

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

(THE HANSARD)

Tuesday, 3rd December 2024

The County Assembly met at 9:22 a.m.

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

PRAYERS

The Speaker (Hon. Kevin Kinengo Katisya): Honourable members we need to start our order paper. Next order.

NOTICE OF MOTIONS

- 1) MOTION ON ALTERATION OF THE COUNTY ASSEMBLY CALENDAR, 2024
(Leader of Majority Party-Hon. Harrison Maluki)

The Speaker (Hon. Kevin Kinengo Katisya): Leader of Majority party.

Hon. Harrison Maluki (Leader of majority Party): Thank you Hon. Speaker. My colleague members of County Assembly I would like to give notice of a motion on the alteration of the County Assembly calendar. THAT, pursuant to the provisions of the Standing Orders No. 24(2), this Assembly hereby resolves to alter the approved Calendar for the Third Session by extending its sittings from 4th December 2024 to 18th December 2024 to allow the Assembly to transact pending legislative businesses as annexed. Hon. Speaker, in the annexures we have an addition of week 38 and week 39. I beg to give notice of the motion.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you, Majority leader.

(The Speaker consulted with the clerks -at- the -table)

Next order...

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

- 2) MOTION OF REMOVAL FROM OFFICE OF THE COUNTY EXECUTIVE COMMITTEE MEMBER
(CECM) FOR FINANCE, ECONOMIC PLANNING AND REVENUE MANAGEMENT - MR. PETER

MWIKYA KILONZO

(Motion mover, Hon. Antony Musyimi Musyoka-MCA, Kiomo/ Kyethani Ward)

The Speaker (Hon. Kevin Kinengo Katisya): Hon. Antony Musyimi Musyoka. Before you start, I think I'm guided by the Standing Orders... Just hold on there...Standing Order No.62(4)...Hon. Antony take your seat first...requires that when the order for the motion is read, the Speaker shall refuse to allow the member to move the motion unless the Speaker is satisfied that the member is supported by at least one quarter of all the members of the County Assembly to move the motion provided that within a seven(7) days' notice, the Clerk shall cause to be prepared and deposit in his office a list of all the members of the County Assembly with an open space against each name for purposes of appending signatures which list shall be entitled signatures in support of a motion for removal of Mr./Mrs./Miss ,a dash member of County Assembly Committee provided that the mover shall provide to the Speaker at least one(1) hour before the sitting of the Assembly a list signed by the members in support of the motion. Hon. Members I want to...Hon. Juddith please take your seat first.

*(Hon. Juddith Wanza who was on the walk-way awaiting the Speaker
to make the communication walked to her seat)*

Hon. Members I want to confirm that one (1) hour before this sitting, the office of the Clerk was in receipt of a list, and I will read the title; Signatures in support f a motion for removal of Mr. Peter Mwikya Kilonzo, Member of County Executive Committee for Finance, Economic Planning and Revenue Management from office. This list has 25 members who have supported and the law requires at least a third. However, before we proceed with the motion, I also want to confirm that as per Standing order 62(4), I need to be satisfied that in this House we have more than a quarter of all the members present so that the motion can be moved. I will request that those whoa are in support of this motion be upstanding then the Clerk will confirm by counting if the number is

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

above fifteen (15), If so, we shall proceed. Members who are in support be upstanding for the Clerk to do the counting.

(Members in support of the motion stood in their places)

(The Clerk at the table conducted a head count of the members who were upstanding)

The Speaker (Hon. Kevin Kinengo Katisya): Clerk, be on record

Clerk- at -the table: Mr. Speaker the members in support are twenty seven (27).

The Speaker (Hon. Kevin Kinengo Katisya): Thank you. Members standing you may sit down. Hon. Members we have complied with Standing Order No.62(4) where at least a quarter of the members must be present and the Speaker must be satisfied. So, I'm satisfied.27 members have stood up in support of the motion. I now allow the mover, Hon. Antony Musyoka to continue.

Hon. Antony Musyimi Musyoka: Thank you Hon. Speaker, I beg to move the motion of 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 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.**

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

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 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.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

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 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.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

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 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

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

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 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

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

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 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.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

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 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:

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

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.

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.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

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. 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.
- (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

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

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 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**).

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

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.

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).

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

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.

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.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

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 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.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

- (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, 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.

- (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

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

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, before I request one member to support the motion, I would like to talk to it bearing in mind Hon. Members have listened to it and I have also read the motion. I think the CECM has acted unlawfully concerning his office duties and it is prudent to the Hon. Members that from various wards the boreholes which were to be drilled and equipped were not done. This was due to diverting money which was appropriated and approved by the House. Hon. Speaker, I would like to request Hon. members to support this motion so that we may have sanity in this Ministry. I request to move the motion and request Hon. Paul Maluki to second.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you Hon. Antony. Hon. Paul Maluki you can speak from there.

Hon. Paul Maluki: Thank you, Mr. Speaker. I stand here to second the motion as it has been moved by one Honorable Anthony Musyoka, a.k.a. Neymar. Mr. Speaker, the allegations that have been leveled against the CECM for finance doesn't guarantee or even give him a second to be in that office of Finance and Economic Planning. Mr. Speaker, we are here not to fight anyone but to make sure that Kitui County stands tall.

Honorable members and my colleagues, you remember so well that because of these memoranda which are coming here day in day out, we've never had money for road maintenance in all the 40 Wards under the watch of this CECM.

Mr. Speaker Sir, I'm shocked that even in the recent budget that we approved, the same CECM, has dropped the money that was meant for opening and grading of to a tune of Ksh.60 million. This CECM doesn't want MCAs to get re-elected to this Assembly. He wants us to go home just the way he did.

Mr. Speaker Sir, I don't care whether I lose my position as MCA for Kithumula/Kwa-Mutonga, as long as my people get good roads and as long as our hospitals have drugs. That is the legacy that I can leave for my people.

Mr. Speaker Sir, there are some paid bloggers who are selling fear to Honorable Members. Mr. Speaker, it feels nice to be at home. Every day I wake up at my home, and after this, I'll go home.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

Mr. Speaker Sir, we are not going to sell out the people of Kitui for a few tokens just to save one corrupt CECM, who is even bullying his colleagues in the executive and acting as if he is their prefect. If we do that, history will judge us harshly as Honorable Members.

Mr. Speaker Sir, I happen to belong to the Committee of Finance and Economic Planning. What has been said in terms of submitting the finance bill is true, he has never brought it in time. I remember sometimes we had an engagement with the Governor as an Assembly and he convinced us to drop money meant for road maintenance, with a promise that once the Own Source revenue surpasses the target, the saved monies will be redirected to our roads.

Mr. Speaker Sir, even those members who are against this impeachment motion, they are facing it rough in their Wards because people are complaining about the bad state of roads. But since they want to please someone, they will pretend, oh, we are supporting government. Nobody is against this government. We are against one CECM, Honorable Peter Kilonzo Mwikya.

Mr. Speaker Sir, we supported this government, not because we belong to the party that the governor comes from, but because we believe in his leadership. The CECM for finance and economic planning is misadvising our governor.

Before I finish Mr. Speaker Sir, I want to challenge our colleagues here. Let us put our parties aside. This is not a party matter but a matter of county importance. I want to thank my party because our party doesn't interfere with programs of county Assembly of Kitui. It gives our members an opportunity to make their own independent decisions as long as they are for the benefit of the people of Kitui County. A serious party that wants to win presidency doesn't....

The Speaker (Hon. Kevin Kinengo Katisya): Honorable Paul, let's stick to the motion, please.

(Hon. Erastus Mbuno spoke off-record)

Hon. Paul Maluki: Mr. Speaker, Honorable Mbuno is using an unparliamentary language against Hon. from Kithumula/Kwa-Mutonga. Mr. Speaker protect me from Honorable Mbuno.

The Speaker (Hon. Kevin Kinengo Katisya): There's a point of order from Honorable Jeremiah. Honorable Jeremiah, what is your point of order?

Hon. Jeremiah Mutua: Mr. Speaker Sir, is the Honorable member and my good friend from Endau Malalani, Honorable Erastus Mbuno, in order to just shout to the Honorable member

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

(Hon. Paul Maluki) as he debates and as he moves to second the motion, and I quote, “*ethiwa ndukwenda kusupport, inuka*”(if you don't want to support, go home). Mr. Speaker this is not a bar. This is not a canteen for cakes, smokies and *samosas*. The Honorable member for Endau Malalani should withdraw in as much as he was not on Hansard. That is a very bad behavior.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you. I think Honorable Mbuno, you've heard. Just raise a point of order and I'll give you a chance, because if we start shouting, we shall be disorderly, but I forgive you. We can proceed. Honorable Paul Maluki, please stick to the motion kindly, if you don't mind. Switch on your microphone.

Hon. Paul Maluki: Mr. Speaker, I thank you for your protection, and I want to remind Honorable Mbuno, he's a comrade and a friend. You know the far that we've come from, and maybe some of us didn't come here by mistake. We fought a very hard fight but I don't want to delve into that matter so much.

Mr. Speaker Sir, I was urging my good colleagues and Honorable members, that as we deliberate on this matter, let's put aside party matters. This matter is involving the entire county, and our Assembly is very unique. When you look at the composition of members in this Assembly, you will know how unique this Assembly is.

Mr. Speaker Sir as we speak today, there are so many boreholes that were not drilled, because of diverting funds which were meant for drilling these boreholes to another vote line against the approved budget. What shocked me most, Mr. Speaker, is this issue of drilling boreholes in a personal land at the expense of the great people of Athi Ward represented by one *Dr. Othos*. Mr. Speaker Sir, if we can't respect...

The Speaker (Hon. Kevin Kinengo Katisya): Honorable Paul Maluki, I'm sure you know there's no *Dr. Othos* in this Assembly.

Hon. Paul Maluki: Oh, I said in quotes Mr. Speaker. It is Honorable Muthama Musyoka Kieti, member for Athi Ward. Mr. Speaker Sir, if we can't respect suggestions or opinions of our residents who give their input during public participation, where they say that they want project A in area B, then it means there is no need of having these public participation forums. A leader can wake up in a day and go and do a project in his home. If we were given that opportunity, every member here would have drilled a borehole in his home using county funds, but we serve the interests of the people. Therefore, for us to bring sanity in Kitui County, Mr. Speaker, one Peter

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

Mwikya Kilonzo must go. For us, Mr. Speaker, to bring back the lost trust of our people, Peter Kilonzo must go. For us, Mr. Speaker, to have our roads done, in all the 40 Wards, one Peter Mwikya Kilonzo must go. Mr. Speaker, for this Assembly to be respected, he refers to MCAs, “*tu-mca*” and Mark you, he was just here the other day as an MCA representing Athi Ward. That's why there is disrespect from the executive to this Honourable House because of one Peter Mwikya Kilonzo. With those few remarks Mr. Speaker, I second the motion and say one Peter Mwikya Kilonzo must go to Myaani. Thank you.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you, Honourable Paul Maluki, for seconding the motion. Honourable members, allow me, before I propose the motion, to just draw your attention to a few provisions of the law, which we shall rely on today. The County Government's act, section 40, subsection 3, which says that;

“If a motion under subsection 2 on the removal of CECM is supported by at least one-third of the members of the county Assembly, (and we know one-third of our Assembly is 20 members)

(a) the County Assembly shall appoint a select committee comprising five of its members to investigate the matter, and

(b) the select committee shall report within 10 days to the County Assembly whether it finds the allegations against the county executive committee member to be substantiated.

May be I can read subsection 4;

4. The county executive committee member has the right to appear and be represented before the select committee during its investigation.

5. If the select committee reports that it finds the allegations,

a) unsubstantiated, no further proceedings shall be taken, or

b) substantiated, the County Assembly shall vote whether to approve the resolution requiring the county executive committee member to be dismissed.

6. If a resolution under subsection 5(b) is supported by a majority of the members of the County Assembly, the speaker of the county assembly shall,

(a) promptly deliver the resolution to the governor, and

(b) the governor shall dismiss the county executive committee member.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

So, Hon. Members, we are in a stage where this motion needs to be supported by at least a third of the members, and I'm sure you know what our Standing Orders provide when a specific number has been given on how to proceed on a particular motion. I'll read for you members, starting with Standing order number 62 (6);

“When a motion has been passed by at least one third of all the members, the Assembly shall within seven days appoint a special committee comprising of a third of the members to investigate the matter”.

As you can see, the standing orders are saying a third of the members, but the county governments Act is actually saying five. In that case, the county governments Act takes precedence and we have to comply with it. If we are to follow the standing orders, we have to form a committee of 20 members that is why we have to comply with the county governments Act. But that will happen later if this House approves the motion by at least a third of the members. So, we are at a stage where we need a third of the members to support the motion. Hon. Members, I'll take you to standing order number 68 (2);

“The speaker shall direct a division to be taken in every instance where the constitution and any other relevant laws lays down that a fixed majority is necessary to cite any question”.

So, we shall vote by way of a roll call division. I'm sure you know how a roll call division is done. So, every member must be here. Standing order number 69 provides for how a roll call voting is done, and I ask you to read it for yourself.

Hon. Members it's good for me to read those provisions of the law so that we are in one page. Having said that Hon. Members, allow me now to propose the question on the motion for removal from office of the County Executive Committee Member (CECM) for Finance, Economic Planning, and Revenue Management, Mr. Peter Mwikya Kilonzo.

Hon. Members, the motion is as read by Honourable Anthony Musyimi Musyoka, Member of County Assembly of Kitui, and all the annextures which have been referred to, are all here at the dispatch table.

I heard there were members who were asking where the annextures are. They are here, so feel free to just move there, or ask the clerk to give you. Serjeants, please whoever wants the annextures, pass them over accordingly so that they can look through them. I can see Hon. Nding'o

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

and Hon. Mbuno. It's okay, you will be given, we have all the time. Honourable Waziri Bakari, there is no problem, you can refer, they are here.

But it's good for us to know that there are two stages of this motion; Number one is for the motion to be supported by at least a third, so that a committee can investigate. Then later, the committee brings a report to this House, then we debate again and we interrogate the report of the committee before now we can do the final vote. The final vote will be simple majority of the members, which is 50% plus one, which translates to 31 members of this House.

Hon. Members I will open a very short debate, very short, when I say very short is because the committee is here to substantiate, so we may debate a lot, but what we need first of all is a committee which shall be formed to substantiate or fail to substantiate. So I will open a very short debate before I go ahead and call for roll call division.

The floor is now open for any member who may want to say something with regards to the motion as it is.

(Hon. Speaker consulted with the deputy Speaker and a few other Members)

Hon. Members, I think I did a mistake when proposing the question and I will propose again.

(Question Proposed)

Hon. Members, I will now open the floor for any debate before we proceed.

(Hon. Erastus Mbuno rose on a point of concern)

Yes, Honourable Mbuno, what is your concern?

Hon. Erastus Mbuno: Mr. Speaker, sir, thank you for the opportunity that you have granted me. Honourable House, my thinking would be, these are mere allegations that have been leveled against the CECM, which is okay. How do we proceed then and debate on allegations? I would propose to this House that the committee first be formed, let the committee go and do

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

investigation such that after they get their findings, they will bring the report here, we debate and then we know what to do as a House. Thank you, Mr. Speaker, that was my concern, sir.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you, that is a good concern, that's why I said there are two levels of debates; The vigorous debate is after we get the report from the committee. But because we have to follow our starting orders, whenever a motion is moved, there must be at least a debate before we do the voting. That's why we have to open the floor. But I hear you, sir, I hear you, Honorable Mbuno. That's why the standing orders provide for a committee to go and investigate. Honorable Major Leader, please take the floor.

Hon. Harrison Maluki: Thank you, Honorable Speaker, I know some of us are still learning the Assembly procedures, because I believe what is before us is a motion which has been moved by the mover and it is subject for debate.

Honorable Speaker, as I proceed, I also want you to protect me from my deputy. When the mover was moving the motion, he was making a lot of noise. I need to be here comfortably listening, because I was sent here by the great people of Migwani and I don't want distractions when we are dealing with important matters like this motion.

Honorable Speaker, I'm standing here as an elected member by the great people of Migwani to support this motion on the removal of the CECM for finance.

Honorable Speaker, I will not say much, because I know a committee will be constituted and a report will be brought in this House and I want those who normally record and send to wherever they want, to record me clearly. Honorable Speaker, I was elected on a party which advocates for, "*kazi, kazi, bila wizi*".

Honorable Speaker, all of us in this Assembly know that we have been losing money through our own source revenue and this is squarely on the shoulders of the Ministry of Finance. I am here, Honorable Speaker, to defend the slogan of our party and our party leader who is known as a man of integrity.

Honorable Speaker, I don't want to deviate from the motion. There are people who have been pretending that they support our Governor so much. In our last sitting, we were here passing the Appropriations Bill. I didn't see any of them present in this Assembly then. Their work is just to post on the social media and try to portray how they support the current government we have.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

Honorable Speaker, in this motion, there are very weighty matters which have been levelled against the CECM. The committee that will be constituted will have a task to investigate. We have been having a breach on bringing statutory documents in this Assembly since we were elected, almost all the documents which are barely on the Ministry of Finance, they are normally submitted to this House very late. But since we have not been wanting a pull and push with the government we overwhelmingly support, we have been supporting those documents the way they are submitted.

Hon. Speaker, I get so disturbed when members of the public go sit down, do a public participation on what they need in the area and someone seated somewhere because he feels that he has a lot of power, subverts the will of the people and diverts what the members of the public want, to where he himself wishes a project to be implemented.

Honorable Speaker, I want to request the committee which will be formed to get into the bottom of this matter. I know since the liability will be on them, they will investigate all these matters which have been alleged and they will be able to promptly respond to this House.

Honorable Speaker, we are talking about the Ministry of Finance and we have a committee on finance in this Assembly. Honorable Speaker, I want to ask my colleague members of this County Assembly, we must have a surgery on this committee on finance because most of the things which we are talking about here, they barely lie under that committee. Honorable Speaker, we expect....

The Speaker (Hon. Kevin Kinengo Katisya): Hon. majority leader, kindly stick to the motion.

Hon. Harrison Maluki: Thank you. Honorable Speaker, I stand here to support this motion and also Honorable Speaker, I know we will debate more when the committee sits down, works on these allegations and I know they will have a report here which we can debate with a lot of honesty so that we move our County forward. Thank you, Honorable Speaker, I support this motion.

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

Hon. Gabriel Munyao: Honorable Speaker, I would like to thank you for this opportunity to speak at this point in time.

First Honorable Speaker, I want to be guided. Honorable Speaker, you had earlier indicated that you need to confirm whether there are 20 members supporting the initiation of this motion. Honorable Speaker, I am very disappointed by the report that Honorable Neymar (Anthony Musyimi Musyoka) has given to this House. He has quoted annextures that have not been provided to us to go through. We would have gone through the annextures so that as we sit here, Honorable Speaker, we can make a decision on whether to proceed or not to proceed. But the annextures are not here, we have not seen them, so how do we proceed if the annextures have not been given to us?

So, the motion that has been moved here, Honorable Speaker, is half-baked and it must be cooked properly, brought to us, that we read the annextures and make a decision whether to proceed or not to proceed, because Honorable Speaker, this is actually...

The Speaker (Hon. Kevin Kinengo Katisya): Hon. Gabriel there is a point of order from Hon. Ndagara.

Hon. Gabriel Munyao: No, I do not need that one.

The Speaker (Hon. Kevin Kinengo Katisya): No, it's a point of order. Switch on your microphone Hon. Ndagara. But before he gives his point of order, you know, when I make a ruling, let's try to respect it Hon. Gabriel. I know you have a point to make and I agree, you know, you're a legislator, but I just said that the annextures are there. What do you want to confirm from the annextures? So, the annextures are there and at this stage, we are only confirming those who are in support of the motion, just those who are in support of the motion as it is, so that a committee can be formed.

I think the debate we are having now is not being done at the right time. When the report is brought here, Hon. Gabriel, you know I respect you, but it is the work of the committee to do the work of substantiating or unsubstantiating. It is in the County Governments Act Hon. Gabriel. The committee will substantiate based on the annextures or unsubstantiate. For now, kindly members, all we need to do is to get 20 members supporting this motion and then now we form the committee. So kindly let us not go into that direction. Basically, you are trying to preempt on what the committee will do. You are trying to say the committee will not substantiate.

Let us hear the point of order from Hon. Ndagara before we proceed. You know what is important here is a vote. Hon. Ndagara what is your point of order?

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

Hon. Muthengi Ndagara: Mr. Speaker, the point of order is that it is not good for any member debating to take the members of this Assembly astray by giving falsehood. When one Honourable MCA for Kauwi is alleging that there are no annextures, when we know these annextures are here Mr. Speaker, he's giving falsehood. Mr. Speaker Sir, this one Honourable MCA for Kauwi is the chairman for PAC committee, which is supposed to investigate, and these are the issues that we've been raising in this Assembly. I just wonder what kind of a chairman for PAC we have in this Assembly. Thank you so much, Mr. Speaker.

(Hon. Jeremiah Mutua rose on a point of information)

The Speaker (Hon. Kevin Kinengo Katisya): Who are you informing?

Hon. Jeremiah Mutua: Hon. Ndagara Mr. Speaker Sir.

The Speaker (Hon. Kevin Kinengo Katisya): Okay. Hon. Ndagara, do you want to be informed by Hon. Jeremiah?

Hon. Muthengi Ndagara: Yes, yes.

The Speaker (Hon. Kevin Kinengo Katisya): Okay, you can inform him. Please, members of PAC, this is not an opportunity for you to attack your chair.

Hon. Jeremiah Mutua: Mr. Speaker, I want to inform my good friend, Honorable Ndagara, that there's something we call effects of substance. Mr. Speaker, when someone comes on the floor of this House, when the mouth is full, he can speak anything, Mr. Speaker.

(Laughter)

The Speaker (Hon. Kevin Kinengo Katisya): I believe the point of information was to Honorable Ndagara, so, Honorable Gabriel, I know you are a man of God. When you hear some unpleasant remarks, ignore some of them. But Honorable Gabriel, you know, I gave you a chance because I know you are a man who says things as they are. So, I think I have guided Honorable Gabriel on the issue of the annextures. They are there, and it will be the work of the committee to substantiate or fail to substantiate. So, kindly can we just support the motion or fail to support the

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

motion so that we proceed? And it is your right to take whichever direction. So, one minute, please, Honorable Gabriel.

Hon. Gabriel Munyao: Honorable Speaker, I think MCA for Tharaka is misguided. He doesn't understand what we are doing here. As PAC, we don't just sit here and make judgments. We go through evidence. We are not a witch-hunting committee. We look at evidence that I'm actually asking that if we can be allowed to go through this annexure, even if it is 30 minutes, and decide whether to vote to proceed or not proceed, it would be very fair. But Honorable Speaker, it would be unfair that we vote, and we have not been given time to read the annexures. Actually, we have been ambushed by the annexures being placed there, and we have not gone through them.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you, Honorable Gabriel. We hear you. Honorable Benjamin Mulandi.

Hon. Benjamin Mulandi: Thank you Mr. Speaker Sir, for giving me a chance to ventilate upon the motion before this House this morning. Mr. Speaker, we were elected by our people in our Wards to oversight, represent, and legislate. Mr. Speaker Sir, I would like to speak to the hearts of members of the Assembly. That our people are listening, are watching us as a House on how we conduct matters in this Assembly. Mr. Speaker Sir, the incompetence portrayed by one Mr. Peter Mwikya Kilonzo concerning the issue of own source revenue is stinking. We are collecting barely less than 600 million for our own source revenue. However, we have a capacity of collecting to a tune of 1 billion. Mr. Speaker Sir, the head of the ministry should be accountable for what we are collecting as a County. Our projection last financial year was 385 million. We underscored our target by 69 million.

Mr. Speaker Sir, the projection for this financial year is 980 million. However, the first quarter of this financial year, we hardly collected 112 million. Mr. Speaker, I see incompetence with the Minister for Finance and Economic Planning. For us to collect and seal all the loopholes, all the leakages for the loss of own source revenue, one Mr. Peter Kilonzo must vacate office. Mr. Speaker Sir, contrary to Article 73 and 75 of the Constitution that calls for integrity, there has been gross misconduct, abuse of power, and a conflict of interest with one Mr. Peter Mwikya Kilonzo. Mr. Speaker, the report before the House has indicated that the CECM for finance and economic planning decided to influence a borehole meant for Mutonguni, a borehole meant for Kwa-Vonza, a borehole meant for Tharaka, a borehole meant for Endau Malalani to be sunk to be sunk in one's

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

private land Mr. Speaker Sir. It is abuse of power. It is a gross misconduct for the one Mr. Peter Kilonzo.

Mr. Speaker Sir, violation of PFM Act 2012 has been noted by the mover of the motion, that the Minister for Economic Planning authorized 76 million to be moved from drilling our boreholes to pay bills for electricity for KITWASCO and KIMWASCO contrary to the PFM Act. We allocated 140 million Kenyan shillings to do a borehole in each of the 40 Wards. I stood on the floor of this House, Mr. Speaker, to seek for a statement concerning the boreholes. When the report was prepared by the Committee on Agriculture, Water and Irrigation, the report said that we have only done 12 boreholes and out of the twelve, only one has been equipped because 76 million has been moved to pay electricity bills for KIMWASCO and KITWASCO.

Mr. Speaker Sir, the people of Mutonguni Ward are asking me as their representative, where is our borehole?

Mr. Speaker, for me to be saved from the angry people of Mutonguni Ward who are seeking to know the whereabouts of the borehole I promised them, I stand on the floor of this House to support the motion to have one Mr. Peter Mwikya Kilonzo impeached for denying my people a chance for access to clean and safe drinking water.

Finally, Mr. Speaker Sir, as a member of the Committee on Finance and Economic Planning, we have had issues with the said Minister following delayed submissions of statutory documents, particularly the finance Bills. I have read the motion, and for the years we have been here, the Minister has delayed submitting the Finance Bills, Bills that helps us to make projections on our own source revenue.

The Speaker (Hon. Kevin Kinengo Katisya): Try to summarise please.

Hon. Benjamin Mulandi: Mr. Speaker, for there to be tranquility, peace and epoch, transparency and accountability, for this House to be respected Mr. Speaker Sir, the House must do a diligent duty of sending one Peter Mwikya Kilonzo home.

Finally, Mr. Speaker Sir, we have a duty as elected members of this House to fight for the respect of this House. We were elected to serve our people. We were not elected to serve the executive. We work for the people. We don't work for the executive, Mr. Speaker.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

Mr. Speaker Sir, I urge my fellow colleagues, Honourable Members, that as we ventilate upon this motion, please let your conscience serve you right. The county is watching us, whether you are trading our birthrights with a few coins. Thank you.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you. Majority Whip, Hon. Katula, please strictly two minutes.

Hon. Bonface Katula: Thank you. Mr. Speaker Sir, I rise to support the motion on the impeachment of one Peter Mwikya Kilonzo. Mr. Speaker Sir, as my brothers have just debated, it is very true. This motion needs to be submitted to the committee to do further investigations.

Mr. Speaker sir, every expenditure in this County ends in his office. Mr. Speaker Sir, for the people of Kitui to have good roads, one Peter Mwikya Kilonzo must go home. Mr. Speaker Sir, for there to be equity in Kitui County, one Peter Mwikya Kilonzo must go home. Mr. Speaker, as I was reading the budget that we passed, that is the supplementary 1 one, I noticed one Ward which is having more than 32 million, in the direct budget line. Where is the equality there in the distribution of the equitable share Mr. Speaker? And the person in charge of all this is one Peter Mwikya Kilonzo.

Mr. Speaker Sir, it is unacceptable, it is not in order to put Hon. Members in fight with the people who elected them. Mr. Speaker Sir, in my Ward, a road heading to Thwake Dam and Kangu Kangu dam was lastly repaired over 14 years ago. There is also a place in my Ward where my people use a ladder to cross a road because the road is in very pathetic condition. I have reported to this County that there is a road which has taken two of my members at Kiseoni Village and nothing has been done. All that is because there is no provision for budget under roads Mr. Speaker Sir.

The Speaker (Hon. Kevin Kinengo Katisya): Majority Whip, stick to the motion please.

Hon. Boniface Mukwate: Mr. Speaker, Sir, as I finalize, for the solution of having development in Kitui County one Peter Mwikya Kilonzo must go home. Thank you.

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

Hon. Godfrey Ndagara: *Nashukuru sana Bw. Spika. Naomba nitumie lugha ya Kiswahili ili watu wetu wa Kitui waweze kunielewa vizuri.*

Bwana Spika, nashukuru sana kwa nafasi hii ambayo umenipa kuongea katika Bunge hili na vile vile watu wa Kitui. Tumekuwa na uvumilivu ili kujaribu kuona ni kwa namna gani tungeweza kuunga serikali yetu mkono na pia huduma zake ziwafikie wananchi. Lakini kumekuwa na kizingiti kikubwa na ukuta mkubwa wa kuzuia maendeleo kuweza kufikia mwananchi.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

Kwa hivyo, kwa sababu huko kwetu nilichaguliwa kama msemaji wa jamii yangu, na vile vile sikuchaguliwa manake nilikuwa mwakilishi, lakini mimi nimekuwa kijana ambaye ametoka kule jangwani, manake hata Mungu hunizungumzia wakati mwengine na kuniambia jinsi watu wangu wanafaa kuelekezwa.

Na wakati mmoja katika Bibilia kuliwa na mfalme alikuwa anaitwa Ezekaya. Ukisoma Bibilia Ezekaya aliugua kwa muda mrefu esana na alikuwa na majipu kwa mwili wake. Na Nabii akaja na kumwambia, “Bwa Ezekaya, mfalme, wewe unakufa wakati si mbali.” Wakati mfalme alisikia vile alienda kwa ukuta na kumwambia Mungu, “Tafadhali Mungu kumbuka yale mambo mazuri nimekufanyia, na uweze kusikia kilio changu na uokoe maisha yangu.” Na bila shaka Mungu akasikia maombi yake na Mungu akatuma yule Nabii na kumwambia, “Rudi kwa Ezekaya umwambie, nimesikia maombi yake kwa yale mambo mazuri amefanyia watu na kwa hivyo namuongeza miaka mingine, kumi na mitano.”

Bwana Spika, Ezekaya alipoambiwa vile, akauliza Nabii, “Nionyeshe ishara kwamba ni namna gani maisha yangu itaongezeka. Nabii akwamwambia: “Nitapunguza jua litoke mahala lilipo lirudi mara kumi kuonyesha kwamba sauti yako imesikika.”

Na basi Ezekaya wakati ule watu wan chi za mbali walisikia zile sifa, wakataka kwenda kumtembelea Ezekaya kwa sababu yay ale Mungu alimfanyia. Lakini Ezekaya alipotembelewa na wale watu, badala ya kuwaambia kwa Mungu aliwasaidia. Ezekaya alisimama na kuwaonyesha silaha, dhahabu na ukubwa aliokuwa nao, badala ya kuwaambia jinsi Mungu alivyomfanyia.

Serikali ya Kitui ilioko mamlakani sasa hivi, ilirudi uongozini kwa sababu Mungu alisikia mambo mazuri ambayo Gavana alifanyia watu. Badala ya hii serikali kuhudumia wananchi, sasa tunaanza kupigiwa vifua, heti sisi ndio serikali badala ya watu wa Kitui kupewa huduma.

Wakati Ezekaya alifanya vile, aliambiwa, “We, jamaa zako na watoto wako hawatawahi kuwa viongozi tena.” Lakini yeye akasema, “Kwa sababu Mungu umenipa miaka kumi na tano, sina shida.” Alikuwa anataka hiyo miaka kumi na tano peke yake lakini hakutaka amani iwepo katika nchi hiyo siku za usoni.

Viongozi walio hapa ni viongozi wa leo na kesho. Na hii serikali haitaki katika siku zijazo kuwe na amani. Kwa hivyo pingamizi iliopo ni kuwa, wakati wote tukifanya makadirio ya bajeti na yanapokwenda kwa huyo waziri wa fedha, mara mingi anabatilisha yale yaliopitishwa na Bunge hili na kuanza kufanya kazi yake binafsi.

Bwana Spika, kwa hivyo barabara zetu zimekuwa katika hali mbovu, hospitali zetu hazina madawa manake wakati mwingi pesa ambazo tumekadiria kujenga hospitali na kununua dawa zinatumwa kuwalipa vikaragosi wa serikali; wale ambao wanapiga mbiu na kupiga vinubi vya kusifu serikali pasi na kitu kinachofanyika

Bw. Spika, nikimalizia nasema hivi, manake wamechimba shimo, mwaka wa 2027, ambao wanasema wawakilishi wadi hawa ni vijana...hawa ni vijana na hawatarudi tena ndio nyimbo zinainmbwa kila mahali na wasanii ambao wamepewa pesa. Kwa sababu ya hilo, wamechimba shimo la 2027. Sisi hatungoji hiyo 2027; shimo lao tunalichimba sasa hivi!

(Kicheko)

Kitambo tufike kule tuwe tumemalizana nao Bw. Spika. Na kwa hivyo kwa kuhakikisha kuwa Kitui imepata bajeti ya usawa, mtu mmoja anayejulikana kama Waziri Bw. Peter Mwikya Kilonzo anafaa ang’atuliwe.

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui

Jambo la pili, kupokea nyaraka za kishereia kwa wakati, kwa bunge hili kuweza kuhudumia wananchi, mtu mmoja kwa jina la Bw. Mwikya Kilonzo anafaa ang'atuke.

Hili kuhakikisha serikali inaheshimu Wawakilishi Wadi sitini wa Bunge hili, Bw. Mwikya Kilonzo anafaa ang'atuke mamlakani.

Hili kuhakikisha tunapata faida kwa ushuru wetu, na kuhakikisha kuwa ushuru unaotolewa na wananchi unafaidi wananchi na ila si kuingia mifukoni ya watu binafsi, Bw. Mwikya Kilonzo anafaa ang'atuke.

Hivyo basi namalizia kwa kuunga mkono hoja hii nikisema kuwa tutasimama kidete kuhakikisha kuwa tunatetea serikali manake mimi ni mwanachama wa chama ambacho mwito wake ni "Kazi,kazi, bila wizi." Lakini hii idara inafanya, "wizi, wizi bila kazi!"

(Kicheko)

Na kwa hivyo Mwikya Kilonzo must go!

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

(Laughter)

Hon. Sammy Muniyithya. Kindly, two minutes at most please.

Hon. Sammy Muniyithya: Thank you very much, Mr. Speaker. I stand here as a member from Kivou ward to support this motion.

Hon. Speaker, when I came to this House, before starting my job, I started by taking oath to protect even the integrity of this House. As an Hon. Member, I was given that title not to be just stamped on me like that tin, which is branded, and sometimes it doesn't have the oil. We Hon. Members to maintain the integrity in every field, even as we oversight. It is unfortunate that maybe some of us cannot see and cannot see and cannot realize that by the year 2023, Ksh. 266, 660,004 were taken out the Ministry of Roads. I don't need annexures for that, because I was in this house, and that happened.

Mr. Speaker, last year, something else also happened. Ksh 76 million were taken to pay bills for KIMWASCO and KITWASCO. This one, I don't even need annexures because I know Financial Year, 2023-2024 none of the graders have stepped in Kivou ward to do my 70 kilometers and my other 60 kilometers. None even a single kilometer for road opening or dosing, which was done. These messes were caused from the Ministry of Finance, and for us to keep you know, we must be transparent. We must keep track for the public funds. There's no way I will sit down as elected member and maybe listen to any other person... You know, I'm a member of the Majority Party. As the Majority Party, we are here to defend the government of the day, which has our governor. We are defending our governor. We are defending our party.

Matters, finance; these are individual matters and they affect our people of Kitui County. And we must be very open when we talk about this. This Waziri, this minister, has actually failed. As went down trying to check on most of the things I have realized that this guy has really failed.

Mr. Speaker, honestly if you catch any thug anywhere, even if you catch him or her right on the spot stealing, you take him to court, they will be called allegations in the first place. Nobody will say the person was caught stealing. It has to be allegations until it is proved. I know there is enough evidence to prove that one Mr. Peter Mwikya Kilonzo has failed to do his job.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

We don't need any much of explanation, because we have the evidences and is our high time as Honorable members, we make sure that we save the integrity of this county, because when people of Kivou are not getting services, and I'm passing budgets here, and people of other wards are not getting service because of only one minister; he must go home, and we make sure that the people of Kitui county who elected us have been respected.

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

Hon. Sammy Munyithya: Honorable Speaker, the last one. We have these contractors who did their works back in June or before June. Up to now most of them have not been paid and I wonder why there are other members who are just doing their site works from the ministries and they are paid even before the other people who did CLIDP were paid. This is the work of this ministry, or this minister of finance who is trying to short-change even the contractors of Kitui not getting their dues in time.

So, for us to bring sanity in this House, for us to protect the respect of this House, Mr. Muinga Kilonzo must go. I stand to support. Thank you.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you. Hon. Mbuno. Two minutes, please. And I hope you remember there is another report to be to be done. Yeah. So please proceed. I will not entertain anything about annexures, because they are here. Nobody raised those issues when the notice was given last week on Wednesday. So let us not go outside my ruling. Let us go to the motion before, this house, please proceed.

Hon. Dr. Erastus Mbuno: Thank Mr. Speaker, for your guidance. They say, in law, he you alleges bears the burden of proof. These are mere allegations. I have three questions I will debate when the report will come after the select committee will do the due diligence.

I have three questions: One, I have seen the allegations that have been leveled against the one, CCM for Finance, Economic Planning, and Revenue Management, and I am asking myself, number one, you are saying there is an abuse of office, allegation. Number three. Complaints raised by contractors. The question that will ask the move of the motion, or rather, the person who will be persecuting, is one. Give us evidence for that. Any contractor who was requested for bribe? Give evidence.

Number two; you are saying there are Chief Officers complaining of may be being bullied. Who is this contract? Who is this chief officer? Any reports? Or has the person reported to any of the investigative agencies, including police, in that regard?

Number three, you are saying one of the one of the reasons that you want to impeach the Minister is because of setting own source revenue targets. Who sets those own source targets? My my friends, it's about ministries. Each ministry sets its own target. The purpose of this minister is just to collect the target raised by each ministry. My friends, let us all wait the committee to substantiate the allegations. Come here with the allegations such that we can debate otherwise. I think it's politics, and I agree with the members, because we are elected here courtesy of politics. But members let us first reason within the parameters.

Lastly, we are saying that, the minister is bringing the documents late to this House. My friends were these documents received in this House? Were they acted by this House? And if yes, why? Thank you.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you Members. Let's not go to that direction of Hon. Mbuno. I agree with him. Let's have the substantive debate when we get the report. May be the report will not substantiate. Kindly members. You know, the County

Governments Act is very clear. There is a committee to substantiate or unsubstantiate. Right now, we are just debating to see whether we will support the motion or not. So, let's not go to that direction of Hon. Mbuno, so that we don't go overboard and go into the details of the report.

(Hon. Godfrey Ndagara spoke off record)

It's okay. There will be time for voting Hon. Ndagara.

Hon. Priscilla, now I'll rise the time to one minute. Everybody whose microphone is on will say something. Don't worry. But let's know that the main report will be brought by a committee. Hon. Priscilla, please. One minute.

Hon. Priscilla Makumi: Thank you, Mr. Speaker, sir. I rise to support.

(Applause)

Mr. Speaker, Sir, I've read and understood this motion. Allegations against one Peter Mwikya Kilonzo and I stand to be corrected if I'm wrong. I came to this Assembly to represent the women of Kitui County. Not a ward but Kitui County. And it is only women who go very far distances to fetch water, especially those from those sides such as Athi and Tseikuru Wards. Yet one Mr. Peter Kilonzo, who is the CECM of Finance, influenced for a borehole to be sunk in his compound, so that the women of Athi Ward keep on suffering going to fetch water when the borehole is at his home. Mr. Peter Kilonzo must go.

Mr. Speaker, sir, I also stand for the contractors who are business people. If those allegations are true and they are substantiated that they are true, Mr. Peter Kilonzo should not sabotage a woman who has done his efforts, a man who has done his efforts to work and go and feed his children and keep his money in his office not paying them. Mr. Peter Kilonzo must go.

I support this motion, and for those who want to record, because this was something which was very hot by yesterday. It is true, I received a letter from my party, and the slogan of my party... When I was nominated to come to this Assembly, I did not come here to rubber stamp. I came here to represent a legislature, hello!

(Laughter)

And I came here to do my work,

The slogan of my party and that stands and makes Wiper tall is, "*Kazi, kazi bila wizi!*"

My coordinator is here. He can correct me from the party if we have changed our slogan to "*Wizi, wizi bila kazi.*" I support the motion.

(Laughter)

The Speaker (Hon. Kevin Kinengo Katisya): Thank you very much. Hon. Mary Mbithe, you may proceed. Kindly, members, I request you. We are yet to receive the report by the committee. So, let's...

Hon. Mary Mbithe, please one minute kindly. I know you always brief and to the point. Please proceed.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

Hon. Mary Mbithe: Yeah, thank you, Mr. Speaker. I am here to oppose this motion. As you all know, an impeachment is a lawful manner or lawful way to bring charges to government officials who have gone against the law. As you all know, I am here to support the interest of the party, which is Wiper Party. I was nominated under Wiper party. So, I'm here for the interest of the party.

(Hon. Boniface Mukwate spoke off record)

The Speaker (Hon. Kevin Kinengo Katisya): Order Hon. Katula. Hon. Mbithe please proceed. She still has her one minute.

Hon. Mary Mbithe: Thank you, Mr. Speaker, for protecting me from Hon. Mukwate, Yeah, so...

The Speaker (Hon. Kevin Kinengo Katisya): Maybe point of information, you are nominated by the Wiper party to represent which category of people? But please proceed.

Hon. Mary Mbithe: Okay.

The Speaker (Hon. Kevin Kinengo Katisya): please proceed.

Hon. Mary Mbithe: Thank you Mr. Speaker.

The Speaker (Hon. Kevin Kinengo Katisya): Yes.

Hon. Mary Mbithe: Yeah. So, as you know, the government of today, the county government of Kitui is a is a government of wiper party, which is the majority party.

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

Hon. Mary Mbithe: And I support government. I mean the County Assembly government, and I want to echo words of...but let me not echo his words. I'm sorry. Yeah, so... Devolution came with the structure of county government, the executive and the Assembly. So, I am here to support ...

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

(Prolonged laughter)

Hon. Mary Mbithe: Not to support the motion.

The Speaker (Hon. Kevin Kinengo Katisya): thank you.

(Prolonged laughter)

Hon. Mary Mbithe: Sorry, I am here to support the current government of today, not to support the motion, Hon. Members.

(Loud consultations)

The Speaker (Hon. Kevin Kinengo Katisya): Order Members. She is not yet voting.

Hon. Mary Mbithe: So, I think it's good to allow the Committee on this impeachment, to go deliberate on whole issues and then come up with a report. I have read the whole thing. I mean, I have read the whole document, page by page, sentence by sentence, and understood it very well. So, I think this is just a mere allegation to one Honorable Peter Mwikya Kilonzo, and the basis of this motion, I think the grounds, you Honorable Members...

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

The Speaker (Hon. Kevin Kinengo Katisya): Thank you. Hon. Mbithe your time is up. Kindly.

Hon. Mary Mbithe: Just a moment. I think, according to my own understanding, these grounds are not an impeachment of a state officer, they just grounds for, I think, divorce. Not for impeachment.

(Laughter and loud consultations)

The Speaker (Hon. Kevin Kinengo Katisya): Thank you. Hon. Muange, then Hon. Ndumbu, Hon. Munyoki Mwinzi, in that order.

(Laughter)

Please, members strictly, one minute. Hon. Nding'o, I am sorry you are blocked, but after Hon. Muange you will speak. Strictly one minute, please Hon. Muange.

Hon. Daniel Muange: Thank you, Mr. Speaker, for the chance to add my voice to those that have talked before. I stand to support the motion. In this County, it is only the Governor and ourselves, the MCAs, who are elected, that is given direct mandate by the people of Kitui. So, if we cannot subvert the will of the people, I don't see how a minister can. That's why we are saying, if there is a minister, if there is a CO, anywhere, any corner of this County, sitting down to subvert the will of Kitui people, then that person must go. It doesn't matter who it is.

Mr. Speaker, the idea of diverting funds meant to construct our offices, meant to do other important things to this county in the pretext of going to buy medicine or drugs, so that we are set on collision with the Wananchi; it's not acceptable. I would ask this. Let me pose this: 2022, 2023, and the bigger part of this year, we were not constructing any building anywhere. Were there drugs in the hospital?

Secondly, I have also seen an effort here. You know, someone has never called you in the last two years and then when there's a motion like this, you start seeing mysterious messages being sent to you. It is obnoxious. It is annoying and very irritating. There is nothing about party here. This is an Assembly business, and it's a matter of management so that our County is run in the right way.

(Applause)

Mr. Speaker, Sir, it doesn't matter whether it's Mr. Kilonzo or whoever it is. We are beginning with Kilonzo, by the way.

(Applause)

Right? So, we can start preparing documents for the next person. We must put stand in this County. The Assembly must be respected as a people's representatives, whoever else I don't understand where they are coming from. Mr. Speaker, Sir, I can't wait for the motion to come for me to vote. A big yes! Thank you.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you. Thank you Hon. Muange. Hon. Nding'o kindly. And then Hon. Mary Ndumbu, then Hon. Munyoki Mwinzi, Hon. Ngoima, I think I saw your microphone, then Hon. Cyrus will be the last one. Oh yes, Hon. Waziri, party

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

coordinator, yes, I have seen you. I will give you a minute. Kindly let us summarize because we are here to receive a report from the committee. Hon. Nding'o, please. Member for Yatta Kwa Vonza.

Hon. Mark Nding'o: Thank you, Mr. Speaker, sir. On the onset of inception of this impeachment motion, I was not convinced with the allegations. I've been waiting to get the allegations, which can impeach the Minister for Finance. But up to now, I'm still not convinced, because some of the allegations being used to impeach the minister are resolutions done by the cabinet. The other allegation about the borehole is not within the minister's docket. So, Mr. Speaker, I am still not convinced about the motion.

Mr. Speaker, I know the honorable members baying for the blood of the Minister for Finance are doing it, hoping that after impeaching the Minister for Finance, we are going to get development in our wards.

Mr. Speaker, I want to disabuse that, because impeachments only punish the individual, but they don't punish the office. The executive has issues. But Mr. Speaker...

(Hon. Bernard Munyasya stood on a point of order)

The Speaker (Hon. Kevin Kinengo Katisya): There's a point of order. Honorable. Bernard Mwangangi, what is the point of order?

Hon. Bernard Munyasya: Mr. Speaker is the Honorable Member in order to say that those who are for impeachment are baying for Hon. Mwikya's blood? Is that in order? I thought that is not parliamentary. We are exercising our constitutional right, So, it is only prudent for the Member to withdraw and apologize. Thank you.

The Speaker (Hon. Kevin Kinengo Katisya): Honorable Nding'o you know you are a senior member of this House. You have used a very harsh word, 'baying for the blood'. Could you please clarify what you meant or just withdraw. You can clarify what you meant that we are we know, because somebody may think Members want to kill the CECM. That is what it means by 'baying for the blood'. So please clarify or withdraw that particular statement.

Hon. Mark Nding'o: Thank you, Mr. Speaker. What I meant by "baying for the blood" of the Minister is that 'baying for the blood' means, anytime you want to punish somebody, you want to do something which is going to affect his body system, and one of the body systems is blood.

(Laughter)

The Speaker (Hon. Kevin Kinengo Katisya): Just withdraw Hon. Nding'o.

Hon. Mark Nding'o: Thank you, Mr. Speaker. I withdraw.

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

(Laughter)

Please proceed and your time is up.

Hon. Mark Nding'o: Thank you! Thank you! Thank you!

So, Mr. Speaker, I was saying impeachment is going to bring chaos to our county. Is going to bring divisions, as you have seen, even the Assembly is already divided.

(Loud consultations)

There are those for and those against. The executive is going to have issues with the county Assembly.

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

Hon. Mark Nding'o: So, Mr. Speaker, I want to...

The Speaker (Hon. Kevin Kinengo Katisya): Thank you, sir.

Hon. Mark Nding'o: ...to reserve my debate for the for the session once we have the reports from the committee. But before I sit, sir...

The Speaker (Hon. Kevin Kinengo Katisya): ... and your time is up please.

Hon. Mark Nding'o: Yeah, just one minute. Mr. Speaker,

The Speaker (Hon. Kevin Kinengo Katisya): 30 seconds.

Hon. Mark Nding'o: Yeah. Mr. Speaker, just last week, we were debating about governance, so I would have a kind request as we do our things, let's be fair to the process, so that we can have a fair hearing to whoever we accuse.

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

Hon. Mark Nding'o: Another request is that for the committee which is going to be appointed to look at this matter, it will be fair if you also consider those who are opposing the motion to have a member in that committee. Thank you.

The Speaker (Hon. Kevin Kinengo Katisya): We are here to reach that level. Yeah, Hon. Mary Ndumbu please. One minute, kindly, I know you, you are a ranking member, and you know to respect the speaker's rules, orders, please. One minute.

Hon. Mary Ndumbu: Thank you Mr. Speaker. This document has been out. This is the second week. It's in the domain of the public, and people have read it. It's meant to be allegations. Mr. Speaker, we are demanding for the annexures because we can't follow the multitude in this House...

The Speaker (Hon. Kevin Kinengo Katisya): Hon. Ndumbu, we cannot go back to that...

Hon. Mary Ndumbu: We cannot support something which we are not sure of.

The Speaker (Hon. Kevin Kinengo Katisya): Excuse me Hon. Ndumbu...

Hon. Mary Ndumbu: Mr. Speaker...

The Speaker (Hon. Kevin Kinengo Katisya): I think I made a ruling on that particular issue?

Hon. Mary Ndumbu: Mr. Speaker...

The Speaker (Hon. Kevin Kinengo Katisya): Hon. Ndumbu, I'm talking. I made a ruling on that particular issue. This notice was given last week on Wednesday. What effort did you make to get there? They have been there...

Hon. Mary Ndumbu: then, Mr. Speaker...

The Speaker (Hon. Kevin Kinengo Katisya): So kindly...I made a ruling on that issue of annexures. So please...

Hon. Mary Ndumbu: Then Mister Speaker, we don't know what we are supporting, because we should have a surety of what we are supporting. Mr. Speaker...

The Speaker (Hon. Kevin Kinengo Katisya): Are you disobeying my order? Honorable Ndumbu?

Hon. Mary Ndumbu: Even the...

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

The Speaker (Hon. Kevin Kinengo Katisya): No, I'm asking, are you disobeying my order?

Hon. Mary Ndumbu: No, I'm not.

The Speaker (Hon. Kevin Kinengo Katisya): Kindly...

Hon. Mary Ndumbu: I am talking.

The Speaker (Hon. Kevin Kinengo Katisya): Let us stick to the motion. You're not talking because I've just said the annexures are here. Did you make an effort to ask for the annexures? The notice was given as two on Wednesday.

Hon. Mary Ndumbu: But once you are given this, Mr. Speaker, you are supposed to be attached with it.

The Speaker (Hon. Kevin Kinengo Katisya): Did you ask for it.?

Hon. Mary Ndumbu: We don't have to ask. It should be here.

The Speaker (Hon. Kevin Kinengo Katisya): It was there. So please proceed.

Hon. Mary Ndumbu: Mr. Speaker, most of these allegations we have gone through during our meetings previously with the governor. And we all know and we have discussed about them, so putting them back here in an impeachment motion to impeach somebody while we discussed and nobody refuted is being unfair.

Mr. Speaker, we should be working hand in hand...

(Hon. Godfrey Ndagara stood on a point of order)

The Speaker (Hon. Kevin Kinengo Katisya): There is a point of order. What is it Hon. Ndagara? What is your point of order? It's a point of order.

Hon. Godfrey Ndagara: Point of order. Mr. Speaker. It is against the rules of this House, when a member gives falsehoods this House saying that the Assembly met the governor and the issues are here were discussed. There's nothing that was there that was discussed therefore she should withdraw that. We did not discuss anything with the governor about it. She should withdraw that. Mr. Speaker.

(Hon. Mary Ndumbu spoke off record)

The Speaker (Hon. Kevin Kinengo Katisya): Thank you. Honorable Mary. Ndumbu, what are the issues which you are saying were discussed with the Governor?

(Hon. Mary Ndumbu continued to speak off-record)

Switch on your microphone. Do you have any evidence that those issues were discussed with the Governor?

Hon. Mary Ndumbu: Just the other day, we were in Mombasa with the Governor...

The Speaker (Hon. Kevin Kinengo Katisya): You can provide to the House? Which issues? Hon. Ndumbu remember, we are just debating this motion so you can proceed to the next stage.

Hon. Mary Ndumbu: These Hon. Members had their own complaints, which we discussed in Mombasa. Mr. Speaker, we should not act on emotions. This County can't be run with

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

emotions. We can always sit, negotiate and go together, because as we are talking, we are delaying the Appropriation Bill, which the Governor has brought back a memorandum to.

(Loud Consultations)

The Speaker (Hon. Kevin Kinengo Katisya): Hon. Members, let us...

Hon. Mary Ndumbu: Don't ask me questions. Okay?

The Speaker (Hon. Kevin Kinengo Katisya): Hon. Ndumbu...

Hon. Mary Ndumbu: When you were talking, I did not ask questions.

(Loud Consultations)

Mr. Speaker, you have to defend me.

The Speaker (Hon. Kevin Kinengo Katisya): Hon. Members, let's allow the member to finish. Let's allow the members to finish. Please.

Hon. Mary Ndumbu: Yes! When you were talking, I did not shout at you, so let me finish my foolishness.

The Speaker (Hon. Kevin Kinengo Katisya): Hon. Ndumbu, don't address Hon. Mulandi, address the Speaker. Please proceed. You are a ranking member, please proceed. I'll protect you.

Hon. Mary Ndumbu: Mr. Speaker, I am saying we should not run the county with emotions. We should be fair to one another. Nobody is an angel. Mr. Speaker, I know whatever is going on here is triggered by something else, but not these allegations.

The Speaker (Hon. Kevin Kinengo Katisya): Hon. Ndumbu, you know you are going to context and your time is up.

Hon. Mary Ndumbu: We hope the committee, which goes outside there to sit, will bring us a concrete document which will qualify this document. Thank you.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you very much, Majority. Leader. You will still say something. Hon. Munyoki Mwinzi. Don't worry. Don't worry. Majority Leader please proceed.

MOTION ON EXTENSION OF HOURS OF MEETING

Hon. Harrison Maluki: Thank you, Hon. Speaker. I stand here to move a motion on the extension of the hours of meeting.

That is pursuant to the provisions of standing order number 279 (3) (a), this Assembly hereby resolves to extend its sittings hours beyond 12:30pm to allow the members adequate time to transact the businesses as contained in the Order Paper.

Hon. Speaker, we have a very important business before us, and it is very clear in our standing orders that 30 minutes before the expiry of our time, the Leader of Majority can move a motion on the extension of time. I request my colleague, members of the County Assembly to support this motion so that we get enough time to debate on the motion which is before us. Hon. Speaker, with those few remarks, let me request Hon. Frida Maua to second this motion. Thank you.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

The Speaker (Hon. Kevin Kinengo Katisya): Thank you Majority Leader.

(Hon. Fridah Maua bowed to second the motion)

Thank you, Hon. Fridah Maua. We acknowledge Secondment by way of bowing.

(Question Proposed)

Hon. Members, I will open the floor for any debate before I put the question.

(Hon. Boniface Mukwate spoke off record)

What are you saying? Hon. Mukwate, the Majority, Chief Whip? Switch on your microphone please. Yes. Switch on your microphone again. Yes.

Hon. Boniface Mukwate: Mr. Speaker, for the interest of time, I can request you, on behalf of these members, to put the question.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you for the request. Hon. Paul Maluki.

Hon. Paul Maluki: Mr. Speaker, while I respect the Leader of the Majority and for the request that he has made, when you read the motion, you said this, there will be a motion for this debate, once committee has been selected, and bring their recommendation there.

Therefore, because we had said, that this is not a debate, and we will have a full day to debate resolution of the committee that is supposed to be selected, I was requesting right now, it's, it's 12 noon, so there is some 30 minutes. You can regulate and we work up to 12:30 pm so that we can discuss the issues in the afternoon. I oppose.

The Speaker (Hon. Kevin Kinengo Katisya): Hon. Paul, as you oppose, the Standing Orders which you respect, 279 (3), says that, before that 30 minute to the end of the session, we need to extend. And voting may take more than 30 minutes. But we hear you, sir. It is your right to oppose.

Yes, there is a point of information.

(Laughter)

Hon. Harrison Maluki: I want to inform my good friend, Hon. Member for Kithumula/Kwa Mutonga, and I know after this information, he will reconsider his decision. Having moved a motion to extend the time, it does not automatically mean that we will be here past 12:30 pm. It means we can't take chance, because we can never know how the debate which direction it will take. We just want to be cautious, because our Standing Orders, are our guiding law that this motion has to be moved 30 minutes before the expiry of the normal time. So it does not mean that it is a must that we be here past 12:30pm. The debate can be over even in the next five or 10 minutes.

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

Hon. Harrison Maluki: So, I thought it is well I clarify that Hon. Speaker.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you very much. Let me just put the question so that we can vote to members.

(Question put and agreed to)

Okay? Thank you. Members.

Honorable. Munyoki Mwinzi, please. One minute strictly. We need to go ahead and start a roll call voting, please. So, one minute strictly on behalf of the people of Kyuso Ward.

Hon. Munyoki Mwinzi: Thank you. Honorable Member. Honorable Member you will have to protect me from an Honorable Member here. She's really disturbing me, and I want to concern to concentrate. Hon. Mwendu Salu.

(Hon. Deborah Mutuku stood on a point of order)

The Speaker (Hon. Kevin Kinengo Katisya): Yes Hon. Deborah, what is the point of order?

Hon. Deborah Mutuku: Mr. Speaker is the Hon. Member from Kyuso Ward, in order to address you as Honorable Member? I am, I'm expecting him to address you as the Honorable Speaker. thank you.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you very much, Hon. Deborah. Honorable Majority Leader, what is it?

Hon. Harrison Maluki: Honorable Speaker, I had exactly had the same point of order because I heard Hon. Munyoki Mwinzi addressing you as Hon. Member. I think he should properly address you.

The Speaker (Hon. Kevin Kinengo Katisya): Thank you. Unless Hon. Munyoki Mwinzi you want to justify, you know what to do. You are a ranking member of this House.

Hon. Munyoki Mwinzi: Honorable Speaker, I was disturbed by an Honorable Member, and I was referring to her. She has touched me somewhere.

(Prolonged Laughter)

I could not control myself Hon. Speaker.

(Prolonged Laughter)

The Speaker (Hon. Kevin Kinengo Katisya): Please proceed. I understand now.

Hon. Munyoki Mwinzi: please understand me, Honorable Speaker.

The Speaker (Hon. Kevin Kinengo Katisya): Okay, okay!

Hon. Munyoki Mwinzi: Honorable Speaker, while I was away, I heard that you made a ruling, and I was not in. So, kindly understand me in case...

The Speaker (Hon. Kevin Kinengo Katisya): No, no... you know, I even briefed you myself here, so please Hon. Munyoki Mwinzi, let us only play games here.

Hon. Munyoki Mwinzi: Mr. Speaker, our Standing Order number 62 (6) requires that at least a third of members support this motion at this level...

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

Hon. Munyoki Mwinzi: Hon. Speaker, while I was away, I heard that you meant a ruling and I was not in, so kindly understand me in case...

(The Speaker interjected)

The Speaker (Kevin Katisya Kinengo): No, no, no, you know I even briefed you myself here, so please let us not play games here.

Hon. Munyoki Mwinzi: Mr. Speaker, our Standing Order No. 62 (C) requires that at least a third of members support this motion at this level.

The Speaker (Kevin Katisya Kinengo): Yes.

Hon. Munyoki Mwinzi: Mr. Speaker, my concern is that the motion which we are supposed to support, a third of us, Mr. Speaker, is incomplete. Mr. Speaker, when we got inside this assembly, we received the order paper which had the motion, Mr. Speaker, and when the move of the motion was reading the motion, Mr. Speaker, he was always referring to the annexures.

The Speaker (Kevin Katisya Kinengo): Hon. Munyoki Mwinzi, I gave you the chance to speak in good faith and with a lot of respect to you, I even called you here. I know you want to make your point, I already made a ruling.

Hon. Munyoki Mwinzi: Mr. Speaker, I understand, but I'm just saying, Mr. Speaker, allow me to finish.

The Speaker (Kevin Katisya Kinengo): Thank you, please take your sit.

Hon. Munyoki Mwinzi: Mr. Speaker, kindly allow me to finish?

The Speaker (Kevin Katisya Kinengo): No, I will not allow you.

Hon. Munyoki Mwinzi: Mr. Speaker, there are no annexures.

The Speaker (Kevin Katisya Kinengo): They are here.

Hon. Munyoki Mwinzi: They are not there. It is the responsibility of the mover of the motion to supply us with the full motion...

(Hon. Godfrey Ndagara stood on a point of order)

The Speaker (Kevin Katisya Kinengo): Thank you, I think let's proceed Honourable members...

(Hon. Cyrus Musyoka stood in his place to contribute)

The Speaker (Kevin Katisya Kinengo): Yes, Hon. Cyrus, I think you'll be the last, we need to end this debate.

Hon. Cyrus Musyoka: Thank you, Hon. Speaker. I don't have a lot into this. I don't want to chase shadows, the select committee that this Assembly will appoint will go as per the section

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui

40 of the county government Act and bring a report on the floor of this House and we will act accordingly. At this particular time, as I've said, I don't want to chase shadows, I want to abstain, not supporting or against the motion, but “*Nathaa nduu yelilika*”

The Speaker (Kevin Katisya Kinengo): Thank you, Hon. Judy Wanza.

Hon. Judy Wanza: *Nashukuru Bwana Spika, kwa heshima na taadhima ningeomba tumalize huu mjadala ndio twende kwa kitu kingine, kisa na mahana, Bwana Spika, nadhani kuelewa kwetu sisi wote ni tofauti. Naona watu wengine wameanza kukasirika, wameanza kupandwa na mori. Kisa na maana sikielewi kwa sababu yaliyoletwa hapa kwa bunge na Mwakilishi wa Kiome/ Kyethani ni malalamishi tu kuhusu waziri wa fedha. Sielewi kwa nini watu wengune wanasema kuna yule wanataka atoke. Haya ni malalamishi na tumeambiwa ya kwamba kuna kamati inatengeneswa. Kwa hivyo nataka tuelewe sisi wote waheshimiwa wenzangu, ukisimama kuunga mkona, unasema unaunga mkono kamati itengeneswe ya kufanya uchunguzi. Ndio tuletewe ripoti tujue ya kwamba ako na makosa au hana makosa. Sasa sijui kwa nini tukonafurungu ooh kuna wengine wanasema mswada wa fedha haukupita.*

Bwana Spika, unajua hapa kuna watu hawaji bungeni na mtu akija, anakuja dakika moja anaondoka. Hao ndio watu ambao wanatupatia shida. Watu kama kina Mary Ndumbu, utanisameheha. Lakini basi bona mnasema mswada wa fedha haukupita! Hao ndio wale watu ambao wanaenda kuambia Gavana mambo ambayo haifai. Gavana ni wetu sisi wote, mimi nimechanguliwa na watu wa Nuu, bwana Spika na watu wa Nuu walipigia kura gavana Malombe na tunampenda, tunamtaka na tunamheshimu. Kwa hivyo anayeone ya kwamba yuko karibu na gavana, sisi wote tuko karibu naye na ni lazima kama unapenda mtu unamwambia ukweli. Husije ukampaka mafuta katika tako la chupa, haumsaidii. Kwa hivyo tunataka watu wajue tanasema nini hapa. Kusimama haimanishi hatumpendi gavana...

The Speaker (Kevin Katisya Kinengo): There is a point of order.

Hon. Judy Wanza: *Kusimama haimaanishi hatumpendi Gavana wala Waziri. Waziri lazima achunguzwe, kama ana makosa tuambiwe kama hana makosa abaki kwa kiti.*

(Mheshimiwa Mary Ndumbu alisimama)

Kaa chini, mimi ndio naongea, wakati alikuwa anaongea nilikuwa nimenyamaza.

The Speaker (Kevin Katisya Kinengo): Hon. Mary Ndumbu, please take your seat. Hon. Judith, there is a point of order from Hon. Jeremiah. What is it, Hon. Jeremiah?

Hon. Jeremiah Mutua: Mr. Speaker, there is a statement which has been made by Hon. Ndumbu and the Serjeant- -at -Arms is just standing behind her. She has said to the Honourable member representing Nuu Ward, “*tukutane nje*”. Mr. Speaker, that word being used at the floor of the House in itself is a threat. That word must be withdrawn, apologised on or else that Honourable member should move out. She should exit these chambers.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

The Speaker (Kevin Katisya Kinengo): Hon. Jeremiah, I hear you, but it was said off-record. It was not captured on Hansard, so it's okay. Hon. Judith, please proceed.

Hon. Judy Wanja: *Anasema tukutane, tukutane si hoja, mtu huzaliwa siku moja na atakufa. Siku ya kuzaliwa ndio muhimu, ya kufa kila mtu atakufa. Msitutishe tishe ovyo ovyo, tunataka bunge liheshimiwe. Tunataka Gavana aeshimiwe, unajua gavana anataka kutimiza ahadi zake kwa watu wa Kitui. Sasa atatimiza vipi ikiwa hatufanyi jambo linalofaa. Nashukuru Bwana Spika.*

The Speaker (Kevin Katisya Kinengo): Hon. Members, I will now bring this debate to an end...

(Hon. Godfrey Ndagara stood to contribute)

Yes, Hon. Ngangara, one minute.

Hon. Godfrey Ndagara: Hon. Members, Mr. Speaker, I want to put this one very clear, so that it goes on record, because this is a House of record, Mr. Speaker. People are alleging that there are no annexes, and I want us members to agree that all the annexes are all here, and we got the annexes from the moment this motion was tabled. Mr. Speaker, and therefore, people are alleging that they were not given a next session, Mr. Speaker, they are deviating their attention, because they are now, they are failing, Mr. Speaker, and that one should also go into record,

The Speaker (Kevin Katisya Kinengo): Thank you. Honourable Antony Musyoka, please, one minute of reply before I put the question.

(Hon. Mary Ndumbu stood in her place)

Honourable Antony Musyoka, please take the floor if you have any reply.

Hon. Antony Musyoka: Thank you, Hon. Speaker, for giving me this opportunity. I think I gave notice of the motion last week, and no Hon. Member requested for the annexes, and I provided the annexes early in the morning. They are here on the table, and each and every Hon. Member can see them. So, I would like to say that Honourable Members can get the annexes from the dispatch table. Thank you, Hon. Speaker.

The Speaker (Kevin Katisya Kinengo): Honourable Members, we have tried to give as many of you as possible to add your voice to this motion. Remember, the motion is still premature, so when we go too much into the details, we are even wasting our time. So, let me now refer to Standing Order No. 68 (2) that the Speaker shall direct a division to be taken in every instance where the Constitution and any other relevant laws lays down that a fixed majority is necessary to decide any question. So, before I put the question, I want to direct that the roll call bell be rung for five minutes, and then we shall proceed with the roll call voting the way we know it, because I'm sure we know it. Let's also read Standing Order No. 69, unless you want it to be given as an annex.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

(Laughter)

So, let the roll call bell be rung for five minutes.

(The bell was rung for five(5) minutes)

Hon. Members, just note that once the bell is rung for five minutes and the doors are locked, you can't get in. Honourable Members, just know that when you get out, you can't get back again. So, make sure that you are seated. Hon. Members, let's settle please, the bell has been rung for five minutes and I have waited for another five minutes for the members to settle. Kindly, members, let us settle before I put the question. Hon. Members, before I direct for the door to be locked and the bar be drawn.

I request that we have the tellers pursuant to Standing order 69(2) Teller for the Ayes to come in front and also the teller for Nays and that will be done democratically. I can see Hon. Mathew Vuthi for Ayes and Hon. Mbuno for Nays and we shall be recording the votes. Honourable Members pursuant to Standing order 69(3) I now direct the Serjeant- -At-Arms to lock door and to draw the bar and no member shall thereafter, enter or leave the Chambers until after roll call voting has been taken.

(The bar was drawn and doors locked)

(Question put and the House proceeded to the roll call voting)

Hon. Members, I now direct the Clerk to call out the names of the members in alphabetical order, in the presence of the tellers and Members, let me read this for clarity Standing Order No. 5 "When called out, each member shall thereupon rise in his or her place and declare assent or dissent to the question in the following manner: if you support the motion, you say I vote yes if you don't support, you say I vote No or you abstain if you don't want to take any vote or use appropriate Kenyan sign language"

Standing order No. 69(6) after the Clerk has read the last in the division list. The tellers shall present the results of the roll call voting to the Speaker who shall thereupon announce the results of the voting to the County Assembly. Therefore, Clerk you may begin.

(Voting began)

(The presiding Clerk read the names of the Hon. Members as follows):

MEMBERS	WARD	VOTE
1. Hon. Alex Mutambu Nganga	Miambani Ward	Absent

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

2. Hon. Alfonse Mukwaiyu Musyimi	Kyome/Thaana Ward	Yes
3. Hon. Antony Musyimi Musyoka	Kiomo/Kyethani Ward	Yes
4. Hon. Aron Kilonzo Kasele	Mutitu/Kaliku Ward	Absent
5. Hon. Benard Mwangangi Munyasya	Mwingi Central Ward	Yes
6. Hon. Benjamin Ndambu Mulandi	Mutonguni Ward	Yes
7. Hon. Boniface Maundu Katumbi	Kyangwithya East Ward	Yes
8. Hon. Boniface Mukwate Katula	Kanyangi Ward	Yes
9. Hon. Charity Kathathi Musyoka	Nominated	Yes
10. Hon. Charity Mwangangi	Nominated	Absent
11. Hon. Christopher Nzilu Nzioka	Kyangwithya West	Yes
12. Cornelius Ngumbau Muthami	Mui Ward	Absent
13. Hon. Cyrus Musyoka Kisavi	Ikanga/Kyatune Ward	Abstain
14. Hon. Daniel Kimanzi Muange	Tseikuru Ward	Yes
15. Hon. Daniel Kimanzi Ngoima	Kitui Township Ward	No
16. Hon. David Masaku Munyau	Mutomo Ward	Yes
17. Hon. Deborah Katungwa Mutuku	Nominated	Yes
18. Hon. Dominic Mwamisi Isumail	Mutha Ward	Yes
19. Hon. Elizabeth Ndunge Peter	Nominated	Absent
20. Hon. Erastus Musyoka Mbuno	Endau/Malalani Ward	No
21. Hon. Fastina Mwendu Solomon	Nominated	Yes
22. Hon. Frida Maua Mutinda	Nominated	Yes
23. Hon. Gabriel Munyao Mutunga	Kauwi Ward	No
24. Hon. Godfrey Muthengi Ndangara	Tharaka Ward	Yes
25. Hon. Grace Syoindo Mulandi	Nominated	Absent
26. Hon. Harrison Maluki Mawia	Migwani Ward	Yes
27. Hon. Hussein Mwandia	Ikutha Ward	Absent
28. Hon. Immaculate Wanza John	Nominated	Yes
29. Hon. Jacinta Mary Mwoni	Nominated	Absent
30. Jacquelyne Cate Kalenga	Nominated	Yes
31. Hon. Jeremiah Musee Mutua	Nguni Ward	Yes
32. Hon. Joseph Kasungi Kavula	Waita Ward	Yes
33. Hon. Joseph Musyoka Mbite	Nzambani Ward	Absent
34. Hon. Joseph Nzungi Ngwele	Ngomeni Ward	Absent
35. Hon. Judith Wanza Kasyoka	Nuu Ward	Yes
36. Hon. Kalamba Musau	Nominated	Yes
37. Hon. Karigi Ciambutra	Nominated	Yes
38. Hon. Kyalo Kimuli	Kanziko Ward	Absent
39. Hon. Malinga Munyao	Zombe/Mwitika Ward	No

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

40. Hon. Mark Kitute Nding'o	Yatta/ Kwa Vonza	No
41. Hon. Mary Mbithe Musili	Nominated	No
42. Hon. Mary Mbithi Ndumbu	Nominated	No
43. Hon. Mary Mwendu Mutune	Nominated	Absent
44. Hon. Mathew Ngovi Vuthi	Chuluni Ward	Yes
45. Hon. Mercy Mulewa Muema	Nominated	No
46. Hon. Munira Mohammed	Nominated	No
47. Hon. Munyoki Mwinzi	Kyuso Ward	No
48. Hon. Muthama Musyoka Kieti	Athi Ward	Yes
49. Hon. Nicholas Muema Mutemi	Kisasi Ward	Absent
50. Hon. Nzavu Mwanzia	Mbitini Ward	Yes
51. Hon. Paul Maluki	Kithumula/ Kwa Mutonga Ward	Yes
52. Hon. Peter Mwanza Kitonyo	Mulango Ward	Yes
53. Hon. Priscilla Martha Makumi	Nominated	Yes
54. Hon. Rose Kasyoka Kathoka	Nominated	Absent
55. Hon. Sammy Musili Munyithya	Kivou Ward	Yes
56. Hon. Stephen Ileve Katana	Nguutani Ward	Yes
57. Hon. Sylvester Kithaka Munyalo	Matinyani Ward	Absent
58. Hon. Titus Munyoki Kasinga	Mumoni Ward	No
59. Hon. Waziri Bakari Baraka	Nominated	No
60. Hon. Zacchaeus Ivutha Syengo	Voo/ Kyamatu	Yes

(Hon. Stephen Katana rose on a point of order)

The Speaker (Kevin Katisya Kinengo): There is a point of order. Yes, Hon. Katana.

Hon. Stephen Katana: There is a member whose response is not clear, “*Ukisema kwa Kiswahili nimepiga la nimekataa*” what is it? That is a yes.

The Speaker (Kevin Katisya Kinengo): Thank you, because we are on Hansard, Clerk read member No. 58 for Clarity.

Presiding Clerk (Mr. Mulandi Kavali): Hon. Waziri Bakari Baraka.

Hon. Waziri Bakari: Because of lack of information and because I was denied an opportunity to speak, I vote No.

The Speaker (Kevin Katisya Kinengo): Thank you, that is enough. Okay, Clerk confirm whether all the names have been called out?

Presiding Clerk (Mr. Mulandi Kavali): Yes, Hon. Speaker, I confirm that I have called out all the names of the sixty (60) members.

The Speaker (Kevin Katisya Kinengo): Okay, thank you, liaise with tellers and present to me results of the roll call voting so that I can announce. Tellers, once you are ready, submit the

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*

names to the Clerk. I will give you a minute to do the mathematics. Serjeant -At-Arms, escort Hon. Mbuno. Hon. Vuthi come together with Hon. Mbuno.

(The Speaker consulted with the tellers)

Hon. Members, allow me now to announce the results, pursuant to Standing order No. 69(6). AYES, are thirty-two (32)

(Loud Applause)

NAYS are twelve (12)

(Loud Applause)

ABSTAIN one (1) and ABSENT fifteen (15), totaling to sixty Hon. Members. Hon. Members, I want to declare that, the Ayes have it.

(Loud Applause)

Serjeant- at -Arms, I think you may now open the door before we adjourn.

(The bar is lowered and doors unlocked)

Members, what you have done is that, you are exercised your democratic right which ever way you have voted, that is your right. And I am sure you are representing the category of people whom you present here and that is your right. I am glad that we all respect each other's right of vote which is the way to go in any democracy. The next step according to our Standing orders is for Committee to be formed. And I am sure we have seen in the order paper that already the house business Committee had slotted that particular motion in the afternoon sitting and we have to follow all the procedure. So, that we do the right thing, let us do everything procedurally to ensure that the process is done well and according to procedures of this house and according to county government Act and according to the Constitution of Kenya, 2010. With those very many remarks, let us now be upstanding so that we can adjourn the House.

ADJOURNMENT.

Hon. Members, this House now stands adjourned until today at 2:30 p.m.

The House rose at 12:43p.m.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, through the Clerk, County Assembly of Kitui*