

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – FOURTH SESSION

Tuesday, 18th February, 2020

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

(The Deputy Speaker (Hon. Joachim Oketch) in the Chair)

PRAYERS

The Deputy Speaker (Hon. Joachim): Hon. Members, once again let me take this opportunity to welcome you all back to these Assembly Sessions. You all know that we had taken a short adjournment, but we are back to business and I know that Members are now rejuvenated, fresh and ready to deliver on their mandate after being out for a long time. Mr. Clerk can you now take us through the Order paper of the day?

PAPERS LAID

The Deputy Speaker (Hon. Joachim): Hon. Leader of Majority.

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. Pursuant to the provisions of the County Assembly Standing Orders No. 154, on this day Tuesday, 18th February, 2020. I wish to table before this House the proposed list of Nominees to reconstitute the County Assembly House Business Committee.

(Leader of Majority tables the Proposed List of Members for the House Business Committee)

Further, I equally want to table before this House and pursuant to the provisions of County Assembly Standing Orders No. 25 and 26 on this day Tuesday, 18th February, 2020 the Proposed Annual Calendar for the Fourth Session for the Year 2020.

(Leader of Majority tables the Proposed Annual Calendar for Year 2020)

Finally, please allow me to table the Proposed First Kisumu County Supplementary Budget Estimates FY 2019/2020. Thank you.

(Leader of Majority tables the First Kisumu County Supplementary Estimates FY 2019/2020)

The Deputy Speaker (Hon. Joachim): Thank you Leader of Majority. Having laid before this House the three papers, I wish to commit the Proposed First Kisumu County Supplementary Budget Estimates FY 2019/2020 to the Committee of Kisumu County Budget and Appropriations. I do direct that they report back to this House within one week. Thank you.

The Deputy Speaker (Hon. Joachim): Next order!

STATEMENTS

The Deputy Speaker (Hon. Joachim): Hon. Okumu.

Hon. Okumu: Thank you Mr. Speaker. I rise while citing the provisions of Standing Orders No. 42 and I would like to inform the Hon. Members of this House that, locusts have been spotted in Kisumu County, specifically, Muhoroni Sub-county and it is high time the Members inform the public on precautions that they need to take.

Mr. Speaker, as a County Government we equally need to prepare ourselves and measures that we need to undertake to reduce the locust invasion in the County. We should dedicate more time through the Sectoral Committee of Agriculture, Livestock and Fisheries to visit those areas so that we commence planning through the Department of Special Programmes on how we can remedy the effects on areas that have already been affected.

Mr. Speaker, I would like to implore your Chair that you invoke Standing Orders No. 1 so that you open this matter for debate. Thank you.

The Deputy Speaker (Hon. Joachim): Thank you Hon. Okumu. I believe that this is a pertinent matter and it's of County interest and not only the County but the Country at large. I believe that you have a seconder for the same? Yes Hon. Leader of Majority.

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. I know that what the Hon. Member has raised is important, but more so it's affecting my Sub-county. My only worry is that I know that the Hon. Member is verse with the provisions of the Standing Orders and he has rose citing Orders No. 42 which is on Personal Statements. Mr. Speaker, if you can recall just last

week the Substantive Speaker did rule on the issues of Statements which was quite unprecedented that, the manner in which these Statements are brought must be done procedurally.

Mr. Speaker, I would wish that much as that matter is pertinent, we adhere to the provisions of the Standing Orders. Thank you.

Hon. Okumu: On a Point of Order. Thank you, Mr. Speaker. I would like to refer the Leader of Majority to the provisions of Standing Order No. 42 which starts that;

“(2) During the Statements Hour-

(a) a Member of the County Assembly may bring mater that are of personal nature and those matters may or may not be debated upon”

Mr. Speaker. I would like to indulge the Leader of Majority that it is important that this matter be discussed so that we inform the residence of Kano that we are facing the Locust Invasion. Thank you.

The Deputy Speaker (Hon. Joachim): Thank you Hon. Okumu. If I refer to my Standing Order because I am not aware of the copy you are making reference from or how many versions do we have in this House?

Hon. Okumu: The latest!

The Deputy Speaker (Hon. Joachim): Hon. Okumu, the one I have the last sentence reads that such matters may not be debated. I believe that you read “may or may not”. I am compelled to believe that you have a wrong version of the Standing Orders.

Hon. Okumu: Thank you Mr. Speaker. We will go with the one you are making reference to so that we don’t indulge so much on that issue.

The Deputy Speaker (Hon. Joachim): Thank you Hon. Okumu. I believe that you need to revisit your bookseller so that you get the correct version. I can see Hon. Agolla on his feet.

Hon. Agolla: Thank you Mr. Speaker. We have just resumed from the long recess, and my Statement is raised citing Standing Orders No. 42.

Mr. Speaker, the County Assembly of Kisumu is under the umbrella of County Assemblies Forum (CAF) and we subscriber to the same forum which means that we are part and parcel of the forum. This is Kisumu County and we are in full support of the Building Bridges Initiative (BBI). Mr. Speaker, the other day I heard the Chairperson of CAF stating that this County is not ready for plebiscite (Referendum) unless we consolidate the plebiscite with the General Elections.

Mr. Speaker, I want to put it clear to our representatives in the CAF that, they need to advice the Chair of CAF to not deviate and have his own agenda. Mr. Speaker, it was just the other day we met as CAF in Kisumu and that was not part of the agenda floated for discussions.

Mr. Speaker, how can the Chairperson come up with his own resolutions stating that the County Assemblies are not in the opinion and not ready to go for a referendum. This is contrary to our moto, belief that the handshake that was spearheaded by H.E. the President Uhuru Kenyatta and the Rt. Hon. Raila Amollo Odinga that we are ready for a plebiscite so that we know which positions are we going to elect as members of this Republic. Thank you.

The Deputy Speaker (Hon. Joachim): Hon. Okiri

Hon. Okiri: Thank you Mr. Speaker. I rise on a Personal Statement. I am an elected Member of Kisumu West Sub-county and I have served my constituents for the last seven years. Since the year 2013, I have been according my constituents 50 Scholarships through my own initiatives and currently the once who were envisaged to benefit from these scholarships 17 are now in the Tertiary Institutions in different colleges.

Mr. Speaker, in this FY I gave out Scholarships to 50 beneficiaries from my Ward and while undertaking this noble cause, I did invite the Hon. Members to grace the occasion. On that day I called my fellow MCAs and they had excuses that I have experienced a puncture, some had mechanical defects, other stated that they were going to bury their uncles, so that had so many excuses. Mr. Speaker, say for the Chairperson of Education Hon. Arao who came to my rescue and stated that the Kisumu County Assembly has recognized what the MCA for Kisumu West is doing when it comes to Education.

Mr. Speaker, the reason I am raising this statement is because there are some Members here in this House who are not ready to come up with tangible solutions for problems in their areas of jurisdictions and make this issue to be something big with the illusion that this is not something admired in this County. Some of the Members are saying that I am doing this so that I become the Governor, others saying that I want to be a Senator or Member of Parliament (MP). Hon. Members, I am not doing this to be a Senator, Governor or MP, this is an initiate that I have been undertaking for the last seven years.

Mr. Speaker, during December holidays, Members focused on Sports Activities, that includes you Mr. Speaker, you organized for a Sports Activity in Kondele Ward and we never raised an issue on that. Now, if Hon, Okiri has decided that Education is the way to go, it becomes an issue stating that I am being funded by the Governor. I want to state here categorically that this is my personal initiative of helping the Kisumu County Government. Thank you.

The Deputy Speaker (Hon. Joachim): Thank you Hon. Okiri. I equally want to congratulate you for the good work you are doing and I don't know why the rest of the House is quiet. I believe that it should be in the best spirit that we give kudos to Hon. Okiri for the work he is doing in

Education. I am not aware why Members did not attend your function but I believe that the next one because by look in their faces they look jovial and happy, they will attend your next function.

The Deputy Speaker (Hon. Joachim): Hon. Seth Kanga.

Hon. Kanga: Thank you Mr. Speaker. I rise while citing the provisions of Standing Orders No. 42 in relations to what the Hon. Okumu had raised.

Mr. Speaker, I am dismayed because we cannot stick to the rules of this House at the expense of the plight of our people. Mr. Speaker, there is a locust invasion in Kisumu County and in Muhoroni Sub- County to be specific. Mr. Speaker, as we speak, one journalist Mr. Ouko Okusa is in Muhoroni Sub-County highlighting the plights of farmers in that area while the Leader of Majority who happens to come from that Muhoroni Sub-county is gagging Members not to discuss issues affecting farmers in that area which in my belief is a matter of County concern.

Mr. Speaker, if we will be sitting in this House debating matters that are not in the interest of our farmers, then we will be doing a great disservice to our people. Mr. Speaker, my request is that you use your discretion and open up this matter for debate so that Hon. Genga and Hon. Linnet who comes from Muhoroni can contribute over this matter...

The Deputy Speaker (Hon. Joachim): Hon. Kanga, please resume your seat. Yes Hon. Leader of Majority. Hon. Kanga, we are coming back to you.

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. I want to reiterate that when the Member is blowing hot air unnecessarily. Mr. Speaker, I want him to underline the word Personal because probably he was never tutored well. Mr. Speaker, the matter they are raising is topical. So, I want them to ride on a relevant Standing Order because there is nothing personal about locust invasion in Muhoroni because that is topical. Mr. Speaker, if Hon. Kanga cannot differentiate such grammar, then I don't think it is wise for him to rise up on unnecessary semantics.

Mr. Speaker, I would like to indulge your chair that you make him understand the difference between Personal and Topical. Thank you.

The Deputy Speaker (Hon. Joachim): Thank you Leader of Majority. I believe that you have unnecessarily interrupted Hon. Kanga. Continue Hon. Genga.

Hon. Kanga: Thank you Mr. Speaker. The Leader of Majority is making reference to the provisions of Standing Order No. 41 (2) (a).

Mr. Speaker, if you read that Standing Order, it state that you have to write the same to the Speaker who will give it consent to be debated. We have resumed our sittings today, the House

Business Committee did not manage to sit and I am urging the Leader of Majority in his presentation as the Leader of Government Business and the Party in this House...

Hon. Okiri: Point of Order!!

The Deputy Speaker (Hon. Joachim): Please allow Hon. Kanga to conclude. Please continue.

Hon. Kanga: Thank you Mr. Speaker. I don't know what the Leader of Majority is scared of when we discuss the issue of Locusts which has invaded his home Constituency and we are all aware that the residence of Muhoroni Sub-county depend entirely on farming activities and the Leader of Majority who happens to be the Leader of Government Business in this House does not want us to discuss the plight of farmers and he is on record telling us that he represents farmers and now he is gagging us not to discuss the plight of these farmers in Kisumu County.

Mr. Speaker, this County depends on Agriculture which encompasses sugarcane, rice farming. It is me who happens to represent non-farmers and I would have been happy for us not to discuss this matter. Mr. Speaker, I am the one standing with this matter and the MCAs representing these farmers are staring at me in astonishment as if I am raising what they don't know. Hon. Genga who is verse of issues of farming, is just quiet, Hon. Ooko who represents rice farmers, Hon. Olwal who represents horticultural farmers in Nam Thoi, and Hon. Samo who represents Farmers from Kajulu are all equally quiet about this issue....

The Deputy Speaker (Hon. Joachim): Order! Order! Hon. Kanga please resume your seat. Please allow me to give Hon. Okiri who wants to inform the House. Hon. Genga I am coming to you.

Hon. Okiri: Thank you Mr. Speaker. I would like to inform the Hon. Member representing Market/Milimani Ward that, we have not resumed House sessions today and we resumed our session last week on Wednesday.

Mr. Speaker, today while I was getting into the plenary, I was privy to information that the Chair who will be occupying that seat will be given a hard time when it comes to making decisions. Mr. Speaker, those Members where making reference to you and they did mention that they were going to give you a hard time. If you have made a ruling on this matter, that is what they are doing and they want to demean your capability of sitting in that chair. Mr. Speaker, once you have made your ruling, it's final. Thank you.

The Deputy Speaker (Hon. Joachim): Thank you Hon. Okiri for standing firm with me. I believe that Hon. Olwal wanted to inform the House. Hon. Genga please allow me to give Hon. Olwal because he might have information relevant to this matter.

Hon. Olwal: Thank you Mr. Speaker. This is a Honourable House and it is conservative in its nature. There is no way we can turn away from the rules and regulations that governs this House

just for the sake in making some funny statements in the House. What the Leader of Majority stated is very clear. You had ruled on this issue. I don't know why you are allowing it back into the House. Remember locust is also food.

The Deputy Speaker (Hon. Joachim): Thank you very much Honourable Member, I decline the other requests and to allow Hon. Genga to make his statements. Proceed Hon. Genga.

Hon. Genga: Thank you Mr. Speaker. I rise on Standing Order No. 42. It is very disturbing that the locust has invaded Muhoroni and it is spreading. I am just concerned with the way the House is taking this matter. I also want to concur with Hon. Kanga that I should have been in the forefront on bringing that matter to your attention. Since you have ruled on that, I inclined not to comment further but our Leader of Majority should have taken key on that. I expected that to come from him. Locust invasion is an emergency and I am even shocked that Hon. Olwal is saying that locust is food then we need not to weed it out. Remember, a Cabinet Secretary lost his job because of locust.

Mr. Speaker, Muhoroni Sub-County is the bread basket of this County. It is a concern that we didn't give it due attention. I have just received a call...

The Deputy Speaker (Hon. Joachim): Resume your seat Hon. Genga. There are two emerging issues. Hon. Okumu has an information to give and we also have Hon. Agolla with a Point of Order. Proceed Hon. Okumu.

Hon. Okumu: On a point of Information. Mr. Speaker, I talked about locust and you ruled it is not going to be debated. Everyone now wants to talk about and they agreed with your ruling. What is not happening now?

The Deputy Speaker (Hon. Joachim): Let me make some clarification please. The Standing Order Number and the content Hon. Seth was reading was not the right one and again, I did not gag Members on mentioning of the locust. I am about to make a ruling on the same because I understand locust is a matter of national importance. Let us not gag Members. I am yet to make a ruling as the Substantive Speaker presiding today. Let us hear from Hon. Agolla.

Hon. Agolla: Thank you Mr. Speaker. With due respect you did rule that with the provisions that Hon. Okumu was giving was not the right one. If you allow me because it is the Statement Hour and we are yet to constitute the House Business Committee, with the leave of the House, allow me to move this Statement under Standing Order No. 41 (2) (a).

Mr. Speaker, it is in the public domain that locust have invaded Kisumu County and considering the speed with which it is spreading...

Hon. Okumu: Point of Order Mr. Speaker.

The Deputy Speaker (Hon. Joachim): Hon. Okumu I want Hon. Agolla to finish moving his Statement.

Hon. Okumu: He has quoted a wrong Standing Order.

The Deputy Speaker (Hon. Joachim): Let us give the Honourable Member a chance to finish his Statement. Proceed Hon. Agolla.

Hon. Agolla: Thank you Mr. Speaker. The content of Statement is already known and I was putting it clear. Now that this matter is with the Members, with the leave of the House I will ask the Deputy Leader of Majority to second that we debate on this matter.

The Deputy Speaker (Hon. Joachim): Thank you. Honourable Member you began on the right note but there is something you are missing. It would have been prudent for you to read the part (b) of the same Standing Order No. This topic is important to Kisumu County but I will also request that let use the right channel when handling this topic. Thank you. Yes, Leader of Majority.

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. I just want to say that we have resumed from the long recess and rising on Standing Order No. 42 (d), we have numerous activities. One of them is the Budget. We have got the Supplementary Budget. We also know that the House Business Committee has not been constituted. Probably once the list has been approved, I will indulge the Members of the said committee to meet immediately the Assembly adjourn so that we may priorities on the issue of the Supplementary Budget. That is important.

Mr. Speaker, I also want to say to say that when we were going for long recess, different statements were committed to different committees and the Chairpersons of those committees were asked to submit their responses on the first week of opening. I believe the respective Chairpersons have done the same. So that as we start our businesses formally, the pending issues will not be dragging us back anymore. I want to plead with the Members that let us take our work very seriously. Especially our oversight responsibility. We must help the County Government move in the right direction and oversight can only work well when committees are strengthened. Thank you.

The Deputy Speaker (Hon. Joachim): Thank Honourable Leader of Majority. Next order!

COMMENCEMENT OF BUSINESS

MOTION

LIST OF NOMINEES TO CONSTITUTE THE HOUSE BUSINESS COMMITTEE

BY

HON. KENNETH ONYANGO-LEADER OF MAJORITY

The Deputy Speaker (Hon. Joachim): Yes, Leader of Majority.

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. Allow me to read a list of the proposed nominees to serve in the County Assembly of Kisumu House Business Committee.

- | | | |
|---------------------------|---|------------------|
| 1. Hon. Elisha Jack Oraro | - | Chairperson |
| 2. Hon. Joachim Oketch | - | Vice Chairperson |
| 3. Hon. Kenneth Onyango | - | Member |
| 4. Hon. Priscah Misachi | - | Member |
| 5. Hon. Vitalis Otura | - | Member |
| 6. Hon. Benny Pete Oiko | - | Member |
| 7. Hon. Rashid Miruka | - | Member |
| 8. Hon. Steve Owiti | - | Member |
| 9. Hon. Seth Kanga | - | Member |
| 10. Hon. Caren Muga | - | Member |
| 11. Hon. Jenipher Obonyo | - | Member |
| 12. Samson Ameso | - | Member |
| 13. Hon. Consolata Ollows | - | Member |

The House Business Committee has literally remained the same from what we had in the last session. We found it unnecessary to change it because by and large the Members did a fantastic job. I therefore want to plead with the Members that we pass this list of nominees to the committee. Allow me to call upon the Deputy Leader of Majority to second. Thank you.

The Deputy Speaker (Hon. Joachim): Yes Hon. Ogendo.

Hon. Ogendo: Thank you Mr. Speaker. I rise to second the list of nominees to serve in the House Business Committee. The team did a commendable job in the last session and considering the businesses that are before us, I want to request that they remain in the committee. Thank you.

The Deputy Speaker (Hon. Joachim): Honourable Members, the list of nominees to serve in the House Business Committee has been tabled, moved and seconded by the Leader of Majority and his Deputy respectively. I now want to open it for debate. Yes Hon. Roy Samo.

Hon. Samo: Thank you Mr. Speaker. I rise to air my views on the motion before us. I remember talking about adherence to the rules. I even remember when the former Speaker was here, Hon. Oraro who is now the Speaker was stickler to the rules.

The Standing Order No. 154 is very clear on who should be part of this Committee. There is need to engage the Members of the Assembly parties. We also have to reflect the majority of the seats held by County Assembly parties and taking into consideration the interest of the

independent Members of this House. I don't see the interest of independent Members being taken care of. I also expected Hon. Philemon to be there as a representative of an Assembly party and that is Ford Kenya. We are also supposed to include the Whips in this Committee. Is there the Minority Whip in that list?

The Deputy Speaker (Hon. Joachim): Order Hon. Samo. What is it Hon. Ogendo?

Hon. Ogendo: Thank you Mr. Speaker. I wish to guide the Member of Kajulu that under the interpretation, the meaning of "County Assembly party" is explicitly defined. We don't have such provision in our Assembly. We only have a single Member of Ford Kenya which doesn't constitute five per cent.

The Deputy Speaker (Hon. Joachim): Thank you Honourable Member. Yes Hon. Olwal.

Hon. Olwal: Thank you Mr. Speaker. If doesn't have the minority party in the House then how did Hon. Oiko got into the list?

The Deputy Speaker (Hon. Joachim): Thank you. Proceed Hon. Samo.

Hon. Samo: Thank you Mr. Speaker. I want to agree with the Deputy Leader of Majority if only he was a student of the law then he would have been in a position to know a lot. Again Hon. Olwal has done it well. I want to urge the Leader of Majority to adhere to rules while working on this kind of list. Thank you.

The Deputy Speaker (Hon. Joachim): Thank you. I wish to make it very clear that I have no interest on this list and it has very clear procedure on how it was arrived at. That is why it is before you decide whether to adopt it or not because this document belongs to this House. Yes Hon. Seth Okumu.

Hon. Okumu: Thank you Mr. Speaker. I rise to support the list that has been table by the Leader of Majority.

Hon. Seth Okumu: Thank you Mr. Speaker. Mr. Speaker I rise to support the list that has been tabled by the Honourable Leader of Majority. Mr. Speaker, they have mentioned the Members have not changed because of the productivity that they had from the last session.

Mr. Speaker, away from that, if you look at the One Third Gender Rule, Mr. Speaker they have adhered to that. Mr. Speaker, if you look at the regional balance based on our various Sub Counties, they have complied. Mr. Speaker if you look at what the Standing Order says in Standing Order No. 152, it has been adhered to.

Mr. Speaker the concerns of my friend Hon. Roy Samo and may be his concerns emanate from misinterpretation of the Standing Order. The interest of majority is taken care of by the Leader of Majority. Sometimes we may not take care of the interest of an individual. We agreed in this

Assembly that the coalition of Independent and Ford Kenya form the minority leadership in this House; unless that they have broken the rules. If the interest of minority is taken care of then the interest of Ford Kenya candidate in this House is taken care of.

I remember very well that the Member of Ford Kenya and I believe up to now is still the Deputy Minority Leader unless he relinquishes that position then we can say that his interest as Ford Kenya has not been taken care of. Hon. Roy talked about taking care of Independent. I have said that the Independent Candidates and Ford Kenya forms the minority. When you bring in the leadership of Independent into the House Business Committee, Mr. Speaker, Sir, the interest of Independent is also taken care of.

Mr. Speaker, this is why I am asking Honourable Members to support this list so that we can have business in the House. However, as I stand to approve the list, I want to ask Members in that list that we want to have a vigorous Assembly in this session. We do not want to have those plenary sessions without an activity slotted in the Order Paper. Several questions have been raised in this House and have not been answered. We have many concerns on the goings on. Let the Committees get these activities for deliberation in the House.

Mr. Speaker, we have so many things that are happening but the House Business, I do not know whether they do not have time, or they do not get communication to slot these things. Some Committees take so long before meeting. We want Committee of Implementation to meet and submit to this House a report. This can only be done if the House Business Committee slot them time. Therefore, I want to task Members who have slotted in these committees to ensure that the committees are slotted days; and the days not slotted in vain and a report submitted to this House.

Mr. Speaker, I want to finish by reading to Hon. Roy Standing Orders No. 153 because he referred to the Whips. It reads that; *in nominating Members to the County Assembly Business Committee, each County Assembly shall include its Whip into the Membership*. I want to agree with him on that. Each County Assembly should agree to include the Whip into the House Business committee. If they agree on the composition of the committee then I support them; if they have objection, then they will tell us.

Otherwise, Mr. Speaker. I support the list fully and request Honourable Members and Leader of Majority to support it so that we pass it so that we can proceed with House Business. Thank you.

The Deputy Speaker (Hon. Joachim): Thank you very much Hon. Seth Okumu. I think I was to go back to Hon. Ogotu. Before then, allow me to give Hon. Kenneth Onyango because he is on his feet.

Leader of Majority (Hon. Kenneth Onyango): He can proceed.

The Deputy Speaker (Hon. Joachim): Thank you. Proceed Hon. Ogotu

Hon. Ogutu: Thank you Mr. Speaker for giving me this opportunity to air my voice on this motion. Mr. Speaker, as you know, I am in the Minority side of it. When you refer to Standing Order No. 17 (A)1-3 together with Standing Order No. 154, it is my concern because we know very well that the Leader of Majority has done a very good job.

Mr. Speaker, for us in the Minority, we did not get any chance to sit as a minority or as a coalition of minority to decide on who is to represent us in that particular committee. Mr. Speaker, I am really concerned because National and County Assemblies are run by traditions. It has been a tradition that if such a Committee is being formed then the Minority team is given a chance to sit together, agree and submit a Minute to you Mr. Speaker and communicate the same to the plenary. It is not Leader of Majority to do that.

Mr. Speaker, we are talking about procedures. Let us observe procedures. Mr. Speaker, it was right if

The Deputy Speaker (Hon. Joachim): Hon. Ogutu, kindly resume your seat. What is your Point of Information Hon. Muga?

Hon. Muga: On a Point of Information. Thank you so much Mr., Speaker, Sir, I want to inform Member on the Floor. Is independent a party? We need to tell the House if Independent is a party.

(Laughter)

The Deputy Speaker (Hon. Joachim): Thank you. Kindly proceed Hon. Ogutu

Hon. Ogutu: Thank you Mr. Speaker. I think it is right because she was not there when Standing Orders were read. Independent was read together in that Standing Order. Maybe she was asleep. Now, allow me to go to my point. Mr. Speaker

(A number of Members on their feet)

The Deputy Speaker (Hon. Joachim): Can you all resume your seats. Hon. Ogutu and Hon. Muga. I think it is in fairness that we listen to both Members. She asked a very important question. I seek the indulgence of the Members in light of the question raised on the Floor so that we move in the right direction. The Member wishes to know if Independent is a party, I believe you are going to get the right answer from the Floor.

I also want to ask Hon. Ogutu to proceed and, if the House permits, that we then move to the Minority Leader because we are getting some serious allegations that the Minority Leader is best placed to answer. He can tell us his position in response to the issues raised. Thank you.

Hon. Ogutu: Thank you Mr. Speaker

The Deputy Speaker (Hon. Joachim): The Senior Member would want to say something

The Majority Whip (Hon. Prisca Misachi): Mr. Speaker, I want to take you back to the first day when we came to this House. We had no Minority. It is our own domesticated rule, which created the seats for the Minority. If there is anything more than that Mr. Speaker, then we need to discuss it elsewhere and not in the plenary.

(Applause)

The Deputy Speaker (Hon. Joachim): Thank you very much. Let us allow Hon. Ogutu to complete his statement then we can move to the next Member. One minute please Hon. Ogutu.

(Loud consultations)

The Deputy Speaker (Hon. Joachim): Order Honourable Members. Yes, Hon. Ogutu

Hon. Ogutu: Thank you for protecting me Mr. Speaker. As Minority Members, before the agreement that Honourable Senior Member has alluded to, that we created this position in the Assembly. I do not think it is right for any Member to say that. It is a subject we cannot ignore in this House because it was a creation of this particular House.

Mr. Speaker, what I wanted to say is that we could have sat as Minority Members and have our Minutes.

The Deputy Speaker (Hon. Joachim): Order Honourable Members. Let us allow Hon. Ogutu. You know he is an Independent Member

Hon. Seth Okumu: On a Point of Order. Mr. Speaker, Hon. Ogutu is talking of groups. In this House we do not have groups but Parties Mr. Speaker.

The Deputy Speaker (Hon. Joachim): Order Honourable Members.

Hon. Ogutu: Kindly protect me from the harassments Mr. Speaker.

The Deputy Speaker (Hon. Joachim): Have your seat Hon. Ogutu. Members, I do not know why you are becoming very emotional on a normal motion that we have been having even in previous sessions. Let us be fair to each Member be it from ODM party, Ford Kenya or an Independent Member. We all have equal rights in this House. It is now the chance for Hon. Ogutu to put across his concerns. We are giving you one last minute to complete your statement so that we move to the next person.

Thank you very much.

Hon. Ogutu: Thank you Mr. Speaker. The list is not very good because the Minority never sat down. You are the person who should present the list to Members and not the Leader of

Majority. The Leader of Majority should concentrate on the Majority party. We as the Minority can channel our correspondences to you for purposes of communicating the same to the House. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Joachim): Thank you very much Hon. Ogutu. The matter is becoming a heated issue and I think it is in the best interest that we clear the air. I do not want to defend the Minority Members. At the same time, I also do not want to defend the Leader of Majority because these are matters of the public. There was a list and these names were not just picked.

We have the Minority Leader. Can he confirm to us that he gave out a list that was not discussed with the Minority group? Can you please clear the air on the Floor of the House so that we may move forward? Thank you. Hon. Pete Oiko

(Laughter)

The Deputy Speaker (Hon. Joachim): Hon. Gard, you are going to have your chance. Resume your seat Honourable Member. Have your seat Hon. Gard. The reason why I want this issue cleared is because it deals with a matter that touches on Minority leadership and all of them are present. When there are allegations and we have their leadership here, I think it is only prudent that we allow the leadership to clear the air. If this House cannot provide a way forward on this matter, then I am allowed to invoke the provisions of Standing Order No. 1 in order to put this issue to rest. Let us allow Hon. Pete Oiko to make clarification.

Order Hon. Gard.

The Leader of Minority (Hon. Oiko Pete): Thank you Mr. Speaker, Sir. The position of the Minority leadership in this Assembly, as had been echoed by Senior Member Hon. Prisca Misachi, is well known to the Members of Kisumu County Assembly the way it was domesticated in this Assembly. Why do some people raise that today? From last year around October/December until the time the House went on recess nobody raised this issue. What has now happened?

It is on record in this Assembly that the Minority leadership was fully constituted when the Committees were being reconstituted. If Members did not know that, let them know. And when it was reconstituted, what was the nature of the leadership? Hon. George Ogutu is the Deputy Leader of Minority. Hon. Agengo is the Whip of Minority. Hon. Philemon Ojuok is the Deputy Whip. Established facts in this Assembly are there. Let us go to the records and disapprove of this. All the mentioned Members earn the leadership salary.

(Applause)

The House Business Committee has been constituted and I found myself there as the Leader of Minority. Anyone who has any other issue to raise let him raise on his own interest. The Minority leadership is well constituted and well recorded. Given my position as the Leader of Minority, I have found myself in the House Business Committee. This is well- known to the entire leadership of the Minority in this House.

Mr. Speaker, this issue had been discussed by the Minority leadership and it is on record in this House that they are also in the minority leadership in this House. If they are not in the Minority leadership, let them come up and challenge this position. Thank you.

The Deputy Speaker (Hon. Joachim): Thank you very much. Let me make a clarification. I know that some Members may have a feeling that I did not want to give a chance. I know why I gave Hon. Pete Oiko a chance. We all want to contribute, but, for purposes of clarity. This is why I narrowed down to Hon. Oiko. I would like to give the Minority Whip a chance. Thereafter, we shall move to Hon. Gard Olima in that order.

The Minority Whip (Hon. Ken Agengo): Thank you Mr. Speaker. Mr. Speaker, everything concerning the Minority is in record of this Assembly. I want to confirm that what the Minority Leader has said is a fact and it is in record. What may be in dispute is the composition of the House Business Committee. We of the Minority have not been included there. Thank you very much.

The Deputy Speaker (Hon. Joachim): Let me get to Hon. Philemon

The Deputy Minority Whip (Hon. Philemon Ojuok): Thank you Mr. Speaker. I just want to echo your words that there is no need of whipping up emotions in issues that we have engaged in a number of times. Actually, there are things you can change and those you cannot whether they are right, constitutional or not. Some of them I am living with as a fact. I know that God has granted me an opportunity to change things without being in certain positions. I want to say this that let us move on with this House. Let us do oversight role on both sides. People are crying and are in need of oversight.

I do not want my position to divert attention and give people an opportunity to say we versus them. No, that is not me. I want this Assembly to be united and focus on matters of importance. Thank you very much.

The Deputy Speaker (Hon. Joachim): I will give Hon. Ken then Hon. Muga then move to Gard Olima. First, allow me to make some clarifications that Hon. Philemon has hit the nail on the head because what is coming out is that the Minority part of the House was being discriminated upon, and it is as if they did not have a say on anything even regarding a list. Other Members may have freedom to contribute but remember we are getting it from the horses' mouth and their leadership have spoken. Their deputies have also spoken and that is why I wanted them to speak for themselves rather than people speaking for them. Yes, Hon. Ken Ooko

Hon. Ooko: Thank you Mr. Speaker. I want to start by supporting Hon. Oiko Pete on the position of the Minority in the Committee. The arrangement that we have in this House is well known to all Members and in the Standing Orders. I would wish to remind Hon. Agengo that it does not talk of Minority Whip. I want to disagree with the Leader of Majority. When he presented the list, he said that these Members did a good work. That is the only reason as to why he is telling us to approve the list and he did not even tell us the good things that these Members did.

Mr. Speaker Hon. Seth Okumu said that this committee is regionally balanced. As a Member of ODM in this House, I want to say that Nyando as a Sub County is not represented in the composition of this Committee. If you look at other Members from other region, they are all in the list. So, I want to say that I totally disagree with the list. Thank you.

The Deputy Speaker (Hon. Joachim): I think that I have to break the protocol. Yes Hon. Olga.

Hon. Olga: Thank you Mr. Speaker for giving me this opportunity, I want to call the mover to reply.

The Deputy Speaker (Hon. Joachim): Order Hon. Members. I think that for us to be fare I will consider that Members are on their feet. Yes Hon. Khan.

Hon. Khan: Thank you Mr. Speaker. I rise to support the list as presented by the Leader of Majority of ODM. Mr. As you have seen and it has been there that that there is misrepresentation of the minority as a political wing even though there is no representation of the minority rather than the political which I am representing. I still agree with the list and say that because of prosperity we want to move ahead. There is no way how we can stop this House business committee from transacting its business because that is holding this House at ransom. We still take it upon ourselves that the reality is there and let us just move on so that we get a generation of work be done in this Assembly. Thank you.

The Deputy Speaker (Hon. Joachim): Thank you very much. Yes Hon. Olima.

Hon. Olima: Thank you Mr. Speaker, I rise to support this list which is wrongly constituted to be passed by this Assembly. Mr. Speaker as you have seen and have heard from the Minority Whip he was not consulted because he is a mandatory member of that committee according to the Standing Orders and he is not there. Since the politics of the day does not meet his requirements, he has agreed to sit behind and see the rest work.

I heard that they did a good work and we should give them the entire period of this Assembly to complete their work. Mr. Speaker if you see the notice that we are given to discuss today which reads; Proposed Nominees to the Standing Committee of House Business. The Leader of Majority of the County Assembly of Kisumu presents his compliments to the Members nominated to the standing committee of House business and has the honor to inform them that

the meeting of the committee will be held on Tuesday 18th February 2020 at the Members lounge. What are we therefore discussing here and the Leader of Majority has called these Members to meet in the Committee Room? Mr. Speaker I think that these things of going round that are done in the villages should not be done in an Assembly like this. What he has given us as a motion is a meeting inviting the Members to go and sit and discuss while we are here trying to sugar coat what is not there. Let us approve this list and go for the meeting since most of us are represented so that the Assembly can proceed.

The Deputy Speaker (Hon. Joachim): Thank you. Yes Hon. Jagongo.

Hon. Jagongo: I stand to support the list which is well balance when it comes to County representation in that there is each and every Member represented from each sub County. Secondly, this list was presented in this Assembly in the last session and all Members approved the list. We need to support the list the way we did in the last session.

The Deputy Speaker (Hon. Joachim): Yes Hon. Olwal.

Hon. Olwal: Thank you Mr. Speaker, as a deliver in institutions and structures; when you read Standing Orders No. 154, there is something that we need to take cognizant of especially on the spirit of the law. It also talks about majority party and then it goes ahead to talk about minority Party. It also talks about the interest of the independents. So, there is no way you can inter twin the minority party and the independent even if we have our own arrangement. All the three parties must be taken care of. There is nothing like the independent party and so when Hon. Seth says that the independent should be taken care of, what will be the spirit of this Standing Orders No. 154? I will support the list as it is for the sake of unity and continuation. In future we have to take the 3 parties into consideration.

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

Hon. Otura: Thank you Mr. Speaker, I think we resumed last week and it is on record that we adjourned and as a matter of procedure the parties were given time to consult and present their list. During this time the advisor that we heard of in the floor of the House should have taken their time to advice both the minority party, the majority party and the independent.

Mr. Speaker, we are discussing a matter which is already concluded because it is one week down the line since we adjourned and the list was presented in the House which was read without any dispute from Members. You find that the list conforms to that from the previous Assembly. There was no change at all. I therefore fail to understand why we have not yet approved this list so that we can move on because it is the same thing that was there before. Thank you.

The Deputy Speaker (Hon. Joachim): Yes Hon. Nancy Owiti.

Hon. Nancy Owiti: Thank you Mr. Speaker. I wish to call upon the mover to reply.

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

The Leader of Majority (Hon. Kenneth Onyango): Thank you Mr. Speaker, I would like to congratulate the Members who have contributed and I want to recognize the fact that my good friend Hon. Samo has come into his sense. I don't want to hold brief for the minority in that I don't want to go into the legal interpretations that underpin the reason why we put the minority.

Hon. Misachi has said that these are not matters that we can canvas here. M. Speaker it has been stated that there is need to include the minority whip in the committee. I don't think there is a very big problem with that but again I am not supposed to think for the minority. My work is to look at the majority side. Otherwise, I think that the House business committee from the time it was constituted really did a good job because we all recall that before we went for recess this house had businesses that were overwhelming.

This is because we are able to prioritize the businesses of this House. That is why it became imperative that we retain the list. I want to retaliate the purpose of the budget that if Members agree to pass this list of the House Business Committee then we will be able to proceed well. If Members pass this list then let the Members that shall have been approved to proceed so that we can put on track the urgent matters that affect this County. Thank you.

The Temporary Speaker (Hon. Joachim): Thank you Leader of Majority, after a lengthy deliberation; it is therefore my privilege to put a question on the adoption of the list of composition of House Business committee.

(Question put and agreed to)

The Temporary Speaker (Hon. Joachim): The House Business Committee stands adopted today 18th February 2020 at 4.07 p.m. I want to communicate to the Members of the House Business Committee; I being the Chairperson in the absence of the Speaker, we are going to have a meeting immediately after this session because we have a lot of pending matters that we need to deliberate on.

Next Order!

MOTION

PROPORTION OF BUSINESS CALENDAR FOR THE YEAR 2020

BY

HON. KENNETH ONYANGO, LEADER OF MAJORITY

The Deputy Speaker (Hon. Joachim): Yes, Leader of Majority.

The Leader of Majority (Hon. Kenneth Onyango): Thank you Mr. Speaker. This is to notify for the General Information that Pursuant to Standing Orders No. 24 and 26 on a motion to be issues on 18th February 2020, the County Assembly shall approve the Calendar for the Assembly for the Year 2020. Mr. Speaker, this is going to be the Fourth Session which shall begin from 12th February 2020 to 19th April 2020. The short recess shall begin on 20th April 2020 to 23rd April 2020.

The Second Part of the Fourth Session will begin on 24th April 2020 to 6th July 2020. The Short Recess will begin from 4th July 2020 to 7th July 2020. The Fourth Session begins on 8th August 2020 to 29th October 2020. The Short Recess will start from 30th October 2020 to 9th November 2020.

Lastly, Part 4 of the Fourth Session will begin on 10th November 2020 to 3rd December 2020 and the Long Recess shall begin from 4th December 2020 to 8th February 2021.

Mr. Speaker, this is usually the Annual Calendar of the Assembly and it synchronizes with what happens in other Parliamentary jurisdictions in this Country. So, Mr. Speaker I would wish that we adopt this schedule and I want to call upon Hon. Seth Okumu to second. Thank you.

The Deputy Speaker (Hon. Joachim): Yes Hon. Seth Okumu.

Hon. Seth Okumu: I second.

The Deputy Speaker (Hon. Joachim): Thank you. I therefore wish to propose the motion for debate. Yes Hon. Khan.

Hon. Khan: Thank you Mr. Speaker, I call upon the mover to reply.

The Deputy Speaker (Hon. Joachim): Yes, Leader of Majority.

The Leader of Majority (Hon. Kenneth Onyango): Thank you, I wish to beg the leave of the House that we pass the House Business Calendar. Thank you.

The Deputy Speaker (Hon. Joachim): Thank you Leader of Majority. Having deliberated on the motion it is therefore my obligation to put a question on the adoption of the House Business Calendar of the Fourth Session for the Year 2020.

(Question put and agreed to)

The Deputy Speaker (Hon. Joachim): Therefore Hon. Members, the proposed Annual House Business Calendar of the Fourth Session for the Year 2020 is hereby adopted on 18th February 2020 at 16:12 hours.

Next Order!

ADJOURNMENT

The Deputy Speaker (Hon. Joachim): There being no any other business to transact, the House stands adjourned to tomorrow Wednesday 19th February 2020 at 9.00 a.m.

(House rose at 4.15 p.m.)

Addendum

Zablon Otiende – Head of Department

Edward Odanga – Hansard Reporter

Fanuel Okode – Hansard Reporter

Patrick Okoyo – Hansard Reporter

Jackyline Otieno – Hansard Reporter

Denis Odhiambo - Hansard Reporter