

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – FIFTH SESSION

Wednesday, 09th June, 2021

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

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

PRAYERS

The Speaker (Hon. Oraro): Madam Clerk take us through the Order Paper of the day.

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

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oraro): Honourable Members, you are aware that a number of Members are out on official duty and I have the following communications to make.

One, as per the Covid-19 Steering Committee in Kisumu County we have been informed and witnessed the alarming cases of Covid-19. Correspondingly, we are aware that the Covid-19 virus is still with us and it is attacking in a manner that is not comprehended by the Kisumu County and its environs. The rate of infections as at the last release is 28 per cent. It is unfortunate that even within the Assembly, we have had serious cases of the virus both among the staff and the Members. We therefore have to make critical decision because as leaders, we have to make it clear that the only cure of Covid is prevention by adhering to measures issued by the Ministry of Health on the Covid-19 pandemic.

The people are not observing the Ministry of Health protocols. We must lead by example. We cannot take it for granted that even where we are working, the County Government announced that a number of offices have to be closed apart from essential services. I had a meeting with the Executive of the Assembly and made critical decision that we will have to close the Assembly for a period of two weeks to allow the Clerk in the first week to organize for fumigation of the Assembly to enhance the safety of Members and staff. This is by staying safe at home and encourage the public on the MoH protocols. We shall sit next week with the leadership and the Clerk to agree on the best way to transact our businesses.

Hon. Members, the closure will not include the Budget and Appropriations Committee whom we are trying to find ways to sit with minimal physical interaction so that we have our Budget Estimates within the stipulated timelines. Again, any other committee that may have an agenda. The plenary may not be able to sit and we shall suspend House sessions temporarily. You will bear with me. It is a critical decision and it might not please some Members but some decision has to be made. Once the President said that, sometime you have to choose the right over the convenience or the hard over the easy one. That is the decision we have arrived at as the leadership and that is why you saw the Supplementary Order Paper so that the Leader of Majority will move it at the appropriate time.

Two, there is reluctance in the different committees that we give work and allow me to just read this list very first. This is based on the fact that, only papers were laid yesterday. If you look at our tracker, the following committees have pending works which are yet to be delivered;

#	ITEM	NATURE OF THE ITEM	DATE REQUESTED/ISSUED	TIME FRAME	DUE DATE	STATUS
1.	Budget and Appropriations Committee report on the Kisumu County covid-19 Socio-Economic Reengineering and Recovery Strategy (By Hon. Steve Owiti - Chairperson).	Report.	1/12/2020	1 month	6/01/2021	Overdue

2021

#	ITEM	NATURE OF THE ITEM	DATE REQUESTED/ISSUED	TIME FRAME	DUE DATE	STATUS
1.	Joint Committee on Administration of Law, Justice, Constitutional Affairs, Good Governance and Security, and the committee on Labour and Social Welfare Committee report on the statement raised by Hon. Gard Olima regarding the judgment case No. 373 of 2018 at the Employment and Labour relations court at Kisumu (By Hon. Seth Okumu – Lead Chairperson).	Report Statement	17/02/2021	2 weeks	3/03/2021	Long overdue
4.	Implementation Committee report on the statement raised by Hon. Johnson Guya regarding the County Government of Kisumu Implementation Status Report for FY 2019/2020 and 2020/2021 (By Hon. Erick Agola - Chairperson).	Statement	24/02/2021	3 weeks	24/03/2021	Overdue
5.	Budget and Appropriations committee report on the Kisumu County Debt Management Strategy Paper 2021 - 2024 (By Hon. Steve Owiti - Chairperson).	Report	2/03/2021	21 days	23/03/2021	Overdue
8.	Planning Industrialization and ICT Committee report on the statement raised by Hon. Pamela Odhiambo on the burial notice by the city manager (By Hon. George Olwal - Chairperson).	Statement	4/03/2021	2 weeks	18/03/2021	Overdue.
6.	Committee of the Whole House report on the statement raised by Hon. Pamela Odhiambo concerning the County machine based program (By Hon. Seth Kanga - Chairperson).	Statement	17/03/2021	2 weeks	21/04/2021	Overdue

7.	Agriculture, Livestock and Fisheries committee report on the consultative forum with sub-county Agricultural Officers in Each Sub-County and assessment of the distribution of COVID-19 Farm inputs to farmers by the department of Agriculture, Livestock, Fisheries and Irrigation (By Hon. Vitalis Otura - Chairperson).	Report	December - February, 2020			Overdue
8.	Tourism, Wildlife and Heritage committee report on the tourism projects within the County, case of Nyakach, Seme and Kisumu West (By Hon. Habil Nyasuna - Chairperson).	Report	December - February, 2020			Overdue
9.	Children, Culture, Arts, Sports and Community Services Committee report on the projects undertaken by the department of Tourism, Culture and Sports for the FY 2019/2019 AND 2019/2020 (By Hon. Maurice Ngeta - Chairperson).	Report	December - February, 2020			Overdue
10.	PIC/PAC Committee report on the consideration of Auditor general's report on the financial statements of the County Executive of Kisumu for the FY 2017/2018 (By Hon. Maureen Otiang' - Chairperson).	Report	December - February, 2020			Overdue
11.	Selection Committee report on the benchmarking exercise with the sister Committee of Homabay County Assembly (By Hon. Kenneth Onyango - Chairperson).	Report	13/04/2021	2 weeks	27/04/2021	Due for submission
12.	Labour and Social Welfare Committee's response on the statement raised by Hon. Gard Olima on regarding the appointment of Village Administrators and recruitment of Liaison Officers by the Kisumu County Public Service Board (By Hon. Rashid Miruka - Chairperson).	Statement	20/04/2021	2 weeks	4/05/2021	Due for submission

13.	Planning Industrialization and ICT Committee response on the statement raised by Hon. Philemon Ojuok regarding the award of contract for establishment of container kiosks at the backstreet and along Ojino Okew Street of the Kisumu City.	Statement	28/04/2021	2 weeks	12/05/2021	Due for submission
14.	PIC/PAC committee follow up report on the particulars of the report by the committee on Public Works, Roads and Transport on the Kisumu County KRB and CRF roads projects inspected for the FY 2019/2020.	Report	28/04/2021	2 weeks	12/05/2021	Due for submission
16.	Delegated County Legislation Committee report on the benchmarking exercise with the sister Committee of Homabay County Assembly.	Report	25/05/2021	2 weeks	8/05/2021	Due for submission

The list is long. I don't know why we lack business to be brought to the House and yet we have allowed the committees that have not submitted their reports to the House to go out. I personally signed for approval of the schedule for sittings for House Committees and we even have records for payments for the same. The Chairpersons and the Members of different House Committees please look at it. I will be having a meeting with Clerks of the various House Committees and the Assembly Clerk on the way forward. Let's find a way of fast-tracking the same. Please stand guided. Thank you.

The Speaker (Hon. Oraro): Next order!

PETITIONS

The Speaker (Hon. Oraro): Honourable Members, on 25th May, 2021, the Clerk of the Assembly received a petition which was sent to my office on 26th May, 2021 from a group of tenants in Lumumba Estate. In their petition, which they have signed and have been checked and I have been informed that it meets the threshold. They have petitioned the Assembly through the following committees;

1. Lands, Housing and Physical Planning Committee.
2. The County Assembly of Kisumu General Oversight Committee.
3. Finance Committee.
4. Justice and Legal Affairs Committee.

To look into their petition which is revolving around the issues of rent in Lumumba Estate. They have resided in Lumumba Estate for over ten years and it looks like there was an abrupt increase in rent. Those who cannot pay have been told to vacate the houses immediately but they feel that they need to be understood. Either given time to pay the arrears or possibly pay from a given period.

Hon. Members, the petitioners are requesting that the Assembly presides over a meeting with the landlord, which is Kisumu County and the tenants. Honourable Members, the petition is long, I don't want to read it as whole. But I believe that because they have petitioned 4 House Committees; Lands, Housing and Physical Planning Committee, The County Assembly of Kisumu General Oversight Committee, Finance Committee, Justice and Legal Affairs Committee, I would suggest that, as it has been done previously in the National Assembly and the Senate, when there is a matter that touches on the Committee of the Whole House, then it is approached two fold. Either, the Committee of the Whole House does it or an Ad hoc Committee is constituted to look into it and bring that matter before the House for discussion.

Hon. Members, I want to go with the latter owing to the fact of the issues of the Covid-19 may not allow the Whole House to convene. So, I want to request your indulgence that I will be consulting the Leader of Majority plus the Chairpersons of the House Committees that are mentioned and possibly the MCA of that area where Lumumba Estate is and a few other Hon. members not more than eleven and not less than nine and as per the MoH directives that stipulates that we should not have meeting with more than fifteen Members.

Hon. Members, I am of the opinion that the constitution of Membership of this Committee be between nine and eleven because when we add the technical staff, the number should not exceed fifteen to look into this matter in a period of two weeks. As we discuss the modalities and strategies on how we will be running our Assembly Sessions and the House Committees, which is highly likely that it will be through the Zoom platform, we will have a discussion on the same. Either the Members will adopt or reject the report for further action.

So, by seeking your indulgence, please allow me to consult and through our communication forum I will communicate the list. I know it must be the Chairpersons of the House Committees that are here, the Area MCA where Lumumba Estate is, the regional balance and the respective House Committees that are affected. Thank you.

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

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

Hon. Samo: Thank you Mr. Speaker. I believe that as you are going to discuss about that matter, through your wisdom you may consider if that matter could still be left to the Committee of General Oversight. On the sittings as you have indicated, should be not more than fifteen in accordance with the Ministry of Health Guidelines.

Mr. Speaker, now that we have the Zoom Platform, then the rest of the Hon. Members can join our debates through this application. I believe that will really help because I believe all the Members are in the General Oversight Committee and this will be able to take care of some of our sittings which we may not have had as a result of the prevailing conditions. So, I am just proposing to your discussion that, as you are going to discuss this matter, that instead of using the Chairpersons we can still have a composition of eleven Members sitting of the General Oversight Committee, but that rest can join us through the Zoom Application and likewise sign for our sittings. Thank you.

The Speaker (Hon. Oraro): Hon. Samo, we will be able to look into that.

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

PAPER LAID

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

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker sir. Pursuant to the provisions of County Assembly Standing Orders No. 137 (2) (b), I wish to table toady, Tuesday, 08th June, 2021 the Governor's Memorandum on the Kisumu County Lakefront Development and Corporation Bill, 2021. Thank you.

(Leader of Majority tables before the Hon. Speaker the Governor's Memorandum on the Kisumu County Lakefront Development and Corporation Bill, 2021)

The Speaker (Hon. Oraro): Hon. Members, I acknowledge receipt of the Memorandum from the Governor, Kisumu County Prof. Peter Anyang' Nyong'o which was received in the Assembly on the Wednesday, 02nd June, 2021. The Memorandum is the refusal to assent to the County Assembly Bill on the Kisumu County Lakefront Development and Corporation Bill, 2021. This was passed by the County Assembly on the 06th of May, 2021.

Hon. Members, the Governor has highlighted areas in the Bill which led to him not assenting to the Bill. As per our Standing Orders, I want to commit this Bill to the Standing Committee of Planning, Industrialization, ICT and Urban Development and I want to advice the Committee that, they need to take their time to invite the secretariat of the Lakefront Corporation to explain areas of contention and if possibly that if need be they can incorporate an expert. They should liaise with the Clerk of the Assembly to assign them an expert. Hon. Members, as per my earlier communication, it may not be possible for the whole Standing Committee to convene because I am aware that the composition of the Planning Committee is fifteen members. So, they must resolve amongst themselves and take into consideration the Ministry of Health Protocols on Covid-19. Please be reminded that the Bill is equally and important Bill and if I give them a period of 21 (twenty-one) working days, I believe it will be in order. They look at it, and as we are working out the modalities of running the Assembly, we shall have modalities of how the Committee presenting the Report to the House for consideration and adoption.

Hon. Members, please remember that when a Governor presents a Memorandum on the refusal to assent to a Bill, then there are only three options;

- a) Option one, is to accept the Memorandum the way it is.
- b) Option two, is to reject the Memorandum.
- c) Option three, is to accept the Memorandum with amendments.

So, that is what we expect the Standing Committee of Planning, Industrialization, ICT and Urban Development to do and present. When it is presented, we will not commence from the 1st Reading, but we will proceed straight to the 2nd Reading where after the 2nd Reading, we will have the report then we do the necessary amendments. Hon. Members, if we accept it the way it is, then we will not proceed to the other readings. If there are amendments to be done, we commence from the 2nd Reading. So, I believe that you stand guided as appropriate.

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

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

Hon. Samo: On a Point of Order. Thank you Mr. Speaker. Unless the County Attorney or the people who drafted the Bill mislead the Governor, but we as a House, we did pass the Bill the way it was brought us; Leader of Majority, did you alter it?

The Speaker (Hon. Oraro): Hon. Samo, you are out of order. I have just stated here that the Governor has sent us a Memorandum on the refusal to assent to the Kisumu County Lakefront Development Corporation Bill, 2021. We are not going to introduce the issue of discussing matters like if somebody misled the Governor. We are discussing the matter at hand which is the Memorandum. Thank you.

The Speaker (Hon. Oraro): Next order!

MOTION:

ADJOURNMENT OF THE COUNTY ASSEMBLY PURSUANT TO THE PROVISIONS OF
THE KISUMU COUNTY ASSEMBLY STANDING ORDER NO. 29 (1)

BY HON. KENNETH ONYANGO, LEADER OF MAJORITY

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

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. I would wish to move an Adjournment Motion pursuant to the provisions of the Kisumu County Assembly Standing Order No. 29 (1).

Mr. Speaker and Hon. Members, we are all aware Kisumu County has lately become the epicenter of the Covid-19 pandemic. It is a serious concern that quite a number of our people are increasingly

being affected by this disease. It is prudent that as leaders, we lead from the front. That is why it has become imperative that we adjourn the Assembly. Even in this Assembly, quite a number of people have been affected. We are not very sure if we can continue with our normal business and yet people are suffering. Therefore, this adjournment which is going to run for two weeks is to ensure we keep safe as we monitor the situation.

Even as we adjourn, I would wish to plead with our members to avoid crowds and ensure that your safety and that of your family is given utmost priority. I was talking to relevant authorities and the situation in our referral hospitals is alarming. This pandemic is really ravaging.

I also want to ask the Hon. Members who have not been vaccinated to please go for the vaccine because it helps.

As the Speaker has said, because the Select Committee of Budget and Appropriations has got very strict timelines, it will have to proceed with its activities though in a manner that the Speaker will guide, probably through Zoom.

As we adjourn, this Assembly needs to be properly fumigated before members resume. And as we resume, because this House has important pressing matters it will be advisable to probably resume through zoom. I leave it to you to give directions on that. Allow me to ask the Leader of Minority to second the adjournment. Thank you.

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

Leader of Minority (Hon. Oiko): Mr. Speaker, it is in order that we adjourn for some time as we monitor the situation of Covid-19 pandemic. It is true that it is now ravaging on our people and if we don't urge our people to take extra precautionary measures, quite a number of them will be affected. This is the time that we should lead by example so that our people see the seriousness of this disease.

Mr. Speaker, it is not only in the town where people are feeling the effect of Covid-19, even in the rural areas. Quite a number of people are collapsing and dying. The County Government of Kisumu should find a way of sensitizing the people to see the seriousness of this disease because if we don't enlighten our people, then we might lose quite a number of our supporters. Mr. Speaker, I second that we adjourn this House as an example and we take the good message to our people that this matter is not a joke. We must be extra careful to protect our loved ones and our lives. I beg to second.

The Speaker (Hon. Oraro): Hon. Members, now that the Leader of Majority has moved the motion of Adjournment of this House, seconded by the Leader of Minority, I want to propose a question that the motion is open for debate.

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

Hon. Samo: Thank you Mr. Speaker. I arise to support the Adjournment. However, I would like to add my voice that we could just have suspended the House for this week and then next week we undertake our debates via Zoom Application.

Mr. Speaker, when you are there with the Clerks-at-the-table, the debates of the House can still continue. We will be able to join you remotely. In this case I am in concurrence with the adjournment. Mr. Speaker, in yesterday's session I did raise this matter as a Statement but, the Covid-19 situation is dire in that parts of the county and I stand by your Statement that this matter is becoming alarming and that we need to suspend the House for probably two weeks.

Mr. Speaker, as I have stated, one week would be paramount and that next week we join you through the Zoom platform so that we still continue with all the programmes as you have read before. Mr. Speaker, I have realized that as a Member of the PIC/PAC Committee, we still have a lot of work that is pending and I equally realized that as a Member of the Standing Committee on Administration of Law, Constitutional Affairs and Justice, we also have a lot of work that need to be looked into and we need to be able to convene and continue with these tasks.

Mr. Speaker, as we adjourn I would wish to request you to write to the Governor that funds for Covid-19 be released because we appropriated some funds to mitigate that venture because some of the wards like Kajulu which is currently experiencing tough times, we could be able to get the sanitizers, face masks and the PPEs that the which I believe that the County must have procured as at now. Mr. Speaker, if my memory serves me well, we did appropriate about Kshs 300 million, if these funds are still available, then our communities may be able to get the help they seriously need.

Mr. Speaker, I stated this yesterday and I would again like to bring it to your attention that, my ward Kajulu is seriously suffering and we are privileged to have a Sub-county hospital known as Gita which does not have a doctor and most of the patients are being referred to that health facility. Mr. Speaker, you realize that quite a number of the nurses who were initially deployed to that facility are no longer working there. Now that the situation is dire, I would now like to call upon the Governor of Kisumu County to consider working with the Department of Health Services so that additional staff are deployed to that facility

Mr. Speaker, once more, pharmaceutical drugs is still a challenge. Now that we are adjourning and going back home, our constituents are going to ask us if we have the pharmaceutical and non-pharmaceutical commodities to assist our people when we take them to the health facilities. Subsequently, within the two weeks that we are going to be out we will be able to tell our residents that the required drugs are available. Thus, I would wish to bring to your attention that, you be able to make your connections so that these facility is equipped. Thank you and May God Bless You.

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

Hon. Muga: Thank you Mr. Speaker. I arise to support the Motion of the Adjournment of this House. In fact, we are aware that this pandemic is a killer and if in any case we are not cautious, we will all go.

Mr. Speaker, therefore as we adjourn to go and meet our constituents. There are a few things that need to be observed. One, we request that we get a way of sensitizing our people to be aware of the symptoms of this disease because it is fatal. Mr. Speaker, the Delta virus is quite different from the initial one because the signs are different and you feel that you have fever. So, we request you that, you are for the betterment of our people and us. We request that you give permission to some of our Hon. Members to go to vernacular radio stations and inform our constituents about the symptoms of this scourge. Further, let them be reminded of the danger zones.

Mr. Speaker, this morning, I had a chat with my area Assistant Chief and I was reminding him to ensure that these congregations should cease because these are the danger zones where our people can easily contract this virus. My only worry is that, some of our allowances are pending, but we know that once we are at home, when somebody is sick, or you voter is sick, you will be compelled to support him/her, but this can only happen if you have the financial muscle.

Mr. Speaker sir, my humble request is that, please try and organize how we can be paid our pending allowances so that we go home when fully supported financially because we cannot run away from this as most of our constituents are suffering from this virus and as one of us has said, this disease is not treatable but we need to get a way of sensitizing our people about the danger of this disease by keeping away from the danger zones.

Mr. Speaker sir, I fully support that we adjourn and go home and ensure that we are safe and get time to sensitize our constituents to avoid these danger zones and to make them aware that this scourge is real and it is the reason as to why we have decided to close the Assembly so that they are made aware that it is a serious pandemic. I fully support, thank you.

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

Hon. Ogaga: Thank you Mr. Speaker. I also arise to support this motion on the Adjournment of the House and I want to be in consensus with Hon. Muga that a lot of sensitization need to be undertaken because even the Holy Book says that, “remind them even if they know”.

Mr. Speaker, our people are aware that this is a pandemic that is killing many of us but still the way we behave and do things we are still stuck in our culture of living and it is really sweeping us. If there could be a way of sensitizing the public then I believe that could be in order and encouraging Members by supporting them. We interact a lot with our constituents and partners and stakeholders because we are ever on the run looking on how we can support our people. If there is one way or another in which Members could also be supported then I believe that it could be a good idea by providing mask or sanitizers. I want to remind Members that as much as we are approaching campaign period, and I know that we are so anxious about tomorrow; funerals are

there, by us going there to start campaigning, we may campaign and end up not campaigning for ourselves in the long run because we will be past tense. Thank you.

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

Hon. Otura: Mr. Speaker, I stand to support the adjournment motion and it is an action whose time has come and I also want to express very well that it is incumbent upon us as Hon. Members to also follow the guidelines given by our beloved Governor. Our Governor together with the County Commissioner did issue a press statement and in that statement, there were some guidelines which I would plead with my fellow Hon. Members that we should enforce.

Mr. Speaker I did say here yesterday that we need to run away from some of our old traditions. Yes, we have our cultural practices but, it can kill you at this moment. We have a duty and that is to sensitize our people on the best practices that will help us bail out of this pandemic. We strongly pray to God that all these will come to past. Thank you.

The Speaker (Hon. Oraro): Yes Hon. Ageng'o.

Hon. Ageng'o: Thank you Mr. Speaker I wish to call the mover to reply.

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

Leader of Majority (Hon. Kenneth Onyango): Mr. Speaker, I want to really thank the Hon. Members for seeing to it that we adjourn. Mr. Speaker as we go out there I would like to reiterate that we should keep safe and also keep our families safe. Otherwise, I do hope that in your wisdom you will find a way in which other critical businesses of the Assembly can move on. Thank you.

The Speaker (Hon. Oraro): Hon. Members now that the Motion on the Adjournment has been moved by the Leader of Majority on the reasons stated, seconded by the Leader of Minority and debated, it is important to note that it is key but I want to promise that we will sit with the Leadership of the Assembly the Clerk included to agree on the best ways forward that we will transact the pending businesses.

Hon. Members, this is to the Budget and Appropriations Committee as has been suggested by Hon. Members that they must ensure that we have our Estimates within the stipulated timelines which should be 30th of June but we were optimistic that we will have our Budget before that time.

Hon. Members, I also want to caution that we do not throw away the good practices of protecting ourselves as per the Ministry of Health protocols and also sensitizing the public. As per our Standing Orders No. 25 you are aware that if an Adjournment Motion is raised and debated then we do not put a question. Because I have seen that almost all the Members that have discussed the same are in support of the motion.

ADJOURNMENT

The Speaker (Hon. Oraro): Therefore the House stands adjourned for a period of two weeks and we shall report back to the House on Tuesday, 22nd June 2021 at 2.30 p.m.

(House rose at 09.58 a.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

Dennis Onyango – Hansard Reporter

Jesca Otieno – Hansard Reporter