

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

SPECIAL SITTING

THE HANSARD

SECOND ASSEMBLY – SECOND SESSION

Friday, 28th September, 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. Members? Welcome to this afternoon session.

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oloo): Thank you Honourable Members. I am reminded of a communication that reached my office this morning from the Orange Democratic Movement Party which is the Majority party in the Assembly. The party is seeking the attendance of its members to an important meeting. In brief, it is addressed to all ODM members Kisumu County Assembly through the Majority Leader Kisumu County.

The same is copied to the Speaker, the Governor, the Executive Director Mr. Oduor Ong'wen and the Secretary General Mr. Edwin Sifuna. In brief its notification for consultative reading as below.

The Kisumu County ODM Party Leadership through the County party Chairman Prof. Ayiecho Olweny and ODM Nyanza Coordinator Mr. Kennedy Ajwang', we reiterate our compliment to you for the confidence expressed by our MCAs and our party ODM in alleviating you in the converted position of the Majority Leader of our County Assembly that we have so far cherished your complementary efforts to improve the assembly and the services to the people of Kisumu.

This is therefore to notify all ODM members that there is scheduled consultative meeting for Sunday and Monday starting from 2 p.m. On Sunday from 2 p.m the ODM County Office will be meeting with the assembly leadership. As from 3 p.m the party leadership will be meeting all the nominated MCAs. The second day that is Monday 1st October, 2018, all elected MCAs will be met as from 2 p.m. These meetings shall take place at the Royal Hotel Milimani. Thank you.

STATEMENTS

The Speaker (Hon. Oloo): Yes Hon. Seth.

Hon. Okumu: Thank you Mr. Speaker. I rise to give a personal statement based on our Standing Orders and that affects me as Hon. Seth in my delivery in this assembly.

Standing Order No. 28 addresses issues of hours of meeting. That is when we are supposed to start our sessions. As you realize we are not so late. We were 30 minutes late yesterday and I was sharing that with my colleagues that we are losing a lot of time more so on weekly basis. That almost amount to an assembly sitting in a year. Kindly let us start the sessions within the stipulated time.

Standing Order No. 36 talks about Order Paper, 36 (2) explicitly says The Order Paper shall be published in the County Assembly website and shall be made available to Members, at least twelve hours before the County Assembly meets, but a Supplementary Order Paper shall be made available at least one hour before the County Assembly meets. It is sixteen months and this is not happening. It is hard to come to the Assembly and you peruse through the Order Paper five or three minutes to the debate and that's when you know the business that is coming. It is hard to be productive and objective. I would urge that we stick to that Standing Order. We have a website that need to be updated and all that is required.

My last one is based on Standing Order No. 230. This is about Hansard Reports. Allow me to read 230 (2). Every Member shall have an opportunity to correct the draft verbatim report of his or her contribution, but not so as to alter the substance of what the Member actually said.

Today, I went to the Hansard office to seek for Hansard reports because the Standing Order allows me to make corrections on my contributions. I went there and one of the staff Ms Grace Kunga told me that cannot happen until I get permission from the Office of the Clerk.

I tried going into the laws and I could not find where that is stated that I need to seek permission from the office of the Clerk so as to get to know what is in the Hansard reports. I need your guidance on that as I sit down.

Lastly, I want to remind you that this place is so hot and we need fans if we can't afford the ACs. Thank you.

The Speaker (Hon. Oloo): I think the Honourable Member has raised very substantive issues. More importantly about Standing Order No. 230 with regard to access to Hansard report. I do not want to be in a hurry because I understand what the Standing Order say. Let me revisit the administrative guidelines put in place to ensure it is complied with and revert to you on Wednesday during the first sitting.

I am in totally agreement with you that we need to conduct our meetings within the requisite time and to ensure the compliance with all the Standing Orders. We will take to the Clerk to ensure that the requirement of posting in the website is conducted effectively.

Yes Hon. Oraro.

Hon. Oraro: Thank you Mr. Speaker. I also rise to give a personal statement that affects as per the Standing Order No. 42. I was trying to go through the Standing Order for my own consumption and understanding and I realized that there is a number of confusion in the Standing Order. Let us look at Standing Order No. 51 (i). It refers to matters that can be discussed without giving notice. Which are these matters? That takes me to Standing Order No. 230.

I also looked at the Standing Orders that address committee composition. The laws are very bleak about such. Kindly help understand them. Thank you.

The Speaker (Hon. Oloo): I think as the Chair of Procedure and Rules, I will find time and look at that so that I see if there is need to adjust our laws. More importantly, I am equally at sea with the meaning of these words like personal nature.

May be in future I will pronounce myself on what amounts to personal nature. So that we do not mix matters that would require serious and robust debate with matters that would fall under Standing Order No 42. Yes Hon. Leader of Majority.

Leader of Majority (Hon. Kenneth Onyango): Thank you Mr. Speaker. Ordinarily under Standing Order No. 41 (d) The Majority Leader, The Minority Leader or a committee Chairperson as the case may be may make a statement to their responsibilities of the County Assembly or the activities of a committee.

The Speaker (Hon. Oloo): Hon. Leader of Majority, I am reminded that I should not interrupt when you are on your feet.

The Leader of Majority I am being told that when you are on your feet I should not interrupt you. I remind you that this is a Special Sitting for a special purpose. Since I had started statement it will not be in order that I block you, but I would seek your indulgence because it is so pressing. I will allow you because the mistake has come from the Chair and if it is not so pressing I can allow it to be presented in our next sitting so that the Special Sitting is reserved for Special Purpose for the Business of the day. The decision is yours.

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. In my considered opinion, what I want to say is very pertinent and I would like to indulge you that allow me to proceed.

The Speaker (Hon. Oloo): Please proceed.

Leader of Majority (Hon. Onyango): Thank you. Mr. Speaker, I was quoting the provisions of Standing Order No. 41 where the Leader of Majority ordinarily is accorded discretion to make Statements that relate to businesses within the House. Mr. Speaker, as we are told, it is governed by procedures, and that therefore brings me to the provisions of Standing Orders No. 61.

Mr. Speaker, I want to say this as the Majority Leader; I was so dismayed by the events that took place here two days ago. Especially when such events are committed by total disregards to the provisions of the Standing Orders, especially Standing Orders No. 61 (1), (2) (3) and (4). Consequently, because of such gross violations of our statues which put this House into disrepute, I would wish to indulge you that the Hon. Caleb Omoro be named for causing disrepute to this House. Further, any other person that may have contributed to this embarrassing situation, if not a Member of this House, I indulge you that, disciplinary measures be taken against such a person. Mr. Speaker, this is an issue of utmost importance, already my Party Orange Democratic Movement (ODM) is so concerned about this matter and this House is not ready to take action under the provisions of the Standing Orders that I have stated, then it may be prudent that we escalate this matter, because I don't think what happened should be repeated in a normal and sober House of Debate. Thank you.

The Speaker (Hon. Oloo): Leader of Majority, thank you for making that candid presentation. Unfortunately, today's sitting is convened for a specific purpose and I am being informed that the naming can only be done instantly and through a Substantive Motion. We appreciate your comment, my hands are tied and cannot give a directive on what I have just stated.

The Speaker (Hon. Oloo): Next order!!

MOTION

REPORT FROM THE STANDING COMMITTEE OF BUDGET AND APPROPRIATIONS ON THE KISUMU COUNTY FINANCE BILL, 2018.

BY HON. STEVE OWITI

CHAIRPERSON, BUDGET AND APPROPRIATIONS COMMITTEE

Hon. Steve: Thank you Mr. Speaker and Hon. Members for this occasion to present before this House the Report from the Budget and Appropriations Committee on the Kisumu County Finance Bill, 2018

Mr. Speaker Sir and Hon. Members,

1.0 PREAMBLE

Article 209 (3) of the Constitution of Kenya 2010, gives the County Government powers to impose taxes and charges in Property rates, entertainment taxes and any other tax authorized by law. Article 209 (4) further allows the County Government to impose charges for services they provide/render to the public.

The Public Finance Management Act, 2012 provides that the CEC Finance shall with the approval of the County Executive Committee make pronouncements on the Revenue raising measures of the County Government. It further states that, while the CEC Finance pronouncing the revenue raising measures he/she shall submit to the County Assembly a Finance Bill expounding on the same.

Mr. Speaker Sir and Hon. Members,

The County Assembly while approving/appropriating funds in the Kisumu County Budget Estimates for Fiscal Year 2018/2019 approved a total of **Kshs 1,382,567,120** to be the locally generated revenue. For this revenue to be realized, a Finance Bill has to be approved by this House. **Section 133 of the PFM Act, 2012** directs that the Finance Bill shall be approved by this Honourable House on or before 90 (ninety) day after the passage of the Appropriations Bill. This is equally affirmed by our **Standing Orders No. 226**.

Locally Generated Revenue

According to our Budget Estimates FY 2018/2019, the projected total Local Revenue is **Kshs. 1,382,567,120.00** which will come from these revenue streams; Single Business Permits, Trade Licenses, Bus-park and Parking Fees, Land Rates, Building and Plans Approvals and also revenue from departments whose functions were devolved.

1.1 INTRODUCTION

DEFINITION OF THE BILL

Mr. Speaker Sir and Hon. Members,

The Finance Bill may now be described as a document/legal instrument/tool authorizing the County Government to collect the locally generated revenues which support its Budget.

Mr. Speaker Sir and Hon. Members,

The County Assembly received the Kisumu County Finance Bill, 2018 on **Thursday, 20th September, 2018**. The Bill was laid as a paper during the afternoon sitting of **Tuesday, 25th September, 2018** where the 1st reading was done. Subsequently, the Bill was committed to the Committee of Budget and Appropriations to facilitate Public Participation and make any recommendations thereof in accordance with the provisions of Standing Orders No. 123 (3) of the Kisumu County Assembly.

2.0 ACKNOWLEDGEMENTS

Mr. Speaker Sir and Hon. Members,

On behalf of the Committee of County Budget & Appropriations, I wish to sincerely thank the Office of the Speaker and the Clerk of the County Assembly for the necessary support during this exercise.

The Committee is further grateful to the people of this County who came out in large numbers during the public participation exercise at the Aga Khan Hall Kisumu on Thursday, 27th September, 2018. This Committee similarly extends its gratitude to Executive's Finance Department of the County Government for the role it played in the preparation of this Bill.

I wish to sincerely thank the Honorable Members of the Committee Budget and Appropriations and Members of the Assembly who made useful contributions towards the preparation and production of this report.

I also wish to extend my appreciation for the services rendered by the technical staff of the County Assembly attached to the committee during the exercise. Their efforts made the work of my committee easy in the production of this report.

3.0 ADHERANCE TO THE LEGAL PROVISIONS

Mr. Speaker Sir and Hon. Members,

Even though Section 133 requires that the Bill be approved within 90 days after the passage of the Appropriations Bill, the County Executive has perennially delayed with the Bill and only

presented it to the Assembly on 20th September, 2018. The Assembly observed that, such delays robs it of ample time to undertake its legislative role effectively and as such this may derail its overall performance.

4.0 THE COMMITTEE MANDATE

Mr. Speaker Sir and Hon. Members,

Standing Order No. 189 states that;

(1) “There shall be a select Committee to be known as the County Budget and Appropriations Committee comprising of;

1. The Chairperson
2. Chairperson of Committees/Liaison
3. Leader of Majority
4. Finance Chairperson
5. Not less than nine and not more than eleven other Members

(2) The functions of the Committee shall be to-

- (a) Investigate, inquire into and report on all matters related to coordination, control and monitoring of the County budget;
 - (b) Discuss and review the estimates and make recommendations to the County Assembly;
 - (c) Examine the County Budget Policy Statement presented to the County Assembly;
 - (d) Examine Bills related to the County Government budget, including Appropriations Bills; and
 - (e) Evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays.
- (4)The County Budget and Appropriations Committee constituted by the County Assembly immediately following the General Election shall serve for a period of three calendar years and that constituted thereafter shall serve for the remainder of the County Assembly term.
- (5)Five Members of the Budget Committee shall constitute a quorum”

5.0 COMMITTEE MEMBERSHIP

Mr. Speaker Sir and Hon. Members,

The committee as currently constituted comprises the following Hon. Members:-

- | | | |
|----------------------------|---|-------------------------|
| 1. Hon. Steve Owiti | - | Chairperson |
| 2. Hon. Aslam Khan | - | Vice-chairperson |
| 3. Hon. Roy Samo | - | Member |
| 4. Hon. Kenneth Onyango | - | Member |
| 5. Hon. Gard Olima | - | Member |
| 6. Hon. Judith Ogaga | - | Member |
| 7. Hon. George Olwal | - | Member |
| 8. Hon. Julius Genga | - | Member |
| 9. Hon. George Abaja | - | Member |
| 10. Hon. Seth Kanga | - | Member |
| 11. Hon. Maurice Ngeta | - | Member |
| 12. Hon. Carren Oguok | - | Member |
| 13. Hon. Kennedy Ooko | - | Member |
| 14. Hon. Jane Manuche | - | Member |
| 15. Hon. Sally Okudo | - | Member |

6.0 COMMITTEE MEETINGS

Mr. Speaker Sir and Hon. Members,

The Committee held meetings to review, interrogate, examine and evaluate the Kisumu County Finance Bill, 2018 as was presented in the House. The committee further conducted public participation on 27th September, 2018 at the Aga Khan Hall pursuant to the provisions of Article 196 (a) and (b) of the Constitution of Kenya 2010, section 87 and 115 of the County Government Act, 2012 and the Kisumu County Assembly Standing Order No.123 (3) as required.

7.0 PUBLIC PARTICIPATION

CONCERNS RAISED DURING THE PUBLIC PARTICIPATION FORUM

Mr. Speaker Sir and Hon. Members,

As mentioned above, the County Assembly of Kisumu on Tuesday, 25th September, 2018 carried out an advertisement in the Daily Nation and Star Newspapers inviting Members of the Public, Business Community, Chamber of Commerce Representatives, Civil Society and other stakeholders to attend a Public participation exercise on this Bill on Thursday, 27th September, 2018 at the Aga Khan Hall between 09:00 a.m. to 05:00 p.m. to present their oral or written

submissions to my committee. They were also asked to submit or email their submission to the County Assembly on or before the due date.

The purpose of this exercise as envisaged in the Constitution, County Government Act and our Standing orders is to allow members of the public to freely air their views/recommendations regarding any legislation before the House in this case the Finance Bill.

Mr. Speaker Sir and Hon. Members,

I wish to submit a summary of issues raised by members of the public/stakeholders during a Public Participation carried out by the Assembly on Thursday, 27th September, 2018 at the Aga Khan Hall, Kisumu as follows;

OBSERVATIONS AND FINDINGS

EDUCATION, YOUTH AFFAIRS, WOMEN, CULTURE AND SOCIAL SERVICES.

The following observations were raised that;

- ❖ The application fees for registration of Private Nursery schools, Kindergartens, Pre-unit classes Daycare Centres proposed at Kshs 10,500 and Kshs 6,000 in the City and other sub-counties respectively be reviewed downwards,
- ❖ The application fees for registration of Private Universities proposed at Kshs 1,000,000 be reviewed downwards.
- ❖ Under the Youth Affairs, the provisions of School IDs to students at Rotary Youth Centres proposed at Kshs 250 per student be reduced to Kshs 150.00.
- ❖ Members of the public requested that the levies for Religious Gatherings/meetings be reviewed downwards.
- ❖ The levies/charges for registering a Welfare Groups in Sub-counties proposed at Kshs 1,500 be reviewed to Kshs 1,000.00.
- ❖ The proposed fees for hiring Kaloleni Social Hall per day proposed at Kshs 3,000.00 be reduced to Kshs 2,000.00.

MEDICAL, BIO-MEDICAL SERVICES AND PUBLIC HEALTH SERVICES.

- ❖ Under Exhauster Services, the public observed that the County should provide Exhauster Services at a fee for Public Schools/institutions. This will address the cost of constructing new latrines whenever the old ones are filled up.
- ❖ The public proposed that the Mosquito Spray per house proposed at Kshs 2500 be reduced to Kshs 1,000. This will lead to more revenues being collected due to high demand of this service.

- ❖ Members were concerned that even after paying the Ambulance required fees of Kshs 1,000, they are still required to pay additional cost for fuel. They further proposed that the Ambulance Fees proposed at Kshs 1,000.00 be reduced to Kshs 500.00.
- ❖ It was observed that, the Cemetery at Mamboleo has been grabbed by Private Developers/. This has jeopardized the county cemetery services. The public therefore demanded, either a new site be acquired or the illegal developers be compulsorily removed.
- ❖ The public was concerned about the incomplete Health Facilities which have been either abandoned by the Contractors or the Executive has failed or ignored to operationalize them upon completion to provide services to the public. This would also improve on health related revenues.
- ❖ The public wondered why oxygen provided for patients at the City is so expensive proposed at Kshs 600.00 and at the Sub-county level proposed at Kshs 300.00, yet, oxygen is the same. The public propose that the charges be uniform at Kshs 300.00.
- ❖ It was observed that the cost of Anti-rabies Vaccine (Full Dose) Kshs 6,000 be reviewed.
- ❖ It was equally proposed that there should be uniform medical charges across the City and the Sub-counties.
- ❖ Deliveries and Caesarian Charges proposed at Kshs 5,000 and 7,000 respectively be reviewed downwards.
- ❖ IUCD Insertions proposed at Kshs 600 be reduced to Kshs 300.00.
- ❖ Biopsy proposed at Kshs 1500 be reduced to Kshs 1,000.00
- ❖ ICU Daily charges proposed at Kshs 2,000 be reduced to Kshs 1,500.00.
- ❖ Body Preservation for children under 18 years proposed at Kshs 1,500 be reduced to Kshs 1,000.00.
- ❖ Testing of HIV Viral Load proposed at Kshs 1,000 be free.
- ❖ Daily Bed Fee Maternity Ward 6 charges proposed at Kshs 500 be reduced to Kshs 300.00.
- ❖ Dialyser session proposed at Kshs 2,800 be reviewed downwards.

WATER, ENVIRONMENT AND NATURAL RESOURCES.

- ❖ Members of the Public observed that, there is no proposed charges for connecting piped and borehole water supply in the Sub-counties.
- ❖ The proposed fees for felling trees be increased from Kshs 2,000 to Kshs 3,000.00 to protect the environment.
- ❖ Water Vendors in the rural areas be charged.
- ❖ Noise meetings (funeral meetings per night/”disco matangas”) proposed at Kshs 1,500 be reviewed.

LANDS, HOUSING, PHYSICAL PLANNING AND URBAN DEVELOPEMNT.

- ❖ The CEC Finance to explain to the House whether the proposed fees for Estate House at Lumumba, Ondiek, Makasembo and Arina are being received by the County or the National Housing Corporation (NHC). This meeting was further informed that, the NHC has been collecting rental fees from these Houses since 1992 to recover their loans advanced to tenants.
- ❖ Survey Fees proposed at Kshs 2,000 be reviewed downwards to Kshs 1,500.00.

BUSINESS, ENERGY AND INDUSTRIALIZATION

- ❖ Hawkers in the estates and rural areas are not charged.
- ❖ The County to come up with regulations/laws on Cess Collections.
- ❖ The proposed Audit fees Levies be reviewed as follows;
 - a) Turn-over of Kshs 15 million and above be charged at Kshs 30,000 instead of Kshs 24,000.
 - b) Turn-over of Kshs 10 to 15 million be charged at Kshs 20,000.00 instead of Kshs 17,000
 - c) Turn-over of between Kshs 5 to 10 million be charged at Kshs 15,000 instead of Kshs 14,000.

AGRICULTURE, LIVESTOCK AND FISHERIES

- ❖ The Executive provide Extension Services to local Poultry Farmers to prevent the perennial attack from Newcastle/fowl-pox/gumboro
- ❖ Fish Movement permit be reviewed upwards for fish traders transporting fish to outside the County.
- ❖ Tractors hire services be reviewed. The public were concerned that the tractors were inadequate and inaccessible during planting and ploughing seasons. They suggested that tractors be availed at either Sub-county or Ward Levels. The public demanded that the Agricultural Extension Services be provided to farmers to improve food production within the County.

GOVERNANCE AND PUBLIC SERVICE SECURITY

- ❖ Members were concerned that, the proposed fees for sale of County Assembly Hansard Reports, Sale of County Minutes per books/extracts, Sales of County By-laws are high, therefore should be reviewed downwards.

Generally, Members of the public were concerned about the Revenue Pilferages by the County Revenue Officials. They suggested that a Database be established to establish all Revenue Streams/items within the County to curb this menace.

8.0 COMMITTEE FURTHER OBSERVATIONS AND FINDINGS

Mr. Speaker Sir and Hon. Members,

- I. The Committee noticed that there is perpetual failure by the Executive to observe Statutory Requirement regarding Bills/Polices related to Budget enshrined in the PFM Act, 2012.
- II. There is no information/data regarding the previous approval of the (Kisumu County Finance Act, 2017) availed to members to enable them conduct a comparative analysis with the proposed fees and charges Bill, 2017. This made members' work difficult.
- III. Though the Kisumu county assembly had legislated the Kisumu County Public Participation Act, 2015, it is regrettable that the spirit of the Act and letter has never been implemented as envisaged.
- IV. The committee observed that, the sugar cess which is deducted from the cane farmers by the sugar millers to help in maintaining roads in the sugar belts has not been remitted to the county. The Executive has not come up with legal instruments to address this anomaly.
- V. Though the county has acquired a rig machine, the county has not provided the prerequisite fees and charges for the same.

9.0 COMMITTEE RECOMMENDATIONS

Mr. Speaker and Hon. Members,

Having looked at the suggestions made by Member of the public Members of my Committee gave the following recommendations.

For efficiency and effectiveness in Revenue collection, the Committee recommends that, the Executive to bring to this House the following legislative proposals for enactment;

- Business Licensing Act.
- Property Rating Act.
- Fees and other Charges Act.
- Agricultural Produce Cess Act.
- Entertainment and Gaming Act.
- Alcoholic Drinks Control Act.
- Betting Licensing Act.
- Batter Market Fees and Charges Act

- Bus Park and Town Parking fees and Charges
- Single Business Permit and Licensing Act
- Livestock Auction Act
- Minerals and Royalties Act
- Sand and Quarries Cess Act

2. The Committee recommends that the following proposed fees and charges be reviewed as follows;

The Committee noted that most of the fees and charges proposed, were the same as those approved by the Assembly in the Financial Year 2017/2018 Finance Bill. We therefore recommend the following adjustments:

S/No.	Revenue Item	Proposed (KSHS)	Committee's Recommendations (KSHS)
1.	Turn-over of Kshs 15 million and above	24,000.	30,000
2.	Turn-over of Kshs 10 to 15 million	17,000	20,000.00
3.	Turn-over of between Kshs 5 to 10 million	14,000.	15,000

3. THAT,the committee recommends the County Executive Committee Member for Finance to come up with rules and regulations to govern the operationalization of the respective Revenue Acts of the County Assembly, these must also go through the legislative process including public participation in accordance with the statutory instruments Act.

4. THAT, the County Executive Committee Member for Finance to give the House a comprehensive report on how much has been collected from the sugar Cess and other Cess related Revenues.

5. THAT,the County Executive to fully implement the provisions of the Kisumu County Public Participation Act, 2015. This will improve public engagement with the County Government of Kisumu.

6. THAT,the County Executive to adhere to statutory timelines while submitting legislative Bills or policies as provided in the PFM Act, 2012 to avoid last minute rush which has put this house under a lot of pressure most of the time.

7. THAT,the Executive to provide fees/charges for rig services in the water department.

8. THAT,the County Executive Member for Finance to submit a comprehensive report on the revenues collected during the FY 2017/18 together with Policy Statement that expounds on the proposed revenue raising measures in the bill to this committee for scrutiny.

9. THAT, The CEC Finance to furnish the Committee with a Comprehensive Report regarding the Status of the Estate/Institutional Houses which were taken over by statutory institutions such as National Housing Corporations (NHC), National Social Security Fund (NSSF) amongst others.

10. THAT, the Committee noted that there are inadequate tractors in the County. This affects farmers in their food production. We now recommend that more tractors be purchased to improve Service Delivery.

11. THAT, the County to address the illegal encroachment of Cemetery land at Mamboleo also source for a new Cemetery land

12. THAT, additional Tractors be provided at either the Sub-county or Ward level to enhance food production within the County.

1.0 CONCLUSION

It is therefore my humble honour and privilege, on behalf of the Committee of County Budget & Appropriation to table this report and recommend to the House that the Kisumu County Finance Bill, 2018 be approved with any amendments thereof. I therefore call Hon. Kenneth Onyango to second?

Leader of Majority (Hon. Onyango): Thank you very much the Chair, Budget and Appropriations Committee for the eloquent and flawless manner in which you have presented this report to the House. I equally want to thank the Hon. Members who turned up for the Public Participation and the membership of the Budget and Appropriations Committee and the technical team that have put in so much so that this document could reach this House so that we have it as an Assembly.

Mr. Speaker, from the onset that the Finance Bill, 2018 is a very important instrument for the County Government because it gives the County Government the legal framework upon which revenue can be collected. Mr. Speaker, if this Bill is not passed within the requisite timelines then it will literally make the County to grind into a halt. This is the reason as to why I want to plead with Hon. Members that even though this Bill came late, out of necessity, let us scrutinize it and possibly approve it so that our County can move forward.

Mr. Speaker, a lot of issues have been raised, and I want to concur with the Chairperson of Budget and Appropriations that the County Assembly has on a number of occasions been inconvenienced by the time of these crucial bills and documents are brought late into this House. So, that at times has put us into a panic mode, and has made us go through it in a rush and that may compromise the quality of our work.

Mr. Speaker, so going forward, it needs to be emphasized that whoever is obligated to do this duty need to rise to the occasion so that such inconveniences that have become the order of the day can be evaded. Mr. Speaker, I equally want to say that the intentions presented here are very good. In fact when I was looking at the various Revenue Streams, I linked it to a person or man who is very good at seduction, but doesn't have the necessary fire power to make the woman satisfied. Mr. Speaker, I am saying this because our Revenue Collection is in total mess because when we undertake a comparative analysis with yester-years, we find that the rate of success in so far as our rate of Revenue Collection is concerned. It is been dwindling over the years. In fact it has reached a point where the whole County Government cannot collect Revenue which is equivalent to what the Defunct Municipal Council of Kisumu used to collect. Mr. Speaker, I believe that is complacency, lethargy that must be investigated and corrected so that this County can move forward.

Mr. Speaker, if we do not collect Revenue which is commensurate to our potential, then the answer is very simple. The ceiling that is being given by the National Government will go down and this will impair our development priorities. So, I want to appeal to this House that, let us flex our muscles so that if there is anybody who is not doing enough to make this County move forward, then that person must be culpable. Otherwise, we cannot be just bystanders as the County is slowly digressing into a halt.

Mr. Speaker, I also want to concur with the Chairperson, that indeed during the Public Participations, members of the public did recommend a downward review of most of our revenues. The cost of living is going up and the cost of service provision is equally going up, and if we were to review these Revenue Streams downwards, then that means that it will be much more difficult for us to meet our targets. This is the reason that I am in full agreement with the recommendations of the Committee that we leave the figures as they are, in any case they don't vary substantially with what was provided for in the last Finance Bill.

Mr. Speaker, as I conclude, I want to say that the elephant in the room in this County Government is in Revenue Collection. Of course I am aware that the Committee of Finance and Trade did interrogate these issues with the relevant Departments. I would wish that they hasten to table their report and if there is lethargy noted in the cause of doing business, either through omission or commission, then such complacencies must be punished and that is when we shall be able to move forward as a County. Otherwise, I beg to second.

The Speaker (Hon. Oloo): Thank you Hon. Members. I now propose that the Report on the Kisumu County Finance Bill, 2018 now be opened for debate?

The Speaker (Hon. Oloo): Hon. Pete.

Hon. Oiko: Thank you Mr. Speaker for giving me this chance to make a contribution to this Kisumu County Finance Bill, 2018. The Finance Bill, 2018 shows the taxes that we are going to pay in this Financial Year. During the Public Participation, the public asked for downward review of taxes, but, these are the figures that had been recommended by the Executive, our Technocrats and they did not complain that the variations were big, that what was being charged the previous year and what is being charged now the difference is enormous and there was no such complaints. They were only airing their views that if it is reduced, the turn-over will be high which is a normal complaint raised by clients. So, I propose that the normal charges be levied as they were recommended.

Mr. Speaker, I have come across Governance, Public Service and Security. This is where members were concerned by the proposed sale of County Assembly Hansard Reports, Sale of County Minutes per book (Extracts), Sale of County By-laws are high. Therefore, these levies be reviewed downwards. Mr. Speaker, when I pick on the Hansard, I have never seen a copy of the Hansard in this Assembly but I have seen the copy of the Hansard from Kiambu in the Hansard Office and getting a copy of the Hansard in this Assembly is next to impossible because if you request for a copy you will be referred to go to the Clerk and the Office of the Speaker. Yet, it is common knowledge that Hansard is a public document. I urge this House to take this matter seriously so that we are not gagged at anytime and we want a copy of the Hansard. Even when the Committees want the Hansard, you can hardly get. Let the Speaker and the Clerk of Kisumu County Assembly have free heart that the document called the Hansard is a public document and it contains what we had aired in this Assembly, so, there is no secret and there is no way about it so that copies are produced.

Mr. Speaker, one time I was asked by my Ward member, who is a bit enlightened on the Hansard, I looked a fool because I had never seen a copy of the Hansard. I want to say it is the truth because I had never seen a copy of the Hansard. If the Hansard can raise some of the issues

in this County, let them be produced so that those willing to purchase them, purchase them and we get some little coins out of them. Thank you.

Hon. Ngeta: Thank you Mr. Speaker. May I call the mover of the motion to reply?

The Speaker (Hon. Oloo): Yes Hon. Steve.

Hon. Steve: Thank you Mr. Speaker. I know the majority took their time to go through this bill and also took their gracious time to attend the public forums. I am now fully persuaded that this bill is good for this county. Allow me also to thank your team and the leadership of this assembly for making it possible for us to deliver this bill within the stipulated time. I therefore urge Members that moving forward we should continue with the same spirit that was exhibited in disposing of this bill. Thank you.

The Speaker (Hon. Oloo): Honourable Members, I now want to put a question that the report on the Kisumu County Finance Bill 2018 be approved.

(Question put and agreed to)

2ND READING OF THE KISUMU COUNTY FINANCE BILL 2018

BY

HON. STEVE OWITI

(CHAIRPERSON BUDGET AND APPROPRIATIONS COMMITTEE)

The Speaker (Hon. Oloo): Proceed Hon. Owiti.

Hon. Steve: Thank you Mr. Speaker. I rise to move a motion that you do exit your chair to allow the House go to the committee of whole House. May I request Hon. Agengo to second.

Hon. Agengo: Thank you Mr. Speaker. I second.

(Honourable Speaker exits the chair as Hon. Agolla takes over)

Chairperson Committee of Whole House (Hon. Erick Agolla): Thank you Honourable Members. We are now in the committee of whole House. We need to remain orderly and continue with the business that is before us.

(Clause 1- 14 read by the Clerk)

Chairperson Committee of Whole House (Hon. Erick Agolla): Honourable Members, I now want to put a question that Clauses 1 to 14 be part of this bill.

(Question put and agreed to)

Thank you Mr. Chairperson. We are in page 8 where we are having the departments with revenue streams considered in this Act from no. 1 to no. 9 be part of the Bill.

The Chairperson (Hon. Agola): Hon. Members, the read Clauses by the Clerk, I hereby put a question that the Clauses be part of the Bill.

(Question put and agreed to)

The Chairperson (Hon. Agola): Next, Mr. Clerk.

We are now in Schedule for fees and charges for the County Government of Kisumu. We have 4 columns and column 1 is for numbers, column 2 is the departmental fees and charges, column 3 is for the City of Kisumu and column 4 is for other sub Counties.

The Chairperson (Hon. Agola): Yes Hon. Owiti, Chairperson of Budget and Appropriation committee.

Hon. Owiti: Mr. Chairman and Hon. Members, I would like to propose an amendment on the Bill on code no. 263 which is on Audit fees that pursuant to the provisions of the County Assembly standing orders no. 128 (2),

I wish to propose an amendment on the following business on page 74 of code no. 263 audit fees that levis for turnover of Kshs. 15,000,000 and above as proposed at Kshs. 24,000 be amended to read as Kshs.30, 000.

Turnover of Kshs. 10,000,000 to Kshs.15, 000,000 as proposed at Kshs. 17,000 be amended to read as Kshs. 20,000.

Turnover of Kshs. 5,000,000 to Kshs.10, 000,000 as proposed at Kshs. 14,000 be amended to read as Kshs. 15,000.

I therefore wish to call upon Hon. Okudo to second.

The Chairperson (Hon. Agola): Yes Hon. Okudo.

Hon. Okudo: I stand to second the amendments.

The Chairperson (Hon. Agola): Hon. Owiti, you can present a copy of the amendments. Hon. Members the Chairperson of Budget and Appropriation committee has remitted us on the proposed amendments in writing as required by law, I hereby want to put it to you that pursuant

to the provisions of the County Assembly standing order no. 128 (2), the amendments of business on page 74 code 263; audit fees that levis for turnover of Kshs. 15,000,000 and above as proposed at Kshs. 24,000 be amended to read as Kshs.30, 000.

Turnover of Kshs. 10,000,000 to Kshs.15, 000,000 as proposed at Kshs. 17,000 be amended to read as Kshs. 20,000.

Turnover of Kshs. 5,000,000 to Kshs.10, 000,000 as proposed at Kshs. 14,000 be amended to read as Kshs. 15,000.

I hereby put a question that the amendments be approved by the House.

(Question put and agreed to)

The Chairperson (Hon. Agola): Yes the Leader of Majority.

The Leader of Majority (Hon. Kenneth Onyango): During the debate on this Finance Bill, there was a general concurrence by the Hon. Members that the other revenue streams remain unchanged. In that case I would propose that we guillotine the remaining part of this Bill. May I ask Hon. Muruka to second?

Hon. Muruka: I second.

The Chairperson (Hon. Agola): It has been seconded. Hon. Members I hereby put a question that going by the guillotine way as proposed by the Leader of Majority and seconded by Hon. Miruka.

(Question put and agreed to)

The Chairperson (Hon. Agola): Next, Mr. Clerk.

Thank you Mr. Chairperson. The House has resolved for the guillotine and the only question that we will put is the codes in column 1, 2, 3 from code no. 1 to code no.895 bearing in mind that code 263 has been amended. So the only code no. 1 to code no. 895 be part of the Bill.

The Chairperson (Hon. Agola): Hon. Members I hereby put a question that the read columns that have been proposed by the Clerk be part of the Bill.

(Question put and agreed to)

The Chairperson (Hon. Agola): Next, Mr. Clerk.

Memorandum of objects and reasons be part of the Bill.

The Chairperson (Hon. Agola): Hon. Members, we are in page 83. Allow me to put a question that the Memorandum of objects and reasons be part of the Bill.

(Question put and agreed to)

The Chairperson (Hon. Agola): Next, Mr. Clerk.

CITATION (CLAUSE 1)

The Act may be cited as the Kisumu County Finance Bill 2018 and shall come in the operation of the date of publication in the Kenya Gazette be part of the Bill.

The Chairperson (Hon. Agola): Hon. Members allow me to put a question that Clause 1 be part of the Bill.

(Question put and agreed to)

The Chairperson (Hon. Agola): Next, Mr. Clerk.

LONG TITLE

The Kisumu County Finance Bill, 2018.

A Bill for an Act for the Kisumu County Assembly to provide for various taxes, fees, charges for the services and other revenues raising measures of the County Government and for the matters in central here to be part of the Bill.

The Chairperson (Hon. Agola): Hon. Members allow me to put a question before you that the long title of the Bill, Kisumu County Finance Bill 2018 be part of the Bill.

(Question put and agreed to)

The Chairperson (Hon. Agola): Hon. Members, we are done with the 2nd Reading of the Bill and the amendments have been made and we are going to inform the plenary in our report according to our standing orders when the Chair will resume his seat so that we can continue to the next level of this Bill. I want to thank you for your participation and I would like to inform our Sergeant -At- Arms to call our Speaker to come and resume his seat so that we can continue.

(House reverting to Plenary)

The Speaker (Hon. Oloo): Yes Hon. Agola, can we have the report?

Hon. Agola: Thank you, Mr. Speaker. With your permission, allow me to report to you as the Chair that the committee of Budget and Appropriation proposed the amendments on the code no. 263 page 74. And the committee of the whole House was on the concurrent and agreed with the report from the committee of Budget and Appropriation on the amendments of code no. 263 page 74 which states that;

Pursuant to the provision of the County Assembly standing order no. 128, this amendment has been made on code no. 263 that the turnover of Kshs. 15,000,000 and above proposed at Kshs. 24,000 be amended to read Kshs. 30,000. The turnover Kshs. 10,000,000 to Kshs. 15,000,000 proposed at Kshs. 17,000 amended to read as Kshs. 20,000. Turnover of Kshs. 5,000,000 to Kshs. 10,000,000 proposed at Kshs. 14,000 be amended to read as Kshs. 15,000.

Allow me to call the Chairperson of Budget and Appropriation committee, Hon. Owiti to be ready before I move this motion. I want to move a motion that the House do agree with the committee of the Whole House as reported to the Plenary. I hereby call upon Hon. Owiti to second.

Hon. Owiti: Thank you, Mr. Speaker and Hon. Members. I second the motion.

The Speaker (Hon. Oloo): Hon. Members, I hereby put a question that the report and the recommendations of the committee of the Whole House with regard to the County Finance Bill 2018 be adopted.

(Question put and agreed to)

The Speaker (Hon. Oloo): Next Order!

MOTION

THIRD (3RD) READING OF THE KISUMU COUNTY FINANCE BILL, 2018

AN ACT of the Kisumu County Assembly to provide for the various taxes, fees and charges for services and for the other revenue raising measures by the County Government; and for the matters incidental thereto is now read for the 3rd time today 28th September 2018 at this hour.

The Speaker (Hon. Oloo): Hon. Members, I now propose that the Kisumu County Finance Bill, 2018 read for the third (3rd) time and if there is any debate, I do propose the debate on the same. There being no debate, the Kisumu County Finance Bill has been passed today 28th September 2018 at 4.31 pm.

Next order!

ADJOURNMENT

The Speaker (Hon. Oloo): There being no any other business to transact, this House stands adjourned until Tuesday 2nd October 2018 at 2.30 pm.

(House rose at 4.45 pm)