

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

DAILY

HANSARD

WEDNESDAY 19TH JANUARY, 2022

Afternoon Sitting

COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

WEDNESDAY 19TH JANUARY, 2022

The House met at 2:30 p.m.

(Mr. Deputy Speaker [Hon. Stephen Wamalwa] in the Chair)

PRAYER

PAPERS

The following Papers were laid on the table of the County Assembly:

1. Report from the Office of the Auditor General on the Financial Statements of Bungoma County Bursary Fund for the year ended 30th June 2019 laid by Hon. Joseph Nyongesa (*Leader of Majority*).
2. Report by Public Accounts Committee on the Special Report regarding the legality of the expenditure of Ksh. 58,660,457 paid by the County Department of Roads, Works and Public Works and Infrastructure on 10th February, 2020 vide certificate number 2 of 10th February 2020 in respect to the dual carriage way road project laid by Hon. Joseph Magudah (*Vice Chairperson, PAC*).

Mr. Deputy Speaker: Thank you so much, Honourable members. A report by the Standing Committee on Public Accounts having been procedurally laid before this House now becomes the property of the House.

NOTICE OF MOTION

The Following Notice of Motion was issued:

That this House adopts the report by the standing committee on Public Accounts on the special report regarding the legality of the expenditure of Ksh 58,660,457 cents paid by the County Department of Roads, Works and Public Works and Infrastructure on the 10th February 2020 vide certificate number 2 of 10th February, 2020 in respect to the dual carriage way Road project issued by Hon. Joseph Magudah (Vice Chairperson, PAC).

Mr. Deputy Speaker: Very well, Honourable members. A notice of motion having been issued in the proper manner required; I therefore direct that it be circulated to all Honourable members by the table clerks for members to critically look at it for their consumption and form part of business that will be considered by this Honourable House.

MOTION

REPORT BY SELECTION COMMITTEE ON THE RE-ALIGNMENT OF 12 COUNTY ASSEMBLY COMMITTEES AND CONSIDERATION OF CHANGES IN ITS MEMBERSHIP

Hon. Joseph Nyongesa (Leader of Majority): Thank you, Mr. Speaker. I rise to move a motion on the realignment of the 12 County Assembly committees and consideration of changes in its membership. Its only 12 committees, members should not be worried so much because...

We have the executive summary which I think I will not go through. Let me read the second paragraph.

The committee pursuant to its mandate as provided for in the County Assembly of Bungoma Standing Orders considered various issues including filling of the committees held by the late Hon. Sitati Makhandia and balancing of the membership.

In consideration of the fact that Assemblies are guided none the less but best practices, customs and traditions, the committee on selection reviewed committee membership and agreed to carry out an exercise on re-alignment of committee and changes in its membership.

COMMITTEE MANDATE:

The Committee's mandate and functions and limitations are stipulated under Standing Orders 153,154,155,156 and 157 that the Committee on Selection shall:

- 1. Nominate members to select committees save for the membership of the County Assembly Business committee, Appointments, Speaker's panel with the County Assembly parties.*
- 2. Give consideration to the need for gender balance and shall, so far as may be practicable, ensure that no more than two-thirds of members of a Committee of the County Assembly, including a Committee established through a resolution of the County Assembly parties in the County Assembly.*
- 3. Ensure that the membership of each committee reflects the relative majority of the seats held by each of the County Assembly parties in the County Assembly.*

COMMITTEE MEMBERSHIP

Mr. Speaker Sir, the committee currently comprises of the following members;

- | | | |
|----|----------------------|-------------|
| 1. | Hon. Joseph Juma | Chairperson |
| 2. | Hon. Francis Chemion | Member |
| 3. | Hon. Elly Tindi | Member |
| 4. | Hon. James Mukhongo | Member |
| 5. | Hon. Jack Wambulwa | Member |
| 6. | Hon. George Makari | Member |

- | | | |
|-----------------|----------|--------|
| 7. Hon. Ben | Kipkut | Member |
| 8. Hon. Paul | Wamalwa | Member |
| 9. Hon. Majimbo | Okumu | Member |
| 10. Hon. Joseph | Magudah | Member |
| 11. Hon. Martin | Wanyonyi | Member |

We had two co-opted members

- | | |
|------------------------|----------------------------|
| 1. Hon. Meshack Simiyu | -Chief Whip Majority Party |
| 2. Hon. Sudi Busolo | -Whip Minority Party |

ACKNOWLEDGEMENT

Mr. Speaker Sir, The Committee on Selection wishes to appreciate your Office and that of the Clerk to the County Assembly of Bungoma for the necessary support accorded to the Committee in the execution of its mandate.

I further extend my gratitude to the committee members and the secretariat in compiling this report. Actually it was not an easy task

Pursuant to the provisions of Standing Orders, I now wish to table the report and urge this Honourable House for adoption.

It is duly signed by the Chairperson.

STRATEGIC OBJECTIVES OF THE COMMITTEE

Mr. Speaker Sir, pursuant to the Standing Orders number 153,154,155,156 and 157 and members can especially go through 156 and 155. Strategic objectives of the committee on selection is to enhance efficient selection of members to their various committees in consultation with other County Assembly parties and in accordance with the practicable parties proportional within the County Assembly of Bungoma.

Criteria on nomination of membership to select committees

Mr. Speaker, the review of the changes in committee membership is as a result of the need to review the committee membership that reflects relative majority's formula as under Standing Order 155(1)

Committee resolutions on constitution of the County Assembly Committees.

Mr. Speaker Sir, Section 14(4) of the County Governments Act 2012 provides that a County Assembly shall in establishing committees' under this section ensure that each member of the County Assembly is appointed to at least one committee.

The Standing Orders number 153,154,155,156 clearly guides the Committee on Selection of its mandate, procedure of nomination of members of select committee, criteria for nominations, approval of the nominations and composition of the select committees.

The committee on selection of nominated members of the other political parties as well as the independents to committees in smear, practical and proportional.

Nomination of members to committees is executed by the County Assembly parties and a member shall not be a member of a committee of a County Assembly unless the nomination of such a member into the committee is approved by the County Assembly.

After reviewing of all committees within its mandate and in exercise of the powers conferred to it, the committee on selection resolved that the membership of various committees be as follows;

SECTORAL COMMITTEES

Public Administration Committee

1. Hon. Majimbo Okumu- Chairperson
2. Hon. Elly Tindi
3. Hon. Francis Chemion
4. Hon. Joseph Nyongesa
5. Hon. Joseph Magudah
6. Hon. Jack Wambulwa
7. Hon. James Mukhongo
8. Hon. Erick Wapang'ana
9. Hon. Meshack Simiyu
10. Hon. Stephen Wafula
11. Hon. Tony Barasa
12. Hon. Hillary Kiptalam
13. Hon. Like Opwora
14. Hon. Joan Kirong
15. Hon. Grace Sundukwa

Finance and Economic Planning

1. Hon. James Mukhongo- Chairperson
2. Hon. Ben Kipkut - Vice Chair
3. Hon. Florence Wekesa
4. Hon. Francis Chemion
5. Hon. Majimbo Okumu
6. Hon. Stephen Wamalwa
7. Hon. Bethwel Mwambu

8. Hon. Elly Tindi
9. Hon. George Makari
10. Hon. Sudi Busolo
11. Hon. Vitalis Wangila
12. Hon. Sophie Marumbu
13. Hon. Christine Ng'elech
14. Hon. Everlyne Mutiambu
15. Hon. Metrine Nangalama

Education and Vocational Training

1. Hon. Fredrick Musebe - Chairperson
2. Hon. Rebah Wabwile - Vice Chair
3. Hon. George Makari
4. Hon. Hillary Kiptalam
5. Hon. Violet Makhanu
6. Hon. Paul Wamalwa
7. Hon. Jerusa Aleu
8. Hon. Christine Ng'elech
9. Hon. Ali Machani
10. Hon. Rosemary Khisa
11. Hon. Antony Luseneka
12. Hon. Peter Sindani
13. Hon. Metrine Nangalama
14. Hon. Wamusai Simiyu
15. Hon. Joan Kirong'

Roads, Public Works and Infrastructure

1. Hon. Jack Kawa - Chairperson.
2. Hon. Paul Wamalwa - Vice Chair
3. Hon. Elly Tindi
4. Hon. majimbo Okumu
5. Hon. Jack ambulwa
6. Hon. Joseph Juma
7. Hon. Joseph Maguda
8. Hon. Aggrey Mulongo
9. Hon. Martin Pepela
10. Hon. Meshack Simiyu
12. Hon. Frankline Simotwo
13. Hon. Ben Kipkut
14. Hon. Francis Chemion

15. Hon. Sudi Busolo
16. Hon. Godfrey Mukhwana Zeddy

Gender and Culture

1. Hon. Godfrey Mukhwana - Chairperson
2. Hon. Jane Ingo - Vice Chairperson
3. Hon. Jerusa Aleu.
4. Hon. Paul Wamalwa
5. Hon. Jack Kawa
6. Hon. Rosemary Khisa
7. Hon. Vitalis Wangila
8. Hon. Caviny Lukosia
9. Hon. Rebah Wabwile
10. Hon. Christine Ng'elech
11. Hon. Joan Lutukayi
12. Hon. Hildabeda Siang'a
13. Hon. Violet Makwanu
14. Hon. Beatrice Wekesa
15. Hon. Milliah Masungo

Committee on Health

1. Hon. George Makari - Chairperson
2. Hon. Jerusa Aleu - Vice Chair
3. Hon. Meshack Simiyu
4. Hon. Luike Opwora
5. Hon. Jane Chebet
6. Hon. Jane Ingo
7. Hon. Mitrine Nangalama
8. Hon. Martin Pepela
9. Hon. Tony Barasa
10. Hon. Joan Kirong
11. Hon. Erick Wapang'ana
12. Hon. Jack Wambulwa
13. Hon. Joseph Maguda
14. Hon. Sophie Marumbu
16. Hon. Ali Machani Mutoka

Committee on Lands, Urban, Physical Planning, Trade, Energy and Industrialization

1. Hon. Humphrey Sifuna - Chairperson
2. Hon. Mitrine Nangalama - Vice Chair
3. Hon. Bethwel Mwambu
4. Hon. Milliah Masungo
5. Hon. Joseph Maguda
6. Hon. Charles Nangulu
7. Hon. Sospeter Nyongesa
8. Hon. Chrispinus Wamusai
9. Hon. Sudi Busolo
10. Hon. Eunice Kirui
11. Hon. Ben Kipkut
12. Hon. Joan Lutukayi
13. Hon. George Makari
14. Hon. Majimbo Okumu
15. Hon. Vitalis Wangila

Housing and Sanitation

1. Hon. Hon. Eunice Kirui - Vice Chairperson
2. Hon. Anthony Luseneka
3. Hon. Frankline Simotwo
4. Hon. Sophie Marumbu
5. Hon. Wamusai Simiyu
6. Hon. Jane Ingo
7. Hon. Jorum Wanjala
8. Hon. Rose Imbega
9. Hon. Jack kawa
10. Hon. Sospeter Nyongesa
11. Hon. Milliah Masungo
12. Hon. Joseph Juma
13. Hon. Nathaniel Aseneka
14. Hon. Evertone Nganga
15. Hon. Winnie Nyambok

STANDING COMMITTEES

Committee on Delegated County Legislation

1. Hon. Hillary Kiptalam - Chairperson
2. Hon. Charles Nangulu

3. Hon. Elvis Abuka
4. Hon. Everlyne Mutiambu
5. Hon Rose Imbega
6. Hon. Frankiline Simotwo
7. Hon. Godfrey Mukhwana
8. Hon. Hildabeda Siang'a
9. Hon. Milliah Masungo
10. Hon. Anthony Luseneka
11. Hon. Aggrey Mulongo

Labour & Social Welfare Committee

1. Hon. Everton Nganga
2. Hon. George Makari
3. Hon. Joan Lutukayi
4. Hon. David Barasa
5. Hon. Aggrey Mulongo
6. Hon. Peter Sindani
7. Hon. Milliah Masungo
8. Hon. Wamusai Simiyu
9. Hon. James Chesibok
10. Hon. Joan Kirong
11. Hon. Jorum Wanjala

Justice and Legal Affairs Committee

1. Hon. Peter Sindani - Chairperson
2. Hon. Sophie Marumbu
3. Hon. Everlyne Mutiambu
4. Hon. Eunice Kirui
5. Hon. Wamusai Simiyu
6. Hon. Nathaniel Aseneka
7. Hon. Elvis Abuka
8. Hon. Rebah Wabwile
9. Hon. David Barasa
10. Hon. Anthony Luseneka
11. Hon. Ali Machani

Public Accounts Committee

1. Hon. Tony Barasa - Chairperson
2. Hon. Joseph Maguda - Vice Chairperson

3. Hon. Metrine Nangalama
4. Hon. Jerusa Aleu
5. Hon. Elly Tindi
6. Hon. Chepruto chesibok
7. Hon. Isaiah Sudi
8. Hon. Erick Wapang'ana
9. Hon. Martin Pepela
10. Hon. Rosemary Khisa
11. Hon. Everlyne Mutiambu

Adoption

Mr. Speaker, Honourable Members, the report was signed. I now call upon the leader of Minority, Hon. Chemion to second the report.

Hon. Francis Chemion: I second the report.

Mr. Deputy Speaker: Thank you. Honourable members, a motion having been moved and duly seconded, I now propose a question that this House adopts the report by Selection Committee on the re-alignment of twelve County Assembly committees in consideration of changes in its membership.

I propose.

(Question proposed)

Hon. Aggrey Mulongo: Thank you, Mr. Speaker for catching my eye. Today, I am being threatened here by Hon. Majimbo.

Mr. Deputy Speaker: Hon. Kawa, can you sit appropriately in the Assembly.

Hon. Aggrey Mulongo: Speaker, I need your protection here. Hon. Majimbo is threatening that he is going to beat me.

Mr. Deputy Speaker: Hon. Mulongo, you are protected.

Hon. Aggrey Mulongo: I am very happy this is the day that I have been waiting for. I am in the Federal Party of Kenya. I don't have a whip. I do not agree with the report that has just been read. I have no alignment to any party. I have written a letter whereby, my whip will be Sudi Busolo of Jubilee. For now, I have heard that consultation for parties was supposed to be done.

I have just heard that from the report. I don't know whether the other parties were consulted. I used to be the Chair for other parties but at the moment; I was supposed to be on the selection

committee, representing other parties. I have not heard my name being mentioned in the Selection Committee. Who represented other parties on that report?

Thank you, Mr. Speaker Sir.

Mr. Deputy Speaker: Thank you, Hon. Aggrey Mulongo for your contribution.

Mr. Deputy Speaker: Hon. Fwamba, you can use the dispatch box!

Hon. Bethwell Mwambu: Mr. Speaker, if you heard the Honourable Member who has been on the floor speaking, he made a very serious allegation that should not remain on HANSARD. That he is likely to be beaten by one of the senior most in this House.

I just wondered whether the threats were very correct and whether he was supposed to beat him after he made a speech or immediately after the speech. Whether the beating is to happen within the law or within the precincts. He is supposed to clarify because the purported Honourable Member who is supposed to unleash the beating is the senior most in the House and he has been leading from the front.

I wonder whether his name is supposed to be on the HANSARD for leading us right from the back to today. So I wish that to be clarified.

Mr. Deputy Speaker: Thank you, Hon. Fwamba for that and I want to believe that for such allegation to let them go unchallenged! The Speaker who is on the floor should substantiate and demonstrate to this House that indeed there was a threat and that it can be recorded that he was being threatened to be beaten. Otherwise he must withdraw. Let him withdraw first.

Hon. Aggrey Mulongo: I'm not withdrawing. When you go to the CCTV Camera here, in the first place he pushed me.

Secondly, he said I will beat you. Replay the CCTV and you will see. I can't withdraw. I'm an old man and I can't speak something that has not happened. I cannot!

Mr. Deputy Speaker: Hon. Mulongo, such is a very serious allegation going on record, for this House, and if you cannot substantiate, then...

Hon. Aggrey Mulongo: I have said and I am still saying, go to the CCTV and find out. Before I stood, my chair was pushed.

Mr. Deputy Speaker: Was there anyone who saw it?

Hon. Aggrey Mulongo: So many of them here. If they didn't see then let's find out from the CCTV. We are digital friends. We are not here to cheat and I'm not here to cheat too.

Hon. Isaiah Sudi: I have a very simple assignment here which the Honourable Member from Kibingei Ward has requested that I being his Whip, I know very well the Jubilee Party has no any coalition agreement with Federal Party. Therefore, I should be lying. Even my minority leader is there. My two leaders are there and you know we don't have that kind of arrangement.

Secondly, we are coming to the end of the session. With this arrangement which will have started, those are just wishful thoughts but they have come too late. I just wish him well but Jubilee is just one Party and my two leaders are there. You cannot just wake up on the floor and say now you should do this my Whip.

I'm the Whip of Jubilee. My colleague please, as Jubilees, we must have a meeting and even consult our office in Nairobi. It is not a small and a lighter matter. Let us not have side shows in this House because my colleague, Majority Whip has served the Member so well. I don't know why a member should say I don't want to be served by Majority Whip who is very competent and has done his work so well.

I have worked with my colleague Majority Whip so well. It will be so bad for me to pretend that I'm going to assist Hon. Aggrey Mulongo as his Whip. Yes I'm his Whip but there are arrangements. You can't just cancel it the way he is saying. It must be procedural.

Mr. Deputy Speaker: Thank you, Hon. Sudi for that clarification and Hon. Mulongo, the letter you purport to have written, should have also reached the Speaker.

The Speaker was not given a copy of the letter you have written and even a party you have written to. Hon. Mulongo, we are on this floor of the House and we conduct very serious business. Let us pronounce ourselves within the tenets and discipline of a legislative House. Let us avoid such side shows for they are not helpful. We have to be serious when we stand up to speak on the floor of this House. This House is for serious business!

Hon. Mulongo it is very wrong and that is not acceptable in this House. We cannot bring jokes on the floor of this House. In future, we will not take that lying down. Hon. Mulongo you have to be warned. Hon. Mulongo you will have to remain in Order otherwise, I will throw you out!

Hon. Meshack Simiyu: Nashukuru kwa nafasi hii. Mimi kama Mwakilishi Wadi ya Mkuyuni, nimesikia yale Mheshimiwa Aggrey Mulongo amesema na inaonekana kama hana imani na upande wa wengi. Ningeomba mheshimiwa Mulongo kwamba Kamati za Mheshiwa Aggrey Mulongo, kesho nitaleta ripoti kwa bunge hili kwa kuwa amesema hawezi fanya kazi na upande wa wengi. Kesho nitaleta ripoti hiyo.

Hon. Jack Wambulwa: Thank you for the opportunity. What I want to request is that through the Leadership and through our Whip Hon. Meshack Simiyu, I think Hon. Mulongo did not know what he was doing for once, if we had such communication, then the communication should not come direct from him. It should have come from his Party...

Hon. Deputy Speaker: Hon. Jack you can hold on. What is the point of Order Hon. Luke Opwora?

Hon. Luke Opwora: *(On a point of Order)* With due respect, my Chair Budget and Appropriations Committee, we do not have Hon. Museveni in this House.

Hon. Deputy Speaker: Hon. Opwora, you should be cotemporary. We have Hon. Meshack Wekesa Simiyu Museveni in this House is official.

Hon. Luke Opwora: I'm most obliged and I withdraw that and apologize.

Hon. Jack Wambulwa: What I was trying to say is that, as Members of this House, especially at this time when we are going to exit, it is not fair for us to start hitting one another. What I want to request my senior colleague Hon. Mukhongo is that don't be in such moods. Let procedures be followed; it is not about the Whip de-whipping you from the Committees.

This Committee is independent of any interference from any other source but I want to request my Whip Hon. Meshack Simiyu that please be a gentleman the way you have been. You are a senior Member and don't withdraw any membership because whatever Hon. Mulongo was saying is not a communication from his Party Leadership.

He cannot write for himself unless he is a Party Leader! Otherwise, I want to wish him to calm down so that we work as a team.

(Applause)

Mr. Deputy Speaker: Let me call upon the mover of the Motion to reply.

Hon. Joseph Nyongesa: Thank you. First of all, I want to appreciate colleagues who have contributed on this report. Learning is not an event but is a process and we shall continue learning. On the issue of parties, as it was pronounced by Hon. Mulongo, he may be right but I just want maybe to inform him that we only have three recognized parties which met the threshold in this House. These are; Ford Kenya Party, Jubilee Party and ODM Party. Others never met the threshold and when we look at the ratio, these are the three Parties that can't be considered when rationing.

Hon. Mulongo, I think you also know that.

Lastly, as I was referring to the County Governments Act, Section 14(iv). It is so clear that our Standing Orders do provide that at least any Member within this House can be in one Committee. At least one Committee but what we have done in Selection; is that every Member is having at least four committees.

Let him also note that. Otherwise, I wish them the best. I know that we are remaining with at least six months which are so much competitive and for the extra two months you know we shall earn up to 10th of August. Eight months are just enough for us to work. For those Members who have joined new Committees, I know you have renewed energy, ensure that things are running the right way.

I beg this House to support the report.

Mr. Deputy Speaker: Thank you, the Leader of Majority and the Chairperson of the Committee on Selection.

Honourable Members, the Motion having been moved and seconded, and debate having ensued and reply made, I now put a question that this House adopts the report by Selection Committee on realignment of twelve County Assembly Committees and consideration of changes in its Membership.

(Question put and agreed to)

Honourable Members, this being the last item on the Order Paper, of this afternoon, the House stands adjourned to 20th Thursday January 2022 at 2:30 p.m.

(House Adjourns)

