



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – THIRD SESSION

Tuesday, 15th October, 2019

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

(The Acting Presiding Speaker (Hon. Elisha Oraro) in the Chair)

PRAYERS

The Acting Presiding Speaker (Hon. Elisha Oraro): Thank you Hon. Members and welcome to this afternoon session. Pursuant to the provisions of the County Assembly of Kisumu Standing Orders No. 32 (2), I would like to request the Serjeant-at-Arms to ring the Quorum Bell for five minutes.

(The Quorum Bell is rung for five minutes)

(House resumes after attaining the required numbers to commence business)

The Temporary Speaker (Hon. Seth Okumu): Thank you Hon. Members, I want to request the Leader of Majority to confirm if the House has the requisite numbers to enable it commence business.

Deputy Leader of Majority (Hon. Ogendo): Thank you Mr. Speaker, I have reliably confirmed that there is the required quorum.

The Temporary Speaker (Hon. Seth Okumu): Thank you Hon. Members, can the Clerk take us through the business of the day.

The Temporary Speaker (Hon. Seth Okumu): Next order!

COMMUNICATION FROM THE CHAIR

Is reducing them to 147. Honourable Speaker, I oppose. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Thank you. Yes Hon. David Arao.

Hon. Arao: Thank you Mr. Speaker. This document should have been dead on its arrival. It should lie on its belly. We are not going to take time to discuss this bill after the owners decided not to do a proper consultation with other leaders in the country. There was also no public participation. I don't think this document should be discussed by the Honourable Members. Many a times we have seen people who want to come up with bills engage leaders even at the county level. This document belongs to Aukot and his family.

Mr. Speaker it is not late for Aukot to take this bill to the BBI so that we have a document that addresses the problems in this country. The bill propose that the constituencies should be reduced to 47. Kisumu County has 7 sub-counties. This bill is purely advocating for the death of the devolution. Let us drop this bill. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Hon. Kanga Seth.

Hon. Kanga: Thank you Mr. Speaker. First of all I want to congratulate Hon. Steve Owiti for bringing such a matter before this Honourable House before the deadline. Had we not discussed this motion it could have gone that Kisumu County Assembly has not discussed the Punguza Mzigo Bill. We could have done a great disservice to the people who elected us.

Mr. Speaker I will contribute over this motion on the basis that my party ODM has directed us as the Members of the party on the basis of representation in the County Assembly to reject this bill. I will debate on this matter based on Article 177 and Article 180. Article 177 clearly spells how the County Assembly should be constituted and the Punguza Mzigo has recommended that we delete Articles 2 and 3. Article 2 talks about representatives based on special interest and Article 3 talks about representation based on the marginalized groups. That is the group of Hon. Khan.

There will reach a time where you will find most of the Members of parliament are women like the case of Rwanda. It will also reach a time when all the elected Members of this Assembly are women. The bill proposes for the deletion of Article 2 which means our voices shall not be heard. In that case we will be the special interest group when 35 Members who are elected in this House are Members, then men become the special interest group. Mr. Speaker, I ask the House to reject this bill. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Honourable Members, I think I have got into the time that was allocated for this discussion. Therefore I will give a chance Hon. Erick Agolla first then Hon. Otura and lastly Hon. Jagongo.

Hon. Agolla: Thank you Mr. Speaker. Thank you honourable Speaker for granting me this opportunity to contribute to this important debate on the Punguza Mzigo Bill. This bill was rejected even before it is conceived. I have looked into the bill on its various proposals particularly on the presidential pardon to those that commit economic crime then that draws me to a conclusion that there is no justice in this world. A bigger percentage of those that are jailed are innocent individuals.

Another Chapter in this bill is the Chapter 7 and it addresses the reduction of the constituencies. The current structure that we have doesn't even give room for the area legislatures at the National Assembly to meet and attend to the constituents and the proposal as spelt in the bill to reduce this number of constituencies is misleading.

Mr. Speaker, we would have rejected this bill by yesterday and we as Members of the ODM and for the spirit of our unity as a country we are looking forward for the BBI report which will have recommendations that are good for this country. Mr. Speaker, I never heard of the propagators of this bill coming to this county to collect their views and opinion and this is enshrined in our constitution. I encourage the Members to reject this bill. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Yes Member for North West Kisumu.

Hon. Jagongo: Thank you Mr. Speaker. I want to say that the bill is not convincing and the author of this bill who is the leader of Third Way Alliance was ill advised to come up with this bill. We know in this House that we have potential candidates for the National Parliament. Most of our Members would want vie for higher positions. If this bill passes then it is likely to curtail their ambitions.

The bill also abolishes the post of the Deputy Governor and this is an elective post. Some of us have interest in this position. If we go by this bill, our ambitions are going to be killed. I also want to say that there is nowhere in Kisumu County where the alliance conducted a public participation and that is a mandatory requirement. Let us reject this bill. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Hon. Otura, Member for Ombeyi Ward.

Hon. Otura: Thank you Mr. Speaker. I want begin by congratulate Hon. Steve Owiti for moving this motion on either to reject or support the bill. It is not in order to torture our brain to discuss a bill that dead on arrival. I therefore propose that we reject this bill and move to our next business. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Yes Hon. Olga.

Hon. Olga: Thank you Mr. Speaker. I rise to oppose this bill. The bill is improperly made and it is meant to divide this country. I reject this bill. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Yes Hon. Okumu of East Seme.

Hon. Okumu: Thank you Mr. Speaker. I rise to support that we discard this bill today and we should not proceed with discussion on this bill again. We cannot continue with shenanigans of one Aukuro Aukot. Remember he vied to be the president of this country and he knew he was going nowhere. Again he comes with a bill that negates all the steps we have made constitutionally.

Mr. Speaker, I have said this many times that any bill that is insinuating that women cannot make good leaders as witnessed in this Punguza Mzigo bill should not be given time in this House. Any bill intending to merge our constituencies should have time in this House.

Mr. Speaker, the biggest problem we are having in this country is corruption. There is no constitutional change that we can have that does not support for the fight against corruption. I have gone to the people of East Seme and I asked them if I could give an ear to the bill and they said no. On behalf of the people of East Seme, we do not have time to take this bill beyond this point. Let us finish this bill and send it back to wherever it come from. Thank you Mr. Speaker.

The Acting Presiding Speaker (Hon. Oraro): Yes Hon. Guya.

Hon. Guya: Thank you Mr. Speaker. Looking at the mood of the House, I wish to call the mover to reply.

The Acting Presiding Speaker (Hon. Oraro): Hon. Steve Owiti proceed.

Hon. Owiti: Thank you Mr. Speaker. I want to thank the Honourable Members who took their time to deliberate on this matter. There are things that have come out clearly that Punguza Mzigo bill intends to kill the inclusivity that has been a problem in our country. We want a country that is inclusive of both the minority and majority of our tribes.

It is also important that the gains we have made in our constitution cannot be thrown out of the window. You remember the repealing of Chapter 2 (a) that ushered in the multiparty politics into this country and we remember how promulgation of our constitution in 2010 changed the lives of many. We cannot support the initiative that looks down upon the women and the minority. There is no way we are going to approve that the counties becomes the constituencies.

I want to conclude by saying that our problem is not the representation but it is the corruption and if we can genuinely fight corruption then we shall be moving to the right direction. We hope that the other initiative that is ongoing shall look into the election malpractices that has bedeviled this country over the years.

The Members have spoken and I want to say that Aukuro Aukot is in a mission to popularize his party that did not and has never even sponsored even an MCA in any Ward in this Country. His mission to spread his ideologies with the support of the Tanga Tanga Team cannot be given the support of this County Assembly. We know who are behind this Aukot thing and we are saying

Kenyans are bright. Kenyans are clever and as a political we are not ready to support an agenda that promotes corruption. As an Assembly we encourage other Assemblies to follow the suit. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Honourable Members, the proposal to discuss the bill by the Third Way Alliance has been moved by Hon. Owiti. I want to put a question and those who will say yes means we shall go through the full process and those will say no means that we reject it at this point and the process is terminated.

(Question put and rejected)

The Acting Presiding Speaker (Hon. Oraro): The Constitutional Amendment Bill 2019 by the Third Way Alliance, popularly known as the Punguza Mzigo is hereby rejected today Tuesday 15th October, 2019 at 1627hrs. Next order!

MOTION

**RESUMPTION OF BUSINESS ON THE SECTORAL COMMITTEE TO DEAL WITH
MATTERS OF KISUMU CITY**

BY

HON. GUYA – MCA SOUTH EAST NYAKACH WARD

The Acting Presiding Speaker (Hon. Oraro): Proceed Hon. Guya.

Hon. Guya: Thank you Mr. Speaker. I wish to move the following motion. Aware that Article 184 (1) (a) of the Constitution of Kenya 2010 established the criteria for classifying areas as urban areas and cities and aware that Article 171 (b) of the County Government Act states that *County Governments shall have reliable sources of revenue to enable them govern and deliver service effectively. Every County Government shall decentralize its functions and the provisions of its services to the extent that it is efficient and practicable to do so.*

Urban Areas and Cities Act 2012 Section 60 talks of municipalities and by then we had Mombasa and Kisumu and notwithstanding any other provisions of this Act, the municipalities of Mombasa and Kisumu existing immediately before the commencement of this Act shall be deemed to be cities established under the same Act.

Concerned that Urban Areas and Cities Act Section 5 (c) has demonstrable capacity which generates sufficient revenue to sustain its operations and (d) has good system and records of prudent management. The city has achieved all the criteria as classified under Section 5 and the First Schedule of the Urban Areas and Cities Act as required by law.

Mr. Speaker. I want to urge the Assembly and the Honourable Members, the intention of this motion is to ensure that we create a Sectoral Committee that will be able to deal with the issues of the city and other towns that were gazetted in this County.

We have got Kisumu City established by this Act. The County Government of Kisumu further created towns and gazetted them. Currently we are aware that the city receives a lot of funds and it has a lot of activities going on. We have the City Board with its full functions. We are in the process of ensuring that the towns that were gazetted also gets their boards and the clerks.

As I conclude, I want to urge this House by moving this motion that we create a sectoral committee that will be in-charge of the city and if you allow me, I would wish to call upon Hon. Vitalis Otura to second?

The Acting Presiding Speaker (Hon. Oraro): Thank you Hon. Otura. I want to begin by thanking Hon. Guya for having felt it important to bring such a motion in this House. The city is kind of semi- autonomous and going by that times defeats the logic when you consult in the line departments like roads and you are told to check with City Manager.

The formation of this committee will give the Assembly a lee -way in doing its oversight role in all matters of activities happening within the city. As it stands, the City Manager and other staff can only report to one person in the County. At times it confusing to establish whether Kisumu City is under the County Government of Kisumu or the vice versa. I therefore want to urge the Honourable Members that we should be able to look at this motion critically and adopt it so that the sectoral committee be formed. I second.

The Acting Presiding Speaker (Hon. Oraro): Very well. Now that the motion for the creation of a Sectoral Committee to look into the affairs of the City has been moved by Hon. Johnson Guya and seconded by Hon. Vitalis Otura, I now want to open it for debate. Yes Member for Nyalenda B.

Hon. Olale: Thank you Mr. Speaker. This is an Honourable House and it is in-charge of the whole Kisumu County and not a section of the city. For example, we have got the Chairperson for Water, he is in-charge of all sectors of water in the county. Mr. Speaker, the City is designed that it has all the departments and the Chairpersons in this House are equivalent to all the departments in the city.

If Hon. Guya wants us to create a sectoral committee to oversee the affairs of the city then we should form all the committees to all the departments that the city manages. We are going to form a lot of sectoral committees and that is not necessary. I would want the Honourable Member to withdraw this motion because there are elements of ill intentions. What has informed the Honourable Member to bring such a motion that does not hold any water?

This House has the mandate to oversee the city but forming a committee of 15 or 16 people will give us too much work. I want to inform the mover and the seconder of this motion that the City comprises of about 16 Wards and we are satisfied with...

The Acting Presiding Speaker (Hon. Oraro): What is it Hon. Steve Owiti?

Hon. Owiti: Thank you Mr. Speaker. I wish to inform Hon. Olale that Kisumu City geographically hosts 14 and not 16 Wards. As a Member of this Assembly who comes from the City, he should be informing the House correctly. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Hon. Olale I believe you are informed.

Hon. Olale: Thank you. We are in the process of bringing on board some other two Wards into the City and that is something the Honourable Member is not aware of.

The Acting Presiding Speaker (Hon. Oraro): Yes Hon. Owiti.

Hon. Owiti: Thank you Mr. Speaker. Is it order for Hon. Olale to stand on the floor of this House and insinuate that there are two other Wards, it is the responsibility of the IEBC to demarcate the boundaries? Let us not peddle rumours. In an event that a Member comes with a matter of such magnitude he needs to defend and substantiate. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Hon. Olale, you seems to be aware that some two wards are coming to the city.

Hon. Olale: This is the year that the IEBC is going to demarcate the boundaries but as it stands now we have 14 wards in the City.

The Acting Presiding Speaker (Hon. Oraro): Confine yourself to the 14 Wards.

Hon. Olale: Thank you Mr. Speaker. I would urge Hon. Guya and Otura to take back their motion because the proposal will create a lot of confusion to other committees. We must avoid that. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Member for Awasi Onjiko Ward.

Hon. Ngeta: Thank you Mr. Speaker. I rise to oppose the motion of creation of a sectoral committee to oversee the affairs of the City. We are up to the task with our committee responsibilities and I don't see the need of coming up with another committee. Let the few people who want come up with this committee with an aim of getting tokens to end their game. It will create chaos. I oppose and urge the Members to do the same. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Yes Hon. Steve Owiti.

Hon. Owiti: Thank you Mr. Speaker. I think it is not in order for Hon. Ngeta to insinuate that by formation of this committee is to get some token. He should desist from stepping on other people's toes while we as the Members of the City know where to fix. Let him not step on the wound that is almost healing.

The Acting Presiding Speaker (Hon. Oraro): Hon. Ngeta the mover of the motion did not say that one of the reason he is proposing the formation is to get tokens.

Hon. Ngeta: I am not going to withdraw. Mr. Speaker the mover of the motion failed to give reasons as to why we should take that direction. I want to tell Member for Kolwa East that he should not show much interest into this. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Are satisfied Hon. Owiti?

Hon. Owiti: Thank you Mr. Speaker. It is not in order for the direction the Honourable Member is taking. If you look at our Standing Order and the parliamentary procedures, it is not decent for a Member to say that I am not going to withdraw. A matter that demeans the status of this Assembly.

Mr. Speaker, when a Member stands on this floor say that he cannot withdraw and he has mentioned Members in this House that we are intending to take tokens. Just recently this Assembly was mentioned adversely for receiving tokens from Kibos that is polluting our environment and in that list he was the Chair. We need to be honest with ourselves. You cannot withdraw and you are pitting this Assembly in the wrong picture. That is a gross misconduct.

The Acting Presiding Speaker (Hon. Oraro): Hon. Ngeta can you withdraw and apologize before you proceed.

Hon. Ngeta: Thank you Mr. Speaker. I withdraw the word token and I urge the Members to oppose the motion.

The Acting Presiding Speaker (Hon. Oraro): Yes Hon. Seth Okumu.

Hon. Okumu: Thank you Mr. Speaker. I rise to support the motion that request to create a committee to look into the affairs of the City. My two brothers said that we do not have enough facts to support that and I want to refer them to Urban Areas and Cities Act 2012 Section 11 (c) *Principles of governance and management The governance and management of urban areas and cities shall be based on the following principles—(c) promotion of accountability to the county government and residents of the urban area or city;*

Mr. Speaker, this sectoral committee will help us promote accountability. So many things are happening in the City but it is not clear on who is directly responsible. Yes Hon. Olale?

Hon. Olale: Thank you Mr. Speaker. I wish to inform the Honourable Member that he is reading the Act selectively and to suit his debate. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Proceed Hon. Seth Okumu.

Hon. Okumu: Thank you Mr. Speaker. I remind my brother to read the constitution. It is for this reason that I read that we feel as an Assembly to have a sectoral committee that is directly responsible for the management of the City. So that if there is something wrong in the city then we know who to ask. As it stands right now we don't know who to engage. The city is like a government with almost all the departments like, Health, Engineering, and Water among others.

The City is like a Government with almost all the Departments; Health department, engineering department, and water department thus we need to have a Sectoral committee to help them in accounting for what they are doing as the City. I also want to read for them the same Act, section 12 (3) and it reads;

The Governance and management of City and County shall be in accordance with the laws relating to the County Government. Mr. Speaker, we have a County Government Act and this Act devolved some functions to us. For us to perform these functions, we can only have people that we delegate to do oversight on our behalf and report to this Assembly. Mr. Speaker we have relied on different Sectoral committees on water but the much work that they are doing that are not covered by the City gives them to much business that they cannot afford to look into the city issues. Those who are doing Agriculture are so much focussed on Mboha and Namthoithat they don't have time to go and look at the kind of Agriculture that is being done within the City. Mr. Speaker, waste management in the rural areas takes a lot of time and that is why we need to have a Sectoral committee that help us in over sighting the work that is being done by the City. Mr. Speaker.

The Acting Presiding Speaker (Hon. Oraro): Yes Hon. Ngeta, who do you want to inform?

Hon. Ngeta: Mr. Speaker I want to inform the Hon. Member on the floor that Article 185 does not tell us have a Sectoral committee to oversee the City. Mr. Speaker, we have the General Oversight committee in this House and we have not been denied to call the people from City to this House.

The Acting Presiding Speaker (Hon. Oraro): Hon. Ngeta, are you debating or giving a point of information?

Hon. Ngeta: Mr. Speaker, I am informing my colleague that we have enough committees in this House to oversee all these departments.

The Acting Presiding Speaker (Hon. Oraro): Hon. Ngeta, it seems like you are debating.

Hon. Ngeta: I apologise but I would like to inform him that we must follow the laws of this House.

The Acting Presiding Speaker (Hon. Oraro): Yes Hon. Agolla.

Hon. Agolla: Mr. Speaker, the law does not allow any Member to contribute twice and we should not allow Hon. Ngeta to keep on debating on a motion believing that he is on a point of information of which he is not informing this House of any information but he is just contributing.

The Acting Presiding Speaker (Hon. Oraro): I think the House is advised and that is why I was asking Hon. Ngeta if he is debating or on a point of information. Proceed Hon. Seth Okumu.

Hon. Seth Okumu: Thank you Mr. Speaker, I know what my brother Hon. Ngeta is trying to protect and we don't want to go that way. Soon we are going to discuss a report that was brought through a Sectoral committee that touches on something that affects the residents of Kisumu County but the report was not procedurally taken where it was referred to. Otherwise, I support that we form a Sectoral committee to look into the matters of the city. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Yes Hon. Steve Owiti.

Hon. Steve Owiti: Thank you Mr. Speaker. I rise to support the motion on the formation of a Sectoral committee to oversight the City. I also wanted to inform the House that Namthoi that Hon. Okumu insinuated is in the periphery as part of the City. Having said that, we passed a Board in this House and I want to believe that the activities of the City Board as it stands now needs to be checked by this Assembly. This Assembly is also having 14 Members who come from this City. Apart from that, the population of this County; the City accounts about 70% of it. It is very unfortunate that when we look at the Budget FY 2019/2020, when you look at the O & M we are only having 90 million allocated to the City. When you look at that figure, we have to take note of the fact that Electricity of this City will consume more than that figure. This is because we don't have a Sectoral committee that was able to interrogate the Budget early enough and allocate the City enough money for its operations. If we had a Sectoral committee that would take its time and look at this issue, we would have evaded the City from the problem that it is facing.

Mr. Speaker, I am aware that our City is the only City in this Country that has a Board and that is operating as a City and this County Assembly has a very important role in ensuring that the donor funding coming to this County is accountably used for the benefit of the people of this city. I would like to urge the Members of this House that as an Assembly we must have a Sectoral committee that can go a long way in ensuring that there is accountability. As it stands now, I have heard some Hon. Members opposing this motion saying that there is a Board and there are enough committees. Every committee is saying that is somebody else's job. We need a specific committee that will ensure that our funds are properly guarded. Just like other Sectoral

committees, I want to believe that it is our duty to do oversight and when we are going to do oversight, we shall not in any way abdicate our role, sacrifice our own self-interest that can stop us from helping this County move forward. We are saying so because we believe that our oversight role and the issues of accountability cannot be compromised.

I want to say and plead with my fellow Hon. Members that the state at which the City is in right now is bad and we need to give the City a deserving attention. For that matter, this Assembly needs a Sectoral committee that will ensure that the operations of the City, the interest of the City and the activities of the City are safe guarded and protected. The procedure states that if we approve this motion, we shall amend our Standing Orders to create that Sectoral committee. So it is not in order for a Member to stand here and say that it is not in the Standing Orders. I want to thank Hon. Guya despite the fact that he does not come from the City; he has brought a motion that is going to take this City to the next level. It is very unfortunate that some of our Members who come from the city are not key on helping our city. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Yes Hon. Agolla.

Hon. Agolla: Thank you Mr. Speaker. First let me commend Hon. Guya for having thought it wise to bring this noble motion of creation of Sectoral committee to look into the affairs and running of the Kisumu City. I represent a ward which is one of the 14 wards represented and covered by the City. Mr. Speaker, I want to say that when we used to do our budgetary process, sometimes it forced the City manager to lobby through the 14 Members representing City wards to make sure that Appropriation is done properly. If we have this kind of Sectoral committee, it will be its mandate when other committees are doing the same, this particular committee will do the process of budget so that when it comes to the budgetary process, the City will get the right share of the Budget the way it should get compared to other committees.

Mr. Speaker I also want to say not only in the terms of allocation, when we look at the City, we have water projects, roads and street lights; we need a committee that will look at this kind of development and oversee how these projects are implemented. This is the only City which has a Board in the entire Country. So I believe that by having this kind of committee will set pace in the entire Country that Kisumu County is where we have the first City Board in Kenya and the first Sectoral committee. So by passing this kind of legislation, we will be ahead of other cities in this Country. We should also move with speed because we have enough technocrats to go deep and look how best the mandate and the roles of this committee; that this committee should not touch on other committees' roles and obligations. I fully support this motion. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Hon. Kanga.

Hon. Kanga: Thank you Mr. Speaker, I rise to oppose this motion with a lot of reservations. If you look at our Standing Orders on the second schedule which highlights on the issues of Sectoral committees. I am contributing in the full view that I am the Chairman of Public Works,

Roads and Transport. Mr. Speaker if you look at the same Standing Order no. 193 on the purpose to which the Standing Orders are formed as highlighted in part 5 (a). The issues which I believe raised by Hon. Guyaare clearly addressed in Standing Orders no. 199 in the case of Sectoral committees. If you talk about water and environment; if you have the feeling that something is happening wrong in the City in the view of how funds were appropriated the committee of Water, Environment and Natural Resources can summon whoever.

The Acting Presiding Speaker (Hon. Oraro): Which Standing Orders are you talking about?

Hon. Kanga: Mr. Speaker, I am talking about Standing Orders no. 193.

The Acting Presiding Speaker (Hon. Oraro): What is it Hon. Steve Owiti.

Hon. Steve Owiti: Mr. Speaker I want to inform the House that we as Members that we are not blind and we are also not deaf. We have heard Hon. Kanga referring to Standing Orders no. 199 which talks of Members hand bags. Before he even apologises and withdraws, he jumps to Standing Orders no. 193. We need to respect this House and we cannot refer to an irrelevant Standing Orders and then purport that we are right.

The Acting Presiding Speaker (Hon. Oraro): Hon. Member, I think he had made the correction and said that he is referring to Standing Orders no. 193 5 (a).

Hon. Kanga: Mr. Speaker, sometimes it can be a slip of the tongue and that does not mean you have referred to a contradictory Standing Orders. I am referring to the areas which I believe highlights the issues that I am raising. Mr. Speaker I was talking the issues of culture, Children and Community Services which talks about the issues of creation of Children centres which I believe are the issues that are affecting us in the City; they are to be addressed by the committee of Culture, , Children and Community Services. Mr. Speaker if you look at the committee of Public Works, Roads and Transport, it talks about Management systems in areas like fire fighting services, street lights and traffic. Those issues are majorly in the City and the committee can deal with them. The issues of Planning, Industrialization and ICT and Hon. Olwal who is the Chairperson of the committee has been doing it by summoning the City Manager on the issues of Planning, land survey, fencing. Finally the issues of Water; Hon. Ngeta the former Chairperson did summon the City Manager and I believe he addressed those matters. The issues of revenue can be handled by the committee of Finance. I heard somebody talking about Agriculture which is done in Namthoi and I believe Namthoi falls under the jurisdiction Kolwa East which Hon. Steve Owiti, Hon. Olale, Hon. Olwaland Hon. Ogendo representing it. The issues of Agriculture in those areas can be addressed by the said committee.

Mr. Speaker if you look at our Budget and I believe I have serious reservations with the City because if you look at the Cities and urban Act, it is a provision in that Act that the City should provide and integrated Development plan and the entity which should ensure that we have development plan in the City is this Assembly. Under that code, the committee of ICT can ensure

that happens because that is the committee which deals with developments. We have procurement entities or accounting entities in the County that is the City, the Public Service Board, JOOTRH and KIWASCO; Mr. Speaker, these are accounting entities of which the CEC of Finance is the person according to the Public Finance Management Act who appoints the accounting officer and also the Assembly. If we could be honest enough Mr. Speaker, Hon. Guya who is the mover of the motion could have forwarded a motion into this Hon. House that we form ADHOC committees to deal with those accounting entities in the County rather than not the City because when the Budget is submitted, it is submitted with all those accounting entities submitting their Budget to the CEC Finance. If we could be very fair enough without undermining some committees we should shelve out this matter so that we leave the Sectoral committees to deal with matters in this great County of Kisumu I respect to several departments. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Hon. Muga.

Hon. Muga: Thank you Mr. Speaker, I am somehow wondering how to support this motion because we have different committees of which we may say used not to perform so much but in your reign I believe with the experience that you have, you will make the committees do what they need to be doing. I am saying this because Hon. Guya found it that the committees were not doing much. Even the central Government to date has formed the Inter-Governmental County committees to help them do some work in the 47 Counties. This is the reason why I believe that Hon. Guya found it appropriate to say that the formed committees have not been doing enough to his expectations. Hon. Kanga has talked of the formation of Adhoc committee; if I can be convinced to the reasons of the formation of the said committee then I would agree to it. It is true that there is need for a committee to be formed but why are we only siting the City? All these short falls that we are seeing, do they happen in rural areas? If it is a matter of the formation of a Sectoral committee, then there is need but with amendments that they will extend up to the rural areas. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Yes Deputy Leader of Majority.

The Deputy Leader of Majority (Hon. Ogendo): Thank you Mr. Speaker for recognizing me as the Deputy Leader of Majority in this House. I would like to begin by describing the meaning of a Sectoral committee. Sectoral committee is a select committee established by the Standing Orders of the Assembly and they mirror the County department as established by the County Government. Mr. Speaker it is good that Hon. Kanga while he was contributing to this matter mentioned that the City itself has got several departments under it. Having said so I believe that the kind of Sectoral committees that we have in this Assembly has all the rights to summon each and every department in the in the City if there is a matter of concern on various departments. So I see no need of forming a committee to deal with the City. If it is a matter of Agriculture, let the Agriculture committee summon the department Agriculture within the City. Our oversight role

should not be selective. We should not aim at the City alone unless it is a matter of witch hunt that somebody needs from the City. I stand to oppose this motion and I urge Members not to allow this motion to see the light of the day. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Yes Hon. Ogutu.

Hon. Ogutu: Thank you Mr. Speaker. I would like to go straight to the point on the reasons as to why I am not supporting this motion. First of all it has been read by Hon. Ogendowhat actually the Sectoral committee means and from what he read, I didn't hear anywhere City is mentioned. Secondly, we have a guiding Bible in this House which is the Standing Orders. I believe from what he read the Standing Orders come first. If we want to do anything about this Sectoral committee, we have to go back to the Standing Orders and amend it then the Sectoral committee will come later. Thirdly, in commonwealth countries and National Parliament, we work with traditions. I have never heard anywhere in Kenya to date where specifically a Sectoral committee has been formed to look after the City. If there is, I think I can be reminded.

We have enough Sectoral committees to take care of our County and not City. In fact City is within the County. We have different departments within the City that different Sectoral committees can look into. Mr. Speaker when somebody is bringing such a motion specifically for the City then we as...

The Acting Presiding Speaker (Hon. Oraro): Yes Hon. Steve Owiti.

Hon. Steve Owiti: Mr. Speaker we don't have 'somebody' in this House and we need to respect the rules of this House.

Hon. Ogutu: Thank you for informing me. If a Hon. Member brings such a motion we as the MCAs who are coming from the rural areas will also start forming committees which will also take care of rural wards. I would not like us to go that direction; let us deal with the committees which were formed by the Standing Orders of this House. Mr. Speaker, Hon. Members have talked about revenue which is universal within the County. We know that it is in the City where we are receiving most of the revenue but at the same time, I believe in my ward there is revenue which is coming from that particular area. So I don't see why we could single out a city to be considered in Sectoral committee. Such a motion should die on its arrival because they are going to divide this House. Let us work with the Sectoral committees which are formed by the Standing Orders and conforms to the Kenyan Constitution. I oppose this motion. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Yes Leader of Majority.

The Leader of Majority (Hon. Kenneth Onyango): Thank you Mr. Speaker. I am really anguished over this motion because as I sat here and as I listened to the Hon. Members debate, I was tempted to imagine that this motion was not brought with keen nuts. I imagined that this motion is intended to place a smoking gun on somebody's head. The reason for that is that, if we

want to form a committee of whatever nature, first of all they must be guided by the provisions of our Standing Orders. If you read Standing Orders No. 193 (4) which states that;

‘The mandate of Sectoral committees in respect of the subject matter signed as the second schedule of this Standing Orders shall only be exercised within the minutes contemplated under part (2) of the 4th schedule of the Constitution’

If you go to the second schedule enumerates what the Constitution gives as the mandate of our Sectoral committees and this mandate does not preclude any function within the jurisdiction of our County. So if we were to form a Sectoral committee that will only deal with the city then we must look at the whole second schedule of the Standing Orders and amend it. The question is; is that necessary. The reason as to why I think it is not necessary is because the department and I want to agree with what the Deputy Leader of Majority said on the definition of a Sectoral committee that it must be aligned to the departments that are formed by the County Government. It also enumerates some of these departments. What it therefore means is that when we are establishing Sectoral committees then they must be aligned within various departments by the County Government. In this situation, we are opening up a very big monster that will drawl its ugly head in this department. I don't think that is going to be good for the County. That is why I am suggesting that let the departments that have already been established to deal with the different departments within the City. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Yes Hon. Olga.

Hon. Olga: Thank you Mr. Speaker. I stand to call the mover to reply.

The Acting Presiding Speaker (Hon. Oraro): Hon. Guya.

Hon. Guya: Thank you Mr. Speaker for giving me this chance once more. Mr. Speaker, today for the first time our Leader of Majority has just contradicted himself that Sectoral committees are meant to mirror the departments of the County. Mr. Speaker the City is a department of the County unless today they are being told that the City does not fall as a department under the County Government. The motion was on the City and the Towns, it did not specifically talk about the City alone. We have urban areas that have just been gazetted; we have Katito, Ahero, Kombewa and Maseno. We are in the process as a County of having those town Clerks.

Mr. Speaker today if statements are raised here to various departments and all these departments fall in the City, we will be required to summon the City Manager here. Assuming 4 departments have got statements that require the City Manager to respond to, the department of Water will invite the City Manager in the morning, the department of Finance will invite the City Manager in the afternoon, and the department of Roads will invite the City Manager the following day in the morning. When will the City Manager get time to work and perform his functions?

Mr. Speaker just in this House we formed a committee called the General Oversight. I was not told where the general Oversight contradicted other Sectoral committees that we have. The General Oversight committee performs almost all the similar functions as the functions of various Sectoral committees. Mr. Speaker we know the intentions that are there; we know that as a County Assembly, the County Government of Kisumu allocated funds directly to the City. Those funds that were allocated to the City are meant to do City projects and City operations. I have never heard of any single day that the CEC in charge of Roads going to inspect roads in the City. Those projects within the City belongs to the City. Mr. Speaker all along in this House when there are issues raised under the City, it has always been believed that the committee in charge Planning and ICT deals with the City. Today for the first time I am hearing including our Leader of Majority that the functions of those City departments fall in the various committees.

Mr. Speaker we have raised statements here and a key one that was raised to the Chairperson in charge of Water, Environment and Natural resources concerning the Kachok dumpsite. Mr. Speaker 2 years down the line the response has not been brought to this House. I personally raised that issue here reason being there is no direct committee that is in charge of the City. Mr. Speaker, Hon. Olale just said that we don't want too much work and I want to urge the Hon. Members that do not want too much work that they can resign and go home. We came here to work and if you don't want to much work, the do is widely opened. The moto of the County is that there is work to be done.

I have heard Member also talking about the Standing Orders. I would like to inform the Members who have insisted on this that this is a document of the House, prepared by the Members of this House. This document is subject to review anytime that the Members wants to review this document. Mr. Speaker, in this House we have some Sectoral committees that overlap the other committees. I want to urge my colleagues that the intentions of bringing this notion was to help this County. If we really want to help the Government of Kisumu then this is the time that we should form the Sectoral committee that can help the Governor to oversight what is happening at the City. I want to urge my fellow Members that we support this motion; it is a process and by supporting this today does not mean that the committee comes into existence now.

Finally, we know that there are projects within the City and even the way those projects were being selected you find that the Members of the City did not know about anything until this year when there was a lot of pressure by the Members. When those projects were being selected, there were no Public Participations being done. Thank you.

The Acting Presiding Speaker (Hon. Oraro): Thank you. Hon. Members a motion on the formation of a Sectoral committee to deal with the affairs of the City was proposed by Hon. Guya, seconded by Hon. Otura and debated upon. I therefore want to put a question on the same.

(Question put and agreed to)

(More than 5 Hon. Member stand to contest the Speaker's decision)

The Acting Presiding Speaker (Hon. Oraro): Hon. Members, I am seeing more than 5 people standing and in that case it only calls for division. Can the Clerk approach the Chair.

(The Clerk at the table consulting with the Speaker)

The Acting Presiding Speaker (Hon. Oraro):The Sergeant –At- Arms should close the doors. Order Members! Hon. Members we are going to have our voting on division and the Standing Orders allows us that we can use secret ballot, roll call or any other modification. I will ask those who are ‘FOR’ the motion will stand and those who are ‘AGAINST’ the motion will sit. The voting starts.

(The Clerk at the table counting those standing to vote ‘FOR’ the motion to be 12 and those seated voting ‘AGAINST’ the motion to be 7)

The Acting Presiding Speaker (Hon. Oraro): Order Member! The results of the voting is; those who are ‘FOR’ the motion are 12 and those who are ‘AGAINST’ the motion are 7. Therefore Hon. Members, the motion on the formation of a Sectoral committee to deal with the affairs of Kisumu City is hereby adopted today Tuesday 15th October 2019 at 1745 Hours and is hereby committed to the committee of Procedure and rules for further action.

Next Order!

ADJOURNMENT

The Acting Presiding Speaker (Hon. Oraro): There being no any other business to transact, this House stands adjourned to tomorrow Wednesday 16th October 2019 at 9.00 a.m.

(House rose at 5.50 p.m.)

Addendum

Hansard Reporters

Zablon Otiende – In-charge

Fanuel Okode - Reporter

Edward Odanga - Reporter