

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

**OFFICIAL REPORT**

**Tuesday, 13<sup>th</sup> February, 2024**

The House met at 2.52 p.m.

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

**PRAYERS**

**Hon. Speaker:** Could we have the bell rang for 10 minutes, Serjeant at Arms.

*(Quorum Bell rung)*

Good afternoon, Hon. Members and welcome to the afternoon sitting.

**PAPERS LAID**  
VARIOUS PAPERS

**Hon. Speaker:** May I invite Hon. Nicholas Nzioka to come forward and lay the Papers; they are many. Proceed.

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Thank you, Hon. Speaker. I wish to lay the following Papers on the Table of the House today, 13th February, 2024.

- (a) Second Quarter Financial Statements for the Machakos County Bursary Fund for the FY 2023/2024.
- (b) Quarterly Report and Financial Statements for the period ended 1<sup>st</sup> December, 2023 for Athi River Level 4 Hospital.
- (c) Quarterly Report and Financial Statements for the period ended 31<sup>st</sup> December, 2023 for Kimiti Level 4 Hospital.
- (d) Quarterly Report and Financial Statements for the period ended 31<sup>st</sup> December, 2023 for Ndithini Level 4 Hospital.
- (e) Quarterly Report and Financial Statements for the period ended 31<sup>st</sup> December, 2023 for Mutituni Level 4 Hospital.
- (f) Quarterly Report and Financial Statements for the period ended 31<sup>st</sup> December, 2023 for Kangundo Level 4 Hospital.
- (g) Quarterly Report and Financial Statements for the period ended 31<sup>st</sup> December, 2023 for Mwala Level 4 Hospital.
- (h) Quarterly Report and Financial Statements for the period ended 31<sup>st</sup> December, 2023 for Masinga Level 4 Hospital.

- (i) Quarterly Report and Financial Statements for the period ended 31<sup>st</sup> December, 2023 for Machakos Level 5 Hospital.
- (j) Quarterly Report and Financial Statements for the period ended 31<sup>st</sup> December, 2023 for Kalama Level 4 Hospital.
- (k) Quarterly Report and Financial Statements for the period ended 31<sup>st</sup> December, 2023 for Matuu Level 4 Hospital.
- (l) Quarterly Report and Financial Statements for the period ended 31<sup>st</sup> December, 2023 for Kathiani Level 4 Hospital.
- (m) Quarterly Financial Statements for the period ended December 31<sup>st</sup>, 2023 for Machakos County Revenue Fund for the FY 2023/2024.
- (n) Quarterly Financial Statements for the period ended December 31<sup>st</sup>, 2023 for Machakos Executive Mortgage and Car Loan Fund for the FY 2023/2024.
- (o) Annual Report and Financial Statements for the period ended 30<sup>th</sup> June, 2023 for Athi River Level 4 Hospital.
- (p) Annual Report and Financial Statements for the period ended 30<sup>th</sup> June, 2023 for Kimiti Level 4 Hospital.
- (q) Annual Report and Financial Statements for the period ended 30<sup>th</sup> June, 2023 for Ndithini Level 4 Hospital.
- (r) Annual Report and Financial Statements for the period ended 30<sup>th</sup> June, 2023 for Mutituni Level 4 Hospital.
- (s) Annual Report and Financial Statements for the period ended 30<sup>th</sup> June, 2023 for Kangundo Level 4 Hospital.
- (t) Annual Report and Financial Statements for the period ended 30<sup>th</sup> June, 2023 for Mwala Level 4 Hospital.
- (u) Annual Report and Financial Statements for the period ended 30<sup>th</sup> June, 2023 for Masinga Level 4 Hospital.
- (v) Annual Report and Financial Statements for the period ended 30<sup>th</sup> June, 2023 for Machakos Level 5 Hospital.
- (w) Annual Report and Financial Statements for the period ended 30<sup>th</sup> June, 2023 for Kalama Level 4 Hospital.
- (x) Annual Report and Financial Statements for the period ended 30<sup>th</sup> June, 2023 for Matuu Level 4 Hospital.
- (y) Annual Report and Financial Statements for the period ended 30<sup>th</sup> June, 2023 for Kathiani Level 4 Hospital.

Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Member. Those reports are committed to different committees as follows:

Paper (a) is committed to education committee.

Papers (b) to (l) are committed to health and emergency services.

Papers from (m) to (n) are committed to finance and revenue collection committee.

Papers from (o) to (y) are committed to health and emergency services committee.

Now may I invite Hon. Jeremiah Kaloi to come forward and lay another Paper? Hon. Mercy, are you holding brief for Hon. Kaloi?

**Hon. Mercy Njagi** (Nominated, MCCP): Yes, Madam Speaker.

**Hon. Speaker:** Proceed.

MACHAKOS COUNTY ANNUAL DEVELOPMENT PLAN FOR 2024/2025

**Hon. Mercy Njagi** (Nominated, M CCP): Hon. Speaker, I wish to lay the following Paper on the Table of the Assembly today Tuesday, 13<sup>th</sup> February, 2024; the Report of the Trade, Economic Planning and Industrialization Committee on Machakos County Annual Development Plan for 2024/2025. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Member.

**NOTICE OF MOTION**

MACHAKOS COUNTY ANNUAL DEVELOPMENT PLAN FOR 2024/2025

**Hon. Speaker:** May I invite Hon. Jeremiah Kaloi; I believe Hon. Mercy is standing in to come forward and give a notice of motion. Proceed, Hon. Mercy.

**Hon. Mercy Njagi** (Nominated, M CCP):

Hon. Speaker, that

aware that the provisions of Section 104 of the County Governments Act, 2012

provides that planning is a mandatory part of the County budget process thus disallowing any appropriation of public funds outside a planning framework approved by the County Assembly;

Aware that Section 126(1) of the Public Finance Management Act, 2012 provides that each County Government shall prepare a development plan in accordance with Article 220(2) of the Constitution whereas Section 126(3) of the same Act states that the County Executive Committee Member responsible for planning shall submit the development plan to the County Assembly by for approval as well as send a copy to the Commission on Revenue Allocation and the National Treasury;

Cognizant that the Annual Development Plan for the FY 2024-25 was forwarded to the office of the Clerk of the County Assembly on 9<sup>th</sup> September, tabled in this Assembly on 3<sup>rd</sup> October, 2023 and further committed to the Sectoral Committees for review in line with their respective mandates and reporting to the Trade, Economic Planning and Industrialization Committee;

Acknowledging that the Assembly through the Trade, Economic Planning and Industrialization Committee undertook public hearing across the 8 Sub-Counties between Thursday 9<sup>th</sup> and Friday 10<sup>th</sup> November, 2023 in line with Article 196(1)(b) of the Constitution of Kenya 2010;

Hon. Speaker, I wish to give a notice of motion THAT, this House approves the Report of Trade, Economic Planning and Industrialization Committee on consideration of the Annual Development Plan for the Financial Year 2024/2025.

Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Mercy.

**STATEMENT**  
BUSINESS FOR THE HOUSE FROM 13<sup>TH</sup> TO 21<sup>ST</sup> FEBRUARY, 2024

**Hon. Speaker:** May I invite Majority Leader Hon. Nicholas Nzioka to come forward and make a Statement on business of the House.

**Hon. Joshua Mwonga** (Masinga Central, WDM-K): Point of Order, Madam Speaker.

**Hon. Speaker:** Yes.

**Hon. Joshua Mwonga** (Masinga Central, WDM-K): Hon. Speaker, I am raising under Standing Order 35 that is Order Paper. Madam Speaker, this Standing Order talks about the Order Paper and Madam Speaker, in our official wall nothing has been circulated so we are darkness.

**Hon. Speaker:** I did not get you; what do you mean nothing has been circulated.

**Hon. Joshua Mwonga** (Masinga Central, WDM-K): What I am saying Madam Speaker is that these Members have no Order Paper; it is usually circulated in our official wall and it is not there. What we are having is the morning Order Paper.

**Hon. Speaker:** Proceed.

**Hon. Helen Ndeti** (Nominated, WDM-K): The Order Paper for today was sent at 3.07 p.m.

**Hon. Speaker:** Clerk at the Table, can you confirm that?

**Hon. Speaker:** Hon. Mwonga, sorry. I am told it is uploaded on the website; have you checked on that?

**Hon. Joshua Mwonga** (Masinga Central, WDM-K): Madam Speaker, when I was raising on that point of order it was not there but now it is there. We can continue.

**Hon. Speaker:** Thank you. Well-guided then we can proceed. Hon. Nicholas Nzioka, proceed.

**Hon. Nicholas Nzioka** (Machakos Central Ward, WDM-K): Thank you, Madam Speaker. Hon. Speaker, the House Business Committee met on Tuesday, 13<sup>th</sup> February, 2024 to prioritize business for the House as forwarded by Committees and Hon. Members pursuant to the provisions of the Standing Order 151(6)(d). The Committee balloted business as follows:

Tuesday, 13<sup>th</sup> February, 2024

*Afternoon at 2.30 p.m.*

Approval Motion on membership of the Powers and Privileges Committee by Hon. Nicholas Nzioka, Leader of Majority/MCA Machakos Central Ward.

Wednesday, 14<sup>th</sup> February, 2024

*Morning at 10.00 a.m.*

- a. Statement response on a Statement sought on solid waste disposal within the County by Hon. Brian Kisila, Chairperson, Decentralized Units and County Administration Committee.
- b. Report of the Trade, Economic Planning and Industrialization Committee on Machakos County Annual Development Plan for the FY 2024/2025 by Hon. Jeremiah Kaloi, Chairperson Trade, Economic Planning and Industrialization.

*Afternoon at 2.30 p.m.*

- a. Statement Response on a Statement sought on the strategies put in place to ensure conservation and rational utilization of forest resources in Kithatani, Ngulini and Kanzokea forests in Kangundo Central Ward by Hon. Fredrick Kitetu, Chairperson, Environment and Natural Resources Committee.
- b. Consideration of Report of the Trade, Economic Planning and Industrialization Committee on Machakos County Annual Development Plan for the FY 2024/2025 by Hon. Jeremiah Kaloi, Chairperson Trade, Economic Planning and Industrialization; Continuation of Debate.

Tuesday, 20<sup>th</sup> February, 2024

*Morning at 10.00 a.m.*

Consideration of the House Calendar for the Third Session of the Third Assembly by Hon. Stephen Mwanthi, Deputy Speaker.

*Afternoon at 2.30 p.m.*

Motion that the County Executive Committee Member for the Department of Lands, Housing and Urban Development develops a digital platform to support online approval of building plans by Hon. Daniel Ndwiki, MCA Mlolongo/Syokimau Ward.

Wednesday, 21<sup>st</sup> February, 2024

*Morning at 10.00a.m.*

Consideration of the Report of the Auditor General on the Machakos County Bursary Fund for the year ended 30<sup>th</sup> June, 2022 by Hon. Philip Ndolo, Chairperson, Public Accounts and Investments Committee.

*Afternoon at 2.30 p.m.*

Consideration of the Report of the Auditor General on the Machakos County receiver of revenue for the year ended 30<sup>th</sup> June, 2022 by Hon. Philip Ndolo, Chairperson, Public Accounts and Investments Committee.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Member.

**MOTION****APPOINTMENT OF MEMBERSHIP OF POWERS AND PRIVILEGES  
COMMITTEE FOR THE THIRD SESSION OF THE THIRD ASSEMBLY**

**Hon. Speaker:** May I invite Hon. Nicholas Nzioka, Leader of Majority to come forward and move that motion.

**Hon. Nicholas Nzioka** (Machakos Central Ward, WDM-K): Thank you Madam Speaker. Hon. Speaker, that 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 privilege 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 189(a), this House approves the following Members to Powers and Privileges Committee in addition to the specific Members provided under Standing Order 189(a) and (b).

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

I call upon Hon. Mbuva to second. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Member. Hon. Mbuva.

**Hon. Charles Mbuva** (Kangundo West, GDDP): Thank you, Madam Speaker. Madam Speaker, I rise to second that Motion. I find the distribution of Membership to be satisfactory and in conformity with ours Standing Orders. I second.

**Hon. Speaker:** Thank you, Hon. Member.

*(Question proposed)*

I now invite Members to debate this Motion. It is your turn Members. Hon. Ndeti.

**Hon. Helen Ndeti** (Nominated, WDM-K): Thank you, Madam Speaker. I stand to second this Motion (??). I feel it is very important that as a House we need this Committee so that it can assist especially when some of us are out of control. This is a House of Hon. Members where people are supposed to behave and respect one another; name-calling should not even happen to the point of Members wanting to have an exchange. It is very important that we have this

Committee to put us in a disciplined behavior. I stand to support and I also feel that the membership composition is okay. Thank you.

**Hon. Speaker:** Thank you Hon. Member. Hon. Mbuva, proceed.

**Hon. Charles Mbuva** (Kangundo West, GDDP): Madam Speaker, thank you once again. Having seconded the Motion, I think I have something to say about it. Powers and Privileges Committee is a very critical component of this House because this is a House of rules and procedures. Whenever in any organization where there are rules there must be appearance, organs and mechanisms of making sure that those rules are upheld. When this Committee is being formed, I do not look at it as disciplinarian but as a Committee of upholding fairness.

It is a Committee which requires rational minds because this is a House composed of politicians and we represent people and interests. This Committee, when making decisions, will always be required to be cognizant that sometimes interests find themselves at cross purposes. I like the membership of that Committee I see Members as people who are level-headed and members who do not hold very extreme or radical thoughts.

So, I support and I can see Hon. Mbula almost clapping when I talk maturity and rational thinking I was looking at her. So, the Members who are representing us or working in that Committee on behalf of the House you should know that you have a task at hand and also to uphold our privileges because we also have entitlements. There are those things which even the Constitution has gifted us as Members of this House.

Inasmuch as we will look at streamlining where Members are veered off and maybe engaged in things which could be not acceptable also uphold that which is due to Members in terms of the environment where we work at and every privilege that we deserve in terms of the working environment and so forth. Madam Speaker, I support.

**Hon. Speaker:** Thank you, Hon. Mbuva. May I invite the mover of the Motion to come and reply?

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Thank you, Madam Speaker. I wish from the onset to thank the Hon. Members for quickly approving the names of those proposed. I thank Mheshimiwa Mbuva for thinking of us as rational men and women and that we are going to uphold fairness and also fight for the privileges so thank you very much, Hon. Members.

**Hon. Speaker:** Thank you, Hon. Member.

*(Question put and agreed to)*

## ADJOURNMENT

**Hon. Speaker:** The House adjourns to Wednesday, 14th February, 2024 at 10.00 a.m. in the morning.

The House rose at 3.27 p.m.