

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF KITUI
THIRD COUNTY ASSEMBLY- FIRST SESSION
OFFICIAL REPORT
(THE HANSARD)

Wednesday, 12th October 2022

The House met at in the County Assembly Chambers at 2.21 p.m.

[The Speaker (Hon. Kelvin Katisya) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

The Speaker: Hon. Members, the leadership of this House is provided for under the County Governments Act, 17 of 2012 as well as the Kitui County Assembly Standing Orders.

Hon. Members, it is important to note that County Assembly Leadership plays a very critical role in the functioning of this August House as it is the primary institution bestowed with the responsibility of establishing the initial structures in a legislative Assembly which structures include the County Assembly Committees.

Hon. Members, as it is the norm and practice in the Commonwealth, legislative Houses operate majorly through the Committee system and in acknowledging the importance of the Committee system in our governance structure, the County Governments Act under section 14 provides *inter alia* that County Assemblies may establish Committees in such a manner and for such general or special purposes as it considers it fit.

Hon. Members, the County Assembly Standing Orders further provide for establishment of the County Assembly Committees tied to timelines from the assembly of a new County Assembly. The County Assembly Business Committee which has the cardinal responsibility to develop the Assembly Annual Calendar and allocation of business for the plenary among other functions is required to be established within seven days from the opening of the County Assembly with membership provided by the County Assembly parties through their respective leadership.

Hon. Members, this is a clear indicator that without the leadership at this point in time makes it impractical for the Assembly to function.

Hon. Members, during today's Morning session, I accorded members an opportunity to ventilate on the issue of how the County Assembly Leadership should be elected, albeit without a substantive motion before the House, with the intention of jumpstarting the issue of the election of the House leadership.

Hon. Members, the discussions were elaborate and they have greatly informed the basis of this ruling. At the conclusion of the Morning Sitting, I directed all County Assemblies Political Parties or Coalition(s) to forward to me their respective political party leadership and their Board member nominee on the basis of their perceived majority or minority representation in the House and further guided that I would give my ruling this afternoon.

Hon. Members, as at this afternoon, I had only received communication from two parties as relates to this matter being the Wiper party and the NARC Party.

Hon. Members, Section 10 of the County Governments Act specifically establishes the offices of the Majority Party Leader and that of the Minority Party Leader. The text of this section is to the effect that the leader of the majority party is to be elected by members of the largest party or coalition of parties in the county assembly whereas the leader of the minority party is to be elected by members of the second largest party or coalition of parties in the County Assembly.

Hon. Members, Section 10 of the Political Parties Act recognises that two or more parties may register themselves into a coalition of parties or choose to form a coalition party before or after an election and deposit the said agreement with the Registrar of Political Parties. The Coalition Agreement per law should indicate all the parties constituting the Coalition as well as provide for other matters including dispute resolution mechanisms and exit clauses.

Hon. Members, While I am aware of the discourses that are going on regarding this subject, I would like to inform this House that neither my office nor that of the Clerk has to date received any Coalition Agreement relating to the existence of any Coalition in this House and without such information or evidence, I would be putting this House to an unfair position if I were to rule in favour of the existence of a Coalition whose Constitutive Agreement I am yet to see.

It would also be a challenge for me to rule on this matter without the privilege of perusing any Coalition Agreement as such perusal would greatly assist in my understanding of the matter and thus guide appropriately on the legal position to avert any situation that would affect the conduct of business of the House.

Hon. Members, In the absence of a Coalition or Coalition of Parties, as none has been officially claimed as far as I am concerned, my understanding is that Section 10 of the County Governments Act as read with Standing Orders 15 and 16 provide a very solid panacea on who should elect the leadership of the House and that is the largest political party and the second largest political party in the County Assembly.

Hon. Members, In view of the foregoing, my considered determination on the instant matter is as follows:-

A. Which is the largest political party in the County Assembly?

1. The County Assembly of Kitui currently has 59 members. The current membership is shared in the following manner by the political parties:-

a) Wiper Democratic Party	- 24
b) NARC Party	- 12
c) United Democratic Alliance Party	- 06
d) Jubilee Party	- 03
e) CPK Party	- 01
f) CCU Party	- 02
g) Muungano Party	- 01
h) GTAP Party	- 01
i) Independents	- 09
Total	<u>59</u>

In view of the membership of the County Assembly as indicated above, it is evident that the Wiper Democratic Party has majority of the members forming the County Assembly of Kitui and is therefore entitled to elect the Leader of majority party and any other leadership under the Standing Orders as well as nominating a member to the County Assembly Service Board.

(Applause)

With regard to the Majority Party therefore, this is the Leadership as received from the Wiper Party through a letter dated 4th October, 2022 and received by my office today:-

Name	Position
Majority Party Leader	Hon. Harrison Maluki Mawia, MCA
Deputy Majority Party Leader	Hon. Dr. Erastus Mbuno Musyoka, MCA
Majority Party Whip	Hon. Boniface Mukwate Katula, MCA

Deputy Majority Whip, Hon. Godfrey Muthengi Ndagara, MCA
The party has also submitted the name of the Hon. Mathew Vuthi Ngovi to serve in the County Assembly Service Board.

(Applause)

B. Which is the second largest party in the County Assembly?

In view of what is stated under paragraph 1 above and considering that NARC Party has the second largest number of members constituting the County Assembly, NARC Party shall therefore be entitled to elect the Leader of Minority party and any other leadership under the Standing Orders as well as nominating a member to the County Assembly Service Board.

With regard to the Minority Party therefore, this is the Leadership as received from NARC Party through a letter received by my office today:-

Name	Position
Minority Party Leader	Hon. Alex Mutambu Nganga, MCA
Deputy Minority Party Leader	Hon. Jeremiah Musee Mutua, MCA
Minority Party Whip	Hon. Sylvester Kitheka Munyalo, MCA
Deputy Minority Party Whip	Hon. Boniface Katumbi, MCA

The party has also submitted the name of the Hon. Hussein Mwandia to serve in the County Assembly Service Board.

(Applause)

C. The position of UDA and Jubilee.

Standing order number 2 defines a County Assembly Party as a party that consists of not less than 5% of the membership of the County Assembly. To this end therefore, UDA and Jubilee parties are County Assembly parties although by dictates of our standing orders they are not entitled to elect any form of party leadership.

However, I am directing these parties to appoint one liaison member for administration purposes and to ease the manner in which the parties communicate with the County Assembly although these members will not be entitled to any responsibility allowance as this position is not recognised either in law or our standing orders. These names are to be submitted to my office by Friday, 14th October, 2022.

Hon. Members, In view of the foregoing, I am hereby directing the Clerk of Assembly to ensure that the appointed leadership moves into their respective offices, where applicable, with immediate effect and the Clerk to ensure that the said Leadership is accorded any assistance they may require to undertake their duties.

Hon. Members, I would like to meet the leadership in my office at the rise of the House; so as to discuss about the House Business Committee and the other committees. This should also include one representative from the Jubilee party and the UDA Party. This should be done immediately after we adjourn this House.

(The Clerks-at- the table consults with the Speaker)

ADJOURNMENT.

Hon. Members, let us be upstanding to adjourn the House. This House now stands adjourned until Tuesday 18th of October, 2022 at 9:00 a.m.

(The County Assembly rose at 2:35 pm)