

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – FOURTH SESSION

Wednesday, 23rd September, 2020

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

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

PRAYERS

The Temporary Speaker (Hon. Okumu): Thank you Honourable. Members. Pursuant to the provisions of County Assembly of Kisumu Standing Order No.32 (2) I want to request that the Serjeant-at-Arms rings the quorum bell for five minutes.

(Quorum bell rung for five minutes)

The Temporary Speaker (Hon. Okumu): Hon. Members. Can the Whip confirm to this House that we have attained the required quorum to commence business?

Deputy Whip (Hon. Obonyo): Mr. Speaker, I want to conform that we have the required quorum as some of our Members are connected virtually via our Zoom Application. Thank you.

The Temporary Speaker (Hon. Okumu): Mr. Clerk kindly take us through the Order Paper of the day.

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

COMMUNICATION FROM THE CHAIR

The Temporary Speaker (Hon. Okumu): Thank you Honourable Members and welcome to today's session. I want to inform those of us on Zoom that the meeting ID is 724795877740 and the password is vTZFn2. Those are found in our page. Kindly share with the Members.

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

PAPERS LAID

COMMITTEE ON WATER, ENVIRONMENT AND NATURAL RESOURCES REPORT ON
THE KISUMU COUNTY CLIMATE CHANGE BILL, 2020

BY

HON. SAMSON AMESO

CHAIRPERSON, WATER, ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

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

Hon. Owiti: Thank you Mr. Speaker. Allow me to lay this paper on behalf of Hon. Samson Ameso.

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

Hon. Owiti: Thank you. Pursuant to the provisions of the County Assembly Standing Order No. 123 (4) read together with 193, I wish to lay today Wednesday 23rd September, 2020 the Committee on Water, Environment and Natural Resources Report on the Kisumu County Climate Change Bill, 2020. Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Okumu):Hon. Members, I confirm the receipt of Committee on Water, Environment and Natural Resources Report on the Kisumu County Climate Change Bill, 2020 today Wednesday 23rd September, 2020. I direct that the report be committed to the House Business Committee for scheduling it for debate.

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

NOTICE OF MOTION

COMMITTEE ON WATER, ENVIRONMENT AND NATURAL RESOURCES REPORT ON
THE KISUMU COUNTY CLIMATE CHANGE BILL, 2020

BY

HON. SAMSON AMESO

CHAIRPERSON, WATER, ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

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

Hon. Owiti: Thank you Mr. Speaker. On behalf of Hon. Ameso, pursuant to the County Assembly Standing Order No.45, I wish to give a Notice of Motion on a Report on the Kisumu County Climate Change Bill, 2020 by Water, Environment and Natural Resources Committee. Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Thank you.

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

STATEMENTS

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

Hon. Miruka: Thank you Mr. Speaker. Allow me to air Statement on behalf of Hon. Caren Muga.

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

Hon. Miruka: Thank you. Pursuant to the provisions of County Assembly Standing Order No. 41 (2) (b), I wish to seek a Statement from the Chairperson of Agriculture, Livestock and Fisheries Committee. Kibos Sugar and Allied Industries gave a Notice on 30th July, 2020 informing cane farmers and other related stakeholders that the company had experienced accidental cane fire within its operational areas. Further, the notice informed the relevant stakeholders that the management had lowered the prices of the burned cane from Kshs. 3,800 to Kshs. 3,000 per ton payable after 90 days. As a result of this pronouncement, this will leave our farmers financial constrain.

Regrettably, the notice informing the change was to take effect on 1st August, 2020 which clearly shows no or minimal Consultative Meeting or Public Participation with relevant stakeholder was undertaken in regards to the same.

Mr. Speaker and Hon. Members, Article 147 of the Constitution 2010 dictates that every person has the right to fair administrative action which is sufficient, lawful, reasonable and procedurally fair. Further, Article 111 of the Constitution 2010 states that, every person has a right to fair Labour Practices which clearly skipped the purview of Kibos Sugar and Allied Industries Limited looking at the short notice given to the already struggling cane farmers.

I therefore, seek a Statement from the Chairperson, Agriculture of Agriculture, Livestock and Fisheries Committee on the following;

1. Was there a Consultative Meeting between Kibos Sugar and Allied Industries Limited and the relevant stakeholders more so, farmers, cooperative societies regarding the sugar cane process reduction?
2. If yes, is there any minutes or justification of the same?
3. What informed the hurried decision by Kibos Sugar to issue such a short notice disregarding a fair labour practice as envisaged in the Constitution of Kenya 2010?
4. Why is Kibos Sugar opting to pay the struggling cane farmers 90 days after delivery of the burnt cane yet the fresh cane is paid promptly?
5. What informed the decision on payment of the burnt cane and fresh cane?

Thank you, Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Miruka for asking the Statement on behalf of Hon. Carren Muga. I want to commit this Statement to the Committee of Agriculture, Livestock and Fisheries Committee and we are giving them two weeks. They have to report back to this House on Wednesday, 14th October, 2020. So, the Chairperson or Members of this Sectoral Committee take this to the Committee that, the Report on this Statement should be before this House on Wednesday, 14th October, 2020.

Hon. Kanga: On a Point of Order.

The Temporary Speaker (Hon. Okumu): Hon. Member, please let me conclude delivering my ruling on the Statement raised by Hon. Miruka. It is when you can raise your Point of Order.

Hon. Kanga: Much obliged.

The Temporary Speaker (Hon. Okumu): Hon. Members of the Agriculture, Livestock and Fisheries Committee, please ensure that this is done for the avoidance of issues of unnecessarily creating Ad hoc Committees to handle the same.

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

Hon. Kanga: Thank you Mr. Speaker. Even though you have made a ruling that the Statement sought by Hon. Miruka be committed to the Standing Committee of Agriculture, Livestock and Fisheries. I have a few reservations to make regarding that statement.

Mr. Speaker, due to the fact that Kibos Sugar Company as a factory does not only serve the residents of Kisumu County; it serves the entire region of Western Kenya. There are certain issues where their jurisdictions may fall within this Assembly, but, there are certain issues which are not within the purviews of this House. Mr. Speaker, even if we give a ruling that due process be followed, it will be an act in futility.

One, you are all aware that even though Agriculture was devolved during the advent of Devolution, there were certain agencies created by an Act of Parliament to deal with issues of

Agriculture. For example the Boards constituted to deal with issues of Agriculture which falls under the purviews of the National Assembly. Mr. Speaker, at times we may seek for Statements, but these Statements may not satisfy the interests of those people for whom we are seeking these Statement on their behalf. This is because the regulations of prices in relations to Agriculture do not fall in the purview of the County Government when it comes to the payment of Farmers.

Mr. Speaker, even though the concept of Public Participation is enshrined in the Constitution of Kenya, 2010, sometimes what the Assembly will do or the recommendation of this House might not directly impact on the issues of Farmers.

Hon. Samo: On a Point of Order!

The Temporary Speaker (Hon. Okumu): Please allow the Hon. Member to conclude because I want to make a ruling on that Order...

Hon. Kanga: Please allow me finish my submissions. For your information, I know that Hon. Samo is rushing to give your reaction on this matter. I know the people of Kajulu don't do Sugarcane Farming because they have sold all their lands. So, don't talk about issues of sugar....

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

Hon. Kanga: Mr. Speaker, I was just trying to bring a point home and not necessarily overruling your earlier pronouncements but just bringing a point home. Thank you.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Kanga on your Point of Order and for your submissions. How I wish that you had sought for the indulgence of the Chair that we open this matter for discussion to enable us get additional input but, because you did not, and I have made a ruling. All those submissions that you are having, on the breadth at which this Kibos Sugar Company can operate, you take it to the Sectoral Committee of Agriculture, Livestock and Fisheries. Then, in their report, they will present to this House on what is to be done or otherwise as an Industry.

The Temporary Speaker (Hon. Okumu): What was it Hon. Samo?

Hon. Samo: Thank you Mr. Speaker. Hon. Kanga is one of the most robust and passionate debaters in this House. Mr. Speaker, if you look at the provisions of Article 195 read together with Article 196 of the Constitution of Kenya 2010. The County Assembly as it is constituted by the Constitution, allows this House to debate on any matter and call upon anybody as a witness.

Mr. Speaker, any function that is devolved according to the Fourth Schedule of the Constitution of Kenya 2010, this House is mandated by law to summon anybody. So, Mr. Speaker, you have ruled wisely and I would like to inform the Hon. Member that, that matter is within our jurisdiction and we shall handle it expeditiously and delve into it and bring a report back to this

House. So, you cannot cast aspersions on what the Hon. Speaker has ruled on as if that matter cannot be handled by this House, because we have the powers to do so.

Mr. Speaker, on the matter he stated that the people of Kajulu have sold all their land. The Hon. Member needs to be guided and let him know that, I am one of the serious farmers in Kajulu and this is within our land and we are doing Sugarcane farming in Kajulu. So, he should equally be guided on that matter. Thank you.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Member. I am aware that you do a lot of rabbit farming...

Hon. Samo: Mr. Speaker, be informed that, there is no farming in Market/Milimani Ward.

The Temporary Speaker (Hon. Okumu): Order!! Hon. Member. We appreciate you as a big investor in Kajulu.

(Laughter)

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

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

Hon. Owiti Steve: Thank you Mr. Speaker. I rise to give a Statement as the Chairperson, Budget and Appropriations Committee with regards to our Kisumu County Annual Development Plan Report FY 2021/2022.

Mr. Speaker, the Budget and Appropriations Committee is calling upon Members of this House to have a look at the Kisumu County Annual Development Plan Report FY 2021/2022. We would like to urge each and every ward to ensure that they peruse and scrutinize Projects that have been proposed. Mr. Speaker, the reasons as to why I am calling upon the representatives of the Wards who are the Hon. Members to do so, is so that, when we meet on Friday, 25th September, 2020, we would want to submit our report soonest possible as we await for other critical documents lined up for debate and for action by this House.

Mr. Speaker, I would therefore like to appeal to Hon. Members of this House that, each and every Ward should be able to submit to our Secretariat or Committee Clerk (Mr. Anditi) their recommendations or if there is any additional information that is needed so that before we go to Members of the Public, we have a report that Hon. Members have given their inputs. Thank you.

The Temporary Speaker (Hon. Okumu): Thank you Chairperson, Budget and Appropriations Committee. I believe that Hon. Members have taken note of your sentiments. I am inclined to believe that you have sent a copy of the Kisumu County Annual Development Plan Report FY 2021/2022 in our WhatsAppPage for Hon. Members to peruse through and give their inputs.

Hon. Owiti Steve: That is correct.

The Temporary Speaker (Hon. Okumu): Thank you. Any other Statement?

The Temporary Speaker (Hon. Okumu): Hon. Members, if there is none, we move to the next order!

MOTION

PIC/PAC COMMITTEE PROGRESS REPORT ON THE INVESTIGATION INTO THE STATUS OF THE CONSTRUCTION/RENOVATION OF MOI STADIUM.

(BY HON. MAUREEN OTIANG' – CHAIRPERSON)

Mr. Speaker and Hon. Members, a statement was raised in this House by Hon. Johnson Guya on 13th August 2020 on the construction/renovation of Moi Stadium. The statement was subsequently committed to the Public Accounts and Investments Committee to inquire, investigate and report to this house on the following;

1. If there has been any procurement process undertaken for the project
2. The amount of money that was earmarked for the construction of Moi Stadium
3. The amount that has been appropriated and the expenses incurred so far
4. If there has been any assistance in financing or in kind from the Federation of Kenya Football (FKF)
5. Challenges encountered in the implementation of the project and;
6. When is the project expected to be completed

Mr. Speaker and Hon. Members, the committee wrote a letter to the department of Tourism, Culture, Arts and Sports to provide a response on the same. However, the response from the department was not deemed satisfactory by the committee.

The committee invited the CEC member to appear before it. The CEC member responded to the invitation letter by stating that she was unable to attend to the committee's invitation due to prior official engagements out of station.

Mr. Speaker and Hon. Members, the committee resolved to summon the CEC member to appear before it. The CEC member responded by requesting the committee to grant her a hearing on the date of 30th September 2020 when she will be in a better position to attend to the committee's invitation as she is currently engaged in the preparation for the Afri-city Summit.

Mr. Speaker and Hon. Members, on behalf of the committee I wish to inform the House that the committee has already covered 80% of the work needed to complete this report. The input of the

CEC member is considered crucial for this particular report. Therefore, the committee feels obligated to give her a hearing before completing this report.

We therefore request the house for more time to complete the report by giving the CEC member of the concerned department time to attend to our questions effectively and in person.

I would like to call upon the Leader of Minority, Hon. Oiko who is equally a member of this Committee to second?

The Leader of Minority (Hon. Oiko): Thank you Mr. Speaker. As read by the Hon. Chair of PIC/PAC Committee, the Committee felt that they need to be accorded more time to dig deep into the fact regarding the Rehabilitation, Renovation and Construction of the Moi Stadium. This is because this was project that was commenced in the FY 2018/2019 which the Committee thought, when they requested for records, they would easily get.

Mr. Speaker, when the Investigative Committee invited the County Executive Committee Member for Tourism and her technical team, they thought that, would easily respond because the project had been done in the immediate Financial Year. Mr. Speaker, we requested for these documents but, they were not forthcoming and we feel that this is a matter of interest to the public of Kisumu County in particular the football fans who are anxious to see this Stadium done to international standards. The public is anxious because this has been a pet project of the Governor and to their surprise, they are not seeing things moving. The Public had also learnt that, allocation of funds had been done to this project and since they are not seeing any tangible process being done on the stadium, the public had started babbling.

Mr. Speaker, the Committee felt obligated that they should not just let this matter be swept under the carpet and they need to face the CECM and her team and get the root cause of the delays of why this projects has not been rehabilitated as was asked by the Department during the FY 2018/2019.

Mr. Speaker, it is the appeal of the Committee that their request for extension be granted. Thank you.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Members. A Progress Report on the Proposed Construction and Renovation of Moi Stadium has been brought and moved in this House as a Motion by Hon. Otiang' the Chairperson and seconded by Hon. Leader of Minority. I now want to propose that we open this matter for debate?

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

Hon. Owiti Steve: Thank you Mr. Speaker and the Hon. Members. I want to support that the Investigative Committee of PIC/PAC be accorded more time to enable them finalize of their report. This report is of great magnitude to this House and this is a report that we have been anxiously waiting for. It is quite unfortunate that, despite the fact the CEC Member for Tourism, Arts and Sports having been invited by this Committee to appear before it and explain some of the fundamental issues that had been sought, she still had not gotten time to appear before this Committee.

Mr. Speaker, when you listen to the excuses that are given by the CEC Member for Tourism, Arts and Sports, it is quite unfortunate that she thinks that this Assembly is of no importance. What I mean is that, when the Committee invited the CEC Member, she said that she was busy with the preparations of the Africities Conference scheduled for 2021. In addition, we are not even sure whether this Africities Conference will take place as we are not sure of the state of the COVID-19 Pandemic and the caseload at that time. What we are asking for equates to money to the tune of hundreds of millions of shillings. I believe that it is high time some of these CEC Members understood the importance of this House, and that our mandate is enshrined in the Constitution. We have the oversight role, and when we ask questions on the expenditure, they have a duty to respond.

Mr. Speaker, I am asking this House that as we grant more time for the purpose of response from the CEC Member, we are also giving a warning to those CECs taking their time to respond to issues that affecting the people that we represent. Otherwise I support that they should be given time so that they give a response in order that we are presented with a conclusive report, so that the Assembly gets a chance to deliberate on this issue of the stadium, thank you.

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

Hon. Miruka: Thank you Mr. Speaker, I also rise to support the request made by the Committee of PIC and PAC. Am in support of their report and also have a challenge to the Committee of PIC and PAC. The report is claimed to have been 80% completed yet, if you look through the questions sort by the Hon. Johnson Guya, none of them have been responded to. I am therefore wondering how they gauged the 80% they are alluding to.

Consequently, going by the time the statement was sort on 13th August, 2020, it is over a month and I do not think that it is right for the Committee to be requesting for additional time on the same. More still is that there are no annexes proving that they communicated to the department over the issue. I would therefore consider this as a mere narrative that lacks facts that we need in this plenary, and would urge Members concerned to look at this issue with the view that is expected by the people of this County.

We would not just give an okay for you to take more time, and we would not even blame the CEC for this. There is nothing indicating that there was a communication between the CEC Member and the Committee of PIC and PAC, otherwise thank you Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Rashid Miruka.

The Temporary Speaker (Hon. Okumu): Yes Hon. George Ogutu.

Hon. Owiti: Point of Information, Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Who do you want to inform Hon. Steve Owiti?

Hon. Owiti: I want to inform Hon. Miruka.

The Temporary Speaker (Hon. Okumu): Wait a minute, Hon. Miruka do you want to be informed?

Hon. Miruka: No I don't want to be informed.

The Temporary Speaker (Hon. Okumu): That is clear Hon. Steve Owiti, kindly take your seat.

Hon. Ogutu: Thank you for giving me the opportunity to air my voice on the issue at hand. I want to say that, I cannot support this progress report and that the Committees should do a good job that they are assigned to do.

Mr. Speaker you can see that this progress report is just a two paged document brought to this House, and we are made to believe that they have done 80% of the work that was sought in this Assembly. They have to therefore show the 80% of work done in facts and evidences to support the claim. This project in question is of the FY 2018/2019, which is in itself behind with about two years. The Committee finds it easy now to blame the CEC Member for it.

Hon. Owiti: Point of information Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Who do you want to inform Hon. Member?

Hon. Owiti: I want to inform the House that it is not right...

The Temporary Speaker (Hon. Okumu): Order! Hon. Member you should allow me to give you the okay to raise your point. Proceed Hon. Steve Owiti.

Hon. Owiti: On a Point of Order. When we stand on the floor of this House, we have to be factual. When the Chairperson of a Committee stands and asks for more time, I don't know which Standing Order says that they are obligated to bring a report that they have compiled. As the Chairperson of PIC and PAC saying that based on their assessment, they have done work that is equivalent to 80% of it. So, because of the magnitude of what they are expecting from the

CEC, they do not want to bring a report to this House without the CECs input. I do not feel it is right to come and support a CEC Member who has failed to appear before the committee thrice despite the request for the summoning.

(Loud Consultations)

The Temporary Speaker (Hon. Okumu): Order! Hon. Members. Let me rule on the Point of Order given by Hon. Steve Owiti. Because the Chair wanted to be given more time to finish the report, I wish that she should have brought much more information that convinces Members so that they agree on whether the Committee deserves to be given more time or not. Therefore Hon. Owiti, just let Members decide on that.

The Temporary Speaker (Hon. Okumu): Hon. Ogutu, please proceed with your submissions.

Hon. Ogutu: Thank you Hon. Speaker for seeing the sense because this project in question is of the FY 2018/2019, which is in itself behind with about two years. The question was very clear that they should have just gone by the questionnaire. The questionnaire asked whether or not there was any construction going on in that facility and we are aware that there is no construction taking place at all.

Hon. Otiang’: Point of Order Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Which Point of Order are you referring to Hon. Member?

Hon. Ogutu: Thank you Mr. Speaker because she doesn’t know the Standing Order that she should be citing.

The Temporary Speaker (Hon. Okumu): Order Hon. Ogutu. Which point of Order are you referring to Hon. Maureen Otiang’?

Hon. Owiti: Standing Order No. 41(c)

(Laughter)

The Temporary Speaker (Hon. Okumu): Research on the Standing Order then you will inform me about it Hon. Member.

Hon. Otiang’: Mr. Speaker, I have a point of information.

The Temporary Speaker (Hon. Okumu): Who do you want to inform?

Hon. Otiang’: I want to inform the House.

The Temporary Speaker (Hon. Okumu): Hon. Member, why don't you allow Members to continue then you will be replying, you can get the chance to also give the information.

Hon. Otiang': I oblige Mr. Speaker.

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

Hon. Ogutu: Thank you Hon. Speaker for protecting me. I believe that we are talking about a project of FY 2018/2019. It is facility that we often visit and we know that nothing has been done yet. I disagree with the questions No.5 and No.6 touching on the Challenges Encountered on the Implementation of the Project. We are all aware that, their cannot be challenges in the construction of a stadium that has never been started. We know that, there was some painting that was done. I am not supporting this progress report because this committee has been unable to deliver on the task they were given, especially when they have taken much more than the maximum 21 days often given to committees to do work. Worse still, the investigation has taken about 40 days yet, not much is there to show. The best way to sort this issue is to form an Ad-hoc Committee because the committee in question is sleeping on the job.

Hon. Samo: Point of information to the Hon. Ogutu.

The Temporary Speaker (Hon. Okumu): Allow Hon. Ogutu to finish his submissions.

Hon. Samo: But he seems to be having answers Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Hon. Ogutu do you want to be informed?

Hon. Ogutu: No. Hon. Roy will have his time later Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Please receive your seat Hon. Roy Samo.

Hon. Samo: If Hon. Ogutu is giving all the answers we were asking that, then he should be able to appear before the Committee Mr. Speaker.

Hon. Ogutu: Mr. Speaker, I am not the person who asked these particular questions. It is my time to discuss and disagree with what the committee has presented. What I was saying is that, the time allocated for committees is between 14 to 21 days but, this has taken 40 days instead. So, if I may ask, what have they been doing? I know that Hon. Roy Samo is part of the Committee in question and I am of the opinion that we push this issue to an Ad hoc Committee.

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

Hon. Arao: Thank you Mr. Speaker.

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

Hon. Kanga: On a Point of Order. Mr. Speaker we should take the business of this House very seriously. Hon. Arao is not properly dressed.

Hon. Arao: That is why I am on my feet Mr. Speaker. The Honourable Member took my tie. That is what I wanted to report to you.

(Laughter)

The Temporary Speaker (Hon. Okumu): Hon. Arao if a Member is on a Point of order....

Hon. Arao: You know he is more masculine than I.

(Laughter)

The Temporary Speaker (Hon. Okumu): Order!! Order!! Hon. Arao. Resume your seat. I want to direct the Serjeant-at-Arm to help the Honourable Member dress properly. You will come back and make your submissions.

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

Hon. Owiti: On a Point of Order. I believe that, as has already been said by Hon. Kanga, it is not right for Hon. Arao to continue sitting in the House after you had given an order.

The Temporary Speaker (Hon. Okumu): Serjeant-at-Arm, could you please help the Honourable Member to go and dress properly.

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

Chief Whip (Hon. Misachi): Thank you Mr. Speaker. I represent the area in which the Stadium is in and I want to confirm that there is no work going on in that facility.

(Applause)

Chief Whip (Hon. Misachi): Even the work that was done before the creation of this Assembly and it was never complete. The contractor was not even fully paid. I believe that there was money which was allocated for the Stadium and rumours has it that, the money is not there but I want to confirm to you that, there is no work going on at the facility. It is my prayer that the investigation is conducted to dig deep on this matter. This is a progress report and it should be able to address the issues raised in the Statement. They have tried because I have never seen a report from the PIC & PAC. Let them dig deeper. I rest my case.

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

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

Hon. Kanga: Thank you Mr. Speaker. I rise to disassociate myself with this progress report. First of all, procedurally, I don't know how this Statement found itself in the PIC & PAC. If you read the Standing Order, it indicates clearly which Committee should undertake these investigations. This Statement ought to have been committed to the Sectoral Committee of Culture, Tourism and Sports.

One of the Committees which has really failed this County is the Committee of PIC & PAC. Even if they did invite the CEC for Sports and Culture, there is an Audit Report to this effect which the investigative authorities have used to summon a few officers of this County Government. I want to tell you that, this committee is taking the work of this Honourable House into a ride because, they have stated that the CEC responded via a letter stating that she was unable to attend the invitation due to prior official engagement outside the station. There is no letter attached towards that effect.

This is not a Chief *Baraza* where an elder rises up and says that so and so could not attend because he was attending the daughter's bridal ceremony. There must be a letter to that effect. They have gone further to state that the CEC requested that she attends to the Committee invitation on 30th September, 2020. The CEC Member decides for the Committee when to attend! We have the powers of the High Court; you don't decide for the court when to attend court. I am a frequent attendee of the court due to problems outside. An advocate can argue for a client but, it is upon the magistrate or the judge to decide when you are going to attend court.

Mr. Speaker, the Committee has brought the progressive report without indicating when they will summon the CEC Member. They are saying the report is 80 per cent complete. This report is not admissible in this Hon. House in the first case. We have been here for three successive financial years. We have seen Audit Reports which even the public are able to access through their phones. This committee has not used even a single Audit Report to prosecute any officer, including those who worked in the previous government.

Mr. Speaker, you have seen the Governor appear before Senate Committee. The Senators, through the Public Accounts Committee have been using the Audit Reports to question the Governor together with his officers. Why doesn't the PIC/PAC committee use the Audited Reports supplied to all the counties in this Republic of Kenya to question these officers rather than write to them as if they are writing to their girlfriend and the girl friend is answering them back states that, she will not be able to attend because she is held up in Africities meeting. They further go ahead to present that report to this House without telling us when they will invite that CEC Member!

Mr. Speaker, it is high time we did away with this PIC/PAC Committee because, they have not questioned even the small fish. Three years down the line, this committee has totally failed this county. I request that we do not admit this progress report. Thank you.

The Temporary Speaker (Hon. Okumu): Thank you Honourable Member. I had accepted to give Hon. David Arao a chance.

Hon. Arao: Thank you Mr. Speaker. Mine will be very brief and I need your attention. First, I want to say that I support this progress report. What a number of Members do not understand and I agree with is the 80%. The Chair of the PIC/PAC Committee has also failed to give the House the comprehensive explanation in support of the 80%. We are not able to see clearly the exact report that came from the CEC member. It is also admirable if the chairperson can come out and tell us that our work has been resisted by the CEC. She should come out and say that because maybe the CEC is trying to run from her shadow and the PIC/PAC Chairperson is not able to tell us the plain truth. That is so disturbing especially when someone who is in a position of a CEC fails to appear before the House not once or twice but several times. Mr. Speaker let the Chairperson of PIC/PAC Committee come up and tell us that her work has been met with resistance and unwillingness from the CEC to give full report as required by the Law.

Otherwise, I am afraid to say that, more time is even more dangerous for Kisumu County people to stay without clarity concerning the whereabouts of the funds that were allocated for the project.

Mr. Speaker, I also know that she is capable and bold enough. Just come out and tell this House that, the CEC is not cooperating. That one will do you more good than harm, thank you Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Allow me to repeat this for the Hansard Report purposes. The Leader of Minority had seconded the motion and contributed. If you had the intention to contribute later, you would have just bowed so that we give you a chance. Since you had contributed, we are not going to allow you to do that again as per our Standing Orders.

The Temporary Speaker (Hon. Okumu): Hon. Samo, MCA, Kajulu Ward.

Hon. Samo: Thank you Mr. Speaker for giving me the chance to contribute on this statement as has been ably put forward by the chairperson for the PIC/PAC Committee. Some few issues are coming out that needs clarity.

One, I would love to agree with the sentiments of quite a number of Hon. Members in this House that there is a likelihood...but I am afraid to say so since I am a member of this particular committee, that our effort to invite the CEC Member has almost been hitting a hard rock, simply because, we have done it thrice. Mr. Speaker, the said CEC Member as it has been indicated has never appeared. I first want to agree with Hon. Kanga when he says that a CEC Member tells a whole Committee of the Assembly which has got the powers of the High court, that, "I can only avail myself on 30th of September, 2020" That tells the County Assembly ...

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

Hon. Samo: Well, at first she had requested to avail herself on 7th or 13th. I remember the Chairperson was able to respond to that. Unfortunately, she did not come. Thereafter, another letter came stating that she was again willing to come on 30th of September, 2020. This one again curtailing our work Mr. Speaker. Even this morning, it took us a lot of time to prepare this progress report because just as the chairperson has put it, about 80 per cent is complete.

Why is it 80 per cent? I want to expound on that, so that, those who are not getting it may understand it well. That percentage means that some of the nitty-gritty's have been responded to. An example is; has the construction begun? The answer is, No, which is well captured in our report.

The 20 per cent which we are not able to bring to you as Members of the committee is that there are weighty matters that the CEC has not told us.

Mr. Speaker, Kshs. 130 million is not small money. Yet, it is not only that amount. We had a letter that we addressed to the City Manager to explain to us again since at that very moment, we also appropriated Kshs 7 million. That was meant for the renovation of the same facility. Now we are talking about a sum total of Kshs. 137 million. That is not pocket change. These are the reasons as to why when we request to be given more time, it is because of the pertinent issues that need to be addressed.

Otherwise, other chapters have been captured well and can be brought to you. Example, that there is no construction taking place and the Kshs. 130 million is a mystery. But, before we conclude on that, the matter is so weighty that we need to get information from the CEC Member before we make an informed decision to build on the report.

Yes, we gave the Department Kshs. 130 million plus an additional of Kshs. 7 million, to the other department for the construction of the same facility and nothing has taken place.

Mr. Speaker, in our own wisdom, we realized as a committee that if we conclude by ourselves that nothing has taken place, and we bring the matter before you and this Honourable House. Then, they may ask us several questions such as; has there been...

Hon. Kanga: Point of Order Mr. Speaker.

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

Hon. Kanga: You know Mr. Speaker I am bringing my point of order due to the Standing Orders Nos. 83 and 89. We are debating within the confines of the debate which was brought by Hon. Otiang'. Hon. Roy Samo, whom I highly esteem, goes further in talking about issues which are not indicated in this progress report. It means that he is anticipating a debate on the final report which is yet to be brought before this Assembly.

Mr. Speaker, he goes further to tell us that they have made efforts to invite the CEC as a committee and they have struggled so much which is also not indicated here in this progress report as indicated in the Standing Order No. 89 - The responsibility for Statement of Facts.

Mr. Speaker, I request Hon. Samo to confine himself unto this particular progress report, thank you Mr. Speaker.

The Speaker (Hon. Oraro): Thank you Hon. Member. To Hon. Samo, there is a matter that Hon. Kanga feels you need to substantiate under the Standing Order No. 89. I know from the document that is before me here, you may not be able to really convince him that you had invited the CEC Member on matters concerning that. I want give you a period of up to next week Tuesday so that you provide those letters that invited the CEC so that you can convince him that it was indeed done. If you will not be able to do that within that period, then you will be forced to withdraw and apologize on the same.

Hon. Samo: Thank you Mr. Speaker. That is sufficient time enough but, since is he my friend I will show him the letters when we walk out from here if the chair allows me to...

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

Hon. Otiang': Thank you Mr. Speaker. We have ably debated on this report and there are queries which Members are rightfully asking to be clarified for and I want to respond as follows; The statement was not sought by PIC/PAC committee but was done by a Member of this House. You cannot ask us to take some of the point that were asked by the Hon. Member otherwise you would have raised it at that time.

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

Hon. Kanga: Mr. Speaker, I have not cited anywhere in our Standing Orders where committees do seek statements. The statements are sought by individual Members and thereafter directed to a Sectoral or Select Committee. Hon. Otiang' is replying Hon. Ogotu by stating that the committee of PIC/PAC did not seek this statement. I believe that the House should be guided appropriately.

The Temporary Speaker (Hon. Okumu): Order!! Order!! Hon. Members. Your message is home so, allow Hon. Otiang' to finish her submissions. I will not allow anymore point of orders and points of information because...

Hon. Steve Owiti: We cannot allow what Hon. Kanga has alluded to go unchallenged because he said on the floor of this House and we are assuming that it was the Speaker who committed that statement PIC/PAC committee.

The Temporary Speaker (Hon. Okumu): Hon. Member allow Hon. Otiang' to finish her submissions and we will give a ruling on all those things that you are talking about. Please proceed Hon. Otiang'. Can you reply?

Hon. Otiang’: Thank you Mr. Speaker. I am indeed finding it a bit disturbing that this is not the first time I am reading this report and Hon. Kanga has had the opportunity to lynch me whenever I am on the floor of the House. A Member said that we have never tabled any report in this House...

The Temporary Speaker (Hon. Okumu): Order!! Hon. Otiang’. I just want to bring order in the House. Hon. Otiang’ I want to guide you that you reply to the statement and the concerns that the Members have raised. Kindly have it in mind that you are convincing them to add you time. Just try to desist from mentioning Members unless you have facts to support those allegations.

Hon. Otiang’: Thank you Mr. Speaker I am not really coveting his vote because I know he is going to vote for me. The committee has already tabled a report in this House. If we can go to the Hansard to check on that. Actually some of the recommendations that we did with KIWASCO, NYANAS and Gulf was recommended by you to the EACC for further investigations. That fact is there and nobody can challenge that.

Mr. Speaker, the PIC/PAC Committee was given the work by this House and we are just doing the same thing. There is no law that bars the committee from giving a progress report in the House; that goes to that Member who is not informed of that. As a committee we are practicing patients because if we are not patient with some of these things then, we cannot have them. Public resources that have been lost can only be gotten when you look at it keenly as we give you a comprehensive report on the same.

Mr. Speaker, a Member challenged the percentage of work done; it is not work at the Moi Stadium and I believe that is why we are here in the first place which is because of the committee work. Even if you look at this report, it ought not to have been a motion. How do we introduce motions into the House? I did not want this thing to go the way it is going. I am being lynched because I am taking one for the team. This was supposed to be a statement and not a motion because there are ways in which motions are usually introduced in this House. I am making this in reference because I did not want it to come the way it has come but let me just face it as a good Chairperson. Most of the members who are sitting here are the same Members who are an impediment to this report because, they do not want it to come out for one reason or another.

Otherwise I still request you to give us more time to prove them wrong that this committee is able to work and committed to give the House a comprehensive report which can stand the test of time. There are so many reports that come to this House but, I do not want to talk about them; Let me talk about my committee. My committee is very committed. Mr. Speaker Sir, remember that you are one of us and you know how we work. As I sit down I would like to plead with you to give us more time so that we are able to give you a comprehensive report which the House is seeking and which the general public is also seeking. Thank you.

The Temporary Speaker (Hon. Seth Okumu): Thank you. Hon. Members a Progress Report on the Proposed Construction of Moi Stadium has been moved as a motion in this House by Hon. Otiang', seconded by the Leader of Minority and debated by Hon. Members.

Hon. Members, the prayers from the committee is requesting that they be given more time so that they finish the 20%. For those who will respond "Ayes", you will agree that extend the time for the Committee of PIC/PAC to finish the 20% of the work that is remaining and for those who will say "Noes" will deny them time to finish the 20% of the work and only to bring the 80% of the report that they have before the Assembly. I therefore want to propose to put a question on the adoption of the progress report on the Proposed Construction of Moi stadium?

(Question put and agreed to)

The Temporary Speaker (Hon. Okumu): The Progress Report from the Committee of PIC/ PAC has been adopted today 23rd September 2020 at 1555 hours that is granting them more time to finish the report.

Hon. Members, since they did not state clearly how much time they want to be given thus they have mentioned that they are inviting the CEC Member for Tourism, Arts and Sports on 30th September 2020 so that they can conclude the report. I would like to grant them a timeline of two weeks to bring the report which will be on Wednesday, 14th October 2020. The House Business Schedule needs to be communicated so that they give them a day on the same to bring the report.

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

ADJOURNMENT

The Temporary Speaker (Hon. Okumu): There being no any other business to transact, the House stands adjourned to tomorrow Thursday 24th September 2020 at 2.30 p.m.

(House rose at 04.02 p.m.)

Addendum

Hansard Team

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