

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – SECOND SESSION

Wednesday, 03rd October, 2018

House met in the Main Chamber at 09:00 a.m.

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

PRAYERS

The Temporary Speaker (Hon. Samo): Welcome Hon. Members to this morning session which is now on. Mr. Clerk; can you please take us through the Order Paper?

Hon. Miruka: On point of order, one of the Hon. Members of Kisumu West is naked in the House, can you please advise him to observe the dress code of the House?

The Temporary Speaker (Hon. Samo): Hon. Member, I believe that is in order as clearly mentioned by Hon. Miruka.

Hon. Okiri: On point of Order. Thank you Mr. Speaker, indeed I concur with the chair that I am not wearing a coat because I have left it in my car, it is because I was rushing so that I contribute to the motion sponsored by Hon. Miruka to give it more input. If he is in a view that I should go back, I oblige, but if I were him I could not have raised that issue to allow his motion go through.

The Temporary Speaker (Hon. Samo):Hon. Member that is noted. I believe Hon. Miruka that issue is settled. Thank you.

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

NOTICE OF MOTION

Hon. Ogotu: Thank you Mr. Speaker, I seek for your indulgence because if you can see, a Member can occupy the seat of the Leader of Majority because there is nobody to occupy that seat and I believe the session is on and we are going on with the session which I believe is not procedural.

The Temporary Speaker (Hon. Samo): Thank you for noting that Hon. Member. We may request that if the House agrees, one of the Members occupies the seat because the Deputy is not present in the House and one should take charge of that seat. Can one of the Members please volunteer? If that does not happen I request Hon. Seth Kanga to please temporarily occupy this chair so that you may be in a position to assist the House so that when issues that pertains that office are raised you can assist.

The Temporary Speaker (Hon. Samo): Hon. Ogotu that is noted and I have made the request

Hon. Kanga: On a Point of Order. Mr. Speaker I cannot occupy that seat because the issue raised by Hon. Ogotu is not a matter of the Minority Party. Mr. Speaker, as you are aware that this House has been operating procedurally because even last week you presided over an unprocedural motion so let us just continue unprocedurally without that seat being occupied.

The Temporary Speaker (Hon. Samo): Hon. Kanga, with all due respect it was an intention of one of the Members who felt that the seat should not be left unoccupied, but if we feel as a House that we can still proceed then we can just continue.

The Temporary Speaker (Hon. Samo): Hon. Ogotu?

Hon. Ogotu: Thank you Mr. Speaker, I believe that the matter was raised by I consequently I don't believe that the House last week moved unprocedurally then we should not continue moving the direction we are moving. I believe this is the right time to do things correctly and this the right procedure for us to mend the errors. I believe that Hon. Kanga has expressed his displeasure to occupy that seat but. I believe there are Hon. Members who can occupy that sit.

Hon. Kanga: On a Point of Order. Thank you Mr. Speaker. The matter I am raising is a matter of concern because it is being investigated by the Party as we speak. Mr. Speaker, the unprocedural behavior that was witnessed in this House was caused by the substantive Speaker. Mr. Speaker that day you moved and occupied that chair to stamp your authority on that unprocedural proceedings of that day. Since the anomaly was engineered and created by the Substantive Speaker and it has not been corrected, then let us continue in the unprocedural manner because this precedent was created by the Substantive Speaker. So, I don't see the need of correcting it while he has not seen it wise to correct the anomaly which transpired last week, thank you.

Hon. Linet Muga: On a Point of Order. Thank you Mr. Speaker. I want to inform the House that what Hon. Kanga is saying is the true picture of what transpired and it remains as the truth. Mr.

Speaker, if you people have decided to mislead this House by doing unprocedural things, I want to say that we are very sorry but continue that way, thank you.

The Temporary Speaker (Hon. Samo): Hon. Muga, your sentiments have been registered and I would wish to say that the Hon. Ogutu raised a point and really wanted to see this House move forward with that seat unoccupied. I don't believe that if Hon. Kanga said that he does not want to occupy that sit, then we can still move on as a House and I believe there are many Members of the Majority Party in the House on the ODM Party and any of them who wish to take charge can do so because we have Members like Hon. Ameso, Hon. Olang'o, Hon. Nancy, Hon. Inviolate all of them belong to the ODM party. So, if they don't want to represent their part and that is their sit as ODM, then we can as well still move on. If any of them feels right to take charge of the sit of Leader of Majority when he is not there, then one of them can voluntarily do so, thank you.

The Temporary Speaker (Hon. Samo): Hon. Linet, you seems to be having a burning issue?

Hon. Linet Muga: On a Point of Order. Thank you Mr. Speaker. I said that because you know very well how the House needs to run, but, if you want it to be a one man show that if it is not his way then it cannot be done we are very sorry and we need to go back to our Standing Orders and know who is right. We have got the leadership of this House who are supposed to sit in the Chair. You don't need to test the waters my telling Hon. Kanga to sit on the Leader of Majority's seat. You know who is supposed to occupy that chair. Thank you.

Temporary Speaker (Hon. Samo): Thank you very much. Your sentiments are noted and we don't need to raise eyebrows on that. It was just a light moment that a Member realized that the Majority Leader's seat was empty. The deputy is also not present in the House. Therefore any Member of ODM party can sit temporarily. If that is not happening then we can move forward to other businesses. Let us proceed.

STATEMENTS

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

Hon. Muga: Thank you Mr. Speaker. I have personal statement to make. I was a pointed to sit in the Speaker's Panel and every Member of this House knows that I have been performing my duties perfectly. I want to bring to the attention of this House that I am being frustrated. Nowadays it is a case of who is to be on the chair. I want to request whoever is responsible for the appointments to tell me of my position because I don't want to be seen as barrier to the Members. Thank you.

Temporary Speaker (Hon. Samo): Thank you Hon. Muga. Yes Hon. Florence Olango.

Hon. Olango: Thank Mr. Speaker. We only have three members of the Speaker's panel. That is Hon. Erick Agolla, Hon. Victor Rodgers and Hon. Careen Muga. I can see you are on the Chair. I don't whether you are the Deputy Speaker or not? Thank you.

Temporary Speaker (Hon. Samo): Thank you Hon. Olango. I think that should be explained directly without hesitation. Mr. Clerk can you open for us the Standing Order No. 13 and I want to read that to Hon. Olango.

(Standing Order No. 13 being read by the Clerk)

Temporary Speaker (Hon. Samo): Hon. Olango has just left. If she could be in a position to read the Standing Order and get to know what the Standing Order says that in the Assembly, the Speaker shall preside over every sitting but in his absence and that is captured in all the assemblies including the National Assembly. Yes Hon. Oiko.

Hon. Oiko Pete: Thank you but I don't know whether to refer you as the Speaker or as Chairperson of Chairs. We must get clear definitions that refer to you. It has been ruled two or three times that there is no position of the Deputy Speaker. Your position has been assumed that you are the Deputy Speaker and you know that very well.

The Kenyans courts have ruled that at the County Assembly level, there is no Deputy Speaker. They have advised that unless an amendment is made to that effect then there will be no Deputy Speaker. You are the Chairperson of Chairs and when you sit there as the Speaker, then that may bring some irrelevance.

Article 178 of the Constitution refers to the election of the Speaker and the deputy. That applies to the Senate and the National Assembly and not the County Assembly. What Hon. Olango raised is correct. The interpretation you are looking for the bush does not apply now considering the rulings that have been made by the Kenyan courts. In the judicial line, when there is a problem in the interpretation of the Constitution then the court rulings upholds.

So it is clear you are not the Deputy Speaker. It is clear you are not sitting there as a member of the Speakers panel. So give us the main portfolio you have when you are seated there.

Temporary Speaker (Hon. Samo): Thank you Hon. Oiko Pete. Unless you want to read the law selectively, may I refer you to the Constitution you are talking about? Article 178 (2) (a) and (b) of the Constitution has the same and I will request the Clerk to it together with Standing Order 2 (b) and (c).

(The Clerk reading the Article 178 (2) (a) and (b) of the Constitution and Standing Order 2 (b) and (c))

I think those provisions are very clear. Yes Hon. Kanga.

Hon. Kanga: On a point of Order. You have actually referred to yourself as the Chairperson of Chairs rather than the Speaker.

Temporary Speaker (Hon. Samo): Honourable Member, I have just given you the opportunity to speak. I have just read for you the Standing Order No. 2 (b) and (c).

The Temporary Speaker (Hon. Samo): This is a House of debate and what Hon. Kanga raised just needed guidance and it is not about me being roasted or anything. To this extent, I was just guiding him to the relevant sections of the law so that when he has time he can read them. When you were outside, Hon. Okiri, this matter of the Leader of Majority's seat being empty was ably raised by Hon. Ogutu. We have deliberated on that and I have requested if any Member of the ODM party should be able to take that seat then any Member who is willing can be able to do that. All the Members have declined to do that and partly because they are afraid of the party or whichever way.

Next order!

MOTION

SUPPLY OF HORTICULTURAL PRODUCTS TO SUPERMARKETS WITHIN KISUMU COUNTY (BY HON. RASHID MIRUKA)

The Temporary Speaker (Hon. Samo): Hon. Okiri, you are a senior Member in this House and when the Clerk is reading the motion you don't have to interrupt. I have said that while you were away the Hon. Members did raise that and I have given a plea that any Member of ODM party should be able to take the chair of the Leader of Majority and Hon. Okiri you are a member of that party. Can you take that charge Hon. Okiri!

(Loud confrontations from the Hon. Members)

The Temporary Speaker (Hon. Samo): If you don't want to take that seat and Hon. Ogutu has raised that, can we allow Hon. Miruka to proceed with the motion?

(Loud confrontations from the Hon. Members)

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

Hon. Muga: Thank you very much Mr. Speaker for seeing me from far and hearing me shouting. I want to inform you that it is you who appointed Hon. Ogutu and after Hon. Kanga declined.

The Temporary Speaker (Hon. Samo): Hon. Member, Hon. Ogutu is the one who raised that point. Kindly let us follow the law. Yes Hon. Ogutu.

Hon. Ogutu: Thank you Mr. Speaker. I think that we were on statements and I had a statement which I wish to read to this House but you have already jumped to the motion. Kindly let me raise this statement.

The Temporary Speaker (Hon. Samo): Hon. Ogutu, with your guidance I would like to inform you that we have another session in the afternoon and if you will be around, I would prefer that you bring the statement at that time. Yes Hon. Okiri.

Hon. Okiri: Thank you very much Mr. Speaker. I was leading this House to wisdom by so advising you to use standing order no. 1 to adjourn this House to 2.30 p.m and you have refused to that. I would like to tell the House that we don't have quorum to transact business.

The Temporary Speaker (Hon. Samo): Hon. Okiri, you are right but we have already given Hon. Rashid a chance to proceed with the motion. Yes Hon. Miruka.

Hon. Miruka: Thank you very much Mr. Speaker. I rise to withdraw the motion given the matter that has been raised by the acting Leader of Majority and I refer you to standing order no. 49 (1). I would wish that the same motion be withdrawn to today afternoon and I hereby ask Hon. Kanga to second.

The Temporary Speaker (Hon. Samo): Hon. Kanga before seconding that let me hear some information from the Clerk.

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

The Temporary Speaker (Hon. Samo): Hon. Miruka, this is an advice to you before Hon. Kanga seconds. You remember that whenever a motion is brought before this House, it should go through the House Business committee and it is allocated time. If you withdraw that motion, then it is not possible that the motion will come in the afternoon. That means that it will come another time that the House business committee shall have sat.

Hon. Miruka: Thank you very much Mr. Speaker. This is a House of rules, I will abide by that and I withdraw and I request that it comes back to the Assembly for discussion. I would like to call upon Hon. Kanga to second.

Hon. Kanga: I stand to second the withdrawal of the motion because if you look at the mood of the House, the Members don't have confidence of you presiding over the proceedings of this House. Thank you.

The Temporary Speaker (Hon. Samo): The motion has been withdrawn.

Next order!

ADJOURNMENT

The Temporary Speaker (Hon. Samo): There being no any other business to transact, this House stands adjourned to today Wednesday 3rd October 2018 at 2.30 p.m.

(House rose at 9.50 a.m.)