

Kitui County Assembly

THE HANSARD

First County Assembly- Third Session

Wednesday 18TH February, 2015

The County Assembly met at 9.35(AM)

(The Speaker {Hon. George Ndotto} entered the Chamber at twenty five minutes to ten O'clock accompanied by the Mace)

{PRAYER}

(The Speaker called hon. James Munuve to the podium for consultation)

The Speaker (Hon. George Ndotto): Next Order

The County Assembly Clerk (E. M Mutambuki): Order No. 1, Administration of Oath.

The Speaker: Next Order.

The County Assembly Clerk: Order No. 2, Communication from the Chair.

The Speaker: Hon. Members, I have one communication to make.

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 Governor in the 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. Next Order.

The County Assembly Clerk: Order No. 3, Messages.

The Speaker: Next Order.

The County Assembly Clerk: Order No. 4, Petitions.

The Speaker: Next Order.

The County Assembly Clerk: Order No. 5, Papers

- i) The County Executive Mortgage and Car Regulations. Leader of majority or his appointee.

The Speaker: Honourable Munuve.

Hon. James Munuve: Mr Speaker sir, I beg to lay the following paper on the table of the County Assembly today, Wednesday 18th February, 2015: The County Executive Car and Mortgage Loan Regulations for consideration and approval by the Assembly. I beg to lay.

(Hon. James Munuve proceeded to lay the paper on the table)

The Speaker: Next.

The County Assembly Clerk: (ii) The County Projects Inspection Tour Report. Leader of majority or his appointee.

Hon. James Munuve: Mr Speaker once again, I beg to lay the following paper on the table of the County Assembly today, Wednesday, 18th February, 2015: The County Projects Inspection Tour Report. I beg to lay.

(Hon. James Munuve proceeded to lay the paper on the table)

The Speaker: Next Order.

The County Assembly Clerk: Order No. 6, Notices of motions. Leader of majority.

The Speaker:Hon. Munuve.

Hon. James Munuve:Mr Speaker sir, I wish to give notice to a motion on approval of the Kitui County Projects (2013/14 and 2014/15)Inspection Report.

That, in exercise of the provisions of Article 185 (3) and pursuant to standing order 191, this assembly hereby approves the Kitui County projects inspection report laid on the table of the Assembly today the 18th February, 2015. Thank you Mr Speaker sir.

The Speaker: Next Order.

The County Assembly Clerk: Order No. 7, Statements.

The Speaker: Next Order.

The County Assembly Clerk: Order No. 8, Motions and Bills.

The Speaker: Now, we have three documents which are as follows: County Executive Car and Mortgage Loan Regulations, the County project Inspection Tour Report and the other one is the Memorandum by the Governor on the villages Bill. Those three documents must be circulated to the members of the Assembly immediately.

Every member should have a copy in his/her own file because I would like you to read so that we can discuss them from an informed position. I want you to read those documents without making assumptions. Read, analyse the issues raised so that when you contribute you will be talking from a very informed position.

I think that is all we have for the time being this morning session. When we resume in the afternoon, I believe we will be talking about the projects inspection report. I want to give you time, anything which comes the Governor is entitled, we are also entitled to reply to him and anything which comes from the Governor, I want you to look at it, see whether it has any merit or not before you reject or accept it.

Therefore I will be allowing you time to go through your original position and governor's position, then you analyse and when you come back to the committee of the whole house, you can now be able to make a decision which will be difficult to be challenged by anybody either legally or otherwise.

So I want to have a look at that document on village Bill and the house business committee is going to allocate it time so that you can discuss it. There are three others which are coming and I want you to pay particular attention. In fact, they should be coming this afternoon. There is the land management board which the Governor has appealed, there is the health Bill which the Governor has appealed, and the Business Licensing Bill. They are about three of them.

I will ask the Clerk to prepare and bring them to the house, if possible, this afternoon so that time can be allocated for them to be disposed of. We don't have to keep on holding them here. With that one honourable members, I think I am through with the order paper and what I wanted to say.

(Members rose in their places)

The Speaker: Honourable members, the house now stands adjourned until this afternoon at 2:30pm.

The County Assembly rose at 9.53AM