



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

TUESDAY, 22ND NOVEMBER, 2022 AT 2.30 P.M.

1. The House convened at Thirst Minutes past Two O'clock.
2. The proceedings were opened with a prayer.
3. **PRESIDING-** Hon. Speaker.
4. **COMMUNICATION FROM THE CHAIR**

The chair made the following communications;

**I. WITHDRAWAL OF THE SUBMITTED SUPPLEMENTARY
BUDGET ESTIMATES I FOR THE FINANCIAL YEAR
2022/2023.**

Honourable Members,

Section 135(1) of the Public Finance Management (PFM) Act, 2012 outlines instances in which supplementary budget estimates can be submitted to the Assembly for approval. These include:

- i) Where the amount appropriated under the Appropriation Act is insufficient;
- ii) Where a need has arisen for which no amount has been appropriated by the Appropriation Act.

TUESDAY 22ND NOVEMBER, 2022

(022)

(161)

Subsection (2) of the same Act mandates the County Government to submit to the County Assembly, a supplementary budget in support of the additional expenditure for the authority to spend.

Honourable Members,

In light of the above legal provisions, on 3rd November, 2022 the County Executive Committee Member, County Treasury submitted the Kitui County Supplementary Budget Estimates I for the Financial Year 2022/2023 to the Assembly.

Honourable Members,

Upon committal of the Supplementary Budget Estimates on 16th November, 2022, the Committee on Budget and Appropriations retreated immediately to consider the same in line with her mandate as envisaged in Standing Order No. 186.

Honourable Members,

It is important to bring to your attention that at the time the Committee on Budget and Appropriations was retreating, only one copy of the subject Supplementary Budget Estimates had been forwarded to the Assembly via a letter referenced *CGKTI/CT/FIN/1/(2022-2023)/14* dated 3rd November, 2022 by the County Executive Committee Member (CECM), County Treasury. This necessitated a request for more copies for issuance to the Members of the County Assembly and the Committee for consideration.

Honourable Members,

TUESDAY 22ND NOVEMBER, 2022

(022)

(162)

It was reported to my office that guided by Section 131(2) of the PFM Act, 2012, the Committee had invited the CECM, County Treasury on Friday, 18th November, 2022 for clarifications and input to the Supplementary Budget at PrideInn Hotel Westlands, Nairobi. The CECM, County Treasury brought to the Committee twelve copies of the Supplementary Budget which unfortunately was a different Budget from the one laid and committed to the Committee.

Honourable Members,

I was further informed that the submitted Budget had not factored the new benefit for Members' Car Reimbursements as conferred by the Salaries and Remuneration Commission and an additional allocation to replenish the Members' Car Loan and Mortgage Fund. Owing to this, the CECM, County Treasury wrote a letter referenced *CGKTI/CT/FIN/1/(2022-2023)/II/2* dated 17th November, 2022 containing information as an addendum to the Budget providing for the funds. This was transmitted to the Committee on the same day for consideration.

Honourable Members,

Upon further scrutiny of the Budget, the Chairperson Committee on Budget and Appropriations informed me that quite a number of amounts proposed for movements in different budget lines could not accommodate the proposed reallocations as per the available balances in the Integrated Financial Management System (IFMIS) as at 18th November, 2022, and as such would result to negative IFMIS balances.

Honourable Members,

TUESDAY 22ND NOVEMBER, 2022

(022)

(163)

The above circumstances made it difficult for the Committee to continue with the Budget consideration and thus called upon my office and that of the Clerk of Assembly for consultations on the way forward on 19th November, 2022.

Honourable Members,

Out of the consultations, it was resolved that the Budget which was committed on 16th November, 2022 be withdrawn to allow for:

- i. Return of the Supplementary Budget Estimates I for Financial Year 2022/2023 to the County Treasury with a requirement for realignment with the up-to-date IFMIS balances and subsequent resubmission.
- ii. To incorporate the memorandum on additional adjustments to accommodate Members' Car Reimbursements and a replenishment to the Car Loan and Mortgage Fund in the realigned Budget.

Honourable Members,

Owing to the above, I hereby withdraw the committed Supplementary Budget Estimates I for Financial Year 2022/2023 to allow the CECM, County Treasury to realign and resubmit the Supplementary Budget taking into account the above resolution.

**II. RECOMMITTAL OF THE REVISED SUPPLEMENTARY
BUDGET ESTIMATES I FOR THE FINANCIAL YEAR
2022/2023.**

Honourable Members,

TUESDAY 22ND NOVEMBER, 2022

(022)

(164)

As you can all recall, at the beginning of this sitting I made a communication on the decision made on consideration of the Kitui County Supplementary Budget Estimates 1, 2022/2023 by the Committee on Budget and Appropriations. This was in regard to budget laid on the Table of this House on 16th November, 2022.

Honourable Members,

The Communication had directed for resubmission of a revised budget version by the County Executive Committee Member for the County Treasury taking into account the issues raised by the Committee.

Honourable Members,

This afternoon, my office was furnished with a County Supplementary budget that takes into account the concerns as contained in my first Communication. This was submitted to the office of the Clerk of Assembly by the CECM, County Treasury vide letter referenced CG.KIT/CT/FIN/1/(2022-23)II/4 today 22nd November, 2022. This was in line with the provisions of Section 135 of the Public Finance Management Act, 2012.

Honourable Members,

To hasten the approval process before the Members, proceed to the December recess, I do Commit the said Supplementary Budget to the Committee on Budget and Appropriations which shall retreat as from 23rd -29th November, 2022 to undertake the consideration and submit a report for approval by the Assembly in line with the provisions of Standing Order No. 186(3)(b).

5. Papers;

TUESDAY 22ND NOVEMBER, 2022

(022)

(165)

- i. The Report by the Committee on Budget and Appropriations on consideration of the Kitui County Supplementary Budget Estimates*
- ii. for the Financial Year 2022/2023. (Chairperson, Committee on Budget and Appropriations)*
- iii. Report on the interview of the 4th and 5th Members of the County Assembly Service Board (a man and a woman), 2022. (Designated Member, County Assembly Service Board)*

6. Notice of Motion;

- i. Motion on adoption of the Report by the Committee on Budget and Appropriation on the Consideration of the Kitui County Supplementary Estimate for the Financial Year 20212/2023. (Chairperson, Committee on Budget and Appropriations)*
- iv. Motion on adoption of the Report on the Interview of the 4th and 5th Members of the County Assembly Service Board (a man and a woman), 2022. (Designated Member, County Assembly Service Board)*

7. MOTION ON GOVERNOR'S ADDRESS.

(Leader of the Majority Party)

(Resumption of debate interrupted during the Afternoon sitting of Wednesday 15th November, 2022)

THAT, pursuant to the provision of Standing Order No 20(5), the thanks of the County Assembly be recorded for the exposition of public policy contained in the address of the governor.

(Hon. Harrison Maluki Mawia- MCA)

The motion was dispensed off without question being put pursuant to Standing Order No. 20(5).

8. MOTION ON ADJOURNMENT OF THE COUNTY ASSEMBLY ON

TUESDAY 22ND NOVEMBER, 2022

(022)

(166)

DEFINITE MATTER OF URGENT COUNTY IMPORTANCE.

(M.C.A. Tharaka Ward)

Honorable Ndangara Member for Tharaka ward sort leave of the Speaker to move a motion on adjournment of the County Assembly for the purpose of discussing a definite matter of urgent County Importance pursuant to standing Order 30(1).

9. MOTION ON THE PROPOSED CONSTRUCTION OF THE HIGH GRAND FALLS DAM IN THARAKA AND TSEIKURU WARDS, KITUI COUNTY

(M.C.A. Tharaka Ward)

AWARE THAT the High Grand Falls Hydroelectric Power Station (popularly known as the High Grand Falls Dam) is one of the LAPSSET Corridor Projects under the Kenya Vision 2030 set to be located across Tana River to harness the energy of Kibuka Falls at the border of Kitui and Tharaka Nithi Counties;

FURTHER AWARE THAT the project, conceptualized in 2009, was recently revived during the United Nations 27th Annual Conference of the Parties (COP 27) held in November 2022 in Egypt whereby the United Kingdom (U.K.) and Kenyan Governments agreed that it will be one of the flagship projects under the UK- Kenya Strategic Partnership mainly targeting the agriculture and energy sectors, with the project set to officially commence in 2024 and projected to cost about Kshs. 425 billion, being Africa's second largest dam after Aswan High Dam in Egypt;

NOTING THAT Article 10 of the Constitution calls for participation of the people, human dignity, social justice, inclusiveness, protection of the

TUESDAY 22ND NOVEMBER, 2022

(022)

(167)

marginalized, transparency and accountability;

FURTHER NOTING THAT the project will involve relocation, resettlement and compensation of displaced households and this calls for public participation and informed consent on their part and adequate compensation;

RECOGNIZING THAT feasibility studies were done in 2012 and there was no land adjudication, residents did not have title deeds, and monetary compensation per Hectare was Kshs. 8,000 which does not currently reflect the current market value of the land;

FURTHER RECOGNIZING THAT land adjudication has since been undertaken in many areas with the exception of Kamaindi Sub location in Tharaka Ward and some parts of Mwingi North;

CONCERNED THAT some of the residents to be affected by the project live in historically neglected areas and failure to consult and involve them will only further marginalize them leading to social exclusion;

FURTHER CONCERNED THAT previous projects of similar nature have had negative consequences on affected citizens including misuse of compensation funds, leading to negative impact such as loss of livelihoods and diminished standards of living;

COGNIZANT THAT there seems to be general lack of information by the residents to be affected on what the project entails, relocation and compensation terms, timelines, etc, which is attributable to lack of meaningful involvement in the project;

FURTHER COGNIZANT THAT the project has the potential to benefit

Kitui County through creation of over 5000 jobs, irrigation-based farming, Corporate Social Responsibility activities, climate change, amongst others, for socio- economic development;

RECOGNIZING THAT whereas road connectivity and accessibility is crucial in successful implementation of this mega project, the following roads/ bridges are currently in dilapidated state while they directly impact on the project:

National Government roads:

1. Kamuwongo- Kandwia- Gatoroni- Ciampiu
2. Twimyua- Tseikuru- Usueni
3. Nguuni- Kamayagi- Ciampiu
4. Ngalange- Kamali- Kaningo- Kamukunga
5. Kanzinwa-Nthangani- Muinge-

Irira County Government roads and bridges:

1. Kora- Kalambani- Kalalani- Kalwa- Nguni
2. Muinge- Kanzinwa- Gatoroni- Ciampiu
3. Kakunguu- Musavani- Mutindwa- Kyamalutu- Kambwea- Wikithuki- Kyenini- Kithayoni-Kamali- Musavani
4. Mwanzingi- Kwa Musembi- Mataka- Ngomano- Ilamba- Miramba Ikamba- Kamayagi- Ciampiu
5. Kaivirya- Ngongoni- Mama Malia- Ciokereke- Nzanzenzi
6. Usueni- Mutindwa- Musavani- Kwa Kiamba- Kithayoni- Kaningo
7. Kyuso- Maseki- Kivangwa- Itura Mura- Gatoloni

TUESDAY 22ND NOVEMBER, 2022

(022)

(169)

8. Kora- Manzuva- Karindi- Kalimbui- Tseikuru
9. Muguusi- Kairungu- Ivonya ngy'a
10. Kwa Kiinga- Kathungu- Siveta
11. Kaningo-Nyamboni- Katangini-
Katumbini
12. Muuna, Ciiri, Musavani/ Munyolini, Kaningo, Mataka and Kaiverya/
Muarageni road Bridges

FURTHER RECOGNIZING THAT Article 189 of the Constitution and Section 5 of the Intergovernmental Relations Act call for consultation and cooperation between the National and County Governments;

NOW THEREFORE THIS HOUSE RESOLVES THAT:

1. The Governor, should engage with and consult the National Government and its relevant Ministries or Agencies and other stakeholders to ensure that:
 - i) Public participation is conducted by the implementers to ensure that there is:
 - a) Sensitization of the public on the importance of the project which will play a key role in ownership and informed consent as far as the project is concerned;
 - b) Involvement of citizens in development planning;
 - ii) Expeditious land adjudication and title deed issuance is undertaken in areas where this was not done as it will be crucial for compensation purposes;
 - iii) Detailed information on the project is made public in furtherance of the constitutional right to information, including on the number

(022)

(170)

of households to be affected, areas to be affected, terms and conditions of relocation/ resettlement and compensation of the affected locals, amongst others;

- iv) New feasibility studies are undertaken examining all aspects of the project including environmental, economic, financial and legal impact amongst others;
- v) The grading, rehabilitation or tarmacking of the following roads is expedited before commencement of the project to ensure good road accessibility and connectivity for ease of transportation:

National Government roads:

1. Kamuwongo- Kandwia- Gatoroni- Ciampiu
2. Twimyua- Tseikuru- Usueni
3. Nguuni- Kamayagi- Ciampiu
4. Ngalange- Kamali- Kanningo- Kamukunga
5. Kanzinwa-Nthangani- Muinge- Irira

County Government roads and bridges:

1. Kora- Kalambani- Kalalani- Kalwa- Nguni
2. Muinge- Kanzinwa- Gatoroni- Ciampiu
3. Kakunguu- Musavani- Mutindwa- Kyamalutu- Kambwea- Wikithuki- Kyenini- Kithayoni-Kamali- Musavani
4. Mwanzingi- Kwa Musembi- Mataka- Ngomano- Ilamba- Miramba Ikamba- Kamayagi- Ciampiu
5. Kaivirya- Ngongoni- Mama Malia- Ciokereke- Nzanzeni
6. Usueni- Mutindwa- Musavani- Kwa Kiamba- Kithayoni- Kanningo
7. Kyuso- Maseki- Kivangwa- Itura Mura- Gatoloni

TUESDAY 22ND NOVEMBER, 2022

(022)

(171)

8. Kora- Manzuva- Karindi- Kalimbui- Tseikuru

9. Muguusi- Kairungu- Ivonya

ngy'a

10.10.Kwa Kiinga- Kathungu-

Siveta

11.Kaningo-Nyamboni- Katangini- Katumbini

12.Muuna, Ciiri, Musavani/ Munyolini, Kaningo, Mataka and

Kaiverya/ Muarageni road Bridges

vi) The proposed project construction sites to cover both Kitui and Tharaka Nithi Counties;

vii) The Members of the County Assembly of Kitui, local leaders and other stakeholders are fully involved in the project's decision making process so as to ensure that citizens are fully consulted;

2. The Committee on Lands, Infrastructure and Urban Development in conjunction with the relevant Ministry should take up this matter to ensure expeditious implementation of the resolutions contained in this Motion;

3. The Committee on Implementation should update this House on implementation status of this Motion within 90 days of its approval.

The Honorable Speaker directed members in support of the motions to stand for confirmation purposes pursuant to Standing Order No. 30(3).

Upon confirmation of the support of the motion by not less than twenty Members of County Assembly, the honorable Speaker differed the moving of the motion to Wednesday 23rd November, 2022 afternoon sitting.

11. ADJOURNMENT- And the time being Twenty Five minutes past Ten O'clock the Hon. Speaker adjourned the House.

TUESDAY 22ND NOVEMBER, 2022

(022)

(172)

12. **ASSEMBLY ROSE**- Twenty Five minutes past Ten O'clock.

MEMORANDUM

*The Honorable Speaker will take the chair on
Wednesday, 23rd November, 2022, at 9.00 A.M.*

--X--

