

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – FOURTH SESSION

Tuesday, 10th March, 2020

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Speaker (Hon. Oraro): Hon. Members, welcome back from the “*Assembly Mashinani*” which was held in Seme Sub-county in East Seme Ward in Kit-Mikayi. In my own personal observation I believe that it was a success. However, we must do a postmortem so that when we go for the next “*Assembly Mashinani*” which is scheduled to come in the last week of March, 2020 which is scheduled to be held in Kisumu West Sub-county, we will do necessary adjustments with a view to making it even better.

Hon. Members, I want to call upon Members from Kisumu west Sub-county to liaise with the Clerk on the necessary logistical requirements so that we have a very successful “*Assembly Mashinani*” in Kisumu West Sub-county in the last week of March, 2020.

Hon. Members, I still want to appeal to the respective Chairpersons of Committees that, if you have any pending work, please submit the reports to the Chairperson Liaison Committee who will do the necessary scheduling for final submission to the House Business Committee. Please

do that as a matter of urgency because this will form part of what we will deliberate in the Assembly.

Finally, as we had resolved, all Chairpersons seeking for committee time allocation, please by Friday of every week, I have communicated to the Liaison Chairperson because they convene there meeting before the House Business Committee so that we do necessary scheduling for the Committee sittings. This is important for our activities as well as your welfare as members of the Assembly.

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

SATEMENTS

Hon. Speaker (Hon. Oraro): Hon. Members, I am seeing Hon. Arao, MCA Railways Ward and Chairperson, Education Committee.

Hon. Arao: Thank you Mr. Speaker. Following your communication, I have a formal communication from the CEC for Education, HR Development and ICT. Mr. Speaker, I would request that you please allow me read the response.

Hon. Speaker (Hon. Oraro): Hon. Arao, have you shared that response with Hon. Members?

Hon. Arao: Mr. Speaker, yes it has been share digitally on our Members Communication Platform.

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

Hon. Arao: Thank you Mr. Speaker. Before I officially read this response, I would like to seek the indulgence of the House that, as you are aware that, apart from being the Chairperson of Education Committee I equally represent a Ward. Right now as we speak we have a lot of challenges with children who are supposed to be in School, those who are beneficiaries of Scholarships and those awaiting to benefit from Bursary Fund. Mr. Speaker, anything that affect the Members of this House, equally affect me as well. This one I want to sink deep in the heart of MCA for Kondele Ward.

Mr. Speaker, allow me read the response from the CEC Member for Education, HR Development and ICT. This response is dated 09th March. 2020 – Status of ECD Staffing, VTC Staffing and Bursary and Scholarship Fund FY 2019/2020.

On Scholarships and Bursaries, we state as follows;

1. The Department of Education had requested that approval of 50% of then Kshs 205 million Budget on 08th October, 2019. The Chief Finance Officer (CFO) approved the

request in document which proceeded to the Exchequer to release the same date of 08th October, 2019 letter attached. We received no response.

2. After half the FY had elapsed the Department made another request for the whole amount of Kshs 205 million on 08th January, 2020.
3. The Office of the Controller of Budget, Treasury responded to the initial request of 50% of the Kshs 100 million on 27th February, 2020 declining the release of the other 50% arguing that our legislated Kisumu County Education Fund Regulations (c)/5 does not conform to the PFM regulations 197 (1) which caps the Administration Cost to all funds at 2% as in the Approved Budget.
4. As a department responded on 05th February, 2020 and consequently amended the regulations from 10% to 2% as directed by the Office of the Controller of Budget. For three weeks we did not receive any responses and did a reminder on 02nd March, 2020.

Mr. Speaker, I wanted to state on point No. 4 which says that there was an initial 10% for Administration Cost which after the directives of the Office of the Controller of Budget decided to lower to 2%. This 10% was approved by the First Assembly. It is only in order that the Executive to now work with the Second Assembly before that reach such a decision. Nonetheless, allow me to read the correspondences between the Executive and the Treasury.

5. We are still awaiting disbursement of funds by the Office of the Controller of Budget.

Mr. Speaker, I would like to read only that part that touches on Bursaries and Scholarship Funds. Mr. Speaker, before you respond to that, I also wanted to inform you that, this afternoon I received a message from the CEC Member for Education that due to the pressure that have been exerted by this House, he has been called to go to Nairobi on Monday on the same.

Mr. Speaker, as I stand here, we don't have the accurate date of which funds meant for Scholarships and Bursaries will be availed, but I can assure you that the pressure exerted by this Assembly has made things to move. Thank you.

Hon. Speaker (Hon. Oraro): Hon. Arao, I am seeing that there were some parts that were raised. Let me just give you time to read the whole response. I will decide to give members to respond.

Hon. Arao: Thank you Mr. Speaker. I will read it and I know you will protect me and you know the reason I was not taking that direction, it was because of the notable absentee Member who sought for these responses is not in the House and I know he will still seek the same again. So, let me read it as you have directed.

Mr. Speaker, our County Government intends to feel these gaps in terms of hiring of ECD Teachers and the construction of additional classrooms in the ECD Programme.

1. **Classroom:** We need 1318 classrooms to serve our Children in the entire County. However, we only have 156 new classrooms in the County. The gap is 1162 classrooms

that we must construct in order to address the need. The Strategy will be swill be to build 16 new classrooms per Ward per FY for the remaining two years of our term.

2. **Teachers:** the County required 1320 ECD Teachers to serve our children in the ECD Programme. However, we have only 722 ECD Teachers in our service that leaves a deficit of 598 ECD Teachers. We therefore need to employ 300 per year for the remaining two years of our term in order to bridge the gap.
3. **Strategy and Challenges:** We have made requisitions for Teachers and Instructors to the Public Service Board. We are of the belief that they will commence recruitment exercise once the County Budget allows for increased allocation in Personnel Emoluments.
4. **Status of Kudho Primary School:** We are investigating cases of incomplete ECD projects to ascertain and establish why projects are stalled. We will then develop a comprehensive data fir Incomplete ECD Centres in order to address these concerns. Nonetheless, works for Kudho ECD Centre was allocated Kshs 2 million and the project is at the lintel level and the Contractor Mr. Tom Gonde has been paid Kshs 700,000.00 but is yet to complete the works. We will provide a complete report and Wayforward in such cases as the one of Kudho.

Mr. Speaker, kindly see summarized attached how the County Government intends to address these gaps in terms of Instructors in the Vocational Training Centres Programme.

1. The County Government of Kisumu made advertisements for additional teaching vacancies for both the ECD Teachers and Vocational Training Centres Instructors in the year 2017.
2. The recruitment drive for Vocational Training Centres Instructors did not take off, this means that we have existing gaps in this service.
3. We have made a requisition to the County Public Service Board for the Recruitment of 57 Vocational Training Centres Instructors to plug the staff deficit in our expanded VTC Centres at an average of Kshs 30,000.00 per trainer. We require a Budget of Kshs 1,730,000.00 annually to enable the Recruitment of 57 Vocational Training Centres Instructors in our VTCs.
4. Currently, we have 54 Vocational Training Centres Instructors in our Service who are deployed to the County by the National Government.

Finally, we sometimes share out these Vocational Training Instructors between neighbouring VTCs in addition to the Instructors employed by the Boards of Managements of individual VTC.

Signed by Dr. John Obiero Ogone,

CEC Member, Education, HR Development and ICT.

Thank you Mr. Speaker.

Hon. Speaker (Hon. Oraro): Hon. Members, I am not seeing the Hon. Member who sought that Statement but, I will accord members of the House to react on this matter for only 10 minutes.

Hon. Speaker (Hon. Oraro): Hon, Okiri, to be followed by Hon. Ooko, MCA Ahero Ward.

Hon. Okiri: Thank you Mr. Speaker. It is sad evening today Tuesday, 10th March, 2020 and we are not still aware of the Status of our Scholarship and Bursary Funds Disbursement.

Mr. Speaker, whatever is there is communication which any other person can either address the media of this House but nothing seem to be moving. We are in the month of March. 2020, our students reported back to school in the month of January, 2020 and next month our children will be closing schools. It is so unfortunate that these funds are given to the needy and bright students. As the Hon. Member of West Kisumu Ward, I will manage to take my students to school and paying for their school fees without any single day with the fear that if my son or daughter does not go to school, then I will be in problems.

Mr. Speaker, it is unfortunate that the dignity of House is being trampled upon and we have to rely on papers with varied stories. Mr. Speaker, I even wonder why there is a response and clarity when the CEC Member for Education will go to Nairobi. Actually such a statement should not even reach this House. Mr. Speaker, what is the CEC Member for Education going to do in Nairobi yet the Budget is there for Scholarship and Bursary Funds. Mr. Speaker, are we being told that the Kisumu County Government is now delegating its powers to the National Government by so going to Nairobi, and did they consult this House that this is the direction that we want you people to take, or it was our own policy that we passed in this House on how we are going to disburse bursaries.

Mr. Speaker, if you want to be honest with this Government, no single MCA in this House has paid for his/her child's school fees. Mr. Speaker, why do we oppress the less privileged members of our societies because some of them are staying in our houses and they can't go to school because of the failures of this House to put efforts to ensure that students are given school fees so that they go to school. Mr. Speaker, I am not happy with what is happening and I can single out a girl from Rangala Girls High School who was sent back home last week and I took tea in the morning with her and I did not have the guts to say why we decided to give her Scholarship because she had an option of going for "Wings to Fly" Scholarship Kitty. Why do we deceive our own children?

Mr. Speaker, I am in an intense mood as I think of how the less privileged are now being subjected to this kind of fear.

Finally, these students are envisaged to sit their exams this month, if they are still at home and we are busy attending conferences yet, our children are at home as a result of lack of School Fees. Thank you.

Hon. Ooko: Thank you Mr. Speaker. It is quite unfortunate that our students under Scholarship are at home and they have been sent home thrice and the Chairman is telling us that he received a message from the CEC Member for Education. Mr. Speaker, is it in order for the Member to tell us that the CEC Member is travelling to Nairobi and I am even wondering if the CEC for Finance sent cheques to Nairobi to go so that they be picked from there. If he is going to pick the cheques on Monday, I want to inform the Chair that the same way he received the text messages, let him also sent the same texts that he goes tomorrow so that students can go back to school. Thank you.

Hon. Speaker (Hon. Oraro): Hon. Arao, just some clarity, is it that the CEC Member for Education is going to Nairobi. Is it the responsibility of the CEC Education to look for finance or the CEC Finance? I believe that you need to be clear on this. The last time I checked, it is the responsibility of the CEC Finance to source for finances.

Hon. Arao: Mr. Speaker, the CEC Member for Education told me that he is going to have a meeting with the Treasury who are the people concerned with this fund. Mr. Speaker, this is based on the responses that I read prior which was if you can reflect I had said that there was some disagreement between the CEC Member for Education and the Controller of Budget that the first position was 10% Administration Cost which they made recommendation that it be reduced to 3%.

I said that there was a disagreement between the CEC and the Controller of Budget that the first position was 10% for administration which they wanted to be reduced to 3%. The CEC has also been advised to travel to Nairobi over the same and I believe the students will have their cheques immediately the CEC comes back. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Hon. Senior Member.

The Chief Whip (Hon. Misachi): Thank you Mr. Speaker. I would want to ask the Chair of Education that let him go back to the CEC Education and let him explain to us the adjustments on the law which was passed in this House. The Executive cannot amend the law. Let us get the reaction tomorrow in the morning. Thank you.

The Speaker (Hon. Oraro): Thank you. Hon. Otiang’.

Hon. Otiang’: Thank you Mr. Speaker. I want to concur with what the Senior Member has said and that this is the sloppiest answer we have heard as an Assembly. The best thing is to summon the CEC for Education to come before us tell us something that is concrete because this not an emergency, we are dealing with. This was planned and budgeted for. Why is it taking so long and yet our children are suffering out there? Hon. Speaker, kindly consider summoning the CEC to appear before the House. Thank you.

The Speaker (Hon. Oraro): Yes Hon. Seth Okumu and then Hon. Agolla.

Hon. Okumu: Thank you Mr. Speaker. It is disturbing every time the Chair of Education reports to this House. Every day I receive calls from children who have been sent out of schools. Especially on children who are on Scholarship. We pledge to take these children to school for four years, some are in Form Four and they are yet to take their end year exams.

Mr. Speaker, schools don't operate on letters. The services given at schools require money. The County should be able to pay for these services. Going by what the Chair Education has brought before the House is that the biggest contention was the amount that was going to be spent on the Cost of Administration. It is so clear that when a County makes a law that is inconstant with a National Law then the National Law takes precedence. The department insisted on taking 10% for administration. Let them reduce that money to 3% so that they can get the money from the Controller of Budget. The Controller of Budget cannot approve the budget with a 10% on the Cost of Administration.

Hon. Arao needs to be a little serious with this committee. Otherwise, this is not the first time he is messing up with this committee. He so individualistic. He only talked of the ECD issues in his Ward and yet he is the Chair of the Committee. If he feels that the docket is too much for him to handle then the honorable thing to do is to resign. We cannot work on papers. Kids cannot go to school on papers. We approved this budget last year in June, 30th and we are in March. Go and talk to the CEC to reduce his appetite for money and accept the 3% so that our children can go to school.

There is too much pressure from us. People believe that we have a direct link to this money, it is the CEC. Go back to that department. We are not convinced with what you have brought to the House. Thank you, Mr. Speaker.

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

Hon. Agolla: Thank you Mr. Speaker. I am the one who raised the statement on the issue of the bursary. I am a little bit disturbed than the other day. The Chair has just brought a Personal Report and not a Committee Report. I am fully aware that they did not meet as a committee to deliberate on this. The report he is giving is not worth to appear in the House. He is telling the Members that children shall receive the cheques on Monday whereas nothing is being done there.

I want to ask the leadership of this Assembly to summon the CEC to give reasons why children cannot stay in schools. We cannot give scholarship to students who cannot compete with others because they are not learning. This matter is now beyond the Chair or the committee. It is upon the Assembly to summon the CEC for Education so that this matter can be addressed once and for all. Thank you.

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

Hon. Ogendo: Thank you Mr. Speaker. I concur with my colleagues that the Chair Education can no longer handle this matter considering how he has reported. It seems that they have some special relationship with the CEC. The matter was raised and it was given to a committee and not an individual. There is no way a CEC of Education can handle matters of Finance. He also telling us that he had a telephone conversation with the CEC. Which should not happen at all. Mr. Speaker let the General Oversight Committee handle this matter. Please give that direction.

The Speaker (Hon. Oraro): Yes Hon. Ogendo, I can see Hon. Ken on his feet. Whom do you want to inform?

Hon. Ooko: Thank you Mr. Speaker. I think the issue has been overtaken by the event.

(Laughter)

The Speaker (Hon. Oraro): Very well. Hon. Kanga.

Hon. Kanga: Thank you Mr. Speaker. I am rising on the defense of the Chair ECD. In the present parliamentary practices when we do appear in this honorable House while giving response on questions sought by Members then we act as messengers. There is no need of crucifying a messenger. Hon. Arao is responding to question that was sought by the Member. He is giving the response which he received from the Department of Education.

Mr. Speaker, I want to respond to some sentiments made by some Honourable Members. Rather than constructively criticize the government of Prof. Anyang' Nyongó, Hon. Okumu has gone further by criticizing Hon. Arao who is a messenger. I want to remind the Honourable Members that we cannot criticize the same parliament which we belong to. Hon. Arao is just responding as per our Standing Orders.

We don't need to talk of summoning the CEC for the media to know that we are doing our oversight role. Yesterday, there was a serious health issue and we almost six-hour interaction with the Department of Health and Members were not there. We should not be double speaking. I am sure the same Members who are talking about summoning the CEC are the same people who will not turn up for that particular meeting.

Hon. Okiri is at the fore front criticizing Hon. Arao and he is the Chair for Finance. Why is he not talking about the poor revenue collection in the county? Let us take this responsibility and talk to the Department of Education. Thank you.

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

Hon. Okiri: Thank you Mr. Speaker. I never criticized the response given by Hon. Arao. The fact that the response was not satisfactorily done does not mean we are criticizing it. I have not mentioned names.

(Laughter)

The Speaker (Hon. Oraro): Let me give Hon. Samo and then Hon. Olale.

Hon. Samo: Thank you Mr. Speaker. I have been woken up by Hon. Seth who has ably talked my mind. Instead of us crucifying the Chair of Education, we must have a closer look on this matter. Let me take you back to our journey last year. Our bursary came late up to the third quarter of the year. We are failing the students. The same thing is happening in this Financial Year. Let us take the bull by its horn. The failure is in the department and the department is led by the CEC. The CEC is an appointee of the Governor. Let us summon the CEC so that we get the bottom of this matter. Our children should stay in school. We cannot have a government that cannot pay school fees. The Governor must know that the Education Department has failed. I want to call upon the Governor to listen to what we are saying as Members elected by the people to represent them in this House that the Education has failed again just has the Health sector. Therefore, he has to crack the whip so that he CEC goes home. If the CEC cannot go home, then the Governor needs to go home. Thank you.

The Speaker (Hon. Oraro): Hon. Joseph Olale, Nyalenda “B”.

Hon. Olale: Thank you Mr. Speaker. On a light note, Hon Roy promised to bring some motion and we have not seen it. Mr. Speaker. It is so sad that our children are not in school. Mr. Speaker, it is sad that we as an Assembly appropriated funds for both Bursary and Scholarship. Mr. Speaker, the saddest part is that the department became greedy and took 10 per cent instead of the usual 3 per cent. The worst part Mr. Speaker is when the Governor leaves Kisumu, the CEC also leaves with the next flight. He cannot perform in this docket. As such, we are asking the CEC to resign.

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

Hon. Kanga: *On a Point of Order.* Mr. Speaker, I wonder what Hon. Olale is talking about. He is trying to justify something in the social media that the Governor is always away; that when the Governor leaves, then the CEC also leaves. Mr. Speaker, it is not in order to talk about issues in this House without appropriate evidence. Mr. Speaker, I request the Hon. Olale to stay within the confines of the statements raised by Hon. Arao instead of referring to trips by the Governor without giving us a documentation evidence. The issue of trips of the Governor is causing problems and the same can only be tabled with appropriate evidence.

The Speaker (Hon. Oraro): Hon. Seth Kanga, I believe you are referring to Standing Orders No. 89

Hon. Kanga: Yes, on Statements of Facts.

The Speaker (Hon. Oraro): Hon. Olale, you can substantiate or withdraw and proceed.

Hon. Olale: Mr. Speaker, the Governor of Kisumu has a lot to do given the BBI and other duties. The Kisumu Governor has been appointed by our party leader to spearhead the BBI. When he goes for BBI campaigns in Narok, the CEC goes to Nairobi. It is in the press that the Governor supports BBI and he moves around. Let me put it this way: the CEC for Education is not working. He is a traveler with no basis and permission. I want to ask this honourable House to bring a motion, and I would ask Hon. Roy Samo to bring a motion compelling the CEC for Education to vacate office because he has completely failed. Otherwise, the defense is not convincing at all. Thank you.

The Speaker (Hon. Oraro): Honourable Members, I want to make a ruling on this matter. First, I want to appreciate Hon. David Arao. He is among the Members, alongside Hon. Samson Ameso, who were mandated with this responsibility and they responded within the allocated time. Therefore, we want to congratulate the Hon. Arao because it was last week during the “*Assembly Mashinani*”, we gave him an assignment, and before the date of that assignment that is 17th, he is able to come back with a report. I want to congratulate you Hon. Arao and ask all the Chairs to emulate what you have done. When given work, you have to respond.

Secondly, we all agree that this is a matter of concern to all the Members. I want to direct that on Thursday 12th March, 2020 this week, the CEC Education appear before the General Oversight Committee and I want to order that the Clerk does that communication immediately. That he appears before the General Oversight Committee to explain the Status of the Kisumu County Bursaries and Scholarships Awards for the FY 2019/2020.

The second issue is to explain the Status of the Kisumu County Scholarships and Bursaries Act 2015 and the manner in which the amendment was done because, I believe it is the responsibility of the Assembly to do the amendments if therein. We are on Statements hour.

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

Hon. Agolla: Mr. Speaker, allow me to direct us to Standing Order No. 42 on Personal Statement after which I will conclude by referring to Standing Order No. 41 (e). Mr. Speaker, foremost, allow me to thank my party ODM and the entire House for recognizing and giving me the opportunity to lead the Committee on Implementation in this august House.

Mr. Speaker, after expressing gratitude to the Party and the Members, I want to do formal communication to Honourable Members especially to Members who are elected that the only way we can succeed in our oversight role is to ensure that all projects and services that are rendered to the great people of Kisumu County are done up to date.

Mr. Speaker, I want to call upon all honourable Members who are elected to provide to the Committee on Implementation the list of projects since the start of this Assembly to date; the pending projects that have not been implemented; the problems in various departments, be it

Education, Agriculture and Roads among others. This is enable us to see where to start to ensure implementation is done when we sit as a committee.

Mr. Speaker, we did struggle to ensure that we appropriate funds, not just to continue appropriating funds without seeing results. We must ensure that we do adequate and prompt oversight. I beg to request Honourable Members to comply within the shortest time possible. If possible, Mr. Speaker, by Monday.

The Speaker (Hon. Oraro): What is it Hon. Arao? Whom do you want to inform? Hon. Eric Agolla, do you want Hon. Arao to inform you?

Hon. Agolla: Mr. Speaker, I am informed. I do not need more information from the honourable Chair unless he wants to inform the House.

The Speaker (Hon. Oraro): Pass the microphone to Hon. Arao

Hon. Arao: *On a point of Information.* Mr. Speaker, Hon. Agolla is my friend so I thought it wise that I inform him. On the same direction, I do not think that the list of projects and their status should come from the MCAs. I would ask him to relay this request to the departments. Thank you.

Hon. Agolla: Thank you. I am informed. However, Mr. Speaker, allow me to put my point very clear. That it is the initiative of the committee that we want to start from there because already we have the documents, that is, the Budget book. We want to inform Honourable Members from various wards to furnish the committee with the projects they have through the Committee Clerk, Mr. Ayieko latest Monday so that we can deliberate as a committee and inform Members accordingly. Going forward, we can do what Hon. Arao was saying because that is the best way for a start. This is my prayer as the Chair of the Committee. Thank you and God bless you.

The Speaker (Hon. Oraro): Thank you. I think what Hon. Eric Agolla has said is in good spirit. As elected Members, we represent electorates. We have the mandate to present their views on the status of projects to the Assembly for discussion and further recommendation on what ought to be done. I saw Hon. Maurine Otiang', MCA Chemelil Tamu and Chair PIC/PAC.

Hon. Otiang': Thank you Mr. Speaker. I rise to do a Personal Statement. In my committee we travelled for purposes of writing a report. Mr. Speaker, Sir, there is something that did not go down well with the committee members.

The Speaker (Hon. Oraro): Hon. Otiang', that is not a personal statement. On which Standing Order are you making your statement?

Hon. Otiang': Standing Order No. 21

The Speaker (Hon. Oraro): As Chair?

Hon. Otiang': No. As a Member of this House

The Speaker (Hon. Oraro): I thought you were talking of PIC/PAC Committee.

Hon. Otiang': No. As a Member.

The Speaker (Hon. Oraro): Ok. You can proceed.

Hon. Otiang': As a Member of this House Mr. Speaker, I am aware that we have utility vehicles, which are supposed to help staff carry materials when going for meetings. Our technical team suffered when they transported materials using public means. Some of the boxes were torn and others misplaced. This made the committee not to start its work on time. I want to be guided on the word utility. What is utility and when are such vehicles supposed to be used by staff or Members? Thank you.

The Speaker (Hon. Oraro): Thank you. Honourable Maurine Otiang'. I think I saw the transport policy shared on our WhatsApp groups. At the same time, I am reminded that there is provision of transport or allowance whenever there is an activity outside the Assembly. In the meantime, allow me to follow it up with the Clerk. I will give appropriate response.

The Speaker (Hon. Oraro): Next order!

MOTION

COMMITTEE REPORT ON BENCHMARKING TRIP TO MOMBASA COUNTY ASSEMBLY BY HON. ERICK AGOLLA, CHAIRPERSON OF COMMITTEE ON IMPLEMENTATION

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

Hon. Agolla:

Mr. Speaker and Honourable Members,

On behalf of the Select Committee on Implementation, pursuant to the provisions of the County Assembly Standing Orders no. 191; it is my honour to present to this House the Report on Benchmark by the our Committee on Implementation with the Mombasa County Assembly counterparts (Committee on Implementation).

COMMITTEE MANDATE

The Implementation committee is a Select Committee which derives its mandate from Standing Order No. 191 with clear functions as stipulated below;

(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 without justifiable reasons.

COMPOSITION OF THE COMMITTEE:

Chairperson: Hon. Habil Nyasuna

Vice Chairman: Hon. Roy Samo

Members: Hon. Aslam Khan

Hon. Sally Okudo

Hon. Inviolata Adhiambo

Hon. Steve Owiti

Hon. Philemon Ojuok

Hon. Vincent Jagongo

Hon. Maureen Opondo

Hon. Maurice Ngeta

Hon. Caleb Omoro

Committee Secretariat:

- | | | |
|---------------------|---|------------------|
| 1. Mr. David Ayieko | – | Committee Clerk |
| 2. Mrs. Rose Baraza | – | Serjeant-At-Arms |

ACKNOWLEDGEMENT

Members of the Select Committee on implementation wishes to convey their gratitude to the Offices of the Speaker and of the Clerk of the Assembly for the facilitation to Mombasa and for according the committee a conducive environment to enable them come up with a report.

By the same token, I would like to appreciate members of the Committee for having taken time off their busy schedules to travel all the way to Mombasa and also to attend committee sessions and give their valuable input on this report.

Lastly, I give kind gestures to the Staff who participated and offered their technical support to bring this report to fruition.

INTRODUCTION

The Committee on Implementation of the County Assembly of Kisumu visited the Mombasa County Assembly from Friday, 25th to 29th October, 2019 and were well received by a delegation from Mombasa County Assembly in the Speaker's office. The hosts were led by the Speaker of Mombasa County Assembly Hon. Aharub Ebrahim Khatri and the chairman to committee on implementation Hon. Salim David Kalume from Mombasa County Assembly.

The members of the Mombasa County Assembly are as follows:-

1. Hon. Salim David Kalume
2. Hon. Athman Rama Mwamwiri
3. Hon. Francis Kombo Nzai
4. Hon. Robert Nyiro Mwaega

5. Hon. Fahad Abdalla Kassim
6. Hon. Tobias Otieno Samba
7. Hon. Ibrahim Omondi
8. Hon. Benard Ochieng Ogutu
9. Hon. Hamisi Musa Mwidani
10. Hon. Mwalimu Hamad Mgwisho
11. Hon. Juma Renson Thoya
12. Hon. Mary Everlyne Osongo
13. Hon. Mary Naliaka Wafula

OBJECTIVES

The deliberations focused on the following key areas/issues:-

1. Information sharing about the committee on implementation mandates
2. Number of motions and Bills passed by the second Assembly.
3. Modalities of tracking Bills, Motions, Reports and Statements emanating from the House.
4. How the Assembly undertake follow-up on the implementation of resolutions passed by the House with relation to stipulated timelines.
5. How the committee relates with other committees in relation to their work.
6. How the committee relates with the executive arm of the County government.
7. How the committee receives feedback from the executive with regards to reports mechanism.
8. Challenges encountered by the committee while discharging its mandate.
9. How often the committee undertakes impromptu site inspection of projects implemented at ward level to ascertain their authenticity as one of the key roles of oversight.

FINDINGS

Following the lengthy deliberations of the meetings, these were the findings:-

1. The committee on implementation does oversight and follow up of implementation of House resolutions and the county government projects.

2. There is a Clerk responsible for the Motion/Bill/Statements tracker though the implementation committee is the custodian and they are brought up as a motion by the committee.
3. The stipulated timelines for implementation of Motions, Bills and Statements is 60 days, though most of the time the executive takes too long to honour this.
4. The Composition of Mombasa Assembly implementation is 11 just like in our case.
5. The committee does much on follow ups of implementation and relates well with all the committees and especially the Transport and Public Works Committee when it comes to implementation of projects.
6. The committee keeps the executive on toes to ensure that the promises are fulfilled through implementation of various projects outlined in the budget.
7. Question/statement time is either done through the Majority leader or the respective chairpersons.
8. Members are always forced to do site inspection of projects on their own.
9. All the Clerks also perform duties as table Clerks. Each is assigned his/her day to attend plenary sessions and from amongst them one clerk is tasked to capture statements raised and report to the relevant committee clerk who ensures strict follow up on the issue with the relevant committee. Moreover, the responsible clerk works hand in hand with the implementation committee clerk to ensure tracking and implementation of the Statement, Motion, Bill or Petition.
10. All the departments normally furnish the Assembly with their quarterly reports, and this is forwarded to the Committee on implementation to scrutinize the implementation status of projects.
11. The implementation committee are also fully empowered by the Assembly to ensure strict implementation of Bills and Motions passed in the House.

CHALLENGES

- Slow or lack of implementation of the passed Bills and Motions by both the assembly and the executive.
- Lack of feedback/response from the executive.
- Poor implementation of projects by the executive.

- Poor funding of the committee despite the huge tasks required to be performed by the committee.
- Political interference.

RECOMENDATIONS

1. That, the Committee on Implmentation be empowered and given unwavering support to discharge its duties of ensuring implementation of projects in all our wards.
2. That, the County Assembly of Kisumu empower the legal department and staff it with competent staff (Advocates/lawyers) in order to take care of Bills i.e. Bill/Motion drafting, advisory e.t.c.
3. That, the Assembly of Kisumu assign/place a clerk, preferably a table clerk to keep track of motions, reports and statements passed or raised in the House, and must work closely with the implementation committee to ensure strict follow-ups and implementation of the resolutions.
4. That, the Assembly of Kisumu and especially the implementation committee work closely with the executive to ensure that all the projects outlined in the budget are implemented fully.
5. That, all the committees work hand in hand with the implementation committee to ensure that all the resolutions of the House are implemented.
6. That, the Assembly of Kisumu (implementation committee) follow up with the executive to ensure that the passed Kisumu County Strategic plan is implementated as fast as possible for the citizens and investors to enjoying the fruits of devolution.
7. That, the Committee on Implmentation be allowed to strictly perform its oversight duties without any political interference or maligning. The committee has in the past faced myriad of challenges when trying to invite, summon or demanding for records on implementation status of projects and resolutions from the executive.

CONCLUSION

Mr. Speaker it is our view as a committee that the county government implement all its promises, Bills and Motions for the benefit of the residents of Kisumu County.

I hereby request this honourable House to deliberate conclusively and adopt this report.

Thank you Mr. Speaker and honourable Members of the County Assembly.

Hon. Samo: Mr. Speaker, I want to be in agreement with Hon. Eric Agolla who is reading the report as the Chair now of the Committee on Implementation. I want to concur with him that I did visit Mombasa together with the team. We realized that there were structures in the Implementation Committee and that they were getting the required support. In fact, Mr. Speaker, the committee did inform us that as an Implementation Committee, all the projects not completed or those not being done will be followed conclusively to ensure that each project that has been budgeted for is done. Therefore, I hereby second this report. Thank you Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Thank you Honourable Members, the Committee on Implementation through Hon. Eric Agolla has brought before the House their Report on Benchmarking Trip to Mombasa and seconded by Hon. Roy Samo. I now want to open it for debate. Yes, Hon. Pamela Odhiambo.

Hon. Pamela Odhiambo: Thank you Mr. Speaker. I would like to congratulate Hon. Eric Agolla for being elected as the Chair of Implementation Committee. This is the best committee in this House because it touches on all the projects that are done in Kisumu County. When he talked about visiting Naivasha or Nairobi County, all I can say is that they are doing well in implementing their plans. Had Hon. Eric assumed this position when we started, I believe that all the projects that we have been questioning, could have been done by now.

Mr. Speaker, I want to support the committee. In addition, I want to say that when we will be allocating funds to committees, Implementation committee should be allocated more money. We want the committee to work. It is only in that committee that all our projects are checked and implementation done.

Mr. Speaker, we have been asking about some projects which are being paid in Pending Bills. I believe that if we give them chance to go to every Ward, then will bring a report to this Assembly. I also request the committee that, when they will be sitting, they should ask Ward Administrators in all the 35 Wards to submit all the projects done for the financial years 2013 to 2017.

I would also like to request the committee that, when they will be sitting they should also ask the Ward Administrators of the 35 wards to bring all the projects that were done from 2013 to 2017. I would like to support the report and congratulate the committee for the work done with all the information they got from Mombasa County. As Kisumu County, we also want to implement some of our projects and if we give them time they will bring this report. Hon. Samo is in that committee and I believe that he is well placed there and next time he should not ask the

Governor to quit his job. You are given work to do and you should do it to make sure that all our projects are well done. Thank you Mr. Speaker.

The Temporary Speaker (Hon. Seth Okumu): Yes Hon. Kanga.

Hon. Kanga: Thank you Mr. Speaker. I stand to support the report by Hon. Agolla on the Report of Implementation Committee and their tour to Mombasa County. The only thing that they did not provide for Mombasa and the one for Kisumu is that in both, in this second dispensation has two similarities; the Kachok dumpsite and the Mombasa people have the Kibarani Dumpsite.

Mr. Speaker, I thought they could have toured the Kibarani Dumpsite in order to see or view and have a look as to why the Kibarani Dumpsite was relocated and the park beautified while they started that process when we had started the Kachok Dumpsite and to date the Kachok Dumpsite is not complete.

Mr. Speaker, another thing is that, we reduced our budget by at least 12 million in every Ward and I would like to persuade the Implementation Committee now that we are remaining with only 3 months to the end of the financial year to avoid the issue of Pending Bills; the Controller of Budget has been urging Counties all over to pay Pending Bills and in future to avoid the issue of Pending Bills. I always here some of the Hon. Members in this House who have knowledge in accounting talking about Absorption Rate of the financial year in terms of expenditure and I would urge the Chairperson of the Implementation Committee to ensure that he projects that are earmarked are awarded on time and paid so that we avoid this issue of pending bills in our Budget Estimates. In the Committee of Roads, Transport and Public Works; right now we are approaching season of long rains and some contracts were awarded and some contractors have not been on site reason being that if you go to the department of Roads, they will take round and round telling you that the Ward Administrator has not constituted the Project Management Committee, the contractor has no capacity to work and ultimately this role lies on the Implementation Committee. I know that Hon. Agolla is very passionate about the legislative processes or the Implementation of our projects in our Wards. With those few remarks, I would like to support the report of the Implementation Committee. Thank you.

The Temporary Speaker (Hon. Seth Okumu): Yes Hon. Okiri.

Hon. Okiri: Thank you Mr. Speaker. I would like to support the report from my student Hon. Agolla. The backbone of this Assembly lies on 3 stages or 3 departments that is the Budget and Implementation which plays a very important role. Just as it has been said, we can pass the Supplementary Budget but the bone of contention after approving the Budget lies on the Implementation Committee. As much as I am concurring with the Chairperson but there must be a leeway of how the Executive in monitoring this Assembly in a way that after passing the budget and the Supplementary Budget then it stops from there that the Implementation part of it that we should be seeing happening on the ground is left to unknown people.

In conclusion, I would like to say that let the Implementation committee do their work and make this County prosper. Thank you.

The Temporary Speaker (Hon. Seth Okumu): Yes Hon. Jagongo.

Hon. Jagongo: Thank you Mr. Speaker. I also want to join my colleagues in thanking the committee for a job well done. Mr. Speaker I am also a Member of the committee and I want to thank our Chairperson for giving us such a wonderful report. Implementation is a very key committee in this Assembly. We have been having colorful budget since 2017 to date and we realized that most of the Items that are put in the budget are not implemented. At times if you go per department, you will realize that 40% of what is in the budget are always not implemented. I want to urge the Committee of Implementation that we need to come up with a schedule so that we visit all the Wards and we and pick on the specific departments to oversight on their Implementation Status like Health, Education and Roads.

I think that as a team and as a committee, if we plan well then we will do a lot of checks and balances in these departments. I have always shared with my friend Hon. Samo who is also the Vice Chairperson in this committee that, instead of making noise in funerals we need to take our work seriously. Let us put the effort that we are using outside there to make the committee active and to do the right thing to give a report to this Assembly. Otherwise thank you.

The Temporary Speaker (Hon. Seth Okumu): Hon. Chief Whip.

The Chief Whip (Hon. Misachi): Mr. Speaker I want to call the mover to reply.

The Temporary Speaker (Hon. Seth Okumu): Yes Hon. Agolla.

Hon. Agolla: Thank you Mr. Speaker. I want to thank the Hon. Members for their healthy debate and their deliberation on the same. I also want to urge the Members in our committee to make sure that we implement what we have learnt on our benchmark to Mombasa. Mr. Speaker it is not only projects but the work of the committee is also to Track Motions, Bills and Statements raised in this House. It is very clear that we can only implement projects after the Policies and the Bills have been passed. We will make sure that as a committee, we will track Motions so that we don't duplicate because we have seen a scenario whereby a Members rises to raise a statement which had been sought. I also want to thank your office for having considered recruiting more staff of which we will have Bill Drafters so that this Assembly will parade like an Assembly whereas records can be kept so that Members do not repeat themselves time and again.

Mr. Speaker, I also want to accept the point raised by Hon. Pamela Odhiambo that without the records that we can only trace from the various Ward Administrators then we cannot succeed. I would like to urge the Members of this Assembly to liaise with the various Ward Administrators

because you may not have all the records of the BQs so that we can move forward as an Assembly.

Finally, I want to respond to the concern of Hon. Okumu that Kibarani dumpsite in Mombasa was purely the mandate of Environment Committee in Mombasa and we went to Mombasa on Benchmarking as Implementation Committee. The Kibarani Dumpsite was done by a philanthropist or the so called Mombasa Cement. He volunteered to do it without any pay. So we are praying for our investors in Kisumu County to also follow suite so that they don't just do business in this County but they do give back to the community. Thank you and May God bless you.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Members, the Report on Benchmarking with Mombasa County Assembly Committee on Implementation has been presented in this House for adoption by Hon. Agolla, seconded by Hon. Samo and debated on by Hon. Members; I therefore want to put a question for the adoption of the same.

(Question put and agreed to)

The Temporary Speaker (Hon. Okumu): The report on benchmarking with Mombasa County Assembly Committee on Implementation has been passed today 10th March 2020 at 1616 Hours.

The Temporary Speaker (Hon. Okumu): Next Order!

MOTION

COMMITTEE REPORT ON PROMOTION OF COUNTY HELATH WORKERS

BY HON. BEATRICE ODONGO

CHAIRPERSON LABOUR AND SOCIAL WELFARE COMMITTEE

The Temporary Speaker (Hon. Seth Okumu): Yes Hon. Beatrice Odongo.

Hon. Beatrice Odongo: Thank you Mr. Speaker and Hon. Members I want to request that we bring the report tomorrow morning because yesterday we summoned the respective departments here and we finished late hence our clerk has been working on the report since yesterday. He just finished around 2.00 p.m. and the photocopying is still ongoing so we are not able to bring the report now. Thank you.

The Temporary Speaker (Hon. Seth Okumu): Thank you Hon. Beatrice Odongo I want to guide you that this was a motion that was brought before the House and at this point you can only withdraw it as a motion. I would like to ask you to use the right Standing Orders to withdraw the motion for debate. Kindly approach the Chair Hon. Beatrice Odongo.

(The Clerk at the table and Hon. Beatrice Odongo consulting with the Speaker)

The Temporary Speaker (Hon. Seth Okumu): Yes Hon. Agolla.

Hon. Agolla: Mr. Speaker if you allow me I refer the House to Standing Orders No. 29. This Standing Order states that;

'A Member may at any time for reasons stated seek the leave to move that this County Assembly do adjourn'

Mr. Speaker following the explanation and the business that was before the House because I must state it according to the Standing Orders that I seek the leave of the House for this House to adjourn. Thank you.

The Temporary Speaker (Hon. Seth Okumu): Thank you Hon. Agolla for seeking the leave of the House to adjourn and having gotten the explanation by the Chairperson of Labour and Social Welfare committee, it means that his motion will form the next order of business when we resume tomorrow. In part 2 of the same standing Orders which reads;

'If the Speaker is of the opinion that the adjournment of the County Assembly is an abuse of the County Assembly, the Speaker may put the question thereon or decline to propose it'.

For that reason I want to propose a question of the adjournment of the House.

(Question put and agreed to)

ADJOURNMENT

The Temporary Speaker (Hon. Seth Okumu): Therefore Hon. Members the House stands adjourned to tomorrow Wednesday 11th March 2020 at 9.00 a.m.

(House rose at 4.15 p.m.)

Addendum

Zablon Otiende – Head of Department

Edward Odanga – Hansard Reporter

Fanuel Okode – Hansard Reporter

Patrick Okoyo – Hansard Reporter

Jacklyne Otieno – Hansard Reporter

Denis Onyango – Hansard Reporter