

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

SECOND ASSEMBLY – FIFTH SESSION

Wednesday, 17th March, 2021

House met in the Main Chamber at 09:00 a.m.

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

PRAYERS

The Speaker (Hon. Oraro): Good morning Hon. Members and welcome to this morning session. Pursuant to the provisions of County Assembly Standing Orders No. 32 (1) I instruct the Serjeant-at-Arms to ring the quorum bell for five minutes.

(Quorum Bell is rung for five minutes)

The Speaker (Hon. Oraro): Hon. Members, I can see the Deputy Whip in the House. Can you please confirm if we have the requisite quorum?

Deputy Whip (Hon. Obonyo): Thank you Mr. Speaker. I confirm that we have the required quorum.

The Speaker (Hon. Oraro): Thank you. Clerk can you please take us through the order of the day.

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

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oraro): Hon. Members, once again, welcome to this session. I want to communicate to you that effective today, we have resumed our live proceedings of House Debates on the County Assembly of Kisumu Broadcasting Unit (CAKBU) on Facebook. So, whatever you are discussing, please take note that you are alive and our constituents are watching us.

I equally want to request that we debate with sobriety while respecting the opinion of each and every member on a discussion on the business of the day. Thank you.

The Speaker (Hon. Oraro): Next order.

PAPER LAID

The Speaker (Hon. Oraro): Hon. Nyasuna, Chairperson, Standing Committee of Tourism, Culture and Sports.

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

Hon. Ngeta: Mr. Speaker, I am rising on behalf of Hon. Nyasuna.

The Speaker (Hon. Oraro): Please proceed.

Hon. Ngeta: Thank you Mr. Speaker. Pursuant to the provision of Kisumu county Assembly Standing Orders No. 182 (6). I wish to table before this House today Wednesday, 17th March, 2021 Report from the Joint Committee of Children, Culture Arts, Sports and Community Services and Tourism, Wildlife and Heritage on the Vetting of Chief Officer for Tourism, Culture and Sports. Thank you.

(Hon. Ngeta tables the Joint Committee report before the House)

The Speaker (Hon. Oraro): Hon. Members, I confirm receipt of the Report from the Joint Standing Committees of Tourism, Wildlife and Heritage and the Committee of Children Culture and Community Services and on the Vetting of Mr. George Owino Ogol nominee for appointment to the position of Chief Officer for Tourism, Culture, Arts and Sports submitted pursuant to the provisions of Standing orders No. 182 by Hon. Habil Nyasuna and Hon. Maurice Ngeta, I do commit this report to the House Business Committee for scheduling for the purposes of debate. Thank you.

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

NOTICES OF MOTION

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

Hon. Ngeta: Thank you Mr. Speaker. Pursuant to the provision of Kisumu county Assembly Standing Orders No. 45. I wish to give a Notice of Motion on a Joint Report from the Standing Committees of Tourism, Wildlife and Heritage and the Committee of Children Culture and Community Services on the Vetting of Mr. George Owino Ogol nominee for appointment to the position of Chief Officer for Tourism, Culture, Arts and Sports. Thank you.

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

STATEMENTS

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

The Speaker (Hon. Oraro): Hon. Agolla, what is it?

Hon. Agolla: Thank you Mr. Speaker. In my possession is a copy of a statement that was raised which was of Topical Concern. This was a Statement that was sought by Hon. Ojuok and I am wondering why the Chairperson concerned is not responding and yet we have been furnished with copies of the same.

The Speaker (Hon. Oraro): Hon. Agolla, I asked for Statements and I did not get any responses. You are stating that you have a copy of what?

Hon. Agolla: Mr. Speaker, I have a copy of a response of a Statement that was sought by Hon. Ojuok on the issues of Bursaries and Scholarships.

The Speaker (Hon. Oraro): Hon. Members, I am being informed that it is scheduled to come in the afternoon.

Hon. Agolla: Thank you. Then our Clerks should have informed us.

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

MOTION

THE REPORT FROM THE SELECT COMMITTEE OF COUNTY BUDGET AND
APPROPRIATIONS ON THE KISUMU COUNTY VALUATION ROLL, 2017.

PRESENTED BY

HON ASLAM KHAN ON BEHALF OF THE CHAIRPERSON, HON. STEVE OUMA OWITI.

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

Hon. Khan: Thank you Mr. Speaker. If you allow me, I want to read the report from the Select Committee of County Budget and Appropriations on the Kisumu county Valuation Roll, 2017 on behalf of the Chairperson, Hon. Steve Owiti.

The Speaker (Hon. Oraro): Please proceed.

Hon. Khan: Thank you Mr. Speaker.

Preamble/Introduction

Mr. Speaker and Hon. Members. Pursuant to the provisions of section 9 (1) of the Valuation for Rating Act Cap 266 and vide a letter referenced CGK/LHPP&UD/ADM/VOL. 4/71 dated 17th December, 2020 (Annexed) the CEC for Lands, Housing, Physical Planning and Urban Development on 21st December, 2020 forwarded to the Assembly 19 (Nineteen) copies of the Draft Kisumu County Valuation Roll, 2017.

Consequently, during a Special Sitting held on Wednesday, 23rd December, 2020 the Leader of Majority laid the Draft Kisumu County Valuation Roll, 2017 which stood committed to the Budget and Appropriations Committee for consideration and due reporting to the House as mandated by the provisions of the County Assembly Standing orders 189.

Functions and Mandate of the Committee

Pursuant to the Provisions of the Standing Order 189 (2) the functions of the Committee are to-

1. Investigate, inquire into and report on all matters related to coordination, control and monitoring of the of the county budget;
2. Discuss and review the estimates and make recommendations to the county assembly;
3. Examine the county fiscal strategy paper presented to the county assembly;
4. Examine bills related to the county budget, including appropriations bills; and
5. Evaluate tax estimates, economic and budgetary policies and programs with direct budget outlays.

The County Budget and Appropriations Committee constituted by the County Assembly immediately following the general election shall serve for a period of three calendar years and that constituted thereafter shall serve for the remainder of the County Assembly term.

Composition of the Select Committee of Budget and Appropriations

The County Budget and Appropriations Committee was constituted on 19th September, 2020 and is established as below;

- | | | |
|-------------------------|---|------------------|
| 1. Hon. Steve Owiti | - | Chairperson |
| 2. Hon. Aslam Khan | - | Vice Chairperson |
| 3. Hon. Kenneth Onyango | - | Member |
| 4. Hon. Joachim Oketch | - | Member |
| 5. Hon. Benny Pete Oiko | - | Member |

6. Hon. Jacktone Ojwang'	-	Member
7. Hon. Beatrice Odongo	-	Member
8. Hon. Seth Okumu	-	Member
9. Hon. Nancy Owiti	-	Member
10. Hon. Vincent Jagongo	-	Member
11. Hon. Paul Okiri	-	Member
12. Hon. Seth Kanga	-	Member
13. Hon. Joseph Olale	-	Member
14. Hon. Maurine Otiang'	-	Member
15. Hon. Johnson Guya	-	Member

Secretariat

1. Peter Anditi	-	Clerk to the Committee
2. Isaac Omollo	-	Clerk Assistant
3. Zablon Otiende	-	Hansard
4. William Ogada	-	Serjeant-at-Arms

Acknowledgment

The Committee would like to take this opportunity to applaud the Office of the Speaker and that of the Clerk for the invaluable support accorded to us by providing conducive atmosphere and slotting adequate time to ensure that the Committee executed its mandate, prepared the report and submits it to the House own time.

Further, the Committee would wish to convey its gratitude to the Members of the Committee who took time out of their busy schedule to honor the committee Meetings and offered their valuable input on this report.

Finally, the Technical staff who worked tirelessly by making reference to various legal instrument that pertains to the Valuation Roll taking into consideration that the County has not customized its own Valuation Act for furtherance of this objective

Mr. Speaker and Hon. Members. On behalf of the Select House Committee of Budget and Appropriations, let me take this opportunity to present before this House the report from the Committee on the Proposed Kisumu County Draft Valuation Roll, 2017 for consideration.

OBJECTIVES OF THE VALUATION ROLL, 2017

Mr. Speaker and Hon. Members, pursuant to the provisions of Article 209 of the Constitution of Kenya 2010 read together with section 132 and 133 of the PFM Act, 2012 and County Assembly Standing order No. 226 provides the County Government to collect revenues from members of the public from the County. Revenues collected is used in service delivery. One of the key Revenue

source that has not been fully tapped is the Land Rates which is paid by property owners within the County.

The County Government of Kisumu is obligated to provide services to its residents. These services require financial and human resources. The approval of the Valuation Roll, 2017 will facilitate the effective implementation of the Valuation Roll and consequently;

- a) Ensure the County collects revenue from Property Tax in line with the provision of section 157 of the PFM Act, 2012 in order to finance its County Budget and meet required obligations to the public.
- b) Provide a mechanism for public engagement in the process of preparation of the Valuation Roll as stipulated in Part VIII of the County Government Act, 2012.
- c) The process will ensure that the process of preparation of the valuation Roll is participatory and existing disputes solved amicably.

LEGAL FRAMEWORK UNDERPINNING THE PREPARATION AND DEPOSITING OF THE KISUMU COUNTY DRAFT VALUATION ROLL, 2017 BEFORE THE COUNTY ASSEMBLY.

The Committee in delving into the Proposed Kisumu County Valuation Roll, 2017 made reference to relevant legal instruments to establish and recognize whether in the submission of the Valuation Roll the County adhered to key legislations that underpinned its tabling in the House.

Mr. Speaker and Hon. Members,

1. The provisions of section 9 (1) and (2) of the Valuation for Rating Act cap 266 gives the Rating Authority powers to prepare and deposit draft Valuation Roll. Further, section 9 (3) and (4) bestows the Rating Authority power to lay the document before the public for 21 (twenty-one) days for inspection with a notice containing the manner in which and the latest date by which objections to the same may be made.
2. Section 3 of the Rating Act Cap 267 gives the rating authority powers to initiate the process or levy rates on valued property within its jurisdiction and this may include the following;
Forms of Rating
 - (1) The rating authority may, for the purposes of levying rates, adopt the following forms of rating—
 - (a) an area rate in accordance with section 5 of this Act;
 - (aa) an agricultural rental value rate;
 - (b) a site value rate or a site value rate in combination with an improvement rate in accordance with section 6 of this Act:

Provided that—

(i) where any one of the aforementioned forms of rating has been adopted in respect of any rating area, no other form of rating under this subsection shall, at the same time, be adopted in respect of that area;

(ii) before the rating authority adopts any form of rating, the Minister's approval to the form of rating so adopted and the rating area in respect of which such form of rating is adopted shall be obtained and a notice to this effect shall be published by the rating authority.

(2) As soon as may be after the rating authority has adopted as a form of rating for any rating area any form of area rate or agricultural rental value rate the Minister may, under section 27, make rules appropriate to the form of rating so adopted.

(3) Where the rating authority has adopted for any rating area a form of rating under subsection (1)(b) of this subsection, the provisions of the Valuation for Rating Act (Cap. 266) shall apply to the form of rating so adopted.

3. Referenced in made on section 8 of the Valuation for Rating Act Cap 266 which provides the Basis of Valuation which states that the value of land shall for the purpose of valuation be the sum which the freehold in possession free for encumbrance therein might be expected to realize at the time of valuation if offered for sale on such terms and condition of bone fide seller. The provisions of section 80 (2) further states that, the value of unimproved land shall for the purpose of valuation roll be the sum of freehold in possession free from burden therein might be expected to realize at the time of valuation offered for sale on such reasonable terms and condition.

4. Note that, the provisions of section 7 of the Rating Act Cap 267 of 2012 states that a Rating Authority shall appoint a Value for the purposes of preparing a Draft Valuation Roll in accordance with the provisions of the Valuation for Rating Act Cap 266 of 2012.

5. Further, section 3 of the revised Valuation for Rating Act Cap 266 of 2012 provides for the preparation of a Valuation Roll or Supplementary Valuation Roll.

6. Whereas the section 3 of the Rating Act 267 provides for a Rating Authority to the Appointment of a Valuer to undertake the valuation process and prepare a report to be tabled to the appointing authority

7. Section 12 of the Valuation for Rating Act Cap 266 bestows the rating authority the powers to constitute and appoint as Valuation Court which shall consist of the following membership;

- i. The Magistrate who shall have the powers to hold a sub-ordinate court of the first class;
- ii. An Advocate of not less than five years' experience standing who shall be the Chairperson of the Court;
- iii. And not less than two additional members appointed with the approval of the Governor;

6. Hence, Section 10 (1), (2) and (3) of the Valuation for Rating Act Cap 266 provides modalities on how to address Objections to Draft Valuation Roll and the Supplementary Valuation Roll. This will be undertaken in the following grounds;

(1) Any person (including the local authority or any person generally or specially authorized in that behalf by the local authority) who is aggrieved—

(a) by the inclusion of any rateable property in, or by the omission of any rateable property from, any draft valuation roll or draft supplementary valuation roll; or

(b) by any value ascribed in any draft valuation roll or draft supplementary valuation roll to any rateable property, or by any other statement made or omitted to be made in the same with respect to

any rateable property, may, on the payment of a non-refundable fee of five hundred shillings and on the prescribed form, lodge an objection with the town clerk at any time before the expiration of twenty-eight days from the date of publication of the notice referred to in section 9(3).

(2) No person shall be entitled to urge an objection before a valuation court unless he has first lodged the notice of objection; but it shall be competent for a valuation court to agree to consider an objection although notice thereof has not been given in accordance with this section.

(3) The rating authority shall, within twenty-one days after the date on which a notice of objection is lodged with him, send a copy thereof to the rateable owner of the rateable property to which the objection relates, if that person is not the maker of the objection.

8. Auxiliary, section 16 of the Valuation for Rating Act Cap 266 gives leverage to the Valuation Court on how to determine objections brought before it as stipulated below;

(1) Every valuation court shall, at sittings duly called by the rating authority, consider the objections made under section 10.

- i. Further section 7 (2) of this Act states that Not less than seven days before the day fixed for the consideration by a valuation court of any objection, the rating authority shall send notice of the date to the persons mentioned in subsection (3); but it shall be lawful for a valuation court to hear any objection at shorter notice if all the persons entitled to be heard on the objection consent.
- ii. Section 7 (3) stipulates that, on the consideration of an objection the rating authority and the persons who lodged the objection and the rateable owner of the rateable property which is the subject of the objection may appear and be heard, either in person or by an advocate or accredited representative, and may examine any witness before the court, and may call witnesses.
- iii. Section 7 (4) states that After hearing the persons mentioned in subsection (3), or such of them as desire to be heard, the valuation court shall confirm or may amend the draft valuation roll or draft supplementary valuation roll, by way of reduction, increase, addition or omission, as to it may seem just.
- iv. Again, section 7 (5) Where a valuation court has amended a draft valuation roll or draft supplementary valuation roll in accordance with subsection (4), it shall be lawful for the

court to make any further amendment of the roll, as to it may seem proper, in consequence of such first-mentioned amendment:

Provided that—

- (i) no such further amendment by way of increase or addition shall be made unless any rateable owner concerned has been given at least fourteen days' previous notice of the proposed amendment and of the date of the sitting of the court at which such amendment will be considered; and
- (ii) every such rateable owner may lodge an objection to such further amendment in writing, so as to reach the clerk not less than three days before such date.

v. Finally section 7 (6) stipulates that the valuation court shall consider the objections made under paragraph (ii) of the proviso to subsection (5), and the provisions of section 10(2) shall apply, *mutatis mutandis* (*meaning that matters or things are generally the same, but to be altered*), in respect of those objections.

9. Again, section 17 of the Valuation for Rating Cap 266 of 2012 provides the Certification of Valuation Roll or Supplementary Valuation Roll by the Chairperson of the Valuation Court after all litigations have been heard and exhaustively addressed. Further this section provides for the rating authority to publish the in the Kenya Gazette and state the manner in which and the latest dates by which appeals may be made and determined.

10. Thus, section 19 read together with section 29 of the Valuation for Rating Cap 266 of 2012 gives provision for stakeholder who feel aggrieved to lodge their grievances and objection to the Valuation Court for appeal against the decision of the Valuation Court to the High Court. This provides the appellant further avenues to ensure that the process is fairly concluded by exhausting other legal avenues.

11. Again, section 18 of the Valuation for Rating Cap 266 provides the effective date on which the Valuation Roll it shall come into force after the approval of the Supplementary Valuation Roll by the Rating Authority.

12. Finally, the provisions of PART II, section 3 of the Valuation for Rating Act Cap 266 (Preparation of Valuation Roll and Supplementary Valuation Roll) give provision for the review of the Valuation Roll at least once every 10 (ten) years or such a longer period as the Rating Authority may approve. This is driven by various inflationary factors as Appreciation and Depreciation of properties (Land).

COMMITTEE FINDINGS

Mr. Speaker and Hon. Members, during the interrogation of the procedures underpinning the tabling of the Proposed Kisumu Draft Valuation Roll, 2017 the committee flagged the following;

- a) That Kisumu County has not developed the requisite legislation, that is, the Kisumu County Valuation Roll and Rating Acts which makes it rely of the National Laws the Valuation for Rating Act Chapter 266 of 11th May, 1956 and revised in 2012.

- b) That, the Proposed Kisumu Draft Valuation Roll, 2017 during its tabling in the Assembly, the House was only meant to note that Roll which was necessitated by the lack of a Kisumu County Valuation Act leaving the relevant Committee to delve into the parent Act of 2012 which does not provide the Assembly with express provisions to look into the Roll holistically which is against the parliamentary practices and traditions.
- c) That, the Line Department in the process of embracing the principles and tenets of public participation should have deposited these Rolls in all the Sub-county Offices for inspection and openness.

COMMITTEE RECOMMENDATIONS

The Committee recommends the Executive to institute the following for effective implementation of the Valuation Roll;

- a) That the Executive to submit to the Assembly legislative proposals on the Kisumu County Valuation for Rating Bill as soon as possible. The legislations should come prior to submission of the Valuation Roll to the Assembly.
- b) Establishment and the constitution of Valuation Tribunal/Court to hear and determine objections, reviews and petitions lodged against the draft Valuation Roll by the public and ensure appropriate dispute resolution mechanism are put in place which shall include the appointment of qualified Members of the Court. The Members of the Valuation Court to be approved by the County Assembly.
- c) As soon as practicable, the CEC for Lands shall consider preparing and tabling before the House regulation that will cause the operationalization of the Valuation Roll Act.
- d) Establishment of a Monitoring and Evaluation enforcement mechanism to ensure that Property Rates is collected so that there is sufficient resources to ensure the County meets its obligations in line with section 209 (3) of the Constitution of Kenya 2010.
- e) The CEC Member for lands must prepare and submit before the Assembly Final Draft of the Valuation Roll with recommendations from the valuation court or appeal for approval.

CONCLUSION

Mr. Speaker and Hon. Members. Pursuant to the provisions of the Valuation for Rating Act, Chapter 266, the Committee recommends as follows;

That, this Assembly considers adopting the recommendation contained in this Report on the Proposed Kisumu County Draft Valuation Roll, 2017 herein. Thank you.

Mr. Speaker, if you may allow me, to call upon my able Chairperson Hon. Steve Owiti to second this motion.

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

Hon. Steve: Thank you Mr. Speaker Sir and the Hon. Members of this August House. Mr. Speaker, I rise to second this report and urge the Hon. Members of this House to adopt this report with its recommendations bearing in mind that the Kisumu County Valuation Roll, 2017 that was tabled before this House during a Special Sitting on Wednesday, 23rd December, 2020. As a House Committee we were not able to recommend its implementation.

First, because there aren't prerequisite laws put in place to enable this House to look through it. Consequently, it could have undermined the integrity and role of this House to table a report but not discuss it. Mr. Speaker, the Valuation Roll is an extra ordinary document that will give this great County of Kisumu the required amount of revenue and also to sort out some of the problems that have bedeviled the County regarding our Own Source Revenue. Our committee will ensure that this House will not be taken for granted. On that note, I urge the honorable Members in this House to support the adoption of this report, thank you and I second the report.

The Speaker (Hon. Oraro): Honorable Members, now that the report on the Kisumu County Valuation Roll 2017 by the Select Committee on Budget and Appropriations has been presented by Hon. Aslam Khan on behalf of the Chairperson, Hon. Steve Owiti and seconded by the chairperson Hon. Steve Owiti. I want to propose that the report on the Kisumu County Valuation Roll 2017 by the Select Committee on Budget and Appropriations be debated upon.

The Speaker (Hon. Oraro): Yes, Hon. Beatrice Pamela.

Hon. Beatrice Pamela: Thank you Mr. Speaker, I stand to support the report by the Committee on Budget and Appropriations on Valuation Roll. The Valuation Roll is an important document that will have a great impact on the residents of Kisumu County and must not be handled casually as the Executive is doing. It is interesting to note that, the same Valuation Roll that was tabled in this House, but hadn't been passed, had already started being implemented until a certain group had to challenge that move in court. Mr. Speaker, such moves by the Executive undermines the role of this House and Members should not take it for granted by letting the Executive know that it is unacceptable. The role of passing legislative decisions lies with the Assembly and as a House of laws, the rules that we have enacted should be followed to the latter.

Mr. Speaker, it is interesting to note that this Valuation Roll was brought to this House without following the laid down procedures and without legislation under which it is anchored. The fact that the relevant department at the Executive has shown some form of incompetency, I am here in support of what the Committee on Budget and Appropriations has proposed and that we send the Valuation Roll back to the Executive so that they can follow the right procedure and bring a policy for this House to debate and pass. This will be in line with doing the right thing for the people of Kisumu.

The Speaker (Hon. Oraro): Yes, Hon. Philemon Ojuok, MCA for Central Nyakach ward.

Hon. Ojuok: Thank you Mr. Speaker, I want to fully associate myself with the report by the Committee on Budget and Appropriations and I am proud of the Committee with first the KCPROP and now the Valuation Roll.

Mr. Speaker, even from conversations along the corridors out here, some often say that I speak a lot of English and that this English doesn't help them. However, I am a visionary person, and when the report was just presented to me, I immediately said that without the law it could not lead anywhere. I am quite pleased to be vindicated by this committee, and I want to say that the Executive won't go anywhere despite their noble ideas, as long as they take this House for a ride. In addition, their advisor should know that this House cannot be sidelined on matters legislation. The recommendations of this report are quite clear and the law must come from here before any other thing. Thank you.

The Speaker (Hon. Oraro): Yes, Hon. Benny Pete Oiko, Leader of Minority and MCA for Kabonyo-Kanyagwal Ward.

Leader of Minority (Hon. Oiko): Thank you Mr. Speaker, the report on Valuation Roll brought to the County Assembly of Kisumu by the Executive culminated findings by the Committee of Budget and Appropriations saw it that it was a public relations exercise. We are being roped into this yet the right procedures and necessary laws hadn't been put in place for the implementation.

Mr. Speaker, when we look at the recommendations of the House Committee as well as their findings, the Assembly should concur with the Members of Kisumu County who challenged the matter in court because this was a good idea of increasing rates. These were rates that were to be imposed on our people, but when the right procedures aren't followed then, how will we handle it? As it is clearly stated in the committee's recommendations, we are saying 'No' to the Executive on the Valuation Roll. They should therefore do the necessary before bringing it to the Assembly to be enacted. If we rush to pass some of these bills brought by the Executive without proper interrogation, we shall stand accused. It is good to increase the taxes for the government but only if it is done in the proper way. But, that one will come when the real document will be presented in the House. I therefore support the recommendations of the committee and I also applaud the work done by the House Committee. Thank you.

The Speaker (Hon. Oraro): Yes Hon. Joseph Olale, MCA Nyalenda "B" Ward.

Hon. Olale: Thank you Mr. Speaker. I want to associate myself fully with the report as a member of the Budget and Appropriations Committee. This county is important and bigger than an individual. The recommendations made by the committee is an indication of one mild steps that is going to support the county to collect proper revenue when the laws are followed.

Mr. Speaker, this House is the only House that is mandated to make Laws that governs the county. When an important document of this nature, the Valuation Roll, should follow the due process to

help the county generate revenue rather than taking the whole county to court hence loses a lot of revenue while at the same time loses money for litigation.

Hon. Speaker, with the support of this House, we are going to follow the Law by making sure that every person in Kisumu County gives revenue to the county by following these rules Mr. Speaker. Otherwise, we support the recommendations made by this committee, thank you Mr. Speaker.

The Speaker (Hon. Oraro): Yes Hon. Atieno MCA Kobura Ward.

Hon. Atieno: Thank you Mr. Speaker for giving me the opportunity. I rise to fully support the recommendation of the Budget and Appropriations Committee. If you happen to see the recommendation of this committee, it clearly depicts that there is something lacking at the executive.

The magnitude of Valuation Roll, its seriousness and its impact on the people of Kisumu is such a weighty matter that could not be handled in such a casual way.

Mr. Speaker, the recommendations are legitimate and I am left wondering whether we have the County Attorney who should be advising the Executive on what to do when such an important document finds itself on the floor of this House.

Hon. Speaker, I know that as a county, we do not have many industries where we can generate our revenues and Property Rates are very important and imperative revenue stream of this county. I can also understand and associate the predicament of the Executive in trying to speed up the process so that people are able to pay rates hence the county can find revenue Mr. Speaker sir. But, in as much as the need is real and urgent, then due process needs to be followed.

We are the custodians of the interests of our people. And if we leave this thing the way the executive brought it on the floor of the House, then our people were going to be hurt and messed up. That is because; land rates are serious emotive issue to our people Mr. Speaker sir.

Finally, I fully support the recommendations of the Budget and Appropriations Committee that the Executive need to do the necessary policy frame work so, that they can properly reintroduce the issue of Valuation Roll. I believe that we do this thing for once and in finer details to avoid any resistance from our people, I fully support.

The Speaker (Hon. Oraro): Hon. Julius Genga.

Hon. Genga: Thank you Mr. Speaker. I stand to support the report by the Budget and Appropriations Committee. I believe that, it was wise for the committee to come up with such recommendations because, the Valuation Roll, being a very important document was not presented well especially to the public.

We are all in agreement that the county needs to generate more revenue. But, now that it is the public domain, that our own source revenues has depressed in the last financial year and indeed they are on trajectory.

Mr. Speaker, this was a work well done. I believe that, we have been left wondering if the Valuation Roll was correctly presented before the House. I believe that it is important for the Executive to take matters seriously and also always present their documents for public participation.

Mr. Speaker, I heard lamentations especially within Muhoroni- Koru Ward that everybody is going to be touched. The other outrageous thing about the Valuation Roll were; the astronomical increase in percentages. Percentage increase in rates that were presented and it was illogical for us as Assembly to have given in to such a report.

So, Mr. Speaker, I think this was the best report we have. Let the CEC for Planning, take this House seriously. We will approve what is on the best interest for our people in the county and we will also take into consideration that indeed needs to increase its revenue streams. With that Mr. Speaker, I beg to support the report, thank you.

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

Hon. Ogaga: Thank you Mr. Speaker. May I call the mover to reply?

The Speaker (Hon. Oraro): Going by the silence, I believe that it looks like everybody is agreeing that the mover should reply. So Hon... where is the mover? Hon. Steve, you have been donated time by Hon. Aslam Khan to reply?

(Hon. Khan nods in agreement)

The Speaker (Hon. Oraro): Proceed.

Hon. Owiti: Thank you Mr. Speaker and the Hon. Members of this House for the robust debate that we have experienced on the floor of this House and the support that this report has received so far. It is true that the Implementation of the Valuation Roll cannot be effected before the approval of the County Assembly. This is an illegality that has already been mentioned; if it is true that the County Executive had attempted to implement the Valuation Roll that was not approved by this House then, it is my belief that, that was in very bad faith since the PFM Act states very clearly that there is no single amount of money that can be collected or can be used without the approval of the Assembly.

Mr. Speaker, I believe that, as we sit in this House, it is very imperative for every person in the County Government of Kisumu to know that the role of the Assembly cannot be underrated. Therefore, when it comes to the issue of taxing our people we as the people's representatives must always be listened to. I believe that, when this Valuation Roll was brought to the floor of the

House, it was the feeling of the majority of the Members of this House that the manner in which the matter was handled was not right. At one particular point there was a feeling that there was an attempt to sneak the Valuation Roll so that, it goes through the Assembly without the Assembly noticing.

A number of things have come up recently where the Assembly has been blamed for issues that have never been before this Assembly. People are blaming the Member of this Assembly for approving matters directly affecting their lives without consulting with the Members which has not been true. I want to urge the relevant departments, the Executive Members in charge of various issues that before making any public pronouncement, before making any attempt to implement a matter that has not been approved before this Assembly then they should be warned that is an illegality.

As we looked through this document as a committee, apart from the fact that there was no prerequisite legislation put in place that should ensure that it is implemented properly, there were also increments which are also going against the National laws. We cannot increase the Property Rates by more than 1000%. I believe that, let us return this document back to the Executive to look at it. These are some of the matters that they also need to realize that they need to adhere to the law so that any increment or any proposal or an attempt to increase the existing revenues by more than 1000% shall not be supported by this County Assembly because already the people of Kenya and Kisumu County are over taxed as much as we know there is need to increase our local revenue to ensure that we pay tax as patriotic citizens of this County. We would also like urge our Government to ensure that as much as it is our responsibility to pay taxes, the Government should also ensure that the taxes paid are also reasonable and do not oppress our people in any way.

Mr. Speaker the preparation of the Valuation Roll is not something very easy and I believe that as the Budget Chairperson and the Budget Committee, we would want to say that it is quite disappointing that having spent so much money which adds to millions to prepare this Valuation Roll that involved contracting Consultancy was a very costly affair. Thus it would have been right for those charged with the responsibility of ensuring that the right law is in place to do those things.

Mr. Speaker, I believe that, as a Member I had already mentioned that this puts our County Attorney at fault. The County Attorney ought to have known that for this Valuation Roll to pass then, we were supposed to adopt our own Act as a County and that Act ought to have gone through this Assembly with the prerequisites regulations for its implementation so that, at the end of the day, when the Valuation Roll is tabled here, we would only be looking at the figures and ensuring that everything is in place. But here we realized that the County Attorney is not in any way doing his job or helping this County in his mandate.

Mr. Speaker, as I conclude, I want to say that this process must be full proof as the payment of Rates is an emotive issue that our people will not take for granted. We also say that we underscore the fact that our people must pay taxes. In the event that we want them to pay the taxes, those taxes

must be reasonable and the right law must be followed because this is a House of orders. Thank you.

The Speaker (Hon. Oraro): Hon. Members, now that the Report from the Budget and Appropriations committee on the Kisumu County Valuation Roll has been presented, seconded and debate, I therefore want to put a question on the adoption of the same.

(Question put and agreed to)

The Speaker (Hon. Oraro): The report from the Budget and Appropriations Committee on the Kisumu County Valuation Roll is hereby adopted today Wednesday 17th March 2021 at 10.07 a.m.

Hon. Members, I direct that the Hansard Report on the same be prepared and such communication to be made to the Executive for further action. Further, I also want to direct that the Committee of Planning do follow up on the preparation the Kisumu County Rating and Valuation Bill for the Assembly. I also direct that the committee of Implementation on the action of the said directions.

The Speaker (Hon. Oraro): Next Order!

ADJOURNMENT

The Speaker (Hon. Oraro): There being no any other business to transact, the House stands adjourned to today 17th March 2021 at 2.30 p.m.

(House rose at 10.12 a.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