

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

SPECIAL SITTING

THE HANSARD

Official Report

SECOND ASSEMBLY – FOURTH SESSION

Wednesday, 23rd December, 2020

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oraro): Honourable Members, as it appears on the Order Paper, we also have a number of businesses from the Executive which are urgent and because of the urgency, we felt that it is important that we combine the activities with the swearing. I want to urge Members to look at them keenly. Otherwise, you are still reminded that COVID 19 is real and it's claiming so many lives. Unfortunately, yesterday I got a report from the Governor that there is another strain of the virus that has mostly affected the European countries and there are chances that it might be in Kenya and probably in Kisumu. The new virus is attacking at a rate of 70 times than the initial virus. We must therefore abide by the MOH protocols.

I also want to confirm that we have the visitors at the gallery. I want to welcome you all. We could not admit many people because of the virus. I am informed that we have spouse of the MCA elect. Please feel welcome. Thank you.

The Speaker (Hon. Oraro): Next order!

ADMINISTRATION OF OATH

The Speaker (Hon. Oraro): Hon. Samuel Otieno Dede please come forward and take the oath.

I, Hon. Samuel Otieno Dede, do swear that I shall truly and diligently serve the people of the Republic of Kenya in the Office of the County Assembly Member of Kisumu North Ward; That I shall diligently discharge my duties and perform my function in the said office to the best of my judgement that I shall at all time respect, uphold, preserve, protect and defend the Constitution of the Republic of Kenya; and I shall do right to all manner of persons in accordance with the Constitution of Kenya and the laws and conventions of the parliament without fear or favor, affection or ill health.

SO HELP ME GOD.

(Applause)

(Hon. Member signs Affirmation to Office correspondences before the Clerk)

The Speaker (Hon. Oraro): Honourable Members, by that it means we have a new Member of Kisumu North and therefore we are no longer 47 but 48 in number. Hon. Samuel Dede, welcome to Kisumu County Assembly. I will give some minutes during the Statement Hour to say a word or two. Otherwise, feel at home. Next order!

PAPERS LAID

CONSIDERATION FOR APPROVAL OF BORROWING OF KSHS 100 MILLION BY THE
COUNTY GOVERNMENT OF KISUMU.

BY

HON. KENNETH ONYANGO, LEADER OF MAJORITY

AND

THE KISUMU COUNTY DRAFT VALUATION ROLL, 2017

BY

HON. KENNETH ONYANGO, LEADER OF MAJORITY

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

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. Pursuant to the provisions of Article 212 (b) of the Constitution of Kenya 2010, I wish to table today, Wednesday 23rd December, 2020 a request for Approval of borrowing of Kshs 100 million by the County Government of Kisumu. Thank you.

The Speaker (Hon. Oraro): Honourable Members, I confirm the receipt of the approval of borrowing of Kshs 100 million by the County Government of Kisumu. This letter was written to the Clerk and it was received on 22nd December, 2020. Being an urgent matter that led to the gazettelement of this sitting. I had directed that we have it as motion for discussion today.

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

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. Pursuant to Section 27 (2) Part 7 of the Statutory Instrument Act, 2012, I wish to lay today Wednesday 23rd December, 2020, the Kisumu County Draft Valuation Roll, 2017. Thank you.

The Speaker (Hon. Oraro): Honourable Members, I confirm the receipt of the Kisumu County Draft Valuation Roll 2017.

Honourable Members, I want to bring to your attention that Kisumu County is yet to have Valuation Act and, in that regard, we rely on the parent Act which is the Valuation Roll Act 2012 from the National Government and the procedures therein. By tabling of the document, I do direct that the CEC Member for Lands, Housing Physical Planning and Urban Development do course the Gazettelement of the Valuation Roll and a long side the Select Committee of Budget and Appropriations. The Valuation Roll shall be opened for interrogation for 28 days at strategic points that can be accessed by the public for validation.

Hon. Members, I want to bring to your attention that in matters of Valuation Roll or contestation in such a case, the County Government of Kisumu shall constitute a Valuation Roll Committee in which the contestation shall be heard and harmonized if there is any petition thereafter that shall come to the Assembly for discussion. I want to direct that the said House Committee and the Lands Department do the gazettelement, open the Valuation Roll in the public places for a period of 28 days as provided for in the Act. Thank you.

The Speaker (Hon. Oraro): Next order!

Hon. Kanga: On a Point of Order. Thank you, Mr. Speaker. If we go procedurally in terms of what our Standing Order says, when a document has been laid by the Leader of Majority or by any other Member, it now becomes the document of the Assembly. One of the cardinal roles and principles as to why we are elected is to interrogate and scrutinize documents once they are committed to this House.

This is a voluminous document and currently, the County Government of Kisumu is repossessing illegally acquired properties. Some of these properties are contained in that document which the County intending to collect rates which they have been collecting from those property owners. Laying and gazetting the document means it's a legal document while we have not scrutinized it as a House Committee. Some of us represents areas which are leasehold or freehold. If we adopt this procedure then, we are going to do an illegality. I want to plead with you to commit this document to relevant committee without involving the Executive.

Mr. Speaker, let us not confirm that we rubber stamp documents in this Assembly. Our Governor is a stricter on procedures. I have been following and I am in the lead in the praise and worship of the Governor but I am a stricter of procedures. I plead with you, let the Assembly follow procedures. Thank you.

The Speaker (Hon. Oraro): Honourable Members, it is procedural that when a Members comes up with a Point of Order, it is only important that we dispense with it before we go to another one. I will give you a chance Hon. Erick Agolla.

Honourable Members, in my ruling, I have provided that as per the Valuation Roll Act 2012 because Kisumu County is yet to develop its own Valuation Roll Act. Its only in order that where such law doesn't exist, we rely on the parent law which is at the National level. This became an Act when we had the Defunct Local Authorities and reference is made to the Clerk who is supposed to constitute a committee but that can only be done after gazettelement. This is to open the draft for Public Participation for the persons who are mentioned to give their feedback.

In that regard, I have directed that the Committee of Budget and Appropriations take charge. In addition, I have also involved the Department of Land, Housing, Physical Planning and Urban Development as per the Act to do the gazettelement and to open the document for 28 days for the public to scrutinize and give their feedback. In that regard, we expect that the Budget and Appropriations Committee shall be giving us feedback within 28 days. This is a normal process that we usually have in the Assembly, that, once a documented has been tabled, it is committed to a House Committee. In many cases, the Sectoral committees do involve respective Departments they represent whenever they conduct public participation. Hon. Members, I believe that I am very clear Hon. Kanga.

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

Hon. Agolla: Thank you Mr. Speaker. Mr. Speaker, in reference to the Constitution of Kenya, 2010 and citing specifically Chapter 11 on Devolution, it is clearly spelt out that in the county governments, we only have two arms: the Assembly and Executive. Mr. Speaker, with respect to Standing Orders No. 1 through which you have ruled that this matter be dealt with through the Department of Lands and the Select Committee of Budget and Appropriations. Mr. Speaker, I am

disturbed and I want to plead with you to advise this House whether or not we are a department or an Assembly.

Once a matter has been taken to the Assembly and tabled before you, it becomes the matter of the Assembly. As such, we must dispense with it either by adopting it, defer it or we reject it...

The Speaker (Hon. Oraro): Hon. Agolla, I want to rule you Out of Order. We have just received a report that has been tabled and the procedure is that, once a report has been tabled, it should be committed to a House Committee to carry out Public Participation, which is what I have done. We cannot open the report for discussion now because we are yet to get feedback from the public. The stakeholders who will be called are those whose names appear here. Therefore, we cannot open this discussion as at now.

Hon. Agolla: Thank you Mr. Speaker. I am advised. I was not referring to the debate as at now, but what I meant is that, the only body allowed to conduct public participation is the Assembly and that we should not include the Executive. My suggestion is that we do public participation as an Assembly then table a report. After adoption of the report, the velum is then taken to the Executive. That is my prayer.

The Speaker (Hon. Oraro): Hon. Agolla, you have just repeated what I said. Anytime we have a report, we involve the relevant Sectoral Committees. I just emphasized that the Department of Lands, Housing, Physical Planning and Urban Development be in the core. Remember that the stakeholders in this report are the persons mentioned here.

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

Hon. Guya: Thank you Mr. Speaker. Mr. Speaker, my colleagues have expressed my views. However, the only thing that I wanted to add is that, as you have said that Sectoral Committees are there to oversight the Executive. You have again committed the document to the Select Committee of Budget and Appropriations. At the same time, you are saying that the document came from the Department of Lands, Housing and Physical Planning. Mr. Speaker, where do we place the Sectoral Committee that is in charge of Lands, Housing and Physical planning?

My proposal would be that if it is a money issue, then we can do a Joint Committee of Budget and Appropriations and the Committee in charge of Lands, Housing and Physical Planning. We then expunge the Executive from your ruling. Mr. Speaker, allow us to do what we are supposed to do then the Executive will come later. We cannot work with the Executive at the same time on matters oversight. Allow us to do our work so that if the committee is to summon the Executive, then it becomes the responsibility of the House Committees.

The Speaker (Hon. Oraro): Allow me to deal with the issue of Hon. Guya. I believe that we are saying the same thing. The reason I directed that the Department of Land, Housing and Physical Planning and Urban Development be involved, is because I committed the document to the Select

Committee of Budget and Appropriations, which is not a Sectoral Committee. Therefore, I was very clear that we involve the Department of Land, Housing and Physical Planning and Urban Development as per the same Act, which I believe that it has been shared with members. The Act on Valuation Roll is very clear. It is unlike other reports that we receive. The 28 days I have mentioned is very clear. Therefore, any attempt to probably work with different House Committees without involving the Executive may delay the process.

Hon. Members, I am requesting that, as per my direction, that the Select Committee of Budget and Appropriations involves the stakeholders. It should be noted that, the number one stakeholder is the CECM responsible for Lands, Housing, Physical Planning and Urban Development. The second stakeholders are persons whose names have been mentioned in this report, who shall be called and be given 28 days to come and check this report only after it has been gazetted. That is what the law provides for.

Once the draft is ready, it is gazetted and opened in a public place which could be the City Hall or Subcounty level or whichever place that the committee may decide. Those mentioned will come and check it for a period of 28 days then we will get a report and make appropriate decision. However, any other member is allowed to work with the Select Committee of Budget and Appropriations because our Standing Orders is clear that, if you are not a Member of this Select Committee you can attend these meetings but, you cannot vote when decisions at that committee level are made.

Hon. Guya: On a Point of Order. I am not satisfied Mr. Speaker. If it is a money issue that then the Sectoral Committee should be the Sectoral Committee of Finance. Mr. Speaker, whether it is money issue or that of Lands, Housing and Physical Planning, Mr. Speaker, one of the key relevant Sectoral Committees that should not be left out is the committee in charge of Lands, Housing and Physical Planning. In addition, when the Leader of Majority tabled the document, he said that he was acting in line with statutory instrument. However, if you read our Standing Orders, then all statutory instruments should go to the Committee of County Delegated Legislation.

Leader of Majority (Hon. Onyango): Point of Order Mr. Speaker!

The Speaker (Hon. Oraro): Leader of Majority, Hon. Guya is on a Point of Order. Please let him conclude.

Hon. Guya: Thank you Mr. Speaker for defending me and making the Leader of Majority to learn. Mr. Speaker, I have no problem with the decision to commit the document to any committee. However, I want to say that one of the key Sectoral Committees that is in line with this; as you clearly put it that you want to involve the Department of Lands Housing and Physical Planning, why don't we also do a Joint Committee between Budget and the Committee in charge of Lands, Housing and Physical Planning?

The Speaker (Hon. Oraro): Hon. Guya, I believe that, it is only in order that we go according to what the Standing Order provides. Matters money to go the Budget Committee and it will not be in order that we deviate from what has been the practice. Hon. Ojuok. Leader of Majority, what did you want to say? Just a minute Hon. Ojuok!

Leader of Majority (Hon. Onyango): Mr. Speaker, I am okay.

The Speaker (Hon. Oraro): Hon. Ojuok

Hon. Ojuok: Thank you Mr. Speaker. Mr. Speaker, I want to echo what Hon. Kanga said...

The Speaker (Hon. Oraro): Hon. Ojuok, I had made a ruling on what Hon. Kanga said. Therefore, I am not going to open it for debate again.

Hon. Ojuok: Let me put it this way. This is a House of Representatives. I would expect the Draft Valuation Roll to be treated as a Budget Estimates. Once it comes to this place, it should be committed to a committee.

The Speaker (Hon. Oraro): Hon. Ojuok, I already made a direction on that matter. It was raised by Hon. Kanga and that is why I have directed the committee to do the work.

Hon. Ojuok: Expunge the Executive. We will meet them after the 28 days. Please!

The Speaker (Hon. Oraro): Leader of Majority, what is it yet you said you are okay?

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. This is different, I would wish that we prevail on the Executive so that the Valuation Roll can be domesticated in our County because that is what most counties have done. This will make us avoid situations where we are not very sure on the direction that we need to take. Nevertheless, Mr. Speaker, I request that members go through the Valuation Roll Act, the one that you shared with members.

Hon. Owiti: Point of information Mr. Speaker, Sir.

The Speaker (Hon. Oraro): Whom do you want to inform?

Hon. Owiti: Mr. Speaker, Sir, I want to inform the Majority Leader.

The Speaker (Hon. Oraro): Majority Leader, do you want to be informed by Hon. Owiti?

Leader of Majority (Hon. Onyango): I do not want to be informed.

Hon. Owiti: Mr. Speaker, it is within my right that when a member is on the Floor and he is not saying the right thing, we need to inform him.

The Speaker (Hon. Oraro): Proceed Hon. Owiti.

Hon. Owiti: Mr. Speaker, it is not the role of the Executive to legislate. In an event we find that there is a gap that we need to work on, then I believe that the Assembly has the capacity to domesticate the Valuation Roll Act. Even if the Executive were to come in, they would just make proposals. They do not legislate.

The Speaker (Hon. Oraro): Thank you. Leader of Majority, I want you to wind up.

Leader of Majority (Hon. Onyango): Mr. Speaker, I just wanted to say that it would be important that we go through the Act because as you had ruled, the Act has got very specific provisions on how the Valuation Roll needs to be handled. Probably, that will give us some leeway on how to deal with this kind of matter. Thank you.

The Speaker (Hon. Oraro): Leader of Majority, I have just said that my direction is not of the Speaker but I have been guided by Valuation Roll Act, 2012. I have not just woken up and given the direction. The single modification I have made is that we are no longer in the local council. This is an Assembly. The other was a local council. Let the Budget and Appropriations committee handle the matter alongside the CEC for Lands, Housing, Physical Planning and Urban development. Any other matter that can be brought by any committee or member, let it come during the open day, the 28 days that it will be opened after it has been gazetted.

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

Hon. Khan: (via zoom): Inaudible.

The Speaker (Hon. Oraro): I can't get him.

The Speaker (Hon. Oraro): Next Order Mr. Clerk!

NOTICES OF MOTION

The Speaker (Hon. Oraro): Leader of Majority

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. Mr. Speaker, pursuant to Standing Orders No. 45, I wish to give a Notice of Motion on the Consideration for approval of borrowing of Kshs 100 million by the County Government of Kisumu. Thank you

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

STATEMENTS

The Speaker (Hon. Oraro): Honourable Members, it is Statements hour. I had promised to give Hon. Samuel Dede few minutes to say something.

Hon. Dede: Thank you Mr. Speaker for giving me the opportunity. In respect to Standing Order No. 42, I wish to give special thanks to my family for standing with me during the campaign

period. Secondly, I take this opportunity to give thanks to the electorates of Kisumu North Ward for giving me the opportunity to represent them in the Assembly. Finally, I wish to thank my party, ODM for giving me ample time during campaigns. Thank you.

The Speaker (Hon. Oraro): Thank you. By that Statement, I want to direct the Clerk to cause an orientation programme for Hon. Samuel Dede before we resume from the long recess.

The Speaker (Hon. Oraro): I have noticed Hon. Agolla.

Hon. Agolla: Thank you Mr. Speaker. Pursuant to Standing Orders No. 41 (2) (b), not all members can sit in the House Business Committee. I am not a member of the House Business Committee. Mr. Speaker, Sir, as Chair of Implementation I want to make a Statement that as a House Committee, we have a lot of pending business to transact which may need your able Chair to kindly grant us an opportunity. When we looked at the Schedule, the Committee on Implementation was not considered yet you had committed a number of businesses to be transacted by this House Committee. Mr. Speaker, with powers conferred to you, I am asking for your indulgence to kindly consider our committee and slot us more time, through the office of the Clerk, so that the committee can dispense with the pending business.

Mr. Speaker, a good number of motions, bills and projects are activities pertaining to Implementation committee. I beg to request.

The Speaker (Hon. Oraro): Honourable Members and especially Chairs of various House Committees, our Standing Orders are very clear that we can allow for committees to sit during recess on request by the said committee to the Office of the Speaker. I can confirm that I have allowed a number of committees to proceed with their work during recess. Hon. Agolla, it is upon you to do a request and once it can be justified that you have a number of activities to transact, we shall allow the committee to proceed with its work during recess. This goes to all Chairs of different committees.

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

Hon. Guya: Thank you Mr. Speaker. For us in the committee of Roads, we did a request and the same is yet to be approved. Now that you have ruled, I hope that you will consider our request as well. Mr. Speaker, allow me also take the opportunity to welcome Hon. Dede to this House. Mr. Speaker, you saw the way he was escorted by quite a number of members. That shows that members have really welcomed him to this House.

Mr. Speaker, I want to humbly request that as they escorted him, they were five in number, I want to request that all the five that escorted Hon. Dede to the swearing in ceremony to at least donate a committee each to him. If they really love him, then they should walk the talk that so that we give the House committee easy time in allocating committees. Mr. Speaker, how I wish they could stand here one by one and donate one of their House Committee to him. Thank you.

The Speaker (Hon. Oraro): Hon. Guya, I believe that the information is passed.

The Speaker (Hon. Oraro): Senior Member, Hon. Chief Whip.

Chief Whip (Hon. Misachi): Thank you Mr. Speaker. I equally rise as the Chief Whip of this August House to welcome one of our Hon. Member we all prayed over so that he could join us. I want to remind the Hon. House that we cannot disregard the duties of the Committee on Selection. Hon. Dede being the last born of this August House is going to be taken care of and we will inform the House of the Committees where he will be aligned to. Thank you.

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

Hon. Okumu: Thank you Mr. Speaker. I rise while citing the provisions of Standing Order No. 42 (2) to also welcome my brother Hon. Samuel Dede into this House. Mr. Speaker, we all know that this House is like a football team and every time we have been playing, we have been playing less one player and it has been hard but we have struggled and reached where we are today.

Hon. Dede, we all know that your presence in this House is going to bring magnificent changes to Kisumu County and to the people of Kisumu North. We will give you the necessary support and we equally believe that you will also support our course so that we back up the course of our Governor Prof. Peter Anyang' Nyong'o in delivering his Manifesto to the residents of Kisumu County. Thank you.

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

Hon. Olima (*Via Zoom*): (Inaudible).

The Speaker (Hon. Oraro): Hon. Olima. We cannot hear you!

The Speaker (Hon. Oraro): Hon. Olima, please proceed.

Hon. Olima (*Via Zoom*): (Inaudible).

The Speaker (Hon. Oraro): Hon. Members, it looks like Hon. Olima's network has a problem.

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

Hon. Muga: Thank you Mr. Speaker...

The Speaker (Hon. Oraro): Hon. Muga, please put on your mask when using the gooseneck microphone.

Hon. Muga: Thank you Mr. Speaker. I rise on my feet to offer my congratulatory support to Hon. Samuel Dede who is the last born in this House. Foremost, I want to thank all the Hon. Members who were with us during the campaign period because, it was quite a tough campaign and we

cannot fail to give them a pat on their backs because we were able to achieve this feat as a result of their hard work. Otherwise, we realized that all heads in Kenya were in Kisumu North to ensure the success of Hon. Dede. Mr. Speaker, I must say that, if it were not for the support you offered with the inclusion of your foot soldiers, we would have failed miserably. First, I want to thank the All Mighty Father and you for giving us Hon. Dede in this House. Without forgetting, I want to appreciate the visitors in the House, those seated at the Public Gallery. I can see Mr. Bilali accompanied by others who were also aspirants, this is a show of unity and I want to reiterate that if we unite as the ODM Fraternity, I believe that we will always emerge successful. Mr. Speaker, for that I want to thank you.

Mr. Speaker, on Hon. Dede, we have to abide by the laws that guide this House because this is a House of Rules and Procedures. So, if he observes that, I believe that we will work comfortably and successfully. Mr. Speaker, I just want to wish all of us a Merry Christmas and a Prosperous Year 2021 as per God's Will. Thank you.

The Speaker (Hon. Oraro): Hon. Members, I can see that we are only left with fifteen minutes of the Statement Hour. Please for us to manage time and accord those that I have noticed, let me give those that I have noticed.

The Speaker (Hon. Oraro): Hon. Agolla, I believe that you have already given your statement.

Hon. Agolla: Mr. Speaker, I have another Statement for another Order.

The Speaker (Hon. Oraro): Hon. Agolla, you ought to have dispense off all your statements when I accorded you time. So, let me give time to Hon. Arao, then Hon. Steve Owiti and conclude with Hon. Otura.

Hon. Arao: Thank you Mr. Speaker. I equally like to convey my congratulatory message to my friend and neighbor Hon. Dede. Mr. Speaker, it is in order for me to do so because he is my immediate neighbour when we talk of our Wards because the boundary demarcations are just but making us work together to ensure that Kisumu County moves to another level in terms of Legislation. Representation and Oversight.

Mr. Speaker, without forgetting, I would like to congratulate you because, if ODM had lost this seat to another party or to an Independent Candidate, it would have been a big embarrassment to you as the Speaker of Kisumu County Assembly and as the immediate former office holder and to this House. Therefore, I want to appreciate every effort that was put by each and every Hon. Member. I would like to offer a word of advice to my colleague who has joined us, to always consult with Hon. Members when decisions are being made on matters that touches on the lives of the great people of Kisumu County. Otherwise, congratulations Hon. Samuel Dede. Thank you.

The Speaker (Hon. Oraro): Hon. Steve Owiti.

Hon. Steve Owiti: Thank you Mr. Speaker. I also want to add my voice to congratulate our brother Hon. Samuel Dede on his election and subsequent swearing in as the MCA for Kisumu North Ward. After congratulating Hon. Dede, I would like to make a Statement on the tabled Draft Valuation Roll that has been committed to the Select Committee of Budget and Appropriations which I Chair. Mr. Speaker, I want to implore Hon. Members of this House that it is our role as had been ruled by the Hon. Speaker and let us also take our time despite the fact that we are in the Long Recess to interrogate the Kisumu County Valuation Roll, 2017 and give our input. For those Hon. Members who are not Members of the Select Committee, you are also invited to look into the Roll so that we are able to deliver within the 28 days specified of provided for in the Act. Thank you and I would also want to wish every Hon. Member a Merry Christmas and a Happy New Year 2021.

The Speaker (Hon. Oraro): Yes Hon. Otiang’.

Hon Otiang’: (Inaudible).

The Speaker (Hon. Oraro): Please unmute your microphone Hon. Otiang’

Hon. Otiang’ (*Via Zoom*): Thank you Mr. Speaker. Mine is to convey my congratulatory message to our new Member who is the new member elect for Kisumu North. Subsequently, I would like to wish each and every one of us a Merry Christmas and a Happy New Year 2021. Mr. Speaker, I will be joining the Select Committee of Budget and Appropriations as directed by the Hon. Speaker so that we are able to dispense off this matter. Thank you.

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

Hon. Khan (*Via Zoom*): Thank you Mr. Speaker. Let me take this rare opportunity to congratulate Hon. Samuel Dede for being elected the MCA for Kisumu North Ward through the Orange Democratic Movement (ODM).

Mr. Speaker, this goes a long way in telling other Counties that Kisumu County is a stronghold of ODM we remain that. Thank you Mr. Speaker.

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

Hon. Omoro (*Via Zoom*): Thank you Mr. Speaker. Let me take this rare opportunity to welcome the new member elect as the representative of Kisumu North where you left and I wish him well. I would like to let him know that, that is where you come from you being our boss. So, he needs to work very hard to ensure that your legacy and the development projects that were being undertaken by you are done to the satisfaction and expectations of the residents. Thank you.

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

Hon. Genga (*Via Zoom*): Thank you Mr. Speaker. I want to take this opportunity to welcome the new Hon. Member to the Assembly and the County. I want to wish him well and to carry on with your legacy as he continues to work hand in hand with you in development matters. Thank you.

The Speaker (Hon. Oraro): Hon. Olima, please proceed.

Hon. Olima (*Via Zoom*): Thank you Mr. Speaker. I want to take this opportunity to congratulate Hon. Dede for being elected to join Kisumu County Assembly. I want to wish him good radiance and urge him to be strong because it is not very easy and it is going to be a tough two years. Let him pull up his socks and catch up with other Hon. Members. Thank you.

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

Hon. Otura: Thank you Mr. Speaker. Foremost, let me also join my fellow colleagues in congratulating Hon. Dede for clinching Kisumu North Ward with the ODM ticket. Subsequently, I want to congratulate him so much for the cooperation he has with his fellow ODM colleagues as has been demonstrated in this House. Mr. Speaker, in the public gallery, he has been escorted by one of his fierce competitor during the nominations stages.

Secondly, I also want to take this opportunity to wish Hon. Members of this August House a Merry Christmas and Prosperous Happy New Year 2021.

Finally, it is important to note that, we have a one and a half year heavy task ahead of us and I request that this Hon. House should take all that is lingering before us during the Recess so that we make Kisumu County great again. Thank you.

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

Hon. Pamela Odhiambo: (*Via Zoom*): Thank you Mr. Speaker. Let me take this opportunity to congratulate Hon. Dede the Member elect for Kisumu North Ward. I want to welcome you to the Assembly, because, it is not an easy task but you will have to bear with it. Thank you.

The Speaker (Hon. Oraro): Last, Hon. Ngeta.

Hon. Ngeta: Thank you Mr. Speaker. Let me also join my fellow colleagues to congratulate our fellow colleague Hon. Samuel Dede for clinching the Kisumu North Ward...

Hon. Miruka: On a Point of Order. Thank you Mr. Speaker. I wonder why you accord Hon. Ngeta the opportunity to contribute while he is naked in the House.

The Speaker (Hon. Oraro): Office of Serjeant-at-Arms, please assist Hon. Ngeta to dress properly.

(Hon. Ngeta is escorted out of the Chambers by the Serjeants)

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

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. Please allow me to also take this opportunity to congratulate our last born in the Assembly Hon. Dede. Please feel welcome and I want to assure you that, just as we had promised you during the campaigns, we shall move with haste to slot you in House Committees so that the residents of Kisumu North Ward can be appropriately represented in this House. Please be strong, and I want to believe that the Chief Whip will give you good orientation so that you are aware how the Assembly operates in terms of procedure. Thank you.

The Speaker (Hon. Oraro): Hon. Ojuok, I had accorded you time during Statement Hour, which I believe Hon. Members, I want to close this segment because I can see that we are already out of time and we have one more serious business to transact.

The Speaker (Hon. Oraro): Hon. Ojuok and Hon. Miruka, strictly one minute each.

Hon. Ojuok: Thank you Mr. Speaker. I want to take this opportunity on behalf of the Minority Wing of the County Assembly to congratulate Hon. Dede for making it to this August House. I have keenly following on how he performed during the elections and I am aware that he is somebody that has originated from the people. Please remember that, those people are there and within a short time you will go back to them to seek for their votes.

Mr. Speaker, I know that you have been told him that this is a tough task but I also know that he is equally made of steel to have made it through the serious processes because I know that nominations are not a walk in the park. Thank you for enduring this far.

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

Hon. Miruka: Thank you Mr. Speaker. Please allow me to appreciate Hon. Samuel Dede and let him feel welcomed in this House. Secondly, let me also congratulate the Hon. Speaker, because I know that you took your time because that was your former seat you left before being elected as the Speaker of County Assembly of Kisumu. I also want to congratulate the entire Membership of the County Assembly of Kisumu who gave Hon. Dede the support that he needed to clinch this seat. Please feel welcome and we welcome you to work with us as usual. Thank you.

The Speaker (Hon. Oraro): Last, Hon. Ngeta.

Hon. Ngeta: (Inaudible).

The Speaker (Hon. Oraro): Serjeant-at-Arms, please assist Hon. Ngeta.

Hon. Ngeta: Thank you Mr. Speaker. I was just testing the water so that my colleagues Hon. Miruka knows the essence of putting on a recommended Chamber attire. Secondly, I want to congratulate my brother Hon. Dede whom from my belief is very strong from what I witnessed

during the campaigns. Mr. Speaker, I want to urge my brother and colleague to be strong in the House, cooperate, consult because we are almost starting a Budgeting Process and it is by belief that he will consult other members like you the Hon. Speaker whom you originate with from the same area. Please avoid groupings because we are one House and one Kisumu County so that we work together for the betterment of Kisumu County and support the Governor of Kisumu County Professor Peter Anyang' Nyong'o deliver his Manifesto and also support our able Speaker. Thank you.

The Speaker (Hon. Oraro): Mr. Clerk, next order!

MOTION

CONSIDERATION FOR APPROVAL OF BORROWING OF KSHS 100 MILLION BY THE COUNTY GOVERNMENT OF KISUMU.

BY.

HON. KENNETH ONYANGO, LEADER OF MAJORITY.

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

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. I wish to move a Motion so that this Assembly considers approval of the request for borrowing of Kshs 100 million by the County Executive...

Hon. Okiri: On a Point of Order. Thank you Mr. Speaker. I am rising pursuant to the provisions of Standing Order No. 38 on Sequence of Business.

The Speaker (Hon. Oraro): Please proceed.

Hon. Okiri: Mr. Speaker, if you read the above provisions of the Standing Order No. 38 which touches on the Sequence of Business on how matter are deliberated in this House. If you look at the Supplementary Order Paper No. 399 (b) it does not specify the business to be transacted by this House. Mr. Speaker, I beseech you to refer to the mentioned Supplementary Order Paper No. 399 (b). The reason as to why I am highlighting this is because, we don't want to be dogged with litigations...

The Speaker (Hon. Oraro): Order! Hon. Okiri, I don't seem to get what you are raising.

Hon. Okiri: Mr. Speaker, the Sequence of Business in the provisions of Standing Order No. 38 and today's Supplementary Order Paper No. 399 (b) it does not specify any business to be transacted by this House today.

The Speaker (Hon. Oraro): Hon. Okiri, I want to rule you Out of Order because I have the Supplementary Order Paper No. 399 (b) in my possession and I can see Order No. eight,

Commencement of Business is on Consideration of Approval of Borrowing of Kshs 100 million by the County Government of Kisumu as presented by the Leader of Majority.

Hon. Okiri: Thank you Mr. Speaker, I don't dispute your ruling, however let the people's concerns to send what is necessary for this House to avoid litigation because what has been sent to my e-mail is different from what is on your table. Thank you.

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

The Leader of Majority (Hon. Onyango): Thank you Mr. Speaker, the purpose for this Motion is to indulge the House so that the House can approve a loan or credit facility of Kshs. 100 million from SBM Bank.

Mr. Speaker, as we know that the National Housing Corporation constructed some houses during the period of the Defunct Local Authorities. These estates were Arina, Makasembo, Lumumba, Argwings Kodhek, and Ondiek. The agreement then was that the Municipal Council of Kisumu was to service the loan used by the National Housing Corporation to build these estates. However, the former Municipal Council of Kisumu defaulted, which resulted to the matter ending up in court and the court ruled that the former Council was to pay the National Housing Corporation an amount of up to Kshs. 1.2 billion so that the county can repossess these houses and lands therein.

Mr. Speaker, the County Government of Kisumu inherited this kind of arrangement but now it has become necessary because it is one of the Hon. Governor's agenda to improve housing in this county. Just recently, ground breaking was done on Anderson land and work has already begun to Construct Modern Houses there. It is with this same understanding that the county wants to get back these lands because if you look at the land where all these lands are, are valued at more than Kshs. 5 billion. It would not be prudent for the county to surrender such kind of a fortune to the National Housing Corporation. The county government's continuous arrangement has hence reduced the loan from Kshs. 1.2 billion to Kshs. 900 million and by the end of this month the county government is supposed to pay the National Housing Corporation Kshs. 100 million so that they release the land where Makasembo stands because of the investors that have been identified. These investors are ready to partner with the County Government of Kisumu to construct modern houses and this can begin as soon as the payment is done and land released.

Mr. Speaker and Hon. Member, it is therefore necessary that this House approves this loan agreement so that the National Housing Corporation can be paid the same for purposes of bringing in these investors. Mr. Speaker, I believe that this is a very noble opportunity for the residents of this county to get proper housing. Housing is one of the four agendas even in the National Government and it should also form part of the agendas in our county. Otherwise, I would like the Hon. Chief Whip to second the motion, thank you.

The Speaker (Hon. Oraro): Yes Hon. Priscah Misachi.

The Chief Whip (Hon. Misachi): Thank you Mr. Speaker, I will support the motion because I know what is happening on the ground. There is a tag of war between the National Housing Corporation and LAPTRUST when it comes to the case of Makasembo.

Mr. Speaker, in the year 2012, the former mayor transferred the title deed to the LAPTRUST and the National Housing Corporation are constantly in the estate whenever the county government moves in to talk to the residents to defy public participation. National Housing Corporation have also supplied letters to prevent them from attending meetings. However, the Hon. Governor has managed to approach high end authorities and I believe that this arrangement of securing loan to offset the National Housing Corporation's loan to set our lands free will be in order and should be in the interest of all Kisumu people.

The Speaker (Hon. Oraro): Hon. Members, now that the Motion on request for Approval of borrowing of Kshs 100 million by the County Government of Kisumu has been moved by the Leader of majority and seconded by the Majority Chief Whip. I therefore want to propose that the motion is open for debate.

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

Hon. Beatrice Pamela: Thank you Mr. Speaker, the building of affordable houses to the people of Kisumu is quite a noble idea that I would support. However, the matter is quite weighty that cannot be brought to this House and debated as well as being dispensed now before we get facts. As I have heard from the Hon. Leader of Majority, that this Kshs. 100 million once paid, the Makasembo land will be relinquished to the county government but at the same time I hear that the former sitting Mayor had transferred the deed to LAPTRUST. Therefore is the Makasembo land owned by the County Government of Kisumu or by the LAPTRUST? If it is the LAPTRUST property, how then does the county government come in to engage in investing or developing a property that isn't their own? Those are some of the issues that Members need to know so that they can deliberate and investigate and to come up with an informed decision. Otherwise, we might end up making decisions on matters and invest in what isn't ours that will later culminate into a court case that will cause this county to lose money.

Mr. Speaker, also on the case of Arina Estate. I am informed that, it has an issue with the National Housing Corporation because of a loan that was advanced to NHC of Kshs. 1.1 billion by the World Bank. NHC was supposed to collect rent from the houses to offset the debt which has defaulted to date and thus we still owe the World Bank money. I am also aware that the county government was negotiating concerning that loan. So, I am requesting that the House be given a chance probably through the Committee of the Whole House to interrogate all these facts before we commit to a deal that may cause the county to lose money. Indeed we want the land and the estates to be owned by the county government, and the taxpayers are going to be paying for this money, but are we really in a position to invest now? My prayer is that this matter be committed

to the Committee of the Whole House so that the responsible officers provide us with all the documents so that we can interrogate and make an informed decision. Thank you.

The Speaker (Hon. Oraro): Yes the Leader of Minority, welcome back. We offer our sincere condolences for the demise. Otherwise it is your time.

The Speaker (Hon. Oraro): What is your point of order Hon. Omoro?

Hon. Omoro: On a Point of Order. Mr. Speaker, I would request that the Hon. Leader of Majority clarifies a few things such as how much is this loan?

The Speaker (Hon. Oraro): Hon. Omoro, I thought you were on a Point of Order but if it is a matter on clarification then I believe you will have your time to debate, ask questions which will later be responded to by the Leader of Majority.

Hon. Omoro: That is why I am asking him so that he be prepared...

The Speaker (Hon. Oraro): I rule you out of order.

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

Leader of Minority (Hon. Oiko): Thank you Mr. Speaker, we are being asked to approve borrowing for the Executive which is per the order paper and then the Leader of Majority tells us about a literature that is not authorized anywhere and is supported by the Whip that in 2012, a sitting mayor transferred the title of *Makasembo* to LAPTRUST.

Mr. Speaker, today the County Government of Kisumu is requesting from the House the approval of Kshs 100 million to settle the National Housing Corporation, who will now own Makasembo? The way this motion has been brought may be fishy and I ask the honorable Members that if you have the interests of people of Kisumu County at heart then, let us ask the Leader of Majority to go back with the motion and bring us the documents authorizing what he is telling us to approve. Otherwise, we might look odd if we are made to approve money of that magnitude. These estates were built when I was a child and rent was being collected and if they could not service the loan up to now and from the way we are being handled today, what kind of picture is shown from this? Let us get proper records presented to this Assembly as well as the history of these estates and reason for the defaulting in servicing this loan. This will make us able to explain to the public easily when we finally approve or reject the borrowing.

Mr. Speaker, I plead with Members that this motion be taken back to the Executive to enable them provide this House with detailed information on the same then this would guide us on the next cause of action. Thank you.

The Speaker (Hon. Oraro): Yes Senior Member Hon. Paul Okiri.

Hon. Okiri: Thank you Mr. Speaker, I first want to congratulate Hon. Samuel Otieno Dede for his election as the MCA of Kisumu North Ward. This matter is of great magnitude as it concerns money and I was just consulting with the Hon. Leader of Majority who I have donated my one minute for him to take the House to the next level.

The Speaker (Hon. Oraro): Who are you donating the one minute to?

Hon. Okiri: To the Leader of Majority after a lot of consultation Mr. Speaker.

The Speaker (Hon. Oraro): What is it Hon. Steve Owiti?

Hon. Owiti: On a Point of Order. I rise to propose that going by the magnitude of what we want to discuss and the questions that need to be answered, this House should be suspended for few minutes so that the Leader of Majority canvass with the rest. The matter of National Housing Corporation, Land and all these kind of things could create a monster out of an existing one.

The Speaker (Hon. Oraro): Hon. Steve you are allowed to propose a motion during a debate but you cannot just propose a motion if there isn't anyone seconding it.

Hon. Owiti: Hon. Paul Okiri is seconding it.

The Speaker (Hon. Oraro): Hon. Members, let us be orderly in the House, you have the Standing orders to guide you through it.

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

Hon. Kanga: Thank you Mr. Speaker, the Standing Orders are very clear that once a motion has been tabled and duly seconded, you had opened it for debate. If they are in the view that the House to be suspended for a few minutes then they could have done so before you opened it for debate.

Mr. Speaker, if Members are of the view that we suspend the debate for some time, they could have proposed before you opened it for debate. I believe that, that is the procedure. Now that we are debating this issue, the members of the public, including the press want to know why the County Government of Kisumu is requesting the approval for borrowing. Why do you want to do things in camera yet the people elected to debate in public? We are subject to public scrutiny. Some people are out to do fishy things in this House. Let us debate this matter in public so that the people of Kisumu are able to know what is happening in Kisumu; why is the County Government of Kisumu borrowing. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Hon. Steve Owiti, whom do you want to inform?

Hon. Owiti: Mr. Speaker, I want to inform the House that the allegations that are being put forward by Hon. Kanga are not true and they are also suspicious. He cannot allege that there are Members who want to do something fishy. He must substantiate and if not, at least withdraw.

If the Leader of Majority brought this agenda today under notice of motion and then it has been allowed for debate yet there are many issues that ought to have been addressed at the committee level, there is nothing fishy in putting that forward. We want Members to be given an opportunity to speak to this matter as many times as they can; that can only happen at the committee of the Whole House. At the Plenary, a Member will not be allowed to debate twice or thrice yet the issues here are weighty.

The Speaker (Hon. Oraro): Hon. Members, I want to direct that it is allowed that a motion can be introduced during a debate but we must be clear in the Standing Order that it is which type of motion. It is also in the Standing Order that the Speaker can suspend a motion but as at now the House is in the debating mood and I do direct that we allow Members to debate. When it comes a time that the Speaker feels the House should be suspended, then I will do that. For now let Members raise their concern, the Leader of Majority who moved the motion is here and will respond.

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

Hon. Agolla: Thank you Mr. Speaker. Our Constitution is very clear especially Article 2 (11), 2 (10), 2(12), 2(13), 2(14) on borrowing. My only concern is that since we came into this House, we have not dealt with such a matter. I want to urge Members to be cautious on this matter of borrowing. From the Statement of the Chief Whip, Hon. Misachi who has the history of this County of Kisumu, we heard that the former sitting mayor put this county into the problem that we are currently facing. We should not go in history again as having rubberstamped, by approving this borrowing, without considering the underlying issues and matters legal. One of my concerns as a Member who represents South West Kisumu who also represents a city ward which could be affected by this borrowing either positively or negatively; I want to ask the Leader of Majority to tell us the Interest Rate of this Credit Facility. I also want to know the period of borrowing this loan – if we borrow as a county, for how long will this loan be repaid? Another thing is the security. If you look at Article 2(13), it talks about the guarantor. Who is the guarantor of this loan?

It is in order for the County Assembly to approve this borrowing but we must be cautious so that we don't take this county to another problem that it has been facing. Thank you.

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

Hon. Khan: Thank you Mr. Speaker. I support this motion. The Assembly must be aware that Kisumu is becoming the economic hub of East and Central Africa. We need affordable housing and a clear policy regarding housing and estates within the jurisdiction of the county and especially the city of Kisumu. Due to scarcity of houses, we need these affordable houses to fill the gap. Housing is a manifesto of H.E. the Governor as well as President Uhuru Kenyatta. If Nairobi can roll out this ambitious initiative, why not Kisumu yet we have huge chunks of land lying idle? I therefore support. Thank you, Mr. Speaker.

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

Hon. Muga: Thank you, Mr. Speaker. I believe nobody can be against this issue of Housing Corporation. But the fact are clear is that, we need to know, how, when, where and by who. It has come clearly through the Hon. Majority Whip who has a lot of history of city since she was one a Mayor how the problem came about. Can you allow some of us who don't have the history to learn and be conversant with these facts? Our work in this Assembly is legislation and oversight. You can only oversight something you are aware of, so that we can say we approved borrowing of Ksh100 million, knowing the interest is this, the period it will take is this, and the guarantor is this.

Nobody is against borrowing, but can the Leader of Majority bring all the requirements and table all the facts so that we can say yes. Even though Hon. Steve Owiti brought something which was out of order, it was very necessary. This is not a day to say we support but you can give us time to get the facts clear on the table so that when we finally say yes, the rope will not be on our necks. So, I support with those conditions. Thank you.

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

Hon. Ojuok: Thank you Mr. Speaker. The idea of housing in Kisumu is a noble one and I thank the Governor for the move. You will realize that houses in Kisumu are more expensive than in Nairobi. But it is only that the manner in which this particular motion has been presented is based on hearsay, based on the documentation that has been provided to us. There are rumours that the said estates on this side and later moved to that side; that the value of the estates were Ksh1.1 billion negotiated to about Kshs 900 million but whether those negotiations have value to the county is not there. In terms of guarantee of the loans, there is nothing that is documented that shows us that those things are available and whether those negotiations were well done; there is no proper documentation on the ownership of the estates. It is important to do things the right way because, we might approve this loan then it finds itself somewhere else. There could be a possibility that these houses have been in the hands of some people who have been collecting rent. If the agreement was that rent was to be collected and remitted, how much have they collected and remitted and how much do we owe? There is no way we can approve a loan based on hearsay. I will oppose until those documentations are provided in this House. Thank you.

The Speaker (Hon. Oraro): Senior Member Hon. Prisca Misachi you have a point of information? Proceed.

Majority Whip (Hon. Misachi): Mr. Speaker, in 1992, the seven houses were attached through court to the National Housing Corporation. With that attachment, we have been paying rent directly to National Housing Corporation. The then municipality tried to put a small committee to go and reconcile those accounts. It was not possible and I told you when I was seconding that a very high-end intervention has taken place.

(The Temporary Speaker Hon. Inviolata relieves the Speaker)

Madam Speaker, I had told you that it was not possible, and I told you from that beginning that in the first place that, there were discussions and there was an agreement on how to charge interest on this housing facilities. I wish if somebody in the public gallery could be allowed to talk, I could have called Mr. Muga who by then was our Finance Chairperson when these transactions were taking place, because he is one of our guests seated in the public gallery today, but what I want to state here is that, I believe that I will stand to be mentioned outside by him that I am aware on the history of these Houses in question.

Madam Speaker, since the time these assets were attached, there has been push and pull between the Defunct Local Authority and the County. We attended three meetings, one in Nairobi between the County and the National Housing Corporation and one between the County and the LAPTRUST and even the last meeting I had with members of the public and Mr. Kabando was Kabando who is the Chairperson of LAPTRUST. The agreement that the County is doing of pursuing these Credit to repay the National Housing Corporation it is because they have now become a stumbling block on the development of the Affordable Housing Scheme.

Madam Speaker, what I wanted to say is that, I believe that our Governor, Professor Peter Anyang' Nyong'o could not walk into a financial institution and negotiate for funds that he wants for his own use and he could not go to that extent and convince the Financial Institutions that we want to borrow these funds for our own consumption if there was no genuine reasons and if it was not a weighty matter. We are all aware that the Affordable Housing projects is a flagship projects in the Agenda Four in the President's legacy Projects and I believe that if Kisumu has been accorded this opportunity to be one of the Counties to develop these Housing Schemes and we have a stumbling block, if we can be able to unlock this stalemate so that these projects is achieved for our people then we are going to have Tenant Purchase Scheme. I believe that with that history, most of the people in Kisumu and in this House will end up as landlords if you save now with a view of acquiring these houses.

Madam Speaker, I wanted to drive that point home so that, you are all aware that, what we are discussing here is not a county Government Issue, but it is of public interest in all the Counties who are eying these Affordable Housing because we have identified a stumbling block. So, how do we unlock this so that we ensure that this development takes place?

The Temporary Speaker (Hon. Inviolate): Hon. Okumu.

Hon. Okumu: Thank you Madam Speaker. I rise to support the borrowing of Kshs 100,000,000.00 by the County Government from the SBM Bank to settle the debt owed to the National Housing Corporation for Makasembo Estate.

Madam Speaker, I want to appreciate our Governor for renegotiation with the National Housing Corporation so that the amount of money that was owned by the Former Defunct Local Authority be reduced from the Kshs 1.2 billion to Kshs 100 million that they are requesting to be paid.

Madam Speaker, I am aware that I know that Hon. Members know where Makasembo Estate is and I believe that market value of Makasembo as we stand right now for those old Houses is more than the Kshs 100 million that is being debated upon in this House.

Madam Speaker, I can get the concerns of Hon. Members that yes the National Housing Corporation constructed these Housing Facilities and they were supposed to collect rent, actually, from what I am getting from my brother Hon. Steve Owiti, it was incumbent on the Defunct Local Authority to collect Rent from those who were residing in those houses and pay the National Housing Corporation. I believe that, after the Former Local Authorities abrogated their duties to collect rent, they thought it wise to hand them over to the National Housing Corporation to initiate collection of these rent and up to now this matter is not clear. Madam Speaker that is still a failure on the Former Defunct Local Authority and this is a disservice that we have inherited and carry along with us. This is because, if we could not collect funds from these housing facilities and pay the National Housing Corporation...Hon. Members, the failure of the Local Authority is what we have inherited and causing us to borrow Kshs 100 million and I am looking at the agreement that has been brought before us.

Hon. Members, so many questions are being asked, but how I wish my good friend Hon. Agolla would love to read, then, he would have seen some of the questions that he was asking.

Madam Speaker, I am seeing in this document, everything he was asking is in this document and the Credit Facility (SBM Bank) will only give funds to the County Government, only if, there is an Indemnity and a Guarantee from the National Treasury. So, this is not just money that is going to be given to the County Government, the National Treasury must equally ratify for the County to access these credit. Then, they also require what we are discussing today the approval from the County Assembly in line with the provisions of Article 212 of the Constitution of Kenya 2010. That, we as the County Assembly have agreed for the County Government to borrow funds. They also need a Cabinet Approval stating that, the Cabinet also sat down and agreed for this funds to be borrowed. We are saying that, this money is not going to be given to somebody, it will be paid directly to National Housing Corporation. Hon. Members, from the document, I am reading what was brought to the County Assembly. It is clearly states that, the creditors also have to see documentation that assignment from receivable from the County Government of Kisumu that the apportioning of the Development Fund to the National Treasury for the FY 2020/2021. That, whatever this amount that we are allowing them to borrow must also be in the Budget Estimates for FY 2020/2021.

(The Speaker enters the Chamber through the Speaker's Chambers)

(The Speaker relieves Hon. Inviolat and resumes his Seat)

Mr. Speaker, they are again stating that, for them to approve this facility, there has to be the renegotiated agreement that the County Government of Kisumu had with the National Housing

Corporation. So, this not just a facility that is going to be given, it is not just like other loans that we give ourselves like please give me some Kshs 1,000.00 for lunch, please remember this is to assist us get the Affordable Housing in Kisumu. People in Kisumu are struggling to access habitable housing and I believe that, if this Land can be given back to the County Government, then, we can have investors who can come and assist us build like they are doing with County Pension Fund (CPF) in Anderson.

Mr. Speaker, as the Chief Whip has stated, these are opportunities for people in Kisumu to also own Houses and become Landlords. So, Hon. Members, you might look at this venture cheaply in terms of maybe somebody is interested, because personally I trust the Governor of the County Government of Kisumu and I don't believe that as the Chief Executive Officer of this County allow funds to be borrowed and be misappropriated. Madam Speaker, I have seen him do...

Hon. Muga: On a Point or Order.

The Speaker (Hon. Oraro): Hon. Muga, whom do you want to inform?

Hon. Muga: Hon. Okumu.

The Speaker (Hon. Oraro): Hon. Okumu, do you want to be informed?

(Laughter)

The Speaker (Hon. Oraro): Please proceed.

Hon. Muga: Thank you Mr. Speaker. I want to inform the Hon. Member that, Hon. Members in this House have a lot of respect, faith and trust in the Governor, Kisumu County. It is the main reason as to why we are debating here so that we get a way out and protect him and approve the request that he has brought to this House if we find it justifiable. Thank you.

The Speaker (Hon. Oraro): Hon. Okumu, I believe that you are now informed appropriately.

Hon. Okumu: Thank you Mr. Speaker. I stand informed.

Hon. Ojuok: On a Point of Information.

The Speaker (Hon. Oraro): Hon. Ojuok, whom do you want to inform?

Hon. Ojuok: Hon. Okumu.

The Speaker (Hon. Oraro): Hon. Okumu, you seem to be having a lot to be informed about.

Hon. Okumu: Hon. Speaker, these Point of Information are eating into my time. I don't have any more information, I have a lot of information. Mr. Speaker, please protect me.

Hon. Ojuok: Please son of a teacher.

The Speaker (Hon. Oraro): Hon. Ojuok please proceed he has agreed.

Hon. Ojuok: Thank you Mr. Speaker. We have a lot of trust and faith in the Governor. I just wanted to find out, can this House operate on trust or documentation? In fact, if I raise up some issues here I will be told to table facts and if I cannot, I will be told to withdraw and apologize. So, documentation is fundamental and we cannot do things on trust.

Hon. Okumu: Thank you Hon. Member. I want to inform you that, what I am reading here is documentation and these are the same documents brought before the House and they are posted in out page. It is based on this that I am supporting this motion on borrowing of Kshs 100 million by the County Government. Hon. Members, I know most of you are not Landlords and like he is saying, that is not the point. The point is that the County Government has reduced the loan payable of National Housing Corporation from Kshs 1.2 billion by Kshs 100 million. Mr. Speaker, a saving of Kshs 1.1 billion to me is worth taking the loan and I believe that is the point Hon. Owiti wants me to take.

Secondly, we need land to build affordable housing...

The Speaker (Hon. Oraro): Hon. Okumu, Hon. Beatrice Pamela wants to inform you.

Hon. Beatrice Pamela: On a Point of Order. Thank you Mr. Speaker. I want to inform Hon. Okumu that maybe he is not privy to everything. The Kshs 100 million is supposed to pay a deposit...

The Speaker (Hon. Oraro): Hon. Beatrice Pamela, if you are using the portable microphone, please put on your mask.

Hon. Beatrice Pamela:So that the National Housing Corporation may relinquish Makasembo Estate. Mr. Speaker, personally, my problem was that the Deed of Tile is not even under the National Housing Corporation because it is under the LAPTRUST and the same LAPTRUST are also planning to build on Makasembo land. This is the reason as to why we need facts. Thank you.

Hon. Okumu: Thank you Hon. Beatrice Pamela for that information. For that reason, if those things don't add up, I am totally aware that, SBM Bank will never give the Kisumu County Government a Credit Facility (Loan) because these are the documents that Credit Facility requires. So, we are approving that, yes the County Government of Kisumu can borrow money and that is not a guarantee that SBM Bank will give them because, they have to meet these conditionalities. Maybe, we may as a County Assembly approve the borrowing, but that the Cabinet might refuse, or the Board of the National Housing Corporation may not bring the renegotiated agreement. But as an Assembly, we shall have done our part that we had approved the borrowing of Kshs 100 million and the County Government knows that the SBM Bank needs some conditionalities to be met for this credit to be advanced. Mr. Speaker, we need to do our part as an Assembly and our part is to debate and agree that yes it is worth it after the saving of Kshs 1.1 billion...

Hon. Steve Owiti: On a Point of Order. I find it very absurd when a Hon. Member of this House says that this House can give an approval and then the Cabinet which is not even an Arm of the Government decides not to approve it. That is not right. The Assembly is an arm of the Government which is constituted by the law and it is the Constitution of Kenya 2010. Mr. Speaker, so, what we are doing here cannot be negated by another arm of the Executive.

Hon. Okumu: Hon. Owiti, I believe that you are missing the point. I am telling you the conditions that the SBM Bank have put for this loan to be advanced to the County Government of Kisumu. One, is the minutes of the Cabinet approving or authorizing the County Government to access the credit. Second, is the approval by the County Assembly? I mean they are different and we cannot coerce them because they might chose to disagree to advance this credit. Mr. Speaker, just because we sat and agreed doesn't not mean that they have to agree. Hon. Members, because you feel that you are very important, but even the small person can decline all that you are saying.

Mr. Speaker, I am in full support of the borrowing of Kshs 100 million, we give to the National Housing Corporation directly as is stipulated in the agreement, we get that land, we get the investors, we build affordable housing for the people of Kisumu so that Kisumu becomes a City and not a slum. Thank you.

The Speaker (Hon. Oraro): What is it Hon. Steve Owiti.

Hon. Steve Owiti: Mr. Speaker, I was never given time to debate on this motion.

The Speaker (Hon. Oraro): No I had said that after Hon. Okumu, I will accord Hon. Ojuok.

Hon. Steve Owiti: It was taken by the then sitting Speaker to Hon. Okumu.

The Speaker (Hon. Oraro): Clerk, please approach the Chair.

The Speaker (Hon. Oraro): Hon. Steve Owiti, proceed.

Hon. Steve Owiti: Thank you Mr. Speaker. I support that we need to have affordable housing in Kisumu. Mr. Speaker, in whichever way you would want to finance this project, we must also take caution and follow the due process.

Mr. Speaker, I want start by saying that the Constitution of Kenya is explicit. The provisions of the Constitutions states that there shall be a County Government consisting of two arms, the Executive and the County Assembly and this does not say that when we say that you are an Arm of the Government, then you want to feel that you are very important. Mr. Speaker, it is important to provide this Assembly with all the information that pertains to this loan.

Mr. Speaker, there are pertinent questions that have been asked here that need to be responded to. They should not be in the domain of just a few individuals who know, but what about the other Members of this House who did not get an opportunity to attend a meeting here or there. Mr.

Speaker, what about the other Hon. Members of this House who don't know that Makasembo was built in which year and how much has been collected from them. Mr. Speaker, what we are all asking that as Members of this House, we are not against the development of this County and we want the County of Kisumu to fly with eagles, but before we get there, we must follow the due process. Mr. Speaker, this House must be furnished with each and every information and we cannot be sitting here discussing the approval of the credit and you are posting the document on my phone where I am expected to open now, read it and debate on it. That is not acceptable and I believe that is the area that the Leader of Majority must accept that we need time to interrogate that document.

Mr. Speaker, we need to know because it is now that we are being informed that it is the SBM Bank that will advance this credit to the County Government of Kisumu. We need to be told how much and at what interest rate this facility will be advanced. Mr. Speaker, we are now committing that document that has been read that we have to commit Kshs 100 million in the next Budget Estimate FY 2020/2021. Mr. Speaker, this means that it is already committed in the Budget Estimates and there will be Kshs 100 million ring fenced towards that venture which to me is not a bad idea. Mr. Speaker, the Assembly should be fully aware of all those finer details.

Mr. Speaker, what is the harm in giving the Hon. Members an opportunity to interrogate this document by invoking the powers as stipulated in the provisions of Standing Orders No. 50 so that the Hon. Members can have time to look at this so that when we come back here tomorrow, we will have known the interest rate chargeable on the loan.

Mr. Speaker, we want to know what happened to the National Housing Corporation on what they have managed to collect over the years. Mr. Speaker, we have been asking this because they have been collecting money but this loan is not reducing. Mr. Speaker, Hon. Okumu is misleading the House by saying that, the loan has been renegotiated from Kshs 1.2 billion to Kshs 100 million. Which is not correct. Mr. Speaker, it is only Kshs 100 million which is Deposit which was reduced to Kshs 900 million. Now we know that the loan was Kshs 1.2 billion and it has been renegotiated to Kshs 980 million. We need to be told what will happen to the remaining balance and how do we intend to repay. This is because even by building the affordable housing in the Makasembo Land and Anderson, those houses will not be adequate the supply the needs of the residents, but we must start from there. Mr. Speaker, can we correct the messes that have been committed in the past so that the negotiations that were made and whatever that was discussed, the County Assembly is put in the picture. Mr. Speaker, even in your house, when you want to commit the resources of your family, even if the father makes a very good negotiations, there other members of the family who must be brought on board and be told that this is what we have agreed on and this is how we want to spend it. We cannot come here as Members of the County Assembly and say that whatever has been discussed is final. Mr. Speaker, I want to disagree and say that we be given time to look at this so that we approve what we understand.

The Speaker (Hon. Oraro): I had promised to give Hon. Otura, Hon. Kanga, I have noticed you. Let me give Hon. Otura first.

Hon. Otura: Thank you Mr. Speaker. This is a fine afternoon that we as a House need to face the facts regarding our development as a County. Much has been said and I am in concurrence with the motion. Mr. Speaker, it is paramount to note that, we are all here to develop and it is equally pertinent to note that matters Housing is fundamental to our development as a County.

Mr. Speaker, please allow me to say this. Repeatedly, I have been talking to the ears in this Assembly and there has been an outcry on very simple thing. Information Dissemination. Mr. Speaker, the document in our possession is explicit and the reference here is touching on Credit Agreement with SBM Bank and this document is substituting one initially circulated earlier which was not fully signed by the Credit Facility. This one was brought to the Assembly and received by the Office of the Clerk on the 22nd December, 2020 which I believe was yesterday.

Mr. Speaker, it is important to note that, we say that truth that if this was the first correspondence then, we could not have been here today. This is because, it was a short notice that could not have allowed you to gazette this Special Sitting. Mr. Speaker, when was the first correspondence forwarded to the Assembly? If it was forwarded to this House, the only contentious issue here is the interpretation of the whole process and it is not a matter of objecting to the motion at hand. It is simply lack of information dissemination and how are these information reaching the Members.

Mr. Speaker, as was echoed by Hon. Kanga, we need not to be branded as an Assembly that rubber stamps documents that emanate from the Executive. When the County Executive has such noble ideas and they communicate and they do so in good time, why don't we convene an informal meeting so that we brainstorm over this matter before it is brought to the House so that we don't find ourselves in such situations? So, Mr. Speaker, the idea is noble but I want to state this, that however little the drizzle fall into the lake, and you fail to count what is falling into the lake, but they make the volumes of water, but just call them drizzles because these are the keys that we need not look down on. We are all aware of what is awaiting us as an Assembly and we need to expeditiously dispense off with this matter as a House.

Mr. Speaker, I only request that, these Hon. Members required just a little more time because everything is in this document provided and what we lack is simply the knowhow of what is being debated upon and the most important thing is that, this is a motion touching on money matters and the money involved is colossal to the tune of hundreds of millions. Mr. Speaker, from the document provided, the interest charged is to the tune Kshs 7,000,000.00 and ultimately as a County we will be compelled to reimburse at total of Kshs 107,000,000.00. Mr. Speaker, I beg to support but only request your chair that, you give us Leave of the House so that we discuss this. When we retreat back, then we expeditiously conclude with it. Thank you.

Hon. Miruka: Thank you Mr. Speaker. I believe that it is very noble to construct habitable housing for the City. For that endeavour, let me appreciate the Governor for always being ahead of the pack and negotiating for credit so that our asset is retained in our books. Mr. Speaker, I was just wondering and this is my reservation, the documentation that we have been furnished with which is posted in our wall that is just but a communication with the Credit Facility. Here as Members of the County Assembly, we are here to stamp our authority in items that we can justify so that nobody takes us as just fresh and easy to worship. Mr. Speaker, why am I saying that, my colleagues have always said and I have heard them say here that, do we require the documentation so that we are aware how much we owe National Housing Corporation (NHC) so that we are aware who the owner is of the Houses in question and we are made aware of how much is required for this venture.

Mr. Speaker, we cannot just say that, we give the authority by taking a Bank Loan to the tune of Kshs 100,000,000.00 which will be repaid using the Taxpayers money and that is where we come in. Mr. Speaker, one day this will go into the annals of history if these funds are not channeled to the intended purposes. Mr. Speaker, I would like to beseech the Leader of Majority who mooted this information that, kindly, just take your sweet time, access the documentation that will inform the House of how much the National Housing Corporation (NHC) had been repaid on this and how much is the arrears that the County owes. We need to be told who is the owner between LAPTRUST and the National Housing Corporation (NHC) so that we are informed where our money is going to? This is because yes, as a House we can approve Kshs 100,000,000.00 credit, this would load the residents of Kisumu County, but do we really have the documentation to support this? Mr. Speaker, I believe that is the only contentious issue that we are facing as Hon. Members. Leader of Majority, I entreat you, we all be in consensus with this having a loan with the County of Kisumu is not bad, that is a noble idea, but let us have the justification on how much we need to pay and who owns these properties at the moment. Thank you.

The Speaker (Hon. Oraro): Hon. Members, I am seeing Hon. Ogaga, but, I noticed Hon. Kanga first.

Hon. Kanga: Thank you Mr. Speaker. Going by how the Hon. Members have debated, I want to cite the provisions of Standing Order No. 94. On the strength on what Hon. Okiri and Hon. Owiti have raised. The provision of this Stating Orders states that;

Closure of debate

*94.(1) After the question on a Motion the Mover of which has a right of reply has been proposed, a Member rising in his or her place may claim to move: **That, the Mover be now called upon to reply**, and, unless the Speaker is of the opinion that such Motion is an abuse of the proceedings of the County Assembly, or an infringement of the rights of Members, the question: **That, the Mover be now called upon to reply**, shall be put forthwith, and decided without amendment or debate and if that question is agreed to, the Mover may immediately reply to the debate, and as soon as the Mover has concluded or, if the Mover does not wish*

to reply immediately, the Speaker shall put the question, subject to paragraph 3 of Standing Order 51 (Manner of debating Motions).

Mr. Speaker, on that note I would like to move a Motion on the Adjournment of Debate. I call upon Hon. Okiri to second?

Hon. Okiri: Thank you Mr. Speaker. I rise to second the Motion of Adjournment of Debate. Thank you.

The Speaker (Hon. Oraro): Hon. Members, as I had stated earlier, the debates of this House are guided by the provisions of the Standing Orders. The provisions of Standing Orders No. 94 which Hon. Kanga has cited provides for what is known as Adjournment Motion. The Adjournment Motion gives an opportunity for the Adjournment of a Debate which has been proposed by the Speaker as I did earlier when I proposed a question and the debate for discussion.

Hon. Members, Hon. Kanga has proposed the Adjournment of Motion and seconded by Hon. Okiri but before I give I directive on it, let me give one or two Hon. Members because it is a new motion. So, even if you had spoken, you can still debate on that, but I will restrict it to utmost five Members with a time slot of one minute each on that motion.

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

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. Of course, the concerns Hon. Members have raised are legitimate in any case, we have gazetted two Special Sitting days which is today and tomorrow so that the adjournment can accord the Hon. Members an opportunity to interrogate these documents because money issues are usually very sensitive so that when we come back here tomorrow we can be able to deal with this issue when we are very clear in our minds what it entails.

Mr. Speaker, again there are issues that have been raised by Hon. Members and that adjournment will give me an opportunity to get more clarification so that we are very clear that this is the direction that we are moving. Thank you.

The Speaker (Hon. Oraro): I had noticed Hon. Agolla.

Hon. Agolla: Thank you Mr. Speaker. Foremost, I want to thank you for the Solomonic Wisdom that you have applied in this House because this is a very serious matter and I am in concurrence with the proposal put forward by Hon. Kanga and seconded by Hon. Okiri. Mr. Speaker, I want to implore the Leader of Majority to kindly avail the key documents to Members so that we dispense off with this matter to avoid any litigations that might crop up after the process. Thank you.

The Speaker (Hon. Oraro): Hon. Steve Owiti.

Hon. Steve Owiti: Thank you Mr. Speaker. I support the adjournment of this debate. This is initially what I had proposed although I did not quote the relevant Standing Orders No. 94 but I had already indicated that there was need for the House to have more time to delve into this matter. If we had listened to each other, and only cited the Standing Order No. 94 we would not have taken all that time. Be it as it may be, we need to be furnished with facts in black and white so as an Assembly we will always be able to defend the decisions that we make.

Mr. Speaker, as I conclude, I want to say that, we are one arm of the Government, because it is very unfortunate because the letter is dated 23rd December, 2020, it means that we have to do it today. The Executive should know that the role of the Assembly is to approve and shall not be delegated to any other body and we shall always maintain that our rightful place and duty is done diligently. Thank you.

The Speaker (Hon. Oraro): Hon. Members, I said that I will restrict it to five Hon. Members. Please be specific to the point under one minutes.

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

Hon. Beatrice Pamela: Thank you Mr. Speaker. I would like to request the Leader of Majority that he gets all the documents that are necessary and he ensures that we get those documents on time so that Hon. Members can be able to interrogate them and not post them at the last minute.

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

Hon. Ogaga: Thank you Mr. Speaker. I support the motion so that we can get more time to familiarize ourselves with the documents so that when we come here, we debate in an informed manner and discuss what we are able to understand. On the same note, I would like to request Hon. Members that they need not crucify the Leader of Majority. Mr. Speaker, with this COVID-19 Pandemic, we have various brands of sanitizers being sold and if not used well like the one the Leader of Majority uses then, please go slowly so that you do things in the right way. So, let us bear with him but in future the Leader of Majority, you needs to pull up your socks because information dissemination and sharing is fundamental. Again, be able to mobilize Hon. Members and tell us what you want done and when we come to the House we don't take much of the time and we are done with that business. Thank you.

The Speaker (Hon. Oraro): Hon. Members, I can see you repeating the same thing. Please allow me make a ruling.

Hon. Members, we had a debate and Hon. Kanga proposed an Adjournment of Debate Motion which has been seconded by Hon. Okiri. I have accorded Hon. Members to debate, at the conclusion, I have noticed that the debate is the same and Hon. Members are in agreement on what Hon. Kanga has proposed. Hon. Members, because this is an Adjournment Motion as per the provisions of our Standing Orders, I will not put a question.

Hon. Members, I want to direct the Leader of Majority to remember that, this House had gazetted two days for Special Sittings. So, it is your responsibility to get the facts, because when I listened carefully, Hon. Members are in support of the motion but, the question is;

- a) How much is going to be borrowed by the County Government?
- b) The repayment criteria?
- c) The Ownership of the Property after the repayment has been made?
- d) Any other detail that has been sought for?

So, the Leader of Majority, you have between now and tomorrow at 02:30 p.m. to access these information and ensure that it reaches the Hon. Members on time so that they can make informed decisions on whether to approve or to reject this particular motion. So, I direct.

ADJOURNMENT

The Speaker (Hon. Oraro): Hon. Members, when a Motion on Adjournment has been proposed for a debate, we shall resume the debate in line with the provisions of Standing Order No. 30 which is resumption of Interrupted Business. In other words, we shall have the resumption of continued business for those who have not contributed unless the Speaker directs otherwise if a Hon. Member had contributed and has additional information, then it shall be so.

Hon. Members, with that, I want to direct that this House stands adjourned until Thursday, 24 December, 2020 at 02:30 p.m.

(House arose at 05:35 p.m.)

Addendum

Hansard Reporters

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

