

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – FIFTH SESSION

Tuesday, 14th September 2021

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

(The Temporary Speaker (Hon. Inviolata Adhiambo) in the Chair)

PRAYERS

The Temporary Speaker (Hon. Inviolata): Good afternoon Hon. Members, Pursuant to the provisions of County Assembly Standing Orders No. 32 (2), I want to request that the Serjeant-at-Arms rings the quorum bell for five minutes.

(Quorum bell rung for five minutes)

The Temporary Speaker (Hon. Inviolata): The Majority Whip, can you please confirm if we have the required quorum.

Majority Whip (Hon. Misachi): Madam Speaker, there is quorum.

The Temporary Speaker (Hon. Inviolata): Madam Clerk take us through the Order Paper of today.

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

COMMUNICATION FROM THE CHAIR

The Temporary Speaker (Hon. Inviolata): Honourable Members, I have the following to communicate. You are reminded to report to Nyamasaria Primary School for the CASA games practices. The games are scheduled to take place in Mombasa County from 30th September to 9th

October, 2021. Please ensure that you are ready for the games. We have also received communication regarding the termination of CAF summit that was scheduled to take place next week to a date to be communicated.

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

PAPERS LAID

THE BUDGET AND APPROPRIATIONS COMMITTEE REPORT ON KISUMU COUNTY
COVID 19 SOCIO ECONOMIC REENGINEERING AND RECOVERY STRATEGY

BY

HON. ASLAM KHAN

VICE CHAIRPERSON, BUDGET AND APPROPRIATIONS COMMITTEE

AND

THE BUDGET AND APPROPRIATIONS COMMITTEE REPORT ON KISUMU COUNTY
DEBT MANAGEMENT STRATEGY 2021/2024

BY

HON. ASLAM KHAN

VICE CHAIRPERSON, BUDGET AND APPROPRIATIONS COMMITTEE

The Temporary Speaker (Hon. Inviolata): Hon. Aslam Khan.

Hon. Khan: Thank you Madam Speaker. Pursuant to the provisions of the Kisumu County Assembly Standing Order No. 182 (6), I wish to lay today Tuesday 14th, September, 2021, the Budget and Appropriations Committee report on Kisumu County Covid-19 Socio Economic Reengineering and Recovery Strategy. Thank you.

(Hon. Khan lays the report before the House for consideration)

The Temporary Speaker (Hon. Inviolata): Honourable Members, I confirm the receipt of the Budget and Appropriations Committee Report on Kisumu County Covid-19 Socio Economic Reengineering and Recovery Strategy as presented by the Vice Chairperson. I direct this report to the House Business Committee for consideration for debate.

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

Hon. Khan: Thank you Madam Speaker. Pursuant to the provisions of the Kisumu County Assembly Standing Order No. 182 (6), I wish to lay today Tuesday 14th, September, 2021, the

Budget and Appropriations Committee report on Kisumu County Debt Management Strategy Paper 2021/2024. Thank you.

(Hon. Khan lays the report before the House for consideration)

The Temporary Speaker (Hon. Inviolata): Honourable Members, I confirm the receipt of the Budget and Appropriations Committee report on Kisumu County Debt Management Strategy Paper 2021/2024 as presented by the Vice Chairperson. I direct this report to the House Business Committee for consideration for debate.

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

NOTICES OF MOTION

THE BUDGET AND APPROPRIATIONS COMMITTEE REPORT ON KISUMU COUNTY
COVID 19 SOCIO ECONOMIC REENGINEERING AND RECOVERY STRATEGY

BY

HON. ASLAM KHAN

VICE CHAIRPERSON, BUDGET AND APPROPRIATIONS COMMITTEE

AND

THE BUDGET AND APPROPRIATIONS COMMITTEE REPORT ON KISUMU COUNTY
DEBT MANAGEMENT STRATEGY

BY

HON. ASLAM KHAN

VICE CHAIRPERSON, BUDGET AND APPROPRIATIONS COMMITTEE

The Temporary Speaker (Hon. Inviolata): Hon. Aslam Khan.

Hon. Khan: Thank you Madam Speaker. Pursuant to the provisions of the Kisumu County Assembly Standing Order No. 45, I wish to give a Notice of Motion on the Budget and Appropriations Committee report on Kisumu County Covid 19 Socio Economic Reengineering and Recovery Strategy. Thank you.

The Temporary Speaker (Hon. Inviolata): Thank you. Yes, Hon. Khan.

Hon. Khan: Thank you Madam Speaker. Pursuant to the provisions of the Kisumu County Assembly Standing Order No. 45, I wish to give a Notice of Motion on the Budget and

Appropriations Committee report on Kisumu County Debt Management Strategy Paper 2021/2024. Thank you.

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

MOTION

SELECTION COMMITTEE REPORT ON BENCHMARKING EXERCISE WITH SISTER
COMMITTEE OF HOMA BAY COUNTY

BY

HON. KENNETH ONYANGO

CHAIRPERSON, SELECTION COMMITTEE

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

Hon. Dede: Thank you Madam Speaker. Allow me to move this motion on behalf of the Chairperson, Hon. Kenneth Odhiambo and Leader of Majority

The Temporary Speaker (Hon. Inviolata): Please proceed.

Hon. Dede: Mr. Speaker and Hon. Members. The pursuit of Committee mandates pursuant to the provisions of the County Assembly Standing Orders, and the consideration of the fact that County Assemblies are guided by best practices on customs and traditions, spearheaded the Committee's quest to consider a benchmarking exercise to share experiences and/or achievements made, to learn the best practices and challenges experienced in the course of meeting mandates.

Therefore Committee on Selection in its sitting of Tuesday 27th October, 2020 vide Minute No. 14/CAK/SC/27/10/2020 and in accordance with its annual Work Plan for FY 2020/2021 (Detailing errands and activities to be undertaken in each Fiscal Year), resolved to carry out a benchmarking activity with the sister Committee of Homa Bay County Assembly.

The Liaison Committee pursuant to the provisions of the Kisumu County Standing Orders No. 194 (2) (c) approved the Selection Committee's request to carry out the benchmarking exercise in attempt to achieve its mandate.

Consequently, the office of the Clerk communicated the benchmarking request to the Clerk of Homabay County Assembly (*Annexure 1*). Homabay County Assembly in turn honoured the letter granting the Committee an opportunity to benchmark with them vide a letter referenced *HBCA/SELC/CL/02/05/3/VOL.1 (Annexure 2)*.

COMMITTEE MANDATE

Mr. Speaker and Hon. Members, the Committee on Selection derives its mandates from County Assembly Standing Orders No. 155 read together with 156 and 157 which stipulates;

155. (1) There shall be a select Committee, to be designated the Committee on Selection, consisting of the Leader of the Majority Party who shall be the Chairperson, the Leader of the Minority Party and not less than nine and not more than eleven other Members, who shall be nominated by the County Assembly parties and approved by the County Assembly

(2)The Committee on Selection shall nominate Members to serve in Committees, save for the Membership of the County Assembly Business Committee and Committee on Appointments.

(3)The Committee on Selection shall be appointed within ten days on assembly of a new County Assembly.

COMMITTEE MEMBERSHIP

The Committee on selection is constituted as follows;

Members

- | | | |
|--------------------------|---|------------------|
| 1. Hon. Kenneth Onyango | - | Chairperson |
| 2. Hon. Samuel Dede | - | Vice Chairperson |
| 3. Hon. Priscah Misachi | - | Member |
| 4. Hon. Consolata Ollows | - | Member |
| 5. Hon. Nancy Owiti | - | Member |
| 6. Hon. Paul Okiri | - | Member |
| 7. Hon. Erick Agolla | - | Member |
| 8. Hon. Pst. David Arao | - | Member |
| 9. Hon. Habil Nyasuna | - | Member |
| 10. Hon. Ken Ooko | - | Member |
| 11. Hon. Ken Ageng'o | - | Member |
| 12. Hon. Rashid Miruka | - | Member |
| 13. Hon. Benny Pete | - | Member |

Secretariat

The Committee is facilitated by the following secretariats

- | | | |
|---------------------------|---|-----------------------|
| 1. Mr. Owen Ojuok | - | Clerk of the Assembly |
| 2. Ms. Angelyne A. Obonyo | - | Committee Clerk |
| 3. Mr. Patrick Okoyo | - | Hansard |

- | | | |
|-----------------------|---|-----------------|
| 4. Mr. Dominic Muinde | - | Legal Counsel |
| 5. Ms. Risper Wayua | - | Sergeant-at-arm |
| 6. Ms. Grace Kung'a | - | Secretariat |

OBJECTIVES

Mr. Speaker and Hon. Members, while understanding this exercise, the Committee's intention was as outlined below;

Strategic objective of the Committee

The Committee sought to investigate how the sister Committee in Homabay had realized its goals and mandates with regard to gender balancing, fair representation in the Committees and timely delivery of its services.

Specific objectives of the exercise

- i. Committee structure,
- ii. Committee services,
- iii. Gender balancing.
- iv. Governance and leadership in Committees.
- v. Measures put in place by the County Assembly to enhance efficient selection of Members to their various Committees.

ACKNOWLEDGMENT

Mr. Speaker and Hon. Members, the Committee wishes to extend its appreciation to the Offices of the Speaker and the Clerk of the County Assembly for the support accorded to it in execution of its mandate and the opportunity accorded to the Members to undertake the benchmarking exercise with Homabay County Assembly from 8th to 13th April, 2021.

The Committee also recognizes and appreciates the role and contribution of its Members and Secretariat who have been instrumental throughout the whole process culminating in the production of this report.

Finally, the Committee wishes to convey its gratitude to the entire Homa Bay County Assembly for their amiable welcome and full cooperation throughout this exercise.

It is therefore my pleasant duty and privilege, on behalf of this Committee, to table this report and recommend the same to this House for further Consideration and subsequent adoption.

HOMA BAY COUNTY ASSEMBLY'S COMMITTEE ON SELECTION

Mr. Speaker and Hon. Members, Homabay County Assembly has a total of sixty (60) Honourable Members

	MALE	FEMALE	TOTAL
Elected	38	2	40
Nominated	2	18	20
Total	40	20	60

Note: The reason for higher number of female nominated is to balance the gender disparity considering that the elected positions are male dominated.

Selection Committee is provided for in the Homabay County Assembly Standing Orders No. 153 which states that;

1. There shall be a select Committee, to be designated the Committee on Selection, consisting of the Leader of the Majority Party who shall be the Chairperson, the Leader of the Minority Party and not less than nine and not more than eleven other Members, who shall be nominated by the County Assembly parties and approved by the County Assembly
2. The Committee on Selection shall nominate Members to serve in Committees, save for the Membership of the County Assembly Business Committee and Committee on Appointments.
3. The Committee on Selection shall be appointed within ten days on assembly of a new County Assembly.

Their selection Committee is composed of eleven (11) Members;

#	NAME	WARD	RANK
1.	Hon. George Okello	North Kabuoch	Chairperson
2.	Hon. Charles Awino	Gem West	Member
3.	Hon. Michael Odira	Kibiri	Member
4.	Hon. Pamela Okoth	Nominated	Member
5.	Hon. Joan Ogada	Kojwach	Member
6.	Hon. Peter Asoyo	Kaksingri West	Member
7.	Hon. Bob Obondo	Central Kasipul	Member
8.	Hon. Ellysas Orondo	Gem East	Member

9.	Hon. Oscar Abohottee	Kabuoch North	Member
10.	Hon. Rael Odongo	Kasgunga	Member
11.	Hon. Monoflorita Ondiek	Nominated	Member

METHODOLOGY

Mr. Speaker and Hon. Members, in order to achieve best desired result, the Committee used interactive session and also developed a questionnaire (*See annexure 3*) detailing the scope of the exercise in consideration of the Committee mandates.

COMPARATIVE ANALYSIS OF HOMA BAY AND KISUMU COUNTY ASSEMBLIES COMMITTEES

Mr. Speaker and Hon. Members, from the data received in the questionnaire, the Committee made the following analysis;

Similarities

- i. That the two Committees share considerable similarities in terms of Committee mandates and responsibilities as far as nominating Members to serve in various Committees is concerned and taking into consideration the prescripts of their respective Standing Orders.
- ii. That both County Assemblies have met the required House gender rule, with Homa Bay having 40 males against 20 females while Kisumu boasts of 32 males against 16 females.
- iii. That both County Assemblies Committees have a maximum composition of fifteen (15) Members. However in Homa Bay, some Committees such as Public Investment and Accounts Committee is composed of only six (6) Members. Kisumu's Committee with the lowest number of Members is PIC/PAC Committee which has ten (10) Members.
- iv. That both County Assemblies have their standing orders domesticated.
- v. That both County Assemblies consider party leadership and regional balance while placing Members to various Committees.
- vi. That both Committees (selection) have no frequent sittings unless there occur need for placement.
- vii. That both County Assemblies consider mandates and Membership of Committees among others when apportioning funds to Committees.
- viii. That both form Ad Hoc Committees through a motion. However, Homa Bay County Assembly tend to avoid in in belief that any matter that may warrant its formation can be handled by any of their 26 Committees (Unless incase of matters that are provided for by the law (E.g. Section 40 of the County Government Act, impeachment and/or removal of a CEC).

Differences

- i. Kisumu County Assembly boasts availability of regional caucus.
- ii. Homabay County Assembly does not consider Liaison Committee as a stand-alone Committee due to the fact that it is composed of Chairpersons of other Committees.
- iii. Homabay County Assembly has two deputy clerks: one in charge of Administration and another one in charge of Legislation and Committee services. Kisumu County Assembly has just one deputy clerk.
- iv. Homabay County Assembly is extremely cautious of gender balance. For this reason, they have ensured that their Committees meet the 1/3 gender rule. An example is their Selection Committee (*7 male Members against 4 female Members. Kisumu's selection Committee has 11 male Members against 2 female Members*).
- v. Kisumu County Assembly has minority wing and even considers them for (Committee) leadership positions.
- vi. Homabay County Assembly ensures that no two Committees sit concurrently to cushion issues as lack of quorum in such cases where same Members are in the two sitting Committees.

FINDINGS

Mr. Speaker and Hon. Members, from the above analysis the Committee found that;

1. The two sister Committees have a lot in common in terms of Committee mandates and responsibilities as far as nominating Members to serve in various Committees is concerned and taking into consideration the prescripts of their respective Standing Orders.
2. In Homa Bay County Assembly;
 - i. The selection Committee brings to the House only one report which comes after nominating Members to the House Committees at the commencement of a new County Assembly. Any other change that might occur in Committee Memberships is brought to the House as a substantive motion and not a report.
 - ii. Consideration of the minority Members to serve in various Committees is at the mercies of the House leadership as long as the Member is able to get enough Committees to enable them get enough monthly sitting allowances, and of course based on their discipline.
 - iii. There exists no minority wing at the Assembly. This was abolished in 2017 following a court case and in the Political Parties Dispute Tribunal (*Political Parties Dispute Tribunal at Nairobi Complaint No. 7 of 2020 {See annexure 4}*) and a court order (*High Court of Kenya in Kisumu Petition No. 7 of 2020 {See annexure 5}*). Members from small parties and Independent party are thus forced to align themselves to the County Assembly party in order to be slotted Committees.

- iv. Any Member serving in the Budget Committee cannot be nominated to serve in such Committees as Finance, Public Investment and Public Accounts for the sake of fairness.
- v. The Budget Committee has a life circle of three financial years after which it is reconstituted and new Members nominated that are not from the previous Membership. This reduces the scramble resulting from interests to serve in the very Committee.
- vi. Removal of a Member from a Committee is never over incompetency but at the will of the political party that nominated that Member. If anything, incompetency is only realized and shouldered by the chairperson of a Committee based on his/her Committee's performance.
- vii. There is no allocation of funds to Ad Hoc Committees and that is the reason why they try to avoid forming them as much as possible because formation of such means deduction of other Committees' allocation.

BEST PRACTICES FOR CONSIDERATION

Mr. Speaker and Hon. Members. The Committee however found certain practices by the Homabay County Assembly that are worth consideration.

- i. Members serving in the Budget Committee should not be nominated to serve in such Committees as Finance, Public Investment and Public Accounts.
- ii. The Budget Committee ought to be given a life circle for the sake of fairness and equality.
- iii. Abolition of concurrent Committee sittings could help minimize quorum issues especially if the Committees are composed of same Members.
- iv. Abolition of the 'all-time' formation of Ad Hoc Committee and further allocation of funds for the same.

CHALLENGES

Mr. Speaker and Hon. Members, challenges faced by the Committee during the selection process include the following:-

- 1. Quorum hitches while attempting to balance both select and Sectoral Committees.
- 2. The provision for two third gender rule is proving a challenge to implement.
- 3. The list of Members nominated to serve in various Committees must be approved by the House in full; otherwise it's back to the drawing board.
- 4. Although the Standing Orders attempt to shield it, the Committee at times face opposition while making changes to Committee Membership whenever need arises

RECOMMENDATIONS

Mr. Speaker and Honourable Members, the Committee thus recommends as follows;

1. That while nominating of Members to various Committees and subsequent approval by the House, it should be considered technical and professional expertise of a Member into a Committee to enhance efficiency.
2. That there should be continuous capacity building to develop competencies and skills that can improve the performance of Committee Members thus increasing potential of the House Committees.
3. That, in future there should be adopted the practice of varying the terms of leadership and membership in key Committees such as Budget and Appropriations, Finance and PIC/PAC, say after every financial year to ensure that service delivery is not bogged down by entrenched vested interests cultivated over time.
4. That much as punctuality and Committee attendance is considered sole responsibility of the Majority and minority Leaders, party whips and Committee Chairpersons, self-discipline and respect by Members in general is key in carrying out the mandates of the Committees and of the County Assembly.

CONCLUSION

Mr. Speaker and Honourable Members, the Committee extends its appreciation to the office of the Speaker and the Clerk of the County Assembly for the support accorded to it in the execution of its mandate leading to the success of this exercise.

It is now my pleasure on behalf of the Committee to present this report to this Honorable House for adoption .May I request Hon. Priscah Misachi to second?

The Temporary Speaker (Hon. Inviolata): Hon. Misachi.

Chief Whip (Hon. Misachi): Thank you Madam Speaker. I stand to second and I want to plead with the Members to second.

The Temporary Speaker (Hon. Inviolata): Honourable Members, the Selection Committee report on the benchmarking with sister committee of Homabay County Assembly has been moved by Hon. Dede on behalf of Hon. Kenneth Onyango, the Leader of Majority and Chairperson of the Committee of Selection and seconded by Hon. Misachi. I now want to open it for debate.

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

Hon. Okiri: Thank you Madam Speaker. I arise to concur with this report and I would like to take at most four minutes to enable me drive my point home. The key punchline in this report lies with and item that the Select Committee of Budget and Appropriations ought to be accorded a life cycle for the sake of fairness and equity.

Madam, Speaker, there has been a notion in this House that, if you are slotted to serve in the Budget and Appropriations Committee you take everything which has not been the case. Madam Speaker Hon. Members to be persuaded that it is not then for each and every financial year there should be different Memberships constituting this House Committee. This will give credence to the Members that if you are in the Select Committee of Budget and Appropriations, then you have everything. Madam Speaker that is what Hon. Members are meant to believe as shown in the report regarding Homa Bay County Assembly, but, his is different in Kisumu County Assembly where “Tich tire” because each and every Ward is allocated the same budgetary allocation for the development of projects.

Madam Speaker, it is quite unique because this County does not experience such anomalies because we are all aware that each and every electoral Ward is given the same budgetary allocation contrary to what is happening in Homa Bay County which is believe that if you are a Member in this Select Committee you have an advantage over other Members.

Madam Speaker, I want to close it with the issue of while nominating Member to various House Committees, subsequent to approval by the House, what should be taken into account is professionalism and the expertise that the Member brings to the House Committee that he/she has been nominated to. I believe that this is key when nominating Members to various House Committees.

Madam Speaker, most House Committees will die if we don't get professional from different fields. Let us say that, if you are good in finance, you be nominated to serve in the Finance Committee, if you are good in other fields you be considered in Committees that they have an expertise in because this will enhance and will bring more professionalism into these House Committees.

Madam Speaker, to conclude is the issues of how organized these Committees are. It should not come from the Communication from the Chair that today Hon. Okiri has been de-whipped from the Standing Committee of Finance to Liaison Committee. Madam Speaker, in this aspect, what this Committee is doing best is that, if these is such a kind of realignment of House Committees, it is brought to the floor of the House as s Substantive Motion then, Hon. Members will be able to note the importance and it does not become witch-hunt. It can be so bad, take for instance Hon. Okiri is a Member of a given House Committee and because Hon. Members have not been taken for tea by the Hon. Member, then it is decided that he be removed from that House Committee. In Homa Bay, it does not work like that. In Homa bay there are procedures to be followed where it is brought before the House as a Substantive Motion the, Members debate on it, they give their

views and the reasons as to why the Hon. Member should be removed from a certain House Committee. Members are given chance to adduce evidence to persuade Hon. Members and the reasons you deem that this Hon. Member should not continue to serve in this House Committee. With those few remarks I beg to support. Thank you.

The Temporary Speaker (Hon. Inviolata): Thank you. Yes Hon. Arao.

Hon. Arao: Thank you Madam Speaker. I want to support this report because as you can see from the adoption schedule where I have appended my signature, I am a Member of this Committee. Madam, Speaker, I was part of the delegation that visited Homa Bay County Assembly and I want to say that this report is as good as it is because Members may rise to poke holes or applaud some parts of the report.

Madam Speaker, personally, I want to focus on the Comparative Analysis that is found in page seventeen. If you look at page seventeen of this report, roman number two that says;

“that both the County assemblies have met the required House Gender Rules with Homa bay having forty Male against twenty females while Kisumu boasts of thirty-two males against sixteen female Members of the County Assembly”

Madam Speaker, I happened to be part of the delegation that visited Butere on Sunday with “baba”. In Kakamega County we were received by the Governor, H.E. Wycliffe Ombetsa Oparanya. Madam Speaker, we witnessed that first woman Bishop elect in the Church of ACK. Madam Speaker, we have the Republic of Tanzania lady President who is equally a woman, we also have our Chief Justice who is similarly a woman.

Madam Speaker, from that above you can see that Gender Equality is clearly observed....Please let me allow Hon. Ogutu to inform the House.

Hon. Ogutu: On a Point of Information. Thank you Madam Speaker. I believe that as a House we have matured enough to enable us go straight to what is happening here.

Madam Speaker, I believe that the report is very clear and you need not to mention the areas you went with the party leader just to get us convinced to back the report. The issue of gender has been stated clearly how it is balanced between these two particular Assemblies. The honorable member should stick to this assembly and not refer to other leaders who have achieved through their own merits as women, as it doesn't seem fair. Otherwise thank you Madam Speaker.

The Temporary Speaker (Hon. Inviolata): Thank you Hon. Ogutu, I hope Hon. Arao you have noted the sentiments.

Hon. Arao: Madam Speaker, I don't know whether Hon. Ogutu understands the aspect of debate; when you write a composition you must have an introduction and build your case before making

a conclusion. He is Ford-K Party member and doesn't have Hon. Raila Odinga as their party leader to understand the magnitude of my reference. His 'baba' is in OKOA Kenya Alliance (OKOA).

Hon. Ogutu: Madam Speaker, please protect me from such utterances from Hon. Arao

(Loud consultations)

The Temporary Speaker (Hon. Inviolable): Order!! Honorable members.

Hon. Arao: Madam Speaker, I am proud of my party leader and there is no other platform I can express it better...

The Temporary Speaker (Hon. Inviolable): Order! Hon. Arao who are you addressing specifically. Hon. Ogutu kindly resume your seat I am soon giving you a chance.

Hon. Ogutu: Thank you Madam Speaker

The Temporary Speaker (Hon. Inviolable): Senior member Hon. Paul Okiri you wanted to inform the House,

Hon. Okiri: Madam Speaker if you allow me.

The Temporary Speaker (Hon. Inviolable): Kindly proceed.

Hon. Okiri: Madam Speaker, I've been talking about the decorum in this House because we are going to leave a specific legacy based on it. In addition, we are always on live broadcast hence whatever we do in this House speaks volumes. People are watching their leaders both the elected and the nominated members of this County Assembly of Kisumu. I want to inform this House that we are talking about the Select Committee as it is constituted but not a parastatal, the church or the like. Madam Speaker I am requesting you to guide the House so that Hon. Arao isn't lost and that his constituents don't see him as a joker.

The Temporary Speaker (Hon. Inviolable): Thank you Senior Member Paul Okiri, Hon. Arao I believe that you have noted that.

Hon. Arao: Madam Speaker...

The Temporary Speaker (Hon. Inviolable): Order!! Hon. Arao. My communication is that, please stick to the debate.

Hon. Arao: Madam Speaker, protect me from this man because he is 'fatherless'. I am talking about my 'father' as he is an independent candidate...

Hon. Ogutu: Madam Speaker, protect me...

Hon. Arao: I am talking about my 'Baba' but Hon. Ogutu is...

The Temporary Speaker (Hon. Inviolata): Order!! Why is it that both of you Hon. Arao and Hon. Ogutu aren't behaving like honorable members? Hon. Arao can you kindly stick to the debate before the House. Hon. Ogutu I will give you a chance to make your communication

(Loud consultations)

Hon. Atieno: Point of Order Madam Speaker.

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

Hon. Atieno: Madam Speaker, I believe that you need to take control of this House because the kind of image Hon. Arao is portraying is quite uncouth and you should take serious actions against Hon. Arao. We are on live coverage to say the least.

(Feet thumping)

The Temporary Speaker (Hon. Inviolata): It seems like Hon. Ogutu has quite a burning issue so, I am going to let him pass his information and please go straight to the point.

Hon. Ogutu: Thank you Madam Speaker, this is the reason I prefer you because you can detect someone who has burning issue because in deed I am. I want to confirm to Hon. Arao that it is true I am fatherless because my biological father passed on in the year 1972. When we come to political fathers, I do not have one because every member here knows that I was elected on an independent candidate ticket. It is on record that I announced that I am back to my party ODM and when we are debating, let us not be sycophants in this honorable House. I want to confirm to Hon. Arao and for this to go on Hansard that I am fully back to ODM party and that I am not politically fatherless. I also want to say that despite standing on an independent candidate's ticket during elections, I even voted for my ODM party Leader, Hon. Raila Odinga on the same year. So, Hon. Arao should not treat me like someone who has no political father, thank you.

The Temporary Speaker (Hon. Inviolata): Thank you Hon. Ogutu for your contribution.

The Temporary Speaker (Hon. Inviolata): Yes, Hon. Arao I want you to stick to the report and you only have one minute left.

Hon. Arao: Thank you Madam Speaker, I want to appreciate this report, I was just recognizing the female MCAs...

Hon. Ogaga: A point of information Madam Speaker

The Temporary Speaker (Hon. Inviolata): Just a minute Hon. Arao

Hon. Arao: Madam Speaker, you are the one who has given me chance to speak.

The Temporary Speaker (Hon. Inviolata): There is a member on the floor who has a point of information

Hon. Ogaga: Thank you Madam Speaker, I want to inform you that Hon. Arao isn't dressed properly to debate in this House.

(Feet thumping)

The Temporary Speaker (Hon. Inviolata): Serjeants-at-Arms, kindly assist Hon. Arao to dress up properly. Escort him outside...

Hon. Arao: Madam Speaker, I am dressed properly. We have come here to debate...

The Temporary Speaker (Hon. Inviolata): Hon. Arao, I am going to suspend you. Kindly move out and dress properly. Your one minute is still on. You will come back to finish your submission.

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

Hon. Olga: Thank you Madam Speaker. I wish to call the Mover to reply.

Hon. Ogutu: Madam Speaker, we are still debating. Kindly allow us to proceed.

The Temporary Speaker (Hon. Inviolata): The Mover has been called to reply but just contribute, Hon. Ogutu, and then the Mover will reply.

Hon. Ogutu: Thank you Madam Speaker. I wish to support this report. The Selection Committee has seen what is supposed to be done. If you compare the two sides of Homa Bay and Kisumu, you will realize that the one for the County Assembly of Kisumu is a sham. It has come out clearly from this report that the House Keeping Committee on Selection is allocating these committees to reward those who are loyal to them.

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

Hon. Okiri: I stand on a point of order. I don't believe that it is right refer to this Assembly as scam. We are just doing comparison between the two Assemblies and that is the essence of benchmarking. So it is not right to demean either of them. Thank you.

The Temporary Speaker (Hon. Inviolata): Hon. Ogutu.

Hon. Ogutu: Thank you Madam Speaker. It is always right to be keen. I didn't mention anything as scam. I mentioned sham.

The Temporary Speaker (Hon. Inviolata): What is it Hon. Atieno?

Hon. Atieno: Thank you Madam Speaker. The Hon. Member needs to apologize to this Hon. House. Something that is sham is like a scam, cartel. The Hon. Member needs to withdraw and apologize so that the dignity of the House can be upheld.

The Temporary Speaker (Hon. Inviolata): The English people in the House, what is the difference between sham and scam?

The Temporary Speaker (Hon. Inviolata): Hon. Ogutu.

Hon. Ogutu: Madam Speaker, I believe that this is out of debate. When given time, I will expound so that Members can know what I exactly meant.

I said the Selection Committee of this House allocates committees to reward others. The Homa Bay does the allocations is quite professional.

The Temporary Speaker (Hon. Inviolata): What is it Hon. Oiko Pete?

Leader of Minority (Hon. Oiko): Madam Speaker, it is not bad to air your views; it is not bad to tear into a report but it is important to do so with substance. Hon. Ogutu, you have used two words by saying that people are being rewarded or being nominated into House Committees. Can you give examples of those House Committees? For example, you as an Honourable member, I know that you are in big committees in this Assembly. The time you were being nominated by the Selection Committees into those committees, were you being rewarded?

Madam Speaker, another issue that we are being told in this report is that people are being nominated into those House Committees because of their expertise or their profession. That one is not something which should be condemned but if we were to go by that, maybe we would have not found it so easy.

Therefore, let us look at what is good in the report that we can appreciate and what needs to be improved. But, let us not just argue for the sake that we want to pin the committee down. The Committee on Selection has done a good report, thank you Madam Speaker.

The Temporary Speaker (Hon. Inviolata): I hope Hon. Ogutu will respond.

Hon. Ogutu: Thank you my Leader of Minority. I believe that you have put it correctly. I also believe that the report I am discussing is not mine but emanated from a House Committee. When you check on the 'BEST PRACTICES', they have stated that '*members serving in the Budget and Appropriations Committee should not be nominated to serve in other committees such as Finance Committee*'. They have also given an example. Madam Speaker, what I am saying is that...

Hon. Atieno: On a point of information.

The Temporary Speaker (Hon. Inviolata): Yes Honourable...

Hon. Atieno: Thank you Madam Chair for giving me this opportunity. I believe that the Hon. Member on the floor is slightly out of the debate. Because the reason as to why the House Committee went for bench marking with the County Assembly of Homa Bay, was that they can borrow best practices. That is the reason, further, they want to improve on their performance. So, castigating this House Committee as if it is a sham to me is not in order.

Hon. Okiri: On a point to give further information Madam Speaker.

The Temporary Speaker (Hon. Inviolata): Yes Honourable.

Hon. Okiri: In reference to that, I know that Hon. Ogutu has not gone through this report. If he could have read the report especially the findings No. 2 (iii), it would have actually dumfounded him. He needs not to even negate this report. If you go through the roman that I have quoted; there exists no minority wing in the Assembly. This one was abolished in the year 2017 following a court case in a political party dispute Madam Speaker. He is an independent candidate and it is also stated here that that is a High Court Order in Kisumu – that is annex four attached; following a court case in a political party dispute, members of small parties and independent parties- where Hon. Ogutu belongs to- are forced to align themselves to the County Assembly Party. They are forced.

Madam Speaker, in County Assembly of Kisumu, we are not forcing them to align to a political party. In fact, he is the first person that should have acknowledged this report because he is on an independent party and we are not forcing him to align to our party too. Look at where ODM Party is; otherwise this report does not fit you, thank you.

Hon. Ogutu: Thank you Madam Speaker. I really like the way Hon. Paul Okiri has brought it out. That is good of him since he is a senior member. Madam Speaker, since he has touched my nerve engine as a leader on an independent party ticket, that the report stated that we are forced to align, I believe that if we have to do so, then, definitely the benefit will also be huge because you have been forced to align to the majority party. It means that any complain will not be there. If Homa Bay County Assembly is practicing the same then, I believe that, they are doing the right thing.

Madam Speaker, I believe that people should be keen when other members are debating. My first opening remark was that I support the report. You can now hear from these other Hon. Members; they are contradicting what I said in my opening remarks. I also went deep into the report and knew what the report was saying. That is because, you cannot just bring us a report in this Honourable House then you expect us to just say yes, yes... and then we pass it. At least we have to constructively debate on it and I believe that is what I am doing.

Madam Speaker, I was talking about the report from Homa Bay County. It is clearly stated that when a member has been selected to the Budget and Appropriations Committee, then he/she should not be given others committees which aligns to Finance Committee as has been stated. My point is that because they have good practice, it is not like County Assembly of Kisumu. You will get

one person in the Budget and Appropriations Committee as well as Finance Committee and in addition, other finance related committees.

The committee has brought us a very good report. If you read, it has been said here clearly if you read this particular report. I have read it, in contrary to what Hon. Paul said. That is why I am able to pin point some areas which have positively or negatively been mentioned.

Allow me go to another page because, you see, they are just here to confuse Members when they are debating.

(Laughter)

Madam Speaker, I also concurred with best practices number 2 which says; the Budget and Appropriations Committee ought to be given a life cycle for the sake of fairness and equality. That is a very good point and it is in Kisumu County Assembly where you have been slotted into the Budget and Appropriations Committee then you will stay there the entire term of the Assembly which is 5 years.

The Temporary Speaker (Hon. Inviolata): Yes Hon. Atieno.

Hon. Atieno: Thank you Madam Speaker. I am wondering whether Hon. Ogutu is the only visitor in Jerusalem because when we started this Assembly, Hon. Ogutu was one of the pioneer leadership that were running this Assembly and he was a member of this Select Committee. What is happening is a continuation of what they started. I don't know why he is complaining. Thank you.

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

Hon. Ogutu: Madam Speaker, I believe that two wrongs doesn't make a right. If we did some errors at the beginning then, we should not carry that to the end and it has been said several times. It is only a fool that cannot change his/her mind. If in the First Assembly or when this Assembly was constituted we were fooled then those who came in were intelligent enough then they should change everything so that everybody should not complain. With those few remarks I wish to rest my case. Thank you.

The Temporary Speaker (Hon. Inviolata): Yes, Leader of Minority.

Leader of Minority (Hon. Pete): Madam Speaker I wish to support the report and I want to remind my colleagues that in this report we are only comparing the practices at Kisumu County Assembly and the ones at Homa Bay County Assembly. What is on record in Kisumu County Assembly as per our Standing Orders is that when Members join the Assembly they are nominated to serve in House Committee for 3 years then the committees would be reconstituted for the remainder of the period of the Assembly that is for the next 2 years. We know that has not been followed because of the problems that faced the Assembly that is well known to the Members. Another issue is that

we have been told that, in Homa Bay, the Minority Leadership is not recognized because of the Court cases they have but we in Kisumu County Assembly we have recognized the Minority Leadership. That is a plus to Kisumu County Assembly.

Madam Speaker, another issue that the Select Committee has brought up here is that there are other House Committees which are very critical and they are related. When one selected to serve in that House Committee the, they should not be in other House Committees. That change was to be effected when we are talking about clustering which has not materialized. That means that the Assembly is going to the right direction. When we look at this report I beg the Hon. Members to pass it, adopt it so that for those who will come back to this Assembly when they will constituting the House Committee it will come back into their mind and there will be no outcry. We were told when we were coming to this Assembly that you should not just join a House Committee for the sake of it. They should join a House Committee where they have little knowledge about. Thank you.

The Temporary Speaker (Hon. Inviolata): Yes Hon. Dede, the mover.

Hon. Dede: Thank you Madam Speaker I would like to congratulate all the Members for the long debate and I would like to urge the Members to support by passing the report.

The Temporary Speaker (Hon. Inviolata): Thank you. Hon. Members now that the report on Benchmarking Exercise with the sister committee of Homa Bay County Assembly by the House Committee of Selection which has been moved by Hon. Dede, seconded by Hon. Misachi and debated by Hon. Members. I therefore want to put a question on the adoption of the same.

(Question put and agreed to)

The Temporary Speaker (Hon. Inviolata): The report on Benchmarking Exercise with the sister Committee of Homa Bay County Assembly by the Committee of Selection is hereby adopted today Tuesday, 14th September 2021.

Hon. Members, I would like to direct it to Implementation committee for further action.

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

ADJOURNMENT

The Temporary Speaker (Hon. Inviolata): There being no any other business to transact, the House stands adjourned to 15th September 2021 at 9.00 a.m.

(House rose at 3.46 p.m.)

Addendum

The Hansard Team

Zablon Otiende – Senior Hansard Reporter

Edward Odanga – Hansard Reporter

Fanuel Okode – Hansard Reporter

Patrick Okoyo – Hansard Reporter

Jacklyne Otieno – Hansard Reporter

Denis Onyango – Hansard Reporter

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