



THE COUNTY ASSEMBLY OF THARAKA NITHI

THIRD ASSEMBLY – (FIRST SESSION)

VOTES AND PROCEEDINGS

TUESDAY, NOVEMBER 30TH, 2022 AT 9:30 A.M

1. The House (County Assembly) assembled at thirty minutes past nine O'clock.
2. The proceedings were opened with prayer said by the Hon. Speaker.

3. PAPERS

The following papers were laid on the table of the House:-

- a) Report of the Committee on Finance, Budget and Appropriations on vetting of nominees for appointment as Chief Officers Revenue and Resource Mobilization and Chief Officer Finance and Economic Planning.
- b) Report of the Committee on Public Service and Administration on vetting of nominee for appointment to the position of Chief Officer Public Administration, Intergovernmental Coordination and Devolution Affairs.
- c) Report of the Committee on Water, Environment and Natural Resources on vetting of nominee for appointment to the position of Chief Officer Environment and Natural Resources.
- d) Report of the Committee on Youth, Sports and Social Services on vetting of nominees for appointment as Chief Officer Gender, Children and Social Services and Chief Officer Youth and Sports.

- e) Report of the Committee on Agriculture, Livestock and Fisheries on vetting of Mr. Peter Kimathi Njeru for appointment as Chief Officer Agriculture, Livestock and Fisheries
- f) Report of the Committee on Lands, Housing and Physical Planning on vetting of nominee for appointment as Chief Officer Land, Physical Planning and Housing.
- g) Report of the Committee on Health Services on vetting of nominees for appointment of Chief Officer Medical services and ICT and Chief Officer Public Health and Sanitation.
- h) Report of the Committee on Trade, Tourism and Cooperatives on vetting of nominee for appointment to the position of Chief Officer Trade and Cooperatives Development

4. NOTICES OF MOTION

The following notices of motions were issued:-

A. APPROVAL OF NOMINEES FOR APPOINTMENT AS CHIEF OFFICER REVENUE AND RESOURCE MOBILIZATION AND CHIEF OFFICER FINANCE AND ECONOMIC PLANNING.

(Hon. Muchiri Godfrey Murithi-Chairperson Committee on finance Budget and Appropriations)

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Finance, Budget and Appropriations and approves the following Two (2) nominees for appointment by His Excellency the Governor as Chief Officer Revenue and Resource Mobilization and Chief Officer Finance and Economic Planning as follows:

- i. Ignatius Mugambi Kigwari - Chief Officer Revenue and Resource Mobilization
- ii. Wycliffe Kinyua Kabinga -Chief Officer Finance and Economic Planning

B. APPROVAL OF THE NOMINEE FOR APPOINTMENT TO THE POSITION OF CHIEF OFFICERS PUBLIC ADMINISTRATION, INTERGOVERNMENTAL COORDINATION AND DEVOLUTION AFFAIRS

(Hon. Mbae Anita Karimi- Chairperson Committee on Public Service and Administration)

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Public and Administration and approves Mr. Ginson Gikundi Nkonge for appointment by His Excellency the Governor as Chief Officer Public Administration, Intergovernmental Coordination and Devolution Affairs.

C. APPROVAL OF THE NOMINEE FOR APPOINTMENT TO THE POSITION OF CHIEF OFFICER ENVIRONMENT AND NATURAL RESOURCES

(Hon. John Joseph Njeru- Chairperson Water, Environment and Natural Resources)

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Water, Environment and Natural Resources and approves Mr. Peterson Mwirigi Kathenya for appointment by His Excellency the Governor as Chief Officer Environment and Natural Resources.

D. APPROVAL OF NOMINEES FOR APPOINTMENT AS CHIEF OFFICER GENDER, CHILDREN AND SOCIAL SERVICES AND CHIEF OFFICER YOUTH AND SPORTS.

(Hon. Nyaga Frankline Mawira-Chairperson Committee on Youth Sports and Social Services)

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Youth, Sports and Social Services and approves

the following Two (2) nominees for appointment by His Excellency the Governor as as Chief Officer Gender, Children and Social Services and Chief Officer Youth and Sports as follows:

- i. Kelly Karimi Rwigi -Chief Officer Gender, Children and Social Services
- ii. Wilberforce Muriungi Ntwiga -Chief Officer Youth and Sports

E. APPROVAL OF MR. PETER KIMATHI NJERU FOR APPOINTMENT AS CHIEF OFFICER AGRICULTURE, LIVESTOCK AND FISHERIES

(Hon. Kiriko Jacob Murimi Ndeke – Chairperson Committee on Agriculture, Livestock and Fisheries)

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Agriculture, Livestock and Fisheries and approves Mr. Peter Kimathi Njeru for appointment by His Excellency the Governor as Chief Officer Agriculture, Livestock and Fisheries.

F. APPROVAL OF THE NOMINEE FOR APPOINTMENT AS CHIEF OFFICER LAND, PHYSICAL PLANNING AND HOUSING

(Hon. Salvestas Mugao-Chairperson Committee on Lands, Housing and Physical Planning)

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Land, Housing and Physical Planning and approves Mr. James Mbae Karuku for appointment by His Excellency the Governor as Chief Officer Land Housing.

G. APPROVAL OF NOMINEES FOR APPOINTMENT OF CHIEF OFFICERS MEDICAL SERVICES AND ICT AND CHIEF OFFICER PUBLIC HEALTH AND SANITATION.

(Hon. Gitonga Morris Maugu- Chairperson Committee on Health Services)

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Health Services and approves for appointment by His Excellency the Governor Mr. Aggrey Karani Riungu as Chief Officer Medical Services and ICT and Mrs. Rose Gakii Micheni as Chief Officer Public Health and Sanitation.

H. APPROVAL OF THE NOMINEE FOR APPOINTMENT TO THE POSITION OF CHIEF OFFICER TRADE AND COOPERATIVES DEVELOPMENT

(Hon. Marengo Luke Nyaga - Chairperson Committee on Trade, Tourism and Cooperatives)

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Trade, Tourism and Cooperatives and approves Mr. Antony G. Kiruja for appointment by His Excellency the Governor as Chief Officer Trade and cooperative Development.

I. APPROVAL OF MS. FAITH KALUNDA KYUNGA FOR APPOINTMENT AS CHIEF OFFICER ROADS, INFRASTRUCTURE, PUBLIC WORKS AND URBAN DEVELOPMENT

(Hon. Salvestas Mugao-Chairperson Committee on Lands, Housing and Physical Planning)

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the joint report of the Committee on Lands, Housing and Physical Planning and the Committee on Transport, Roads and Public Works and approves Ms. Faith Kalunda Kyunga for appointment by His

Excellency the Governor as Chief Officer Roads, Infrastructure, Public Works and Urban Development.

J. APPROVAL OF MR. BENSON KIMATHI NJERU FOR APPOINTMENT AS CHIEF OFFICER ENERGY AND INDUSTRY

(Chairperson Committee on Transport, Roads and Public Works)

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Transport Roads and Public works and approves Mr. Benson Kimathi Njeru for appointment by His Excellency the Governor as Chief Officer Energy and Industry.

K. APPROVAL OF THE NOMINEE FOR APPOINTMENT TO THE POSITION OF CHIEF OFFICER EDUCATION AND VOCATIONAL TRAINING

(Hon. Kamunyu Kennedy – Chairperson Committee Education, Science and Technology)

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Education, Science and Technology and approves Mr. Jonathan Mwiti Nyaga for appointment by His Excellency the Governor as Chief Officer Education and Vocational Training.

L. APPOINTMENT OF MS. LOISE WANJA MUTUA FOR APPOINTMENT AS CHIEF OFFICER WATER AND IRRIGATION

(Hon. John Joseph Njeru- Chairperson Water, Environment and Natural Resources)

THAT; pursuant to Section 45 of the County Governments Act, 2012 this County Assembly adopts the joint report of the Committee on Water, Environment and Natural Resources and the Committee on Agriculture, Livestock and Fisheries and approves Ms. Loise Wanja Mutua for appointment by His Excellency the Governor as Chief Officer Water and Irrigation.

M. APPROVAL OF MS. IRENE NKIROTE MURIUNGI FOR APPOINTMENT AS CHIEF OFFICER CULTURE AND TOURISM

(Hon. Frankline Mawira-Chairperson Committee on Youth Sports and Social Services)

THAT; pursuant to the provisions of Section 45 of the County Governments Act, 2012, this County Assembly adopts the joint report of the committee on Trade, Tourism and Cooperatives and the Committee on Youth, Sports and Social Services and approves Ms. Irene Nkirote Muriungi for appointment by His Excellency the Governor as Chief Officer Culture and Tourism.

N. APPROVAL OF DAVID MBAYA JOHN FOR APPOINTMENT AS THE COUNTY ATTORNEY

(Chairperson Committee on Appointments)

THAT; Pursuant to provisions of the Office of the County Attorney Act, 2020, this County Assembly adopts the report of the Committee on Appointments and approves **David Mbaya John** for appointment by His Excellency the Governor as the County Attorney.

O. RESOLUTION TO JOINTLY PETITION THE NATIONAL ASSEMBLY ON ENACTMENT OF COUNTY WARDS EQUITABLE DEVELOPMENT FUND

(Hon. John Joseph Njeru, MCA (CAF Representative))

AWARE THAT; Articles 37 and 119 of the Constitution of Kenya, 2010 enshrines the right of every person to petition the parliament to consider any matter within its authority, including to enact, amend and repeal any legislation.

CONSIDERING THAT; there has been efforts by Tharaka Nithi County Assembly to enact Ward Development Funds through the *Tharaka Nithi County Ward Development Fund Bill 2014* and the *Tharaka Nithi County Equitable Development Bill 2019*.

APPRECIATING THAT; the legislative proposal presented by the **Hon. Stephen Mule, MP** and the **Hon. Gichimu Githinji, MP** aims to amend Article 204 of the Constitution of Kenya, 2010 to provide for structures that directly administers Equalization Fund and for connected purposes. I am persuaded **THAT** the establishment of a **County Wards Equitable Development Fund** will provide a perfect opportunity for devolved units to fulfil objectives of devolution as espoused in Article 174 of the Constitution of Kenya 2010.

CONSIDERING THAT; the Bill to amend the Constitution such as this; **(The Equalization Bill 2022)** must be considered by both Houses of Parliament having achieved the requisite constitutional thresholds, it is my considered opinion that before the National Assembly refers the proposed Constitutional Amendment Bill **(The Equalization Bill 2022)** to the Senate, the proponents of the Bill or the National Assembly first incorporates the County Wards Equitable Development Fund in the proposed legislation.

CONCERNED that the matters being raised in respect to this petition are urgent and with direct impact on implementation of development projects in counties, and that the matters relating to this petition are not pending before any Court within the republic of Kenya

NOW THEREFORE; pursuant to the provisions of Article 37 and 119 of the Constitution of Kenya 2010, the County Assembly of Tharaka Nithi resolves to jointly with other County Assemblies through the County Assemblies Forum (CAF) vide the **annexed draft petition**, petition the National Assembly to intervene and ensure:

- 1. THAT,** the **COUNTY WARDS EQUITABLE DEVELOPMENT FUND** be incorporated in the proposed Constitutional Amendment Bill before the National Assembly by the **Hon. Stephen Mule, MP** and the **Hon. Gichimu Githinji, MP** alongside other proposed funds namely the National Government Constituencies Development Fund (NGCDF),

National Government Affirmative Action Fund (NGAF), the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund either prior to the publication of the said Bill or before it is referred to the Senate in accordance with rules of procedure of Parliament.

2. **THAT**, the proposed Constitutional Amendment Bill in amending **Article 204** of the Constitution should provide for the following with respect to County Wards Equitable Development Fund: -

- i. That each County Government shall allocate funds comprising of a certain percentage of the respective total County's Annual Budget Estimates or as shall be advised and determined by the Commission on Revenue Allocation (CRA) during the enactment of the County Allocation of Revenue Act to cater for County Wards Equitable Development Fund;
- ii. That all monies allocated to County Wards Equitable Development Fund shall be considered as funds allocated to Wards pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of an Act of Parliament; and
- iii. That Parliament shall enact a legislation to provide for the administration of the County Wards Equitable Development Fund.

5. MOTION - APPROVAL OF NOMINEES FOR APPOINTMENT AS CHIEF OFFICER REVENUE AND RESOURCE MOBILIZATION AND CHIEF OFFICER FINANCE AND ECONOMIC PLANNING.

(Hon. Muchiri Godfrey Murithi - Chairperson Committee on finance Budget and Appropriations)

Order Read;

Motion made and Question proposed;

THAT; Pursuant to the provisions of Section 45 of the County

Governments Act, 2012 this County Assembly adopts the report of the Committee on Finance, Budget and Appropriations and approves the following Two (2) nominees for appointment by His Excellency the Governor as Chief Officer Revenue and Resource Mobilization and Chief Officer Finance and Economic Planning as follows:

1. Ignatius Mugambi Kigwari - Chief Officer Revenue and Resource Mobilization
2. Wycliffe Kinyua Kabinga -Chief Officer Finance and Economic Planning

Debate Arising;

There being no other Member wishing to contribute;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Finance, Budget and Appropriations and approves the following Two (2) nominees for appointment by His Excellency the Governor as Chief Officer Revenue and Resource Mobilization and Chief Officer Finance and Economic Planning as follows:

- a. Ignatius Mugambi Kigwari - Chief Officer Revenue and Resource Mobilization
- b. Wycliffe Kinyua Kabinga -Chief Officer Finance and Economic Planning

6. MOTION - APPROVAL OF THE NOMINEE FOR APPOINTMENT TO THE POSITION OF CHIEF OFFICERS PUBLIC ADMINISTRATION, INTERGOVERNMENTAL COORDINATION AND DEVOLUTION AFFAIRS

(Hon. Mbae Anita Karimi- Chairperson Committee on Public Service and Administration)

Order Read;

Motion made and Question proposed;

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Public and Administration and approves Mr. Ginson Gikundi Nkonge for appointment by His Excellency the Governor as Chief Officer Public Administration, Intergovernmental Coordination and Devolution Affairs.

Debate Arising;

There being no other Member wishing to contribute;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Public and Administration and approves Mr. Ginson Gikundi Nkonge for appointment by His Excellency the Governor as Chief Officer Public Administration, Intergovernmental Coordination and Devolution Affairs.

7. MOTION - APPROVAL OF THE NOMINEE FOR APPOINTMENT TO THE POSITION OF CHIEF OFFICER ENVIRONMENT AND NATURAL RESOURCES

(Hon. John Joseph Njeru- Chairperson Water, Environment and Natural Resources)

Order Read;

Motion made and Question proposed;

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Water, Environment and Natural Resources and approves Mr. Peterson Mwirigi Kathenya for appointment by His Excellency the Governor as Chief Officer Environment and Natural Resources.

Debate Arising;

There being no other Member wishing to contribute;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Water, Environment and Natural Resources and approves Mr. Peterson Mwirigi Kathenya for appointment by His Excellency the Governor as Chief Officer Environment and Natural Resources.

8. MOTION - APPROVAL OF NOMINEES FOR APPOINTMENT AS CHIEF OFFICER GENDER, CHILDREN AND SOCIAL SERVICES AND CHIEF OFFICER YOUTH AND SPORTS.

(Hon. Nyaga Frankline Mawira-Chairperson Committee on Youth Sports and Social Services)

Order Read;

Motion made and Question proposed;

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Youth, Sports and Social Services and approves the following Two (2) nominees for appointment by His Excellency the Governor as Chief Officer Gender, Children and Social Services and Chief Officer Youth and Sports as follows:

- a. Kelly Karimi Rwigi -Chief Officer Gender, Children and Social Services
- b. Wilberforce Muriungi Ntwiga-Chief Officer Youth and Sports

Debate Arising;

There being no other Member wishing to contribute;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Youth, Sports and Social Services and approves the following Two (2) nominees for appointment by His Excellency the Governor as Chief Officer Gender, Children and Social Services and Chief Officer Youth and Sports as follows:

- a. Kelly Karimi Rwigi -Chief Officer Gender, Children and Social Services
- b. Wilberforce Muriungi Ntwiga -Chief Officer Youth and Sports

9. MOTION - APPROVAL OF MR. PETER KIMATHI NJERU FOR APPOINTMENT AS CHIEF OFFICER AGRICULTURE, LIVESTOCK AND FISHERIES

(Hon. Kiriko Jacob Murimi Ndeke – Chairperson Committee on Agriculture, Livestock and Fisheries)

Order Read;

Motion made and Question proposed;

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Agriculture, Livestock and Fisheries and approves Mr. Peter Kimathi Njeru for appointment by His Excellency the Governor as Chief Officer Agriculture, Livestock and Fisheries.

Debate Arising;

There being no other Member wishing to contribute;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Agriculture, Livestock and Fisheries and approves Mr. Peter Kimathi Njeru for appointment by His Excellency the Governor as Chief Officer Agriculture, Livestock and Fisheries.

10. MOTION - APPROVAL OF THE NOMINEE FOR APPOINTMENT AS CHIEF OFFICER LAND, PHYSICAL PLANNING AND HOUSING

(Hon. Salvestas Mugao-Chairperson Committee on Lands, Housing and Physical Planning)

Order Read;

Motion made and Question proposed;

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Land, Housing and Physical Planning and approves Mr. James Mbae Karuku for appointment by His Excellency the Governor as Chief Officer Land Housing.

Debate Arising;

There being no other Member wishing to contribute;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Land, Housing and Physical Planning and approves Mr. James Mbae Karuku for appointment by His Excellency the Governor as Chief Officer Land Housing.

11. MOTION - APPROVAL OF NOMINEES FOR APPOINTMENT OF CHIEF OFFICERS MEDICAL SERVICES AND ICT AND CHIEF OFFICER PUBLIC HEALTH AND SANITATION.

(Hon. Gitonga Morris Mangu- Chairperson Committee on Health Services)

Order Read;

Motion made and Question proposed;

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Health Services and approves for appointment by His Excellency the Governor Mr. Aggrey Karani Riungu as Chief Officer Medical Services and ICT and Mrs. Rose Gakii Micheni as Chief Officer Public Health and Sanitation.

Debate Arising;

There being no other Member wishing to contribute;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Health Services and approves for appointment by His Excellency the Governor Mr. Aggrey Karani Riungu as Chief Officer Medical Services and ICT and Mrs. Rose Gakii Micheni as Chief Officer Public Health and Sanitation.

**12. MOTION - APPROVAL OF THE NOMINEE FOR APPOINTMENT
TO THE POSITION OF CHIEF OFFICER TRADE AND
COOPERATIVES DEVELOPMENT**

*(Hon. Marengo Luke Nyaga - Chairperson Committee on Trade,
Tourism and Cooperatives)*

Order Read;

Motion made and Question proposed;

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Trade, Tourism and Cooperatives and approves Mr. Antony G. Kiruja for appointment by His Excellency the

Governor as Chief Officer Trade and cooperative Development.

Debate Arising;

There being no other Member wishing to contribute;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Trade, Tourism and Cooperatives and approves Mr. Antony G. Kiruja for appointment by His Excellency the Governor as Chief Officer Trade and cooperative Development.

13. MOTION - APPROVAL OF MS. FAITH KALUNDA KYUNGA FOR APPOINTMENT AS CHIEF OFFICER ROADS, INFRASTRUCTURE, PUBLIC WORKS AND URBAN DEVELOPMENT

(Hon. Salvestas Mugao-Chairperson Committee on Lands, Housing and Physical Planning)

Order Read;

Motion made and Question proposed;

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the joint report of the Committee on Lands, Housing and Physical Planning and the Committee on Transport, Roads and Public Works and approves Ms. Faith Kalunda Kyunga for appointment by His Excellency the Governor as Chief Officer Roads, Infrastructure, Public Works and Urban Development.

Debate Arising;

There being no other Member wishing to contribute;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the joint report of the Committee on Lands, Housing and Physical Planning and the Committee on Transport, Roads and Public Works and approves Ms. Faith Kalunda Kyunga for appointment by His Excellency the Governor as Chief Officer Roads, Infrastructure, Public Works and Urban Development.

14. MOTION - APPROVAL OF MR. BENSON KIMATHI NJERU FOR APPOINTMENT AS CHIEF OFFICER ENERGY AND INDUSTRY

(Chairperson Committee on Transport, Roads and Public Works)

Order Read;

Motion made and Question proposed;

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Transport Roads and Public works and approves Mr. Benson Kimathi Njeru for appointment by His Excellency the Governor as Chief Officer Energy and Industry.

Debate Arising;

There being no other Member wishing to contribute;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Transport Roads and Public works and approves Mr. Benson Kimathi Njeru for appointment by His Excellency the Governor as Chief Officer Energy and Industry.

15. MOTION - APPROVAL OF THE NOMINEE FOR APPOINTMENT TO THE POSITION OF CHIEF OFFICER EDUCATION AND VOCATIONAL TRAINING

(Hon. Kamunyu Kennedy – Chairperson Committee Education, Science and Technology)

Order Read;

Motion made and Question proposed;

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Education, Science and Technology and approves Mr. Jonathan Mwiti Nyaga for appointment by His Excellency the Governor as Chief Officer Education and Vocational Training.

Debate Arising;

There being no other Member wishing to contribute;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT; Pursuant to the provisions of Section 45 of the County Governments Act, 2012 this County Assembly adopts the report of the Committee on Education, Science and Technology and approves Mr. Jonathan Mwiti Nyaga for appointment by His Excellency the Governor as Chief Officer Education and Vocational Training.

16. MOTION - APPOINTMENT OF MS. LOISE WANJA MUTUA FOR APPOINTMENT AS CHIEF OFFICER WATER AND IRRIGATION

(Hon. John Joseph Njeru- Chairperson Water, Environment and Natural Resources)

Order Read;

Motion made and Question proposed;

THAT; pursuant to Section 45 of the County Governments Act, 2012 this County Assembly adopts the joint report of the Committee on Water, Environment and Natural Resources and the Committee on Agriculture, Livestock and Fisheries and approves Ms. Loise Wanja Mutua for appointment by His Excellency the Governor as Chief Officer Water and Irrigation.

Debate Arising;

There being no other Member wishing to contribute;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT; pursuant to Section 45 of the County Governments Act, 2012 this County Assembly adopts the joint report of the Committee on Water, Environment and Natural Resources and the Committee on Agriculture, Livestock and Fisheries and approves Ms. Loise Wanja Mutua for appointment by His Excellency the Governor as Chief Officer Water and Irrigation.

17. MOTION - APPROVAL OF MS. IRENE NKIROTE MURIUNGI FOR APPOINTMENT AS CHIEF OFFICER CULTURE AND TOURISM

(Hon. Frankline Mawira-Chairperson Committee on Youth Sports and Social Services)

Order Read;

Motion made and Question proposed;

THAT; pursuant to the provisions of Section 45 of the County Governments Act, 2012, this County Assembly adopts the joint

report of the committee on Trade, Tourism and Cooperatives and the Committee on Youth, Sports and Social Services and approves Ms. Irene Nkirote Muriungi for appointment by His Excellency the Governor as Chief Officer Culture and Tourism.

Debate Arising;

There being no other Member wishing to contribute;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT; pursuant to the provisions of Section 45 of the County Governments Act, 2012, this County Assembly adopts the joint report of the committee on Trade, Tourism and Cooperatives and the Committee on Youth, Sports and Social Services and approves Ms. Irene Nkirote Muriungi for appointment by His Excellency the Governor as Chief Officer Culture and Tourism.

18. MOTION - APPROVAL OF DAVID MBAYA JOHN FOR APPOINTMENT AS THE COUNTY ATTORNEY

(Chairperson Committee on Appointments)

Order Read;

Motion made and Question proposed;

THAT; Pursuant to provisions of the Office of the County Attorney Act, 2020, this County Assembly adopts the report of the Committee on Appointments and approves **David Mbaya John** for appointment by His Excellency the Governor as the County Attorney.

Debate Arising;

There being no other Member wishing to contribute;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT; Pursuant to provisions of the Office of the County Attorney Act, 2020, this County Assembly adopts the report of the Committee on Appointments and approves **David Mbaya John** for appointment by His Excellency the Governor as the County Attorney.

19. MOTION - RESOLUTION TO JOINTLY PETITION THE NATIONAL ASSEMBLY ON ENACTMENT OF COUNTY WARDS EQUITABLE DEVELOPMENT FUND *(Hon. John Joseph Njeru, MCA (CAF Representative))*

Order Read;

Motion made and Question proposed;

NOW THEREFORE; pursuant to the provisions of Article 37 and 119 of the Constitution of Kenya 2010, the County Assembly of Tharaka Nithi resolves to jointly with other County Assemblies through the County Assemblies Forum (CAF) vide the **annexed draft petition**, petition the National Assembly to intervene and ensure:

1. THAT, the **COUNTY WARDS EQUITABLE DEVELOPMENT FUND** be incorporated in the proposed Constitutional Amendment Bill before the National Assembly by the **Hon. Stephen Mule, MP** and the **Hon. Gichimu Githinji, MP** alongside other proposed funds namely the National Government Constituencies Development Fund (NGCDF), National Government Affirmative Action Fund (NGAF), the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund either prior to the publication of the said Bill or before it is referred to the Senate in accordance with rules of procedure of Parliament.

2. **THAT**, the proposed Constitutional Amendment Bill in amending **Article 204** of the Constitution should provide for the following with respect to County Wards Equitable Development Fund: -
- i. That each County Government shall allocate funds comprising of a certain percentage of the respective total County's Annual Budget Estimates or as shall be advised and determined by the Commission on Revenue Allocation (CRA) during the enactment of the County Allocation of Revenue Act to cater for County Wards Equitable Development Fund;
 - ii. That all monies allocated to County Wards Equitable Development Fund shall be considered as funds allocated to Wards pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of an Act of Parliament; and
 - iii. That Parliament shall enact a legislation to provide for the administration of the County Wards Equitable Development Fund.

Debate Arising;

There being no other Member wishing to contribute;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY

NOW THEREFORE; pursuant to the provisions of Article 37 and 119 of the Constitution of Kenya 2010, the County Assembly of Tharaka Nithi resolves to jointly with other County Assemblies through the County Assemblies Forum (CAF) vide the **annexed draft petition**, petition the National Assembly to intervene and ensure:

3. **THAT**, the **COUNTY WARDS EQUITABLE DEVELOPMENT FUND** be incorporated in the proposed Constitutional

Amendment Bill before the National Assembly by the **Hon. Stephen Mule, MP** and the **Hon. Gichimu Githinji, MP** alongside other proposed funds namely the National Government Constituencies Development Fund (NGCDF), National Government Affirmative Action Fund (NGAF), the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund either prior to the publication of the said Bill or before it is referred to the Senate in accordance with rules of procedure of Parliament.

4. THAT, the proposed Constitutional Amendment Bill in amending **Article 204** of the Constitution should provide for the following with respect to County Wards Equitable Development Fund: -

- i. That each County Government shall allocate funds comprising of a certain percentage of the respective total County's Annual Budget Estimates or as shall be advised and determined by the Commission on Revenue Allocation (CRA) during the enactment of the County Allocation of Revenue Act to cater for County Wards Equitable Development Fund;
- ii. That all monies allocated to County Wards Equitable Development Fund shall be considered as funds allocated to Wards pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of an Act of Parliament; and
- iii. That Parliament shall enact a legislation to provide for the administration of the County Wards Equitable Development Fund.

6. COUNTY ASSEMBLY ROSE - at thirty minutes past twelve O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Wednesday, December 7th, 2022 at 9.30 a.m.*