

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

SECOND ASSEMBLY – FIFTH SESSION

Wednesday, 02nd June, 2021

House met in the Main Chamber at 02:30 p.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

The Temporary Speaker (Hon. Muga): Hon. Members, pursuant to the provisions of County Assembly Standing Order No. 32 (2) I want to request that the Sergeant-at-Arms rings the quorum bell for five minutes.

(Quorum bell rung for five minutes)

The Temporary Speaker (Hon. Muga): The Deputy Majority Whip, could you please confirm if we have the requisite quorum.

Deputy Majority Whip (Hon. Obonyo): Madam Speaker, we have quorum. Thank you.

The Temporary Speaker (Hon. Muga): Thank you. Madam Clerk, kindly take us through the Order Paper of the day.

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

PAPER LAID

PLANNING, INDUSTRIALIZATION AND ICT COMMITTEE REPORT ON THE STATEMENT RAISED BY HON. PAMELA ODHIAMBO ON BURIAL NOTICE BY THE CITY MANAGER, CITY OF KISUMU.

BY

HON. GEORGE OLWAL

CHAIRPERSON, PLANNING, INDUSTRIALIZATION AND ICT COMMITTEE

The Temporary Speaker (Hon. Muga): Hon. George Ogotu.

Hon. Ogotu: Thank you Madam Speaker. Pursuant to the provisions of the County Assembly Standing Order No. 182 (6), I wish to table today Wednesday 02nd June, 2021, Planning, Industrialization and ICT Committee report on the Statement raised by Hon. Pamela Odhiambo on the Burial Notice issued by the City Manager. I am doing this on behalf of Hon. George Olwal, Chairperson, Planning, Industrialization and ICT Committee.

The Temporary Speaker (Hon. Muga): Honourable Members, I confirm the receipt of the Planning, Industrialization and ICT Committee report on the Statement raised by Hon. Pamela Odhiambo on the Burial Notice issued by the City Manager. Thank you.

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

NOTICE OF MOTION

PLANNING, INDUSTRIALIZATION AND ICT COMMITTEE REPORT ON THE STATEMENT RAISED BY HON. PAMELA ODHIAMBO ON BURIAL NOTICE BY THE CITY MANAGER

BY

HON. GEORGE OLWAL

CHAIRPERSON, PLANNING, INDUSTRIALIZATION AND ICT COMMITTEE

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

Hon. Ogotu: Thank you Madam Speaker. Pursuant to the provisions of the County Assembly Standing Order No. 45, I wish to give a Notice of Motion on the Planning, Industrialization and ICT Committee report on the Statement raised by Hon. Pamela Odhiambo on the Burial Notice issued by the City Manager. I am doing this on behalf of Hon. George Olwal.

The Temporary Speaker (Hon. Muga): Thank you. I do direct that the House Business Committee schedules the said report for debate.

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

MOTION

HOUSE BUSINESS COMMITTEE REPORT ON THE BENCHMARKING WITH THE
NAIROBI CITY COUNTY ASSEMBLY HOUSE BUSINESS COMMITTEE.

BY

HON. JOACHIM OKETCH

VICE CHAIRPERSON, HOUSE BUSINESS COMMITTEE

The Temporary Speaker (Hon. Muga): Proceed Hon. Joachim Oketch.

Hon. Joachim: Thank you very much Madam Speaker. I want to thank you Hon. Miruka for trying to protect me. I am from Darfur where we only get sick on the request of Baba. I apologize for coming a bit late though I was acutely aware that the report was to be read today.

Mr. Speaker and Hon. Members, the pursuit of committee mandates pursuant to the provisions of the County Assembly Standing Orders No. 154, 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 their mandates.

Therefore the Committee in its sitting of Tuesday 30th March vide Minute No. 35/CAK/HBC/30/3/2021 (ii) 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 exercise with the sister committee of Nairobi City County Assembly.

The Liaison committee pursuant to the provisions of the Kisumu County Standing Orders No. 194 (2) (c) approved the Committee's request to carry out the benchmarking exercise as it strives to achieve its mandates.

Consequently, the office of the Clerk communicated the benchmarking request to the Clerk of Nairobi City County Assembly (*Annexure 1*). Nairobi City County Assembly in turn honoured the letter granting the committee an opportunity to benchmark with them vide a letter referenced *NCCA/CCA/2021/56 (Annexure 2)*.

COMMITTEE MANDATE

Mr. Speaker and Hon. Members, the House Business Committee derives its mandates from County Assembly Standing Orders No. 154 (5) which states that;

154. (5) The County Assembly Business Committee shall –

- a) Prepare and, if necessary, from time to time adjust the County Assembly Calendar with the approval of the County Assembly;
- b) Monitor and oversee the implementation of the County Assembly business and programmes;
- c) Implement the Standing Orders respecting the scheduling or programming of the business of the County Assembly and the functioning of the Committees of the County Assembly;
- d) Determine the order in which the reports of Committees shall be debated in the County Assembly;
- e) May take decisions and issue directives and guidelines to prioritize or postpone any business of the County Assembly acting with the concurrence of the Leader of the Majority Party or the Leader of the Minority Party, as the case may be; and
- f) Consider such matters as may from time to time arise in connection with the business of the County Assembly and shall have and perform such powers and functions as are conferred on and ascribed to it by these Standing Orders or from time to time by the County Assembly.

COMMITTEE MEMBERSHIP. The committee on selection is constituted as follows;

Members

- | | | |
|---------------------------|---|------------------|
| 1. Hon. Elisha Oraro | - | Chairperson |
| 2. Hon. Joachim Oketch | - | Vice Chairperson |
| 3. Hon. Kenneth Onyango | - | Member |
| 4. Hon. Priscah Misachi | - | Member |
| 5. Hon. Vitalis Otura | - | Member |
| 6. Hon. Benny Pete | - | Member |
| 7. Hon. Rashid Miruka | - | Member |
| 8. Hon. Steve Owiti | - | Member |
| 9. Hon. Seth Kanga | - | Member |
| 10. Hon. Caren Muga | - | Member |
| 11. Hon. Jennipher Obonyo | - | Member |
| 12. Hon. Samson Ameso | - | Member |
| 13. Hon. Consolata Ollows | - | Member |

Committee Secretariats

- | | | |
|---------------------------|---|-----------------------|
| 1. Mr. Owen Ojuok | - | Clerk of the Assembly |
| 2. Mr. David Ochieng' | - | Senior Clerk |
| 3. Ms. Angelyne A. Obonyo | - | Clerk Assistant |
| 4. Ms. Jesca Auma Otieno | - | Hansard |
| 5. Mr. William Ogada | - | Sergeant-at-arm |

OBJECTIVES

Mr. Speaker and Hon. Members. The Committee's aim while undertaking this exercise was driven by the following objectives:

Strategic objective of the committee. The committee sought to share and learn how the sister committee in Nairobi City County Assembly has succeeded and/or flunked in its endeavours to realize its goals and mandates with regard to planning and managing the County Assembly's businesses.

Specific objectives of the exercise

- i. To understand functioning of the Committees of the County Assembly;
- ii. To determining the order in which statements and reports of Committees are discussed and debated in the County Assembly respectively.
- iii. To learn guidelines in place that informs prioritizing or postponing any business of the House.
- iv. To understand the factors that determine the consideration/handling of matters that may arise in connection with the business of the County Assembly.

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 Nairobi City County Assembly from 6th to 11th May, 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 Nairobi City County Assembly for the welcome accorded 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.

NAIROBI CITY COUNTY ASSEMBLY'S (NCCA) HOUSE BUSINESS COMMITTEE

Mr. Speaker and Hon. Members, Establishment of the Committee. The NCCA's Select Committee on Assembly Business was reconstituted on Tuesday, 9th February, 2021, pursuant to the provisions of the NCCA Standing Orders 163 (1).

Functions of the Committee.

Pursuant to the Provisions of the Standing Order 163(4) the functions of the Committee are to-

- a) Prepare and, if necessary, from time to time adjust the County Assembly Calendar with the approval of the County Assembly;
- b) Monitor and oversee the implementation of the County Assembly Business and programmes.
- c) Implement the Standing Orders respecting the scheduling or programming of the business of the County Assembly and the functioning of the Committees of the County Assembly;
- d) Determine the order in which the reports of Committees shall be debated in the County Assembly;
- e) May take decisions and issue directives and guidelines to prioritize or postpone any business of the County Assembly acting with the concurrence of the Leader of the Majority Party or the Leader of the Minority Party, as the case may be.
- f) Consider such matters as may from time to time arise in connection with the business of the County Assembly and shall have and perform such powers and functions as are conferred on and ascribed to it by these Standing Orders or from time to time by the County Assembly.

NCCA Assembly Business Committee is composed of nineteen (19) Members as shown;

| # | NAME | RANK |
|----|------------------------|---------------------------|
| 1. | Hon Benson Mutura | Chairperson |
| 2. | Hon John Kamangu Nyumu | Chairperson of Committees |

| | | |
|-----|------------------------------|-------------------------------|
| 3. | Hon Geoffrey Majiwa | Deputy Speaker |
| 4. | Hon Abdi Ibrahim Hassan | Leader of the Majority Party |
| 5. | Hon Michael Ogada Okumu | Leader of the Minority Party |
| 6. | Hon Peter Gitau Wanyoikei | Deputy leader of the Majority |
| 7. | Hon Paul Kigauthi Kados | Majority Party Whip |
| 8. | Hon Peter Anyule Imwatok | Minority Party Whip |
| 9. | Hon Esther Waithera Chege | Deputy Majority Whip |
| 10. | Hon Moses Ogeto Nyangaresi | Deputy Minority Whip |
| 11. | Hon Jeremiah Karani Themendu | Member |
| 12. | Hon Peter Muriithi Warutere | Member |
| 13. | Hon Peter Wahinya Kimuhu | Member |
| 14. | Hon Jacinta Wanjiru | Member |
| 15. | Hon June Juliet Ndegwa | Member |
| 16. | Hon Wilfred Oluoch Odalo | Member |
| 17. | Hon Emily Oduor Ondeje | Member |
| 18. | Hon Rose Adhiambo Ogonda | Member |
| 19. | Hon Esther Nyangweso | Member |

METHODOLOGY

Mr. Speaker and Hon. Members, in order to achieve best desired result, interactive session was used as a method of data collection as this would give ample room for exhaustion of the scope of the exercise in consideration of the committee mandates.

CONSIDERATIONS OF THE SPECIFIC OBJECTIVES OF THE EXERCISE - CASE OF NCCA

Mr. Speaker and Hon. Members. Specific Objectives

- i. *Functioning of the Committees of the County Assembly;*

- Functioning of the Committees of the County Assembly are as provided for in the Assembly Standing Orders and has been listed earlier on in the report.

- ii. *Determining the order in which statements and reports of Committees are discussed and debated in the County Assembly respectively.*

A statement raised in the floor of the House can be responded to at that point or the Chairperson of a committee to which it is directed may give an undertaking to respond in two weeks. The committee may also request to inquire further and bring a substantive report on the same. This move is usually recommended to allow for exhaustive debate and further consideration of recommendations therein.

Order of debating on reports is provided for in the NCCA Standing Orders no 103(4) which states; this Assembly orders that, each speech in a debate on a report of a committee, a sessional paper or any other Report submitted to the Assembly, is limited as follows; a maximum of sixty (60) minutes for the mover in moving and thirty (30) in replying, a maximum of ten (10) minutes for any other Member speaking except the Leader of Majority and the Leader of Minority who shall be limited to a maximum of fifteen (15) minutes each.

- iii. *Guidelines to prioritize or postpone any business of the House.*

Terms of the County usually take precedence of any other business. Postponing a business can be upon a committee's request, if the mover is not in the House and/or through the Speaker's guidance.

- iv. *Consideration/handling matters that may arise in connection with the business of the County Assembly.*

This is dealt with depending on the provisions of the Standing Orders or through the Speaker's guidance under Standing Orders No. 1.

COMPARATIVE ANALYSIS OF THE TWO COMMITTEES: OF NAIROBI CITY COUNTY ASSEMBLY AND KISUMU COUNTY ASSEMBLY.

Mr. Speaker and Hon. Members, from the four day session, the committee came up with the following analysis;

Similarities

- i. That two committees share similar mandates and responsibilities as stipulated for within the prescripts of the respective Standing Orders.
- ii. That the stipulation of the committee Membership are similar in both committees as is evident from the aforementioned Memberships.
- iii. That both the committees hold their meetings on Tuesdays and have the assembly activities running from Wednesdays to Tuesdays.
- iv. That both committees' consider a duration of two weeks for reporting to the House on matters benchmarking and any other report that is to be brought before the House.
- v. That both committees face same challenge of overdue reports that sometimes leave the House with no item for discussion.

Differences

- i. NCCA's Business Committees' work is solely considering and clearing businesses to appear before the House. Preparation and arranging of committee meetings is the work of Liaison committee. Kisumu County Assembly does both the arrangement of committee meetings and consideration of House businesses.
- ii. In case of multiple committee sittings, NCCA's Liaison committee ensures those committees do not have shared Membership to cushion quorum Issues.
- iii. When preparing Order Paper, NCCA considers statements (of topical concern) to be raised in the House and lists them (in the Order Paper) as part of order of business, except for personal statements. In KCA, Statements are not listed in the Order Paper.
- iv. Kisumu County Assembly has four sittings in a week (Tuesdays at 1430hrs, Wednesdays at 0900hrs and 1430hrs, and Thursdays at 1430hrs. NCCA has only three sittings in a week (Tuesday's morning and afternoon, and Thursday's afternoon).

FINDINGS

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

1. That the two sister committees have a lot in common in terms of committee mandates and responsibilities taking into consideration the prescripts of their respective Standing Orders.
2. That ideally, the Chair of Chairs ought to be the deputy Speaker. However for the sake of handshake, NCCA amended its Standing Orders to accommodate a deputy speaker who is not the Chair of Chairs and to accommodate a member of NASA coalition for a top leadership position. All powers however remain with the Chair of Chairs who is also the 1st Member of the Speaker's panelist.

3. That with emergence of COVID-19, NCCA has fully gone virtual in holding its sittings and committee meetings. Advantage of this is that it has fully curtailed quorum hitches. Disadvantage is that it is not convenient when discussing voluminous documents.
4. That NCCA has gone fully paperless. Minutes, reports and other relevant documents are sent to various committees' WhatsApp groups.
5. That NCCA adopted automated fingerprint sensor and user logins to various sessions (Physical and virtual), be it committee sittings or plenary with a time frame that expires and is directly sent to the payroll at the end of the meeting/sitting. This has helped them curb cases of Members signing attendances without actually attending meetings.

BEST PRACTICES FOR CONSIDERATION

Mr. Speaker and Hon. Members,

The committee however found certain practices by the Nairobi City County Assembly that are worth consideration.

1. Adoption of the paperless practice.
2. Adoption of the automated fingerprint sensor for committee meetings and plenary.
3. Holding virtual meetings/sittings.

CHALLENGES

Mr. Speaker and Hon. Members. Challenges faced by the committee during this exercise include the following:-

1. Nairobi city county Assembly has gone virtual and that restricted the committee's exercise to the same. The committee felt lack of robust discussion which could have been experienced if the meeting was physical.
2. Despite success of this exercise, it did come at a time when Nairobi City County Assembly is on recess and finding its Members to even hold that virtual meeting was a challenge.
3. Covid-19 pandemic which forced strict measures at the NCCA on physical meetings being that it is at the center of the capital city which happened to be one of the Counties earmarked as Covid-19 red zones.

RECOMMENDATIONS

Mr. Speaker and Honourable Members, from the above findings, the committee wishes to put forward the following recommendations for consideration;

1. That for the committee to emulate the National Assembly procedures, the offices of the Speaker and the Clerk of the County Assembly of Kisumu should organize training for the

committee at the National Assembly for an in-depth learning and capacity building to develop competencies and skills that can improve its performance and those of its Members.

2. That to moderate habitual nature of the committees' delay in submitting reports, the Liaison Committee should restrict committee travels for any committee that has pending report. This could help cushion cases of piling pending works as is currently experienced.
3. That the Assembly should consider going fully paperless to control purchase of papers and further wastage of the same. This practice is considerably achievable as Members were issued with iPads that would effectively aid its implementation.
4. That the assembly should consider adopting the automated fingerprint sensor machine to control cases of Members signing attendance register without attending meetings.
5. That Kisumu County should reintroduce or give virtual meetings another shot as this will allow Members to attend meetings/sittings at the comfort of their homes. This could also act as a practice of conforming to MOH recommendations (working from home) in its attempt to contain COVID-19.

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. I wish to call upon Hon. Miruka to second.

Hon. Miruka: Thank you Madam Speaker. I stand to second adoption of the report on Benchmarking Exercise with the sister committee in Nairobi City County Assembly. From the report, you will realize that most of the items we do are almost the same which we hope if adopted will improve our performance in the Assembly. One of the important items mentioned is the need to go paperless as Nairobi City County Assembly has did. This will reduce our expenses and we would instead save that money.

Secondly, we realized that Nairobi City County Assembly introduced automated biometric fingerprint sensor. When members attend, they have to physically log in through their fingerprints. This will help reduce animosity that is sometimes between staff and Members especially when Members insist that they be given Attendance Register when they did not attend the session.

Thirdly, Nairobi City County Assembly also does continuous training and education. This constantly enhances their capacity. Such a move would not only enhance our capacity in matters House Business but also in Committee Services. In addition, Nairobi City County Assembly will never allow any Member to travel unless you have exhausted your committee work. If we adopt

this, our Liaison Chair will be at peace. We have had members wanting to travel when they have not exhausted their committee work.

Madam Speaker, I believe that, we would be of the best Assemblies if we can adopt such positive improvements. We also need to reintroduce virtual meetings and embrace technology. It is much in order considering the threat of the Covid-19 pandemic. Those above 50 years are vulnerable and so such a move can be beneficial to them. Virtual meetings will ensure full attendance and lack of quorum will be a thing of the past. Madam Speaker, I wish to second the adoption of this report. Thank you

The Temporary Speaker (Hon. Muga): Thank you Hon. Miruka. The Report has been brought before the House, read by Hon. Joachim who is the Vice Chair of House Business and seconded by Hon. Miruka. I now therefore want to propose a question that the Report is open for debate.

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

Hon. Otura: Thank you Madam Speaker. I wish to urge the House to adopt this report for the following reasons. First, as a Member of this House Committee and having attended the benchmarking tour, there are several similarities as has been reported and witnessed as truly happening on the ground. Madam Speaker, what is pertinent is for consideration that we go paperless. In our discussions when we were quantifying what is actual on the savings in line with going paperless, we thought it prudent that this should be adopted and put into practice as soon as is practicable.

Madam Speaker, there is also the element of the Virtual Meetings. Here in Kisumu, we just talk of establishing Virtual Meetings but this is practiced and if there is one thing that would really save on time and money for every Member in this House as this will accord them time to engage in other businesses, is by going virtual.

Madam Speaker, in our discussions when we were now focusing on the cost implications and time saving this exercise is. This will enable Hon. Members just seat cozy in their houses and participate in Debates of the Assembly while they are not physically present in the Assembly. Whereas, at the same time, I will be seated somewhere waiting for a minute or so to clear with the virtual meeting and take on another. Through these virtual meetings, you can be engaged in a varied of activities simultaneously contrary to this effect of moving from your home to Kisumu and at the end of the session drive back home and you end up using a lot of fuel.

Madam Speaker, I highly recommend that this House considers going that direction. Consequently, on a serious note that should be undertaken immediately.

Madam Speaker, the House Committee in its conclusion requested for consideration for the adoption of this Report. As I am in concurrence with the contents of this report, I also echo the same. Thank you.

The Temporary Speaker (Hon. Muga): Thank you Hon. Otura.

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

Hon. Ogutu: Thank you Madam Speaker. I rise to concur with this report. I must say that I am very happy with this House Keeping Committee of House Business for having given this House a good report.

Madam Speaker, if the contents and recommendations in this report are implemented, I believe as County Assembly of Kisumu we will make strides. As per the recommendations of this Committee, they has recommended that we go paperless. Which in my belief is the right way. If this House can recall, people were talking about going paperless and it is the County of Kisumu that initiated this approach and we have not implemented if fully. Madam Speaker, in actual fact the Nairobi City County Assembly just took this idea the other day and they have overtaken us.

Madam Speaker, the Committee has equally recommended what is called the Biometric Scanner/Finger Print Reader. If we want to go paperless, and on the same note we want to undertake of sessions through virtual platforms, then I believe that, this technology known as Biometric Scanners is not necessary. This is because rarely, will you find Hon. Members in this House attending sessions physically.

Madam Speaker, if you look at page, sorry this report has not indicated pages, I can say that the composition of that House Committee of the Nairobi City County Assembly and I say that this is where the composition of the House Business Committee of Kisumu was. Madam Speaker, it is well selected, in fact it considered every aspect of representation. If you look closely, the Minority and their House Whips are all included in that House Committee. Further, there is the inclusion of the Majority Party with their Whips. In conclusion, after taking into consideration of all these cadres of House Parties, they incorporated other nine members. Meaning, this particular group is accorded the priority.

Madam Speaker, here in Kisumu, is quite a different scenario. If you can reminiscence that before this House Keeping Committee was disbanded, it had a similar composition. Madam Speaker, it is not that our Standing Orders is different with that of the Nairobi City County Assembly, if we can do things procedurally without rewarding people or our friends with positions, then, I believe that Kisumu County can be the best example. Madam Speaker, it is sad for this County to initiate that idea of going paperless because right now we are overcome and we are again going to benchmark with those Counties that borrowed this idea from us. I believe that the contents and recommendations of this this report is good for Kisumu County. I beseech this House that we follow it to the letter so that it can be implemented. Madam, Speaker, with those few remarks, I support the adoption of this report. Thank you.

The Temporary Speaker (Hon. Muga): Yes, senior Member, Hon. Pamela Odhiambo.

Hon. Pamela Odhiambo: Thank you Madam Speaker. I support the adoption of the recommendation of this report as presented by the House Business Committee.

Madam Speaker, the Nairobi City County Assembly borrowed this idea from the County Assembly of Kisumu because they have touched on the position of the Deputy Speaker and the Chair, Liaison Committee. Both the House Committees sat down and deliberated and resolved that there are some opportunities that they are missing and you cannot be paid double. So, in the tenure of the First Assembly we had the position of the Deputy Speaker who is equally the Chairperson, Liaison Committee. It was resolved, which I believe was very good. I am inclined to believe that you are aware that the Chief Whip Hon. Misachi also delegated that Chair to me because she was holding another position. Madam Speaker, it is how we agree to see how we can accommodate other Members to House Committees in this Assembly.

Madam Speaker, the composition of this House Keeping Committee is equally commendable because in the First Assembly we were nineteen in number but in the Second Assembly we are now fourteen. So, the Committees were always allocated business in accordance with how Members of these House Committees were. This is because they were taking each and every Members who were in other House Committee were brought to the House. The Committee has done well, because I don't see Members complaining because House Committees are slotted for Business in the House Business Calendar but only on those few issues that the County Assembly is doing are one but, I don't know what happened. So, Madam Speaker, I am in concurrence with the House Business Committee Report and I am in full support. Thank you.

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

Hon. Atieno: Thank you Madam Speaker for according me this opportunity to enable me give my submissions on this very critical report.

Madam Speaker, it is well known that the House Business Committee is one of the most influential Committee of the House both in the County Assemblies of the National Parliament.

Madam Speaker, I have gone through the report that was originated by this House Committee when they went for benchmarking with our sister County Assembly of Nairobi. In as much as I would wish to support this report, it is quite contradictory.

The House Committee is suggesting in their recommendations that this Assembly should prioritize and go virtual because of the reasons they have tried to enlist. At the same time, if you go to the challenges they have put in the report, they say that going virtual has affected the quality of debate as it is not as robust as if it is physical. Is it not contradictory?

The Temporary Speaker (Hon. Muga): What is it Hon. Rashid Miruka?

Hon. Miruka: On a Point of Order. I want to inform the Speaker who has just sat that it is not contradicting. What we mentioned was just a challenge – which has not dimmed the bigger picture of going virtual which all members do attend. Thank you.

Hon. Atieno: Thank you Madam Speaker. What is a challenge? A challenge is an obstacle, an impediment in getting the desired success. If the issue of going virtual were the solution to the problem that the Nairobi City County Assembly was facing, then that kind of challenge ought not to have been there.

Madam Speaker, it is also prudent to remind ourselves that the House Business Committee's key mandate is to generate business that can be discussed in the House. It is known that this House Keeping Committee has not helped members in terms of capacity building so that members can generate issues and business that can be discussed in the floor of this House. What we normally see week after week, month after month is benchmarking. Is benchmarking the only business that we were elected to come and do in this House?

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

Hon. Okiri: Thank you Madam Speaker. I want to inform the House that benchmarking is part and parcel of the business of this House. Let the Member consider this report if not he can revert to the mud at Kobura. He can talk about tomatoes in Kobura or floods in Nyando.

The Temporary Speaker (Hon. Muga): Hon. Atieno.

Hon. Atieno: Thank you Madam Speaker...

The Temporary Speaker (Hon. Muga): Hon. Arao is in his feet, can you give him time.

Hon. Arao: Madam Speaker, I am a bit disturbed by the comments of Hon. Atieno Atieno. Benchmarking is a core responsibility of this House. In the world over, there is nothing you can do without benchmarking – whether in business, social life. He should know that he will not get the solutions to the challenges affecting his people if he does not do benchmarking. He needs to withdraw because this one of the key pillars of this House that we cannot take for granted.

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

Hon. Otura: Thank you Madam Speaker. The mandate of the House Business Committee is very clear and highlighted in this report. There is nowhere indicated that mandates this House Committee to do capacity building for members. It is clear that we are in the process of learning and Hon. Atieno is just correct in his own account but has just messed on the mandate of this House Keeping Committee.

The Temporary Speaker (Hon. Muga): Hon. Atieno before you speak, I want to refer you to Standing Order No. 154 (v) - the mandate of the House Business Committee. Please continue.

Hon. Atieno: Thank you Madam Speaker. I believe that Hon. members did not I understand what I meant. I meant that benchmarking is not the only thing that we need to do. People go for benchmarking to learn new ideas, to borrow new skills. Why should we always go out to borrow new skills? Why can't people also come to us? Does that imply that we don't have the skills to match their expectations?

The Temporary Speaker (Hon. Muga): Order!! Order!! Hon. Atieno, if I may ask, have you not witness other Counties visit us here?

Hon. Atieno: Madam Speaker, why can you not give me time to build my case?

The Temporary Speaker (Hon. Muga): Order!! Order!! Hon. Atieno. I want to beseech you not to mislead this House. Since you joined this Assembly, have you not seen other County Assemblies coming to Benchmark with us?

Hon. Bishop Atieno: Madam Speaker that is not what I implied...

The Temporary Speaker (Hon. Muga): Please continue.

Hon. Atieno: Madam Speaker, what I implied is that we should not always go for these study tours. As a matter of fact, the more we go for these Benchmarks, that means that there is something amiss...

Hon. Atieno: Madam Speaker, why can you not protect me to enable me execute my case?

The Temporary Speaker (Hon. Muga): Hon. Atieno, please resume your seat.

Hon. Agolla: On a Point of Order. Thank you Madam Speaker. If you allow me, I want us to atleast give to Hon. Atieno time because we do understand the problem of Hon. Atieno. Madam Speaker, just the other day, a person from Western Kenya hang himself on a flying Helicopter imagining that was a posho-mill and this is what applies to the Hon. Atieno.

(Laughter)

(Applause)

Madam Speaker, if Hon. Atieno is asking for the help of the benefits of Benchmarking of the Report on the House Business, than he is misleading this House. Madam Speaker, his expectations is beyond this House and this debate that we are deliberating on here and we should refer the Hon. Member to the Department of Special Programmes to ensure that he is well furnished with what he is lacking or demanding. Thank you.

(Applause)

The Temporary Speaker (Hon. Muga): Thank you Hon. Agolla.

Hon. Atieno: Madam Speaker, I don't know what this hue and cry is all about whenever I rise to execute my case. I believe that it is my constitutional right to voice my opinion within the powers bestowed to me as an elected Member. Madam Chair, I believe that it is not flawed...

The Temporary Speaker (Hon. Muga): Hon. Members, please give Hon. Atieno time to conclude.

The Temporary Speaker (Hon. Muga): Hon. Ogutu, please accord Hon. Atieno time to conclude his submissions.

Hon. Ogutu: He has given me time...

The Temporary Speaker (Hon. Muga): Order!! Order!! No he has not donated you his time.

Hon. Atieno: Madam Speaker, you have accorded these Hon. Members too much of my time and they have eaten into my time...

The Temporary Speaker (Hon. Muga): Hon. Atieno, I am giving you one minute to conclude.

Hon. Pst. Arao: Madam Speaker, why do you give Hon. Atieno Airtime to mislead this House.

Hon. Atieno: Madam Speaker, I need your protection to enable me prosecute my case because I can see that there is a sinister motive to curtail my submissions. I need you protection.

The Temporary Speaker (Hon. Muga): Order!! Order!! Hon. Ogutu.

The Temporary Speaker (Hon. Muga): Hon. Atieno, your one minute is over. Hon. Atieno, do you want me to send you out of the Chambers? Please resume your seat.

Hon. Ogutu: Madam Speaker, you cannot allow Hon. Atieno to call us people, we are Hon. Members and he has to withdraw and apologize for that. We cannot allow Hon. Atieno to call us people. Which type of people are we?

The Temporary Speaker (Hon. Muga): Hon. Atieno, can you please withdraw that statement.

(Applause)

Hon. Guya: Point of order Madam Speaker...

The Temporary Speaker (Hon. Muga): Hon. Guya, declined.

The Temporary Speaker (Hon. Muga): Hon. Atieno, can you please withdraw and apologize.

Hon. Bishop Atieno: Thank you Madam Speaker, I withdraw and apologize.

(Applause)

(Laughters)

The Temporary Speaker (Hon. Muga): Order!! Order!! Hon. Guya is on his feet.

Hon. Guya: Thank you Madam Speaker. At last I believe that I can now contribute. Before I make my contributions, for me I don't want to believe that it is in order to refer to Hon. Arao as a Bishop because, the records are very clear in this House. Madam Speaker that is what I wanted to remind you that you are referring Hon. Arao as the Bishop and he has not reached that rank of a Bishop. I believe that distinction should be made.

Madam Speaker, please allow me to support this report of the House Business Committee...

The Temporary Speaker (Hon. Muga): Order!! Hon. Guya, you are trying to correct me. If Hon. Arao is not a Bishop then, what is Hon. Arao?

Hon. Guya: Madam Speaker, I believe that the records of the Assembly are explicit, we don't have any Bishop in this House...

The Temporary Speaker (Hon. Muga): Then what is he?

Hon. Guya: Madam Speaker, we have Hon. David Arao.

The Temporary Speaker (Hon. Muga): Honorable who?

Hon. Guya: Hon. David Onyango Arao.

The Temporary Speaker (Hon. Muga): Hon. Members, do we have Bishop John Atieno?

Hon. Guya: Madam Speaker, but not in this Assembly.

The Temporary Speaker (Hon. Muga): Point taken. Thank you.

Hon. Arao: Madam Speaker, I will furnish this House with my Ordinations Certificate.

Hon. Guya: Madam Speaker, I believe that the latest Hon. Arao has achieved was an Advocate of the High Court. Madam Speaker, please allow me to support this report of the House Business Committee.

Madam Speaker, I want to say that Benchmarking is recommended for all the House Committees and it is part of the training that we all undergo in this House. If at all any Member is claiming that we have never been trained, then the blame needs to be squarely placed on the County Assembly Service Board where our representative is Hon. Atieno. I believe that is their key mandate to ensure that the Hon. Members are inducted and the Assembly runs seamlessly which includes training for the Hon. Members and the Staff. I just want to inform him that he needs to take note of that so that next time when we are here, he does not claim that we are not properly inducted.

Madam Speaker, again please allow me to support this report particularly on the recommendations on the issues of COVID-19. If you look at the records regarding this pandemic, Kisumu has been listed as one of the top Disease Zone Counties. If that data is true the way it has been presented, then I would really support that the County Assembly goes Virtual.

Madam Speaker, for me, I would support that we go digital 100% just as has been echoed here that we work at the comfort of our homes where we don't mingle up and down. Madam Speaker, if you look at the Assembly, you will see some Hon. Member and other staff putting on their masks half-way and some don't put on theirs, some even remove them while speaking on the microphones and that is a big risk to us as Hon. Members of this House. I support that if this report can be implemented and the goodness is that it will be implemented with the County Assembly of Kisumu and not the Executive. This is a report that if we pass here today then we can implement it by 4.00 p.m. so that we can be safe on the issues regarding Covid.

Madam Speaker Covid-19 is real and people are really dying; the Hospital wards are full. Several Members have been affected by Covid-19 and currently there are some who are hospitalized. So I would suggest that if we can go the digital given that we have our IPADS and maybe the Assembly Service Board where Hon. Atieno sits can agree that they add us something for airtime so that we have adequate data to ensure that we are always digital throughout the day. Otherwise the report is good and the House Business Committee from Nairobi should look at what they are doing in terms of the operations of the Assembly than what we have here. Thank you.

The Temporary Speaker (Hon. Muga): Hon. Agolla.

Hon. Agolla: Thank you Madam Speaker. Going by the mood of the House allow me to call the mover to reply.

The Temporary Speaker (Hon. Muga): Yes Hon. Joachim.

Hon. Joachim: Thank you Madam Speaker. I believe that this is one of the most popular benchmarking report which has had 100% support from the Members. I would only wish to mention how less the benchmarking is but again I would wish to remind Members whether to benchmark or to do a study tour or to go and write a report then these are decisions that are made by the House Committees and it is not an individual decision that is made by the Chairperson. I believe that it is the prerogative of the entire committee to sit and agree on what they want to do as a House Committee. This is very evident since what we have here today was in our Annual Committee Work-plan as the House Business Committee. We don't have to disregard how important benchmarking is.

Madam Speaker, there was an issue that was raised by Hon. Atieno whereby he was stating that we were contradicting ourselves because the recommendation was that we go virtual but again the House Committee was not able to meet physically. I believe that we were guests and we were to be hosted by the County Assembly of Nairobi and it was very prudent because this is not something

that we frequently do. As African we expect that once we visit you there are things that we understand better if they explain to us in a physical meeting though all the Covid-19 rules adhered to. Hon. Atieno I don't believe that we are contradicting ourselves but stating that if we were able to meet with them face to face then we would have learnt even more but because they had gone virtual there was a challenge. It is not that we are trying to challenge the opportunity that we saw where they went virtual.

Lastly, I want to support something that has been highlighted by Hon. Guya regarding the Implementation of the report. It is true and I do concur with the Hon. Member that the implementation of this report does not require the input of the Executive. I believe that the financial implications will be very minimal because we had taken precautions earlier and we have our I pads. So, I believe that the County Assembly Service Board will help us speed up this process.

Madam Speaker and Hon. Members, Hon. Pamela did mention about the Deputy Speaker being cooperated with Liaison Chairperson. I believe that this is one area we did have a similarity before but again, looking at the statement raised here, Nairobi City County Assembly was trying to explain that in their Assembly before it used to be one where the Deputy Speaker used to be the Chairperson of Liaison Committee but I believe that we need to understand what happened in Nairobi where they were able to make local arrangements because of the nature of politics that was happening there then so that they could bring peace between the two factions. I believe that there was also National politics at play because they also had to accommodate NASA since by then we had handshake as a result of the President and the people's President who wanted to operate in peace and coexistence. Madam Speaker that is why they had local arrangements to split the two to accommodate one faction from NASA and the other from JUBILEE.

Madam Speaker and Hon. Members, those are the notable inputs I did want to mention. Otherwise I want to thank all the Members for their inputs and all the committee Members who took part in the benchmarking and the staff who were also part and parcel of writing this report. Thank you.

The Temporary Speaker (Hon. Muga): Thank you. Now that the report on benchmarking by the House Business committee with the sister committee of Nairobi City County Assembly has been presented before the House by Hon. Joachim, seconded by Hon. Miruka 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. Muga): The report is hereby adopted today Wednesday, 02nd June 2021 at 15:53 hours. I therefore commit this report to the Committee on Implementation and the County Assembly Service Board for further implementation taking into considerations the recommendations herein of the House Keeping Committee and those that have been suggested by the Hon. Members 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 3rd June 2021 at 2.30 p.m.

(House rose at 3.58 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

Jesca Otieno – Hansard Reporter