

COUNTY ASSEMBLY

HANSARD REPORT

Tuesday 14th February, 2023

The House met at 3.30 P.M

*[The Speaker,
(Hon. (Mr.) Edin Wario) in the Chair]*

PRAYERS

COMMUNICATION FROM THE CHAIR

WELCOMING REMARKS

Hon. Speaker: Honourable Members, it is my pleasure to welcome you back from the long recess, which officially ended on 13th February 2023. Our official opening for the Second Session was slated for 14th February, 2023, in line with our House resolution and Standing Order 24 (1). I hope you have had a restful and productive break.

Honorable Members, during the recess period we received the following documents;

- i. Marsabit County Finance Bill, 2022 and an addendum to the Finance Bill, 2022.
- ii. Statements and Questions responses:
 - Question on submission of report on Assumption of Governor's office by Hon. Joseph Admen Leruk.
 - Statement on collection and disposal of Garbage in Moyale Town by Hon. Siba Haila.
 - Question on Health Services in Marsabit County by Hon. Adhi Bino.
 - Question on delayed payment to contractors by Hon Daniel Burcha.
- iii. Petition seeking protection against conspiracy to deviate Ward Funds dated 29th November, 2023, received on 1st December 2022.
- iv. Letter from CECM Education on the appointment of Ward Education Fund selection committee dated 9th January 2023.
- v. Letter H.E the Governor on nomination of County Chief Officers pursuant to section 45 (1) of the County Government Act, No 17 of 2012 (revised 2020).
- vi. Re-organisation structure of the County Government of Marsabit.
- vii. Annual report from the County Public Service Board dated 29th December 2022.
- viii. Letter from H.E the Governor on nomination of the County Secretary dated 6th February 2023.

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, Marsabit County Assembly

- ix. Letter from H.E the Governor on nomination of the CEO of the County Public Service Board dated 6th February 2023.
- x. Supplementary Budget No (1) of 2022/23 FY.
- xi. Quarterly report and financial statements
- xii. Court Orders-High Court petitions No 2A OF 2023 and ELRC PET no E001 of 2023.
- xiii. Letter from United Democratic Party (UDA) on the leadership of the Minority Party.

Honorable Members, as you can see, our in-tray is full and we anticipate even more responsibilities to come our way. Our first task is to reconstitute the County Assembly Business Committee pursuant to Standing Order 152. All the above business will be scheduled accordingly and they will appear in subsequent order papers.

I urge all members and especially committee Chairpersons to take charge of the issues assigned to their various committees and that we all maximize time, so as to conclude all the urgent business appearing before the County Assembly.

Let's recommit ourselves to advancing our County and for benefit and welfare of its residents. Thank you, Hon. Members.

LEADERSHIP OF THE MINORITY PARTY

Honorable Members, you will recall that we were in Court on the issue of Minority Leadership in complaint *No. E008 of 2012* at the Political Parties Dispute Tribunal in Meru between Amos Guyo and Emojo Daniel versus UDA and Ford Kenya.

The Court gave its judgment on 11th November, 2022 and issued the following orders: *A declaration hereby issued that the entire process of nomination of the first interested party to the position of Minority in the County Assembly of Marsabit is null and void and the same is hereby set aside.*

The respondents shall elect a Leader of Minority in accordance with the Standing Orders of the Marsabit County Assembly and all relevant provisions of law.

As such, we complied with the Court orders and wrote to UDA and Ford Kenya via MCA/SPK/GEN/01. We received one response from UDA via letter from the Secretary General referenced UDA/1/MCA/03/2022. This letter requested 21 days and when it elapsed, we wrote to them via MCA/SPK/GEN/02 on 4th January 2022 to inquire about the outcome of the internal dispute process.

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, Marsabit County Assembly*

We received their response via letter referenced UDA/1/MCA/04/2023 dated 09/01/2023. In the letter, the party indicated that they had resolved to nominate Hon Halkano Konso Ali as the leader of the Minority Party.

Honorable members, having received communication from the Minority Party, I wish to now communicate to the full House Leadership, for the avoidance of doubt. That in regard to the Majority Party/ Coalition:

- Hon. Bata Leakono Majority Leader
- Hon. Siba Haila Deputy Majority Leader
- Hon. Burcha Daniel Majority Party whip
- Hon. Darare Gonche Deputy Majority Party whip

That with regard to Minority Coalition,

- Hon. Halkano Konso Ali Minority Leader
- Hon. Boru John Deputy Minority Leader
- Hon. Ebise Waqo Minority Party Whip
- Hon. Miriam Chawle Deputy Minority Party whip

That in respect to the composition of County Assembly Business Committee, I requested the House Leadership to submit their respective Members as prescribed in the Standing Orders of my office.

That I received their communication and I directed the Clerk to publish the list of the County Assembly Business Committee in the Order Paper. Members are required to consider the names and subsequently approve the list to enable the smooth running of the House; considering the critical role the County Assembly Business Committee do. The House is guided accordingly.

MESSAGE(S)

ORGANISATION STRUCTURE OF THE COUNTY GOVERNMENT OF MARSABIT

Honorable Members, Standing Order 39(4) relating to messages from the governor/Senate provides that-

(4)“ Paragraphs (1) (2) and (3) shall apply, with necessary Modifications, to a message delivered to the Speaker by a County Executive Committee Member for communication to the county Assembly pursuant to any written law providing for conveyance of Messages from the county Executive Committee.

Honorable Members, I wish to convey the following Message from the County Secretary, communicating the decision of the County Executive Committee vide letter dated 14th December, 2022 referenced CGM/ADM/2/3 on the Organization Structure of the County Governments Act Annexing Executive Order No.1 of 2022 by H.E. the Governor. Accordingly, it is notified to all Members of the Assembly and the public.

[The Speaker read the letter]

The County Executive Committee of the County Government of Marsabit had their 72nd sitting on 13th December 2022 at the County headquarters and a proposal was tabled by H.E. the Governor to reorganize departments pursuant to Article 179 of the Constitution of Kenya, 2010 and Sections 30,45 and 46 of the County Government Act No.17 of 2012 (Revised 2021). The same was deliberated upon and approved by the County Executive Committee in the manner enclosed in the Executive Order No.1 of 2022 by H.E the Governor, Mohamud Mohamed Ali. The purpose of this letter is therefore to notify you accordingly.

In exercise of the powers conferred by Article 179 of the Constitution of Kenya, 2010 as read with Section 30,45 and 46 of the County Government Act No.17 of 2012, I Mohamud Mohamed Ali, the Governor of Marsabit County Order and direct: that the County Government of Marsabit shall be organized as set out in this order; that the Chief Officers’ portfolios shall be set out in this order; that this order supersedes any other executive order organizing the structure of the County Executive of Marsabit prior to this order issued under the hand and seal of the Governor of the County Government of Marsabit at the office of the Governor, Marsabit on 13th December 2022. The Structure of the County Government:

The people of Marsabit County

County Assembly

Office of the Governor

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, Marsabit County Assembly*

County Assembly Service Board (CASB), County Assembly committee (CA), County Executive Committee
County Secretary, Office of the County Attorney.

CPSB

Chief Officers

CHIEF OFFICERS PORTFOLIO AS ESTABLISHED

The department number one is Public Service and Administration, Chief Officer is Chief Officer Public Administration, County Co-ordination and ICT-Chief officer public service and devolved units; Chief officer ICT, Communication and result delivery.

Agriculture, Livestock and Fisheries Department - Chief Officer Food Security and Crop Development; Chief Officer Livestock and Veterinary Services - Chief Officer Fisheries development.

NOMINATION OF MEMBERS OF THE COUNTY CHIEF OFFICERS

(The Speaker read the letter)

NOMINATION OF THE SECRETARY/CEO TO THE MARSABIT COUNTY PUBLIC SERVICE BOARD

Hon. Speaker: Honourable Members, Standing Order 39(1) relating to messages from the Governor provides that- "*39 (1) The Speaker shall read to the County Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the County Assembly*".

I wish to report, we received communication from H.E the Governor on 8th February, 2023 vide a letter referenced MCG/OOG/CEO/MCPSB/2023/02 dated 6th February, 2023.

(The Speaker read the letter)

Hon. Members, Standing Order 42(2) (b) and (c) of the County Assembly of Marsabit Standing Order states that-.....*appointments under- "(c) Section 58A (Procedure for nomination and appointment of members of the County Public Service Board) of the County Government Act".....shall stand committed to the Committee on Appointments*

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, Marsabit County Assembly*

As such, the nomination shall stand committed to the Committee on Vetting and Appointments. Unlike previous approvals done, the procedure for vetting of the said nominees is governed by Section 58A of the County Government Act, 2012 and the timelines lesser than that provided in the Public Appointments (County Assembly Approvals) Act, 2017.

Hon. Members, please take note of the timelines in Section 58A (8) which provides as follows- *The County Assembly shall within twenty one days of receipt of the names of the nominees from the Governor, consider each nomination received under subsection(7) and approve or reject any of them.*

Due to the urgency of this matter, given the strict timelines, the Committees are directed to hold their approval hearing not later than 23rd February, 2023 and thereafter table its report as soon as possible. Thank you, Hon. Members.

NOMINATION OF THE COUNTY SECRETARY

Honourable Members, Standing Order 39(1) relating to messages from the Governor provides that- *“39 (1) The Speaker shall read to the County Assembly any message from the Governor or the Senator of the County delivered to the Speaker for communication to the County Assembly”.*

I wish to report, we received communication from H.E the Governor on 8th February, 2023 vide a letter referenced MCG/OOG/CS/2023/01 dated 6th February, 2023.

(The Speaker read the letter)

Hon. Members, Standing Order 42(2) (b) of the County Assembly of Marsabit Standing Order states that- *.....appointments under- “(B) Section 44 (Appointment of County Secretary) of the County Government Act”.....shall stand committed to the Committee on Appointments*

As such, the nomination shall stand committed to the Committee on Vetting and Appointments. Unlike previous approvals done, the procedure for vetting of the said nominees is governed by Section 58A of the County Government Act, 2012 and the timelines lesser than that provided in the Public Appointments (County Assembly Approvals) Act, 2017.

Hon. Members, please take note of the timelines in Section 58A (8) which provides as follows- *The County Assembly shall within twenty one days of receipt of the names of the nominees from the Governor, consider each nomination received under subsection(7) and approve or reject any of them.*

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, Marsabit County Assembly*

Due to the urgency of this matter, given the strict timelines, the Committees are directed to hold their approval hearing not later than 23rd February, 2023 and thereafter table its report as soon as possible. I thank you Hon. Members.

Next Order!

NOTICES OF MOTION

RECONSTITUTION OF HOUSE BUSINESS COMMITTEE

Aware that 14th February 2023, marks the beginning of the 2nd Session of the Third County Assembly of Marsabit County, cognizant of the fact that the County Assembly House Business Committee is charged to prepare the County Assembly Calendar, monitor and oversee the implementation of the County Assembly Businesses and programs.

Further, aware that Standing Order No.152 provides that, there shall be a Select Committee to be designated the County Assembly at the commencement of every session, reflecting the relative majorities of the seats held by each of the County Assembly parties in the County Assembly and taking into consideration the interests of the independents;

Now therefore, I request this Honourable House to approve the following Members to be the House Business Committee.

NO.	NAME	POSITION	PARTY
1.	Hon. Edin Wario	Speaker	
2.	Hon. Dida Omar Apicha	D/Speaker	UDA
3.	Hon. Bernard Leakono	Majority Leader	UPIA
4.	Hon. Halkano Konso	Minority Leader	UDA
5.	Hon. Daniel Burcha	Member	JUBILEE
6.	Hon. Miriam Chawle	Member	UDA
7.	Hon. Adano Boru	Member	UPIA
8.	Hon. Adhi Bino	Member	UPIA
9.	Hon. Jacob Elisha	Member	UPIA
10.	Hon. Danila Lenatiyama	Member	UPIA
11.	Hon. Amos Wako	Member	UDA
12.	Hon. Ebise Wako	Member	UDA
13.	Hon. Huka Galgalo	Member	JUBILEE
14.	Hon. Christopher Ogom	Member	UDM
15.	Hon. Kiya Jillo	Member	UDM
16.	Hon. Josephine Leado	Member	KANU
17.	Hon. Siba Haila	Member	ODM

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, Marsabit County Assembly

18.	Hon. John Boru	Member	FORD-KENYA
19.	Hon. Lucy Kargiya	Member	JUBILEE

Thank you.

Hon. Speaker: Hon. Members, there being no other business the House stands adjourned until Wednesday 9.30am.

The House rose at 3.15PM