



THE COUNTY GOVERNMENT OF KITUI
THE COUNTY ASSEMBLY
THIRD ASSEMBLY - (THIRD SESSION)
ORDERS OF THE DAY

WEDNESDAY 20TH NOVEMBER, 2024 AT 2:30 P.M.

Convened pursuant to Gazette Notice No. 14727 dated 31st

October 2024

PRAYERS

1. Administration of Oath;
2. Communication from the Chair;
3. Messages;
4. Petitions;
5. Papers;
6. Notices of Motions;
7. Statements;

clerk
Approval
[Signature]
20/11/2024

- i. Schedule of Plenary Business for the week ending on 29th November, 2024. (*Designated Member of the County Assembly Business Committee*).
- ii. Statement request to the Chairperson, Committee on Lands, Infrastructure and Urban Development on land ownership and titling in Kitui County. (*Hon. Hussein Mwandia, M.C.A.-Ikutha Ward*).
- iii. Statement request to the Chairperson, Committee on Justice and Legal Affairs on reports regarding operations of the Office

Mr. Speaker

you may approve

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(226)

of the County Attorney (*Hon. Cornelius Ngumbau Muthami, M.C.A. Mui Ward*).

- iv. Statement request to the Chairperson, Committee on Trade, Industry, ICT and Cooperatives on the alleged theft/vandalism of Kitui County Textile Centre (KICOTEC) Machines/ Equipment (*Hon. Mary Mwendu Mutune-Nominated M.C.A.*).

COMMENCEMENT OF BUSINESS

8.*. MOTION ON ADOPTION OF THE REPORT BY THE JOINT COMMITTEE ON ADMINISTRATION AND COORDINATION OF COUNTY AFFAIRS & JUSTICE AND LEGAL AFFAIRS ON THE REVIEW OF COMMUNITY LEVEL INFRASTRUCTURE DEVELOPMENT PROGRAMME FRAMEWORK (CLIDP)

(Chairperson, Joint Committee on Administration and Coordination of County Affairs & Justice and Legal Affairs)

THAT, pursuant to the provisions of Standing Order No. 179 (6) and 190(5), this Assembly hereby adopts the report by the Joint Committee on Administration and Coordination of County Affairs & Justice and Legal Affairs on the Review of Community Level Infrastructure Development Programme Framework (CLIDP), laid on the Table of the County Assembly on Tuesday, 19th November, 2024.

(Hon. Peter Kitonyo Mwanza – M.C.A.)

9.*. MOTION ON ADOPTION OF THE REPORT BY THE COMMITTEE ON AGRICULTURE, WATER AND IRRIGATION ON THE INSPECTION EXERCISE ON BOREHOLES DRILLED ACROSS KITUI COUNTY IN THE FINANCIAL YEAR 2023/2024, KITWASCO AND KIMWASCO PIPELINES, THEIR MAIN WATER SOURCES AND TREATMENT ZONES CONDUCTED FROM 12TH - 16TH AUGUST, 2024.

(Chairperson, Committee on Agriculture, Water and Irrigation)

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THAT, pursuant to the provisions of Standing Order No. 179.(6) and 190(5), this Assembly hereby adopts the report by the Committee on Agriculture Water and Irrigation on the inspection exercise on boreholes drilled across Kitui County in the Financial Year 2023/2024, KITWASCO and KIMWASCO pipelines, their main water sources and treatment zones conducted from 12th - 16th August, 2024, laid on the Table of the County Assembly on Tuesday 19th November, 2024.

(Hon. Anthony Musyimi Musyoka- M.C.A.)

10.*. MOTION FOR ENHANCED REPRESENTATION, EMPLOYMENT OPPORTUNITIES, CULTURAL RECOGNITION, AND DEVELOPMENT AFFIRMATIVE ACTION FOR MARGINALIZED/MINORITY COMMUNITIES IN KITUI COUNTY *(M.C.A. Tharaka Ward)*

ACKNOWLEDGING the necessity for inclusivity and the protection of marginalized communities across Kenya, and particularly within Kitui county, I hereby present this motion for consideration. This motion emphasizes the need for affirmative action to guarantee representation, employment, cultural recognition, and development opportunities for marginalized communities such as the Tharaka and Arab/Swahili communities and other underserved regions who continue to face discrimination, exclusion, and limited access to opportunities.

COGNIZANT that Section 97 of the County Governments Act mandates county governments to observe the principles of protection of marginalized and minority groups, shielding them from discrimination and any form of distinction, while guaranteeing them equality in economic, educational, social, religious, political, and cultural participation.

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AWARE that Article 204 of the Constitution establishes the equalization fund to provide basic services including water, roads, health facilities and electricity to marginalised areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation.

FURTHER AWARE that Section 68A of the County Governments Act provides that each County Public Service Board shall promote equal opportunity in the county public service and shall take measures to ensure that diversity is maintained in the county public service.

Further, it shall not be unfair discrimination to implement affirmative action measures to ensure this is achieved.

CONCERNED that despite Section 65 (1)(e) of the County Governments Act, which requires that at least 30% of entry-level positions in the county government be filled by candidates from non-dominant ethnic groups, Kitui County has persistently overlooked qualified candidates from the two marginalized communities, failing to comply with the law and disregarding suitable candidates from these groups.

FURTHER CONCERNED that, as highlighted in the report by the County Assembly Committee on Labour and Social Welfare in response to a statement request regarding the lack of inclusivity for minority and marginalized communities within Kitui County's public service, only 5% of employees under the County Assembly Services Board (CASB) and a mere 10% of employees under the County Public Service Board (CPSB) are from non-dominant ethnic communities.

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NOTING that despite the provisions of Article 21(3) and 204 of the Constitution and Section 97 of the County Governments Act, marginalized areas, such as Tharaka ward, are hardly ever prioritized in development agendas. Affirmative action has not been implemented to ensure that these regions receive preferential treatment in government funding and fair allocations in development projects especially in healthcare, water and roads infrastructure and education and access to essential services.

FURTHER NOTING that the cultural heritage of the Tharaka and Arab/Swahili communities is neither acknowledged nor celebrated in Kitui County's social events despite Section 97 (f) of the County Governments Act directing county governments to observe the principles of promotion of diversity and intercultural education. There has been no effort to incorporate their traditions and practices, missing an opportunity to foster inclusion, pride, and respect for their cultural identities.

DEEPLY TROUBLED that, despite a constitutional framework ensuring the promotion, participation, and representation of marginalized communities, and the existence of multiple legislative provisions, and programs targeting the welfare of marginalized groups, these two communities within Kitui County continue to suffer from systemic discrimination, exclusion, and lack of access to essential opportunities for development. These ongoing disparities hinder the growth of these communities, perpetuating cycles of poverty, marginalization, and social exclusion.

CONSCIOUS that by approving this motion, we demonstrate a commitment to creating a more equitable, inclusive, and culturally respectful county.

THEREFORE, this assembly hereby resolves that;

1. The Kitui County public service should swiftly prepare and implement a public service employment equity plan in line with the provisions of Section 68C of the County Governments Act. This employment equity plan is essential in eliminating ethnic imbalance and supporting the implementation of the 30% rule envisaged in section 65 of the County Governments Act.
The employment equity plan shall set out the positive policies and practices which shall be instituted in the hiring and retention of under-represented persons belonging to marginalized communities.
2. The Kitui County Government shall promptly recognize and officially gazette the Tharaka and Swahili/Arab communities as minority or marginalized groups within Kitui County, ensuring they receive appropriate attention and support.
3. The County Public Service Board must speedily adhere to the provisions of section 59 (1)(d) and (3) of the County Governments Act which directs it to prepare regular reports for submission to the County Assembly containing the details of persons appointed including gender, persons with disabilities, persons from the minority and marginalized communities.
4. The County Public Service Board (CPSB) shall, in every December, deliver a report to the County Assembly on the extent to which the values and principles referred to in Article 10 (inclusivity and protection of the marginalised) and Article 232 of the Constitution (equal opportunities for employment for all ethnic groups) are complied with in the county public service. In addition, the CPSB shall publish the said report in the county gazette not later than seven days after the report has been

delivered to the County Assembly. This is in adherence to section 59(5) of the County Governments Act.

5. In addition to the national Equalization Fund established under Article 204 of the Constitution, the Kitui County Government should create its own dedicated Equalization Fund to specifically address and support development programs in marginalized regions. Establishing this fund would allow the county to allocate a specific budget for these areas, enabling investments in targeted infrastructure, essential social services, and economic development projects. This targeted approach aims to uplift underserved communities, narrowing development disparities and helping them reach a standard comparable to other regions in Kitui County. Furthermore, a county-managed Equalization Fund would support consistent, long-term planning, allowing the government to effectively address the distinct needs of these communities and promote balanced, inclusive regional growth.
6. Each county government administration shall appoint at least one County Executive Committee member or chief officer from the Tharaka and Swahili/Arab communities. Furthermore, senior leadership positions within the county must include representatives from both of these communities.
7. The county Ministry of Culture, Gender, Youth, ICT, Sports and Social Services should undertake deliberate measures to promote the social heritage and cultural values of marginalized communities in order to promote their cultural identity and foster inclusivity. This may include cultural displays in county-sponsored social events, support for cultural preservation projects, and funding for community-led cultural initiatives.

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8. The County Assembly Committee on Labour and Social welfare, in collaboration with relevant stakeholders, should establish a mechanism for oversight to ensure that Kitui County complies with existing legislative frameworks on employment/human resource planning, that protect marginalized communities, and, where necessary, provide intervention to rectify non-compliance.

Hon. Godfrey Muthengi Ndagara – (M.C.A.)

****Denotes order of the day****
