

REPUBLIC OF KENYA

KITUI COUNTY ASSEMBLY

THIRD ASSEMBLY- FOURTH SESSION

OFFICIAL REPORT

(THE HANSARD)

Wednesday 30th July, 2025

The County Assembly met at 9:20 a.m. in the County Assembly Chambers

[Temporary Speaker (Hon. Paul Maluki) in the Chair]

PRAYERS

Temporary Speaker (Hon. Paul Maluki): Clerk, next Order!

MOTION

MOTION ON THE GOVERNOR'S ADDRESS ON THE STATE OF THE COUNTY

(The Leader of the Majority Party)

(Hon. Munyoki Mwinzi stood in his place)

Temporary Speaker (Hon. Paul Maluki): Yes, Hon. Munyoki Mwinzi. You can proceed.

Hon. Munyoki Mwinzi: Mr. Speaker, I would like to enquire from your office, whether your office is aware that WIPER members did an election to change the majority leader? Since I can see on the order paper that, the office of the Clerk is still referring to Honourable Harrison Maluki as the Majority Leader.

I would also like to know whether your office, Mr. Speaker, is aware that there was a court ruling that instructed the office of the Deputy Speaker, office of the Speaker's panel, where you sit, Mr. Speaker, to communicate the changes of leadership...

(Applause)

...and whether, Mr. Speaker, your office is aware that acting in contrary to the court, Mr. Speaker, amounts to contempt of court. Mr. Speaker, we have been in this strangle for a long time, since 2023. We cannot allow this House, Mr. Speaker, to continue fighting, even if the seat of the majority leader belongs to someone, personally.

There comes a time, Mr. Speaker, when one has to let it go. Mr. Speaker, this House has been in fracas for a long time, and you are there seated as the member of the Speaker's panel, knowing very well. Because, Mr. Speaker, your office was represented in court. Even before you were served, Mr. Speaker, a member of the legal office, Mr. Speaker, was there. And the mandate of him being there was to write formally to your office and communicate to you what had happened. Mr. Speaker, does it mean that this county-Assembly is above the law?

(Applause)

Kindly, Mr. Speaker, I request that you clarify on that matter before we proceed.

Temporary Speaker (*Hon. Paul Maluki*): Thank you, Honourable Munyoki Mwinzi, MCA for Kyuso Ward, I hear you. I have heard your request. And I would like to respond as follows.

First, Speaker's panel doesn't have an office. Deputy Speaker and all members of Speaker's panel work under instructions from the office of the Speaker.

If now I do something contrary to that, Honourable Munyoki Mwinzi, I will be in subordination. I was appointed to this office by the Speaker himself, of course, in consultation with the party whips.

So, the only advice I can give you, Honourable Munyoki Mwinzi, is that, at the right time, I will consult with the Speaker himself and the Speakership.

(Hon. Mary Ndumbu stood in her place)

No, no, relax, I'm responding to Honourable Munyoki Mwinzi, so hold on a bit, because he's able to speak on your behalf, I know. Therefore, I'm trying to say this, Honourable Munyoki Mwinzi, when I spoke with the Speaker yesterday, he told me that he had not been furnished with the ruling. And once he's furnished with the ruling, he'll seek opinion of the legal counsel of the Assembly and he will communicate in due time.

However, Honourable Munyoki Mwinzi, when this document was being prepared, the person who was holding, is still holding up to date, because there are no changes which have been communicated in this Assembly, is one, Honourable Harrison Maluki Mawia.

(Hon. Gabriel Munyao stood in his place)

No, I'm trying to say-Honourable, yeah, I'll give you an opportunity, hold on, yeah, of course I'll give you an opportunity, because you're my friend. Hon. Gabriel Munyao, I will give you an opportunity. Let me first respond to Hon. John Munyoki Mwinzi...

Hon. Gabriel Munyao: *(Spoke off-record)*

Temporary Speaker (*Hon. Paul Maluki*): Is it very pressing that you can't wait?

Hon. Gabriel Munyao: *(Spoke off-record)*

Temporary Speaker (*Hon. Paul Maluki*): Okay (laughter) maybe...

Hon. Gabriel Munyao: *(Spoke off-record)*

Temporary Speaker (*Hon. Paul Maluki*): Hon. Gabriel Munyao, hold on, even if its very pressing because the person who raised the concern is Hon. John Munyoki Mwinzi. You can interject maybe but of course, I will give members whose microphones are on, an opportunity to say something. But of course, I will advise.

(Hon. Munyoki Mwinzi sought permission to speak)

Temporary Speaker (*Hon. Paul Maluki*): Yes, please.

Hon. Munyoki Mwinzi: Mr. Speaker, you have said that this motion was prepared. Yes, I know it was prepared but it is not cast on stone, it is just a paper and this section can be deleted...

Temporary Speaker (*Hon. Paul Maluki*): Hon. Munyoki Mwinzi...

Hon. Munyoki Mwinzi: Yeah, Mr. Speaker, allow me? Mr. Speaker, it can be changed

Temporary Speaker (*Hon. Paul Maluki*): Sure...

Hon. Munyoki Mwinzi: To read designated member, it has been happening, it is doable in order to make this House feel comfortable, it can be written, the designated member and that will be okay with us.

Again, Mr. Speaker because the office of the Speaker and this County Assembly was fully represented in the court. In the process of making the ruling, the judge declared that court orders are superior to Standing Orders.

Mr. Speaker, in a case where we are talking about a court order. It is above the Speaker of this County Assembly. You are being ordered, it is an order from the high court.

So, I would advise you, for you to be safe, kindly, make even if it's a roadside declaration.

(Laughter)

Call a press-briefing, clear yourself Mr. Speaker because this thing will catch up with you. The court order is above the Speaker. The Speaker of this County Assembly is not above the law, Mr. Speaker. And there is no need of him saying that he was not served. He was represented, fully represented.

The office of the Legal Counsel of this County Assembly was there, Mr. Speaker. Fully represented. And I saw him writing down, what was he writing down? What was he putting down? He was supposed to inform this Assembly immediately after the rise of the court, Mr. Speaker.

We are tired of being taken round and round, Mr. Speaker. If the one who is sitting in the office of the Speaker does not have capacity, Mr. Speaker, he can say it. This is incompetence, Mr. Speaker. Incompetence, pure incompetence.

(Applause)

And I have to say it without fear. This is pure incompetence, Mr. Speaker...

Temporary Speaker (*Hon. Paul Maluki*): Order! Order! Hon. Munyoki Mwinzi. Incompetence is neither here nor there but now I want to be clear on- Hon. Members, and I have said this, Hon. Munyoki Mwinzi and, of course, all the angered members, if now, because, yes, you are right when you say this document can be edited. But it can only be edited once communication has been done.

Hon. Munyoki Mwinzi: ...Communication is not superior to an election, Mr. Speaker. It is not superior. When you were elected as a member of Kwa Mutonga, even if the Speaker of the day would not have announced you, that could not change the fact that you are an elected member of Kwa Mutonga, Mr. Speaker.

(Applause)

We were elected, the only mandate of the Speaker according to our Standing Orders is to communicate to this House. So, that the House could know that there are changes, Mr. Speaker. You know, Mr. Speaker, these games, Mr. Speaker. Even if your office is planning to appeal, why can't you do things procedurally?

When the orders of the appeal come, we will work on it. As you sit, Mr. Speaker, there is a vacant, if we go by what you have said that, it is a must for one to be communicated. The stay orders, Mr. Speaker, that mandated, Hon. Maluki, to remain in that seat was withdrawn. Does it mean that we don't have a majority leader in House now? Whereas an election was done? It is not possible. You know, you will not take us round. We are tired!

Temporary Speaker (*Hon. Paul Maluki*): Thank you, Hon. Munyoki.

Hon. Munyoki Mwinzi: We are tired.

Temporary Speaker (*Hon. Paul Maluki*): Thank you. Yes, Hon. Munyao.

Hon. Gabriel Munyao: I want to ride on the same note that, it is good that when we sit in the Assembly, we do not sit on the seats that are preserved for specific members. I want to believe that, it is according to our Standing Orders. Honourable Speaker, the seat preserved for the member of Kauwi Ward, yours truly, has been occupied by the member of Mutha Ward.

(Laughter)

Can you kindly, tell him to vacate the seat preserved for Kauwi Ward? He is not the elected member for Kauwi Ward. Tell him to vacate that seat.

(More laughter)

Temporary Speaker (*Hon. Paul Maluki*): Order! Hon. Munyao.

Hon. Gabriel Munyao: Yes.

Temporary Speaker (*Hon. Paul Maluki*): Where is your seat, Hon. Munyao?

Hon. Gabriel Munyao: And if the member of Kauwi Ward is not present, it should remain vacant.

Temporary Speaker (*Hon. Paul Maluki*): Order! Hon. Munyao.

Hon. Gabriel Munyao: It should be vacant, the same way, this seat of Majority leader is vacant and this other one is vacant.

Temporary Speaker (*Hon. Paul Maluki*): Order! Hon. Gabriel Munyao. Order! No. No, it's good, for the Honourable Member, to be clear that in this House there are seats which are reserved. One is the Chair for the Speaker, the Leader of Majority, the Leader of Minority, the Deputy Speaker and the last one is for people living with disability. The Other members can sit anywhere.

Hon. Gabriel Munyao, don't assume that, the seat taken by Hon. Mbuno, belongs to him. He can sit in any other seat.

(Hon. Dominic Mwamisi stood on a point of order)

So, anyway, I thought maybe you wanted to talk about the discussion on governor's address. Sorry? Honourable Mwamisi, what is your point? I have already made a ...yeah?

Hon. Dominic Mwamisi: My name was mentioned in this discussion by Honourable ...my friend from Kauwi, Honourable Gabriel Munyao. Recently, when we had *Tanga tanga*, Honourable Speaker, I visited Kauwi Ward but the Honourable member for Kauwi was not present. He had gone to attend a funeral of his friend in another ward. And he told me to hold brief for him, Honourable Speaker. Therefore, Honourable Speaker, when I sat, I knew he normally sits here, but today I was still holding brief for him. I was not aware that he had come back. Thank you, Honourable Speaker.

(Hon. Munyoki Mwinzi stood on a point of order)

Temporary Speaker (*Hon. Paul Maluki*): No, no, Honourable Munyoki Mwinzi, I will give Honourable Mary Ndumbu a chance. I know the matter we are dealing with...

Hon. Munyoki Mwinzi: (*Spoke off-record*)

Temporary Speaker (*Hon. Paul Maluki*): No, no, no. Relax, Honourable Munyoki Mwinzi.

Hon. Munyoki Mwinzi: (*Spoke off-record*)

Temporary Speaker (*Hon. Paul Maluki*): No, no, no. Honourable Mary Ndumbu.

Hon. Mary Ndumbu: What members are discussing is irrelevant. Whoever wants, can come and sit on my seat. Mr. Speaker, I heard you, when you gave your reply. Mr. Speaker, this is a very serious matter. And this is a House of order and rules.

Mr. Speaker, I heard you say that you have not discussed about the leadership or the communication. I think it's wise to adjourn the House and then you go and discuss about it. Because court order is not something to joke with, Mr. Speaker. And we are tired of these cases.

Since we came here, it's day in the court, day out of the court. Mr. Speaker, we have to end this once and for all because we have heard this so many times, we can't joke about it.

Temporary Speaker (*Hon. Paul Maluki*): Hon. Kasinga.

Hon. Titus Kasinga: Thank you, Honourable Speaker, sir. Honourable Speaker, I think now we are getting to a point where we are saying this House has no business in continuing with what we are doing. The issue of power play in WIPER, Honourable Speaker, is not something new to all of us here.

Unfortunately, Honourable Speaker, there seems to be vested interests from certain quarters who feel that maybe certain people should not be able to lead in the WIPER party.

WIPER has members, it so happens that, the majority party happens to be the driver of the government business in the Assembly. And when the majority party is disabled, is fighting, there is no clarity in terms of leadership. It means the business the House or the business of the government is derailed.

We are not able to represent our people in this Assembly in the very right manner. We are no longer legislating, even the kind of oversight we talk about here. We are not doing it the appropriate way, Honourable Speaker. We are not representing our people because there seems to be a permanent problem. This is the third year since we came to this Assembly.

Honourable Speaker and Honourable Members, you know we are here today, but tomorrow we will not be there. I'm not saying that, you may not be re-elected. You will be gone one day or the other, I will also go and leave this world. What is important for you is make a contribute that will leave a legacy for those who will come. What will we be remembered in this Assembly for, if this is the kind of things we continue with? Because we can see clearly there seems to be something that is amiss.

If a court, makes a decision and the decision is served upon the institution. It is on the honours of the leadership of the institution to obey that order as we wait for another decision from another court. So why is it hard to obey one decision but others are obeyed?

This is partisan leadership, this is failure in this Assembly and Honourable Speaker, it doesn't matter. The longer we stay in this Assembly doing what we are doing, at the end of the day. The people of Kitui will make a decision on whether we served them right.

Parties have got their own leaderships, whether it is UDA, whether it is WIPER, whether it is CCU, whether it is what? Parties must be...Even Jubilee, CPK and even independents; have got their own way on how they correlate.

So, everybody has got their own way on how they see things. We are not here on the basis of only one party. And when people keep on doing things the wrong way, we must now stand up and say it is time this ends whichever way. Whoever sits on that seat, we don't want

to know but let the court matters that have come because ...people have decided to go to court and we respect it.

Let court decisions be obeyed. Not in a partisan way but the right way. And if, this continues, Honourable Speaker. There is nothing much that will come from this Assembly.

You are an elected leader and Honourable Speaker, I want to continue when you are seated there. You are not just a member of the speaker's panel. Allow me kindly, you are the speaker. We are not addressing you as member of the speaker's panel. So, any decision you may make, Honourable Speaker, it is bidding. I'm speaking this as an elder, I'm speaking this as a ranking member.

There is a lot of shenanigans that is going on in this Assembly. And we must speak it. Let the speaker bite the bullet and announces what the court has said. Let him wait for another decision to announce. We shall continue that way, if that is the life that we have in this Assembly. Thank you, Honourable Speaker.

Temporary Speaker (*Hon. Paul Maluki*): Thank you, Honourable Members. I think I've heard you and I'll consult. That is the only word I can tell you.

Hon. Munyoki Mwinzi: (*Spoke off-record*)

Temporary Speaker (*Hon. Paul Maluki*): You see now, Hon. Munyoki Mwinzi, we were not coming here...That was not the only business. Yeah.

Hon. Munyoki Mwinzi: (*Spoke off-record*)

Temporary Speaker (*Hon. Paul Maluki*): There is no business?

(Laud consultation)

Hon. Munyoki Mwinzi: (*Spoke off-record*)

Temporary Speaker (*Hon. Paul Maluki*): No, I'm saying let the matter rest. I've said I'll consult the office of the speaker. And I will do the needful.

Hon. Munyoki Mwinzi: (*Spoke off-record*)

Temporary Speaker (*Hon. Paul Maluki*): No, no. Why adjourn?

(Hon. Jeremiah Mutua stood in his place)

Honourable Jeremiah. First of all, take your seat. That is not your seat. Go and sit at the back.

(Laud consultations)

Hon. Jeremiah Mutua: Yes, Mr. Speaker. Mr. Speaker, thank you very much. Mr. Speaker, I can address sitting anywhere. The only designated seats are that of Majority and Minority Leaders. Mr. Speaker, you are right. Mr. Speaker, allow me to share these views as an Honourable Member representing the people of Nguni Ward. And as a bonafide member to this Assembly of Kitui.

Mr. Speaker, we are 60 MCAs here, WIPER party has 25 MCAs here. And Mr. Speaker, myself as an Honourable Member elected through NARC party. Together with another 11 members, Mr. Speaker, we are 12. And this Assembly has got other MCAs who are elected through other parties. And also, independents.

Mr. Speaker, the expression I want to give is, let this party by the name WIPER respect us. Mr. Speaker, we are 35 MCAs who are elected through other parties. And we cannot come here, we are coming for a very serious business, Mr. Speaker. We find every time is fights, is fights every time, is will-wishes, and that kind of games. Three years down the line, the same

game. Three years down the line, the same tricks. Three years down the line, the same disturbance.

(Laud consultations)

Hon. Boniface Katumbi: Mr. Speaker, you have given me an opportunity to speak.

Temporary Speaker (*Hon. Paul Maluki*): Order! Honourable Katumbi, take back your seat.

Hon. Jeremiah Mutua: *(Spoke off-record)*

Temporary Speaker (*Hon. Paul Maluki*): Honourable Jeremiah, take back your seat.

(Laud consultations)

Order! Honourable Jeremiah. Honourable Jeremiah, Order! Order! Order!

(Laughter)

Hon. Jeremiah Mutua: *(Spoke off-record)*

Temporary Speaker (*Hon. Paul Maluki*): Order! Order! Order! Honourable Jeremiah, No, I'll be forced now to... No, I don't want to go that direction. Order! Hon. Rose.

Hon. Munyoki Mwinzi: *(Spoke off-record)*

(Hon. Jeremiah Mutua stood in his place)

Temporary Speaker (*Hon. Paul Maluki*): No, no, no, order, take back your seat. Order! No, no, no. Common sense dictates that, when the chair is standing, you just take back your seat. No matter what you want to say.

(Applause)

Hon. Jeremiah Mutua: *(Spoke off-record)*

Temporary Speaker (*Hon. Paul Maluki*): It doesn't matter the point you are trying to drive home. Hon. Katumbi, I saw you standing just because your microphone was on, and I can just overrule it anyway.

Hon. Boniface Katumbi: *(Spoke off-record)*

Temporary Speaker (*Hon. Paul Maluki*): No, no, no, I'm trying to say... Order! Hon. Ngoima, I want to state as follows, and you see Honourable Members, we are here,

Hon. Daniel Ngoima: *(Spoke off-record)*

Temporary Speaker (*Hon. Paul Maluki*): Is that how you wanted to get me?

(Laughter)

No, I'm trying to say this, I hear everybody, what you're saying. Honourable Munyoki Mwinzi, you have said we've been in fights forever. forever means forever and ever. You're supposed to say...

Hon. Munyoki Mwinzi: *(Spoke off-record)*

Temporary Speaker (*Hon. Paul Maluki*): I want to suggest, and I've already said that eeh, let's end this discussion, your point is at home, and I've said, immediately after the rise of the House, I'll, meet with the speaker. Speaker is of course, you know there are interviews that are ongoing, but I'll meet with him, I am not a lawyer, I have not done law, I am an accountant.

Hon. Munyoki Mwinzi: *(Spoke off-record)*

Temporary Speaker *(Hon. Paul Maluki):* No, no, Hon. Munyoki Mwinzi, because we want this office to communicate, eh, respect it first, because, eh, so, I don't know now why Hon. Mary Ndumbu, you are switching on the microphone and the chair is addressing the House, you just, eh, put it off first.

Hon. Munyoki Mwinzi: *(Spoke off-record)*

(Laud consultations)

Temporary Speaker *(Hon. Paul Maluki):* Then, (laughter) once we are done with this, now we can talk, no, I want to see these honourable members...

Hon. Gabriel Munyao: *(Spoke off-record)*

Temporary Speaker *(Hon. Paul Maluki):* No, no, he is not a lawyer, I've said that, Hon. Jeremiah, the argument that is being debated here is from WIPER members and WIPER is the majority party in this Assembly, no matter the number that they have.

When we came into the House, you remember, there are some of us who wanted us to go the coalition way, but we decided to go party way. That's why they have every right to ask. You have also your right to be given time because you belong to another party.

So, the best we can do is to respect each other. And after that now, we respect the institution of the Assembly. The institution of the Assembly, Hon. Munyoki Mwinzi, is headed by none other than the speaker.

I can't come here to do insubordination to please some quarters. When I come here, communication is always on the table. Any communication that needs to be communicated is placed on the table. I don't come with my communication from home. So, we will have to wait, that's why I have said give us some time and definitely we'll do that.

Now, because we were not coming here to discuss just one item, there are members who didn't contribute towards governor's address, and today's the last day. According to the timelines that are given for us to discuss the governor's address.

When we say, there's a drone, we'll be being unfair to them. Because now, even if we are to adjourn now, we'll come in the afternoon session. Kindly allow those who want to contribute towards the governor's address, give their views. Let this discussion come to an end. I know at the end of the day, we'll be somewhere. I think I'm clear.

When you are shouting at each other, and then after we are through with this, we meet there, taking tea. Then you are trying to say, you saw how hard I was on you. So, I think, yeah, so relax, everybody, relax.

Hon. Jeremiah, you see, we are no longer counsellors. We are MCAs.

(Applause)

And now, that goes to every member here. We agree to disagree but that doesn't mean we should get personal. So, I think that is in order, that the matter is rested. We can, but we'll get an answer to this. Thank you.

I order now that we proceed. But it's very clear, if you discussed the governor's address, you are not going to be given an opportunity.

(Hon. Munyoki Mwinzi sought permission to contribute)

Temporary Speaker *(Hon. Paul Maluki):* Yeah, you can discuss.

Hon. Munyoki Mwinzi: Thank you, honourable speaker. I agree with you, speaker. So, speaker, I have got what I wanted. You have declared that you work under orders from the

speaker. That one, I agree. It is now the responsibility of the court, Mr. Speaker, to know whether you were right, or the speaker was right, or I am right. So that is not on my side, Mr. Speaker, I'm okay. Members can proceed.

Temporary Speaker (*Hon. Paul Maluki*): I thought now, you were discussing the governor's address. Hon. Munyoki Mwinzi, did you contribute on the governor's address?

Hon. Munyoki Mwinzi: (*Spoke off-record*)

Temporary Speaker (*Hon. Paul Maluki*): Okay, do we have any member who wants to say something in regards to governor's address?

Hon. Members: We contributed.

Temporary Speaker (*Hon. Paul Maluki*): Honourable members, let's be upstanding so as to join the House. This motion has been deferred to afternoon session and it's during that session that we conclude the discussion in regards to governor's address.

ADJOURNMENT

Honourable Members, the House stands adjourned until today at 2.30 p.m. Thank you.

The County Assembly rose at 9:58 a.m.