



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

FIRST ASSEMBLY - (THIRD SESSION)

VOTES AND PROCEEDINGS

TUESDAY 3RD MARCH, 2015 AT 2.30PM

1. The House assembled 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;

**COMMUNICATION AS RELATES TO THE KITUI COUNTY FISCAL STRATEGY
PAPER 2015/2016**

Honourable Members.

Article 224 of the Constitution of Kenya 2010, provides that every County Government shall prepare and adopt its own Annual Budget and Appropriation Bill in the form and according to the procedure prescribed in an Act of Parliament.

Thus, the County Governments are specifically guided by Part 4 (four) of the Public Finance Management Act, 2012 that touches on County Government Responsibilities with respect to Management and Control of Public Finance.

Honourable Members.

The Public Finance Management Act, 2012, outlines the procedures to be followed and the relevant statutory instruments required to be passed in approving the County Annual Budget.

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(013)

(049)

It is for this reason therefore that the County Executive Member for Finance and Economic Planning submitted to the Assembly on Thursday of 26th February, 2015 the County Fiscal Strategy Paper for the financial year 2015/2016 for approval. This was in compliance with the provisions of Section 117 (1) of the Public Finance Management Act which inter alia states;

'...the County Treasury shall submit the approved Fiscal Strategy Paper to the County Assembly, by the 28th February of each year.'

Honourable Members,

Therefore, as guided by the provisions of Standing Order 206, I hereby commit this Fiscal Strategy Paper to the Sectoral Committees to deliberate upon as per their respective mandate and subsequently make recommendations to the Budget and Appropriations Committee.

The Budget and Appropriation committee shall thereupon consolidate and table a report together with its recommendations to the County Assembly for consideration.

I therefore direct the Committees to sit as follows:-

- i) Administration and Coordination of County Affairs – committee room 1
- ii) Environment, Energy, Mining, natural Resources and Tourism- committee room 2
- iii) Health and Sanitation- committee room 3
- iv) Finance and Planning – committee room 4
- v) Agriculture, Water and Irrigation- Board room
- vi) Trade, Industry, ICT and Cooperatives – Deputy Speaker's Office
- vii) Basic Education, Training and Skills Development – Assembly Chambers
- viii) Lands, Infrastructure and Urban Development - Assembly Chambers
- ix) Culture, Youth, Sports and Social Services - Assembly Chambers

Honourable Members Kindly note that the Assembly has until 11th day of March, 2015 to consider and approve the Fiscal Strategy Paper and for that reason I request you to expeditiously undertake this task bearing in mind the set timelines.

Thank you

5. PAPERS LAID;

The following papers were laid on the Table of the Assembly pursuant to provisions of Standing Order 191(g):-

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- i. The Committee report on the guidelines and operation of the youth local infrastructure savings and investment program.
(Chairperson Committee on Culture, Youth, Sports and Social Services)
- ii. The Committee report on the annual development plan for the financial year 2014/2015.
(Chairperson, Committee on Finance and Economic Planning)

6. NOTICES OF MOTIONS;

- i. MOTION TO APPROVE THE COMMITTEE REPORT ON THE GUIDELINES AND OPERATION OF THE YOUTH LOCAL INFRASTRUCTURE SAVINGS AND INVESTMENT PROGRAM
(Chairperson Committee on Culture, Youth, Sports and Social Services)
THAT, Pursuant to Standing Order 191(5) (g), this assembly hereby approves the Culture, Youth, Sports and Social services committee report on consideration of the Guidelines for the operation of The Youth Local Infrastructure Savings and Investment Program laid on the table of the assembly
(Hon Jane Mutua-MCA)
- ii. MOTION TO APPROVE THE COMMITTEE REPORT THE COMMITTEE REPORT ON THE ANNUAL DEVELOPMENT PLAN FOR THE FINANCIAL YEAR 2014/2015.
(Chairperson, Committee on Finance and Economic Planning)
THAT, pursuant to the provision of section 126 of the public finance management act and standing order no 191(5) (g), this Assembly hereby approves the Committee report on consideration of the Kitui County Annual Development Plan for the financial year 2014/0215 laid on the Table of the Assembly today the 3rd day of March, 2015.
(Hon Jamhuri Mwango- MCA)

7. COMMITTEE OF THE WHOLE HOUSE

IN THE COMMITTEE

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

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

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Debate deferred

8. MOTION ON VIOLENT INVASION OF THE GOVERNOR'S OFFICE BY POLITICAL LEADERS. (Member for Ngomeni Ward).

Motion made and question proposed;

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

THIS ASSEMBLY:

1. **AFFIRMS** its confidence and solidarity with the popularly elected Governor of Kitui County H.E Dr. Julius Malombe, his Cabinet, County Government staff, and the honourable people of Kitui County;
2. **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;
3. **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;
4. **RECOMMENDS** that the Ethics and Anti-Corruption Commission, the National Cohesion and Integration Commission and the Commission on Administrative Justice investigate whether the public behavior 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.

Debate arising;

Question put and **agreed to.**

9. PROCEDURAL MOTION ON ADJOURNMENT OF THE ASSEMBLY (leader majority).

Motion made and question proposed;

THAT, Pursuant to 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 Jacob Maundu)

With no debate arising;

Question put and **agreed to.**

10. ADJOURNMENT

And the time being six o'clock, the Honourable Speaker adjourned the house.

11. ASSEMBLY ROSE-

at six o'clock

MEMORANDUM

*The Honourable Speaker will take the chair on the
Tuesday, march 10th 2015 at 2.30 pm.*