

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE HANSARD

WEDNESDAY 21ST SEPTEMBER, 2022

FIRST SITTING

Morning Sitting

COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

WEDNESDAY 21ST SEPTEMBER, 2022

The house met at 9:00 a.m.

(The Ag. Clerk of the County Assembly [Mr. Charles Wafula] in the Chair)

PRAYER

COMMUNICATION FROM THE CHAIR

Honourable Members, on behalf of the staff of the County Assembly of Bungoma and on my own behalf, I wish to congratulate all of you on your election to this August House. I wish to welcome you to this first sitting of the Third Assembly. I wish to also extend a special welcome to the Members who are joining the County Assembly of Bungoma for the first time. Further, I extend an invitation to members of the public in our galleries and those watching the day's proceedings. You are allowed to participate in the proceedings of the County Assembly silently without talking, jeering, laughing, clapping of hands or whatever form that might interrupt the proceedings. The Sergeant-at-arms, are ordered to ensure that decorum is maintained until we complete the business before us.

Honourable Members, pursuant to **Standing Order 3 (1)** of the Bungoma County Assembly Standing Orders, H.E Governor Kenneth Makelo Lusaka - Governor of Bungoma County notified of the first sitting of the County Assembly of Bungoma to be held in the County Assembly of Bungoma Chambers and main Assembly buildings today Wednesday 21st September 2022 starting at 9:00 a.m.; through gazette notice no. **11004/2022** dated 14th of September 2022. In compliance with **Standing Order 3 (a)** of the County Assembly Standing Orders, I wish to read the notification from H.E the Governor:

'in exercise of the powers conferred by Standing Order 3 (1) of the County Assembly Standing Order, I Kenneth Makelo Lusaka the Governor of Bungoma County Government appoint the first sitting of the Third County Assembly of Bungoma shall be held at the main Assembly buildings in Bungoma on Wednesday 21st 2022 at 9:00 a.m.; dated 14th September 2022. Kenneth Makelo Lusaka. Thank you.'

PAPERS

The Ag. Clerk of the County Assembly (Mr. Charles Wafula): Honourable Members, **Standing Order 3 (2) (b)** requires that the Clerk of the County Assembly of Bungoma shall lay a list of names of persons elected and nominated as Members of the County Assembly of Bungoma on the table of the House. I therefore, proceed to lay the said list on the table of the House.

(The Clerk proceeds to the dispatch area to lay said list on table)

The list of persons elected and nominated as Members of the County Assembly of Bungoma having been laid on the table of the House, it now forms the record of this House and as per **Standing Order 3 (3)**; it shall be used in the administration of oaths and affirmations.

ADMINISTRATION OF OATH

The Ag. Clerk of the County Assembly (Mr. Charles Wafula): Honourable Members, pursuant to Article 74 of the Constitution of Kenya 2010, no person shall assume or perform any functions of a State Officer before taking or subscribing to the oath or affirmation of office. That means that unless you have been sworn in, you may not be able to elect the Speaker or transact any business.

In order to comply with the provisions of the Constitution, the first business of a new House therefore, is the swearing in of new Members. **Standing Order 3 (2) (c) and Standing Order 3 (a) (b) (c) and (d)** provides that the Clerk shall administer the oath or affirmation of office to Members of the House for the convenience of the House. I wish to administer the oath as per the list distributed to Honourable Members and you will appear as called;

The Oath of Office was administered to:

1. Ali Machani Mutoka
2. Joseph Nyongesa Juma
3. James Barasa Mukhongo
4. Everlyne Mutiambu Naboelela
5. Violet Namaemba Makhanu
6. Meshack Simiyu Museveni
7. Jackson Ouma Wambulwa
8. Hentry Nyongesa Khaemba
9. Stephen Wafula Wamalwa
10. Francis Chemion Masai
11. Isaiah Busolo Sudi
12. Tony Khaoya Barasa
13. Joan Chemayiek Kirong
14. Aggrey Mulongo Wali aula
15. Anthony Luseneka Namunyu
16. Everton Sifuna Nganga
17. Franklin Korir Simotwo
18. George Wasike Makari
19. Godfrey Wanyama Mukhwana
20. Grace Sundukwa
21. Miliar Nanyoka Masungo
22. Vitalis Sifuna Wangila
23. Abraham Kimungui Obama

24. Alfred Wekesa Mukhanya
25. Benard Wekesa Kikechi
26. Benjamin Jeremiah Otsiulah
27. Caleb Wanjala Peter
28. Christine Cunera Mukhongo
29. Cornelius Wanjala Makhanu
30. Edwin Wekesa Opwora
31. George Kwemoi Tendet
32. Idd Chamawi Owongo
33. Jacob Marugaa Psero
34. Jeremiah Kuloba
35. Johnston Okasida Ipara
36. Martin Chemorion Cheseto
37. Orize Wanjala Kundu
38. Polycarp Kimeta Wandabusi
39. Stephen Kaiser Simiyu
40. Timothy Chitekei Chikati
41. Waiti Wafula Waiti
42. Aggrey Onyiego Bosire
43. Alice Nanyama Kibaba
44. Catherine Mating Kituyi
45. Dorcas Nakhumicha Ndasaba
46. Everlyne Wabwire Anyango
47. Florence Theresia Juma
48. John Kennedy Wanyama
49. Kirui Eunice Yeko
50. Linda Kharakha Wekesa
51. Mitrine Nangila Wilson
52. Mildred Apiyo Barasa
53. Moureen Khanjila Wafula
54. Rugut Angeline Chelagat
55. Sifuma Sheila

The Affirmation of Office was administered to:

56. Jack Zakayo Kawa
57. Charles Simiyu Nangulu
58. Jerusa Aleu Sikuku
59. Job Lumbwani Mukoyandali
60. Bridgit Lusike Katasi
61. Mitrine Nanjala Nangalama

The Ag. Clerk of the County Assembly (Mr. Charles Wafula): Honourable Members let us be seated.

Sergeant-at-arms, I want all Members to be in the House. I now direct that all doors be closed.

Is there any Honourable Member present in the House who has not taken the Oath or Affirmation of office?

Now, before I proceed to the next order, I wish to put the records straight. The words used by Hon. James Mukhongo at the tail end and I quote '*na papa wa Roma*' is unparliamentary and not part of the oath as prescribed and I hereby order that it be expunged from our records.

(Applause)

We therefore, move to the next order.

ELECTION OF THE SPEAKER

The Ag. Clerk of the County Assembly (Mr. Charles Wafula) : Honourable Members, pursuant to section 3 (1) of the County Assembly Standing Orders; His Excellency the Governor, Kenneth Makelo Lusaka, the Governor of Bungoma County Government notified of the first sitting of the County Assembly of Bungoma be held in the County Assembly of Bungoma chambers at the main Assembly buildings today Wednesday 21st September 2022 starting at 9:00 a.m.; through a gazette notice number **11004 of 2022** dated 14th September 2022.

Standing Order number 4(1) of the County Assembly of Bungoma provides that;

“The office of the Speaker shall become vacant when a new House of County Assembly first meets after an election.

Acting under the powers conferred to me by Standing Order number 5(1) I notified the general public of a vacancy in the Office of the Speaker of the County Assembly vide the gazette notice...

(Loud Consultations)

Order Honorable Members! Furthermore, I publicized the declaration of the vacancy by advertisement in two newspapers of national circulation in which I invited interested persons and subsequently issued nomination forms for the election of the Speaker. Completed application forms were to be returned to me not later than 9:00 a.m. on Monday 19th September 2022. At the deadline for returning nomination forms, four candidates fulfilled the requirements and were validly nominated. They are as follows;

1. Henry Majimbo Okumu of I.D number 6087885
2. Phylis E. Namachanja Wangwe of I.D number 10731190
3. Emmanuel Mukhebi Situma of I.D number 14611799

4. Noel Nyongesa Makeni of I.D Number 27847836

I have not received any letters from any candidate indicating withdrawn as per Standing Order number eight. Therefore we have four candidates for the election of the Speaker.

Standing Order number six provides as follows;

6(1) the election of the Speaker shall be by secret ballot

(2) The clerk shall at the commencement of each ballot cause the ballot box empty and locked to be displayed to the House and shall in the presence of the House lock the box which shall thereafter be kept in full view of the House until conclusion of the ballot.

Each Honorable Member will receive one ballot paper at a time from the table and proceed to cast the vote. Any Honorable member who wishes to vote shall mark his or her ballot paper in the space provided opposite the name of the candidate he/she wishes to vote for.

A Member who before the conclusion of the ballot has marked his or her paper in error may by returning to the Clerk, obtain another in its place.

The first one shall be cancelled and destroyed. When all Honourable Members present have voted, the Clerk Assistants that will be under my supervision will unlock the box, examine and count the ballot papers and there after I will announce the results of the votes.

Honourable Members, Standing Order number **seven** of the Bungoma County Assembly Standing Orders provides that a person shall not be elected as a Speaker unless supported by votes of two thirds of all Honourable Members. If no candidate is supported by votes of two thirds of all Members, the candidate who receives the highest number of votes in the ballots referred to above and the candidate who receives the next highest number of votes shall alone stand for election in a further ballot; and the candidate who receives the highest number of votes in the further ballot shall be elected.

Honourable Members, voting is by secret ballot. We have arranged the voting points, therefore those who will be on my right side will vote on the right side and the same case applies to those who are on the left side.

(Hon. Maureen Wafula moves to the exit door)

Honorable Members, once I am standing, I expect that all Members to be sited and no movements. I repeat, Honourable members, voting is by secret ballot.

We have arranged the voting points therefore those who will be on my right side will vote on the right side and the same case will apply to those who are on the left side. Thereafter, you will proceed to the ballot box and cast your vote. Having explained that, I wish to direct my sergeant at arms to open the ballot boxes.

(The Serjeant- at- Arms opened and displayed the empty ballot boxes to Honorable Members.)

(Loud Consultations)

Yes, you have displayed to the Honourable Members and thereafter sealed the ballot box and will only be opened after the election

(Loud Consultation)

(The Serjeant-at-Arms sealed the empty ballot boxes to Honourable Members.)

Honourable Members, just relax, I will give you time.

(Loud Consultation)

Order Honourable Members! The sealed ballot boxes will only be opened after the election.

One agent for each candidate to approach the dispatch box; but before that I want just to listen to some views.

Hon. Meshack Simiyu: Mheshimiwa Clerk (Karani), Nafikiria mimi kama Mheshimiwa Meshack Simiyu mwakilishi wa wadi ya Mukuyuni sijui kusoma na kuandika na niko na *agent* (wakala) wangu mwenye naeza enda naye kwa *box* (kisantuku) anisaidie *kumark* (kupiga kura) . *Is it allowed or not* (Inakubalika au la)?

(Applause)

Is it allowed or not!

Hon. Hentry Nyongesa: Honourable Clerk, I think you have read all the guidelines as per our Standing Orders. At this point, you have stated very clearly that the voting process is supposed to be secret and I want to abide by that; and I want to propose that where the booths are placed... I want to propose that as I look at it, it is not at the center of the secrecy. I want to propose that the boxes be put at the far end, because we want to exercise this voting in a State Officer's manner as per the guidelines.

(Applause)

I ask Hon. Lusenaka to second!

(Loud Consultation)

The Ag. Clerk of the County Assembly (Mr. Charles Wafula): Let me make a ruling over the same.

(Loud Consultation)

Order Honourable Members!

Honourable Members, I want to make this ruling; For Hon. Meshack, the Clerk will assist you. Then as I have directed that voting is secret and the ballot booths have been provided. I

have done so as the Returning Officer and it should be in full view of the House and myself. The booth is only meant for one person at a time; therefore it is secret.

I have ruled!

(Applause)

Honourable Members, I want one agent for each candidate to approach the dispatch box.

(Loud Consultation)

Order Honourable Members! When the Clerk is standing please Hon. Meshack be on your seat. I have directed that I want the four agents representing the four candidates.

The agents - Hon. James Mukhongo, Hon. Cornelius Makhanu and Hon. Everton Sifuna Nganga approach the dispatch box

Where are the rest?

Honourable members, let me give them chance to introduce themselves.

(Loud consultations)

Let us consult in low tones Honourable Members!

Hon. James Mukhongo: Thank you Clerk. My name is Hon. Mukhongo Barasa, MCA representing Kabuchai?Chwele Ward. I am a super-agent for one Emmanuel Situma.

Hon. Cornelius Makhanu: Honourable Clerk my name is Hon. Cornelius Makhanu, MCA Khalaba Ward and agent of Noel Nyongesa Makeni.

Hon. Everton Nganga: Thank you Clerk my name is Hon. Everton Sifuna Nganga, MCA East Sang'alo. I am a super-agent representing Henry Majimbo.

The Ag. Clerk of the County Assembly (Mr. Charles Wafula): That is enough! The ballot papers...

(Loud consultations)

Let us consult in low tones Honourable Members! The ballot papers will be issued...

Order Mheshimiwa! I will give you a chance. Let me communicate...

What is it?

Hon. Tony Barasa: Honourable Speaker, I am Tony Barasa Khaoya representing Lwandanyi Ward. You have rightly said that we have four candidates and they complied. Where I stand, all those candidates had a proposer and a seconder. If for now we have three agents, where is the fourth agent of the Speakership candidate?

(Loud Consultation)

Hon. Tony Barasa: Let me present my issue.

The Ag. Clerk of the County Assembly (Mr. Charles Wafula): Order Honourable Members! The Hon. Member is on the floor!

Hon. Tony Barasa: If we do not have the agent of the fourth Speakership candidate, then just disqualify her!

(Loud Consultation)

The Ag. Clerk of the County Assembly (Mr. Charles Wafula): Thank you Honourable Members. You remember very well in my communication I said that I have not received any communication from the candidates or any person who has withdrawn their candidature.

(Applause)

Therefore the voting will just proceed whether they have an agent or not!

(Loud Consultation)

Order Honourable Members!

Hon. Kawa Order!

The ballot papers will be issued by two officers at the desk, we will use the same order we used while administering Oath. The voting exercise now begins.

(Members were issued with ballot papers and proceeded to vote)

The Ag. Clerk of the County Assembly (Mr. Charles Wafula): Order Honourable Members! From our roll call, it appears we have finished voting and if I may ask is there any Member who has not voted? If all Members have voted; the voting process is now complete. Where are the agents?

Just relax Honourable Members, let the agents come first then I will give you chance to make your observation.

Hon. Ali Machani: Thank you Honourable Clerk who is presiding over the process. That in all your pronouncement you have not mentioned the number of Members in case the outcome goes beyond or is less. As you are asking if there is any Member who has not voted, how many are we as per your record?

(Applause)

The Ag. Clerk of the County Assembly (Mr. Charles Wafula): Thank you Hon. Machani. From our roll call we are having 61 members. Can we be sure who the agents are before we start?

- Mukhongo Barasa MCA Kabuchai/Chwele Ward standing in for Emmanuel Situma
- Everton Sifuna Nganga MCA East Sang'alo Ward standing in for Henry Majimbo
- Cornelius Makhanu MCA Khalaba Ward standing in for Noel Nyongesa Makeni

The Ag. Clerk of the County Assembly (Mr. Charles Wafula): So we have one from each side. I direct the clerks to proceed and unlock the ballot box and proceed with the counting process. At the same time, let the agents allow the clerks to count as they watch from a distance.

(The Clerks unlocked the ballot boxes and proceeded to count the votes)

(Loud consultations)

(Vote counting in progress)

Honourable Members, let us consult in low tones. You can open the ballot box and proceed with the counting process and do not worry, they are under my supervision.

Honourable Members, let us be seated!

Serjeant- at- Arms, all Members to come to the House! Honourable members, can you be seated! Hon. Sudi just take your seat!

Honourable Members these are the results:

RESULTS

1. Henry Majimbo Okumu - 26 votes
2. Phyllis Namachanja - 0 votes
3. Emmanuel Situma - 33 votes
4. Noel Nyongesa - 2 votes

There being no candidate having obtained the required two thirds of the total votes, we will proceed to cast a second ballot as indicated in Standing Order **7 (2)**. I direct the Clerk Assistants to bundle the first ballot and unlock the ballot box and seal it for the second ballot.

(Loud consultations)

Honourable Members, we are going to communicate.

Order Honourable Members!

Let's consult in low tones.

Hon. Meshack, take your seat!

(Loud consultations)

The Ag. Clerk of The County Assembly (Mr. Charles Wafula): Order Honourable Members.

Our Standing Order number 7 (ii) says that;

if no candidate is supported by the votes of two- thirds of all members, the candidates or candidate who received the highest number of votes in the ballot referred to in paragraph (1) and the candidate or the candidates who in that ballot received the next highest number of votes shall alone stand for election in a further ballot; and the candidate who receives the highest number of votes in the further ballot shall be elected speaker.

In this case Honourable Members, the Hon. Henry Majimbo Okumu and Hon. Emmanuel Situma Mukhebi will be in the second ballot; therefore let us be patient as we prepare the ballot papers.

Serjeant- at- Arms you can seal the ballot box but you display it first then you can proceed and seal it.

(The Serjeant- at- Arms opened and displayed the empty ballot boxes to Honorable Members and proceeded to seal the ballot boxes)

The Ag. Clerk of The County Assembly (Mr. Charles Wafula): Honourable Members, the procedure used in the first ballot shall be the same in the second ballot and now in this case Serjeant- at- Arms ensure the doors remain closed.

(Members were issued with ballot papers and proceeded to vote)

The Ag. Clerk of The County Assembly (Mr. Charles Wafula): Honourable Members, from our roll call, it appears we have finished voting. Is there any Member who has not voted and he/ she is present? If all members have voted, the voting process is complete. Can we have one agent from each side? Let us be sure who the agents are before we start.

(Hon. James Mukhongo and Hon. Everton Nganga present themselves as agents at the polling area)

Hon. James Mukhongo: Hon. Mukhongo Barasa, MCA Kabuchai/Chwele Ward, super-agent for Emmanuel Situma Mukhebi.

Hon. Everton Nganga: Hon. Nganga Everton Sifuna, MCA East Sang'alo Ward, representing Hon. Majimbo.

The Ag. Clerk of The County Assembly (Mr. Charles Wafula): Honourable Members I therefore direct the clerks to proceed and unlock the ballot box and proceed with the counting

process. At the same time, let the Serjeants allow the Clerks to count as they watch from a distance.

(The clerks unlock the ballot box and proceeded to count the votes)

(Vote counting in progress)

The Ag. Clerk of the County Assembly (Mr. Charles Wafula): Order Hon. Meshack,

(Loud consultations)

The Ag. Clerk of The County Assembly (Mr. Charles Wafula): Order Honourable Members, the results for the second ballot are now ready as follows;

RESULTS

- | | |
|--------------------|----------|
| 1. Emmanuel Situma | 37 votes |
| 2. Henry Majimbo | 24 votes |

Pursuant to Standing Order number 7(i) and (ii) of the County Assembly of Bungoma, I hereby declare **Emmanuel Situma** as duly elected Speaker of the County Assembly of Bungoma.

(Applause)

Pursuant to Standing Order number 12 and I quote;

12. Immediately following the election of the Speaker, the Clerk shall administer the oath or affirmation of office to the Speaker in the presence of the assembled County Assembly.

In this regard I therefore order the Serjeant- at- Arms to search, verify confirm the whereabouts of the said **Emmanuel Situma** and bring him to the chamber.

(Hon. Emmanuel Situma presented to the Ag. Clerk by the Serjeant- at- Arms together with Hon. George Makari and Hon Joan Kirong')

Hon. George Makari: Hon. Clerk, I Hon. George Wasike Makari do hereby present the said Hon. Emmanuel Situma Mukhebi to you for administration of oath and affirmation, thank you.

ASSUMPTION OF OFFICE BY THE SPEAKER

(The Ag. clerk administered the Oath of Office to the Speaker-elect Hon. Emmanuel Situma Mukhebi)

(Applause)

The Ag. Clerk of The County Assembly (Mr. Charles Wafula): Honourable Members I therefore invite Mr. Speaker to make his speech.

[The Speaker (Hon. Emmanuel Situma Mukhebi) took the chair]

(The mace was placed on the table)

COMMUNICATION FROM THE CHAIR

Mr. Speaker: Thank you Clerk and our Table Clerks. Honourable Members, I am profoundly honoured by the confidence you have bestowed upon me. I accept for the second time with great humility, the distinct honour which you, the Honourable Members of the County Assembly of Bungoma have conferred upon me in electing me as the Speaker of this Honourable House.

I am sincerely grateful to everyone who participated in this election; this victory is yours as much as it is mine. I am boundlessly humbled by the trust and confidence you have showed in me.

Honourable Members, today we assemble here once again not to celebrate a triumph of a party or an individual, but to celebrate and stamp a new beginning of the Third County Assembly of Bungoma.

Honourable Members, allow me to say congratulations to everyone, collectively for your recent victories in the election. The positions we presently occupy are not only a great honour and privilege but they are a sign of the colossal believe in the residents of this County and by extension the citizens of Kenya are looking up on us. Looking around, I can recognize many familiar faces of colleagues who have been re-elected for a further term.

To the veterans who have returned to this House: Hon. Ali Machani Mutoka , Hon. Joseph Nyongesa, Hon. Joseph James Baraza Mukhongo, Hon. Everline Mutiembu, Hon. Jack Kawa, Hon. Violet Namaemba Makhanu, Hon. Meshack Museveni, Hon. Jack Wambulwa, Hon. Henry Khaemba, Hon. Stephen Wamalwa, Hon. Francis Chemion, Hon. Sudi Busolo, Hon. Tony Baraza Khaoya, Hon. Joan Kirong, Hon. Aggrey Waliaula, Hon. Antony Luseneka, Hon. Charles Nangulu, Hon. Everton Nganga, Hon. Frankylin Simotwo, Hon. George Makari, Hon. Godfrey Mukhwana, Hon. Grace Sundukwa, Hon. Jerusa Aleu and Hon. Milly Masungu, I say Congratulations to all of you. This is an endorsement of certainty your electorates have in you.

Allow me to particularly recognize and acknowledge the following Honourable Members Hon. Joseph Nyongesa, Hon. James Mukhongo and Hon. Ali Machani Mutoka, who now serve as the senior most Members in the County Assembly of Bungoma, as they commence their third term in this third Assembly. In particular, the parliament parlance, they become what we call the “Fathers of the House”.

Similarly allow me Honourable members, to also single out the Honourable Member for Malakisi/South Kulisiru Ward, the gracious lady, Hon. Everlyn Mutiembu, who now becomes the longest serving female member of this House...

(Applause)

...she commences her Third term today; again in Parliament language, she becomes the “Mother of the House”.

(Applause)

Given the nature of our competitive political world, you have earned more than our most profound respect.

Honourable Members, it is my pleasure to extend a cheerful, thoughtful, and inclusive welcome to the 20 newly elected and the 17 nominated Honourable Members. I observe that in tandem with our constitutional vision, the number of women and youths has expanded and we are now really harvesting the guarantee and esteem of inclusivity.

Similarly, I note that this House has three members elected as independent. While the role of parliamentary parties in exercising the oversight role cannot be overstated, our 2022 Standing Orders recognize and embrace the independent Honourable Members in the Committee system of this House.

As I assume this new responsibility, the back bone of my leadership will be consultative and answerable to all the people of Bungoma. I promise to be a Speaker of the County Assembly of Bungoma, guided by honesty, transparency, fairness and accountability. I have lessons carried from my first term and I can boldly say that this time it is time to make the County Assembly of Bungoma a Model County Assembly that is proactive in service delivery to the people of Bungoma County.

On the legislative front in the Second Assembly, I am aware that the House Business Committee was able to facilitate 494 sittings including special sittings. Over the period, the business of the House was steered in a very fair and accommodative manner that saw the successful passage of 28 Bills, processed 358 Motions, 150 Statements, 11 Petitions and reports which positively impacted on the socio-economic development of Bungoma County.

The Assembly will join hands with His Excellency, the Governor and his Government, in delivering services to the people of Bungoma in the most efficient and effective manner. We will create a fertile ground for growth and prosperity.

In fact, I wish to bring to the attention of the House that there is rich fodder for legislation of Bills from the previous assembly that need to be re-introduced as not only a matter of priority but also of urgency. They include but not limited to: The Bungoma County Equitable Development Bill 2022, The Order of Precedence Bill 2022, The Bungoma County Cultural Heritage Bill 2022, The Bungoma County State of the County Address Bill 2022 and The Bungoma County Climate Change Bill 2022.

I therefore, urge members to take pride in all that was done in the Second Assembly. As we begin our Third County Assembly, let's take lessons learnt in both the First and Second Assembly as we seek to improve the sacrosanct constitutional mandate of the County Assembly.

As an institution, we embark on developing the Third County Assembly through dedicated personnel that is committed to defending our Vision. This coming Monday, the entire County Assembly and I will start on this journey at our desks. We are rolling up our sleeves to begin tackling the problems that have bedeviled our people for some time and ask all of you to join hands with us in this noble mission. We wish to draw on tried-and-tested experiences as we hold onto what is realistic to us.

As your Speaker, I will protect fully and faithfully uphold, defend and respect the Constitution, the County Assembly Powers and Privileges Act and our own Standing Orders which is always our Bible. I look forward to working with all of you in discharging our respective mandate. Together we can make our County Assembly proud.

Honourable Members, permit me to recognize and appreciate all members of the public who have travelled from all walks of life to this County and Country to come and witness this rare occasion that happens only once in five years.

In conclusion, we are confident that the Second County Assembly has established requisite structures that we hope to harness in order to improve our future operations especially in this Third County Assembly of Bungoma

Thank you all and may God bless you all.

(Applause)

Honorable Members we will go to the next order on our order paper

ELECTION OF THE DEPUTY SPEAKER

Mr. Speaker: Before we proceed, I will have to invite the Clerk to give us a report on the status of election of the Deputy Speaker before we proceed.

(The Ag. Clerk proceeds to the dispatch table to report on the status of the election of the Deputy Speaker.)

The Ag. Clerk of The County Assembly (Mr. Charles Wafula): Mr. Speaker I have a report to make as a Returning Officer on this matter. His excellence the Governor notified of this first sitting of the third County Assembly vide a gazette notice number **11004** of 2022 dated 14th September, 2022; pursuant to section 9 (a) (ii) of the County Government Act, amendment 2020.

The office of the Deputy Speaker became vacant at the commencement of today's sitting at 9:00 a.m., being the first sitting of the new House of the third County Assembly after the general election. In exercise of the powers conferred by the Standing Order number 13, I

notified the general Public of a vacancy in the office of the Deputy Speaker vide a gazette notice. I additionally publicized a declaration of the vacancy by the advertisement in two newspapers of national circulation.

In the Notice and advertisement, I invited interested persons who qualified to be elected as Deputy Speaker of the County Assembly in accordance with the law to submit their nomination papers for election as Deputy Speaker of County Assembly. The following persons collected nomination papers from the Office of the Clerk of the County Assembly between 15th September 2022; and by Monday 19th September 2022 by 9:00 a.m., the following had returned their forms.

1. Hon. Stephen Wamalwa of ID number 21427729
2. Francis Maasai Chemion of ID Number 12712999

As per the gazette notice and advertisement, the person who collected nomination papers was to submit the completed papers together with the Curriculum Vitae and relevant supporting documents to the Office of the Clerk to the County Assembly not later than 9:00 a.m. on Monday 19th September 2022.

The Office of the Clerk to the County Assembly remained open on Saturday 19th September 2022 and Sunday 18th September 2022 from 8:00 a.m. to 5:00 p.m. for purposes of both collection and submission of the nomination papers. At the close of the nomination period, only two candidates submitted their nomination papers for submission for Deputy Speaker of the County Assembly.

The provision of Standing Order number 11 apply in respect to the election of the Deputy Speaker as provided for in Standing Order no.14 which provides that;

14. The procedure for electing a deputy Speaker shall with necessary modifications be the same as that for election of the Speaker.

Mr. Speaker, I request that you proceed from there and conduct the election of the Deputy Speaker. Thank you.

Mr. Speaker: Thank you Mr. Clerk. Honorable Members, from the report of the Clerk, the election of the Deputy Speaker of the County Assembly of Bungoma is provided under Standing Order number 14 (2) and (3). (3) Says;

14 (iii) the procedure for electing the deputy Speaker shall with necessary modifications be the same as that prescribed for the Speaker.

Having heard the candidates' names read out clearly here, I request that we proceed and have the ballots on the main table so that we can start conducting the elections of the Deputy Speaker as per the law.

Equally the election of the Deputy Speaker is by secret ballot. You will be coming to pick the ballots from the table clerks, mark on it and have the same dropped in the ballot box. In the

meantime our serjeants will remove the seal, open the ballot box and the agents of the respective candidates; that is, Hon. Stephen Wamalwa and Hon. Francis Chemion's agents to come and confirm the empty boxes before being sealed by the serjeants.

One agent is sufficient. Hon. Stephen you ought not to go out with Hon. Chemion because your vote outcome remains the same plus or minus; just be within. Just like in any election, you are allowed to vote for yourself, you are not barred. Honorable Members, the order of picking the ballots is as per the order in which you were sworn in. You will be called out to pick the ballot paper, mark on it and cast your vote.

Hon. Meshack, what is the issue?

Hon. Meshack Simiyu: Bwana Spika mimi nahitaji usaidizi. Mimi sijui kupiga kura kwa hivyo naomba niwe na mtu wa kunisaidia.

Mr. Speaker: Hon. Meshack, just like in the normal elections, we always have assisted voters. You will be assisted if you don't know how to mark the ballot paper properly. You will get assistance from my table clerks on how to have your vote cast accordingly. When your time comes, the table clerks will assist you to mark the ballot paper.

(The Serjeant- at- Arms opened and displayed the empty ballot boxes to Honorable Members and proceeded to seal the ballot boxes)

We can commence calling names following the order that was used during the swearing in process. Proceed in that order.

(Voting begins)

(Members were issued with ballot papers and proceeded to vote)

(Loud Consultations)

(Voting in progress)

Order Honorable Members. Order!

Mr. Speaker: Honorable Members before we proceed for counting, let us confirm which Member is yet to cast his ballot. It appears that every Member has cast his/her ballot for the post of the Deputy Speaker. We proceed to the next stage, but before that, I want to observe section number seven of the threshold.

Honorable Members, for the post of the Deputy Speaker, a person shall not be elected as the Deputy Speaker unless supported in the ballot by the vote of two- thirds of the Members present.

Number (2) of the same Standing Order says that;

7 (2) if no candidate is supported by the vote of two- thirds of all Members, the candidate or the candidates who received the highest number of votes in the ballot referred to in

paragraph (1), and the candidate or the candidates who in that ballot received the next highest number of votes shall alone stand for election in a further ballot and the candidate who received the highest number of votes in the further ballot shall be elected as the Deputy Speaker.

Now we proceed and do the counting and I request that the agents of the candidates to come forward as I ask the clerks to come and do the legal counting for us. You can unseal the ballot box and start the counting. I will ask that the agents stand at a distance so that we allow the clerks to do the counting without being interfered with.

(The clerks unlock the ballot boxes and proceeded to count the votes)

Mr. Speaker: You can't do the counting and give us the figures of each candidate for the position of the Deputy Speaker.

(Vote counting in progress)

Honorable Members the results from the first ballot that has been taken for the post of the Deputy Speaker is as follows:

RESULTS

1. Hon. Stephen Wamalwa 36 votes

2. Hon. Francis Chemion 25 votes

Total cast votes 61 votes

Honorable Members, in view of the provisions of our Standing Order, Order number 7 (1) has not been complied with. None of the candidates has attained two-thirds of the votes cast in his favor. So that means we walk to 7(2) and proceed with the second round of balloting.

Yes Hon. Chemion; one of the candidates, what do you wish to say?

Hon. Francis Chemion: Mr. Speaker, may I take this opportunity first to thank you for according me the time and for conducting a very transparent election so far. I know we have had numbers and I have had a number of 25. And my friend Hon. Stephen has 36. I do not want to belabor Honorable Members to go for the second round...

(Applause)

...because this was a friendly fire; a friendly fire *ikifika hapo si unasema iendelee hivyo* (once it gets to that point you let it go). So I concede honorably so that we move to the next stage. Thank you very much.

(Applause)

I also want to congratulate those ones who voted for me.

(Applause)

Mr. Speaker: Hon. Chemion, even those ones who did not vote for you are also yours.

Honorable Members in view of the concession speech by Hon. Francis Chemion, one of the candidates for the Deputy Speaker, we won't be going to the second round of balloting. I will proceed and invoke the relevant Standing Order and declare that Hon. Stephen Wafula Wamalwa is duly elected as the Deputy Speaker for Bungoma County Assembly. So let him come forward for his swearing.

(Applause)

He is supposed to be identified by Honorable Members. If you want to be gender sensitive... Honorable Members let us have Hon. Stephen Wamalwa brought forward for his swearing in.

(Hon. Stephen Wamalwa was escorted to the Chair by Hon. Tony Barasa and Hon. Jerusa Aleu)

Hon. Tony Barasa: Mr. Speaker, I have the privilege to introduce the Honorable Deputy Speaker just elected in this House by the name Hon. Stephen Wafula Wamalwa.

Mr. Speaker: Thank you Hon. Tony Khaoya Barasa. The Deputy Speaker should proceed and take the oath of office as per the law.

(The Speaker accordingly declared Hon. (Mr.) Stephen Wafula Wamalwa elected Deputy Speaker of the County Assembly of Bungoma and administered the Oath of office to him)

(Applause)

Thank you Hon. Wamalwa, congratulations. You can now go and sign your oath of office. He will be taken to the bar and as you are aware, we have some seats which are reserved for specific officers of this Assembly. He will be escorted by the sponsor and the seconder so that I officially admit him to his sitting place.

You will be patient enough until the sponsor of the Deputy Speaker can now formally escort him to his sitting place as per our Standing Orders.

Thank you Hon. Tony Khaoya Barasa and Hon. Jerusa Aleu; Hon. Stephen Wamalwa is now our Deputy Speaker. Welcome to your new office. Honorable Members as per our tradition, our Standing Order number 10 requires that immediately the results are declared, all the ballot papers used in the election of the Deputy Speaker shall be packed and sealed in the presence of the County Assembly and be kept in the custody of the Clerk for a period of six months and shall thereafter be destroyed. This provision also applies in the election of the Chairpersons of the Committees.

Honorable Members, the Clerk should now through his officers proceed and pack and seal all the ballot papers used in the elections of the Deputy Speaker and have them sealed.

Looking at our Order Paper of today, the last item was the election of the Deputy Speaker of the County Assembly of Bungoma. As for notification of the opening of the County

Assembly, Standing Order number 25 provides that the Governor shall address the opening of the newly elected County Assembly.

To that extend, the date for opening of the County Assembly will be determined after consultations between my office and that of the Governor and you shall be notified. Thereafter, my office shall communicate to you on the dates purposed for our induction training to equip you and all us for smooth take off of this second Assembly.

ADJOURNMENT

From our Order paper, there being no other business, the House shall stand adjourned *sine die*.

(House adjourns)