

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – THIRD SESSION

Wednesday, 27th February, 2019

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

(The Speaker (Hon. Onyango Oloo) in the Chair)

PRAYERS

The Speaker (Hon. Oloo): Mr. Clerk, order paper for the day.

The Speaker (Hon. Oloo): Next Order!

STATEMENTS

The Speaker (Hon. Oloo): Mr. Clerk, I can see there are Hon. Members up on their feet on Statements. Leader of Majority is on his feet.

Leader of Majority (Hon. Onyango): Thank you so much Mr. Speaker. Yesterday I did say that there is need in which we are an Assembly to conduct our Business with decorum, we need as an Assembly to conduct our Businesses within the confines of the law and we need as an Assembly not to put our Great County of Kisumu and our party ODM in to disrepute.

I did speak with the Chair that let us do the business of this House as provided for under our Standing Orders. A lot of times we have witnessed chaotic scenes in the House and a lot of times these chaotic scenes are precipitated by our inability to conduct business in this House as provided for by the law. Moving forward, and this is very pertinent, I want to appeal to you as the Chair that

let us as a House confine ourselves in conducting our business and abide with the procedures and rules that govern this House. Mr. Speaker, this is because the more we quarrel in this Assembly, the more we want to fight in this Assembly, is the more we make it difficult for delivery of Services to the great people of Kisumu County. Those are my pleadings, thank you.

The Speaker (Hon. Oloo): Leader of majority, I indulge you because you are the Leader of Majority party in this House, but I am struggling to understand under which Standing Orders you rose on. As you say that we should be procedural, because I have tried to look under Statements and I am empowered which provision allowed you to rise so that we adhere to the same procedures because they are the rules we so eloquently articulate.

The Speaker (Hon. Oloo): Please hand over the mic to the Leader of Majority.

Leader of Majority (Hon. Onyango): Mr. Speaker Sir, Under Standing Orders No. 41. The Speaker may have the discretion sometimes to allow the Leader of Majority to make Statements even if it is not Statement Hours for as long as issues that are being raised, are very important to the running of this Assembly. Mr. Speaker, I believe that you have that discretion and you have allowed me to make a Statement...

The Speaker (Hon. Oloo): Since I had granted, I will not withdraw it, but in future when you seek such indulgences, you be clear, and you can seek refuge under Standing Orders No. 1, that is 41 are read together with Standing orders No. 1, with my mind I will just apply, thank you.

The Speaker (Hon. Oloo): Hon. Guya, you will have to cite the Standing orders you are rising on? Because I don't see any that empowers you.

Hon. Guya: Thank you Mr. Speaker. The Standing orders empowers me to stand during Statement Hour.

The Speaker (Hon. Oloo): Thank you very much, that is extremely important, the Statement that you have made and when you go to Standing Orders No. 38 (1) which deals with Sequence of Proceedings. There shall be time to be designated Statement Hour every sitting day commencing not later than 03:00 p.m. I don't remember designating today as Statement Hour.

Hon. Guya: Mr. Speaker, in the Standing Orders it is provided for and in the Orders Paper of today.

The Speaker (Hon. Oloo): Please seek indulgence as you colleague has directed so that we move procedurally, but we have not designated today as day for Statement.

Hon. Guya: Mr. Speaker, if you look at the Order Paper for today, we are on Statements and the Clerk has just read Statements. If the Clerk had not read Statements, I would have not stood.

The Speaker (Hon. Oloo): That is like saying that whenever we indicate in the Order Paper Oaths, then someone must take an Oath.

Hon. Guya: If there is.

The Speaker (Hon. Oloo): Hon. Member, we have not designated a time for that, but I will indulge you under the powers granted to me under Orders No. 1 to seek for your Statements.

Hon. Guya: Thank you Mr. Speaker. As you have just said that we want to take the matters of this House seriously. Mr. Speaker, in the previous session, we had sought for several Statements, and your office directed that responses be brought here in two weeks, because some have lasted for six months, some almost one year and that responses are not here.

Mr. Speaker, I had sought for Statements from the Chair of Sports, I had not received the responses, I had sought for a Statement from the Chair of Implementation, I had even sought for a Statement from the Chair of Water and Environment, in fact not one but several Statements and they have not been brought. Mr. Speaker. I want to request that you give direction pertaining to these Statements.

Secondly, I have a Statement to make that I would wish to bring to this House. I want to seek for a Statement from the Chair that is responsible for Trade and Finance. Mr. Speaker, in the last Budget Estimates FY 2016/2017, there were provisions for Construction of two Market Sheds within Athola Market, Sondu. Mr. Speaker, if you go to that Market today, you will find that there is only one shed that was constructed.

Mr. Speaker, I would wish to know;

1. How much was allocated for the two Market Sheds that were to be constructed at Sondu?
2. Who was the Contractor that was involved?
3. Was the money for the two sheds paid or paid for one shed?
4. During payments, was the Certificate of Completion raised?
5. If Certificate was raised, was it raised for one Market Shed or for the two?
6. I would wish to know what the County Government is doing to ensure that residence of Sondu, or Athola Market get the two market Sheds that were budgeted for because it was taken for Public Participation and it was awarded.

Finally, I would wish to seek for a Statement from the Chair in-charge of Education, ICT and Human Capacity Development. I would wish to know;

1. How many ECD Teachers are employed by the County Government of Kisumu and how they are distributed per ECD Schools within the County?

2. What are their Terms of Service, how much are they being paid?
3. How much does it cost the County Government of Kisumu to construct a Single Standard Classroom?
4. I would wish to know from the following ECD Centres within South East Nyakach Ward and East Seme Ward. How much has the ECD Classroom in those Wards costed and what are their Status?
5. How much is still required for their Completion?
6. The Chair to avail Standard Bills of Quantities (BQs) for the Construction of a Single Classroom? The ECDs read;
 - a) Beya ECD, South East Nyakach
 - b) Njora ECD, South East Nyakach
 - c) Pap Ndege ECD, South East Nyakach
 - d) Kit Mikayi ECD, East Seme
 - e) Malela ECD, East Seme
 - f) Runda ECD, East Seme

Thank you Mr. Speaker.

The Speaker (Hon. Oloo): Hon. Members, before we move to the next order. The Hon. Member has raised a very pertinent issue that continue to besiege our House. The one of the various Chair of Committees not responding on matters in their purview and we must find a solution. It cannot be that on. Member seek for Statements and they end up like that. Consequently, I do direct the Office of the Clerk, to forward to the Liaison Committee all questions/statements that have been sought and no responses made so that appropriate action can be taken against those who have declined to honour directives of the Chair.

Hon. Member, in the meanwhile, I do commit statements sought by Hon. Guya to the Committee of Co-operatives, Trade Finance and Enterprise Development and the second statement on the Committee on Education. I direct that they respond within the next seven days. I do appreciate the challenges in terms of Staffing but we must try our level best and the Office of the Clerk must cooperate to assist Hon. Members get these responses so that we know who to deal with when responses are not forthcoming.

Mr. Clerk, I want responses made within stipulated timelines as directed so that we can deal with those who refuse to honour the summons of this House to give responses appropriately.

The Speaker (Hon. Oloo): Yes Hon. Guya.

Hon. Guya: Thank you Mr. Speaker for your ruling. You have ruled that the responses be brought here within seven days. I am aware that the next seven days we will not be in the Assembly, this is because next week we have a very serious function and we might all attend. I request that you consider that.

The Speaker (Hon. Oloo): Thank you for that information. Let the responses be brought to the House with the next fourteen days. I trust we will have been back.

The Speaker (Hon. Oloo): Yes Hon. Okiri.

Hon. Okiri: Thank you Mr. Speaker. I rise to seek a Statement from the Chairperson, ECD pursuant to the provisions of Standing Orders No. 41 (2) (a).

Mr. Speaker, the last six years, the Kisumu County government has entered into an undertaking for giving Scholarship to both the bright and needy students. Last year, in the year 2018, under the new Government of Prof. Peter Anyang' Nyong'o he inherited the footsteps his predecessor. He moved the Scholarship to a higher level by not taking eight Students per Ward by ten per Ward. This year, he did take ten per Ward as opposed to eight per Ward as a measure of improving on Education. Mr. Speaker, a County that cannot educate its citizens is a failed County. As I speak, students that are under sponsorship by the County Government of Kisumu fees for these students have not been paid even a single coin.

Mr. Speaker early this year, when these Students were joining Form One, some of these students were sent back, these were students from very good schools because the County Government of Kisumu could not pay fees. I have a case in point where a Student was called in Chianda High School but ended up joining a day school, just because the Principal of Chianda High School could not allow this Student to join school because of lack of fees. Today as we speak, I have five students in my Ward who are sitting at home and cannot go to school because the County Government has not paid a single coin to these schools.

Mr. Speaker, I believe that this should be taken as an issue of Great County Importance because we are losing the young ones because of failure on the side of the Executive to ensure that these students attend school. If they did not have money, we could have fundraised, or gone to other places to source for fees for these students instead of leaving these students stay at home and we are only left with one month before they sit for their end of term examinations.

The Speaker (Hon. Oloo): Hon. Member, I allowed you to speak simply because of your seniority. Otherwise I am inclined to rule you to be Out of Order because if you look at Standing Orders No. 41(3) which operationalize 41 (2) (a). I will ask you to please comply with that so that the Statement can find its way into a system that can be implemented. You cited 41 (2) (a), but I have told you to look at 41 (3) which operationalize 41 (2) (a) which dictate that you should give a Statement under 41. Thank you.

The Speaker (Hon. Oloo): Anybody standing, can we seek for compliances with Standing Orders No. 41 because we cannot eat our cake and have it and we cannot insist that we want to be a House of Rules and Procedures and defy these elements wantonly.

The Speaker (Hon. Oloo): I can see Hon, Beatrice Pamela on her feet.

Hon. Beatrice Pamela: Thank you Mr. Speaker. I want to seek for a Statement but it is pertinent to me but I believe that it will touch every other person...

The Speaker (Hon. Oloo): Under which order? It seem that I am not communicating to the House...

Hon. Beatrice Pamela: Mr. Speaker, you have not even heard my Statement?

The Speaker (Hon. Oloo): Hon. Member that is what I am saying, I am not communicating to the House. There is a demand that Statement be furnished to the House at least one hour prior to being sought and that is the reason that I have advised the Hon. Member Okiri that he is raising a very important Statement but he has not complied with Orders No. 41 (3) which operationalizes 41 (2) (a) and (b). Only the Leader of Majority is exempted under 41 (c) on specific issues. So, I insist on compliance with that Order.

Hon. Beatrice Pamela: Mr. Speaker, may I seek for your indulgence on this matter?

The Speaker (Hon. Oloo): Yes.

Hon. Beatrice Pamela: Mr. Speaker, my Statement is that today is Wednesday, 27th February, 2019 and the Annual Development Plan (ADP) was supposed to have been tabled in this House by 20th February, 2019. Mr. Speaker, as a Member of tis House, I am yet to see it laid in this House.

Mr. Speaker, my concern is that, are we really meeting the stipulated Budgetary Timelines, thank you.

The Speaker (Hon. Oloo): Hon. Pamela, it still boils down to what I saying that if you were put that down in writing so that I allow you adequate time, I would direct the Clerk so that he doesn't give me an excuse in future. You see that is a matter of legal timelines, please assist me.

The Speaker (Hon. Oloo): Yes Leader of Majority.

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. I want to greatly agree with you that we need to present Statements in an orderly manner because sometimes the Statements that are raised are very important. As you have said that sometimes following it up becomes a problem if they are not in written format. So, I want to indulge Hon. Members that let u comply with the provisions of Standing Orders No. 41 so that whenever we have Statements especially those that are very weighty are presented in good time and in black and white so that appropriate responses may be given.

Mr. Speaker, I also want to say that, the same Standing Orders also presupposes that the Order Paper need to be furnished within twelve hours before commencement of business. Most of the times we meet the Order Paper when entering the Chambers so that it becomes difficult for Hon. Members to prepare for debate. Mr. Speaker, I would have wished that you give the same direction

so that moving forward we are able to get the Order Paper in good time. Mr. Speaker having said that, I want to indulge you institutional powers under Standing Orders No. 1 to give some kind of response to what the Hon. Okiri raised because I believe it is important and I have some clue or hints on what may be going on. So, if you allow me through your discretionary powers provided for under Standing Orders No. 1, then I can give some sneak preview on what could be transpiring, thank you.

The Speaker (Hon. Oloo): Leader of Majority, will you be bound by the decisions that you are going to give? This is because I thought that these matters are so weighty that I would have wished to get a response from the Executive. Of course through you. This is because issues raised touches on the welfare of children of this County. It touches on Scholarship, touches on Bursaries, touches on very critical issues. Are you ready to bind yourself with the decision that you are going to make on behalf of the Executive in the absence of a solid response from the relevant CEC?

Leader of Majority (Hon. Onyango): Well Mr. Speaker, I believe that is very pertinent. It happened that I had a discussion on this matter with the Chief Officer yesterday, and she gave me some assurance. Now if there is need to get a solid response, then probably we can indulge them further to commit on what she should tell me verbally.

The Speaker (Hon. Oloo): Leader of Majority, my direction is this, I directed Hon. Okiri to try and avail the documents at Statement Hour at 03:00 p.m. You can therefore seek for the House the substantive response so that you deliver it substantive before the House. We want to take it upon Members who mislead this House because the House has powers and we must be seen to be flexing our muscles, yet we cannot do so on matter presented by the Leader of Majority on rumours or pep-talk. So, if you don't mind I direct that you hold your horses until we get a formal statement.

Leader of Majority (Hon. Onyango): Much obliged.

The Speaker (Hon. Oloo): Thank you. Yes Hon. Careen Muga.

Hon. Muga: Thank you Mr. Speaker. I have a personal statement to make.

The Speaker (Hon. Oloo): Under which Standing Order?

Hon. Muga: It's ok. Thank you.

The Speaker (Hon. Oloo): Honourable Members, let us abide by the rules that governs this House. Be conversant with the Standing Order of this Assembly so that we have meaningful debate. Yes Hon. Seth Okumu.

Hon. Okumu: Thank you Mr. Speaker. I know you will ask me the Standing Order I am rising on and it is Standing Order 41 (2) (d). The Statements is only for (a) and (b).

The Speaker (Hon. Oloo): Are you a committee Chair?

Hon. Okumu: I am vice chairperson to a committee. Unfortunately he is not yet in.

The Speaker (Hon. Oloo): I stand to be guided when the Vice Chair should be treated as the Chair.

Hon. Okumu: Thank you Mr. Speaker. Leader of Majority, Leader of Minority or Committee Chairperson as the case be or their designees.

The Speaker (Hon. Oloo): So you have been designate?

Hon. Okumu: Thank you.

The Speaker (Hon. Oloo): Proceed.

Hon. Okumu: Thank you Mr. Speaker. I am glad today we trying to follow the law and it make me happy as the Vice Chairperson to the Health Committee. I want to bring to the attention of the Members of this House that Kisumu County is implementing the Universal Health Coverage. The registration has not been impressive. The government has extended the registration and there is still low turnout. I want to ask Honourable Members to urge the people to urge the people to register.

Yes we are trying to follow the law but we just received the Order Paper as we were getting to the House and the Leader of Majority has spoken about it. It is challenging to have the Statements ready when we just received the Order Paper. It is so clear in our Standing Orders and this is something that we need to get clear. It is 12 hours before we get into the Chambers so that we come here while prepared. We need to even do some research on matters we debate on. So as you follow what we are doing today, Mr. Speaker I want you also to follow whatever is required as per this Standing Order especially the issuance of the Order Papers. Thank you.

The Speaker (Hon. Oloo): Very well. I will actually direct the Office of the Clerk to ensure compliance with Standing Orders especially on the Order Papers and in terms of how we conduct our business. I would also want to invite our Members to the website so that we be able to handle these issues. Yes Hon. Careen Muga.

Hon. Muga: Thank you Mr. Speaker. I am rising on Standing Order No. 42. That is Personal Statements. Can I proceed?

The Speaker (Hon. Oloo): You are allowed and I think I am going to disseminate these statements hour in writing so that we have a specific statement hour. For today I will allow you to move.

Hon. Muga: Thank you. I have been receiving threatening messages from unknown contacts and I have also been getting calls from the strangers with the wrong motive. I am not that perfect and if in any case I stepped on ones feet then I humbly say sorry. Let us be in peace. Thank you.

The Speaker (Hon. Oloo): Hon. Arao.

Hon. Arao: Thank you Mr. Speaker. I want to take advantage of your kindness that you have allowed us to give statements.

The Speaker (Hon. Oloo): There is notarium until today in the afternoon unless it will be effective until tomorrow.

Hon. Arao: Thank you Mr. Speaker. I want to categorially state that majority of my electorates have complied but they always tell me that there are no drugs in the hospitals whenever they go for treatment. I would request the Chair of Health Committee to inform the House on this matter.

I also want know from the Chair of Health Housing and Sanitation that there is a dispensary in my ward that is 95 % complete and we had even allocated some money for the same facility and nothing has been done. I want the Chair to follow up this matter so that the people can get the service from the facility. Thank you.

The Speaker (Hon. Oloo): Yes Hon. Okumu.

Hon. Okumu: Thank you Mr. Speaker. I rise on Standing Order No. 42. I want appreciate the sentiments of Hon. Arao but we just agreed that we follow the Standing Orders. He ought to have written them down. Thank you.

The Speaker (Hon. Oloo): I still maintain that the issues raised by Hon. Arao are very critical. How will you pin the Hon. Chair for Health to follow it up when there was no Statement in the House tabled in accordance with the law. Can we just try just the way I have advised Hon. Okiri. Hon. Arao, those are critical issues and if you could give us a paper then it would be much better. Yes Hon. Misachi.

Hon. Misachi: Thank you Mr. Speaker. All the angels were in even and one was thrown to the Earth and it became a devil. On Friday during the Sky FM talk show, I was mentioned as somebody who brings thugs to beat Members in this assembly. I am not taking it easy on whoever did it. I want to ask the Members that once you are invited for a radio talk, do your research and stick to whatever took you there.

Radios are listened to country wide and some goes to the u-tube and it is damaging for one to be portrayed negatively and it doesn't help even if you withdraw on the negative remarks on radio. It is something that my children and relatives can accept. The Honourable Member who said that her life is in danger called a friend of mine asking if I will send thugs to beat her up in the assembly and I said know because that is being unlawful.

I want to tell Hon. Linnet Muga that I respect all the Members of this assembly. I will face anyone if we have issues to discuss but not to go on air because I know how damaging it is. Radio can never build you politically. At my age I cannot face somebody physically or send thugs but I have

children who can do it and I know casualties will be there but I always desist from doing such things.

I was on my way to a burial in Nyakach and I heard her speak all bad things about me. I even wanted to call the station to respond to those issues. The station is located in my Ward and I would have mobilised my people to go and beat them in the station but I said no because it belongs to our Governor. I also cannot destroy somebody's property.

The Speaker (Hon. Oloo): Honourable Member, are you saying that if it did not belong to the Governor you would have beaten them up.

Hon. Misachi: I could have done anything. Mr. Speaker, I swear that I can never confront any Member and any Member who touches on my name and personal life, a name I have built for 44 years in leadership, I can never take it easy. Let her keep to her path. Thank you.

The Speaker (Hon. Oloo): Honourable Member, I find that a bit unparliamentary but I direct that I want a House of rules and orders. I also want to warn Honourable Members that those who live by the sword, shall by the sword go down. Stop damaging each other's names so that we respect and honour each other. Differ respectfully and offer divergent opinions without insults and physical fights. Hon. Omoro?

Hon. Omoro: Thank you Mr. Speaker. I am rising on Standing Order No. 42 and taking advantage of what you have just given to our colleagues, just a few minutes ago before the session started, the Leader of the Majority confronted me outside the House calling me all sorts of names. Some of which can never be printed. Again, when I just walked into the chambers he come to me and continued with the same.

Mr. Speaker, I am a law abiding citizen, a church member and an elder...

(Laughter)

The Speaker (Hon. Oloo): Order Honourable Members.

Hon. Omoro: I am the least person who can confront anybody. The Leader of Majority provoked be and in fact were it not for my God then it could have been a different case. I want you to restrain the Member because he thinks he can fight. The other day he fought a woman and

Hon. Ogendo: On a point of order. I want to lay this information across. I want to request the Member on the floor that he being an ODM Member and ODM youth leader in the county. I am not convinced in a manner in which our Honourable Leader of Majority is being addressed. I would request Hon. Omoro to have some decorum while addressing the Leader of Majority. He can withdraw and apologize.

The Speaker (Hon. Oloo): Thank you. I want direct that we try as much possible to use parliamentary language and avoid language that would spar emotions. Proceed Hon. Omoro.

Hon. Omoro: Thank you Mr. Speaker. I think you should take actions against the Leader of Majority because of how he mishandles Honourable Members.

The Speaker (Hon. Oloo): Honourable Member, I think that is neither here nor there. It is not for this House. If anything happened then we shall deal with it in the relevant committees. So far I think that is quiet unparliamentary. Honourable Majority Leader do you think it is right to respond directly? I don't think. Yes Hon. Olwal.

Hon. Olwal: Thank you Mr. Speaker. I just want the House to look at Standing Order No. 107 and seek your indulgence for interpretation. That is issues to do with gross misconduct. T

The Speaker (Hon. Oloo): Was that done?

Hon. Olwal: I think Hon. Omoro and Hon. Misachi were out of order when naming Members on issues of gross misconduct.

The Speaker (Hon. Oloo): We have all those areas of Standing Orders from 106 to 107 that deals issues you are raising. We can invoke them but I will not allow the House to descend in more disorderly conduct. We have the Powers and Privileges Committee which can also act but we do not have pour more paraffin into the fire. Could we allow the relevant committee and where necessary you could still rise under those provisions so that we do it in an orderly manner rather than name calling.

Yes Hon. Ogutu.

Hon. Ogutu: Thank you Mr. Speaker. I am rising on Standing Order 41. I also want to say that my life is in danger. We had a heated debate few minutes ago and an Honourable Member approached and told me that my position as the minority in this House is at stake. I never created that position. I feel challenged that we have advised not name people but the Honourable Member knows what he told me.

I want to tell Honourable Members that we have a very small position in the House but at the same time we are so powerful to an extent that some Members thinks that we are the masterminds of the woes rocking this assembly.

The Speaker (Hon. Oloo): Why that Honourable Member?

Hon. Ogutu: They are saying that I have taken over their positions in the ODM party. I am a Member of this House as an independent candidate. Things are not moving well. These people can do harm to me. Thank you.

(Laughter)

The Speaker (Hon. Oloo): Thank you. Next Order!

COMMENCEMENT OF BUSINESS

MOTION

CONTINUATION ON THE REPORT FROM THE HOUSE KEEPING COMMITTEE ON
SELECTION ON THE RE-ALIGNMENT OF THE HOUSE COMMITTEES

BY

CHAIRPERSON, SELECTION COMMITTEE

The Speaker (Hon. Oloo): Proceed Hon. Leader of Majority.

Leader of Majority (Hon. Kenneth Onyango): Thank you Mr. Speaker. The Committee on Selection did travel to Nairobi last week and the purpose of going to Nairobi was that we try to look at the membership of committees in view to balance them. When we met, we did agree that we shall try as much as possible so that we don't disturb the status quo.

For those who had few committees, the agreement was that we shall add them but shall try as much as possible to maintain the members in the committees that they now hold. On Friday, the party that sponsored us to this House did write a letter directing that we maintain the status quo until certain pertinent issues are resolved.

However, I am in communication with the party because this matter of balancing members to the committees is very important. I did give a draft report yesterday because when we were in Nairobi we did say that we could not be able to conclude on this weighty matter. I wanted the membership of committees of this House to build consensus as much as possible. So that we don't put the name of party into more disrepute. On the basis of that I did give a draft list and I told Members to have a look at it.

Mr. Speaker, we agreed that this time round, membership of the committees must not bring conflicts. On that basis I want to indulge this House to give ourselves one week to go through the draft and any issue that Members may have, we shall meet as a House to resolve those issues amicably. Then we shall take them to the Selection Committee and then we shall adopt them formally in this House.

Mr. Speaker, that is the position of the party over this matter and I would wish that this matter of reconstitution of committees does not bring confusion. I also want say that we are only going to interfere with those people who have few committees because there is a procedure of which a

discharge of a Member from committee can be done. For that reason, I want us to be given time. If it were not for the Devolution Conference then we would have finished with this matter next week. I wish that we meet after the conference so that we deal with this matter.

I want to repeat that this is an issue that is very emotive and I would plead with the Members that kindly let us build consensus over this matter. Let this matter not bring acrimony in the House because it is purely party issue. As the majority party, I want us to sit down with our colleagues and agree on the best way forward.

Mr. Speaker, it was very unfortunate that strange documents were sneaked into this House today in the morning. As the Chair of Selection, I did not see that report anywhere, it was not discussed anywhere. It is very unfortunate that one would purport to assume the role of the chair of the committee and bring a report that is completely strange. That report was never discussed unless we have a parallel leadership in this House. May I call upon the Whip to second? Thank you.

Hon. Olima: Thank you Mr. Speaker. I stand to support that the committee be given more time. We just did a draft the other day and I think Members are looking at it. We are getting concerns from the Members and I want to assure them that they shall be addressed before we report back to the House. Thank you.

The Speaker (Hon. Oloo): Honourable Leader of Majority, I was about to give a ruling but I have been advised otherwise that since you have asked the Chief Whip to second then it is opened for debate. The Honourable Chair has sought for the indulgence of the House for a week to bring the selection report.

I will give Members to debate but before that I would wish to bring to the attention of the Members are struggling with making a distinction between the party and the House. That is expected in a House where one party is dominant but still we must strive to get the distinctive line that matters that becomes before this House are to be determined by the committees of the House and not the respective parties that brought the individuals. The report belongs to the committee even if it reflects a party position. The committee report is what is tabled. Not of FORD-Kenya. Not of ODM. Not of the Independent Members of this House. Make that distinction. Meanwhile I will let the debate proceed. Yes Hon. Chair Liaison.

Hon. Samo: Thank you Mr. Speaker. I have requested my friend Hon. Arao to allow me put some remarks on the motion. The Leader of Majority is right as stipulated in Standing Order No. 49. That allows him to request for extension of period. He asked for a week. That period is too long. During the recess, staff of the assembly and allow me to quote his name. Mr. Ombewa came to my office as the chairperson of committees and he did ask me that there is a problem that the auditors are asking about the membership of the committees.

Simply because some people are being paid as vice chairs and they are not committee members of those committees they are acting as vice chairs. The auditors again raised today that we find that

sometimes a committee like Liaison where we should be having about 24 to 26 members, sometimes has membership of about 30. So they were raising a concern but they were afraid to inform us as it touches on membership of various committees. So I said that I will indulge the audience of the Hon Majority Leader and the Whip that this matter shall be looked into.

Fortunately enough the Hon Majority Leader and the Whip were in the process of realigning the committees so that those who have several committees would be able to come to a minimum number that all of us should be able to be okay with the committees we are placed in. Mr. Speaker, when we started the Third Session on the Tuesday in the afternoon, we did sit as the House Business Committee and unfortunately the Hon. Majority Leader did not attend.

However, the Hon. Whip did attend and then excuse himself. After that it was then put that last Thursday, the Committee of Selection should be able to sit and then look into the matter of Re-alignment of Committees and it came as an agenda. In chronology of events, that then did happen and the Hon. Whip and quite a number of around 8 members did sit and agreed that we go to Nairobi and finalize on the realignment of committees.

Mr. Speaker, we did then as a Selection Committee, proceed to Nairobi to do a report and were fortunate enough to be joined by our Hon. Majority Leader and did sit in one of the sessions of the committee sittings of selection, he did not attend on one or two. We did agree and the Hon Whip presented a list to us on how the committee should be realigned. When the list was presented to us, we said it was okay and we will look at it as a committee. When looking at it, the chairman of the committee left early.

The committee sat down and looked at the list presented by the Hon. Majority Leader and the Hon. Whip. The list was then presented yesterday and tabled before this house and a notice of motion was then given. I am just trying to build my statement as a chronology of events on what has happened.

Whenever a committee travels and sits it is the taxpayer's money is being used. We are going to do an injustice to the people of this County if we keep on sitting day and night and a lot of money is being spent and then say that the committee will then sit and ask for an extension for a week to come and look into this to be presented. A lot of money is being spent on that. If you look at Standing Order No. 180, as I said I am supporting Hon. Majority Leader to withdraw the motion as stipulated in Standing Order No. 49 though not for a week. My request would be if we can then

table this report in the afternoon, which shall give us enough time to consult with the Majority leader, the Whip and the membership of this House then we come and bring it this House so it may be adopted because we are taking a lot of time and money when the auditors are quarreling us.

Let me give you examples; even in the list that was brought yesterday by the Hon Majority Leader is being said that the Chair of Implementation now is the Hon. Oraro and in this House the chair of Implementation is the Hon Nyasuna. That again means there is interference in Implementation Committee because once a committee elects a leader he becomes the chairman. That constitutes an office and the office is being interfered with.

Because of time limit, we are now going away for a week and am very sure the committee of Water and the Committee of Education that carries a number of Members that is more than 30, will even deny this House quorum in case there was need. I am therefore requesting you to allow me as I have put it clearly, that time is of the essence and we are debating, be allowed to consult with them then we present the report in this House in the afternoon. And let me put this forward to the Majority Leader Mr. Speaker Sir, that Standing Orders No. 182(2) states that;

“A report by the Selection Committee having been adopted by a majority of the Members shall be signed by the chairperson on behalf of the committee.”

Mr. Speaker, allow me to read further and I request the audience of the Hon Majority Leader;

“If the chairperson is absent or is not available Mr. Speaker, this is in our laws; the vice chairperson shall sign the report”.

Mr. Speaker it goes further to read under paragraph one;

“And in the absence of both the chairperson and the vice chairperson, the committee shall nominate another member to sign the report.”

The Speaker (Hon. Oloo): Point of order allowed.

The Leader of Majority (Kenneth Onyango): Mr. Speaker, I rise on Standing Order No. 89 on responsibility for the statement of fact. What the Hon. Samo is alluding to is completely not true because as far as I am concerned When we were in Nairobi by the time I was leaving we formerly completed our discussions and an agreement was reached that because of the weight of this matter we

indulge all members of this House so that an amicable solution is reached to. So for Hon. Samo to say that a discussion was held after I had left then that really is not very factual because we started the meeting, we discussed, we tabled the draft report and we agreed that we indulge the entire house so that consensus at. So if there is any other meeting that was held other than the one I attended and a resolution made, then that should not be binding to this house because we had agreed on the way forward, Thank you.

The Speaker (Hon. Oloo): Yes Hon. Samo.

Hon. Samo: Thank you Mr. Speaker for your indulgence. In matters which are of importance I rarely miss my words on statement of facts as you have asked me state under Standing Order 89, I have given you the chronology of events and unless I would like to open the pandora box with the Majority leader where I stand to support his request to withdraw this as I have asked him but I was only disagreeing on the matter of one week.

Let me go back to what he was saying, even though you are smiling now Hon. Majority Leader and I don't want to put you in the corner, we did meet on Thursday last week as a Committee on Selection. We were 8 members, the Hon. Whip was there, other members and the Committee Hansard Reporter and even where the Members signed hence the deliberations can be brought. That can be used to support my statement. On Thursday last week, when the majority leader...

The Speaker (Hon. Oloo): Yes Hon. Member, proceed.

Hon. Samo: So Hon. Speaker, on Thursday last week when we met as the Committee on Selection and the records are there, the Hon. Majority Leader was not present. Eight members out of twelve were present Mr.

The Speaker (Hon. Oloo): Were the minutes captured?

Hon. Samo: The minutes were captured. I would wish when this has been withdrawn that we go through the minutes and the Hansard is there to prove. So the powers, to realign the committees is based on the Committee on Selection. Committee has the mandate to sit and do realignment but in consultation with various parties of interests that are there which happened on Thursday and the agenda was adopted, debated and a draft report was then availed. We moved with the draft report to Nairobi but unfortunately the Hon. Majority Leader was not present in the first and second meeting. I think we

can go through the report. He later appeared on the third day where he also brought a new list which is good for us as a committee because Members are also thinking of different ways to help in this. He brought a different list.

Mr. Speaker I can commit this as support on what happened on Thursday on the Committee on Selection. So we can also go and check on the records in terms of the deliberations. Those were the members who were present and you can see that the Hon. Majority Leader was not present. So when you ask me to prove, it is there. When he did not appear and Members were having the discretion to discuss the list which is there, the Members then did so. On the last day when the Hon. Member did appear, he came with a different list which we did not make a lot of noise on Mr. Speaker.

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

The Leader of Majority (Kenneth Onyango): Mr. Speaker, I still insist that let the facts be brought the way they are because Mr. Speaker the committee of selection went to Nairobi on Thursday. I was there the next day and when we had our discussions. The Members that were there, and I remember Hon. Olang'o contributing on this matter very well, we discussed on this matter and I was not informed that there was any other draft report that didn't come to my attention and during those discussions there was absolutely nobody who attempted to be compromised. Even Hon. Samo the chair of chairs agreed that we need to go to one direction...

The Speaker (Hon. Oloo): Leader of Majority, are saying you that the meeting took place and there was no agreement?

The Leader of Majority (Kenneth Onyango): I am saying that there was absolute agreement on the position that I presented to be adopted and there was no point Mr. Speaker was I given another list.

The Speaker (Hon. Oloo): Did you miss some meeting Hon. Majority Leader? Did you attend all the meetings?

The Leader of Majority (Kenneth Onyango): I attended the second meeting which formerly ended because of the cumbersome issues we had and we agreed that because of the weight of this matter, we should come back to the Members.

The Speaker (Hon. Oloo): Thank you Hon. Members. Sit down Hon. Olwal. I think we are dealing with matters of facts that are verifiable. Yes Hon. Ogaga Chairperson of Budget and Appropriations Committee.

Hon. Ogaga: Thank you Mr. Speaker Sir, I would like to inform the House that what Majority Leader is saying is a lie.

The Speaker (Hon. Oloo): That is not parliamentary, use the proper language.

Hon. Ogaga: What Honourable Leader of Majority is saying is not true. It is not correct. When we went to Nairobi, I am a member of the Selection Committee and the committee members gave me the opportunity to chair the committee for two days when the Chairperson was not there.

The Speaker (Hon. Oloo): Thank you. Members, I would like to direct that the only way the House will be able to find out the truth about this issue is one; to call on the Office of the Clerk to avail all the minutes of the meeting and have a sitting with the Selection Committee Members.

ADJOURNMENT

The Speaker (Hon. Oloo): Consequently, I direct that this House stands adjourned to today at 2:30 p.m. when the matter will be open for debate.

(House rose at 11.00 a.m.)