



County Hall
 Along Mwatu wa Ngoma Rd
 P O Box 1168 – 90100
 MACHAKOS – KENYA
 Third Assembly
 (No. 138)

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



Email: assemblymks@gmail.com

Third Session
 (670)

THE COUNTY ASSEMBLY

ORDER OF THE DAY

TUESDAY, 6TH AUGUST, 2024 AT 10.00 A.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (As listed in Appendix)
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 BUDGET IMPLEMENTATION FOR THE DEPARTMENT OF HEALTH FOR THE FIRST AND SECOND QUARTERS OF THE FY 2023/2024**

(Hon. Vincent Mutie, Chairperson; Health and Emergency Services Committee)

Honorable Speaker, Pursuant to Standing Order 190(5), I wish to move the motion **THAT** this Assembly Adopts the Report of Health and Emergency Services Committee on Budget Implementation for the Department of Health for the first and second quarters of the FY 2023/2024 as laid on the Table of the House on Tuesday, 25th June, 2024.

9*MOTION – ALTERATION OF THE CALENDAR & ADJOURNMENT OF THE HOUSE**

(Hon. Nicholas Nzioka; Leader of Majority/MCA Machakos Central Ward)

Honorable Speaker, I wish to move the Motion **THAT**, notwithstanding the resolutions of the Assembly made on 20th February, 2024 (Approval of Assembly Calendar), 21st February, 15th May, 18th June and 9th July, 2024 (alternation of the Calendar) and pursuant to Standing Orders 25(4) and 27(3)(c), the Assembly resolves that; the Calendar (Regular Sessions) for the Third Session of the Third Assembly be altered to adjourn its sittings from today Tuesday 6th August, 2024 after the morning sitting and resume its regular sittings on Tuesday, 13th August, 2024 at 10.00 a.m.; and that the Assembly Calendar (Regular Sessions) for the Third Session be altered accordingly.

The House adjourns to Tuesday 13th August, 2024 at 10.00 a.m.

 Denotes Order of the Day

APPENDIX (I)

TUESDAY, 6TH AUGUST 2024 AT 10.00 A.M.

1. PETITIONS (HON. SPEAKER)

Hon. Members

The office of the Clerk of the County Assembly is in receipt of a petition from Sabaki Residents Association. The petition is dated 28th May, 2024 and was received on 3rd June, 2024. The Petitioners are residents of Machakos County and their petition relates to the dispute affecting a parcel of land LR. 26699/27, Sabaki area in Athiriver Ward, Mavoko Sub County.

Hon. Members

The petitioners raised the following grievances:-

- (i) **Development of a part development plan for LR. 26699/27.** The residents complained that they noted a newspaper advertisement dated 3rd May, 2024 made by the County Executive Committee Member (CECM) for Land, Housing Urban Development and Energy, Hon. Nathaniel Nganga purporting to have developed a Part Development Plan (PDP) for an undeclared public utility plot, LR. 26699/27.
- (ii) **Short Notice Meeting** – The meeting called by the CECM on 7th May 2024 via Notice dated 6th May 2024 was too short and given during odd hours and this it was a deliberate move by the CECM to overlook public participation for the residents.
- (iii) **Assignment of the wrong land use** – The proposed PDP is for a utility plot set aside for a community centre and not a market as proposed by the CECM.
- (iv) **Denying the residents the rightful social amenities-** This unlawful change of user of public utility plots will deny their children public schools, social amenities and facilities, health services, police and administrative services.

Hon. Members

The petitioners' prayers to the County Assembly are that the Assembly;

- (1) Deals with this Petition immediately considering the urgency of the matter in question and the likely loss of public land if no action is taken as a priority.
- (2) Investigates the matter and stops the CECM from interfering with public utility land within Sabaki Estate without consulting the residents.
- (3) Assist the residents of Sabaki Estate to preserve our public utility plots in having them used for their intended purposes.
- (4) Assists Sabaki Residents Associations in reclaiming any other plots that may have been illegally allocated, appropriated, occupied, developed, transferred or grabbed.

- (5) Calls for the County executive to undertake comprehensive, meaningful and all-inclusive public participation in all matters relating to public Land:
- (6) Impresses upon the County Executive, particularly the CECM for Land, Housing Urban Development and Energy to exercise executive power in accordance with the law by ensuring transparency, openness, accountability and proper use of public office in the administration of public land:
- (7) Requires the County Executive to work with Sabaki Residents Association to identify, consolidate, document, title, safeguard and protect all public utility land within Sabaki Estate to be utilized for the intended purposes.
- (8) Audits all developed plans within the county to ensure that they have been done legally and procedurally, they meet the people's needs are coherent and in line with progressive development plans and aspiration and take any remedial measures.
- (9) Takes step to safeguard all public land within Machakos County.

Hon. Members,

Standing Order 200 of the County Assembly of Machakos Standing Orders provides that the Speaker may allow comments, observations or clarifications in relation to a petition presented or reported and such total time shall not exceed thirty minutes.

Further, Standing Order No. 201(1) provides that every petition presented or reported pursuant to this part, shall stand committed to the relevant Sectoral committee.

In this regard, the petition is hereby committed to the Lands and Energy Committee. The Committee has sixty calendar days to consider and table a report on the petition to this House pursuant to Standing Order No. 201 (2).

APPENDIX (II)

TUESDAY, 6TH AUGUST, 2024 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, Tuesday 6th August, 2024;

(i) The fourth quarter financial statements for the FY 2023/2024 for the following hospitals;

- (1) Machakos Level 5 Hospital
- (2) Matuu Level 4 Hospital
- (3) Kangundo Level 4 Hospital
- (4) Mwala Level 4 Hospital
- (5) Kathiani Level 4 Hospital
- (6) Kalama Level 4 Hospital
- (7) Mutituni Level 4 Hospital
- (8) Masinga Level 4 Hospital
- (9) Kimiti Level 4 Hospital
- (10) Ndithini Level 4 Hospital
- (11) Athi River Level 4 Hospital

(ii) The fourth quarter financial statements for the FY 2023/2024 for the following

- (1) Machakos County Executive
- (2) Machakos County Receiver of Revenue
- (3) Machakos County Revenue Fund
- (4) Machakos County Climate Change
- (5) Machakos County Bursary Fund
- (6) Machakos Executive Car Loan and Mortgage Fund

(iii) The Departmental performance report for the FY 2023/2024 for the Department of Livestock and Fisheries Development.

(iv) The fourth quarter report for the FY 2023/2024 for the Department of Youth and Sports.

(b) Paper laid - Hon. Benjamin Kinyungu, Chairperson, Social Welfare and Sports Committee

Honorable Speaker, I wish to lay the following paper on the table of the Assembly today, Tuesday 6th August, 2024;

Report of Social Welfare and Sports Committee on the 4th Edition of CASA and EALASCA games, 2023.

2. NOTICES OF MOTION

(a) Notice of Motion - Hon. Benjamin Kinyungu, Chairperson, Social Welfare and Sports Committee

Honorable Speaker, Pursuant to Standing Order 190(5), I wish to give notice of Motion **THAT** this Assembly Adopts the Report of Social Welfare and Sports Committee on the 4th Edition of CASA and EALASCA games, 2023 tabled in the Assembly on 6th August, 2024.

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 5th August, 2024 to prioritize business for the House as forwarded by Committees and Honorable Members pursuant to the provisions of the Standing Order 151(6)(d). The Committee balloted business as follows:

Tuesday, Morning 6 th August, 2024 at 10.00 a. m	(a) Petition by Sabaki Residents Association Objection to the Proposed Part Development Plan For Lr. 26699/27 Mavoko Municipality – Sabaki Athi River- (Hon. Anne Kiusya, Speaker of the County Assembly) (b) Response to a statement sought on matters relating to hawking within Machakos CBD - (Hon. Jeremiah Kaloi; Chairperson, Trade, Economic Planning and Industrialization Committee) (c) Report of Health and Emergency Services Committee on Budget Implementation for the Department of Health for the first and second quarters of the FY 2023/2024 - (Hon. Vincent Mutie; Chairperson, Health and Emergency Services Committee) (d) Motion on Alteration of Assembly Calendar and Adjournment of the House - (Hon. Nicholas Nzioka; Leader of Majority/MCA, Machakos Central Ward)
Tuesday, Morning 13 th August , 2024 at 10.00 a.m.	(a) Response to a statement by Hon. Francis Kavyu on what the County Government is doing on floods affected areas in Kinanie Ward. (Hon. Fredrick Kitetu; Chairperson, Committee on Environment and Natural Resources Committee) (b) Report on consideration of Machakos County Public Markets and stalls Regulations, 2023. (Hon. Francis Kavyu, Chairperson, Committee on County Delegated legislation)

(b) Response to a statement on hawking within Machakos CBD- (Hon. Jeremiah Kaloi; Chairperson, Trade, Economic Planning and Industrialization Committee)

Honorable Speaker, a statement on hawking within the Machakos CBD was sought by Hon. Nicholas Nzioka and referred to the Committee on Trade, Economic Planning and Industrialization to inquire

into what the County Government of Machakos was doing to ensure that hawkers carry out their businesses within the CBD and its environ without being involved in a running battles with the County inspectorate department.

Based on the aforementioned task, the committee conveyed the sought statement to the Department of Trade vide a letter Ref: MKSCA/PCS/CMM/TCD/VOL.3/15 dated 25th September, 2023. The stated letter was responded through a letter dated 14th March, 2024.

The Committee interrogated the forwarded information on the assigned task and further resolved to meet the Chief Officer Department of Trade and External Relations on Monday 29th April, 2024 for further clarification on issues raised by members concerning the response. During the said meeting the Chief Officer Department of Trade and External Relations submitted as follows;

1. That the decision of restricting traders from doing their businesses within the CBD was informed by a circular by the Cabinet Secretary Ministry of Transport National Government which restricted traders from doing their activities on roadside as well as streets. The circular cited several accidents witnessed in Bomet and Salagaa claiming lives of 12 and 10 people respectively.
2. Informed by the said circular and guided by Section 9 of the Machakos County Public Markets and Stalls Act, 2016 as relates to the designated market areas that states that “No person shall be authorized to sell their goods other than in designated public markets and stalls; the Department invited all traders and hawkers to a meeting which took place at Machakos park whose agenda was to deliberate on issues relating to Section 9 of Machakos County Public Markets and Stalls Act.
3. During the said meeting, traders and hawkers were informed that all trading activities within the CBD are prohibited and the only designated areas for traders in Machakos town include:-
 - i. Mitumba Market
 - ii. Wholesale Market
 - iii. Retail Market (Marikiti) and
 - iv. Mavivye Market
4. Members were informed that the above designated markets have more than 460 spaces which was said to be enough for each trader.
5. In light of the above, members were informed that, traders were given 7 days’ notice to relocate to the designated market areas.

NOTICE PAPER

Tentative Business for

Tuesday, 13th August, 2024 Morning

(Published pursuant to Standing Order 35(1))

It is notified that the following business is ***tentatively*** scheduled to appear in the Order Paper for Tuesday, 13th August, 2024 (Morning)

A. MOTION – APPROVAL OF REPORT OF DELEGATED COUNTY DELEGATED LEGISLATION COMMITTEE ON CONSIDERATION OF MACHAKOS COUNTY PUBLIC AND MARKETS AND STALLS REGULATIONS, 2023

(Hon. Francis Kavyu, Chairperson; County Delegated Legislation Committee)