

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY 26TH APRIL, 2023

Afternoon Sitting

3rd County Assembly

2nd Session

1

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.

COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

WEDNESDAY 26TH APRIL, 2023

The House met at 2:30 p.m.

(Mr. Speaker [Hon. Emmanuel Situma] in the Chair)

PRAYER

COMMUNICATION FROM THE CHAIR

1. ADJUSTMENT OF THE ORDER PAPER

Honourable Members, I will just make some re-arrangements on our Order Paper. This is a decision that was arrived at after having a consultation with the Leader of Minority and Leader of Majority. On item number two under motions; the said report will not be transacted. It will be taken back to the HBC for further consultations before it can come back to the Floor of the House. So under item number eight, we will only be having item number one proceeding as a motion and the rest as per our Order Paper.

STATEMENT

A STATEMENT SOUGHT BY HON. HENTRY NYONGESA FROM THE CHAIRPERSON SECTORAL COMMITTEE ON AGRICULTURE, LIVESTOCK, FISHERIES AND COOPERATIVE DEVELOPMENT IN RELATION TO THE STATUS OF THE OPERATIONALIZATION OF AGRICULTURAL CESS IN BUNGOMA COUNTY

Mr. Speaker: Hon. Lusenaka are you holding brief for Hon. Hentry? I hope we now have membership to the Committee on Agriculture, Livestock, Fisheries and Cooperative in the House.

Hon. Anthony Lusenaka: Thank you Hon. Speaker. I am holding brief for Hon. Hentry Nyongesa who is away on official duties. He had written a statement on the status of operationalization of Agricultural CESS in Bungoma County.

Hon. Speaker Sir, I rise to seek for a statement pursuant to Standing Order number 47(2) (c) from the Chairperson of the Committee on Agriculture, Livestock, Fisheries and Cooperative development. In the statement let the Chairperson explain on the following;

1. State the areas where Agriculture CESS is collected in the County.

2. Avail the memorandum of understanding between the County Government of Bungoma and sugar factories that is Nzoia, Mumias, Naitiri, Butali and West Kenya on CESS
3. Elaborate on the CESS collected from other crops and activities such as maize, coffee and sand harvesting.
4. How much money has been collected from the sugar factories so far and should indicate the amount spend on administrative costs and development.
5. What benefits have been realized in the areas where Agricultural CESS was collected? He should indicate the amount spend in each Ward since the inception of devolution.

Thank you, Hon. Speaker

Mr. Speaker: Thank you Hon. Lusenaka.

Hon. Sudi Busolo: Hon. Speaker, on behalf of the Committee on Agriculture, I request for 14 days so that we come up with a comprehensive response. At the same time Speaker, I need your guidance because the Department of Agriculture does not collect CESS. I think it is done by the Finance Department and so I stand to be corrected on the destination of the statement; because the only department that collects revenue in Bungoma is Finance, and CESS is part of revenue.

Mr. Speaker: Members, we are supposed to commit properly. If the statement has been done in a way that is not proper, we cannot just close our eyes and commit the same.

Looking at item number one and two, when we look at CESS collection, it is basically under the Department of Finance and Economic Planning. So when we ask the Agriculture Department, we won't be having conclusive answers. To that extent Honourable Members, before we proceed and commit the statement, we would want it to be done properly because what is happening here is that, we will forward the statement the way it is to the Executive and if it is directed to the Department of Agriculture, it will be difficult to have the Department of Finance responding.

To that extent, allow me indulge the owner of the statement and request that it be done a fresh with a specific request to the Department of Finance and Economic Planning, then tomorrow we can have the same indulgence. We will then commit it to the rightful department so that we do not have the responsible persons saying that they do not have answers to give.

I hope it is okay Hon. Lusenaka and Hon. Sudi.

Thank you, so Hon. Lusenaka, just change the title even from my office and make sure it is signed and then I will put it on the Order Paper for tomorrow.

Equally, the Legal Department assisting the Honourable Members should be very keen so that we don't have such mistakes recurring.

MOTIONS

1. REPORT OF THE COUNTY ASSEMBLY SERVICE BOARD ON THE RECRUITMENT OF THE FEMALE MEMBER OF THE COUNTY ASSEMBLY SERVICE BOARD, MARCH 2023

Hon. Joseph Nyongesa (Leader of Majority): Thank you speaker, allow me read the report of the County Assembly Service Board. I shall start with the introduction.

INTRODUCTION

ESTABLISHMENT AND MANDATE OF THE BOARD

The County Assembly Service Board (CASB) is a statutory entity established pursuant to Section 12 of the County Governments Act, 2012; with specific mandate of providing services and facilities to Members of the County Assembly in order to ensure efficient and effective functioning of the County Assembly. Pursuant to Section 11 of the County Assembly Service Act, 2017, the Service Board performs the following functions:

- a) Direct and supervise the administration of the services and facilities provided by and exercise budgetary control over the service;*
- b) Determine and review the terms and conditions of service of persons holding or acting in the offices of the Service;*
- c) Initiate, co-ordinate and harmonize policies and strategies relating to the development of the Service;*
- d) Initiate programmes for training and capacity building members and staff of the County Assembly and other persons, to promote ideals of parliamentary democracy as set out in Article 127(6)(d) of the Constitution and , to promote public awareness and participation in the activities of the County Assembly; and*
- e) Do such other things as may be necessary for the well-being of the members and staff of the County Assembly.*

MEMBERSHIP OF THE BOARD

Section 12 (3) of the County Governments Act 2012, provides that the County Assembly Service Board shall consist of the following members:

- a) The Speaker of the County Assembly as the Chairperson;

- b) Vice-Chairperson elected by the Board from two Members of the County Assembly nominated by the political parties represented in the County Assembly according to their proportion of Members in the County Assembly listed in paragraph (c) below;
- c) Two Members of the County Assembly nominated by the political parties represented in the County Assembly according to their proportion of Members in the County Assembly, and
- d) One man and one woman appointed by the County Assembly from amongst persons who are experienced in public affairs, but are not Members of the County Assembly.

1.1 COMPOSITION OF THE BOARD

The Board as currently constituted comprises of the following:

NO.	NAME	POSITION
1	Hon. Emmanuel Situma	Chairperson
2	Hon. Joseph Nyongesa Juma	Vice Chairperson
3	Hon. Ali Machani Mutoka	Member
4	Mr. Anthony Mabele	Member
5	Mr. Charles Wafula	Secretary

BACKGROUND

PROCEDURE FOR APPOINTMENT OF A MEMBER OF THE BOARD

The first schedule of the County Assemblies Services Act, 2017 stipulates the procedure of appointing a Member of the Board as follows:

1. Upon the convening of the first sitting of the County Assembly or whenever a vacancy arises in the membership of the Board under Section 12 (3) (d) of the County Governments Act, the Secretary to the Board shall, within fourteen days of that first sitting or the occurrence of the vacancy or within such time as would be reasonable, by

notice in the Gazette and in at least two daily newspapers of national circulation, declare a vacancy and invite interested qualified persons to apply;

2. Any person qualified in accordance with this Act may make an application to the Secretary within fourteen days of the publication of the notice;
3. The Board shall, within fourteen days after the last date of submission of applications under paragraph 2, consider the applications, shortlist, conduct interviews and recommend the name of the one applicant qualified for the position;
4. The name of a person recommended under paragraph 3 shall be submitted to the County Assembly for approval and appointment in accordance with the Standing Orders of the Assembly;
5. If the Assembly approves a person recommended under paragraph 3, the Secretary shall, within seven days after the approval, publish the name of the person in the Gazette;
6. Where the Assembly rejects the person recommended under paragraph 3, the Speaker shall communicate the decision of that Assembly to the Board and shall request for a fresh nomination by the Board.
7. If the County Assembly rejects any of the subsequent nominees submitted by the Board for approval under paragraph 7, the provision of paragraphs 1 to 6 shall apply.

Declaration of Vacancy

Paragraph (1) of the first schedule of the County Assembly Service Act, 2017 provides that upon the convening of the first sitting of the County Assembly or whenever a vacancy arises in the membership of the Board under Section 12 (3) (d) of the County Governments Act; the Secretary to the Board shall within such time as would be reasonable by notice in the Gazette and in at least two daily newspapers of national circulation, declare a vacancy and invite interested and qualified persons to apply.

The advertisement of the position of the 5th Member of the County Assembly Service Board of Bungoma (female) was published in the Daily Nation Newspaper on 26th January, 2023 which directed the public to visit the County Assembly of Bungoma website: www.bungomaassembly.go.ke for the application procedure. Attached herein is the advert.

The application was closed on 13th February, 2023 at 5:00 p.m. By closure of the deadline, a total of twenty (20) applications had been received and recorded.

The details of the twenty (20) applicants are listed in the table below.

NO	NAME	ID NO	COUNTY
1	Ruth Charity Wanyonyi	21872860	Bungoma
2	Miriam Nasimiyu Sirengo	32511703	Bungoma
3	Agnes Wafula	9688344	Bungoma
4	Nancy Nafula Barasa	21665406	Bungoma
5	Sifunjo Khakasa Zipporah	29223271	Bungoma
6	Getrude Wanjala Okomba	5383779	Bungoma
7	Olyvia Wambani Murunga	26049558	Bungoma
8	Sephrine Nekesa Barasa	28979788	Trans Nzoia
9	Grace Wanjiru Wanjala	8749335	Kakamega
10	Cecilia Nabwile Wafula	22608263	Bungoma
11	Naomi Purity Mutenyo	26928205	Bungoma
12	Jesca O. Mayabi	7588065	Bungoma
13	Inviolater Auma Wanyonyi	5110192	Kakamega
14	Phaustine Wabuko Khaoya	2076997	Bungoma
15	Eddie Simiyu Mungami	20240187	Bungoma
16	Margret Mary Atodo	5126414	Bungoma
17	Phylis Nafula Nyongesa	23834683	Bungoma
18	Watti Josephine Nekesa	3264595	Bungoma
19	Monica Nekoye Kalenda	2303638	Trans Nzoia
20	Nancy Oundo Dalla	3963416	Busia

2.1.2 Shortlisting Criteria

The shortlisting process was carried out in line with the set criteria as outlined in the advertisement placed in the local dailies and the Assembly Website.

2.1.3 Final Shortlist

After an in-depth analysis and consideration of requirements of the relevant status, the Board shortlisted seven (7) candidates who met the mandatory requirements as enshrined in the Constitution and the Acts governing the County Assemblies. These were:

NO	NAME	ID NO	COUNTY
1	Cecilia Nabwile Wafula	22608263	Bungoma
2	Monica Nekoye Kalenda	2303638	Trans Nzoia
3	Jescah O. Mayabi	7588065	Bungoma
4	Getrude Wanjala Okomba	5383779	Bungoma
5	Nancy Oundo Dalla	3963416	Busia
6	Inviolater Auma Wanyonyi	5110192	Kakamega
7	Margret Mary Atodo	5126414	Bungoma

Interviews

Interviews for the Member of the County Assembly Service Board (Female) were done on 10th March, 2023 in the County Assembly precincts.

All candidates turned up for the interviews.

The seven (7) candidates who appeared were as under listed below.

1. Cecilia Nabwile Wafula
2. Monica Nekoye Kalenda
3. Jescah O. Mayabi
4. Getrude Wanjala Okomba
5. Nancy Oundo Dalla
6. Inviolater Auma Wanyonyi
7. Margret Mary Atodo

Ranking

After a rigorous process of interrogating the performance of each interviewee; taking into account the experience, skills, academic background and suitability for the position, the Board ranked the candidates as indicated in the table below:

No.	Name	MARKS	POSITION
-----	------	-------	----------

1	Cecilia Nabwile Wafula	162	6
2	Monica Nekoye Kalenda	249	2
3	Jescah O. Mayabi	313	1
4	Getrude Wanjala Okomba	193	5
5	Nancy Oundo Dalla	218	3
6	Inviolater Auma Wanyonyi	205	4
7	Margret Mary Atodo	141	7

Board Findings and Recommendations

After an in-depth analysis of the performance and observations of all the candidates who appeared for the interview, the Board made the following findings and resolutions:-

1. That all the seven (7) shortlisted candidates turned up for the interviews as per the date of invitation.
2. That all candidates who appeared for the interviews were accorded sufficient time to make their submissions and presentations.

Based on the performance of interviewees as ranked and pursuant to **Section 12 (3) (d)** of the County Governments Act, 2012, **Section 9** of the County Assembly Service Act, 2017 and **paragraph 4** of the first schedule of the County Assemblies Service Act, 2017, the County Assembly Service Board of Bungoma **recommends** that the Assembly **approves** the appointment of **Jescah O. Mayabi** ID No. 7588065 as the Member of County Assembly Service Board of Bungoma.

Appreciation

The Board wishes to thank the Office of the Clerk and the staff of the County assembly for the logistical support accorded to it during the entire exercise in execution of the Board's mandate. The Board appreciates all members for their patience, sacrifice, endurance and commitment to serving the public good under tight schedule which enabled the completion of the task within the stipulated period.

The Board made several findings on all the seven (7) candidates who were shortlisted and appeared for interviews. These findings guided the Board in making its final recommendations. The Board's final recommendations were based on the Constitution of Kenya, 2010, the County Government Act, 2012, the County Assembly Services Act, 2017 and the information and documents supplied by the candidates during the interviews.

Listed below are secretariat and finally we have Members who appended their signatures to the report.

NO	NAME	POSITION
1	Hon. Emmanuel Situma	Chairperson
2	Hon. Joseph Nyongesa Juma	V/Chairperson
3	Hon. Ali Machani Mutoka	Member
4	Mr. Anthony Mabele	Member
5	Mr. Charles Wafula	Secretary/ Clerk

That is the end of our report; now allow me call upon Commissioner Ali Mutoka to second the report.

Hon. Ali Machani: Thank you Hon. Speaker for allowing me to second this report by the County Assembly Service Board. The Board is an entity that works within the law and will always want to see the smooth running of the Assembly in terms of welfare and challenges that may arise affecting either MCAs, staff or any other person affected by the services offered. I want thank the Coalition where I belong - the Minority Coalition; for allowing me to represent them on the Board.

Elections are long overdue; there is a time frame that each and every Member of the Service Board is supposed to serve. It is well known to the Members that the two members from the political entities will always cease being members as elections are being conducted. When new leaders are declared, that is when the service will think about who will represent us and the Speaker is automatically a member upon his election, where he becomes the Chairperson of the Service Board.

The subject matter before us is a member to serve on the Service Board to meet the gender rule; where we have two members representing the public on the board; one male and another one a female. Regional balance was observed and qualification for the office was paramount.

I am happy to report that due procedure was followed according to the law that guides the operations of the County Assembly and what the Constitution of Kenya, 2010 provides. In that case, I have served in my capacity since this position fell vacant when one member who was a female representative to the board took a decision to venture into politics and she lost.

The male member is still serving. His term is yet to lapse. It was the mandate of the Board to advertise for this position as it has been mentioned in this report and to competitively source for a member to fill it up. The advert is attached on this report. We also have a list of the shortlisted candidates who appeared before the Board for interviewing.

From the seven candidates who appeared before the panel, one name of a member who comes from the upper side of the County; a member who is already serving is from the lower; and a member who has been mentioned here by the Leader of Majority Ms. Jescah O. Mayabi comes from the upper side of the County.

We were looking for someone who understands the challenges facing Honorable Members while serving. That candidate should be a person who is accessible and one who understands that Members have given her a chance to serve diligently and cooperate with those who are on that Board. We can agree that all the candidates who appeared before us qualified, but one emerged a winner by scoring the marks that are indicated in the report.

This candidate scored 313 marks while the second one got 249; the last candidate scored 141 marks and it automatically means that Jescah Mayabi was declared the best suited candidate.

It is important that we bring this name in this House so that the Members can also own up the process. Whether she comes from Tongaren, which is on the upper side of the County or the lower side part of this County; they are coming to work on our welfare.

In the past, for those who were in this House, we noticed that when we give someone an assignment, at the end of the day some of them become like our bosses... even if you call them to get information, they would change and feel as if they are Honorable Members. The person whom we have brought before you Honorable Members, we carried out serious assessment on her and we require your support so that this Assembly can move forward and work out on welfare issues and address our challenges. I wish to thank the Leader of Majority for moving the report which I now second and request for your approval.

Hon. Jack Kawa: Thank you Hon. Speaker. Thank you Hon. Leader of Majority, the Members of our Service Board. I wish to applaud the County Assembly Service Board for the report and from where I sit, it is long overdue. The circuit was not full and now that you have brought the name on this Floor, I stand to support the nominee to serve on the County Assembly Service Board. I want to agree with the seconder of the report that devolution came and with it, distribution of leadership, power and resources cut across. I wish to congratulate this Honourable House and this is from the bottom of my heart; that the Speaker comes from East and West of this County Assembly, the Vice Chair of the Service Board comes from Kanduyi and so it is prudent enough that we applaud you.

You thought it wise that the furthest side of our County; that is Tongaren Sub County, gets the chance of representing the female member in this County Assembly Service Board. I want to urge the female Honorable Members who are here that I don't know the nominee personally, but I am supporting somebody that I want to believe will come and work for the benefit of this County Assembly. I also wish to request the Honourable female members that advise her as she comes here. I am very sure that we are going to approve this name.

As she assumes the office as a Member on the County Assembly Service Board, if she has any ambition, let her swallow it. When you are alive, you have ambition; sometimes when you run fast, that tomorrow you want to be a County Assembly MCA, the next second you want to become a Women Representative; then you want to be an MP, you will lose everything. I want to appreciate you Hon. Speaker and thank our Legal Officer who stood with you when the matter was taken to court. That the very member wanted to come back again and serve as a Member of the County Assembly Service Board. She must know that we have other females outside there who have papers. I am just fed up with some individuals...

(Applause)

The same candidate in 2017 went and vied for Member of County Assembly in Kakamega County; but because we are human beings, we passed the name here; now again she takes you to court. I am on my feet...

I don't know the nominee, but I want to support since it is long overdue. We need to have the work of the County Assembly Service Board to move smoothly.

Hon. Sudi Busolo: Thank you Hon. Speaker for giving me a chance to contribute on this important debate. As Hon. Jack has put it, when we were new here in 2017, we approved one of the Members' of the Service Board and who happened to be ambitious and that everything that came along, she thought belongs to her and in our dialect, we say she is a character who behaves like a hyena who wants everything. So I hope the nominee we are passing here today is not of such character. We want a person who will display a character that will reflect this place.

You know, we are Honourable Members and sometimes people imagine that it is so easy to be elected and be called an Honourable Member. She tried and found it difficult, and it was a lesson even for my sisters and brothers here who are nominated. For the brothers who made you to be nominated, you must respect them so that you may be nominated again; otherwise, if you choose to fight your own hand...

Mr. Speaker: Hope you are not quoting any of my two sisters here...

Hon. Sudi Busolo: No! I am too general. You conducted yourself well here and that is why you are our Speaker again. Had you not done it well...

So we want to tell the world that on this earth, it is good to do good things so that people will remember you, and if an opportunity comes up, you are considered. All that I would want to know is that the board should have a complete line of tenure in this office so that those chosen

will know that they serve for such a time and thereafter you exit so that we don't have conflict. People going to court and derail others who are also people of Bungoma, and who should also serve in the same positions!

Otherwise I support and I appreciate the Board. You know in the previous Board my Member from Jubilee was neither a Leader of Majority nor a Leader of Minority. I can now see that the Board is well functioning because this lady could manipulate everybody; and as I sit I say you have done a wonderful job. I urge this House to support the motion because our welfare is only taken care of... you cannot make your own welfare as an Honourable Member, somebody else will assist you and make sure your welfare is taken care of; just like you cannot be your own teacher. So it is the Board that will take care of our welfare and I hope Speaker with you as the Chairperson, I will enjoy my welfare for the remainder of my term. That my welfare will be improved... every time I walk I must have my pockets well taken care of and with some weight and not with air as it is now. I rest my case

(Laughter)

Mr. Speaker: Thank you Hon. Makari. I saw you in line then Hon. Waiti...

Hon. George Makari: Thank you Hon. Speaker. I also want to support the report. I once served in the Board I think for one and a half years and this position was donated to me by the Hon. Leader of Majority; it was his position and not mine. I know if it was somebody like Hon. Waiti, he would not have given me that position

(Laughter)

But the Leader of Majority was very kind and did not actually scramble to serve on the Board and decided with the Majority side that let Hon. Makari represent us there. I want to appreciate for the time I was allowed to serve.

The Board was not complete! We are aware that one Member of the Board went into politics as Hon. Kawa and Hon. Sudi have said; and then she tried to sneak back after failing to clinch the seat of Member of Parliament for Webuye West Constituency. She tried to sneak back to continue being a Member of the Board which was not very good by law; because as a public officer, once you run for a political office, you have to resign.

She forgot she resigned or she had what we call selective amnesia and choose to believe that she did not resign then came and tried to force her way back in. So arising from that, is when now the Board saw it fit that this vacancy must be filled and I think that was a well thought out idea. I have just heard the name of somebody called Mayabi. I would have wished that the Board said

this Mayabi comes from this Ward; the MCA of this Mayabi is Hon. Mukhanya or Hon. Mutiambu or Hon. Ali Machani Mutoka. I have not heard that one and maybe if this motion is also due for reply, I would wish that my senior Hon. Leader of Majority clarifies where his person comes from for the benefit of the House. If she comes from Musikoma, I will appreciate and say Musikoma has been remembered, but I wish to say that I support this; for the Board to be fully constituted. Let this Lady be approved so that there are no gaps in the Board of the County Assembly of Bungoma.

I also wish to point out that when the minority side gave my senior, his worship the Mayor Hon. Balala his position, you will remember Hon. Ali Machani Mutoka was among the best debaters in the last Assembly. I used to admire this guy, but since this minority side gave him this position, Hon. Balala does speak in this House...

(Laughter)

Hon. Speaker you will agree with me

Mr. Speaker: Hon. Makari... I have given him the floor, he is speaking.

Hon. Geoge Makari: Hon. Speaker you will realize he has no point of order to speak on, but he is a man I respect. He does not cross lines, he keeps to his lane and he is grounded on the things of this Assembly; and so without wasting a lot of time, I wish to support the report.

Mr. Speaker: Thank you... I will have Hon. Waiti.

Hon. Wafula Waiti: Thank you Mr. Speaker for allowing me to also say something on the debate but I am not part of what has been uttered here by my senior...

Mr. Speaker: I suspect you people you are good friends...

Hon. Wafula Waiti: We are very good friends but I wonder why he mentioned my character in that form.

I rise to congratulate the Board for the work done and though I have just come in a bit late, but while I was listening to the Leader of Majority reading the report, he mentioned a name that is from my Ward. Jesciah Mayabi if she is the one person that I know, I was not aware that she applied for this job. I have just heard it here and so if she is the one, she is a very good person and comes from my Ward at a place called Nyange. In fact, she is a close neighbor to Hon. Nakhumicha Dorcas Ndasaba and has a very good history. Where she has been working, she has

posted good results. She is a person I can also support as the area MCA and she is equal to the task.

Hon. Jerusa Aleu: Thank you Mr. Speaker Sir for giving me this chance to contribute to the motion. First of all, I would like to thank the Board; that they have done their best in coming with the candidate from Tongaren that is in Naitiri Kabuyefwe Ward. She has been a very good Principal since I was an OVC desk person. She really gave me an easy time when I was visiting orphans in her school and she is a kind lady. I would like to promise the House what Hon. Kawa has said; I think this lady is going to perform. She is not going to let us down and I wish to confirm to this House that women from Tongaren are aggressive and we honour what we are being given and I know that she is going to perform.

Coming to the previous lady... God hears prayers! I remember when I was a nominated MCA and they were giving Members their mortgages...that lady told me I was not supposed to get that privilege because I was a nominated member and I asked her if they were giving me as a grant or it is something that I was going to pay! From that day, I didnt like the lady! It really haunted...

Mr. Speaker: She was from Tongaren as well.

Hon. Jerusa Aleu: No please! She was from Tongaren yes, the husband is not from Tongaren... the parents in law are in Tongaren, but the lady went back to Masakha where they originated from. I know that family! She is from Masakha not Tongaren, but the parents in law are in Tongaren. In fact, from the upper side of Naitiri Kabuyefwe. So that lady should just go and rest. I support the motion

(Laughter)

(Applause)

Mr. Speaker: Hon. Simotwo, is it your microphone or Kawa's.? Chemion, sorry Honourable...

Hon. Francis Chemion: Thank you Mr. Speaker. You know the way the motion is progressing, I thought I would not object what the members are saying, but because that Honourable Member is not with us now, she left service, I think let us discuss the current nominee so that it does not look like the Honourable Assembly is discussing somebody who cannot come here to defend herself.

We have a nominee from Tongaren and I want to thank the Leader of Majority for remembering Tongaren. As Kenya is struggling with the religious issues, you know Tongaren is known for

having very famous persons in terms of religion. To counter such name, we need to give them these positions so that instead of talking of Jesus of Tongaren, we should now be talking of this lady being one of the able lady commissioners in our County Assembly.

Mayabi qualifies from what the Honourable Members have said. She has all the credentials that are required, and if Tongaren gets, I believe now the next one, I am almost certain, that it will go to the next Sub county; the frontier one which I am very sure it may come to Mt. Elgon for the male representative. Otherwise the Board has been operating minus a lady which is against the law. So we better approve this name to allow the Board to operate within the requirements of the law; because there was no female member on that Board for the period that it has served.

As a County Assembly, we must ensure we pass this name today so that if it is possible you swear the lady in even now or after we have passed the name or tomorrow morning so that we have a functional Board.

Members, this is the very institution in our County Assembly; the engine of the County Assembly. I served on the Board with the Hon. Speaker for almost four years, so I know what it means if the membership is not full; and if we do not have another gender represented, it is good that we pass this name and allow the people of Bungoma and Tongaren to also appreciate this County as Mt. Elgon awaits.

Mr. Speaker: Thank you Hon. Chemion. I will have Hon. Okasida. Members I do not want to give any guidance, I think just as my Honourable Member has spoken, let us not mention members who cannot defend themselves on the floor of the House. It is just good practice. Hon. Okasida, please proceed!

Hon. Johnston Ipara: Thank you Mr. Speaker. First of all I want to thank the County Assembly Service Board for making that noble decision that assists our opposite gender to break the glass ceiling that has affected women for a long time.

Secondly, I also want to appreciate you the Board for complying with chapter four of the Bill of Rights... Article 27(3) you will allow me to read, *“Women and men have the right to equal treatment including the right to opportunities in political, economic, cultural and social spheres.”*

I want to say thank you so much to the County Assembly Service Board.

Why I support this is because of the four items that I want to enumerate. The first one, by employing a woman it will bring Gender equality in employment and bring fairness that has been missing for a long time; because when we have the balance then the decision that is made is agreeable across the board.

Secondly, it will also create higher profitability in terms of ideas. You know when we are only men, we talk about issues that affect mostly men, but when we have a woman, she will also come to balance the equation by raising the issues that affects women and men fears to speak about.

It will also improve innovations. Most of the time when we have a woman in the House and you say maybe you want to build a House, she will always say no, we also have somewhere where we can sit in private and discuss serious matters.

Lastly, it will cultivate increased productivity and this was confirmed by Harvard School of Business when it was said that gender diversity leads to more productivity in organizations. So when we have a woman, we know that actually a house is full. With that, I support the motion.

Mr. Speaker: Thank you Hon. Ipara. Hon. George!

Hon. George Tendet: Thank you Mr. Speaker Sir. I rise to support the motion and I first of all congratulate the Board for the good work done. I wish to remind the Board that in future, you should be sharing these seats as per our Sub Counties. Besides that, we have the majority people in our County that is the Luhya, Bukusus in particular followed by the Sabaots and the Tesos. So when we are sharing the seats in future, let us also consider those communities so that everybody feels that we are together.

Hon. Meshack Simiyu: Mheshimiwa Spika asante pia kunipa nafasi nichangie kidogo. Nafikiri yale yenye Bodi imefanya ni kazi nzuri kwa sababu ya yale yenye yamekuwa pale nyuma. Wakati nimeuliza Mheshimiwa Nandasaba, hata mimi sijui huyu mama anatoka wapi akaniambia anatoka katika wodi moja naye na akaniambia alimfunza. Nandasaba alikuwa mwanafunzi wake.

Nafikiri wananchi wataona vizuri kwa sababu Bodi yetu ya *Assembly* (bunge) itakuwa imejaa na ningependa niombe kuwa akija, wacha afanye kazi ili kazi yetu iwe rahisi asiwe kama yule mwingine hata kama tunasema hatuwezi ongea. Kama wewe utakuwa mtu mzuri hata kama umeenda, tutasema ulikuwa mzuri, lakini kama ulikuwa mtu mbaya hata kama umeenda tutakwambia kwamba wewe ulikuwa mbaya.

Yeye alisaidia Mheshimiwa wa Sitikho lakini mwishowe yeye ndiye alijaribu kutoa Mheshimiwa Grace kwa uongozi. Kwa hivyo namuomba yule anayekuja awe na nidhamu, heshima nzuri halafu kazi yetu itakuwa rahisi kwa hili Bunge letu. Kwa hivyo ninaunga mkono.

Mr. Speaker: Thank you. Hon. Namunyu will speak then the Leader of Majority you prepare to respond.

Hon. Antony Lusenaka: Thank you Hon. Speaker. I also want to add my voice to appreciate the work done by the County Assembly Service Board; and from the look of things in my own

analysis, the Board is now balanced because the Chair comes from Webuye West, Vice Chair Kanduyi, Hon. Balala comes from Webuye East, Mr. Mabele we can trace his roots to Mt. Elgon and the last member comes from Tongaren. I think it is well balanced.

Most regions have been taken care of and the Board is now fully constituted. Our welfare I am very sure will be well catered for. The issue of late payment of salaries and allowances will be a thing of the past and members will be happy moving forward.

Mr. Speaker: Thank you Hon. Joseph Nyongesa kindly with due respect proceed and reply to the motion.

Hon. Joseph Nyongesa: Thank you Mr. Speaker. First of all let me appreciate Hon. Machani for seconding. I want also to appreciate Hon. Wafula Waiti for honoring up that actually the candidate comes from his Ward and also appreciate Members from Tongaren for honoring her. As I appreciate the Members for supporting the Board, I wish to say this;

That actually looking at the age of the candidate, it also gives us assurance that she won't be stubborn like the one who was there. I know she cannot defend herself, but while holding public office, you should always be accountable; and as we approve them, they should know that they have come to serve us and not compete with us.

I wish to appreciate Members for supporting the course of the Board and we shall be there for them to ensure that all is right. Thank you.

Mr. Speaker: Thank you Hon. Joseph the Leader of Majority for the reply to the motion. Honourable Members, allow me proceed and put a question to the said motion for the House to make its decision.

A question to the motion that the House approves the appointment of Jescah O. Mayabi of ID number 7588065 as the Member of Bungoma County Assembly Service Board (female) was put and agreed to

The ayes have it.

(Applause)

This House has approved the appointment of Jescah O. Mayabi of I.D number 7588065 as a Member of the Bungoma County Assembly Service Board representing the Public as a female. Consequently, I will direct that the Clerk to proceed and formally gazette her name.

The name must first be gazetted in the Kenyan gazette before the Chairperson of the Service Board can convene a meeting to formally swear her in as a Member of the Board. Thank you Honourable Members we proceed!

BILL

1. THE BUNGOMA COUNTY WEIGHTS AND MEASURES BILL, 2023- FIRST READING.

Mr. Speaker: Yes Hon. Okasida, proceed!

Hon. Johnstone Ipara: Mr. Speaker Sir, I rise to table the Bungoma County Weights and Measures Bill, 2023.

Mr. Speaker: We should be having it as a first reading, not tabling it! It is not a report. We keep on learning.

(Laughter)

Mr. Speaker: Honourable Members, the Bungoma County Weights and Measures...

Let me allow him to be on HANSARD himself. Is it okay? Yes Hon. Okasida you will come up again, read and at the end of your communication you will say first reading .Okay?

Hon. Johnstone Ipara: Mr. Speaker Sir, I rise to table the Bungoma County Weights and Measures Bill, 2023.

Mr. Speaker: Just start a fresh. You are not tabling anything!

Hon. Johnstone Ipara: Mr. Speaker Sir. I..

Mr. Speaker: Just go through the Bungoma County, and then finish with first reading. There are so many cooks in the kitchen!

Hon. Johnstone Ipara: Mr. Speaker Sir, the Bungoma County Weights and Measures Bill, 2023 - first reading.

(Applause)

Mr. Speaker: Thank you. Honourable Members the Bungoma County Weights and Measures Bill, County Assembly Bill number 4 of 2023 having been read for the first time, I commit the same to the Committee on Trade and Industrialization for processing and reporting back to the House accordingly.

2) THE BUNGOMA COUNTY OUTDOOR ADVERTISING AND SIGNAGE CONTROL BILL, 2023 - FIRST READING.

Hon. Francis Chemion: Thank you. A bill for introduction into the County Assembly of Bungoma; which is titled - the Bungoma County Outdoor Advertising and Signage Control Regulation Bill, 2023- First Reading.

Mr. Speaker: Thank you Hon. Chemion. Honorable Members, the Bungoma County Outdoors Advertising and Signage Control Regulation Bill having been read for the first reading, I proceed and commit the same to the Committee of Lands, for processing and reporting back to the House.

(Interruption of business)

COMMUNICATION FROM THE CHAIR

2. THE 5TH ANNUAL LEGISLATIVE SUMMIT, 2023

Honorable Members while we are in the middle of our discussion, there is a communication that I have to make. This is a formal invitation for the 5th Annual Legislative Summit, 2023 to all Honorable Members from the CAF and to all Speakers of the 47 County Assemblies.

Dear Honorable Speaker,

Notification for the upcoming the 5th Legislative Summit, 2023

CAF in partnership with the Senate and other key stakeholders in devolution are in the process of planning for the 5th Annual Legislative Summit, 2023 under the theme- ***reflection on 10 years of devolution, call to actionable policy and legislation by the legislature***; which will provide a platform for devolution actors and stakeholders to reflect on legislative development for the last 10 years.

It will bring together International, Regional, National and County Legislatures and provide an opportunity to share experiences and lessons in the Legislative developments. Further to this, CAF governing Council, in a meeting held from 13th to 15th February, 2023 resolved that the 5th Annual Legislative Summit, 2023 shall be held from 15th to 17th May, 2023 in Nakuru County.

The design of 2023 Summit will include every summit conference for women legislatures, youth legislatures, legislatures living with disability and House Leadership.

The pre-summit event will precede the main summit and will be held from May 11th to 13th, 2023 in Nakuru County. In addition, to showcase innovation, exhibition booths will be set up targeting corporates, SMEs, County Assemblies, and other Government Institutions. Kindly note that we have a limited number of slots for the exhibition booths which will cost 50,000 shillings; and will be allotted on a first come basis

The purpose of this letter therefore is to inform you of the aforementioned event for your preparation and further request your County Assembly to remit any outstanding CAF annual subscription fees. Please note that attendance and participation to the event will be based on subscription remittance compliance.

Further details pertaining to the Legislative Summit will be communicated to you in due course. Please don't hesitate to contact your relevant officers should you require any clarification regarding the above.

Yours faithfully,

S.G. John Teke Mwaura.

In our last meeting at board level; Hon. Ali Machani, Hon. Joseph Nyongesa and I were already planning for the same, specifically by allowing members to go out for this event at Nakuru. We need to have facilitation in advance so that when Members go, they are able to walk around with proper facilitation.

We are working on that with the leadership of the House and we will be convening a meeting next week to take stock of the same, but we have engaged the CECM Finance and agreed that you be there early enough to rest; because we will be on recess as you prepare to attend the function.

(Applause)

I think that is the Communication.

Hon. Stephen Wamalwa: Thank you. I feel like I should make a remark based on the Communication that you have just made. I think the communication that the Speaker has just informed this House is very important. What you may not know is that there is an agitation for Members across the Country to attend a meeting possibly in Kasarani; and it is towards the issues of welfare which CAF has been working upon. This issue is so passionate even to me.

I want to urge the House that I happened to be a member of CAF in the last Assembly before I relinquished the position courtesy of this House, and it was given to Hon. Grace to represent this House. In one of the functions, the Hon. Raila Odinga came and we were agitating for the issue of the Car grant and Hon. Raila Odinga said something to the Honorable Members.

He said that the problem with Honorable MCAs is that they make noise, shout in Public and everything goes wrong with the public because they are against what they perceive as a push by Members who represent them. He said that the Members of Parliament do their things silently and that is why we complain that Members of the National Assembly are accessing benefits while we as MCAs are not. So he told us that this issue should be silent. At the end of the day for

those who served in the second Assembly, we got car grants, you remember? Because we did not make noise!

He reminded the Members then that the first Assembly went to Mombasa and they were demanding a car grant but they made noise. They shouted, they threw hands, they were making noise and dancing and the President Uhuru Kenyatta was supposed to be the guest of honor I think... and they walked out and refused. So Members, let us give the agencies that we trust to advance our agenda. I beg of this House, and let us now give this Summit time so that we can address these issues. I know some of these issues that are arising; already the National Assembly Speaker and other leaders in this Country are aware. So Members, we will have to think about this and the leadership should call us to order so that we can talk.

Hon. Isaiah Sudi: Let us not be reprimanded. We also have a right to demand. Even with the devolution that we are enjoying, it never came for free. People demonstrated and here it is. So those who are planning to demonstrate are not wrong. There are many ways of killing a rat. Let us not concentrate on one. If a peaceful one fails, we demonstrate and even put sufurias on our heads. Maybe that way they will hear us.

(Applause)

Hon. Meshack Simiyu: Nataka niombe wenzangu vile mheshimiwa Stephen amesema, najua tunaweza sema tukienda tutalazimisha, ama tutaenda ndio tupige kifua ili tupate. Ningeomba tu kwa sababu mheshimiwa Grace yuko hapa na yeye ndiye tulipea jukumu ya hii kazi na bahati njema akafika kule akapewa nafasi na cheo kubwa. Nafiriki sisi kama wajumbe wa wadi za Kaunti ya Bungoma, tuna nafasi ambayo mheshimiwa Grace atatueleza ili tujue yanayo endelea. Nikimalizia, hata tukisema tuende tuandamane na saa zingine hakuna pesa, hatutapata.

Lakini tukienda polepole... nataka kumuomba mheshimiwa Sudi, juzi hukuwa karibu. Sisi tulikuwa na Bwana Spika na wale Wajumbe wa Kitale walikuja kuona Spika na wakaandika mkataba mzuri sana. Wakatuambia kuwa nasi pia tukiwa na kidogo ya kuongezea. Ni hayo pekee ambayo wenzetu kutoka Kitale waliandika wakaenda nayo hadi mahali ambapo Rais yupo na kufikisha kwa Spika wa Bunge la Kitaifa aliyeahidi ataipeleka.

Kwa hivyo nawaomba wenzangu, mambo ya kuenda Nairobi ili tuonyeshe ya kwamba tunaweza, wakati mwingine sio vizuri.

Mr. Speaker: Thank you. That was the last item on our Order Paper. We will adjourn the sitting.

You want to speak? You mentioned positively that you were a member of CAF. Before Hon. Grace speaks, allow me make these observations. We have a report from the EACC with very tough recommendations. That while in Plenary we must use a HANSARD record for attendance. When I was checking your attendance yesterday, they were telling me that after every 48 Hours, we must have all Members attendance captured on the HANSARD record. When I was checking

the one for yesterday, members you are present in my physical attendance in the book, but you are absent on HANSARD. Kindly carry your cards.

If you have lost one, go to the Clerk's office. They came here and took our attendance from the HANSARD system and it indicates that you are 40. The physical attendance and as I am sitting here is telling me that you are 44, meaning four people here don't carry their log in cards. Like for instance, Hon. Grace is not having her card. She is not here but she is present and speaking. When you speak from where you are it is not carrying your name but from where you sit it is telling me Grace is present. So Hon. Grace is absent but she is speaking.

Hon. Grace Sundukwa: Mwanzo kabisa nataka kusema pole kwa kuwa nilipoteza kadi na nimejaribu kupata nyingine bali sijapewa. Kwa mambo ya CAF, tumepanga mkutano Nakuru kwa kuwa inawapa nafasi mwafaka wa kuwasilisha mawazo yenu. Kenya MCA (wajumbe wa kaunti) wanadai kwamba mshahara wao ni elfu themanini na sita. CAF pia tumeng'ang'ana. Sisi hatuna *job group* (kiwango cha kazi). Tuko *job group M* ambayo haiko mahali popote. Ukienda SRC (tume ya mishahara), unaambiwa mwataka kuongezewa mshahara wenu, mko *job group* gani? Hata kama ni wewe utapiga kifua hapo uongezewe mshahara?

Jambo la pili, hatukurudishiwa pesa za magari. Bunge lililopita lilipewa *Car grant* (ruzuku ya magari). Tunapoongea sasa hivi, Mabunge 15 ya Kaunti wamerudishiwa pesa za kununua magari. Wale ambao walikubali wakatwe ushuru. Wengine wamesema hawataki kukatwa ushuru. Hayo mambo hayakuwa hapo. Sio jambo ambalo litakuwa hapo milele. Wewe unataka kuenda kwa barabara kupiga kelele. Itakuwaje wakichukua *car re-imburement* (fidia ya magari) irudi nyuma?

Jambo la tatu, jinsi ambavyo uchumi uko Kenya hii, tusiende kule kwa kuwa Wabunge wanawachochea pia. Vyumba vya habari vitakuwa vimewaangazia kwa kuwa hamna pesa sasa hivi na Kenya hii watu wafa na njaa. Mkienda barabarani kupiga mayowe mshahara uongezwe hata rais pia atashangaa na kile ambacho mnafanya. Hapo maongezi yetu yatafanya kazi kweli? Kwa hivyo fikirieni hapo. Mimi huongea na Alai kila siku. Mtafika kule mchukue hiyo pesa na mpigwe vitoa machozi na mrudi hapa...

Mr. Speaker: Honorable Members, I don't want to speak much. I have seen Hon. Nangulu is on line. I will allow him to speak because age is wisdom and he is among the elderly. He is competing Hon. Mulongo. I will allow him speak then we adjourn the sitting.

Hon. Charles Nangulu: Ningependa kuchangia jinsi ambavyo Mheshimiwa Grace amesema. Hakuna siku Serikali imeweza kufilisika na hakuna siku serikali itaweza filisika. Hatutaomba kuongezwa mshahara na Serikali kufilisi ni hadithi ambayo hatuwezi kuelewa. Pesa ya Waheshimiwa sharti iwe.

(Resumption of Business)

Mr. Speaker: Honorable Members, we will adjourn the sitting for today and resume our sittings tomorrow at 2:30 p.m. As you rise up, just prepare in advance for we will be having our CECM for Finance presenting the Budget estimates physically in the House as per our new Standing Orders. He will have his time here for three hours. So prepare to be here early enough in attendance. We adjourn.

(House adjourns)