



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

FIRST ASSEMBLY - (THIRD SESSION)

VOTES AND PROCEEDINGS

WEDNESDAY 25<sup>TH</sup> FEBRUARY, 2015 AT 2.30 PM

1. The Assembly convened at thirty minutes past Two O'clock.
2. The proceedings were opened with prayer.
3. Hon. Speaker on the Chair
4. COMMUNICATION FROM THE CHAIR.  
The Honourable speaker gave the following communication from the chair.

**Honourable Members.**

The **Kitui County Flag, Symbols and Names Bill, 2014** was among the last business of the Assembly before we adjourned for the December recess. This Bill was read a **first Time** on the 23<sup>rd</sup>, October, 2014 during afternoon sitting and was subsequently committed to the Committee on Administration and Coordination of County Affairs. Having undergone public participation as per the law, the committee in charge laid a report on the Bill on 3<sup>rd</sup> December, 2014 after which the Bill was read a second time.

**Honourable Members,**

There are some issues concerning this Bill which I would like to bring to your attention. This concerns the legislative procedures followed in passing this a Bill by the Assembly.

**Honourable members,**

You are aware a motion to approve the committee report on this Bill was moved in this House on Wednesday, 3<sup>rd</sup> December 2014. A question was proposed and debate took place with the House adjourning without question being put.

(011)

(038)

This matter did not come up again before the house until we adjourned for recess. However, it had complied with the provisions of Standing Order 134 (2) which states that:-

**"A Bill in respect of which the second reading has been concluded at the end of a session shall resume in the next session of the same County Assembly at the stage where it was interrupted at the end of the session."**

**Honourable Members,**

The procedure which was followed in approving the committee report in this case is as provided in Standing Order 130 (2) which states that:-

**"the County Assembly shall consider the Bill as reported from the select committee upon a motion, that the report of the select committee on the ..... Bill be approved."**

It is important for members to note that the approval of this motion expressly approves the amendments proposed in the committee report. Further to this an approval of this motion by the Assembly cannot be subjected to any subsidiary proceedings as the case will be during the committee of the whole county assembly for this matter. In the event such a motion is negatived during its debate, the implications will be that the amendments proposed in that report shall not be proceeded with at the committee of the whole county assembly stage.

**Honourable Members,**

As you are aware, we are still learning on the procedures of dealing with the legislative matters as a new assembly. Duly, some practices and procedures are a learning process for us and challenges are expected.

However, I have had the opportunity to benchmark on legislative practice and procedures with other similar jurisdictions and the National Assembly of Kenya on such matters. In a situation like this, a committee report on a Bill is normally laid on the table of the House as provided by the S.O 130 (1) and immediately every members is issued with a copy as they prepare to move amendments at the committee of the whole house.

**(011)**

**(039)**

The amendments proposed in such a report are moved by the Bill Sponsor during the committee of the whole house alongside with any other amendments thereby proposed by a member.

I therefore wish to guide the house as follows:

- i) **THAT**, no further debate shall be allowed on the motion for approval of the committee report on the Kitui County Flag, Symbols and Names Bill, 2014 adjourned on 3<sup>rd</sup> December 2014.
- ii) **THAT**, all the amendments proposed (if any) in the said report shall be moved by the chair of the committee on Administration and

Coordination of County Affairs during the committee of the whole House.

- iii) **THAT**, all other proposed amendments (if any) to the Bill must comply to the provisions of S.O 126 (2) which provides that **"No amendment shall be moved to any part of a Bill by any Member, other than the member in charge of the Bill, unless a written notification of the amendment shall have been given to the Clerk twenty-four hours before the commencement of the sitting at which that part of the Bill is considered in Committee."**

**Honourable Members,**

This direction is meant to guide the House on proper legislative procedure. It is our responsibility as members of this House to ensure that the legislative function of this Assembly is undertaken based on the best parliamentary practices and procedures.

**5. NOTICE OF MOTION ON APPROVAL OF COUNTY ASSEMBLY ANNUAL CALENDER**

*(Majority Chief Whip)*

**THAT;** Pursuant to the provisions of the Interim County Assembly Standing Order No. 25(1), this County Assembly hereby approves the County Assembly Annual Calendar for the Third Session, 2015 as determined by the County Assembly Business Committee.

*(Hon Mwendwa Munyoki)*

**6. COMMITTEE OF THE WHOLE COUNTY ASSEMBLY**

IN THE COMMITTEE

Ag. Chairperson

**(011)**

**(040)**

THE KITUI COUNTY VILLAGES BILL, 2014 (ASSEMBLY BILL NO. 15, 2014)

(His Excellency the Governor's Memorandum dated 5<sup>th</sup> December 2014 on the Kitui County Villages Bill, 2014 (Assembly Bill No. 15, 2014)

*(Chairperson Committee on Administration and Coordination of County Affairs)*

**CLAUSE 4**

Motion Made and Question Proposed;

**THAT**, amend clause 4 by deleting the words "two hundred and forty seven (read 247)" between the Words **County** and **Villages** and replace thereof with "**two Hundred (read 200)**"

*(Hon. Mwove Kinyala)*

Debate arising;

Question put and **division ruled;**

**RESULTS OF DIVISION.**

**Abstantia**

0-(Nil)

**NAYES - 43**

Hon Alex M.Nganga  
Hon Angela M. Kanza  
Hon Angeline M. Muthui  
Hon Annastacia M. Mutunga  
Hon Anthony K. Muthui  
Hon Beatrice V. Musyoka  
Hon Bernard M.Munyasya  
Hon Catherine Kasimu  
Hon Colleta K. Kimanzi  
Hon Daniel N. Kimanzi  
Hon Deiy's M. Mukala  
Hon Dominic K. Kauthi  
Hon Eunice M. Katheke  
Hon Felix K.Kauvi  
Hon George S. Kililiku

**(011)**

**(041)**

Hon Hussein Mwandia  
Hon Grogan T. Mbivi  
Hon Irene C. Muvea  
Hon Jackson Mwanduka  
Hon Jacob K. Maundu  
Hon James M Munuve  
Hon Jamhuri Mwango  
Hon Jane Mutua  
Hon Jemimah Mbiti  
Hon Jenniffer N. Munuve  
Hon John K. Nyamai  
Hon Johnray N. Ngava  
Hon Joyce M. Mutemi  
Hon Allan K. Kavindi  
Hon. Mwendwa Munyoki  
Hon Nelson K. Kitema  
Hon Nzuki Wambua  
Hon Nzyoni Mangu'ye  
Hon Patricia K. Kimanzi  
Hon Peter M. Mutemi  
Hon Peter M. Kilonzo  
Hon Phoebe Kisee  
Hon Rodah Wambua  
Hon Robinson M. Mativo  
Hon Ruth Kinyumu  
Hon Stanislaus mulongo  
Hon Titus N. Mbiti  
Hon Vestantina Chawana

**AYES - 3**

Hon Joseph N. Ngwele  
Hon Mary P. Ndumbu  
Hon Titus M. Kasinga

Question put and **not agreed to.**

**CLAUSE 9**

Motion Made and Question Proposed;

**THAT,** amend clause 9 by deleting all the words in the clause and replace thereof with the provisions of Section 52(3) of the County Government Act as follows;

(011)

(042)

**A village administrator shall coordinate, manage and supervise the general administrative functions in the village including—**

**(a) Pursuant to paragraph 14 of Part II of the Fourth Schedule to the Constitution—**

**(i) Ensuring and coordinating the participation of the village unit in governance; and**

**(ii) Assisting the village unit to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level; and**

**(b) The exercise of any functions and powers delegated by the County Public Service Board under section 86.**

**(4) In carrying out the functions and obligations in subsection (3), a village administrator shall be responsible to the relevant Ward administrator.**

*(Hon. Mwove Kinyala)*

Debate arising;

Question put and **agreed to**

Clause 9 - as amended **agreed to**

CLAUSE 10

Motion Made and Question Proposed;

**THAT**, amend clause 10 by deleting the words "five (5) other members with the village administrator as the secretary" immediately after the words **administrator and** in the fourth line of the clause and replace thereof with -

**"not less than three and not more than five village elders with the Village Administrator as the Chairperson".**

*(Hon. Mwove Kinyala)*

With no debate arising;

Question put and **agreed to**

Clause 10 - as amended **agreed to.**

**ASSEMBLY RESUMES**

Hon speaker on the chair

WEDNESDAY 25<sup>TH</sup> FEBRUARY, 2015

**(011)**

**(043)**

REPORT OF THE WHOLE COUNTY ASSEMBLY COMMITTEE

**7. MOTION - CHAIRPERSON, COMMITTEE OF THE WHOLE COUNTY ASSEMBLY)**

**THAT**, the house do agree with the committee in the said report.

*(Hon Stephen M. Kithuka)*

Motion made, question proposed, put and **agreed to.**

And the time being fifty minutes past five o'clock, the Honourable Speaker adjourned the house.

**ASSEMBLY ROSE-**

at fifty minutes past five o'clock

**MEMORANDUM**

*The Honourable Speaker will take the chair on the  
Thursday, February 26<sup>th</sup> 2015 at 2.30 pm.*

