

REPUBLIC OF KENYA



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – FIRST SESSION

The House Met in the Main Chamber on Thursday 7th December 2017 from 02:30 p.m.

[The Honourable Speaker (Hon Onyango Oloo)in the Chair]

PRAYERS

The Speaker (Hon. Onyango Oloo): Order Please, Clerk please call the order paper for the day.

NOTICE OF MOTION

MOTION ON ADJOURNMENT OF ASSEMBLY

BY

HON. KENNETH ONYANGO LEADER OF MAJORITY

Leader of Majority: (Hon. Kenneth): Thank you Hon. Speaker, Hon. Members, I rise to give a notice of motion that this House proceeds on recess from 8th December 2017 to 5th February 2018. Thank you.

The Speaker (Hon. Onyango Oloo): Next Order

Leader of Majority (Hon. Kenneth): Mr. Speaker Sir, when the life of this House began in September this year, we did give the schedule of Business in our calendar and we did indicate Mr. Speaker, that we shall have two recesses, one; a short recess that has since passed and a long recess. This long recess which is scheduled to begin today and ends on the 5th of February is actually embedded in the constitution. It is a constitutional requirement that all legislative institutions in this Country shall have their recess beginning today up to 5th February 2018. It is envisaged Mr. Speaker that during this long recess, members of this House shall have an opportunity to go for an induction so that they may be properly acquainted or versed with House

Procedures. I want to report that such an induction has already been programmed and it shall begin on 15th December 2017 to 22nd December 2017 in Mombasa. This communication has already been given to the Members and I want to believe that this induction is going to be very critical especially to the new members of this House who have not yet mastered the Standing Orders. I also want to say Mr. Speaker that before this long recess is over, and bearing in mind that the induction that we shall go for in Mombasa might not be enough, it has been programmed that we shall go for another induction in January to a place that shall be decided upon when the right time comes and to any other seminar or courses that will help to improve our legislative work in this House. Mr. Speaker, I think that this induction courses should have been done by now, but we are aware that we have been having financial constraints.

When the Prime Minister or the Peoples President, Hon. Raila Amolo came here, he did mention that most Counties in the Country have gone through a very difficult moment because at most times only salaries have been released but yesterday we saw that some of these amounts or quiet a big chunk of these amounts were pending have been released, and it is our hope that most of our plan programmes will now go through very smoothly and we will not go through the hitches that we have been facing. So, I want to plead to the members that I know we have gone through very difficult times which I also share with you but first and foremost, I am also a member of this House and Leader of Majority and if members go through difficulties am not left behind either. I want to plead with Members to understand that indeed things have been difficult. It is my prayer and I have discussed this with the Speaker, that if the Money comes, then all our issues will be properly taken care of.

This recess Mr. Speaker, will also give us an opportunity to be close with our families, the work that we do at times takes us away from our families from a very long period of time and it is in that spirit that I hope that this long recess will unite us with our families.

Otherwise Mr. Speaker, I would wish the Members of the House a Merry Christmas and a Happy New Year.

May I ask Hon. Juddy Ogaga to second. Thank you..... I thought I was being a bit gender sensitive.....

The Speaker (Hon. Onyango Oloo): Hon. Member.....

Leader of Majority (Hon. Kenneth): She has seconded, I did hear that. Thank you Hon. Juddy.

The Speaker (Hon. Onyango Oloo): Could we now hear from Members, Hon. Member from Kondele.

Hon. Joakim Okech: Thank you very much Mr. Speaker, I stand to oppose the adjournment motion. The leadership of this House should acknowledge that we are facing a lot of challenges

in this House as members and as we have heard the Leader of Majority has used a lot of emphasis on induction as to the reason why we should support this long recess Mr. Speaker. I agree that Members of this House need induction but we have a lot of problems as Members. The Leader of Majority has mentioned that during this long recess we can spend time with our families which is true but my question is; Where will we meet our electorates since most of our members do not even have offices in the wards. It is sad that we are preaching long recess, but members of this house have staff working in their wards on voluntary basis, 3 or 4 months down the line Mr. Speaker.

It is very sad Mr. Speaker that we want to adjourn when most of the critical issues why we were elected to be members of our various wards i.e, we do not have any structures put in place where our electorates can come and see us. We do not have the most basics like furniture. I was of a different opinion that we push this adjournment to next week so that members can sort out the House keeping issues before we proceed on the long recess. We will not have peace with our families unless we have ward offices where we can meet our electorates. I know you understand what I mean. If we do not put our ward offices in place then we will not even enjoy our planned induction. Mr. Speaker, Kindly guide me on my request so that we can adjourn and sort our House keeping issues then we go for long recess next week.

Thank you Mr. Speaker.

The Speaker (Hon. Onyango Oloo): Next Hon. Agolla

Hon. Agolla: Thank you Mr. Speaker, I stand to support this motion of adjournment. Mr. Speaker, when I was referring to Standing order number 26, I realized that it is within the law. As a House we must adjourn as it is stipulated in the law. As a member of South West Kisumu, this recess will enable me to have ample time with my constituents, and my family.

Even though I am supporting this adjournment motions, I have a few reservations. I am of the opinion that we as members of the Assembly should be ready to sit if a special sitting is called to enable us address some thorny issues, this is what the law requires of us and we cannot fail to adjourn as per the Standing Orders and the Kenyan Constitution.

Hon. Speaker, I would like to concur and support what Hon. Joakim Okech has just said. It is true that we are facing several challenges in our Wards. We rented offices from our landlords and today is 7th and we have not paid our rent. We recruited staff to manage our Ward Offices and to date they have not received their salaries; I request those who are in charge of these issues to do something with speed.

I will not be comfortable and may not even concentrate during the induction if my ward is not running smoothly. I beg to support but with reservations Mr. Speaker, Thank you.

The Speaker (Hon. Onyango Oloo): Yes Hon. Member for Kabonyo/Kanyagwal

Hon. Benny Oiko Pete: Thank you Mr. Speaker, I stand to oppose the adjournment for the following reasons: Just as like my fellow Members have stated, we have a crisis on the ground, The Governor sent messages to the Ward on Bursary and Scholarships, but the ward offices are not well established, our electorates are ringing us both day and night, where are we going to hide our heads when we do not have offices. We started raising our concerns in October and there is no clear answer coming instead we are being taken round and round with excuses.

Let us not adjourn today, let us explore all these issues, so that when we are on recess we don't have any problem. I beg to oppose.

The Speaker (Hon. Onyango Oloo): Thank you. Yes Hon. Oraro.

Hon. Oraro: Thank you Mr. Speaker, I stand to oppose this motion of adjournment. Mr. Speaker, I want to associate myself fully with what my fellow members have said and I support that we should ensure that back in the Wards our offices are running.

I am aware that we talked about realignment of Committees and as we proceed for the induction, all the Members would like to know their Mandate as members of the various committees, and it is at this opportunity that they will be acquainted with the committees that they belong to.

Mr. Speaker, I have a challenge in my office because it cannot be called an office as it is right now. My electorates are asking me where my office is.....

Hon. Paul Okiri: On appoint of order, I think the Honourable Member is misleading the House Mr. Speaker. It is known that our ward offices are operational. The problem that we have is that the County Government has not released funds and money to those employed in the Ward Offices Mr. Speaker. I keep on referring to the Hansard Mr. Speaker, if he says that our offices are not operational and one day someone refers to the Hansard, which payment will you be requesting for if the offices were not operational? We should stick to the motion on adjournment and members should stop saying that our offices are not functional. West Kisumu Ward which I represent is functioning, it is just that funds have not been released to these offices. Thank you Mr. Speaker.

The Speaker (Hon. Onyango Oloo): Thank you Honourable Member. Proceed Hon. Member.

Hon. Oraro: I think the Hon. Member did not listen to me keenly, I said that my office is not complete as it ought to be. My staffs are also working on voluntary basis. I owe them salary for three months. I strongly believe that these issues can be sought out amicably if we adjourn the House to next week Mr. Speaker. With my few remarks, I join other Members in opposing this motion. Thank you Mr. Speaker.

The Speaker (Hon. Onyango Oloo): Thank you Hon. Member. Yes Hon. Philemon

Hon. Philemon: Thank you Mr. Speaker, I stand to oppose the adjournment simply because there are so many pending issues. I associate myself with all what my fellow members have said, I would add that there are issues to do with car and mortgage loans. We have not been told of any plans on it if at all there is any.

I received an SMS message on the induction in Mombasa about payments. If we are on recess where will we follow these issues from? Our ward offices are in pathetic states, we do not have furniture, and our staffs have not been paid, so how will we follow these critical issues if we are on recess. Members were to be given ipads, to date, we do not know the position. If we will be in recess till February and you are planning for another induction in January, why don't we be given specific dates so that we go on recess fully aware of all these facts.

I believe that if the executive was in our shoes, then, am sure this House would not go on recess. I beg to oppose.

The Speaker (Hon. Onyango Oloo): Hon. Member for Masogo/ Nyangoma

Hon. Habil Nyasuna: I stand here to oppose the motion. Mr. Speaker, as we mentioned last time, there are committees that should be realigned, It is better if we had a calendar that would show us how things will run and which committees each member will belong to. Members should know this before we go for recess.

I request you Mr. Speaker so that we can adjourn at a later date so that we realign our committees. I would be happy to go on recess knowing which committees I belong to Mr. Speaker. I stand to oppose Mr. Speaker.

The Speaker (Hon. Onyango Oloo): Thank you. Yes Hon. Member for Kobura

Hon. Atieno: Thank you Mr. Speaker, I fully support that this house should be adjourned because of the following reasons: We need to go back to our constituents to see what they are undergoing since they elected us into office. Members are complaining that our welfare has not been looked after effectively and yet they know the circumstances that the House has been operating on. Our funds have been withheld in Nairobi. I understand the funds were just released yesterday.

I do not think we should fail to adjourn this House based on issues of our welfare. I would like to remind the members that issues of our welfare have been addressed by a Kamkunji which is a Speakers special sitting with the Whole House.....

The Speaker (Hon. Onyango Oloo): Point of order allowed Hon. Seth Ogotu. Please sit down Hon. Atieno.

Hon. Seth Ogutu: I have just noticed that the Majority Leader is approaching the Hon. Speaker without first bowing and yet this is a House of Procedure and rules. I want to request the Leader of Majority to please respect the rules of the House.

(Laughter)

The Speaker (Hon. Onyango Oloo): A point of order noted. Could the Hon. Member Proceed?

Hon. Atieno: Thank you Mr. Speaker, I was saying that the welfare of this House should not be anchored on adjournment as we are proposing today. There are other ways upon which the members' welfare issues can be addressed. I agree that our committees should be realigned but this can only be done after a long recess.

I strongly support this House should be adjourned so that we can attend to other issues. I as Chairman of Agriculture need like 3 to 4 days to dispense off some weighty issues eg, tractors conditions, and subsidized seeds for planting, supply of fertilizers to farmers among others. I believe I can only do this successfully if the House is on recess.

I would like to request Hon. Speaker to slot Agriculture Committee 3 to 4 special sittings to enable us accomplish some of our mandate. I strongly support the adjournment for recess. Thank you Mr. Speaker.

The Speaker (Hon. Onyango Oloo): Thank you. Yes Hon. Member for Kaloleni Shaurimoyo Ward.

Hon. Prisca Misachi: Thank you Mr. Speaker for allowing me to air my views. In the last Assembly, Members could not agree to go on recess at one time. The recess is a calendar of Parliament. In this we mirror ourselves with the National Assembly and yet we do not want to adhere what is in our calendar. I hope the House keeping issues being talked about are not to be deliberated on the floor of this House, nor even in the plenary. Committees can meet if they are scheduled but I want to support that we go on recess as per the calendar.

Let History not repeat itself as in the last Assembly because if we allow that to happen we will be going the wrong way. I support the motion to proceed on recess. Thank you Mr. Speaker.

The Speaker (Hon. Onyango Oloo): Yes, Hon. Member for Market/Milimani

Hon. Seth Kanga: Thank you Mr. Speaker, I rise to support the motion of adjournment by the Majority Leader, however, with some reservations. Mr. Speaker, there is some ping pong game in this House, The other day my fellow colleague Hon. Joakim Okech raised issues on how the Business of this House was being conducted, we can even revisit the Hansard, and he said that there is serious need for induction and today the same Mr. Joackim Okech says that we should not adjourn. I wonder. And the other one is Mr. Oraro.....

The Speaker (Hon. Onyango Oloo): Hon. Member can you refer to members in a respectable way?

Hon. Seth Kanga: Hon. Speaker, I apologize. Hon. Oraro who I cherish a lot is a member of the House Business Committee yet he stands before this House to oppose adjournment yet the motion on the adjournment was fully discussed in the House Business committee which he attended. Mr. Speaker, I leave that for the House to attend. This goes to Majority Leader, your leadership is in jeopardy because as a Majority Leader,.....

The Speaker (Hon. Onyango Oloo): Point of order accepted Hon Oraro

Hon. Oraro: I was wondering if the Hon. Member is discussing the motion on adjournment or discussing individuals Mr. Speaker.

The Speaker (Hon. Onyango Oloo): Hon. Member, when you stand on a point of order you should state the Standing Order that has been defiled. Thank you. Sit down Hon. Member. Could Hon. Member Seth proceed? Yes Hon. Joakim

Hon. Joakim Okech: This is a House of Rules and this House has what we call a Hansard Mr. Speaker. It is very clear, what we discussed on the floor and my able party Chairman should be able to differentiate between opposing an adjournment motion.....

Speaker (Hon. Onyango Oloo): Hon. Member which information are you giving

Hon. Joakim Okech: I wanted the member to know clearly that we support the induction but... Hon. Member sit down... Hon. Member for Milimani proceed.

Hon. Seth Kanga: The Hon. Member for Shaurimoyo who is along serving member of this House has given us a chronology of how the business in this house should be conducted and the Majority Leader has also expedited it by giving us clarity as far as the constitution is concerned.

I support the adjournment so that it can also give us time to attend the swearing in on Hon. Raila Odinga on 12th of December since we stated clearly that we do not recognize the current presidency. After this we can proceed for our induction. Thank you Mr. Speaker.

Speaker (Hon. Onyango Oloo): Hon. Member from Nyalenda B. That is not the Hon. Member from Nyalenda.

Hon. Olale: Thank you so much Mr. Speaker, I would like to support the adjournment motion but I would like to also use 2 standing orders, Standing order number 26 (2) and number 27(1).

Standing Order number 26 says the Calendar of the County Assembly once approved shall be published in the Gazette which was done and everybody was aware that this House would be adjourned but Mr. speaker for there are issues in the House, we can use standing order number 27 (1) for special sitting of the County Assembly. There are a lot of things that should be solved

and how things are moving in the Assembly. It is your duty and responsibility Mr. Speaker, to use the enforcement theory to make sure that things that are at a standstill be handled at the special sitting. For example, I as the Chairperson of Sports and Culture, we were supposed to travel to Uganda but due to unavoidable circumstances our trip has been rescheduled to Rwanda in January. I feel that if the Assembly is on recess till February 2018 then, my committee will not be guided accordingly. I therefore request you to arrange for a special sitting so that we can conclude this pending issues. Otherwise I support the adjournment for recess. Thank you.

The Speaker (Hon. Onyango Oloo): Yes Hon. Member from Manyatta.

Hon. Odhiambo: Thank you Hon. Speaker, I stand to support the adjournment for long recess because it is in the calendar and we cannot ignore that. We are supposed to ask for the House Business calendar because we will be having committee meetings. I do not know if the calendar has been made so that we can come for committee meetings. Special sittings will be called if need be but we have to go back home talk to our electorates, they must see us because we have been away for long. If you do not want to go and meet your constituents then be sure that they will not re elect you during the next election. Mr. Speaker, I would like to propose that a special sitting for making the House Business calendar be put so that all the Chairpersons of committees can slot when they want to have their committee meetings because we have so much pending businesses to transact in this House and we will only be back in February 2018. We should ensure that we put our House in order so that when we come back in February everything will move on smoothly. Thank you Mr. Speaker.

Speaker (Hon. Onyango Oloo): Hon. Guya

Hon. Guya: Thank you Mr. Speaker, I stand to oppose this motion of adjournment. Mr. Speaker, as my fellow members have said, we have a lot to do in this House before we go home. As a member of South East Nyakach Ward, to date I do not have any furniture in my office and my staff have not been paid. What am I going to tell them? Mr. Speaker, we have so many pending issues to be deliberated on in this House. The other day we agreed to realign our committees, I don't know if this will be done when we are on recess. I was of the opinion that this should be done before we proceed on recess so that members can know their committees to enable them attend them when meetings are called for during recess.

As we are about to go for induction, members will be able to know the mandate of their committees and participate in them fully during the induction. Various committees have planned for activities during this recess. Suppose I am joining new committee and I don't attend an induction, then how am I supposed to perform my roles in that committee? Mr. Speaker, as I oppose, the motion on adjournment under Standing Order number 26 (2) talks about the calendar of Assembly being approved and published in the Kenya Gazette the same standing order 26 (4) which states that the County Assembly by a resolution alter the calendar or adjournment date, Mr. Speaker, I want to use this Standing Order to plead with the Members so

that we oppose this motion and postpone the adjournment date to Wednesday next week, then we can proceed for the induction. Between now and Wednesday we can sort out all the pending issues in the Assembly. I oppose the motion.

Speaker (Hon. Onyango Oloo): Thank you. Hon. Member Judith Ogaga

Hon. Judith Ogaga. Thank you Mr. Speaker, I concur with what Hon. Pamela has said, as members of the House Business Committee, we should sit and make a calendar for committee meetings, as Chairperson of Education Committee we have so much pending issues that we intend to tackle in the month of December through to January. Otherwise I fully support the motion of adjournment Mr. Speaker. Thank you.

Speaker (Hon. Onyango Oloo): Thank you. Could we call on the mover of the motion to reply?

Leader of Majority (Hon. Kenneth Onyango) Thank you Mr. Speaker. Hon. Members, I have heard your reservations.

Speaker (Hon. Onyango Oloo): Hon. Members Let the Majority Leader proceed

Hon. Kenneth Onyango (Leader of Majority): I was saying....

Speaker (Hon. Onyango Oloo): Point of Order allowed and kindly state the standing order in which you are standing on.

Hon. Ogutu: Mr. Speaker, I was saying that procedurally you are not supposed to call the mover of the motion. Let me call the mover of the motion. The mover of the motion can you reply.

(Laughter)

Hon. Kenneth Onyango (Leader of Majority): Thank you, that is the more reason why we should go for induction so as to follow the procedure of the House. That aside, I want to take cognizance of the concerns that members have put across. I agree that we have Housekeeping matters of concern to all of us that should be addressed. I want to plead with Hon. Speaker that if need be, and then we can call a special sitting of the House so that we can deal with this issues.

I would like to state that the House Business Calendar must be gazetted before we formally begin our sittings. It will be unlawful for us to conduct the business of this House if such sittings are not gazetted. One member has referred to article 26 (4) which states that this House through a resolution can extend its sittings. That is in order but such a resolution must be gazette for it to take effect. If we wanted to extend the sittings, then this particular motion ought to have been brought as early as last week so that the gazette notice takes place within the period stated by law. I also want to state that members have rightly brought up the issue of Ward offices, When we had our Kamukunji here last week, we did promise that this money will be wired into respective Ward office accounts, so that the Ward offices may be operationalized. I want to report that all the names of partisan employees have since been fed into the IFMIS and the only

snag which arose and which we have since deliberated on is how to treat the payment. Remember Hon. Members that this is an issue that we tried to Canvas during the Kamukunji but we could not agree. What I was promised by the Finance Department is that the partisan employees will get their money direct from the Assembly because they are Assembly employees as required by the Law and if there are organizational issues then it should be done at the Ward level. I believe this is a concern to all the Hon. Members, It is my concern too because the employees of my ward office also need to get their payment.

Hon. Members, we have had 2 Kamkunjis in a span of 2 weeks. In the 2 Kamukunjis, we have raised more or less the same issues, so it is clear we need to adopt better conflict and resolution mechanism so that we may be at peace. Otherwise I want to say that the issue of committee engagement during the recess ought to have been done by a different committee by the committee chairs in liaison with that committee. Unfortunately the Chairperson of that committee has not canvassed well for the different chairs of the committees to bring their programmes so that they can be adopted in this floor of this House.

Mr. Speaker/Hon. Members, if the Committee Chairs are not able to generate business, as the requirement so demands, then honestly that cannot be a failure of the Whole House and we cannot be blamed for a failure that is orchestrated by our respective Chairs. I want to request you Mr. Speaker that we call a special sitting of this House at the time that we shall agree so that this issue of the expansion of the Committees can be looked at, otherwise welfare issues are touch and I want to believe that at some vantage point this issues need to be resolved, so that we move forward as one team that is cohesive. Thank you.

Speaker (Hon. Onyango Oloo): Thank you Hon. Member. Hon. Members, The issue of adjournment has attracted some serious issues of ventilation, the members have consequently raised the attention of the Speaker to Standing Orders no. 26 and no.27 and more importantly members have raised their issues on matters of their welfare, this are matters that call for urgent attention and necessitate the extension of the House so that they can be addressed conclusively.

I have listened to both sides Hon. Members, and I am of the view that under Standing order number 25 which provides that except for sessions commencing immediately after a General election, the regular sessions of the Assembly shall commence on the second Tuesday of February and terminate on the second Thursday of December, the words are coached in Mandatory terms and leaves us with very little room to maneuver, there are of course sections in sub article 2 that despite paragraph one the County Assembly may by resolution alter the dates specified by paragraph one in respect of a particular session. My understanding of that provision is that a substantive notice of motion would have to be brought to enable the House to make a resolution as to whether to extend or not to extend.

More importantly members, issues of welfare are more administrative in nature and as such does not need the extension of time within the Assembly for them to proceed and can be addressed

whether the Assembly is on session or out of session. A member has ably canvassed that there are important issues that may call upon the House to address such as visits to foreign lands, I am of the tremendous respect of the different view that when such issues are called upon, the members of staff are not proceeding on recess in totality and would be therefore ready to address this issues when they come. In any event Honourable Members, important issues will come now and again when the Assembly is on recess or not on recess. In article 27 of the Standing Order foresees that provides for the calling of special sessions when need arises. I would like to lay the fears of the Honourable Members that should such be the occasion, the House will call for the members to extend or call for special sitting so that we can address issues of this House, otherwise the Calendar of the Assembly being gazette, being coached in mandatory terms leaves us with very little room to maneuver.

More importantly Hon. Members, I would like to bring to your attention to the Standing Order number 26 (3) and I will read it verbatim

On the day when the County Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the County Assembly Calendar, the Leader of the Majority Party or the Leader of the Minority Party or a member of the House Business Committee shall move a motion of adjournment which shall be debated for not more than 3 hours after which the County Assembly shall adjourn without question being put.

ADJOURNMENT

Yet again this are mandatory terms and accordingly I order the House stands adjourned until Monday, 05th February, 2018.

(House arose at 04:35 p.m.)