

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS

OFFICIAL REPORT

Wednesday, 15th February, 2023

The House met at 12.19 p.m.

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

PRAYERS

COMMUNICATIONS FROM THE CHAIR

WELCOME TO THE SECOND SESSION OF THE 3RD ASSEMBLY

Hon. Speaker: Good afternoon, Hon Members and welcome back to the Second Session of the Third Assembly. I hope you got to rest and that you interacted with your electorates during the long recess. Hon. Members, I wish to remind all of us of our roles as enshrined in Article 185 of the Constitution of Kenya, 2010. The key role of the County Assembly is legislation hence the name legislature. I urge that we undertake to make laws and review the existing laws that are necessary for the effective performance of the functions of the County Government under the Fourth Schedule.

The County Assembly is bestowed with the mandate of oversight. I also remind you to exercise oversight over the County Executive and any other County Executive organs whilst respecting the principle of the separation of powers. Hon. Members, further I wish to remind you that you represent the interests of the people who elected you to this Assembly and that you be in touch with them so as to be able to generate business in form of Motions, Statements, Bills and Petitions.

**ATTENDANCE OF COMMITTEE MEETINGS,
PLENARY SITTINGS AND RETREATS**

Hon Members, Article 194(1)(b) of the Constitution of Kenya, 2010 stipulates the circumstances under which the office of a member of a County Assembly becomes vacant one being if the member is absent from eight sittings of the Assembly without permission, in writing, of the Speaker of the Assembly and is unable to offer a satisfactory explanation for the absence.

Further, Standing Order 167 provides for the procedure of removal from a committee of a member who fails to attend four consecutive sittings of a committee without the written permission of the Chairperson of the Committee. These Committee sittings are inclusive of the retreats undertaken outside the precincts of the Assembly.

Hon. Members, I therefore, wish to urge all of us to be cognizant of the provisions of the law on the attendance of sittings of the plenary and committees and adhere to the leadership and integrity code we all subscribed to in September, 2022 by ensuring you only sign for yourself during the Committee meetings and or course you do no sign for any other member; let people

attend in person and adhere to the laws. I take this opportunity to wish you a very industrious Second Session.

Thank you, Hon. Members, for your cooperation going forward.

(Applause)

Hon. Mbili Ndawa (Matuu, MCCP): Point of order, Madam Speaker.

Hon. Speaker: Yes, Hon. Minority Leader.

PROCDURAL MOTION
EXTENSION OF SITTING TIME

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Madam Speaker. I am standing on Standing Order 27;

That aware that Standing Order 27 provides that the Speaker shall interrupt business at 12.30 p.m. for the morning session;

Aware that Standing Order 27 provides that the House may resolve to extend its sitting time;

Aware that Standing Order 27 requires a motion to extend sitting time to be moved at least 30 minutes before 12.30 p.m. and for this matter, Hon. Speaker you know we are starting the sitting very late.

I beg to move the motion that this House resolves to extend its morning sitting time until the matter on the Order Paper is concluded.

I call upon Hon. Nundu to second my motion.

Hon. Speaker: Hon. Nundu.

Hon. Anastasia Nundu (Nominated, WDM-K): Thank you, Madam Speaker. I second the motion.

Hon. Speaker: Thank you very much.

(Question proposed)

(Question put agreed to)

(The House resumed business as per the Order Paper)

PAPERS LAID

Hon. Speaker: May I call upon Hon. Nicholas Nzioka to proceed and lay the Papers.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Hon. Speaker, I wish to lay the following Papers on the Table of the Assembly today, 15th February, 2023:

- a) The County Budget Review Outlook Paper (CBROP), 2022;

- b) Half year report for the FY 2022/2023 for the Department of Education and ECDE Services;
- c) The second quarter receiver of revenue statements for the period ended 31st December, 2022 for the Department of Finance.
- d) Quarterly Report and Financial Statements for the period ended December, 2022 for Mavoko Municipality;
- e) The second quarter County Executive Financial statements for the FY 2022/2023;
- f) The second quarter County Revenue Fund statements for the period ended 31st December, 2022;
- g) 1st quarter report for the Department of Water, Irrigation, Environment, Climate Change and Natural Resources;
- h) 2022 Annual Report of the County Public Service Board;
- i) Nominees for the County and Ward Bursary Committees;
- j) First half-year status report for the FY 2022/2023 for the Department of Water and Irrigation.

Thank you, Madam Speaker.

(The Papers were laid on the Table)

Hon. Speaker: Thank you. I wish to commit these Papers in the order they have been presented to the following committees:

The first Paper to be committed to the committee of Budget and Appropriations Committee;

The second one to the Education and Social Welfare Committee;

The third Paper to the Finance and Revenue Collection Committee;

The fourth Paper to the Finance and Revenue Collection Committee;

The fifth Paper to the Finance and Revenue Collection Committee;

The sixth Paper to the Finance and Revenue Collection Committee

The seventh Paper to the Water and Irrigation Committee;

The eight Paper to the Labor, Public Service and ICT Committee;

The ninth Paper to be committed to the Education and Social Welfare Committee;

The last Paper to be committed to the Water and Irrigation Committee.

Next Order.

NOTICES OF MOTIONS

APPOINTMENT OF MEMBERS TO THE HOUSE BUSINESS COMMITTEE FOR THE SECOND SESSION OF THE THIRD ASSEMBLY

Hon. Speaker: May I call upon Hon. Nzioka to give notices.

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

Hon. Speaker, that aware that the House Business Committee is established under the provisions of Standing Order 151(1) whose composition consists of the Speaker who shall be the Chairperson, the Deputy Speaker, the Leader of the Majority Party, the Leader of the Minority Party and not less than nine and not more than 11 other members who shall be nominated by Assembly parties and approved by the House at the commencement of every Session;

Aware that the Assembly Business Committee Membership should reflect the relative majorities of seats held by each of the Assembly parties in the Assembly and further aware that the nominations should take into consideration the interests of independents and the whips of each Assembly party;
Further aware that Assembly parties have nominated members to serve in the House Business Committee;

Hon. Speaker, I wish to give notice of the motion that pursuant to the provisions of the Machakos County Assembly Standing Order 151(1)(e), this Assembly approves the appointment of the following Members to the County Assembly Business Committee in addition to those specified under paragraphs (a), (b), (c) and (d):

1. Hon. Raphael Lucky Nzau
2. Hon. Anastasia Mutevu
3. Hon. Dominic Maitha
4. Hon. Benjamin Kinyungu
5. Hon. Joshua Mwonga
6. Hon. Everlyne Nzeki
7. Hon. Caroline Mutuku
8. Hon. Dickson Maundu
9. Hon. Mercy Njagi
10. Hon. Paul Wambua
11. Hon. Boniface Katiti

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. Next Order.

MOTIONS

APPROVAL OF MEMBERSHIP OF THE HOUSE BUSINESS COMMITTEE

Hon. Speaker: May I call upon Hon. Nzioka to proceed and move the motion.

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

Hon. Speaker, that aware that the House Business Committee is established under the provisions of Standing Order 151(1) whose composition consists of the Speaker who shall be the Chairperson, the Deputy Speaker, the Leader of the Majority Party, the Leader of the Minority Party and not less than nine and not more than 11 other members who shall be nominated by Assembly parties and approved by the House at the commencement of every Session;

Aware that the Assembly Business Committee Membership should reflect the relative majorities of seats held by each of the Assembly parties in the Assembly and further aware that the nominations should take into consideration the interests of independents and the whips of each Assembly party;
Further aware that Assembly parties have nominated members to serve in the House Business Committee;

Hon. Speaker, I wish to move the motion that pursuant to the provisions of the Machakos County Assembly Standing Order 151(1)(e), this Assembly approves the appointment of the following Members to the County Assembly

House Business Committee in addition to those specified under paragraphs (a), (b), (c) and (d):

1. Hon. Raphael Lucky Nzau
2. Hon. Anastacia Mutevu
3. Hon. Dominic Maitha
4. Hon. Benjamin Kinyungu
5. Hon. Joshua Mwonga
6. Hon. Everlyne Nzeki
7. Hon. Caroline Mutuku
8. Hon. Dickson Maundu
9. Hon. Mercy Njagi
10. Hon. Paul Wambua
11. Hon. Boniface Katiti

Thank you, Madam Speaker.

Hon. Speaker: Kindly call the seconder.

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

Hon. Mbili Ndawa (Matuu, MCCP) seconded.

Hon. Speaker: Thank you, Leader of Minority Party.

(Question proposed)

I now invite Members to debate the Motion. Hon. Minority Leader.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Madam Speaker, for this opportunity. Before I give my input on the business before the House, I take this opportunity to thank God for bringing us back this House for the Second Session and again welcome my colleagues to this House and I request them, because we have been away for almost two months I know we are now energetic and ready to work, that we be committed and do what is supposed to be done by this House.

Hon. Speaker, coming back to the matter before the House, the House Business Committee is meeting before this House and absence of this committee is just like trying to engage a gear in a motor vehicle that the driver has not even started the engine. Even if you engage the gear you cannot move. You engage the first gear you cannot move. Whether it is the forward gear or overdrive gear and you will not move. So Hon. Speaker, this is the begging of everything and I am requesting that we approve this House Business Committee so that we can remove that cavity that is there. When I talk of cavity it is just another word for lacuna or hiatus so we need to remove that hiatus or cavity.

(Laughter)

So Hon. Speaker, I request the Hon. Members to agree with the composition of the committee. I have gone through the membership and I have seen it is well-balanced both gender and party wise it is okay. I am requesting we do not have to waste a lot of time on this business so let us allow the Speaker, to put the question then we move forward. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Member. I invite the mover to reply.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. As my colleague, the Minority Leader has said, I also to thank the House and the different Assembly parties for removing the hiatus and making sure that we have this committee formed as soon as it was practicable. Thank you, Members, for removing the hiatus.

Hon. Speaker: Thank you.

(Question put and agreed to)

Next motion.

ADJOURNMENT OF THE HOUSE

Hon. Speaker: May I invite Hon. Dickson Nzioka to come and move the motion. Hon. Nicholas, I am sorry; Hon. Nicholas Nzioka to come and move the motion.

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

Hon. Speaker, that aware that the Second Session of the Third Assembly commenced today on 15th February, 2023 pursuant to Standing Order 24 on regular sittings of the Assembly;

Aware that the Assembly has today approved the membership of the House Business Committee and that the Committee is mandated to prepare and if necessary from time to time adjust the Assembly Calendar with the approval of the House pursuant to Standing Order 151(6);

Further aware that there is need to have the House Business Committee prepare the Calendar for the second session of the Third Assembly and table the report for approval;

Hon. Speaker, I wish to move the Motion that this House adjourns its sitting from today on 15th February, 2023 to resume on 21st February, 2023 to allow the House Business Committee prepare the Assembly Calendar.

I now call upon the Minority Leader to second the motion.

Hon. Speaker: Hon. Minority Leader.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker, and thank you Hon. Majority Leader for calling me to second the motion. As I have just said on the other matter, Hon. Speaker, when the schools are opening, the teachers prepare what we call timetable so that

they can be aware lesson one is going to be English, lesson two is going to be mathematics, science that way and on this matter, if we do not allow the House Business Committee to go and come up with that Calendar, there is no business that can see the light or which can find itself before this House unless it has been approved by the House Business Committee;.

So I think it is wise to adjourn this House so that we can create time for that House Business Committee to go and come up with the Calendar and also ballot business for the following week. So, Hon. Speaker I do second. Thank you.

(Applause)

Hon. Speaker: Thank you, Minority Leader.

(Question proposed)

I now invite Members to debate the motion. Members, it is your floor. Mheshimiwa Ndwiki.

Hon. Daniel Ndwiki (Mlolongo/Syokimau, WDM-K): Thank you, Madam Speaker. I stand to support and before I support I want to thank God for protecting me and the Assembly until this time; we had a long recess I think of over two months and now I can see we are back energetic and strong. As you know, in Ukambani we have drought but we thank God we have mangoes I think we have the energy of mangoes from Ukambani and we will use that energy to put things in order. So, Madam Speaker, I support. Thank you.

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

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Madam Speaker. I would not want to repeat what other Members have said I just want to echo their words. I thank the leadership of both sides of the Assembly for giving us an opportunity once again to serve in the House Business Committee and as the Minority Leader has said, even when the school plans for calendar and the students report but they do not come with the learning materials, it makes it difficult for the teachers to expedite the same.

I implore my fellow committee Chairs, the House Business Committee can only ballot for what is available; it cannot ballot for what is not available. We just had Papers laid, we have got a lot business that is pending in most committees, we have attended so many retreats and we intend to even triple the same but it has to be reciprocated with business. So I kindly urge and request all Members and especially Committee Chairs, kindly as we break for the next few days before the House Business Committee sits down, kindly furnish it with business.

We need Statements, we need all manner of business so that we can be able to ballot for what is available otherwise, we cannot just ballot for what is not available otherwise we just create lacuna. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Member. I now invite the mover to reply.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Again I want to thank the Members present in the Assembly for supporting the motion to adjourn so that we allow the House Business to come up with a Calendar that is practicable to all of us. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: The House is adjourned to Tuesday, 21st February, 2023 at 10.00 a.m.

The House rose at 12.47 p.m.