

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF NYAMIRA**  
**THE HANSARD**

**Wednesday, 18<sup>th</sup> October 2017**

*The House met at the County Assembly Chamber, at 2:45pm*

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

PRAYER

**COMMUNICATION FROM THE CHAIR**

ELECTION PETITION DAMARIS MOUNI VERSES WAFULA CHEBUKATI

**The Deputy Speaker** (Hon. Omoti): Election Petition number 4, 2017, Damaris Mouni verses Wafula Chebukati and three others. Hon. Members this communication originates from an ongoing petition in the high court of Nyamira following the de-gazettement of hon. Damaris Nyarangi Mouni as the duly nominated Member of County assembly of Nyamira. The Clerk of the County Assembly of Nyamira is named as the fourth respondent in the matter. The said hon. member contested the degazzettement in court and was successfully granted interim orders dated 12<sup>th</sup> and 25<sup>th</sup> September respectively. The matter came up for hearing on the 16th October 2017. The court issued the following orders pending interparty hearing;

(a) That pending the hearing of the instant application a stay of legal Notice No. 133, dated 8<sup>th</sup> September 2017

(b) And is here granted pending hearing and determination interparty.

Hon. Members on the above orders this ho house is seized of the matter and without prejudice to the hon. member we are aware of the doctrine of subsidize the reason we must resist the temptation of ongoing to the roots of the petition in court. However hon. Members, this House jurisdiction to make a communication of this nature and that based on court order that;

(a) Pending the hearing of instant application a stay of legal notice number 133, dated 8th September 2017

(b) And is hereby granted pending hearing and determination interparty. This House is seized of the the mtte and thus communicates that Damaris nyarangi Mouni be allowed to attend the house until further communication to the contrary are issued.

### NOTICE OF MOTION

#### PROCEDURAL MOTION FOR ADJOURNMENT

**Member for Rigoma Ward** (Hon. Sironga): Thank you Mr. Speaker Sir, I beg to move the following Motion that pursuant to Standing Order No. 25 (3), calendar of the Assembly this House adjourns until Tuesday 24<sup>th</sup> October 2017 at 2:30 pm to allow the committee on appointments to finalize the exercise of vetting the Executive Committee Members.

Further, Aware THAT, the hon. Members should be included in the committee on appointments to assist in finalizing the exercise. Thus the assembly may not have required quorum so big to move the motion of adjournment till 24<sup>th</sup> Tuesday at 2:30 pm evening hours.

I now call upon hon. Barongo to second the motion.

**Member for Bomwagamo Ward** (Hon. Barongo): Thank you Mr. Speaker as I second the motion, the exercise of vetting the County Executive Committee Members in this County is a very important exercise and even the public has filled the hall. And even the hon. Members who are not in that appointing committee feels that should be there for the very important petitions that were raised from the public so that we hear because this exercise is very important for the County. So I beg to second the motion for adjournment.

Thank you.

*(Question proposed)*

**Member for Magwagwa Ward** (Hon. Onyinkwa): Hon. Speaker Sir, I stand to support the motion basically because some of us love House Business and one of the most important things we came to do here is to run our businesses properly where all Members will be able to contribute. Fact that the huge business is being carried by the appointment committee and missing the House for only one day because we are saying this House be adjourned tomorrow only. We feel it is only fair that the adjournment be done and that the Members be given an equal share of not missing pertinent businesses in the house.

Finally, like the mover of the motion said, the appointing committee is in need of the serious inputs of those other Members of this House so that the report that shall be written would be a report that is very comprehensive and totally guided. I stand to support the motion.

**Member for Itibo Ward** (Hon. Nyanchama): Mr. speaker while I want to support the motion, I want to make corrections to hon. Onyinkwa that we are not going to adjourn for one day, we shall adjourn for four days because if we adjourn today and the adjournment find you on adjourned day then the days between the date you are adjourning is counted as part of the days. So count tomorrow, Friday, Saturday, Sunday and Monday. If that is corrected and in future it

will be correct I am also requesting that when considering the Members to join the team to go and make consensus this time you will be fair. Whoever is going to do it we are going to see the fairness and we it must be seen to be done. Because in the past you have the Members are we are saying and we are of that opinion that we are developing a group for sacred cows in this House and this must be stopped and corrections be done so that we start on a clean plate. On account of that message.

I support we adjourn.

Thank you.

**Member for Magwagwa Ward** (Hon. Omayio): Thank you Mr. Speaker I also rise support the motion which my friend hon. Sironga has moved. I only support it on one reason given that the committee on appointments is in session has taken the mood of this Assembly because it is a fact it is affecting some of the Members who are coming from within and from other places that we all feel that we should attend and get the right information. So on this reason because it has taken the mood of this House, I support that we adjourn to that given date so that we can be able to join the rest because we are invited already so that we can do the appropriate job.

Thank you, Mr. Speaker.

**Special Elect** (Hon. Mosiori): Thank you Mr. speaker, I support the motion fully and it is very brilliant for the hon. Member to realize that the exercise is going on right now, has captured the imagination of the whole County till it very hard for anything else to be talked about and we want give full attention to this process so that the process remains above board and is not interfered with and that the report that should be written in due course shall be the report that shall reflect the true picture of the expectations of the people of this County. I want to suggest that while doing so, we challenge that committee to live up to the imagination of the people of this County. To give us the true picture of what we saw during the interviews and never fail us in this process. With those few remarks I support the adjournment Mr. Speaker.

Thank you.

*(Question put and agreed to)*

## ADJOURNMENT

**The Deputy Speaker** (Hon. Omoti): Hon. Members, the House stands adjourned till Tuesday 24<sup>th</sup> 2017 at 2:30PM.

The House rose at 3:05PM