

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



County Hall
Along Mwatu wa Ngoma Rd
P O Box 1168 - 90100
MACHAKOS - KENYA



Email: assemblymks@gmail.com

DATE: 9.04.2024

**THE FOURTH REPORT OF COMMITTEE ON SELECTION
ON
SUBSTITUTION AND NOMINATION OF MEMBERS TO COMMITTEES**

APRIL, 2024

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1.0 PREFACE

1.1 Establishment of the Committee

1. The Committee on Selection is one of the select committees of the County Assembly established pursuant to Standing Order No. 152(1) which provides that; there shall be a select committee, to be designated Selection Committee, consisting the Leader of the Majority party, who shall be the chairperson, the Leader of the Minority party and not less than seven and not more than eleven other members, who shall be nominated by Assembly parties and approved by the House.

1.2 Mandate of the Committee

2. The mandate of the Committee is provided for under Standing Order 152(2) and states that, *the Committee on Selection shall nominate or substitute members to serve in Committees, save for the membership of the House Business Committee and Committee on Appointments.*

1.3 Committee Membership

3. The Committee on Selection as currently comprises of the following Honorable Members:
 - (1) Hon. Nicholas Nzioka - Chairperson / Majority leader
 - (2) Hon. Judas Ndawa - Minority Leader
 - (3) Hon. Catherine Kyee
 - (4) Hon. Catherine Muia
 - (5) Hon. Stephen Mwanthi
 - (6) Hon. Charles Mbuva
 - (7) Hon. Felix Ngui
 - (8) Hon. Margaret Ndalana
 - (9) Hon. Douglas Musyoka
 - (10) Hon. Paul Mwanzia
 - (11) Hon. Philip Ndolo
 - (12) Hon. Justus Mutuku
 - (13) Hon. Phoebe Koki

1.4 Committee Secretariat

4. In executing its task, the committee was facilitated by the following secretariat:
 - (a) Mr. Dominic Musyoka - HoD, Procedure and Committee Services
 - (b) Judith Nzuki - Clerk Assistant
 - (c) Ms. Emma Nthenya - Hansard Officer
 - (d) Mr. Jonathan Muli - Commissionaire

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1.5 Acknowledgement

5. The Committee on Selection is grateful to the Office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the execution of this task. I wish to express my appreciation to the Honorable Members of the Committee who sacrificed their time to participate in the exercise of nomination and substitution of Members to committees and in preparation of this report.

2.0 BACKGROUND

2.1 Nomination and Substitution of Members to Committees

6. Article 124(1) of the Constitution provides that, each House of Parliament may establish committees, and shall make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees.
7. Section 14(1) of the County Governments Act provides that, a county assembly -
 - (a) *may make standing orders consistent with the Constitution and this Act regulating the procedure of the county assembly including, in particular, orders for the proper conduct of proceedings; and*
 - (b) *Subject to standing orders made under paragraph (a), may establish committees in such manner and for such general or special purposes as it considers fit, and regulate the procedure of any committee so established.*
8. Further, Section 14(4) of the County Governments Act provides that, *the County Assembly shall in establishing committees under this section ensure that each member of the County Assembly is appointed to at least one committee.*
9. Standing Order 152(2) provides that, *the Committee on Selection shall nominate or substitute members to serve in Committees, save for the membership of the House Business Committee and Committee on Appointments.*
10. Standing Order 153 provide for nomination of Members to select committees as follows:
 - (1) *Unless otherwise provided by any written law or these Standing Orders, the Committee on Selection shall, in consultation with Assembly parties, nominate Members who shall serve on a Select Committee.*
 - (2) *The Committee on Selection shall give consideration to the need for gender balance and shall, so far as is practicable, ensure that no more than two-thirds of membership of a Committee, including a Committee established through a resolution of the House, are of the same gender.*
 - (3) *A vacancy occasioned by the resignation or removal of a Member from a Select Committee shall be filled within fourteen days of the vacancy.*
 - (4) *A Member against whom an adverse recommendation has been made in a report of a Select Committee that has been adopted by the Assembly shall be ineligible for nomination as Member of that Committee.*
11. Further, Standing Order 154 provides for the criteria for nomination as follows:
 - (1) *In nominating Members to serve on a select committee, the Selection Committee shall*

ensure that the membership of each Committee reflects the relative majorities of the seats held by each of the Assembly parties in the Assembly.

- (2) Despite paragraph (1), a member belonging to a party other than an Assembly party or Independent Member may be nominated to serve in Select Committee and the allocation of membership of Select Committees shall be as nearly as practicable proportional to the number of members belonging to such parties and Independent Members.*
- (3) Except as the Assembly may otherwise resolve, on the recommendation of the Committee on Selection for reasons to be stated, no member shall be appointed to serve in more than two Sectoral committees.*

12. In addition, Standing Order 155 provides for approval of nomination as follows:

- (1) The Selection Committee shall, within seven days upon nomination of members to serve in any Committee of the House, present the list to the House for approval.*
- (2) Whenever a Motion for approval of a list under paragraph (1) is moved in the House, no objection against the proposed membership of a Member in a Select Committee shall be permitted and objections, if any, shall be formulated against the proposed membership as a whole.*
- (3) A Member shall not be a member of a Committee of the House, unless the nomination of such Member into the Committee is approved by the House.*

13. Further, Standing Order No. 156 provides for discharge of a member from a committee:

- (1) The Assembly party that nominated a member to a Select Committee may discharge a member from a Select Committee after according the member an opportunity to be heard.*
- (2) The Assembly Party Whip of the party that nominated the member to a select Committee shall give notice in writing accompanied with evidence that the affected member was .Select Committee.*
- (3) The Speaker shall, within three days of receipt of the notice under paragraph (2) inform the member of the notice and the discharge shall take effect forthwith.*

3.0 SUBSTITUTION AND NOMINATION OF MEMBERS TO COMMITTEES

3.1 Substitution and Nomination of members to Committees

14. The Committee on Selection held a meeting on 4th April, 2024 and pursuant to Standing Order 152(2) substituted and nominated members in Committees.
15. The major purpose for this exercise was:
- To enhance efficiency in Committees as the Selection Committee had received concerns from Assembly parties on changes in Assembly party re-alignments and loyalty.
 - To ensure membership in each of the Committees reflect relative majorities of seats held by each of the Assembly parties in the Assembly pursuant to Standing Order 154(1). The party strengths for committees with 13 members are: Wiper Democratic Movement Kenya (Wiper) – 6, Maendeleo Chap Chap Party (MCCP) – 4, United Democratic Alliance (UDA) – 2, and Peoples Trust Party (PTP) – 1.
16. Guided by Standing Orders 152(2) and 154(1), the Committee on Selection undertook substitution and nomination of Members in Committees as shown in table 3.1 below whereby, Members in column 3 were substituted with Members in column 4.

Table 3.1: Substitution and Nomination of Members in Committees

S.N	COMMITTEE	OUT	IN
1.	Trade, Economic Planning & Industrialization	1. Hon. Dee Kivuva 2. Hon. Mathias Muasya 3. Hon. Matthew Ndunda	1. Hon. Farhiya Abdi 2. Hon. Philip Ndolo 3. Hon. Mathias Muasya
2.	Education & Social Services	1. Hon. Erick Wambua	1. Hon. Anna Ndilo
3.	Justice & Legal Affairs	1. Hon. Joshua Mwonga 2. Hon. Ruth Wanjiru	1. Hon. Benjamin Kyule 2. Hon. Boniface Katiti
4.	Agriculture	1. Hon. Benjamin Kyule	1. Hon. Joshua Mwonga
5.	Finance & Revenue Collection	1. Hon. Philip Ndolo	1. Hon. Boniface Katiti
6.	Environment & Natural Resources	1. Hon. Nicholas Nzioka 2. Hon. Boniface Katiti	1. Hon. Erick Wambua 2. Hon. Phillip Ndolo
7.	Labour, Public Service & ICT	1. Hon. Rose Benjamin 2. Hon. Mathew Ndunda	1. Hon. Anna Ndilo 2. Hon. Nicholas Nzioka
8.	Social Welfare & Sports	1. Raphael Lucky	1. Hon. Dee Kivuva
9.	Lands & Energy	1. Hon. Stephen Mwanthi	1. Hon. Ruth Wanjiru
10.	Devolution & Intergovernmental Relations	1. Hon. Anna Ndilo	1. Hon. Rose Benjamin
11.	Delegated Legislation	1. Hon. Mathew Ndunda 2. Hon. Farhiya Abdi 3. Hon. Dee Kivuva	1. Hon. Catherine Kyee 2. Hon. Catherine Muia 3. Hon. Raphael Lucky
12.	Procedure & Rules	1. Hon. Boniface Katiti	1. Hon. Mathew Ndunda

4.0 RECOMMENDATIONS

17. Pursuant to Standing Order 155, the Committee on Selection recommends that the House approves the appointment of Members substituted and nominated to the following twelve

(12) Committees as contained in this report and as in table 3.1

(i) **Trade, Economic Planning and Industrialization;**

- (a) Hon. Farhiya Abdi (WIPER)
- (b) Hon. Hon. Philip Ndolo (UDA)
- (c) Hon. Mathias Muasya (INDPNT)

(ii) **Education and Social Services;**

- (a) Hon. Anna Ndilo (UDA)

(iii) **Justice and Legal Affairs;**

- (a) Hon. Benjamin Kyule (WIPER)
- (b) Hon. Boniface Katiti (UDA)

(iv) **Agriculture;**

- (a) Hon. Joshua Mwonga (WIPER)

(v) **Finance and Revenue Collection;**

- (a) Hon. Boniface Katiti (UDA)

(vi) **Environment and Natural Resources;**

- (a) Hon. Erick Wambua (PICK)
- (b) Hon. Phillip Ndolo (UDA)

(vii) **Labour, Public Service and ICT;**

- (a) Hon. Anna Ndilo (UDA)
- (b) Hon. Nicholas Nzioka (WIPER)

(viii) **Social Welfare and Sports**

- (a) Hon. Dee Kivuva

(ix) **Lands and Energy;**

- (a) Hon. Ruth Wanjiru (CCU)

(x) **Devolution and Intergovernmental Relations;**

- (a) Hon. Rose Benjamin (UDA)

(xi) **Delegated Legislation**

- (a) Hon. Catherine Kyee (WIPER)
- (b) Hon. Catherine Muia (WIPER)
- (c) Hon. Raphael Lucky (WIPER)

(xii) **Procedure and Rules**

- (a) Hon. Mathew Ndunda

SIGN.....

DATE.....09/04/2024

**HON. NICHOLAS NZIOKA (MAJORITY LEADER/MCA – MACHAKOS CENTRAL)
CHAIRPERSON – COMMITTEE ON SELECTION**



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Second Assembly

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Adoption schedule for the Fourth Report of the Committee on Selection on Substitution and Nomination of Members to Committees

The report was adopted by the following Members:

Date: 8th April, 2024

	Member	Signature
1.	Hon. Nicholas Nzioka	
2.	Hon. Judas Ndawa	
3.	Hon. Stephen Mwanthi	
4.	Hon. Charles Mbuva	
5.	Hon. Felix Ngui	F.M
6.	Hon. Margaret Ndalana	
7.	Hon. Douglas Musyoka	
8.	Hon. Paul Mwanzia	P.M
9.	Hon. Philip Ndolo	P.N
10.	Hon. Catherine Kyea	
11.	Hon. Catherine Muia	
12.	Hon. Phoebe Koki	PK
13.	Hon. Justus Mutuku	