

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – FOURTH SESSION

Tuesday, 03rd March, 2020

House met in the Main Chamber at Kit-mikayi, East Seme Ward

Seme Sub-county at 02:30 p.m.

“Assembly Mashinani”

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

PRAYERS

Hon. Speaker (Hon. Oraro): Mr. Clerk, kindly take us through the Order of the day.

Hon. Speaker (Hon. Oraro): Next order!

COMMUNICATION FROM THE CHAIR

Hon. Speaker (Hon. Oraro): Hon. Members, Foremost, today marks our first Plenary Session under the umbrella of “Assembly Mashinani” in Seme Sub-county where we are hosted in East Seme. As we had agreed and gazetted as per the Gazette Notice that was printed on Friday 28th February, 2020 which was last week, where we shall be having Assembly Mashinani in Seme Sub-county up to Thursday, 05th March, 2020.

On behalf of members in the constituents of Seme Sub-county, I want to welcome you and be informed that this is an official sitting of the Assembly duly Gazetted and therefore all the Procedures and Rules of the Assembly shall apply. I also want to present to you that the venue is secure and therefore you need not worry. In the Public Gallery I am seeing students, I want to request you that you be patient as you keenly observe the business in the Assembly.

Secondly, today in the House Business Committee we did resolve that the Liaison Committee shall be responsible for receiving Motions, Bills, Statements and any other business that you want to be transacted in the House by latest date Friday of every week so that when they sit on Tuesday the proceeding week, the Chair, Liaison Committee will be coming to the House Business Committee with proposed activities. On the same note, we have realized that there are similarities in the Committee that as requesting for weekly sittings during Committee days which is Monday, Tuesday morning and Thursday morning. We have resolved that all the Committee Chairs, to please make a formal request to the Liaison Committee so that the Clerk of the House Business Committee can have those requests by latest Friday every week to allow the House Business Committee to prepare the Schedule on Tuesday every week. Thank you.

Hon. Speaker (Hon. Oraro): Next order!

PAPERS LAID

Hon. Speaker (Hon. Oraro): Hon. Jagongo, Chairperson, Health and Sanitation Committee and MCA, North West Kisumu.

Hon. Jagongo: Thank you Mr. Speaker. On behalf of the Chairperson, Implementation Committee, Hon. Nyasuna. Today, Tuesday, 03rd March, 2020, I wish to lay before this House a paper on a Report on Benchmarking Exercise with Mombasa County Assembly, Committee on Implementation.

(Hon. Jagongo tables the Report before the House)

Hon. Speaker (Hon. Oraro): Hon. Members, I confirm receipt of the Report on Benchmarking Exercise with Mombasa County Assembly by the Committee on Implementation.

Hon. Speaker (Hon. Oraro): Hon. Beatrice Odongo, Chairperson, Labour and Social Welfare Committee.

Hon. Odongo: Thank you Mr. Speaker. Pursuant to the provisions of County Assembly Standing Orders No. 195, Second Schedule on Sectoral Committees. That today Tuesday, 03rd March, 2020 wish to lay before this House Report on the Status of Implementation of the Proposed Promotions and Re-designations of Kisumu County Health Worker. Thank you.

Hon. Speaker (Hon. Oraro): Hon. Members, I confirm receipt of the Report on Status of Implementation of the Proposed Promotions and Re-designations of Kisumu County Health Worker from the Committee of Labour and Social Welfare Committee presented by Hon. Beatrice Odongo.

Hon. Speaker (Hon. Oraro): Leader of Majority.

Leader of Majority (Hon. Onyango) Thank you Mr. Speaker. Pursuant to the provisions of section 45 of the County Government Act, 2012 read together with the County Assembly Approval Act, 2017. That today, Tuesday, 03rd March, 2020, I wish to lay before this House the nomination of one Mr. Daniel Akaka Ramoya and the New Chief Officer, Finance.

Next Mr. Speaker, as per the provisions of section 117 (1) of the Public Finance Management Act, 2012 read together with the County Assembly Standing Order No. 208, I would also want to lay before this House the Kisumu County Fiscal Strategy Paper for FY 2020/2021. Thank you.

Hon. Speaker (Hon. Oraro): Leader of Majority, can you please approach the Chair.

(Hon. Speaker consults with the Hon. Leader of Majority)

Hon. Speaker (Hon. Oraro): Hon. Members, I confirm receipt of a correspondence from the County Secretary addressed to the Clerk on the nomination of one Mr. Daniel Akaka Ramoya and the New Chief Officer, Finance. I want to say that, I have made reference to our Standing Orders, Schedule on Sectoral and Select Committees. In the previous time we did commit such proposed nomination to the Joint Committees of Budget and Appropriations and Co-operatives, Trade Finance, Trade and Enterprise Development.

Hon. Members, going by the Budget Cycle and the Business that we have, I want to commit this nominee, Mr. Daniel Akaka Ramoya and the New Chief Officer, Finance to the Committee of Co-operatives, Trade Finance, Trade and Enterprise Development. So, look at the nominee vis-a-vis the nomination that was undertaken earlier, the communication that is therein, explaining why there is a new nomination. Also look into the files of the said nominee if he did appear and sat for the Interviews, performance and any other matter therein and advise the Assembly as appropriately. I am making a ruling that this report should be tabled before this House within one week which should be on Tuesday, 10th March, 2020.

Secondly, Hon. Members, I equally want to confirm rescript of the Kisumu County Fiscal Strategy Paper for FY 2020/2021 as laid before this House by the Leader of Majority. Hon. Members, as per the provisions of section 117 (1) the PFM Act, 2012 that requires that once the CSFP is submitted to the County Assembly, it has to be dispensed off with within 14 days. I therefore, want to commit this paper to the Committee of Budget and Appropriations and ensure that the work is completed by 13th March, 2020. Thank you.

Hon. Speaker (Hon. Oraro): Next order!

NOTICES OF MOTION

Hon. Speaker (Hon. Oraro): Hon. Beatrice Odongo, Chairperson, Labour and Social Welfare Committee.

Hon. Odongo: Thank you Mr. Speaker. Pursuant to the provisions of County Assembly Standing Orders No. 45, I wish to give a Notice of Motion on the Labour and Social Welfare Report on the Status of Implementation of the Proposed Promotions and Re-designations of Kisumu County Health Worker. Thank you.

Hon. Speaker (Hon. Oraro): Next is Chair, Implementation!

Hon. Jagongo: Thank you Mr. Speaker. On behalf of the Chairperson, Committee on Implementation. Pursuant to the provisions of County Assembly Standing Orders No. 45, I wish to give a Notice of Motion on a Committee Report on Benchmarking with Mombasa County Assembly. Thank you.

Hon. Speaker (Hon. Oraro): Next order!

STATEMENTS

Hon. Speaker (Hon. Oraro): Hon. Ameso, MCA, North Seme and Chairperson, Water, Environment and Natural Resources Committee.

Hon. Ameso: Thank you Mr. Speaker. On behalf of Hon. Philemon Ojuok who is on official duties. I want to seek for a Statement from the Chairperson, Labour and Social Welfare Committee to inquire and investigate and report back on the following;

- a) Human Resource Audit detailing the following;
 - i) Total number of County Staff?
 - ii) Optimal/required number of Staff?
 - iii) Titles and Job Descriptions and Qualifications of County Staff?
 - iv) Strategic approach to address HR Challenges?

Mr. Speaker, the second Statement, because they are several statements, the report indicating the CS lack of the following;

- i) Instructors in our Vocations Training Institutions?
- ii) ECD Teachers?

Pursuant to the provisions of Standing Orders No. 193, I therefore wish to request for a Statement from the Chairperson. Sectoral Committee of ECD and Vocation Training. The Chair should inquire and investigate and report on the following;

- a) How many number of ECD Classrooms are required by the County and their Distributions per Ward?
- b) How many ECD Classrooms does the County have per Ward and what is the Strategic Plan to address the variances and the timeframes?

Mr. Speaker, in accordance with the Governor's manifesto, each ward was envisaged to have a Vocation Training Facility (VTC) considering that Manufacturing and Industrialization are some of the key economic drivers and agenda of H.E. the President? Mr. Speaker, can the Chair please furnish this House with the following;

- i) The correct number of Vocational Training Centres in Kisumu county and their distribution per ward,
- ii) Level of Enrolment
- iii) Strategic Plans to address the gaps
- iv) Equipment in these Vocational Training facilities and ECD Centres?
- v) Cost of ECD Classroom Construction as compared to CDF Costs?

Mr. Speaker, another Statement. As we are all aware that our farmers are currently preparing their farms for the raining season and we have witnessed Private Tractor Owners charging Tractors at exorbitant rates to plough one acreage.

Mr. Speaker, we are all aware that prior to inception of Devolution, CDF had Tractors that used plough for farmers at subsidized price. I therefore seek a Statement from the Chair of Agriculture, Livestock and Fisheries to investigate and report back on the following issues;

- i) Activities the Department has put in place to cover these gaps left by the CDF in subsidizing the ploughing activities for farmers?
- ii) What activities on machineries in Rabour is currently engaged and to what extend are the activities beneficial to the farmers?

Mr. Speaker, you will bear with me because as I had earlier informed you that there are seven statements that we are seeking from various chairs.

Mr. Speaker, currently, there are Sports Apparels being distributed.

Hon. Agolla: On a Point of Order. Thank you Mr. Speaker. With due respect and honour to your Chair. We must not take this House for granted. I can recall vividly that statements that are being sought by Hon. Ojuok have been discussed in this House. How can we allow statement that have been sought for and committed to relevant Committees, and in fact we should expect these responses from the Committee on Implementation? We don't have to fill papers just in the name of seeking for statement.

Mr. Speaker, I can recall Hon. Guya had earlier raised a Statement on Machineries that are station at Ahero and Rabuor and a response was brought in the House by the respective Committee of Agriculture and Livestock. Mr. Speaker, how can we again raise such a statement?

Mr. Speaker, we did invite the County Executive Committee for Education and HR Development and the explained the plans that the County has on Construction of ECD Classroom and even the Hiring of Vocational Instructors and ECD Teachers. Mr. Speaker, we cannot just take this House for a ride in the guise of seeking statements. Mr. Speaker, I request that you use your discretion to disown these Statements going forward.

Hon. Speaker (Hon. Oraro): Hon. Arao, are you in a Point of Order because I was going to make a ruling on this matter. I believe that it is in order that I make a ruling on that Point of Order raised by Hon. Agolla before we raise another Point of Order. Unless you want to give information?

Hon. Arao: Thank you Mr. Speaker. I want to tell you categorically that Hon. Ojuok who has decided to send his emissary did not come to the House intentionally. I personally asked him what kind of Statements he is bringing in the House. It is well knowing that some of these Statements we had dispensed off with. Mr. Speaker, the problem with Hon. Ojuok is that he is a notorious absentee both in the Committee and in the House. Thank you.

Hon. Speaker (Hon. Oraro): Hon. Members, I believe that when a Statement has been sought in the House and the answers sought for is not received, there is no harm raising that Statement again. Therefore, I want to rule Hon. Agolla Out of Order and allow Hon. Ameso to continue seeking for these Statements. Hon. Ameso, continue.

Hon. Ameso: Thank you Mr. Speaker for protecting me. Even though some have nicknamed me the emissary. Mr. Speaker, the last Statement in my schedule...

Hon. Steve: On a Point of Order. Thank you Mr. Speaker. I believe that the Standing Order allows a Member in his absence to ask a fellow colleague to stand in for him. Mr. Speaker, is it in order for one Hon. Arao to stand in this House and purport that Hon. Ameso is a messenger? Mr. Speaker, that is derogatory and unparliamentary and he needs to withdraw and apologize to Hon. Ameso.

Hon. Speaker (Hon. Oraro): Thank you Hon. Owiti. It is clear that in the absence of a Chair, the Chair or a Member can send any member to present views on his or her behalf. Therefore, I want to request Hon. Arao to withdraw and apologize to Hon. Ameso for calling him a Messenger.

Hon. Arao: Thank you Mr. Speaker, I did not mean the word messenger, I said Hon. Messenger and that is figuratively...

Hon. Speaker (Hon. Oraro): Hon. Arao, do we have anybody in this house called Hon. Messenger? So, you have to withdraw and apologize.

Hon. Arao: Mr. Speaker, Hon. Ojuok gave us his Statement through another Hon. Members, I am linguistically endowed. Mr. Speaker, how do you call somebody who has been sent on an errand and very honorable errand like the one Hon. Ameso was sent to deliver. If he is not going to deliver the message, he should take back the message to the sender.

Hon. Speaker (Hon. Oraro): Hon. Arao, the instructions from the Chair was explicit...

Hon. Arao: Mr. Speaker, because of the pressure being exerted on me, I will withdraw and apologize. Thank you.

Hon. Speaker (Hon. Oraro): Hon. Ameso, please proceed.

Hon. Ameso: Thank you Mr. Speaker. Please let me continue from where I had left. Mr. Speaker, there are Sports Apparels being distributed to teams at the Wards.

Mr. Speaker, I wish to seek for a Statement from the Chairperson of Culture, Arts and Sports to inquire investigate and provide the House with the following:

- a) How many teams have benefited from these Kits, what is the cost of these kits and criteria in choosing the beneficiaries?
- b) Detail of the progress of the Kisumu Stadium since 2017 to date?

Hon. Speaker (Hon. Oraro): Order!! Order!! Hon. Members, we have constituents in the Public Gallery though I did not identify you but welcome to this session. Please feel free, there are times when you are allowed to laugh when you see something amusing, but, we don't allow direct interactions from the public. So, I believe that you stand guided.

Hon. Speaker (Hon. Oraro): Hon. Chief Whip.

Chief Whip (Hon. Misachi): On a Point of Order. Thank you Mr. Speaker. I would like to ask the emissary who is sent to deliver the message. Let me ask, what is the role of Hon. Ojuok in this House because I can recall clearly that Sports Gears donated to the Wards were the responsibilities for Ward Members and the Ward Members should make returns to the Ministry and not to the Assembly because we don't do procurement because these gears were procured by the Executive and donated to the Wards via the MCAs. Mr. Speaker, those reports that he is asking the Assembly to furnish him with, he should seek for that statement from the Department of Arts and Sports. Mr. Speaker, if I were you I would dismiss this messenger.

Hon. Steve: On a Point of Order. Thank you Mr. Speaker. I also concur with the Hon. Senior Member that we need to inform this House that the issuance of the Sports Gears was an

arrangement that was made by each and every Ward. There are wards like those represented by Hon. Ojuok that don't have teams and it will be so unfortunate that he stands in the House requesting to know the number of teams that benefitted from these Sports Apparels and yet in his Budgeting he did not make provision for these items. Maybe he did not have teams in his ward and I am in concurrence with other Members that such statements should not be allowed in the floor of the House.

Hon. Speaker (Hon. Oraro): Order!! Order!! Hon. Members, I want to make a ruling on what the Senior Member has said so, I will not allow any rejoinders unless it is information regarding the same.

Hon. Okumu: On a Point of Order. Thank you Mr. Speaker. A Hon. Member has just brought a Statement in the House, and he has not completed seeking for this Statement and Members are sneaking behind and preempting a discussion on that statement. Mr. Speaker, I would have preferred that the Member completes seeking for this Statement, so that with your discretion you open it up for debate so that they can add or reject the statement. Mr. Speaker, before the member completing seeking his Statement, Members have started discussion of the same, is it in order for members to use the backdoor to anticipate discussion on a statement that the Hon. Member has not finished presenting before the House. Thank you.

Hon. Speaker (Hon. Oraro): Order!! Hon. Pamela, please allow me make a ruling on what the Senior Member has raised...

Hon. Pamela Odhiambo: Mr. Speaker, I want to inform the House before you give your ruling?

Hon. Speaker (Hon. Oraro): Please proceed.

Hon. Pamela Odhiambo: Thank you Mr. Speaker. The Chair for Arts and Sports is just seated next to Hon. Ameso and I can see Members who are not Committee Member of the Culture, Arts and Sports raising their concerns. Mr. Speaker, if these Statements were brought in this House and responded to by the Chair for Arts and Sports, please let Hon. Ameso complete presenting his Statement, then the Hon. Miruka who is the Chair of Sports will respond. Thank you.

If these statements are to be responded to by the Chair, then let us give Hon. Ameso a chance to read the Statement then the Chair will have a chance to respond to them. Thank you.

The Speaker (Hon. Oraro): Thank you so much. Yes Hon. Agolla.

Hon. Agolla: Thank you Mr. Speaker. It is true that whoever drafted the Statement was not very keen. You can remember, the Statement that was sought from the Chair Education was demanding that the Chair should bring the cost of building a classroom. I therefore request that this Statement should be redrafted and committed to the relevant committee, because it has a lot of gaps.

The Speaker (Hon. Oraro): Thank you. I want to make a ruling on the same. I want to us refer to Standing Order No. 41 where we have Statements. The general practice is that when the Chair is available, he or she must be given time to respond to the statement raised and if he or she is not available or not able respond immediately, then, the Statement is committed to the relevant committee and given enough time to respond back to the Assembly within a given period.

It cannot be a decision of the Assembly to dismiss the Statement at this point and time, but it will be the responsibility of the committee to report back to the Assembly stating all those responses as sought. I therefore want to rule that we give them time.

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

Hon. Ameso: Thank you Mr. Speaker. I don't know what is wrong with the Honourable Members. They could have allowed me to finish my Statements. I would like the Chair of Trade to furnish this House with the following;

1. The contract for Pap- Onditi market?
2. Architectural plan of the project?
3. The payment of project to date?
4. Detailed budgetary allocation for the project?
5. The implementation plan for the remaining face of the project?
6. I am aware that a number of markets are very dirty, what measures has the department put in place to ensure that the markets are clean?

Lastly, I would like to direct my statement to Chairperson Committee on Roads and Transport to furnish the House with a detailed report on the following issues;

1. The number of kilometers of roads per ward maintained from October, 2017 to date and the criteria used to decide on which Ward to maintain those roads?
2. The liters of fuel used per Ward and cost of maintenance?
3. The roads maintenance machinery available to the department and status?
4. Gaps or challenges faced by the departments in order to properly maintain our roads?
5. Detailed report of the current status of all the roads and construction from 2018-2019 and 2019-2020 Financial Years?
6. List of the roads under KeRRA and those done by the County Government since there has been confusion on the roads maintained by KeRRA and those under the County Government?

Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): I want to hear from the Chair Education. The Statement presented by Hon. Ameso is on Education. Are you able to give a response now?

Hon. Arao: Thank you Mr. Speaker. I want to request for more time so that we give a comprehensive response on the same. Hon. Ojuok wants to destabilize this government because he was elected on a non ODM party.

The Speaker (Hon. Oraro): Thank you. I direct the first Statement by Hon. Ameso to Hon. Arao that you need to report back to the House within two weeks. Second Statement is for Labor and Social Welfare Committee. Chair Labor?

Hon. Beatrice Odongo: Thank you Mr. Speaker. We are all aware that the County Government is currently doing a Staff Audit of its employees. As the Chair, I would request that you give us twenty-one days to respond. Let us give the County more time to finish then we shall pick from there. Thank you.

The Speaker (Hon. Oraro): That is noted. Respond after twenty-one days as you have requested. We expect your response by 24th March, 2020. The next Statement is to the Agriculture Committee.

Hon. Jennipher Obonyo: Thank you Mr. Speaker. I would request that you give us two weeks to respond.

The Speaker (Hon. Oraro): I want to make a ruling that you report back on 17th March, 2020.

The Speaker (Hon. Oraro): What is it Hon. Muga?

Hon. Muga: Thank you Mr. Speaker. I wish to bring to your attention that Hon. Maureen Otiang' is naked in the House.

The Speaker (Hon. Oraro): Hon. Otiang' kindly dress properly. Serjeant-at-Arm, help the Member exit the House. The next statement was about Sports.

Hon. Miruka: Thank you Mr. Speaker Sir. Allow me to respond to the issues raised by the Honourable Member. That how many teams have benefited? That would need a detailed report from the Executive. The criteria that was used originated from the individual Members of the County Assembly. They did it and they know their teams. Allow me to request that you give us 14 days. Thank you.

The Speaker (Hon. Oraro): Honourable Members, the Sports, Culture, Children and Gender Committee will report to the House on 17th March, 2020. The next Statement is on Pap Onditi Market. I saw the Chairperson for Finance, Trade and Cooperatives in the House. If not the Vice Chair or any committee Member.

The Speaker (Hon. Oraro): Yes Hon. Odongo Beatrice.

Hon. Beatrice Odongo: Thank you Mr. Speaker. As you are aware that our chair is a Member of the Ad Hoc Committee, therefore I will request that you give us a period of three weeks to respond. Thank you.

The Speaker (Hon. Oraro): Honourable Members, the Finance, Trade and Cooperatives Committee has some pending work. You remember the Statement that was sought on the Fire Outbreak at the Finance Offices at the Executive. There is also a statement on Payment of Salary to Staff on Contracts and the Cost Implications. Going by that reason, I will accept your request of three weeks. We expect your report on 24th March, 2020. Lastly, there is statement directed to Roads Committee.

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

Hon. Kanga: Thank you Honourable Speaker. I don't have any problem on the content of statement sought by Hon. Ojuok but my worry is KeRRA is a body established by an Act of Parliament. I don't know if the body falls within the jurisdiction of the County Government. I don't know how we will give summons. I therefore beg that you give direction. Thank you.

The Speaker (Hon. Oraro): Is there anybody who can respond to the concerns of Hon. Kanga? Yes Hon. Pamela Odhiambo.

Hon. Pamela Odhiambo: Thank you Mr. Speaker. I saw the list from KeRRA and we owned it together with the KRB. The KeRRA roads are NGCDF...

The Speaker (Hon. Oraro): Hon. Pamela you are misleading the House. Let me hear from Hon. Agolla.

Hon. Agolla: Thank you Mr. Speaker. Without disturbing my able Chair, I want to inform the Member that KERRA is not a County Department and the body is basically managed by the National Government. As a House Committee, we have the responsibility to identify these roads. I want to inform my able Chair that we can go for a fact-finding mission because this has been a challenge in our Wards. As a Committee we can differentiate these roads.

The Speaker (Hon. Oraro): I can see the Leader of Majority on his feet.

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. I am a little bit disturbed by this question. I don't think KeRRA roads are within the jurisdiction of the County Government. Those falls within the ambit of the National Government. So, it could be very difficult for the Chair to dig deep on this matter. That is my opinion. In any case the Statement also seeks to know on the Road Maintenance and this House is aware that we just passed the Road Maintenance Bill the other week and it is in this budget where this House appropriated money for purposes of Road Maintenance. So really, I don't get the relevance of this question.

To the best of my knowledge, we had never allocated money for the Road Maintenance because didn't have the legal provision. Honourable Speaker, the County has never spent on the road maintenance. Thank you.

The Speaker (Hon. Oraro): Hon. Olima.

Hon. Olima: Thank you Mr. Speaker. On a serious matter like the roads and you have a clueless leader like our Leader of Majority. We have been giving allocation for the road maintenance since 2017. It was about Kshs. 60 million for 2017-2018, 2018-2019 it was around Kshs. 140 million. He is talking of Road Maintenance Team that will never work. We as the representative of the Ward, we have a coalition....

The Speaker (Hon. Oraro): Order Hon. Olima. Yes, Leader of Majority.

Leader of Majority (Hon. Onyango): You know Mr. Speaker, these *Tangatanga* Brigade are really throwing tantrums everywhere. I don't know what is wrong with them. They are behaving like crying babies. I want to say this that the money we appropriated were purposes of buying machinery for road maintenance and not road maintenance per se. Thank you.

The Speaker (Hon. Oraro): Honourable Leader of Majority, the year is 2017 and the amount allocated for the same was 2019-2020. You are therefore out of order when you say there were no money for road maintenance. Proceed Hon. Olima.

Hon. Olima: Thank you Mr. Speaker for giving the Leader of Majority direction. I want to inform the Chair Roads that we have a coalition with the Members of Parliament in terms of road maintenance because there has been blame game on the same on who is responsible for such roads. Let the committee bring us the roads from Class A to Class E so that we know which one belongs to the County and those that belongs to the National Government. This time round we must ensure that the money meant for road maintenance is properly used without the clueless Majority Leader whom we have as our leader.

The Speaker (Hon. Oraro): Yes Hon. Olima, the Leader of Majority feels that you referred to him is a clueless. That is a term that is not parliamentary and derogatory and he is requesting that you withdraw and apologize.

Hon. Olima: Thank you Mr. Speaker. I don't know when *Tangatanga* became a parliamentary communication in the House. I want that to be on the Hansard. If he has a better word for clueless then let him give the word so that I replace it with the word clueless.

The Speaker (Hon. Oraro): Hon. Olima, the Leader of Majority felt that the word you used was demeaning.

Hon. Olima: I want to say Mr. Speaker that if the Leader of Majority who is a teacher of English has a better word in place of clueless, let him inform me so that I replace the word clueless with

another one because I do not have any other word to use. As a teacher of English, I think he is better placed to advice.

The Speaker (Hon. Oraro): Hon. Gard Olima

Hon. Olima: Yes.

The Speaker (Hon. Oraro): The Leader of Majority felt that the word that you used was not appropriate.

Hon. Olima: Mr. Speaker, what I used in an English term and it is the only one I have to describe him. Unless he has a better term in place of clueless, let him inform me so that I can replace.

The Speaker (Hon. Oraro): Maybe you could say that he is mean with information.

Hon. Olima: No! He is not mean. He is clueless

The Speaker (Hon. Oraro): I would request that you apologize

Hon Olima: Over what should I apologize Mr. Speaker? Let him give me another word to replace with that I have used.

The Speaker (Hon. Oraro): What is it Hon. Steve Owiti?

Hon. Owiti: Mr. Speaker, this is a House of Rules and Procedures. We must respect this House and uphold its dignity. When the Speaker directs that a Member apologize, he does so. We are not going to define the meaning of clueless because this is someone who totally knows nothing. You cannot come to the Floor of the House and insult the Leader of Majority that he is clueless and you expect us to clap?

Mr. Speaker Sir, this is not acceptable. The Member must withdraw and apologize unconditionally.

The Speaker (Hon. Oraro): Honourable Member, I thought you had a different information because I was still addressing Hon. Gard Olima. Hon. Gard Olima, I give you an opportunity to withdraw and apologize to Leader of Majority.

Hon. Olima: Thank you Mr. Speaker. As you can see, some Members who are bipolar reactors are taking aimlessly in the House. Mr. Speaker, I want to say that there is no reason for me to apologize. The term clueless is the only word I have in my vocabulary to refer to Majority Leader based on his sentiments.

The Speaker (Hon. Oraro): Hon. Gard Olima, take your seat.

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

Hon. Agolla: Mr. Speaker, the provisions of Standing Orders No. 89 is clear. Mr. Speaker, you have ordered Hon. Gard Olima to withdraw. He has no powers to ask you over what? The honourable thing to do is to withdraw, otherwise you take necessary actions under the provisions of Standing Orders No. 89.

The Speaker (Hon. Oraro): Thank you. It is through my leniency that I have kept on requesting Hon. Gard Olima to withdraw. Pass the microphone to Hon. Gard Olima to withdraw and apologize.

Hon. Olima: Mr. Speaker, thank you for giving me one more time. What you asked before was requesting me. You never ordered if I got you right.

The Speaker (Hon. Elisha Oraro): Now I am ordering you to withdraw and apologize.

Hon. Olima: Mr. Speaker, as I withdraw, I request the Leader of Majority to withdraw his statement of *Tangatanga*. I withdraw and apologize. Let Majority Leader withdraw and apologize.

The Speaker (Hon. Oraro): Leader of Majority, withdraw and apologize for the use of the term *Tangatanga* on Hon. Gard Olima so that the House proceeds.

Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker, because I am a strictler of rules unlike the *Tangatanga* brigade, I withdraw and apologize. Thank you.

The Speaker (Hon. Elisha Oraro): Now, back to what we were discussing. I want to make a ruling on this Statement on Roads. I gave an opportunity to the Chair of Roads and he was concerned on the issue of KERA Roads. Let me remind Members that as per the County Government Act, the Assembly acts as a quasi-judiciary. As per our Standing Orders, you are mandated to question even those without the County Government of Kisumu.

If you look at the Statement by Hon. Philemon Ojuok Juma, he has raised confusion on the roads maintained by KERA and those maintained by the County Government, which is making sense. Do the members of the public understand which roads are class A or B, among others? Therefore, on whichever approach that can be used, it is important that we convey this information to the Members and the public.

I want to give Hon. Seth Kanga an opportunity. You did not tell us whether you can respond to the other questions now, or you need time to look at the Statement. Pass the microphone to the Chair Roads, Public Works and Infrastructure.

Hon. Kanga: Thank you Mr. Speaker. I suggest we are allocated three weeks if possible.

The Speaker (Hon. Oraro): Honourable Members, I am adding the Committee of Roads one more day so that you report on 25th of March, 2020. It is still Statement hour. Leader of Majority, you were on your feet. After the Majority Leader, I will give Hon. Erick Agolla the chance.

Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker, first, let me thank the people of Seme for coming up in large numbers to attend this Assembly Mashinani. I want to say that this is a very important exercise for us because it gives us a way of connecting with our electorates and enabling them to understand what the Assembly is all about. The Assembly has hitherto dominated the media as a place where people just fight.

Mr. Speaker, I want to appeal to the Members especially to those who have Pending Reports that, it would be imperative that they expedite the delivery of those Reports to the Assembly because that is when the Assembly can do its oversight. Besides, it would also be important that we motion track so that we do not duplicate the issue that we be active in Committees. For example, if you look at the Statement on Agriculture, it is active....

The Speaker (Hon. Oraro): Hon. Majority Leader, I think we have dispensed with the Statement given by Hon. Philemon. Whether active or not, we said that if a Statement has been raised and the result has not been given, there is no harm raising it. It will be the responsibility of the Agriculture Committee to present that they have a similar Statement and they have worked up to a certain level.

Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker, I was raising this to Members to stop being lethargic so that when a Statement has been given to a Committee we expedite with it fast enough. Thank you.

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

Hon. Agolla: Mr. Speaker, cognizant of the provisions of Standing Orders No. 41 especially Part Three, I should have written a formal Statement to you. With your indulgence Mr. Speaker, allow me to proceed and ask for this Statement

The Speaker (Hon. Oraro): Well, it may depend on the type of Statement.

Hon. Agolla: Mr. Speaker, I just wanted a rejoinder or follow up or a Statement that we did seek from the Chair of Education.

The Speaker (Hon. Oraro): Proceed.

Hon. Agolla: Mr. Speaker, we are aware, and just two hours ago I received a phone call that one of the sponsored students in Kisumu County has been sent home. Actually, a good number have been sent home and we did ask, through the Chair what the Executive is doing so that those who succeeded for Kisumu County Scholarships are appropriately catered for.

Mr. Speaker, it is a big shame that our students right from Form One to Four are at home. Can the Chair give us the progress on the same because we are disturbed as elected leaders, who, through the Committees gave these needy students an opportunity to be educated by the County? As we speak, they are back home, just one week after the short holiday. Mr. Speaker that is my Statement that the Honourable Chair for Education brief us on the progress and what the government is doing to ensure that all the students are taken back to school because there was a budget provision for that. Thank you.

The Speaker (Hon. Elisha Oraro): Thank you. The Honourable Chair is present in the House. This is a matter of urgency and I would like to give you the opportunity to respond. The Honourable Chair, Pastor David Arao.

Hon. Arao: Mr. Speaker, a while ago, I spoke to the CEC Education on this matter, which is of a major concern. The response I got from the CEC is that they had requested for Kshs. 205,000,000 from the Treasury to cater for scholarships and bursaries. Mr. Speaker, they are waiting for the funds to be wired into their account. Meanwhile, Mr. Speaker, the remedy to our children as at now is to allow any child sent home to have a letter written and signed by the CEC indicating that the County would pay in earnest.

Mr. Speaker, I know this is a matter of great magnitude and the parents are worried. I know the children who were sent home do not have this information. As area representatives, we can pass this information in various Wards that if any beneficiary of the County Scholarships is sent home should liaise with the office of the Ward Administrator to pick a letter and go back to school. Thank you Mr. Speaker, Sir.

The Speaker (Hon. Elisha Oraro): Thank you. Hon. Erick Agolla. I will come to you later Hon. Pamela

Hon. Agolla: Mr. Speaker, with due respect, the Honourable Chair is misleading this County. You are aware Mr. Speaker that we gave these students letters when they were joining Form One. They were also given letters when they were going for the short holiday and they have been sent back home. What is the power of these letters and which powers will they continue to have? I want to inform the Honourable Chair of Education that by saying that money has been wired is misleading the County.

Mr. Speaker, remember these are orphans and needy students. We as elected leaders coupled with other well-wishers are the ones giving them transport to go to school. Some of them study in Mombasa while some in Nairobi.

The Speaker (Hon. Oraro): Hon, Members, I want to make a ruling on that Statement. As I can see the Statement hour is over and we need to proceed. Permit me to make a ruling. Hon. Arao, this is a serious matter that concerns everyone in Kisumu County. I think you have given information on what needs to be done as at now. However, I want to rule that on Thursday 5th

March 2020 during the Statement hour, we need to come with a written Statement and concrete answer from the Executive on what has been done and what they plan to do on the issue of bursaries and scholarships for the residents of Kisumu County who benefited FY 2019/2020.

We are out of the Statements hour. Let us be very brief. I will give Hon. Seth, as he was the first to rise then Hon. Guya followed by Hon. Olwal. Hon. Steve will be the last person. Five minutes each.

Hon. Okumu: Thank you Mr. Speaker. I do not have much to say today. First, I just want to welcome all Honourable Members to Seme Sub County and appreciate all members of the public and the schools that have come to witness the first “*Bunge Mashinani*” in Seme Sub County. Mr. Speaker Sir, I just want to inform that the three days that they have been here, they should feel welcome and safe. We have full security in place and no member will be harassed by anyone. I can assure those who wish to eat that food will be available.

Mr. Speaker, before I sit I want to remind my brother that schools do not operate on letters. Schools operate on items bought with money. Therefore, the Chair for Education should tell the department to release money. Schools do not buy maize using letters, they do not buy uniforms using letters and they do not buy water using letters. They use money to get these items. Go and get money to pay the schools.

We are tired of getting phone calls from constituents about bursaries. If you cannot do that, just do the Honourable thing as a pastor, resign and hand over that position to someone else. Thank you Mr. Speaker.

The Speaker (Hon. Oraro): Honourable Member, I gave you time but you went into a matter upon which I had made a ruling. I want to rule you out of order for the second statement you made to the Chair of Education. I had made a ruling on what should be done.

The Speaker (Hon. Oraro): Hon. Johnson Guya, I promised to give you a chance to speak.

Hon. Guya: Thank you Mr. Speaker. Mr. Speaker, as a Committee of Roads, we have pending works that we are supposed to have brought to the House.

The Speaker (Hon. Oraro): Do you want to present it now?

Hon. Guya: No. I am giving a progress report.

The Speaker (Hon. Oraro): Proceed

Hon. Guya: We sat as a committee and wrote to the Executive. The Executive gave us a response which we went through and found unsatisfactory. The committee took time and visited some of the roads to compare them with the report from the Executive. They were found not to be matching. As a committee, we have decided to invite the Executive further on Tuesday next

week. I want to invite members not necessarily of the Roads committee to attend. The sitting of those committees will be done at the various sites.

We have taken two roads in Nyalenda “A” out of the four roads sought by Hon. Ogendo. We will visit together with the Executive. On Tuesday morning we will start with Nyalenda “A”. Furthermore, Mr. Speaker, we had statements from Kisumu North Ward and got response from the Executive. The committee went and visited these roads. However, the response from the Executive could not match what the committee saw on the ground. Therefore, we have again decide to invite the Executive, the committee and any other member or members of the public who will be available to accompany us that day. We have chosen only two roads. May be I can read them out Ukendwa SS Access Road and Dago ka Dison Obede Road.

Finally, Mr. Speaker, there is a road called Makini Kibawa Access Road in Migosi Ward. Again, I want to invite members of this House and those of the public. This is a road which was done by the County Government of Kisumu at a cost of Kshs. 2.9 million. Mr. Speaker, when we went out to this road, we realized that the road is only 200 meters long. Therefore, we have invited the Executive, the committee members, Members of the Assembly and members of the public to be present on Tuesday morning. We intend to conduct a committee meeting at the site, complete with all the tender documents so that we verify how a 200 meters road can cost Kshs. 2.9m million in Kisumu. Thank you Mr. Speaker.

The Speaker (Hon. Oraro): Hon. Guya, just before you pass over the microphone, you know, members of the public are wondering who the Executive is.

Hon. Guya: Thank you Mr. Speaker, the Executive comprises CEC Member In-charge of Roads, and the one currently in acting capacity is Hon. Dickson Ogongo, we have the Chief Officer of Roads, Engineer Ogeda. Mr. Speaker, all these people work on behalf of the Governor. Therefore, the Governor is the head of the Executive. We intend to have them see for themselves whether there was value for money for the roads that were done. Thank you Mr. Speaker.

The Speaker (Hon. Oraro): Thank you. There is one thing I would want to say based on remarks by Hon. Guya. Let it be a practice of the committees that when you are assigned work and you are not satisfied, just report within the time you are given, present the report that you have and give recommendations. In this case, for example, you ought to have reported back and recommended that now you are going to invite the CEC in the department of Roads, the Sub County Engineer, and the relevant personnel. You should also seek consensus from the members. I think, that way, we will be moving in the right direction. We will give you the authority and you should bring back the report in one or two weeks’ time accompanied by your recommendations. I had promised to give Hon. George Olwal.

Hon. Olwal: Thank you Mr. Speaker. I rise on Standing Order No. 42 to deliver a personal statement with your indulgence.

The Speaker (Hon. Oraro): Proceed

Hon. Olwal: Mr. Speaker, foremost, I want to commend you for the good work that you have been doing especially since the introduction of Assembly Mashinani. It is noble that we interact with the public. I suggest we have a public baraza in future. I am not sure whether we have had that before. Such would present an opportunity of getting their views on issues affecting them.

Mr. Speaker, I like your leadership especially going by the maxim of our Assembly. Our Assembly is a vibrant Assembly that intervenes and transforms society and addresses development challenges. Mr. Speaker, we must raise the bar of objectivity when we talk in this House so that arguments are not about the left or the right but about the right and the wrong. When you hear people especially on what we call *argumentum ad hominem*, that is to say, attack on the person. We should avoid that as an Assembly so that we raise the bar of objectivity in our discussions.

We also need to avoid profiling people like the “*Tangatanga*” or ODM. I was elected on ODM ticket. Therefore, when I contribute, I do it as an elected representative. Hon. Members might be having different views as is common to other persons, I however, expect my views and those of my people to be respected. This would yield a respectful, mature and honourable discussion as our name suggests. Thank you.

The Speaker (Hon. Oraro): Thank you. Hon. Steve Owiti

Hon. Owiti: Thank you Mr. Speaker, Sir. I rise while citing Standing Order No. 42 (2) to make a Personal Statement. Mr. Speaker Sir, I did not have the statement written but I would seek your indulgence so that you allow me to proceed. The statement I want to raise concerns the interest of the children in Kisumu and on issues of exploitation. I will proceed me.

The Speaker (Hon. Oraro): Proceed.

Hon. Owiti: Mr. Speaker, there is an upcoming tendency that when you walk in the streets of Kisumu and our major urban centres or areas, you have small children within a certain age bracket that need to be in school. Quite a number of times, Mr. Speaker, we meet those children hawking either liquid soap or roasted or boiled maize or similar things Mr. Speaker.

Mr. Speaker, when you get in the main town especially in the evening, we met many young girls who are very vulnerable. You will find them walking in the street of Kisumu as late as 9:00 p.m. and 10:00 p.m. hawking boiled maize or so called liquid soap. When you enquire where they come from, they will tell you that they come as far as Nyalenda and Obunga.

The Speaker (Hon. Oraro): What is it Hon. Pastor David Arao?

Hon. Pst. Arao: On a Point of Order. Mr. Speaker Standing Orders No. 89 states that Hon. Steve Owiti should substantiate if the children he has been meeting are from Obunga or Nyalenda

because we know very well that Hon. Steve Owiti is nowadays not staying in his ward hence just slaying in town. Mr. Speaker this is a slay king. Hon. Owiti cannot come and say that he has met children from Obunga without any substantiation.

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

Hon. Ogaga: Thank you Mr. Speaker, I stand to support what Hon. Arao has raise because before I joined politics I was working for an organization that was doing Community Empowerment and I worked within Obunga. One of the big problems I had to address and it would not get over. So Hon. Steve Owiti is very right to address that because our children are frustrated and misused. Even at the 'Juakalis' there are men who do take advantage of these girls and sleep with them at the garages where they work. We need to come out very strongly and support our children.

The Speaker (Hon. Oraro): Order Hon. Ogaga!! I am on my feet. Hon. Arao had raised a statement of concern on what Hon. Steve Owiti was presenting and Hon. Ogaga requested to give a point of information. Thank you Hon. Judith Ogaga because I wanted to rule Hon. Arao out of order because Hon. Steve Owiti has not completed giving his statement. Allow him to proceed and I will make a ruling. Hon. Steve Owiti we are out of statement hour hence I am adding you two minutes to complete your statement.

Hon. Steve Owiti: Mr. Speaker it is very unfortunate that we are addressing the issue affecting our girls and our young boys who are exposed to exploitation, something we meet each and every day as we walk in the city and urban areas and one Hon. Member would come on the floor and say that we are saying. Some of us use terms that we may not understand what they mean but the matter that we are talking about is of magnitude and the people are asking us as leaders.

The Speaker (Hon. Oraro): What is it Hon. Olale.

Hon. Olale: Mr. Speaker what Hon. Steve Owiti is raising is a very important statement for this County and we urge Hon. Steve Owiti to bring a written statement that can be discussed and debated in the Assembly. It is not correct to brush through this statement the way Hon. Steve Owiti want it to be brushed. A personal statement should be a statement that touches on Hon. Steve Owiti's life but any statement that is touching on our children should be brought to you according to our Standing Orders. Thank you.

The Speaker (Hon. Oraro): Thank you Hon. Olale. Hon. Steve Owiti, I think the Members have heard what you are saying and they know the direction you are heading to. I want to thank Hon. Olale, Standing Orders No. 42 provides that;

'During statement hour, a Member by the indulgence of the House explain matters of personal nature although there is no question before the House but such matter may not be debated'

I think the statement that is being raised by Hon. Steve Owiti is a matter of topical concern that affect the whole County. I want to rule that you come up with a motion of the same that will go through the House Business committee because I have realized that I is a matter of interest to the whole House.

The Speaker (Hon. Oraro): Next Order!

MOTION

PIC/PAC INDUCTION/WORKSHOP PROGRAM HELD ON 18TH DECEMBER 2019 TO 21ST DECEMBER 2019 AT THE NOBLE HOTEL

BY HON. MAURINE OTIANG'

The Speaker (Hon. Oraro): Yes Hon. Otiang'.

Hon. Otiang':

PREFACE

Establishment and Mandate

Hon. Speaker,

The Kisumu County Assembly Select Committee of Public Investments and Accounts derives its mandated pursuant to County Assembly Standing Order No. 188, Standing Order No. 186 - County Public Investment and Accounts Committee

(1) There shall be a select committee to be designated the County Public Investment and Accounts Committee.

(2) The County Public Investments and Accounts Committee shall be responsible for-

- (a) The 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 County Assembly as the Committee may think fit.
- (b) The examination of the reports, accounts and workings of the county public investments;
- (c) The examination, in the context of the autonomy and efficiency of the county public investments, whether the affairs of the county public investments, are being managed in accordance with sound financial or business principles and prudent commercial practices.

Composition of the Committee

Honourable Speaker,

The Select Committee of Public Investments and Accounts was constituted as per the County Assembly Standing Orders No. 188 and it comprises the following Members:

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

Honourable Speaker,

The County Assembly Committees are extension of the Assembly established under the County Assembly Standing Orders and in accordance with the Section 14 of the County Government Act, 2012. The Committees are supposed to perform functions that the Assembly is not well fitted to consider in plenary. The Select Committee of Public Investments and Accounts held its induction workshop from Wednesday 18th to Saturday 21st December, 2019. The objective of the meeting included the following:

- ❖ Appreciate and understand the role and place of the Committee in the Assembly,
- ❖ Responsibilities of the Committee.
- ❖ Appreciate the role and mandate of the Select Committee of Public Investments and Accounts, and
- ❖ Independent Offices and Commissions

Acknowledgement
Honourable Speaker,

I wish to acknowledge with gratitude the Offices of the Speaker and the Clerk of the County Assembly for the support extended to the Committee to facilitate this significant exercise.

In addition, I wish to register sincere thanks to Members of the Committee and the Secretariat for their dedication, untiring commitment and valuable contributions during the induction workshop.

Honourable Speaker,

It is therefore my pleasant duty and privilege, on behalf of the Members the Public Investments and Accounts Committee to table the Report of the Select Committee of Public Investments and Accounts on induction workshop held from Wednesday 18th to Saturday 21st December, 2019 at Noble Hotel, Eldoret.

INTRODUCTION

Honourable Speaker,

The County Assembly Committees are extension of the Assembly established under the County Assembly Standing Orders; and, in accordance with the Section 14 of the County Government Act, 2012. The Committees are supposed to perform functions that the Assembly is not well fitted to consider in plenary. The Select Committee of Public Investments and Accounts held its induction workshop from Wednesday 18th to Saturday 21st December, 2019.

The workshop entailed the overview, establishment and role of committees in achieving the mandate of the County Assembly; legal underpinning of Committees the Assembly; rationale for committees in the Assembly; and mandate of the Public Investments and Accounts Committee.

1.1 Official Opening

The workshop was officially opened by a word of prayer by the Chairperson before welcoming Members to the meeting. The Chair then invited Members, trainers and Secretariat to introduce themselves. This was subsequently followed by an urge to Members to actively participate in the

proceedings to enable them grasp the basics of the Committee roles in relation to audited reports and other key mandates.

In his opening remarks, the facilitator Mr. Cyprian Ndatho, a Representative of the Office of the Controller of Budget, Kisumu Chapter thanked Members and the Secretariat for attending the induction. He also noted that the training came at an opportune time when various policies, legislations and regulations were being developed to promote prudence in use of public resources. The training therefore would equip Members with requisite skills necessary in undertaking the roles of the Committees. He then invited his co-facilitator Mr. Duncun Baraza Opati, a Lecturer on Issues Finance and Devolved System of Government to introduce himself and take Members through the induction programme.

PRESENTATION BY FACILITATOR

The facilitator took Members through the induction on various topics as follows;

2.1 OVERVIEW OF ROLE OF COMMITTEES IN ACHIEVING THE MANDATE OF AN ASSEMBLY

a) Role of County Assembly

The presenter noted that the County Assembly perform the following functions:

- the County Assembly exercise legislative authority pursuant to Article 185 (1&2) of the Constitution of Kenya, 2010;
- scrutinizes and monitors the actions of the County Executive pursuant to Article 185 (3) of the Constitution of Kenya, 2010;
- vet and approve key County appointees;
- ensure the laws and budgets it has approved are implemented;
- subject the County Executive plans, policies and actions to public debate and hearings as provided in Article 185 (4) and 196 of the Constitution of Kenya 2010; and
- approve the budget, expenditure and borrowing of the County Government.

b) Legal Framework Underpinning Committees of the Assembly

The facilitator noted that;

Committees in the Assembly are smaller units or groups of the Assembly that allow the Assembly to perform several functions simultaneously. The power of the County Assembly to appoint Committees is derived from:

- The Constitution – Article 124, 195
- Enabling Acts – County Government Act, 2012, Parliamentary Powers and Privileges Act
- The Standing Orders
- Resolution of the Assembly
- Traditions and Practices

What Committees are capable of:

- Finding out facts of the case.
 - examining witnesses.
 - sifting through evidence, and drawing up reasoned conclusion.
 - gathering evidence from expert groups or individuals.
 - “take parliament to people” and allow direct contact between members of the public.
 - promote public debate on subject.
- c) General roles of the Committee

The presenter highlighted the following areas as the general roles of the Committee;

- Oversight the County Executive
- Initiating legislative proposals
- Scrutinizing of legislative proposals and Bills
- Conducting investigations and reporting to the plenary for action
- Reviewing audited accounts of County Government and public agencies
- Approval of public appointments
- Approval of County planning and development plans.

2.2 MANDATE OF THE SELECCT COMMITTEE OF PUBLIC INVESTMENTS AND ACCOUNTS

The presentation covered the establishment of Committee, its membership, functions, mandate and stakeholders.

2.2.1 Functions of the Committee

- 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 County Assembly as the Committee may think fit.
- examine the reports, accounts and workings of the county public investments;
- examine in the context of the autonomy and efficiency of the county public investments, whether the affairs of the county public investments, are being managed in accordance with sound financial or business principles and prudent commercial practices.

INDEPENDENT OFFICES AND COMMISSIONS

There are several Commissions and Independent Offices as listed below:

1. KNHCR (Kenya National Human Rights Commission)
2. NLC (National Land Commission)
3. IEBC (Independent Electoral and Boundaries Commission)
4. SRC (Salaries and Remuneration Commission)
5. NPSC(National Police Service Commission)
6. PSC (Public Service Commission)
7. JSC (Judicial Service Commission)
8. PSC (Parliamentary Service Commission)
9. TSC (Teachers Service Commission)
10. CRA (Commission On Revenue Allocation)
11. EACC – The Constitution did not create it but required Parliament to pass a law setting it up, like a chapter 15 commission.
12. Other 2 established under ordinary law but envisaged by the Constitution are the Gender and Equality Commission and the Ombudsman

NOTE: Parliament split the KNHCR as the Constitution allowed them and have the same Constitutional Independence. The Commission on National Cohesion and Integration was not created by the Constitution but an Act of Parliament.

The Members are called Commissioners and are responsible for policy and decisions that must satisfy the values criteria set out in Article 10 of the Constitution of Kenya 2010.

Independent Offices are those of the:

1. Auditor General (AG)
2. Office of the Controller of Budget (OCOB)

3.1 Independent Offices and Commissions that Interact much with the County Entities

1. Office of the Budget Controller (OCOB)
2. Office of the Auditor General (AG)
3. Salaries and Remuneration Commission (SRC)
4. Commission on Revenue Allocation (CRA)
5. Independent Electoral and Boundaries Commission (IEBC)

3.1.0 Office of the Controller of Budget

The Controller of Budget was established by the Constitution of Kenya under Article 228 to oversee the implementation of budgets of both national and county governments by authorizing withdrawals from public funds.

The Controller of Budget is one of the two independent offices established by the Constitution of Kenya under Article 248(3). The other is the Auditor General.

3.1.1 Mandate of the Office of the Controller of Budget

- Oversee the implementation of the budgets of national and county governments:
- Article 228(4)
- Monitor use of funds in-year and raise concerns on any signs of mismanagement to the Auditor General and both houses of Parliament.
- Controlling Role;

Authorizes withdrawals from public funds, that is:

- ✓ Consolidated Fund (Article 206(4))
- ✓ Equalization Fund (Article 204(9))
- ✓ County Revenue Fund (Article 207(3))

If satisfied that the same is in accordance with the law (Article 228(5))

This role promotes transparency and accountability by:

- a) Ensuring that funds are released only for budgeted activities
 - b) Any unauthorized activity cannot therefore be funded
- Reporting Role
 - ✓ Submits statutory reports to each house of Parliament on implementation of the budgets of national and county governments (Article 228 (6))
 - ✓ The COB also prepares quarterly, annual and special reports on budget implementation. Articles 254(1), (2) and 252(1)(a)
 - ✓ Through these reports, the COB ensures continuous monitoring of usage of public funds.
 - ✓ The reports are published and publicized for transparency.
 - Advisory Role
 - ✓ Advises Parliament on financial matters where the Cabinet Secretary responsible for finance has stopped transfer of funds to a state organ or public entity. Article 225(3) of the Constitution of Kenya, 2010.
 - ✓ The suspension of funds cannot be lifted or sustained before the CoB gives a report to Parliament. Article 225(7)(a) of the Constitution of Kenya, 2010.
 - Investigation Role
 - ✓ OCoB can conduct investigations on its own initiative or on a complaint made by a member of the public (Article 252(1)(a)) or on request from Parliament or Executive
 - Arbitration/ Mediation Role
 - ✓ OCoB has powers for conciliation, mediation and negotiation in case of a dispute or complaint. Article 252(1)(b) of the Constitution of Kenya, 2010.

3.1.2 Responsibilities of the Office of the Controller of Budget

This is stipulated in Article 249 of the Constitution of Kenya 2010.

- Protect the sovereignty of the People of the Republic of Kenya.
- Ensure that all state organs observe Democratic values and Principles.
- Promote Constitutionalism.

3.2. Office of the Auditor General

- ✓ Also referred as the Kenya National Audit Office
- ✓ Established under Chapter 12 part 6, Article 229
- ✓ Chapter 15, Article 248 and 249 provide for its Independence

3.2.1 Functions of the Office of the Auditor General

Within six months after the end of each financial year, the Auditor-General shall audit and report, in respect of that financial year, on:-

- The accounts of the National and County Governments;
- The accounts of all funds and authorities of the national and county governments;
- The accounts of all courts;
- The accounts of every commission and independent office established by this Constitution;
- The accounts of the National Assembly, the Senate and the county assemblies;
- The accounts of political parties funded from public funds;
- The public debt; and
- The accounts of any other entity that legislation requires the Auditor-General to audit.
- The Auditor-General may audit and report on the accounts of any entity that is funded from public funds.
- An audit report shall confirm whether or not public money has been applied lawfully and in an effective way.
- Audit reports shall be submitted to Parliament or the relevant county assembly.
- Within three months after receiving an audit report, Parliament or the county assembly shall debate and consider the report and take appropriate action.
- Article 226, Section 4 provides for the accounts of Office of the Auditor General to be audited and reported on by a professionally qualified accountant appointed by the National Assembly.

3.3. Commission on Revenue Allocation – CRA

The Commission on Revenue Allocation (CRA), is an independent Commission set up under Article 215 of the Constitution of Kenya 2010. Its core mandate is to recommend the basis for equitable sharing of revenues raised nationally between the national and the county governments, and among the county governments.

3.3.1 Functions of Commission on Revenue Allocation

- ✓ Recommend the basis of equitable sharing of revenue raised by national government between national and county governments.
- ✓ Recommend the basis of equitable sharing of revenue raised by national government among county governments.
- ✓ Recommend on matters concerning the financing of both the national government and county governments.
- ✓ Recommend on matters concerning financial management of both national and county governments.

Sources of Revenue for County Governments

- ✓ Revenue from national government: Article 202(2) of the Constitution of Kenya, 2010
- ✓ County Revenue Fund: Article 207. This is revenue generated from property rates, entertainment taxes, levies, fees and charges (Article 209(3)).
- ✓ Conditional and/or unconditional grants from national government. Article 202 (2) of the Constitution of Kenya, 2010
- ✓ Equalization Fund. Article 204 of the Constitution of Kenya, 2010
- ✓ Donor funds
- ✓ Loans and grants. Article 212 of the Constitution of Kenya, 2010
- ✓ Individuals Voluntary contributions

4.1 Financial Resources of the County Governments

1. Shareable Revenue:

- Revenue raised by the national government that is equitably shared between the national and county governments (Article 203 (2) of the Constitution of Kenya, 2010)
- In the FY2012/13, 15% of the total government revenue was allocated to counties.

2. Formula for sharing of national revenue among county governments

- Commission on Revenue Allocation recommended that total shareable revenue be shared among county governments based on the following formula which has been approved by parliament:

1. Population	45%
2. Basic Equal Share	25%
3. Poverty	20%
4. Area	8%
5. Fiscal Responsibility	2%

3. Criteria for identifying marginalized counties for the purposes of Equalization Fund
 - Equalization Fund is the 0.5 % of all revenue raised by the national government each year that will be used by the national government to provide basic services including water, roads, health facilities and electricity to the marginalized areas.
 - The purpose is to bring the quality of those services in those areas to the same level as generally enjoyed by the rest of the nation.

NOTE: CRA identified marginalized counties for the purposes of allocating equalization funds based on the following factors:

- ✓ Widespread poverty and insecurity
- ✓ Food insecurity
- ✓ Water scarcity for human and livestock use
- ✓ Impassible roads and hostile terrain
- ✓ Makeshift medical facilities
- ✓ Lack of access to the national electricity grid
- ✓

Marginalized counties identified from July 2011-June 2014 are: Turkana, Mandera, Wajir, Marsabit, Samburu, West Pokot, Tana River, Narok, Kwale, Garissa, Kilifi, Taita Taveta, Isiolo and Lamu.

5.0 Oversight Institutions at County Level

- Oversight institutions for the county budget execution process:
 - ✓ County Assembly
 - ✓ County Executive Committee
 - ✓ County Budget and Economic Council
 - ✓ CRA: recommendations on Division of Revenue and Allocation of Revenue
 - ✓ Controller of Budget
 - ✓ Auditor General

✓ Ethic and Anti-corruption Commission

1.0 Control of Budget Execution

- OCoB oversees the implementation of budgets of the county governments by authorizing withdrawal from county revenue fund if satisfied that the withdrawal is in accordance with the law.
- To oversee, specifically refers to, control, monitor, advise, and report on the implementation of the budgets by county governments entities.

5.1 Management of Funds at the County level

- County governments are required to open and operate accounts at the Central Bank of Kenya
- Imprest accounts are to be operated at commercial banks at the county level.
- These accounts are:
 1. County Revenue Fund (County Government Exchequer Account)
 2. County Government Operational Account
 3. County Government Operations Account-Standing Imprest Account (At commercial banks)
 4. County Government Revenue Collection Account (At commercial banks)

5.2 Monitoring Budget Execution at County Level

- OCOB expects county government entities to institute mechanisms to monitor the implementation of budgets within the fiscal year
- OCOB is mandated to monitor budget implementation to ensure that set budget objectives are being achieved and recommend remedial measures that are necessary for improving budget implementation within the fiscal period.

5.3 Reporting on Budget Execution at County Level

- The OCOB monitors budget implementation by analyzing and compiling statutory reports from:
 - ✓ The monthly returns filed by the county government entities.
 - ✓ Regular monitoring exercise on selected projects/programmes by county governments
- These reports will highlight:
 - ✓ Level of absorption of public funds (recurrent and development)
 - ✓ Utilization of funds according to the budgets and work plans

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- ✓ Mismanagement /misappropriation of public funds
 - ✓ Any signs of mismanagement will be picked and forwarded to Auditor General and other investigating entities for further investigation
 - The reports include:
 1. Reports to the Senate
 - ✓ OCOB reports to the Senate on the implementation of budgets of the county government entities every four months.
 2. Reports to the County Assembly
 - ✓ OCOB prepares and submits reports on budget implementation of county government entities to each of the respective 47 County Assemblies.
 3. Reports to the County Executive Committee
 4. Reports to Governors
 5. Advisory Reports to Parliament
 6. OCOB prepares special reports when a Cabinet Secretary responsible for finance stops the transfer of funds to a county government entity and there is need to uphold or review the decision.

5.4 Accounting, Reporting and Auditing

PFM Act provides for Annual /Quarterly Reporting by:

- Accounting Officers - on financial statements for their respective entity.
- Receiver of revenue - on revenue received and collected.
- Administrators of County public funds.
- ✓ Accounting officers to submit CG financial statement to the Auditor General 3 months after the end of the FY
- ✓ County Treasury to consolidate annual/quarterly CG Financial Statements
- ✓ CG Consolidated financial statements to be submitted to the Auditor General 4 months after the end of the FY.
- ✓ Reports are to be published and publicised.

Challenges

The following are the challenges faced by the counties in managing county resources:

- ✓ Operationalization of the Management Information System: IFMIS
- ✓ Building human capacity among the county governments.
- ✓ Inadequate institutional arrangements
- ✓ Lack of adequate infrastructure
- ✓ Resistance to change
- ✓ Corruption and other economic crimes: devolved to the counties
- ✓ Managing the high expectations from the people as expressed through ownership and public participations
- ✓ Lack of M&E framework for project implementation

Conclusion

- I. PFMA provides the legal framework within which all aspects related to financial resources in the county governments must be managed.
- II. Budget monitoring ensures that revenue and expenditure is constantly kept in check so that appropriate action is taken should significant variances from projections occur.
- III. It is therefore imperative to uphold best practices in the management of public resources in order to ensure high standards of living for all Kenyans.

CHAIRPERSON'S CLOSING REMARKS

The Chairperson, on behalf of the Committee, thanked trainers for their informative insights in the various items in the programme and appreciated their grasp of the topics. She assured them that the Members found deliberations relevant and practically applicable in the day to day business of the Committee.

Finally, she expressed gratitude to the secretariat for coordinating the logistics and availing the various documentation necessary for the workshop. To the office of the Clerk and the Speaker the Chairperson appreciated their efforts in assisting the Members by making sure that they were adequately facilitated enough to participate in the workshop.

Finally, she thanked the Members for attending the workshop and participating actively seeking to understand the various topical issues.

She officially closed the workshop and wished all safe travel back to Kisumu.

Mr. Speaker, may I call Hon. Seth Okumu to second.

The Speaker (Hon. Oraro): Hon. Seth Okumu.

Hon. Seth Okumu: Thank you Mr. Speaker, I want to second the report read by Hon. Otiang'. Mr. Speaker I was present in that meeting and it was an eye opener for the Committee Members. It will help them in their future activities in this Assembly. Even before we brought this report to this House, you brought before us several things that we were supposed to do as a committee. That training that we went to has really trained us in asking so many things among the issues that took us there. I would like to urge the Hon. Members to adopt this report and also request other committee Members that things that they don't understand, they can always go for professionals who can tell them on what they can do. I know of Members of the Assembly who were elected but they don't have the profession in Agriculture. I know of Hon. Arao who is struggling with ECD and he is not a professional of Education. I know of Members in Health and are not in that profession. If we can go for such kind of training then they can know exactly on what to do and they can execute their functions so well. Thank you Mr. Speaker.

The Speaker (Hon. Oraro): Thank you Hon. Members. Now that the report on the PIC/PAC Committee Induction Program held from 18th December 2019 to 21st December 2019 in Noble Hotel has been moved by Hon. Otiang' and seconded by Hon. Seth Okumu, I therefore want to propose the motion for debate.

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

Hon. Agolla: Mr. Speaker I am being compelled to call the mover to reply but I have some concerns that I want to add on the report. Mr. Speaker, yesterday you were present when H.E the Governor of Kisumu was adhering to the Constitution and the oversight Institutional levels whereby a County Budget and Economic Council was formed and I want to applaud the Governor for making sure that the oversight within Kisumu County is taken to heights.

That notwithstanding, I want to challenge the committee should have come out with some recommendation in this report. Those professionals may have not covered everything due to time constraints but you should have come up with some recommendations.

I want to take us to page 17: Mr. Speaker, inadequate Institutions arrangements; I want us to relook at this entity. The issue of Decentralization of Procurement has to be worked on by the Committee of PIC/PAC so that this County can move faster because it has been realized that this issue has been promoting the delays in implementation of projects thus result to corruption.

When we go to lack of M & E framework: I want to urge the Hon. Chairperson, Hon. Otiang;' and the entire committee to work hand in hand with the committee of delivery unit at the prosperity House so that delivery of service and Implementation of projects in this County are adhered to.

Finally, I want to recommend that the committee of Budget and Appropriations to make sure that one of the recommendations in this report in the legal framework that Submission of Quarterly Reports should not be taken for granted and let the House to debate on it so that we make sure that the finances and the processes of this County are well taken care of.

I want to applaud the committee and I want to recommend other committees to also look for professionals under Standing Orders No. 186 for advice. Thank you.

The Speaker (Hon. Oraro): I noticed Hon. Arao first then Hon. Steve Owiti.

Hon. Pst. Arao: Mr. Speaker this report is very exhausted in black and white. I was going through it as the Chairperson was reading it and found it to be a very good report. I want to support this report although would like to request this committee to make things practical and I want to see action.

Mr. Speaker, I know it is detailed and you can see the report is very bulky. If the information contained here can be translated into action then Kisumu shall move to another level.

Finally, Mr. Speaker you know very well that it is only from the background of a person that makes a person and I want to tell Hon. Seth Okumu that I got a B+ as mean grade and I scored an A in English. Mr. Speaker I am a product of the best University in East and Central Africa that is the University of Nairobi. It is very bad for a Hon. Member to say that I don't fit the Committee of Education because of failure of some individual that we are going to deal with perpendicularly this evening. I promise the House that before the end of the week we shall have done a great deal to make sure that our children go to school. Hon. Seth Okumu forgets that I also have children who are going to school in my ward. I support the report.

The Speaker (Hon. Oraro): Hon. Steve Owiti.

Hon. Steve Owiti: Mr. Speaker allow me to congratulate the PIC/PAC Committee for the good job done. As a friend of the committee, I want to say that this training was not in vain. I want to say that after this training we have seen a number of actions put in place and I want to say that with the same spirit Madam Chair, we need to continue with the implementation. Before this report was even tabled before this House, the committee had already moved into action and as we speak the committee has set a number of actions to the departments. One of the departments is the Education department which my good friend Hon. Seth Okumu has mentioned that is headed by a lawyer who is not an educationist. It is not in bad faith but that is a fact that we cannot change.

Nevertheless, I want to recommend that moving forward, as a Committee of PIC/PAC, we need to intensify our oversight role because this is one of the is one of the most critical committees that we have in the House that when it bytes we will make this County to be felt. I think that the objects of Devolution are yet to be realized by our people and one of the committees that will

ensure that the Executive feel that our people are suffering is this committee. I therefore congratulate and also support that the information that is contained in this report that is presented today shall not only remain relevant to that committee but shall also be used by Members of this House so that we can improve on the oversight role of this House. Thank you.

The Speaker (Hon. Oraro): Yes Chief Whip.

The Chief Whip (Hon. Misachi): I know what she wanted to say. I am a prophet.

The Speaker (Hon. Oraro): How did you know what she wanted to say? Hon. Ogaga are you confirming that she knows what you wanted to say?

Hon. Ogaga: Mr. Speaker we were standing at the same time and because of her seniority, I have allowed her to go ahead of me.

The Speaker (Hon. Oraro): Okay.

The Chief Whip (Hon. Misachi): Thank you Mr. Speaker. I want to say that in your stewardship as the Speaker in this Assembly, I believe that you are now going to give room for the Members of the committee to co-opt people with knowledge in whichever docket they are going to discuss so that all our reports and our committees should be vibrant like this committee has done a very good report and I support their report. So I want to appeal to allow experts to sit in our committees on appointment.

The Speaker (Hon. Oraro): What is it Hon. Agolla?

Hon. Agolla: Mr. Speaker, I just wanted to inform the House that locust had invaded this Assembly and I can see our Sergeant-at-Arms are struggling to remove...

The Speaker (Hon. Oraro): Which type of locust is that?

Hon. Agolla: Mr. Speaker, it is Hon. Seth Okumu to confirm.

The Speaker (Hon. Oraro): What is it Hon. Steve Owiti?

Hon. Steve Owiti: Mr. Speaker I think that there are matters that we should let go. We are aware that we are in Hon. Seth Okumu's home ground and that is one of the animals that protect his office. So it should not worry us.

The Speaker (Hon. Oraro): I think that is on a light note. Hon. Ogaga.

Hon. Ogaga: Thank you Mr. Speaker may I call upon the mover to reply.

The Speaker (Hon. Oraro): Hon. Otiang'.

Hon. Otiang’: Mr. Speaker I want to take this opportunity to thank the Hon. Members who we sat with at Eldoret to learn and understand our mandate. Somebody just jogged my mind as we were speaking that is Hon. Agolla and I think that maybe he did not understand that where our mandate starts and ends that is the mandate of implementation that he was talking about. Thank you. Notwithstanding Mr. Speaker, I want to thank you for giving us this opportunity to go and learn.

Mr. Speaker, as you are aware that, when we were still under the last regime, we were not allowed even going and learning to understand our mandate. That is an improvement that I want to commend you on that. I also want to ask our Members that if you are sitting in a committee and feel that there is more knowledge that you can acquire to help us grow this County to better heights, feel free to do so, so that we are seen to be walking and we are seen to be doing our job as mandated in our Constitution. Thank you.

The Speaker (Hon. Oraro): Thank you Hon. Members. I think that this report is an eye opener to the Members and to the Members of the public. I want to refer ourselves to page 13 where basically we have the financial resources of the County and before that are the resources of the revenue of the County Government. It is in the public domain that there is confusion on what entails a County Government budget and it has been reported that probably the donor funds like the KUSP are not considered in the County Government fund. This report highlights very well that the sources of revenue for Kisumu County Government which is one of the County Government; one is the revenue from the National Government, County revenue fund and the County revenue fund comes from two types of taxes and the rest are levies or fees that are charged on services; the taxes are property rate and entertainment tax. The rest are levies, fees and charges as per Article 209. Let us stand guided on the sources of funds for County Government; the third one is conditional and unconditional grant from national Government then there is equalization fund, donor funds, loans and grants and individual monetary contributions. When you look at the budget of a County, all those entail a budget of a County and don’t let somebody confuse you that donor funds are not part of funds of Budget of a County Government.

I am also attracted to part two of financial resources of County Government which is basically the Formula for Sharing National Revenue among County Government. I can confirm that Hon. Seth Okumu is a Member of PIC/PAC Committee and Hon. Ogaga with other Hon. Members went to Kisii on CRA Program/Workshop which did present a matter that is similar to this. I am attracted to this because. most people or most of the public and the Assembly have been presented with some facts which are not true but the allocation by the National Government to the County is based on the ability to collect revenue. If you look at that part, it reads that 45% of what goes to the County Government is based on the population, 25% is shared equally among the 47 Counties and 20% is based on poverty index, the area is based on 10% and only 2% is based on fiscal responsibility.

As we go back, let us put the Executive to task that they have to put their revenue and the budgeting of any project should be based on realistic revenue collected in the previous year because the moment we base our budgeting on proposed estimate that is what results to the pending bills that we normally have. With those few remarks, I can present that the report has been brought by Hon. Otiang', seconded by Hon. Seth Okumu, debated on by the Members and it is time that I put a question on the adopting of the report on Investigative committee of PIC/PAC induction/workshop program held on 18th December 2019 to 21st December 2019 at the Noble hotel.

(Question put and agreed to)

The Speaker (Hon. Oraro): The report is hereby adopted today Tuesday 3rd March 2020 at 1651 hours.

Next Order!

ADJOURNMENT

The Speaker (Hon. Oraro): There being no any other business to transact, the House stands adjourned to tomorrow 4th March 2020 at 9.00 a.m.

(House rose at 4.50 p.m.)

Addendum

Zablon Otiende – Head of Department

Edward Odanga – Hansard Reporter

Fanuel Okode – Hansard Reporter

Patrick Okoyo – Hansard Reporter

Jacklyne Otieno – Hansard Reporter

Denis Onyango – Hansard Reporter