

FIRST ASSEMBLY

(013)

THIRD SESSION

(027)



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

FIRST COUNTY ASSEMBLY – (THIRD SESSION)

ORDERS OF THE DAY

TUESDAY 3RD MARCH, 2015 AT 2.30 PM

PRAYERS

1. Administration of Oath;
2. Communications from the Chair;
3. Messages;
4. Petitions;
5. Papers;
 - i) Report on the Guidelines for Operation of the Youth Local Infrastructure, Savings and Investment Programme-
(Chairperson, Committee on Culture, Youth, Sports and Social Services)
 - ii) Report on the Annual Development Plan for the Financial Year 2014/2015- *(Chairperson, Committee on Finance and Planning)*
6. Notice of motion
 - i) Chairperson, Committee on Culture, Youth, Sports and Social Services
 - ii) Chairperson, Committee on Finance and Planning
7. Statements;

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COMMENCEMENT OF BUSINESS

8. COMMITTEE OF THE WHOLE COUNTY ASSEMBLY

- i) THE KITUI COUNTY BUSINESS LICENSING BILL, 2014 (C/A-6/2014)

(Consideration of the Kenya Law Reform Commission Advisory Opinion dated 25th November, 2014)

(Hon. Daniel Ngoima Kimanzi)

(To execute the business as contained in the **NOTICES** annexed 1)

Hon. Chairperson, I wish to move

THAT, the Committee do report its consideration on the Kenya Law Reform Commission Advisory Opinion on The Kitui County Business Licensing Bill, 2014 and its approval thereof **with/ without** amendments

(Hon. Daniel Ngoima Kimanzi)

ASSEMBLY RESUMES

9. REPORT OF THE WHOLE COUNTY ASSEMBLY COMMITTEE TO THE PLENARY

(Chairperson, the Committee of the Whole County Assembly)

Hon. Speaker Sir,

I wish to report,

- i) **THAT**, the committee of the Whole County Assembly has considered the Kenya Law Reform Commission Advisory Opinion on Kitui County Business Licensing Bill, 2014 and approved the same **with/ without** amendments.

10.*. MOTION ON VIOLENT INVASION OF THE GOVERNOR'S OFFICE BY POLITICAL LEADERS (Hon Nzungi Ngwele Member for Ngomeni Ward)

AWARE THAT on Monday 23rd February 2015 business people from various parts of Kitui County organized a peaceful demonstration in Kitui Town to

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accompany their petition to the County Government over the implementation of the Kitui County Finance Act 2014;

NOTING THAT the demonstration by the business community was largely orderly, peaceful and respectful of the institutions of the County Government, security agencies, as well as respecting the rights and spaces of others citizens;

AFFIRMING THAT the business people acted within their constitutional right to demonstrate, picket and petition the County Government authorities as enshrined in Article 37 of the Constitution of Kenya 2010;

CONCERNED THAT the demonstration was infiltrated by a group of politicians led by one Hon Joe Mutambu, MP, who forced their way into the Offices of the Governor and purported to present an ultimatum to His Excellency the Governor to vacate office;

FURTHER CONCERNED THAT the said politicians went ahead to assault, abuse and pour scorn on Members of the County Executive in contravention of the laws on public order and decorum;

AWARE THAT the same group of politicians went ahead to hold a rally in Kitui Town at which they poured all manner of abuse, vitriol and scorn on His Excellency the Governor, the County Government, the institution of the County Assembly and individual members of the Assembly;

FURTHER AWARE THAT the same group promised to come back to Kitui after 14 days to remove the Governor from office, dissolve the County Government and install an alternative government;

APPREHENSIVE THAT the lawless, irresponsible, provocative and reprehensible actions of such politicians, if left unchecked and unpunished, could lead to breakdown of law and order in Kitui County, and to political violence and bloodshed in our hitherto peaceful County;

HIS ASSEMBLY:

1. **AFFIRMS** its confidence and solidarity with the popularly elected Governor of Kitui County H.E Dr. Julius Malombe, his Cabinet,

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2. County Government staff, and the honourable people of Kitui County;
3. **CONDEMNS** in the strongest terms possible the wilful acts of violence, abuse and insolence directed at the Governor, the Cabinet, staff of the County Executive and Members of the County Assembly, by the said group of politicians;
4. **CENSURES** the Hon Joe Mutambu, MP, and Messrs Miltonic Mwendwa Kimanzi alias Kitute, Morris Musyoka Wanzili alias Wamaiyu, Joseph Kyavoa alias Bishop Kyavoa, and Moses Banda, most of whom are losers in the last general elections, and **DEMANDS** that the OCPD Kitui Central arrests and prosecutes them immediately for their wilful acts of violence committed in the full presence of the OCPD;
5. **RECOMMENDS** that the Ethics and Anti-Corruption Commission, the National Cohesion and Integration Commission and the Commission on Administrative Justice investigate whether the public behaviour of Hon Joe Mutambu, M.P for Mwingi Central are in contravention of the Public Officer Ethics Act, the Constitution of Kenya Chapter 6, and or the National Cohesion and Integration Act, and brings the pertinent legal sanctions to bear on his person.

****Denotes order of the day****

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ANNEX 1

NOTICES

THE KITUI COUNTY BUSINESS LICENSING BILL, 2014 (C/A BILL NO. 6, 2014)

Notice is hereby given that the Chairperson, Committee on Trade, Industry, ICT and Cooperatives, intends to move the following amendments to the Kitui County Business Licensing Bill, 2014 (C/A Bill No. 6, 2014) as recommended by the Kenya Law Reform Commission advisory letter dated 25th November 2014, at the Committee of the Whole County stage.

CLAUSE 17

THAT, amend Clause 17 by deleting all the words in sub clause 17(3) (a) "three members of the committee responsible for trade commerce and industry in the County Assembly of Kitui" and replace thereof with: -

- 17 (3) (a) – three Members of the County budget and economic forum
- i) The County Executive Committee Member for Finance and Economic Planning
 - ii) The County Executive Committee Member for Trade, Industry, ICT and Cooperatives
 - iii) One person appointed by the Governor under Section 137 (2) (c) of the Public Finance Management Act no. 17 Of 2012