

**COUNTY GOVERNMENT OF KISUMU**



**COUNTY ASSEMBLY OF KISUMU**

**THE HANSARD**

**SECOND ASSEMBLY – SECOND SESSION**

**Tuesday, 25<sup>th</sup> September, 2018**

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

**(The Temporary Speaker (Hon. Victor Rodger) in the Chair)**

**PRAYERS**

**The Temporary Speaker** (Hon. Rodgers): Hon. Members, I welcome you to this afternoon session. To our Clerks at the table, can you please take us through the Order paper of the day?

**COMMUNICATION FROM THE CHAIR**

**The Temporary Speaker** (Hon. Rodgers): Hon. Members, you are requested that immediately after this session you remain behind for a Speaker's Informal Meeting.

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

**PAPERS LAID**

**Leader of Majority** (Hon. Onyango): Thank you Mr. Speaker. Pursuant to the provisions of Section 3 of the PFM ACT, 2012, I would wish to lay on this day 25<sup>th</sup> September, 2018 before this House the Kisumu County Finance Bill, 2018, thank you.

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

**STATEMENTS**

**Hon. Atieno:** Thank you Mr. Speaker for according me this opportunity. There is something that I have noticed in this House especially in the last sittings that we have had. There is a culture of impunity that is brewing in the floor of this House and perfected by the very chair that leads this House in a manner that is disrespectful and not in-line with the law.

Mr. Speaker, you have realized that when you put a question after debate and there is the “ayes” and the “nays”. Justice requires that the majority have their way and the minority have their say. In this House you will find that when the “nays” are the majority you will still find that the “ayes” have it. This is a precedence that need to be stopped in this House because it is not in tandem with the provisions of our Standing Orders and the rules of natural justice. Mr. Speaker, I rise here to condemn vehemently and categorically that this kind of acts should not be condoned in this House, thank you.

**Hon. Okiri:** Thank you Mr. Speaker. I rise to give a Personal Statement. I am an elected Member of Kisumu West Constituency and mandated by my constituents to represent them in this House. On a daily basis they ask me to give them a progress report on my representation in this House. It is so unfortunate that I sit in the Committee of PIC/PAC which is supposed to give information regarding the Kisumu County Government including the Assembly.

Mr. Speaker, last week your Chair gave a ruling on a Statement that was sought by the Member for North West Kisumu Hon. Oraro concerning the Purchase and Supply of Furniture to the Assembly. Mr. Speaker, I need to give feedback a report to my constituents because this is public funds. To date, Members who sit in the House Business Committee have not allotted this Committee a slot to transact on the matter and my fear is that the two weeks that we were given is elapsing without the Committee being accorded authority to interrogate this matter and come up with a report. Mr. Speaker, I seek your concurrence that you rule and compel the House Business Committee to allot the PIC/PAC Committee four sitting to enable the Committee sit to prepare a report before the lapse of the stipulated timelines, thank you.

**Hon. Oraro:** Thank you Mr. Speaker. I have two statements to make. One, two weeks ago, Pursuant to the provisions of Standing Orders No. 41(b) read together with 188 (b) I sought for a Statement on the Purchase of Furniture in Kisumu County Assembly and this Statement was committed to the Committee of PIC/PAC and they were to report back to this House today. Mr. Speaker, I am seeing the Chairperson, PIC/PAC present in the House, I would request that you give her time to give us feedback on the same as it has been the tradition of the House.

Mr. Speaker, before you give the Chairperson, PIC/PAC Committee to respond on the same, I also want to give a Statement as the Chairperson, of Administration of Law, Justice, Constitutional Affairs, Good Governance and Security Committee that, two legislative proposals were committed to my Committee and pursuant to Standing Orders No. 41 (d), I would like to

inform the Members that we concluded with the Public Participation on the two Bills which are the Kisumu County Administrative (Village Council) Bill, 2018 and the Kisumu County Office of the Attorney Bill, 2018. Mr. Speaker, the Standing Orders provides that the 20 calendar days which means that we were supposed to give our reports today. Mr. Speaker, as a result of the challenges encountered on logistics, we are not able to bring back the report as stipulate by law, but we have been able to undertake all the Public Hearing pending compilation of the report. Therefore, with your indulgence, I would like to request that the Committee be accorded an extension of two weeks to compile the reports from the Public Hearing from all the 35 Wards and do the final report which we will present within two weeks. Mr. Speaker, I am requesting for the two weeks based on the experience that we had earlier, there could be challenges, there could be any eventuality that could ensure the Committee presenting the report within two weeks, so, I repeat with your indulgence we are requesting for an extension of two weeks for us to complete the report, thank you.

**The Temporary Speaker** (Hon. Rodgers): Hon. Member, the extension that you have sought is granted.

**The Temporary Speaker** (Hon. Rodgers): Hon. Owiti!

**Hon. Steve:** Thank you Mr. Speaker. I have two statements to make. First is a Personal Statement. Sometimes back I had requested the Committee on Water, Environment and Natural Resources to give a report with regards to the Discharge of Raw Effluent to our streams and rivers by Kibos allied and Sugar Industry. As we speak today, this act has continued unabated and our efforts to talk to these firms have met negative response. River Kibos and the Lia Lango Rivers, other streams serve our people despite the fact that they are in the City, our people have not been provided with piped water or clean safe and drinking water. So, these sources of rivers are the ones that provide our people with cooking water, water for drinking, even for our livestock. Mr. Speaker, as we speak our rivers and streams have been polluted to the level that even the livestock cannot even use them because they smell. Mr. Speaker, our people are suffering and we need action to be taken, because despite having raised the matter here three months ago, this matter has not been addressed. I had approached the Minister concerned, he visited these firms and the matter reported to NEMA, they visited the site and this has persisted.

Secondly, this is in-line with Bills that were committed to the Committee of Budget and Appropriation. They were four legislative proposals and the fifth Bill was committee to Finance Committee and both the Committees agreed that we have joint Public Hearings. So far, the Committee has tackled three Bills and we are supposed to make a report but the other two Bills are work in progress. I therefore request for extension of two weeks so that these Bills can exhaustively be looked into by the Public to have ample time to prepare reports to be tabled before this House. So, as Members debate the bills will be comprehensive and factual and issues that they need to take into consideration, thank you.

**The Temporary Speaker** (Hon. Rodgers): Hon. Member, the extension that you have sought is granted.

**Hon. Kanga:** Thank you Mr. Speaker. The matter I am raising in the House is a matter that I have not raised once or twice, but I have raised it severally. It seems that the directions of the Speaker is not taken with utmost seriousness. Mr. Speaker, you did give directions in this Hon. House that when such a motion is committed for example the Committee of Administration of Law, Justice, Constitutional Affairs, Good Governance and Security, it should be committed to relevant Committee. Unfortunately, it is not the duty of the Chairperson of those Committees to prepare agendas to be discussed in their various Committees. Mr. Speaker, that is the duty of the Clerk of the Assembly, but, unfortunately, the rules and procedures which I have constantly reminded this House is that the table in front there should always have at least three Clerks. Mr. Speaker, the Office of the Clerk has consistently taken the deliberations and procedures of this House for granted. Mr. Speaker, in front of you we are seeing only one Clerk and I don't know if the House is moving unprocedurally and if so, it will compel us to move a motion under Motions that can be moved without Notices pursuant to the provisions of Standing Orders No. 50 (i) when the Assembly is not moving procedurally.

The Honourable Members have always taken their time and we are always reminded on when the House is not in quorum. The procedures of this House are not taken seriously in this House. Aware that Hon. Steve raised an important matter which ought to have been taken with urgency.

I am privileged to sit in Water and Environment Committee and that matter has never reached the committee because the Clerk of the Assembly through the table Clerks are not doing their work.

We can even adjourn to know from the Clerks when they intend to take the proceedings of this House seriously. We should have motion tracker. Several motions have been committed to various committees but you cannot know what stage they are in. An office somewhere is not doing its work. It is either of the Speaker or the Office of the Clerk as required by the procedures of this House. Thank you.

**Temporary Speaker** (Hon. Victor Rodgers): Very well honourable Member. I will follow on the same and give a ruling tomorrow at 2:30 p.m. Yes Hon. Leader of Majority.

**Leader of Majority** (Hon. Kenneth Onyango): Thank you Mr. Speaker. Sometimes I think when Members raise issues that are very momentous in the future, then it would be better that the House sometimes adjourns to discuss such matters.

**(Applause from the floor)**

**Leader of Majority** (Hon. Kenneth Onyango): Because we have three important duties, that is; representation, legislation and oversight. All these other things that happen in this assembly are meant to supplement those three importance of the assembly.

If Members feel and rightly saw that the activities of this House are impaired then that calls for serious discussions under the provisions of our Standing Orders. I wish that you give guidance over this matter. Thank you.

**Temporary Speaker** (Hon. Victor Rodgers): Thank you Hon. Majority Leader. Just as you have requested that I give guidance then I promise you that will be done. I was consulting whether yours is a general statement or a personal statement. Kindly clarify so that I give a direction.

**Leader of Majority** (Hon. Kenneth Onyango): Mr. Speaker, this is a personal statement and remember I had said that I would wish that you give guidance if not today, then even in another sitting. Of importance is that we need to take the activities of the House very seriously and there are actions of omission or commissioned that impairs the proper function of the House then we need to discuss that as an Assembly. Thank you.

**Temporary Speaker** (Hon. Victor Rodgers): Thank you. Unfortunately we cannot discuss matters of personal statement on the floor. Hon. Oraro I am afraid to rule you out of order because you know the rules of the House. You can only contribute when you are given permission to so. Yes Hon. Okumu.

**Hon. Okumu:** Thank you Mr. Speaker. I rise to give a personal statement about my experience in this Assembly. Sometimes last week when the proceedings of the House were going on and I tried to advice the Speaker who was on the chair to stick to the rules, I was ruled out of order.

The following day when I was contributing without any one moving a motion on limitation on debate, I was told that my time is over. I am afraid going by how you have addressed Hon. Oraro on how you guys are gagging this House.

**Temporary Speaker** (Hon. Victor Rodgers): Order Hon. Okumu. Whom are you referring to as the guys? Can you withdraw because we don't have guys in this House?

**Hon. Okumu:** I withdraw and apologize. Am making reference on how those who have been sitting on the chair you are in have been trying to gage us into a certain way of discussing issues in this House.

Honourable Members of this House have privileges. It doesn't mean that we get unruly but we have the right to contribute. Personally, I am afraid it will reach a time that I will be denied an opportunity to talk without following the procedure. That is my sincere fear to the House and if that continues this House shall turn into a ones man's show which should not be the case. Thank you.

**Temporary Speaker** (Hon. Victor Rodgers): Yes Hon. Arao.

**Hon. Arao:** Thank you Mr. Speaker. I want give a personal statement, some of our colleagues like me have brought many motions on the floor of this House. We have been here for one year now, I have never seen any motion being implemented. This has demoralized me and it is sad that we have discussed many motions that are locked somewhere.

Where do our motions normally go to after the deliberation? Are we here to play or are we not taking our job seriously? I would suggest that we avoid motions until such a time the implementations shall begin. Chair, I want you to inform the house on the status of the various motions we have been passing here. Thank you.

**Temporary Speaker** (Hon. Victor Rodgers): Yes Hon. Owiti.

**Hon. Steve:** Thank you Mr. Speaker. When you look at Standing Order 42, it gives Members the opportunity to discuss a matter that is of great importance to the House. The Members may or may not debate it. It would be in order for Members to discuss the matter that was raised by Hon. Seth Kanga. The matters raised by Hon. Arao are very critical. Apart from the motions that we have passed, there are motions that are supposed to be developed into Acts in this Assembly.

Remember, there was a time we had invited the CEC Member to this House to Finance Committee and the response was that there are certain motions we have passed in this House that are not implementable unless they are enacted as laws. That means those motions needs to be developed into Acts of this Assembly.

In an event that we sit here and deliberate on these issues and they are thrown into dustbin it demeans the importance of this House. Therefore, I would request that you allow the Members to deliberate this matter because we have no business coming here to debate issues that shall not be acted upon. Thank you.

**Temporary Speaker** (Hon. Victor Rodgers): Yes Hon. Paul Okiri.

**Hon. Okiri:** Thank you Mr. Speaker. We are monitoring the number of times that a Member is on his feet and yet you are silent about the PIC/PAC. Kindly make a ruling on when this report shall be brought to the floor of this House.

**Temporary Speaker** (Hon. Victor Rodgers): Honourable Member, I will make a ruling on that tomorrow at 2:30 p.m. Order Hon. Okiri.

**Hon. Okiri:** Thank you Mr. Speaker. I am a senior Member of this House and the Chair made a ruling that he will give direction on that contentious matter today. The same report ought to have been on the floor today. We need to fill the loopholes that make this report to die. Thank you.

**Temporary Speaker** (Hon. Victor Rodgers): Very well. We have the PIC/PAC Chairperson and she was to give a report today she hasn't stood on the floor to say she will not give a report. Let us avoid preempting on debates. The floor is yours Hon. Otiang.

**Hon. Otiang'**: Thank you Mr. Speaker. You are aware that my Deputy is Hon. Okiri Paul and I had even asked him to be in charge of the docket because I had travelled for official duty.

**The Temporary Speaker** (Hon. Rodgers): Thank you, extension is allowed. Yes Hon. Genga.

**Hon. Genga**: I rise to give a statement under standing order no. 41 (a). I am seeking your guidance through you as the Chair a statement regarding one agro-chemical and food company that is in Muhoroni. As you are all aware that it is a company that operates within Kisumu County and there are issues that need to be addressed. I have two issues that I sought information on. I want to know in this House through the Chairperson of Labour and social services on the employment opportunities that are given being a public company owned to some extent by the Government and private investors, the employment opportunities that they have given to the local citizens as at 2018. Secondly, we know that it is a manufacturing firm and I also want to know through the respective Chairperson the affluent that is being emitted from the factory. You know very well that this is a company that is supposed to be guided under public health and there are concerns and issues that have been raised that they emit raw affluent into different streams and rivers in Muhoroni and one is River Babu and River Nyando. Thank you.

**The Temporary Speaker** (Hon. Rodgers): Hon. Kanga, allow me to give a chance to Hon. Oraro so that he does not complain that I am giving you a lot of time. Yes Hon. Oraro.

**Hon. Oraro**: Thank you Mr. Speaker, as the Hon. Member was giving the statement, I was looking at the standing order that he referred to and I was not getting it because he said 41 (a). I have looked for it and I could not find it. The kind of statement that he is giving if I can read standing order no. 41 (3) which states that;

*'A Member who wishes to seek leave to raise a matter under paragraph (2) (a) or (b) shall, before 1.00 p.m. on the day on which the statement is proposed to be made, hand to the Speaker a written notification of the matter, but the Speaker may refuse to allow the request unless satisfy that the matter may properly be discussed in the House.'*

Mr. Speaker, I would like to confirm if you have the written statement with you?

**The Temporary Speaker** (Hon. Rodgers): Hon. Oraro, you are very right and it is only that sometimes we Members are always ahead. Yes Hon. Genga, your statement ought to be in writing and signed by the Clerk of this Assembly. Yes Hon. Okiri, whom do you want to inform?

**Hon. Okiri**: I want to inform this House that I don't sit in the House Business committee.

**The Temporary Speaker** (Hon. Rodgers): Order Hon. Member, you have informed the House that you don't sit in the House business committee.

**Hon. Okiri:** Mr. Speaker, just give me one minute to expound on this. I love my Chair so much and that is why I raised to seek more time so you should have even appreciated the Chair coming to our rescue and informing the House to stand up and seek for more time. That one alone notes that I am more concerned about this report more than anybody else. Thank you.

**The Temporary Speaker** (Hon. Rodgers): Thank you Hon. Okiri, you have accordingly informed this House on what our able Chair would have done. Hon. Member, if you want to interfere with the proceedings of this House, you will be thrown out. Yes Hon. Kanga.

**Hon. Kanga:** My concern had been properly prosecuted by Hon. Oraro and you have ruled my dear friend out of order.

**The Temporary Speaker** (Hon. Rodgers): Thank you Hon. Kanga. When I said that you are an able Member of this House I meant it because you are able and knowledgeable.

Next order!

## MOTION

### 1<sup>ST</sup> READING OF THE KISUMU COUNTY FINANCE BILL, 2018

The Kisumu County Finance Bill has been read for the first time pursuant to standing order no. 121 and 122.

**The Temporary Speaker** (Hon. Rodgers): Very well, Hon. Member I therefore want to commit this Bill of the Kisumu County Finance Bill, 2018 to the Committee of Budget and Appropriation and therefore standing order no. 121 and 122 does not allow us to debate on this Bill at the 1<sup>st</sup> Reading. What is your point of order Hon. Guya?

**Hon. Guya:** Mr. Speaker, you have committee this Bill to the committee of Budget and Appropriation but you also need to direct them on when they are supposed to report back to the House.

**The Temporary Speaker** (Hon. Rodgers): Thank you very much Hon. Guya. You are very right.

*(The Temporary Speaker consulting with the Clerk at the table)*

**The Temporary Speaker** (Hon. Rodgers): Hon. Members, the Chair now do direct that the committee Chaired by the Chairperson of Budget and Appropriation to bring us a report on this Bill within 2 days from today for the 2<sup>nd</sup> and 3<sup>rd</sup> reading.

*(The Temporary Speaker consulting with the Clerks at the table)*

**The Temporary Speaker** (Hon. Rodgers): Order Hon. Members, the Chair has these corrections to make according to our standing order no. 123. The Chair did say that the report should be brought back within 2 days but after consultation with the table Clerks, I do direct that the report be brought back to this House within 21 days.

Next order!

### ADJOURNMENT

**The Temporary Speaker** (Hon. Rodgers): There being no any other business to transact, this House stands adjourned to tomorrow Tuesday 26<sup>th</sup> September 2018 at 9.00 a.m.

*(House Rose at 3.48 p.m.)*