

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF NYAMIRA
THE HANSARD

Wednesday, 11th October, 2017

The House met at the County Assembly Chamber, at 2:30PM

[The Deputy Speaker (Hon. Omoti) in the Chair]

PRAYER
MOTIONS

**ADOPTION OF MEMBERS TO THE COUNTY PROCEDURE
AND RULES COMMITTEE**

The Majority Leader (Hon. Masira D.): I beg to move the following Motion, THAT aware that this County Assembly is guided by parliamentary procedures and rules; further, aware that the existing Standing Orders have gaps that need to be reviewed to ensure they meet the needs of this County Assembly, cognizant of the urge need to consider and provide clear directives on what procedures are to be followed in this House and its Committees;

Now therefore, pursuant to the provisions of standing Order No. 188, this House resolves to adopt the following members to the County Procedure and Rules Committee.

1. Hon. Moffat Teya Speaker, Specified
2. Hon. Duke Omoti Deputy Speaker, specified
3. Hon. Duke Masira Member
4. Hon. Irene Sese Member
5. Hon. Richard Onyinkwa Member

I beg to move and call upon Hon. The Leader of Minority to second the Motion.

The Minority Leader (Hon. Kebaso): Thank you Mr. speaker Standing Order No. 188 allows the business committee to comprise the County Procedure and Rules Committee when we keenly look at the roles of the Procedure and Rules Committee we realized that it is more less duplicated with the roles of the House Business Committee and therefore we saw it wise that its composition be purely composed with the Members of the House Business Committee.

I thus stand to second.

Thank you.

(Question Proposed)

Member for Bomwagamo Ward (Hon Barongo): Thank you Mr. Speaker although the criteria of selecting these people in this committee is questionable, it is quite unique having a lot of gaps and levity. I wish to say that because of time and other things, I see the deputy speaker, herein, the Majority Leader and there is a gender balance from a lady and there is a member by the name Richard Onyinkwa; a person whom I respect most, when carrying his business. I wish to support it for adoption but next time when any committee is to be formed the right procedure and criteria's of forming a committee must be formed.

The deputy speaker: Hon. Barongo you either support the Motion or you oppose it

Barongo : I support the Motion because the members who are nominated are people of integrity, seeing the speaker, Deputy Speaker, the Majority Leader, able members Hon. Irene Sese and able member Richard Onyinkwa. These are people who can perform duties I can not oppose them on this Floor, I support this for adoption.

Thank you.

Keganda; Thank you Hon. Speaker, from the statement it indicates that the county Assembly is guided by the parliamentary procedures. The names have come are going to make our nice for us to move on with our business.

I stand to support the names.

Member for Gesima Ward (Hon. Maroko): Mr. Speaker Sir, I stand here to support the names which have been read and indeed there is need as indicated by the leader of Majority that there are gaps existing in our Standing Orders, and by so doing we will be assisted in seeing areas which need to be rectified and even some of the areas which need to be highlighted for instance the finance committee it is from that committee that there are going to come up with the mandate and other duties which are going to be given to the finance committee. If it was possible they could have done it even today. I do strongly support and suggest that the names be adopted.

Member for Itibo Ward (Hon. Nyanchama): Mr. Speaker I welcome you to the Sit. This is my first time to be here while you are on that sit and you look very nice.

The Deputy Speaker (Hon. Omoti): Thank you Hon. Nyanchama I have been here for a while.

Member for Itibo Ward (Hon. Nyanchama): I said for a while and for my case I have no question with the four members but I have a reservation that in future tallying should be done so that we know that members are not overloaded with some functions, to effect that it will have good work output. I will request for an amendment and not that I want to amend this, is that a few members will be incorporated, while you are out to bring in the fathers of the current Order Papers; for example the constitution of America which made in 1776 to date those people who are alive are still incorporated so that they can give the original thinking of the Constitution.

I support.

Member for Bomwagamo Ward (Hon. Barongo): Mr. Speaker I am always on record for always complaining about - the water that is served to honorable members here .As you can see before me there is no water and i cannot take this one, I do not know why people can impose the quality of water to an honorable member like Barongo Charles , which i do not take ; So next time i need water. I am very thirsty i cannot talk.

The Deputy Speaker (Hon. Omoti): Thank you, Hon. Barongo. Housekeepers make arrangements and avail water for hon. Barongo. Hon. Mokaya Jane

Special Elect (Hon. Mokaya J.): Mr. Speaker sir, I want to inquire from you or from the hon. members of the house whether we are supposed to serve water by ourselves or we are supposed to be served.

Thank you, Mr. Speaker sir.

The Deputy Speaker (Hon. Duke Omoti): Hon. Jane Mokaya, you are supposed to pick water by yourself. Water cannot be directed to you for the purpose or essence of eradicating doubt you pick water for yourself. Thank you. Hon. Mocheche

Member for Bonyamatuta Ward(Hon. Mocheche): Asante sana mheshimiwa Spika kwa fursa nami niweze kuchangia kidogo. Nimeweza kupiga mzaza majina ambayo iko mbele yangu ya waheshimiwa ambao wanastahili kwenda kufanya hili jukumu. Na pande yangu naona ni wachapa kazi. Hivyo namaanisha ya kwamba, na mimi pia naunga mkono hoja hii iliyoko katika bunge sasa hivi. Lakini nikimalizia naomba pia kushauri kidogo, Mheshimiwa Spika tuko na vipaji mbali mbali katika hili bunge letu, na ukiangalia vizuri, utafakari vizuri, wengi wanao majukumu mbali mbali, naomba kipindi kingine; kesho, kesho kutwa au siku ingine wakati tunaunda kamati yoyote, tuwe tunajaribu kuachana na ubinafsi. Tuwe tunaangalia nje kidogo. sababu ukiangalia kama mheshimiwa ambaye anawakilisha walio wengi katika hili Bunge ambaye ni Duke Masira, sikatai lakini atalemewa na majukumu. Mbona alemewe na majukumu ilhali tuko na vipaji vingine ambavyo vinastahili kuhudumu. Mheshimiwa spika naomba kipindi kingine tuwe tunaangalia vipaji vya watu mbalimbali.

La pili, Irene Sese sina pingamizi , sababu ya kwamba yeye si mwenyekiti katika kamati yoyote yeye naona anastahili kabisa. Kuna mheshimiwa ambaye ni rafiki yangu, mpendwa Richard Onyinkwa, niko na wasi wasi ya kwamba haya majukumu yote tumemtwika, kweli atayaweza? Sababu nimeangalia chini kipindi kidogo tu, Richard Onyinkwa, sikatai ya kwamba yeye si mfanyi kazi lakini majukumu naona atalemewa. Mheshimiwa spika mimi nimesimama nikiiunga hoja ya sasa hivi mkono, lakini nikiwa pia nikishauri ya kwamba katika bunge letu la Nyamira tuwe tunaacha ubinafsi, tuangalie nje kidogo. Na kumalizia, nikifika tamati ni vizuri pia niseme ya kwamba kuna wazazi wa hii nakala. Wazazi ni wale ambao walianza hii nyumba, wakaweka msingi wakakuja na hii nakala ambayo ni nakala safi kesho ama kesho kutwa, mnapojenga nyumba muwe mnakumbuka wale wazazi. Wazazi wapo, kuna mheshimiwa Thaddeus Nyabaro, mzazi mkongwe, wa hii nyumba, kuna mheshimiwa Samwel Nyanchama,

Itibo, mzazi mkongwe, Callen Atuya- mzazi mkongwe. Vipindi vingine muwe mnawakumbuka. Asanteni sana mheshimiwa spika kwa fursa ya mchana wa leo.

Special Elect (Hon. Mosiori): Thank you, Mr. Speaker. I never wanted to oppose this list but the reaction from the Members indicates rather clearly that there is a consistent repetition of people trusted with mandate to discharge one duty or the other which is breeding selfishness and even making us curiously think that there is a motive. As I oppose these names, I oppose them in full realization that this house has enough members and that this house is not in a shortage that only one person shall be repetitive and this house for the first time in this Assembly, this house can reject the names take them back to the sender they be reviewed and those who are unnecessarily here be removed so that other members be given the duty and those who the standing orders provide that they must be here, be here. I say this because look at the sentiments of hon. Mocheche that we need to have the historical framework, the memory, institutional memory that we had this standing order and this is how it never served us well. We require at least one person because we are privileged to have eight who were in the last Assembly with us. And I am also not very comfortable that out of four, read Deputy Speaker, who is elected (ODM) Orange Democratic Movement, read Majority Leader elected ODM, read Richard Onyinkwa elected, a very good party but still NASA to the extent that there is a speaker the position of deputy speaker is assumed active and therefore can represent a party. Therefore the parties are not properly represented and my side Jubilee is malnourished. I beg to reject these names and ask that an amendment be done.

Thank you Mr. Speaker

The Deputy Speaker (Hon. Omoti): Hon. Mosiori, let me refer you to Standing Order number 188 (2), the committee shall comprise: the speaker as the chairperson, the chairperson of committees and not more than three other members. The chairperson of committees in that case is the Deputy Speaker and you do not have to attach him to any party. He is specified there by the Standing Orders and he has to be in that committee. Thank you. Hon. Mose Innocent

Special Elect (Hon. Mose): Thank you Mr. Speaker. Before I make my remarks may I be directed whether the name *omoisia* is Parliamentary Language from you Mr. Speaker.

The Deputy Speaker (Hon. Omoti): That is wrong. May I know from which Member it came from and whether it was a proof or there is a record of it? Point of order

Member for Bonyamatuta Ward (Hon. Mocheche): Hon. Speaker we cannot stand here or sit here and entertain jokers. I want to agree that those are jokers and we cannot welcome such names in this House. Hon. Speaker, maybe they were consulting. Hon. members remember the Hansard is on and when it is on please I beg everybody not to bring any joke.

END-B

TAKE C-11TH OCTOBER

Member for Bonyamatuta Ward (Hon. Mocheche): This is a House of records even after thirty years; whatever we are trying to say will come out and I request the chair to ignore completely such a joke please.

The Deputy Speaker (Hon. Omoti): Hon. Nyanchama what is your point of information?

Member for Itibo Ward (Hon. Nyanchama): Mr. Speaker, I am not joking. I am informing the House that I supported this on understanding that this is a baby of the Selection Committee; House Business Committee that is why I am strongly supporting that these Members be given the Honors to perform this but the statements by the Members is heard.

Thank You, Mr. Speaker.

The Deputy Speaker (Hon. Omoti): Hon. Mose Innocent

Special Elect (Hon. Mose): On a point of order. May I remind, may be Honourable Nyanchama didn't hear me because I wanted direction from the Speaker on what my dear friend said.

The Deputy Speaker (Hon. Omoti): That was not heard in this House

Special Elect (Hon. Mose): I continue on the names, while I support the names I do not buy the idea that the names could have come only from the House Business committee because I have just read the Standing Orders that the names should consist of the Speaker, the Deputy Speaker and three other names. The three other names could have come from elsewhere.

Thank you Mr. Speaker.

The Deputy Speaker (Hon. Omoti): Do you support the motion or you oppose it Hon. Innocent Mose?

Special Elect (Hon. Mose): I said I support.

The Deputy Speaker (Hon. Omoti): Then you support it Hon. Barongo

Member for Bomwagamo Ward (Hon. Barongo): Mr. Speaker, As I said last time, these are people of integrity and come from House Business and what Hon. Nyanchama has said is proper since this is a baby of that committee. I want us to move to the next business given that only one Member is opposing it, my dear friend Hon. Mosiori young man growing in politics and has opposed. I do not think we can rely on this business. It is a matter of moving forward to another business. I pray that we move forward Mr. Speaker

Special Elect (Hon. Yaro): Thank you Mr. Speaker, while we stand here to support. We should be guided on where the committee originates from and that is what we need to understand, if it is a baby of House Business then it is okay but if it is not then we need to know where it comes from. We are not complaining, we support but we need to know where the committee originates from.

Thank you Mr. Speaker

Special Elect (Hon. Mosiori): Mr. Speaker, there is a point of information that being a baby of any committee, does not mean that it necessarily its membership from among the committee members. It simply means that it is a creation of the committee but does not

necessarily draw Members from the very people in the committee. I am saying is that, all committee are babies of selection committees hence creations of selection committees do not see any merit of having the same members nominate themselves selfishly in the name of it is a baby of the mother committee, all mean House Business committee unless the procedures say otherwise.

The Deputy Speaker (Hon. Omoti): Hon. Nyanchama, what is your point of information?

Member for Itibo Ward (Hon. Nyanchama): On a point of order. Mr. Speaker, I want to inform the House and the Member to know that, and I told you here last time that, if I can use the word subset you can understand. This exactly what I mean that the Members were supposed to come from the selection committee, that is the existing the selection committee. If that is the argument, the existing House Business so the five Members were to be a smaller committee of that committee hence a subset in another language of Hon. Mosiori is a baby.

The Deputy Speaker (Hon. Omoti): What is your point of information Hon. Nyabaro?

Member for Ekerenyo Ward (Hon. Nyabaro): On a point if order. Thank you Mr. Speaker, this is why I was insisting that people should get proper induction. Mr. Speaker, the Rules and Procedure committee because of laws and mandate that the House Business committee wears,

(Several members stood at their places)

(Loud consultations)

The Deputy Speaker (Hon. Omoti): Proceed Hon. Nyabaro

Member for Ekerenyo Ward (Hon. Nyabaro): Mr. Speaker, because of the mandate and functions, this is an extract.

(Loud Consultations)

The Deputy Speaker (Hon. Omoti): Proceed Hon. Nyabaro

Member for Ekerenyo Ward (Hon. Nyabaro): An extract

The Deputy Speaker (Hon. Omoti): Hon. Morara George

Member for Ekerenyo Ward (Hon. Nyabaro): Extract of the committee from House Business Committee.

The Deputy Speaker (Hon. Omoti): Proceed Hon. Nyabaro

Member for Ekerenyo Ward (Hon. Nyabaro): Thank you Mr. Speaker wishes to support the job well, done

The Deputy Speaker (Hon. Omoti): point of order Hon. Mose Innocent

Special Elect (Hon. Mose): While Hon. Nyabaro is an old member of this House; he should give us an example by wearing a neck tie. His type of dressing is unparliamentarily

(Applause)

The Deputy Speaker (Hon. Omoti): Hon. Nyabaro you are wrongly dressed. Serjeant -at-Arms ensures that when Hon. Nyabaro checks in he is in the right dress code. Hon. Members I want to remind you of the Standing Order No. 78 that No Member shall speak more than once to a question except in Committee of the whole County Assembly. No Member shall speak more than once, let us be in cognizant of that Standing Order and observe it.

(Hon. Masira on his feet)

Leader Majority what is it? Honorable Members I now put the question hat pursuant to provisions of Standing Order No. 188 the House resolves to adopt the following Members to the County Procedure and Rules Committee

1. Hon. Moffat Teya; Speaker, specified
2. Hon. Duke Omoti; Deputy Speaker, specified
3. Hon. Duke Masira-Member
4. Hon. Irene Sese-Member
5. Hon. Richard Onyinkwa-Member

(Question put and agreed)

MOTION

PROCEDURAL MOTION ON ADJOURNMENT

The Majority Leader (Hon. Masira D.): Thank you Mr. Speaker Sir, I beg to move the following motion that Pursuant to provisions of Standing Order No.25 (3) Calendar of the County Assembly.

The House adjourns until Wednesday October 18th, 2017 at 9.30AM. The recess is to allow the Committee on Appointments to conduct approval hearing of the nominees to the County Executive Committee. Further, all Hon. Members will be required to participate in the noble to ensure that the public participation is achieved form all stakeholders. As we do so, may I take this opportunity to urge all the Members that will participate in the hearing to make use of this opportunity to ensure that the process is done in line with the existing legal provisions. With those few remarks I wish to call upon Hon. Nyanchama to second.

Member for Itibo Ward (Hon. Nyanchama): Thank you Mr. Speaker Sir. The Committee on Appointment is very important. It will give birth to ECMs and now that every Member is supposed to attend and participate. It is very crucial that this House breaks to attend to that very important Committee. With those remarks I second that the Members consider the adjournment.

(Question proposed)

Member for Bomwagamo Ward (Hon. Barongo): Thank you Mr. Speaker Sir. That is very important and as per yesterday we said we want to go for induction that will give us time to buy clothes and shoes for going outside the country. That time is needed so that when we come back next week we come on Wednesday, and on Thursday we adjourn and go out after vetting the ECM nominees. I support.

Member for Magombo Ward (Hon. Onyinkwa): Thank you Mr. Speaker Sir. I stand to support the Motion of appointing our ECMs for two reasons. One, we are sitting to legislate Business affects our County but it is broken Business because one arm of our operation is not in place. Even any inquiries as which we have done at the Committee level cannot be implemented at all because we do not have the Executive Members. The adjournment will add value to the operations of this House if we can put the Executive house in order.

Two, even monies are not being dispersed to our county to facilitate operations of this County just because we have not put our Government in order. It would be a prudent aspect that this House adjourns and then we have the Executive in place the soonest possible then the Business of the House can fully resume.

Special Elect Member (Hon. Mosiori): Thank you Mr. Speaker Sir. I fully support the adjournment. I am even asking for a longer adjournment period to allow us to adjust ourselves to the political environment of the nation. During this adjournment am requesting that your office facilitates our induction session so that we come back we come equipped with all necessary powers to vet those ECM nominees to avoid overstepping our mandate or underperform. I support the Motion.

The Deputy Speaker (Hon. Omoti): Hon. Mosiori the calendar of vetting the ECM nominees of the Governor is ongoing until October 26th, 2017 and some Members of this House will be Members were in the Committee on Appointments. So we would like that when we offer induction we go all of us because we all want to learn. We do not want the other Members to miss. So that one it will come after we have done with the issues of the vetting of ECM nominees.

Member for Esise Ward (Hon. Nyarang'o): Thank you Mr. Speaker Sir. Firstly, let me apologize for being late. It is because of six cows were stolen next to the home of the Cabinet Secretary for Education and Internal Security, Fred Matiang'i. I was involved together with the OCS, DOs and the Chiefs since 2.00AM. I am happy that we recovered all the six cows. I am happy that we have also informed the Cabinet Secretary for Internal Security to be aware of the situation.

I have this to the Nyamira County Executive, the Office of the Governor. I would like to inform him so that he can also team up with the national Government to beef up security along the border. I am not happy that our Members of our party, Jubilee, would not inform the President about the issue of border security since the same President when he went to Meru he

offered the Merus' to have police reservists recruited to secure their borders. I wonder why Nyamira people could not inform the President.

The Deputy Speaker (Hon. Omoti): Hon. Nyarang'o you are completely out of order. You were to stand to support or oppose the Motion on the Adjournment of the House.

Member for Esise Ward (Hon. Nyarang'o): I apologize Mr. Deputy Speaker Sir. I support that we adjourn the House so that I can go and protect the cows. Thank you Mr. Speaker Sir.

(Applause)

Member for Ekerenyo Ward (Hon. Nyabaro): Thank you Mr. Speaker Sir. I stand to oppose the Motion because for a Committee of five Members cannot lead to adjournment of the House. The only reason I to accept is the reason that Member to get induction. You cannot read clearly why and how the Hon. Member from Esise Ward acted on the issue of missing cows. It is wonderful. For the National Government and County Government or the public to feel a positive index for development, we have to have effective legislators for us to achieve positive development in the grassroots. For the reason that we are to attend the Committee on Appointment meeting I do not see it being a good reason as to adjourn the House. The proceedings and the Plenary of the County Assembly of Nyamira still has quorum. If it is possible let us continue serving the people of Nyamira in the Plenary and the people who are in the Committee on Appointments are on their duties and mandate. If, whoever here feels like should attend the meeting after the Plenary they should do it.

The Deputy Speaker (Hon. Omoti): Hon. Nyabaro the Leader of Majority when he was moving the Motion he stated clearly that the recess is to allow the Committee on Appointments to conduct the approval hearings for the nominees of the County Executive Committee. Further, all Members are required to participate in this noble exercise to ensure that the public participation is achieved from all stakeholders. SO, all members of this House are involved, more so the Chairmen are involved. So it is our exercise and not for only the Committee on Appointments.

Member for Itibo Ward (Hon. Nyanchama): Thank you Mr. Speaker Sir. Hon. Nyabaro is aware that this House has not instituted the Speaker's Panel to manage the activities of the House. As far as I am aware, the Speaker and the Deputy are all Members of the Committee on Appointments.

Further, to what we are going to participate in the appointment. I said we have ran out of time to have instituted the Speaker's Panel to manage the House. That will be the reasons of that we have to go and attend the Committee on Appointments meeting.

Member for Ekerenyo Ward (Hon. Nyabaro): On a point of order. I would like to know from the Law where it is written that it is mandatory that the other Hon. Members should attend. It is by wish of an individual. That is why after the vetting, the names are going to come to the

County assembly. The curriculum vitas are going to come to the County Assembly we peruse them and then we give our answers back.

Member for Bonyamatuta Ward (Hon. Mocheche): Thank you Mr. speaker Sir. Thank you for the opportunity. I am informing Hon. Nyanchama who was misleading this House saying that the Deputy Speaker is also a member of Committee on Appointment and it has spelt out clearly that the Speaker, Majority Leader, Minority Leader, Hon. Atuya Hon. Raban Masira and Hon. Onyinkwa are the only Members of the Committee on Appointments. So it is absurd to mislead this House that the Deputy Speaker of the Committee.

I strongly support the Motion. The Motion is valid. We need the Executive Committee Members (ECMs) but the ECMs also will be vetted by the Committee on Appointments. It is noble that Members who want an induction course. This is now the first induction course that Members will go through. You go sit at the public gallery and see how the Committee on Appointments is participating. In that regard, as stakeholders of this County, I beg you as the Chair to facilitate each Member to bring many members to public gallery and see how the ECMs are being vetted and the duration we will conduct this exercise, so that we do not waste time. I am begging your office to direct the office of the Clerk to facilitate these Hon. Members now if not today that we plan bring many members to the public gallery during the vetting exercise.

Member for Bomwagamo ward (Hon. Barongo): Mr. Speaker as I stand again to support on procedure,

(Loud consultations)

Mr Speaker protect me.

Member for Ekerenyo ward (Hon. Nyabaro): Thank you Mr. Speaker is it in order for the hon. member to say again that he is supporting while a member is not supposed to contribute to a motion. Let us follow rules and procedures.

Member for Bomwagamo ward (Hon. Barongo): On a point of order. I am on point of information because of what hon. Mocheche has said is very vital that apart from induction, we need to have a rehearsal for that induction, we are the representative for the public and we must guide the republic on what they should also learn from that vetting. And we must be facilitated as we go out there for the rehearsal of the induction so that we get people to be rehearsed.

The Speaker (Hon. Omoti): hon. Barongo you are out of order.

(Question put and agreed to)

ADJOURNMENT

The Speaker (Hon. Omoti): Hon. Members there being no other business and the time being 3:39pm the house stands adjourned till Wednesday 18 October 2017 930 am.

The House rose at 3:40pm