

**COUNTY GOVERNMENT OF KITUI**



**COUNTY ASSEMBLY  
THIRD ASSEMBLY – (THIRD SESSION)**

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**JOINT COMMITTEE OF THE SELECT COMMITTEE ON DELEGATED COUNTY  
LEGISLATION AND  
SECTORAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS**

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**REPORT ON THE CONSIDERATION OF KITUI COUNTY PUBLIC FORUMS  
(IMPLEMENTATION)(AMENDMENT) GUIDELINES, 2024**

**(LN. NO. 1 OF 2024)**

**CLERK'S CHAMBERS  
COUNTY ASSEMBLY BUILDINGS,  
KITUI.**

**AUGUST, 2024**

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## ABBREVIATIONS

<b>CASB</b>	County Assembly Service Board
<b>LN</b>	Legal Notice
<b>PWLD</b>	People Living with Disabilities
<b>RMA</b>	Regulatory Making Authority
<b>SI</b>	Statutory Instruments
<b>SO</b>	Standing Order

## **LIST OF ANNEXURES**

1. Adoption schedule.
2. Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024 LN.  
No. 1 of 2024
3. Explanatory Memorandum.
4. Newspaper advert.
5. Minutes of Committee sitting on the consideration of the Guidelines.

## CHAIRPERSON'S FORWARD

The Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024 (the Guidelines) were made vide LN No. 1 of 2024, pursuant to powers conferred on the Kitui County Assembly Service Board by Section 24 of the Kitui County Ward Public Forums Act, 2019 hence, is a statutory instrument within the meaning of Section 2 of the Statutory Instruments Act, 2013.

The Guidelines were published in the Gazette as LN No. 1 of 2024 on 30<sup>th</sup> July, 2024, forwarded to the Clerk of Assembly and laid on the table of the House on 31<sup>st</sup> July, 2024 being the second sitting day since publication, hence met the Statutory Instruments timelines contemplated by section 11(1) of the Statutory Instruments Act. They were subsequently referred to the Joint Committee on Delegated County Legislation and that of Justice and Legal Affairs for consideration. The Joint Committee retreated to Mutomo Highway Cottages in Mutomo, Kitui from 1<sup>st</sup> to 3<sup>rd</sup> August, 2024 to consider them.


The purpose of these Guidelines is to amend paragraph 15 (3) and (4) of the Kitui County Public Forums (Implementation) Guidelines, 2020 by increasing both the figures and the words from Kenya shillings Three hundred thousand (Ksh. 300, 000) to Kenya shillings Four hundred and Fifty thousand (ksh. 450, 000) per quarter and further increasing the figures and words from Kenya shillings One hundred thousand (Kshs. 100, 000) to Kenya Shilings One hundred and Fifty thousand (Kshs. 150, 000) per month for each quarter.

Pursuant to Section 16 of the Statutory Instruments Act, 2013 which requires the Committee to confer with the Regulation Making Authority before making its decision, the Joint Committee held a joint meeting with the Kitui County Assembly Service Board on 6<sup>th</sup> August, 2024 to deliberate on the Guidelines.

Having examined the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024, Legal Notice No. 1 of 2024, the Joint Committee recommends that the House **APPROVES** the **Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024, LN. No. 1 of 2024** for operations by the Kitui County Assembly Service Board.

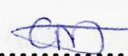
I wish to sincerely thank the offices of the Speaker and the Clerk of Assembly for their invaluable support accorded to the Joint Committee in the discharge of their mandates.

On behalf of the Members of the Joint Committee on Delegated County Legislation and that of Justice and Legal Affairs and pursuant to Standing Order 189 (4) (a) it is my pleasure and duty to present to the House, the Joint Committee's Report on the Consideration of the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024 (LN. No. 1 of 2024).

Signed.......... Date.....03/08/2024.....

**HON. CORNELIUS NGUMBAU MUTHAMI, M.C.A**  
**(CHAIRPERSON)**

**COMMITTEE ON DELEGATED COUNTY LEGISLATION**

Signed.......... Date.....03/08/2024.....

**HON. CYRUS KISAVI MUSYOKA, M.C.A**  
**(CHAIRPERSON)**

**COMMITTEE ON JUSTICE AND LEGAL AFFAIRS**

## **1.0. PREFACE**

### **1.1. The Establishment and Mandate of the Committees**

1. The select Committee on Delegated County Legislation is established under Standing Order No. 189 and is mandated to consider Statutory Instruments submitted to the County Assembly for consideration. Whereas the Committee on Justice and Legal Affairs is established under Standing Order 190 and is mandated to Consider matters on the Constitutional Affairs, Administration of Law and Justice and Look into matters touching the Elections, Ethics, Integrity and Anti-corruption and Human Rights.
2. During the scrutiny, the Joint Committee was guided by the principles of good governance and the rule of law to consider whether the Statutory Instrument-
  - a) is in accordance with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written law;
  - b) infringes on fundamental rights and freedoms of the public;
  - c) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of the County Assembly;
  - d) contains imposition of taxation;
  - e) directly or indirectly bars the jurisdiction of the Courts;
  - f) gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;
  - g) involves expenditure from the County Revenue Fund or other public revenues;
  - h) is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;
  - i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
  - j) appears to have had unjustifiable delay in its publication or laying before County Assembly;
  - k) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;
  - l) makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
  - m) inappropriately delegates legislative powers;

- n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
  - o) appears for any reason to infringe on the rule of law;
  - p) inadequately subjects the exercise of legislative power to County Assembly scrutiny; and
  - q) accords to any other reason that the Committee considers fit to examine.
3. Standing Order 189 (4) provides that;

If the Committee-

- i. resolves that the Statutory Instrument, be acceded to, the Clerk shall convey that resolution to the relevant county department or the authority that published the Statutory Instrument;
- ii. does not accede to the Statutory Instrument, the Committee may recommend to the Assembly to resolve that all or any part of the Statutory Instrument be annulled; and
- iii. If a resolution is passed by the House within twenty-eight days on which it next sits after the instrument laid before it under paragraph (2), that all or part of the Statutory Instrument be annulled, the instrument or part thereof shall henceforth stand annulled.

## **1.2. COMMITTEE MEMBERSHIP**

4. The Select Committee on Delegated County Legislation and Sectoral Committee on Justice and Legal Affairs comprises the following members respectively:

### **A. Committee on Delegated County Legislation**

- |                                   |                    |
|-----------------------------------|--------------------|
| 1. Hon. Cornelius Ngumbau Muthami | – Chairperson      |
| 2. Hon. Mary Mbithe Musili        | – Vice chairperson |
| 3. Hon. Daniel Ngoima Kimanzi     | – Member           |
| 4. Hon. Dr. Erastus Musyoka Mbuno | – Member           |
| 5. Hon. Cyrus Kisavi Musyoka      | – Member           |
| 6. Hon. Nzavu Mwanzia             | – Member           |
| 7. Hon. Boniface Kyalo Kimuli     | – Member           |
| 8. Hon. Sammy Musili Munyithya    | – Member           |
| 9. Hon. Charity Syomiti Mwangangi | – Member           |



- 10. Hon. Ciambutra Karigi – Member
- 11. Hon. Grace Syoindo Mulandi – Member

**B. Committee on Justice and Legal Affairs**

- 1. Hon. Cyrus Kisavi Musyoka - Chairperson
- 2. Hon. Deborah Mutuku - Vice Chairperson
- 3. Hon. Sylvester M. Kitheka - Member
- 4. Hon. Benjamin Mulandi - Member
- 5. Hon. Dominic N. Ishmael - Member
- 6. Hon. Nicholus Mutemi - Member
- 7. Hon. Nzungi Ngwele - Member
- 8. Hon. Stephen Ileve Katana - Member
- 9. Hon. Mary Ndumbu - Member
- 10. Hon. Jacinta Mwoni - Member
- 11. Hon. Grace Mulandi - Member

**1.3. Joint Committee Secretariate**

5. The Committee is facilitated by the following staff;

- 1. David Manzi- Clerk Assistant
- 2. Esther Kitavi- Research Officer

**2.0 CONSIDERATION OF THE KITUI COUNTY PUBLIC FORUMS (IMPLEMENTATION)(AMENDMENT) GUIDELINES, 2024 (LN. NO. 1 OF 2024)**

**2.1 Introduction**

6. The Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024, LN. No. 1 of 2024 were made pursuant to powers conferred on the Kitui County Assembly Service Board by Section 24 of the Kitui County Ward Public Forums Act, 2019 hence, a Statutory Instrument within the meaning of Section 2 of the Statutory Instruments Act, 2013.

7. The Guidelines were published in the Gazette as LN. No. 1 of 2024 on 30<sup>th</sup> July, 2024, forwarded to the Clerk, County Assembly of Kitui and laid on the table of the House on 31<sup>st</sup> July, 2024 being the second sitting day since publication, hence within the statutory timelines contemplated under Section 11(1) of the Statutory Instruments Act, 2013. Thereafter, the Guidelines were referred to the Joint Committee on Delegated

County Legislation and Justice and Legal Affairs for consideration. The Joint Committee retreated to Mutomo Highway Cottages in Mutomo, Kitui from 1<sup>st</sup> to 3<sup>rd</sup> August, 2024 to consider them and report back to the House.

8. Pursuant to Section 16 of the Statutory Instruments Act, 2013 which requires the Joint Committee to confer with the RMA before making its decision. Therefore, the Joint Committee held a meeting with the Kitui County Assembly Service Board on 6<sup>th</sup> August, 2024 to deliberate on the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024.
9. The primary objective of the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024 is to amend some provisions of the Kitui County Public Forums (Implementation) Guidelines, 2020 (Principal Guidelines) to increase both the figures and the words from Kenya shillings Three hundred thousand (Ksh. 300, 000) to Kenya shillings Four hundred and Fifty thousand (ksh. 450, 000) per quarter and further increase the figures and words from Kenya shillings One hundred thousand (Kshs. 100, 000) to Kenya shillings One hundred and Fifty thousand (Kshs. 150, 000) per month for each quarter. This is because;
  - i. the funds are inadequate to cover the public forum events, noting the high cost of living and inflation over the years since operationalization of the Act;
  - ii. the Act provides for facilitation of PWLD which increases the cost of the Forums; and
  - iii. the public turn up during the Forums has increased with civic education exercises leading to more spending.

## **2.2 Summary of the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024, LN. No 1 of 2024**

10. The objects and purpose of these Guidelines is to amend certain provisions of the Principal Guidelines, in order to increase the funds for facilitation of ward public forums due to the high cost of living and the high turnout of people during the public forums.
11. The Guidelines amends the principal Guidelines as follows;  
That, the Public Forums (Implementation) Guidelines, 2020 be amended under Guideline 15:

- a. in paragraph 3 by:
  - i. deleting the word “three hundred” appearing on the second line and replacing therefor with the word “four hundred and fifty”.
  - ii. by deleting the amount in figures “300,000/=” appearing on the third line and replacing therefor with figure “450,000/=”
- b. in paragraph 4 by:
  - i. deleting the word “one hundred” appearing on the first line and replacing therefor with the word “one hundred and fifty”.
  - ii. by deleting the amount in figures “100,000/=” appearing on the first line and replacing therefor with figure “150,000/=”

### **2.3 Legislative Context**

12. The Legal Notice on the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024 is made pursuant to Section 24 of the Kitui County Ward Public Forums Act, 2019. The Section empowers the Kitui County Assembly Service Board to make Guidelines for better carrying out of the provisions of the Kitui County Ward Public Forums Act, 2019.

### **2.4 Policy Background**

13. The primary objective of the Legal Notice is to amend some provisions of the principal Guidelines. This is meant to improve the effectiveness and efficiency of the public forums towards attaining the objectives of the Parent Act.
14. The principal Guidelines operationalize and assist in the implementation of the Kitui County Ward Public Forums Act, 2019.
15. Kitui County Public forums ensure that residents in Kitui County are directly involved in policy formulation, decision making and effectively participate in governance through public forums convened by the Member.
16. The Principal Guidelines provide for appropriation of Kenya Shillings three hundred thousand (Kshs. 300,000) per Ward for each quarter for activities under the Act. Further, not more than Kenya Shillings one hundred (Kshs. 100,000) may be expended for activities under the Act in every month of a quarter.
17. Since operationalization of the Act through the Guidelines in 2020, the cost of living has significantly gone up due to inflation and public turn up during the forums has

increased over time due to civic education exercises leading to more spending. This has affected the effectiveness of the public forums.

18. The Legal Notice therefore provides for additional funding towards attainment of the objectives of the Act. It seeks to increase the amount of Kshs. 300,000 per Ward for each quarter to Kshs. 450,000 and increase the amount of Kshs. 100,000 per month to Kshs. 150,000.
19. This will streamline the public forum events and further assist in realization of the objects of devolution as enshrined in Article 174 of the Constitution.

### **3.0 JOINT COMMITTEE OBSERVATIONS**

20. Having examined the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024 in line with the Constitution of Kenya, 2010, the Interpretation and General Provisions Act, the Kitui County Ward Public Forums Act, 2019 and the Statutory Instruments Act, 2013, the Joint Committee make the following Observation-

#### **3.1 Statutory Timelines**

21. THAT, the Guidelines were published in the Gazette as LN. No. 1 of 2024 on 30<sup>th</sup> July, 2024, received by the Clerk of the Assembly and laid on the table of the House on 31<sup>st</sup> July, 2024 being the second sitting day since publication, hence within the statutory timeline contemplated under Section 11(1) of the Statutory Instruments Act, 2013.

#### **3.2 Public Participation**

22. The explanatory Memorandum provides a detailed justification for making the Guidelines and it indicates that public consultation was conducted in accordance with the provisions of Article 10, Article 196 and Article 201 of the Constitution of Kenya, 2010.

#### **3.3 Regulatory Impact Statement**

23 Pursuant to the provisions of Section 5A of the Statutory Instruments Act, 2013, there is attached to the Guidelines a detailed Explanatory Memorandum which provides for the purpose of the Statutory Instrument and its legislative context. The memorandum further provides for the policy background, public consultations

outcome, impact of the Statutory Instrument, non-requirement of a regulatory impact assessment and monitoring review.

24 However, for our case we are barred under Section 9 of the Statutory Instruments Act, 2013 to provide the Regulatory Impact Statement. This is because the Guidelines do not fundamentally affect the application or operation of the Kitui County Ward Public Forums Act, 2019 and the principal Guidelines. In view of this, a regulatory impact statement was not prepared.

#### 4.0 COMMITTEE RECOMMENDATION


25. Having examined the Kitui County Public Forums (Implementation)(Amendment)Guidelines, 2024, LN. No. 1 of 2024 in accordance with the Constitution, the Interpretations and General Provisions Act, the Statutory Instrument Act, 2013 and the Kitui County Ward Public Forums Act, 2019, the Joint Committee recommends that the House **APPROVES** the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024, LN. No. 1 of 2024 for operations by the Kitui County Assembly Service Board.

Signed.......... Date.....3/8/2024.....

**HON. CORNELIUS NGUMBAU MUTHAMI, M.C.A**

**(CHAIRPERSON)**

**COMMITTEE ON DELEGATED COUNTY LEGISLATION**

Signed.......... Date.....3/8/2024.....










**HON. CYRUS KISAVI MUSYOKA, M.C.A**


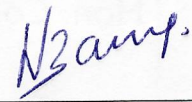


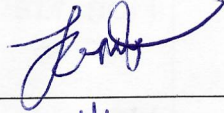

**(CHAIRPERSON)**

**COMMITTEE ON JUSTICE AND LEGAL AFFAIRS**

(1)

**ADOPTION OF THE REPORT BY THE JOINT COMMITTEES OF  
DELEGATED COUNTY LEGISLATION AND JUSTICE AND LEGAL AFFAIRS**

S/NO	NAME	DESIGNATION	SIGN
1.	Hon. Cornelius Muthami Kiteme	Chairperson	
2	Hon. Cyrus Kisavi Musyoka	Vice- Chairperson	
3	Hon. Daniel Kimanzi Ngoima	Member	
4.	Hon. Sylvester Kitheka Munyalo	Member	
5	Hon. Erastus Mbuno	Member	
6	Hon. Mary Ndumbu	Member	
7	Hon. Stephen Katana Ileve	Member	
8	Hon. Joseph Nzungi Ngwele	Member	
9	Hon. Charity Mwangangi	Member	
10	Hon. Mary Mbithe Musili	Member	
11	Hon. Deborah Katungwa Mutuku	Member	
12	Hon. Ciambutra Karigi	Member	

13	Hon. Benjamin Ndambu Mulandi	Member	
14	Hon. Nzavu Mwanzia	Member	
15	Hon. Dominic Isumail Mwamisi	Member	
16	Hon. Hon. Kyalo Kimuli	Member	
17	Hon. Jacinta Mary Mwoni	Member	
18	Hon. Sammy Musili Munyithya	Member	
19	Hon. Nicholus Muema Mutemi	Member	
20	Hon. Grace Syoindo Mulandi	Member	

**SPECIAL ISSUE**Kenya Gazette Supplement No. 61  
30th July, 2024(Kitui County Legislative Supplement No. 1)

LEGAL NOTICE NO. 1

## THE KITUI COUNTY WARD PUBLIC FORUMS ACT, 2019

(No. 3 of 2019)

IN EXERCISE of the powers conferred by section 24 of the Kitui County Ward Public Forums Act, 2019, the Kitui County Assembly Service Board makes the following Guidelines—

THE KITUI COUNTY PUBLIC FORUMS (IMPLEMENTATION) (AMENDMENT)  
GUIDELINES, 2024*Citation.*

1. These Guidelines may be cited as the Kitui County Public Forums (Implementation) (Amendment) Guidelines, 2024.

*Budgetary allocations.*

2. That the Kitui County Public Forums (Implementation) Guidelines, 2020 be amended under Guideline 15:

- (a) in paragraph 3 by—
  - (i) deleting the word “three hundred” appearing on the second line and replacing therefor with the word “four hundred and fifty”.
  - (ii) by deleting the amount in figures “300,000/=” appearing on the third line and replacing therefor with figure “450,000/=”.
- (b) in paragraph 4 by—
  - (i) deleting the word “one hundred” appearing on the first line and replacing therefor with the word “one hundred and fifty”.
  - (ii) by deleting the amount in figures “100,000/=” appearing on the first line and replacing therefor with figure “150,000/=”.

Made on the 29th July, 2024.

KEVIN KINENGO KATISYA,  
*Chairperson,*  
*Kitui County Assembly Service Board.*



(11)

**EXPLANATORY MEMORANDUM TO THE KITUI COUNTY PUBLIC FORUMS  
(IMPLEMENTATION) (AMENDMENT) GUIDELINES, 2024**

**LEGAL NOTICE NO 1 OF 2024**

**PART I**

<b>Name of Statutory Instrument:</b>	The Kitui County Public Forums (Implementation) (Amendment) Guidelines, 2024.
<b>Name of Parent Act:</b>	The Kitui County Ward Public Forums Act, 2019.
<b>Enacted pursuant to:</b>	Section 24 of the Kitui County Ward Public Forums Act, 2019.
<b>Name of the Ministry/ Department:</b>	Kitui County Assembly Service Board.
<b>Gazetted on:</b>	29 <sup>TH</sup> July, 2024 and published on 30 <sup>TH</sup> July 2024.

**PART II**

**1.0 Purpose of the Statutory Instrument**

The objective of this Memorandum is to submit Legal Notice No. 1, Kenya Gazette Supplement No. 6 of 2024 and published in the Kenya Gazette No. 6 of 30<sup>th</sup> July, 2024 for tabling in the County Assembly of Kitui in accordance with the provisions of Section 11 of the Statutory Instruments Act, 2013.

- 1.1 The Legal Notice introduces the Kitui County Public Forums (Implementation) (Amendment) Guidelines, 2024 in line with the requirements of the Kitui County Ward Public Forums Act, 2019.

**2.0 Legislative Context**

- 2.1 The Legal Notice on the Kitui County Public Forums (Implementation) (Amendment) Guidelines, 2024 is made under Section 24 of the Kitui County Ward Public Forums Act, 2019. The Section empowers the Kitui County Assembly Service Board to make

guidelines for better carrying out of the provisions of the Kitui County Ward Public Forums Act.

2.2 The Legal Notice amends certain provisions of the Kitui County Public Forums (Implementation) Guidelines, 2020, herein referred to as the Principal Guidelines.

### **3.0 Policy Background**

3.1 The primary objective of the Legal Notice is to amend some provisions of the principal Guidelines. This is meant to improve the effectiveness and efficiency of the public forums towards attainment of the objectives of the parent Act.

3.2 The principal Guidelines operationalize and assist in implementation of the Kitui County Ward Public Forums Act, 2019.

3.3 Kitui County Public forums ensure that residents in Kitui County are directly involved in policy formulation, decision making and effectively participate in governance through public forums convened by the Member.

3.4 The Principal Guidelines provide for appropriation of Kenya Shillings three hundred thousand (Kshs. 300,000) per Ward for each quarter for activities under the Act. Further, not more than Kenya Shillings one hundred (Kshs. 100,000) may be expended for activities under the Act in every month of a quarter.

3.5 Since operationalization of the Act through the Guidelines in 2020, the cost of living has significantly gone up due to inflation and public turn up during the forums has increased over time due to civic education exercises leading to more spending. This has affected the effectiveness of the public forums.

3.6 The Legal Notice therefore provides for additional funding towards attainment of the objectives of the Act. It seeks to increase the amount of Kshs. 300,000 per Ward for each quarter to Kshs. 450,000 and increase the amount of Kshs. 100,000 per month in every quarter to Kshs. 150,000.

3.7 This will streamline the public forum events and further assist in realization of the objects of devolution as enshrined in Article 174 of the Constitution.

### **4.0 Public Consultations Outcome**

- 4.1 In developing this Legal Notice, public participation was undertaken in compliance with the provisions of Section 5 of the Statutory Instruments Act, 2013 and Article 196 and 201(a) of the Constitution.
- 4.2 The County Assembly Committee on Justice and Legal Affairs, reviewed the parent Act and principal Guidelines for further action by the Kitui County Assembly Service Board and the County Assembly.
- 4.3 A stakeholder engagement was held on 29<sup>th</sup> July, 2024 during which Members of the County Assembly submitted their views and comments on the Guidelines.
- 4.4 Through a Public Notice on the Star Newspaper dated 31<sup>st</sup> July, 2024, the Kitui County Assembly Service Board invited stakeholders and members of the public to submit written Memoranda on the draft Legal Notice to the Office of the Clerk on or before 6<sup>th</sup> July, 2024.
- 4.5 As at the close of business on 6<sup>th</sup> August, 2024, the Office of the Clerk had not received any written memoranda on the Guidelines from the stakeholders and the members of the public.

## **5.0 Impact**

- 5.1 The Legal Notice aims to play a role in the attainment of the objects of devolution and ensure that citizens are directly involved in policy formulation, decision making and effectively participate in governance through public forums.
- 5.2 The Legal Notice will have financial implications of which it seeks to increase the funds allocated for the public forum events from Kshs. 300,000 per Ward for each quarter to Kshs. 450,000 and increase the amount of Kshs. 100,000 per month in every quarter to Kshs. 150,000.
- 5.3 Section 9 of the Statutory Instruments Act 2013 provides that a Regulatory Impact Statement need not be prepared for a proposed statutory instrument if the proposed legislation does not fundamentally affect the legislation's application or operation. In view of this, a regulatory impact statement has not been prepared.

## **6.0 Monitoring and review**

The Legal Notice will be implemented by the Clerk, County Assembly of Kitui and will be operational upon publishment and approval of the House.

## **7.0 Request to the County Assembly**

The County Assembly of Kitui is invited to:

- a) Note the contents of this Memorandum.
- b) Adopt Legal Notice No 1 Kenya Gazette Supplement No 6 of 2024.

## **8.0 Contact**

The Chairperson

Kitui County Assembly Service Board

P.O. Box 694-90200

**KITUI**

# NEWS GENERAL

## ALLEGED INTERFERENCE

### Probe Kiambu revenue firms, says Senate team

**JULIUS OTIENO/** A Senate committee wants the anti-graft agency to probe three firms contracted by the Kiambu government to collect revenue.

This comes amid concerns the county could have lost more than Sh10 billion in own source revenue between 2014 and 2022.

The revelation stemmed from Auditor General Nancy Gathungu's report that raised questions over the contracts by previous administrations.

The details emerged during the questioning of Governor Kimani Wamatangi by the Senate County Public Accounts Committee on Monday.

Appearing before the panel chaired by Homa Bay Senator Moses Kajwang, Wamatangi exposed how the county government may have lost close to Sh10 billion.

This happened through alleged interference with the systems of three revenue collection firms contracted by his predecessors.

Wamatangi told the committee the three firms signed an 'opaque' agreement with the Kiambu government

to collect revenue for the county.

Despite the county paying for the development and use of the systems, it never got to own the systems as they remained as properties of the contractors, he said.

"Most of the systems were not intended to help the county collect revenue but to help the owners and beneficiaries of the systems to siphon money from the county. That is my conviction," Wamatangi said.

Further, the governor revealed the systems were not only faulty and erroneous but were intentionally calibrated not to give accurate results.

He said the use of the systems saw the county government fail to meet its revenue target, with collections oscillating between Sh2.8 billion and Sh2.9 billion.

He said the county's highest collection was Sh3.1 billion, despite having a potential of getting Sh13.5 billion. "There is no way there would have been correct reports when the main system of collecting the revenue is doctored to give incorrect results," the governor said.

**GATHUNGU'S REPORT RAISED QUESTIONS ABOUT THE CONTRACTS BY PREVIOUS REGIMES**



### COUNTY GOVERNMENT OF KITUI THE COUNTY ASSEMBLY THIRD ASSEMBLY- THIRD SESSION

#### SUBMISSION OF MEMORANDA ON THE KITUI COUNTY PUBLIC FORUMS (IMPLEMENTATION) (AMENDMENT) GUIDELINES, 2024.

The Kitui County Assembly is in the process of amending the Kitui County Public Forums (Implementation) Guidelines, 2020.

Pursuant to provisions of Article 196(1)(b) of the Constitution of Kenya, 2010 and the Kitui County Assembly Standing Orders, the Clerk of the Assembly hereby invites members of the public and relevant stakeholders to submit memoranda on the Kitui County Public Forums (Implementation) (Amendment) Guidelines, 2024.

A copy of the Kitui County Public Forums (Implementation) (Amendment) Guidelines, 2024 can be downloaded from the County Assembly website [www.kituiassembly.go.ke](http://www.kituiassembly.go.ke)

Written Memoranda can be addressed to the Office of the Clerk, P.O Box 694-90200 or emailed to [Kituiassembly@gmail.com](mailto:Kituiassembly@gmail.com) so as to be received on or before Tuesday 6th August, 2024 by 5.00 p.m.

**Ag. Clerk  
County Assembly of Kitui**



## ELECTION PETITIONS

# Ruto, Raila petition tops IEBC Sh3.8bn legal pending bills

Marjan seeks help for commission to get the cash

**LUKE AWICH**  
@AchiaAwich

Advocates will receive the least amount of Sh3.8 million.

IEBC chief executive officer Marjan Hussein in Parliament yesterday /EZEKIEL AMING'A

The Independent Electoral and Boundaries Commission spent Sh1.9 million to mount a legal defence in the 2022 general election, documents show.

President William Ruto and opposition chief Raila Odinga's presidential petition at the apex court used the largest chunk, with the commission spending Sh569 million to hire lawyers.

IEBC chief executive officer Hussein Marjan on Monday pleaded with Parliament to help the commission get the money to pay the lawyers.

In the Ruto and Raila legal battle at the Supreme Court, the commission engaged 37 law firms.

A law firm associated with former Attorney General Githu Muigai will pocket the lion's share of IEBC's Sh569 million presidential petition legal fees.

His firm, Mohamed Muigai LLP advocates, will receive Sh34.8 million from the IEBC.

According to the commission's documents submitted to the National Assembly's Public Accounts Committee, Ngeri, Omiti and Bush

Raila, who lost the August presidential election to Ruto, had challenged the polls outcome at the apex court.

The Martha Koome-led court later upheld Ruto's victory and threw out Raila's team evidence.

From the commission's documents, the electoral agency also spent Sh56,030 million to hire lawyers for the 12 petitions challenging elections of governors.

Counties that had petitions included Kirinyaga, Narok, Garissa, Malindi, Mombasa, Kajiado, Tana River, Nyamira, Busia, Homa Bay and Makueni.

The Sh1.9 billion also consisted of Sh9.2 million Senate petitions, Sh147.5 million cases involving Members of National Assembly and Sh13.9 million petitions filed against three woman representatives.

The commission also spent Sh113.9 million to hire lawyers against the 79 petitions filed against MCAs.

The Sh1.9 billion pending bill incurred in the 2022 election alone, raised the commission's outstanding bill to Sh3.8 billion as at June 30, 2023.

## TWO WOMEN SHOT

### Cricketer charged with attempted murder

**KNA/** A Meru businessman has been charged in a Nanyuki court with attempted murder of two women during a post-cricket match party at OI Pejeta in Laikipia county.

Yagnik Ramji is accused of shooting Daphine Karwitha in the abdomen and Peninah Kawira in the shoulder on June 22.

The suspect denied the charges before Nanyuki senior principal magistrate Rwito Kithinji. He was released on Sh500,000 bond with one

surety of similar amount. The case will be mentioned on August 2.



Cricketer and Meru-based businessman Yagnik Ramji in a Nanyuki court /KNA

(V)  
**COUNTY ASSEMBLY OF KITUI**

**THIRD ASSEMBLY - (THIRD SESSION)**

**MINUTES OF JOINT COMMITTEE ON DELEGATED COUNTY LEGISLATION AND  
JUSTICE AND LEGAL AFFAIRS MEETING HELD ON 3<sup>RD</sup> AUGUST, 2024 AT  
MUTOMO HIGHWAY COTTAGES IN MUTOMO, KITUI FROM 9:00 A.M.**

**PRESENT**

- |                                    |                    |
|------------------------------------|--------------------|
| 1. Hon. Cornelius Ngumbao Muthami  | - Chairperson      |
| 2. Hon. Cyrus Kisavi Musyoka       | - Vice Chairperson |
| 3. Hon. Dr. Erastus Musyoka Mbuno  | - Member           |
| 4. Hon. Mary Ndumbu                | - Member           |
| 5. Hon. Deborah Mutuku             | - Member           |
| 6. Hon. Nzavu Mwanzia              | - Member           |
| 7. Hon. Sammy Musili Munyithya     | - Member           |
| 8. Hon. Benjamin Mulandi           | - Member           |
| 9. Hon. Dominic N. Ishmael         | - Member           |
| 10. Hon. Nicholus Mutemi           | - Member           |
| 11. Hon. Nzungi Ngwele             | - Member           |
| 12. Hon. Stephen Ileve Katana      | - Member           |
| 13. Hon. Charity Syomiti Mwangangi | - Member           |
| 14. Hon. Ciambutra Karigi          | - Member           |
| 15. Hon. Jacinta Mwoni             | - Member           |

**APOLOGIES**

1. Hon. Daniel Ngoima
2. Hon. Sylvester Munyalo
3. Hon. Kyalo Kimuli
4. Hon. Mary Mbithe

**SECRETARIATE**

- |                  |                    |
|------------------|--------------------|
| 1. David Manzi   | - Clerk Assistant  |
| 2. Esther Kitavi | - Research Officer |

## **AGENDA**

1. Prayers;
2. Preliminaries;
3. Adoption of the minutes of the previous meeting;
4. Matters arising;
5. Consideration of the draft Report on the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024;
6. Any Other Business; and
7. Adjournment.

## **PRAYERS**

The meeting began at 9:00 am with a word of prayer said by the Chairperson.

## **MIN DCL & JLAC 07/2024: PRELIMINARIES**

The Chairperson welcomed the honorable members to the day's meeting and thanked them for their commitment towards making the activity before the Joint Committee successful.

## **MIN DCL & JLAC 08/2024: ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted as was proposed by Hon. Dr. Erastus Mbuno and seconded by Hon. Nicholus Mutemi.

## **MIN DCL & JLAC 09/2024: CONFIRMATION OF THE PREVIOUS MEETING**

Confirmation of previous minutes was deferred to the next meeting.

## **ADJOURNMENT**

The Chairperson briefly adjourned the Committee Sitting at 1300hrs for tea break.

## **RESUMPTION OF MEETING**

The Chair welcomed the honorable Members back to the meeting at 1400hrs.

## **MIN DCL & JLAC 010/2024: CONSIDERATION OF THE REPORT ON KITUI COUNTY PUBLIC FORUMS (IMPLEMENTATION)(AMENDMENT) GUIDELINES, 2024.**

The Committee considered and adopted the Report on the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024 as proposed by Hon. Nzungi Ngwele and seconded by Hon. Nzavu Mwanzia with the following recommendation, That:

Having examined the Kitui County Public Forums (Implementation)(Amendment)Guidelines, 2024, Legal Notice. No. 1 of 2024 in accordance with the Constitution, the Interpretations and General Provisions Act, the Statutory Instrument Act, 2013 and the Kitui County Ward Public Forums Act, 2019, the Joint Committee recommends that the House **APPROVES** the Kitui County Public Forums (Implementation)(Amendment) Guidelines, 2024, LN. No. 1 of 2024 for operations by the Kitui County Assembly Service Board.

**MIN DCL & JLAC 012/2024: ANY OTHER BUSINESS**


The Committee noted that they are required to engage the Regulatory Making Authority (RMA) in this case, the Kitui County Assembly Service Board upon finalizing on the Guidelines and before tabling the Report on the Guidelines. The Committee resolved to hold an engagement meeting with the RMA on 6<sup>th</sup> August, 2024 within the Assembly precincts immediately after the morning sitting.

**MIN DCL & JLAC 013/2024: ADJOURNMENT**

And there being no other business the meeting was adjourned at 5:30 PM.

**DAVID MANZI**


**FOR: THE CLERK OF ASSEMBLY**

Confirmed .....  ..... Date ..... 3<sup>rd</sup> August 2024 .....

**HON. CORNELIUS MUTHAMI**

**Chairperson, Joint Committee on Delegated County Legislation and Justice and Legal Affairs.,**

**COUNTY ASSEMBLY OF KITUI.**

Confirmed .....  ..... Date ..... 03/08/2024 .....