

## COUNTY GOVERNMENT OF KISUMU



### COUNTY ASSEMBLY OF KISUMU

### **THE HANSARD**

*Official Report*

### SECOND ASSEMBLY – FIFTH SESSION

Tuesday, 09<sup>th</sup> March, 2021

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

(The Temporary Speaker (Hon. Carren Muga) in the Chair)

### PRAYERS

**The Temporary Speaker** (Hon. Muga): Honourable Members, welcome to this afternoon session. Mr. Clerk take us through the Order Paper of the day.

**The Temporary Speaker** (Hon. Muga): Next order!!

### COMMUNICATION FROM THE CHAIR

**The Temporary Speaker** (Hon. Muga): Honourable Members, I have the following communications to make.

One, I wish to inform the Members to visit the Office of the Clerk for the Public Participation documents. Two, with me is a letter from the Department of Finance County Government of Kisumu on a meeting with Budget and Appropriations Committee to discuss various Contentious Issues on Statutory Guidelines on the Budget Timelines as envisaged on Finance Management Act, 2012 on fiscal responsibility and implementation status. The meeting will take place at Starbucks Hotel in Eldoret from 10<sup>th</sup> to 13<sup>th</sup> March, 2021. Thank you.

**The Temporary Speaker** (Hon. Muga): Next order!

**PAPERS LAID**

THE AD HOC COMMITTEE REPORT ON LAND TASKFORCE ON RECOVERY OF  
ILLEGAL, IRREGULAR AND MULTIPLE ALLOCATION OF PUBLIC LAND IN KISUMU  
COUNTY

BY

HON. BEATRICE ODONGO

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

**Hon. Kanga:** Thank you Madam Speaker. On behalf of the Hon. Beatrice Odongo, the Chairperson of Ad Hoc Committee on the Land Taskforce Report pursuant to the County Assembly of Kisumu Standing Order No. 182 (6), I wish to lay today Tuesday 9<sup>th</sup> March, 2021 the Ad Hoc Committee report on Land Taskforce on Recovery of Illegal, Irregular and Multiple Allocation of Public Land in Kisumu County. This committee was constituted on Tuesday 1<sup>st</sup> September, 2020.

*(Hon. Kanga tables the report before the House)*

**The Temporary Speaker** (Hon. Muga): Thank you very much. I want to commit this report to the House Business Committee for a slot for discussions in the House.

**The Temporary Speaker** (Hon. Muga): Yes, Hon. Vitalis Otura.

**Hon. Otura:** Pursuant to the County Assembly of Kisumu Standing Order No. 182 (6), I wish to lay today Tuesday 9<sup>th</sup> March, 2021 the Agriculture, Livestock and Fisheries Committee report on the Statement raised by Hon. Erick Agolla.

*(Hon. Otura tables the report before the House)*

**The Temporary Speaker** (Hon. Muga): Thank you very much. I want to commit this report to the House Business Committee for a slot for discussions in the House.

**The Temporary Speaker** (Hon. Muga): Next!

**Hon. Ogaga:** Thank you Madam Speaker. Pursuant to the County Assembly of Kisumu Standing Order No. 182 (6), I wish to lay today Tuesday 9<sup>th</sup> March, 2021 the ECD, Adult Education and Vocational Training report on the Benchmarking Exercise with County Assembly of Migori.

*(Hon. Ogaga tables the report before the House)*

**The Temporary Speaker** (Hon. Muga): Honourable Members, I confirm the receipt of the ECD, Adult Education and Vocational Training report on the Benchmarking Exercise with County Assembly of Migori. I want to commit this report to the House Business Committee for a slot for discussions in the House.

**The Temporary Speaker** (Hon. Muga): Next!

**Hon. Guya:** Thank you Madam Speaker. On behalf of Chair Budget and Appropriations Committee, I wish to lay this Paper. Pursuant to the County Assembly of Kisumu Standing Order No. 182 (6), I wish to lay today Tuesday 9<sup>th</sup> March, 2021, the Budget and Appropriations Committee Report on the Kisumu County Valuation Roll 2017. Thank you.

*(Hon. Guya tables the report before the House)*

**The Temporary Speaker** (Hon. Muga): Honourable Members, I confirm the receipt of the Budget and Appropriations Committee report on the Kisumu County Valuation Roll 2017. I want to commit this report to the House Business Committee for a slot for discussions in the House. Thank you.

**The Temporary Speaker** (Hon. Muga): Next order!

#### NOTICES OF MOTION

THE AD HOC COMMITTEE REPORT ON LAND TASKFORCE ON RECOVERY OF  
ILLEGAL, IRREGULAR AND MULTIPLE ALLOCATION OF PUBLIC LAND IN KISUMU  
COUNTY

BY

HON. BEATRICE ODONGO

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

**Hon. Kanga:** Thank you Madam Speaker, pursuant to the provision of Kisumu County Assembly Standing Order No. 45; I wish to give a Notice of Motion for the Report by the Ad-hoc Committee Investigating Land Taskforce by Hon. Beatrice Odongo, the Chairperson. Thank you.

**The temporary Speaker** (Hon. Muga): Thank you Hon. Seth Kanga. Yes, Hon. Vitalis Otura

**Hon. Otura:** Thank you Madam Speaker, pursuant to the provisions of the County Assembly Standing orders no. 45; I wish to give a Notice of Motion for the Report by the Committee of Agriculture, Livestock and Fisheries, on the Statement raised by Hon. Erick Agolla.

**The temporary Speaker** (Hon. Muga): Yes, Hon. Judith Ogaga.

**Hon. Ogaga:** Thank you Madam Speaker, pursuant to the provisions of Kisumu County Assembly Standing Order No. 45; I wish to give a Notice of Motion for the Report by the Committee of ECD, Adult Education and Vocational Training on the Benchmarking Exercise with Migori County Assembly, on behalf of the Chairperson, Hon. David Arao. Thank you.

**The temporary Speaker** (Hon. Muga): Thank you, Yes, Hon. Johnson Guya.

**Hon. Guya:** Thank you Madam Speaker, on behalf of the Chairperson of the Select Committee on Budget and Appropriations and its members, I would wish to give a Notice of Motion pursuant to the provisions of Kisumu county Assembly Standing Order No. 45. The Notice of Motion is of a report done by the committee on Kisumu County Valuation Roll. Thank you.

**The Temporary Speaker** (Hon. Muga): Thank you very much members, the notices of Motions have been presented before the House and I believe that once slotted, all of us will be there to deliberate on them.

**The Temporary Speaker** (Hon. Muga): Next order Mr. Clerk!

#### STATEMENTS

**The Temporary Speaker** (Hon. Muga): It is statement hour Members.

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

**Hon. Agolla:** Thank you Madam Speaker, I am standing to make several statements which are in breach of Standing Orders. Part two of the Standing Order No 45 which the Honorable Members, Hon. Otura and Hon. Ogaga referred to when they were giving their Notices of Motion says that; *“before giving a notice of motion, a Member shall deliver a copy of the proposed motion in writing to the clerk and signed by the member and the clerk submits the proposed motion to the speaker”*.

Madam Speaker, the two members also...

**The Temporary Speaker** (Hon. Muga): Can you allow me to answer that before you carry on? You must have come to the House late because the older report had already reached my table before they gave their notices and I have referred them to the Office of the Clerks for slotting to the House Business.

**Hon. Agolla:** That is not the case Madam Speaker, please let me conclude before you respond.

**The Temporary Speaker** (Hon. Muga): Hon. Member, in that case then it has been overtaken by events because you could have rejected when the papers were being laid.

**Hon. Agolla:** Madam Speaker, I am not disputing what was done but reading these statements for the Members information.

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

**Hon. Agolla:** Madam Speaker, in addition, the Standing Order No. 182, especially Part (6) which was referred to on how we lay papers. As I have raised a statement, my statement should be answered using Standing Order No. 41 (2) (d). The Chairperson of Agriculture, Livestock and Fisheries should have just stood up and responded and if the Speaker allows then we could have deliberated on it. However, now it has been tabled as a motion, which should not be the case.

**The Temporary Speaker** (Hon. Muga): Hon. Eric Agolla, my learned friend; I have referred to the Standing Order which you have put before the House and I believe, I stand to be corrected, that you go and do more research on that then, you come back to the House and let me know.

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

**Hon. Guya:** Thank you Madam Speaker. With all due respect. I want to believe that Hon. Agolla is very right. When a Statement is raised in this House, the Statement should be responded to under Statements and not Motion. It has been an oversight but we have the time to correct it. How I wish that even though we have done that, the Chair Agriculture can just stand under Statements now and respond to the question that was raised under Statements. It should not be under Motion. Thank you.

**The Temporary Speaker** (Hon. Muga): As you are aware of this House of procedures. I have accepted that it might be an oversight and I have asked my learned friend to give us time to work on it normally, we stand to be corrected when we are wrong. Thank you.

**Hon. Guya:** Madam Speaker, again with all due respect, the Chairs are here and they are ready to answer the Statements under Statements. We are under Statements now and Hon. Agolla raised the issue under Statements. Just allow the Chair to rise up under Statements and give response. It was never a Motion. It was not meant to be raised under Motions. If it is a House of procedures then that is the procedure. Thank you.

**Hon. Agolla:** If you can allow me; because you had ruled and we are now in another Order, I plead with the House that we proceed but next time we adhere to the Standing Orders. Because we are now in another Order, we cannot revert back to where we have come from.

**The Temporary Speaker** (Hon. Muga): Thank you very much my learned friend. I had made a ruling on that oversight. I have accepted that if it is a mistake then we are going to work on it.

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

**Leader of Minority** (Hon. Oiko): Thank you Madam Speaker. The term my learned friend is a term only used by the lawyers and not any other profession. So when you refer to Hon. Guya and Hon. Agolla as learned friends, the term becomes irrelevant because they are not lawyers.

**The Temporary Speaker** (Hon. Muga): Hon Guya, before you talk, the Leader of Minority needs to know that we are lawmakers.

**Hon. Guya:** I just want to inform him. If he did not know then I am a learned friend. I think in this House we are only with Hon. Arao who are learned friends. I think he needs to know that. Thank you, Mr. Speaker.

**The Temporary Speaker** (Hon. Muga): So it has come out that I know you better than them. Thank you so much. We are still on Statement time.

**The Temporary Speaker** (Hon. Muga): Next Order!

**Hon. Guya:** Madam Speaker, Hon. Gard Olima was rising on a point of information.

**The Temporary Speaker** (Hon. Muga): He has not complained my friend.

**Hon. Guya:** He has stood severally.

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

**Hon. Olima:** Thank you Madam Speaker. I am more senior than Hon. Okumu in this House so he needs to understand that. Madam Speaker from where you are sitting, I know you are not a learned friend because you are not a lawyer by profession. I believe that we should make this House a House of Honourable Members. It is very awkward for you to call yourself learned friend if you know your profession very well and we also know as members of this House. We should not make a joke of this House. This is a very serious House. What Hon. Oiko has raised is what I wanted to raised. We know the profession of Hon. Eric Agolla and Hon. Johnson Guya and we know yours as well. So, if you call yourself learned friend; to who? We understand each and every Hon. Member's profession within the House. This is not a new House but an old one. So, we should put everything straight. Therefore, I request that you expunge your learnedness from the Hansard Records.

**The Temporary Speaker** (Hon. Muga): Excuse me, Hon. Gard Olima, as you have said that this is a House of rules and orders, you know that what you are trying to do has been overtaken by event since I had moved to the next order (Motion). So, I fail to understand if you may say you are highly learned than others, then, I do not think that you have so well read the Standing Order.

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

**The Temporary Speaker** (Hon. Muga): No, no. I have not given you chance please. Hon. Agolla, what is it?

*(Loud consultations)*

**Hon. Agolla:** Thank you Madam Speaker. You had given a ruling and Hon. Olima should refer to the House records, then, he will be shocked that we have Senior Counsel Hon. Guya and Hon. Arao. Again, Madam Muga is also one of them. She is one of the iron ladies that we embrace and very happy with. The only Speaker's Panelist who understands- we must make this House as active and jovial as possible because we are a House of order.

I know that Hon. Olima was just jogging the minds of Hon. Okumu and Hon. Guya. But, we must learn progressively going forth. Thank you.

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

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

**Hon. Okumu:** Thank you so much Madam Speaker. I just want to inform my friend Hon. Olima that, I know that right now he is learning, but, Madam Speaker (Hon. Muga) learnt before you and that is why she is calling herself my learned friend. I know that she cannot sit on that chair without learning the procedures of this House. It will reach a point whereby you will get to that point but, you do not understand the legal procedures.

Otherwise Madam Speaker, I just wanted to let you know that whenever you want to move to the next order and then, Hon. Members are drugging you back, by the people who are not learned like Hon. Olima, are taking you back to the Statements yet you are in another order. I believe that you just need to guide them so that they debate maturely in the Assembly. Thank you Madam Speaker.

**The Temporary Speaker (Hon. Muga):** That is the reason why I told him that he is out of order, but, I failed to understand...

**Hon. Olima:** Thank you Madam Speaker. I just want to request that as we learn, we must have decorum and I believe that the Assembly Website is very clear that; Hon. Seth Okumu is just a Clinician somewhere not close to anything to do with Law. Yours is very clear Madam Speaker. If we check the website, we will find out that Hon. Agolla is a Theologist in some SDA church.

*(Laughter)*

So, we cannot call such people learned because they have mastered the rules of this House. The rules of this House do not make you a lawyer. I think you were appointed there without any qualification of whether you are a lawyer or not.

You are just a Second Panelist within the Speakers' Panel, just like any other person who can sit on that chair. So, these rules that you are dwelling on, let us execute them accurately for the benefit for the benefit of this House and for the benefit of those who will come...

**The Temporary Speaker (Hon. Muga):** Hon. Olima. I have heard you calling Hon. Agolla a theologian. That is how you know him, on my side he is my learned friend. Why am I wrong?

**Hon. Olima:** No, I believe that you are very wrong because where you get the information from is not with us. The official website of the Assembly contains the details of all the members of this House plus their credentials.

**The Temporary Speaker** (Hon. Muga): Okay, thank you.

**Hon. Olima:** Madam Speaker, you cannot call Hon. Seth Okumu a learned friend and yet he is a Community Health Provider.

**The Temporary Speaker** (Hon. Muga): Hon. Seth Kanga, please, the floor is yours.

**Hon. Kanga:** Point of order, Madam Speaker. There is a very crucial element which has been brought in this House. And, you did not rule over the matter. Because Statements are anchored in part ten of our Standing Orders that is No. 41, going through to No. 42. On the same note, the motions are anchored under the Standing Order No. 44 through 50.

Madam Speaker, Hon. Agolla brought a very critical part which you had not ruled on. He sought for a Statement from the Chairperson Agriculture, Livestock and Fisheries Committee the Honourable Vitalis Otura. Statements according to our Standing Orders are supposed to be responded to under Statements. Madam Speaker, this gives the chairperson of various committees' powers under Standing Order No. 41 (ii) a, b, c, and d, even the Leader of Majority to respond to Statements when they are sought procedurally by members.

However, in this case, the House is moving unprocedurally; by bringing a Statement and a Motion and I believe there is way a motion should find itself within the precincts of this House. A Statement can never be a motion; a Motion is a motion and a Statement is a statement. So going forward I just request you to retract your earlier ruling based on the Standing Orders so that we confine ourselves with these Statements and Motions within statements as per the Standing Orders.

Madam Speaker, I want to respond to some pressing matters in this House that is the issue of learned friend and I want to support you because I have read this Standing Orders including the Constitution of Kenya and I have never seen anywhere in this Standing Orders barring any Member or the Chair calling a colleague a learned friend. We are allowed to use any phrase or word in English so long as it is in decorum and in line with the law. Thank you.

**The Temporary Speaker** (Hon. Muga): Thank you Hon. Kanga. What was raised by Hon. Agolla on the issue of Statements I had accepted that there can be oversight and we stand to be corrected and guided at times? He had brought it before us and we are going to tell the clerks how to make the order papers.

**The Temporary Speaker** (Hon. Muga): Yes Leader of Majority.

**The Leader of Majority** (Hon. Onyango): Thank you Madam Speaker. I believe that you could have made it easier by just expunging that from the Order Paper so that it is appropriately brought



to the House thus not having a repeat of that kind of situation. I don't think that is something that we should dwell on so much. Where the Hon. Member had given a notice of motion unprocedurally then you let that be expunged from the House records. Let me just give my input on the issue of learned friend as a learned friend. For a very long time I have imagined that the Hon. Olima is a learned friend. Otherwise I don't know how he prescribes Panadol to people if he is not learned. In any case Madam Speaker learned is a term that is used as a tradition in Court. Why do we call lawyers learned friends? The lawyers in most cases is not just knowledgeable in law but also knowledgeable in mathematics and medicine. That is why they are able to even represent clients on areas that are specific to certain profession. I want to believe that there are people who do not just have one degree. They may have one degree in one field, another degree on another field; those are learned fellows.

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

**Hon. Guya:** Madam Speaker something very important has been raised in this House by several people. We are asking you to kindly expunge that because we are going to make a tradition that is not be in this House. It is going to be unprocedural for us to bring a Notice of Motion for a Statement. Then allow the Chair to respond to that statement under Statements.

**The Temporary Speaker** (Hon. Muga): Hon. Guya I had said before and I want to repeat. I know that even the Leader of Majority who is talking of expunging is very much aware that all the things we do in this House there are times that you must do consultations. We had accepted that it can be an oversight but I don't want to bring confusion in the House.

**The Temporary Speaker** (Hon. Muga): Next Order!

### ADJOURNMENT

**The Temporary Speaker** (Hon. Muga): There being no any other business to transact, the House stands adjourned to tomorrow Wednesday 10<sup>th</sup> March 2021 at 9.00 a.m.

*(House rose at 3.16 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*