



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – SECOND SESSION

Tuesday, 06th February, 2018

House met in the Main Chamber at 02:30 p.m.

(The Speaker (Hon. Onyango Oloo) in the Chair)

PRAYERS

The Speaker (Hon. Oloo): Good afternoon Hon. Member?

Hon. Members: (Respond): Good afternoon!

The Speaker (Hon. Oloo): Mr. Clerk, can you take us through the business of the day.

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oloo): Hon. Members, I have the following communication to make:

Pursuant to Standing Orders No. 154 (1) and (2) which stipulates that this House shall consider the Reconstitution of House Business Committee within seven days on Assembly of a new County Assembly on Tuesday, 13th February, 2018 which states;

154.(1) There shall be a select Committee, to be designated the County Assembly Business Committee, consisting of-

- (a) the Speaker who shall be the Chairperson;
- (b) the Chairperson of the Liaison Committee;
- (c) the Leader of the Majority Party;
- (d) the Leader of the Minority Party;
- (e) the Chairperson of Committees; and

(f) not less than seven and not more than nine other Members, who shall be nominated by County Assembly parties and approved by the County Assembly at the commencement of every Session, reflecting the relative majorities of the seats held by each of the County Assembly parties in the County Assembly and taking into consideration the interests of Independents.

(2) The County Assembly Business Committee shall be appointed within seven days on assembly of a new County Assembly.

The Speaker (Hon. Oloo): Hon. Members, the other communication I would like to make is as follows: Pursuant to Section 86 (1) of the Election Acts 2011. Hon. Members, I would like to inform the House on the Status of;

1. Kisumu Election Petition No. 1 of 2017, election for member of County Assembly, East Kano/Wawidhi Ward, Hon. John Kennedy Agengo and;
2. Kisumu Election Petition No. 2 of 2017, Election of Member of County Assembly, Central Nyakach Ward, Hon. Philemon Ojuok

Hon. Members, Hon. John Kennedy Agengo's election was nullified by the Chief Magistrate's Court on 20th January, 2018.

On Appeal to the High Court, the orders made by the Chief Magistrate have been stayed by the High Court, Election petition Appeal No. 1 of 2018 and so Hon. John Kennedy Agengo continues to be Elected Member of East Kano/Wawidhi Ward pending the hearing and determination of the Appeal.

On the Election Petition of Hon. Philemon Ojuok of Central Nyakach Ward, The Chief Magistrate's Court Petition No. 2 of 2017 nullified the Election on 05th February, 2018 and until the said nullification Orders are stayed or set aside or the Appeal to vacate the orders are made Hon. Philemon Ojuok remains a stranger in the House.

The Speaker (Hon. Oloo): Next Order!

The Speaker (Hon. Oloo): Granted.

Hon. Okiri: On a point of order, this is a House of rules and procedures and there is something we call the Hansard in this House and we will be absolved from our mistakes and I would like to draw your attention to standing Orders No. 25 which stipulates;

Regular Sessions of the County Assembly

25.(1) Except for the Session commencing immediately after a General Election, the regular Sessions of the County Assembly shall commence on the second Tuesday of February and terminate on the first Thursday of December.

Mr. Speaker, this is to say that we are not supposed to be sitting here today, because Standing Orders 25 (1) stipulates that the House should convene its sitting on the second Tuesday of February. If we come here and transact business in this House then we will be committing an illegality. This is the reason I refer you to Order No. 25 to know whether we have convened as stipulated for we are not supposed to be in this House today except for a Special Sitting of the Assembly, thank you.

The Speaker (Hon. Oloo): Hon. Member, I do agree with your position as stipulated in Orders No. 25 and the provisions as you have enumerated that the House should commence on the second Tuesday. Hon. Member, you have none the less not been sincere to the Hon. Members on the existence of Orders No. 1. That while Standing orders No. 25 makes that express provisions, the House is allowed to make its own timetable subsequently make gazette notices defining its calendar.

Hon. Member, therefore, where the Calendar conflicts with the Standing Orders, the Speaker of this Hon. House has the powers under Standing Orders No. 1 to make a ruling that this House is properly constituted and so I rule. Please continue bwana Clerk.

Hon. Okiri: Point of Order!

The Speaker (Hon. Oloo): Rejected!

The Speaker (Hon. Oloo): I will direct the Office of the Serjeant-at-Arms to escort you out if you continue standing.

The Speaker (Hon. Oloo): Please proceed Mr. Clerk!

STATEMENTS

Deputy Leader of Majority (Hon. Pamela Odhiambo): Thank you Mr. Speaker, I rise while citing Orders No. 230 on Personal Statements.

Mr. Speaker, I fear for my life because on Friday, 02nd February, 2018 at 03:00 a.m, officers from the Ethics and Anti-Corruption Commission accompanied by Administration Officers raided by resident. During that raid, I travelled to Nakuru County and these officers were harassing my family in the aim of looking for an illegal academic document from KCA University.

Mr. Speaker, I am aware that I enrolled for a Diploma Programme in KCA University in January, 2016 and graduated in November, 2017. I do not know the reason these officers are making raids in my House in the wee hours of the night because I was not summoned to appear before them. I know I cannot refuse to honour their summons. Mr. Speaker, I am a woman and I have young dependants. Since this raid took place, they have been traumatized and every morning when I am leaving they ask me if the officers will come back. Mr. Speaker, I really

need assistance because we all know that our President the Right Hon. Raila Amollo Odinga has not constituted his cabinet and we still don't have our security team. I do not know where to log my report because and I cannot log my complaints to a government that I don't recognize. Mr. Speaker, I need your indulgence on this matter, thank you.

The Speaker (Hon. Oloo): Hon. Member, the House has had of your predicaments and we will only insist that the law enforcement officers must conduct themselves in a lawful manner and cease from harassing Hon. Members. The House further notes the Office of the Clerk to engage the relevant authorities to establish why the harassment of Hon. Members is not abated in this County.

The Speaker (Hon. Oloo): Yes Leader of Majority!

Leader of Majority (Hon. Kenneth Odhiambo): Thank you Mr. Speaker, I equally rise to issue a statement. First, about two weeks ago the Secretary attached to the Office of Leader of Majority died in a horrific road accident, the late Mrs. Gladys Chepkong'a. I would like to indulge this House that we rise to observe a minute of silence in honour of our departed colleague.

(House rises for one minute in honour of Gladys Chepkong'a)

Thank you. Mr. Speaker, on the 30th of January, 2018 we did go to Uhuru Park where the Right Hon. Raila Amollo Odinga took the Oath of Office as the President of this Country and we all know that is what we have been praying for. Since the inauguration most of our leaders have gone through tumultuous experiences and most of them harassed. Mr. Speaker, as we speak, our General Dr. Miguna Miguna was arrested and we are not indeed sure if he was taken to court, but we want to state categorically as a County that this kind of arbitrary harassment of our leaders and even the withdrawal of security is something that we want condemn in the strongest term possible as a House and we demand that the security apparatus that were withdrawn from our leaders be restored because security is very basic especially to the leadership.

Mr. Speaker, we equally want to say and affirm that we fully support the Oath of Office of President and moving forward we want to say that we are going to support the President Hon. Raila Amollo Odinga. We urge him to continue leading the struggle. Mr. Speaker, our Country is slowly reverting to the former dark days of the KANU regime and it is incumbent upon all of us that we should put our feet down and say a big NO to the dictatorial tendencies that is emerging because this is something that must be condemned by everybody. The democratic space that has been created in this Country has been so painstaking because so many of our people have lost their lives, some maimed and it would be tragic if we can go back to those dark days where harassment and detentions without trials and even killings, political assassinations were the order of the day. Thank you Mr. Speaker.

The Speaker (Hon. Oloo): Next Order!

AJOURNMENT

The Speaker (Hon. Oloo): There being no any other business to transact, this House stands adjourned until Tuesday, 13th February, 2018 at 02:30 p.m.

(House rose at 02:55 p.m.)