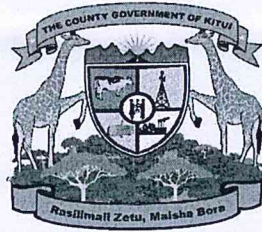


**THIRD ASSEMBLY
(024)**

**THIRD SESSION
(100)**



THIRD ASSEMBLY – (FOURTH SESSION)

VOTES AND PROCEEDINGS

WEDNESDAY 9TH APRIL, 2025 AT 2.30 P.M.

1. The House convened at Thirty Minutes past Two O'clock.
2. Proceedings were opened with a word of prayer.
3. **PRESIDING**- Honourable Speaker on the Chair.
4. **COMMUNICATION FROM THE CHAIR**

The Honourable Speaker made the following Communications;

**COMMUNICATION FROM THE CHAIR AS RELATES TO COURT
ORDER ISSUING CONSERVATORY ORDERS ON SELECT AND
SECTORAL COMMITTEES.**

Honourable Members,

As you may recall, during the sitting held on 5th March 2025, I issued a communication regarding a court order issued by the High Court of Kenya at Kitui in Case No. HCCHRPET/E001/2025. The said court order suspended the reconstitution of the Select and Sectoral Committees, which had earlier been reconstituted by this House on 14th February 2025.

Honourable Members,

I informed the House that the Assembly would act swiftly to file an application seeking to vacate the said conservatory orders,

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which have significantly hampered the operations of this Assembly.

In line with this, we instructed our legal counsel to enter appearance, file the necessary documents, and move the court to set aside the conservatory orders.

On 11th March 2025, our lawyer, acting on instructions, filed a Preliminary Objection alongside the application to vacate the court orders.

Honourable Members,

The Preliminary Objection was raised on points of law, seeking to strike out the Application and Petition dated 28th February 2025, on the following grounds:

1. Lack of Jurisdiction: That this Honourable Court lacks jurisdiction to entertain and/or determine the Application as the subject matter falls squarely under Sections 39 and 40 of the Political Parties Act, pursuant to Article 92(c), (d), and (e) of the Constitution of Kenya, 2010, and Section 38I of the Political Parties Act.
2. Non-exhaustion of Statutory Remedies: That the dispute is premature, given that the petitioner did not exhaust the statutory mechanisms available before approaching this Honourable Court.
3. Statutory Bar: That the suit is barred under Sections 10 and 11 of the County Assemblies Powers and Privileges Act, 2017.

The Court directed that the Preliminary Objection be heard first. Consequently, both parties were instructed to file written submissions within ten days.

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On 3rd April 2025, the matter came up for mention, and the Court scheduled the ruling on the Preliminary Objection for 14th May 2025. In the meantime, the interim conservatory orders were extended until the ruling date.

Honourable Members,

This matter serves as a sobering reminder of the significant consequences court actions can have on the operations of the Assembly. As you are aware, the court orders have already impacted the functioning of this House. For instance, we were unable to process the County Fiscal Strategy Paper for the financial year 2025/2026 which is a key document in the budget-making process.

As stipulated in Standing Order 186, the Budget and Appropriations Committee is mandated to serve for a period of three years. The term of the previous committee expired in 2024, and the Assembly, in compliance with this requirement, reconstituted the Committee on 14th February, 2025.

However, following the Court's Conservatory orders setting aside the motion approving the reconstitution of the Assembly Committees, including the Budget and Appropriations Committee, the Assembly is presently incapacitated from discharging critical functions such as budget consideration unless the Court varies or lifts the said orders.

Honourable Members,

In the spirit of mutual respect and commitment to the rule of law, I humbly encourage us all to remain mindful of the potential legal implications our actions may carry, particularly those that might

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draw judicial attention and inadvertently affect the smooth functioning of our legislative processes.

As we await the court's ruling scheduled for 14th May 2025, let us remain hopeful and united in the expectation that the outcome will allow the Assembly to resume its full legislative and oversight mandate without further interruption.

COMMUNICATION AS RELATES TO APRIL RECESS, 2025

Honourable Members,

In adherence to our Assembly-approved Annual Calendar (Regular Session), 2025, this House is scheduled to proceed for the April recess effective today Wednesday, 9th April, 2025. In this regard, this House will be debating a procedural motion on adjournment to proceed for the April recess, pursuant to Standing Order No. 25(3) and resume its sittings on Tuesday 6th May, 2025 at 9.00 am.

Honourable Members,

As we prepare to move and debate a procedural motion on the adjournment of the County Assembly for the April recess 2025, we do so at a time when this Assembly faces significant challenges in executing its constitutional mandate. It is important to take stock of what we have achieved so far, acknowledge the hurdles that have hindered our optimal functioning, and chart a clear path forward in service to our people as stipulated in Article 185 of the Constitution of Kenya, 2010.

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Honourable Members,

Since resuming from the December long recess on Tuesday, 11th February 2025, the House has successfully approved the following motions:

- i. Motion on approval of membership to the County Assembly House Business Committee.
- ii. Motion on approval of the County Assembly Annual Calendar (Third Assembly, Fourth Session 2025.)
- iii. Motion on the reconstitution of membership to the County Assembly Sectoral and Select Committees which was later disputed and challenged in court.

Honourable Members,

In addition to legislative work, Members have actively participated in the following key engagements and activities:

- i. Special General Assembly for all MCAs and Speaker's from the 47 County Assemblies held at Kenyatta International Convention Centre (KICC), Nairobi from 19th to 21st February, 2025.
- ii. The 5th Legislative Summit held at the Edge Convention Centre, Nairobi from 14th to 20th March, 2025.
- iii. Report writing exercise on the county oversight tour to inspect the projects undertaken by the county executive during the FY 2023/2024 conducted from 22nd to 26th July 2024, held from 10th to 14th March, 2025 at Mutomo Highway Cottages Hotel.
- iv. The Kitui County Investors Sensitization Forum held at Kanyoonyo Industrial Park from 13th to 14th March, 2025, and

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- v. The East Africa Local Authorities Sports and Cultural Association (EALASCA) games held in Kampala, Uganda from 26th February to 2nd March, 2025.

Honourable Members,

We must also be alive to the challenges that have hindered our optimal performance. Key among these is the internal conflict within WIPER Party leadership, which has disrupted Assembly unity, slowed down decision-making and affected our credibility in delivering our legislative and oversight roles.

Equally, the ongoing court case challenging the reconstitution of Assembly Committees which had been reconstituted on 14th February, 2025 has severely impeded our work. These committees are vital for scrutiny of policies, oversight of the executive and expeditious handling of legislative matters. Without them, key documents such as the County Fiscal Strategy Paper for FY 2025/2026 could not be reviewed, thus stalling critical Assembly business.

As we await the Court's ruling, we must remain ready to act promptly once the way is cleared, ensuring our oversight and legislative mandates resume with the urgency they demand, ensuring that our legislative and oversight functions resume without further disruption.

Honourable Members,

As we commence our recess today, I urge all Honourable Members to use this period wisely and engage with your constituents. Let us go back to our people, listen to their concerns and reaffirm our

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commitment to their welfare. We must return with fresh perspectives that reflect their aspirations.

This recess also offers a valuable opportunity for introspection and reconciliation. It is a chance to reflect on our shared responsibilities and to resolve our internal differences amicably. Let us use this moment to foster honest dialogue, heal divisions, and restore the unity, dignity and purpose of this Honourable House.

As Scripture reminds us:

"Make every effort to keep the unity of the Spirit through the bond of peace." – **Ephesians 4:3 (NIV)**

"Blessed are the peacemakers, for they shall be called the children of God." – **Matthew 5:9 (KJV)**

"If it is possible, as far as it depends on you, live at peace with everyone." – **Romans 12:18 (NIV)**

"All this is from God, who reconciled us to himself through Christ and gave us the ministry of reconciliation." – **2 Corinthians 5:18 (NIV)**

We carry a duty far greater than our individual or political interests. Our people have entrusted us with their hopes and depend on us to steer development and offer tangible solutions to their challenges. We must not allow internal wrangles or legal uncertainties to derail the mandate bestowed upon us.

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Let us, therefore, return from this recess with a renewed spirit of service, guided by the enduring principles of unity, integrity and purpose.

Honourable Members,

I would also like to inform you that the County Assembly Service Board (CASB) is currently reviewing the County Assembly of Kitui Strategic Plan (2025-2030) to ensure that we have a robust guiding framework with actionable steps aligned to our objectives. At the appropriate time, you will be involved so that your input can be incorporated.

Additionally, the Board is working on a schedule of events during the April 2025 recess, and this will be communicated to you in good time through the House Leadership.

Honourable Members,

Allow me to also provide an important update on the MCAs Ward Offices Project. The process of transferring land from the County Executive to the County Assembly has proven to be lengthy and time-consuming, posing a significant risk of delays in the implementation of this crucial project.

To mitigate these delays, the CASB resolved to request the Ministry of Roads, Public Works and Transport to undertake the construction of the Ward Offices, guided by standard

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specifications outlined in various County planning documents.

These specifications include:

a. A complete office block with: -

- i. MCA's main office (with a wardrobe and a washroom)
- ii. A boardroom
- iii. Secretary's office.
- iv. Ward assistant office
- v. Personal assistant office
- vi. Messenger room
- vii. Store and kitchenette.

b. A waiting lobby(gazebo)

c. Outside washrooms.

d. Cabro-paved compound measuring 100 by 100 feet for parking

e. A chain-link fence

f. A gate and a signboard.

The Ministry possesses the requisite technical capacity to implement this project efficiently and, importantly, constructing the offices on existing government land will save significant time that would otherwise be spent on land transfer processes.

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I therefore urge all Honourable Members to support this noble initiative and to ensure that the necessary funds for the construction of the Ward Offices are allocated in the main budget for the Financial Year 2025/2026.

Honourable Members,

As we look forward to the 6th Edition of the County Assemblies Sports Association (CASA) Games later this year, I urge all team captains to mobilize their teams and commence training during the April 2025 recess. Let us strive to be more competitive than in previous editions, while also embracing the numerous health and wellness benefits that regular physical activity provides. Participation in these games not only promotes teamwork and camaraderie but also contributes to our overall well-being, because indeed, a healthy Assembly is a productive Assembly.

Honourable Members,

Lastly, let us take this recess period as a time for recharging, realignment and renewed commitment. As we return, let it be with clarity of purpose, a spirit of unity, and unwavering dedication to our people's welfare. I remain confident that through collaboration, dialogue and diligence, we shall continue to advance the development agenda of our great County.

I wish each one of you a productive and restful recess.

May God bless our Assembly and the people we serve.

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**COMMUNICATION AS RELATES TO THE PAYMENT OF
SPECIAL COUNTY ASSEMBLY DUTY ALLOWANCES TO WHIPS
OF UDA AND JUBILEE PARTIES.**

Honourable Members,

As you are aware, our Standing Orders establish the Offices of the Majority Party Whip and the Minority Party Whip, respectively. However, they do not provide for whips of other parties that meet the required threshold of not less than five percent (5%) of the Membership of the County Assembly to qualify as County Assembly Parties, as stipulated under Standing Order No. 2.

Honourable Members,

In the afternoon sitting of 12th October, 2022, I issued a directive to the UDA and Jubilee parties, both of which meet the County Assembly Party threshold, to appoint whips/liaison members. This was intended to facilitate administration and streamline communication between these parties and the County Assembly. At that time, these other whips/liaison positions were not recognized in law or by our Standing Orders, and as such, the appointees were not entitled to any responsibility allowances.

Honourable Members,

In line with this directive, the UDA and Jubilee parties formally nominated their respective party whips/liaison Members on 18th October, 2022 supported by minutes confirming the nomination of Hon. Malinga Munyao and Hon. David Masaku Munyau as the UDA and Jubilee party whips, respectively.

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Honourable Members,

The Salaries and Remuneration Commission (SRC) issued a Gazette Notice No. 10350 dated 9th August, 2023 conferring the benefit of Special County Assembly Duty Allowance to whips of other County Assembly Parties. Accordingly, I wish to inform this Honourable House that Hon. Malinga Munyao and Hon. David Masaku Munyau were the duly elected whips for UDA and Jubilee parties, respectively, and are entitled to receive the Special County Assembly Duty Allowance.

I hereby direct the Office of the Clerk to process and accord this benefit to the aforementioned Members immediately with effect from today, 9th April, 2025.

5. MOTION ON ADJOURNMENT OF THE COUNTY ASSEMBLY.

(Leader of the Majority Party)

Motion Made and Question Proposed;

THAT, pursuant to the provisions of Standing Order No. 24 (3), and in adherence to the Approved County Assembly Annual Calendar, 2025, this Assembly do now adjourn its sittings with effect from today Wednesday 9th April, 2025 to allow Members of the County Assembly to proceed for the April recess and resume its sittings on Tuesday 6th May, 2025 at 9.00 a.m.

(Hon. Harrison Maluki Mawia – M.C.A)

Debate Arising;

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6. ADJOURNMENT- and the time being five minutes past Four O'clock, the Honourable Speaker adjourned the House.

7. ASSEMBLY ROSE – at Five minutes past Four O'clock.

MEMORANDUM

*The Honourable Speaker will take the chair on
Tuesday, 6th May, 2025, at 9:00 A.M.*

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