



County Hall
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MACHAKOS – KENYA
Third Assembly
(No. 018)



Email: info@machakosassembly.co.ke

Fifth Session
(085)

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

THE COUNTY ASSEMBLY

ORDERS OF THE DAY

WEDNESDAY, 15TH JULY, 2026 AT 10.00 A.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers (As listed in Appendix)
6. Notices of motion (As listed in Appendix)
7. Statements (As listed in Appendix)

8*MOTION – APPROVAL OF REPORT ON STATUS OF DEVELOPMENT OF MACHAKOS COUNTY SPATIAL PLAN IN FYs 2023/2024, /2024/2025 AND 2025/2026**

(Hon. Daniel Ndwiki, Chairperson, Lands Committee)

I wish to move the motion **THAT** Pursuant to Standing Order 190(5), this Assembly Adopts the report of the Lands Committee on the status of development of Machakos County Spatial Plan in FYs 2023/2024, 2024/2025 and 2025/2026 as laid on the Table of the House on Wednesday, 14th July, 2026.

9* MOTION – ADJOURNMENT OF THE HOUSE**

(Hon – Nicholas Nzioka – Majority Leader/MCA, Machakos Central Ward)

Honorable Speaker, I wish to move the motion **THAT** pursuant to Standing Order 25, this Assembly resolves to adjourns for a short recess from today Wednesday 15th July, 2026 (After the Morning Sitting) and resume its plenary sittings on Tuesday, 11th August, 2026 at 10.00 a.m.

The House adjourns to Tuesday 11th August, 2026 at 10.00 a.m.

Denotes Order of the Day

APPENDIX (I)
WEDNESDAY, 15TH JULY, 2026 AT 10.00 A.M.

1. PAPERS

(a) Paper laid - (Hon. Daniel Ndwiki, Chairperson, Lands Committee)

Honorable Speaker, I wish to lay the following paper on the table of the Assembly today, Wednesday 14th July, 2026; Report of the Lands Committee on the status of development of Machakos County Spatial Plan in FYs 2023/2024, 2024/2025 and 2025/2026.

2. NOTICES OF MOTION

(a) Notice of Motion – (Hon. Daniel Ndwiki, Chairperson, Lands Committee)

Honorable Speaker, I wish to give notice of motion **THAT** Pursuant to Standing Order 190(5), this Assembly Adopts the report of the Lands Committee on the status of development of Machakos County Spatial Plan in FYs 2023/2024, 2024/2025 and 2025/2026 as laid on the Table of the House on Wednesday, 14th July, 2026.

3. STATEMENTS

(a) Statement on Business of the House – Hon. Nicholas Nzioka (Majority Leader, MCA, Machakos Central Ward)

Honorable Speaker, the House Business Committee met today, Wednesday 15th July, 2026 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;

	Day/Date	Business balloted
1.	Wednesday, Morning 15 th July, 2026 at 10.00 a.m.	(a) Report on status of development of the Machakos County spatial plan in FYs 2023/2024, 2024/2025 and 2025/2026. (Hon. Daniel Ndwiki; Chairperson, Committee on Lands). (b) Motion – Adjournment for short recess from 15th July 2026 to resume on 11th August 2026 pursuant to Standing Order 25(3) of the County Assembly of Machakos Standing Orders ((Hon. Nicholas Nzioka; Majority Leader). (c) Request of a statement concerning delayed appointment of County Attorney (Hon. Francis Kavyu – Minority Leader / MCA, Kinanie Ward). (d) Statement on status of Governor’s Memorandum on Supplementary Budget Estimates FY 2025/26 (Hon. Paul Wambua – Chairperson Budget and Appropriations Committee)

(b) Request of statement concerning delayed appointment of County Attorney (Hon. Francis Kavvu, Minority Leader / MCA, Kinanie Ward)

Honorable Speaker, THAT aware that Section 4 and 5 of the Office of the County Attorney Act, 2020 provides for establishment and appointment of the County Attorney respectively; aware that Section 7 of the said Act designates the County Attorney as the principal legal adviser to the County Government and that he is responsible for providing legal advice to the County Executive, representing the County Government in court proceedings, drafting and reviewing contracts and legislation, and ensuring that county actions and decisions comply with the Constitution and other applicable laws;

Noting that Article 176 of the Constitution establishes county governments while Article 179 vests executive authority in the County Executive Committee, this is required to exercise such authority in accordance with the Constitution and the law;

Concerned that Machakos County has continued to operate without a substantive County Attorney for a prolonged period despite the critical statutory and constitutional functions assigned to that office; **Further concerned that** the absence of the County Government's principal legal adviser may expose the County Government to legal, financial and governance risks, including challenges relating to litigation management, legal advisory services, contract drafting and execution, legislative drafting, and compliance with applicable laws;

Informed that several legal matters, contractual engagements and court cases continue to arise in the normal operations of the County Government and require effective legal oversight and representation; **Cognizant that** the people of Machakos County are entitled to accountable governance and deserve an explanation regarding the continued vacancy in this important statutory office and the measures taken to safeguard public interest during the period of the vacancy;

Aware that pursuant to Standing Order 41(2)(c) a member may request for a statement from the Committee chairperson relating to matters under the mandate of the Committee and the Speaker may either appoint a day for the statement or direct that the statement be issued on the same day;

Honorable Speaker, pursuant to Standing Order 41(2)(c), I wish to seek a Statement from the Chairperson, Justice and Legal Affairs Committee on the following matters;

1. The reasons why Machakos County has continued to operate without a substantive County Attorney.
2. The date when the Office of the County Attorney became vacant and the circumstances that led to the vacancy.
3. The legal arrangements currently in place for the provision of legal advisory services, representation in court, contract review, legislative drafting and other functions ordinarily performed by the County Attorney.

4. The number of court cases, contracts, legal opinions and other legal matters currently being handled on behalf of the County Government and the officers currently handling them.
5. Whether any external advocates or law firms have been engaged during the period of the vacancy and, if so, the legal basis for their engagement, the procurement process followed, the nature of services rendered and the total amount paid as legal fees.
6. The steps taken by H.E, Governor to recruit and nominate a substantive County Attorney in accordance with the Office of the County Attorney Act, 2020, and the expected timeline for submitting a nominee to the County Assembly for approval.
7. The measures being undertaken to safeguard the County Government from legal, financial and administrative risks arising from the prolonged absence of a substantive County Attorney.

(c) Statement on Status of Governor’s Memorandum on the Supplementary Budget Estimates for the FY 2025/2026 - Hon. Paul Wambua Chairperson Budget and Appropriations Committee)

1. **Honorable Speaker**, Section 135(2) of the Public Finance Management (PFM) Act 2012 provides that, a county government shall submit a supplementary budget in support of the additional expenditure for authority for spending. Pursuant to this provision of the PFM Act, the Assembly approved the Machakos County Supplementary Appropriation Bill, 2026, Kenya Gazette Supplement No. 1 (Machakos County Bills No.1) on 17th June, 2026 which was forwarded to the Governor on 29th June, 2026 for Assent.
2. On 1st July, 2026, the Governor referred back the bill with a memorandum with reasons for referral and the Honorable Speaker committed the same to the Budget and Appropriations Committee for consideration on 8th July, 2026 for processing and report in accordance with Standing Order 39(3)(c).
3. The Committee held a meeting on 14th July, 2026 and made the following observations: -
 - (a) **That** Supplementary budget is intended for FY 2025/26 and the legal purpose to revise the approved budget for financial year where additional expenditure is required, reallocations are necessary; or the approved allocation is insufficient.
 - (b) **That** the supplementary budget lapsed with end of the FY 2025/26.
4. Therefore, I wish to report that the supplementary budget has been overtaken by time and that the Assembly should report the same to the Executive.