

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS
OFFICIAL REPORT

Tuesday, 3rd September, 2024

The House met at 11.41 a.m.

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

PRAYER

Hon. Speaker: Good morning Hon. Members, you are welcome to today's sitting. We could start off, Mr. Clerk.

PAPERS LAID

COUNTY ANNUAL DEVELOPMENT PLAN (ADP) FOR 2025/2026

Hon. Speaker: May I invite Hon. Nicholas Nzioka to come forward and lay the papers.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Hon. Speaker. Hon. Speaker, I beg to lay the following Paper on the Table of the Assembly today, Tuesday, 3rd September, 2024; the County Annual Development Plan (ADP) for the FY 2025/2026. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Member. That Paper is hereby committed to Trade Economic Planning and Industrialization committee. Thank you. May I at this point as well invite Hon. Stephen Mwanthi, Vice Chairperson, Committee on Appointments to come forward and lay another Paper.

VETTING OF NOMINEES FOR CECM, WATER AND SECRETARY, CPSB

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Hon. Speaker. Hon. Speaker, I beg to lay the following Paper on the Table of the Assembly today, Tuesday, 3rd September, 2024; the seventh report of the Committee on Appointments on vetting of nominees for appointment to the positions of County Executive Committee Member, Water, Irrigation, Environment and Climate Change and that of Secretary to the County Public Service Board. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member. At this point, may I invite Hon. Philip Ndolo, Chairperson, Public Accounts and Investments committee to come forward and lay another Paper?

FINANCIAL STATEMENTS OF MAVOKO WATER AND SANITATION

COMPANY LIMITED AND MUNICIPAL COUNCIL OF MACHAKOS WATER
AND SEWERAGE COMPANY LIMITED FOR THE YEAR ENDED 30TH JUNE, 2022

Hon. Philip Ndolo (Mitaboni, UDA): Thank you, Hon. Speaker. Hon. Speaker, I beg to lay the following Papers on the Table of the Assembly today, Tuesday, 3rd September, 2024:

- i) Report of the Public Accounts and Investments Committee on the consideration of the Report of the Auditor-General on the Financial Statements of Mavoko Water and Sanitation Company Limited for the year ended 30th June, 2022;
- ii) Report of the Public Accounts and Investments Committee on the consideration of the Report of the Auditor-General on the Financial Statements of Municipal Council of Machakos Water and Sewerage Company Limited for the year ended 30th June, 2022.

(The Papers were laid on the Table)

Hon. Speaker: Thank you, Hon. Member. Next order.

NOTICES OF MOTIONS

VETTING OF NOMINEES FOR CECM, WATER AND SECRETARY, CPSB

Hon. Speaker: May I invite Hon. Stephen Mwanthi Vice Chairperson, Committee on Appointments to come forward and give a notice of motion.

Hon. Stephen Mwanthi (Ekalakala, WDM-K):

Hon. Speaker, I wish to give notice of the motion THAT, this House adopts the seventh report of the Committee on Appointments on vetting of nominees for appointment to the positions of County Executive Committee Member, Water, Irrigation, Environment and Climate Change and that of the Secretary to the County Public Service Board laid on the table of the House on Tuesday, 3rd September, 2024 and pursuant to the provisions of Sections 35, 58 and 58A of the County Governments Act, 2012, Sections 4 and 6 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 184, this House approves the nomination of Rose Kamene Mwanthi as CECM, Water, Irrigation, Environment and Climate Change and that of Juliana Ndunge Mutisya as Secretary to the County Public Service Board.

Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member. May I as well invite Hon. Philip Ndolo, Chairperson Public Accounts and Investment committee to come forward and give another notice of motion?

FINANCIAL STATEMENTS OF MAVOKO WATER AND SANITATION
COMPANY LIMITED FOR THE YEAR ENDED 30TH JUNE, 2022

Hon. Philip Ndolo (Mitaboni, UDA):

Hon. Speaker, I wish to give notice of the motion, THAT, pursuant to Standing Order 185, this House adopts the Report of the Public Accounts and Investments Committee on the consideration of the Report of the Auditor-General on the

Financial Statements of Mavoko Water and Sanitation Company Limited for the year ended 30th June, 2022, as laid on the table of the House on 3rd September, 2024.

Hon. Speaker: Thank you, Hon. Member.

STATEMENT

BUSINESS FOR THE HOUSE FOR 3RD SEPTEMBER AND 1ST OCTOBER, 2024

Hon. Speaker: May I invite Hon. Nicholas Nzioka to come forward and make some statements. Hon. Minority Leader you can hold his brief.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker. Hon. Speaker, the House Business Committee met on 2nd September, 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, 3rd September, 2024

Morning at 10.00 a.m.

- a. Statement on what the Department of Roads, Transport and Public Works is doing to ensure completion of Matuu Hospital loop and Equity lane roads projects by Hon. Judas Ndawa, MCA, Matuu Ward.
- b. Report of the Committee on Appointments on vetting of nominees for appointment to the positions of County Executive Committee Member, Water, Irrigation, Environment and Climate Change and that of the Secretary to the County Public Service Board by Hon. Stephen Mwanthi, Vice Chairperson, Committee on Appointments.
- c. Motion on Alteration of the Assembly Calendar and adjournment of the House for recess pursuant to the Calendar of the Assembly by Hon. Nicholas Nzioka, Leader of Majority/MCA, Machakos Central Ward.

Tuesday, 1st October, 2024

Morning at 10.00 a.m.

- a. Response to a statement sought on status of roads within the County by Hon. Muoki Musila, Chairperson, Transport, Roads and Public Works Committee.
- b. Report of the Public Accounts and Investments Committee on the consideration of the Report of the Auditor-General on the Financial Statements of Mavoko Water and Sanitation Company Limited for the year ended 30th June, 2022 by Hon. Philip Ndolo, Chairperson, Public Accounts and Investments Committee.

Thank you, Hon. Speaker.

STATEMENT SOUGHT

STATUS OF MATUU HOSPITAL LOOP AND EQUITY LANE ROADS

Hon. Speaker: Thank you very much, Hon. Member. May I at this point invite Hon. Judas Ndawa, the Minority Leader to come forward and make a Statement on the status of Matuu Hospital Loop and Equity Lane Roads? Hon. Ndawa please.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Hon. Speaker. Before I read the Statement, I want to share with the House that I am mourning; I lost my brother last night. It is only fair that I share with my colleagues.

Hon. Speaker: Sorry about that.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker.

Hon Speaker, that aware THAT Article 185 (3) of the Constitution states that the County Assembly, while respecting the principle of separation of powers, may exercise oversight over the County Executive Committee Members and any other County Executive Organs.

Aware THAT under the Fourth Schedule of the Constitution, County Governments are responsible for county transport including county roads, traffic, parking and public road transport;

Aware THAT in the previous regime, the Assembly allocated funds for construction of flagship projects in various Wards including road projects; informed THAT during that period, Matuu Hospital Loop Road and Matuu Equity Lane Road which are in Matuu Ward were among the projects.

Cognizant THAT most of the works in the projects have been done and only few works remain to be completed, Hon. Speaker, pursuant to Standing Order 40 of the Assembly Standing Orders, I wish to seek a statement from the County Executive Committee Member Department of Roads, Transport and Public Works on the strategies that the Department has put in place to ensure that these projects are completed and the expected date of completion.

Hon. Speaker, I wish to request for one minute to give a history of the project if you allow. I will also request that you allow two or three Members to ventilate on the said project. Hon. Speaker, the Hospital Loop Road and the Equity Lane were treated as one road. It had three components; cabro works and drainage works.

Hon. Francis Ngunga (Mua, MCCC): Point of order, Madam Speaker.

Hon. Mbili Ndawa (Matuu, MCCC): Component number three was the road itself.

Hon. Francis Ngunga (Mua, MCCC): Point of order, Madam Speaker.

Hon. Mbili Ndawa (Matuu, MCCC): Hon. Speaker, the drainage works was done and completed, cabro works was done and completed the only bit which was left is the road. Hon. Speaker, earth works were done it is only a very small bit which is remaining. We only need one coat of murrum and we apply---

Hon. Francis Ngunga (Mua, MCCC): Point of order, Madam Speaker.

Hon. Speaker: Allow him to finish, Hon. Member.

Hon. Mbili Ndawa (Matuu, MCCC): So we pour the tarmac. Hon. Speaker, that is all that I want to share with the House and request that this thing be taken with the seriousness it deserves. Thank you, Hon. Speaker.

Hon. Francis Kavyu (Kinanie, MCCC): Point of order, Madam Speaker.

Hon. Speaker: Point of order?

Hon. Francis Kavyu (Kinanie, MCCC): Madam Speaker---

Hon. Francis Ngunga (Mua, MCCC): You did not hear mine or something?

PROCEDURAL MOTION EXTENSION OF SITTING TIME

Hon. Francis Kavyu (Kinanie, MCCC):

Hon. Speaker, that aware THAT Standing Order 27(2) provides that the Speaker shall interrupt the Business at 12.30 p.m. for the morning sitting;

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

Aware THAT Standing Order 27(4) requires that the Motion to extend sitting time be moved at least thirty minutes before the time appointed for adjournment;

Hon. Speaker, I beg to move the Motion THAT the House resolves to extend its sitting time until the business is complete.

Thank you, Madam Speaker. I call Hon. Majority Leader to second.

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

Hon. Speaker: Thank you, Hon. Member and Hon. Majority Leader.

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Members, as per the request of Hon. Ndawa, I could allow a few Members to ventilate on this Statement. Hon. Deputy Speaker.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. Madam Speaker, I would support that statement probably for the CECM to shed some light on that project, owing to the fact that that road gives us access to Matuu Level IV which is currently being elevated to Level V. Our expectation is that the road should be or will be completed soonest possible for the residents to get that service. The Equity Lane is in the middle of Matuu town with serious businesses. Our expectation is that if that same project could be completed on time, our residents could get the best services from this County Government. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. Hon. Kavyu.

Hon. Francis Kavyu (Kinanie, MCCC): Thank you, Madam Speaker. I support the statement and the sentiments shared by the Deputy Speaker because Madam Speaker, that road will help open up Matuu town, and also, by virtue that it serves the hospital, that will grant some added advantage in terms of accessibility. Madam Speaker, you also need to note that already a substantial amount of public funds have already been used in doing the ground works so it will only be prudent if the road is completed so that it can start preparing Matuu to be conferred the municipality status.

We just need to start putting some structures in place and also, I think it is the headquarter of Yatta and there are so many people that normally ply that route especially when there are some form of accident, that road can be used as a diversion, because you are aware, Madam Speaker, when there is normally some traffic around that area sometimes for hours it becomes a challenge either to exit Matuu or to come in. With that loop road, you will find even some of the traffic that do not have any activity within the town can be used in that route.

So, I support and request the Department of Roads to move with speed and ensure the people of Matuu can start enjoying the service as soon as possible. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member. At this point, I wish to commit that statement to the Roads, Transport and Public Works committee to report on or before 1st of October, 2024. Thank you, Members.

MOTIONS

VETTING OF NOMINEES FOR APPOINTMENT AS CECM, WATER AND SECRETARY, CPSB

Hon. Speaker: May I invite Hon. Stephen Mwanthi, Vice Chairperson, Committee on Appointments to come and take us through the motion.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you Hon. Speaker, I wish to move the motion that this House adopts the seventh report of the Committee on Appointments on vetting of nominees for appointment to the positions of County Executive Committee Member, Water, Irrigation, Environment and Climate Change and that of the Secretary to the County Public Service Board, laid on the table of the House on Tuesday 3rd September, 2024 and pursuant to the provisions of Section 35, 58 and 58(a) of the County Governments Act, 2012, and Section 4 and 6 of the Public Appointments (County Assembly Approval) Act, 2017, and Standing Orders 184, this House approves the nomination of Rose Kamene Mwanthi as CECM water, Irrigation, Environment and Climate Change and that of Juliana Ndunge Mutisya as Secretary to the County Public Service Board. Thank you, Madam Speaker. I call upon Hon. Francis Kitaka to second the motion.

Hon. Francis Kitaka (Ndalani, WDM-K) seconded.

Hon. Speaker: Thank you, Hon. Mwanthi and Hon. Kitaka.

(Question proposed)

Before I invite Members to debate on this matter, I request the mover to take us through the highlights of the report. Hon. Mwanthi.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you Hon. Speaker and if you allow me, I will just go through the forward which has given all the highlights of the members and members will go through the report because I believe it is already in their gadgets.

Hon. Speaker: That is in order.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you Madam Speaker. Pursuant to Article 179(2b) of the Constitution and Sections 30(2d) and 58(1c) of the County Governments Act No. 17 of 2012, Her Excellency, the Governor of Machakos County, forwarded to the Speaker of the County Assembly notifications of nomination of:

- i. Ms. Rose Kamene Mwanthi for consideration and subsequent approval by the County Assembly for appointment as County Executive Committee Member (CECM), Water, Irrigation, Environment and Climate Change vide letter Ref. GMC/2/OOG/Vol.1/007 dated 30th July, 2024 and;
- ii. Ms. Juliana Ndunge Mutisya for consideration and subsequent approval by the County Assembly for appointment as Secretary to the County Public Service Board vide letter Ref. GMC/2/OOG/Vol.1/008 dated 30th July, 2024.

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 Tuesday, 13th August, 2024, communicating the names of the nominees.

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 names of the nominees were 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) 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 print media on Thursday, 15th August, 2024 (**Annexure 3**) notified members of the public and the nominees that the Committee on Appointments would conduct approval hearing on Monday, 26th August, 2024 at the Assembly Chambers.

The advert invited members of public to attend the approval hearings and/or submit any information or comments on suitability or otherwise for appointment of the nominees. 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 21st August, 2024. By close of the submission deadline on 21st August, 2024, the committee had not received any memoranda regarding the nominees' suitability for appointment.

The nominees appeared before the Committee as scheduled on Monday, 26th August, 2024 for the approval hearings in accordance with the provisions of the Constitution, Public Appointments (County Assemblies Approval) Act, 2017, and the County Assembly of Machakos Standing Orders.

Pursuant to Section 7(8) and (9) and Section 8 of the Public Appointments (County Assemblies Approval) Act, 2017, the Committee observed that the nominees met the requirements of Chapter Six of the Constitution, demonstrated knowledge and experience on the portfolios to which they had been nominated, had the requisite academic qualifications, training and professional experience. The nominees scored above the pass mark of 60 per cent set by the Committee as follows:

- i. Ms. Rose Kamene Mwanthi, nominee, County Executive Committee Member (CECM), Water, Irrigation, Environment and Climate Change (average mark of 72.8 per cent).
- ii. Ms. Juliana Ndunge Mutisya, nominee, Secretary to the County Public Service Board (average mark of 85.4 per cent).

Having conducted the approval hearing for the nominees pursuant to Article 179(2b) of the Constitution, Sections 30(2d) and 58(1c) of the County Governments Act, Sections 4 and 9 of the Public Appointments (County Assemblies Approval) Act, 2017 and Standing Order 184(4), the Committee recommends that the House:

- i. Approves the nomination of Rose Kamene Mwanthi, for appointment as County Executive Committee Member for Water, Irrigation, Environment and Climate Change by Her Excellency, the Governor of Machakos County.
- ii. Approves the nomination of Juliana Ndunge Mutisya for appointment as Secretary to the County Public Service Board by Her Excellency, the Governor 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 wish to express my appreciation to the Honourable Members of the Committee for their dedication and participation in this exercise.

On behalf of the Committee on Appointments and pursuant to Section 14(3b) 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 seventh report of the Committee on Appointments on the Approval hearing of the nominees for appointment to the positions of County Executive Committee Member for Water, Irrigation, Environment and Climate Change, and Secretary to the County Public Service Board by Her Excellency, the Governor of Machakos County. Thank you, Hon. Speaker.

Hon. Speaker: Thank you very much, Hon. Member. At this point, I invite Members to debate this motion. Hon. Ndawa, Hon. Johana; I saw another hand. Hon. Dee Kivuva.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Hon. Speaker. I will start by applauding our committee, not forgetting the chair who is yourself and your deputy. I happen to be a member of that committee and Hon. Speaker I saw how the Members were committed during the vetting of the two nominees.

Hon. Speaker, the report is self-explanatory. The two nominees, the CECM and the Secretary to the Board, met the expectations of the committee and I want to say the two demonstrated they are capable of managing the dockets that they are being nominated to. So, I 100 per cent support that we approve the two nominees to take up that matter and request the House since now we have two lacunas, in the CPSB there is no secretary and in the Department

of Water, I am requesting the Members present here to approve them so that we can unlock those lacunas and have our county move forward. Thank you, Hon Speaker, I support.

Hon. Speaker: Thank you Hon. Ndawa. Hon Johanna.

Hon. Johanna Munyao (Mutituni/Ngelani, MCCC): Thank you, Madam Speaker. I support the report by the Committee on Appointments. I have looked at the academic qualifications for the nominees and their experience and I have also looked at the team of very competent members of the Appointments Committee and to me, being members who have been very keen on details, if they managed to give these nominees clean 'As', then we have no doubt that the said members qualify for the positions which they were being vetted for and I support this report and request that Madam Speaker, with all due respect, you put the question so that we can have these officers start work immediately and we play our role of overseeing them and ask them to make sure that they play the role of serving the people of Machakos with diligence. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much. Hon. Dee Kivuva.

Hon Dee Kivuva (Nominated, WDM-K): Asante sana, Bi. Spika. Nataka kujiunga na wenzangu niweze kupongeza hiyo *committee ya Appointments* ambayo wewe unaongoza kwa kazi nzuri ambayo mumefanya. Hatuna budi kuwaunga mkono ili kazi iendelee na naunga mkono mia kwa mia. Asante.

Hon. Speaker: Thank you Hon. Member. May I invite the mover to come and respond?

Hon Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. I will also be brief as Members have requested. I am only giving a disclaimer that one Ms. Rose Kamene Mwanthi is not my sister, neither is she my wife, it is only the name that we are sharing and I am wishing both nominees the best as they execute the mandate that they have been given by Her Excellency the Governor and this County Assembly. Thank you, Madam Speaker.

Hon. Speaker: Thank you very much, Hon. Member. Indeed it is important to declare any interests.

(Question put and agreed to)

Thank you, Members. Next order

ALTERATION OF THE CALENDAR AND ADJOURNMENT OF THE HOUSE

Hon. Speaker: May I invite Hon. Nicholas Nzioka, Leader of Majority and MCA, Machakos Central Ward, to come forward and move that motion.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam 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, 9th July,

6th, 14th and 27th August, 2024 (alteration of the Calendar) and pursuant to Standing Orders 25(4) and 27(3c), the Assembly resolves that:

- i) The Calendar (Regular Sessions) for the Third Session of the Third Assembly be altered to adjourn its sittings from today Tuesday, 3rd September, 2024, after the morning sitting and resume its regular sittings on Tuesday, 1st October, 2024 at 10.00 a.m. and that the Assembly Calendar (Regular Sessions) for the Third Session be altered accordingly.
- ii) Any business received during the short recess be committed to the respective committee and communicated on resumption.

I call upon the Minority Leader to second. Thank you, Madam Speaker.

Hon. Mbili Ndawa (Matuu, MCCP) seconded.

Hon. Speaker: Thank you, Hon. Member and Hon. Minority Leader, thank you too.

(Question proposed)

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: The House adjourns to 1st October 2024.

The House rose at 12.30 p.m.