



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

WEDNESDAY, 23RD NOVEMBER, 2022 AT 2.30 P.M.

1. The House convened at thirty minutes past Two O'clock.
2. The proceedings were opened with prayer.
3. **PRESIDING-** Hon. Speaker on the Chair.
4. **COMMUNICATION FROM THE CHAIR**

The chair made the following communications;

**COMMUNICATION AS RELATES TO THE VETTING PROCESS
FOR PERSONS NOMINATED FOR APPOINTMENT AS COUNTY
EXECUTIVE COMMITTEE MEMBERS.**

Honourable Members,

Pursuant to the provisions of Article 197 (2)(b) of the Constitution of Kenya, 2010 as read together with Section 30 (2)(d) of the County Governments Act, 2012 and Section 6 (1) of the Public Appointments (County Assemblies Approval) Act 2017, this house was notified of the receipt from H.E. the Governor, the list of Nominees for the County Executive Committee Members.

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Honourable Members,

As you are aware that on 16th November, 2022 the list of the nominees was committed to the Committee on Appointments pursuant to Section 14 (3) (a) of the County Government Act as read together with Section 7 (1) of the Public Appointments (County Assemblies Approval) Act 2017.

Honourable Members,

The Committee on Appointments Pursuant to the provisions of Article 197 (2)(b) of the Constitution of Kenya, 2010 as read together with Section 35 of the County Governments Act, 2012 and Section 5 to 8 of the Public Appointments (County Assemblies Approval) Act 2017 and the Kitui County Assembly Standing Orders 184 (4) placed a Notice of approval hearing in the dailies of 17th November, 2022 inviting nominees and members of the public for approval hearing scheduled from Thursday 24th – Friday 25th November, 2022 at the County Assembly precincts.

Honourable Members,

Its worth noting that on 18th November, 2022 my office received a letter from Ethics and Anti-Corruption Commission (EACC) referenced EACC 7/10/5 Vol. XXI (90) dated 17th November 2022 directing Assemblies **NOT** to approve nominees for appointment

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without being cleared by the Commission through the integrity vetting procedure.

Subsequently, on 21st November 2022 I did submit the names of the nominee to the Commission for the same in addition to writing to the respective Universities seeking authenticity of the nominees' degree certificates.

Honourable Members,

As at Yesterday Tuesday 22nd November, 2022 my office had not received the above reports from EACC and Universities respectively.

Owing to the above, I therefore direct postponement of the approval hearing for Persons nominated for appointment As County Executive Committee Members until further notice and direct the Clerk of the Assembly to communicate this decision to the respective nominees and members of the public in the most effective way.

5. STATEMENTS.

The following statement was read on the floor of the House;

- i. Schedule of plenary business for the week ending on 2nd December, 2022.

*(Designated Member of the County Assembly
Business Committee)*

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6. MOTION ON THE PROPOSED CONSTRUCTION OF THE HIGH GRAND FALLS DAM IN THARAKA AND TSEIKURU WARDS, KITUI COUNTY- *(M.C.A. Tharaka Ward)*

Motion Made & Question Proposed;

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 marginalized, transparency and accountability;

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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;

THAT there seems to be general lack of information by the residents to be affected on what the project entails, relocation

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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 -NthanganiMuvinge- Irira

County Government roads and bridges:

1. Kora- Kalambani- Kalalani- Kalwa- Nguni
2. Muvinge- Kanzinwa- Gatoroni- Ciampiu

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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-
Kaningo
7. Kyuso- Maseki- Kivangwa- Itura Mura- Gatoloni
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/ Muniyolini, Kaningo, Mataka and
Kaivirya/ 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:

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- 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 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:

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

County Government roads and bridges:

1. Kora- Kalambani- Kalalani- Kalwa- Nguni
2. Muvinge- 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- Kaningo
7. Kyuso- Maseki- Kivangwa- Itura Mura- Gatoloni
8. Kora- Manzuva- Karindi- Kalimbui- Tseikuru
9. Muguusi- Kairungu- Ivonya ngy'a
10. Kwa Kiinga- Kathungu- Siveta
11. Kaningo-Nyamboni- Katangini- Katumbini

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12. Muuna, Ciiri, Musavani/ Muniyolini, 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.

(Hon. Godfrey M. Ndagara -M.C.A.)

Debate Arising;

(Business deferred to the morning sitting of Tuesday 29th October 2022, with the leave of the Hon. Speaker

7. ADJOURNMENT;

And the time being Five Minutes Past Four O'clock, the Honourable Speaker adjourned the House.

8. ASSEMBLY ROSE - at Five Minutes Past Four O'clock.

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MEMORANDUM

*The Honourable Speaker will take the chair
on Tuesday, 29th November, 2022 at 9.00 A.M.*

