COUNTY GOVERNMENT OF KITUI



COUNTY ASSEMBLY SECOND ASSEMBLY – (FIFTH SESSION)

COMMITTEEE ON SELECTION

REPORT ON THE RECONSTITUTION OF COUNTY ASSEMBLY COMMITTEES

CLERK'S CHAMBERS
COUNTY ASSEMBLY BUILDINGS,
KITUL

September, 2021

1.0 PREFACE

Mr. Speaker sir,

On behalf of the members of the Committee on Selection and pursuant to the provisions of standing Order No.153 as read together with 154, the committee found it prudent to reconstitute committees due to the changes which were done by both Wiper and Narc parties pursuant to standing order No.156.

1.1 MEMBERSHIP (S.O 152)

Mr. Speaker Sir,

The committee on selection comprises of the following members;

1. Hon. Peter Mwikya Kilonzo

-Chairperson

- 2. Hon. Alex Mutambu Nganga
- 3. Hon. Ann Mwende Mumo
- 4. Hon. Stephen Makau Musili
- 5. Hon. James Musyoka
- 6. Hon. Jacob Mbaya Kavolonza Musyoka
- 7. Hon. Esther Kalunda Ndile
- 8. Hon. Waziri Bakari Baraka
- 9. Hon. Florence Singi
- 10.Hon. Jefason Ngui Kiruru
- 11. Hon. Grace Mwikali Sammy
- 12. Hon. Jehoshaphat Nzamba James
- 13. Hon. Boniface Kilungya Katumo

1.2 COMMITTEE MANDATE (S.O 152)

Mr. Speaker Sir

There shall be a select committee, to be designated Selection Committee, consisting the Leader of Majority party who shall be the chairperson, the Leader of Minority party who shall be the chairperson, the leader of the

minority party not less than eleven and not more than nineteen members, who shall be nominated by County Assembly parties and approved by the County Assembly.

The Committee on selection shall nominate members to serve in committees, save for membership of the County Assembly Business Committee and committee on Appointments.

The Committee on selection shall be appointed within ten days on assembly of a new Assembly.

1.3 SUBJECT AREAS AS PER SECOND SCHEDULE OF THE STANDING ORDERS

Mr. Speaker Sir,

All matters relating to nomination of members to serve in committees, save for the membership of the County Assembly Business Committee and Committee on Appointments.

1.4 LIMITATION OF MANDATE (S.O 177)

Mr. Speaker Sir,

The deliberations of a select committee shall be confined to the mandate of the committee and any extension or limitation of that mandate as may be directed by the County Assembly and, in the case of select committee on a Bill, to the Bill committed to it and relevant amendments.

In the exercise of its functions, a select committee may not consider any matter that is not contemplated within the mandate of the County Assembly under the Constitution.

1.5 ACKNOLEDGEMENT

Mr. Speaker Sir,

May I take this opportunity to sincerely thank all the members of the Selection Committee for their Commitment and dedication . The offices of the Clerk and

Speaker for their support and adequate facilitation not forgetting all other honorable members for their valuable input.

Thank you.	MITA /
Signed	Maline)

FOL Hon. Peter Kilonzo

Chairperson, Committee on Selection

2.0 INTRODUCTION

Mr. Speaker Sir,

On 2nd September 2021 during the Committee on Selection online meeting, the Acting Chairperson, Hon. Stephen Musili through a communication from the chair, confirmed receipt of changes on committees' membership from the Narc and Wiper parties via a letter addressed to the speaker pursuant to Standing Order No. 156.

NB: the said letters are herein annexed and marked as Annexure I, II, III and IV.

Being an Agenda for the days meeting, members deliberated on the subject matter and concluded that there is an imminent need of reconstructing all the committees in consideration of the changes done by the Narc and Wiper parties.

It was therefore agreed that the exercise to be done at Nairobi as from 8th to 14th September, 2021 and subsequently a report to be tabled before this Assembly for approval pursuant to Standing Order No. 155.

3.0 CRETERIA FOR NOMINATION OF COMMITTEE MEMBER

Mr. Speaker Sir,

During the exercise, the committee was guided by Standing order No. 153 and 154, however it was noted that the following members were erroneously discharged under Standing Order No. 156 from their committees by the NARC party.

Therefore Committee Members resolved to retain them in their rightful committees in disregard of their discharge in the letter addressed to the speaker referenced CAK/4/16(49) and dated 24th August, 2021 from the Narc Party Whip as follows;

		RETAINED				DISCHARGED	
Hon.	Andrew	Committee					on
Lusa		Education,	trainir	ng	&	Implementation	
		skills development					

Hon. Nelson Kivali	Tourism	Committee on Justice &	
		Legal Afairs	
Hon. Grace Mwikali	Committee on Selection	Committee on Public	
Sammy		Service & Administration	
Hon. David Masaku	Committee on Labour &	Committee on Finance	
Munyao	Social Welfare	& Economic Planning	
Hon. Ruth Kyene	Committee on Basic		
	Education, Training and		
	Skills Development		

The Narc Party Whip was further directed to update the Speaker on the same as aforementioned.

Mr. Speaker Sir,

During the committee session it was confirmed and communicated to the committee by the chairperson, that he is in receipt of Court Order restraining the committee from initiating any changes on the committees which were served by Hon. Alex Wambua Mwangangi and Hon. Philip Kalumaita Nguli before their discharge by a letter to the speaker from the Wiper Party Whip both dated 12th August, 2021.

The committee therefore in honor and obedience of Court Orders resolved to suspend the nomination of members to the affected committees which were served by the two honorable members until final determination of the matter in Court.

NB: the said Court Order is herein annexed and marked as Annexure V.

4.0 NOMINATION AND APPROVAL OF COMMITTEE MEMBERS Mr. Speaker Sir,

The following members were nominated in consultation with the County Assembly Parties pursuant to standing Order No. 153 and 154.

Therefore this committee forwards their names to this County Assembly for approval to serve in the County Assembly Committees under Standing Order No. 155 save for the committee on County Assembly Business and Committee on Appointment as provided for in standing Order No. 152(2);

4.1 SECTORAL COMMITTEES

- 1. COMMITTEE ON FINA[NCE AND ECONOMIC PLANNING
 - 1. Hon. James Wangunze Kula
 - 2. Hon. Munirah Mohamed
- 2. <u>COMMITTEE ON LANDS INFRASTRUCTURE AND URBAN</u>
 <u>DEVELOPMENT</u>
 - 1. Hon. Regina Mueni Ishmael
 - 2. Hon. Anthony Mbiti
- 3. COMMITTEE ON TRADE, INDUSTRY, ICT. AND CO- OPERATIVES
 - 1. Hon. Boniface Kilungya Katumo
- 4. COMMITTEE ON AGRICULTURE, WATER AND IRRIGATION
 - 1. Hon. Sylvester Kitheka Munyalo
- 5. COMMITTEE ON HEALTH AND SANITATION
 - 1. Hon. Regina Mueni Ishmael
- 6. <u>COMMITTEE ON ENVIRONMENT, ENERGY, AND MINERAL INVESTMENTS DEVELOPMENT</u>
 - 1. Hon. Alex Nganga
- 7. COMMITTEE ON PUBLIC SERVICE AND ADMINISTRATION
 - 1. Hon. Charity Syomiti Mwangangi
- 4.2 SELECT COMMITTEES
 - 1. COMMITTEE ON BUDGET AND APPROPRIATIONS
 - 1. Hon. Boniface Kilungya Katumo
 - 2. IMPLEMENTATION COMMITTEE
 - 1. Hon. Anthony Ndooh Mwanzia

3. COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

- 1. Hon. James Wanguze Kula
- 2. Hon. Annastacia Mwathi

5.0 CONCLUSION.

Mr. Speaker Sir,

I have believe that this changes on the committees' membership shall bring a tremendous improvement on committee operation towards realization of committees' mandates as provided in our Standing Orders. Thank you honorable members as you adopt this Report. Stay safe.

FROM: Hon. Boniface Katumo NARC PARTY WHIP COUNTY ASSEMBLY OF KITUI DATED: 19th August, 2021

TO: Hon. Speaker of Assembly COUNTY ASSEMBLY OF KITUI

Hon. Speaker,

RE: COMMITTEE ALLOCATIONS

The above subject matter refers,

NARC party has made the following changes in its committees' membership which takes effects

COMMITTEE ON FINANCE AND ECONOMIC PLANNING Discharged

- 1. Hon, Jehosphat Nzamba James
- 2. Hon. David Masaku Munyao

Appointed

- 1. Hon. James Wangunze Kula
- 2. Hon. Munira Mohamed

COMMITTEE ON TRADE, INDUSTRY, ICT AND CO-OPERATIVES Discharged

1. Hon, Regina Mueni Ismail

Appointed

1. Hon Boniface Kilungya Katumo

COMMITTEE ON LANDS AND INFRASTRUCTURE AND URBAN DEVELOPMENT

1. Hon Boniface Kilungya Katumo

Appointed

1. Regina Mueni Ishmail

COMMITTEE OF AGRICULTURE, WATER AND IRRIGATION Discharged

1. Hon. Mary Kanini Philip

Appointed

1. Hon. Sylvester Kitheka Munyalo

COMMITTEE ON HEALTH AND SANITATION

Discharged

1. Hon. Anthony Ndoo Mwanzia

Appointed

1. Hon. Regina Ismail

COMMITTEE ON ENVIRONMENT, ENERGY AND MINERAL INVESTMENTS DEVELOPMENT

Discharged

1. Hon. Eunice Katheke

Appointed

1. Hon. Alex Nganga

COMMITTEE ON LABOUR AND SOCIAL WELFARE

Discharged

1. Hon. David Masaku Munyao

Appointed

1. Hon. Anthony Ndoo Mwanzia

COMMITTEE ON IMPLEMENTATION

Discharged

1. Hon. Andrew Ndisya Lusa

Appointed

1. Hon. Anastacia Mwathi

COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

Discharged

1. Hon. Anthony Ndoo Mwanzia

Appointed

1. Hon. James Wangunze Kula

COMMITTEE ON BUDGET AND APPROPRIATION Discharged

1. Hon. James Wangunze Kula

Appointed

2. Hon. Boniface Kilungya Katumo

COMMITTEE ON BASIC EDUCATION, TRAINING AND SKILLS DEVELOPMENT

1. Hon. Andrew Ndisya Lusa

Appointed

1. Hon. John Kisangau Mbaki

COMMITTEE ON TOURISM

Discharged

1. Hon. John Mutuku Mbaki Kisangau

Appointed

2. Hon. Andrew Ndisya Lusa-JOSEPHNE KAVIVI MUITE

COUNTY ASSEMBLY BUSINESS COMMITTEE

Discharged

1. Hon. Ruth Kyene

Appointed

Hon. James Wangunze Kula

SELECTION COMMITTEE

Discharged

1. Hon. Grace Mwikali Sammy

Appointed

2.—Hon.-Anthony Mwanzia Ndoo

2. amastacia MWatti

Yours faithfully,

BONIFACE KILUNGYA KATUMO

II

TO THE HONOURABLE SPEAKER, HON. GEORGE NDOTTO, COUNTY ASSEMBLY OF KITUI. 12TH AUGUST, 2021



HON. STEPHEN M. MUSILI,
MAJORITY PARTY CHIEF WHIP,
COUNTY ASSEMBLY OF KITUI.

Dear Hon. Speaker,

Notod. For your of your of small of the state of the stat

RE: DISCHARGE OF HON. ALEX MWANGANGI FROM COMMITTEES

Reference is made to the above subject matter. The county assembly majority party (Wiper Democratic Party) has at its meeting held on 12th August, 2021, resolved to discharge Hon. Alex Wambua Mwangangi from the following county assembly committees;

- 1. Public Investments and Accounts Committee
- 2. Lands, Infrastructure and Urban Development Committee
- 3. Agriculture, Water and Irrigation Committee

This letter serves as notice under standing order 156 (1) of the County Assembly of Kitui Standing orders.

Hon. Stephen Musili,

Majority party chief whip

County Assembly of Kitui

CC: Hon. Peter Kilonzo - MCA Majority Party leader, County Assembly of Kitui

CC: Hon. Alex Wambua - MCA (Kyome Thaana Ward)

The chair selection committee committee

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HON. GEORGE NDOTTO SPEAKER OF ASSEMBLY COUNTY ASSEMBLY OF KITUI

20TH AUGUST, 2021

HON. STEPHEN M. MUSILI MAJORITY PARTY CHIERF WHIP COUNTY ASSEMBLY OF KITUI

Dear Hon. Speaker,



DISCHARGE OF HON. PHILIP NGULI FROM COUNTY ASSEMBLY COMMITTEES.

2 3 AUG 2021

Reference is made to the above subject matter.

The County Assembly Majority Party (Wiper Democratic Party) has at its meeting on 19th August, 2021 resolved to discharge Hon. Philip Nguli from the following County Assembly Committees: -

- 1. Health and Sanitation Committee.
- 2. Justice and Legal Affairs Committee.
- 3. Agriculture, Water and Irrigation Committee.
- 4. Basic Education, Training and Skills Development.

5. Public Service and Administration Committee.

This letter serves as notice under Standing Order 156 (1) of the County Assembly non comment Abled. For spourd by 26/8/2021 of Kitui Standing Orders. Britishen of the chair

Hon. Stephen Musili Majority Party Whip

County Assembly of Kitui

CC: 1. Hon. Peter Kilonzo **Majority Party Leader County Assembly of Kitui**

2. Hon. Philip Nguli _ M.C.A Migwani Ward.

Inform the chavir of all the affected commutees and their p-clery

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TO THE HONOURABLE SPEAKER, HON. GEORGE NDOTTO, COUNTY ASSEMBLY OF KITUI. 12TH AUGUST, 2021 Noted 30

1 2 AUG 2021

HON. STEPHEN M. MUSILI,
MAJORITY PARTY CHIEF WHIP,
COUNTY ASSEMBLY OF KITUI.

Dear Hon. Speaker,

RE: WITHDRAWAL OF NOMINATION OF MEMBER TO COMMITTEES

Reference is made to the above subject matter.

In the spirit of co-operation, the county assembly majority party (Wiper Democratic Party) donated its committee membership slot to the Jubilee Party in order to nominate Hon. Anthony Mbiti to the Public Investments and Accounts committee.

At its meeting held on 12th August, 2021, the majority party (Wiper Democratic Party), resolved to reclaim its slot in the Public Investments and Accounts committee and therefore remove Hon. Anthony Mbiti from its membership.

For that reason therefore, the honourable member should immediately cease from being a member of the Public Investments and Accounts committee.

Hon. Stephen Musili,

Majority party chief whip

County Assembly of Kitui

CC: Hon. Peter Kilonzo - MCA Majority Party leader, County Assembly of Kitui

CC: Hon. Anthony Mbiti (MCA – Ikaanga Kyatune Ward)

Brief Janton Seles

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and the control of th

COUNTY ASSEMBLY OF KITUI OFFICE OF THE CLERK

TEL: (044)22914

Email: kituiassembly@gmail.com



P.O.BOX 694-90200

KITUI

When replying please quote;

OUR REF: CAK/14/6/3 /(69)

DATE: 10th September, 2021

The Chair Selection Committee County Assembly of Kitui

RE: RE-ORGANISATION OF ASSEMBLY COMMITTEES

The above subject matter refers.

This office has been directed by the Speaker to inform you to put on hold/stop any further discussions on the discharge of Hon. Alex Wambua Mwangangi and Hon. Philiph Nguli from various Assembly committees.

This is following a court order that was received in the Assembly on 9th September, 2021 until the matter in court is heard and determined (Political Parties disputes Tribunal Complaint No. I E O16 of 2021).

Attached to this letter is a copy of the order.

OFFICE OF THE CLERK COUNTY ASSEMBLY OF KITU! Svr. O. Box 694 - 90200, KITUI TEL;04422914

FOR: CLERK OF ASSEMBLY **COUNTY ASSEMBLY OF KITUI**

CC: Speaker - County Assembly of Kitui

REPUBLIC OF KENYA IN THE POLITICAL PARTIES DISPUTES TRIBUNAL COMPLAINT NO E 016 OF 2021



HONOURABLE ALEX WAMBUA MWANGANGI	1ST COMPLAINANT
-130. COROLDE I HILLI NGULL	2 ND COMPLAINANT
-VERSUS- WIPER DEMOCRATIC MOVEMENT. PETER KILONZO MWIKYA.	E. 7.
WIPER DEMOCRATIC MOVEMENT	
PETER KILONZO MWIKYA. STEPHEN M. MUSILI. THE SPEAKER COUNTY ASSEMBLY OF KITTURE.	2ND RESPONDENT
THE SPEAKER COUNTY ASSEMBLY OF KITUI. THE CLERK COUNTY ASSEMBLY OF KITUI.	3RD RESPONDENT
THE CLERK COUNTY ASSEMBLY OF KITUI.	4TH RESPONDENT

AT THE TRIBUNAL ON 8TH SEPTEMBER 2021 BEFORE, MS. DESMA NUNGO (CHAIRPERSON)

ORDER

Application for orders

- 1. THAT this application be certified as urgent and heard ex-parte in the 1st instance.
- 2. THAT pending hearing and determination of this application or any other dispute arising from the facts related to this complaint, there be a conservatory orders staying the effect, implementation or execution of the decision of the 1st, 2nd, and 3rd respondents dated 12-08-2021 and 20-08-2021 discharging the complainants from Public Investment and Accounts Committee; Lands, Infrastructure and Urban Development Committee; Agriculture, Water and Irrigation Committee; Health and Sanitation Committee, Justice and Legal Affairs Committee; Basic Education, Training and Skills Development Committee and Public Service and Administration Committee of the County Assembly of Kitil.
- 3. THAT pending hearing and determination of this application or any other dispute founded on the same facts with this complaint, the respondents be restrained from discharging, removing, adopting, discussing, tabling a motion or in any other way endorsing or adopting the 1st, 2nd and 3rd respondents' decisions or orders to remove or discharge the complainants from membership of the Public Investment and Accounts Committee; Lands, Infrastructure and Urban Development Committee; Agriculture, Water and Irrigation Committee; Health and Sanitation Committee, Justice and Legal Affairs Committee; Basic Education, Training and Skills Development Committee and Public Service and Administration Committee of the County Assembly of Kitui.

- 4. THAT pending hearing and determination of this complaint or any other dispute arising from the facts related to this complaint, there be a conservatory orders staying the effect, implementation or execution of the decision of the 1st, 2nd, and 3rd respondents dated 12-08-2021 and 20-08-2021 discharging the complainants from Public Investment and Accounts Committee; Lands, Infrastructure and Urban Development Committee; Agriculture, Water and Irrigation Committee; Health and Sanitation Committee, Justice and Legal Affairs Committee; Basic Education, Training and Skills Development Committee and Public Service and Administration Committee of the County Assembly of Kitui.
- 5. THAT pending hearing and determination of this complaint or any other dispute founded on the same facts with this complaint, the respondents be restrained from discharging, removing, adopting, discussing, tabling a motion or in any other way endorsing or adopting the 1st, 2nd and 3rd respondents' decisions or orders to remove or discharge the complainants from membership of the Public Investment and Accounts Committee; Lands, Infrastructure and Urban Development Committee; Agriculture, Water and Irrigation Committee; Health and Sanitation Committee, Justice and Legal Affairs Committee; Basic Education, Training and Skills Development Committee and Public Service and Administration Committee of the County Assembly of Kitui.
- 6. THAT the respondents do pay costs of this application.

UPON READING the Notice of Motion Application dated 4th September 2021 together with Supporting Affidavit sworn by ALEX WAMBUA MWANGANGI AND PHILIP NGULI filed electronically under Certificate of Urgency on 8th September 2021 by the Counsel for the complainants ex-parte IT IS HEREBY ORDERED: -

- THAT the Notice of Motion Application dated 4th September 2021 be and is hereby Certified Urgent for consideration ex-parte in this first instance only.
- 2. THAT the Statement of claim and the Notice of Motion Application both dated 4th September 2021 to be served upon all the Respondents immediately but not later than close of business on 9th September 2021 and a return of service be filed thereafter.
- 3. THAT the Respondents to file and serve their responses to the pleadings within 3 days of date of service.
- THAT Notice of Motion Application dated 4th September 2021 to be mentioned Inter-partes
 on 14th September 2021 at 2:30pm virtually via video link for further directions.
- THAT pending hearing and determination of this application inter-partes, this Honourable Tribunal hereby grants Interim Conservatory Orders staying the effect, implementation or

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execution of the decision of the 1st, 2nd, and 3rd respondents dated 12-08-2021 and 20-08-2021 discharging the complainants from Public Investment and Accounts Committee; Lands, Infrastructure and Urban Development Committee; Agriculture, Water and Irrigation Committee; Health and Sanitation Committee, Justice and Legal Affairs Committee; Basic Education, Training and Skills Development Committee and Public Service and Administration Committee of the County Assembly of Kitui.

GIVEN UNDER MY HAND AND SEAL OF THIS TRIBUNAL THIS 8TH DAY OF SEPTEMBER 2021.

ISSUED AT NAIROBI ON THIS DAY OF SAPENDE 202

DEPUT REGISTRAR
POLIFICAL PARTIES DISPUTES TRIBUNAI
NAIROBI.

APPENDIX V

SIGNED LIST OF MEMBERS OF THE COMMITTEE ON SELECTION ADOPTING THE REPORT ON THE RECONSTRUCTION OF THE COUNTY ASSEMBLY COMMITTEES.

NAME	<u>DESIGNATION</u>	<u>signature</u>
1. Hon. Peter Mwikya Kilonzo	Chairperson	STOO M
Hon. Alex Mutambu Nganga		
3. Hon. Ann Mwende Mumo		Thurs
4. Hon. Stephen Makau Musili		
5. Hon. James Musyoka		t
6. Hon. Jacob Mbaya Kavolonza Mus	yoka	
7. Hon. Esther Kalunda Ndile		
8. Hon. Waziri Bakari Baraka		
9. Hon. Florence Singi		
10.Hon. Jefason Ngui Kiruru		• • • • • • • • • • • • • • • • • • • •
11. Hon. Jehoshaphat Nzamba James		• • • • • • • • • • • • • • • • • • • •
12.Hon. Grace Mwikali Sammy		Cassymy !
13.Hon. Boniface Kilungya Katumo		· MAKOLAA.

APPENDICES VII

COUNTY ASSEMBLY OF KITUI SECOND ASSEMBLY (FIFTH SESSION)

MINUTES OF COMMITTEE ON SELECTION MEETING HELD ON 13TH SEPTEMBER, 2021 FROM 9.00 AM TO 5:00 PM AT PRIDEINN AZURE (NAIROBI).

MEMBERS PRESENT

1. Hon. Peter Mwikya Kilonzo

-Chairperson

- 2. Hon. Ann Mwende Mumo
- 3. Hon. Stephen Makau Musili
- 4. Hon. James Musyoka
- 5. Hon. Jacob Mbaya Kavolonza Musyoka
- 6. Hon. Esther Kalunda Ndile
- 7. Hon. Waziri Bakari Baraka
- 8. Hon. Grace Mwikali Sammy
- 9. Hon. Florence Singi
- 10. Hon. Jefason Ngui Kiruru
- 11. Hon. Jehoshaphat Nzamba James
- 12. Hon. Boniface Kilungya Katumo

IN ATTENDANCE

David Manzi

-Procedural Clerk

MIN. (SC): 064/2021: PRAYER

The meeting started at 9.00 AM with a word of prayer by the chairperson.

MIN. (SC) 065/2021: COMMUNICATION FROM THE CHAIR

The chairperson welcomed the members to the meeting and informed them the purpose for the meeting was to adopt the committee's Report on the Reconstruction of the County Assembly Committees.

MIN.(SC) 066/2021: CONFIRMATION OF THE PREVIOUS MINUTES

The minutes of the previous meeting were read and confirmed as the true record of the meeting. They were proposed by Hon. Ann Mumo and seconded by Hon. James Musyoka.

MIN. (SC) 067/2021: MATTERS ARISING FROM THE PREVIOUS MEETING There were no matters arising.

MIN. (SC) 68/2021: ADOPTION OF THE REPORT ON THE RECONSTRUCTION OF THE COUNTY ASSEMBLY COMMITTEES.

Committee members adopted the Report on the Reconstruction of the County Assembly Committees.

MIN. (SC) 069/2021: A.O.B

There was no any other business.

MIN. (SC) 070/2021: ADJOURNMENT

There being no other business, the meeting ended at 5.00 pm.

David Manzi

FOR; CLERK OF ASSEMBLY, COUNTY ASSEMBLY OF KITUL

CONFIRMED BY:

HON. PETER KILONZO

CHAIRPERSON; SELECTION COMMITTEE,

COUNTY ASSEMBLY OF KITUI.