

## COUNTY GOVERNMENT OF KISUMU



### COUNTY ASSEMBLY OF KISUMU

#### **THE HANSARD**

#### SECOND ASSEMBLY – FOURTH SESSION

Thursday, 08<sup>th</sup> October, 2020

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

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

#### **PRAYERS**

**The Temporary Speaker** (Hon. Oketch): Good afternoon Honourable Member? Welcome to this session.

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

#### **COMMUNICATION FROM THE CHAIR**

**The Temporary Speaker** (Hon. Oketch): Honourable Members, I have slight communication to pass across. I want to request the Chair, Vice Chair or any Member of the Administration of Law, Constitutional Affairs, Good Governance and Security to see me in my office immediately after the session is over. Thank you.

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

#### **MOTION**

PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE REPORT ON THE  
BENCHMARKING EXERCISE WITH UASIN GISHU COUNTY ASSEMBLY

BY

HON. MAUREEN OTIANG'

CHAIRPERSON, PUBLIC ACCOUNTS AND INVESTMENTS COOMITTEE

**The Temporary Speaker** (Hon. Oketch): Proceed Hon. Otiang'.

**Hon. Otiang'**: Thank Deputy Speaker.

Mr. Speaker and Hon. Members, pursuant to the provisions of the Kisumu County Assembly Standing Orders No. 191 read together with S.Os No. 194(2) which mandates the House Committees to prepare programs and activities to be undertaken in each Fiscal Year, the Public Accounts and Investments Committee prepared its Annual Work Plan for FY 2020/2021 detailing errands to be transacted which amongst them, was the approved Study Tour with the sister committee of Uasin Gishu County Assembly.

Following the approval by the Liaison Committee, the Speaker of the Kisumu County Assembly allowed the Committee to carry out the benchmarking to enable the two committees share and learn on best practices to adopt and achieve their mandates.

Establishment and Mandate of the Committee

Mr. Speaker and Hon. Members,

The Public Accounts and Investments Committee is established under Standing Order No. 188 of the Kisumu County Assembly Standing Orders whose mandates, pursuant to the Standing Order No. 188 (2) (Second Schedule) is as follows;

- a. Examination of the accounts showing the appropriations of the sum voted by the County Assembly to meet the public expenditure and of such other accounts laid before the House as the committee may think fit;
- b. Examination of the working of the Public Investments
- c. Examine the reports and accounts of the Public Investments and,
- d. Examine in the context of the autonomy and efficiency of the public investments, whether the affairs of the public investments, are being managed in accordance with sound financial or business principles and prudent commercial practices.

Composition of the Committee

The committee as currently constituted comprises of the following Honourable Members,

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| NAME                     | POSITION         |
|--------------------------|------------------|
| 1. Hon. Maureen Otiang'  | Chairperson      |
| 2. Hon. Benny Oiko       | Vice Chairperson |
| 3. Hon. Paul Okiri       | Member           |
| 4. Hon. Seth Okumu       | Member           |
| 5. Hon. Johnson Guya     | Member           |
| 6. Hon. Roy Samo         | Member           |
| 7. Hon. Beatrice Pamella | Member           |
| 8. Hon. Nancy Owiti      | Member           |
| 9. Hon. John Atieno      | Member           |
| 10. Hon. Julius Genga    | Member           |

#### COMMITTEE SECRETARIAT

|                    |                 |
|--------------------|-----------------|
| 1. Austine Ochieng | Committee Clerk |
| 2. Edward Odanga   | Hansard         |
| 3. Geoffrey Omollo | Secretariat     |
| 4. Dominic Muinde  | Legal Counsel   |
| 5. Abraham Odegi   | Seargent-at-arm |

#### Acknowledgement

Mr. Speaker and Hon. Members, may I take this opportunity to thank all members of the Public Accounts and Investments Committee for their input and valuable contributions during this exercise. The committee also takes this opportunity to thank the offices of the Speaker and the Clerk of both County Assemblies for the logistical support accorded to it during the entire exercise. We are also appreciative of the secretariat attached to this committee for their endless contributions towards the success of the whole benchmarking process.

#### Terms of Reference

The Scope of Benchmarking exercise with the sister committee of Uasin Gishu County Assembly had the following;

- a. *Program of activities*
- b. *Roles of the Committees*
- c. *Success Factors*
- d. *Challenges*

Consequently, the committee came up with a plan to enable it run the process smoothly for the six days of benchmarking;

| Date:                                | Activity/Objective      | Responsible Person/s                    | Comments           |
|--------------------------------------|-------------------------|---|--------------------|
| September, 2020                      |                         |   |                    |
| 10 <sup>th</sup>                     | Programme of activities | Uasin Gishu County Assembly PIC members | Excellent exchange |
| 11 <sup>th</sup> to 12 <sup>th</sup> | Roles of the committees | Uasin Gishu County Assembly PAC members |                    |
| 13 <sup>th</sup>                     | Success Factors         | Kisumu County Assembly PIC/PAC members  |                    |
| 14 <sup>th</sup>                     | Challenges              | Secretariat                             |                    |
| 15 <sup>th</sup>                     | Way-forward             |   |                    |

The committee received a warm welcome from the members of the Public Accounts Committee and Public Investments Committee of Uasin Gishu County Assembly after which the exchange of ideas began.

#### Roles of the Two Committees in their Respective County Assemblies

##### Programme of Activities

Mr. Speaker and Hon. Members, to begin with, our sister committee is divided into two;

- a) Public Investments Committee (PIC)
- b) Public Accounts Committee (PAC)

The Public Investments Committee has 11 members and the Public Accounts Committee is also made up of 11 members. The Public Accounts committee starts its work after an audit report is tabled in the house. The committee goes through the report and identifies issues flagged by the Auditor General and requests the various departments to respond. Departments which respond unsatisfactorily are invited to elaborate on their responses after which reports are prepared with

recommendations and tabled in the house. The Public Investments Committee on the other hand handles the reports and accounts of Public Investments after they are tabled in the house.

Similarly, the County Assembly of Kisumu Public Accounts and Investments committee goes through the same processes while pursuing its mandate.

## 2.2 Committees Mandate and Composition

Mr. Speaker and Hon. Members, we were made to understand by the Chairperson of the Public Investments Committee, Hon. Philip Melly that the core mandate of the committee is to look into all matters relating to identifying and promoting Investment environment. The committee is made up of eleven members and it basically does the following;

- a) Examine the reports and accounts of Public Investments
- b) Examine the reports if any, of the Auditor General on the Public Investments and,
- c) Examine, in the context of autonomy and efficiency of the Public Investments, whether the affairs of the Public Investments, are being managed in accordance with sound financial or business principles and prudent commercial practices.

On the other hand, the Public Accounts Committee's core mandate is to look into all matters relating to perusal of audit reports of the County Government and provide recommendations on how to safeguard public monies.

In contrast, The County Assembly of Kisumu has both committees merged to form the Public Accounts and Investments Committee whose core mandate is to examine the accounts showing the appropriations of the sum voted by the County Assembly to meet the public expenditure and of such other accounts laid before the House as the committee may think fit. It further performs the following functions;

- a) Examination of the working of the Public Investments
- b) Examine the reports and accounts of the Public Investments and,
- c) Examine in the context of the autonomy and efficiency of the public investments, whether the affairs of the public investments, are being managed in accordance with sound financial or business principles and prudent commercial practices.

## Success Factors

Mr. Speaker and Hon. Members,

- i. The power to make recommendations and publish conclusions.
- ii. Balanced representation with close working relationship of all parties in the committee

- iii. Having a clear focus on holding the Executive Accountable for its spending and its stewardship over public assets
- iv. Good relation with other oversight mechanisms in the Assembly like the Budget Committee.
- v. Follow up Process; the ability of the Public Accounts and Investments Committee to close the accountability loop by holding follow up hearings and by monitoring the implementation of its recommendations.
- vi. Planning. This can be of great importance to the committee by helping them focus on higher priority issues.

### Challenges Faced

Mr. Speaker and Hon. Members, during our deliberations on the challenges faced by the committees, we established that the committees face similar challenges that includes;

- a) Resources are a crucial constraint on the effective performance of the committees
- b) Funding and staff shortages mean that Audit Reports are always years behind, so ministry officials needed for questioning may have moved on.
- c) Investigating report findings is often time and labour intensive
- d) Late submission of Audit Reports
- e) A dysfunctional follow up regime
- f) Inadequate Technical Staff to analyze Audit Reports

### CONCLUSION

The Public Accounts and Investments Committees have essential role to play in ensuring that the quality service delivered to the public is improved, by ensuring that effective oversight over the Executives is conducted. The effectiveness and efficiency of the committee in conducting oversight can be improved mainly through capacity development programs.

### 3.0 Recommendations from the Benchmarking Exercise

1. Capacity building: The Assembly should continuously capacitate the Public Accounts and Investment committee members and support staff on effective oversight. This can be done through training, professional skills, exchange programs, and study opportunities. Such interventions will assist the committee to effectively and efficiently conduct oversight and ensures maximum accountability. The quality of oversight work as conducted by the Public Accounts and Investments Committee needs to be improved through training in order to ensure that fraudulent and corruption related activities are detected early and thus prevented.

2. Building institutional memory: unless there is underperformance, Members and support staff of Public Accounts and Investments Committee must remain in the same Committee in order to build institutional memory and for easy tracking of resolutions.
3. Allocation of more resources: Public Accounts and Investments Committee needs to be allocated with enough funds which can enable the Committee to effectively execute its functions.
4. Non-partisan: if Public Accounts and Investments Committee is to meet the growing challenges placed upon them, and achieve its full potential of improving the value of money obtained from government, it is essential that its work be conducted in a non-partisan and open atmosphere. This implies that decisions taken and recommendations proposed by the committee should not be based on political affiliations, but rather it should be fair and democratic. It is also proposed that the committee be independent from sectors that may influence its decision making.

Mr. Speaker and Hon. Members, it is therefore my honor and privilege on behalf of the Public Accounts and Investments Committee to table this report before this respectable House for consideration and adoption. Thank You. May I call upon Hon. Benny Oiko to second?

**The Temporary Speaker** (Hon. Oketch): Yes Hon. Benny Oiko.

**The Leader of Minority** (Hon. Oiko): Thank you Mr. Speaker. I stand t second.

**The Temporary Speaker** (Hon. Oketch): The Public Accounts and Investments Committee Report on the Benchmarking Exercise with sister County Assembly of Uasin Gishu has been moved and seconded by Hon. Maureen Otiang' and Hon. Benny Oiko respectively. I now want to open it for debate.

**The Temporary Speaker** (Hon. Oketch): Yes Hon. George Ogutu.

**Hon. Ogutu:** Thank you Mr. Speaker. I stand to debate on this report as moved by the Chair of PIC/PAC Committee. Have had a lot of problems with this committee and once again, I want to say that this report does not meet the threshold to appear in our Order Paper. I noted some areas and I want to refer you to late submission of Audited Reports and I want to say that this matter affects the National Parliament too. I don't find it fit for the committee to complain about it.

Mr. Speaker, I have never seen any tangible work done by this committee since I came to this Assembly. It is high time for the committee to be serious with its work. The committee has addressed issues of accountability and I want to say that this committee is not accountable at all. All Members are allowed to attend the committee meetings which they are not Members of and

they can contribute but not vote in such meetings. I was surprised when we are being thrown out of the PIC/PAC meeting...

**The Temporary Speaker** (Hon. Oketch): Allow me to interrupt you for a second. We have Honourable Member sitting in the public gallery and it is not a practice. Honourable Member, kindly join the Members and take your seat.

**The Temporary Speaker** (Hon. Oketch): Proceed Hon. Ogutu.

**Hon. Ogutu:** Thank you. Mr. Speaker, throwing Members out of the committee meetings is not accountability. The issues this committee is handling affects the people of this County.

**Hon. Otiang':** On a Point of Information. I want to inform this House that we are debating on the Committee Benchmarking Exercise with Uasin Gishu County Assembly sister committee and not any other thing. Thank you.

**The Temporary Speaker** (Hon. Oketch): Thank you Hon. Maureen Otiang'. Hon. Ogutu, let us stick to the debate on the motion. Other issues can be addressed in a different platform and not here. Proceed.

**Hon. Ogutu:** Thank Honourable Deputy Speaker. I am very clear on my contribution. I was building my point on Page 9. The committee itself should be accountable first before compelling accountability to other people. That must be very clear. Mr. Speaker, this is something that I am expressing to this House Committee so that they are explicit in their undertakings when conducting Committee sessions...

**The Temporary Speaker** (Hon. Oketch): Order!! Hon. Ogutu, please resume your seat you will continue with your submissions.

**The Temporary Speaker** (Hon. Oketch): Yes Hon. Beatrice Pamela.

**Hon. Beatrice Pamela:** On a Point of Order. Thank you Mr. Speaker. I would like to inform this House that, with the regards to what the Hon. Member is alluding, the sessions which he is referring to were done in camera...

**The Temporary Speaker** (Hon. Oketch): Hon. Beatrice, just for the purpose of Hansard, kindly use the microphone in front of you.

**Hon. Beatrice Pamela:** Mr. Speaker, I would like to inform the Hon. Member that, the occasion is talking about...

**Hon. Agolla:** On a Point of Order. Mr. Speaker, I am on a Point of Order if you allow me.

**The Temporary Speaker** (Hon. Oketch): Hon. Member, are you aware that Hon. Beatrice Pamela is on the same Point of Order you are referring to...

**Hon. Agolla:** Mr. Speaker...

**The Temporary Speaker** (Hon. Oketch): Hon. Member, before I allow any of you to speak, I would request that you put on your mask...

**Hon. Agolla:** Mr. Speaker, the Hon. Member is misleading this House...

**The Temporary Speaker** (Hon. Oketch): Hon. Agolla, please put on your mask before you speak, it's when I will make a decision on who is to speak first.

*(Hon. Agolla putting on his mask as instructed)*

**The Temporary Speaker** (Hon. Oketch): Hon. Agolla, please allow Hon. Pamela to first inform Hon. Ogutu, then proceed on your Point of Order.

**Hon. Agolla:** Mr. Speaker, can you allow her by so misleading this House just in the guise of informing Hon. Ogutu.

**The Temporary Speaker** (Hon. Oketch): Hon. Agolla, Hon. Beatrice is not through with her submissions and we don't preempt what she is alluding. Hon. Pamela, please conclude.

**Hon. Beatrice Pamela:** Mr. Speaker, the witness that the Investigative Committee had invited had requested that the investigations be done in camera and the Committee had agreed. It's the reason why the Committee saw it fit to allow them hear what the witness had to say and find out as to why she wanted to be interviewed in camera. Thank you.

**The Temporary Speaker** (Hon. Oketch): Yes, Hon. Agolla.

**Hon. Agolla:** Thank you Mr. Speaker. On the material day I was astonished when I attempted to access the particular session which the Hon. Ogutu was making reference to. Mr. Speaker, I don't know which statute or Standing Orders that bars or gags Hon. Members from attending Committee Sessions. When any Hon. Member or any member of the public asks to be captured on camera, this does not bar any Member of this House from attending Committee sessions because we are all equal. So, that was something that was not in order. Mr. Speaker, personally I attempted to access the meeting, but I was stopped and this is making other Members who did not attend that meeting to ask questions; because this is a committee that represents the interests of the public; this is an Investigative Committee of the House, a very serious Committee holding a meeting and barring other members from attending to hear what is being discussed.

Mr. Speaker, I am inclined to believe that, when Hon. Beatrice Pamela is saying that, by so denying other members from attending whose soul intention was to protect the interest of the member who was being interrogated, that is completely misleading this House. Thank you.

**The Temporary Speaker** (Hon. Oketch): Thank you Hon. Agolla. Hon. Ogutu, before you proceed, I can see the Leader of Majority on his feet. Let us allow him to go first.

**The Leader of Majority** (Hon. Onyango): Thank you Mr. Speaker. I don't know if attending a session in camera, has attained a new meaning. Mr. Speaker, as far as I am concerned, attending a session in camera simply means, attending session at the glare of the media and that is the connotation.

Mr. Speaker, in any case, the conduct of a House Committee, which is a Committee of this House, is an extension of this House and their conducted is governed by the Standing Orders of this House. So, it is preposterous and outrageous for a Chairperson of any House Committee, to assume powers that they don't have; because, the Standing Orders are unambiguous and that, any Member can attend any House Committee and raise issues. The only thing that the Member cannot do, is to vote. That is what is stated in the Standing Orders and that is what should guide the conduct of these House Committees. That is the provisions of Standing Orders No. 178.

Mr. Speaker, you know that I am the Leader of Majority of this House, and I was so embarrassed and humiliated that, the Chair of this House Committee had the audacity and boldness to throw me out by ordering the Serjeant-at-Arms to throw me out in front of invited visitors. Mr. Speaker, how low can we descend? When Hon. Ogutu talked of this Report, the taste of the food is determined by the process that has been used to prepare that food. If the process is as flawed and fraudulent and is as bad as this one, then that is what determines the taste of the food. Thank you.

**The Temporary Speaker** (Hon. Oketch): Hon. Members, I can equally see the Leader of Minority on his feet, but, just resume your seat. I believe that it is true that, from the mood of the House, there is a serious concern with regards to the conduct of the Chairperson PIC/PAC Committee with regards to the meeting. Again, I would like to make it clear that, today we are discussing the Report on Benchmarking Exercise with the sister Committee of Uasin Gishu County Assembly. So, I would request that indulgence of Hon. Members that, kindly, let us stick to the agenda of the day. You all know the procedure which should be followed if there is serious misconduct by the Chairperson of PIC/PAC Committee which are clearly stated in our Standing Orders.

Leader of Majority, we are equally aware that, again for such actions to find its way on the floor of this House, the Standing Orders is explicit. So, if any Member is rising on his feet, please let us stick to the order of the day. If there is any serious misconduct by the Chairperson, we all know the procedures to be followed and the matter will find its way on the floor of this House.

**The Temporary Speaker** (Hon. Oketch): Leader of Minority, I don't know if it is on a different note?

**The Leader of Minority** (Hon. Oiko): Thank you Mr. Speaker. I implore you that you allow me to air some issues on what the Hon. Members have raised and because you have ruled and you see that the PIC/PAC Committee....

**The Temporary Speaker** (Hon. Oketch): Leader of Minority, honestly, you will be out of order because, the Chair has ruled. I believe that we cannot discuss a matter that has already been ruled on by the Chair. So, kindly allow Hon. Ogutu to proceed and conclude so that we have the next Member?

**Hon. Ogutu:** Thank you once again. Mr. Speaker, you are aware that these Committees are run by the Chairpersons of these Committees. I can categorically state that the provisions of Standing Order No. 178 states clearly what a Hon. Member entails when it comes to Committee matters. Mr. Speaker, I believe that the Leader of Majority has elaborately explained that matter that when we mentions that a visitor giving submissions on camera...

**The Temporary Speaker** (Hon. Oketch): Hon. Ogutu, can you please resume your seat.

**The Temporary Speaker** (Hon. Oketch): Hon. Members, I believe that we are rational Members who understand the provisions of the Standing Orders and the Standard Operating Procedures (SOP) of this House. We are not here to discuss the conduct of the Chairperson of PIC/PAC Committee. If there is an issue, then, let us use the correct procedures so that it finds its way in the floor of this House. We are here to discuss the report, so, can we stick to that.

**The Temporary Speaker** (Hon. Oketch): Hon. Ogutu, for the last time.

**Hon. Ogutu:** I oblige Mr. Speaker. Let me go directly to the report. I earlier said that this report is not equivalent to the expenses used on it, or there is no value for money and this is a report that is not admissible to this House.

Mr. Speaker, having mentioned that, I can say that there is only one percent of this report which the House can borrow. It seems that this particular Committee is too heavy for the person holding the position of the Chairperson. The Committee clearly suggested in the report that, we should consider splitting the Committee in to two that is the Public Investment Committee (PIC) and the Public Accounts Committee (PAC). So, this will enable the Assembly give others lighter duties which they can perform rather than...

**Hon. Otiang':** Point of Order!

**The Temporary Speaker** (Hon. Oketch): Madam Chairperson, as the mover of the motion, you will have the opportunity to respond. Please take your time and note the concerns of the Members.

**The Temporary Speaker** (Hon. Oketch): Hon. Ogutu, please conclude.

**Hon. Ogutu:** Mr. Speaker, I would applaud the one percent the Committee has requested for consideration by the House. Let the House devise modalities on how to divide this Committee into two which is, Public Investment Committee (PIC) and the Public Accounts Committee (PAC) so that we exactly pursue what we is expected of us. Mr. Speaker, I don't believe that it is right for the Committee to state that time is not on their side.

Mr. Speaker, when the Report from the Office of the Auditor General is released, it is released at the same time as that of the National to the County Governments. It is the mandate and responsibility of this Committee to interrogate issues that have been flagged by the Auditor General. Mr. Speaker, it is my belief and sure that, this report is not admissible and should not be adopted by this House. Thank you.

**The Temporary Speaker** (Hon. Oketch): Yes, Hon. Agolla.

**Hon. Agolla:** Thank you Mr. Speaker. For purpose of clarity and unambiguity, because this is my microphone, please allow me use my microphone without putting on my mask?

**The Temporary Speaker** (Hon. Oketch): Permission granted.

**Hon. Agolla:** Mr. Speaker, Chapter 11 of the Constitution of Kenya 2010 is very clear on matters devolution. Today, His Excellency the President of the Republic of Kenya signed the Finance Bill into Law to ensure that the devolved units are functional. Over three hundred billion shillings has been signed into Law and has been dispatched to various counties. This is the taxpayers' money and the only constitutional committees in a commonwealth parliament i.e. The National Assembly, The Senate and The County Assemblies have this Committee of Public Investment and Accounts. Allow me to thank the committee for working with speed to come up with the report they have today but, I want to oppose this report for the second time. The reason for my opposition is that the content of the motion should be a Report on Benchmarking Exercise with the sister committee at the Uasin Gishu County Assembly. However, if you go to the challenges that the committees have underlined, I fail to understand how it resonates with the Benchmarking Exercise with the Uasin Gishu County Assembly.

Mr. Speaker, it is quite embarrassing to this regime of the County Assembly of Kisumu, under the great leadership of our Speaker, Mr. Oraro and the Clerk Mr. Ojuok, if in challenge no. (f) Where the committee states that we are facing inadequate technical staff. Is it true or are we just writing it for the sake of writing? Just recently, we recruited able technical staff and all committees have the requisite technical staff, the legal experts, the accountants etc. Consequently, challenge No. (e), states that there is dysfunctional follow up regime. What does the committee mean by that? The regime of Governor Anyang' Nyong'o is up to date and the issue of late submission of Audit Reports. In this regard, I want to agree with the committee and ask this House to petition the office of the Auditor General just like any other Parliament,

County or Government Agencies asking for a quick release of the Audit Reports. These are things that cut across all counties and Kisumu County is not an exception.

Mr. Speaker, I agree with the fact that resources are crucial constraints of the effective performance of the committee. However, we recently had a *kamkunji* where we resolved that we were going to address the scarcity and deficiency of resources that had been dispatched to the various committees. We should therefore avoid contradicting ourselves in the name of giving a report. If the content of this motion was to highlight to other Members not in this committee on how the Uasin Gishu County conducts itself in matters of Public Investment and Accounts, then, what are we learning from this report? For instance I am an MCA for South West ward and a non-member of the committees of Public Investment and Accounts, what can I learn from this report as one who represents the interests of these taxpayers so that I can use in my oversight role?

Mr. Speaker, with due respect to the chair and members of this committee, I want to dissociate myself with utterances of Hon. George Ogutu that the person steering this committee is not able. I believe that all Members who took an oath in this August House are capable to execute their mandates, and we must call a spade a spade and not a big spoon. In this scenario therefore, I oppose this report for a second time and this committee should be given time to go and do a proper report on the same. This is to help our future grandchildren as records kept by this House for them to learn from. If a student visits this Assembly to learn how Members conducts themselves, do you think that this report qualifies to be taken to the archives of the House? I don't. I want to call upon Hon. Members to support me in opposing this report so that, this committee goes back and comes up with a more substantive report, which entails what they learnt in Uasin Gishu County, thank you.

**The Temporary Speaker** (Hon. Oketch): Thank you. Yes Hon. Judith Ogaga

**Hon. Ogaga:** Thank you Mr. Speaker, I want to say this as I encourage Members that when we come to the Assembly, we come to work as a team by supporting one another. We are aware of the fact that even the fingers differ in lengths but still work together. We all come from different backgrounds and when one goes astray at some point, we should correct him/her with love and watch our utterances so that we do not intimidate our fellow members.

Mr. Speaker, I want to say that I am not happy with how some of our members reacted. Even in their reactions, this clearly tells that they aren't also capable of being humble. A committee is not run by an individual and we are all responsible as Members of the Assembly irrespective of the committees we are in. Consequently, we are friends to members in other committees we are not members of, and our mandate still remains the same across the board. When we fail, it will certainly be that Members of the Kisumu County 2<sup>nd</sup> Assembly failed but not an individual.

Mr. Speaker, I want to go directly to the recommendations made by this committee. No. 1 talks about Capacity Building; as *mama* Education I have always emphasized that capacity building of both Members and staff to be a continuous process. There is much that needs to be learnt from it because, for instance, here in the House, you find that the Speaker is talking yet a Hon. Member is also walking at the same time. Our Standing Orders are clear that; when the Speaker is talking, all Members should resume their seat but you were talking but Hon. Ogutu was on his feet and was talking back within the same time. This means that he needs to be capacity built so that he understands the basics when carrying out himself in the chambers...

**Hon. Ogutu:** A Point of information Mr. Speaker.

**The Temporary Speaker** (Hon. Oketch): Hon. Ogutu can you resume your seat!

**Hon. Ogutu:** Mr. Speaker I have been mentioned.

**The Temporary Speaker** (Hon. Oketch): Allow her to finish her submission then you will respond.

**Hon. Ogaga:** Thank you Mr. Speaker for protecting me. Capacity building is necessary because even the Hon. Member who is also the Chairperson of PIC & PAC Committee could not hold her horses to wait for Members to air out their views on the report that is being discussed here in the House. It is required that as the motion mover, she waits to respond when all views have been aired.

**Hon. Agolla:** Point of Order Mr. Speaker.

**Hon. Ogaga:** I am talking about recommendation No. 1.

**The Temporary Speaker** (Hon. Oketch): Hon. Agolla, on which Point of Order are you standing on? Hon. Judith Ogaga could you please resume your seat so that we get Hon. Agolla's Point of Order.

**Hon. Agolla:** On a Point of Order. Mr. Speaker, I am referring to the order of debate, which is in our Standing Orders. It is not in order for Hon. Judith Ogaga to lecture Hon. Members because this is a Commonwealth Parliament and the fun of this parliament is in the behavior of Members. I want Hon. Judith Ogaga to contribute on the motion instead of lecturing Members, thank you.

**The Temporary Speaker** (Hon. Oketch): Hon. Ogaga kindly stick to the order of the day and continue with your submissions.

**Hon. Ogaga:** Thank you Mr. Speaker, I was referring to recommendation No. 1, which is what I have been expanding on. In conclusion, I would like to say that the committee felt like the capacity building was only meant for them but it is for all members so that the gaps are sealed for the good of carrying out our core mandate. I must say that we are not doing well on our

Oversight Role yet it is a very core mandate. Thorough oversight ensures that the ones we represent are rightfully given what they deserve, and I want to assure you that I was not lecturing Members but just feel like capacity building is necessary.

**Hon. Ogutu:** Mr. Speaker, I believe that you are not being fair to me because I was mentioned by Hon Judith Ogaga yet I have not been given a chance to respond.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Oketch): Order! Hon. Ogutu allow me to give you a chance to speak and resume your seat. Before I allow Hon. Ogutu to take the stand, I know you were mentioned and it is prudent for me to allow her to continue before I give you chance to respond. Consequently, Hon. Ogaga you have just glossed the motion but you did not say whether or not you support the motion.

**Hon. Ogaga:** Thank you Hon. Speaker, I am really not sure of either side and that would be the main reason. I called out on capacity building because clearly I also need the capacity building. This is the reason I did not choose a side in my submissions.

**The Temporary Speaker** (Hon. Oketch): (Laughter), So let's just say you are a representation of a "Watermelon", no problem nevertheless. Hon. Leader of Majority, I will give you chance after Hon. Ogutu has responded because he was earlier mentioned by Hon. Ogaga.

**Hon. Ogutu:** Thank you Mr. Speaker, but I think it is too late because the Member who had mentioned my name has already finished her submissions and sat down comfortably yet she should have withdrawn and apologized. Mr. Speaker, I believe that is unfair. However, I have just forgiven her because she is a teacher and you know teachers know how to lecture people but, I believe she knows that we are not students here in the House. Hopefully, next time you will not allow a Hon. Member to finish their submissions after mentioning another Member within the same. Just like Hon. Agolla has said; each Member has a right to speak their minds, thank you.

**The Temporary Speaker** (Hon. Oketch): Hon. Ogutu I already knew you were going to forgive her judging by how you were looking at her.

*(Laughter)*

**The Temporary Speaker** (Hon. Oketch): I will therefore give the Leader of Minority chance to speak then we conclude with the Leader of Majority.

**The Leader of Minority** (Hon. Oiko): Thank you Mr. Speaker. I wanted to talk after the Leader of Majority but well, protocol demands that he talks last and it is something that I cannot fight.

*(Laughter)*

Mr. Speaker, the Report of the Committee of PIC and PAC has been belittled by the speakers who have spoken in this Assembly, but have failed to mention the purpose of benchmarking in this report. Pages 6, 7 and 8 of the report have enumerated the role of the Public and Investment Committee, the Challenges and the Recommendations respectively.

Mr. Speaker and Hon. Members, is it that all they have said in this sections make no sense to you at all? The attack that you have entrenched on this report is intense and it is like they are targeting the coming report as well. I assure you that, I will be present on the same day as well to face you when you attack the next report because as the one who was cross examining the witness, I feel directly attacked. All in all, the committee has done a superb job in drafting this report to completion with specifics indicated.

They should have told the House that besides the stipulated roles, they have omitted this. Besides the challenges that were tabulated, this one was not submitted. This one should also be added to the recommendations given so that the debate flows. But, instead the debate is centered on attack. That is not the way to go. However, the Committee has done a splendid job.

A member would say that there is inadequate technical staff to analyze this report and that it is a useless element here. But do we have the Budget Office assisting the Committee do their work in this Assembly? We don't. Likewise we have a budget office that prepares the budget. The technical staffs and the professional accountants that are attached to these Committees do not exist at all. On the other hand, it would be very expensive for that to happen and that is what is being said here.

When we talk about a dysfunctional follow up regime, what does it mean? It is the flow of information from other regime to this regime, which is held in every government and that goes to all Hon. Members who are here. To get the information from the past regime into the current regime is not always easy. When the Committee highlights that one here, what is their mistake?

It is also known that, the Audit Reports normally comes later. Where is the evidence? Let us desist from just talking or rather because you are schooled to come here and talk of whatever you want to say. This County of Kisumu has been summoned by the Senate in Nairobi to go and answer some of the Audit Queries of the past Audit Reports. Not that one of the financial year 2017/2018. From the financial year 2013/2014, 2014/2015, etc. coming upward. If I am lying, you Hon. Members should tell me. Are the audit reports up to date?

Mr. Speaker, investigating the report and coming up with findings requires time. It is also labour intensive. Whenever a Committee wants to investigate on something, like the one PIC PAC Committee is doing now. That brings a lot of tension in this Assembly. It is not easy and we are also not auditors and accountants. Whenever we want to investigate the past expenditure, it becomes so hectic for the Members. It is reflected here and you find that a Member comes out to challenge that stating that the Committee has done zero work or rather one per cent (1%) of it.

(Laughter)

Sorting the issue of shortage of staff means that, the Audit Reports are always years behind and that is the truth. If you go to the National Audit Office, it is understaffed. What about this Assembly? How many staffs are in the Audit Office? Are they not only two people? So, the challenges that are tabulated here are reality in the County Government of Kisumu. They are not cooked figures. If a person does not understand this particular area yet condemns it, we will not judge him/her but rather informs him/her of the reality. The roles of PIC PAC Committee are well enumerated; to interrogate the past expenditure and to look at the County Investments. Those are the issues we discussed with our sister County Committee. Where else did we go wrong?

Hon. Speaker, this Committee did marvelous work. It is only because of vested interests that they should be slaughtered on the floor of this House.

(Applause)

A time will come for that to be proven.

When they talk of the recommendations and capacity building; even if I leave the PIC PAC Committee Members and divert a little to the Water, Environment and Natural Resources Committee, who presented a superb report here, why did the same thing happen? A professor on Environment was roped in when the Committee was going round to investigate the companies on Environmental Effect. That was his work and I was also invited in that Committee on friendly basis. Let us not just praise or condemn but, instead, find out how this good report comes about. The professor is, Prof. Raphael Bonyo of Maseno University who comes from Nyakach. This is real. When PIC PAC Committee went out for benchmarking, did any accountant or auditor accompany them? They just went as a formality so as to interact with their colleagues from Uasin Gishu County and this is the report they brought.

Hon. Speaker, on the issue of capacity building. It was on the month of December, 2017 when this Assembly first went for capacity building in Mombasa. The one followed was on the month of August last year. What were we capacitated on?

Some of us who are not familiar with issues to do with science. When you give them a science issue to handle, how best do you expect them to perform?

When the PIC/PAC Committee went to their Benchmarking, were they accompanied by any of the Auditor or an Accountant? They just went as a formality and they were going to interact with their colleagues in Uasin Gishu and this is the report they have brought to this House on Capacity Building.

Mr. Speaker, building institutional memories, is equally good and what does it mean? We need to have people who were there to keep us abreast, which is in order.

Mr. Speaker, when we talk of allocation of resources. The resources are not adequate, and Members condemn, my fellow Hon. Members, how much was allocated to this House Committee as Annual Operation Budget and what is the total allocation for House Committees in this Assembly in this FY and since we came? We are all aware of the outcry that has been there; when the Committee highlights that, as much as we claim of inadequate allocation of resources to this Committee, our sister Committee in Uasin Gishu is also complaining of the same. So, it is a universal problem in all the County Assemblies and our people cannot appreciate that.

Mr. Speaker, this is a report that was well done, and it should be an eye-opener that the problems that we encounter here, are equally being faced at the Uasin Gishu County Assembly and by extension, other Assemblies may also be facing the same. That is the picture that is being painted by this report. Mr. Speaker, this is not an individual report; this report is not meant to pin down the Chairperson, that it was a one man's show.

Mr. Speaker, when you look at the signatures appended in the Adoption Schedule attached at the tail end of this Report and the photos attached therein, there is only one Member of the Committee who did not append his signature on the report. Why, because you are all aware of his condition as at now. Mr. Speaker, all the Members of this Committee owned this report. I plead with the House that, this is a very exhaustive report, we need to pass it; the recommendations given here, will be discussed at the Committee level and if possible, we extend it to the Management, so that we find a way-forward. Hon. Speaker, I support the report. Thank you.

**The Temporary Speaker** (Hon. Oketch): Thank you Leader of Minority, Hon. Oiko.

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

**The Leader of Majority** (Hon. Onyango): Thank you Mr. Speaker. It is fun hearing the Leader of Minority struggling to defend this report.

Mr. Speaker, today in the morning, my first business was to attend an induction on our upcoming County Assembly of Kisumu Strategic Plan. One of the objectives of the Strategic Plan is that, it purposes or intends to improve our Oversight Role in this Assembly, it purposes to improve our Legislative Role in this Assembly it also purposes to improve our Representation Role in this Assembly. Those are cardinal responsibilities of this House.

Mr. Speaker, I can recall that when we went to Apportion Resources in Uasin Gishu County and you were the Chairperson of the Liaison Committee, I stood up and stated that, we need to add more resources to the PIC/PAC Committee. This is because, I know the critical role that this Committee plays in this House. It is the reason of my wisdom or lack of it, I did plead with the

Liaison Committee to consider adding more resources to the PIC/PAC Committee so that it can carry out proper oversight in this House.

Mr. Speaker, if you look at this report, what was the objective of their visit to Uasin Gishu County Assembly? Mr. Speaker, again, what was the objective? What is the value addition that this report is bringing to this House? This is because, as we speak, we know that in that Committee, there are the Financial Statements that have been committed to it, there is equally the Financial Statement on the County Mortgage Scheme Fund that has also been committed to the PIC/PAC Committee. Mr. Speaker, Quarter 1 is already gone, and it is necessary that, the Committee goes to work and find out what is contained in those reports, it just came to the Assembly the other day.

Mr. Speaker, there is constraint of resources in this County, and that has been highlighted by this report. As a result of resource constraints, we must do what is called prioritization of our expenditures. So, that you don't buy *mandazis* for children when they don't have clothes, shelter, you start with first things first. Mr. Speaker, if you ask me, between the Quarter 1 Financial Statement for this Year, between the Audited Reports that is already committed to that Committee, which one should the Committee accorded priority as a result of constraint of resources. Was it having a joy ride to Uasin Gishu? Or concentrating on businesses that can improve our Oversight Roles in this House? Those are the cardinal issues that we need to talk about. We cannot be emotional about this, because we have scarcity of resources.

Mr. Speaker, I would like to ask a rhetorical question, right now we expect that Committee to bring a report on the Audited Accounts, we want the Committee to bring a report on the Mortgage Scheme for the County and reports for the Financial Statements. Mr. Speaker, do they have the requisite resources to carry out these activities? The response is no. This is because they have callously and carelessly expended their allocations on Benchmark Tour that does not add any value to the overall good of this House.

Mr. Speaker, my humble appeal and we have said this even in other forums that, yes, we need to take care of welfare of Members, but this must also be accompanied with productivity. So that, this House benefits from the roles that Committees are supposed to play.

Mr. Speaker, the role of House Committees are well stated in the Standing Orders. You don't have to go to Uasin Gishu to know the role of PIC/PAC Committee, because it is well stipulated in our Standing Orders. I mean, do you really need to do that? Mr. Speaker, you don't need to visit Uasin Gishu to know that we have constraints of resources, I mean that is as clear as day and night. Mr. Speaker, this is the reason we are asking, when you have meagre resources and you have so much work to do, how do you prioritize your activities? How should your work plan look like? So, the problem that we have with this report is that, it is not a priority to this House, and it does not add any value to this House, because we know that we have more fundamental issues that Committee ought to have dealt with in the first place and that is what we

are raising. When we raise that, we are not trying to be petty or emotional, we are just trying to be rational because we know what needs to be done and what ought to be done and that is the pleadings we want to present before the PIC/PAC Committee. Please understand that there are cardinal principles that needs to be dealt with before anything else.

Mr. Speaker, if you go for a Benchmarking Exercise, make sure that this House gets value for money from that exercise. Mr. Speaker, I am afraid that, in my considered opinion and I believe that this is the opinion of other Hon. Members that, this report does not present us with that kind of value and on the strength of that, and on the strength of my reservations, I don't think it would be appropriate for me to support thus report. Mr. Speaker, I oppose. Thank you.

**The Temporary Speaker** (Hon. Oketch): Thank you Leader of Majority.

**The Temporary Speaker** (Hon. Oketch): Yes, Deputy Whip.

**Deputy Whip** (Hon. Obonyo): Thank you Mr. Speaker. Going by the mood of this House, I request to call upon the mover to reply?

**The Temporary Speaker** (Hon. Oketch): Hon. Members, before I allow the mover to reply, I just want to make it clear based on reliable information that I was furnished with, that, the delegation that travelled to Uasin Gishu County Assembly that accompanied Members of the PIC/PAC Committee, am being informed that Mr. Geoffrey Omollo as part of the Secretariat is an Accountant by profession, the Committee in its delegation had one Mr. Dominic Muide a Legal Counsel. So, I just wanted to inform the PIC/PAC Committee Members and the House that you have that in mind as the Chairperson replies.

**The Temporary Speaker** (Hon. Oketch): Hon. Otiang', it your time.

**Hon. Otiang'**: Thank you Mr. Speaker and Hon. Members for the heated debate. Mr. Speaker before I say anything, I would want to inform the House that the meaning of benchmarking is a just a point of reference. We just wanted to know whether they do things differently and on the report as I have said; it is not us who recommended that we be divided into two groups but that is our finding on the benchmarking. It is not that the committee is being emotional but we understand why emotions are running and I am even happier that we brought the report so that every Member that is here who is feeling offended are venting before the actual report.

**The Temporary Speaker** (Hon. Oketch): Hon. Leader of Majority let us allow the Chairperson to respond to all the issues that were raised.

**The Leader of Majority** (Hon. Onyango): But that response needs to be confined under Standing Orders No. 89.

**The Temporary Speaker** (Hon. Oketch): Thank you Leader of Majority. Hon. Otiang' don't vent outside the issues that were discussed in the report.

**Hon. Otiang’:** Mr. Speaker, as the Chairperson of PIC/PAC, personal attacks do not run well in my blood and I can see that is what this report is all about. I was just trying to tell this House that, it is good that this report of benchmarking has come here. If it was the report that they were referring to because you heard Members referring to some activities in my committee; I am even happier that we are doing the report today. That aside; timelines are not dictated by the committee of PIC/PAC. When Audited Reports are subjected to Counties we do not dictate the time that they are brought. Mr. Speaker, accountability for public money does not constitute abuse, misconduct and disrespect to the Chairperson of respective committees. On that day, I know that you directed that I do not divulge that, but they already did that and so I have to respond. Mr. Speaker I was subjected to verbal abuse by Members. I was ridiculed before the guests and I was much disrespected and for your information I did not throw away Members from the committee because I wanted but because I believe they were disrespecting me therefore I could not conduct business in that manner.

Mr. Speaker we should always as Members desist from deviating from the core debate because what we did here was deviating from the main debate hence it is taking my time. Hon. Agolla was quite hurt by the comments from the committee about the follow ups. We were not talking about the current County Government but we were talking about officers who may have vacated the office and therefore we could not get a way to bring them to answer to some of the questions. So, be rest assured that we are not witch-hunting anybody but just talking about the challenges that the committee encountered when doing this report.

Mr. Speaker, having said that, personally I am happy that we did this report and I now we did the best we could because as you noted out we had somebody who has a background in accounting and we also had the Legal Officer. Reports are not written by the Chairpersons but these are just people who guide the committee. It should not be personal that somebody maybe has a personal reason to dilute what 11 Members have sat down to do and what 5 secretariat have done. We did a benchmarking and this is not the first benchmarking in this House. I have gone to other benchmarking even yesterday we had a report here and I still have the report of the Welfare Committee with me here and that there annexes were not there. The Members who are contributing here now really praised that report without even annexes. They did not even oppose it and because this report was supposed to be put down, it is evidence that they told me so and that they are doing it. I am not even surprised and I am taking it walk and tall and I am also going to tell this House that we do not run by their calendar and that we run by our own calendar. We are meant to finish it on time and that we are going to do it. For attacking the Chairperson and telling him that he/she is incapable that means you are saying that the whole House is incapable and most of the people who sit in this committee are Members of this County Assembly. So it is not me as a person but it is this House. If I fail then that means that, we all fail and let no one cheat you that it is only me that is failing.

Hon. Leader of Majority has this tendency of ever bashing the Committee of PIC/PAC all the time and he usually goes the opposite side. He will always interrogate Members in front of guests instead of him sitting and defending the committee but, he sides with the other side that in being interrogated. That has happened and can be attested to. This committee cannot be friends to people because when we are investigating things that have been misappropriated then there must be interests that are opposed to us. I am telling you that we are going to bring all the matters that the Leader of Majority talked about. The only challenge is that they sit on that seat so that we can defend the Chairperson because I know the vested interest in these cases are so high and you know...

**The Temporary Speaker** (Hon. Oketch): Hon. Otiang', kindly let us respond to the report that we are reading today. I am not aware of this report that you are talking about with the Majority. I don't know which kind of war that you were fighting. Let us stick to what we have today.

**Hon. Otiang'**: Thank you Mr. Speaker sir and much obliged. I want to conclude by thanking the committee for the good work that they have done. I would like to ask the Members that this is just a benchmarking. Kindly let us wait for a report that will make you feel a flame. You are going to do what you do best by opposing it but for now, kindly support us in this benchmarking that at least this report is adopted in the House. Thank you.

**The Temporary Speaker** (Hon. Oketch): Thank you Hon. Otiang'. I believe that it is a report that looks inclined to something else that Members of this House do not understand. But having moved and also responded very well then, I will call to put a question for either adoption or rejection of the benchmarking report by PIC/PAC committee.

I think we have some external interference in terms of technology. We really want to be very fair and I believe that technological issues are interfering when we are putting a question. So, can we have those who are not in support of the report rise to their feet?

*(The clerk at the table making a count on the Members who are in support of the report and those seated in opposing the report)*

**The Temporary Speaker** (Hon. Oketch): We assume those who are seated are not in support of the report. Therefore the report is rejected. The recommendation herein shall not be forwarded to the County Assembly Service Board for implementation. This does not mean that the committee is going for another benchmarking trip. Next Order!

### ADJOURNMENT

**The Temporary Speaker** (Hon. Oketch): There being no any other business to transact, the House stands adjourned to Tuesday 13<sup>th</sup> October 2020 at 2.30 p.m.

*(House rose at 4.02 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>                     |