

**COUNTY ASSEMBLY OF BUNGOMA**

**COUNTY ASSEMBLY DEBATES**

**DAILY HANSARD**

**TUESDAY 26<sup>TH</sup> APRIL, 2022**

**Afternoon Sitting**

# COUNTY ASSEMBLY OF BUNGOMA

## HANSARD OFFICIAL REPORT

TUESDAY 26<sup>TH</sup> APRIL, 2022

The House met at 2:30 p.m.

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

### PRAYER

### PAPERS

#### REPORT OF JOINT COMMITTEE'S OF PUBLIC INVESTMENTS OF BUNGOMA AND TRANS NZOIA COUNTY ASSEMBLY ON THE REPORT BY THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF NZOIA WATER SERVICES COMPANY FOR THE PERIOD ENDING 30<sup>TH</sup> JUNE, 2019

**Hon. Joseph Nyongesa:** Allow me to table on behalf of the chairperson of this committee who is busy with nominations to a report of joint committee's of Public Investments of Bungoma and Trans Nzoia County Assembly on the report by the Auditor General on the financial statements of Nzoia water Services Company for the period ending 30<sup>th</sup> June, 2019.

**Mr. Speaker:** The joint report by the committees of Public Investment of Bungoma and Trans Nzoia County Assembly on the report by the Auditor General on the financial statements on Nzoia water services Company (Nzowaco) for the period ending 30<sup>th</sup> June, 2019 has been tabled and it now forms part of the records of the House.

### NOTICE OF MOTION

#### REPORT OF JOINT COMMITTEE'S OF PUBLIC INVESTMENTS OF BUNGOMA AND TRANS NZOIA COUNTY ASSEMBLY ON THE REPORT BY THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF NZOIA WATER SERVICES COMPANY FOR THE PERIOD ENDING 30<sup>TH</sup> JUNE, 2019

**Hon. Joseph Nyongesa:** Thank you, Mr. Speaker. I stand to give a notice of motion that this House adopts a report by the joint committees of Public Investments of Bungoma and Trans Nzoia County Assembly on the report by the Auditor General on the financial statements of Nzoia Water Services Company for period ended 30<sup>th</sup> June, 2019.

**Mr. Speaker:** A notice of motion having been issued by the joint committees of County Assembly of Bungoma and Trans Nzoia on the Auditor General's report on the financial statements of Nzoia Water Services Company for period ended 30<sup>th</sup> June 2019, I direct the table

clerks to circulate the report the honourable members as it will form business on our Order Paper in the course of this week as motion.

## STATEMENTS

### STATEMENT INFORMING THE COUNTY ASSEMBLY OF THE WEEKLY BUSINESS COMING BEFORE THE HOUSE FROM TODAY TUESDAY 26<sup>TH</sup> TO THURSDAY 28<sup>TH</sup> APRIL 2022

**Hon. Francis Chemion:** Thank you Mr. Speaker. On behalf of the House Business Committee, I rise to inform the County Assembly on the business that will be transacted from today to 28th Thursday this week. This is the weekly program of the County Assembly pursuant to Standing Order 36 for the week commencing Tuesday 26th to Thursday 28th April 2022, Second County Assembly 6th Session.

#### **Tuesday 26<sup>th</sup> April 2:30**

##### **Papers**

A report of joint committee's of Public Investments of Bungoma and Trans Nzoia County Assembly on the report by the Auditor General on the financial statements of Nzoia Water Services Company for the period ending 30th June, 2019.

##### **Notices of Motion**

THAT this House adopts a report of joint committee's of Public Investments of Bungoma and Trans Nzoia County Assembly on the report by the Auditor General on the financial statements of Nzoia Water Services Company for the period ending 30th June, 2019.

##### **Statements**

Pursuant to the provisions of Standing Order 41 (2) a statement informing the County Assembly of the weekly business coming before the House from today Tuesday 26th to Thursday 28th April 2022.

##### **Motion**

Exceptional motion pursuant to Standing Order 233 on honor and tribute of the House that following the presidential proclamation of 22nd April, 2022 regarding the passing on of H.E. Emilio Stanley Mwai Kibaki CGH, the Third President of the Republic of Kenya; the tributes of this House be recorded in special honor of the late retired Presidents long and interrupted service in this House, his selfless service to the republic, exemplary accomplishments for the country, his role in shepherding Kenya into a new constitutional dispensation in 2010 and for his patriotism and role in promoting socio-economic growth and development of the Republic of Kenya and East African Region.

**Wednesday 26<sup>th</sup> April, 2022 at 9:30 a.m.**

### **Statements**

Pursuant to the provisions of Standing Order 41 (2) (c)

1. Response from the Chairperson, Sectoral Committee on Lands, Urban, Physical Planning, Trade, Energy and Industrialization to a statement sought by Hon. James Mukhongo in respect to revitalization of Chwele to a modern market.
2. Response from the Chairperson, Sectoral Committee on Health to a statement sought by Hon. Sospeter Nyongesa in respect to the status of construction of pit latrine in Ng'oli Dispensary in West Bukusu Ward.

### **MOTIONS**

THAT this House adopts a report by the Committee on Justice and Legal Affairs on the committee affairs on the committee activities for the 5th session of the second County Assembly.

**Wednesday 26<sup>th</sup> April, 2022 at 2:30 p.m.**

### **Papers**

1. A report by the Sectoral Committee on Public Administration and ICT on the annual report 2021 from the Bungoma County Service Board Pursuant to the provisions of Section 59 (1) (f) and (5) of the County Governments Act 2012.

A correction there Mr. Speaker; it is a report from the Bungoma County Public Service Board.

### **Notices of Motion**

THAT this House adopts a report by the Committee on Public Administration and ICT on the annual report 2021 from the Bungoma County Public Service Board pursuant to the provisions of Section 59 (1) (f) and (5) of the County Governments Act 2012.

### **Statements**

Pursuant to the provisions of Standing Order 41 (2) (c)

1. A response from the chairperson Sectoral Committee on Tourism, Environment, Water and Natural Resources to a statement sought by Hon. Joseph Juma in respect to the construction status of Kibabii- Sasuri Water Project in Tuuti/ Marakuru Ward.

### **Motions**

THAT this House adopts a report by joint committees of Public Investments of Bungoma and Trans Nzoia County Assembly on the report by Auditor General on the financial statements of Nzoia Water Services Company for the period ended 30<sup>th</sup> June, 2019.

**Thursday 28<sup>th</sup> April 2022 at 2:30 p.m.**

**Statements**

Pursuant to the provisions of Standing Order 41 (2) (c)

1. A response from the Chairperson, Sectoral Committee on Health to a statement sought by Hon. James Mukhongo in respect to the operationalization of Mukhweya Dispensary constructed 10 years ago by Kabuchai CDF and handed over to Bungoma County Government.
2. A response from the Chairperson, Sectoral Committee on Roads, Infrastructure and Public Works to a statement sought by Hon. Sospeter Nyongesa in respect to the status of construction of Busolo-Tunya- Kisioyi Road in West Bukusu Ward.

**Motions**

THAT this House adopts a report by the Committee on Public Administration and ICT on the annual report 2021 from the Bungoma County Public Service Board pursuant to the provisions of Section 59 (1) (f) and (5) of the County Governments Act 2012.

Honourable Speaker that is our tentative weekly program of the business of the County Assembly this Week. Thank you Mr. Speaker.

**EXCEPTIONAL MOTION ON HONOR AND TRIBUTE OF THE HOUSE  
REGARDING THE PASSING ON OF H.E. EMILIO STANLEY MWAI KIBAKI**

**Hon. Joseph Nyongesa (Majority Leader):** Thank you, Mr. Speaker. I saw Honorable Elvis Abuka smiling and I'm imagining that he is safe in DAP- Kenya.

Mr. Speaker, during your communication, you never said something but our colleagues especially those who went through nominations actually required your word of congratulations. On your behalf allow me say congratulations to them because it is a step forward.

*(Applause)*

Although most of government members aren't around but tomorrow they will be around and that is why the government side is almost empty. Thank you Mr. Speaker.

Allow me now move the motion so that members can say something on the late Emilio Mwai Kibaki; that following the presidential proclamation of 22<sup>nd</sup> April, 2022 regarding the passing on of H.E. Emilio Stanley Mwai Kibaki, CGH the 3RD President of the Republic of Kenya, the tributes of this House be recorded in special honor of the late retired president, long and uninterrupted service in this House. His selfless service to the Republic, exemplary accomplishment for the country, his role in the shepherding of Kenya into a new constitutional

dispensation in 2010 and for his patriotism and role in promoting socio-economic growth and development of the Republic of Kenya and East Africa as a region.

Mr. Speaker, as we remember this senior citizen in our country, there is a lot that we can remember him as leaders. I have come to learn that as a leader it depends with the legacy you leave but not what you gain from the leadership. In the 2010 Constitution it brought a lot of things in this country especially through the leadership H.E. Emilio Stanley Mwai Kibaki. As members of National Assembly enjoy CDF which is basically a product of a selfless leader.

During our time, we had Moi and most of the development could be pegged on the loyalty of that region to his government. Because of this gentleman, our country has benefited from CDF and that is why most parts in the country had to develop. Lastly as I welcome my colleague to second, this man brought about the freedom of speech that we enjoy right now because during the former region, you could not speak freely. I hope that the current region emulates what Kibaki did so that Kenyas can be free. Allow me now call upon Hon. Francis Chemion to second and give his sentiments on the late H.E. Mwai Kibaki. Thank you Mr. Speaker.

**Hon. Francis Chemion (Minority Leader):** Thank you, Mr. Speaker. I received a certificate of training from the digital conference system and I'm happy because I'm now digital wizard having been taken through by the team that installed the gadgets in the County Assembly. I want to second before this House this afternoon and say the following; that the late President Mwai Kibaki was a humorous president because he said what he felt like he could say anywhere at any time. He was also a good person when dealing with family issues. You remember we had family issues in the press and Hon. Kibaki was tough and clever and did not want fights at home. If the first lady said they go to press anytime he was flexible and was able to defend the family. This was a good gesture of him. In our homes as politicians, we have issues that come up and if you don't manage them well they can spill and become a big problem. The late Kibaki was able to handle all the pressure that was coming from within and without the family unit.

Honorable Speaker, these motor cycles that we are seeing now called *boda boda* came during the reign of Hon. Mwai Kibaki. Before then *boda boda* that we had were the bicycles; they are the ones that were common in Western Kenya and other parts of this country. As we speak now through the efforts the late president, motor cycles were allowed in for the first time. Before then, they were only head teachers of Primary schools and some principals who owned motor cycles. If a person owned a motor cycle that time, that person could command a lot of respect. When Mwai Kibaki allowed the importation of motor cycles and even brought down the charges so that they become a little bit affordable, we have employment of many youths who are now riders of the motor cycles and they have helped the economy grow. This was an important thing that the late president did and he will be remembered for this. The president did not do this and even the second president but under his regime, he allowed motor cycles in the country.

Honorable Speaker, as I second the motion through his reign again, he allowed or introduced the free primary education. Having been a teacher in these schools, we were charging parents in our schools; development money and other levies. When Kibaki came in power, he introduced free primary education where the government gives a good amount of money quarterly to the schools. So that head teachers and administration of those schools can utilize the money to run the schools. This was also a fundamental undertaking. If you look at research, you will find out that it is not all countries in Africa that are offering free primary education. In other countries, we don't have anything called free primary education or free access to education. This is something credible that we need to mention.

Thirdly, through the late Honorable Mwai Kibaki, the economy which had gone to the dogs before he took over; when he came in being an economist from Makerere University, he was able to improve the economy of this country and he did not rely on foreign debt. If you look at the foreign debt that he left in the country compared to what this administration is going to leave you will realize that Kibaki was a good economist because he was able to control debt and used own local revenue to run the country. We can mention all these but we can't forget the Thika super highway in terms of infrastructure which changed the economy of Nairobi, the face of Nairobi and impacted positively to the central part of Kenya and other parts of this country. Apart from the Thika super highway, he also constructed many other roads across the country.

I want also to look at the issue of loans; before then even civil servants could not access and secure loans in the banks, it was difficult. In fact civil servants were being brought money in terms of cash to their human resource officers at their stations. When Kibaki came in, even teachers started getting their salaries in banks, the disciplined forces and others. This allowed them now to be able to access and secure loans in the commercial banks. This also helped people to grow as individuals and also the growth of the economy.

Finally, as I sit down this is the only president who stood in public and declared; I'm seeing in social media someone crying that he is the grandson of Kibaki; he stood in the press and said that he had only one wife and even mentioned the wife and the children. We cannot forget this because honourable ladies who are here know they become happy when they are told you are the only person or the only president of this home and that is what Kibaki deed. Especially Hon. Chepernger is smiling because she remembers Mwai Kibaki being a firm family person. Although Speaker, as I sit down there was a dark edge which we need to also mention that during the reign of the late president, we had an issue of the elections of 2007 which had issues which he surmounted because he agreed to the sharing of power. He ended up saying that let us share this government 50-50. There is no African President who can allow that especially after the electoral commission had declared that he was the winner of the election. He accepted and there was 50-50 government. Though people lost their lives but at least he came down and said

let us share the government so that people are safe. I second the motion and ask that members can continue contributing. Thank you, Mr. Speaker.

*(Applause)*

**Mr. Speaker:** Members for guidance purposes, you will make contributions and at the end of the session being tributes to the late president, we will not have a vote on this motion. At the end of the contributions, we will adjourn the House without a vote.

Honourable members, a motion has been moved under Standing Order 233 THAT following the presidential proclamation of 22<sup>nd</sup> of April 2022 regarding the passing on of H.E. Emilio Stanley Mwai Kibaki CGH, 3RD President of the Republic of Kenya, the tributes of this House be recorded in special honor of the late retired president, long and uninterrupted service in this House. His selfless service to the republic, exemplary accomplishment for the country, his role in the shepherding of Kenya into a new constitutional dispensation in 2010 and for his patriotism and role in promoting socio-economic growth and development of the Republic of Kenya and East Africa as a region. I propose,

*(Question proposed)*

**Hon. Sophie Marumbu:** Thank you, Honorable. Speaker. I rise to give glowing tribute to the former President H.E. Emilio Mwai Kibaki as a proud member of this House because what happened in the era of Mwai Kibaki is what allowed me to be in this House. The coming of devolution with the new constitution which created the County Assemblies where people could be nominated on special interests. Being a woman or lady who came far and married in this place, during this time of elections I'm not able to vie because they want to know where i come from. With the coming of the new constitution and the special interest seats...

**Mr. Speaker:** Hon. Sophie, I hope the submission is not okay because having been married here, you are a wife therefore how can you be chased away unless you are saying something else.

**Hon. Sophie Marumbu:** I'm saying that is why the so called my 'husbands' allowed me to be nominated otherwise, I might not be in this House.

**Mr. Speaker:** Just say your lovely husband not husbands. If you give such an argument then Lutukayi and Florence will say the same because they were not born in the places they are representing here. They are lucky to have been loved by people from far away from their homes and they are leading those wards.

**Hon. Sophie Marumbu:** In my case it is different but I'm grateful to my people who have me a special opportunity which finds me in this House and equally a reason I rise my voice to give glowing tribute to H.E Mwai Kibaki for the new constitution that brought about devolution and



being a beneficiary of the fruits of devolution, I'm here today thanking God and mourning and giving tribute to him because he was a good a leader. He was a leader who could not entertain corruption; he was strict economist who elevated our economy from where it was. He was a leader who brought development to this country. He was a no nonsense leader revered and respected in the same measure. He is a leader that we will miss and this is my urge to the people of Kenya; Kibaki was a leader whom we could have given presidency in his early age and we could have gotten more than what we got. Kenyans are typical of waiting until somebody gets old, we gave him the presidency when he was moving towards the retirement age but still we saw what he did. I think this should be a lesson to us; we need to identify talents in our leaders and give them opportunities to serve in their prime age so that we may enjoy the benefits properly. Thank you Mr. Speaker.

*(Applause)*

**Hon. Elvis Abuka:** Thank you, Mr. Speaker. It is a sad moment having lost one of the greatest men in this country. I have quite a number of reasons as to why I feel sad with the death of H.E. Emilio Mwai Kibaki; sometimes I look at the happenings in the country today and how I wish that we could have an opportunity to give him a third term in office as President of the Republic. There are three things that I want to remember about this *Mzee* one of them being his hilarious remarks and I can quote there was a time he said ' if you can't vote *nyinyi ni mavi ya kuku.*" This is a man who could not mince his words when dealing with issues critical to our lives.

When we talk about family matters as men, it is not easy for us to go public declaring that you have one wife; even Hon. Chemion today he is pretending because I know he can't dare do that. Therefore, this is a man who was serious...

**Mr. Speaker:** He can dare do it, but for your case it is worse.

*(Applause)*

**Hon. Elvis Abuka:** I have said today he is pretending to be so holy today. Protect me Mr. Speaker.

**Mr. Speaker:** Hon. Abuka, you are protected you can carry on.

**Hon. Elvis Abuka:** Thank you, Mr. Speaker. When you walk around a farm and there is a dog that likes stealing eggs and you have a stick in your hands, it runs away even without you doing something. I tend to ignore the honourable member who wants to throw stones at me.

Mr. Speaker, H.E Mwai Kibaki is a leader who brought Kenyas economy from its knees and put it on a globe where we are be proud to be Kenyans. This is someone who could do things without

saying a word. You could insult him, criticize him but once he had made up his mind to do something, he could do it silently and things moved in the right direction.

Mr. Speaker, this President when he wanted to leave office, he tried his level best not to interfere with the elections to ensure that Kenyans got the best from the elections. I remember even people trying to push him to the corner asking him to mention who his successor would be but he gave Kenyans an opportunity to make their own decision which is the direct opposite of what is happening today. It is so sad that we have lost him when we are going to the elections. How I wish that even our current President could borrow a leaf from him and allow Kenyans to make their own decisions independently.

I want to say that I will miss his hilarious comments because whenever he stood to speak, I just found myself laughing without knowing necessarily what I was laughing at. It is sad to have lost him but all in all, may his soul rest in peace.

**Hon. Jane Ingo:** Thank you Honorable Speaker for giving me this opportunity. I stand to give my tribute to the late H.E Emilio Stanley Mwai Kibaki. Honourable Speaker, I can mention a few things to indicate that this leader was a brave one. I can remember the issue of CDF which already been mentioned by the first speakers; because of this idea that was generated by this leader, it gave Kenyans to hold positions. I remember when CDF came, I am one of the beneficiaries who benefited when I was appointed as CDF chairperson for Mt. Elgon constituency for 5 years. Being a woman I can remember that there were other several women who got various positions as treasures, secretaries among others in various constituencies which gave us an opportunity to exercise our leadership and that is what brought us to where we are now.

Another thing that I can remember is that this particular leaders and I can quote him saying '*hakuna cha bure kabisa*' that statement alone indicates that this leader never wanted free things and never wanted Kenyans to like free things. He all the time encouraged the Kenyan people to work hard. I can remember and compare those times and the current life of Kenyans right now. Those days Kenyans used to work hard, they were not used to handouts compared to where we are right now. This reminds us the braveness that this leader had.

Yesterday I heard one of the leaders from Bungoma on television that when he wanted to run sometimes back, he went to the late Mwai Kibaki and requested for some funds to support his campaign and he asked him what he wanted from him and he answered that he wanted some finances to run a campaign. He asked him that suppose you get the job will you share with me the finances that you will get? You realize that this one was a tough leader and for a leader to be respected, you must be tough. He was a tough leader and we will leave to remember him.

This leader I watched yesterday, there were old women almost his age and I remember one of the women mentioning that her son almost dropped out of university. When they were running up and down, the late president came to their rescue and the boy was able to complete his university and the woman was so emotional and she could remember and remind Kenyans what kind of a leader he was. Hon. Speaker, that alone shows that this was a leader down to the earth. A President going to a home of a widow who was in need of help.

As I finish, on family issues, there was a time I learned that his second wife who was not declared publicly one time when she lost a sister, the late President was able to attend funeral. When Wambui the former MP for Othaya stood to speak and announced that she was the official second wife of H.E Mwai Kibaki, the late President never complained...

**Mr. Speaker:** Hon. Ingo, are you not contradicting what Hon. Chemion has said that he was a bold man when he said that he only had one wife but here you are saying something else.

**Hon. Jane Ingo:** Honorable Speaker, the truth is that we are happy as women including myself; when mzee Chepkorom pronounces that Cheperenger is my only wife that makes me happy. But in real matters as women, we know that we are not the only ones, that is the truth. Even my brother in-law Hon. Chemion here, I know he may not announce... Honorable Speaker protect me from my Minority Leader.

**Mr. Speaker:** You are protected.

**Hon. Jane Ingo:** I was saying that this was a brave leader because even after Wamboi introducing herself as the official second wife for the late President and she asked if there were any complaints. Even we as first or second wives we know that we are not the only ones. Men leaders who are here they know how to play about these things so that we can have peace. I want to appreciate what the late leader did for this country and we will leave to remember.

**Mr. Speaker:** Members, we appreciate your tributes to the late President Honorable Mwai Kibaki. We will end there and as earlier said, this is a special motion that does not require a reply or a vote. We adjourn our sitting today and resume tomorrow at 9:30 a.m. in our regular sitting.

*(House Adjourns)*