



COUNTY GOVERNMENT OF KITUI
THE COUNTY ASSEMBLY
THIRD ASSEMBLY – (FIRST SESSION)
VOTES & PROCEEDINGS

WEDNESDAY 25TH JUNE, 2025 AT 2.30 P.M.

1. The Assembly convened at Thirty Minutes past Two O'clock.
2. The proceedings were opened with prayer.
3. **PRESIDING** – Honourable Speaker on the Chair.

4. COMMUNICATION FROM CHAIR

The following communications from chair were issued;

- i. **COMMUNICATION REGARDING THE RULING DATED 24TH JUNE, 2025 IN PPDT CASE NO. E001 OF 2025: HON. HARRISON MALUKI MAWIA & 2 OTHERS VS. WIPER DEMOCRATIC MOVEMENT & 4 OTHERS**

Honourable Members,

I wish to bring to the attention of this Honourable House that Hon. Harrison Maluki Mawia, Hon. Boniface Mukwate Katula, and Hon. Godfrey Muthengi Ndagara instituted PPDT Case No. E001 of 2025 before the Political Parties Dispute Tribunal (PPDT) in Nairobi against the Wiper Democratic Movement and four others.

In the said matter, the applicants sought, among other interim reliefs, the following orders:

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1. A stay of the Respondents' decision to remove them from their respective positions as Leader of Majority Party, Majority Whip, and Deputy Majority Whip.
2. An injunction restraining the Respondents from appointing replacements, thereby preserving the status quo ante.

Honourable Members,

On 27th March, 2025 the Tribunal granted interim orders which effectively reinstated the Applicants to their respective leadership positions pending the hearing and determination of the matter. The issuance of the said orders had both legal and operational implications:

1. **Suspension of the Respondents' Decision** – The orders barred the Wiper Democratic Movement from effecting changes to the Majority Party leadership until further direction by the Tribunal.
2. **Compliance by the County Assembly** – As an interested party, the Assembly was legally obligated to observe and uphold the Tribunal's orders and to refrain from recognizing any leadership changes contrary to the orders.
3. **Preservation of the Status Quo** – The orders required that the Applicants continue discharging their functions as previously designated pending the final determination.

Honourable Members,

I now wish to inform the House that the Tribunal delivered its ruling on **24th June, 2025**, in favour of the Applicants, and issued a determination confirming:

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1. Hon. Harrison Maluki Mawia – Leader of Majority Party
2. Hon. Boniface Mukwate Katula – Majority Whip
3. Hon. Godfrey Muthengi Ndagara – Deputy Majority Whip

In its ruling, the Tribunal found that the Wiper Democratic Movement failed to comply with the proper procedure for effecting changes in House leadership, as prescribed by the Kitui County Standing Orders and relevant laws.

Honourable Members,

In light of this ruling, I take this opportunity to congratulate Hon. Harrison Maluki Mawia, Hon. Boniface Mukwate Katula, and Hon. Godfrey Muthengi Ndagara on their affirmation by the Political Parties Dispute Tribunal. I wish them continued success as they discharge their duties in their respective leadership roles.

I further assure them of my full support and that of this Office, which remains open for any consultations or assistance necessary in upholding democratic processes and effective leadership within this House.

Thank you.

ii. COMMUNICATION FROM THE CHAIR ON CONSTITUTIONAL PETITION NO. E001 OF 2025 RELATING TO THE RECONSTITUTION OF SELECT AND SECTORAL COMMITTEES

Honourable Members,

As you may recall, during the sitting held on 28th May, 2025, I informed this House that the interim court orders restraining or limiting the operations of this House with respect to the reconstitution of its committees were not

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extended by the court. Consequently, the House reaffirmed its earlier resolution of 14th February, 2025, meaning that all Select and Sectoral Committees reconstituted on that date remain duly constituted and fully operational—unless and until otherwise directed by this House or a competent legal authority.

Honourable Members,

I further informed the House that we had reached the stage of initiating engagement with the Petitioners' Advocate in an attempt to resolve the matter through Alternative Dispute Resolution (ADR).

Pursuant to this, our external legal counsel, acting on instructions, wrote to the Petitioners' Advocate via a letter dated 19th June, 2025, inviting them to consider ADR. However, in response, the Petitioners' Advocate indicated that their clients were not willing to explore an out-of-court settlement and preferred to proceed with the litigation, unless otherwise instructed.

Honourable Members,

As a result, both parties agreed to pursue the matter in court. The case was mentioned on 23rd June, 2025, for purposes of confirming compliance with the filing of submissions. Notably, the interim orders were not extended, meaning that the committees constituted on 14th February, 2025, remain in operation. The court has scheduled a further mention on 1st July, 2025, to confirm compliance and to set a date for the delivery of judgment.

Honourable Members,

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I wish to reiterate that the Constitution of Kenya recognizes and promotes the use of Alternative Dispute Resolution (ADR) mechanisms for the amicable settlement of disputes, as a complement to the formal judicial process.

In light of this, I once again urge the Petitioners to reconsider their position and instruct their Advocate to initiate meaningful engagement with our legal counsel, with a view to exploring a possible amicable resolution through ADR. Doing so will facilitate the full functionality of our committees and enable them to effectively discharge their critical oversight mandate.

Thank you,

iii. **COMMUNICATION ON THE KENYA DEVOLUTION SUPPORT PROGRAMME (KDSP) MEETING HELD ON 24TH JUNE, 2025 AT THE OFFICE OF THE GOVERNOR.**

Honourable Members,

As you may be aware, the Kenya Devolution Support Programme (KDSP) is a Programme for results jointly funded by the World Bank and the Government of Kenya. Initially implemented between 2016 and 2021 and now extended, the programme is coordinated through various Ministries, Departments, and Agencies (MDAs) to enhance capacity building and support development projects in counties. The programme operates at two levels:

- Level 1: Capacity Building and Technical Assistance
- Level 2: Investment Support

Honourable Members,

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In an effort to strengthen county performance in areas of resource financing, management, coordination, and accountability, the KDSP established a County Programme Steering Committee (CPSC) whose composition is as follows:

- The County Governor – Chairperson
- County Executive Committee Member (CECM) for Devolution
- CECM for Finance
- Other relevant CECMs linked to specific programme results and DLIs
- Chairperson, County Public Service Board
- Speaker of the County Assembly
- County Secretary
- Programme Coordinator – Secretary

Honourable Members,

The National Programme Coordinating Unit convened a sensitization meeting for the Kitui County Programme Steering Committee on 24th June, 2025, at the Office of the Governor. I attended the meeting alongside the other designated members of the Steering Committee.

During the meeting, the following key responsibilities of the County Programme Steering Committee were outlined:

- Provide overall policy guidance, oversight, and strategic direction
- Approve county Annual Work Plans and Budgets
- Review progress in programme implementation and achievement of Disbursement Linked Indicators (DLIs)
- Evaluate Annual Performance Assessment results
- Review the status of Capacity Building Programmes
- Endorse semi-annual and annual project progress reports

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- Address dispute resolution matters

Honourable Members,

The facilitators emphasized the oversight role of Members of the County Assembly (MCAs) as enshrined under Article 185 of the Constitution of Kenya, 2010. They highlighted the importance of fostering a constructive working relationship between the Assembly and the Executive, while urging MCAs to diligently execute their constitutional oversight mandate. Additionally, two categories of performance-based grants under KDSP were discussed:

1. Institutional Grant (Level 1)

This is awarded to counties that meet specific minimum conditions, including:

- Signing of a participation agreement (including provisions for publication of budget and expenditure data)
- Preparation of approved work plans, budgets, and cash flow projections
- Establishment of functional implementation structures
- Receipt of qualified or unqualified audit opinions, with time-bound action plans
- Submission of programme implementation and fund utilization reports
- Timely release of KDSP II funds from the County Revenue Fund (CRF) to the Special Purpose Account (SPA)

2. Service Delivery Investment Grant (Level 2)

This grant rewards counties demonstrating substantial improvement in performance, based on the achievement of DLIs, subject to meeting the Level 1 minimum conditions. For the FY 2025/2026 assessment, the following indicators must be fulfilled:

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- Existence of a County Project Implementation Unit
- Full disclosure of all pending bills
- Publication of own-source revenue (OSR) collection data by type
- Development and implementation of HR/payroll audit plans and publication of a staffing list aligned with the approved establishment
- Availability of an approved work plan and budget for investment grant utilization
- Completion of feasibility studies for proposed investments
- Approval of a Single Project Management Unit (SPMU) structure
- Training of gender officers as per the approved training plans

Honourable Members,

Disbursement Linked Indicators guide the allocation of funds as follows:

- Level 1 – Institutional Grant: A flat allocation of USD 250,000 is awarded to each county that meets the minimum conditions as outlined above.
- Level 2 – Investment Grant: For counties that meet all required conditions:
 - 50% of the allocation is distributed using the CRA formula among eligible counties.
 - The remaining 50% is allocated based on each county's score in performance measures related to the DLI areas.

Thus, access to KDSP funding depends not only on meeting the minimum conditions but also on demonstrating above-average performance.

Honourable Members,

The KDSP aims to achieve the following outcomes:

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- Effective and sustainable management of pending bills
- Reliable intergovernmental fiscal transfers
- Enhanced integrity and control of human resources and payroll
- Strengthened performance and results-based management
- Improved accountability in public financial management
- Alignment of county investments with citizen service delivery priorities
- Improved resilience of county infrastructure to climate risks
- Overall improvement in county service delivery

Honourable Members,

It is important to note that KDSP grants are conditional and tied to performance. Their successful implementation depends on close collaboration between the County Assembly and the Executive. The Assembly must uphold its oversight mandate to ensure that these grants are utilized effectively, and for their intended purposes.

In particular, the Assembly must closely monitor adherence to feasibility study findings and implementation frameworks. This will not only safeguard the grant funds but will also promote transparency, efficiency, and improved service delivery to the people of Kitui County.

Thank you.

5. MOTION ON ADDITIONAL COUNTY ASSEMBLY SITTINGS

(Leader of the Majority Party)

Motion Made and Question Proposed;

THAT, pursuant to the provisions of County Assembly Standing Order No. 27 (3) (b) his assembly hereby resolves to hold an additional sitting on Thursday, 26th June 2025 at 9.00 AM and 2.30 PM. this is to allow the Members of County

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Assembly adequate time to prosecute the Kitui County Appropriation Bill, 2025
(County Assembly Bill No. 2 of 2025)

(Hon. Harrison Maluki Mawia - **M.C.A.**)

Debate arising;

Question Put and **Agreed to;**

6. ADJOURNMENT - And the time being Four Minutes to Four O'clock,

Honorable Speaker adjourned the Assembly.

7. 10. ASSEMBLY ROSE - Four Minutes to Four O'clock

MEMORANDUM

The Honourable Speaker will take the chair on

Thursday, 26th June, 2025 at 9.00 A.M.

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