

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – THIRD SESSION

Tuesday, 19th February, 2019

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

(The Speaker (Hon. Onyango Oloo) in the Chair)

PRAYERS

The Speaker (Hon. Oloo): Madam Clerk, can you please take us through the Orders Paper of the day?

ADMINISTRATION OF OATH

Hon. Judith Ogaga, Chairperson, Budget and Appropriations Committee.

(Hon. Member rise on Point of Orders)

The Speaker (Hon. Oloo): Hon. Members, you cannot interrupt Administration of Oath. Please continue.

Hon. Owiti: Mr. Speaker, Administration of Oath cannot take place because there was no election done in the Committee of Budget and Appropriations.

The Speaker (Hon. Oloo): Hon. Member, can we all go down because the Leader of Majority is on his feet. You must first accept to live as per the Standing Orders.

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. When we ended the last session of our Assembly, we had hoped that when we come back to this Second Assembly, Third Session the Rules and Procedures of this House will take precedence over any other thing. Mr. Speaker, it is dismaying, that today in the morning a House Committee on Budget and Appropriations was called without an agenda to discuss the removal of the Chairperson, Budget and Appropriations Committee. Mr. Speaker, we could not agree because the Agenda and Petition for the Removal was not given.

Mr. Speaker, I want to say that, we are not opposed to the removal of any Chairperson, but, due process must be followed and due process was not adhered to. So, I want to say that this Oath is illegal and it must not be allowed to continue because this House must be governed by rules. Mr. Speaker, I want to say that the thread that holds this Assembly is very thin. If this County goes that way other Counties have gone, the blame will be squarely on you because you are refusing to take your leadership role as is supposed to be. Mr. Speaker, you are supposed to be a neutral arbiter in the affairs of the Assembly, but you have decided to be partisan together with some of your staff. Mr. Speaker, that is unacceptable, and I want to call upon all our Members and especially...

The Speaker (Hon. Oloo): Order Leader of Majority Order!! Hon. Member for Kolwa East, the Leader of Majority is on his feet. Leader of Majority, you cannot cast aspersion on the Chair without a Substantive Motion. Could you please confine yourself to the matter that are in your powers to address?

Leader of Majority (Hon. Onyango): Mr. Speaker, we had hoped and we are still hoping that the Chair would behave like Ceaser's Wife, blameless, that is a threshold that you are refusing and you continue to refuse to rise to that occasion. Mr. Speaker, you recall just a few days ago, I did approach you and we said that we want this Assembly to be peaceful. Mr. Speaker, there is no way we are going to get that peace....

The Speaker (Hon. Oloo): Leader of Majority, please go down the Chair of Chairs is on his feet. The provisions Standing Orders No. 100, when the Chair of Liaison is up, you all go down.

Hon. Samo: Thank you Mr. Speaker. I just wanted to bring to the attention of my dear friend the Majority Leader that matters of Committees are being discussed in the Committee. The House Committee on Budget and Appropriations did sit, first they did make a Petition which was addressed to the Office of the Clerk which was then handled the way it should be done. Then today they made a resolution. I believe the Hon. Leader of Majority is seriously misleading this House, so we can proceed, thank you.

The Speaker (Hon. Oloo): Hon. Member for Kolwa East!

Hon. Steve Owiti: Thank you Mr. Speaker. I want to go on record to state the following. I do not fear to be removed from the Budget and Appropriations Committee, but the laws and procedures should be adhere to. Today, Tuesday, 19th February, 2019, a meeting of the Budget and

Appropriations Committee was called and I have Notice of the Meeting here with me. A Notice of Meeting should be called under the provisions of Standing Orders No. 164. Mr. Speaker, there was no agenda, when we went to the meeting which I personally chaired, we asked the Committee Clerk, one Mr. Charles Ageng'o to circulate the Agenda as had been indicated in the Notice of Meeting, this was never done. He stated clearly that it was not there. The procedure for Removal of the Chair is very clear...

The Speaker (Hon. Oloo): Order Hon. Member, Order!! Just go down. Yes Liaison Chair.

Hon. Steve Owiti: Mr. Speaker, I am on a Point of Order here being removed illegally because it doesn't beat the purpose. We shall not allow this House to be ruled with impunity and we are going to state here categorically that you are not going to step on us and sleep on us.

The Speaker (Hon. Oloo): Order Hon. Member for Kolwa East I will throw you out.

Hon. Steve Owiti: Do so with your orders throw me out.

The Speaker (Hon. Oloo): Leader of Majority and the Chief Whip I am up on my feet. I want to give directions. The Order Paper for the day will be respected, could the Chairperson of Budget and Appropriations take the Oath. Can the Clerk please Administer the Oath.

Leader of Majority (Hon. Onyango): Mr. Speaker, we cannot allow this to happen, we cannot allow this to happen.

(Hon. Members approach the Dias to stop the Oath)

(Chaotic scenes witnessed at the Dias, there is push and shove)

The Speaker (Hon. Oloo): Order!! Order!! Hon. Leader of Majority. Can I have the Leader of Majority and the Chief Whip thrown out? Can I have the Leader of Majority and Chief Whip out!!

(Chaotic rein at the Dias)

The Speaker (Hon. Oloo): Can we get the Chairperson take the Oath. Where is the Clerk? Where is the Oath? Please don't fight. Where are you going Leader of Majority?

The Speaker (Hon. Oloo): Order!! Order!! What we do, could everybody be on his feet. This is because I will come back with my ruling. Could everybody go on his feet!!

The Speaker (Hon. Oloo): Order!! Can you go down all of you so that I give direction? Hon. Members, I am suspending the House for fifteen minutes, we are coming back.

(House Suspended for fifteen minutes)

(House resumes after fifteen minutes Suspension)

The Speaker (Hon. Oloo): Hon. Members, can we all be seated. The House was suspended for fifteen minutes. Hon. Members, this is a House of debate, house of reasoning and I urge you that you should be able to differ with your intellect and not with your brawl.

The modern House has no room for physical violence, no room for insults and when you are offended by an action, you will always be given a chance to articulate yourself. Consequently, I urge maximum restraint and I will ask the Hon. Member to take the Oath. Please can you take the Oath?

I, **Hon. Judith Atieno Ogaga**, having been appointed as the **Chairperson of Budget and Appropriations Committee** of the Kisumu County Assembly do swear, that I shall truly and diligently serve the people and the Republic of Kenya in the office of the **Chairperson of Budget and Appropriation Committee** of County Assembly of Kisumu; That I shall respect, uphold, preserve, protect and defend the Constitution of the Republic of Kenya; and I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of the parliament without fear or favor, affection or ill health.

SO HELP ME GOD.

(The Temporary Speaker and the Hon. Member appends their signatures in the Oath of Office papers)

(Applause)

The Speaker (Hon. Oloo): Thank you Hon. Member for your indulgence.

The Speaker (Hon. Oloo): Next Order!

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oloo): Hon. Members, I continue to urge you to exercise maximum constraint in our deliberations as a House because this must be a House of honour and we must adhere to procedures. Hon. Members, I would wish to communicate to you that sometimes around 25th January, 2019 the Clerk to the Assembly received a Notice signed by ten Members of the Budget and Appropriations Committee, the notice was to the extent that the Members had No-confidence in their Chairman. The letter received by the Clerk on the 25th January, 2019 did state that we the undersigned Members of the Budget and Appropriations Committee intend to pass a Vote of No Confidence on the Chairperson of Budget and Appropriations Committee Hon. Steve Owiti, MCA, Kolwa East Ward. It is signed by ten of the fifteen Members and it was accompanied by a request for a meeting for the removal of the Chairperson of Budget and Appropriations Committee Hon. Steve Owiti, MCA, Kolwa East Ward.

Hon. Members, a meeting was consequently scheduled today Tuesday, 19th February, 2019 and again ten out of the fifteen Members of the Budget and Appropriations Committee did make the following Resolutions;

1. We the undersigned of the Budget and Appropriations Committee do hereby sign to Remove Hon. Steve Ouma Owiti as the Chairperson, Budget and Appropriations Committee and do further resolve unanimously to elect Hon. Judith Atieno Ogaga as the Chairperson of the Budget and Appropriations Committee.

Hon. Members that is what has led to the Swearing in of Hon. Member Judith Atieno Ogaga as the Chairperson, Budget and Appropriations Committee. Hon. Steven Ouma Owiti still remains a Member of the Committee, thank you Hon. Members.

Chief Whip (Hon. Olima): On a Point of Order.

The Speaker (Hon. Oloo): Hon. Chief Whip, I am still in Communications and you cannot interrupt Communication. Unless you are the former Chair of Budget and Appropriations Committee, you cannot interrupt. Thank you former Chair, Budget and Appropriations Committee.

Hon. Steve Owiti: Mr. Speaker, I am still the Chair, and I will remain the Chair.

The Speaker (Hon. Oloo): Hon. Members, my second Communication would rather be a bit long, I hope you will bear with me.

Today, the Tuesday, 19th February, 2019, the Year of our Lord. I received two letters, one from the Orange Democratic Movement Party Members. The First letter was signed by the Chief Whip, Hon. Gard Olima dated 18th February, 2019, while the second letter was signed by Majority of ODM Members. Prior to receipt of the two letters, I had received a letter on 12th February, 2019 dated 11th February, 2019 addressed to me by one Hon. Oiko Pete and Independent Member Representing Kabonyo-Kanyagwal Ward and another one dated 13th February, 2019 dated the same and signed by one Hon. Kennedy Ageng'o and Hon. George Ogutu Oluoch of West Nyakach Ward where both Members being Independent Members of the Assembly.

Hon. Members, these four letters where proposing or nominating various people or Hon. Members to be considered for appointment to the House Business Committee pursuant to the provisions of Standing Orders No. 154. To begin with, it is important to set out the provisions of Standing Orders No. 154. Orders No. 154 (1) provides that;

County Assembly Business Committee

154. (1) There shall be a select Committee, to be designated the County Assembly Business Committee, consisting of-

- (a) the Speaker who shall be the Chairperson;
- (b) the Chairperson of the Liaison Committee;

- (c) *the Leader of the Majority Party;*
- (d) *the Leader of the Minority Party; and*
- (e) *not less than seven and not more than nine other Members, who shall be nominated by County Assembly parties and approved by the County Assembly at the commencement of every Session, reflecting the relative majorities of the seats held by each of the County Assembly parties in the County Assembly and taking into consideration the interests of Independents.*

(2) *The County Assembly Business Committee shall be appointed within seven days on assembly of a new County Assembly.*

(3) *In nominating Members to the County Assembly Business Committee, each County Assembly party shall include its Whip into the membership.*

(4) *In the absence of the Speaker, the Chairperson of Liaison Committees shall chair the meetings of the County Assembly Business Committee.*

Hon. Members, flowing from the above, it is not in dispute neither is it debatable that the following persons shall sit on the said Committee as of right.

- 1) The Speaker who shall be the Chairperson.
- 2) Chairperson of Committees/Liaison who shall be the Vice-chairperson
- 3) Leader of Majority
- 4) Leader of Minority
- 5) Chief Whip
- 6) Whip of Minority Parties

Hon. Members, that takes a total of six seats.

Hon. Members, it is equally not in doubt that the Party's Membership in this Committee shall reflect their strength in the House and that while constituting this list, the interest of Independent Party must be taken into consideration.

Hon. Members in this regard, I found it useful to state herein the relevant strength of the parties and Independents in this Assembly. The Orange Democratic Movement (ODM) enjoys a near absolute majority of Membership being forty-four out of forty-eight members. Ford Kenya, has one member, while the Independents are three.

By agreements of Members of this Assembly, one, Hon. Philemon Ojuok was elected and confirmed by this House to be the Leader of Minority Party, while one Hon. Ken Ageng'o was elected and appointed as the Minority Whip in the Assembly.

Consequently therefore, the two also occupy their respective positions in the House Business Committee by right. On the issue of independent candidates to sit in the committee, Hon. Benny

Oiko Pete, nominated himself and did not bother to get the concurrence of fellow independent Members. In the contrary, the two remaining Members who independent Members are forwarded to my office a resolution to nominate Hon. Oluoch Ogutu of West Nyakach to represent them in the committee vied their letter referred to above.

(Applause)

In view of the above and in tandem with democratic ideals that governs the institutions of parliament I make a finding that Hon. George Ogutu Oluoch is properly nominated to sit in the House Business Committee subject to approval by this House as opposed to Hon. Oiko Peter who nominated himself and did not get even a seconder.

From the foregoing therefore, the following slots have been properly filled and or nominated for consideration by this House. The Office of the Speaker, the Chairperson of Committees, the Leader of Majority, the Leader of Minority, the Chief Whip, the Minority Whip and the representative of the independent Members. Bringing it to a total of seven.

Proceedings from the four goings, the remaining slots is based on the strength of the ODM Party to be filled exclusively by the party. I have carefully and in detail read the letter forwarded to me by the Chief Whip, and find the same to be wanting in both content and legality on the following grounds.

There is no express provision on the Standing Order that grants the Chief Whip powers to nominate Members single handedly and forwarded them to the Speaker. Two, there are no minutes accompanying the said letter. Three, it purports to usurp the powers of the Speaker by apportioning to ODM ten slots without considering the interest of the minority and the independent members.

Four, it refers to ODM nominated Members who is representing both nominated and elected. Five, if the letter dated and signed by the Whip, the same is silent on where and on what time the Members of the party made the said resolutions. Six, if the Speaker were to act on the said letter and to seek to comply with the other provisions of the Standing Orders, the membership of the committee will go beyond that which is stipulated by the law.

It is perhaps imperative to observe the Standing Orders and in particularly the Standing Order 154 does not expressly provides for the process or procedures of presenting this list to the assembly. The law does not however fail to provide for a solution to such silence. Where there is such a lacuna in the law, under our Standing Order No. 1 (1), it provides that in *all cases where matters are not expressly provided for by this Standing Orders or by other orders of the County Assembly, any procedural question shall be decided by the Speaker.*

As a result of foregoing, I am inclined to make the following observations or guidelines. That one, the speaker is obliged to receive as many recommendations or nomination as are represented to him in regards to nomination to the House Business Committee .Two, that the Speaker is non the

less not obligated to act on a specific list more so when it offends the express provisions of the Constitution or the law or our Standing Orders. Three that the Speaker is obligated to compile and present to the House, a list that is in consonance with the law and our Standing Orders. Four that the vice chair of the committee or the chairperson of Liaison is the right person in the absence of the Speaker being incapacitated as the presiding officer to present the list on behalf of the Speaker.

Having considered the above, I now turn to the letter signed by the majority of the ODM members and find the same to be in full compliance with the law and consequently proceeding on its basis, the Constitution of the Republic, the Standing Orders, and all attendant in the enabling legislative, I do direct that at the opportune time, the vice chair of the committee who is the chair for Liaison will be the right person to present the list.

PAPER

The Speaker (Hon. Oloo): Yes Hon. Samo.

Hon. Samo: Mr. Speaker Sir, in view of your express communication this afternoon, I hereby stand as the vice chair of the House Business Committee just want ...

The Speaker (Hon. Oloo): What is Hon. Ogendo?

Hon. Ogendo: Mr. Speaker, I know that you are blind but I would wish to inform you that Hon. Otieno Ngeta is naked in this House, Please Mr. Speaker.

The Speaker (Hon. Oloo): Hon. Ngeta could you please get up and go out, come back when properly dressed please, proceed please.

Hon. Samo: Thank you Mr. Speaker,

Hon. Olima: Ok. Thank you. I want to say that Mr. Speaker, today the 19th of February you have decided to make this House ...

Hon Speaker (Hon Oloo): You rose on which Standing Order Hon. Member?

Hon. Olima: Standing Order No. 100.

The Speaker (Hon. Oloo): Do you know what Standing Order No.100 say?

The Speaker (Hon. Oloo): That obligates you to go down when the Chair of Liaison is up. Could you do so? Yes Chair Liaison.

Hon. Olima: You have given me the chance to speak. The letter I wrote to you was very clear

The Speaker (Hon. Oloo): Hon. Member could you comply.

The Speaker (Hon. Oloo): Proceed Chair Liaison.

Hon. Samo: Thank you Mr. Speaker. Pursuant to the provisions of the County assembly Standing Order No. 154. On this day 19th February, 2019, I wish to table before this House the proposed list of the nominees to the House Business Committee during this third session of the second assembly. Mr. Speaker in your communication, the list has been compiled and it complies with law. The following are the members;

- | | | |
|------------------------------------|---|----------------------------|
| 1. Hon. George Onyango Oloo | - | The Speaker |
| 2. Hon. Roy Samo | - | Liaison Chairperson |
| 3. Hon. Kenneth onyango | - | Leader of Majority |
| 4. Hon. Philemon Ojuok | - | Minority Leader |
| 5. Hon. Gard Olima | - | Majority Whip |
| 6. Hon. Kennedy Agengo | - | Minority Whip |
| 7. Hon. Seth Kanga | - | Member |
| 8. Hon. Sally | - | Member |
| 9. Hon. Hon. Judith Ogaga | - | Member |
| 10. Hon. Maurice Ngeta | - | Member |
| 11. Hon. Victor Rodgers | - | Member |
| 12. Hon. Consolata Ollows | - | Member |
| 13. Hon. George Ogutu | - | Member |

Thank you Mr. Speaker.

The Speaker (Hon. Oloo): Honourable Members it is sometime nice to have Members shouting. It makes our House lively. We intend to allow the debate on that list. Yes Hon. Samo.

Hon. Samo: Thank you Mr. Speaker. I have been to various parliaments in this nation and recently was the senate. When the Speaker gives you the opportunity to debate on anything then that is in order. I wish to support the list that is before the House as it was proposed by ODM and other groups in the House. Thank you.

The Speaker (Hon. Oloo): Honourable Members, if you remember my communication I did hint to you that the Standing Order 154 is rather silent on the process of that list. Therefore obligating the Speaker to revert to Standing Order No. 1 and nothing absolutely in our Standing Orders blocks us from discussing a Paper unless you bring it to my attention. Remember that the same Standing Order No. 154 ask for approval of the list and not for a report. So could we proceed?

Yes Hon. Agolla?

Hon. Agolla: Thank you Mr. Speaker. It is procedural that I second the list that is before the House has read by Hon. Samo.

The Speaker (Hon. Oloo): The Chief Whip has insinuated that he is senior to you. So we will allow him to speak.

Hon. Olima: Thank you Mr. Speaker. I wish you indicated that earlier. There is no way we are going to discuss a Paper that we have not even seen. The rules and the norms of the parliaments all over the world is that a Paper should be laid and then committed to any other committee or even a Committee on General Oversight or the Committee of Whole House. You cannot bring a Paper and begin a debate without being directed to a committee.

The Speaker (Hon. Oloo): Yes Hon. Member for Railways.

Hon. Olima: Mr. Speaker I am on a point of order. I have even forgotten the names that are on that list. We cannot discuss a document that was not even circulated to the Members. I want to urge you to use Standing Order No. 1 throughout because other Standing Orders are not in use.

Hon. Arao: On a point of order. Thank you Mr. Speaker. I would like to inform the House that the Whip's statements have been overtaken by events since the Paper before has been proposed and seconded. Allow me to debate on the same. I support the list because our party leader in the House is in the list and that compels me to give it a nod. Thank you Mr. Speaker.

The Speaker (Hon. Oloo): Honourable Member for Kaloleni Shauri Moyo.

Hon. Misachi: Thank you Mr. Speaker. I am glad that the ghost that has been haunting this House is being unveiled. I did said that the list that was used during the first session of this assembly is being rejected. Remember, everyone supported that list except me. I support. Thank you.

The Speaker (Hon. Oloo): Yes Honourable Member for Kolwa East.

Hon. Steve: Thank you Mr. Speaker. Allow me to oppose the list that has been tabled by Hon. Samo. Our Standing Order states that the Leader of the Majority party that is the largest party or coalition of parties in the assembly shall elect a member of the County Assembly belonging to the party.

Mr. Speaker we cannot purport that the Members of this Assembly do not have a leader. Your ruling based on Standing Order No. 1 is contrary. You can only contrary when it is provided for. We have leaders in the assembly and they are the Leader of Majority and the Chief Whip. It is categorically stated unless you want to tell us that ODM has no leaders in this House and it has been taken over by URP.

The Speaker (Hon. Oloo): Thank you. Is URP still in existence Honourable Member? Can we have the Honourable Member for Kolwa Central.

Hon. Olwal: Thank you Mr. Speaker. I stand to support the list and I wish to remind the House that we are talking about the list and not the report. It has been read and our Standing Order is not clear on who should bring the list to the floor. You are right to invoke Standing Order No. 1 to give direction.

(Loud consultations)

Hon. Olwal: I need your protection Mr. Speaker.

The Speaker (Hon. Oloo): Yes. Proceed.

Hon. Olwal: Thank you. I can see my sweetheart on the list.

(Laughter)

The Speaker (Hon. Oloo): Honourable Member that is quite unparliamentary. I would ask you to withdraw.

Hon. Olwal: Thank you Mr. Speaker. I withdraw the statement. I would also ask that you give the best word for darling.

(Laughter)

The Speaker (Hon. Oloo): I will allow Hon. Ogutu.

Hon. Ogutu: Thank you Mr. Speaker. I rise to support this list as presented in this House. For the first time the interest of the independent Members has been recognized. For this reason I am going to say yes to this list. Thank you.

The Speaker (Hon. Oloo): Thank you. Yes Leader of Majority.

Leader of Majority (Hon. Kenneth Onyango): Thank you Mr. Speaker. I want this to go on record that this assembly has the majority party represented by the Majority Leader. It is the Majority Leader who is supposed to present any communication from the majority party. Unfortunately you have decided to be the Speaker, to be the Leader of Majority and to be the Clerk so that our party ODM does not matter to you anymore. I want to state here Mr. Speaker that the ODM party has confidence on the Majority Leader.

The Speaker (Hon. Oloo): Honourable Majority Leader, a guide please so that I make better rulings in future. Did this list belong to a party or it should include the independent members and the minorities?

Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker let me say something. We did meet as a Parliamentary Group yesterday with 28 members of this House. We discussed this matter of the constitution of the House Business Committee. It is the Majority Leader or the Whip to present the proposed list of the Members and we dully did it as the representatives of the party.

Mr. Speaker, I want to take you down the memory lane that just a few months ago the Hon. Rt. Prime Minister was here to help us find a lasting solution to our issues. He did say that we have the capability and more so the Speaker of this County Assembly has the culpability in the chaos

that has been rocking this assembly and you were given one year to steer this assembly in the right direction. Every day you are not doing that. You are not providing leadership. The direction we are going, definitely this assembly is going to the dogs and the blame will be squarely on your doorstep. Mr. Speaker I want to say....

The Speaker (Hon. Oloo): Yes Chair Liaison.

Hon. Samo: Thank you Mr. Speaker. I just want help him as a friend. The list that has been brought and discussed is not a preserve of ODM. If it is an ODM thing then you have the right as the Leader of Majority to present it. I want to inform my friend that he is misleading the House and he is completely out of order. The list I have presented is the list of House Business Committee that has all groups represented. You can only speak for ODM party in this case. Thank you.

The Speaker (Hon. Oloo): Majority Leader, I was inclined to allow you to speak and I am still going to allow you to speak but could we try to follow the rules of this House. As the Leader of the Majority we all look up to you in giving guidelines. You cannot be standing when the Liaison Chair is on his feet. Not two people should be on their feet. I am not going to allow any member to be on his feet when you are standing. Can you proceed with your submissions?

Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker, soon I will bring a motion to this House so that the ruling made on Standing Order No. 100 can be vacated because it is misleading. Liaison is only given that preference when he is on the Speaker's chair because if read that Standing Order it does not say...

The Speaker (Hon. Oloo): No Liaison Chair. Just go down.

Leader of Majority (Hon. Kenneth Onyango): I will bring a motion so that such rulings be vacated. Mr. Speaker, I have said that we did meet yesterday and after that meeting, our representation in the House Business Committee included the following;

- | | | |
|--------------------------------|---|----------------------------|
| 1. Hon. Kenneth Onyango | - | Leader of Majority |
| 2. Hon. Roy Samo | - | Liaison Chairperson |
| 3. Hon. Gard Olima | - | Majority Whip |
| 4. Hon. Maurine Otiang | - | Member |
| 5. Hon. Seth Kanga | - | Member |
| 6. Hon. Elisha Oraro | - | Member |
| 7. Hon. Beatrice Pamela | - | Member |
| 8. Hon. Kennedy Ooko | - | Member |
| 9. Hon. Seth Okumu | - | Member |
| 10. Hon. Jennipher Obonyo | - | Member |

Mr. Speaker, those are our representatives in the House Business Committee. Mr. Speaker, you are leaving us with very few options. The thread that holds this assembly has become so thin. I

want to say that even the dictators like Gadhafi, Saddam Hussein died by the sword but during their reign, they were all over places.....

Hon. Khan: On a point of information. I would like to inform the Leader of Majority and the House at large that His Excellences Saddam and Gadhafi were not dictators but it was because of the Americans interest that they had to clear these Muslim leaders. Thank you.

The Leader of Majority (Hon. Kenneth Onyango): Hon. Khan, you need to do a little bit of the research on some of these issues. Mr. Speaker, I can see that you are constantly being guided by Hon Samo. I know that he is really misleading you. The list that has been read by Hon. Samo is contestable, we didn't recognize it as a party and if it has become official that my party which is ODM no longer has a voice in this House then I will duly and in a very right way communicate that decision by the Speaker that the party no longer matters. I also want to say that for the first time you are becoming more dictatorial.

The Speaker (Hon. Oloo): Hon. Member if you want to discuss the Speaker, you should bring a substantive motion and contrary to that I will declare you unruly.

The Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker that is just in order that that happens on circumstances where the Speaker is rational but in this situation there is no rational in what you are doing and as the Leader of Majority I absolutely disagree with your rulings and say that you are leading this Assembly and by extension you are leading this County in the wrong direction. We shall seek guidance on the way forward. Otherwise to the Members that are still loyal to the ODM party, we shall not transact any business in this Assembly until sanity prevails.

The Speaker (Hon. Oloo): Thank you. Yes Hon. Pete.

Hon. Pete: Thank you Mr. Speaker. It is a very unfortunate situation on what is happening in this Assembly today. People had been schooled and things had been planned. It is the norm and the practice for the Leader of Majority and the Majority Whip to bring Government issues on the floor of the House. When you go through the Standing Orders, it rarely states where the Chairman of Chairs does that. The Chair of Chairs had a lot of powers when he was the Deputy Speaker which is no longer tenable.

Mr. Speaker, the way you have conducted this session today portrays the prior arrangement which you had made. Calling that list that it is not an ODM list is misplaced. The names of the Minority could not deter the Majority Leader, the Minority Leader from reading because the names of the Hon. Ogotu and Hon. Ojuok were simply slotted in the major list. You are keen on quoting Standing Order No. 1 and Standing Order No. 100 when you are caught but I am telling all the Hon. Members that when this Standing Orders was being passed, I raised a concern that we shall be gagged. Those who were happily laughing like my friend Hon. Olwal there day will also come. That is the plain truth that you are misleading the County Assembly of Kisumu. The way you have

sworn in Hon. Ogaga is uncouth. We know that no election took place and you had your vested interest. We are still in this Assembly and we shall see the Budget.

The Speaker (Hon. Oloo): Hon. Members just to give guidance before we move on. Maybe just for the sake of clarification I did in my communication that I received a letter from the Chief Whip but I equally indicated that that letter had a lot of defects. I also received a letter signed by 24 of the ODM party which makes it a majority number. It is based on that the Speaker compiled a final list to be tabled in the House. You still have the power and the authority to reject that list and you do not debate in the House by running away.

I would like to urge that those who have gone out that if you love our party ODM, you come and fully debate here. Finally, Hon. Members maybe to bring to your attention, in a presidential system, let us not be misguided in such hours. The Speaker is the senior most Member of the majority party in the House. So one cannot purport that the Speaker is undermining the very party that voted him and brought him into authority.

Yes Hon. Khan.

Hon. Khan: Thank you very much Mr. Speaker, since this motion has been exhausted, I would like to request the mover to reply.

Hon. Samo: Thank you Mr. Speaker for allowing debate on this list and I want to bring this to conclusion that we as Members of this House are fully aware and have supported the inclusion of various interests in the formation of the House Business Committee. Thank you.

The Speaker (Hon. Oloo): Thank you. I will put the question on the adoption of the list presented by the Liaison Chairperson on the reconstitution of the House Business Committee.

(Question put and agreed to)

The Speaker (Hon. Oloo): Next Order!

STATEMENTS

The Speaker (Hon. Oloo): Yes Hon. Kanga.

Hon. Kanga: Mr. Speaker I rise to give a statement in my capacity as the Chairman of Infrastructure under Standing Orders No. 41 (2). First of all as a Member of Market Milimani, I want to welcome the Hon. Members for the Third Session of the Second Assembly. Mr. Speaker, in the recent days after the Handshake we have seen subsequent secretaries trooping to this County in the name of development. In my capacity as the Chairman of Infrastructure I want to urge the Hon. Members of this great County of Kisumu who have the privilege of sitting in this County Assembly. Mr. Speaker, let us unite so that we can be able to do legislation that will ensure that there is sufficient development in this County.

What was witnessed the other day is not good for development. It portrays Kisumu in a negative image. I would like urge the Honourable Members that in this third session, we should take matters of this Honourable House seriously so that we put Kisumu in the global map because Kisumu has been in the international picture in the recent days.

Mr. Speaker you have seen me today where I was keeping quiet because I have been labelled as a trouble maker in the First and the Second session. For record purposes, today I am seeing some Honourable Members very angry towards your decision. Last year, I gave these Honourable Members an opportunity to remove you from office and I announced it to the public. Mr. Speaker some of the Honourable Members who were very loyal to you and who were really castigating me on that day are the same Members who were protecting you.

(Laughter)

I don't know why they are now crying and I gave them the opportunity to remove you from office. I am just reminding the Honourable Members who were defending you on that day. For purposes of continuity and prosperity in this County, we have to unite whether you like it or not because it is also written that if you can't defeat them then join them. Because Hon. Oloo has defeated you and you cannot remove him. You are just moving round and round looking for means. So Mr. Speaker if we cannot remove you, let us unite for the sake of development of Kisumu County. Thank you.

The Speaker (Hon. Oloo): I hope the Honourable Member is not suggesting illegal means of removing the Speaker. Yes Hon. Misachi.

Hon. Misachi: Mr. Speaker I wanted to ask this House to give each woman Member a police with a gun because we are threatened. We are threatened as women and I could see people threatening the Clerk too. This is not a House of war. I know that the warriors were pinned on this wall here. Whether they are haunting this Assembly, I don't know. I want to say that as women we need our space. We are not very weak as you may think but we are very gentle.

I want to tell the Honourable Members who are in this House to know that they are not here for war with anybody or even with themselves. We are here to dialogue and agree. If you see men ganging against one woman we ask ourselves to what is the motive? We are a weaker character and not because we are weak but we were born naturally to be on a lesser weight further to the men. Mr. Speaker, if you don't watch out a woman will die in this Assembly and it will haunt this people of Kisumu County until they die.

I want to say that you should give us protection and when you men know that you are coming to fight, tell us not to attend the House session because our muscles are not as strong as yours and you will not see any woman coming. I will lead them somewhere to either cheer you through the window or look at you through the doors. Thank you.

The Speaker (Hon. Oloo): Thank you. I have taken notice to that. I will do whatever it is in my authority to ensure that the Honourable Members of the female gender and virtually everybody is taken care of in terms of security and we are going to beef up that security at whatever cost. I can assure you that that will happen very soon. Yes Hon. Miruka.

Hon. Miruka: Thank you Mr. Speaker, Pursuant to the provisions of Article 66 of the Kenyan Constitution 2010, I rise to seek a statement from the standing committee of Lands, Physical Planning, Housing and Urban Management. I wish to seek the same on behalf of the affected Members to establish the following;

Whether the following parcels of land No. 381, 382, 370 and 384. 46-67, 46-66 on the other side of the road within Kisumu Central, Kondele have been classified as private or public. These road are of Kondele-Kibos road. This statement should be accompanied by a map and site plan explicitly showing the boundaries and access of the said roads. Mr. Speaker, this matter should be treated with the urgency it deserves since this issue had initially provoked violence. I therefore request that the response on the same be issued within one week. Thank you.

The Speaker (Hon. Oloo): Thank you. Yes Hon. Oraro. What are you standing up on? I don't remember receiving your statement.

Next Order!

(The Table Clerk Consulting with the Speaker)

The Speaker (Hon. Oloo): I think that the statement sought for by Hon. Miruka and the one by Hon. Kanga be committed to the Committee on Lands, Planning and ICT and Roads respectively and responses to be made available in this House in the next 14 days. I am looking at what it may take but if you want 7 days, I would direct but they may come with the progress report. I am trying to protect you Hon. Miruka so that they may not have excuse but if you so long desire I could revisit my decision. Do you desire for them to report back to the House in seven days? Then I direct that the one committed to the committee on Lands, Planning and ICT report back to the House within 7 days and the one committed to the committee on Roads report within 14 days.

Next Order!

The Speaker (Hon. Oloo): Under which Standing Order are rising on? The reason as to why I was inclined, Hon. Member you have talked of Standing Orders No. 41 (2) (b), isn't it? I would like you to make up your mind Honourable Member. You go to the operative section which is No. 3 and tells you that a Member who wishes to seek leave for a matter under paragraph 2(a) or (b) shall before 1 p.m. on the day which the statement is proposed to be made hand to the Speaker a written notification of the matter. I have not received that and I have only received the two. That is why I allowed them. You may proceed Hon. Oraro if it is Standing Order No. 42 (d) and you know the limitation on it.

Hon. Oraro: Thank you Mr. Speaker, I was just wondering why you were insisting on that. I just saw Hon. Kanga giving a statement without a written statement. But anyway, also Standing Order No. 41 (2) (d) allows me to speak as the Chairperson of the committee on Administration of Law, Justice, Constitutional Affairs, Good Governance and Security. I would like to bring to the attention of the Members that Governance is actually the key to success on the operation of any institution.

In my own capacity, I wanted it to go on record as I make this statement that the success of Kisumu County is barely in the hands of the County Assembly of Kisumu. Mr. Speaker, as I see on what has happened today, I kept quiet and looked at it and I reflected on the proceedings of the Second Session and the First Session. I see how rules and laws are being applied selectively. I want to conclude by repeating the same thing that I have said that the success of Kisumu County lies in hands of the County Assembly of Kisumu.

The Leaders of the Assembly is the Speaker and the Clerk. I want to say that this will be confirmed very soon because the manner in which we as the County Assembly of Kisumu are operating is not the way that is provided for in the Standing Orders, the County Government Act and the Constitution. I am afraid that the route that you have taken is not the right route that you should take. I am appealing that all these Members are elected in either way or another and all of them can serve in any capacity. There is need to follow the rules or even appear to be following the rules. We cannot allow our personal interests to take control of the development of over 1 million of the people who are living in Kisumu County. So by that Mt. Speaker, I am just relaying my fear that the direction that you have taken is not the right direction. Thank you.

The Speaker (Hon. Oloo): Next Order!

ADJOURNMENT

The Speaker (Hon. Oloo): Before we bring to an end of the session, I would wish to direct that the House Business do meet immediately after this session at the Committee room. I still reiterate that we are a House of different opinions. Let us expose our opinion with civility and maximum restraint. Let us not go physical because that will tell a lot about who we are. Otherwise, thank you for your contributions today that has enriched us. The House stands adjourned to tomorrow Wednesday 20th February, 2019 at 9.00 a.m.

(House rose at 4.20 p.m.)

