

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

**OFFICIAL REPORT**

**Tuesday, 30<sup>th</sup> April, 2024**

The House met at 11.03 a.m.

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

**PRAYERS**

**Hon. Brian Kisila** (Makutano/Mwala, MCCP): Point of order, Mr. Speaker

**Hon. Deputy Speaker:** Point of order, Hon. Brian.

**Hon. Brian Kisila** (Makutano/Mwala, MCCP): I was sitting down because we did not have the quorum but now we have. Thank you, Mr. Speaker.

**MOTIONS**

APPROVAL OF MOTION ON EXTENSION OF REPORTING TIME

**Hon. Deputy Speaker:** Hon. Members, under this one, we have Hon. Loyd.

**Hon. Loyd Mutua** (Nominated): I wish to read the motion.

Hon. Speaker, that aware that the Committee on Procedure and House Rules as established in Standing Order 187 is mandated to consider and report on all matters relating to Standing Orders;

Aware that pursuant to Standing Order 227(1), the Committee via a letter dated 2nd April, 2024 received a request for proposed amendments from Hon. Jackson Ndaka and was tabled before the Committee the same day;

Informed that pursuant to Standing Order 227(4), the Procedure and House Rules Committee after receipt of a request for amendments is required to table a report in the House within 21 days;

Cognizant that the stated timelines for the request of the proposed amendments for Hon. Jackson Ndaka expired on Monday, 22nd April, 2024 and the Committee has not completed compiling the report;

Hon. Speaker, I wish to move the Motion THAT this House discusses and approves that the Committee on Procedure and House Rules be granted extra 21 days to finalize the report for tabling in the House as provided in Standing Order 227(4).

I wish to ask Hon. Kavaa to second the motion, Mheshimiwa Dickson Maundu.

**Hon. Dickson Maundu** (Kangundo Central, MCCP) seconded.

**Hon. Deputy Speaker:** Thank you, Hon. Loyd and thank you Hon. Dickson for seconding the motion.

*(Question proposed)*

I now invite Members to debate the motion. Hon. Helen.

**Hon. Helen Ndeti** (Nominated, WDM-K): Thank you, Mr. Speaker. I am a bit confused and I need somebody to enlighten me; I see this motion is about extension of reporting time. Is it reporting time by the Assembly or by the committee? I need to be put in the know.

**Hon. Deputy Speaker:** Yes, Hon. Ngunga.

**Hon. Francis Ngunga** (Mua, MCCC): Thank you, Mr. Speaker, for today's sitting and I hope Members made it to the Assembly aware that we had a lot of rains especially those of you who come from the low lands. I am happy to see Hon. Ndawa here. It must have been a task to get here and that means the determination for Members to be in the Assembly. I can see Mheshimiwa from Ndithini who must have crossed---

**Hon. Deputy Speaker:** Hon. Ngunga, I believe Members were granted some mortgage monies so they should be here.

**Hon. Francis Ngunga** (Mua, MCCC): That is actually where I am coming. You realize that we almost missed quorum and this is expected. So, I want to appreciate Members for finding time to be here for this very serious sitting but at the same time, while Mheshimiwa Helen is seeking for clarification from the mover on extension of reporting time. I think what the mover is asking is for them to be given 21 more days so that they finish the business that the amendments but Mheshimiwa Speaker, I think I will be of a different opinion.

This House has become a House of extensions because when the Speaker comes here and he gives business to a committee it is up to that committee to take up responsibility and report timeously. Every other time we are having extension of time, extension of time, this time round, while it is good they have not been able to finish their business but we need to limit those days. 21 days is equally the same time they were given. It means that this people have not been sitting, this is a committee of three or four Members chaired by the Speaker. If it is that important because we are looking at a situation where the Chief Officers will be summoned in the House and it is already beyond time.

We have a lot of business we need to do with them so Mheshimiwa Loyd when you are saying that we give you 21 days, *nyinyi mnazembea kwa kazi yenu*. I will be proposing that we give them extra time of course if the business is not finished but we cut the time by half. I think 10 days would be adequate for you. Otherwise, you guys will need to pack and go. Thank you.

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Ndawa.

**Hon. Mbili Ndawa** (Matuu, MCCC): Thank you, Mr. Speaker, for this opportunity. I want to say it is becoming a trend and there nothing bad than a trend. If we allow every time the Chair or Members of committees to come and seek extensions Hon. Speaker; the wise men say, a change needed in a grandson has to begin with the grandfather and the grandmother going down. Hon. Speaker, this committee is chaired by the senior-most in this assembly and if the committee is not able to meet timelines which the Speaker herself set; it going to be very unfair.

Again, I will propose in future if any committee is seeking for extension the request must be accompanied by reasons as to why they could not meet that deadline. So, I oppose the granting of extension.

**Hon. Deputy Speaker:** Hon. Majority Leader.

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Thank you, Mr. Speaker. It is a normal practice for committees to seek extension of time. They have said they do not have a report ready or their work is not finished and I think that is a reason unless Hon. Members you want the committee to bring a half-baked report. So, I highly support that we grant them the 21 days extension but with a caveat that we are not going to have any more extensions so that they bring a report.

I do not know why the Chairperson being the Speaker does not arise. It is not something that should be the yardstick. The yardstick is they do not have a report that can be represented in this House. So, they should be granted the extension they seek just like any other committee.

**Hon. Deputy Speaker:** Allow him to finish please.

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Thank you, Mr. Speaker. Sometimes these orders are also becoming so frequent just like the extensions. So, I seek that we give the committee 21 days to finish their job, Mr. Speaker, please.

**Hon. Deputy Speaker:** Thank you Hon. Majority Leader. Hon. Muoki.

**Hon Muoki wa Musila** (Ndithini, WDM-K): Thank you, Mr. Speaker. I rise to oppose the extension and with a caveat as well because we should have known the gravity of this matter that you are trying to present so that we can equate it with the 21 days you are seeking. It could be something that you can even complete in a day so much as I would not want to give you more time maybe you should have given us the gravity of this matter so that we can say out of the 21 days, how many days we can approve. I would go for the least; one week. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Muoki. Hon. Kavyu.

**Hon. Francis Kavyu** (Kinanie, MCCP): Thank you, Mr. Speaker. I think there is nothing wrong with the Committee seeking extension but what we are opposed to is the aspect and it is not specific to this committee only; it is a trend we are witnessing in this House that business are committed and there is a reason why whether a Statement or report is requested in this House. For instance, last week there were requests on issue to do with flooding. After the expiry of the seven days which were supposed to be today, the committee that were tasked will come here and request for more extension then the report loses meaning because there is a reason and why the essence of strict timelines.

There are reports that we can have extensions but we should always weigh on the sensitivity of the matter because, an issue like the one that was presented with flooding; if the report is delayed, the results that were expected to be achieved will never be achieved. Mr. Speaker, I oppose the request to extend by 21 days and propose that the committee be granted seven days so that they can come back to the House. In future before just seeking for extension, a committee needs to give sufficient reasons as to why they were not able to complete the task and to what extent have they been able to go so that not just requesting for a blanket extension because if they were not able to do so in 21 days then they might not have started.

So it is always good to give the reasons as to why the report was not tabled in good time so that we can also become serious as a House. There is a reason why reports are sought on the floor of this House. So, Mr. Speaker I propose we grant an extension of seven days then in the next sitting they present the report and this should apply to all committees not only to this committee and by the virtue that it is chaired by the senior most person in the House, I think it should set a better example because we are going to follow the same suit.

We will sit there, do nothing and because we are sure that we are going to be granted an extension we just come and ask for the same. So we need to tackle the real challenges that are making people not to deliver on time whether internal or external, that is what we need to look at not just granting extension without knowing what is the cause. If we do not know the cause of the delays, we will never have the correct remedy for the same. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Kavyu. Hon. Brian.

*(Hon. Deputy Speaker consulted the Clerk at the Table)*

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): Thank you, Mr. Speaker. Your attention is being divided by the Clerk at the Table and normally men do not multi-task so I would suggest you either consult first and then I contribute.

**Hon. Deputy Speaker:** Proceed.

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): Thank you, Mr. Speaker. I am a member of that committee and I stand here to oppose the extension because the reason is---

*(Applause)*

Yesterday with Mheshimiwa Dickson, I sat outside the Speaker's office for 45 minutes from 3 o'clock to 3.45 p.m. Why; because Madam Speaker was in another meeting with the leadership. She should have delegated that task of meeting so that we can finish that business. Mr. Speaker, after waiting for 45 minutes, I decided to go and Mheshimiwa Dickson I sat there with you waiting.

It is high time all of us take the Assembly business seriously including Madam Speaker and also I am saying that keeping time for meetings has to be adhered to. Even this Assembly the reason why you see Members are not coming, sometimes we come here, morning sitting is supposed to start at 10.00 a.m. you find us starting at 11.20 a.m. and in the afternoon you find us starting at 3.30 p.m. So we are becoming a House which is not well-planned. Mr. Speaker, as a Member I want my brother Loyd who seems to have been ambushed to bring this motion, I want us to move an amendment that the report must come to this Assembly by Wednesday next week. Not one week, not 21 days, let us demand---

**Hon. Mbili Ndawa** (Matuu, MCCC): Point of information, Hon. Speaker.

**Hon. Deputy Speaker:** Just allow the Member to finish.

**Hon. Mbili Ndawa** (Matuu, MCCC): Information is very important.

**Hon. Deputy Speaker:** From the proposal?

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): The reason why I am in that situation is because yesterday I could not contribute---

**Hon. Mbili Ndawa** (Matuu, MCCC): Information.

**Hon. Brian Kisila** (Makutano/Mwala): I do not need the information Minority Leader. If I was in that meeting yesterday, we could have sat until midnight we finish the business. We could have pushed. So what I am saying is, as a Member of that Committee all of us, I know you cannot

move an amendment I understand, what I am seeking. The Speaker has also leeway to make that decision. 21 days is too long.

**Hon. Mbili Ndawa** (Matuu, MCCC): Kindly Hon. Speaker, allow me to inform the Member.

**Hon. Deputy Speaker:** Yes Hon. Ndawa

**Hon. Mbili Ndawa** (Matuu, MCCC): Thank you, Hon. Speaker. This House has only two options; either to approve the motion or disapprove the motion. The issue of amending is not applicable as of now because if any Member had intention to amend the or she ought to have given the Speaker in writing two hours before time and that is according to Standing Order 52. Thank you, Hon. Speaker

**Hon. Deputy Speaker:** Hon. Helen you had your time you cannot debate now.

**Hon. Helen Ndeti** (Nominated, WDM-K): Mr. Speaker, my time was just asking a question. I was in slumberland.

**Hon. Speaker:** Kindly, Hon. Helen, no and still Hon. Brian is on the floor

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): Thank you. Hon. Ndawa I am well informed and I think you are right and that means the motion fails flat out and I oppose it on the basis that if I was in the meeting yesterday, I could actually said we should not have brought that motion here. We should have burnt midnight oil to finish that business and bring it here.

Hon. Members my final submission is; let us take Assembly business seriously and this morning I was chairing Transport committee and I was reminding him that my Statement is due next week and he told me that they working round the clock to ensure that they bring that important response in the House. It is high time people realize that we are serious and we must start from the top. Any committee chaired by the Speaker must fully comply to the Standing Orders so I would be on the side of opposing because I was not here yesterday when doing this. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** I now call the mover to come and reply.

**Hon. Loyd Mutua** (Nominated, MCCC): Thank you, Mr. Speaker, I can see emotions are a little bit high. Mheshimiwa Ngunga we are going nowhere, whether the motion is accepted or not we will still be here. On the approval on the extension of this motion, the committee meets on Tuesday after the second plenary and the last two weeks we have been finishing plenary late which Mheshimiwa Kisila said that we sat at 3 o'clock and we have been finishing plenary at 5 p.m. and we could not meet those two sittings and that is the one that has necessitated us not to be able to finish the report.

We are almost done with the report but the problem is that majority of us do not understand the gravity of legal processes we are dealing with and I am really shocked and disappointed by Hon. Kisila because he is a member of that committee and he knows the reason as to why we managed that. Yesterday---

*(Hon. Kisila spoke of record)*

**Hon. Deputy Speaker:** Hon. Brian, the Member is replying.

**Hon. Loyd Mutua** (Nominated, MCCP): Yesterday I understand as to why the Chair, we could not meet at that time, she had a leadership meeting and they extended the time. We waited with Mheshimiwa Dickson up to the time we finished. We were leaving at around 5 p.m. and we were caught up by the rains that were there yesterday. So you could have waited as we waited as well. Mr. Speaker, I will still seek Members we be able to approve the motion so that we are able to finish the task ahead of us. Thank you, Mr. Speaker

**Hon. Deputy Speaker:** Thank you, Hon. Loyd.

### DIVISION

*(Question put and the House divided)*

**Hon. Deputy Speaker:** Hon. Members, it is required that if some members are not contented with the Speakers opinion, then at least five Members should be upstanding for the same and according to what I can see, six members have stood up for division so I will call the Clerk at the Table to arrange for voting. Hon. Members, the House is still on sitting. Order! Order! Let us have order please. Hon. Brian, kindly let us have order.

Hon. Members! Hon. Joshua Mwonga! Let us have order. Hon. Members, the Clerks at the Table are now ready for voting and they will be calling out names for Members who will vote. NO means they are voting against the motion and if you vote YES you will be voting for the motion to proceed. Let me explain again; if you vote NO it means you are voting against that motion that there is no extension whatsoever. If you vote YES it will mean that the committee be granted 21 days for extension.

**Hon. Mbili Ndawa** (Matuu, MCCP): Application, Hon. Speaker. I am requesting that you confirm the number of Hon. Members present this chamber so that the votes do not have discrepancy between the Members present and the votes cast.

**Hon. Deputy Speaker:** Clerk at the Table, let us proceed. Order! Order Members!

*(Loud consultations)*

Hon. Ngunga, let us have order please. I think the door is already closed. Hon. Ngunga kindly, I think we are in order let us proceed with the process.

*(Quorum Bell rung)*

*(Question negatived by 20 votes to 7)*

**AYES:** Hon. Nicholas Nzioka, Hon. Lucky Nzau, Hon. Dickson Maundu, Hon. Douglas Musyoka, Hon. Julius Munywoki, Hon. Loyd Mutua, Hon. Muoki wa Musila.

**NOES:** Hon. Mbili Ndawa, Hon. Francis Kavyu, Hon. Everlyne Kavila, Hon. Dee Kivuva, Hon. Aliphonce Mutinda, Hon. Benjamin Kinyungu, Hon. Boniface Katiti, Hon. Caroline Mutuku, Hon. Constance Mbula, Hon. Dominic Ndambuki, Hon. Francis Ngunga, Hon. Helen Ndeti, Hon. Johana Munyao, Hon. Brian Kisila, Hon. Joshua Mwonga, Hon. Justus Mutuku, Hon. Peter Kilonzo, Hon. Phoebe Koki, Hon. Ruth Wanjiru, Hon. Vincent Mutie.

**Hon. Deputy Speaker:** The voting process is now over and the results have also been forwarded to me. One thing, before telling the results I will say that it is good zeal that Members have shown. It is accepted that let us all be attending this plenary and all other House business such as committees and wherever we are needed. It is okay wherever one feels he or she should vote but at least you should be present to represent your people. What the Members are saying will be the will of their people.

My request to all of us is that let us all attend regardless of the area you are going to support. Either you support or do not support but let us be present for the business of the House. My directive that let the Committee on Procedure and House Rules give a progress report next week on 7th May, 2024 in the afternoon. We may now proceed.

REPORT OF ASSUMPTION OF OFFICE OF THE  
THIRD GOVERNOR OF MACHAKOS COUNTY

*(Resumption of Debate interrupted on 16.04.2024)*

*(Resumption of Debate on the Motion interrupted on 16.04.2024)*

**Hon. Deputy Speaker:** Members, the plenary sitting is still on. I will call upon Hon. Phoebe to come forward and highlight on the Motion which has been read. You will just highlight on your report.

**Hon. Phoebe Koki** (Nominated, MCCP): Hon. Speaker and the Members, I am the Chairperson Devolution and Inter-Governmental Committee. Hon. Speaker, I wish to continue with the report on the assumption of office of the Second Governor of Machakos County if you allow. Hon. Speaker, I believe this report was posted on the Assembly website and Members had good time to go through the report. If you allow me Hon. Speaker, I kindly request to read the introduction, general observations, recommendations of the Committee and conclusion.

**Hon. Deputy Speaker:** You may just give some highlights of the report then I will allow Members to debate on the same.

**Hon. Phoebe Koki** (Nominated, MCCP): Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** You can just go straight to the recommendations I believe.

**Hon. Phoebe Koki** (Nominated, MCCP): Thank you, Hon. Speaker. The Devolution and Intergovernmental Committee comprises of seven Members as follows:

- |    |                       |                   |
|----|-----------------------|-------------------|
| 1. | Hon. Rose Benjamin    |                   |
| 2. | Hon. Fredrick Kitetu  |                   |
| 3. | Hon. Everlyne Kavila  |                   |
| 4. | Hon. Daniel Ndwiki    |                   |
| 5. | Hon. Catherine Muia   |                   |
| 6. | Hon. Peninah Kisangai | -Vice Chairperson |
| 7. | Hon. Phoebe Koki      | - Chairperson     |

SECRETARIAT

- |    |                 |                    |
|----|-----------------|--------------------|
| 1. | Luke Maingi     | - Clerk Assistant  |
| 2. | Gideon Kisini   | - Clerk Assistant  |
| 3. | Lucia Nyamasyo  | - Hansard Officer  |
| 4. | Daniel Ndambuki | - Serjeant at Arms |

Let us go to the Committee general observations.

**Disclaimer:** The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, County Assembly of Machakos.

**Hon. Deputy Speaker:** You can just go direct to the recommendations because we had gone through the report.

**Hon. Phoebe Koki** (Nominated, MCCC): The Committee's general observations are as follows:

Hon. Speaker, the Committee interrogated and scrutinized the County Secretary on the procedures.....Hon. Speaker I believe these lights in the chamber are not bright enough so we need some adjustments. I believe Mheshimiwa Mwonga and I even though we are from the same zone we do not have a common problem of the eyes.

**Hon. Deputy Speaker:** Hon. Phoebe, before you proceed have just requested you to read Committee recommendations page 11. Just go to page 11.

**Hon. Phoebe Koki** (Nominated, MCCC):  
*Committee recommendations*

Hon. Speaker, following the above general observations, the Committee recommends as follows:

1. Budget for assumption of office of the Governor. The Assembly should in the last financial year of transition of the County Government allocate enough budget proportional for all activities required to successfully conduct the Assumption of Office of the Governor.
2. That in formulating the regulations to operationalize the Assumption of Office of the Governor Act, 2019, the CECM County Public Service should consider a specific percentage of the budget allocation under the Office of the Governor, in the final year of term to cater for Assumption of Office of the Governor's process.

*(Hon. Kisila spoke off record)*

**Hon. Deputy Speaker:** Just allow her to finish highlighting and then you will have time.

**Hon. Phoebe Koki** (Nominated, MCCC): Kindly Hon. Speaker, protect me from Hon. Kisila to allow me to finish the report then he can intervene.

**Hon. Deputy Speaker:** Let the Member finish then I will give you time Hon. Brian.

**Hon. Phoebe Koki** (Nominated, MCCC):

3. THAT the County Executive Committee Member responsible for the County Public Service formulates and submits Assumption of Governor's Regulations to the County Assembly for consideration and approval pursuant to Section 24 of Assumption of Office of Governor's Act.
4. That In future all the required information and departmental handover reports included in the Assumption of Office of the Governor Act, 2019, should be annexed to the report on the Assumption of Office of Governor's Committee before being submitted to the County Assembly for consideration.

*Acknowledgement and Conclusion*

---

**Disclaimer:** The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, County Assembly of Machakos.



Hon. Speaker, the Committee is grateful to the Offices of the Speaker and that of the Clerk of the County Assembly for the support accorded during the execution of this task. Appreciation also goes to the Handover Committee of the Assumption of Governor's Office for their commitment in ensuring a smooth transition process.

Hon. Speaker, I wish to express my appreciation to the Hon. Members of the Committee who sacrificed their time to participate in this exercise. On behalf of the Committee on Devolution and Intergovernmental Relations and pursuant to Section 5(10) of the Assumption of Office of the Governor's Act, 2019, it is now my duty and privilege to present to this House, the report on Assumption of Office of the Second Governor of Machakos County for consideration and adoption.

The expenditure and the LPO are attached in the report. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Phoebe. Hon. Brian you want to say something?

**Hon. Brian Kisila** (Makutano/Mwala, MCCC): Mr. Speaker, I was rising on a point of order to bring to your attention that we do not have quorum. Members have walked out and it is also very sad the Chairperson and Hon. Kavila are the only members of that Committee when we are reading the report. It shows laxity on the area of Members.

We do not have quorum and this report is very important and there is no report which is less than the other.

Mr. Speaker, I am calling upon all of us to be serious; in fact, the Leader of Majority today sent a message that all Chairpersons should be here to whip their Members. It is only three Chairpersons who are around in this meeting today.

What I am trying to say Mr. Speaker in long words, we do not have quorum and we cannot discuss this Motion.

**Hon. Deputy Speaker:** That is enough, Hon. Brian. You are talking to the converted. I will call the Serjeant at Arms to ring the bell for 10 minutes.

*(Quorum Bell rung)*

**Hon. Mbili Ndawa** (Matuu, MCCC): Mr. Speaker, allow the Deputy Minority Leader to go outside and maybe bring two Members so that we can be able to proceed.

**Hon. Deputy Speaker:** Allow him out.

**Hon. Aliphonce Mutinda** (Kivaa, MCCC): Hon. Speaker, I have a short call please and I need to answer urgently please.

*(Laughter)*

*(Hon. Mutinda started to walk out)*

**Hon. Deputy Speaker:** Hon. Aliphonce, the Speaker has not yet granted the permission kindly.

**Hon. Aliphonce Mutinda** (Kivaa, MCCC): Hon. Speaker, it is almost turning bad allow me to move out.

**Hon. Deputy Speaker:** You may move out.

**Hon. Aliphonce Mutinda** (Kivaa, MCCP): Thank you.

*(Hon. Mutinda walked out)*

**Hon. Mbili Ndawa** (Matuu, MCCP): Hon. Speaker, point of information because I am sure now you are about to adjourn the House. I want to inform you and the other side of the Bunge that the Majority side is the one failing this Assembly. If you can count now we have only four Members of Wiper Democratic Movement Party and on my side we are okay. Hon. Speaker, it is only fair that the Leader of Majority and his team pull up their socks to ensure that the affairs of this Assembly are not jeopardized. That is all what I want to inform you.

*(Hon. Member requested to walk out)*

**Hon. Deputy Speaker:** Permission not granted Hon. Member. Let us learn to follow our rules and Standing Orders. Serjeant at Arms, you may stop ringing the bell. We are less one Member so I think the Serjeant at Arms bell can ring the bell again for five more minutes we get that one Member so that we may proceed.

*(Quorum Bell rung)*

### ADJOURNMENT

**Hon. Deputy Speaker:** Hon. Members, we have not attained the required number of Members and so we will have to adjourn the House to 30th April, 2024 at 2.30 p.m.

The House rose at 12.12 p.m.