

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

**OFFICIAL REPORT**

**Wednesday, 8<sup>th</sup> May, 2024**

The House met at 3.43 p.m.

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

**PRAYERS**

**Hon. Speaker:** What is the matter Hon. Lucky. Hon. Catherine and Hon. Kitetu?

*(Laughter)*

**Hon. Lucky Nzau** (Matungulu West, WDM-K): We are happy to see you.

**Hon. Speaker:** You are happy to see me? Am I not the one supposed to be happy to see you? You are highly welcome. Good afternoon Members. May I invite you and welcome you to this afternoon sitting. We can commence.

**PAPER LAID**

KENYA INFORMAL SETTLEMENT PROJECT (KISIP 2) LOCAL  
PHYSICAL AND LAND USE DEVELOPMENT PLANS (LPLUDPS)  
FOR INFORMAL SETTLEMENTS IN MAVOKO MUNICIPALITY

**Hon. Speaker:** At this point we have a Paper to be laid. May I invite Hon. Nicholas Nzioka Leader of Majority MCA Machakos Central Ward to proceed and lay the Paper?

**Hon. Nicholas Nzioka** (Machakos Central, WDM-K): Thank you, Madam Speaker. Hon. Speaker, I wish to lay the following Paper on the Table of the Assembly today, Wednesday 8<sup>th</sup> May, 2024; Kenya Informal Settlement Project (KISIP 2) Local Physical and Land Use Development Plans (LPLUDPs) for Slota, Jam City, Kwa Mang'eli, Kwa Nzomo and Canaan informal settlements in Mavoko Municipality. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Member. That Paper is committed to Lands and Energy Committee. Thank you.

*(The Paper was laid on the Table)*

**STATEMENT REPLIES**

ADP 2023/2024 PROJECT IMPLEMENTATION  
STATUS FOR MASINGA CENTRAL WARD

**Hon. Speaker:** We have several Statement responses and one Statement is by Hon. Dominic Maitha and then we have another one by Hon. Annastacia. Hon. Maitha proceed.

**Hon. Dominic Maitha** (Muthwani, WDM-K): Thank you, Madam Speaker. Just before I proceed if you allow me, we learn as proceed in transacting our Assembly business. Today I have noted a serious breach of protocol. It is imperative and important for these Hon. Members to realize that once the Speaker has entered the Chamber, the Speaker cannot be interrupted whatsoever. Members have to wait for the Speaker to go through the Assembly prayer, sit down and then Members can come in. The Speaker had to wait for Members to sit down and proceed with prayer. That is total breach of protocol.

**Hon. Speaker:** Members, I hope you have noted that what Mheshimiwa Maitha has observed. Let us make it better as we go on.

**Hon. Dominic Maitha** (Muthwani, WDM-K): Hon. Speaker, the Select Committee on Implementation is established pursuant to Standing order 188 and the committee is mandated to scrutinize the resolutions of the Assembly including adopted Committee reports, Petitions and the undertakings given by the County Executive Committee.

Hon. Speaker, In line with the above stated mandates, on 17<sup>th</sup> April, 2024 during the afternoon plenary sitting, a Statement on Implementation status of projects in Masinga Central Ward as provided in the Annual Development Plan (ADP) for 2023/2024 was sought requesting to know the measures that the County Government has put in place to ensure that the said projects are completed within the current financial year noting that it is a Constitutional requirement to ensure equitable sharing of the County resources.

Hon. Speaker, based on the aforementioned task, the committee conveyed the sought statement to the office of County Secretary vide a letter Ref: MKSCA/PSC/CMM/IMOLI/VOL.4/41 dated 30<sup>th</sup> April, 2024. The stated letter was responded through a letter Ref: GMC/2/CS/CA/VOLX.II/53 dated 3<sup>rd</sup> May, 2024.

Hon. Speaker, the County Secretary stated that “ the office of the County Secretary is not in the best position to provide the requested statement, reason being that implementation of projects across the various Wards, as spelt out in the Annual Development Plan (ADP), is the responsibility of the respective Chief Officers/Accounting Officers.” The County Secretary further directed the Committee to seek the requested information directly from the responsible Chief Officers. I wish Hon. Speaker you would protect me so that the Hon. Member may---

*(A Hon. Member spoke off record)*

**Hon. Speaker:** Let the Hon. Member finish.

**Hon. Dominic Maitha** (Muthwani, WDM-K): The above stated office therefore directed the Committee to seek the requested information directly from the responsible Chief Officers. In view of the foregoing, I wish to seek extension for the Committee for further 14 days to enable the Committee complete its assigned tasks so that we may be able to respond to this statement. Thank you Madam Speaker.

Madam Speaker, just to expound a bit. The Implementation Committee is seriously facing challenges. We have written so many letters seeking information from various

departments and these are the kind of responses that we have been receiving from the Department. An example, Madam Speaker, is a Motion that was passed in this Assembly way back last year by the Hon. Member of Matuu Ward seeking to have certain services and changes undertaken in Matuu Level IV hospital.

Madam Speaker we have written letters and summoned County Executive Committee Member (CECM) and Chief Officers and we have not been able to get sufficient information including even inviting the Hon. Leader of Minority who represents Matuu Ward to come and listen to the submissions that this Committee is trying to get so that we can respond to this House. With the foregoing, we have been able to table fully-baked reports in this House because of such and it is in that undertaking we have come to seek an extension of time.

This Statement was supposed to be responded to today as per the directions you gave. Immediately you gave this direction, the following day the secretariat did a letter to the County Secretary who is in charge of all departments so that we may get a response on the same but the response he gave and in fact it came yesterday is that he is not in a position and it is very clear. "I am not in the best position to provide the requested Statement." So, now he has directed us to seek further clarification on the same from the Chief Officers.

So, Madam Speaker, that is why we have come to seek further extension of time so that the secretariat can write letters to the respective Chief Officers to respond so that we can be able to come and respond to the Statement that was sought by Hon. Mwonga. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you, Hon. Maitha and I am sorry for the roadblock you have met on the way but I am wondering if we extend this period for another 14 days, are you going to get the information then?

**Hon. Dominic Maitha** (Muthwani, WDM-K): Now that Madam Speaker the letter response by the County Secretary has directed us to seek information from the Chief Officers, we are going to attach an appendix of the same to all the letters that will be sent to the relevant Chief Officers and departments so that they can adhere to the directions given by the County Secretary. In the event that information is not responded to within the period we are going to seek it, we shall come and report the same to this House and you shall give direction to that effect. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much, Hon. Member. Hon. Brian and then Hon. Kavyu.

**Hon. Brian Kisila** (Makutano/Mwala, MCCP): Thank you, Madam Speaker, for giving me the opportunity. First of all, the seeker of the Statement was not here and that is why I was raising the point---

**Hon. Speaker:** He was seeking for extension.

**Hon. Brian Kisila** (Makutano/Mwala, MCCP): That is okay. My brother is on record yesterday saying that we do not read our Standing Orders and I also want to tell him that he has not read the Standing Orders because there is a very elaborate procedure of how we summon any member of the Executive; the first, second and the third. He should not be coming here whining that he cannot be able to get the people to come to the Assembly. Otherwise, we will now

become a House that is toothless. The procedure is very clear; you give the first, the second invitations and the third is a summon. The summon is as good as a court summon.

So, Madam Speaker, let us not come to this Assembly, fail to give information under the pretext that we do not know and we are kind of incapacitated as an Assembly. Otherwise, we should go home. Our role is to oversight Executive under our Standing orders. So, if any member of the Executive be it a Chief Officer or a CECM, does not conform to the invitations by the Assembly, let the respective committees take the necessary action within the stipulated time so that they do not have to come and wait for the last minute to start seeking extension.

We were in a very serious debate last week on refusing an extension but the minute we refuse it, the same committee went ahead within 24 hours they produced a report. These extensions are becoming the norm and the minute we accept to become a House which is being managed by the Executive on the basis of information being sought, then we are failing. I agree with Mheshimiwa, they should have taken upon themselves to be very specific with the invitations and they should now move to the next level and demand those Chief Officers or CECM responds and if they fail, then he should take the necessary action. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much, Hon. Brian. The issue of Hon. Maitha was the response they got from the County Secretary was directing them to the accounting officer who is the Chief Officer and Hon. Maitha is seeking for an extension to address the letter now to the Chief Officer so that we can see how it goes. If there is any problem then he can invoke the provisions of our Standing Orders that say, if you do not turn up and you have been summoned by the Assembly for some purpose, then the Assembly has powers equivalent to the ones of the High Court and they can summon and give a verdict against you which can be very severe depending on what they reasonably think is the right thing to do.

So, I believe we have all the machinery with us here and at this point I am obliged to extend the period requested for a further 14 days so that Hon. Maitha and the committee can get the right information from the right people. So, we expect you to bring the report as soon as you get it. Thank you, Members.

#### RECRUITMENT OF ECDE TEACHERS AND DISTRIBUTION OF LEARNING AND TEACHING MATERIALS TO ECDE CENTERS

**Hon. Speaker:** I now wish to call upon Hon. Annastacia Mutevu, the Chairperson of education and social services committee to come and give a response on status of recruitment of ECDE teachers.

**Hon. Annastacia Mutevu** (Nominated, WDM-K): Thank you, Madam Speaker.

**Hon. Speaker:** Who had requested for this Statement?

**Hon. Annastacia Mutevu** (Nominated, WDM-K): Hon. Paul Wambua, Don.

**Hon. Speaker:** Paul is here; proceed.

**Hon. Annastacia Mutevu** (Nominated, WDM-K): Honourable Speaker, Standing Order 41(3) provides that where a member requests for a statement from the Committee Chairperson relating to matters under the mandate of the Committee, the Speaker may either appoint a day for

the statement or direct that the statement sought must be restricted to matters within the mandate of the Committee and which have been exhaustively dealt with and concluded by the Committee or where the Chairperson is authorized by members to issue preliminary reports to the house.

Hon. Speaker, on 16th April, 2024 during the morning plenary sitting, a Statement on the Status of recruitment of ECDE Teachers and distribution of learning materials and aids to ECDE Centres across the County by Hon. Paul Wambua, MCA, Kibauni ward was sought seeking the following:

1. The number of ECDE Centres within the County and the status of Teacher-Learner ration within those ECDE Centres.
2. Whether the Department has a scheme of service in place for recruitment/ employment of ECDE Teachers and if the Department has recruited any ECDE teachers in the current FY 2023/2024.
3. Whether the Department has purchased and distributed teaching and learning materials to all ECDE Centres within the County.

Hon. Speaker, in response to the above Statement, the Committee requested for a response from the Chief Officer, Education and ECDE Services through a letter Ref: MKSCA/CMM/PCS/ESW/VOL.4/54 dated 16th April and letter Ref: MKSCA/CMM/PCS/ESW/VOL.4/56 dated 24th April and the department responded to the aforementioned Statement through a letter GMC/4/DOEE/ASS/OL. 1/22 dated 29<sup>th</sup> April, 2024 as follows:

*1. The number of ECDE Centers within the County and the status of Teacher-Learner ration within those ECDE Centers*

Hon. Speaker, the department responded that the Machakos County in collaboration with other key education stakeholders have consistently recognized the importance of education right from early learning to other levels of education and this is not limited to training of learners living with disabilities. Over the years since inception of devolution, the county government of Machakos has implemented various projects including construction of ECDE centers. As of financial year 2022/2023, the county government had a total of 1,168 ECDE centers across the county and is looking forward to constructing and opening more to help learners' access education with ease.

According to Machakos County Pre-Primary Policy, the ration of teacher to learner is supposed to be 1:25. However, due to shortages of teachers currently, the ratio is averagely ranging between 1:30 and 1:50 Ratio of teacher to learner. (See attached a list of ECDE Centers tabulated as per Sub-County and Wards in Annexure I)

*2. Whether the Department has a scheme of service in place for recruitment/ employment of ECDE Teachers*

Hon. Speaker, the department responded that the department has no approved Scheme of Service yet. However, they have a draft of the same which is in the last stages of preparation. Once approved and adopted, it will proper guide on the recruitment, retention, deployment, training, promotion and utilization of our teachers to ensure they meet quality education standards as per the Pre-Primary policy.

The analysis stipulated below is the proposed distribution of job groups depending on one's qualifications that is Certificates, Diplomas, Degrees, Masters and PhD according to the Scheme of Service.

SR/NO	TITLE	QUALIFICATIONS	JOB GROUP
1.	Assistant ECDE Teacher III	Below O Level	F
2.	Assistant ECDE Teacher I	Certificates	H
3.	ECDE Teacher II	Diploma	J
4	Graduate ECDE Teacher III	Degree	K
5	Senior Principal Graduate ECDE Teacher /Deputy Director	Masters	Q
6	Chief Principal Graduate ECDE Teacher/Director	PhD	R

3. *Whether the department has recruited any ECDE Teachers in the current financial year?*

Hon. Speaker, the department responded that the department has not recruited any teachers in the current financial year 2023/24. We had a plan of recruiting 100 staffs as VTC Trainers/Instructors and ECDE Teachers. However, due to limited resources, we could not get a vote line directly towards staffing. The available Ksh. 4,000,000 is set to prepare and draft department's policies for VTC and ECDE, ECDE Scheme of Service and training on the same. It was not voted for salary.

4. *Whether the Department has purchased and distributed teaching and learning materials to all ECDE Centers within the County*

Yes, the department did purchase and distribute teaching and learning materials to all ECDE in the last financial year of 2022/2023 and distribution was done as the below schedule to make sure all our ECDE centers received the materials. As for the current financial year, procurement process is on.

<b>TEACHING AND LEARNING MATERIALS DELIVERED PER WARD</b>									
<b>TEACHING AND LEARNING MATERIALS DISTRIBUTION LIST FY 2022/2023</b>									
S/N O	WARD	ENROL LMENT	PP 1	PP 2	PP1 COP Y	PP2 COP Y	MANILA PAPERS	FELT PAPER S	CRA YON S
1	ATHI RIVER	686	32 9	35 7	237	191	335	176	493
2	EKALAKA LA	1224	58 8	63 6	423	341	597	313	879
3	IKOMBE	1793	86 1	93 2	620	499	875	459	1287
4	KALAMA	1015	48 7	52 8	351	282	495	260	729
5	KANGUND O CENTRAL	518	24 9	26 9	179	144	253	133	372

6	KANGUND O EAST	622	29 9	32 3	215	173	304	159	447
7	KANGUND O WEST	732	35 1	38 1	253	204	357	187	526
8	KATANGI	1192	57 2	62 0	412	332	582	305	856
9	KATHIANI CENTRAL	1284	61 6	66 8	444	357	627	329	922
10	KIBAUNI	801	38 4	41 7	277	223	391	205	575
11	KINANIE/M ATHATANI	857	41 1	44 6	296	238	418	219	615
12	KITHIIMAN I	1053	50 5	54 8	364	293	514	270	756
13	KIVAA	1843	88 5	95 8	637	513	899	472	1323
14	KOLA /MUUMAN DU	822	39 5	42 7	284	229	401	210	590
15	KYELENI	477	22 9	24 8	165	133	233	122	342
16	LOWER KAEWA	1546	74 2	80 4	534	430	754	396	1110
17	MACHAKO S CENTAL	569	27 3	29 6	197	158	278	146	409
18	MAKUTAN O/MWALA	1299	62 4	67 5	449	361	634	333	933
19	MASII	1402	67 3	72 9	485	390	684	359	1007
20	MASINGA CENTRAL	1655	79 4	86 1	572	460	808	424	1188
21	MATUNGU LU NORTH	1138	54 6	59 2	393	317	555	291	817
22	MATUNGU LU WEST	1500	72 0	78 0	518	417	732	384	1077
23	MATUU	973	46 7	50 6	336	271	475	249	699
24	MBIUNI/KA THAMA	1409	67 6	73 3	487	392	688	361	1012
25	MITABONI	2150	10 32	11 18	743	598	1049	550	1544
26	MLOLONG O	305	14 6	15 9	105	85	149	78	219
27	MUA	696	33 4	36 2	241	194	340	178	500

28	MUMBUNI NORTH	394	18 9	20 5	136	110	192	101	283
29	MUTHESY A	883	42 4	45 9	305	246	431	226	634
30	MUTHETH ENI	1080	51 8	56 2	373	300	527	276	775
31	MUTHWAN I	680	32 6	35 4	235	189	332	174	488
32	MUTITUNI	506	24 3	26 3	175	141	247	130	363
33	MUVUTI/ KIIMA KIMWE	678	32 5	35 3	234	189	331	174	487
34	NDALANI	1537	73 8	79 9	531	428	750	393	1104
35	NDITHINI	1069	51 3	55 6	369	297	522	274	768
36	TALA	636	30 5	33 1	220	177	310	163	457
37	UPPER KAEWA	1664	79 9	86 5	575	463	812	426	1195
38	WAMUNY U	1209	58 0	62 9	418	336	590	310	868
39	MATUNGU LU EAST	830	39 8	43 2	287	231	405	212	596
40	KANGUND O NORTH	1008	48 4	52 4	348	280	492	258	724
	<b>TOTALS</b>	<b>41735</b>	<b>20 03 3</b>	<b>21 70 2</b>	<b>14424</b>	<b>11611</b>	<b>20367</b>	<b>10684</b>	<b>29966</b>

Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much Hon. Anastasia and I wish to call upon Hon. Paul Wambua to inform this House whether he is satisfied with the report as given.

**Hon. Paul Wambua** (Kibauni, PTP): Thank you Hon. Speaker, I came on this side because my son may be watching me on YouTube and he may think that I debate alone in the Assembly because no one is sitting behind me.

**Hon. Speaker:** So this is the purposes of your son or the people of Kibauni.

**Hon. Paul Wambua** (Kibauni, PTP): My son is also a member of Kibauni. Thank you very much, I want to say thank you to my school mate Anastasia, my very beautiful school mate, who has taken the shortest time possible to give me a response. So *asante sana* for that. Madam



Speaker, I think I have been answered and I have just a few comments. One is the importance of ECDE learning in our learning set up. Madam Speaker, I checked this building and it was opened in 1957 or 1958 there about; this building stands today because of the strong foundation that was set by the builders then. ECDE is the basic form of learning that sets the standards for our learners going forward and therefore its importance cannot be underrated.

As a County on the learner teacher ratio, we are not doing very well; we are above the ratios that are set as per our policies. I would urge the Executive, the department of education to ensure that they recruit more teachers to increase the teacher learner ratio. I have seen in the response that we have 1,500 ECDE centers. Madam Speaker if it were for me, I would work hard to make the ECDE centers that are there, centers of excellence where our pupil feel comfortable and our learners get quality education. By quality education, we may do a lot of ECDE centers but if we do not have the personnel to train our children, then we will not be doing any service to those children.

The scheme of service that is proposed I have seen the first level is below 'O' levels and as a Member of County Assembly, personally I would not my child to a teacher whose levels of studies is below 'O' level, so I would propose that as the department prepares to have this adopted, let the lowest levels be 'O' levels not below.

I have seen that materials have been bought and in the report they have done crayons, manila papers and something else I have seen noted as felt papers; I assumed is felt pens. That is a good start. However, the materials that I would be interested to see in our learning centers are books first because some of these teachers depend on their experience but the curriculum is changing every day. We need to upgrade our learning resources as the curriculum changes.

The other day when I was requesting this Statement, I gave a story about a meeting I had with one of my constituents in Kibauni. This *mzee* told me we are not doing very well as a County at the basic levels of education which ECDE. He also told me that we are not doing fairly well in the health sector. What he told me was that the result of this Madam Speaker, let me be because I am concluding---

**Hon. Speaker:** I also think you are getting out of point maybe Hon. Kavyu could be in my mind as well.

**Hon. Francis Kavyu (Kinanie, MCCC):** Madam Speaker, I think your instructions were very clear when you requested the seeker of the Statement to appear, First, he was supposed to give an indication whether he is satisfied or not and from the discussion or contribution that he is making, he appears like he was seeking a Statement when he already has solutions and answers for what he was seeking.

Those proposals he is trying to give, Madam Speaker, I wish you direct he brings us a substantive motion so that we can discuss and make a resolution as a House because he will contribute so much but from the response that has been given there is not much that we can resolve as a House. Thank you.

**Hon. Speaker:** Thank you very much, Hon. Kavyu. To the best of my knowledge Hon. Paul when you seek a Statement you are required to get a response and the only answer you are supposed to give is just you are satisfied or not. If you are not satisfied we go back to the drawing board but now going *ultra vires* you become irrelevant now and I direct that you

conclude your matter by saying that I am satisfied and go and sit down Hon. Member so that we can proceed to another matter.

**Hon. Paul Wambua** (Kibauni, PTP): Thank you, Madam Speaker. I stand well-guided and I am satisfied and I will take the necessary further stages because I am very well-armed to bring a substantive motion. Thank you.

*(Applause)*

**Hon. Speaker:** Thank you, Hon. Paul Wambua, for that.

### MOTION

ASSUMPTION OF OFFICE OF THE SECOND GOVERNOR OF MACHAKOS COUNTY

*(Hon. Phoebe Koki on 16.04.2024)*

*(Resumption of Debate on the Motion interrupted on 30.04.2024)*

**Hon. Speaker:** Thank you, Clerk. At this point I would wish to invite Hon. Peninah who is holding brief for Hon. Phoebe Koki to take us through the motion.

*(Applause)*

**Hon. Peninah Kisangai** (Nominated, PTP): Thank you, Madam Speaker. This report was tabled in front of this House by Hon. Phoebe Koki and Madam Speaker, it is on our website Hon. Members have gone through it so Madam Speaker, with your permission allow Members to ventilate on it.

**Hon. Speaker:** I would just ask you for one thing. I can see the matter was interrupted on 30th of April, 2024 at 12.30 p.m. What I would request you is maybe to proceed and re-read the recommendations once again to refresh the Members of what we discussed that time then now I will open the floor for Members to debate.

**Hon. Peninah Kisangai** (Nominated, PTP): Thank you, Hon. Speaker.

**Hon. Speaker:** I think the recommendations are few; just go through them.

**Hon. Peninah Kisangai** (Nominated, PTP): These are the committee recommendations: Hon. Speaker, following the above general observations this committee recommends as follows:

*i. 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 to all the activities required to successfully conduct the Assumption of Office of the Governor.

- ii. 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.

- iii. 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.
- iv. THAT In future all the required information and departmental hand over 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.

*(Applause)*

Acknowledgement and---

**Hon. Speaker:** That is enough. Thank you. Now Members, your minds have been refreshed. Can I invite Members to debate on this matter?

**Hon. Dominic Maitha** (Muthwani, WDM-K): Madam Speaker, I want to applaud the Hon. Vice Chair; she is wonderfully articulate and I think as Hon. Chairs we need to encourage our Vice Chairs because I am amazed; congratulations Mheshimiwa. Madam Speaker, this report was debated here. Members have gone through it and actually there is nothing much that can be said other than implementing the committee recommendations. Madam Speaker, I would request your indulgence you put the question so that I may proceed as the Chair, Implementation to do and pursue the same. Thank you, Madam Speaker.

**Hon. Speaker:** Thank you very much, Hon. Maitha. I am well-guided; if the matter was debated then we really do not have much to say.

*(Question put and agreed to)*

Thank you very much, Hon. Members.

### ADJOURNMENT

**Hon. Speaker:** We have come to the end of our sitting this afternoon. The House adjourns to Tuesday, 14th May, 2024 at 10.00 a.m. See you then Members God-willing.

The House rose at 4.20 p.m.