

**COUNTY GOVERNMENT OF KITUI**

**THE COUNTY ASSEMBLY**

**THIRD ASSEMBLY – (FOURTH SESSION)**

**VOTES AND PROCEEDINGS**

**WEDNESDAY 18<sup>TH</sup> JUNE, 2025 AT 2.30 P.M.**

1. The House convened at Thirty minutes past Two O'clock.
2. The proceedings were opened with a prayer.
3. **PRESIDING** – Hon. Speaker on the Chair.

**4. COMMUNICATIONS FROM THE CHAIR**

The honorable Speaker made the following communications: -

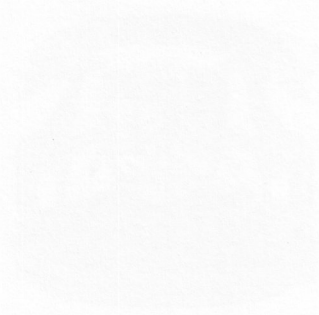
**i. COMMUNICATION FROM THE CHAIR ON VISITING STUDENTS FROM ST. MONICA MULUTU GIRLS.**

**Honorable Members,**

I would like to acknowledge the presence of 52 visiting Students from St. Monica Mulutu girls' secondary school accompanied by their teachers; Mrs Ben Malio and Ms Susan Nchuuri in our Speakers Gallery today.

In our usual tradition of receiving and welcoming visitors to the Assembly, I extend a warm welcome to them and on behalf of the County Assembly of Kitui and on my own behalf wish them a fruitful visit.

Thank you



COUNTY OF SANTA CLARA

THE COUNTY BOARD

BOARD OF SUPERVISORS - DISTRICT NO. 1

RESOLUTION NO. 1

WHEREAS, the Board of Supervisors of the County of Santa Clara, California, do hereby resolve that

1. The Board of Supervisors of the County of Santa Clara, California, do hereby resolve that
2. The Board of Supervisors of the County of Santa Clara, California, do hereby resolve that
3. The Board of Supervisors of the County of Santa Clara, California, do hereby resolve that

A. COUNTY OF SANTA CLARA, CALIFORNIA

The Board of Supervisors of the County of Santa Clara, California, do hereby resolve that

1. The Board of Supervisors of the County of Santa Clara, California, do hereby resolve that

FROM THE COUNTY OF SANTA CLARA, CALIFORNIA

Respectfully Submitted,

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the

Board of Supervisors of the County of Santa Clara, California, do hereby resolve that

Respectfully Submitted,

County Clerk

In witness whereof, I have hereunto set my hand and the seal of the County of Santa Clara, California, this

day of \_\_\_\_\_, 19\_\_.

County Clerk

Notary Public

Notary Public



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**ii. COMMUNICATION AS RELATES TO A PUBLIC PETITION TO THE KITUI COUNTY ASSEMBLY FOR THE REMOVAL OF THE COUNTY EXECUTIVE COMMITTEE MEMBER (CECM) FOR FINANCE, ECONOMIC PLANNING AND REVENUE MANAGEMENT, MR. PETER MWIKYA KILONZO**

**Honourable Members,**

Article 37 of the Constitution of Kenya, read together with Section 15 of the County Governments Act, 2012, accords every person the right to petition a County Assembly on any matter within its authority, including the enactment, amendment, or repeal of legislation.

Standing Order No. 193 defines a petition as a formal request to the County Assembly by a member of the public to consider a matter within its mandate. Additionally, Section 4(1)(a) of the Petitions to County Assemblies (Procedure) Act, 2020, as read together with Standing Order No. 194(a), provides that such a petition shall be submitted to the Clerk and subsequently reported to the County Assembly by the Speaker.

**Honourable Members,**

Pursuant to the above provisions and in line with Section 5 of the Petitions to County Assemblies (Procedure) Act, 2020, as read with County Assembly of Kitui Standing Order No. 199(2)(b), I wish to inform this Assembly that the Clerk received a petition on 6<sup>th</sup> May, 2025. The petition sought to initiate impeachment proceedings against Mr. Peter Mwikya Kilonzo, the County Executive Committee Member for Finance, Economic Planning, and Revenue Management. The petition alleges gross misconduct and violations of the







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Constitution of Kenya, 2010, as well as other relevant legal provisions.

**Honourable Members,**

Section 4(3) of the Petitions to County Assemblies (Procedure) Act, 2020, together with Standing Order No. 194(3), requires the Clerk to review the petition within seven (7) days of its receipt to determine whether it complies with the requirements of the Standing Orders and the law.

Upon review, the Clerk observed that while the allegations raised are serious and warrant redress, the petition does not meet the formal requirements stipulated under Section 3 of the Petitions to County Assemblies (Procedure) Act, 2020 and Standing Order No. 197. Specifically, the petitioners failed to indicate:

- i. Whether any efforts had been made to seek redress from relevant institutions and the outcome of such efforts;
- ii. Whether the subject matter of the petition is pending before a court of law or any other legal or constitutional body.

**Honourable Members,**

Section 40(1) of the County Governments Act outlines the grounds upon which a County Executive Committee Member may be removed from office by the Governor. These include:

- a) Incompetence;
- b) Abuse of office;











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- c) Gross misconduct;
- d) Absence from three consecutive Cabinet meetings without the Governor's authority;
- e) Physical or mental incapacity; or
- f) Gross violation of the Constitution or any other law.

Further, Section 40(2) and 40(3) of the Act allows for the County Assembly to initiate the process of removal by way of a motion by a Member of the County Assembly, supported by at least one-third of all Members, calling upon the Governor to dismiss a CECM on any of the aforementioned grounds. If the motion garners the requisite support, a select committee must be formed to investigate the matter and report its findings to the Assembly.

**Honourable Members,**

From the foregoing, it is evident that the petition, in its current form, does not meet the legal and procedural threshold required for consideration by the County Assembly. Should the petitioners revise and resubmit the petition in compliance with the prescribed requirements, the Assembly shall, without hesitation, consider it in accordance with the law.

**Honourable Members,**

In view of the above, I therefore direct the Office of the Clerk to return the petition to the petitioners to enable them to amend and align it with the provisions of the Standing Orders and applicable statutes.

Thank you.

to those members.

It appears that the Committee's Chair will be the

Chairman's Committee.

It appears that the Committee will be

the Committee of the Committee or the Committee

Further, section 4(1) and 4(2) of the Act allow for the

Assembly to initiate the process of removal by way of a

motion of the County Assembly, supported by at least one

all members calling upon the Chairman to resign a

the aforementioned grounds. If the motion carries the

support of a third of the members it is a vote of

and report its findings to the Assembly.

Honorable Members.

From the foregoing it is evident that the position in the

does not meet the legal and procedural threshold required for

consideration by the County Assembly. Should the position

and instead the position is consistent with the

requirements of the Assembly, then without further

accordance with the law.

Honorable Members.

In view of the above, I would like the Office of the

the position to the members in order that it is evident and

with the provisions of the Assembly. I have said enough

Thank you.



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**iii. COMMUNICATION AS RELATES TO A PUBLIC CENSURE PETITION AGAINST MR. JOHN MAKAU KIMWELE, CHIEF OFFICER – FINANCE AND REVENUE, KITUI COUNTY**

**Honourable Members,**

Article 37 of the Constitution of Kenya, read together with Section 15 of the County Governments Act, 2012, grants every person the right to petition a County Assembly on any matter within its mandate, including the enactment, amendment, or repeal of legislation.

Standing Order No. 193 defines a petition as a formal request by a member of the public for the Assembly to consider such a matter. Further, Section 4(1)(a) of the Petitions to County Assemblies (Procedure) Act, 2020, as read with Standing Order No. 194(a), requires that petitions be submitted to the Clerk and subsequently reported to the Assembly by the Speaker.

**Honourable Members,**

Pursuant to Section 5 of the said Act and Standing Order No. 199(2)(b), I wish to report that the Office of the Clerk received a petition dated 29<sup>th</sup> April, 2025, calling on the County Assembly to initiate a motion of censure against Mr. John Makau Kimwele, Chief Officer for Finance and Revenue.

The petition alleges gross incompetence, violations of the Public Finance Management Act, misallocation and misappropriation of public funds, abuse of office, obstruction of oversight and accountability, and misleading both the County Government and the public, among other serious concerns.

IN COMMUNICATION AS REQUESTED BY A PETITION  
SUBMITTED AGAINST THE JAMES EARL RAY  
ORDER - FINANCE AND REVENUE COMMITTEE

Honorable Member

Article 37 of the Constitution of India reads together with 37-A and 37-B of the County Government Act 1914, grants every member of the County Assembly a County Assembly as his right to include the enactment, amendment or repeal of legislation. Standing Order No. 193 orders a petition as a formal right of a member of the public for the Assembly to consider with a further Section 4(1) of the Petition of County Assembly. Standing Order No. 193 as read with Standing Order No. 194 requires that petitions be submitted to the Clerk and who reports to the Assembly by the Speaker.

Honorable Member

Pursuant to Section 2 of the said Act and Standing Order No. 193(1)(b) I wish to report that the Office of the Clerk has received a petition dated 19th April 1975 calling on the County Assembly to initiate a motion of censure against the James Earl Ray Order. Office for Finance and Revenue. The petition alleges gross mismanagement, dishonesty of the Finance Management Act, mismanagement and financial losses to public funds, abuse of office, obfuscation of records and accountability and misbehavior with the County Government and the public among other serious charges.



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**Honourable Members,**

In accordance with Section 4(3) of the Petitions to County Assemblies (Procedure) Act, 2020 and Standing Order No. 194(3), the Clerk is required to review the petition within seven (7) days of receipt to ascertain its compliance with the applicable legal and procedural requirements.

Upon review, it was noted that while the issues raised in the petition are serious and merit redress, the petition fails to meet the formal requirements stipulated under Section 3 of the Petitions to County Assemblies (Procedure) Act and Standing Order No. 197. Specifically, the petitioners did not:

1. Indicate whether any efforts had been made to seek redress from the relevant statutory bodies;
2. State whether the matters raised are pending before a court of law or any other legal or constitutional body.

**Honourable Members,**

Article 185(3) of the Constitution vests the County Assembly with oversight powers over the County Executive and other county organs. The Assembly is empowered under Section 45(1)(b) of the County Governments Act to vet and approve public appointments and to carry out its broader constitutional and statutory functions as outlined in Section 8(1)(f) of the same Act.

However, the Constitution and the County Governments Act provide for impeachment powers of the County Assembly only in respect to





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the Governor and County Executive Committee Members. The Assembly does not have the authority to discipline or remove a Chief Officer from office.

**Honorable Members,**

A censure motion, while expressing disapproval or dissatisfaction on behalf of the public, is not legally binding and does not result in the removal of the officer concerned. This position was affirmed in ***Owen Yaa Baya v. County Assembly of Kilifi [2015] eKLR***, where the Court held that the County Assembly has no power to discipline or remove a Chief Officer.

Section 45(2) of the County Governments Act places Chief Officers under the County Public Service, meaning that any disciplinary action, including termination, is within the mandate of the County Public Service Board, subject to due process. The Assembly's role is limited to the approval of appointments.

**Honourable Members,**

In light of the above, the petition as submitted does not meet the required threshold for consideration by the County Assembly. Should the petitioners amend their petition to meet the necessary legal and procedural requirements, the Assembly shall consider it accordingly.

**Honourable Members,**

Consequently, I direct the Office of the Clerk to return the petition to the petitioners for resubmission in compliance with the Standing Orders and relevant statutes.

Thank you.





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**5. NOTICES OF MOTION**

**MOTION ON APPROVAL OF MEMBERSHIP TO THE COUNTY ASSEMBLY COMMITTEE ON APPOINTMENTS**

*(Designated Member of the County Assembly Business Committee)*

THAT, pursuant to the provisions of Standing Order No. 184, this Assembly hereby approves the nomination of membership to the County Assembly Committee on Appointments as follows;

1. Hon Kevin Kinengo Katisya – Chairperson
2. Hon. Harrison Maluki Mawia – Leader of Majority Party
3. Hon. Alex Mutambu Nganga – Leader of Minority Party
4. Hon. Hussein Mwandia – Member
5. Hon. Priscilla Martha Makumi – Member
6. Hon. Judith Kasyoka Wanza – Member

(Hon. Benard Mwangangi Munyasya – **M.C.A**)

**6. STATEMENTS**

- i. Schedule of plenary Business and Committee sittings for the week ending on 27<sup>th</sup> June, 2025. (Designated Member of the County Assembly Business Committee).

**7. ADJOURNMENT** – and the time being six minutes past four O'clock, the Hon. Temporary Speaker adjourned the House.

**8. ASSEMBLY ROSE** – At six minutes past four O'clock.

**MEMORANDUM**

*The Honorable Speaker will take the chair on  
Tuesday, June 24<sup>th</sup> 2025 at 9.00 a.m.*

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