

SECOND ASSEMBLY

FIRST SESSION

(002)

(009)



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

SECOND ASSEMBLY – (FIRST SESSION)

SPECIAL SITTING

VOTES AND PROCEEDINGS

THURSDAY, 14TH SEPTEMBER, 2017 AT 2.30P.M.

1. The House convened at thirty minutes past two O'clock.
2. The proceedings were opened with a prayer.
3. **PRESIDING** - Clerk of Assembly.
4. **COMMUNICATION FROM THE CHAIR ON ELECTION OF THE SPEAKER**

The Clerk of the Assembly made the following Communication-

“ Good afternoon, Hon. Members, congratulation for having ascended to the office of Member of County Assembly on 7th September, 2017 by being sworn-in as such. Hon. Members, this is a special sitting convened pursuant to the Consent Order that was entered into at the High Court of Kenya sitting in Machakos

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on 8th September, 2017 and which was subsequently published through Legal Notice Number 8881, dated 11th September, 2017 which I now proceed to read and lay on the table of the assembly. " Hon. Members Standing Order No. 4(1) of the County Assembly Standing Orders provides that "a Speaker shall be elected when the County Assembly meets after a general election and before the County Assembly proceeds with the dispatch of any other business, except the administration of oath or affirmation of office to members present.

Hon. Members as you aware, we were not able to elect the Speaker on 7th September, 2017 owing to the Court Order that was served on us that very day.

Hon. Members, pursuant to the aforesaid Standing Order and in order to enable the election of the County Assembly Speaker, a number of activities were required of the Assembly before the first sitting. I will now proceed to detail each such activity and the manner in which we have complied with the standing orders.

Firstly, Standing Order No. 5(1) requires that "upon the Governor notifying the place and date of the first sitting of a new County Assembly pursuant to Standing Order No. 3, the Clerk shall by notice in the gazette notify that fact and invite interested persons to submit their nomination papers for election to the office of Speaker.

Hon. Members vide Legal Notice No. 8399 dated 30th August, 2017, the Clerk of the County Assembly of Kitui invited persons to submit their nomination papers for the election to the Office of the Speaker.

Secondly, Standing Order No. 5(4) requires that "Clerk shall Maintain a register in which shall be shown the date and time when each candidate's nomination papers were received and shall ascertain that every such candidate for election to the office of the Speaker is qualified to be elected as such under article 193 of the Constitution"

I hereby confirm that a register has been maintained in accordance with the requirements of the Standing Order.

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Thirdly, Hon. Members Standing Order No. 5(5) requires that "immediately upon the close of the nomination period provided for under paragraph (2), the Clerk shall:-

- a.) Publicize and make available to all members, a list showing all qualified candidates; and
- b.) Make available to all members, copies of the curriculum vitae of the qualified candidates.

Hon. Members, I hereby confirm that a list showing all qualified candidates was publicized and made available to all members together with copies of the curriculum vitae of the qualified candidates.

Hon. Members, for the position of the speaker, County Assembly of Kitui, the following candidates were validly nominated.

<u>NO.</u>	<u>NAME</u>	<u>ID/NO.</u>
1.)	Benjamin Mwikya Musyoki	11640098
2.)	Daniel Ngoima Kimanzi	6818253
3.)	Munyoki Mwangangi	10879970
4.)	Samson Nyamai Masila	26036872
5.)	Bernard M. Kitindio	22134088
6.)	George M. Ndotto	3424194
7.)	John Muneeni Makau	10434809
8.)	Jeremiah Mumo Kisangau	310885981

Hon. Members, in line with Standing Order No. 8 "A candidate may, by written notice to the Clerk, withdraw his or her name before a ballot is started, and in the event of such withdrawal, the clerk shall cross-out the name of that candidate off any ballot papers issued for that or any subsequent ballot. **I confirm none of the candidate has officially withdrawn from the race.**

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Hon. Members, Standing Order No. 6 provides that the election of the Speaker shall be through secret ballot. In this regard, Standing Order No. 6(2) says "the Clerk shall, at the commencement of each ballot, cause the ballot box, empty and unlocked, to be displayed to the County Assembly and shall, in the presence of the County Assembly, lock the box which shall thereafter be kept in the full view of the County Assembly until the conclusion of the ballot".

Hon. Members, Standing Order No. 6(3) requires that the Clerk shall issue not more than one ballot paper to each member who comes to the table to obtain it

and each member who wishes to vote shall proceed to the booth or the designated area provide by the Clerk for that purpose and located next to and within reasonable distance of the ballot box and shall, while there, mark the ballot paper by placing a mark in the space opposite the name of the candidate for whom the member wishes to vote, fold the marked ballot paper before leaving the booth area and place the folded ballot paper in the ballot bot.

Hon. Members further, Standing Order No.6 (4) provides that, a member who before the conclusion of a ballot has marked a ballot in error may, by returning it to the Clerk, obtain another in its place and the Clerk shall immediately cancel and destroy the paper so returned.

Hon. Members, Standing Order No. 6(6) provides that, when it appears to the Clerk that all members who are present and wish to vote have placed their ballot, and no member who has not already recorded his or her vote shall be entitled to do so after the Clerk has unlocked the ballot box.

Hon. Members Standing Order No. 7 (1) provides that a person shall not be elected as Speaker unless supported in the ballot by the votes of two thirds of all members.

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Hon. Members Standing Order No. 7(2) requires that if no candidate is supported by the votes of two-thirds of all the members as has happened, the Assembly shall hold further ballot and the following shall be the candidates;

- a.) The candidate or candidates who will have received highest number of votes in the first ballot; and
- b.) The candidate or candidates who received second highest votes in the first ballot.

Hon. Members, we are now proceeding to elect the Speaker.

Hon. Members, once your name is called, kindly proceed to the table on my left where you will sign the voter register, be issued with a ballot paper and proceed to cast your vote."

5. PAPER LAID

The following paper was laid on the table of the Assembly;

The Gazette Notice No. 8881, on the special sitting for election of the speaker dated 11th September, 2017.

(The Clerk of Assembly)

6. ELECTION OF THE COUNTY ASSEMBLY SPEAKER.

The Ballot Box was opened in view of the assembled House and voting commenced thereon.

At the conclusion of the voting, the Clerks counted the votes at the Table of the House. The Clerk announced the results of the first ballot as follows:-

- | | | |
|------|-------------------------|-----|
| I. | Benjamin Mwikya Musyoki | 9 |
| II. | Daniel Ngoima Kimanzi | Nil |
| III. | Munyoki Mwangangi | 1 |

IV. Samson Nyamai Masila 1

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V.	Bernard M. Kitindio	14
VI.	George M. Ndotto	29
VII.	John Muneeni Makau	Nil
VIII.	Jeremiah Mumo Kisangau	Nil
IX.	Spoilt ballot paper	Nil

And there being no candidate obtaining the required two-thirds majority;

Honourable Members proceeded to cast a second ballot;

And after the closing of the ballot box and the count being taken; The Clerk announced that the votes cast were as follows:-

George Mutua Ndotto - 40 votes

Bernard M. Kitindio - 14 votes

Spoilt ballot paper - Nil

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He thereupon declared Mr. George Mutua Ndotto duly elected Speaker by majority votes.

Thereupon, Mr. George Mutua Ndotto was escorted to the Bar of the House and consequently to the Chair by Hon. Mbili Alexander Munuve and Hon. David Thuvi

Thereupon the Clerk administered the Oath of Allegiance to the Speaker.

The Speaker thereupon submitted himself to the will of the House and gave the following Communication from the Chair:-

“ Let me take this distinctive opportunity to dutifully thank the Almighty God for the great favor he has bestowed upon us. I also would like to sincerely acknowledge you Honourable Members for your resounding trust in me. I am extremely humbled by your belief and show of confidence in my leadership ability and therefore your resolve to elect me as your Speaker.

Honourable Members, This new capacity brings with it one of the greatest milestones in my life. I am deeply honored to occupy it. To this end, I wish to affirm that from this moment onwards, the institution of the County Assembly becomes my ward.

The onus is now on me to keep the promise of discharging my new responsibilities with all fairness and impartiality. It is my greatest aspiration that I will selflessly serve in this capacity. On this very premise and conviction, I therefore enthusiastically submit to the will of the House.

Honourable Members, as your Speaker, I vow to fervently preserve the powers, privileges and immunities of the House without which optimal performance shall

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be greatly compromised. I shall also defend and uphold the dignity of this House, and ensure persistent adherence to the Constitution and other laws including compliance to the Standing Orders that aid in the management of the business of the House. My novel prayer is that I shall successfully steer this House to greater heights for the benefit of our people, the esteemed residents of this County.

Honourable Members, I respectfully also wish to congratulate all of you for having emerged victorious in the hotly contested general elections. I am well aware that you all underwent a rigorous campaign exercise and I applaud you for securing an opportunity to serve both as elected and nominated members of county assembly. I believe that the experience earned by members of the First County Assembly of Kitui whom at this moment deserve a standing ovation for having been re-elected to this House shall be of significant value in mentoring the new members. Together we shall forge ahead and ensure that we achieve and adhere to the objects and principles of devolution as outlined in Article 174 and 175 of the Constitution.

Honourable Members, Article 185 of the Constitution as read together with Section 8 of the County Governments Act, vests the legislative authority of a County Government in its County Assembly. It is important therefore to note that the Assembly is responsible, in among other duties, to make laws that are necessary for, or incidental to, the effective performance of our County Government as per the Fourth Schedule of the Constitution. For this reason it is imperative that we maintain confidence in our people by objectively performing the three fundamental roles of the County Assembly which are, legislation, oversight and representation.

Honourable Members, In the coming days, you shall be assigned into committees of the Assembly, I urge you to offer candid and responsible oversight on the Executive. In this regard, I call upon all political party leaderships with members in this House to move with speed in commencing the process of constituting these committees.

My office and that of the Clerk of Assembly shall be open to offer necessary guidance when necessary.

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Accordingly, Honourable Members, your utmost co-operation while respecting the separation of powers, in exercising oversight over the county executive committee and any other county executive organs shall be fundamental in ensuring the successful performance of the County Government.

Honourable Members, I am well aware of the great challenges that lie ahead, nevertheless, I believe that your immeasurable capacity shall be equal to the upcoming assignments.

It is only by working together that we can achieve our common goals. This House operates on Rules and Procedures as contained in our Standing Orders which aim at guiding us all in our roles as Members of County Assembly. The dignity of this House is crucial and I am sure with your co-operation we shall all actively participate and conduct our roles.

Honourable Members, I ask you to join me in congratulating the Office of the Clerk of Assembly. I am sincerely humbled by the manner in which this office has ably presided over this entire process. Honorable Members you will agree with me that the members of staff under the astute leadership of the Clerk of Assembly have explicated tremendous experience and proficiency on parliamentary procedures which have visibly been demonstrated during the successful two days orientation exercise held on Tuesday and Wednesday of 5th and 6th of September, 2017, the subsequent swearing in of the Members of the Second County Assembly of Kitui and finally the just concluded elections. As the new Chairperson of the County Assembly Service Board I commend you and urge you to continue facilitating the Honorable Members in all aspects necessary to discharge their duties with such high degree of impartiality and efficiency witnessed.

Honourable Members, Before I conclude, allow me to thank the esteemed members of the public seated in the both the public gallery and the Speaker's gallery for gracing this historic occasion which comes only once in a period of about five years. Ours will be an Assembly of the people. Our doors remain open to the public.

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Honourable Members, Finally, it is said, and I quote the words of a famous Greek historian:-

“Those who know how to win are more numerous than those who know how to make proper use of their victories.”

Nominations have been made in this Assembly. The victory is now behind us. Of essence from now onwards shall be to make proper use of that victory collectively as a House. We should put the interests of the people of Kitui County before any other interests. This shall ultimately become a yardstick against which our Assembly will be judged by the citizenry.

I would like to wish us all the very best in our future deliberations and I know that with the Lord on our side, we shall deliver. May God bless the County Assembly of Kitui, our beloved County and the nation of Kenya.

Thank you ”

7. ADJOURNMENT- And the time being ten minutes past five O'clock, The Speaker adjourned the House **sine die** without Question put pursuant to the Standing Orders.

8. HOUSE ROSE- at ten minutes past five O'clock

MEMORANDUM

*The Honorable Speaker will take the chair on
Tuesday, 3rd October 2017, at 2.30P.M.*

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