

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

FIRST ASSEMBLY

(THIRD SESSION)

COMMUNICATIONS FROM THE CHAIR

**COMMUNICATION AS RELATES TO PROCEDURE ON CONSIDERING
HIS EXCELLENCY THE GOVERNOR'S MEMORANDUM ON THE KITUI
COUNTY VILLAGES BILL, 2014
UNDER S.O. NO. 1**

Honorable members

The Kitui County Villages Bill, 2014 (C/A Bill No. 15) was published as County Gazette Supplement No. 17 of 29th October 2014 and was committed to the County Assembly for legislative processing on 12th November 2014. This bill was passed and forwarded for Governor's Assent on 20th and 23rd November 2014 respectively.

Honorable members

On 8th December 2014, the Assembly received a Memorandum from His Excellency, the Governor dated 5th December 2014, outlining reasons for referral in line with the provisions of Standing Order No. 135(2)(b).

Noting that the County Assembly adjourned for recess on 4th December 2014 to 10th February 2015, the matter could not be proceeded with.

Honorable members,

The main issues raised by the Governors Memorandum are briefly summarized below:

1. **THAT,** in Clause 4, the County Government does not have the capacity to effectively operationalize the proposed number of village units
2. **THAT,** Clause 8 contravenes provisions of Section 52(3) of the County Governments Act 2012 as it provides for more functions of the Village Administrator, other than what is given in the County Government Act
3. **THAT,** Clause 9 creates duplication of services. The Village Administrator has been given powers and functions similar to those of the chief under Section 10 of the Chiefs Act, Cap 128
4. **THAT,** in Clause 10, the number of village elders in every village is five (5) contrary to the provision of Section 53 of the County Governments Act which provides for not less than three (3) and not more than five (5)
5. **THAT,** Clause 10 provides for the Village Administrator as the 'Secretary' to the Village Council instead of the 'Chairperson' as per Section 53 of the County Governments Act.

Honorable Members

The relevant Standing Order (No. 135) does not expressly outline the procedure to be followed in considering the Governor's memorandum. I therefore rely on Standing Order No. 1 and guide the Assembly as follows:

- i) **THAT,** the House Business Committee shall allocate time, as soon as possible, for consideration of the issues raised in the Governor's Memorandum in observance of deadlines as provided in S.O. 135.
- ii) **THAT,** the Memorandum stands committed to the Committee of the Whole County Assembly
- iii) **THAT,** Procedures outlined in S.O.s 126, 127, 128, and 129, shall apply

- iv) **THAT**, the bill sponsor who is the Chairperson, Committee on Administration and Coordination of County Affairs shall move amendments as raised in the Memorandum for consideration

- v) **THAT**, S.O. 135(5) shall apply during division in determining amendments, which states “ **if the County Assembly passes the Bill a second time, without amendment, or with amendments which do not accommodate the Governor’s concerns by a vote supported by *two – thirds of the members of the county assembly*, the speaker shall within seven days re-submit the Bill to the Governor and the Governor shall within seven days assent to the Bill”**

Honorable Members,

This Bill has been before this Assembly for too long and we ought to get over with it. The office of the Clerk of the Assembly should immediately ensure that every member is issued with a copy of this Memorandum. I urge you to reflect on the issues raised, to ensure that you are able to participate and contribute wisely. Please cooperate so that we deal with these matters expeditiously and continue to serve our people to the best of our ability.

Thank you.

THE HON. GEORGE M. NDOTTO
SPEAKER OF THE KITUI COUNTY ASSEMBLY
February, 2015