

**COUNTY GOVERNMENT OF KISUMU**



**COUNTY ASSEMBLY OF KISUMU**

**THE HANSARD**

**SECOND ASSEMBLY – SECOND SESSION**

**Wednesday, 19<sup>th</sup> September, 2018**

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

**(The Temporary Speaker (Hon. Carren Muga) in the Chair)**

**PRAYERS**

**The Temporary Speaker** (Hon. Muga): Good morning Hon. Members, welcome to this morning session and I have noticed that we don't have the requisite quorum in the House. When you look at the Provisions of Standing Orders No. 32 (2) it states that if there is no requisite quorum when the Chair is occupied at the appointment of the session, immediately after the saying of the prayers, the Speaker shall order the Quorum Bell to be rung for a period of five minutes. I therefore order the Office of the Serjeant-at-Arms to ring the Quorum Bell for five minutes.

*(Quorum Bell rung for 5 minutes)*

*(House resumes after attaining the requisite quorum)*

**The Temporary Speaker** (Hon. Muga): Leader of Majority, please confirm if the House has attained the requisite number required to commence business?

**Leader of Majority** (Hon. Onyango): Thank you Madam Speaker, I can confirm that there is requisite quorum.

**The Temporary Speaker** (Hon. Muga): Thank you. Can the Clerk please take us through the business of this morning?

### COMMUNICATION FROM THE CHAIR

**The Temporary Speaker** (Hon. Muga): Thank you Hon. Members. I have the following communication to make from the County Government of Kisumu. This was a letter addressed to the Office of the Clerk and it reads;

#### **RE: ALLOWANCES FOR MEMBERS OF THE KISUMU CITY BOARD.**

Pursuant to the Provisions of Section 25 of the Urban Areas and Cities Act. This Office has sought the indulgence of the Salaries and Remunerations Commission (SRC) on the above subject matter. While a waiting for communication from the above Commission on the same, I have equally sought your opinion if it is in order to use the Allowances as set in the SRC Circular No. SRC/ADMIN/ADN/CRI/1. 2013. It was dated 16<sup>th</sup> April, 2018 to pay Members of the Board as a Stop-gap measure while awaiting the final decision of the Commission.

In view of the fore-going, I am seeking your concurrence from the Assembly on the same.

Dr. C Olang'o Onudi, County Secretary, Kisumu County.

This is copied to the Office of the Speaker and the City Manager.

Hon. Members, the list before me has been approved by the Office of the Speaker, and wish to commit it to the Committee of Labour and Social Welfare and bring a report back to the House if the law allows this, thank you.

**Leader of Majority** (Hon. Onyango): On appoint of Order, I did not know if the procedures of this House have fundamentally changed because that is a report from the Executive and it is not supposed to be communicated from your Chair which; out of necessity needs to be tabled in a procedural way and that is when you can be able to commit it..

**The Temporary Speaker** (Hon. Muga): Which Orders are you citing?

**Leader of Majority** (Hon. Onyango): Madam Speaker, that is a report and it should be a paper being tabled, because for you to commit it to a relevant committee of the House, it means that you are tabling a paper which procedure dictates that it should be done in a proper way.

**The Temporary Speaker** (Hon. Muga): I request the Leader of Majority to approach my desk to enable us consult.

*(Leader of Majority approaches the Speaker's desk for consultation)*

**The Temporary Speaker** (Hon. Muga): Hon. Members, I want to request the Hansard to expunge that communication from the records of the Assembly.

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

### PAPERS LAID

**Leader of Majority** (Hon. Onyango): Thank you Madam Speaker. I want to lay before this House a Communication from the County Secretary, Kisumu County concerning the issue of Allowances payable to Members of the Kisumu City Board, thank you.

*(Paper laid before the House by the Leader of Majority)*

**The Temporary Speaker** (Hon. Muga): Thank you Leader of Majority. I now commit the paper tabled before us on Allowances payable to Members of the Kisumu City Board to the Committee of Labour and Social Welfare, thank you. This matter needs to be treated with utmost urgency because Members of the Board need these Allowances. Let me give them one week to report back to this House.

**Hon. Kanga:** On appoint of Order, Thank you Madam Speaker. I request that through the indulgence of the Labour Committee to respond appropriately because Members of this Committee are present in this House because you may give them one week which might not be sufficient and request that you seek their opinion so that they respond to this matter and dispense with haste, thank you.

**The Temporary Speaker** (Hon. Muga): Thank you for that. Any Member of the Labour and Social Welfare Committee present in the House?

**Hon. Oiko:** Thank you Madam Speaker for committing the paper to the Labour Committee. As it has been raised by Hon. Kanga, one week may not be sufficient because we have other activities that are being worked on fore this week and the next. Madam Speaker, please accord us two weeks commencing next week. We will struggle to convene a meeting and bring a report before this House. Two weeks commencing next week will be appropriate.

**The Temporary Speaker** (Hon. Muga): Thank you Hon. Oiko who is a Member of the Labour Committee. It has come from the Chair that we accord them two weeks. This is granted.

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

### STATEMENTS

**Leader of Majority** (Hon. Onyango): Thank you Madam Speaker once more. I want to inform, Members of the House that today at 10:00 am, there was an activity going on that is very important in our County at the Kisumu Sports Ground. There is a UNESCO Sponsored Cultural Extravaganza which is going to be presided over by the CEC in-charge of Sports and probably the Cabinet Secretaries in the Republic of Kenya.

Madam Speaker, I would like to request Members through your indulgence that a Supplementary Order Paper be prepared so that the House may adjourn for that activity. If that is okay with the House, thank you.

**The Temporary Speaker** (Hon. Muga): Leader of Majority, I have not gotten you well because you are bringing it to the House that we need to adjourn. Is that what you are proposing to the House?

**Leader of Majority** (Hon. Onyango): Thank you Madam Speaker, we always get constant guide and my colleague Hon. Kanga you all know that he is a stickler for House procedures, he has reminded me that once the Debate of the House terminates, then I can probably move a Motion for Adjournment under the provisions of Standing Orders 50 (b). Thank you Hon. Kanga, I believe that will cure that little problem, thank you.

**The Temporary Speaker** (Hon. Muga): Leader of Majority, I believe you should have indulged the House what Orders 50 (b) states so that Members get acquainted with your intentions.

**Leader of Majority** (Hon. Onyango): Thank you Madam Speaker. Standing Order 50 talks of Motions which can be moved without Notices. Order 50 (b) is motion for the Adjournment of the County Assembly or of a Debate. Madam Speaker, I believe that when the time comes, then I will properly move that Motion of Adjournment so that we may attend to this very pertinent function, thank you.

**The Temporary Speaker** (Hon. Muga): Leader of Majority, I want to request you to come clear. You are proposing that the Adjournment be as from today to which date?

**Leader of Majority** (Hon. Onyango): Madam Speaker, I am saying that I don't want to preempt because it is a debate which I am yet to move. So, if I want to go to the nitty-gritties, then I will be preempting debate which will be contrary to the provisions of our Standing Orders, so, kindly allow that time to reach, then we will cross that bridge, thank you.

**Hon. Okiri.** On appoint of Order, Thank you Madam Speaker, I believe we are still in the segment for Statement and do believe that what the Leader of Majority is saying differs from statements. If he is able to move this motion pursuant to the provisions of 50 (b) which allows motion to be moved without giving notice, then, he is at liberty to do that instead of wasting time.

**Hon. Oraro:** Thank you Madam Speaker. I rise on Standing Order No. 41 (2) (d) as the Chairperson of Administration of Law, Justice, Constitutional Affairs, Good Governance and Security. There is a planned Public Participation that should start from tomorrow 25<sup>th</sup> of this month. I am worried that up to this moment, we did a schedule for the budget and things are not moving the way they are supposed to.

The committee will move out tomorrow to meet the constituents at the Ward level, which means we need to have the copies of the Bills. We need to have proper logistics for the exercise but I feel constrained because I am getting concerns from the Members. With your indulgence and the Leadership of the kindly, help to fast track this so that we move effectively. Thank you.

**Temporary Speaker** (Hon. Muga): I think that should go direct to the Leader of Majority. Let him say something.

**Leader of Majority** (Hon. Kenneth Onyango): Thank you Madam Speaker. Yes, I know that we shall be having Public Participation from tomorrow and I also know the arrangements are being carried out currently to facilitate that exercise. This is an exercise that is very important. The Assembly knows it and it had even advertised it. It cannot therefore shoot itself on the foot by allowing it to fade. Thank you.

**Temporary Speaker** (Hon. Muga): Thank you. I hope Hon. Oraro is convinced that things are in pipeline.

## MOTION

### SUPPLY OF HORTICULTURAL PRODUCTS TO SUPERMARKETS/CONVENIENT STORES IN KISUMU COUNTY

BY

HON. RASHID MIRUKA

**Hon. Miruka:** Thank you Madam Speaker. Pursuant to Standing Order No. 49, I wish to request for your indulgence to withdraw this motion for today so that we create time to attend a national function that is being co-hosted by Kisumu County and Unesco. I ask Hon. Okumu to second. Thank you.

**Temporary Speaker** (Hon. Muga): Thank you very much Hon. Miruka.

**Hon. Seth:** I second.

**Hon. Okiri:** Madam Speaker, Allow me to guide this House. A Member has just decided to withdraw this motion but he needs to inform the when he intends to bring the motion back.

**Temporary Speaker** (Hon. Muga): Yes Hon. Miruka.

**Hon. Miruka:** Thank you Madam Speaker. Allow to quote what Standing Order No. 49 (1) stipulates. *A notice of motion may be withdrawn by the Member who gave the notice, but notice of the same Motion may be given again either by the same or by any other Member.* It doesn't talk about time frame.

**Temporary Speaker** (Hon. Muga): I want to put a question for the withdrawal of the said motion.

**(Question put and agreed to)**

**Temporary Speaker** (Hon. Muga): What is it Leader of Majority?

**Leader of Majority** (Hon. Kenneth Onyango): Madam Speaker, I want to move motion of adjournment under Standing Order No. 50 (b) read together with standing Order No. 31. I want to indulge that this House adjourns so that we may attend a very important national function that is being hosted here in Kisumu.

We are also aware that this House shall undertake a Public Participation tomorrow on the subjects of the Bills that are before this House. Consequently, I propose that this House do adjourn until Tuesday 25<sup>th</sup> September, 2018 at 2:30 p.m. I would wish to request the Deputy Majority Leader to second.

**Hon. Pamela Odhiambo:** Thank you Madam Speaker. I rise to second the motion that we adjourn the House until Tuesday 25<sup>th</sup> September, 2018 at 2:30 p.m. This is based on the reasons that have just been mentioned by the mover. Thank you.

**Temporary Speaker** (Hon. Muga): Honourable Members, a motion on adjournment of the House until Tuesday 25<sup>th</sup> September, 2018 has been moved by Leader of Majority and seconded by Hon. Pamela Odhiambo respectively. It is now open for the debate. Hon. Okiri.

**Hon. Okiri:** Thank you Madam Speaker. I stand to oppose this motion. As you have listened to the mover of the motion, he talked of the activity that is going on at the Sports Ground. The Majority Leader should not purport to take the function at the Sport Ground seriously because the motion itself is not even appearing on the Order Paper.

It so unfortunate that a Member can withdraw a motion of bigger importance because of a small function that is taking place at the grounds. We need to take our businesses seriously and the Leader of Majority should be taught a lesson. He cannot be bringing to the House motion of adjournment that are based on the minor issues.

**Temporary Speaker** (Hon. Muga): What is it Hon. Kenneth Onyango?

**Leader of Majority** (Hon. Kenneth Onyango): Madam Speaker, I am so much dismayed but of course I understand that Hon. Okiri has got the penchant of dancing to the gallery. I did rise on a

very definite Standing Order that provides, out of necessity that sometimes we can move motions without notices and I went ahead tied the same with Standing Order No. 31. I therefore wonder the Honourable Member is blowing hot and cold. Thank you.

**Temporary Speaker** (Hon. Muga): Hon. Okiri you been referred to two Standing Orders. Kindly adhere to those provisions. Yes Hon. Ooko.

**Hon. Ooko:** Thank you Madam Speaker. I stand to oppose the adjournment of the House as moved. Yesterday, I received the invitation to the Unesco event and when I went there in the morning, I found tents being erected. If we must adjourn then let it be in the afternoon. Thank you.

**Leader of Majority** (Hon. Kenneth Onyango): On a point of information. Madam Speaker, I want to inform the House that His Excellency the Governor will arrive at the venue at 11:00 a.m. So that assertion that we adjourn in the afternoon is quiet misleading in this House. Thank you.

**Temporary Speaker** (Hon. Muga): Order Hon. Arao. What is it Hon. Atieno?

**Hon. Atieno:** Thank you Madam Speaker. I rise to oppose the adjournment of this House. Hon. Leader of Majority cannot take this House for a ride. He cannot ambush the House with the motion of adjournment and if this event was planned long time ago then he would have brought the motion yesterday. We have got serious matters to deliberate on as a House. He desist from taking this House for granted otherwise we shall teach him a lesson that he shall never forget. Thank you.

*(Laughter)*

**Temporary Speaker** (Hon. Muga): What is it Hon. Arao David.

**Hon. Arao:** Thank you Madam Speaker. I wasn't doing any wrong. I only thought you could only see the big Members. I only wanted to capture your attention. I want to oppose the adjournment of the House. This is not a one day program. We can create time and go at different time and I am very sure even the mover of the motion shall not be spending the entire day at the venue.

**Temporary Speaker** (Hon. Muga): What is Hon. Kenneth Onyango?

**Leader of Majority** (Hon. Kenneth Onyango): I am wondering if it is in order for the Honourable Member to speak on my behalf when he alludes that I may not be at the venue. Let me put it straight, this is not about the Majority Leader. I don't know why am being guillotined in the House. I respect this House so much and what happened is that I got official communication concerning the same yesterday in the evening. That is when I got a letter of invitation. I could not have brought the adjournment motion when we had not been officially

been invited to the function even though we knew that such function could take place. I want to emphasize that I respect this House so much.

**Temporary Speaker** (Hon. Muga): Yes Hon. Ogendo.

**Hon. Ogendo:** Thank you Madam Speaker. I don't think our Leader of Majority is right when he says that he didn't get the official communication. It is high time that the Majority Leader should respect this House or else we shall discuss his conduct.

We got communication yesterday and the same way he is moving the motion he could have as well do it yesterday. By saying that he was not in a position to move it yesterday then he is lying to us or he is not taking his job seriously. It is high time we discuss his office and conduct in this House.

**Temporary Speaker** (Hon. Muga): What is Hon. Ojuok Philemon?

**Hon. Ojuok:** Thank you Madam Speaker. I want take this opportunity to say that it is important for us attend this particular function. If it is true that this motion could have not been moved by the time communication it reached the Majority Leader then we need not to attend.

**Hon. Kanga:** Jomo Kenyatta sports ground is just a walking distant from this Assembly. I would like to know the facilitations that the Members are talking about. I don't want to be informed Madam Speaker and I am equally more informed more than the Hon. Member who wants to inform me right now.

**The Temporary Speaker** (Hon. Muga): I am very sorry Hon. Kanga; you cannot preempt what Hon. Obura wants to inform you. Yes Hon. Obura.

**Hon. Obura:** I am sorry I was not going to inform the Hon. Member but I would like to bring to the attention of the Chair that at no any point did these Hon. Members say that they wanted facilitation so that they can go to the sports ground and I want that to be clear to this House. What we said is that we were not given due time on the information so that we can go to the event. Thank you.

**The Temporary Speaker** (Hon. Muga): Proceed, Hon. Kanga.

**Hon. Kanga:** Madam Speaker, I want to say that this event that is sponsored by UNESCO and partnering with the County Government of Kisumu has been in the public domain for the last three months through Media channels. Everybody in this city or in the entire Country knows that there is an important cultural event which as an Assembly we have a culture committee dealing with matters of culture. Kisumu County is also a reach County of culture. It is only yesterday that the Governor of Kisumu launched a management committee that is going to manage that huge stone in Seme called Kitmikayi and that shows that Kisumu County is a County of reach culture.



**The Temporary Speaker** (Hon. Muga): What is it Hon. Ojuok.

**The Leader of Minority** (Hon. Ojuok): I would like Hon. Kanga to clarify if he is insinuating that this Hon. House is to be informed through social Media.

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

**Hon. Kanga:** Madam Speaker, I did not mention that the House should be informed through social media but I said that it is in the public domain through various channels of communication. I am saying as a Member of Kisumu County, as a resident and as a Member of County Assembly representing the people of Market Milimani that I am pleading with the Hon. Members so that we adjourn to attend this important meeting even if the Hon. Members are saying that the Leader of Majority ambushed them with this motion. It is in the standing order where it says that there are motions that can be moved without giving notice. So I don't know why Members should crucify the Leader of Majority. The motion which we were to discuss today has already been withdrawn by Hon. Miruka. I don't see why we should indulge ourselves with the business of this House and there is no motion to discuss. I am pleading with the Hon. Members so that the Motion can go through and we go to the event. Thank you.

**The Temporary Speaker** (Hon. Muga): What is it Hon. Ngeta.

**Hon. Ngeta:** Thank you Madam Speaker for seeing me a little bit late after standing for a while. I want to put across and urge Members that this is Hon. House and we don't want to violate the powers and Privileges of this House. This House is an institution on its own. I want to urge all the Members of this House including you as the Chair of today that we need to respect this House. We are not supposed to be informed through social media and other communication media.

**The Temporary Speaker** (Hon. Muga): Excuse me Hon. Ngeta, you are talking of a violation in this House and you are putting it that seemingly all Members in this House have violated any rule of the House. Can you elaborate?

**Hon. Ngeta:** Madam Speaker, I said that this is a Hon. House and we are supposed to be respected like any other institution. So whatever comes to this House should be in order through writing or any other communication but not through social media. Thank you.

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

**Hon. Joachim:** I stand to vehemently oppose the adjournment motion. We are a Hon. House and we have pride and dignity to protect. The occasion that is taking place at sports ground is an official occasion that the House Leadership ought to have taken seriously. People preach rules and regulations in this House but when it comes to an international event, we want to be informed through a whatsapp or facebook post. This House is not a bedroom that belongs to

someone where you can send a whatsapp message to your wife but this is a Hon. House and we demand the leadership of this House to respect our Members. And that is why if they felt that they wanted Members to attend such an occasion we had to be informed earlier enough because I can see that these are very busy Hon. Members and we have plans. Just for a lesson, we Members deserve a little bit respect and I urge the Members of this House to oppose the adjournment so that it acts as a lesson to whoever wanted to push this motion to support a motion when he knows that he has failed in his duties. Thank you.

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

**Hon. Miruka:** I rise to support the motion.

*(Loud laughter)*

**The Temporary Speaker** (Hon. Muga): Order Hon. Members.

**Hon. Miruka:** I said that I rise to support the motion. This is a National event that is being supported internationally. Despite the timeline that we have gotten, I want to request you to swallow your pride. Let it not go in History that we co-hosted an event with UNESCO and we refused to attend. This is the object of the function and it is to promote National cohesion. Let us not settle our scores in this Hon. House. I want to plead to you Members as the Chairperson of culture and sports that you did not get the information in good time but indeed you got it through other Media and our Leader of Majority also pleaded with you that despite having gotten the message here, why don't we adjourn and attend the function. All Counties are here with us in Kisumu and it would be wrong when Members of Kisumu County Assembly are not attending alongside others. I want to plead with you that as a matter of fact and a matter of priority let us swallow our pride so that we can adjourn the House and attend the event at the Jomo Kenyatta sports ground. Thank you.

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

**Hon. Ogutu:** I stand to oppose this motion. I think that as the Members have said that the Hon. Members of this House should be taken seriously. Some of the CECs don't take us seriously and this should be a lesson to them especially the CEC for sports. I don't know what is wrong with this particular CEC because we have information that the letters were distributed long time ago. The clerk of this Assembly should also take us seriously. The letters were brought to this Assembly some time back and I saw some letters lying there and these letters were not distributed. What were these letters doing at the Clerk's office?

I was given by somebody a letter outside this premises and that is not Honorable enough. Let us reject this motion in totality. Thank you.

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

**Hon. Khan:** I rise to support this motion reasons being that this is the fourth annual event being held in the Country and Kisumu County has been honored to host this event. We are aware that the communication came very late that is to say; documentarily but we had prior information through whatever method that we are going to host such an international event in our county. Some years back there was a UN cry about our great treasure by the name Omieri which was important to us and especially us the people who come from Nyakach that we are going to see it today and the days which are coming and it shall be officially delivered to us. We are also going to look at our culture and our cohesion and as you are aware that Kisumu County has been presented to host then this is the only chance that we can correlate with ourselves as the people of Kisumu County and other communities.

On the other hand, if we the host do not sincerely want to be part and parcel of this, it would go down.

**The Temporary Speaker** (Hon. Muga): What is it Hon. Ojwuok?

**Hon. Ojwuok:** I just wanted to clarify that a number of the people who are supporting the adjournment that actually the reasons that they are giving are the reasons that should make this House not to be adjourned. When you say that some other Counties are there, it means that this communication is not being done in the Assembly now...

**The Temporary Speaker** (Hon. Muga): Hon. Ojwuok, are you contributing towards the motion?

**Hon. Ojwuok:** I said that I am standing on a point of clarification.

**The Temporary Speaker** (Hon. Muga): Hon. Ojwuok, you are out of order. Proceed Hon. Khan.

**Hon. Khan:** Madam Speaker, as per the invitation that I received which was in black and white which stated that it is the fourth event which is being held annually and it was honored to be given to Kisumu to host it. What I am saying is that I support this motion because there are fundamental issues that will be indirect or direct especially to the people of Kisumu. Thank you.

**The Temporary Speaker** (Hon. Muga): What is it Hon. Otura?

**Hon. Otura:** I would like to ask the mover of the motion to reply.

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

**The Leader of Majority** (Hon. Kenneth Onyango): First, I want to apologize if the Members go this motion very late. Madam Speaker, there is a tendency which also concerns me by the Executive giving us information very late. Just a short while ago there was a paper that was being table in this House and I had not seen it. As a matter of procedure it needs to come to me.

It is a concern that I am going to raise today with the County Secretary so that this thing does not happen today because as a matter of fact the House needs to be taken very seriously. I want to plead with you that it is not out of my making that I am bringing this adjournment motion today. As I told you that I received the information very late and I would not have asked for the adjournment motion by way of seeing the information on social media. When I got the letter yesterday in the evening that is when I felt compelled to ask for the adjournment motion. Otherwise I want to plead with the Hon. Members to kindly let us join the Governor in welcoming this very important and specious occasion in our County. Thank you.

**The Temporary Speaker** (Hon. Muga): Thank you very much the Leader of Majority. I now want to put a question before the House that we adjourn the House for the cultural function today Wednesday 19<sup>th</sup> September 2018 to Tuesday 25<sup>th</sup> September 2018.

*(Question put and agreed to)*

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

### **ADJOURNMENT**

**The Temporary Speaker** (Hon. Muga): There being no any other business to transact, this House stands adjourned to Tuesday 25<sup>th</sup> September 2018.

*(House rose at 10.30 a.m.)*

