

COUNTY ASSEMBLY OF KITUI

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OFFICE OF THE CLERK

INTERNAL MEMORANDUM

TO: THE CLERK OF ASSEMBLY  
THRO': IN CHARGE L. P AND P  
FROM: CLERK ASSISTANT (T.C.8)  
DATE: 10<sup>TH</sup> SEPTEMBER, 2020  
REF: CAK 4/19/VOL. 2/ (04)

*Forwarded to  
DCA  
10/9/2020*

SUBJECT: REPORT OF THE SPECIAL COMMITTEE ON THE PROPOSED  
REMOVAL FROM OFFICE OF THE COUNTY EXECUTIVE COMMITTEE  
MEMBER FOR COUNTY MINISTRY OF LANDS, INFRASTRUCTURE, HOUSING  
AND URBAN DEVELOPMENT ENGINEER JACOB MAUNDU KAKUNDI.

The above subject matter refers.

Forwarded herewith, please find the Report of the Special Committee on the Proposed Removal from Office, of Engineer Jacob Kakundi, The County Executive Committee Member, County Ministry of Lands, Infrastructure, Housing And Urban Development

  
ESTHER MWELE  
CLERK ASSISTANT  
COUNTY ASSEMBLY OF KITUI.

*Approved. Mr Speaker  
You may approve  
10/9/2020*

11/11/11

11/11/11

**COUNTY GOVERNMENT OF KITUI**



**THE COUNTY ASSEMBLY OF KITUI  
SECOND ASSEMBLY – (FOURTH SESSION)**

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**REPORT OF THE SPECIAL COMMITTEE ON THE PROPOSED REMOVAL  
FROM OFFICE OF THE COUNTY EXECUTIVE COMMITTEE MEMBER  
FOR COUNTY MINISTRY OF LANDS, INFRASTRUCTURE, HOUSING  
AND URBAN DEVELOPMENT ENGINEER JACOB MAUNDU KAKUNDI.**

**CLERK OF ASSEMBLY'S CHAMBER  
SEPTEMBER, 2020  
P. O BOX 694 - 90200  
KITUI**

## ABBREVIATIONS

CECM:	County Executive Committee Member
C.E.C	County Executive Committee
LIUHD:	Lands, Infrastructure, Housing and Urban Development
H.E :	Her Excellency
ENG.	Engineer
A.g	Acting

## **ANNEXTURES**

- Annex 1 - Signed list of members adopting the Report.
- Annex 2 – Motion by Hon. Alex Wambua Mwangangi on the removal from office of the CECM County Ministry of Lands, Infrastructure, Housing and Urban Development.
- Annex 3- Letter inviting CECM to appear before the committee
- Annex 4- Letter dated 21<sup>st</sup> December 2018
- Annex 5 - Letter dated 2<sup>nd</sup> July 2019
- Annex 6- List of unpaid youth from Kyome Thaana Ward
- Annex 7 – list of contactors paid for the bush clearing works
- Annex 8 – copies of signed witness statements from the bush clearers
- Annex 9 - Motion approving CLIDP amendments
- Annex 10 – Letter dated 31<sup>st</sup> January 2019
- Annex 11- List signed by M.C.A s indicating whether they received dozer services
- Annex 12- Dozer work tickets
- Annex 13 – Copy of ELC ruling on contempt of court
- Annex 14 – Copy of map titled 'Original Map'
- Annex 15 – Copy of map showing sub division
- Annex 16 – Demand note for property rent
- Annex 17 – Payment receipt for property rent
- Annex 18 – Road grading schedule

**Annex 19 - Affidavit of summons**

## **BACKGROUND**

**Mr. Speaker Sir,**

As you are aware, on 18<sup>th</sup> August, 2020, the Honourable Alex Wambua Mwangangi, Member of County Assembly, Kyoome Thaana Ward, moved the following notice of motion in the Assembly;

*THAT, pursuant to section 40 of the County Government Act and Standing Order No.62 this assembly hereby approves the motion on the removal from office of the County Executive Committee Member for Lands, Infrastructure, Housing and Urban Development, Mr. Kakundi, on the following grounds:-*

*1. Gross Violation of the constitution of Kenya,2010 and any relevant laws by:-*

*(a). Violation of chapter six of the constitution of Kenya (integrity and leadership) by managing his office in a manner which does not promote public confidence in integrity of the office by overseeing unprocedural awarding of bush clearing tenders (a programme meant to benefit the vulnerable) to contractors and using the local women and youth to work in contractors' absentia only to pay some long time after they were paid and others left unpaid upto date instead of contractors using their monies as working capital for the contracted works to pay the casuals.*

*(b). Failing to implement the following assembly resolutions amongst others in total breach of Article 183(1)a of the Constitution of Kenya,2010, on the Functions of County Executive Committees by refusing to;*

*(i)Procure services for the projects within the 2018/2019 financial year for the Community Level Infrastructure Development Programme (CLIDP) as provided for under the County Government Annual*

*Development Plan (ADP) which factors in such community development projects and as such, the Kitui public lost such key projects.*

*(ii). Implement the Motion on Regulation and Management of street trade (hawking) and Boda Boda operators in Kitui and Mwingi towns etc.*

*(iii) Motion of County importance on bush clearing by Hon. David Thuvi.*

*(c). Unfair service delivery contrary to Article 27(3) of the Constitution of Kenya, 2010, by discriminative issuance of dozer services to a few selected wards for a period of last three financial years despite demand in other wards.*

*(d). Failing to provide the County Assembly with full and regular reports on matters relating to the county ministry contrary to Article 183(3) of the Constitution of Kenya, 2010 e.g. Dozer working schedule.*

*(e). Violation of the County Procurement Procedures as per section 53 of the Public Procurement and Disposal Act of 2015 by:-*

*(i). Awarding tenders for bush clearing unprocedurally and misusing Kitui residents to work for contractors without payments.*

*(ii). Awarding tenders for bush clearing to contractors and then using Ward and Village administrators to perform the role of contractors on contracted works.*

**2. INCOMPETENCE:** *Failure to effectively control Ministry's programmes e.g. bush clearing and road grading done shoddily and beyond timelines as stipulated in working schedules.*

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2. **ABUSE OF OFFICE:** *Using County administrators to perform the role of contractors in contracted works of bush clearing without facilitation.*
3. **GROSS MISCONDUCT:** *He blatantly misled the County Assembly Sectoral committee on Lands, Infrastructure and Urban Development on the involvement of village administrators in the recruitment of personnel for the contracted bush clearing project for 2018/19 financial year. The CECM provided contradictory information on the same as contained in the letters dated 21<sup>st</sup> December, 2018 and 2<sup>nd</sup> July, 2019.*

Mr. Speaker Sir,

The said motion was moved and approved by the Assembly on 25<sup>th</sup> August, 2020 in accordance with the provisions of Standing Order 62(6).

Mr. Speaker Sir,

Upon approval of the motion on the removal from office of the County Executive Committee Member for Lands, Infrastructure, Housing and Urban Development, and pursuant to the provisions of section 40 (3) (a) of the County Governments Act as read together with standing order 62(6), the Honourable leader of majority party gave a notice of the following motion on 26<sup>th</sup> August, 2020:

*THAT, pursuant Section 40 (3) of the County Government Act, 2012 as read together with Standing Order No. 62 (6), this Assembly approves the membership to the special Committee investigating the removal of County Executive Committee Member for Lands, Infrastructure, Housing and Urban Development Mr. Jacob Kakundi as follows.*

1. *Hon. Esther K. Ndile*
2. *Hon. Geoffrey Mwalimu*

3. Hon. Fredrick Kithome Nthuri
4. Hon. John Mutuku Mbaki Kisangau
5. Hon. Boniface K. Katumo

*THAT, further the mandate of the Committee will be to investigate the matter and report to the Assembly within a period of 10 days.*

**Mr. Speaker Sir,**

The motion on formation of a special committee to investigate the removal from office of the County Executive Committee Member for Lands, Infrastructure, Housing and Urban Development was moved and approved by the Assembly at a sitting held on 31<sup>st</sup> August, 2020.

**Mr. Speaker Sir,**

Following its establishment, the Special Committee commenced its proceedings on 1<sup>st</sup> September, 2020 without delay. It is important to note that the committee's schedule of activities had to be within the statutory period of 10 days as outlined under section 40 (3) of the County Governments Act and standing order 62(6).

**Mr. Speaker Sir,**

Pursuant to the provisions of standing order 158 (1)(a) as read together with standing order 159(1), the office of the Clerk of Assembly conducted the election for the position of chairperson and vice chairperson of the special committee. Hon. Esther Kalunda Ndile and Hon. Geoffrey Mwalimu were elected the chairperson and vice chairperson respectively.

**Mr. Speaker Sir,**

The terms of reference for the Committee are provided for under section 40(3) of the County Governments Act, 2012 and Standing Order No. 62 (6) which are:-

- i. To investigate the grounds alleged in the motion for removal from office of the County Executive Committee Member (CECM) for LIHUD; and
- ii. To report to the County Assembly whether it finds the allegations to be substantiated or not.

**Mr. Speaker Sir,**

It is important to note the provisions of Section 40 (4) of the County Governments Act, 2012 as read together with Standing order 62(7) and Standing order 63 (1)(a) provide that the CECM being removed from office has the right to appear before the special committee during its investigations either in person or through a legal counsel.

Therefore, in accordance with these provisions, the Special committee invited the CECM LIHUD, Engineer Jacob Maundu Kakundi, to appear before the committee, either in person or through legal counsel, on Thursday, 3<sup>rd</sup> September, 2020, in order to respond to the allegations raised in the subject motion. (Copy of the invitation to appear is attached as annex 3).

### ACKNOWLEDGMENT

**Mr. Speaker Sir,**

I wish to sincerely thank the members of this Special Committee for working tirelessly and beyond working hours in order to finalize this report on time. The honourable members of the committee remained dedicated and committed to their work despite the many challenges and hardship faced.

**Mr. Speaker Sir,**

I also wish to thank the office of the Speaker of Assembly and the office of the Clerk of Assembly for their support to this committee and facilitation during the entire period.

I also wish to thank all the members of the public who appeared before the committee in order to testify on the matter.

Mr. Speaker Sir,

It is therefore my pleasant duty and honour, to present this report on behalf of the members of the Committee, and recommend it for consideration and adoption by the Assembly.

THANK YOU.

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HON. ESTHER K. NDILE  
CHAIRPERSON, SPECIAL COMMITTEE INVESTIGATING THE REMOVAL  
FROM OFFICE OF THE COUNTY EXECUTIVE COMMITTEE MEMBER,  
COUNTY MINISTRY OF LANDS, INFRASTRUCTURE, HOUSING AND  
URBAN DEVELOPMENT  
COUNTY ASSEMBLY OF KITUI.

## INTRODUCTION

**Mr. Speaker Sir,**

Section 40(1) of the County Government Act, 2012, provides that the Governor may subject to the provisions of section 40(2) of the County Governments Act remove a member of the County Executive Committee from office on any of the following grounds;

- a) incompetence;
- b) abuse of office;
- c) gross misconduct;
- d) failure, without reasonable excuse, or written authority of the governor, to attend three consecutive meetings of the county executive committee;
- e) physical or mental incapacity rendering the executive committee member incapable of performing the duties of that office; or
- f) gross violation of the Constitution or any other law.

**Mr. Speaker Sir,**

The grounds for removal of a County Executive Committee Member from office is clearly provided for under Section 40 (1) of the County Governments Act, 2012, while the procedure for undertaking such removal is provided for under the Kitui County Assembly Standing Orders under Standing Order no. 62.

Section 40(2) of the County Governments Act provides that a member of the County Assembly, supported by at least one third of all the members of the county assembly, may propose a motion requiring the Governor to dismiss a County Executive Committee member on any of the grounds set out in subsection (1).

Section 40(3) on the other hand provides that -If a motion under subsection (2) is supported by at least one third of the members of the County Assembly—

- a) the County Assembly shall appoint a select committee comprising five of its members to investigate the matter; and
- b) the select committee shall report, within ten days, to the County Assembly whether it finds the allegations against the County Executive Committee member to be substantiated.

Section 40(4) The County Executive Committee member has the right to appear and be represented before the select committee during its investigations.

Section 40(5) If the select committee reports that it finds the allegations—

- a) unsubstantiated, no further proceedings shall be taken; or
- b) Substantiated, the County Assembly shall vote whether to approve the resolution requiring the County Executive Committee member to be dismissed.

Section 40(6)-If a resolution under subsection (5)(b) is supported by a majority of the members of the County Assembly—

- a) the Speaker of the County Assembly shall promptly deliver the resolution to the Governor; and
- b) the Governor shall dismiss the County Executive Committee member.

**Mr. Speaker Sir,**

The procedure for executing the Motion before this house is provided for under Standing Order 62 as follows;

- 1) Before giving notice of Motion under section 40 of the County Governments Act, 2012, the member shall deliver to the Clerk a copy of the proposed Motion in writing stating the grounds and particulars upon which the proposal is made, for requiring the Governor to dismiss a Member of County Executive Committee on ground of a gross violation of a provision of the Constitution or of any other law; where there are serious reasons for believing that the Member of county executive has committed a crime under national or international law; or for gross misconduct. The notice of Motion shall be signed by the Member and the Clerk shall submit the proposed Motion to the Speaker for approval.
- 2) A member who has obtained the approval of the Speaker to move a Motion under paragraph (1) shall give a three (3) days' notice calling for dismissal of a Member of County Executive Committee by the Governor.
- 3) Upon the expiry of three (3) days, after notice given, the Motion shall be placed on the Order Paper and shall be disposed of within three days;
- 4) When the Order for the Motion is read, the Speaker shall refuse to allow the member to move the motion, unless the Speaker is satisfied that the member is supported by at least one-quarter of all Members of the County Assembly to move the motion. Provided that within the seven days' notice, the Clerk shall cause to be prepared and deposited in his office a list of all Members of the County Assembly with an open space against each name for purposes of appending signatures, which list shall be entitled "SIGNATURES IN SUPPORT OF A MOTION FOR REMOVAL OF Mr./Mrs./Ms-----MEMBER OF COUNTY EXECUTIVE

## COMMITTEE”

Provided further that the Mover shall provide to the Speaker, at least one hour before the sitting of the Assembly, a list signed by members in support of the motion.

- 5) Any signature appended to the list as provided under paragraph (4) shall not be withdrawn.
- 6) When the Motion has been passed by at least one-third of all members of the County Assembly, the Assembly shall, within seven (7) days, appoint a special committee comprising of a third of the Members to investigate the matter; and shall, within ten days, report to the Assembly whether it finds the allegations against the Member of county executive to be substantiated.
- 7) The Member of County Executive has the right to appear and be represented before the select committee during its investigations.
- 8) No further proceedings shall be taken on the matter if the select committee finds the allegations unsubstantiated.
- 9) If the select committee reports that it finds the allegations substantiated, the County Assembly shall afford the Member of County Executive an opportunity to be heard and vote whether to approve the resolution requiring the Member of County Executive to be dismissed.
- 10) If a resolution requiring the Governor to dismiss a Member of County Executive is supported by a majority of the members of the County Assembly the Speaker shall promptly deliver the resolution to the Governor and the Member shall be considered dismissed.

## METHOD OF INQUIRY INTO THE GROUNDS ALLEGED

Mr. Speaker Sir,

Article 195 of the Constitution provides that;



*(1) A County Assembly or any of its committees has power to summon any person to appear before it for the purpose of giving evidence or providing information.*

*(2) For the purposes of clause (1), an assembly has the same powers as the High Court to—*

*(a) enforce the attendance of witnesses and examining them on oath, affirmation or otherwise;*

*(b) compel the production of documents;*

Further, Section 18 of the County Assemblies Powers and Privileges Act, 2017 as read together with Standing Order 171 provides that;

*A county assembly or its committees may invite or summon any person to appear before it for the purpose of giving evidence or providing any information, paper, book, record or document in the possession or under the control of that person and, in this respect, a county assembly and its committees shall have the same powers as*

**Mr. Speaker Sir,**

Therefore, in exercise of the powers conferred on the committee by the provisions above and for effective execution of its mandate, the committee invited the following witnesses in line with the provisions of Section 18 of the County Assemblies Powers and Privileges Act, 2017;

- i. Honourable Alex Wambua Mwangangi - Member of County Assembly, Kyoome Thaana Ward. He appeared on 2<sup>nd</sup> September, 2020
- ii. Hon. David Thuvi- Member of County Assembly, Kithumula Kwa Mutonga Ward. He appeared on 2<sup>nd</sup> September, 2020
- iii. Mr. Benson Nguthu - The Patron of the Katoteni Farmers Association. He appeared on 2<sup>nd</sup> September, 2020
- iv. Mr. Sylvester Kimanzi Mukumbi – Personal Assistant to the M.C.A Kithumula Kwa Mutonga Ward who appeared on 2<sup>nd</sup> September, 2020.

- v. Group of unpaid bush clearers from Kyome Thaana ward, Kauwi Ward and Kithumula Kwa Mutonga Ward – appeared on 2<sup>nd</sup> September, 2020
- vi. Mr. Dennis Mbanga – owner of payment receipt who appeared on 3<sup>rd</sup> September, 2020
- vii. Eng. Jacob Kakundi in the presence of his advocate, Mr. Musyoka Kimanthi - appeared on 3<sup>rd</sup> September, 2020
- viii. Mr. John Mailu Kunga - Acting Chief officer, County Ministry of LIHUD – who appeared on 7<sup>th</sup> September, 2020
- ix. Mr. Timothy Mutemi – Principal Mechanical Engineer, County Ministry of LIHUD – who appeared on 7<sup>th</sup> September, 2020

Mr. Speaker Sir,

We also heard the testimony of Engineer Jacob Kakundi, who appeared before the special committee on 3<sup>rd</sup> September, 2020, through his legal counsel, Mr. Musyoki Kimanthi pursuant to the provisions of section 40(4) of the County Government Act. The counsel was also accompanied by his legal assistant, Mr. Kyalo.

### PRELIMINARY ISSUES RAISED

Before giving his clients testimony, Mr. Musyoki Kimanthi appearing for the County Executive Committee Member as the advocate on record representing Eng. Kakundi, raised a number of preliminary issues as follows. The said issues are listed below:-

#### I. BIASNESS AND LACK OF IMPARTIALITY

The CECM through his advocate Mr. Musyoki Kimanthi, contended that there was a likelihood of biasness on the part of the Special Committee, this according to him was occasioned by the fact that 4 of the 5 member Special Committee had signed the Motion calling for the removal from office of the County Executive Committee. According to the Advocate, it was evident from the face of it that the Committee was biased against his

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Client and there was nothing that the CECM would do or evidence that he would adduce before the committee that would make the 4 members change their mind regarding his removal from office.

It was further his submission that his Client would not be accorded a fair hearing even though the same was his constitutional right, this is because in his opinion since the Special Committee had manifested biasness against his client from the outset the said Special committee could not possibly evaluate the evidence adduced in support of the allegations raised against his Client objectively and impartially.

In response, it's important to note that the special committee was duly constituted as per the provisions of section 40 (3)(a). Further, the constitution of committees is based on the strength of parties.

## II. LACK OF SPECIFIC PARTICULARS ON THE ALLEGED GROUND

It was the CECM's observation through his advocate that the subject motion calling for the removal from office of the CECM LIHUD did not contain specific particulars of the charges alleged. It was his assertion that the particulars of the grounds alleged in the subject Motion were neither precise nor clear as to enable the CECM to respond to.

Giving the Special Committee an example, the Advocate noted that the first ground (Ground 1a) on the gross violation of the Constitution did not specify the exact article of the Constitution that his client was said to have violated.

The advocate further noted that the allegation had only simply made reference to a breach of Chapter Six of the Constitution therefore it was difficult for the CECM to tell which article he was alleged to have violated.

It was further his contention that without precision in the charges levelled against his client, it was open for the Special Committee to go on a fishing expedition and crucify his client for the violation of any article chapter 6 as they found suitable to without according him the time to answer to the same or without giving him the evidence on which the said allegation was based.

### III. INSUFFICIENT NOTICE TO RESPOND TO THE ALLEGATIONS

The CECM through his advocate claimed that he was not accorded adequate time to prepare his case and respond comprehensively to the allegations levelled against him. According to him, he received a letter forwarding the subject motion and calling him to appear before the Special committee on 2<sup>nd</sup> September, 2020 and was required to appear before said committee on 3<sup>rd</sup> September, 2020.

It was his submission that he only had 1 (one) day to prepare and respond to the grounds alleged. According to the CECM, the allegations contained in the motion were founded on an alleged breach of the Constitution thereby making it a weighty matter which required time to analyse and respond to.

The Committee notes that in a normal setting, the notice may be deemed short, however, the process for removal of a CECM is guided by statutory deadlines. Specifically, Section 40 (3)(b) of the County Governments Act as read together with Standing Order 62 (6), clearly outlines the period provided between the investigation of the grounds alleged and the tabling of the report to the Assembly is only 10 (ten) days. Therefore the committee did not have the luxury of time on its end. They are specifically mandated to investigate the matter, notify the CECM of the grounds alleged and table its report to the assembly within 10 days.

The committee however resolved to give the CECM more time to prepare his evidence and submit documents in support of his testimony by close of business on 7<sup>th</sup> September, 2020. However, by the time of completing this report, the CECM had not submitted any additional evidence in support of his testimony despite complaining about the time factor and the committee having extended the same.

Further, the committee notes that the allegations alleged in the motion fall within the CECM's docket and therefore the information required to be relied upon in the investigation is within the minister's reach. He therefore cannot say that he was unable to prepare sufficiently for the matter.

#### **IV. THRESHOLD FOR REMOVAL OF THE CECM**

It was the CECM's view through his advocate that the allegations contained in the Motion did not meet the Constitutional threshold, specifically it was his submission that the issue of Bush clearing could not be elevated to a constitutional issue.

#### **V. LACK OF DISCLOSURE**

It was the CECM's view through his advocate that he had only been supplied with a copy of the motion and the evidence upon which the mover of the motion was relying to support his allegations was not forwarded to him to accord him the chance to respond.

It was further the CECM's submission that without disclosing the evidence that the motion mover was relying on it would amount to trial by ambush a situation that was unprocedural in any judicial or quasi-judicial process.

**INQUIRY INTO THE CHARGES AGAINST THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR LANDS, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT – ENG. JACOB MAUNDU KAKUNDI.**

**CHARGE 1: GROSS VIOLATION OF THE CONSTITUTION AND OTHER RELEVANT LAWS**

**Allegation 1a :** Violation of chapter six of the Constitution of Kenya, 2010 (Integrity and leadership) by managing his office in a manner which does not promote public confidence in integrity of the office by overseeing unprocedural awarding of bush clearing tenders (a programme meant to benefit the vulnerable) to contractors and using the local women and youth to work in contractors' absentia only to pay some long time after they were paid and others left unpaid up to date instead of contractors using their monies as working capital for the contracted works to pay the casuals.

The mover of the motion in his testimony alleged that Eng. Jacob Maundu Kakundi lacked the principle of leadership and integrity since he did not effectively supervise the bush clearing exercise. In support of his testimony Hon. Alex Wambua Mwangangi tendered the following evidence:-

- i. Copy of a letter dated 21<sup>st</sup> December, 2018 referenced CGOKTI/CEC-LIHUUD/COUNTYASSEMBLY/VOL 1/26 ( copy is attached as annex 4);
- ii. Copy of a Letter dated 2<sup>nd</sup> July, 2019 and referenced CGOKTI/CEC-LIHUUD/COUNTYASSEMBLY/VOL1/76 ( copy is attached as annex 5);
- iii. The list of unpaid youth and women who participated in the bush clearing exercise signed by the said women and youth ( copy is attached as annex 6);
- iv. The copy of a list of contracted companies( copy is attached as annex 7); and
- v. The witnesses' signed evidence (copy is attached as annex 8).

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It was further Hon. Alex Wambua Mwangangi's testimony that in the letter dated 21<sup>st</sup> December, 2018 referenced CGOKTI/CEC-LIHUD/COUNTYASSEMBLY/VOL 1/26 (See Annex 4), originating from the County Ministry of LIHUD, the CECM acknowledged being fully aware of who was contracted to undertake the bush clearing exercise. According to the Honourable Member, the CECM was also aware that the village administrators were involved in contracting the local women and youth to undertake the bush clearing exercise.

Under this allegation, the Committee also invited some of the women and youth who confirmed to have participated in the bush clearing exercise according to the Motion Mover and some of the Honourable members (according to the evidence adduced before the special committee) to give their testimony as to what had actually transpired in the process.

The youth and women testified that they were contracted by the village administrators to undertake bush clearing exercise within their respective villages in the year 2018 at a daily wage of Kshs. 350 (three hundred and fifty shillings) for a period of 9 (nine) days. This is further confirmed in the CECM'S letter dated 21<sup>st</sup> December, 2018 under part c. It was further their evidence that they had been engaged by the village administrator to participate in this exercise. The youth and women while undertaking the exercise, testified that they were supervised by village administrators.

It was further the submission of the youth and women who testified before the committee that since participating in the bush clearing exercise had not been paid to date.

### **Committee's observations**

The committee noted that the wording of the key accusations by the mover of the motion in the above allegations to the CECM LIHUD 'is overseeing unprocedural awards', therefore the accusations in ground 1a isn't about the minister's involvement with the awarding of bush clearing program

that was undertaken by the ministry of LIHUD in 2018. The committee notes that the awarding of tenders is the function of the procurement officer/department.

Upon reading the allegation, it was the Committee's resolution on a vote of 4 against 1 that the motion mover was referring to Article 73 of the Constitution.

The Committee was of the opinion that Engineer Jacob Maundu Kakundi as the CECM LIHUD should have demonstrated leadership in the ministry he is in charge of and co-ordinated effectively the bush clearing exercise. Engineer Jacob Maundu Kakundi should have ensured that the local women and youth were paid their dues for the bush clearing exercise.

The committee feels that the CECM failed to provide leadership in the exercise where some people were paid while others were not. The witnesses who appeared before the committee testified that they had participated in the bush clearing exercise and they were never paid.

In support of accusation 1(a), the committee relied heavily on evidence produced by;

- The motion mover
- The bush clearing witnesses who appeared before the committee; and
- the accused CECM.

The committee heard the testimony of the bush clearers from; Kithumula/ Kwa Mutonga ward, Kauwi ward and Kyome/ Thaana wards.

The bush clearing program was meant to benefit the locals and that is why money for the exercise was allocated in the county budget. The exercise ended up benefitting the contractors who were contracted and paid, yet the locals were used as 'scapegoats' in order to benefit unscrupulous contractors.



The evidence produced before this committee by the bush clearing witnesses clarifies that at no one time did the contractors visit the grounds where the bush clearing exercise was being undertaken, throughout the bush clearing period. The bush clearers made submissions that they were recruited by the village administrators. The locals were never paid for the bush clearing exercise carried out in 2018 to date.

It is the committee's belief that the CECM Engineer Jacob Kakundi is linked with overseeing the unprocedural awarding of the bush clearing tenders in the following ways;

- Article 73 (2), stipulates the guiding principles of leadership and integrity;
- (b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices.

Article 183, stipulates the following that A county executive committee shall; (a) implement county legislation, (c) manage and coordinate the functions of the county administration and its departments, and, (d) perform any other functions conferred on it by this constitution or national legislation.

As the head of the LIHUD ministry, the CECM failed to promote public confidence- Article 73 (1) a(iv). By failing to protect the locals in order to receive their pay since 2018, against the contractors who were paid by the ministry, yet the bush clearers payment is still outstanding. He has failed to promote confidence upon the locals.

It is the Committee's view that the CECM abdicated his responsibilities by failing to offer leadership, thus appears that the county ministry of LIHUD was running itself as the minister was completely unconcerned and therefore the minister violated section 36 of the County Governments Act.

It is this Committee's view that the CECM did not promote public confidence in the integrity of the office as provided for under article 73. Further the committee notes that the CECMS actions as relates to the management of the bush clearing program did not and do not even at this time demonstrate respect for people as provided for in article 73 (1) (a) (ii).

Further the committee notes that CECM did not bring honour to the nation and dignity to the office as per Article 73 (1) (a) (iii) and that his actions violate the provisions of Article and 73 (2)(c)(i) that is honesty in execution of duties.

The CECM failed to correct the unprocedural process. According to the bush clearers who presented themselves to this committee, and deriving this information from the evidence that they gave to the committee, no one updated the locals on the working arrangements. To date the locals still reiterate that they are still waiting to be paid by the village and ward administrators who recruited them.

He failed to formulate a linkage between the contractors and the locals. The teams that were put in place did not deliver, yet it is within his mandate to coordinate county administration and departments- Article 183 (1)(c).

The CECM has not put any measures in place despite more bush clearing exercises having being carried out in the ministry in 2019. This was reiterated by the chief officer LIHUD, who appeared before this committee and confirmed that no measures have been put in place to date to cushion the locals against rip-offs by unscrupulous contractors.

The CECM informed the committee that he is not aware who engaged the women and the youth in the bush clearing exercise, and that he is not aware if the bush clearers had been paid.

It is this Committee's belief that the CECM's actions based on the evidence of the unpaid bush clearers does not promote accountability to the public for decisions of the CECM as required under article 73(2) (d). It is also the committee's view that the CECM has violated article 73(2e) of the Constitution which calls for discipline and commitment in service to the people.

It is the Committee's position that through the letter dated 2<sup>nd</sup> July 2019 (annex 5), the CECM was very categorical when he indicated that copies of bush clearing certificates at the time are being processed as some works have not paid. He knew from July 2019 that money had not been paid for the contracted works. So in the committee's view, the minister did not demonstrate honesty in carrying out his functions.

According to this Committee, the evidence given by the witnesses under this allegation is very clear because they put it categorically that they said they were given the work by the village admins and this brings forth the questions as to how these tenders were awarded. All of them had not been paid and the work was assigned to them by the village admins. On the part of the minister, he was aware that there was bush clearing but he was not aware who the contract was awarded to. In July he was aware of the contract but at the hearing he wasn't aware. The minister was dishonest in giving the evidence.

The minister did not respond to the allegation that he acted in a manner which does not promote public confidence. Therefore, the committee is forced to believe that indeed the minister failed to act in a manner that does not promote public confidence.

The committee therefore concluded the allegation to be substantiated.

**DISSENTING OPINION – HON. BONIFACE KATUMO**

The motion mover Hon. Alex Mwangangi, moved the county Assembly through a motion dated 5<sup>th</sup> August, 2020 and approved by the Assembly on 25<sup>th</sup> August, 2020 (see annex 2).

Under allegation 1(a), the motion mover alleges that

(a). Violation of chapter six of the constitution of Kenya (integrity and leadership) by managing his office in a manner which does not promote public confidence in integrity of the office by overseeing unprocedural awarding of bush clearing tenders (a programme meant to benefit the vulnerable) to contractors and using the local women and youth to work in contractors' absentia only to pay some long time after they were paid and others left unpaid upto date instead of contractors using their monies as working capital for the contracted works to pay the casuals.

It is my submission that the accuser was extremely general under that particular allegation and did not specify exactly which article of Chapter Six of the Constitution had been allegedly violated by the accused. The accuser only makes an attempt to paraphrase the said chapter particularly Article 73 of the Constitution without specifically indicating whether it is that Article that had been violated.

The committee's act of supposing that under Chapter six of the Constitution, the Article that is said to have been violated is Article 73, a particular that is not contained in the motion tabled and approved by the County Assembly.

It is my submission that the committee has continuously amended the motion by the accuser and accorded itself mandate ignoring the Kitui County Assembly Standing Orders. Standing order 62 (1) provides that a proposer of the Motion under section 40 of the County Governments Act shall deliver to the Clerk a copy of the proposed Motion in writing stating the grounds and particulars upon which the proposal is made. The motion must subsequently be submitted to the Speaker for approval. Further, before the motion is moved, the same must be supported by one quarter

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of the members and upon completion of the debate on the motion, it must be approved by a third of the members.

As far as evidence is concerned, the committee received some unauthenticated documents from the accused and in addition interviewed some youth and women who had supposedly participated in the bush clearing exercise, it goes without saying that the bush clearing exercise is marred with a lot of controversy. The youth and women indicated that they had been engaged by the village administrators for the specific villages to participate in the exercise.

The motion mover did not adduce any evidence to indicate that in engaging the youth, the said village administrators had been given instructions by the CECM LIHUD, Engineer Kakundi or that the said CECM was responsible for the non-payment of the wages allegedly worked for the 9 days by the women and youth.

I am therefore dissenting for the reasons that;

- i. The motion mover did not accuse the CECM of violation Article 73 of the Constitution. It is this committee's amendment of the motion that accuses the CECM of violating the said Article.
- ii. The motion mover did not provide any admissible evidence before this committee to show how the CECM had violated Chapter Six of the Constitution whether in whole or in part. Particularly there was no evidence adduced by the motion mover showing how the CECM acted in a manner that does not promote public confidence in integrity of the office as relates to the bush clearing exercise or if at all.
- iii. As relates to the unprocedural awarding of the bush clearing tenders, the reading of Section 53 of the Public Procurement Asset and Disposal Act, 2015, states clearly that it is the accounting officer who is in charge of awarding tenders.

The CECM is not given the responsibility of overseeing the procurement process and no evidence was tendered by the motion mover to prove the alleged involvement in the bush clearing tenders by the CECM

- iv. It is my submission that the committee has relied on hearsay and personal sentiments in arriving at its decision under the allegation as there is no evidence that has been tendered by the motion mover to connect the accused with the acts that he is accused under allegation 1(a) of having committed.

**Allegation 1 b : Failing to implement assembly resolutions which is in total breach of Article 183(1) (a) of the Constitution by refusing to;**

- i. Procure services for the projects within the 2018/2019 financial year for the Community Level Infrastructure Development Programme (CLIDP) as provided for under the County Government Annual Development Plan (ADP) which factors in such community development projects and as such, the Kitui public lost such key projects.

**Mr. Speaker Sir,**

The motion mover alleged that the CECM failed to implement projects under the 2018/19 CLIDP programs thereby making the residents of Kitui County to miss out on important projects that would have been implemented to their benefit. The motion mover tendered as evidence in support of this allegation, the motion approving the amendment of the CLIDP framework (Copy is attached as annex 9).

The Motion mover submitted that the motion to amend the CLIDP framework transferred the mandate of implementation of the program to the CECM LIHUD and therefore he should be held responsible for not implementing the same and thus occasioning the people of Kitui to miss out on important and key county projects.

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**Mr. Speaker Sir,**

In his defense, the CECM informed this Committee that the CLIDP program according to the CLIDP gazzeted Framework is domiciled under the office of the Governor. The County ministry of LIHUD is neither the budget holder nor the implementer and as such, the CECM, informed the Committee that it would be better placed seeking the information on implementation form the office of the Governor as opposed to his office.

The CLIDP framework as amended by the Assembly clearly states that the CLIDP Program is under the implementing Office of the Governor.

- ii. Implement the Motion on Regulation and Management of street trade (hawking) and Boda Boda operators in Kitui and Mwingi towns etc.

**Mr. Speaker Sir,**

The motion mover alleges that the CECM LIHUD failed to implement the motions on regulation and management of street trade hawking and boda boda operators in Kitui and Mwingi. Hon. Alex Mwangangi alleged that the failure to implement the two motions led to the invasion of hawkers and boda boda operators within the main towns. It was his submission that if the two motions had been implemented, the hawkers and boda boda situation in the two subject towns could have been regulated and controlled.

In support of this allegation, the Hon. Alex Mwangangi produced as evidence the following:-

- 1) A copy of a letter dated 21<sup>st</sup> December, 2018 (See annex 4); and
- 2) A copy of a letter dated 31<sup>st</sup> January, 2019 (Copy attached as annex 10).

It was the Honourable Member's testimony that through the letter dated 31<sup>st</sup> January, 2019, the CECM LIHUD stated that his ministry in conjunction with that of Trade, Co-operatives and Investments, was working on a policy document on how to control street trade hawking in Mwingi and Kitui Town in addition to drafting a transport policy which would guide and regulate boda boda operations. The Honourable member was concerned that it has been over one year since the letters were written. (Copy of the letter is attached as annex 10).

Mr. Speaker Sir,

It was the CECM's LIHUD submission, through his advocate that the county Government was working towards controlling the street hawkers situation. That in fact, the County government was in the process of putting up a multiple storey building at Kithomboani within Kitui Town that would house the street hawkers and market vendors. The building was approximately 80% complete.

It was the CECM's submission through his legal counsel that since the county government could not stop the street vendors and hawkers from engaging in the business that earned them their daily wage, they could not have banned them from engaging in any business activity for their mere reason that the vendors and hawkers did not have a suitable place to engage in their trade.

It was further the CECM's submission that once complete, Kitui town particularly town would be cleared of all the hawkers since they will be relocated to the new traders' building. Further, the CECM testified that the issues arising from the implementation of the street trading motions would have simply been responded to by a letter had the county assembly sought the information from his office.



In addition, it was the CECM's opinion that the issue of street hawkers was not pegged on a Constitutional issue and thus did not warrant to be categorized under the allegation of gross violation of the Constitution.

iii. Motion of County Importance on bush clearing by Hon. David Thuvi.

The motion mover alleges that the CECM LIHUD did not implement the resolutions on the motion of county importance on the bush clearing exercise.

**Mr. Speaker Sir,**

The committee resolves that the CECM LIHUD failed to implement the above resolutions which is in total breach of article 183 (1) (a) which specifically provides that the County Executive Committee shall implement County Legislation.

The Committee relies on letters dated 31<sup>st</sup> January, 2019 referenced CGoKTI/CEC-LIHU/D/COUNTYASSEMBLY/VOL.1/32 (See annex 10) and the letter dated 21<sup>st</sup> December, 2018 referenced CGoKTI/CEC-LIHU/D/COUNTYASSEMBLY/VOL.1/26 (see annex 4) where the CECM responded to the implementation of the aforementioned resolutions.

The Committee also notes the response from the CECM when he appeared before the Committee, where he arrogantly informed the Committee that a market is being constructed at Kithomboani that will house the street traders and that the street hawkers are human beings who must earn a living therefore they cannot be banned from trading.

The committee observes that the County Assembly resolutions should be implemented as per the provisions of Article 183 (1) (a).

For those reasons therefore, the committee resolves that the allegation is **substantiated.**

## DISSENTING OPINION – HON. BONIFACE KATUMO

The motion mover alleges under allegation 1 (b) that the CECM failed to implement the following Assembly resolutions amongst others in total breach of Article 183(1)(a) of the Constitution of Kenya, 2010, on the functions of County Executive Committees.

Article 183 (1) (a) provides that, '*A county executive committee shall implement county legislation*'.

Article 183 provides for the functions of the County Executive Committee and not the functions of the executive committee member. The composition of the County Executive Committee Member is provided for under Article 179 of the Constitution and it consists of the Governor, Deputy Governor and members appointed by the Governor from amongst persons who are not members of the Assembly.

It is my submission that the CECM LIHUD cannot be personally liable for failing to perform the functions of the entire County Executive Committee. He is neither the Chief executive nor the deputy chief executive of the county and cannot therefore be crucified for the actions of the entire cabinet.

In addition, Article 260 of the Constitution defines the term 'County Legislation' to mean a law made by a County Government or under Authority conferred by a County Assembly.

Article 260 further defines legislation as to include a law made by an Assembly of a County Government or under authority conferred by such law.

I submit that it is erroneous for the committee to use the terms 'legislation' and 'resolutions' interchangeably. The same Constitution that confers the mandate to implement county legislation on the County Executive

Committee is the same that expressly provides for the interpretation of what can be categorised as County Legislation.

Further the CECM LIHUD in the letter dated 31<sup>st</sup> January, 2019 (See annex 10), explained that the ministry was in the process of developing a policy to manage street trade hawking together with a transport policy to regulate boda boda operations.

The CECM further stated that the regulation and management of boda boda and hawking will be properly regulated once the guiding policies are approved by the Cabinet or the Assembly. This therefore clearly indicates that the role of the CECM is to simply formulate the policies and forward the same to the Cabinet for approval. He cannot be crucified for acts that he has no final say over.

**ALLEGATION 1 C** - Unfair service delivery contrary to Article 27(3) of the Constitution of Kenya, 2010, by discriminative issuance of dozer services to a few selected wards for a period of last three financial years despite demand in other wards.

The motion mover alleges that the CECM LIHUD discriminated against other wards by issuing the dozer services to some wards but not others. He produced in evidence a list signed by some members of the county assembly, indicating whether the dozer had been to their wards or not (Copy of the list is attached as annex 11). In his evidence, the motion mover indicated that only three wards had enjoyed the dozer services while the others had not.

The committee invited the acting Chief Officer, ministry of LIHUD, Mr. John Mailu Kunga together with the Principal Mechanical Engineer Mr. Timothy Mutemi who provided a number of daily transport work tickets for the dozer (a copy of the work ticket is attached as annex 12).

The committee relied on the information provided on the work tickets in gathering evidence as to where the dozer worked.

In support of their testimony, the two county government officers provided the dozer work schedule. The committee notes that the dozer has frequently worked in a few notable wards like Matinyani and Miambani.

The committee requested the Chief Officer to provide the following documents;

- i. Bush clearing documents for 2018/2019
- ii. The documents used in the tendering works for the bush clearing
- iii. Payment documents to the contractors
- iv. List of the paid contractors
- v. Evidence of 3 million paid to the national government for the dozer

However, as at the completion of this report the Chief officer was yet to submit the documents requested.

From the work tickets the dozer was in Matinyani Ward on;

22/01/2019	01/04/2020	07/03/2020
31/01/2019	23/04/2020	23/03/2020
01/02/2019	31/03/2020	

The dozer was also in Miambani Ward on;

04/09/2017	08/02/2018	07/05/2018
12/09/2017	27/02/2018	6/6/2018
25/8/2017	05/02/2018	
4/9/2017	27/02/2018	

The dozer has been at Yatta Kwa Vonza four times out of which, the dozer was twice hired to an institution and twice used by the county government.

The dozer has never been to Nguutani ward, Kyuso and Kanziko ward just to mention but a few.

The Committee is convinced that from the above dates, the aspect of discrimination is apparent. The dozer worked for longer periods in some wards than others.

For the reasons stated above the Committee finds that this allegation is substantiated.

#### **DISSENTING OPINION - HON. BONIFACE KATUMO**

The motion mover alleges under allegation 1C that there was Unfair service delivery contrary to Article 27(3) of the Constitution of Kenya, 2010, by discriminatory issuance of dozer services to a few selected wards for a period of last three financial years despite demand in other wards.

Article 27(3) of the Constitution provides that; *'Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres'*

I am unable to understand how the CECM is connected to the individual enjoyment of personal rights and freedoms guaranteed under the said Article.

I am also unable to connect the issuance of a dozer to different wards in Kitui County for which the CECM is not responsible and the guaranteed rights under Article 27 (3)

The accuser did not tender any evidence to show that in the event the issuance of the dozer was discriminatory, then that discrimination had directly been occasioned by the accused.

I submit that as per the stated that as per the work ticket schedule provided before the committee by the Acting Chief Officer Mr. Kunga, the dozer has for the past 3 years worked in 25 wards. Therefore, it would be malicious for the committee to substantiate the allegation of discrimination.

It is my submission that the accuser has not tendered any admissible evidence to validate the allegation and that the committee has solely based its argument on personal sentiments and views in arriving at its decision, as opposed to evidence connecting the accused and the action alleged to have been committed.

**ALLEGATION 1 d** - Failing to provide the County Assembly with full and regular reports on matters relating to the county ministry contrary to Article 183(3) of the Constitution of Kenya, 2010 e.g. Dozer working schedule.

The motion mover alleges that the CECM LIHUD failed to submit full and regular reports to the County Assembly on matters relating to the county. Article 183(3) of the Constitution provides that 'the County Executive Committee shall provide the County Assembly with full and regular reports on matters relating to the county.

In view of the foregoing therefore, it is the Committee's view that the CECM LIHUD, Eng. Jacob Maundu Kakundi has a responsibility to ensure that full and regular reports on matters related to the county are submitted to the assembly for consideration. In his own submission, the CECM said that he can only give the reports upon request contrary to Article 183(3).

It is nevertheless the Committee's position that the County Executive Committee Member ought to provide the County Assembly with regular reports relating to county matters and that the county assembly need not ask for the same as Article 183 (3) in mandatory terms, provides that the County Executive Committee shall provide the County Assembly with regular reports and by not providing the said reports the CECM LIHUD can be said to have violated article 183(3) of the Constitution.

The committee therefore resolved that the allegation is substantiated

## **DISSENTING OPINION – HON. BONIFACE KATUMO**

The motion mover alleges under allegation 1D that;

Failing to provide the County Assembly with full and regular reports on matters relating to the county ministry contrary to Article 183(3) of the Constitution of Kenya, 2010 e.g. Dozer working schedule.

Article 183 (3) of the Constitution provides that (1) A county executive committee shall provide the county assembly with full and regular reports on matters relating to the county.

It is the County Executive Committee that is responsible in mandatory terms to provide the County Assembly with full and regular reports on matters relating to the County.

I am unable to understand how the accused can be condemned for functions that Constitutionally belong to another person and in this case a constitutionally established body like the County Executive Committee. It is completely not lost on me that the accused is a member of the County Executive Committee and also the head of the County Ministry of LIHUD, my concern is whether an individual, he should be vilified for the actions of the entire cabinet.

**ALLEGATION 1 e - Violation of the County Procurement Procedures as per section 53 of the Public Procurement and Disposal Act of 2015 by:-**

- i. Awarding tenders for bush clearing unprocedurally and misusing Kitui residents to work for contractors without payments.
- ii. Awarding tenders for bush clearing to contractors and then using Ward and Village administrators to perform the role of contractors on contracted works.

**Mr. Speaker Sir,**

The motion mover alleges that the tenders for the bush clearing exercise were un-procedurally awarded. He submitted that the CECM LIHUD flouted section 53 of the Public Procurement and Asset Disposal Act, 2015 by awarding bush clearing program tenders un-procedurally.

Section 53 provides that:

- (1) All procurement by State organs and public entities are subject to the rules and principles of this Act.*
- (2) An accounting officer shall prepare an annual procurement plan which is realistic in a format set out in the Regulations within the approved budget prior to commencement of each financial year as part of the annual budget preparation process.*
- (3) Any public officer who knowingly recommends to the accounting officer excessive procurement of items beyond a reasonable consumption of the procuring entity commits an offence under this Act.*
- (4) All asset disposals shall be planned by the accounting officer concerned through annual asset disposal plan in a format set out in the Regulations.*
- (5) A procurement and asset disposal planning shall be based on indicative or approved budgets which shall be integrated with applicable budget processes and in the case of a State Department or County Department, such plans shall be approved by the Cabinet Secretary or the County Executive Committee member responsible for that entity.*
- (6) All procurement and asset disposal planning shall reserve a minimum of thirty per cent of the budgetary allocations for enterprises owned by women, youth, persons with disabilities and other disadvantaged groups.*
- (7) Multi-year procurement plans may be prepared in a format set out in the Regulations and shall be consistent with the medium term budgetary expenditure framework for projects or contracts that go beyond one year.*
- (8) Accounting officer shall not commence any procurement proceeding until satisfied that sufficient funds to meet the obligations of the resulting contract are reflected in its approved budget estimates*



*(9) An accounting officer who knowingly commences any procurement process without ascertaining whether the good, work or service is budgeted for, commits an offence under this Act.*

*(10) For greater certainty, the procurement and disposal plans approved under subsection (5) shall include choice of procurement and disposal methods and certain percentages referred to under subsection*

*(11) Any state or public officer who fails to prepare procurement and disposal plans shall be subject to internal disciplinary action.*

The committee observed that the particulars of the allegations contained in the allegation were in no way related to the section of the law relied upon. In addition, section 53 of the Public Procurement and Asset Disposal Act, 2015, made reference to the Accounting officer yet the CECM LIHUD is not the accounting officer for that ministry.

The committee therefore resolved that the allegation is unsubstantiated

#### **ADDITIONAL ALLEGATIONS ON OTHER RELEVANT LAWS**

The committee in reliance of Article 73 (1) (a) (iii) and (iv), Article 75 (1)(c), of the Constitution of Kenya resolved to include the following particulars against the CECM LIHUD Eng. Kakundi;

- i. that CECM was responsible for overseeing the unprocedural subdivision and disposal of community/county government trust land of Kanyonyoo

The committee in reliance of Article 73 (1)(a) (iii) and (iv), Article 75 (1)(c), 75 (2) (a) and (b), of the Constitution of Kenya and Section 10 of the Contempt of Court Act, 2016, resolved to include the following particulars against the CECM LIHUD Eng. Kakundi;

- ii. the CECM LIHUD, Eng. Kakundi was in contempt of court orders of 12<sup>th</sup> February, 2009, 29<sup>th</sup> July, 2019 and 24<sup>th</sup> September, 2019 preserving the suit property LR. No. 12010 in respect of ELC case

No.109 of 2018 (a copy is attached as annex 13) by undertaking a part development plan in which he had proposed for the excision of land.

The committee resolved that the additional evidence submitted before the Assembly at its sitting held on 25<sup>th</sup> August 2020 would be relied upon as evidence under the two new allegations. The additional evidence was submitted by Hon. John Kisangau and Hon. David Thuvi.

#### A. Particulars of the first Additional Allegation

'That the CECM LIHUD Eng. Kakundi was responsible for overseeing the unprocedural subdivision and disposal of community/county government trust land of Kanyonyoo

It was submitted by Hon. John Kisangau that Kanyonyoo land LR NO.11802 is community land as provided for under Article 63(2)(d).

Article 63 (2)(d) defines community land as to include land that is

(i) lawfully held, managed or used by specific communities as community forests, grazing areas or shrines;

(ii) ancestral lands and lands traditionally occupied by hunter-gatherer communities; or

(iii) lawfully held as trust land by the county governments but not including any public land held in trust by the County Government.

Article 63(4) provides that Community land shall not be disposed of or otherwise used except in terms of legislation specifying the nature and extent of the rights of members of each community individually and collectively.

Further, Section 6 (8) of the Community land Act, 2016 provides that 'A county government shall not sell, dispose, transfer, convert for private purposes or in any other way dispose of any unregistered community land that it is holding in trust on behalf of the communities for which it is held'.

The member submitted that the Minister was responsible for safeguarding the land on behalf of the residents of Kitui County.

The committee relied on the following evidence submitted before the Assembly on 25<sup>th</sup> August, 2020;

- A map showing the Kanyonyoo area before sub division (a copy is attached as annex 14)
- A map showing the Kanyonyoo area after sub division ( A copy is attached as annex 15)
- Demand note for payment of ground rent ( A copy is attached as annex 15)
- Payment receipt issued to Dennis Mbanga for payment of ground rent (( A copy is attached as annex 15)

A letter informing the CECM LIHUD of the additional evidence and he was requested to respond to the same but he did not do so. Based on the evidence provided, the committee resolved that the CECM LIHUD, Eng. Kakundi as the head of the ministry, was responsible for overseeing the sub division and disposal of County Government Trust land/ community land by the department of lands and physical planning contrary to the above mentioned provisions.

The committee therefore resolved that the allegation is substantiated.

#### **B. Particulars of the second additional allegation**

That the CECM LIHUD, Eng. Kakundi was in contempt of court orders of 12<sup>th</sup> February, 2009, 29<sup>th</sup> July, 2019 and 24<sup>th</sup> September, 2019 preserving the suit property LR. No. 12010 in respect of ELC case No.109 of 2018 (a copy is attached as annex 13) by undertaking a part development plan in which he had proposed for the excision of land.

By a notice published in the daily nation of 14<sup>th</sup> February, 2020, Engineer Jacob Kakundi advertised the proposed excision of LR. No. 12010 vide PDP No. KTI/271/KITUI 2019/02 RURAL as follows;

- i. Extension of Border post police training campus (887.03 Ha)
- ii. Squatter Settlement Scheme (1213.80 Ha)
- iii. Expansion of Musingi Market (4.140 Ha)
- iv. Proposed Daughters of Jesus the Good Shepherd (4.00 Ha)

In the ruling of an application dated 5<sup>th</sup> March 2020 by defendants numbers 2<sup>nd</sup> to 6<sup>th</sup> in respect of ELC case no. 109 of 2018 in the Environment and Lands Court at Machakos, Eng Kakundi failed to inform the court why he prepared the part development plan in respect of the suit property and had it published in the daily nation of 14<sup>th</sup> February, 2020 while orders of the court for maintenance of status quo were in existence. The disobedience of the court orders was confirmed by Engineer Kakundi when he confirmed to the court that he had signed a gazette notice no. 1405 dated 21<sup>st</sup> February, 2020 announcing to the general public about the part development plan.

In the ruling dated 15<sup>th</sup> July 2020, The Hon. Judge O. A. Angote found Eng. Jacob Kakundi to be in contempt of Court orders of the environment and land court at Machakos dated 12<sup>th</sup> February 2009, 29<sup>th</sup> July 2019 and 24<sup>th</sup> September, 2019 and Eng. Jacob Kakundi is to appear in the said court for mitigation and sentencing.

Based on the above evidence, the committee resolves that the allegation is substantiated.

#### DISSENTING OPINION – HON. BONIFACE KATUMO

During the debate of the subject motion on 25<sup>th</sup> August, 2020, the following additional evidence was tabled on the floor of the Assembly;

- a) A copy of the court's ruling on contempt of court (see annex 13)
- b) Copy of the map before sub division (see annex 14)
- c) Copy of the map after sub division (See annex 15)

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d) A copy of the demand note (see annex 16)

e) Copy of the payment receipt for property rates (See annex 17)

I submit that the motion mover did not make reference to any of the evidence so tabled before the Assembly and further, the evidence is not in support of any allegation or particulars pleaded by the motion mover in the motion.

The additional evidence refers to entirely different issues that have not been brought before this committee through the subject motion.

It is my submission that the resolution by the committee to admit as evidence additional documents that do not speak to a particular that is contained in the motion, amounts to this committee amending the subject motion.

It is my submission that the committee's act of amending the motion is malicious and a vindictive attempt to sentence Engineer Kakundi for all allegations under the sun.

The committee should only limit its investigation to the allegations contained in the motion and the evidence produced by the motion mover.

The inclusion of the two additional particulars is out rightly illegal and should therefore not be substantiated.

## **CHARGE 2: INCOMPETENCE**

On the allegation of incompetence, the CECM failed to effectively control Ministry's programmes e.g. bush clearing and road grading done shoddily and beyond timelines as stipulated in working schedules.

**Mr. Speaker Sir,**

On the above allegation, the CECM LIHUD failed to effectively control the ministry's programs by failing to complete road grading programs on time. It was his testimony that there were set timelines for the completion of the road grading works and the ministry did not adhere to the same. The Motion mover also alleges that the works for the road grading program

were poorly done. In support of his testimony, the motion mover adduced as evidence the following documents;

- a) A road grading schedule for the year 2019/2020 (Copy is attached as annex 18)
- b) A letter dated 20<sup>th</sup> December, 2019 (copy is attached as annex 19)

Mr. Speaker Sir,

To ascertain the true position on the issue of road grading programme, the Committee also invited the Chief Officer and the principal mechanical engineer, County Ministry of LIHUD to appear before the special committee. The Ag. Chief Officer Mr. Kunga and the Principal Engineer Mr. Timothy Mutemi submitted copies of the work ticket for the dozer attached to the ministry of LIHUD (Copy is attached as annex 12).

Further, it was the Ag. Chief Officer's testimony that the county ministry of LIHUD only has one dozer and that one dozer was expected to efficiently and effectively serve the forty wards in Kitui County. It was also the Ag. Chief Officer's testimony that in his view there was no discrimination in the provision of dozer services to the wards. The Ag. Chief Officer further explained that initially, the ministry of LIHUD did not have a grading schedule for each ward and that the dozer was only issued upon request. However, for the year 2019/2020, the Ag. Chief officer came up with a dozing schedule for all the 40 (forty) wards. The ministry intended to grade 50 km per ward by the end of the financial year thereby totaling to 2000km.

Of the 2000km planned, the ministry had graded 1089 km by the end of the year 2019/2020. The delays in the completion of the remaining 919 km was due to a number of reasons, mainly;

- i. Occasional breakdown of the dozer which required repairs. However the procurement process of the repairs needed took place

- between December 2019 to February 2020 thereby causing a delay in the working schedule.
- ii. The dozer could not also work during the rainy season(s) which took place during the financial year thereby causing delays in the implementation of the schedule.
  - iii. The corona virus pandemic outbreak within the country in March also caused a standstill of most operations thereby delaying the implementation of the schedule.
  - iv. The ministry of LIHUD lacks a low loader and have to rely on the one from the ministry of Agriculture. It is important to note that the dozer cannot be moved without a low loader and thus the dozer can remain in one ward for several days until a low loader is available to transport it elsewhere. Therefore, the challenge in the availability of a low loader to transport the dozer leads to a considerable delay in the implementation of the dozing schedule.
  - v. Availability of fuel. The Ag. chief officer also stated that on numerous occasions, the dozer has been unable to operate due to the lack of fuel. This has led to a considerable delay in the implementation of the dozing programme.

**Mr. Speaker Sir,**

The mechanical engineer also informed the committee that there are some areas whose topography/landscape requires specialized equipment and therefore the dozer would not be ideal.

**Mr. Speaker Sir,**

On incompetence, the committee relied on section 36 (1)(a) of the County Governments Act. The committee also relied on the provisions of Article 183 (c). In his own defense, the CECM confirmed he was incompetent in the way he answered questions before the committee.

The committee believes that the CECM did not competently oversee the bush clearing program and an approved schedule for the grading works which was not observed. For this reason therefore, the allegation is substantiated.

The committee also concluded that the CECM is the head of the ministry. He is the one to undertake and control the programs in the ministry. He is the one who gave guidelines on how the roads would be graded.

When the CECM was asked whether he was involved in the implementation of the ministry's programs, he responded that he wasn't. The committee notes that this was in breach of Article 183(1) and section 36 of the County Governments Act.

When he was asked whether the certification for the bush clearing and road grading programs were issued, he said he didn't know yet in his letter of 2<sup>nd</sup> July, 2019 to the Clerk of County Assembly of Kitui, he wrote that copies of bush clearing completion certificates were being processed as some works were not paid.

Based on the evidence and the responses by the CECM, the committee's conclusion is that the CECM failed to effectively guide the ministry's operations.

This allegation is substantiated.

### **DISSENTING OPINION – HON. KATUMO**

It is my submission that the mover of the motion failed terribly to produce to the committee tangible evidence that the bush clearing and roads grading works were done shoddily, as he did not explain the extent of shoddiness, neither did he provide any certified report from county certified engineers nor an approved report from the assembly supporting his allegations. Therefore, the ground on incompetence is unsubstantiated.

### **CHARGE 3: ABUSE OF OFFICE**

46



**Allegation - Using County administrators to perform the role of contractors in contracted works of bush clearing without facilitation.**

The motion mover alleged that county administrators were used in the performance of bush clearing works but remain unpaid to date.

The committee invited the below listed to appear before the special committee on 9<sup>th</sup> September, 2020 in order to shed more light on the matter.

- I. Ms. Esther Ngeta – Ward Administrator, Kyooome Thaana Ward
- II. Ms. Carolyne Kamote – Village Administrator, Kyome Thaana Ward
- III. Mr. John Mutisya – Village Administrator, Kithumula Kwa Mutonga Ward
- IV. Mr. Raphael Kavisi – Village Administrator, Kithumula Kwa Mutonga Ward
- V. Ms. Jacinta Nzioki – Ward Administrator, Kithumula Kwa Mutonga Ward

The said administrators did not however appear in line with the committee's invitation and so the committee was forced to invoke the provisions of section 18 of the County Assembly Powers and privileges act in summoning the above listed persons.

Summons were issued requiring the witnesses to appear before the Special Committee on 7<sup>th</sup> September, 2020. They were duly served upon all the witnesses. An affidavit of service of the summons is attached as annex 19.

None of the administrators appeared before the committee on the date scheduled. Ms. Esther Ngeta and Ms. Carolyne Kamote however sent their apologies that they would be unable to appear before the committee since they were unwell. The committee therefore could not hear their evidence and did not conclude on the matter.

In view of the above, the committee could not therefore confirm the allegation. Therefore the allegation is unsubstantiated.

## CHARGE 4: GROSS MISCONDUCT

**Allegation** - He blatantly misled the County Assembly Sectoral committee on Lands, Infrastructure and Urban Development on the involvement of village administrators in the recruitment of personnel for the contracted bush clearing project for 2018/19 financial year. The CECM provided contradictory information on the same as contained in the letters dated 21<sup>st</sup> December, 2018 and 2<sup>nd</sup> July, 2019 (see annex 4 and 5 respectively).

The committee relied heavily on the two letters and the minister's response to the questions asked by the members of the committee.

The committee observed that in the letter dated 21<sup>st</sup> December 2018 (See annex 4), originating from the County ministry of LIHUD, the minister CECM Eng. Jacob Maundu Kakundi wrote on paragraph (c), that "Once procurement of the works was completed, the relevant stakeholders were engaged to select locals to undertake the exercise in line with the County government agenda of empowering the youth across the county. The relevant people like village administrators were involved in identifying the youth locally to benefit from the exercise." The minister admitted to have authored the two letters.

However, in the letter dated 2<sup>nd</sup> July, 2019, titled Issue No.3 on 'Who instructed village administrators to recruit the youth', the CECM responded that "the administrators should respond to who instructed them to recruit...'

Based on the response, the committee resolves that the letter dated 2<sup>nd</sup> July, 2019 contradicts his admission that village administrators were used in identifying the locals for the bush clearing exercise. The letter dated 2<sup>nd</sup> July 2019, contradicts the letter dated 21<sup>st</sup> December 2018.

The committee therefore resolves that this contradiction by the minister contravenes Article 73 (1) (a) of the Constitution that the authority assigned to a state officer is a public trust to be exercised in a manner that brings

honour to the nation and dignity to the office and promotes public confidence in the integrity of the office. This contradiction further breaches Article 73 (1)( c) of the Constitution which provides that a state officer shall behave in a manner that avoids demeaning the office of the office holder.

The committee therefore resolves that the allegation is substantiated.

### **DISSENTING OPINION – HON. KATUMO**

The two letters dated 21<sup>st</sup> December 2018 and 2<sup>nd</sup> July 2019 were not contradictory since they conveyed the same message that the village administrators were included in the bush clearing exercise to identify the locals and not to execute the work. Therefore the evidence on gross misconduct is unsubstantiated.

### **COMMITTEE'S FINDINGS**

The Committee's findings on each of the Particulars of the Allegations are therefore as follows -

1. Gross Violation of the constitution of Kenya, 2010 and any relevant laws by:-
  - (a) Violation of chapter six of the constitution of Kenya (integrity and leadership) by managing his office in a manner which does not promote public confidence in integrity of the office by overseeing unprocedural awarding of bush clearing tenders (a programme meant to benefit the vulnerable) to contractors and using the local women and youth to work in contractors' absentia only to pay some long time after they were paid and others left unpaid upto date instead of contractors using their monies as working capital for the contracted works to pay the casuals.

The Committee finds that the allegation is substantiated.

(b). Failing to implement the following assembly resolutions amongst others in total breach of Article 183(1)a of the Constitution of Kenya,2010, on the Functions of County Executive Committees.

**The Committee finds that the allegation is substantiated**

(c). Unfair service delivery contrary to Article 27(3) of the Constitution of Kenya,2010, by discriminative issuance of dozer services to a few selected wards for a period of last three financial years despite demand in other wards.

**The Committee finds that the allegation is substantiated**

(d). Failing to provide the County Assembly with full and regular reports on matters relating to the county ministry contrary to Article 183(3) of the Constitution of Kenya,2010 e.g. Dozer working schedule.

**The Committee finds that the allegation is substantiated**

(e). Violation of the County Procurement Procedures as per section 53 of the Public Procurement and Disposal Act of 2015

**The Committee finds that the allegation is unsubstantiated**

#### **Additional Allegations on other relevant laws**

(i) 'accusation for overseeing the unprocedural subdivision and disposal of community/county government trust land of Kanyonyoo.

**The Committee finds that the allegation is substantiated**

iii. the CECM LIHUD, Eng. Kakundi was in contempt of court orders of 12<sup>th</sup> February, 2009, 29<sup>th</sup> July, 2019 and 24<sup>th</sup> September, 2019 preserving the suit property LR. No. 12010 in respect of ELC case No.109 of 2018 (See annex 13) by undertaking a part development plan in which he had proposed for the excision of land.

50

The Committee finds that the allegation is substantiated

**INCOMPETENCE:** Failure to effectively control Ministry's programmes e.g. bush clearing and road grading done shoddily and beyond timelines as stipulated in working schedules.

The Committee finds that the allegation is substantiated

**ABUSE OF OFFICE:** Using County administrators to perform the role of contractors in contracted works of bush clearing without facilitation.

The Committee finds that the allegation is unsubstantiated

**GROSS MISCONDUCT:** He blatantly misled the County Assembly Sectoral committee on Lands, Infrastructure and Urban Development on the involvement of village administrators in the recruitment of personnel for the contracted bush clearing project for 2018/19 financial year. The CECM provided contradictory information on the same as contained in the letters dated 21<sup>st</sup> December, 2018 and 2<sup>nd</sup> July, 2019.

The Committee finds that the allegation is substantiated

## CONCLUSION

Mr. Speaker Sir,





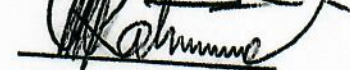
The Special Committee having investigated the matter, finds that the allegations as contained in the motion for the removal from office of the County Executive Committee Member for Lands, Infrastructure, Housing and Urban Development - Engineer Jacob Kakundi, approved by the Assembly on 25<sup>th</sup> August, 2020 are substantiated.

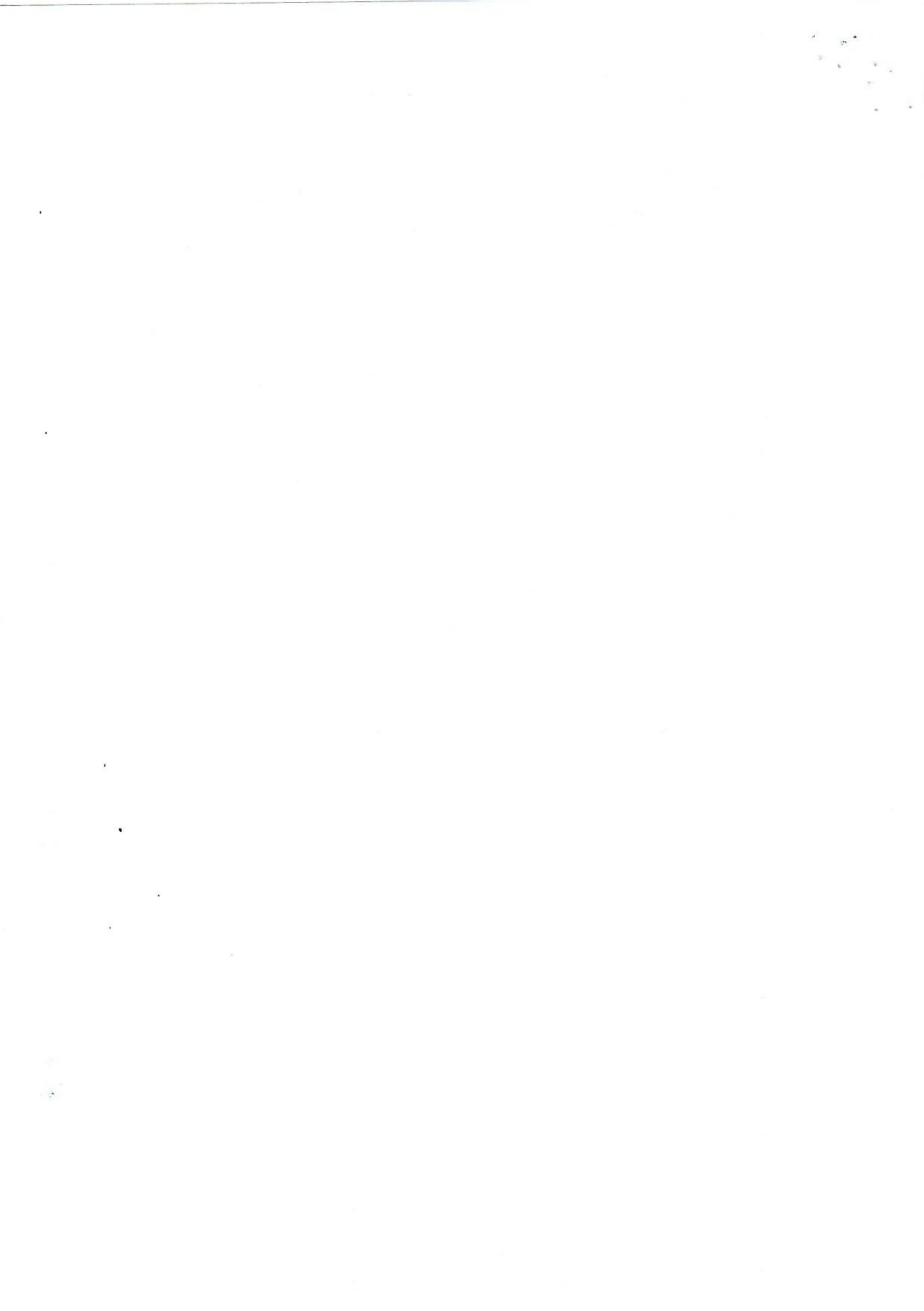
Hon. Katumo however had a dissenting view that the allegations were unsubstantiated.

Therefore, this Assembly hereby resolves that The Governor shall upon receipt of the resolution of this Assembly, immediately dismiss Engineer Jacob Kakundi from the position of County Executive Committee Member, County ministry of Lands, Infrastructure, Housing and Urban Development, pursuant to the provisions of Section 40 (6)(b) of the County Governments Act as read together with Standing order 62 (10) .

**CONSIDERATION AND ADOPTION OF THE REPORT BY THE COMMITTEE**

We, the honourable members of the Special Committee Investigating the Removal from office of The County Executive Committee Member, County Ministry Of Lands, Infrastructure, Housing And Urban Development, do hereby affix our signatures to this report to affirm its accuracy, validity and authenticity;-

<b><u>NAME</u></b>	<b><u>DESIGNATION</u></b>	<b><u>SIGNATURE</u></b>
1. Hon. Esther K. Ndile	Chairperson	
2. Hon. Geoffrey Mwalimu	Vice Chairperson	
3. Hon. Fredrick Nthuri	Member	
4. Hon. John Kisangau	Member	
5. Hon. Boniface Katumo	Member	





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**MOTION ON THE REMOVAL FROM OFFICE OF MEMBER OF COUNTY EXECUTIVE COMMITTEE FOR LANDS, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT - MR. JACOB KAKUNDI**

*(Member for County Assembly - Kyome/Thaana Ward)*

THAT, pursuant to section 40 of the County Government Act and Standing Order No.62 this assembly hereby approves the motion on the removal from office of the County Executive Committee Member for Lands, Infrastructure, Housing and Urban Development, Mr. Kakundi, on the following grounds:-

**1. Gross Violation of the constitution of Kenya, 2010 and any relevant laws by:-**

(a). Violation of chapter six of the constitution of Kenya (Integrity and leadership) by managing his office in a manner which does not promote public confidence in integrity of the office by overseeing unprocedural awarding of bush clearing tenders (a programme meant to benefit the vulnerable) to contractors and using the local women and youth to work in contractors' absentia only to pay some long time after they were paid and others left unpaid upto date instead of contractors using their monies as working capital for the contracted works to pay the casuals.

(b). Failing to implement the following assembly resolutions amongst others in total breach of Article 183(1)a of the Constitution of Kenya, 2010, on the Functions of County Executive Committees by refusing to;

(i). Procure services for the projects within the 2018/2019 financial year for the Community Level Infrastructure Development

Motion For The Removal Of Member Of County Executive Committee For Lands, Infrastructure, Housing And Urban Development "Mr. Jacob Kakundi"

*Speaker*  
*Approval*  
*11/05/2020*

*11/1/20*  
*Have the allocated time by the H/C*  
*12/8*

*Approved for consideration by the Assembly.*

Programme (CLIDP) as provided for under the County Government Annual Development Plan (ADP) which factors in such community development projects and as such, the Kitui public lost such key projects.

(ii). Implement the Motion on Regulation and Management of street trade (hawking) and Boda Boda operators In Kitui and Mwingi towns etc.

(iii) Motion of County Importance on bush clearing by Hon. David Thuvi.

(c). Unfair service delivery contrary to Article 27(3) of the Constitution of Kenya, 2010, by discriminative issuance of dozer services to a few selected wards for a period of last three financial years despite demand in other wards.

(d). Failing to provide the County Assembly with full and regular reports on matters relating to the county ministry contrary to Article 183(3) of the Constitution of Kenya, 2010 e.g. Dozer working schedule.

(e). Violation of the County Procurement Procedures as per section 53 of the Public Procurement and Disposal Act of 2015 by;-

(i). Awarding tenders for bush clearing unprocedurally and misusing Kitui residents to work for contractors without payments.

(ii). Awarding tenders for bush clearing to contractors and then using Ward and Village administrators to perform the role of contractors on contracted works.

2. **INCOMPETENCE:** Failure to effectively control Ministry's programmes e.g. bush clearing and road grading done shoddily and beyond timelines as stipulated in working schedules:-

Motion For The Removal Of Member Of County Executive Committee For Lands, Infrastructure, Housing And Urban Development "Mr. Jacob Kakundi"

3. **ABUSE OF OFFICE:** Using ~~County~~ administrators to perform the role of contractors in ~~contracted~~ works of bush clearing without facilitation.

4. **GROSS MISCONDUCT:** He blatantly misled the County Assembly Sectoral committee on Lands, Infrastructure and Urban Development on the involvement of village administrators in the recruitment of personnel for the contracted bush clearing project for 2018/19 financial year. The CECM provided contradictory information on the same as contained in the letters dated 21<sup>st</sup> December, 2018 and 2<sup>nd</sup> July, 2019.

SIGNED:  DATE: 05/08/2020.

HON. ALEX.W.MWANGANGI-MCA.

**Motion For The Removal Of Member Of County Executive Committee For Lands, Infrastructure, Housing  
And Urban Development "Mr. Jacob Kakundi"**

**SIGNATURES IN SUPPORT OF A MOTION ON REMOVAL FROM OFFICE OF COUNTY EXECUTIVE COMMITTEE MEMBER (CECM) FOR LANDS, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT - MR. JACOB KAKUNDI**

NO.	MEMBER'S NAME	SIGNATURE	IDENTIFICATION
1.	HON. ALEX. W. MWANGANGI		22075675
2.	HON. Alex Muriuki		22582295
3.	HON. JACOB M. KAUONZA		6817650
4.	HON. J. N. NGUI KIDURU		9426454
5.	HON. ANTHONY JOHN		25888239
6.	HON. Vebani Muryaka		21191832
7.	HON. Charles Muma		20740076
8.	HON. NICHOLAS N. MWANGI		8720842
9.	HON. NDIKURU		10752401
10.	HON. COLLETA KOKI		10678041
11.	HON. Dr. Grace Muthiga		9819434
12.	HON. Jane Muthie		10207139
13.	MAM P. NDUMBU		0988717
14.	HON. ANNE MUMU		0672434
15.	HON. DAVID THUI		2788584
16.	KEES MURILI		1737576
17.	HON. Philip Ngugi		12631682
18.	HON. Geoffrey Mwachira		11208593
19.	HON. WAZIRI BAKARI		13782247
20.	FREDERICK K. NTHURI		3605214
21.	James Mumbo		20220721
22.	Peter M. Kilonzo		11856754
23.	ELIZABETH N. PEIGER		7258767

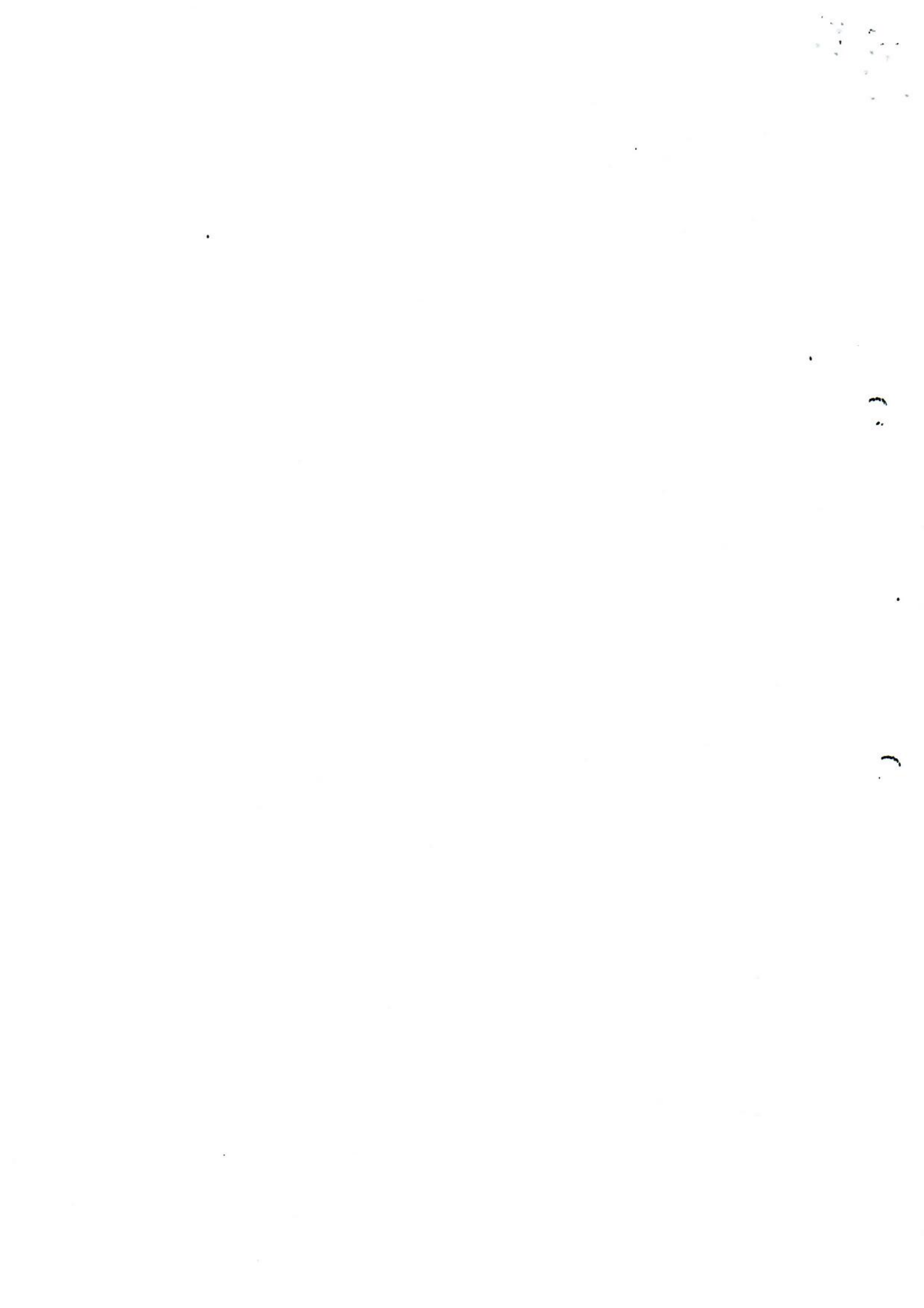
Motion For The Removal Of Member Of County Executive Committee For Lands, Infrastructure, Housing And Urban Development "Mr. Jacob Kakundi"

24.	Stephen M. Mochi		20930229
25.	ANTHONY MBITI		3177493
26.	FLORENCE M. SIMU		<del>25692500</del>
27.	Deys M. Mukalo		7234746
28.	M. Muthyoki MWINZI		<del>20962621</del>
29.	John Kisangau		2216426
30.	STEPHEN KATANA		22961020
31.	JOHNSON KAWANU		22321313
32.	BONIFACE KASINA		14634707
33.	ESTHER K. NOBLE		9752603
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Motion For The Removal Of Member Of County Executive Committee For Lands, Infrastructure, Housing And Urban Development "Mr. Jacob Kakundi"

<b>51.</b>			
<b>52.</b>			
<b>53.</b>			
<b>54.</b>			

**Motion For The Removal Of Member Of County Executive Committee For Lands, Infrastructure, Housing  
And Urban Development "Mr. Jacob Kakundi"**





COUNTY ASSEMBLY OF KITUI

TEL: (044) 22914

EMAIL: [kituiassembly@gmail.com](mailto:kituiassembly@gmail.com)  
Website: [www.kituiassembly.org/](http://www.kituiassembly.org/)



OFFICE OF THE SPEAKER



When replying please quote;

Our ref: CAK/4/19/VOL. I (27)

Date: 1<sup>st</sup> September, 2020

The County Executive Committee Member,  
County Ministry of Lands, Infrastructure, Housing and Urban Development,  
County Government of Kitui,  
P.O. Box 33 – 90200,  
Kitui.

**RE: IN THE MATTER OF THE REMOVAL FROM OFFICE OF THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR LANDS, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT – MR. JACOB KAKUNDI.**

The above subject matter refers;

The motion on the removal from office of the County Executive Committee Member for Lands, Infrastructure, Housing and Urban Development - Mr. Jacob Kakundi was approved by the Assembly on 25<sup>th</sup> August, 2020 (attached is a copy of the approved motion for your perusal).

Pursuant to the provisions of Section 40(3) of the County Governments Act as read together with Standing Order No.62 (6), a Special Committee was appointed to investigate your removal from office on the following grounds;

1. Gross Violation of the Constitution of Kenya, 2010 and any relevant laws by;
  - a) Violation of chapter six of the constitution of Kenya overseeing un-procedural awarding of bush clearing tenders.
  - b) Failure to implement the following Assembly resolutions amongst others in total breach of Article 183 (1)a of the Constitution of Kenya 2010 on the functions of County Executive Committees by refusing to;-
    1. Procure services for the projects within the 2018/2019 financial year for the Community Level Infrastructure Development


- Programme (CLIDP) as provided for under the County Government Annual Development Plan (ADP) which factors in such community development projects and as such, the Kitui public lost such key projects.
- ii. Implement the Motion on Regulation and Management of street trade (hawking) and Boda Boda operators in Kitui and Mwingi towns etc.
  - iii. Motion of County importance on bush clearing by Hon. David Thuvi.
- c) Unfair service delivery contrary to Article 27(3) of the Constitution of Kenya, 2010, by discriminative issuance of dozer services to a few selected wards for a period of last three financial years despite demand in other wards.
  - d) Failing to provide the County Assembly with full and regular reports on matters relating to the county ministry contrary to Article 183(3) of the Constitution of Kenya, 2010 e.g. Dozer working schedule.
  - e) Violation of the County Procurement Procedures as per section 53 of the Public Procurement and Disposal Act of 2015 by;-
    - i. Awarding tenders for bush clearing un-procedurally and misusing Kitui residents to work for contractors without payments.
    - ii. Awarding tenders for bush clearing to contractors and then using Ward and Village administrators to perform the role of contractors on contracted works.
2. Incompetence through failure to effectively control Ministry's programmes e.g. bush clearing and road grading done shoddily and beyond timelines as stipulated in working schedules.
  3. Abuse of Office by using County administrators to perform the role of contractors in contracted works of bush clearing without facilitation.
  4. Gross misconduct by blatantly misleading the County Assembly Sectoral committee on Lands, Infrastructure and Urban Development on the involvement of village administrators in the recruitment of personnel for the contracted bush clearing project for 2018/19 financial year. The CECM provided

contradictory information on the same as contained in the letters dated 21<sup>st</sup> December, 2018 and 2<sup>nd</sup> July, 2019.

The Special Committee commenced its sittings on Tuesday, 1<sup>st</sup> September, 2020.

This letter is therefore to invite you to appear before the Special Committee pursuant to Section 40(4) of the County Governments Act as read together with Standing Order No.63 either in person or through legal counsel to answer to the alleged grounds. The meeting shall be held on Thursday, 3<sup>rd</sup> September, 2020 in the Assembly's Boardroom at 11.00 am.

Kindly bring with you all the necessary documents, if any, in support of your testimony.

  
**GEORGE M. NDOTTO**  
**SPEAKER OF ASSEMBLY**  
**COUNTY ASSEMBLY OF KITULI**



# COUNTY GOVERNMENT OF KITUI

Cell Phone: 0702615888/0702615444  
0731717100

Email: [Kituicounty@kenya.go.ke](mailto:Kituicounty@kenya.go.ke)



Ministry of Lands, Infrastructure,  
Housing Urban & Development  
Head Quarter

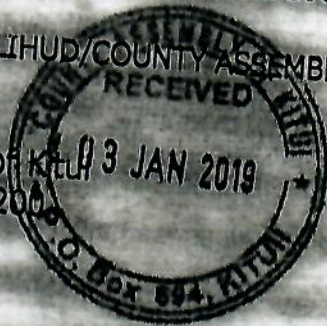
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## MINISTRY OF LANDS, INFRASTRUCTURE, HOUSING & URBAN DEVELOPMENT

Ref: CGOKTI/CEC-LIHU/D/COUNTY ASSEMBLY/VOL.I/26

Date: 21<sup>st</sup> December, 2018

The Clerk  
County Assembly of Kitui  
P.O. Box 694 - 90200  
**KITUI**



11  
1/c Lp&P  
Found this response to the chair LHO and after the 60 minutes have the committee allowed then by the H  
7/1/2019

Dear Sir,

### RE: RESPONSE ON MOTION OF COUNTY IMPORTANCE RELATING TO BUSH CLEARING EXERCISE

We refer to your letter Ref.CAK/18/4/IV/91) dated 7<sup>th</sup> December 2018 on the above subject matter whose response is as follows:-

- (a) The ministry undertook Bush clearing programme financial year 2018/2019 to pave way for grading and the roads were selected by road engineers in conjunction with all stakeholders. Combined list of roads was prepared covering 2000km across the county. This was in line with annual developed plan and ministry budget on roads.  
(See annex 1 the combined list of roads to be bush cleared and graded).
- (b) In order to undertake the exercise through development vote line the Ministry requested procurement of the works in line with the Draft Policy on Bush clearing to the Head of procurement as required in the county procedures. The procurement was done through quotations which is allowed under section 105 of PPADA.
- (c) Once procurement of the works was completed, the relevant stakeholders were engaged to select locals to undertake the exercise in line with County Government agenda of Empowering the youth across the County. The relevant

(1) NOTED  
21/1/2019


people like village administrators were involved in identifying the youth locally to benefit from the exercise. The quality and quantity of the works were to be certified by Ministry Engineers. (See annex 2 Sample report and measurement Kitui West Sub-County).

(d) As requested, the list of directors /proprietors are in the detailed form of confidential business questionnaire (S33) attached to the quotations that were submitted for evaluation purpose. The entire procurement process was fully followed in regard to this bush clearing exercise including inviting prequalified contractors on small roads. The law was fully adhered to. (See annex 3 containing all procurement documents of the entire process).

(e) The payments for works will follow the same procedures like any other civil road works for both interim certificates and final certificates for the works done.

All the relevant information regarding the bush clearing exercise has been provided for as available in the department in regard to the motion.

Sincerely,

  
**CECM**  
MINISTRY OF LANDS, INFRASTRUCTURE,  
HOUSING & URBAN DEVELOPMENT  
03 JAN 2019  
COUNTY GOVERNMENT OF KITUI  
P. O. Box 33 - 90200, KITUI

Eng. Jacob Kakundi

**COUNTY EXECUTIVE COMMITTEE MEMBER**  
**MINISTRY OF LANDS, INFRASTRUCTURE,**  
**HOUSING & URBAN DEVELOPMENT**

ANNEX 5

# COUNTY GOVERNMENT OF KITUI

Cell phone: 0702615888/0702615444  
0731717100

Email: [Kituicounty@kenya.go.ke](mailto:Kituicounty@kenya.go.ke)



Ministry of Lands, Infrastructure,  
Housing and Urban Development  
Head Quarter

## MINISTRY OF LANDS, INFRASTRUCTURE, HOUSING & URBAN DEVELOPMENT

Ref: CGOKTI/CEG-LIHU/D/COUNTY ASSEMBLY

Date: 2<sup>nd</sup> July, 2019

E. M. Mutambuki  
Clerk, County Assembly of Kitui  
P.O. Box 694 - 90200  
**KITUI**



Dear Sir,

### RE: RESPONSE FOR INVITATION TO APPEAR BEFORE COMMITTEE ON LANDS, INFRASTRUCTURE AND URBAN DEVELOPMENT

We refer to your letter Ref. CAK/LIUD/9/4/VOL.III (79) dated 20<sup>th</sup> June, 2019, requesting for submission of various documents to the County Assembly. Attached please find the documents in response to the issues addressed thereof as follows:-

#### 1. BUSH CLEARING ISSUES

(I) Issue No. 1. The number of Days youth worked on bush clearing

**Response** - Man-hours - this is contained in contractors' own site records. As an office such information is not available and is not part of contract requirements on the side of client.

(II) Issue No. 2 Amount paid per Day to Youths

**Response** - The Daily rate for unskilled labour engaged during bush clearing exercise is still not mandate of client as this follows the labour laws and Employer gets involved in case of any dispute. For the bush clearing such complaints of over or under payments were never received in the office.

(III) Issue No.3 Who instructed village administrators to recruit youth

**Response** -The Office and/or person(s) who instructed village administrators to recruit local youth can be responded to by the Administrators themselves or service providers of the respective works as these are not instructions of work they are labour related issues and the contract was not labour contract.

*4/7/19  
Atty Gen  
Comm HHR*

*1/c. K. K. K. P.  
Dush is the  
Chairperson of  
the Committee.  
K. K. K. P.*

*Mtd  
ye 40P  
4/7/2019  
AC  
et aply*

## **2. DOCUMENTS ON BUSH CLEARING, FUEL AND OIL LIBYA ROAD**

- (i) Copies of bush clearing completion certificates are are being processed as some works have not been paid.
- (ii) Copies of acceptance letters are not available as these were quotations works whose award letters are normally not issued.
- (iii) List of plant Machineries and vehicle with their registration numbers is enclosed here for your information.
- (iv) List of works undertaken by the ministry in the period March 2018 to March 2019 – planning is usually carried annually and the list is enclosed for your information.
- (iii) Copies of duly signed work tickets and fuel orders is a matter under EACC Investigation.
- (v) Copies of tendering documents for Libya Petrol station to Jubilee college road – the road is under investigation by EACC and the documents are under their custody.

Yours Sincerely

  
**CECM**  
**LANDS, INFRASTRUCTURE,**  
**HOUSING & URBAN DEVELOPMENT**  
02 JUL 2019  
GOVERNMENT OF KITUI  
P.O. BOX 90200, KITUI  
**County Executive Committee Member**  
**MINISTRY OF LANDS, INFRASTRUCTURE,**  
**HOUSING & URBAN DEVELOPMENT**

CC:

- H.E. the, Governor



TO THE MEMBER OF COUNTY ASSEMBLY.  
 KYOME/THANA WARD.  
 KITUI COUNTY.  
 15<sup>TH</sup> JULY 2020

DEAR SIR.

RE: WE, THE UNDERSIGNED DID BUSH CLEARING FROM 5<sup>TH</sup> -14<sup>TH</sup> NOV. 2018 (9 WORKING DAYS AT KSH. 350 PER DAY) UNDER INSTRUCTIONS OF VILLAGE ADMINISTRATORS AND UP TO DATE WE HAVE NOT BEEN PAID.

S/NO	NAME	VILLAGE	ID NO.	PHONE NO.	SIGNATURE
1.	DAPHN MUMI Muthusi	WINZYEEI	20776869	0727290766	
2.	Rosalie M. Muthui	Kanyaa	20599529	0717134699	
3.	REGINA M. MIBITI	Kanyaa	0874190	0720785124	
4.	ERZABETH MUTHUI	Kanyaa	23417605	0701149021	
5.	Kimani Kalig	Kanyaa	10323406	0726975157	
6.	Mali Semoy	Kanyaa	10579157	07999928609	
7.	ROSE N. MWENDWA	Kanyaa	21642944	0727100637	
8.	Murungi Mueli	Kanyaa	2291874	0703224315	
9.	KIRUMBS VUCHI	Kanyaa	32851244	0708119062	
10.	Wanda Mwangi	Thaga	13094644	0726850169	
11.	Felistus Nzoka	Thaana	13742714	0721843901	
12.					

*Handwritten notes:*  
 13/7  
 13/7  
 (1)

**TO THE MEMBER OF COUNTY ASSEMBLY.  
 KYOME/THANA WARD.  
 KITUI COUNTY.  
 15<sup>TH</sup> JULY 2020**

**DEAR SIR,**

**RE: WE, THE UNDERSIGNED DID BUSH CLEARING FROM 5<sup>TH</sup>-14<sup>TH</sup> NOV. 2018 (9 WORKING DAYS AT KSH. 350 PER DAY) UNDER INSTRUCTIONS OF VILLAGE ADMINISTRATORS AND UP TO DATE WE HAVE NOT BEEN PAID.**

S/NO	NAME	VILLAGE	ID NO.	PHONE NO.	SIGNATURE
1.	ANNA STACIA	KIVOTO	7235240	0712175621	<i>Abel</i>
2.	Francis	Kihia	34904987	0746147371	<i>Francis</i>
3.					
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5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

# ANNEX 6

TO THE MEMBER OF COUNTY ASSEMBLY,  
 KYOME/THANA WARD,  
 KITUI COUNTY,  
 15<sup>TH</sup> JULY 2020

DEAR SIR,

RE: WE, THE UNDERSIGNED DID BUSH CLEARING FROM 5<sup>TH</sup>-14<sup>TH</sup> NOV. 2018 (9 WORKING DAYS AT KSH. 350 PER DAY) UNDER INSTRUCTIONS OF VILLAGE ADMINISTRATORS AND UP TO DATE WE HAVE NOT BEEN PAID.

S/NO	NAME	VILLAGE	ID NO.	PHONE NO.	SIGNATURE
1.	MUTISA NDEMTWA	WINSYEEI	21240298	0729608046	Mutisa
2.	SEBET KEMO	WINSYEEI	13740105	0716171220	BY
3.	CHARLES MUSTAK MUSA	WINSYEEI	2806568	0724314407	CHARLES
4.	PENNINAH M. DAVID	WINSYEEI	26916117	0707108774	
5.	BECKIE M. JOHN	WINSYEEI	14563504	0701072198	
6.	PENNA S MANGE	WINSYEEI	34638884	0796961159	
7.	YASEPHINE NAI	WINSYEEI	32452540	0741310955	
8.	JOHAI N. MURANGI	WINSYEEI	13741247	0718442762	
9.	FLORENCE MURHEBI	WINSYEEI	07469834578394	07146984371	
10.	ALICE M Ngandi	WINSYEEI	32551634	0722233384	
11.	JANE K. MUSILI	WINSYEEI	29566573	0705439487	
12.	JAMES M. MUTUNGA	WINSYEEI	25147700	0715801548	
13.	CHRISTINE M. SEMBEI	WINSYEEI	13742719	0709310248	
14.	JOSEPH N. MWENGA	WINSYEEI	26254787	0717003275	
15.					
16.					
17.					
18.					
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21.					
22.					
25.					

TO THE MEMBER OF COUNTY ASSEMBLY.  
 KYOME/THANA WARD.  
 KITUI COUNTY.  
 15<sup>TH</sup> JULY 2020

DEAR SIR,  
RE: WE, THE UNDERSIGNED DID BUSH CLEARING FROM 5<sup>TH</sup>-14<sup>TH</sup> NOV. 2018 (9 WORKING DAYS AT KSH. 350 PER DAY) UNDER INSTRUCTIONS OF VILLAGE ADMINISTRATORS AND UP TO DATE WE HAVE NOT BEEN PAID.

S/NO	NAME	VILLAGE	ID NO.	PHONE NO.	SIGNATURE
1.	JOEL SYENGO KIMANZI	THOKOA	29766923	070725400	<i>[Signature]</i>
2.	Benece WAKILO	Thokoa	22591343	0714752794	<i>[Signature]</i>
3.	Tabitac K. Kula	Thokoa	23952046	0725664692	<i>[Signature]</i>
4.	Elizabeth MUMBUA	TITO KOY	25273175	0727704891	<i>[Signature]</i>
5.	Josphine OLIVER	KYOME	3658582	07167282344	<i>[Signature]</i>
6.	MUSILI MAITHYA	KYOME	14634044	0721689792	MUSILI
7.	Nganzi Sune	MUSUANI	37084829	0745392381	<i>[Signature]</i>
8.	Mary Muthuna	MUSUANI	8671585	0717629907	<i>[Signature]</i>
9.	Joseph KAMUNDU	MUSUANI	32095801	0766249955	<i>[Signature]</i>
10.	Damaris Muthenzi	MUSUANI	29661888	0709604108	<i>[Signature]</i>
11.	JOHN MUSEE	MUSUANI			<i>[Signature]</i>
12.					

# ANNEX 6

## THE COUNTY GOVERNMENT OF KITALE



Call Phones: 0725994632/0778684543  
 Email address: kyome@kitale.go.ke  
 kyome@kitale.go.ke

MINING WEST 500 - COUNTY  
 KYOME THAMBA WARD OFFICE,  
 P.O. BOX 302 - 50400  
 KITALE  
 DISTRICT 500 - 711/7000

### MINISTRY OF PUBLIC SERVICE MANAGEMENT AND ADMINISTRATION, KYOME THAMBA PUSH CLEARING ATTENDANCE LIST.

THONZWEI-SYONWAMBWA-TUMILA ROAD - 3KM (inter-village road)  
 (Kyome & Thokoa villages)

S/NO	NAME	ID NO.	PHONE NO.	DATES/ WORKING DAYS															
				5/11/18 DAY 1	6/11/18 DAY 2	7/11/18 DAY 3	9/11/18 DAY 4	10/11/18 DAY 5	11/11/18 DAY 6	12/11/18 DAY 7	13/11/18 DAY 8	14/11/18 DAY 9	15/11/18 DAY 10	16/11/18 DAY 11	17/11/18 DAY 12	18/11/18 DAY 13	19/11/18 DAY 14		
1	JOEL MUSILU SYENGO	20759002	0718902822	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2	FREDRICK M. MUSTYOKA	35113927	0729482559	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3	FATHI MWALALE MULLI	22330804	0715271490	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4	ELIZABETH KANINI MATTI	31757058	0705689519	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5	RODA NZISA FRANCO	10879526	0721718996	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
6	MUSILU MALITHYA	14634044	0721689792	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

S/NO	NAME	ID NO.	PHONE NO.	DATES/ WORKING DAYS																
				5/11/18 DAY 1	6/11/18 DAY 2	7/11/18 DAY 3	9/11/18 DAY 4	10/11/18 DAY 5	11/11/18 DAY 6	12/11/18 DAY 7	13/11/18 DAY 8	14/11/18 DAY 9	15/11/18 DAY 10	16/11/18 DAY 11	17/11/18 DAY 12	18/11/18 DAY 13	19/11/18 DAY 14			
1	TABITHA K. KALU	23952046	0725664692	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

*Handwritten signature/initials*

1	CHRISTINE KATUTA	30003696	0704955896	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2	JOSEPH PHILIP	36544880	0797968818	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3	GEDION MALUKI	36164282	0792405187	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4	NATHAN KIMANZI	36739615	0708745040	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5	NAOMI MAKAA MAITHYA	24493601	0715830847	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
6	AGNES MUTEI KAVINGO	35746851	0746467261	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

**AIC WINZYEEI – THROUGH WAKSIVI ZONE THROUGH KVAANI PR. THROUGH KWA NZUYA TO KWA NGAMU MBELU TO JUNCTION NDUNI CAT-05-6.7 KVS. (Incvillage, Winzyeei & T. (Incvillage))**

S/NO	NAME	ID NO.	PHONE NO.	DATES/ WORKING DAYS															
				5/11/18 DAY1	6/11/18 DAY 2	7/11/18 DAY 3	9/11/18 DAY 4	10/11/18 DAY 5	11/11/18 DAY 6	12/11/18 DAY 7	13/11/18 DAY 8	14/11/18 DAY 9							
1	PENINAH M. DAVID	26916117	0707148774	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2	JACOB K. KIVUNZI	34685367	0706932616	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3	PATRICK M. KATA	21240228	0729608046	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4	SYOMBUA NGAMU	34639884	0796961239	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5	MUTEI JOHN	14563504	0701022198	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
6	NETA NGANGE	13741247	0718442762	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
7	FLORENCE MUTHENGI	34578324	0703695256	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
8	MUIMI MULYUNGI	20776569	0727290766	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
9	JOSEPHINE NGEI	32443925	0729898818	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
10	PATRICIA MBUI	14563333	0700011732	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
11	BEATRICE MBULO	27723309	0785253171	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

**MBAKINI – THROUGH KWAKONGO VELE TO KWA DEDAN DRIFT - 3KMS. (Winzyeei Village)**

S/NO	NAME	ID NO.	PHONE NO.	5/11/18 DAY1	6/11/18 DAY 2	7/11/18 DAY 3	9/11/18 DAY 4	10/11/18 DAY 5	11/11/18 DAY 6	12/11/18 DAY 7	13/11/18 DAY 8	14/11/18 DAY 9
1	MUSTOKA MUSAI	28065661	0724314401	✓	✓	✓	✓	✓	✓	✓	✓	✓

3	AUCE NGANDI	32551634	0722233484	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4	SARAH KAMOTHO	13740105	0716171220	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

**KYUSYANI – THROUGH NZULI SECONDARY UPTO JUNCTION OF ROAD  
HEADING TO KARUNGU AND WIMATHENDU - 6 KMS. (Inter-  
village-Thaanzaau & Whizyeel Villages)**

S/NO	NAME	ID NO.	PHONE NO.	DATES/ WORKING DAYS															
				5/11/18	6/11/18	7/11/18	9/11/18	10/11/18	11/11/18	12/11/18	13/11/18	14/11/18	15/11/18	16/11/18	17/11/18	18/11/18	19/11/18	20/11/18	
1	JANE MUTHUNGA	25147700	0715801548	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2	MUTWA SEMBEI	13742719	0703310212	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3	MASAA MUSILI	374143	0718770786	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4	JANE MUSILI	29566573	0705439485	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5	NGANGI MWENDWA	26254787	0717063275	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
6	GRACE MATIHA KISYANG'A	26998564	0740076176	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
7	BEATRICE K. VUNGO	33954638	0700030563	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
8	BONIFACE NDIHI KONGO	21174552	0712371030	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
9	PATRICK M. KIVINDU	28026884	0726796070	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

**YENZUVA – KWA KISYANG'A – KWA KANG'ALA RIVER – 3.2 KMS. (Thaanzaau village)**

S/NO	NAME	ID NO.	PHONE NO.	DATES/ WORKING DAYS															
				5/11/18	6/11/18	7/11/18	9/11/18	10/11/18	11/11/18	12/11/18	13/11/18	14/11/18	15/11/18	16/11/18	17/11/18	18/11/18	19/11/18	20/11/18	
1	NAOMI MWENDWA	13641176	0743113964	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2	MASAA MUYOKA	13094644	0726850169	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3	ROSE MWENGA	21642944	0727100637	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4	MWONGELI MUTULLI	30807044	0710478226	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5	SAMMY MULAU	3336824	0703409167	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

**MANYUMI – KWA KATULI – NGOANO - THITANI MARKET JUNCTION**

S/NO	NAME	ID NO.	PHONE NO.	DATES/ WORKING DAYS													
				5/11/18 DAY 1	6/11/18 DAY 2	7/11/18 DAY 3	9/11/18 DAY 4	10/11/18 DAY 5	11/11/18 DAY 6	12/11/18 DAY 7	13/11/18 DAY 8	14/11/18 DAY 9					
1	VERONICAH VUNGO	12625622	0718814102	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
2	JOEL M. MBUVI	22409400	0729488054	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
3	JOSEPHENE N. MWOLOLO	32544161	0704660786	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
4	PETER M. MUNG'ENDU	28584752	0700045053	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
5	ELIZABETH W. MUNYOKI	24494502	0725243778	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
6	NICOLAS M. KIVOTO	33442140	0710191234	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
7	STELLA K. MWINZI	11855460	0728875974	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
8	HANNY M. MWINZI	29679406	072965087	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
9	FRANCIS KITHIA	34909987	0746147371	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
10	TERESIA GHUNO	11855428	0729084433	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
11	STELLA K. VIRA	26205796	0727154077	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
12	ANNASTACIA KIVOTO	7235240	07121175621	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
<b>KANYAA MARKET – IKOMOA RIVER - 4.5 KMS.. (Kanyaa Village)</b>				<b>DATES/ WORKING DAYS</b>													
S/NO	NAME	ID NO.	PHONE NO.	DATES/ WORKING DAYS													
				5/11/18 DAY 1	6/11/18 DAY 2	7/11/18 DAY 3	9/11/18 DAY 4	10/11/18 DAY 5	11/11/18 DAY 6	12/11/18 DAY 7	13/11/18 DAY 8	14/11/18 DAY 9					
1	MUTHENGI MUSILI	22918174	0708224315	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
2	BEATRICE VUNDI	32851244	0715164635	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
3	ELIZABETH MUTUI	23417605	0701149021	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
4	CHRISTINE KENDE	0984465	0728538906	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
5	REGINAH MBITI	0574190	0720785424	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
6	MULWA NDUGHU	20599529	0717134699	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
<b>KTULANI – MUUNGA NGOMO – NGUUNI RIVER – 7KMS.. (Kanyaa Village)</b>				<b>DATES/ WORKING DAYS</b>													
S/NO	NAME	ID NO.	PHONE NO.	5/11/18	6/11/18	7/11/18	9/11/18	10/11/18	11/11/18	12/11/18	13/11/18	14/11/18					
				✓	✓	✓	✓	✓	✓	✓	✓	✓					



2	KANYVA SANUEL	12450401	0726369753	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3	KANINI MWILU	14622712	0726886098	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4	FELSTUS NZOKA	13742714	0721843905	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5	KIMANZI KALIA	10823406	0726975157	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
6	KAVANA NZAU	27572353	0700510344	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
7	MULI SAMMY	10879157	0791920609	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
8	KITEME MUTHIO	34026644	0707605913	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
9	MARGARET PAUL	20798781	0714913028	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
10	MIBITI MUTEMI	27437255	0706461594	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Compiled by

.....  
 Esther Ngeta..... Kyome thaana ward administrator



THURSDAY 6<sup>TH</sup> DECEMBER, 2018

(119)

(425)

S/ N	QUOTATION NO	DESCRIPTION	COMPANY NAME	AMOUNT
1	CGOKTI/LIHUUD/Q023/2 018-2019	Bush clearing works In Kitul Central	waving eagle enterprises P.O. Box 144	3,002,080. 00
2	CGOKTI/LIHUUD/Q024/2 018-2019	Bush clearing works In Kitul Rural	Way makers enterprises P.O. Box 215	2,401,664. 00
3	CGOKTI/LIHUUD/Q025/2 018-2019	Bush clearing works in Mwingi Central	Way makers enterprises	3,601,104. 00
4	CGOKTI/LIHUUD/Q0233/ 2018-2019	Bush clearing works In Kitul South	Way makers enterprises P.O. box Mutha	3,605,000. 00
5	CGOKTI/LIHUUD/Q026/2 018-2019	Bush clearing works In Kitul West	Way makers enterprises P.O. Box 39	2,402,592. 00
6	CGOKTI/LIHUUD/Q027/2 018-2019	Bush clearing works In Kitul East	Way makers enterprises P.O. Box 140	3,602,406. 00
7	CGOKTI/LIHUUD/Q028/2 018-2019	Bush clearing works Mwingi West.	Way makers enterprises P.O. 391 Kitul	2,398,880. 00
8	CGOKTI/LIHUUD/Q022/2 018-2019	Bush clearing works Mwingi North	Way makers enterprises P. Box 211	3,003,240. 00



NAME: Alice Wambua

Date: 3-9-2020

1. Who engaged you for bush clearing?

Raphael Kavisi Mbiu (v.a) Kasaini Village  
Kwamuranga/Kithumula Ward

2. What was the method for recruitment?

Phone call

3. How many days did you work?

9 days

4. How much money were to be paid per day?

350/-

5. Have you been paid for work done?

No

6. Who supervised the work?

Raphael Kavisi Mbiu (v.a) - Kasaini Village  
Kwamuranga/Kithumula Ward

7. What was the period of engagement?

8-10-20~~18~~<sup>18</sup> / 10/20~~18~~<sup>18</sup> (Excluding weekends.)

SIGNATURE: AW

I.D No. 31792493

TEL: 0708987972



NAME: JEFFERSON K. MUTHWI

Date: 3-9-2020

1. Who engaged you for bush clearing?

... Cecilia Sammy V.A Mustanda location/village  
Kauwi ward

2. What was the method for recruitment?

... Phone Call

3. How many days did you work?

... 9 days

4. How much money were to be paid per day?

... 350/=

5. Have you been paid for work done?

... NO

6. Who supervised the work?

... Cecilia Sammy (V.A) Mustanda location/village  
Kauwi ward

7. What was the period of engagement?

... 29-10-2018 upto 7-11-2018 excluding weekend

SIGNATURE... Coyalo

I.D No. 29424353

TEL: 0728664940





NAME: Catherine K. Kyalo

Date: 3-9-2020

1. Who engaged you for bush clearing?

... Cecilia Sammy (V.A.) Mutanda location/village  
Kawu ward

2. What was the method for recruitment?

... phone call

3. How many days did you work?

... 9 days

4. How much money were to be paid per day?

... 350/-

5. Have you been paid for work done?

... NO

6. Who supervised the work?

... Cecilia Sammy (V.A.) Mutanda

7. What was the period of engagement?

... 29-10-2018 upto 7-11-2018 excluding weekend

SIGNATURE 

I.D No. 30267322

TEL: 0743 775976



NAME: MEROY T. SYANDA

Date: 3-9-2020

1. Who engaged you for bush clearing?

EUNICE KIMANZI (V.A)

KYENGE VILLAGE  
KAUWI WARD

2. What was the method for recruitment?

PHONE CALL

3. How many days did you work?

9 DAYS

4. How much money were to be paid per day?

350/=

5. Have you been paid for work done?

NO

6. Who supervised the work?

EUNICE KIMANZI (V.A)

KYENGE VILLAGE  
KAUWI WARD

7. What was the period of engagement?

29/10/18 upto 7/11/18 (EXCLUDING WEEKEND)

SIGNATURE: Tabitha

I.D No. 25359806

TEL: 0721899533



NAME: JEMILLA K. MUSILI

Date: 3-9-2020

1. Who engaged you for bush clearing?

EUNICE KIMANZA (V.A) KYENGE VILLAGE

2. What was the method for recruitment?

PHONE CALL

3. How many days did you work?

9 days

4. How much money were to be paid per day?

350 K

5. Have you been paid for work done?

NO

6. Who supervised the work?

KAWU WOND  
EUNICE KIMANZA V.A. KYENGE VILLAGE

7. What was the period of engagement?

29/10/18 UPEO 7/11/18 (excluding weekends)

SIGNATURE: JEMILLA

I.D No. 31463882

TEL: 071154513



NAME: KYALO MUEMA

Date: 3/9/2020

1. Who engaged you for bush clearing?

RAHAEL KAVISI MBIU (via) KASAKI VILLAGE  
KWA MUTALKA / KITHUMBU  
WARDS

2. What was the method for recruitment?

PHONE CALL

3. How many days did you work?

9 DAYS

4. How much money were to be paid per day?

350/=

5. Have you been paid for work done?

NO

6. Who supervised the work?

RAHAEL KAVISI MBIU (via) KASAKI VILLAGE  
KWA MUTALKA / KITHUMBU  
WARDS

7. What was the period of engagement?

8/10/2018 upto 18/10/2018 (excluding weekend)

SIGNATURE: 

I.D No. 29849767

TEL: 0716071579





NAME: JEDIDA MILITHEU MUTUA Date: 3/9/2020

1. Who engaged you for bush clearing?  
Raphael Kavisi Mbiu (V.A) KASINI VILLAGE  
KWA MISTONGA/KITHUMULA WARD.
2. What was the method for recruitment?  
phone call
3. How many days did you work?  
nine days (9)
4. How much money were to be paid per day?  
three hundred and fifty (350)
5. Have you been paid for work done?  
No
6. Who supervised the work?  
Raphael Kavisi Mbiu (V.A) - KASINI VILLAGE  
KWA MISTONGA/KITHUMULA WARD.
7. What was the period of engagement?  
9/10/2018 up to 18/10/2018 (Excluding weekends)

SIGNATURE: Jedida

I.D No. 32 990 230

TEL: 0720 414024



NAME: Mercy M. Kungwoki

Date: 3-9-2020

1. Who engaged you for bush clearing?

..... Raphael Kavis' mbiu (V.A) Kasaini village  
KWA MUDUNGA/KITHUMUKA WARD

2. What was the method for recruitment?

..... phone call

3. How many days did you work?

..... 9 days

4. How much money were to be paid per day?

..... 350/=

5. Have you been paid for work done?

..... NO

6. Who supervised the work?

..... Raphael Kavis' mbiu (V.A) Kasaini village  
KWA MUDUNGA/KITHUMUKA WARD

7. What was the period of engagement?

..... 8-10-2018 upto 18-10-2018 excluding weekend

SIGNATURE..... 

I.D No. 14457754

TEL: 0708484022



NAME: NANCY.....MUNSIKI

Date...31/9/2020

1. Who engaged you for bush clearing?

..RAPHAEL.....KAVISI.....MBIU

2. What was the method for recruitment?

.....Phone.....Call.....

3. How many days did you work?

.....NINE.....DAYS.....(9)

4. How much money were to be paid per day?

.....Three.....Hundred.....and.....fifty.....(350)

5. Have you been paid for work done?

.....NO.....

6. Who supervised the work?

..RAPHAEL.....KAVISI.....MBIU

7. What was the period of engagement?

.....8.10.2018.....UP TO.....18.10.2018.....(EXCLUDING WEEKENDS)

SIGNATURE...~~Ala~~.....

I.D No. ...31568591

TEL: 0719594018



NAME: Muli Muliwa

Date: 31/9/2020

1. Who engaged you for bush clearing?

Raphael Kavisimbi (V.A) KASIMI VILLAGE  
KWA MUBALAT/KITHUMULA  
WARD.

2. What was the method for recruitment?

Phone Call

3. How many days did you work?

9 days

4. How much money were to be paid per day?

350

5. Have you been paid for work done?

No

6. Who supervised the work?

Raphael Kavisimbi (V.A) KASIMI VILLAGE  
KWA MUBALAT/KITHUMULA  
WARD.

7. What was the period of engagement?

8/10/2018 up to 18/10/2018 (excluding weekend).

SIGNATURE: Muli

I.D No. 30575358

TEL: 0702832958





NAME: VERONICA H. VUNGO Date: 03/09/2020

1. Who engaged you for bush clearing?

STELLA DAVID (VA) THITANI VILLAGE

2. What was the method for recruitment?

PHONE CALL

3. How many days did you work?

9 DAYS

4. How much money were to be paid per day?

350/-

5. Have you been paid for work done?

NO

6. Who supervised the work?

STELLA DAVID (VA) - THITANI VILLAGE  
KIONO TIANA

7. What was the period of engagement?

FROM 5/11/2018 UP TO 14/11/2018 (excluding weekends)

SIGNATURE: [Signature]

I.D No. 12625622

TEL: 0718814102



NAME GILBERT MUSTIA

Date 8/9/2020

1. Who engaged you for bush clearing?  
Raphael Kavisi Peter (V.A) Kasaini Village  
Kwa-Mutunga Ward
2. What was the method for recruitment?  
Phone call
3. How many days did you work?  
9-days
4. How much money were to be paid per day?  
350/-
5. Have you been paid for work done?  
No
6. Who supervised the work?  
Raphael Kavisi Peter (V.A) Kasaini village - Kwa-Mutunga Kothumwa  
Ward
7. What was the period of engagement?  
8<sup>th</sup> October 2018 - 18/10/2018 (excluding weekend)

SIGNATURE [Signature]

I.D No. 25095336

TEL. 0719456233



NAME: FELISTIUS NYIVA NZAMBU

Date: 3-9-2020

1. Who engaged you for bush clearing?

Raphael Kavisi Mbiu (V.A) Kasiriri village

2. What was the method for recruitment?

Phone Call

Ikwa mutongu - Kituumula u

3. How many days did you work?

9 days

4. How much money were to be paid per day?

~~10~~ 350 K

5. Have you been paid for work done?

No

6. Who supervised the work?

Raphael Kavisi Mbiu (V.A) - Kasiriri village

7. What was the period of engagement?

8-10-2018 ~~to 18-10-2018~~ UP to 18-10-2018 (excluding weekend)

SIGNATURE: 

I.D No. 23730416

Tel: 0712 550200



NAME: BENARD MUWANJI

Date: 03/9/2020

1. Who engaged you for bush clearing?

..RAPHAEL.....KAVISI.....(VA) KASAINI VILLAGE  
KWA MISTANGA/KITHUMBA WARD

2. What was the method for recruitment?

...Phone call.....

3. How many days did you work?

.....9 days.....

4. How much money were to be paid per day?

.....350 sh.....

5. Have you been paid for work done?

.....No.....

6. Who supervised the work?

..RAPHAEL KAVISI MBIU.....(VA) KASAINI VILLAGE  
KWA MISTANGA/KITHUMBA WARD.

7. What was the period of engagement?

.....8/10/2018 — 18-10-2018 (EXCLUDING WEEKEND).

SIGNATURE Bu

I.D No. 25365435

TEL: 0721696999





NAME: SHADRACK NGOMI MWASE

Date... 03/9/2020

1. Who engaged you for bush clearing?

RAPHAEL K. MBIU (VA) KASANI VILLAGE

2. What was the method for recruitment?

PHONE CALL

KWAMUTONGA KITHUMU  
WARD

3. How many days did you work?

9 DAYS

4. How much money were to be paid per day?

350/=

5. Have you been paid for work done?

NO

6. Who supervised the work?

RAPHAEL K. MBIU (VA) KASANI VILLAGE

7. What was the period of engagement?

8-10-2018 - 18-10-2018

KWAMUTONGA KITHUMU  
WARD

(excluding week end)

SIGNATURE... Sh

I.D No. 22587177

TEL: 0704359448



NAME: ANGELLA KANDA PUS

Date: 3/9/2020

1. Who engaged you for bush clearing?

JOHN MUTISYA (VA) KITHUMULA VILLAGE )  
KWA MUTONGA / KITHUMULA WARD

2. What was the method for recruitment?

PHONE CALL

3. How many days did you work?

9 DAYS

4. How much money were to be paid per day?

350K

5. Have you been paid for work done?

No

6. Who supervised the work?

JOHN MUTISYA (VA) KITHUMULA VILLAGE )

7. What was the period of engagement?

8-10-2018 - 18-10-2018 (excluding weekend)

SIGNATURE: 

I.D No. 31343915

TEL: 0748821730



NAME: JUDITH N. KAGISA

Date: 03/9/2020

1. Who engaged you for bush clearing?

RAPHAEL KAVISI (VA) KASAINI VILLAGE  
KWA MUTONGA KITHUMU  
WARD

2. What was the method for recruitment?

PHONE CALL

3. How many days did you work?

9 DAYS

4. How much money were to be paid per day?

350/-

5. Have you been paid for work done?

NO

6. Who supervised the work?

RAPHAEL KAVISI (VA) KASAINI VILLAGE  
KWA MUTONGA KITHUMU  
WARD

7. What was the period of engagement?

8-10-2018 - 18/10/2018 (excluding weekends)

SIGNATURE: Judy

ID No. 32140265-

TEL: 0710385842



NAME: ~~WINROSE~~ M. NDI...

Date... 23/9/2020...

1. Who engaged you for bush clearing?

RAPHAEL... K... M... (UAI) KASAINI VILLAGE  
KWA MUTONGA KITHUMBU WARD

2. What was the method for recruitment?

... PHONE CALL ...

3. How many days did you work?

... 9 DAYS ...

4. How much money were to be paid per day?

... 350/= ...

5. Have you been paid for work done?

... ND ...

6. Who supervised the work?

RAPHAEL... K... (UAI) KASAINI VILLAGE  
KWA MUTONGA KITHUMBU WARD

7. What was the period of engagement?

... 8-10-2018 - 18/10/2018 ... (excluding weekends)

SIGNATURE... WIN...

I.D No. 29322211

TEL: 0712 223039

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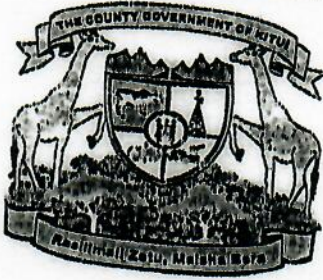


COUNTY ASSEMBLY OF KITUI

OFFICE OF THE CLERK

CLIDP  
Amendment

7 (064)22914  
E l: kituiassembly@gmail.com



P.O. BOX 694-90200  
KITUI

INTERNAL MEMO

FROM: THE SENIOR LEGAL COUNSEL  
TO: SPEAKER OF ASSEMBLY  
THRO' CLERK OF ASSEMBLY  
REF: (AK/8/4/10 (7K)  
DATE: 20TH NOVEMBER, 2018

*(Handwritten notes and scribbles)*

SUBJECT: MOTION ON THE AMENDMENT OF CLIDP PROGRAMME  
FRAMEWORK

The above matter refers.

I have read the amended framework and confirm that the same is in order.

Thank you.

*(Signature)*  
Mary G. Mwendwa  
Senior Legal Counsel  
Office of the Clerk  
County Assembly of Kitui

*(Handwritten signature: Speaker)*  
*(Handwritten signature: Clerk)*

*(Large handwritten signature)*

*(Handwritten notes: noted, signed, 2/11/18)*

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**MOTION TO AMEND THE KITUI COUNTY COMMUNITY LEVEL  
INFRASTRUCTURE DEVELOPMENT PROGRAMME FRAMEWORK.**

*Chairperson, Committee on Lands, Infrastructure, Housing and Urban  
Development)*

That, pursuant to the provisions of Article 174 (d) & (f) of the Constitution of Kenya 2010 that recognizes the objects of devolution as to "recognize the rights of communities to manage their own affairs and to further their development" and "to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya" and respectively, the County Government of Kitui in pursuant to the spirit of devolution, established the Community Level Infrastructure Development Programme, this County Assembly hereby amends the above Framework by:

**PROVISIONS**

By amending the fourth and the fifth line of the first paragraph of the programme by deleting the words "County Executive Member for Tourism and Natural Resources, under the implementing County Ministry of Administration and Coordination of County Affairs" and replacing thereof with the following words: - County Executive Member for Lands, Infrastructure, Housing and Urban Development, under the Implementing Programme of the Governor.....

**CLAUSE 1**

By amending Clause 1(a) by deleting the words "County Ministry of Tourism and Natural Resources" and inserting in place thereof with the following words: - County Ministry of Lands, Infrastructure, Housing and Urban Development...

**CLAUSE 5**

By amending Clause 5 by inserting after Clause 5 (q) the following Clauses;  
(r) opening of new roads by hiring a bulldozer machine for a maximum of

170 hours per ward; \*

(s) grading of roads by hiring a grader for a maximum of 170 hours per Ward.

### **CLAUSE 17**

By amending Clause 17 by deleting in line one the words "one million" and inserting in place thereof with the following words: - two millions...

### **CLAUSE 22**

By amending Clause 22 by:

(a) deleting the words "seventy percent (70%)" in clause 22(a) and replacing thereof with the following words: - eighty percent (80%)...

(b) deleting the words "twenty five percent (25%)" in Clause 22(b) and replacing thereof with the following words:- fifteen percent (15%)...

### **CLAUSE 23**

By amending clause 23 by deleting the word "25(a)" and the words "one million" respectively and replacing thereof with the word "22(a)" and the words "two million" respectively.

### **CLAUSE 25**

By amending the form prescribed in Clause 25 by deleting the second and the third line of the words of the heading "COUNTY MINISTRY OF ADMINISTRATION AND COORDINATION OF COUNTY AFFAIRS" and replacing thereof with the following words:- OFFICE OF THE GOVERNOR

SIGNED: \_\_\_\_\_

DATE: 02/11/18

HON. BONIFACE KATUMO - M.C.A

## COUNTY FRAMEWORK FOR THE IMPLEMENTATION OF THE KITUI COUNTY COMMUNITY LEVEL INFRASTRUCTURE DEVELOPMENT PROGRAMME

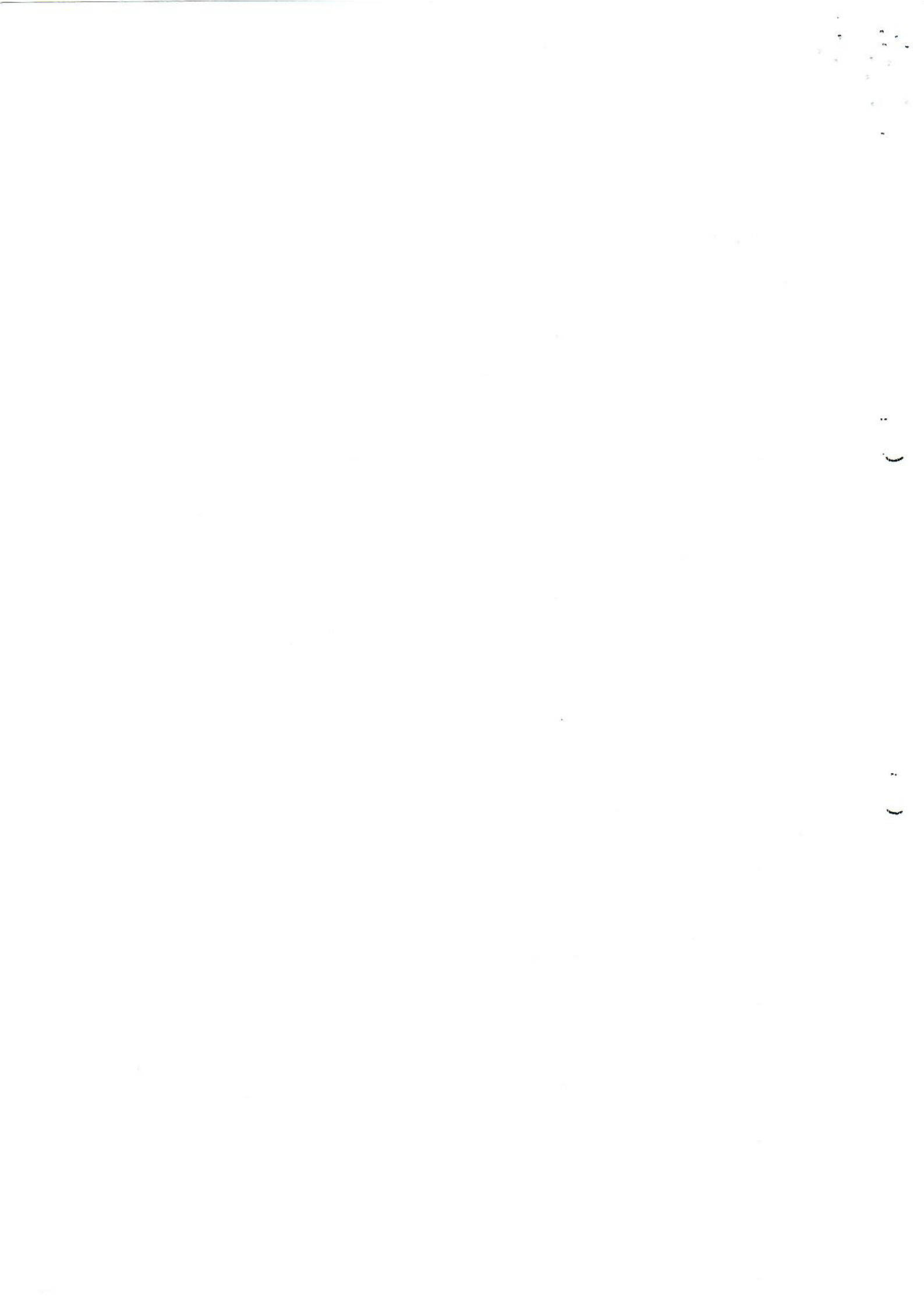
IT IS hereby notified for the general information of the public that pursuant to Section 30 (2) (i) of the County Governments Act His Excellency the Governor of the County Government of Kitui has assigned the implementation of the Community Level Infrastructure Development Programme to the County Executive Committee Member for Tourism and Natural Resources, under the implementing County Ministry of Administration and Coordination of County Affairs.

The program was established guided by the provisions of the Constitution of Kenya 2010 particular Article 174 (d) and (f) that recognizes the objects of devolution as "to recognize the right of communities to manage their own affairs and to further their development" and "to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya" respectively. The Programme has been an initiative for poverty alleviation and improvements of social economic lives and enhancement of living standards of Kitui county residents. The ultimate goal of the program is to promote development across all the county where poor people, minorities, youth, women and people with disabilities participate in and benefit from systems, decisions and activities that shape their livelihoods.

In implementing the programme, the County Executive Committee Member shall be guided by the following framework and procedures:

A Committee to be known as the Community Level Infrastructure Development Programme Management Committee shall be in charge of the implementation of the program. The Committee shall consist of:

- (a) the Chairperson, being the County Executive Committee Member for the County Ministry of Tourism and Natural Resources; and
- (b) the County Secretary;
- (c) the Chief Officer in the County Ministry of Administration and Coordination of County Affairs, who shall be the Secretary;



- (d) the Chief Officer in the County Ministry of Lands, Infrastructure and Urban Development;
- (e) the Chief Officer in the County Ministry of Agriculture, Water and Irrigation.
- 2. The Chairperson shall convene meetings of the Committee.
- 3. The Management Committee shall be considered properly constituted with a quorum of at least 3 members.
- 4. The functions of the Community Level Infrastructure Development Programme Management Committee shall be to:
  - (a) initiate the process of project identification and prioritization;
  - (b) ensure programme funds are utilized in accordance to this framework;
  - (c) determine the minimum number of projects to be identified and prioritized per village;
  - (d) receive and review projects implementation and expenditure reports for the program;
  - (e) ensure maintenance of proper records and reports for the programme; and
  - (f) ensure prudent management of the program's funds.
- ( ) Projects under this program shall be community based for purposes of ensuring that the prospective benefits are available to a widespread cross-section of the inhabitants of a particular ward and village.
- (2) Projects may include costs related to studies, planning and design or other technical input for the project.
- (3) Projects that are eligible to be implemented under this program may include, but are not limited to:
  - (a) Early Childhood Development Education (ECDE) classrooms;
  - (b) Small bridges/drifts;
  - (c) Access roads and feeder roads;
  - (d) Village polytechnic, home craft centers and child centers;
  - (e) Fencing works of public amenities;
  - (f) Public toilets and pit latrines;
  - (g) Small community water piped systems;
  - (h) Power connectivity, electrical wiring and accessories;

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- (i) Sand dams, earth dams; water pans, bore holes and shallow wells;
- (j) Water tanks;
- (k) Water kiosks;
- (l) Slaughter houses/slabs;
- (m) Culverts;
- (n) Health centers and dispensary facilities;
- (o) Cattle dips;
- (p) Boda boda Sheds;
- (q) Market sheds;

(4) The community may, under special circumstances, propose any project that does not fall under (3) above.

Project identification and prioritization shall be done every financial year through:

- (a) public barazas; and
- (b) county development plans including County Integrated Development Plan (CIDP) and the Kitui Vision for Economic and Social Transformation (KIVEST).

For purpose of 6 (a) community members in their respective villages shall be invited to identify and prioritize projects through a participatory process in public barazas.

The Village Administrator shall organize, conduct and take minutes of the public barazas.

The Ward Administrator shall chair meetings with Village Administrators to compile a list of prioritized proposed projects and forward the same to the Sub County Administrator.

The Sub County Administrator shall then forward the compiled lists of prioritized proposed projects from all sub county wards to the Secretary of the Management Committee.

The list of prioritized proposed projects shall be submitted to the Management Committee in prescribed form.

Submission deadlines shall be given by the Management Committee.

The Management Committee shall constitute and coordinate relevant technical teams to visit projects, prepare designs and bills of quantities for all prioritized proposed projects.

Relevant County Government ministries/departments shall ensure that cost estimates for the projects are as realistic as possible.

A list of costed projects shall be submitted to the Management Committee which shall finalize the ranking of proposed projects in order of priority and whenever the total cost



- of the projects listed exceeds the ceiling for a particular ward, the order in which they are listed shall be taken as the order of priority for purposes of allocation of funds, provided that on-going projects shall take precedence over all other projects.
16. The Management Committee shall forward the final list of prioritized proposed projects to the Procurement Department for tendering and awarding.
17. Projects whose costed bill of quantities is beyond one million Kenya Shillings shall be forwarded to relevant county ministries for consideration for implementation.
18. Projects under this program shall be implemented with the assistance of the relevant county government departments.
19. The Governor or his appointee shall launch, commission and handover the project to the users.
20. The County Secretary shall ensure that all complete projects are operationalized through the respective chief officers.
21. The monies available for this program shall consist of monies appropriated by the County Assembly through the annual budget process.
22. The monies referred to in 24 above shall be applied as follows:-
- (a) Seventy percent (70%) shall be utilized to cater for the projects in the respective wards identified as per 6 (a) above;
  - (b) Twenty five percent (25%) shall be utilized for projects that have impact within equally amongst the eight sub counties to cater for projects that have impact within the respective sub-county, these projects shall be identified as per 6 (b) above;
  - (c) Five percent (5%) shall be utilized to defray the program's administration cost.
23. Each project financed under 25(a) shall have a maximum budget of One Million Kenya Shillings.
- 24 Utilization of program monies shall be governed by the Public Finance Management Act (2012), the Public Procurement and Disposal Act (2015) and any other laws and regulations governing public finance.
25. Form prescribed for submitting list of identified and prioritized projects.



THE COUNTY GOVERNMENT OF KITUI

Cell Phone: 0700615588/0702015444  
0731717100  
Email: [Kituicounty@kenya.go.ke](mailto:Kituicounty@kenya.go.ke)



Ministry of Lands, Infrastructure  
Housing & Urban Development  
Head Quarter:

MINISTRY OF LANDS, INFRASTRUCTURE, HOUSING & URBAN DEVELOPMENT

Ref: CGoKTI/CEC-LIHUUD/COUNTYASSEMBLY/VOL.1/32 Date: 31<sup>st</sup> January, 2019

The Clerk,  
County Assembly of Kitui,  
P.O BOX 694-90200  
**KITUI**



*Speaker*  
*for distribution*  
*Chijeri 31/1/2019*

Dear Sir,

**RE: REPORT ON THE IMPLEMENTATION STATUS OF KITUI COUNTY ACCESS ROAD DEVELOPMENT PROGRAMME AND REGULATION AND MANAGEMENT OF STREET TRADE (HAWKING) AND BUDABODA OPERATIONS IN KITUI COUNTY**

Reference is made to your letter Ref.CAK/9/14/VOL.1 (4) of 20<sup>th</sup> December, 2018 on motions as on the above mentioned subject.

**MOTION 1: KITUI COUNTY ACCESS ROAD DEVELOPMENT PROGRAMME**

This Kitui County Access Road Development Programme may not be fully possible to implement because of the following reasons:-

1. It overlaps with the CLIDP programme in the way it is drafted. It resembles CLIDP in nature and it's a challenge to have road programmes at the village level.
2. The county roads are regulated by the Kenya Roads Board whose framework of works covers the entire road network construction. The road network interlinks villages, wards and Sub-Counties which should be the main focus.

*Failure to implement*  
*referred to the*  
*County Council*  
*for approval*  
*31/1/2019*

3. The County's programme i.e. grading, bush clearing cover the entire county and this programme is more or less the same guided by the draft grading and bush clearing policies.


In view of the above, we request the house to kindly re-consider the resolutions for the motion on Kitui County Access Road Development Programme.

**MOTION 2: REGULATION AND MANAGEMENT OF STREET TRADE  
(HAWKING) AND BODABODA OPERATIONS IN KITUI COUNTY.**

1. A policy is being developed on how to control the street trade (hawking) majorly in Kitui and Mwingi towns in conjunction with the Ministry of Trade, Kitui Municipality and Mwingi Town Administration.
2. The ministry is drafting a Transport Policy which will guide/regulate boda boda operations

In conclusion the regulation and management of bodaboda and hawking will be properly regulated once the guiding policies are approved by the Cabinet and OR the County Assembly.

Sincerely,


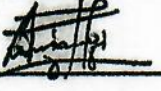








  
MINISTRY OF LANDS, INFRASTRUCTURE,  
HOUSING & URBAN DEVELOPMENT  
2008  
Eng. Jacob  
COUNTY EXECUTIVE COMMITTEE MEMBER  
MINISTRY OF LANDS, INFRASTRUCTURE,  
HOUSING AND URBAN DEVELOPMENT

cc:

H.E. ... .., Kitui County

## WARD DOZER SERVICES BENEFICIARY

FY 2019/2020

	NAME	WARD	YES	NO
1.	HON. ALEX MUTAMBU NGANGA	MIAMBANI		
2.	HON. ALEX NGAU JAMES MUSILI	NUU		
3.	HON. ALEX WAMBUA MWANGANGI	KYOME/THAANA		
4.	HON. ALEXANDER MUNUVE MBILI	KYANGWITHA EAST		
5.	HON. ANDREW NDISYA LUSA	KANYANGI		
6.	HON. ANNASTACIA MWATHI MUTUNGA	MUTITO KALIKU		
7.	HON. ANTHONY JOHN	MUTHA		
8.	HON. ANTHONY KYUSYA MBITI	IKANGA/KYATUNE		
9.	HON. ANTHONY NDOOH MWANZIA	TOWNSHIP		
10.	HON. BONIFACE KILAA KASINA	TSEIKURU		
11.	HON. BONIFACE KILUNGYA KATUMO	KYANGWITHYA WEST		
12.	HON. CHARLES MUTHUI KILONZI MAEMA	KIVOU		
13.	HON. DAVID MASAKU MUNYAU	MUTOMO		
14.	HON. DAVID THUVI	KWA MUTONGA KITHUMULA		
15.	HON. DEIY'S MAITHYA MUKALA	WAITA		
16.	HON. ELIUD MUTETI NDING'URI	NGOMENI		
17.	HON. EMERATUS KASEE MUSYA	KISASI		
18.	HON. EUNICE MWATHI KATHEKE	ZOMBE/MWITIKA		
19.	HON. FREDRICK KITHOME NTHURI	THARAKA		
20.	HON. GEOFFREY MULI MWALIMU	IKUTHA		
21.	HON. GRACE MWIKALI	ENDAU MALALANI		

	SAMMY		YES	NO
22.	HON. JACOB MBAYA KAVOLONZA MUSYOKA	MUI	<i>[Signature]</i>	<i>[Signature]</i> <small>conceded</small>
23.	HON. JAMES MBUVI WANGUZE KULA	CHULUNI		
24.	HON. JAMES MUSYOKA	KIOMO/KYETHANI		
25.	HON. JAMES MUTUNGA MUNUVE	KANZIKO		
26.	HON. JANE MUTUA	KAUWI		<i>[Signature]</i>
27.	HON. JEFASON NGUI KIRURU	NGUNI		
28.	HON. JEHOSHAPHAT NZAMBA JAMES	MULANGO		
29.	HON. JOHN MUTUKU MBAKI KISANGAU	KWAVONZA YATTA		<i>[Signature]</i>
30.	HON. JOHNSTONE MUTUA KANANDU	MUMONI		
31.	HON. MARY KANINI PHILIP	CENTRAL		<i>[Signature]</i>
32.	HON. MUSEE MATI	MUTONGUNI		
33.	HON. NELSON KIVALI MUSYOKA	VOO/KYAMATU		
34.	HON. NICHOLAS NZOMO MWALALI	MBITINI		<i>[Signature]</i>
35.	HON. PETER MWIKYA KILONZO	ATHI		
36.	HON. PHILIP NGULI	MIGWANI		
37.	HON. RUTH KYENE	NZAMBANI		
38.	HON. STEPHEN ILEVE KATANA	NGUUTANI		
39.	HON. STEPHEN MAKAU MUSILI	KYUSO		<i>[Signature]</i>
40.	HON. SYLVESTER MUNYALO KITHEKA	MATINYANI		



WARD DOZER SERVICES BENEFICIARY

Fy 2019/20

	NAME	WARD	YES	NO
1.	HON. ALEX MUTAMBU NGANGA	MIAMBANI		
2.	HON. ALEX NGAU JAMES MUSILI	NUU		
3.	HON. ALEX WAMBUA MWANGANGI	KYOME/THAANA		
4.	HON. ALEXANDER MUNUVE MBILI	KYANGWITHA EAST		
5.	HON. ANDREW NDISYA LUSA	KANYANGI		
6.	HON. ANNASTACIA MWATHI MUTUNGA	MUTITO KALIKU		
7.	HON. ANTHONY JOHN	MUTHA		
8.	HON. ANTHONY KYUSYA MBITI	IKANGA/KYATUNE		
9.	HON. ANTHONY NDOOH MWANZIA	TOWNSHIP		
10.	HON. BONIFACE KILAA KASINA	TSEIKURU		
11.	HON. BONIFACE KILUNGYA KATUMO	KYANGWITHYA WEST		
12.	HON. CHARLES MUTHUI KILONZI MAEMA	KIVOU		
13.	HON. DAVID MASAKU MUNYAU	MUTOMO		
14.	HON. DAVID THUVI	KWA MUTONGA KITHUMULA		
15.	HON. DEIY'S MAITHYA MUKALA	WAITA		
16.	HON. ELIUD MUTETI NDING'URI	NGOMENI		
17.	HON. EMERATUS KASEE MUSYA	KISASI		
18.	HON. EUNICE MWATHI KATHEKE	ZOMBE/MWITIKA		
19.	HON. FREDRICK KITHOME NTHURI	THARAKA		
20.	HON. GEOFFREY MULI MWALIMU	IKUTHA		
21.	HON. GRACE MWIKALI	ENDAU MALALANI		

	SAMMY		YES	NO
22.	HON. JACOB MBAYA KAVOLONZA MUSYOKA	MUI	<i>J. Mbaya</i>	<i>Cancelled</i>
23.	HON. JAMES MBUVI WANGUZE KULA	CHULUNI		
24.	HON. JAMES MUSYOKA	KIOMO/KYETHANI		
25.	HON. JAMES MUTUNGA MUNUVE	KANZIKO		
26.	HON. JANE MUTUA	KAUWI		
27.	HON. JEFASON NGUI KIRURU	NGUNI		
28.	HON. JEHOSHAPHAT NZAMBA JAMES	MULANGO		
29.	HON. JOHN MUTUKU MBAKI KISANGAU	KWAVONZA YATTA		
30.	HON. JOHNSTONE MUTUA KANANDU	MUMONI		
31.	HON. MARY KANINI PHILIP	CENTRAL		
32.	HON. MUSEE MATI	MUTONGUNI		
33.	HON. NELSON KIVALI MUSYOKA	VOO/KYAMATU		
34.	HON. NICHOLAS NZOMO MWALALI	MBITINI		
35.	HON. PETER MWIKYA KILONZO	ATHI		
36.	HON. PHILIP NGULI	MIGWANI		
37.	HON. RUTH KYENE	NZAMBANI		
38.	HON. STEPHEN ILEVE KATANA	NGUUTANI		
39.	HON. STEPHEN MAKAU MUSILI	KYUSO		
40.	HON. SYLVESTER MUNYALO KITHEKA	MATINYANI		

Receipts to be completed by Issuing Officer

M826073

MINISTRY OF L.H.U.D. ROAD TICKET NO.

TRANSPORT - DAILY WORK TICKET DEPT. ROADS STATION: KITUI

UNIT: COUNTY COUNTY

MAK: 150009A G.K. No. M826060

Specimen Signature of Authorizing Officer

Driver's Name and Number

Date	Driver's No.	Details of Journey and Route in full	No. and Signature of person authorizing Journey		Oil drawn (litres)	Fuel drawn (litres)	P.O.L. (S15) Voucher No. or L.P.O. No. or Cash Voucher No.	Time		Kilometres of Journey	
			No. (4)	Signature (5)				Out (9)	In (10)		
04/01/19	2	Kisumu - Nakuru - Nakuru	1	[Signature]				10:10 AM	6:31 PM	1572	8 hrs
04/01/19	2	Kisumu - Nakuru - Nakuru	1	[Signature]				8:28 AM	5:19 PM	1551	9 hrs
04/01/19	2	Kisumu - Nakuru - Nakuru	1	[Signature]				9:03 AM	6:33 PM	1559	9 hrs
04/01/19	2	Kisumu - Nakuru - Nakuru	1	[Signature]				8:14 AM	6:57 PM	1569	10 hrs
04/01/19	2	Kisumu - Nakuru - Nakuru	2	[Signature]				11:00 AM	6:00 PM	1574	5 hrs
04/01/19	2	Kisumu - Nakuru - Nakuru	2	[Signature]				10:37 AM	3:55 PM	1579	6 hrs
04/01/19	2	Kisumu - Nakuru - Nakuru	2	[Signature]				10:11 AM	5:33 PM	1586	7 hrs
04/01/19	2	Kisumu - Nakuru - Nakuru	2	[Signature]				9:31 AM	5:24 PM	1594	8 hrs
04/01/19	2	Kisumu - Nakuru - Nakuru	2	[Signature]				9:09 AM	5:01 PM	1602	8 hrs
04/01/19	2	Kisumu - Nakuru - Nakuru	3	[Signature]				10:21 AM	5:23 PM	1607	7 hrs
04/01/19	2	Kisumu - Nakuru - Nakuru	3	[Signature]							
04/01/19	2	Kisumu - Nakuru - Nakuru	3	[Signature]							
04/01/19	2	Kisumu - Nakuru - Nakuru	3	[Signature]							

- 2014009143 - Boris KIMWARI - N.E
- 20160121075 - JIMONJI MURIEL - NUT
- 2016061870 - PAMELA WAMBUA - P-TECH

Number, Name and Designation of Authorizing Officer

[Signature]





Date	Driver's No.	Details of Journey and Route in full	No. and Signature of person authorizing Journey		Oil drawn (litres)	Fuel drawn (litres)	P.O.L. (S15) Voucher No. or L.P.O. No. or Cash Voucher No.	Time		Speedo Reading end of Journey	Kilometres of Journey	
			No. (4)	Signature (5)				Out	In			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
24/5/2020	2	Kanada Kac Mutha working	1	[Signature]					8:49 AM	5:01 PM		817
25/5/2020	2	Kanada Kac Mutha working	1	[Signature]					9:09 AM	6:44 PM		7hrs
26/5/2020	2	Kanada Kac Mutha working	1	[Signature]	400lt				6:01 PM	4:33 PM		6hrs
27/5/2020	2	Kanada Kac Mutha working	1	[Signature]					8:37 AM	4:09 PM		7hrs
28/5/2020	2	Kanada Kac Mutha working	1	[Signature]					9:23 AM	4:27 PM		8hrs
30/5/2020	2	Kanada Kac Mutha working	1	[Signature]	400lt				9:09 AM	3:59 PM		7hrs
31/5/2020	2	Kanada Kac Mutha working	1	[Signature]					10:00 AM	5:24 PM		7hrs
01/6/2020	2	Kanada Kac Mutha working	1	[Signature]	200lt				11:02 AM	6:24 PM		6hrs
02/6/2020	2	Kanada Kac Mutha working										
13/6/2020	2	Kanada Kac Mutha working										
14/06/2020												

**DRIVER'S REPORT OF DEFECTS**

Date	Defects
21/5/2020	Engine bearing clearance not working
22/5/2020	Engine bearing clearance not working

**SUMMARY OF WORK TICKETS**  
 Ltr. (fuel) Ltr. (oil)  
 Totals—Fuel and Oil drawn

Certified all entries checked.  
 Details entered in Vehicle Log Book.

Fuel in Tank Ltr.  
 Ltr.

MINISTRY OF LITVU

TRANSPORT-DAILY WORK TICKET DEPT: ROADS

PREVIOUS W.T. No. 834082 G.K. No. 1566094 MAKE SHANWU UNIT COUNTY STATION KITVI H/P

TICKET NO. M826354

Driver's Name and Number		Number, Name and Designation of Authorizing Officer		Specimen Signature of Authorizing Officer							
1 Alex Kyalo 2014009164		1 Boris Kinyari - 204004143 - A.E		[Signature] - A.E							
2 Simon Mumbua 2016101173		2 James K. Kimani 2014001230X A.E		[Signature] - A.E							
3		3									
Date	Driver's No.	Details of Journey and Route in full		No. and Signature of person authorizing Journey	Fuel drawn (litres)	Oil drawn (litres)	P.O.L (S15) Voucher No. or L.P.O. No. or Cash Voucher No.	Time	Speedo Reading at end of Journey	Kilometres of Journey	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	Out	In	(11)	(12)
01-04-2020	2	Mangena Kavuku WORKING	1	[Signature]		400Lts		10:49am	5:51pm	-	7 hrs
02-04-2020	2	Mangena Kavuku WORKING	1	[Signature]				9:23am	5:01pm	-	8 hrs
03-04-2020	2	Mangena Kavuku WORKING	1	[Signature]				9:41am	5:59pm	-	8 hrs
04-04-2020	2	Mangena Kavuku WORKING	1	[Signature]		400Lts		8:30am	5:30pm	-	7 hrs
05-04-2020	2	Mangena Kavuku WORKING	1	[Signature]				8:01am	5:19pm	-	9 hrs
06-04-2020	2	Mangena Kavuku WORKING	1	[Signature]				8:39am	5:13pm	-	7 hrs
07-04-2020	2	Mangena Kavuku WORKING	1	[Signature]		400Lts		8:40am	5:38pm	-	7 hrs
08-04-2020	2	Mangena Kavuku WORKING	1	[Signature]				9:14	5:00pm	-	8 hrs
09-04-2020	2	Masera WORKING	1	[Signature]		200Lts		9:43	4:30pm	-	7 hrs
10-04-2020	2	Masera mutulu WORKING	1	[Signature]		200Lts		9:37	4:17pm	-	7.5 hrs
11-04-2020	2	Masera mutulu WORKING	1	[Signature]		200Lts		9:52	5:02pm	-	7.8 hrs
12-04-2020	2	Masera mutulu WORKING	1	[Signature]		200Lts		9:41	5:28pm	-	8.0 hrs
13-04-2020	2	Masera mutulu WORKING	1	[Signature]		200Lts		9:59	4:49pm	-	7 hrs
14-04-2020	2	Masera mutulu WORKING	1	[Signature]		200Lts		9:51am	5:08pm	-	8 hrs
15-04-2020	2	Masera mutulu WORKING	1	[Signature]		400Lts		9:43am	5:09pm	-	8 hrs
16-04-2020	2	Masera mutulu WORKING	1	[Signature]				8:51am	5:53pm	-	8 hrs
17-04-2020	2	Masera mutulu WORKING	1	[Signature]				8:23am	5:11pm	-	8 hrs

Date	Driver's No.	Details of Journey and Route in full	No. and Signature of person authorizing Journey		Oil drawn (litres)	Fuel drawn (litres)	P.O.L. (S 15) Voucher No. or L.P.O. No. or Cash Voucher No.	Time		Speedo Reading end of Journey	Kilometres of Journey
			No. (4)	Signature (5)				Out	In		
(1)	(2)	(3)			(6)	(7)	(8)	(9)	(10)	(11)	(12)
20/09/22	2	Marsice with wmg	2	Heddy				9:37A	5:57P	-	9km
21/09/22	2	Malyani wmg	2	Heddy				10:11A	4:25	-	7km
23/04/22	2	Malyani wmg	2	Heddy				9:23A	5:31	-	8km

DRIVER'S REPORT OF DEFECTS

Date	Defects	Action taken by Officer/IC	Summary of Work/Tickets
01-04-22	Engine hour clock not working		Certified all entries checked. Details entered in Vehicle Log Book.  <b>Totals—Fuel and Oil drawn</b> Ltr. (fuel) Ltr. (oil) <b>Ltr.</b> Fuel in Tank to be carried forward..



MINISTRY OF L.I.M.U.D.  
 TRANSPORT-DAILY WORK TICKET DEPT.\*  
 TICKET NO. M826143

ROADS  
 COUNTY KITHUNGO  
 STATION\* KITHUNGO

PREVIOUS W.T. No.\* S34082 G.K. No.\* 1560094  
 MAKE\* SHANSHI UNIT\* COUNTY

Driver's Name and Number		Number, Name and Designation of Authorizing Officer				Specimen Signature of Authorizing Officer					
Date	Driver's No.	Details of Journey and Route in full		No. and Signature of person authorizing Journey	Fuel drawn (litres)	Oil drawn (litres)	P.O.L (S15) Voucher No. or L.P.O. No. or Cash Voucher No.	Time	Speedo Reading end of Journey	Kilometres of Journey	
				No. (4)	(5)	(6)	(8)	Out (9)	In (10)	(11)	(12)
02/08/2020	2	Kabati Milkweani working	(3)	1	[Signature]	400 litres		12:30pm	5:07pm	—	5 hrs
03/08/2020	2	Kabati Mutikwani working		1	[Signature]	400 litres		12:09pm	5:03pm	—	3 hrs
04/08/2020	2	Kabati Mutikwani working		1	[Signature]	400 litres		12:38pm	6:22pm	—	6 hrs
05/08/2020	2	Kabati Mutikwani working		1	[Signature]	400 litres		1:11pm	5:23	—	4 hrs
06/08/2020	2	Kabati Mutikwani working		1	[Signature]	400 litres		2:07pm	5:31pm	—	3 hrs
07/08/2020	2	Mutinyani Kithungo working		2	[Signature]	400 litres		9:50am	5:11pm	—	8 hrs
08/08/2020	2	Mutinyani Kithungo working		2	[Signature]	400 litres		10:01am	5:33pm	—	7 hrs
09/08/2020	2	Mutinyani Kithungo working		2	[Signature]	400 litres		1:54pm	6:07pm	—	5 hrs
10/08/2020	2	Mutinyani Kithungo working		2	[Signature]	400 litres		6:07am	5:58pm	—	6 hrs
11/08/2020	2	Mutinyani Kithungo working		2	[Signature]	400 litres		9:07am	3:07pm	—	5 hrs
12/08/2020	2	Mutinyani Kithungo working		2	[Signature]	400 litres		10:12am	6:22pm	—	5 hrs
13/08/2020	2	Mutinyani Kithungo working		2	[Signature]	400 litres		7:44am	6:27pm	—	5 hrs
14/08/2020	2	Mutinyani Kithungo working		2	[Signature]	400 litres		9:27am	6:00pm	—	5 hrs
15/08/2020	2	Mutinyani Kithungo working		2	[Signature]	400 litres		10:00am	6:00pm	—	5 hrs
16/08/2020	2	Mutinyani Kithungo working		2	[Signature]	400 litres		10:00am	6:00pm	—	5 hrs
17/08/2020	2	Mutinyani Kithungo working		2	[Signature]	400 litres		10:00am	6:00pm	—	5 hrs
18/08/2020	2	Mutinyani Kithungo working		2	[Signature]	400 litres		10:00am	6:00pm	—	5 hrs
19/08/2020	2	Mutinyani Kithungo working		2	[Signature]	400 litres		10:00am	6:00pm	—	5 hrs
20/08/2020	2	Mutinyani Kithungo working		2	[Signature]	400 litres		10:00am	6:00pm	—	5 hrs
21/08/2020	2	Mutinyani Kithungo working		2	[Signature]	400 litres		10:00am	6:00pm	—	5 hrs
22/08/2020	2	Mutinyani Kithungo working		2	[Signature]	400 litres		10:00am	6:00pm	—	5 hrs

s No.	Details of Journey and Vehicle in full	No. and Signature of person authorizing Journey		Oil drawn (litres)	Fuel (in litres)	P.O.L. (S 15) Voucher No. or L.P.O. No. or Cash Voucher No.	Time		Speedo Reading at end of Journey	Kilometres of Journey	
		No. (4)	Signature (5)				Out	In			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
24/03/2020	2	Ngazoko Kavute Mangere working	2	[Signature]				8:30pm	5:22pm	-	9hrs
25/03/2020	2	Ngazoko Mangere Kavute working	3	[Signature]	400ltr			9:42pm	5:09	-	8hrs
26/03/2020	2	Ngazoko Mangere working	3	[Signature]				10:27	6:31pm	-	8hrs
28/03/2020	2	Mangere Kavute working	3	[Signature]				7:57pm	5:53pm	-	8hrs
30/03/2020	2	Mangere Kavute working	3	[Signature]	400ltr			10:11pm	5:15pm	-	7hrs
31/03/2020	2	Mangere Kavute working	3	[Signature]	300ltr			8:22pm	5:19pm	-	9hrs
			3	[Signature]				10:09pm	5:04pm	-	7hrs

**DRIVER'S REPORT OF DEFECTS**

Date	Defects
08/03/20	Engine has does not working

Action taken by Officer/IC

[Signature]  
R. P. Rao

SUMMARY OF WORK TICKETS	
Totals - Fuel and Oil drawn	Ltr. (fuel) Ltr. (oil)
Fuel in Tank to be carried forward..	Ltr.
Total Distance (km.)	
Miles per litre (fuel)	

Certified all entries checked. Details entered in Vehicle Log Book.

Designation.....

MINISTRY OF Litvod ( )  
 TRANSPORT - DAILY WORK TICKET DEPT\* ROADS

PREVIOUS W.T. No.\* ..... G.K. No.\* 186909A MAKE\* SHANTAI UNIT\* COUNTY STATION\* .....  
 TICKET No. NY No 331082

Driver's Name and Number ..... Number, Name and Designation of Authorizing Officer ..... Specimen Signature of Authorizing Officer

Date	Driver's No.	Details of Journey and Route in full	No. and Signature of person authorizing Journey		Oil drawn (litres)	Fuel drawn (litres)	P.O.L. (S 15) Voucher No. or L.P.O. No. or Cash Voucher No.	Time		Speedo Reading end of Journey	Kilometres of Journey	
			No. (4)	Signature (5)				Out	In			
1	Alex Kyalo 20140071656 4											
2	Samson Mumbere 2016010117 5											
3												
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
1/7/19	2	Kanyonyo AP border work	1	[Signature]		150 Lts			10:31 AM	5:51 PM	1846	7 hrs
2/7/19	2	Kanyonyo AP border work	1	[Signature]		200 Lts			8:50 AM	5:11 PM	1854	8 hrs
3/7/19	2	Kanyonyo border work	1	[Signature]		200 Lts			8:09 AM	4:08 PM	1860	6 hrs
4/7/19	2	Kanyonyo border work	1	[Signature]		200 Lts			9:10 AM	5:29 PM	1868	8 hrs
5/7/19	2	Kanyonyo border work	1	[Signature]		200 Lts			9:58 AM	5:01 PM	1875	7 hrs
8/7/19	2	Kanyonyo border work	1	[Signature]		400 Lts			8:58 AM	5:23 PM	1883	8 hrs
9/7/19	2	Kanyonyo border work	1	[Signature]		200 Lts			8:58 AM	5:11 PM	1891	8 hrs
10/7/19	2	Kanyonyo border work	1	[Signature]		200 Lts			9:13 AM	5:19 PM	1898	7 hrs
11/7/19	2	Kanyonyo border work	1	[Signature]		200 Lts			8:51 AM	5:01 PM	1906	8 hrs
12/7/19	2	Kanyonyo border work	1	[Signature]		400 Lts			9:58 AM	4:33 PM	1913	7 hrs
15/7/19	2	Kanyonyo border work	2	[Signature]					9:25 AM	5:00 PM	1921	8 hrs
16/7/19	2	Kanyonyo border work	2	[Signature]					8:41 AM	4:32 PM	1925	7 hrs
17/7/19	2	Kanyonyo border work	2	[Signature]					8:50 AM	4:30 PM	1935	7 hrs
18/7/19	2	Kanyonyo border work	2	[Signature]		200 Lts			8:20 AM	6:00 PM	1944	7 hrs
19/7/19	2	Kanyonyo border work	2	[Signature]		200 Lts			9:42 AM	4:30 PM	1952	8 hrs
20/7/19	2	Kanyonyo border work	2	[Signature]		100 Lts			8:27 AM	3:52 PM	1958	6 hrs
23/7/19	2	Kanyonyo border work	2	[Signature]		90 Lts			11:11 AM	4:44 PM	1963	5 hrs
24/7/19	2	Kanyonyo border work	2	[Signature]		90 Lts			10:23 AM	9:22 AM	1967	11 hrs



These particulars to be completed by Issuing Officer

REPUBLIC OF KENYA

MINISTRY OF U.H.U.D

M826090

TRANSPORT - DAILY WORK TICKET DEPT. \* ROADS

TICKET NO.

PREVIOUS W.T. No. \* M826073

G.K. No. \* 15CG009A

MAKER \* SHAHU

UNIT \* COUNTY STATION \* KITUI

Driver's Name and Number

Driver's Name and Number		Number, Name and Designation of Authorizing Officer		Specimen Signature of Authorizing Officer	
1	Alex Kipko 2041009666	4	20160125015 Timothy Mwangi P/AE		
2	Samin Wanjau 204010128	5			
3		6			

Date	Driver's No.	Details of Journey and Route in full	No. and Signature of person authorizing Journey		Oil drawn (litres)	Fuel drawn (litres)	P.O.L. (S 15) Voucher No. or L.P.O. No. or Cash Voucher No.	Time		Speedo Reading end of Journey	Kilometres of Journey
			No. (4)	Signature (5)				Out	In		
	(2)	(3)			(6)	(7)	(8)	(9)	(10)	(11)	(12)
1/10/15	2	Kisumu - Hake working						10:11	5:22	1616	7 hrs
1/10/15	2	Kisumu - Hake working						9:21	5:29	1624	8 hrs
1/10/15	2	Kisumu - Hake working			465.15			10:07 AM	6:10 PM	1631	7 hrs
1/10/15	2	Kisumu - Hake working						9:55 AM	5:55 PM	1640	10 hrs
1/10/15	2	Kithemba Kakumuli working						11:02 AM	4:39 PM	1644	4 hrs
1/10/15	2	Kithemba Kakumuli working			400/10			10:11 AM	5:39 PM	1657	7 hrs
1/10/15	2	Kithemba Kakumuli working			400/10			9:24 PM	5:41 PM	1659	8 hrs
01/10/15	2	Kithemba Kakumuli working			400/10			9:28 AM	5:09 PM	1666	7 hrs
01/10/15	2	Kithemba Kakumuli working			400/10			9:10 AM	5:33 PM	1674	8 hrs
01/10/15	2	Kithemba Kakumuli working			400/10			9:23 AM	5:01 PM	1681	7 hrs



PREVIOUS WT. NO. \* M826036

TRANSPORT - DAILY WORK TICKET DEPT. \* ROADS

TICKET NO. M826069

G.K. NO. \* 15CG1007A MAKY SHANTY UN COUNTY STATION \* KATUL

Driver's Name and Number

Date	Driver's No.	Details of Journey and Route in full	No. and Signature of person authorizing Journey	Oil drawn (litres)	Fuel drawn (litres)	P.O.L. (S15) Voucher No. or L.P.O. No. or Cash Voucher No.	Time		Speedo Reading end of Journey	Kilometres of Journey	Specimen Signature of Authorizing Officer
							Out	In			
1	1										
15/01/09	2	Kitharanda to Kitharanda via Kitharanda	[Signature]	0	0		6:00 AM	6:00 AM	1349	8 hrs	[Signature]
16/01/09	2	Kitharanda to Kitharanda via Kitharanda	[Signature]	0	0		6:00 AM	6:00 AM	1358	10 hrs	[Signature]
17/01/09	2	Kitharanda to Kitharanda via Kitharanda	[Signature]	0	0		6:00 AM	6:00 AM	1367	9 hrs	[Signature]
18/01/09	2	Kitharanda to Kitharanda via Kitharanda	[Signature]	0	0		6:00 AM	6:00 AM	1374	7 hrs	[Signature]
19/01/09	2	Kitharanda to Kitharanda via Kitharanda	[Signature]	0	0		6:00 AM	6:00 AM	1378	14 hrs	[Signature]
20/01/09	2	Kitharanda to Kitharanda via Kitharanda	[Signature]	0	0		6:00 AM	6:00 AM	1387	9 hrs	[Signature]
21/01/09	2	Kitharanda to Kitharanda via Kitharanda	[Signature]	0	0		6:00 AM	6:00 AM	1394	10 hrs	[Signature]
22/01/09	2	Kitharanda to Kitharanda via Kitharanda	[Signature]	0	0		6:00 AM	6:00 AM	1404	7 hrs	[Signature]
23/01/09	2	Kitharanda to Kitharanda via Kitharanda	[Signature]	0	0		6:00 AM	6:00 AM	1414	10 hrs	[Signature]
24/01/09	2	Kitharanda to Kitharanda via Kitharanda	[Signature]	0	0		6:00 AM	6:00 AM	1421	7 hrs	[Signature]
25/01/09	2	Kitharanda to Kitharanda via Kitharanda	[Signature]	0	0		6:00 AM	6:00 AM	1431	10 hrs	[Signature]
26/01/09	2	Kitharanda to Kitharanda via Kitharanda	[Signature]	0	0		6:00 AM	6:00 AM	1439	8 hrs	[Signature]
27/01/09	2	Kitharanda to Kitharanda via Kitharanda	[Signature]	0	0		6:00 AM	6:00 AM	1448	9 hrs	[Signature]
28/01/09	2	Kitharanda to Kitharanda via Kitharanda	[Signature]	0	0		6:00 AM	6:00 AM	1456	9 hrs	[Signature]
29/01/09	2	Kitharanda to Kitharanda via Kitharanda	[Signature]	0	0		6:00 AM	6:00 AM	1466	10 hrs	[Signature]
30/01/09	2	Kitharanda to Kitharanda via Kitharanda	[Signature]	0	0		6:00 AM	6:00 AM	1474	8 hrs	[Signature]
31/01/09	2	Kitharanda to Kitharanda via Kitharanda	[Signature]	0	0		6:00 AM	6:00 AM	1483	9 hrs	[Signature]

Date	Driver's No.	Details of Journey and Route in full	No. and Signature of person authorizing Journey		Oil drawn (litres)	Fuel drawn (litres)	P.O.L. (S 15) Voucher No. or L.P.O. No. or Cash Voucher No.	Time		Speedo Reading at end of Journey	Kilometres of Journey
			No. (4)	Signature (5)				Out	In		
(1)	(2)	(3)			(6)	(7)	(8)	(9)	(10)	(11)	(12)
26/3/04	2	Khas-Muthang, working						7:50 am	6:00 pm	1500	9 hrs
27/3/04	2	Khas-Muthang Kivansani-Serunty			1150 lit			9:17 am	7:02 pm	1510	10 hrs
28/3/04	2	Dips-Muthang Kivansani-Serunty						9:10 am	6:47 pm	1518	8 hrs
29/3/04	2	Khas Muthang Kivansani-Serunty						9:25 am	5:01	1526	8 hrs
30/3/04	2	Khas Muthang Kivansani-Serunty						10:00 am	5:11 pm	1534	8 hrs

DRIVER'S REPORT OF DEFECTS

Date

Defects

Action taken by Officer i/c

SUMMARY OF WORK TICKETS

Ltr. (fuel) Ltr. (oil)

Totals—Fuel and Oil drawn

Ltr.

Certified all entries checked. Details entered in Vehicle Log Book.

Fuel in Tank to be carried forward ..



MINISTRY OF HIGHWAYS

TRANSPORT - DAILY WORK TICKET DEPT. ROADS

PREVIOUS WT. No. \* M8226015 G.K. No. \* 1599009A

M826036

TICKET No.

MAKER SHAH TIJI

DRIVER'S NAME AND NUMBER

UNIT \* COUNTY

STATION \* (11/14)

Number, Name and Designation of Authorizing Officer

Specimen Signature of Authorizing Officer

1 20160125075 - HINDIHI AVEPALI - PUNE

1	16/11/2014	20140895614																	
2	20/11/2014	20140895614																	
3	20/11/2014	20140895614																	

(1)	Date	Driver's No.	Details of Journey and Route in full	No. and Signature of person authorizing Journey	Oil drawn (litres)	Fuel drawn (litres)	P.O.L. (S 15) Voucher No. or L.P.O. No. or Cash Voucher No.	Time		Speedo Reading end of Journey	Kilometres of Journey
								Out	In		
		(2)		No. (4) Signature (5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
	01/12/14	2	Methanga - Wansaf					8:11 AM	6:55 PM	2029	8 hrs
	02/12/14	2	Methanga - Wansaf					7:30 AM	5:30 PM	2030	8 hrs
	03/12/14	2	Methanga - Wansaf					9:5 AM	4:00 PM	2031	6 hrs
	04/12/14	2	Methanga - Wansaf					7:30 AM	6:00 PM	2032	4 hrs
	05/12/14	2	Methanga - Wansaf					7:30 AM	6:00 PM	2033	4 hrs
	06/12/14	2	Methanga - Wansaf					8:30 AM	6:50 PM	2034	7 hrs
	07/12/14	2	Methanga - Wansaf					8:30 AM	6:00 PM	2035	8 hrs
	08/12/14	2	Methanga - Wansaf					8:30 AM	6:50 PM	2036	9 hrs
	09/12/14	2	Methanga - Wansaf					9:30 AM	5:50 PM	2037	8 hrs
	10/12/14	2	Methanga - Wansaf					9:30 AM	5:10 PM	2038	8 hrs
	11/12/14	2	Methanga - Wansaf					10:00 AM	5:47 PM	2039	7 hrs
	12/12/14	2	Methanga - Wansaf					8:20 AM	6:10 PM	2040	7 hrs
	13/12/14	2	Methanga - Wansaf					7:50 AM	5:30 PM	2041	9 hrs
	14/12/14	2	Methanga - Wansaf					8:00 AM	5:30 PM	2042	9 hrs
	15/12/14	2	Methanga - Wansaf					7:40 AM	5:10 PM	2043	9 hrs



MINISTRY OF LULU

PREVIOUS W.T. No. \* M83744 G.K. No. \* K6009A MAKE \* STANTIS UNIT \* ROADS DEPT. \* COUNT 7 TICKET NO. \* M826015

Date	Driver's No.	Details of Journey and Route in full	No. and Signature of person authorizing Journey		Oil drawn (litres)	Fuel drawn (litres)	P.O.L. (S15) Voucher No. or L.P.O. No. or Cash Voucher No.	Time		Speedo Reading end of Journey	Kilometres of Journey
			No. (4)	Signature (5)				Out	In		
4/10/19	2	Karimbuni Kethilani working	1	[Signature]			(8)	(9)	(10)	(11)	(12)
7/10/19	2	Karimbuni Kethilani working	1	[Signature]	300lt					2891	9hrs
8/10/19	2	Karimbuni Kethilani working	2	[Signature]						2899	8 hrs
10/10/19	2	Karimbuni Kethilani working	2	[Signature]						2906	7 hrs
11/10/19	2	Karimbuni Kethilani working	2	[Signature]	450lt					2911	5 hrs
14/10/19	2	Mwanyemba Mwanyemba working	2	[Signature]						2920	9 hrs
15/10/19	2	Mwanyemba Mwanyemba working	2	[Signature]						2928	8 hrs
17/10/19	2	Mwanyemba Mwanyemba working	2	[Signature]						2936	7 hrs
18/10/19	2	Mwanyemba Mwanyemba working	2	[Signature]						2944	9 hrs
21/10/19	2	Mwanyemba Mwanyemba working	2	[Signature]	400lt					2951	7 hrs
22/10/19	2	Mwanyemba Mwanyemba working	2	[Signature]						2959	8 hrs
23/10/19	2	Mwanyemba Mwanyemba working	2	[Signature]						2969	7 hrs
24/10/19	2	Mwanyemba Mwanyemba working	2	[Signature]						2972	14 hrs
25/10/19	2	Mwanyemba Mwanyemba working	2	[Signature]	200lt					2977	5 hrs
26/10/19	2	Mwanyemba Mwanyemba working	2	[Signature]						2980	7 hrs
28/10/19	2	Mwanyemba Mwanyemba working	2	[Signature]						2992	8 hrs
29/10/19	2	Mwanyemba Mwanyemba working	2	[Signature]	200lt					2999	7 hrs
					300lt						

Number Name and Designation of Authorizing Officer  
 1 2060655 - felix Oulak - Sct  
 2 2019009148 - Berek Kamburi - A.S.  
 3 701600546 Teremi Kamburi - P.S.

Specimen Signature of Authorizing Officer  
 [Signature]

STATION \* KITU





Date	L.V. No. & Sta.	Details of Journey and Route in full	No. and Signature of person authorizing Journey		Oil drawn (litres)	F drawn (litres)	P.O.L. (S15) Voucher No. or L.P.O. No. or Cash Voucher No.	Time		Speedo Reading end of Journey	Kilometres of Journey
			No. (4)	Signature (5)				Out	In		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
27/11/2018	2	Township (site) working	3	[Signature]				8:57 AM	6:03 PM	2779	81.5
28/11/2018	2	Township (site) working	3	[Signature]				9:36 AM	5:13 PM	2786	71.5
29/11/2018	2	Township (site) working	3	[Signature]	450			9:41 AM	6:27 AM	2793	71.5
30/11/2018	2	Township (site) working	3	[Signature]				10:06 AM	6:01 PM	2799	61.5

DRIVER'S REPORT OF DEFECTS		SUMMARY OF WORK TICKETS	
Date	Defects	Ltr. (Fuel) Ltr. (oil)	
11/12/18	Roller hydraulic wheel loading	Ltr.	
21/12/18	Engine hour clock not	Ltr.	
		Totals—Fuel and Oil drawn	
		Ltr.	
		Fuel in Tank to be carried forward	
		Ltr.	
		Total Distance (km.)	
		Ltr.	

Certify all entries checked. Details entered in Vehicle Log Book

See Regulations to be completed by Issuing Officer

REPUBLIC OF KENYA

MINISTRY OF LULU

TRANSPORT-DAILY WORK TICKET DEPT. C.G.I.N.T.

M8

2005 W.T.No. \* N8875 1 & G.K.No. \* 15CG079A NAME \* SHANTU UNIT \* ROADS STATION \* KITUI TICKET NO. ....

Driver's Name and Number		Number, Name and Designation of Authorizing Officer				Specimen Signature of Authorizing Officer					
Driver's No.	Details of Journey and Route in full	No. and Signature of person authorizing Journey	drawn (litres)	drawn (litres)	Voucher No. or L.P.O. No. or Cash Voucher No.	Time	In	Speedo Reading end of Journey	Kilometres of Journey		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
1	Max Kyalo 2914009568	1	20150045168	John Muryu J.T.A	330pm	6:55 pm	330pm	6:55 pm	2945	2945	14 hrs
2	Samba wa... 201601011235	1	20150045168	John Muryu J.T.A	9:30pm	5:30pm	9:30pm	5:30pm	2810	2810	7 hrs
3	...	1	20150045168	John Muryu J.T.A	9:10pm	4:30pm	9:10pm	4:30pm	2817	2817	7 hrs
4	...	2	...	...	1:10pm	8:33pm	1:10pm	8:33pm	2824	2824	7 hrs
5	...	2	...	...	8:30am	7:17pm	8:30am	7:17pm	2830	2830	10 hrs
6	...	3	...	...	9:00am	6:17pm	9:00am	6:17pm	2843	2843	9 hrs
7	...	3	...	...	9:17am	5:00pm	9:17am	5:00pm	2851	2851	8 hrs
8	...	4	...	...	11:37am	7:09pm	11:37am	7:09pm	2858	2858	7 hrs
9	...	4	...	...	8:50am	7:33pm	8:50am	7:33pm	2867	2867	9 hrs
10	...	4	...	...	9:15am	3:09pm	9:15am	3:09pm	2884	2884	7 hrs
11	...	4	...	...	10:17am	7:49pm	10:17am	7:49pm	2888	2888	8 hrs
12	...	1	...	...	9:01am	7:23pm	9:01am	7:23pm	2890	2890	8 hrs
13	...	1	...	...	9:27am	6:57pm	9:27am	6:57pm	2897	2897	7 hrs
14	...	1	...	...	9:11am	5:50pm	9:11am	5:50pm	2905	2905	8 hrs
15	...	1	...	...	8:50am	6:10pm	8:50am	6:10pm	2912	2912	8 hrs





PREVIOUS W.T. NO. \* M552749


G.K. NO. \* 56609A










MAKE \* SAATHI UNIT \* COUNTY STATION \* Kizuri

TICKET NO.

M 852783

Driver's Name and Number

Number, Name and Designation of Authorizing Officer		Specimen Signature of Authorizing Officer
No.	Name	
1	20160101655 - Fair G. Amato - sec	
2	20160073191 Kibiro P	
3		

Date	Driver's No.	Details of Journey and Route in full	No. and Signature of person authorizing Journey	Oil drawn (litres)	Fuel drawn (litres)	P.O.L. (S 15) Voucher No. or L.P.O. No. or Cash Voucher No.	Time		Speedo Reading end of Journey	Kilometres of Journey
							Out	In		
01/09/08	2	Umu-Kibisi Kyasin' morning	1 	(6)	(7)	(8)	(9)	(10)	(11)	(12)
02/09/08	2	Kwa Kibisi Kyasin' evening	1 				8:30am	6:10pm	2325	9 hrs
03/09/08	2	Kwa Kibisi Kyasin' morning	1 				8:11am	5:16pm	2335	16 hrs
04/09/08	2	Kwa Kibisi Kyasin' morning	1 				9:55am	6:09pm	2340	5 hrs
05/09/08	2	Kwa Kibisi Kyasin' morning	1 				10:06am	8:55pm	2348	8 hrs
06/09/08	2	Kwa Kibisi Kyasin' morning	1 		450ltr		9:55am	6:47pm	2355	7 hrs
07/09/08	2	Kwa Kibisi Kyasin' morning	1 				9:06am	5:50pm	2363	8 hrs
08/09/08	2	Kwa Kibisi Kyasin' morning	1 				10:05am	5:22pm	2370	7 hrs
09/09/08	2	Kwa Kibisi Kyasin' morning	1 				9:10am	5:02pm	2377	7 hrs
10/09/08	2	Kwa Kibisi Kyasin' morning	1 				10:00am	4:00pm	2387	4 hrs
11/09/08	2	Kwa Kibisi Kyasin' morning	1 		200ltr		2:39pm	6:30pm	2385	4 hrs
12/09/08	2	Kwa Kibisi Kyasin' morning	1 				9:30am	6:06pm	2387	2 hrs
13/09/08	2	Kwa Kibisi Kyasin' morning	1 		50ltr		11:55am	1:50pm	2384	2 hrs
14/09/08	2	Kwa Kibisi Kyasin' morning	1 				11:00am	6:09pm	2395	6 hrs
15/09/08	2	Kwa Kibisi Kyasin' morning	1 				9:00am	5:55pm	2403	8 hrs
16/09/08	2	Kwa Kibisi Kyasin' morning	1 				9:55am	5:39	2410	7 hrs
17/09/08	2	Kwa Kibisi Kyasin' morning	1 		880ltr		10:06am	6:08pm	2418	8 hrs
18/09/08	2	Kwa Kibisi Kyasin' morning	1 		206ltr		9:39am	5:55pm	2426	8 hrs
19/09/08	2	Kwa Kibisi Kyasin' morning	1 				9:00am	6:00pm	2426	01







\*These headings to be completed by Issuing Officer

REPUBLIC OF KENYA

42

MINISTRY OF LANDS, INFRASTRUCTURE AND URBAN DEVELOPMENT

M916721

TRANSPORT-DAILY WORK TICKET DEPT: Roads

TICKET NO.

PREVIOUS W.T. No: M916705 G.K. No: 15/0009A MAKE: SHANLIN UNIT: LANDS STATION: KITUI

Driver's Name and Number		Number, Name and Designation of Authorizing Officer		Specimen Signature of Authorizing Officer
1	ALEX KIMBO 20140095656	4	1 P.O. 023146 Perennial work v. P.C	[Signature]
2	SHAMUN SHAMUN 201601173	5		
3		6		

Date	Driver's No.	Details of Journey and Route in full	No. and Signature of person authorizing Journey		Oil drawn (litres)	Fuel drawn (litres)	P.O.L. (S 15) Voucher No. or L.P.O. No. or Cash Voucher No.	Time		Speedo Reading end of Journey	Kilometres of Journey
			No. (4)	Signature (5)				Out	In		
	(2)	(3)			(6)	(7)	(8)	(9)	(10)	(11)	(12)
04/05/07	2	Mwabani working	1	[Signature]		200lt		9:10AM	5:30PM	1377	6hrs
05/05/07	2	Mwabani working	1	[Signature]		200lt		9:50AM	5:00PM	1384	7hrs
06/05/07	2	Mwabani working	1	[Signature]		200lt		8:10AM	5:00PM	1391	7hrs
07/05/07	2	Mwabani working	1	[Signature]		200lt		9:10AM	5:40PM	1398	7hrs
08/05/07	2	Mwabani working	1	[Signature]		160lt		8:50AM	5:40PM	1409	6hrs
09/05/07	2	Mwabani working	1	[Signature]		150lt		9:00AM	5:00PM	1410	6hrs
10/05/07	2	Mwabani working	1	[Signature]		150lt		9:00AM	5:15PM	1417	7hrs
11/05/07	2	Mwabani working	1	[Signature]		150lt		9:02AM	5:00PM	1423	6hrs



Date	Driver's No.	Details of Journey and Routes in full	No. and Signature of person authorizing Journey		Oil drawn (litres)	Fuel drawn (litres)	P.O.L. (S 15) Voucher No. or L.P.O. No. or Cash Voucher No.	Time		Speedo Reading end of Journey	Kilometres of Journey
			No. (4)	Signature (5)				Out	In		
1	1	Atlix Kato 201400126	1	[Signature]							
2	2	Atlix Kato 201400126	1	[Signature]							
3	3	Atlix Kato 201400126	1	[Signature]							
04/07/07	2	Mathukani working	1	[Signature]							
05/07/07	2	Mathukani working	1	[Signature]							
06/07/07	2	Mathukani working	1	[Signature]							
07/07/07	2	Mathukani working	1	[Signature]							
08/07/07	2	Mathukani working	1	[Signature]							
09/07/07	2	Mathukani working	1	[Signature]							
10/07/07	2	Mathukani working	1	[Signature]							
11/07/07	2	Mathukani working	1	[Signature]							
12/07/07	2	Mathukani working	1	[Signature]							
13/07/07	2	Mathukani working	1	[Signature]							
14/07/07	2	Mathukani working	1	[Signature]							
15/07/07	2	Mathukani working	1	[Signature]							
16/07/07	2	Mathukani - Kaviseni	1	[Signature]							
17/07/07	2	Mathukani - Kanyang	1	[Signature]							
18/07/07	2	Mathukani - Kanyang	1	[Signature]							
19/07/07	2	Mathukani - Kanyang	1	[Signature]							
20/07/07	2	Mathukani - Kanyang	1	[Signature]							

Number, Name and Designation of Authorizing Officer  
 1. Kelvin M. Mamo ASE 2014001317  
 2. Ombelo G. Pok SCA 2016901655  
 3. [Signature]

Specimen Signature of Authorizing Officer  
 [Signature]

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
24/7/07	2	Kanvengal, Kumbhari working	2	[Signature]				10:30 AM	5:55 PM	1224
25/07/07	2	Kanvengal, Kumbhari working	2	[Signature]				9:00 AM	6:30 PM	1223
26/07/07	2	Kanvengal, Kumbhari working	2	[Signature]	Engineer	500 lbs		10:05 AM	5:55 PM	1239
27/07/07	2	Kanvengal, working	2	[Signature]				2:50 AM	5:30 PM	1247
28/07/07	2	Kanvengal, working	2	[Signature]				9:00 AM	4:30 PM	1251
31/07/07	2	Kanvengal, working	2	[Signature]				10:00 AM	5:00 PM	1253
1/08/07	2	Kanvengal, working	2	[Signature]				8:00 AM	5:30 PM	1259
2/08/07	2	Kanvengal, Kumbhari working	2	[Signature]				8:50 AM	5:10 PM	1267
03/08/07	2	Kanvengal, Kumbhari working	2	[Signature]				2:00 PM	5:00 PM	1273
04/08/07	2	Kanvengal, working	3	[Signature]				11:00 AM	5:30 PM	N/A
05/08/07	2	Kanvengal, working	3	[Signature]				9:00 AM	5:00 PM	N/A
06/08/07	2	Kanvengal, working	3	[Signature]				9:00 AM	4:30 PM	N/A
07/08/07	2	Kanvengal, working	2	[Signature]				09:40 AM	3:30 PM	N/A

DRIVER'S REPORT OF DEFECTS		ACTION TAKEN BY OFFICER IC		SUMMARY OF WORK TICKETS		Certified all entries in Details entered in Vehicle Book.
Date	Defects			Ltr. (fuel)	Ltr. (oil)	
24/07/07	Engine Low Clock					
	not working					
				Totals - Fuel and Oil drawn		
				Ltr.		
				Fuel in Tank to be carried forward ..		
				Total Distance (km.)		
				Miles per litre (fuel)		
				Miles per litre (oil)		
				Designation.....		
				Station.....		



7/11/2018

**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT MACHAKOS**  
**ELC. CASE NO. 109 OF 2018**

**B2 YATTA RANCHING CO-OPERATIVE SOCIETY LTD...PLAINTIFF**  
**VERSUS**

- COUNTY COUNCIL OF KITUI .....1<sup>ST</sup> DEFENDANT**
- CEDRIC SAMMY MWANZIA.....2<sup>ND</sup> DEFENDANT**
- MUTHENGI MULAMBAYA.....3<sup>RD</sup> DEFENDANT**
- MUSYOKI SYUKI.....4<sup>TH</sup> DEFENDANT**
- NGUU NDONGA.....5<sup>TH</sup> DEFENDANT**
- BENSON NGUTHU .....6<sup>TH</sup> DEFENDANT**
- FESTUS MUSUMBA KAKYA.....7<sup>TH</sup> DEFENDANT**
- JOSEPH NDELI MUSYOKA.....8<sup>TH</sup> DEFENDANT**
- PIUS KAKONO KAU .....9<sup>TH</sup> DEFENDANT**
- GEOFFREY DIDINGA SAMBI.....10<sup>TH</sup> DEFENDANT**
- BEATRICE MATHEKA.....11<sup>TH</sup> DEFENDANT**
- MUNINI KITHAMI .....12<sup>TH</sup> DEFENDANT**
- THE ATTORNEY GENERAL .....INTENDED 13<sup>TH</sup> DEFENDANT**

**RULING**

1. The two Applications before me are dated 5<sup>th</sup> March, 2020 and 31<sup>st</sup> March, 2020 by the 2<sup>nd</sup> to 6<sup>th</sup> Defendants and the 1<sup>st</sup> Defendant respectively. In the Application dated 5<sup>th</sup> March, 2020 by the 2<sup>nd</sup> to 6<sup>th</sup> Defendants, the 2<sup>nd</sup> to 6<sup>th</sup> Defendants are seeking for the following orders:

*a) That an order of injunction be and is hereby issued restraining the 1<sup>st</sup> Defendant. The Commandant National Police Service Training Campus – Kitui, Abdullahi K.*

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**Adan, Engineer Jacob Kakundi, the intended 13<sup>th</sup> Defendant and all the parties to this suit whether by themselves, their agents, servants or otherwise howsoever from excising L.R. Number 12010 "the suit property" into sub-divisions or independent titles or implementing the Notice published in the Daily Nation of 14<sup>th</sup> February, 2020 or implementing the resolutions passed by the Plaintiff, 1<sup>st</sup> Defendant and the 13<sup>th</sup> intended Defendants at the 1<sup>st</sup> Defendants Boardroom on the 6<sup>th</sup> August, 2019 or changing the character of the suit property or extending the various parties areas of occupation in the suit property or carrying out any constructions or excavations on the suit property pending the hearing and determination of this suit.**

- b) That Abdullahi K. Adan and Engineer Jacob Kakundi be committed to Prison for a term not exceeding six (6) months for being in contempt of the court orders of the 12<sup>th</sup> February, 2009, 17<sup>th</sup> June, 2010, 22<sup>nd</sup> January, 29<sup>th</sup> July and 24<sup>th</sup> September, 2019 preserving the suit property.**
- c) That the costs of this Application be borne by the 1<sup>st</sup> and 13<sup>th</sup> intended Defendants.**

The Application is supported by the Affidavit of the 2<sup>nd</sup> Defendant who has deponed that he is the Secretary of Nguamuka Farmers Environment Conservation Group "the Society"; that this suit was filed by the Plaintiff in the year 2008 and that the 2<sup>nd</sup> to 6<sup>th</sup> Defendants were subsequently joined in the suit.

The 2<sup>nd</sup> Defendant deponed that on 12<sup>th</sup> February, 2009, the court ordered that the *status quo* in the suit property be maintained until the matter proceeds for trial; that as at the time of making the orders, the Administration Police were occupying a small portion of the suit property measuring 300 acres and that the suit property is over 30,000 acres.

4. According to the 2<sup>nd</sup> Defendant, on 24<sup>th</sup> September, 2019, the 1<sup>st</sup> Defendant, in conjunction with the representatives of the Attorney General, members of the Administration Police Campus, amongst others, attended a meeting in which they resolved that there should be demolition of the structures standing on the suit property; the construction of the hostels and the residential quarters on the suit land to proceed and the suit to be frustrated to allow the ongoing developments on the suit property.
5. The 2<sup>nd</sup> Defendant deponed that during the period from 12<sup>th</sup> to 16<sup>th</sup> August, 2009, he saw a helicopter and a drone flying over the suit property carrying out aerial survey of the suit property and that the 1<sup>st</sup> Defendant declared in its boardroom of its intentions to frustrate the proceedings herein.
6. The 2<sup>nd</sup> Defendant deponed that on 14<sup>th</sup> February, 2020, the 1<sup>st</sup> Defendant published a notice in the Daily Nation where it advertised the completion of Part Development Plans for the entire suit property and that the 1<sup>st</sup> Defendant has earmarked the suit property as follows: 1,887.03 Ha for the benefit of the Administration Police; 1,213.80 for the settlement of squatters; 4,440 Ha for the expansion of Musingi Market and 4.00 Ha for the benefit of Daughters of Jesus the Good Shepherd and that the notice was published for the sole purpose of implementing the resolutions of 6<sup>th</sup> August, 2019.

The 2<sup>nd</sup> Defendant lastly deponed that the notice that was published by the 1<sup>st</sup> Defendant was in violation of the orders of the court made on 15<sup>th</sup> February, 2009; that the commandant of the Administration Police has changed and continues to change the character of the suit property by excising and appropriating the same and that on account of the violation of the court orders, Abdullahi K. Adan, Jacob Kakundi and Nicholas Mutua should be cited for contempt and sent to prison to serve a jail term of not exceeding six months.

In the Application dated 31<sup>st</sup> March, 2020, the 1<sup>st</sup> Defendant has sought for the following orders:

- a. *That the Honourable Court be pleased to vacate and set aside the court's orders issued on 19<sup>th</sup> March, 2020 specifically prohibiting the 1<sup>st</sup> and 13<sup>th</sup> Defendants, their officers, agents, the CEC member for Lands Engineer Jacob Kakundi and the Commandant of the National Police Service Training, College- Kitui Abdullahi K. Adan from further construction on the suit land and allow the 13<sup>th</sup> Defendant and its officers and or agents to continue with the activities of developing the portion of the allocated suit land and continuing with the land use plan for L.R. No. 12010.*
- b. *That the Honourable Court set aside the order of 19<sup>th</sup> March, 2020 prohibiting the 1<sup>st</sup> Defendant from alienating the suit land and allow the 1<sup>st</sup> Defendant to complete the planning process as per the Physical Planning and Land Use Act of 2019.*
- c. *That pending the hearing and determination of this Application, the Honourable Court restrain the 2<sup>nd</sup> to 12<sup>th</sup> Defendants from any intended interference, encroachment and or occupation of apporion measuring 5300 acres currently occupied and in possession of the 13<sup>th</sup> Defendant.*

- d. That pending the hearing and determination of this Application as a matter of urgency and before the 2<sup>nd</sup> to 12<sup>th</sup> Defendants are heard in this Application, the 2<sup>nd</sup> to 6<sup>th</sup> Defendants be required to furnish security for costs as a condition for issuance of any orders affecting the 1<sup>st</sup> Defendant as the suit land does not belong to them and hence these continued Applications is causing inconvenience to the 1<sup>st</sup> and 13<sup>th</sup> Defendants.*
- e. That no prejudice will be suffered if the orders sought herein are issued.*
- f. That the continued existence of the orders issued on 19<sup>th</sup> March, 2020 prejudices the 1<sup>st</sup> Defendant/Applicant.*
- g. That costs of this Application be in the cause.*

The Application is supported by the Affidavit of the 1<sup>st</sup> Defendant's County Executive Committee Member responsible for Land, Infrastructure, Housing and Urban Development, Kitui County, who deposed that the 1<sup>st</sup> Defendant has been prejudiced by the orders of 19<sup>th</sup> March, 2020 and that the portion of land measuring 5,300 acres of L.R. No. 1210 currently houses the headquarters of the Border Police Unit and the National Police Service Border Police Training Campus as well as a field training ground for the two institutions.

According to the 1<sup>st</sup> Defendant, if the 2<sup>nd</sup> to 6<sup>th</sup> Defendants have any claim, then such a claim ought to be made in accordance with the provision of the law; that the 1<sup>st</sup> Defendant has completed the preparation of a Part Development Plan for L.R. No. 12010 in which they have proposed the excision of the land for the extension of the

police training camp; for settling squatters; for expansion of the Musingo Market and for the Daughters of Jesus/the good Shepherd.

1. The 1<sup>st</sup> Defendant's County Executive deponed that the Gazette Notice N<sup>o</sup>. 1405 dated 21<sup>st</sup> February, 2020 announced to the general public that the Part Development Plan had been deposited for the public inspection; that the 2<sup>nd</sup> to 6<sup>th</sup> Defendants raised their objections through their advocate and that the 2<sup>nd</sup> to 6<sup>th</sup> Defendants have never produced evidence to show that they occupy the suit property.

2. The 2<sup>nd</sup> to 6<sup>th</sup> Defendants filed their Grounds of Opposition to the 1<sup>st</sup> Defendant's Application. According to the 2<sup>nd</sup> to 6<sup>th</sup> Defendants, the orders that were granted on 19<sup>th</sup> March, 2020 were meant to preserve the suit property; that the 1<sup>st</sup> Defendant has admitted publishing a gazette notice with the intention of excising the suit property and that the excision of the suit property will extinguish the suit property.

3. The Plaintiff's Chairman swore an Affidavit in which he deponed that he supports the orders of injunction as against the 1<sup>st</sup> Defendant; that the Plaintiff was left out in the Part Development Plan despite the earlier agreement between the Plaintiff, the 1<sup>st</sup> Defendant and the 13<sup>th</sup> Defendant which required the Plaintiff to be allocated 10,200 acres of the suit land and that there are two active matters in this court pertaining to the suit land.

It was the deposition of the Plaintiff's Chairman that the publication of the Part Development Plan by the 1<sup>st</sup> Defendant was in contravention of the orders of the court dated 29<sup>th</sup> July, 2019 and that the Plaintiff has no objection to the developments of the land by the 13<sup>th</sup> Defendant but oppose the sub-division of the entire land by the 1<sup>st</sup> Defendant as proposed as the excision of the land and development does not take into consideration the proprietary interest of the Plaintiff.

The 2<sup>nd</sup> to the 6<sup>th</sup> Defendant's advocate submitted that the suit property is Community/Trust land; that the Application dated 26<sup>th</sup> June, 2019 filed by the 2<sup>nd</sup> to 6<sup>th</sup> Defendants for injunction is distinguishable from the current Application and that the current Application was prompted with the publication of the Part Development Plan in respect to the suit land.

Counsel submitted that the proposed sub-division of the suit property by the 1<sup>st</sup> Defendant seeks to obliterate the suit property; that should the 1<sup>st</sup> Defendant sub-divide and allocate the suit property, there will be nothing left to litigate over; that the 1<sup>st</sup> Defendant, in a meeting held on 8<sup>th</sup> August, 2019, discussed on how to frustrate the current suit and that the suit property should be preserved pending the hearing of the suit.

7. In his part, the 1<sup>st</sup> Defendant's advocate submitted that the suit land is approximately 30,000 acres; that the Administration Police has been allocated 5,000 acres and that none of the 2<sup>nd</sup> to the 6<sup>th</sup> Defendants live on the suit property.

8. The 1<sup>st</sup> Defendant's advocate submitted that the suit property is Public land as defined by the Constitution; that the Administration Police is a public organ sitting on public land; that the suit land was previously leased to the Plaintiff and that the said Lease expired. According to the 1<sup>st</sup> Defendant's advocate, the 2<sup>nd</sup> to the 6<sup>th</sup> Defendants do not have a Counter-claim; that it is the Plaintiff who can seek for an injunction and that the court has already held that the 2<sup>nd</sup> to 6<sup>th</sup> Defendants can claim for compensation in the event their claim succeeds. According to the 1<sup>st</sup> Defendant's advocate, the issues raised in the current suit were settled by the court in its Ruling of 24<sup>th</sup> April, 2020.

9. The 13<sup>th</sup> Defendant's advocate submitted that the suit land is neither community land nor Trust land; that the suit land is Public land as defined by the Constitution; that the Ruling of this court delivered on 24<sup>th</sup> April, 2020 found that the Plaintiff did not have a prima facie case and that the 1<sup>st</sup> Defendant can deal with the suit land.

10. The 13<sup>th</sup> Defendant's counsel submitted that the 2<sup>nd</sup> to 6<sup>th</sup> Defendants submitted in their Affidavit that they were allocated 19,000 acres; that



The suit property is 30,000 acres; that the impugned Part Development Plan is only in respect of 8,000 acres and that the process of the Part Development Plan should be allowed to go on.

1. The Plaintiff's advocate submitted that the Plaintiff is entitled to 8,000 acres of the suit land; that the suit land should be preserved pending the hearing of the suit and that the process of preparing the Part Development Plan by the 1<sup>st</sup> Defendant should be stopped.

**Analysis and findings:**

2. This suit was commenced by way of a Plaint dated 14<sup>th</sup> February, 2008 in which the 1<sup>st</sup> Defendant was the only Defendant. In the original Plaint, the Plaintiff averred that it is in the business of Ranching and that prior to 1974, the Plaintiff existed as two separate Societies, namely, B2 Yatta Kanyonyooni Ranching Co-operative Society and B2 Katoteni Ranching Co-operative Society Limited.

1. The Plaintiff averred in the Plaint that B2 Yatta Kanyonyooni Ranching Co-operative Society Limited and Katoteni Ranching Co-operative Society Limited were registered under the Co-operative Societies Act.

.. The Plaintiff further averred that on 10<sup>th</sup> January, 1967, vide Gazette Notice Numbers 183 and 184, the 1<sup>st</sup> Defendant set apart two blocks of Trust Land and Leased them to Katoteni Ranching Co-operative

Society Limited and B2 Yatta Kanyonyooni Ranching Co-operative Society Limited respectively; that the blocks that were set apart were L.R. No. 11802, leased to B2 Yatta Kanyonyooni, and L.R. No. 12010 leased to Katoteni Ranching Co-operative Society Limited.

4. The record shows that on 6<sup>th</sup> March, 2008, the 2<sup>nd</sup>-7<sup>th</sup> Defendants filed an Application seeking to be enjoined in the suit on the ground that they are residents on L.R. No. 12010 measuring approximately 30,200 acres. In his Affidavit, the 2<sup>nd</sup> Defendant deponed that he is the Secretary of "*Katoteni Nguamuka Farmers Environmental Conservation*" and that it was just and necessary for the Intended Defendants to be enjoined in these proceedings to enable the court effectively and completely adjudicate upon and settle all the questions involved in the suit.

5. The record shows that by way of a Notice of Motion dated 26<sup>th</sup> July, 2019, the 2<sup>nd</sup> to the 6<sup>th</sup> Defendant sought for an order of injunction "*preserving the character of L.R. No. 12010 by restraining all the parties to these proceedings including the commandant, National Police Service Training Campus Kitui, the intended 13<sup>th</sup> Defendant, from evicting, destroying property or homes, carrying out constructions, extending the portions they are occupying in the suit property pending the carrying out of the survey exercise ordered by the court on 18<sup>th</sup> June, 2019 and the final determination of the suit*"

27. In its Ruling dated 24<sup>th</sup> April, 2020, the court dismissed the said Application. In the said Ruling, this court held as follows:

**"... if the 2<sup>nd</sup> – 7<sup>th</sup> Defendants' claim is that the National Government is appropriating their land measuring 5,300 acres, then they can seek for compensation but not injunction."**

28. Indeed, the gravamen of the 2<sup>nd</sup> to 6<sup>th</sup> Defendant's Application dated 16<sup>th</sup> July, 2019 was that the National Police had only been allocated 100 acres of the suit land, and that the National Police had extended the boundaries of their land to 5,300 acres and were in the process of evicting them from the suit land. The Ruling of this court was therefore in respect of the 5,300 acres of land that was being claimed by the National Police, and not the entire suit property.

29. In the current Application, the 2<sup>nd</sup> to 6<sup>th</sup> Defendants have placed before this court a notice published in the Daily Nation Newspaper of 14<sup>th</sup> February, 2020 stating as follows:

**"PDP NO. KII/271/KITUI 2019/02 RURAL: Proposed excision of LR NO. 12010 INTO:**

- i. Extension of Boarder Police Training Campus (887.03 Ha)**
- ii. Squatter settlement scheme (1213.80 Ha)**
- iii. Expansion of Musingi market (4.140 Ha)**
- iv. Proposed daughters of Jesus, the good shepherd (4.00 Ha)**

**Notice is hereby given that preparation of the above named Part Development Plan has been completed..."**

c. The said public notice was signed by the 1<sup>st</sup> Defendant's County Executive Committee Member, Lands, Infrastructure, Housing and

Urban Development, Engineer Jacob Kakundi. It is obvious that while this suit was pending, the 1<sup>st</sup> Defendant was preparing a Part Development Plan in respect to the suit property. Indeed, the prepared Part Development Plan is in respect to not only the land that the National Police is claiming, but also in respect to some entities that are not before the court.

The 1<sup>st</sup> Defendant's County Executive Committee Member, Lands, Infrastructure, Housing and Urban Development, Engineer Jacob Kakundi, has admitted in his Affidavit that the 1<sup>st</sup> Defendant has completed a Part Development Plan in respect to the suit property for excision of land as indicated in the public notice of 14<sup>th</sup> February, 2020.

In his Affidavit, Engineer Kakundi further stated as follows:

***"13. THAT I signed the Gazette Notice No. 1405 dated February, 21, 2020 under the requirements of the Physical Planning and Land Use Act, 2019, announcing to the general public that the Part Development Plan has been deposited for public inspection during office hours, at the office of the Chief Officer responsible for lands, for a period of 60 days."***

The 1<sup>st</sup> Defendant has been a party to this suit since the year 2008 when the suit was filed in the High Court. The record shows that on 12<sup>th</sup> February, 2009, Lenaola J. (as he was then) allowed the Plaintiff's Application dated 16<sup>th</sup> February, 2008 as follows:

***"That Application dated 16<sup>th</sup> February, 2008 is to be determined by way of an order of status quo to be maintained until matter to proceed to trial."***

14. The above order of *status quo* was made in the presence of the 1<sup>st</sup> Defendant's advocate. On 29<sup>th</sup> July, 2019, the parties herein entered into a consent order, which was adopted by the court, in the following

terms:

**"2. THAT the prevailing status quo to be maintained until then, meaning that there should be no demolition of structures on the land, or construction of new structures until 24/09/2019."**

15. On 24<sup>th</sup> September, 2019, this court made further orders as follows:

**"THAT the suit property be preserved in the state that it is in now."**

16. The meaning of the word "*status quo*" was clarified by the Court of Appeal in the case *Shimmers Plaza Limited vs. National Bank of Kenya Limited* [2015] eKLR as follows:

**"Status quo" in normal English parlance means the present situation, the way things stand as at the time the order is made, the existing state of things. It cannot therefore relate to the past or future occurrences or events. We fail to see what can be ambiguous about that order. All it meant was that everything was to remain as it was as at the time that order was given. If there was any transaction of whatever nature that was going on in respect of the land in question, it had to freeze and await the discharging of the Court order."**

17. The order of maintaining the *status quo* in respect to the suit property in all the three instances was granted by the court in the presence of the Defendants' advocates. Indeed, the current jurisprudence only requires a party's advocate to be aware of the court order for the purposes of an

Application for contempt. In the *Shimmers Plaza* case (*supra*), the Court of Appeal held as follows:

**"On the other hand however, this Court has slowly and gradually moved from the position that service of the order along with the penal notice must be personally served on a person before contempt can be proved. This is in line with the dispensations covered under 81.8 (1) (*supra*). Kenya's growing jurisprudence right from the High court has reiterated that knowledge of a court order suffices to prove service and dispense with personal service for the purposes of contempt proceedings. For instance, Lenaola J in the case of *Basil Criticos Vs Attorney General and 8 Others* [2012] eKLR pronounced himself as follows:- "...the law has changed and as it stands today knowledge supersedes personal service.....where a party clearly acts and shows that he had knowledge of a Court Order; the strict requirement that personal service must be proved is rendered unnecessary." This position has been affirmed by this Court in several other cases including the *Wambora* case (*supra*)."**

18. The 1<sup>st</sup> Defendant's County Executive Committee Member, Engineer Kakundi has not informed this court why he prepared the Part Development Plan in respect to the suit property and had it published in the Daily Nation newspaper of 14<sup>th</sup> February, 2020 while the orders of the court for maintenance of *status quo* were in existence.

19. Indeed, instead of responding to the Applicants' depositions that he disobeyed the orders of this court, Engineer Kakundi confirmed the said disobedience of the orders of the court by stating that he had signed a Gazette Notice No. 1405 dated 21<sup>st</sup> February, 2020 announcing to the general public about the Part Development Plan.

40. The publication of the Part Development Plan in respect of the suit property in the Daily Newspaper and the Kenya Gazette by Engineer Kakundi during the pendency of the orders of *status quo* by this court, with a view of sub-dividing the suit property into four portions, are an affront to the rule of law. The obligation by all persons to obey court orders at all times has been reinstated by the courts for the umpteenth time. In *Hadkinson vs. Hadkinson*, (1952) ALL ER 567, Romer, L.J held as follows:

*"It is the plain and unqualified obligation of every person against, or in respect of, whom an order is made by a court of competent jurisdiction to obey it unless and until that order is discharged. The uncompromising nature of this obligation is shown by the fact that it extends even to cases where the person affected by an order believes it to be irregular or even void."*

41. In the case of *Chuck vs. Cremer (1)* (1 Coop. temp. Cott 342), Lord Cottenham, L.C., held as follows:

*"A party, who knows of an order, whether null or valid, regular, or irregular, cannot be permitted to disobey it... It would be most dangerous to hold that the suitors, or their solicitors, could themselves judge whether an order was null or valid- whether it was regular or irregular. That they should come to the court and not take upon themselves to determine such a question. That the course of a party knowing of an order, which was null or irregular, and who might be affected by it, was plain. He should apply to the court that it might be discharged. As long as it exists it must not be disobeyed."*

42. The 1<sup>st</sup> Defendant's County Executive Committee Member, Engineer Kakurdi, disobeyed the orders of this court by publishing a Gazette Notice number 1405 dated 21<sup>st</sup> February, 2020 under the requirements

court of 24<sup>th</sup> April, 2020 in which the 2<sup>nd</sup> to the 6<sup>th</sup> Defendants' Application for injunction *vis-a-vis* the 5,300 acres, I find that the said Abdullahi K. Adan, Commandant, National Police, Border Police Unit, is not in contempt of the orders of this court.

41. The last issue for determination is whether an injunction should issue in respect of the excision of L.R. No. 12010 into independent titles as published in the Part Development Plan by the 1<sup>st</sup> Defendant. Considering that Lenaola J. (*as he was then*) did direct that the *status quo* in respect of L.R. No. 12010 should be maintained pending trial, and that order having not been set aside, the sub-division of the suit property by the Defendants, or any other entity should be stopped.

42. Indeed, and as correctly submitted by the 2<sup>nd</sup> to the 6<sup>th</sup> Defendants' counsel, the sub-division and alienation of the suit property to third parties will obliterate the suit property, thus taking away the substratum of the suit. It has been established by the law and decided cases that the main purpose for issuance of a temporary injunction order is the preservation of the suit property and the maintenance of the *status quo* between the parties, pending the disposal of the main suit (*See Fessenden vs. Higgs and Hill Ltd [1935] ALL ER 435*).

43. That being so, and the court having made a Ruling on 24<sup>th</sup> April, 2020 dismissing the 2<sup>nd</sup> to 6<sup>th</sup> Defendants Application in respect to the

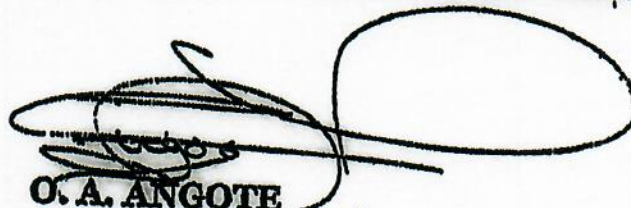


utilisation of the 5,300 acres of the suit property by the National Police, Border Police Unit, pending the hearing of the suit, the *status quo*, as ordered by the court on 12<sup>th</sup> February, 2009 should be maintained pending the hearing of the suit.

4) For the reasons I have given above, I dismiss the 1<sup>st</sup> Defendant's Application dated 31<sup>st</sup> March, 2020 with costs and allow the 2<sup>nd</sup> to the 6<sup>th</sup> Defendants' Application dated 5<sup>th</sup> March, 2020 as follows:

- a) *Engineer Jacob Kakundi, the 1<sup>st</sup> Defendant's County Executive Committee Member, Lands, Infrastructure, Housing and Urban Development, be and is hereby found to be in contempt of the orders of this court of 12<sup>th</sup> February, 2009, 29<sup>th</sup> July, 2019 and 24<sup>th</sup> September, 2019.*
- b) *The said Engineer Jacob Kakundi, the 1<sup>st</sup> Defendant's County Executive Committee Member, Lands, Infrastructure, Housing and Urban Development, to appear in this court for mitigation and sentencing.*
- c) *Save for the utilisation of the 5,300 acres of the suit property by the National Police, Border Police Unit, the status quo, as ordered by the court on 12<sup>th</sup> February, 2009, to be maintained pending the hearing of the suit.*
- d) *The 1<sup>st</sup> Defendant to pay the costs of the Application.*

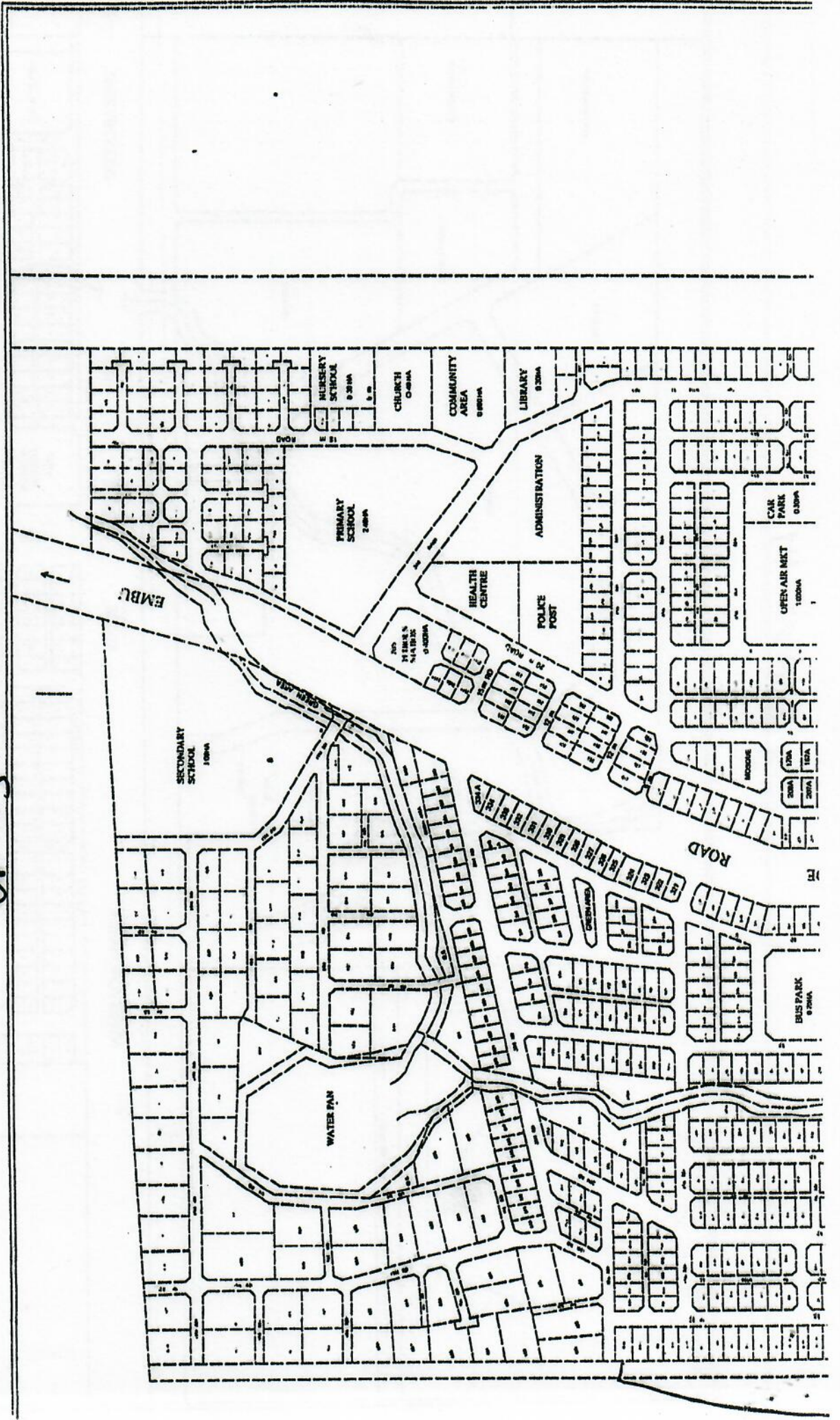
MAILED, DELIVERED AND SIGNED IN MACHAKOS THIS 15<sup>TH</sup>  
DAY OF JULY, 2020.

  
O. A. ANGOTE  
JUDGE

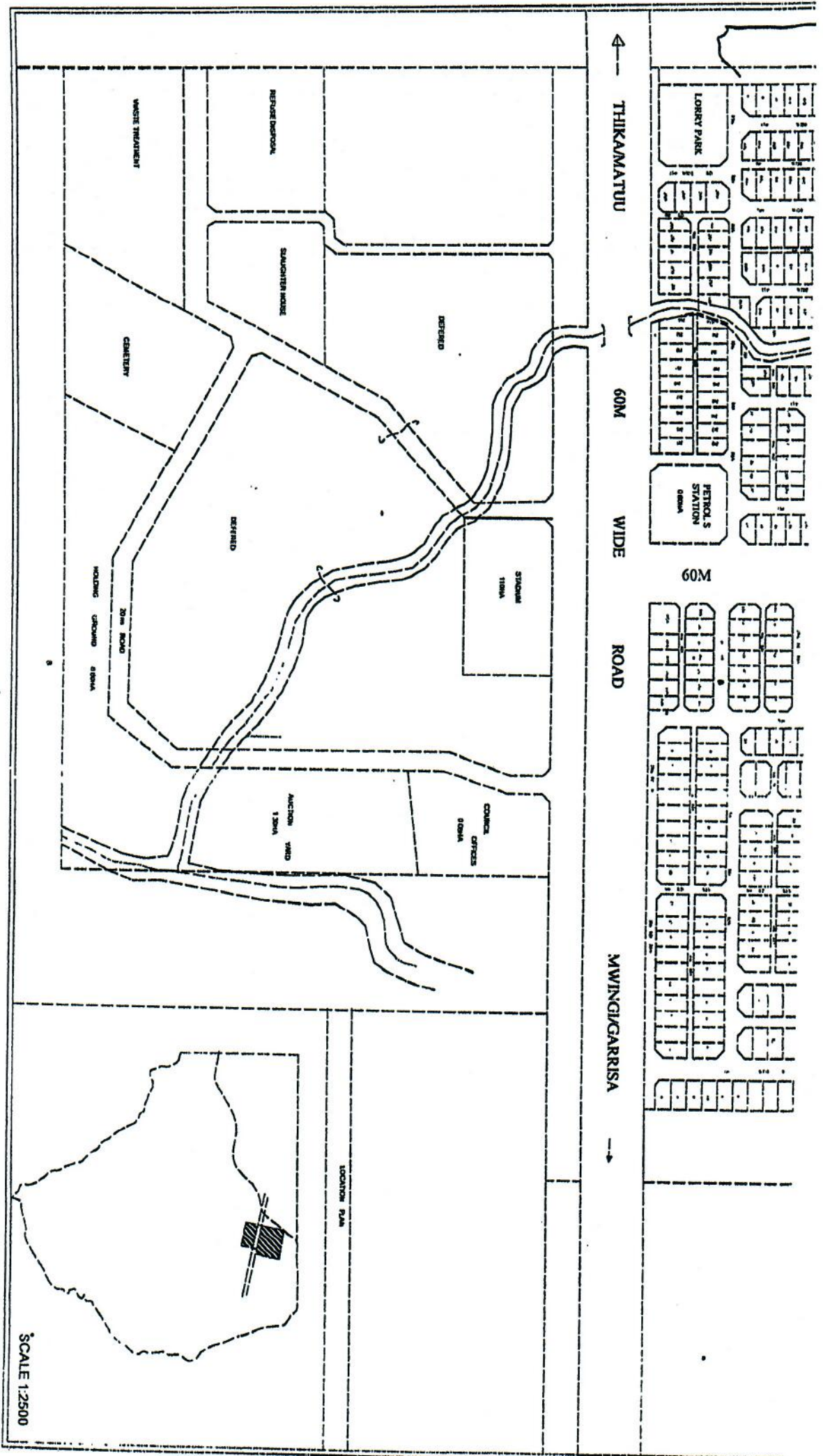


ANNEX 14

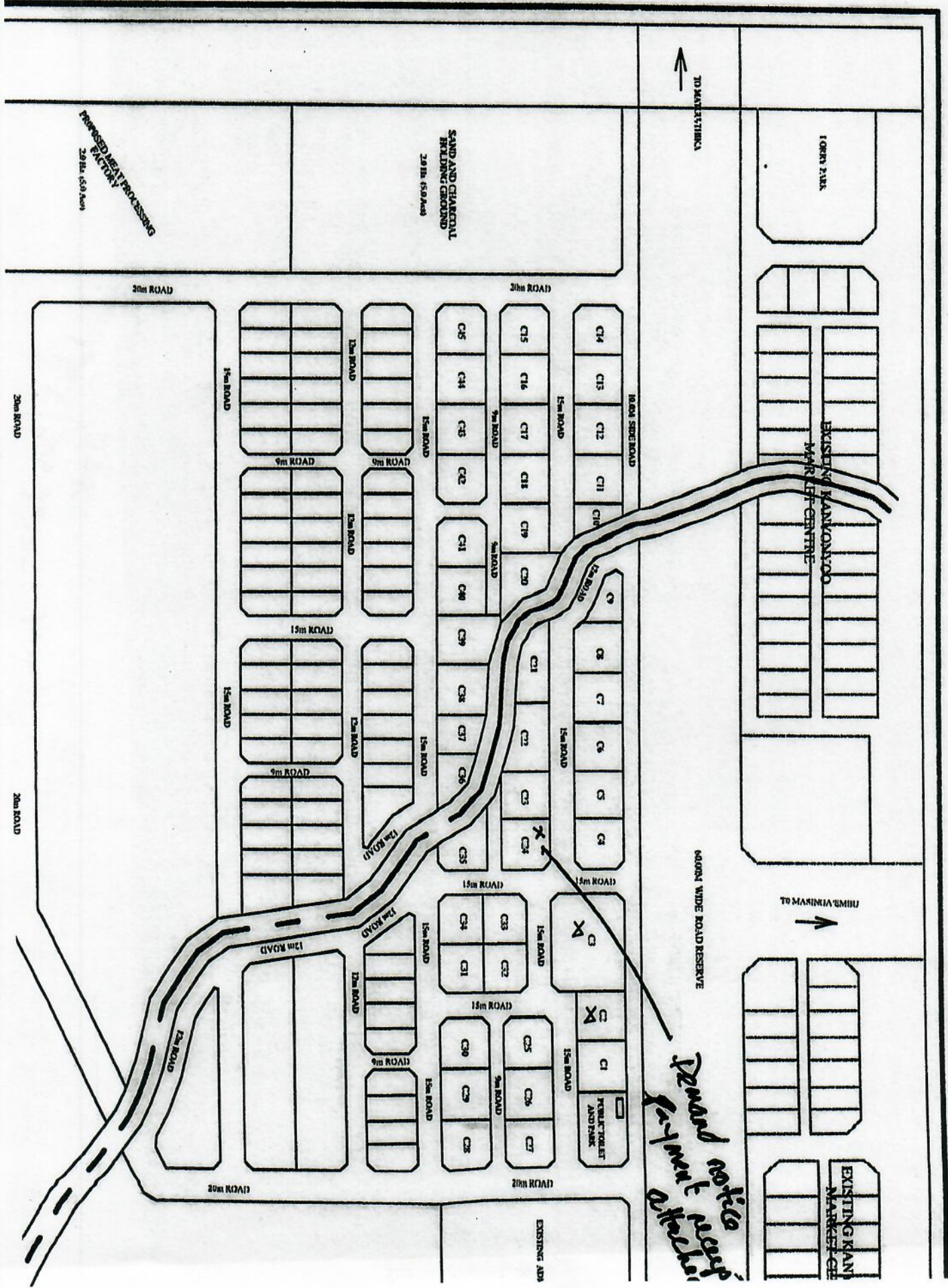
Original map



ANNEX 17



ANNEX 15



Road office report for market expansion



Demanded Notice  
U.A. No. 1/2007-2008 GOVT. OF KITUI-GOV. OF KITUI-KITUI Date Issued  
25.8.2008

Particulars	Particulars	Particulars	Particulars	Particulars	Particulars	Particulars	Particulars
Local Rates	General Rate	Specialized	Special	Other	Other	Other	Other
0	0	0	0	0	0	0	0

TOTAL AMOUNT DUE KSH 1000

Notice is hereby given that the amount due on account of the above mentioned rates is hereby demanded and the same is payable to the office of the Controller of Rates, Kitui District Office, P.O. Box 100, Kitui, Kenya.

**PROPERTY RATES  
PAYMENT REQUEST**

Number LR1811-00004  
Date 02-Nov-2018

A Name: - 306 - COUNTY GOVERNMENT OF KITUI-KITUI

**CUSTOMER SERVICES OFFICE**  
The Customer Services Office Notifies

**DENNIS MBANGU (104-00051-YATTA DIVISION)**

that the PROPERTY RATES payment for KANYONYOO /C 26 is due at the CASH OFFICE of the council

**DETAIL OF CHARGES**

NO.	Account	CostCentreID	Description
1	1-2501	0304-02-00	Ground Rent

Amount (KSh)  
1,000

Bill Total Amount 1,000

Annual Rates : 0    Ground Rent : 1,000    Other Charges : 0    Total : 1,000

The total outstanding amount before payment is KShs. 1,000  
**NOTE : LATE PAYMENTS ATTRACT A PENALTY OF 3.00% PER MONTH FROM DUE DATE**

Payment Information

306672018110000 GEN1000 LR1811-00004-1000 DENNIS MBANGU 20181102102

RECEIVED BY DANANI

No. 134116 (THANK YOU)

(Customer Copy)



*Voas* *Grades* *Ende* **ANNEX 18**  
**COUNTY GOVERNMENT OF KITUI**

Call phone: 0702615888/0702615444  
0731717100  
Email: [Kituacounty@kenya.go.ke](mailto:Kituacounty@kenya.go.ke)



Ministry of Lands, Infrastructure,  
Housing and Urban Development  
Head Quarter

**MINISTRY OF LANDS, INFRASTRUCTURE, HOUSING & URBAN DEVELOPMENT**

Ref: CGOKTI/CEC-LIHU/COUNTY ASSEMBLY/101

Date: 17<sup>th</sup> February, 2020

Hon. Geoffrey Mull Mwallimu  
Chairman, Committee for Lands, Infrastructure,  
Housing & Urban Development  
County Assembly of Kitui  
P.O. Box 694 – 90200  
**KITUI**

*Noted*

*18/02/2020*



*Forwarded to*  
*18/2/2020*

Thro'

The Clerk  
County Assembly of Kitui  
P.O. Box 694 – 90200  
**KITUI**

Dear Sir,

**RE: SCHEDULE OF ROADS FOR GRADING FOR THE FINANCIAL YEAR  
2019/2020**

Attached please find a schedule of Roads for Grading Program for the FY 2019/2020 for your records.

Please note that the grading program will be launched by the Sub-County Administrators at the Sub-County Level. The grading program shall be carried out using the County Machinery for all wards save for the Wards within the Kitui Municipality and the Proposed Mwingi Municipality which will be carried out by the plants from the State Department of Transport and Infrastructure.

Yours Sincerely, CM

*[Signature]*  
17 FEB 2020

Eng. Jacob Kakundi  
County Executive Committee Member  
**MINISTRY OF LANDS, INFRASTRUCTURE,  
HOUSING & URBAN DEVELOPMENT**

# COUNTY GOVERNMENT OF KITUI



## MINISTRY OF LANDS, INFRASTRUCTURE, HOUSING AND URBAN DEVELOPMENT (LIHUD)

### DEPARTMENT OF ROADS AND ALLIED INFRASTRUCTURE

#### ROADS TO BE GRADED THROUGH INHOUSE PROGRAMME FY 2019-2020

MWINGI WEST SUB COUNTY		
KYOME/THAANA WARD		
S/NO.	NAME OF ROAD	APPROX. LENGTH (KMS)
1	Kwa Ighau Canteen Through Mbuvi Kavuo -Kwa Kongo Mbitl To Kwa Ngamu	2.4
2	From Ithenze Market Through Mathew Ngusya To River Boundery	2.3
3	From Muthul Mbelu Through Kwa Nzue Mwavu To Kwa Maitha Mbelu	2
4	Junction Wikivuvwa At Kwa Mulmi Mulyungi Through Muthithu Market Through Kwa Kinyal To Isyukoni Kwa Mutla To Mavul Junction Thaana Road At Major General Mukala Home	6
5	Kwa Gedlon Mkt To Singla/Kasevi Dispensary	1.4
6	Thokoa (Salvation Army) Through Mwendwa Seve To Nguuni Junction	4.0
7	Thokoa Catholic Junction Throgh Kighaeni Alc To Singla Dispensary	2.4
8	Musuanl Pri-Ikomanzoka -Kanyekini Pri Through Kaoka River To Junction Thika -Garissa Highway	6.
9	County Hqs Through Kitumbi Mkt To Kwakaranga	6.0
10	Road Opposite Nguutani Junlor Accademy Through Kwa Mbuku Water Points To Thitani Health Center	2.5
11	Alc Mbaunzo To Kilela Dam Through Kilela Primary To Kwangula Irrigation ( At Junction Kasanga Road)	5.5
12	From Kanyaa Dispensary To Itumba River	0.8
13	From Dondoma Market Through Kwa Mulyungi Shopping Center To Kyondoni Ecde To Kalela Kwa Kavae	2.9
14	From Muambani Kwa Sava To Thaananzau Dispensary To Thaana Deliverence Church Junction.	2.1
15	Alc Muutini To Mbululo River	0.9
16	Kyome Mkt Through Kwa Mwando To Junction Mbao Secondary	3.3
Grand Total		<b>50.50KM</b>

MIGWANI WARD		
S/NO.	NAME OF ROAD	APPROX. LENGTH (KMS)
1	Migwani police-kyambo secondary feeder road	2.5
2	Catholic - kwa kathanzu -kilela	5
3	Itumbi-kithukumani-kwa nzamo-kalluni	3
4	Aic primary - kwa mulindu - kitahaunani	1.5
5	Kamutisya - king'ethesyoni - kamuyuni - kavalyani	3
6	Kitonyeoni-kalembwa -kallu ni	2
7	Makutano -katalwa	3
8	Mumbuni-kwa kathanzi	1.5
10	Mapenzi conner-tyaa/kwa rumbu	2
11	Makutano-katalwa-nzala	3
12	Kwa kyelu primary-makasini-kwa peter sand dam	2.5
13	Kwa kyelu junction -mung'alu shopping centre	3
14	Kitooni-ABC kilungu junction	1
15	Kilungu shopping centre -muthunzuu primary school	3
16	Kilulu-kwa kathanzi	5
17	Kisovo-mathuma shopping centre	2
18	Kisovo-ltheng'eli town	2
20	Kwa Stephen- kamutungu primary via kwa mwaniki - kanyuuni secondary - mutulu full gospel church	3
21	Kaluu market - kalala - kwa nzuki road	2
	<b>Total</b>	<b>50.00</b>

KIOMO/KYETHANI WARD		
NO.	NAME OF ROAD	APPROX. LENGTH (KMS)
	Kollani - Kwa Kari - Itendeu - Mukongoro - Syunguni Road	13
	Nzalku - Makutano - Karura	5
	Kairungu - - Kwa Munyanzu -Itongolani - Makutani	10
	Kavuvwani - Katanga - Kathita	15
	Tyaa - Kavingoni - Kasavini	7
	<b>TOTAL</b>	<b>50.0</b>

NGUUTANI WARD		
S/NO.	NAME OF ROAD	APPROX. LENGTH (KMS)
1.	Mukauni Primary – Kwa Nzuki Kasaani-Katuyu Secondary- Katuyu Market – Muambani Primary	8
2.	St. Marys Ngongoni Secondary – Mikwa – Kwa Kaseme – Kwa Nzili – Kwa Mbughu Ndili – Kwa Kaelya	2
3.	Nzawa Market- St Patrick Nzawa Secondary – Kwa Mulae To Masooni Primary	4
4.	Kwa Kavanda – Kwa Mwandikwa To Kakululo Market	1
5.	Muthumula Earth Dam – Kwa Kasuki Nzalae – Kithimani Primary School	5
6.	Mumbuni Drift – Kwa Kavisi Shopping Centre – To Thimu Drift Through Kwa Colonel Ndono	6
8.	Kyuthini To Kasavani Road	3
9.	Muthithini To Kyumbu Road	3
10.	Kalveti Earth Dam- Kavillio Secondary – Nzauni Primary. 4kms	4
11.	Kwa Mutimba – Kilaka – Kyathumbi Primary To St. Mark Catholic Church	3
12.	Kwa Kivonia – Kikilni Sec Ondary To Kalundu River	3
	Kwa Masal (Kasanga Road Junction) To Klumoni Primary School Via Klumoni Shping Centre 3.2 Kms	3.2
14.	Kavoloi Market To 50m Past The River Heading To Katoteni Via Kwa Kimangaya	2
15.	Kwa Muluu To Kwa Kalili Via Kwa Mwota (Ngongoni Kavoloi Road)	3
	<b>TOTAL</b>	<b>50.2</b>

**MWINGI CENTRAL  
WAITA WARD**

/NO.	NAME OF ROAD	APPROX. LENGTH (KMS)
1.	Kwa Kirui – Kwa kithuku – Nzungu	5
2.	Waita – Kangutha – Maleoni	7
3.	Enzlu – Nyaanyaa – Kituluni	8
4.	Nyaanyaa – Syonglla	5
5.	Kwa Simon Mwenga – Karuri – Katothya- Munyumbuni	6
6.	Kisole – Mwambui – Yumbe – Nengyani	8
7.	Munguu-kyandoa-Kathumbini junction	7
8.	Kwakithuku-Mukuni-Kyandwa-Kwamuneni-Kasina	4
	<b>Total</b>	<b>50.00</b>

MUI WARD		
S/NO.	NAME OF ROAD	APPROX. LENGTH (KMS)
1.	Katelko – kivulu – lundi	7
2.	Mathuki – lundi	7
3.	Kathonzweni – Nzia – Musukuli	7.5
4.	Enzlu – Kasevi – Kalitini	7.5
5.	Kasevi – Yumbu	4.5
6.	Katelko – Nduvani	8.5
7.	Kathonzweni – Kyume – Miambani	8
Total		50.00

NUU WARD		
S/NO.	NAME OF ROAD	APPROX. LENGTH (KMS)
1.	Nuu – Nzanzu – Ndandini – Ngayani mkt)	7
2.	Kwa Nguamwaki – Kathanze Ngayani –	8
3.	Nuu – Kyatune – Kavindu – Makutano – Kwa Musembi	6
4.	Mathini – Matulani – Yatwa – Nguuni – Kavindu	9
5.	Muangenl – Kyandii – Kavindu-Nguuni	7
6.	kiswillini – Syomakethe	7
7.	Nyaani – Kaliku road	6
Total		50.00

KIVOU WARD		
S/NO.	NAME OF ROAD	APPROX. LENGTH (KMS)
1.	Kwa John – Kanzul – Kasovoni –kwa Ngul-Kanzul Secondary-Kwa Muringa –kasovoni- Kyanundu	8
2.	Munakathi – Kyanundu – Kisama – Kalili – Waasya	8
3.	Ikuuni –Kanzoka-kasarani-Mukuthu-kwa manzi - Kwa Mbungu - Nzuli – kilindin/ Malatani-kyanundu	6
4.	Nzuli – Mukuthu – Kasarani	3
5.	Karunga – Kaalange – Kasovoni	5

# ANNEX 18

6.	Junction kwa muralsi – Kwa Nzili – Kwa Nzamu	4
7.	Kalilili – Kavingasi –kwa ngooka	3
8.	Kwa Mbal Kleti – Kwa Mwaniki mulanga– Ikuuni	3
9.	Catholic – Kwa Muthengi – Kyanika sec school	5
10.	Catholic – dumping site – Mangoloma Kwa Kaka	5
<b>Total</b>		<b>50.00</b>

## MWINGI CENTRAL WARD

S/NO.	NAME OF ROAD	APPROX. LENGTH (KMS)
1.	Water tan – Kiberiti Apartments – Kwa Royco – to end at Kwa Kasee Kalatu Plot, also to consider diversion in the same road from kwa Royco downwards	2
2.	Kwa Kitoo junction to kwa Ivisu through Mwingi Baptist Polytechnic also to divert at Kwa Kitheka – Kwa Kilonzi – Maluki Kivlu to Tyaa river	3
3.	Opposite Kwa Mwendu kiosk – Maranatha – Kwa vilvu Mutemi to connect NZeluni road	2
4.	Kwa Mwendwa Nzaghi to connect Matyakani Road	1
5.	Kwa Sammy Musunza – Kitinga Primary to connect Lundl road – 3km	3
6.	Mboru uncton – Mboru primary – Kwa Kyuma – Kwa mzee Waamthina to Tyaa river road – 2km	2
7.	Kwa wamthina junction – Kwa Musyoka Katuku to connect NZeluni Road	1
8.	Kiseveni junction – Kwa Kalani to Kwa Kisio Musili road	1
9.	Musukini primary – Kyalya to Mulang'a shopping centre	4
10.	Kwa Kitungu junction to Kwa Mumo Mwangangi road	2
11.	Matyakani – New Apostolic church – Kwa Nguti Musyimi – Syungli secondary – Kwa Lakell Mutemi – Ngunini arket – IPC Ngunbini to Mbarani	5
12.	Kaela to Tyaa river road	1
13.	New Apostolic church to Kwa Nguna Syuki road	1
14.	Mathyakani to Kwa Iwla Junction road – 2km	2
15.	Mathyakani – to Kwa Mbungu road	2
16.	Mulang'a primary – Kwa Kimanzi Nzilu to Katalwa river road – 1km	1

17.	Lundi Junction – Isee primary to Ngunini river road – 4km	4
18.	Kaela Secenary – Mwanyani – Kwa Ing'ol to Katiani road, also to divert at Mwanyani primary to Tyaa river	3
19.	Mwingi Hill – Kwa Kyule Kyenza to Kitinga market	1
20.	Kwa Asst. Chief Villvu – Kwa Mbevo – Kwa Solo to Tyaa river	1.5
21.	Slaughter house – Kwa Mbevo – Kwa Mutunga Ngumu to tyaa river	1.5
22.	Kallsasi Primary – Hon.Kasalu – Kwa Mbee borehole – Kwa Mbiti Mbee to Tyaa river	1.5
23.	Kwa Kitungu junction – Munylthya Kitheka – Musili Kitheka to join Kwa Mbee road	1
24.	Mboru Primary – Kwa Mutunga - Kwa sukua – Kwa Musyoka Sammy – Kwa Sammy to Tyaa river	2
25.	Post Bank – Katangini Kwa Huruma near Baptist church – Faith Medical to Marikiti	2
<b>Total</b>		<b>50.50</b>

#### NGUNI WARD

S/NO.	NAME OF ROAD	APPROX. LENGTH (KMS)
1.	Nguni – Klisu – Kawala – syukathenge	8
2.	Nguni – kyenini – Kamulewa	8
3.	Kisluni – Kyangu 4Km)	4
4.	Levuni – Katuni – Yumbandel -	6
5.	Ivuusya – Kaango – Kyalamoko	5
6.	Ngooni – sosoma – Kathungu	8
7.	Kasiteni – Nzikanl – Mullinde	5
8.	Kwa Mull – Maano – Kabati	2
9.	Kabati – Kalandini – Ngomeni road	4
<b>Total</b>		<b>50.00</b>

## ANNEX 18

KITUI SOUTH  
IKUTHA

1. S/No.	NAME OF THE ROAD	LENGTH (KM)
2.	Kasaala to Kimwell mutindi	9
3.	Ikutha chiefs camp to ndandini.	13
4.	Ngaw'uni town to klusyani primary sch.	2
5.	Makutano kavilingi to Mikuyuni primary sch.	2
6.	Ndili A.I.C to Ilaani then to Imiw'a town	4
7.	A.I.C Ngwate to Kamuvala primary sch.	4
8.	Kasarani to tiva kwa kitavi, Kwa kongo to kwa mulel nursery sch.	6
9.	Yanzati to Kasyella	4
10.	Ngaasani - yauwa-kasyella to yumbu town	6
<b>Total</b>		<b>50.00</b>

## ATHI WARD

S/No.	Road name	Length(kms)
1.	Kalivu kwa mwosa-Ndivuni-Mbooni	7
2.	Kwa Mbuvi-Katulu-Sembeni	9
3.	Tangal-Ivukuvuku-Katilini	10
4.	Munandani-Mbul Ndune-Mwanyani	9
5.	Junction-Muambani/Ilelengi-Mbakoni	10
6.	Nguni-Kwa Kithome-Kwa Mwendwa-Kwa mwosa-Kwa Ngovi- Kimuu - kisingo - Timboni	5
<b>Total</b>		<b>50</b>

## MUTHA WARD

S/No.	Road Name	Length(Kms)
1.	Kitulu-Nguuswini-Makutano junction	8
2.	Kasiluni-Kavete-Nzoani mkt	6
3.	Makosi-Kalindu-Kilmani-Kilongoni	13
4.	Syamatani(junction)-Katese(nzoani sec.)-Kivandeni	7
5.	Malla jnct-Ngaani pri school	4
6.	Kyuasini-Kaliluni	7
7.	Kalambani-Ingo-Musenge jnct- Mulavo - kisingo	7
<b>Total</b>		<b>50</b>



## KANZIKO/SIMISI WARD

S/No.	Road Name	Length(kms)
1.	Kwa embae-Kwa kwilya Junction	
2.	Kaani-Ndillili-Kasivuni	11
3.	Kithausyo playground via Mang'etheni-Kallani-Ndithini	4
4.	Ekani jnct-Ekani mkt-Kwa Nzengu	7
5.	Kanziko-kituvwi-Kitenzele	4
6.	Kathilini GNCA Church-Mwangala mkt-Kyatulu-Kamulambani	12
7.	Ekani market - Waani	8
8.	Kasivuni-Vwailu	3
<b>Total</b>		<b>1</b>
		<b>50</b>

## MUTOMO/KIBWEA WARD

S/No.	Road Name	Length(Kms)
1	Mutomo youth polly - Embae center	
2	Muti center - Kayang'ombe Center	7
3	Kanziku road jntn - Kasyella primary	5
4	Mung'aluni Via kavwee primary - Kauthi Primary - Muvuyuni Primary	6
5	Kwa Muungusu Jnctn - yaana	8
6	Mallil mrkt - Syumatheke - Ngulungu Drift	3
7	Kawelu Mrtk - Kawala Dispensary	5
8	Menzae - Masaa	6
9	Mwamba Borehole - Kisaayani road Jcnt	8
10	Uae Mrkt - Yongela Earth dam	1
11	Uae primary - Muamba road Jctn	1.5
<b>Total</b>		<b>2</b>
		<b>50.5</b>

No.	Road Name	Length(Kms)
	From Kwasonge Shopping Centre-Ndithini-Maweni-Matua	
	Vote Shopping Center-Wingethi-Mutomo	10
	Windundu-Ndatani Road Between Joseph Kilungya And Juma Kinlu	5
	Ndanganl-Kangull	2
	Makeele Shopping Centre-Nzeeu	4
	Tuvila Shopping Centre-Tuvila Dispensary	2
	Kwa Mulingata-Manzee Ecde	1.5
	Itulu-Nzeeu	3.5
	Myel-Syomlsyi(Nzeeu)	1.5
	Chief Makau-Kyawangu	1.5
	Ikanga Market-Ngwalu Muthoka	5
	Kwa Ngwalu-Enzou	7
	Kangull-Kyamulthi-Ngunini Primary School	2.5
<b>Total</b>		<b>5</b>
		<b>50.50</b>

<b>KITUI WEST</b>		
<b>KAUWI</b>		
<b>S/NO.</b>	<b>NAME OF THE ROAD</b>	<b>LENGTH</b>
1.	From Nzemeli-Meta-Kitumba to Ithekeke river	5
2.	From kwa Ngundi-Upendo AIC to main road	4
3.	From Kalingwa-Ngotho Ndelu to river Mithumu	5
4.	From Kyale Muthengi-Nzakati to near Mbiliki	4
5.	From Makutano to Lema chief	5
6.	From Musee Malngi-Nguli Silanga kwa Nzuki to Sangala	8
7.	From Magalita-Ngunanga-Munyithya Kyasya to Nduu	8
8.	From shopping Kikonyo-Kivula to Kithee	5
9.	From kwa Andao Mutinda to kwa Ben Syengo	6
<b>Total</b>		<b>50.00</b>

**KWA MUTONGA/KITHUMULA WARD**

1.	Kyaani to Kivani	1
2.	Kyaani to Kunikila Pry Junction	1.5
3.	Kyaani to Chiefs camp to Kwa Mwati Mbit	1
4.	Kwa Mathinza to Kyethina to Ngomango	2
5.	Ndiuni Chiefs office to Kwa Kaesa to Kauwi river	1
6.	Kwa Muanga to Kwa Kathanzu to Kyethina stream to Kwa Kivasu	2
7.	Inyoeni junction to Ndiuni to Kithumula to Kwa Ndingi	3
8.	Kwa Ngilasl to Kauwi river to Kabati market	2.5
9.	Kwa Ngave to Kacha	1
10.	Kwa Mrefu to Kwa Kitiki	1
11.	Kombu to Musyimi Ndotho to Kathuka	2
12.	Kwa Kamene Kingoo to Kwa Sofia	1
13.	Kathivo to Kalindilo to Kwa Mulungu to Kaayo to Kyamathiaka	11
14.	Maselele to Nziani	1.5
15.	Kwa Ndila to Kwa Musyoki to Kauwi river	1.5
16.	Wayani to Kwa Musau Kithuku to Kaayo river	3.5
17.	Kwa Mumo to Kalimbevo	2
18.	Mutini to Kwa Mumo to Mutonga Kwa Mboya	4
19.	Ndalani to Kithuyani	2
20.	Junction to Mithilkwani	4
21.	Kwa Muange to Kithuyani Pry sch	1.5
<b>TOTAL</b>		<b>50.00</b>

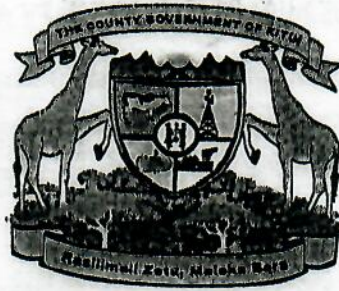
**MUTONGUNI**

<b>S/NO.</b>	<b>NAME OF THE ROAD</b>	<b>LENGTH (KM)</b>
1.	Kyamutimba pri-Nzinia-Mbuini pri-Kwa lonzo-kwa kavisi junction	10
2.	Kwa kavisi junction-kwa Ivia shopping centre-Iiani market	8
3.	Inyoeni-musengo mrkt-syathani-kwa mwalili	9
4.	Muthale catholic-muthale girls	8

# COUNTY ASSEMBLY OF KITUI

TEL: (044)22914  
Email: kituiassembly@gmail.com

P.O.BOX 694-90200  
KITUI



## OFFICE OF THE CLERK

To: Mr. John Mutisya,  
Village Administrator,  
Kwa Mutonga/Kuthumula Ward,  
P.O. Box 33-90200  
County Government of Kitui.

Whereas your attendance is required to Ad Hoc Committee investigating the removal from office of the County Executive Committee Member for Lands, Infrastructure, Housing and Urban Development in relation to the role that you played in engaging youth and women to participate in the bush clearing exercise in 2018, you are hereby required (personally) to appear before the Ad Hoc Committee investigating the removal from office of the County Executive Committee Member for Lands, Infrastructure, Housing and Urban Development on the 9<sup>th</sup> day of September, 2020, at 9.00 o'clock in the forenoon at the Kitui County Assembly Board Room, Kitui Town and to bring with you the list of all the youth and women who were engaged by your office to undertake the bush clearing exercise.

Received on 27/9/2020  
John Mutisya  
Village Administrator  
Kuthumula.

REPUBLIC OF KENYA

IN THE MATTER OF AD HOC COMMITTEE INVESTIGATING THE  
REMOVAL FROM OFFICE OF THE COUNTY EXECUTIVE COMMITTEE  
MEMBER FOR LANDS, INFRASTRUCTURE, HOUSING AND URBAN  
DEVELOPMENT.

**AFFIDAVIT OF SERVICE**

I JAPHETH KIAMBA, of post office box number 694-90200 Kitui, an officer  
of the county Assembly Service Board of Kitui, make oath and state as follows;

1. THAT, on 8 day of September 2020 at 6:50 pm, I served summons in this  
matter on JOHN MUTISYA, Village administrator for Kithumula/ kwa  
mutonga ward at her office by tendering a copy thereof and requiring a  
signature on the original. She signed the summons. She was identified to  
me through telephone number 0728024763 and admitted that she was the  
witness.

Sworn by the said JAPHETH KIAMBA

This 8th day of September 2020

BEFORE ME

PATRICK NJUE MURIITHI  
ADVOCATE &  
Commissioner for Oaths  
P. O. Box 43466 - 00100  
NAIROBI

  
deponent


16.	Assemblies of God church-SleySley house	0.5
17.	Kaveta jct - Kaveta	0.4
18.	Kaveta - Mulundini	2.8
<b>Total</b>		<b>13.68</b>

14.	Kwa Kabwele to Nzeeu River	2
15.	Revise the Prior roads to Syllumani Drift to Kwa Lake to Kilindini to Ag Mwanla Road to Kayndul	7
16.	Road from Kimuuni to Kwa Kilonzi Kamatu to Kwa Matundu Kimalu	1.5
17.	Road from Mutla Makau to Kwa Wamwene Kitonga to Masinde Kangola	2.5
18.	Road from Kwa Munyao Ndava to Kwa Gedion Musindo to Kwa Nzamba to Kwa Munyasya Mbula to Nduni River Connecting to the Drift at Nduni	3
<b>Total</b>		<b>50.00</b>

**TOWNSHIP WARD**

S/NO	NAME OF ROAD	DISTANCE (KM)
1.	Site primary- Blg store Shop	0.4
2.	Kafoca hotel - tourist hotel	1
3.	Kitul Teachers collegel-Intellect college	1.6
4.	Kwa Mustafa acess road	0.3
5.	Kwa Mustafa-Probation offices	0.3
6.	Kwa Muatafa-Thome wa Akilisto	0.8
7.	Probation house-Engineers residence	0.6
8.	Kenya water Institute-Agricultural Traning Centre	2.2
9.	Public sevice board-DO's residence house	0.4
10.	Mukuyuni-Kitul Institute of Business	0.2
11.	Kitul dioceses residence gate-SleySley house	0.7
12.	SleySley house-Joskim	0.4
13.	Mwange's residence-Blg stores	0.4
14.	Big stores-Mama Tony shop	0.4
15.	Joylex café-By Faith academy	0.3

14	Kwa Francis Maseki-Mathleka river-Mwangangi Nyamu	0.
15	Kwa Mbiti junction-kwa Omar-nzeeeu river	0.
16	Kilonzo earth dam-Nzambani primary-Nzambani Secondary	
17	Mathulini-AIC Katithi-kwa Ngoma	
18	Kwa Kilinda-Muthul Mutinda	
19	Mbaa Ngo-Baraka church-Mathyeka	
20	Kasunguni-kwa Ngengya	0.5
21	Mutinda Kinyal-Rev Mutunga	1
22	Emmanuel church Kilonzo-Reinhard Paul	1
23	Kwa Nzisa David shop-Syokimuu earth dam	1
24	Klema Kiluku-Willy Maslla	0.5
25	Kwa Mutiso plot-Kyambisu-Mwiwe	0.5
26	Syokimuu-Kyemukaa	2
27	Kwa Moses Mbaluka-Kasina-kwa Kilote	0.5
28	Kwa Maseki- kwa Munyao-Mutuyu	2
29	Kwa Mueni Kasuki-kwa Swaleh-Mutinda KImanzi	1.5
30	Kwa Kweka-Klema Kletl	1.5
31	Kyang'ombe-Kitheo Wotee-Musembi Nguthu-Klema Musyoka-kwa Vuu	1.5
32	Muani-Mutuyu	2
33	Kwa Musee Mwaniki-Ndonguni-Mitauni	3
34	Mumbuni-Mukuyuni	3
35	IDCM church-Yuta	0.5
36	Kyukuni-Mwiwe-Kateke-Wilson	1
37	Grace Healing church-kwa Kivondo road	1.5
		0.5
<b>TOTAL</b>		<b>50</b>

<b>ZOMBE /MWITIKA WARD</b>		
<b>S/NO.</b>	<b>NAME OF THE ROAD</b>	<b>LENGTH(KM)</b>
1	Canteen-kadhande	
2	zombe jnct -lthanagthe jnct	10.5
3	Matangi monza-kwa makwo	5
4	Mwangenl-kanzanzal-Mukooni	6
5	mwitika prinary-wanamba	10
6	Matangi monza-kwa makwo	7
7	kawea-ngungl	5
8	kwa Mulatia nzuki-Ngee	2.5
<b>TOTAL</b>		<b>4</b>
		<b>57</b>



**CHULUNI WARD**

S/NO.	NAME OF THE ROAD	LENGTH (KM)
1	Kamulembeni-Kivumbuni	2
3	Syomotala- Tendeluni-Manzini-Yakka	4
7	.Kamale-Kavuo-Kilmani	7
9	Kivumbuni-Kavii-Mutua -Morris Kimwell	3
10	Kwa Kivindyo-Mbaa Mwove	3
12	Utwilini-Silanga Kwa Mbole	4
13	Nzangathi-Ngomango road	6
14	Inyuu-Mukusi	3
15	2.Kwa Mulnde-Matheka-Thua	2
16	.Junction-Kanguu-Inyuu	4.5
18	Kwa Kyondo-Thua	3
19	.Kivutini-Kalulu-Kyusyani	4
20	.Kanduti-Kitakue Primary	2
21	.Thua river-Kwawewa Secondary	3
<b>TOTAL</b>		<b>50.5</b>

**NZAMBANI WARD**

S/NO.	ROAD NAME	ESTIMATED ROAD
1	Konani-kisayani-Mwembe tayari	3
2	Ginneries-Kyanika-Mwembe tayari	1.5
3	Kilulu-BCCI-kwa Musa	1.5
4	ACK-Kwa Kathenge-Nzeeu	1
5	Katiwa- kyoleni-Syombuku	0.5
6	Kalawa junction-Malombe-Muatine	3
7	Nzeeu river-Kwa Tabitha-Merryland,	1.5
8	Kwa kisamwa-Hon Klema-kavuti river-kwa Mathano-kwa kilili junction.	1.0
9	Kwa Mwendwa Mwaniki- Muthoka Mwaniki- Matuku Musyoka- manzi meu junction.	1.0
10	Kwa Museveki-kwa Mutavai-Ngengi playground- AIC Ngengi.	0.5
11	Kwa Omarl-AIC Kakungu-Pr.Mutiso	0.5
12	AIC Kavalula- JCC uvulye-kwa Kikusya-kwa Mwaniki Ikindu junction.	0.5
13	AIC Ngengi- Hope In Faith church-Mathulini polytechnic-Mathulini primary	2.0

**NGOMENI WARD**

S/NO.	NAME OF THE ROAD	LENGTH (KM)
1	Kalwa-Mukumanzal	12
2	Mutairu/Malwa jnct.-Ngomano	12
3	Kwa Itunduu-Katangini-Mitamisi	18
4	Kasten/Makuka jnct.-Yandong mrkt.	8
<b>Total</b>		<b>50.00</b>

**TSEIKURU WARD**

S/NO.	NAME OF THE ROAD	LENGTH (KM)
1	Mutwanyingi-Kathungu	6
2	Kwa Kiliku-Mukameni pri.	3.5
3	Kakeuni jnct.-Usueni-Tseikuru jnct. At Kwa Mull Kithome	6
4	Kaningo mrkt.-Maru pri.-Kisiluni pri.	10
5	Mulangoni-Katilinge shopping centre	9
7	Masyungwa-Maseveseveni shopping centre	16
<b>Total</b>		<b>50.50</b>

**KITUI EAST SUB COUNTY**

**MUTITU/KALIKU WARD**

S/NO.	Road Name	Length (kms)
1	kwa v -Kilanga primary	
2	mutitu-syombandu primary	3
3	mutitu-kalua-yoonye	3
4	kalua-kwa tundu	7
5	kabati-Ingani-kaliku	5
6	kwa kasina-kyalmu	9
7	Jerusalem-ivuuni-kaliku	4
8	kallku-kakame	5
10	kakame-Imwaine	4
11	manyoeni-kwa nyota-kaliku	3
<b>TOTAL</b>		<b>50.00</b>

3	Kwa Villita-Nguutani mrkt-Itinda primary-Ndatha primary	3
4	Kwa Kathukya-Nguuku-Musosya	9
5	Kwa Mull-Katambauku-Masaa/Katangini	7
6	Ngungani-Thua	5
7	Kwa Muungwana-Mwenzano	3
8	Tyaa town-Kyumba	6
9	Thua-Kwa Nginga	7
		<b>50.00</b>

**THARAKA WARD**

NO.	NAME OF THE ROAD	LENGTH (KM)
1.	Mirambalkamba primary, Kandimu pri.-Ngomano pri. School	6
2.	Miarambalkamba pri.-Kwa Nyerere	2
3.	Karangenj shopping centre-Gacigongo pri.-Gatuuruni ECDE	2
4.	Kwa Cimba Mucuna jct.-Kamikau pri.	4
5.	Kwa Njagi Nduru jct.-Nkori pri.	3.5
6.	Gankanga Sec.-Karlorok jct.-Karlini pri.	2.5
7.	Kyuga-Konyu pri.	6.5
8.	Kanjla-Gatundu pri	4
9.	Ituramura-Kiseuni jct.	3
10.	Kanyengya pri.-Gicluuku	3
11.	Kanthoroko jct.-Ntarankune	2
12.	Kwa Kirema-Kwa Nyerere	1
13.	Nthanganj jct.-Nthanganj mrkt.-Nthanganj pri.	1.5
14.	Mukuruni jct.-Mukuruni pri.	1.5
15.	Nthanganj/Gatoroni jct.-Kamwerini-Keera	5
16.	Kyuga jct.-Kauthi pri.	1.5
17.	Kwa Nathan - Ndir stream	1
		<b>50.00</b>

5.	Muthale girls-kavaloni shopping centre-kwa mulangi-mutulu primary-kangolya shopping centre	8
6.	Yalalani-kwa mukoo-kwa mbai	3.5
7.	Ndangani-mumbuni pri	2
8.	Kwa saya-kakeani	1.5
<b>Total</b>		<b>50.00</b>

S/NO.	NAME OF THE ROAD	LENGTH (KM)
	MATAKANI	
1.	From rural junction-Kitumbi	5
2.	Kwa Mumo -Kwa kyenza via Kyangeli	4
3.	Kwa Mumo-kallmani-Kiliku	5
4.	Matinyani helth centre-Kivumbuni junction	4
5.	Kwa munyalo-kwa kituke	5
6.	Kyaani junction-kwa Mumo	7
7.	Kithilni-matinyani town	5
8.	Mutendea river to maseki junction	6
9.	Itangini-Kauma primary school	4
10.	Kauma dispensary-Kavumbu	5
<b>Total</b>		<b>50.00</b>

## MWINGI NORTH

## KYUSO WARD

S/NO.	NAME OF THE ROAD	LENGTH (KM)
1	Kamuwongo mrkt-Kasevi	7
2	Kamuwongo mrkt-Miambani-Kathumbini	5
3	Itavanzou-Kathitu	3.0
7	Kalthango-Kwa Nganga-Kwa Kathira	6
8	Access roads In Kyuso mrkt	4
9	Twimyua-Kandongu	7
10	Kakongo-Manzolo-Kavatanl	6
11	Mivukoni-Mataka-Mwanzingi	12
<b>Total</b>		<b>50.0</b>

## MUMONI WARD

S/NO.	NAME OF THE ROAD	LENGTH (KM)
1	Kamakumbi-Kwa Katalli-Kasakini NAC-Kilisi Primary school	5
2	Kathumulani-Kaliwa mrkt-Yangalasu mrkt-Kwa Kanani	5

your reasonable travelling and subsistence allowance for one day will be reimbursed upon production of sufficient proof of expenditure. If you fail to comply with this summons without lawful excuse, you will be subject to the consequences of non-attendance laid down in section 27 of the County Assembly Powers and Privileges Act.

Given under my hand this <sup>JK</sup>.....day of Septembe....., 2020

~~Jw. Heema~~  
Clerk of the County Assembly  
County Assembly of Kitui

**NOTICE:** If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be delivered to the Clerk on or before the day and hour aforesaid.

REPUBLIC OF KENYA

IN THE MATTER OF AD HOC COMMITTEE INVESTIGATING THE  
REMOVAL FROM OFFICE OF THE COUNTY EXECUTIVE COMMITTEE  
MEMBER FOR LANDS, INFRASTRUCTURE, HOUSING AND URBAN  
DEVELOPMENT.

**AFFIDAVIT OF SERVICE**


I JAPHETH KIAMBA, of post office box number 694-90200 Kitui, an officer  
of the county Assembly Service Board of Kitui, make oath and state as follows;

1. THAT, on 8 day of September 2020 at 7:00 pm, I served summons in this  
matter on RAPHAEL KAVISI, Village administrator for Kithumula/  
kwa mutonga ward at her office by tendering a copy thereof and requiring  
a signature on the original. She signed the summons. She was identified  
to me through telephone number 0721683263 and admitted that she was  
the witness.

Sworn by the said JAPHETH KIAMBA

This 8<sup>th</sup> day of September 2020

BEFORE ME

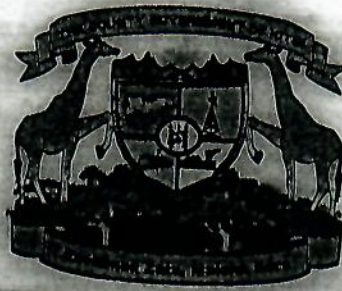
  
\_\_\_\_\_  
deponent

PATRICK NJUE MURIITHI  
ADVOCATE  
Commissioner for Oaths  
P.O. Box 43465-00100  
NAIROBI

# COUNTY ASSEMBLY OF KITUI

TEL: (044)22914  
Email: kitulassembly@gmail.com

P.O. BOX 694-90200  
KITUI



## OFFICE OF THE CLERK

To: Mr. Raphael Kavisi,  
Village Administrator,  
Kwa Mutonga/Kuthumula Ward,  
P.O. Box 33-90200  
County Government of Kitui.

Whereas your attendance is required to Ad Hoc Committee investigating the removal from office of the County Executive Committee Member for Lands, Infrastructure, Housing and Urban Development in relation to the role that you played in engaging youth and women to participate in the bush clearing exercise in 2018, you are hereby required (personally) to appear before the Ad Hoc Committee investigating the removal from office of the County Executive Committee Member for Lands, Infrastructure, Housing and Urban Development on the 9<sup>th</sup> day of September, 2020, at 9.00 o'clock in the forenoon at Gardens Hotel in Machakos Town, Machakos County and to bring with you the list of all the youth and women who were engaged by your office to undertake the bush clearing exercise.

Your reasonable travelling and subsistence allowance for one day will be reimbursed upon production of sufficient proof of expenditure. If you fail to comply with this summons without lawful excuse, you will be subject to the consequences of non-attendance laid down in section 27 of the County Assembly Powers and Privileges Act.

Received ~~\_\_\_\_\_~~ 8/9/2020

RAPHAEL KAVISI MBIU

VILLAGE ADMINISTRATOR / KATHANI

12/12/20

Given under my hand this ..8<sup>th</sup>.....day of September....., 2020

*for* ~~\_\_\_\_\_~~  
Clerk of the County Assembly  
County Assembly of Kitui

**NOTICE:** If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be delivered to the Clerk on or before the day and hour aforesaid.



# COUNTY ASSEMBLY OF KITUI

TEL: (044)22914  
Email: kitulassembly@gmail.com

P.O. BOX 694-90200  
KITUI



## OFFICE OF THE CLERK

To: Ms. Carol Kamote,  
Village Administrator,  
Kyome/Thaana Ward,  
P.O. Box 33-90200  
County Government of Kitui.

Whereas your attendance is required to Ad Hoc Committee investigating the removal from office of the County Executive Committee Member for Lands, Infrastructure, Housing and Urban Development in relation to the role that you played in engaging youth and women to participate in the bush clearing exercise in 2018, you are hereby required (personally) to appear before the Ad Hoc Committee investigating the removal from office of the County Executive Committee Member for Lands, Infrastructure, Housing and Urban Development on the 9<sup>th</sup> day of September, 2020, at 9.00 o'clock in the forenoon at the Kitui County Assembly Board Room, Kitui Town and to bring with you the list of all the youth and women who were engaged by your office to undertake the bush clearing exercise.

Your reasonable travelling and subsistence allowance for one day will be reimbursed upon production of sufficient proof of expenditure. If you fail to comply with this summons without lawful excuse, you will be subject to the consequences of non-attendance laid down in section 27 of the County Assembly Powers and Privileges Act.

Receipt  
CAROLE KAMOTE  
29/9/20

Given under my hand this ..8.....day of September..., 2020

for ~~Sharna~~  
Clerk of the County Assembly  
County Assembly of Kitui

**NOTICE:** If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be delivered to the Clerk on or before the day and hour aforesaid.

REPUBLIC OF KENYA

IN THE MATTER OF AD HOC COMMITTEE INVESTIGATING THE  
REMOVAL FROM OFFICE OF THE COUNTY EXECUTIVE COMMITTEE  
MEMBER FOR LANDS, INFRASTRUCTURE, HOUSING AND URBAN  
DEVELOPMENT.

AFFIDAVIT OF SERVICE

I JAPHETH KIAMBA, of post office box number 694-90200 Kitui, an officer  
of the county Assembly Service Board of Kitui, make oath and state as follows;

1. THAT, on 8 day of September 2020 at 3:30 pm, I served summons in this  
matter on ESTHER NGETA, the ward administrator for Kyome thaana  
ward at her office by tendering a copy thereof and requiring a signature  
on the original. She signed the summons. She was identified to me  
through telephone number 0725996527 and admitted that she was the  
witness.

Sworn by the said JAPHETH KIAMBA

This 9<sup>th</sup> day of September 2020

BEFORE ME

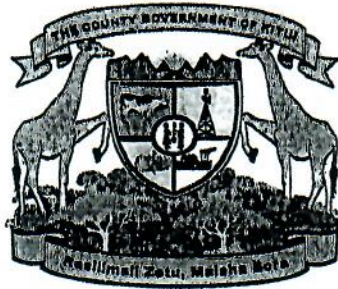
PATRICK NJUE MURIITHI  
ADVOCATE &  
Commissioner for Oaths  
P.O. Box 43465-00100  
NAIROBI

  
deponent

# COUNTY ASSEMBLY OF KITUI

TEL: (044)22914  
Email: kitulassembly@gmail.com

P.O.BOX 694-90200  
KITUI



## OFFICE OF THE CLERK

To: Ms. Esther Ngeta,  
Ward Administrator,  
Kyome/Thaana Ward,  
P.O. Box 33-90200  
County Government of Kitui.

Whereas your attendance is required to Ad Hoc Committee investigating the removal from office of the County Executive Committee Member for Lands, Infrastructure, Housing and Urban Development in relation to the role that you played in engaging youth and women to participate in the bush clearing exercise in 2018, you are hereby required (personally) to appear before the Ad Hoc Committee investigating the removal from office of the County Executive Committee Member for Lands, Infrastructure, Housing and Urban Development on the .9<sup>th</sup> day of September, 2020, at 9.00 o'clock in the forenoon at the Kitui County Assembly Board Room, Kitui Town and to bring with you the list of all the youth and women who were engaged by your office to undertake the bush clearing exercise.

Received by  
Abin  
ESTHER NGETA  
W/A KYOME/THAANA

your reasonable travelling and subsistence allowance for one day will be reimbursed upon production of sufficient proof of expenditure. If you fail to comply with this summons without lawful excuse, you will be subject to the consequences of non-attendance laid down in section 27 of the County Assembly Powers and Privileges Act.

Given under my hand this <sup>8<sup>th</sup></sup>.....day of September....., 2020

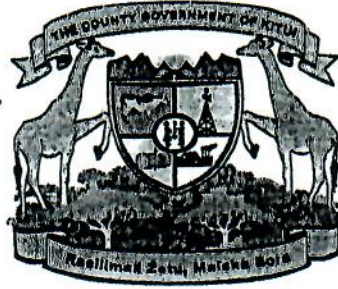
*Jr.* ~~James~~  
Clerk of the County Assembly  
County Assembly of Kitui

**NOTICE:** If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be delivered to the Clerk on or before the day and hour aforesaid.

# COUNTY ASSEMBLY OF KITUI

TEL: (044)22914  
Email: kitulassembly@gmail.com

P.O.BOX 694-90200  
KITUI



## OFFICE OF THE CLERK

To: Ms. Jacinta Nzioki,  
Ward Administrator,  
Kwa Mutonga / Kithumula Ward,  
P.O. Box 33-90200  
County Government of Kitui.

Whereas your attendance is required to Ad Hoc Committee investigating the removal from office of the County Executive Committee Member for Lands, Infrastructure, Housing and Urban Development in relation to the role that you played in engaging youth and women to participate in the bush clearing exercise in 2018, you are hereby required (personally) to appear before the Ad Hoc Committee investigating the removal from office of the County Executive Committee Member for Lands, Infrastructure, Housing and Urban Development on the .9<sup>th</sup> day of September, 2020, at 9.00 o'clock in the forenoon at the Kitui County Assembly Board room, Kitui Town and to bring with you the list of all the youth and women who were engaged by your office to undertake the bush clearing exercise.

Your reasonable travelling and subsistence allowance for one day will be reimbursed upon production of sufficient proof of expenditure. If you fail to comply with this summons without lawful excuse, you will be subject to the consequences of non-attendance laid down in section 27 of the County Assembly Powers and Privileges Act.

Received  
Menz 8/9/2020  
JACINTA NZIOKI

MEMORANDUM FOR THE RECORD

IN THE MATTER OF A PETITION FOR THE REPEAL OF AN ORDER OF THE BOARD OF COUNTY SUPERVISORS APPROVED FOR LAND ACQUISITION AND DEVELOPMENT

REPEAL OF ORDER

WHEREAS, the Board of County Supervisors, in its order of the 15th day of August, 1964, approved for land acquisition and development a certain parcel of land situated in the County of Santa Clara, California, and

AND WHEREAS, the Board of County Supervisors, in its order of the 15th day of August, 1964, approved for land acquisition and development a certain parcel of land situated in the County of Santa Clara, California, and

AND WHEREAS, the Board of County Supervisors, in its order of the 15th day of August, 1964, approved for land acquisition and development a certain parcel of land situated in the County of Santa Clara, California, and

IT IS ORDERED that the order of the Board of County Supervisors of the 15th day of August, 1964, be and the same is hereby repealed.

WITNESSED my hand and the seal of the County of Santa Clara, California, this 15th day of August, 1964.

COUNTY CLERK

*[Signature]*  
COUNTY CLERK

*[Signature]*  
COUNTY CLERK

REPUBLIC OF KENYA

IN THE MATTER OF AD HOC COMMITTEE INVESTIGATING THE  
REMOVAL FROM OFFICE OF THE COUNTY EXECUTIVE COMMITTEE  
MEMBER FOR LANDS, INFRASTRUCTURE, HOUSING AND URBAN  
DEVELOPMENT.

**AFFIDAVIT OF SERVICE**

I JAPHETH KIAMBA, of post office box number 694-90200 Kitui, an officer  
of the county Assembly Service Board of Kitui, make oath and state as follows;


1. THAT, on 8 day of September 2020 at 6:40 pm, I served summons in this  
matter on CAROL KAMOTE, Village administrator for Kyoome/ thaana  
ward at her office by tendering a copy thereof and requiring a signature  
on the original. She signed the summons. She was identified to me  
through telephone number 0722929635 and admitted that she was the  
witness.

Sworn by the said JAPHETH KIAMBA

This 8<sup>th</sup> day of September 2020

BEFORE ME

PATRICK NJUE MURIITHI  
ADVOCATE &  
COMMISSIONER FOR OATHS  
P.O. BOX 40465  
NAIROBI

  
deponent



REPUBLIC OF KENYA

IN THE MATTER OF AD HOC COMMITTEE INVESTIGATING THE  
REMOVAL FROM OFFICE OF THE COUNTY EXECUTIVE COMMITTEE  
MEMBER FOR LANDS, INFRASTRUCTURE, HOUSING AND URBAN  
DEVELOPMENT.

AFFIDAVIT OF SERVICE

I JAPHETH KIAMBA, of post office box number 694-90200 Kitui, an officer  
of the county Assembly Service Board of Kitui, make oath and state as follows;


1. THAT, on 8 day of September 2020 at 6:40 pm, I served summons in this  
matter on JACINTA NZIOKI, Ward administrator for Kithumula/ kwa  
mutonga ward at her office by tendering a copy thereof and requiring a  
signature on the original. She signed the summons. She was identified to  
me through telephone number 0722350548 and admitted that she was the  
witness.

Sworn by the said JAPHETH KIAMBA

This 8 day of September 2020

BEFORE ME

PATRICK NJUE MURIITHI  
ADVOCATE &  
Commissioner for OATHS  
P.O. Box 430100  
NAIROBI

  
deponent

Given under my hand this 2th day of Septembe, 2

Ja. ~~Chama~~

Clerk of the County Assembly  
County Assembly of Kitui

**NOTICE:** If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be delivered to the Clerk on or before the day and hour aforesaid.