

COUNTY ASSEMBLY OF NAKURU

THE HANSARD

Wednesday, 21ST September 2022

Assembly Building

The House met at 10: 00am

[The Clerk of The Assembly (Mr. Joseph Malinda) in the Chair]

PRAYER

Third Assembly-First Session

(Convened by Notification vide Gazette Notice No. 10987 of 2022)

COMMUNICATION FROM THE CLERK OF THE ASSEMBLY

WELCOME TO HON. MEMBERS OF COUNTY ASSEMBLY AND NOTIFICATION OF PLACE AND TIME OF THE FIRST SITTING OF THE COUNTY ASSEMBLY

The Clerk of The Assembly (Mr. Joseph Malinda): Good morning, Members. Once again, we wish to welcome you to the Assembly. We also wish to congratulate you for your election as a Member of this Assembly, and also your nomination as a Member of this Assembly. We are delighted from where I seat, the entire Assembly fraternity to associate with you from today going forward.

Having said that, today's sitting is governed by Standing Orders; it is also governed by the provision of the County Government Act, in particularly Section 7(a), which triggers the sitting of any Assembly. You are aware this sitting is as a result of Gazette Notice No. 10987 by Her Excellency the Governor, which I wish to read- Pursuant to the provision of the Standing Order No. 3 of the County Assembly of Nakuru Standing Orders, it is notified to the Members of the County Assembly and the general public that the First Sitting of the Third County Assembly of Nakuru shall be held on Wednesday 21st September, 2022 at 9:00am in the County Assembly Chambers at Nakuru. I wish to confirm this sitting is properly gazetted. Honourable Members, the Gazette Notice dated 12th September is signed by Her Excellency the Governor.

Honourable Members Standing Order 3 (2) (b) further requires that on the First Sitting of the New Assembly after the General Election, The Clerk who pursuant to the provision of Standing Order 3(5), has the powers of the Speaker shall lay, list of persons elected and nominated as Members, on the table of the Assembly. I now proceed pursuant to this provision to lay on the Table of the Assembly a list of the persons elected and nominated as Members of the County Assembly.

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PAPER LAID

LIST OF NAMES OF GAZETTED MEMBERS OF COUNTY ASSEMBLY

The Clerk to the Assembly (Mr. Joseph Malinda): Thank you. You are aware the two Gazette Notices done by the Independent Electoral and Boundaries Commission (IEBC). That is the basis of your being here.

(The Clerk of the Assembly (Mr. Joseph Malinda) laid the list of Members of County Assembly on the Table)

ADMINISTRATION OF OATH

OATH OF AFFIRMATION OF OFFICE

Honorable Members, I wish now to communicate the process of your swearing as Members of the Assembly. Standing Order 3(3) requires the Clerk to administer the Oath of the Affirmation of Office to Members of the Assembly in alphabetical order using the following order of precedent-

- a. Members with the longest cumulative period of service in the Assembly
- b. Members with longest cumulative period of service in the Assembly and any Local Authority existing prior to the final announcement of all the results of the Assembly as contemplated under Section 2 of the Sixth Schedule of the Constitution.
- c. Members with the longest cumulative period service in any Local Authority existing prior to the final announcement of all the results of Parliament or Assembly and as contemplated under Section 2 of the Sixth Schedule of the Constitution.
- d. All other Members.

Honorable Members, it is important to observe the Standing Order 3(4) which provides that, pursuant to Article 74 of the Constitution, no person shall assume or perform any functions of the Office of a Member before taking and subscribing to the Oath or Affirmation of Office. I stated earlier under Standing Order 3(5), when the Clerk is administering the Oath or Affirmation of Office to Members, and before the Clerk has administered the Oath or Affirmation of Office to the Speaker, any question arising in the Assembly should be determined by the Clerk who shall during that period execute the powers of the Speaker. So, I am here, duly exercising those powers. Honorable Members, so any query shall be responded to.

Honourable Members pursuant to Standing Order 3(3), I shall now proceed to administer the Oath or Affirmation of Office to Members here present. In this process, the name of each Member shall be called out. When called out, the Member shall proceed to the podium in my right here and thereupon shall have the option to take Oath or Affirmation of Office as they choose in accordance to the respective religious persuasions.

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After taking Oath or Affirmation of Office, the Members shall proceed to subscribe the Oath or Affirmation to the table on my left in front of me, sign the Oath or Affirmation Book and the Leadership and Integrity Code of Conduct for State Officers. There are two Officers from Ethics and Anti-Corruption Commission (EACC) seated there, you shall sign the Code of Oath there as well.

I wish now to start the process as outlined above; yes, Honorable Stanley Karanja.

Hon. Stanley Karanja: Thank you Mr. Speaker, reading Standing Order 112 and also Standing Order 3(5), and maybe Article 40 of the Constitution of Kenya 2010, it is my plea from the list that you have provided herein Honorable Clerk acting as the Speaker, that we do place Person Living with Disability first. That is my plea basing that when we are dealing with People Living with Disabilities, they first take the oath and then the others follow.

The Clerk to the Assembly (Mr. Joseph Malinda): That is quite in order Honorable Karanja and if there is any Member with Disability, we shall start with him or her, any person in our midst? Okay Madam, we shall proceed with you, honourable Chepkurui. Thank so much for reminding us. Clerk you may now prepare to administer the Oath starting with Chepkurui.

(The MCA With Disability Hon. Everlyn Chepkurui proceeded forward to take the Oath of Office)

(Members of County Assembly proceeded forward in order of precedence to take the Oath Office and Affirmation)

(The Oath of Office and Affirmation was administered to the following Members of County Assembly including signing the code of Ethics for State Officers)

Hon. Samuel Tonui

Hon. Peter Wanjala M. Palang'a

Hon. Peter Mwamba Kajwang

Hon. Virginia Wamaitha Gichanga

Hon. Hezy Ezekiah Kung'u Kariuki

Hon. Doreen Korir Jebiwot

Hon. Grace Wambui Mwathi

Hon. Isabella Kerubo Makori

Hon. John Macharia Gachiri

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Hon. John Mwangi Macharia
Hon. Joseph Ngware Ng'ang'a
Hon. Leah Jepkoech Serem
Hon. Mwaura Njuguna
Hon. Peter Njoroge Maina
Hon. Philip Wanjohi Nderitu
Hon. Rose Chepkoech
Hon. Rose Gathoni Njoroge
Hon. Samuel Mwangi Kamau Ngarama
Hon. Stanley Karanja
Hon. Wajeff Wilson Mwangi Wachira
Hon. Alex Bor
Hon. Alex Kipkoech Arap Lang'at
Hon. Alex Ndung'u Mbugua
Hon. Ali Hassan Abdi
Hon. Ann Muthoni Gite
Hon. Ann Wamaitha
Hon. Anthony Charles Kamau Kanyere
Hon. Ben Kiprotich Kirui
Hon. Bernard Kipng'etich Langat
Hon. Bernard Maina Kariuki Gatuso
Hon. Bethsheba Kerubo Onkoba
Hon. Catherine Wanjeri Mwangi
Hon. Cynthia Mukami
Hon. Cyrus Dida Ndegwa
Hon. David Kihumba Muraya

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Hon. David Wathiai Macharia
Hon. Degaulle Elibas Naburuki
Hon. Dorcas Wangui Gatherer
Hon. Elijah Mwangi Murage
Hon. Elijah Mwaura Macharia
Hon. Eliud Kamau Chege
Hon. Emmanuel Langat
Hon. Everlyn Chepkurui
Hon. Francis Mungai Kuria
Hon. George Cheruiyot Tallam
Hon. George Kanure
Hon. George Wang'ang'a Nene
Hon. Hamisi Msuri Fadhili
Hon. Hellen Chemutai Megek
Hon. Hellen Chepkorir
Hon. Irene Cherop Cheboi
Hon. Isaac Kiptisya Rottok
Hon. James Gathuita Mwangi
Hon. Jane Wanjiru Gituku
Hon. John Kipng'etich Maritime
Hon. Joseph Mwangi Muraya
Hon. Kezia Akinyi Okumu
Hon. Leah Wambui Ng'ang'a
Hon. Leah Wambui Ng'ang'a
Hon. Loise Njeri Kagecha
Hon. Mary Wanjiku Njoroge

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Hon. Mercy Chepkirui Kilel
Hon. Michael Gathanwa Ngigi
Hon. Michael Njenga Nding'uri
Hon. Moses Ngeny Koros
Hon. Neto Sakwa Alukutsa
Hon. Nixon Kiprotich Morogo
Hon. Paul Kipkorir Langat
Hon. Paul Waweru Warege
Hon. Robert Kiplangat Rutto
Hon. Robert Kipyegon Langat
Hon. Simon Kamau Karanja
Hon. Wesley Kipkurui Langat
Hon. William Mutai
Hon. Zipporah Wambui
Hon. Peter Njoroge Maina.

The Clerk to the Assembly (Mr. Joseph Malinda): Congratulations all Members for taking Oath of Office; now you become Members of this House; House of rules, House governed by the Standing Orders and with that we expect full compliance to the Standing Orders as we proceed to the next business of the day.

ELECTION OF THE SPEAKER

Honourable Members *wakati umewadia*. It is now time for the election of the honourable Speaker, who shall be your Speaker from this moment for the next five years. But before that, I wish to bring to your ... order honourable Karanja! We appreciate the rules of this House; you may attract the wrath or the eye of the Speaker. I wish to bring to your attention the provisions of elections of the Speaker as contained in the Standing Orders.

Standing Orders 4 and 5 of the County Assembly of Nakuru details the process of electing the Speaker. The process of electing the Speaker of inviting applicants to apply for the position of the Speaker. Remember you are the voters and we expect decency and decorum during the exercise.

And with that Members, I wish to bring to you Standing Order No. 4 (1). A Speaker shall be elected when the Assembly first meets like today; after a General Election before the Assembly proceeds

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to dispatch of any business except the Administration of Oath or Affirmation of Office to Members present which we have just concluded; I think everybody is on board.

Honourable Members, pursuant to Standing Orders, the number of activities that are required for the election of the Speaker before disbursing

Honourable Members Standing Order No. 5 (1) provides upon the Governor notifying the place and date for the first sitting of a new Assembly pursuant to Standing order 3 (proceedings of a new Assembly), the Clerk shall by Notice in the Gazette notify that fact and invite interested persons to submit their nomination papers for election to Office of Speaker.

Members, the Clerk of the Assembly via the Print Media on 16th September 2022 and also Gazette Notice invited candidates to submit nomination Papers for election to the Office of the Speaker.

Standing Order, no 5 (4) further requires the Clerk to maintain a register in which we shall be shown the date and time when each candidate's nomination papers were received and shall ascertain that every such candidate for election to the Office of the Speaker is qualified to be elected as such under Article 193 of the Constitution. I hereby confirm that the register has been maintained in accordance with the Standing Orders.

Further I wish to confirm the Clerk was able to scrutinize all the applications to confirm they met the requirements of our Constitution, County Governments Act and our Standing Orders.

Standing Order No. 5 (5) requires that immediately upon the close of the nomination period provided for in paragraph (2) the Clerk shall;

- (a)Publicize and make available to all Members, a list showing all qualified candidates and
- (b)Make available to all Members copies of the Curriculum Vitae of the qualified candidates.

I hereby confirm that a list of all the qualified Members was publicized and made available to all Members. I further confirm that I made available to all Members, copies of Curriculum Vitae of qualified candidates.

Honourable Members, the position of the Speaker as advertised attracted the following candidates who were declared as qualified

1. Ngaro Kevin Ngware
2. Joseph Njoroge Ngige
3. Chrispus Antony Wathiba
4. Andrew Yatich
5. Jane Kigotho

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6. Joel Karuri Maina
7. Martin Mwangi Kagai
8. Mugo Jane Wanjira
9. Richard Wanyira Kiboi
10. Daniel Moronge
11. Koskei James Cheruiyot

Those are the eleven applicants that appear in the ballot papers.

As provided in Standing Orders 6 (1), the election of the Speaker shall be by secret ballot. We shall now proceed to elect the Speaker. Yes Hon. Karanja.

Hon. Stanley Karanja: Thank you Mr. Speaker, as we commence this very important exercise and because we have been around and we know you have been through an election where.... what I would like to confirm is that because we are in a House of rules, is that the issue of phones in the booth should be barred. Secondly, I am afraid...

There have been fears that if you vote this way and that way you may be known, so Mr. Speaker, for confirmation I want that what you meant by secret is what the English dictionary says....

The Clerk to the Assembly (Mr. Joseph Malinda): Thank you Hon. Karanja...

Hon. Stanley Karanja: Mr. Speaker, I am concluding. I would want the assurance of all these Members that nobody will ever know who they voted other than you, God and maybe.... Can our conscience lead us in electing the best Speaker, and I think Members, the Speaker will assure you that you are safe in this House...

The Clerk to the Assembly (Mr. Joseph Malinda): That is for the Speaker to tell Members Honourable Karanja, thank you so much.

Sergeant-At-Arms ensure that every Member who wishes to vote is here, communicate that outside there so that we do not want to lock out anybody.

Honorable Members like the Clerk or the Presiding Officer of the day must all the time be above suspicion and this is more important when you see the kind of people you associate with, when you associate with big people like yourselves the Presiding Officer must be all the time be above suspicion. Secret means secret; that is my cardinal duty to protect the process to ensure nobody in this House of rules, nobody will be intimidated thereafter.

I want to assure Members, your conduct here is privileged; nobody will ever use what you say here against you. No one will ever accuse you for exercising your right as a Member of the Assembly.

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Remember you have taken the Oath of Office right here and signed the code of conduct before the EACC Officers. That tells you the seriousness of the matter at hand.

With that I wish to direct as follows pursuant to powers granted by Standing Orders 3 (5):

1. Sergeant -At -Arms you must ensure no Member proceeds to the booth with a phone. With that we urge Members to leave their phones where they are seated; if you are not sure about that, you hand over to Sergeant -At -Arms on either side of the booth
2. I am also directing for purposes of instilling confidence in the process the cameras be switched off to ensure Members are free to exercise their will in electing their speaker of the next five years. Remember the position of a speaker is not a joke, you must do what your heart tells you, in a secure and a discreet manner. With that Hon. Karanja I think it is enough assurance from the Chair and I will not hesitate to disqualify any person flaunting the rules and declaring such a cast as spoilt, should we find out any of the directions have been flaunted.

Shall we proceed with the process. Can I have the ballot papers here with me.

Hon. Alex Langat: Mr. Clerk can you allow Members to have a last-minute lobbying?

The Clerk to the Assembly (Hon. Joseph Malinda): No, I do not think it would be in order now as everybody is waiting to see a new Speaker. We had more than enough time, months and weeks. Since we met here on Monday, we had more than 48 hours to canvass, convince and of course be treated well.

I wish to confirm that this ballot papers have no marks, it has a stamp from the Clerk and the eleven names. You can take it round for Member to see.

(The Sergeant-At -Arms took the ballot paper round for Members to see)

(The empty and unlocked ballot box displayed)

Clerks prepare the list in alphabetical order. We shall go alphabetically.

Hon. Members, further wish to communicate that when all the Members have voted, the clerk shall unlock the ballot boxes, examine the ballot papers and having rejected those unmarked or spoilt, report the results of the ballot.

A person shall not be elected as speaker unless supported in a ballot by the votes of two-thirds of all members.

If no candidate is supported by the votes of two-thirds of all the members a fresh election shall be held and the candidates shall be the candidates who received the highest number of votes in the ballot referred to paragraph (1) and the candidate or candidates who received the next highest number of votes. If more than one candidate receives the highest number of votes paragraph 2(b) shall not apply and the only candidate the fresh election will be those in paragraph 2(a)

The candidate who receives the highest number of votes will be declared as the speaker. If in the further ballot referred to in c above more than one candidate receives the highest number of votes the ballot shall be again be taken and if there is equality in votes a further ballot shall be taken until one candidate gets more votes than the rest. So, the process goes on and on, it does not matter how long it takes.
In this case our two-thirds is 50 members

(The ballot box was locked)

And now the process may begin

(Hon. Members proceeded to vote)

(The Clerks-At-The -Table unlocked the ballot box and proceeded to count the votes)

The Clerk announced the results of the first ballots as follows

NAME	VOTES
1. Ngaro Kevin Ngware	0
2. Joseph Njoroge Ngige	3
3. Chrispus Antony Wathiba	0
4. Andrew Yatich	0
5. Jane Kigotho	0
6. Joel Karuri Maina	36
7. Martin Mwangi Kagai	33
8. Mugo Jane Wanjira	0
9. Richard Wanyira Kiboi	0
10. Daniel Morogo	0
11. Koskei James Cheruiyot	0
12. Spoil vote	3

Pursuant to Standing Order No. 7

A person shall not be elected as Speaker unless supported in a ballot by the votes of two-thirds of all Members.

If no candidate is supported by the votes of two-thirds of all the Members a fresh election shall be held and only candidate shall be the candidate who received the highest number of votes in the ballot referred to paragraph (1) and the candidate or candidates who 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 further ballot shall be elected Speaker.

In simple language this election goes to next round where the top candidate that is Joel Maina Karuri and Martin Kagai goes back to the ballot for failing to garner two-thirds of the total votes.

I direct the process begins immediately and members do not walk out during the process, those are the rules of the chamber

Sergeant-At-Arms close the door. I have given two minutes to call any Member outside. Can Members resume their positions now. Mheshimiwa PM, I know you know the rules here and you should lead by example.

Hon. Peter Palang'a: Hon Chair thank you; I like the way we are progressing and I appreciate the new members on board but I wish to bring to your attention that the Sergeant-At -Arms needs to participate in this ...

The Clerk to the Assembly (Joseph Malinda): noted Hon. Palang'a

Let us proceed, we only have two Members and ensure you tick within the box provided to avoid spoiling the votes.

Order Members! No phone calls allowed since the voting is on.

Clerk call out the names alphabetically

Hon. Alex Bor

Hon. Alex Kipkoech Arap Langat

Hon. Alex Ndung'u Mbugua

Hon. Ali Hassan Abdi

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Hon. Ann Muthoni Gite

Hon. Ann Wamaitha

Hon. Ann Wanjiru Njaguara

Hon. Antony Charles Kamau Kanyere

Hon. Bernard Kipng'etich Langat

Hon. Bernard Kiprotich Kirui

Hon. Bernard Maina Kariuki Gatuso

Hon. Bethsheba Kerubo Onkoba

Hon. Catherine Wanjeri Mwangi

Hon. Cynthia Mukami

Hon. Cyrus Dida Ndegwa

Hon. David Kihumba Muraya

Hon. David Wathiai Macharia

Hon. Degaulle Elibas Naburuki

Hon. Dorcas Wangui Gathere

Hon. Doreen Jebiwot

Hon. Elijah Mwangi Murage

Hon. Elijah Mwaura Macharia

Hon. Eliud Kamau Chege

Hon. Emmanuel Langat

Hon. Evalyne Chepkirui

Hon. Francis Mungai Kuria

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SEPTEMBER 21, 2022

COUNTY ASSEMBLY OF NAKURU DEBATES

Hon. George Cheruiyot Tallam

Hon. George Kanure

Hon. George Wang'ang'a Nene

Hon. Grace Wambui Mwathi

Hon. Hamisi Msuri Fadhili

Hon. Hellen Chemutai Megek

Hon. Hellen Chepkorir

Hon. Hezekiah Kung'u Kariuki

Hon. Irene Jerop Cheboi

Hon. Isaac Kiptisya Rottok

Hon. Isabella Kerubo Makori

Hon. James Gathuita Mwangi

Hon. James Gathuita Mwangi

Hon. Jane Wanjiru Gituku

Hon. John Kipng'etich Maritim

Hon. John Macharia Gachiri

Hon. John Mwangi Macharia

Hon. Joseph Mwangi Muraya

Hon. Joseph Ngware Ng'ang'a

Hon. Keziah Akinyi Okumu

Hon. Leah Chepkoech Serem

Hon. Leah Wambui Ng'ang'a

Hon. Loise Njeri Kagecha

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(The ballot papers were issued to the Hon. MCAs)

(Hon. MCAs proceeded to vote)

The Clerk to the Assembly (Mr. Joseph Malinda): We can now proceed to confirm the ballot papers are validly cast.

(The Clerks-at-the-Table unlocked the ballot box and proceeded to count the votes)

The Clerk announced the results of the second ballot as follows;

Hon. Joel Karuri Maina 50 votes

Hon. Martin Kagai Mwangi 25 votes

(The Clerk accordingly declared Hon. Joel Karuri Maina elected Speaker of the County Assembly and directed the Serjeant-At-Arms to search for the said Hon. Joel Karuri Maina and bring him to the Chamber)

(Applause)

(On arrival of Hon. Joel Karuri Maina in the Chamber, he was escorted to the Chair by Hon. Members)

(On arrival at the Chair, the Clerk thereupon administered the Oath of Allegiance to the Speaker-elect, Hon. Joel Karuri Maina)

(The Speaker, Hon. Joel Karuri Maina, then took the Chair and the Mace which before lay under the Table, was placed upon the Table)

(Applause)

COMMUNICATION FROM THE CHAIR

SUBMISSION OF THE SPEAKER TO THE WILL OF THE HOUSE

The Speaker (Hon. Joel Karuri): Hon. Members, distinguished guests; ladies and gentlemen, I am extremely humbled and overwhelmed by the honour, privilege and belief that you have bestowed upon me by electing me as the Third Speaker of the County Assembly of Nakuru. This without doubt is a gesture that demonstrates confidence and trust in my ability to steer the leadership in this respectable House.

Allow me to congratulate all the elected and nominated Members for making it to the Third Assembly. As expected, your journey to the House has been faced with fierce competition from other worthy competitors in your respective Wards and Political Parties. Allow me to sincerely appreciate and applaud my worthy opponents in the just concluded elections for the position of the

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Speaker. It has indeed been a healthy and mature competition as expected in any democracy. Our Constitution and other frameworks allow a free and fair competition on any elective position in the political sphere. I am impressed that you have lived up to these provisions.

As we open a new chapter, I invite you to join hands with me as I seek to steer this House in the way forward. The Third Assembly is sitting in a very interesting time. Devolution is now getting entrenched in our Governance Structure. Having been ushered in 2013, the system has now come of age. As an Assembly, you are the most critical in the wheels of Devolution. You have the Constitutional duty of ensuring that the object and the principle of Devolution provided in our Constitution are fully realised. I have no doubt that the caliber of leaders in this House will live to the spirit of this very provisions. Allow me to pay a special tribute to my predecessor, Hon. Joel Kairu Maina. As the Speaker of the Second Assembly, his reign was characterized by interesting and applaudable developments.

To begin with, it is during his time that this House where we are seated was developed and approved key policy and legislative documents which eventually culminated to Nakuru Municipality being conferred with City Status. This is an achievement that cannot go unnoticed. I congratulate you once again. In the same breath, I wish to recognise the role played by the Members of the Second Assembly in ensuring that the necessary documents were scrutinised at Committees and Plenary levels. Having been guided by the desire to create and enabling environment for Members to comfortably discharge their Constitutional duties, the second Assembly appropriated enough resources for the Construction of modern-day debating Chambers in line with County Assembly of Nakuru strategic plan. This act of selflessness can only be demonstrated by progressive leaders as witnessed in the Second Assembly. As we assemble here today, I want to recognise you for the well thought out decision.

Lastly, I wish to appreciate the Office of the Clerk for putting together his technical team and making the appropriate preparations for this momentous occasion. As an Assembly, we know that there is going to be political leadership in the House. As I take over the political leadership in the Assembly, my responsibilities are well cut out. My cardinal duty and responsibility will be to ensure that the Assembly discharge its Constitutional mandate in more sensitive and robust manner. The electorate and other key stakeholders are looking up to this House to put up in place appropriate legislation and policies that will have meaningful impact on citizens of this County.

It is worth noting that the Constitution gives powers to the public to actively engage in all the decisions laid before the floor of this House. As such, we must at all times appreciate that our biggest stakeholders are the residents of Nakuru County. This should always remain in our guiding principles in deeds and actions. My door shall remain open to all leaders, irrespective of their political affiliation. As the Speaker, I undertake to serve everyone with dignity, respect and fairness. Our political difference should not be viewed as a weakness but as an avenue of providing competing ideas to strengthen our democracy and to make the House more vibrant. I want to thank the almighty God so much for the ability and grace to bring us this far and also to grant me victory

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on this day. I want to reiterate that I will be your servant and servant leadership is what is going to lead my leadership term. Thank you.

COMMUNICATION FROM THE CHAIR

PROCEDURE TO BE FOLLOWED WHEN ELECTING THE DEPUTY SPEAKER

The Speaker (Hon. Joel Karuri): Honorable Members, in the spirit of continuous deliberations and consensus building, do we agree that we continue with the election of the Deputy Speaker?

Hon. Peter Palang'a: Thank you Mr. Speaker sir. I wish to congratulate you for having been elected the Speaker of this House. I do not know how Members will look at it but this is my personal opinion, I am suggesting that if we may be given some 10 minutes to caucus because of the change of expectation so that we may realign ourselves and get to vote wisely.

The Speaker (Hon. Joel Karuri): Hon. Rose Chepkoech.

Hon. Rose Chepkoech: Thank you Mr. Speaker sir. I wanted to say the same, that you give us some few minutes then we come back.

The Speaker (Hon. Joel Karuri): What is it Mheshimiwa Karanja?

Hon. Stanley Karanja: Thank you Mr. Speaker sir. I thought that after one has gone and has given acceptance speech that Members are given at least two minutes to congratulate you.

Hon. Peter Kajwang': Thank you Mr. Speaker sir. I beg your indulgence.

The Speaker (Hon. Joel Karuri): Order! Hon. Kajwang'. Have your seat. What is it?

Hon. Peter Kajwang': Thank you Mr. Speaker sir. The point I want to raise is that unlike the contenders that were there in the Speaker's position whom we were given their CVs to scrutinize, we had to make informed choices. We have not seen any for those who want to contend for the Deputy Speaker position. As we are here, we do not know these contenders.

The Speaker (Hon. Joel Karuri): Mheshimiwa Wanjohi from Lare Ward.

Hon. Philip Wanjohi: Thank you Mr. Speaker sir. Before I give my remarks, I want to congratulate you now that you have become our speaker. This is a House of rules, procedures and order. I wish to draw your attention to Standing Order number 14, part 1 says, as soon as practicable after the election of the Speaker, the Assembly shall elect a Deputy Speaker amongst its Members. It does not say anywhere that they are supposed to apply or not. If there is anyone who is interested in the position of the Deputy Speaker, the Standing Order is clear that immediately we are done with election of the Speaker, we proceed to election of the Deputy Speaker. That is the rule of this Assembly.

The Speaker (Hon. Joel Karuri): After listening to the Members who have just talked, in the spirit of consensus because as much as we know that we have just concluded the election of the Speaker, it is important to allow Members a maximum of 10 minutes to deliberate after which we are going to hold the election of the Deputy Speaker. Thank you.

Hon. Peter Kajwang': Mr. Speaker sir, just before we conclude, there is a point that I raised and I think it is important. We are going to a break where we do not even know the candidates. Could the Clerk through you, make this House aware of these people who want this position.

The Speaker (Hon. Joel Karuri): Yes Hon. Macharia.

Hon. John Gachiri: Thank you Mr. Speaker sir. I want to second Hon. Kajwang' that we may be given the names so that we are able to know.

The Speaker (Hon. Joel Karuri): I will make that request known to the Honorable Members. We are in receipt of the following candidates who have expressed their interest to contest for the seat of the Deputy Speaker of Nakuru County Assembly;

1. Hon. Joseph Ngware Ng'ang'a
2. Hon. Alex Kipkoech Arap Lang'at.
3. Hon. Robert Kipyegon Lang'at.
4. Hon. William Mutai.
5. Hon. Tonui Samuel Kipkemoi.

That should be able to address the concern raised by Hon. Kajwang' from Kaptembwa Ward.

The Speaker (Hon. Joel Karuri): What is it Mheshimiwa Palang'a.

Hon. Peter Palang'a: Thank you Mr. Speaker sir. We have just met and after elections, some of us when we are reading these names, I cannot conceptualise the name against the person. I wish to request that as you read the names, we get to know who these are so that we can also know much. Previously, this House has put some Members who have no capacity in leadership. We would not want to make any further mistake. Thank you.

Hon. Mwangi Mwangi: Thank you Mr. Speaker sir. I want to raise this concern that these Members need to meet with the aspirants out there.

The Speaker (Hon. Joel Karuri): Mheshimiwa Tallam from Kabazi Ward, what is it?

Hon. George Tallam: Thank you Mr. Speaker sir. First, I want to congratulate you for making it. I second what Hon. Palang'a has said that you give Members time for them to know these aspirants then we caucus for 10 minutes.

(Names of Aspirants read out once again)

(Members took a ten-minute break)

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(After the ten-minute break)

The Speaker (Hon. Joel Karuri): Yes Hon. Rose.

Hon. Rose Chepkoech: Thank you Mr. Speaker sir. I wish to move a Motion that election of the Deputy Speaker to be adjourned to a later date to allow Members further consultation. Also, Members are exhausted. We shall have a lot of time to talk. Again, we have not seen the CVs of the Honorable Members. I request we move it to another date.

The Speaker (Hon. Joel Karuri): Hon. Rose, is that a Motion that you are moving? Do you have a specific person who is going to second that Motion?

Hon. Rose Chepkoech: Thank you Mr. Speaker sir. I request Hon. Rottok to second.

Hon. Isaac Rottok: Thank you Mr. Speaker sir, I second that we defer to another day. Thank you.

Hon. Njuguna Mwaura: Thank you Mr. Speaker sir. I want to draw to your attention to Standing Order number 34(2) of this House. It is against the Standing Order of this House for any person just to wake up on such important and cardinal business when it is before this House. I wish to request the Hon. Members who have some hidden agendas or want to frustrate the business of this House to desist from such. Order number 34(2) states that; *if the Speaker is of such opinion that such Motion of adjournment of the House is frivolous or an abuse of the proceeding of the House, the Speaker may forthwith put the question thereon to decline to propose it.* There are persons whose aim is to frustrate others. If you look keenly at the election of the Deputy Speaker, it is stated that if the position of the Deputy Speaker falls vacant, the Speaker should request the Members on the floor. If you look keenly at order number 14, it states so.

Therefore, I would wish that you negate from falling to that trap because it will lead us into a ditch. If you look critically at the words that are being used, that Standing Order had foreseen such a scenario and if you are not going to follow these orders critically, this House is going to be taken like a kangaroo thing of which we cannot allow as Members. As senior Members, we move that such an order should not be invoked at a time like this. You had done a ruling and your ruling cannot be negated at this time. You just allowed us to break for 10 minutes and then we come back and that is what we were following. We ought to have been notified earlier that there were such kind of intentions. I beseech you to look at order number 34(2) so that you can make a Solomonic Ruling as far as that request is concerned. Thank you.

The Speaker (Hon. Joel Karuri): Before Mheshimiwa Njuguna rose on a point of order. There was a substantive Motion that was being moved. If a Motion is moved and we move to a point of order, we are not able to measure the extent of frivolous if there was such. If it is right, we will proceed with the Motion because we would still be voting for the Motion on whether we can move the election date of the Deputy Speaker to another day. We can agree that now we can have a chance to debate on the merits and demerits of such a step so that we move on the way a Motion

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is supposed to be done because we should be able to allow for brief debate and then we proceed to calling the question.

Hon. Isaac Rottok: Seconds.

The Speaker (Hon. Joel Karuri): The Motion is now open for debate.

Hon. Njuguna Mwaura: Thank you Mr. Speaker sir. In my preamble, you realized that today was a gazetted day for us to elect the Speaker and the Deputy Speaker. Until and unless we can be served with a new gazette notice, negating that gazette will be a rubble to that order. I want to draw attention of all the legal minds in this House and when we amended this Standing Order, we knew that this House was headed to a ditch that is why we decided to come up with this Order. I would wish to re-read it. As soon as shall be...after the election of the Speaker, the Assembly shall elect a Deputy Speaker among its Members who shall preside over the sitting of the Assembly in the absence of the Speaker as contemplated. We are not given a room. There is no time that is given unless you want us to first of all amend this Standing Order.

I therefore request that the Honorable Members in this House to discharge their mandate as per the Standing Orders. Unless you want us to assume an attitude of lethargy and indecisive Assembly, that is when we can take that route. All I wish to request you is to stand firm and defend this Standing Order as you swore when you took oath of Office. I wish to request that we continue with the business of the day because even the ballot boxes are here. Thank you.

The Speaker (Hon. Joel Karuri): Mheshimiwa Kajwang’

Hon. Peter Kajwang’: Thank you Mr. Speaker sir. He did not even say if he is supporting or opposing the Motion.

Hon. Njuguna Mwaura: Thank you Mr. Speaker sir. I am opposing the Motion and that is why I am reading the Standing Order. Hon. Kajwang’ is a senior Member. He should read between the lines.

The Speaker (Hon. Joel Karuri): Mheshimiwa Francis Kuria.

Hon. Francis Kuria: Thank you Mr. Speaker sir. I am opposing the Motion. These Members are eagerly waiting for this election. They are not exhausted unless she has other issues. We are very energetic to vote. Thank you.

The Speaker (Hon. Joel Karuri): Mheshimiwa Virginia.

Hon. Virginia Gicanga: Thank you Mr. Speaker sir. I rise to oppose the Motion. All the Members of this House were ready for the work ahead of them when they went for elections. There are days when you will leave the Assembly at night. There are days you would even call for extension of time because of the business at hand. Consider the election of the Deputy Speaker a serious business.

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The Speaker (Hon. Joel Karuri): Mheshimiwa Doreen.

Hon. Doreen Korir: Thank you Mr. Speaker sir. I rise to support that we give each other time. We need to go through the CVs of the aspirants who are vying for the seat of the Deputy Speaker to know well who we are voting for. Thank you.

The Speaker (Hon. Joel Karuri): Mheshimiwa Mwangi.

Hon. Mwangi Muraya: Thank you Mr. Speaker sir. I rise to oppose. We have been waiting for this day for a long time. The Gazette Notice was issued and the business of the day is to elect the Speaker and the Deputy Speaker for us to move forward. When we were here for orientation, the Clerk informed us that next week, we might be starting our session. If we adjourn this because of a group that is not coming into consensus and we have the business of the day, what if they come tomorrow and they have not consulted well? Until when shall we wait for them to agree on something? There is nothing that can hinder us from continuing with the business.

The Speaker (Hon. Joel Karuri): For the benefit of debating in the House, it is good to be upstanding so that the Speaker's eye can catch you.

(Question proposed that the election of the Deputy Speaker be adjourned to a later date).

(Question put and negatived)

We now proceed with the election of the Deputy Speaker and the Clerks-At-Table to confirm that the ballot boxes are empty. The other elements of the election are the ballot papers, the boxes and the booths. The Clerk will call the names and the Members will pick the ballot and proceed to vote in the booth.

(Voting for the Deputy Speaker starts)

(The Clerk-At-the Table called the out names)

The Speaker (Hon. Joel Karuri): All the Members have voted?

The Clerk-At-the Table: Mr. Speaker sir, I confirm that I have read all the names

The Speaker (Hon. Joel Karuri): Thank you. Members the Standing Order that guides the election of the Deputy Speaker is Standing Order no. 14 (3)

Honorable Members we now proceed to tallying the votes and we confirm that the total number of votes cast is 73. Clerk you can now move to tally for each candidate. Agents for the candidates to move forward. Clerk you can now proceed to count for each candidate.

VOTING RESULTS

Hon. Joseph Ngware Ng'ang'a- 47 votes

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Hon. Alex Kipkoech Langat-1

Hon. Robert Kipyegon Langat-8

Hon. William Mutai-3

Hon. Samuel Tonui Kipkemoi-13

The Speaker (Hon. Joel Karuri): So, the tallying and counting has been done. Honorable Members it is very clear that according to our Standing Orders 7 (2) if no candidate is supported by the votes of two-thirds of all Members the candidate or candidates who in that ballot receive the next highest number of votes shall alone stand for election in a further ballot shall be elected Deputy Speaker. In our case Honorable Members, the two-thirds of all Members is 50 votes. Therefore, we proceed to another ballot.

Hon. Peter Kajwang: Mr. Speaker point of order, we know that two Members did not vote so we are talking about two-thirds who voted so we are referring to 73 number. Further Mr. Speaker we see the margin is quite big.

The Speaker (Hon. Joel Karuri): Order! Hon. Kajwang

Hon. Peter Kajwang: Could you kindly just make a ruling on this, when we talk about two-thirds we are talking about 48.8 when we round it off it is 49. We can agree in unison that this thing is a wrap.

The Speaker (Hon. Joel Karuri): Thank you Hon Kajwang that is well received. Hon Palang'a kindly have the mic, the floor is yours

Hon. Peter Palang'a: I can see you have taken charge of the House. Congratulations Mr. Speaker. I was just making a quick rejoinder that for those who mathematicians like myself the two thirds of 73 is actually 48 or thereabout. I want to request the immediate challenger to Hon Ngware to make a remark. He can also save us this agony of wasting time here. He can at the same time make a withdrawal just as Hon. Marende did and that was wisdom. Thank you

Hon Samuel Tonui: Mr. Speaker Sir, I want to second and say thank you for those who voted for me. I withdraw, there is no repeat of the voting. Thank you and I want to congratulate Hon Ngware. Thank you

The Speaker (Hon. Joel Karuri): Honorable members if you want to have a word you can be upstanding.

Hon Jane Githuku: Thank you Mr. Speaker sir for this opportunity and members for the Assembly for the good work that you have done. At least you have shown that you are not fatigued. There were some few things that were not going right but at least we congratulate Hon. Ngware and yourself Mr. Speaker for having the opportunity now to take us forward and we look forward

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for effective and unique debate in this County Assembly. Thank you. I want to congratulate the Deputy Speaker-elect Hon. Ngware.

The Speaker (Hon. Joel Karuri): Honorable Members you may be seated. Democracy is expensive. Mr. Speaker sir, sorry, Hon. Members.

(Laughter)

You know initially I was a Member of County Assembly for Biashara ward and so the thing about Mr. Speaker really had sunk. Honorable Members in this case the candidate with the highest votes was Joseph Ngware Ng'ang'a who garnered 47 votes and then the second highest was honorable Samuel Tonui who withdrew in favor of honorable Joseph Ngware and so the next candidate with the highest vote is honorable William Mutai. In this case honorable William Mutai who withdrew in favor of honorable Joseph Ngware and so the next candidate with the highest votes it is Hon. William Mutai. Therefore, in this case, Hon. Mutai and Hon. Joseph Ngware goes back to the ballot unless now Hon. William Mutai maybe we want to hear from him. Sorry for that mix up but honorable members we passed the Standing Orders ourselves and so as much as it might take time, democracy is expensive, so bear with us as we fast track to resolve this. Honorable members sorry I read wrong things. The results were as follows; Honorable Joseph Ngware 47 votes, Honorable Alex Lang'at 1 vote, Honorable Robert Kipyegon Langat 8 votes, Honorable William Mutai 3 votes, Honorable Samuel Tonui 13 votes. In that order, order Mheshimiwa Karanja! Honorable Samuel Tonui has withdrawn so the next member with the highest vote in that order then its Honorable Robert Kipyegon Lang'at. So Mheshimiwa Robert Kipyegon Lang'at, do you want to follow suit and maybe withdraw? Mheshimiwa Karanja what order? It's important that..

Hon. Stanley Karanja: Mr. Speaker it follows that immediately after the counting of the votes and then they are announced by the honorable Speaker now the sequence is that Chonjo was the immediate

The Speaker (Hon. Joel Karuri): Order Hon. Karanja who is Chonjo?

Hon. Stanley Karanja: sorry I am referring to Hon. Tonui, now because, Mr. Speaker you had announced number one and number two, and they were both for the second round now and Hon. Tonui while reading the mood of the House decided that it is good to do the obvious and that is exactly what he has done and I congratulate him. We cannot move in retrogressive that because Hon. Tonui has moved to withdraw what about the other candidate. We will go until we go to the candidate with one vote. The one that voted for herself.

(Laughter)

Hon. Njuguna Mwaura: Mr. Speaker I rise on a point of order and wish to draw your attention to Order no. 7 election threshold. We know that this Country has been in that tendency and a culture of *Picky punky* and we do not want to go to that level because this House can be sued. If

we suspend the election at that stage, the Deputy Speaker-elect can be challenged in Court of law because the Standing Orders continuously states that the next election to proceed until there be no other person who is interested in this position. Therefore Mr. Speaker I would wish that this House not to falls into that trouble because we will be trivializing the procedures and process that we had undertaken. Therefore, if you look at Order No. 7 (2) if no candidate is not supported by the votes of two third of all Members, the candidate or candidates who receive the highest number of votes referred to in paragraph 1 and the candidate or candidates who in the ballot receive the next highest number of votes shall alone stand for election in further ballot and the candidate who receive the highest number of votes in the further ballot shall be elected as Deputy Speaker. Therefore Mr. Speaker I want to presume that this is election threshold and this one is the only guiding compass for this House and therefore we do have options but going back to elections until all the members who are vying will be satisfied that we do not want to compete anymore. Therefore Mr. Speaker allow me to draw your attention to that and you be cognizant of that because that one is critical.

The Speaker (Hon. Joel Karuri): Honorable member we said that we gave unto ourselves the Standing Orders that we use today and this is a House of procedures and rules and we said that we are very energetic than ever before and so there are no shortcuts that maybe for convenience the law or the Standing Orders have to be followed to the later. Now we proceed to Hon. Robert Kipyegon Lang'at who after the withdrawal of Hon. Tonui now becomes the second candidate with most votes. Therefore, is Hon Robert Lang'at in in the House?

Hon. Fadhili Mzuri: Mr. Speaker sir, I wish to offer a solution in the absence of Hon. Robert Lang'at, he has a chief agent who represented him and we do not know where he is. In his absence, he gave all the powers he had to the Chief Agent. So, the chief agent can speak on his behalf and concede defeat and save this House the time and the energy so that we can dispense off other matters.

The Speaker (Hon. Joel Karuri): Hon. Fadhili Msuri, thank you for that but then we do not want to go the shorter way to resolving this issue. The agent was not a candidate so we got to hear from the candidate and if the candidate is not available then we are going to proceed to the next ballot.

Hon. Njuguna Mwaura: Mr. Speaker allow me to also request your indulgence because Mr. Speaker it is presumed that the election was still on until the moment we are still doing election but the door is open which is bringing some misconduct among the members and I would wish Mr. Speaker that you pronounce yourself that whoever is inside let them remain inside and those who are outside to go outside, they walk in protest like in the Senate. We will still continue with the business.

The Speaker (Hon. Joel Karuri): Thank you. Honorable members we can proceed with the second ballot until such a time we have achieved what the Standing Order and our law says. Now for this one it is very clear that the candidate with the highest number of votes now becomes the Deputy

Speaker. So, I am going to call upon the clerks to check that the elements of elections are right then we proceed to the second ballot.

Hon. Rose Chepkoech: Mr. Speaker sir, why don't we send the Sergeant-At-Arms to look for Robert Lang'at so he can tell us he wants before we go for the next election?

Commented [SSS1]: R speak

The Speaker (Hon. Joel Karuri): now because the Standing Orders do not anticipate that the candidates will not be in the House, because voting takes place in the House we proceed with the ballot and we are going to have maybe according to what Hon. Fadhili was proposing now we can have his agent. Members let us proceed because if we delay, now we are going to interfere with preparation of the ballot. So kindly allow the voting to continue then later we are going to have opportunity for two or three Members to comment.

Hon. Philip Wanjohi: Mr. Speaker sir Hon. Robert Langat is within.

The Speaker (Hon. Joel Karuri): Welcome Hon. Robert Langat. Maybe I am going to ask the Sergeant-At-Arms to identify whether Hon Robert Kipyegon Langat is in the House. Members we proceed with the ballot for the second ballot because we have to pronounce the law as it. If a certain number say ten, fifty percent of ten is always five, it cannot be 4.8. For that reason, in that election for the Deputy Speaker, no candidate garnered two-thirds of all Members, not Members who voted but all Members of this County Assembly as fully constituted. So, we proceed to the next ballot.

(Hon. Members proceeded to vote through secret ballot in their alphabetical order)

(The Sargent-at-arms instructed to close the doors to restrict movement of Members during voting process.)

The Speaker (Hon. Joel Karuri): Now the voting process is through, we now proceed to tallying and counting. So, we can now have the agents of Hon. Joseph Ngware Ng'ang'a and the agents of Hon. Robert Kipyegon Lang'at.

Clerk-At- the Table counted and tallied the votes as follows:-

Hon. Joseph Ngware Ng'ang'a- 51 votes

The Speaker (Hon. Joel Karuri): We proceed to count the votes of Hon Robert Kipyegon Lang'at

Clerk-At-the Table: Hon. Robert Kipyegon Lang'at- 16 votes

The Speaker (Hon. Joel Karuri): Thank you, we may be seated; as the presiding officer for the Deputy Speaker, I want to give the results for that second ballot.

DEPUTY SPEAKER ELECTION RESULTS

The total votes cast was 67 votes.

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Hon. Robert Kipyegon Lang'at garnered 16 votes while Hon. Joseph Ngware Ng'ang'a garnered 51 votes. Therefore Hon. Joseph Ngware Ng'ang'a has won with the majority of the votes. Hon. Joseph Ngware Ng'ang'a having been elected as the Deputy Speaker, the County Assembly of Nakuru now proceeds to take the oath of office

(The Oath of office was administered to Hon. Joseph Ngware Ng'ang'a by the Speaker Hon. Joel Karuri)

The Speaker (Hon. Joel Karuri): Thank you Hon Ngware.

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Joel Karuri): Honorable Members our Standing Order no. 13(1) immediately after taking and subscribing to the oath or affirmation of office. Under Standing Order no.12 (*swearing in of the Speaker*) the Speaker shall notify the Members of the place, date and time of the opening of the Assembly.

Following the notification by the Speaker under paragraph (1) the sitting of the Assembly shall stand adjourned until the date and time of the opening of the Assembly.

ADJOURNMENT

Therefore, Honorable Members, this House stands adjourned until a date that the Hon. Speaker will communicate to Members. Thank you.

(The House rose at 1.30pm)