

**The Clerk of the County Assembly (Mr. Mutisya):** Hon. Members, I have looked at the number of Members present in the Assembly and I can confirm that we have the requisite quorum necessary to transact the business before the House as set out in the County Assembly of Machakos Standing Orders.

Hon. Members Elect, I have the following communication to make;

On behalf of the staff of the Machakos County Assembly and on my own behalf, I wish to welcome you all to this First Sitting of the Third Assembly of Machakos County. I take this opportunity to particularly welcome back all Members who have been re-elected from the previous Assemblies. I also extend a special welcome to the Members joining the Machakos County Assembly for the very first time. Congratulations to all of you on your election as Members of this Assembly. Hon. Members Elect, it is my pleasure and privilege to welcome you to the first sitting of the Third Assembly of Machakos County.

Hon. Members Elect, Standing Order 3(2) of the County Assembly of Machakos Standing Orders provides that on the first sitting of a new Assembly pursuant to the Governor's notification under section 7B of the County Governments Act and Standing Order 23 of Machakos County Standing Orders, the Clerk shall;

- (a) Read the notification of the Governor as published in the Gazette;
- (b) Lay a list of the names of the persons elected as Members on the Table of the Assembly; and
- (c) Administer the Oath or Affirmation of Office provided for in the First Schedule of the County Governments Act, 2012 of all members present in the Assembly in the order set out in paragraph (3).

Hon. Members Elect, Her Excellency the Governor of the County Government of Machakos, pursuant to the provisions of Section 7B of the County Governments Act, 2012 and

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Standing Order 3(1) of the County Assembly of Machakos Standing Orders, notified this First Sitting of the third County Assembly of Machakos through a Gazette Notice No. 11008 of 14<sup>th</sup> September, 2022.

I quote: “Notice is given that pursuant to Section 7B of the County Governments Act, 2012 and Standing Order 3(1) of the County Assembly of Machakos Standing Orders; I, Wavinya Ndeti, Governor of the County of Machakos appoint that the first sitting of the Third County Assembly of Machakos County shall be held on 20<sup>th</sup> September, 2022 at the County Hall, along Mwatu wa Ngoma Road, Machakos Town at 10.00 a.m. Accordingly, this sitting is properly convened. Thank you, Hon. Members.

*(Applause)*

### **PAPER LAID**

**The Clerk of the County Assembly** (Mr. Mutisya): On this Order Hon. Members Elect, Section 7A of the County Governments Act, 2012 provides that a County Assembly shall not be fully and duly constituted for the first sitting after a general election unless all the members provided for under paragraphs (b) and (c) of Article 177(1) of the Constitution have been duly nominated and their names published in the Gazette.

Further, Standing Order 3(2)(b) provides that on the first sitting of a new Assembly after general election, the Clerk shall lay a list of all the persons elected as Members on the table of the Assembly.”

Hon. Members Elect, pursuant to Section 7A of the County Governments Act 2012 and Standing Order 3(2)(b), I lay on the Table of the Assembly a list of names of persons elected and nominated as Members of County Assembly of Machakos as published by the Independent Electoral and Boundaries Commission (IEBC) in the Gazette Notice No. 9956 dated 24<sup>th</sup> August, 2022 and in the Gazette Notice No. 10712 dated 9<sup>th</sup> September, 2022 respectively. Thank you, Hon. Members Elect.

*(The list of names of Members-elect was laid on the Table)*

### **ADMINISTRATION OF OATH**

**The Clerk of the County Assembly** (Mr. Mutisya): On this order Hon. Members elect, Article 74 of the Constitution of Kenya 2010 states that “before assuming a state office, acting in a state office, or performing any functions of a State office, a person shall take and subscribe the oath or affirmation of office, in the manner and form prescribed by the Third Schedule or under an Act of Parliament.”

In addition, Section 9(3) of the County Governments Act provides that “Members of a County Assembly shall be sworn in by the County Assembly Clerk on the first sitting of the County Assembly, in the manner set out in the Schedule to this Act”.

Further, Standing Order 3(3) provides that the Clerk shall administer the Oath and Affirmation of Office to Members in alphabetical order using the following order of precedence:

- (a) Members with the longest cumulative period of service in the Assembly;
- (b) Members with the longest cumulative period of service in the Assembly and in any local authority existing prior to the promulgation of the Constitution;
- (c) Members with the longest cumulative period of service in any local authority existing prior to the promulgation of the Constitution;

(d) All other Members.

In this regard, Hon. Members Elect, I would like to confirm that I have, in accordance with the above provisions prepared a list containing names of all Members Elect as published by Independent Electoral and Boundaries Commission (IEBC) in the gazette notices I have referred to and it is annexed to the Order Paper.

I shall now proceed to administer the Oath or Affirmation of Office to all Hon. Members Elect present in the order of precedence set out under Standing Order 3(3). In so doing, the name of each Member Elect will be called out, following which the Member Elect will proceed to the stand on my right and indicate whether to take and subscribe to the Oath or affirmation of office and whether he or she will do it in English or Kiswahili. After taking and subscribing to the Oath or Affirmation of Office, the Member shall sign the Oath or Affirmation Book at the same place.

Hon. Members Elect, we are now ready to commence the process and I ask the Head Procedure and Committee Services to call out names of Members Elect. Thank you, Hon. Members Elect.

*(Applause)*

The Oath of Allegiance was administered to the following Members:

1. Ms. Phoebe Koki Mawa
2. Ms. Margaret Mutheu Ndalana
3. Mr. Gideon Saul Kavuu
4. Mr. Joshua Kiilu Mwonga
5. Ms. Rose Wavinya Benjamin

*(Applause)*

6. Mr. John Brian Kioko Kisila
7. Mr. Dominic Ndonge Maitha
8. Mr. Johana Munyao
9. Mr. Eric Wambua Musembi
10. Ms. Winfred Syonindi Mutua
11. Mr. Francis Mwaniki Ngunga

**The Clerk of the County Assembly** (Mr. Mutisya): Members, I remind you that when coming as your name is called, you bow. Do not forget about that.

The Oath of Allegiance was administered to the following Members:

12. Mr. Stephen Nzue Mwanthi
13. Mr. Dominic Mulwa Ndambuki
14. Mr. Judas Mbili Ndawa
15. Ms. Hellen Mueni Ndeti
16. Mr. Philip Leonard Mutua Ndolo alias Kitoo

**The Clerk of the County Assembly** (Mr. Mutisya): Hon. Members, as Mheshimiwa comes for swearing in, I remind you that you use the names that are in the Gazette Notice only.

The Oath of Allegiance was administered to the following Members:

17. Mr. Felix Mutunga Ngui
18. Ms. Constance Mbula Nzioki
19. Ms. Rosina Kanini Wambua
20. Mr. Jeremiah Kaloi
21. Ms. Farhiya Haji Abdi
22. Ms. Grace Bahati alias Zora

*(The Clerk informed the Member elect to use her official names only)*

23. Mr. Mathias Muasya Herskovitis

*(Applause)*

24. Ms. Ruth Wanjiru Kamau
25. Mr. Boniface Kyalo Katiti
26. Mr. Francis Wambua Kavyu
27. Mr. Peter Kilonzo
28. Ms. Penninah Kanini Kisangai
29. Mr. Francis Wambua Kitaka
30. Ms. Mary Nthenya Kituku
31. Mr. Dee Mutisya Kivuva Ithiangooma

**The Clerk of the County Assembly (Mr. Mutisya):** You only use the official names.

The Oath of Allegiance was administered to the following Members:

- |                                 |                                     |
|---------------------------------|-------------------------------------|
| 32. Mr. Benjamin Kinyungu Kyule | 47. Mr. Loyd Mutua                  |
| 33. Mr. Lucky Raphael Nzau      | 48. Ms. Caroline Ndinda Mutuku      |
| 34. Eng. Boniface Musyimi Maeke | 49. Mr. Justus Mulwa Mutuku         |
| 35. Mr. Dickson Musyoki Maundu  | 50. Ms. Anna Ndilo                  |
| 36. Ms. Catherine Mutio Muia    | 51. Mr. Daniel Mutinda Ndwiki       |
| 37. Mr. Fredrick Kitetu Muia    | 52. Ms. Mercy Njagi                 |
| 38. Mr. Daniel Musyoka Muindi   | 53. Ms. Everlyne Ndunge Nguli Nzeki |
| 39. Mr. Charles Mbuva Muli      | 54. Mr. Aliphonce Mutinda Nzioka    |
| 40. Mr. Paul Mwanzia Muli       | 55. Mr. Nicholas Kitavi Nzioka      |
| 41. Mr. Joseph Musyoki Mulinge  | 56. Mr. Vincent Mutie Nzioka        |
| 42. Ms. Irene Mbithe Mulu       | 57. Ms. Catherine Kyee Wambua       |
| 43. Mr. Julius Mutuku Munywoki  | 58. Mr. Jackson Ndaka Wambua        |
| 44. Mr. Muoki Musila            | 59. Mr. Paul Mutua Wambua           |
| 45. Mr. Douglas Muema Musyoka   | 60. Mr. Mathew Ndunda Wilson        |
| 46. Ms. Anastasia Nundu Mutevu  |                                     |

**The Clerk of the County Assembly (Mr. Mutisya):** Thank you, Hon. Members. Is there anybody who has not taken the oath? None. I take this opportunity to congratulate you for the swearing in and the oath that you have taken. Now we will proceed to the next order.

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## COMMUNICATION FROM THE CHAIR ELECTION OF THE SPEAKER

**The Clerk of the County Assembly** (Mr. Mutisya): Thank you. On that order, Hon. Members, I wish to provide the procedure that will apply for the election of the Speaker. Section 11(1)(a) of the County Governments Act, 2012 provides the Office of the Speaker shall become vacant when a new County Assembly first meets after an election. In this regard, the Office the Speaker of the County Assembly of Machakos became vacant at the commencement of today's sitting being the First Sitting of a new County Assembly after the General Election.

Standing Order 4(1) provides that 'a Speaker shall be elected when the Assembly first meets after a General Election and before the Assembly proceeds with the dispatch of any other business, except the administration of Oath or Affirmation of Office to Members present.

In accordance with the provisions of the County Assembly of Machakos Standing Orders, the following procedural requirements ought to be fulfilled before the election of the Speaker is conducted:

- (i) Standing Order 5(1) requires the Clerk to notify the public of a vacancy in the Office of the Speaker of the County Assembly by notice in the Gazette and to invite interested persons to submit their nomination papers for election to the Office of the Speaker. In this regard, I did notify the public and invited interested persons to submit nomination papers for election to the Office of the Speaker vide Gazette Notice No. 11046 dated 14<sup>th</sup> September, 2022.

Further, Hon. Members, on 15<sup>th</sup> September, 2022, I did publicize the declaration of the vacancy by advertisement in the Standard newspaper and also extended the invitation to interested persons to submit nomination papers for the election to the Office of the Speaker of County Assembly of Machakos.

- (ii) Standing Order 5(2) requires the Clerk to designate the place and period for receipt of nomination papers which should be at least forty eight (48) hours before the time appointed at which the Assembly is to meet and elect the Speaker. In this regard and I appointed Sunday, 18<sup>th</sup> September, 2022 at 10.00 a.m. as the deadline for receipt of nomination papers and designated the Office of the Clerk as the place for receipt of the papers.

Further, in keeping with the requirements of Standing Order 5(4), I also maintained a register for purpose of collection and receipt of nomination papers.

Hon. Members, the following seven (7) persons collected nomination papers from my Office between Thursday, 15<sup>th</sup> September, 2022 at 8.00 a.m. and Sunday, 18<sup>th</sup> September, 2022 at 10.00 a.m.

1. Festus Muema Wambua
2. John Mutua Katuku
3. Lukoye Charles Mulolongo
4. Kiusya Anne Mwikali
5. Mutuku Lilian Mutio
6. Munyao Benjamin Maingi
7. Mung'ata Benard Muteti

- (iii) Pursuant to Standing Order 5(5), immediately upon the close of the nomination period, I publicized and made available to all Members, a list showing all qualified candidates for election to the Office of the Speaker of the County Assembly of Machakos; and copies of the curriculum vitae (CV) of all qualified candidates were

also availed. By the close of the nomination period on Sunday, 18<sup>th</sup> September, 2022 at 10.00 a.m., the following six (6) persons had returned to the Clerk their respective nomination papers for election as Speaker of the County Assembly of Machakos.

1. Festus Muema Wambua
2. Lukoye Charles Mulolongo
3. Kiusya Anne Mwikali
4. Mutuku Lilian Mutio
5. Munyao Benjamin Maingi
6. Mung'ata Benard Muteti

Hon. Members, pursuant to the provisions of Articles 178 and 193 of the Constitution, Section 9A(1) of the County Governments Act 2012, Section 21(1) of the Elections Act 2011 and Standing Order 5 of the County Assembly of Machakos Standing Orders; the following six (6) persons qualified as candidates for election as Speaker of the County Assembly of Machakos:

1. Festus Muema Wambua
2. Lukoye Charles Mulolongo
3. Kiusya Anne Mwikali
4. Mutuku Lilian Mutio
5. Munyao Benjamin Maingi
6. Mung'ata Benard Muteti

Hon. Members, Standing Order 6 provides as follows with regard to the voting procedure where more than one candidate qualifies to stand for election as Speaker.

- (i) The election of Speaker shall be by secret ballot.
- (ii) The Clerk shall, at the commencement of each ballot, cause the ballot box, empty and unlocked to be displayed to the House and shall, in the presence of the House lock the box, which shall thereafter be kept in the full view of the House until the conclusion of the ballot.

So, Members, before we continue I will allow that you check on the CVs then we continue. I give you two minutes for the CVs then we continue. You do not go out just check then we continue. We can proceed.

*(Serjeant at Arms circulated the CVs to Hon. Members)*

*(Loud consultations at the gallery)*

Serjeant at Arms, hurry up. Order Hon. Members, Members of the public at the gallery, silence. We continue Members. I will start from where I had read then we continue.

Hon. Members, Standing Order 6 provides as follows with regard to the voting procedure where more than one candidate qualifies to stand for election as Speaker.

- (i) The election of Speaker shall be by secret ballot.
- (ii) The Clerk shall, at the commencement of each ballot, cause the ballot box, empty and unlocked to be displayed to the House and shall, in the presence of the House lock the box, which shall thereafter be kept in the full view of the House until the conclusion of the ballot.

Each Hon. Member will be issued with one ballot paper by officers at the Table in the manner I will guide. When your name is called, you will receive one ballot at the table and proceed to the voting booth. Mark your ballot paper and proceed to cast your vote. For clarity a

Member who wishes to vote shall mark his or her ballot paper by placing a visible mark in the box provided beside the name of the preferred candidate as a Member wishes to vote for.

Thereafter, the Member should fold the marked ballot paper before leaving the booth and deposit the folded paper in the ballot box. A member, who in the process of voting has marked his or her paper in error, may by returning it to the Clerk, obtain another ballot paper in its place. The initial ballot paper in error shall be marked cancelled and destroyed by the Clerk.

Hon. Members, when it appears to Clerk that all Members who are present and who wish to vote have deposited their ballot papers in the ballot box, the Clerk shall unlock the box, examine the ballot papers and having rejected those unmarked or spoilt, report the result of the ballot.

May I also notify Hon. Members that a Member who shall not already have recorded his or her vote after the ballot box is unlocked shall not be entitled to do so. The verification and counting of the ballots shall take place in the presence of Members appointed as agents or representatives by the candidates. Each candidate is allowed a maximum of one agent for purposes of the ballot.

Hon. Members, in line with the requirements of Standing Order 7(1), a person shall not be elected as Speaker unless he or she is supported in the ballot by the votes of two-thirds of all Members during the first round. Therefore, pursuant to provisions of Standing Order 7(2), in the event that no candidate is supported by the votes of two-thirds of all the Members after the first round of voting, the candidate or candidates who receives the highest number of votes, and the candidate or candidates who receives the next highest number of votes shall alone stand for election in the second round. The candidate who receives the highest number of votes in the second round shall stand elected as Speaker.

Hon. Members, I wish to remind the House that this particular voting is by secret ballot. Members are not allowed to display their marked ballots to the House, the galleries or any other person. If this is brought to the attention of the Returning Officer that a Member has displayed his or her ballot paper, it will be considered a spoilt vote. Having explained the voting procedure, I now wish to direct the Chief Serjeant-at-Arms to go forward to open the ballot box and display it to Hon. Members. Serjeant-at-Arms! You start from the right side then to the left side. Open and display.

*(The Serjeant-at-Arms opened the ballot box and displayed it to the House)*

*(Applause)*

Hon. Members, it is confirmed that the box is empty; I direct the Serjeant-at-Arms to seal it.

*(Sergeant at Arms locked the ballot box)*

I now direct the Clerk at the table to read the names of members from the precedence list after which each member will proceed to vote from the booth as stated above. Once your name is read, you come to this side, you will be given the ballot paper then you go to the booth and do the marking after which you bring it back to the box.

*(Hon. Members were issued with ballot papers and proceeded to vote)*

**The Clerk of the County Assembly** (Mr. Mutisya): Hon. Members the voting has ended and now I direct the agents of the candidates to come forward. One agent per candidate; so can we have six agents for the six candidates. We can proceed if there is none. Can we have one for Speaker Kiusya and one for Speaker Benard Mung'ata and the Serjeant-at-Arms to come forward also? Where are the others? We are ready now and I direct the Serjeant-at-Arms to unlock the box and can we have all the ballots on the table? Then we confirm whether they are 60 first by counting out loud.

*(Ballots cast confirmed to be 60)*

**The Clerk of the County Assembly** (Mr. Mutisya): Thank you, we have confirmed the cast ballots to be 60 so we start counting now. You show the votes to the tellers.

*(The Clerk Assistants unlocked the ballot box  
and proceeded to count the votes)*

*(Applause)*

**The Clerk of the County Assembly** (Mr. Mutisya): Excuse me, Members; let us finish counting first.

*(Applause)*

*(Loud consultations)*

*(Visitors at the gallery stood up)*

**The Clerk of the County Assembly** (Mr. Mutisya): Order! Members Order! Members of public at the gallery sit down.

*(Agents for the candidates approached the Table)*

*(Counting of votes progressed)*

*(Hon. Members signed on the seals)*

*(Agents signed on the seals)*

**Member for Matuu** (Hon. Mbili Ndawa, MCCC): Point of order, Mr. Clerk.

**The Clerk of the County Assembly** (Mr. Mutisya): Yes Hon. Ndawa.

**Hon. Mbili Ndawa** (Matuu, MCCC): Thank you, Mr. Clerk. It is in order to also recognize the other candidates even if they have not garnered even a single vote; we need to say so and so got zero votes.



**The Clerk of the County Assembly** (Mr. Mutisya): Mheshimiwa, thank you. I am coming there.

*(Laughter)*

Standing Order 10 states that immediately the results are declared, all the ballot papers used in the election of a Speaker shall be packed and sealed in the presence of the Assembly and kept in safe custody of the Clerk for a period of six months and shall thereafter be destroyed. So before that, I take this opportunity to declare the results.

### RESULTS

NAME	VOTES
1. Festus Muema Wambua	0
2. Lukoye Charles Mulolongo	0
3. Munyao Benjamin Maingi	0
4. Mutuku Lilian Mutio	0
5. Mung'ata Benard Muteti	9
6. Kiusya Anne Mwikali	51
Total valid cast votes	60
Spoilt ballots	0
Abstention	0
Total cast votes	60

*(Applause)*

The candidate who has attained more than two thirds of the votes which is 40, got 51 and I declare her the Speaker-elect of the County Assembly of Machakos. Before I direct the Serjeant-at-Arms to search for the said candidate to come as Speaker, I direct the Clerk Assistants at the Table to pack and seal the used ballot papers in the presence of the House.

*(The Clerk accordingly declared Mrs. Anne Kiusya elected Speaker of the Machakos County Assembly and directed the Serjeant-at-Arms to search for the said Mrs. Kiusya and present her to the House.)*

Order! Order! Hon. Members Order! Mheshimiwa Kisila and Mheshimiwa Mutisya Order! Hon. Members, I now direct the Serjeant at Arms to search for the said Mrs. Anne Kiusya, identify and present her before me here in the assembled House so that he/she may take and subscribe to the Oath of Office of the Speaker in Accordance with Constitution. Serjeant-at-Arms, do that. I need two Members to receive the Speaker elect at the door there and bring her to me for swearing in.

*(Several Hon. Members stood in their places)*

**The Clerk of the County Assembly** (Mr. Mutisya): Hon. Members, resume your seats. You do not stand now; you will stand after she is sworn in. Do not stand for now.

*(Mrs. Anne Mwikali Kiusya was presented to the Clerk by the Senior Serjeant-at-Arms)*

### **ASSUMPTION OF OFFICE BY SPEAKER**

*(The Clerk thereupon administered the Oath of Office to the Speaker-elect)*

*(Applause)*

*(Speaker-elect walked out to dress up)*

*(The Speaker, Hon. (Mrs.) Anne Kiusya, then took the Chair)*

*(The mace which had been covered was uncovered and placed at the Table)*

*(Applause)*

### **COMMUNICATION FROM THE HOUSE**

#### **SUBMISSION OF THE SPEAKER TO THE WILL OF THE HOUSE**

**Hon. Speaker:** You can resume your seats.

*(Hon. Members took their seats)*

Thank you. Hon. Members, political parties representatives, distinguished guests, the media, ladies and gentlemen, all protocols observed, *hamjamboni*,

**Hon. Members:** *Hatujambo.*

**Hon. Speaker:** First and foremost, I want to thank the Almighty God, for the great favour he has conferred upon me. It is with sincere gratitude that I stand before this House as the Speaker of the Third Assembly of the County Assembly of Machakos, having been elected by you Hon. Members.

*(Applause)*

I also wish to thank the Clerk of the Assembly for the invaluable guidance of procedures leading to my nomination and eventual election. Today is a great day for me and the only way I can honour you Hon. Members is by executing my duties diligently and with the interest of you all the County and the Republic of Kenya in the forefront.

*(Applause)*

I hereby seek to position you as witnesses to my solemn pledge, to live up to the expectations of the office of the Speaker and to undertake the task ahead to the best of my ability. I assure this House that I will uphold the rule of law as prescribed in various statutes and in the same faith, I appeal for team work so that the Assembly can effectively execute its mandate.

*(Applause)*

It is a great honour to be nominated and elected as the Speaker of this Honourable House; I consider my election as a great responsibility. I pray to the almighty God that I shall successfully chart a path of prosperity for the County as the Speaker of this House. I wish to congratulate all of you Hon. Members for winning your seats and through a very grueling process. It is a unique opportunity to serve our County. I look forward to maximizing the opportunities for every member to contribute. I trust the experienced Hon. Members will mentor the new members in the House.

*(Applause)*

The Chair seats at the rostrum so that everyone can catch my eye. I intend to be fair to all and therefore seek your understanding to advance to course of the County. As a House we need to be guided by high ethical considerations, so that we do not relapse in the so-called tyranny of statistics. We will encourage healthy debates, open, frank, fair and honest debates because that is of utmost importance. We will have constructive alternatives and they will be respected under my stewardship.

Both the majority and the minority parties as well as the non-affiliated members must be guided by the mandate stipulated in the Constitution to build a vibrant House anchored in the principles of fairness and equality of opportunities. Good governance is a key element in prosperity of the County and thus the Assembly must take its rightful role by effectively performing its core tasks of representation, oversight and law making. Our ability to control public expenditure will be good service to our electorates.

The Commonwealth Principles otherwise referred to as Latimer Principles offer harmonious framework of balancing of power and the interaction between Parliament and the Executive and Judiciary in a democratic society.

The Latimer Principles set out the consensus arrived at by representatives of governments in the Commonwealth on how each of the three institutions arms should inter-relate in the exercise of their constitutional responsibility. Residents of Machakos County expect us to give them hope, provide opportunities for wealth creation, provision of water and quality health care among other needs. The electorates want us to be honest, accountable, and responsive to their needs. I ask for cooperation from each one of us to make our calling as leaders a success.

Devolution has already taken root in the country and the Third Assembly must strive to improve the lives of the residents considering that the foundation was laid by the First and Second Assemblies. Challenges may have been experienced and it is upon the Third Assembly to make adjustments to positive advancement of the County.

Standing Orders are set to guide procedures in the House. Towards application of the regulations, Hon. Members should familiarize themselves with the provisions to promote quality

and structured debating and to perfect competencies for optimal functioning.

Good grasp of the Standing Orders will promote orderliness and at the same time ensure members do not fall foul of the provisions by breaching them through ignorance which is not mitigation in a quasi-judicial body like our Assembly.

Hon. Members, it is my appeal that we enhance our capacity at individual level by keeping abreast of current affairs in the country, the republic and in the World. The Assembly library and ICT facilities can be utilized to build knowledge on various aspects in our lives. This will in turn promote quality contribution in debates.

Standing and Sectoral committees are where most of the business of the House is transacted. Committees must be vibrant enough to steer business of the House because with weak committees, the House may not be effective in delivering on its cardinal mandate. Committee Chairpersons are delegated the powers of the Speaker in carrying out committee business. With that in mind, the chairpersons should be proactive, dynamic and innovative and apply wide-range approach to feed the House with quality business.

Hon. Members, you are now expected to carry yourself out in a way that befits your status as State Officers. Of particular attention should be Chapter Six of Constitution of Kenya. I would invite Hon. Members to uphold the provisions, specifically of Article 75 of the Constitution of Kenya that details the conduct of State Officers.

The role of Honourable members of County Assemblies is defined in the County Governments Acts, Section 9(1)(d) which states that a Member of County Assembly shall provide a linkage between the County Assembly and the electorates on public service delivery. The key word here is linkages. Section 9(2)(d) states that 'a member of the County Assembly shall not be directly or indirectly involved in the Executive functions of the County Government and its administration and (b) delivery of services as if the member were an officer or employee of the county Government. With the said provisions Hon. Members, I advise as how to balance the interaction with the electorates.

As the Speaker, I will invoke the provisions of Article 27 of Constitution of Kenya by according all Hon. Members equal opportunities to contribute in business of the House without discrimination. The same principal will apply when apportioning time to members with regional balance being factored in. In essence, no discrimination should be practiced. All contributions will be captured in the HANSARD and members can monitor and evaluate the opportunities accorded by the Chair. Whenever mistakes occur and are pointed out, remedial measures will be taken to ensure inclusivity.

Privileges for Hon. Members are accorded to maintain the dignity of the *Waheshimiwa* as State Officers. Immunity and privileges cannot be wished away by any person, body or authority. I shall help to maintain this without fail.

In the same light, remember that to whom much is given, much is expected. If you breach the law, the law will not spare you. A lawmaker cannot be a lawbreaker. The media and civil society are important in steering the County towards the path of good governance. In this respect, the two institutions should play their role to shape the agenda of the County; this should be done on the laid principles of facts and be devoid of witch-hunting.

Besides presiding over the House, I have an added responsibility as the Chairperson of the County Assembly Service Board as provided by County Assembly Services Act, 2017. I pledge to discharge the duty as per the provisions of the Statute.

In conclusion, I expect that we shall steer the County Assembly to be a model legislative body that performs its roles with impartiality. Let us aim to propel our Assembly to be rightfully placed as worthy to replicated by other regional legislatures and in the World.

To quote Barrack Obama, the 44th President of United States „if you are walking down

the right path and you are willing to keep walking, eventually you will make progress."

With God with us in the journey, we shall deliver to the best of our ability. I thank you very much for your kind attention. *Asanteni sana*, yours Speaker, Hon. Ann Kiusya, Machakos County Assembly, dated 20th September, 2022. Thank you very much.

*(Applause)*

At this point, I would ask the Clerk to proceed.

### ELECTION OF THE DEPUTY SPEAKER

**Hon. Speaker:** Hon. Members, this is the election of the Deputy Speaker. Article 178(2)(b) provides that a sitting of the County Assembly shall be presided over by a member elected by the County Assembly in the absence of the Speaker.

Further, Section 9A(2) of the County Governments Act 2012, provides that there shall be a Deputy Speaker for each County Assembly, who shall be elected by the County Assembly in accordance with Standing Orders of the respective County Assemblies from among members of that County Assembly.

Section 11A(1)(a) of the County Governments Act 2012 provides the Office of the Deputy Speaker shall become vacant If the office holder vacates office pursuant to Article 194 of the Constitution. In this regard, the Office of the Deputy Speaker of the County Assembly of Machakos became vacant at the end of the term of the Assembly. Standing Order 14(1) provides that as soon as practicable, after the election of a Speaker following a general election, a Deputy Speaker shall be elected.

Through Kenya Gazette Notice No. 11047, Members of the County Assembly were notified of the vacancy in the Office of the Deputy Speaker and interested members invited to submit their nomination papers.

Hon. Members, the following three persons collected nomination papers from the Office of the Clerk between Thursday, 15th September, 2022 at 8.00 a.m. and Sunday 18th September, 2022 at 10.00 a.m.

1. Douglas Musyoka Muema
2. Stephen Nzue Mwanthi.
3. Johana Munyao.

Pursuant to Standing Order 5(5), immediately upon the close of the nomination period, the Clerk publicized and made available to all members a list showing all qualified candidates for election to the Office of the Deputy Speaker of the County Assembly of Machakos, and copies of the curriculum vitae of all qualified pass candidates were also availed.

By the close of the nomination period on Sunday, 18th September, 2022 at 10.00 a.m. the following three persons had returned to the Clerk their respective nomination papers for election as Deputy Speaker of the County Assembly of Machakos.

1. Douglas Musyoka Muema.
2. Stephen Nzue Mwanthi.
3. Johana Munyao.

Hon. Members, the following three persons qualified as candidates for election Deputy Speaker of the County Assembly of Machakos,

1. Douglas Musyoka Muema
2. Stephen Nzue Mwanthi.

### 3. Johana Munyao.

Standing Order 14(3) provides that the procedure of electing a Deputy Speaker shall, with the necessary modification, be the same as that prescribed for the election of the Speaker. I proceed to give guidelines for the election of the Deputy Speaker.

- (i) The election of Speaker shall be by secret ballot.
- (ii) At the commencement of each ballot, the empty ballot box shall be unlocked display to the House and shall in the presence of the House, lock the box, which shall thereafter be kept in their full view of the House until the conclusion of the ballots.
- (iii) Each Hon. Member will be issued with one ballot paper at the Table and proceed to make his or her vote at the voting booth. The Clerk Assistants at the table sealed on my left shall issue ballots to Members.
- (iv) A member who wishes to vote shall mark his or her ballot paper by placing a visible mark in the space provided beside the name of the candidate he or she wishes to vote for. Thereafter, the Member should fold the marked paper before leaving the booth and deposit it in the ballot box.

A Member who before the conclusion of the ballot has marked his or her paper in error may, by returning to the Clerk to obtain another space. The first ballot paper shall be marked canceled and shall be destroyed.

Hon. Members, when it appears to me that all members who are present and who wish to vote have deposited their ballot papers in the ballot box, I shall direct the Clerk to unlock the box, examine the ballot papers and have rejected the unmarked or spoiled report the results of the ballots.

May I also notify Hon. Members that a Member shall not already have recorded his or her vote after the ballot box is unlocked, and shall not be entitled to do so. Counting of the ballots shall take place in the presence of members appointed as agents or representatives by the candidates. Each candidate is allowed to the maximum to a maximum of one agent for purposes of the ballot.

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 stated. In the event of such withdrawal, the Clerk shall cross out the name of that candidate off any ballot papers issued to that or any subsequent ballot. In this regard, the Clerk received a letter from Johana Munyao, dated and received on 19th of September, 2022, tendering a withdrawal as a candidate for the same position. Further, the Clerk received another letter from Douglas Musyoka Muema, dated---

*(Applause)*

Further, the Clerk received another letter from Douglas Musyoka Muema, dated and received on 20th September 2022, tendering or withdraw as a candidate for the same position.

Hon. Members, Standing Order 11 provides that despite the provision of this part, if there is only one candidate who has been duly nominated for election as Deputy Speaker, that candidate shall be declared forthwith to have been elected Deputy Speaker without any ballot or vote being required.

*(Applause)*

Consequently, I now declare Stephen Nzue Mwanthi as the Deputy Speaker-elect of the Assembly.

I now direct the Serjeant at arm to search for the said Stephen Nzue Mwanthi identify and present him before me here in the Assembly assembled house so that he may take and subscribe to the Oath of Office of the Deputy Speaker in accordance with the Constitution. Thank you, Members.

*(Hon. Stephen Mwanthi was escorted to the Chair  
by Hon. Joshua Mwonga and Hon. Lucky Nzau)*

*The Oath of Office was administered to the Deputy Speaker  
Hon. Stephen Nzue Mwanthi, Member for Ekalakala Ward (WDM)*

*(Applause)*

**Hon. Mbili Ndawa** (Matuu, MCCP): Point of information, Madam Speaker. There is a seat reserved for the Chair of Chairs and since we have elected Hon. Stephen Mwanthi to that position, kindly direct that he takes his position.

**Hon. Speaker:** Kindly Mheshimiwa Mwanthi, Deputy Speaker, take your seat.

*(Applause)*

*(Hon. Mwanthi took the seat  
reserved for Deputy Speaker)*

*(Laughter)*

**Member for Mua** (Hon. Francis Ngunga, MCCP): Point of information Madam Speaker. Thank you, Madam Speaker for catching my eye and I want to take this opportunity to congratulate you on being elected as our Speaker and say that it is traditional when it is an activity like this takes place, Members are allowed a word or two as a matter of congratulations. So I want to take this opportunity congratulate you for being elected our Speaker by an overwhelming 51 Members; those of us who were of a differing opinion are bound by the decision of the majority.

I would also want to take this opportunity to congratulate my brother Hon. Stephen Mwanthi for having being given the onerous task of deputizing you and leading our committees so that we see a better and united Assembly. I want to congratulate my brother Hon. Johana Munyao and Hon. Douglas for taking it upon them to save the Assembly time, because reading from the mood, I am sure you would have suffered the same blow.

*(Laughter)*

A few other Members had suffered that. So, Madam Speaker, I want to congratulate you.

**Hon. Speaker:** Thank you.

**Hon. Francis Ngunga** (Mua Ward, MCCP): I ask you not to look at the nine but look at

the 60. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you. I want to allow three more Members. *Mheshimiwa* Dominic.

**Member for Muthwani** (Hon. Dominic Maitha, WDPM-K): Thank you, Madam Speaker, for this opportunity. I want to take this opportunity to recognize the third opportunity of Hon. Members to be in this House as the senior most ranking members; Hon. Phoebe Koki and Hon. Margaret Ndalana. It is a big thumbs up for being given such an opportunity to serve again. I also want to recognize the other high-ranking Members who have come back for the second time it is a great honor to the electorates and I wish to applaud them, Madam Speaker.

Madam Speaker, it is a great honor to be given the opportunity after a long time of resilience. History drives us back; in the year 2013 when you vied for the same position. Unfortunately you managed to have one vote and you got struck out and you never lost hope. In 2017 you came again and you never made it. For the third time because God's time is the best, you have made it overwhelmingly. I congratulate you.

**Hon. Speaker:** Thank you.

**Hon. Dominic Maitha** (Muthwani, WDPM-K): I also want to thank the Hon. Members present and especially the Deputy Speaker who has been accorded the opportunity to serve this House and I want to single out the two Hon. Members who have dropped their bid in support of him as a show of solidarity and oneness. I salute them, Madam Speaker. I want to say this; now that you have been given the opportunity and as I echo the words of *Mheshimiwa* Ngunga that you now need to look at the 60 not the nine. In the Bible, the parable of the lost sheep, you need to concentrate much on the lost ones so that they can join the rest so that we can move together as a team.

The main agenda is service delivery to the people of Machakos County and under your stewardship, I am convinced we are going to get to the next level. I wish to congratulate you and we are going to accord you the support that is required of us as Hon. Members so that you can take this Assembly to the next level. Thank you, Madam Speaker.

**Hon. Speaker:** *Mheshimiwa* Ndawa.

**Hon. Mbili Ndawa** (Matuu, MCCP): Thank you, Madam Speaker. I will start by thanking God for having given us an able Speaker who is now in the position of the Speaker. Again I want to congratulate you for having been given that opportunity by the appointing authority who are Members of this Hon. House.

Madam Speaker, I want to make a special application. In every game, there must be a winner and a loser and for this matter, this is a unique issue and we do not want to say there is a winner and a loser; we are all winners because we have a Speaker for the whole House.

*(Applause)*

I also want to thank electorates for the entire Machakos County because they are the ones who brought these Hon. Members here to come and cast their votes to you, Madam Speaker. Guided by Article 1 of the Constitution which says the sovereignty of the nation lies with wananchi and he can exercise that power directly or indirectly. On 9th of August, 2022, the residents of Machakos delegated that power to these Hon. Members seated in this august House



and these Members have also used that power to cast their vote on your side and you won.

Madam Speaker, kindly, take care of the entire House and ensure that electorates who sent Members in to this House do not suffer vicarious liability because we are here as agents of the residents of Machakos. What I am talking about lies in the law of agency. As you are aware, because I believe you are a senior counsel, there is what we call the principal and the agent and for this matter the principle is the electorate and the agent is us sitting in this House. If we do any blunder while executing the mandate given to us by the electorates, then the principal who is the electorate will suffer vicarious liability and I am requesting that we all work together for the benefit of all residents of Machakos.

Thank you very much, for that opportunity and I want to request Hon. Stephen Mwanthi whom we have just elevated to another position.; kindly, when we are in this House, you are the Chair of Chairs but when we are outside, we are all Members of the County Assembly. Let there be no difference; you only become Chair of Chairs when in the House chairing the Liaison Committee and I believe you are a good guy.

Lastly, I must say thank you, to all residents of Matuu Ward for putting their trust in Hon. Ndawa. I will never let you down Matuu people. Thank you very much.

**Hon. Speaker:** Thank you very much, Hon. Ndawa. I want to give this opportunity to Mheshimiwa Kisila.

**Member for Makutano/Mwala Ward** (Hon. Brian Kisila, MCCC): Madam Speaker I will be very brief. My name is Mheshimiwa Brian Kisila representing the people of Mwala for the second time in a row. I want to first thank God for giving us an opportunity to be here; a lot of people are not here including other Members who are not here. The second is to congratulate you Madam Speaker on your election together with the Deputy Speaker. The day I personally met you I met a person of high integrity and a very committed person and I must thank Members who saw it fit to elect you as our Speaker.

This County of Machakos needs people like you and who are like Governor Wavinya who are determined from the heart to serve the people of Machakos.

*(Applause)*

People of Machakos requires services and I must say, this being the Third Assembly, what will bring us back to the Fourth Assembly or take us home is how we deliver services to our people. I must say, Governor Wavinya, in the last one month has demonstrated serious commitment in transforming the County and as an Assembly we stand with her, we must support her so that she can be able to deliver services to our people.

I was called by my people from Mwala this morning and I they were very excited that for the first time in almost a year, we have received medicine in our hospitals.

*(Applause)*

That is a clear indication that we are on the right track. So, Madam Speaker, we know you are going to guide us, we know we are going to work together with the Executive and Members so that we can bring serious service delivery to our people. Our people need service and that is what will bring us back here. I am very sure you are up to the task having interacted with you in the last two to three weeks and you are up to the task in guiding this Assembly towards working together with the Executive to deliver excellent service. We want Machakos to

become the benchmark of counties.

This thing of Machakos Girls is a very good thing because I have a daughter and in fact, let us come out that the ladies in Machakos can actually do what men have not done.

*(Applause)*

I look forward to us delivering excellent services to our people through the ladies who have been elected and you are one of them.

To our Deputy Speaker, yours is to assist Madam Speaker through the Committees. Guide this House in to greater levels. Let us be united, we must work with only one principle of unity. In the Second Assembly, some people played with that unity bit and unfortunately they are not here. If we are not united, be assured that we will go home all of us but just like the Governor said, her wish is to see 40 Members of this House coming back in 2027. May God bless this Assembly and may God bless the County. Thank you very much.

*(Applause)*

**Hon. Speaker:** Thank you, Members. I want to take this opportunity to congratulate the Deputy Speaker, for having been elected and I pray that you are going to take the role of a Deputy Speaker seriously and you will work with these Members

On the issue of discrimination and treating some Members of the House differently, in my acceptance speech I was very categorical and said I am going to work with 60 Members, uniformly with justice without discrimination, victimization and a common goal for all of us is the people of Machakos. I will be giving every Member an opportunity to air their views and that is how I will be operating.

I am not in the business of making the House be divided; I want us to have unity and I want us to work for the betterment of our people. So, Members, do not be worried; be happy and feel welcome and we will work together. Thank you, Members. At this juncture I want to request the Clerk to proceed.

## ADJOURNMENT

**Hon. Speaker:** On that order, pursuant to Standing Order 13, The House adjourns to 27th September, 2022 at 2.30 p.m. for the Governor's Address on opening of the new Assembly pursuant to Standing Order 17.

The House rose at 1.23 p.m.