

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – SECOND SESSION

Wednesday, 27th March, 2018

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

(The Temporary Speaker (Hon. Victor Rodgers) in the Chair)

PRAYERS

The Temporary Speaker (Hon. Victor Rodgers): Good afternoon Hon. Member?

COMMUNICATIONS FROM THE CHAIR

The Temporary Speaker (Hon. Victor Rodgers): Honourable Members, I have the following communications to make. The chairpersons of all the sectoral committees to inform their secretaries to submit a Fiscal Strategy Paper to the clerk of the Budget and Appropriations Committee by tomorrow morning.

Two, the Clerk did receive a letter on 26th March, 2019 to the Chairperson, Agriculture, Livestock and Fisheries through the Clerk County Assembly of Kisumu. The reference is SHEP and Field Day in Maenya, Kisumu East. Small Holder Empowerment Promotion project for local up scaling is a JICA sponsored project in Kisumu County whose objective is to improve livelihood of small holder agricultural farmers.

The Department of Agriculture, Irrigation, Livestock and Fisheries in collaboration with the SHEP Plus has organized a field day exhibition to show case the achievements of the collaborative work with the department. The field day will be in Maenya village, Kisumu East on

Thursday 28th March, 2019 at 10 a.m. the purpose to request the Members of the committee to grace this occasion.

STATEMENTS

The Temporary Speaker (Hon. Victor Rodgers): Allow me to start by Hon. Okiri.

Hon. Okiri: Thank you Mr. Speaker. I have two personal statements to make. I stand to seek a statement from the Chairperson of Rules and Procedures that we should be given the Hansard Reports within 48 hours. There are so many reasons why we need these reports because I may also be interested in sharing my contributions on the floor with constituents. I therefore request that you direct the concerned authorities that they should be able to avail these reports after the said hours.

My second statement goes to the Committee on Selection. I have got the obligation and to work as the laws and procedures of the House. We did pass the list of committee members with amendments. The amendments has not been brought to the assembly and that has not been communicated to the Members. Members are moving round around on which committee he/she is supposed to attend. Let the amendments be done and a question put on the same so that we see which side that shall carry the day. I am supposed be in Justice and Constitutional Affairs Committee and the Chair of the committee is very much aware. We want the amended committee list be brought to the floor. Let us do a proper list that will enable us not to be queried by the auditors. Give direction Mr. Speaker. Thank you.

The Temporary Speaker (Hon. Victor Rodgers): I would like to make a ruling on the statement that the Hansard reports are supposed to be produced within 48 working hours. I also wish to say that the Selection Committee should bring the amended committee list within a period of two weeks. Honourable Members, I am being reminded that the House passed the report with amendment and I would want the Chair to ensure that the all the Committee Chairpersons and Clerks are with the copies.

The Temporary Speaker (Hon. Victor Rodgers): Yes Hon. Steve Owiti.

Hon. Steve: Thank you Mr. Speaker. I am rising on Standing Order No. 230 which is on the period for preparation of Hansard Reports. That is true and I concur. I gave the same statement yesterday. It should not be time taken but the availability of the report. It has been a practice in this House that whenever you want an Hansard report then you have to plead for it but the standing order provides that the reports should be available after 48 working hours unless there was emergency that could not allow the reports to be made.

Mr. Speaker, you have just made a ruling but you have not talked of when the reports should be availed. I made the same remarks yesterday and the Chair ignored the same thing and I have seen it happening today. I would ask that you take up the matter because the Hansard Report is a very

important document. It is reference document that can be used after many years. I want to plead with you that make it happen for this House to receive the Hansard Reports so that in an event there is a misreport or need of correction, it can be done in time because that is what the law requires.

Secondly on the same point that you have just mentioned, I would want ask your good office to take note on the fact that there are things that when we approve them on the floor and the officer is delegated to go and do a correction, I think the law requires that the same be brought to the House so that whatever has been amended is read to the Members so that they know.

We are not even aware of the committees we are in because there was removal and addition of the Members. It was said that the correction should be done and the Selection Committee that is in charge of that should sit down and make the amendments and bring it to the House. Mr. Speaker, we need to look at that more critically with an open eye so that we do all the corrections in good faith.

The Temporary Speaker (Hon. Victor Rodgers): What is it Hon. Okiri?

Hon. Okiri: Thank you Mr. Speaker. We want to know the amendments that were made on the document. My son might be here in the next 30 years and why do we take oaths? Let us do things in order. The Selection Committee must be accountable by bringing this amended report to the House. Thank you.

The Temporary Speaker (Hon. Victor Rodgers): Yes Hon. Seth Okumu.

Hon. Okumu: Thank you Mr. Speaker. I just want to contribute on the sentiments of Hon. Paul Okiri.

The Temporary Speaker (Hon. Victor Rodgers): Hon. Okumu, I thought you are rising on a different Standing Order therefore you will allow me to respond to statements raised by the two Honourable Members. Honourable Members, the Standing Orders are very clear on the rulings made by the Chair on matters raised on the floor.

Hon. Okumu: Thank you Mr. Speaker. Kindly allow me to say something....

The Temporary Speaker (Hon. Victor Rodgers): Order Hon. Okumu. I had have made my ruling and you cannot challenge it. Yes Hon. Johnson Guya.

Hon. Guya: Thank you Mr. Speaker. You have made two rulings. First of all you said that the Selection Committee should bring a report in two weeks' time and you have also accepted that the amendments were done.

The Temporary Speaker (Hon. Victor Rodgers): Order Hon. Guya. You are out of order. You are misleading the House.

Hon. Guya: You have made two rulings. You said that the Selection Committee should bring amended report after two weeks and after consultation with the Kajulu MCA, you changed your mind and said that the report was already passed. A part from that, there is a list that is going round now.

The Temporary Speaker (Hon. Victor Rodgers): Hon. Guya. Please do not take the House back on issues we had addressed. It will not be fair to rule Hon. Okumu out of order and then allow you to contribute on the same.

Hon. Guya: Mr. Speaker, I am very affected by this and please allow me to speak.

The Temporary Speaker (Hon. Victor Rodgers): Am sorry, I will not allow you to proceed.

Hon. Guya: I have been a Member of a committee until yesterday at night and today my name is not in that list. This is a very crucial thing and we should not just take it lightly unless there are other things that are happening and we don't know.

The Temporary Speaker (Hon. Victor Rodgers): Yes Hon. Oiko Pete.

Hon. Pete: Thank you Mr. Speaker. When a Member makes a statement which is of importance to the House, then allow the Members to debate on it. You have made two rulings. We are not gagging you and we are not lying. The issue that was raised by Hon. Okiri is of importance to us and we want it be addressed properly. There were three lists on 27th February, 2019 which were presented here. One was presented by Hon. Majority Leader and two were by Hon. Roy and we bitterly complained.

The Temporary Speaker (Hon. Victor Rodgers): Order Honourable Member!

Hon. Oiko: Honourable Speaker, give us time to air our views. Remember what happen last when you were handling us. In the list that was endorsed in this House, some Members had three committees and people were removed left and right. Members who are pro system have more than eight, nine or ten committees. When you said that the amendments were done and you don't want us to talk then you are not being fair. We are serve the people who elected us. Give us time to talk.

The Temporary Speaker (Hon. Victor Rodgers): Honourable Member, you have said that I am being unfair to you and likewise you are not fair to the Chair. Whoever wants to get my ruling can check with the Hansard. What is your point of information Hon. Okiri?

Hon. Okiri: Thank you Mr. Speaker. I directed the statement to the concerned committee and you have ruled that the report be brought to this August House in two weeks. Let us stick to the

ruling and continue with the next business. This is common sense. The amendments can be passed on the floor and not at the Joventure Hotel or any other place.

The Temporary Speaker (Hon. Victor Rodgers): Hon. Seth Okumu.

Hon. Okumu: Thank you Mr. Speaker. I just want to remind the Members that this is House of rules and procedures that when you do amendment to a report or a motion, it is brought to this House for adoption. It is proposed, seconded, passed or rejected. The Hansard report of that day will show me that I was moved through an amendment from committee (a) to committee (b) and anything contrary to that is unconstitutional. It is unprocedural and cannot be protected.

The Temporary Speaker (Hon. Victor Rodgers): Allow me to repeat what I said earlier. Honourable Members, I have been advised by our table Clerks that we did pass the Selection Committee Report with amendments. It is therefore not possible to do the same again. Yes Hon. Samo.

Hon. Samo: Thank you Mr. Speaker. If you read Standing Order No. 157, which is the *Criteria of Nominations in committee*. So Hon. Paul Okiri is going to mislead this House.

The Temporary Speaker (Hon. Victor Rodgers): Order Honourable Members. I want to advice the Members that I am soon acting on Members who are disorderly. Yes Hon. Leader of Majority.

Leader of Majority (Hon. Kenneth Onyango): You know sometimes we raise emotions in the House unnecessarily because this House is controlled by rules and procedures as stipulated in our Standing Orders. Mr. Speaker, I just want to remind you very humbly that whenever you resume the seat of the Speaker then you need to behave like Caesar's wife. You should rise above partisan interest because you should be a neutral arbiter in the proceedings in this House.

Mr. Speaker, there are certain things that you don't have to go to law school to understand. For example when that so called list tabled here, Members raised pertinent issues one of which the numbers that committees are composed of. They were on excess and the amendment means the number must be inconsonance with what is in the Standing Order. That is common sense.

Mr. Speaker it is illegal for committee to be composed of numbers that is in excess of what is stipulated in the Standing Orders and any time such a committee transacts business then that business will be challenged in jurisdictions and such powers. Therefore whenever you give a ruling that absolutely has ambiguity then it has to be very clear and it has to give this House a direction because all the time we have had acrimonious debate then they have occasioned by.....

The Temporary Speaker (Hon. Victor Rodgers): What is it Hon. Samo?

Hon. Samo: I just want to help the Leader of Majority that there is something that has been consistently said that there is something that we did in this House when we were all friends. The Standing Order No. 161 is very clear on.....

The Temporary Speaker (Hon. Victor Rodgers): What is Hon. Leader of Majority?

Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker the Honourable Chair of Chairs is confirming that he is the perpetrator in chief in this House because to the best of my knowledge, I am not aware of the line that separates Members in this House.

The Temporary Speaker (Hon. Victor Rodgers): Yes Chair of Chairs.

Hon. Samo: Thank you Mr. Speaker. In Standing Order No. 161, we did make a resolution in this House and that resolution is the power that gave us the committee chairs even without them in their committees. We also have Standing Orders that has it that the Committee Members should be an odd number and the number should not be more than 15. We cannot say that the committee membership have gone past 15.

I also want to say that the work of placing the Members in committee is done by the Selection Committee chaired by the Leader of Majority. He is the Chairperson. That report should be tabled on the floor and that was done. I want to ask Hon. Okiri why he wants the same report to appear in the House again. Let us be guided by our Standing Orders.

The Temporary Speaker (Hon. Victor Rodgers): Yes Hon. Carren Muga.

Hon. Muga: Thank you Mr. Speaker. I want to inform the Chair of Chairs that the meetings came up with the report that was tabled on the floor was chaired by Hon. Erick Agolla. Thank you.

The Temporary Speaker (Hon. Victor Rodgers): Honourable Members we are running out time....

Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker I did said that sometimes the provisions of our Standing Orders do not require legal understanding because the Standing Orders to which Hon. Roy is referring to means in cases where the Standing Order does not expressly provides for the certain procedures or the Constitution which is the supreme law then a resolution of the House resurface. That is so simple. So clear and I don't know where Chair of Chairs is bringing an ambiguity. The only reason why he is so interested because.... Why am I being interrupted unnecessarily?

The Temporary Speaker (Hon. Victor Rodgers): Yes Hon. Okumu.

Hon. Okumu: Mr. Speaker, I think you should direct the Clerk to give us the list that was brought in this House. I have just seen Members quarrelling about their membership in the

committees. The report is in the Hansard and we just want to go through it. We need to have some piece in the committees but that will only be possible after going through the list. Thank you.

The Temporary Speaker (Hon. Victor Rodgers): Yes Honourable Leader of Minority.

Leader of Minority (Hon. Philemon Ojuok): I stand to respond to what Hon. Seth Okumu has said. The Selection Committee report looked into several issues like regional balance and I don't find it right for Member to only be just interested in names that are in the list. Thank you.

Hon. Okumu: Thank you so much Hon. Leader of Minority. The amendment should not be imagined...

The Temporary Speaker (Hon. Victor Rodgers): Hon. Seth you are out of order. I have not given you the opportunity to speak. Order Hon. Ogendo. Resume your seat. What is your point of information?

Hon. Ogendo: Mr. Speaker, I always seat in my position and as you can see Hon. Okudo is on it.

Hon. Atieno: Mr. Speaker have you heard what Hon. Ogendo has said? It is unparliamentary language that I personally cannot repeat. He has to withdraw and apologize.

Hon. Ogendo: Mr. Speaker you are aware of my sitting position in the chambers and it is here that I always stands on to contribute in the House. Mr. Speaker kindly protect me and order Hon. Okudo to go and sit on her seat.

The Temporary Speaker (Hon. Victor Rodgers): Before I proceed kindly withdraw the language you used and apologize.

Hon. Ogendo: Unless you remind of the word because I can't recall using any wrong language.

The Temporary Speaker (Hon. Victor Rodgers): Yes Hon. Atieno.

Hon. Atieno: Thank you Mr. Speaker. This is a House of honour and we need to mind our language. How can one talks of buttocks in the House. No...

(Laughter)

The Temporary Speaker (Hon. Victor Rodgers): Order Hon. Seth.

Hon. Seth: Mr. Speaker I want to remind Hon. Ogendo the Standing Order No. 240...

The Temporary Speaker (Hon. Victor Rodgers): Hon. Seth, I have not given a chance to speak.

Hon. Atieno: Mr. Speaker, kindly order the Honourable Member to apologize.

The Temporary Speaker (Hon. Victor Rodgers): Hon. Ogendo, I haven't heard any parliamentary language you have used against Hon. Okudo. Yes senior Member.

Hon. Misachi: Under the Standing Order No. 240, it is the Speaker to determine where Members sit. I want to draw your attention to the playful Members of this assembly. Members have been changing their positions. The Leader of the Majority has never changed his. I have never changed mine too. What is it that is in that side that is making them to migrate? Take it upon your office to give orders to this House.

The Temporary Speaker (Hon. Victor Rodgers): Hon. Ogendo, we have no designated seats of the Members in the chambers. I always see in that position but kindly find a place to sit. You can occupy the seat next Hon. Misachi.

Hon. Ogendo: Thank you Mr. Speaker.

The Temporary Speaker (Hon. Victor Rodgers): Are you comfortable?

Hon. Ogendo: Yes Mr. Speaker.

The Temporary Speaker (Hon. Victor Rodgers): Next order!

COMMENCEMENT OF BUSINESS

MOTION

REPORT ON THE GOVERNOR'S MEMORANDUM ON THE KISUMU COUNTY ADMINISTRATION (VILLAGE UNITS) BILL, 2018

BY

HON. ELISHA JACK ORARO

The Temporary Speaker (Hon. Victor Rodgers): Proceed Hon. Oraro.

Hon. Oraro: Thank you Mr. Speaker. I am standing as the Chairperson for the committee and I am here to give a Report on the Governor's Memorandum on the Kisumu County Administration (Village Units) Bill, 2018.

1.0 PREAMBLE

The Chapter 11 of the Constitution of Kenya 2010 Devolve powers to the County Governments. Under Article 174 highlights objects of evolution which include;

- a) To promote democratic and accountable exercise of power

- b) To give powers of self-governance to the people and enhance their participation of the people in the exercise of the powers of the state and in making decisions affecting them.
- c) To recognize the rights of communities to manage their own affairs and further their developments.

In Section 43 of the County Government Act No. 17 of 2012 further decentralize functions and provisional services of each County Government to the following units;

Urban Areas and Cities Act No. 13 of 2011. The Sub Counties equivalent to the Constituencies within the Counties established under Article 89 of the Constitution. Wards established within the County under Article 89 of the Constitution and Section 26 of the County government Act 2012. And indeed such number of village units in every Sub County as may be determined by the County Assembly of the respective County.

Mr. Speaker the Kisumu County Administration Village Bill 2018 is to provide legal instrument which will further decentralize functions and provisions of County services to the village units. Mr. Speaker this Bill once enacted will promote effective participation in the local community in the governance and development of village units which will also further accountability in all matters affecting them.

Mr. Speaker and Honourable Members, on 20th November 2018, the County Assembly received memorandum from the Governor and reference was made to Section 52 of the County Government Act which provides that the Village Administrator shall have professional qualifications and technical knowledge in administration and shall be appointed by the County Public Service Board in accordance with the provision of this Act. The Governor felt that Section 10 (1) of our Proposed Bill which read; A village Administrator shall be appointed through an open and competitive process by County Public Service Board and approved by the County Assembly in accordance with the provisions of this Act as was passed by Members is contrary to Section 52 and 63, that is, the powers of the County Public Service Board to establish or abolish office.

And the Sections I have quoted are of the County Government Act as read together with Article 191 (a) of the Constitution. The Governor proposed that the sections requiring the approval by the County Assembly be deleted. Honourable Speaker, Standing Order No. 193 states that there shall be a committee known as Sectoral committee whose members shall be nominated by the County Assembly Business Committee in consultation with County Assembly parties at the commencement of every County Assembly. And the members appointed by the Sectoral committee at the commencement of every County Assembly or any other time during the time of

the county Assembly shall unless otherwise County Assembly resolves, serve for the term of that County Assembly.

Mr. Speaker and Honourable Members the functions of this committee is to work on all matters relating to referendum, further devolution in the County; issues of integrity, ethics and conflicts of interest including anti-corruption and human rights. Two, ensuring and coordinating the participation of communities and locations in governance at the local level. Three, assisting communities and locations in governance at the local level, Four, assisting communities and locations to develop administrative capacity for effective exercise of the functions and powers and participation in governance at the local levels. Five, administration of law and justice including working and collaborating with National Government operatives within the County especially on security matters.

Mr. Speaker, let me bring to your attention that the committee currently constituted is shared by myself

1. Hon. Elisha Jack Oraro -Chairperson
2. Hon. Beatrice Pamela - Vice- Chairperson
3. Hon. Caleb Omoro, Member - Member
4. Hon. Augustine Otura - Member
5. Hon. Consolata Ollows - Member
6. Hon. Jacktone Ogendo - Member
7. Hon. David Arao - Member
8. Hon. George Olwal - Member
9. Hon. Nancy Owiti - Member
10. Hon. Vincent Jagongo - Member
11. Hon. Florence Olang'o - Member
12. Hon. Seth Okumu - Member
13. Hon. Joachim Omieno - Member
14. Hon. John Atieno - Member
15. Hon. Habil Nyasuna - Member

Mr. Speaker and Honourable Members, the Committee held several meetings to deliberate on the Governors Memorandum and made resolutions. Mr. Speaker, after the lengthy discussions by the Committee and consultations with the Executive, the Committee agreed to present the matter to

the House for further deliberations. This was due to divergent reactions and opinions on whether to adopt the proposals in the Governor' memorandum or to uphold Section 10 (1) of the Bill as was passed by the County Assembly on Tuesday 20th November, 2018.

Mr. Speaker, having presented that I would say that I would request Hon. Seth Okumu to second that our deliberations as the Committee be adopted that the Members of this House deliberate further on the issue of whether to adopt the Memorandum by the Governor or uphold the Bill as was passed on 20th. Thank you Mr. Speaker

The Temporary Speaker (Hon. Victor Rodgers): Yes, Hon. Seth Okumu

Hon. Okumu: I second

The Temporary Speaker (Hon. Victor Rodgers): Honourable Members, a Committee report has been tabled in this House and seconded. I would now wish to open it for a debate. Honourable Members, the floor is open for debate. Yes, Hon. Erick Agolla.

Hon Agolla: Mr. Speaker, going by the mood of the House, I call upon the mover to reply

The Temporary Speaker (Hon. Victor Rodgers): The mover. What is your point of order Hon. Seth Ochieng Kanga and please kindly state on which point of order you are rising on.

Hon. Kanga: Thank you Mr. Speaker. I rise on a point of information. Mr. Speaker, you had opened the motion for debate. Rather than the Hon. Agolla rising to contribute to this motion, he goes ultra vires to stamp on our rights Mr. Speaker, the right of contributing. Mr. Speaker, if Hon. Agolla has nothing to say, let him keep cool and see others contribute to this motion effectively. So Mr. Speaker, open this motion for debate. This is a very important motion Mr. Speaker. Thank you

The Temporary Speaker (Hon. Victor Rodgers): You are very right Honourable Member that this House needs to debate on motion brought before it but unfortunately there was delay and when Hon. Erick Agolla stood, there was no Honourable Member on his feet but if you want to debate on it, you are free. Yes Hon. Joseph Olale

Hon. Olale: Thank you. Mr. Speaker, a report has been read by Hon. Elisha Jack Oraro. Mr. Speaker I would refer to Standing Order No.179 (4). Mr. Speaker it says that where a vote on a question is not unanimous, the names of the Members voting for and against the questions and those abstaining from voting, respectively, shall be recorded in the minutes.

Mr. Speaker, I really want Hon. Elisha Jack Oraro, because this was deferred back to this House. Mr. Speaker, in a Committee of about 15 people we cannot say that, like if we have a Budget Committee, we'll say 14 people accepted and one person did not accept. Mr. Speaker, was much as this is deferred back to the House Mr. Speaker, I would really want to say that whatever as a House and if we look at National Government Mr. Speaker, we have the Chiefs, the DCs, the

PCs and we have the MPs Mr. Speaker. Mr. Speaker the MPs, Members of Parliament would not recommend for a Chief or a DC to be deliberated on in the Parliament. Likewise to the motion that was brought before this House, I would like to say we as Members of the County Assembly should accept to let things go that the County Government of Kisumu has a right to nominate and to accept that members of the Village council should be given to the Public Service Board Mr. Speaker not the Assembly.

I know it will hurt some people some I am saying what is in my mind and what is in my heart. Thank you

The Temporary Speaker (Hon. Victor Rodgers): Yes, Honourable Senior Member because she is on her feet, Hon. Priscah Misachi

Hon. Misachi: Mr. Speaker, having read both the proposal in the Memorandum from the Governor and the Committee on Justice and Laws. I just want to challenge them that why do they fear? They could have put this vote and tell that us that those who were for were many and those against were this specific number so that we can also know. This is a House of rules. They cannot bring it and say the House now can go through it. They could have said it is here and now we want you to separate this. I want to support the Member who has just spoken that...

The Temporary Speaker (Hon. Victor Rodgers): What is your point of order Hon. Jackton Ojwang?

Hon. Misachi: Mr. Speaker you cannot give somebody a point of order before the Honourable Member on the floor explore her position and her statement. Let me give my statement and then he can stand on a point of order.

The Temporary Speaker (Hon. Victor Rodgers): Honourable Senior Member, allow me to read to you ...

Hon. Misachi: Mr. Speaker, I have my book here and I could read. I want to say that Mr. Speaker... (Referring to Hon. Ojwang) You sit down I am contributing.

The Temporary Speaker (Hon. Victor Rodgers): Continue he is back on his seat.

Hon. Misachi: Mr. Speaker, members who are going to get Village Administration positions are members of Kisumu County. Mr. Speaker, there is no law which will subject Members to two panels of authority to interview. What I am saying Mr. Speaker is that it's the Public Service Board to appoint and bring to us for ratification. I think that is the position.

The Temporary Speaker (Hon. Victor Rodgers): Honourable Members, before we proceed, can you allow me to give direction? Honourable Members, be reminded that we are discussing whether to adopt or not to adopt the report by this Committee. It will be after the adoption that you will be given time to deliberate. Yes, Hon. Maurice Ngeta

Hon. Ngeta: Thank you Mr. Speaker. Mr. Speaker protect me from the noise around. Mr. Speaker, I am rising on Standing Order No. 180 which states Limitations of mandate. Mr. Speaker the deliberations of the a select Committee shall be confined to the mandate of the Committee and any extension or limitation of that mandate as may be directed by the County Assembly and, in the case of a select Committee on a Bill, to the Bill committed to it and relevant amendments.

Mr. Speaker, you have heard what the Chair has read. I need your attention Mr. Speaker.

The Temporary Speaker (Hon. Victor Rodgers): Can you resume your seat. I will give you time after consulting. Order Honourable Members! Yes Hon. Vitalis Otura

Hon. Otura: Thank you Mr. Speaker. Before, I start I am seeking for your indulgence in allowing me to proceed without interference because this is a very important motion with us in this House that we need to put to an end as is required of us. Kindly allow me to proceed.

The Temporary Speaker (Hon. Victor Rodgers): I will allow you but be reminded that we are discussing whether to adopt the report or not to adopt it.

Hon. Otura: Noted. Mr. Speaker, we had Memorandum from the Governor and it is very clear as is read here that a village administrator is according to Section 10 (1) of The Bill that we passed in this House and presented to the Governor. It read that a Village Administrator shall be appointed through an open and competitive process by the County Public Service Board and approved by The County Assembly in accordance with provision of this Act.

The Temporary Speaker (Hon. Victor Rodgers): Honourable Member, I think before you started, I reminded you that we are not discussing the Bill itself but what we are discussing is whether to adopt the report or not.

Hon. Otura: I agree Mr. Speaker. For me to reach to that, I have to put my facts well so that it can be understood well. When I say yes we adopt then I shall have convinced the Members to adopt or not to adopt.

The Temporary Speaker (Hon. Victor Rodgers): What is it Hon. Steve Owiti? You were on your feet. Are you on a point of order? What is your point of order?

Hon. Owiti: Mr. Speaker, I am lost. Because we are adopting a report in this House for further discussion or anything. I have looked at what has been presented here Mr. Speaker and there is no report. The Committee failed to give any direction. They are telling us that they could not even write to us what they think about the Governor's Memorandum. I think this is not in order. We cannot come here the whole House and then we are told to adopt a report. All these papers are just duplication of what is in our laws. Where the report is and what are we adopting? Are we adopting that after lengthy discussion the Committee agreed to present the matter to the House

for further deliberation? They didn't give any report. They did completely nothing on this and this cannot go unchallenged Mr. Speaker. As Honourable Members, we need to respect our mandate. We have a duty and we must do it diligently without fear.

The Temporary Speaker (Hon. Victor Rodgers): Honourable Member, can you also allow other Members to inform you if they have information. What is it Honourable Minority Leader?

Leader of Minority (Hon. Philemon Ojuok): Thank you Mr. Speaker. I want to report the Committee. In their own wisdom, they looked at the weighty issues that they were dealing with and they felt that it was prudent to deal with these as 15 Members and decided not to influence those Members but to bring this thing so that they deal with it from a point of nothing to make it something better. I commend the Committee for such a wise decision. Thank you

The Temporary Speaker (Hon. Victor Rodgers): Yes Hon. Seth Okumu. Not Hon. Seth Okumu but Hon. Kanga. What is it Hon. Seth Kanga? Are you on a point of order because the other member was contributing?

Hon. Kanga: Thank you Mr. Speaker. Mr. Speaker, I am rising to contribute to the report by the Hon. Oraro

The Temporary Speaker (Hon. Victor Rodgers): Honourable Member, can you allow Hon. Otura to continue with his contribution and then I'll come to you Hon. Seth Ochieng Kanga.

Hon. Otura: Thank you Mr. Speaker. I still express myself explicitly that we need to contribute conclusively about this. Good enough, the Minority Leader has just expressed it very well that the Committee did their best and we need to contribute then we come to the conclusion. Allow me to continue Mr. Speaker, according to Section 10 (1) from where the Governor's Memorandum is derived. Mr. Speaker, according to section 52 (2) of the County Government Act provides that a village administrator shall have professional qualifications and technical knowledge in administration and shall be appointed by the County Public Service Board in accordance with the provisions of this Act. It is very clear. What is lacking is simply the statement approved by the County Assembly. Now that is where we are Mr. Speaker. We need to know very clearly why not approved by the County Assembly

The Temporary Speaker (Hon. Victor Rodgers): Order! We are having a point of information. Yes Hon. Ogutu, what is your point of information?

Hon. Ogutu: Thank you for giving me this chance. Mr. Speaker I think there is a very big confusion in the House and I believe it is your duty to guide the House. We have agreed that the Committee has done its report and the only thing remaining is either to adopt the report from the committee first before we debate the actual Memorandum from the Governor. What I am hearing is that Members have started debating about the Governor's Memorandum and yet we have not adopted the report itself. Mr. Speaker, can you please guide the House. Thank you.

The Temporary Speaker (Hon. Victor Rodgers): Very well Honourable Member. What is your point of order Hon. George Olwal?

Hon. Olwal: I just want to refer you to Standing Orders No. 104 about irrelevance and repetition and I think you should help this House by stopping irrelevant Members. Thank you

The Temporary Speaker (Hon. Victor Rodgers): Very well noted. Honourable Majority Leader unless you are standing on a point of order but if not kindly allow Hon. Vitalis Otura to complete.

Hon. Otura: Thank you Mr. Speaker. I think all the Members are going to the direction I wanted to take them to. Mr. Speaker, having received the Memorandum and got the concerns, the Committee sat and this is now the report we are to deliberate upon. Before discussing this report this Mr. Speaker, we have to adopt it first then it be opened for discussion. I propose that the report of the County Memorandum of Kisumu County Administration Village Bill of 2018

The Temporary Speaker (Hon. Victor Rodgers): Order Honourable Members. You are misleading the House. You are out of order. Are you on a point of order Hon. Seth? Yes Hon. Seth Ochieng Kanga

Hon. Kanga: Thank you. Mr. Speaker, our work is very simple. The Hon. Oraro Team which deals with the matters of the law concluded by bringing this matter back to the Assembly. Mr. Speaker, they used the law. I want to refer you to section 185 of the Constitution which says the legislative authority of the County Assembly is vested and exercised by the County Assembly. So there is no harm adopting the report by the Hon. Oraro led Team and thereby giving the County Assembly its duty to perform such powers as highlighted in the Constitution. Mr. Speaker, let's adopt this report and move forward. With those few remarks, I support the report to be adopted. Thank you

The Temporary Speaker (Hon. Victor Rodgers): Very well. Honourable Majority Leader

Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker, I want to propose that we adopt the report. However, allow me to make a few observations. Mr. Speaker...

The Temporary Speaker (Hon. Victor Rodgers): Can you be clear? You support the adoption or you propose the adoption?

Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker, I don't know what it means to propose. I am saying that I support that we adopt this report. However, allow me to make a few observations because I understand that sometimes we may be faced with certain critical decisions that may be very difficult to make. But Mr. Speaker it is during those times that the character of individuals come out clearly so that there is absolutely no doubt that you can always withstand difficult times.

The Memorandum of the Governor Mr. Speaker had three issues. One, there are certain constitutional provisions that were infringed by the Bill that we passed. And Mr. Speaker, it was incumbent upon the Committee chaired by my good friend to restrict themselves to those provisions and ask the hard questions; is there merit or lack of merit in the Memorandum that the Governor brought back to the Assembly.

Mr. Speaker, it requires courage sometimes to look at the Constitution and pronounce yourself very clearly that in deed there is merit or lack of merit. And I would have wished that that Committee which is being supported by tax payer's money during its work cannot fail to make a simple judgment and the judgment is there is merit or no merit. And sometimes because we may not be versed on constitutional matters, it does not harm to seek legal opinion where there is doubt so next time Mr. Speaker, however difficult a matter is we should always try to pronounce ourselves to such difficult situations. Otherwise Mr. Speaker, I know...

The Temporary Speaker (Hon. Victor Rodgers): What is Hon. Leader of Minority? Let us allow the Leader of Majority to finish.

Leader of Majority (Hon. Kenneth Onyango): Otherwise I know a lot of these issues especially that is touching on the governor's memorandum we shall be able to deal with them when we go through the Second Reading. My only worry is that the committee would have made a very clear resolution. Thank you.

The Temporary Speaker (Hon. Victor Rodgers): Honourable Leader of Majority, the committee was within their mandate to bring the report to the House to decide whether it meets the merits of the Constitution or not. Yes Honourable Leader of Minority.

Leader of Minority (Hon. Philemon Ojuok): Thank you Mr. Speaker. I want us to adopt the report from the committee. I have disagreed with the Majority Leader and it is good that this committee have set a precedence. There are issues that can only be decided by the House and not an individual a small group of people.

I want to ask the Honourable Members to remember some of the hard political decisions that he has made. That is what has placed him where he is. There are a times when the governor was not in good books with Former Premier and late on they become confidants. Therefore having contrary opinion does not mean the document is wrong. Let us adopt this report and have a discussion on it. Thank you.

The Temporary Speaker (Hon. Victor Rodgers): Yes Hon. Olwal.

Hon. Olwal: Thank you Mr. Speaker. I stand to support the adoption of the report. I would wish to propose for some amendments in it. My name is properly misspelt...

The Temporary Speaker (Hon. Victor Rodgers): You are out of order. Yes Hon. Ogendo.

Hon. Ogendo: Thank you Mr. Speaker. I am a disappointed man after hearing the sentiments of the Leader of Majority. He was challenging the report on the legal point. He should be the leader of government business in the House. Is he sleeping in his job? Shame on him for challenging the committee that has a constitutional mandate. I support the wise decision made by the committee to bring this report to the House so that Members can have their say. The two Members who should ensure that bills from the government are passed are the Chief Whip and the Leader of Majority. If they don't want to perform their duties then I can take over as the Leader of Majority. Thank you.

The Temporary Speaker (Hon. Victor Rodgers): Yes Hon. Chief Whip.

Hon. Olima: Thank you Mr. Speaker. I have rose on a point of order to respond to what Hon. Ogendo has said. I want to say that being in the leadership of this House as the Whip, we must speak the truth. Hon. Ngeta said very well that there was divergent opinion on the report. We wanted to know because we were not in a party meeting. We didn't have any Parliamentary Group Meeting on the same and therefore there is no party position on that. I want to say again that the divergent opinion that they had as a committee is what we know. The Governor brought a memorandum to be either accepted by this house or rejected. They only had two choices, either to accept or reject. If they were not able to come to an agreement then it is not the responsibility of the Leader of Majority to have the final say. They did the right thing by bringing the motion for debate....

The Temporary Speaker (Hon. Victor Rodgers): What is it Hon. Agolla?

Hon. Erick Agolla: Thank you Mr. Speaker. I want to inform the Chief Whip that this is a government bill it must not be discussed in the PGM. He must take the responsibility.

The Temporary Speaker (Hon. Victor Rodgers): Hon. Ogendo Jacktone.

Hon. Ogendo: Mr. Speaker, I want inform the Leader of Majority and the Chief Whip that there is no law that bars them from appearing before the committee to defend a bill from the government.

The Temporary Speaker (Hon. Victor Rodgers): I think the two leaders are well informed on what they ought to have done. Kindly, let us proceed. Hon. Seth Okumu.

Hon. Okumu: Thank you Mr. Speaker. We have a report that is requesting the Committee of the Whole House to look into an issue that lacks unanimous decision. I want to indulge to consider putting this matter before the Committee of Whole House and as that being made, I want to request the Members to agree with memorandum that was send by the Governor because it made with Constitution in mind.

The Temporary Speaker (Hon. Victor Rodgers): Honourable Member, let us dispense with the report before we proceed to that level.

Hon. Okumu: Mr. Speaker, I am still building my point.

The Temporary Speaker (Hon. Victor Rodgers): Very quickly because your time is almost up.

Hon. Okumu: I am allowed to speak for more than twenty minutes because there is no limitation of debate.

The Temporary Speaker (Hon. Victor Rodgers): Order Honourable Member! You are out of order. The Standing Order No. 1 ...

Hon. Okumu: That has been misused.

The Temporary Speaker (Hon. Victor Rodgers): Order Hon. Okumu. Can you withdraw that statement?

Hon. Olwal: On a point of information. Thank you Mr. Speaker, I think we are taking our jokes beyond the boundary. I want to inform Hon. Seth that you cannot accuse the Speaker without a proper reason. If you want to discuss the character of the Speaker then you have to bring a substantive motion.

Hon. Okumu: Mr. Speaker, I think the Honourable Member is totally lost. He doesn't what know what he is talking about. I think he just wanted to be heard....

The Temporary Speaker (Hon. Victor Rodgers): Hon. Okumu, I ordered you to withdraw your words that the Speaker is being misused.

Hon. Okumu: No. No. That is not what I said. I said that the Standing Order No. 1 has been misused in this House. Not you being misused.

The Temporary Speaker (Hon. Victor Rodgers): Can you simply withdraw.

Hon. Okumu: I cannot withdraw what I didn't say and you can never force me on that...

The Temporary Speaker (Hon. Victor Rodgers): What is Hon. Leader of Minority?

Leader of Minority (Hon. Philemon Ojuok): What is happening is totally out of order. We have got the media here and it is time for you to invoke the powers and privileges. The Honourable Member is completely misbehaving.

Hon. Okumu: Thank you. Being out of order does not depend on what you agree with or not.

The Temporary Speaker (Hon. Victor Rodgers): Order Hon. Okumu! I am giving you the last chance to withdraw the statements you used that the Speaker is being misused.

Hon. Okumu: Thank you. I want to say it repeatedly that I didn't say that the Honourable Speaker is being misused. I cannot withdraw what I didn't say.

The Temporary Speaker (Hon. Victor Rodgers): Yes Hon. Owiti.

Hon. Owiti: Thank you Mr. Speaker. I think it is only prudent that we don't lie in the House. The Speaker may not hear or see but Hon. Okumu said clearly that the Standing Order No. 1 has been misused. He never said that the Honourable Speaker is misused. If he is to withdraw the Statement that the standing Order No. 1 has been misused then so be it. Let us not put words in someone's mouth. Let us be lenient on the Members.

The Temporary Speaker (Hon. Victor Rodgers): What is Hon. Kanga?

Hon. Kanga: Thank you Mr. Speaker. I think Hon. Okumu was just within the confines of the Standing Orders. You used Standing Order No. 1 to make a ruling while Standing Order No. 95 (4) bars the Members from Speaking for over 20 minutes. The Honourable Members was just right to speak for that long. Thank you.

The Temporary Speaker (Hon. Victor Rodgers): The same Standing Order you quoted Part 1 and allow me to read, *the assembly may...* It is therefore not compulsory that limitation of the time has to come from the Members. Yes Hon. Olwal.

Hon. Olwal: Mr. Speaker, two wrongs cannot make a right. It was out of order for the Hon. Okumu to say that the Standing Order No. 1 has been misused. That is the bone of contention and that is what we want him to withdraw.

The Temporary Speaker (Hon. Victor Rodgers): Honourable Members, you cannot create disturbance when our Standing orders are very clear. Can you withdraw and this is last warning.

Hon. Okumu: I want to go down the history for refusing to withdraw something that I didn't say. The Honourable Members are requesting me to withdraw and this has been a practice here. I didn't say anything close to what I am being accused of. I want it come out very clearly that you are being misused. I said that the Standing Order No. 1 has been misused. Thank you.

The Temporary Speaker (Hon. Victor Rodgers): Yes Hon. Joachim Oketch.

Hon. Joachim: Thank you Mr. Speaker. I just want to remind the Honourable Members of the Standing Order No. 104. The Speaker is within his right to call the Member to order without saying and specific Standing Order. I heard the arguments of Hon. Seth and the only part I feel the Speaker is being challenged is when he refuses to comply with directives given. We are not allowed to challenge the ruling of the Chair.

The Temporary Speaker (Hon. Victor Rodgers): Order Honourable Members. The Standing Order No. 1 gives me powers to take an action but looking at the seriousness and the importance

of the bill that is before us, I would wish to give Hon. Okumu the last chance that he be respectful to the Chair.

Hon. Okumu: Mr. Speaker, having read the mood of the Honourable Members and the matter that is before us because we want to have the Village Administrators, I apologize.

The Temporary Speaker (Hon. Victor Rodgers): Thank you Honourable Member. Yes Hon. Joachim.

Hon. Joachim: The Members have deliberated so much on this issue and I just want to clarify some two issues. First I want to thank the chair for this bringing a fair report to the House. When you have a discussion that cannot be agreed upon then you better bring it to the House so that Members can have their opinion on it. The committee was not afraid to make a decision but they it right to bring the matter before the House. We were not ready to be accused by our colleagues of being seen in camera by the executive and that is why we chose to forward this report for the Members to make a decision.

The Temporary Speaker (Hon. Victor Rodgers): Yes Hon. Odongo Beatrice.

Hon. Odongo: Thank you Mr. Speaker. Going by the mood of the House and for the interest of time, I want to call upon the mover to reply.

The Temporary Speaker (Hon. Victor Rodgers): Proceed Hon. Oraro.

Hon. Oraro: Thank you Mr. Speaker. I want to thank the Honourable Members for debating to adopt or reject the memorandum. From their mood I know they are going to adopt the motion. I want to clarify to Hon. Olale who was saying that the Standing Order provides for voting results at the committee level. I want to remind him that the committee that was handling this matter is a sectoral committee and not a select committee. Please master the Standing Orders. That also goes to senior Member Hon. Misachi.

Mr. Speaker, there was a concern raised by Hon. Steve Owiti that there was no report. I want to tell him that a report can even be one line. It depends with what you want to report. In this case the committee felt that these are weighty issues that cannot just be decided by fifteen Members. Even if the committee had to take side then the House would have had the last say on this report. I want to thank Hon. Philemon for not bothering about the size of the report but the content of the report.

Hon. Leader of Majority put it very clear that it is not the prerogative of the committee to decide for the Members but the House has the final say. I also want to thank Hon. Chief Whip, Hon. Joachim for their sentiments on the report. I also appreciate the entire House and request that we adopt this report when the question is put. Thank you.

The Temporary Speaker (Hon. Victor Rodgers): Honourable Members, the Report on the Governor's Memorandum on Kisumu County Administration (Village Units) Bill, 2018 has been tabled by the Chairperson of Administration of Law, Justice, Constitutional Affairs, Good Governance and Security Committee seconded and discussed by the Members. I therefore want to put a question for the adoption of this report.

(Question put and agreed to)

The Temporary Speaker (Hon. Victor Rodgers): Next Order!

2ND READING ON THE KISUMU COUNTY ADMINISTRATION (VILLAGE UNITS) BILL,
2018

BY

HON. ELISHA JACK ORARO

The Temporary Speaker (Hon. Victor Rodgers): Proceed Hon. Chair.

Hon. Oraro: Thank you Chair. I request that the Kisumu County (Village Units) Bill, 2018 be read for the second time. Thank you.

(The Kisumu County Administration (Village Units) Bill, 2018 being read for the second time by the Clerk)

The Temporary Speaker (Hon. Victor Rodgers): Yes Hon. Oraro.

Hon. Oraro: Thank you Mr. Speaker. The bill having been read for the second time, I would request that the House reverts to the Committee of Whole House for further deliberations on the matter. May request the Leader of Majority to second.

Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker, I do second.

(The House reverts to the Committee of Whole House)

Chairperson, Committee of the Whole House (Hon. Samo): Honourable Members, we are in the Committee of Whole House and I would want to request the Chair to take us through this stage.

Hon. Oraro: Thank you Chair. I believe everybody remembers an extract of the memo from the Governor and the gazetted bill dated August 24th, 2018. Honourable Members, as indicated in our report, the contentious issue was Section 10 and allow me to go through it very first. On 20th December, 2018 the Governor wrote to the Speaker that whereas Section 10 (1) of the Bill

provides that, *a Village Administrator shall be appointed through an open and competitive process by the County Public Service Board and approved by the County Assembly in accordance with the provisions of this Act.* Those were our position on the Bill that we sent to the Governor to enact.

Section 52 (2) of the County Government Act says that *“A village Administrator shall have professional qualifications and technical knowledge in administration and shall be appointed by the County public Service Board in accordance with the provisions of this Act.”*

The Section 10 (1) of the Bill requires the approval of the Village Administrators by the County Assembly made by the County public Service Board is contrary to Section 52 (2) of the County Government Act read together Article 191 (2) (a) of the Constitution. The County Government Act only provides for Village Elders who are appointed by the Village Administrator. The Governor say, I therefore refer back this Bill with recommendation that section 10 (1) be amended by deleting the words “approved by the county assembly” immediately after the word “board” and the section to read *“A Village Administrator shall be appointed through an open and competitive process by the County Public Service Board in accordance with the provisions of this Act.”*

Chair, those were the request of the Governor which we discussed and felt that it better we consult the house on whether we adopt it or uphold the one we passed on 20th November, 2018. Thank you. May I request Hon. Guya to second?

Chairperson, Committee of the Whole House (Hon. Samo): Proceed Hon. Guya.

Hon. Guya: Thank you Chair. I second.

Chairperson, Committee of the Whole House (Hon. Samo): Honourable Members, I now want to put this matter for the discussions. Yes Hon. Genga.

Hon. Genga: Thank you Chair. I want to thank the committee and my friend Hon. Oraro for this report. I am a little bit disturbed by the memorandum that came from the Governor. This is not the first or the last, this House has always stood to the occasion and fully supported Prof. Nyong’o but when the memorandum comes back to the House then it’s upon this House to either approve it or reject it.

I have seen the concerns that has been raised that the words “approved by the county assembly” be deleted. I don’t whether there are some fears from the Members of this House because we always do approvals and we have done it above board and to the expectation and satisfaction of our Governor. This House has reached a time where it must rise to it’s own occasion. This House must be counted and I don’t care whether there are issues of *“breadnomics”* are there or not as Hon. Joachim has put it.

Mr. Speaker, I want to say that Section 10 (1) as was approved on 20th November, 2018 should remain as it is so that appointments and key decisions that are made at the Executive are checked by the assembly. We just need what we called balance of power. The President has always forwarded his nominees to the National Assembly for approval. Why is the Governor finding it hard to do the same on Village Administrators? This House is being thrown out of the bus and we shall not allow it. We shall not be able to know what is going on in the County. We have always been lenient to the Executive and I want to say that let Members be part of key decision that are made by the Executive. We shall not sit in the Board but we would want to see the process that has been undertaken by the Executive. Let it pass through this House. Thank you Honourable Chair.

Chairperson, Committee of the Whole House (Hon. Samo): Yes Honourable senior Member.

Hon. Misachi: Thank you Chair. I want us to put two categories of appointment by the Executive. There is political appointment and there is employment. In this case, this is the employment done by the County Public Service Board but when the Governor appoints somebody on a political appointment then that should be subject to approval by the assembly. I have never seen a Clerical Officer employed by the Executive being approved by the House even at the national level. Let us adopt what the Governor brought in his memorandum to be what it should be in the Bill so that we pass it. Employment issues rests with the board and not the assembly.

Chairperson, Committee of the Whole House (Hon. Samo): Thank you. Yes Hon. Steve Owiti.

Hon. Steve: Thank you Chair. The matter at hand is not whether we want to agree that the assembly should have a hand in the process through approval or not. It is whether Section 10 (1) is in consistent with Section 52 (2) of the County Government Act, 2012. Think of why we as an assembly introduced that element of approval by the assembly. It was in good faith and I want to say it should remain that way. It is not right and I think we are going to abdicate our representation role to the executive. We are not talking about Clerical Officers or any member or staff of the county. We are talking of a member who will be appointed on contract for three years and they are going to help us in presentation role.

The Governor wants to be felt in the village and we are saying, there must be equity and fairness. We have heard cases in this county where some people were engaged on contracts and what happened? Why are Members of this assembly hesitant to give executive a free hand? We have heard situation 80% of the revenue collectors came from one Sub-county called Kisumu West. We are not going to sit here to give people an open cheque when even the Governor is not aware that some officers are already planning to employ people and send them to the Wards to malign us.

I want to say that let us be honest about this. This is not about giving our rights to anybody. What we had discussed is the final thing. Let the names come from the board and then we approve it. It is on the checks and balances. Why are Members being arm twisted and coarse? I want to ask Members that we must be above board. We must accept to reason with our mind and not with our stomach. At times come when we must say the truth. We are helping the Governor. This county is going astray because of few individuals.

We want this people to be engaged but they must come from the Wards. Assembly should be allowed to execute its mandate. Yes, we have agreed that the County Public service Board will appoint, but these are not ordinary staff of the County and these are people who are going to work with our constituents. Mr. Speaker, we are talking of the villages, why is Makueni County doing so well, it is because their village structure is so good. The Governor goes down to the village and enters in to a contract with the people of Makueni and ensures it is implemented to the letter.

Mr. Chair, one of the things that we must now agree to, that what we had proposed, let us now ask the Governor to also give us our part so that when we appoint those people let us have access to the list so that we are able to point out why the County Secretary is appointing only people from Kisumu West and why is the CEC Member for Finance or in-charge of Administration is only appointing people from Kolwa East where I come from and not other areas. We must ensure that there is equity, fairness and even in terms of distribution of resource. Mr. Speaker, we have been fighting here one year down the line and we even said that let us commence at the County level and we come down to the Sub-counties and to the Wards. When we agreed that resources be distributed to the Wards, what has been happening is that there has been a systematic fight so that the Ward allocation is not implemented. Hon Members let us allow so that we are not divided by individuals. It is rumored that some money had been misappropriated, there is nothing like that and these people have know us that when we are told any lies we pick them as they are, let us keep away from some of these cheap thing and reason properly so that we help this County. For that matter I propose and ask Members that let us take back this memorandum and request the Governor to leave the Assembly to do its oversight role. We shall support him and will continue to support him and it doesn't mean that when we are not supporting the Governor, but we are also saying that there are people who purport to support the Governor who have the intention of bringing down this Government, thank you.

Chairperson, Committee of the Whole House (Hon. Samo): Thank you Hon. Steve, I believe that your matter has been raised conclusively and because the Leader of Minority is on his feet, then let us accord him time so that we go to Hon. Joachim.

Leader of Minority (Hon. Ojuok): Thank you Mr. Chair; I want o say that there are so many ways of supporting. I am very thankful that this particular Bill on the Village Units, the benchmark that the Kisumu County did was with Makueni County. If they did it with this

County and Makueni did it in a particular way, we don't have to deviate from their structures. We are talking of the Villager Units and creating employment in our villages and these will be the core into running these units and we cannot bring it down to something like selling chicken. Mr. Speaker, we have to inform the Governor because we have given him unwavering support even if we are to compare with other Governors, there is no Governor who has received support from MCAs like our Governor.

Mr. Chair, there are people who have been hiding behind the Governor stating that it is the Governor and we must now tell them that we know because the Governor is not the kind of person that will sit there and do cheap politics and it is the reason why some of our people are not gaining traction because they found a Governor that when the approach him with those cheap politics they have not grounds because bead that comes from there is very little. So, we have to support and tell our Governor that we are the voice of the people on the ground and the voice of the people is the voice of God. We will get him the right people; he will get the support required there, and take this Government to the next level. Let us not bring the Governor down and let him get the support that he requires, and lead this County and leave a legacy, thank you.

Chairperson, Committee of the Whole House (Hon. Samo): (Hon. Samo): Hon. Joachim.

Hon. Joachim: Thank you Mr. Chair, I can see the debate is very hot, but I want to say that we are not here to discuss the Governor, or are we here to talk about an individual nor are we here to discuss an office, but before us, we have a report that we need to look at objectively and make a decision as to whether you are for or against.

Mr. Speaker, I can see a lot of emotions playing around, and people are talking of past disappointments, people are talking of issues and not looking at the report objectively, we are not here to settle scores. Mr. Chair, if somebody has been denied something in the past; let us look at the main objective. I come from a cosmopolitan constituency which is Kisumu Central, and I believe that in the executive I don't have an individual who can stand with me when it comes to appointments. So, what I will say is that, we have articles that have been mentioned here which are 52 and the rest, please let us dwell at the articles, whether you dance or not to the tune of anyone, that is not our business because what I want to say here is, Members are quoting Makueni County and I know that the Chair is aware that Makueni had the same, but later realized that they made a mistake and did a amendment to it because it was supposed to be consistent with the law. So, let us talk facts and if one of your brothers was not employed by the county, I don't believe that should be the problem of this particular Bill and if your sister was not considered, let us not bring this Bill down because you have your own disappointments. Let us look at this document objectively because what I am saying here is, we must choose whether we have to be oversighters or we want to take the Executive role of employment. We have to state objectively that do we have interests...

Chairperson, Committee of the Whole House (Hon. Samo): Please allow Hon. Steve who is on a point of order before you continue.

Hon. Steve: On a Point of Order. Thank you Mr. Chair, I know that the matter is very emotive, but I believe it is not parliamentary or not good to purport that for a Hon. Member to air his or her views, it is because of some past disappointments.

Mr. Chair, there are certain sentiments that we can express in this House, which when we are asked to substantiate, won't see the light of the day, but I want to plead on this point that when there is a problem let us fix it. Mr. Chair is it true that this House was informed sometimes back that a number of Revenue Collectors have been engaged and as we speak, how many were engaged and was it done above board. Mr. Speaker is it too much to ask because those are county resources when we debate on this matter and let us not begin to malign others or placing people in groups. Mr. Speaker, to conclude, I want to ask each and every person was elected to this Assembly in the way that they came in, and when we speak our minds, let it not be taken as somebody is dancing to any tune because there is no dancing to any tunes whatsoever in this matter and when we are talking of Makueni that we are quoting, it remains the best. If there was any amendment, let us bring it to the House and say that this was an amendment, done on this year and it had this point. Let us not come to the House to be misled in this House Committee that there was an amendment and yet as we all know that the Governor is one of the architects of Devolution. Mr. Speaker, truth be said, on this matter, the Governor was not given the right impression as to why the Assembly had indicated what it intended and when the Bill was passed here we debated and it was unanimously adopted that the Assembly should look at the appointments because this goes to our people. Mr. Chair, this is not new, it was discussed and I can recall that it was a very hot debate and it was unanimously adopted and the Governor has brought it back with a memo, let us tell him why we introduced that clause without meandering because we need to rise up and speak our minds and tell him the truth because even if it passes, so be it but we need to tell him the truth because it will set us free.

Chairperson, Committee of the Whole House (Hon. Samo): Can you conclude Hon. Joachim.

Hon. Joachim: Thank you Mr. Chair, I beg that you protect me because Hon. Steve is becoming emotive. Mr. Speaker, when I am speaking, I am not calling any names or referring to anyone and I am expressing my point from my inner sense. Mr. Speaker, what I want to put across here is, this is a House of rules and procedures, if we reduce this House to a level where we want to approve casuals, then, where are we heading to. Mr. Speaker, are we not being petty as Hon. Members...

Chairperson, Committee of the Whole House (Hon. Samo): Hon. Joachim, you need to correct your sentiments because in this case I believe that we are discussing the Bill and not the Village Administrators, we are not going that direction because we are not discussing casuals, you need to correct that.

Hon. Joachim: Mr. Chair, I withdraw. In my statement I will be using illustrations so do not interpret them directly as I try to say.

Chairperson, Committee of the Whole House (Hon. Samo): Hon. Joachim, the reason why I am saying that is because if you read section 53 of the County Government Act, 2012, it accords the Assembly powers to approve that includes the Village Councils. So, you cannot then refer that one as casuals.

Hon. Joachim: Mr. Chair, I withdraw. I was trying to emphasize that, we the kind of direction we are taking after the Village Administrators and the Councils, what is left the casuals and that is what I am trying to say that we are taking a downward trajectory. Mr. Speaker, what I mean by this House of business, what happened to the Ward Administrators, and the Sub-county Administrators and why do we skip all these cadres than we choose that we want to be very specific with the Village Administrators. Mr. Speaker, what I am saying is this, let us be very objective and if there are interests let us not use our interests to bring down something that is noble to our County. Mr. Speaker, this is a Bill that will be in existence irrespective of who is the MCA in your areas. So, today we want to approve because we are sitting on those particular sits, can we please allow the County Public Service Board to choose because we are given the mandate to work with the people we are given.

Mr. Chair, nobody can choose for you your wife, not even your parents because if you choose that I am going with a Nya-seme, nobody will compel you to take your wife from Nyakach. Let us allow the Governor a free hand to operate because the direction we are taking, we are trying to gag the Governor who to work with and this happens even in our Wards, because who will be coming there to choose for you who works with you as the Ward Manager. So, let us be very open, and we are not discussing this because we have the whole day, let us look at this thing objectively, how does it work with what the Makueni you have mentioned because the Bill passed by Makueni was amended because it was later realized that it was not consistent with the law. So, I stand here to say that as a Representative of the people from Kondele, they are ready and awaiting this Bill to be passed in this House, thank you.

Hon. Otiang: On a Point of Order. Thank you Mr. Chair, I would like to inform Hon. Joachim that even in the First Assembly, they are the ones who chose ward Administrators.

Chairperson, Committee of the Whole House (Hon. Samo): That information has been conveyed. All of you are going to contribute, this is your session. Hon. Chief Whip and then Hon. Kanga.

Chief Whip (Hon. Olima): Thank you Mr. Chair, I would like to contribute on this noble Bill on the Village Units. Mr. Chair, I want to say that we as the Second Assembly of this county maybe we are not as lucky or something's were done wrong that as haunting us today.

Mr. Chair, I want to say that if we had a consistent government today, I want to say that we would have passed a County Administration Bill that cascades from the county Administrator up to the village Administrators. Mr. Chair, now that we have the Village Administrators, and some Members want us to talk of the Sub-county and Ward managers which is not here with us today, because what is in front of us is the Village Units and that is the first one that we have received from the Executive as an Assembly because they deemed it fit that they deal with the Ward the Sub-county and the County Administrators.

Mr. Chair, I want to say that if you look at this Bill objectively and critically, we are talking of the Village Administrators and if you look at the Memorandum that was sent back to the House by the Governor. It is explicit that the Governor does not want the Assembly to approve the Village Administrators...

Chairperson, Committee of the Whole House (Hon. Samo): For those consulting, please do it in a low tone, Hon. Olale.

Chief Whip (Hon. Olima): Mr. Chair, we are talking of the Village Administrators and the Memorandum sent by the Governors states that we should not approve them. Mr. Chair, the question is why. The Constitution of Kenya, 2010 brought two levels of Government which are the Executive and the Assembly and we are allowed to domesticate any laws. Mr. Chair, I would like to bring you to speed that, this assembly once passed the People's Assembly Bill, was it in contravention of the Constitution of Kenya 2010, was there any law that was contravened, and nobody has questioned the People's Assembly Bill to date.

Mr. Chair, I want to say that if the Governor does not want us to see who to be appointed as Village Administrators, and why. Mr. Chair, if you look at section 12 (1) (b) of this Bill, on the Village Council, the Assembly is allowed to approve and this part states;

"There shall be a Village Administrator who shall be in the office of the Village Council and not less than 8 Village Elders competitively appointed by the Village Administrator through Public Participation with the approval of the County Assembly"

Mr. Chair, I want the House to ask itself, the Village Administrator is going to appoint as Village Administrator and the Village administrators is going to bring the Village Council for you to approve, why didn't he approve this himself. What are we doing, how will you get somebody from this Assembly to approve in your village, while he was not approved in this Assembly and where is he coming from. We have to agree that there is mischief in this issue and Members I want to tell you that we are in politics, and the same politics that we have seen because if some of us cannot even handle the Ward Managers, how will you manage a Ward Administrator who you don't even know where he is coming from. Mr. Chair, we have to be aware of the characters of those who are going to be brought to our wards as village Administrators. You might be seated here and somebody who will be brought is a thief, you will end up with all the blames.

Mr. Chair, we have to approve the Village Administrators if we have to work. We are aware that there are Wards that don't have Ward Administrators because their conduct is questionable and are not compatible with area MCAs and some have even been chased away by MCAs.

Mr. Chair, we are the voice of the people and I want to say that there is only one Government in Kisumu County and let them know that we are joint at the hip as the legislature and our voices are important and equal to the other side of the Executive. Mr. Chair, I want to say, that, the Administration Bill was not brought to this House, so, somebody will not tell us that because we did not approve the County Administrators and the Ward Administrators so we cannot approve the Village Administrators. Mr. Chair, we will recall the County Administration Bill o that we amend it from page one to the last, but for this one that we are discussing today, we have to approve the Village Administrators because we know the sinister motive behind who is going to be the Village Administrator. Mr. Chair, there is no way that somebody will bring you and elder from another area at the same time you don't even know him in the fast place.

Mr. Chair, I want to say that if you read this section of the Bill and whoever was advising the Governor was genuine he would have seen section 12 (1) (b) of the Bill and advised accordingly.

Mr. Chair, I have had my colleague talk of casuals, and in the same Bill that he is in support we are expected to approve an elder but he does not want to talk of the Administrator. We have to say that, w are ready to support the Governor and will continue to do so and the few elements who want to derail government progress by bringing sister motives, we will not allow. Mr. Chair, I want to tell you for free that it is only this Assembly that appropriated for employment of casuals ant it is the only Assembly that is accorded powers, to look into everything including the vehicle that the Governor drives and it is the same House that knows which part of this County that is going to get what and when. Therefore, this House must know which administrator is going to be in Seme and which one is going to be deployed in Nyakach before they go to work. Mr. Chair, we must be clear on this and it is not a matter who dances to which tune and I believe that there are no tunes because the house is silent and there are no tunes here we are dancing to and we are saying that we have to approve the Village Administrators if we have to work as one government. If we are going to have two governments, where the Assembly is another one ad the Executive is another government, then, we can leave those administrators not to come to this House for their approvals. Thank you.

Chairperson, Committee of the Whole House (Hon. Samo): We give Hon. Kanga and then Hon. Olwal.

Hon. Kanga: Thank you Mr. Chair, having adopted the report from the Administration of Law Committee. We are now tied on this issue of the Memorandum that was sent by the Governor.

Mr. Chair, the contentious issues here is the issues that touch on section 10 (1) of this Bill. The Governor in his comparison did that with that section of that Bill to section 52 (2) of the County

Government Act, 2012 whether it was in conformity with the Constitution of Kenya, 2010 and he went further to touch on article 192 (2) of the Constitution of Kenya 2010.

Mr. Chair, I would like to bring to the attention of the House to ascertain that there are people in his echelons who are advising the Governor on the issues touching on the memorandum. I would like to bring to the attention of the House that the Governor has been a legislator for the last thirty-five years and he also happened to be in the immediate Senator of Kisumu County. So, giving remarks that there are some people who are misadvising the Governor is misguided. The Constitution of Kenya 2010 talks of the doctrine of separation of powers, whereby in the case of the County Government, we have two arms that is the legislature that Kisumu County Assembly and the Executive. The doctrine of separation of power gives the Assembly its roles and the role of the Assembly is to legislate and not to micro-manage the Governor on how to implement those laws. This needs to go into our minds that includes the Chief Whip who is supposed to defend the policies of the Governor in this Hon. House and he is the same person who goes further to poke holes on Bills that have been brought to this House. I have to talk about this because you are my Chief Whip and you are supposed to defend the agenda of the government as far as the business of the House is concerned and you are the same person bringing the Government down...

Chairperson, Committee of the Whole House (Hon. Samo): Hon. Kanga...

Hon. Kanga: Mr. Chair I don't know what passion the former Chairman of Budget and Appropriation because I know you are still bitter that you were removed from that chair.

Chairperson, Committee of the Whole House (Hon. Samo): Please let us give Hon. Steve a chance...

Hon. Kanga: Please Hon. Steve, just cool down...

Hon. Steve: Thank you Chair, I don't want to respond to that petty level of argument. Mr. Chair, I call it petty because I am not bitter, I have moved on my brother and my seat is in Kolwa East. You know that when you signed my removal it was illegal and unprocedural and it is not the matter that we are discussing. Hon. Kanga, you need to respect your level because you have been a very passionate debater but the level of sycophancy that you are descending to is quite disturbing.

Mr. Chair, the truth has to be said, and you don't come to the Assembly and start saying that we are not in conformity with the laws. Are we not aware that the Governor has an Economic Planner, why does he need an Economic Advisor? Are we not aware that the Governor has a County Attorney and these personnel have got nothing to do with the level of the Governor experience and expertise? Mr. Chair, the Hon. Member for Market Milimani Ward should be informed that offices have to exist whether you are the best brain in the world, the American President also have those advisors. So, to come and inform this House, even the Ministers are

there because the Governor has a Minister for Economic Planning and he is one of the best planners who authored the Vision 2030. Mr. Chair, let us stick and adhere to the rule of law and the debate because what we are talking here is the Village Administrators.

Mr. Chair, the trouble we have with the Ward Administrators as we speak now, I don't want to suspect and I don't want these Members to be subjected to that and mind you we are only left with three years, with three years with Village Administrators we will be going for elections when they will have done their part, I am done.

Hon. Kanga: Thank you Mr. Chair, the Hon. Member has given us his points. So, just relax...

Hon. Steve: Hon. Kanga, don't worry I am relaxed.

Hon. Kanga: Thank you. Mr. Chair, the laws that we made in this Hon. House has to be inconformity with the national laws. Mr. Chair, if you look at article 191 (b) of the Constitution of Kenya 2010 if you allow me read;

Hon. Ojuok: On a Point of order!

Hon. Kanga: Mr. Chair, I don't want to be informed. You cannot compel me to be informed. Mr. Chair, he is informing me based on what or based on which precedent based on various legislations of what because he is just talking casually.

Chairperson, Committee of the Whole House (Hon. Samo): No. Hon. Kanga, let me guide you. I would wish that the Leader of Minority gives time to Hon. Kanga to read that section of the Constitution of Kenya 2010, then, you rise on your point of order.

Hon. Kanga: Mr. Chair, the Constitution of Kenya 2010, is the supreme law of the land. Mr. Chair, if you may allow me reads article 191 (b)...

Chairperson, Committee of the Whole House (Hon. Samo): I do direct that we have the lights put on. Hon. Kanga, please proceed.

Hon. Kanga: Mr. Chair, we are reminded that we have to make laws that are inconformity with the national laws. Please allow me read that article 191 (b) of the Constitution of Kenya 2010 which the Governor referred to;

(3) The following are the conditions referred to in clause (2)

(a) the national legislation provides for a matter that cannot be regulated effectively by legislation enacted by the individual counties;

(b) the national legislation provides for a matter that, to be dealt with effectively, requires uniformity across the nation, and the national legislation provides that uniformity by establishing—

(i) norms and standards; or

Mr. Chair, the authority to amend national laws lies with the National Assembly which is the Parliament. When we are making laws as a County Assembly, it has to conform to the County Government Act, 2012 which is clearly stipulated in Article 191. Mr. Chair, the Governor went further to highlight Article 53 (1) (d) on the appointment of Village Councils and Elders. Mr. Chair, I want to remind the House that, the First Assembly...

Chairperson, Committee of the Whole House (Hon. Samo): Hon. Kanga, on that part, you had read section of the law that you requested to read. Please can you allow the Leader of Minority to continue?

Hon. Kanga: Mr. Chair, he wants to inform me based on what?

Chairperson, Committee of the Whole House (Hon. Samo): Let us give him time to speak so that we get what he has to say.

Leader of Minority (Hon. Ojuok): Thank you Mr. Chair, I want to inform the Hon. Member that, indeed it is true that the laws that we make in this House must be in conformity with those made in the National Assembly. Mr. Chair, because devolution was meant to devolve powers or resources and taking into consideration our uniqueness, and in the wisdom of the National Assembly and the drafters of the Constitution of Kenya, 2010, they decided to ask us to domesticate these laws and that is what we are doing here, we are domesticating and that domestication is okay as long as it does not interfere with another County. Mr. Chair, let him tell me how approving the Village Administrators will interfere with those of Kericho. It doesn't. Mr. Chair, we want people that we can accept because this is a Governor that was popularly elected, because he is not soliciting for that kind of support and let him find another support that we can give him but not this one.

Chairperson, Committee of the Whole House (Hon. Samo): Hon. Olwal was on a Point of Order, please let him clear.

Hon. Olwal: Thank you Mr. Chair, this is to my brother Hon. Kanga who quoted the Principles of Separation of Powers and he stated that the Assembly is trying to micro-manage the Executive. Mr. Chair, I must remind him that our roles as Members are three which is the Oversight, Representation and Legislation and approval is part of oversight. There is no way unless; we want to appoint the Administrators. Mr. Chair, here we are asking for approval and not appointing.

Secondly, on the article that he has just read, it is not our mandate as a House to interpret the law. We have the Judiciary, High Court and the Supreme Court who can interpret for us the pieces of legislations. Mr. Chair, I would also implore that as they were citing the Makueni County, I would also beg pursuant to the provisions of Standing Orders No. 89 that they table before this House documentary evidence in support that there was a case in the Supreme Court that challenged it that there was a breach of the County Assembly, thank you.

Hon. Kanga: Mr. Chair, let me conclude. The contributions of the Leader of Minority and Hon. Olwal have eaten into my time so I beg you give me more minutes.

Mr. Chair, I would like to bring to the attention of Hon. Ojwang' that minimal understating of the law can cause a lot of harm. Mr. Chair, there is something known as County Assembly Approvals Acts which indicates who is supposed to approve....

Chairperson, Committee of the Whole House (Hon. Samo): Hon. Kanga, please because you have mentioned his name, please allow to him react.

Hon. Kanga: Mr. Chair, I want to apologize to Hon. Ojwang' so that it does not eat into my time. Mr. Chair, I meant Hon. Olwal.

Chairperson, Committee of the Whole House (Hon. Samo): That is fair enough.

Hon. Kanga: Mr. Chair, I was informing Hon. Olwal that the minimal underrating of the law can sometimes land you into problems. Mr. Chair, there is something known as the County Assembly Approval Act because we were furnished with these documents when we were being sworn in the County Assembly Approval Act and there is nowhere it is indicated that we are supposed to approve the Village Elders.

Mr. Chair, the law is an comparison because what we are doing in the County Assembly is a replica of the National Assembly. In the National Government we have the Public Service Commission and in the County Government we have the County Public Service Board. The MPs are making laws in the National Government and we are likewise making law in the County Assemblies. Mr. Chair, there is nowhere in law where the DOs and Chiefs have gone through the Public Service Board and later names taken to the National Assembly for approval. These Are things that need to be replicated in the County Assemblies and we are reducing ourselves into approving lower cadre staff. Mr. Chair, each and every Member want to have a say on which "kidhedhe" is going to work in his ward and that is totally useless Mr. Chair. We should be above board.

Mr. Chair, the MPs are usurping powers of the Government and we are supposed to implement the Constitution as passed by the National Government. Mr. Chair, I want to inform this House that if there is anybody who is bitter with this, is the MCA of Market/Milimani and Kondele Ward because today the traders in Market-Milimani their wares were totally demolished. So, if

you are bringing your anger to this government because something was done somewhere, then Hon. Members are missing the point. We should not reduce ourselves to the level of approving the Village Elders and every Member wants the Governor to give him a particular person, we should not micro-manage the government and let members be above board. Thank you.

Chairperson, Committee of the Whole House (Hon. Samo): Chief Whip.

Chief Whip (Hon. Olima): Thank you Mr. Chair, I want to ask Hon. Kanga that emotions are not used to make laws. It calls for brains and analysis to make laws. The Constitution of Kenya 2010 is drafted by the National Government and not the County Government and there is nothing that brought anybody here and if it happened that Market/Milimani Ward and Kondele Ward was destroyed, that should be your representation role and not legislation. I want to remind you that when we are making laws, we are not doing so for destruction but for prosperity. Mr. Chair, section 53 of the County Government Act, 2012 on Village Councils which states that;

Village Council.

53. (1) *There is established, for each village unit, a village council comprising—*

(a) the village administrator who shall be the chairperson of the village council; and

(b) not less than three and not more than five village elders competitively appointed by the village administrator with the approval of the county assembly, taking into account gender balance.

Mr. Chair, I don't know whether these are the "Kidhedhe" you are talking about. Mr. Chair, we did not draft these laws and this law was given to us by the National Government stating clearly that we have to approve the Village Elders. So, whether you call them whatever name you feel like calling them, it is section 53 of the County Government Act, 2012 that we as a House are adhering to and we are not contradicting the Constitution. Mr. Chair, if we are approving the Village Council, the Village Administrator is part of the Village Council and he is the Chairperson of the Council. So, whether you call them "Kidhedhe" or whatever, we don't want to know because when this was being done the Chiefs, DOs, County Commissions were there it's the reason that we cannot bring it here because we are going to contradict the same laws.

Chairperson, Committee of the Whole House (Hon. Samo): Hon. Members, can we allow the Leader of Minority raise his Point of Order?

Leader of Minority (Hon. Ojuok): Thank you Mr. Chair, there is a wrong narrative that is being peddled here that the Chief cannot be handled but I want to say that they have security of tenure as a preserve of the National Government and that is the main issue that informs the non-approval at the National Government because they have some tenure of security. Mr. Chair, our do not and it is a preserve of the National Government that they provide security.

Chairperson, Committee of the Whole House (Hon. Samo): Hon. Leader of Majority has information to give, and then we proceed.

Leader of Majority (Hon. Onyango): Thank you Mr. Chair, ordinarily, we are supposed to adjourn at 06:30 p.m. and it has reached that time, so, I would like to indulge this House that we revert to plenary so that we can formally extend the sittings of the House, thank you.

Chairperson, Committee of the Whole House (Hon. Samo): Hon. Members, as a result of the time constraint, let us revert back to plenary then we formally request for an extension of the sitting.

(All arise)

(House reverts to plenary)

The Temporary Speaker (Hon. Rodgers): Order!! Order!! Hon. Members, those that are walking out please do that in silence.

The Temporary Speaker (Hon. Rodgers): Hon. Leader of Majority!

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker, as I had said earlier on, it is already 06:30 pm and it seems that the matter is far from over, so I would wish that we extend the House for the next one hour to allow us dispense with this matter. Mr. Speaker, as we are doing that, I would wish that we equally limit our times for contributions so that those who have not talked can do so. Mr. Speaker, I am being advised that one hour may not be adequate, so, I wish that we extend for the next two hours. Please allow me to ask Hon. Jagongo to second.

Hon. Jagongo: Thank you Mr. Speaker. I stand to second.

The Temporary Speaker (Hon. Rodgers): Honourable Members, allow me to put a question for the extension of time as requested by the Leader of Majority.

(Question put agreed to)

The Temporary Speaker (Hon. Rodgers): The House sitting is therefore extended by two hours. Yes Hon. Oraro.

Hon. Oraro: Thank you Mr. Speaker. I want to propose that the House reverts again to the Committee of the Whole House for the continuation of debate. May I ask Hon. Agengo to second?

Hon. Agengo: Thank you Mr. Speaker. I second.

(The House reverting to the Committee of Whole House)

Chairperson, Committee of the Whole House (Hon. Samo): Let us proceed Honourable Members. Yes Hon. Guya.

Hon. Guya: Thank you. Before I continue, I would wish to move a motion that we can contribute for a maximum of three minutes. May I ask Hon. Ameso to second?

Hon. Ameso: Thank you Chair. I second.

Chairperson, Committee of the Whole House (Hon. Samo): Very well. Continue Hon. Guya.

Hon. Guya: Thank you. As a member of this committee, we went round the county collecting their views on this matter. The issue at is whether the assembly should approve or not approve. That is the agenda that we should be discussing. We are not interfering with the appointments of the Village Administrators. The Village Administrators shall be appointed by the Public Service Board and we are not interfering with that. What we want on this issue is just to put some checks on the process. I just want to confirm that the people who shall be brought to South East Nyakach Ward are people from that Ward but are competitively resourced.

Finally, there attempts to persuade this House by Members from a particular sub county whom we all know that they do not have villages. This group shall not be affected whether we adopt this or not. I want to inform the Members that this is just a way of checking the government. The fact that the Ward Administrators and other people were not does not mean we cannot do it. The views the committee had are from the public participation and public participation is enshrined in the Constitution. Thank you.

Chairperson, Committee of the Whole House (Hon. Samo): Thank you Hon. Guya. Yes Hon. Seth.

Hon. Okumu: Thank you. First I want to refer Hon. Members who have made reference the Makeni County Administration Act, Section 9. It reads, *Village Administrator under this Act, 2012 of each unit appointed by the board through open and competitive process*. I just wanted to confirm to this Honourable House that it is true that Makeni realized that they made a mistake in their first law when they include the words “approval of the county assembly”. They corrected it in 2015. I am willing to submit a softcopy.....

Chairperson, Committee of the Whole House (Hon. Samo): What is Hon. Olwal?

Hon. Olwal: Do you have facts to say that Makeni recalled that Bill for amendment based on inconsistency in law?

Chairperson, Committee of the Whole House (Hon. Samo): Hon. Okumu, can you please answer that?

Hon. Okumu: Thank you Chair, I was reading to the House the Makueni Administration Act 2014 on how it is right now. If anybody has anything contrary to what it reads then you should know that you are having the wrong thing.

Chairperson, Committee of the Whole House (Hon. Samo): Hon. Okumu, could you please get to the question that was asked by Hon. Olwal?

Hon. Olwal: The question is that, was the Bill amended because of inconsistency with the law and which Supreme Court decided that?

Hon. Okumu: Chair I request that he gives me time to know which Supreme Court decided that but what I want to assure him as it reads right now and I will repeat the way it reads; *the Village Administrator established under section 52 of the County Government Act 2012, shall be the head of the village Unit and shall be appointed by the Board through an open and competitive process.* There is no approval by the County Assembly in that Act.

I believe why this is happening where Hon. Kanga said in under Article 191 of the Constitution read together with Article 2 of the Constitution. Article 2 gives the Constitution supremacy and Article 191 2(a) which has been mentioned here gives National Legislations powers over County Legislations. What we are making today is a County Legislation. I want to remind the House that when a law is being made it will tell you how it is done and what is not to be done. It is written so clearly in section 52 (2) of the County Government Act 2012 which is a National Act that a Village Administrator shall have professional qualifications and technical knowledge in Administration and shall be appointed by the County Public Service Board in accordance with the provision of this Act. With all due respect, personally I would also love to be the person who is employing or influencing the employment of every one including all the MCAs but the law does not allow for that.

That is why it is giving the Public Service Board the authority to employ these people. That is the way they are doing to other Members who are working in the Executive. It is not only the Village Administrators that we have in this County but there are several staff like directors, nurses, doctors and ECD teachers who never reached this House and they are in big positions. We trust that the judgment and employment of the Public Service Board to employ these people takes interest of both Minority, Majority, Gender, PLWDs and youths. Therefore it is not right to say that it is only this Assembly that is capable of ensuring that if somebody is going to be employed as a Village Administrator then they are the only people who will ensure that.

It is written that you must have professional qualifications and technical knowledge. The law had seen that hence bringing it. We cannot just make a law because we want to massage our ego. I want to disagree with all Members and that the law is meant for posterity. How will it look like when we are gone? We cannot pretend that we are making a law so that we can employ Village Administrator now. What will happen in the future when other MCAs come? They will remove

these people and bring new people. It is wrong and I believe that every time that we are making a law, we should make reference to the Constitution, we should make reference to the National laws and we should make reference to the treaties that we have signed as a County.

Chairperson, Committee of the Whole House (Hon. Samo): Hon. Okumu I had given you three minutes but you know I have extended because you had been interfered with by the point of information.

Hon. Okumu: Thank you Chair, as I conclude I want to request and humbly ask the Hon. Members of this House to allow as to make a law that is in conformity to the Constitution and a National Act by agreeing with the Addendum that the Governor brought that is lifted from a National law. Thank you.

Chairperson, Committee of the Whole House (Hon. Samo): What is it Hon. Steve Owiti?

Hon. Steve Owiti: I just want to ask a question. If Members think that this law is in consistence with the National Act and the Constitution. Can they show us that inconsistency?

Chairperson, Committee of the Whole House (Hon. Samo): Can we give Hon. Pete a chance.

Hon. Pete: Chair, a memorandum was brought back to the House for consideration so that the Assembly so that we reject or approve it. The Village Administrator at the village council. The interest is that, if we approve it will be in consistence with the National law. Section 191 (2) is being quoted. When we look at section 53 it gives us power to approve. So were the people who made this law carried away, did they forget what they were supposed to do or what were they looking at?

A new dispensation was coming into force and the MCA who is supposed to be the president at the Ward level in the village is expected to have powers on the ground to know what is happening in every corner of the Ward. This section was not merely made because the Governor was there. This section was to give MCA's some powers at the Ward. Whoever came up with this must have realized that the kind of dispensation we have now the MCA's don't have any powers on the ground, then that's how they will be finished. Let me tell you about during the time of president Moi, every morning he would get information from every part of Kenya from the DC. And the DC would information from the DO or the Chief that is when you are a boss.

We are going to be the boss on the ground for the Governor, so let us own the ground. If it was stated in Article 191, that Section 53 would contradict this we would think otherwise. We are not fighting any administration, we are not fighting anyone but we would like a situation where the MCA has his eyes on the ground so that when the Governor rings in the morning asking about your Ward he knows where to ring. What is being interpreted as conflict is not conflict and if we pass it as we had and that time I was a member of the committee and when I woke up I found my

name removed out of the list. We simply pass this and own this for our government. Thank you Chair.

Chairperson, Committee of the Whole House (Hon. Samo): Thank you very much. Hon. Otura please.

Hon Otura: Chair, I have realized in this House that, those who shout the loudest are given priority to talk in this. Nonetheless to the point which has been high jacking and supporting me in my sentiments. I want to inform the Hon members that there is no need for these contentious arguments in this House. This thing is as simple as when we do the approvals, we know very well that the Governor was equally elected as the MCA's were, and if anything, we all serve the interest of the electorate, I don't understand why when it comes to the approval of the Village Administrators, it will not serve the interest of the Governor.

And if we don't approve and the Governor appointees, the County Service Board competitively announces and selects, then are we not serving the interest of the same government? My concern Honourable Members, we have laws and going by the spirit of devolution that Section 53 of the Act actually tells us that we have the power to approve even the lowest level of devolution. That is the village council. It is very clear, the lowest level of devolved unit of governance is in the Village Administrators and the composition is the village council.

So not only are we allowed to approve the Village Administrators but also the village council. So I don't see any problem in domesticating our law to accommodate the assembly approving the administrator. Honourable Members, we are not against anything pertaining to the appointment of village administrators who are going to work directly with us in the villages, but express some challenges we have realized in the past.

We know we may amend the Constitution or the act, we are the law makers, but as the moment the Village Administrators are going to be more than three or four or more in a ward, then what will you get as a challenge if only one Ward admin is causing the challenge that we now see.

Chairperson, Committee of the Whole House (Hon. Samo): Thank you. Yes Hon Olwal.

Hon Olwal: Thank you Chair for giving me the chance to contribute to this matter. I want to inform the House that we are talking about Village Administrators and it is not just about simple casual workers as some have insinuated. The basis of the memorandum that was brought to us quoted Section 191 which only talks about inconsistencies in law. There was nowhere quoted which law was in consistence with the Bill that we made. I think that we should leave the Bill as it was. By approving the Village Administrator Bill, we are doing our oversight role.

Chairperson, Committee of the Whole House (Hon. Samo): Hon. Members, I am requesting that you be in the House because it has come to a time that this matter is very critical and 33 of

you must be in the House if any case we have another opinion on that. Can we allow the Leader of Majority to speak?

The Leader of Majority (Hon. Kenneth Onyango): I must admit that this matter is emotive and sometimes when law emotions run very high it may obscure logic. Let me say that the memorandum from the Governor touched on specific provisions of the Constitution. I would have wanted us to only delve on those specific infringements of the Bill. Chair, I also want to say the hierarchical order in this County stems from the Governor, then the County Secretary, then the Director of Administration, then the Sub-County Administrator, the Ward Administrator and then the Village Administrator. From the County Administrator to the Ward Administrator, these are persons with jobs above the Village Administrator and it is illegal in my opinion that we can subject these Administrators who are higher. We are not subjecting them to approval and yet the lowest level of Devolution in this case the Village Administrators are going to be vetted.

Let me now restrict myself to Article 191 of the Constitution. This Article applies to conflict between National and County Legislation in respect of matters falling within the concurrent jurisdictions of both levels of Governments. National legislation prevails over County legislation if; the National Legislation applies uniformly though out the country. Mr. Speaker I want to say that when the Constitution was made there must be what is called attendance Legislation that gives flesh to that Constitution. In this case, the attendance Legislation is found in Article 52 which states that;

1. *'There is established the office of Village Administrator for each village unit'*
2. *'The Village Administrator shall have professional qualifications and technical knowledge in Administration and shall be appointed by the Public Service Board in accordance with the provisions of this Act.'*

That is the legislation that is applied uniformly across Kenya and therefore if we bring any other legislation that now brings the element of approval by the Assembly, then it contravenes Article 191 2(a) of the Constitution. I also want to hasten in saying that Article 153 of the County Government Act gives the Assembly the permission to approve the other council Members. So there is absolutely no contradiction and ambiguity in provisions of the Constitution in so far as the appointment of the Village Administrators and the Village Council is concerned. So Mr. Chair I would wish that in your wisdom, you would find it necessary that you rule that indeed there is a conflict.

Chairperson, Committee of the Whole House (Hon. Samo): Yes Hon. Oraro.

Hon. Oraro: Thank you Chair, I believe that now you understand that we as a committee had to refer this matter back to the whole House. I want to speak as the MCA representing Kisumu North and at the same time as the Chairperson of the committee that was dealing with the matter. To be precise we have two problems here. The first problem is on legal issues; we are battling

with a legal issue on what the existing laws talks about and what we are trying to do that might contravene or not.

The second problem is political problem; there are fears that based on past experiences, there is need to provide some cure. In any case, the reasons why laws are made to cure certain problems so that there is order. Laws tend to cure conflicts. In the legal perspective based on past experiences in the precedence, there are different types of people who work in particular Governments.

If you look at the County Government, there are a number of people who are nominated but they is a common face for all of them that they are all appointed. If you take an example of the CEC Member; they are nominated by the Governor, approved by the Assembly and appointed by the Governor. The Chief Officers are competitively sourced by the County Public Service Board, approved by the Assembly, nominated by the Governor and appointed by the County Public Service Board. The establishment of the County Public Service Board results into mandates which are given to them as per the County Government Act 2012.

Hon. Chair, we need to ask ourselves if the Village Elders fall under Public Service. Once we do this then we will understand why the County Government Act is insisting on the Approval of the County Village Elders by the Assembly even though they are competitively appointed by the Village Administrators. If you look at the frequency of the Village Administrator, it is not the same as that one of Directors, the CECs and the Chief Officers. In other words if we were to approve the Village Administrators where it is explicitly provided for in the County Government Act, then we may say that we are contravening the Act.

The question comes on how we will cure the political problem as a County Government. The political challenge is that it has to be based on experience that a number of Members have said. So if there are challenges then there is need for the persons working at the ward to have arant. I believe that when we were discussing this matter, which was the main reason why Members were feeling that they want to approve the Village Administrators so that they are sure that the right person is brought and must be of right qualifications and has knowledge of the area that they are representing.

What happens if the Assembly goes ahead to uphold and the approve the Village Administrators and then the County Public Service Board goes ahead to employ without bringing to the Assembly for approval? That is a question that we must ask ourselves. Or what happens if the Assembly approves the team? There are a number of laws that were sent to the President of Kenya for ascent and they were returned back and it is very clear even in our Standing orders that there is committal of Bills in the Assembly.

In my own opinion, we have got only one solution to this matter based on existing procedures and laws in the precedence that Members have to vote on this matter. It is clear that when such

matters come for the Assembly to agree or to uphold their initial stand then we need a minimum of 32 Members. If we are to go according to the Governor's memorandum, then you need a simple majority. Therefore in as much as we continue debating, the solution is one. I would request that we go back to the plenary, do the 3rd Reading and the Speaker to allow Members to vote.

Chairperson, Committee of the Whole House (Hon. Samo): Hon. Members now that the matter has been discussed, I want to put a question on the Governor's Memorandum such that we see what we report back in the plenary.

(Question put and disagreed)

Chairperson, Committee of the Whole House (Hon. Samo): We will report that then the Speaker will direct on what will follow. Thank you Hon. Members, we can now revert back to plenary.

(House reverting to the Plenary)

The Temporary Speaker (Hon. Rodgers): Thank you Hon. Members. Yes the Chairperson of Liaison.

Chairperson, Committee of the Whole House (Hon. Samo): Thank you Mr. Speaker, we had a long time to debate this matter in the Committee of the Whole House and during that time we had various deliberations that I want to bring to your attention. A number of Members did contribute that we support or we adopt the Governor's Memorandum. A good number of us did note their concerns and made it clear that the House can be allowed to approve the list of these Village Administrators. The Members who were supporting the Governor's memorandum did raise various Articles of the Constitution and various sections of the County Government Act including our Standing Orders. They rightly put it that we need to allow the Governor and the Public service Board to do their work to have their way of doing the appointment these Village Administrators according to the Governor's Memorandum.

Mr. Speaker, those who are opposed to that idea did mention categorically and in fact they did quote a number of sections of the Constitution as well as the County Government Act including giving examples of other County Governments like Makueni where they did say that the Assembly cannot interfere with the appointment of the Village Administrators. But they were asking that the assembly can only do the approval of the names that are brought to them for consideration of those who will become the Village Administrators in their Wards.

So Mr. Speaker to bring this matter to a conclusion, the Hon Members who are almost evenly distributed in their arguments and some even supported their arguments and some did oppose this. So I did report this to you Mr Speaker that you need to make this clear that even if we vote on the matter now because we are past the committee of the whole house so that we see how this

matter will be concluded before this bill becomes a law. Just to put to your attention Mr. Speaker, we had gone through the first reading in the first bill, through the second and third reading then it was taken to the Governor for assent. The Governor made some statements quoting various sections of the law which we need to consider as a house.

That is why when it was brought back it was taken to the Committee of Administration Law and Justice chaired by Hon Oraro. In his wisdom, as he was leading the group, he realized that this matter is very weighty thus referred it back to the house where we adopted the position that we discuss and agree as a house. It has been discussed and agreed in the House, some supporting and some supporting the Governors Memorandum. I do submit that we need your direction from there because the Committee of the Whole House has done its part and now we need to know if we are going to vote for it or not. Thank you Mr. Speaker. I beg to submit.

The Temporary Speaker (Hon. Rodgers): very well, order Hon. Members. What is it Hon. Ngeta?

Hon. Ngeta: Thank you Mr. Speaker. I am rising on Standing Order No. 33. We are supposed to complete this Bill by now but due to lack of quorum we cannot proceed. I would like to seek you indulgence so that the quorum bell can be rang.

The Temporary Speaker (Hon. Rodgers): Can we please allow the Leader of Majority to confirm if indeed we don't have quorum?

Hon. Kanga: Thank you Mr. Speaker. The Standing Orders should not be read in isolation when we are talking of issues of quorum being raised by Hon. Ngeta we have to refer to standing orders No. 137 (5) the basis of that quorum is based on 2/3 of the Members because we are accenting to the Bill.

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

The Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker, ordinarily there is lack of quorum as provided for under standing Orders No.33 which disallows us to proceed with any business of the House. I believe that that is what is prevailing in the House at the moment. Before we even look at Standing Orders No. 137 (5), we must look at 33 and Mr. Speaker this Bill has been debated upon and we have seen how emotions have been expressed. I would wish to defer it to a later date to give us time for consultations and probably to look at it in a more rational way.

Mr. Speaker, the reason as to why I was going to that level is because I am being reminded by our Clerk that ordinarily we need to ring the quorum bell in ordinary circumstances but this is indeed unusual because we have already extended the sittings beyond the ordinary time so that is why I want to indulge you that we just defer this Bill as more consultations will happen and I believe that is the most appropriate thing to do. May I ask Hon. Misachi to second?

Hon. Misachi: The Leader of Majority has proposed on the matter that we are discussing and he has asked me to second. I wanted to say that when you look at Standing Orders No. 34...

The Temporary Speaker (Hon. Rodgers): Before you second, there is another Member who is on a point of Order. Yes Hon. Agolla.

Hon. Agolla: Mr. Speaker, we need to follow the laws and rules in this House. Standing Orders No. 33 which the Leader of Majority has referred is not in order for him to call for a seconder for the deferment of this particular Bill. Standing Orders No. 33 1(a) states that;

'If the Speaker is or the Chair shall adjourn the County Assembly in the next sitting without question put'

When you are calling Hon. Priscah to second then that is not in order and the only procedure is when you confirm that there is no quorum after the quorum bell has been rung then this sitting will be adjourned without any question put. The Chair will direct the House Business Committee to re-slot this particular Bill in another sitting.

The Temporary Speaker (Hon. Rodgers): Hon. Members before we proceed let me allow the Leader of Majority to speak.

The Leader of Majority (Hon. Kenneth Onyango): Thank you Mr. Speaker I have to admit that today's session has been very high and I want to agree with Hon. Agolla that the provisions under Standing Order No. 33 do not require that we ask for a seconder.

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

Hon. Oraro: My point of order is a rejoinder to Hon. Agolla's and the Leader of Majority. When there is need to confirm whether there is quorum or not, you will confirm and the quorum bell will be rang. After the quorum bell is rang and still there is no quorum, you will adjourn the business without putting any question but I disagree with Hon. Agolla that there will be a request to slot for business. It is automatic that this is an interrupted business. So in the next sitting the business will continue.

The Temporary Speaker (Hon. Rodgers): Thank you Hon. Members, before I rule on the point of orders that have been raised by the Hon. Members, I do suspend the House for 5 minutes to give me time for consultations because it is important that we need to follow the Rules and Procedures when we are undertaking this Bill that we have in front of us.

(The House is suspended for 5 minutes)

The Temporary Speaker (Hon. Rodgers): Order Hon. Members. Before the Speaker suspended the House, there were some point of orders that were raised under standing orders No. 33 on

whether there is quorum for us to be able to continue with the debate. Can we now proceed, the Leader of Majority?

The Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker there seem to be quorum in the House.

The Temporary Speaker (Hon. Rodgers): Thank you Leader of Majority, since we have enough quorum, let us kindly dispense on the matter that is before us. The Chair of Liaison has reported back to the House on what was discussed during the Committee of the whole House.

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

The Temporary Speaker (Hon. Rodgers): Hon. Members I direct that we go for division under Standing Orders No. 137.

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

The Temporary Speaker (Hon. Rodgers): I order that when we will go for division, there will be no movement in and out of this Hon. House. Can the Sergeant –At- Arms allow the Members that are out to come in since we have not yet started voting? Hon. Members, can we proceed with the process of voting and I direct that the doors be closed. What is it Hon. Oraro?

Hon. Oraro: Thank you Mr. Speaker. Actually I am rising on Standing Orders No. 137. I was just worried that you are calling for division and it is not clear on what we are voting for. During the committee of the whole House, a question was put and a number of Members were in disagreement with the Governor’s Memorandum and when the Liaison Chairperson reported back based on the discussions in the Committee of the Whole House there is need and he requested for division and as we questioned. When you vote ‘yes’, are you in agreement with what was reported by the Liaison Chairperson and if you say ‘no’ then you are disagreeing with what the Liaison Chairperson reported. Otherwise the result of the voting may be confused with the intention of the voting. Standing Order No. 137 states that;

‘If the County Assembly passes the Bill a second time without amendment or with amendment which do not accommodate the Governor’s concerns by a vote supported by 2/3 of Members of the County Assembly’

It means that if we are agreeing with the resolutions of the whole House, then there is need to get 2/3. So it is good to tell the Members that on what happens if we don’t get the 2/3.

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

Hon. Samo: Mr. Speaker I just want to support the sentiments raised by Hon. Oraro but then revisiting what we did in the Committee of the Whole House. We have choices of two things; a memorandum from the Governor and the feelings of Members. So in your question I would like

to simply ask you to ask the way we did it in the Committee of the Whole House by putting a question.

The Temporary Speaker (Hon. Rodgers): What is it Hon. Kanga?

Hon. Kanga: Mr. Speaker there is a scheme by some Hon Members going by the suggestion of Hon Samo because just a moment he is the same person who presided over the Committee of the Whole House and the ‘yes’ were many but he said the ‘no’ have it.

The Temporary Speaker (Hon. Rodgers): Order Hon. Kanga. What is it Hon. Samo?

Hon. Samo: Mr. Speaker, I chaired the Committee of the Whole House, so when the Hon. Member rose on Standing Order No. 137 to make the clarity and what I did then. I did report back to the House that those who support the Governor’s memorandum like me say ‘yes’ and those who don’t support say ‘no’. I don’t have any other interest.

Hon. Kanga: Mr. Speaker the Standing Orders is very clear and we need 32 votes in order to stop the Governor’s memorandum. We are ready to vote since the ballot boxes and papers have been brought. The issue of ‘yes’ and ‘no’ does not prevail right now.

The Temporary Speaker (Hon. Rodgers): What is it Hon. Ogendo? Then we proceed with the process of voting.

Hon. Ogendo: I rise on Standing Orders No. 60(2) which states that;

‘Notwithstanding paragraph 1 whenever a Bill or a special motion, the passage for which requires a special majority in the Assembly fails to acquire the majority, the ‘yes’ and ‘no’ will have not less than 1/3 of Members of the Assembly; the Speaker may direct a further vote be taken on the particular question and the further vote shall be taken within 5 sitting days from the first day the first vote was taken.’

What I fail to understand according to your ruling is that you directed that we go for a division which requires voting. Mr. Speaker, I need you to come clear because everything is being captured on Hansard. Where do you anchor your stand for you to resolve this issue to go for a vote? We are being guided by the law and whatever it states, you will be held responsible in whichever decision that you are making before this House. I am not against your decision but I would like to request you to give us the reasons as to why you made your decision so that it can go on record.

The Temporary Speaker (Hon. Rodgers): Thank you Hon. Ogendo. The Chair was proceeding to give his information but he was interrupted by many points of orders. Hon. Members I want to assure you that I took an oath to protect, defend and uphold the Constitution and also to adhere to our Standing Orders. The question that we have before us is a report that has been reported by our Liaison Chairperson on whether we should pass the Governor’s memorandum or reject it

under section 24 (2b) of the County Government Act; the Kisumu County Administration Village Unit Bill, 2018. I want to direct the House as requested by the Hon. Members who said that I be clear so that we don't have confusion over this matter that when I put the question that those who are supporting the report from the committee of the whole House, that would mean those who are supporting the Governor's memorandum as it has been brought by the Governor and those that are saying no will mean that the status quo will remain the same and that the Bill remains as it was passed. I think I am clear on that.

Order Hon. Members, pursuant to the provisions of Standing Orders No. 137(5), now that the Chairperson of the committee of the whole House has reported back to the plenary and majority of Members are of the opinion that the status quo remains the same meaning the Bill should be approved the way it was, I therefore direct that the Office of the Clerk to prepare ballot box for voting as per the Standing Orders. Hon. Members you can pick the voting papers. Those that are supporting the Governor's memorandum to vote 'yes' and those with the contrary opinion to vote 'no'.

(Hon. Members voting pursuant to the provisions of Standing Orders No. 137 (5))

The Temporary Speaker (Hon. Rodgers): Order Hon. Members. Hon. Joachim, if you want to be an agent you will request for that and I will either allow or disallow you to be. Yes Mr. Clerk.

(The Clerk at the table counting the votes that have been cast by evaluating the votes on 'No' and the votes on 'Yes' {Votes on 'No'-38 and Votes on 'Yes'-8})

The Temporary Speaker (Hon. Rodgers): Hon. Members, I now declare that the status quo remains. Next Order Mr. Clerk!

MOTION

3RD READING OF THE KISUMU COUNTY ADMINISTRATION VILLAGE UNITS BILL,
2018

BY; HON. ELISHA ORARO

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

Hon. Oraro: Thank you Mr. Speaker, I call upon for the 3rd Reading of the Kisumu County Administration Village Units Bill, 2018.

The Temporary Speaker (Hon. Rodgers): Yes Mr. Clerk!

THE KISUMU COUNTY ADMINISTRATION VILLAGE UNITS BILL, 2018.

A Bill for an Act of the Kisumu County to provide for an establishment of Village Units with effective coordination, management and supervision of the general administrative functions in

the Village Units and for connected purposes. Section 10 of the Bill; a village Administrator shall be appointed through an open and competitive process by the County Public Service Board and approved by the County Assembly in accordance with the provisions of this Act.

MEMORANDUM AND OBJECTS OF REASON

The Principal object of this Bill is to provide for the establishment of Village Units, the effective coordination, management and supervision of the general administrative functions in the Village Units.

PART I of the Bill provides for preliminary provisions.

PART II of the Bill provides for the Delineation of Village Units, Establishment of Village Units, and Establishment of the committee on delineation of village units. Functions and proceedings of the Committee. Criteria for determination of village units.

This part also provides for the Delineation report to be laid before the County Assembly, establishment of the Office of Village Administrator, the Qualifications and appointment of Village Administrator, Functions and powers of the Village Administrator, the establishment of the Village Council and Functions of the Village Council among other provisions.

Dated the 24th August, 2018.

ELISHA JACK ORARO,

Chairperson, Administration of Law, Justice, Constitutional Affairs, Good Governance and Security

The Temporary Speaker (Hon. Rodgers): Hon. Members now that the status quo remains, the Bill stands passed today Wednesday 27th March 2019 at 8.00 p.m.

Next order!

ADJOURNMENT

The Temporary Speaker (Hon. Rodgers): Hon. Members there being no any other business to transact, this House stands adjourned to tomorrow Thursday 28th March 2019 at 2.30 p.m.

(House rose at 8.03 p.m.)

Addendum

Hansard Reporter

Zablon Otiende – In-charge Hansard

Fanuel Okode – Hansard Reporter

Edward Odanga – Hansard Reporter

Patrick Okoyo – Hansard Reporter (Intern)

Joyce Mala - Hansard Reporter (Intern)