

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

SECOND ASSEMBLY – FIFTH SESSION

Thursday, 29th 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, welcome to this plenary. I have the following communication to make. One, we still have Covid-19 amongst us. So, ensure that you put on your mask to cover both your nose and mouth. You also need to sanitize the portable microphone before and after using it.

Two, it has been brought to my attention that Members are no longer dressing appropriately in the chambers. The National Assembly and the Senate had already set a precedence that we can allow the African attire, religious wear and a descent wear in the House. We did allow the same in Kisumu County but it has been brought to my attention that you are now misusing the privileges. I can see a number of you are in a shirt and a tie without the jacket. I do not know if that is also

allowed. Honourable Members, our dress code is very important and we must adhere to it. Remember, we are being watched by the public and this matter came up because there was a lot of complaints from the public. I will not be shocked to see people coming to the House while naked. I hope my guidance is taken politely. Please adhere to the recommended dress code. Thank you.

The Speaker (Hon. Oraro): Next order!

PAPER LAID

The Speaker (Hon. Oraro): Hon. George Olwal.

Hon. Olwal: Thank you Mr. Speaker. Pursuant to the County Assembly of Kisumu Standing Orders No. 182 (6), I wish to lay today Thursday 29th April, 2021, the Planning, Industrialization and ICT Committee Report on its consideration of the Kisumu County Lake Front Development Cooperation Bill, 2021. Thank you.

The Speaker (Hon. Oraro): Honourable Members, I confirm the receipt of the Planning, Industrialization and ICT Committee Report on its Consideration of the Kisumu County Lake Front Development Cooperation Bill, 2021. I want to direct that this report be forwarded to the House Business Committee. I want to direct that the House Keeping Committee to consider scheduling this report for discussions on the Floor of the House.

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

Hon. Olwal: Thank you Mr. Speaker. We were to also lay a Paper on Kisumu county Land Regularization Bill but, I wish to request your Chair for more time since we have a petition from the public that was received and committed the Sectoral Committee. We need to meet with the public bearing in mind that this is an emotive issue. We are requesting for up to next week so that we complete the public hearing on the petitions. We shall bring a report after that exercise. Thank you.

The Speaker (Hon. Oraro): Has the petition reached the House?

Hon. Olwal: The petition was directed to my committee and not to the House.

The Speaker (Hon. Oraro): Hon. Olwal, if you look at the Standing Orders, it clearly stipulates how Petitions are brought to the Assembly. Your Committee Clerk is acting on behalf of the Assembly Clerk. So, if there is a petition that was received by the Assembly then, it should be addressed to the Clerk of the Assembly.

Hon. Olwal: Mr. Speaker, I brought this matter forward so that the Assembly can deliberate on it because with us we have a petition. Through the guidance of your Chair, we can get to know the way forward.

The Speaker (Hon. Oraro): Hon. Olwal, we gave you time to conduct Public Participation on the matter. We are giving you a week to iron out the pending issues thereafter you table a report. Let us adhere to timelines.

The Speaker (Hon. Oraro): Next order!

NOTICE OF MOTION

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

Hon. Olwal: Thank you Mr. Speaker. Pursuant to the provisions of the Kisumu County Assembly Standing Order No. 45, I wish to give a Notice of Motion for the Planning, Industrialization and ICT Committee report on its Consideration of the Kisumu County Lake Front Development Cooperation Bill, 2021. I also wish to withdraw the Notice of Motion on the Land Regularization as earlier agreed. Thank you.

The Speaker (Hon. Oraro): Next order!

STATEMENTS

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

Leader of Minority (Hon. Oiko): Mr. Speaker Sir, I was to give a progress report from the Ad Hoc Committee on the Pending Bill as was instructed in the House Business Committee and the instruction was given to the Senior Clerk Mr. David Ochieng whom I also instructed to do the necessary considering the previous meeting. To my dismay, today I am unable to reach Mr. David Ochieng and the other Clerk Mr. Herman Moses. I want ask that we are given more time to ask what has happened to the Secretariat.

The Speaker (Hon. Oraro): Hon. Leader of Minority, you have reminded me the issue of the Ad Hoc Committee and I believe that there is a Member who rose here to ask about the Pending Bills. You were allocated sometime today to meet and finalize?

Leader of Minority (Hon. Oiko): Yes.

The Speaker (Hon. Oraro): Leader of Minority, did you meet?

Leader of Minority (Hon. Oiko): Mr. Speaker, we were to meet to go through the report but the Clerks were nowhere to be found.

The Speaker (Hon. Oraro): Hon. Leader of Minority, I want to give you one Special Sitting and you choose between now and Tuesday and I will follow up on the issue of the Secretariat. Just choose the time that is convenient for you and I want it to go to the Hansard that I have given permission to the Ad Hoc Committee to sit.

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

Hon. Guya: Thank you Mr. Speaker. I sought for a Statement two months ago from the Implementation Committee Chair on the implementation status for FY 2019/2020 and 2020/2021. You gave the House Committee two weeks and the Chair requested for more time after the elapse of the period. It is now two months down the line and the Financial Year is coming to an end. Kindly help us to get the response from the Chairperson, Implementation Committee.

The Speaker (Hon. Oraro): I can see the Chair around.

Hon. Agolla: Thank you Mr. Speaker. Alluding to the fact that we asked for more time. I want to confirm to the House that the report is ready and we are waiting for the House Business Committee to slot us time to present the report on the Floor.

The Speaker (Hon. Oraro): Hon. Guya, I believe that you have heard the Chair. Please submit the report to the House Business Committee so that we schedule it for discussion.

The Speaker (Hon. Oraro): Hon. George Olwal.

Hon. Olwal: Thank you Mr. Speaker. I rise on Standing Order No. 41 (2) (d) as the Chair of Planning, Industrialization and ICT Committee. I represented the Sectoral Committee in a meeting in Teleposta Towers in Nairobi on 26th March, 2021 on issues to do with Digitization and Automation of the County Government of Kisumu processes. In the meeting, we discussed at length issues to do with Infrastructural Development and Implementation System Technology Development, Innovation and Enterprise Development, Promotions of ICT Literacy and Capacity Building amongst Kisumu County citizenry. Development and Management of Human Resource, Promotions of Public Awareness Development.

We further went ahead and drew a work plan on this process will be initiated and actualized and very soon, we will bring a policy paper on the same so that we support ICT as an Assembly and as enabler for efficiency in Service Delivery to our people. My committee will discuss this further and bring a report on the same. Thank you.

The Speaker (Hon. Oraro): Next order!

MOTION

MEMBER'S MOTION:

THE NEED TO DEVELOP AN ARCHIVE FOR KISUMU COUNTY

BY HON. ERICK AGOLLA

CHAIRPERSON, COMMITTEE ON IMPLEMENTATION.

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

Hon. Agolla: Thank you Mr. Speaker. Aware that the Constitution of Kenya 2010 Schedule 4 Part 2 (4) on the Cultural Activities, Public Entertainments and Public Amenities are Devolved Functions of the County Government and noting that No. 2 (4) (g) deals with museums. Deeply concerned that, Kisumu County has not developed an Archive that can preserve, protect or keep County properties like historical portraits, information, heroes and heroines, mayor's chains, robes, mace, County Seal, for local authority seals and many more.

Mr. Speaker, I want to move this motion and urge this House that Kisumu County Government to construct at least one Modern Archive that can conserve and serve the entire County to conserve and preserve the above-mentioned items.

Mr. Speaker, the other day we were discussing the historical sites and artifacts that have been discovered in this County. This is the only County that has produced a women Member of Parliament. This is the only county that has produced our able Whip as the Mayor of this City. We have a lot to sell and showcase the world. Some of us don't understand why this County is called Port Florence, and these are some of the history that should be kept somewhere. The current Constitution gives 47 County Governments under one National Government. There is a National Archives in Nairobi and we have seen its benefit. I want to plead with the Honourable Members to adopt this motion so that we advise and direct the County Government to put up this infrastructure in their long-term plan so that we establish a County archive. May I call upon Hon. Florence Olang'o to second this motion? Thank you.

Hon. Olang'o: Thank you Mr. Speaker. I stand to second.

The Speaker (Hon. Oraro): Honourable Members, the motion on the need to develop an Archive in Kisumu County has been moved by Hon. Erick Agolla and seconded by Hon. Florence Olang'o. I now want to propose a question for the debate on the same. Hon. Rashid Miruka.

Hon. Miruka: Thank you Mr. Speaker. I stand to support the motion by Hon. Erick Agolla. Sometimes last month, we discussed some information that should enter into the ears and minds of our people and they could not be traced. I believe that, there are so many things that has happened here in Kisumu County. If you are leaving Kericho County from Kopere, you will find some well curved building stones. It is important that they are put somewhere and those who have the information can tell the young ones or our visitors why they are there and how they came to be there and their importance to this community.

We were talking about Luanda Magere. We all know the stories surrounding Lwanda Magere. It is important if we have an archive, the information would be shared. We have *omweri* in Nyakach that some of us are yearning that it should be brought back and put in some park in Nyakach, if we have an archive, it will be able to give information on the same. All this will earn our county some revenue. It's high time the County establishes an Archive. I support.

The Speaker (Hon. Oraro): Majority Whip.

Majority Whip (Hon. Misachi): Thank you Mr. Speaker. I want to support the motion and I want to say the following. It is true that having an archive will help us preserve some memories. I was amazed to see that all the portraits of mayors who had served were removed from the City Hall and no one can tell this House where they were taken to.

Mr. Speaker, when the former President of the United States of America, President Barack Obama came to Kisumu and by then he was the sitting Senator for Illinois State, he signed the visitors' book and when I went back to the City Hall to look for that book, it was nowhere.

Mr. Speaker, Kisumu Port Florence was named because the first British aeroplane landed in Kisumu because they were looking for a place where there was lake and Kisumu was chosen. I want to tell you that, when one of the Prince of Britain was celebrating 100 years of existence, it was done in Kisumu and by that time I was the Mayor and so many orphanages homes were visited by British High Commissioner himself.

So, we have so many things to showcase the world but they are not well conserved. Queen Elizabeth addressed the Nation at Od Mikayi in Kenyatta Sports Ground. People do not know why that structure is there and why it is named Od Mikayi. That is where the Queen made her speech and people could only see her image through the glass. I just want to thank the handshake between the Prime Minister, the Right Hon. Raila Amollo Odinga and his counterpart the President Uhuru Kenyatta that the port is revived but let it maintain its original name of Port Florence. I support the motion.

The Speaker (Hon. Oraro): Minority Leader.

Leader of Minority (Hon. Oiko): Thank you Mr. Speaker. The need to have an archive in Kisumu County will be in order for the storage of our cultural values and remembrance of our history because every community has kept its cultural values. Just as the Former Mayor of Kisumu has stated here that when she went back to the City Hall, she could not see the portraits. This is a stupid mentality of the Luos that when people come to the office, they ignore those who were there not knowing the importance of such portraits.

Mr. Speaker, if we have an archive, and assign one person who is well focused, you will find that these items will be taken to the archive. I know it could be too expensive to start but the level where we are reaching, we can start to construct one. The Department of Tourism and Culture should look into this so that we prioritize on building an archive in Kisumu however slowly it may take, it will add value to our culture and history.

Mr. Speaker, today you are sitting on that chair and in the next Forty years, a child of yours or descendant will hear that you were once the Speaker of the County Assembly of Kisumu. Let us not take this matter for granted. It is important to preserve our history and I urge that we discuss

this exhaustively. I support the idea and I hope the relevant Department of Tourism will take this issue seriously. Thank you.

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

Hon. Pamela Odhiambo: Thank you Mr. Speaker. I wanted to call the mover to reply.

The Speaker (Hon. Oraro): It is good you wanted to call the mover but let me give Hon. Maurice Ngeta.

Hon. Ngeta: Thank you Mr. Speaker. I rise to support this motion. As you know history is based on the memories and as you are all aware that many of us will be out of this Assembly. If all that we are doing here is captured and kept in the archive, then we or our children will be able to see what we did while here.

Mr. Speaker, we can all see the names of people that participated in the World War II placed in the memorial board in this chamber. This enables us to reflect on the struggles and sacrifices these people went through. I really support this motion.

(The Speaker leaving the chair as the Speaker's Panelist Hon. Inviolata Adhiambo takes over)

Madam Speaker, as a community and as an individual, we need an archive to give us evidence in litigation matters. I was even surprised that we as an Assembly we don't even have a library. This is an important motion for this Assembly, and I hope we are going to allocate some money for this course. The reasons why we advance in innovation is by also getting to know our past events and also to learn from the past mistakes and the strengths of the people who were there before us.

That is the same I would want my children to look at me as person and we as a community and learn to know about us. In today's world of technology, data is the new gold and in as much as we want to put up a building, we also need to consider data storage especially for posterities that will immortalize what the County is. I will compel the County, more so the Executive to give this motion the importance it deserves. Thank you.

The Speaker (Hon. Oraro): Hon. George Ogutu.

Hon. Ogutu: Thank you Madam Speaker. I rise to support this motion and I believe we as an Assembly can start our own. Recently, I went to the Administration Block and we are aware there are people who came before us and there was a list of the MCAs scribed on a board. The board was removed and placed outside. These Members did a good job to the Assembly. Madam Speaker, there is a list of people who served in the WWII and their names are still there.

Madam Speaker, we have had Mayors in this City, where are their names? If we want to start to preserve our culture then this Assembly has to preserve all these. I will not be in this Assembly

again but how will my children or grandchildren know that I was in this House? We must have a place where we can keep these names and that is an archive. I support the motion.

Temporary Speaker (Hon. Adhiambo): Yes, Hon. John Atieno.

Hon. Atieno: Thank you so much Madam Speaker. Before I embark on my contributions, I want to say that an archive is not only a building but a collection of historical information that conveys information about people, institutions or about a place. It is important to note that a community that is not abreast with its past is not one which is conscious on its future.

Madam Speaker, there were several great people from the place I come from. That is Kano. People like Lwanda Magere, Melkio Simeo Ondeto, are great people who by the mention of their names, I feel inspired and I feel like I can overcome so many obstacles that any ordinary person cannot overcome. Madam Speaker, as a community we have produced very prominent personalities in academics, sports, and other sectors but because we do not have records of these personalities, our children may not know about them. Humanity is carried in the history of their people and without that, there is often civil strike or war and so when we archive our history, we may live in peace with our neighbors, thank you.

The Temporary Speaker (Hon. Inviolata): Yes, Hon. Paul Okiri

Hon. Okiri: Thank you Madam Speaker, may I call the mover to reply

The Temporary Speaker (Hon. Inviolata): Yes, Hon. Erick Agolla

Hon. Agolla: Thank you Madam Speaker. I want to appreciate Honorable Members who have seen sense in this motion. As a historian, I was compelled to bring this motion to the House. If we establish an Archive, we can keep and restore our history. This is the second Assembly, as was the first one, and if we cannot trace the records of our pioneer MCAs in a span of not more than 8 years, then you can imagine the kind of disorganization it could be in years to come. It is therefore prudent to have records to keep and restore all the information to be used to impart knowledge to our generations. Most recently, we visited Ethiopia, where we found an archive in Addis Ababa, and we had the privilege to see the robe, which was used by Haile Selassie as well as the weapons they were using to fight the colonialists. These are very fundamental information in any state. In creating the archives, we will be creating job opportunities to people who will be working in these places.

Secondly, the manner in which the Governor conducted the 3rd State of the County Address, are some of the events that need to be put in record. We have 35 wards but this might change if the boundaries are expanded, so, such factors should be archived for future knowledge. Ours Standing Orders have gone through transition hence should be put to account. If you ask any member how our first Standing Orders looked like, can they be able to identify it? When United States' Presidents are taking Oath of Affirmation of Office, they often use the Bible that the first presidents

used. We need to be able to keep records of such, but can we even trace the Bible that was used by our first County Governor when he was taking an Oath of Office? Those are some of the things that my children will one day come to Kisumu to learn and pay taxes in doing so.

Madam Speaker, all in all, I want to thank members in support as well as Hon. Pamela Odhiambo who is geared towards opposing everything that I contribute. I urge members to adopt this report so that it is taken to the Executive for implementation, thank you.

The Temporary Speaker (Hon. Inviolata): Thank you, now that the motion that has been brought by Hon. Erick Agolla on the need to develop an Archival Center for Kisumu County and seconded by Hon. Florence, I want to put a question.

(Question put and agreed to)

The Temporary Speaker (Hon. Inviolata): Hon. Members, I now direct that the Clerk of the county Assembly to communicate to the necessary department to come up with the necessary policies and laws for implementation of this motion. Thank you.

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

MOTION

THE NEED TO INITIATE RECRUITMENT PROCESS FOR THE VACANT POSITION OF
THE COUNTY SECRETARY, KISUMU COUNTY.

BY HON. GARD OLIMA,

MCA FOR WEST NYAKACH WARD.

The Temporary Speaker (Hon. Inviolata): Yes, Hon. Gard Olima

Hon. Olima: Thank you Madam Speaker...

Hon. Ogutu: A point of information Madam Speaker

The Temporary Speaker (Hon. Inviolata): Yes, Hon. George Ogutu

Hon. Ogutu: (*On a point of Information*) Before Hon. Olima moves the motion, I have heard the Clerk read that Hon. Gard Olima is the MCA for West Nyakach Ward yet the area is represented by Hon. George Ogutu Oluoch. Kindly consult with your records to clarify it because it has been captured by the Hansard, thank you.

The Temporary Speaker (Hon. Inviolata): Thank you, I will pardon the Clerk, and correct that Hon. Gard Olima is the MCA for South-West Nyakach.

Hon. Olima: Thank you Madam Speaker, I am here to move a motion to allow the County Public Service Board to recruit the County Secretary.

Madam Speaker and Honorable Members, aware that; Section 44 of the County Government, 2012 provides for the Establishment, Appointment Functions and Dismissal of the County Secretary. That the County Secretary should be competitively sourced by the County Public Service Board, approved by the County Assembly and finally appointed by the Governor.

Further, aware that the Public Appointments (County Assembly's Approval) Act, 2017 provides that any appointment whether under the Constitution or any other Law for which the approval of the County Assembly is required, shall not be made unless the appointment is approved the relevant County Assembly in accordance with this Act.

Incidentally, Madam Speaker, one Mr. Geoffrey Kigochi, currently purporting to be the Ag. County Secretary, is in office illegally, owing to the fact that he was neither approved by the Kisumu County Public Service Board to warrant the purported acting appointment nor was he seconded by the Public Service Commission, which was his previous employer. It is also in the public domain that Mr. Kigochi is past the required retirement age of 60 years, and according to the Public Service Commission Circular Ref. No. PSC/ADM/13-7, dated 19th November 2020, he is not allowed to hold any public office.

Noting that, the Kisumu County Public Service Board has willfully refused, ignored or otherwise failed to recruit a Substantive County Secretary, the Kisumu County Public Service Board has successfully recruited chief officers, who are eventually vetted and approved by this Assembly, appointed by the Governor but miserably refuse to do the same on the County Secretary. This omission or commission by the County Public Service Board has contributed heavily to the county's poor infrastructure and uncoordinated service delivery and overall, to the County's poor performance by the Executive due to the vacuum in the head of the County Public service.

Concerned that, the continued stay of Hon. Geoffrey Kigochi in the office is not only a waste of Public taxpayers' money paid to him as salary and allowance but also costing the county heavily in terms of Service Delivery on account of his lack of demeanor, mandate, determination, courage, and authority to run the office.

Madam Speaker, I wish to request this Assembly to resolve that the Kisumu County Public Service Board to urgently initiate the process of recruiting competitively, the vacant position of the County Secretary and that Mr. Kigochi vacates the office with immediate effect, and the House shall not engage with him in person or consider any communication from him.

Madam Speaker, we have a County Secretary who wasn't a civil servant in Kisumu County government, was brought to act in that capacity, but if you refer to Section 44 of the County Government Act of 2012, it is clearly stipulates that the County Secretary shall be competitively sourced by the County Public service Board, among persons who have graduated from University

with at least 10 years of experience in Administration and Management. There is a circular by the Public Service Commission, dated 17th November 2020, which states that; No staff should be hired after the age of 60 years unless it is the case of PLWDs who are given up to 65 years. The Public Service Commission was Mr. Kegochi's previous employer and therefore it clearly cuts him out. If he was engaged in an acting capacity as the County Secretary, on what job group is he acting? We all know that if you are not in your chair, then it is only one of us who can act in the same capacity, and that applies to all government institutions. Nobody can be brought from a different system to act in a capacity in a different system. Worse still is on the age factor. I want to ask Hon. Members to look into it critically because it is upon us to ensure that the laws that we make are adhered to.

Madam Speaker, if you look at Section 44 of the County Government Act 2012, you will realize that they have listed those who aren't qualified to be appointed to any acting capacity. They also say that someone who is not in the same service cannot act in any position. One who is past the mandatory retirement age cannot also act in that position. I want to ask the Honorable House, to allow the Public Service Board to urgently advertise and recruit a Substantive County Secretary for this County. I am saying this because, if we fail to do these things, our people will suffer, and I ask Hon. Beatrice Pamela to second the motion, thank you.

The Temporary Speaker (Hon. Inviolata): Yes, Hon. Beatrice Pamela

Hon. Beatrice Pamela: Thank you Madam Speaker, I second the motion.

The Temporary Speaker (Hon. Inviolata): Now that the motion on the need to initiate recruitment of the vacant position of the Kisumu County Secretary has been moved by Hon. Gard Olima and seconded by Hon. Beatrice Pamela, I now open it for debate.

The Temporary Speaker (Hon. Inviolata): Yes, Hon. Okiri.

Hon. Okiri: Thank you Madam Speaker, I rise to oppose this motion. We should not read items in singularity while forgetting the other. With reference to the Act that Hon. Gard Olima is enlightening this House, we should also go back to the County Government (Amendment) Act, 2020, which was done in July. In this amendment Act, the Governor has been bestowed with some mandate on it. I want to refer you to County Government (Amendment) Act 2020, number 15...

Hon. Ogutu: A point of information Madam Speaker

The Temporary Speaker (Hon. Inviolata): Yes, Hon. George Ogutu

Hon. Ogutu: (*On a point of information*) Madam Speaker, I believe that Hon. Okiri is misleading this House, and should state categorically, which Act was amended in 2020, and if possible, he should read that amendment to the honorable members so that we know. I don't recall any amendment done to this Act in 2020.

The temporary Speaker (Hon. Inviolata): Yes, Hon. Paul Okiri

Hon. Okiri: Thank you Madam Speaker, I have been telling my fellow colleague Hon. Members that we are currently on live broadcast and sometimes if you are not well vast then you have to learn to keep cool because the public is watching us and seeing that you don't know that we had the County Government (Amendment) Act of 2020. The Kisumu County...

Hon. Beatrice Pamela: A point of information Madam Speaker

The temporary Speaker (Hon. Inviolata): Yes, Hon. Beatrice Pamela

Hon. Beatrice Pamela: (*On a point of information*) Hon. Paul Okiri should not run away from his responsibilities because as it is clearly in our Standing Order No. 89, that a member should give Statement of Facts. When the Honorable Members are asking you to read the amended Act 15 that you are referring, then you should read it.

(Feet thumping)

The Temporary Speaker (Hon. Inviolata): Hon. Paul Okiri kindly read for the Members the referred Act that you have cited.

Hon. Okiri: Madam Speaker I must give that report now..

(Laughter)

I know they are laughing but they will not get away with it. This Assembly has improved technology so open your iPad because I will be reading from there.

The Temporary Speaker (Hon. Inviolata): Just read it to the Members but if it is not there then I will give you some time to get it.

Hon. Agolla: A point of information Madam Speaker

The Temporary Speaker (Hon. Inviolata): Yes, Hon. Eric Agolla

Hon. Agolla: (*On a point of information*): Thank you Madam Speaker, I want to refer members for those who have smartphones. Madam Speaker, I want you to search for; the County Government (Amendment) Act, 2020, which was published in the Kenya Gazette on the 13th July 2020. So you can confirm. If you are not aware, the County Government Act was amended.

The Temporary Speaker (Hon. Inviolata): Yes, Hon. Paul Okiri, have you found it?

Hon. Okiri: Madam Speaker, I am still searching and will get it in the next few minutes. Our absurdity will be witnessed in this House if we the legislators seem ignorant of certain facts that Atieno at home knows. So I must give the report now...

The Temporary Speaker (Hon. Inviolate): Order Hon. Members! Yes, Hon. Roy Samo.

Hon. Samo: Hon. Okiri is misleading this House. The County Government Act was not amended in its entirety. There are sections that were amended. He should let us know which sections were amended that relate to what Hon. Gard Olima is talking about. He cannot just come here to tell us to read County Government Act 15. What is 15?

Hon. Okiri: Madam Speaker, I am now ready to lecture Hon. Guya and Hon. Samo here today. The Act was amended. Let us go to 15 Section 44. Are we together now? Open your iPads.

(Laughter)

Hon. Okiri: The principal Act is amended by deleting sub section (ii). If you refer to the amendment, you will learn that there is no way the County Public Service Board is coming into this...

(The Speaker Hon. Elisha Oraro resumes the seat of the Speaker)

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

Hon. Samo: Mr. Speaker today is a very sad day that Senior Member Hon. Okiri is trying to mislead this House. The Hon. Member is quoting Section 44 of the County Government Act No. 15 of 2012 which deleted sub section (ii) of the County Government Act of the amended version of 2020. The fact remains that the position of County Secretary is vacant and we have to help the Governor to fill it whether it is through the County Public Service Board or through direct nomination by the Governor...

The Speaker (Hon. Oraro): Hon. Samo, are you on a point of order or you are debating?

Hon. Samo: I am on a point of information because Hon. Okiri is misleading the House.

Hon. Okiri: Mr. Speaker, I don't need his information and when a senior member or any other member is contributing then the practice is that he needs to resume his seat...

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

Hon. Beatrice Pamela: Mr. Speaker, I want to inform the House concerning the County Government Act the Hon. Member is quoting. If you refer to the amended Act, it seems the Hon. Member is misleading this House.

The Speaker (Hon. Oraro): Hon. Members, as we debate the amended Act, we should take into account the fact that there are some sections that were stayed by the court.

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

Hon. Olwal: I want to inform Hon. Okiri.

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

Hon. Okiri: Mr. Speaker, they have taken a lot of my time; I don't want to be informed any further.

Hon. Olwal: Mr. Speaker, I want to inform the House and Hon. Okiri. As we refer to the County Government (Amendment) Act, we must also know the difference between amendment and repeal. As the Act was being amended, it was never repealed. There were only some deletions and insertions but the rest of the document remains the same. Maybe, I was late and did not know what the argument was about but if you go to the provisions of Section 44 of the County Government Act, it requires that the appointed County Secretary must be approved by the County Assembly. Thank you.

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

Hon. Okiri: Thank you. The next question we should ask: Is Kigochi a Kenyan citizen? Yes. Does Kigochi have a degree? Yes. Has Kigochi worked in public service?

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

Hon. Beatrice Pamela: Mr. Speaker, we do not have a Kigochi the Hon. Member is talking about but we have Mr. Kegochi. The Hon. Member needs to respect the elderly.

The Speaker (Hon. Oraro): Hon. Okiri you are advised.

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

Hon. Olwal: Mr. Speaker, this is Hon. House and while saying that Mr. Kegochi holds a degree, how would we know he does? I believe that is why as a House we need to vet candidates for such positions. Where did he get that information?

(Applause)

The Speaker (Hon. Oraro): Hon. Members, I want to suggest that there are some information that when your time comes to debate you can bring out or if you have debated then you can share this with your neighbor to bring it out so that we don't eat into the time of Hon. Okiri.

Hon. Okiri: Thank you Mr. Speaker. Hon. Beatrice Pamela has confirmed that for a County Secretary, a vetting panel is formed by the Governor. So the notion that was being construed that the process must be competitively conducted by the Public Service Board is wrong because the Act stipulates that it shall be conducted by a panel formed by the Governor. Mr. Speaker, with those few and many remarks, I beg to oppose this report. Thank you.

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

The Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. Sometimes it is important to listen so that you get the facts. Passing this motion will mean that certain prayers will have to be met. One of the prayers is that the Assembly resolves that Kisumu County Public Service Board to urgently initiate the process of recruiting competitively for the position of the County Secretary. But what does the amendment say? The amendment talks of a selection panel. Assuming that this motion is adopted, the action is going to be *ultra vires* with the amended Act. That means the prayer cannot be met. I would have wished that, the motion is amended so that it becomes enforceable. That is critical because the resolutions of this Assembly can only be enforced if they are consistent with the provisions of other statutes. So, I don't want to say that I am opposing or supporting but, it would not be prudent to debate a motion that is *ultra vires* to the provisions of our Constitution. Thank you.

The Speaker (Hon. Oraro): Yes, senior member, Hon. Prisca Misachi.

Chief Whip (Hon. Misachi): Thank you Mr. Speaker. This is a very good motion but, I want to say that if the Act says that the Governor shall constitute a selection panel, then we need to amend our motion to be consistent with the Act. Kisumu is the headquarters of Nyanza. In the first regime, Kisumu had an Acting County Secretary. Up to date, Kisumu has no Substantive County Secretary. So, I implore the mover of this motion that it be amended and direct it to the person who will constitute a panel to start the process of appointment.

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

Hon. Samo: Thank you Mr. Speaker. The Senior Member Hon. Misachi has ably summarized the debate. I want to inform the Hon. Leader of Majority that Hon. Gard Olima has put a very clear prayer; that the Kisumu County Public Service Board should initiate a process. As Hon. Misachi has put it, that could have been the only mistake because the process should be initiated by the Governor. I know the Hon. Leader of Majority as a P.E. teacher so English is a problem.

(Laughter)

The Speaker (Hon. Oraro): What is it the Hon. Leader of Majority?

The Leader of Majority (Hon. Onyango): Mr. Speaker, it is very sad especially when we know that Hon. Roy Samo went to school through 'gumbaru' where you read religion, you pass it. That put aside. We went through a competitive process my brother. Thank you.

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

Hon. Samo: The prayer sought by Hon. Gard Olima is that the County Public Service should initiate the process. This is buttressed by...

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

Hon. Okiri: Thank you Mr. Speaker. We have gone through the process and we have quoted the Act and the amendments and we have seen that there is nowhere the Public Service Board is coming in. Thank you.

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

Hon. Olwal: I arise on Standing Order No. 50 on motions that can be moved without notices. The Chief Whip and the Hon. Leader of Majority involuntarily moved a motion that must be seconded and debated - on the amendment of the prayers of this motion so that we can continue with this.

The Speaker (Hon. Oraro): Hon. Olwal, you are right, but the amendment must be done procedurally. There is no way we can purport that the Chief Whip or the Leader of Majority moved an amendment to the motion when they did not follow the Standing Order.

Hon. Olwal: Mr. Speaker, I propose to move a motion that we amend the prayers of the motion and I ask Hon. Roy Samo to second.

Hon. Samo: Mr. Speaker, I wish to second the amendment that has been moved by the Hon. Member...

The Speaker (Hon. Oraro): Hon. Members, we can resume our seats.

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

Hon. Olwal: Mr. Speaker, I want to move a motion under Standing Order No. 52 to amend the prayers of the motion being discussed and the prayer read;

THAT, the Assembly resolves that Kisumu County Public Service Board to immediately or urgently initiate the process of recruiting competitively the vacant positions of the County Secretary Mr. Geoffrey Kegochi.

THAT, Mr. Geoffrey Kegochi to vacate office immediately and be declared a stranger in the office and the House shall not engage with the respondent either in person or recognize any communication by him.

I wish to amend this to read; This Assembly resolves that the Kisumu County Governor to immediately or urgently initiate the process of recruiting competitively the vacant position of the County Secretary as required by the Law. I wish to call upon Hon. Roy Samo to second.

Hon. Samo: Thank you Mr. Speaker for your good guidance under your able leadership, I stand to second the amendment as it has been proposed by Hon. George Olwal and I believe that is now very clear to Hon. Seth Kanga. That the prayer is very clear; that we ask the Governor to start the process immediately, thank you.

The Speaker (Hon. Oraro): Hon. Members, as per the Standing Order No. 52 (1), Hon. George Olwal has moved an amendment motion to the motion moved by the Hon. Gard Olima as follows;

THAT, the words ‘Public Service Board’ be replaced by the word ‘Governor’ and the words ‘County Secretary Mr. Geoffrey Kegochi vacate office immediately and be declared a stranger in the office. Further, the House shall not engage with Geoffrey Kegochi either in person or recognize any communication by him’ be deleted and be replaced by the words and I read; ‘This Assembly resolves that the Kisumu County Governor to immediately or urgently initiate the process of recruiting competitively the vacant position of the County Secretary as required by the Law’

As per the Standing Orders No. 52 (5), I want to propose the question that the amendment be debated.

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

Hon. Okiri: Thank you very much Mr. Speaker. I oppose this amendment. This one was a motion that has been brought in this House this afternoon. We cannot just delete a particular page while the entire page is left unattended to. Mr. Speaker, with the wisdom of this House, the only thing that can be done to this motion is to either take it to next week so that members find time to go to each and every item.

Mr. Speaker we have dealt with the County Secretary since Mr. Olago Onudi vacated that position. So many activities ...

The Speaker (Hon. Oraro): Hon. Paul Okiri, I want to refer you to Standing Order No. 52 from (1) to (11), it allows amendment on a motion that has been moved and a question that has been proposed. So, in between the proposed question and before the question has been put, an amendment is allowed. So, I want to rule you out of order.

Hon. Okiri: Mr. Speaker, I just want to guide the House that if we take that direction, the entire motion will be amended today and it will not be very good with us, thank you.

Hon. Samo: On a Point of Information!

The Speaker (Hon. Oraro): Hon. Paul Okiri, the Standing Order stipulates clearly how many amendments can be done and even when that happens, when there is no agreement. In fact the best thing is just to put a question directly.

The Speaker (Hon. Oraro): What is it Hon. Roy, Hon. Seth Kanga, I have noticed you.

Hon. Samo: Mr. Speaker, in any course of jurisprudence, the build up towards a prayer is never considered. What is considered is the heart of a prayer. What the prayer seeks to achieve. In this context, the prayer seeks to ask the Governor that he should be able to initiate a process. Therefore,

the whole body of this statement should not allow the Honourable senior member to mislead the House. In this case, in fact you should just put a question so that we are through with that part.

The question has been amended and now we are not talking about the Public Service Board rather the Governor as in terms of what the Law says. Mr. Speaker that is what I wanted to inform the Hon. Member.

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

Hon. Kanga: Thank you Mr. Speaker, personally I do not have a problem with the amendment proposed by Hon. George Olwal and seconded by the Hon. Roy Samo. However, I have some reservations on the context or the content of this motion Mr. Speaker.

The Speaker (Hon. Oraro): Hon. Seth kanga, let us deal with the amendment first I will give you chance. Once we agree with the amendment, the debate will then continue.

Hon. Kanga: Taking consideration of the amended part two, thank you Mr. Speaker.

The Speaker (Hon. Oraro): Thank you Mr. Speaker, with regards to the proposed amendment by Hon. George Olwal, I want to refer the Honourable House to the Standing Order No. 53 (1) and it reads; *The proposer of an amendment to a motion shall, before moving it, hand the proposed amendments in writing, signed by the proposer, to the Clerk at least two hours before the order is read.*

Mr. Speaker, I need your guidance on that matter which is why we were requesting that we defer the House and do the right thing before we can move forward with the amendment as proposed by my friend Hon. George Olwal, thank you.

The Speaker (Hon. Oraro): Thank you so much Hon. Seth. That is very right. However, I want you to read also Standing Order No. 53 (2). *Despite paragraph (1), the Speaker, may in exceptional circumstances, allow a Member to move an amendment to a Motion before the County Assembly at any time during consideration of that Motion.*

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

Hon. Guya: Thank you Mr. Speaker, I am standing here to support the amendment that was moved by Hon. George Olwal. Going by the discussions in this House, it is true that the process of recruiting the County Secretary was amended by the County Government Act to allow the Governor to appoint a selection panel to help him in recruiting competitively the County Secretary.

Mr. Speaker, if you look at the motion and the prayer of that motion that was brought by Hon. Gard; this is one of the best for us in this County. Reason being; we are the only county that has been without a Substantive County Secretary for the entire life that we have been in this County. Even if you look at what we have been doing, in as much as the County Secretary has been trying,

at times, you will find that his arms are tied. That is because he is one person who does not have the Kenyan security personnel in his office.

If we really want to help the County government, the Governor and our people, then, it is true that we need to recruit a County Secretary.

That is somebody who should be of employable age. That is very key and for us in this County we will insist on that, that we get somebody of an employable age regardless of where the person will be coming from. So, I want to support the amendment by Hon. George Olwal that we allow the Governor to appoint a selection panel.

Mr. Speaker, my advice to the House is that, in a motion, we can do as many amendments as we wish. So, anybody who feels like he/she wants to amend somewhere, you are free to do so. But our prayer, the prayer of this House as well as the prayer of the residence of Kisumu County even the prayer of the County Government of Kisumu and the Governor is that, we have a County Secretary that is and will be able to help this County. Otherwise, I support.

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

Hon. Ojuok: Thank you very much Hon. Speaker. I want to say thank you to this House for rising above personal interest. Looking at the bigger picture, it is indeed true that we need a Substantive County Secretary. That person is actually the head of Public Service. In management, there is one thing that if you want the Governor to deal with the day to day activities since he is now the head as there is no substantive County Secretary in office then the bigger picture that he is supposed to engage in, he loses the point. That is why I am saying that, if there is somebody who wants to make amendment...

The Speaker (Hon. Oraro): Hon. Philemon, I would suggest that let us just go straight to the proposed amendment that you either agree or disagree with it then, I will put a question thereafter and we go back to the debate very fast with the amended version.

Hon. Ojuok: Personally, I agree with it but, I would say that if there is somebody that has noticed something; because Mr. Speaker, there was a point at which we did consult with Hon. Seth Kanga, he was able to convinced me that there were certain things that had to be deleted. So, if there is something he is seeing...

The Speaker (Hon. Oraro): Hon. Philemon, you can bring as many amendments as possible but let us deal with this amendment first...

Hon. Ojuok: I agree with the amendment. Thank you.

The Speaker (Hon. Oraro): Okay, Hon. Members, without calling the mover to reply, I also want to refer to the Standing Order No. 52. You will have time to go through the whole of it. When you move to the Standing Order No. 56; Question as amended put. I now want to put a question.

(Question was put and agreed to)

Hon. Members, the prayer of the motion by Hon. Gard Olima has been amended to read as follows; THAT, this Assembly resolves that the Kisumu County Governor to immediately or urgently initiate the process of recruiting competitively the vacant position of the County Secretary as required by the Law.

So, any time you will be contributing towards the debate, you do it in consideration of the change in the prayer of the motion.

Hon. Roy, you are on the floor and you need to conclude...

The Speaker (Hon. Oraro): What is the point of order Hon. Olwal?

Hon. Olwal: I stand on a Point of Order on the procedure according to the Standing Order No. 52 (2) which directs that you put a question on the new amended motion again for debate.

The Speaker (Hon. Oraro): Hon. Olwal, I already put a question and the ayes have it.

Hon. Olwal: No!! You have put the question on the motion of my amendment. Now part (2) says; *when every amendment under paragraph (1) has been disposed of, the Speaker shall either again propose the question upon the Motion or propose the question upon the Motion as amended as the case may require, and after any further debate which may arise thereon, shall put the question.*

‘As amended’ which means the motion has to be put to question again. Not my amendment motion.

The Speaker (Hon. Oraro): Hon. Olwal and other Hon. Members, please stand guided. In the debate, there are two questions that are considered; one is being proposed and the other one being put.

‘Proposing’ means opening for debate, ‘putting’ means you want votes. So, when I already put a question on the amendment, I have proposed and that is why I was saying that I am giving first consideration to Hon. Roy because he was on the floor. So I have proposed a question.

Hon. Olwal: Thank you and I stand guided.

The Speaker (Hon. Oraro): Yeah.

Hon. Samo: Thank you Mr. Speaker. The Hon. Olwal has just received a text message that his mobile phones were being taken away...

(Laughter)

Anyway, that was on a light note. I do not have much to say but conclude by saying that let this Assembly resolve and agree that we allow our Honourable Governor to initiate this process and

we dispense with it. As it has been cited by the Hon. Members, that since the Honourable Dr. Olang'o Onudi vacated the office, we have never had a Substantive County Secretary. I beg to support this motion Mr. Speaker, thank you.

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

Hon. Kanga: Thank you Mr. Speaker. I rise to support this motion. Although Hon. Gard is my personal friend but on political perspective, we do not agree on many issues because I am supporting a particular course and he is also supporting another particular course. This issue is of great County importance.

Mr. Speaker, first, is that in terms of Human Resource Management. The other time when we were at Royal Swiss Hotel, the head of this County, His Excellency the Governor himself complained that he had convened a meeting at 8:00 a.m. whereas the Chief Officers are coming at 11:00 am. To date, no action has been taken against any Chief Officer or even Mr. Kegochi writing a letter of Show Cause to those Chief Officers.

Mr. Speaker, another issue of County importance is that, some days or months back, there is some construction going on at Jaramogi Oginga Odinga Teaching and Referral Hospital. Mr. Speaker, the building collapsed and the building was being supervised by the Chief Officer of the Department of Roads, Public Works and Transport. To date, no action has been taken against this Chief Officer.

Mr. Speaker, I am talking authoritatively because I am the Chairperson of the Standing Committee of Roads, Transport and Public Works. That one alone shows that Mr. Geoffrey Kegochi who was a former County Commissioner is inept for lack of a better word. However, I have some reservations on context of the prayers of Hon. Gard on the motion. Because he has said in a paragraph that Mr. Geoffrey Kegochi is currently purporting to be the acting County Secretary.

Mr. Speaker if the County Assembly passes the motion as it is then, we will be opening a case for Judicial Review in the High Court because I have been a frequent attendee of the court based on criminal or civil matters. This issue will be used as the first exhibit because this Assembly has transacted businesses and those businesses have been coming from the County Secretary Mr. Kigochi in terms of Chief Officers we have been vetted here and forwarded to the Governor. In that context, Hon. Olima's prayers, he is stating that Mr. Kigochi has been purporting and that begs the question; have we been transacting business with those that have been purporting. The other day we passed the County Attorney, the Chief Officer of Strategic, Policy and Research and forwarded to the Governor.

Finally, I don't know how the Assembly will go about it because in the final prayers of Hon. Olima he is saying that Mr. Kigochi should vacate office immediately and will be declared a stranger in the office. Mr. Speaker, I support this motion but, the basis with which I have argued my case should be noted and taken with a lot of concerns and those of you who have mastered amendments like Hon. Guya should do something about it so that we deal with this matter once and for all to

enable the County Government of Kisumu to be active in terms of service delivery and thereby the Governor appoints a Substantive County Secretary who will be held responsible by this County Assembly and the residents of Kisumu. Thank you.

The Speaker (Hon. Oraro): Hon. Olima, I hope you are taking notes because you will have your time to reply.

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

Hon. Guya: Thank you Mr. Speaker. I stand to support this motion by Hon. Olima. Mr. Speaker we were elected in 2017. From that day to date, we have only had Acting County Secretaries. Several Counties including our neighbors here have got Substantive County Secretaries. We have realized that, when we invite the County Secretary in this Assembly it is like he is not in touch with what is happening in the Government. We have been calling them here even when the Health Workers were on strike and we were shocked that whatever is happening in the Government the County Secretary did not know.

Mr. Speaker, It is sad for me as a representatives of South East Nyakach Ward, we purchased a Ploughing Tractor in the FY 2018/2019. The tractor has been lying idle from that year to date reasons being that the County Secretary has not given authority to recruit the Casual Operator to operate the tractor. The County wasted Kshs 4 million that is rotting in South East Nyakach ward.

Mr. Speaker if you go to the Agriculture Mechanization Services (AMS) Station at Rabuor and Hon. Obura can attest to this; even in the years back we were not able to use those tractors to plough. Reason being; the County Secretary has not given authority to the Department to recruit casual staff to operate those tractors. Despite the fact that even the Chief Officers had written several requests, I personally moved up to the office of the Ag. County Secretary, but, he was unable to.

Mr. Speaker, a very serious thing that is also happening in Nyakach Sub-county and this is on NYANAS which is a County Government property that the Ag. County Secretary should be able to help the Governor to coordinate the services. This is a County Government property where people generate funds and use at source without any single approval. It is the County Secretary who should help the Governor to coordinate the different departments and to also advise the Governor on issues of public service. Mr. Speaker they recruited casuals in NYANAS and if you ask KIWASCO and the Public Service Board, they will tell you that they did not recruit. If you ask the County Secretary, he will tell you that he is not even aware that there are County casuals working somewhere that are being paid using County funds.

Mr. Speaker the saddest thing that happened in this County about some few weeks ago is where you will find a CEC transferring some staff within a department against the County Government Act which is very clear that the County Secretary should be able to advice and if there is anything then it is the Chief Officer to transfer staff. So, all these things are happening, the County staff are demoralized because the head of the Public Service is not even informed of what is happening in the Government that they are working in. if we really want to help the Governor, then, we need to give the Governor the authority to recruit a Substantive County Secretary of his choice. The Act again further requires that the Assembly must approve.

Mr. Speaker, we cannot be in this Assembly for 4 years operating with people that we have not even approved. So, who takes the responsibility if we have not approved them? It is in that context that, Hon. Olima was referring to them as strangers because we don't know them and we have not approved them in this House.

Finally, I am aware that the same County Government Act and the Human Resource Policy and Manual also gives a period of acting. Somebody cannot act for all these years. I believe that if you look at the HR Policy and the County Government Act, they state that the acting period should be six (6) months. It cannot be renewed every now and then. Now that we have seen and gauged his performance, then this House needs to help the Governor and give him the opportunity to ensure that he recruits a competent County Secretary who is within the employable age. Otherwise, I support the motion that the Governor initiates the process to recruit a County Secretary. Thank you.

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

Hon. Olwal: Thank you Mr. Speaker. I also wish to add my voice to this motion and I want to state that I support the motion given the importance of the position of the County Secretary especially as the head of the Public Service.

Mr. Speaker, much has been said and I can refer to what Hon. Kanga has said about the position of the County Secretary in relation to the jurisprudence. I want to give my opinion that the County Secretary might be seen as inept because of his acting capacity and maybe he lacks the moral authority to give instructions being that he is always on acting capacity because he lacks the security of tenure. I don't see any fear in this in that the County Government Act is quite clear if at all the County Secretary meets a threshold and the requisite qualification. In fact the Governor has been given another mandate as stipulated in the provisions of section 44 of the County Government Act, 2012 to dismiss him. I believe that it is right that we have a Substantive County Secretary and one thing I like about Kisumu County Government is that we have put structures of governance from the Village Administrators. What is so wrong in us moving forward by recruiting a substantive County Secretary? Thank you.

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

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

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

Hon. Olima: Thank you Mr. Speaker. I want to thank you for the good guidance that you have given to this motion. I believe that, this is a motion that has been discussed without any political intrigue. I want to thank all the Members for their contributions and the amendments. I am aware that, some issues have been raised but I want to clarify to Hon. Kanga before he leaves that when we make these resolutions or prayers, there is a time when they take effect and therefore that does not crumble the Government because we passed a Chief Officer yesterday who was brought to this House by the Ag. County Secretary.

Mer. Speaker, I want to tell Hon. Members that, this position has caused a lot of issues in some Counties and as had I mentioned earlier, in Bomet, February this year the Court in Kisumu sitting

to listen to a case where Deputy County Commissioner who was seconded to that County to be a County Secretary. Somebody went to Court and a resolution was made. Mr. Speaker, if you allow me just to give the orders that were given by the Court;

For forgoing the Court orders a declaration be are hereby issued that the 1st and 2nd respondents acted *ultra vires* and breached the provisions of Articles 10, 73, 174 and 232 of the Constitution of Kenya 2010 as well as the provisions of section 24 of the County Government Act of 2012 and section 5 of the Public Appointments (County Assemblies) Act 2017 in recruitment, vetting and appointment process of Stella Langat as the County Secretary.

Mr. Speaker, this was because the said officer was picked from the Public Service Commission and seconded to the County Government to be a County Secretary without due process being followed. Mr. Speaker, I have read one of the orders that was given by the Court sitting in Kisumu on 17th February 2021. Mr. Speaker, as a County we don't want to go to that direction. It will look thoughtless and ignorant that we did not know the law while we claim to be the best brains in this area.

Mr. Speaker, I also want to thank the Members that the issues raised here are issues that were made in wordings that might have not gone well with some Members like what Hon. Kanga said but, I want to say that the major contents and the reasons why I brought this motion was that the person by the name Mr. Geoffrey Kegochi the Ag. County Secretary is not allowed to hold that office as per now according to a Circular issued by the Public Service Commission. Mr. Speaker, if you allow me to read that part of the circular from the Public Service Commission office of the Chairman;

Accordingly, it has been decided that with effect from 1st January 2021 the commission shall not approve any Extension of Service for officers retiring from the service upon attainment of the Mandatory Retirement Age (MRA). The mandatory age here is 60 years and this is the Public Service Commission where the officer that we are talking about worked before. It is not that we are fighting anybody.

The Speaker (Hon. Oraro): Hon. Samo the debate is over and I have given time for Hon. Olima to reply.

Hon. Samo: Which I agree. Does that mean that even Mr. Sagwe is acting illegally?

The Speaker (Hon. Oraro): Hon. Samo you are out of order.

Hon. Olima: Thank you Mr. Speaker for the guidance. I want to say that the issues that I was raising and the amendments raised are okay and I want to thank this House for your support and enrichment of the motion. Thank you.

The Speaker (Hon. Oraro): Hon. Members now that the motion by Hon. Olima with the prayer that the House resolves that the Governor Kisumu County to initiate the process of recruiting competitively the County Secretary as per the law was moved, seconded and debated by Hon. Members. I therefore want to put a question for the adoption of the same.

(Question put and agreed to)

The Speaker (Hon. Oraro): The motion by Hon. Olima with the prayer that the House resolves that the Governor Kisumu County to initiate the process of recruiting competitively the County Secretary as per the law is hereby adopted today 29th April 2021 at 1712 hours.

Consequently, I direct that the Hansard Report on this matter be prepared and the same communication to be made to the Governor for action.

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 04th May 2021 at 2.30 p.m.

(House rose at 5.16 p.m.)

Addendum

Hansard Team

<i>Zablon Otiende</i>	-	<i>Senior Hansard Reporter</i>
<i>Patrick Okoyo</i>	-	<i>Reporter</i>
<i>Edward Odanga</i>	-	<i>Reporter</i>
<i>Jesca Otieno</i>	-	<i>Reporter</i>
<i>Jacklyne Otieno</i>	-	<i>Reporter</i>
<i>Fanuel Okode</i>	-	<i>Reporter</i>
<i>Dennis Ogolla</i>	-	<i>Reporter</i>