

## COUNTY GOVERNMENT OF KISUMU



### COUNTY ASSEMBLY OF KISUMU

#### **THE HANSARD**

#### SECOND ASSEMBLY – FOURTH SESSION

Tuesday, 29<sup>th</sup> September, 2020

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

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

#### PRAYERS

**The Speaker** (Hon. Oraro): Honourable Members, I have looked at the numbers for the Members that are in and I want to refer to the provisions of our Standing Order No. 32 (2) that regards the quorum. I want to order that the quorum bell be rung for five minutes.

*(Quorum bell rung for five minutes)*

**The Speaker** (Hon. Oraro): Honourable Leader of Majority, can you confirm if we have the quorum. I have got one Member online.

*(Power outage in the Chamber)*

**The Speaker** (Hon. Oraro): Honourable Members, I believe we have a problem with the power. Our standby generator has not picked up and going by the rules of the debate and especially Standing Order No.1, there is nowhere in the Standing Orders where it talks about power failure. I want to ride on the same Standing Order and I advise that we suspend the House for fifteen minutes as that matter is being sorted out.

*(The House suspends for fifteen minutes)*

*(Resumption of House after fifteen minute suspension)*

**The Speaker** (Hon. Oraro): Honourable Members, thank you for the patience. The power is back and we can proceed. Honourable Minority Whip can you confirm if we have quorum?

**Minority Whip** (Hon. Ageng'o): Thank you Mr. Speaker. We have the quorum.

**The Speaker** (Hon. Oraro): Thank you. Madam Clerk take us through the Order Paper.

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

### COMMUNICATION FROM THE CHAIR

**The Speaker** (Hon. Oraro): Honourable Members, as indicated last week, we need to be serious with our attendance and be aware when you are supposed to attend the sessions. Today, the following Members were supposed to be in attendance;

1. Hon. Kenneth Onyango
2. Hon. Ken Ageng'o
3. Hon. Jennipher Obonyo
4. Hon. Philemon Ojuok
5. Hon. Joachim Oketch
6. Hon. Pamela Odhiambo
7. Hon. Paul Okiri
8. Hon. Seth Kanga
9. Hon. John Atieno
10. Hon. Johnson Guya
11. Hon. Vitalis Otura
12. Hon. George Abaja
13. Hon. Victor Rodgers
14. Hon. Inviolata Adhiambo
15. Hon. Caleb Omoro
16. Hon. Beatrice Odongo
17. Hon. Julius Genga

I am in the knowledge that Hon. Otura and Hon. Atieno are admitted in different hospitals. That is Hon. Atieno in Avenue Hospital and Hon. Otura in St. Luke and they are not able to attend. All other Members were supposed to be here. I want to appeal to Members that if you are a leader please attend physically. If you cannot attend physically please attend remotely via Zoom. Unfortunately based on the issues we have had, the links may not be there.

Tomorrow, Wednesday 30<sup>th</sup> September, 2020 the following Members shall attend;

1. Hon. Priscah Misachi.
2. Hon. George Ogutu.
3. Hon. Benny Oiko.
4. Hon. Jacktone Ogendo.
5. Hon. Seth Okumu.
6. Hon. David Arao.
7. Hon. Steve Owiti
8. Hon. Roy Samo.
9. Hon. Vincent Jagongo.
10. Hon. Samson Ameso.
11. Hon. Maureen Otiang’.
12. Hon. Rashid Miruka.
13. Hon. Florence Olang’o
14. Hon. Beatrice Pamela
15. Hon. Olga Aoko.
16. Hon. Gard Olima.
17. Hon. Kennedy Ooko
18. Hon. Consolata Ollows.

Honourable Members, let us be sincere. We agreed that when you attend, you are given a register to sign. Let us be fair to frequent attendees. I want to congratulate Hon. Ogutu because he has been very consistent in attending the sittings even on the days when he is not supposed to attend. Hon. Jennipher Obonyo, Hon. Benny Oiko, Hon. Inviolata Adhiambo, Hon. Seth Okumu, have been very consistent in attending the sessions. Hon. Ameso used to delay but nowadays he very consistent. It could be because of the Climate Change Bill that is being discussed by the Committee.

Everybody is going through tough times but, that doesn’t mean we negate from what we are supposed to be doing. The others Members like Hon. Omoro, Hon. Genga, Hon. Guya, and Hon. Beatrice Pamela have been also attending online. Let us all attend the sessions as per the register and please do not have the tendency of signing the register and leaving before we dispensed with the business of the day. Let us improve the image of County Assembly of Kisumu. Thank you.

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

### STATEMENTS

**The Speaker** (Hon. Oraro): Yes Hon. Pamela Odhiambo.

**Hon. Pamela Odhiambo:** Thank you Mr. Speaker. Pursuant to Standing Order No. 41 (2) (b) of the County Assembly of Kisumu, I wish to request for a Statement from the Chairperson, Water,

Environment and Natural Resources Committee. It has come to my attention that the drainage system along Sije Car-Wash Road bordering Manyatta “B” Ward and Kondele Ward categorized Kisumu Urban Project was poorly done. The drainage channels do not allow easy flow of water hence causing overflow and spillage of sewer to the nearby homes in both the Wards. This has exposed the locals to waterborne diseases.

It is because of this reason that I am seeking a Statement from the committee. The Committee should probe the concerns, inquire, interrogate and report to the House on;

1. Whether the drainage channels have been done to the standard related the scope of work indicated in the Bills of Quantity (BQs).
2. Where the locals should direct their complaints regarding impermeable drainage channels along the road.

Thank you, Mr. Speaker.

**The Speaker** (Hon. Oraro): I confirm the receipt of that Statement and I want to commit to the Water, Environment and Natural Resources Committee. You should report back within two weeks. That is a very simple activity and I believe you can deal with it and give a response on 14<sup>th</sup> October 2020.

**The Speaker** (Hon. Oraro): I saw Hon. Ameso on his feet.

**Hon. Ameso:** Thank you Mr. Speaker. Under Standing Order No. 41 (2) (b) and allow me to read.

*“The Leader of the Majority Party, or the Leader of the Minority Party as the case may be, or their designees may make a Statement relating to their responsibilities in the County Assembly or the activities of a Committee”*

I wish to make a Statement on Inflated and Unrealistic Water Bills by Kisumu Water and Sewerage Company to vendors and consumers.

Aware that our Standing Order No. 193 (5) (a) bestows investigatory powers to all committees in all matters related management and activities in all the departments within my purview. Further aware that Standing Orders mandates my committee to oversee the provision of clean and safe drinking water for domestic use. I am deeply concerned that there has been a public outcry that the Kisumu Water and Sewerage Company, a company of County Government of Kisumu is over charging or giving out unrealistic bills to the residents of this County.

Owing to this great concern, I seek leave of this House and pursuant to Standing Order No. 193 (5) (d) to allow my committee to investigate this allegation and bring a report back. Thank you Mr. Speaker.

**The Speaker** (Hon. Oraro): Honourable Members, I confirm the receipt of that Statement and when I look at it, the chair has presented a Statement that falls within his docket. I have just committed a Statement to your committee. Conduct your investigations and report to the House. This matter is committed to Water, Environment and Natural Resources Committee and report back on 21<sup>st</sup> October, 2020.

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

### MOTION

CONTINUATION OF DEBATE ON THE 2<sup>ND</sup> READING OF THE KISUMU COUNTY  
CLIMATE CHANGE BILL, 2020

(BY HON. SAMSON AMESO)

(CHAIRPERSON, WATER, ENVIRONMENT AND NATURAL RESOURCES)

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

**Hon. Ameso:** Thank you Mr. Speaker. Pursuant to the provisions of Standing Order No. 50 (c) The following Motions may be moved without notice (c) Motion that the County Assembly do dissolve itself into a Committee of the Whole County Assembly.

Mr. Speaker, if you allow, I want to ask that we revert to the Committee of the Whole House and I would want to ask Hon. Pamela Odhiambo to second?

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

**Hon. Pamela Odhiambo:** Thank you. I stand to second that we move to the Committee of the Whole House.

**The Speaker** (Hon. Oraro): Honourable Members, I want to bring to your attention that the 2<sup>nd</sup> Reading of the Kisumu County Climate Change Bill, 2020 was done last week and the next stage is what I believe Hon. Ameso has done. Thank you.

*(The House converts to the Committee of the Whole House)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Order!! Honourable Members. Thank you very much for being in this Committee. We shall be guided by the provisions of Standing Order No. 126 and allow me to read.

*“In considering a Bill in Committee, the various parts thereof shall be considered in the following sequence –*

- (a) clauses as printed, excluding the clauses providing for the citation of the Bill, the commencement, if any, and the interpretation;*
- (b) new clauses;*
- (c) schedules;*
- (d) new schedules;*
- (e) interpretation;*
- (f) preamble, if any;*
- (g) long title; and*
- (h) the clauses providing for the citation of the Bill and the commencement*

That is how we shall conduct our business. Mr. Clerk, take us through the Bill.

*(Mr. Clerk reading the short title of the Bill and Clause 1)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): To the Chair, is there amendment on this Clause 1?

**Hon. Ameso:** Thank you Chair. There is no amendment on Clause 1.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. From the Floor? The silence means no amendment and I want to put a question for adoption on the same.

*(Question put and agreed to)*

**The Chairperson** (Hon. Joachim): Clause 1 stands adopted without any amendment. Mr. Clerk

*(Clerk at the Table reading interpretation of the Bill)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Honourable Members, I have just interrupted the Clerk while reading interpretation of the Bill. I am of a different opinion, because this approach may take a very long time. It is because of this that I requested the Chair and the Leader of Majority to approach the Table so that if agreeable, we may go the guillotine way. This will shorten the time of going through the Bill. Is this agreeable?

**Chairperson, Committee of the Whole House** (Hon. Omieno): Yes, Hon. Okiri

**Hon. Okiri:** Thank you Honourable Chair. I believe that your suggestion is alright as it allows everyone to keenly look at the content of the Bill. Otherwise, the guillotine way should be used during the Third Reading.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. Chair and the Leader of Majority, kindly approach the Table. Yes, Mr. Clerk.

*(Clerk at the Table Reading Clause Two of the Bill)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Any proposed amendments on Clause 2?

**Hon. Ameso:** Thank you Chair. There are no amendments proposed on Clause 2.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the floor, any proposed amendments to Clause 2? I now put a question?

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Members, Clause 2 stands adopted as part of the Bill without any proposed amendments. Mr. Clerk!

*(Clerk at the Table Reading Clause 3 on Objects and Purpose of the Bill)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. Mr. Chair?

**Hon. Ameso:** No amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the floor, any proposed amendments to Clause 3? I now put a question on Clause 3?

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Members, Clause 3 stands adopted as part of the Bill without any proposed amendments. Mr. Clerk!

*(Clerk at the Table Reading Clause 4 on Guiding Values and Principles of the Bill)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Chair, any proposed amendment?

**Hon. Ameso:** No amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Hon. Members, any proposed amendments to Clause 4? I now put a question on Clause 4?

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Members, Clause 4 stands adopted as part of the Bill without any proposed amendments. Mr. Clerk!

*(Clerk at the Table Reading Clause 5 Establishment of the Fund)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Chair, any proposed amendment on Clause 5?

**Hon. Ameso:** No amendments proposed.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To Hon. Members, any proposed amendments to Clause 5? I now put a question on Clause 5?

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Members, Clause 5 stands adopted as part of the Bill without any proposed amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Mr. Clerk!

*(Clerk at the Table Reading Clause 6 on Climate Change Directorate)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Chair, any proposed amendment on Clause 6?

**Hon. Ameso:** No amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To Hon. Members, any proposed amendments to Clause 6? I now put a question on Clause 6?

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Members, Clause 6 stands adopted as part of the Bill without any proposed amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Mr. Clerk!

*(Clerk at the Table Reading Clause 7 on Reports)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Chair, any proposed amendment on Clause 7?

**Hon. Ameso:** No amendments.



**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To Hon. Members, any proposed amendments to Clause 7? I now put a question on Clause 7?

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Members, Clause 7 stands adopted as part of the Bill without any proposed amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Mr. Clerk!

*(Clerk at the Table Reading Clause 7 on County Climate Change Council)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Chair, any proposed amendment on Clause 8?

**Hon. Ameso:** No amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To Hon. Members, any proposed amendments to Clause 8? I now put a question on Clause 8?

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Members, Clause 8 stands adopted as part of the Bill without any proposed amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno):

**Chairperson, Committee of the Whole House** (Hon. Omieno): Mr. Clerk!

*(Clerk at the Table Reading Clause 9 on Remuneration)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Chair, any proposed amendment on Clause 9?

**Hon. Ameso:** No amendment

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To Hon. Members, any proposed amendments to Clause 9? I now put a question on Clause 9.

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Clause 9 stands adopted as part of the Bill without any proposed amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Mr. Clerk!

*(Clerk at the Table Reading Clause 10 on Functions of the Council)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Chair, any proposed amendment on Clause 10?

**Hon. Ameso:** No amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Floor, any proposed amendments to Clause 10? If there is no proposed amendment on Clause 10, then I call to put a question/

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Clause 10 stands adopted as part of the Bill without any proposed amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Mr. Clerk!

*(Clerk at the Table Reading Clause 11 on Tenure of Office)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Chair, any proposed amendment on Clause 11?

**Hon. Ameso:** No amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Floor, any proposed amendments to Clause 11? If there is no proposed amendment on Clause 11, then I call to put a question?

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Clause 11 stands adopted as part of the Bill without any proposed amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Mr. Clerk!

*(Clerk at the Table Reading Clause 12; Filling of Vacancies in the Council)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Chair, any proposed amendment on Clause 12?

**Hon. Ameso:** No amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Floor, any proposed amendments to Clause 12? If there is no proposed amendment on Clause 12, then I call to put a question?

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Members, Clause 12 stands adopted as part of the Bill without any proposed amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Mr. Clerk!

*(Clerk at the Table Reading Clause 13; County Climate Change Planning Committee)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Chair, any proposed amendment on Clause 13?

**Hon. Ameso:** No amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Floor, any proposed amendments to Clause 13? If there is no proposed amendment on Clause 13, then I call to put a question?

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Members, Clause 13 stands adopted as part of the Bill without any amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Mr. Clerk!

*(Clerk at the Table Reading Clause 14; Functions of the Committee)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Chair, any proposed amendment on Clause 14?

**Hon. Ameso:** No amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Floor, any proposed amendments to Clause 14? If there is no proposed amendment on Clause 14, then I call to put a question?

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Members, Clause 14 stands adopted as part of the Bill without any amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Mr. Clerk!

*(Clerk at the Table Reading Clause 15; Service)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Chair, any proposed amendment on Clause 15?

**Hon. Ameso:** No amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Floor, any proposed amendments to Clause 15? If there is no proposed amendment on Clause 15, then I call to put a question?

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Members, Clause 15 stands adopted as part of the Bill without any amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Mr. Clerk!

*(Clerk at the Table Reading Clause 16; Council Meetings)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Chair, any proposed amendment on Clause 16?

**Hon. Ameso:** No amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Floor, any proposed amendments to Clause 16? If there is no proposed amendment on Clause 16, then I call to put a question?

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Members, Clause 16 stands adopted as part of the Bill without any amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Mr. Clerk!

*(Clerk at the Table Reading Clause 17; Remuneration)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Chair, any proposed amendment on Clause 17?

**Hon. Ameso:** No amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Floor, any proposed amendments to Clause 17? If there is no proposed amendment on Clause 17, then I call to put a question?

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Members, Clause 17 stands adopted as part of the Bill without any amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Mr. Clerk!

*(Clerk at the Table Reading Clause 18; Ward Climate Change Planning Committee)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To the Chair, any proposed amendment on Clause 18?

**Hon. Ameso:** Thank you Chair. On Clause 18 that is Ward Climate Change Planning Committee should read as 18 (a). Thank you.

**Chairperson, Committee of the Whole House** (Hon. Omieno): What is the difference Chair?

**Hon. Ameso:** The Ward Climate Change Planning Committee should read as 18 (a) then what is indicated in Clause 19 (a) should be a continuation of Clause 18. Therefore Clause 19 should be amended to read as Clause 18 (b).

**Chairperson, Committee of the Whole House** (Hon. Omieno): Meaning we do not have Clause 19?

**Hon. Ameso:** Chair, it will find its place under Frequency of Meetings listed as Clause 19 (g). I believe you got it clearly.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Yes, I believe that we are on the same page. Do we delete Clause 19?

**Hon. Ameso:** Clause 19 should be continuation of Clause 18 (a). Therefore, it should be Clause 18 (b).

**Chairperson, Committee of the Whole House** (Hon. Omieno): Proceed Chair.

**Hon. Ameso:** You will notice that Clause 19 (a) is a repetition of the Ward Climate Change Planning Committee.

**Chairperson, Committee of the Whole House** (Hon. Omieno): We are getting you. If I may inquire, where does Clause 19 come in?

**Hon. Ameso:** Mr. Chair, Clause 19 (a) will now read 18 (b). Clause 19 (b) will now read as 18 (c). Frequency of Meetings listed as 19 (g) will now be Clause 19.

**Chairperson, Committee of the Whole House (Hon. Omieno):** So 19 (g) will now be 19 (a)?

**Hon. Ameso:** Let me explain it clearly. Clause 18 will have both (a) and (b). The 18 (b) part of it will read the exact words that appear in Clause 19 (a). Meaning the current 19 will be a continuation of Clause 18. Clause 19 (b) will now be 18 (c); where is the 19 (c) will now be Clause 18 (d). It is the issue of numbering.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Just to confirm if we are on the same page Mr. Chair, so 18 goes from 18 (a) to 18 (g)?

**Hon. Ameso:** It will go up to 18 (h) which we will do a further amendment on. We will insert a sub clause.

**Chairperson, Committee of the Whole House (Hon. Omieno):** What does the (h) say?

**Hon. Ameso:** Mr. Chair, if we have corrected Clause 18; and there are further amendments which I want to highlight of 19 which we are now going to change to read as 18 (b). Part (b) of the Bill which we have amended to read (c) there is an amendment that it should now read as (c) (i) that reads Chairperson elected by members of the committee and delete ratified by the Planning Committee.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Please proceed.

**Hon. Ameso:** Mr. Chair, Clause 19 (b) which has now been changed to Clause 18 (c), part (iv) of it which reads Sub-county Agriculture Officer to be amended to read Ward Agriculture Officer. Roman (v) will also be amended to read Ward Climate Change Officer and not Sub-county Environment, Water, Climate Change Officer.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Thank you Chair.

**Hon. Ameso:** The same amendment on Roman (vi) that reads Representative of Member of County Assembly should read Member of County Assembly by deleting Representative of.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Thank you Chair.

**Hon. Ameso:** On bullet 8, which reads; Women Representative.

Mr. Chair, amendment to be made because we are of the view that maybe the committee could happen in such that only one gender is elected; that is why we have inserted that provision to read; 'Marginalized gender' for the purpose of two-thirds gender rule.

**Hon. Okiri:** On a Point of Order. Why are we using marginalized gender? I believe that we should just say “gender” and with that we will know if it is either male or female.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Thank you very much Senior Member Paul Okiri.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Yes Hon. George Ogutu, I can see you have a burning issue that you want addressed.

**Hon. Ogutu:** Thank you Chair, I want to support Hon. Okiri because at certain times you might find that women are more than men. In such a case then, the men will be the endangered gender. So I believe that his proposal is also good but should be considered as a subject for further discussion.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Thank you very much Hon. Member. Well, Chairperson of the committee, Hon. Ameso, can you elaborate to the Members how you arrived at the term ‘Marginalized’?

**Hon. Ameso:** Thank you Chair, maybe you might like a suitable word but that’s why we are before the plenary. Let’s take for instance; the Ward Committees as the one to be formed on the institutional structure in the Climate Change Bill is composed of 11 members and all the positions are held by men. So, we proposed that provision and used ‘marginalized, as a better term to mean an opposite gender for the two-third rule. I believe that my take is well understood although you can come up with a better term.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Thank you Chair, so my understanding is that the term ‘marginalized’ is used in the context of the composition of the Ward Committee. Is there a better term any Member feels should be used in place of the term ‘marginalized’?

**Chairperson, Committee of the Whole House (Hon. Omieno):** Yes Senior Member Paul Okiri.

**Hon. Okiri:** Mr. Chair, I believe that, in a case where the men exceed women, additional women should be deployed and vice versa should be considered, but I still have my reservations with the term ‘marginalized’ in this case. I prefer it to be just ‘gender’ for our electorates to understand that the two-thirds rule is adhered to.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Is there any contrary opinion?

**Chairperson, Committee of the Whole House (Hon. Omieno):** Yes Hon. Pamela Odhiambo.

**Hon. Pamela Odhiambo:** Mr. Chair, I believe that the term ‘marginalized’ can be used because we have marginalized people in our society. So by saying marginalized, it doesn’t necessarily



mean women or men but a set of group which is deprived of some certain right to belong. I therefore believe that the Chair is right to refer to that sect as ‘marginalized’.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you Hon. Member.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Please Chair, Water Committee, can you shed more light on this matter.

**Hon. Ameso:** Let me elaborate further so that we get to a consensus because we are all headed to the same direction save for the interpretation, which could be quite challenging.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Proceed.

**Hon. Ameso:** Mr. Chair, our concern as we said before was, in a case where a committee is composed of 13 members, and then we realize after electing members of this committee that it is dominated by a particular gender. We are therefore looking for a better term for this because in the Bill it reads “Women Representative”. Here is a case where the committee is majorly composed of women yet there is still a provision of “Women Representative”. It is therefore in this regard that we were looking for a better term to replace the one at hand and instead came up with the term ‘marginalized’. My observation was that, if we just use the term ‘women representative’ yet the committee already consists of ladies then an extra provision of the same will be a violation of the two-third gender rule.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you, Yes Hon. Ogotu.

**Hon. Ogotu:** Thank you very much Chair, I believe that it all boils down to interpretation. You have heard Hon. Pamela approaching the two-third gender rule on a different angle when she talked about the marginalized group. I am a member of the Assembly and also a marginalized individual, but when we talk about gender therefore we are certain that, it refers to either a female or a male gender. It is therefore my belief that the best term to go with is “gender” then we can move forward from there.

**Hon. Pamela Odhiambo:** A point of correction Mr. Chair

**Chairperson, Committee of the Whole House** (Hon. Omieno): Yes Hon. Pamela Odhiambo could you kindly resume your seat for a moment so that I assist Hon. Ameso to understand. After which I will give chance to Hon. Pamela, then the Minority Leader to say something.

Hon. Members, Clause 18, part (c), refers to the composition of the Ward Committee. You need to remember that part (7) of it has the Youth Representative whereas part (8) initial read ‘a Woman Representative. However, just as explained by the Chair, you can find that in the same committee, the dominant gender is the women. We are hereby looking for a term that best suits both genders so that if one gender is overrepresented then, the marginalized gender takes up certain positions for the purpose of the two-third gender rule. My view is that it is not appropriate



for it to read ‘gender’ alone, so we need to come up with a term that captures the minority group in that particular composition of the committee.

Hon. Members, the direction we should take is whether the term ‘marginalized’ is appropriate instead of just ‘gender’ in this context. I want to give Hon. Pamela a chance to air her view and probably she could be having a different perspective on this.

**Hon. Pamela Odhiambo:** Thank you Mr. Chair, allow me to take you back to your sentiments and especially the alteration of Clause 8. What did you propose the ‘women representative’ of the Clause to read?

**Chairperson, Committee of the Whole House (Hon. Omieno):** “Marginalized gender”.

**Hon. Pamela Odhiambo:** Thank you Mr. Chair. However, I propose that that ‘woman representative’ on that clause 8 should not be altered thus should read as it read before. The reason for saying this is because; the Ward Administrator in my ward is a man but I am still not certain who the Village Council Administrator will be, the Sub-county Agriculture Officer is also a man, among other positions. So, if they are talking about women we should not always look at something that is just prescribed for the sake of writing then we are quick to alter it.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Thank you Hon. Member, can you have a Member to second your proposal?

**Hon. Pamela Odhiambo:** I want to call upon Hon. Jennifer Obonyo to second my proposal?

**Chairperson, Committee of the Whole House (Hon. Omieno):** Yes Hon. Jennifer Obonyo.

**Hon. Obonyo:** Thank you Mr. Chair, I want to second the proposal by my colleague Hon. Pamela.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Thank you, Yes Senior Member Hon. Paul Okiri.

**Hon. Okiri:** Asante sana Mwenyekiti, ningependa kutoa hoja kuwa tunapozungumza kuhusu mwakilishi wa kina mama katika jambo hili basi hatufany vile kwa kusudi la kuwadhulumu ila ni kwa kuwajumuisha. Jambo wazi ni kuwa tutakapoenda katika uchaguzi wa wanakamati mbalimbali, kuna uwezekano wa wanaume kuchaguliwa zaidi ya wanawake au huenda wanawake wakapata vyeo vingi zaidi ya wanaume. Iwapo hilo litendeke basi hatutakuwa na budi ila kuhakikisha kwamba nafasi hizo zimetengwa na kugawanywa kwa usawa wa jinsia zote mbili. Ombi langu kwako Mheshimiwa Pamela ni kuwa upate kuelewa wa maelezo yangu ya hapo awali.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Hon. Pamela could you take your seat as the Hon. Member is still talking.

**Hon. Pamela Odhiambo:** Unfortunately, I am not making sense of what the Hon. Member is saying.

**Chairperson, Committee of the Whole House (Hon. Omieno):** No, No, let me allow him to complete his submissions then you will also get your time to react to the same.

**Hon. Okiri:** Ninaloeleza ni kuwa tutakapokuwa tukichagua wanakamati kisha baada ya uchaguzi tupate kuwa wanaume ni wengi katika kamati hii, basi itabidi mwanamke atafutwe ili awe mwakilishi wa wanawake katika cheo hicho kilichotengewa wawakilishi wa jinsia ya kike. Vilevile, ikiwa wengi wa wanakamati watakoachaguliwa watakuwa ni wanawake basi katika kitengo cha wawakilishi wa wanawake, mwanamume atatafutwa ili awe mwakilishi wa jinsia hiyo ya kiume. Natumai umenipata sawasawa Mheshimiwa dadangu kwani hatukuwa katika hafla ya kudhulumu wanawake kwa kitengo chochote.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Asante Sana, kama nilivyoahidi awali kuwa baada ya Mheshimiwa Pamela kutoa maoni yake nampa Mheshimiwa Oiko aweze kuchangia pia katika kongamano hili. Nafasi kwako basi Mheshimiwa Oiko.

**Leader of Minority (Hon. Oiko):** Thank you Mr. Chair, when I look at the composition of the Ward Climate Change Planning Committee, the initial intention was that it was going to be dominated by men, so a slot was being preserved for a Woman Representative. The committee in its wise decision felt that in the composition; women could be more than men and in case that happens, which gender should be brought in? Thus their approach to the term ‘marginalized’. They are therefore neither discriminating against women nor making a conclusive decision that a particular gender has to be in the committee. I am pleading with the Members that we agree with the decision that the committee had come with by terming it as ‘marginalized gender’.

Consequently, my issue is on the same Clause 8 numbers 5 and 6, which the committee has decided to change the terms ‘Sub-County’ in both ‘Sub-County Agricultural Officer and Sub-County Environment, Water and Climate Change Officer to ‘Ward’. We argued over that last time and I am still pleading with the Members that we shall make a decision that might not be supported by Law. As it stands, we do not have a Ward Agricultural Officer nor a Ward Environment and Climate Change Officer because these are offices that have not been established. I opine that, we leave them as they are because we cannot preempt their establishment. I plead with Hon. Kennedy Ageng’o to support that because we cannot create offices which aren’t there.

I want to give an example with the Assembly today because we are experiencing a hurdle with the position of the Village Councils. This is due to an Act that we passed last year (2019) whereby the Village Administrators were to be appointed by the Public Service Board. These Village Administrators are then required to go and constitute the Village Councils, after which the council is brought back to the Assembly for approval. The hurdle comes in such that once the

PSB has appointed the Administrators and they are already up and working, why should they come back to the Assembly for approval? There was an oversight when that was being enacted, so if we leave this too as the committee has proposed then we will see darkness at the end of the tunnel.

**Hon. Ogutu:** Point of Information Mr. Chair.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Please allowed Hon. Ogutu.

**Hon. Ogutu:** (*On a point of information*). Thank you Mr. Chair, I believe that the Hon. Member is not being sincere because if he was there, then he is not in support of devolution.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Can you pass the information you intended to Hon. Member?

**Hon. Ogutu:** Mr. Chair, I want to first build my case. We are all aware that the positions he has mentioned does not exist as he has put it. However, we also want devolution to trickle down to the ward level and by creating all these laws, we are giving the government work to do from the ward level because that is the centre of devolution. We are therefore giving the County government an opportunity to later create these offices that have not been established.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Pete may you conclude your submissions?

**The Leader of Minority** (Hon. Oiko): Mr. Chair, people may give their opinion but let us not anticipate what has not been established rather, we should focus on what exists in the Law and that will protect us as well as ease implementation. That is why I believe that the earlier recommendations should not be altered, and I call upon Hon. Ageng'o to second?

**Hon. Ameso:** Before you give chance to Hon Ageng'o I would like to give some contribution to it.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Chair kindly take your seat for moment. I just allowed Hon. Pete Oiko to contribute on a specific point that I believe we were not deliberating on. I really wish that we conclude with the roman No. 8, and if there is any other proposed amendment on part (c) then we shall come to that. We will therefore be compelled to put a question for those who feel that it should be left as 'women representative' against those who feel that it should be changed to 'Marginalized, gender'.

**Hon. Pamela Odhiambo:** Can I say something Mr. Chair?

**Chairperson, Committee of the Whole House** (Hon. Omieno): Yes Hon. Pamela.

**Hon. Pamela Odhiambo:** Thank you Mr. Chair, I just want to plead with the Hon. Members on Clause 7, which refers; Youth Representative. This Clause does not specify the gender of the youth representative hence I plead that in the same case, you leave Clause 8 which refers; Women Representative' as it is. These are your mothers and sisters so let us not assume that the committees will have more women because we are not sure of the outcome that will be in the composition of this committee.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Thank you Hon. Pamela, I want to give Hon. Ameso a chance to say something then we can finalize with Hon. Ogutu and conclude this matter.

**Hon. Ameso:** Mr. Chair, I believe that you have already ruled on my concern because I can hear Members going to another Clause, which we are yet to get to. It was my request that you give guidance so that we dispense of with Clause 8 first.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Thank you for that Hon. Ameso. Let us get it from this perspective Members, and I want to request Hon. Pamela to understand that it is not a war that has been launched against women. What brings the confusion to Members is the idea of getting a term that cuts across both genders but not a term that only mentions a specific type of gender. We therefore want a term which when the committee is dominated by men or vice versa, it will refer to the specific minority gender that has been underrepresented in the committee.

**Hon. Pamela Odhiambo:** Mr. Chair, I have understood your explanation to that approach. However, we recently passed a Bill here on the two-third gender rule, such that in case of any employment the two-third gender rule must be observed. When this Bill was also brought here, I believe these people did their research well and they know that we have quite a number of representatives such as a Youth Representative, a Community Based Organization Representative, and another representative of PLWD. So, when they also thought of putting a woman representative they meant well for women because men are often dominant. Let us therefore not change the title as it was originally drafted. We know that we are always marginalized but we do not want to use that term here at the Assembly because we are empowered and the County Government and we also wants to apply the two-third gender rule.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Thank you very much Hon. Pamela. Senior Member Paul Okiri I can see you are on your feet, although I had given Hon. Ogutu chance to say something.

**Hon. Okiri:** Chair, with due respect, I seek for leave of the House for about two minutes so that we consult on this Clause.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Mr. Chair, can we give you two minutes of informal discussion so that you consult?

**Hon. Ameso:** Yes Chairman, you can grant us two minutes.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Request granted. We have allowed two minutes of consultation.

*(House goes for informal consultation)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Order Hon. Members! Order Hon. Paul Okiri! Hon. Members I believe that we are past the two minutes of consultation.

*(Loud consultations)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Order! Can we resume our seats Hon. Members! Order Hon. Pamela Odhiambo! We have exhausted the two minutes we gave for the informal consultation. I believe that it is appropriate that if we did not agree –of which I have to give Hon. Paul Okiri who requested for the two minutes- to tell us if there is any agreement. If there is not, then I shall be obliged to put a question for us to dispense with that matter. Hon. Paul Okiri.

**Hon. Okiri:** Thank you Chairman. We have had our “*Kamukunji*” and we have agreed that the committee Chair will give the direction.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Yes, Hon. Ameso.

**Hon. Ameso:** Chair, we still come back to you. In our *Kamukunji*, we have not had a consensus. The spirit of this Clause was to forestall a situation where any gender becomes dominant. We were looking for a better word on how the committee can comply with the two third gender rule. I leave it to you as the Chair to make a ruling.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. What is it Hon. Pamela Odhiambo?

**Hon. Pamela Odhiambo:** Thank you. The Committee Chair has talked and I have also heard what you have said. We had passed a Bill with the two-thirds gender principles which must be applied in all appointments - which was assented to by the Governor. So, Members should not think of a situation where more men than women will be employed. So, Clause 8 which refers to a woman representative should remain because it anticipates that men will be more than women when the employment is done. Let us not interfere with it to make women lame. Thank you.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. I believe that we will just use the procedure of the House. In the event of a contentious issue like this, the standard procedure is that we put it to a vote – the majority will have their way and the minority their say.

**Hon. Pamela Odhiambo:** Mr. Speaker before you put the question...

**Chairperson, Committee of the Whole House** (Hon. Omieno): Order Hon. Pamela! You can't speak without being given permission by the Chair.

*(Hon. Pamela Odhiambo attempts to walk out of the Chambers)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Order Hon. Pamela! Hon. Pamela you are now the Leader of Majority, and I have never seen a Leader of Majority walk out of the House. It will be the first time. It will be very unique that the Leader of Majority is walking out of the seat which should never be left vacant.

**Hon. Pamela Odhiambo:** But Mr. Speaker the Leader of Majority speaks for the government...

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Pamela allow me to rule on this matter. I request that we put a question. Remember the question we are putting is that those who feel that Clause 18 (c) (viii) should be retained as in the original Bill – having a woman representative; and there are those who feel that it should be amended to read “marginalized gender”. So I will put a question. Those who feel it should be amended as proposed by the Chair will say “Aye” and those who feel there should not be any amendment will say “Noes”.

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Chair, I think we should now move very fast because we have taken a lot of time.

**Hon. Ameso:** Thank you Chair. Clause 18 (c) (iii) that reads Village Council Administrator (alternative secretary) be amended to read Village Administrator and expunge the word alternate secretary.

Mr. Chair. on (xi) – a National Government Representative, Chief/Assistant Chief, during our deliberation we felt we leave it as it is even though there were some issues especially in a ward where we have two Chiefs. We made amendment that it should read a representative from the Department of Interior but I was convinced that we leave it as it is so we will not amend it.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Member, before you proceed, I don't know whether it is prudent that we make it very clear because you have two feelings on the same point. I feel we give Members a chance so that we dispense of with it once and for all.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Yes Hon. Paul Okiri.

**Hon. Okiri:** Thank you very much Chair. It is a bit complicated when we talk about a National Government representative. We have some wards that have two Chiefs; will the two chiefs be on board? If so, the number will surpass the prescribed number. In a case where we leave it as a



representative from the Department of Interior, that is quite broad - right from the village elder to the Ministry. In my observation, there is no need of bringing the national government into the issues of the county government especially on devolved functions like Environment and Water. Thank you.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Okiri can you get somebody to second?

**Hon. Okiri:** Thank you Chair. I call upon Hon. Ogutu to second?

**Hon. Ogutu:** Mr. Chair, I have a different opinion therefore I am not in a position to second.

**Chairperson, Committee of the Whole House** (Hon. Omieno): So before I give you a chance, we want to put it on record that we do not have a seconder for Hon. Okiri's proposal. Therefore I will be obliged to allow you to proceed Hon. Ogutu.

**Hon. Ogutu:** Thank you Chair. When we talk about climate change, we should look at each and every corner of our wards. I believe some of these climate change activities need the representative of the national government for them to be enforced. That is why I was saying I had a different opinion from Hon Okiri's who was opposing having the national government representative in this composition. For us to succeed, we need the "barazas", and it is only the Chiefs and the Assistant Chiefs who call village "barazas". In their "barazas", they will enforce the laws passed by the Assembly. I believe the involvement of the national government especially the Chiefs and the Assistant Chiefs is very important. Some of these officers have no capacity to implement some of these legislations if left alone without the representative of the national government. For that reason, I support that the representative of the national government which is the chief or assistant chiefs should be retained.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you very much Hon. Member. Sorry for the numerous consultations, we are just worried about time. I believe that Hon. Ogutu supports what we have in the Bill and therefore I will be obliged to put a question that we adopt it as it is in (xi)?

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Any other proposed amendment on the Clause, Hon. Ameso?

**Hon. Ameso:** Thank you Chair. On the same Clause, Clause 19 shall be amended to include additional sub Clause for removal of a member from the Ward Climate Change Planning Committee on the grounds set by Chapter Six of the Constitution 2010 and other relevant laws and regulations. The additional one (d) (h) will now read the removal of a member from the

Ward Climate Change Planning Committee on the grounds set by Chapter Six of the Constitution 2010 and any other relevant laws and regulations.

**Chairperson, Committee of the Whole House** (Hon. Omieno): We are trying to look at part (d) which reads for appointment to the committee, a member shall... Then it outlines that a member shall fulfill the provisions of Chapter Six of the Constitution, they shall have a basic knowledge... So here it stipulates the requirement for one to be a member of the committee. So you now talk of part (h) which talks on removal?

**Hon. Ameso:** Chair, that only talks of appointment but there was no provision on how a member can be removed.

**Chairperson, Committee of the Whole House** (Hon. Omieno): You are right. A removal of a member from the committee should be a different Clause on its own. I don't know the opinions of Members. Yes. Hon. Ogutu.

**Hon. Ogutu:** Mr. Chair, I believe that after appointment, then the removal from the committee should be stated clearly. Removal only comes after appointment; you cannot remove before you appoint. Because we have been given how to appoint, then the next stage. I then believe that the next stage is how to remove a particular officer. So, it should not be clamped together with the appointment.

**Chairperson, Committee of the Whole House** (Hon. Omieno): thank you Hon. Member. Hon Paul.

**Hon. Okiri:** If you are appointing, you must also know when that officer can leave the office. This is because we are making laws. These thing that we are making today, will eventually be there forever. So, when they are telling us how we can employ that we must also be told how he can also leave the office. Once he has gotten the letter, then it can be a big lacuna that we had never seen. We can only pass on how to employ but we did not pass how to remove from office.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you Hon. Member but remember that the chairperson is proposing on how to remove. Though it is coming as a sub clause with the heading "...for appointment to the committee, a member shall..." so they are bringing this as part of part (h) then it cites on how a member shall be removed from the committee. That is why I was bringing back to the members; do we have it as a stand-alone clause so that we put it differently? I do not know. It all depends on what the members decide, thank you.

**Hon Ameso:** I fully agree with you Mr. Chairperson. Let him put that particular 'removing' clause on its own so that it can be a stand – alone somewhere. So, after appointment, I know that I can be removed with the following factors, thank you.



**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Members, I believe that the hon. Chairperson is right because, I was initially looking at part ‘D’ it has the subs which is roman ‘(i)’ to ‘(vi)’ then again we have part ‘€’. So, if we put it as ‘(h)’ then I believe that he is right because it is not a sub of part (d) and all the letters that they got now are all standalones. So I believe that the Hon. Chairperson, you are absolutely right. So, just read and then we note it down, thank you Hon. Chairperson. Now the amendment of that sub clause should read ‘the removal of a member of the Ward Committee or The Ward Climate Change Committee on ground set by Chapter Six of the Constitution of Kenya and any other relevant Laws and Regulation’.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Pardon me, ‘Removal of a Member of Ward Climate Change Committee...’

**Hon. Ameso:** “The removal of a member, a member from the ward climate change committee on the ground set by the chapter six of the constitution of Kenya and any other relevant laws and regulations”

**Hon. Ameso:** Chairperson should I proceed?

**Chairperson, Committee of the Whole House** (Hon. Omieno): Please proceed.

**Hon. Ameso:** Thank you, to the chairperson, another amendment that clause ‘19’ shall further be amended to include the additional clause... that one I have read and have been taken care of .

The clause 19(c), (v) shall be amended to read ‘a resident of the given ward members nominated from the community under this section 19 (b) (vii – ix) shall be subjected to public vetting facilitated by Ward Administrator.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Member, Mr. Chairperson I think we are lost. You are talking of clause 19. Remember it is from frequency of meetings. Unless there is another change.

**Hon. Ameso:** Thank you Chairperson. In the Bill, if we go by it, it is 19 (c) bullet (v). That is on page 17 of the Bill.

**Chairperson, Committee of the Whole House** (Hon. Omieno): But I remember we had changed 19 to start from page 18?

**Hon. Ameso:** Mr. Chair, well, we can read the amendment now to read 18 (d), (v). remember in the Bill, it reads ‘ a resident of a given ward members nominated from the committee under this section...’ from 17 it should now read 18 where it is written 17 to be read as 18 (vii – ix) and shall be subjected to public vetting facilitated by the Ward Administrator not the Sub – County Climate Change Environment Officer.

Lastly, now clause 18 (b) under the composition of ward climate change committee shall be amended to include; a member of the ward with a relevant experience in matters of Climate Change and in accordance with clause 19 (C).

**Chairperson, Committee of the Whole House** (Hon. Omieno): Which roman number?

**Hon. Ameso:** That clause 18 (b) as amended, the Bill 18 (b) as amended, that is roman... it should be clause 18...sorry, it should be clause 18 (C) if I am right. It should be under the composition of the committee.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Which roman?

**Hon Ameso:** Roman... it is an additional one.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Roman XII?

**Hon. Ameso:** Chairperson if you look at the numbering of the composition of the Bill, you will realize that roman (i) read;

THAT chairperson shall be elected by members of the Committee. So, when we go by that, remember, we will be having a number which is not properly constituted. That is why we therefore come up with additional in the composition of the committee.

Another member be nominated or elected from a member from the ward with a relevant experience in matters of climate change in accordance with clause 18 (C).

**Chairperson, Committee of the Whole House** (Hon. Omieno): Chairperson, I believe that I am getting you, because if we look at roman (i) which reads; the chairperson elected by members of the committee which is very okay,

**Hon Ameso:** Yes.

**Chairperson, Committee of the Whole House** (Hon. Omieno): But, again you are saying that because the chairperson will be elected by the members of the committee. That one again reduces the number. So you are proposing, it to be read;

THAT a member be proposed from the committee. Do we put that under the composition? Under composition but which roman number?

**Hon. Ameso:** We give it an extra roman number there

**Chairperson, Committee of the Whole House** (Hon. Omieno): Okay, now can you read it?

**Hon. Ameso:** Thank you.

**Hon. Ogutu:** I rise on Appoint or order Mr. Chairperson.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Yes Hon. Ogotu.

**Hon. Ogotu:** I rise while citing Point of Order No. 33. Mr. Chairperson I am really worried with whatever we are doing. We are making a law which will be in this County for posterity and equally change the lives of our people. When we refer to that particular Standing Order, you will realize that there is no quorum in this House. I believe that it is at this hour that you can advise the House so that we achieve the required number to push this particular Bill so that even when we pass it, then it will not be question by any generation to come and that is my take.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Yes, Hon. Ogotu I agree with you but remember we are in the Committee of the Whole House. When it will be with regards to the quorum of this House, again for us to determine it substantively, we have to revert back to the plenary to make a ruling regarding the same.

As a Committee of the Whole House, why don't we dispense with this then we leave it hanging so that when the speaker comes back, then he shall give a ruling. I believe that it shall take us less than ten minutes.

**Hon. Ogotu:** Mr. Chairperson.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Yes Hon. Ogotu.

**Hon. Ogotu:** Mr. Chairperson, I believe that I am talking about a Standing Order which is not of my own creation and that is why I referred you to that particular Standing Order. I also believe that you have a copy of it on your table. Why don't you read it or give it to the clerk at the table so that you can hear what it is saying?

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Member, the reason as to why I was calling for the indulgence of this House is that we have to be sincere. When we were starting, I believe that we were more or less the same. Just one or two members have left. I am aware of the same.

**Hon. Ogotu:** Mr. Chairperson, even if one person leave the House...

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Member, I know that Hon. Members are also equally exhausted. Maybe, you just do not want to say that you are exhausted but I also understand.

*(Laughter)*

**Hon. Ogotu:** You know that this thing is on record. That is why I wanted you to read that particular Standing Order. Thereafter, is when we shall have known exactly where we are and where we are headed to. But, I will oblige since you are on the chair and will also respect your judgment.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you very much Hon. Member. I want to request that can we dispense of this matter within the next ten minutes so that we call the Hon. Speaker back to make a determination with regards to the issue of quorum.

**Hon. Ameso:** Thank you so much, I believe that it is the Chairperson of this committee (Water, Climate Change, Environment and Natural Resources) who is lagging us behind. How where exactly to refer since everyone has a copy and whoever has something to raise can either do that by himself/herself or through the Chairperson. If nobody has objected his submission, he should just go straight to where we are affected then somebody can come up with a suggestion after that. But, if we have any objections to make, why can't he just take us through his objections so that at least we finalize this thing once and for all.

Otherwise, what *Mheshimiwa* is proposing is very vital. We have seen where a vote has to take place against the Whole Kisumu County Government. It is a vote of the numbers that were here is subjected to almost one million voters in Kisumu County. We have to be very careful since this is not just a mere motion but are Laws and so, the chairperson has to take us through the right direction so that it does not boomerang back to us.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Chairperson, can you do it very fast.

**Chairperson, Committee of the Whole House** (Hon. Omieno): What is it Hon. Ogotu...

**Hon. Ogotu:** Before the chairperson...

**Chairperson, Committee of the Whole House** (Hon. Omieno): No, Hon. Ogotu it is me who is supposed to give you the chance to speak. Therefore I deny you that chance, for now as the Chairperson of Committee of the Whole House, I will allow Hon. Ameso to continue.

**Hon. Ameso:** Hon. Chairperson I am through with the amendments.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Can you just read the last one which was the inserted roman on part (c).

**Hon. Ameso:** Under the composition of the ward Climate Change Committee.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Yes.

**Hon. Ameso:** We include a Member of ward with relevant experience in matters of Climate Change. We include it there to be part of the membership.

**Chairperson, Committee of the Whole House** (Hon. Omieno): The composition of the Committee? With matters... a member of ward with relevant experience in matters...

**Hon. Ameso:** Mr. Chair, of Climate Change.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Of Climate Change, is it?

**Hon. Ameso:** Yes.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Is that all?

**Hon. Ameso:** That is all of it Mr. Chairperson.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Any other amendment?

**Hon. Ameso:** No any further amendment.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you very much Hon. Member. So can we put a question on clause 18?

*(The question was put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): We go to part III and I will call the clerk to read it as a whole.

*(Clerk at the table read part III)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you very much. Part III runs from page 18 clause 20 to page 36 clause 43. Mr. Chairperson, did you have any proposed amendment on part III?

**Hon. Ameso:** There is no amendment and with your guidance, from Clause 20 to the last Clause (67) of the Bill, there is no amendment. You can also go through it, only on Clause 68...

**Chairperson, Committee of the Whole House** (Hon. Omieno): Since it is a different part, allow us to put a question from clause 20 all the way to 67?

*(The question was put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Clause 20 all the way to clause 67 stands Adopted without any amendment. We go to clause 68. Clerk at the table read part VII.

**Hon. Ogutu:** On a point of order Mr. Chairperson.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Yes Hon. Member.

**Hon. Ogutu:** We should not be blind when the law speaks. I believe that we are talking about the Standing Orders. It compels me to read for you that Standing Order because it seems that you do not want to listen to what I am saying. Mr. Chairperson, please listen to this.

- 1) *“If at any time the chair is taken, or when the county assembly is in committee, a Member objects that there is no quorum present, the Speaker or the Chairperson shall count the County Assembly or the Committee as the case may be.*
- 2) *If on the count under paragraph (1) a quorum does not appear to be present, the Speaker or the Chairperson shall cause the Division Bell to be rung as on a Division, and if no quorum is present at the expiration of eight minutes-*
  - a) *if the speaker is on the chair, the Speaker shall adjourn the county assembly until the next sitting without question put; and*
  - b) *if the county assembly is in committee, the chairperson shall leave the Chair and report the fact to the Speaker, who shall adjourn the county assembly until the next sitting without question put”.*

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you very much Hon. Member...

**Hon. Ogutu:** Mr. Chairperson I believe that this is a genuine Standing Order of Kisumu County Assembly and we should not assume as if we are not raising a very genuine Standing Order that runs this Assembly. I believe that the best thing is to do exactly what the Standing Order is talking about.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you very much. I will exactly do that. I now call upon the Whip that happens to be seated here to confirm for us the number of members on the floor and to consider the number of those following the proceedings via Zoom since I believe they are very many. Just get the numbers hon. Whip

**Hon. Ogutu:** Mr. Chairperson

**Chairperson, Committee of the Whole House** (Hon. Omieno): Order Hon. Member!

**Hon. Ogutu:** One minute Mr. Chairperson.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Order!! Hon Member. Your request is declined. Allow Hon. Whip to proceed.

**Deputy Whip** (Hon. Obonyo): Thank you Mr. Chair. I believe that this House has the required quorum because some of our Members are virtually connected via the Zoom Application. Thank you.

**The Chairperson** (Hon. Joachim): Thank you Hon. Member. I want to give a ruling on that.

**Hon. Ogutu:** Mr. Chairperson I believe that it is not clear...

**Chairperson, Committee of the Whole House** (Hon. Omieno): Order!! Hon. Member. Can you allow the Chair to give you a chance?

**Hon. Ogutu:** Mr. Chair, please give me one minute.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Declined Hon. Member! I am making a ruling. Hon. Members, it is very clear that we have seven hon. Members on the floor and it is very clear from the Whip that we have ten more members following the debate via Zoom. So, I do not know why you are raising a question yet the Whip has confirmed that the quorum is there. So, can we continue Mr. Chair?

**Hon. Ogutu:** Can you get my side Mr. Chair?

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Ameso, please proceed.

**Hon. Ameso:** Thank you chair, under clause 68 the part should be read as part VIII not part VII because in part VII, we have MISCELLANEOUS. So, that is the only amendment that should read part VIII (DELAGATED LEGISLATION), thank you chair.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you very much; I do not know whether there is a proposed amendment for part VIII?

**Hon. Ameso:** There is no amendment.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Members? A Second time from the floor?

**Chairperson, Committee of the Whole House** (Hon. Omieno): Yes, senior Member Paul Okiri.

**Hon. Okiri:** Thank you. If you look at Clause 68 2(a); we are talking about the County Executive Member may make regulations for

*(a) procedure and criteria for selection and participation of partition in the climate change project.*

Mr. Speaker I think this is left as an open Cheque because it is through him that the procedure is now left for the CEC Member for selection of participation in Climate change projects. I don't know whether the Chair can expound on this.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Hon. Member I would wish if you could take a different direction and you would suggest how you would wish that particular part would be amended rather than making the Chair to explain the content of the Bill.

**Hon. Okiri:** It should read in consultation with the County Assembly Members.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you Hon. Member. Can you have a seconder for that particular proposal?



**Hon. Okiri:** I wish to call upon Hon. Ameso to second?

**Hon. Ameso:** Mr. Chairperson I do not want to be part of what the Hon. Member is trying to bring and I am not going to second.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Thank you Chair. I don't think you need to say much. Therefore the proposal has no seconder which makes it to die a natural death. Is there any further amendment?

*(Silence)*

**Chairperson, Committee of the Whole House (Hon. Omieno):** If there is no any further amendment I propose to put a question for the adoption of part VIII with the said amendments to form part of the Bill?

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House (Hon. Omieno):** Therefore part VIII stands adopted as part of the Bill with the said amendments. On the Memorandum of Objects and Reasons;

**Chairperson, Committee of the Whole House (Hon. Omieno):** Yes Mr. Chair.

**Hon. Ameso:** There is no amendment in that part of the Bill.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Thank you. I propose to put a question on the adoption of the Memorandum of Objects and Reasons to form part of the Bill without any amendment?

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House (Hon. Omieno):** Memorandum of Objects and Reasons stands adopted to form part of the Bill without any amendments.

**Chairperson, Committee of the Whole House (Hon. Omieno):** Yes Mr. Clerk would you take us through the long title of the Bill.

*(The Clerk takes Members through the Long Title of the Bill)*

The Kisumu County Climate Change Bill, 2020. A Bill for an ACT of the County Assembly of Kisumu to provide for regulatory framework for enhanced Climate Change; to provide for mechanisms and measures to achieve low carbon climate development; financial mechanism for implementation of climate change adaptation activities and connected purposes.

ENACTED by the County Assembly of Kisumu as follows-



**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you Mr. Clerk. Mr. Chair, is there in proposed amendment to the long title?

**Hon. Ameso:** No amendment.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you. To Hon. Members, is there any proposed amendment to the long title? I therefore propose to put a question on the adoption of the long title of the Bill without any amendment?

*(Question put and agreed to)*

**Chairperson, Committee of the Whole House** (Hon. Omieno): The long title stands adopted as part of the Bill without any amendment.

**Chairperson, Committee of the Whole House** (Hon. Omieno): Thank you Hon. Members, I know we have taken a lot of time but I would like to thank all the Members for actively engaging. I would like to appreciate the Chair and say that it has been a very good work done by the House Committee and I want to thank you all for the commitment. Thank you.

*(House reverting to plenary)*

*(Hon. Speaker resumes his Chair)*

**The Speaker** (Hon. Oraro): Yes Liaison Chairperson, can you report back to the plenary on what transpired during the committee of the whole House.

**Hon. Joachim:** Thank you Mr. Speaker. It has been a very long deliberation but I want to report that Members did deliberate well. We only had amendments on Clause 18 which in on page 16. Which reads; Ward Climate Change Planning Committee; there shall be established a Ward Climate Change Planning Committee in each Ward.

Mr. Speaker Clause 19 then should be replace by Clause 18 (b). Clause 18 (b) which reads; the ward Climate Change Planning Committee shall-. Clause 18 (b) goes all the way. What was originally 19 (b) changes to (c) and (c) changes to (d): this goes all the way up to (g). On to Clause 18 (c) on the Composition of Ward Climate Change Planning Committee; (I) the Chairperson elected by Members of the committee and ratified by the Planning Committee.

Mr. Speaker the part ‘and ratified by the Planning Committee’ is deleted which should now read; the Chairperson elected by Members of the committee. (II) Remains the same. (III) Which reads; Village Council Administrators (Alternate Secretary). The word ‘(Alternate Secretary)’ is deleted and therefore reads; Village Council Administrators. (IV) Reads; Sub-County Agricultural Officer. That is deleted and replaced with Ward Agriculture Officer. (V) Reads; Sub-County Environment /Water/Climate Change Officer. The Sub-county Environment/Water is deleted and we remain with Ward Climate Change Officer. (VI) Which Reads; Representative

of Member of County Assembly. The ward ‘Representative’ and ‘of’ is deleted and remain with Member of County Assembly.

Mr. Speaker on (VII) remains the same and (VIII) the word woman Representative is deleted and replaced with Marginalized Gender. (IX) (X) and (XI) Remains the same. There was and insertion of part (XII) which reads; a Member of ward with relevant experience in matters of Climate Change.

Mr. Speaker on the same Clause 18 (c) which is now (d) after the changes there is part (v) which reads; a resident of the given Ward Members nominated from the Community under this section 18(b) (vii – ix) shall be subjected to public vetting facilitated by the Sub-County Climate Change/Environment Officer. The word Sub-county Climate Change/Environment Officer is deleted and replaced with ‘the Ward Administrator’.

Mr. Speaker there is also insertion of Sub-clause (h) remember it goes that; (e) is replaced by (f), (f) is replaced by (g) then there is an additional Sub-Clause (h) which reads; Removal of a Member of the Ward Climate Change Committee on the grounds set by Chapter VI of the Constitution of Kenya and any other relevant laws and regulations. Mr. Speaker due to those changes Clause 19 starts from Frequency of Meetings.

Mr. Speaker we don’t have any amendment up to clause 67. PART VII which reads; Delegated Legislation should be PART VIII and reads; Delegated Legislation.

Mr. Speaker there was no amendment on clause 68 and Memorandum of Objects and Reasons. There was also no amendment on Long and Short Titles of the Bill. I therefore wish to call upon Hon. Ameso to second?

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

**Hon. Ameso:** Thank you. I second with the amendments therein.

**The Speaker** (Hon. Oraro): Hon. Members, now that we have received the report from the Committee of the Whole House by the Liaison Chairperson and seconded by the Chairperson of Water, Environment, Natural Resources and Climate Change committee. I want to put a question on the adoption of the report from the committee of the whole House with the amendments therein.

*(Question put and agreed to)*

**The Speaker** (Hon. Oraro): The report from the Committee of the Whole House on the propose Kisumu County Climate Change Bill, 2020 is hereby adopted today 29<sup>th</sup> September 2020 at 1803 hours.

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

**Hon. Ogutu:** Thank you Mr. Speaker. I rise citing the provisions of Standing Orders No. 29; Adjournment of the County Assembly.

Mr. Speaker, I am not going to read that particular Standing Orders but I believe that the Hon. Members have tried hard to discuss this motion. I know that this is an important Bill for this County Assembly and on that note I was pleading with the Chairperson, Committee of the Whole House to adjourn this House so that the 3<sup>rd</sup> Reading shall be done in the next sitting. I believe that the Hon. Members have really exhausted their energy in this particular Bill and it is time for the sitting of today to end. In any case we were to continue then I believe it could be right for us to either extend time for the sitting or to break and come back.

**The Speaker** (Hon. Oraro): Hon. Ogutu I get what you are saying but you are confusing us. I have just looked at my watch and I am seeing it is passed 6.00 p.m. and we should be ending at 6.30 p.m. which means at this moment you should either request for an extension of time. You are talking about extension of time and adjournment; which motion are you really moving?

**Hon. Ogutu:** Mr. Speaker, I am moving a Motion of Adjournment of the County Assembly. I am saying this because we still have some businesses to transact. I therefore call upon Hon. Okiri to second?

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

**Hon. Okiri:** Thank you Mr. Speaker. I tend to disagree with Hon. Ogutu.

**The Speaker** (Hon. Oraro): Hon. Member, Hon. Ogutu has not requested you to debate but has proposed you as a seconder. Hon. Ogutu who is your seconder?

**Hon. Ogutu:** I wish to call upon Hon. Ageng'o to second?

**Minority Whip** (Hon. Ageng'o): Thank you Mr. Speaker. I second his proposal.

**The Speaker** (Hon. Oraro): Thank you. Now that the Motion for Adjournment has been proposed by Hon. Ogutu and seconded by Hon. Ageng'o, I want to propose that it is open for debate?

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

**Leader of Minority** (Hon. Oiko): Mr. Speaker, we are on the 3<sup>rd</sup> Reading of the Kisumu County Climate Change Bill, 2020 and what I know it won't need a lot of debate and the energy that we have exhausted while discussing this Bill and we should not defer it up to tomorrow. I would like to implore the Members that we spend another 30 minutes or the next one hour to pass this Bill to become an Act because it is urgently needed by the County Government of Kisumu for them to source for more donor funding. That will not be a big burden on us.

**The Speaker** (Hon. Oraro): Yes Liaison Chairperson.

**Hon. Joachim:** Hon. Speaker, I would like to agree with my brother Hon. Ogotu on his motion and I want to support. Mr. Speaker these Members have really persevered and I can see that from the mood of the House the Members are really exhausted. For us to begin tomorrow with fresh minds allow the Members to relax. Therefore I support that we adjourn the House so that we can proceed tomorrow. Hon. Ameso.

**Hon. Ameso:** Thank you Mr. Speaker. I want to agree with my friend Hon. Ogotu that indeed Members have really taken their time to debate on this Bill and if you can look at even the mood of my good friend Hon. Inviolata then her face can tell you how exhausted we are. It will be much in order for the House to be adjourned until tomorrow in the afternoon.

**The Speaker** (Hon. Oraro): Hon. Inviolata you have been mentioned.

**Hon. Inviolata:** Yes. I wish to call the mover to reply.

**The Speaker** (Hon. Oraro): Hon. Members, I was just consulting the Clerk and we were looking at the time. If we were to extend the House then we ought to have requested for an extension at least 30 minutes before 6.30 p.m. We are 15 minutes past 6.00 p.m. and therefore we would be out of order. Our Standing Orders on handling of Bills provides that each reading of the Bill is done at a time which means the Chairperson can agree that two steps are done at ago. Therefore if we were to do the 3<sup>rd</sup> Reading of this Bill then, we are not outside the Standing Orders.

Hon. Ogotu has raised a motion pursuant to the provisions of Standing Orders No. 29 which was seconded by Hon. Ageng'o and in such manner we don't put a question neither will I request for reply from Hon. Ogotu. I would like to say that we should take this matter to the second day and it be the first business as per our Standing Orders No. 30; Resumption of Interrupted Business.

### ADJOURNMENT

**The Speaker** (Hon. Oraro): Therefore the House stands adjourned to Wednesday 30<sup>th</sup> September 2020 at 2.30 p.m.

*(House rose at 06.26 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>            |