



## COUNTY ASSEMBLY OF KISUMU

### THE HANSARD

#### SECOND ASSEMBLY – SECOND SESSION

Tuesday, 16<sup>th</sup> October, 2018

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

(The Temporary Speaker (Hon. Roy Samo) in the Chair)

### PRAYERS

**The Temporary Speaker** (Hon. Samo): Welcome Hon. Members to this afternoon session. Can we proceed with the business of the day?

*(Hon. Olale shouts in the House claiming that Hon. Samo is not a Speaker)*

**The Temporary Speaker** (Hon. Samo): Hon. Olale, you are becoming disorderly in the House. Serjeant-at-Arms please can you escort Hon. Olale out of the Chambers. Hon. Olale, I suspend you for the remainder of this session.

*(Hon. Olale has become unruly)*

*(Loud consultations)*

**The Temporary Speaker** (Hon. Samo): The Clerk, can you please take us through the Order of the day?

*(Loud consultations)*

**The Temporary Speaker** (Hon. Samo): Next order!

**PAPERS LAID**

**Deputy Leader of Majority** (Hon. Odhiambo): Thank you Mr. Speaker. I wish to state that there were papers to be laid before the House and the Leader of Majority was tasked to bring them. I believe that he is on his way coming because I don't know what the way forward is, can you please guide the House.

**The Temporary Speaker** (Hon. Samo): I have seen the Leader of Majority outside; let me give him a few minutes so that he walks in to table the papers. We have papers to be laid which are as follows;

- 1) Submission of the Kisumu County Quarterly Reports and Financial Statements for the period ended 30<sup>th</sup> June, 2018; - (By Leader of Majority)
- 2) Report from the Standing Committee County Budget and Appropriation on the Kisumu Economic Regional Block Bill, 2018 – (By Hon. Steve Owiti)
- 3) Report from the Standing Committee County Budget and Appropriation on the Kisumu Economic and Social Bill, 2018 – (By Hon. Steve Owiti).

As the Hon. Deputy Leader of Majority is still consulting, we handle the ones that are ready with the concurrence of the House. If the Chairperson of Budget and Appropriation is ready we can proceed and take us through the 2<sup>nd</sup> and 3<sup>rd</sup> paper to be laid before this House.

**The Temporary Speaker** (Hon. Samo): The Deputy Leader of Majority we did give you time to consult with the Majority Leader if the papers are ready to be laid. Please can you inform the House?

**Deputy Leader of Majority** (Hon. Odhiambo): Thank you Mr. Speaker. The Leader of Majority is here and I wish on his behalf lay before this House the following papers;

- 1) Submission of the Kisumu County Quarterly Reports and Financial Statements for the period ended 30<sup>th</sup> June, 2018.

**The Temporary Speaker** (Hon. Samo): Thank you. The first paper having been laid by the Deputy Leader of Majority, which is the Kisumu County Quarterly Reports and Financial Statements for the period ended 30<sup>th</sup> June, 2018, I now commit the same to the Standing Committee of Budget and Appropriations.

*(Paper is laid by the Deputy Leader of Majority)*

**The Temporary Speaker** (Hon. Samo): The second paper please?

**Hon. Steve Owiti:** Thank you Mr. Speaker and Hon. Members, I wish to lay the following papers before this House today, 16<sup>th</sup> October, 2018;

- 1) Report from the Standing Committee County Budget and Appropriation on the Kisumu Lake Region Economic Block Bill, 2018; and;
- 2) Report from the Standing Committee County Budget and Appropriation on the Kisumu Economic and Social Council Bill, 2018, thank you.

*(Papers are laid by the Chairperson, Budget and Appropriations Committee)*

**Hon. Muga:** On appoint of Order, Thank you Mr. Speaker. I want to inform you that we do not have a quorum in the House.

**The Temporary Speaker** (Hon. Samo): Hon. Carren, before I give any Member to confirm if we have the numbers, I can see we are sixteen which constitutes the required quorum. Please let us get it from the Leader of Majority?

**Leader of Majority** (Hon. Onyango): Thank you Mr. Speaker, there is a quorum. Thank you.

**The Temporary Speaker** (Hon. Samo): Hon. Members, Hon. Owiti, has laid the papers and because the second paper was to jumpstart the 2<sup>nd</sup> Reading of that Bill and I am reliably informed that is not ready today because it has been scheduled for tomorrow by the House Business Committee. Hon. Owiti, what is the position of the 3<sup>rd</sup> Papers you have laid? Will the 2<sup>nd</sup> Reading be done tomorrow from what the Clerk has informed me?

**Hon. Steve Owiti:** Thank you Mr. Speaker and Hon. Members that is the position.

**The Temporary Speaker** (Hon. Samo): Hon. Members, be advised that it is what will be undertaken tomorrow.

**The Temporary Speaker** (Hon. Samo): Next order!

### STATEMENTS

**Hon. Kanga:** Thank you Mr. Speaker. I am rising while citing Orders No. 42 on Personal Statements. I request your indulgence so that this matter be debated because the Standing Orders provides that it may be debated.

Mr. Speaker, the happenings of 12<sup>th</sup> September, 2018 in the afternoon session is still fresh in the minds of Members and it is in the public domain. The procedure and Rules of this House were violated on that day and in my view you were party to these happenings of the contravention of the laws of the Constitution of Kenya, 2010, County Government Act, 2012 and the Standing Orders No. 61. Our great party ODM is still investigating this matter and we are yet to receive a report.

Mr. Speaker, the Lord of Impunity being witnessed in this House, you included by presiding over the sitting of this House cannot go un-noticed by the Representative of people of Market

Milimani and as the Chairman of ODM in Kisumu Central without making a comment on that issue Mr. Speaker. If you look at the Powers and Privileges Act, 2017 section 17 (3) states that;

*“Where a County Assembly Member has committed a breach of privilege, the County Assembly may impose penalty to any Member liable under this Act or any other law and impose penalties”*

Mr. Speaker, the Committee of Powers and Privileges of the House which is being chaired by our Substantive Speaker has not seen it wise to name Members or the County Assembly Staff who abated in the violation of these laws and you are continuing to preside over the sittings of the Assembly when you are aware that you are one of the subjects who committed these serious offences and you have not taken that initiative to apologize to this Hon. House. This is because we took Oath of Office to uphold and protect the Constitution and it is the same Constitution that we took Oath to protect and defend yet what you have continued to violate by putting the proceedings of this House into serious jeopardy as witnessed today when proceedings were to commence.

Mr. Speaker, I want to inform you that we were supposed to have visitors in this House, but they could not access this House due to commotions which were witnessed at the entrance of this House. This is a serious shame which we as Members cannot take lightly and bury our heads in the sand and say that it is business as usual and things are moving on smoothly. I beseech you to take leave of absence from that Chair so that we can be able to discuss your conduct.

Mr. Speaker, in view of that, pursuant to the provisions of Standing Order No. 42 in the discretion of the Speaker, if you will not allow this House to discuss your conduct, then I will be compelled to move a motion pursuant to the provisions of Standing Orders No. 50 (h) and (i) under Motions that can be Moved without Notice. First, motion touching on the issues of privileges, which you violated when you were presiding over the sittings of this House on the 12<sup>th</sup> September, 2018 and (i) a Motion by the County Assembly under these Orders. This is because you violated Orders No. 61 which clearly stipulates the procedures to be applied when removing the Speaker and the precedent that was created on that day is a bad precedent which I as a Member must condemn with the strongest terms possible. If we allow that House to continue with this precedence, we will be doing great injustice and disservice to the people of Kenya and particularly the people of the Great County of Kisumu who are looking upon us to legislate laws taking into account the Constitution of Kenya, 2010, the County Government Act, 2012 and our Standing Orders. Mr. Speaker, if you will not allow the House to debate this motion under Order No. 42 because it is at your discretion, then, I rise again to give a Notice of Motion pursuant to Standing Orders that I cited earlier, thank you.

**The Temporary Speaker** (Hon. Samo): Thank you Hon. Member. Please allow me to respond to you. The reason why you have had the floor and the time of your life to debate on this is because you are a good debater, but I would like to inform the House because it is in progress, that you at times mix issues;

One, you rose on Order No. 7 which is statements. You did put it clearly that you were raising a Statement while citing Orders No. 42 which is of personal nature. Now you have deviated to Orders No. 42 and presenting a matter that is of importance to this House which is not personal which I agreed and the house took time to listen to you pensively.

Hon. Member, you are violating that same rules that you want us to understand and that you are raising another Notice of motion, while that segment was in No. 6 which had been overtaken by events during the time we had moved to the Statement Hour. So, even in that, you are violating the same rules that you are trying to expound. In the same rules, I don't want to be a judge in my own case because you mentioned before this House that there were happenings on the 12<sup>th</sup> September, 2018 and you allude to the fact of the things that transpired on the 26<sup>th</sup> September, 2018. So, I am seriously disorganized in trying to come up with statement of facts that you are trying to say which transpired on the 12<sup>th</sup> September, 2018.

Hon. Member, what happened that you are alluding to took place on the 26<sup>th</sup> September, 2018 which was on a Wednesday. This is to give you time to go and recollect your thoughts and put your facts in order and we can discuss and something can be agreed upon. So, I stand guided that you go through your statements, look at where we are, and what you are advancing to the House and realize that because you are a good debater, I did not want to stop you, but go and look at your facts correctly.

Lastly, you are aware that this issue had been taken to the Party which you said in your statement and the Substantive Speaker, did mention the other day when we were talking about the Board issue. When we were talking about the Board issue, this matter is still being looked into. We are still waiting for a communication from the party. Honourable Member, you will also have to declare yourself on this matter because of the conduct you showed on that day. So, I think as it was communicated by the Honourable substantive Speaker that the matter is still held hence and we wait for communication from the party.

**Hon. Kanga:** Mr. Speaker, thank you for your comments and response. You cannot talk about my conduct as the chair because the Standing Order No. 107 gives guidance on how the debate on the conduct of Honourable Member can be brought on the floor of this House. If you look at this document which I know you don't have because I know you don't take matters of this House seriously.

The County Assembly Powers and Privileges clearly gives guidance on how and when the House becomes disorderly. The House Powers and Privileges Committee...

**Temporary Speaker** (Hon. Roy Samo): Order Hon. Kanga.

**Hon. Kanga:** Mr. Speaker; you mentioned my name and I find it in order to respond appropriately. Denying me an opportunity to reply is like stepping on my constitutional right. The substantive Speaker has not taken the issues of this House accordingly. As the Chairperson

of the Powers and Privileges Committee, he cannot investigate himself. I was expecting him to come to the House and give a communication from the Chair and say that I did cause problems in the House and I would therefore wish to resign as the chair and give the leeway for the discussion on my conduct. Thank you.

**Temporary Speaker** (Hon. Roy Samo): That is noted Hon. Kanga. That would be communicated to the substantive Speaker. I would also want to advice as good member of this House that you could then write something on the same. Yes Hon. Steve Owiti.

**Hon. Steve:** Thank you Mr. Speaker. I rise to give a personal statement with regards to our operations as committees. I want to reiterate the fact that this House is run by committees. One of our key roles is legislation and we can only do that effectively if our committees are facilitated.

Mr. Speaker, there is an emerging tendency in this Assembly where members of this House are sent on official duty when they are not properly facilitated and at the end of the day we are expected to perform our duties with regard to why you were elected to this House. I want to ask from the Chair that a statement be made with regards to why members have to be sent to work without facilitation being done properly.

I am raising this as the Chair for Budget and Appropriations. We have reports, Bills and Annual Development Plans that was committed to my committee. The Executive had done their part and we need to meet as a committee to scrutinize the plan. Some of these requires that we follow the work plan that we had represented to the Board of the Assembly. I want to ask that there is no way these committees should operate if you continue with merging ways of frustrating the committees in delivering on their mandate. I therefore want to ask that you give an official statement to us with regards to why our plans cannot be implemented smoothly so that we run the Assembly in accordance with the orders that had been passed and resolved. Thank you.

**Temporary Speaker** (Hon. Roy Samo): Very well. Yes Hon. Oraro.

**Hon. Oraro:** Thank you Mr. Speaker. I rise to give statement as per the Standing Order No. 41 (2) (d). I am the Chair for Administration of Law, Justice, Constitutional Affairs, Good Governance and Security. I did make a statement in this House that I feel frustrated in my committee because two Bills were committed to my committee which is of utmost importance to Kisumu County as whole.

Mr. Speaker, up to date; I have not seen any positive response towards my statement because we are not able to proceed with our work as a committee. I did request for more time which is about to lapse on Tuesday next week on submission of some two important Bills, One is the Kisumu County Attorney Office Bill, 2018 and The Kisumu County Administration (Village Units) Bill, 2018.

These Bills are of utmost importance to the Kisumu County but there is no way Members can work on these Bills if they are not facilitated appropriately. We did request for three days to complete the other Bill and am so down because when you make such request and you are told that the letter cannot be traced and another should be made. I don't know if I should move with my Members in the street somewhere or sit under tree and work on the Bill. I just don't know.

For the last time seeking to know on what I should do on these Bills. Thank you.

**Temporary Speaker** (Hon. Roy Samo): Yes Hon. Olale.

**Hon. Olale:** Thank you Chair. I will refer you as the Chair for today. I have received three calls from one Hon. Ken Ooko calling be in unspeakable terms informing to go and get what we call bread. This county of Kisumu should be run with honesty, transparency and with a lot of dignity. I will not take any bribe in order to take this county to the dogs. We are all in this House to take Kisumu County to the next level and not to bring it down.

Secondly, this is a House of rules and procedures. If you want us to help you make this House then we shall help you do it. If you also want us to help you destroy this House then we shall also help you destroy it. Chair, the substantive Speaker has disrespected this House. We want the Speakers panel that runs day today business of this House. You are the chair of Liaison Committee and you should be contented with your position.

**Temporary Speaker** (Hon. Roy Samo): Order Hon. Olale.

**Hon. Olale:** Kindly allow me to speak my heart and mind Chair.

**Temporary Speaker** (Hon. Roy Samo): You are rising on which Standing Order?

**Hon. Olale:** You are not going to destruct me. I am under the statement time.

**Temporary Speaker** (Hon. Roy Samo): Hon. Olale, I am requesting you that Hon. Arao wants to inform the House. Kindly let us allow him thereafter you shall proceed.

**Hon. Arao:** Thank you Mr. Speaker. The matters raised by Hon. Olale are weighty.....

**Temporary Speaker** (Hon. Roy Samo): Order Hon. Arao. Kindly resume your seat. Yes Hon. Misachi.

**Hon. Misachi:** Mr. Chair; I believe we are all Members of this Assembly. We are all qualified to take the position of the Deputy Speaker. The Standing Order No. 13, as the Chair of all Chairs you are sitting there based on the provisions of our Constitution and by the rights of this Standing Orders which were passed by this House.

Mr. Speaker, if all the Members of the Speaker's Panel are out tomorrow and I am told to chair the plenary then I will. Let us debate maturely and be straight to the point. whoever does not feel to be in the House should just leave. I rest my case.

**Temporary Speaker** (Hon. Roy Samo): Let us be a little bit orderly. Hon. Misachi is a senior Member of this House. She served in the last Assembly. She has been a mayor before and also a counsellor. I have served with her when I was a counsellor. She has given us direction. Please let us try to have some decorum in the House. We are here to discuss matters that are of great importance to the people of this County. Hon. Olale please shorten your statement.

**Hon. Olale:** Thank you Chair. I want to tell the senior Member that she has misled this House about the position of the Deputy Speaker. Somebody somewhere is trying to undermine the Kisumu County Assembly by deciding in his house and coming to implement the decisions he has approved elsewhere. We are not going to accept that. Thank you.

**Temporary Speaker** (Hon. Roy Samo): Hon. Kanga.

**Hon. Kanga:** Thank you. I wanted to give guidance to Hon. Olale. I have mentored him in so many occasions but it seems he is a slow learner. Hon. Olale has raised several allegations in this House without tabling facts. He is abusing the privileges he has in this House. He ought to have reported this matter to the police and tabled an OB on the same. Thank you.

**Temporary Speaker** (Hon. Roy Samo): Thank you Hon. Kanga. Those are serious allegations and before you mentioned a name in this House then you need to table the evidence. Hon. Ken is not with us and therefore that is not very much in order. I advise that you withdraw that statement.

**Hon. Olale:** I withdraw.

**Temporary Speaker** (Hon. Roy Samo): Thank you. Yes Hon. Genga.

**Hon. Genga:** Thank you Mr. Speaker. I rise on Standing Order No. 41 (2) (d).As the Chair for Finance, Trade, Cooperative and Enterprise Development, I want to express my displeasure on the way the affairs of the Assembly are being carried out. As the Chair of that committee, I want to echo what my colleagues have said. You are well aware that there are several Bills that were committed to various committee mine included. You recall you are the Chair of Chairs, kindly take charge of your responsibility because our work is to legislate and oversight.

This work is being impeded. We cannot perform committee work. Either there is a deliberate attempt to that effect. Several committees are struggling to do a report and you remember we were just informed of the Lake Region Economic Block. Only two counties have managed to pass the Bill. Could you please tell the House what is it that you have done to enable the committees do their work?

I also want to remind you that this is a House of politics. We are here because of our political affiliations and backgrounds but that should not impede the work that we were elected to do. We are going to do politics but I kindly ask you that politics should be left out of the work of each and every committee. We are becoming a House of illegality. You are sitting there as the Speaker but remember you are the Chair of Chairs. There are cries from committees and somebody must know that the Bills that are before this are meant to enable the County Government work and hence enable the Governor to work.

Mr. Speaker, I also want to inform you that much as we are aligned to do our work as committees, there is no clear indication that there is facilitation for the committees. I also want to say thank you to the senior member for enlightening us on the Chair of Chairs presiding over the House sittings.

Through you could also tell us what happened to the Members of the Speaker's Panel. This is a House of politics. We are not bound to agree on every matter at all the time but happens when people disagree. Kindly inform this House what happened to the Speaker's Panel? I want inform you as the Chair for Finance that I will always be on your neck to ensure that you perform your tasks. Thank you.

**Temporary Speaker** (Hon. Roy Samo): Yes Hon. Muga.

**Hon. Muga:** Thank you Mr. Speaker. I want give a personal statement as provided for in Standing Order No. 41 (2) (a). I was appointed to serve in the Speaker's Panel. We had a meeting this afternoon and we were only two instead of three. We come up with itinerary on how we are supposed to perform our functions. It was me who was supposed to be in the Chair today.

Honourable Members, it is unfortunate that the Liaison Chair has been sitting in the Speaker's Panel as a Member. The substantive Speaker recently told me that they are still investigating my conduct. I don't know of my mistakes that cannot be brought to the floor for Members to discuss. I want to plead with the Members that kindly help get out of this mess because it hurting me seriously. I have been performing duties diligently and I don't remember going beyond my functions. Thank you.

**Temporary Speaker** (Hon. Roy Samo): Thank you Hon. Muga. Yes Hon. Majority Leader.

**Leader of Majority** (Hon. Kenneth Onyango): Thank you.

**Leader of Majority** (Hon. Kenneth): First of all I want to take great exemption to the activities that have been going on this afternoon in this Assembly. I would want to ask the office of the Speaker to put his house in order because there are matters that have been discussed here that out of necessity it need not to be discussed here. They are housekeeping issues that need to be sorted out by the office of the Speaker. Sometimes honourable men need to do honourable things and you know there are certain positions that when you are holding, you need to behave like scissors'

wife and above board. Mr. Speaker, if I were you, I would have taken leave of absent from sitting on that chair until you are absolved from the activities that we witnessed in this house so that sanity can prevail. This house is not about me, it is not about an individual, it is about the good of this county and the good of this county takes precedence over anything else so Mr. Chair, if you are sitting on that seat which makes the integrity of this house to be in dispute, then the honourable thing would be that you take leave of absence in any case we have very able members of the panel that can take charge during that time when you are still cleaning up your name.

I did say last week that principally we are supposed to do three things; Legislation which is very important, oversight and representations. All other duties cannot be as important than those three cardinal roles therefore the resources of this Assembly must be used to expedite the activities of these committees. It pains me as a Majority Leader that chairpersons of various committees are unable to carry out their roles because of financial impediments. I would wish that this matter is taken up as a matter of urgency. When we come to this Assembly we do not cry wolf, we do not seem to be mourning all the times, We need to come to this Assembly with very clear focus on how we need to take this Assembly forward. As a party I did say that if needs be, we may be forced to bring sanity through the party because we are not going to be held hostage in this quagmire forever. The County needs to move forward and we know our responsibilities as Legislatures in this County very critical to the general development that this County needs to go to. I want to plead with you that if it becomes necessary that this Assembly can run smoothly, that the activities of this house can be seamless with your actions as the chair, then do the honourable thing, it is not a weakness, it is a strength.

**The Temporary Speaker** (Hon. Samo): That is well noted the Majority Leader. A number of issues have been raised by Hon. Members and chief among them is the issue of committees. About three Chairpersons; Hon. Elisha Oraro, Hon. Steve Owiti and Hon. Genga have raised key issues concerning some of the bills and motions that have been committed to their committees and they are not facilitated well. I would wish to put this; because that falls squarely within my docket: After this house business we need to converge and see how this can be speeded with immediate effect. It will also make us to consult with relevant persons who can make this be done as soon as possible because we are aware of the timelines. Many issues have been raised but I would not want to divert attention of the house because they are weighty matters but then they will be communicated substantively. Hon. Carren Muga, I would wish to say this; that when you had a talk with the substantive speaker, he did say that you are still being investigated on whichever way because that has come from you, then, now that it is a public matter because you have brought it here, then we need to do something by requesting the Speaker to come clean on that. I would also wish because of your statement to make it clear to this house that almost all the speaker's panel has their time lines for doing their things. Hon. Agola will be there on Thursday. Sometimes when you see the Speaker come to the house, it is at the request of quite a number of you members. I remember Hon. Seth Okumu did request the Speaker that he had left

the house and he does not chair the sessions anymore. There is a time table and almost all the Speaker's panel are having their time for chairing. That is a communication towards that effect.

Hon. Members, allow me... Hon. Kanga, just wait I will give you the opportunity. Hon. Members, as it is the customs of this house, when we have guests, we do include their names and the names are being read as you have seen elsewhere. Today the committee of Children, culture you and social welfare have visited us and Hon. Members with your concurrence I would like to read the names. If you are there and your name has been read please just stand and wave as a matter of recognition to this house.

1. Hon. George Mburu - Chairperson
2. Hon. Eunice Mwe
3. Hon. Chris Karumba
4. Hon. Sophia Mutumbuti
5. Hon. Philip Njoroge
6. Hon. Susan Muigai
7. Hon. Joseph Karichu
8. Hon. Julius Taki
9. Hon. Gedion Gachara
10. Hon. Stanley Mwaura
11. Hon. Laurence Gutay
12. Ms Lydia Muli - Clerk Assistant
13. Mr James Mishire - Asst. Hansard Editor
14. Mr. Isaac - Serjeant At Arms

Otherwise you are welcomed to Kisumu and feel part of us. After this you will still have the opportunity to engage with the Hon. Members of County Assembly of Kisumu, enjoy pleasantries which is there and of course quite a number of you are welcomed here to stay permanently because we are a good County and we welcome all the guests. Be welcomed including the staff. Thank you very much.

Hon. Carren Muga, kindly make it very brief because statements are done with.

**Hon. Carren:** Thank you Chair. I am happy that you have given your clarifications but you have not let members know why you have been signing in Speaker's Panel position. Or I will request the EACC to come in so that you are investigated.

(Laughter)

**The Temporary Speaker** (Hon. Samo): Hon. Linet, thank you very much for raising the issue but unless you are not restricted to the laws you know very well that the Speaker's panel is just like a committee of the speaker and that includes the Speaker himself. When you said panel 1,2

and 3 you forgot to mention the Substantive Speaker, so you have misplaced your argument, go and refer yourself to that matter. Let us continue. Mr. Clerk, take us to the next order.

### MOTION

ADOPTION OF COMMITTEE REPORT BY ADMINISTRATION, LAW, JUSTICE, CONSTITUTIONAL AFFAIRS, GOVERNANCE AND SECURITY ON THE KISUMU COUNTY ATTORNEY OFFICE BILL, 2018

**Hon. Oraro:** Allow me to move a motion on the adoption of the committee report by Administration, Law, Justice, Constitutional Affairs, Governance and Security on Kisumu County Attorney Office Bill, 2018. The principle objective of this bill is to provide for the establishment of the office of the County Attorney and the functions empowers..... (insert the report)

**The Majority Leader (Hon. Kenneth):** Thank you so much the Hon. Chair for the Committee of Administration, Law, Justice, Constitutional Affairs, Governance and Security for a job well done. I also want to thank members of that committee and of course the technical team that put a lot of effort to make this report a reality. We know that the County Government is a body corporate that is created by law such that it can sue and be sued therefore it is imperative that the office of the County Attorney be established legally so that we as a County do not find ourselves in a quarrel whenever we are at logger heads with the law. Besides, the Government of this County may enter into a wide range of contracts that may need very clear and high level of advice, at the moment we are supposed to pass a bill of Lake Region Economic Bloc that encompasses 18 regions. Such a gathering of so many counties will require legal efforts so that the Government may not find itself in situations that it cannot move out of... Mr. Speaker, we know that the County Government is a body cooperate that is created by law and as such it can sue or it can be sued. It is therefore imperative that the office of the County Attorney be established legally so that we as a County do not find ourselves in a quagmire whenever we are at loggerheads with the law. Besides, the Government of this County may enter into a wide range of contracts that need very clearly and very precise advice before such happens. We are aware that at the moment we are supposed to pass the Bill that establishes the Lake Region Economic Bloc. This is a Bill that encompasses 14 Counties. Such a gathering of so many Counties may require a lot of legal safe guards so that the Government may not find itself in a situation where it cannot move out of it and that can only happen if we have a very strong team of legal minds that can constantly and consistently advice the government on different legal provisions that may be necessary for such an undertaking. I therefore find it quite in order that the Government in its wisdom has found it necessary to establish the office of the County Attorney. I do believe that the establishment of such an office also makes the Government to have some financial prudence.

We are aware that there are Counties that have not established such offices and have always been slapped with very huge legal fees whenever they seek the outside legal experts. The Bill has very

specific conditions on how the County Attorney can be created, the qualifications and even the entry scale of this County Attorney has also been well provided for. It has also given the Governor the lee way to take disciplinary action in case the holder of that office in accordance to the standards. I believe that this Bill is good and the gaps that had been there have already been filled by the committee and it is therefore my hope and humble pleading that all Members should expedite the process of passing this Bill and that will also include the discussions that we are having on it. For those remarks, I would wish to second.

**The Temporary Speaker** (Hon. Samo): Hon. Oraro has laid to you the report on the County Attorney Bill and it has been seconded by the Leader of Majority, I therefore open the floor for debate. Yes Hon. Otura.

**Hon. Otura:** I want to first take this opportunity to congratulate our Chair, Hon. Oraro for having guided us throughout the time we were preparing this report. Having been in this committee and as read by the Chair, I find it prudent that adherence to the legal provisions were taken care of very well. The committee also had its mandate which if we refer to by the copies which Members have, I think that it is prudent that we consider approving this motion. I believe that we did a recommendable job and that this should be passed without wasting time. I support. Thank you.

**The Temporary Speaker** (Hon. Samo): Yes Hon. Owiti.

**Hon. Owiti:** I also want to take this opportunity to congratulate the committee on Administration of Law. I want to say that this Bill is not only timely but also but will also go a long way in saving this County a lot of expenses that we have been incurring on legal suites. I rise to support and urge the other Members that we be able to support this report with full adoption in one area whereby the County Attorney should have the powers same as a CEC. I would wish to ask the committee if it is in order if the County Attorney is at the same level with a CEC, would it in any way bring controversy? because the County Attorney must also be able to report to one of the CEC which shall intern report to the Cabinet. Otherwise, having listened to the report that has been brought here, I would also support the adoption of this report. Thank you.

**The Temporary Speaker** (Hon. Samo): Yes Hon. Muga.

**Hon. Muga:** I rise to support this report since it is very noble because when I see committee functions which is on page 5 (a), I feel touched because I know that they will start all this with the Assembly. Eventhough they mostly talk at the locals on the ground but I would prefer or request that they start with this Assembly on issues of self-interest, corruption, human rights and gender especially to a woman like me. They need to make every person in this Assembly to understand their duty and their role.

**The Temporary Speaker** (Hon. Samo): Yes Hon. Ogaga.

**Hon. Ogaga:** I rise to support this report and I want to thank our Governor for the good job and the good direction that he is taking. The passing of this Bill confirms the positive direction of where Kisumu County is heading to. I want to thank the committee for the good job and I recommend them for bring to the floor of the House a nice report. When you go through it you will see that all legal frameworks were followed and the report is wonderfully done by Members of Kisumu County Assembly. I wonder why there is a mentality going around that we cannot understand deliver and communicate. That is a very wrong mentality that needs to be changed especially when we see works of the Members in different committees.

However, under clause 6, the last statement that is on page 8 and where I have a problem in this is on other criminal proceedings. Thank you.

**The Temporary Speaker (Hon. Samo):** Yes Hon. Kanga.

**Hon. Kanga:** I rise to support the Bill establishing the Office of the County Attorney. However, I will not indulge in so much. The Bill if efficiently enacted will improve service delivery and thereby save tax payers money spent on advocates or lawyers identified County Governments in matters of litigation. It will also provide structured money to which the County deals with legal issues as opposed to the current situation where the County do solicit lawyers when need arises. The office of the County Attorney will also deal with issues where residents have not cleared levies which are very critical in aspects of Finance for sustainability of our County Government. We have been seeing instances where the County instructs private lawyers who have been undertaking those duties and I believe that the legal costs will be reduced. The office of the County Attorney is not pegged on one person to ensure that there is good service delivery. The Bill gives the County Attorney the mandate to recruit legal experts who will thereby help that office in day to day running of the legal affairs of our County. Finally, we have seen instances where county Governments are entering into contracts while violating the existing laws because we have no County Attorney. I think that this is a tendency which will not reoccur when the office of the County Attorney is established thereby avoiding unnecessary court battles whereby Kisumu County is hiring lawyers to represent them in the court. Mr. Speaker, this is a case study that I believe could have not happened if we had a County Attorney. Immediately we assumed office a motion was brought in this Hon. House whereby we sent the County Public Service Board home without following the laid down procedures. That situation could be avoided if we had a County Attorney. The administrative powers of this Hon. House was quashed by an High court ruling in Kisumu here whereby the County Public Service Board were reinstated into office merely because the County did Attorney to advice accordingly in matters of jurisprudence. With those few remarks, I support this Bill. Thank you.

**The Temporary Speaker (Hon. Samo):** Thank you Hon. Kanga. Yes Hon. Agola.

**Hon. Agola:** Looking at the mood of the House, I would like to call upon the mover to reply.

**The Temporary Speaker** (Hon. Samo): Yes Hon. Oraro.

**Hon. Oraro:** Thank you Hon. Chair, I want to take this chance to thank all the Hon. Members for your contribution towards the report. I want to thank the Leader of Majority for bring it in an elaborate way on the matters concerning the report that is being debated before this House today. I just want to make it clear to Hon. Owiti concerning his worry on the County having the same powers as of those of the CEC. I want to remind him because what was discussed was not that the County Attorney will not have powers of that of the CEC because the Bill provides for the rank and status which was what was to be recommended to that of the CEC and that takes on to even the manner in which the County Attorney can be removed from office. The County Attorney has also been proposed to be sitting in the cabinet as an ex-official Member. Hon. Muga was grateful with the report in the intended Bill and asked that the County Attorney should work in the Assembly first but I would like to remind Hon. Muga that when I started the report I made it very clear that in the definition of the Bill it is imperative to note that the Bill does not delegate legislative powers of this House nor does it limit the fundamental rights and freedom. Meaning that the County Attorney will not take the powers of the County Assembly of Kisumu. The Assembly remains to be powerful than the County Attorney. Actually the office and the removal of the County Attorney is with the County Attorney.

I want to thank Hon. Ogaga for what she noticed on page 8 that is a typing error and it should read other than criminal proceedings. When there is a criminal proceeding, that is his and he will take care of it alone.

Lastly, I want to thank Hon. Kanga for giving it extensive support and I agree with him that the County Government spends a lot of money on legal advices and legal representation but when we have the County Attorney, it will be good that we have reference on who takes care of all legal matters on behalf of the Governor and the Executive. I want to remind him that we are discussing the report and supporting it and not discussing the Bill. I am very grateful and I hope that when the second reading comes we will incorporate everything in the recommendation and have a final Bill that we will present to the Governor after the 3<sup>rd</sup> Reading for him to ascend to it. Thank you.

**The Temporary Speaker** (Hon. Samo): Hon. Members, a report on the Kisumu County Attorney Bill has been brought to the House, moved seconded and debated upon; I therefore want to put a question.

*(Question put and agreed to)*

**The Temporary Speaker** (Hon. Samo): Next order!

**ADJOURNMENT**

**The Temporary Speaker** (Hon. Samo): There being no any other business to transact, this House stands adjourned to tomorrow Wednesday 17<sup>th</sup> October 2018 at 9.00 a.m.

*(House rose at 3.50 p.m.)*