

## COUNTY GOVERNMENT OF KISUMU



### COUNTY ASSEMBLY OF KISUMU

### **THE HANSARD**

### SECOND ASSEMBLY – FOURTH SESSION

Tuesday, 07<sup>th</sup> July, 2020

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

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

### PRAYERS

**The Speaker** (Hon. Oraro): Hon. Members, welcome to this session which I believe is the last Assembly session in this period before the House breaks for its Recess which is due.

Hon. Members, I want to refer to the provisions of the Country Assembly Standing Orders No. 38 (2) which stipulates the sequence of House Proceedings and it states that;

*“Assembly Business shall be dispensed of in the sequence in which it appears in the Order Paper or in any other sequence as the Speaker may or so direct”*

Hon. Members, I so want to direct that, Order Number Two becomes Order Number One and Order Number One becomes Order Number Two. With that I want to call upon the Clerk to take us through the Order of the day?

### COMMUNICATION FROM THE CHAIR

**The Speaker** (Hon. Oraro):Hon. Members, I have a few communications to make. First, is that our Zoom Link is on and the access code is as sent on the WhattsApp Forum so, you can communicate to Hon. Members who want to reach us virtually and the access code has not been altered and it has not been changed and they can join us through the link provided.

Secondly, on Friday, 03<sup>rd</sup> July, 2020 we organized for the COVID-19 Tests for both Members of the Assembly and the Staff. I would like to appreciate and applaud Hon. Members who took the courage and had time to undergo the test alongside Members of the Staff. The good news is that yesterday I did receive communication from KEMRI that all the 92 samples tests that were carried out returned negative results.

*(Applause)*

Hon. Members, I want to urge Hon. Members who had not undergone the test that, the team was supposed to be here which they have not done as a result of the backlog in the Executive side. So, you are highly encouraged that you visit the Executive side to carry-out the test because it is for your wellbeing that you know your status even as you prepare to proceed for your Recess if the Leader of Majority moves that Motion in due course. All in all we appreciate God that the Assembly is safe and we need to maintain that.

Hon. Members, there is concern from the Security Personnel of the Assembly in terms of how we get in and out of the Assembly Precincts. This is especially the Parking Lot and the Assembly Precincts as a whole. There is complaints that it has become difficult to control Members of the Public who come in and out of the Assembly Precincts without their authority. We were all in concurrence that only a few Hon. Members shall be attending the Assembly Sessions which was to enable us comply with the MOH Protocols on Social Distance and we want to encourage that and state that we shall not permit the public inside the Precincts of the Assembly. I want to appreciate Members of the Fourth Estate who have adhered to these directives because when they access the Assembly they regulate the numbers allowed likewise observe the Social Distancing. So, I want to encourage Hon. Members that, for those of us who have company of more than one person, please adhere to these protocols by declaring the numbers that you have and the importance of Social Distance and the Assembly Precincts remains out of bounds. So, let us comply with the laws of the Assemblies and adhere to the rules so that you give the Security Personnel easy time. I am putting light so that you understand what I mean.

Hon. Members, my other communication is that, today I received a Report from the Committee on Selection Chairperson who happens to be the Leader of Majority concerning a number of changes that were proposed and he requested me to convey this information through Communication from the Chair owing to the fact that by the time the report was ready, the House Business Committee had sat also owing to the fact that he will be moving a Motion on Recess, it was paramount that I convey this information. Earlier back, I did present communication from the Majority Part (ODM) on a number of changes in the House Committees, and I did direct that necessary adjustments be undertaken in those House Committees. Before re-alignments were done by the Committee on Selection, they looked at a number of issues and key areas and the following recommendations were made and validated by the various House Committees and forwarded to the Committee on Selection for consideration;

1. Hon. Kennedy Ooko, MCA, Ahero Ward was proposed for the position of Vice-chairperson of Water, Environment and Natural Resources Committee. The Committee met and validated the changes.
2. Hon. Beatrice Odongo, Specially Elected Member was proposed for the position of Vice-chairperson, Powers and Privileges Committee. The Committee met and validated the changes.
3. Hon. Roy Samo, MCA, Kajulu was proposed for the position of Vice-chairperson Committee on Implementation. The Committee met and validated the changes.
4. Hon. Jane Juma Manuche, Specially Elected Member was proposed for the position of Vice-chairperson, Agriculture, Livestock and Fisheries Committee. The Committee met and validated the changes.
5. Hon. Sally Okudo, MCA, Central Semewas proposed for the position of Vice-chairperson Welfare and Equal Opportunity Committee. The Committee met and validated the changes.
6. Hon. Benny Pete, MCA, Kabonyo/Kanyagwalwas proposed for the position of Vice-chairperson PIC/PAC Committee. The Committee met and validated the changes.
7. Hon. Caren Oguok Nyangoya, Specially Elected Member was proposed for the position of Vice-chairperson Ward Development Committee. The Committee met and validated the changes.
8. Hon. Steve Owiti MCA, Kolwa Eastwas proposed for the position of Vice-chairperson Liaison Committee. The Committee met and validated the changes.

Hon. Members, I have in my possession the report of the Committee on Selection which I am not able to read as a whole. I want to direct the Leader of Majority who is the Chairperson Committee on Selection to post this report on the WhatsApp Forum so that Members are aware of the Committees that they are aligned to and the same be communicated to the Department of Human Resources and the Payroll person to effect these changes immediately. This is to the Leader of Majority, please ensure that this report is conveyed to all the Members in terms to the Committees and the same be conveyed to the HR and the Payroll immediately.

Hon. Members, the other communication that I want to make is on the Committees. I have received a series of requests from various House Committees on the need to convene during Recess. Hon. Members, as per the provisions of our Standing Orders, you are all aware that when we are in Recess a Committee can be allowed to sit but with formal written request for approval by the Office of the Speaker. I however want to direct that, all House Committees including;

1. Planning, Industrialization and ICT which have requested for four sittings;
2. Health, Housing and Sanitization Committee;
3. Agriculture, Livestock and Fisheries Committee;
4. Labour and Social Welfare Committee;

5. Water, Environment and Natural Resources Committee;

Kindly avail your work schedule and the activities/agenda for the meeting to the Office of the Speaker for approval. The Committee of Health and Sanitation has a scheduled meeting on 13<sup>th</sup> July, 2020 which had been approved because they are scheduled to meet the CEC and the Chief Officers Health on matters COVID-19 Fund. Hon. Members, I direct that I shall only approve Committees that avail both the formal request and the schedule of activities and dates to be undertaken and the agendas to be undertaken for the meetings.

Hon. Members, on the same note, the Liaison Chairperson has approached the Office of the Speaker that there is need to continue with the Sub-counties Oversight which I believe is in order. However, I have requested for a discussion between the Leader of Majority, the Liaison Chairperson and the Clerk of the Assembly on the way-forward with regards to the Sub-counties Oversight. We need to develop a schedule of activities with what is going to be oversighted for tangible oversighting. So, you shall be getting communication on the same in due course.

Finally, I did give direction that I shall be giving a Reasoned Ruling on the CEC Member for Finance and Economic Planning, Mr. Nerry Achar who was Impeached in this Assembly in a ruling that I stated that I will be giving today Tuesday, 07<sup>th</sup> July, 2020. I went through the report on the Ad hoc Committee and also made reference to a number of relevant statutes regarding the same coupled with various consultations from different Stakeholder including the House of Senate and the National Assembly on such matters.

Hon. Members, I have to bring to your attention that the matter at hand was not impeachment but a Statement of Oversight to know the Implementation Status of the Resolution of the Assembly as regard the Impeachment of the said CEC Member. I prepared my ruling, but I have to bring to your attention that on Monday, 06<sup>th</sup> July, 2020, I received a letter from the Governor, Kisumu County, Hon. Professor, Peter Anyang' Nyong'o on the issue of the County Executive Committee Member, Mr. Nerry Achar stating that the said CEC Member offered to step aside from the Cabinet until his legal application that he had sought from the Court of law shall be concluded.

Hon. Members, attached to the letter from the Governor, Kisumu County, is a letter written by Mr. Nerry Achar to the Governor, Kisumu County and I commence by reading the letter of the Governor;

Reference CGK/GVN/ADM/01/Vol. I/700 to the Speaker, County Assembly of Kisumu.  
Reference, County Executive Committee Member – Mr. Nerry Achar.

Enclosed please find a letter dated 06<sup>th</sup> July, 2020, addressed to me by the CECM – Nerry Achar. Mr. Achar has offered to step aside from the Cabinet until the legal process is concluded. I concede to the request and draw the Assembly's attention to it. Yours sincerely, Professor, Peter Anyang' Nyong'o.

Hon. Members, I have shared the letter in our WhatsApp Group and that one brings me to the conclusion that the matter has been dispensed of with as per the request of the mover of that Statement Hon. Jecktone Ojwang' Ogendo and we cannot proceed with that matter because the member is no longer with the Executive. So, the matter comes to an end until something similar to that or any query is brought to the Assembly accordingly and procedurally. I have shared the report on the WhatsApp Forum. Thank you.

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

### ADMINISTRATION OF OATHS

**The Speaker** (Hon. Oraro): The following Hon. Members have been lined up for taking Oath of Office as Vice-chairpersons in various House Committees;

1. Hon. Kennedy Ouma Ooko, MCA, Ahero Ward for Vice-chairperson, Water, Environment and Natural Resource Committee
2. Hon. Beatrice Odongo, Specially Elected Member for the position of Vice-chairperson, Powers and Privileges Committee.
3. Hon. Roy Samo, MCA, Kajulu Ward for the position of Vice-chairperson Committee on Implementation.
4. Hon. Jane Juma Manuche, Specially Elected Member for the position of Vice-chairperson, Agriculture, Livestock and Fisheries Committee.
5. Hon. Sally Okudo, MCA, Central Seme for the position of Vice-chairperson Welfare and Equal Opportunity Committee.
6. Hon. Benny Pete, MCA, Kabonyo/Kanyagwalfor the position of Vice-chairperson PIC/PAC Committee.
7. Hon. Caren Oguok Ny'angoya, Specially Elected Member for the position of Vice-chairperson Ward Development Committee.
8. Hon. Steve Owiti MCA, Kolwa East Ward for the position of Vice-chairperson Liaison Committee.

**The Speaker** (Hon. Oraro): Yes Hon. Kennedy Ouma Ooko!

I, **Hon. Kennedy Ouma Ooko**, having been appointed as the **Vice-Chairperson of Water, Environment and Natural Resource Committee** of the Kisumu County Assembly do swear, that I shall truly and diligently serve the people and the Republic of Kenya in the office of **Vice-chairperson of Water, Environment and Natural Resource Committee** of County Assembly of Kisumu; That I shall respect, uphold, preserve, protect and defend the Constitution of the Republic of Kenya; and I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of the parliament without fear or favor, affection or ill health.

**SO HELP ME GOD!**

*(Hon. Ooko appends his signature in the Oath Documents)*

*(Applause)*

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

I, **Hon. Beatrice Odongo**, having been appointed as the **Vice-Chairperson of Powers and Privileges Committee** of the Kisumu County Assembly do swear, that I shall truly and diligently serve the people and the Republic of Kenya in the office of **Vice-chairperson of Powers and Privileges Committee** of County Assembly of Kisumu; That I shall respect, uphold, preserve, protect and defend the Constitution of the Republic of Kenya; and I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of the parliament without fear or favor, affection or ill health.

**SO HELP ME GOD!**

*(Hon. Beatrice Odongo appends her signature in the Oath Documents)*

*(Applause)*

**The Speaker** (Hon. Oraro): Yes Hon. Roy Samo. He is absent. Hon. Jane Juma Manuche.

I, **Hon. Jane Juma Manuche**, having been appointed as the **Vice Chairperson of Agriculture, Livestock and Fisheries Committee** of the Kisumu County Assembly do swear, that I shall truly and diligently serve the people and the Republic of Kenya in the office of **Vice Chairperson of Agriculture, Livestock and Fisheries Committee** of County Assembly of Kisumu; That I shall respect, uphold, preserve, protect and defend the Constitution of the Republic of Kenya; and I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of the parliament without fear or favor, affection or ill health.

**SO HELP ME GOD!**

*(Hon. Jane Manuche appends her signature in the Oath Documents)*

*(Applause)*

**The Speaker** (Hon. Oraro): Yes Hon. Sally Okudo.

I, **Hon. Sally Okudo**, having been appointed as the **Vice Chairperson of Welfare and Equal Opportunities Committee** of the Kisumu County Assembly do swear, that I shall truly and diligently serve the people and the Republic of Kenya in the office of **Vice Chairperson of Welfare and Equal Opportunities Committee** of County Assembly of Kisumu; That I shall



respect, uphold, preserve, protect and defend the Constitution of the Republic of Kenya; and I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of the parliament without fear or favor, affection or ill health.

**SO HELP ME GOD!**

*(Hon. Sally appends her signature in the Oath Documents)*

*(Applause)*

**The Speaker** (Hon. Oraro): Yes Hon. Benny Pete Oiko.

I, **Hon. Benny Pete Oiko**, having been appointed as the **Vice Chairperson of the Public Investments and Accounts Committee** of the Kisumu County Assembly do swear, that I shall truly and diligently serve the people and the Republic of Kenya in the office of the **Vice Chairperson of the Public Investments and Accounts Committee** of County Assembly of Kisumu; That I shall respect, uphold, preserve, protect and defend the Constitution of the Republic of Kenya; and I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of the parliament without fear or favor, affection or ill health.

**SO HELP ME GOD!**

*(Hon. Benny Oiko appends his signature in the Oath Documents)*

*(Applause)*

**The Speaker** (Hon. Oraro): Yes Hon. Careen Oguok Nyangoya.

I, **Hon. Careen Oguok Nyangoya**, having been appointed as the **Vice Chairperson of the Ward Development Committee** of the Kisumu County Assembly do swear, that I shall truly and diligently serve the people and the Republic of Kenya in the office of the **Vice Chairperson of the Ward Development Committee** of County Assembly of Kisumu; That I shall respect, uphold, preserve, protect and defend the Constitution of the Republic of Kenya; and I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of the parliament without fear or favor, affection or ill health.

**SO HELP ME GOD!**

*(Hon. Careen Oguok appends her signature in the Oath Documents)*

*(Applause)*

**The Speaker** (Hon. Oraro): Yes Hon. Steve Ouma Owiti.

I, **Hon. Steve Ouma Owiti**, having been appointed as the **Vice Chairperson of the Liaison Committee** of the Kisumu County Assembly do swear, that I shall truly and diligently serve the people and the Republic of Kenya in the office of the **Vice Chairperson of the Liaison Committee** of County Assembly of Kisumu; That I shall respect, uphold, preserve, protect and defend the Constitution of the Republic of Kenya; and I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of the parliament without fear or favor, affection or ill health.

**SO HELP ME GOD!**

*(Hon. Steve Owiti appends his signature in the Oath Documents)*

*(Applause)*

**The Speaker** (Hon. Oraro): Next order Mr. Clerk.

**PAPERS**

COMMITTEE ON IMPLEMENTATION REPORT ON THE IMPLEMENTATION STATUS  
OF THE PROJECTS IN THE DEPARTMENT OF EDUCATION, ICT AND HUMAN  
CAPACITY DEVELOPMENT FOR THE FY 2019/2020

BY

HON. ERICK AGOLLA

CHAIRPERSON, IMPLEMENTATION COMMITTEE

AND

COMMITTEE ON IMPLEMENTATION REPORT ON THE IMPLEMENTATION STATUS  
OF THE PROJECTS IN THE DEPARTMENT OF BUSINESS, COOPERATIVES AND  
TRADE FOR THE FY 2019/2020

BY

HON. ERICK AGOLLA

CHAIRPERSON, IMPLEMENTATION COMMITTEE

**The Speaker** (Hon. Oraro): Hon. Sally Okudo.

**Hon. Okudo:** Thank you Mr. Speaker. I am standing in for Hon. Erick Agolla.

**The Speaker** (Hon. Oraro): Proceed.



**Hon. Okudo:** Thank you Mr. Speaker. Pursuant to the provisions of the County Assembly Standing Order No. 182 (6), I wish to lay today Tuesday 7<sup>th</sup> July, 2020, the Committee on Implementation report on the implementation Status of the projects in the Department of Education, ICT and Human Capacity Development for the FY 2019/2020.

Mr. Speaker, Pursuant to the provisions of the County Assembly Standing Order No. 182 (6), I wish to lay today Tuesday 7<sup>th</sup> July, 2020, the Committee on Implementation report on the implementation Status of the projects in the Department of Business, Cooperatives and Trade for the FY 2019/2020. Thank you.

**The Speaker** (Hon. Oraro): Honourable Members, I confirm the receipt of the report from Committee on Implementation on the Implementation Status of the projects in the Department of Education, ICT and Human Capacity Development for the FY 2019/2020 by Hon. Erick Agolla.

I also confirm the receipt of the report from Committee on Implementation on the Implementation Status of the projects in the Department of Business, Trade and Cooperatives for the FY 2019/2020 as presented by Hon. Okudo on behalf of Hon. Agolla.

Next order!

#### NOTICES OF MOTION

COMMITTEE ON IMPLEMENTATION REPORT ON THE IMPLEMENTATION STATUS  
OF THE PROJECTS IN THE DEPARTMENT OF EDUCATION, ICT AND HUMAN  
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**The Speaker** (Hon. Oraro): Hon. Sally Okudo.

**Hon. Okudo:** Thank you Mr. Speaker. Pursuant to the provisions of the County Assembly Standing Order No. 45, I wish to give a notice of motion for the Committee on Implementation on the Implementation Status of the projects in the Department of Education, ICT and Human Capacity Development for the FY 2019/2020.

Mr. Speaker Sir, Pursuant to the provisions of the County Assembly Standing Order No. 45, I wish to give a notice of motion for the Committee on Implementation on the Implementation Status of the projects in the Department of Business, Trade and Cooperatives for the FY 2019/2020. Thank you.

**The Speaker** (Hon. Oraro): Thank you so much. Honourable Members, I do direct the Clerk that the two reports that were tabled earlier be committed to the House Business Committee to find for them a slot to be discussed in the House now that the notice has been given.

Next order!

### STATEMENTS

**The Speaker** (Hon. Oraro): Yes Hon. Linnet Muga.

**Hon. Muga:** Thank you Mr. Speaker. I am rising on Personal Statement.

**The Speaker** (Hon. Oraro): Hon. Muga, you have to get a mask first before you proceed.

**Hon. Muga:** Thank you. I want to sincerely express my pleasure and gratitude on the reopening our churches by His Excellency the President of the Republic of Kenya, Uhuru Kenyatta. I am happy we will be able to attend the church services. I also want to appreciate the leasing of debts by the state-owned sugar mills because we understand the challenges the cane farmers have been facing. The Chemelil, Muhoroni and Miwani will now be able to operate.

I am now seeing light in the tunnel and that there is hope now that if they were leased, our youths, husbands and fellow community members can get employment. As a farmer, I know that there will be competency in the sugar milling zones. I would also want to thank His Excellency the President of the Republic of Kenya and Raila Odinga for the handshake because I can now be proud to say that I am enjoying the fruits of the handshake. May the good Lord bless them because I know that the livelihood of my people will be as it was before or even better than that. As I give my statement Mr. Speaker, I want to thank the two factories that is West Kenya and Kibos for trying to employ youths despite the few numbers but at least they tried to curb the unemployment in that sector. Therefore with the lease of five factories, there will be much more employment, which will be great. Thank you for the chance to air my statement.

**The Speaker** (Hon. Oraro): Yes Hon. Moris Otieno Ngeta, Chairperson Committee of Culture, Gender and Community Services, and the MCA of Awasi Onjiko ward.

**Hon. Ngeta:** Thank you Mr. Speaker, I want to applaud the leadership of this House for the commendable job you have done. Members of this House can laugh in a sigh of relief for one or two things that both you as well as the House leadership have done. This boat we are floating on is happy because of your wisdom and the fact that we all have a responsibility including those who had been earlier left out. I pray that we continue so and that the Almighty God leads you through it and that He guides Kisumu County at large. Thank you very much Mr. Speaker.

**The Speaker** (Hon. Oraro): Yes Leader of Minority, Hon. Benny Pete Oiko.

**Hon. Oiko:** Thank you Hon. Speaker, I want to raise an issue I had raised a while ago in April 2020 before we went for a short recess. I raised two statements on the Community Health Volunteers, commonly known in Luo language as ‘Nyamrerwa’ concerning their payment. I wanted to know how much their outstanding arrears are as well as the total number. Consequently, I raised a statement on the casual workers in the Health facilities in terms of their number and remuneration. After which, you instructed that the labour committee should have brought the report by 29<sup>th</sup> of April, 2020, when the Assembly resumed.

However, no response has been presented to this House to date, and it looks like the office of the Speaker gave no order on this matter. I pray that you revisit this matter and that we have a record of reference in this Assembly. For instance when the 29<sup>th</sup> April reached and we resumed, I expected that all the instructions that were given by the Speaker were shown in a record of the ones that had been adhered to as well as those that had not been implemented yet. They should therefore be presented as positions of the instructions that were given by the Speaker. Unfortunately, we have a recurrent situation whereby when a Member raises a statement but it is not remembered then it just dies.

The chairperson of the Labour Committee has also not bothered to alert the House that the Committee was instructed to give the response on 29<sup>th</sup> April and what position they have come to. Mr. Speaker I am pleading with your office to take this matter seriously because Members will be discouraged to make statements in this House. Thank you.

**The Speaker** (Hon. Oraro): Yes Hon. Genga it is statement time... Hon Genga...

Yes Hon. Guya... Hon Omoro... I think they are not in good connection via Zoom App because I can see them raising their hands but it could be that they are not hearing me clearly.

**Hon. Omoro:** (Through Zoom Application) Mr. Speaker I do not have any statement now.

**The Speaker** (Hon. Oraro): Okay. Yes Leader of Majority.

**The Leader of Majority** (Hon. Onyango): Thank you Mr. Speaker, allow me to give a brief statement that will urge the committees to do a little more especially when we resume our next sitting. Members often raise issues which the Chair commits to Committees but it is unfortunate that the committees don't take such assignments seriously. Mr. Speaker when we resume it will be important for us to find ways in which statements that are committed to Committees are followed up and responses brought back to the Assembly. Some of these issues raised are usually quite sensitive as they affect our people directly and so it will be important for Members to seize such opportunities to present to this House well informed responses. In doing so, our legislative function will be properly carried out.

I also want to appeal to the Chairpersons and vice Chairpersons that these positions are not given for prestige purposes but because there is work to be done. It will be important that if you are given a position of leadership, you have to raise the bar a little higher so that there is value for the position that you are holding, thank you Mr. Speaker.

**The Speaker** (Hon. Oraro): Next Order Mr. Clerk.

**The Speaker** (Hon. Oraro): Just a minute, Yes Hon. Genga.

**Hon. Genga:** (Via Zoom). Thank you very much Mr. Speaker, I have a personal statement to make.

**The Speaker** (Hon. Oraro): Carry on

**Hon. Genga:** My personal statement is on the conclusion of the composition of the House committee. I thank you for seeing to it and I hope that now we will ....

**The Speaker** (Hon. Oraro): Hon. Genga you are breaking and we can't get you clearly it might be that today you are experiencing poor connection on your side. Yes Hon. Guya.

**Hon. Guya:** (Via Zoom App) I have no statement Mr. Speaker.

**The Speaker** (Hon. Oraro): Okay, Mr. Clerk kindly read the Next Order.

## COMMENCEMENT OF BUSINESS

### MOTION

REPORT ON THE VETTING OF CHIEF OFFICER FOR LANDS, SURVEY AND  
PHYSICAL PLANNING, MR. MOSES OREGI ONYANGO

PRESENTED BY

HON. GEORGE OLWAL

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**CHAIRPERSON OF COMMITTEE OF PLANNING, INDUSTRIALIZATION AND ICT**

**The Speaker** (Hon. Oraro): Yes Hon. George Olwal. What is it Hon. George Ogutu?

**Hon. Ogutu:** Thank you Mr. Speaker, as a committee Member, I would like to read that Report on behalf of my Chairperson Hon. George Olwal who is unwell today.

**The Speaker** (Hon. Oraro): Carry on.

**Hon. Ogutu:** Mr. Speaker and Hon. Members,  
PURSUANT to section 6 (1) of the Public Appointments (County Assembly Approval) Act, 2017 His Excellency the Governor Prof. Peter Anyang' Nyong'o notified the County Assembly about his nominee for the position of Chief Officer for Lands, Survey and Physical Planning through a letter Ref. CGK/CS/ADM/20/VOL.III/96 dated 18<sup>th</sup> June, 2020 and signed by the County Secretary (Annexure I)

Consequently, pursuant to the provision of Section 7(1) of the Public Appointments (County Assembly Approval) Act, 2017, the Speaker reported the receipt of the notification to the County Assembly upon which the notification was committed to the Committee on Planning, Industrialization and ICT. The notification was laid as a paper before the House on 25<sup>th</sup> June, 2020 where the Speaker, in accordance with Standing Order No. 193 (5) (f) of the Kisumu County Assembly Standing Orders instructed the Committee on Planning, Industrialization and ICT to vet and consider the suitability of the nominee for appointment.

In accordance with section 9 (1) of the Public Appointments (County Assemblies Approval) Act, 2017 the Committee on Planning, Industrialization and ICT is required to table its Report detailing findings and recommendations to the House within a period of twenty one (21) days thereof.

Mr. Speaker and Hon. Members,

The Clerk of the Assembly pursuant to the provisions of section 7 (4) of the Public Appointment (County Assemblies Approval) Act, 2017 and Standing Order No. 43 (3) of the County Assembly Standing Orders notified the candidate and the general public through the Star and Daily Nation newspapers on 26<sup>th</sup> June, 2020, that, the approval/public hearing (vetting of the Nominee) was scheduled to be held on Thursday 2<sup>nd</sup> July, 2020 at the County Assembly Chambers. The Committee thereafter conducted the approval hearing/public vetting and gathered findings, observations and recommendations which are part of this report.

## 1.2 ESTABLISHMENT AND MANDATE OF THE COMMITTEE

Mr. Speaker and Hon. Members,

The Committee on Planning, Industrialization and ICT is established under Standing Order No. 193 of the second schedule of Kisumu County Assembly Standing Orders and is mandated PURSUANT to Standing Order No. 193 (5) (f) as follows;

*The Committee on Planning, Industrialization and ICT shall vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185 (Committee on Appointments).*

### 1.3 MEMBERS OF THE COMMITTEE.

The Committee on Planning, Industrialization and ICT as currently constituted comprise of the following Members:-

1. Hon. George Olwal	Chairperson
2. Hon. Nancy Owiti	Vice Chairperson
3. Hon. Kennedy Agengo	Member
4. Hon. Gard Olima	Member
5. Hon. Victor Rodgers	Member
6. Hon. Habil Nyasuna	Member
7. Hon. Aslam Khan	Member
8. Hon. Pamela A. Odhiambo	Member
9. Hon. Jenipher Obonyo	Member
10. Hon. Prisca Misachi	Member
11. Hon. Joseph Olale	Member
12. Hon. George Abaja	Member
13. Hon. Johnson Guya	Member
14. Hon. George Ogutu	Member
15. Hon. Olga Aoko	Member

### SECRETARIAT:-

1. Mr. Ouko Boaz	Committee Clerk
2. Mr Herman Moses	Clerk Assistant
3. Mr Allan Otieno	Clerk Assistant
4. Bill Otieno	Legal Officer
5. Mr Fanuel Okode	Hansard Officer
6. Mr Kennedy Okise	Sergeant –At- Arms

### 1.4 ACKNOWLEDGEMENTS

Mr. Speaker Sir and Hon. Members,

It is my pleasure to inform the house that due to the emergence of COVID-19 pandemic which has actually changed our way of doing business, the committee observed the health regulations such as; social distancing, wearing of masks, sanitization and washing of hands (Meeting Place), during our proceedings.

May I take this opportunity to thank all Members of the Committee on Planning, Industrialization and ICT for their input and valuable contributions during the deliberations and vetting exercise, the Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the County Assembly for their support during the vetting exercise.

On behalf of the Committee on Planning, Industrialization and ICT and pursuant to the provisions of Standing Order No. 193 (5) (f), it is my duty and privilege to present to the County Assembly, the Committee's Report on the vetting of the Nominee for the Position of Chief Officer Lands, Survey and Physical Planning; Mr. Moses Orege Onyango.

#### 1.5 INVITATION OF MEMORANDA

Mr. Speaker and Hon. Members,

PURSUANT to Section 7(4), (5) of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017 which provides that:

(4) *The Clerk shall notify a candidate of the time and place for the holding of an approval hearing by notice in at least two newspapers of national circulation and by writing and such other form of communication as the Clerk shall consider appropriate.*

(5) *The committee shall, by notice in at least one newspaper of national circulation, notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing.*

The County Assembly of Kisumu on 25<sup>th</sup> June, 2020 placed an advertisement in the print media; Star and the Daily Nation Newspaper informing the nominee and members of the general public of the intention of the Committee to conduct an approval hearing as provided for by Article 179 (2) (b) of the Constitution of Kenya, 2010, County Government Act, 2012, Section 45, 87 and Section 8 (1)(a) of the Public Appointments (County Assembly Approval) Act, 2017 and Standing Order No. 193 (5) (f) read together with Article 118 (1) (a) (b) that allow public participation in Committee proceedings (Annexure I).



The notification invited the public to submit memoranda by way of written statements on oath (affidavit) with supporting evidence contesting the suitability of the nominee in conformity with section 8 of the Public Appointments (County Assembly's Approval) Act, 2017.

Further members of the public were informed that due to COVID-19 requirement that disallows any public gathering of more than 15 members, they were encouraged to send their written statements/affidavit via the county assembly email or the hardcopies delivered to the Assembly Clerk's office.

## 1.6LEGAL FRAMEWORK

Mr. Speaker and Hon. Members,

Article 179 (b) of the Constitution of Kenya 2010 mandates the Governor to appoint the Chief Officers with the approval of the County Assembly. Section 45. (1) – (6) of the County Governments Act, 2012 provides for procedures used by the Governor when nominating Chief Officers, which states as follows;

### APPOINTMENT OF CHIEF OFFICERS

PURSUANT to Section 45. (1) – (6) of the County Governments Act, 2012;

*The governor shall—*

*(a) nominate qualified and experienced county chief officers from among persons competitively sourced and recommended by the County Public Service Board; and*

*(b) with the approval of the county assembly, appoint county chief officers.*

*(2) The office of a county chief officer shall be an office in the county public service.*

*(3) A county chief officer shall be responsible to the respective county executive committee member for the administration of a county department as provided under section 46.*

*(4) The county chief officer shall be the authorized officer in respect of exercise of delegated power.*

*(5) The governor may re-assign a county chief officer.*

*(6) A county chief officer may resign from office by giving notice, in writing, to the governor.*

Section 8 of the Public Appointment (County Assembly Approvals), Act, 2017, further highlights issues to be considered by the Assembly while approving the nominee

8. *The issues for consideration by the relevant County Assembly in relation to any nomination shall be—*

- a. the procedure used to arrive at the nominee including the criteria for the short listing of the nominees;*
- b. any constitutional or statutory requirements relating to the office in question; and*
- c. the suitability of the nominee for the appointment proposed having regard to where the nominee's credentials, abilities, experience and qualities meet the needs of the body to which the nomination is being made.*

#### 1.7 COMMITMENT TO COMMITTEES

Mr. Speaker and Hon. Members,

Standing Order No.43 of the Kisumu County Assembly provides;

- 1) Upon receipt of a notification of nomination for appointment to an office as is under the Constitution or under any other legislation required to be approved by the County Assembly, the nomination shall stand committed to the relevant Sectoral Committee of the County Assembly for consideration.*
- 2) Despite paragraph (1), appointments under Article 179(2) (b) of the Constitution shall stand committed to the COMMITTEE ON APPOINTMENTS.*
- 3) Before holding an approval hearing, the Committee to which proposed appointments have been referred shall notify the candidate and the public of the time and place for the holding of the approval hearing at least seven days prior to the hearing.*
- 4) The Committee shall conduct a hearing on the proposed appointment and shall, unless otherwise provided in law, lay its report in the County Assembly within fourteen days of the date on which the notification was received under paragraph*

## 1.8 COMMITTEE MEETINGS

The Committee held four (4) meetings to deliberate, vet and prepare a report with recommendations to be tabled before the House.

## 2.0 CRITERIA FOR VETTING

Mr. Speaker Sir and Hon. Members,

The Committee adopted the First Schedule criteria for vetting/approval of nominee and Second Schedule Assessment Form which are provided by the Public Appointment (County Assemblies Approval), 2017.

The Committee also adopted the score sheet used for vetting. The score sheet covered six thematic areas that gave a total score of 100% as noted below;

S/No.	Thematic Areas	Scores per Segment (%)
1.	Academic and Professional Qualification	
2.	Demonstrate Achievement/Work Experience	
3.	Technical and Professional Capacity	
4.	General Knowledge	
5.	Communication and Personal Attributes	
6.	General Attributes	
	Total Score	

The Committee resolved that the pass mark for scores be 50%.

## 2.1 STATUTORY CLEARANCE REQUIREMENTS

Mr. Speaker Sir and Hon. Members,

The nominee submitted clearance certificates from the following statutory bodies to satisfy requirements of Chapter Six of the Constitution;

- i. Kenya Revenue Authority (K.R.A);
- ii. Ethics and Anti-Corruption Commission (E.A.C.C);
- iii. A receipt obtained from Criminal Investigation Department (C.I.D) for the application of Certificate of Good Conduct owing to the fact that issuance of the certificates has been suspended due to covid -19 pandemic; and
- iv. Higher Education Loans Board (H.E.L.B).

## 2.2 PUBLIC HEARING AND VETTING OF THE NOMINEE

The nominee appeared before the Committee and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (County Assemblies Approvals) Act, No. 5 of 2017, County Government Act 2012, the Standing Orders of the County Assembly and other relevant legislations.

## 2.3 BACKGROUND INFORMATION OF THE NOMINEE

### BIO DATA

Name: Mr. Moses Orege Onyango

Date of Birth	:	21 <sup>st</sup> June 1975
Nationality	:	Kenyan
Contacts	:	Tel: +254 722 852718 +254 733 121012
ID No.		12418263

### EDUCATION BACKGROUND

- Master of Arts (MA), Urban and Regional Planning: UNIVERSITY OF NAIROBI

- Bachelor of Arts (BA), Economics-[Micro and Macro Economics] and Geography-[Physical, Economic and Human; UNIVERSITY OF NAIROBI
- Short Course, Physical planning management skills; UNIVERSITY OF NAIROBI
- Short Course, Research project co-ordination and management; UNIVERSITY OF NAIROBI

#### WORK EXPERIENCE

- Principal Urban Planning consultant -Industrial Promotion Services(IPS)
- Principal Urban Planning consultant -National Housing Corporation
- Non-executive Director – BuildAfrique
- Member Kenya Physical Planners Registration Board – Ministry of Land and Physical Planning (The Kenya Government)
- Principal Urban Planning consultant – National Housing Corporation
- Principal Urban Planning consultant – Hamilton Harrison and Mathews
- Principal Urban Planning consultant – Genesis Architects
- Principal Urban Planning consultant – Kenya National Highways Authority
- TAT Urban Planning – Kisumu Urban Projects-phase 2 city of Kisumu
- Principal Urban Planning consultant – Gakuyo Real estate limited
- Technical adviser to technical evaluation committee –AAK-TPC & TCPAK, City County of Nairobi
- Principal Urban Planning consultant – Turkana County Government(Ministry of lands, Physical planning and Urban Development)
- Principal Urban Planning consultant – capital centre Investments Juja
- Principal Urban Planning consultant – Williamson Tea
- Physical Planner – Ministry of Water(Kenya)
- Physical Planner – Kenya Association of Tour Operators
- Assistant Physical Planner – Nairobi Metropolitan Services Improvement Project(NaMSIP)
- Physical Planner – Migori County Government
- Urban planner – National Oil Corporation of Kenya

## PROFESSIONAL BODIES MEMBERSHIP

- Registered professional Urban and Regional planner, Physical Planners Registration Board of Kenya PP0187
- Corporate Member architectural association of Kenya (CMAAK)-Town planning Chapter (No.2450)
- Corporate Member, Town and County Planners Association of Kenya(CMTCPAK)(No. 120

## SCORESHEET

The candidate was subjected to a set of questions to establish his suitability for the proposed appointment in accordance with the following score sheet and scored a total of 84.1%.

SCORE AREA	Max.s core	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	P11	TOTA L
Work experience a. Years of experience b. Demonstrable achievements c. Past pro bono,voluntary engagements	25	16	20	20	10	20	25	23	25	23	10	15	207
Education/Training(academic and professional qualifications) a. Formal academic qualifications from recognized institution b. Affiliation to professional bodies c. Meet requirements of leadership and integrity(chapter 6)	25	20	20	22	25	10	10	20	20	18	20	20	205
Interest in and knowledge relating to the specific position	15	15	13	9	14	15	15	15	10	8	14	10	138

a. Understanding functions of the department													
b. Understanding the budget cycle													
c. Articulation of the responsibilities, principles and policies of the department													
Communication skills	10	8	6	9	8	10	10	9	8	8	9	5	90
a. Capacity to express self													
b. Clarity of speech													
c. General attitude and personality													
d. Interpersonal skills													
e. Self confidence													
Presentation	10	8	7	9	8	10	9	8	8	5	8	5	85
a. Neatness of resume													
b. Promptness													
c. Appearance emotional control													
d. Knowledge of the subject													
Decision making and problem solving	15	13	9	12	13	15	15	10	10	14		15	126
a. Challenges facing county governments													
b. Suggested solutions to													



the challenges facing county governments c. Understanding the current national political situation d. General understanding of Kisumu county													
TOTAL	100	80	75	81	78	80	84	85	81	76	51	70	851

#### 2.4 MANDATORY REQUIREMENTS ACCORDING TO SECTION 35 (3) OF THE COUNTY GOVERNMENT ACT 2012.

Candidate	Citizen of Kenya	is a holder of at least a first degree from a university recognized in Kenya;	satisfies the requirements of Chapter Six of the Constitution	Has knowledge, Experience and a distinguished career of NOT less than 5 years in the field relevant to the Portfolio of the Department to which the Person is being Appointed.	Remarks Responsive/Non-Responsive
Mr. Moses Orege Onyango	✓	✓	✓	✓	Responsive

Candidate	Academic and Professional Capabilities	Achievements/work experience	Technical and Professional Capability	General Knowledge	Communication and Personal Attribute	General Attribute
Mr. Moses Orege Onyango	205	207	138	126	90	85

## 2.5 SUITABILITY OF THE NOMINEES FOR THE APPOINTMENT TO THE POSITION

Position	Nominee	% Score	Remarks
Chief Officer	Mr. Moses Orege Onyango	77.4 %	Responsive/Suitable

## 3.0 COMMITTEE OBSERVATIONS AND FINDINGS

## 3.1 OBSERVATIONS

Mr. Speaker Sir and Hon. Members,

- The Committee noted that the Governor Kisumu County complied with Section 45 of the County Government Act, 2012 while nominating Mr. Moses Orege Onyango to the post of Chief Officer for Lands, Survey and Physical Planning.
- After the evaluation of the testimonials submitted by the Nominee, the Committee wish to inform this House that the nominee met the threshold for appointment to the office as provided for by section 45(3) of the County Governments Act, 2012.
- The nominee appeared before the Committee on Planning, Industrialization and ICT and excelled by scoring 77.4%.
- The Committee did not receive any information from the public contrary to his nomination.
- The Committee found the nominee suitable for appointment in accordance with section 8 (c) of the Public Appointments (County Assembly Approval) Act, 2017.

## 3.2 RECOMMENDATIONS

Mr. Speaker and Hon. Members,

The committee recommends to this Hon. House that Mr. Moses Orege Onyango be APPROVED for appointment as Chief Officer for Lands, Survey and Physical Planning within the County Government of Kisumu.

#### CONCLUSION

It is therefore my honor and privilege, on behalf of the Committee on Planning, Industrialization and ICT to table this report before this Honorable House for consideration.

I wish to request Hon. Nancy Owiti to second this report.

Thank you Mr. Speaker and Hon. Members. It is my honor and privilege on behalf of my committee of Planning, Industrialization and ICT to table this Report before this Hon. House for consideration and I wish to request Hon. Jennifer Obonyo to second this Report, Thank you Madam Speaker.

**The Temporary Speaker** (Hon. Muga): Yes Hon. Jennifer Obonyo.

**Hon. Obonyo:** Thank you Madam Speaker, being a Member of the said Committee I stand to second the Report.

**The Temporary Speaker** (Hon. Muga): I was confirming if you are a Member of the Committee and whether you signed the Report. All is clear and therefore I put it before the House for more deliberation. Yes Leader of Majority, Hon. Kenneth Onyango.

**The Leader of Majority** (Hon. Onyango): Thank you Madam Speaker, I want to fully support this Report but first allow me to make a minor amendment. For purposes of recording, on page 10 of the Report, you can see that the candidate scored 84.1% but subsequent to that the average score of the candidate was 77.4 % so we have just done a very quick arithmetic and indeed the exact score should be 77.4%. I would have wished that we amend that first so that it does not bring any confusion whatsoever.

Madam Speaker I have gone through the resume of...

*(Interruption)*

**The Temporary Speaker** (Hon. Muga): Excuse me Hon. Leader of Majority. Do you want us to amend it now as 77.4% or 84.1%?

**The Leader of Majority** (Hon. Onyango): The 84.1% on page 10 of the Report to be amended to 77.4% as it is the average score Madam Speaker.

**The Temporary Speaker** (Hon. Muga): Members of that Committee should put it right and if they are for it then we put the amendment to it forthwith and second what the Leader of Majority is putting before the House.

**The Leader of Majority** (Hon. Onyango): I think that would be important Madam Speaker because we cannot have one candidate having different scores.

**The Temporary Speaker** (Hon. Muga): I think I need to give a direction on this. In any case there is an amendment to be made; there must be one who seconds the proposed amendment.

**The Leader of Majority** (Hon. Onyango): Could I ask the mover of that motion to second the amendment?

**Hon. Ogutu:** Madam Speaker, I don't see what is wrong with the proposed amendment because it could have just been a clerical error, therefore I second the amendment on the scores.

**The Temporary Speaker** (Hon. Muga): Thank you; it has been seconded can you please continue, Leader of Majority?

**The Leader of Majority** (Hon. Onyango): As I was saying, I have looked at the resume of this candidate and indeed I can confirm that he has a wealth of experience in this area where he has been appointed to. This therefore synchronizes very well with the requirements of the County Government Act, which says that a Chief Officer must have relevant qualifications in the area which they are appointed. If you look at the work experience of this candidate, I can also confirm that his background of working experience is vast and will give the County an opportunity to tap into this kind of experience. I want to plead with the Honourable Members that we conclude this debate fast and approve this candidate.

Also, the Lands docket really needs a personality with the kind of training that this person has because we have a litany of land issues in this County that needs resolution. All these can only happen with somebody with the right requisite knowledge to embark on this kind of work from day one. I therefore support this motion and I want to applaud the Members of this Committee for doing an exemplary job. Thank you Madam Speaker.

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

**Hon. Okudo:** Thank you Madam Speaker, going by the mood of the House I call upon the mover of the motion to respond.

**The Temporary Speaker** (Hon. Muga): Mover of the motion can you please reply?

**Hon. Ogutu:** Thank you Madam Speaker, once again I want to take this opportunity to thank Honourable Members for having contributed actively on this particular Report. I believe we are here to help the Governor to do what he was elected to do in the County of Kisumu. It is very

important to support the Governor's nominee and for that reason Madam Speaker, I am very happy to see that the House has seen it fit to support and pass this candidate. With the wealth of experience this candidate has, I believe it will help move the County a step ahead. Thank you.

**The Temporary Speaker** (Hon. Muga): I now want to put a question.

*(Question put and agreed to)*

**The Temporary Speaker** (Hon. Muga): So today 7/7/2020 at 4:10 p.m. the House has adopted the Report on the vetting of Mr. Moses Orege Onyango, nominee for the position of Chief Officer for the Department of Lands, Survey and Physical Planning. Next Order!

### MOTION

REPORT ON THE IMPLEMENTATION STATUS OF THE PROJECTS IN THE  
DEPARTMENT OF ROADS, TRANSPORT AND PUBLIC WORKS

BY

HON. ERICK AGOLLA

CHAIRPERSON, IMPLEMENTATION COMMITTEE

**The Temporary Speaker** (Hon. Muga): Yes please Hon. Sally Okudo

**Hon. Okudo:** Thank you Madam Speaker, I stand to give the Report on the Implementation Status of the projects in the Department of Roads, Transport and Public Works of Kisumu County on behalf of my Chair Hon. Erick Agolla.

### PREAMBLE

PURSUANT to Article 185 (3) and Section 8 of the County Governments Act, 2012 read in tandem with Standing Order No. 191 and 195 of the Kisumu County Assembly Standing Orders, in the proceedings of the House Business Committee on 6<sup>th</sup> April, 2020 in part (iv) of Minute No. CAK/HBC/06/04/2020 (See Annex i), the members of the House Business Committee resolved that the Committee on Implementation and Committee on General Oversight shall form a Joint Committee to conduct investigations on the Status of devolved projects budgeted for in the FY 2018/2019 and FY 2019/2020 of Kisumu County and cause a report on the same.

Consequently, the Office of the Clerk, issued a Memorandum dated 9<sup>th</sup> April, 2020 to all members of the Assembly and Staff informing them on the schedule for these investigations which began on the 14<sup>th</sup> day of April, 2020 to 20<sup>th</sup> April, 2020.

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**MANDATE/LEGAL FRAMEWORK**

Honourable Speaker,

The Committee on Implementation derives its mandates from County Assembly Standing Orders No. 191 which stipulates that;

**Committee on Implementation**

191. (1) There shall be a select Committee to be known as the Committee on Implementation comprising the Chairperson and not less than eight and not more than ten other Members.

(2) The Committee shall scrutinize the resolutions of the County Assembly (including adopted Committee reports), Petitions and the undertakings given by the County Executive Committee and examine –

(a) Whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and

(b) Whether or not legislation passed by the County Assembly has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.

(3) The Committee may propose to the County Assembly, sanctions against any member of the County Executive Committee who fails to report to the relevant select Committee on implementation status of projects and programs under his or her docket without justifiable reasons.

**Joint sitting of Committees of the County Assembly**

Pursuant to the provisions of Standing Orders No. 185 which states that;

185. (1) Two or more Committees of the County Assembly considering similar matters may, with the approval by Speaker, hold joint sittings.

(2) The Chairperson of a joint sitting of such Committees shall be based on the ranking order set out under paragraph (3) of the Standing Order No. 3 (Proceedings on assembly of a new County Assembly), and the second Member of the other Committee shall deputize.

(3) The quorum of a joint sitting of two or more Committees shall be the number obtained by adding the respective quorum of each Committee, excluding the Chairpersons.

(4) The report of a joint sitting of two or more Committees shall not be adopted unless supported by a resolution of a majority of the total Membership of the Committees.

**Composition of the Committee**

PURSUANT to Standing Order No. 195 of the Kisumu County Assembly Standing Orders, the Committee on General Oversight is composed of ALL the forty-seven (47) members of the County Assembly of Kisumu.

**ACKNOWLEDGEMENTS**

Honourable Speaker,

I wish to take this opportunity to express my gratitude to all members of the Caucus Committee from Kisumu East Sub-County and the members of the public for their input and valuable contributions during the site visits and inquiry exercise to ascertain the implementation of various projects within the Sub-County.

I also take this opportunity on behalf of the Committee to thank the offices of the Speaker and the Clerk of the County Assembly for their support in the entire duration of the investigation.

I therefore humbly submit this Report for consideration by the House on behalf of the Committee on General Oversight.

#### COMMITTEE FINDINGS

The table below summarizes the implementation status report of various projects within Kisumu County as observed by the General Oversight/Implementation committee on the oversight program. The findings of the committee are as shown below;

#### JOINT COMMITTEE OVERSIGHT AND IMPLEMENTATION REPORT ON THE STATUS AND IMPLEMENTATION OF PROJECTS IN THE DEPARTMENT OF ROADS, TRANSPORT AND PUBLIC WORKS

##### KISUMU EAST SUB COUNTY

WARD	PROJECT NAME	FY 2018/2019 (AMOUNT ALLOCATED)	FY 2019/2020 (AMOUNT ALLOCATED)	VARIANCE	STATUS
Kolwa Central	Improvement of Elgon–Tido – Mbeme Access Road	Kshs. 2,000,000	-	-	Poorly Done
	Improvement of Mowlem-Ragumo–Angola access Road	No Allocation	No Allocation	-	Poorly Done
	Improvement of Nyalunya –Ofunyu Access Road	FY 2017/2018 No Allocation	-	-	Good
	Improvement of OgangoOkmart access road	No Allocation	-	-	Poor
	Improvement	FY			



	of Rae-Bonde Access Road	2017/2018 No Allocation	-	-	Good
	Improvement of Nyamasaria-Bwanda-Nyayo Access Road	FY 2017/2018 No Allocation	-	-	Good
	Improvement of Mbeme Ouko bridge Road	Kshs. 2,000,000	-	-	Good
Nyalenda A	Construction of Ka'MandoJobita-St. John's Access road	-	Kshs. 2,100,000	-	Poor/Yet to Start
	Ka Joram Capital-St John road	-	No Allocation	-	Poor
	Opening and Construction of Kingdom Power-Ramadhan Access road	Kshs. 2,500,000	-	-	Stalled/Abandoned
	Ochieng' Anyange-Nyaori Access Road	Kshs. 2,877,335	-	-	Stalled/Abandoned
	Construction of Kameta-Lagoon Bridge	-	-	-	Completed
	Improvement of Dafina-Edom-Dago Access road	-	Kshs. 2,000,000	-	Completed
	Building of gabions along Nyamasaria river	-	-	-	Done/Poor Standards

Kajulu	Rapogi Okidhi Access road	Indicated to have been completed at a cost of 4 million but the same road has been indicated to have costed 2 million. The allocation indicated for this project cannot be explained.	-	-	Completed
	WathoregoKaker river side road bridge construction	Kshs. 1,000,000	-	-	Not Completed
	Installation of twin Cross Culvert in KinduKoluoch	-	-	-	Completed
	KinduKoluoch Access Road	Kshs. 1,000,000	-	-	Completed
	Improvement of Kabong'o Feeder Road	-	-	-	Completed
	Improvement of BuknaSimboi Access Road	-	-	-	Completed
	Improvement of WathoregoKotengo Road	-	-	-	Completed
	Obwolo - Gita Access Road	No Allocation	-	-	Done
	Improvement of Lower Guba - KomongeAcc	Kshs. 2,000,000	-	-	Poorly Done

	ess Road				
Manyatta B	Construction of Ndege-Obiero-Ombe Coptic Access Road	Kshs. 1,938,736	-	-	Completed
	Baptist Paw Remo Access Road	Kshs. 2,238,736	-	-	Not Completed
	St. Brigit Footbridge	-	-	-	Not Completed
Kolwa East	Opening, grading, and construction of Corner Buoye, OseluNyalik, Kawese-Ofunyu Access Road	-	-	-	Stalled
	Orongo, Korodi-Evans Gundo Road	-	-	-	Stalled

## MUHORONI SUB COUNTY

WARD	PROJECT NAME	FY 2018/2019 (AMOUNT ALLOCATED)	FY 2019/2020 (AMOUNT ALLOCATED)	VARIANCE	STATUS
Ombeyi Ward	Kiliti - Kombok - Alungo Access Road	The committee observed that the following access road with an allocation of Kshs. 4,000,000	-	-	Was done to completion
Ombeyi Ward	Koyengo - Alungo Access Road	The committee observed that the following project with an allocation of Kshs. 5,000,000	-	-	Is complete to formation.

Ombeyi Ward	Kiliti-Alungo Access Road	-	-	-	Done to completing but with less culverts.
Ombeyi Ward	Opening and improvement of Kotura – Ramula - Kang'onglo Access road	The committee observed that the following project with an allocation of Kshs. 4,000,000	-	-	Is complete to formation.
Ombeyi Ward	Ombeyi Market Road	The road was an allocation of Kshs. 1,000,000.00 at a distance of 300 meters	-	-	The contractor is not yet paid due to incompleteness of the road.
Ombeyi Ward	Opening and Improvement of Ombeyi - Ng'opRanda to Block - F Access road	-	The committee observed that the following project with an allocation of Kshs. 4,600,000	-	Is complete to formation waiting for improvement of the road.
Ombeyi Ward	Mitando - Bacho Access Road	FY 2017/2018 No Allocation	-	-	The committee observed that the following road was well done.
Ombeyi Ward	Marega - Mitando Access Road	FY 2016/2017 The following road with an allocation of Kshs. 5,000,000 awarded to Mavo construction Limited	-	-	Was done well to completion but was not able to be paid due to improper documentation.
Ombeyi Ward	Junction Matete - Keyo Railways	FY 2017/2018	No	-	Complete formation done, Complete

	Access Road	No Allocation	Allocation		graveling with culverts not yet done.
Ombeyi Ward	Opening and improvement of Obumba Odinga Access road	Allocation of Kshs. 4,000,000	-	-	Opening of the road has been done. No improvement has been done to the said road.
Ombeyi Ward	Ombeyi - Onyalobiro Access Road	FY 2017/2018 No Allocation	-	-	Complete graveling with culverts not yet done.
Miwani West Ward	Kasref - Koluoch Road	With an allocation of Kshs. 4,200,000 the road.	-	-	Construction project was done to completion.
Miwani West Ward	Great Lakes - Koluoch road	-	The project was allocated Kshs. 3,400,000	-	Road project has been done to perfect completion.
Chemelil - Tamu Ward	OdiyoWange box culverts	FY 2017/2018 No Allocation	-	-	Complete graveling with culverts not yet completed.
Chemelil - Tamu Ward	Gatundu - Tamu access road	The road construction project was allocated Kshs. 5,000,000	-	-	Despite the allocation the road hasn't been constructed at all.
Chemelil - Tamu Ward	Nyasuna - Ogwedhi	No Allocation	No Allocation	-	Incomplete.
Chemelil - Tamu Ward	Ngere Kagoro - Ogilo junction. Owiyo - Nyarenda - Magare	FY 2017/2018 FY 2018/2019	-	-	All of these three roads were constructed to completion as per the allocations.

	Sanda	No Allocation			
Chemelil -Tamu Ward	Chemelil - Nyakungru Road	FY 2017/2018 FY 2018/2019 Kshs. 2,500,000	-	-	The construction of Chemelil-Nyakungru road was started but it has not been completed with the given allocations.
Chemelil - Tamu Ward	Onyalo Biro - Milenye	No Allocation	No Allocation	-	Incomplete project.
Chemelil -Tamu Ward	Belly Bridge	No Allocation	No Allocation	-	The project has not been started.
Chemelil -Tamu Ward	Okwach - Makindu	Kshs. 2,000,000	-	-	The construction of Okwach - Makindu road was started but it has not been completed with the given allocations.

## SEME SUB COUNTY

WARD	PROJECT NAME	FY 2018/2019 (AMOUNT ALLOCATED)	FY 2019/2020 (AMOUNT ALLOCATED)	VARIANCE	STATUS
East Seme	Stanzanite - Kaloka Road	FY 2017/2018 No Allocation	-	-	Only 40% of the work had been done.
North Seme	Ndiru - Onginjo - Lunga Road	-	-	-	Most parts of the road have been washed away by heavy rains.
West Seme	Kindu ka DC Obuo Access Road				The members noted that the project was ongoing. The

		-	No Allocation	-	contractor was not on site but the progress made was visible and commendable.
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## NYAKACH SUB COUNTY

WARD	PROJECT NAME	FY 2018/2019 (AMOUNT ALLOCATED)	FY 2019/2020 (AMOUNT ALLOCATED)	VARIANCE	STATUS
West Nyakach	Sangoro - Hydro -Ombugo Road	FY 2016/ 2017 Kshs. 4.5 million was allocated for the road.	-	-	The road was initially done well but all the drainage systems are currently blocked due to frequent heavy rains.
	Yo Maler - Okano Wach Road	No Allocation	-	-	The road was properly done and is currently under good state.
	Ragen - Bolo Road	No Allocation	-	-	The road was done but with few culverts.
	Opinde - Kodul Road	No Allocation	-	-	The recent heavy down pour has washed away all the marram that were used on the improvement.
	Daima - Nyabola Road	Kshs. 2.7 million	-	-	The road was done but with few culverts.
South East Nyakach	KoluochKandaria Road	FY 2017/2018	-	-	30% complete

		No Allocation			
	Nyamaroka - Pap Ndege - Bodi Road	FY 2017/2018 No Allocation	-	-	100% complete. Road is being used.
	Sigoti - Kadongo Road	FY 2017/2018 No Allocation	-	-	100% complete. Road is being used.
	Kolum - Achecho Road	FY 2017/2018 No Allocation	-	-	100% complete. Road is being used.
	Nyabondo - Dirubi Road	No Allocation	-	-	100% complete. Road is being used.
	Agai - Kananda - Kabete Road	No Allocation	-	-	100% complete. Road is being used.
	Nyamaroka - Sigoti Road	No Allocation	-	-	100% complete. Road is being used.
	Nyabondo - Buya Road	No Allocation	-	-	100% complete. Road is being used.
	Toll - Njora - Kibwon Road	-	Kshs. 3,000,000	-	Site handover done in March zero works.
	Sokopundo Road	-	No Allocation	-	Site handed over in March and survey works done
	Nyamaroka - Ongielore - Sigoti - Bodi Road	-	No Allocation	-	Contract not awarded to date



	Opening and murraming of Kolum - St. Hilarious Road	-	Kshs. 4,000,000	-	Site handed over and survey works done, contractor on site.
	Kabete – Kananda Road		Kshs. 3,400,000	-	Contract not awarded

## KISUMU WEST SUB COUNTY

WAR D	PROJEC T NAME	AMOUNT ALLOCATE D	FY 2018/2019 (AMOUNT ALLOCATE D)	FY 2019/2020 (AMOUNT ALLOCATE D)	VARIANC E	STATUS
South West	Manason Ogendo Road (See Annex)	Kshs. 3.7 million	-	-	-	The work done so far is very shoddy rendering the road deplorably inaccessible especially during the rainy seasons. The drainage is poorly done.

## COMMITTEE RECOMMENDATIONS

Honourable Speaker,

Following the consideration of the Implementation status of the above projects, the committee recommends that the House resolves as follows:

1. THAT the Department to update the County Assembly on the implementation status of all projects on a timely basis, pursuant to the provisions of Standing Orders No. 184 which stipulates that; ‘Within sixty days of a resolution of the County Assembly or adoption of a report

of a select Committee, the relevant member of the County Executive Committee under whose portfolio the implementation of the resolution falls shall provide a report to the relevant Committee of the County Assembly in accordance with Article 153(4)(b) of the Constitution' and in accordance with Article 39 of the County Government Act, 2012.

2. The department of Roads, Transport and Public works should conduct an assessment on various contractors that are awarded contracts yet abandoning their sites after opening of the roads.

3. The Committee also wishes to urge the Honourable Members to cooperate with the Secretariat to ensure that all the necessary information is gathered to give the true and clear picture of the status of the projects.

#### CONCLUSION

Hon. Speaker,

Following the above findings, the members committee concluded that the Members of County Assembly for respective wards to follow up with the Clerk of the County Assembly of Kisumu to ensure that the stated recommendations are met and actions taken against the respective contractors found unnecessarily stalling the projects as stipulated in the respective contracts of agreement as their actions are interfering with the development and progress of Kisumu County.

Further, the committee urges this House to adopt this report with the recommendations herein.

I would like to call upon Hon. Olga to second this motion

**The Speaker** (Hon. Oraro): Yes, Hon. Olga

**Hon. Olga:** Thank you Mr. Speaker, Sir. I rise to second.

**The Speaker** (Hon. Oraro): Now that the Report on the implementation status of the roads has been presented by Hon. Sally on behalf of Hon. Agolla and seconded by Hon. Olga, I want to propose a question that the report is open for debate. Yes, Hon. Atieno

**Hon. Atieno:** Thank you Mr. Speaker for giving me this opportunity. Mr. Speaker, Sir, I have never seen a report like this since I came to Assembly. Mr. Speaker, Sir, improvement of Molleum- Ragumo- Angola Access Road in the FY 2018/2019, has no allocation yet the recommendation is indicated that the road is poorly done.

*(Laughter)*

Sorry Members but I find this quite interesting! How can a road be poorly done when there is no allocation for it? Poorly done from which resources? Were the resources from a community fundraising? Mr. Speaker, Sir, we need to allocate more money in the Assembly Service Board

so that the Assembly can hire consultants so that when Members go out to do this kind of work, they are accompanied by experts.

Mr. Speaker, Sir, this is food for thought for you as the Chair of the Service Board. We need to allocate enough resources so that we can hire consultants when Assembly goes out to do this kind of work. Mr. Speaker, Sir, if you go to Ombeyi Ward, you will realize that Kshs. 4 million has been allocated for road formation. Mr. Speaker, Sir, just imagine a 3 or KM road is allocated Kshs. 4 million for formation alone and indicated as done until completion.

Mr. Speaker, Sir, the committee did what they could do. However, I think they were either in a hurry or they lacked information or direction on what they were expected to do. Mr. Speaker, the way forward to this is that the Assembly should allocate money for consultancy services so that in the event of a similar exercise in future, the committee can present a robust report worth debating. However, as it is now, I do not think the report is worth our consideration. Thank you and God bless you.

**The Speaker** (Hon. Oraro): Honourable Leader of Majority

**Leader of Majority** (Hon. Onyango): Mr. Speaker, with your indulgence, allow me to talk last. That would pacify my friends. Thank you.

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

**Hon. Beatrice Odongo:** Thank you Mr. Speaker, Sir. Mr. Speaker, allow me to join Hon. Atieno on the issues he has raised. I have also realized that we have Obuolo- Gita Access Road with no allocation indicated yet it is reported as done. I do not know where they got the allocation to do the road. In Ombeyi Ward, we have Mitando Bacho Access Road for the FY 2017/2018 with no allocation indicated yet reported as well done. What they did the committee observe if there was no allocation?

Lastly, Mr. Speaker, in Chemelil town Ward, in the same FY 2017/2018 there was no allocation for Odiyo- Wange Box culvert but the committee has indicated that completed gravelling with culverts not yet completed. There was no allocation. For a committee to indicate that it is not yet completed, it only means that work was ongoing. The question to ask is: from which allocation?

Mr. Speaker, allow me to say that we have a lot of errors in this report. I would request the committee to go back and do their work. I can assume that this report was a just a copy and paste of another report. Thank you.

**The Speaker** (Hon. Oraro): Yes, I believe that the presenter of the report is taking notes. If it is true that the project was done without allocation then that calls for queries because how we did the procurement is a question that we will be asked. Are they the pending bills that we are

talking about? Anyway, the presenter of the report is taking notes. I had noticed Hon. George Ogutu first then Hon. Vitalis Otura. Yes, Hon. Ogutu.

**Hon. Ogutu:** Thank you Mr. Speaker for giving me this opportunity. Mr. Speaker, for the first time, I will agree with Honourable Members that this is a very bad report which should not find its way in this Assembly. Mr. Speaker, allow me to start with West Nyakach which I represent.

When you go to Nyakach Sub County, the first place is West Nyakach, Sangoro- Hydro Ombugo Road which, according to reported was allocated Kshs. 4.5 million in the FY 2016/2017 and this is true. At the same time, they have indicated that the road was initially done well. However, all the drainage lines are currently blocked due to frequent heavy rains. I can agree with this. I remember we went up to that road when we were doing oversight. I was also consulted as the area MCA and I did share with them the happenings on that road.

Mr. Speaker, this road was allocated money in FY 2017/2018 and it was Kshs. 2.5 million. This road was initially done as reported by the committee. Unfortunately, due to the topography of that area, the murram has been swept along the mountain. Mr. Speaker, what amazed me most again is that they have talked about Yoo Maler- Okano Wach Road which was the place we actually ended our tour of West Nyakach. We followed that road from Okano Wach down to the main road from Homabay and we put down some concerns.

From that report, you can see that the road was properly done and is currently under good condition. You wonder what kind of a report has been presented! Is it the field clerks failing us? If it is the oversight committee, why don't they invite respective Honourable Members to provide them with details so that they can submit that holds water? Mr. Speaker, we also moved to Kambet Bridge which is a disaster in waiting in West Nyakach. However, it has not been captured in this report.

Mr. Speaker, we also talked about Kongóu – Apondo Road which has not received any allocation. The place is now a river and I thought the same would be captured in the report. If such information is missing then I fully agree that if it is a matter of this particular committee which does now want to involve other Members, then this report should be sent back so that they can rework on it. At the same time, we should also take the blame as Honourable Members. I thank you Mr. Speaker because you gave us an opportunity to go to the Wards at examine issues affecting us. However, it is ironical that some Members do not show up. This is quite unfortunate.

I believe that this is a factor that contributed to the poor report. We are not serious with our work. Mr. Speaker, I believe that this report should not be adopted in this House. Let us send this report back so that inclusivity can be given priority it deserves. Let the committee incorporate respective Members when doing the report. This will enable Members to provide useful details for various projects. Otherwise, thank you.

**The Speaker** (Hon. Oraro): I had noticed Hon. Vitalis then Hon. Linet Muga. Yes, Hon. Otura of Ombeyi Ward and Chair Agriculture.

**Hon. Otura:** Thank you Mr. Speaker. Mr. Speaker, before us is a very good report that I can say should see the light of the day. The report is already in the House. As much as Hon. Ogutu is saying that the report should not be in this House, I want to say that it is already on the House. Mr. Speaker, when implementation report on Agriculture was read in this House, I did raise some concerns. However, I was ruled out of order because of the same things now appearing in this report. This committee is really struggling to bring sanity in what we have longed for.

Mr. Speaker, for the first time, the Implementation committee is trying its best to give reports to this House. This is something which should not be wished away. But then, what is the cause of their struggle? This is what we should bring to the attention of this committee and get to know why they are struggling yet there are very clear rules to help them get the information they need.

Mr. Speaker, you have noted that Ombeyi is becoming conspicuous. I would say, for example, Obumba -Odinga Access Road with an allocation of Kshs. 4 million for the FY 2019/2020 was under KRB. If you see what is indicated under recommendation, it is reported that no improvement has been done to the said road. However, I can tell this Honourable House without fear of contradiction that this is the only road this year that has seen the light of the day in my Ward.

I am wondering because this report ought to have been presented in a better way but someone decided to write his or her things. This road was done to completion and in the budget of FY 2018/2019, the formation was done as well as culverting. In the FY 2019/2020 under KRB, it was the first to be completed. The recommendation put here reads that no improvement has been done on the said road. Money Speaker, if you go to the column indicated as no allocation, I think there must be something happening with KRB roads. It amazes that whereas it is indicated as no allocation, there was allocation and the projects done.

Generally, the basics of writing this report was not well informed. I would advise the committee of Implementation that we need not to wish away this report. All they need to do is some adjustment. We are here to help you.

**The Speaker** (Hon. Oraro): Whom do you want to inform Hon. Ogutu?

**Hon. Ogutu:** Thank you Mr. Speaker. Mr. Speaker, is it true that Hon. Vitalis Otura is supporting the report or not? From his remarks, he did indicate that this is a good report. At the same time, he made an about turn and he seems to be contradicting himself. Can he declare his position whether or not he supports the report? From his speech, he seems that he is lost. If yes, then he should tell us so that we can help him. Thank you.

**The Speaker** (Hon. Oraro): Hon. George, I want to rule you out of order because Hon. Vitalis Otura had not concluded his presentation to make his position clear on whether or not he supports the document. Allow him to complete

**Hon. Otura:** Thank you Mr. Speaker. It is true that Hon. Ogutu is good at building his cases. I wonder why he is perturbed by how I build my case. I started by saying that a similar report on Agriculture was presented in the House and similar challenges were witnessed. Mr. Speaker, truth be told, we have never for the past two years had Implementation committee report. When I say that this is a good report, it is because we are seeing it for the first time after a long period.

**The Speaker** (Hon. Oraro): What is it Hon. Atieno? I want Hon. Vitalis to conclude

**Hon. Atieno:** Thank you Mr. Speaker. I get irritated Mr. Speaker, Sir because Honourable Chair is applauding this report on the strength that it is the first to be submitted by Implementation after a long period of time. Does this merit the report to be termed good? The fact the former Chair of Implementation did not submit a report before this House does not merit this report.

**The Speaker** (Hon. Oraro): Allow Hon. Vitalis to conclude. The presenter of the report is taking notes and will respond appropriately.

**Hon. Otura:** Mr. Speaker, it is good to have a debate. They only want to sanitize what I am saying. I want to summarize as follows. Mr. Speaker, going by what is contained in the report and given observations from Members, this report needs to be fine-tuned. I hereby submit that this report should not see the light of the light in the words of Hon. Ogutu. This is not because they have not done their work well, but because it has got some faults which need to be corrected. Thank you, Mr. Speaker.

**The Speaker** (Hon. Oraro): I had promised to give Hon. Muga but before then, let me inquire something from you. Hon. Otura, you are the Member representing Ombeyi Ward which has been adversely mentioned. The source of the information used from the report is from the Sub County oversight and the Sub County is composed of Wards within a particular Sub County. In that regard, you are a Member of Muhoroni Sub County oversight Team. The information ought to have come from you. I therefore wonder if it is you who gave the wrong information to the oversight Team or where did they get that report? Hon. Linet Muga

**Hon. Muga:** Thank you very much Mr. Speaker. The work is done by the Implementation committee. As a person, I attribute this to the faults of the clerks. This is because by the time they go around, the field clerk is present to note whatever they see on the ground. What has made me not to support this is that when you go to Chemelil in the FY 2018/2019, there is Onyalo Biro Milenye Road, there is no allocation yet indicated as incomplete work. When you go to Seme, there is no allocation and indicated as 40% done.



When you go to Nyakach Nyamaroka Pap NdegeBodi, there is no allocation and indicated as 100 per cent complete. Going by this, we cannot say it is an error because this is too much. Mr. Speaker, we had high hopes in the Implementation committee because you gave a room which was not there in the last regime. We knew that they would let us know what was happening at the ground since we wanted to do commendable work. In actual fact, I want to believe it is a failure of the Chair of this committee because when the report is brought, they should sit with the entire team and discuss it. By the time Members go round, they are expected to take their own individual records. They ought to sit and revisit the report once it is written by the clerks. I want to say that the committee of Implementation has failed us. Remember that we give funds for this exercise. If I were you Mr. Speaker, Sir, I would have transferred these members to other committees. At least one of them would have come out to say that what is in the report is not satisfactory.

I am not happy with report and I want to say that I do not support it. I doubt the commitment of the members of this committee if this is the kind of report they can bring. Thank you, Mr. Speaker. I oppose this report. Thank you

**The Speaker** (Hon. Oraro): Before I give Hon. Philemon, I want to protect the Committee on Implementation. This is a report of the Joint Committee of General Oversight where everybody is a Member and being presented on behalf of the Joint Committee by the Committee of Implementation. As I said earlier, each Member had an opportunity to go to their Sub County and do thorough oversight. Yes. Hon. Philemon Ojuok.

**Hon. Ojuok:** Thank you very much Mr. Speaker. I fully do not support this report. I concur with the observations a number of Members have made. This report ought not to have found its way here. It is very sad that I am a member of the Implementation Committee. It is good that some Members have observed that this report ought to have been brought to the Implementation Committee to look at it, own so that by the time it is being presented here, they would have looked at some of the oversight that could have been there.

The roads sector is very important. I was in my Ward, doing comparison between the previous and the current regimes and I learnt that a lot has been done. The only area that brings us down is roads. This sector depends a lot on our oversight. I want to thank you for giving us time to get to this point. For the first time we can walk around, funded, and look at these projects. But I want to sympathize with the clerks because there could be other areas, not only roads, that some of the Members might have not availed themselves. Perhaps because of lack of information, they failed to capture the findings in this report. One of the things they could have done is not to present the report of this nature.

I don't agree with their report on Bolo road in Central Nyakach where we went with them. The road had just been done; we could not even navigate our way through that particular road. I made it clear that the road was abandoned; in fact the contractor who was doing it died. At that

moment I was told he was the only signatory in that company and this work is not able to continue. Those observations are not here. From there we went to a place called Opinde - Kodul just opposite that particular road.

I am not seeing any observation o that particular road. That is road that somebody went, scratched it a bit then took some murram, dumped there then left the road. Even if the contractor were to right a report, he would not have written what is captured here. He rates himself lower than what is captured. Then I am seeing Daima - Nyabola road. I know that the road that was there is Daima – Kawili that was done during that particular time. By the time we were going there, the condition of the road was so poor that you could not even navigate. Then there is Nazarene - Ragen Catholic road. It was done by the same person who did Ragen – Bolo road. He abandoned the road and died. There was a clear observation that at the time, the construction of the road had been blocked by somebody who had built along that road. That observation is not in this particular report.

I would request that going forward, these reports should have a project name, ward, year, kilometers, the amount of money used and a clear observation. One of the members has observed that as we get these reports, we should be getting accompanying reports from the executive so that we can draw comparisons. Going forward, there should be a way to compel members to be going to these particular projects, and to also ask the clerks to be more serious. If you don't have details about a particular project you need to ask the ward representative and he would be able to give you a report that is closer to the truth.

I request that this report be returned to the Committee to have clear deliberations and to bring back a report that is complete. Thank you Mr. Speaker. I reject.

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

**Leader of Majority** (Hon. Onyango): Thank you. I will try to be very brief because most members have already talked about what I wanted to say. Even though I would say that the journey of a thousand miles normally starts with one step, that one step need not be a misstep. If you look at the preamble of this report, the financial year in focus is 2018/2019 and 2019/2020. I would have expected that this report is in consonance with what is in the budget book so that the status report is based on that particular road, the amount that was allocated, and the stage the work has reached, in order not to have a situation of no allocation and yet the road is poorly done. We would not have an issue of a road being allocated Ksh. 4,000,000 and it is just for formation. We need to have very clear manner in which this is going to be done. If we get a status report from the executive, then we can have a very good basis of comparison. But if today we had status of roads implementation in the aforesaid financial years, then would this report give us a good basis for comparison? The answer is no.



When teams go out there, we should know that we are consuming taxpayers' money and we should have value for that money so that whatever we come up with reflects what is in the ground. That is when we can go further to investigate that if a road was allocated Ksh4, 000,000 and the contractor has been paid, does the work done on that road in sync with the money that has been paid? That is now what oversight means. I don't think oversight would involve a situation where a road is allocated no money and yet it is completed.

This report needs to be relooked at by the committee so that the errors can be erased before it is brought back. I also want to urge committee members not to just append their signatures anyhow without first reading the report. If the committee members read this report then they would not have brought it to this House. That is the kind of seriousness I would want to see in this Assembly. With those remarks I want to join my colleagues in opposing adoption of this report. Thank you.

**The Speaker** (Hon. Oraro): Hon. Caleb Omoro.

**Hon. Omoro:** *Via Zoom.* Thank you Mr. Speaker. The measure of development in any county depends on the status of roads. The status of our roads within the sub counties is very pathetic. I am member of the Implementation Committee but I want to disassociate myself with this report because it does not capture the real status of our roads.

**The Speaker** (Hon. Oraro): Hon. Omoro you are breaking but we have gotten your concern. You are disassociating yourself with the report, is that clear?

**Hon. Omoro:** *Via Zoom.* I don't support the report.

**The Speaker** (Hon. Oraro): We have got you. Because you are not very clear, allow us to give another member. Hon. Jenipher Obonyo.

**Hon. Obonyo:** Thank you Mr. Speaker. May I call the mover to reply? Thank you.

**The Speaker** (Hon. Oraro): Hon. Sally Okudo.

**Hon. Okudo:** Thank you Hon. Speaker. I also wish to thank Hon. Members for their views. I want to express my disappointment in some of the members of the Implementation Committee and to all the members at large. Like you said, Mr. Speaker, this report originated from somewhere and the Implementation Committee is acting upon a report that they also got from various sub counties. So it means a lot of us here have been sleeping on the job. It means we have not been going to our various wards to see what is going on. I want to thank our Chair, Hon. Eric Agola for the efforts he made to have this report here. I would not want to put a lot of blame on the clerks of the Implementation Committee or anybody else because we have a lot of technical challenges which everyone of us in this House knows. So let us look at this as a starting point for a lot of things. I humbly request you Mr. Speaker to give us at least two weeks so that

we can come back and give you a more comprehensive report capturing the views and the observations Hon. Members have made this afternoon. Thank you.

**The Speaker** (Hon. Oraro): Hon. Members, we have come to the conclusion of the debate on the implementation status of road projects within the county as presented by Hon. Sally Okudo on behalf of the Chair Implementation Committee. Remember this is a report of the joint Committee of General Oversight and the Implementation Committee. The sole purpose why the Implementation Committee is coming out in the report is because they were to compile the report from the sub county oversight committees and present. Anyway, you have discussed it and I am happy that it is an eye opener to the members and now you understand that you have to take your sub county oversight roles more seriously.

During my communications, when we were starting the session, I did allude to the fact that I shall be meeting the Leader of Majority, the Liaison Chair and the Clerk on the request that the sub county oversight work proceeds. So at this rate, I don't know what the decision shall be. But you can see there are a lot of gaps because when a Member denies or fails to acknowledge from his/her ward it means either the Member did not participate in the oversight or he/she ignored or the problem is the compilation of the report. We will look at that matter at appropriate time.

With that discussion, I now want to put a question.

*(Question put and negatived)*

**The Speaker** (Hon. Oraro): I direct that the Implementation Committee coordinates with various clerks who were compiling the report so that an appropriate report is done and brought to the House as shall be directed by the leadership. Next order!

**MOTION**

AMENDMENT FOR THE COUNTY ASSEMBLY ANNUAL CALENDAR FOR THE YEAR  
2020

BY

HON. LEADER OF MAJORITY

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

**Leader of Majority** (Hon. Onyango): Thank you Mr. Speaker. Pursuant to Standing Order No. 25 (2) and 26 (4) of the County Assembly, I move a motion to amend the County Assembly calendar which was approved on 20<sup>th</sup> February, 2020 and gazetted on 13<sup>th</sup> March, 2020 as follows:

Fourth Session Part 2 Column 1; it indicates Tuesday 21<sup>st</sup> April, 2020 to Thursday 6th July, 2020. So delete Thursday 6th July, 2020 and replace it with Tuesday 7<sup>th</sup> July, 2020.

Part 2 (a) Fourth Session Part II of the calendar where Column 1 indicates long recess; delete the word Friday before 7<sup>th</sup> July, 2020 and replace it with the word Wednesday 8<sup>th</sup> July, 2020.

Part (b) delete Monday 8<sup>th</sup> July before August 2020 and replace it with Monday 10<sup>th</sup> August 2020.

Fourth Session Part III; the County Assembly will resume on Tuesday 11<sup>th</sup> August 2020. Therefore delete 9<sup>th</sup> August 2020 and replace it with 11<sup>th</sup> August 2020.

Mr. Speaker, these changes have been necessitated by the mix-up that was there when the recess dates were gazetted. When you look at the dates vis a vis the dates that are mentioned, then there was a mismatch. That is why it became necessary to do amendments so that the date mentioned as the beginning of long recess conforms to the date and the day. May I call Hon. Aslam Khan to second the motion?

**The Speaker** (Hon. Oraro): Hon. Aslam Khan.

**Hon. Khan:** Thank you Mr. Speaker. I rise to second the motion on the changes on the Assembly calendar.

**The Speaker** (Hon. Oraro): Thank you so much. Now that the motion on the amendment of the County Assembly calendar has been moved by the Leader of Majority, seconded by Hon. Aslam Khan, I want to put a question, that the motion is open for debate. Yes, Hon. George Ogutu.

**Hon. Ogutu:** Thank you Mr. Speak. I stand to support the amendment. I believe for this amendment to have come to this Hon. House, it must have been discussed in the House Business Committee which is very important in terms of looking at the progress of this House.

I believe they were discussed in the House Business committee which is very important and it is looking towards the progress of this House. Since it is something which the House Business committee saw it fit then I believe in the spirit of supporting the changes as proposed by the Leader of Majority. Thank you.

**The Speaker** (Hon. Oraro): Yes Hon. Okudo.

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

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

**The Leader of Majority** (Hon. Kenneth Onyango): Thank you Mr. Speaker. I wish to thank the Members for speedily agreeing that we make amendments and I want to ask our technical team to move in expeditiously and make the new gazette. Thank you.

**The Speaker** (Hon. Oraro): Thank you. Now that the motion on the changes in the County Assembly calendar has been presented by the Leader of Majority, seconded by Hon. Khan and deliberated upon, I therefore want to put a question on the adoption of the same.

*(Question put and agreed to)*

**The Speaker** (Hon. Oraro): The changes in the Kisumu County calendar is hereby adopted today Tuesday 7<sup>th</sup> July 2020 at 1722 hours and I direct that the Clerk expedite the process of making necessary adjustments to ensure that there is gazettelement of the same.

Next Order!

### MOTION

ADJOURNMENT MOTION PURSUANT TO STANDING ORDERS NO. 26 (3) OF THE KISUMU COUNTY ASSEMBLY STANDING ORDERS THAT THE HOUSE GOES FOR RECESS FROM WEDNESDAY 8<sup>TH</sup> JULY 2020 TO MONDAY 10<sup>TH</sup> AUGUST 2020

BY

THE LEADER OF MAJORITY

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

**The Leader of Majority** (Hon. Kenneth Onyango): Thank you Mr. Speaker. Pursuant to the provisions of Standing Orders no. 26 (3), allow me to move an adjournment motion for the long recess beginning Wednesday 8<sup>th</sup> July 2020 to Monday 10<sup>th</sup> August 2020. Mr. Speaker this is an annual recess in our calendar and we would wish that Members can take this opportunity to link up with their constituents, come to know their problems especially now that there is Covid-19 that is pulling people down.

Other than that, we would also wish to possibly utilize this time to do serious oversight so that when we resume in August 10<sup>th</sup> 2020, we can report back to the Assembly on the status of project implementation in our various wards. I would wish to plead with Members that if this opportunity is given to the Members, please let us utilize it more effectively for purposes of bringing a report that gives us a more realistic perspective of what goes on in our wards. I therefore call upon Hon. John Atieno to second.

**The Speaker** (Hon. Oraro): Yes Hon. John Atieno.

**Hon. John Atieno:** Thank you Mr. Speaker. I rise to second the adjournment motion. I think Members have been in this House for quite some time and as we know it has not been easy due to Covid-19 pandemic that has really invaded the County and has really affected our lives both in the Assembly and even to the general public. It is only in order since the public is seriously

affected so that we break and link up with our electorates. The only challenge that we are having as elected representatives of the people is that we are going for recess without the bursary. The other thing that I am happy about is that; even though the bursary is not there the good thing is that the Lord has kept us safe and there is nobody in this Assembly even in our wards that has tested positive of Covid-19. That is one of the greatest things that we are proud of and happy about. Yesterday the President lifted the lockdown and I think some of us can travel as far as Nairobi or Mombasa and get pleased to enjoy cool breeze after a busy schedule. Thank you.

**The Speaker** (Hon. Oraro): Hon. Members now that the motion of adjournment has been proposed by the Leader of Majority and seconded by Hon. John Atieno, I therefore want to propose a question for debate on the same. Hon. Ogutu.

**Hon. Ogutu:** Thank you Mr. Speaker. I think that the Leader of Majority has put this thing right. Recess is an event in the Assembly and there is no way that we can at least escape it unless there is something very serious that we cannot avoid. But since we don't have something serious, I believe this is the right time when Hon. Members can go back home and Mr. Speaker, I am very much thankful that I am going home a happy man because I have not tested Covid-19 positive. It is very unfortunate for the Members who dodged this particular test. I believe there is still chance and that they can come forward and test for Covid-19. I would like to caution the Hon. Members not to spoil themselves outside there and let us avoid travelling and keep social distancing so that we can so that we can safely come back to this Assembly. Let us also take this opportunity which has been given to us by the President to go to Church. Thank you.

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

**Hon. Khan:** Mr. Speaker I rise to support this motion. I take this opportunity at the 11<sup>th</sup> hour to also thank you personally for having initiated an effort to make sure that we do the Covid-19 test to the Hon. Members. This in anticipation will go a long way to make sure that when we are going back to the constituents, we are safe and sound so that when we come back, we come with the vigor that it deserves.

I would also like to urge my fellow colleagues that when they are visiting their constituents, they must make sure that there should not be much political rallies so that when we come back, we ensure that we enumerate more ideas for the people of Kisumu.

**The Speaker** (Hon. Oraro): Yes Hon. Omoro.

**Hon. Omoro:** Thank you Mr. Speaker. First of all, I would like to thank you in particular...

*(Inaudible)*

**The Speaker** (Hon. Oraro): Hon. Omoro your network is not that good hence we are not able to hear you well.

**Hon. Omoro:** Mr. Speaker in short, I just want to congratulate the Members for working very hard in this very difficult condition of Covid-19 to legislate and conduct the functions of the Assembly.

**The Speaker** (Hon. Oraro): Yes Hon. Philemon Ojuok.

**Hon. Philemon Ojuok:** Thank you Hon. Speaker and Hon. Members for this opportunity. I want to support the recess and I want to say that let us use this to be able to do some oversight into some of the activities that have been happening. It becomes a little bit difficult when you have to be in committees and the Assembly and at the same time try to oversight some of the things that are happening there. I think it is appropriate during this recess that we get time to do a lot of field work and we get to know exactly what is happening. I would want to request that if we get the opportunity to do the oversight like the one you had given us an opportunity to do; that we do it properly. We should make an effort to get to those particular places. I think that is the only opportunity like when you go to a road to be able to get a sub County Roads Engineer, to be able to talk to the PMC so that they bring us some of the things that might be happening and they don't get a chance to bring them up.

This is the time to get a complete report so that when things come here, we are able to make comparison and be able to legislate properly. We cannot legislate without information and the only way to get that information is to go round and do that particular oversight. I support recess and I only want to wish Members that you observe some level of social distancing and safety. Thank you.

**The Speaker** (Hon. Oraro): Yes Hon. Olga.

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

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

**The Leader of Majority** (Hon. Kenneth Onyango): Thank you Mr. Speaker. I also want to say that even as the conditions have been relaxed a bit the Covid-19 is still with us and we need to exercise caution. Mr. Speaker a Member has just talked about bursary. I think that when we having the House business committee meeting in the morning, it did come up and we were tasked to find ways in which this can be resolved. I want to say that the Ministry of Education has given a press release that schools will reopen in January 2021. So I believe that should bring that matter to rest until such a time that we shall talk about such allocation because students were only in school for one term. Otherwise, I want to urge the Members to keep themselves busy even as we go home during the recess and whenever committees are given opportunities like you had earlier on directed, we also wish that they take up their duties with diligence. Thank you.

**The Speaker** (Hon. Oraro): Thank you Hon. Member. May I take this opportunity to also thank the Members for their exemplary performance during this period. Just like one Hon. Member has



said that as we go for recess let us be cautious since we are trading a time when we are in a new normal. Truth be told, it is not clear when the pandemic will come to an end and it is going to be our personal responsibility to ensure that you take precaution as you move around your business.

Recess is a time when Members interact with their constituents so do not hesitate to educate the constituents that now it is your own personal responsibility owing to the fact that the President of Kenya had done away with the secession of movement and we expect and a number of people moving up country with the challenges in line That Nairobi County has been leading and Mombasa County in terms of Covid-19 cases. Washing hands with water and soap is very important. In cases where there is no running water then use of sanitizing agents which are approved is key.

I think that the Leader of Majority has talked of the statement by the Ministry of Education on the school reopening. I did post it on the WhatsApp forum and there will be no KCPE and KCSE examination in 2020. The 2020 standard 8 and form 4 candidates will sit their exams in 2021 and the 2020 school calendar year will be considered lost due to Covid-19 restrictions.

However, teacher training colleges and TVET shall open from September 2020 taking into consideration the Ministry of Health protocols. In the same not all Universities shall be opened on case by case study provided that the University meets the MOH protocols. University shall continue holding virtual learning and graduation of students who have successfully completed their programs and met graduation requirements set by their respective Senates.

For the Assembly, I had talked to the Chairperson Procedure and Rule; we shall consider amending our Standing Orders to make it a consideration that virtual attendance to the Assembly be part of it. This shall come to you for debate on the same. All in all, I want to wish you well and as I directed earlier committees that want to sit during recess must send their request to the Speaker with schedule and the contents of meetings they want to undertake.

The debate on adjournment has come to an end and I want to refer ourselves to Standing Orders No. 26 (3) which states that;

*'On a day when the County Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance to the County Assembly calendar, the Leader of the Majority Party of the Leader of the Minority Party or another Member of the County Assembly Business committee shall move a motion of adjournment which shall be debated for not more than 3 hours, after which the County Assembly shall adjourn without question.'*

### ADJOURNMENT

**The Speaker** (Hon. Oraro): Therefore, the House stands adjourned until Tuesday 11<sup>th</sup> August 2020 at 2.30 p.m.

*(House rose at 5.47 p.m.)*



**Addendum**

**Hansard Team**

*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*

*Jesca Otieno – Hansard Reporter*