

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

SECOND ASSEMBLY – FOURTH SESSION

Wednesday, 11th November, 2020

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

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

PRAYERS

The Speaker (Hon. Oraro): Madam Clerk, take us through the business of the day.

The Speaker (Hon. Oraro): Next order!

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oraro): Honourable Members, welcome to this session. I believe we shall transact the business of this House as fast as possible because you are aware that we have the commitment to engage the Executive and your arrival to the destination should be today. This meeting is important since it shall inform how we do business going forward.

Secondly, it has come to my knowledge that there is a lot of information that moves from the Assembly to the public including those that are meant to be with us. I want to appeal to you for the last time that, if there is any communication that is meant for the Assembly then let it be for the institution. There is only one office that is allowed to communicate to the external persons, that is the Office of the Clerk with the extension of the Office of the Speaker. This trend of

sending information from the Assembly on matters that have not been addressed to the public, again please, I want to humbly request that let us treat ourselves as Honourable Members. Let it be for the last time.

We have done investigations and I am not going to call names but there are those Members who have that habit, I want to request that it ends henceforth.

Finally, on Wednesday 18th November, 2020 from 9 a.m. to 10 p.m. Nyandarua County Assembly will be holding there sessions here for two hours. They have gazetted Kisumu County Assembly as their place of the Assembly. They will come with their Mace and everything. So, please let us give them the necessary support and humble time. Our committee work will continue as usual. Anybody that would want to join them in the public gallery is welcomed.

Hon. Members, I also want to take this opportunity to remind any Member who has not contributed towards the welfare of our colleague, Hon. Caren Ny'angoya to do so. You are aware that she was bereaved. I am told she is traveling tomorrow. However, title you have please send it to Hon. Jennifer Obonyo. Otherwise, you are welcome.

The Speaker (Hon. Oraro): Next order!

PAPERS LAID

THE GOVERNOR'S MEMORANDUM ON THE KISUMU COUNTY CLIMATE CHANGE
BILL, 2020.

BY

LEADER OF MAJORITY

HON. KENNETH ONYANGO

AND

THE KISUMU COUNTY BUDGET REVIEW AND OUTLOOK PAPER FY 2019/2020

BY

LEADER OF MAJORITY

HON. KENNETH ONYANGO

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

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. Pursuant to the Standing Order No. 137 (3) and (4), I wish to lay today Wednesday 11th November, 2020, the Governor's Memorandum on the Kisumu County Climate Change Bill, 2020.

The Speaker (Hon. Oraro): Honourable Members, I confirm the receipt of the Governor's Memorandum on Kisumu County Climate Change Bill, 2020. Going through the document, the Governor has declined to sign the Kisumu County Climate Change Bill, 2020. I can also see one contentious issue. That is on the Membership to the Ward Climate Change Planning Committee where there was a proposal that Members of the Assembly to be part of the team.

The Governor is recommending that instead of the Member of the Assembly being part of the team, let them present their representatives so that it doesn't interfere with the Oversight role of the Assembly. I believe that, this is in good faith. I want to urge Members that let us consider this. As I said earlier, this Bill is important because it is going to inform the working relationship between County Government and some financiers who are already having the funds and cannot release it because of the Bill.

As per the Standing Order, I want to commit this Memorandum to the Water, Environment, Natural Resources and Climate Change Committee. I therefore direct that you meet on Wednesday morning to discuss this matter and report back to the House as appropriate. I also expect the committee to liaise with the House Business Committee so that a Supplementary Order Paper can be done because of the urgency of the matter.

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

Leader of Majority (Hon. Onyango): I also have another Paper to lay.

The Speaker (Hon. Oraro): Please proceed.

Leader of Majority (Hon. Onyango): Pursuant to the Public Finance Management Act, 2012, I wish to lay today Wednesday 11th November, 2020, the Kisumu County Budget Review and Outlook Paper FY 2019/2020. Thank you.

The Speaker (Hon. Oraro): Honourable Members, I confirm the receipt the Kisumu County Budget Review and Outlook Paper for FY 2019/2020. I want to remind the House that you are aware that we are in the Budget Making Process which is Cycle. The Budget Review and Outlook Paper is one document in the Budget Making Process. I therefore commit this report to the Budget and Appropriations Committee and should work on it within the timeline as per the Kisumu County Standing Orders. The House Committee should take this matter seriously having in mind that the budget making process has timelines.

The Speaker (Hon. Oraro): What is it Leader of Majority?

The Leader of Majority (Hon. Onyango): Mr. Speaker, you have rightfully said that the budget making process as well other documents have timelines but there is a lacuna somewhere along the way. If you look at the time some of those documents were received, it is about a month and

this may interfere with documents that are of urgency. I believe that this could be an administrative matter that you should look into, thank you.

The Speaker (Hon. Oraro): Thank you for the concern I have just noted the date there and I want to promise that I will look into it because it sure is an administrative issue.

The Speaker (Hon. Oraro): Next Order!

STATEMENTS

The Speaker (Hon. Oraro): Yes Hon. David Arao, MCA for Railways Ward and Chairperson of Committee of ECD, Adult Education and Vocational Training.

Hon. (Pst.) Arao: Thank you Mr. Speaker. Pursuant to Kisumu County Assembly Standing Order No. 41(2) (b), I wish to request for a statement from the Chairperson of the Standing House Committee of Water, Environment and Natural Resources.

The Speaker (Hon. Oraro): Hon. Arao, was that statement approved?

Hon. (Pst.) Arao: Yes it was approved and signed Mr. Speaker.

The Speaker (Hon. Oraro): Please proceed.

Hon. (Pst.) Arao: Mr. Speaker, It has come to my attention that the quarry site at Kanyakwar is full of water and not fenced. This state has become hazardous to the people around that area as a form two student who was studying at Kudho Secondary school recently drowned in the quarry. Mr. Speaker, it is from this backdrop that I seek a statement from the Chairperson of the Committee of Planning, Industrialization and ICT to probe the concerns, interrogate and report back to this honorable House.

1. Who the owner of the site of the quarry is?
2. Why isn't the site fenced to protect the locals against accidents?

Thank you.

The Speaker (Hon. Oraro): Hon. Arao, despite the statement having been approved, I have just noticed something but I am not sure if you have noticed the same?

Hon. (Pst.) Arao: Yes I have noticed that the statement is addressing two different committees but now it all depends on your ruling Mr. Speaker.

The Speaker (Hon. Oraro): Which House Committee were you directing the statement to? Is it the Standing Committee for Water, environment and Natural Resources or is it that of Planning, Industrialization and ICT?

Hon. (Pst.) Arao: Mr. Speaker, the reason why this statement is coming out this way is because the Standing Committee of Water, Environment and Natural Resources might not know tell exactly who the owner of the land where the quarry is...

The Speaker (Hon. Oraro): Hon. David Arao.

Hon. (Pst.) Arao: Yes Mr. Speaker.

The Speaker (Hon. Oraro): You are seeking for a statement from the Chairperson of Water, Environment and Natural Resources as well as a statement from the chairperson of Planning, Industrialization and ICT to probe some concerns.

Hon. (Pst.) Arao: Mr. Speaker, I thought this one would just fall under the Standing Committee of Planning, industrialization and ICT, chaired by Hon. Olwal. My interest was on why this land has been left...

The Speaker (Hon. Oraro): So what is the role of the Chairperson of the Department of Water, Environment and Natural Resources?

Hon. (Pst.) Arao: Mr. Speaker, well, I thought that they would look into these waters that have been killing people and find a remedy to it. Mr. Speaker, all the same you can still direct the same to the relevant House Committee.

The Speaker (Hon. Oraro): Is your concern on the waters killing people or the ownership of that land site with the quarry water killing people?

Hon. (Pst.) Arao: Mr. Speaker, if the land is a public land, it might take longer than if it is owned privately then the relevant line Committee will investigate so that quick action is taken. That is the reason I thought it wise to find the ownership of that piece of land.

The Speaker (Hon. Oraro): Thank you honorable Members, I have received a statement from Hon. (Pst.) David Arao but I want to differ committing it to any committee and I will consult and make a decision in our next sitting.

(Statement deferred)

The Speaker (Hon. Oraro): Next order!

MOTION

DISBURSMENT OF SCHOLARSHIPS AND BURSARIESFUND FOR THE FY 2018/2019
AND FY 2019/2020

PRESENTED BY;

HON. (PST.) DAVID ARAO, CHAIRPERSON OF THE COMMITTEE OF ECD, ADULT EDUCATION AND VOCATIONAL TRAINING.

The Speaker (Hon. Oraro): Yes, Hon. Arao.

Hon. Arao: Thank you Mr. Speaker. Considering our previous report and the unfolding events on the same, I would like to humbly ask you to give us more time so that we can come up with a comprehensive report. I ask the Leader of Majority to second.

The Speaker (Hon. Oraro): Hon. Arao, we have discussed this matter several times and this is a matter of topical concern and of interest to both elected and nominated Members and Kisumu County as a whole. This is the third time that you are requesting for more time. We had agreed that whether you have completed the report or not, bring the report, with the challenges that you have and the recommendations so that Members can agree on the way forward. I don't know what other Members feel. The Leader of Majority I don't want you to second this matter before we get the feeling of Members.

The Leader of Majority (Hon. Onyango): Mr. Speaker, I don't want to second. I believe that we discussed the matter with the Chair and the understanding was that we drop the report considering the constraints of time so that Members can have ample time to travel. I didn't know that the report is not ready. Nevertheless, I would wish that this report, because it is very important to Members, be discussed when we are not under any pressure of travelling and considering that there is curfew, we would wish that we reach Naivasha in good time. My understanding is that the report is withdrawn so that we reschedule it for discussion next week.

The Speaker (Hon. Oraro): Hon. David Arao, are you asking for more time or you are withdrawing the report because of the constraints of time?

Hon. Arao: Mr. Speaker, allow me to say that both are in order...

The Speaker (Hon. Oraro): Hon. Arao please be specific.

Hon. Arao: Mr. Speaker, it is both because as we speak, cheques are being drawn and that matter will only be concluded once the...

The Speaker (Hon. Oraro): Hon. Arao, let me get what Hon. Pamela is saying.

Hon. Pamela Odhiambo: Thank you Mr. Speaker. Hon. Arao is taking us round in this matter. This report was supposed to be read two weeks ago. I personally called the Chair when some learners had already been sent home to look for fees and he promised he would bring the report to the House last week. The Chair informed me the cheques for Form Fours were being drawn so I did visited the Bursary Offices to confirm. When I went there, they informed me that the cheques cannot be written because there is no money. Hon. Arao is playing with us in this

House. We want the report to be read. Because we are travelling today I feel we give him more time so that the report can be read next week.

The Leader of Majority (Hon. Onyango): *(On a point of Order)*. Mr. Speaker, I rise on Standing Order No.89. This is a House that should be treated very seriously and we cannot rely on rumours and street talk for purposes of record. We did invite the CEC for Education in this House and he committed on record that the cheques are being written. As the Leader of Majority, I am aware that what the Chair of Education is saying is true. Indeed, the Department has started writing cheques for Form Fours, colleges and driving schools. That is the reality. So when somebody goes to the Department and has some chit-chats – and that forms basis upon which they make contributions in this House - is worrying! Thank you.

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

Hon. Pamela Odhiambo: Thank you Mr. Speaker. I didn't know the Leader of Majority was in this House Committee and I want to say that this why this committee is not doing well.

(Laughter)

Hon. Pamela Odhiambo: Mr. Speaker, I am also very sorry for that Hon. Leader of Majority. We were elected by the people to represent them here. I do not like lies. When I was told the cheques were being written, I took it upon by myself to go and check and bring back the report to my electorates. By then, some students were in my house and I wanted the information to give them so that they report back to school.

Sometimes when the cheques are being written, I do write letters through my office requesting the respective teachers to allow them stay in school for a particular period of time. But, in this case, I was told that the money has not yet received hence they could not write the cheques. Mr. Speaker, let us give the Chairperson (Hon. David Arao) time so that we get the full report in this House latest next week concerning bursaries Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Thank you, but, it is unfortunate that you have deviated from what I wanted us to discuss. The chairperson asked for more time. I have the report with me from ECD Adult Education and Vocational Training Committee. I cannot tell whether it is the right one or not.

The other thing which I do not understand is why Hon. Arao is requesting for more time yet the report has been availed and the House has also scheduled it for discussion. Or do you have something in your mind? The Leader of Majority is also confirming that he talked to the chairperson and agreed that the debate on the report be postponed to a later date due to constraints of time. He also basing his argument on curfew time because Hon. Members are supposed to travel to Naivasha for a meeting with the Executive.

The Speaker (Hon. Oraro): To Hon. Members, I am now confused. What is your take, because the report is here?

Hon. Arao: Mr. Speaker, with all due respect, the report you have is a progress report. That is why the Leader of Majority is right and is in order for saying that due to our trip schedule, we would like to push it to a later date.

The Speaker (Hon. Oraro): Hon. Arao, this is a House of Rules and Procedures. Can you be specific on what you want?

Hon. Arao: Kindly give us two more weeks so that we come and debate on the report.

The Speaker (Hon. Oraro): Hon. Member, we have a report here.

Hon. Arao: Let me withdraw the Notice of Motion so that we bring back the report on another day. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Are you requesting for the withdrawal of the report?

Hon. Arao: Yes Mr. Speaker.

The Speaker (Hon. Oraro): Who is seconding?

Hon. Arao: The Leader of Majority kindly second that.

The Leader of Majority (Hon. Onyango): Mr. Speaker, allow me to second.

Hon. Pamela Odhiambo consulting loudly

The Speaker (Hon. Oraro): Hon. Member. Hon. Arao has requested that he withdraws the report. Before I open it for debate, somebody has to second it. He has called upon the Leader of Majority to second.

Hon. Pamela Odhiambo: Mr. Speaker, I just wanted him to give a request and furnish us with the timeline altogether.

The Speaker (Hon. Oraro): To Hon. Pamela Odhiambo, I am going to give two or three people to debate on that. Then you will raise those issues.

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

The Leader of Majority (Hon. Onyango): Mr. Speaker, I want to second the Withdrawal Motion. But, let us have clear rules of engagement in this House. The Chairperson ECD Adult Education and Vocational Training Committee is the person who is permitted by the rules of this House in giving us information pertaining to his committee and the Department of Education. That should be the official line of communication.

So, sometimes when we are getting unofficial information, that brings a lot of mix up and I would plead with members to desist from that kind of practice. Otherwise, Mr. Speaker I want to believe that probably next week the chairperson should be in a position to bring the report so that this matter can be concluded, thank you.

The Speaker (Hon. Oraro): Thank you so much. Hon. Arao requested to Withdraw the Notice of Motion. This was seconded by the Leader of Majority. Though he did not quote the Standing Order but it is provided for in the Standing Order No.49.

“Motion withdrawn may be moved again

1. *A notice of motion may be withdrawn by the Member who gave the notice, but notice of the same Motion may be given again either by the same or by any other Member”.*

The Speaker (Hon. Oraro): It is in order and I realized that Hon. Pamela has a burning issue. On that note, before I make a ruling, let me give her time.

Hon. Pamela Odhiambo: Thank you Mr. Speaker and I support the withdrawal motion. I do not want it to be seen that us going for the Naivasha trip, is the reason as to why the report is being withdrawn. I just want to plead with the able Chairperson Hon. Arao to go back and give the report. The way Leader of Majority has talked to Hon. Arao is the same way I discussed with him also. This issue is on our neck and what you told me was not true so next time, do not hide the truth. We all know that the cheques are not in your docket. You are just a Chairperson of a House Committee yet the cheques are in another docket. Do not always try to defend the Education Department. Whenever the cheques are being written, just tell us the truth.

After two weeks I went to check if the cheques are ready since the students were sent home. It means that I was in order, performing one of the duties I was elected for. In Naivasha I know that we are going to meet the CEC for Education and I am sure he has the full report. So, try so hard to bring back the report by next week so that when our constituents ask we know what to tell them. Thank you.

The Speaker (Hon. Oraro): Hon. Members I don't want to open it for debate but I direct that Hon. Arao to come back with the report to the House on 18th November 2020. So, Madam Clerk and Members of the House Business Committee, kindly take note that the report that has been withdrawn has to come to the House next week. Thank you.

The Speaker (Hon. Oraro): Next Order!

MOTION

ADJOURNMENT ON DEFINITE MATTER OF COUNTY IMPORTANCE PURSUANT TO
KISUMU COUNTY ASSEMBLY STANDING ORDERS NO. 31, BY LEADER OF
MAJORITY

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

The Leader of Majority (Hon. Kenneth Onyango): Thank you Mr. Speaker. Allow me to move an Adjournment Motion today 11th November 2020 so that Members can have time to congregate in Naivasha for purposes of engaging with the Executive on matters that are of County importance. May I ask the Leader of Minority to second?

The Speaker (Hon. Oraro): Yes Leader of Minority.

The Leader of Minority (Hon. Pete): Thank you Mr. Speaker. I support the Motion of Adjournment of the House because it will give the Members an opportunity to go and brainstorm on County issues which will give us way forward on our development and other programmes of the County. Since time is not on our side, I would like to plead with the Hon. Members that we adjourn and we resume next week on Wednesday to continue with our normal business. Thank you and I support.

The Speaker (Hon. Oraro): Hon. Members, Standing Orders No. 31 provides for Adjournment of Definite Matter of Urgent County Importance and it provides that any Member might anytime rise in his/her place and seek to move the adjournment of the County Assembly for the purpose of discussing definite matters of urgent County importance. If the Speaker is satisfied in terms of the motion moved that is the paragraph two which states that;

‘A Member who wishes to seek leave to move the adjournment of the County Assembly shall, at least two hours before the commencement of the sitting, hand to the Speaker a written notification of the matter but the Speaker shall refuse to allow the claim, unless the Speaker is satisfied that the matter is definite, urgent and of County importance and may properly be raised on a Motion for adjournment of the County Assembly.’

Hon. Members, I can confirm that the matter is of importance and it is urgent; that is why I allowed the Leader of Majority to move it but remember paragraph three of Standing Orders No. 31 states that;

‘If the Speaker is satisfied in terms of paragraph (2) and not less than six other Members rise in their places in support, the Speaker shall nominate a time on the same day at which such Motion may be moved.’

Remember no Member Speaking on that matter shall speak for more than 5 minutes unless there is leave for the County Assembly except the mover of the motion. In simple terms, for the adjournment to take place we need at least six Hon. Members to support the motion. The Leader of Minority, Hon. Pete has already supported. Hon. Misachi, Hon. Arao, Hon. Olang’o and Hon. Ameso have supported the motion. So we have a total of six Hon. Members who have supported and I have noticed them by bowing meaning that they have agreed with it.

Hon. Members now that the Motion for Adjournment on Definite Matters has been moved by the Leader of Majority seconded by six other Members and as per our Standing Orders no question is put on such motion.

ADJOURNMENT

The Speaker (Hon. Oraro): I hereby declare that the House stands adjourned until Wednesday 18th November 2020 at 2.30 p.m.

(House rose at 3.16 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>