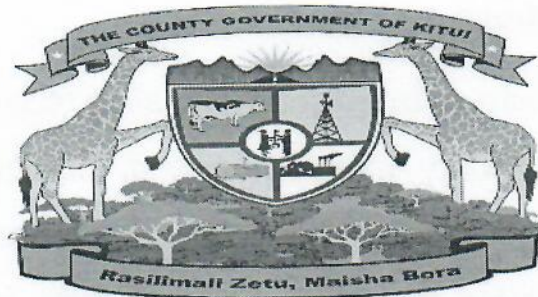


**THIRD ASSEMBLY
(009)**

**SECOND SESSION
(057)**



COUNTY GOVERNMENT OF KITUI
THE COUNTY ASSEMBLY
THIRD ASSEMBLY – (SECOND SESSION)
WEDNESDAY 1ST MARCH, 2023 AT 2.30 P.M.

1. The House Assembled at half past two O'clock.
2. The proceedings were opened with a prayer.
3. **PRESIDING** - Hon. Speaker on the chair.
4. **COMMUNICATION FROM THE CHAIR.**

The honourable Speaker made the following communication; -

**COMMUNICATION FROM THE CHAIR AS RELATES TO THE ADDRESS
TO THE ASSEMBLY BY SENATOR HONORABLE ENOCH KIIO
WAMBUA.**

Kitui County Senator, Honourable Enoch Kiio Wambua, CBS, M.P.,

Hon. Members of Senate and the National Assembly present,

Hon. Members of the Third County Assembly of Kitui,

Distinguished Guests,

Ladies and Gentlemen,

Good afternoon.

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Honourable Members,

It gives me great pleasure to welcome you all to today's sitting of the second session of the Third County Assembly. Indeed, this day is of great importance to us all. Today's sitting is informed by the County Assembly Standing Orders No. 21 (1) which states that, "*The Speaker may, in consultation with the Leader of the Majority and the Leader of the Minority Party, allow the Senator of the County or a visiting Governor or other such visiting dignitary, to address the County Assembly on such occasions as may be appropriate.*" We are today therefore dignified by the presence of our Senator, the Hon. Enoch Kiiio Wambua.

Honourable Members,

I wish to state that the presence of Kitui County Senator is a clear indication of his interest and dedication to serve not only this Assembly but also the Kitui County at large. Article 96 of the Constitution enumerates the role of the senate as to protect the interests of the Counties and their Governments, determining the allocation of National revenue among Counties and exercising oversight over the National revenue allocated to the County Governments. I am convinced that by working together, we can make this County a model for good governance and socio-economic development.

Honourable Senator,

Today, this House is keen to listen to your address as we commence the Second session of the Third County Assembly. I am fully informed that you addressed the Second Assembly thrice, your last address being on 8th June 2022. Undoubtedly, this signifies that the Assembly plays a key role in your

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agenda as the Senator for Kitui County, and that you are ready to work with us in order to realize the gains of devolution and its prosperity as a whole. We are honored to once again host you at the Assembly.

Honourable Senator,

I wish to inform you that this House is composed of Forty (40) elected members and Twenty (20) nominated members by different political parties. The sixty (60) legislators are highly knowledgeable and vastly experienced personnel who voluntarily left their professions and heeded to the higher calling of service to the great people of Kitui. Out of the Sixty (60) members, forty (40) are men and twenty (20) are women. The majority party - Wiper Democratic Party Movement has twenty-five (25) MCAs, the minority party – NARC has twelve (12) MCAs, Independent nine (9) MCAs, United Democratic Alliance (UDA) Six (6) MCAs, Jubilee Party three (3) MCAs, Chama Cha Uzalendo (CCU) two (2) MCA's, Muungano Party (1) MCA, Communist Party of Kenya (CPK) (1) MCA and Green Thinking Action Party (GTAP) (1) MCA. This far, I am proud to say that Members of this County Assembly have shown competence, resilience and dedication to their mandate.

Honourable Senator,

As the legislative arm of the County Government of Kitui, this Assembly is aware of the enormous task that lies ahead of us. However, I want to assure you that these Honourable Members are up to the task. We shall continue

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to undertake our legislative mandate as per the Constitution in order to steer our County to greater heights.

Since the inception of the the Third County Assembly on 21st September 2022, Members' legislative capacity has continued to be richly enhanced in anticipation of the work that lies ahead. As an Assembly, we have been able to carry out significant legislative work by approving the following Committee reports; -

1. Report by the Committee on Appointments on the vetting of nominees to the position of County Executive Committee Members (CECMs) in various County Ministries;
2. Sectoral Committees' reports on the vetting of nominees to the positions of County Chief Officers in the various County Departments, and;
3. Report by the Committee on Finance and Economic Planning on consideration of the Kitui County Annual Development Plan for the Financial Year, 2023/2024.

We have also been able to dispense several Motions. Notable amongst these were; -

1. Motion on the Insecurity caused by the camel herders in the Kitui South game reserve to the residents of Mutha ward in Kitui South constituency;
2. Motion on Kitui County Government pending bills;
3. Motion of County importance on the proposed construction of High Grand Falls Dam in Tharaka and Tseikuru Wards in Kitui County;
4. Motion on resolution to petition the National Assembly on County Wards equitable development fund, among other achievements; and

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We expect to have more legislative business geared towards the welfare of our County.

Honourable Senator,

To improve efficiency in service delivery and representation, the Assembly intends to;

- i) Construct Ward offices in each of the forty (40) Wards to aid the elected members serve the electorates better,
- ii) Construct an office block in the precincts of the Assembly which will have offices for all Members, Committee rooms and staff offices.
- iii) comply with the SRC Circular that requires all County Assemblies to make provisions of a residence of the Speaker within the County headquarters. To this end Hon. Senator, we have factored the same in the recently approved County Annual Development Plan and we will seek to have the same factored in the subsequent Budgetary planning documents.

As the Speaker, I have written to the Governor to provide public land for construction of the ward offices and the speaker's residence, it is our hope that the same will be achieved with enough development budget allocation from the exchequer to the County Government and our continued cooperation with the Executive.

Honourable Senator,

As we pride ourselves with the progress made this far by the House and the plans to improve on service delivery, I wish to bring to your attention some

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major challenges that we as an assembly encounter in execution of our mandate and which we seek your indulgence as our representative in the Senate:

1) Financial Autonomy;

The Public Finance Management Act (PFMA), 2012 in its current form requires the Assembly to access funds from the exchequer through the County Executive Committee Member for Finance. This has been a source of political conflicts between the two Arms of the County Government sometimes reducing the County Assembly to beg for funds while executing her oversight mandate. The cure to this will be an Amendment to the PFMA, 2012 to allow the Assembly have financial autonomy.

2) Review of Remuneration and Benefits to the Members of County Assembly;

You will notice as contained in the Gazette Notice Numbers 8792 and 8794 (*a copy attached to this communication*), there is a huge disparity between the remuneration of the state officers in the County Executive vis a vis that of the Members of the County Assembly. This is despite the fact that the MCAs are mandated to oversight the County Executive. Just to Mention Hon. Senator, a County Executive Member earns Kshs. 404,250 Gross Salary per Month while an MCA earns 144,375 in Gross Salary. This is a huge disparity when compared to National Government where a Senator earns Kshs. 760,000 per month while a Cabinet Secretary earns Kshs. 924,000 monthly. You will notice there is no huge marginal gap between the Senators and Cabinet

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Secretaries given the other benefits enjoyed unlike in the County Government where there is a huge gap between the MCAs and the County Executive Member, this adversely affects the ability of the MCAs to conduct proper oversight. There is thus need to petition the Salaries and Remuneration Commission to consider reviewing the remuneration to the MCAs to equate to that of the County Executive.

3) Allocation of Ward Development Fund;

You are aware that through the County Assemblies Forum (CAF), this Assembly has petitioned the National Parliament to have the Ward Development Fund anchored in the Constitution in the proposed constitutional amendment. Hon. Senator, in order for us to realize the objectives of devolution, we must involve residents in all the wards in the management of their resources. They pay taxes and these monies must be utilized in wards for greater transformation on development projects, the Ward Fund will give MCAs a say in planning and management of projects in their respective wards.

4) Payment of Taxes on the Car Reimbursements;

Provision of mobility for members is paramount in their day to day running. We thank the National Government for seeing it fit to provide Members with a car through the car reimbursement benefit. However, the procedure being used to implement the circular is so punitive. Hon. Senator, I wish to bring to your attention that there is a directive from the Kenya Revenue Authority (KRA) (*copy attached to this communication*) that requires taxing of the car reimbursement benefit of Kshs. 2.2 million. This leaves the Hon. Members with Kshs 1.5 million

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after Kshs 700,000 is taken by taxes. With the increased Dollar rates, the vehicles have become so costly such that Members are unable to get cars worth the balance left after taxation. We wish to request you to voice our concern with the necessary authorities in the Senate and at the National Government to have this matter addressed.

5) Recurrent Expenditure Ceilings;

The Commission on Revenue Allocation (CRA) is mandated under Section 107 (2B) of the PFMA, 2012 to recommend recurrent expenditure ceilings for the County Governments to the Senate. The Membership of the Third Assembly of Kitui has increased from 54 in the Second Assembly to 60 in the current Assembly yet CRA has not revised out ceilings to accommodate the increased cost that comes with an expanded Assembly. We request your indulgence to have the ceilings for Kitui Assembly revised upwards so as to be commensurate to the increased membership.

6) Partisan Employees to the MCAs

CRA has capped the partisan employees to the Members to only three. The three have been designated as Ward Assistant to manage the Ward office, Personal Assistant to the Member and a Messenger. With the provision of a vehicle to the Member, there is need to provide them with drivers. We therefore request your indulgence to review the capping from three to four to enable the MCAs to employ additional staff who will serve as their personal drivers.

7) Plenary Sitting Allowances

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The Salaries and Remuneration Commission abolished the plenary sitting allowances for Members of Parliament and County Assemblies in a gazette notice dated August 9th 2022. However, we understand that the Parliamentary Service Commission (PSC) is renegotiating with SRC to ensure that MPs get what their predecessors earned. The removal of the allowances has disadvantaged the MCAs and led to low morale in legislative participation on the floor comparatively.

Hon. Senator it is our plea to you that the Assemblies be included in the renegotiations being undertaken by the PSC.

8) We also will be requesting your support from time to time to provide leadership, guidance in building of consensus between the Assembly and the Executive whenever it is deemed necessary.

Honorable Members,

It is now my pleasant duty and privilege to invite Honorable Enoch Kiio Wambua, the Senator for Kitui County to address the House. Welcome sir.

THANK YOU.

5. SENATOR'S ADDRESS.

Hon. Senator Enock Wambua Kiio – senator Kitui County, made the following address in Kitui County Assembly;

Mr. Speaker Sir,

Honourable Members,

To God I give all the glory and honour for this great opportunity to address the 3rd Kitui County Assembly following the August 9, 2022 General Election. I undertake this noble duty on the strength of the Kitui County Assembly Standing Order 21 (1) and the Senate Standing Order 253 (1).

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Mr. Speaker Sir,

I thank you for granting my request to address this Assembly at such a time as this. Honourable members, I thank you for allowing me to address you. I don't take this privilege for granted.

Mr. Speaker Sir,

In the second Kitui County Assembly, I addressed honourable members four times: on February 27, 2018; on October 5, 2018; on September 16 to 20, 2019 and on June 6, 2022. Owing to the Ministry of Health and World Health Organization Covid-19 restrictions, it was not possible for me to address the Assembly in 2020 and 2021. Thank God those restrictions are now behind us.

Mr. Speaker Sir,

This Assembly has recorded the highest number of young and youthful members ever elected to our County Assembly since the advent of devolution. And you Mr. Speaker Sir, are playing in that league. It confirms the increased confidence of the people of Kitui County in the leadership of the young generation; in a way affirming the maturing of our democracy. It is now your duty to prove to the electorate that you are fit for purpose and that young age is indeed a blessing to leadership.

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Mr. Speaker Sir,

Several women have also been nominated by various political parties to this honourable house. This is a manifestation of the growing confidence in the contribution of women leadership in decision-making in our governance and political institutions. I am certain that this positive trend will continue into the future as you continue discharging your core mandate of legislation, representation and oversight.

To all of you members - the young, the young at heart, and those privileged and blessed with old age like me - I take this special opportunity to congratulate all of you honourable members on your election in the last General Election and the subsequent nominations.

Mr. Speaker Sir,

It is also my singular honour to congratulate you, the Honourable Kevin Kinengo Katisya, for the overwhelming confidence bestowed on you by members of this Assembly to preside over this honourable house. To all the members who have been elected to various house leadership positions including chairpersons of the various committees, I congratulate you. I wish you individually and collectively, God's wisdom, strength and courage as you steer the legislative agenda of our great county in this Assembly.

Mr. Speaker Sir and Honourable Members,

As a county, we are currently battling several challenges (drought, insecurity, charcoal trade, the proposed grand falls dam construction and

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resettlement of residents, climate change effects, massive deforestation and illegal sand harvesting in our rivers, mineral exploitation, etc.).

All these challenges require a truly bipartisan approach to enact relevant legislations at the county level to mitigate any imminent and resultant.

Article 176(1) of the Constitution of Kenya establishes 47 county governments as defined in the first Schedule. The Constitution recognizes the two arms of county governments as the Executive (headed by the Governor) and the Assembly (headed by the Speaker). In the discharge of their constitutional mandates, the two arms are inter-dependent.

I call upon the Executive and the Assembly of the County Government of Kitui, to find reason in the suffering of our people to work together to deliver the much-needed services and development projects to the electorate. If and when the two arms of government encounter turbulence in the course of duty, there must be sound mechanisms to resolve whatever conflicts, always guided by what is in the best interest of the great people of Kitui County.

negative effects. I will take the lead as your Senator at the national level for any appropriate legislation affecting counties and follow up to conclusion on any issues affecting our county.

There is evidence in the Senate records that your Senator, Enoch Kiio Wambua, CBS, is hands-on and does not compromise on any matter affecting our people. It shall be well.

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Mr. Speaker Sir,

As your Senator, I am always ready to come in whenever I am needed to help us all pursue win-win solutions to the challenges you may face on the way.

Mr. Speaker Sir and Honourable Members,

It can't be gain-said that Members of County Assemblies are very central to the success of devolution. On a daily basis, you engage with the masses at the base of the pyramid and respond to challenges of school fees, dowry payments, visits to parents and in-laws (in our local situation and language referred to as ndwae ngoone mwaitu), hospital bills and such other basic but legitimate challenges.

Mr. Speaker Sir,

These honourable members, as is the case with other members in other Assemblies across the country, are often, and unfortunately so, given the short end of the stick especially by the national Exchequer.

To start with, time is now ripe after ten years of devolved governments, for county Assemblies to be granted full financial autonomy in the management of their budgets. Clerks of County Assemblies across the country must assume full responsibility as accounting officers in their respective Assemblies.

Mr. Speaker Sir and Honourable Members,

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Secondly, I am fully aware of a very painful open discrimination against members of County Assemblies. Members of the National Assembly and the Senate enjoy car grants once in each term of service without having to pay tax on the same. There is no convincing explanation as to why MCAs should pay 30 per cent tax on their car reimbursement funds.

Mr. Speaker Sir and Honourable Members,

There must be a clear path out of this state of affairs. There is great strength in unity of purpose in every matter. I challenge the County Assemblies Forum to seek audience with the Senate Standing Committee on Finance and Budget to lay a firm foundation and chart the best way forward to resolve these financial challenges once and for all.

It is practically impossible for a single County Assembly working in isolation to resolve these issues. Whereas CAF has engaged the National Assembly to have some of these issues resolved through a Constitutional amendment, my very humble submission, Mr Speaker Sir, is that perhaps route to find ways of providing remedies to the financial challenges facing Assemblies and Honourable Members. As your Senator, I am ready to step into the gap and facilitate this all-important linkage in the Senate.

Mr. Speaker Sir and Honourable Members,

For the effective conduct of your primary oversight role, do your part to ensure that proper channels of communication between the Executive and this Assembly are established and kept open. If this is achieved, I assure you that there will be no challenge too difficult for the two arms of

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government to overcome. With these channels properly in place, there will be no need to shout at each other across the fence over matters that can be settled on a round table.

Mr. Speaker Sir and Honourable Members,

It is a core constitutional mandate of my office, working independently or in partnership with the institution of the Senate of the Republic of Kenya, to defend and to protect the interests of the County and the Government of Kitui County. The Constitution, by design, does not vest this all-important role on any other legislative or governance institution. I want to assure you and through you the entire population of Kitui County, that this is a role I take very seriously without undue regard to parochial considerations. In regard to the capacity to get this job done, I

assure you that I am ready, willing and able to deliver on this and other mandates of my office as captured in Article 96 of the Constitution of Kenya (2010) with precision. But I do all this with great humility knowing that it is God who enables me to perform my duties to His children and that one day I will be accountable to Him.

Mr. Speaker Sir and Honourable Members,

Open theft of public resources perpetrated by the Executive arms of county

governments across the country is the biggest shame of leadership in our time. It is the one vice that threatens to kill devolution. A few hours ago,

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the current Governor of Kitui County H.E. Dr. Julius Makau Malombe received a damning Human Resource Audit Report which exposed more than 900 ghost workers in the payroll of our county government. This extent of corruption is intolerable. It must be fought by every well-meaning resident of Kitui County. Those responsible for this blatant theft must face the full force of the law.

Mr. Speaker Sir,

The money I fight so hard, with the help of my colleagues through the annual County Allocation of Revenue Bill in the Senate to be allocated to Kitui County can't just disappear into people's pockets and the intended beneficiaries are left to live in absolute poverty.

We must call out everyone responsible for this mess. I will support the Governor and this Assembly to get to the bottom of this matter.

And the Kitui County Service Board has a long story to tell about this. How did we get here? Was the Board an accomplice in this scandal? And what does the former Governor Charity Kaluki Ngilu have to say about this mess?

Mr. Speaker Sir and Honourable Members,

As part of my oversight responsibility, I have written to the Auditor General requesting forensic audit on a number of projects carried out in our county by the previous administration between August 2017 and August 2022. Once those reports are out, I shall share the same with this Assembly.

Mr. Speaker Sir and Honourable Members,

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I appeal for unity of purpose to make life a lot more bearable for our people.

The passionate call I make for unity of purpose is not limited to leaders in the County Government of Kitui. No. This call is also relevant to all spheres of leadership in our county transcending politics, religion, business and the rich diversity of our social structures. When leaders deliberately pursue the path of conflict for personal gain, our people become the automatic net losers. We are in leadership to seek and deliver benefits to the people we lead.

Mr. Speaker Sir,

County boundaries are not imaginary lines drawn by busy bodies to be violated with abandon. Defending and protecting natural resources within our boundaries must find passionate and robust expression in this Assembly. The desire to secure what belongs to us must inform robust debates in this chamber. I am happy to note that our Assembly set up an ad hoc committee to look into the blatant killings of our people by bandits masquerading as Camel herders. This county, and indeed this country, is awaiting the full implementation of the recommendations of the committee.

Mr. Speaker Sir,

I am here in my official capacity as the Senator elected to represent the great people of Kitui County in the Senate. I am here with the full backing

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of the Speaker of the Senate and all my colleagues. Mr. Speaker, the Standing Orders of this Assembly, and indeed the Standing Orders of the Senate of the Republic of Kenya, prohibit me from discussing the character of any person if there is no substantive Motion to that effect. I will act responsibly.

Mr. Speaker Sir and Honourable Members,

I urge the Majority Leader with the backing of all the honourable members of this Assembly to consider bringing a substantive Motion to discuss the character of persons known to disrupt our peace by causing their agents to forcefully graze on our land and visit terror on innocent peasant farmers who resist their invasion.

Mr. Speaker sir, I charge this Assembly to rise up in one accord and act to restore the dignity of the Kamba nation.

Mr. Speaker Sir,

We must all resist the attempt from any quarter, either deliberate or informed by ignorance, to broadly and recklessly define the acts by the bandits as a conflict between the Somali and Kamba communities. It is not. It has never been. And we have a duty to ensure that it will never be.

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The peoples of Kamba and Somali extraction have a rich history of coexistence spanning decades and sealed by trade mainly in livestock and garments. We have huge populations of the Somali people doing very successful businesses in Kitui town, Mwingi town and other towns in Kitui County. They are part of our community in more than one respect. On the other hand, we have big populations of Kamba people doing businesses and working in Garissa, in Wajir and in Mandera counties. The gun-wielding bandits and their Lords hiding behind camels must never be allowed to strain this relationship. They must be dealt with as the criminals that they are. On this matter, I have engaged at the highest level of political leadership in this country and climbed down to the top most security office in the land to get this matter resolved. I will not relent. We must not relent.

Mr. Speaker Sir and Honourable Members,

Our forefathers protected the territorial integrity of our county and firmly repulsed invaders. That is why we enjoy the resources we do in our county. We have a duty of care upon our children and future generations to ensure that we protect their inheritance. We did not inherit our land from our forefathers to lose it to bandits.

May the sun soon set upon the workers of iniquity; the vampires within and without our county who conspire to inflict pain and suffering and death on the innocents. And may the sun continue to shine ever so bright on sons

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and daughters of virtue; the men and women who decline constant invitations to be compromised and choose to walk the narrow and often lonely path of honesty in pursuit of a just society.

Mr. Speaker Sir,

As stated earlier, our county is blessed to have young and youthful leaders elected in this Assembly. Your tomorrow has arrived; you are leaders of today. This presents both an opportunity and a challenge for you in collaboration with other leaders in our community to redefine leadership and the role of leaders in the daily lives of the people we lead. But before we can redefine leadership, we must strive to realize the ideals of leadership in our time. As leaders, it is easy and fashionable to proclaim commitment to undivided service to our county. Ideally, leadership is about creating opportunities for others, especially the vulnerable members of the community, to excel in all spheres of life. Leadership is about making sacrifices including foregoing personal benefits and passing those benefits to other more deserving members of society. Ideally a leader is a servant of the people. Leaders should be served last after everyone else has been served. But in our time, we continue to witness a serious erosion of the virtues of leadership and a reversal of roles to create opportunities and undue advantages to favour leaders at the expense of the people who deserve those opportunities and advantages more. Someone must draw the line and blow the whistle for this trend to end.

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Mr. Speaker Sir and Honourable Members,

In your legislative role, think about legislation that would positively impact the life of the most vulnerable member of your ward. In your representation role, provide a voice for that member of your ward who has no platform to speak for himself or herself. In your oversight role, be guided by that which is in the best interest of our county; avoid the temptation to carry out your roles guided by malice, ill-will or any other parochial consideration. You are not rehearsing leadership. You are right in it. Do it as if your entire life and the lives of all the people in Kitui County depend on your leadership.

Beyond the constitutional mandate of elected leaders to legislate, represent and oversight, our people expect us to defend and protect their interests against ill-willed persons acting individually or collectively to create difficult environments for our people to pursue and achieve their full potential.

As leaders in this county, we shall compete for positions and opportunities, but when the interests of our people are under threat, we immediately, by default, must forget our internal competitions and rally together to resist and defeat the threat.

Even if and when that threat comes in the form of a seemingly untouchable and politically correct State actor pursuing personal interests on our land, we must tell him or her and those who think and act like him or her that the Kamba nation deserves respect.

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Mr. Speaker Sir and Honourable Members,

As you embark on this new session, I implore you to carry out your duties fully aware that the drought situation in our county is worse today than it was when you went on the long Christmas break. And the situation isn't getting any better tomorrow.

On the matter of seeking relief for our people so badly hit by the drought, let us be deliberate about putting aside partisan interests as leaders in this county and build broad consensus on how to lessen the suffering of our people.

Establish networks and pursue partnerships with individuals and institutions that would come to the aid of our people for immediate remedies. Most importantly and for posterity, debate and pass county laws to entrench irrigation agriculture to stop the overreliance on rain fed agriculture because rainfalls in our region have become dangerously erratic. County laws that would prioritise a well-structured harvesting of

rain water would be most welcome. On my part with colleagues in the Senate, I have republished the Mung Beans Bill

(Senate Bills no. 13 of 2022) that stalled in the National Assembly of the 12th Parliament to ensure that our farmers get support from both the National Government and the County Government of Kitui to grow and market the cereal both locally and internationally.

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The Senate Standing Committee on Agriculture, Livestock and Fisheries is already working on modalities of visiting selected wards in our county to carry out public participation on the Bill before it can progress for debate in the second reading in the Senate chamber.

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Mr. Speaker Sir and Honourable Members,

Once the dates for the public participation are settled on, the counterpart committee of this Assembly will be notified and invited to join the Senate committee in the exercise. The same notification and invitation will be extended to the Executive arm of the County Government of Kitui so that all of us move in the same direction for the benefit of our people.

Mr. Speaker Sir and Honourable Members,

6. I thank you once again for according me and my colleagues the opportunity to visit and address this honourable House. God bless the County Assembly of Kitui. God bless the great people of Kitui County. God bless Kenya.

7. ADJOURNMENT

And the time being ten minutes to Four O'clock, the Honourable Speaker adjourned the house.

8. ASSEMBLY ROSE – Ten minutes to Four O'clock.

MEMORANDUM

The Honorable Speaker will take the Chair on the

Tuesday 14TH March 2023, at 9:00 a.m.

