



## COUNTY ASSEMBLY OF KISUMU

### **THE HANSARD**

#### SECOND ASSEMBLY – THIRD SESSION

Wednesday, 30<sup>th</sup> October, 2019

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

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

### **PRAYERS**

**The Acting Presiding Speaker** (Hon. Oraro): Mr. Clerk, can you please take us through the order of the day.

**The Acting Presiding Speaker** (Hon. Oraro): Next order!

### **PAPERS LAID**

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

**Deputy Leader of Majority** (Hon. Ogendo): Thank you Mr. Speaker. I wish to table before this House the following papers.

1. Report of the Auditor General on the Financial Statement for the County Government of Kisumu Bursary Fund for the Years ended 30<sup>th</sup> June, 2015, 30<sup>th</sup> June, 2016, 30<sup>th</sup> June, 2017, 30<sup>th</sup> June, 2018 and 30<sup>th</sup> June, 2019;
2. Report of the Auditor General on the Financial Statement of the County Executive of Kisumu for the Year ending 30<sup>th</sup> June, 2018;

3. Report of the Auditor General on the Financial Statement of the Kisumu Water and Sewerage Company Limited (KIWASCO) for the Year ending 30<sup>th</sup> June, 2018; Thank you.

**The Acting Presiding Speaker** (Hon. Oraro): Hon. Members, I want to commit all these reports to the Committee of PIC/PAC to look into them and report back to this House within 21 days which will be on 19<sup>th</sup> November, 2019.

**The Acting Presiding Speaker** (Hon. Oraro): Next order!

## STATEMENTS

**The Acting Presiding Speaker** (Hon. Oraro): Hon. Kanga, Chairperson Public Works and Transport and MCA, Market/Milimani.

**Hon. Kanga:** Thank you Mr. Speaker. I am rising to give a statement pursuant to the provisions of County Assembly Standing Orders No. 41 (2) (d).

Mr. Speaker, I am not giving this statement as the Chair of Roads and Public Works and I am doing this on behalf of the Chairperson, Water, Environment and Natural Resources. I have been Member of the Water Committee since the inception of the Second Assembly. We had the first Chair the Hon. Maurice Otieno Ngeta and when there was some realignment in this Hon. House, we as the Water and Sanitation Committee elected the Hon. Samson Ameso to Chair the Water, Environment and Natural Resources Committee to date although the Chair is not in this House today, but they are attending a function in Nairobi.

Mr. Speaker, I have in my possession a letter written by the Clerk of the Assembly Mr. Owen Ojuok replying to some content which was requested by some Advocate telling the Advocate that the matters that were discussed previously as the Committee of Water and Environment do not exist in the records of this House. Mr. Speaker, I have in my possession the Report from the Water and Environment Committee duly stamped by the Office of the Clerk. The same Office of the Clerk of the Assembly which I believe is continuity again on the 25<sup>th</sup> October, 2019 gave a contradictory statement in form of a reply stating that the proceedings of the Water Committee of which I have been a Member since the inception of this Assembly does not exist in the proceeding and that is the Hansard of this House.

Mr. Speaker, this alone brings the integrity of this Assembly Committee of Water, Environment and Natural Resource in disrepute and jeopardy. Mr. Speaker, it is my appeal that you give a fair ruling on this matter and before you give your ruling, I would like to request that Members of this House debate on this matter and this is because the letter is in the Social Media platform it is

everywhere in *Tich Tire*, Nyanza Reformist and it is everywhere and the residence are asking us and commenting on the integrity of this House. Mr. Speaker, as the custodian of rules and procedures of this House the Hansard included, I wish that you clarify on this letter that was done by the Office of the Clerk over this matter and that I have indulged myself in on behalf of the Water and Environment Committee because I am a member of this Committee. Please give guidance, thank you.

**The Acting Presiding Speaker** (Hon. Oraro): Hon. Kanga, thank you. As I listen to Hon. Kanga he does his presentation which in my belief is the only one that he is privy to because he is presenting a letter that he is saying is in his possession regarding a matter pertaining to the Committee of Water, Environment and Natural Resources and his request is that by the indulgence of this House, this matter be discussed. Hon. Members, before I make a ruling, I would like to ask Hon. Kanga that the letter is with him and I don't know how you want the Members to discuss it while at the same time they are not privy to the same letter that you are raising issues on at the same time, we are aware as a House how matters are presented in the House for discussion and I am not sure if we are ready to debate on matters that are in the Social Media without them being presented formally before this House. So, I will give Hon. Kanga a chance...

**Hon. Kanga:** Thank you Mr. Speaker. With your direction, I believe that the Social Media is equally a platform sanctioned by the relevant authorities. Mr. Speaker, we have witnessed in several institutions whereby a document finds itself in the Social Media be it Whatsapp, Facebook, Instagram, twitter and the rest. Mr. Speaker, we have witnessed institutions through their Public Relations Departments issue statements denying or reaffirming that documents that found its ways in the Social Media is the true position of that institution of issue a statement contrary to that denying that the statement that is doing rounds in the Social Media is not true.

Mr. Speaker, this matter of the Kibos Sugar Industries is not a small matter and we are all aware that this firm is the only factory in this County that employs most of our youths. Mr. Speaker, if the Assembly does not come out to redeem its image over this issue we will be doing a great disservice to the people of Kisumu this is especially to those who are employed in this factory, the Sugarcane Farmers and those that depend on it directly and even the County this is because we collect Cess from that firm. If the Assembly does not come to the fore-front and reaffirms itself that the letter doing rounds in the Social Media came from the Assembly this is especially from the authority who is the custodian of all the House procedures and the rule of law in this institution which is the County Assembly, the Assembly must make a unilateral decision whether there is a letter doing rounds in the Social Media emanated from the Office of the Clerk or it is just any other letter authored by anybody. If so, then the Assembly to forward that letter to the Office of the

Director of Criminal Investigations (DCI) or the relevant authorities to investigate whether it came from the Assembly or not.

**The Acting Presiding Speaker** (Hon. Oraro): Thank you. I have heard what Hon. Kanga is presenting and when I listened to it carefully it involves matters Procedure and Rules. Therefore, without contradiction, I believe I will give my ruling that the Committee of Procedure and Rules to follow up on this issue to investigate whether the letter emanated from the Office of the Clerk because if I listened carefully to what Hon. Kanga is alluding to while presenting is that the Assembly need to understand whether that letter emanated from the Office of the Clerk or not. Hon. Members that can only be authenticated through the Committee of Procedure and Rules. Therefore the matter is referred to the Committee of Procedure and Rules to look at it and report to the House immediately after recess. That is the 12<sup>th</sup> November, 2019.

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

**Hon. Kanga:** Mr. Speaker if you look at Standing Order No. 87 (3) from (a), (b), (c) and (d). It talks about matters *sub-judice* or secret and if you look at Part 3 (c) where there are civil proceedings which is still before trial. The matter I am talking about is before the High Court and Part (d) is very explicit about matters pending before the High Court even in the Appellant Court. If you make a ruling that the matter be referred to the Committee of Procedure and Rules which will submit their recommendations before this Honourable House but the letter which was written by the Clerk can find itself before the Court of Appeal and it can be used as an evidence in that court. While you will be ruling after the recess, the matter shall be overtaken by events. This matter has been brought under the certificate of urgency in this case because it is in court.

**The Acting Presiding Speaker** (Hon. Oraro): It was a Point of Order.

**Hon. Kanga:** She should be responding technically by giving relevant clauses in law. Instead of rising up on a Point of Order without making necessary references to the Standing Order, County Government Act, the Constitution and the relevant...

**The Acting Presiding Speaker** (Hon. Oraro): Honourable Member, I have not given her time please proceed.

**Hon. Kanga:** Mr. Speaker, I am just trying lecture her before she rises up on a Point of Order. Honourable Speaker, make a ruling on this matter so that the integrity of this House can be honoured outside or within this Honourable House because the letter is doing rounds in the social media. Thank you.

**The Acting Presiding Speaker** (Hon. Oraro): Yes Hon. Aslam Khan.

**Hon. Khan:** Thank you Mr. Speaker. In addition to what Hon. Kanga has said, it is my humble request that if do not fast-track this issue then it shall be overtaken by events. Two, the reputation of this House and the Assembly at large shall be in a doubt. This is the only Sugar Factory which has employed our people and over forty thousand farmers are depending on this company. I don't want to be lectured but I am saying....

**The Acting Presiding Speaker** (Hon. Oraro): Hon. Aslam Khan, I think the matter at hand that was raised by Hon. Seth Kanga is concerning a letter which want to be authenticated whether it came from the Clerk or not.

**Hon. Khan:** Mr. Speaker, I am coming to that. If a Member of that committee has talked about and they have not discussed it. We need a proper guidance from you as the Chair to save Kisumu County. Thank you.

**The Acting Presiding Speaker** (Hon. Oraro): Yes Hon. Paul Okiri.

**Hon. Okiri:** Thank you Mr. Speaker. I am rising on Standing Order No. 31 (2) read together. I would have informed this House two hours earlier that I was intending to bring this motion. I knew I would do it by 10 a.m. so that I am safe.

**The Acting Presiding Speaker** (Hon. Oraro): Hon. Okiri are you making a Statement or you are commenting on the issue that was raised by Hon. Seth Kanga.

**Hon. Okiri:** This is an independent Standing Order...

**The Acting Presiding Speaker** (Hon. Oraro): You are out of order. Yes Senior Member.

**Hon. Misachi:** Thank you Mr. Speaker. Senior Member is misleading the House because the other matter on the floor has not been concluded.

**The Acting Presiding Speaker** (Hon. Oraro): I have ruled him out of order.

**Hon. Misachi:** Mr. Speaker, If you ruled him out of order then why should he continue on the same? Having heard from Hon. Seth and Hon. Khan, I don't know whether you can allow the Committee of Whole House to discuss the matter and dispense with it? I rest my case.

**The Acting Presiding Speaker** (Hon. Oraro): Yes Hon. Omoro.

**Hon. Omoro:** Thank you Mr. Speaker. The matter before the House is weighty. We have to look at the integrity of this Assembly. This is the Second Assembly. The First Assembly dealt with their matters and if there is something wrong that was done by the First Assembly the Secondly Assembly can only unlock it by going through it again.

Mr. Speaker, in this case, if don't talk about this letter then it is going to reflect very badly on the Assembly and our County at large. If the letter is saying that the Assembly is not aware of that report which was done by a committee where I was a Member and I read and signed it then that will be very unfortunate.

My humble request is that if it is very necessary that if this letter must go on then allow it to be discussed in the Committee of Whole House or suspend this letter and form an Ad hoc Committee to look into it and report back to this House on what was done by the previous committee. Thank you Mr. Speaker.

**The Acting Presiding Speaker** (Hon. Oraro): Thank you. Honourable Members, I still want to go by the originator of this Statement that is Hon. Kanga that in his possession there is a letter signed by the Clerk of the Assembly regarding some matter that was within the mandate of the Committee of Water, Environment and Natural Resources. I still go with his own words that the integrity of the Assembly is in jeopardy because he has come across the letter in the social media and he has a copy which he has not presented to the Speaker or to the Clerk or to the House.

Hon. Members, I also want to go with the words of the Members who have spoken that it is necessary to determine the authenticity of the letter, thereby it is a matter of urgency. However urgent it is the letter could have reached where it is. The Committee of Procedure and Rules proceed and determine the authenticity of the letter and determine whether rules and procedures of this House were followed.

**The Acting Presiding Speaker** (Hon. Oraro): Yes proceed Hon. Ogendo.

**Hon. Ogendo:** Thank you very much Honourable Speaker. On 14<sup>th</sup> May, 2019 sought for a Statement from the Committee of Roads, Public Works and Transport concerning some few roads in my ward but to my surprise I have not received any report regarding that. I further visited the Ministry of Roads and the statement that I sought is not yet complete and the contractor had been given the payment certificate even without the resolution of the Project Management Committee.

I beg that you to order the said committee to fast-track this matter so that people of Nyalenda can get the good services. Thank you Mr. Speaker.

**The Acting Presiding Speaker** (Hon. Oraro): I see the Chair for Roads available. Any response Hon. Kanga?

**Hon. Kanga:** Thank you Mr. Speaker. In response to the concerns raised by the Deputy Leader of Majority and for your information, he is also a Member of my committee. We as a committee through the Office of the Clerk wrote a letter to CEC of Roads and they responded and when we discussed at the committee with the Member who sought that statement and he was in agreement that the response was not satisfactory and we had to write another letter to the CEC who was sent packing last week and unfortunately he had not responded as at that time.

Mr. Speaker, the Honourable Member reminded me of that matter and I instructed the Committee clerk to do another letter to the Acting CEC and unfortunately we have not received any response on that matter. The fact that the payments were done could be a reason as to why he was sent packing. That officer has committed a lot of mistakes in the said Department. I had also written a letter to the CEC copied to the Governor over the said officer. I am sorry I dint carry the letter with me.

It is my prayer that the Acting Officer will respond to the queries. At some point you also raised a question before you became the Speaker and the responses were not satisfactory by then and the Office of the Clerk had to do another letter which to date Mr. Ondijo had not responded to. Those are some of the reasons. Mr. Speaker I believe that these are some of the reasons why the Governor did not name the Chief Officer for Roads. This is because I believe that the Governor wants a thorough Chief Officer since for the last 2 years the Office of Infrastructure especially roads we have had serious challenges in the cases of KRB, development roads, the donor funded roads and others. I believe that the new CEC which will be named in the near future and the Chief Officer will respond to these statements. Otherwise I request to be given just one week to respond to all the queries of Hon. Ojwang' and yours too. I would like to recognize the persistence of Hon. Ogendo over this matter. If all of us would be like this then I believe that this County would be somewhere in terms of infrastructure. Thank you.

**The Acting Presiding Speaker** (Hon. Oraro): Hon. Ogendo, he has requested for one more week. I saw Hon. Pamela Odhiambo on her feet.

**Hon. Pamela Odhiambo:** Thank you Mr. Speaker. Pursuant to Standing Orders no. 193, I wish to request for a statement from the Chairperson of Sectoral Committee of Planning,

Industrialization and ICT regarding to the perennial storm water catastrophe which has rendered many hopeless, homeless and has resulted to death and mass destruction to property and human being.

Hon. Speaker, in the statement, the Chairperson of Planning should;

1. Inquire and investigate into and report on;
2. The real statistics and what are the mitigation measures on the menace, the long term plan to the perennial menace.

Mr. Speaker we are tired of bringing statements into this House and action is not taken. Three people died in my ward and I wanted resolution once and for all; this has never been taken care of and our people are suffering outside there. Thank you.

**The Acting Presiding Speaker** (Hon. Oraro): Thank you. I want to commit that statement to the committee of Planning, Industrialization and ICT and should report back within 3 weeks that is 19<sup>th</sup> November 2019. At the same time I would like to urge the various committees that, let us take our work seriously and I would point to the Committee of Implementation to follow up on such commitments and the Chair of Chairs, who is the Liaison Chairperson to follow up on all the other commitments that were directed to various committees.

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

**Hon. Ogutu:** Thank you Mr. Speaker. I rise under Standing Orders No. 42 which is personal statement. Let me take this opportunity to congratulate the Fourth Estate who are with us in this Hon. House. Yesterday we had a statement about the state of our wards and that was West Nyakach and Manyatta B. Mr. Speaker I can report to this House that the Fourth Estate did a very good job for highlighting the right of our ward residents. On that note, this morning I was called by my ward manager that the Executive is streaming to West Nyakach on the department which was questioned on whether they are existing or not. For that good job, let me specifically congratulate the Fourth Estate coming from this station. I want to congratulate Dala FM, Ramogi FM and Sky FM for highlighting the problem of the people of West Nyakach and Manyatta B. They carried this news with a lot of decorum and other stations which I have not mentioned. I believe that when we always talk about the fourth estate, we talk negatively about them but if they did a good job the way they did it yesterday we should also recommend and congratulate them. Thank you.

**The Acting Presiding Speaker** (Hon. Oraro): Thank you. This goes to the Fourth Estate for doing a good job. I believe they have been doing a good work and kudos to them.

**The Acting Presiding Speaker** (Hon. Oraro): Yes Hon. Otiang'.

**Hon. Otiang:** Thank you Mr. Speaker. Talking about flooding in Kisumu County, it is not something which is new and personally I am making a statement on my own behalf and on behalf of the behalf of the people of Chemelil that I represent. I have an area which has perennial water flooding and I have been writing letters to the Ministry of Transport and Public Works; I also wrote to the former County Secretary Mr. Onudi requesting to be given a bulldozers so that I open up the water ways but I have never been given any. I even went further and made request to the City Manager, Mrs. Ombara because I was reliably informed that the City had acquired an excavator. She promised that she was going to give me but up to today the flooding is still there, my people are suffering. What I know is that when you want help you go to anybody who can help you. Since I have informed the Hon. Members on this matter, I am also raising my voice to say that my people of Kibigori are also suffering so much with flooding and if we can have the special program of doing these water ways before the flooding starts since this is a preventive measure.

Mr. Speaker I would ask that you direct that the person who is responsible for the special programs should be talked to so that we can get to be helped when the time comes. I remember that there are schools which are even flooded right now and they are doing the end year exams. Thank you.

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

**Hon. Steve Owiti:** Thank you Mr. Speaker. I would have wanted to make a statement on the state of the flood but unfortunately my sister from Chemelil Tamu has said the same thing. I would also like to reinforce her sentiment of concern that we have had a very long dry spell and during that time the metrological department has been warning that there would be rains. It is very unfortunate that when the floods now starts diver stating our people, we find the County and other agencies moving unga with mattresses and it is quite demining. We have been up to these offices crying literally and asking that we open those drainages. We see our machineries being used by the private contractors while we ourselves are not willing to fuel these machineries. I think a time is coming when we will not want to see anybody carrying any food aid to our areas because it is some kind of disrespect. We are always warned that the rains are approaching and nobody is able to do anything about it and when the rains come you find people start running. We are always stressing on the fact that the drainages should be opened in good time. It is so bad and the situation is so pathetic and we are always receiving phone calls early in the morning that the floods have invaded our homes. I think that a statement must be made from the Assembly as leaders that what needs to be done must be done in time.

**The Acting Presiding Speaker** (Hon. Oraro): Hon. Members the two statements which have been made by Hon. Otiang' and Hon. Steve Owiti; I want to request the Committee of Planning, Industrialization and ICT to take into consideration on the other areas that is Kolwa East, West

Nyakach and Chemelil Tamu Wards to take into consideration when they will be looking at the matter that was presented by Hon. Pamela Odhiambo.

**The Acting Presiding Speaker** (Hon. Oraro): Next Order!

### MOTION

ADJOURNMENT FOR SHORT RECESS FROM 31<sup>ST</sup> OCTOBER 2019 TO 11<sup>TH</sup> NOVEMBER  
2019

BY THE LEADER OF MAJORITY

**The Acting Presiding Speaker** (Hon. Oraro): Yes Hon. Ogendo.

**The Deputy Leader of Majority** (Hon. Ogendo): Mr. Speaker pursuant to the provisions of County Assembly of Kisumu Standing Orders No. 26 (3) and (4), I rise to move a Motion of Adjournment of the House for a Short Recess.

Mr. Speaker, I know that as the Hon. Members, our role is representation, oversight and legislation. This motion comes at a time that Hon. Members can have time to go and visit their areas and project; also aware that we have before us five Bills that have been scheduled for 31<sup>st</sup> October and 1<sup>st</sup> November at Aga Khan Hall. I would like the Hon. Members to take their time to fully participate in this so that we can pass these Bills to give our County easy time. I would also like to say that before us we have a CEC nominee for Finance and Economic Planning which is also scheduled to take place on 31<sup>st</sup> October 2019 at Aga Khan Hall. I would like to urge the Hon. Members that during this recess to vet for suitability, the nominee, who will be presented to us by the Governor. I would like to request the Chief Whip to second.

**The Chief Whip** (Hon. Misachi): Thank you Mr. Speaker. While I am supporting the adjournment motion I would like to say that the vetting of CEC for Finance and Economic Planning is the work for Appointment Committee and any Member who wishes to participate in this exercise will just be a spectator. I second the motion for adjournment.

**The Acting Presiding Speaker** (Hon. Oraro): Hon. Members, now that the Motion for the Adjournment for Short Recess taking into consideration the matters committees that we have has been moved and seconded, I want to propose it for debate.

**The Acting Presiding Speaker** (Hon. Oraro): Yes Hon. Okiri.

**Hon. Okiri:** Thank you Mr. Speaker. I rise to second this motion on adjournment based on whatever has been happening even during this perennial rain. This will allow us to go back to our

wards and see the destructions that have been caused. I would also like to say that our candidates are doing our exams and the KCSE is starting next week and we as parents need to go and see our children to give them the courage they need. This will also give us enough time so that when we meet the CEC nominee for Finance and Economic Planning, we will have the opportune time to ask good questions.

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

**Hon. Steve Owiti:** May I call the mover to reply.

**The Acting Presiding Speaker** (Hon. Oraro): Yes Hon. Ogendo.

**The Deputy Leader of Majority** (Hon. Ogendo): Thank you Mr. Speaker and I want to echo the sentiments by Hon. Okiri aware that members have given personal statements and I also being affected by the floods. This will give us ample time to meet our people and see the areas that have been affected. Thank you.

**The Acting Presiding Speaker** (Hon. Oraro): Hon. Members, a Motion on Adjournment of Short Recess from 31<sup>st</sup> October 2019 to 1<sup>st</sup> November 2019 has been moved, seconded and debated upon. I want to refer you to the provisions of County Assembly of Kisumu Standing Orders No. 26 (3) which states that when a motion on adjournment has been moved and debated upon then the House will be adjourned without a question being put.

### ADJOURNMENT

**The Acting Presiding Speaker** (Hon. Oraro): Therefore the House stands adjourned today 30<sup>th</sup> October 2019 to 11<sup>th</sup> November 2019.

*(House rose at 3.30 p.m.)*

*Addendum*

**Hansard Team**

*Zablon Otiende – In-charge*

*Edward Odanga – Hansard Reporter*

*Fanuel Okode - Hansard Reporter*