



County Hall
 Along Mwatu wa Ngoma Rd
 P O Box 1168 – 90100
 MACHAKOS – KENYA
 Third Assembly
 (No. 072)

**REPUBLIC OF KENYA
 COUNTY GOVERNMENT OF MACHAKOS
 COUNTY ASSEMBLY OF MACHAKOS**



Email: assemblymks@gmail.com

Second Session
 (344)

**THE COUNTY ASSEMBLY
 ORDER OF THE DAY
 SUPPLEMENTARY ORDER PAPER
WEDNESDAY, 11TH OCTOBER, 2023 AT 10.00 A.M.
ORDER OF BUSINESS**

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers(As listed in Appendix)
6. Notices of motion (As listed in Appendix)
7. Statements (As listed in Appendix)

8*MOTION – APPROVAL OF REPORT ON STATE OF REVENUE COLLECTION IN THE COUNTY**

(Hon. Francis Kitaka- Chairperson, Finance and Revenue Collection Committee)

Honorable Speaker, that aware that Article 185(3) of the Constitution of Kenya provides that a County Assembly while respecting the principles of separation of powers, may exercise oversight over the County Executive Committee and any other County Executive organ;

Aware that Standing Order 190(5) provides for the mandate of a sectoral committee to include among others: studying, assessing and analyzing the relative success of the departments as measured by results obtained as compared with the stated objectives and making reports and recommendations as often as possible including recommendation of proposed legislation;

Further aware that in accordance with the second schedule of the County Assembly of Machakos Standing Orders, the Finance and Revenue Collection Committee is mandated to consider all matters relating to the management of County public finance and revenue collection by overseeing the Departments County Treasury and Revenue Management;

Honorable Speaker, I wish to move the motion **THAT** this Honorable House considers and adopts the Report of the Finance and Revenue Collection Committee on the state of revenue collection within the county.

9*MOTION – ADJOURNMENT OF THE HOUSE**

(Hon. Nicholas Nzioka: Majority Leader)

Honorable Speaker, that aware that the second Session of the Third Assembly commenced on 14th February, 2023; further aware that pursuant to Standing Order No. 25 (1), the Assembly approved an Assembly calendar on 14th March, 2023 and altered it on 15th March, 26th April and 13th June, 2023 through House resolutions;

Acknowledging that Standing Order No. 25(4) provides that despite the adjournment date as scheduled in the approved Assembly Calendar, the Assembly may by resolution, alter its Calendar or the adjournment date;

Honorable Speaker, I wish to move the Motion **THAT**, pursuant to Standing Order 25(4), the Assembly resolves to adjourn the afternoon sitting of today 11th October, 2023 to allow Honorable Members to conduct site visits.

The House adjourns to Tuesday 17th October, 2023 at 10.00 a.m.

*****Denotes Order of the Day*****

APPENDIX (I)

WEDNESDAY, 11TH OCTOBER, 2023 AT 10.00 A.M.

1. PAPERS

(a) Paper laid - (Hon. Nicholas Nzioka, Majority Leader, MCA, Machakos Central Ward)

Honorable Speaker, I wish to lay the following Papers on the Table of the Assembly today
Wednesday, 11th October, 2023:

- (i) Legislative proposal of the Machakos County Finance Bill 2023/2024
- (ii) County executive Annual report and financial statements for the year ended June 30, 2023.
- (iii) Receiver of revenue annual financial statements for the FY 2022/2023
- (iv) County Revenue Fund annual report and financial statements for the year ended June 30, 2023.
- (v) Kathiani Level 4 Hospital annual report and financial statements for the year ended June 30, 2023.
- (vi) Matuu Level 4 Hospital annual report and financial statements for the year ended June 30, 2023.
- (vii) Mwala Level 4 Hospital annual report and financial statements for the year ended June 30, 2023.
- (viii) Kalama Level 4 Hospital annual report and financial statements for the year ended June 30, 2023.
- (ix) Ndithini Level 4 Hospital annual report and financial statements for the year ended June 30, 2023.
- (x) Kimiti Level 4 Hospital annual report and financial statements for the year ended June 30, 2023.
- (xi) Mutituni Level 4 Hospital annual report and financial statements for the year ended June 30, 2023.
- (xii) Masinga Level 4 Hospital annual report and financial statements for the year ended June 30, 2023.
- (xiii) Kangundo Level 4 Hospital annual report and financial statements for the year ended June 30, 2023.
- (xiv) Athiriver Level 4 Hospital annual report and financial statements for the year ended June 30, 2023.
- (xv) Machakos Level 5 Hospital annual report and financial statements for the year ended June 30, 2023.

(b) Paper laid - (Hon. Francis Kitaka, Chairperson, Finance and Revenue Collection Committee)

Honorable Speaker, I wish to lay the following Papers on the Table of the Assembly today
Wednesday, 11th October, 2023:

Report of the Finance and Revenue Collection Committee on the State of Revenue Collection within the County

2. NOTICE OF MOTION

(a) **Notice of Motion – (Hon. Francis Kitaka, Chairperson, Finance and Revenue Collection Committee)**

Honorable Speaker, that aware that Article 185(3) of the Constitution of Kenya provides that a County Assembly while respecting the principles of separation of powers, may exercise oversight over the County Executive Committee and any other County Executive organ;

Aware that Standing Order 190(5) provides for the mandate of a sectoral committee to include among others: studying, assessing and analyzing the relative success of the departments as measured by results obtained as compared with the stated objectives and making reports and recommendations as often as possible including recommendation of proposed legislation;

Further aware that in accordance with the second schedule of the County Assembly of Machakos Standing Orders, the Finance and Revenue Collection Committee is mandated to consider all matters relating to the management of County public finance and revenue collection by overseeing the Departments County Treasury and Revenue Management;

Honorable Speaker, I wish to give notice of the motion **THAT** this Honorable House considers and adopts the Report of the Finance and Revenue Collection Committee on the state of revenue collection within the county.

3. STATEMENTS

(a) **Statement on Business of the House – Hon. Nicholas Nzioka, Majority Leader, MCA, Machakos Central Ward**

Honorable Speaker, the House Business Committee met on Monday 9th October, 2023 to prioritize business for the House as forwarded by Committees and Honorable Members pursuant to the provisions of the Standing Order No. 151 (6) (d) . The Committee balloted business as follows:

1.	Wednesday, Morning 11 th October, 2023 at 10.00 a.m.	(a) Statement on the Work Plan of the Public Utility Task Force - (Hon. Dominic Maitha; MCA, Muthwani Ward) (b) Statement on provision of Flood Lights in Muthwani Ward - (Hon. Dominic Maitha; MCA, Muthwani Ward) (c) Report of the Finance and Revenue Collection Committee on the State of Revenue Collection within the County - (Hon. Francis Kitaka; Chairperson, Finance and Revenue Collection Committee) (d) Adjournment motion
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(b) Statement on the Work Plan of the Public Utility Task Force- (Hon. Dominic Maitha; MCA, Muthwani Ward

Hon. Speaker, the Energy Sector remains a critical enabler for achieving Kenya's socio – economic objectives, global commitments such as the Nationally Determined Contribution (NDC) under the Paris Agreement, sustainable Development Goals (SDGs) which include; SDG 1 on poverty reduction, SDG 3 on improved health and wellbeing, SDG 7 on sustainable energy for all, SDG 13 on climate action and SDG 17 on partnerships.

Informed that the Department of energy & electrification in Machakos County is mandated to carry out flood lighting (lighting of markets) ,rural electrification (Installation of transformers, promotion of use of renewable and clean energy solutions and developing of Policies and Legislations in the energy sector.

Hon. Speaker, in the Governor's address that was delivered in this Assembly, on 27th September 2022, H.E the Governor of Machakos County promised to turn round business in the County by uplifting the lighting systems across all the Wards thereby bringing into board a 24 hour business economy.

In the previous FY of 2022/2023, this Assembly allocated Kshs. 20 Million to the Department of Energy for the purpose of electrification. In this financial year of 2023/24, the Assembly allocated Ksh.29 Million for provision of flood light in the various Wards within the County.

Hon. Speaker, Muthwani Ward is one of the leading Wards endowed with high returns revenue streams such as quarries, land rates, approval charges and business permits. On the contrast, the said budget approvals done by this Assembly on provision of flood lights and street lights have in the previous financial years including the last FY of 2022/2023 never been implemented in Muthwani Ward despite its contribution in own source revenue collection for this County.

Hon. Speaker, I wish to seek a Statement from the Chairperson Lands and Energy on the following matters;

- i) Why the Department of Energy and Electrification has never implemented provision of flood lights in Muthwani Ward in the Financial Years of 2021/2022, 2022/2023 and FY 2023/2024.
- ii) The plans which the Department of Energy and Electrification has to ensure a 24 hour economy in Muthwani Ward as per H.E. the Governor's Speech delivered in this Assembly on 27th September 2022.

(c) **Statement on provision of Flood Lights in Muthwani Ward- (Hon. Dominic Maitha; MCA, Muthwani Ward**

Hon. Speaker, Article 61 (1), of the Constitution provides that all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals; Further, the Fourth Schedule of the Constitution of Kenya provides for Land surveying, mapping and boundaries, and fencing as a function of the County Government.

Hon. Speaker, the County Government holds public land in trust for the people residing in the County and that the County is obligated to oversee proper land use and security as outlined in the spatial development plans.

Machakos County has in the recent years after devolution suffered a victim of land grabbing, illegal acquisition and allocation of public land whereby land set aside for public utilities is illegally and fraudulently allocated to individuals for their personal gain, in disregard of the public's interest and development.

Hon. Speaker, as a result of these illegal and corrupt acts, the County Government of Machakos is struggling to get land to build Hospitals, Schools, Polytechnics, Youth Centers, Stadiums and even Government Offices. Further, public lands reserved for Public toilets, parking areas and even sewers have been grabbed.

Hon. Speaker, this matter on encroachment of public utilities in Mavoko Sub County has been raised for many years with no serious interventions being taken. In this sub county, parcels of land planned for schools, community centers, dams, shopping centers, health centers have been encroached and put into other uses not intended in the original land use plan for the County.

Hon. Speaker, towards the end of last year, H.E, the Governor Machakos County appointed task forces to address specific matters affecting the County. Informed that Public Utility Task Force is one of those task forces that were constituted and was assigned to investigate on the current status of Public utilities within the County.

Muthwani Ward, just like the other Wards in Mavoko Sub County has suffered encroachment of public utilities denying the residents the good services that go with the planned use for that specific public utility. The said task force after the many months of undertaking its assignments did not visit Muthwani Ward.

Hon. Speaker, I wish to seek a Statement from the Department of Lands on the work plan of the Public Utility Task force as regards visitation to Muthwani Ward to ascertain the status of encroached public utilities.