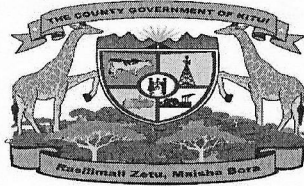


THIRD ASSEMBLY

(095)

THIRD SESSION

(328)



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

THIRD COUNTY ASSEMBLY – (THIRD SESSION)

VOTES AND PROCEEDINGS

TUESDAY 19TH NOVEMBER, 2024 AT 2.30 P.M.

Convened pursuant to Gazette Notice No. 14727 dated 31st

October 2024

1. The House convened at Thirty Minutes past Two O'clock
2. The proceedings were opened with a prayer.
3. **PRESIDING:** Hon. Deputy Speaker on the Chair
4. **NOTICES OF MOTION.**

The following notice of Motion was given;

MOTION FOR ENHANCED REPRESENTATION, EMPLOYMENT OPPORTUNITIES, CULTURAL RECOGNITION, AND DEVELOPMENT AFFIRMATIVE ACTION FOR MARGINALIZED/MINORITY COMMUNITIES IN KITUI COUNTY

(HON. GODFREY MUTHENGI NDAGARA -M.C.A)

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

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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.

AWARE that Article 204 of the Constitution establishes the equalization fund to provide basic services including water, roads, health facilities and electricity to marginalized 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

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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.

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.

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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

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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.
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

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resource planning, that protect marginalized communities, and, where necessary, provide intervention to rectify non-compliance.

5. STATEMENTS

- i. Response to Statement Request made by Hon. Christopher Nzilu Nzioka on the status update of grading works at Kavou-Ndumoni road in Kyangwithya West Ward and inquiry into program feasibility. (*Chairperson, Committee on Lands, Infrastructure and Urban Development*)
- ii. Statement request to the Chairperson, Committee on Agriculture Water and Irrigation on the proposed extension of Songea- Thitani water pipeline in Kyome- Thaana Ward (*Hon. Alphonse Musyimi Mukwayu M.C.A.*)
- iii. Statement request to the Chairperson, Committee on Agriculture, Water and Irrigation on the proposed Thaana- Nzau Irrigation Scheme (*Hon. Alphonse Musyimi Mukwayu M.C.A.*)
- iv. Statement request to the Chairperson Committee on Lands, Infrastructure and Urban Development on cleaning and garbage collection in Kyangwithya East Ward (*Hon. Boniface Maundu Katumbi M.C.A.*)
- v. Statement request to the Chairperson, Committee on Health and Sanitation on the non- operationalization of Thitani Mortuary in Kyome- Thaana Ward (*Hon. Alphonse Musyimi Mukwayu M.C.A.*)
- vi. Statement request to the Chairperson Committee on Culture, Youth, Sports Gender and Social Services on distribution of

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assistive devices in Kitui County (*Hon. Charity Kathathi Musyoka M.C.A.*)

- vii. Statement request to the Chairperson Committee on Culture, Youth, Sports Gender and Social Services on the concluded Kitui County Youth Engagement Forum (*Hon. Anthony Musyimi Musyoka M.C.A.*)
- viii. Statement request to Chairperson, Committee on Environment, Energy and Minerals Investment Development on Solar light repairs and maintenances across Kitui County (*Hon. Harrison Maluki Mawia M.C.A.*)

6. COMMUNICATION AS RELATES TO VISITING DIGNITARIES

Honourable Members,

I would like to acknowledge the presence, in the Speaker's gallery this morning, of the following visiting dignitaries-

1. Madam Rukia Chitechi- Deputy County Commissioner, Migwani
2. George Ratemo- Migwani Sub County CIPU Commander
3. Kibii Tanui Henry – OCS Migwani..
4. David .K. Mboso – Chief Migwani
5. Sebastian M. Mwinzi – Assistant Chief Kalituni Sub - Location
6. Angelina Mueni Mbiu – Assistant Chief Kyamboo Sub Location
7. Patrick Munyithya Mutua – Former MCA Migwani Ward
8. Damson Tulo Musee – Sub – County Administrator Mwingi West
9. Christine Kataru Ikole – Nurse Mathunzini Dispensary

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In our tradition of receiving and welcoming visitors to the County Assembly, I extend a warm welcome to them and, on behalf of the County Assembly of Kitui and my own behalf, wish them a fruitful visit.

Thank you

7. ADJOURNMENT

And the time being Four Minutes to Five O'clock, the Honorable Deputy Speaker adjourned the house.

8. ASSEMBLY ROSE - at Four Minutes to Five O'clock.

MEMORANDUM

*The Honorable Speaker will take the chair on
Wednesday, 20th November, 2024 at 9:00 A.M*