

## COUNTY GOVERNMENT OF KISUMU



### COUNTY ASSEMBLY OF KISUMU

#### **THE HANSARD**

#### SECOND ASSEMBLY – FOURTH SESSION

Thursday, 01<sup>st</sup> October, 2020

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

**(The Temporary Speaker (Hon. Seth Okumu) in the Chair)**

#### **PRAYERS**

**The Temporary Speaker** (Hon. Okumu): Thank you Honourable. Members? I want to request that pursuant to the provisions of County Assembly Standing Order No. 32 (2) that the Sergeant-At-Arms rings the quorum bell for five minutes.

*(Quorum bell rung for five minutes)*

**The Temporary Speaker** (Hon. Okumu): Honourable Leader of Majority, could you please confirm if we have the quorum.

**The Leader of Majority** (Hon. Onyango): Mr. Speaker we have quorum. Thank you.

**The Temporary Speaker** (Hon. Okumu): Thank you. Mr. Clerk, kindly take us through the Order Paper of the day.

**The Temporary Speaker** (Hon. Okumu): Next order!

**COMMUNICATION FROM THE CHAIR**

**The Temporary Speaker** (Hon. Okumu): Honourable Members, if our fellow colleagues who are online seek information from you on the password and the Zoom ID, please inform them that we have it on our page. They can get it there so that they can register for the meeting.

**The Temporary Speaker** (Hon. Okumu): Next order!

**PAPERS LAID**

IMPLEMENTATION COMMITTEE REPORT ON BENCHMARKING EXERCISE WITH  
KAKAMEGA COUNTY ASSEMBLY

BY

HON. ERICK AGOLLA

CHAIRPERSON, COMMITTEE ON IMPLEMENTATION

THE FINANCIAL STATEMENT OF COUNTY GOVERNMENT OF KISUMU FY 2019/2020

BY

HON. KENNETH ONYANGO

THE LEADER OF MAJORITY

**The Temporary Speaker** (Hon. Okumu): Yes Hon. Maureen Otiang'.

**Hon. Otiang'**: Allow me to lay this Paper on behalf of Hon. Erick Agolla, Chairperson, Implementation Committee?

**The Temporary Speaker** (Hon. Okumu): Proceed Honourable Member.

**Hon. Otiang'**: Thank you Mr. Speaker. Pursuant to the provisions of the County Assembly Standing Order No. 182 (b), I wish to lay today Thursday 1<sup>st</sup> October, 2020 Implementation Committee Report on Benchmarking Exercise with Kakamega County Assembly. Thank you.

*(Hon. Otiang' lays that report before the House)*

**The Temporary Speaker** (Hon. Okumu): Hon. Members, I confirm the receipt of Implementation Committee report on Benchmarking Exercise with Kakamega County Assembly. I want to commit it to the House Business Committee to schedule it for discussion on the Floor of the Assembly. Thank you.

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

**The Leader of Majority** (Hon. Onyango): Thank you Mr. Speaker. Pursuant to the provisions of the County Assembly Standing Order No. 182 (b), I wish to lay today Thursday 1<sup>st</sup> October, 2020 the Financial Statement of County Government of Kisumu FY 2019/2020. Thank you.

*(Leader of Majority lays before the House the Financial Statement FY 2019/2020)*

**The Temporary Speaker** (Hon. Okumu): Thank you. I wish to acknowledge receipt of Financial Statements for the FY 2019/2020. I want to commit both these two statements to the Standing Committee of Finance, Enterprises Development and that of the Select Committee of County Budget and Appropriations for deliberations and bring back the report to this House for consideration.

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

**The Leader of Majority** (Hon. Onyango): Thank you Mr. Speaker. The second paper that I wish to lay before this House is the Kisumu County Finance Bill, 2020.

*(Leader of Majority lays before the House the Finance Bill, 2020)*

**The Temporary Speaker** (Hon. Okumu): Thank you Hon. Leader of Majority. I wish to acknowledge receipt of the Kisumu County Finance Bill, 2020. I want to commit this Bill to the Select House Committee of County Budget and Appropriations for discussion so that they bring back to this House a report on the same for consideration and adoption.

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

**The Leader of Majority** (Hon. Onyango): Thank you Mr. Speaker. Finally, please allow me to lay before this House the Kisumu County Car and Mortgage Scheme Fund for the FY ended.... for your information, this is an amended Annual Report on Financial Statement for the said fund for the FY ended 30<sup>th</sup> June, 2020. Thank you.

*(Leader of Majority lays before the House the Kisumu County Car and Mortgage Scheme Fund for the FY ended 30<sup>th</sup> June, 2020)*

**The Temporary Speaker** (Hon. Okumu): Thank you Hon. Members. I wish to rescind my earlier ruling on the Financial Statement of the County Government of Kisumu for the Year ended 30<sup>th</sup> June, 2020. I am recommitting this Report to the Investigative Committee of PIC/PAC.

Hon. Members, I wish to acknowledge receipt of the Kisumu County Car and Mortgage Scheme Fund Amended Annual Report and Financial Statement for the FY ended 30<sup>th</sup> June, 2020. I want to commit this to the Committee of PIC/PAC for discussion so that they bring back to this House a report in the next (21) twenty-one days. Thank you.

**The Temporary Speaker** (Hon. Okumu): What is it Leader of Majority?

**The Leader of Majority** (Hon. Onyango): Thank you Mr. Speaker. I don't know if the twenty-one days includes the Kisumu County Finance Bill, 2020. This is because the Bill is time bound by law. Therefore, there is need for the Select Committee of County Budget and Appropriations to work on it expeditiously.

Mr. Speaker, another thing is that, I would have wished that you do direct this Committee to fast-track their deliberations on the Kisumu County Finance Bill, 2020 bearing in mind that, the Kisumu County Annual Development Plan FY 2020/2021 is already committed to that House Committee (Budget and Appropriations). I am aware that the Kisumu County Budget Review and Outlook Paper is also on the way and some of these documents are attached with timelines. Mr. Speaker, as the House Business Committee, we shall try our level best to ensure that they are given ample time but again, I believe that your directive will also help escalate their deliberations so that we can be done with these within the time required. Thank you.

**The Temporary Speaker** (Hon. Okumu): Thank you Hon. Leader of Majority. I believe that by mentioning the timelines, you have tabled the reports within the stipulated timelines. This is because if we are late even with tabling of the Kisumu County Finance Bill, 2020, then, it will be interesting for you to request the Budget and Appropriations Committee to work within the stipulated timelines. However, I want to implore on the Budget Committee expediting the process because I gave them the 21 days. I can see that both the Chairperson (Hon. Steve Owiti) and the Vice chairperson (Hon. Aslam Khan) of the Budget committee are absent. Therefore, I will request the table clerk to inform them about the timelines of the Finance Bill, 2020 so that we finalize it and allow the County to raise legal revenue.

Thank you Hon. Members, I was just consulting with the clerk and he is confirming to me that the Executive's Department of Finance delayed in bringing the Finance Bill, but we will try as an Assembly to speed up the process so that it is finalized soonest. So, Leader of Majority (Hon. Onyango), your request has been granted. We will therefore talk to the Chairperson and the Members of the Budget Committee so that we see to it that this Kisumu County Finance Bill, 2020 is finalized. Otherwise, the other two statements are committed to Public Accounts and Investment Committee and we are giving them 21 days to bring the report back to the House.

**The Temporary Speaker** (Hon. Okumu): Next Order Mr. Clerk!

### NOTICES OF MOTION

**The Temporary Speaker (Hon. Okumu):** Yes Hon. Maureen Otiang', the MCA for Chemelil-Tamu Ward.

**Hon. Otiang':** Thank you Mr. Speaker, on behalf of the Chairperson Hon. Erick Agolla, I would wish to give a Notice of Motion for the Implementation Committee report on

Benchmarking Exercise with Kakamega County Assembly. This is pursuant to the provisions of Kisumu County Assembly Standing Order No. 45, thank you.

**The Temporary Speaker (Hon. Okumu):** Next Order!

### STATEMENTS

**The Temporary Speaker (Hon. Okumu):** Yes Hon. Maureen Otiang’.

**Hon. Otiang’:** Thank you Mr. Speaker, I would wish to make a personal statement to the House. We are lacking water in the lavatories (Washrooms) and that makes it very challenging for us especially with the existence of this COVID-19 Pandemic. I am requesting that you commit the Committee of Welfare and Equal Opportunities to look into this issue of lack of water and probably give a report in two days because it is recurrent. We cherish a conducive work environment and without water, our health is at stake, thank you.

**The Temporary Speaker (Hon. Okumu):** Hon. Member, are you doing a follow up of the statement you had raised in the House?

**Hon. Otiang’:** No Mr. Speaker, I didn’t raise a statement in reference to the same.

**The Temporary Speaker (Hon. Okumu):** On which Standing Order are you raising your statement?

**Hon. Otiang’:** Mr. Speaker, This is a Personal Statement.

**The Temporary Speaker (Hon. Okumu):** Hon. Member, going by our Standing Orders, Personal Statements are never discussed in this House. I will refer you to Kisumu County Assembly Standing Order No. 42 and help you read it so that we are on the same page.

**Hon. Otiang’:** Thank you.

**The Temporary Speaker (Hon. Okumu):** Standing Order No. 42 *‘During Statement hour, a Member may, by the indulgence of the House, explain matters of personal nature although there is no question before the House that such matters cannot be debated on’*

**Hon. Otiang’:** Thank you Mr. Speaker that was what I meant. I didn’t wish for it to be debated upon.

**The Temporary Speaker (Hon. Okumu):** Thank you. Hon. Members we are still on statements.

**The Temporary Speaker (Hon. Okumu):** Next Order Mr. Clerk!

**MOTION:****PROGRESS REPORT ON GRATUITY AND NORMAL CONTRIBUTIONS FROM KISUMU COUNTY ASSEMBLY BY LAPFUND****PRESENTED BY;****HON. PAMELA ODHIAMBO, CHAIRPERSON OF THE COMMITTEE OF WELFARE AND EQUAL OPPORTUNITY**

**The Temporary Speaker (Hon. Okumu):** Yes Hon. Pamela Odhiambo, MCA for Manyatta B ward.

**Hon. Pamela Odhiambo:** The Committee requests this Honorable House to accord it a period of fourteen (14) days to get a comprehensive report from the LAPFUND so as to finalize on the report for tabling in this Honourable House. Mr. Speaker, we got a letter from the LAPFUND telling us that they are still working on the system. However, they requested us to give them two more weeks so that they could give us a Comprehensive Report. I also want to urge Hon. Members to give us more time so that we have the full report. I request Hon. George Ogutu to second.

**Hon. Ogutu:** Thank you Mr. Speaker. I second this report. Just like it was clearly stated by the Chairperson of the Committee, we wanted to bring a very good and comprehensive report. But, from this statement, the Hon. Members have heard that there were questions that we sought. The question which has not been fully answered is the one for the month of April, 2018. We found discrepancies in that month whereby some deductions were not remitted. On that note, we wanted to know exactly what happened, why these monies were not remitted as required.

Mr. Speaker, we were a little bit concerned because, you are also aware that some of these particular deductions are voluntary. When somebody volunteers his/ her part of the salary, so that he can save it for future use, and at the same time the money is not remitted, that leaves a lot to be desired.

Mr. Speaker, just as it was clearly stated by the Chairperson, we followed up with the LAPFUND, and in the process, we discovered that there were some overpayments from the Assembly side but, it wasn't clear as of the purpose for which they were paid for. Because of that, we wanted a very comprehensive report on the overpayment so that we can know if they formed the part of April remittances which was not forwarded to the LAPFUND or they were different thing all together.

In addition, we thought that it is important for a comprehensive report for each and every Hon. Member to come out clearly on his/ her contribution; both voluntarily and on the Assembly side.

For that matter instead, the LAPFUND officers pleaded with us to be given more time so that they can give detailed statement on the same.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Okumu): Proceed Hon. Member

**Hon. Ogutu:** I believe majority of the Members are still consulting and I want to ...

**The Temporary Speaker** (Hon. Okumu): The Speaker is listening and hon. Members are equally doing the same.

**Hon. Ogutu:** Hon. Leader of Majority, sometimes.... Okay thank very much Mr. Speaker. I will confirm that as a committee because we agreed that – since the LAPFUND people promised us details of each and every Hon. Member with a detailed statement towards his/ her contribution- we thought it wise that, this we will cure this particular unremitted April saga. If that detailed statement cannot come out, then we believe that Hon. Members will lose their LAPFUND contributions yet, all of us sacrifice so that at the end we go out with our dues that we had contributed towards the same.

We are aware that there was a problem within the LAPFUND especially in the last Assembly. Some deductions were not remitted on time. We do not want to again fall victims. Let this one be very clear and on that note I plead with your Chair and Hon. Members because it touches on our own welfare. For us to support this report, give us fourteen (14) more days so that we bring a comprehensive report for each and every Hon. Member, thank you.

**The Temporary Speaker** (Hon. Okumu): Thank you Hon. Member. I want to guide you. Next time when you are asked to second a motion, you have to wait for the Speaker to invite you so that you are given a chance to speak. Otherwise, Hon. Member...

**Hon. Ogutu:** Much obliged Mr. Speaker.

**The Temporary Speaker** (Hon. Okumu): Thank you. Hon. Members, a Progress Report on the Gratuity on the Normal Contribution from Kisumu County Assembly by LAPFUND has been brought as a motion in this House by Hon. Pamela Odhiambo and seconded by hon. George Ogutu. Hon. Members, I want to propose that we open the report for debate.

**The Temporary Speaker** (Hon. Okumu): Yes, Hon. George Olwal...

**Hon. Olwal:** Thank you Mr. Speaker. I rise to support this report. I want to thank the committee. But as you know, the devil is always in the details. It is also proper that the committee be given enough time to get enough details; especially matters regarding finances, we need enough details especially now that we are the interested party, we need to give the committee more time in order to give us a clearer and more detailed report. Thank you.

**The Temporary Speaker** (Hon. Okumu): Yes, Hon. Rashid Miruka.

**Hon. Miruka:** Thank you Mr. Speaker. I arise to support the Adoption of the Progress Report. However, I have some reservations. I am looking at when the committee had their joint meeting that was in early July and the date today. They are still asking for more time. I am wondering what has happened in between.

Secondly, I would have wished that when given the opportunity to diagnose it further, they need to push it up to the end of the last financial year. They should also come up with a comprehensive report that involves individual contributors. This will update every one of us on how much one has deposited as far as LAPFUND contribution is concerned.

Finally, I wish to encourage Members of the Welfare and Equal Opportunity Committee that our life after this Assembly depends on our investment on LAPFUND. They should not relent but look at it very keenly and come up with information that we will not doubt in this Assembly. Thank you.

**The Temporary Speaker** (Hon. Okumu): Yes, Hon. Sally Okudo.

**Hon. Okudo:** Thank you Mr. Speaker. I stand to support this report. As a Member of the Welfare and Equal Opportunity Committee, I would also plead for more time so that we can bring a Comprehensive Report. We have been working on it; I am happy with the progress we have made as a committee and the effort the Chair has put. One other things the Chair has stated here is that, we would have given a very comprehensive report had LAPFUND given us the response we asked for. I remind Members that this is a matter that touches on each and every one of us here so it is a matter that is very important to us as a committee. We have asked LAPFUND to expedite this process so that we can get the response as soon as possible. Thank you Mr. Speaker.

**The Temporary Speaker** (Hon. Okumu): Yes, Leader of Minority.

**The Leader of Minority** (Hon. Oiko): Thank you Mr. Speaker. The committee has done a good work. First, the idea that we should be in the picture of our normal contributions and service gratuity being paid by the Assembly for the Members is a good idea because, if we assume it and think of it the last minute we may get that the records are not up to date and we shall start looking for excuses here and there. I would like to plead with the Members particularly the committee to keep good track of the normal contributions by the Members and the Service Gratuity paid for us by the Assembly. The record has been presented; it gives us the picture of what is being paid for us by the Assembly to the LAPFUND.

Mr. Speaker it would be logical if, we are being told like on page 6 where the LAPFUND boss was stating, he explained that the error was realized because LAPFUND does not see details for IFMIS. If these are records that can be interpreted and printed and the total amount being paid

for LAPFUND is extracted from the payroll. So there is no time that the Assembly can claim that they will not give LAPFUND the finer details of our contributions. These are the records that the Assembly has. When we are given figures in lumpsum and they are asking for more time we would just interpret it that there is laxity on the Assembly Finance Department and LAPFUND would also be taken to task on why they accept the blocked figures without the finer details of who the payees are. They must know the individual contributions for each member so that they are capable of keeping track of our records because the picture that we are given here is that, money is given to them and they keep in their suspense account. Then later, is when they will look into how much money relates to any Hon. Members; that should not be the situation as of now. We should be in a position where at the switch of a button we know the voluntary contribution that has been made by each Member and what the Assembly has paid a service gratuity for every Member. This is a record that will be found at every button of their system.

Mr. Speaker, I implore this House that, the committee be given more time to look into finer details so that we may also know that when it comes to service gratuity; how much are they paying for us? So that we can anticipate what we can get at the end of the term because, this is what we may lay our hands on when we are going home. I would like to urge the Chairperson of the Welfare Committee to continue with the work so that we may not start running up and down looking for the records at that last minute when the time will lapse. Thank you.

**The Temporary Speaker** (Hon. Seth Okumu): Yes Hon. Olale.

**Hon. Olale:** Thank you Mr. Speaker. I wish to call the mover to reply.

**The Temporary Speaker** (Hon. Okumu): Yes Hon. Pamela Odhiambo.

**Hon. Pamela Odhiambo:** Thank you Mr. Speaker, I would like to thank the Hon. Members who have seen it fit to wait for the comprehensive report. When the LAPFUND came to us we asked them the interest that they are giving us and they never had the answer to that and that is why we opted to give a progress report awaiting to issue a comprehensive report to the House. That is why we told them to come with a comprehensive report because it will come with the interest that they are going to give us.

Mr. Speaker I believe if we visit the Payroll's Office, we will get all our payslips since we came to this Assembly. I would like to request that payslips be ready for August, 2017 to June, 2020 so that when we will be confirming, we will look on how much they have been deducting on our payslips and how much the LAPFUND is giving us. Thank you.

**The Temporary Speaker** (Hon. Okumu): Thank you Hon. Member. A Progress Report on Gratuity and Normal Contributions from Kisumu County Assembly to the LAPFUND has been brought by Hon. Pamela Odhiambo as a motion, seconded by Hon. Ogutu and debated upon by Hon. Members. The report is requesting that the committee be extended an additional 14 days to

complete their work. I propose to put a question on the adoption of the report that they be accorded extension of 14 (fourteen) days to enable them conclude their task?

*(Question put and agreed to)*

**The Temporary Speaker** (Hon. Okumu): The Progress Report on Gratuity and Normal Contributions from Kisumu County Assembly by the LAPFUND is hereby adopted today 01<sup>st</sup> October 2020 at 1530 hours. The House then gives the Welfare Committee 14 days to finish and bring back a fully comprehensive report as explained by the Hon. Chairperson which includes contributions by individual Members to LAPFUND and deductions that is being made from the Assembly and if the two are tallying. This will make you bring the final report on 20<sup>th</sup> October, 2020.

**The Temporary Speaker** (Hon. Okumu): Next Order!

**ADJOURNMENT**

**The Temporary Speaker** (Hon. Seth Okumu): There being no any other business to transact, the House stands adjourned to Tuesday 06<sup>th</sup> October, 2020. Thank you.

*(House rose at 3.40 p.m.)*

*Addendum*

**Hansard Team**

<i>Zablon Otiende</i>	-	<i>Hansard Reporter (In-charge)</i>
<i>Edward Odanga</i>	-	<i>Reporter</i>
<i>Patrick Okoyo</i>	-	<i>Reporter</i>
<i>Fanuel Okode</i>	-	<i>Reporter</i>
<i>Jacklyne Otieno</i>	-	<i>Reporter</i>
<i>Jesca Otieno</i>	-	<i>Reporter</i>
<i>Dennis Ogolla</i>	-	<i>Reporter</i>