

Second Assembly
(No. 044)

Fifth Session
(104)

COUNTY GOVERNMENT OF TAITA TAVETA



**COUNTY ASSEMBLY OF TAITA TAVETA
SECOND ASSEMBLY – FIFTH SESSION**

ORDER PAPER

WEDNESDAY

TUESDAY, MAY 19TH, 2021 AT 9:30 AM

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath;
2. Communication from the Chair;
3. Messages;
4. Petitions;
5. Papers;
6. Notices of Motion; (*As listed in the Appendix*)
7. Statements; (*As listed in the Appendix*)
8. Motions & Bills

*Denotes Orders of the Day

APPENDIX

NOTICES OF MOTION

1. **NOTICE OF MOTION: ADOPTION AND APPROVAL OF THE TAITA TAVETA 2021/2022 COUNTY FISCAL STRATEGY PAPER (HON. GODWIN KILELE, MCA, CHAIRPERSON BUDGET & APPROPRIATIONS COMMITTEE)**

THAT, pursuant to the provisions of Section 117 (6) of the Public Finance Management Act, 2012, this Second Taita Taveta County Assembly Adopts and Approves the 2021/2022 Amended County Fiscal Strategy Paper laid on the table of this House on Tuesday 18th May, 2021, Morning Sitting No. 042

STATEMENTS

1. **STATEMENT: STATUS OF VOI SISAL ESTATE (HON. CHRISTOPHER MWAMBINU, NOMINATED MCA)**

MR. SPEAKER SIR, in line with the parliamentary best practices, precedents and conventions, and pursuant to the provisions of the Second Taita Taveta County Assembly Standing Order No. 42(2) (c) relating to the Sitting's ORDER NO. 7 (STATEMENTS), a Member of the House can seek a statement requiring availability of information, clarification or appearance on any substantive issue, circumstances, situations and matters appertaining to the attention of County Governments, the National Government, or any Public Entity where such mandates related to the management of service and leadership to the citizens and institutions, as per the Constitution of Kenya, 2010, and our current laws are concerned;

MR. SPEAKER, SIR, there are allegations that Voi Sisal Estate also known as Voi Point Limited which was under Agricultural has been converted to commercial use and is currently undergoing subdivision yet the County Government claims to have no idea of these ongoing activities.

MR. SPEAKER, SIR, in view of the foregoing, I would like the Chairperson of the Committee on Lands, Housing and Human – Wildlife Conflict Resolution to furnish this House with the following information;

1. Who are the Directors of Voi Point Limited?

2. Did the owners change the land use from Agricultural to Commercial? And if so, what was the purpose for the change of user?
3. Did the County Government give approval for the change of user for Voi Point Limited?
4. When was the approval done and if so, was there public participation and where was it done? Support the same with attendance lists and minutes.
5. What is the current status of ownership of the aforementioned land?

2. STATEMENT: STATUS OF GHILA WATER PROJECT IN WERUGHA (HON. JASON TUJA MWAMODENYI, MCA, WERUGHA WARD, AND THE CHAIR OF THE HOUSE SESSIONAL COMMITTEE ON DELEGATED COUNTY LEGISLATION, SECOND COUNTY ASSEMBLY OF TAITA TAVETA)

MR. SPEAKER SIR, the provisions of the Second Taita Taveta County Assembly Standing Orders No. 41, 42 and 83, allows a Member of the House to seek a statement requiring availability of information, clarification or appearance of the responsible officials on any substantive issues, circumstances, situations and matters appertaining to the attention of County and/or National Governments, or any Public Entity where such mandates related to the management of service and leadership to the citizens, institutions and other stakeholders, as per the current constitutional dispensation (pursuant to the provisions of Articles 183(3), 185(3) and 195 of the Constitution of Kenya, 2010), our reigning statutes provided in Sections 8, 9 and 39(2) of the County Governments Act No. 17 of 2012, and the County enacted laws;

MR. SPEAKER, the Ghila Water Project which is located around Makandenyi area in Werugha has been serving many residents with clean water for various purposes including drinking and irrigation for farming among other uses, and it is for this reason that the residents identified and earmarked it for upgrade, enlisting it as one of the public water development projects in the County Integrated Development Plan (CIDP) which underwent public participation prior to its adoption by the Taita Taveta Second County Assembly in the 2017 – 2018 Budget cycle;

In the process **MR. SPEAKER**, the water project has since been allocated Kshs.1.7 million in the subsequent County budgets for its development, and ever since, members of the public who know it have been applauding its increased scope of service to the happy user residents, appreciating and positively justifying its impact and the value for the public money (funds) so invested;

MR. SPEAKER SIR, it is now so sad and unfortunate to realise that the said water project is to be demolished for the reason that TAVEVO Water Company is coming-up with an alternative project which the residents are against, and they have raised a petition to that effect. This is also despite the fact that public funds have been invested for such a beneficial public use making the user stakeholders very happy indeed, and **the truth of the matter is that TAVEVO is only interested in commercializing the water project for profit-generation, against the will of the area people (the public), who have used the said waters for many generations (i.e since time immemorial).**

MR. SPEAKER, even when we consider the aspect of the intended income generation, such a revenue-raising measure ought to have been enforced after a future enactment of the County Finance Bill/Act, subject to a requisite successful review/amendment of our current CIDP which is still in force, because the current Taita Taveta Finance Act, 2020 – 2021, which duly underwent public participation, does not have any such provision, and it is so disgusting, disrespectful and shameful for the administrators and the water agency to be disregarding the rule of law, and enforcing non-existent legal provisions in our County.

Therefore **MR. SPEAKER**, while, and until the submitted petition from the area residents and the concerned stakeholders is scrutinised, considered and determined by this House, the planned demolition stands illegal, should stop, and shall be deemed destruction of public property, and in contravention of the provisions of Article 37 - (right of petition), Articles 40(3), 43(1)d, 73, 174, and 196 of the Constitution of Kenya, 2010, and the provisions of the Taita Taveta County Finance Act, 2020 – 2021, and the House Sectoral Committee of Water and Irrigation is hereby, by orders this statement, directed to follow-up on this matter, including making an urgent fact-finding/scene visit.

MR. SPEAKER SIR, as the democratically elected Ward Representatives of the Kenyan people at the grassroots (as prescribed under **Article 1(2) on the sovereignty of the people**, where the stipulated **sovereign power via Article**

1(3), vests the County Legislature with the **oversight mandate**), tolerating such precedencies dilutes the **letter and spirit of our constitutional dispensation**, and considerably **waters-down the tenets, values, principles and objects of devolution**.