

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – FOURTH SESSION

Thursday, 13th August, 2020

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

(The Speaker (Hon. Elisha Jack Oraro) in the Chair)

PRAYERS

The Speaker (Hon. Oraro): Good afternoon Hon. Member?. Mr. Clerk, can you please take us through the Order of the day?

The Speaker (Hon. Oraro): Next order!

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oraro): Hon. Members, we are experiencing some challenges with our online communication. We are working on it and our password remains the same. Today is our last session this week, I want to urge all the committees that have not submitted their reports or works during the recess to do so and to reach the Liaison Committee for onward submission to the House Business Committee. Otherwise, I would like to encourage you to have a fruitful engagement, just like I told you earlier that, our sessions are being captured and from next week we shall be going live, so I urge you to contribute perfectly knowing that the public is watching you and your constituents are following what you are doing. Thank you.

The Speaker (Hon. Oraro): Next order!

STATEMENTS

The Speaker (Hon. Oraro): Yes Hon. Johnson Guya.

Hon. Guya: Thank you Mr. Speaker. Pursuant to the provisions of Standing Orders No. 41 (b) of the County Assembly Standing Orders. I wish to seek for a Statement from the Chairperson, Committee of PIC/PAC.

Aware that the County Government of Kisumu has in the FYs 2017/2018, 2018 /2019 and 2019/2020 been appropriating funds for the Renovation and Construction of Moi Stadium.

I would like to request the PIC/PAC Committee to inquire, investigate and look into and report back to this House on the following;

- a) How much money has been earmarked for the Construction of Moi Stadium?
- b) How much has so far been appropriated and how much has been spent?
- c) If there are any procurements processes undertaken, provide details of the same?
- d) Any challenges so far encountered in the Project Implementation?
- e) When is the Projects expected to be completed for use by the Public?
- f) Any counter contributions so far from the Federation of Kenya Football (FKF)?

Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Honourable Members, I confirm the receipt of the Statement from Hon. Guya which came to my table and I approved it. Pursuant to the provisions of Standing Order No. 41 (b) which requires such Statement of Topical Concern to come to the Speaker for approval. I hereby commit the Statement by Hon. Guya, MCA South East Nyakach seeking Statement from the Chairperson of PIC/PAC on the Proposed Construction of Moi Stadium. I do direct that you do enquiry and report back to the House within two weeks. It must be within two weeks and as we had agreed earlier, if any committee is not able to do its work then we will have no otherwise but to form an Ad hoc Committee on the same. Please do not complain that your work has been taken. Bring the report within two weeks.

The Speaker (Hon. Oraro): Yes Hon. Guya, do you have another Statement to seek?

Hon. Guya: Yes Mr. Speaker, I have another Statement to seek.

The Speaker (Hon. Oraro): Please proceed.

Hon. Guya: Thank you Mr. Speaker. Further allow me to seek for another Statement. Pursuant to the provisions of Standing Orders No. 41 (b) of the County Assembly Standing Orders. I wish to seek for a Statement from the Chairperson, Committee Health and Sanitation.

In H.E. the President's State address issued a directive to All County Governments to reallocate funds towards the fight of COVID-19. In May, 2020 Kisumu County in its 2nd Kisumu County

Supplementary Estimates FY 2019/2020 approved Kshs 200,000,000.00 to be reallocated funds towards fighting this pandemic.

Subsequently, the Republic of Kenya received funds from Development Partners to the tune of billions. Kisumu County was beneficiary of these funds to the tune of Kshs 159,820,000.00.

Mr. Speaker, it is against this backdrop that, I would like to seek for a Statement from the Chairperson of Health, Housing and Sanitation Committee regarding the following. The Chairperson in probing the above should inquire, interrogate into and report back to this House on the following;

1. How much money has the County received?
2. Which area have these funds been spent on?
3. Provide this House with Detailed Summarized data for the transactions above?
4. Detailed report on how the money has been spent?
5. Any challenges so far encountered in the process of Implementation of the said Funds?

Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Honourable Members, I also did receive this Statement from Hon. Guya, MCA South East Nyakach as per our Standing Order No. 41 (b).

The Speaker (Hon. Oraro): Yes Hon. Erick Agolla.

Hon. Agolla: On a Point of Order. Thank you Mr. Speaker, before you give your direction, I want to seek for clarification from the House. According to the PFM Act, no any funds can be appropriated unless it is passed by the Assembly. All funds that were channeled in this County or any other County from the Exchequer are to be appropriated through a Supplementary Budget and ordinarily this Assembly should be furnished with the Audited Accounts. So by the time the Hon. Member is seeking statement for this House to be furnished with just an extract of statement of finance. Mr. Speaker even though you had approved the statement, I am concerned that this House should deal with its business in accordance with the law and statutes of this Republic.

The Speaker (Hon. Oraro): Hon. Members, Hon. Agolla is seeking opinion of the House so allow me to hear views from Members before I make my ruling. (*Silence*) If there is none then I did approve this statement because this is not an audit and it is a moment that comes at the end of the objectives that are intended to be performed by the COVID-19 funds. However, it is a continuous process and I want to say that I relied on what is happening in the National Government. As we speak auditors have already been dispatched to every County to look in to how the funds that were released from the National Government have been used. It means that there is no harm in County Assemblies doing the same to check into how the funds that were appropriated in the House are being utilized so far.

Hon. Members, I am guided by the same PFM Act that Hon. Agolla has referred to that there are two types of oversights that we do that is Evaluation and Monitoring. Evaluation comes at the tail end of the activity whereas Monitoring is continuous. If you look at the mandate of the Committee from which the statement is sought, it is very clear that they have to give the progress of investments, which is something that is going on and accounting comes at the end. I therefore believe that the House stands guided to know if there are any additional funds, and if there are challenges they are going through. I want to commit this statement from the MCA of South-East Nyakach, Hon. Johnson Guya to the Committee for Health, and direct that the Report be brought back to the House in two weeks. Note that the COVID-19 rules from the Ministry of Health in the last circular states that we should not have more than four people in certain meetings. Organize yourselves and send one or two representatives to the Department of Finance and that of Health to gather information.

They should only ask for a bigger meeting with the whole Department if need be. However, you must find alternative ways of getting this information and report it back to the Assembly in two weeks' time. Let us not consider it as witch hunting but take it with a positive view of knowing what is happening especially when during this pandemic and with the funds that was appropriated by the Assembly as well as the ones that came from any other well-wishers and Development Partner. I am aware that apart from these funds, there are other things that the public needs to know and the Assembly needs to understand therefore I direct. Thank you.

The Speaker (Hon. Oraro): Next Order!

MOTION

REPORT ON IMPLEMENTATION STATUS OF PROJECTS AT THE DEPARTMENT OF BUSINESS, COOPERATIVES AND MARKET FOR FY 2019/2020

PRESENTED BY:

HON. ERICK OTIENO AGOLLA CHAIRPERSON OF THE COMMITTEE OF IMPLEMENTATION

The Speaker (Hon. Oraro): Yes Hon Agolla.

Hon. Agolla: Thank you Mr. Speaker and I want to thank you for the opportunity. I also want to thank the technical team that is working to ensure that this House complies with the COVID-19 rules. However, I would want to notify you that the designer of these gadgets did not consider height as factor because I am struggling to be audible using this goose neck microphone due to my height.

The Speaker (Hon. Oraro): Try stooping behind a bit so that you can get a good angle.

Hon. Agolla: Thank you Mr. Speaker for lecturing me; you know you are an Engineer. Pursuant to Article 185 part 3 and Section 8 of the County Government Act 2012 read together with Standing Order No.191 and 195 of the Kisumu County Assembly Standing Orders in the proceedings of the House Business Committee on the 6th April, 2020 in part 4 of the minute CAK/HBC/06/4/2020, the members of the House Business Committee resolved that the Committee of Implementation and the Committee of General Oversight shall form a Joint Committee to conduct an investigation on the Status of the Ward Projects budgeted for in the Kisumu County and present a report on the same.

Consequently the office of the Clerk issued a Memorandum dated 9th April, 2020 to all Members of the County Assembly and Staff informing them on the schedule of the investigation which began on 14th April, 2020 to 20th April,2020. According to the mandate and legal framework of the Committee, the Committee on Implementation derives its mandate from the County Assembly Standing Order No. 191 which stipulates that there shall be a Select Committee to be known as the Committee on Implementation comprising of Chairperson and not less than 8 and not more than 10 members.

The Committee shall scrutinize the resolutions of the County Assembly including adopted committee reports, petitions and undertakings given by the County Executive and examine whether or not such undertakings have been implemented, extent at which they have been implemented and whether such implementations have taken place within the minimum time necessary and whether or not legislations passed by the County Assembly have been operationalized, the extent at which operations have taken place within the minimum time necessary. The Committee may propose to the County Assembly sanctions against any member of the County Executive who fails to report to the relevant Select Committee on Implementation...

The Speaker (Hon. Oraro): Hon. Agolla, just a minute. Yes, the Hon. Leader of Majority.

The Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. I have got some concerns about this report. Yesterday we held an informal meeting to review how this process took place and we were astonished that the reports that we have been reading may not be a true reflection of what is happening on the ground.

Therefore, a decision was made that we need to do it in a more comprehensible way so that the reports we adopt here is a true reflection of what is happening on the ground. This is a very serious exercise and I do not want it to go through some kind of cautious. I would wish that we differ this report and the subsequent ones until such a time and this is going to happen very soon; we are able to go out there and properly carry out this exercise. Thank you Mr. Speaker.

The Speaker (Hon. Oraro): Hon. Members, the Leader of Majority is raising pertinent concerns and in fact he has just reminded me that we had an informal meeting yesterday with the Caucus

Chairpersons from each Sub-County and the Clerks that are attached to each Sub-County for the Sub-County oversight teams. Remember for the report to come to the floor of this Assembly then it must follow procedures because this is a House of Procedures and Rules. Therefore, despite the report being worked on by the General Oversight Committee which means it involves each and every Member, it has to come to the Assembly through a committee which is the committee of Implementation. That is how the Committee of Implementation had to pick a report and arrange it in departments. The concerns that came were very pertinent and we agreed that we have to reorganize the way in which we conduct the Sub-County or the Ward Oversight. So Leader Majority, what you have raised need to be given an opportunity to the Members to discuss since it is like an amendment. Hon. Agolla.

Hon. Agolla: Thank you Mr. Speaker, I just want to beg your indulgence before you give room for Members to deliberate on the same. A Chairperson of a committee normally represents the Members. Mr. Speaker you remember this is a report derived from the Members of the Committee of Implementation and General Oversight and this House is guided by the leadership. If at all the Leadership met yesterday and the resolution of this House should even send a CEC Member home. If there are some lapse in the report which was gathered in various Sub-Counties and Wards; remember by the time I was submitting the report yesterday some of the Ward Projects were missing and all departments were covered by the time we were passing the budget. I just want to agree with the proposal of the leadership and I want to beg the indulgence of the House as the mover of the motion that before Members are given the chance to contribute or participated on the same, if I can be allowed to withdraw this motion so that we do some formal amendments whereby I am guided by Standing Orders no. 49 which states that;

“A notice of Motion may be withdrawn by the Member who gave the notice, but notice of the same Motion may be given again either by the same or by any other Member.”

Mr. Speaker I want to ask permission from the House to withdraw this motion so that if we read Standing Orders No. 49 (2) we may introduce it at a later date after further consultation and also after being slotted by the House Business Committee. I therefore call upon Hon. Khan to second?

The Speaker (Hon. Oraro): Yes Hon. Khan.

Hon. Khan: Thank you very much Mr. Speaker. I rise to second the same so that this matter under Standing Orders No. 49 (2). I believe that when the time is right we will bring it to the floor of the House. Thank you.

The Speaker (Hon. Oraro): Fair enough. Hon. Members, I think that I had given the leeway for the Members to contribute but now that the mover of the motion has requested for the withdrawal and gone to the extent of requesting a Member of the committee on the same, I will not put a question but grant that the motion is withdrawn and allow the General Oversight

Committee and the Implementation Committee to work on the amendments so that it reflects the true picture of what is on the ground and that all wards are captured as per any department that is being presented in terms of status report.

The Speaker (Hon. Oraro): Next Order!

ADJOURNMENT

The Speaker (Hon. Oraro): There being no any other business to transact, the House stands adjourned until Tuesday 18th August 2020 at 2.30 p.m.

(House rose at 3.05 p.m.)

Addendum

Hansard Team

<i>Zablon Otiende</i>	-	<i>In-charge, Reporter</i>
<i>Edward Odanga</i>	-	<i>Reporter</i>
<i>Fanuel Okode</i>	-	<i>Reporter</i>
<i>Patrick Okoyo</i>	-	<i>Reporter</i>
<i>Jesca Otieno</i>	-	<i>Reporter</i>
<i>Dennis Onyango</i>	-	<i>Reporter</i>
<i>Jacklyne Otieno</i>	-	<i>Reporter</i>