

COUNTY GOVERNMENT OF TAITA TAVETA



**COUNTY ASSEMBLY OF TAITA TAVETA
THIRD ASSEMBLY – THIRD SESSION
ORDER PAPER
TUESDAY, JULY 2ND, 2024 AT 9:30 A.M
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;
8. Motions and bills

*Denotes Orders of the Day

APPENDIX
NOTICE OF MOTION

1. NOTICE OF MOTION: REMOVAL FROM OFFICE OF THE SPEAKER OF TAITA TAVETA COUNTY ASSEMBLY HON. WISDOM KAZUNGU MWAMBURI BY WAY OF IMPEACHMENT(Hon. Rose Shingira-Nominated MCA, Vice Chairperson, Budget, Finance and Appropriations Committee)

AWARE THAT the Speaker is the head of the County Assembly and presides over the sittings and is also the Chairperson of the County Assembly Service Board as stipulated in the Article 178 of the Constitution of Kenya, 2010 and Section 12 of the County Governments Act of 2012 respectively.

THAT, Section 10 (4) of the County Governments Act of 2012, recognizes the order of precedence in the House.

FURTHER AWARE THAT, Article 47 of the Constitution of Kenya guarantees the people of Kenya fair administrative action which mandate has been charged to the Speaker who is the Chairperson of the County Assembly Service.

CONCERNED THAT, a failure of the Chairperson to uphold fair administrative action and values and principles of public service spells doom for the image of the County Assembly and can easily make the officers and the people of Taita Taveta County to lose hope with their representatives and integrity of the House and that no leader will listen to their cry.

FURTHER CONCERNED THAT, the County has thus far faced numerous challenges including floods and displacement of people during the elnino rains and that the people did not feel the impact of the County Government since it was unable to intervene through the emergency fund kit which was appropriated by the House in the budget year 2023-2024.

The Speaker as the head and spokesperson of the House did not make any effort in ensuring that the Governor and his team was summoned by the House to

explain where the funds went and what interventions the County had made to alleviate the suffering of its people.

FURTHER CONCERNED that the Speaker on several occasions has been unable to effectively understand and implement the Standing Orders and the Speakers Rules thus affecting the quality of debates and transaction of business in the House. This can effectively be characterized by the number of Motions and Bills passed by the House during his tenure.

FURTHER CONCERNED THAT the Speaker as the Chairperson of the County Assembly Service Board has not offered proper direction of the Board as characterized by inability to ensure tabling of the Boards annual report of its operations in the House during his tenure.

APPREHENSIVE THAT the continued stay of **HON. WISDOM KAZUNGU MWAMBURI** in the office as the Speaker of the County Assembly of Taita Taveta and the Chairperson to the County Assembly Service Board is likely to plunge Taita Taveta County in a crisis of lack of proper legislations which should compel the County Executive to implement and impact the lives of people of Taita Taveta positively.

ACKNOWLEDGING THAT this Honorable House has the power and mandate of protecting its people and ensuring that the people of Taita Taveta County get the best during the term of this County Assembly.

This House **RESOLVES** that, the Speaker, Hon. Wisdom Kazungu Mwamburi be removed from Office by way of impeachment on grounds of Lack of confidence, Gross Misconduct and Incompetence as espoused hereunder:

1. Lack of Confidence.

- a) **THAT** Article 73 subsection (a)(ii), (iii), (iv) and (b) of the Constitution demands that state officer/ public servant must demonstrate respect for the people, bring honour to the nation and dignity to the office, promote public

confidence in the integrity of the office, vests the responsibility to serve the people rather to rule them.

- b) **THAT** Article 232 Section 1 from subsection (a) to (f) demands high standard of professional ethics, efficient, effective and economic use of resources, responsive, prompt, effective, impartial and equitable provisions of services, accountability for administrative acts, transparency and provision to the public of timely, accurate information and afford adequate and equal opportunities for appointment, training and advancement, at all levels of the public service among other provisions of the law.
- c) **THAT** Hon. Wisdom Kazungu Mwamburi being the Speaker and Chairman of County Assembly Service Board has lost the confidence of the County Assembly Membership irredeemably for the fact that on several occasions he has failed to demonstrate leadership on: resources utilization, especially those attached to the office of the speaker including motor vehicles to mention a few; management of crisis and conflicts between and among the Assembly Membership, unfortunately he has been taking positions that lean on one part failing to exercise impartiality and failure to give appropriate direction that has detrimentally eroded confidence among Members of County Assembly putting the office he is holding in disrepute.

Mr. Speaker, Sir, clear loss of confidence with the Speaker means it will be difficult for him to redeem himself since no Member wants to be led by him and this will disrupt the business of the house and making the people of Taita Taveta to suffer from lack of service accorded to this Honourable House.

2. Gross Misconduct

- a) **THAT** The speaker being the head of the legislative arm of the County Government and Chairman to the Taita Taveta County Assembly Service Board displayed a conduct that was grossly against the ethical code of conduct expected of state/ public officer of his stature. Hon. Wisdom

Kazungu Mwamburi being the Speaker and Chairman of County Assembly Service Board has never allowed tabling of the County Assembly Service Board Annual report on operations of the Board as envisaged under the County Assembly Services Act Section 36 since his inauguration on 21st September, 2022. This has deprived the Members of the County Assembly an opportunity to interrogate the operations of the Board yet the house is responsible for the overall oversight.

Mr. Speaker, Sir, the foregoing show of gross misconduct clearly shows that the Speaker has no respect to the rule of law which yet he is supposed to guide Members to adhere to it.

2. Incompetence

- a) **THAT** In several occasions when Wisdom Kazungu Mwamburi was asked to provide accurate information which include a request for information as provided for in Article 35 and 232 of the Constitution, one Wisdom Kazungu Mwamburi, replied that he does not know of the payments which were due for Members, as a Speaker being the chair of the County Assembly board and institution which manages all the operations of the Assembly cannot claim not to be aware of members and staff outstanding claims, this indicates high level of arrogance or lack of capacity to manage the operations of the Assembly and therefore cannot continue to serve as the Speaker.
- b) **THAT** since he took his oath of office, the Speaker has never held a Kamukunji with his Members of County Assembly yet it's through such Kamukunjis that Members are able to ventilate, mend fences, chart a new path and foster unity of purpose.
- c) **THAT** Inability to discharge his duties as the Chair of the House. The Speaker in many occasions has contradicted himself and made some improper rulings which favour a certain side in the House, further the Speaker on several occasions has been unable to effectively understand and

implement the Standing Orders and the Speakers rules thus affecting the quality of debates and transaction of business in the House. This can effectively be characterized by the number of Motions and Bills passed by the House during his tenure.

Mr. Speaker, Sir, the foregoing instances of incompetence clearly show that the Speaker will jeopardize service to Datuzens by infringing them proper laws to govern them.