

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – FOURTH SESSION

Thursday, 20th February, 2020

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

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

PRAYERS

The Deputy Speaker (Hon. Joachim): Hon. Members, once again let me welcome you all to this afternoon. Hon. Members, pursuant to the provisions of Standing Orders No. 31 (2) I do order that the Quorum Bell be rung for five minutes.

(Quorum Bell rung for five minutes)

(House resumes session after five minutes)

The Deputy Speaker (Hon. Joachim): Order! Order! Hon. Members, this is to the Chief Whip or the Deputy. Can you please confirm to this House that we have attained the required numbers to commence business?

Deputy Chief Whip (Hon. Obonyo): Thank you Mr. Speaker. I want to confirm that we have the quorum.

The Deputy Speaker (Hon. Joachim): Thank you I believe that we can now proceed. Mr. Clerk can you now take us through the Order paper of the day?

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

STATEMENTS

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

Hon. Okumu: Thank you Mr. Speaker. I rise under Standing Order No. 42 (2) (b). Pursuant to the provision of County Assembly Standing Orders No. 193 which deals with functions of Sectoral Committees. I wish to request for a Statement from the Chairperson Co-operative, Finance, Trade and Enterprises Development regarding the Fire Outbreak at the Finance Department of the County Government.

Mr. Speaker, we are well aware and it was also highlighted in the media that the Kisumu County Finance Department experienced a fire incidence which destroyed records in the IFMIS Systems. Mr. Speaker, that incidence has caused so many excuses on some of the activities that are supposed to be taking place. Mr. Speaker, recently there was somebody who was employed as a Contractor and they are supposed to be paid their dues and they had agreed on the dates that they were to be paid. Mr. Speaker, when they went to inquire about their dues, they were told that right now they can't be paid because the Finance Department has been raved down and all the documents that you need for payments were all destroyed.

Mr. Speaker, in another incident, yesterday I was with a doctor who works with the County Government and they had not been paid monies for January, 2020. Then I asked her, why have you not been paid, her response was that they were told that the documents to effect their payments were burnt down at the IFMIS in the Finance Department.

Mr. Speaker, for that reason I am requesting this Statement that the Chairperson of Sectoral Committee of Co-operative, Finance, Trade and Enterprises Development to inquire and investigate and report as soon as possible on:

- a) Causes of the Fire? We don't know the cause of the Fire whether it was deliberate or by default?
- b) Action taken during the Fire incident? We want to know the extent of damage that the Fire caused. The County Government Headquarters is under key and lock, we would like to know the people who were designated to work in those offices and if they're allowed to be in that floor on Sunday and if they are, we want to know who authorized them to be there during the fire incidence?
- c) We want to know who raised the alarm. Because it was not a miracle to know that there was fire?
- d) We want to know the mitigation measures that the County Government has put in place to curb any such fires outbreak in all government entities?

Mr. Speaker, why is it that this fire affected the Finance Department. We are aware that there are some Counties that deliberate burn down documents in these Departments for reasons of hiding dubious things that have been done that have led to loss of funds in Counties.

Mr. Speaker, I would like to request the respective Chair to allow Members of this House to build onto my Statement so that the Chair can know the weight of this matter and deliver a response as soon as possible. Thank you.

The Deputy Speaker (Hon. Joachim): Thank you Hon. Okumu. Hon. Members, as you have heard the Hon. Member is equally requesting that under the powers conferred to me as the Speaker, and being that the Statement has been brought in the floor of this House, that I do allow contributions from Members before we get the next direction on how to handle the matter. The floor is open to Members. Yes Hon. Ojuok.

Hon. Ojuok: Thank you Mr. Speaker. First, I want to thank the Member for East Seme for having the courage to bring before this House such a Statement and it is worrying for such a thing to happen at such an office at this critical time and there is no voice from this House regarding the same.

Mr. Speaker, I did get the information from my dad who heard it in the news bulletin, and he was asking what could have happened and there was a lot of concern just as Members had mentioned that several excuses were given as a result of this incident. In fact, Contractors who were having Pending Bills were really on what is happening. Mr. Speaker, that is more important to clearly state to what extent that the damage was done, what documents were destroyed, what records are not there and what is going to ensure that such calamities don't happen again.

Mr. Speaker, if this is left that way, the residents are going to associate it with those other Counties and we don't want it to take that direction. I know the things this particular Assembly had taken because Members are facing a lot of backlash from their Wards with regards to Development Projects that have not been undertaken and we really wanted to clear with issues to do with Pending Bills. We intended to use this particular year if it is lost, we ensure that we recover in the next year because at the moment we are not sure if the Pending Bills are not there and to what extent are, we going to make payments regarding the same. Mr. Speaker, it is pertinent that we clarify that and not only that because we need to be told who caused that fire, if it was caused, then there should be consequences.

To what extent are we going to make payments regarding the same? We must be told what happened and I believe there is a security officer that ensures that that office is safe. The County Government has fire extinguisher machines and the two offices are not that far from another. We need to know the extent to which those documents were destroyed and what measures we are putting in place to stop such happenings. Thank you.

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

Hon. Pamela Odhiambo: Thank you Mr. Speaker. I went to the Prosperity House Second Floor when the fire occurred. I believe the police are currently doing their investigations. I believe we have the County Secretary who is in charge of this County.

I have been accused of spreading rumors that the office was set ablaze by the Chief Officer for Finance. I don't who these people are? People are calling on us to grill the Governor on what he knows about the fire because he is the CEO of this County.

On the issue of the Pending Bills, we all have our Ward Administrators and these documents are with them. Whoever thought of setting the office on fire to tamper with the documents missed the points. Thank you, Mr. Speaker.

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

Hon. Khan: Thank you very much Hon. Speaker. The Statement raised by Hon. Okumu is timely and we must debate on it. It is funny that the fire could only begin on the 2nd Floor and specifically, the Finance Office. We need a lot of explanation from the said office regarding the fire outbreak. We also must ask ourselves the measures being put in place to avoid such happenings. We must read from the same page to ensure that such doesn't occur again not only in the said department but also to all other departments too. Thank you.

The Deputy Speaker (Hon. Joachim): Yes Hon. Maureen Otiang'

Hon. Otiang': Thank you Mr. Speaker. I want to thank Hon. Okumu for bringing up this matter. It is a sensitive matter because out of Thirteen Floors only one Floor was on fire. Who must know who are responsible? You are aware the National Government has stopped giving our County funds due to the issue of pending bills and when you see on office is being set ablaze then you know what is yet to happen. We must get to know what really happened? Thank you.

The Deputy Speaker (Hon. Joachim): Very well. Yes Hon. Agolla.

Hon. Agolla: Thank you Mr. Speaker. I am a little bit disturbed and that is why I am asking the Education Chair that we did bursaries on cheques to our beloved needy children and as we speak....

The Deputy Speaker (Hon. Joachim): Honourable Member, you are out of topic unless you are insinuating that some of the cheques were in the same building.

Hon. Agolla: Mr. Speaker, you did not open this statement for debate and that is why I am contributing on a different matter.

The Deputy Speaker (Hon. Joachim): Honourable Member, may you resume your seat. Yes Hon. Muga.

Hon. Muga: Thank you Mr. Speaker. I want to inform Hon. Agolla that this Statement was properly put before us and unless he was meditating when that was being done.

The Deputy Speaker (Hon. Joachim): Thank you. I wish to inform Hon. Agolla that this Statement is properly before the House and I did direct the Members to contribute.

Hon. Agolla: Thank you. From the said office, we expect our needy children to go school with the cheques. Majority of the sponsored students were instructed not to go to school without the cheques. We need to move with speed and investigate the fire outbreak that happened at the Finance Offices at the Executive. Thank you.

The Deputy Speaker (Hon. Joachim): Yes, Hon. Genga.

Hon. Genga: Thank you Mr. Speaker. The Honourable Member of East Seme has brought in a Statement and I want seek your indulgence whether it should come in as a Motion or as a Statement? We are all aware that the elephant in the room in this County is the pending bills. Are we going to handle it by the Ad Hoc Committee or Sectoral Committee?

We know we have suppliers of goods and services in this County and they suffered for long in this County. I don't know why this House cannot be punished with the issue of pending bills and there is a directive from the Treasury we risk getting other funding. This is the truth. I think, whoever did that, because to me it appears like something that was planned, there is no justification whatsoever as to why an important office as Finance is opened on a Sunday and then suddenly fire razes down the IFMIS and other important sections.

Mr. Speaker, as an Assembly, we may disagree ideologically but I think it is high time we put our heads together and face this problem of the pending bills. Mr. Speaker, I want my colleagues to understand one thing; we are in this ship together and I remember the Honourable Senior Member Hon. Misachi, who is absent today, once said that we are in this ship together. Because we are in this ship together, let us not hide behind the ceiling. There is a big problem with pending bills in this County. This to me is a pointer as to why fire razed down the office. We are yet to be told what exactly happened. There is a lot of conspiracy about what happened.

Out of the many floors, even the Second Floor, there are so many offices including that of His Excellency the Governor but the fire decided to raze down one single office. This is strange and it only shows that we are headed in the direction of counties where documents get lost in the same manner. I am wondering what would have been the aim of razing down the office. It was maybe to delay the process because I think that we have both hard and soft copies of the documents that got consumed. Therefore, I do not think that we are doing a noble thing to those offering services to this County.

Mr. Speaker, I want to ask Hon. Seth and to our good friend the Leader of Majority that we do not only have Girls' Schools in this County. I think it is prudent that he thinks of the boy child as

well. This is why I think that he is not concerned about the welfare of the boy child in this County. He is fond of talking about the girl child alone. Thank you, Mr. Speaker.

(Laughter)

The Deputy Speaker (Hon. Joachim): Yes, Majority Leader, what is it?

Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker, I take great exception to the manner of language that he is using and I would like to indulge you to ask him to withdraw and apologize. Thank you.

The Temporary Speaker (Hon. Joachim Oketch Omieno): Yes, Hon. Genga. The Leader of Majority has been inappropriately mentioned. Could you please reframe your statement and apologize?

Hon. Genga: Thank you very much Mr. Speaker. Mr. Speaker, our Leader of Majority is an expert at linguistics. If I may have to make that that correction, more often than not, he has talked about girls in this House. Mr. Speaker, if you go to the records, you will confirm my assertion. What I meant is that the Leader of Majority has mentioned Girls' Schools several times. If you check, in the last ten mentions, he has referred to Girls' schools a lot.

Therefore, in this case, I think Hon. Agolla was very clear but I do not know why the Leader of Majority decided to twist this to appear the way it is. I do not know why he took offence. His inclination and thinking is always bent on anything that touches on Girls. I am requesting Hon. Seth to implore upon him to think also about the boy child. That is what I meant. I did not mean anything negative. Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Joachim Oketch Omieno): Thank you. I think I have to take cognizance of gender. Hon. Caren Muga.

Hon. Muga: Thank you so much Mr. Speaker, Sir for being gender sensitive. I want to thank Hon. Seth Okumu for bringing this Statement before the House. We have been so much disturbed and left wondering why fire only broke at the Finance Offices. Members of the public to have been asking several questions. The other day, we saw contractors making a lot of noise when they wanted to know how they were going to receive their respective payments. All along, we have asked as the oversight of this County many questions on the issue of pending bills.

We are so much disappointed. Even as Hon. Seth has brought this before us, it has always been a concern of the House. The safety of documents in this county is an important issue. If in any case it is in the Prosperity House, we want it to know who exactly did this. A lot of questions have been asked yet nobody has come out clearly to tell Kisumu residents and the citizens of Kenya why this only occurred in the Finance office. Can the authorities clearly tell us who did this and why it was done?

Somebody may have done this. It is time residents of Kisumu County wish to know the truth especially now that we have a peaceful Assembly. Is there an intention to disrupt the peace in the Assembly? Let the authorities clearly come up to let us know the cause of the fire. Thank you, Mr. Speaker.

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

Hon. Arao: Thank you Mr. Speaker. Mr. Speaker, deliberately setting fire on a property is a criminal act. It is called arson. Mr. Speaker, as you may know, the County Government of Kisumu is in the process of paying pending bills. I heard our Governor say that the matter is now under investigation. However, we need to rise up as an Assembly and conduct our own investigations. We have documents that can help us achieve the oversight role.

Mr. Speaker, this House needs to be furnished with the list of pending bills containing projects in various Wards. Mr. Speaker, there is no single development in this County that can be done through osmosis. Every particular is undertaken in a particular Ward. I need to know the cost of the project, the name of the project and Ward, the status of the projects; and whether they are completed or not.

Finally, Mr. Speaker, if you carry a knife and tie a cow or a bull then you untie that bull and let it go; Mr. Speaker, it cannot be easy for you to have peace with that bull. You know, our CFO was already shown the door and I am not going to mince my words. He was shown the door. Interviews were conducted and he has been brought back to the same position. Mr. Speaker, when action has been taken, there are consequences. I want to urge all Honourable Members to help Governor Nyong'o do oversight so that we move this County to the next level. Thank you, Mr. Speaker.

The Deputy Speaker (Hon. Joachim): Yes, Hon. Vincent Jagongo.

Hon. Jagongo: Thank you Mr. Speaker, Sir. Mine is just to call for a speedy investigation. Mr. Speaker, I don't know how long it will take to investigate this matter. The issue of fire has tainted the image of our County and we cannot just sit and watch. We need to know how long it will take to get answers on the progress of the investigations.

Mr. Speaker, I think we should get rid of people who walk with matchboxes in their pockets. I believe this was done by one person and now it has tainted the image of the whole County. There must be some motive behind this and that is why I am calling for speedy investigations. Let get to the bottom of this matter and know the person who set the fire and the intention behind it. If we cannot do this, then we will keep going round without providing answers and instead open room for propaganda.

The other day I heard the Governor say that investigations are ongoing. This should be speedily concluded. It cannot take two months to investigate an individual who set the office on fire.

Therefore, mine is to call upon the Assembly to push so that we get an answer on what caused the fire. Otherwise, thank you.

The Deputy Speaker (Hon. Joachim): Yes, Hon. Arao

Hon. Arao: Thank you Mr. Speaker. Mr. Speaker I want to join my colleagues in support of speedy investigations on what happened at our Finance department. Mr. Speaker, however much we are discussing this, we as an Assembly is a let-down to residents of Kisumu County. The Assembly is asleep Mr. Speaker, truth be told. All our differences aside, we must do oversight role.

I think each Member is mandated to do oversight role in this County. A lot has happened in the Assembly. I can remember since last year September to date, the Assembly is not up to the task. We need to scale up our oversight role so that we can save this County from the hands of cartels. Mr. Speaker, how can someone can be tactful enough to set on fire information or piece or of evidence from the offices? I know that the relevant authorities are working on it. We as the Assembly could have done something as early as last week.

I want to urge fellow Members that let us save Kisumu County. Let us give Kisumu County a new face. Let the residents of Kisumu County believe in us. I want to tell my friend, the Leader of Majority that his leadership is failing us. We should have assembled to discuss such acts of impunity and then provide a way forward. Let us be practicable. Otherwise, thank you.

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

Hon. Ogutu: Thank you Mr. Speaker for giving me this opportunity. Mr. Speaker, I want to talk about this particular Statement. I had intended to talk about but I am glad Hon. Seth has brought it before the House.

Mr. Speaker, we know very well as the Honourable Member stated few minutes ago that we have to say the truth. We have gone to the bed with the Executive that is why our oversight role is about to be questioned. Mr. Speaker, I am saying this because if such a statement was brought before the House by Hon. George Ogutu Oluoch, or any other Honourable Member, I know that my name would have reached the Executive that I am fighting them.

I know that my name is trending that I am fighting the Executive. Mr. Speaker that is why I am saying, this statement has been brought at the right time and by the right person. Let us put things straight. There is no way whereby a section of Finance Department and in particular the IFMIS Office which is very important to this County can be burnt. There are rumor going round there that they used to hire that particular office to burn it so that some evidence of payment which have been paid unlawfully be done away with.

Mr. Speaker if we want to at least help Kisumu County then let us do our role of oversight and anybody who is doing oversight should not be seen as he/she is fighting the Government. This is our Government and we would really be happy if Kisumu County is going to the right direction. I would like to support this statement since I believe that this particular thing is too big for a committee to investigate.

Mr. Speaker, through your chair, I would like to request you to commit this particular matter to an Ad Hoc Committee so that we can dig deep to know what exactly happened to that particular department. I want to agree with Hon. Arao and say that we did vetting in this Assembly for the person who is supposed to be accountable to that department. Somebody who was removed from that department has come back to the same department. This is just the start and I would like to say this Honourable Members of this House that more of these issues are going to come up. If you can allow this House to form an Ad Hoc committee to dig in this matter then I believe that things will be okay. Thank you.

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

The Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. First of all, I want to say that I totally agree that the Assembly needs to know what might have happened that might have caused the fire. This House should be a very respectable House and we should not bring up stories that you are not sure about.

I want to say that I was in the office which got burnt on Monday and we were shown around by the security team that were investigating that matter and the preliminary report that we got was that the computer indeed got burnt. Incidentally, the files never got burnt. We subsequently held a meeting with the security team and they promised that they needed a week to conduct the investigations. Thereafter a press release was held by the Deputy Governor upon which he said that on preliminary investigations it was established that the fire incident will have very minimal effect on the operations of the County Government and of very big concern on the issue of the pending bills.

Mr. Speaker I want to emphasize that there are absolutely no files that got burnt and the information that was told is the computer that holds the IFMIS by the backup that has since been restored and that is why the pending bills were paid from 2013 up to mid 2016 to the tune of 129 million. Mr. Speaker, we are in the process of finalizing the Supplementary budget and it is hoped that once it is finalized with then the rest of the pending bills are going to be catered for because as the House is aware that we have substantially reduced our development expenditure for 2019/2020 so that we can take care of the pending bills.

Mr. Speaker I think that there is nothing that can be clearer like that and the Members that have contributed ought to have been in the possession of knowledge. I also want to say that there is no funding that has been stopped for Kisumu County. The County Government was informed that

they have to deal the issue of the pending bills and I want to report that there was a press release from the CEC for Finance that Kisumu County is one of the Counties that has made progress to deal with the issue of pending bills.

Of course, we would wish to know how far the investigations have reached but I want to urge Members that let us not conjure up the whole scenario so that we even imagine that somebody may have been involved before the investigations are complete. There are many causes of fare and that could be human or electrical default. So, we cannot say straight away that this was due to human cause and that is why I want to agree that once the investigations are done, then we shall be able to know exactly what happened. Otherwise I also hope that this is well brought up because as a County we should not leave matters of such magnitude to rumours and insinuations.

The Deputy Speaker (Hon. Joachim): Thank you Leader of Majority, I think that the matter has been widely and deeply discussed and the Chair is well aware of the agency because Members would want to know what exactly has happened. Therefore, I do direct that we commit the statement to committee on Finance, Corporative and Enterprise Development. I do direct the Chairperson to report back next week on Thursday. Yes Hon. Okiri.

Hon. Okiri: Thank you Mr. Speaker. Based on you indulgence, this is a matter of investigation and today is Thursday and we are going for weekend. This will force us to call some of the County Officers and we cannot summon them the same week and at the same time and give a report to the House. Mr. Speaker if you can at least give us one week then we will be very much obliged of the same.

The Deputy Speaker (Hon. Joachim): Thank you Hon. Okiri. First, I have already made a ruling but second I do have the feeling that we are concurring because you are indeed requesting for one week and I have already given you that one week that you should report back next week on Thursday which is exactly one week going by what you are requesting. Next Order!

MOTION

FORMATION OF SPEAKER'S PANEL PURSUANT TO THE ASSEMBLY STANDING ORDERS NO. 14

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

The Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. Pursuant to the County Assembly Standing Order no. 14, I would wish to move a motion that this House adopts the Speakers panelists as follows;

- | | | |
|----------------------------|---|--------------------------|
| 1. Hon. Inviolata Adhiambo | - | 1 st Panelist |
| 2. Hon. Caren Muga | - | 2 nd Panelist |
| 3. Hon. Seth Okumu | - | 3 rd Panelist |

May I call upon the Leader of Minority to second.

The Leader of Minority (Hon. Pete): Thank you Mr. Speaker, I do second the nominees for the Speakers Panel. They are Members of this County and they had served us previously and if they are nominated again, I hope the House will seek it fit to approve them so that they serve in that capacity.

The Deputy Speaker (Hon. Joachim): Thank you Leader of Minority. The Motion having been moved by the Majority Leader and seconded by the Minority Leader; I therefore propose the same for debate. Yes Hon. Philemon Ojuok

Hon. Philemon Ojuok: May I call the mover to reply.

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

The Leader of Majority (Hon. Onyango): Thank you and I want to sincerely thank for agreeing very speedily that we adopt the list in any case we didn't change the list from the persons that served in the last session. Thank you.

The Deputy Speaker (Hon. Joachim): Thank you Hon. Members, the Motion on the formation of the Speakers Panelist has been moved by the Majority Leader, seconded by the Minority Leader and debated upon; I therefore want to put a question on the same.

(Question Put and agreed to)

The Deputy Speaker (Hon. Joachim): The list stands adopted as stated by the Leader of Majority on today 20th February 2020 at 3.44 p.m. Next Order!

ADJOURNMENT

The Deputy Speaker (Hon. Joachim): There being no any other business to transact, the House stands adjourned to Tuesday 25th February 2020 at 2.30 p.m.

(House rose at 3.46 p.m.)

Addendum

Hansard Reporters

Zablon Otiende – Hansard In-charge

Edward Odanga – Hansard Reporter

Fanuel Okode - Hansard Reporter

Patrick Okoyo – Hansard Reporter

Jackyline Atieno – Hansard Reporter

Denis Odhiambo – Hansard Reporter