

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

SECOND ASSEMBLY – FOURTH SESSION

Tuesday, 24th November, 2020

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): Hon. Members, pursuant to the provisions of County Assembly Standing Orders No. 32 (2), I want to request that the Sergeant-at-Arms to ring the quorum bell for five minutes.

(Quorum bell rung for five minutes)

The Temporary Speaker (Hon. Okumu): Honourable Deputy Majority Whip, can you confirm if we have the quorum.

Deputy Majority Whip (Hon. Obonyo): Mr. Speaker, we have quorum. Thank you.

The Temporary Speaker (Hon. Okumu): Thank you. Madam Clerk, kindly take us through the Order Paper of the day.

COMMUNICATION FROM THE CHAIR

The Temporary Speaker (Hon. Okumu): Thank you Honourable Members, I want to remind you that the Governor Kisumu County will issue his 3rd Annual State of the County Address on Thursday 26th November, 2020 at Mama Grace Onyango Social Center. Be informed that we shall be holding our session at the said center.

The second communication is that we shall be launching the BBI signature collection drive on 25th November, 2020. Honourable Members, avail yourselves in our Wards to support the signature collection for the BBI document for a possible referendum.

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

COMMENCEMENT OF BUSINESS**MOTION****AGRICULTURE, LIVESTOCK AND FISHERIES COMMITTEE REPORT ON BURNT SUGARCANE PRICE REDUCTION BY KIBOS SUGAR INDUSTRIES****BY****HON. VITALIS OTURA****CHAIRPERSON, AGRICULTURE, LIVESTOCK AND FISHERIES COMMITTEE**

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

Hon. Otura: Mr. Speaker and Hon. Members, during the assembly sitting on Wednesday, 23rd November, 2020. Nominated MCA, Hon Linet Caren Muga sought for a statement regarding the stalemate between Sugar Cane Farmers and Kibos Sugar & allied Industries ltd on a short notice that the Company issued to the farmers informing them of reduced Burnt Cane Prices and increased number of days for making payment for the Burnt Cane (see annex 1).

The statement was consequently committed to the Sectoral Committee on Agriculture, Irrigation, Livestock and Fisheries for proper investigations and inquiries and report back to the House in 3 weeks from the date the statement was raised in the House for appropriate resolutions.

The Committee was guided by the following TOR;

- I. Critical analysis of the statement to identify the integral issues raised in the Statement.
- II. The Committee mandate and legal framework.

- III. Identification of relevant Authorities and Bodies responsible for handling Sugarcane Farming and addressing emerging Concerns between Cane farmers and Sugar Cane Milling Industries.

LEGAL FRAMEWORK UNDERPINNING COMMITTEE ACTIVITIES

Mandate of the Committee

The Agriculture, Irrigation, Livestock and Fisheries Committee derives its mandate from the Article 185 of the Constitution of Kenya 2010, read together with Standing Order No. 193 of the Kisumu County Assembly Standing Orders.

The Committee in preparation of the report took into consideration and invoked the provision of the Crop Act 2013 (No. 16 of 2013) and the Crops (Sugar) (Regulation) 2018.

Standing Order Number 193 (Second Schedule) of the County Assembly of Kisumu further stipulates as follows.

That the Committee shall inquire into, investigate and report on;

All matters relating to agriculture, including crop and animal husbandry, livestock sale yards, County abattoirs, plant and animal disease control, veterinary services (excluding regulation of the profession) and fisheries; animal control and welfare, including licensing of dogs and facilities for their accommodation, care and burial of animals.

Provision of County Assembly Standing Order No. 193

The functions of the Sectoral Committees are to;

1. There shall be select committee to be known as Sectoral committees the Members of which shall be nominated by the County Assembly Business committee in consultation with County Assembly parties at the commencement of every County Assembly.
2. A Member appointed to a Sectoral committee at the commencement of a County Assembly or at any other time during the term of a County Assembly shall, unless the County Assembly otherwise resolves, serve for the term of that County Assembly.
3. Unless the County Assembly otherwise directs, the sectoral committees and the subject matter respectively assigned to them shall be set out in the second schedule.
4. The mandate of Sectoral committees in respect of the subject matter assigned under the second schedule of these Standing Orders shall only be exercised within the limits contemplated under Part 2 of the Fourth schedule to the Constitution.
5. The functions of Sectoral committees shall be;
 - a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operation and estimates of the assigned departments;
 - b) Study the programme and policy objectives of departments and policy objectives of departments and the effectiveness of the implementation;

- c) Study and review all the County legislation referred to it;
- d) Study, access and analyze the relative success of the departments as measures by the results obtained as compared with their stated objectives;
- e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- f) To vet and report all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order No. 187 (Committee on Appointments).
- g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

COMMITTEE MEMBERSHIP

Mr. Speaker and Hon. Members,

The composition of Agriculture, Livestock and Fisheries Committee under the County Assembly Standing Orders No. 193 is constituted as stated; -

1. Hon. Vitalis Otura	-	Chairperson
2. Hon Jane Manuche	-	Vice Chairperson
3. Hon. Samson Ameso	-	Member
4. Hon. Judith Ogaga	-	Member
5. Hon. Pst. David Arao	-	Member
6. Hon. Seth Okumu	-	Member
7. Hon. Aslam Khan	-	Member
8. Hon. Roy Samo	-	Member
9. Hon. Jennipher Obonyo	-	Member
10. Hon. Maurine Otiang'	-	Member
11. Hon. Ken Ooko	-	Member
12. Hon. John Atieno	-	Member
13. Hon. Johnson Guya	-	Member
14. Hon. George Ogutu	-	Member
15. Hon. Kenneth Onyango	-	Member

Secretariat

1. Omollo Isaac	-	Committee Clerk
2. Zablon Otiende	-	Rapporteur
3. Maximilla Awour	-	Committee Clerk
4. Risper Auma	-	Serjeant-at-Arms
5. Bill Omondi	-	Legal Counsel

Committee Sitting

Mr Speaker and Hon Members, in order to accomplish the task that was entrusted to the Committee by the House regarding the Statement. The Committee urgently requested the House Business Committee to slot for it a Committee sitting to enable members deliberate on the statement and further generate effective and suitable recommendations.

The Committee meeting was held on Wednesday, 7th October, 2020 at 12pm, at the committee room.

ACKNOWLEDGEMENT

Mr. Speaker and Hon. Members, on behalf of the Agriculture, Livestock and Fisheries Committee members, I wish to extend our gratitude for the valuable support accorded to the committee by the office of the Speaker and the Clerk by guaranteeing a conducive environment for the meeting which enabled the committee to actualize its objective within the limited timeframe.

Equally, I wish to thank the members of the Committee who despite their busy schedule generously created time and actively participated in the exercise to its conclusive end.

Finally, it is worth noting that during the Committee meetings, Members absolutely complied with the Ministry of Health Protocols regarding the COVID-19 Pandemic.

COMMITTEE ANALYSIS OF THE STATEMENT

Mr. Speaker and Hon. Members, the Committee got the privilege to discuss the matter pending before it after the House Business Committee slotted it a date for the meeting.

DELIBERATION ON THE STATEMENT

Members intensively discussed and analyzed the statement. They acknowledged that there were indeed critical concerns in the document which seriously demanded urgent action in order to ease the friction between Kibos Sugar and Allied Industries Ltd and the Sugarcane Farmers.

The Committee in its scrutiny derived three major concerns raised in the statement and are hereunder listed;

i) Reasons for price variation between burnt and fresh cane?

In the statement it is cited that accidentally burnt cane prices is lowered from Kshs. 3800 to Kshs. 3000 per tonne while Prices for Fresh cane are retained.

ii) Duration it takes to effect notices issued by the Industry to the Cane Farmers?

It is indicated that the notice was issued on 30th July, 2020 and was to take effect on 1st August, 2020.

iii) Whether Cane farmer Cooperative societies and stakeholders were consulted while amending burnt cane prices?

It's succinctly outlined in the statement that no bilateral meeting or Public Participation with the relevant stakeholders was conducted in regards to the decisions made by the Industry to the Cane Farmers.

COMMITTEE FINDINGS

Mr. Speaker and Hon. Members, during our investigations on the matter, the Committee made the following findings,

That the legal provisions quoted on the statement in support of the issues raised by the Cane Farmers against the Industry on personal rights to fair administrative action(Article 47(1) of the Constitution 2010) and the right to fair labor practices (Article 41(1) of the Constitution 2010) reasonably suggest that they are Labour related concerns.

The statement also queried whether the Industry held a consultative meeting with the relevant stakeholders and specifically the Farmers' Cooperative Societies regarding the reduction of Burnt Sugar Cane Prices. The Committee noted that this was against the provisions of the constitution particularly (Article 35 of the Constitution 2010) encouraging access to relevant information and proper consultative framework amongst parties as the case may be.

Finally, it was ascertained that fixing of Sugarcane cane prices is obligated to specific Authorities and Organs and cannot be performed by any other entity that is not authorized.

The Authorities and Organs mentioned above includes the following;

- i) Agriculture and Food Authority (Sugar Directorate of the Authority).

The Sugar Directorate performs the following functions as stated hereby;

- (a) regulate, develop and promote the industry;
 - (b) co-ordinate the activities of individuals and organizations within the industry;
 - (c) formulate and implement overall policies and plans for the development of the industry;
 - (d) promote and encourage the use of environment friendly technologies in the industry;
 - (e) collect, collate and analyze industry statistics and maintain a database for the industry;
 - (f) act as an intermediary between the Authority and the industry;
 - (g) support agricultural research and promote the use of the technology in the industry;
- participate in resource mobilization for agricultural research;

- (h) monitor the domestic market and to identify and advice on any distortions in the sugar market;
- (i) promote arbitration and mediation of disputes among interested parties;
- (j) regulate the export and import of sugar and the by-products of sugar;
- (k) facilitate capacity building for county governments and other relevant stakeholders;
- (l) review agricultural policies;
- (m) provide advice to grower institutions and millers;
- (n) facilitate mechanisms for negotiations for equitable pricing of sugarcane and provide a schedule for the pricing of sugarcane and appropriation of proceeds from the disposal of the by-products of sugar production between growers and millers;
- (o) represent the industry in other organizations that are relevant to the promotion of the industry;
- (p) oversee the formulation of standard provisions governing the mutual rights and obligations of growers and millers;
- (q) promote the efficiency and development of the industry through the establishment of appropriate institutional linkages at national and county government levels;
- (r) set standards for the acquisition of high-quality planting material in consultation with relevant Government agencies; and
- (s) Perform such other functions as may be, from time to time, assigned by the Cabinet Secretary or the Authority.

ii) Kenya Sugarcane Growers Association (KESGA).

Refers to an umbrella body of association of Sugar Cane farmers for advocacy of their interest. The umbrella association of farmers is appointed by the Cabinet Secretary for Agriculture, Livestock and Fisheries by a notice in the Gazette.

iii) Sugarcane Farmers' Cooperative Society. (Registered Out grower Institution)

Registered farmers institutions perform the following functions as highlighted underneath,

- (a) promote and represent the interests of growers;
- (b) negotiate the terms of supply of sugarcane to the miller and the co-ordination of the production, harvesting and transport thereof;
- (c) provide financial credit or arrange for financing of growers in the production of their sugarcane, including land clearance and preparation, planting, cultivation and tending, harvesting, transport and the supply of goods and services relating thereto;
- (d) provide or procure services, advice and assistance for grower members as may be required, to carry out or procure the carrying out of such operations for grower members;
- (e) provide or procure accounting services and record keeping services for members in respect of their individual operations; and

- (f) Purchase, sell or otherwise deal in, securing or providing such goods, materials, supplies and services as may be required by members.

Recommendations

Mr. Speaker and Hon. Members, The Committee in consideration of the statement derived the following recommendations;

- i. That the grievances adduced in the statement should be communicated to the relevant Authorities and Institutions i.e. Sugar Directorate of the Agriculture and Food Authority, Kenya Sugarcane Growers Association and Registered Out Growers Association (Sugarcane Farmers' Cooperative Society) for appropriate action and Consideration.
- ii. That due to the Financial related concerns and Co-operative issues emanating from the statement, the relevant Sectoral Committee should get involved and further conduct investigations.
- iii. Sugarcane Farmers labour related concerns cited in the statement should be communicated to the relevant Sectoral Committee for Consideration.

CONCLUSION

The Agriculture, Irrigation, Livestock and Fisheries Committee is committed towards ensuring increased Agricultural Productivity and Output which can only be achieved if farmers obtain value for their products. Therefore, it's imperative that efforts should be concentrated in ensuring that the plight of farmers across the board are observed and effectively addressed.

Mr. Speaker and Hon. Members, the Committee would like to implore this House to deliberate and consider adopting this report and ensure that resolutions passed are effectively implemented.

Thank you. May I call upon Hon. Jenifer Obonyo to second?

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

Deputy Majority Whip (Hon. Obonyo): Thank you Mr. Speaker. I stand to second.

The Temporary Speaker (Hon. Okumu): Honourable Members, a Statement was raised in this House on 17th September and approved on 20th with questions to be handled by the Chair of Agriculture, Livestock and Fisheries Committee. A report has been brought, moved and seconded by Hon. Otura and Hon. Obonyo respectively. I now want to open it for debate.

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

Hon. Muga: Thank you Mr. Speaker. I want to say that I am sugarcane farmer and I want to inform this House that Kibos Sugar has done a lot to our farmers. You are all aware that state owned sugar factories in the county collapsed and it is only Kibos that is offering assistance to our cane farmers.

Mr. Speaker, we never wanted rumours on the reduction of the prices as the Statement stated and that is the reason why we implored this Standing Committee to do a fact finding mission and report to the House. It is only this factory that has been buying burnt cane from the farmers. The out-grower companies and societies are doing a good job by engaging the companies to negotiate on the prices. I want support that Kibos Sugar should continue helping our farmers....

The Temporary Speaker (Hon. Okumu): Honourable Members, we are not discussing Kibos Sugar Company but adoption of a report that was brought by Hon. Vitalis Otura and seconded by Hon. Obonyo.

The Temporary Speaker (Hon. Okumu): Yes, Senior Member Hon. Paul Okiri.

Hon. Okiri: Thank you Mr. Speaker. You have all gone through this report and Kibos Sugar is a private owned entity. This discussion ought to have been on the revival of our Sugar Companies and not a private owned sugar entities. I wish I knew the deliberations that was going on in this committee. I would have guided them accordingly that private entities are not meant for discussion on this Floor.

The Temporary Speaker (Hon. Okumu): Order Honourable Member. You are misleading the House. The interest of the people of Kisumu is paramount. Whether a private or public and any entity can be discussed in this House. You are therefore out of order by misleading this House that we can only discuss public entities.

Hon. Okiri: Thank you Mr. Speaker. I always talk in parables because I am a literature student....

The Temporary Speaker (Hon. Okumu): Order Honourable Member, whether in parable or in riddles, please don't mislead the House.

(Laughter)

Hon. Okiri: Thank you very much Mr. Speaker. We should be talking about how to revamp this companies. I therefore, oppose this report. Thank you.

The Temporary Speaker (Hon. Okumu): Yes Hon. Johnson Guya.

Hon. Guya: Thank you Mr. Speaker. I have also gone through the report and I want to say that right from the Statement, it never meant well for what we are doing here. I don't know how to term it but, I want to say that if I were a Member coming from the sugar belt, then I would have not risked bringing this kind of Statement in this House. We have several sugar industries in the region that are on their death bed. We need to discuss how to revive Chemelil, Muhoroni and Miwani because those are state owned sugar companies.

Mr. Speaker, always when a report is brought in this House as a committee, the committee doesn't have the information. The committees get information from the Departments at the Executive. In this report, there is no communication that was made to Department of Agriculture on the same. How can we ascertain whether this information is from the CEC Agriculture or not?

Mr. Speaker, the House Committee never even went to Kibos or met the farmers. We are not even sure the farmers complained of the reduced prices. There is nothing to indicate that the burnt canes were being charged lower. There is nothing to confirm that in this report. We know this industry is the one saving the entire sugar region. This company pays for the burnt sugar within three months but Chemelil pays within two years and we are not discussing them here. Even the County Government doesn't pay people the way it should be. I don't know where this Statement originated from? May be the author of this Statement should be able to explain to us why we want to fight Kibos that is helping our farmers and we don't want to discuss on how we want to revive Chemelil, Muhoroni and Miwani. Are there vested interest in this?

Finally, I want to say here that this report does not stand the test of time. The Agriculture Committee has to make reference to a lot of other House Committees and yet this Statement was committed to it in a meeting. There is no concrete recommendation on what action we should take. On all the questions that were raised here, none has been responded to. I stand to oppose.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Guya for the submissions but your signature betrays you.

(Laughter)

The Temporary Speaker (Hon. Okumu): You have appended your signature on this report. I wonder whether you gave the same submission to the Agriculture, Livestock and Fisheries Committee.

Hon. Guya: Mr. Speaker, I did and I opposed it from the beginning. I still oppose it now. This is not the report we discussed here.

The Temporary Speaker (Hon. Okumu): I want to give this chance to Hon. Muga because she has been mentioned.

Hon. Kanga: Mr. Speaker, you are conducting the debates of this House unprocedurally. Hon. Muga had contributed on this matter.

The Temporary Speaker (Hon. Okumu): Hon. Members, but she has been mentioned.

Hon. Kanga: Mr. Speaker, on which basis?

The Temporary Speaker (Hon. Okumu): Based on our Standing Orders. Proceed Hon. Muga.

Hon. Muga: Thank you Mr. Speaker. I want to say that Kibos Sugar is helping our farmers and I will defend them in this House.

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

Hon. Kanga: On a Point of Order. Mr. Speaker, the contributions of the author of the statement on the Floor betrays areas of concern of this Statement. Please guide this House so that we operate within the confines of the debating procedures.

The Temporary Speaker (Hon. Okumu): I agree with you. The only reason we are discussing this is because one Hon. Caren Muga brought a Statement in this House and this Statement was committed to the Agriculture, Livestock and Fisheries Committee. The committee had to report back to the House and the report had to be given here today. What we need to discuss is whether you agree with the response or not.

The Temporary Speaker (Hon. Okumu): What is it Hon. John Atieno?

Hon. Atieno: Thank you Mr. Speaker. We are losing focus as Members of this Assembly based on direction this debate is taking. The Honourable Member who sought this Statement is now running away from her Statement. We must reject this report Mr. Speaker....

Hon. Ngeta: On a Point of Information. Hon. Muga has stated it very clear that only Kibos has made the farmers happy and not any other factory.

The Temporary Speaker (Hon. Okumu): Thank you. Proceed Hon. John Atieno.

Hon. Atieno: Thank you. I accept the sentiments of Hon. Ngeta. Let us avoid a lot of confusion over this matter. No response given that is touching on the questions that were supposed to be responded to. The Agriculture, Livestock and Fisheries Committee only highlighted the functions of certain agricultural institutions. How are they related to the issues that were raised in the Statement? Who wanted to know the roles of Sugarcane Growers Association?

Mr. Speaker, we did not want to know the functions of Kenya Sugar Association rather we wanted to know why Kshs 3,800 was reduced to Kshs 3,000. Mr. Speaker, was there drought or high sugar demand? What was really informing Kibos Sugar Industry to reduce the prices? Mr. Speaker, I believe that the angle was very specific. Mr. Speaker, I would seek your indulgence so that we guide this House appropriately. Even the seeker of the statement is running away from the very statement that she sought and with this kind of shallow statement the House is being demeaned even from without.

Hon. Guya: A Point of Order Mr. Speaker!!

The Temporary Speaker (Hon. Okumu): What is your point of order Hon. Guya?

Hon. Guya: Mr. Speaker is it true that Hon. Carren Linet Muga has ran away from a statement that she sought in the House as insinuated by Hon. Atieno?

The Temporary Speaker (Hon. Okumu): Hon. Carren Muga is in the House and can help us understand whether or not she needs any further response to her statement. Hon. Linet Muga could you kindly let the honorable Members know your stand on the statement.

Hon. Muga: Thank you Mr. Speaker, I want the Agriculture, Livestock and Fisheries Committee to reply to my statement. However, their investigation was not well done as per the expectation of the statement they were presented.

The Temporary Speaker (Hon. Okumu): Thank you Honorable Member. I want Hon. Atieno to conclude.

Hon. Atieno: Thank you Mr. Speaker, clearly Hon. Muga has dissociated herself with this statement and I thank you for that.

The Temporary Speaker (Hon. Okumu): What is your point of order Hon. Guya?

Hon. Guya: On a Point of Order. Mr. Speaker, Hon. Muga has talked about not associating herself with the report but not her sought statement to the committee and the facts are there.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Guya. I believe that Hon. Atieno now stand guided that Hon. Muga is just not satisfied with the report presented to answer her sought statement. I want you to conclude your submission.

Hon. Atieno: Thank you Mr. Speaker, so we only need to answer two questions which read;

1. Is it indicated in the report the reasons why the prices were reduced? Which is not indicated.
2. Is there any evidence that the farmers were engaged or consulted? Which was not done.

Therefore Mr. Speaker we need to brush off this statement because it falls below the required standards for this House of honorable Members.

(Feet thumping)

The Temporary Speaker (Hon. Okumu): I will give chance to Hon. Rashid Miruka followed by Hon. Seth Ochieng Kanga, Hon. Ngeta and later Hon. Pamela.

The Temporary Speaker (Hon. Okumu): What is your point of Order Hon. Kanga?

Hon. Kanga: On a Point of Order. Mr. Speaker, we should be guided by the rules of the House, and looking at the decorum of the House I am properly dressed compared to Hon. Rashid Miruka and you go ahead and give him chance to speak while I am on my feet Mr. Speaker.

(Laughter)

The Temporary Speaker (Hon. Okumu): Thank you Hon. Member for letting me know about Hon. Rashid. Hon. Member, could you please go out and come back dress appropriately, meanwhile Hon. Seth Kanga the chance is yours.

Hon. Kanga: Thank you Mr. Speaker, I rise to oppose this motion based on how the author is trying to argue her case in the House as well as how the Agriculture, Livestock and Fisheries Committee conducted its investigations through to the recommendations.

Mr. Speaker, if you go to the Bill of Rights in our Constitution, there is a provision for a fair hearing as enshrined in Article 49 to 50 where it indicates the rights to administrative actions and the like. However, in this case the author sought some withstanding issues on the cases of payment of some farmers when they deliver sugarcane to Kibos Sugar Factory, which is within her rights as a representative of sugarcane farmers. I would like to hear from the Chairperson, Agriculture, Livestock and Fisheries Committee on the deliberations of the committee if they ever interviewed the management of Kibos Sugar Factory over the issues of payment, which can be found in the report. Without that in the report, warrants a complete dismissal of this report by the House.

Consequently, I have reservations on the issue of payment of these sugarcane farmers is because farmers in our area deliver sugarcane to more than just the Kibos Sugar Factory such as Kabras, Butali, West Kenya, etc. and all these others don't really benefit Kisumu County directly but indirectly because the farmers are paid. Kibos Sugar Factory benefits the County of Kisumu economically, and it has been mentioned severally in this House by various House Committees. Mr. Speaker, it is high time we looked at the issue of sugarcane farming beyond Kibos Sugar Factory because this is a privately owned sugar factory which might decide to close down or relocate to whichever place. If that happens then, what will be the fate of our sugarcane farmers? Despite some challenges of court cases, several cases have been dismissed because this is the only factory that has been helping not only our sugarcane farmers but also the economic development in the County.

Mr. Speaker, if we base our arguments on the stalemate of Kibos Sugar Factory while leaving other factories out of the jurisdiction of this county, it will be as though the Assembly is acting on the interest of an individual who isn't in this House. If you look at the recommendations of the report from the Chairperson Hon. Vitalis Otura, he was wise enough not to mention Kibos Sugar Factory anywhere. He has not indicated ways to mitigate the issue of prices between the farmers and the said companies because those were the prayers of Hon. Carren Muga. What are we therefore discussing if the content of the author's questions is not answered in the recommendations and conclusions? He has nevertheless ensured using great vocabulary such as productivity, output, obtaining value for their products, and that the plight of farmers should be effectively addressed. Who should address this plight if the author required the committee to do

so? I want to implore the House that we take issues of this House seriously by ensuring that this report is defeated. Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Yes, Hon. Pamela Odhiambo.

Hon. Pamela Odhiambo: Thank you Mr. Speaker. The Statement read in this House by Hon. Linnet Muga was very clear. The report that has been brought in this House does not answer the questions raised. So I reject the report. This report should not have been brought in this House. I don't comprehend as to why they brought a report that was not requested for. I ask that you give them time to bring the required report because farmers are waiting for us to give them the answers. Thank you.

The Temporary Speaker (Hon. Okumu): Yes, Hon. Rashid Miruka.

Hon. Miruka: Thank you Mr. Speaker for recognizing me once again. I rise to oppose the report. I was here when the Statement was being sought and if you look at the report, it is annexed. The report does not answer her Statement. I felt we ought not to have discussed this report in this House.

Secondly, I have also looked at the composition of the committee – those who purport to have sat and deliberated on this. I have only seen the Chair and a Member who stood and said he is totally against what is authored here. So, I still feel it was just a one man show to respond to what ought to have been handled by the entire Committee of Agriculture, Livestock and Fisheries.

Mr. Speaker, I am in concurrence with my colleagues who have opposed this report. If you look at No. 1 in the Statement that was sought – that was there consultative meeting between Kibos and other relevant stakeholders? The answer would have been Yes or No. if you look at the report, it is all a narrative. We need to be serious in this Assembly and give responses that will save our county from further losses.

Another question that was raised: Why has the cane prices reduced from Kshs 3,900 to Kshs 3,000? The committee did not provide any explanation. That, I believe, is taking Members for a ride.

This is the second time the Chair is coming up with a response that is not convincing. Thirdly, we needed a proof by production of the minutes of the meeting – that ought to have been put as one of the annexes. That is not reflected here.

Finally, we all know what Kibos Sugar Factory has done in as far as the economy of Kisumu County is concerned. We would not wish any situation to associate Kibos negatively. If there is any issue that has gone wrong, then that needs to be explained so that we can see how to salvage the situation. I oppose. Thank you.

The Temporary Speaker (Hon. Okumu): Hon. Maurice Ngeta.

Hon. Ngeta: Thank you Mr. Speaker. I want to oppose this report. It is in the public domain that public participation was not done regarding this report. They didn't reach out to the stakeholders, they didn't conduct public participation anywhere...

The Temporary Speaker (Hon. Okumu): Order Hon. Member. Are you insinuating that reports that are brought to this House must go through public participation?

Hon. Ngeta: Mr. Speaker, the reason why I am saying so is because this report is incomplete...

The Temporary Speaker (Hon. Okumu): Hon. Member, I am just guiding you. Are you insinuating that reports that are brought to this House must go through public participation?

Hon. Ngeta: Not all.

The Temporary Speaker (Hon. Okumu): Then Hon. Member, stop misleading this House.

Hon. Ngeta: Mr. Speaker, this is a weighty matter...there is need for benchmarking so that these committees can learn how to do reports. This is not a report you can bring before this House. I urge the Agriculture, Livestock and Fisheries Committee to go back and do a proper report. I challenge my friend Hon. Otura that you can benchmark with the Standing Committee of Roads – you have seen the good reports it has brought here. You can come to me as the Chair of Sports so that I lecture you how to do a report or any other committee so that you can become knowledgeable on how to write a report that can be tabled before this House. I oppose the report. Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Okumu): What is Hon. Atieno?

Hon. Atieno: On a Point of Order. I want to inform the speaker who has just resumed his seat. He alleges that Hon. Otura is unable to do a report. Is the Chair of Agriculture unable to perform his duty? If so, then what he should do is to honorably resign from the position.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Member. I believe that, it is the prerogative of the committee members to decide.

Hon. Ngeta: I can answer him Mr. Speaker. He lacks words to say it before the House. I was not saying...

The Temporary Speaker (Hon. Okumu): Order Hon. Member! He was just informing you. He didn't want to be replied.

The Temporary Speaker (Hon. Okumu): Yes, Hon. Otiang'.

Hon. Otiang': Thank you Mr., Speaker. I want to say this concerning the debate. First, as a person representing people from the sugarcane growing area, I wish to state that the intent and purpose of the Statement sought by Hon. Muga was in order because it is touching on matters

regarding sugar cane farmers. Even though Kibos Sugar Factory has been doing a good job and helping farmers from Kisumu County, if they do something that is contrary to the same purpose, it is important that we point it out. The fact that there is reduction in the price of cane delivered is a point of concern because Kshs. 800 being slashed out of a tone is not small money.

Secondly, we need to highlight the plight of farmers – they are the people who we represent. If we do not look at their plight then we are not representing them appropriately. Mr. Speaker Sir, looking at this report, this should have been referred to as a Progress Report. Because it is not addressing most of the questions that were sought, in its recommendations, it has also highlighted most of the associations and cooperative societies which are allied to sugar growing areas. That is a good one but, they should have highlighted the plight of farmers' mitigation, then they should have been mentioned them here plus their input.

Going through this report, it may not be good as we expect or answered all the questions but I would ask you to give clear guidance on how this report is supposed to be presented before the House so that we are made aware where we as a Committee erred, to enable us adjust accordingly. I am not going to ask Hon. Members to do away with the report, but allow you to use your discretion.

The Temporary Speaker (Hon. Okumu): Order Hon. Otiang'! When a motion is before the House, Hon. Members can either support or not. You cannot make general contribution.

Hon. Otiang': Thank you Mr. Speaker for your guidance. What I was saying is that I am not opposing the report as construed. The report can be adopted with amendment in order to meet the expectations of the House.

The Temporary Speaker (Hon. Okumu): Hon. Member, if you want the report to be amended, you should propose the amendment as per our Standing Order, then we debate on those amendments. It will then be either adopted or rejected. It is not like what you are saying; you propose the amendment, seconded, debated and then adopted. That is the procedure.

Hon. Otiang': Thank you. On that note, I propose that the report be amended as to satisfy the general public and the House. I ask Hon. Pamela Odhiambo to second.

The Temporary Speaker (Hon. Okumu): Hon. Member, you are still out of order. If you want an amendment to a report, you should be able to tell us exactly which part of the report you want the amendment to be. That is what we discussed. So, if you have read the report and then you see there is an amendment to be done, you propose it, seconded and if Hon. Members agree, we debate on it then we move forward. Allow Hon. Otiang' to bring the amendment if she wants to.

The Temporary Speaker (Hon. Okumu): What is it Hon. Pamela?

Hon. Pamela Odhiambo: Thank you Mr. Speaker, I rejected the whole report. So, I do not know whether I will also second the amendment. I implore you that you direct the chairperson to go back and bring a comprehensive report.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Member for that clarification. Hon. Otiang’...

The Temporary Speaker (Hon. Okumu): What is it Hon. Seth kanga?

Hon. Kanga: Mr. Speaker, you know we have been in this game for quite a while. We should also not behave as if the Standing Orders are not there. If you refer to the Standing Order No. 46, it clearly indicates how an amendment of a motion should be moved.

Mr. Speaker you cannot contribute and at the same time you want an amendment. A notice has to be given, it has to be seconded then you open it for debate. When you request for an amendment of a motion, you specify a reason for that then, you have to know how the motion should read like. Meaning, the principle embodied in a motion of which the notice has been given will have to change.

Sometimes the clerks of the House needs to advice the House accordingly so that we do not behave as if we came to this House yesterday Mr. Speaker, thank you.

The Temporary Speaker (Hon. Okumu): Thank you hon. Member for your guidance. Hon. Otiang’ I believe that you stand guided. As it stands, you have not done any amendment to the report. Even if you did, Hon. Pamela Odhiambo has declined to second your proposal, so it dies.

So, we are continuing with the debate and I believe that you had concluded your contribution.

Hon. Otiang’: Not really. Thank you Mr. Speaker and I stand guided. I insist that I stand with the report, thank you.

Leader of Minority (Hon. Oiko): Thank you Mr. Speaker, I am asking the mover of the motion to reply.

The Temporary Speaker (Hon. Seth): Yes Hon. Otura. I ask you to summarize because we have another business to transact in the House.

Hon. Otura: Foremost, I would request you to allow me reply appropriately. Mr. Speaker as a result of the concerns of the Members of the House, I want to appreciate Hon. Muga for bringing this Statement to the House. Generally the concerns raised by this Statement are directly touching the livelihood of our people including the Hon. Members seated here.

If you talk about the economy boosted by Kibos and Sugar Allied Company, I believe that it cuts across and needed to be explicit.

The most important thing here is that, this report needed to be handled with a lot of sobriety. I understand that the report stands rejected as communicated across the board, but, I want to say this; I, Hon. Otura as the Chairperson of the Agriculture, Livestock and Fisheries Committee, this is not the first, second, third or fourth report that this Committee is giving to this House because I am proud to state here that I am competing in the league of those chairpersons of other committees who are bringing good report to this House. Honestly speaking, it is only practicable if you bring a report which is rejected and a report which is accepted that is when it yields healthy debate within the House.

Hon. Guya did asked so many questions but, I want to respond to him this way; this report through the Speaker with the powers vested on him, is report to be referred to the Joint Sectoral Committees of Co-operatives, Finance, Trade and Enterprises and the Labour, Welfare and Social Services. That is due to the citations in this report. When money matters are cited, they definitely deal with finances.

When you reduce the prices from Kshs 3,800 to Kshs 3,000, it affects everyone including the Speaker seated in the House today because it is a blow to the County economy.

In some sections relating to Labour issues which were cited, that is why the Labour, Welfare and Social Services Committee is recommended to take charge upon the Speaker's recommendations. It takes two years for Chemelil and Muhoroni Sugar Companies to pay farmers. However, everybody understands the intricacies involved yet it takes only three months for Kibos Sugar Company to pay burned canes. We applaud should their effort but the question was, why give the cane farmers a short notice?

Mr. Speaker, I want to go back to the point. As this statement was being committed to this Standing Committee, it needed some answers from the Chairperson. It is indicated in the Standing Orders that when a question or a statement is directed to the chairperson, the mandate is not only left to that Chairperson, but the entire House committee. This committee sat more than once to discuss those statements. I want to inform the House that yes, we did not respond to the issues item by item, but in summary, we did our investigations at the committee level and found out that we had got very little to report on the matters raised and that was the genesis of those recommendations.

Mr. Speaker, I cannot just say that the report died on arrival. No, because we have to make effort to answer every question. As a committee, we saw it wise to just report and for that I want to applaud Hon. Otiang' for her advice that the report should have been a treated as a progress report. However, it is not a progress report because it was concluded by the committee that it does not touch us directly and that is why we recommended it to be referred to other Sectoral Committees.

Mr. Speaker, Hon. John is right by saying that it is confusing. At times you can be confused because of the nature of reporting and this report as said by several Hon. Members that it may not be as per their expectations but it is this House to decide and I accept and agreed conclusively that if it is rejected, so be it.

Hon. John was rightly confused because we never addressed issues that were sought. We only did some recommendations and some little research and found out that there are bodies which are mandated to deal with these issues. That is why we have cited them in the report.

Let the members be guided and understand that this issues was directed to the Committee of Agriculture Livestock, and Fisheries Committee but there are bodies which are mandated by Standing Orders to oversee all those issues raised in that statement.

To Hon. Kanga, we did not interview Kibos Sugar Company due to the reasons I have stated. On pricing issue, the Co-operatives, Finance, Trade and Enterprises Committee is suitable to answer that.

Mr. Speaker, as I have said earlier, this is not the report that I have brought to this Honourable House. I am perplexed to hear from Hon. Ngeta saying that he can lecture me on how to prepare reports. I wonder whether he will stands the test of time to join the league of those who are competing to bring suitable reports in this House. It is the reason as to why in this report we cited relevant bodies to give guidance to the Members to understand that even though this issue was directed to the Committee of Agriculture nevertheless, there are bodies which are mandated by law to look on all those which were raised in the statement.

Mr. Speaker that I am still pleading with Hon. Members here that yes this is not the report that meets the threshold that we wanted but we have recommendations to consider because we must look at the plight of our farmers; we are also farmers and even if we hide in disguise as a Chair of a Committee but the fact remains that; when the prices were reduced I was also affected and the effect did cut across. To those corporative societies Mr. Speaker if you go to our laws that is the by-laws you will find that the list managed institutions or groups is the Co-operative Societies and it is cited in the by-laws that they are the list learned managed bodies.

Mr. Speaker, it is right for Kibos Sugar Factory to reduced cane pricing because they know that they are dealing with people who are not learned but what is our take as Hon. Members. I would say that this question ought to have come from me but it never came from me. Therefore the plight of farmers would have been addressed the right way that everybody understands. I stand here to quote that one time.

The Temporary Speaker (Hon. Seth Okumu): Order Hon. Member. Are you implying that you didn't answer those questions because they did not come from you?

Hon. Otura: Mr. Speaker I did say that I did not adequately respond to the questions as stated in the statements because of our investigative findings in the committee.

The Temporary Speaker (Hon. Seth Okumu): Hon. Member I heard you saying that; I wish the question came from me.

Hon. Otura: Mr. Speaker, I would have wished to support this motion in the first instant.

The Temporary Speaker (Hon. Okumu): If the question came from you?

Hon. Otura: Yes. But not to sugar coat my statement in a manner to mean that I support.

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

Hon. Otura: Mr. Speaker I want to say this and this should go on record that one day one time these sugar cane farmers whose plight are being looked down upon will prosper. My conclusion is very clear that I implore this House to adopt this report so that this statement can see the light of the day if committed to those other sectoral committees for further action. Thank you.

The Temporary Speaker (Hon. Seth Okumu): Thank you. Before I put a question, I want to request you to refer to the signatures on the report and Hon. Members having heard Hon. Guya disowning his signature that means the report remains with six signatures in a committee of 15 Members. Hon. Members, the provisions of Standing Orders No. 182 (2); report of a select committee can only be adopted if a majority of the Members have signed the adoption list. So could you please reply that before I put a question?

Hon. Otura: Hon. Speaker probably the Clerk never reached out to all the Members and if he did, then these are the only Members who signed then I stand to abide by the law.

The Temporary Speaker (Hon. Seth Okumu): So, Hon. Members before I put a question, do you agree that your report does not meet the basic requirements to be read in this House? Otherwise, Hon. Members a report by the Committee of Agriculture, Livestock, Fisheries and Irrigation on a Statement sought by Hon. Muga on Cane farmers and Kibos on lowered prices for burnt cane and short notice informing the farmers that the increased days of payment of the burnt cane has been presented by Hon. Otura, seconded by Hon. Obonyo and debated by Hon. Members. I therefore want to put a question on the adoption of the same?

(Question put and negatived)

The Temporary Speaker (Hon. Okumu): The report on a statement sought by Hon. Muga on the stalemate between cane farmers Kibos on Lowered Prices for Burnt Cane and Short Notice informing the Farmers that the increased days of payment of the burnt cane is hereby rejected on the 24th November 2020 at 1610 hours. I hereby direct that all the recommendations in this report do not proceed beyond the floor of this House.

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

MOTION

WELFARE AND EQUAL OPPORTUNITY COMMITTEE REPORT ON LAPFUND AND
GRATUITY CONTRIBUTIONS

BY HON. PAMELA ODHIAMBO, CHAIRPERSON

The Temporary Speaker (Hon. Seth Okumu): Yes Hon. Pamela Odhiambo.

Hon. Pamela Odhiambo: Thank you Mr. Speaker. I read the progress report and there were just some a few issues that I was supposed to read today and I believe that it is just a summary. Allow me to read the summary on the questions that were raised by Members.

The Temporary Speaker (Hon. Okumu): Order Hon. Member. In our business of today, I can see that there is a Committee Report on LAPFUND and Gratuity Contributions by the Chairperson. Unless you want to read the report through guillotine then you can propose and have a seconder. This is not a continuation of what you did the last time.

Hon. Pamela Odhiambo: Thank you Mr. Speaker. Let me just read the report.

PREAMBLE

Mr. Speaker and Honourable Members. The Committee on Welfare and Equal Opportunity is one of the Select Committees of the County Assembly of Kisumu. The committee may study matters referred to it by the County Assembly or on its own initiative, undertake studies within its areas of responsibility.

Mr. Speaker and Honourable Members, on behalf of the Select Committee on Welfare and Equal Opportunities, pursuant to the provisions of the County Assembly Standing Orders no. 163 (c) and 182; it is my pleasant pleasure and privilege to present to this House the Report on the Status Gratuity and Normal Contributions from Kisumu County Assembly to LAPFUND.

COMMITTEE MANDATE

Mr. Speaker and Honourable Members, the committee on Welfare and Equal Opportunity mandate is to take care of the Welfare of Members of the Assembly and Ward Staffs to ensure Equal Opportunity to all.

LEGAL BASIS

Mr. Speaker and Hon. Members, Gratuity is a sum of money paid by the employer to an employee, mostly, at the end of his or her contract. The rationale of this payment is in appreciation of the services rendered and also as a retirement benefit. The general rule is that

payment of gratuity and the applicable terms and conditions are governed by one's contract and by the employer's policies; this includes the formula to be used when calculating the gratuity.

The payment is supported by Legal Instruments among them;

1. Constitution of Kenya, 2010 - as part of the fair labour practices.
2. Employment Act, 2007.
3. County Assembly Human Resource Manual ,2015
4. County Public Service Human Resource Manual,2013

Other relevant Regulations and Policies have been developed with regard to this matter to ensure that the employer and employee relation is sound and beneficial to both parties.

EXECUTIVE SUMMARY

Mr. Speaker and Honourable Members, the Committee on Welfare and Equal Opportunities resolved to inquire from LAPFUND the status report to enable the committee establish the status of the gratuity and normal contribution of the Members of Assembly and ward staffs for the period ending June, 2020.

MEMBERSHIP OF THE COMMITTEE

Mr. Speaker and Honourable Members, the Committee on Welfare and Equal Opportunities as currently constituted comprised of the following Members:-

- | | | |
|-------------------------|---|------------------|
| 1. Hon. Pamela Odhiambo | - | Chairperson |
| 2. Hon. Sally Okudo | - | Vice Chairperson |
| 3. Hon. Olga Aoko | - | Member |
| 4. Hon. Judith Ogaga | - | Member |
| 5. Hon. Julius Genga | - | Member |
| 6. Hon. Joachim Oketch | - | Member |
| 7. Hon. Victor Rodgers | - | Member |
| 8. Hon. Prisca Auma | - | Member |
| 9. Hon. George Ogutu | - | Member |
| 10. Hon. Maurice Ngeta | - | Member |
| 11. Hon. George Abaja | - | Member |
| 12. Hon. Caren Oguok | - | Member |
| 13. Hon. Philemon Ojuok | - | Member |
| 14. Hon. Ken Ooko | - | Member |
| 15. Hon. Caleb Omoro | - | Member |

Secretariat:

- | | | |
|----------------------|---|--------------------------|
| 1. Benard Abuodha | – | Committee Clerk |
| 2. Mr. David Ayieko | – | Public Relations Officer |
| 3. Mr. William Ogada | – | Serjeant-At-Arms |
| 4. Dennis Onyango | – | Hansard Reporter |
| 5. Dominic Muinde | – | Legal |

During the said deliberations, the following members represented the Committee,

- | | | |
|-------------------------|---|--------------------------|
| 1. Hon. Pamela Odhiambo | - | Chairperson |
| 2. Hon. Sally Okudo | - | Vice Chairperson |
| 3. Hon. Olga Aoko | - | Member |
| 4. Hon. Judith Ogaga | - | Member |
| 5. Hon. Julius Genga | - | Member |
| 6. Hon. Joachim Oketch | - | Member |
| 7. Hon. Victor Rodgers | - | Member |
| 8. Hon. Prisca Auma | - | Member |
| 9. Hon. George Ogutu | - | Member |
| 10. Hon. Maurice Ngeta | - | Member |
| 11. Hon. George Abaja | - | Member |
| 12. Hon. Caren Oguok | - | Member |
| 13. Hon. Philemon Ojuok | - | Member |
| 14. Hon. Ken Ooko | - | Member |
| 15. Hon. Caleb Omoro | - | Member |
| 16. Mr. Benard Abuodha | - | Committee Clerk |
| 17. Mr. David Ayieko | – | Public Relations Officer |
| 18. Mr. William Ogada | – | Serjeant-At-Arms |

The in attendances were;

1. Mr. George Ochieng- Regional Coordinator, LAPFUND
2. Mr. Felix Owuor- Finance Officer, Kisumu County Assembly

ACKNOWLEDGEMENT

Mr. Speaker Sir, special appreciation goes to Hon. Speaker Kisumu County Assembly, his officers and Members of the County Assembly Committee on Welfare and Equal Opportunities, and staffs who participated in the deliberations on the Report. The Committee would wish to extend its gratitude to the office of the LAPFUND for sending Regional Coordinator to help the committee understand the status report better. Last but not least, the committee would also wish to convey special thanks to the office of the Assembly Clerk for the support towards the planning and facilitating the meetings.

Mr. Speaker Sir, it is my pleasant duty, pursuant to Standing Order 182, to present the Report of the Committee on Welfare and Equal Opportunities on Report on the Status Gratuity and Normal Contribution from Kisumu County Assembly to LAPFUND.

JOINT SITTING

Mr. Speaker and Honourable Members, the committee held a joint sitting on 27th July, 2020 with the official from LAPFUND and Finance Officer from the County Assembly to deliberate on the Report from LAPFUND. The meeting was called to order by the Chairperson at 10:30 am.

SUBMISSIONS

Mr. George Ochieng, LAPFUND Regional Coordinator.

During the deliberations, LAPFUND Coordinator informed the members as follows;

MEMBERS OF COUNTY ASSEMBLY GRATUITTY

That the report that had been submitted to the committee was on status of Payment which covered from September 2017 to April 2020. He said that a total of Kshs. 39,770,250.72 had been paid to LAPFUND as gratuity for Hon. Members of the County Assembly. The total accumulated gratuity for Hon. Members from September 2017 to April 2020 was Kshs. 39,389,397.85.

He added that the Voluntary contributions vary from one MCA to another depending on the amount contributed by each Member.

WARD STAFFS CONTRIBUTION

A total of Kshs. 8,318,588.25 had been paid to LAPFUND as gratuity for Ward staffs and Personal assistant staffs Voluntary; it covered August 2018 to April 2020. The total accumulated for the Ward staffs and PA's from August 2017 to April 2020 was 8,259,626.44.

The total gratuity contribution paid to LAPFUND for Nominated MCA PAs' Gratuity from November 2019 to April 2020 was 775,428.60 with a total accumulated gratuity of Kshs. 773,940.66 for the same period.

He informed the members that the report had indicated a gap in January, 2019. He explained the gap ought to have been April, 2018 and not January, 2019. The total for that month was Kshs. 1,180,030.50.

He explained that the error was realised because LAPFUND does not see details from IFMIS.

Mr. Ochieng also informed the members that the report did not cover the month of May. The money for the month of June was received by LAPFUND in July, 2020.

He added that LAPFUND changed to the new system from July 2020. The new system has both the Gratuity and voluntary contributions on one statement.

Mr. Ochieng also explained that member's contribution attracts interest of 5% annually. He told the committee that any month that the Assembly delays to remit funds to the LAPFUND, the contributions do not earn interest to Members.

Mr. Felix Owuor, Finance Officer.

He informed the committee that there was an overpayment of Kshs. 379,323.58 in the month of September, 2018.

He added that the overpayment was to be used to settle part of the Month of April 2018 which was not paid.

Mr. Owuor informed the Members that all the gratuities for partisan staffs were paid.

He added that all the areas are captured in the current budget in the FY 2020/2021 and shall be paid when funds are available.

GENERAL

On 3rd November 2020, the Committee received statements for both Members and Ward staffs from LAPFUND for the period ended June 2020.

He informed the Committee that the LAPFUND is not yet familiar with the new system hence it has taken the department to prepare the statements for members and staff.

He also advised members to keenly go through the systems to identify any discrepancy if any so that any correction made in time.

FINDINGS/OBSERVATIONS

Mr. Speaker and Honourable Members, during deliberations, members observed the following;

- The Members and Staff were furnished with the benefits statements as at June 2020.
- The funds for June 2020 were paid in July 2020 hence not captured in the statements. June 2020 payments will be captured in the statements to be issued in December 2020 being the first quota of the financial year.
- The partisan staffs' payment was not balancing.
- The members of the assembly can make LAPFUND payments through Pay Bill No. 754488.

COMMITTEE RECOMMENDATIONS

1. That the LAPFUND to ensure that the statements for Members and Staff are presented to the Committee with the Quarterly Reports to ease follow up. This would make the committee updated and identify any omission or error on time for correction.
2. That the assembly to ensure that remittance of funds to LAPFUND is done on time to enable members earn interest from their contributions.
3. That the department of Finance to assign one of the staffs from the department to keep track of the LAPFUND payments by the members.
4. That a proper guideline should be provided on the fate of partisan staffs who have been relieved of duty or died before the end of their contract on how they could get their gratuity.
5. That the Members to check their statements properly to ensure that any discrepancy identified is corrected on time.

CONCLUSION

In conclusion, Mr. Speaker, Pursuant to Standing Order No. 152 (2), of the Kisumu County Assembly Standing Orders, the committee requests this Honourable House to adopt this report with or without amendments to enable the Committee carry its mandates in uplifting the Welfare of Members as far as individual Contributions and Gratuity are concerned.

I therefore call upon Hon. Obonyo to second.

The Temporary Speaker (Hon. Okumu): Hon. Member, is Hon. Obonyo part of your committee membership?

Hon. Pamela Odhiambo: Mr. Speaker that will show you how some of the Members in this House are not serious with their work. The Committee on Welfare knew that we were bringing this important report because it touches on their welfare.

The Temporary Speaker (Hon. Okumu): Order Hon. Member. It is your responsibility to tell Members and convince them to come and support what the Committee is scheduled to present. It is not the responsibility of the Speaker.

Hon. Pamela Odhiambo: Mr. Speaker I am not saying that it is your responsibility but a responsibility of Members. I will ask Hon. Ngeta to second the report.

The Temporary Speaker (Hon. Okumu): What is it Hon. Otura?

Hon. Otura: Mr. Speaker I believe that it is important for Hon. Pamela Odhiambo to continue looking at what is found of that Hon. Ngeta is naked in the House.

The Temporary Speaker (Hon. Okumu): Hon. Ngeta a member is complaining that you are not properly dressed. So, you cannot stay in the House therefore you cannot second the report.

Serjeant-at-Arm, could you please assist the Member to dress well. Hon. Members if a report has been read...

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

Hon. Miruka: Thank you Mr. Speaker. I am rising while citing the provisions of Standing Orders No. 29. I want to propose that you allow the House to adjourn because we realize that the Members are tired and we can continue from there tomorrow. Allow me to request Hon. Otura to second.

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

Hon. Otura: I second.

The Temporary Speaker (Hon. Okumu): Thank you. Hon. Members a Motion of Adjournment of the House has been proposed by Hon. Miruka while citing the provisions of Standing Orders No. 29 and seconded by Hon. Otura.

Therefore, pursuant to the provision of Standing Orders No. 29 (2), I want to propose to put a question on the adjournment of the House.

(Question out and agreed to)

ADJOURNMENT

The Temporary Speaker (Hon. Seth Okumu): The House stands adjourned to tomorrow Wednesday 25th November 2020 at 2.30 p.m.

(House rose at 4.35 p.m.)

Addendum

Hansard Reporters

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