

## COUNTY GOVERNMENT OF KISUMU



### COUNTY ASSEMBLY OF KISUMU

### **THE HANSARD**

#### *Official Report*

#### SECOND ASSEMBLY – FIFTH SESSION

Wednesday, 24<sup>th</sup> February, 2021

House met in the Main Chamber at 2:30p.m.

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

### PRAYERS

**The Speaker** (Hon. Oraro): Hon. Members, pursuant to the provisions of County Assembly of Kisumu Standing Orders No. 32 (2), I want to direct that the Sergeant-at-Arms rings the quorum bell for five minutes.

*(Quorum bell rung for five minutes)*

**The Speaker** (Hon. Oraro): Hon. Aslam Khan, could you confirm if we have quorum.

**Hon. Khan:** Mr. Speaker, we have quorum. Thank you.

**The Speaker** (Hon. Oraro): Thank you. Honourable Members, I want to refer ourselves to Standing Order No. 38 (2). That is the sequence of proceedings. *Business shall be disposed of in the sequence in which it appears in the Order Paper or in such other sequence as the Speaker may, for the convenience of the County Assembly, direct.*

Hon. Members, I want to direct that the business No 2 becomes the business No. 1 and the business No. 1 becomes the business No. 2.

**The Speaker** (Hon. Oraro): Mr. Clerk, take us through the Order Paper of the day.

### COMMUNICATION FROM THE CHAIR

**The Speaker** (Hon. Oraro): Honourable Members, I have got two communications to make. One, as we had agreed yesterday, we had an informal meeting with the CEC Finance and Economic Planning for the Members who were not there and we came to an agreement that the Finance Department in the County Government is going to liaise with our Finance Section of the Executive so that the bit of our payments can be made based on the current finances within the County. I believe that shall be possible within the week and I want to request for your indulgence that you be patient as that is being worked out.

Two, I received a letter from the Office of the Leader of Majority who is also the Chairperson of the Selection Committee reporting their unanimous agreement that Hon. Samuel Otieno Dede be the Vice-chairperson of the Select Committee on Selection which was initially occupied by the Majority Whip Hon. Priscah Misachi. This letter is signed by the Leader of Majority as the Chairperson on behalf of the Selection Committee.

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

### ADMINISTRATION OF OATH

**The Speaker** (Hon. Oraro): Yes, Hon. Samuel Otieno Dede.

I, Hon. Samuel Otieno Dede, having been appointed as the Vice-chairperson of the Select Committee on Selection of the County Assembly of Kisumu do swear that, I shall truly and diligently serve the people of the Republic of Kenya in the office of the Vice-chairperson of the Selection Committee of the County Assembly of Kisumu, That I shall 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 all laws and conventions of parliament without fear or favor, affection or ill health.

SO, HELP ME GOD

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

### STATEMENTS

**The Speaker** (Hon. Oraro): Yes, Hon. Rashid Miruka. MCA, North Nyakach Ward.

**Hon. Miruka:** Thank you Mr. Speaker. Pursuant to Article 35 (1) (a) of the Constitution of Kenya 2010 and the provisions of our Standing Orders 41 (2) (b) and 193, I wish to seek a Statement from the Health, Housing and Sanitation Committee. The County Government of Kisumu in its Annual Budget Estimates FY 2020/2021 set aside funds for Maintenance of Health

Facilities in the county under the Facility Maintenance Fund. This fund is to be utilized among other things the repair of the facilities in the county and payment of the Casual Workers in the facilities.

Regrettably, some facilities have not received their share and this has caused delay in the salaries and accrued arrears for the Casual Workers. I therefore, wish the Chairperson would investigate, inquire and report on the following;

1. Whether the said funds have been disbursed to the said facilities and if yes, a break down on how the funds were distributed.
2. Whether there are measures put in place to avert the delays or failure in the distribution of funds.

I would request that you allow the Members to deliberate on this because it is a matter of concern.

**The Speaker** (Hon. Oraro): Honourable Members, I want to confirm that I received and approved the said Statement by Hon. Rashid Miruka. I want to give a chance to the Chair Health to say something on the same.

**Hon. Jagongo:** Thank you Mr. Speaker. I am sorry I have not seen the Statement but I want to request the House to give two weeks so that I give a comprehensive response on that.

**The Speaker** (Hon. Oraro): Honourable Members, I commit this Statement to Health, Housing and Sanitation Committee and I direct that they do due diligence on it and report back to the House within 14 days. Hon. Chair of Health, let it be two weeks and not more than that.

**Hon. Jagongo:** Mr. Speaker I am one of the Chairs who has kept their words on this Floor. There is an amendment on the Statement and I think it should be written Facility Improvement Fund and not what is written.

**The Speaker** (Hon. Oraro): Honourable Chair, I gave you time to respond. Don't worry about the name of the fund. Report back within two weeks. Hon. Rashid, it will be at your disposal to explain to the committee what you mean by that.

**Hon. Miruka:** Thank you. Allow me to proceed I have another Statement.

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

**Hon. Miruka:** Pursuant to article 35 (1)(a) of the constitution of Kenya 2010, and the provision of Kisumu County Assembly Standing Orders no. 42(b), I wish to seek a statement from the Chairperson of the Committee of Health, Housing and Sanitation. Mr. Speaker, Katito Sub-County Hospital is one of the health facilities in this county. An ambulance was assigned by the County Government to the facility to ensure effective delivery in the sub-county. Notably, the

referred ambulance has been grounded and has greatly inconvenienced service delivery. In addition, it has put the residence at a great risk because there is no vehicle in place to attend to emergencies. I therefore seek a statement from the chairperson on the following;

1. What occasion led to the grounding of the ambulance?
2. When will the ambulance be repaired and be back on the road?
3. Who is responsible for the maintenance and fueling of ambulances in the county?

Thank you, Mr. Speaker.

**The Speaker** (Hon. Oraro): Honorable Members, I can see that the Chairperson of the Committee from which the statement is sought is in the House. I can give you an opportunity to respond to this one now.

**Hon. Jagongo:** One of the questions Hon. Miruka has asked is quite straight forward and that is question three which seeks to know who fuels the county ambulances. This is automatically the county government which does that and therefore I can't wait to be given two weeks to respond to that. The issue of the ambulance breaking down is because it was on use thus leading to it breaking down.

*(Laughter)*

**The Speaker** (Hon. Oraro): Hon. Rashid Miruka, are you satisfied with the responses from the chairperson?

**Hon. Miruka:** No Mr. Speaker. It is because we know that fueling is coordinated from the County and I have reasons for asking that question. They often ask for fuel because they claim it has not been sent from the county and that is where our worry and concern is pegged.

Secondly, his second response of the car breaking down is quite shoddy yet this is something that cuts across the whole county. The chairperson should do his investigation because that keeps happening. The issue of an ambulance being needed in Katito is one that we had discussed in this House...

**The Speaker** (Hon. Oraro): What is it Hon. Philemon Ojuok?

**Hon. Ojuok:** I have a point of information Mr. Speaker.

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

**Hon. Ojuok:** I want to inform the chairperson of Health, Housing and Sanitation Committee and the House.

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

**Hon. Ojuok:** *(On a point of information)* Mr. Speaker, such kinds of answers as breakdown and the like are some of the reasons why doctors opt to return the health docket to the National Government. We are talking about ambulances which ensure people are quickly saved from death during emergencies yet the Chairperson is brushing it off casually as breakdown. It is not right and I know that as a medic, he can do much better than that.

**The Speaker** (Hon. Oraro): Yes Hon. Erick Agolla.

**Hon. Agolla:** Thank you Mr. Speaker, and with due respect Hon. Rashid Miruka, I want to tell you to avoid transferring your responsibilities to the Chairperson of Health, Housing and Sanitation Committee.

*(Feet thumping)*

Ordinarily, the composition of the Board that run these facilities puts Hon. Rashid Miruka as an automatic member or he can appoint a representative in the same capacity. Those are petty managerial issues that should not be brought to the Assembly. I want to ask Hon. Rashid to come up with tangible questions to address the Hon. Chair for health.

**The Speaker** (Hon. Oraro): Yes Hon. Rashid Miruka.

**Hon. Miruka:** Mr. Speaker, protect me because I can see Members from Kisumu West are out to tarnish my reputation in this House. I want to say that coming up with this was after I also did my work as one who does the oversight role in that locality. That is also why I came with the statement to seek a response from the Department of Health that would help the situation henceforth. We have an ambulance in the facility that is grounded, when it was working, it could not be properly fueled by the respective body. I therefore want him as the Chairperson, Health Services to do his research and tell the House because fuel delivery affects other health facilities in this county as well. This is a serious matter that should be handled with the seriousness that it deserves.

**The Speaker** (Hon. Oraro): I can see that Hon. Roy Samo is really nodding. I would love to know why he is in agreement.

**Hon. Ogutu:** A point of information Mr. Speaker.

**The Speaker** (Hon. Oraro): Hon. Ogutu, I had noticed Hon. Roy first.

**Hon. Samo:** Mr. Speaker, what Hon. Rashid is saying is a serious issue that needs to be looked into that is why we get some of these offices to take charge. We cannot have a Chairperson of a key House Committee giving casual statements on issues that are of topical concern. I want to categorically say that I suffer the same fate because I am a representative of Kajulu Ward. We also had one ambulance, which often lacked fuel and if this matter is not addressed because we have tried looking into relevant departments yet it is not forthcoming, I believe that Hon. Rashid

is in order to raise this matter so that it is looked into. Mr. Speaker, I believe the Chairperson Health Committee should be able to handle that. However, I would also like to say that our ambulance got involved in an accident and it has been a year since a new one has been brought. I have also been there to confirm the same. Therefore who should give us relevant response on the same? I think that Hon. Rashid should be able to get a detailed response from the Chairperson Health, Housing and Sanitation Committee, Hon. Jagongo. If he cannot substantiate the simplest of responses then we should remove him from that seat, thank you.

**The Speaker** (Hon. Oraro): What is t Hon. George Ogutu?

**Hon. Ogutu:** Thank you Mr. Speaker, I believe that the westerners (Kisumu West) should not gang against Hon. Rashid Miruka because what he has brought to this Assembly is very important. The fact that he had already done his oversight role on the same is the reason he has brought this to the House today. I also don't think that it is Hon. Rashid's responsibility to fuel ambulances or county vehicles. I believe that the Chair of this important House Committee can liaise with the relevant department and ask what is going on because, if there are breakages, it is the responsibility of an MCA to fix the vehicle. If fuel is not provided for, it is not the responsibility of the MCA to fix fuel. I believe that Hon. Miruka has done something affecting Kisumu County as a whole...

**The Speaker** (Hon. Oraro): Hon. Ogutu, you point has been heard.

**The Speaker** (Hon. Oraro): Hon. Guya, you are the last person, what is your information?

**Hon. Guya:** Thank you Mr. Speaker. I am on a Point of Order. First, I believe that Hon. Ogutu is making his contribution and I am not passing any information.

**The Speaker** (Hon. Oraro): It's the reason that I have stopped him.

**Hon. Guya:** Mr. Speaker, response to Statements depend on how they are framed. For example if you ask that who fuels the vehicles? That is a very straight forward question that can be responded to. Mr. Speaker, it is common knowledge that all county vehicles are being fueled by the County Government of Kisumu. So, if there was another question to be asked then, I believe that it is only in order that you give Hon. Miruka to go reframe the Statement so that we get responses to whatever he is asking. This is because whatever he is trying to seek out here is far much different from what he has asked. Thank you.

**The Speaker** (Hon. Oraro): Hon. Miruka, we are lucky that we have the Chairperson, Health Service in the House, I want to agree with Hon. Guya that, sometimes the way we frame our questions can mislead the respondents or you can be given a response and you feel like that was not what you intended to get from the respondent. Hon. Members, I can confirm that I approved this Statement because the questions are here which are very clear on what is required to be investigated. If we have the Chair, Health Services here and he is able to respond to the

questions and you are not satisfied then, it means that maybe the framing of the question was not properly articulated.

So, I believe that I will give you the opportunity so that you go back reframe the question, I promise to give you time tomorrow to present your statement.

*(Applause)*

**The Speaker** (Hon. Oraro): So, on this Statement, I will not commit it but will give you time and the opportunity and I promise that tomorrow I will give you time to re-present it again.

**The Speaker** (Hon. Oraro): Hon. Miruka, are you still on the floor?

**The Speaker** (Hon. Oraro): Hon. Members, before you proceed, Hon. Otiang' is complaining that the place is cold and I direct that the air conditioners be adjusted, that is the complaint I received and she has initially been complaining that it is hot inside here. So, Serjeant-at-Arms, can you please adjust the ACs to the appropriate temperature conditions.

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

**Hon. Guya:** Mr. Speaker, I had not concluded my submissions.

**The Speaker** (Hon. Oraro): Hon. Guya, please let Hon. Miruka conclude then you proceed.

**Miruka:** Thank you Mr. Speaker. I would like to request for your protection because I have seen Hon. Members have ganged up here to sabotage my work.

Mr. Speaker and Hon. Members, pursuant to the provisions of Article 35 (1) (a) of the Constitution of Kenya 2010 read together with Standing Order No. 41 (2) (b), I have a Statement to request from the same Chairperson of Health Services.

Mr. Speaker Sir, the Kisumu County Health Act, 2019 provides for the Community Health Volunteers (CHWs) to be part of the County Health Workers. Services offered by the CHWs go a long way in ensuring the efficient and timely delivery to our people.

However, the County Government has been grappling with the payment of stipends to CHWs and this has greatly hindered service delivery in the Health Sector.

Mr. Speaker, I therefore seek a Statement from the Chairperson on the following;

1. Why have the Stipends promised to CHWs delayed for so long?
2. When will the Stipends be paid?
3. Why have the CHWs not received their Medical Cover as was promised by the Governor of Kisumu County?

4. What is the County Government doing or done to avert the effects of disrupted Health Workers in service delivery.

Thank you.

**The Speaker** (Hon. Oraro): Hon. Members, I also want to confirm that this is a Statement that I approved. Now that we have the Chairperson, Committee of Health Services in the House, can we give you time to respond to the statement sought by Hon. Miruka?

**The Speaker** (Hon. Oraro): Hon. Khan, what is it?

**Hon. Khan:** Thank you Mr. Speaker for having noticed me. Mr. Speaker, I worried how Members are casually entering this House without taking the necessary precautions and especially wearing of masks. This has become too much including the whole Chairperson of Health Services not wearing masks setting bad precedence to other Hon. Members.

Mr. Speaker, Corona is real and it's the reason we have been having a lot of sensitization exercises within our County and spending taxpayer's money to do the same. At the same time, we as leaders, cannot practice the same. Thank you that is my concern.

**The Speaker** (Hon. Oraro): Thank you Hon. Khan. You are aware that the Speaker may not be able to see everyone and I believe that is a very good concern. Hon. Members, COVID-19 is real. Hon. Chair, you have been mentioned that you are not putting on your mask, please put on your mask this includes all the other Hon. Members. We all agreed that we are supposed to be putting on our masks and please remember COVID-19 is real and there is no day that the Government has declared that Kenya is COVID-19 free. Please ensure that you put on your mask especially when using the portable microphone.

**The Speaker** (Hon. Oraro): Hon. Chairperson, Health services Committee.

**The Speaker** (Hon. Oraro): Hon. Members, I can see that the Hon. Chair is not putting on his mask so he is not able to respond to that Statement.

**The Speaker** (Hon. Oraro): Hon. Seth, what is it do you want to respond to that Statement on behalf of the Chairperson?

**Hon. Okumu:** Yes Mr. Speaker.

**The Speaker** (Hon. Oraro): Please proceed.

**Hon. Okumu:** Thank you Mr. Speaker. The Chairperson has given responses sought by Hon. Miruka and these are the responses.

Mr. Speaker and Hon. Members, I believe that the first question was why did the Stipends delay? I believe that it was recently that we had the CEC for Finance and Economic Planning in this

House and the delays have been occasioned by delay in Exchequer Releases and these are funds meant to be disbursed to Counties.

Second, when are the payments being made? I want to assure my colleague Hon. Miruka that, payment of Stipends is being undertaken now as was promised by the Minister and this is done together with the Medical Cover that you were asking about.

Thirdly, what is the County Government of Kisumu doing to help avert the effects of the disrupted service delivery by CHWs? I believe that having their stipends payments being done together with the Medical Cover by the CEC Member for Finance and Economic Planning and I believe that the strikes that you think that they are on shall have been averted and they will resume their duties as the first responds in health in Kisumu County. Thank you Mr. Speaker.

**The Speaker** (Hon. Oraro): Hon. Members, I want to assist Hon. Miruka. There is this question that you have responded stating that the CHWs are being paid now. What do you mean by now?

**Hon. Okumu:** Thank you Mr. Speaker. Now means as per the report that we received from the CEC Member for Finance and Economic Planning which is some two hours ago. I believe that as we speak, the payment is ongoing. So, if we get different information from that, we will let it be known to Hon. Rashid. Thank you Mr. Speaker.

**The Speaker** (Hon. Oraro): Hon. Rashid.

**Hon. Miruka:** That one is okay, but one question is not responded to. There was a promise by His Excellency the Governor, Prof. Peter Anyang' Nyong'o to the effect of giving Medical Cover to the Community Health Workers which has not taken place to date. What about that?

**The Speaker** (Hon. Oraro): Yes Hon. Seth Okumu.

**Hon. Okumu:** Thank you Mr. Speaker. I do not know which one he meant, because we have MARWA Health Care Scheme and NHIF. I know that we agreed that all the CHWs will be in all the Marwa HealthCare that was launched, I believe that sometimes late last year. I want the chairperson to confirm that one also.

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

**Hon. Jagongo:** Mr. Speaker, I want to confirm that the Medical Cover that is called MARWA will cover all the CHWs. The county government is also paying Kshs 500 for the NHIF for them at the same time.

**The Speaker** (Hon. Oraro): Hon. Rashid.

**Hon. Rashid:** Thank you Mr. Speaker, I believe that, now I get him right. He is talking about the County Government paying Kshs 500 for every CHW. I think this is wrong because, there is no

document to prove that. And that is a formal knowledge here. Even the other time when we asked an Ad hoc Committee of health concerning that issue, they said that so far there was nothing. I am now wondering where the Chairperson has today gotten the information. If there is any document that is proof on the same, I think that one would be better.

**The Speaker** (Hon. Oraro): Hon. Members, I do not want to give the Chairperson Health, Housing and Sanitation Committee a chance, you know we are making it a debate. But, so far, the originator of the Statement has confirmed that he has been partially answered. I want to direct that this Statement be committed to the Health, Housing and Sanitation Committee and the remaining bit and the clarification that is required be done alongside the first Statement that I committed to the committee. That means, the outcome is needed within two weeks, so you have to combine the two Statements and report back to the House within two weeks. With the facts that the Hon. Member is asking for.

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

**Hon. Guya:** Thank you Mr. Speaker. I also request for the Statement in this House. Mr. Speaker and Hon. Members, pursuant to the provisions of the Standing Order No 41 of the County Assembly Standing Orders, I wish to seek for a Statement from the Chairperson standing Committee on Education and Vocational Training or as will be directed.

Aware that as one of the Manifestos of the County Government of Kisumu as for years allocated and approved funds towards Bursaries or Scholarship for the vulnerable and needy students assist them access education in various institutions of learning.

Mr. Speaker and Hon. Members, it is against this and in executing one of our constitutional mandated role of oversight, I would like to seek for a statement on the following;

1. The status of the Bursary Fund account for the Financial Year 2019/2020.
2. The committee should be able to provide us here with a detailed list of Bursary Beneficiaries for the current financial year per ward and per institution.
3. The committee should provide a Detailed List of Beneficiaries of the VTC Capitation funds for the Financial Years 2019/ 2020 and 2020/2021.

Thank you Mr. Speaker.

**The Speaker** (Hon. Oraro): I cannot spot the Chairperson Education and Vocational Training Committee. Ooh, Hon. Arao, the floor is yours.

**Hon. Arao:** Thank you very much Mr. Speaker. I will kindly request if you could rule that I bring the report by next week on Thursday 4<sup>th</sup> March, 2021. That is my humble request although it is within your jurisdiction to rule on it, thank you.

**The Speaker** (Hon. Oraro): Hon. Members, I know that this matter was raised and it was among the matters that were referred to the General Oversight Committee. As the Chairperson of the General Oversight Committee, I had plan that probably it be convened on Thursday, we shall be meeting. But, because Hon. Arao is just confident that he can get us the list by next week. So, I do not think there is a crime warranting the Standing Committee of Education and VTC through their chairperson that opportunity to give us the detailed list of the Beneficiaries of VTC and Capitation that is FY 2019/2020 and FY 2020/2021, and the Bursary Beneficiaries for the current year. This it may help us in the General Oversight Committee as well.

To the Education and Vocational Training Committee, we commit this Statement to you and report back next week Wednesday 3<sup>rd</sup> March, 2021, in the afternoon.

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

**Hon. Guya:** Thank you Mr. Speaker. I think that is fair enough. Mr. Speaker, I have another Statement and if you allow me again;

Mr. Speaker and Hon. Members, pursuant to the provisions of the Standing Order No. 41 (b) of the County Assembly Standing Orders, I wish to seek for a statement from the Chairpersons of Committee on Implementation or as will be directed by you; Mr. Speaker.

Aware that, the County Government of Kisumu, approved the Kisumu County Appropriations Bill, FY 2019/2020 and FY 2020/2021 as stipulated in the provisions of Article 224 of the Constitution of Kenya 2010, section 131 OF THE PFM Act, 2012 and the County Assembly Standing Orders 209.

Mr. Speaker and Hon. Members, I would like to request the Chairperson, Committee on Implementation to inquire, investigate and look into above and furnish this House with the following;

- a) County Government of Kisumu Budget Implementation Status Report for the Financial Years 2019/2020 and 2020/2021.

Thank you Mr. Speaker.

**The Speaker** (Hon. Oraro): I can notice the Chairperson Implementation Committee is here. Do you have anything to say?

**Hon. Agolla:** Thank you Mr. Speaker, with due respect, if you allow me, and on behalf of the Committee, I want to ask for a period of ....

**The Speaker** (Hon. Oraro): Hon. Members I think that is direct but I also want to make the following observation. During the onset of COVID we agreed that Members go to their wards to do what is called Sub-County oversight and the target was the 2019/2020 projects. Unfortunately

not all the projects were captured and during our informal meeting some time back we said that the way it was done did not capture all the projects. I want to challenge each and every Member that in as much as the Implementation Committee shall be going to get the status of the report also liaise with the Implementation Committee Chairperson and give the status of each and every project within your ward for those financial years. I also want to challenge the Committee of Budget and Appropriation; there was the CBROP which has the status of projects in the previous years. I am still wondering where that report is because it ought to have been discussed here so that Members agree or disagree with the components of the CBROP.

Chairperson of Implementation, if you look at those three components then you will be able respond to the Statement that is being sought. I am seeing the Vice Chairperson of Budget and Appropriation Committee is here, where is the Report on the County Budget Review and Outlook Paper CBROP, because I am sure the question being raised by Hon. Guya would not have been raised if we had it here.

**Hon. Khan:** Thank you Mr. Speaker. As you may be aware that the Budget and Appropriation Committee is one professional committee that works silently. This has actually been put in the Order Paper of 2<sup>nd</sup> March 2021 for commencement of business on the report of the same. Thank you.

**The Speaker** (Hon. Oraro): I want to direct that the Chairperson, Implementation Committee that you must be present during that time with your committee so that you get what is discussed but I also want to give you two weeks as you requested that you report back to the House on the statement raised by Hon. Guya. All the committees which have pending works kindly take your work seriously and report back because now you can see if we had this report of CBROP then I believe that this statement could not have been raised.

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

### MOTION

WATER, ENVIRONMENT AND NATURAL RESOURCES COMMITTEE REPORT ON  
THE INVESTIGATION OF ALLEDGED WATER INFLATION BY KIWASCO

BY HON. SAMSON AMESO, CHAIRPERSON

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

**Hon. Ameso:** Thank you Mr. Speaker Hon. Speaker and Members.

PREAMBLE.

Mr. Speaker and Hon. Members,

PURSUANT to Standing Order No. 41 (b) of the Kisumu County Assembly Standing Orders a Statement was sought from the Committee on Water, Environment and Natural Resources by Hon. Samson Ameso regarding the alleged inflation of water bills by KIWASCO to the residents of Kisumu County on Tuesday, 29<sup>th</sup> September, 2020 at 1430Hrs (See Annex 1). In accordance with Article 185 of the Constitution of Kenya, Section 8 of the County Government's Act, 2012 read together with Standing Order No. 193, the Hon. Speaker instructed the Committee on Water, Environment and Natural Resources to make an inquiry, investigate and cause a report on:-

- I. The cause of inflation of Water bills by KIWASCO.
- II. The action taken so far to curb errors in water levies.
- III. The Mitigation measures to curb any future inflation.

Consequently, the Clerk of the Assembly notified KIWASCO and the Department of Water, Environment and Natural Resources through the Office of the County Secretary, to provide a detailed response to the attendant demands of the Statement sought.

Establishment and Mandate of the Committee.

Mr. Speaker and Hon. Members,

The Sectoral Committee on Water, Environment and Natural Resources is established under Standing Order No. 193 of the Kisumu County Assembly Standing Orders, whose mandates, pursuant to the Standing Order No. 193 (Second Schedule) is as follows;

*To investigate, inquire into, and report on all matters relating to the provision of clean water for Domestic use; implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation and forestry and control of air pollution, noise pollution, other public nuisances and outdoor advertising.*

The Subject matter of the Sectoral Committee on Water, Environment and Natural Resources are as stated in the Second Schedule of the Kisumu County Assembly Standing Orders No. 193 and are as follows; Environmental Conservation, noise pollution, provision of clean water for domestic use, water conservation and implementation of specific national government policies.

Composition.

The committee as currently constituted comprises of the following Honorable Members;

NAME	POSITION
1. Hon. Samson Ameso	- Chairperson
2. Hon. Kennedy Ooko	- Vice Chairperson
3. Hon. Seth Okumu	- Member
4. Hon. Seth Kanga	- Member
5. Hon. David Arao	- Member
6. Hon. Joachim Oketch	- Member

7. Hon. Roy Samo	-	Member
8. Hon. Steve Owiti	-	Member
9. Hon. Gard Olima	-	Member
10. Hon. Olga Aoko	-	Member
11. Hon. Caren Muga	-	Member
12. Hon. Maurice Ngeta	-	Member
13. Hon. Philemon Ojuok	-	Member
14. Hon. Johnson Guya	-	Member
15. Hon. John Atieno	-	Member

#### Committee Secretariat.

1. Peter Anditi - Senior Clerk Assistant
2. Harman Moses - Committee Clerk
3. Muinde Dominic - Legal Counsel
4. Patrick Okoyo - Hansard
5. Rose Baraza - Serjeant-at-arms

#### ACKNOWLEDGEMENTS.

Mr. Speaker and Hon. Members, I would like to express my special thanks of gratitude to all members of the Committee on Water, Environment and Natural Resources for their valuable contributions during this investigation.

The Committee also extends special thanks to the offices of the Speaker and Clerk of the Assembly and the Committee Secretariat for their support in the entire duration of the investigation.

I therefore humbly submit this Report for consideration by the House on behalf of the Committee on Water, Environment and Natural Resources.

#### LEGAL BASIS OF THE INQUIRY.

Mr. Speaker and Hon. Members, the subject matter of this inquiry is guided by The Water Act, 2002, and the following laws, regulations and policies:

The Kenya Constitution, 2010

This provides that;

- Every person has the right to accessible and adequate housing and to reasonable standards of sanitation
- Every person has the right to clean and safe water in adequate quantities.

#### Vision 2030 Goals

Further provides that to ensure water and improved sanitation availability and access to all by 2030, 80% access to safe and reliable water for urban areas is to be maintained annually.

#### Vision 2030 Targets for 2020

Also stipulates for;

- 75% (access to safe and reliable water) for rural areas
- A Reduction levels of unaccounted-for water to below 30%
- 77.5% and 72.5% access to safe sanitation for urban and rural households
- 40% and 10% sewerage access for urban and rural areas

The Environment Management and Coordination, (Water Quality) Regulations 2016.

These regulations applies to drinking water, water used for industrial purposes, water used for agricultural purposes, water used for recreational purposes, water used for fisheries and wildlife, and water used for any other purposes.

#### BACKGROUND INFORMATION

Mr. Speaker and Hon. Members, the Water Act, 2002 vests the regulation of water services to the Water Services Regulatory Board (WASREB). As the national Regulator, WASREB oversees the implementation of policies and strategies relating to the provision of water and sanitation services. In this regard, WASREB monitors and regularly reports on the performance of utilities and Water Services Boards (WSBs) which includes KIWASCO. Under the framework set by the national government, which is responsible for policy and regulation; and by County governments, who are in charge of service delivery through agents, the realization of the right to water and sanitation therefore has the following implications for KIWASCO:

- Applying standards in the provision of water and sanitation services within the County through utilities, in urban areas, and community management, in rural areas
- Phasing out informal service provision for the urban setting and replacing them with formal service provision
- Introducing standards for infrastructure development and for community management in rural areas

- Promoting efficiency in the management of water services, through its WSBs so that water can be provided at the lowest possible cost.
- Working to ensure service provision is sustainable
- Taking responsibility of monitoring utilities and community managed operators, who are accountable to the County government.
- Protecting consumers and providers through a formalized complaint management system.
- Providing information on access and service delivery to decision makers and the public

#### TERMS OF REFERENCE FOR THE INVESTIGATION

Mr. Speaker and Hon. Members, an Administrative Petition written by the Kisumu City Residents Voice brought to the attention of the Committee by one Mr. Audi Ogada and sent to the Principal Director, Kisumu Water And Sewerage Company, copied to His Excellency the Governor and also posted in a social media platform on the 21<sup>st</sup> of October, 2020 was the foundational reference for this inquiry (see annex ii).

The petition authored by the Chairperson of the Civil Society Group Mr. Audi Ogada sought among other things the cause of inflation of water bills, which they contend, is exploitative “coupled with unresponsiveness by the management of KIWASCO” on inquiries subject to the inflation.

Further, the Civil Society posits that there is persistent discrimination and impunity by some notorious “cartels” linked with KIWASCO Management who are fond of disconnecting water; especially for domestic consumers.

And that the decentralization of billings to field officers in various zones has hugely contributed to the corruption and excesses in the use of power by heavily protected cronies of top KIWASCO management, hence billings manipulation.

Mr. Speaker and Hon. Members

The Committee hereby notes that while the petition written to KIWASCO Management on 21<sup>st</sup> October, 2020 covered other equally important matters, this investigation was however only conducted on the subjects in tandem with the Committee’s mandate and in strict observance to the doctrine of ultra vires.

For the furtherance of this investigation, the Committee convened on 14<sup>th</sup> October, 2020 at the Committee Room 1 and resolved that the following shall be the terms of reference for the Committee:

1. Invitation and Cross-examination of Mr. Audi Ogada on the inflation of Water Bills by KIWASCO.

## 2. Invitation of the KIWASCO Management Board.

## SUBMISSION OF MR. AUDI OGADA

Mr. Speaker and Hon. Members, following an invitation made to Mr. Audi Ogada by the Clerk of the Assembly vide a letter Ref. CAK/CGK/KIWASCO/VOL.I (01) dated 14<sup>th</sup> October, 2020 (see Annex iii). The Committee convened on 19<sup>th</sup> October, 2020 to cross-examine Mr. Audi Ogada with a view of establishing the cause and reason for the inflation.

Mr. Audi Ogada informed the Committee that KIWASCO inflation of water bills was an insider job choreographed to steal from unsuspecting consumers.

He further posited that KIWASCO has been in the habit of ignoring inquiries from consumers and that the Company lacks a formalized complaint management system.

The Committee was further informed that the water quality provided by KIWASCO is low and sometimes water supplied is smelly and dirty.

For purposes of evidence, Mr. Audi Ogada furnished the Committee with account statements of the following individuals to support the noted claims:

CLIENT	METER NUMBER	ACCOUNT STATUS	OPENING BALANCE	AVERAGE DEBIT	SHIFT IN CHARGES	CHANGE IN CONSUMPTION	PERIOD OF SHIFT IN CHARGES
Linet Adhiambo	16001614	Active	3,784.81	≤500.00	None	N/A	N/A
Andrew Onyango	16040549	Disconnected	1,947.00	≤420.00	420.00 – 33,718.00	6 units – 305 units	One (1) Month  Shift in charges rises from 420.00 in 3.2020 to 33,718.00 in 4.2020
John Odhiambo	18005846	Active	1,183.38	≤736.28	554.00 – 15,258.00		Two (2) Months

						8 units- 152 units	Shift in charges rises from 554.00 in 3.2020 to 15,258.00 in 5.2020
Rose Atieno Omondi	17040028	Active	1064.28	≤1200.00	None	None	N/A
Jacinter Adhiambo	18001288	Active	108.68	≤1320.00	None	From 34units to 54 units	N/A
Edward Agutu	17006701	Disconnected	930.00	≤1224.00	889.00 – 4218.00	13 units – 52 units	One (1) month  Shift in charges rises from 889.00 in 3.2020 to 4218.00 in 4.2020
Silas Ochieng	14054361	Active	3,312.50	420.00	None	N/A	N/A
SDA Church North	Sewer Onlydpt30	Active	33,977.94	≤702.00	None	N/A	N/A
Timon Otieno Mboga	0017389	Disconnected	3,077.11	≤755.00	None	N/A	N/A
Maurice Okoth Okeyo	15018631	Disconnected	3,142.75	≤584.00	584.00 – 1490.00	14 units – 14	One (1) month

						units	Shift rises from 584.00 in 6.2020 to 1490.00 in 7.2020
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#### SUBMISSION BY KIWASCO MANAGEMENT

Mr. Speaker and Hon. Members, pursuant to an invitation letter sent to the members of KIWASCO Management Board Ref. CAK/CGK/KIWASCO/VOL.I (02) dated 22<sup>nd</sup> October, 2020 (see Annex v) demanding that the Board of Management appear before the Committee on Tuesday, 27<sup>th</sup> October, 2020 to clarify the allegations of inflation of water bills, a consequent letter on the change of date of the invitation was communicated, further rescheduling the meeting to Thursday, 29<sup>th</sup> October, 2020.

Take notice that on 29<sup>th</sup> October, 2020, the Chairperson of the Committee in accordance with a resolution of the members, adjourned the meeting upon the observation that KIWASCO Management Board had sent junior staffs to hold brief for the management board in answering the allegations of inflation.

Consequently, a show-cause letter was sent to the Management Board instructing the members of the Board to appear before the committee in person on 25<sup>th</sup> November, 2020.

Mr. Speaker and Hon. Members, be informed that the Committee received a response from KIWASCO vide letter Ref. KWSC/ADU/ADM/S dated 23<sup>rd</sup> November, 2020 (see Annex vi) informing the Committee that the scheduled date of 25<sup>th</sup> November, 2020 was not convenient with the schedule of the Managing Director and that the Committee should re-schedule the meeting to a later date on or after 9<sup>th</sup> December, 2020.

Attached with the response was also an outline of reasons of inflation for the consumers who's Account Statements were presented as evidence before the Committee (See Annex vii).

#### COMMITTEE FINDINGS

Mr. Speaker and Hon. Members, following the analysis and scrutiny of evidence presented before the Committee, the Committee has made the following findings:

##### Increase in Non-Revenue Water

Non-Revenue Water (NRW) is the difference between the amount of water produced for distribution and the amount of water billed to customers. It indicates the efficiency of KIWASCO in delivering the water it produces to customer take-off points. It captures both technical losses (leakages) and commercial losses (illegal connections/water theft, metering errors and unbilled authorized consumption). High levels of Non-Revenue Water evidenced in

Kisumu City indicate that KIWASCO is losing revenue and will not be able to render proper service in terms of water availability and price.

The Committee observed that the High Non- Revenue Water mainly results from poor infrastructure maintenance and above all poor commercial practices (including corruption).

#### High number of Dormant Connections

Dormant Connections was computed by the Committee as the number of connections equivalent to accounts that have been disconnected or have not received water for more than three months, expressed as a percentage of total water connections. It is an indicator of KIWASCO's management capacity to deliver quality services to its customers. The Committee found that KIWASCO is not able to provide services to all its registered customers or it provides services of inferior quality. This has forced customers to shift to alternative sources of supply such as through proxies within KIWASCO, which may not be regulated.

The Committee has made the assumption that it could also imply that a large number of customers connect illegally, assuming that they still obtain water from KIWASCO without the knowledge of KIWASCO and thereby contributing to high Non- Revenue Water.

The Committee has further noted that the high level of dormant connection is also partly due to poor governance, where in some cases, disconnected customers collude with KIWASCO staff to get new account numbers. Records of KIWASCO therefore have dormant accounts that do not physically exist. Alternatively, some disconnected accounts, classified as dormant, continue to receive water through illegal reconnections.

#### Very Low Staff Productivity (staff per 1,000 connections)

Staff Productivity is the number of staff in employment for every 1,000 connections (total registered water and, where applicable, sewer connections). It indicates the efficiency of KIWASCO in utilizing their staff. The Committee observed that KIWASCO has very low staff productivity due to its inability to respond adequately on time to leakages and matters related to inflation and other emergencies.

#### RECOMMENDATIONS

Mr. Speaker and Hon. Members, the Committee recommends as follows; That the County government of Kisumu and KIWASCO must put in place measures to address challenges related to Non-revenue water. WASREB has disseminated Non-Revenue Water (NRW) Management Standards which aim at providing a practical approach to the reduction of NRW through measures that do not require use of sophisticated equipment, high levels of skill, or major investments. The Standards require utilities to first carry out a self-assessment of their NRW situation and then develop NRW reduction plans which are realistic and attainable. The self-assessment should be based not on estimation, but accurate system input metering, pressure

monitoring and GIS mapping. To address this challenge, KIWASCO is should establish NRW units to lead NRW reduction measures and to procure necessary equipment.

That Tariff Proposals should be Submitted to the Assembly before Implementation for purposes of oversight. Justified tariffs are crucial in promoting the financial sustainability of KIWASCO as well as ensuring that consumers pay fair prices for water services. As licensees, WSBs are required to establish the water supply and sewerage tariffs applicable for KIWASCO in accordance with the guidelines issued by WASREB. Additionally, the licensee has a responsibility of monitoring the correct implementation of tariffs and should notify WASREB of any deviations by the agent.

That KIWASCO should submit to the Assembly its current Business and Investment Plans within 30 days from the date of adoption of this report. The Committee observed that providing sustainable water supply and sanitation services requires sound physical, financial and strategic planning. This is necessary to ensure that existing and future financial resources are commensurate with investment needs as well as the costs of operating and maintaining services. Investments in water and sewerage infrastructure are central to the progressive realization of the human right to water and sanitation.

That KIWASCO should come up with a comprehensive customer complaint management system to improve its response on emergencies and matters related to inflation.

That the Department of Water, Environment and Natural Resources should conduct a human resource audit to determine whether the operations of KIWASCO are also affected by ghost workers or unqualified staff.

## CONCLUSION

Mr. Speaker and Hon. Members, it is worth noting that the provision of water services is a devolved function. However, the devolution of water services still requires greater clarity and certainty. The Water Bill 2014 tries to resolve this but more clarity will be required on functional assignments to different role-players in the sector. The roles of County governments and the national government in the development and operation of assets in the sector requires more clarification. This is to ensure that sector policy frameworks do not lead to duplicated efforts and overlapping responsibilities.

It is therefore my honor and privilege, on behalf of the Committee on Water, Environment and Natural Resources to move a motion of the Report on the Investigation of the Alleged Inflation of Water Bills by KIWASCO before this Honorable House for consideration.

I would like to call upon Hon. Kennedy Ooko to second. Mr. Speaker allow me to call Hon. Olga to second.

**Hon. Olga:** Thank you Mr. Speaker I second this motion because it is rightly tabled before the House.

**The Speaker** (Hon. Oraro): Hon. Members now that the report by the Sectoral Committee on Water, Environment and Natural Resource on the Investigation of Alleged Water Inflation by KIWASCO has been presented by Hon. Ameso on behalf of the committee, seconded by Hon. Olga. Pursuant to the provisions of our Standing Orders, I want to propose a question that the report is opened for debate.

**The Speaker** (Hon. Oraro): Yes Chief Whip.

**The Chief Whip** (Hon. Misachi): Thank you Mr. Speaker. I want to draw to your attention that the House lacks quorum and I want to seek for your indulgence that we suspend the discussion of this report to be discussed in our next sitting.

**The Speaker** (Hon. Oraro): Hon. Members I want to refer to the statement proposed by the Chief Whip and the issue of debate on this report which I believe is vital because it is a discussion of Topical Concern that requires most Members to be present and again I think it is a concern by many Members as I heard earlier stated when this statement was being raised.

Hon. Members, I am not even seeing the person who raised the statement here. By that, I want to be guided by our Standing Orders and when we interrupt such a business as proposed by the Chief Whip, it means that it will be our first item in our next sitting and we shall be guided by Standing Orders No. 30 on Resumption of Interrupted Business. In that case I am not going to put a question but agree with the request of the Chief Whip.

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

### ADJOURNMENT

**The Speaker** (Hon. Oraro): In that regard, the House is adjourned to tomorrow Thursday 25<sup>th</sup> February 2021 at 2.30 p.m.

*(House rose at 4.05 p.m.)*

*Addendum*

**Hansard Team**

<i>Zablon Otiende</i>	-	<i>In-charge, Reporter I</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>