

**FIRST ASSEMBLY**

**(059)**

**FOURTH SESSION**

**(161)**



**COUNTY GOVERNMENT OF KITUI**

**THE COUNTY ASSEMBLY**

**FIRST COUNTY ASSEMBLY – (FOURTH SESSION)**

**VOTES AND PROCEEDINGS**

**THURSDAY 30<sup>TH</sup> JUNE, 2016 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

**4. STATEMENTS**

The following statement was given pursuant to Standing Order No. 36 and 41(2)(a)

*(Designated Member, County Assembly Business Committee)*

Schedule of Business for the Plenary and Committee sittings for the week ending 15<sup>th</sup> July, 2016

(Hon. Mwendwa Munyoki)

**5. MOTION TO AMEND THE REGULATIONS FOR THE OPERATIONALIZATION OF THE KITUI COUNTY ASSEMBLY**

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**SERVICE BOARD EMPLOYEES' MORTGAGE FUNDS SCHEME -  
LEADER OF MAJORITY PARTY**

**(AMENDED UNDER STANDING ORDER 45)**

Motion made and question proposed;

**THAT**, pursuant to the provisions of Section 116 of the Public Finance Management Act 2012, this County Assembly hereby amends the above Regulations as below:

**TITLE**

By amending the title to read "Regulations for the Operationalization of the Kitui County Assembly Service Board Employees' Mortgage Funds Scheme."

**PREAMBLE**

By amending the preamble to read "IN EXERCISE of the powers conferred by Section 116 of the Public Finance Management Act 2012, the County Executive Committee Member for finance makes the following regulations "

**CLAUSE 2**

By amending the definition of "Committee" as follows; "Committee" means the Mortgage Loans Management Committee established under regulation 6;

"Property" means land or a residential house purchased through a loan from the scheme and includes the development, renovation or repair of residential houses purchased by sources other than the fund;

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**CLAUSE 5**

By inserting a new clause 5(3) to read "All other sums of money that may in any manner become payable to or vested in the fund including grants, gifts and donations will form part of the Capital of the Scheme."

**CLAUSE 6**

By amending clause 6 (1) (d) to read "the person in charge of the legal department."

By inserting a new clause 6(1) (h) to read "due regard shall be paid to the inclusion of special interest groups, in composition of the committee in line with the Constitution."

**CLAUSE 12**

By inserting a new clause 12(1) (a), (e) and (f) as per the Salaries and Remuneration Commission's recommended graduated rates as follows;

- (a) **Chief Executive Officer:** Kenya Shillings Twenty Five Million (KES. 25,000,000/=).
  
- (e) **Job Group: G, H, J** and equivalent grades in Public Service; Kenya Shillings Six Million (KES. 6,000,000/=).
  
- (f) **Job Group: A, B, C, D, E, F** and equivalent grades in Public Service; Kenya Shillings Four Million (KES. 4,000,000/=).

**CLAUSE 18 1(D)**

By replacing the words "him" appearing on the 5th line with the words "the aforementioned officer."

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By inserting the words "Article 226 and 229 of the Constitution and the Public Audit Act" immediately after the words "Public Finance Management Act" appearing on the 10<sup>th</sup> line of the paragraph.

**GENERAL AMENDMENTS**

By replacing every reference to the term "rules and regulations" with the term "regulations" appearing in the entire document.

By replacing the words, 'The Chairman, Kitui County Assembly Service Board" appearing on page 10, with the words "The County Executive Member for Finance".

*(Hon. Jacob K. Maundu)*

Debate Arising;

Question put and **Agreed to.**

**6. MOTION TO AMEND THE REGULATIONS FOR THE  
OPERATIONALIZATION OF THE KITUI COUNTY ASSEMBLY  
SERVICE BOARD EMPLOYEES' CAR LOAN FUNDS SCHEME-  
LEADER OF MAJORITY PARTY**

*(AMENDED UNDER STANDING ORDER 45)*

Motion made and question proposed;

**THAT**, pursuant to the provisions of Section 116 of the Public Finance Management Act 2012, this County Assembly hereby amends the above Regulations by:

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**TITLE**

By amending the title to read "Regulations for the Operationalization of the Kitui County Assembly Service Board Employees' Car Loan Funds Scheme."

**PREAMBLE**

By amending the preamble to read "IN EXERCISE of the powers conferred by Section 116 of the Public Finance Management Act 2012, the County Executive Committee Member for finance makes the following regulations –  
"

**CLAUSE 2**

By amending the definition of "Committee" as follows; "Committee" means the Members Car Loans Management Committee established under regulation 6;

**CLAUSE 5**

By inserting a new clause 5(3) to read "All other sums of money that may in any manner become payable to or vested in the fund including grants, gifts and donations will form part of the Capital of the Scheme."

**CLAUSE 6**

By amending clause 6 (1) (d) to read "the person in charge of the legal department"

By inserting a new clause 6 (1) (h) to read "due regard shall be paid to the inclusion of special interest groups, in composition of the committee in line with the Constitution."

**CLAUSE 10**

By inserting a new clause 10 (1) (a), (e) and (f) as per the Salaries and

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Remuneration Commission's recommended graduated rates as follows;

(a) **Chief Executive Officer:** Kenya Shillings Five Million (KES. 5,000,000/=).

(e) **Job Group: G, H, J** and equivalent grades in Public Service; Kenya Shillings Eight hundred thousand (KES. 800,000/=).

(f) **Job Group: A, B, C, D, E, F** and equivalent grades in Public Service; Kenya Shillings Six Hundred Thousand (KES. 600,000/=).

**CLAUSE 15 1(D)**

By replacing the words "him or her" appearing on the 5th line with the words "the aforementioned officer"

By inserting the words "Article 226 and 229 of the Constitution and the Public Audit Act" immediately after the words "Public Finance Management Act" appearing on the 10<sup>th</sup> line of the paragraph.

**GENERAL AMENDMENTS**

By replacing every reference to the term "rules and regulations" with the term "regulations" appearing in the entire document.

By replacing the words, 'The Chairman, Kitui County Assembly Service Board" appearing on page 8, with the words "The County Executive Member for Finance".

*(Hon. Jacob K. Maundu)*

Debate Arising;

Question Put and **Agreed to.**

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**7. MOTION ON REGULATING THE USE OF COUNTY GOVERNMENT VEHICLES -MEMBER, MULANGO WARD**

**AWARE THAT**, the County government is incurring huge cost in fuel and maintenance of County government vehicles.

**ALSO AWARE THAT**, the National Treasury in 2013, issued a notice to cut down government expenditure through fiscal discipline, expenditure control, and prudent financial management of public resources.

**FURTHER AWARE THAT**, the Kitui County government issued an internal memo reference number **CG/KTI/INTER.MEMO/159** dated **10<sup>th</sup> March, 2014** on the use of government vehicles prohibiting driving of government vehicles beyond the stipulated timeframes and when not on official duty.

**CONCERNED THAT**, County government vehicles are carrying unauthorized passengers, carrying unofficial or private goods, left unattended in public places, parked outside social places like bars, restaurants or private places unofficially, kept at unsecured places overnight, operating after working hours without authorization letters from the parent ministry and operating on weekend and/or public holiday without authorization letters from the parent ministry.

This House **RESOLVES AS FOLLOWS:**

The responsible departments to develop a transport policy document on the use of County government vehicles and enhance adherence of work ticket guidelines.

The responsible departments to enhance skills development of the county drivers through frequent refresher courses and other capacity building programs to ensure proper utilization of work tickets.

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The responsible departments to install and administer tracking systems in the County government vehicles.

*(Hon Mwendwa Munyoki)*

**(Deferred by Leave of the Speaker)**

**8. MOTION ON TRANSFER/ RESHUFFLING OF COUNTY GOVERNMENT OFFICERS-MEMBER, MULANGO WARD**

**RECOGNIZING THAT** the Constitution under Part 2 of the Fourth Schedule devolves some of the Government functions to the County Governments.

**AWARE THAT** in order for the functions devolved under the Fourth Schedule of the Constitution to be fully implemented, the Constitution under Article 185 gives the County Assemblies the legislative authority to make laws that are necessary for the effective implementation of these functions.

**RECALLING THAT** Section 48 of the County Governments Act 2012 acknowledges that county government functions and services are to be decentralized to sub-counties and ward level amongst other decentralized units.

**AWARE THAT** Sections 50 and 51 of the County Governments Act, 2012 establishes offices of the Sub-county and ward administrators as offices within the county public office.

**FURTHER AWARE THAT** Section 59 of the County Governments Act, 2012 gives the County Public Service Board the mandate to appoint persons to serve in the County Public Service.



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**RECOGNIZING THE** importance of principles that guide county government service delivery as set out under Section 116 (2) of the County

Governments Act, 2012 these principles being *non-discrimination, transparency, equity and efficiency* amongst others.

**NOTING THAT** Article 75 of the Constitution, 2010 outlines the conduct of a public officer and particularly forbids a public officer from behaving in a manner that brings conflict between personal interest and public or official duties or causes compromise of any public or official duty in favour of personal interest.

**CONCERNED** that Sub-county and Ward administrators in the county are currently working within their home areas and this could easily lead to compromise between their official duty and personal interest or cause the said officers to deliver services in a biased and discriminative manner.

**FURTHER CONCERNED THAT** the appointment of sub-county and ward administrators to serve within their home areas is likely to affect the quality of service delivery by the county government.

**URGES** this County Assembly to resolve that:

- i) The County Public Service Board in consultation with the Ministry of Administration and Coordination of County Affairs and all other relevant stakeholders do come up with a policy document on Transfer and/or reshuffling of county public officers;
- ii) That the document to particularly provide that no sub-county and ward administrators should serve within their home areas; and
- iii) That the policy document to make provisions to ensure that no sub-county or ward administrator shall serve in one station for a

period exceeding three years.

*(Hon Mwendwa Munyoki)*

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**(Deferred by Leave of the Speaker)**

**9. PROCEDURAL MOTION ON ADJOURNMENT OF THE ASSEMBLY-  
LEADER OF MAJORITY PARTY**

**THAT**, pursuant to the provisions of Standing Order No. 25(3), this Assembly do now adjourn its sittings today the 30<sup>th</sup> of June, 2016 to allow Select Committees time to prepare their Progress Reports in line with Standing Order No. 180, and resume its sittings on Tuesday 12<sup>th</sup> July, 2016 at 2:30 P.M.

*(Hon Jacob K. Maundu)*

Debate arising;

Question put and **Agreed to.**

**10. ADJOURNMENT**

And the time being twenty five minutes past Three o'clock, the Honorable Speaker adjourned the House.

**11. ASSEMBLY ROSE -** twenty five minutes past Three o'clock

**MEMORANDUM**

*The Honorable Speaker will take the chair on  
Tuesday, 12<sup>th</sup> July, 2016 at 2:30 p.m.*

