

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – THIRD SESSION

Wednesday, 20th March, 2019

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

(The Temporary Speaker (Hon. Inviolate Adhiambo) in the Chair)

PRAYERS

The Temporary Speaker (Hon. Inviolate): Good morning Honourable Member?

STATEMENTS

Temporary Speaker (Hon. Inviolate): Yes Hon. Seth Okumu.

Hon. Okumu: Thank you Madam Speaker. I rise to give statement under Standing Order No. 42. It is so sad that there is motion and we just re-align the committees and we hoped that the House Business Committee will give us something to discuss in this House. We have Members in this House who can deliver in this committees. It is also sad that you are sitting on the Chair while there is no business to discuss. How are you going to learn to transact business in the House when there is nothing on the Order Paper?

Madam Speaker, through your ruling today, you must instruct the House Business Committee to give us motions. I was there in the House Business Committee and I told the Statements brought in this House can form discussions. There are so many statements that has been given in this House and no responses issued. We are about to adjourn this session and there is nothing substantial to discuss.

Madam Speaker it is not good for us and it is not good for the people of Kisumu County. If only we knew there was nothing and nothing would be on the Order Paper then we would have brought important statements for discussions. We must rise up and give Kisumu County a name that befits her. Thank you.

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

Hon. Muga: Thank you Madam Speaker. I stand to inform the Member who has just spoken that the Members of this House are very serious. We took our time at Sosa to come up with various motions. I think the Members are very serious and there is laxity on the side of the Clerk whom we gave the responsibility of drafting motions. Thank you.

Temporary Speaker (Hon. Inviolete): Yes Hon. Okiri.

Hon. Okiri: Thank you Mr. Speaker. This is unusual assembly. Assembly that cannot have motions. The taxpayer's money is being used in this assembly. We have a committee that determines what to be transacted in this House. Some of us have sold cows to be in that committee. If you checked on the House Business Schedule, this is the same committee that sat yesterday. The Salaries and Remuneration circular allows that every Member should be sitting four times a week in the plenary.

Temporary Speaker (Hon. Inviolete): Yes Hon. Miruka.

Hon. Miruka: Thank you Madam Speaker. I have an Honourable Member alluding to the fact that some of us have sold cows to be in the House Business Committee. I want him to give names. Thank you.

Temporary Speaker (Hon. Inviolete): Proceed Hon. Okiri.

Hon. Okiri: Thank you Madam Speaker. We have got an Assembly Whatsapp group and the Honourable Member is a Member of that group. He also contributes a lot on the platform. There is no single day he has opposed it. He needs to go through the conversations there and get the facts right.

Madam Speaker, the House Business Committee sat yesterday and I wonder why they failed to give the House something to discuss. They must stop selling their cows to be in that committee. Thank you.

Temporary Speaker (Hon. Inviolete): Yes Hon. Ogutu George.

Hon. Ogutu: Madam Speaker, I wanted to react on utterances of Hon. Okiri and he has just sat down. Therefore my response has overtaken by events. Thank you.

Temporary Speaker (Hon. Inviolete): Hon. Carren Muga.

Hon. Muga: Thank you Mr. Speaker. I am in this House to represent a certain group of people and we are a number in this House. It was recently discussed in this House that we were to be given some staff to assist us in our day today activities. That was in the month of November. They have not been getting their salaries up to this moment. This is very demoralizing for us as the nominated Members of this House. I therefore request the Chairperson for Welfare Committee to look into this matter. Thank you.

Temporary Speaker (Hon. Inviolete): What is Senior Member?

Hon. Okiri: Thank you Madam Speaker. I am rising on Standing Order No.50 (h). That is under the motions that can be moved without giving notice. This motion is about the privileges of the Members. You are aware and it has been said my colleague who has just resume the seat that our nominated Members are being given a raw deal. A letter was send by the Salaries and Remunerations Commission showing that the nominated Members must be given some staff and rental fee.

We as the elected Members are getting it and why not the nominated colleagues. The neighboring County Assemblies are implementing it. Why not us? I want to implore you to allow us discuss this motion and come up with a solutions to this matter. It will be extremely unfair for us to burry our heads in the sad for the woes that our colleagues are facing.

Allow me therefore, to call upon Hon. Beatrice Odongo to second this motion that the nominated Honourable Members of the Kisumu County Assembly to be given the office rent fee and the their support staff to be paid their dues. Thank you.

Temporary Speaker (Hon. Inviolete): Yes Hon. Odongo.

Hon. Beatrice Odongo: Thank you Madam Speaker. I stand to support the motion as brought forward by Hon. Okiri. There was a circular towards the same and it is very unfortunate that nothing has been done about. I second the motion.

Temporary Speaker (Hon. Inviolete): A motion has been moved by Hon. Okiri and seconded by Hon. Beatrice Odongo. I therefore subject it for discussion on the floor. Yes Hon. Muga.

Hon. Muga: Thank you Madam Speaker. I want to begin by thanking Hon. Okiri for finding it appropriate to bring this motion on the floor. This is one area that has made us make strides backwards as the nominated Members of this House. We have people that normally helps us in our work and it is obvious that they would want some money at the end every month.

We always interact with fellow legislators from other counties and I can confirm to you that the nominated Members from Siaya, Nyeri and Busia County Assemblies are paying for this. Why are being denied this even after receiving the circular. Why our colleagues who are elected are

getting this allocation and we are not? I want to plead with the Honourable Members to pass this motion so that we can also be able to pay our rental fee and the staff. Thank you.

Temporary Speaker (Hon. Inviolete): Hon. Ogutu.

Hon. Ogutu: Thank you Madam Speaker for giving me a chance to echo my voice on the motion. It is true that the nominated Members should be given their rightful share of the offices and the staff salaries. If you can recall, this allocation was factored in the last Supplementary Budget but unfortunately the very people who are now complaining are the ones that helped the former Chair for Budget and Appropriations to remove those allocations.

Madam Speaker, it is not late to look into it again because we are bringing another Supplementary Budget in this House that has the said allocation and I want to urge the nominated Members to support the budget when it comes to the floor of this House.

Temporary Speaker (Hon. Inviolete): Order Hon. Ogutu. What is Hon. Beatrice?

Hon. Beatrice Odongo: On a point of information. I want to inform the Honourable Member that we have the copies of the budget that was passed. The allocation was there and it is what was uploaded. Unless they have another budget which we don't have and was never uploaded. Thank you.

Temporary Speaker (Hon. Inviolete): Yes Hon. Leader of Majority.

Leader of Majority (Hon. Kenneth Onyango): Thank you Madam Chair. I rise on Standing Order No. 90. I want to say that Hon. Ogutu is taking his joke too far because there is this narrative that has been developed that the budget was mutilated to the extent that virtually there is no budget that has funds. I want to confirm that as a Member of this committee that the nominated MCAs were given proper budgetary provision so that they can get office space and two extra staff.

You know sometimes some of this issues gets into our heads until we don't know the difference between what is real and what is not real. Precisely the kind of attitude that is being exhibited by my good friend. Nevertheless, the point I wanted to drive home which is very critical is that.... I don't want to be informed because my good friend belongs to that band wagon of we. I believe I have made my point. Thank you.

Temporary Speaker (Hon. Inviolete): Yes Hon. Ojuok Philemon.

Hon. Ojuok: Honourable Speaker, I have seen where this motion is coming from. The Leader of Majority is so much in it. They have not uploaded the budget. We are not begging for the budget. Protect me Madam Speaker.

Temporary Speaker (Hon. Inviolete): Yes Hon. Genga.

Hon. Genga: Thank you Madam Speaker and congratulations for your new role. I can see you are moving well. I believe you be up to the heat of the moment. I am rising on Standing Order No. 90. Responsibility on Statement of facts. Hon. Ogotu is alluding that we, as a matter that is serious as the budget. That is very unfortunate. Two, we have heard words being thrown around and I want to ask through your chair that the Member should substantiate and if that not going to be done then let the necessary action be taken.

There is no way an Honourable Member can allude that a fellow Honourable Member mutilated the budget. We know the implementers of the Budget. Let the Honourable Member come out clearly if there is truth to that effect. Otherwise, I am allowed to take criminal proceedings against the Honourable Member. Thank you.

Temporary Speaker (Hon. Inviolete): Hon. Seth and then Hon. Beatrice Pamela.

Hon. Kanga: Thank you Madam Speaker. I don't know why some Members are still on their feet even after you have given the direction on who should talk. The Honourable Leader of Minority is gone but he was on his feet to inform the Leader of Majority. Instead of giving information, he went further and distorted the same information by insinuating that it is the prerogative of the Leader of the Majority to upload the budget.

It is in the public domain that the responsibility of uploading the budget lies somewhere in the Executive. Rather than standing to give information, he went further to distort the information. He should apologize to this House and likely to the Leader of Majority. Thank you.

Temporary Speaker (Hon. Inviolete): Hon. Philemon, you need to apologize.

Hon. Ojuok: Madam Speaker, the Honourable Member for Market Milimani stood on a point of order when I was also on a point of order. He ought not to have talked in the first place.

Temporary Speaker (Hon. Inviolete): Kindly apologize to the Leader of Majority.

Hon. Ojuok: The Leader of majority interrogated himself. They had even talked of South Sudan...

Temporary Speaker (Hon. Inviolete): Order Hon. Philemon. We want to move forward, kindly apologize.

Hon. Ojuok: I request that as I do that then let them also apologize for calling me Sudan. I apologize to Leader of Majority.

Hon. Kanga: Madam Chair, with due respect I apologize but he used to work in Sudan. Thank you.

Temporary Speaker (Hon. Inviolete): Thank you. Honourable Members, moving forward, let us allow Hon. Ogotu to finish his contributions. What is it Hon. Guya?

Hon. Guya: Thank you Madam Speaker. The motion was moved by Hon. Okiri and seconded by Hon. Beatrice Odongo and in the contributions of Hon. Ogutu he has clearly stated that it is the same people that interfered with the budget. Is he implying that Hon. Okiri is the one who interfered with the budget so that nominated Members cannot get what is legally and rightfully belongs to them?

Temporary Speaker (Hon. Inviolete): Let us allow him to finish.

Hon. Ogutu: Thank you Madam Speaker for second opportunity. You all know what happened to the budget. They have talked of the offices. The nominated Members were to be hosted at the Nakumatt. That is a fact. The budget that was passed had that vote head and it was letter expunged by the budget Chairperson. I don't need to explain that. Thank you.

Temporary Speaker (Hon. Inviolete): Yes Senior Member.

Hon. Misachi: Thank you Madam Speaker. I forget the nominated colleagues and we call ourselves Members of this House then we shall not get things right. I want to tell you that the Members of the last Assembly are still coming to this place looking of moneys which were not paid to the rightfully.

As Members of this Assembly, let us be united and look for what belongs to us. I want to say that let the Leader of Majority come clear and let it be known to him that he is leading both the nominated and elected MCAs. He should see to it that the special Members of this Assembly has offices and their staff paid. Let us unite and get what belongs to us.

Temporary Speaker (Hon. Inviolete): Proceed Hon. Beatrice Pamela.

Hon. Beatrice Pamela: Thank you Madam Speaker for finally giving me this opportunity. I want to correct my friend who claiming that the budget was distorted and the uploaded budget is different from what was passed. That is not true. I have the uploaded budget and at one point, I offered to share it with the Members.

If we all remember correctly, when we passed the Supplementary Budget there was an allocation for office rent for the nominated MCAs and there was an allocation for extra two partisan staff. That same budget was uploaded because what was used to upload the budget was the Hansard. So for the Honourable Member to claim that the budget was mutilated and the budget that was uploaded was interfered with is a lie. He needs to apologize to the House. He should debate from a point of information.

Madam Speaker, I am perturbed that four months down the line we are still asking for what legally belongs to us. When we passed the budget we included those things that are being talked about. This was in recognition of a circular from CRA that all Members of the County Assemblies are

equal. It is disturbing that we have to beg that a circular from the National Government be implemented and yet it has already been factored in our budget.

Madam Speaker, it is my prayer that you order the offices that are concern to implement the budget because the money is there and provide the MCAs with the two partisan staff and the office rent. Thank you.

Temporary Speaker (Hon. Inviolete): Yes Leader of Minority.

Hon. Ojuok: Thank you Madam Speaker. It is true that all Members are equal and I want our Members who are specially nominated to take their work seriously. Let them serve the people they are representing in this House. I would also urge that let the uploaded budget be implemented....

Temporary Speaker (Hon. Inviolete): Hon. Olale.

Hon. Olale: Thank you Madam Speaker. I would want to inform this House that Hon. Philemon is challenging the responsibilities of the specially elected Members. I want to ask him that, how is possible to effectively discharge their duties when there is no funds to use? Let him understand whatever he is talking about. Thank you.

Hon. Ojuok: I made that statement with an intention. There is a group that wants to incite my colleagues to achieve a particular goal. I would really urge..... Madam Speaker, I need your protection.

Temporary Speaker (Hon. Inviolete): Point of information Hon. Obonyo.

Hon. Obonyo: Ahsante Bi. Spika. Ningependa kuomba mwenzangu kwamba aseme ukweli kuhusu hili jambo la waakilishi spesheli. Sisi kama wajumbe wateule tunafahamu vyema jukumu letu na tunayafanya. Changamoto zipo vile mmeyasikia. Ahsante.

Temporary Speaker (Hon. Inviolete): Hon. Okiri.

Hon. Okiri: On a point of order. Thank you Madam Speaker. I am rising on Standing Order No. 106 (d) and (e). That is under *grossly disorderly conduct*. Under your ruling, the Minority Leader must apologize for giving information that he cannot clarify.

Temporary Speaker (Hon. Inviolete): Hon. Philemon kindly apologize.

Hon. Ojuok: Thank you. I apologize for my remarks. I also want to congratulate Hon. Okiri for taking Members through Standing Order 106. Thank you.

Temporary Speaker (Hon. Inviolete): Hon. Kanga.

Hon. Kanga: Thank you Madam Speaker. I stand to support the motion by the few following reasons. I want to encourage and encourage the Members who are specially elected because they

have exhibited exemplary leadership starting from you as the Madam Chair. Yesterday we saw the Chair for Labour Committee who is specially elected and not forgetting other Members who are specially elected.

Madam Speaker, I want to confirm that I sit in the Budget and Appropriations Committee and in the last Supplementary Budget we did passed some funds for the specially elected Members. The House eventually passed that budget and it was uploaded in the system. Taking into consideration that implementation of the Budget of the assembly lies squarely with the Assembly Service Board.

Madam Speaker, I want to bring to your attention that the Honourable Members who have exhibited exemplary leadership in respect to specially elected Members includes one the vice-chairperson of the Assembly Service Board. So when this Members are complaining to this House then they should first complain to the vice-chair to the Assembly Service Board. She is one of them.

The failure to implement the last budget squarely lies with the Board. The vice-chairperson is very capable of convincing his colleagues with whom she serves in the Board with to consider paying the specially elected Members. I support the motion. Thank you.

Temporary Speaker (Hon. Inviolete): Yes Hon. Pamela Odhiambo.

Hon. Pamela: Thank you Madam Speaker. I am worried because nothing is being done about this. We were being given the same package that the current specially elected Members are demanding for. Why are we discussing the things that were supposed to have been implemented several months ago? The Clerk must ensure that every nominated Members is paid. I don't see the need of asking Hon. Nyangoya to take the matter to the Board. Let the uploaded budget be implemented. Thank you.

Temporary Speaker (Hon. Inviolete): Hon. Oraro.

Hon. Oraro: Thank you Madam Speaker. We ought not to even discuss whether the nominated Members are supposed to get what is due to them or not. Sometimes last year, a Supplementary Budget was brought and I went through it. An allocation was made for the partisan staff and the office rent for the nominated Members.

It is the responsibility of an office in the Executive to upload the budget as passed by the assembly. The House leadership can only make a follow up to see whether it uploaded as passed or not. The uploaded budget is a public document that can accessed by any one. Let us learn to go out and look for this information.

Finally, when a budget has been passed and uploaded, I disagree that the Clerk will implement it as it is. It is the responsibility of the Board to give that mandate to the Clerk. The Clerk cannot pay the nominated Members without the authority of the Board. We have Members who are

representing us in the Board. They need to come out clearly and tell us why the budget has not been implemented. It is unfortunate that as we speak, there is a Supplementary Budget that has been brought in this Assembly which under Sectoral Committee and I know by next week it will be a debate.

I would urge Members to read that budget keenly and understand what it is that has been re-introduced and what is that was not there initially and what are the reasons for introduction. As Hon. Misachi put it, let us forget the small differences that we have but unite and get what is rightfully ours. Thank you.

Temporary Speaker (Hon. Inviolete): Yes Hon. Oguok Careen.

Hon. Oguok: Ahsante sana Bi. Spika. Nimeyasikia wenzangu kataja maneno mengi kuhusu Bodi ya Bunge letu. Ningepenga kuwaambia waheshimiwa wenzangu kwamba msione kwamba mimi kama wakilishi maalum katika bunge hili siyatetei maswali yanayowahusu katika bodi. Ni Dhahiri kwamba tulipitisha kubuniwa kwa maofisi na marurupu za wasaidizi wa waakilishi teuli....

Temporary Speaker (Hon. Inviolete): Naomba kipasa sauti imfikie Mweshimiwa Kanga.

Hon. Kanga: Ahsante sana Bi. Spika. Ningependa kufahamu kwa undani kwamba kuna watu waliharibu bajeti yetu baadaya ya kupitishwa mwaka uliopita. Naomba sana tuelezwe kinagaubaga vile jambo hili lilitekelezwa.

Hon. Oguok: Ahsante sana. Ningependa kusema kwamba makadirio yetu ya bajeti iliharibika katika upande wa Wizara ya Fedha huko kwa Gavana. Mbona Kiongozi wa waliowengi hakufuatilia?

Temporary Speaker (Hon. Inviolete): Yes Hon. Ken Ooko.

Hon. Ooko: Thank you Madam Speaker. I rise to contribute and I want to start by saying that we are mixing issues. We have two offices, the work station for the nominated MCAs and the offices at the Nakumatt Building. I want to say that the Budget for the nominated Members both the offices that I have mentioned and the partisan staff were passed in the Supplementary Budget and uploaded. The question we should be asking ourselves is, who should implement it?

The Assembly Service Board should honourable give the nominated Members their share. I would also wish to put it clear that the budget for the offices at Nakumatt was removed. Not for the nominated MCAs.

Madam Speaker, the spirit that we fight for the SRC circular on the nominated Members should also be the same for the Chairs of committees because according to the SRC circular because if you are the Chairperson of a committee then you should be getting the same amount as that of the sittings in the chambers. We should fully implement the SRC circular.

Lastly, I want say that let us work as a team by pin pointing at the areas of our weaknesses. I want to say that Hon. Carren Oguok doesn't represent the interest of nominated Members in the service board. Hon. Oguok represents the interest of all the Members. Thank you.

Temporary Speaker (Hon. Inviolete): Hon. Seth Okumu.

Hon. Okumu: Thank you Madam Speaker. I rise to support the motion by Hon. Paul Okiri that we push for the implementation of the SRC circular that was sent to the assembly. It is so sad that in this House we are so used to illegalities that we cannot even implement what comes from SRC.

The 2013 circular was out and as a Member of Kisumu County representing MCAs in the County Assemblies Forum we even went to court to compel the SRC to have these circulars implemented. Having won the case, we brought them to the assemblies and others are implementing them while others are not.

Madam Speaker, it is not right for us to allude that the nominated MCAs are not doing their work. The example was given by the MCA representing people living with disability. I have been with her and if that is what being used to deny them their dues then it is wrong. She is right now pushing for the implementation of the Disability Act in Kisumu County. We don't need fears of people who are having nominated Members. They think that they will have problems come 2022.

I want to tell elected Members that we cannot use what is wrong to scare the nominated MCAs. These Members must be given what belongs to them just us the elected Members. Right now they want to remove Hon. Beatrice Odongo in her position as the Chair for Labour just because she is nominated and she is a woman. It is wrong. We can't do that in this assembly. We must respect them, they are capable. The party brought them here because they can and they can deliver.

Madam Speaker, I want.....

Temporary Speaker (Hon. Inviolete): What is Hon. Philemon?

Hon. Ojuok: On a point of information. Thank you. The Honourable Member is trying to bring up some emotions. Just raise up those issues and have them sorted. We have clearly stated it we need to stick to the topic of discussion. We have important issues to tackle not things that we can conclude on within a minute.

Temporary Speaker (Hon. Inviolete): Order Honourable Members. Let us allow Hon. Seth to wind up.

Hon. Okumu: Madam Speaker no amount of threat, malice, abuse and a lie can be used against me. I will strongly defend what is right and good for the nominated Members. We cannot lie to them that there is no money for them to be given an offices and non-partisan. When we began, the budget was given to this assembly knowing that we have nominated MCAs and they need non-partisan staff. Here we are led by Minority Leader lying to the Members that they can't get that

money because it was not uploaded in the budget. It is in the budget and we don't to fear that they will vie come 2022 elections. I want to donate some of my time to Hon. Agengo to explain n to you some of the resolutions we have passed as CAF. The nominated MCAs must be given their dues. Thank you.

Temporary Speaker (Hon. Inviolete): Yes Hon. Olgah.

Hon. Olgah: Thank you Madam Speaker. I want thank Hon. Okiri for tabling this motion. I have heard the contributions of colleagues and I must admit that some thinking negatively about this motion. We don't see the reasons as to why we should struggle so much on something that is going to help a colleague.

We are all Members of Kisumu County Assembly be it that you are elected or nominated. We serve the same people. Lastly, I want to urge responsible offices to implement the last budget as it was passed. Thank you.

Temporary Speaker (Hon. Inviolete): Yes Leader of Majority.

Leader of Majority (Hon. Kenneth Onyango): Thank you Madam Speaker. Before I say anything there is something significant that happened in our community as an Assembly that I really wanted to comment on. Last week, one of us in this Assembly Mr. Owen Ojuok admitted to the bar as advocate of the High Court of Kenya.

(Applause from the Members)

That is an important achievement that we must recognize as an assembly and I want to encourage all of us, the staff and even the Members that let us use these opportunities to further our studies. Knowledge is such an important thing it broadens our scope to even grasp certain issues that at times are very abstract in nature.

Having said that, I want to be very brief because people have talked about this very eloquently. I want to say that an institution of ours like an Assembly is so important to us cannot be runned like Nazi Germany by propaganda. When we passed a Bill, the records are in this House and if there is any doubt from whatever quarter then it is incumbent upon that person who is in doubt to go and get clarification from our Hansard record.

For that I want to say, that there is absolutely no doubt that the Supplementary Budget was passed by Members of this House. It was not the Supplementary Budget of the Budget Committee, neither was it for the Budget Chair. The House took ownership of that budget. Deliberated on it and passed it. In that budget, all our nominated MCAs were allocated the requisite funds for two additional staff and it was in the considered opinion of the Members of the committee that let them be given the money and find the office space from wherever is suitable for them.

I want to urge our Deputy Chair of the Service Board that please take up that matter on our behalf take that matter to the Board so that it can be implemented because ultimately it is the Assembly Service Board that implements the budget.

I want to stand with our nominated MCAs and I want to fully support their course that they need to be given the money in any case it was over the directive of the SRC. A body that is legally mandated to decide on the remuneration of all workers in this republic. Given that the body seen it in their wisdom to award such remuneration to our Members the only logical thing is to implement it. We hope that this can be done expeditiously so that the efficiency of our specially elected Members may improve because when they work from the comfort of their offices then I believe their efficiency will be better.

I want to support and urge that please let us be strictlers of details. Let us go to the records and read. When you are a traverse to reading and you come give a narrative that is totally different from the truth then I believe sometimes it becomes very obnoxious. Thank you.

Temporary Speaker (Hon. Inviolete): Yes Hon. Guya.

Hon. Guya: Thank you Madam Speaker. I stand to support this motion and also thank Hon. Paul Okiri for bringing this very important motion. Issues of circular from the SRC are not negotiable. The SRC has stated very clearly on the way Members of County Assemblies needs to be treated. It is very clearly that SRC does not discriminate whether you are nominated or elected. We are Honourable Members of this House.

Madam Speaker, the way I am being treated in this Assembly should be the way other Members are being treated. If I am given an office to operate from then any other Member should be given an office. The nominated Members in this House are adults who can manage their own offices. I don't think the SRC said that the Assembly should rent for the offices. They should be given the funds so that they get offices from places from their own choice.

We cannot decide as a House to bring all the nominated MCAs to town. The only thing that Assembly needs to do is to facilitate them to get the offices and staffs. I don't want to believe that it is negotiable. On the same circular, I also want to touch on what my friend Hon. Ooko brought to the attention of this House. The circulars are very clear, when you are a Chair of a committee then you still become the Chair even at the plenary. That is why when we raise statements, we arise them to the Chairs.

Madam Speaker, the circular is clear and I want to read some parts of it. The part of Chairperson and it says, *a Member of a County Assembly with additional responsibility as Chairperson while chairing a meeting shall be entitled to payment of sitting allowance. The sitting allowance shall be paid for eight sittings per week. The eight sittings are four while at the committee and four while in the plenary.* So I want to believe when you are the Chair in a committee then you remain the Chair plenary.

Madam Speaker, I want to summarize that I support the nominated Members of this County Assembly be treated the same way the elected Members are being treated. I know there a few of us who have fears that when the nominated Members are empowered then their positions are endangered. I want to plead with them that let us remain united as a family because you never know what is coming ahead. Please let us respect the circulars that are forwarded to us. I support.

Temporary Speaker (Hon. Inviolete): Yes Hon. Roy.

Hon. Samo: Thank you Madam Speaker. I would wish to support the motion as raised by Hon. Okiri. I also beg to say that I don't want to be populist in any nature. The truth be told, a while ago Hon. Muga did raised a statement over the same matter in this House. I wish that after this this matter should be addressed amicably. We have been informed by Hon. Misachi that we are all one in this House. There is no nominated or elected Member. We are Honourable Members of this House and there is no way.

Madam Speaker, I want to be very honest on this matter. I didn't know that they have not been paid the rental fee and the salaries for their support staff. We as the elected, our dues are coming at the end of every month. I would wish to bring this to your attention as it has been raised by the Honourable Members that it is not being fair more so to the nominated Members of this House.

Madam Speaker, you are like a judge while in that chair. You need to stamp your feet and let us see your authority on this matter to ensure that the dues of the Honourable Members are given to them. Thank you.

Temporary Speaker (Hon. Inviolete): Honourable Member for Muhoroni-Koru.

Hon. Genga: Thank you Madam Speaker. I rise to support the motion and I want to say that there is a distorted information as far as our nominated Members are concern. For instance Hon. Olgah has most of the people she represents within Muhoroni Sub-county and by large around Chemelil-Tamu Ward. I don't know where this notion came from that she must be housed somewhere within Tamu. Is it practical for the Honourable Member who come from far end of the Ward to be housed within a premise in town?

Madam Speaker, as a Member of the Budget Committee we agreed to give them that leeway to have the offices where they are accessible. It doesn't make sense to ask an Honourable Member who comes from Tamu to ask the people she represents to see her in town. Are we going to facilitate this Member because we know the nature of our politics? Our people likes to come to us.

Madam Speaker, I want to inform our Honourable Members that when you are in power then it is very sweet and it is very good. You even forget the some of the things that you stood for. Power corrupts and absolute power corrupts absolutely. You could see the way the Honourable Members are debating in this House. Think of how the same Honourable Members were debating in this House a year ago. You don't need to lose your dignity. You don't need to lose what you have stood

for just for power. You need to be very careful because some of the people who give power will sit back and watch. I can say without fear that Hon. Roy is one of the power givers and he is now watching other people running a mock with power.

Madam Speaker, I will stick on the issue of the budget. This has to do with financial matters. Sometimes if you understand the financial matters then it is good to consult. I know this was going to ignite some of the responses and you can see for yourself...

Temporary Speaker (Hon. Inviolete): What is Hon. Atieno?

Hon. Atieno: Thank you Madam Speaker. I believe the powers that are donated to us by the electorates. Can Hon. Genga explain to us how Hon. Roy is giving people power in this House. I will also be happy to be given the power that is being dished to the Members. Thank you.

Temporary Speaker (Hon. Inviolete): Proceed Hon. Genga.

Hon. Genga: Thank you. I want to inform the Honourable Member that the Assembly is a political system and you need to jog your memory on the how the Kremlin was being controlled. I want to tell you that it is well replicated in this Assembly. We are in a parliamentary system but the Kremlin is more of Communist and that is the same way our parliament is being runned.

I therefore want to inform my colleague that there is power that was donated to us by the people and be rest assured that you leave it once you are outside the precincts of your Ward. Once you come to the Assembly, the Honourable Member must know clearly that we have powers that runs the Assembly. That is what I meant.

Madam Speaker, as I finish whoever gets the mandate to run the Budget Committee in this Assembly must stand out. Budget is a process and it is not something you wake up today and the next minute you have it. If indeed it is true that there was a mutilation on the budget then we would really want to know because it is criminal because somebody cannot have the powers to interfere with the budget that was debated in the plenary of this House, a resolution passed and each and every Member has a copy of what was passed. We have the authority to as whether the budget that was passed is the one that is running the county.

My plea is that we support our nominated MCAs and sometimes I get tears almost rolling down my cheeks when a nominated Member is the one championing for a fellow nominated Member to be housed in town and yet we know there are Members who come as far as Nyakach. To the nominated Members, if you are the enemies of your own then we the elected Members will support you but you also need to put your House in order.

As I finish, I want to remind you that we are in tough times and we have a county executive who is standing out to be rogue. Members of the County Assembly have been left fighting sectoral wars

and things that don't add value. I want to as my colleague and a relative from Nyakach that let him stand out with zeal and support a course. I support.

Temporary Speaker (Hon. Inviolete): Yes Hon. Florence Olang'o.

Hon. Olang'o: Thank you Madam Speaker. I remember we got the same loans on car and mortgage. We also have the same salary. We are really finding it hard to meet the special groups of people that we represent in this House because we don't have the offices. Let us be facilitated to have a space and to pay the two staffs in this offices. Thank you.

Temporary Speaker (Hon. Inviolete): Yes Hon. Steve.

Hon. Steve: Thank you Madam Speaker. First I would want to thank Hon. Okiri for finding it right to bring this motion at this point. The rights and privileges of the Members of this House are enshrined in the Constitution of this Country and it is not in any way a prerogative of an individual to award it or implement it. It is not any favour that any person can do to any Member of this House. Our rights should be respected whether we agree or disagree with an individual.

Madam Speaker, the Members of this House are termed the Honourable Members. At the promulgation of the Constitution 2010, the County Governments were created and the County Assemblies were created with the same powers as that of the National Assembly. The Honourable Members of this House are not supposed to be maligned. They are not supposed to be subjected to any form of mistreatment. Madam Speaker, I want to say that it is high time Members of this august House saw the sense of coming together and protecting their space. If we cannot unite and protect our space as Members of this House, and as Honourable Members of this County the great County of Kisumu then I would tell you we do not expect even Members of the public to respect us.

Why do we have nominated Members? It is not by any chance that somebody just wakes up any moment and says that somebody will be nominated. There is a special interest they represent and that interest must be respected. We were elected by the people but there are other interests who did not get an opportunity to be represented here. So when Members are nominated to come and represent those interests, we must respect those interests that they are representing. And these Members must be given equal opportunities and must be served equally like any other Member in this House. As the other Members have said, we are 48 in number and at any given point as we do our budgeting, as we do our planning, we have always planned for forty eight (48) Members.

Madam Speaker, it is very unfortunate that one and half years down the line we are still debating on giving nominated Members an opportunity to have their offices. Out of the 13 nominated Members, there could be one or two who may not specify which areas they represent or whose interest they represent. But I want to say without fear or favour that those who have interest know where their interest lie and we cannot say we'll lump them together in a building where the people they represent can access them. Only someone who does not want to reason in the right direction would want to take the Honourable Members and lump them in one central place. We have a

representing from Nyakach Sub County; where do the women of Nyakach meet their representative in the Kisumu County Assembly?

We have representatives from Nyando; where do the women in Nyando meet their leader who represent them in this Assembly so that they can get their views then bring the same to this Assembly? And so are the other five remaining Sub Counties. The point is: we must allow the nominated Members and give them an opportunity like other Members in this House the opportunity to identify appropriate and conducive office base so that it can be paid like those of the other Honourable Members. We should not in any way bulldoze our nominated Members or bully them by insisting that they have to go to an office which we have said is not very conducive for this Assembly.

Madam Speaker, the issue of the Nakumatt offices is not something that was rejected by the Budget Committee as is being insinuated by a few individuals. When we had the Annual Budget discussion in this House and it is on Hansard. The Members said that they were not easily going to accept renting private property in town at the cost of Kshs. 4000,000 per floor for three floors translating to Kshs. 1, 2000,000 while even our own premises which are here are not occupied. It defeats logic. Any logical person would think that we are not seriously here to represent the interest of Kisumu County. Can we make these offices habitable so that we can use them even for the staff before we go out any building at Kshs. 1,200,000? Too much! It beats the logic to convince me Hon. Steve Owiti Member of Kolwa East Ward that we would do better by going to rent Nakumatt at the cost of 1.2 million yet even our own toilets are in a pathetic situation. We are not serious! We don't even have a place to help ourselves as Members of this County Assembly. One and half years down the line we have not even installed the microphones. We are still passing hand microphones from one Member to the other.

One and half years down the line, we said we would install the ACs. How much does it cost to install even a single AC? We are ready to pay 1.2 million per month yet we cannot even install the AC in this House. We do not respect Members of this House. We are taking Members in this House for granted. And that's why we think we can even decide for them where their offices shall be. The Member for Seme must be given an opportunity to meet women from Seme. Give them an opportunity. This is Kenya and we have a new Constitution. We have rights. We cannot infringe on anybody's rights thinking we are going to move on without being questioned. That era is gone. The era where people decide things for others is gone. A good leader must listen to the people he leads. You cannot lead the people and decide to things your own way.

Madam Speaker, I therefore urge your Chair that let us give the Members of this House an equal opportunity whether nominated or elected. Privileges and rights of Members should not be interfered with. Even if we disagree on issues, we need to protect each other. Lastly Madam Speaker, the Budget discussion is on Hansard. The propaganda and innuendos that there was mutilation of the Budget... Can we bring that Budget on the floor of the House and say this is what has been approved. Those are innuendos, they are lies that are generated with hidden and malicious agenda. And we know their agenda

Madam Speaker, I want to ask Honourable Members, it does not matter who the Chair of the Budget is. We must protect the interest and what brought us into this Assembly. We shall stand firm and ask if there is anything illegal which was done, why can't we take the right decision if it is a criminal offence? I want to tell you Madam Speaker that I am ready to defend this. After the Budget discussions, there were records that were presented to the Budget Directorate to be uploaded, they were never uploaded. Why? Because we said, if you upload we shall take you to court. Today some people are saying that the Chair Budget and the Budget Committee did mutilate. We protected what we discussed because we have the Hansard. I have the Hansard with me and I am ready to present it anywhere that I am required. And this committee should never be taken for granted. Let us not start to think and imagine and all these Honourable Members are stupid. The Honourable Members here are not stupid and these people have the mandate of so many people over two hundred or three hundred people from Kisumu County whose interests they are representing.

We not only speak on our own behalf but also on behalf of other people who gave us an opportunity to be here. I want to ask Madam Speaker through the Chair that the powers and privileges of this House should be safeguarded. We need to look at ourselves as leaders who so many other people look upon as role models. So when we come here, I want to ask my brothers and sisters, the Honourable Members of this House, that let us rise to the occasion and show leadership to this County. Let us leave the partisan and personal interests that has been dragging some of the issues. We must help our people. We must change the destiny of this County. If we don't do it we will blame nobody but ourselves. Thank you Madam Speaker

Temporary Speaker (Hon. Inviolete): Hon. Sally

Hon. Sally: Thank you Madam Speaker. I think from the mood of the House it is unanimous that we need to support the nominated Members. May I now call upon the mover to reply?

Hon. Okiri: Thank you Madam Speaker. I have to thank all Members...

Temporary Speaker (Hon. Inviolete): Order Leader of Minority. Let's allow the mover to reply

Hon. Okiri: Thank you Madam Speaker for the wise move. Thank you Members for the kind of debate we have had this morning. Madam Speaker, this is what we can do in an Assembly. We come here to deliberate on issues that affect Members and citizens of Kisumu County. I am perturbed Madam Speaker. Could it have been realignment of committee, you would have seen how this House. That shows what leaders are. You could have seen the noisemakers and hecklers could it have been committee realignment. I want to say that when it comes to specially elected Members, these are very important people in this County Madam Speaker. Madam Speaker, I as Paul Odhiambo Okiri, MCA West Kisumu Ward, I could not have been an MCA if these nominated MCAs were there. All these nominated Members were vigorously campaigning for us and whenever we went, they showed us support.

Madam Speaker we had very little to say because the work we had delegated them. They moved the crowds and the only thing we could say as MCAs was that you have heard it for yourselves. Madam Speaker, I am saying that we need to do the right thing at the right time. The Assembly

will lose a lot of money in cases that do not tie us together Madam Speaker. If it is the law and it is something passed here, if someone goes to court and says that this is a circular, and this is the Hansard and this is what was said in the Plenary, why are we not paying us? By then a lawyer will pose the same question. Why do we waste this money by giving it to lawyers if this thing is rightfully for all the Members?

Madam Speaker a good leader will not just need his alone. A good leader will fight for his people. And that is why Paul aka Manager is fighting for the specially elected Members. That's good leadership and not a leader that if you talk then your position goes to another person. I could see some Members did not talk today because of fear. If I talk, then I may not get that thing which I was promised- then you are not a leader.

Madam Speaker, my fear again is that Hon. Seth has gone far. The CAF has gone to court and they have won this case. If they have gone there and won this case, why can't we give them? If these people move again despite the fact that CAF went to court, still you deny us our right? What is that? We will be compelled and by that time we shall pay with interest. Why must we go into these litigations Madam Speaker? I am very happy about Hon. Seth Kanga who said he is a Member of Budget. I can confess and this is in the Hansard it was even uploaded. If it was why can't we pay them Madam Speaker?

Madam Speaker there is something we call Service Board. This is where Members derive their interest. And the law helped us in a way that even you people like the MCAs of Kisumu West, MCA of Miwani. You must get somebody to fight for your right. If the law is there, there must be somebody who can do that work for us. It is obvious that the Assembly is not moving to the right direction. That is why I said I will soon be coming with a motion to dissolve this House Madam Speaker. I am still working on it. Madam Speaker the Assembly Service Board has got a Member inside this House and still we come and talk about these issues that affect us. The Assembly is composed of people who represent us and some Members that represent Wanjiku at home. So if Wanjiku is not coming here and the Member representing them is not doing his work the something is wrong.

Madam Speaker the Deputy Majority Hon. Pamela Adhiambo has said she is even wondering why Members have not been paid. Quite shameful! Madam Speaker the Liaison Chair confirmed in this House and said he is not sure. I think if that thing can happen like that, I think that's why he has gone out. He was embarrassed why Honourable Members cannot be paid and he knows very well that they should be paid. To summarise this the Budget does not belong to an individual and don't think that if you are a Budget Chair then you can control this House. We'll smoke you out and there are several ways to smoke you. The Budget is not for this Assembly it is for the Kisumu County government. A vegetable seller at Anding'o Opanga is concerned about our budget. My own mother in Kapuonja is concerned about this budget. Therefore this Budget is not a Committee thing. It is a County thing.

I am saying that I am very happy about the deliberations of all the Members. With due indulgence Madam Speaker, you have seen how Members are not happy about this, please a direction that nominated Members are going to benefit from what is rightfully theirs. Thank you.

Temporary Speaker (Hon. Inviolete): A motion has been moved by Hon. Paul Okiri and seconded by Hon. Beatrice Odongo deliberated on by Members and I put a question?

(Question put and agreed to)

Temporary Speaker (Hon. Inviolete): Now that the motion has been adopted, I commit it to the committee Welfare and Equal Opportunities to report back after two weeks.

Temporary Speaker (Hon. Inviolete): Next order!

Temporary Speaker (Hon. Inviolete): Honourable Members, I have the following information to make. It's true that Honourable Members went to Sosa Hotel to propose motions which were exhausted in our last session and most of our committees have several assignments that were committed through motions and statements. We now call for seriousness in the House and for Chairs of various committees, please liaise with Liaison Committee to table those reports so that we have business to transact in the House.

ADJOURNMENT

Temporary Speaker (Hon. Inviolete): There being no any other business to transact, this House stands adjourned to today at 2:30 p.m.

(House rose at 11:10 a.m.)