

Annex 1:

***Minutes of the Standing Committee on
Devolution and Intergovernmental Relations***



**MINUTES OF THE HUNDRED AND SIXTY-SECOND SITTING (162ND)
SITTING OF THE SENATE STANDING COMMITTEE ON DEVOLUTION
AND INTERGOVERNMENTAL RELATIONS HELD ON WEDNESDAY, 16TH
APRIL, 2025, AT 9.00 A.M. AT COMMITTEE ROOM 5, MAIN PARLIAMENT
BUILDINGS AND ON THE ZOOM ONLINE PLATFORM.**

PRESENT

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| 1. Sen. Sheikh Mohamed Abass, CBS, MP | - Chairperson |
| 2. Sen. Catherine Mumma, MP | - Vice-Chairperson |
| 3. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member |
| 4. Sen. Paul Karungo Thangwa, CBS, MP | - Member |
| 5. Sen. Mohamed Said Chute, MP | -Member |

ABSENT WITH APOLOGY

- | | |
|------------------------------------|----------|
| 1. Sen (Dr.) Oburu Oginga, MGH, MP | - Member |
| 2. Sen. Richard Onyonka, EBS, MP | - Member |
| 3. Sen. Peris Tobiko, CBS, MP | - Member |
| 4. Sen. Hezena Lemaletian, MP | - Member |

IN ATTENDANCE

- | | | |
|----------------------------------|---|-------------------------|
| Sen. Okong'o Mogeni, CBS, SC, MP | - | Senator, Nyamira County |
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SECRETARIAT

- | | |
|----------------------------|---|
| 1. Dr. Johnson Okello | - Director, Legal Services |
| 2. Ms. Josephine Kusinyi | - Deputy Director, Legal Services |
| 3. Mr. Ahmed Odhwa | - Principal Clerk Assistant I |
| 4. Ms. Sylvia Nasambu | - Clerk Assistant I |
| 5. Mr. Desmond Rasugu | - Clerk Assistant III (taking minutes) |
| 6. Mr. Angela Kagunyi | - Legal Counsel II |
| 7. Ms. Mwanamisi Mwachasi | - Research Officer III |
| 8. Ms. Celestine Jepkosgey | - Public Communications |
| 9. Mr. Charles Oyosi | - Audio Officer III |
| 10. Ms. Julia Gachoki | - Serjeant-at-arms |

MIN/SEN/DEVIR/822/2025**PRAYER**

The meeting was called to order at 8:29 a.m by the Chairperson, followed by a word of prayer by Ms. Sylvia Nasambu.

MIN/SEN/DEVIR/823/2025:**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted as presented after being proposed by Sen. Karungo Thangwa, MP and seconded by Sen. (Prof.) Margaret Kamar, EGH, MP as follows -

1. Prayer;
2. Adoption of the agenda;
3. Consideration and adoption of the Progress of the Committee on the leadership and operational crisis affecting the County Assembly of Nyamira;
4. Any other Business; and
5. Date of the Next Meeting and Adjournment.

MIN/SEN/DEVIR/824/2025:**CONSIDERATION AND ADOPTION OF THE PROGRESS REPORT OF THE COMMITTEE ON THE LEADERSHIP AND OPERATIONAL CRISIS AFFECTING THE COUNTY ASSEMBLY OF NYAMIRA**

The Committee considered its progress report on the leadership crisis affecting the County Assembly of Nyamira and resolved to adopt it with amendments. The amendments were to have the interim recommendations of the Committee as follows—

- a) that pursuant to section 7B (2) of the County Governments Act and Gazette Notice 7753 of 2017, the sittings of the County assembly be held at the County Assembly premises located in the Nyamira Assembly Bulding, opposite Kenya Industrial Estates, Nyamira; and
- b) that pending the determination of the court cases, the county assembly resumes its normal operations in accordance with the Constitution, the County Governments Act and Standing Orders of the County Assembly of Nyamira.

Additionally, the Committee resolved to carry out a visit to Nyamira County on Thursday, 8th May, 2025 to asses the operational status of the County Assembly before compiling a conclusive report.

MIN/SEN/DEVIR/825/2025**ANY OTHER BUSINESS**

There was no any other business.

MIN/SEN/DEVIR/826/2025**ADJOURNMENT AND DATE OF NEXT MEETING**

The Chairperson adjourned the meeting at 9:30 a.m. The next meeting to be held on Thursday, 17th April, 2025.

SIGNED.....

DATE.....16/04/2025

**SEN. SHEIKH MOHAMED ABASS, MP,
CHAIRPERSON, STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS.**



MINUTES OF THE HUNDRED AND SIXTY-FIRST SITTING (161ST) SITTING OF THE SENATE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON TUESDAY, 15TH APRIL, 2025, AT 12:00 P.M. AT COMMITTEE ROOM 5, MAIN PARLIAMENT BUILDINGS AND ON THE ZOOM ONLINE PLATFORM.

PRESENT

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|---|--------------------|
| 1. Sen. Sheikh Mohamed Abass, CBS, MP | - Chairperson |
| 2. Sen. Catherine Mumma, MP | - Vice-Chairperson |
| 3. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member |
| 4. Sen (Dr.) Oburu Oginga, MGH, MP | - Member |
| 5. Sen. Richard Onyonka, EBS, MP | - Member |
| 6. Sen. Paul Karungu Thangwa, CBS, MP | - Member |
| 7. Sen. Mohamed Said Chute, MP | -Member |

ABSENT WITH APOLOGY

- | | |
|-------------------------------|----------|
| 1. Sen. Peris Tobiko, CBS, MP | - Member |
| 2. Sen. Hezena Lemaletian, MP | - Member |

IN ATTENDANCE

Sen. Okong'o Mogeni, CBS, SC, MP - Senator, Nyamira County

SECRETARIAT

- | | |
|---------------------------|---|
| 1. Ms. Josephine Kusinyi | - Deputy Director, Legal Services |
| 2. Mr. Ahmed Odhowa | - Principal Clerk Assistant I |
| 3. Ms. Sylvia Nasambu | - Clerk Assistant I |
| 4. Mr. Desmond Rasugu | - Clerk Assistant III (taking minutes) |
| 5. Mr. Angela Kagunyi | - Legal Counsel II |
| 6. Mr. Erick Ososi | - Research Officer I |
| 7. Ms. Mwanamisi Mwachasi | - Research Officer III |
| 8. Mr. Charles Oyosi | - Audio Officer III |

MIN/SEN/DEVIR/817/2025

PRAYER

The meeting was called to order at 12:29 p.m. by the Chairperson, followed by a word of prayer by Ms. Sylvia Nasambu.

MIN/SEN/DEVIR/818/2025:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted as presented after being proposed by Sen. Catherine Mumma, MP and seconded by Sen. Richard Onyonka, EBS, MP as follows -

1. Prayer;
2. Adoption of the agenda;
3. Consideration and adoption of the draft report of the Committee on the leadership and operational crisis affecting the County Assembly of Nyamira;
4. Any other Business; and
5. Date of the Next Meeting and Adjournment.

MIN/SEN/DEVIR/819/2025:

CONSIDERATION AND ADOPTION OF THE DRAFT REPORT OF THE COMMITTEE ON THE LEADERSHIP AND OPERATIONAL CRISIS AFFECTING THE COUNTY ASSEMBLY OF NYAMIRA

The Legal Counsel took the Committee through an analysis of the legal issues emerging from the submissions made by the two factions of the split County Assembly of Nyamira during the meeting that the Committee held with the officials of the County Assembly. The issues included the different cases filed before various courts regarding the ongoing stalemate in the County Assembly, the suspension and impeachment of Hon. Enock Okero as the Speaker of the County Assembly, the election of Hon. Thaddeus Momanyi Nyabaro as Speaker of the County Assembly, the location of the sittings of the County Assembly of Nyamira and the appointment of the Clerk/Accounting Officer of the County Assembly.

The Committee also considered the key observations made from the submissions while analysing the relevant laws governing the aforementioned issues.

Upon deliberations, the Committee resolved as follows –

- a) That the draft report be amended to simplify the observations in a clear manner based on the material facts presented by the stakeholders;
- b) That the report's recommendations to incorporate two of the issues Sen. Okong'o Mogeni, SC, MP requested the Committee to address in the statement which he had sought from the Committee; that is a recommendation on the official location of the County Assembly of Nyamira and the contested matter

- of the impeachment of Hon. Enock Okero as Speaker and the election of Hon. Thaddeus Nyabaro as the new Speaker of the County Assembly; and
- c) That the Committee considers and adopts its progress report at a sitting of the Committee to be held on Wednesday, 16th April, 2025 at 9.00 a.m.

MIN/SEN/DEVIR/820/2025

ANY OTHER BUSINESS

There was no any other business.

MIN/SEN/DEVIR/821/2025

ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 14:25 p.m. The next meeting to be held on Wednesday, 16th April, 2025.

SIGNED.....

DATE.....16/4/2025

**SEN. SHEIKH MOHAMED ABASS, MP,
CHAIRPERSON, STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS.**



MINUTES OF THE HUNDRED AND FIFTY-EIGHT (158TH) SITTING OF THE SENATE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON TUESDAY, 8TH APRIL, 2025, AT 9:00 AM AT MINI CHAMBER, FIRST FLOOR, COUNTY HALL AND ON THE ZOOM ONLINE PLATFORM.

PRESENT

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|---|--------------------|
| 1. Sen. Sheikh Mohamed Abass, CBS, MP | - Chairperson |
| 2. Sen. Catherine Mumma, MP | - Vice-Chairperson |
| 3. Sen. (Prof.) Margaret Kamar, EGH, MP | - Member |
| 4. Sen (Dr.) Oburu Oginga, MGH, MP | - Member |
| 5. Sen. Richard Onyonka, EBS, MP | - Member |
| 6. Sen. Peris Tobiko, CBS, MP | - Member |
| 7. Sen. Hezena Lemaletian, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|---------------------------------------|----------|
| 1. Sen. Paul Karungo Thangwa, CBS, MP | - Member |
| 2. Sen. Mohamed Said Chute, MP | -Member |

IN ATTENDANCE

- | | |
|--|-------------------------|
| 1. Sen. Okong'o Mogeni, CBS, SC, MP - | Senator, Nyamira County |
| 2. County Assembly of Nyamira (annexure) | |
| 3. Office of the Controller of Budget (annexure) | |

SECRETARIAT

- | | |
|----------------------------|---|
| 1. Ms. Sylvia Nasambu | - Clerk Assistant I |
| 2. Mr. Desmond Rasugu | - Clerk Assistant III (taking minutes) |
| 3. Mr. Angela Kagunyi | - Legal Counsel II |
| 4. Ms. Amran Mursal | - Fiscal Analyst I |
| 5. Ms. Mwanamisi Mwachasi | - Research Officer III |
| 6. Ms. Celestine Jepkosgey | - Public Relations Officer III |
| 7. Mr. John Pere | - Serjeant-at-Arms |
| 8. Mr. Charles Oyosi | - Audio Officer III |

MIN/SEN/DEVIR/800/2025**PRAYER**

The meeting was called to order at 9:20 a.m. by the Chairperson followed by a word of prayer by Ms. Sylvia Nasambu.

MIN/SEN/DEVIR/801/2025:**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted as presented after being proposed by Sen. (Prof.) Margaret Kamar, EGH, MP and seconded by Sen. Richard Onyonka, EBS, MP as follows -

1. Prayer;
2. Adoption of the agenda;
3. Meeting with officials of the County Assembly of Nyamira and the Controller of Budget to deliberate on the leadership crisis currently affecting the County Assembly of Nyamira;
4. Any other Business; and
5. Date of the Next Meeting and Adjournment.

MIN/SEN/DEVIR/802/2025:**MEETING WITH OFFICIALS OF THE COUNTY ASSEMBLY OF NYAMIRA AND THE CONTROLLER OF BUDGET TO DELIBERATE ON THE LEADERSHIP CRISIS CURRENTLY AFFECTING THE COUNTY ASSEMBLY OF NYAMIRA;**

The Chairperson in his opening remarks, welcomed the guests to the meeting and stated that the Committee had convened the meeting to deliberate on the reported leadership and operational crisis affecting the County Assembly of Nyamira with an aim of initiating and leading a reconciliation and mediation process to return the Assembly into institutional normalcy.

He then invited each of the factions of the split Assembly to apprise the Committee on the said dispute.

Submissions by Hon. Enock Okero

In his responses on the issues raised by the Committee, Hon. Enock Okero submitted to the Committee as follows -

1. That he was legitimately elected to office as the Speaker of the County Assembly of Nyamira on 27th September, 2022;
2. That on 8th October 2024 while presiding over a sitting of the Assembly, he was forcibly evicted from his office at the Assembly chambers by some members of the Assembly. He reported this matter at Nyamira Police Station;

3. Following this incident, on 9th October, 2024 he was served with a letter purportedly suspending him from the Assembly by Hon. George Abuga, a member of the county assembly;
4. Following the suspension on 11th October, 2024, he successfully challenged the suspension in Nyamira High court and was granted conservatory orders staying the suspension and barring any action by the Assembly from interfering with his duties as the Speaker. However, on 15th October, he tried to access his office at the County Assembly but was blocked from accessing the office by a section of staff members and armed strangers who had been mobilized by a section of MCAs;
5. He reported that despite the conservatory orders, a section of MCAs proceeded to carry out his impeachment on 24th October, 2024 after hurriedly amending the Standing Orders to reduce the threshold of removal of the Speaker from 75% (26 MCAs) to two-thirds (23 MCAs);
6. Following this, he went to court and cited the Assembly's actions for contempt of an illegal impeachment. The Court summoned the MCAs to appear in court to show cause why they should not be committed to civil jail for contempt;
7. That the summoned MCAs appeared in court on 16th December, 2024 and upon pleading for leniency, the court pardoned them from being convicted;
8. That vide Gazette notice 14230, the County Assembly Service Board appointed Mr. Sylvanus Ndemo as the new Acting Clerk. This appointment was stayed by court orders in the High Court of Nyamira;
9. He stated that after the above events, MCAs, with the assistance of the suspended Ag. Clerk Mr. Duke Onyari went on to conduct an election to fill the otherwise non-vacant seat of the Speaker with Hon. Thaddeus Nyabaro being purportedly elected and the acting clerk Mr. Duke Onyari elevated illegally to the position of Clerk. The same was challenged at Nyamira High Court and orders were issued restraining Hon. Thaddeus Nyabaro from acting or purporting to act as Speaker. However, the irregular appointment of the clerk has been challenged in court and a ruling will be coming up on 6th May, 2025;
10. That the court vide petition No. E004 of 2025 granted Mr. Sylvanus Nyamora partial access to all the Nyamira County Assembly Bank Accounts to enable payment of salaries to MCAs, staff member and essential services to avert closure of operations;
11. He also played video evidence in support of some of his claims;
12. He concluded by stating that his testimonies of the chronology of events demonstrate a failure to properly interpret court rulings by those claiming the county is divided. He submitted that had the court orders of 11th October, 2024 been followed or obeyed, the Nyamira County Assembly would not be in its current situation. He stated that it is the ongoing disregard for court orders and the resulting impunity that have led to this crisis and as such he remains to be the legitimate Speaker until all pending court cases are resolved.

Submissions by the Controller of Budget

The Controller of Budget, FCPA (Dr.) Margaret Nyakango, CBS, in her submissions to the issues raised by the Committee on the leadership crisis affecting the County Assembly, submitted that upon learning of the conflicting leadership claims in the County Assembly, her office went ahead to seek clarification from the County Treasury on the legitimate holders of the Office of the Speaker and Clerk of the Assembly.

She reported that via a letter dated 24th March 2025, addressed to the County Executive Committee Member for Finance in Nyamira County, she sought clarification on who the legitimate Speaker and Clerk of the County Assembly are. She stated that her office did this in line with Section 109 (6) of the Public Finance Management Act, 2012 which provides that the Controller of Budget shall approve requisitions from the County Treasury which consolidates requests for funding from all departments of the County, including the County Assembly. She thus stated that it is the onus of the County Executive Committee Member for Finance to clarify who the accounting officer is from whom the request for funding was approved.

She informed the Committee that vide a letter dated 7th April, 2025 the CECM in charge of Finance in Nyamira County clarified to the Controller of Budget that Hon. Enock Okero is the Speaker of the Assembly while Mr. Sylvanus Ndemo is the acting Clerk of the Assembly.

She thus maintained that in as far as the Office of the Controller of Budget is concerned, clarification of the legitimate accounting officer of the County Assembly is the responsibility of the County Treasury.

Submissions by Hon. Thaddeus Nyabaro

In his responses on the issues raised by the Committee, Hon. Thaddeus Nyabaro submitted to the Committee as follows-

1. That he is the officially elected Speaker of the County Assembly after the impeachment of Hon. Enock Okero on 24th October, 2024. He stated that prior to his election as Speaker, he was the Deputy Speaker and an elected member of the County Assembly of Nyamira. He further stated that despite being the Speaker, he is still a member of the County Assembly representing Ekerenyo ward;
2. He reported Hon. Enock Okero proceeded to court, challenging his impeachment, but the court has to date neither invalidated the decision of the County Assembly to impeach nor reinstated him to office;
3. He reported that the Hon. Okero has continued to conduct himself as a Speaker and convinced a section of MCAs to join him and have formed a splinter faction purporting to be a parallel County Assembly of Nyamira;
4. He reported that he (Hon. Thaddeus Nyabaro), despite having been elected Speaker is equally constrained by court from performing the duties of Speaker of the County Assembly but he has appealed against the Orders;

5. He maintained that he leads a legitimate county assembly that holds its sittings in the official gazetted physical location, while the splinter faction headed by Hon. Enock Okero holds its sittings in non-gazetted locations;
6. He reported that his faction of MCAs are the majority members and are on custody of the official mace, which is a symbol representing the power of the Speaker to transact formal Business;
7. He submitted that the legitimate County Assembly Service Board of Nyamira appointed Mr. Duke Onyari as Clerk of the County Assembly on 19th December, 2024. He, however, reported that Mr. Sylvanus Ndemo, the clerk of the splinter faction, is the signatory to the Assembly's accounts at the Central Bank of Kenya;
8. Stated that the County Assembly Service the Board dismissed Mr. Sylvanus Nyamora from the County Assembly Service effective 5th February, 2025;
9. That in November, 2024 the Governor presented the supplementary Budget for FY 2024/25 for the County Government of Nyamira to the splinter faction of the Assembly, which was approved without interrogation by the Budget and Appropriations Committee of the Assembly;
10. That the courts have constrained the County Assembly in carrying out its Constitutional mandate by issuing court orders upholding illegal gazette notices by the impeached speaker and preventing a duly elected Speaker from discharging his duties;
11. Submitted that the change of the County Assembly's signatories at the Central Bank has occasioned the delay in payment of Salaries and other allowances to staff and Members of the County Assembly for the last four months, crucial and grounded crucial operations of the County Assembly;
12. Informed the Committee that several attempts have been made to resolve the dispute, but the County Governor has deliberately frustrated the efforts; and
13. He also played video evidence supporting some of his submissions.

Resolution

From the deliberations, the Committee observed that the matter still remains highly contentious with multiple pending court cases. The Committee resolved to retreat and have an in-depth analysis of the written submissions made by both parties before giving the Committee's resolution about the matter as soon as possible.

MIN/SEN/DEVIR/803/2025

There was no any other business.

ANY OTHER BUSINESS

MIN/SEN/DEVIR/804/2025

ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 14:15 p.m. The next meeting to be held on Thursday, 10th April, 2025.

SIGNED.....

DATE.....14/04/2025.

SEN. SHEIKH MOHAMED ABASS, MP,
CHAIRPERSON, STANDING COMMITTEE ON DEVOLUTION AND
INTERGOVERNMENTAL RELATIONS.

Annex – Stakeholders in attendance

County Assembly of Nyamira

1. Hon. Enock Okero
2. Hon. Thaddeus Nyabaro
3. Hon. Nyambega Gisesa
4. Hon. Martha Marwa
5. Hon. Lydia Mosiere
6. Hon. Abel Mokaya Mose
7. Hon. Julius Obonyo
8. Hon. Alfayo Ngeresa Mabera
9. Hon. Michelle K Omwoyo
10. Hon. Doris M Nyamanga
11. Hon. Thomas V Benecha
12. Hon. Julius Matwere
13. Hon. Josiah Mangera
14. Hon. Samwel Ogeto
15. Hon. Minda Riechi
16. Hon. Charles Keganda
17. Hon. Duke Masira
18. Hon. James Matinga
19. Hon. Kenneth A Nyameino
20. Hon. Thaddeus Momanyi
21. Hon. George M Abuga
22. Hon. Machungo Mogaka
23. Hon. Henry Obwaya
24. Hon. Elijah Abere
25. Hon. Zipporah Kerubo
26. Hon. Ednah Obara
27. Hon. Leornard Nyamasege
28. Hon. Mobe Dennis
29. Hon. George Angwenyi
30. Hon. David Kengere
31. Hon. Elijah Okumwa
32. Hon. Peninah Kerama
33. Hon. Jackline Nyamboga
34. Hon. Kepha Nyakundi
35. Hon. Kennedy Arami
36. Hon. Robinson Maosa
37. Hon. Stella M Mose
38. Mr. Silvanus Ndemo Nyamora
39. Mr. Duke Onyari
40. Mr. Michael Gisesa
41. Mr. Nickson Omari
42. Ms. Edith Omari
43. Mr. Agnes Obwayo
44. Ms. Evelyne Kiage

Office of the Controller of Budget

1. FCPA (Dr.) Margaret Nyakango, CBS, - Controller of Budget
2. Ms. Jacinta Masila
3. Dr. Brian Mutie
4. Ms. Theodora Ochichi
5. CPA Harith Sheikh