



COUNTY GOVERNMENT OF KITUI
THE COUNTY ASSEMBLY
THIRD ASSEMBLY – (THIRD SESSION)
VOTES AND PROCEEDINGS
WEDNESDAY 7TH AUGUST, 2024 AT 2.30 P.M.

1. The House assembled at Thirty minutes past Two O'clock.
2. The proceedings were opened with a prayer.
3. **PRESIDING** -Hon. Speaker.
4. **Communication from the Chair.**

The Chairperson made the following communication;

I. **COMMUNICATION AS RELATES TO AUGUST RECESS, 2024**

Honourable Members,

In accordance with our Assembly approved Calendar (Regular Session), 2024, this House will proceed into the August recess effective today Wednesday, 7th August, 2024. In this regard, this House will be approving a procedural motion on adjournment to proceed into the August Short recess pursuant to Standing Order No. 25(3) and resume its sittings on Tuesday 3rd September, 2024 at 9.00 am.

Honourable Members,

As we approach the August recess, I would like to take this opportunity to reflect on our achievements and express my gratitude for your unwavering

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commitment and diligent work throughout this period. Your dedication to serving your electorates and addressing the critical issues facing our county has been exemplary.

Over the past three months, we have engaged in rigorous debates, passed significant legislations, and conducted thorough oversight as a House. These efforts have not only strengthened our governance but also brought tangible improvements to the lives of the people we represent. These achievements reflect our solid commitment to fulfilling our constitutional responsibilities of legislation, oversight, and representation, as stipulated by Article 185 of the Constitution of Kenya, 2010.

Honourable Members,

As we transition into the August recess period, I want to applaud you for the accomplishments we have made since we resumed from the April recess on Tuesday 7th May, 2024. Through our tripartite role of legislation, oversight and representation, this House has made some outstanding attainments. Permit me to point out specific accomplishments we have made as a House, as follows:-

A. Motions

Since this House resumed from April recess, we were able to approve the following motions;

- i. Motion on adoption of the report by the Committee on Implementation on the implementation of House resolutions.
- ii. Motion on adoption of the report by the Committee on Health and Sanitation on the status of health facilities within Kitui County.
- iii. Motion on adoption of the report by the Committee on Lands, Infrastructure and Urban Development on the oversight exercise to

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inspect projects undertaken by the Ministry of Roads, Public Works and Transport from May, 2023-February 2024 across the County.

- iv. Motion on adoption of the report by the Committee on Powers and Privileges on inquiry on its own motion into the conduct of Hon. Munyoki Mwinzi, Hon. Daniel Ngoima Kimanzi, Hon. Priscilla Martha Makumi and Hon. Mary Ndumbu and to establish whether their conduct constitutes a breach of privilege.
- v. Motion on adoption of the report by the Committee on Appointments on vetting of nominees to Mwingi Municipality Board.
- vi. Motion on adoption of the report by the Committee on Environment, Energy and Mineral Investments Development on the inspection of solar flood lights and street lighting in Kitui County.
- vii. Motion on adoption of the report by the Committee on Agriculture, Water and Irrigation on inspection exercise of sand dams constructed across Kitui County in the FY 2023/2024 carried out on 4th to 8th March, 2024.
- viii. Motion on adoption of the report by the Committee on Finance and Economic Planning on the inspection exercise on the status of revenue collection in Kitui County.
- ix. Motion on adoption of the report by the Committee on Trade, Industry, ICT & Cooperatives on inspection of market sheds, slaughter houses & stock yards across the County carried out on 7th -11th August 2023.
- x. Motion on adoption of the report by the Committee on Labour and Social Welfare on the oversight exercise carried to access the welfare

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of workers in the County Corporations carried out from 15th - 19th May, 2023.

- xi. Motion on adoption of the report by the Committee on Labour and Social Welfare on the oversight exercise carried to access the welfare of workers in the County Vocational Training Centres carried out from 2nd -6th April, 2024.
- xii. Motion on adoption of the report by the Committee on Tourism and Natural Resources on the inspection exercise of tourism projects funded by the County Government of Kitui for the period 2013-2023 conducted from 24th -28th July 2023.
- xiii. Motion on adoption of the report by the Committee on Culture, Sports, Youth, Gender and Social Services on the site inspection visit on the status of Lower Eastern Heritage Centre, Resources Centres and Social Halls projects funded by the County Government of Kitui, carried out from 8th - 12th May 2023.
- xiv. Motion on adoption of the report by the Committee on Culture, Sports, Youth, Gender and Social Services on the inspection of playgrounds funded by the County Government of Kitui in FY 2022/2023 carried out from 18th to 22nd March, 2024.
- xv. Motion on adoption of the report by the Committee on Basic Education, Training and Skills Development on inspection of County Vocational Training Centres (VTCs) in Kitui County.
- xvi. Motion on adoption of the report by the County Budget and Appropriations Committee on consideration of the Kitui County Budget Estimates for the Financial Year 2024/2025.

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- xvii. Motion on Adoption of the Report by the Committee on Basic Education, Training and Skills Development on Inspection of Early Childhood Development Centres (ECDE) in Kitui County.
- xviii. Motion on adoption of the report by the Committee on Justice and Legal Affairs on assessment of the implementation status of South Eastern Kenya Economic Bloc (SEKEB) Act, 2022.
- xix. Motion on reduction of the publication period for Kitui County Appropriation Bill, 2024 **(C/Assembly Bill. No.2 of 2024.)**
- xx. Motion on adoption of the report by the Committee on Administration and Coordination of County Affairs and Committee on Powers and Privileges on training on County Governance and Oversight: Integrating Administration, Power and Privilege held from 11th - 18th May 2024 in United Arab Emirates- Dubai.
- xxi. Motion on the Kitui County Appropriations Bill,2024 (C/Assembly Bill No.2,2024) - **SECOND READING**
- xxii. Motion on the Kitui County Appropriations Bill, 2024 (C/Assembly Bill No.2 of 2024) -**THIRD READING**
- xxiii. Motion on adoption of the report by a delegation of Members from the Committee on Trade, ICT, Industry and Cooperatives and the Committee on Basic Education, Training and Skills Development on training on strategic leadership held from 2nd to 9th June, 2024 in United Arab Emirates-Dubai.
- xxiv. Motion on reduction of the publication period for Kitui County Alcoholic Drinks Control (Amendment) Bill 2024 **(C/Assembly Bill. No.3 of 2024.)**

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- xxv. Motion on adoption of the report by a delegation of Joint Committees on Tourism and Natural Resources and the Committee on Justice and Legal Affairs on training on disaster preparedness, response and mitigation and transformational leadership held from 17th to 22nd June, 2024 in United Arab Emirates-Dubai.
- xxvi. Motion on the Kitui County Alcoholic Drinks Control (Amendment) Bill, 2024 (C/Assembly Bill No.3, 2024) - **SECOND READING**
- xxvii. Motion on the Kitui County Alcoholic Drinks Control (Amendment) Bill, 2024 (C/Assembly Bill No.3 of 2024) - **THIRD READING**
- xxviii. Motion on adoption of the report by the Joint Committees on Delegated County Legislation and Justice and Legal Affairs on the Kitui County Public Forum (Implementation) (Amendments) Guidelines, 2024.

B. Statements

Statements play a central role in the legislative process by ensuring clarity, informing the public, justifying policy decisions, and facilitating informed debates. In this respect, the following Statements were requested during the period under review;-

- i. Statement request by Hon. Godfrey Muthengi Ndagara on non-inclusivity of minority/marginalized communities within Kitui County.
- ii. Statement request by Hon. Benjamin Mulandi on the proposed drilling of boreholes across the County in the Financial Year 2023/2024 and the Status of Kyangulu – Nzinia -Mbuini- Kakeani-liani water pipeline project in Mutonguni Ward.

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- iii. Statement request by Hon. Jeremiah Musee Mutua on various County staff appointed on acting capacities.
- iv. Statement request by Hon. Christopher Nzilu Nzioka on status update of grading works at Kavou- Ndumoni road in Kyangwithya West ward and inquiry into program Feasibility.
- v. Statement request by Hon. Cornelius Muthami on the vacant position of office of the County Attorney.

C. Bills

Bills are fundamental to the functioning of parliaments as they enable the creation of new laws, amending the existing laws, and repealing of laws while ensuring democratic governance and accountability. During this period, this House approved the following Bills:-

- i. The Kitui County Alcoholic Drinks Control (Amendment) Bill, 2024 (C/Assembly Bill No. 3, 2024).
- ii. The Kitui County Appropriation Bill, 2024 (C/Assembly Bill No. 2 of 2024).
- iii. The Kitui County Public Forum (Implementation) (Amendments) Guidelines, 2024.

D. Oversight

County Assembly Committees play a key role in the legislative process by carrying out legislative oversight, scrutinizing county policies, facilitating public participation exercises, investigating and carrying out inquiries into any matter within their jurisdictions, and making recommendations to the full House on matters within their purview to guide legislative decisions, thus enhancing the effectiveness, efficiency, and responsiveness of county governance.

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In regards to this, the Whole County Assembly conducted county oversight tour from 22nd to 26th July, 2024.

Honourable Members,

The County Assembly Committee on Appointments was able to conduct approval hearings for 7 (Seven) persons nominated to the Kitui Municipality Board. The committee is yet to finalize her report on the said exercise. Equally, the joint Committee on Delegated County Legislation and Justice and Legal Affairs retreated to Mutomo from 1st to 3rd August, 2024 to compile a common report on the consideration of the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024.

Honourable Members,

Even as we pride ourselves on the above-outlined accomplishments, allow me also to remind you that there are pending committee reports and responses to statement requests that are crucial to this House. Due to the critical role that these reports play in our legislative process which addresses the interests of our communities, I urge committees with pending work to expedite the same for this House to debate on and make valuable recommendations. Allow me to point out some of the key pending Committee work that needs our attention as a House;

A. Reports

Honourable Members,

The following Committee reports are pending;-

- i) Report by the whole House on the just concluded county oversight tour conducted from 22nd to 26th July, 2024.
- ii) Report by the Committee on Trade, Industry, ICT and Cooperatives on the inspection of County Corporations -KICOTEC Kitui,

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KICOTEC Mwingi, KICOTEC Mutomo and Ballast Crusher at Kwa-Kilui.

- iii) Report by Public Investments and Accounts Committee on audited accounts of the Kitui County Executive for the Financial Year 2022/2023
- iv) Report by Public Investments and Accounts Committee on audited accounts of the Kitui County Assembly for the Financial Year 2022/2023
- v) Report by Public Investments and Accounts Committee on audited accounts of the Kitui Water & Sanitation Company (KITWASCO) for the Financial Year 2022/2023
- vi) Report by Public Investments and Accounts Committee on audited accounts of the Kiambere Mwingi Water & Sanitation Company (KIMWASCO) for the Financial Year 2022/2023
- vii) Report by Public Investments and Accounts Committee on audited accounts of the Kitui County Textile Centre (KICOTEC) for the Financial Year 2022/2023
- viii) Report by Public Investments and Accounts Committee on audited accounts of Receiver of Revenue -Revenue statements for the financial year 2022/2023
- ix) Report by Public Investments and Accounts Committee on audited accounts of Kitui County Empowerment Fund for the financial year 2022/2023.
- x) Report by Public Investments and Accounts Committee on audited accounts of the Kitui County Assembly Car and Mortgage (Members) Scheme Fund for the financial year 2022/2023.

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- xi) Report by Public Investments and Accounts Committee on audited accounts of the Kitui County Assembly Service Board Employees' Car and Mortgage Fund for the financial year 2022/2023
- xii) Report by Public Investments and Accounts Committee on audited accounts of the Kitui County Revenue Fund for the financial year 2022/2023.
- xiii) Report by Public Investments and Accounts Committee on audited accounts of the Kitui County Executive for the Financial Years 2019/2020; 2020/2021 and 2021/2022.
- xiv) Report by Public Investments and Accounts Committee on audited accounts of the Kitui County Assembly for the Financial Years 2019/2020; 2020/2021 and 2021/2022.
- xv) Report by Public Investments and Accounts Committee on audited accounts of the Kitui Water & Sanitation Company (KITWASCO) for the Financial Years 2018/2019; 2019/2020; 2020/2021 and 2021/2022.
- xvi) Report by Public Investments and Accounts Committee on audited accounts of the Kiambere Mwingi Water & Sanitation Company (KIMWASCO) for the Financial Years 2018/2019; 2019/2020; 2020/2021 and 2021/2022.
- xvii) Report by Public Investments and Accounts Committee on audited accounts of the Kitui County Textile Centre (KICOTEC) for the Financial Years 2019/2020; 2020/2021 and 2021/2022.

B. Statements

Honourable Members,

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Responses to the following statements requests are also pending, key among them being;

- i. Statement request by Hon. Christopher Nzilu Nzioka to the Chairperson, Committee on Lands, Infrastructure and Urban Development on status update of grading works at Kavou- Ndumoni road in Kyangwithya West ward and inquiry into program Feasibility.
- ii. Statement request by Hon. Godfrey Muthengi Ndagara to the Chairperson, Committee on Labour and Social Welfare on Non-inclusivity of Minority/Marginalized communities within Kitui County.
- iii. Statement request by Hon. Cyrus Musyoka Kisavi to the Chairperson, Committee on Labour and Social Welfare on the recent lay off of Community Health Promoters in Ikanga/ Kyatune Ward
- iv. Statement request by Hon. Benjamin Mulandi to the Chairperson, Finance and Economic Planning on the submission of the County Annual Development Plan for the F/Y 2024/2025 and the Kitui County Finance Bill, 2023/2024.
- v. Statement request by Hon. Joseph Musyoka Mbite to the Chairperson, Committee on Labour and Social Welfare on the County's preparedness towards the anticipated El – Nino rains.

Honourable Members,

As we proceed into the recess this afternoon, I would like to inform you that all Committees will be retreating to prepare their individual work plans from 18th to 25th August, 2024 at a venue to be communicated in due course. I therefore call upon all Honourable Members to fully participate in this important exercise. Please note that any other committee matters requiring

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the Assembly's attention during this recess period will be addressed accordingly, and Honourable Members will be duly notified.

Finally, Honourable Members

I encourage you to interact with your electorates during this recess period as you address their issues. It is imperative that we utilize this time effectively to understand the needs and concerns of our communities, which will enable us to represent them better when the Assembly reconvenes. More so, I encourage you to take this time to rest and rejuvenate, so that when we resume our sittings on 3rd September, 2024, we will all be ready to proceed with the legislative agenda set forth for the remaining part of the year.

Thank you for your continued dedication and service to the people of Kitui County. I wish you a productive and restful recess.

Thank you, and enjoy the recess.

II. COMMUNICATION AS RELATES TO POSTPONEMENT OF THE 5TH EDITION OF CASA GAMES.

Honourable Members,

I wish to inform you that the County Assemblies Sports Association and Cultural Bonanza (CASA) games have been postponed until further notice due to unforeseen and unavoidable circumstances. These games, originally scheduled for August 2024, provide Members of Assembly and County Assembly Staff with a platform to interact, compete in various sport disciplines, and promote national cohesion, teamwork, talent development, and benchmarking of best devolution practices.

Honourable Members,

In light of this postponement, I direct the Office of the Clerk to ensure that Members of the Service resume normal working hours from 8 AM to 5 PM,

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with practice sessions to commencing after 5 PM. Continuous practice will ensure that we remain prepared and fit for the games when the new dates are announced.

Honourable Members,

Furthermore, I urge Team Captains to continue actively engaging their team members to maintain our readiness and performance levels. My Office, along with that of the Clerk of Assembly, will provide the necessary support and kits for training.

5. Statement;

The following statement was given pursuant to the Provision of Standing Order No. 41(2)(a):

- i. Statement request to the Chairperson, Committee on Justice and Legal Affairs on the vacant position of Office of the County Attorney. (*Hon. Cornelius Muthami - Mui Ward*).
- ii. Statement request on unjustified dismissal and unfair labour practices by the County Public Service Board and the Office of the County Secretary on Chief Officers and other County Staff. (*Hon. Rose Kasyoka Kathoka – M.C.A*).
- iii. Response of Statement request made by Hon. Jeremiah Musee Mutua on Various County Staff in Acting Capacities. (*Chairperson, Committee on Labour and Social Welfare*).

6. MOTION ON ADOPTION OF THE REPORT THE JOINT COMMITTEE ON DELEGATED COUNTY LEGISLATION AND SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS ON THE KITUI COUNTY PUBLIC FORUM (IMPLEMENTATION) (AMENDMENT) GUIDELINES, 2024.

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(Chairperson, Joint Committee on Delegated County Legislation and Committee on Justice and Legal Affairs)

Motion Made and question proposed;

THAT, this Assembly adopts the Report of the Joint Committee on Delegated County Legislation and Sectoral Committee on Justice and Legal Affairs on consideration of the Kitui County Public Forums (Implementation) (Amendment) Guidelines, 2024, laid on the Table of the House on 6th August, 2024, and pursuant to section 15(4) of the Statutory Instruments Act, 2022 (2013), approves the Kitui County Public Forums (Implementation) (Amendment) Guidelines, 2024 published as Legal Notice No. 1 of 2024.

(Hon. Cornelius Muthami- M.C.A)

Debate arising, Question Put and Agreed to.

7. PROCEDURAL MOTION ON ADJOURNMENT OF THE ASSEMBLY

(Leader of the Majority Party)

Motion Made and question proposed;

THAT, pursuant to the provisions of Standing Order No. 25(3) and in adherence to the County Assembly approved annual calendar, this Assembly do now adjourn its sittings with effect from today the 7th August, 2024 to allow Members of the County Assembly proceed for the August recess and resume its sittings on Tuesday, 3rd September, 2024 at 9.00 a.m.

(Hon. Munyoki Mwinzi – M.C.A)

Debate arising;

House adjourned without question being put.

8. ADJOURNMENT

And the time being Ten minutes to Six O'clock, the Honorable Speaker adjourned the House.

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9. ASSEMBLY ROSE- Ten minutes to Six O'clock

MEMORANDUM

The Honorable Speaker will take the chair on the

Tuesday 3rd September, 2024 at 9.00 A.M

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