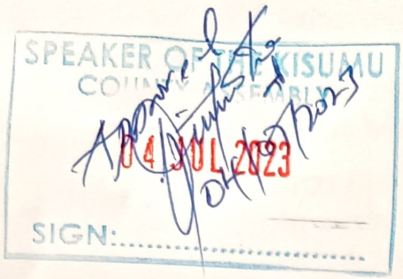


Third Assembly

(091)

Second Session

(125)



THIRD ASSEMBLY - SECOND SESSION

KISUMU COUNTY ASSEMBLY

ORDER PAPER

WEDNESDAY, 5TH JULY, 2023 AT 2:30 P.M.

PRAYERS

1. Administration of Oath.
2. Communication from the Chair.
3. Messages.
4. Petitions.
5. Papers *(as listed in the appendix).*
6. Notices of Motion *(as listed in the appendix).*
7. Statements

COMENCEMENT OF BUSINESS

8. **MOTION - THE CALL FOR THE COUNTY ASSEMBLY COMMITTEE ON ADMINISTRATION OF LAW, JUSTICE, CONSTITUTIONAL AFFAIRS, GOOD GOVERNANCE AND SECURITY TO INITIATE INVESTIGATION INTO THE OFFICE OF THE COUNTY ATTORNEY.**
(Hon Moses Ochele).

THAT, aware that pursuant to Section 7 of the Office of the County Attorneys Act, 2017, the County Attorney is the Principal Legal Adviser to the County Government and shall, on the instructions of the county government, represent the county executive in court or in any other legal proceedings to which the county executive is a party, other than criminal proceedings and shall further advise departments in the county executive on legislative and other legal matters;

AWARE that Section 7 of the Office of the County Attorneys Act, 2017 does not contemplate that the County Government may outsource all legal services where it is a party when it has a County Attorney lawfully in Office. That the contemplation of Section 7 of the said Act is that the County Attorney shall do legal representation for the Government whenever necessary.

SPEAKER OF THE ASSEMBLY
04 JUL 2023
SIGN:

FURTHER AWARE that the Committee on the Administration of Law and Constitutional Affairs during the departmental budget scrutiny for the Budget of the FY 2023/2024 was informed by the CEC Member for Public Administration that the pending Bills for the Office of the County Attorney alone has reached a cumulative total of Kshs. 2 545 265 068.91

NOTING THAT the Committee, having been taken through the factors that led to such an amount for a pending Bill for the Office of the County Attorney noted that the County Government is still outsourcing Legal Services on litigations and even on legislations despite having a Legal Office drawing salaries and administrative costs.

FURTHER NOTING that the Committee has aspersions in regard to the honesty of the list of the pending Bills arising from Legal Services and drawn by the Office of the County Attorney.

DEEPLY CONCERNED that the Office of the County Attorney risks becoming a high financial and audit risk for the County Government if an elaborate inquiry and investigations is not done into its activities and spending.

NOW THEREFORE, I wish to pray that this ASSEMBLY RESOLVES THAT the Committee on Administration of Law and Constitutional Affairs be specifically instructed to investigate the Office of the County Attorney during the recess period and report on the following:

i. Cases handled by law firms since 2017 and amount incurred by the County Government for such legal services
ii. Legislations done by private firms since 2017 and amounts incurred by the County Government
iii. Cases personally handled by the Office of the County Attorney since 2017
iv. Status of all cases including rulings against and for the County Government
v. Decretal Sums of all Cases
vi. Number of Advocates of the High Court employed by the County Government in the Office of the County Attorney and
vii. The Competency of the County Attorney

*****THE END*****

APPENDIX

1. PAPERS

i. **Pursuant to Provisions of Standing Orders No. 182(6) and 244(4) of the Kisumu County Assembly standing Orders**, I wish to table today Wednesday 5th July, 2023 a report by Planning, Industrialization and ICT Committee on the Ad Hoc reports recommending for conferment as Municipalities;

i. Maseno - Holo
ii. Kombewa - Bodi
iii. Katito - Pap Odniti
iv. Ahero - Awasi
v. Muhoroni - Chemelil

(Hon Boitone Ratib).

2. NOTICES OF MOTION

i. **Pursuant to the provisions of section 45(1), I wish to give a Notice of Motion;**

THAT this House adopts the report by Planning, Industrialization and ICT Committee on the Ad Hoc reports recommending for conferment as Municipalities;

i. Maseno - Holo
ii. Kombewa - Bodi
iii. Katito - Pap Odniti
iv. Ahero - Awasi
v. Muhoroni - Chemelil *(Hon Boitone Ratib)*