

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 12th July, 2023

Special Sitting

*(Convened via Kenya Gazette Notice No. 9076
(Vol. CXXV-No.157) of 7th July, 2022)*

The House met at 11.15 a.m.

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

PRAYERS

COMMUNICATIONS 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. 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. 9076 (Vol. CXXV-No.157) issued on 7th July, 2023. 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 Wednesday, 12th July, 2023 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 Governor's reservations on Machakos County Appropriation Bill (No.2) 2023

- (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.

MESSAGES

GOVERNOR'S MEMORANDUM ON THE MACHAKOS COUNTY APPROPRIATION BILL, 2023

Hon. Speaker: Hon. Members, I have the following messages from Her Excellency, Hon. Wavinya Ndeti, the Governor of Machakos County pursuant to Standing Order 39. Hon. Members, Section 131(1) of the Public Finance Management Act (PFMA), 2012 provides that, the County Assembly shall consider the County Government Budget Estimates with a view to approving them, with or without amendments, in time for the relevant appropriation law and any other laws required to implement the budget to be passed by the 30th June in each year.

Pursuant to this provision of the PFMA, you recall that the Assembly passed the Machakos County Appropriation Bill, 2023 (Machakos County Bills No.2) on 20th June, 2023.

The vellum of the approved law was forwarded to Her Excellency the Governor Hon. Wavinya Ndeti for assent in accordance with Section 24(1) of the County Governments Act, 2017 and Standing Order 134(1) of the Machakos County Assembly Standing Orders on 27th June, 2023.

Section 24(1) and (2) of the County Governments Act provides:

- (1) The Speaker shall, within fourteen days, forward a Bill passed by the county assembly to the Governor.
- (2) The Governor shall within fourteen days after receipt of a Bill—
 - (a) Assent to the Bill; or
 - (b) Refer the bill back to the county assembly with a memorandum outlining reasons for the referral.

Pursuant to the provisions of Section 24(2)(b) of the County Governments Act and Standing Order 134(2)(b), H.E. the Governor referred the Bill back to the County Assembly with a memorandum outlining reasons for referral on 4th July, 2023. The reasons outlined by the Governor in brief include the following:

- (a) The need to provide funds for pending bills in the Appropriation Act as agreed in the Intergovernmental Budget and Economic Council (IBEC);
- (b) The need to provide funds for automation and digitization of revenue processes in order to attain the revenue target of Ksh. 3.9 billion.
- (c) The need to provide funds for updating of Valuation Roll which is crucial in achieving set revenue targets.
- (d) The need to provide funds to enhance operational efficiency and employee productivity and enforcement.

Hon. Members, Standing Order 39 provides for Messages from the Governor and the Senator as follows:

- (1) The Speaker shall read to the Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the Assembly.
- (2) If a message is received from the Governor or the Senator of the County, at a time when the Assembly is not in session, the Speaker shall forthwith cause the

message to be transmitted to every Member and shall report the message to the Assembly on the day the Assembly next sits.

- (3) When a message from the Governor or the 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, or
 - (b) Appoint a day for the consideration of the message; or
 - (c) Refer the message to the relevant Committee of the Assembly for consideration.

Hon. Members, pursuant to Standing Order 39(2), I transmitted the message from H.E. the Governor on reservations of the Machakos County Appropriation Bill, 2023 and directed that the Clerk circulates the memorandum from H.E. the Governor to all Members so that they can familiarize themselves with its contents.

Further, pursuant to Standing Order 39(3)(c), I had committed memorandum to the Budget and Appropriations Committee for processing.

In addition, Hon. Members, I wish to remind the Assembly the procedure of consideration of a Governor's memorandum on a Bill:

- (a) The voting threshold of passage of amendments proposed by a Committee or an individual member that fully accommodate the reservations of the Governor as contained in the memorandum is a simple majority as contemplated under Articles 122(1) and 115(2)(a) of the Constitution with necessary modifications., Section 24(3) of the County Governments Act and Standing Order 134(3).
- (b) On the other hand, an amendment that does not fully accommodate the reservations of the Governor as contained in the memorandum or one that has the effect of a total override including negating her proposals would require a two-thirds voting threshold to be passed in keeping with the provisions of Article 115(4) of the Constitution with necessary modifications, Section 24(5) of the County Governments Act and Standing Order 134(5).

The Budget and Appropriations Committee will table its report which contains recommendations on the memorandum. This report will form a basis of discussion during the Committee of the Whole House where voting as highlighted in (a) and (b) above will take place. After the Committee of the Whole House, there will be reporting back to the House and this will conclude the consideration of the Governors Memorandum. In other words, there will be no third reading of the Bill.

COUNTY EXECUTIVE COMMITTEE NOMINEE FOR THE DEPARTMENT OF GENDER, YOUTH, SPORTS AND SOCIAL WELFARE

There is another communication. Hon. Members, Article 179 of the Constitution of Kenya, 2010 provides that:

- (1) The executive authority of the County is vested in, and exercised by a county executive committee.
- (2) The county executive committee consists of—
 - a. The County Governor and the Deputy County Governor; and
 - b. Members appointed by the county governor, with the approval of the assembly, from among persons who are not members of the assembly.

Section 35 of the County Governments Act, 2012 provides for the procedure of appointment of County Executive Members by the Governor.

Hon. Members in this regard, I have received a message from H.E the Governor Nominating Hon. John Mwangangi Kilonzo of ID No. 10041984 as CECM, Department of Gender, Youth, Sports and Social Welfare. This is after resignation of Hon. Onesmus Muasya.

Pursuant to Section 7 of the Public Appointments (County Assemblies Approval) Act, 2017 the nominee is hereby committed to the Committee on Appointments. Thank you, Hon. Members.

PAPERS LAID

Hon. Speaker: May I call upon Hon. Dominic Ndambuki to lay a paper and after which Hon. Nicholas Nzioka will lay another Paper.

REPORT ON THE CONSIDERATION OF THE GOVERNOR'S MEMORANDUM ON THE MACHAKOS COUNTY APPROPRIATION BILL, 2023 (BILL NO. 2)

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Thank you, Hon. Speaker. Hon. Speaker, I beg to lay the following Paper on the Table of the Assembly today, Wednesday, 12th July, 2023; the Report of the Budget and Appropriations Committee on the consideration of the Governor's memorandum on the Machakos County Appropriation Bill, 2023 (Bill No. 2). Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Member. Hon. Nicholas Nzioka proceed.

REPORT OF THE AUDITOR GENERAL ON MACHAKOS COUNTY ASSEMBLY (HOUSING AND CAR SCHEME) FUND FOR THE YEAR ENDED 30TH JUNE, 2022

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Hon. Speaker. Hon. Speaker, I beg to lay the following Paper on the Table of the Assembly today, Wednesday, 12th July, 2023; the Report of the Auditor General on Machakos County Assembly (Housing and Car Scheme) Fund for the year ended 30th June, 2022. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Member.

(The Papers were laid on the Table)

That Paper is hereby committed to the Public Accounts and Investments Committee. Thank you, Members.

(Then)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Hon. Speaker left the Chair]

IN THE COMMITTEE

[Hon. Chairperson (Hon. Stephen Mwanthi) took the Chair]

MACHAKOS COUNTY APPROPRIATION BILL, 2023
(MACHAKOS COUNTY BILLS NO.2)

FIRST SCHEDULE

Vote R0002

Hon. Chairperson: I propose that Vote R0002 be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Vote R0002 as relates to the Office of the County Attorney Portfolio be amended:-

- i. By deleting the figure “50,963,865” relating to recurrent expenditure of the Office of the County Attorney portfolio and substituting therefor the figure “83,564,716”
- ii. In “P01 Legal services”, by deleting the figure “50,963,865”; and substituting therefor the figure “83,564,716”

(Question of the amendment proposed)

(Question, that the Vote R0002 be amended as proposed, put and agreed to)

(Vote R0002 as amended agreed to)

Vote R0004

Hon. Chairperson: I propose that Vote R0004 be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Vote R0004 as relates to Finance, Economic planning and Revenue Management Portfolio be amended:-

- i. By deleting the figure “931,253,754” relating to “the recurrent expenditure for Finance, Economic planning and Revenue Management portfolio” and substituting therefor the figure “983,253,750”
- ii. In “P04 Accounting services” by deleting the figure “32,760,407” and substituting therefor the figure “42,760,406”
- iii. In “P06 Human Resource Management and Support Services” by deleting the figure “247,973,125” and substituting therefor the figure “297,973,124”
- iv. In “P07 Economic Planning and Statistical Services” by deleting the figure “47,804,070” and substituting therefor the figure “39,804,069”

(Question of the amendment proposed)

*(Question, that the Vote R0004 be amended
as proposed, put and agreed to)*

(Vote R0004 as amended agreed to)

Vote R0005

Hon. Chairperson: I propose that Vote R0005 be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Vote R0005 as relates to Devolution portfolio be amended:-

- i. By deleting the figure “959,234,231” relating to “the recurrent expenditure for Devolution portfolio” and substituting therefor the figure “979,169,215”
- ii. In “P01 Administration and Coordination Services – Public Service ” by deleting the figure “291,357,385” substituting therefor the figure “298,357,385”
- iii. In “P08 Inspectorate Services and Management” by deleting the figure “212, 287, 215” substituting therefor the figure “225,222,199”

(Question of the amendment proposed)

*(Question that the Vote R0005 be
amended as proposed, put and agreed to)*

(Vote R0005 as amended agreed to)

Vote R0010

Hon. Chairperson: I propose that Vote R0010 be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Vote R0010 as relates to Energy, Lands, Housing and Urban Development portfolio be amended:-

- i. By deleting the figure “225,766,270” relating to the recurrent expenditure for Energy, Lands, Housing and Urban Development portfolio and substituting therefor the figure “240,766,270”
- ii. In “P01 Lands and Physical Planning” by deleting the figure “47,346,321” and substituting therefor the figure “62,346,321”

(Question of the amendment proposed)

*(Question that the Vote R0010 be amended
as proposed, put and agreed to)*

(Vote R0010 as amended agreed to)

Vote R0014

Hon. Chairperson: I propose that Vote R0014 be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Vote R0014 as relates to County Assembly portfolio be amended:-

- (i) By deleting the figure “1,141,331,660” relating to the recurrent expenditure for the County Assembly portfolio and substituting therefor the figure “1,008,995,826”;
- (ii) In “P10 Other Current Transfers” by deleting the figure “232,720,000” and substituting therefor the figure “100,384,166”

(Question of the amendment proposed)

(Question that the Vote R0014 be amended as proposed, put and agreed to)

(Vote R0014 as amended agreed to)

Totals for Recurrent

Hon. Chairperson: I propose that Totals for Recurrent be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Totals for Recurrent be amended:-

By deleting the figure “9,601,086,517” relating to the recurrent expenditure for The Class- Sub total portfolio and substituting therefor the figure “9,588,286,517

(Question of the amendment proposed)

(Question that the Totals for Recurrent be amended as proposed, put and agreed to)

(Totals for Recurrent as amended agreed to)

SECOND SCHEDULE

Vote D0003

Hon. Chairperson: I propose that Vote D0003 be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Vote D0003 as relates to the Trade, Industrialization, Tourism and Innovation Portfolio be amended:-

- i. By deleting the figure “550,713,716” as relates to development expenditure of Trade, Industrialization, Tourism and Innovation portfolio and substituting therefor the figure “508,778,732”;
- ii. In “P01 Trade – Administration and Support Services” by deleting the figure “103,814,730” and substituting therefor the figure “61,879,746”;

(Question of the amendment proposed)

(Question that the Vote D0003 be amended as proposed, put and agreed to)

(Vote D0003 as amended agreed to)

Vote D0004

Hon. Chairperson: I propose that Vote D0004 be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Vote D0004 as relates to the Finance, Economic Planning and Revenue Management portfolio be amended:-

- i. By deleting the figure “262,770,943”; as relates to development expenditure of Finance, Economic Planning and Revenue Management portfolio and substituting therefor the figure “474,976,422”
- ii. In “P01 Revenue Management ” by deleting the figure “80,750,745”; and substituting therefor the figure “122,750,745”
- iii. In “P05 Accounting Services ” by deleting the figure “9,794,521”; and substituting therefor the figure “180,000,000”;
- iv. In “P06 Economic Planning and Statistical Services” by deleting the figure “15,000,000” and substituting therefor the figure “3,000,000”;
- v. In “P07 ICT Services and Infrastructure ” by deleting the figure “47,794,177” and substituting therefor the figure “59,794,177”;

(Question of the amendment proposed)

(Question that the Vote D0004 be amended as proposed, put and agreed to)

(Vote D0004 as amended agreed to)

Vote D0006

Hon. Chairperson: I propose that Vote D0006 be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Vote D0006 as relates to the Agriculture, Food Security and Co- operative Development Expenditure Portfolio be amended:-

- i. By deleting the figure “848,107,908” as relates to development expenditure of Agriculture, Food Security and Co- operative Development portfolio and substituting therefor the “830,637,413”
- ii. In “P01 General Administration and Support Services” by deleting the figure “568,687,090” and substituting therefor the figure “562,487,090”
- iii. In “P03 Livestock Resources Management and Development” by deleting the figure “74,123,098” and substituting therefor the figure “62,852,603”

(Question of the amendment proposed)

(Question that the Vote D0006 be amended as proposed, put and agreed to)

(Vote D0006 as amended agreed to)

Vote D0008

Hon. Chairperson: I propose that Vote D0008 be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Vote D0008 as relates to the Development Expenditure of Roads, Transport and Public Works portfolio be amended:-

- i. By deleting the figure “745,731,765”; relating to development expenditure of roads, Transport and Public Works portfolio and substituting therefor the figure “711,731,765”;
- ii. In “P02 Road Development and Management” by deleting the figure “410,500,000” and substituting therefor the figure “376,500,000”;

(Question of the amendment proposed)

(Question that the Vote D0008 be amended as proposed, put and agreed to)

(Vote D0008 as amended agreed to)

Vote D0009

Hon. Chairperson: I propose that Vote D0009 be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Vote D0009 as relates to the Education , Skills Training and Social Welfare portfolio be amended:-

- i. By deleting the figure “193,729,112” relating to development expenditure of education, Skills Training and Social Welfare portfolio and substituting therefor the figure “172,729,112”;
- ii. In “P01 General Administration, Planning and Development Services” by deleting the figure “56,000,000” and substituting therefor the figure “35,000,000”;

(Question of the amendment proposed)

(Question, that the Vote D0009 be amended as proposed, put and agreed to)

(Vote D0009 as amended agreed to)

Vote D0010

Hon. Chairperson: I propose that Vote D0010 be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Vote D0010 as relates to the Energy, Lands, Housing and Urban Development portfolio be amended:-

- i. By deleting the figure “182,755,550”; relating to development expenditure of Energy, Lands, Housing and Urban Development portfolio and substituting therefor the figure “167,755,550”;
- ii. In “P02 Lands and Physical Planning” by deleting the figure “57,755,550” and substituting therefor the figure “42,755,550”;

(Question of the amendment proposed)

(Question, that the Vote D0010 be amended as proposed, put and agreed to)

(Vote D0010 as amended agreed to)

Vote D0012

Hon. Chairperson: I propose that Vote D0012 be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Vote D0012 as relates to the Water, Irrigation, Environment and Climate Change portfolio be amended:-

- i. By deleting the figure “788,500,000” relating to development expenditure of Water, Irrigation, Environment and Climate Change portfolio and substituting therefor the figure “718,500,000”
- ii. In “P01 Water Resources Management” by deleting the figure “347,660,798” and substituting therefor the figure “320,000,000”
- iii. In “P05 Climate Change” by deleting the figure “287,377,478” and substituting therefor the figure “245,038,276”;

(Question of the amendment proposed)

(Question, that the Vote D0012 be amended as proposed, put and agreed to)

(Vote D0012 as amended agreed to)

Totals for Development

Hon. Chairperson: I propose that Totals for Development be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Totals for Development be amended:-

By deleting the figure “5,145,915,930” relating to the Development Expenditure Class Sub- Total and substituting therefor the figure “5,158,715,930”;

(Question of the amendment proposed)

(Question that the Totals for Development be amended as proposed, put and agreed to)

(Totals for Development as amended agreed to)

(Hon. Kisila spoke off record)

Hon. Chairperson: I rule out that Point of Order, Hon. Brian. I think Chair voted yes.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I wish to move that the Committee do report its consideration of the Machakos County Appropriation Bill, 2023 (Machakos County Bills No.2) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

Hon. Chairperson: Thank you, Hon. Members. We are now through with the amendments, so we can wait for the Hon. Speaker to come so that we can proceed.

(The House resumed)

[Hon. Speaker in the Chair]

REPORT

MACHAKOS COUNTY APPROPRIATION BILL, 2023
(MACHAKOS COUNTY BILLS NO.2)

Hon. Speaker: May I invite the Chair of Chairs to proceed.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Hon. Speaker. I will to report that the Committee of the Whole House has considered the Machakos County Appropriations Bill 2023 (Machakos County Bills No.2) and has approved the same with amendments.

Hon. Speaker: May I call upon the mover to proceed.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Thank you, Hon. Speaker. I beg that the House do agree with the Committee in the said report. Hon. Speaker, I wish to say big thank you to the House for the support of the Bill and request Hon. Justus Mutuku to second.

Hon. Justus Mutuku (Wamunyu, PTP): Thank you, Hon. Speaker. I wish to second that the House do agree with the Committee in the said report. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member.

(Question put and agreed to)

(Applause)

ADJOURNMENT

Hon. Speaker: The House adjourns to 25th July, 2023 at 10.00 a.m. Thank you.

The House rose at 11.57 a.m.