

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

SECOND ASSEMBLY – FIFTH SESSION

Tuesday, 23rd March, 2021

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

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

PRAYERS

The Speaker (Hon. Oraro): Good afternoon Honourable Members. Clerk, can you please take us through the Order of the day.

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

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oraro): Honourable Members, I want to again remind you of the pending works in various committees. We have been compelled to petition Committees Clerks of various House Committees that it has been a practice that whenever different committees are given a chance to sit, there is no attendance and they find it very difficult to write reports on the same. I want to bring to your attention of the SRC report on the Sitting Allowances of the Members of the County Assembly which is a debate now regarding its future existence or not. That includes other civil servants. The Clerks of different House Committees are saying that it becomes difficult to generate minutes without quorum in House Committees and it reminded me of the pending works report that I shared in the WhatsApp forum and I want to remind you again.

1. Water, Environment and Natural Resources Committee, status of drainage along Sije- Car Wash Road. The statement was raised by Hon. Pamela Odhiambo on 29th September, 2020.

That report is long overdue despite the committee having asked for several sitting including a work program during the Long Recess. Any response from the Chair or Vice Chair or any committee Member.

Hon. Arao: Mr. Speaker, can I help my Chair.

The Speaker (Hon. Oraro): Are you the Vice Chair?

Hon. Arao: He has some throat problem.

The Speaker (Hon. Oraro): Proceed.

Hon. Arao: Yesterday as a Committee we visited Sije and the report is almost ready.

The Speaker (Hon. Oraro): Be specific Honourable Member. This report is overdue.

Hon. Arao: We are requesting for two weeks.

(The Speaker consulting with the Clerk)

The Speaker (Hon. Oraro): Hon. Members, I am being advised that two weeks will find when Members are out for Short Recess.

Hon. Arao: What of one week?

(The Speaker consulting with the Clerk)

The Speaker (Hon. Oraro): I am being reminded that you are not a Member of this committee. You donated your committee to Hon. Dede.

The Speaker (Hon. Oraro): Yes, Hon. Ken Ooko.

Hon. Ooko: Thank you Mr. Speaker. I have just stepped into the House and it is very unfortunate for Hon. Arao to claim that I have given him an opportunity to speak on my behalf. I want to say that we are doing the report and I request that you give us time until next week.

The Speaker (Hon. Oraro): That is from the Vice Chair. Hon. Arao you need to apologize to the House. The Vice Chair is next to you and he is saying that he didn't give you authority to speak.

Hon. Arao: I apologize Hon. Speaker.

The Speaker (Hon. Oraro): Mr. Clerk, note that the Water, Environment and Natural Resources Committee has promised to bring their report in a weeks' time. I expect the report in the House Business Schedule.

2. Cooperative, Finance, Trade and Enterprise Development. You have the County Government of Kisumu Financial Statement FY ended 30th June, 2020. With me is a schedule of the same committee asking for sittings to deliberate on the same. Any response from the Chair or Vice Chair or any committee Member. I need to know the way forward because I have record of request of committee on sittings on the same.

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

Hon. Miruka: Thank you Mr. Speaker. I have seen my Chair and the Vice Chair are not here but I can competently suggest that you give us one week to report on this matter.

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

Hon. Guya: Thank you Mr. Speaker. I have heard you reading....

The Speaker (Hon. Oraro): Hon. Miruka, what is the matter?

Hon. Miruka: Thank you Mr. Speaker. Hon. Guya is naked in the House.

Hon. Guya: Mr. Speaker, there was a ruling here that has set the precedence and you can see. But I wanted to...

The Speaker (Hon. Oraro): What was the ruling Hon. Guya?

Hon. Guya: It was about the dress code. The Speaker on the Chair that day gave us permission to come in this House dressed in African attire.. Mr. Speaker, you know Orange Democratic Party is a big party and if you allow me, I can share with the House.

The Speaker (Hon. Oraro): Hon. Guya, if there was a ruling that has set the precedence in the National Assembly on the African attire then we need to know what an African attire is. Kindly allow the House orderlies to help you to dress well very fast and then you come back.

Hon. Guya: Mr. Speaker, you mentioned something that is very key and it might escape my memory. This statement was committed last year in October and the committee is requesting for one more week and they have been always meeting.

The Speaker (Hon. Oraro): Hon. Miruka, I did report here that on 15th October, 2020, the report on the County Government of Kisumu Financial Statement FY ended 30th June, 2020 was committed to your committee and you were to report after one month. I want to give you a week so that you bring the report to the House.

Hon. Miruka: Obligated Mr. Speaker.

The Speaker (Hon. Oraro): Tourism, Wildlife and Heritage Committee report on Benchmarking exercise with Siaya County Assembly. Any response from the Chair or Vice Chair or any committee Member.

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

Hon. Olang'o: Thank you Mr. Speaker. I request that you give us one more week. Thank you.

The Speaker (Hon. Oraro): Mr. Clerk take note of that. Welfare and Equal Opportunity Report on the Benchmarking with Siaya County Assembly. Any response from the Chair or Vice Chair or any committee Member.

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

Hon. Olga: Thank you Mr. Speaker. I am not aware of the whereabouts of the Chair but kindly give us one week. We shall bring the report.

The Speaker (Hon. Oraro): Any Member of the House Committee?

The Speaker (Hon. Oraro): Hon. Ken Ooko.

Hon. Ooko: Thank you Mr. Speaker. The report is ready and we shall table it next week. I will share the same with the Chair after the session.

The Speaker (Hon. Oraro): Clerk, take note on that. Ad Hoc Committee on a report on a Statement that was raised by Hon. Maurice Ngeta on Payment of Contractors and Suppliers. This was sought on 3rd December, 2020. Any response from the Chair or Vice Chair or any committee Member.

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

Leader of Majority (Hon. Onyango): The committee is working on the report and today, I did attend a meeting between the Ad hoc Committee and the Contractors and next there shall be a meeting between the Ad hoc Committee and the County Executive. Probably we shall be ready with the report in the next two weeks because there are issues the committee wants to deal with adequately because of their importance. Thank you.

The Speaker (Hon. Oraro): Hon. Ken Ooko.

Hon. Ooko: Mr. Speaker, the Leader of Majority is telling us that he did attend the meeting between the contractors and the Ad Hoc Committee but he is not specific on which side he was representing in the committee.

The Speaker (Hon. Oraro): Hon. Ooko you are out of order. I believe that the Leader of Majority is the Vice Chair of that committee.

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

Hon. Owiti: Thank you Mr. Speaker. The Leader of Majority is not the Vice Chair. The Vice Chair is Hon. Priscah Misachi. Kindly grant us more time based on the magnitude of the work that we have. We shall give a comprehensive report.

The Speaker (Hon. Oraro): Honourable Members, we need to be serious with some of the work because with me here is a request of seven sittings for the Ad Hoc Committee. I want direct that we shall discuss the Ad Hoc report once we are back from the Short Recess. Mr. Clerk note that. Budget and Appropriations Committee report on the Kisumu County COVID 19 Socio-economic Re-engineering Strategy. This is a Policy Paper that was committed to this Select Committee on 01st December, 2020 and to date we have not received a report on the same.

The Speaker (Hon. Oraro): Yes, Hon. Steve Owiti.

Hon. Owiti: Thank you Chair. We are in the process of handling the document because we had other documents that had statutory deadlines. However, I want to request that you give us two weeks and within the same period, we shall be able to present that report before this House.

The Speaker (Hon. Oraro): Honourable Members, with leave of the House, we will give you two weeks. Hon. Members, the fact that the document does not have a deadline does not mean that when it is committed, you don't critique then bring it for discussion.

It is a document of interest to the Members of the Assembly and once it has come to the Floor, it becomes the property of the Assembly. Therefore, I grant you two weeks.

The Speaker (Hon. Oraro): Do we have Labour and Social Welfare Committee Report on the submission of the Kisumu County Public Service Board on Annual Report for the year 2020?

The Speaker (Hon. Oraro): I can see the Chairperson of Labour Committee in the House.

Hon. Miruka: Mr. Speaker, I believe that the report has already been slotted in the House Business Calendar for discussion.

The Speaker (Hon. Oraro): Yes, in today's Schedule. You are right. Mr. Clerk, kindly take note that it has already been slotted, I believe it is scheduled for moving next week.

The Speaker (Hon. Oraro): Law Justice Legal and Constitutional Affairs Committee Report on the Vetting of nominees for Suitability for Appointment to the position of County Attorney?

The Speaker (Hon. Oraro): Yes Hon. Okumu, Chair, Administration of law.

Hon. Okumu: Thank you Mr. Speaker. I believe that the report is ready. We are waiting to be slotted so that we read it for adoption.

The Speaker (Hon. Oraro): Take note of that Mr. Clerk

The Speaker (Hon. Oraro): Corporative, Finance, Trade and Enterprise Development. The Amended Report on the Financial Statement of the year ending 30th June; this was committed on 9th February 2021. You had three weeks which means it was due on 2nd of March. Today is 23rd March 2021. Unfortunately, the Finance Chair is not here neither is the Vice-chairperson but Members are available. Any comment? Or we combine it with the first one?

Hon. Owiti: Thank you. Mr. Speaker, Sir, the Committee on Finance have just cleared the process of Public Participation on the Bill that was committed to it. Once the report is ready, we shall present it. Kindly merge it with the first one. I am a Member of that Committee.

The Speaker (Hon. Oraro): Take note of that Mr. Clerk. Children, Culture, Arts, Sports on benchmarking trip to Nairobi City County Assembly. I believe that it has been submitted to the House Business Committee. I can see it has already been committed.

The Speaker (Hon. Oraro): Further, Hon Ngeta. Hon. Gard Olima raised a Statement and was committed to the Joint Committee of Administration of Law, Justice, Constitutional Affairs, Good governance and Security and the Committee of Labour and Social Welfare. I have been informed that you have requested for not less than four sittings.

Hon. Okumu: Thank you Mr. Speaker. Mr. Speaker, I believe that we have deliberated on the Statement and just waiting to be scheduled for us to bring it.

The Speaker (Hon. Oraro): So it is ready. Mr. Clerk, kindly take note of that and get in touch with the Committee.

The Speaker (Hon. Oraro): Health Services, Housing and Sanitation Committee Report on the Statement raised by Hon. Rashid Miruka. I believe that it was responded to.

The Speaker (Hon. Oraro): Implementation Committee Report on Statement raised by Hon. Johnson Guya. That was on 24th February 2021. You had two weeks, which means you ought to have brought the report on 10th February, 2021. I can see the Chair is present.

Hon. Agolla: Thank you Mr. Speaker. With due respect, kindly, if you can accord us one more week. Mr. Speaker, there is a communication we are waiting for from the Executive which will inform our final report. We can present it on Thursday next week.

The Speaker (Hon. Oraro): Thursday next week. I believe that your committee is one of the House Committees that a report came and you called for a meeting but members never came.

Hon. Agolla: Mr. Speaker, that is not true. Even yesterday we met and had the quorum. That is not true.

The Speaker (Hon. Oraro): ECD, Adult Education and Vocational training Committee Report. I believe that has not been responded to. Yes, it was responded to and we agreed that we are having a General Oversight Committee on Thursday from 10: 12:00 Noon. That is why I have said it was partly responded to and we rescheduled.

The Speaker (Hon. Oraro): Hon. Members, I want to remind the Select Committee of Budget and Appropriations that you have the Kisumu County Debt Management Strategy Paper 2021/2024; Hon. Owiti, your Committee was given 21 days. Actually, the deadline was supposed to be today, 23rd March 2021. On the same note, the County Fiscal Strategy Paper (CFSP), I have seen you requested for time to present the report. I don't know if there is anything you can say. The deadline was supposed to be today and I can see you have requested for time to write the report on the CFSP.

Hon. Steve Owiti: Thank You Mr. Speaker. I want to report that we are working on this as well. We are doing the two reports together so that we will be able to present them.

The Speaker (Hon. Oraro): Thank you. I also want to remind the Committee on Planning, Industrialization and ICT on Statement raised by Hon. Pamela Odhiambo. It was supposed to come on 18th March 2021. Chair, Vice Chair or Member of Planning and ICT?

I know that the Planning and ICT Committee has been very busy with public participation. I believe that, it is in order for Members to excuse them and add them maybe one week. I am aware they have been on the issue of public participation on the two Bills committed to them.

I want to remind the Committee on Roads, Public Works and Transport Committee on the Statement raised by Hon. Pamela Odhiambo concerning the Machine-based programme. It was raised on 17th March 2021. We gave you three weeks, so, I am just reminding you that 7th of April is the deadline.

Hon. Guya: Thank you Mr. Speaker. If you allow me, I want to inform the House that we have invited the CEC Member In-charge of that docket tomorrow at 1:00 a.m. here at the Assembly. Anyone Member willing to attend, please feel welcome.

The Speaker (Hon. Oraro): Honourable Members, I did that reminder and again, I am going to share that report on our wall so that you check what you are to bring. Mr. Clerk, I hope that you have taken note of the dates which we will share with Members so that they know what is required of them.

There are also other reports from different House Committees which asked for a number of site visits during the long recess.

- 1) The Committee on Agriculture had a lot of visits to Seme, Kisumu West. Committee of Children and Culture, in Nyakach and Impala park on 4th of January 2021;

- 2) Public Works, Roads and Transport, you were in Muhoroni on 6th of January 2021 and 7th of January, 2021.
- 3) Children, Culture, Committee Services, you were in Muhoroni on 7th January 2021. Agriculture, Livestock and Fisheries, you were in Muhoroni on 11th January 2021.

I will share the whole activities of site visits that were conducted by these House Committees during the Long Recess. I believe that it is important that we have reports on such visits. Otherwise it becomes very difficult to close those files. The list is just too long, I can't go through it now but I will share it.

Finally, I want to remind members that I received communication from COVID-19 Steering Committee headed by the Governor and the County Commissioner. That the third wave of COVID-19 is real and it is much higher than the first wave. Therefore, it is good to be cautious. Let us adhere to the Ministry of Health (MOH) protocols, putting on masks all the time, washing hands and sanitizing in case there is no water. Above all, it is important to observe social distance.

The concern is that people have taken life as usual in their interactions with friends and family members. You have heard that this wave has claimed the lives of many. So, please, let's be cautious.

The Speaker (Hon. Oraro): Next Order Mr. Clerk!

STATEMENTS

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

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. Mr. Speaker, today, we had a leadership meeting in the Speaker's office and I would wish to report as follows: first, there are some committees that are scheduled to go out for various businesses. I believe that, is the Select Committee of Budget and Appropriations, we have the Sectoral Committees of Planning, the Committee of Culture and Children, and lastly, we have the committee of Justice and Legal Affairs.

For purposes of cutting costs, those committees will be programmed to carry out their activities in the same venue starting Thursday. Let us therefore utilize the time we shall be given very effectively and efficiently. The venue will be communicated.

Mr. Speaker, another important issue that was discussed is that we are going to reinvigorate our Public Participation that we had started and we are going to gazette the venues for public participation and the activities therein up to end of June. I know there are some pending facilitation that had not been done. Such will be dealt with for the three Bills that had been done. I know Members went out for public participation but the facilitation did not come in good time because of the situation that the country is in. Therefore, as soon as things improve, that will be sorted out.

Mr. Speaker, going forward, those issues of public participation will be dealt with. I only want to plead with Members that please, let us be patient as we try to deal with those issues. I know sometimes, they raise a lot of emotions but please, it is a matter that I believe will be sorted out. Let us cool down the temperatures a bit. Otherwise, I want to urge different Chairs to take the public participation seriously.

When the Assembly gives us the opportunity to carry out a task, let us be serious about it. Sometimes, it is a little disturbing that very important documents are committed to committees and we fail to deal with them in good time.

Mr. Speaker, allow me to single out the Standing Committee of Finance, Cooperatives and Enterprises Development. The businesses usually committed to that committee are very important because they are very crucial for our oversight role. Therefore, it doesn't make sense that almost five months down the line, there is no clear direction. Mr. Speaker, I believe that, I would want to indulge you that if these documents are not brought in good time then you need to take very decisive action that will save the face of this Assembly. Thank you,

The Speaker (Hon. Oraro): Honourable Majority Leader, I was part of that meeting and I would like that you be precise. Hon. Ogotu

Hon. Ogotu: Thank you Mr. Speaker, Sir...

The Speaker (Hon. Oraro): Kindly help Leader of Majority and be precise on what we discussed.

Hon. Ogotu: Thank you. I want to go straight and concur with what the Leader of Majority has said. Mr. Speaker, as leadership of this Assembly, I can confirm that what the Leader of Majority has presented before this Honourable House is exactly what we discussed as leadership. Even though that is the exact position we arrived at during the meeting, there were questions that arose.

Mr. Speaker, it is our responsibility as leadership of the Assembly to pronounce the way forward. Members sought to know what happens if one is in all the committees lumped together for that trip. However, I said that these are matters we can discuss as a family and come out strongly with a solution.

Mr. Speaker, what I wanted to implore Members of this House is that, we wanted all Members to be at peace with themselves and to feel comfortable. That is why we took that step as leadership. Mr. Speaker, as the debate on this continues, I believe that, Honourable Members can decide the way forward. However, I can confirm that what the Leader of Majority presented is the exact position and account of deliberations made by the leadership. Thank you.

The Speaker (Hon. Oraro): Honourable Ogotu, I gave you chance and wanted you to report exactly what was discussed in the leadership meeting.

The Speaker (Hon. Oraro): Chief Whip, Hon. Misachi.

Chief Whip (Hon. Misachi): Thank you Mr. Speaker. As said by the Leader of Majority, those were part of the discussions that were agreed upon. Another matter that came up is that when we are surrendering the returns of whatever we have used, let us all observe the template that will be released by the technical staff; how they expect us to surrender such because we have issues on the same that was raised in the Audit Report. I believe that we also agreed that any other thing will be addressed during the oversight meeting. Any other thing is going to be accommodated in the oversight meeting and our meetings are going to start on Thursday. Lumping up the committees that are going to write the reports together will be done like this; if there are five committees, day one could be for Finance, day two for Health, day three for Selection – so that we don't waste on hotel bookings but we accommodate our people within the five days working hours and we work in different committees which will accommodate the whole House – that's why we call it oversight.

The Leader of Majority (Hon. Onyango): Mr. Speaker, allow me to clarify something...

The Speaker (Hon. Oraro): Hon. Leader of Majority, I want to request that immediately after the Plenary, remain back with members and tell them exactly what we discussed. I will give you the opportunity. Let us just proceed; immediately after the Plenary, outside the Hansard, please tell members exactly what we discussed.

The Speaker (Hon. Oraro): Hon. Members, It is still Statement time.

Hon. Guya: Point of Order, Mr. Speaker.

The Speaker (Hon. Oraro): Hon. Member, I have made a ruling on that matter.

Hon. Guya: Not on the issues welfare.

The Speaker (Hon. Oraro): Yes.

Hon. Guya: I have heard the Leader of Majority read several committees here.

The Speaker (Hon. Oraro): Hon. Guya, I have made a ruling on that – it will be discussed after the Plenary.

Hon. Guya: Mine is very simple, I would have finished.

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

Hon. Guya: Mr. Speaker, I was only reminding you that there was also a request by PIC/PAC Committee to go out, this has not been captured.

The Speaker (Hon. Oraro): Hon. Guya, the Leader of Majority did not conclude his list of the committees that he was mentioning.

The Speaker (Hon. Oraro): It is Statement time.

The Speaker (Hon. Oraro): Yes, Hon. Steve Owiti.

Hon. Owiti: Thank you Mr. Speaker. I rise to make a Statement as the Chair of the Budget committee with regards to the process that we are already on. About two weeks ago, we did have the Pre-budget Conference which was the first of its own kind in Kisumu County – a conference that was jointly organized by the Assembly and the County Executive. There are issues that are coming out strongly that we would like to give prominence to. One is the issue of the Pending Bills which this House has already formed an Ad hoc Committee to look into. As the Budget and Appropriations Committee, I want to plead with members from each and every ward to give us Incomplete Projects and the projects that might not be paid so that as we develop our records, we will have something that is more comprehensive that we can compare with the report that we will get from the County Executive.

Once we get the status of these projects in all the 35 wards, it will affirm up our report in regards to our position on Pending Bills when we move into the Budget Making Process.

The Speaker (Hon. Oraro): Yes, Hon. Ken Ooko.

Hon. Ooko: Thank you Mr. Speaker. What the Chair of Budget is saying is very correct. I have received information from the Public Works officer at the Sub County level, trying to find out projects that are incomplete. But how will members know that this project has been paid and this one has not?

The Speaker (Hon. Oraro): Hon Ken that is a good concern but if I heard Hon. Steve right, it is that we give status of projects within our wards. From there they will do a status report from this side and compare with what they have, plus payment status.

Hon. Ooko: With status report it is ok, but what is in question is for us to mention the projects that have been paid and the ones that have not.

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

Hon. Owiti: Mr. Speaker, what you have interpreted is the correct position. We are saying that let us get the information from the wards so that we as the representatives of the people can be at a level that when a matter comes to a committee, we will be able to make right decisions.

We have had instances where a report says a dispensary is 90 per cent complete – we don't want to know the percentages but as representatives of the people what is the position of that project. If you happen to have the payment status of that project you can also let us know.

The Speaker (Hon. Oraro): Hon. Ken, are you satisfied?

Hon. Ooko: He is just right; he only needs to retract earlier statement –he talked of projects that have been paid and the ones that have not been paid.

The Speaker (Hon. Oraro): Hon. Members, I believe that he has already made the clarification. So let us go with what he has clarified.

The Speaker (Hon. Oraro): It is Statement time. If none, next order.

MOTION

LABOUR AND SOCIAL WELFARE COMMITTEE REPORT ON THE BENCHMARKING EXERCISE WITH THE COUNTY ASSEMBLY OF NYANDARUA

BY

HON. RASHID MIRUKA

CHAIRPERSON, LABOUR AND SOCIAL WELFARE COMMITTEE

PREAMBLE

Mr. Speaker and Hon. Members. Pursuant to the provisions of the County Assembly of Kisumu Standing Order No. 194(2)(c) which mandates Sectoral, Select and House Committees to prepare programs and activities to be undertaken in each Fiscal Year. The Sectoral Committee on Labour and Social Welfare prepared its Annual Work Plan for FY 2020/2021 detailing errands to be transacted which amongst them, was the approved benchmarking exercise with its sister Committee in the County Assembly of Nyandarua.

Following the approval of the benchmarking exercise by the Liaison Committee, the Speaker of the Kisumu County Assembly permitted the Labour and Social Welfare Committee to carry out the exercise from the 26th November 2020 to 30th November 2020.

Thereafter, the Committee prepared a comprehensive report touching on various thematic areas relating to labour and social welfare.

LEGAL FRAMEWORK, AND MANDATE OF THE COMMITTEE

Mr. Speaker and Hon. Members, as a Sectoral Committee, we draw our mandate from the provisions of Standing Order No. 193(Second Schedule) which stipulates as follows:

The Committee shall investigate all matters relating to labour, trade union, social welfare, human resource planning and development.

COMPOSITION OF THE COMMITTEE

The Committee as currently constituted comprises the following Honorable Members:

1. Hon. Rashid Miruka - Chairperson
2. Hon. Consolata Ollows - Vice Chairperson
3. Hon. Benny Pete Oiko - Member
4. Hon. Florence Olang'o - Member
5. Hon. Lynnette Carren Muga - Member
6. Hon. Inviolata Adhiambo - Member
7. Hon. Julius Genga - Member
8. Hon. Jacktone Ogendo - Member
9. Hon. Vincent Jagongo - Member
10. Hon. Habil Nyasuna - Member
11. Hon. Samson Ameso - Member
12. Hon. Johnson Guya - Member
13. Hon. Priscah Misachi - Member
14. Hon. Jennipher Obonyo - Member
15. Hon. John Atieno Atieno - Member
16. Hon. Vitalis Otura - Co-opted Member

List of Secretariat are as stated below:

1. Mr. Nelco Sagwe - Committee Clerk
2. Ms. Elizabeth Achieng' - Clerk Assistant
3. Mr. Dominic Muinde - Legal Counsel
4. Ms. Jackline Atieno - Hansard
5. Ms. Risper Auma - Serjeant-at-Arms
6. Ms. Hellen Ngadi - Secretariat

OBJECTIVE OF THE BENCHMARKING EXERCISE

Mr. Speaker Sir,

The objectives of the committee during the visit were:

1. To learn and appreciate the relationship between the County Assembly of Nyandarua, the Executive Departments and the County Public Service Board.
2. To study and appreciate the measures put in place for the welfare, gender equality and social services of workers and residents in Nyandarua County.
3. To learn and understand the achievements made when promoting gender equality and social services in Nyandarua County.
4. To develop standardized set of processes and policies.

IN ATTENDANCE

In attendance from the Counterpart Committees were as below:

Nyandarua County Assembly Legal, Labour, Intergovernmental Relations & Coordination Committee Members

- | | | |
|----------------------------------|---|------------------|
| 1. Hon. Ken Mukira Mahianyu | - | Chairperson |
| 2. Hon. Salome Kamau Gathoni | - | Vice Chairperson |
| 3. Hon. Samuel Rimui Kaiyani | - | Member |
| 4. Hon. Esther Wanjiru Muhoho | - | Member |
| 5. Hon. Margaret Wanjiru Ndung'u | - | Member |
| 6. Hon. Zachary Mwangi Njeru | - | Member |
| 7. Hon. Reuben Gitau Karanja | - | Member |
| 8. Hon. Esther Mwangi Nyambura | - | Member |
| 9. Hon. John Kieru Wambui | - | Member |
| 10. Hon. James Kiiru Gachomba | - | Member |
| 11. Hon. Wagura Justus Gaita | - | Member |

Secretariat:

- | | | |
|-------------------------|---|---------------------------|
| 1. Mr. Peter Karano | - | Principal Clerk Assistant |
| 2. Mr. George Kimani | - | Committee Clerk |
| 3. Mr. Stanley Kimeria | - | Chief Serjeant at Arms |
| 4. Mr. Michael Wakinyua | - | ICT Officer |

Nyandarua County Assembly Education, Gender Affairs, Culture and Social Services Committee Members

- | | | |
|-----------------------------------|---|------------------|
| 1. Hon. Simon Mukuriah Sambigi | - | Chairperson |
| 2. Hon. Geoffrey Kariuki Ngaruiya | - | Vice Chairperson |
| 3. Hon. Jane Waweru Nyambura | - | Member |
| 4. Hon. Georgina Wanjiru Chiia | - | Member |
| 5. Hon. Gabriel Gathure Wambui | - | Member |
| 6. Hon. John Mburu Githinji | - | Member |
| 7. Hon. Sammy Ngumo Ngamau | - | Member |
| 8. Hon. Loise Wanja Kimondo | - | Member |
| 9. Hon. Simon Mburu Mbogo | - | Member |

Secretariat:

- | | | |
|------------------------------|---|------------------------|
| 1. Ms. Irene Wangeci Kamua | - | Committee Clerk |
| 2. Mr. Bright Mundia | - | Communications Officer |
| 3. Mr. Daniel Kamau Macharia | - | Serjeant at Arms |
| 4. Ms. Jane Warathi Chege | - | Hansard |

ACKNOWLEDGEMENT

Mr. Speaker and Hon. Members. May I take this opportunity to thank all the Members of the Committee for their invaluable input and contribution during the entire benchmarking exercise which took place in Nyandarua County.

Equally, the County Assembly of Kisumu Labour and Social Welfare Committee wishes to convey its utmost and sincere gratitude to their counterpart Committees and staff of the County Assembly of Nyandarua for their amiable welcome and full cooperation during the study tour. Besides, they provided us with relevant and useful information on matters pertaining to labour and social welfare which we are very grateful for.

The Committee also applauds the offices of the Speaker and the Clerk of the County Assembly of Kisumu for offering extreme support, good will and conducive atmosphere to gauge with the counterpart Committees.

Lastly, the Committee wishes to state that it observed the COVID-19 protocols of social distancing, sanitizing and wearing of masks to control further spread and exposure to the virus.

On behalf of the Sectoral Committee on Labour and Social Welfare, pursuant to the provisions of the County Assembly Standing Orders no. 163 (c) and 182; it is therefore my honor and privilege to present to this House the Report on the Benchmarking Exercise by the Committee with the County Assembly of Nyandarua for consideration and adoption.

Thank You.

TERMS OF REFERENCE

The scope of benchmarking exercise with the sister Committees of Nyandarua County Assembly was on the following:

1. How do you ensure promotion and implementation of Collective Bargaining Agreement (CBA) of health workers when there is no budgetary allocation?
2. What is your take on County health workers and their actions on strikes?
3. How do you remunerate Community Health Workers?
4. Challenges facing the Legal, Labour, Intergovernmental Relations & Coordination Committee at County level and how to address them.
5. Achievements made by the Legal, Labour, Intergovernmental Relations & Coordination Committee
6. Effective follow up of resolutions and recommendations made by the Legal, Labour, Intergovernmental Relations & Coordination Committee.

7. What are the achievements made when promoting gender equality and social services?
8. Challenges facing the Education, Gender Affairs, Culture and Social Services Committee at County level and how to address them.
9. And any other emerging issues.

THE LEGAL, LABOUR, INTERGOVERNMENTAL RELATIONS & COORDINATION COMMITTEE

As stipulated in the County Assembly of Nyandarua Standing Order No 195, the duties of the Sectoral Committee on Legal, Labour and Intergovernmental Relations & Coordination are:

- Consultation and cooperation between the National and County Government amongst other County dockets
- Establishing mechanism for the resolution of intergovernmental disputes pursuant to Article 6 and 189 of the Constitution: trade union relations and labour and all matters relating to justice and legal affairs.
- There are also a few added responsibilities that the Committee has been tasked with: Oversight of various departments in the Executive such as: The Office of the Governor, The County Secretary, and The County Attorney.

1. PROMOTION AND IMPLEMENTATION OF COLLECTIVE BARGAINING AGREEMENT (CBA) FOR THE HEALTH WORKERS WHEN THERE IS NO BUDGETARY ALLOCATION.

Promotion of health staff without requisite budgetary allocation is a tricky issue. All promotions have a budgetary implication which must be factored in the budget. Nyandarua County health workers had several times downed their tools due to delayed promotions, confirmations and re-designations.

In order to alleviate that, the Committee on Health Services has been holding discussions with the respective Departments. Where there is no requisite money to effect the above, the office of the County Secretary steps in and gives provisions in a supplementary budget to effect the same.

The implementation of (CBA) for the health workers when there is no budgetary allocation is an issue that causes strikes in the county and in the country at large. The representatives of the health workers' union had given a notice of strike some time back, and one of the demands of the Union was that the Collective Bargaining Agreement be signed, registered in court and called for implementation.

After the notice, the Department of Health Services forwarded a list of the health workers who were due for promotion, re-designation and confirmation to the Secretary of Nyandarua County Public Service Board, as one of the Union's grievances. The board immediately effected the promotions after an approved supplementary budget.

The Committee on Health Services later invited the representatives of the health workers' union for a consultative meeting to discuss and try to come up with measures to resolve the stalemate. In the meeting, it was resolved that a further meeting with the Labour Committee, the Governor, the County Secretary, the County Executive Committee Member for Health together with the Nyandarua County Public Service Board was required for further consultation.

The County Government therefore actualized the CBA that was agreed upon by the National Government and the unions of the health workers in a timely and effective manner.

2. TAKE ON HEALTH WORKERS STRIKING.

The County of Nyandarua rarely experiences strikes by health workers as a requisite budget for the promotions, confirmations and re-designations if any, is always catered for.

3. REMUNERATION OF COMMUNITY HEALTH WORKERS

The Community Health Workers act as a link between the residents and the health system of Nyandarua County. They offer their services on a voluntary basis.

During the onset of the COVID-19 pandemic, the County Assembly engaged them in assisting creation of awareness on the preventive measures of COVID -19 virus, and educating the residents on the same.

An issue on the welfare of Community Health Workers in Nyandarua was later presented before the House as a statement and after, the Committee of Health Services ensured that the Community Health Workers were given a token as compensation during the COVID - 19 trainings. Allowances are also given based on the amount of work done.

The Members of County Assembly of Nyandarua usually visit and talk with them as a way of motivating them.

Regular and continuous trainings are offered to the Community Health Workers and awarding them with certificates. They are also the first group in the health sector to be trained on how to prevent and control an outbreak of any disease.

4. CHALLENGES

- a) In communication with the National Government, there had been slight delays in responses on certain issues brought before the House by the Hon. Members. That had led the Committee to delay in finishing the business/concerns brought before them as well as how matters were transacted before the House.
- b) There is delay of responses when it comes to seeking information from different Executive Offices and Departments.
- c) Not being able to pay the Community Health Volunteers their stipend on a regular basis.

5. ACHIEVEMENTS

- a) The Committee pushed and made sure that the Governor of Nyandarua County appointed a County Attorney who is able to directly handle legal matters on behalf of the County instead of outsourcing.
- b) The regular consultative meetings the Committee held with the representatives of the health workers' unions and the Executive Departments and the Public Service Board have created a good rapport between them, leading to minimal strikes.

6. EFFECTIVE FOLLOW UP OF RESOLUTIONS MADE BY THE LEGAL, LABOUR, INTERGOVERNMENTAL RELATIONS & COORDINATION COMMITTEE

- a) Having been guided by the County Assembly of Nyandarua Standing Orders No. 185 which stipulates that; within sixty days of resolution of the Assembly or adoption of a Select Committee, the relevant Executive Committee Member under whose portfolio the implementation of the resolution falls, shall provide a report to the relevant committee of the Assembly in accordance with Article 183(3) of the Constitution. The Committee thereafter makes a follow up and ensures that the resolutions and recommendations passed before the House are followed to conclusion.
- b) The Committee has been able to build stronger relationships with the Executive Departments. This has helped in getting responses/ information early enough to enable it transact their business on time.
- c) The Committee has been able to forge a better relationship with the Executive departments and County Public Service Board in terms of its Oversight mandate.
- d) The Committee also lobbies with relevant Committees to ensure that services are effected promptly.

THE COMMITTEE ON EDUCATION, GENDER AFFAIRS, CULTURE AND SOCIAL SERVICES.

The Department consists of two directorates;

- i) Directorate of Education- ECDE and Youth Polytechnics;
- ii) Gender Affairs, Culture and Social Services.

DIRECTORATE OF EDUCATION - EARLY CHILDHOOD DEVELOPMENT EDUCATION AND YOUTH POLYTECHNICS

As stipulated in the County Assembly of Nyandarua Standing Order No 195, the duties of the Sectoral Committee on Education, Gender Affairs, Culture and Social Services are:

- I. Administering, coordinating, developing and managing early childhood programs;
- II. Support and empowerment for vulnerable members of society e.g. persons with disabilities, persons living with HIV&AIDS, the aged, orphans & vulnerable children;

- III. Equip the youth with appropriate knowledge and skills for self-reliance and economic development through training in Vocational Training Centres, village polytechnics, and home-craft centres;
- IV. Coordinate, promote, preserve, enhance, document and disseminate the diverse culture in the county.

DIRECTORATE OF GENDER AFFAIRS, CULTURE AND SOCIAL SERVICES

The Directorate of gender affairs culture and social services is mandated to;

- i. Promote and preserve the cultural heritage;
- ii. Regulate and license sale of Alcoholic Drinks in the County;
- iii. Promote the social welfare of the vulnerable groups in the County which includes; persons living with disabilities, persons living with HIV and AIDS, elderly, youth, and
- iv. Gender mainstreaming.

7. ACHIEVEMENTS MADE TOWARDS GENDER AND SOCIAL SERVICES

I. Gender Mainstreaming (Mentorship Program)

In the FY 2018/2019 the County Government embarked on a sanitary program aimed at benefitting 12 primary and secondary schools.

II. Social Welfare Programme for Vulnerable Persons

The County Government in the previous Financial Years embarked on social welfare programs whereby identified groups and needy persons benefitted from food stuff and construction of houses.

III. Assessing persons living with disabilities and provision of assistive devices

The county department in charge of social welfare together with the department of health undertook assessment of persons living with disabilities to ascertain their assistive devices needs. Further, the department in charge of social welfare in collaboration with two (2) non-governmental organizations benefitted 131 adults and children living with disabilities.

IV. Women Empowerment Programme

The department in charge of social services purchased briquette making machines intended for women groups in Nyandarua County. Additionally, training on the briquette making was conducted. A total number of 733 women from different women groups benefitted from this program.

Kshs 39,410, 000 was also approved by the County Assembly of Nyandarua to embark on different programs to promote social cohesion.

8. CHALLENGES

- a) Regulation of licenses of alcoholic drinks has been the biggest problem that the Committee is facing. The County Assembly in general has had an issue with the collection of license fees as the residents living in Nyandarua usually rush to court and court injunctions are issued, thus preventing issuance of liquor licences hence no collection of the relevant fees.

Other achievements of Nyandarua County Assembly

1. In 2020, the County Assembly of Nyandarua was the first County Assembly in Kenya to transact their business in a different County Assembly. They had the privilege to transact their business in the Chambers of Kisumu County Assembly.
2. In 2019, Nyandarua County received a 254 million grant from the World Bank for emerging the best overall countrywide in the Kenya Devolution Support Programme (KDSP) performance assessment for the financial year 2018/2019.
3. In 2017, the County Assembly of Nyandarua introduced the Nyandarua County Early Childhood Development Education Act which provides a legal framework for comprehensive early childhood development and pre-primary education management and regulation. This is in order to achieve the goal of attaining the high standards and accessible early childhood and pre-primary education for all children in Nyandarua County.
4. No discrimination between the women and men. The County of Nyandarua always considers and enforces the 1/3 gender rule when it comes to employment, in politics and also distribution of social services.
5. Nyandarua County was among the first counties to start the ECD feeding program (providing the school children with milk). This program was introduced by a Bill and is usually sponsored by the County Government.
6. In 2019, the County Assembly of Nyandarua also introduced the Nyandarua County Bursary Fund Act which established a legal framework through which vulnerable and needy students can access financial assistance from the County Government in support of their education.
7. The department in-charge of social services has also embarked on capital development: Renovation of the Ndemi Rehabilitation centre is one of the successfully implemented projects.
8. The County Assembly of Nyandarua is currently working on a policy that will be able to provide legal framework through which social activities that are taking place in Nyandarua County are well governed.

9. ANY OTHER EMERGING ISSUES

- a) What is the relationship between the County Assembly of Nyandarua and the County Public Service Board? And when do you engage?

Answer: The County Assembly of Nyandarua usually invites the Public Service Board during the preparation of the Annual Development Plan, review of budget estimates,

analysis and preparation of activities that take place throughout the financial year. The County Assembly of Nyandarua also regularly invites the Board for General Oversight committee sittings where they (the Board) get to air out the challenges it faces and look for solutions.

- b) Does the Education, Gender Affairs, Culture and Social Services Committee give financial support on Enterprise Development?

Answer: The County Assembly of Nyandarua has Enterprise Funds that they will start to implement once the policies have been set in place in the House.

These funds have been set aside for distribution to the residents who are interested in starting different businesses.

- c) How does the County Assembly of Nyandarua ascertain that all the resolutions and policies passed by the House are successfully implemented?

Answer: The County Assembly of Nyandarua also has an Implementation Committee that consists of 10 Members whose mandate is to ensure that any Bill or resolution passed before the House is successfully implemented and formulated. Whenever the Implementation Committee is facing any challenges, it reports back to the House before presenting a final report by the Chairperson.

The Members of Nyandarua County Assembly are also allowed to question the Implementation Committee in form of statements and inquire about the progress of resolutions and formulated policies that were previously passed before the House.

- d) Does the County Assembly of Nyandarua have youth asking for handouts from the MCAs every now and then?

Answer: That one is everywhere. The County has however impacted and empowered the youth by introducing a policy that will help the youth acquire different technical skills to enable them benefit from direct employment opportunities (County Youth Empowerment Program). This action taken by Nyandarua County also assists the youth access the Enterprise Funds for starting up their businesses or support existing ones.

The County then comes in and provides funds for the registered youth groups. An auditing Committee from the Ministry of Youth Affairs, Sports and Arts visits the youth programs after every three months to check on the progress of the registered youth groups. In case the registered youth group defaults, the program is taken away and given to another interested youth group.

RECOMMENDATIONS

Mr. Speaker and Hon. Members, Members learnt that for the Labour and Social Welfare Committee to be more effective and run its activities with efficacy in order to achieve its mandate, then the following needs to be done:

1. That conducive policies, legislations and regulations should be introduced and implemented to help streamline trade union relations for the welfare of all residents of the great County of Kisumu.
2. The County Executive Departments should consider viewing the Assembly as a key source of ideas and political support.

3. There is need for structured and regular consultative forums between the County Executive, the Public Service Board, different trade and labour union relations to enable the Committee gain access to policy agenda, information and resources in order to address financial challenges among others.
4. The County Public Service Board and the Executive Departments should always involve the Committee on certain programs and activities for proper implementation and effective oversight.
5. The County Assembly of Kisumu should consider discovering more potential partnerships with non-governmental organizations (NGOs) to supplement county resources in service delivery.
6. That teamwork should be emulated between all Committees, secretariat and staff to improve productivity and efficiency of services in the Assembly.
7. The County Assembly of Kisumu and the Implementation Committee should always make a follow up and ensure that the resolutions and recommendations passed before the House are implemented.
8. The County Assembly of Kisumu should conduct proper awareness on the youth and women in Kisumu by encouraging them to join legitimate empowerment groups and programs in order to benefit from County Policies and Plans; including incentives and subsidies on inputs for increased economic growth, innovation capabilities and create new market opportunities.

CONCLUSION

Mr. Speaker and Hon. Members, human labour will be utilized fully when fair labour practices and collective interests of the labourers are well looked into. This will motivate them to perform their duties and increase delivery of services in our County. It is therefore important to create a comfortable and conducive environment for the residents and labourers of the County of Kisumu to enable them perform their responsibilities efficiently and effectively.

Mr. Speaker and Hon. Members. The Committee would like to implore this House to deliberate and consider adopting this report and ensure that resolutions passed in this House are communicated to the respective Departments appropriately. May I call upon the Deputy Whip to second? Thank you.

Hon. Obonyo: Mr. Speaker, I arise to second.

The Speaker (Hon. Oraro): Hon. Members, now that the Labour and Social, Welfare committee Report on the Benchmarking exercise with the County Assembly of Nyandarua has been presented by Hon. Rashid Miruka the Chairperson, seconded by Hon. Jennipher Obonyo, as per our Standing Order I want to propose a question that the report is open for debate.

The Speaker (Hon. Oraro): Yes, Hon. Aslam Khan.

Hon. Khan: Thank you Mr. Speaker. I rise to support this motion. I want to thank the Chairman of the committee for a job well done. A lot of things have been said on the same issue. Irrespective

of their differences, but for the sake of their citizens, the Nyandarua people are working as a team. They do not want to envisage a situation whereby there is going to be quarrels, strikes, misunderstandings, lack of communication. This makes them very strong and enables them to work in unity to deliver the services that are required.

Mr. Speaker, I want to ask the Labour Committee to sit down and involve stakeholders especially the County Public Service Board, the unions and the County Secretary and have a roundtable discussion on whatever they have come up with in this report – so that our people do not suffer because of strikes from doctors, nurses, clinical officers because of strikes. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Hon. Beatrice Odongo.

Hon. Odongo: Thank you, Mr. Speaker. Allow me to congratulate the Sectoral Committee for doing a good job. I was looking at the recommendations of the committee. If you look at recommendation number 8 that talks on women and the youth, the committee has recommended that the Implementation Committee should work hand in hand so that they are able to check on the Executive as to whether they are implementing resolutions that have been passed in this Assembly.

In some Departments like Trade and Education, there is a fund meant for Women and Youth Groups. We are coming to the end of the financial year but we have not heard where women and the youth have benefitted from this fund. I want to plead with the Chair Implementation Committee, as has been recommended, to look into these issues so that women and youth can access these money. There is no need for us to put funds in the budget which do not reach the beneficiaries. Thank you, Mr. Speaker.

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

Hon. Pamela Odhiambo: Thank you Mr. Speaker. Looking at the mood of the House, may I call the Mover to reply?

The Speaker (Hon. Oraro): Going by the silence, I think the Mover of the Motion can reply.

Hon. Miruka: Thank you Mr. Speaker. I want to appreciate the Members for their robust contributions and accepting to adopt this report. Despite the committee of Nyandarua having been classified as carrying many things as opposed to ours that only carries Labour and Social Welfare, we realized that with the many Directorates that they have, they worked as a team. I want to request members, just as has been echoed by Hon. Beatrice Odongo and Hon. Aslam Khan –the Implementation Committee should take the responsibility and ensure that whatever is passed by the House is followed to the letter.

Mr. Speaker and Hon. Members, what is important is what will bring socio-economic transformation in this county. As has been said, there are a lot of funds in this county. We have the

Enterprise Fund and the Trade Fund. If these funds can be followed up then, the normal cries that you hear from the Youth, Women and People living with Disabilities will be a thing of the past.

In conclusion, I want to request the House that you help us adopt this report. Thank you.

The Speaker (Hon. Oraro): Hon. Members, as per our Standing Orders, now that the report by the Labour and Social Welfare Committee on the Benchmarking exercise with the County Assembly of Nyandarua has been presented by Hon. Rashid Miruka the Chairperson of the Committee, seconded by Hon. Jennipher Obonyo, debated, it is time I put a question on its adoption.

(Question put and agreed to)

The Speaker (Hon. Oraro): Next Order.

ADJOURNMENT

The Speaker (Hon. Oraro): There being no any other business in the Order Paper to transact, the House adjourned at 3:59 p.m. to Wednesday 24th March, 2021 at 9.30 am. Thank you.

The House rose at 3:59 p.m.

Addendum

Hansard Team

Zablon Otiende - Senior Hansard Reporter (In-charge)

Edward Odanga - Reporter

Fanuel Okode - Reporter

Patrick Okoyo - Reporter

Jesca Otieno - Reporter

Dennis Onyango - Reporter

Jacklyne Otieno - Reporter

