

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

SECOND ASSEMBLY – FIFTH SESSION

Thursday, 08th April, 2021

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

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

PRAYERS

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

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

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oraro): Honourable Members, I want to remind you that we still need to adhere to the MoH protocols on COVID 19. Each and every Member, the fourth estate and the guests in the gallery, ensure that you put on your masks and for Hon. Members who for any case you are using the portable microphone, ensure that you sanitize it before and after using it.

Honourable Members, I similarly want to communicate to you that on Tuesday, 06th April, 2021, I received a communication from the Office of the Clerk, a list of Members supporting the Impeachment Motion for the Removal of one Joyce Osogo from the office of the CEC Member for Roads, Transport and Public Works. As per our Standing Order No. 65 (1), I requested the Office of the Clerk to advise me as appropriate and I did receive the information from the same

office that the requirements of the number of Members signature in support of the notice of motion for the removal of the CEC is a third of the membership of this House which I believe met the requirements as per the signatures that were sent but, there is no Notice of Motion attached to the grounds for removal. I want to repeat that, there is a list of Members supporting the impeachment but, there is no motion on the same.

Hon. Members, I want to read the comment, *“the requirement of the number of signatures is met but there is no notice of motion attached stating grounds of impeachment according to Standing Order No. 65 (1) as read together with Section 40 (1) of the County Government Act. I want to refer ourselves to the Section 40 (1) of the County Government Act, Removal of Member of Executive Committee.*

Hon. Members, *Section 40. (1) Subject to subsection (2), the Governor may remove a member of the County Executive Committee from office on any of the following grounds— (a) incompetence; (b) abuse of office; (c) gross misconduct; (d) failure, without reasonable excuse, or written authority of the governor, to attend three consecutive meetings of the County Executive Committee; (e) physical or mental incapacity rendering the executive committee member incapable of performing the duties of that office; or (f) gross violation of the Constitution or any other law. (2) A member of the County Assembly, supported by at least one third of all the members of the County Assembly, may propose a motion requiring the Governor to dismiss a County Executive Committee Member on any of the grounds set out in subsection (1).*

Hon. Members, I also want to refer ourselves to Standing Order 65 (1), *Procedure for removal of member of the County Executive Committee 65.(1) Before giving notice of Motion under section 40 of the County Governments Act, 2012, the Member shall deliver to the Clerk a copy of the proposed Motion in writing stating the grounds and particulars upon which the proposal is made, for requiring the Governor to dismiss a member of the County Executive Committee on ground of a gross violation of a provision of the Constitution or of any other law; where there are serious reasons for believing that the member of County Executive Committee has committed a crime under national or international law; or for gross misconduct. The notice of Motion shall be signed by the Member and the Clerk shall submit the proposed Motion to the Speaker for approval.*

Hon. Members, in that regard it means that the process has collapsed because we have the signatures but there is no motion in support of the grounds for impeachment. I have the list here and I want to inform Hon. George Oluoch to pick the list from the Office of the Clerk and make the necessary adjustments if he wants to proceed with his intentions.

Hon. Members, I want to request the Members that let us look at the Standing Orders and adhere to the rules and procedures of this House. Otherwise, we may be creating confusion among the public and we may fail to follow the procedures and rules of the House.

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

Hon. Olima: On a Point of Information. Thank you, Mr. Speaker. Having listened to your communication on the motion to impeach the CEC for Public Works, Roads and Transport, I want to say that it was glaring to see your staff, you as the Chair of the Kisumu County Assembly Service Board, giving wrong instructions to your staff in the name of Clerk. We have Legal Counsels employed in this Assembly to assist the Members do the motions. It is wrong and I want to say that the person who was drafting the motion to date has not been allowed to furnish Members with the motion and therefore. Mr. Speaker, you can't blame the Member who was doing the motion but blame your staff who was given strict instructions not to give out that motion.

On behalf of the Member, who is not here, I want to say that we are going to do the necessary but we shall act on those who are being used to oppress the services intended to be performed to the Kisumu County residents. Thank you.

The Speaker (Hon. Oraro): Thank you Hon. Gard Olima. I believe that I did refer ourselves to the Standing Order and I even took my time to read through and I believe each and every Member has a copy of the Standing Order. I only have a list of signatures but not a Motion of Impeachment. It is within my right to communicate the same to the Members.

Hon. Olima: Just on that as I was saying that the Member did approached the Legal Department of this Assembly and he ensured that he gets the threshold of the signatures required to proceed with the impeachment. It was the prerogative of the Legal Department to do the drafting of the motion and it was done and the same motion was to be delivered at the Clerk's Office by the time the signatures were being delivered. Unfortunately, it was not delivered and to date the motion is still with the Legal Department of this Assembly. Therefore, it is not upon the Member to do the drafting because we have employed people who are paid salaries by the government for doing that job. It is not the work of an MCA to draft the motion. It is the responsibility of the Legal Counsels to draft those motions and if they are being used wrongly, we will do those things ourselves and we will kick them out of this Assembly.

(Applause)

The Speaker (Hon. Oraro): Hon. Olima, I did communicate as per the Standing Order and I repeat that Standing Order 65 provides what happens for the removal of the CEC Member. What should be adhered to is the step by step procedure for the removal as stipulated in section 40 of the County Government Act, 2012 and the provisions of Standing Orders 65. It is very clear that before such motion is tabled, a Member should present the motion and a signature of at least a third of the Members. Your information is right

Hon. Samo: Mr. Speaker, you are misleading this House.

The Speaker (Hon. Oraro): Hon. Roy Samo, I will give you time to talk. I am restricting myself to the Standing Orders. Honourable Members, it is within my mandate to give information. It is

my duty to chair the House Business Committee and schedule what should be discussed in the Assembly and the question would be where is the motion?

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

Hon. Genga: Thank you Mr. Speaker. As you are all aware that under Standing Order No.1, you have all the powers and discretion and as the Chair of this Honourable House, you have made your communication clearly, which we appreciate. Mr. Speaker, could you kindly tell this House what happens to that motion because it is indeed true that there was sabotage from the technical members of the staff, of which you are the Chair of the County Assembly Service Board. You promised to improve things in this Assembly and I want to tell you that you have done the much you can to improve the welfare and capacity of the Members to deliberate and debate in this House. If a Member has a motion and he approaches the technical staff who are employed by the County Assembly Service Board and paid monthly, what will happen if it is proven that the Members of the Legal Department sabotaged the motion and a Member's duty is just to conceive an idea of what he wants to be done? That is why we employ technical people in this Assembly. So, we want you to be on record that if such a thing is found to be true, what recourse you will take as the Chair.

Mr. Speaker, I want to thank you because you have done it procedurally. You did the honours to communicate to the House but there is underlying issue that is inherent of why the motion did not get to the Office of the Clerk together with the list of Members who had supported the impeachment.

Mr. Speaker, through the provisions of Standing Order No. 1, could you please tell us what recourse you will take in this House. Thank you.

Ojuok: On a Point of Information. Mr. Speaker, first allow me to thank you for giving that kind of information and I believe that you would have succumbed to the pressure and given the worst communication but you have done your best and given it some light. I want to say this, Hon. Ogutu who is the sponsor of the motion called me and told me that he was incapacitated and could not be able to come here. Reason being that he had been tested and found to be with COVID 19 and after sometime he was tested and found to be negative. He told me that from your communication to him, that you can only allow him in this House if he delivers a certificate. So, he was frantically running around in town to look for where he can get that certificate which will allow him access this place.

He appealed to me to approach the Clerks that were doing something about this motion. I was here before 9:00 a.m. and from that time, drafting has been happening up to now. I was perturbed and I did not know you could give the motion some life. When I went there, I saw a draft that is not even two pages and it was been typed up to now. Even the signatures are voluminous than the report. The question that Hon. Genga is asking is quiet in order. I want to thank you because if we had gotten a very bad Speaker and I know the pressure is so much for the wisdom, what we are

discussing could have not have seen the light of day. We must find out if we can get staffs in this Assembly who can assist us complete the drafting of the motion. Hon. Ogotu told me that he had frantically tried to reach the Clerk but his phone was switched off.

The Speaker (Hon. Oraro): Hon. Philemon Ojuok, you have made your point.

The Speaker (Hon. Oraro): Hon. Roy Samo.

Hon. Samo: Thank you Mr. Speaker. Allow me to withdraw my earlier thoughts and I have been ably guided by your communication. I would wish that you use all your powers so that we discuss the motion in the next meeting. I am seriously facing a lot of problems in my Ward because the roads are really bad. Thank you.

The Speaker (Hon. Oraro): Hon. Roy Samo, I believe that is okay. I want to reply to Hon. Philemon and Hon. Genga. First of all, Hon. Ojuok is confirming that he found the motion being done and according to Hon. Olima that motion has not been done. According to the Chair as per the Standing Order, it is within my mandate to ensure that all the motions that comes to the Assembly goes through the House Business Committee for scheduling and when it comes to my attention, I have to work on it within the stipulated timeline, which I did. I want to refer Hon. Genga to Standing Order No. 1 on matters that are not precisely provided for. In the Assembly we have the Human Resource section which deals with matters of disciplinary. It means I cannot make a ruling on matters which are provided for on the Human Resource provisions. You are all learned and you are all able to get what is in the Human Resource regulations.

Hon. Member, on the same note, let us not confuse things, if Hon. Ojuok was sent to follow up on the motion, how could I know if he has not come to me. If it had come to my attention that somebody is failing because it is the right of the Members to be assisted by staff in coming up with motions which can be presented in the House. My ruling is based on the provisions of the Standing Order and the relevant sections of the County Government Act, 2012 which we use in the House when it comes to such circumstances.

Hon. Member, it is true that I got information that Hon. Ogotu was confirmed to be COVID-19 positive and I realized that he was mingling with Members in the House. I discretely called him and I told him that I am aware that he is COVID 19 positive and it is not right to mingle with the Members because it is dangerous more so to the people who may be having underlying health problems. I have said here several times that if you have signs of COVID-19 the best thing to do is to immediately isolate yourself and go for test. On the same note it takes 45 minutes to test for COVID-19 and you have the result with you. What is difficult to present a result of a test? Even my driver felt sick and I insisted that he undergoes a test. He did two tests and it come out negative and I got the results of the tests.

So, if Hon. Ogutu is giving false information that he has been denied access to the House then I believe that is not right. It is true I insisted that he presents a certificate because I was protecting the Members and staffs.

Hon. Olima: Point of Information Mr. Speaker.

The Speaker (Hon. Oraro): Hon. Olima, try to be orderly. You can't stand and begin to speak without the permission of the Chair. I believe we continually talked about the issue of COVID-19. Please, let us be sincere. People are dying. If a Member can confirm that he has COVID-19 and you complain about being advised to present the document then you blame the Speaker.

The Speaker (Hon. Oraro): Hon. Gard Olima.

Hon. Olima: Hon. Speaker, I want talk about COVID-19 in Kisumu County Assembly. The information given to Hon. Ogutu and the timing of the information was wrong. We have more than five Members here who have tested positive for COVID-19. Some are in the House now and we have not even seen their certificates and it is wrong to deny a Member such and opportunity when 90 per cent of the Members have not tested for COVID 19.

The Speaker (Hon. Oraro): Hon. Olima just a minute. Can you just tell me which Honourable Members have tested positive so that we may allow them...

Hon. Olima: Mr. Speaker they are several and if you allow me, I will call names.

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

Hon. Olima: Hon. Atieno is here who tested positive. Hon. Vincent Jagongo also tested positive. Just but a few among others.

(Loud consultations)

Hon. Olima: I have not seen you sent them away to look for the certificates. I believe that the information given to Hon. Ogutu was wrong.

The Speaker (Hon. Oraro): Order!! Order!! Hon. Gard Olima. I believe that we should not take the issue of COVID 19 for granted. It is true Hon. Atieno was infected and he was first person to come out and tell the public that he was sick. He took the initiative to self-isolate for almost a whole month. He tested negative and then came back. I am aware of the Members who tested positive and stayed out for more than Twenty-One days. The Leader of Majority was sick and he stayed away for more than Twenty-One days. How do you expect me to allow Honourable Members to mingle with others and yet he has not gone for isolation?

Hon. Ojuok, by the time I called Hon. Ogutu I had not even made it public that Hon. Ogutu is COVID 19 positive. I called him personally here and talked to him. It is you who have raised the matter.

Hon. Ojuok: The reason why I was bringing that particular statement is why the Hon. Ogutu was not following up on the motion. I was compelled by the circumstance that we have at hand to be able to give that information. You know the level of integrity of Hon. Ogutu. He would have not presented himself here. The only people who have declared their status when they are sick is myself, Hon. Ogutu and Hon. Atieno. The rest have not. They mingled with people and later on we realized that they were COVID 19 positive.

(Laughter)

Leader of Majority (Hon. Onyango): Mr. Speaker, allow me to say something and this is very important.

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

Leader of Majority (Hon. Onyango): Mr. Speaker, I believe that we are taking this matter of COVID 19 too casually. If you have been COVID 19 positive and you have self-isolated, the first thing to do after is to go for a test. So, it worries me that Hon. Ogutu was mingling with people and he had not been tested. I want to imagine that there are so many positive cases here.

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

Hon. Guya: Thank you Mr. Speaker. Under Standing Order No. 89, Statement of facts. If the Leader of Majority demands here that if there are people who have been tested positive and are back to the Assembly, if they must produce their certificates then, he should lead by example. By the way I am hearing for the first time that the Leader of Majority was COVID 19 positive. We were never told.

(Applause)

Hon. Guya: Let us be shown his certificate.

The Speaker (Hon. Oraro): Honourable Members, I want to direct that let us not joke with the issue of the pandemic. You may joke when it hasn't come to you. When I received information that the Leader of Majority tested positive, I insisted that he must give proof that he has tested negative and he gave evidence. I have made my ruling on the matter of the motion and I will insist that for those who have signs of COVID 19, please, isolate yourself and once you feel that you are okay, get a test. Hon. Guya, I am not going to allow more jokes on the COVID 19.

Hon. Guya: Mr. Speaker, I just want to add on what you are saying that anybody who turns positive, we should all know so that we don't mingle with him or her.

The Speaker (Hon. Oraro): Next order!

PAPER LAID

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

Hon. Ojuok: Thank you Mr. Speaker, pursuant to the provisions of the County Assembly Standing Order No. 182 (6), I wish to lay today Thursday 8th April, 2021, Water, Environment and Natural Resources Committee report on the Status of the Drainage Channels along Sije- Car Wash Road on behalf of Hon. Samson Ameso.

The Speaker (Hon. Oraro): Honourable Members, I acknowledge the receipt of Water, Environment and Natural Resources Committee report on the Status of the Drainage Channels along Sije- Car Wash as presented by Hon. Ojuok on behalf of Hon. Samson Ameso. I direct that the House Business Committee to consider scheduling this report for debate.

NOTICE OF MOTION

The Speaker (Hon. Oraro): Yes, Hon. Philemon Ojuok.

Hon. Ojuok: Thank you Mr. Speaker, pursuant to the provisions of the County Assembly Standing Order No. 45, I wish to give a notice of motion for Water, Environment and Natural Resources Committee report on the Status of the Drainage channels along Sije- Car Wash Road on behalf of Hon. Samson Ameso.

The Speaker (Hon. Oraro): Next order!

STATEMENTS

The Speaker (Hon. Oraro): Yes, Hon. Maurice Otieno Ngeta.

Hon. Ngeta: Thank you Mr. Speaker. Pursuant to the provisions of the County Assembly Standing Order No. 41 (2) (b), I wish to request for the statement from the committee of Administration of Law, Justice, Constitutional Affairs, Good Governance and Security regarding the issue of cattle rustling in Awasi Onjiko Ward. The victims are as follows;

1. Denis Oyuga	2 cows lost
2. Tom Okeyo	2 cows lost
3. Mzee Apida	2 cows lost
4. Ochieng Odhega	2 cows lost
5. Akelo Ogomba	Lost cows recovered
6. Owiti Ombok	3 cows lost
7. Otieno Miruka	2 cows lost
8. Monica Juma	1 cow lost

Mr. Speaker, it is in the public domain that the mentioned issue of cattle rustling is rampant in my Ward and we can never continue with the livestock keeping. I therefore want to request the committee to investigate and report on the following

1. Why has there been no justice to the victims?
2. Measures put in place to curb rustling.
3. Why the suspects have not been arrested

Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Honourable Members, it looks like the Member has not requested anybody to talk about his Statement and it is directed to the Standing Committee of Administration of Law, Justice, Constitutional Affairs, Good Governance and Security. I want to direct this Statement to the committee and I can see the Chairperson is in. We have enough time over the recess so bring the report on 20th April, 2021 when we resume. I so direct. Thank you.

The Speaker (Hon. Oraro): Yes, Hon. Seth Kanga.

Hon. Kanga: Thank you Mr. Speaker. I rise to give a Statement under Standing Order No. 41. It is a Personal Statement touching on the county and the residents of Kisumu County in general.

The Speaker (Hon. Oraro): Hon. Seth Kanga is it a Statement of Topic of Concern or a Personal Statement?

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

Hon. Olima: Thank you Mr. Speaker. I wanted you to confirm if a t-shirt and a tie is allowed is allowed in this Assembly. That is what Hon. Kanga is wearing.

The Speaker (Hon. Oraro): Hon Seth Kanga, are you wearing a t-shirt and a tie?

Hon. Kanga: Mr. Speaker, this is a long sleeved shirt and I don't know what Hon. Gard Olima is talking about. Probably he doesn't understand the difference. Nevertheless, I am rising to give a statement under Standing order no. 41(2) (d). Most recently, trailer carrying sugarcane was involved in an accident along the *Nyamasaria* flyover. This has been a black spot for trailers and several lives are lost due to these accidents. Mr. Speaker, early this year, the City Managers banned trailers and heavy load/commercial vehicles from using the road to town but they did not give specifications on the alternate route for these vehicles. People have been murmuring that the *Rabuor-Chiga* route should be opened to enable these vehicles to follow to the factory. However, stakeholders of the sugarcane factory claim that the above route is inaccessible, that's why they prefer the *Nyamasaria* flyover route through *Kondele* to *Kibos* Sugar and even through to *Kakamega*.

Mr. Speaker, as a legislator in this House, I saw it is prudent to bring a statement in this House, so that the matter is opened for debate and deliberated upon by Honorable Members. I see several members come from the sugarcane growing areas such as the Leader of Majority (Hon. Onyango), Hon. Roy Samo, Hon. Olga and Hon. Julius Genga, among others. Hon. Dede also comes from a sugar belt area despite his area transporting its sugarcane to Western Kenya. I plead with you to open the matter for debate, thank you.

The Speaker (Hon. Oraro): Hon. Seth Kanga, the Statement sought is purely of Topical Concern because it affects the entire county. However, I always direct that such statements be brought in a proper manner so that the County Assembly can discuss, make resolutions, a question is put and a House Committee is directed to act on it. The Standing Orders provides that the personal statements can be allowed for debate but we cannot put any question. Nevertheless, I will go with your request to give chance to any member who would want to make a comment on what Hon. Seth Kanga has stated.

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

Hon. Pamela Odhiambo: Thank you Mr. Speaker, this issue of accidents along the flyover is a menace that also claimed the life of my dear friend, and I have never forgotten about that since. I support the idea of using the *Rabuor-Chiga* road by these heavy commercial vehicles. Indeed the road is in bad state, and most times when we want to give proposals, we often speak in one language but after we have agreed as a House to work on something, it ends up not happening.

Mr. Speaker, this House resolved that we do *Rabuor-Chiga* road because Chiga passes through *Kolwa* Central Area and part of the road is in *Kajulu* ward. We wanted that road to be tarmacked because when these trailers come from sugarcane farms fully loaded, passing through the flyover is quite challenging and often makes them stop along the way for some time because of the weight asserted on the climbing lane. This also worries those operating their businesses such as the carwashes along the flyover because, they can never predict what the day holds for them. Mr. Speaker, I believe that, the carwash under that bridge should also be removed because in the recent accident, one of their client's vehicles, which were parked after washing, was smashed by the trailer that fell. Fortunately, no one was injured, yet they continue operating the carwash. I believe that businesses operating along the flyover should just stop forthwith.

Mr. Speaker, if the money that was set aside for the construction of the *Rabuor-Chiga* road is still intact, we can come up with a motion to be discussion in this House so that a solution is found. Apart from the road in question, we also have some roads going through villages along this road and these heavy vehicles have done a number on the roads until their state is totally destroyed. In addition, all roads in *Kolwa-East* are in terrible states. Mr. Speaker, I am of the opinions that, this statement should be brought as a motion so that we can get a resolution on the same, thank you.

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

Hon. Genga: Thank you Mr. Speaker, I stand to echo Hon. Seth Kanga's statement and it was quite in order for you to have advised Hon. Kanga that he should have used the right matter by bringing this statement as a motion. Nevertheless, we have opened it for debate and I would like to say that these trucks transport sugarcane from *Muhoroni-Koru* Ward because the largest chunk comes from there. We also are aware that the highway, on which these heavy load trucks and trailers currently pass through, is a property of Kenya National Highways Authority (KeNHA). I believe that as a House, we should pin them down and make a resolution on it so that they also help us get a diversion where such heavy trucks can exit to without entering the main town. It is also commendable that the city management gave a directive that these heavy load trucks should exit through the *Kachok* flyover but my concern is still on accidents caused by these trucks away from the flyover itself.

Mr. Speaker, I therefore believe that our resolution should be directed to KeNHA and make them accountable for this issue. I have approached them before as the area MCA so that they can install speed bumps, especially when these trucks move...

Hon. Okiri: A point of information Mr. Speaker.

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

Hon. Okiri: I would like to inform the House.

The Speaker (Hon. Oraro): Go ahead.

Hon. Okiri: (*On a point of information*) Mr. Speaker, you said that this statement should have been presented correctly so that it becomes a substantive motion. I have listened to the two speakers and heard Hon. Genga talking about resolutions from this House to be taken to KeNHA offices to demand accountability. However, there is no resolution that will come forth over a statement. Mr. Speaker, for quite some time I have always advised Hon. Seth Kanga not to bring statements to come as motions in this manner because, whatever will come from it will be mere paperwork. My information to the House is that, whenever we want to bring statements that are weighty as the one Hon. Kanga has sought, let us follow the right manner to ensure we get substantive resolution, thank you.

The Speaker (Hon. Oraro): Yes, Hon. Roy Samo let Hon. Genga finish his submission then you have your time.

Hon. Samo: Mr. Speaker, it is some point of information.

The Speaker (Hon. Oraro): The Hon. Genga is sitting close to you why then don't you inform him from there then he continues.

Hon. Genga: Yes, Mr. Speaker, he should just inform me here because he's seated next to me and that I don't want to be informed on the Hansard.

(Laughter)

The Speaker (Hon. Oraro): Hon. Roy, do you want to inform Hon. Genga on the Hansard?

Hon. Samo: Yes, Mr. Speaker.

The Speaker (Hon. Oraro): Okay, proceed.

Hon. Samo: *(On a point of information)* Mr. Speaker, I want to request that we take the counsel of the wise man from the mountains that; you direct that this Statement be substituted into a Substantive Motion under Standing order no. 41 so that it bears the weight it deserves. This is because of the serious issues we have on roads done by both KeNHA and Kenya Urban Roads Authority (KURA). I also want to thank the Hon. Kanga for joining in defense of the hustler nation involved in the transportation of sugarcane, thank you.

The Speaker (Hon. Oraro): I had made a ruling that this is a motion of topical concern...

Hon. Kanga: Mr. Speaker, I am a staunch supporter of Raila Amollo Odinga and a life member of ODM Party. I have nothing to do with the hustler nation, which is of William Ruto and supports like Hon. Roy Samo.

(Laughter)

Mr. Speaker, I am in agreement with your earlier ruling that any member is at liberty to bring this statement as a Substantive Motion so that the issue is dispensed with and the Assembly makes a ruling on the matter so that action is taken on whoever is responsible.

The Speaker (Hon. Oraro): Hon. Genga, can you now conclude your submissions?

Hon. Genga: Mr. Speaker, I believe that it is now coming out clearly through your guidance that we need to bring this statement into motion so that we put both KeNHA and KURA to account because all these is under their purview, thank you.

The Speaker (Hon. Oraro): Hon. Erick Agolla has the chair agreed or do you still want to give comments?

Hon. Agolla: Mr. Speaker, I just want to say that since we came to this Assembly, we haven't sent any petition to the Bi-cameral parliaments which is the National Parliament or Senate yet we voted in a Senator called Hon. Fred Outa to represent this County in the Senate. If I refer this House back to the *Salgaa* issue, the National Government took the initiative to erect barriers and the road was expanded and improved. I want to propose that this House pass a resolution through either a Substantive Motion or a Statement so that we compel the Senator to take this matter to the Senate so that the National Government can help improve the state of these roads to save lives and property of taxpayers and that the road be done through emergency fund. If we compel the county

government, we are aware that we do not have enough resources to reconstruct that road. So, I urge the House to look through the best way to come up with the petition with the guidance of our Standing Orders so that we Petition it to the Senate. Thank you.

The Speaker (Hon. Oraro): Yes, Hon. Gard Olima I have noticed you after Hon. Seth Okumu.

Hon. Okumu: Mr. Speaker, I want to make a statement different from this one.

The Speaker (Hon. Oraro): Let me dispense with this one first then you will have the chance to make that one.

Hon. Olima: Thank you Mr. Speaker, the issue raised by the Chairperson of the Standing Committee of Roads, Public Works and Transport, Hon. Kanga on the danger on the flyover at Nyamasaria is alarming. However, there is a misplaced priority if we focus on the *Rabuor-Chiga* road as Hon. Pamela Odhiambo was suggesting, versus the state county's road department. For instance, we take Kshs.124 million to do a road in *Seme* to nowhere at the expense of roads such as *Kibos* Road that can add value to people in this county.

(Laughter)

Hon. Okumu: A point of information Mr. Speaker

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

Hon. Okumu: I want to inform Hon. Gard Olima

The Speaker (Hon. Oraro): Proceed

Hon. Okumu: (*On a point of information*): The road in Seme is heading to *Ndere* Tourist Site, which is the only tourist site in Kisumu County. So when Hon. Olima is talking about that road heading nowhere, then he is telling the people of *Nyakach* that up to this point he doesn't understand the nature of the county and doesn't know the existence of tourist sites.

Hon. Ojuok: A point of information Mr. Speaker.

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

Hon. Ojuok: I would like to inform the House as well as Hon. Seth Okumu.

The Speaker (Hon. Oraro): Proceed

Hon. Ojuok: (*On a point of information*) we are an agricultural county, and one that produces a lot of sugarcane. I don't believe that even in my calculation that; the road from Rabuor to Kibos would have more impact than the road being done in Seme at Kshs 4 million; it is obvious, unless we are not being serious. I believe that we need to talk to the government to reallocate that money,

having seen the accident that was there yesterday. Thank you, Hon Seth Kanga for having brought up the issue.

The Speaker (Hon. Oraro): Hon. Members, as I said earlier, this is a Personal Statement and however much we debate, I cannot put any question. So we cannot have any substantive ruling on the matter. Most members agree with me that the best way to handle it is to bring it as a Statement of Topical Concern or as a Substantive Motion. Hon. Gard Olima, I believe that you are done because I want to give a direction.

Hon. Olima: Thank you, Mr. Speaker. I will be done in a minute. The CEC Finance is on record that up to March this year, Seme Sub County had given Kisumu County Kshs 2 million as Own Source Revenue (OSR) and they are taking more than Kshs 2 billion in a year. I don't believe that they deserve that. So, as we discuss this statement conclusively next time, can we give priority where it deserves? So as you give direction, we need to discuss the matter conclusively. Thank you.

The Speaker (Hon. Oraro): Hon. Members, let me direct this way. If Hon. Members agree then, we will be going for the Short Recess. I want to give an assignment to the Roads Committee...Hon. Chair of Roads I think we are through with the remarks. What is it?

Hon. Kanga: Mr. Speaker, I brought a Statement and obliged by your ruling depending on the remarks of other members like the Hon. Paul Okiri. But is happening at Number Kapiyo –Reru road has got nothing to do with what happened yesterday. I talked about this issue of profiling Seme people last week when there were some malpractices in town. We should not profile Seme people because an accident happened at the Kachok flyover. Thank you.

Hon. Ojuok: Ona Point of Order. People from Seme are great friends of mine and I want to clarify something...

The Speaker (Hon. Oraro): You have not been mentioned, Hon. Philemon Ojuok. Nobody has mentioned you.

Hon. Ojuok: The Statement was going to portray us as profiling Seme people. Actually, Seme is Seme Lang'o and Nyakach is Nyakach Lang'o. What we are talking about is statement of facts. The PFM Act requires that we put money where it has the maximum impact. The facts are here – that Seme Subcounty gives Kisumu County revenue of Kshs 2 billion in a year; and this road is also important – so it is just a coincidence...

The Speaker (Hon. Oraro): Hon. Philemon Ojuok, let me give a direction. When Hon. Roy Samo stood, he was saying that if it is possible to have a statement or motion, then we can possibly even resolve that we get to KeNHA, which means maybe he has information that the road falls under the purview of KeNHA. So we must know where the road falls first. That is why I want to suggest that the Roads Committee, over the recess, to do their research to establish where the road falls,

possible solution for the accidents happening along Nyamasaria road. Remember we are in the budget making period. So, what is it that can be done as we make the budget and come up with recommendations on what they want the Assembly to do? The Hon. Chair of Roads has the ability to mobilize his members over the Short Recess to do that. That is my direction.

The Speaker (Hon. Oraro): We still have about 10 minutes for Statements.

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

Hon. Okumu: Thank you Mr. Speaker. As the Chair of Justice and Legal Affairs, I want to give Statement under Standing Order No. 41 (2) (d). This has happened in this Assembly as you gave communication about a motion which was later taken to be a discussion about Covid-19. I want to remind Hon. Members of the Constitution that talks about privacy.

The Constitution protects any member from releasing any information about their health or their family, unless they agree to that. The information must remain confidential. I heard Hon. Gard Olima mentioning people who he believes might have contracted Covid-19 without their consent and without an order from court.

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

Hon. Genga: Thank you. I want to inform the House that you made a ruling and even stopped the Hon. Leader of Majority from talking about the health matters of individual members in this House. So I don't know why the Hon. Member feels he is privileged to talk about the same. Thank you.

The Speaker (Hon. Oraro): Hon Seth, I had given direction. Let us stop talking about the members' health issues especially in relation to the current pandemic which is not a joke. So, I want to rule you out of order. We are actually past statement time.

Hon. Okumu: Thank you, Mr. Speaker. That is actually what I wanted you to tell members – that they are not allowed to discuss confidential information about the health status of members of this House unless they agree or there is a court order. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Hon. Roy Samo.

Hon. Samo: Thank you Mr. Speaker. Today, in the Standard newspaper, I read that the County government of Kisumu has published the venues for public participation on the Proposed Budget Estimates for the FY 2021/2022. In my ward it will be happening on 21st April, 2021 in two villages. I was asking if we could use your good office that this House be furnished with copies of the Budget Estimates before we go for public participation. It normally embarrasses that we attend public participation when we don't have information.

Secondly, a lot of ceilings have been readjusted downwards – that means that most of the projects might not take place. But you realize that in the Budget Estimates for 2020/2021, quite a number of projects have not been rolled out, especially in the Ministry of Water. So, when we go to the ground for public participation, the residents will be asking us about the status of projects for this financial year as we head to the next financial year. Thank you.

The Speaker (Hon. Oraro): Noted.

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

Hon. Beatrice Pamela: On a Point of Information. I want to inform the House. In relation to the Statement raised by Hon. Samo, I believe that as a county, we are going in the wrong direction. We just passed the County Fiscal Strategy Paper (CSFP) the other day, which I believe informs the Annual Development Plan (ADP). To the best of my knowledge, this House has not passed the ADP. So I am wondering where this Budget Estimates are coming from because the ADP is supposed to inform the budget for the financial year. If that is what is happening that we are headed in the wrong direction and a communication should be made to them. Thank you.

The Speaker (Hon. Oraro): Hon. Members, I want to remind ourselves to go through the Budget Making Process and know the sequence. Hon. Samo, if the executive is doing Public Participation on the Proposed Kisumu County Budget Estimates FY 2021/2022 then, I believe that you are aware that is provided for in the budget making process. There comes a time when the estimates will come to the Assembly and you will be required to again confirm the validity of the same. I am sure that when you attend that Public Participation, you attend as a member of Kajulu Ward – you'll also want to know what they are proposing. You'll also give your input as a member of Kajulu Ward. There is a time you will go back now as their representative where you want to confirm if it is true that those are what they recommended and if it reflects their priority.

So, Hon. Roy, I believe that it is important to follow up the processes and wait for them to bring the Proposed Estimates and check. I believe that I am right?

Hon. Samo: Mr. Speaker, you are right and I don't want to challenge your wisdom. If you understand the context in which I brought this statement by using your good office, I know why we should have the information as the political leaders...

The Speaker (Hon. Oraro): Hon. Samo, I heard you. Procedurally you must wait for them to come, but it seems you are asking for a local arrangement to have them brought. That can be arranged through the Budget Chair or the Leader of Majority. You can equally liaise with the Executive so that members know what is going on.

The Speaker (Hon. Oraro): Leader of Majority, do you have anything to add on that?

The Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. I will make effort so that the Hon. Member can get those estimates before public participation begins. Thank you.

The Speaker (Hon. Oraro): Together with any other Member, not Hon. Roy Samo alone. If you are assisting, assist all the elected members so that they have copies of what is happening in their wards.

The Speaker (Hon. Oraro): Next order!

MOTION

REPORT FROM THE STANDING COMMITTEE OF CO-OPORATIVES, FINANCE,
TRADE AND ENTERPRISE DEVELOPMENT ON ITS CONSIDERATION OF KISUMU
COUNTY INVESTMENT AND DEVELOPMENT CORPORATION BILL, 2021

BY

HON. PAUL OKIRI – CHAIRPERSON

INTRODUCTION

Mr. Speaker and Hon. Members. Pursuant to the provision of Article 185 (1) and (2) of the Constitution of Kenya 2010 which confers the powers to make legislations to the County Governments through the County Assemblies, the County Executive of Kisumu forwarded the Kisumu County Investment and Development Corporation Bill, 2021 to the County Assembly for processing.

Upon being read for the first time, the bill was committed to the sectoral committee on Co-operatives, Finance, Trade and Enterprise Development to facilitate Public participation, in accordance with the provisions of the Kisumu County Assembly Standing Orders, Order no. 123 (1), (2) and (3).

The compilation of this report was therefore aimed at addressing issues raised by the committee after consideration of the opinions raised during public participation forums held in the seven sub counties in regards to the Kisumu County Investment and Development Corporation Bill, 2021.

ESTABLISHMENT AND MANDATE OF THE COMMITTEE

Mr. Speaker,

The mandates of the Committee as set forth in the County Assembly of Kisumu Standing Order 193 (5) are as follows:-

(a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;

- (b) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- (c) Study and review all County legislation referred to it;
- (d) Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- (f) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185 (Committee on Appointments); and
- (g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

MEMBERS OF THE COMMITTEE

Mr. Speaker and Hon. Members. The Committee on Co-operatives, Finance, Trade and Enterprise Development as currently constituted comprises of the following Hon. Members:-

- | | | |
|---------------------------|---|------------------|
| 1. Hon. Paul Okiri | - | Chairperson |
| 2. Hon. Victor Rodgers | - | Vice Chairperson |
| 3. Hon. Sally Okudo | - | Member |
| 4. Hon. Samson Ameso | - | Member |
| 5. Hon. Joachim Oketch | - | Member |
| 6. Hon. Rashid Miruka | - | Member |
| 7. Hon. Steve Owiti | - | Member |
| 8. Hon. Julius Genga | - | Member |
| 9. Hon. John Atieno | - | Member |
| 10. Hon. Kennedy Ageng'o | - | Member |
| 11. Hon. Judith Ogaga | - | Member |
| 12. Hon. Vitalis Otura | - | Member |
| 13. Hon. Florence Olang'o | - | Member |
| 14. Hon. Samuel Dede | - | Member |
| 15. Hon. George Olwal | - | Member |

Secretariat

- | | | |
|---------------------|---|---------------------------|
| 1. Annabelle Wabuge | - | Senior Clerk Assistant |
| 2. Austine Ochieng | - | Committee Clerk Assistant |
| 3. Geoffrey Omollo | - | Accountant |
| 4. Bill Omondi | - | Legal Advisor |
| 5. Zablon Otiende | - | Hansard |

6. Kennedy Okise - Sergeant-at-Arms

ACKNOWLEDGEMENT

Mr. Speaker and Hon. Members. I would like to express my special thanks of gratitude to all Members of the Committee on Co-operatives, Finance, Trade and Enterprise Development for their valuable contributions that made this exercise a success. The committee wishes to extend its sincere gratitude to the offices of the Speaker and the Clerk for their continuous support throughout the period of culmination of this report. To our secretariat and the members of staff who worked tirelessly to see off the process of public participation, we applaud you.

I therefore humbly submit this report for consideration by the House on behalf of the Committee.

LEGAL FRAMEWORK ON PUBLIC PARTICIPATION

TOOLS OF REFERENCE

- The Constitution of Kenya, 2010
- The County Government Act, 2012
- The County Assembly of Kisumu Standing Orders

Mr. Speaker and Hon. Members. The National Values and Principles of Governance in Article 10 (1) (b) of the Constitution of Kenya 2010, binds all State organs, State officers, public officers and all persons whenever any of them enacts, applies or interprets any law.

Further, Article 174 (c) and (d) of the Constitution of Kenya 2010, states that the object of devolution of government is to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them and also to recognize the right of communities to manage their own affairs and to further their development.

Article 118 (1) (a) and (b), of the Constitution of Kenya 2010, further assigns the responsibility to ensure Parliament conduct its business in an open manner, and its sittings and those of its committees shall be open to the public; and facilitate public participation and involvement in the legislative and other business of Parliament and its Committees.

It therefore leaves no doubt that any bill forwarded to the County Assembly must be subjected to public participation so that the views and input of the public and all stakeholders are taken into account when preparing a report to be tabled in the House as required by all the relevant legal provisions.

TERMS OF REFERENCE

Mr. Speaker and Hon. Members. The Public Participation exercise on the bill was initiated by the County Assembly following an advert placed on the Nation and Times Newspapers dated 2nd March 2021 and 3rd March 2021 respectively, informing the Public of the intended exercise that was to be conducted as from 9th March, 2021 to 19th March, 2021 in each of the thirty five wards of Kisumu County.

The following were the terms of reference/objectives that guided the committee;

- To consider proposals from the public and stakeholders
- To make recommendations on the proposals from the public participation forums
- To ensure that the proposed bill does not contravene the Constitution of Kenya 2010 or any statute
- To consider and report to the House the proposed amendments on the Kisumu County Investment and Development Corporation Bill, 2021

METHODOLOGY

- Committee Meetings
- Public Hearings
- Summary of proposals and recommendations from the Public and Other Stakeholders

COMMITTEE MEETINGS

The committee held a few sittings to deliberate on the Kisumu County Investment and Development Corporation Bill, 2021 and the following could be established clearly from the bill;

- a) There was a unanimous agreement among the members of the committee that the Corporation would to a great extent enhance both financial and economic prudence in the investments undertaken by the County Government.
- b) The Corporation would be an efficient and effective instrument for managing County Government Investments.
- c) A fair competition among the different investments would be crucial in improving the revenue collection in this County.

PUBLIC PARTICIPATION

The committee sought views of the Public in each and every ward at designated points that had been gazetted earlier. Views of the Public were received pursuant to provisions of article 196 (1) (b) of the Constitution which provides for facilitation of Public Participation and involvement in the legislative and other business of the Assembly and its committees.

Section 6(6) of the County Government Act, 2012 envisages that in exercising the powers of its functions, a County Government shall ensure efficiency, effectiveness, inclusivity and participation of the people.

The Standing Order No. 123 (1), (2) and (3).of the County Assembly of Kisumu provides that a sectoral committee to which a bill is committed shall facilitate Public Participation and shall take into account the views and recommendations of the public when the committee submit its report to the House.

SUMMARY OF THE VIEWS AND OPINIONS RECEIVED FROM THE PUBLIC

Mr. Speaker and Hon. Members,

- The Kisumu County Investment and Development Corporation was generally received positively and objectively by members of the public. Majority, after getting an understanding of the bill, viewed it as the best way to manage and protect Public Investments to ensure the objectives of such undertakings are met.
- Members of the public acknowledged the fact that the County is in possession of several investments but the poor management of the same means that proceeds collected from the investments end up in individuals' pockets.
- Majority of the residents of Kisumu County suggested that under clause 9(3), the qualification for managing director be reduced to diploma level and not degree as indicated in the bill.
- Under clause 9(3) c, on the issue of knowledge and experience either in the public or in the private sector of at least ten years, there were concerns that the experience sought would be an uphill task for the young people. In a deliberation that took longer than expected in one of the wards, a member of the public stated that the experience sought automatically denies the youth that particular post.
- A section of the Public acknowledged the good motives of the bill, but raised a concern that; Individuals may still carry out the functions of the corporation for personal benefits. An instance of the corporation sourcing funds to carry out county projects. They suggested that measures should be put in place to ensure that at any point the corporation sources funds for county projects, the funds do not get into individual pockets.
- Majority of members of the public also felt that Identification of strategic investment opportunities as a role of the corporation can also be used to benefit individuals.
- There was a concern of where the contracts will always be given to 'insiders'

COMMITTEE RESPONSES ON THE CONCERNS OF THE PUBLIC

- Members observed that running or managing such corporation requires a person with a higher qualification and hence the stated qualification should not be lowered.

- That the concern of required experience for other board members was genuine and should be considered.
- The issue of contracts being awarded to ‘insiders’ is well answered in the fifth part of the bill, where the issue of ‘conflict of interest’ is addressed. It states; that ‘‘if a member is directly or indirectly interested in any contract, or other matter before the board and is present at a meeting of the board at which the contract or other matter is the subject of consideration, that member must, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and must not take part in the consideration or discussion of, or vote on any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration on the matter.’’
- The concern of individuals in the board making decisions for the corporation to benefit themselves for example sourcing of funds for county developments only to loot them is well answered in section 12(1) of the bill, titled ‘Protection from personal liability’ which states that; ‘no matter or thing done by a member of the Board or by any officer, member of staff, or agent of the Corporation is, if the matter or thing is done bona fide for executing the function, powers or duties of the Corporation under this Act, render the member, officer, employee or agent or any person acting on their directions personally liable to any action, claim or demand whatsoever.’’

CHALLENGES FACED

Mr. Speaker and Hon. Members, the committee faced a number of challenges in trying to get views of the public;

- Despite the gazettelement of public participation on the bill, our technical teams reported that some wards had no information on the planned event. In some wards, the technical teams had to be patient to have members of the public for the event. It is worth noting that in some wards, members of the public failed to turn up for the event.
- In some wards, members of the public abstained from any discussion on the bill citing the lack of public participation by the executive during the drafting period.
- There was no sensitization of the public on the bill prior to Public Participation
- Members of the public were generally unhappy with the fact that they could not be given fare reimbursements or lunches.

COMMITTEE RECOMMENDATIONS

Following the findings from the public participation, the committee recommends the following;

1. That in future, the County Executive should be in continuous liaison with relevant committees of the County Assembly on of matters public participation to promote good governance within the County.

2. That regional balance be taken into account during the constitution of the Board of the Corporation (Part II (5)(1) of the bill)
3. That this House consider adopting this report that in the end would see the Kisumu County Investment and Development Corporation Bill, 2021 read for the second time without amendments.

CONCLUSION

Mr. Speaker and Hon. Members. The County is in dire need of a way through which the benefits of its investments can be seen clearly when it comes to revenue. Financial and economic prudence in County Investments has been nowhere close to where it should be and the managing instruments has always been inefficient and ineffective. The County must therefore take initiatives to ensure that investments undertaken are utilized to the maximum as far as revenue base of this County is concerned.

I want to call upon Hon. Samuel Dede to second.

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

Hon. Dede: Thank you, Mr. Speaker. I stand to second the motion. Thank you.

The Speaker (Hon. Oraro): Hon. Members, now that the report from the Standing Committee of Co-operative, Finance and Enterprise Development on its consideration of the Kisumu County Investment and Development Corporation Bill, 2021 has been presented and seconded, I want to propose a question as per our Standing Order that the motion is open for debate.

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

Hon. Genga: Thank you, Mr. Speaker. I rise to support the report. We are seeing the direction which the county is taking on thinking about investments. The Kisumu County Investment and Development Corporation Bill, 2021 seeks to regulate the same. Much as there were some concerns, this is a Bill that I believe will give guidelines for the county to have an Investment Vehicle. I just want to tell the committee members and I want it to go on record that we cannot put requirements or qualifications for the Managing Director for such a corporation to be reduced to a Diploma level. I believe that is laughable and we cannot allow it to happen.

As the Kisumu County Investment and Development Corporation Bill, 2021 envisaged, we should ensure that people who are meant to run for such position are highly qualified and I am yet to see any Managing Director for any Corporation in Kenya who is a Diploma holder. Unless, it is a Diploma yes, or Higher National Diploma but with some experience in governance and public management.

Mr. Speaker, it is also notable that we have some members of the public who are concerned about the insiders. I am not for the idea of forming a vehicle which will be used as a reward or a recycling

pool for people who just need to be rewarded politically to run such corporations. Otherwise, the good intentions of the Bill or rather the corporation that will run Public Investment in the county will not be achieved.

We are well aware that and we know for sure that we as Hon. Members of this House asked to make laws that will safeguard the same, but, we may not really have control after making such legislation to decide who become a member of such an important investment vehicle in the county.

So, Mr. Speaker, I know that the Bill will be again represented to the House for second reading, but we must be alive to the fact that we are not just rubberstamping or creating a pool where people who needed recycling in public service are again taken to that pool. This is a very important Investment Vehicle for the county.

Mr. Speaker, another concern that we should also address, I do not know whether I should direct it to our able Leader of the Majority but I tend to think that this falls under you as the Chairperson of the County Assembly Service Board. It is important for us to enhance public sensitization especially for Bills. Somebody in a place called Ochoria, Fort Tenan location in Muhoroni/Koru Ward always wonder when we invite them for such public participation on any Bill and the information is given a day before. Mr. Speaker, I believe that as you work to enhance different departments; legal, drafters, etc. I want to appeal that you ensure that there is a specific department that is dedicated to Public Sensitization which will in turn take it to the available media that can reach our people.

Mr. Speaker, I will be very happy to see a discussion on a Bill such as this being taken through vernacular radio stations which has a far reaching on county residents. There is a challenge of how information on Bills plus many other issues to do within the Assembly. As I have always said, this Assembly has so much work to do. We also have a lot of information to pass to the public; therefore, public participation should be taken very seriously.

Mr. Speaker, kindly, this task should not be handed to the Leader of Majority whom I view as someone whose hands are too full. Every time sensitization is also put under his purview, they have not done so well. You can remember when he called the member two weeks later when pressure is too much, something which should have been given to somebody who are on internship. They are young people and should aid on what we are doing as a House to help us work effectively.

Mr. Speaker, once again I appeal to you on that area of sensitization, maybe you can dedicate it to one of the new staff we have but kindly get it out of the office of the Leader of Majority.

Lastly, as I said that this Bill envisages something of potential for public investment infrastructure in the county. I also believe that we are creating a Corporation that will take into account the interest of the county, to help us enhance even revenue and how we manage our public investments. Once again as I finish, I hope that we are not creating an organization that is a rewarding or a recycling pool. Thank you so much Mr. Speaker and I support the report.

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

The Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. I also want to support this Kisumu County Investment and Development Corporation Bill, 2021 because it is going to be a very important vehicle through which resources can be pooled through investment. This kind of vehicle already exists in counties such as Makueni and Kitui. We have also seen that in those counties, there are lots of private investments or even donor support going to those counties because of this special vehicle. As members may be aware, that, laws do not allow County Government to engage with donors directly; it has to go through the National Government.

However, through this Investment Vehicle, we shall be in a position to attract these investments directly. Already we are aware that a lot of developments are envisaged in this County. Just the other day, I was talking about the promenade around Dunga Beach and the ring road that is going to run along the lake from Dunga Beach to port David beach.

Mr. Speaker, that is going to create a lot of investible opportunities that this corporation so to believe would be able to handle very well. That is because; there are many investors that would want to bring their investments only if these structures are properly constructed.

I also want to agree with Hon. Genga that public participation needs to be done. It is only unfortunate that of late, he is so much obsessed with the Leader of Majority to the extent that he imagines that public participation is domiciled in my office. I want to clarify that...

Hon. Genga: On a point of information Mr. Speaker.

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

Hon. Genga: I want to inform the House Mr. Speaker.

The Speaker (Hon. Oraro): Proceed.

Hon. Genga: Mr. Speaker, I believe that our Leader of Majority who is so obsessed with every statement that I make in this House and I have told him and I want to repeat. I always see him as a brother who looks up to bigger things. I do not expect him having public participation domiciled under his office Mr. Speaker. That is what I said. So, it is not a matter of obsession. I see him as big brother, but he seems like he does not want to grow. Maybe in future, I may have to relook at that statement and think of him differently contrary to what I have been doing.

I believe that he is the one who is obsessed with every little statement that I make maybe ...

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

The Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. You know that in this House, Hon. Genga and I are some of the few avid debaters. So, I want to imagine that he is doing that for purposes of debate.

However, public sensitization is very important and I would want to suggest that at the height of Corona Virus Disease 2019 (COVID 19) when the pandemic begun, we did public participation through our vernacular radio stations. I believe the reach of that public participation was very high. Probably because this ward based public participation does not usually give us very good results. As a House, we can resolve that in future it will be prudent that we use vernacular radio stations. Because the people listening to those stations every morning are so many. Even during that time when we were doing sensitization, through our vernacular radio stations, the response from the public was overwhelming. So, in future, we can go towards that direction.

Mr. Speaker, I also want to agree that the holder or the head of this corporation must be a person with impeccable academic credentials. We cannot put the requirements so low to the extent that we shall be viewed as if we are rewarding mediocrity.

Mr. Speaker, I want to plead with the Hon. Members of this House that we give support to this report because it will generally give us a very good direction upon which we can start focusing on our development agenda as a county. Thank you.

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

Hon. Ojuok: Thank you Mr. Speaker. Mine will be very short. I just want to support this particular Bill. I also want to echo on some of the sentiments that Hon. Members have said. Constant engagement of the public as far as the Investment Bill is concerned. It is key and even as we go forward so that people may get to know what it is all about. The public participation that we do carry out at times does not give members of the public enough time to go through the documents and be able to engage in an informed debate at the time which we then conduct the discussion. It is a complaint that we have received a number of times that they want these documents prior to the public participation. That they be able to engage the people who go there on informed positions. So, I believe that is an area that we need to improve on.

When I go to the issues of radio and all that, I believe that it is something that happens before real public participation comes on board, as a way of getting information on certain key issues. Sometimes, those public participation needs to be very specific especially on a region, you will get to know their opinion on the document.

Mr. Speaker, apart from investment being a good idea. We also need to take precautions especially on the culture that is much prevalent in Kenya in as far as issues of recycling retirees in some of these corporations are concerned. That is an area that even as we will be developing regulations, we should clearly guard against it. To avoid mistakes that have been made nationally and maybe learn from other counties that have gone through this process.

It is also important that we benchmark a lot and get to know some of the bad experiences that they have gone through, not only the good things. That will enable us develop a water tight regulations in ensuring that this Bill achieves its intention and benefit the county.

In addition, entities like KIWASCO. There are certain mistakes like the line department from the government still go in carrying out the mandates of the investment company that are already there. Those are things that we can learn from and be able to guide accordingly.

Let us also learn from the mistakes we made with the Lake Region Development Block (LREDB). If you can remember that we were to address that particular issue where as a House we identified gaps that we left unaddressed and it did not go down well. I believe that we should check on those areas.

Nevertheless, constant engagement with people is very key. There is a feeling that if the idea is so good, that we mean so well for our people then, there is no need of engaging them. I believe that even if the idea is so good, public participation and making them aware that this is what we intend to do which is very important, I support.

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

Hon. Miruka: Thank you so much Mr. Speaker. I stand to support the report on the formation of the Kisumu County Investment and Development Corporation Bill 2021. Having looked at it at the source value, this would enhance the socio- economic of the County. You remember that we have always cried that our development projects cannot continue. Some of them are done half way because what we get from the Exchequer is not enough. That is because what we collect as a county is not enough. So this will help increase revenue collection.

Mr. Speaker, another issue is, I would say that this is a very good idea because it will really bring everyone on board. Why am I saying this? I am saying this because our people, our youths and our great men and women who have been doing this at a lower level, would get a forum that they would do their investment at a unified positions.

Finally some of our citizens said that those to be brought on board to have a Diploma Certificate. I totally disagree with them because such organizations, even if you compare with other counties they employ people with good exposure, people with good experience and with good technical know how to run these endeavours. So, I would request that we adopt it but, the issue of academic status must be looked into.

Last but not least, I do not think it would be right as has been seen elsewhere that we only bring on board our friends and relatives. We should include people with diverse experience and coming from all over the region, so that, we feel part and parcel of this good vessel. Otherwise, I support, thank you.

The Speaker (Hon. Oraro): Hon. Florence Olang'o.

Hon. Olang'o: Thank you Mr. Speaker, going by the mood of the House, may I call the mover to reply.

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

Hon. Okiri: Thank you very much Mr. Speaker and Honourable Members. I have to thank the Hon. Members for chilling this evening to ensure that we get in part with this report for today Mr. Speaker; with this Honourable House and the kind of debate and the positive feedback on key solutions that we have received since the commencement of this motion

Mr. Speaker and Hon. Members, with the kind of debate that this House has been conducting, it is evident that this is a House where it has been reiterated that we need to acquire and source for a lot of investments for this County. If you could listen to the contributions of Hon. Members then you will realize that each and every Member is in support that we need to invest in our County. By doing this, you are aware that we are going to realize a lot of revenues because it has come out clear that without revenue then there is no way our County will progress.

Mr. Speaker and Hon. Members, this will also add so many other things that the County may need because once an organization like this Corporation has been established as a private entity then we will have the leverage required. Mr. Speaker the Hon. Members have been having concerns about centralization which has been realized in so many wards. We must agree that most of the time we also have to go to our vernacular stations to make sure that the public is informed about our public participation. Mr. Speaker we also have to agree as Members to the higher degree in this position for an organization of this type to be headed by a diploma holder but we agreed in the best person to run this organization is a person who has Higher Diploma and above. It is my humble request to request this House to adopt this report so that the County can move to grander heights. Thank you.

The Speaker (Hon. Oraro): Hon. Members now that the Standing Committee of Finance, Trade and Enterprise Development report on the Kisumu County Investment, Development and Corporation Bill, 2021 has been presented by Hon. Okiri, seconded and debated. I therefore want to put a question on the adoption of the same.

(Question put and agreed to)

The Speaker (Hon. Oraro): Therefore there report from the Standing Committee of Finance, Trade and Enterprise Development on the Kisumu County Investment, Development and Corporation Bill, 2021 is hereby adopted today 08th April 2021 at 1640 hours and that means that the Bill will go to the next stage that is the 2nd reading which will be scheduled by the House Business committee.

The Speaker (Hon. Oraro): Next Order!

MOTION

ADJOURNMENT FOR SHORT RECESS FROM 9TH APRIL 2021 TO 19TH APRIL 2021
PURSUANT TO THE PROVISIONS OF STANDING ORDERS NO. 26 (3)

BY

HON. KENNETH ONYANGO, LEADER OF MAJORITY

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

The Leader of Majority (Hon. Kenneth Onyango): Thank you Mr. Speaker. Pursuant to the Kisumu County Assembly Standing Orders No. 26 (3) subject to paragraph 1. The County Assembly shall continue to be in session and may adjourn a number of days as it may be determined in its calendar.

Acknowledging the Gazette Notice No. 2342 of 12th March 2021 in which the Assembly gazette its Annual Calendar which was a resolution by the House that the Short Recess was to commence from 9th April 2021 to 19th April 2021.

Further acknowledging that the County Assembly Standing Orders no 26 (3) on a day when the County Assembly is scheduled to begin to a day other than the next sitting day in accordance with the County Assembly Calendar, the Leader of the Majority Party or the Leader of the Minority party or another Member of the Assembly House Business committee shall move a Motion of Adjournment which shall be debated for not more than 3 hours after which the County Assembly shall adjourn without question being put. The Assembly now urges members to adjourn the House until 20th April 2021 pursuant to Kisumu County Assembly Standing Orders No. 25 (3). I therefore call upon Hon. Miruka to second. Thank you.

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

Hon. Miruka: Thank you Mr. Speaker I stand to second the adjournment motion for the Short Recess. One of the fact that we have to understand and respect what we have in the Standing Orders. This would be the best time for the Hon. Members to reunite with their students who came back home from school. This would also be the best time for the Hon. Members to visit the Health facilities to get Covid-19 Vaccination. Thank you.

The Speaker (Hon. Oraro): Hon. Members now that the Motion for Adjournment for Short Recess from 9th April 2021 to 19th April 2021 has been moved by the Leader of Majority, seconded by Hon. Miruka I therefore want to propose a question that the motion is opened for debate. Hon. Philemon.

Hon. Philemon: Thank you Mr. Speaker I want to support the Motion of Adjournment of this House as had been proposed. We would have wished as the seconder has alluded to meeting the students that are from schools that we would have wished that we go there when the issues of Bursaries and Scholarships is sorted out. Unfortunately that has not happened and that clearly shows the level of seriousness we have in this House. I would urge that this House is engaged in matters of oversight especially in matter where the House is involved in 'Bunge Mashinani'. I would just urge that we take the opportunity to handle those matters that sometimes are very difficult to handle considering that the session is running.

Mr. Speaker, I would like to urge that next time as the normal practice as in the Commonwealth practice that when the Leader of Majority is asking for such adjournment that we should be able to see the Minority side second. Thank you.

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

Hon. Okiri: I rise to support the adjournment motion. This is based on the Government directive that people should not mingle and this will also enable us go home so that we can be with our families. We represent our people and that is our mandate. We have been here for long and this is the time to go and meet our constituents. This will also enable us to go and see our electorates and listen to their demands. This is also a season for long rain and we rely on Agriculture and we should help them by giving financial and logistical support. This is also the best time for some of our Hon. Members to go and witness the havoc the rains have caused to our people and see the mitigations measures that is required to be put in place to avoid such catastrophes.

Lastly, it is within the Standing Orders that no legislature can violate the Standing Orders. Thank you.

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

Hon. Nancy Owiti: Thank you Mr. Speaker I wish to call the mover to reply.

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

The Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. Please allow me to thank the Hon. Members for supporting the Motion of Adjournment and I want to recall the sentiments of some Hon. Members that probably during this adjournment, the Leadership of this Assembly needs to find a lasting solution to the bursaries delays.

Mr. Speaker, I would also like to apologize to the minority side that it was just an oversight and I don't believe that it is a big deal. It would be important that as we go then let us get the Covid-19 vaccination so that we may protect ourselves and our loved ones. Hon. Okiri has also said that this will also give us the opportunity to do our representation role. I do believe that during this Short Recess we shall create time to visit our respective wards so that we don't just stay in the town. As

per our customs there is something we call ‘*golo kodhi*’ during the planting season. So for those of us who have not done that back at home kindly, go and do that ritual. Thank you and I wish you a good stay at home during this Short Recess period. Thank you.

The Speaker (Hon. Oraro): Hon. Members the Leader of Majority moved a Motion of Adjournment for a Short Recess pursuant to the provisions of our Standing Orders No. 25 (3) which was seconded and debated.

Hon. Members, I also want to add that the short recess gives Members and opportunity to go back to the electorates and to have a short leave of the heavy works of the Assembly. I only want to request that even as we go for the short recess, do not forget about the MOH protocols. Covid-19 is real but there are also other diseases. Wherever you go to sensitize the public on what is supposed to be done, as we are speaking there is no cure and I am aware that the Government has organized for vaccination to priority groups. But again the vaccination is efficient up to only a certain percentage or level. There is no 100% cure for Covid-19 but you are 100% sure that if you follow the MOH protocols for guidelines then you are safe. The other thing that I want to convey to Members is that let us not joke around with Covid-19 and please do what is in your position to help your neighbor just like you would help yourself.

Otherwise I want to refer to the same Standing Orders 26 (3) which states that;

‘On a day when the County Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the County Assembly calendar, the Leader of the Majority Party or the Leader of the Minority Party or another Member of the County Assembly Business Committee shall move a Motion of Adjournment which shall be debated for not more than three hours after which the County Assembly shall adjourn without question put.’

ADJOURNMENT

The Speaker (Hon. Oraro): In that regard the House is adjourned for short recess that is up to 20th April 2021 at 2.30 p.m.

(House rose at 4.50 p.m.)

Addendum

Hansard Team

Zablon Otiende - Senior Hansard Reporter (Sub-editor)

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Patrick Okoyo - Reporter

Fanuel Okode - Reporter

Jacklyne Otieno - Reporter

Dennis Ogolla - Reporter

Jesca Otieno - Reporter