

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

SECOND ASSEMBLY – FIFTH SESSION

Tuesday, 16th February, 2021

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

(The Temporary Speaker (Hon. Seth Okumu) in the Chair)

PRAYERS

The Temporary Speaker (Hon. Okumu): Good afternoon Honourable Members? Mr. Clerk take us through the Order Paper of today.

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

COMMUNICATION FROM THE CHAIR

The Temporary Speaker (Hon. Okumu): Thank you Honourable Members and welcome to today's session. We don't have a lot of business, so I believe we will take time on the motion that is before us today.

The Temporary Speaker (Hon. Okumu): Next order Mr. Clerk!!

PAPER LAID

LIST OF PROPOSED MEMBERS OF THE HOUSE BUSINESS COMMITTEE

BY

HON. VITALIS OTURA

ACTING LEADER OF MAJOIRTY

The Temporary Speaker (Hon. Okumu): Yes, Hon. Vitalis Otura.

Leader of Majority (Ag) (Hon. Otura): Thank you Mr. Speaker. Pursuant to the County Assembly Standing Order No. 54, I wish to lay today 16th February, 2021 the List of Proposed Members of the County Assembly House Business Committee on behalf of the Leader of Majority.

(Acting Leader of Majority tables the list before the House)

The Temporary Speaker (Hon. Okumu): Thank you. I wish to acknowledge the receipt of the Proposed List of the Members of the County Assembly House Business Committee laid as a Paper by Hon. Vitalis Otura on behalf of the Leader of Majority. I want to direct that the doors to remain closed because we have the air conditioners on and it will not last for long. So, don't be worried about the door.

The Temporary Speaker (Hon. Okumu): Next order Mr. Clerk!!

NOTICE OF MOTION

The Temporary Speaker (Hon. Okumu): Yes, Hon. Vitalis Otura, Acting Leader of Majority.

Leader of Majority (Ag) (Hon. Otura): Thank you again Mr. Speaker. On behalf of the Leader of Majority and pursuant to the provision of Standing Order No. 45, I wish to give a Notice of Motion on the List of Proposed Members of the County Assembly House Business Committee. Thank you.

The Temporary Speaker (Hon. Okumu): Next order Mr. Clerk!!

STATEMENTS

The Temporary Speaker (Hon. Okumu): Yes, Hon. David Arao.

Hon. Arao: Thank you Mr. Speaker...

The Temporary Speaker (Hon. Okumu): Order!! Order!! Hon. Arao. Serjeant that is not the right way to treat a Hon. Member. Please let him be informed whether you are going to give him the microphone. Please let that not be repeated next time.

Hon. Arao: Mr. Speaker, on the same note, I rise on my feet to register my displeasure and humiliation that was meted to me by one of the Serjeant-at-Arms today. This transpired while I was coming into the plenary. I want to say this with a lot of disturbance and heaviness in my heart...

The Temporary Speaker (Hon. Okumu): Order!! Order!! Hon. Member. Under which Standing order are you giving your Statement?

Hon. Arao: Mr. Speaker, this is a Personal Statement.

The Temporary Speaker (Hon. Okumu): Under which Standing Orders?

Hon. Arao: Mr. Speaker, I am citing Orders No. 42. Mr. Speaker, you are aware that I was elected by the residents of Railways Ward to come and represent them in this House. I arrived here on time for the plenary session. Mr. Speaker, I got disturbed when I was rushing to get into the plenary not walking, I was running. Mr. Speaker, in the process, one of the Serjeant-at-Arms attacks me. Mr. Speaker, I believe that it will not be prudent if this matter goes unrecorded because, I don't want the same fate to befall another Hon. Member. I want to register my complaint here and now that what happened to me should not be done to another Member. Thank you.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Member. I will institute an investigation to your claims of attack by one of our Serjeant-at-Arms because I know that they are supposed to protect you and bring order into the House. So, if you were orderly, then we will institute a probe and find out. If you were not orderly, then we will equally find out and take appropriate action.

The Temporary Speaker (Hon. Okumu): Hon. Members, we are on Statement.

The Temporary Speaker (Hon. Okumu): Yes, Hon. Muga.

Hon. Muga: Thank you Mr. Speaker. I am rising while citing the provisions of Standing Orders No. 42. Mr. Speaker, I want to really give the glory to the Almighty Father because we are all aware that we are from our Long Recess. We thank God that all of us have reported back safe and in good health and vigorous to continue with our duties in this August House.

Mr. Speaker, on the same scope, I want to convey my appreciations to Hon. Members for having being the second County Assembly to have passed the Constitution of Kenya (Amendment) Bill, 2020 (BBI). This is because it will give us the way-forward to work for our constituents since they have a lot of faith in us. Mr. Speaker, we have combed the BBI Bill, which is an eye-opener to all of us because the document contains all the goodies...

The Temporary Speaker (Hon. Okumu): Order!! Hon. Member. Hon. Arao, could you please approach the Chair.

The Temporary Speaker (Hon. Okumu): Proceed Hon. Muga.

Hon. Muga: Mr. Speaker, with all my heart want to appreciate all the Hon. Members of what we achieved and want to believe that other County Assemblies are going to emulate what we have done so that we sail on the same boat for the success of our Country and for the betterment of our Counties. Thank you Mr. Speaker, as I rest my case.

The Temporary Speaker (Hon. Okumu): Yes, Hon. Otura.

Leader of Majority (Ag) (Hon. Otura): Thank you Mr. Speaker. Foremost, let me take this rare opportunity to appreciate the Hon. Members for having taken their time out from the Long Recess and back to the Assembly. Much thanks goes to the Almighty God for ensuring that all of us are back for the Fifth Session safe without any injuries therein.

Mr. Speaker, I wish to inform the House and reiterate that we have a lot of task ahead of us, as a House having approved the Constitution of Kenya (Amendment) Bill, 2020, we are not back to transact our normal business as a County and in fact as a House of legislation. Mr. Speaker, having tabled and given Notice of Motion on the Constitution of the County Assembly House Business Committee Membership for the Fifth Session of the Assembly, I would urge that moving forward especially through this Select/Housekeeping Committee...

The Temporary Speaker (Hon. Okumu): Order!! Hon. Member. The Acting Leader of Majority, are you anticipating debate?

Leader of Majority (Ag) (Hon. Otura): No at all Mr. Speaker, I am on statements.

The Temporary Speaker (Hon. Okumu): Hon. Member, please don't discuss a motion that has not been discussed in this House. You have just given a Notice of Motion and you are already debating about a House Business Committee that has not been approved by this House and so many other things. I want rule that you are Out of Order. I equally request that you resume your seat.

Leader of Majority (Ag) (Hon. Otura): Thank you Mr. Speaker. Please allow me to withdraw the Statement so that I conclude on the bit that is remaining.

The Temporary Speaker (Hon. Okumu): Hon. Member, I directed that you resume your seat.

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

Hon. Okiri: Thank you Mr. Speaker. I rise while referring to Standing Order No. 42.

The Temporary Speaker (Hon. Okumu): Please proceed Hon. Member.

Hon. Okiri: Thank you Mr. Speaker. Again, I rise while referring to Standing Order No. 42 which touches on Personal Statements. Mr. Speaker on the first this year at around midnight, I lost my

biological mum and I would like to say that, it has not been a very good year for me because in the same year I lost my father-in-law.

Mr. Speaker, I would like to take this opportunity to thank the Membership of the Assembly who stood with me during the trying moments. Mr. Speaker, losing a mother is not something that should be taken for granted. So, personally, I must appreciate this House in its entirety for standing with me during tough days. Mr. Speaker without forgetting, I want to thank the Hon. Members who accompanied me to Wayororo Farm in Nakuru County where my mother was finally laid to rest.

Mr. Speaker, I am aware that this happened during the Long Recess and it was not easy accessing fellow Members from one place to the other, but, I must appreciate people who took their time either financially or emotionally and being present with me to the end of the journey. I saw the importance of being with people together. On the same note, I will not forget you as the Speaker, you personally accompanied me to Wanyororo Farm, also the Chief Whip, Chairperson, Liaison Committee, Chairperson, Public Works and Transports of this Assembly. Mr. Speaker, the last born of this Assembly Hon. Samuel Otieno Dede also drove all the way to Nakuru to be with me.

Mr. Speaker, I must thank the entire the Members of Staff who stood with me during those tough times including the current Acting Leader of Majority (Hon. Otura) who is now sitting there on behalf of the Leader of Majority enjoying the comfort of that position of being the Leader of Majority, they were all there when I was laying my late mother in the ground.

My sincere appreciation goes to Kisumu County starting with the Right Hon. Prime Minister, Raila Amollo Odinga who sent his donation. The County Government of Kisumu led by the Governor, Professor Peter Anyang Nyong'o who similarly sent his donation. The Speaker of Kisumu County, Hon. Elisha Jack Oraro who likewise sent his endowment and to all the Members who prayed with me during those rough times. Thank you and May the Almighty God bless you all.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Member. We pray that your late Mother's soul rests in peace.

The Temporary Speaker (Hon. Okumu): Hon. Chief Whip, I will pass you and accord Hon. Ollows, the representative for Persons differently Abled.

Hon. Ollows: Thank you Mr. Speaker. I want to thank you because you have accorded me this chance to contribute. I sit to thank my fellow ladies colleagues who stood with me when I was very sick. I am still not feeling well but, I just want to thank them but, I cannot talk for long but want to single out Hon. Florence Olang'o and others. Thank you for standing with me.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Ollows. We pray for your immediate recovery and we have noted your concerted effort to honour House Session and to attend plenaries despite the weakness in the body. Thank you.

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

Chief Whip (Hon. Misachi): Thank you Mr. Speaker. I just want to give a Personal Statement which I believe will assist the Car Fund Administrator. Mr. Speaker, the Fund Administrator for the Kisumu County Car and Mortgage. Why do I say that, it is because I have talked to other Counties and they have a problem implementing what H.E. the President gave to Hon. Members with regards to Car Grants?

This is to our Fund Administrator and the Committee tasked with the car and Mortgage. They have been remitting funds to the bank whenever deductions are done to Members recoveries and that has enabled us as an Assembly to fulfill and give every Hon. Member the Car Grants which was given to MCAs by H.E. the President. I want to appreciate them because without efficient financial management and discipline we could have not achieved this. During the tenure of the last Assembly, we are still holding on to some of the funds which were not remitted appropriately. Mr. Speaker, but with this Second Assembly, I can attest and give them an applause and credit because they have done us proud because they have administered the funds prudently and they have look at it with high commitment which has enabled Members to leave this place smiling. Mr. Speaker, I believe that today, or any other day, interest will be credited into your accounts courtesy of the good financial management of the funds. Thank you.

The Temporary Speaker (Hon. Okumu): Thank you for that appraisal Hon. Whip.

The Temporary Speaker (Hon. Okumu): Hon. Members, we are still on Statements and I don't want to leave anybody out.

(Silence)

The Temporary Speaker (Hon. Okumu): Hon. Members, because there are no more Statement, Mr. Clerk next order!!

MOTION

PURSUANT TO THE PROVISION OF COUNTY ASSEMBLY OF KISUMU STANDING ORDER NO. 154 (1) CONSIDERATION FOR RE-CONSTITUTION OF SELECT COMMITTEE OF COUNTY ASSEMBLY HOUSE BUSINESS.

BY.

LEADER OF MAJORITY

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

Leader of Majority (Ag) (Hon. Otura): Thank you Mr. Speaker. The Reconstitution of Select Committee on House Business as read on behalf of Hon. Kenneth Onyango, Leader of Majority while taking into consideration of the provisions of Standing Order No. 154 (1) are as follows;

1. Hon. Elisha Jack Oraro - Chairperson (Hon. Speaker)
2. Hon. Joachim Oketch – Vice-chairperson (Liaison Chairperson)
3. Hon. Kenneth Onyango – Member (Leader of Majority)
4. Hon. Priscah Misachi – Member (Chief Whip)
5. Hon. Benny Oiko – Member (Leader of Minority)
6. Hon. Vitalis Otura – Member
7. Hon. Rashid Miruka – Member
8. Hon. Steve Owiti – Member
9. Hon. Seth Kanga – Member
10. Hon. Caren Muga – Member
11. Hon. Jennipher Obonyo – Member
12. Hon. Samson Ameso – Member
13. Hon. Consolata Ollows – Member

Mr. Speaker, earlier on, I stood and you ruled that I resume my seat for anticipating debate on this motion. Now that, I have presented it, and it is open for debate, please allow me to say as follows;

Hon. Members, the House Business Committee as constituted has enormous task ahead of them and I would wish to reiterate here that, it is important that we embark on the serious business of this Assembly. I therefore, urge Members as read here to take their work with earnest and ensure that businesses of this Assembly...

(Acting Leader of Majority in consultation with the Clerk-at-the-Table)

Thank you Clerk. Mr. Speaker, after consultation with the Clerk, I would like to withdraw that and state as follows;

Mr. Speaker and Hon. Members, pursuant to the provisions of County Assembly of Kisumu Standing Order No. 154 (1), there shall be a Select Committee to be designated as County Assembly House Business, consisting of;

- (a) the Speaker who shall be the Chairperson;*
- (b) the Chairperson of the Liaison Committee;*
- (c) the Leader of the Majority Party;*
- (d) the Leader of the Minority Party;*
- (e) not less than seven and not more than nine other Members, who shall be nominated by County Assembly parties and approved by the County Assembly at the commencement of every Session, reflecting the relative majorities of the*

seats held by each of the County Assembly parties in the County Assembly and taking into consideration the interests of Independents.

(2) *The County Assembly Business Committee shall be appointed within seven days on assembly of a new County Assembly.*

Mr. Speaker, it is on this premise that the following Member were proposed and nominated to the Select Committee of County House Business as I initially presented there earlier. I request the Leader of Minority to second. Thank you.

The Temporary Speaker (Hon. Okumu): Yes, Leader of Minority.

Leader of Minority (Hon. Oiko): Thank you Mr. Speaker. I rise to second the Re-constitution of the Select Committee of County Assembly House Business for the Fifth Session of this County Assembly as read by the Leader of Majority.

Mr. Speaker, it is in order that a new County Assembly House Business is re-constituted in line with the provisions of Standing order No. 154 (2) and it is my plea that it is adopted so that the Business of this House can continue seamlessly. Thank you.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Members. Hon. Members, pursuant to the provisions of County assembly of Kisumu Standing orders No. 154, a Motion on the Reconstitution of County Assembly House Business Committee has been moved by the Acting Leader of Majority, Hon. Vitalis Augustine Otura on behalf of the Leader of Majority, Hon. Kenneth Onyango and seconded by the Leader of Minority. Now, I propose to put a question that we open this motion for further debate?

The Temporary Speaker (Hon. Okumu): Yes Hon. Okiri, MCA, West Kisumu.

Hon. Okiri: Thank you Mr. Speaker. I rise to support this motion. This is a very significant House Committee that does House Keeping and guides the House and without this Committee we cannot move.

Mr. Speaker, we are all aware that without the County Assembly House Business Committee nothing in this House can run. To offer proof to our electorate that we are indeed working, this Select Committee must be re-constituted in line with the provisions of Standing Orders No. 154 and must hit the ground running. You are aware that, as we speak we have a lot on our in-tray that affects our County because some of them we left unattended while proceeding for our Long Recess and we cannot act on them unless this House Committee is formed.

Mr. Speaker, I would like to give explicit example. One, it will allow Member to execute their oversight roles by inviting the Executive to address grievances on areas that the House feel are not

well executed. Mr. Speaker, I am trying to build a point here because, for instance for several occasion, this House has been discussing the Status of Disbursement of Bursaries and Scholarship. Mr. Speaker, it is this House Committee that will allow the invitation of Departmental Heads from the Executive to appear before this House to address these grievances. So, we cannot just come from an unstructured way of doing things like the issues that touches of Bursaries and Scholarships if this Committee is not properly constituted.

Two, the other pertinent issue that this House will be debating on is the Constitution of Kenya (Amendment) Bill, 2020 (BBI). With this, I am aware that you might rule me Out of Order but, with the context that I have presented it will give it some credence. This is because the Constitution of Kenya (Amendment) Bill, 2020 (BBI) is not a party affair because, this is a document that is derived from the Constitution of Kenya, 2010 and this House one of its mandates is legislation and without the constitution of this Committee it will not be possible.

Mr. Speaker, I want to emphasis that, this Assembly has its last born one Hon. Samuel Dede. It is paramount to note that, it is only the House Business Committee that will allow the Committee on Selection to convene to allot Hon. Dede House Committees as required by law. The Selection Committee cannot convene if this House Business Committee is not constituted and consented by this House.

Mr. Speaker, when it comes to oversight, all this have to be undertaken through the House Business Committee whether we agree to it or not. Mr. Speaker, with those remarks, I beg to support. Thank you.

The Temporary Speaker (Hon. Okumu): Yes Hon. Steve Owiti.

Hon. Steve: Thank you Mr. Speaker and Hon. Members of this August House. I similarly rise to support the adoption of this report as presented this afternoon on behalf of the Leader of Majority.

Mr. Speaker, it is important that the Select Committee of House Business is constituted so that the business of this House can commence moving effectively. I want to appeal to this Committee that, once it is adopted to ensure that House Committees are accorded equal slots so that they can also run their business because in the past we have had a number of House Committees lamenting that they are never allotted adequate slots to transact their business.

Mr. Speaker, as the House Business Committee will be looking into giving equal opportunities to Committees in the House, I also want to appeal to Chairpersons of various House Committees to ensure that in an event that they feel that they need to convene a meeting such reports get to the Clerk of the Committees in time.

Finally, allow me to state that, looking at the re-constitution of the House Business Committee, I want to say that, at least each and every Sub-county is represented which I believe is virtuous for

our Assembly so that, there is no Sub-county that is not represented in that House Committee. Otherwise I support. Thank you.

The Temporary Speaker (Hon. Okumu): Hon. Members, we are deliberating a Motion on the Re-constitution of Select Committee of County Assembly House Business pursuant to the provisions of County Assembly of Kisumu Standing Orders No. 154.

The Temporary Speaker (Hon. Okumu): The Serjeant-at-Arm, I want to request that one microphone be held by the Serjeant-at-Arm next to the door and the other by one Mr. Silas Kapesa on the far end so that you make it easy for Hon. Members to access them when given permission to contribute.

The Temporary Speaker (Hon. Okumu): Yes Hon. Muga.

Hon. Muga: Thank you Mr. Speaker. Looking at the mood of the House, I want to call upon the mover to reply?

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

Leader of Majority (Ag) (Hon. Otura): Thank you Mr. Speaker. I rise to thank Hon. Members who have actually supported this motion. In this regard, likewise take this opportunity to express my concern that, the Committee shall undertake its work with the seriousness that is required to ensure that the work of this House is made easy by so sitting and ratifying motions and other businesses to be brought to this House for discussion.

Secondly, let me take this opportunity to appreciate the Assembly Administrators for having risen to the task that has made it possible for this House achieve its constitutional mandate. In that regard I thank you as I rest my case.

The Temporary Speaker (Hon. Okumu): Hon. Members, a motion on the Re-constitution of County Assembly House Business Committee pursuant to the provisions of County Assembly of Kisumu Standing Order No. 154 was presented before the House by Hon. Otura on behalf of the Leader of Majority, seconded by the Leader of Minority, Hon. Oiko, debated by Hon. Members. Now, I want to put a question for the adoption of this report?

(Question put and agreed to)

The Temporary Speaker (Hon. Okumu): Hon. Members, the report on the Re-constitution of County Assembly House Business Committee pursuant to the provisions of County Assembly of Kisumu Standing Order No. 154 has been adopted today Tuesday, 16th February, 2021 at 15:12 hours.

Hon. Members, I want to direct that the first meeting of the County Assembly House Business Committee be held today here at the plenary immediately we conclude with the business of today.

Hon. Members, before we go to the next order, the Chairperson of Car and Mortgage Committee, Hon. Beatrice Odongo is requesting Hon. Members to remain shortly after we are done with today's session. I believe that there are some communications that she wants to make. On the same note I am being informed that the House Business Committee will not be meeting immediately but, at 04:00 pm for their first Committee Meeting.

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

ADJOURNMENT

The Temporary Speaker (Hon. Seth Okumu): There being no any other business to transact, the House stands adjourned to Wednesday, 17th February, 2021 at 09:00 a.m. Thank you.

(House rose at 03.10 p.m.)

Addendum

Hansard Team

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