



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

WEDNESDAY 30TH NOVEMBER, 2022 AT 2.30 P.M

1. The Assembly 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:

- i. **COMMUNICATION AS RELATES TO THE KITUI COUNTY ANNUAL DEVELOPMENT PLAN (ADP) 2023/2024.**

Honorable Members,

Section 126(3) of the Public Finance Management Act, 2012 states that:

“The County Executive Committee Member (CECM) responsible for Planning shall not later than 1st September in each year, submit the Annual Development Plan (ADP) to the County Assembly for its approval...”

In adherence to this provision, on 11th October, 2022, the CECM for Finance and Economic Planning submitted the ADP for the next Financial Year 2023/2024 for approval by the County Assembly.

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Honorable Members,

I hereby commit this ADP to the Committee on Finance and Economic Planning for consideration. The Committee is expected to subject the document to public participation pursuant to Article 196(b) of the Constitution as read together with Section 115 of the County Governments Act 2012.

Honorable Members,

Further, the Committee shall consider the recommendations of the Sectoral Committees and incorporate the views of the public in compiling a final report for approval by the House.

- ii. COMMUNICATION AS RELATES TO THE ELECTION OF CHAIRPERSONS AND VICE CHAIRPERSONS TO COUNTY ASSEMBLY SECTORALS AND SELECT COMMITTEES

Honorable Members,

I wish to notify you that the elections of Chairpersons and vice Chairpersons to various Committees were successfully conducted on 23rd November, 2022 pursuant to the provisions of Standing Order No. 158 (1) (a) and in adherence to the schedule as prepared by the County Assembly Business Committee.

Therefore, the following members were subsequently elected to the respective positions:

A. SECTORAL COMMITTEES

1. COMMITTEE ON FINANCE AND ECONOMIC PLANNING

- | | |
|------------------------------|--------------------|
| 1. Hon. Munyoki Mwinzi | - Chairperson |
| 2. Hon. Waziri Baraka Bakari | - Vice Chairperson |

2. COMMITTEE ON LANDS INFRASTRUCTURE AND URBAN DEVELOPMENT

- | | |
|--------------------------------|--------------------|
| 1. Hon. Sammy Musili Munyithya | - Chairperson |
| 2. Hon. Mary Mbithe Musili | - Vice Chairperson |

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3. COMMITTEE ON BASIC EDUCATION, TRAINING AND SKILLS DEVELOPMENT

1. Hon. Mark Nding'o Kitute - Chair Person
2. Hon. Priscilla Martha Makumi - Vice Chairperson

4. COMMITTEE ON TRADE, ICT. AND CO-OPERATIVE DEVELOPMENT

1. Hon. Daniel Kimanzi Ngoima -Chairperson
2. Hon. Elizabeth Ndunge Peter -Vice Chairperson

5. COMMITTEE ON AGRICULTURE, WATER AND IRRIGATION

1. Hon. Antony Musili Musyoka - Chairperson
2. Hon. Joseph Musyoka Mbite -Vice Chairperson

6. COMMITTEE ON HEALTH AND SANITATION

1. Hon. Bernard Mwangangi Munyasya- Chairperson
2. Hon. Kyalo Kimuli -Vice Chairperson

7. COMMITTEE ON ENVIRONMENT, ENERGY, AND MINERAL INVESTMENTS DEVELOPMENT

1. Hon. Daniel Kimanzi Muange -Chairperson
2. Hon. Fastina Mwendu Solomon -Vice Chairperson

8. COMMITTEE ON TOURISM AND NATURAL RESOURCES

1. Hon. Titus Munyoki Kasinga - Chairperson.
2. Hon. Mary P. Ndumbu - Vice Chairperson

9. COMMITTEE ON LABOUR AND SOCIAL WELFARE

1. Hon. Joseph Kasungi Kavula - Chairperson
2. Hon. Charity Kathathi Musyoka - Vice Chairperson

10. COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

1. Hon. Cyrus Kisavi Musyoka - Chairperson
2. Hon. Mercy Muliwa Muema - Vice Chairperson

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11. COMMITTEE ON ADMINISTRATION AND COORDINATION OF COUNTY AFFAIRS

1. Hon. Peter Kitonyo Mwanza - Chairperson
2. Hon. Dominic Isumail Mwamisi - Vice Chairperson

12. COMMITTEE ON CULTURE, YOUTH, SPORTS, GENDER AND SOCIAL SERVICES

1. Hon. Judith Wanza John - Chairperson
2. Hon. Immaculate Wanza John - Vice Chairperson

B. SELECT COMMITTEES

1. COMMITTEE ON IMPLEMENTATION

1. Hon. Mathew Vuthi Ngovi - Chairperson
2. Hon. Malinga Munyao - Vice Chairperson

2. COMMITTEE ON DELEGATED COUNTY LEGISLATION.

1. Hon. Cornelius Muthami Kiteme - Chairperson
2. Hon. Rose Kasyoka Kathoka - Vice Chairperson

Honorable Members,

I congratulate the Members for their appointments to the said positions and I wish them all the best in the discharge of their duties.

5. MOTION ON RESOLUTION TO PETITION THE NATIONAL ASSEMBLY ON COUNTY WARDS EQUITABLE DEVELOPMENT FUND. (Chairperson, Committee on Justice and Legal Affairs)

Motion made and Question Proposed;

THAT, pursuant to Articles 37 and 119 of the Constitution of Kenya, this County Assembly resolves to petition the National Assembly individually and collectively as the County Assemblies Forum (CAF) vide the **annexed draft petition** for the National Assembly to intervene and ensure: -

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1. **THAT**, the **COUNTY WARDS EQUITABLE DEVELOPMENT FUND** be incorporated in the proposed Constitutional Amendment Bill before the National Assembly by the **Hon. Stephen Mule, MP** and the **Hon. Gichimu Githinji, MP** alongside other proposed funds namely the National Government Constituencies Development Fund (NGCDF), National Government Affirmative Action Fund (NGAF), the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund either prior to the publication of the said Bill or before it is referred to the Senate in accordance with rules of procedure of Parliament.
2. **THAT**, the proposed Constitutional Amendment Bill in amending Article 204 of the Constitution should provide for the following with respect to County Wards Equitable Development Fund: -
- (i) That each County Government shall allocate funds comprising of a certain percentage of the respective total County's Annual Budget Estimates or as shall be advised by the Commission on Revenue Allocation (CRA) during the enactment of the County Allocation of Revenue Act to cater for County Wards Equitable Development Fund;
 - (ii) That all monies allocated to County Wards Equitable Development Fund shall be considered as funds allocated to Wards pursuant to
 - (iii) Article 206 (2) (c) to be administered in accordance with the provisions of an Act of Parliament; and
 - (iv) That Parliament shall enact a legislation to provide for the administration of the County Wards Equitable Development Fund.

Hon. Cyrus Kisavi Musyoka- (M.C.A)

Debate Arising;

Question Put and **Agreed to.**

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

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Motion made and 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;

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 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 -NthanganiMuinge- 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

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5. Ikamba- Kamayagi- Ciampiu
6. Kaivirya- Ngongoni- Mama Malia- Ciokereke- Nzanzeni
7. Usueni- Mutindwa- Musavani- Kwa Kiamba- Kithayoni- Kaningo
8. Kyuso- Maseki- Kivangwa- Itura Mura- Gatoloni
9. Kora- Manzuva- Karindi- Kalimbui- Tseikuru
10. Muguusi- Kairungu- Ivonya ngy'a
11. Kwa Kiinga- Kathungu- Siveta
12. Kaningo-Nyamboni- Katangini- Katumbini
13. 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 of households to be affected, areas to be affected, terms and conditions of relocation/

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- iv) resettlement and compensation of the affected locals, amongst others;
- v) New feasibility studies are undertaken examining all aspects of the project including environmental, economic, financial and legal impact amongst others;
- vi) 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- 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- 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

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11. Kaningo-Nyamboni- Katangini- Katumbini
 12. Muuna, Ciiri, Musavani/ Muniyolini, Kaningo, Mataka and Kaiverya/ Muarageni road Bridges
- vii) The proposed project construction sites to cover both Kitui and Tharaka Nithi Counties;
 - viii) 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)

Resumption of Debate;

Question Put and **Agreed to.**

SUPPLEMENTARY

7. MOTION ON ADDITIONAL COUNTY ASSEMBLY SITTING DAY.

(Designated Member, County Assembly Business Committee)

Motion Made and Question Proposed

THAT, pursuant to the provisions of Standing Order No. 27 (3) (c), this Assembly hereby resolves to hold additional two sittings on Monday 5th December, 2022 from 9.00 A.M to 12.30 P.M and 2.30 P.M to 6.30 P.M to allow the House consider and approve pending plenary business.

Hon. Daniel Kimanzi Ngoima - (M.C.A.)

Debate Arising;

Question Put and **Agreed to.**

8. STATEMENTS;

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

- i. Schedule of plenary Business for the week commencing on 5th December, 2022 and ending on 7th December, 2022 (*Designated Member of the County Assembly Business Committee*)

9. COMMUNICATION FROM THE CHAIR;

The Chair made the following Communication:

COMMUNICATION AS RELATES TO CHANGE OF LEADERSHIP IN THE MAJORITY PARTY – DEPUTY LEADER OF THE MAJORITY PARTY.

Honorable Members,

The County Assembly leadership of the third Assembly was constituted and communicated to the Assembly on 12th October, 2022. This exercise was undertaken as provided for in Section 10 of the County Governments Act, 2012 and County Assembly Standing Orders Nos.15 and 16.

Honorable Members,

Standing Order Nos. 15(8) and (9) provides for the procedure for removal of a Member from the Assembly Leadership. In line with these provisions, the Whip for the Majority Party via a letter dated 30th November, 2022 addressed to my office Communicated a decision made by the Party in regard to the position of the Deputy Leader of the Majority Party a position held by Hon. Erastus Musyoka Mbuno.

Honorable Members,

The letter referred above informed my office of the decision made in regard to the office of the deputy majority leader that I wish to communicate to you as follows;

That the **Hon. Erastus Musyoka Mbuno** has ceased to be the Deputy leader of the Majority Party with immediate effect and has been forthwith replaced with **Hon. Jacquelyne Cate Kalenga.**

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Honourable members

I wish to thank Hon. Erastus Musyoka Mbuno for his service to this House. I further wish to congratulate Hon. Jacquelyne Cate Kalenga for her appointment and I wish her all the best in the discharge of her duties.

10. **ADJOURNMENT** - and the time being Five Minutes past Five O'clock, the Honourable Speaker adjourned the house.

11. **ASSEMBLY ROSE** - Five Minutes past Five O'clock.

MEMORANDUM

*The Honourable Speaker will take the chair on
Monday, 5th December, 2022 at 9.00 A.M.*

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