



REPUBLIC OF KENYA
FIRST COUNTY ASSEMBLY
(THIRD SESSION)
KITUI COUNTY ASSEMBLY
THE COUNTY ASSEMBLY PROCEDURE & RULES COMMITTEE

FIRST REPORT
OF THE COUNTY ASSEMBLY PROCEDURE & RULES
COMMITTEE ON AMENDMENTS
TO THE COUNTY ASSEMBLY INTERIM STANDING ORDERS

(Submitted pursuant to Standing Order 234)

June 30th, 2015

Clerk's Chambers
Kitui County Assembly
County Assembly Buildings
KITUI

June, 2015

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PREFACE

Hon. Members,

The County Assembly Procedure and Rules Committee was constituted by the County Assembly pursuant to the provisions of Standing Order 188 to undertake amongst other duties making proposals for the amendments of the County Assembly Standing Orders.

The Committee is mandated to, amongst other matters, “*consider and report on all matters relating to the Standing Orders*”. The Committee is also mandated to propose amendments to the Standing Orders for consideration by the County Assembly. Further, the Committee may, from time to time, propose rules for the orderly and effective conduct of business of Committees. Such rules, once approved, by the County Assembly continue to be in force until amended or repealed by the County Assembly.

Hon. Members,

The Members of the Committee are-

- 1.** The Hon. George M. Ndotto, MCA - Speaker of the County Assembly and Chair to the Committee
- 2.** The Hon. Stephen K. Wambua, MCA-Vice Chair to the Committee
- 3.** The Hon. Titus M. Ndemwa, MCA – Chairperson of the Committees
- 4.** The Hon. Titus Mbivi, MCA
- 5.** The Hon. Jamuhuri Mwangi, MCA

Hon. Members,

As you are all aware, since the coming into being of this County Assembly, we have operated with Interim Standing Orders. The need to urgently amend and customize these standing orders to suit how the Kitui County Assembly works cannot therefore be overemphasized. The Committee has since its constitution taken time to analyze and critically interrogate each standing order and its effect on the operations of this Assembly. Each of the proposals herein Hon. Members is intended to make the operation of this Assembly effective and efficient and to ensure that the very key reason for the existence of this Honorable Assembly is advanced.

Hon. Members,

The brilliant minds behind the Committee system hoped that the said system would assist legislative bodies like this Assembly in undertaking their mandates effectively and efficiently. Duly, this committee has in this report recommended that any Member appointed as a Chairperson of any committee of the County Assembly should not be eligible to serve as a member of either the *Budget and Appropriations Committee* or the *Public Investments and Accounts Committee*. Hon. Members, it goes without saying that these two committees can be very busy committees at times and can be engaged for longer periods in undertaking certain tasks/duties. Consequently, to have Chairpersons of other committees serve in these committees would amount to

depriving the other committees the invaluable guidance of their respective chairpersons. Take note that we are by no means trying to say that the Committees would not be in a position to perform without their chairs as we believe in the capacity of each and every honorable member of this Assembly but rather saying that the respective committees should be accorded the guidance of their chairpersons to lead the committee in assisting the Assembly to deliver on its constitutional mandate.

Hon. Members,

It is therefore my pleasure to present and commit this report to the Assembly for adoption.

**THE HON. GEORGE M. NDOTTO, MCA
SPEAKER OF THE KITUI COUNTY ASSEMBLY & CHAIRPERSON,
COUNTY ASSEMBLY PROCEDURE AND RULES COMMITTEE
June, 2015**

ACKNOWLEDGMENT

Hon. Members,

On behalf of the Committee, I wish to sincerely thank the Members of the Committee for their commitment to the work of this Committee.

We also wish to thank the Office of the Speaker and that of the Clerk for facilitating the Committee to undertake this assignment.

ADOPTION OF THE REPORT

The following Members were present during the meeting to adopt this Report:-

1. The Hon. George M. Ndotto, MCA _____
*Speaker of the County Assembly &
Chair to the Committee*

2. The Hon. Stephen K. Wambua, MCA _____
Vice Chair to the Committee

3. The Hon. Titus M. Ndemwa, MCA _____
Chairperson of the Committees

4. The Hon. Titus Mbivi, MCA _____

5. The Hon. Jamuhuri Mwango, MCA _____

The Report was adopted **unanimously** by all Members present. The Committee also resolved to submit the Report to the County Assembly on 30th June, 2015 and move a motion seeking the approval of the Assembly.

FIRST REPORT OF THE COUNTY ASSEMBLY PROCEDURE AND RULES COMMITTEE

I. MEMBERSHIP OF THE COMMITTEE

The Committee comprises of the following members-

- 1.** The Hon. George M. Ndotto, MCA - *Speaker of the County Assembly and Chair to the Committee*
- 2.** The Hon. Stephen K. Wambua, MCA-*Vice Chair to the Committee*
- 3.** The Hon. Titus M. Ndemwa, MCA – *Chairperson of the Committees*
- 4.** The Hon. Titus Mbivi, MCA
- 5.** The Hon. Jamuhuri Mwango, MCA

II. MANDATE OF THE COMMITTEE

The Committee is mandated to, amongst other matters, “*consider and report on all matters relating to the Standing Orders*”. The Committee is also mandated to propose amendments to the Standing Orders for consideration by the County Assembly. Further, the Committee may, from time to time, propose rules for the orderly and effective conduct of business of Committees. Such rules, once approved by the County Assembly continue to be in force until amended or repealed by the County Assembly.

IV. MANNER OF AMENDING THE STANDING ORDERS

Procedure of Amending the Standing Orders

Standing Orders under Part xxvii (27) provide three avenues through which they can be amended, namely:-

- (i) The County Assembly Procedure and Rules Committee can propose amendments anytime;
- (ii) Amendment on the Initiative of a Member; and,
- (iii) Periodic Review by the County Assembly Procedure and Rules Committee.

Commencement of proposed amendments

All proposed Amendments to the Standing Orders take effect immediately upon approval by the County Assembly and gazettelement of the same in the Kenya gazette.

V. RECOMMENDATIONS

The Committee therefore recommends-

A. THAT, the County Assembly resolves to amend the County Assembly Interim Standing Orders as follows-

Page 1

1. THAT page 1 of the standing orders to be amended by deleting any information thereon and substituting therefor with the following;

- i) the Republic of Kenya logo
- ii) the words “Republic of Kenya”
- iii) the words “County Government of Kitui”
- iv) the words “ Standing Orders”
- v) the words “as adopted by the County Assembly of Kitui on 1st July 2015”

(The above information should appear as arranged on the aforementioned page)

Standing Order 1

- 2. THAT** Standing Order 1 be amended by deleting the word “Kenya” appearing on the third sentence of paragraph (2) immediately after the words “Assembly of” and substitute therefor with the word “Kitui”.

Standing Order 2

- 3. THAT** Standing Order 2 be amended by-
- a) Defining the word “Calendar year” to mean “a period of time composed of twelve months from January 1st to December 31st”
 - b) Defining “majority whip and Deputy Majority whip” to mean “the members designated as such by the majority party”.
 - c) Defining “minority whip and deputy minority whip“ to mean “the members designated as such by the minority party”
 - d) Under the meaning of Governor, fill in the blank area with “Kitui”
 - e) Define *gazette* to mean “county gazette and Kenya gazette”

Standing Order 3

- 4. THAT** standing order 3 be amended by-
- i) deleting the words “and the county gazette” appearing on the second line of paragraph (1).
 - ii) Delete the words “and the county gazette” appearing on the second line of sub-paragraph (2)(a).

Standing order 15

5. **THAT** standing order 15 be amended by correcting the sequence of numbering.

Standing order 16

6. **THAT** standing order 16 be amended by correcting the sequence of numbering

Standing order 18

7. **THAT** standing order 18 be amended under paragraph (1) by inserting the words “within the convenience of the county assembly” immediately after the word “time”.

Standing order 20

8. **THAT** standing order 20 be amended by correcting the numbering sequence.

Standing order 21

9. **THAT** standing order 21 be amended in order to be consistent with the amendments proposed under Standing order 20.

Standing order 30

- 10. THAT** standing order 30 be amended under paragraph (2) by deleting the word “national” appearing on the fourth sentence and replacing therefor with the word “county”.

Standing Order 31

- 11. THAT** standing order 31 be amended under paragraph (2) by deleting the words “ten” appearing on the third and fourth lines and substituting therefor with the word “five”.

Standing order 42

- 12. THAT** standing order 42 be amended under paragraph (3) by deleting the word “the” appearing after the word “hearing” on first line.

Standing order 47

- 13. THAT** standing order 47 be amended under paragraph (2) by inserting the following words after the words “in writing”, (2)(a) provided “subject to the approval by the Speaker of such authorization within two hours before the next assembly sitting”.

Standing order 52

- 14. THAT** Standing Order 52 be amended under paragraph (2) by-
- a) Deleting the word “Senator” and replacing therefor with the word “Member”.

b) Deleting the word “Senate” and replacing thereof with the word “County Assembly”.

Standing Order 66

15. THAT standing order 66 be amended under paragraph (2) by deleting the words “not more than ten” appearing on the second line and substituting therefor with the word “five”.

Standing order 69

16. THAT standing order 69 be amended by deleting the word “ten” appearing on the second line and substituting therefor with the word “five”.

Standing Order 121

17. THAT standing order 121 be amended under paragraph (4) by deleting the word “twenty” appearing on the third sentence and replacing therefor with the words “twenty one”.

Standing order 130

18. THAT standing order be amended by deleting the word “be” appearing on the last sentence of paragraph (2).

Standing order 139

19. THAT Standing order 139 be amended under paragraph (2) by inserting the words “county gazette and Kenya” immediately before the word “gazette”.

Standing order 152

20. THAT standing order 152 be amended under paragraph (1) subparagraph (d) by :

- i) Deleting the words “twenty one” appearing on the first line and substituting therefor with the word “eleven”.
- ii) Deleting the word “twenty nine” appearing on the first line and substituting therefor with the word “seventeen”.

Standing order 152

21. THAT standing order 152 be amended under paragraph (7) by inserting the words “with the concurrence of the Speaker” immediately after the word “may” and immediately before the word “appoint”.

Standing order 153

22. THAT standing order 153 be amended by-

- i) inserting the word “of” between the words “consisting” and “the leader” appearing on the second line
- ii) deleting the word “one” appearing immediately after the word “eleven” on the third line.

Standing order 158

23. THAT standing order 158 be amended by deleting the words “eleven” and “seventeen” and substituting therefor with the words “nine” and “eleven” respectively.

Standing order 182

24. THAT standing order 182 be amended by deleting the words “cabinet secretary” and replacing therefor with the following “county executive committee member”

Standing order 183

25. THAT Standing Order 183 be amended by correcting the sequence of numbering.

Standing Order 185

26. THAT Standing Order 185 be amended under paragraph (2) by inserting the word “calendar” between the words “three” and “years” appearing on the second line.

Standing order 186

27. THAT standing order 186 be amended under paragraph (3) by inserting the following words at the end of the paragraph “who shall not be chairpersons of other committees”.

Standing order 187

28. THAT standing order 187 under paragraph (2) be amended to read “the committee shall consist of a chairperson and not more than eight other members who shall not be chairpersons of other committees”.

Standing order 190

29. THAT standing order 190 be amended under paragraph (2) by inserting the word “to” immediately after the word “pursuant” under the first line.

Standing order 207

30. THAT standing order 207 be amended by deleting the words “cabinet secretary” and replacing therefor with the following “county executive committee member for finance and economic planning”

Standing order 212

31. THAT standing order 212 be amended under paragraph (7) by deleting the repeated words “in the” appearing on the first line.

Standing order 215

32. THAT standing order 215 be amended by-

- i) deleting the number 5 appearing at the beginning under paragraph (8).

- ii) deleting the words “County Government Act “ and replacing therefor with the words “Public Finance Management Act”

Standing order 216

33. THAT standing order 216 be amended by-

- i) Correcting the sequence of numbering.
- ii) Deleting paragraph (5) and replacing therefor with “except as provided by paragraph (3) of this standing order, paragraphs (2) and (3) of this standing order shall apply in respect of a resolution so recommitted.

Standing order 218

34. THAT standing order 218 be amended by deleting the word “any” appearing immediately after the words “together with”.

Standing order 225

35. THAT standing order 225 be amended under paragraph (2) by inserting the words “of the” between the words “officer” and “county” appearing on the first line.

Second Schedule

36. THAT the second schedule to the standing orders be amended by making provisions for sectoral committees in line with the available

county departments (county ministries) and in accordance with the devolved functions and particularly as indicated below:-

SECOND SCHEDULE

SECTORAL COMMITTEES

[STANDING ORDER 191]

Sectoral Committee

Subject Area

Agriculture, Water and Irrigation

All matters related to agriculture, including crop and animal husbandry, livestock sale yards, county abattoirs, plant and animal disease control and fisheries including conservation of fisheries resources and provisions of fisheries extension and veterinary services (excluding regulation of the profession), soil and water conservation, water services, management and monitoring of county food security, implementation of national agricultural and water policies and related laws

Health and Sanitation

Formulating and implementing county health and sanitation policies/ and legislations, implementing national health policies and standards and all matters related to county health services, including, in particular county health facilities and pharmacies, ambulance services, promotion of primary health care, licensing and control of undertakings that sell food to the public, cemeteries, funeral parlours and crematoria and refuse removal, refuse dumps and solid waste disposal, education for health (identification, prevention and control prevailing health challenges, locally endemic disease preventions and control and provision

of essential, expanded program for immunization, safe water and sanitation.

Culture, Youth, Sports, Gender and social services

Formulation of policies and legislations on gender, youth , sports , culture and social development, facilitate and programs and institutions for children care, all matters related to cultural activities, public entertainment and public amenities, including betting, casinos and other forms of gambling, promote racing, cinemas, video shows and hiring, museums and libraries, sporting activities, traditional games, comedies and acting, mainstreaming youth affairs, protection and promotion of county parks, sports facilities and recreational spaces, promotion of culture and development of fine and performing arts, gender mainstreaming into both county and national development and support implementation of women and youth enterprise fund programs.

Lands, Infrastructure and Urban Development

Development of county policy formulation and legislation on lands, infrastructure and urban development, all matters related to county transport, including county roads(including development, maintenance and rehabilitation), county housing, street lighting, traffic and parking, public road transport and ferries and harbours, excluding the regulation of international and national shipping and matters related thereto; county public works and services including storm water management systems in built-up areas and water and to facilitate and promote sustainable urban and pre-urban development, electricity and gas reticulation, public works, planning development and maintenance of public buildings, promotion of sustainable built environment and clean urban set

up, implementation of relevant national policies, develop county transport information database and managing land in liaison with National Land Commission, land survey and mapping,.

Tourism and Natural Resources

All matters relating to local tourism, cinema, betting, casinos and other forms of gambling, develop capacity of youth, women and local communities for establishing tourism-based enterprises and involve youth and women group in environmental conservation initiatives in the protected areas.

Environment, Energy and Minerals Investments Development

Implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation and forestry and control of air pollution, noise pollution, other public nuisances and outdoor advertising, energy regulation, facilitate private sector participation, support distribution and provision of affordable rural electrification an sustainable renewable energy and creating awareness on issues relating to mining.

Finance and Economic Planning

Developing and implementing financial management and economic planning policies, generating county finance management bills, mobilizing resources for funding the county budget, issuing circulars with respect to finance matters, preparing annual budgets and all documents in support of the budget, custodian of county assets, assisting county government entities to develop capacity, managing county's public debt, reporting regularly to the county assembly on the implementation of county budget,.

**Basic Education, Training
Skills Development**

Developing county policies and legislations on ECDE, training and skills developments, registration of county ECDE centers, village polytechnic and home crafts and all matters related to pre-primary education, village polytechnics, home craft centers and promotion of advocacy and awareness creation on policies, programmes and opportunities pertaining to ECDE and post-primary and secondary schooling and skills development. .

Trade, Industry, ICT and Cooperatives

Trade development and regulation, including markets, trade licences (excluding regulation of professions), fair trading practices and cooperative societies, ICT Sector development, Industrial development and development of markets and marketing structures.

**Administration and Coordination
of County Affairs.**

Ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level; and animal control and welfare, including licensing of dogs and facilities for the accommodation, care and burial of animals, boundaries and fencing, liquor licensing and control of drug abuse and pornography.

Commencement

B. THAT, the House resolves that the amendments take effect from
1st July, 2015;

-----End-----