



COUNTY GOVERNMENT OF KITUI
THE COUNTY ASSEMBLY
THIRD ASSEMBLY-SECOND SESSION
VOTES AND PROCEEDINGS

MONDAY 16TH JANUARY, 2023 AT 9.30 A.M.

1. The House convened at Nine Thirty O'clock.
2. The proceedings were opened with a prayer.
3. **PRESIDING** - Honorable Speaker on the chair.

4. ADMINISTRATION OF OATH

The Hon. Speaker administered the Oath/ Affirmation of Office to Member of the County Assembly for Kyome/Thaana as indicated below:

S/NO.	NAME	WARD	PARTY
1	MUSYIMI ALPHONSE MUKWAIYU	KYOME/THAANA	WDM

5. COMMUNICATION FROM THE CHAIR

The Honourable Speaker Made the following Communication: -

- i. **COMMUNICATION AS RELATES TO THE SPECIAL SITTING AND PROGRAMME FOR THE REMAINING RECESS PERIOD.**

Honorable Members,

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Happy new year 2023 and welcome back from the short recess break for this Special Sitting to attend to matters of County importance. As you all recall, the Assembly proceeded for the December recess on the 21st December, 2022 and was scheduled to resume its sittings for the Third Assembly, Second session on the 28th February, 2023.

Honorable Members,

The Kitui County Assembly Standing Order No. 26 provides for the procedure for calling a Special sitting of the County Assembly. To this regard, the Leader of the Majority Party wrote to my office on the 9th of January, 2023 requesting for a special sitting so as to transact the following business:

- i Administration of Oath of Office to the Member of County Assembly – elect, Kyome/Thaana, Hon. Alphonse Mukwaiyu Musyimi;
- ii Committal of the nominee to the office of County Executive Committee Member for Education, Training and Skills Development; and
- iii Committal of the nominees to the Office of Chief Officers in the County Government of Kitui.

Honorable Members,

I was satisfied that the business proposed to be transacted was urgent and needed immediate attention by this Honourable House and I subsequently appointed this day, the 16th January, 2023 as a Special Sitting Day of the County Assembly via Gazette Notice No. 221 so as to transact the business as contained in today's Order Paper.

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Honorable Members,

Further, in my communication on 21st December, 2022, I indicated that my Office would be making the necessary communications as pertains to the programme of activities to be undertaken by the whole House and specific committees during the December recess.

Honorable Members,

From the foregoing, I have consulted with the Assembly leadership and the Administration, and agreed on the following calendar of events cognizant of the statutory timelines as relates to the consideration of the Annual Development Plan, vetting of the nominees to the Office of Chief Officers in the County Government of Kitui, and most importantly, the urgency to ensure service delivery to the great people of Kitui.

- i. 17th and 18th January, 2023 - Public participation on the Annual Development Plan. The exercise will take place in five County Centers as contained in the table below;

NO	DATE	TIME	SUB-COUNTY	VENUE
1	Tuesday, 17 th Jan, 2023	10.00 AM - 4.00 PM	Kitui Central, Kitui West and Kitui Rural Sub Counties	Kitui Multipurpose Hall
		10.00 AM - 4.00 PM	Kitui South Sub County	Mutomo Chiefs' Camp

		10.00 AM - 4.00 PM	Kitui East Sub County	AIC Zombe
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2	Wednesday, 18 th Jan, 2023	10.00 AM - 4.00 PM	Mwingi Central and Mwingi West Sub Counties	Mwingi Resource Centre
		10.00 AM - 4.00 PM	Mwingi North Sub County	Kyuso Market Shed

- ii. 23rd to 28th January, 2023 - Sectoral Committees consideration of the Annual Development Plan;
- iii. 30th and 31st January, 2023 - Vetting of the nominee to the Office of the County Executive Committee Member for Education, Training and Skills Development and the nominees to the office of Chief officers, both within the Assembly precincts;
- iv. 1st to 4th February, 2023 - Committee on Appointments and Sectoral Committees report writing on the nominees to the positions of County Executive Committee Member for Education, Training and Skills Development and office of Chief officers respectively;
- v. 1st to 4th February, 2023 - Consideration of the Annual Development Plan by the Committee on Finance and Economic Planning;
- vi. 6th to 8th February, 2023 - Special Sitzings of the County Assembly to approve;
 - a. Report by the Committee on Appointments on the vetting of the nominee to the office of the County Executive Committee Member for education, Training and Skills Development;
 - b. Report by the Committee on Finance and Economic Planning on the Consideration of the Annual Development Plan; and

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- c. Sectoral Committee reports on the vetting of the respective Chief officers to the various Departments in the County Government of Kitui.

Honorable Members,

The above programme is very involving and calls for utmost commitment and sacrifice aware that the people of this great County have bestowed faith and trust unto us to deliver on our mandate of representation, oversight and legislation. I therefore call upon us to relentlessly commit to realize the aforementioned programme within the short timelines given.

Honorable Members,

As your Speaker, I continue to re-affirm my commitment to delivering on our mandate as an Assembly and further your welfare as Members of the County Assembly whilst warranting a cordial working relationship with the Kitui County Executive to deliver our government's development agenda to our people.

THANK YOU.

ii. COMMUNICATION ON THE ADMINISTRATION OF OATH OR AFFIRMATION OF OFFICE TO MEMBER OF THE COUNTY ASSEMBLY

Honourable Members,

As you are aware, the Independent Elections and Boundaries Commission (IEBC) postponed the August 2022 elections for the position of Member of County Assembly (MCA), Kyome/Thaana Ward, Mwingi West Sub County. The election was postponed for a period of 90 days following the Death of one of the Candidates.

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Honourable Members,

The Independent Electoral and Boundaries Commission Conducted the election for the said position on 8th December, 2022. Hon. Alphonse Mukwaiyu Musyimi was declared the duly Elected Member of County Assembly for Kyome/Thaana ward and his name gazetted vide Gazette Notice No. 15569 dated 14th December, 2022.

Honourable Members,

The Constitution of Kenya under Article 74 provides that; -

“Before assuming a state office, acting in a state office, or performing any functions of a state office, a person shall take and subscribe the oath or affirmation of office, in the manner and form prescribed by the Third Schedule or under an Act of Parliament.”

Honourable Members,

The said Oath or Affirmation of office that will be subscribed to Hon. Alphonse Mukwaiyu Musyimi is prescribed under the First Schedule of the County Governments Act, 2012.

Standing Order No. 3 (6) requires that at any other time, other than the proceedings of a new County Assembly as held on 21st September, 2022 when you were sworn in, the Oath or Affirmation of Office shall be administered by the Speaker immediately after Prayers.

Honourable Members,

The swearing-in shall proceed in line with the provisions of Standing Order No. 3(7) which states that when a Member first attends to take his or her seat after the first sitting of the County Assembly, the Member shall, before taking his or her seat be escorted to the Table by

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two Members and be presented to the Speaker who shall then administer to them the Oath or Affirmation of Office.

The procedure to be followed remains the same as follows:

1. The Clerk of Assembly shall call the name of Member for purposes of swearing-in as prescribed in Standing Order No. 3;
2. The Member so called shall be escorted to the bar, bow and proceed to the podium to my right and subscribe to the Oath or Affirmation of Office.
3. Once sworn-in, a Member shall sign the Oath book and then resume his/her seat.

Honourable Members,

Allow me to also recognise and welcome the following visitors who have accompanied Hon. Alphonse Mukwaiyu Musyimi and are seated at the Speaker's gallery: -

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|---------------------------|------------------|
| 1. Eunice Muli Mukwayu | - Wife |
| 2. Martin Musyimi Mukwayu | - Son |
| 3. Evelyn Musyimi | -Daughter-in-law |
| 4. Stella Makonge | -Sister |
| 5. Patience Musyimi | -Grand Daughter |
| 6. John Musyimi | -Nephew |
| 7. John Ndata | -Nephew |
| 8. Leonard Mwaniki | -Nephew |
| 9. Patrick Mūlua | -Nephew |
| 10. Rose Nzumbi | -Brothers' Wife |
| 11. Boniface Kutu | -Grandson |
| 12. Jack Kasyoki | -Grandson |
| 13. Patrick Nzui | -Friend |
| 14. Joseph Mwandu | -Friend |

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| 15. | Francis Kitheka | -Friend |
| 16. | Mary Sune | -Friend |
| 17. | Rose Kasina | -Friend |
| 18. | Linet Musembi | -Friend |
| 19. | Janet Kinyambu | -Friend |
| 20. | Muthengi Musili | -Friend |
| 21. | Kikavu Mue | -Friend |
| 22. | Mbisi Musili | -Friend |
| 23. | Caroline Mwangangi | -Friend |
| 24. | Annah Musyoka | -Friend |
| 25. | Lucia Musee | -Friend |
| 26. | Rose David | -Friend |
| 27. | Naomi Kitheka | -Friend |
| 28. | Christine Mutua | -Friend |
| 29. | Annah Ndumo | -Friend |
| 30. | Martha Mueni Titus | -Friend |
| 31. | Felistus Mwende | -Friend |
| 32. | Florence Mwikali | -Friend |
| 33. | Jacinta Masaa | -Friend |

Honourable Members,

I will now request the Clerk to the Gazette Notice and read out the name of the Member for swearing-in.

THANK YOU

iii. COMMUNICATION AS RELATES TO THE AD HOC COMMITTEE ENQUIRING INTO THE INSECURITY CAUSED BY THE CAMEL HERDERS IN THE SOUTH KITUI GAME RESERVE AND ALL OTHER AFFECTED AREAS.

Honorable Members,

As you are aware, there has been an AD-HOC Committee that I appointed on 1st and 2nd November, 2022 to enquire into the insecurity caused by the camel herders in the South Kitui Game Reserve and all other affected areas. The formation of the Committee was made pursuant to the provisions Section 14 (1) (b) of the County Government Act, 2012 and Standing Order No. 192A (5).

Honorable Members,

On the 21st December, 2022, I extended the term of the AD-HOC Committee by an additional twenty-one (21) sitting days to accord the Committee more time to proceed with the business as conferred by the Motion.

Honorable Members,

Subsequently, the Committee held elections for the Chairperson and Vice chairpersons to the Committee on 11th January, 2022 following a vote of no confidence of the two by the Committee Members. Hon. Dominic Ishmail Mwamisi and Hon. Judith Wanza were unanimously elected as the Chairperson and vice chairperson to the Committee respectively. I congratulate the Members for their appointments to the said positions and I wish them all the best as they continue to discharge their duties.

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Honorable Members,

One of the members of the Committee; Hon. Nzungi Ngwele wrote to my office requesting to withdraw his membership from the Committee, which request I approved. As a result, I hereby appoint Hon. Joseph Kasungi Kavula to replace him with immediate effect. The new member should join to serve the Committee diligently to assist in the realization of her mandate and to the benefit of Kitui Citizenry.

Honorable Members,

I am as well alive to the new insecurity occurrences and concerns in Tseikuru and Endau/Malalani Wards which is an indication of increase of insecurity in the said regions. I wish to remind the Committee that a prolonged delay in delivery may cause irrecoverable damages to our people and that it should move with haste to deliver on her mandate within the extended timeframe as earlier indicated.

Honorable Members,

I thank you all for your continued support and I reiterate that my office is open for any assistance and guidance needed.

THANK YOU.

iv. COMMUNICATION AS RELATES TO THE RE-SUBMISSION OF THE COUNTY EXECUTIVE COMMITTEE NOMINEE FOR EDUCATION, TRAINING AND SKILLS DEVELOPMENT.

Honourable Members,

On the 22nd December, 2022 my office received a memorandum from H.E the Governor, Dr. Julius Makau Malombe resubmitting to the County Assembly for consideration for appointment of the County

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Executive Committee nominee for Education, Training and Skills Development.

Honourable Members,

Whereas H.E the Governor had submitted to the County Assembly the name; Joyce Kasyoka Masila, he resubmitted the name Joyce Titus citing it to be the name appearing on the nominee's National identity Card. In the memorandum, H.E the Governor noted that: -

- i. The County Assembly approval of a name different in the nominee's identity card with that submitted by the nominating authority may engender undue confusion;
- ii. The nominee has the requisite experience and training to head the education, Training and Skills Development Ministry;
- iii. The nominee's reported lack of composure during the vetting may have been as a result of the initial intense questioning on the mix-up of her names, and that training and exposure would be undertaken to enhance the nominee's capacities as appropriate; and
- iv. It would result to violation of the the legal and constitutional requirement of Two Thirds (2/3) Gender Rule if the Governor constituted the County Executive Committee without the said nominee.

Honourable Members,

In my response to H.E the Governor, I guided that:-

- i. The circumstances that H.E the Governor is allowed to tender a Memorandum are cases pertaining to Bills only as envisaged in

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Section 24 of the County Governments Act, 2012 and Kitui County Assembly Standing Order No. 134. This is an opportunity accorded to the Governor to put forth his reservations for not assenting to a Bill.

- ii. On matter of the Two Thirds (2/3) Gender Rule, the law is not violated since the cabinet is not fully constituted.
- iii. Section 10 of the Public Appointments (County Assemblies Approval) Act, 2017 provides for the procedure to be followed in the event of rejection of a nominee by the County Assembly. The Section states that;

(1) Where the nomination of a candidate is rejected by a County Assembly, the appointing authority shall submit to the County Assembly the name of another candidate, and the procedure for approval specified in this Act shall apply accordingly.

(2) A nominating authority shall not resubmit the name of a candidate whose nomination has been rejected by the County Assembly unless the circumstances relied on for the rejection of the appointment of the candidate did not exist or ceased to exist at the time of rejecting the nomination of the candidate.

Honourable Members,

In the light of the reasons set above, I advised H.E the Governor to submit afresh the nominee for Education, Training and Skills Development through a letter addressed to my Office. H.E the Governor

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responded on the 10th of January, 2023 through a letter to my Office referenced **CGKTI/OOG/ADM/23/42** submitting the name **Joyce Titus** as the nominee to the position of the County Executive Committee for Education, Training and Skills Development.

Honourable Members,

I hereby commit the nominee to the Committee on Appointments pursuant to Section 14 (3)(a) of the County Government Act as read together with Section 7 (1) of Public Appointments (County Assemblies Approval) Act and Standing Order No. 184 (4) for consideration.

V. COMMUNICATION FROM THE CHAIR AS RELATES TO THE NOMINEES TO THE POSITIONS OF COUNTY CHIEF OFFICERS.

Honourable Members,

Pursuant to the provisions of Section 45(1) of the County Government Act 2012 as read together with sections 6(1) and 7(1) of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017, I hereby notify the House that I have received a list of twenty-six (26) nominees for the positions of the County Chief Officers as follows:

S/No	NAME	DEPARTMENT	SUB COUNTY	WARD	GENDER
1	David Soi Masai	Environment and Forestry	Kitui West	Kauwi	Male
2	Kamunda John	Governor's service Delivery	Mwingi North	Tharaka	Female
3	Nathan Kasamba Vungo	Water	Kitui Central	Changwithya West	Male
4	Gladys Mami Wambua	Irrigation	Kitui Rural	Kanyangi	Female

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S/No	NAME	DEPARTMENT	SUB COUNTY	WARD	GENDER
5	Nelly Kavuu Mutisya	Agriculture and Fisheries	Mwingi Central	Waita	Female
6	Jonathan Kyambi Nzau	Livestock Development & Apiculture	Kitui South	Kanziko/Simisi	Male
7	Michael Mutisya Kalii	Lands and Housing	Mwingi West	Kiomo/Kyethani	Male
8	Evans Mutemi Mutua	Urban Development	Kitui West	Mutonguni	Male
9	Pauline Kikele Mwalali	Basic Education, ECDE & Childcare Facilities	Kitui Central	Kyangwithya East	Female
10	Kennedy Munyambu Mwendwa	Polytechnics, Vocational Centres & Homecraft Centres	Mwingi Central	Mwingi Central	Male
11	Peter Ketonya Musya	Transport and Bodaboda Sector	Mwingi North	Ngomeni	Male
12	Franciscah kanza Kyui	Performance Contracting, Disaster & Emergency Services	Kitui South	Mutomo	Female
13	Lynn Kitwan	Public Health & Sanitation	Kitui East	Endau/Malalani	Female
14	Paul Ngei Monyi	Cooperatives & Citizen Group Economic Empowerment Initiatives	Kitui East	Voo/Kyamatu	Male
15	Fednard Ndemah Kathenge	Tourism, Hospitality & Game Reserves	Kitui South	Ikanga/Kyatune	Male
16	Dr. Musyoka Benson Wambua	Medical Services	Kitui East	Chuluni	Male

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17	Stephen Kitonga Salee	Decentralized Units, SEKEB & Inter-Governmental Relations	Mwingi Central	Nuu	Male
18	Henry Ngilu Nyamai	Energy, Minerals & Natural Resources	Kitui East	Mutito/Kaliku	Male
19	Agnes Kawila Mulewa	Public Service & General Administration	Kitui West	Kauwi	Female
20	Aggrey Kinyalili Kamba	Drugs & Medical Supplies	Kitui Rural	Kisasi	Male

No	NAME	DEPARTMENT	SUB COUNTY	WARD	GENDER
21	Patrick Masila Munuve	Economic Planning & Budgeting	Kitui Rural	Yatta/Kwa Vonza	Male
22	Stephen Makau Musili	Trade, Industry, MSMEs & County EIZs	Mwingi North	Kyuso	Male
23	Benjamin Kithee Chamia	Roads & Public Works	Kitui Central	Township	Male
24	John Makau Kimwele	Finance, Revenue Management & Accounting	Mwingi Central	Mui	Male
25	Bretta Mwangangi	Culture, Gender & Social Services	Kitui West	Matinyani	Female
26	Nason Kang'alya Kilonzo	Youth, Sports, ICT & Initiatives	Kitui Central	Changwithya West	Male

Honourable Members,

I hereby commit the nominees to the relevant sectoral Committees for consideration. I direct the Sectoral Committees to sit at the rise of the House to set the ground rules and the work plan of the vetting process of the nominees. Further, guided by Section 9 of the Public Appointments (County Assemblies Approval) Act, 2017 the Sectoral Committees will have twenty-one (21) Sitting days from their first

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sitting to table in the House their reports on the suitability of the candidates to be appointed to public office for debate and appropriate decision.

Honourable Members,

I wish the Sectoral Committees success as they embark on this vital exercise. My Office is open for any guidance and assistance needed in the appointment process.

THANK YOU.

6. ADJOURNMENT And the time being Twenty Five minutes Past Eleven O'clock, the Honourable Speaker adjourned the house.

7. ASSEMBLY ROSE – Twenty Five minutes Past Eleven O'clock.

MEMORANDUM

*The Honorable Speaker will take the Chair on
Tuesday 28th February, 2023, at 9:00 A.M*

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