

REPUBLIC OF KENYA
KITUI COUNTY ASSEMBLY
THIRD ASSEMBLY- THIRD SESSION
OFFICIAL REPORT

(THE HANSARD)

Tuesday, 27th November 2024

The County Assembly met at 2:43 p.m.

[The Speaker (Hon. Kevin Kinengo Katsiya) in the Chair]

PRAYERS

The Speaker (Hon. Kevin Kinengo Katsiya): Hon. Members welcome to this afternoon sitting of the Third Assembly. We may now begin our order paper. Next order.

NOTICE OF MOTIONS

1. MOTION FOR REMOVAL FROM OFFICE OF THE COUNTY EXECUTIVE COMMITTEE MEMBER(CECM) FOR FINANCE, ECONOMIC PLANNING AND REVENUE MANAGEMENT, MR. PETER MWIKYA KILONZO
(Hon. Antony Musyimi Musyoka-mover of the motion)

The Speaker (Hon. Kevin Kinengo Katsiya): Hon. Antony Musyimi Musyoka you may proceed and give notice.

Hon. Antony Musyimi Musyoka: Thank you Mr. Speaker. I wish to give a notice of motion for removal from office of the County Executive Committee Member (CECM) for Finance, Economic Planning and Revenue Management, Mr. Peter Mwikya Kilonzo. **THAT**, in accordance with Section 40 (2) of the County Governments Act, 2012, and Pursuant to Kitui County Assembly Standing Order No. 62, this Assembly hereby resolves to approve the motion seeking the removal from office of Mr. Peter Mwikya Kilonzo, County Executive Committee

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Member (CECM) for Finance, Economic Planning and Revenue Management, on the grounds of gross violation of the Constitution or any other law, incompetence, abuse of Office and gross misconduct as follows: -

**1. GROSS VIOLATION OF THE CONSTITUTION OF KENYA, 2010
OR ANY OTHER LAW; -**

Mr. Peter Mwikya Kilonzo has contravened Chapter Six of the Constitution of Kenya, 2010, Leadership and Integrity Act, 2012 and Public Officer Ethics Act, 2003 which enshrine the principles of leadership and integrity essential for public office. By conducting himself in a manner that erodes public trust and confidence in his role, Mr. Peter Mwikya Kilonzo has exhibited a fundamental disregard for the values of integrity, accountability and transparency required of the CECM for Finance, Economic Planning and Revenue Management.

Such acts include;

- i. Undermining the separation of powers and public participation as underscored in Articles 1, 10, 118, 175, 196 of the Constitution of Kenya, 2010, Section 91 of the County Governments Act, 2012, Section 125 of the Public Finance Management Act, 2012, and as advanced in Section 130 of the PFM Act, 2012 as amended by Section 11(4) & (5) of the County Allocation of Revenue Act (CARA), 2021.**

Mr. Peter Mwikya Kilonzo, CECM for Finance, Economic Planning, and Revenue Management, has blatantly undermined the principle of separation of powers as enshrined in Article 175 of the Constitution of Kenya, 2010, which emphasizes the autonomy of the county executive and legislative arms, and Section 11(4) of the County Allocation of Revenue Act (CARA), 2021(which amended Section 130 of the PFM Act, 2012) and which prohibits the reallocation of unspent funds designated for the County Assembly to other purposes.

In the submitted Kitui County Supplementary Budget I for the Financial Year 2024/2025 (**See annex i**) received by the Assembly on 18th October 2024, Mr. Kilonzo unlawfully reallocated Kshs. 133,042,008 from the County Assembly's approved annual budget. This included a revote of Kshs. 100 million from the previous financial year 2023/2024 factored into the current annual budget for the construction of a modern office block for the County Assembly, contrary to Section 130 of the PFM Act, 2012 as amended by Section 11(4) and (5) of the CARA, 2021, which requires that unspent funds for the County Assembly from the ending financial year should be reallocated by the CECM Finance in a subsequent Supplementary Appropriation Bill to the County Assembly within two (2) months of the commencement of the financial year.

It also included Kshs. 33,042,008 allocated in the current financial year for constructing Members of the County Assembly Ward Offices, thus undermining the Assembly's constitutional mandate over financial matters as provided under Section 125 of the Public Finance Management

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Act, 2012 which highlights the critical statutory steps to be observed in County budget making process viz County Integrated Development Plan (CIDP), Annual Development Plan (ADP), County Fiscal Strategy paper (CFSP) and annual budget estimate, and public involvement in the entire process.

By these actions, Mr. Kilonzo has not only violated Section 130 of the PFM Act as amended by Section 11 of CARA, 2021, but has also overstepped his authority, thereby infringing upon the Assembly's financial independence in budgeting and subverting the checks and balances essential to the devolved governance framework. Further, these actions undermine the principle of public participation enshrined in Articles 10(2)(a) and 118(1)(b) of the Constitution of Kenya, 2010, which require public involvement in legislative and budgetary matters. This is further supported by Section 91 of the County Governments Act, 2012, which establishes mechanisms for public participation in governance and decision-making processes.

In reallocating these funds in deviance with the wishes of the public, Mr. Kilonzo disregarded the outcomes of public participation on the aforementioned statutory planning documents and infringed upon the constitutional requirement of transparency and accountability as stipulated in Article 10 of the Constitution. By undermining the Assembly's oversight role, Mr. Kilonzo violated the separation of powers and the public trust, both of which are fundamental to Kenya's devolved governance system.

ii. Violation of Section 135 of the Public Finance Management Act, 2012, and Regulation 39(3) & (8) of the Public Finance Management (County Governments) Regulations, 2015

- (a) Mr. Peter Mwikya Kilonzo, CECM for Finance, Economic Planning and Revenue Management, contravened Section 135 of the Public Finance Management (PFM) Act, 2012, and Regulation 39(3) and (8) of the PFM (County Governments) Regulations, 2015 in the submitted Kitui County Supplementary Budget I for the FY 2024/2025 on 18th October 2024. The submitted budget contained allocations for new projects that were not part of the approved annual budget, failing to meet the qualifications stipulated under these legal provisions.

Under Section 135 of the PFM Act, 2012, a supplementary budget should only contain expenditures necessitated by unforeseen and unavoidable needs that cannot wait for the next financial year or reallocations within the approved budget to address priority areas. Similarly, Regulation 39(3) and (8) of the PFM (County Governments) Regulations, 2015, specify that supplementary budgets must conform to the approved annual plan

and cannot introduce new projects unless they meet the strict conditions set by the law, including unforeseen exigencies.

Some of the allocations in the submitted supplementary budget which exemplify these violations are as follows:

- Office of the Deputy Governor - Purchase of Computers, Printers and other IT Equipment (To enable automation) Kshs. 1,241,700
- Ministry of Culture, Sports and Youth Development - Project Allowance - Youth Engagement Forum Kshs. 15M. Expenditures under this programme have already been incurred as evidenced by the invitation letter referenced CG.KTI/MCGYICT&SS/ADM/CAK/ CECM/ 1/17/46 dated 6th November, 2024 inviting Members of the County Assembly to attend the Kitui County Youth engagement forum, 2024 on 15th November, 2024 at Ithookwe showgrounds (**see annex ii**). This happened when the supplementary budget I for FY 2024/2025 is still in the approval process and the same was undertaken without a policy to guide on its implementation. This was not an emergency and further a contravention of regulation 39(8) of the PFM (County Governments) Regulations, 2015 which envisages that new policy options and service delivery initiatives should only be considered when introduced in the annual budget estimates.
- Ministry of Culture, Sports and Youth - Advertising, Awareness and Publicity Campaigns - County tournament in football from Village level culminating into Governor's cup) Kshs. 10M.

During public participation on the County budget for the FY 2023/2024, among the contagious issues raised by the County residents was the poor state of County roads. This necessitated a reasonable allocation of Kshs. 284,749,652 to cater for the need. During a subsequent supplementary budget I for FY 2023/2024 (**see annex iii**), the CECM reallocated Kshs. 266,660,304 for other needs subverting the will of the people and eroding the sovereignty of the people provided under Article 1 of the Constitution

of Kenya, 2010. This is an indication of misplaced priorities by the CECM Finance against pressing needs that ought to be addressed within the scarce resources available to the County. The effect of this reallocation has been devastating as roads are in still in a dilapidated state owing to lack of supporting roads infrastructure works including drifts, culverts and gabions.

The introduction of new budget items and reallocations represent new projects that were neither approved in the original budget nor justified under the statutory qualifications for supplementary budgets. The introduction of such unauthorized expenditures undermines the principles of public finance management, including transparency and accountability, as enshrined in Article 201 of the Constitution of Kenya, 2010, and the PFM framework.

By contravening these provisions, Mr. Peter Mwikya Kilonzo has jeopardized the County's financial integrity by failing to ensure prudent and lawful management of public funds. This disregard for statutory requirements erodes public confidence in the County's governance and threatens fiscal responsibility, which is central to devolved governance under the Constitution.

- (b) Mr. Peter Mwikya Kilonzo, CECM for Finance, Economic Planning and Revenue Management, violated Section 135(1) and (2) of the Public Finance Management Act, 2012 by authorizing the payment of Kshs. 76 million, funds appropriated in the Kitui County Supplementary II Appropriation Act, 2024, for drilling boreholes across the forty (40) Wards, to instead pay electricity bills for KITWASCO and KIMWASCO. This misapplication of funds was confirmed in the County Assembly report by the Committee on Agriculture, Water and Irrigation on the inspection of 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 to 16th August, 2024 (see **annex iv**).

Section 135(1) of the PFM Act, 2012, requires any reallocation of funds from the approved budget to be authorized through a supplementary budget, while Section 135(2) mandates that such

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reallocations must be presented to and approved by the County Assembly within two (2) months after the first withdrawal of the funds as required under Section 135(4) of the PFM Act, 2012. In this case, no supplementary budget was presented seeking the Assembly's approval to reallocate funds initially appropriated for drilling boreholes to settle electricity bills.

By authorizing this payment without following the statutory process, Mr. Peter Mwikya Kilonzo undermined the County Assembly's oversight role as enshrined in Article 185 of the Constitution of Kenya, 2010, which vests the Assembly with legislative and budgetary authority. This act also violates the principles of transparency and accountability under Article 201 of the Constitution, which require that public funds be utilized for the purposes for which they were appropriated.

This unauthorized expenditure further contravenes Section 149(1) of the PFM Act, 2012, which holds the County Executive Committee Member responsible for ensuring effective financial management and adherence to the approved budget. By redirecting funds appropriated for critical water infrastructure projects to unrelated expenditures, the CECM failed to prioritize and safeguard public resources, compromising service delivery and eroding public trust in the County's financial governance.

iii. Violation of Articles 10, 73, and 75 of the Constitution of Kenya, 2010, Sections 8, 9, 10, and 11 of the Leadership and Integrity Act, 2012, and Sections 9, 11, and 12 of the Public Officer Ethics Act, 2003

Articles 10 and 73(1)(iii) & (iv) of the Constitution of Kenya, 2010, sets out the national values and principles of governance, as well as the expectations on the ethical exercise of authority by state officers. Article 75(1) of the Constitution, as read together with Sections 8, 9, 10, and 11 of the Leadership and Integrity Act, 2012, and Sections 9, 11(1) & (2)(a)(i)(ii), and 12 of the Public Officer Ethics Act, 2003, obligates state officers to conduct themselves in a manner that upholds public trust, avoids conflict of interest, and refrains from using their positions to confer personal benefits.

Mr. Peter Mwikya Kilonzo violated these provisions by using his office to improperly confer a benefit to himself and his family. He influenced the drilling of Myaani 001 and Myaani

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002 boreholes on family land in Myaani village, contrary to the Annual Budget for FY 2023/2024, which had approved the drilling of this borehole in Senda Village. This action compromised public interest and diverted public resources for personal gain, contrary to Article 73(2)(c) and (d) of the Constitution, which mandates state officers to prioritize public interest and uphold accountability.

Article 10 of the Constitution underscores the national values of transparency and integrity in governance. By failing to adhere to these values, Mr. Peter Mwikya Kilonzo disregarded his ethical obligations, undermining public confidence in the impartial administration of resources.

Moreover, Section 8 of the Leadership and Integrity Act, 2012, specifically prohibits state officers from using their positions for improper enrichment, while Section 9 emphasizes avoiding situations of conflict between personal interests and public duty. Similarly, Section 11(1) & (2)(a)(i)(ii) of the Public Officer Ethics Act, 2003, requires public officers to act in a manner that maintains the honour of their office. By using public funds and resources for personal advantage, Mr. Peter Mwikya Kilonzo not only violated these statutory provisions but also acted contrary to Section 12 of the Act, which demands public officials to maintain the integrity of the public office at all times.

This act of influencing the relocation of the boreholes demonstrates a clear compromise of public resources for personal gain, a serious breach of ethical conduct and a violation of the public trust inherent in his position. In addition, the self-centeredness of the CECM Finance has subjected the locals of Senda village to untold suffering having prioritised this project undertaken in their village for ease of water accessibility which is a scarce resource within the region as contained in the County Assembly report by the Committee on Agriculture, Water and Irrigation on the inspection of 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 to 16th August, 2024 (see annex iv).

iv. Violation of Article 175(b) of the Constitution of Kenya, 2010, and Sections 157 & 158 of the Public Finance Management Act, 2012

Mr. Peter Mwikya Kilonzo, CECM for Finance, Economic Planning and Revenue Management, violated Article 175(b) of the Constitution of Kenya, 2010, which requires

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accountability for financial resources and transparent revenue management within county governments. Additionally, he contravened Sections 157 and 158 of the Public Finance Management (PFM) Act, 2012, which mandate the establishment and enforcement of efficient systems for revenue collection to safeguard public finances.

The County Assembly report by the Committee on Finance and Economic Planning on the Inspection Exercise on the Status of Revenue Collection in Kitui County, conducted from 2nd to 5th May 2023 (see **annex v**), revealed negligence on Mr. Peter Mwikya Kilonzo's part in implementing proper and transparent mechanisms for revenue collection. The report observed that revenue clerks continued to collect revenue in cash at most cess barriers, contrary to modern best practices and technological alternatives that enhance accountability and minimize pilferage.

This failure has led to significant revenue leakages, allowing substantial amounts of public funds to fall into private hands. Consequently, Kitui County has consistently failed to meet its own-source revenue targets for successive financial years. This shortfall directly contributes to the accumulation of unnecessary pending bills, undermining the County's fiscal responsibility and ability to deliver essential services.

Section 157 of the PFM Act, 2012, obligates the County Treasury to design and implement effective systems and controls for revenue collection and management, while Section 158 emphasizes the need for periodic evaluations of revenue collection systems to ensure accountability and mitigate revenue losses. The CECM's negligence in this regard demonstrates a failure of his statutory duty and a disregard for the principles of accountability and efficiency mandated under these sections.

Furthermore, Article 201 of the Constitution of Kenya, 2010, which sets out principles of public finance, highlights the need for transparency, accountability and fiscal responsibility in the management of public resources. By failing to address revenue collection inefficiencies, the CECM undermined these constitutional principles and the public trust in the County's financial governance.

Kitui County Assembly Standing Order No. 181 compels the CECM for Finance to provide a report to the relevant Committee of the County Assembly on the implementation status of the

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House resolution within Sixty (60) days. The CECM has grossly violated this provision by failing to implement recommendations adopted by the Assembly in the aforementioned Committee report.

This lack of proper supervision and coordination of revenue collection mechanisms exemplifies a violation of his duty to safeguard public funds, leading to financial mismanagement that compromises the delivery of services and the achievement of the County's development goals.

v. Violation of Article 10 & 201 of the Constitution of Kenya, 2010, Section 108 of the County Governments Act, 2012, and Sections 117 & 126 of the Public Finance Management Act, 2012

Mr. Peter Mwikya Kilonzo, CECM for Finance, Economic Planning and Revenue Management, violated Section 108 of the County Governments Act, 2012, and Sections 117 and 126 of the Public Finance Management (PFM) Act, 2012 by misleading the County Government into operating within statutory budget documents that were not aligned with the five-year County Integrated Development Plan (CIDP) for the period 2023–2027.

Section 108 of the County Governments Act, 2012, establishes the CIDP as the guiding framework for all development activities and expenditure planning within the County. It mandates that all planning documents, including the Annual Development Plan (ADP) and the County Fiscal Strategy Paper (CFSP), must align with the CIDP to ensure consistency with the County's long-term development priorities.

However, the ADP and CFSP for the Financial Year 2022/2023 were prepared and approved outside the CIDP for the period 2023–2027. The CIDP was submitted for approval by the County Assembly on 5th June 2023 vide a letter referenced CGKTI/CT/FIN/37/II/34 dated 2nd June 2023 (**see annex vi**) when the County Budget for the financial year 2023/2024 had already been submitted for consideration by the Assembly, rendering them (ADP, CFSP and the Budget estimates for the FY 2023/2024) inconsistent with the CIDP.

Section 117 of the PFM Act, 2012, requires the preparation of the CFSP to reflect the priorities outlined in the CIDP and the ADP. Additionally, Section 126 obligates the County Executive Committee to prepare the ADP based on the CIDP and submit it to the County Assembly for approval before budget formulation. By submitting and implementing budget documents that

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were misaligned with the CIDP, Mr. Peter Mwikya Kilonzo undermined the County's strategic development agenda and violated these statutory provisions.

This failure to adhere to the legal framework jeopardized the coherence and effectiveness of the County's planning and budgeting processes. The CIDP serves as the principal document for fostering integration and alignment of County programs and projects, and deviations from it compromise service delivery and resource allocation.

Moreover, these actions demonstrate non-compliance with the principles of good governance and accountability as outlined in Article 10(c) of the Constitution of Kenya, 2010, and the public finance principles in Article 201, which emphasize prudent and transparent use of public resources. By submitting these documents out of sequence and without proper alignment, Mr. Peter Mwikya Kilonzo failed in his duty to provide sound fiscal and economic guidance to the County Government, resulting in an uncoordinated, ineffective planning process and delayed uploading of the County budget into the Integrated Financial Management Information System (IFMIS).

2. INCOMPETENCE:

Mr. Peter Mwikya Kilonzo, in his role as CECM for Finance, Economic Planning and Revenue Management, has consistently demonstrated an inability to effectively fulfil the responsibilities of his office. His repeated failures to comply with statutory obligations and deadlines have impeded the efficient functioning of the County Government, thereby compromising its operational stability and financial planning by: -

i. Non-Compliance with Statutory Deadlines for Submission of Statutory Documents

Mr. Peter Mwikya Kilonzo, CECM for Finance, Economic Planning and Revenue Management, has demonstrated glaring negligence in his handling of the Kitui County Finance Bills; critical legislative instruments governing taxation. The Finance Bill requires rigorous public engagement in line with Article 174(c) and Article 196 of the Constitution of Kenya, 2010, which underscore the principles of public participation and accountability in governance, and Section 3(f) of the County Governments Act, 2012, which prioritizes inclusivity in decision-making processes.

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In clear violation of Section 133 of the Public Finance Management (PFM) Act, 2012, which mandates submission and approval of the Finance Bill within ninety (90) days after the passing of the Appropriations Bill, and Kitui County Assembly Standing Order No. 216, which establishes the procedural timelines for the Assembly, Mr. Peter Mwikya Kilonzo has consistently delayed submission of the Finance Bills.

The Kitui County Finance Bills 2022, 2023 and 2024 were submitted as follows;

- Finance Bill, 2022 was submitted on 29th June 2023 (see **annex vii**);
- Finance Bill, 2023 was submitted on 21st September 2023 (see **annex viii**); and
- Finance Bill, 2024 was submitted on 30th September 2024 (see **annex ix**)

This noncompliance directly contravenes the legal requirement for the Assembly to consider and approve the Bills by the end of September of each financial year. The repeated delays in submission have significantly undermined the County's ability to revise and enact updated revenue collection rates, fines, fees and charges in line with the prevailing economic environment and budgetary needs. As a result, the County Government has been forced to rely on outdated revenue collection frameworks, negatively impacting its revenue-generating capacity.

Furthermore, the failure to meet statutory deadlines disregards the principles of accountability and transparency in public finance as enshrined in Article 201 of the Constitution of Kenya, 2010, and has jeopardized the County's financial stability. The delay in enacting these critical fiscal policies has not only compromised service delivery to the County residents but also contributed to inefficiencies in budget implementation due to reduced and untimely revenue inflows.

Additionally, Mr. Peter Mwikya Kilonzo's insensitivity to the heightened public awareness surrounding taxation matters and his neglect in ensuring timely and inclusive public participation has violated the constitutional obligation of involving citizens in decision-making processes as provided under Article 174(c) of the Constitution. This lack of responsiveness demonstrates incompetence and a failure to uphold the statutory and ethical standards expected of his office.

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By failing to adhere to these statutory deadlines, the CECM has hindered the smooth operation of County fiscal and governance processes, intensifying the challenges of revenue mobilization and financial planning.

ii. Failure to Adhere to the Provisions of Section 157 of the Public Finance Management Act, 2012 on the Designation of Receivers of County Government Revenue

Section 157 of the Public Finance Management (PFM) Act, 2012 requires the CECM for Finance to designate, in writing, a specific person responsible for collecting, receiving and accounting for county government revenue. This statutory obligation is vested exclusively in the CECM for Finance to ensure clear accountability and effective financial governance.

In blatant disregard of this legal requirement, Mr. Peter Mwikya Kilonzo, CECM for Finance, Economic Planning and Revenue Management, neglected his duty and unlawfully delegated the designation authority vested in him to a Chief Officer within his ministry, contravening the express provisions of the PFM Act, 2012.

Evidence presented during a session of the County Assembly Committee on Labour and Social Welfare on Thursday, 4th July 2024, indicates that Ms. Roselyn Kavata Munyasya, an employee in the department, was assigned this role in writing by Mr. John Makau, the Chief Officer for Finance, Revenue Management and Accounting, on 14th March 2023. This evidence is contained in the Committee's report on a statement request by Hon. Jeremiah M. Mutua concerning various county staff in acting capacities (**see annex x**).

By delegating a statutory role exclusively reserved for the CECM, Mr. Peter Mwikya Kilonzo demonstrated incompetence and blatant disregard for his legally prescribed obligations, violating the governance principles outlined in Section 157 of the PFM Act, 2012. This failure to fulfill his duties:

- (a) Undermines the county's financial governance, creating a gap in accountability for revenue collection and management.
- (b) Has contributed to significant revenue leakages, directly impacting the county's ability to meet its own source revenue targets.

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- (c) Erodes public trust, as improper delegation compromises the transparency and integrity of public financial management.

This act of negligence illustrates a failure to prioritize public interest and uphold constitutional and statutory obligations, ultimately hindering the County's financial sustainability and governance standards. Resultantly, the County has not been able to provide effective service delivery owing to lack of adequate funds to fully finance the County budgets.

iii. Failure to Adhere to the Provisions of Section 103 and 109 of the Public Finance Management Act, 2012

Mr. Peter Mwikya Kilonzo, as the CECM for Finance, Economic Planning and Revenue Management, failed in his statutory responsibility for the management, administration and coordination of County revenue collection, as outlined in Sections 103 and 109 of the Public Finance Management (PFM) Act, 2012.

Section 103 of the PFM Act, 2012, designates the County Treasury headed by the CECM Finance to be responsible for the efficient management of public finances, including revenue collection, while Section 109 requires the establishment and proper administration of a County Revenue Fund into which all revenue should be deposited promptly and managed transparently. As of 30th June 2023, Kshs. 11,395,086 in collected revenue could not be accounted for due to poor supervision and coordination of revenue collection activities as contained in auditor general's report for the period ending 30th June, 2023 (**see annex xi**) It was discovered that certain revenue collectors were holding cash instead of depositing it into the designated County Revenue Fund. This failure occurred despite consistent budgetary allocations for the automation of revenue collection systems, which have yet to be fully implemented under the CECM's leadership.

This failure amounts to gross mismanagement of public finances, allowing theft of public funds under his watch. The mishandling of revenue collection not only contravenes the PFM Act but also violates the principles of good governance, accountability and integrity, as stipulated in Article 10 and Article 201 of the Constitution of Kenya, 2010.

The blatant theft of public funds ought to have been reported promptly to the Ethics and Anti-Corruption Commission (EACC) and the Directorate of Criminal Investigations (DCI) for

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investigation and prosecution. However, no such action was taken and the implicated staff remain employed in various County Government departments, further eroding public confidence in the County's governance.

As head of the County Treasury, it was Mr. Peter Mwikya Kilonzo's statutory duty under Section 104(1)(d) of the PFM Act, 2012 to enforce effective financial control measures and advise the County Government on necessary remedial actions. His failure to report or act on the identified theft demonstrates negligence in performing his duties and a disregard for the anti-corruption and ethical standards outlined in Sections 8 and 9 of the Public Officer Ethics Act, 2003.

This situation exemplifies a lack of commitment to safeguarding public resources and ensuring accountability, contrary to the public finance principles enshrined in law. The inaction and ongoing revenue management inefficiencies continue to undermine the County's financial stability and public trust.

iv. Unlawful submission of a Memorandum on the Approved County Fiscal Strategy Paper (CFSP) 2024/2025

Mr. Peter Mwikya Kilonzo, CECM for Finance, Economic Planning and Revenue Management, demonstrated a fundamental failure to understand his roles and mandate as defined by the law by submitting a memorandum to the Clerk of the Assembly objecting to the approved County Fiscal Strategy Paper (CFSP) for the Financial Year 2024/2025. This was done via a letter referenced CGKTI/CT/FIN/35/V/43 dated 11th April 2024 (see **annex xii**).

The submission of this memorandum was an unlawful attempt to overturn a decision of the County Assembly, a direct overreach of the CECM's mandate, and a deliberate contravention of the legal framework governing County budgeting processes. Section 24(2)(b) of the County Government Act, 2012, and Standing Order No. 134(2)(b) of the Kitui County Assembly Standing Orders, only allow the Governor to refer an Appropriation Bill back to the Assembly with a memorandum outlining specific reasons for the referral. There is no legal provision that permits the CECM to challenge an approved CFSP or any Assembly decision in the manner undertaken by Mr. Peter Mwikya Kilonzo.

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Additionally, this act violated key provisions of the Public Finance Management Act, 2012, which establishes the roles and responsibilities of the County Treasury and the Assembly in the budget-making process. Once the CFSP has been approved by the Assembly as per Section 117 of the PFM Act, 2012, the County Treasury's mandate is strictly to implement the priorities therein. Any objections to the approved CFSP should be addressed through established legal channels, which do not involve the submission of unilateral memoranda by the CECM.

This overreach by the CECM undermined the principle of separation of powers enshrined in Article 175 of the Constitution of Kenya, 2010, and subverted the Assembly's exclusive mandate to approve and oversee the implementation of budgetary frameworks. His actions displayed a lack of adherence to Article 10 (respect for the rule of law) and Article 201 (prudence in public finance) of the Constitution.

The memorandum was a direct challenge to the Assembly's decision-making authority, a fundamental breach of the democratic processes governing County operations.

v. Misreporting on IFMIS uploading for the Kitui County Supplementary II for Financial Year 2023/2024

One of the cardinal principles of public financial management is strict compliance with approved budgets and adherence to the legislative frameworks that govern them. Mr. Peter Mwikya Kilonzo, in his role as the CECM for Finance, Economic Planning and Revenue Management, failed to honour this principle when he inaccurately uploaded the recurrent budget allocation for the Ministry of Health and Sanitation into the Integrated Financial Management Information System (IFMIS).

The Kitui County Supplementary II Appropriation Act, 2024, a binding legislative document mandating strict execution of the approved budgetary provisions, expressly indicated the recurrent budget allocation for the Ministry of Health and Sanitation as Kshs. 3,467,530,515. Despite this clear indication, Mr. Peter Mwikya Kilonzo negligently uploaded the figure as Kshs. 3,447,994,858, creating a variance of Kshs. 19,535,657, as pointed out by the Controller of Budget's letter referenced COB/KTU/002/2/3(25) dated 30th April 2024 (see **annex xiii**), the Hyperion budget printout (see **annex xiv**), and the Supplementary II Appropriation Act, 2024.

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This discrepancy constitutes a breach of the principles outlined in Article 201 of the Constitution of Kenya, 2010, which mandates openness, accountability and strict adherence to public financial discipline. Further, Section 104 of the Public Finance Management Act, 2012, imposes an obligation on the County Treasury to ensure that all financial transactions align with approved budgetary allocations, a standard that was grossly violated in this instance.

By failing to adhere to the legal provisions, the CECM undermined Section 107(2) of the Public Finance Management Act, 2012, which underscores the importance of fiscal responsibility in public resource management.

The failure to accurately upload the budget allocations into IFMIS demonstrates a lack of due diligence and technical oversight. It undermines the fiscal integrity of the County and compromises the confidence of stakeholders, including the public, in the County Treasury's ability to manage public resources effectively. This negligence is particularly concerning given that IFMIS serves as a central platform for public financial management, designed to ensure accuracy, transparency and compliance with statutory requirements.

vi. Unrealistic County Own Source Revenue Target

Mr. Peter Mwikya Kilonzo, the CECM for Finance, Economic Planning and Revenue Management, has set an unrealistic revenue target of Kshs. 988,645,941 in the submitted Kitui County Supplementary Budget I estimates for the financial year 2024/2025, which represents an increase of Kshs. 388,645,941 from the Kshs. 600 million in the approved County budget for the same period.

This increase in the revenue target comes on the heels of underperformance in the previous year, where the own-source revenue target of Kshs. 585 million was under collected by Kshs. 67,950,185. Moreover, the total own-source revenue collected for the first quarter of the financial year 2024/2025 was a mere Kshs. 112,157,327, as outlined in the CECM's response to concerns raised by the County Budget and Appropriations Committee during the consideration of the Kitui County Supplementary Budget I estimates for the financial year 2024/2025 (**see annex xv**).

Given the history of underachievement in meeting revenue targets and the current slow revenue collection pace, it is evident that the proposed new target of Kshs. 988,645,941 is not only

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unrealistic but may also lead to significant fiscal challenges. If this target is not met, the County risks accumulating large, unnecessary pending bills by the end of the financial year, further straining its financial stability and ability to provide services.

As detailed in this motion, it is clear that the County has a poor revenue collection administration system, riddled with serious revenue leakages. These systemic issues require urgent reform and a complete overhaul of the County's revenue collection strategies. Unfortunately, this has proven to be an uphill task for Mr. Peter Mwikya Kilonzo, who has not demonstrated sufficient competence in addressing these challenges.

This failure to align revenue targets with realistic collection capabilities is a direct violation of the principles of fiscal responsibility and prudent financial management enshrined in Article 201 of the Constitution of Kenya, 2010, and is contrary to the Public Finance Management Act, 2012, particularly Section 104, which mandates effective revenue mobilization and management. Moreover, it undermines the County's ability to implement the County Integrated Development Plan (CIDP) and achieve its development objectives, which depend heavily on the availability of reliable and adequate financial resources.

This unrealistic target further worsens the County's budgeting challenges, as it may encourage financial mismanagement, misreporting and improper planning, all of which undermine the integrity of public financial management within the County.

3. ABUSE OF OFFICE

Mr. Peter Mwikya Kilonzo, in his capacity as the CECM for Finance, Economic Planning and Revenue Management, has exploited his position for personal gain, in direct violation of the code of conduct expected of Public Officers and the national values and principles of governance as enshrined in Article 10 of the Constitution of Kenya, 2010.

- (a) In a shocking and unlawful act, the CECM manipulated the allocation of a community borehole project, redirecting it to be drilled on his family property, thereby depriving the intended community beneficiaries. This blatant act subverted the public interest for his personal advantage.

Specifically, Mr. Peter Mwikya Kilonzo used his office to influence the diversion of the drilling of Myaani 001 and Myaani 002 boreholes from Senda village to Myaani village,

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on family land, at a cost of Kshs. 2 million. This gross misuse of public resources and authority exemplifies abuse of office by the CECM, contrary to Article 73 and 75 of the Constitution of Kenya, 2010, as well as Sections 8, 9, 10, 11, 13, and 24 of the Leadership and Integrity Act, 2012.

Such actions breach the public trust and represent a complete failure to carry out the duties of his office in a professional, transparent and accountable manner. Furthermore, this conduct constitutes the use of office to unlawfully enrich himself, as well as a failure to exercise impartiality and objectivity in the execution of his official duties, as mandated by Articles 10, 73(2)(b) & (c), and 232(1)(a)(c) and (e) of the Constitution of Kenya, 2010.

This abuse of office undermines the integrity of public service, erodes public confidence in the leadership and contributes to a culture of impunity, where public resources are diverted for personal gain rather than for the public good.

(b) There have been numerous complaints from contractors alleging that Mr. Peter Mwikya Kilonzo, in his capacity as the CECM for Finance, Economic Planning and Revenue Management, has been asking for bribes from them before approving payments for contracts done. This conduct is contrary to:

- Section 6(1) of the Bribery Act, 2016, which criminalizes the solicitation or acceptance of any financial or other advantage as an inducement or reward for the improper performance of a relevant function or activity.
- Chapter Six of the Constitution of Kenya, which sets the principles of leadership and integrity, including accountability, transparency and the avoidance of corruption or abuse of office.
- Sections 10 and 12 of the Leadership and Integrity Act, 2012, which mandate state officers to uphold public trust and avoid conflicts of interest or conduct that undermines the dignity of their office.

These actions not only undermine public confidence in the office but also violate the ethical and legal standards required of public officers.

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- (c) Further, several Chief Officers have raised concerns that Mr. Peter Mwikya Kilonzo has been engaging in bullying behaviour by issuing threats and intimidation to advance his personal interests contrary Section 34 Leadership and Integrity Act, 2012, which prohibits state officers from which prohibits state officers from bullying, intimidating or harassing any person.

4. GROSS MISCONDUCT

i. Improper use of public office for personal gain

Mr. Peter Mwikya Kilonzo influenced the drilling of Myaani 001 and Myaani 002 boreholes on family land in Myaani village, contrary to the approved allocation for a borehole at Senda Village in the FY 2023/2024 budget. This action violated Articles 73(2)(c) and 75(1) of the Constitution, Sections 8, 9, and 10 of the Leadership and Integrity Act, 2012, and Sections 9, 11, and 12 of the Public Officer Ethics Act, 2003, which require state officers to act with integrity and prioritize public interest over personal gain.

The improper prioritization of personal interests over public welfare constituted a breach of ethical obligations, undermined public trust and diverted critical resources meant to alleviate water scarcity in Senda Village.

ii. Unlawful submission of a memorandum challenging the approved CFSP

Mr. Peter Mwikya Kilonzo unlawfully submitted a memorandum objecting to the approved County Fiscal Strategy Paper (CFSP) for FY 2024/2025. This violated Section 24(2)(b) of the County Governments Act, 2012, and Standing Order No. 134(2)(b) of the Kitui County Assembly Standing Orders, which vest authority over such matters in the Governor and not the CECM.

These above two scenarios couple with failure to submit a supplementary budget seeking ratification for the expenditure of Kshs. 76 million to pay electricity bills for KITWASCO and KIMWASCO within two (2) months of such expenditure in line with Section 135 of the PFM Act, 2012 amount to gross misconduct by the CECM. Mr. Speaker Sir, I wish to give the notice.

The Speaker (*Hon. Kevin Kinengo Katisya*): Thank you, your wish has been granted. Next Order!

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STATEMENTS

SCHEDULE OF COMMITTEE SITTINGS AND PLENARY BUSINESS FOR THE
WEEK ENDING ON 4TH DECEMBER, 2024.

*(Hon. David Masaku read the schedule and
proceeded to lay the same on the table of the
Assembly)*

The Speaker (*Hon. Kevin Kinengo Katisya*): Thank you very much Hon. Masaku.
Next Order!

BILLS

THE KITUI COUNTY SUPPLEMENTARY APPROPRIATIONS BILL,
2024-COUNTY ASSEMBLY BILL NO. 5 OF 2024-SECOND
READING.

The Speaker (*Hon. Kevin Kinengo Katisya*): Hon. Zacchaeus Ivutha Syengo, please take the floor.

Hon. Zach Syengo: Mr. Speaker Sir, I would like to move a motion;
THAT, pursuant to the provisions of Standing order No. 121 (1), the Kitui County Supplementary Appropriations Bill, 2024 (County Assembly Bill No. 5 of 2024) be now read a second time.

Mr. Speaker Sir, I would like to submit to this House that when the Appropriations Bill was committed to, we went ahead and prepared a report based on that Bill. In that Bill, we were able to draw some observations and also develop some recommendations and a conclusion.

On page one you will see basically a preamble introducing our responsibilities. Since I know the members of this Assembly have already read this report, on page two, you will find the composition of the Committee. On page three there is a background providing some information on how this report was written.

On page four, there is an acknowledgement; Mr. Speaker, at this juncture, allow me to thank the Speaker of Assembly for directing the Committee sitting to come up with this report to the Bill.

On behalf of the Committee, I would like to express my sincere appreciation to the Members of the County Assembly for dedicating their time and effort to the important task of approving the Kitui County Supplementary Budget I Estimates for the Financial Year 2024/2025. This clearly demonstrates their genuine concern for the well-being of the County residents.

I take this opportunity to express my gratitude to the Members of the Committee for their sacrifice and commitment displayed during the exercise which enabled the Committee to complete the task within one Committee Sitting.

Lastly, the Committee would like to extend her heartfelt gratitude to the members of the service who have continually supported the Committee. Their guidance, dedication and active participation have greatly contributed to the success of the Committee's work and the production of this report.

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On page five Mr. Speaker Sir, you will find considerations to the Bill, basically some of the observations that we made; Mr. Speaker, the Kitui County Supplementary Appropriation Bill, 2024 (C/A Bill No. 5, 2024), submitted by the County Executive Committee Member for Finance, Economic Planning and Revenue Management was prepared in adherence to Section 135 (6) of the PFM Act, 2012 which states;

“When the County Assembly has approved spending under subsection (2), a Supplementary appropriations Bill shall be introduced for the appropriation of the money spent”

Mr. Speaker, the Committee has thus considered the Bill and endorsed the same without amendments.

Clauses Without Amendments; That all clauses were recommended without amendments; thus Clauses 2, 3 and 4 as printed be part of the Bill.

On Schedules Mr. Speaker Sir, all Schedules were recommended without amendments; thus Schedule 1 and Schedule II as printed be the first and the second schedules to the Bill respectively.

On the Long Title Mr. Speaker Sir; the Long Title as printed be the Long Title to the Bill.

On Clause I which is the Citation Clause; THAT, Clause 1 as printed be part of the Bill.

In conclusion Mr. Speaker Sir, the Committee observed that the published Bill was numbered Kitui County Bills No. 4 as opposed to Kitui County Bills No. 5. The County cannot have two bills reading the same number as the Kitui County Finance Bill, 2024 was numbered Kitui County Bills No. 4. The Committee has thus corrected the printing error by naming the Kitui County Supplementary Appropriation Bill, 2024 as Kitui County Bills No. 5.

As I conclude I will humbly urge the Honorable Members to approve this Bill which is key in facilitating the implementation of the approved Kitui County Supplementary Budget II Estimates for the Financial Year 2023/2024.

Annex I details the members who endorsed this report. Annex II is minutes confirming that the meeting was there and that there were discussions that led to the preparation of this report.

Mr. Speaker Sir, I will urge this House to approve this report because it paves the way for us to conclude the process of passing the Appropriation Bill that will allow the Executive to implement the promise that we made to the people of Kitui County.

We all know that there has been a lot of pressure from the electorates demanding meaningful development for this financial year which has taken some time. Though we have had delays in getting some of the Bills like the Appropriations Bill, we appreciate that we here at this moment and I would like members to approve this Bill to allow the executive to implement the mandate that we have from our people.

With that I would like to move the motion and request Hon. Mercy Muema to second.

(Hon. Mercy Muema seconded the motion by way of bowing)

The Speaker (*Hon. Kevin Kinengo Katsiya*): Thank you Hon. Zack for moving the motion, and we acknowledge its secondment by way bowing by Hon. Mercy Muliwa Muema.

(Question proposed)

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Hon. Members, I will now open the floor for any input before I put the question. Hon. Bonface Maundu Katumbi, the Deputy Minority Whip, please proceed.

Hon. Bonface Katumbi: Thank You Mr. Speaker Sir, aware that the executive has delayed in submitting this Appropriation Bill, I want to support the motion that we pass this Appropriation Bill for the executive to implement what is supposed to be implemented because they are waiting for this Appropriations Bill.

This is not something that we can delay. We have to pass it so that they cannot have any excuse of not paying our contractors and service providers who are already waiting for their payments.

With those few remarks Mr. Speaker Sir, I support.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you. Hon. Jeremiah Mutua, the deputy minority leader.

Hon. Jeremiah Mutua: Thank you, Mr. Speaker. Mr. Speaker, I support the motion and again acknowledge the committee.

Mr. Speaker, if you read the conclusion, page number six. Now, Mr. Speaker, I don't know what is happening with the executive and especially the Minister of Finance and Economic Planning. In such a key document like this one, still at this juncture, someone is able to make mistakes during printing.

Mr. Speaker, it is very clear that the committee observed that the published Bill was numbered Kitui County Bill Number Four as opposed to Kitui County Bill Number Five. The county cannot have two bills reading the same number as the Kitui County Finance Bill Number Four and extra.

Mr. Speaker, this committee is acting like a very good goalkeeper. In fact, the committee is acting as a goalkeeper who does not allow any own goals. That does not allow any unnecessary goals being scored in that goal net. And Zach, the chairperson of the committee and your membership, you know, I'm a preacher of the true gospel. I'll continue praying for you for more grace and for more God-love so that you can continue doing the very good job of defending our goalposts.

Finally, Mr. Speaker, as I speak from the minority side, allow me to thank these honorable members who are sitting here because I was looking straight at their faces, and I could see godly creatures who are willing to deliver to the people of Kitui County genuinely, without anybody coercing them, without anybody forcing them, without anybody intimidating them. But, Mr. Speaker, I want to observe; there are some honorable members, and I will not mention the names here for the purpose of going to another direction of debate.

Mr. Speaker, that they claim in social media, in public forums, how much they support this government, but when we are deliberating on a very key document like this one, someone exits the chambers. Where that person goes, Mr. Speaker, even God and the devil cannot explain, Mr. Speaker.

Purposely, because of just concluding notice which has been given, Mr. Speaker, this one that I'm holding, someone has run outside this chamber helter skeltering like a dick dick, failing to transact this business which is very important for people of Kitui County. We will tell the people who are genuine, who want to help them.

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Mr. Speaker, from the bottom of my heart, I want to serve my people. I want to be in this chamber to transact this business; The passing of Appropriation Bill, so that our people can be served better. Sometimes, even God rewards good people. You can talk today, tomorrow, and next week, and next year. Our people are mishandling issues. But sometimes, God will wake up in the morning and say, look, I'm going to bless these people. Among us, all these who are sitting here, because they are blessed, even myself, Mr. Speaker, I'm greatly blessed by this divine God. I support this motion.

The Speaker (*Hon. Kevin Kinengo Katisya*): Thank you, Hon. Jeremiah, for joining me in preaching that gospel; that whoever respects the business of this House will be blessed. This House will always do very many motions. If a motion disappoints you, you have to do other motions. We are here for a very important duty and I think it's good that we all know that we are supposed to be here. So, thank you, Jeremiah. Help me, I know, you are a pastor of New Apostolic Church. Continue helping me pray for all of us. It's a good thing. I believe we shall be redeemed. Thank you. Hon. Ndagara. I don't know whether it is a coincidence. Whenever Jeremiah talks, Ndagara is usually the next one. You make sure you switch you microphone on immediately after Jeremiah talks. Do you normally like responding to each other or what? Anyway, maybe it's a coincidence. Please proceed.

Hon. Muthengi Ndagara: *Bwana Spika hiyo ni ada yako, maanake Jeremiah akishaongea, nami wanipa nafasi ya kuongea. Nashukuru. Yeye ni rafiki yangu na wakati anapoongea, ni mmoja ambaye ni watu ambao wanapiga makasia vizuri ya kuongea ukweli. Tunalandana na yeye.*

Bwana Spika naomba pia kuongeza sauti yangu kwa mazungumzo ya leo ambayo yanahusiana na makadirio ya bajeti ya ziada ambayo yameletwa hapa na mwenyekiti wa makadirio ya bajeti, bwana Zachaeus Syengo, a.k.a "mbua nene".

Waswahili husema kwamba, maji ukiyavulia nguo, sharti uyaoge. Hivi kwamba, tayari tumekwisha kupitisha makadirio ya bajeti na sasa lazima tuwapatie wenzetu hawa wa upande ule mwingine wa serikali nguvu za kuweza kutumia zile pesa.

Tukifanya hivyo kama wawakilishi Wadi, tutakua tumekwisha kunawa mikono na sasa ni kazi yao kuweza kutimiza wajibu wa kikatiba; kwamba lazima watekeleze wajibu wa kuzitumia zile pesa ambao sisi tumewapa. Hawana jukumu lingine n ani lazima tuangalie kama hizo pesa zimetumika kama inavyohitajika.

Manake sasa tumefika kwenye mteremko, unajua kule kwetu kijana akifika umri wa kuvuka kwenye nyanja ya uwajibikaji, watu huanza kukuambia nyimbo kukuhimarisha kwamba masaa yamefika yako kuvuka. Sasa tunasema jua limeanza kutua na lazima tuwaangazie macho wale ambao ni watekelezaji wa hili bajeti ili kuhakikisha kwamba mambo yamekwenda sawa sawa.

Kwa hivyo bwana Spika, mimi naunga mkono mswada huu na nataka kuipongeza kamati ya bajeti kwa kuuleta.

Vile vile, kama jinsi mwenzangu amesema, sisi kila wakati tuko hapa kuhakikisha kwamba miswada yote ambayo inaletwa hapa na kazi yote ambayo inaletwa hapa bungeni manake tulichaguliwa kuja kukaa hapa, si Kwenda kurandaranda kule nje. Kuna wenzetu ambao wamegeuka kuwa vikarangozi ambao wanatumika upande ule mwingine. Sisi tumekuja hapa manake tunajua wajibu wetu na sheria za kikatiba ambazo zimetuleta hapa. Hatutapiga tarumbeta ya wale watu wengine. Nawauliza wenzangu wale ambao tumeamua kufanya kazi hii, uhuru wa

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nchi ya Kenya ulipiganiwa na watu wachache sio watu wengi. Ata wale wenzetu ambao wameamua kusaliti mambo yetu, tunajua yakwamba wao wenyewe ndio watasherehekea baada ya uhuru kupatikana.

Uhuru waja hiyo kesho na tayari tumeanza kukunja shati tayari Kwenda kwa vita bwana Spika na lazima tutashinda hivi vita vya kutetea mwananchi.

Asante sana, naunga mkono.

The Speaker (*Hon. Kevin Kinengo Katisya*): Thank you Hon. Ndagara for those good comments. You have said freedom is coming tomorrow or today? I hope it came yesterday. But let's proceed. Hon. Sammy Muniyithya. We really need that freedom. Please proceed.

Hon. Sammy Muniyithya: Thank you, Honorable Speaker, for this opportunity. I'm happy to add my voice, and I appreciate the committee for budget, for the quick response. If we were to use the normal timelines which are recommended for this document, maybe today we could not be doing this kind of debate. But due to the goodwill of this committee and our speaker, we have managed to finish this exercise today. I appreciate the committee.

I also need to appreciate the members who did not even adopt the report of this committee. I was happy when I saw Honorable Mercy second the motion. I realized that even members who have not adopted the report are still together with the chair. That is commendable.

I would just need to say one word that as we talk of this bill today, it is really a good thing that this motion passes, so that now our county can be able to even sort the bills of the people of Kitui County who have been waiting for payments.

We know after this, the executive will be able to absorb this budget and make sure that the people of Kitui County are fully served. I insist that, as members of this County Assembly, we have to keep our eyes open and make sure that we do proper oversight for every coin.

Thank you, Mr. Speaker. I stand to support.

The Speaker (*Hon. Kevin Kinengo Katisya*): Thank you, Honorable Sammy Muniyithya. Honorable Peter Mwanza Kitonyo, you may proceed.

Hon. Peter Mwanza: Thank you, Mr. Speaker, for granting me this opportunity. First, I would like to congratulate the committee led by the young and brilliant members for the good job that they did. I would like to concur with Mheshimiwa from Nguni regarding the printing error in the document as a result of the doing of the County Executive Committee Member.

The Speaker (*Hon. Kevin Kinengo Katisya*): Actually, it is a very costly mistake.

Hon. Peter Mwanza: Very costly Mr. Speaker. This shows how the county executive committee member is incompetent and he should not be in that office.

Mr. Speaker, I also want to send a stern warning. As long as we pass this, there are some things that we don't want to hear; the issue of people not being paid on time. Mr. Speaker, sometimes rumors come true. In a situation like this, we have dealt with this appropriation Bill. And in case people don't get salary on time, Mr. Speaker we will still be on toes on this county executive committee member. I support.

The Speaker (*Hon. Kevin Kinengo Katisya*): Before you sit down, I'm sure many of the county departments salaries are properly in the main budget. Maybe payment of contractors. But now that you have mentioned salaries, we prepared requisitions for our salaries as a County Assembly, they were submitted to the minister yesterday morning, and up to now, they have not

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been approved. So now they should not use this Appropriation Bill as an excuse. Salaries are in the main budget.

Hon. Peter Mwanza: Thank you, Mr. Speaker, for that. But they must do their job on time. Thank you, Mr. Speaker, I support.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you very much. Hon. Mwamisi, please take the floor.

Hon. Dominic Mwamisi: Thank you, Honorable Speaker, and thank you for having me here. I just want to stand and add my voice to what my colleagues have been able to present here.

Honorable Speaker, appropriation Bill, as we said yesterday, is a very key process that is needed for us and the county to be in a position to appropriate the money and bring development.

Honorable Speaker, we'll be very keen to look at how this budget is going to be appropriated. We'll be very keen to see the monies that have been scheduled for certain projects must be done as so, Honorable Speaker. The budget must be followed.

The committee did a very good job, and I want to applaud them because they are very quick when it is matters to do with the development and progress of the county. Honorable Speaker, I applaud them for that good job.

I also wish to take this moment and congratulate our very own Honorable Jeremiah Mutua because from the media I was able to see that he was chosen and appointed to be a peace ambassador by NCIC. I hope that one is not going to make you go behind as we walk and fight for our people. I hope it's not going to be like an intimidation to us as Honorable Members.

Thank you, Honorable Speaker. I support this report.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you very much Hon. Mwamisi.

(Question put and agreed to)

Next order!

COMMITTEE OF THE WHOLE COUNTY ASSEMBLY

(Order for Committee read)

[The Speaker (Hon. Kevin Kinengo Katisya) left the Chair]

IN THE COMMITTEE

*[The Temporary Chairman
(Hon. Muthengi Ndagara) took the Chair]*

Temporary Chairman (Hon. Muthengi Ndagara): So, members, let us settle. We are not going to take a lot of time. I think there's not a lot of work to do. So, let's do what is ahead of us.

(Hon. Ndagara consulted with the Clerks-at-the-Table)

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Hon. Members, we are considering the Kitui County Supplementary Appropriations Bill, 2024 (C/Assembly Bill No. 5 of 2024)

CONSIDERATION THE KITUI COUNTY
SUPPLEMENTARY APPROPRIATIONS BILL, 2024
(C/ASSEMBLY BILL NO. 5 OF 2024)

Clause 2

THAT, Clause 2 as printed be part of the Bill.

(Question on Clause 2 proposed)

(Clause 2 agreed to)

Clause 3

THAT, Clause 3 as printed be part of the Bill.

(Question on Clause 3 proposed)

(Clause 3 agreed to)

Clause 4

THAT, Clause 4 as printed be part of the Bill.

(Question on Clause 4 proposed)

(Clause 4 agreed to)

Schedule I

THAT, Schedule I as printed be the first schedule to the Bill.

(Question on Schedule I proposed)

(Schedule I agreed to)

Schedule II

THAT, Schedule II as printed be the second schedule to the Bill.

(Question on Schedule II proposed)

(Schedule II agreed to)

Long Title

THAT, the long title as printed be the title to the Bill.

(Question on the Long title proposed)

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(Question put and agreed to)

LONG TITLE

(Question Proposed on Long Title as printed be part of the Bill)

The Temporary Chairman (Hon. Godfrey Ndagara): Anyone with something to say? You are at liberty. Yeah, Hon. Jeremiah.

Hon. Jeremiah Mutua: Thank you Sir for the airtime. Mr. Chair, on this juncture, I will have to say something on the long title. And is it has been said, I don't know why the chairperson for Budget and Appropriation has gone...

The Temporary Chairman (Hon. Godfrey Ndagara): He is here.

Hon. Jeremiah Mutua: Yeah, I want at this juncture again to congratulate him, and also for the committee members and the clerical staff for ensuring that they get it right.

Mr. Chair! Mr. Chair! The Chair is asleep! Mr. Chair! Mr. Chair!

The Temporary Chairman (Hon. Godfrey Ndagara): I can hear you go ahead. Hon. Jeremiah, Why are you harassing me?

Hon. Jeremiah Mutua: I want to say thank you to the Chairperson, the Committee on the Budget and Appropriation for ensuring that of they capture the correct long title. Because insinuating something. You have just heard the Speaker say that the salaries were prepared and they were never approved. Also to have the long title printed wrongly, Could say a lot of things concerning the process ahead of us.

Mr. Chair, I want to say that what is being planned to happen to make sure that the salaries for the County employees, and specifically for the County Assembly, to be delayed even being in the part of the main budget becomes a catalyst to the freedom fighting movement as we go forward, and someone must be very much worried. Therefore, thank you very much, Chairman to the committee for making it right to happen to make sure that the title is well printed. Thank you Chair.

The Temporary Chairman (Hon. Godfrey Ndagara): So Jeremiah, you are supporting what you are saying?

Hon. Jeremiah Mutua: Yes, Mr. Chair, I support.

The Temporary Chairman (Hon. Godfrey Ndagara): Okay. So anyone else with something to say?

(Question put and agreed to)

Clerk...

CLAUSE 1: CITATION CLAUSE

(Question Proposed Clause 1 as printed be part of the Bill)

Anyone with something to say?

(Question put and agreed to)

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Chair, what is it? You can use this... or you want to talk from where you are?

MOTION

KITUI COUNTY SUPPLEMENTARY APPROPRIATIONS BILL, 2024
(COUNTY ASSEMBLY BILL NO. OF 2024)

Hon. Zacchaeus Syengo (Chairperson, Budget and Appropriations Committee): Hon. Chairperson, I wish to move that the committee do its consideration of Kitui County Supplementary Appropriations Bill, 2024 (County Assembly Bill No. 5 of 2024 and its approval thereof, without amendments.

Hon. Chair, this is to allow us to process this this motion and to finish on time. Therefore, I would like to move this motion and request the honorable Mary Mutune to second the motion.
(*Hon. Mary Mutune bowed to Second the motion*)

The Temporary Chairman (Hon. Godfrey Ndagara): Thank you so much Hon. Mutune, and thank you so much Hon. Chairperson for that.

(Question proposed)
(Question put and agreed to)
[Mace placed in the upper bar]

[The Speaker (Hon. Kevin Kinengo Katisya) resumed the Chair]

The Speaker (Hon. Kevin Kinengo Katisya): Next order!

REPORT OF THE COMMITTEE OF THE WHOLE COUNTY ASSEMBLY
(*Chairperson Committee of the Whole County Assembly*)

Chairperson, Committee of the Whole County Assembly

The Temporary Chairman (Hon. Godfrey Ndagara): Mr. Speaker, I wish to report that the Committee of the Whole County Assembly has considered the Kitui County Supplementary Appropriations Bill, 2024 (County Assembly Bill No. 5 of 2024) and its approval thereof without amendments.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you, Chairperson Committee of the Whole County Assembly.
Next Order!

MOTION

APPROVAL OF THE REPORT BY COMMITTEE OF THE WHOLE COUNTY ASSEMBLY
(*Chairperson, County Budget and Appropriations Committee*)

Chairperson, County Budget and Appropriations Committee.

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Hon. Zacchaeus Syengo (Chairperson, Budget and Appropriations Committee): Mr. speaker, I would like to move the motion on approval of the report by the committee of the whole County Assembly. Hon. Speaker, Sir, I wish to move that the house do agree with the Committee in the said report. This is, this is part of us finalizing, the processing of the Appropriations Bill. And I would like to move this motion and request Hon. Katula to second the motion.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you Chair. Hon. Katula.

Hon. Boniface Mukwate: Thank you Mr. Speaker. Since every time I'm called to second the motion, it is my usual nature to bow, today, I have decided to wake up and talk something. I want to ask the Honorable members to support this report. Mr. Speaker, I second. Thank you.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you very much Hon. Katula. Yes, it is always good so that we also hear your voice. Although sometimes you are allowed, to bow if you want to reserve your opportunity to contribute later. But when you don't contribute later, then is also allowed. Thank you.

(Question proposed)
(Question put and agreed to)

Next order!

BILL

KITUI COUNTY SUPPLEMENTARY APPROPRIATIONS BILL, 2024 (COUNTY ASSEMBLY BILL NO. OF 2024) – THIRD READING

(Chairperson, County Budget and Appropriations Committee)

Chairperson of the committee. Please proceed.

Hon. Zacchaeus Syengo(Chairperson, Budget and Appropriations Committee): Honorable speaker, Sir, I beg to move that person to the provisions of Standing Order number 131 (2), the Kitui County Supplementary Appropriations Bill, 2024, County Assembly Bill No. 5 of 2024 be now read a third time.

Mr. Speaker, this is just for us to finalize this process of approving the Appropriations Bill and I therefore beg to move this motion and request the Vice Chair Budget and Appropriations Committee, Hon. Kalenga, to second this motion.

(Hon. Jacquelyne Kalenga bowed to second the motion)

The Speaker (Hon. Kevin Kinengo Katisya): Thank you Hon. Zacchaeus. Hon. Kalenga we acknowledge secondment by way of bowing. Does she always bow? No! Sometimes she contributes before seconding.

(Question proposed)

Hon. Member, I'll open the floor for any contribution before I put the question. We start with the Leader of the Majority Party, Hon. Harrison Maluki, Mawia, you may proceed.

Hon. Harrison Maluki: Thank you, Hon. Speaker. What I can say is so far so good, and I want to appreciate the Budget Committee for tirelessly working on the supplementary budget.

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This house is about to pass the Appropriation Bill, which reached this house just a day ago. I really want to appreciate them for the good work done. Honorable Speaker, yesterday I was called by one of the contractors who comes from my ward. When he went to the chief finance officer, he was told that to ask his member of the County Assembly, because they are the ones sitting on the Supplementary Budget.

Honorable speaker this evening, we as the County Assembly. We have actually played our role, because reading the mood of this house, I know these honorable members will pass this Appropriation Bill so that we can give our Executive wing of the government, led by our governor, the power to spend money which we have appropriated in the supplementary budget. Therefore, I wish, and I think from now, the County Assembly will not be blamed for any delay. And wherever those contractors call actually, I will call him immediately after this and tell him to follow on the matter because we as the County Assembly, we have delivered on our mandate, which was to look at the Supplementary Budget.

Hon. Speaker, we discussed about this Supplementary Budget here, and from where I sit, it has the best interest for the great people of Kitui, who comes from the 40 respective wards, whereby we are elected.

Hon. Speaker in our last meeting with our governor, we agreed that we give three sectors priority; that is water, health and roads. I want to appreciate the committee because they did that consideration. They gave money for health. There is money for water and they appropriated money to do our roads. Therefore, it is our humble request that, because we have passed the Appropriation Bill, we have played our role. And I know from now henceforth, the Executive will prudently use the money we have appropriated to them. Thank you and I stand here to support the Bill.

The Speaker (Hon. Kevin Kinengo Katisya: Thank you very much. Majority Leader, Majority Chief Whip, Hon. Boniface Mukwate Katula, please take the floor.

Hon. Boniface Mukwate: Thank you. Mr. Speaker. I have stand here to support the finalizing of the Bill so that our people from Kitui can get the service from the County Government of Kitui. I understand there was a public participation on projects which are supposed to be done by the CLIDP and it takes us to pass this Appropriation Bill to be to appropriate this money so that the projects can be done as the way, the way the residents of Kitui requested.

Mr. Speaker, roads of Kitui are in a very pathetic condition. I understand it takes us to pass this Appropriation Bill. I urge all the members to support the Bill unanimously so that we can allow the Executive to execute all the projects that were given by the residents of Kitui. I beg to support the bill. Thank you.

The Speaker (Hon. Kevin Kinengo Katisya: Thank you Hon. Boniface Mukwate Katula. Hon. Godfrey Muthengi Ndagara the Deputy Majority Chief whip.

Hon. Godfrey Ndagara: Thank you so much, Mr. Speaker. And without wasting a lot of time, I want to join my friends and my seniors in urging all of us to make sure that we support this Appropriation Bill. We want to tell the members of the public and even the Executive that the issues we are doing here as the Assembly, it is not within the mandate of anybody. It is our constitutional duty to make sure that all the Bills that come here, so long as they are the Bills that going to be of importance to the people of Kitui. Our work is to make sure that we debate on them and we pass.

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Therefore, we are doing our constitutional duty to make sure that we give the people of Kitui this Bill so that they are they are able to be given services by the Executive. Therefore Mr. Speaker, as they always say that to some extent, a handler of a cow that gives milk, rather than giving the cow that grass so that the cow is able to give you more milk, what we are receiving from the other side of the government, it is beatings and heckling. That one is not good, because we always said, even when we went for the meetings with executive that to make sure that we move this county, it is by consensus. It is by constant communication and by constant understanding on each other so that we are able to move this country forward. And therefore, if for the other part of the government, they are feeling that they are able to bulldoze on us and to disrespect us so that we're able to do our work. We will tell them at the end of the day, they are the ones who are going to face it because the assembly is a constitutional institution, and therefore we cannot be intimidated by anybody.

But just because of the people of Kitui, we are going to make sure that we deliver on our mandate. And therefore, because our roads are in a devastating condition, even the CLIDP that we passed, the public participation that would was done, the public of Kitui are waiting to see that what the people said is going to be done. Therefore, we have done our constitutional duty, and now we expect the Executive to make sure that they are able to give out money and able to deliver on the projects that the people are waiting. like now, it's rain season, all the roads are are now in bad condition. We want to make sure that the Minister of roads gets on the ground and does all the roads so that the the public of Kitui are able to pass in good roads.

Mr. Speaker, I want to join my friends in making sure that I support this bill, and urge all the members where that we support the bill unanimously. Thank you.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you Deputy Majority Chief Whip, Hon. Godfrey Muthengi Ndagara. Hon. Jacquelyne Cate Kalenga, the Vice Chair, Committee on Budget. Sorry I had not seen the Deputy Minority Leader. I have to respect the protocol of the House leadership. So wait a little bit kindly. The Deputy Minority Leader, please take the floor. Switch on your microphone.

Bw. Jeremiah Mutua: *Asante Mheshimiwa Spika. Ningependa kuzungumza kwa lugha ili watu wangu ambao walinituma kwa Bunge hili la Kitui waweze kujua mimi nimefanya kazi. Nilitumwa Bunge na watu wa Nguni. Na sasa kabla hujaweza kutweka swali ili tukaweze kuufanya mswada huu kuwa sheria ya kupea serikali ya Kitui kutumia pesa ambayo iko katika makadirio ya bajeti ya mwaka huu, ningependa kuambia watu wa Nguni na watu wa Kitui, sisi kama wabunge tumefanya kazi yetu. Tuliangalia yale mambo walikuwa wameyasema, tukayazingatia katika bajeti hii, na siku ya leo tunapitisha sheria ili kuruhusu serikali ya Gavana wetu Malombe kufanyia watu wa Kitui Kazi.*

Mheshimiwa Spika, nilipoangalia haya makadirio ya najeti na haswa katika idara ya Matibabu, katika Wadi yangu ya Nguni kuna mambo ambayo yamewekwa mahali pale. Walisema wanataka hii bajeti ili wakaweze kununua madawa. Bajeti sasa tumepitisha. Tunataka madawa katika wadi ya Nguni na zinginezo.

Jambo la pili walisema wanataka kutengeneza zile zahanati ambazo zilijengwa lakini bado kukamilika. Katika wadi yangu kunayo Zahanati ya Masavi ama ukipenda ya Kithumula. Ilijengwa lakini kwa sasa hivi haina madawa wala muhudumu wa afya. Nilipoangalia kwa hii bajeti niliona

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wanataka kuajiri muhudumu wa afya. Pia nikaona Zahanati za Sosoma na Ngiluni ya kwamba wanataka hizo zikaweze kufanya kazi.

Mimi kama mbunge niliochaguliwa na watu wa Nguni, nimepeana bajeti kwa serikali ya Gavana Malombe. Watu wa Nguni Ngojeeni hayo mambo ambayo walisema watafanya kupitia kwa bajeti hii.

Mwisho Mheshimiwa Spika, hii ni sheria ambayo inaruhusu serikali kutumia pesa. Mvua imenyeshia. Katika wadi yangu kuna mtu unaitwa Enziu. Hakuna pesa ya Kaunti ambayo inaingia mahali pale. Hiyo ni pesa ya serikali kuu. Mimi nitaachia Serikali kuu wajenge hilo daraja la Enziu waweze kumaliza, kwa sababu imekuwa daraja na mto wa mauti kwa watu wangu wa wadi yangu kila wakati. Na kufikia sasa hivi kazi ambayo imefanyika pale ni kidogo sana. Lakini ile kazi ya kutengeneza yale barabara dogo, hiyo ni kazi ya kaunti.

Kama kamati ya Bajeti iliweza kutenga pesa za kutengeneza barabara hizi; kama mjumbe kazi yangu nimemaliza. Kazi ya kuzitengeneza hizo barabara nimeiwachia serikali. Wako na Idara ya Barabara na wako na Waziri wa Barabara. Kama watu wa Nguni hawataziona barabara zikitengenezwa, mimi sina lawama. Wawalaumu waziri na Gavana. Mimi kama kiongozi wao nimeshamaliza kazi yangu hapa Bungeni Kitui.

Mheshimiwa Spika, mwisho niseme, nawashukuru viongozi wote wa Bunge. Tulipokuwa tunaanza mambo haya tumetia bidii. Tumezungumzia jambo hili. Hata wakati mwengine tunakosa kula chakula cha mchana ili tuweze kuzungumza na kukaa kwa pamoja na kujua vile tunaweza kupitisha hii bajeti. Sisi kazi yetu tumemaliza. Tunataka watu wetu walipwe mishahara wakati unaofaa kwa sababu bajeti ipo. Yule mtu atakaa chini na kufikiria mambo mengine ambayo si ya kufanyia watu wa Kaunti ya Kitui kazi, hiyo ni shauri yake. Na apambane na wananchi. Sisi tumenawa mikono kama Pilate. Mheshimiwa Spika naunga mkono.

The Speaker (Hon. Kevin Kinengo Katisya: Thank you very much. *Usiogoze mkono sana. Kuna kazi ya oversight. Hakikisha mikono bado iko tayari kufuatilia. Lakini najua umeoga mkono kwa mambo ya kupitisha bajeti. Asante sana Mheshimiwa Jeremiah.* Hon. Jacquelyne Cate Kalenga, the Vice Chair, now you can proceed and then Hon. Muange. Then Hon. Cornelius in that order. Hon. Cate, please, take the Floor.

Hon. Jacquelyne Kalenga: Thank you, Mr. Speaker, Sir, I stand here to thank the Hon. Members for their selfless, kind words and support, which they have given the Committee ON Budget. What I can say is that now we are almost done, and I have faith in these Hon. members that we are going to pass the motion, and now, as I echo the words of Hon. Jeremiah Mutua, that we are washing our hand now, like the fifth governor of a of Roman Province, when the chief priest and elders brought Jesus to him during crucifixion and told them that I've washed my hands. We, as Budget Committee and the Assembly, we wash our hands and leave now the Executive to deliver services to great people of Kitui as soon as possible. Thank you. I stand to support the motion.

The Speaker (Hon. Kevin Kinengo Katisya: Hon. Cate, I want to know Jeremiah said, Pilate washed his hands. Is it Pilate or the Governor of Rome? The governor You know, we can be confused. Those who know the Bible very well can make it clear. Who said...

Hon. Jacquelyne Kalenga: Potias Pilate was fifth Governor, of Roman province in Judea.

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The Speaker (Hon. Kevin Kinengo Katsiya): Oh, Thank you. Thank you very much. I was asking on behalf of...Anthony Musyimi. He asked me to ask you.

(Laughter)

Thank you very much. Hon. Muange, please take the floor on behalf of the people of Tseikuru ward and that River Nziitu, I really struggled to cross it on Monday. I hope the roads will be better. And actually, several vehicles have been stuck.

Hon. Daniel Muange: Yeah,

The Speaker (Hon. Kevin Kinengo Katsiya): In our ward, Tseikuru. Hon. Muange, please take the floor.

Bw. Daniel Muange: *Bwana Spika, asante sana kwa fursa hii anichangie katika msawada ulioko mbele yetu kuhusu makadirio ya pesa za serikali huku nikishukuru kamati yetu ikiongozwa na mwenyekiti wake Mhesh. Zacchaeus Syengo. Wamefanya kazi nzuri, kwa wakati mfupi.*

Ni kweli kwamba upande wa pili wa serikali umekuwa na tabia na mieniendo ya kutulaumu sisi kila wakati. Wanachelewesha kufanya mambo yao hapa, sitakabadhi zao wanachelewesha halafu wanasema wanakandarasi wakienda kule na hata wananchi wanaabiwa shida ipo bungeni.

Bw. Spika huu ni mwaka wangu wa pili na miezi kadhaa sasa. Sijaona mswada wowote ambao tumechelewesha sisi. Ukituongoza wewe kama Spika wetu kila jambo ambalo limekuja kwetu tumelifanya kwa wakati. Sasa hivi tunaelekea kumalizia huu mswada na tuwape pesa. Mimi haswa ningetaka kuona barabara zetu zikiwa zimetengenezwa.

Kwangu Tseikuru, mito haipitiki. Mabonde na milima ni shida. Pesa sasa zipo manake tuliziweka pale.

Jambo la pili hospitali zetu hasa Tseikuru Level IV, hakuna madawa. Wagonjwa wanaangaika. Mimi namwambia Gavana Wetu tunaempenda na mawaziri wake na Maafisa Wakuu wake; pesa ni hizi tumewapa. Tafadhalini fanyeni kazi. Waheshimiwa nawaomba tukitoka hapa, twende pale nje tuongee na wanahabari na tuwaambie ukweli kinaga ubanga ili wapeperushe habari hizi.

Kwa hivyo hii lawama ya kila wakati itakuja kuisha polepole manake wako na urahisi wa kuzingizia bunge. Hii ni kwa sababu wanakandarasi na wananchi wanaenda huko kulalamikia kuchelewesha kwa malipo na wana urahisi wa kusema ni Bunge. Lakini si Bunge ni wao! Kwa hayo maneno machache au mengi, naunga mkono mswada huu. Asante.

The Speaker (Hon. Kevin Kinengo Katsiya): Thank you very much Hon. Muange. I am sure Hon. Ndagara is wondering will Hon. Muange be number one in English and also in Kiswahili? In Tseikuru we call him *Mzee wa kazi*. He knows how to do the job well down there. Even in Kikamba, if you hear him speak Kikamba you will be shocked. Hon. Cornelius, please take the floor.

Hon. Cornelius Muthami: Mr. Speaker, thank you for also giving me this opportunity to add my voice into the ongoing debate on this Bill. This is one of the rare sessions that we've heard where, for the first time, your Member of the County Assembly, your representative has spoken, a very eloquent Kiswahili. He seems to be an expert of all.

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So, Mr. Speaker, I would like to support this Bill and put forth a few observations that I've seen in the past. In the last one and a half months, there's a shovel tractor that has been in my ward coming to do the routine opening of roads, which had been appropriated in the last budget.

Shockingly, this shovel has stayed for one and a half months and has not done two kilometers yet. The excuse that has come forth from the operator is that, the operator lacks means to take him where the tractor is number one, the operator lacks money for lunch and accommodation and number four, the tractor does not have fuel.

Now, that has in itself brought a lot of friction between ourselves, those in the County Government and the electorates, because the work, clearly, is not being done. So, the passage of this Bill will unlock so many things.

We have in Mui two dispensaries that were done way back in 2007 using taxpayers money. The structures still remain shelves of their own status because ever since that time, we've not been able to operationalize those facilities. Those two one is called Nzouni and the other one is called Kathumo, are already captured in this budget. And so, we look forward to the Executive side of this government to do their part now that the County Assembly is going to pass the appropriation Bill.

Mr. Speaker, last and not least in importance is that in the recent past, you have seen a lot of exchanges, and especially political exchanges in rallies and in public, from the Executive side, you know, and bloggers and paid up mouthpieces, attacking this House, attacking the Assembly, attacking the members and I feel that something is not right. There must be someone to blame on all this, and I feel that since the members of public know where to exert the pressure, it has become an excuse for the members for the executive side to wash their hands by attacking and blaming this House.

So Mr. Speaker I urge my colleagues to defend the House, to defend our integrity and to defend our position in this whole system of government. We must now go out and tell our people the truth that all the programmes and public participation projects that have been proposed, we have given enough budget for execution of those projects. And it is not this House which will be to blame if those projects are not undertaken.

Lastly, Mr. Speaker, all I will request all the committees, and especially the Committee on Implementation, to follow to the letter the appropriated amounts because we have an itemized budget. We know where each cent should go. It has been in very many occasion, especially the two budgets that we have passed in the in ever since we came, clearly, those budgets have not been followed as passed by the House.

So, Mr. Speaker, I urge, even as a support, that we also follow the appropriated funds to go to the projects as proposed in the budget. Thank you, and I support.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you very much. Member for Mui ward. Hon. Sammy Musili, Member for Kivou you may take the floor.

Hon. Sammy Muniyithya: Thank you very much Hon. Speaker for this opportunity. I stand to put my words, but I'm a bit disappointed by the executive more so like the Ministry of Health. In this Ministry actually, we are in the third year. They have done totally nothing in my ward. Kivou Ward is the only Ward which has non-operational dispensaries. There is not even Level II or Level III hospital. Actually, this is a ward. When you look at the Governor's manifesto, you realize they say in every word, at least they will a level III. Until now, when I went to check

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from the Ministry I realized, after we invest the dispensaries, which are non-operational with the CLIDP money they have already highlighted in their records that they have worked for Kivou Ward. They have fenced the dispensaries. This is a total lie.

I'm actually wondering why we are putting the Ksh.4 billion for my people or for the people of Kitui. Hon. Speaker, Kivou Ward has over 50,000 people who need health services. In the event that they have to borrow these services from a different ward, it is actually a very pathetic situation.

Secondly, in the Ministry of Roads, we are having really much problem. I quote like Hon. Cornelius has said, there is a particular shovel which is in his ward. This shovel was in Mwingi Central Ward back in July this year and we were told since it has come, it will do Mwingi Central, do Kivou Ward and do Mui Ward.

However, for the last almost four months, this particular shovel has not even covered 20 Kilometres. Because if it's in Mwingi, it did 10 km, now it's in Mui, it hasn't even finished 2 Kilometres. The operator lives somewhere in Kitui. And for him to go to the ground, somebody maybe the MCA has to pay something for him to go on the ground and do something.

This means that it is like the Ministry of Roads has no money. I'm talking of financial year 2022/2023, roads not done. And they don't have even money for their fuel. 2023/2024, not done. We have the records. We have several wards which are also suffering like Kivou.

When you ask anybody, they say MCA has failed. And we are here approving budgets, approving supplementary budgets. And what we can only hear, even from chief officers (COs) like yesterday in a certain funeral, a whole CO in front of people saying that people need roads, not offices for MCA. And that particular CO is in charge of roads, and those roads are not done. He could not tell the people why the roads are not being done when he is the CO for transport.

Actually, there is somebody who is trying to fuel and tint the Hon. Members in a bad way. And it's time now Hon. Members, we wake up, take our medals, put the executive on toes to deliver what they are supposed to deliver.

Because for instance, for me, Hon. speaker, I will have to get to know why the Ministry of Health has never worked in Kivou Ward. I also want to know why for the two financial years nothing has been done in my ward.

Today, as these Hon. Members sit here, we are here eagerly waiting to pass this supplementary budget. So, as we pass it, my message to the Executive is that we want to see work done. Whoever doesn't deliver on his work, let us push them to make sure that our work is done. Thank you very much, Mr. Speaker. I stand to support.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you, Hon. Sammy Munyithya. Chair Budget, any reply?

Hon. Zacchaeus Syengo: Thank you Mr. Speaker. I would like to appreciate the Hon. Members for the opportunity they've given us to present the report. But also, I can hear a lot of approval, even before, Hon. Speaker, you've proposed the question. The other comments I would like to make in regards to this is, there has been a lot of hearsay that the Assembly is holding some procedures that could have allowed us to use the money. Yet we know the delays which have taken place. I believe that this process today clears the air and allows us to move with speed to be able to serve our people. Thank you, Mr. Speaker.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you, Chairman. Hon. Members, allow me now to put the question on the motion of the Kitui County Supplementary Appropriations

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Bill 2024 (County Assembly Bill No. 5 of 2024. Third reading. Motion moved by the Chairperson of the Committee on Budget and Appropriations, Hon. Zacchaeus Ivutha Syengo, and seconded by the Vice-Chair, Hon. Jacqueline Kate Kalenga,

(Question put and agreed to)

THIRD READING.

A BILL FOR AN ACT OF THE COUNTY ASSEMBLY OF KITUI TO AUTHORIZE THE ISSUE OF A SUM OF MONEY OUT OF THE COUNTY REVENUE FUND AND ITS APPLICATION TOWARDS THE SERVICES OF THE YEAR ENDING 30TH JUNE 2025 AND TO APPROPRIATE THOSE SUMS FOR CERTAIN PUBLIC SERVICES AND PURPOSES.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you, Hon. members. I think this marks the end of our schedule of business for today, and I want to appreciate you most sincerely for your dedication to the work of this House. Hon. Katumbi, please take your seat before I proceed.

(Hon. Katumbi walked into the Chambers and took his seat)

Thank you. I want to appreciate you, members, because since morning we have had several businesses. There was a report by the team which was in Ethiopia, and members were very positive about it and you contributed very well, and that actually encouraged me to prepare such other programs so that members can really learn and apply these trainings in our daily activities.

There was also this motion which has been given notice by the member for Kiomo/Kyethani Ward. The notice of the impeachment of our CECM, Finance. I want to assure you that my office and the office of the Clerk will give you all the necessary support in that process, because that is your constitutional duty, part of your oversight duty, and we shall ensure that we guide you accordingly in the entire process. So, that you can achieve your constitutional mandate. That is my duty, that is the duty of the Assembly, to support you, members, as you do that, and I'm sure the rest of the other details will be up to you.

What I can ask you, members, is that be calm when such motions are tabled on the floor. There's usually a lot of anxiety and a lot of reactions. I want to request you kindly to be calm, be sober. You have a very vital duty to represent your people in every motion on this House, and your vote matters. Your vote is very important. Whether you support a motion or don't support a motion, your vote matters.

My request to you is that let's make sure that we attend Assembly sittings and participate actively in all these motions. You were elected so that you can come here and participate in Assembly programs. You were nominated so that you can come here and participate in Assembly programs.

Kindly let us know that we are here for that duty, and I want to ask you to be calm, and everything will be okay.

Secondly, with regards to the supplementary budget, I want to appreciate you, members, especially the members of the Committee on Budget, for the job well done. It's good that we put

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records straight, because as Hon. Cornelius has rightly said, when there are delays in the budget, either the public or the County Executive, they tend to push the blame to the County Assembly.

It is good that we set the records straight to the public. I know in this budget there were several revotes, and contractors who did work in the previous budget, they were looking on this supplementary budget so that, their re-votes can be captured and they can be paid.

The law is very clear. Section 130 of the PFM Act is amended by Sections 11, 4, and 5 of the CARA (the County Allocation of Revenue Act) 2021. The CECM for Finance ought to have brought to this House the first supplementary budget within two months after approval of the appropriation bill for the main budget. This is the law, not me.

So, within two months, and I think we approved the Appropriation Bill around 20-something of June. Even if, we say 30th of June, by 30th of August, this supplementary budget should have been brought to this House. That is the law.

Somebody has slept on their job, they bring the supplementary budget on 18th of October, that is four (4) months down the line, and they now want to blame the County Assembly. Let the public know that the County Executive is not adhering to the laid-down statutory deadlines. Because when a bill comes to the House, or a motion from the County Executive, they delay and then they expect us to rush. May be they want us to rubber stamp and give it to them.

Members, I want to appreciate you because you have been doing your work diligently. Whenever you are out there, Hon. Sammy, and such a Chief Officer is speaking in public, trying to attack the Assembly, set the records straight. There and there. Because how can a whole chief officer say that if people want roads, we stop the construction of Assembly offices? And the Minister of Roads has been our greatest beneficiary of this supplementary budget. A lot of money was removed in the same ministry in the last financial year, 266 million. Then they want to play politics.

We should not allow that. We have a duty to defend this House. We have a joint duty to defend this House. When the budget came, we passed it very fast. Then again, they delayed in bringing the appropriation bill, which came this week, Monday, on the 25th. And this Committee on Budget was supposed to retreat for three or four days to work on this report, but they worked overnight. Members of the Budget Committee were present to work overnight because I know some did not even dare to come. Maybe to them the budget is not important, but you worked overnight. I appreciate you.

Members of this House who have been here since morning, since yesterday, debating this Bill, thank you very much. Others are very busy out there, maybe trying to lobby for other things. But you are here doing the work which you have been given by the people of Kitui County, and I want to appreciate you.

Budget Committee, I appreciate you most sincerely for upholding the law of returning the 133 million for the Assembly development. You have upheld the law. You have not played politics.

The law is very clear that any unspent funds by the Assembly should be re-voted in the first supplementary budget. The law is very clear. Somebody somewhere is misadvising the County Executive that they can wake up one day and just remove a budget for another arm of this County Government without even a consultation.

We have the County Assembly Service Act which establishes the County Assembly Service Board which has the mandate to administer the finances, the budget of the County

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Assembly of Kitui. I am the Chair of the County Assembly Service Board. Nobody consulted me when they were taking away the Assembly budget.

The doctrine of separation of powers under Article 175 of the Kenyan Constitution is very clear. The County Executive must respect the County Assembly. Members, I took an oath here. Here, I am standing here. I took an oath to defend the Constitution of Kenya 2010 and to defend this house. You also took an oath here, members. Politics aside, you took an oath, all of you, to defend the Constitution and to defend this House. Also, the Governor and the Deputy Governor and all the CECMs, took an oath. The CEOs did not take an oath.

Maybe that's why they can afford to go to funerals and try to attack the Assembly. They just sign an appointment letter and code of conduct. They don't take an oath. But a State Officer, Governor, Deputy Governor, Speaker, MCAs, Ministers, we all took an oath.

Politics aside, we must defend the Constitution of Kenya 2010. Please, that's my humble advice to you. This Constitution is very important. Let us not support someone who is breaking the law in broad daylight. This is development for the Assembly is not for MCAs. People are politicizing, ooh MCAs offices!

It is for the County Assembly of Kitui. We have over 100 staff who work here and they are always here. Actually, the staff in the proposed development, they are occupying three floors. MCAs are only occupying two floors. So, this is not an office for the MCAs. And every County Assembly should have already constructed offices for their staff. We failed, maybe because of this politics. Maybe because somebody wasn't firm.

We have to be firm. Let us not relent on our members. We have to do this development. It is not for me or for you. It is for the people of Kitui County. The future generation. Let them know that we were here. The block was opposed. But we did it. We need to do more offices, 33 million which was there and there was public participation. Somebody sat down somewhere without consulting the Assembly Service Board, took away the money.

Members, we can't allow that to happen. If you want the Assembly to be respected let the County Executive respect the autonomy of this Assembly, the independence of this Assembly. It is very important. You always want to be respected by the ministers, by the COs, by the Governor, the Deputy Governor. You have to respect yourself first.

These people are staying in very good offices. They have all the facilitation. What about you? I understand why members sometimes don't come to the Assembly because you don't know where to even wait and where to stay as you wait to enter the chamber. You have to go to hotels out there.

So, members, I want to request you to let us all in one accord support the Assembly Development Project. Committee on Budget, most of you, there were two dissenting opinions of members who tried to play politics. Politics will never end. The first president of Kenya, the late Mzee Jomo Kenyatta, was here, he played politics, he went. So, let us not play politics.

The whole House, I appreciate you. To be very honest, I appreciate the whole House. Nobody in this House has objected the decision by the committee to return back the Assembly Development Budget. I applaud you and I really say thank you very much. All of us. As we talk to our colleagues in the executive, we have a very big budget. The entire budget I think now is Ksh.14.8 billion. For the Assembly it's only 1.4 billion. They have 13.4 billion. If they can't use that money, why are they taking our money?

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If they say we can't absorb all this money, have they consulted us? Maybe we have other plans for this money. Actually, our plan as a Board, and I can share this with you, was by the time we reach a second supplementary budget, if we see that we can't absorb the end of this money, we'll take that money to the Ward offices. So that we continue with the Ward offices. We have a plan as a Board. Let the county executive not plan for us.

We can plan for ourselves our budget. They can't say you cannot use all of it. One thing the county executive should know is that even if the County Treasury lies with the Minister of Finance, they should know that the budget of the County Assembly and that of the county executive, they are different. We have an accounting officer who accounts for the County Assembly budget.

So, my plea to you members, please let us defend this House. Let us not politicize Assembly development. Let us leave a legacy. I'm sure Hon. Mary Ndumbu, you have been here since the first regime. You were there when this chamber was done. How will you feel? I'm sure you'll feel very happy when we have the modern offices. In the wards, there is MCA office in Mulango ward. You'll be very happy.

We don't know about tomorrow. All of us, I'll be very happy to say when I was here in the Third Assembly as the Speaker, we did this and this. The rest belongs to God.

So, that is my plea to you. Having done that, members, I want to assure you and the office of the Clerk, I've directed the Clerk to prepare the vellum immediately. I will sign it today and have it forwarded to the governor.

Let them not play any other excuse. That vellum will be at the governor's office the first thing tomorrow morning because it is past working hours. I'll sign it today. When we take it to the governor, the governor has another chance under section 24 of the government's Act and study contract number 134. He can choose to bring a memorandum. It is his right within 14 days.

He can do so, may be when you talk to the contractors or friend from your ward, don't tell him that everything is finished. Tell him to go now and ask the County Executive whether they are going to ascend to the budget or not. Return the responsibility to them. When it comes here, if they bring a memorandum, we have equivalent 14 days to look into it. We can agree with it or disagree with it.

The law provides. But my advice to the County Executive would be that they quickly ascend to this bill so that we can start absorbing it. Then they can immediately even bring us a second supplementary budget. Because the National Assembly has agreed on the DORA (Division of Revenue Allocation).

I'm sure the DORA will pass very soon and we shall be required by the law to have a supplementary budget to conform to the budget ceilings. I'm sure members will not hesitate when I call you even during recess to come back here and consider and approve the second supplementary budget.

That is my advice to the County Executive. If they have better advice, it's okay. But that is the advice as the Speaker of the County Assembly of Kitui speaking on behalf of the County Assembly of Kitui that we are ready to work. We are ready to serve our people.

We had a meeting yesterday with the contractor and the consultant is trying to assess this particular project. The contractor really expressed his concerns that he knows that the budget may be reduced and he may not proceed if there is not enough budgetary provision for this construction.

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And we told him the Hon. Members will make a choice. If members choose 133M to be taken away, it's okay. He can stop the construction because this is not my own development. It is government development. But my advice would be let no one attempt to stop this project.

It will be a shame if this project is stopped. A very big shame to all of us who are staying here. The strength of this other foundation of the existing offices is not assured if it stays for long. It has to be done immediately. And we shall ensure that proper supervision is done. So that is my advice to you.

Members, with regards to our monthly requisitions, I want to confirm that we received some money, the CRF (County Revenue Fund) has some money. We prepared our requisitions for salaries yesterday. They have been lying at the office of the Minister of Finance, who has failed to approve them so that they can be taken to the COB (Controller of Budget).

If he fails to approve them by tomorrow, we shall do a formal complaint letter and copy the COB because he has a duty to do. He can't hold this Assembly hostage. He will not. He was approved by this House and he has a duty to do regardless of what is happening. He has a constitutional duty to do. It is not proper when Assembly requisitions are lying at the office of a minister. That is why we are fighting for autonomy of the County Assemblies. They want to squeeze us because we are firm with them. Members, we have to be firm.

Don't be intimidated by anybody. Who do they think they are? This Assembly is more superior to them but they want to squeeze us, intimidate us because he thinks he signs so that we can be paid. Nobody should abuse that particular power. So, by tomorrow, Clerk, report to me. We will do the necessary because nobody should intimidate this Assembly.

We have our own budget which we operate on. Nobody should intimidate this Assembly. Nobody. That's why the Government gave us our own separate budget. We don't rely on the County Executive.

We do things on our own and we plan on our own. Members, I want to say, let us be firm as we serve our people. I'm sure the God who is in heaven is with us because we mean well. We have no malice. We mean well and we want to do good things for our people.

God bless you. As we break, have a nice time. Let us meet next week ready to do our work. With those very many remarks, let us now be upstanding so that we adjourn the House.

ADJOURNMENT

Honourable Members, this House stands adjourned until Tuesday, the Third day of December 2024 at 9:00 a.m.

The House rose at 5:35 p.m.

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