

# Kitui County Assembly

## THE HANSARD

First County Assembly – First Session

Tuesday, 6<sup>th</sup> August 2013

*The County Assembly met at 2:30pm*

*[The Speaker (Hon. George Ndotto) in the Chair]*

### PRAYERS

*(Notice of Motion: Honourable Alex Mwendwa Munyoki)*

**The Speaker:** Order! Where is Honourable Mwendwa?

*(MOTION: Honourable Mwendwa Munyoki – Majority Chief Whip)*

**Hon. Munyoki:** Mr Speaker Sir, Notice of Motion on Select and Sectoral Committee membership.

Mr Speaker Sir, that pursuant to the Interim County Assembly Standing Order number...

**The Speaker:** Order! Honourable Mwendwa, you are supposed to say: Mr Speaker Sir, I beg to move the following Motion...

Leave the rest; start with “Mr Speaker Sir, I want to move the following Motion...”

**Hon. Munyoki:** Thank you for the correction.

Notices of Motion...

**The Speaker:** No! No! No! You don’t need to read those; you just say Mr Speaker Sir, I beg to move the following Motion!

**Hon. Munyoki:** Mr Speaker Sir I beg to move the following Motion:

THAT pursuant to the provisions of the Interim County Assembly Standing Orders numbers 154, read together with 19 and further noting provisions of standing Order 155 and 15, I kindly beg to present the list of additional nomination of members to serve in the County Assembly and Sectoral Committees for the approval by the County Assembly.

**The Speaker:** Before you proceed, I think there are mistakes here; I beg to present the list of additional nominated members. Additional nominated...

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Additional nominated members to serve in the County Assembly and Sectoral Committees... to serve in the County Assembly and Sectoral... My God! Mr Clerk, this does not add up! Mr Clerk, this does not make sense! I kindly beg to present the list of additional nominated members to serve in the...

**County Assembly Clerk** [Mr Mutambuki]: To serve in the County Assembly Select and Sectoral Committees.

**The Speaker:** To serve in the Select and Sectoral Committees of the County Assembly for approval. To serve in the Select and Sectoral Committees of the County Assembly...

**County Assembly Clerk:** For approval...

**The Speaker:** For approval.

**Mr Munyoki:** Mr Speaker Sir May I repeat...

**The Speaker:** Can you read this? "I kindly beg to present the list of additional nominated of members to serve in the Select and Sectoral Committees of the County Assembly for approval.

County Assembly Clerk: County Assembly Select and Sectoral Committees...

**The Speaker:** Yes you can put it that way.

**County Assembly Clerk:** County Assembly Select and Sectoral Committee. We are sorry for the mistakes in grammar.

The Speaker: Honourable Mwendwa, sit down for a while, just sit for a while.

*Bwana* Clerk, can you redraft it afresh and give it to him to read? The way it should read; for record purposes. Just to correct that one: "nominated members to serve in the..."

Are you through?

**County Assembly Clerk:** We are done Mr Speaker Sir.

**The Speaker:** Okay, give it to Mwendwa to read.

**Hon. Munyoki:** Thank you Mr Speaker for that correction. I also beg for the pardon of the house, and I want to start.

Notices of Motion on Select and Sectoral Committees membership.

Mr Speaker Sir, I beg to move the Motion:

THAT pursuant to the provisions of the Interim County Assembly Standing Orders numbers 154, read together with 19 and further noting provisions of standing Order 155 and 15, I kindly beg to present the list of additional nominated of members to serve in the County Assembly Select and Sectoral Committees for the approval.

### Select Committee members:

#### COUNTY ASSEMBLY BUSINESS COMMITTEE

1. Hon. Ruth Kinyumu

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2. Hon. Titus Ndemwa Mbiti

### SELECTION COMMITTEE

1. Hon. Phoebe Kisee

### COUNTY ASSEMBLY BUDGET & APPROPRIATIONS COMMITTEE

1. Hon. Mrs Mary Ndumbu

2. Hon. Jackson Nzangi Mwanduka

### IMPLEMENTATION & DELEGATED LEGISLATION COMMITTEE

1. Hon. John K Nyamai

2. Hon. Angelina M. Kanza

3. Hon. Irene C. Muvea

### **Departmental/Sectoral Committee members:**

#### AGRICULTURE, WATER & IRRIGATION

1. Hon. Jane Mueni Muli

#### BASIC EDUCATION, TRAINING & SKILLS DEVELOPMENT

1. Hon. Jemimah Mbiti

2. Hon. Yestantinah M. Chawana

3. Hon. Mrs Mary Ndumbu

#### LANDS, INFRASTRUCTURE & URBAN DEVELOPMENT

1. Hon. Irene C. Muvea

2. Hon. Mary Mbandi

3. Hon. Alex Mutambu Nganga

4. Hon. Beatrice V. Musyoka

#### TRADE, INDUSTRY, ICT & COOPERATIVES

1. Hon. Mrs Mary Ndumbu

2. Hon. Colleta Kimanzi

3. Hon. Mary Mbandi

4. Hon. Angelina M. Kanza

#### CULTURE, YOUTH, SPORTS & SOCIAL SERVICES

1. Hon. Catherine Kasimu

2. Hon. Alex Mutambu Nganga

3. Hon. Jennifer N. Munuve

#### HEALTH & SANITATION

1. Hon. John K. Nyamai

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2. Hon. Mary Mbandi
3. Hon. Beatrice V. Musyoka
4. Hon. Jennifer N. Munuve
5. Hon. Yestantinah Messi Chawana

### ADMINISTRATION & COORDINATION OF COUNTY AFFAIRS

1. Hon. Jennifer N. Munuve
2. Hon. Jemimmah Mbiti
3. Hon. Catherine Kasimu
4. Hon. Phoebe Kisee

### FINANCE & PLANNING COMMITTEE

1. Hon. Jamhuri Mwangi - Chairperson
2. Hon. Dominic K. Kauthi - Vice Chairperson
3. Hon. Boniface M. Katumbi - Member
4. Hon. Stephen K. Wambua - Member
5. Hon. Patrick M. Mutua - Member
6. Hon. Joyce M. Mutemi - Member
7. Hon. Phoebe M. Kisee - Member
8. Hon. Jane M. Muli - Member
9. Hon. Rhoda Wambua - Member
10. Colleta Kimanzi - Member
11. Hon. Alex M. Nganga - Member

### ENVIRONMENT, ENERGY, MINING, NATURAL RESOURCES & TOURISM

1. Hon. Stanislaus Mulongo - Chairperson
2. Hon. James M. Munuve - Vice Chairperson
3. Hon. Mwendwa Munyoki - Member
4. Hon. Anthony K. Muthui - Member
5. Hon. Felix K. Kinuva - Member
6. Hon. Titus M. Kasinga - Member
7. Hon. Titus N. Mbiti - Member
8. Hon. Allan K. Kavindi - Member
9. Hon. Jonray N. Ngava - Member
10. Hon. Kalovo Musau - Member
11. Hon. Ruth Kinyumu - Member

Mr Speaker Sir, I beg to move.

**Hon. Ngava:** Thank you Mr Speaker Sir.

Mr Speaker Sir, with all due respect, I beg to second the same for the approval of this honourable house.

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The Speaker: Honourable Members, I now wish to propose the following Motion:

THAT pursuant to the provisions of the Interim County Assembly Standing Orders numbers 154, read together with 19 and further noting provisions of standing Order 155 and 15, I kindly beg to present the list of additional nominated of members to serve in the County Assembly Select and Sectoral Committees for the approval.

Now, that is the proposal from the Chief Whip. There are new members who came the other day, and there are a few adjustments which were to be made. And that's the proposal tabled by the Chief Whip.

Now, any comment? Yes Honourable Kilei.

**Hon. Mwalili:** Thank you Mr Speaker.

I just wanted to seek guidance from the Chair on the names proposed, further to the names that were submitted earlier. Mr Speaker I understand this exercise today is because we have new members and by the Standing Orders, members must participate in different committees. The guidance that I want to seek Mr Speaker is whether a member can appear more than three times in committees because I've noticed a particular member that is in Education, is in Implementation Committee; county Assembly Committee, and now nominated, or chosen to be part of another committee; the Budget and Appropriations Committee Mr Speaker.

I therefore seek your guidance.

**The Speaker:** Honourable Members, that guidance is quite appropriate. I did remind the Chief Whip this morning that no member should appear more than three times as a committee member, and I want to give notice; if you know that you appear for more than three times, your name is going to be deleted from one of the committees and you remain with three. I've already brought that to the attention of the Chief Whip, and I want him to submit to me a list of members who appear more than three times as committee members so that the necessary adjustments can be made. Thank you for that observation, I had earlier on drawn that attention. By law (it is not by the Speaker) by law, you can only serve in two committees. If you are in more than three committees, I'm afraid your name will be deleted from one of the committees.

Yes Honourable Ngoima?

**Hon. Ngoima:** Thank you Mr Speaker Sir.

I want to draw the attention of this honourable house to the fact that Honourable Rhoda Wambua has been given only one committee whereas the requirement is maybe two or three times. She's appearing only one time in the Finance and Planning Committee. So we need a clarification by the mover.

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**The Speaker:** Yeah, Honourable Member, that will be looked into. The law says you cannot serve in more than three committees; you can serve in one committee, two committees, three committees, but there are people here who are appearing four times whereas there are people appearing once. I think those things need to be rectified. The Chief Whip, Majority Whip and your counterparts, if you can do that quickly so that at least we are in the correct place. Thank you for that observation.

Mbula.

**Hon. Mbula:** Thank you Mr Speaker Sir.

When you look at the committee on Environment, Energy, Mineral and Natural Resources, Mr Speaker Sir I find it not very gender sensitive; because it's a committee of 11 members, and there is only one woman. So something needs to be done on that.

Thank you Mr Speaker.

*(Applause)*

The Speaker: Yes, you are right. That list will be looked into.

I think we will clean up the list. I just wanted the new members to be somewhere, because we are beginning committee work as soon as we go on recess, and I wanted them to be in one or two committees, but we are going to clean up the list. I'm going to make sure that the list is cleaned up, and then brought into this house. And if you find that you have been moved from this committee to another one by the Chief Whip, I think you'll bear in mind that we are trying to balance, because we are supposed to be gender sensitive and other things which we are supposed to look into. But for now, this is purely to place the new members somewhere, and the necessary adjustments will be made. And I don't think this is a matter that we can take time because the Chief Whip has done his job.

And with that one I want to put the question:

THAT the list as proposed for membership to Select and Sectoral Committees be approved.

As many as are of that opinion say AYE!

*(Silence)*

**The Speaker:** As many as are of the contrary opinion say NO!

**Members:** NO!

The NOs have it.

*(Applause)*

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**The Speaker:** It means that the new members will have to wait until the new session to be placed somewhere in a committee because there will be no time to place them again. So the Chief whip, you have to go back to the drawing board.

Next Order.

There were two reports...

No, the new members should not look at me like that because you did not say YES, you waited for the old members to say NO for you and this is democracy; the NOs have it! I'm afraid you'll have to stay for a whole month without being in any committee. You'll have to stay for a month without being in any committee!

Order! What is it Honourable Mbandi?

Order! Order! You know, when you joke in this house, the joke can be very costly. I know you said NO in a joking manner, but it has cost...

*(Members shout to dispute the Speaker's remarks)*

**The Speaker:** Order! Order! ORDER!

Kilei! Order!

Kilei if you shout again I'm going to order you out of the house! Out of the house if you shout again!

When you vote in a joking manner, this house will have to go by your voting! The NOs have it, and I'm sure it's going to hurt the new members. Maybe there was one or two things that you didn't like about it, but it's going to hurt 17 members of this house. And it is as simple as that!

Honourable Mbandi?

**Hon. Mbandi:** Thank you Mr Speaker.

As you have just rightly put it Mr Speaker, I think it would be very unfair for the new members to stay out of the committees until the next session because I'm sure we are going for recess very soon. We came to this house very late, and maybe we have not known how we are supposed to behave in this house, and so, for us not to have said YES with a big voice, maybe it was because we have not been trained Mr Speaker. And so I beg the house, if they can revert, I'm just asking humbly if they can revert and ask the committee which was working on these names; this is a very small thing to correct. If there is one person who is in one committee; that is very unfair. If there is someone who is in four committees while someone else is only in one committee, Mr Speaker I think it's very unfair. I'm just begging.

Thank you Mr Speaker.

**The Speaker:** Yes, Honourable... who is this? Honourable Mwendwa.

**Hon. Munyoki:** Thank you Mr Speaker.

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I think for Honourable Rhoda Wambua, that was an omission, because in our draft...

**The Speaker:** Order! Order! Order! Order Honourable Mwendwa!  
No, Honourable Jamhuri I've not given you!  
Munyasya, sit down. Sit down.

This issue can only be revisited if there is another Motion for approval. Now that you have voted and disposed of the issue, we cannot, under Standing Orders discuss it. Therefore we have to move to the other business. If there is another Motion next time, maybe we can revisit the issue. But for the time being...

Honourable Ndumbu! We are in an honourable house, we are not in a meeting! And when I'm speaking, you wait until I finish! It's not my rule, but that is the rule. When I call you up here, you'll enforce that rule.

So we have to move to the next business, the Motion of the new members can be revisited later. But we have already voted and you can't revisit it again.

There were two committees which were supposed to report today to give us their report. One is on Administration and Coordination, and the other one was what *Bwana* Clerk? Administration and Lands. Can I call upon the chairman of Lands to tell us how far they have gone because they were supposed to give us a report today; whether they are ready or they are not ready, whether they want more time, or the position? Any of the two chairmen who is ready.

Mwove?

**Hon. Mwove:** Thank you Mr Speaker Sir.

I'm standing as the chairman of Administration and Coordination of County Affairs. We met on the 29<sup>th</sup> because there was a Motion that was brought to the committee on security along our boundary between Kitui County and Tana River County. We met Mr Speaker Sir and we had good deliberations, and we touched on several issues. And we realised that because of the weight of the Motion, the committee felt that we needed more time because we understand that from time on and again in previous regimes, Chiefs and their assistants used to be given permission to give reports on matters concerning security. And as a committee we have learnt that we have people who have been killed because of the matter which is before this honourable house. We wanted a clear and comprehensive report about the same so that we can report to this house something that is concise and complete. We also have people who have been displaced Mr Speaker Sir. As of now, we have people who are not living on their land, and we felt the committee needed more time. We also needed to consult through the right channel, through the procedures in this house. We talked with the County Minister in charge of Security. We also had written that we

wanted to invite Honourable Members from those areas especially those wards that border Tana River and are not part of that committee so that they bring more information to the committee. We also had written to several members of this house. I also want to take this opportunity to invite whoever who can come and give a report to this committee and assist this committee in coming up with the right Motion, getting the right report to this house. Mr Speaker, we have come to learn that this is a very important Motion because there are people who have been killed. We want a very clear report on the number of people who have been killed especially since 1982 up to this time. We have schools which have been closed, for example we have Engamba Primary School which was closed in 1992, it is no longer in operation. We also have, as of now, in fact as of last week, we are talking about insecurity which is caused by the infiltration of our neighbours into our county, and as of last week, the same neighbours were spotted in areas in Nguni ward. In fact they were spotted by two young men who were going to draw water using bicycles; they ran away, they left their bicycles. The bicycles were damaged; they were cut into pieces, especially the tyres. We have in Endau/Malalani a place called Kinanie where the same people who are herding their camels inside, in fact in Kinanie area, and we have reports that as of last week on Thursday the District Security team went to visit Kinanie and when they went away, clashes erupted immediately.

So we felt that it is important Mr Speaker Sir that this house gives the committee more time. We have more sittings Mr Speaker because we also want to know the number of cows that have been stolen because people have been killed, cattle has been stolen, and the report that we have, because we sat only once on 29<sup>th</sup> and we need more sittings. We also Mr Speaker, with all due respect, want to have time to visit the affected areas, because it's important that we bring a proper report into this house. Because I know this house has the capacity and has the ability to give this county and the entire nation for that matter, a report, and not only a report but a law that will give protection to the affected areas, not only the affected areas but the entire country.

We also felt that we should not concentrate on the issue of border problems especially border insecurity before we handle the entire security situation in the county.

So Mr Speaker Sir, I'm asking this house, through you Sir that the committee be given more time at least to allow us to have the right report, to have a comprehensive report brought to this house.

Thank you Mr Speaker Sir.

**The Speaker:** Order! I think you have given sufficient reasons for additional time, and I direct that your report should be tabled to this house

on the second Tuesday after recess. The second Tuesday after recess, whatever date that will be.

Bwana Mulongo have you... Is it your committee? Which other committee was supposed to say something today? Lands. Who is in charge of Lands? Honourable Kililiku. And he's not in? Oh! That is serious! Where is the chairman? Does anybody know where he is? Who is the vice chairman?

**Hon. Mutua:** It is I Mr Speaker Sir.

**The Speaker:** Are you ready to say something?

**Hon. Mutua:** Yes Mr Speaker.

**The Speaker:** Okay...

**Hon. Mutua:** Thank you Mr Speaker.

Our issue concerned the transfer of the Inyuu Bridge to Athi. Mr Speaker, when we left here, we had a meeting at our committee and we found out that there were some issues which we should do:

1. Do a lot of research as pertains to the bridge.
2. Do some consultations.
3. Visit the area; both Inyuu and Athi so that we can come up with a solution.

We had to meet this week but unfortunately we are meeting on Thursday, so after Thursday, we shall be in a position to say something, although visiting the area might come later. So we request this house to wait until Thursday, we shall have collected enough information from technicians and engineers as pertains that bridge.

Thank you.

**The Speaker:** I know you want more time, and I know you wanted to visit the place but it was not possible to make arrangements for you to visit the place. I want to draw your attention Honourable Members, if your committee is supposed to report, please take your work seriously and report on time. Otherwise if you don't, the reports will pile up and then there will be a problem; there'll come a time when it will be difficult to receive the report when they are too many in line or on the table.

So I also direct that that report be tabled to this house on the second Tuesday after recess. The Clerk will communicate the actual date later.

I know there has been a problem visiting the sites, hopefully if we'll be going on recess this week. Quite a number of committees would maybe want to go and visit certain areas; I want to say that we are lucky, now we have got our own *matatu*. That *matatu* you see outside there belongs to this assembly; it is specifically for the committee work. And I want to make it clear; that Nissan out there is specifically for committee work. So I hope everybody is clear about that one. This is for taking members to visit sites, inspections and so forth. I'm still trying to look for an extra vehicle, if

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possible a smaller vehicle which will carry the officers who will be accompanying the members. But that Nissan there is specifically for committee work; if I find it doing other things, I'm afraid it will not be business as usual. It is for committee work only. But we are lucky we have it; we bought it with money we were given by the Transitional Authority last year; we did not spend the money, we used it to buy a vehicle for the committees. I'm also trying to see whether I can buy a bigger capacity *matatu* carrying about 24 so that if two committees are going together, then they can go in one vehicle. But that is if the budget is approved by the Controller of Budget; because the money is still stuck there.

Now, if there are no further reports, eh *Bwana Clerk*...

*(The Speaker consults with the Clerk of the County Assembly)*

**The Speaker:** I am advised that there was nothing else to be reported. As I said, there is going to be a Motion on Thursday for adjournment, and that Motion of Adjournment is normally an opportunity to say what he/she wants to say on earth. It is not limited, so long as it is parliamentary. So long as it is parliamentary; you comment on issues anyhow, you don't limit yourself to anything. that Motion of adjournment will be coming on Thursday. We have only tomorrow, and then on Thursday we go for the Motion.

I know we are ending this afternoon in a sad note because of the Motion which was lost, but as I told you, that is democracy. The NOs have it, and no matter what you do, they have it. So you have to wait until the Motion is brought to the house again. I'll consult the books to see how the motion can be brought back to the house within the law. If it is possible, we do it before the recess. If it is not possible, then we do what the law says.

Thank you.

Members, the house now stands adjourned until tomorrow at 9am.

*The County Assembly stood at 3:25pm*