



**COUNTY GOVERNMENT OF KITUI**

**THE COUNTY ASSEMBLY**

**THIRD ASSEMBLY – (FOURTH SESSION)**

**VOTES AND PROCEEDINGS**

**WEDNESDAY 28<sup>TH</sup> MAY, 2025 AT 2.30 P.M.**

1. The House convened at Thirty Minutes past Two O'clock.
2. The proceedings were opened with a prayer.
3. **PRESIDING:** Hon. Speaker on the Chair.
4. **COMMUNICATION FROM THE CHAIR ON VISITING STUDENTS AND TEACHERS FROM ST. ANNE'S MUTHALE GIRLS' SCHOOL IN MUTONGUNI WARD, KITUI WEST SUB-COUNTY.**

**Honorable Members,**

I would like to acknowledge the presence of 60 visiting Students and teachers from St. Anne's Muthale girls' Secondary School in Mutonguni Ward, Kitui West Sub-County in our Speakers Gallery today, led by their Teachers Madam Scolastica Kathini Mbwanga - Patron Law club, Mr. Peter Nzuki Musyoki assistant patron Law club. In our usual tradition of receiving and welcoming visitors to the Assembly, I extend a warm welcome to them and on behalf of

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the County Assembly of Kitui and on my own behalf wish them a fruitful visit.

**5. COMMUNICATION FROM THE CHAIR AS RELATES TO THE  
LAPSE OF CONSERVATORY COURT ORDERS RELATING TO  
THE RECONSTITUTION OF SELECT AND SECTORAL  
COMMITTEES.**

**Honourable Members,**

As you may recall, during the sitting held on 5<sup>th</sup> March 2025, I informed this House of a conservatory order issued by the High Court of Kenya at Kitui in Petition No. HCCHRPET/E001/2025. The effect of that order was to suspend the reconstitution of Select and Sectoral Committees, as previously approved by this House on 14<sup>th</sup> February 2025.

**Honourable Members,**

Subsequently, on 8<sup>th</sup> April 2025, I further notified the House that our legal counsel, acting on instructions, had on 11<sup>th</sup> March 2025 filed a Preliminary Objection together with an application seeking to set aside the conservatory orders. I also indicated that the ruling on the Preliminary Objection had been scheduled for 14<sup>th</sup> May 2025.

**Honourable Members,**

On 19<sup>th</sup> May 2025, the Office of the Clerk received a legal opinion from our advocate on record confirming that the High Court, presided over by Hon. Lady Justice L. Gitari, had delivered its ruling on 14<sup>th</sup> May 2025 in the aforementioned matter. The Court issued the following orders:



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- i. That the Preliminary Objection lacks merit and is hereby dismissed;
- ii. That the application dated 28<sup>th</sup> February 2025 shall be canvassed by way of written submissions;
- iii. That the Petitioner shall file and serve submissions within seven (7) days;
- iv. That the Respondent shall file and serve submissions within seven (7) days of service;
- v. That the matter shall be mentioned on 23<sup>rd</sup> June 2025 for further directions.

**Honourable Members,**

The legal opinion further clarified that the conservatory orders issued on 3<sup>rd</sup> March 2025, which were intended to remain in force for fourteen (14) days, were not extended by the Court. As a result, those orders have since lapsed by operation of the law and are no longer in effect.

**Honourable Members,**

This legal opinion was referred to the Kitui County Assembly Service Board (KCASB), which deliberated on the matter. The Board concurred with the legal opinion and resolved that the Assembly should revert to the resolution of the House passed on 14<sup>th</sup> February 2025, pending the full hearing and determination of the petition.

In addition, I shared the same legal opinion with the County Assembly Business Committee, which also deliberated on the matter extensively and equally concurred with the legal advice. The Committee endorsed that the Select and Sectoral Committees should

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be operationalized in accordance with the resolution of the House dated 14<sup>th</sup> February, 2025.

It is important to underscore, however, that should the Court ultimately rule in favour of the Petitioners, there remains a possibility that the appointments to various committees may be subject to reversal.

**Honourable Members,**

In summary, there is currently no interim court order restraining or limiting the operations of this House with respect to the reconstitution of its committees. Accordingly, the House reaffirms and reverts to its earlier resolution of 14<sup>th</sup> February, 2025. This means that all Select and Sectoral Committees reconstituted on that date stand as duly constituted and fully operational, unless and until otherwise directed by this House or a competent legal authority.

**6. COMMUNICATION AS RELATES TO THE KITUI COUNTY  
SUPPLEMENTARY BUDGET II ESTIMATES FOR THE  
FINANCIAL YEAR 2024/2025.**

**Honourable Members,**

Section 135(1) of the Public Finance Management Act (PFMA) outlines instances in which supplementary estimates can be submitted to the Assembly for approval. These are:

- i. Where the amount appropriated under the Appropriation Act is insufficient;
- ii. Where a need has arisen for which, no amount has been appropriated by the Appropriation Act;



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Subsection (2) of the same Act mandates the County Government to submit to the County Assembly a supplementary budget in support of the additional expenditure for the authority to spend. Standing Order No. 214 further outlines the procedure to be followed in considering the Supplementary Budget Estimates.

**Honourable Members,**

In line with the foregoing legal provisions, on 4<sup>th</sup> April 2025, the County Executive Committee Member for Finance, Economic Planning and Revenue Management submitted to the Assembly the Kitui County Supplementary Budget II Estimates for the Financial Year 2024/2025 for consideration.

**Honourable Members,**

Accordingly, I hereby commit the Kitui County Supplementary Budget II Estimates for the Financial Year 2024/2025 to the County Budget and Appropriations Committee. The Committee is required to commence immediate deliberations on the supplementary budget estimates and thereafter submit its report, together with its recommendations, to this Assembly for consideration

**7. COMMUNICATION FROM THE CHAIR AS RELATES TO THE  
PROPOSED KITUI COUNTY ANNUAL BUDGET ESTIMATES FOR  
THE FINANCIAL YEAR 2025/2026**

**Honorable Members,**

Article 224 of the Constitution provides that each county shall prepare and adopt its own annual budget in the form and according to the procedure prescribed in an Act of Parliament. Additionally, Section 130 of the Public Finance Management Act, 2012 states that

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the County Executive Committee Member for Finance shall submit budget documents to the County Assembly for every Financial Year.

**Honorable Members,**

In view of the foregoing, the County Executive Committee Member for Finance, Economic Planning and Revenue Management submitted to the Assembly the budget estimates for the Financial Year 2025/2026 on 30<sup>th</sup> April, 2025, for consideration and approval in accordance with the law.

**Honorable Members,**

Pursuant to the provisions of Section 131 of the Public Finance Management Act, 2012 as read together with Standing Order No. 206, I hereby commit these annual budget estimates for the financial year 2025/2026 to the County Budget and Appropriations Committee for Consideration. The Committee is expected to subject the estimates to public participation pursuant to Article 196(b) of the Constitution as read together with Section 115 of the County Governments Act, 2012.

**Honorable Members,**

Further, the Committee shall take into account the recommendations of the Sectoral Committees, the views of the County Executive Committee Member for Finance, Economic Planning and Revenue Management, and incorporate the views of the public in making her final recommendations to the House for approval.

**8. PAPERS;**

The following papers were laid on the table of the Assembly pursuant to the provisions of Standing Order No. 179(6) and 190 (5)



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- i. Report of the Whole House on an inspection exercise on projects funded by the County Government of Kitui carried out from 22<sup>nd</sup> to 26<sup>th</sup> July 2024. *(Chairperson of Committees)*
- ii. Report of the whole House on an inspection exercise of projects funded by the County Government for F/Y 2024/2025 carried out from 22<sup>nd</sup> – 26<sup>th</sup> and 28<sup>th</sup> to 30<sup>th</sup> April, 2025 *(Chairperson of Committees)*
- iii. Report by Committee on Basic Education, Training and Skills Development on a study visit and a Training Workshop on Administration of Integrated Multi-Sectoral Early Childhood Education and Capacity to improve the well-being of Children held in Addis Ababa, Ethiopia from 25<sup>th</sup> to 29<sup>th</sup> November, 2024. *(Leader of the Delegation)*
- iv. Report on a training workshop on Administration of Law and Justice in Devolved Units, including Elections within the Assembly, Governance, Anti-Corruption and Human Rights, held in Addis Ababa, Ethiopia. *(Leader of the Delegation)*
- v. Report by the Kitui County Assembly Leadership on a study visit to Istanbul, Turkey on Leadership and Excellence from 25<sup>th</sup> to 29<sup>th</sup> November, 2024 *(Leader of Delegation)*
- vi. Report of the Committee on Culture, Youth, Sports, Gender and Social Services on a study visit and a training workshop on gender mainstreaming in policy formulation and implementation held in Addis Ababa, Ethiopia, from 3<sup>rd</sup> -7<sup>th</sup> February, 2025. *(Leader of the Delegation)*

**9. NOTICES OF MOTION;**

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- i. Motion on adoption of the Report of the Whole House on an inspection exercise on projects funded by the County Government of Kitui carried out from 22<sup>nd</sup> to 26<sup>th</sup> July 2024.  
*(Chairperson of Committees)*
- ii. Motion on adoption of the report of the whole house on an inspection exercise on projects funded by the County Government of Kitui for F/Y 2024/2025 carried out from 22<sup>nd</sup> – 26<sup>th</sup> and 28<sup>th</sup> to 30<sup>th</sup> April, 2025 *(Chairperson of Committees)*

**8. STATEMENTS;**

Schedule of Plenary Business for the week ending on 6<sup>th</sup> June, 2025. *(Designated Member of the County Assembly Business Committee).*

**9. ADJOURNMENT;**

And the time being Fifteen minutes past Five O'clock, the Honorable Deputy Speaker adjourned the house.

**10. ASSEMBLY ROSE -**

at Fifteen minutes past Five O'clock.

**MEMORANDUM**

*The Honorable Speaker will take the chair on  
Tuesday, 3<sup>rd</sup> June, 2025 at 9:00 am*