

## COUNTY GOVERNMENT OF LAMU



## THE COUNTY ASSEMBLY OF LAMU

### THE HANSARD

Wednesday, 30<sup>th</sup> October, 2024

*The Assembly met at the  
Main Chambers, at 2:30 p.m.*

[The Speaker (**Honorable Azhar Ali Mbarak**) in the Chair]

### PRAYERS

**The Speaker (Honorable Azhar Ali Mbarak):** Next Order.

**Clerk-at-the-Table:** Communication from the Chair.

### COMMUNICATION FROM THE CHAIR

**The Speaker (Honorable Azhar Ali Mbarak):** Honorable Members, I wish to convey the following communication. The Assembly has received a letter from the Governor, His Excellency Honorable Issa Abdalla Timamy, dated 17 October 2024, in which Ms. Aisha Shariff Omar is nominated for the position of County Executive Committee Member for ICT, E-Government and Citizen Participation.

The established procedure requires that the nominee's name be forwarded to the Committee on Appointments for vetting, in accordance with Standing Order 185(4) and the Public Appointments (County Assembly Approval) Act No. 5 of 2017.

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Following this vetting process, the Assembly will either approve or reject the nominee, as outlined under Article 179(2)(a) of the Constitution.

According to Section 7(1)(2) of the Public Appointments (County Assemblies Approval) Act, 2017, the committee is required to convene within 14 days to discuss the nomination. Consequently, 12 November 2024 will serve as the final day for the committee's first sitting regarding this matter.

In alignment with Section 9(1)(2) of the Public Appointments (County Assemblies Approval) Act, 2017, the committee will have a period of 21 days from its initial sitting to conduct the Approval Hearing and to present its report to the Assembly for consideration in accordance with relevant legal provisions.

In reference to Section 7(1)(2), 4th December 2024 will be the deadline for the committee to complete the vetting process and submit the report on the nominee for approval or otherwise. As the chair of the Committee on Appointments, I intend to convene the first sitting of the committee at the earliest opportunity, with the objective of expediting the vetting process.

I therefore, encourage the committee to exercise diligence and thoughtful consideration in reaching a conclusion regarding this nomination, guided by strict adherence to the law and with an emphasis on the broader interests of the County and its constituents.

Thank you.

**The Speaker (Honorable Azhar Ali Mbarak):** Next Order.

**Clerk-at-the-Table:** Papers.

Papers

**MCA Suleiman Mohamed Farah (Witu):**-Thank you Mr. Speaker.

**Mr. Speaker Sir,** allow me to lay the following paper on the floor of the house;

1.Lamu County Climate Action plan reporting 2023/24.

**MCA Barisa Deko Bana (Basuba):-** Thank You Mr. Speaker.

**Mr. Speaker Sir,** allow me to lay the following paper on the floor of the House;

1.Submission of Lamu County Emergency Fund Quarterly Report and Financial Statements for the period ended 30th September, 2024.

**The Speaker (Honorable Azhar Ali Mbarak):** Next Order.

**Clerk-at-the-Table:** Statements.

## STATEMENT

### SIYU AND MYABOGI FOOT BRIDGES

**MCA Mohamed Aboud Abubakar (Faza):-** Thank you, Mr. Speaker.

**Mr. Speaker Sir,** I wish to request a statement Pursuant to Standing Order 41(2)(c) from the Chairperson of the Departmental Committee on Transport and Public Works concerning the Siyu and Myabogi footbridges.

**Mr. Speaker Sir,** I would like to acknowledge the initiative taken by the County Government to construct these bridges, which has significantly enhanced transportation in Faza Ward.

**Mr. Speaker Sir,** I must also express my concern regarding the current state of the Siyu Bridge, which is in poor condition and poses a safety risk to its users.

**Mr. Speaker Sir,** in addition, the Myabogi Bridge has remained incomplete since its inception. The portion that has been constructed is now deteriorating, raising further concerns particularly as it serves as the sole access route for students and the public traveling to educational institutions and medical facilities.

Accordingly **Mr. Speaker Sir**, I seek clarification from the Departmental Committee on Transport and Public Works on the following matters;

1. What is the reason for the Myabogi Bridge remaining incomplete since its inception?
2. When does the department intend to repair the Siyu Bridge?
3. What plans are in place for the maintenance and completion of these two bridges?

Thank you.

**The Speaker (Honorable Azhar Ali Mbarak):** Next Order.

**Clerk-at-the-Table:** Motion.

### MOTION

#### *APPROVAL OF THE NOMINATION FOR APPOINTMENT OF MR. JAMES GICHICHIO GICHU AS THE DEPUTY GOVERNOR*

**MCA Bwana Mohamed Mbwana (Majority Leader):** Thank you Mr Speaker Sir.

**Mr Speaker Sir**, I beg to move the following motion to the floor of the House;

“THAT, Pursuant to the provisions of the Constitution of Kenya 2010, Section 32(d) of the County Government Act, 2012 (as amended) and the County Assemblies Standing Orders, this County Assembly approves the nomination for appointment of Mr. James Gichichio as the Deputy Governor.”

*(Motion Seconded)*

**The Speaker (Honorable Azhar Ali Mbarak):** Honourable Members, I would like to offer some guidelines, as I previously mentioned during the morning session, regarding the technical aspects involved in the nomination of a Deputy Governor. This discussion is prompted by the communication from the Governor, His Excellency Honourable Issa Abdallah Timamy, conveyed through a letter dated

Friday, 18th October 2024, pertaining to the appointment of a Deputy Governor following the unfortunate passing of the incumbent.

It is imperative to clarify that the current nomination lacks a robust legal foundation, as stipulated by both the Supreme Court advisory and more critically, the County Government Amendment Act 2020. This legislation explicitly mandates that the Governor must nominate a Deputy Governor within 14 days. Unfortunately, this requirement was not observed.

While it is not my intention to dismiss the Governor's communication entirely, I find it necessary to reference the recent ruling issued by the Speaker of the National Assembly regarding the nomination of Honourable Kithure Kindiki. In his decision, Speaker Honourable Moses Wetangula cited Article 149 of the Constitution, which requires that a Presidential nominee for the position of Deputy President be submitted within 14 days, with the National Assembly obligated to vote on the nominee within 60 days. The Speaker's ruling emphasizes that extensive debate on the nomination is unwarranted, as the degree of consultation required is limited. Additionally, he determined that a simple majority of the members present is adequate for approval and in alignment with this reasoning, I shall adopt a similar approach.

Honourable Members, we will now proceed directly to voting and there shall be no debate on this motion. We may select between two voting procedures: oral voting or a vote on the ayes and nays. Should I receive opposition from five members regarding the voting procedure of ayes and nays, we will then implement the oral voting method.

**MCA Paul Kimani Njuguna(Mkunumbi):-** I propose oral voting.

**MCA Beatrice Wamaitha Munge(Nominated):-** I propose oral voting sir.

**MCA Fahd Dini Adnan( Nominated):-** Oral voting Mr. Speaker.

**MCA Ahmed Omar Hamid( Nominated):-** Oral voting Mr. Speaker.

**MCA Aisha Ali Abdulrahman ( Nominated):-** Oral voting Mr. Speaker.

Speaker (honourable Azhar Ali Mbarak):- Clerks, I trust that you have the list of all members prepared. It is now time to announce the names of the members. A vote of "Yes" indicates support for the appointment of the Deputy Governor, whereas a vote of "No" signifies opposition to the appointment.

### Voting Outcome

YES	NO
Hon. Paul Kimani Njuguna	Hon. Mbwana Mohamed Mbwana
Hon. Beatrice Wamaitha Munge	Hon. Barisa Deko Bana
Hon. John Mburu Gakonga	Hon. Fahd Dini Adnan
Hon. Aisha Ali Abdulrahman	Hon. Suleiman Mohamed Farah
Hon. Ahmed Omar Hamid	Hon. Shekhuna Abbas Shekhuna
Hon. Francis Gakure Gakonga	Hon. Mohamed Aboud Abubakar
Hon. James Njaaga Kariuki	Hon. Husni Alawi Mohamed
Hon. Rebecca Wainaina	Hon. Amina Hassan Bwanamkuu
Hon. Hope Wanjiku	Hon. Atwaa Salim Mohamed

**N/B: Hon. Mercy Wangeci Nyambura was absent.**

**The Speaker (Honourable Azhar Ali Mbarak):-** It has come to my attention that a tie has occurred, with both the "Yes" and "No" votes totaling nine each.

Consequently, this motion will be deemed invalid and hereby instructs the clerks to formally correspond with the Governor to communicate the House's decision.

### *ADJOURNMENT*

**Speaker (Hon. Azhar Ali Mbarak)]:** Honorable Members, there being no other business, the Assembly stands adjourned until tomorrow in the afternoon, at 2:30 p.m.

*The Assembly rose at 4:00 p.m.*