

## COUNTY GOVERNMENT OF KISUMU



### COUNTY ASSEMBLY OF KISUMU

### **THE HANSARD**

#### *Official Report*

#### SECOND ASSEMBLY – FIFTH SESSION

Thursday, 22<sup>nd</sup> 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): Mr. Clerk, kindly 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, welcome to today's plenary. I just want to remind Members that please ensure that you have a mask and ensure that it is put on in the right way covering your nose and your mouth for your protection and that of your neighbor.

Two, I did communicate on our WhatsApp that we shall have a small *kamukunji* after the plenary that will take at most 30 minutes. The Clerk has some information that he would want to share with us. So, please remain behind after the plenary.

This is to all the Members. We had planned to have a General Oversight Meeting tomorrow from 10:00 a.m for the purposes of continuing with the findings on the issue of Bursary and Scholarships

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from the CECM Education and I want to confirm that we have just received the documents that we requested for before we broke for short recess. I have requested the Clerk to make copies for the Members. I had also suggested to Members that we need to find time and go through the documents and make our findings before we meet the CECM in our next session with him. Go through the list presented by the CEC Education and the bursary list that came from the Wards. Please take note of any variance or discrepancies.

Hon. Members, we will not have the CECM next week but we will have the General Oversight Meeting at the time I mentioned. So, please collect the documents and capture matters arising from what we previously had because the CECM will appear before us next week. I suggested so because, it was a bit difficult to look at the report and have questions at the same time. Please, let us take it very seriously.

Finally, I am also consulting if we can have few Members to thoroughly look at the documents in addition to what Members will raise so that we have an informed meeting with the areas of interest that will guide our questioning on Thursday, 29th April, 2021 which is next week.

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

### MOTION

ADMINISTRATION OF LAW, JUSTICE, CONSTITUTIONAL AFFAIRS, GOOD GOVERNANCE AND SECURITY COMMITTEE REPORT ON THE VETTING OF MR. IDRIS NICHOLAS OMONDI, PROPOSED NOMINEE FOR THE POSITION OF THE COUNTY ATTORNEY.

BY

HON. SETH OKUMU

CHAIRPERSON, ADMINISTRATION OF LAW, JUSTICE, CONSTITUTIONAL AFFAIRS,  
GOOD GOVERNANCE AND SECURITY COMMITTEE

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

**Hon. Okumu:** Mr. Speaker and Hon. Members, Pursuant to Section 5 of the Office of the County Attorney Act, 2020, the Governor of Kisumu County Prof. Peter Anyang' Nyong'o through the County Secretary notified the County Assembly about his nominee for the position of the County Attorney vide a letter reference CGK/CS/ADM/20/VOL.IV/25 dated 2<sup>nd</sup> February, 2021 (Annexure I).

Consequently, pursuant to the provision of Section 7(1) of the Public Appointment (County Assemblies Approval) Act, 2017, the Speaker informed the Assembly about the Notification he

received from the Governor. The notification was thereafter, laid as a paper before the House on Tuesday 9<sup>th</sup> February, 2021 where the Speaker, in accordance with Standing Order 193 (5)(f), committed the nominee to the Committee on The Administration of Law, Justice, Good Governance, Constitutional Affairs and Security to vet and consider the suitability of the nominee for appointment.

Mr. Speaker and Hon. Members. The Clerk of the Assembly pursuant to the provisions of section 7 (4) of the Public Appointment (County Assemblies Approval) Act, 2017 and Standing Order No. 43 (3) of the County Assembly Standing Orders notified the candidate and the general public through the Star and Daily Nation newspapers on 11<sup>th</sup> February, 2021, that, the approval/public hearing (vetting of the Nominee) was scheduled to be held on Friday 19<sup>th</sup> February, 2021 at the County Assembly Boardroom in Mega Plaza. The Committee thereafter conducted the approval hearing/public vetting and gathered findings, observations and recommendations which are part of this report for the position of the County Attorney; Mr. Nicholas Edris Omondi.

#### ESTABLISHMENT AND MANDATE OF THE COMMITTEE.

Mr. Speaker and Hon. Members, the Committee Mandate and Composition

Mr. Speaker and Hon. Members. Pursuant to Standing Order No. 193 of the Kisumu County Assembly Standing Orders the Committee on Administration of Law, Justice, Constitutional Affairs, Good Governance and Security is mandated to oversee and investigate;

*All matters relating to referendum, further Devolution in the County, issues of Integrity, Ethics and Conflicts of Interests including Anti-corruption and Human Rights; ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations in governance at the local level and assisting communities and locations to develop administrative capacity for the effective exercise of the functions and powers and participation in governance at the local levels; administration of law and justice, including working and collaborating with national government operatives within the County especially on security matters.*

Pursuant to Standing Order No. 193 (5) (f), the committee is also mandated 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).

Composition.

The committee as currently constituted comprises the following Honorable Members;

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NAME	POSITION
1. Hon. Seth Okumu	Chairperson
2. Hon. Beatrice Pamela	Vice Chairperson
3. Hon. Jacktone Ogendo	Member
4. Hon. David Arao	Member
5. Hon. Erick Agola	Member
6. Hon. Julius Genga	Member
7. Hon. Sally Okudo	Member
8. Hon. Ken Ooko	Member
9. Hon. Johnson Guyah	Member
10. Hon. Philemon Ojuok	Member
11. Hon. Joachim Oketch	Member
12. Hon. Roy Samo	Member
13. Hon. Caleb Omoro	Member
14. Hon. Vitalis Otura	Member
15. Hon. Paul Okiri	Member

#### Committee Secretariat

1. Herman Moses – Committee Clerk
2. Bill Otieno - Legal Counsel
3. Dennis Ogolla - Hansard Reporter
4. Kennedy Okise - Serjeant-at-arm

#### ACKNOWLEDGEMENTS

Mr. Speaker Sir and Hon. Members. It is my humble pleasure to take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations and vetting exercise, the Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the County Assembly for the support accorded to it during the vetting exercise.

On behalf of the Committee and pursuant to the provisions of Standing Order No. 193 (5), it is my duty and privilege to present to the County Assembly, the Committee's Report on the vetting of the Nominee for the Position of the County Attorney Mr. Nicholas Edris Omondi.

#### INVITATION OF MEMORANDA

Mr. Speaker and Hon. Members. Pursuant to Section 7(4), (5) of the Public Appointments (County Assemblies Approval) Act, No. 5 of 2017 which provides that:

(4) *The Clerk shall notify a candidate of the time and place for the holding of an approval hearing by notice in at least two newspapers of national circulation and by writing and such other form of communication as the Clerk shall consider appropriate.*

(5) *The committee shall, by notice in at least one newspaper of national circulation, notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing.*

The County Assembly of Kisumu on 11<sup>th</sup> February, 2021 placed an advertisement in the print media; Star and the Daily Nation Newspaper informing the nominee and members of the general public of the intention of the Committee to conduct an approval hearing as provided for by Article 179 (2) (b) of the Constitution of Kenya, 2010, County Government Act, 2012, Section 5 of the Office of the County Attorney Act, 2020 and Standing Order No. 193 (5) read together with Article 118 (1) (a) (b) (Annexure II).

The notification invited the public to submit memoranda by way of written statements on oath (affidavit) with supporting evidence contesting the suitability of the nominee in conformity with section 8 of the Public Appointments (County Assembly's Approval) Act, 2017.

Further members of the public were informed that due to COVID-19 requirement that disallows any public gathering of more than 15 members, they were encouraged to send their written statements/affidavit via the county assembly email or the hardcopies delivered to the Assembly Clerk's office (See Annexure II).

## LEGAL FRAMEWORK

Mr. Speaker and Hon. Members. The Office of the County Attorney's Act, 2020 mandates the Governor to appoint the County Attorney with the approval of the County Assembly. Section 5 of the Office of the County Attorney Act, 2020 provides for procedures used by the Governor when nominating the County Attorney which states as follows;

### Appointment of the County Attorney

5. (1) The County Attorney shall be appointed by the Governor with the approval of the county assembly.

(2) A person qualifies for appointment as County Attorney if such person —

- (a) Is an Advocate of the High Court of Kenya of at least five years standing; and
- (b) Meets the requirements of Chapter Six of the Constitution.

## APPROVAL OF PUBLIC APPOINTMENTS

Committal to Committees Standing Order No.43 provides;

- 1) Upon receipt of a notification of nomination for appointment to an office as is under the Constitution or under any other legislation required to be approved by the County Assembly, the nomination shall stand committed to the relevant Sectoral Committee of the County Assembly for consideration.
- 2) Despite paragraph (1), appointments under Article 179(2) (b) of the Constitution shall stand committed to the Committee on Appointments.
- 3) Before holding an approval hearing, the Committee to which proposed appointments have been referred shall notify the candidate and the public of the time and place for the holding of the approval hearing at least seven days prior to the hearing.
- 4) The Committee shall conduct a hearing on the proposed appointment and shall, unless otherwise provided in law, lay its report in the County Assembly within fourteen days of the date on which the notification was received under paragraph

## COMMITTEE MEETINGS

The Committee held 4 (four) meetings to deliberate, vet and prepare a report with recommendations to be tabled before the House.

The nominee was asked to collect a questionnaire from the office of the Clerk of the County Assembly during official working hours and was required to return 14 copies of filled questionnaires to the office of the Clerk of the County Assembly on a date not later than 18<sup>th</sup> February, 2021 at 2:00 p.m. The nominee was notified to ensure that certified copies of academic certificates/testimonials and copies of clearance certificates from the following bodies are submitted:

1. National Police Service (Certificate of Good Conduct)
2. Higher Education Loans Board
3. Credit Reference Bureau
4. Kenya Revenue Authority
5. Ethics and Anti- Corruption Commission

## CRITERIA FOR VETTING

Mr. Speaker Sir and Hon. Members, the Committee adopted the First Schedule criteria for vetting/approval of nominee and Second Schedule Assessment Form which are provided by the Public Appointment (County Assemblies Approval), 2017.

The Committee also adopted the score sheet used for vetting. The score sheet covered six thematic areas that gave a total score of 100% notable;

S/No.	Thematic Areas	Scores per Segment (%)
1.	Academic and Professional Qualification	4%
2.	Demonstrate Achievement/Work Experience	14%
3.	Technical and Professional Capacity	33%
4.	General Knowledge	3%
5.	Communication and Personal Attributes	4%
6.	General Attributes	05%
	Total Score	63%

The Committee resolved that the pass mark for scores be 50%.

#### STATUTORY CLEARANCE REQUIREMENTS

Mr. Speaker Sir and Hon. Members,

The nominee met the threshold of Chapter Six of the Constitution by submitting the following statutory requirements:

- i. Tax Compliance Certificate from the Kenya Revenue Authority (K.R.A);
- ii. Clearance Certificate from the Ethics and Anti-Corruption Commission (E.A.C.C);
- iii. Certificate of Good Conduct from the Criminal Investigation Department (C.I.D); and
- iv. Higher Education Loans Board (H.E.L.B) Clearance Certificate.

## 1.9 PUBLIC HEARING AND VETTING OF THE NOMINEE

The nominee appeared before the Committee and was orally interviewed pursuant to the provisions of the Constitution of Kenya, the Public Appointments (County Assemblies Approvals) Act, 2017, County Government Act 2012, the Office of the County Attorney Act, 2020, the Standing Orders of the County Assembly and other relevant legislations.

## 2.0 BACKGROUND INFORMATION OF THE NOMINEE

### 1. NICHOLAS EDRIS OMONDI PERSONAL PROFILE (See Annex iv)

- Email: Oedris@gmail.com.
- ID : 11428497
- PIN Number: A0023501817D
- Town: Kisumu
- Place of Birth: Kisumu
- Practicing Status – Active
- No. of Practicing Certificates as at 19<sup>th</sup> February, 2021 – Four (4)

### 2. Educational Background

- 2009: Postgraduate Diploma in Law – Kenya School of Law
- 2000: Bachelors of Laws – Karmatak University (India)
- 1995: Bachelors of Commerce – Karmatak University
- 2001: Diploma in Computer Applications: Manipal Institute of Computer Education
- 2001: Ms Applications

### 3. Honors and Awards:

N/A

### 4. Membership of Professional Bodies

- The Law Society of Kenya  
Membership no. P. 105/7543/09

## 5. Publications.

N/A

## 6. Public office, Political Activities and Associations

Institution	Position	Year
• Kisumu County Government	- Acting County Attorney	2020 to date
• Royal City Group of Hotels	- General Manager	2014-2016
• Centre for Governance	- Programme Officer	2003-2011
• ZJ Nyakundi & Co. Advocates	- Legal Assistant	2001-2002

The candidate was subjected to a set of questions to establish his suitability regarding credentials, abilities, experience and qualities that meet the needs of the body to which the nomination is being made.

## 2.1 MANDATORY REQUIREMENTS ACCORDING TO SECTION 5 OF THE OFFICE OF THE COUNTY ATTORNEY ACT, 2020.

Candidate	Citizen of Kenya	is a holder of at least a degree in Law from a university recognized in Kenya;	satisfies the requirements of Chapter Six of the Constitution	Has knowledge, Experience and a distinguished career of NOT less than 5 years as an Advocate of the High	Remarks Responsive/Non-Responsive
NICHOLAS EDRIS OMONDI	✓	✓	✓	✓	Responsive

Mr. Speaker and Honorable members,

The committee found the nominee responsive having met the mandatory statutory requirements as provided for in the Chapter Six of The Constitution.

Suitability of the Candidate was determined by a set of questions in consistency with the proposed appointment and he passed the 50% threshold in accordance with the score sheet.

## SCORESHEET FOR THE POST OF COUNTY ATTORNEY.

Name of Candidate *Mr. Edris Nicholas Omondi* Age 48 Gender *Male*

SCORE AREA	Max. Score	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	P11	P12	Total
Part 1 – Personal Profile														
1	Academic and Professional qualifications:													
	a) Formal academic qualifications from recognized institutions. (2mks)													
	b) Affiliation to professional bodies. (1mks)													
	c) Meet requirements of Leadership and Integrity set out in Chapter six of the Constitution. (1mk)	5	3	3	4	3	5	4						
	d) Any awards/Honours granted by professional bodies (e.g ICPAK, SOYA, OPI, etc), the Government or International Organizations. (1mk)													
		5												27

2	<p>a) Two demonstrable achievements/results in previous work experience in public sector relevant to the position. (15mks)</p> <p>b) Capacity to manage in a team (Finance, Strategic Leadership) (10)</p>	25	15	10	15	15	10	11	21							97

Part 2 – Technical and Professional Capability																
3	<ul style="list-style-type: none"> <li>a) Functions of the Office of the CEC Member. (5mks)</li> <li>b) Understanding of the Budget cycle (10mks)</li> <li>c) Articulation of the Departments infrastructural needs of the County (5mks)</li> </ul>	20	10	18	15	5	18	16	19							101
	<ul style="list-style-type: none"> <li>d) Articulation of Strategic issues related to functions of the Department (5mks)</li> <li>e) Understanding of the Departmental Challenges (5mks)</li> <li>f) Proposals on practical solutions (5mks)</li> <li>g) Diversity management in relations to the work of the Department. (5mks)</li> </ul>	20	10	8	10	15	15	15	18							91

	<p>h) Functional Interface between the Assembly, the Department and County Executive. (5mks)                  i) Central government and devolved structures. (5mks)                  j) Knowledge of public finance and procurement. (5mks)                  k) Public participation. (5mks)</p>	20	10	15	10	15	13	15	15							80
Part 3 – General Knowledge																
	<p>a) Challenges facing County Governments (1mk)                  b) Understanding of the current national political situation. (1mk)</p>															

c) General understanding of Kisumu County d) Employee welfare issues e) Solutions to Kisumu County Challenges on matters relating to Roads, Transport and Public Works.	5	3	5	2	5	3	2	4							20
Part 4 – Communication and Personal Attributes															
Capacity to express self (1mks) Clarity of Speech (1mk) General attitude and personality (1mk) Interpersonal skills (1mk) Self-confidence (1mk)	5	2	4	2	5	4	5	4							26
TOTAL	100	55	43	47	57	53	49	85							442

Item specific scores in parentheses ( )

Total Score = 442

Av. Score (% of Total) =  $442 \div 7 = 63\%$

## COMMITTEE OBSERVATIONS AND FINDINGS

Mr. Speaker Sir and Hon. Members. Committee Observation.

The Committee observed as follows:

- a) That the Nominee was in compliance with all the statutory requirements on matters of integrity and as per the Chapter Six of the Constitution of Kenya, 2010.
- b) That the Integrity Verification Audit conducted on the Nominee by the Ethics and Anti-Corruption Commission indicated that the Commission as at 1<sup>st</sup> March, 2020 had not conducted any investigation on any matter where the Nominee was found culpable. (See letter Ref. EACC.7/10/5/VOL. XVII (58) – Annex III)
- c) That the Committee did not receive any Memoranda or sworn affidavit opposing the Nomination of Mr. Edris Nicholas Omondi to the position of County Attorney.

## Findings

The Committee made the following findings during the vetting exercise:

- a) That the Governor Kisumu County complied with Section 5 of the Office of the County Attorney Act, 2020 while nominating Nicholas Edris Omondi to the post of County Attorney.
- b) That the nominee met the threshold of appointment to the office as provided for by the Public Appointments (County Assembly Approval) Act, 2017.
- c) That the nominee appeared before the Committee and excelled by scoring 63%.
- d) That the Committee did not receive any information from the public contrary to his nomination.
- e) That the nominee is suitable for appointment in accordance with section 5 (2) of the Office of the County Attorney Act, 2020.

## RECOMMENDATIONS

Mr. Speaker and Hon. Members. The Committee having considered the suitability, capacity and integrity of the Nominee, taking account its findings and observation and the provisions of the Constitution of Kenya, 2010, the Public Appointments (County Assemblies Approvals) Act and Section 5 of the Office of the County Attorneys Act, 2020 the Committee hereby recommends that the County Assembly;

1. Approves the Nomination of Mr. Edris Nicholas Omondi; Nominee for the Position of the County Attorney for appointment by His Excellency the Governor of Kisumu County.

**CONCLUSION**

It is therefore my honor and privilege, on behalf of the Committee on the Administration of Law, Justice, Good Governance, Constitutional Affairs and Security to move this motion before this Honorable House for consideration.

Mr. Speaker, we can operate as a County where the Office of the County Attorney does not have legally required officers. Mr. Speaker, receive legislative proposals from the Executive but we need that office active so that they check them and confirm if they meet all the requirements before they bring them over here. If that is not done then they give us a lot of work with the documents they bring here. Mr. Speaker, I want to say that Mr. Idris Nicholas Omondi be nominated for the position of the County Attorney. I want to ask Hon. Erick Agolla to second.

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

**Hon. Agolla:** Thank you Mr. Speaker. Today is a historic day because for a long time the County has not had a Substantive County Attorney. As a member of this committee, I want to thank the Office of the Speaker and the Office of the Clerk and the Members of the committee for the efforts that we had combined to ensure that we give this County a report which is well researched. We had gone through the investigations and interviews until we arrived at the approval of the nominee.

I want to request the Members that we adopt this report to enable the Governor appoint Mr. Idris Omondi to the position of County Attorney. I beg to second.

**The Speaker** (Hon. Oraro): Honourable Members, now that the Administration of Law, Justice, Constitutional Affairs, Good Governance and Security Committee report on the Vetting of Mr. Idris Nicholas Omondi nominee for the position of the County Attorney has been moved by the Committee Chairperson and second by Hon. Erick Agolla, as per our Standing Order, I want to propose a question that the report be opened for debate. Hon. Paul Okiri.

**Hon. Okiri:** Thank you Mr. Speaker. Kisumu County has engaged a number of people in senior positions on acting capacities and this has brought a lot of problems in this County.

*(Hon. Speaker exits the Chair as the Temporary Speaker takes over)*

**The Temporary Speaker** (Hon. Muga): Proceed Hon. Okiri.

**Hon. Okiri:** Thank you Madam Speaker. You all understand how it feels to be on a job on an acting capacity and it doesn't make the individuals to give their best. Mr. Idris has been acting in this position for a long time and he deserves this position because he is also qualified from the report that has been read by the Chair. The position of the County Attorney is very critical in this County and we cannot continue having somebody on an acting capacity.

Madam Speaker, we have lost so many cases as a county simply because we have an Attorney that is acting and it is becoming a burden on us. I want to urge the House that we pass this report so that we have a Substantive County Attorney. With those few remarks, I support. Thank you.

**The Temporary Speaker** (Hon. Muga): Thank you. Hon. Khan.

**Hon. Khan:** Thank you Madam Speaker. I arise to support the report by Justice Committee. As you are aware, this County has been lacking jurisprudence, presentation and representation, especially when it comes to issues of this County. We have been having many ligations against the County where sometimes it forces the County Government to hire lawyers from other firms and this is very expensive to the tax payers. It will be a milestone if we have an Attorney to look into our legal issues. The nominee has all the requirements and I support his nomination as our County Attorney. I support.

**The Temporary Speaker** (Hon. Muga): Hon. Olima.

**Hon. Olima:** Thank you Mr. Speaker. I arise to oppose the appointment of Mr. Idris Nicholas Omondi to be the County Attorney. As you look at the documents and the records we have been presented by the Sectoral Committee, I believe that the committee was taken for a ride and they didn't do their job. From the educational credentials alone, Mr. Idris Omondi scored C- (minus) in 1991 which is not allowed to do any degree in Kenya and that is why he decided to travel to India in somewhere called Karnatak ....

**The Temporary Speaker** (Hon. Muga): Order Hon. Gard Olima. I believe one can begin with pursuing a Diploma Course and proceed and undertake a Degree Course.

**Hon. Olima:** Madam Speaker, that is wrong. Let me continue with my contributions. I want to tell this Honourable House that today is a very sad day for this House to sit down and discuss a C – (minus) person to be the County Attorney. That is a very senior position. You can see how the Chief Justice is being sourced in this Country and you bring as this person in Kisumu where Professors and Doctors are the majority.

Madam Speaker, if you look at the Act that was passed by this Assembly, *the County Attorney is appointed by the Governor with approval of the County Assembly after a competitive process by the County Public Service Board*. Where is the report of the County Public Service Board and whom did, he compete with? When did he applied for this job? We can't just allow somebody to be picked by the road side and be brought here. This County has competent people who could have a applied for this job?

Madam Speaker, you cannot lead this County with a C- at the level of County Attorney. We can give him something else and not the County Attorney and that is why, what the Hon. Khan and Hon. Okiri has said that we've lost all the cases in Kisumu County. We are paying a lot of money because of the incompetence of such like people. You look at this report and you don't even see

the Certificate of Good Conduct attached. How did he fit to be the County Attorney if he did not even have the Certificate of Good Conduct?

Madam Speaker, I want to plead with this House that for once can we have a name. For once can we do our job? You can't bring somebody who has not won any case, doesn't have any honors, it is very wrong for the Chairman of the JLAC Committee to say that Idris Omondi doesn't have any honors. Madam Speaker and Hon. Members, has he ever written anything and you want to call him a County Attorney. To advice who? He has no honors. He has nothing apart from the Gurnanak thing he got from India.

*(Laughter)*

Madam Speaker, let us take this House seriously. Let us be the people who can take good care of Kisumu County. We have very good people who can be the County Attorney. We better take Pst. Arao to the County Attorney. If you add the scores, they don't add up to 63% as indicated in the report. What does that tell you? I want to request that this Honourable House to stand on its feet. We don't lack people to be the County Attorney. We deserve better than this. I want to oppose and strongly oppose the appointment of Idris Omondi to be the County Attorney of Kisumu. Kisumu is led by Professor, let us get another equal measure who can advise the Governor. A Governor who is a professor cannot be advised by a C minus holder.

Madam Speaker, if you look at the Act that we passed, Section 5 (2) (c), the County Attorney must have at least seven years relevant professional experience. Where is that we have been shown that Mr. Idris has that experience and the Chair has said that he doesn't have any award, no honors and he has not won anything. This is the worst report that has been brought to this House and this is the worst thing that we can sit here and pass at this time of the day. Otherwise, I oppose.

**The Temporary Speaker** (Hon. Muga): Hon. Senior Member.

**Chief Whip** (Hon. Misachi): Thank you Mr. Speaker. Madam Speaker, I stand to support the report and I want to say the following; Kenya knew that some people can drop out due to school fees and that is why the adult education was brought. Getting a C minus at secondary level is not the end of education. You can still have a chance to perfect your education. Mr. Idris Omondi has been acting there and I would say that he is much better than the person who was there before. We cannot dismiss him due to the certificates that he has. I support the report. Thank you.

**The Temporary Speaker** (Hon. Muga): Yes, Hon. Benny Oiko Pete.

**Leader of Minority** (Hon. Oiko): Madam Speaker, it is good to vet our people and approve them when we have vacancy in various positions. The report before this Assembly today is a mockery and I wonder what the JLAC Committee wanted us to go through. Let us look at page 7 of the report. The marks are altered. The number was 3 but it was altered to be 30. It is very clear and

any Member can come and confirm. When you do the addition of the original marks that were tallied and if you add, it totals to 28.5%. Who did that? The JLAC Committee.

Madam Speaker, the nominee would have started with a lower grade and that is normal. Which has been echoed by the Members but the JLAC Committee has finished this by the report they have brought before the Assembly. They are telling us that they don't have faith in this man but this is the report to make our decision.

Madam Speaker and Honourable Members, let us return this report to the JLAC Committee, he started on a lower grade but remember people started on P1, P2 and they are professors, they are holding good offices, but this one is a House Committee that has finished Mr. Idris Omondi. In addition, although he got a lower grade, he went to India and a recognized institution acknowledged that he went to a recognized institution but when you look at the footnote they also say that they may not authenticate Commission for University Education (CUE). The signature name indicates that it is a Kenyan, so whether this is a Kenyan working in India, it is unknown to me. In the institution accreditation, they resolved that in case of an issue on that certificate, they will not authenticate.

Madam Speaker and Honourable Members. For one to become a lawyer in Kenya, it is mandatory for them to go to the Kenya School of Law, but that is not among the documents presented by Mr. Nicholas Idris. Madam Speaker, if we were to pass this report then, we would be a laughing stock of the entire country. Therefore we will tell the Executive that we have nothing against the individual but the records he presented didn't present his case well for members.

I also learnt from a Member who spoke before me that the report by of Public Service Board was not presented, I don't know whether it was just an error of omission. Madam Speaker, I know we are in need of a County Attorney and even if you follow through from the previous two speakers, who were not so certain and convincing with their presentations.

Madam Speaker, I ask the Members...

**The Temporary Speaker** (Hon. Muga): What is it Hon. Aslam Khan?

**Hon. Khan:** I would like to inform the House

**The Temporary Speaker** (Hon. Muga): Proceed.

**Hon. Khan:** *(On a point of information)* Madam Speaker, I want to say that when I make my contribution in the debates here in the House, they should be respected whether they are retrogressive or progressive. I therefore stand by my earlier contribution about the County Attorney because as someone who has a daughter practicing law, I know the qualifications of one to become a lawyer in that regard. So, it needless to oppose issues for the sake of it.

**The Temporary Speaker** (Hon. Muga): What is it Hon. Paul Okiri?

**Hon. Okiri:** Thank you Madam Speaker, I respect the Leader of Minority but in this case, he has not used a parliamentary term in expressing his feeling to the contribution. Nevertheless, the paper is now in our hands and it is our responsibility to see to it fit to pass or reject it. It therefore should not be like the recent case of some assemblies having passed the wrong Constitution of Kenya (Amendment) Bill, 2020 (BBI document).

**The Temporary Speaker** (Hon. Muga): Thank you, can you finalize on your submission Hon. Oiko?

**Leader of Minority** (Hon. Oiko): I want to urge Members that we be very cautious with approvals because the key issues being raised in this House are pertinent, and we shall stand the test of time that we are keen when a report is brought to the House. The way we scrutinize it, interrogate it, people will also see that we understand what we are doing. Thank you.

**The Temporary Speaker** (Hon. Muga): Yes, Hon. George Omoro.

**Hon. Omoro:** Thank you Madam Speaker. I attended the vetting of these candidates as a member of this Justice and Legal Affairs Committee (JLAC). Madam Speaker, the University Education Act of Kenya today has it that for one to join in any course, there is a pass mark on the grade expected for the same. In any case one is below the cut-off point, they can still do the bridging course but with other qualification from lower certificate courses. Despite Mr. Idris Omondi attending his University Education in India, the question that we need to ask is that, it is a recognized university. That's why when he came back with his papers, the Commission of University Education (CUE) in Kenya recognized his papers and that is why the County Government of Kisumu hired him.

Madam Speaker, in the mandatory requirements according to Section 5 of the County Attorney Act, 2020, on page 9, it is clearly spelt out;

1. A citizen of Kenya
2. A holder of a degree in Law from a recognized university in Kenya.
3. Adhered to Chapter 6 of the constitution

Just to mention a few and Mr. Idris Omondi complied with these requirements...

**The Temporary Speaker** (Hon. Muga): What is it Hon. Khan?

**Hon. Khan:** *(On a point of information):* Further information to this House is that, when you want to become a lawyer, you cannot join the Law Society of Kenya (LSK) without going through Kenya School of Law and not having a prerequisite degree on the same field. Being a member of the Law Society of Kenya therefore makes him qualify as an advocate of the High Court, thank you.

**The Temporary Speaker** (Hon. Muga): Thank you for that insight. Hon. Omoro please continue with your submission.

**Hon. Omoro:** Madam Speaker, on the Statutory Requirement of being an Advocate of the High Court of Kenya, one must have gone to Kenya School of Law and be a Member of Law Society of Kenya. There has to be a certificate from the Kenya School of Law, which I saw when we were vetting him because I remember asking him for the same. Going through this document, although the page is not indicated, it is clear that he is a paid up member of Law Society of Kenya (LSK).

Madam Speaker, the fact that Mr. Idris Omondi took too long to get his degree should be a non-issue. Some of us here are currently doing their degree but ought to have done way before but it is not an issue because I also believe that they are going to pass well in them. Mr. Idris Omondi having acted in the capacity of the County Attorney makes him have experience on the office and what we should be asking ourselves is that since we came here, 3 years ago, this is the third person to be vetted for the same seat. Why is there a high turnover in this position if there isn't something on this position?

The County Public Service Board or the Executive found it best to have somebody who has been there who has seen the challenges and known how the government wants to work...

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

**The Temporary Speaker** (Hon. Muga): What is it Hon. Gard Olima?

**Hon. Olima:** (*On a point of information*) Madam Speaker, when we speak as Hon. Caleb Omoro is alluding, then we will forgo the laws that we made, which, I read at the beginning of the Act that was passed by this House on the procedures of appointing a County Attorney. That; the County Attorney will be appointed by the Governor and approved by the Assembly after a competitive process by the County Public Service Board. What we want to look at is whether this post was advertised, people applied, what merits granted him to be top of other applicant,

**The Temporary Speaker** (Hon. Muga): Hon. Gard Olima, the chair is going to put you to light on the process of the application, and if Mr. Idris Omondi was the only one who applied, should we bring other people to fill in list of applicants?

*(Laughter)*

**Hon. Olima:** Madam Speaker if you allow me...

**The Temporary Speaker** (Hon. Muga): Hon. Chair will respond to that, Yes, Hon. Okumu.

**Hon. Olima:** The Chair will have time to respond after my submission...

**Hon. Okumu:** *On a point of information.* Thank you Madam Speaker, I want to inform the House that whatever Hon. Olima is reading is not the Act that we got and that was signed by the Governor. He probably might be reading his wishes and we have stated what is in the Act in this report and quoted as it is in the report. I will read to you, the Hon. Member for South West Nyakach;

*“The County Attorney shall be appointed by the Governor with the approval of the County Assembly”. Part two: “A person qualifies for the position of the County Attorney if the person is an Advocate of the High Court of Kenya for at least five years standing and meets the requirements for Chapter Six of the Constitution.”*

That is what is stipulated in the Act. What Hon. Gard Olima might be reading could be a Bill. But what we got as a House Committee that was signed by the Governor is what I have just read. Thank you.

**The Temporary Speaker** (Hon. Muga): Continue, Hon. Gard Olima.

**Hon. Olima:** Madam Speaker, we should not bend the law to fit some people. As an Assembly that makes laws, let us stand by our laws. The position of the County Attorney cannot just be left for the Governor to just handpick. It must be a competitive process – advertised; where is the advertisement?

**The Temporary Speaker** (Hon. Muga): What is it Hon. Eric Agolla?

**Hon. Agolla:** On a Point of Order. Thank you Madam Speaker. I want to refer the House to Standing Order No. 89. The Act that Hon. Olima is referring us to is not very specific. Can he please quote the Act, the Section and the page because he keeps on misleading this House? Thank you.

**Hon. Olima:** Thank you Madam Speaker ...

**The Temporary Speaker** (Hon. Muga): Can you quote the Act?

**Hon. Olima:** The Act is the Kisumu County Office of the County Attorney Act, 2020, Section 5 (i).

**The Temporary Speaker** (Hon. Muga): What is it, Hon. Guya?

**Hon. Guya:** I want to inform Hon. Gard. The Act says: *“The County Attorney shall be appointed by the Governor with the approval of the Assembly.”* Part 2: *“A person qualifies for appointment as a County Attorney if such a person is an Advocate of the High Court of Kenya of at least five years standing”*. If you look at the practicing certificate for Idris Nicholas Omondi, it was awarded on 10<sup>th</sup> September, 2020. From that date to date is less than six months. But this should be five years, According to the Act.

**Hon. Olima:** I believe that what Hon. Guya has said now nullifies everything. With six months experience, that person cannot even be a Legal Advisor to anything...

**The Temporary Speaker** (Hon. Muga): What is it Hon. Okumu?

**Hon. Okumu:** Madam Speaker, is it right for Hon Guya to misguide this House? The Practicing Certificate that we are talking about is a renewed certificate that is done yearly? This is the year 2020 when it was renewed. Will you allow these people to keep on misguiding the House?

**The Temporary Speaker** (Hon. Muga): Hon. Omoro, can you continue? Hon. Paul Okiri, please allow Hon. Omoro to conclude.

**Hon. Omoro:** Madam Speaker, there are professional bodies in this Country. To protect these bodies from unscrupulous entities, an Act of Parliament requires them to have Annual Practicing Certificates. So, it erroneous to say the candidate obtained a practicing certificate six months ago – what we have is the current practicing license. He is qualified to be the County Attorney. I support. Thank you.

**The Temporary Speaker** (Hon. Muga): What is it Hon. Aslam Khan?

**Hon. Khan:** Madam Speaker, studying Law is very interesting. It is a requirement that you have to obtain the Bachelors of Law degree then you go to the Kenya School of Law for a Postgraduate Diploma in Law. From the records, it is clear that Mr. Idris obtained the qualification twelve years ago. So let us speak about facts.

**The Temporary Speaker** (Hon. Muga): Thank you. Yes, Hon. George Ogutu.

**Hon. Ogutu:** Thank you Madam Speaker. I stand to support this report. I know some people might be surprised.

*(Applause)*

**Hon. Ogutu:** I am an independent minded mind and I debate things independently and soberly. There is no doubt in this report that Mr. Idris qualifies to be the County Attorney, except in some few areas that did not come out clearly. If this House fails to approve Mr. Idris, the blame goes directly to the JLAC Committee because there are loose ends in this report. I believe it is this loose end that the opposing camp is capitalizing on. But if you look at the papers attached to the report one by one, then you will be persuaded that Mr. Idris Omondi fits the bill.

I want to say without regret that getting C minus does not disqualify you from being what you want in life.

*(Applause)*

You can see how the nominee went through difficulties, even went to India in pursuit of his education. Let me remind you that, India is not Anding'o Opanga.

*(Applause)*

Going to India is not easy. The papers are there to prove that the nominee is fit to hold this office. On those particular grounds, I support. Thank you.

**The Temporary Speaker** (Hon. Muga): Hon. Otura.

**Hon. Otura:** Thank you Madam Speaker. First, I want to appreciate the work of the JLAC committee which I am member. There is a serious concern on summations and I want to state that to error is human. It is an error that should be corrected but not capitalized on to crucify an innocent individual seeking for an opportunity to work.

Madam Speaker, being a member of this committee, I have the right to say that there was an error and that error was noted but not as expressed by an Honourable Member; that, there was alteration to mean that Mr. Idris attained 3%.

**The Temporary Speaker** (Hon. Muga): Are you replying or you are...

**Hon. Otura:** Madam Speaker I am not replying, I am contributing. In that regard, you cannot change 3 to read 30 but you can change 30 to read anything else.

Madam Speaker, It is paramount to note that we have got bodies which are mandated to certify people in this Republic and I wonder whether the Law Society of Kenya can give; for example Hon. Vitalis Otura a membership number to be a member of that body if he does not qualify to be one.

When we were going through this report, the Law Society of Kenya gave number P105/7503/09 to Mr. Idris and so he is a member of that body. Madam Speaker, you cannot be a member of Law Society of Kenya if you are not qualified to be one.

Madam speaker, it is also imperative to say that one does not qualify to be a County Attorney if he got a D-. D- is a grade and we all know why he got this grade.

**The Temporary Speaker** (Hon. Muga): Hon. Member, but Mr. Idris did not get a D but a C minus.

**Hon. Otura:** Madam Speaker, I am contributing. Mr. Idris got a C+. However, in my contribution I am saying that even if you get D-, that one does not qualify you from acquiring a degree because we know that we can even pursue your Degree Courses through other means and those other means are academic qualifications.

Madam Speaker, Mr. Idris got C minus, and if it is a crime to get that grade in Kenya Certificate of Secondary Education, then I am lost. I believe that it is prudent to note that he qualifies to be in this position as per the findings of the JLAC Committee and as cited by the committee on the Act which actually prompted our Governor to present this to this Honourable House.

Madam speaker the report is good and I urge the House to approve it. Thank you.

**The Temporary Speaker** (Hon. Muga): Hon. Otiang’.

**Hon. Otiang’:** Thank you Madam Speaker, I rise to support the report but I wish to point out something. When we are bringing reports, we should include everything. I believe that what is bringing heat is the issue of the Certificate of Diploma in Law. However, if it was there as Hon. Omoro has implied, they should include it so that Hon. Members remove doubts from their minds.

Madam Speaker, I am supporting this report because as you are aware, the certainty of a job is only affirmed when you have been given the full mandate to run that department. So, this is going to give Mr. Idris Omondi the time and the mandate to act and actually get the full support of his staff and the County at large. Maybe we might find out the reason why he has been losing cases or is it because he had not been confirmed. I believe that now he has to rise to the occasion now that he are getting to be fully committed to work with the County. I really support the work and I know we are going to make strides. Thank you.

**The Temporary Speaker** (Hon. Muga): Hon. Ojuok.

**Hon. Ojuok:** Thank you Hon. Speaker, I want to confirm that I am a member of the JLAC Committee and I did sit in this particular panel to the end. To a greater extent, I have participated in all the JLAC Committee proceeding. However, the number of arguments that are going on here are the same that we had during the committee meeting and we were able to take away each and every point that made us to conclude that the qualifications presented by Mr. Idris Omondi had met the requirement for appointment that was done by the Governor.

Madam Speaker, actually, the issue of being appointed by the Governor and going to the Public Service Board was an issue that held the committee for quite sometimes. Finally once we discussed it, we agreed that he qualified. In fact, in our committee, it was our wish that the qualifications were much higher but those were just wishes. We must work with the laws. If the stipulates that the bare minimum is degree and seven years plus all those qualifications that he met then, we cannot be *ultra vires*. (Go contrary to the Law)

Madam Speaker, I know the law was finding a way in which a Governor with the mandate accorded to him can find someone that he works with. So, under such circumstances, we must accept that the person with the mandate at this particular moment is Professor Anyang’ Nyong’o and in his assessment in terms of working and all that, he saw Mr. Idris Omondi as the most appropriate to person to work with.

All these are not done in vain because the law gives us the room as the Oversight House to be able to see his performance and in situations where he is not able to deliver, the law provides the room for us or the Governor to get him out of the job. But, as far as getting the job at this particular moment, he has met all the qualifications. We would have wished that we get a professor in the position of a County Attorney but that one is not true that the law requires a professor. But rather what Mr. Idris Omondi has plus anything above.

*(Applause)*

Madam Speaker, maybe the other professors saw other opportunities somewhere else and may have felt that the work of County Attorney's job is not the kind they can do. I believe that we do not want to be seen as a House that is crushing peoples' professions.

In life, there is something which is very key. I want to disagree with the notion that India is a backward country. Hon. Members for your information, even the COVID-19 vaccines that we are talking about come from India.

*(Applause)*

When we are very sick and cannot be treated anywhere, we are flown to India and then we come and say that it is a backward country; I am wondering. Medicines is elites profession that we can talk about and if the outdo us on such areas, this issue that India is some backward place; I believe that it is notion that we keenly really need to look at.

The issue concerning C- (minus), I want to say this, form four certificates is got in some sitting. To assess people based on that sometimes can be very misleading. Personally, I did my exams when I was very sick to appoint that sometimes I just wrote my names on the answer sheet just to avoid getting Y in my form four level exams. I have also seen that because I also meet people who have scored grade A and if you walk us into this House and let us talk and walk in the people who scored A's, so many people will think that I am the person who scored grade A and leave the people who scored the real grade A.

*(Applause)*

That is simply because sometimes, competence is not based on that one time thing. We need to encourage people who have gotten certain lower grades and I know that from grade C-, you can proceed to get to a certain level. We were also able to do a follow up if he went through all that. We are saying that Mr. Idris Omondi met this particular qualification and once he is appointed, this House will be here to oversight and if he does not meet, he will be impeached. He will be taken out of the job so let us support; I support the report.

**The Temporary Speaker** (Hon. Muga): Hon. Miruka.

**Hon. Miruka:** Thank you Madam Speaker, I rise to support the report. I want to say that Idris Omondi qualifies to be a County Attorney of Kisumu based on the following;

1. If you look at the legal exposure and experience that he has, he has worked with CJ Nyakundi and Company Advocates.
2. He has also acted for sometimes as our County Attorney which has really supported the legal key items that we have had in the past.
3. Looking at the appointing authority, he has been appointed by the Governor.
4. Look at Chapter Six of the Constitution of Kenya 2010, he is also qualified.
5. Going by the committee work, they gave him a clean bill of health. We cannot blame the good work of our committee.
6. Finally, the only thing that I would wish that if it was done to the letter, then we would not have many hues and cries in this House; The arithmetic that was done in the marks. I believe that, in that one, you need to work on it before it is taken to the Governor. Otherwise, I support, thank you very much.

**The Temporary Speaker** (Hon. Muga): Thank you, Hon. Jacktone Ogendo, Deputy Majority Leader.

**Deputy Leader of Majority** (Hon. Ogendo): Thank you Madam Speaker. I rise to support this report and I want to summarize my points.

First and foremost I would like to rectify and amend the marks as to why the committee arrived unto awarding 63% of the score sheet. I want the Hon. Members to refer to page 13 of the report so that you get the reason as to why the marks awarded were way above that pass mark.

*Change of chair, the Temporary Speaker (Hon. Muga) leaves the chair as the Speaker (Hon. Oraro) takes the chair*

Mr. Speaker, why am I saying that Nicholas Idris is capable of being the Legitimate Attorney of Kisumu County? It is because, the due process was followed:

1. Was Mr. Idris appointed by the Governor Professor Peter Anyang' Nyong'o? Yes
2. Is he an advocate of high court? Yes
3. Did he meet the required Chapter Six of the Constitution of Kenya?

Mr. Speaker, if we look at the report we will find that he met all these requirement.

So, I see there is no need for us to deny a Kenyan an opportunity to serve. That one brings me back to when I was chairing an Ad Hoc Committee on grounds of advising the Governor; an Ad Hoc committee that was sending away one of the CEC Member. Before me, when we summoned Mr. Idris Omondi and he did not shy away, he told my committee that the gone CEC was in illegally in office. He even told us that he is going back to advise the Governor on that ground. Finally we

saw that happen when he went and advised the Governor where that CEC was shown the door. Mr. Speaker while we were interviewing Mr. Idris Omondi he mentioned a few cases before us that he had won of which I personally went and researched the cases that he has won before the court for this County of which had the County lost the case then tax payers monies would have lost. I would like to urge my fellow Members since I know they are learned, that, let them please Google Karnatak University; that is the best University and it is being ranked top 10 Universities worldwide. So I don't doubt the education of Mr. Idris and I would say that Mr. Idris Omondi is fully qualified and he will perform well for this County. Thank you.

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

**Hon. Obonyo:** Thank you Mr. Speaker I wish to call the mover to reply.

**Hon. Okumu:** Thank you Mr. Speaker. I want to thank the Hon. Members for their wonderful contributions and raising some important issues about the report before they adopt it. On that not I want to talk to all those Kenyans today who are watching us live or will watch us later, who are discouraged by the sentiments of Members that in this world if you got a C minus in High School then you cannot pursue a career of your choice. I want to tell them because I know of a child who got less than 200 marks when he was going to Secondary School but by the time he was finishing form four he got a straight A and right now he is a lawyer with 200 marks.

Mr. Speaker, I know several people who have finished High School with lower grades less than C minus that Hon. Idris Omondi attained but, right now there are careers in law, Medicine, and Nursing. So having a C minus will not stop anyone from achieving his goals if they focus on their education. I want to discourage Members from those sentiments that discourage other people that if you have a lower grade than somebody then, you become useless and you cannot advise. I want to encourage them that today this House is going to affirm to them that even with C minus grade you can become a career person and we can vet you in this Assembly and approve you.

Mr. Speaker, Hon. Pete mentioned about the marks. Mr. Speaker I want to agree that there is a typos and instead of typing 33, I believe that it was changed but what matters most in those marks is looking at the total number of marks gotten vis-a-vis the score that was supposed to be used to pass the candidate. Either way, we are confirming and Members will confirm with me that those marks are beyond the 50% marks that the candidate was supposed to score.

Mr. Speaker, there are Hon. Members who are doubting if Mr. Idris Omondi did Law and proceeded to do his Post-graduate Diploma at the Kenya School of Law. I believe that it is mentioned by almost all Members that have talked after them that you cannot register as an Advocate of the High Court neither can you be a Member of Law Society of Kenya (LSK) and I mentioned the number if you did not do law. Unless you are doubting those two institutions that admits people to the bar and those who are in LSK then you can doubt the certificates.

Mr. Speaker, I want to request that when a Hon. Member is misleading the House it is right to stop the Hon. Member and allow him to withdraw and apologize. It has been mentioned here that the Laws in the County Attorney's Act that requires Public Service Board. I have mentioned and I have the Act; it does not require at all. The law only requires nomination by the Governor and approval by the County Assembly.

Lastly on Karnatak University. The only thing that the Commission of University Education does with University Accreditation is to ascertain if they are recognized and offering relevant courses but they do not ascertain the certificates or transcript that you get from that institution. I want to tell Hon. Pete that the Commission of University Education only vets if that institution provides knowledge or degrees that are commensurate to the Kenyan Education system but they don't vet your transcripts or your certificates.

Mr. Speaker on those notes, I want to request Hon. Members to consider approving this report today that recommends the nomination of Mr. Idris Omondi to the position of County Attorney. We are not only going to have County Attorney but we are also going to show other Kenyans who are struggling with their education for one reason or another that it can be done. Thank you.

**The Speaker** (Hon. Oraro): Hon. Members the Standing Committee on the Administration of Law, Justice Good Governance, Constitutional Affairs and Security report on the vetting of Mr. Idris Omondi nominee for the position of the County Attorney was presented by the Chairperson, Hon. Seth Okumu, seconded by Hon. Agolla and debated by Hon. Members. I therefore want to put a question on the adoption of the same?

*(Question put and agreed to)*

**The Speaker** (Hon. Oraro): The Administration of Law, Justice Good Governance, Constitutional Affairs and Security report on the vetting of Mr. Idris Omondi nominee for the position of the County Attorney has been adopted today Thursday, 22<sup>nd</sup> April 2021 at 16:17 hours. Consequently, I direct that the Hansard Report be prepared and be sent to the Governor as appropriate. Thank you.

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

### ADJOURNMENT

**The Speaker** (Hon. Oraro): There being no any other business to transact the House stands adjourned to Tuesday 27<sup>th</sup> April 2021 at 2.30 p.m.

*(House rose at 4.26 p.m.)*

*Addendum*

**Hansard Team**

*Zablon Otiende - Senior Hansard Reporter (Sub-editor)*

*Edward Odanga - Reporter*

*Patrick Okoyo - Reporter*

*Jacklyn Otieno - Reporter*

*Fanuel Okode - Reporter*

*Jesca Otieno - Reporter*

*Dennis Ogolla - Reporter*