

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 18th June, 2024

The House met at 10.46 a.m.

[The Deputy Speaker (Hon. Stephen Mwanthi) in the Chair]

PRAYERS

PAPERS LAID

VETTING OF NOMINEE FOR APPOINTMENT TO THE POSITION OF
COUNTY EXECUTIVE COMMITTEE MEMBER FOR THE DEPARTMENT
OF WATER, IRRIGATION, CLIMATE CHANGE AND ENVIRONMENT

Hon. Deputy Speaker: Under this one, we have Hon. Stephen Mwanthi who is the Vice-Chairperson, Appointments Committee and so I will just call upon Hon. Nicholas Nzioka to represent me.

Hon. Nicholas Nzioka: Thank you, Mr. Speaker.

Hon. Deputy Speaker: Yes Hon. Dominic.

Hon. Dominic Maitha (Muthwani, WDM-K): Sorry for interrupting the Majority Leader. Hon. Speaker, there is some funny echo and we cannot receive Majority Leader's report well with such a sound.

Hon. Deputy Speaker: I think....I am being told it is being worked on. I believe they will be using just the same mic so Hon. Majority Leader just proceed as they listen and adjust the sound.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Hon. Speaker, I beg to lay the following Paper on the Table of the Assembly today, Tuesday, 18th June, 2024; the Sixth Report of the Committee on Appointments on the vetting of nominee for Appointment to the position of County Executive Committee Member for the Department of Water, Irrigation, Climate Change and Environment. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Nicholas.

VETTING OF NOMINEE TO THE POSITION OF CHIEF
OFFICER, DEPARTMENT OF PUBLIC COMMUNICATION

Hon. Deputy Speaker: The next Paper will be laid by Hon. Joshua Mwonga, Chairperson, Labour, Public Service and ICT committee.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Hon. Speaker, I beg to lay the following Paper on the Table of the Assembly today, Tuesday, 18th June, 2024; the Report of the Labour, Public Service and ICT Committee on the vetting of nominee to the position of Chief Officer, Department of Public Communication. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Joshua Mwonga.

VETTING OF NOMINEE TO THE POSITION OF CHIEF
OFFICER, DEPARTMENT OF WATER AND SANITATION

Hon. Deputy Speaker: Next we have Hon. Daniel Muindi, Chairperson, Water and Irrigation Committee; you may come forward.

Hon. Daniel Muindi (Muthesya, WDM-K): Thank you, Mr. Speaker. Hon. Speaker, I beg to lay the following Paper on the Table of the Assembly today, Tuesday, 18th June, 2024; the Report of the Water and Irrigation Committee on the vetting of nominee to the position of Chief Officer, Department of Water and Sanitation. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Daniel.

VETTING OF NOMINEE TO THE POSITION OF CHIEF OFFICER,
DEPARTMENT OF INSPECTORATE, FIREFIGHTING AND EMERGENCY SERVICES

Hon. Deputy Speaker: Next we have Hon. Brian Kisila; Chairperson, Decentralized Units and County Administration Committee.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Thank you, Mr. Speaker. Hon. Speaker, I beg to lay the following Paper on the Table of the Assembly today, Tuesday, 18th June, 2024; the Report of the Decentralized Units and County Administration Committee on the vetting of nominee to the position of Chief Officer, Department of Inspectorate, Firefighting and Emergency Services. Thank you, Mr. Speaker.

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

Hon. Deputy Speaker: The next Paper will be laid by Hon. Daniel Ndwiki, Chairperson, Lands and Energy Committee.

KENYA INFORMAL SETTLEMENTS IMPROVEMENT
PROJECT (KISIP 2) IN MAVOKO SUB-COUNTY

Hon. Daniel Ndwiki (Mlolongo/Syokimau, WDM-K): Thank you, Mr. Speaker, Hon. Speaker, I beg to lay the following Paper on the Table of the Assembly today, Tuesday, 18th June, 2024; the Report of the Lands and Energy Committee on consideration of Kenya

Informal Settlements Improvement Project (KISIP 2) in Mavoko Sub-County. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Daniel.

SUPPLEMENTARY BUDGET ESTIMATES III FOR 2023/24

Hon. Deputy Speaker: Next is Hon. Nicholas Nzioka.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Mr. Speaker, I wish to lay the following Paper on the Table of the Table of the Assembly; Supplementary Budget Estimates III for Financial Year 2023/24. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Nicholas and I commit that Paper to the Budget and Appropriations committee.

(The Papers were laid on the Table)

Next.

NOTICES OF MOTIONS

NETTING OF NOMINEE FOR APPOINTMENT TO THE POSITION OF
COUNTY EXECUTIVE COMMITTEE MEMBER FOR THE DEPARTMENT
OF WATER, IRRIGATION, CLIMATE CHANGE AND ENVIRONMENT

Hon. Deputy Speaker: On this one, I call upon Hon. Nicholas Nzioka to hold brief on behalf of the Chair.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Mr. Speaker. Hon. Speaker, I wish to give notice of the motion THAT pursuant to Standing Order 184, this House adopts the Sixth report of the Committee on Appointments on the vetting of nominee for Appointment to the position of County Executive Committee Member for the Department of Water, Irrigation, Climate Change and Environment laid on the Table of the House on Tuesday, 18th June, 2024. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Nicholas Nzioka.

NETTING OF NOMINEE TO THE POSITION OF CHIEF
OFFICER, DEPARTMENT OF PUBLIC COMMUNICATION

Hon. Deputy Speaker: Next is Hon. Joshua Mwonga.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Hon. Speaker, I wish to give notice of the motion, THAT, this House adopts the Report of the Labour, Public Service and ICT Committee on the vetting of nominee for appointment as Chief Officer, laid on the Table of the House on Tuesday, 18th June 2024 and pursuant to the provisions of Section 45 of County Governments Act, 2012, Sections 4 and 9 of the Public Appointments (County Assemblies

Approval) Act, 2017 and Standing Order 190(5)(f), this House approves the appointment of Ms. Joyce Wairimu Gituro as Chief Officer, Department of Public Communication. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Joshua Mwonga.

NETTING OF NOMINEE TO THE POSITION OF CHIEF
OFFICER, DEPARTMENT OF WATER AND SANITATION

Hon. Deputy Speaker: Next is Hon. Daniel Muindi.

Hon. Daniel Muindi (Muthesya, WDM-K): Thank you, Mr. Speaker. Hon. Speaker, I wish to give notice of the motion, THAT, this House adopts the Report of the Water and Irrigation Committee on the vetting of nominee for appointment as Chief Officer, laid on the Table of the House on Tuesday, 18th June, 2024 and pursuant to the provisions of Section 45 of County Governments Act, 2012, Sections 4 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 190(5)(f), this House approves the appointment of Dr. Julianne Ndunge Wambua as Chief Officer, Department of Water and Sanitation. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Daniel.

NETTING OF NOMINEE TO THE POSITION OF CHIEF OFFICER,
DEPARTMENT OF INSPECTORATE, FIREFIGHTING AND EMERGENCY SERVICES

Hon. Deputy Speaker: Next is Hon. Brian Kisila.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Thank you, Mr. Speaker. Honorable Speaker, I wish to give notice of the motion, THAT, this House adopts the Report of the Decentralized Units and County Administration Committee on the vetting of nominee for appointment as Chief Officer, laid on the Table of the House on Tuesday, 18th June, 2024 and pursuant to the provisions of Section 45 of County Governments Act, 2012, Sections 4 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 190(5)(f), this House approves the appointment of Mr. Francis Musembi Munyambu as Chief Officer, Department of Inspectorate, Fire Fighting and Emergency Services. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon Brian.

KENYA INFORMAL SETTLEMENTS IMPROVEMENT
PROJECT (KISIP 2) IN MAVOKO SUB-COUNTY

Hon. Deputy Speaker: Next is Hon. Daniel Ndwiki.

Hon. Daniel Ndwiki (Mlolongo/Syokimau, WDM-K): Hon. Speaker, I wish to give notice of motion that pursuant to Standing Order 190(5) this House adopts the report of Lands and Energy Committee on consideration of Kenya Informal Settlement Improvement Project

(KISIP 2) in Mavoko Sub-county laid on the Table of the House on Tuesday, 18th June, 2024. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Daniel Ndwiki.

VETTING OF NOMINEE TO THE POSITION OF CHIEF
OFFICER, DEPARTMENT OF WATER AND SANITATION

Hon. Deputy Speaker: I think there is a mistake somewhere with what Daniel Muindi read. Which position were you interrogating? CO what? I think it should be Department of Sewerage and Sanitation not as indicated there. I think in your last sentence there is an error.

Hon. Daniel Muindi (Muthesya, WDM-K): Hon. Members, I think there was a mistake somewhere and I wish Mr. Speaker to repeat again.

Hon. Deputy Speaker: Kindly do so and the same had applied on the Paper that you laid.

Hon. Daniel Muindi (Muthesya, WDM-K): Hon. Speaker, I wish to give notice of the motion that this House adopts the report of the Water and Irrigation Committee on the vetting of nominee for appointment as Chief Officer laid on the Table of the House on Tuesday, 18th June 2024 and pursuant to the provision of Section 45 of the County Governments Act 2012, Section 4 and 9 of the Public Appointments (County Assemblies Approval) Act 2017 and the Standing Order 190(5)(f), this House approves the appointment of Dr. Julianne Ndunge Wambua as the Chief Officer, Department of Sewerage and Sanitation. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Daniel Muindi. Next order Clerk.

STATEMENT

BUSINESS FOR THE HOUSE FOR 18TH JUNE, 2024

Hon. Deputy Speaker: Under this one we have Hon. Nicholas Nzioka, Majority Leader and MCA Machakos Central Ward.

Hon. Nicholas Nzioka (Machakos Central Ward, WDM-K): Thank you, Mr. Speaker. Hon. Speaker, the House Business Committee met today 18th June, 2024 to prioritize business for the House as forwarded by Committees and Hon. Members pursuant to the provisions of Standing Order 151(6)(d). The Committee balloted business as follows:

Tuesday, 18th June, 2024
Morning at 10.00 a.m.

- a. Statement on Ownership of Land plot PDP. No. MKS/56/2018/01 by Hon. Brian Kisila, MCA, Makutano/Mwala Ward.
- b. Report on the Machakos Gender Policy; continuation of debate by Hon. Benjamin Kinyungu, Chairperson, Social Welfare and Sports Committee.
- c. Report on the vetting of nominee to the position of Chief Officer, Department of Inspectorate, Firefighting and Emergency Services by Hon.

Brian Kisila, Chairperson, Decentralized Units and County Administration Committee.

- d. Report on the vetting of nominee to the position of Chief Officer, Department of Public Communication by Hon. Joshua Mwonga, Chairperson, Labour, Public Service and ICT Committee.
- e. Report on the vetting of nominee to the position of Chief Officer, Department of Water and Sanitation by Hon. Daniel Muindi, Chairperson, Water and Irrigation Committee.
- f. Report of the Committee on Appointments on the vetting of nominee for Appointment to the position of County Executive Committee Member for the Department of Water, Irrigation, Climate Change and Environment by Hon. Stephen Mwanthi, Vice Chairperson, Committee on Appointments.

Afternoon at 2.30 p.m.

- a. Report on consideration of informal settlements (KISIP 2) program in Mavoko Sub County by Hon. Daniel Ndwiki, Chairperson, Lands and Energy Committee.
- b. Motion on Alteration of the Assembly Calendar and Adjournment of the House on Wednesday 19th June, 2024 and to sit on Thursday, 20th June, 2024 by Hon. Nicholas Nzioka, Leader of Majority/MCA Machakos Central Ward.

Hon. Deputy Speaker: Thank you, Hon. Majority Leader.

STATEMENT SOUGHT

OWNERSHIP OF LAND PLOT PDP. NO. MKS/56/2018/01

Hon. Deputy Speaker: The next Statement is by Hon. Brian Kisila.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Thank you, Mr. Speaker, and good morning, Members. Welcome back after a long recess. My Statement is on Ownership of Land plot PDP. No. MKS/56/2018/01.

Hon. Speaker, that aware that Article 61(2) of the Constitution classifies ownership of land as either private, public or community;

Further aware that Section 12(a) of the County Assembly Services Act, 2017 states that the County Assembly Service Board shall have the power acquire, hold, charge and dispose of movable and immovable property;

Acknowledging that the National Land Commission via letter Ref: 310147/120 dated 4th February, 2019 and addressed to Machakos County Government forwarded an allotment letter of the parcel of land on the existing site for Machakos County Assembly/Machakos Municipality which is 1.0 hectare and attached a plan F/R. No. 179/116 whereby the site was marked in red detailing the site;

Aware that the letter required the County Government to confirm acceptance of the allotment letter and attach a clearance amount of Ksh. 6,850 via a Bankers Cheque;

Hon. Speaker, noting that on 10th February, 2020 via letter Ref: NLC/MKS/ALLOCATIONS/ VOL.11/71, the County Coordinator, National Land Commission, Machakos County, wrote to the Clerk, Machakos Assembly enclosing a letter of allotment Ref: No. 310147/120;

Aware that the letter required the Clerk to prepare an acceptance letter and a Bankers Cheque in favour of the Principal Secretary, Ministry of Lands and Physical Planning, Nairobi and also to get in touch with the County Surveyor to undertake a survey of the plot and to prepare survey information to support registration of the plot;

Hon. Speaker, appreciating that, the Clerk of the County Assembly of Machakos via the letter Ref; MKSCA/ADM/LEENR/VOL.2/36 dated 21st August, 2020, wrote back to the County Coordinator, National Land Commission, Machakos County, on the matter of existing site for Machakos County Assembly PDP. No. MKS/56/2018/01 and confirmed the acceptance of the allotment letter and acceptance to undertake other procedures required by law to acquire title deed and attached a Bankers Cheque of Ksh. 6,850.00 in favour of the Principal Secretary Ministry of Lands and Physical Planning, Nairobi;

Hon. Speaker, aware that the above procedures granted ownership of the plot PDP. No. MKS/56/2018/01 to Machakos County Assembly under the custody of the County Assembly Service Board as provided under Section 12(a) of the County Assembly Services Act, 2017; Aware that this plot of land is the one directly joined to the new administration block of the County Assembly, just opposite the Machakos Law Court;

Hon. Speaker, aware that there is a construction currently taking place in plot PDP. No. MKS/56/2018/01 owned by County Assembly of Machakos as per the allotment letter;

Aware that the Assembly is not aware of who is undertaking the construction nor the person who permitted the construction to take place;

Hon. Speaker, pursuant to Standing Order 41, I wish to seek a Statement from the County Assembly Service Board (CASB) on the following issues:

1. Is the property PDP. No. MKS/56/2018/01 as contained in the allotment letter from the County Coordinator, National Lands Commission still owned by the County Assembly of Machakos?
2. If yes who authorized the construction of a new building currently ongoing on the said property without the approval of the County Assembly?
3. What action is the CASB undertaking to stop the ongoing construction and plans put in place to safeguard the said property against any further intrusion and what are the timelines?
4. Are there any other properties that belong to the County Assembly of Machakos facing similar predicament and if yes what plans has CASB put in place to ensure that the said property is secured back to the County Assembly?

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Brian. Hon. Members, you have heard the Statement from Hon. Brian and so maybe we can have one or two Members ventilating just briefly. Hon. Kavyu.....one or two Members before we proceed.

Hon. Francis Kavyu (Kinanie, MCCC): Thank you, Mr. Speaker. It is an unfortunate morning that as an Assembly, the people who are supposed to serve as the agents of protecting the people we represent, we are facing a threat of our space being violated and because we know sometimes these Statements normally take a while before a response comes back and whoever is doing that construction, last week when I was checking, it was at the foundation stage and Mr. Speaker, this morning I have seen it is at the roofing stage. So, if this Statement is going to take the normal turnaround that normally happens in this House, it means by the time we get feedback, whoever is doing it will have already occupied the house and we will incur extra cost of evicting the person.

We have a legal department, we have even officers attached to this Assembly so before even we establish who is doing what or who has approved, whoever has undertaken the project Mr. Speaker, we will request that you direct that whoever is found on that site as at today be arrested and taken to police for questioning so that they can record statements as to why they are encroaching on County Assembly land. Then the Statement reply can come later because this is not a responsibility.....CASB is the one that has the responsibility but also as a County Assembly even as CASB does their thing, we have a responsibility to make sure....because Mr. Speaker, if you go on the administration block where Hon. Members are currently being hosted, you find three to four Members sharing one office.

Members of staff also do not have a secure parking where they can park their cars. Even Members sometimes you find here congested so that is space that, if secured, we can have so many activities being undertaken that will serve this County Assembly. So, Mr. Speaker, we make this appeal that whatever is happening there be stopped forthwith until we are able to get an alignment on what exactly is happening there because the Assembly is able and it has all the mechanisms to make sure that stops and if the person is not paying attention to our directive then our legal team should proceed and secure a court order and ensure it is complied with.

We cannot be losing land yet we are the same House that is supposed to protect Members of public. We should start by protecting ourselves from encroachment so that we can demonstrate that we can also protect the Members of public that are looking up to us but if ourselves are under siege then there is a problem as a House. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Kavyu. Hon. Dominic and then we proceed.

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Mr. Speaker. I want to be very brief. Hon. Speaker, the issue that has just being raised by Hon. Kavyu is very pertinent. The Statement being sought by Hon. Kisila is quite devastating and disappointing in that an Assembly that is supposed to protect the rights of our electorate is now crying and Hon. Members if you recall very well sometimes back we even put the former Clerk to task that when he said he wanted to do an underground parking, we directed him to ensure that that land is secured.

It is unfortunate that Hon. Speaker, the speed at which that building is coming up is suggestive and indicative. Somebody somewhere is playing with the minds of this Assembly because if I wish all County projects would be undertaken with such speed that building is

coming and if that could be happening, I think this County Government would be one of the best to emulate and come and benchmark in terms of projects, Mr. Speaker. There is no way a building of such magnitude can be done within a week.

As I have watched today from the House Business Committee window Hon. Speaker, by end of business today that building will be roofed with iron sheets. What is the urgency of the matter? What is the speed of the matter? What is the motive of the matter? Hon. Speaker, we need to move with extreme speed we secure that land and if unorthodox mechanisms ought to be applied by these Hon. Members of this County Assembly then we may proceed to do that because Mr. Speaker, if that building is finalized to occupation then we might be forced to do a lot to acquire back that property, Mr. Speaker.

The documentation is there so we do not even need o struggle so much. Right now the legal department of this Assembly through the County Assembly Service Board ought to move with speed and actually Hon. Speaker, there is some disconnect somewhere. By the time this building started, letters ought to have emanated from the County Assembly Service Board stopping whoever is doing the construction. It is an illegal construction taking place and it ought to stop immediately as possible.

Hon. Speaker, by the time we leave this Assembly in the evening, if possible that construction site ought to be closed and all activities taking place there confirmed to be illegal until otherwise directed. So, Mr. Speaker, may you as the Hon. Member has said make immediate interventions so that whatever is happening right now that can stop unless it is confirmed in writing by this County Assembly that the County Assembly Service Board is aware of who is doing that construction site. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Dominic. Hon. Dee you want to say something? Briefly so that we may now move to the next business!

Hon. Dee Kivuva (Nominated, WDM-K): Very brief, Mr. Speaker. You now matters of land, although I do not know where they said a piece of land is...but I want to say this; as we pursue the legal way, there is the other way of my way. So I am proposing this; after the first sitting, let us meet there---

Hon. Deputy Speaker: Hon. Dee, which is your way?

Hon. Mutisya Kivuva (Nominated, WDM-K): You will see it when we go there.

(Laughter)

We might leave them and pursue the legal way until it is too late so let us go and chase them after this. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Members. Hon. Ndawa I think we need to go to the next business otherwise we may not be able to accomplish today's business and so that matter that has been brought by Hon. Brian is a weighty matter that needs to be addressed urgently because if the land belongs to the Assembly, there are several questions one may ask him or herself like how did they get the approvals to do that constructing there? Even before doing other things, did they acquire approvals as they we constructing because when you are

approving you must produce either an allotment letter or a title deed. So what did they use maybe to go there?

So, I will commit this Statement to the committee on lands and energy to report on or before.....I think if we give you seven days they are enough to report back to this House on Wednesday next week. Seven days the committee will have met with CASB and maybe the department and report back on that same issue. They cannot report back tomorrow; of course, they cannot call CASB today.

(Hon. Joshua Mwonga spoke off the record)

I think Hon. Mwonga I have already made a ruling that let it be next week Wednesday the committee will report back to this House on their findings. Next order.

MOTIONS

MACHAKOS COUNTY GENDER POLICY

(Resumption of debate)

Hon. Deputy Speaker: On this one I will call upon Hon. Benjamin Kinyungu Chairperson, Social Welfare and Sports Committee. I believe this is a continuation of a debate so Hon. Vice-Chair, you can just give highlights so that we may complete the business.

Hon. Boniface Katiti (Muthetheni, UDA): Thank you, Mr. Speaker. This report came to the Assembly so I am just giving some highlights of it so that as Assembly we can approve and pass it.

INTRODUCTION

PREFACE

Hon. Speaker, in 2010, Kenya promulgated the new Constitution and this marked a major milestone in the way the Country is governed. To Kenyans, especially the marginalized, this seemed like a new beginning because the new constitution was inclusive of all groups; be it in governance, employment, or representation. It is one thing for the Constitution to declare in Article 27(3) that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres and any other for this to be realized. It further provides that to give full effect to the realization of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.

Article 27(4) of the Constitution states that discrimination is prohibited on the basis of sex, race, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth. Thus, women and men have the right to equal treatment including the right to equal opportunities in political, economic, cultural and social spheres.

Machakos County has therefore developed a policy on gender, which supports the Constitutional provisions and reflects the changing operating environment. The Policy takes cognizance of the emerging issues and provides a roadmap for gender mainstreaming and a wide latitude for engagement with the people of Machakos County. This is in line with Article

10(2)(a), (b) and (c) of the Constitution of Kenya which espouses democracy and participation of the people on inclusiveness, good governance, integrity, transparency and accountability as core national values and principles of governance. The policy articulates the importance and objectives of gender mainstreaming for the County's social protection and enhanced service delivery.

Enabling equal access to opportunities, resources, services, protection, decision-making and other basic rights to all Machakos County citizens remains the priority. Article 1 of the Constitution of Kenya underscores the sovereignty of the people of Kenya whose rights and freedoms must be upheld. Under Chapter 4 of the Bill of Rights, the Constitution provides that every person have the right to life human dignity, security, equality and freedom from discrimination, slavery, forced labour and servitude. Ensuring equity and equality is the target of this policy.

LEGAL FRAMEWORK

Hon. Speaker, in considering the Machakos County Gender policy, the Committee was guided by the following laws and statutes:

- i. The Constitution of Kenya, 2010.
- ii. National Policy on Gender and Development, 2019.
- iii. Prevention on Domestic Act 2014.
- iv. Marriage and Matrimonial Act 2014.
- v. Land and Succession Act 2016.
- vi. Sexual Offences Act 2006.
- vii. The Children's Act (2001) revised Act (2012).
- viii. National Policy for prevention and responses to GBV 2014.
- ix. Elimination of all harmful practices. Prohibition of Female Genital Mutilation Act 2011 and Adolescent and Reproductive Health Policy.
- x. Leadership and Decision Making. Two-thirds gender principle, Article 81(b) not more than two-thirds of the members of elective public bodies shall be of the same gender.

THE MACHAKOS COUNTY GENDER POLICY

Overview of the policy

Hon. Deputy Speaker: Hon. Member, I think this report had been read here so you just needed to highlight. Just go to the recommendations.

Hon. Boniface Katiti: I go to the recommendations.

COMMITTEE RECOMMENDATIONS

Hon. Speaker, the Committee recommends as follows:

1. The County, Government of Machakos to undertake Gender budgeting initiatives from the point of County Integrated Development Plan, Annual Development Plan, County Fiscal Strategy Paper, and the final Budget Estimates, as this will contribute to 'gender mainstreaming' by focusing on the gender dimensions of the County Government budgets. Under Chapter 4 of the policy, the Department should therefore ensure that the policy captures budgeting initiatives.

2. Under Chapter 4 of the policy, the Department should incorporate---

Hon. Deputy Speaker: Hon. Kavyu, is it point of order?

PROCEDURAL MOTION
EXTENSION OF SITTING TIME

Hon. Francis Kavyu (Kinanie, MCCC): I am standing on Standing Order 27. Based on the list of items that have been read, I am not sure that in the next 30 minutes of the plenary sitting will be able to exhaust the business so I was rising on a point of order that you allow extension of time until we conclude the business of the day.

Hon. Deputy Speaker: Do we have a seconder?

Hon. Francis Kavyu (Kinanie, MCCC): Majority Leader can second so that we can have an extension of time.

Hon. Deputy Speaker: You can proceed now.

Hon. Francis Kavyu (Kinanie, MCCC):

Hon. Speaker, that aware that Standing Order 27 provides that the Speaker, shall interrupt business at 12.30 p.m. for the morning sitting;

Aware that the Standing Order 27(3) provides that the House may resolve to extend its sitting time;

Aware that Standing Order 27(4) requires a motion to extend sitting time to be moved at least 30 minutes before the time appointed of adjournment;

Hon. Speaker, I beg to move the motion that the House resolves to extend its sitting time until the business is concluded.

I call the Majority Leader to second.

Hon. Nicholas Nzioka (Machakos Central, WDM-K) seconded.

Hon. Deputy Speaker: Thank you, Hon. Kavyu and Majority Leader.

(Question proposed)

I invite Members to debate

Hon. Mbili Ndawa (Matuu, MCCC): Before you put the question, Hon. Speaker---

Hon. Deputy Speaker: Yes, Hon. Ndawa.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Hon. Speaker. Our Standing Orders say at least 30 minutes so it is not yet that time but I am not opposing so I am advising in future, let us stick to what is said by the Standing Orders. So put the question.

Hon. Deputy Speaker: Okay. Next time Hon. Kavyu check on that and so I call the mover to reply. Hon. Kavyu you can reply I think it is your motion.

Hon. Francis Kavyu (Kinanie, M CCP): Thank you, Mr. Speaker. I know it is not yet 12.00 p.m. but I thought it is also wise that I anticipated that the time that is there will not be enough so it is on that basis that I moved the motion because our in-tray is full and it is good that we clear all the business because of their magnitude. Thank you, Members for supporting.

Hon. Deputy Speaker: Thank you, Hon. Kavyu. I now put the question.

(Question put and agreed to)

(The House resumed business as per the Order Paper)

Thank you. Hon. Katiti you may proceed.

Hon. Boniface Katiti (Muthetheni, UDA): Thank you, Hon. Speaker. I was on recommendation number two;

2. Under Chapter 4 of the policy, the Department should incorporate, in the policy, distinctive strategies upon which the local media houses will act as conduits of sensitization on gender issues. The media can play a transformative role in achieving gender equality in societies. This is by creating gender-sensitive and gender-transformative content and breaking gender stereotypes by challenging traditional social and cultural norms and attitudes regarding gender perceptions both in content and in the media houses and showing women in leadership roles and as experts on diverse topics on a daily basis.
3. The Department should ensure that the policy strictly maintains its vision from the citation up to the body which is mainstreaming gender equality in county policies and legislation, in providing services, implementing programmes and projects that cherish and uphold the equal value of men and women.
4. The Department should ensure that the policy maintains the main objective which is gender mainstreaming and should ensure that there is no bias in the policy and address both genders equally and equitably.
5. That the House adopts this report of the Social Welfare and Sports Committee, and approves the Machakos County Gender Policy which aims to promote gender equality and women's empowerment as reflected in the ratification of numerous international conventions and instruments on elimination of discrimination against women. In line with Agenda 2030 and Goal No. 5 of the 17 Sustainable Development Goals, the County Government has laid down the following strategies in mainstreaming gender
6. The Department of Gender and Social Welfare fast tracks incorporation of all the recommendations made by the Committee and further fast tracks the implementation of the Machakos County Gender Policy.

CONCLUSION

Hon. Speaker, the Machakos County Gender policy has been developed with comprehensive insights into the empowerment, rights and access to justice, leadership and accountable governance, gender roles and power differentials, relations and economic opportunities available for men and women, girls and boys in Machakos County. It will also enable equal access to opportunities, resources, services, protection, decision-making and other basic rights to all Machakos County citizens.

Article 1 of the Constitution of Kenya (2010) underscores the sovereignty of the people of Kenya whose rights and freedoms must be upheld. Under Chapter 4 of the Bill of Rights, the Constitution provides that every person have the right to life, human dignity, security, equality and freedom from discrimination- slavery, forced labor and servitude. On behalf of the Social Welfare and Sports Committee, it is my privilege and honor to present to this House the report of the committee on its consideration of Machakos County Gender Policy. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Katiti. I now invite Members to debate the motion. Hon. Joshua Mwonga.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Mr. Speaker, first and foremost I want to congratulate the committee and say since this is a report that went through a committee and that committee has Members who are equal to the task, I think we should approve the report as it is. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Mwonga. Hon. Kavyu.

Hon. Francis Kavyu (Kinanie, MCCC): Mr. Speaker, I rise to support the report on the Gender Policy because if the House approves this report it is going to pave way for Regulations that will make it possible to have it operationalized bearing in mind that with the current status, without this Policy we are unable even to proceed with the Regulations as Delegated Committee on Wikwatyo, people with disabilities and women fund. Based on the recommendations that were given by the Senate, it is that a policy is supposed to precede the Regulations and if this House approves this today, it will create a way so Regulations to be developed. That will ensure that our people who have been disadvantaged for the longest time are able to get funds that will empower them to venture into businesses and even others will be able to pursue other ventures that will give them an opportunity and also bridge the equity gap that every day is widened.

It is a good report and as a Member of that Committee, I support and request Members to support the same we approve. I want to support what Hon. Mwonga has suggested that we have gone through the report because it was here before and we requested for time to go through it. Now that it was granted during the recess we were going through the same report, I request that we do not dwell much on it. If Members allow you just put the question so that we can move to the next agenda.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Kavyu. Hon. Katiti you may come forward and reply.

Hon. Boniface Katiti (Muthetheni, UDA): Thank you, Mr. Speaker. First, I want to applaud the people who came up with the Policy because it has taken too long. It is a good Policy that will help our people in our County every gender to be taken care of. So many conventions have been held since 1997 all the way to millennium goals addressing the same issues all the way to 2017 about the sustainable goals and then to Vision 2030 still articulating the same issues.

I am so thankful, Hon. Kavyu, Hon. Mwonga and all the other Members for the support you have accorded this report and the Committee as a whole. Affirmative action has always been done neglecting the boy child. As a Country and a County we cannot only be considering the women and girls at the expense of neglecting the men and boys. Gender inequality is detrimental to everyone in the society. Thank you, Members. I pray that you may support the report.

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

(Question put and agreed to)

(Applause)

Clerk, next order

NETTING OF NOMINEE TO THE POSITION OF CHIEF OFFICER,
DEPARTMENT OF INSPECTORATE, FIRE FIGHTING AND EMERGENCY SERVICES

Hon. Deputy Speaker: On this one I call Hon. Brian Kisila Chairperson Decentralized Units and County Administration Committee.

Hon. Brian Kisila (Makutano/ Mwala, M CCP): Thank you, Mr. Speaker. I am sure the Members have read the report.

Mr. Speaker, I move the Motion that this House adopts the Report of the Decentralized Units and County Administration Committee on the vetting of nominee for appointment as Chief Officer, laid on the Table of the House on Tuesday, 18th June 2024 and pursuant to the provisions of Section 45 of County Governments Act, 2012, Sections 4 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 190(5)(f), this House approves the appointment of Mr. Francis Musembi Munyambu as Chief Officer, Department of Inspectorate, Fire Fighting and Emergency Services.

I am calling upon Hon. Dee to support.

Hon. Dee Kivuva (Nominated, WDM-K) seconded.

Hon. Deputy Speaker: Thank you, Hon. Brian and Hon. Dee.

(Question proposed)

Before I proceed, let me call the mover to take us through the highlights of the report.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Thank you, Mr. Speaker. I will be very brief, with your permission I will read the forward. I will not read all of it then I will go to the recommendations.

Hon. Deputy Speaker: Permission granted.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Thank you very much, Mr. Speaker. The Nominee appeared before the Committee as scheduled on Monday, 10th June, 2024 for approval hearings in accordance with the provisions of the Constitution, Public Appointments (County Assemblies Approval) Act, 2017 and the County Assembly of Machakos Standing Order on their suitability or otherwise for appointment to the position of Chief Officer.

Pursuant to Section 7(8) and (9) and Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017, the Committee observed that the nominee met the requirements of Chapter Six of the Constitution, demonstrated knowledge and experience on the portfolio to which he had been nominated, had the requisite academic qualifications, training and professional experience and scored above the pass mark of 60 per cent set by the Committee to be recommended for appointment as Chief Officer, Department of Inspectorate, Fire-fighting and Emergency services in accordance with Section 45(1) of the County Governments Act 2012.

Mr. Speaker, having conducted the approval hearings for the nominee pursuant to Sections 45(1) of the County Governments Act, 2012, Sections 4 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 190(5)(F), the Committee recommends that the House approves the nomination of Mr. Francis Musembi Munyambu for the appointment as the Chief Officer for department of Inspectorate, Fire-fighting and Emergency Services by Her Excellency the Governor Wavinya Ndeti of Machakos County.

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. I also wish to express my appreciation to the Hon. Members of the Committee who sacrificed their time to participate in this exercise. Further, the committee acknowledges the support given by the secretariat in completion of this report.

Mr. Speaker, on behalf of the Decentralized Units and County Administration Committee and pursuant to Section 14(3)(b) of the County Governments Act, 2012, Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 179(6), it is now my duty and privilege to present to the House, the report of the Decentralized Units and County Administration Committee on the approval hearing of the nominee for appointment to the position of Chief Officer department of Inspectorate, Fire-fighting and Emergency Services. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Brian. I now invite Members to debate the Motion. Hon. Dee.

Hon. Dee Kivuva (Nominated, WDM-K): Thank you, Mr. Speaker. I rise to support the report of my Department Decentralized Units and County Administration. One time I worked with the nominee in the police service and he is a true man of God. He is equal to the task. He has served in the same capacity at Nairobi County where he performed optimally. For the interest of time, I propose that we approve the nominee *kazi iendelee*. Thank you.

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

Hon. Loyd Mutua (Nominated, MCCC): Thank you, Mr. Speaker. I wish to support the Motion to approve the Chief Officer. We listened to him, checked his documents that he brought to us in the Committee and he really qualifies for the job. He has quite an experience on the elements in the police force. I would like to insist that the human elements, because what we need in that department is much of the discipline and not to have these inspectorate officers dealing with the people of Machakos like animals.

They have been treating people like animals when it comes to revenue collection and inspecting businesses. You are dealing with people and you need to collect money from them. The Chief Officer that we were vetting has quite an experience both in working and learning in the human resource. We pray that he puts more efforts on that combined with his police force work.

He insisted on one thing when we were interrogating him training to the inspectorate officers. We pray that we will be able to support him in terms of budget and this House so that they are able to train these officers. We are able to collect revenue while our people are inspired not being dealt the way we have seen before. Thank you, Mr. Speaker. I support.

Hon. Deputy Speaker: Thank you, Hon. Loyd. I now call Hon. Brian to come forward and reply.

Hon. Brian Kisila (Makutano/ Mwala, MCCC): Thank you, Mr. Speaker. I am very grateful to my colleague Members of the Committee for the very good contributions. Mr. Speaker this Department needs a person with high degree of professionalism. The Committee found Mr. Francis Munyambu to be the right candidate. We look forward to supporting him as a Committee including supporting him with budgets so that he can professionalize the inspectorate.

Also to support the Finance Department in revenue collection because he assured us he will work hand in hand with the finance department so that we can collect the targeted Ksh. 4 billion set by the finance department. Mr. Speaker, we have the right candidate and we look forward to working with him. Thank you, Mr. Speaker.

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

(Question put and agreed to)

Next order, Clerk.

NETTING OF NOMINEE TO THE POSITION OF
CHIEF OFFICER, DEPARTMENT OF PUBLIC COMMUNICATION

Hon. Deputy Speaker: Thank you. Under this one I will call upon Hon. Joshua Mwonga, Chairperson, Labour, Public Service and ICT Committee.

Hon. Joshua Mwonga (Masinga Central, WDM-K):

Hon. Speaker, I wish to move the Motion that this House adopts the Report of the Labour, Public Service and ICT Committee on the vetting of nominee for

appointment as Chief Officer, laid on the Table of the House on Tuesday, 18th June, 2024 and pursuant to the provisions of Section 45 of County Governments Act, 2012, Sections 4 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 190(5)(f), this House approves the appointment of Ms. Joyce Wairimu Gituro as Chief Officer, Department of Public Communication.

Mr. Speaker, I call upon Hon. Rosina to second the Motion.

Hon. Rosina Wambua (Nominated, WDM-K) seconded.

Hon. Deputy Speaker: Thank you, Hon. Joshua Mwonga and Hon. Rosina.

(Question proposed)

Before I invite Members to debate, let me call the mover to take the House through the highlights of the report.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Thank you, Mr. Speaker. Mr. Speaker, I would wish to go straight to the recommendations of the Committee since this report was circulated in our official WhatsApp wall and Members, I am sure they have gone through it since they know why they are in this Assembly as Hon. Members. Mr. Speaker, having said that, I want to go straight to the recommendations on page 17.

Hon. Deputy Speaker: You may proceed.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Having conducted the approval hearings for the nominee to the office of the Chief Officer, Public Communication pursuant to Section 45 of the County Governments Act, 2012, Sections 4 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 42 of the County Assembly of Machakos, the Committee recommends that this House approves the nomination of Ms. Joyce Wairimu Gituro, nominee, Chief Officer, Public Communication.

Hon. Deputy Speaker: Thank you, Hon. Joshua Mwonga. I call upon Members to debate the Motion. Hon. Kavyu.

Hon. Francis Kavyu (Kinanie, M CCP): Mr. Speaker, I rise to support the Motion and Mr. Speaker I will also make an appeal you allow Hon. Mwonga sometimes after the sitting to tell us the secret behind the cap. Since he started wearing it, he has greatly improved he is no longer even wearing glasses.

(Laughter)

He used to struggle to read documents but since he started wearing everything is flowing so he might need to tell us the secret.

On the nominee, having interacted with her on different forums even her experience in the Communication industry, the candidate will fit the bill. She is going to deliver on the role

that she has been appointed for. Therefore, I support the approval of the nominee to the position of Communications Chief Officer. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Kavyu. Hon. Rosina.

Hon. Rosina Wambua (Nominated, WDM-K): Thank you, Mr. Speaker. Mr. Speaker, having vetted the nominee I am very sure that she fits in the docket. Owing to her first experience in media houses, I am very sure she is going to assist the Department in achieving Governor Wavinya's manifesto. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Rosina. Hon. Anastacia.

Hon. Anastacia Mutevu (Nominated, WDM-K): Thank you, Mr. Speaker. I rise to support the report on Labour as a member of the Labour, Public Service and ICT committee. I sat in the vetting of that Chief Officer and she presented herself as very competent. I believe in her that she will serve diligently as her curriculum vitae (CV) elaborated to us she is well experienced on media matters. I request this House to support the nominee and also the Committee report. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Anastacia. Hon. Daniel Ndwiki.

Hon. Daniel Ndwiki (Mlolongo/Syokimau, WDM-K): Thank you, Mr. Speaker. I rise to support this report Mr. Speaker. I am not a member of that Committee but it happened that I was a fan and listener of Radio Citizen sometimes back there where the nominee used to present morning programmes. As I heard her she is very much elaborate, her presentation of message to the people. I wish she would carry that experience to present messages from the County in that manner and I see her being the right candidate and qualified for the job. I support the report and I support her in that capacity that I heard her in radio ad she presented very well. I support the report. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Daniel. May I now invite the mover to reply.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Mr. Speaker, with your permission, allow me to reply to the issue raised by---

Hon. Deputy Speaker: Permission granted.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Thank you, Mr. Speaker. The issue rise by Hon. Member for Kinanie Ward about the red cap I am wearing. Mr. Speaker, it is true it is you who ruled that I was properly dressed in the first day when I was in the cap. Mr. Speaker, this cap gives one freedom of thought and independence of mind. That is why you are saying I am changing. Thank you.

(Laughter)

Hon. Deputy Speaker: That is a good response since the Member had noted that improvement.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Thank you, Mr. Speaker. Mr. Speaker I want to thank all Members of my Committee and all those who have contributed on this report. This was the sixth nominee to appear before the Labour, Public Service and ICT Committee. She is the best nominee and somebody qualified to the same job. Mr. Speaker, actually the nominee answered questions as if they had been leaked with the questionnaire which was not the case.

Mr. Speaker, one question was how, if she was in that position, have handled the issue of stripping a Member of the County Assembly by the Inspectorate *askaris*. She said one thing that she would have done as a Chief Officer (CO) to that Department was to own up; not to deny but to own up so that she can run away instant but not to leave it to the critics of the government. With that, I want to thank my committee members for approving this nominee and I also want to thank the Assembly for doing the same. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Joshua.

(Question put and agreed to)

(Applause)

NETTING OF NOMINEE TO THE POSITION OF CHIEF
OFFICER, DEPARTMENT OF SEWERAGE AND SANITATION

Hon. Deputy Speaker: On this one I can I call upon Daniel Muindi, Chairperson, Water and Irrigation Committee to come forward.

Hon. Brian Kisila (Makutano/Mwala, MCCC): I stand in for my Chairman.

Hon. Speaker, I wish to move the Motion THAT, this House adopts the Report of the Water and Irrigation Committee on the vetting of nominee for appointment as Chief Officer, laid on the Table of the House on Tuesday, 18th June, 2024 and pursuant to the provisions of Section 45 of County Governments Act, 2012, Sections 4 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 190(5)(f), this House approves the appointment of Dr. Julianne Ndunge Wambua as Chief Officer, Department of Water and Sanitation.

I call upon Hon. Rosina to second.

Hon. Deputy Speaker: Thank you, Brian. Hon. Rosina.

Hon. Rosina Kanini (Nominated, WDM-K): Thank you, Mr. Speaker. I do second.

Hon. Deputy Speaker: Thank you. Thank you, Hon. Rosina.

(Question proposed)

Before we invite Members for debate, let me call the mover to take the house through the highlights of the report.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Thank you, Mr. Speaker. Mr. Speaker With your permission, I just go straight to committee recommendations.

Hon. Deputy Speaker: I think Hon. Brian you can first go through the foreword and then recommendations.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Alright, Mr. Speaker. Mr. Speaker, the nominee appeared before the committee as scheduled on Monday, 10th June, 2024 at 11.00 a.m. at the County Assembly boardroom 2B for approval hearing in accordance with the provisions of Constitution of Kenya 2010, Public Appointments (County Assemblies Approval) Act, 2017 and the County of Machakos Standing Orders pursuant to Section 7, 8 and 9 and Section 8 of Public Appointments (County Assemblies Approval) Act, 2017 are provoked.

The committee observed that the nominee met the requirements of Chapter Six of the Constitution and demonstrated knowledge and understanding of the portfolio to which she had been nominated to. She also had a very high level of academic qualifications, training and professional experience. Mr. Speaker, she scored 76.72 per cent which is above the pass mark of 60 per cent set by the committee to be approved to the appointment as Chief Officer, Department of Water and Sanitation departments in accordance to Article 179(2) of the Constitution 2010 and Section 31(c) of the County Government Act 2012.

Mr. Speaker, having conducted the approval hearing for the nominee pursuant to the above provisions, the Committee recommends that the House approves the appointment of Dr. Dr. Julius Ndunge Wambua as Chief Officer, Department of Water and Sanitation. Thank you.

Hon. Deputy Speaker: Julianne not Julius.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Julianne. Sorry, Julianne Ndunge. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Brian. Now I invite Members to debate the motion. Hon. Kaloi.

Hon. Jeremiah Kaloi (Athi River, WDM-K): Thank you, Mr. Speaker. I stand to support the motion. Matters sanitation and sewerage especially in our municipalities is very crucial. So bring on board this Chief Officer and I am sure many issues are going to be addressed. So I stand to support and I am a Member of the Committee and the nominee was had experience in matters sanitation and sewerage so I stand to support. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Kaloi. Hon. Dominic Maitha.

Hon. Dominic Maitha (Muthwani, WDM-K): Hon. Speaker, without subjecting these Hon. Members to a lot of debate and whatnot, a report read by a committee brought before this House that did not have any lobbying to object it is a full satisfaction that the committee was

satisfied with the credentials and everything in that report. So, Hon. Speaker, without much ado, you may proceed and do the necessary Thank you, Hon. Speaker.

Hon. Deputy Speaker: I now invite them over to come forward and reply.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Mr. Speaker, thank you very much and Members for the contribution. Matters sanitation are critical and in the committee, we noted with a lot of concern that the budget allocation for sanitation is still very low. We are urging this House to support sanitation with appropriate budgets so that we can do the necessary in the department. So, Mr. Speaker, I am very grateful to the committee for the work they have done to our Chairman and the rest of the Members for the wonderful job we have done. It was within a very short span of time but we did the work. Thank you, Mr. Speaker.

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

(Question put and agreed to)

VETTING OF NOMINEE TO THE POSITION OF CECM, DEPARTMENT
OF WATER, IRRIGATION, CLIMATE CHANGE AND ENVIRONMENT

Hon. Deputy Speaker: On this one I will call upon Hon. Nicholas Nzioka, Majority Leader to move the motion on my behalf.

Hon. Nicholas Nzioka (Machakos Central, WDM-K):

Hon. Speaker, I wish to move the motion, THAT, pursuant to Standing Order 184 this House adopts the Sixth report of the Committee on Appointments on the vetting of nominee for Appointment to the position of County Executive Committee Member for the Department of Water, Irrigation, Climate Change and Environment; laid on the table of the House on Tuesday, 18th June, 2024.

I call upon the Minority Leader to second.

Hon. Mbili Ndawa (Matuu, MCCC) seconded.

Hon. Deputy Speaker: Thank you, Hon. Nicholas, Majority Leader and Hon. Judas Mbili, Minority Leader.

(Question proposed)

Before I invite Members to debate, let me call the mover to take the House through the highlights of the report.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Mr. Speaker. Mr. Speaker, with your permission, I just wish to go straight to the Committee recommendations because we did not have much; with your permission.

Hon. Deputy Speaker: You may proceed.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you. This is the recommendation of the Appointments Committee for the appointment of Chief---

Hon. Deputy Speaker: Hon. Majority Leader, before you read the recommendations, I think it is prudent maybe you start with the foreword.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Mr. Speaker. Pursuant to Article 179(2)(b) of the Constitution as read together with Section 30(2)(d) of the County Governments Act No. 17 of 2012, Her Excellency, the Governor of Machakos County forwarded to the Speaker of the County Assembly a letter Ref. GMC/2/OOG/VOL 1/001 dated 27th May, 2024 nominating Ms. Elizabeth Katile Mutua for appointment to the position of County Executive Committee Member (CECM), Department of Water, Irrigation, Climate Change and Environment.

Pursuant to Standing Order 39(1) and 42(2), the Speaker of the County Assembly read the message from Her Excellency the Governor, Machakos County, on Wednesday, 29th May, 2024 communicating the name of the nominee. Further, pursuant to Section 7(1) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Orders 39(3)(c) and 184(4), the name of the nominee was committed to the Committee on Appointments for approval hearing and reporting to the House within twenty-one days.

Consequently, and in accordance with Article 196(1) of the Constitution, Section 7(5) and (10) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 42(5) and (6), the Clerk of the County Assembly, through an advert placed in the Daily Nation newspaper dated Friday, 31st May, 2024 notified members of the public that the Committee on Appointments would conduct approval hearing on Monday, 10th June, 2024 at 11.00 a.m. at the Assembly Chambers.

The advert invited members of public to attend the approval hearing and/or submit any information or comments on suitability or otherwise for appointment of the nominee. The submissions were to be made by way of sworn affidavits and hand-delivered to the Office of the Clerk of the Assembly on or before 6th June, 2024. By close of the submission deadline, the committee had not received any memoranda concerning the suitability of the nominee.

The Committee convened as scheduled at the County Assembly chambers for the approval hearing in accordance with the Constitution, County Governments Act, Public Appointments (County Assemblies Approval) Act, No. 5 of 2017 and the County Assembly of Machakos Standing Orders. The Chairperson of the Committee directed the Serjeant at Arms to look for the nominee and escort her to the Assembly Chambers for the approval hearing. The Serjeant at Arms reported back that the nominee was not within the precincts of the Assembly. The Committee observed that:

- (a) The nominee had not collected the vetting forms despite the advert placed on the Daily Nation newspaper dated Friday, 31st May, 2024 requiring the nominee to collect and submit vetting forms as prescribed under Section 7(9) and the First Schedule of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017 by 10.00 a.m. on Thursday, 6th June, 2024.
- (b) The Office of the Clerk of the County Assembly had not received any formal notification on the nominee's withdrawal from the approval process as provided under Section 7(12) of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017 which provides that a candidate may, at any

time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall thereupon lapse.

- (c) The Office of the Clerk of the County Assembly made efforts to contact the nominee by way of phone calls and SMS. When the nominee eventually answered the phone call of the Clerk, she stated that she had declined that nomination.
- (d) An approval hearing cannot proceed without the presence of the nominee.
- (e) A report should be compiled for reporting to the House.

The approval hearing having not taken place as provided under Article 179(2)(b) of the Constitution, Section 35 of the County Governments Act and Sections 7, 8 and 9 of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017, due to unavailability of the nominee and oral reporting that she had declined the nomination, the Committee recommends that this House reports to the appointing authority that the candidate's nomination had lapsed pursuant to Section 7(12) of Public Appointments (County Assemblies Approval) Act, 2017.

On behalf of the Committee on Appointments and pursuant to Section 14(3)(b) of the County Governments Act, Section 9(1) of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 179(6), it is now my duty and privilege to present to the House, the sixth report of the Committee on Appointments on the approval hearing of the nominee to the position of County Executive Committee Member for Department of Water, Irrigation, Climate Change and Environment. Thank you Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Nicholas Nzioka. I now invite Members to debate the motion. Hon. Dominic.

Hon. Dominic Maitha (Muthwani, WDM-K): Hon. Speaker, in matters of litigation, when the complainant withdraws the case, then outright the case is dismissed. So, Hon. Speaker, there is no matter of discussion in this matter because the complainant already withdrew the case so the case may not proceed any further. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Dominic. May I now invite the mover to reply? Do you have something?

Hon. Mbili Ndawa (Matuu, M CCP): Yes. Thank you, Mr. Speaker, Sir. Mr. Speaker, I want to support the report and commend our Chair; you are the Chair together with the Speaker and other members for the report. Hon. Speaker, as I support, I just want to disagree with my brother here, Hon. Dominic, that the complainant withdrew the matter. Hon. Speaker, the key actor in this matter was H.E. Governor because she is the one who brought that name. So the only person whom we can term is the complainant is the Governor, but the Governor did not do that.

Hon. Speaker, the process lapsed because of two technicalities. First, the nominee was given timeline to collect forms, to fill them and return to the Office of the Clerk and there was that time given; she never honoured that. Again, Hon. Speaker because the process and to go to the last step that is the appointed date for the hearing and Hon. Speaker, us as the Committee did not want to take any shortcut. The committee sat as it was agreed upon as it was in the newspaper and we waited because we have given time for that nominee to appear before the

committee. The nominee did not show up. The Serjeant at Arms, as the Majority Leader has read, was sent by the committee so that we could be sure.

In fact, we were trying to seal any loophole that nobody can go to court and say; I was not heard. The Serjeant at Arms was sent to check whether the nominee was within the precincts of the Assembly and the report that came is that the nominee was nowhere to be seen. So the nominee lost that chance because of those two technicalities. Since it was a business which was given by the Assembly, we had to compile a report and bring it before this House and say that was the position and maybe request H.E. the Governor to forward another name because that one was not available. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Ndawa. Hon. Nicholas Nzioka, you may come forward and reply.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Mr. Speaker. I just want to thank the Members of the Committee, who despite the nominee not showing up, thought that the only logical way is to follow the law and present a report to this Hon. House because that is the work that we were given when it was first communicated. I just want to thank the Members and the House for receiving and I hope they are going to approve our report. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Nicholas Nzioka, the Majority Leader.

(Question put and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: The House adjourns to Tuesday, 18th June, 2024 at 2.30 p.m.

The House rose at 12.30 p.m.

