

REPUBLIC OF KENYA

COUNTY ASSEMBLY OF MACHAKOS

OFFICIAL REPORT

Tuesday, 20th February, 2024

The House met at 11.00 a.m.

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

PRAYERS

Hon. Speaker: Good morning, Hon. Members. Welcome to today's sitting but you do not sound happy what is the issue? Are you okay Members? You are okay? Okay, let us commence the business of the day.

COMMUNICATION FROM THE CHAIR PARTICIPATION IN ANNUAL DONATION BLOOD DRIVE

Hon. Speaker: I have a communication to make Hon. Members. Hon. Members, last week I communicated to you about our partnership with Rotary Club in the annual blood drive campaign. The exercise is currently underway within the County Assembly precincts. As you are aware, blood donation is a critical aspect of healthcare often saving lives in emergencies, surgeries and for patients with chronic conditions.

Our community relies heavily on the generosity and support of individuals like you to ensure adequate and steady blood supply. In alignment with our commitment to serving our constituents and promoting public health, I urge each of you to consider participating in this noble cause by donating blood.

Your contribution no matter how small can make a significant difference in someone's life. The blood drive is set up conveniently within the County Assembly premises making it accessible for all of us to contribute without disrupting our duties.

Your participation not only exemplifies your dedication to public service but also sets a commendable example for our constituents and the broader community. I encourage you to prioritize this opportunity to give back to our community and demonstrate our collective commitment to humanitarian process.

I also urge you to invite your families, friends and electorates to participate in this cause tomorrow when the campaign will be open to the public. Members I know you are aware we started this exercise yesterday and it is going through to tomorrow.

I want to thank you for what you did yesterday though I was not around I understand you managed to get Members to donate and it was really awesome. Thank you very much for that exercise but we have not yet completed so encourage families to come over tomorrow and participate in this noble exercise. Thank you, Hon. Members.

PAPERS LAID

VARIOUS PAPERS

Hon. Speaker: We have Papers to lay down and on that basis I wish to invite Hon. Nicholas Nzioka, Majority Leader and MCA Machakos Central Ward to come forward and lay several Papers before us.

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, Tuesday 20th February, 2024;

- (i) The Machakos County Supplementary 2 Budget Estimates for FY 2023/2024;
- (ii) Full Year Departmental performance report for the FY 2022/2023 for the Department of Education and ECDE Services;
- (iii) Half Year Departmental Performance report for the FY 2023/2024 for the Department of Education and ECDE Services;
- (iv) Full Year Departmental performance report for the FY 2022/2023 for the Department of Vocational and Skills Training;
- (v) Half Year Departmental Performance report for the FY 2023/2024 for the Department of Vocational and Skills Training;
- (vi) Second quarter Departmental performance report of the FY 2023/2024 for the Department of Culture and Tourism;
- (vii) Quarterly Reports and Financial Statements for the period ended December 2023 for the following Municipalities:
 - (a) Machakos Municipality.
 - (b) Mavoko Municipality.
 - (c) Tala-Kangundo Municipality.
- (viii) Intergovernmental Agreement on the Establishment of County Aggregation and Industrial Parks between the National Government through the Ministry of Investment, Trade and Industry, State Department for Industry and the County Government of Machakos;
- (ix) Intergovernmental Conditional Allocations Transfer Agreement;
- (x) Half year Departmental performance report for the financial year 2023/24 for the Department of Livestock and Fisheries Development;
- (xi) First and second quarters Departmental performance reports for the financial year 2023/24 for the Cooperative Development and Marketing.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. The said papers are laid to various Committees in this order:

- Paper (i) to be committed to the Budget and Appropriations Committee.
- Paper (ii) to be committed to the Education and Social Services Committee.
- Paper (iii) to be committed to the Education and Social Services Committee.
- Paper (iv) to be committed to the Education and Social Services Committee.
- Paper (v) to be committed to the Education and Social Services Committee.
- Paper (vi) to be committed to the Culture and Tourism Committee.
- Paper (vii) to be committed to the Decentralized Units and County Administration Units Committee.

Paper (viii) to be committed to the Budget and Appropriations Committee.
Paper (ix) to be committed to the Budget and Appropriations Committee as well.
Paper (x) to be committed to the Agriculture Committee.
Paper (xi) to be committed to the Agriculture Committee as well.

Thank you, Hon. Members.

CALENDAR OF THE ASSEMBLY FOR THE
THIRD SESSION OF THE THIRD ASSEMBLY

Hon. Speaker: Now may I invite Hon. Stephen Mwanthi, Deputy Speaker, MCA Ekalakala Ward to come forward and lay some other Papers.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. I will be holding brief for the Deputy Speaker since he is not in the House. Hon. Speaker, pursuant to Standing Order 25, I wish to lay the following Paper on the table of the Assembly today, Tuesday 20th February, 2024; the Calendar of the Third Assembly for the third Session.

Hon. Speaker: Thank you, Hon. Majority Leader. May I also invite Hon. Philip Ndolo, chairperson Public Accounts and Investment Committee to come forward and lay some other papers. Proceed Hon. Ndolo

REPORT OF AUDITOR GENERAL ON FINANCIAL
STATEMENTS OF TWO COUNTY ENTITIES

Hon. Philip Ndolo (Mitaboni, UDA): Thank you, Madam Speaker. Hon. Speaker, I wish to lay the following Papers on the floor of the House today, Tuesday, 20th February, 2024:

- (i) Report of Auditor General on the financial Statements of Machakos County Bursary Fund for the year ended 30th June, 2022.
- (ii) (ii) Report of the Auditor-General on Receiver of Revenue financial statements for FY2021/2022.

Thank you.

(All the Papers were laid on the Table)

Hon. Speaker: Thank you, Hon. Member

NOTICES OF MOTIONS

Hon. Speaker: May I invite Hon. Stephen Mwanthi and perhaps Hon. Nzioka is holding his brief to come forward and give a notice of motion.

CALENDAR OF THE ASSEMBLY FOR THE
THIRD SESSION OF THE THIRD ASSEMBLY

Hon. Nicholas Nzioka (Masinga Central, WDM-K): Yes, indeed Madam Speaker, I am holding brief for the Deputy Speaker.

Hon. Speaker, that aware that the Calendar enables the Assembly to plan the execution of its business and it sets out a schedule of days for the House Sittings and days of recess;

Aware that Standing Order 24(1) provides that the regular Sessions of the Assembly shall commence on the Second Tuesday of February and terminate on the first Thursday of December.

Hon. Speaker, Further aware that Standing Order 25(1) requires the House Business Committee, with the Approval of the Assembly, to draw up the Calendar of the Assembly;

Aware that Standing Order 25(2) provides that once the Calendar of the Assembly is approved by the House it shall be published in the Gazette, the Assembly website and at least two newspapers of national circulation; Acknowledging the House business Committee prepared the Calendar of the Third Session of the Third Assembly;

Hon. Speaker, I wish to give notice of the motion THAT pursuant to Standing Order 25(1) this House approves the Assembly Calendar for the Third Session of the Third Assembly as annexed in the Order Paper.

Thank you, Madam Speaker.

Hon. Speaker: Thank you very much. Hon. Member. May I also invite Hon. Philip Ndolo, Chairperson Public Accounts and Investments Committee to come forward and give another notice of motion?

FINANCIAL STATEMENTS OF MACHAKOS COUNTY
BURSARY FUND FOR THE YEAR ENDED 30TH JUNE, 2022

Hon. Philip Ndolo (Mitaboni, UDA): Thank you, Madam Speaker. I am going to lay two notices of motions.

Hon. Speaker, that aware that Article 229(5) of the Constitution provides that “the Auditor-General may audit and report on the accounts of any entity that is funded from public funds;

Further aware that, Article 229(7) of the Constitution that states that Audit Reports shall be submitted to Parliament or the relevant County Assembly

Cognizant that the report of Auditor General on the financial Statements of Machakos County Bursary Fund for the year ended 30th June, 2022 was received in the Assembly pursuant to Article 229(7) of the Constitution.

Further aware that the report was committed to the committee of Public Accounts and Investments pursuant to Standing Order 185(2)(b) and (c) that states that “the Public Accounts and Investments Committee shall be responsible for examination of reports, accounts and workings of the County Public Investments and whether the affairs of the public investments are being managed in accordance with sound financial or business principles and prudent commercial practices.”

Aware that the committee after receipt of the report conducted several meetings with the Accounting Officer pursuant to Article 226(2) of the Constitution that provides that the Accounting Officer of a County public entity is accountable to

the County Assembly for its financial management and consequently compiled a report.

Hon. Speaker, I wish to give Notice of Motion THAT this House discusses and approves the report of Auditor General on the financial Statements of Machakos County Bursary Fund for the year ended 30th June, 2022.

FINANCIAL STATEMENTS OF RECEIVER OF
REVENUE FOR THE YEAR ENDED 2021/2022

Hon. Speaker, that aware that Article 229 (5) of the Constitution provides that “the Auditor-General may audit and report on the accounts of any entity that is funded from public funds;

Further aware that, Article 229(7) of the Constitution that states that Audit Reports shall be submitted to Parliament or the relevant County Assembly;

Cognizant that the report of the Auditor-General on Receiver of Revenue financial statements for FY 2021/2022 was received in the Assembly pursuant to Article 229(7) of the Constitution;

Further aware that the report was committed to the committee of Public Accounts and Investments pursuant to Standing Order 185(2)(b) and (c) that states that “the Public Accounts and Investments Committee shall be responsible for examination of reports, accounts and workings of the County Public Investments and whether the affairs of the public investments are being managed in accordance with sound financial or business principles and prudent commercial practices;”

Aware that the committee, after receipt of the report, conducted several meetings with the Accounting Officer pursuant to Article 226(2) of the Constitution that states that the Accounting Officer of a County public entity is accountable to the County Assembly for its financial management and consequently compiled a report;

Hon. Speaker, I wish to give Notice of Motion THAT this House discusses and approves the report of the Auditor-General on Receiver of Revenue financial statements for FY 2021/2022.

Thank you.

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

MOTION

CALENDAR OF THE ASSEMBLY FOR THE
THIRD SESSION OF THE THIRD ASSEMBLY

Hon. Speaker: May I at this point invite the Majority Leader to come forward, I still believe you are holding brief for the Hon. Stephen Mwanthi and move that motion.

Hon. Nicholas Nzioka (Masinga Central, WDM-K): Yes, indeed Madam Speaker I am still holding brief for the Deputy Speaker.

Hon. Speaker, that aware that the Calendar enables the Assembly to plan the execution of its business and it sets out a schedule of days for the House Sitings and days of Recess;

Aware that Standing Order 24(1) provides that the regular Sessions of the Assembly shall commence on the Second Tuesday of February and terminate on the first Thursday of December;

Hon. Speaker, Further aware that Standing Order 25(1) requires the House Business Committee, with the Approval of the Assembly, to draw up the Calendar of the Assembly;

Aware that Standing Order 25(2) provides that once the Calendar of the Assembly is approved by the House it shall be published in the Gazette, the Assembly website and at least two newspapers of national circulation;

Acknowledging the House business Committee prepared the Calendar of the Third Session of the Third Assembly;

Hon. Speaker, I wish to give notice of the motion THAT pursuant to Standing Order 25(1) this House approves the Assembly Calendar for the Third Session of the Third Assembly as annexed in the Order Paper.

I call upon the Deputy Minority Leader to second.

Hon. Speaker: Proceed.

Hon. Francis Kavyu (Kinanie, M CCP): seconded.

Hon. Speaker: Thank you, Hon. Member for that.

(Question proposed)

I invite Members to debate that motion and before I do so I invite the Majority Leader to give us highlights of the report that is attached thereto.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. This is the report of the House Business committee on the third Calendar on the Third Session. With your permission I wish to move to the core of the report that is the calendar of the Assembly because the other issue is just the introduction, the mandate of the committee, acknowledgement and the committee composition. Can I proceed?

Hon. Speaker: That is in order.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you. Hon. Speaker. Hon. Speaker, in coming up with the Calendar, the Committee was guided by Standing Order 24(1), (3) and (4). In this regard, the committee makes the following recommendations for the Calendar of the Assembly in the Third Session:

- i. The Session commenced on Tuesday, 13th February, 2024 and terminates on Wednesday, 4th December, 2024 with a total number of one hundred and twenty (120) plenary sittings.
- ii. The First part is divided into two sections. *(See annex of the calendar).*

- iii. The First section runs from Tuesday, 13th February, 2024 to Wednesday, 20th March, 2024.
- iv. This will be followed by a short Recess of 19 days starting from 21th March, 2024 to 8th April, 2024.
- v. The Second section will commence on Tuesday, 9th April, 2024 and will run up to Wednesday, 15th May, 2024.
- vi. The first part will be completed by a short recess which will commence on Thursday, 16th May, 2024 and run up to Monday, 10th June, 2024 when the Second part will begin (44 sittings).
- vii. The second part is divided into two sections. (*See annex of the calendar*).
- viii. The First section runs from Tuesday, 11th June, 2024 to Wednesday, 17th July, 2024.
- ix. This will be followed by a short recess of 19 days starting from 18th July, 2024 to 5th August, 2024.
- x. The Second section will commence on Tuesday, 6th August, 2024 and will run up to Wednesday, 4th September, 2024.
- xi. The second part will be completed by a short recess which will commence on Thursday, 5th September, 2024 and run up to Monday, 1st October, 2024 when the third part will begin (44 sittings).
- xii. The Third part is divided into two sections. (*See annex of the calendar*).
- xiii. The First section runs from Tuesday, 2nd October, 2024 to Wednesday, 23rd October, 2024.
- xiv. This will be followed by a short recess of 19 days starting from 24th October, 2024 to 11th November, 2024.
- xv. The Second section will commence on Tuesday, 12th November, 2024 and will run up to Wednesday, 4th December, 2024.
- xvi. The third part will be completed by a long Recess which will commence on Thursday, 5th December, 2024 and run up to Monday, 10th February, 2025 when the fourth session will begin (32 sittings). However, it should be noted that Committee Sittings will commence on Monday, 10th January, 2024.

Hon. Speaker, the recommendations on the proposed sittings of the Assembly and Recesses have been made taking into account calendar of other legislatures such as the National Assembly, timelines of the budget cycle such as Submission of the County Fiscal Strategy Paper which ought to be submitted by 28th February, 2024, the Budget Estimates for the FY 2024/2025 which ought to be submitted by 30th April, 2024 among other important Public Holidays like Mashujaa day.

Hon. Speaker, the sittings of the House shall be as per the provisions of Standing Order 27(1) and as such the Sittings of the House will be on Tuesdays and Wednesdays at 10.00 a.m. (morning) and 2.30 p.m. (afternoon).

CONCLUSION

Hon. Speaker, the calendar of the Assembly once approved shall be published in the Gazette, the Assembly Website and at least in two newspapers of National circulation pursuant to Standing Order 25(2). This will enable the County Assembly stakeholders such as the Executive, Senate, Development Partners, Civil Societies, and the Public among others to participate in Assembly activities accordingly. I urge this Hon. House to approve the Calendar for the smooth operations of the Assembly in the discharge of its Constitutional and Statutory mandate.

Hon. Speaker, it is therefore my duty and privilege to present this Calendar of the Assembly to this Hon. House for review and approval.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Majority Leader. Can we now move and debate this motion. Hon. Helen Ndeti.

Hon. Helen Ndeti (Nominated, WDM-K): Thank you, Madam Speaker. I wish to support the report that has been read by our Majority Leader representing the House Business Committee. I feel this is a committee with 13 Members and they must have looked at all details required for them to come up with this report. So I feel and I am convinced it is a good report. I support.

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

Hon. Boniface Katiti (Muthetheni, UDA): Thank you, Madam Speaker. As a Member of the House Business Committee, I do applaud my colleagues, the Clerk Assistants who on Thursday and Friday last week took their time to prepare this House Calendar. We took everything that was required and looked at times and I think we arrived at the right document because the time for recess is taken care of, the time for sittings and occasions are taken care of. So I wish and request that we adhere to what we have come up with so that as a House we comply with what is written in the Calendar. So I support.

Hon. Speaker: Thank you very much, Hon. Member. Hon. Ndalana then Hon. Minority Leader and then Hon---

Hon. Margaret Ndalana (Nominated, MCCP): I support the report and I have kind request to the Members; let us love each other and leave space for God. Thank you.

(Applause)

Hon. Speaker: Thank you very much, Hon. Ndalana. Hon. Kavyu.

Hon. Francis Kavyu (Kinanie, MCCC): Thank you, Madam Speaker. I stand to support the report because most of the items have been well-captured but Madam Speaker I was also having a proposal because during the recess period, we spent most of the time with our electorates so in the coming budget, Madam Speaker, I will propose that we factor in budget so that during that time we can have public engagement with our people so that when we go to your ward you have an engagement, they can get water and you can also facilitate some other logistics.

The recess times are good but it is not easy when you are out there for nine weeks interacting with electorates so we need to see if we can have a kitty that will facilitate the members to move across their wards as a way of trying to identify some of the representation and may be areas of gaps that need to be brought to this House. This is because most of the time when we are in session, we spend most of the time either in committees trying to represent their issues and rarely do we have time to go back and have a sit down with them so that we can get feedback.

So it is just a proposal that this coming budget, let us have that factored so that the elected and even the special members that have been nominated can also have time to go and check at the special groups that they were nominated to represent. Thank you.

(Applause)

Hon. Speaker: Thank you very much, Hon. Kavyu. Hon. Johana.

Hon. Johana Munyao (Mutituni/Ngelani, MCCC): Thank you, Madam Speaker. I stand to support the report. Madam Speaker, the Calendar for the Session is enough evidence that we have done the planning for the Assembly sittings from the beginning to when we expect to end the Session and that is very important because we can be able to tell what we will be doing as a House even up to the end of the year. Madam Speaker, I have noted at times us Members we forget that we also have the mandate to do an amendment as a House to our Calendar if need arises but at times we pass the Calendar and midway we start also questioning why we are not being invited either for committees or other forums which are out of the Calendar which was approved in this same House.

So I would wish to urge the Members that as we pass or as we approve the Calendar today it is important to take note that all the considerations which have been stated there, the Calendar for other legislatures are public holidays and other events which have been considered that was enough groundwork done but all the same it is important to take also into consideration that we have the mandate to amend the Calendar to suit because we are living in a dynamic society. We cannot tell what will come up in the course of the calendar so as of now to me it is a nice calendar which plans our events and I stand to approve. Thank you.

Hon. Speaker: Thank you very much, Hon. Johana, Hon. Peter then Hon. Don.

Hon. Peter Kilonzo (Mbiuni, UDA): Thank you so much, Madam Speaker. I stand first of all to acknowledge good work that has been done by the committee and that one is commendable. Madam Speaker, mine is just a concern that we have this long recess. Madam Speaker, I have experienced a long recess that was running from up to February. I want to ask

whether it is necessary for us to have that long recess yet the people the Calendar is envisaging for us to go and meet, we are meeting them every time and in all functions.

Madam Speaker, during this long recess the committees are suspended. You find that the little which you had saved you send us to go and interact with those people with empty pockets. It is becoming very hard.

Madam Speaker I want to understand the concept that during the long recess, I got a salary and a salary was a guarantee and proof that I was still working. Then I want to ask; what happened that we cannot get the mileage because the same analogue which is giving me salary should be the same analogue which should give me my mileage because I am not staying at home. Madam Speaker, kindly you can intervene and I would be very happy. Thank you so much and Madam Speaker we say that the voice of people is the voice of God. The voice of PK is the voice of God. Thank you, Hon. Speaker.

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

Hon. Paul Wambua (Kibauni, PTP): Thank you, Hon. Speaker. First of all, I want to congratulate my colleagues in HBC for coming up with good work of coming up with House Calendar. Madam Speaker, I have also noted the issues raised here about long recess; I have a different opinion Madam Speaker. A long recess of for Members to go back and reflect so I do not think we will need any money to meet electorates. If we need any money, then we will need to have it in the budget every time we are in this Assembly because we have a duty to meet our people every other day. So Madam Speaker, I support the report of course with the window of making amendments depending on the times we are living. Thank you very much, Madam Speaker.

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

Hon. Everlyn Nzeki (Kangundo East, MCCP): Thank you, Hon. Speaker. I stand to support the Calendar and as a Member of House Business simply because as you can see it has captured the key Calendar considerations and given proper timelines. So I plea to the House so that we may avoid the rush of approving documents and important matters in the House the last minute so let us adhere to the timelines. Thank you.

Hon. Speaker: Thank you very much. Perhaps I should comment on what two members have voiced about long recess and issues of committee meetings and of course being paid salaries in the course of the same period. I want to believe this sitting is about the Calendar approval and all those that are related to the Calendar can be discussed in a different sitting because if you go to the nitty gritty of what we do over the recess then we are getting out of point at this point so I suggest that we can have that interaction; it is very important points that have come out here but we can have it in another sitting. Thank you Hon. Members. I wish to call upon the mover of the motion to come and reply.

Hon. Nicholas Nzioka (Machakos Nzioka, WDM-K): Thank you, Hon. Speaker. I wish to thank the Hon. Members for approving the Calendar of the third session so that it gives us an estimate of where we are going but of course I agree with Mheshimiwa Johana as and when we see there is gap then we can go back to HBC and review from time to time depending on circumstances and issues that arise from day to day so thank you very much Hon. Members.

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

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: The House adjourns to Tuesday 20th March 2024 at 2.30 p.m. See you then Members.

The House rose at 11.42 a.m.