

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS
OFFICIAL REPORT

Wednesday, 19th October, 2022

The House met at 2.40 p.m.

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

PRAYERS

MESSAGE

SELECTION PANEL TO VET THE COUNTY SECRETARY

Hon. Speaker: Message from her Excellency the Governor. I have the following message from Her Excellency Wavinya Ndeti, the Governor of Machakos County pursuant to Standing Order 39. Hon. Members, Section 44(1) of the County Governments Act, 2012 establishes the Office of the County Secretary. Subsection (2) gives the qualification for appointment to the Office of the County Secretary. Section 44(2A) and (2B) of the County Governments Act, 2012 provides that ‘the Governor shall, for the purpose of competitive recruitment of a county secretary under subsection (2), constitute a selection panel.

The selection panel shall consist of the following persons:

- a. Chairperson, not being a public officer;
- b. One person from the private sector;
- c. An Advocate of the High Court of Kenya, who is a member of the Law Society of Kenya;
- d. An accountant who is a member of the Institute of Certified Public Accountants of Kenya; and
- e. One person from an association representing workers.

Section 44(2C) of the same Act provides that the provisions of section 58A shall, with such modification as shall be necessary apply to the recruitment of a County Secretary. Section 58A of the said Act stipulates that the Governor shall nominate and, with the approval of the County Assembly, appoint members to a selection panel for selecting suitable candidate for appointment as members of the County Public Service Board and the County Secretary.

Hon. Members, in this regard I have received the following nominees from Her Excellency the Governor to the Selection Panel:

Dr. Consolata Mutisya	- Chairperson
Dr. Joseph Mutunga Nzioka	- Private Sector
Willis Evans Otieno	- Advocate of the High Court
Christopher Mutua	- Accountant

Ruth Mutindi

- Union

Pursuant to Section 58A of the County Governments Act and Section 7 of the Public Appointments (County Assemblies Approval), 2017, the nominees are hereby committed to the Committee on Appointments. Thank you, Hon. Members.

PAPERS LAID
REPORTS FROM THE AUDITOR GENERAL

Hon. Speaker: May I call upon the Majority Leader to take us through and lay the Papers.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Hon. Speaker, I wish to lay the following Papers on the Table of the Assembly today, 19th October, 2022:

1. Report of the Auditor General on County Assembly of Machakos for the year ended 30th June, 2021: Received on 6th June, 2022;
2. Special Audit on Covid-19 vaccine roll out for the Machakos County Government: Received on 15th July, 2022;
3. Report of the Auditor General on Machakos County Executive Committee and Chief Officers car loan and mortgage scheme for the year ended 30th June, 2021: Received on 1st August, 2022.
4. Report of the Auditor General on Yatta Water Services Company limited for the year ended 30th June, 2021: Received on 1st August, 2022.
5. Report of the Auditor- General on Matungulu-Kangundo Water and Sewerage Company limited for the year ended 30th June, 2021: Received on 1st August, 2022.
6. Report of the Auditor General on Mwala Water and Sanitation Company limited for the year ended 30th June, 2021: Received on 2nd August, 2022.
7. Report of the Auditor General on Mavoko Water and Sewerage Company limited for the year ended 30th June, 2021: Received on 4th August, 2022.
8. Report of the Auditor General on municipal Council of Machakos Water and Sewerage Company limited for the year ended 30th June, 2021: Received on 4th August, 2022.
9. Report of the Auditor General on Machakos County Bursary Fund for the year ended 30th June, 2021: Received on 4th August, 2022.
10. Report of the Auditor General on Machakos County Assembly staff car loan and Housing scheme Fund for the year ended 30th June, 2021: Received on 23rd August, 2022.
11. Report of the Auditor General on Machakos County Assembly car loan and Housing scheme fund for the year ended 30th June, 2021: Received on 23rd August, 2022.
12. Report of the Auditor General on Kathiani Water and Sanitation Company limited for the year ended 30th June, 2021: Received on 1st September, 2022.

Thank you, Madam Speaker. I now table the Papers. Thank you, Madam Speaker.

(The Papers were laid on the Table)

Hon. Speaker: The Papers are hereby committed to Public Accounts and Investments Committee. Next order.

STATEMENT SOUGHT
DROUGHT MITIGATION AND SCHOOL FEEDING IN ECDEs

Hon. Speaker: We have one Statement by Hon. Francis Kavyu. Proceed, Mheshimiwa Kavyu.

Hon. Francis Kavyu (Kinanie, MCCP): Thank you, Madam Speaker.

Hon. Speaker, aware that Article 185(3) of the Constitution states that the County Assembly, while respecting the principle of separation of powers, may exercise oversight over the County Executive Committee Members and any other County Executive Organs.

Hon. Speaker, further aware that Section 110(1) of the Public Finance Management Act provides for the County Executive Committee with the approval of the County Assembly to establish an emergency fund for the County Government consisting of money from time to time appropriated by the County Assembly to the fund by an appropriation law for the purpose of enabling payments to be made in respect of a County when an urgent and unforeseen need for expenditure for which there is no specific legislative authority arises.

Acknowledging that the Executive Committee Member for Finance and Economic Planning gazetted the Public Finance Management Regulations (Machakos County Emergency Fund), 2021 and the Assembly subsequently approved the same;

Hon. Speaker, considering that Machakos County is currently experiencing drought whereby most residents and livestock are at risk of starvation;

Cognizant that Machakos County is largely depended on agriculture and delay in rains has led to adverse effects of drought such as low school turnouts due to hunger.

Hon. Speaker, I wish to seek a Statement on the initiatives the County Executive has taken to:

1. Reduce the risks and hazards caused by the ongoing drought,
2. Initiate school feeding programs for all school going children especially at ECDE centers
3. Reduce the cost of food by relieving the small-scale traders of licensing fees.

Madam Speaker, maybe just to put more emphasis on the same, on Monday this week an incident was reported in my Ward where two school-going kids at the primary level, two of them fainted because they had not taken food for two days. I think we do not need to allow it to get more serious where we lose lives. So I urge the concerned Executive Member to see how the issue can be addressed before it further deteriorates. Thank you.

(Applause)

Hon. Speaker: Thank you, Mheshimiwa. The statement is hereby committed to Budget and Appropriations Committee to respond as soon as possible. Next order.

MOTIONS
APPROVAL OF MEMBERS TO THE
POWERS AND PRIVILEGES COMMITTEE

Hon. Speaker: May I call upon the Majority Leader to move the Motion.

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

Hon. Speaker, that aware that the Committee on Powers and Privileges is established pursuant to Section 15(5) of the County Assemblies Powers and Privileges Act, 2017 and Standing Order 189(A);

Further aware that the Committee comprises of the Speaker who shall be the Chairperson, Deputy Speaker and not more than three other Members nominated by Assembly parties and approved by the House at the commencement of every Session;

Informed that pursuant to Section 15(4) of the County Assemblies Powers and Privileges Act, 2017 the Committee is mandated to inquire into the conduct of a Member whose conduct is alleged to constitute a breach of privilege in terms of Section 16 of the said Act;

Aware that Assembly parties have nominated Members to serve in the Committee:

Hon. Speaker, I wish to move the Motion THAT pursuant to Standing Order 189A this House approves the following members to Powers and Privileges Committee in addition to the specific members provided under Standing Order 189A(a) and (b);

1. Hon. Nicholas Nzioka
2. Hon. Constance Nzioki
3. Hon. Mary Nthenya

I wish to invite the Deputy Minority Leader to second the Motion.

Hon. Francis Kavyu (Kinanie, MCCP) seconded.

Hon. Speaker: Thank you, Deputy Minority Leader.

(Question proposed)

I now invite Members to debate this Motion. The floor is yours Members. Mheshimiwa Deputy Speaker.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. I stand to support the motion that those names be approved so that we may pave way as this is a committee that deals with business of the house and mostly members who sometimes do not attend to plenary or who need some disciplinary from the Assembly and so without such a

committee, it will be derailing some critical service for the Assembly. I want to support the motion. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Mheshimiwa. More contribution from the House. Mheshimiwa Mwonga.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, I raise to contribute on this motion. Madam Speaker, were it not for Standing Order 155(2) I would not support this motion. I would not support the approval of the membership of these Committee but my hands are tied by that Standing Order because you cannot say we withdraw this Member from that Committee. It says if you are opposing you oppose the whole membership. Madam Speaker, why am I saying this? Madam Speaker, I belong to the Majority Party and I have been following keenly the happenings and how Members are being appointed into committees.

Madam Speaker, other than the first committees which were approved by this Hon. House, all other committees, majority of them in terms of the membership, looked keenly, you find that it is the Leadership of my party which I love very much but Madam Speaker the Minority Party is having consultative meetings wherever they want to have somebody in a committee which is not happening in my Party.

Madam Speaker, I want to say it is a big shame to a Party which is the majority and my advise is that next time let there be consultation. Let the leadership avoid to use laissez faire type of leadership whereby they do what they wish because they are the leaders. However, with that Madam Speaker, I do support the approval. Thank you.

(Applause)

Hon. Speaker: Thank you, Mheshimiwa. Yes Mheshimiwa Kisila

Hon. Brian Kisila (Makutano/Mwala, MCCC): Madam Speaker, I stand to support the motion but I want to echo what Mheshimiwa is saying. In life, let us be fair and whatever we do, always do what you want someone else to do to you. So, my take is I support the motion but at the same time I want us to continue being fair to each other so that we can continue living like brothers and sisters because we are here tied together for five years and when you are tied for five years when you see your friend not happy with yourself, sometimes it is not good. As we go on I am sure we will continue being brother's keeper helping each other when you see one of us is going astray you correct them.

Let us accommodate each other and let us become brother's keeper where we love each other and also at the same time let us not become selfish whereby you want to apportion yourself everything when your brother has nothing.

(Applause)

The Standing Orders are very clear; there is the maximum you can earn in a week and also there is the maximum you can work in this Assembly. You cannot be here through out, you also need to go back home and represent your people. So, my take is it is a very good balancing act whereby we apportion each other committees but let us be fair to each other and let us love one another. In fact, the spirit in this Assembly should be where we all ensure that by the end of

five years, no one goes home upset that one Member did something to them. Thank you so much, Madam Speaker.

Hon. Speaker: Thank you. That is a very important message there; fairness is very important in life. I now want to call upon Mheshimiwa Paul, in that order, Mheshimwa Francis, Mheshimiwa Ndeti, Mheshimiwa Aliphonce and the last one will be Mheshimiwa for Muthwani ward.

Hon. Paul Wambua (Kibauni, PTP): Thank you, Madam Speaker, for catching my eye. Madam Speaker, I stand to support this motion and also support the words of some of the fathers of this House or the ancestors, Mheshimiwa Mwonga and Mheshimiwa Brian Kisila who are giving very sound advice.

(Laughter)

In the same vein also we request them to stick to the motion. They will advise us later. I beg to support. Thank you.

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

Hon. Francis Kitaka (Ndalani, WDM-K): Thank you, Madam Speaker. I would want to support this motion and request, because we all know that in every institutions there must be oversight and also people who are checking on others and also taking care of how they relate and how they relate with the institution. My advice is that we are all Hon. Members, we ought to respect one another so I am requesting the committee because sometimes you might find people drawing in personal feelings when they are calling into disciplining some Members so my urge is that the committee puts in place professional handling of the matters in regard to the Hon. members. I support. Thank you.

Hon. Speaker: Thank you. Mheshimiwa Ndeti, you were to follow. Yes proceed.

Hon. Hellen Ndeti (Nominated, WDM-K): Thank you, Madam Speaker. I stand to support the motion. Last *bunge* I was in this committee and it is a committee that is not very active if Members are well-behaved because this is a disciplinary committee. If members are well-behaved you hardly have any work and I think another thing is maybe our Majority Leader could have seen the need for himself to be in that committee so that incase a member is being victimized, he is there to fight for you. So let us look at it in a more positive manner. Thank you, Madam Speaker. I support.

Hon. Speaker: Thank you. Mheshimiwa Aliphonce.

Member for Kivaa (Hon. Aliphonce Mutinda, MCCP): Thank you, Madam Speaker. I stand here to support the motion because lack of this committee might lead us not to move depending on our wishes and I advise Wiper Party which is the majority to go back to the boardroom and clean your house because it is not good to be attacking among yourself when we

are in this House. So I support the motion. Thank you, Madam Speaker.

(Laughter)

Hon. Speaker: Thank you, Mheshimiwa. Mheshimiwa Muthwani ward.

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Madam Speaker. I just want to support this motion but with very little reservations. As I echo the words of the Hon. Governor James Orenge who is the current governor in Siaya County. I just want to respond to my Hon. member Mheshimiwa Mwonga and tell you, he once said that Government eats its own people. You do not need to ask questions on the same, you are a victim; I am a victim so let us support the motion. One time, time will tell but I want to say this without fear of contradiction, consultation is key; don't just bring information here without the consent of Members for the purposes of just coming here and seeking support.

We ought to be consulted, we don't bother which committee we are placed on but we need to understand. We can offer advice that can help even if we will not be part and parcel of those committees, we can offer some help and just Madam Speaker with your leave, there is something we were discussing with Hon. Mheshimiwa Carol yesterday. With your permission, the Committee that has no allowances the committee under the County Assemblies Forum (CAF) is a committee that needs to have members who have vast knowledge on the challenges that Hon. Members are going through countrywide so that they can be petitioned to the responsible bodies so that members get what belongs to them through experience.

Names have been brought here and probably they have no that knowledge, Madam Speaker. We are not competing for these committees just because we want to be in this committees; we want to belong to these committees because we want to make a change that can benefit the Hon. Members not here but even outside there Madam Speaker.

(Applause)

So as I support the motion, I want to say this; time will tell and history will judge us but let us consult widely and just not placing members in committees on the sidelines because you are perceived to be A-B-C-D. We are in this House to stay for the next 60 months and time will tell. I support the motion.

(Applause)

Hon. Speaker: Thank you. Consultation is key. I now invite the mover of the motion to reply.

Hon. Nicholas Nzioka (Machakos Central-WDM-K): Thank you, Madam Speaker. I wish to thank members for, first of all, you know, approving the nominees. I want to say from the onset, that the leadership, the names that have been approved by the House, were nominated by the leadership of the different parties. Also want to say the issue of fairness is well captured, even in other committees but we will only request for a little patience because as you are aware, we were waiting for the Liaison Committee to be formed so that vacancies can arise in other committees, which upon which, at the risk of pre-empting the work of the Selection Committee,

we will place Members accordingly and that Members are going to have committees that where they can maximize on their earning. Thank you very much, Members. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Majority Leader.

(Question put and agreed to)

(Applause)

ADJOURNMENT OF THE HOUSE

Hon. Speaker: May invite the Majority Leader to move the motion.

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

Hon. Speaker, that aware that pursuant to Standing Order 25(1), the Assembly approved an Assembly calendar on 18th October, 2022 and aware that the calendar provides for the sittings and recess for the House;

Noting that crucial business has been transacted during the first part of this session including debate of the Governor's Speech, approval of members to various committees, and approval of the House Business Calendar among others;

Aware that Standing Order 25(3) provides that on a day when the Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the Assembly Calendar, the Leader of the Majority Party or Minority Party or any Member of the House Business Committee shall move a motion of adjournment which shall be debated for not more than three hours after which the Assembly shall adjourn without question put;

Hon. Speaker, I wish to move the motion THAT pursuant to Standing Order 25(3), the House adjourns for the first short recess from Thursday, 20th October, 2022, and to resume its sittings on 8th November, 2022 as per the Assembly Calendar.

I call upon the Hon Member for Makutano/Mwala to second.

Hon. Speaker: Hon Member for Makutano/Mwala kindly second.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Madam Speaker, I second.

Hon. Speaker:

(Question proposed)

Thank you. I now invite Members to debate that motion. The floor is yours Members. Yes Mheshimiwa.

Nominated Member (Hon. Ruth Kamau, CCU): I stand to support because like we said yesterday, we have been up and down from the time we resumed the Third Assembly and these free days are well-deserved for the Members to go and reconnect with the electorate and also for the nominated Members who were working in various positions before nomination, we need time to go and hand over and also reconnect with our families so that we come back reenergized and ready to work. I support.

(Applause)

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

Hon. Daniel Ndwiki (Mlolongo/Syokimau, WDM-K): Thank you, Madam Speaker. I stand to support the motion. Hon. Members, it is very important to have this break or recess because we have been here and we have some other duties that need our attention in our home ground offices and also in our families. Also, it is very necessary so that we can go and inspect what the Executive arm of the County Government has been doing to areas where we are busy with Assembly. So I stand to support. Thank you.

Hon. Speaker: Thank you, Members. I think this is an issue that is already in our Calendar so we really don't need to belabour. We just go ahead and approve. I now call the member to reply.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Members, I think we need to have a break so that we come back reenergized as the Hon. Member has put it. So thank you for supporting the motion to go to recess. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Members, Standing Order 25(3) provides that after the House has debated such an adjournment motion, the Assembly shall adjourn without question put.

ADJOURNMENT

Hon. Speaker: I now wish to state that the House adjourns to Tuesday, 8th November, 2022 at 10.00 a.m.

The House rose at 3.20 p.m.