

**COUNTY ASSEMBLY**

**HANSARD REPORT**

**Wednesday 5<sup>th</sup> October 2022**

**The House met at 9.30 A.M**

*[The Speaker]*

*Hon. (Mr. Edin Dida Wario) in the Chair]*

**PRAYERS**

**COMMUNICATION FROM THE CHAIR**

**The Speaker {Hon Edin wario}:** Honourable members, I have received the following communication. On the 25<sup>TH</sup> of September 2022, I got from the County Government of Marsabit, Office of the Governor, a letter. The letter reads; The Honourable Speaker, County Assembly of Marsabit, Reference, Selection Panel pursuant to Article 201 (d) of the Constitution, Section 58, Section 58(a) and Section 44, Section 44(2)(a), 2(b), 2(c) and 2(d) of the County Government Act;

The above matter refers; Honourable Speaker, kindly note that the position of the Secretary to the County Public Service Board is vacant and requires to be substantively filled to ensure the proper functioning of the County Public Service Board. The County Public Service Board plays a critical role in constituting the personnel to serve the people of Marsabit as prescribed below.

Further, it is of paramount importance that this process of properly constituting the County Public Service Board as a shared responsibility of the County Executive and the County Assembly is carried out seamlessly in compliance with the law. Our collective oath to the office demands that both arms of Marsabit County Government work towards efficient and effective service towards the people of Marsabit.

Section 58(1)(c) as read with section 58(a) of the County Government Act 2012 provides that the Governor shall nominate and with the approval of the County Assembly appoint members to a selection panel for the purpose of selecting suitable candidates for appointment of members to the County Public Service Board. Accordingly, and in fulfillment of my duties, I nominate the following persons as members of the selection panel in line with section 58(a)(2) of County Government Act 2012.

1. Joseph Guyo Halake- Chairman.
2. Hawo Guyo Shibia- Private Sector.
3. Abdulatif Mohamed Jarso- LSK.
4. Ahatho Guyo Umuro- CPA.
5. Bursuna Ejere- Workers.

The panel herein meets the two third rules in its composition as such. The names of the nominees together with their curriculum vitae and supporting documents are followed herewith for your consideration and approval. Be that as it may, reference is made to Article 201(d) of the constitution that underscores the prudent use of public resource. Therefore in light of the above, and as permissible by section 44(2)(c) of the County Government Act, I reserve the right to use this same selection panel, if need be in performance of my duties as contained in section 44 of the County Government Act. Your expeditious action on this matter will

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be highly appreciated. Yours, His Excellency Mohamud. M. Ali, County Government of Marsabit. This is copied to the Clerk of County Assembly of Marsabit.

*{The Communication is laid on the table}*

Honourable members, this is the second communication. On 28th September 2022, the letter from the Registrar of political parties to the Speaker of the County Assembly,

Reference: Coalition of political parties in the County Assembly of Marsabit. Reference is made to above subject-matters and your letter dated 27th September, 2022 that sorts out advisory on County Assembly leadership. The County Government Act 2012 and section 10 stipulates that;

- 1) The leader of majority shall be the person who is the leader of the largest party or coalition of parties in the County Assembly.
- 2) The leader of the minority shall be the person who is the leader of the second largest party or coalition of parties in the County Assembly.

According to the coalition agreement held in this office, request in your letter and analysis of political parties in the said letter, the constituent political parties of coalition and effective dates are as listed below.

**1) Coalition name: Azimio la Umoja One Kenya Coalition Party (Azimio).** Constituent parties; Jubilee, Orange Democratic Movement (ODM), Wiper Democratic Party, Kenya African Union (KANU), National Rainbow Coalition Kenya(NARC- Kenya), Muungano Party, Maendeleo Chapchap, Democratic Action Party of Kenya(DAP-Kenya), Devolution Environment Party(DEP), United Party of Independence Alliance (UPIA), United Democratic Movement (UDM), United Progressive Alliance (UPA), Pamoja African Alliance (PAA), Kenya Union Party (KUP), United Democratic Party (UDP), Movement for Democracy and Growth (MDG), Kenya Reform Party (KRP), Chama cha Uzalendo (CCL), Party for Peace and Democracy (PPD), National Liberal Party(NLP), Peoples' Trust Party(PTP), Ubuntu Peoples' forum (UPF), Party of National Unity(PNU), Labour Party of Kenya(LPK) and Party Growth and Prosperity(PGP).

**2)Kenya Kwanza Alliance: United Democratic Alliance (UDA),** Amani National Congress(ANC), Forum for the Restoration of Democracy-Kenya(FORD-Kenya),Chama cha Kazi (KAZI), Communist Party of Kenya (CPK), Service Party (SP),Tujibebe Wakenya Party (TWP), Jibebe Farmers Party (JFP), Devolution Party of Kenya (DPK), Economic Freedom Party (EFP), Umoja Movement Party(UMP), Democratic Party of Kenya (DPK), National Agenda Party of Kenya, Grand Dream Development Party (GDDP), Chama Cha Mashinani.

However, from the political Party listed in your letter, please note that **United Democratic Movement (UDM)** has moved to court at Mombasa through constitutional petition EO41 of 2022 and further filled a petition to this office with the respect to challenge its membership in Azimio. In consideration of the above information, cited laws and County Assembly Standing Orders, your office should be in a position to determine the leadership of County Assembly. Yours, Faithfully, Anne Nderitu, CBS, Registrar of political parties.

*{The Communication is laid on the table}*

Honourable members, this is the third communication. On 22nd September 2022, Republic of Kenya and the chief magistrate court at Marsabit election petition number E002 of 2002 Nur Sheikh Abdullah is a petitioner-vs.-Independent Electoral and Boundaries Commission- first respondent, United Democratic Movement Party

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second respondent, **Clerk County Assembly of Marsabit** third respondent and **Office of the speaker and County Assembly of Marsabit** fourth respondent, **Kiya Jillo Chana** interested party.

Order, this matter coming up under certificate of urgency before honorable S.K. Arome SRM for hearing of application of date 26th September, 2016 expertise and upon hearing the counsel for plaintiff of Mr. Ayabei, it is hereby ordered that in application, that the application is certified urgent, that the application is served ,that inter-party hearing on 26th September, 2022. Given under my hand and seal in court at Marsabit, 21st day September, 2022, issued, senior residence, Marsabit Law Court.

In the Chief Magistrate of Kenya of Marsabit, election petition number E001 of 2022, between **Golich Sadia Galma** petitioner, vs. **Independent Electoral and Boundaries Commission** first respondent, **United Democratic Party Alliance** second respondent, **the Clerk of County Assembly of Marsabit** third respondent, **Araru Sadia Osman** fourth respondent. Upon preliminary objection dated 26th September 2022 by the third respondent and fourth respondent coming up for hearing on 26th September 2022 and upon hearing the arguments for preliminary objection by counsel for the first and the third and the fourth against the petition by the counsel for petitioner, it is hereby ordered that the preliminary objection dated 26th by third respondent is allowed for the reason that the honorable court lacks requisite jurisdiction to hear and determine the election petition as it is not designated as an election court.

That the orders dated 19th September issued in prayer two of application dated 16th September instructing the first, third respondent from facilitating swearing in of the fourth respondent as **a member of County Assembly Marsabit County** is vacated. Issued under my hand and seal, honorable court on 27th, honorable **Christine Wekesa principal magistrate, Marsabit Law Court. Final notice**, this is a valid court order and any person who disobeys it shall be guilty of contempt of court and hence liable for imprisonment upon a period of 6 months.

The same court, on 4th October, 2022, Republic of Kenya in the high court at Marsabit, miscellaneous legal application number E007 of 2022, **Golicha Sadia Galma** applicant, vs. **Independent Electoral and Boundaries Commission** first respondent, **United Democratic Alliance** second respondent, **the Clerk of County Assembly of Marsabit** third respondent, **Araru Sadia Osman** fourth respondent. Order, I have pursued and considered the notice of motion dated on 28th September, 2022 the same is certified urgent. It is hereby ordered that the application to be served on respondent.

Two, that consideration, the urgency of the matter, I order stay of execution of ruling of **honorable Christine Wekesa** and all consequential orders there-to pending the hearing and determination of application inter-parties. The inter-party hearing is on 6th October 2022. Given under my hand and seal of the court at Marsabit, this 30th September 2022, issued at Marsabit this 3rd day of October 2022. Deputy Registrar, Marsabit High Court.

Communication number four, the gazette notice N0.119933 the constitution of Kenya, the County Government Act N0. 17 of 2012, the County Assembly Service Act N0. 24 of 2017, Declaration of vacancy in the office of the County Assembly Service Board of the County Assembly of Marsabit, it is notified for the information of the general public that the pursuant to section 12 (3d) of the County Government Act 2012 and section 8 and 9 to the first schedule of the County Assembly Service Act 2017, a vacancy has arisen in the membership of the County Assembly Service Board of Marsabit. Every interested person who qualifies to serve as a member of the Board is therefore invited to submit their application for consideration on or before 18<sup>th</sup>, October 2022 at secretary's office. Dated 29<sup>th</sup>, September, 2022, CPA Chare Mato, Clerk/Secretary, County Assembly Service Board of Marsabit.

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The fourth communication Honorable members, I am sorry the communications are many. The letter is dated 28<sup>th</sup>, September 2022, it is from UPIA Party. The Speaker of County Assembly of Marsabit, dear Sir, nomination for majority leader position County Assembly of Marsabit. This is to inform you that **UPIA party** has nominated **Mr. Bernard Leakono Obata** of ID NO. 20242716 for the position of Majority Leader, County Assembly of Marsabit. We are confident that once elected, Mr. Bernard Leakono Bata will execute his mandate with outmost dedication and professionalism. Kindly extend him the necessary support. Yours, sincerely **Mohammed Dahire Duale, National Secretary General, UPIA Party.**

The same UPIA Party, on the same day, 28th September, 2022, wrote to the Speaker, nomination for Majority Chief Whip - County Assembly of Marsabit. This is to notify you that under Azimio coalition, UPIA Party has nominated **Mr. Burcha Daniel of ID NO. 12752753** from Jubilee Party, for the position of **Majority Whip**, County Assembly of Marsabit. We are hereby confident that once elected, Burcha will execute his mandate with outmost dedication and professionalism. Kindly extend him the necessary support. Yours, sincerely, Mohammed Dahire Duale, National Secretary General UPIA Party. It is the same letter.

On the same day, Jubilee party, reference number JC March Volume 19/28, dated 28th September, 2022, it is from Jubilee Party Office, Jubilee House, Pangani interchange. Dear Speaker, **Jubilee Party leadership, County Assembly of Marsabit.** The above subject matter refers; this is to inform you that Jubilee Party has nominated the following: **Mr Bernard Leakono bata** ID number 20242716, for the **position of Majority leader**. He represents Logologo ward, Laisamis Constituency with **UPIA Party**. Hon. Burcha Daniel Ltinyilan ID NO. 12752753 for the position of the Minority Whip. He represents the Laisamis Ward, Laisamis Constituency with the Jubilee Party. Yours, faithfully, Hon Jeremiah Ngayu Kioni, Secretary General, Jubilee Party. This is the same letter.

**United Democratic Alliance Party (UDA).** Reference number UDA/ 1/ MCA/ 10120 reference number that dated on 29th September 2022. Speaker of Marsabit County Assembly, Kenya Kwanza leadership in the Assembly.

**The Speaker (Hon Edin wario):** Honourable members you can get in.

*{The Speaker sits on his Chair}*

*{five honorable members walk into the chamber}*

*{The Speaker stands on his feet}*

Thank you. The above matter refers... This is from UDA. The Kenya Kwanza coalition forms the minority side of the assembly in Marsabit County. We are aware that the assembly is convening on Wednesday to swear in members and to determine the house leadership. It is the decision of **Kenya Kwanza that the affiliate coalition members, MCAs elect the minority leaders** amongst themselves and the position the coalition is entitled to please take note. Yours, faithfully, Hon. Veronica. N.Maina, Secretary General UDA.

On 20<sup>th</sup>, September, **Forum for Restoration for Democracy-FORD-Kenya**, 16<sup>th</sup>, September 2022, Honourable Speaker, County Assembly, Clerk to County Assembly of Marsabit. Dear Sir, nomination of **Hon. Halkano Konso Ali**, ID NO. 21927738, for appointment as a **Minority Leader** in the County Assembly of Marsabit.

As a member of **Kenya Kwanza coalition**, FORD-Kenya hereby strongly recommends the nomination of Hon. **Halkano Konso Ali (UDA)**, MCA elect Uran ward, Moyale Constituency of Marsabit County to be a leader of minority in the County Assembly of Marsabit. Please approve this recommendation and appoint him to the

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post as similarly proposed by our member parties UDA in its letter to you reference 1/UDA/1/MCA/0122 dated 15th September 2022. Yours faithfully, Dr Hon Chris Wamalwa, CBS, and Secretary General FORD-Kenya.

**United Democratic Alliance (UDA)**, our reference 1/UDA/1/MCA/2022, your reference TBA dated on 15/09/2022. The clerk County Assembly of Marsabit, Dear Sir, and nomination of Halkano Konso Ali for appointment as a Minority Leader in Marsabit County Assembly. The above matter refers; Kindly note that Halkano Konso Ali, is duly nominated member from our UDA Party to the Minority Leader Marsabit County Assembly. He is a member of County Assembly in Uran ward, Moyale Constituency. Please accord him the necessary support as he serves the County Assembly. Yours faithfully, Hon Veronica Maina, Secretary General UDA.

Honorable members, the fifth communication is from the Office of the Governor. Republic of Kenya, County Government of Marsabit, Office of the Governor by H.E Governor Mohamud Ali, the Governor Marsabit County during his official opening of the 3rd County Assembly of Marsabit on 4th day of October 2022. The speaker of County Assembly of Marsabit....I think I don't have to read.....

*{The Speaker consults with the Clerks at the table}*

Okay, sorry for the small confusion. Honourable members, I have so many, so many minutes and whatever. But I have seen there is so many push and pull of the minutes here of which I am not going to read but the members, at your free time, I can share with you because it is from different political parties and groups. If anyone is interested, I think I can share with you. Next order.

#### **MESSAGES**

Honourable members, the message is from the Governor Hon. Mohamud Mohamed Ali, Governor Marsabit County during the opening of the 3rd County Assembly. I think the speech is here, it's ready. I don't have to read, but I can hand it over to the clerk to produce a copy for each and every member of this house in order for them to peruse and have good liberation. Next order.

#### **NOTICE OF MOTION**

**Hon. Diid Omar Hapicha:** That, pursuant to the provisions of Standing Order 20 (5), the thanks of the County Assembly is recorded for the exposition of public policy contained in the address of the Governor during the opening of the 3rd County Assembly delivered on Tuesday, 4th October, 2022.

**The Speaker (Hon EdinWario):** Honourable members, we are going to discuss the governor's speech in the next sitting, since in view of the provisions we need to discuss speech in four separate sittings. So, we are still remaining with four sittings. We shall discuss this in next sitting as you peruse through the document with an intention of understanding it better. For now, the house stands adjourned until 2:30 PM today.

*{The House rose at 11:30AM}*