



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – THIRD SESSION

Thursday, 21st November, 2019

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

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

PRAYERS

The Temporary Speaker (Hon. Adhiambo): Mr. Clerk please take us through the order of the day?

ADMINISTRATION OF OATH

AFFIRMATION OF OFFICE OF THE VICE-CHAIRPERSON PIC/PAC COMMITTEE

The Temporary Speaker (Hon. Inviolata): Hon. Benny Oiko Pete please can you come forward and take your oath of affirmation to the position of Vice-chair PIC/PAC Committee.

I **Hon. Benny Oiko Pete**, having been appointed as the Vice-chairperson of PIC/PAC Committee of the County Assembly of Kisumu do swear/solemnly affirm that I shall always truly and diligently serve the people and the Republic of Kenya in the office of **Vice-chairperson, Public Investment Committee and Public Accounts Committee** of County Assembly of Kisumu; that I shall respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya; and that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of Parliament, without fear or favour affection or ill health . So help me God.

(Hon. Oiko signs papers pertains to affirmation of Office before the Hon. Speaker)

(Hon. Members thumb their feet)

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

STATEMENTS

The Temporary Speaker (Hon. Adhiambo): We commence with Hon. Oiko.

Hon. Oiko: Thank you Madam Speaker. This is to the Members of the Powers and Privileges Committee there is a request under a Special Order that we convene a meeting on Friday, 22nd November, 2019 at 10:00 a.m. in the Committee Room. Please keep time.

The Temporary Speaker (Hon. Adhiambo): Members of Powers and Privileges tomorrow you have a meeting at 10:00 a.m.

The Temporary Speaker (Hon. Adhiambo): Hon. Agolla.

Hon. Agolla: Thank you Madam Speaker. Pursuant to the provisions of Standing Orders No. 193, I wish to seek for a Statement from the Committee of Budget and Appropriations, Co-operative Finance, Trade and Enterprise regarding the Water Rig Operators within Kisumu County.

Madam Speaker, in the statement, the Chairperson should inquire and investigate and look into and report the following;

1. Why the Water Rig Operators have not been paid their dues since they started working with Kisumu County Government?
2. What is the Department doing to avert the situation so that it is not repeated again? This is because these Kenyans have families to take care of and they are not being paid.
3. What are the mitigation measures the County is putting in place to avoid such occurrence or to any other County employee or engaged in contract basis by the County Government?

Madam Speaker, to elaborate on the same. We are all aware that a Ward that I represent and other Wards in the Peri-urban rely more on the Borehole Water. The County in the previous FY acquired a Rig Machines and these machines must be operated by human beings and the operators who have been assigned to operate these machines have not been paid their dues since they commenced working with the Government and now they have abandoned their work.

Madam Speaker, I have two boreholes that are supposed to be dug in my Ward, when in approach the relevant department, CEC Water and Natural Resources, I was informed that we don't have Rig Operators and these operators have abandoned their works as a result of non-payment of their dues. Currently, as we speak, we have more than 50 boreholes to be drilled in this Financial Year. Madam Speaker, without these machines, we cannot achieve our goal as a County.

Madam Speaker, I want to request that you order this report be brought to this House as soon as possible, if possible within 7 (seven) days so that we can commence drilling of Water because our Mothers and Women don't have to walk long distances in search of this precious commodity and are thirsty and waiting for water to be drilled for them. Thank you.

The Temporary Speaker (Hon. Adhiambo): Hon. Members.... Hon. Leader of Majority, is it on the same statement?

Leader of Majority (Hon. Onyango): Thank you Madam Speaker. I would have wished that under the discretionary powers bestowed upon you under Standing Orders No. 1, you allow that matter to be debated because it is a matter that is of paramount importance. Since we are aware that these people have done good job take for example in my ward they have sunk two boreholes one of them is the best borehole in the entire County.

Madam Speaker, while they were doing that we were to literally ensure that we give them provisions for their upkeep during the entire period. This was a rising because these people have not been paid since they started working. Madam Speaker, it is a matter....

Deputy Leader of Majority (Hon. Ogendo): On A Point of Order. Madam Speaker, I believe that you have not opened debate on this matter and I can see the Leader of Majority is already debating. Can you please guide the House?

The Temporary Speaker (Hon. Adhiambo): Yes Hon. Leader of Majority, you are Out of Order...

Leader of Majority (Hon. Onyango): Madam Speaker, I was persuading you. I was not debating, thank you.

The Temporary Speaker (Hon. Adhiambo): Hon. Agolla, do you want your Statement to be debated?

Hon. Agolla: Thank you Madam Speaker, I want to concur with the Leader of Majority 500%. This is because and I want to advice the Deputy Leader of Majority, Hon, Ogendo that you must build you case or prosecute your case properly so that you convince Members. So, I believe the Hon. Leader of Majority was in order to elaborate the reason as to why he would seek for your indulgence for the House to discuss this statement. I fully support the idea of discussing it because it is cutting across the entire County and it is in order that we debate it and take proper action on the same, thank you.

The Temporary Speaker (Hon. Adhiambo): I will allow Members to contribute don the Statement. I will accord one minute for each Member.

The Temporary Speaker (Hon. Adhiambo): Hon. Leader of Majority.

Leader of Majority (Hon. Onyango): Thank you Madam Speaker. As I was saying, indeed it is true that the people who were using our Rigs were given the go-ahead to use these Rigs without any formal contracts and they have gone around the breadth and width of our County doing splendid work. In fact many at times we have hailed the works that these people have done. Unfortunately, at the time they were sinking a borehole in my Ward, which I believe was the second borehole they were sinking, they did give me a petition and their lamentation were that they had worked over one year without being paid a penny. In fact there was one person who was owed to the tune of Kshs 900,000.00.

Madam Speaker, when I received this information, I did formally contact the Department concerned and they told me that they were waiting for a Board so that they could be given a formal contract and that is the time they could be paid. Madam Speaker, what really dismayed me was that when these people were going out working, they had to depend on their representatives where the borehole are being sank to give them their daily provisions and I believe that was not a good thing. So, I would wish that this matter is discussed fully because these are people who have very rare expertise and if need be, then the House compels the relevant Department to give them a formal contract and more importantly to offset any money that is owed to them because some of them were even saying that they could not afford to take their children to school and that is the lowest that a human being can go. When you are not able to provide for your family and yet you are working. So, I would wish that this matter is discussed and appropriate remedies is found by this House so that we compensate these people for the good work that they have done for the county, thank you.

The Temporary Speaker (Hon. Adhiambo): Hon. Oiko

Hon. Oiko: Thank you Madam Speaker. It is very alarming when the government buys a rig machine to dig the borehole in the County and the welfare of the persons working there is not taken care of. What picture is the department giving? They have failed in their management. They don't want people of Kisumu County to get water. We know people engaged there are low cadre officers. How did they imagine that the work was to be done when they were planning? Why did they ignore the wages of these people? We should not be proud of ourselves because we make decisions. We must have human face. Have good regard of the people of low level of our staff.

The Department of Water must be compelled and if possible let us go to their budget in the Financial Years and get the clear picture whether they allocated something for the casuals. If that is the case then they are working against the interest of the people of Kisumu County and the Minister owes this County an explanation. Madam Speaker this is a very pathetic situation to make these people suffer for such a long period. This House must send a tough warning to this department.

The Temporary Speaker (Hon. Inviolata): Thank you. Yes Hon. Agolla.

Hon. Agolla: Thank you Madam Speaker. I want to thank the Members who have contributed to this Statement. I want to say that you cannot just have such a weighty matter without a clear and good research. I want to put it clear that the Department of Water have already written to the Department of Finance and that is why I have channeled the Statement to the CEC Finance. These are the people that have not paid the casuals their dues. No documentation has been done because we are aware that all payments are done at the treasury. So it's upon them to clear the air as to why these have not been paid. These people must be paid like any other Kenyans who are working. Thank you.

The Temporary Speaker (Hon. Inviolata): Thank you. I now want to direct the Statement to two committees, Budget and Appropriations and Cooperative and Finance. They should report back to the House on 5th December, 2019. Yes Leader of Majority.

The Leader of Majority (Hon. Onyango): Thank you Madam Speaker. I rise under Standing Order No. 42 (2) (c). I want to inform the House that we have received the Finance Bill. Of course I know we received it rather late. We also expect the ADP by Tuesday. These are documents that are very critical for the Budget process and even though we are going for recess, arrangements shall be made in consultations with Budget Committee so that we do Public Participation probably before recess and if need be I think there would be need for it then we shall call for a Special Sitting so that we can deal with those two critical Bills.

I also want to encourage the different shares that let their technical persons complete the reports so that Members can have the opportunity to ratify the same because we anticipate the issue of vetting of the Chief Officers should formerly began before the Assembly goes for recess. I also want to ask that the bills that are pending be dealt with so that they can be formally brought to this Assembly for discussions and adoption. Thank you Madam Speaker.

The Temporary Speaker (Hon. Inviolata): Thank you.

COMMENCEMENT OF BUSINESS

3RD READING OF THE KISUMU COUNTY TRANSPORT BILL, 2019

BY

HON. SETH KANGA

The Temporary Speaker (Hon. Inviolata): Proceed Hon. Kanga.

Hon. Kanga: Thank you Madam. I request that the Kisumu County Transport Bill, 2019 be read for the third time.

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

The Leader of Majority (Hon. Onyango): Madam Speaker, yesterday when we were doing the Second Reading of the Bill, we did go to great length to look into amendments of the Bill. We more or less finalized with that part. I would wish that we go to the third part and I wish that we guillotine the entire process. Thank you. I want to call upon Deputy Leader of Majority to second.

The Temporary Speaker (Hon. Inviolata): Yes Hon. Ogendo.

Hon. Ogendo: Thank you.

The Temporary Speaker (Hon. Inviolata): Proceed.

THE KISUMU COUNTY TRANSPORT BILL, 2019

A Bill for

AN ACT of the County Assembly of Kisumu to provide for matters relating to traffic, parking, county roads, street lighting, public road transport, light rails, establish the county inspectorate of transport, and for the connected purposes.

(Clerk reads the arrangement of Clauses of Kisumu County Transport Bill, 2019 from Part I, II, III and IV)

Part IV: Parking. Clause 26 to Clause 42 provides for; Parking that is parking on public road, prohibited parking areas, no parking and street maintenance signs, towing away of vehicle, parking on alleys, parking a taxicab with “not for hire” sign, compliance, restriction on execution against property of authority and committees of the authority, public transport service at reasonable costs, publication of tariffs’ schedule, changes in fares and charges, development of light railway, power of entry on land, regulations on light railway and use of vehicle on railway without authority.

Part VI contains General Provision which provides for obstruction of authorized officers, general penalties and power to make further regulations.

Madam Speaker, Memorandum of Objects and Reason that is at the back page; the principle purpose and objective of this Bill is to provide for the establishment of the County Department of Transport to provide for matters relating to traffic parking, County roads, lighting, public road transport and for connected purposes.

Part I provides for preliminary matters including the short title to the Bill, interpretation of words and expression used in the bill.

Part II of the bill makes provision for establishment, functions, powers and duties of the department of transportation.

Part III deals with the traffic, public road transport and street lighting and provides for those issues of roads, transport, generally rights and duties of passengers and traffic transport vehicles, pedestrians, prohibited actions, obstruction, prohibition of use of communication gargets while driving, street lighting and maintenance of street lights.

Part IV of the bill makes provision for parking on public roads, prohibited parking, parking on private property, towing of vehicles, styles of parking, parking for taxis and other vehicles.

Part V of the bill provides for safe and adequate service, just and reasonable charges and traffic schedules and publications.

Part VI of the bill provides for development of light railway, regulations of light railway, and trespass on light railway, obstruction and use of vehicles on a railway.

Part VII of the bill contains general provisions and provides for power to make regulations and a bill of a bylaws.

Dated 15th October, 2019

*the Chairperson
Hon. Seth Ochieng Kanga
Chairperson, Transport, Roads and Public Works*

Madam Speaker, the bill on the Kisumu County Transport Bill, 2019 is hereby read for the third time. Thank you.

The Temporary Speaker (Hon. Inviolete): Hon. Members, now that the Kisumu County Transport Bill, 2019 has been read for the third time, I would like to put a question on the adoption of the third reading.

(Question put and agreed to)

The Temporary Speaker (Hon. Inviolete): The Kisumu County Transport Bill, 2019 is hereby passed today Thursday 21st November 2019 at 3.25 p.m.

Next order!

MOTION

3RD READING OF THE KISUMU COUNTY LAW ENFORCEMENT SERVICE BILL, 2019
(BY HON. SETH OKUMU)

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

Hon. Seth Okumu: Thank you Madam Speaker. I request that the Kisumu County Law Enforcement Service Bill, 2019 be read for the 3rd time.

(The Clerk at the table consulting with the Speaker)

The Temporary Speaker (Hon. Inviolete): Yes Hon. Khan.

Hon. Khan: Thank you Madam Speaker. I rise to request that we guillotine the said process of 3rd reading of the Kisumu County Law Enforcement Service Bill, 2019. I therefore request Hon. Atieno to second.

Hon. Atieno: I second.

The Temporary Speaker (Hon. Inviolete): Yes Mr. Clerk.

Thank you Madam Speaker. The Kisumu County Law Enforcement Service Bill, 2019. A Bill for an Act of the County Assembly of Kisumu to provide for the use of the Kisumu County Law Enforcement Service and for connected purposes.

Part I of the Bill is the Preliminary; Clause 2 is the short title, Clause 2 is the interpretation, Clause 3 is the Object and purpose of the Act.

Part II of the Bill is the Establishment of County Inspectorate and Law Enforcement Service; Clause 4 is the Establishment of law Enforcement Service this includes; Functions of the service, Appointment, deployment, promotion and demotion of Law Enforcement Service.

Part III contains provisions on the powers of officers. This includes; Powers of entry into a premise, Seizure of property, Preservation of property, Power to impound vessels, Power to impound animals, Unapproved building and structures, Service of notice, Fines, Power to arrest, Production.

Part IV contains the provisions on offences. This includes Impersonating an officer, obstruction of an officer and fine upon conviction.

Part V contains the provision on miscellaneous. This includes Arrangement with other public bodies, Regulations, Schedule 1 which deals with code of conduct and schedule 2 which stipulates the structure of the inspectorate enforcement department.

Madam Speaker, Memorandum of Objects and Reason; the principle purpose and objective of this Bill is to provide for legal framework and standard for the establishment and operation of County law, compliance and enforcement unit. The Bill aims at delivering an independent and effective inspectorate service within the County that shall among others ensure compliance with County legislations and provisions of the Constitution by the County residents. The Bill gives effect to the provisions of Article 187 of the Kenyan 2010 Constitution requiring the County Executive committee to implement County legislations and to implement within the County National legislation in the extent that the legislation so require.

Dated 15th October, 2019

*the Chairperson
Hon. Seth Okumu*

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

Madam Speaker, the bill on the Kisumu County Law Enforcement Service Bill, 2019 is hereby read for the third time. Thank you.

The Temporary Speaker (Hon. Inviolete): Hon. Members, now that the Kisumu County Law Enforcement Service Bill, 2019 has been read for the third time, I would like to put a question on the adoption of the third reading.

(Question put and agreed to)

The Temporary Speaker (Hon. Inviolete): The Kisumu County Law Enforcement Service Bill, 2019 is hereby passed today Thursday 21st November 2019 at 3.35 p.m.

Next order!

ADJOURNMENT

The Temporary Speaker (Hon. Inviolete): There being no any other business to transact, the House stands adjourned to Tuesday 26th November 2019 at 2.30 p.m.

(House rose at 3.37 p.m.)

Addendum

Hansard Team

Zablon Otiende

Edward Odanga

Fanuel Okode