



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – THIRD SESSION

Thursday, 17th 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. Oraro): Hon. Members, I refer you to the provisions of the County Assembly of Kisumu Standing Orders No. 32 (2) which says that when there is no quorum when the Chair is taken in accordance with the meeting of the County Assembly, immediately after saying of the prayers, the Speaker shall order the quorum bell to be rung for five minutes and if no quorum is met after the expiry of the five minutes, the Speaker shall direct that the bell be rung for a further five minutes and if there is still no quorum, the Speaker shall adjourn the County Assembly to the next sitting.

I therefore, order that the Quorum Bell be rung for the first five minutes.

(Quorum Bell is rung for Five minutes as per the Speaker's directives)

(Assembly resumes session after attaining the required numbers)

The Acting Presiding Speaker (Hon. Oraro): The Chief Whip or the Deputy Whip, can you please confirm if we have the desired quorum?

Deputy Whip (Hon. Obonyo): Thank you Mr. Speaker, I can confirm there is quorum.

The Acting Presiding Speaker (Hon. Elisha Oraro): Thank you. Mr. Clerk, can you take us through the Order of the day?

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

COMMUNICATION FROM THE CHAIR

The Acting Presiding Speaker (Hon. Oraro): Hon. Members, today Thursday, 17th October, 2019, I received a letter from the County Government of Kisumu dated Wednesday, 16th October, 2019 being a noticed of changes in the County Executive Committee as follows;

1. The Department of Public Works Roads and Transport, there is an appointment of Acting CECM, Mr. Dixon Obungu.
2. Department of Business, Co-operatives and Marketing, Mr. Gilchrest Okuom has been appointed the acting CEC Member.
3. Department of Finance and Economic Planning, Dr, John ObieroOkone, has been appointed as the Acting CEC Member.
4. Department of Energy and Industrialization, Mr. Nerry Otieno Achar has been appointed as the Substantive CEC Member in Charge.

That these changes take effect immediately.

These CEC Members who have been appointed on Acting Capacity will hold these positions alongside their substantive portfolios. All other portfolios of the County Executive Committee Members remains as currently constituted.

Hon. Members, similarly, I am in receipt of a second letter dated 16th October, 2019, Mr. George Omondi Okong'o has been nominated by the Governor Kisumu County for vetting by the County Assembly for the position of County Executive Committee Member (CECM) for Finance and Economic Planning.

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

PAPERS

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

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. The first paper that I would wish to lay before this House is the letter that is nominating the County Executive Committee Member (CECM) for Finance and Economic Planning, Mr. George Omondi Okong'o for consideration by this House for approval.

(Leader of Majority tables the paper before the House)

Mr. Speaker, I equally want to lay before this House...

The Acting Presiding Speaker (Hon. Oraro): Order Leader of Majority!! Please allow me to deal with the first paper that you have just laid before this House. The letter that is nominating Mr. George Omondi Okong'o to be considered to the position of County Executive Committee Member (CECM) for Finance and Economic Planning. I want to commit that letter to the Committee of Appointment for immediate consideration as per the provisions of our Standing Orders.

The Acting Presiding Speaker (Hon. Oraro): Please proceed Leader of Majority Party.

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. I also have the following Bills that I would like to lay before this House;

1. Kisumu County Health Bill, 2019
2. Kisumu County Transport Bill, 2019
3. Kisumu County Law Enforcement Services, 2019
4. Kisumu County Fisheries and Aquaculture Bill, 2019
5. Kisumu County Crop Agricultural Bill, 2019.

Thank you.

(Leader of Majority tables the Bills before the House)

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

The Acting Presiding Speaker (Hon. Oraro): What is it Leader of Majority?

Leader of Majority (Hon. Onyango): Mr. Speaker, I have just laid before this House five Bills that are supposed to be committed to various Committees and these Bills have stayed in this House for quite a long time and I would have wished that we expedite the process of dealing with them by straight away taking them through the 1st Reading, thank you.

The Acting Presiding Speaker (Hon. Oraro): Hon. Members, now that the Leader of Majority has sought for the Leave of the House that these Bills be read for the 1st Time. Due to the time constraints I instruct that these Bills be read for the 1st time

MOTION

KISUMU COUNTY FISHERIES AND AQUACULTURE BILL, 2019.

A Bill for an Act of the County Assembly of Kisumu to provide for the Sustainable utilization, management and development of Fisheries, Aquaculture and other Aquatic Resources for connected purposes is now read for the first time.

The Acting Presiding Speaker (Hon. Oraro): Hon. Members, when a Bill has been read for the first time, it stands committed to the relevant line Committee. I therefore, direct that the Kisumu

County Fisheries and Aquaculture Bill, 2019, stands committed to the Committee of Agriculture, Livestock and Fisheries and to be dealt with as per the provisions of our Standing Orders. Hon. Members, as a result of the Leave that was sought by the Leader of Majority, I would request the House Business Committee to slot an appropriate time for dealing with that Bill.

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

MOTION

KISUMU COUNTY CROP AGRICULTURAL BILL, 2019.

A Bill for an Act of the County Assembly of Kisumu to establish an institutional and legal framework for development of Agriculture and for connected and incidental purposes is now read for the first time.

The Acting Presiding Speaker (Hon. Oraro): Hon. Members, in a similar manner, the Kisumu County Crop Agricultural Bill, 2019 having been read for the First time therefore stands committed to the Committee of Agriculture, Livestock and Fisheries. I would request the House Business Committee to slot an appropriate time for dealing with that Bill as per the provisions of our Standing Orders.

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

MOTION

KISUMU COUNTY TRANSPORT BILL, 2019

A Bill for an Act of the County Assembly of Kisumu to provide for workers related traffic, parking county roads, street lighting, public road transport, light rails, establish the County Inspectorate of Transport and for connected and incidental purposes is now read for the first time.

The Acting Presiding Speaker (Hon. Oraro): Hon. Members, the Kisumu County Transport Bill, 2019 having been read for the First Time stands committed to the Committee of Public Works, Roads and Transport. I therefore direct that the House Business Committee gives an appropriate time for the said Committee to deal on the Bill as per the provisions of our Standing Orders.

MOTION

KISUMU COUNTY HEALTH BILL, 2019

A Bill for an Act of the County Assembly of Kisumu to provide for the regulation of Healthcare Services in the County, to provide for the establishing of a Healthcare Services Fund, provide for Human Resources and Training and provide for Research of Health and promote improvement of

Healthcare service Delivery and for connected and incidental purposes is now read for the first time.

The Acting Presiding Speaker (Hon. Oraro): Hon. Members, the Kisumu County Health Bill, 2019 having been read for the First Time stands committed to the Committee of Health, Sanitation and Housing. I therefore direct that the House Business Committee gives an appropriate time for the said Committee to deal on the Bill as per the provisions of our Standing Orders.

MOTION

KISUMU COUNTY LAW ENFORCEMENT SERVICES, 2019

A Bill for an Act of the County Assembly of Kisumu to provide for the establishment of Kisumu County Law Enforcement Services and for connected and incidental purposes is now read for the first time.

The Acting Presiding Speaker (Hon. Oraro): Hon. Members, the Kisumu County Law Enforcement Services Bill, 2019 having been read for the First Time stands committed to the Committee of Administration of Law, Justice, Legal and Constitutional Affairs and Security . I therefore direct that the House Business Committee gives an appropriate time for the said Committee to deal on the Bill as per the provisions of our Standing Orders.

The Acting Presiding Speaker (Hon. Oraro): Hon. Members, you have all realized that we as a House have committed five different Bills to Five Committees which are as follows;

1. Kisumu County Health Bill, 2019
2. Kisumu County Transport Bill, 2019
3. Kisumu County Law Enforcement Services, 2019
4. Kisumu County Fisheries and Aquaculture Bill, 2019
5. Kisumu County Crop Agricultural Bill, 2019.

I want to request that each Member retains a copy of the Bill that you have been furnished with because it is the same copy that you will use during the Public Participation exercise and when we will be having our 2nd and 3rd Reading of these Bills. So, please ensure that you retain the Bills, go through it also invite as many people as possible, to give their views on the Bills as committed.

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

MOTION

REPORT FROM THE LIAISON COMMITTEE ON THE APPORTIONMENT OF HOUSE COMMITTEES ANNUAL OPERATION BUDGET FOR FY 2019/2020

BY

HON. JOACHIM OKECH

CHAIRPERSON, LIAISON COMMITTEE

Mr. Speaker and Hon. Members of this August House,

PREFACE

Mr. Speaker and Hon. Members

The Liaison Committee is established under Standing Order 194 of the Standing Orders of the County Assembly of Kisumu which provides that there shall be a standing committee to be known as the Liaison Committee which shall consist of the Chairperson of Committees as the Chairperson and the Chairpersons of all Committees of the County Assembly.

The Liaison committee is one of the committees being classified as a Housekeeping Committee and has a Supervisory Role on other committees of the Assembly to sort out issues at peer level, apportion operating budget among Standing Committees, set Standards and Benchmarks. The Committees are also miniature Legislature and agents of the County Assembly to digest, scrutinize, collect and collate information in order to enable the County Assembly makes informed decisions which is explicitly enumerated in the Standing Orders.

Establishment of the Committee

The Liaison Committee was established pursuant to the provisions of the Standing Order 194 of the County Assembly of Kisumu Standing Orders to exercise the following Committee Mandate;

Committee Mandate

Pursuant to the Provisions of the Standing Order 194(2), the Liaison Committee shall:-

1. Guide and co-ordinate the operations, policies and mandates of all Committees;
2. Deliberate on and apportion the annual operating budget among the Committees;
3. Consider the programmes of all Committees, including their need to travel and sit away from the precincts of County Assembly;
4. Ensure that Committees submit reports as required by these Standing Orders;
5. Determine, whenever necessary, the committee or committees to deliberate on any matter; and
6. Give such advice relating to the work and mandate of select committees as it may consider necessary.

Other mandates include;

- Giving such advice relating to Committee work and mandate of select committees as it may consider necessary,

- Determining the order in which the house shall consider the Annual Estimates and votes of various departments.

Mr. Speaker and Hon. Members.

Core Mandate of the Committee

The Liaison Committee shall consider reports of Committee that have not been deliberated by the County Assembly and shall report to the County Assembly on the consideration of such reports as provided in Standing Orders No. 194 (2) (d).

The Liaison committee Mandate can be summarized in a nutshell as follows in relation to other committees to include and not limited to:

- (a) A first among equals.
- (b) Enjoys leadership status and performs pertinent mandate and roles of provision of legislative advisory matters.
- (c) Highly regarded as in the echelons of leaders and advisors/ decision makers in the County Assembly Leadership hierarchy.

Composition of the Committee

The Liaison Committee is constituted in line with the provisions of Standing Orders No. 194 (1) as follows;

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|-----------------------------|---|---|
| 1. Hon. Joachim Omieno | - | Chairperson, Liaison Committee |
| 2. Hon. Elisha Oraro | - | Chairperson, House Business/Appointm. |
| 3. Hon. Kenneth Odhiambo | - | Chairperson, Selection Committee |
| 4. Hon. Priscah Misachi | - | Chairperson, Powers & Privileges |
| 5. Hon. Seth Okumu | - | Chairperson, Administration of Laws |
| 6. Hon. Seth Kanga | - | Chairperson, Public Works and Transport |
| 7. Hon. David Arao | - | Chairperson, ECD and Vocational Train |
| 8. Hon. Steve Owiti | - | Chairperson, Budget and Appropriations |
| 9. Hon. Vincent Jagongo | - | Chairperson, Health Services |
| 10. Hon. George Olwal | - | Chairperson, Planning & Industrialization |
| 11. Hon. Vitalis Otura | - | Chairperson, Agriculture and Livestock |
| 12. Hon. Inviolata Adhiambo | - | Chairperson, Delegated Legislation |
| 13. Hon. Joseph Olale | - | Chairperson, Ward Development |
| 14. Hon. Maurine Otiang' | - | Chairperson, PIC/PAC |
| 15. Hon. Paul Okiri | - | Chairperson, Finance, Trade and Ent. |
| 16. Hon. Samson Ameso | - | Chairperson, Water and Environment |
| 17. Hon. HabilNyasuna | - | Chairperson, Implementation |
| 18. Hon. Beatrice Odongo | - | Chairperson, Labour and Welfare |
| 19. Hon. Ken Ooko | - | Chairperson, Procedure and Rules |
| 20. Hon. Rashid Miruka | - | Chairperson, Culture and Sports |

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- | | | |
|--------------------------|---|-------------------------------|
| 21. Hon. Sally Okudo | - | Tourism and Heritage |
| 22. Hon. Pamela Odhiambo | - | Welfare and Equal Opportunity |

Secretariat;

- | | | |
|-------------------|---|--------------------------|
| 1. Lazarus Obera | - | Committee Clerk, Liaison |
| 2. Peter Anditi | - | Technical Staff |
| 3. Mark Imbula | - | Fiscal Analyst |
| 4. Kephers Onoka | - | Budget Office |
| 5. Zablon Otiende | - | Hansard Reporter |
| 6. Silas Kapesa | - | Serjeant-at-Arms |

ACKNOWLEDGEMENT

Hon. Speaker, on behalf of the Liaison committee members, I wish to extend our gratitude of the invaluable support accorded to the committee by the office of the Speaker and Clerk of the County Assembly towards ensuring that the committee mandate is achieved within the time.

Further, I wish to thank the members for their commitment and participation during the whole process and wish to assure them that the observations and recommendations therein were unanimously agreed upon by all members as objectively as possible and will be implemented as practicable as possible owing to availability of budget allocated to each committee.

Finally, Hon. Speaker, it is my pleasure, on behalf of the Liaison committee to present this report on the retreat of the Liaison Committee to deliberate on committees' Annual Operating Budget FY 2019/2020, in an effort to make the committees perform their legislative, representative and oversight roles enthusiastically, effectively and with zeal to enable committees operate within the optimum levels devoid of funding challenges.

COMMITTEE SITTINGS**Mr. Speaker and Hon. Members.**

The Liaison Committee held a retreat from Thursday, 10th October, 2019 to Monday, 14th October, 2019. This retreat was objectively anchored on enabling the County Assembly Chair of Committees plan and allocates Committee Annual Operation Budget to carry out their legislative and oversight roles in the county.

It also enabled Committee Chairs share experiences and challenges and highlight milestones achieved so far at the same time setting out targets that will enable these House Committees discharge their mandates as enshrined in the Constitution of Kenya 2010, the County Government Act 2012 the PFM Act, 2012 and the respective core mandates as spelt out in the County Assembly Standing Orders.

Terms of Reference of the Committee (ToR)

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1. Review of Committees Budget allocation FY 2018/2019,
2. Deliberate on the Actual Expenditure verses the Committee Budget Allocation FY 2018/2019.
3. Rationale of Apportionment of Annual Committees Operation Budget FY 2019/2020.

1. REVIEW OF COMMITTEES BUDGET ALLOCATION FY 2018/2019.

The Committee was presented with Committee budget appropriated in the FY 2018/2019 as below;

No.	Committee	No. of Members	Equal Share 35%	Population 35%	Adjustments 10%	Total Share 100%
1	Justice and Legal Affairs	15	1,414,583	2,025,949	-	3,440,533
2	Agriculture, Livestock & Fisheries	15	1,414,583	2,025,949	350,000	3,790,533
3	Budget and Appropriations	15	1,414,583	2,025,949	2,000,000	5,440,533
4	Co-operatives, Trade and Finance	15	1,414,583	2,025,949		3,440,533
5	Culture, Children and Youth	15	1,414,583	2,025,949		3,440,533
6	Delegated Legislation	15	1,414,583	2,025,949		3,440,533
7	ECD and Vocational Training	15	1,414,583	2,025,949		3,440,533
8	Health, Housing & Sanitation	15	1,414,583	2,025,949	350,000	3,790,533
9	Implementation	15	1,414,583	2,025,949	1,000,000	4,440,533
10	Labour, Welfare & Social Services	15	1,414,583	2,025,949		3,440,533
11	Liaison Committee	24	1,414,583	3,241,519	2,000,000	6,656,102
12	PIC/PAC Committee	15	1,414,583	2,025,949		3,440,533
13	Planning, Industrialization & ICT	15	1,414,583	2,025,949		3,440,533
14	Procedure and Rules	15	1,414,583	2,025,949		3,440,533
15	Public Works & Transport	15	1,414,583	2,025,949		3,440,533
16	Tourism and Heritage	15	1,414,583	2,025,949		3,440,533

17	Ward Development	15	1,414,583	2,025,949		3,440,533
18	Water, Environment	15	1,414,583	2,025,949		3,440,533
19	House Business	13	1,414,583	1,755,823	1,000,000	4,170,406
20	House Powers & Privileges	15	1,414,583	2,025,949		3,440,533
21	Appointment	12	1,414,583	1,620,759		3,035,343
22	Selection	12	1,414,583	1,620,759		3,035,343
23	General Oversight	49	1,414,583	6,618,101	2,000,000	10,032,685
24	Welfare & Equal Opportunity	15	1,414,583	2,025,949	1,000,000	4,440,533
	Totals	395	33,950,000	53,350,000	9,700,000	97,000,000

2. DELIBERATE ON THE ACTUAL EXPENDITURE VERSUS THE COMMITTEE BUDGET ALLOCATION FY 2018/2019.

Analysis of Committee Expenditure for FY 2018/2019

Hon. Speaker, the Committee was presented with the Actual Expenditure by Committees during the FY 2018/2019 as shown below;

	DESCRIPTION (HOUSE COMMITTEES)	Operation Budget FY 2018/2019	ACTUAL EXPENDITURE FY2018/2019	Variance (-/+)
1	LIAISON COMMITTEE	6,656,102.32	3,593,500.00	3,062,602.32
2	COUNTY DELEGATED LEGISLATION	3,440,532.70	3,241,800.00	198,732.70
3	HEALTH SERVICES	3,790,532.70	2,333,800.00	1,456,732.70
4	AGRICULTURE AND LIVESTOCK	3,790,532.70	3,161,075.00	629,457.70
5	APPOINTMENT	3,035,342.83	2,570,500.00	464,842.83
6	PROCEDURE AND RULES	3,440,532.70	-	3,440,532.70

7	ECD & VOCATIONAL TRAINING	3,440,532.70	10,759,500.00	(7,318,967.30)
8	PIC AND PAC	3,440,532.70	3,054,800.00	385,732.70
9	TRANSPORT ROADS AND PUBLIC WKS	3,440,532.70	2,720,800.00	719,732.70
10	LABOUR AND SOCIAL SERVICES	3,440,532.70	833,300.00	2,607,232.70
11	PLANNING INDUSTRIALISATION ICT	3,440,532.70	2,999,400.00	441,132.70
12	BUDGET & APPROPRIATIONS	5,440,532.70	17,583,400.00	(12,142,867.30)
13	SELECTION	3,035,342.83	2,415,600.00	619,742.83
14	IMPLEMENTATION	4,440,532.70	1,274,500.00	3,166,032.70
15	WATER ENVIRONMENT & N RESOURCES	3,440,532.70	2,817,400.00	623,132.70
16	WARD DEVELOPMENT FUND	3,440,532.70	2,137,800.00	1,302,732.70
17	FINANCE AND COOPERATIVE	3,440,532.70	1,684,000.00	1,756,532.70
18	ADMINISTRATION OF LAW & JUSTICE	3,440,532.70	17,476,300.00	(14,035,767.30)
19	ADMINISTRATION OF LAW & JUSTICE		2,201,800.00	(2,201,800.00)
20	AUDIT COMMITTEE		2,788,000.00	(2,788,000.00)
21	CULTURE, CHILDREN AND YOUTH	3,440,532.70	2,529,500.00	911,032.70
22	GENERAL OVERSIGHT COMMITTEE	10,032,684.60	-	10,032,684.60
23	TOURISM AND HERITAGE	3,440,532.70		3,440,532.70
24	HOUSE BUSINESS	4,170,406.12	-	4,170,406.12
25	PRIVILEGES	3,440,532.70	-	3,440,532.70
26	WELFARE	4,440,532.70	2,024,400.00	2,416,132.70

TOTALS	97,000,000.00	90,201,175.00	6,798,825.00
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Committee Observation

- The Committee noted that the Actual Annual Allocations to Committees for FY 2018/2019 did not match the actual Committees' Operation Budget Expenditure. It was realized some of the Committees were not given an opportunity to appropriate their allocation as highlighted in the Actual Committee expenditures where some of the Committees overshot their annual operational allocation.
- In the FY under review, there was arbitrary reallocation of committee(s) operation budget without the knowledge and consent of respective committees which was a violation of the law.
- As stipulated in the PFM Act, 2012, before any reallocation of funds from a vote is undertaken; approval must be sought first, from the respective committees and ultimately the Assembly.

Committee Recommendations

- The Actual Expenditure for FY 2018/2019 be subjected to an inquest to ascertain the modalities applied for resource distribution and address the discrepancies so that they don't recur again in future.
- The Committee recommends that these anomalies and discrepancies detected by the Committee be committed to a Joint Committee of PIC/PAC and Finance, Trade, Co-operative and Enterprises Development to undertake the investigations.

3. RATIONALE OF APPORTIONMENT OF COMMITTEES' ANNUAL OPERATION BUDGETS FY 2019/2020

The Liaison committee thus concentrated in allocations of annual operating budget between committees to facilitate delivery on its mandate and assignment by the County Assembly on real time.

This is a departure from the previous practice of putting committee budget in one vote which was singled out as the main impediment to efficient and effective functioning of the committees. It was observed that the practice has caused imbalance in the utilization of the funds resulting to complaints from various committee chairpersons. It was also observed that pooling of the resources together has greatly hampered the effective performances of the committees, hence causing less committees business generated for County Assembly deliberations which in turn jeopardizes committees from churning out Committee reports which in essence are the main drivers of House deliberations in form of Committee Reports and Motions.

The committee thus underscored the need for each committee to have its own annual operating budget to plan its programmes and activities independently to avoid blame games on the performance of the committees.

The Committee presented share formulae as follows;

- Resource Envelop - Kshs 97,000,000.00
- Less Allocation to Whole House Committee - Kshs 16,268,000.00
- Available for Committee Share - Kshs 80,732,000.00

The technical committee proposed the apportionment in the ratios of:

- 20% Equal Share
- 30% Share according to Population of Committee
- 50% to be determined by Committee Members

After deliberations Members of the Committee gave the following proposals on the ration to be used;

Proposals	Equal Share %	Population %	Adjustments %
1.	20	30	20
2.	40	40	20
3.	30	50	20

Members of the Committee resolved to adopt proposal No. 2 with the following matrix;

1. Resource Envelope – Kshs 97,000,000.00
2. 40% on Committee Population Kshs 32,292,800.00
3. 40% to Equal Share of Resource Envelop Kshs 32,292,800.00
4. 20% of Adjustments to Committees considered to have key duties Kshs 16,146,400.00
5. Emergencies and Special cases as Annual Events and those that recur periodically which require the attendance of members of the Committee of the Whole House i.e. (CAF, DEVOLUTION CONFERENCE AND WOMEN CAUCUS) be allocated Kshs 16.268.00.00
6. Previous level of expenditure and value for money required to execute mandate.

COMMITTEES ANNUAL OPERATIONAL BUDGET ALLOCATION MATRIX FY 2019/2020.

The County Assembly of Kisumu in the Estimates FY 2019/2020 appropriated **Kshs 97,000,000.00** for Annual Committee Operational Expenditure which was to be shared using the following matrix;

1. Annual Committee Operational Expenditure - Kshs 97,000,000.00

This was broken down as below;

BUDGET PROVISION FY-2019/2020

SUBSISTENCE ALLOWANCE	90,000,000
TRAVEL COSTS	7,000,000
TOTAL	97,000,000

LESS: ALLOCATION TO WHOLE HOUSE	16,268,000.00
BALANCE FOR SHARE	<u>80,732,000</u>

SUMMARY

EQUAL SHARE 40%	32,292,800
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SHARE ACCORDING TO POPULATION 40%	32,292,800
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BALANCE FOR DETERMINATION BY COMMITTEE	16,146,400
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TOTAL	<u>80,732,000</u>
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Apportionment for Special Cases – Annual Events

	WHOLE HOUSE COMMITTEE				KSHS
		Composition in No.	RATE	DAYS	TOTAL
1	ANNUAL DEVOLUTION CONFERENCE	50	14,000.00	7	4,900,000.00
2.	ANNUAL COUNTY ASSEMBLY FORUM	50	14,000.00	7	4,900,000.00
3.	WOMEN CAUCUS	16	14,000.00	7	1,568,000.00
4.	EMERGENCIES (BONDING)	50	14,000.00	7	4,900,000.00
	TOTAL				16,268,000.00

Apportionment of Annual Operation Budget to Committees

The Liaison Committee in exercising the **provision of Standing Orders No. 194 (2) (b)** after deliberations resolved that the following Committees be apportioned Annual Budgetary Operational Resource allocations for FY 2019/2020 based on the apportionment matrix agreed upon by the Committee as indicated below;

COMMITTEE - EQUAL SHARE + POPULATION SHARE	40% of Equitable Share of Allocations	40% of Committee Compositions	20% of Adjustable	TOTAL
	<u>32,292,800</u>	<u>32,292,800</u>	<u>16,146,400</u>	<u>80,732,000</u>
ADM, JUSTICE & CONSTITUTIONAL AFFAIRS	1,345,533.33	1,288,276.60		2,633,809.93
AGR,LIVESTOCK & FISHERIES	1,345,533.33	1,288,276.60		2,633,809.93
BUDGET & APPROPRIATION	1,345,533.33	1,288,276.60	4,000,000.00	6,633,809.93
CO-OP, FINANCE,TRADE & ENTERPRISES	1,345,533.33	1,288,276.60		2,633,809.93
CULTURE,CHILDREN, YOUTH & COMMUNITY SERVICES	1,345,533.33	1,288,276.60		2,633,809.93
COUNTY DELIGATED LEGISLATION	1,345,533.33	944,736.17		2,290,269.50
ECD & VOCATIONAL TRAINING	1,345,533.33	1,288,276.60		2,633,809.93
HEALTH SERVICES, HOUSING & SANITATION	1,345,533.33	1,288,276.60		2,633,809.93
IMPLEMENTATION	1,345,533.33	944,736.17	2,000,000.00	4,290,269.50
LABOUR, WELFARE & SOCIAL SERVICES	1,345,533.33	1,288,276.60		2,633,809.93
LIAISONS	1,345,533.33	2,061,242.55	2,000,000.00	5,406,775.89
PIC/PAC	1,345,533.33	858,851.06	2,000,000.00	4,204,384.40
PLANNING,INDUSTRIALISA TION AND ICT	1,345,533.33	1,288,276.60		2,633,809.93
PROCEDURE & RULES	1,345,533.33	944,736.17	1,146,400.00	3,436,669.50

PUBLIC WORKS, ROADS & TRANSPORT	1,345,533.33	1,288,276.60		2,633,809.93
TOURISM, WILDLIFE & HERITAGE	1,345,533.33	1,288,276.60		2,633,809.93
WARD DEVELOPMENT COMMITTEE	1,345,533.33	1,288,276.60		2,633,809.93
WATER, ENVIRONMENT & NATURAL RESOURCES	1,345,533.33	1,288,276.60		2,633,809.93
HOUSE POWERS & PRIVILEGES	1,345,533.33	1,116,506.38		2,462,039.72
SELECTION	1,345,533.33	1,030,621.28		2,376,154.61
WELFARE & EQUAL OPPORTUNITY	1,345,533.33	1,288,276.60		2,633,809.93
APPOINTMENT	1,345,533.33	944,736.17		2,290,269.50
HOUSE BUSINESS COMMITTEE	1,345,533.33	1,116,506.38		2,462,039.72
GENERAL OVERSIGHT COMMITTEE	1,345,533.33	4,294,255.32	5,000,000.00	10,639,788.65
TOTAL	32,292,800	32,292,800.	16,146,400	80,732,000

Committee Observations

- (a) The Committee Members observed that generally most of the committees have underperformed on their mandates negating effective oversight as espoused in Article 185 of the Constitution in the first assembly.
- (b) The committee noted failure to provide adequate funding and sharing of the same between committees as outlined in the Standing Order 194 (2) (b) during budget making process is an oversight on the side of Liaison Committee.
- (c) Available committees' budget for 2019/20 financial year amounts to Ksh. 97,000,000 Million for Operational Expenditure, which is considered to be minimal to support effective committees work and therefore wishes that in the subsequent Budget Making Process the Resource Allocation be considered for an upward review.
- (d) Key knowledge of the constitution especially the Fourth Schedule and Chapter Eleven of the Constitution is vital in the committees' effective performance.
- (e) Generation of County Assembly business plan is the core mandate of every County Assembly Member and every sectoral committee. This will be enhanced by the understanding of the Constitution. Other sources include the Executive and stakeholders/public through petitions.

- (f) That the role of committee business be left to the discretion and powers of the respective chairpersons.

Committee Recommendations

- (a) Committees to prepare annual work plans in line with the planned Committee Activities and committee meetings schedules to guide in their funding and operations to efficiently and effectively execute their mandates in accordance with the provisions of the Standing Orders and other relevant laws.
- (b) Each Committee Member of the House to have at least one Foreign Travel each year outside the country in the remaining three (3) Quarters of 2019/20 financial year.
- (c) Committees ensure that they are duty bound to churn out reports which are commensurate with Committee Resource allocation to enhance service delivery.
- (d) Committees to prepare Bi-Annual Quarterly Reports on their Expenditure to ascertain expenses incurred by the Committee in every Quarter and prudently guide their Committee Annual Operation allocations.
- (e) In the next Supplementary Budget the House to consider allocating more funds for Committee Operations.

Conclusion

THAT, pursuant to the provisions of Standing Order No.182 of the County Assembly of Kisumu, I implore this Assembly to debate and consider adopting the Liaison Committee Report on the Apportionment of Annual Committee Operation Budget FY 2019/2020 as tabled on the floor of the House on this day Thursday, 17th October, 2019.

Hon. Joachim Omieno Oketch, Chairperson, Liaison Committee

I want to urge the Honourable Members to consider this report because our committees cannot move without this exercise. I therefore ask Hon. Steve Owiti to second. Thank you.

The Temporary Speaker (Hon. Inviolata): Member for East Kolwa.

Hon. Owiti: Thank you Mr. Speaker. I rise to second the adoption of the Liaison Committee report. As already been ably reported by our Liaison Chair, allow me to implore to the Members to approve this report for adoption. We are aware that the allocation that was given to the committee operations which is Kshs. 97 million is not sufficient and when we sat down as a committee, it was quiet disappointing that when you look at the operations starting from the year 2013/2014, we realized that the first Assembly had more allocation and this less allocation could either be commissioned or omission but we believe it was not in good faith.

We cannot allow this Assembly to somehow strangle our committees, the core business of this Assembly can only be achieved when our committees are very strong and able to meet and deliberate on matters presented to them. The additional funds that are coming to the County of Kisumu, we will ensure that part of it is allocated to the committees so that our committees can be seen to deliver on their mandate.

We also believe that there are a number of reports that are pending from various committees, we as the committee Members of Liaison have implored the Chairs that we go out in full gear once this report has been adopted so that we ensure those committees with statutory obligations will be able to deliver on their mandate in time.

In the last Financial Year there was the issue of co-option of Members to committees and it was resolved that the committee should desist from co-opting Members unless it is something that cannot be avoided. It was also noted that there were over expenditure in those committees and even though the matter has been seconded for scrutiny by PIC/PAC, I want to plead with the Members that we need to try our level best to restrict ourselves to the approved regulations of financial operations so that we are not seen to be going over and above the budgetary figures.

As a committee we are proposing to this House that in an event there is need to over spend, such over expenditure must be brought to the floor of this House for approval. I second. Thank you.

The Temporary Speaker (Hon. Inviolata): The motion on the Report on the Apportionment of the House Committee's Annual Budget for FY 2019/2020 has been moved by Hon. Joachim Oketch and seconded by Hon. Steve Owiti. I now open it for debate. Yes Member for Market Milimani.

Hon. Kanga: Thank you Madam Speaker. I want to congratulate our new Chair for Liaison and Hon. Steve Owiti who has seconded the motion because with our past experience, we have never seen a Committee of Liaison giving such report on the floor. This is a plus to the new leadership and to the Chairperson of Liaison Committee Hon. Joachim Oketch. I want to support the report by the committee even though I have few reservations.

Madam Speaker, with my experience as the Chair for Roads and Transport that committees cannot work without the Clerk, the Hansard officers and the House Orderlies and the composition of those staffs are not taken in considerations. The Finance Department has been tabulating the travel allowances for the Members and the staff together. The allowances of the staff are not factored in our reports. The Liaison Committee could have dug deep to know where the allowances for the staff are factored in. The issues of staff allowances should be taken with a lot of consideration. Thank you.

The Temporary Speaker (Hon. Inviolata): Yes Hon. Aslam Khan.

Hon. Khan: Thank you Madam Speaker. I rise to support this report. I appreciate the work done by the committee and if we had such brain at the National Government then we would not experience fights at the national level. The matrix used to divide money among the committees is the best...

The Temporary Speaker (Hon. Inviolante): Order Chair Liaison. Proceed Hon. Khan.

Hon. Khan: Thank you Madam Chair. I want Hon. Liaison Chair listen to me. I can see Devolution Conference, CAF and Women Caucus has been captured and I wonder where the minority group is. I was also concerned that the key committees did not use their funds like the Health Committee. This committee is very crucial committee and the money would have been used to supervise various projects in the County. Lastly, I want ask the committees to use their allocations rightfully and objectively. And let us make sure that the common citizen on the ground feels the difference so that we can move. Thank you.

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

The Leader of Majority (Hon. Kenneth Onyango): Thank you Madam Speaker. First of all allow me to congratulate this committee headed by Hon. Joachim Oketch for doing a very good job. In fact I was so impressed with the gastro in which he read this report. Having said that, a Presidential system of Government works through committees and it is very important that committee work is strengthened so that our core mandate of representation, oversight and legislation can work effectively and efficiently and that is why the Liaison committee took the earliest opportunity to disburse funds to various committees so that they can start working. Madam Speaker just this afternoon we did lay before this House 5 Bills and it is incumbent upon the committees to roll up their sleeves and go to work and they can only do that if they are facilitated. That is the more reason why this disbursement by the Liaison committee is very important.

There is one observation which is a bit entailing and I did hear the Chairperson of Budget and Appropriations committee talk about it. You know it is usually to take figures for granted and for those of us who have been schooled on issues to do with money; when you see a very astronomical variation of a Budget then that may raise some alarm. For example if you go to page 6. The Administration of Law and Justice had a Budget of 3.4 million but they ended up spending 17 million. Madam Speaker this Budget is based on a work plan which determines the budgetary allocation for any committee. So it becomes ridiculous to overshoot that expenditure for almost 14 million. The same goes to Budget and Appropriations committee, ECD and Vocational Training where the variances cannot just be wished away. I want to echo the sentiments and more so the recommendations by the committee that this kind of anomalies needs to be looked at. Otherwise I just want to say that we want to develop a system where the Liaison committees going to be at the centre of determining the activities of various committees because that is its function. The new Speaker and the administration would not want to micro

managecommittee work to the extent that committee activities are stifled for reasons that are not pertinent to our core mandate.

So I would like to ask the Chairperson of Liaison committee that as soon as this report is adopted, you should ensure that the committees start their work; there are a lot of businesses that have been committed to different committees with very strict timelines and we would wish that those timelines are respected so that this House can carry out its mandate with the kind of vibrance that is required. Thank you.

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

The Leader of Minority (Hon. Pete): Thank you Madam Speaker for giving me the opportunity to air my views on the report from the Liaison committee. I want it to be noted that the Liaison committee has done its work unlike in the past where the work of the liaison committee was crowded in secrecy. We could highly see the figures presented in the House for adoption and getting to know the allocation of the committees was not an easy thing in this House. In the parliamentary system, as has been done by the Liaison committee let it be clear that the allocation given to a particular committee becomes the work of the Chairperson and its Members to make decisions on how they spend their allocation. When they are going out, they must work out the total expenditure they are going to incur and the balance that will remain from their allocation so that no one micro manages the funds of the committee. This should not be done by a word of mouth but it should be written on record that the committee liaised with the office of the Clerk or the Finance that they have gone to Nairobi to such a function, the number of days they are going to take, the total allowance they are going to earn; deducted from their total allocation so that they know their balance. That must be very clear in this House.

It would be our happiness that with this kind of work done by the Liaison committee, we know that the Parliament works through the committees, if the committees are not well empowered, little business will come to the House. It is now upon the committees to ensure that they have as much business as they can so that a lot of businesses come to the floor of the House. It is my hope that the way we have started, we shall move on well and the money will be well spent; and the people of Kisumu County will see the value. I beg to support.

The Temporary Speaker (Hon. Inviolete): Yes Hon. John Atieno.

Hon. John Atieno: Thank you Madam Speaker for giving me this opportunity to contribute on the report that has been tabled by the Liaison committee. I want to take you a little back that since last year whenever I met Hon. Joachim I used to call him Chairman and so I was quite guessing on what he was about to become. Today I stand here to congratulate my brother for having hold of the most powerful Chairperson of the Liaison committee. I am also happy with the report that has been tabled. Madam Speaker, I think this is a special report that has never

been tabled by the previous Chairperson of Liaison committee and I want to thank the committee and more so the Chairperson for doing this superb job.

Madam Speaker you have realized that the operations of these committees were being jeopardized by either the Clerk or the Speaker. It is my prayer and request that as we start on this new beginning, I would urge the administration of the Assembly to give the committees the leeway to perform their work in an environment which is devoid of manipulation so that these committees can realize their visions. Madam Speaker it is well known that the importance of each and every Member in this House can only be realized in these committees. I would also like to urge the Hon. Members in this House that all these committees are equal and are of immense importance. I would like to urge the Chairpersons of the committees to be proactive, to be determined and to up their game so that these committees can really actualize and realize their visions and dreams. Thank you.

The Temporary Speaker (Hon. Inviolete): Yes Hon. Pst. Arao.

Hon. Pst. Arao: Madam Speaker may I call the mover to reply.

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

Hon. Joachim: Thank you Madam Speaker, I want to first of all thank the Members for supporting this particular report and I want to assure them that the committee will not sleep on its work. This is just but the beginning of a long journey that we want to walk together because our main aim is to ensure that Members perform their work efficiently and effectively and that will be through their various committees.

There was an issue that was raised on the composition of our committee and the allocation for the clerks and staff which came from Hon. Kanga. Madam Speaker, I want to put it very clear that the issue did come up when we were deliberating on the committee report and it was clearly stated that whenever we are going for any activity, the Members of staff have their own allocation that is completely different from the committee budget. I also want to assure my brother Hon. Khan that we love our Members from the Minority and this committee will always ensure that they are supported in their various committees. I know that he is also aware that the minority have activities just like our women and that is why their activities will always be factored in.

Lastly, I want to caution the Chairperson of various committees that in as much as we have staff who are responsible for tracking the expenditure of various committees, let us also be our own watch dogs. We will also be submitting quarterly reports and giving expenditure visa vie the budget that is allocated. Madam Speaker going by the mood of the House and I am very sure that Members are going to support this motion, I beg to rest my case.

The Temporary Speaker (Hon. Inviolate): Thank you. Hon. Members a report from the Liaison committee on the apportionment of funds to committees has been moved, seconded and deliberated upon. I Therefore want to put a question on the same.

(Question put and agreed to)

The Temporary Speaker (Hon. Inviolate): Hon. Members, the report from the Liaison committee on the apportionment of funds to committees has been adopted today 17th October 2019 at 4.26 p.m. Next Order!

ADJOURNMENT

The Temporary Speaker (Hon. Inviolate): There being no any other business to transact, this House stands adjourned to Tuesday 22ndOctober 2019 at 2.30 p.m.

(House rose at 4.30 p.m.)

Addendum

Hansard Reporters

Zablon Otiende – In-charge

Fanuel Okode - Reporter

Edward Odanga - Reporter