



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – SECOND SESSION

Wednesday, 17th October, 2018

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

(The Temporary Speaker (Hon. Eric Agolla) in the Chair)

PRAYERS

The Temporary Speaker (Hon. Agolla): Good afternoon Hon. Members and welcome to this session of Kisumu County Assembly. Mr. Clerk, I pass the button over to you, please take us through the business of the day?

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

COMMUNICATION FROM THE CHAIR

The Temporary Speaker (Hon. Agolla): Hon. Members, I welcome you once again to this afternoon session also to welcome Members of the Fourth Estate. I am able to see one of our guests in the public gallery, please feel most welcomed and enjoy our debates.

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

STATEMENTS

The Temporary Speaker (Hon. Agolla): Member for Chemelil.

Hon. Otiang’: Thank you Mr. Speaker. I want to give a Personal Statement and this is in regards to my Committee of PIC/PAC. Earlier on about two weeks ago we were asked to give a report. I want to tell Hon. Members that we are still working on the report and it is not ready. We are

going to table it in due course and I will notify the Office of the Speaker when we are going to table it.

Mr. Speaker, I wish to make another statement if you allow me. That the Office of the Clerk of the Assembly has not been working well with the Committee of PIC/PAC and that is to say that we had invitations for our Members to go to County of Uasin Gishu where we were invited by the House of Senate, but the letter of invitation did not come to our attention and we were not represented there. Mr. Speaker, as you are aware, if we don't interact with Members of other Counties and the Senate, we may not be able to carry-out our mandate as expected of us.

Mr. Speaker, I am also a member of the Heath Committee, there was a letter inviting us to go for a meeting, this was not also given to us. This is just to let you know that we are not happy that when letters come for Members to attend these meetings, we don't access them. Thank you.

The Temporary Speaker (Hon. Agolla): Very well next order!

MOTION

REPORT ON THE KISUMU COUNTY ECONOMIC AND SOCIAL COUNCIL BILL, 2018

BY BUDGET AND APPROPRIATION COMMITTEE

Mr. Speaker Sir and Hon. Members,

1.0 PREAMBLE

The Kisumu County Economic and Social Council Bill, 2018 is an Act of the County Assembly of Kisumu to provide for the establishment of Kisumu County Economic and Social Council as a high level advisory panel to the County Government and for connected purposes.

The Council shall carry out the following:

- i) Reflect on pertinent Kisumu County Economic and Social issues to provide content for policy making.
- ii) Create forums for the County Government, business persons, academics and research communities, labour unions and other stakeholders to deliberate on policy and development trajectories in the County.

- iii) Collect, store and analyze information on key economic development challenges facing Kisumu County and propose policy interventions for addressing the same.
- iv) Appraise County Government policies for their effectiveness in achieving economic and social transformation.
- v) Mobilize knowledge as well as technical and financial resources to support development activities conducted by the County Government and Recommend partnerships for regional and international development that involves Kisumu County.

ACKNOWLEDGEMENTS

Mr. Speaker Sir and Hon. Members,

On behalf of the Committee I am grateful to the people of this County who found time to attend the public participation exercise at the City Hall Kisumu on Monday, 24th September 2018. Similarly we extend our gratitude to Committee Members, Technical Staff and Executive Finance Department of the County Government for the role played to make this report.

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

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.

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.

Five Members of the Budget Committee shall constitute a quorum.”

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 |

COMMITTEE MEETINGS

Mr. Speaker Sir and Hon. Members,

The Committee conducted several meetings to interrogate, examine and evaluate the Kisumu County Economic and Social Council Bill, 2018. It further conducted public participation on 24th September, 2018 at City 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 to receive public view and make recommendations to the house.

COMPOSITION AND ADMINISTRATION OF THE COUNCIL

The Council shall comprise the following members:

- a) Governor who shall be the Chairperson
- b) County Executive Committee Member in charge of planning and economic planning
- c) Any other County Executive Committee members whose functions are relevant to the functions of the Council as determined by the Governor;
- d) Eight other persons appointed by the Governor, from among professionals, academics, researchers, civil society actors, business persons, labour unions, faith-based organizations, national and international non-governmental organizations and development partners from inside and outside the County nominated and appointed by the Governor on approval by the County Assembly.
- e) In constituting (d) above not more than 3 persons should be from outside the County.

FUNCTIONS OF THE COUNCIL

The functions of the Council shall be to:

- a) Create a forum in which the government, private sector and labour unions can discuss and identify policy issues and recommend to the government implementation of such policies
- b) Compile a report on socio-economic development and trends and submit such information to the County Government with appropriate recommendations;

- c) Coordinate and appraise the socio-economic programmes and activities of the County Government;
- d) Develop and recommend to the County Government coordinated policies that will promote social equity, economic growth, create employment and reduce poverty and inequality;
- e) Give its opinion, suggestions and recommendations on any matter or question incidental to its mandate;
- f) Improve the targeting of strategic objectives with a focus on the most critical social and economic needs especially in areas that have direct impact on strengthening the potential of the private sector to create employment opportunities and those that address poverty reduction;
- g) Utilize the private sector and the civil society capacities and synergy through collaboration, engagement and networking in order to promote efficiency and effectiveness of economic planning process;
- h) Liaise with existing research institutions, the universities and the Kenya National Bureau of statistics in the performance of its functions.

The Bill of Kisumu County Economic and Social Council, 2018 was received on Wednesday 5th September, 2018 together with other Bills and was subsequently laid as papers by Hon. Steve Owiti as the sponsor. It was then committed to the Committee of Budget and Appropriations in accordance with Standing Order No. 123(3) of the Kisumu County Assembly.

OBSERVATIONS, FINDINGS AND RECOMMENDATION

1. During public participation, members of the public observed that the functions of this council are similar to those of the County Budget and Economic Forum (CEBF) established in accordance with section 137 of the Public Finance Management Act. They feared that the Council if established would be a duplication of function and a waste of tax payer's money.

The Committee deliberated on this matter and noted that the CEBF mandate is limited to budget preparation process whereas, the Council will provide a holistic advisory and consultations to the County Government. This will include even sourcing for grants and

donations which will finance the County Budgets with the view of implementing strategic development priorities in the second generation of CIDP.

The committee further noted the members of this Council will only be paid such allowances as may be approved by Salary and Remunerations Commission.

The Committee recommends that the Secretariat to the Council should be drawn from the existing staff of the County Public Service. This would reduce sky rocketing wage bill which has exceeded the legal ceilings provided by Public Finance Management Act.

2. The committee observed that the Establishment of this structure is in line with section 54 (1,2,3,4 and 5)

Section 54(2) stated above mandates the Governor to chair any consultative forum established by the County.

CONCLUSION

On behalf of the Committee of County Budget & Appropriation, I would like to table this report and recommend to the House that the Kisumu County Economic and Social Council, 2018 be adopted with amendments by this Assembly on this day the 17th October, 2018

The Temporary Speaker (Hon. Agolla): Hon. Members, the Report on the Kisumu County Economic and Social Council Bill, 2018 has been tabled before this House by Hon. Khan seconded by the Chief Whip. Members have deliberated and Hon. Khan has replied as the mover of the motion. I hereby put a question for the adoption.

(Question put and agreed to)

The Temporary Speaker (Hon. Agolla): This report stands adopted awaiting tomorrow's 2nd and 3rd Reading of the same and this will form part of the Bill.

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

Hon. Oraro: On appoint of Order, I rise on Order No. 50 (e). On this Order, I would like to move a motion on the Suspension of Hon. Roy Samo as Liaison and Chairperson of Committees.

**SUSPENSION OF HON. ROY SAMO AS LIASON/ CHAIRPERSON OF
COMMITTEES OF THE KISUMU COUNTY ASSEMBLY**

The Temporary Speaker (Hon. Agolla): Fair enough Hon. Member for North Kisumu you are right; you have risen on Standing Orders No. 50 (e) and from the look of things the Orders you are standing on is categorically on Motions that can be Moved without Notice. I was unable to see your Notice of Motion in the Order paper but by the time we were going through the Order of the day, you did not raise your Notice of Motion at that time, because those are the procedures, you should have stood and moved it in the floor of the House, so that when it comes to time of Motions, it is debated.

I am afraid that according to that Standing Order No. 50 (j), it is right to move such motions, but you need to move it at the time of Notices of Motion. Now that it was not passed through the normal procedures which is the House Business, you are still allowed to move a Notice of Motion but at the time of Notices of Motion. So, your motion cannot go through unless you adhere to the due processes.

Hon. Oraro: On appoint of Order. Mr. Speaker, unless you are reading different Standing Orders. First to be guided, I am standing on Orders No., 50 (e) and not 50 (j). These are motions that may be moved without Giving Notices. Unless I am reading a different Standing Order.

The Temporary Speaker (Hon. Agolla): Hon. Member for North Kisumu, Hon. Oraro, you are very right in moving that motion under Orders No. 50 (e) and I am not disputing that, but what I am disputing is any motion without Notices, you must Give that Notice at the time appropriate...

(Members rise on Point of Orders)

The Temporary Speaker (Hon. Agolla): Hon. Members kindly hold your horses.

Hon. Muga: On a Point of Order.

The Temporary Speaker (Hon. Agolla): What do you want to inform the House Hon. Muga?

Hon. Muga: Mr. Speaker Sir, I am aware that you are blind that is the reason I want to inform you that Standing Orders No. 50 reads: "Motion which may be moved without Notices" 50 (e) reads *Motion for suspension of a Member*".

The Temporary Speaker (Hon. Agolla): Just hold your horses I need to consult with the Clerks.

(Hon. Speaker consults with the clerks)

Hon. Kanga: On appoint of Order. The motion moved by Hon. Elisha Jack Oraro, MCA, representing North Kisumu Ward is very much in order. Mr. Speaker, I want to give you a classical example of Motions that can be moved without Notice and we did this in the morning

when we were passing the Lake Region Economic Bloc Bill, 2018. A classical example of motions that can be moved without notice is one, a motion in agreement that a County Assembly Moves into a Committee of the Whole House. This we did in the morning and there was no notice to that effect.

Mr. Speaker, another classical example of motions that can be moved without notice is a motion calling for Limitation of Debate and you don't give notice when you are requesting the House to adopt the Limitation of Debate. There are several and they are from (a) to (m). The Hon. Oraro in my own view is in Order unless you want to rule with your own laws which are contrary to the Standing Orders or unless there is an Act of Parliament or the Constitution of Kenya contradicting these Standing Orders. So, I plead with you to guide the House accordingly so that we dispense off this matter once and for all, thank you.

The Temporary Speaker (Hon. Agolla): Member for West Kisumu.

Hon. Okiri: Thank you Mr. Speaker. I am a mobile Standing Order in this House and do believe that when we talk of Motion that may be moved without giving Notices, this is self explanatory and believe that I don't want to anticipate what is about to happen but believe that the Hon. Member moving that motion is right because these are motion that you don't know when they will come up a case in point is the Limitation of Debate. If we are commencing a Debate, we are not sure whether it will go past 06:30 pm and at that time a Member may rise and request an extension of the Debate and that kind of motion you cannot give Notice.

Mr. Speaker, I do believe that with your wise guidance of this House, let the Motion be moved so that a ruling be made by your Chair but you should not forget the important things as the law and the Standing Orders that we use here in the House. Thank you.

Hon. Olale: On appoint of Order. Thank you Mr. Speaker, I believe that we are guided in this House by the Standing Orders.

The Temporary Speaker (Hon. Agolla): Hon. Olale, it is your time to uniform the House because you rose on appoint of Order.

Hon. Olale: Yes it is my time to inform the House. We are guided by the Standing Orders and the Order Paper. Mr. Speaker, Order No. 6 states Notices of Motion and No. 8 states Motion and in the provisions of the Standing orders it states Motion that may be moved without giving Notices. So, my colleague Hon. Oraro is right by brining the motion while citing this Standing Order, thank you.

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. As you can read the mood of the House, there is a lot of interest in this motion and I want to implore you for the smooth running of the Assembly you allow this motion be debated so that a conclusion either way may be arrived

at. Mr. Speaker, when people ventilate freely it will help ease the pressure as witnessed in the recent past. Those are my pleading to you, thank you.

The Temporary Speaker (Hon. Agolla): Hon. Member for Kondele.

Hon. Oketch: Thank you Mr. Speaker. While rising on the same Orders No. 50, I am afraid there is what we call selective application of the rule of law in this House...

The Temporary Speaker (Hon. Agolla): Hon. Member for Kondele, I have given you chance to inform the House and not to lecture.

Hon. Oketch: Mr. Speaker, I am not lecturing this House..

The Temporary Speaker (Hon. Agolla): Which Orders are you rising on?

Hon. Oketch: Mr. Speaker, Standing orders No. 50.

The Temporary Speaker (Hon. Agolla): Standing orders No. 50?

Hon. Oketch: Yes. Unless there is a different Standing Order No. 50 and I believe there is only one.

The Temporary Speaker (Hon. Agolla): Please proceed.

Hon. Oketch: Thank you Mr. Speaker, I was using that statement just to refer to our General Procedures of this House. This is because on several instances there are motions that we have moved without giving notices and we have never seen serious objections from the Chair. Even if you check with our Hansard Records, severally the House has always done the same. So, going by the same Standing Orders, kindly look at the general mood of this House and beg that let us not use selective application of the law because we know what the Hon. Member want and he has clearly stated the Standing orders they are debating on. Kindly; I beg that be very impartial and look at the general applications of the law and the Bible of this House which is the Standing Orders and allow Members debate on this motion. Thank you.

The Temporary Speaker (Hon. Agolla): Hon. Oraro, you have the floor.

Hon. Oraro: Thank you Mr. Speaker, for allowing me to move this motion.

Mr. Speaker Sir, as per the provisions of Standing Order 50 (e) I beg to move a motion on the Suspension of Hon. Roy Samo and the Liaison Chairperson and Chairperson of Committees of Kisumu county Assembly:-

THAT, Aware that Standing Order 194. Provides for the establishment of a select Committee to be known as the Liaison Committee which shall consist of the Chairperson of

Committees as the Chairperson and the Chairpersons of all other Committees of the County Assembly.

Part (2) of the said Standing Order provides for the functions of Liaison Committee that includes-

- a) guide and co-ordinate the operations, policies and mandates of all Committees;
- b) deliberate on and apportion the annual operating budget among the Committees;
- c) consider the programmes of all Committees, including their need to travel and sit away from the precincts of County Assembly;
- d) ensure that Committees submit reports as required by these Standing Orders;
- e) determine, whenever necessary, the Committee or Committees to deliberate on any matter;
- f) give such advice relating to the work and mandate of select Committees as it may consider necessary.

Mr. Speaker, this means that the Liaison Committee is a key committee that guides the operations of all other Select Committees within the Assembly.

Part (3) of Standing Order No. 194 provides that the Liaison Committee shall consider reports compiled by other Committees which reports have not been deliberated by the County Assembly and shall report to the County Assembly on the consideration of such report. I personally have given Statement here in the floor of the House regarding the Committee that I Chair. I find it difficult to work on the Committees because the person who is supposed to guide me should be the Chairperson, Liaison Committee who has failed miserably to do so.

Hon Speaker, the Chairperson of committees has completely failed to undertake his mandate as above and has lost the confidence of members. This has been witnessed by the serious delays in the workings of the committees especially on the bills. We have Bills which were submitted to this House as early as April 2018, but we must be guided by the Standing Orders of this House and we all are aware that all Committees work under the purview of the Liaison Committee.

On the same note, the Liaison chairperson of committees has also contravened Article 73 1 (h) and 2; If you allow me I will stipulate what it says, this falls under Charter IV of the Constitution of Kenya 2010 which is Leadership and Integrity and Part (1) (h) stipulates that any Public Officer who has been selected has the powers to display integrity that does not demean the character of the other. This we have witnessed in the past that the Liaison Chair who as per the provisions of Standing Order No. 13 who acts as the Speaker whenever the Substantive Speaker is not around has not acted as per the Leadership and Integrity principles of the Constitution requires.

Mr. Speaker, section 7 of the same Leadership and Integrity Act has equally been violated by the Chairperson of Committees. I would quote several items again and again where there is a feeling

that it is the Liaison Chairperson who has completely lead to the failure of the Kisumu County Assembly as witnessed even by the public.

Hon Speaker, the purpose of this motion is therefore to request Members of the County Assembly of Kisumu to resolve that the Hon Roy Samo be suspended from being Chairperson of Committees indefinitely and that an election of another member to the post be done as per the Standing orders and rules and regulations of the house.

I call upon Hon Gard Olima (Chief Whip/MCA South West Nyakach) to second?

(Applause)

Temporary Speaker (Hon. Erick Agolla): Yes Hon. Olima Gard.

Hon. Olima: Thank you Mr. Speaker. I rise to second that this House resolves to suspend Hon. Roy Samo as the Chair Liaison. Aware that this House supersedes any other individuals in this County. This House is the oversight authority of this county. This House is the legislative arm of this Government and it is only in this House where we make laws and we expect people to follow them.

The said member has made it a routine not to follow the law and in his position as the chair for Liaison has brought a lot of illegalities into this Assembly. He has foreseen and promoted an illegality which has tarnished the image of this Assembly. It is by that we request the Honourable Members of this House to suspend the said Member and another Member be elected as per our Standing Orders to represent us as the Chair of Chairs.

Mr. Speaker, we are a live to the fact that we are in a political situation and only politics can be done outside this House. Any other thing here is legislation, representation and oversight. Nobody should bring politics and partisanship to this House. We want to say categorically that we will not allow anybody or any person to miss use this Honourable House. Thank you.

Temporary Speaker (Hon. Erick Agolla): Honourable Members, you have the floor debate on this matter. Yes Honourable Member for Ahero Ward.

Hon. Ooko: Thank you Mr. Speaker. I stand to support the motion moved by Hon. Oraro. The Chair for Liaison has a core mandate in this Assembly to coordinate the activities of other committees. Which he has failed to do. We have committees that travelled to Nairobi to do reports. Up to date, they have never been facilitated.

Mr. Speaker, this is a serious matter in this Assembly and I think the motion has come at the right time. I fully support the motion. Thank you.

Temporary Speaker (Hon. Erick Agolla): Yes Hon. George Ogutu.

Hon. Ogutu: Thank you Mr. Speaker. I rise to oppose this motion totally. This is the time for this House to unite. We cannot achieve it by suspending other Members. I have heard people talking about procedures and rules and they are the same people that messed up this House from the beginning when they were in power. They were drunk with power. We never questioned the criteria that was used to appoint people in this House.

We have got different leaders in this House but did we ask how these positions were given to us. All these are illegal procedures. If an individual is going to be crucified then let us just go back to the basic and follow the law. We know those that brought us to this mess. I oppose this motion.

Temporary Speaker (Hon. Erick Agolla): Yes Hon. Misachi.

Hon. Misachi: Thank you Mr. Speaker. I want to tell you a story. I was suspended for eleven months by the Members of the first Assembly. There is no way whether it is Standing Order 50 (j) or (c) we can use to suspend a Member who is here courtesy of the electorates to represent them on the floor of the House. I believe this House stood as one and the self-seekers are messing this House. If we don't sit somewhere and think and recollect where we went wrong then we should prepare for the worst.

I rejected the appointments that were made in the August House. People were appointed to positions and they were very happy that they carried the day. Where are we today? What has happened to us today? You are all the beneficiaries of impunity because you appointed yourself to those positions and now you cannot forge ahead and you are coming back and bouncing on us.

We must think on where we want to take our county to. We are not the only people in this county. We are not here to play with the deliberations of this House. It is sad to have some few Members who are out to derail the House. I want to say that, the Leader of Majority and the Majority Whip, please lead by example. Thank you.

Temporary Speaker (Hon. Erick Agolla): What is Hon. Atieno?

Hon. Atieno: Thank you Mr. Speaker. I just want to make a little clarification on the statements that has been adduced by our senior Member. What is at stake is the suspension of Hon. Roy Samo as the Chair for Liaison and not as the representative of Kajulu Ward. That should be very clear.

Temporary Speaker (Hon. Erick Agolla): Very well. Yes Hon. Beatrice Odongo.

Hon. Beatrice Odongo: Thank you Mr. Speaker. First of all am very disappointed today. I want to oppose the motion because the procedures of this House are not being followed. Our standing Orders are very clear on how you could move a vote of no confidence on the Chair.

The motion mover has quoted Standing Order No. 176. We have got the Liaison Committee which is chaired by Hon. Samo. The Members of that committee are in this Assembly. It is their role to have the vote of no confidence on their chair during the committee sittings. The Standing Order No. 13 dictates very well the chair of committees. I have never known the Chair of Chairs doing anything wrong in line of his duties. I oppose this motion and wonder when the assembly shall begin to do its role. Thank you.

Temporary Speaker (Hon. Erick Agolla): Yes Hon. Minority Leader.

Hon. Ojuok: Thank you Mr. Speaker. I stand to oppose this motion and I want us to submit that we never learnt from where we come. We are now making a trap for others to fall into and yet others also made the same trap that we are into today. We had once said that we want to unite this Assembly and discuss topics of development to this county. I have never been told that the characters of Liaison Chair has been discussed in the committee.

We cannot practice legislation by mob justice. It doesn't mean that when you are so many on idea then the idea is right. We know of the decisions that were made in this House that the people were so many and today they are the ones crying. If your judgment was poor then or you were dishonest then, we cannot perpetuate that dishonesty and continue digging our own holes.

We can sit down as a house and share on what is wrong and how we are supposed to do our things. I remember we were called all sorts of names when we were opposing certain things in this House. The same people are now the ones lecturing us on the rules to be followed. At one time somebody sat on the Chair and said that *nays* have it while the *ayes* were so many. We must start to do things a fresh. We might have been wrong but we must start to do things the right way. Thank you.

Temporary Speaker (Hon. Erick Agolla): Yes, Hon. Majority Leader.

Leader of Majority (Hon. Kenneth Onyango): Thank you Mr. Speaker. I would wish to inform the Member who was on his feet that we don't come here when emotional about some of these issues. The issues that have been raised needs to be canvassed by the powers of our brain. You don't need to be emotional. The questions that have been raised needs to be put in context. Do they have substance? Are there errors of commissions that has been committed and if so what precipitated some of this errors of commission? These are fundamental issues that must be asked.

Mr. Speaker, we are aware that the committee activities are being impeded in a very serious manner. Is that true or not true? What are the causes of that impediment? These are serious issues that we must be a live to. You don't have to be emotional. We just need to be objective and address this matter because this forms the core of activities in this House.

I have said countless times that this Assembly is supposed to legislate first. To oversight and then to represent. These are the fundamental responsibilities that our electorates endowed us

with. When we can't perform some of these functions as per the expectations of our electorates then we must ask ourselves, where does the rain began to beat us from?

These are issues that we cannot avoid to point out. We must be brave enough and ask ourselves what is the problem? We cannot mourn all the time. We can't be crying babies all the time. We must be able to ask these fundamental questions. So that, once and for all we put these issues behind us. When we become emotional we shall loose direction.

The problem that is bedeviling us in this Assembly are not confined to them or us. I said that when the impeachment motion on the Speaker was brought and it was a serious violation of the constitution and must be investigated, I appealed to my party ODM to consider taking disciplinary action because the name of party was put into disrepute on that day. I believe even when we are on the extreme left or on the extreme right, sense must prevail at some point. So that we separate what is sensible from what is senseless.

This afternoon, it is my conviction that what we are addressing ourselves to is a very sensible issue that must be debated by the content of the great matter between our ears. Not by our emotional outburst. Thank you.

Temporary Speaker (Hon. Erick Agolla): Yes, Hon. Arao.

Hon. Arao: Thank you Mr. Speaker. There is one important element that I want to put across. Two wrongs do not make a right. It is high time we sit down and talk as the Members of this House. We have watched on television and read on the newspapers that the dignity of the MCAs is at stake.

The members of the fourth estate are with us today in this House and you know very well what they shall report. I was not elected to come and fight for positions. The issues we are having can be sorted out through the *kamukunji*.

Temporary Speaker (Hon. Erick Agolla): What is it Hon. Okiri?

Hon. Okiri: On appoint of order, I do not know whether it is in order for the Members to say that there are certain issues we cannot address. The press is here to report on the actual developments on the ground whether positive or negative. It is not our responsibility to give the press the positive part of the Assembly only. They need to capture all the sides of the Assembly. Thank you.

Temporary Speaker (Hon. Erick Agolla): Proceed Hon Arao. I want to categorically say that am not on any side. We are mature people. We can sit down and talk as the Honourable Members of this Assembly. I want to inform the Members that today you are in office and tomorrow you shall be kicked from the position. It is better to have time with such Members and talk to them to change on their characters.

Hon. Muga: On appoint of information. Thank you very much Mr. Speaker. The Honourable Member has just confirmed to us that the Assembly has been running on smoothly. I want to inform you that we witnessed some chaos last week that were caused by Hon. Samo. That was the case yesterday. Kindly speak the truth.

Temporary Speaker (Hon. Erick Agolla): Proceed Hon. Arao.

Hon. Arao: We had a meeting with our party on the same matter that the Honourable Member is raising. We cannot be fighting in this House every day. Let us wait for official communication from the party on the same matter. We need to show leadership to the party and to the residents of Kisumu County. I disassociate myself from the Members who are fighting for self-gain.

Temporary Speaker (Hon. Erick Agolla): Hon. Arao, it is either you support the motion on the floor or not.

(Loud consultations)

Hon. Arao: Thank you Mr. Speaker.

Temporary Speaker (Hon. Erick Agolla): What is it Hon. Seth Kanga.

Hon. Kanga: Thank you Mr. Speaker. The motion by Hon. Elisha Jack Oraro has been moved appropriately and seconded by Hon. Majority Whip. You opened the debate on the motion procedurally. Hon. Arao has mentioned in his statement the word fighting for more than five times. I don't know what the Member means because I have never seen members fight in this House. My prayer is that Hon. Arao should withdraw that statement and apologize to this House. Thank you.

(Applause)

Temporary Speaker (Hon. Erick Agolla): Hon. Arao can you withdraw and apologize.

Hon. Arao: Mr. Speaker, I withdraw and apologize but it's true that Members do fight in this House. This matter is with the party and we need to wait for the communication from the party. Thank you.

Temporary Speaker (Hon. Erick Agolla): Yes Hon. Ojwang Jacktone.

Hon. Ogendo: Thank you Mr. Speaker. I want to correct Hon. Arao and inform him that once a debate has commenced in this House it is mandatory for whoever wants to contribute to state whether he/she is supporting or not. Hon. Arao is like watermelon in this House.

I stand to support this motion because the matters raised by Hon. Oraro are very weighty. Let us not be carried away with the past thing like I have heard some Members clinging on the bad

precedence that was set in this House. What we are doing is to repair what has been warned. As a Member who has been fighting from the onset to the point that I was suspended from the House.

Hon. Carren: On appoint of information, I want to inform Hon. Arao. You have said that Kisumu County Assembly has been going on so well. I want to tell you that last week there was a lot of chaos in this Assembly which was caused by Hon. Roy Samo. Yesterday there were so many issues caused by Hon. Roy Samo. I want you to say the truth if you want to help this house because truth will prevail. Thank you.

Hon. Arao: I was on my way to the point that the Hon. Member has raised. We are all aware that our party ODM called us and talked to us and we are still waiting for their report concerning that matter which has been raised by the members but we cannot fight every day. We were not elected to fight. We need to show leadership and we need to show it to the public. I disassociate myself with members who are fighting for self interest....(interrupted)

The Temporary Speaker (Hon. Agola): Hon. Arao, the motion on the floor is either you support or oppose.

(Members are in audible)

Hon. Kanga: On appoint of order, the motion by Hon. Oraro has been moved appropriately and seconded by Chief Whip Hon. Olima and you opened it for debate but Hon. Arao in his statement has mentioned the word fighting at least five times. We do not know why Hon. Arao is insinuating that we are fighting.

The Temporary Speaker (Hon. Agola): Hon. Kanga, with due respect, what is your prayer?

Hon. Kanga: My prayer is that since you have opened the motion for debate and members have obliged, it would be appropriate for Hon. Arao to withdraw and apologize to the house. Thank you.

The Temporary Speaker (Hon. Agola): Alright Hon. Members, as you know the Speaker is blind unless you noticed that Hon. Arao is violating the rules of the house. Hon. Arao can you withdraw and apologize?

Hon. Arao: I withdraw and apologize but the clips are there that shows the MCAs fight in this house and that is for the record. My point is specific that the matter is with the party and we need to wait and work as a family. Thank you.

Hon. Ojwang: First, I stand to correct Hon. Arao that once the debate has commenced in this house, it is mandatory to state whether he is supporting or opposing.

The Temporary Speaker (Hon. Agola): Hon. Ojwang, it is unfortunate that Hon. Arao has already finished talking.

Hon. Ojwang: I stand to support this motion. What has been raised by Hon. Oraro are weighty matters. Let us not bring issues like some Hon. Members claiming of bad precedence that was set in this house. All that we are doing is to repair what has been worn and as a member who has been fighting from the beginning, the matter being raised is not coming from the election that was done. It is the appointments that were done illegally. What we need to ask is whether Hon. Roy Samo violated the constitution. Did Hon. Roy Samo perform his duties according to the functions laid by our Standing Order? The answer is no. He has not been conducting his duties as guided by the Standing Orders and I think it is high time we bring our house in sanity. I do not like it when Hon. Members bring blame in each and every issue that are letting Kisumu down. Just in the morning we passed a bill which is going to be an Act, is that not work? Before us is a report that was brought by the Budget and we want to pass it, how does Kisumu come in? This is our house and we must put it in order. I stand here to support that Hon. Roy Samo should step down not as a member of Kajulu but as a chair of Liaison because he has failed to do his duties correctly. Thank you.

Hon. Ngeta: Thank you for giving me this opportunity. I oppose the motion brought by Hon. Oraro. As you can see, we are building bridges and it is not the time for Hon. Members to jump in with such kind of motion. The motion he brought before the house has no mandate to remove the Chair of Chairs in his seat and I stand to oppose and I urge Hon. Members to learn from the past. Let us be mature enough and focus on our agendas.

Hon. Genga: Thank you Mr. Speaker. As you can see, this hon. House has mixed views on the debate and that is what we call democracy. I stand here to support the motion for the removal and suspension of Chair of Chairs. Yesterday, I stood before this hon. House and we raised various concerns about the conduct of the affairs of the Assembly. We want to inform you that as the committee that runs the Assembly, we are very much aware of what is happening. The core mandate of the Assembly is defined in the constitution and Hon. Members seated in this Assembly all know their core duties which is to Legislate, Oversight and Representation. The question before this very house today is very simple and basic. Is the Hon. Chair of Chairs discharging his duties to the benefit of this County Assembly? The answer is no. The Hon. Chair of Chairs has subrogated his duties, he has abandoned what he is supposed to do and we are very much aware that he is busy presiding over an illegalities and unprocedural matters in this house. If members have no confidence in the Liaison chair, the chair who should be running matters of the Assembly, and Mr. Speaker you can attest to this. I even raised this matter today, that one fundamental thing that will drive Kisumu County Assembly to better heights is not lectures like we are in a lecture hall. We want members to leave their positions that they do outside this Assembly, and come to debate with each other. One Hon. Member said clearly that there were precedence that were set before. The very question is this, are we going to run the affairs of the Assembly the way they are supposed to be? Or are we going to look back and say there were precedence that were set before? Every single member is a beneficiary of that process. Like the Minority Leader in this house, he knows very well that you should follow the

constitution. We even question the legality of that position he is holding and I am not afraid to say that. Kindly Mr. Speaker protect me so that I finish what I am contributing to.

The Temporary Speaker (Hon. Agola): The Minority Leader, what is it?

Minority Leader (Hon. Philemon): On appoint of information. I stand here with absolutely no doubt in my mind that I am the only second largest party which is Ford Kenya. If you count parties here, it is ODM and the second is Ford Kenya.

The Temporary Speaker (Hon. Agola): With due respect, what do you want to inform the house?

Minority Leader (Hon. Philemon): I want to inform the house on what the Member is talking about.

The Temporary Speaker (Hon. Agola): That you are a member of Ford Kenya?

(Laughter)

Minority Leader (Hon. Philemon): No, Mr. Speaker, do not harass me.

The Temporary Speaker (Hon. Agola): Resume your seat, kindly Hon. Genga continue with your debate.

Hon. Genga: Thank you. I also want to thank you for standing up to the debates in this house. As I was saying the motion before this house has been ruled to be here procedurally and I ask for your protection again. We are being told that there were illegalities and precedence that were set before in this Hon. House. Those are the very things we said because every member of this house including the Minority Leader because they are beneficiaries. The party he is talking about does not make it a threshold for him to be minority leader in this house but we agree as this house and we had debated on this..... Mr. Speaker you are giving the Minority Leader a lot of leeway, I want to conclude on my debate please protect me.

Hon. Philemon: On appoint of information, that Hon. Genga is not a lawyer and he is not a constitutional court and there is nowhere the second largest party is indicated to be the Assembly Party.

The Temporary Speaker (Hon. Agola): I want to advice the house to stick to the motion.

Hon. Genga: I appreciate I am not a lawyer but an accountant by profession. A member of Kisumu County Assembly representing Muhoroni/Koru Ward. I am debating on the motion that is before the house and we are discussing the suitability of the Chair of the Chairs if indeed he is discharging his functions. There are issues that have been there before, several chairs have raised concerns. Committee works are impeded. That is where we need to base our arguments. I

can assure that each and every committee will attest to you that no single report has been brought to this house, not because they cannot be discharged.....

Hon. Odongo: On appoint of information, I want to inform the house that the hon. Member speaking on the floor is a chair and each chair in this Assembly must know his/her own roles.....

The Temporary Speaker (Hon. Agola): Hon. Member, you are completely out of order. Hon. Members allow me to advice you. Each and every member is allowed to express his/her views so just allow Hon. Genga to finish.

Hon. Kanga: On appoint of information, I want to inform the house according to standing order no. 2 based on interpretation. The purported Hon. Minority Leader has continued to interrupt the house based on his contribution. A party should consist not less than 5% of membership of the County Assembly. The purported Hon. Minority Leader is a single member of Ford Kenya and the Standing Order is very explicit on this.

The Temporary Speaker (Hon. Agola): Hon. Members, I had already advised and I think you are now deviating from the debate. Hon. Minority Leader, you are not allowed to speak, you must be given opportunity.

Hon. Genga: As you can see, you have a very robust house and I wonder the kind of rumours that sometimes goes outside that this is a house that is full of dart members. We are looking at the conduct and functions of the chair of chairs. As I conclude, I want to say that you make a wise ruling because you can even see the mood of the house. Thank you.

Hon. Otura: I rise to support the motion and before I proceed, I want to request hon. Members that sobriety is of importance in this house. There is no need for emotional response. Precedence, and not more that three times in this house that I stood to talk of the precedence being set. It is now evident in the floor of the house that there were irregularities being exercised and are now in the fore.

Hon. Ogutu: On appoint of information; I need protection Mr. Speaker, I have been threatened in this house and I am saying this; I was not elected by these hon. Members. I was elected by my electorates. I have been threatened by hon. Olale and Hon. Guya.

(the house is disorderly)

The Temporary Speaker (Hon. Agola): Hon. Ogutu, you should thank the chair for having not punished you for being rude in the house because you left your seat and crossed over which is a violation of rules of this house.

(Applause)

Hon. Otura: I want to start by telling the house that the motion at hand must be discussed appropriately. Standing Order no. 13 (4) was the genesis of the problems we were talking about. If we talk of the conduct of the liaison chair and the integrity, it had already been noticed here before, when the Chair of Liaison Committee suspended a motion which was never even moved in the house. It had never been even read by the Clerk meaning it was not in the order paper. That calls for the discussion of conduct and integrity. What was there then was an injustice to this house and what is now on the floor is the justice which is the right cause which we long for. The injustice then was constituted by Hon. Roy Samo and you wonder. The chair of chairs has failed us and that is why we have to discuss him today.

Hon. Ngeta: On appoint of order, I want the Hon. Member for Ombeyi to quote the misconduct of Hon. Roy Samo. The Hon. Member is misleading the house.

Hon. Olale: On appoint of information, today I am a very quiet person but I am being provoked. I have been provoked twice, one by Hon. Ogutu and two by Hon. Ngeta. I would wish to request you to protect me and inform Hon. Ngeta to expunge my name from what he talked about. Thank you.

Hon. Ngeta: I have never called Hon. Olale's name. If he has a problem we can take him to Aghakhan for some further checkup.

The Temporary Speaker (Hon. Agola): Hon. Ngeta, we are in a house of order. You have just mentioned Hon. Olale's name. If you did mistakenly can you please withdraw and apologize.

Hon. Ngeta: Because of the respect I owe you Mr. Speaker; I can just withdraw and apologize.

Hon. Otura: I want it to go in record that what was done here on 12th September 2018 was a grave misconduct by hon. Roy Samo. Let justice be prevailed. Let Hon. Members follow the right cause so that we can bring sanity in this house.

Hon. Omoro: I oppose this motion. This is a house guided by standing orders and that is the rule. I will be very brief. Standing Order No. 159 – discharge of a member from a committee (Reading the standing order) What is contained in that standing order has not been done and therefore an illegality. Standing Order No. 176 states that (Reading the standing order) Passing a vote of no confidence.

Hon. Ojwang: I believe we are also learned in this house and I would not hesitate to point out when the Hon. Member is misleading the house. I would like to inform him that the Standing order no. 159 talks of discharging a member from the committee, we are not discharging Mr. Roy Samo, we are suspending Mr. Roy Samo from chairmanship of Liaison.

I will not allow a Hon. Member to mislead the House by reading the standing order. I would like to inform the Hon. Member who was on his feet that standing order no. 49 is talking about

discharging a Member from a committee and not suspending the Chairman and in this case we are not discharging Hon. Samo from that committee but we are suspending Hon. Samo from being the Chairman of that committee.

Hon. Omoro: Thank you Mr. Speaker, standing order no. 176 states that;

Quote standing order

Mr. Speaker we are treating the Liaison Chair and some people have mentioned here that he is like the Deputy Speaker and some people are just saying that he is just a mere committee Member and there are rules to remove a mere committee Member and a Chairperson of a committee. Let us follow the law. Regarding the mandate or the function of the Chair of Liaison as stated in standing order no. 194, he is the Chair of Chairs. About 2 weeks ago the Liaison committee met and came back to us that they have apportioned finance for various committees.

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

The Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker, it is indeed very sad that Hon. Omoro has the courage to lecture us on procedures of this House. I want to inform him that the genesis of this problem started with him when he decided to violate the provisions of standing order no 52 and therefore he does not have the moral high ground to lecture anybody on procedures of this House.

The Temporary Speaker (Hon. Agola): Hon. Members, for the interest of time, may we allow Hon. Omoro to proceed?

Hon. Omoro: I won't comment on what my good friend is saying but I just wish to remind him that he is a teacher and teachers have good memory and teachers can be good judges. Just a few weeks ago the Liaison committee met and came back to us that they have apportioned finance for various committees. Upto date the various Chairpersons of the committees have not informed their Members on how much they are given and on how they intend to use this. The mover of this motion is just on a wide fishing expedition which cannot even catch the smallest fish in Lake Victoria. I oppose.

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

Hon. Muga: Thank you very much Mr. Speaker, I rise to support the motion. When you look at the constitution of Kenya 2010 article 73 (1) it talks about the Liaison Chair who is a leader once he is in this House. It says that he has to demonstrate the respect to his people of which he has not been doing. The Liaison Chair purported himself to be the Deputy Speaker and got salary which was irregular. It is in this House which ruled and it is in the standing order and it states that there is nothing like a Deputy Speaker.

As we are seated here the standing order mandates for only three Members of the County Assembly to form part of the Speaker's panel who were appointed by the Speaker. The Liaison Chair imposed himself to be a Member of the speaker's panel and he is earning allowance from it. All these are irregularities and if the motion is brought before the House that he needs to be suspended then I fully support.

The Temporary Speaker (Hon. Agola): Yes Hon. Obura.

Hon. Obura: Looking at the mood of this House, I would like to call the Mover to reply.

The Temporary Speaker (Hon. Agola): Yes Hon. Oraro.

Hon. Oraro: Thank you Mr. Speaker. I want to appreciate all the Members for the manner in which this debate has been carried out. When we were starting the debate we had a quite number of the press and they have left simply because we are orderly. If we would debate with chaos, I am sure that the number would have increased.

I want to reply to Hon. Ogotu whom I thank for opposing the motion but I agree with his sentiments that when people are drunk with power, let the other people who are available to be drunk with knowledge. My motion was not about being drunk or power. My motion was strictly on the suspension of Hon. Samo as the Chairperson of Liaison.

Hon. Misachi informed the House that we should not suspend a Member from this House. I want to inform Hon. Misachi that my motion was strictly on the suspension of Hon. Samo as the Chairperson of Liaison and not as the Member of Kisumu County Assembly.

May I take this opportunity to respond to Hon. Beatrice Odongo who in her contribution took us through a section of the standing order which talks of vote of no confidence for the Chair of a committee. I believe that she already got the answer that we are talking of the suspension of Hon. Samo as the Chairperson of Liaison who is not elected or appointed like any other Member. The Chairperson we are talking about is not any other person but the Chairperson of other Chairs. She went ahead and talked about standing order no. 13 quoting that if you want to know the roles of Liaison committee, you go to standing order no. 13. The roles of Liaison Committee is found in standing order no 194 and not standing order no. 13.

May I respond to Hon. Ojuok who in giving his reasons suggested that it is important to discuss the suspension of the Chair in Liaison Committee and not through mob. Mr. Speaker, I wish I could have asked that he withdraws the statement because I believe that there is no mob here. We have Hon. Members who are discussing soberly. There is no provision in the standing order where you remove the Liaison Chairperson in the select committee of Liaison. I also want to thank the Leader of Minority for bringing it to our attention that the Speaker always go contrary to the views of the Members and it means that he is also confirming that there is a problem.

Thank you the Leader of Majority, you have made it very simple that as Hon. Members we need to learn and to differentiate what is of sense and what is of senseless.

I want to respond to Hon. Arao that we in the Assembly come from different levels but when we are in the Assembly, we are Hon. Members and our roles are only three; representation, oversight and legislation and we are guided by the standing orders of this House. Therefore I find his sentiments out of order.

Nobody compelled me to bring this motion, I decided alone after reading the standing order, the constitution, the County Government Act and as per the experience that I have gained in the past few months that I have been in this House.

May I respond to Hon. Ngeta who alluded to building bridges. Thank you for saying that it is important to build bridges but as per the several times that we have met as Members of the County Assembly of Kisumu and agreed on the same level we still experience the same things. There is only one solution and the solution is to solve the problem. The problem is to suspend Hon. Samo from being the Chairperson of Liaison.

May I respond to Hon. Omoro. First of all it is quite unfortunate when I was hearing the sentiments from Hon. Omoro taking us through the standing orders and I almost fainted. He is one Member that I did not expect to raise a single statement on procedures in this House. But he has the right to contribute. If you read the constitution section 178 and read standing order no. 13 you will understand that the Chairperson of Liaison is not like any other person in this Assembly.

With those few remarks I still urge that Hon. Samo be suspended indefinitely as the Chairperson of Liaison since he has failed in his mandate and another Member be elected as per the standing orders of this particular House. Thank you.

The Temporary Speaker (Hon. Agola): Hon. Members, citing on standing order no. 1 part (2) which talks about precedence, when you look at the National Assembly on the case of Hon. Raila Odinga vs Kalonzo Musyoka that who represents the Government in the National Parliament. The then Speaker Hon. Marende did sought for time to give a ruling and direction standing order no. 1 part (2) in relation to standing order no. 51 (3) and part (1) states that;

‘At the conclusion of the debate the speaker shall put a question’

At this time Hon. Members it is my time to put the question. If I use standing order no. 51 (3) which states that;

‘Despite paragraph 2 the Speaker may but on the request of Members refer the putting of the question to the following day in which the Speaker shall nominate a time in which the question shall be put;’

Hon. Members, with due respect allow me to defer this question to Thursday 25th October 2018 at 2.30 p.m. Yes the Leader of majority.

The Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker, you know we want to start moving forward by following the procedures of this House and standing order no. 51 (2) as you have rightly put it reads;

'At the conclusion of the debate the speaker shall put a question'

Part (3) reads;

'Despite paragraph 2 the Speaker may but on the request of Members refer the putting of the question to the following day in which the Speaker shall nominate a time in which the question shall be put;'

That section is very explicit and there is nobody who has requested that this motion be referred. This issue creates unnecessary anxiety in this House. The sooner we dispense of it the better for the wellbeing of this House. I want us to be guided by the standing orders. Thank you.

The Temporary Speaker (Hon. Agola): Very well, before I quoted any clause or any standing order, I started with standing order no. 1 which gives me the powers to use any section of the standing orders. I have not denied you an opportunity to vote but I have just deferred the question according to our standing orders. Hon. Members can we please resume our seats.

(Loud consultations)

The Temporary Speaker (Hon. Agola): Hon. Members, I am afraid that I may not and cannot revert my ruling.

Next order!

ADJOURNMENT

The Temporary Speaker (Hon. Agola): There being no any other business to transact, this House stands adjourned until tomorrow Thursday 18th October 2018 at 2.30 p.m.

(House rose at 4.35 p.m.)