

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

SPECIAL SITTING

Monday, 2nd October, 2017

The House met at 10.08 a.m.

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

PRAYERS

Hon. Speaker: Good morning, Members. Mr. Clerk proceed.

COMMUNICATION FROM THE CHAIR
CONVEYING THE GOVERNOR'S MESSAGE

Hon. Speaker: Good morning, Hon. Members. Welcome to today's special sitting. This special sitting is informed by County Assembly of Machakos Standing Order 26 which states that;

1. Whenever during a session of 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 of 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, I was satisfied that the business that is to be transacted in this special sitting is urgent and exceptional. Hon. Members, the Assembly on 27th September, 2017 adjourned sittings to Tuesday, 17th October, 2017. However, after the adjournment, we received a message from His Excellency the Governor of County Government of Machakos in accordance with Standing Order 39.

Subsequently, the Leaders of the Majority Party and Minority Party requested me to convene a special sitting so that that message can be conveyed to the House, and the request was that we do the special sitting today 2nd October, 2017.

Standing Order 26(3) requires the Speaker, by notice in the Gazette, notify the Members of the place, date and time appointed for the special sitting of the House. Accordingly, this special sitting has been convened vide Gazette Notice No. 9529 dated 29th September, 2017.

Further, Standing Order 26(4) provides that whenever the House meets for a special sitting under paragraph (1), the Speaker shall specify the business to be transacted on the day or days appointed and the business so specified shall be the only business before the House during the special sitting, following which the House shall stand adjourned until the day appointed in the Assembly calendar. This special sitting was called to convey the Governor's message only.

Hon. Members, we have undertaken to work as the County Government of Machakos that is, this Assembly and the Executive, together for the good of the people of this County. It is for that reason that I have had to call you out of your recess so that we are able to address the Governor's message and in equal measure, we expect the Executive will respond promptly when called upon to do its executive mandate for the good of the people of Machakos County.

Thank you, Hon. Members. Mr. Clerk, proceed

MESSAGE

NOMINEES TO THE COUNTY EXECUTIVE COMMITTEE

Hon. Speaker: Hon. Members, under this order, the message from the Governor is on the nominees for the county Executive Committees. Hon. Members, I refer you to Standing Order 39(1) states that, 'the Speaker shall read to the Assembly any message from the Governor or Senator to the County delivered to the Speaker for communication to the Assembly.'

His Excellency Dr. Alfred N. Mutua, the Governor of Machakos County wrote to the Assembly communicating the nomination of County Executive Committee Members, Members note that it is some of them not all, as you will notice from the message.

The message is as follows, Hon. Members:-

In the exercise of the powers conferred upon the Governor by Article 179(2)(b) of the Constitution of Kenya as read together with sections 30(2)(d) and (e); 35 and 42 of the County Governments Act, the Governor has nominated the first five CEC members to be vetted by the County Assembly for eventual appointment to serve in the portfolios specified against their names.

In making these nominations and the later ones to fill all the 10 available positions, the Governor considered the following constitutional and legal thresholds:-

- i. To ensure at least each of the eight sub-counties was represented for community and cultural diversity.
- ii. To ensure ethnic minorities, residents in Machakos are given opportunity.
- iii. To ensure affirmative action, gender equality and mainstreaming.

iv. To ensure the nominees satisfy educational, experience, integrity and commitment to the values and principles of public service as well as other factors incidental thereto.

The Governor also checked to ensure that the nominees were persons he can smoothly work with for the common good of the people of Machakos and appeals to the Assembly to expedite the vetting and approval process to enable proper functioning of the County Government in service to wananchi.

The Governor will be nominating persons to fill the remaining portfolios in due course. It is however important to note that, the initial five nominees plus the Governor and the Deputy Governor form quorum necessary to kick off the operations of the cabinet as he searches for suitable nominees for the remaining positions.

Hon. Members, the five nominees are:-

1. Faith Wathome Kithu. Responsibilities proposed; education, youth, sports, and social welfare.
2. Ruth Nduku Mutua. Responsibilities proposed; agriculture, livestock, co-operative development and marketing.
3. Dr. Ali Maalim Mohamud. Responsibilities proposed; health and emergency services.
4. Naomi Mutie Kamala. Responsibilities proposed; water, irrigation, environment and sanitation.
5. Kimeu Mbithi Kimeu. Responsibilities proposed; public service, labour, quality assurance and ICT.

Hon. Members, Standing Order 39(3) provides that, ‘when a message from the Governor or Senator of the County is read, the message shall be deemed to have been laid before the Assembly and the Speaker may either-

- a. Direct that the message be dealt with forthwith.
- b. Appoint a day for the consideration of the message.
- c. Refer the message to the relevant Committee of the Assembly for consideration.

In this regard, Hon. Members, I do commit the nominees to the Committee on Appointments for vetting and presentation to this Hon. House. Members, I want to draw your attention to the aspect that these are nominees, under Article 179(2) of the Constitution and the Committee on Appointments is the appropriate committee to deal with that issue. Mr. Clerk.

(The Clerk at the Table called out the last order)

Hold on, Mr. Clerk. I am calling you here; not yet adjournment.

(Laughter)

(Hon. Speaker consulted with the Clerk)

Hon. Members, I want to refer you to Standing Order 42(4). There is a period within which such a message is to be acted on by the relevant committee and even though I am directing that that committee should report to this House within 21 days, I expect it to be shorter than 21 days because it is an urgent matter.

(Applause)

ADJOURNMENT

Hon. Speaker: Hon. Members, this House stands adjourned to the 17th October, 2017 at 2.30 p.m. Thank you.

The House rose at 10.20 a.m.