

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF NYAMIRA
THE HANSARD

Tuesday, 31st October 2017

The House met at the County Assembly Chamber, at 2:20PM

[The Speaker (Hon. Teya) in the Chair]

PAPERS

The Majority Leader (Hon. Oyagi Duke): Thank you Mr. Speaker Sir. I would like to table the Report on the Committee on Appointments on the Nominations on the vetting of nominees to the County Executive Committee.

NOTICE OF MOTIONS

DEBATES AND ADOPTS THE REPORT ON THE COMMITTEE ON APPOINTMENTS
ON THE NOMINATIONS ON THE VETTING OF NOMINEES
TO THE COUNTY EXECUTIVE COMMITTEE

The Majority Leader (Hon. Oyagi Duke): Thank you Mr. Speaker Sir. I would like to give a Notice of Motion that the County Assembly of Nyamira considers, debates and adopts the Report on the Committee on Appointments on the Nominations on the vetting of nominees to the County Executive Committee with or without amendments.

Member For Bomwagamo Ward (Hon. Barongo): Thank you Mr. Speaker Sir. Before we adjourn, my concern is for the people of Bomwagamo. The road I use going home is no longer a road. The people who are supposed to implement are the Executive wing. The people whom we refer to as ECMs and they are not in office. This matter is very urgent that even the Governor cannot move without his people (ECMs). I feel, as a matter of urgency, that instead of moving around the Notices of Motions, we break for thirty minutes for a Special Session, to discuss about this matter. It is for the interest of the County and my people of Bomwagamo Ward. We are focusing on 2022 when I would like also to be reelected. I will not be reelected if we do not have those people (ECMs) in the office.

(Hon. Nyanchama rises)

Protect me from Hon. Nyanchama who is serving for the second term. And I have only served for three months. He has good roads in his Ward because he did it in last session. I feel...

The Speaker (Hon. Teya): Order! Order! Hon. Barongo!

Member for Itibo Ward (Hon. Nyanchama): Thank you Mr. Speaker. What we have in the Order paper is a written Law, that the House Business Committee made a decision that when you vet there must be a Notice of Motion, which takes more than 24 hours before it is debated. What the allegations Hon. Barongo is raising are in order, and I rally outrageous and must be stopped on what he is processing.

Member For Bomwagamo Ward (Hon. Barongo): Thank you Mr. Speaker Sir. The Hon. Member is the one who is out of order. He did not quote even the Standing Order. Order No. 79 indicates that when you are on a point of order you must quote the order number. SO he did not quote. On which order did he interrupt me for? I proceed to beg that this House just adjourn for 30 minutes and come back for a Special Sitting because our people are missing services from the Executive warm of our County Government. There will be no implementation if we do not have the government in place.

Special Elect (Hon. Onyancha): Thank you Mr. Speaker Sir. This is our concern as the House that we adjourned from this Business in our last sitting. It is prudent for this House that if we can break even for 15 minutes, we come back, discuss these names and have the Executive in place.

Member for Bonyamatuta Ward (Hon. Mocheche): Thank you Mr. Speaker Sir. Today I was sent here, by the People of Bonyamatuta Ward, to put the Executive Committee Members in office. I am now perturbed when I will be going home. What am I going to tell my people? We are determined and ready to dispense this Business today. I can also recall recently when we were doing elections of the Speaker, we were given some minutes for consultations and we cleared the Business of that day. I, the representative of the people of Bonyamatuta, beg your position that you give this House a break of about 20 minutes we do consultations and come back to dispense this Business today, and if today, now.

Member for Magwagwa Ward (Hon. Nyachae): Thank you Mr. Speaker. I support the Hon. Members because they have really raised issues that are very important. I am sure Not that I can say its 100% that most of us as we came we knew that we were to dispense this issue today for all. the house can agree with me that even the timetable you had set for the vetting and all that has already elapsed this is the issue everybody is asking , some of us are meeting so many questions what is this that the assembly is waiting for that they have not put this officers in office what are they waiting for? in the process am even raising a *kamukunji* later and we review some other things that are being said. am of the opinion that since this is very important and urgent and indeed we need this county to start working and above all I do not see why the assembly can be keeping the executive and we do not need them here because it is the Governor who needs them . We need to release this people and allow them get back to work at the

executive so that we are served. So it is very important that we pass a resolution that is paramount in order for this members to go back and work and work. I strongly support.

Special Elect (Hon: Mouni): Thank you Mr. Speaker sir indeed want to conquer with the members of this house on what they have said we. Have stayed here for almost three months and where we are supposed to transact our business of the day we do not have them in place. And when we left this house we said that today the 31ST of this month we are going to sit down and talk about the executives so that they can start their work as from 1st tomorrow. so i support the motion, Thank you.

Member for Manga ward (Hon: Okero)Thank you Mr. Speaker i will also like to support the motion that is on the floor of the house based on the time constrains that we have if i am guided by the calendar we are supposed to be going out for induction as from Sunday and that we will take almost one week and on the very same house calendar we are supposed to break on the 7th of December and if we postpone this urgency of the ministers being back into office we are curtailing the business of the county and the urgency of our people back at the grassroots. So we should proceed and pass this list like today so that we can move on.

Thank you, Mr. Speaker.

Member for Itibo ward (Hon. Nyanchama);Mr. Speaker when i raised the point of order I was very clear that before the advent of the orders in the house, the speakers we boxed , caned and pushed until the standing orders and the law came . The House works on the law and standing orders and therefore Mr. Speaker.

The Speaker (Hon. Teya) what is your point of information Hon. Barongo?

Member for Bomwagamo ward (Hon. Barongo) Thank you Mr. Speaker I would like to inform Hon. Nyanchama that when the house committee brings any business to this house, we are the stakeholders and we own everything and we can change it from this Floor and we are not stamps here as Hon. Members. Many have talked, so Mr. Speaker I feel that if you can put a question of I and nay so that we move on.

Member for Itibo ward (Hon Nyanchama): This is the least information I needed when actually the one raising the information know I have been in this house and this is my fifth year and he has been here for only two weeks. what am saying is that it is the order paper that protects the progress and the routine of this House that is why the laws must be followed and the House business that we have given the authority to bring orders to the house which should be followed to the latter unless we set the precedence and if it is set Mr. Speaker, Your office is at stake. Therefore what am saying is that 24 hours in my understanding is that it is not too long.

Thank You Mr. Speaker

The Speaker (Hon. Teya): what is your point of information Hon. Omayio Fred?

Member for Magwawa Ward (Hon. Omayio): I wanted to inform the House that it is order that once an issue has been raised and seconded, that one is subject to discussion and the chairman is at liberty to raise the question and ask the question. so the moment Hon . Barongo raised an issue and it was seconded and supported already it has been legalized in the House. If it had missed support or seconding, that is when it could not qualify for discussion in this House.

So it is in order I ask as Hon. Barongo has asked that looking at the temperatures raise a question so that the House can determine whether we will break for 15minutes has said then we come back and pass this motion.

Member for Magombo ward (Hon. Onyinkwa): I stand here thanking the Members and especially Hon. Barongo for airing what all of us would be thinking but one of the biggest limitations of this House is the standing orders and i wish all the members attended our house business this morning we were burning with fire to make sure that this thing is discussed today and that we get our county working, we cannot hold our county at ransom , but we are the law keepers and makers and this is the law. There is no window in these Standing Orders that shall allow the discussion of this matter until tomorrow, secondly the procedural law of a matter of this magnitude.

Member for Magwagwa ward (Hon. Omayio): Not that I can say its 100% that most of us as we came we knew that we were to dispense this issue today for all. the house can agree with me that even the timetable you had set for the vetting and all that has already elapsed this is the issue everybody is asking , some of us are meeting so many questions what is this that the assembly is waiting for that they have not put this officers in office what are they waiting for? in the process am even raising a *kamukunji* later and we review some other things that are being said. am of the opinion that since this is very important and urgent and indeed we need this county to start working and above all I do not see why the assembly can be keeping the executive and we do not need them here because it is the Governor who needs them . We need to release this people and allow them get back to work at the executive so that we are served. So it is very important that we pass a resolution that is paramount in order for this members to go back and work and work. I strongly support.

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(Applause)

Special Elect (Hon. Onyancha): Thank you Mr. Speaker Sir. Hon. Onyinkwa cannot be on point if then the Standing Orders say 24 hours after the notice, and then it cannot be tomorrow morning. It will be tomorrow afternoon. For the 24 hours, there can be a possibility...

The Speaker (Hon. Teya): Hon. Onyancha, which Standing Order are you referring to? Or you are using the statement

Special Elect (Hon. Onyancha): Hon. Onyinkwa, Mr. Speaker Sir. As I was saying, then for the 24 hour that the notice is given, then basically it means we might start that Business tomorrow in the afternoon. What if we do not finish, looking at the time we are supposed to put this in place especially after he vetting and appointment.

Member for Magombo Ward (Hon. Onyinkwa): On a point of order. I did not say 24 hours. I think the Member is uninformed. I said that the Motion shall be tabled a day before the day of discussing the Motion. That is what the Standing Orders Read. It is a day before. SO the day preceding tomorrow is today. The issue of hours is immaterial.

The Deputy Speaker (Hon. Omoti): Thank you Mr. Speaker Sir. I wish to add on what Hon. Onyinkwa has said and bring to the light Hon. Onyancha that when you stand to counter and issue that has been raised from the Standing Order, you must also counter it with another Standing Order number. If you do not have it, we do not have Business of listening to stories in this Honorable House. So I take the Hon. Members to Standing Order No. 44(5) (b): Notice of a approved Motion other than those under paragraph a, will be given to Members by means of a list to be published in such a manner as the Speaker may from time to time direct the Member giving such a Notice, shall state its terms to the County Assembly when the Motion has acquired precedence in accordance with Standing Order No.47. Time for moving Motions. That at least one day before the Motion appears on the Order paper. This means that as the Majority Leader has given the Notice today that Motion will appear tomorrow morning in the Order Paper and we shall discuss on those names and I hope God willing we shall exhaust that tomorrow.

The Speaker (Hon. Teya): Hon. Members, I feel the urgency and the need of us tabling and discussing these names. It is also important to note that this is a House that makes laws and regulations. Therefore, it will be wrong that the same House which creates and makes laws is the first one to break the same laws. As the Chairperson of the Committee on Appointments and the other Members. I also feel much more the weight that you are raising from the Floor. But, at the same time, as the custodian of law, we are left to adhere to the law. Bear in mind the sensitivity, the magnitude, the interests of the kind of Report that we are supposed to debate on, it will be wrong for us to skip a step because there those who are watching and would want to take us to court. It has taken a while, a lot of time, a lot of thinking to come up with this Report on the vetting process.

Having been the Chair, I know the kind of energies we have put. It will be a futile Business if we skip one step only for the Report to be quashed and thrown out of this House or

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for us to wait for a longer period than being patient for a short while so that the Report is formally and legally discussed in the House. With that, therefore, Members, I request that all of us be patient. The same people who elected to represent them in this House are the same people who are watching over to see whether you are keeping the law. So, Hon. Omayio, Hon. Mocheche and Hon. Barongo, with due respect, tell the people who sent you to this House that this is the procedure, that there must be a notice of Motion before the Motion is officially discussed as outlined by these Standing Orders.

I want to applaud Hon. Omayio that you were among the pioneers of this House who made these Standing Orders which we are using today. Therefore, we will not want to break these Standing Orders. I request you to be patient as outlined in Standing Order No. 44(b), that we will wait to have a Debate one day after the notice. The Notice of Motion has been given today and therefore I request, for your own interests too, get the Report, go through it so that it will be easier to debate on the Report tomorrow. I direct that the Motion on the Report of Committee on Appointments be discussed tomorrow.

ADJOURNEMENT

The House has been adjourned up to tomorrow November 1st 2017 at 9:30 am.

The House rose at 3:05pm.