COUNTY GOVERNMENT OF KISUMU

COUNTY ASSEMBLY OF KISUMU

THE HANSARD

SECOND ASSEMBLY – SIXTH SESSION

Tuesday, 22nd February, 2022

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

(The Temporary Speaker (Hon. Seth Okumu) in the Chair)

PRAYERS

The Temporary Speaker (Hon. Okumu): Good afternoon Honourable Member. I want to request that under the provisions of the County Assembly of Kisumu Standing Order No. 32 (2) that the Serjeant-at-Arms rings the quorum bell for five minutes.

(Quorum bell rung for five minutes)

The Temporary Speaker (Hon. Okumu): Again, I have noticed that we have not attained the required quorum. So, I want to request that under the same provisions of our Standing Order No. 32 (2) that the Serjeant-At-Arms rings the quorum bell for another five minutes.

(Quorum bell rung for five minutes)

The Temporary Speaker (Hon. Okumu): Hon. Leader of Majority, can you confirm if we have quorum.

The Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. There is quorum in the House.

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

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

COMMUNICATION FROM THE CHAIR

The Temporary Speaker (Hon. Okumu): Honourable Members, there shall be a National Delegates Conference for the Orange Democratic Movement party from 25th to 27th February, 2022. Kindly plan to attend the meeting. Thank you.

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

STATEMENTS

The Temporary Speaker (Hon. Okumu): Hon. Leader of Majority.

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker, I just want to reiterate the communication that you made. We shall be having the National Delegates Conference (NDC) that will begin from 25th to 27th February, 2022. I would want to appeal to the Honourable Members that you may not be a delegate but you need to have a feel of what will go on. It will be very momentous. We will officially release our party leader to vie for presidency. I also want to thank the members who attend our meeting in Kisumu. We endorsed the candidature of our Governor Prof. Peter Anyang' Nyong'o. Now we are done with plan "A" and we shall show them on 09th August, 2022. Thank you.

The Temporary Speaker (Hon. Okumu): What is it Hon. Steve Owiti.

Hon. Owiti: Thank you Mr. Speaker. I rise to make two statements. I would want to ask the Leader of Majority that going by the deadline for the submission of the CFSP, I am aware that the law requires that it be disposed off by 28th February. We have not received that document as a House Committee and I am worried that we may not be able to work on the document on time as required by law. I therefore want to ask the Leader of Majority to say something so that the Assembly may not be blamed.

Mr. Speaker, the law requires that those who want to contest in the coming election to resign from the government positions. This Assembly is an arm of the County Government of Kisumu. I want to ask the Leader of Government Business in the House to table for us the list of names of the staffs who have resigned because there are a number of them who are out there campaigning. He can get that from the County Secretary. Thank you.

The Temporary Speaker (Hon. Okumu): Thank you. Hon. Leader of Majority I want to direct that you report on the status of the CFSP by Thursday 24th February, at 2:30 p.m. You also need to get the list of county staffs who have resigned to venture into politics.

Hon. Owiti: Mr. Speaker, just to remind the Leader of Majority is that, in accordance with the provision of section 117 of the PFM Act, 2012 the deadline for dispensing off with the County Fiscal Strategy paper is on 28th February, 2022. Thank you.

The Temporary Speaker (Hon. Okumu): I know Chair Budget. Hon. Leader of Majority, please find ways getting those documents and inform the House accordingly.

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

MOTION

JOINT COMMITTEES OF HEALTH, HOUSING AND SANITATION AND LABOUR AND SOCIAL WELFARE REPORT ON THE MATTER OF PAYMENT ARREARS OWED TO COMMUNITY HEALTH WORKERS AND SUBSEQUENT REMUNERATION OF THE STIPEND 1ST QUARTER 2021/2022

BY

HON. VINCENT JAGONGO

(CHAIRPERSON, HEALTH, HOUSING AND SANITATION)

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

Hon. Otura: Thank you Mr. Speaker. Mr. Speaker and Hon. Members, PURSUANT to provisions of the Kisumu County Assembly Standing Orders No. 45, Hon. Rashid Miruka, the MCA for North Nyakach brought a motion on the matter of payment of arrears owed to Community Health Workers and subsequent remuneration of their stipends for the first quarter of FY 2021/2022 before this Honourable House in its sitting of Wednesday 13th October, 2021 at 0900hrs (See annexure 1).

The motion was debated on but the House however felt there was need to probe further the attendant matters owing to its weight and considering the fact that it was a concern not only to Nyakach Sub County but Kisumu County as a whole and called for formation of joint committee of Health, Housing and Sanitation, and Labour and Social Welfare to look into the matter.

PURSUANT to the provisions of the Kisumu County Assembly Standing Orders No. 185, Hon Speaker approved the joint Committee of Health, Housing and Sanitation and, Labour and Social Welfare on Wednesday 13th October 2021 and called to action to investigate on the grievances contained in the motion.

The Committee is constituted as follows;

Members

1. Hon Vincent Jagongo - Chairperson
2. Hon Benny Pete Oiko - Vice Chairperson
3. Hon John Atieno - Member
4. Hon Seth Okumu - Member
5. Hon Rashid Miruka - Member
6. Hon Jennipher Obonyo - Member
7. Hon Maurine Otiang' - Member
8. Hon Consolata Ollows - Member
9. Hon Julius Genga - Member
10. Hon Pst. David Arao - Member
11. Hon Pamela Odhiambo - Member
12. Hon Joachim Oketch - Member
13. Hon Florence Olang'o - Member
14. Hon Habil Nyasuna - Member
15. Hon Gard Olima - Member
16. Hon Jacktone Ogendo - Member
17. Hon Vitalis Otura - Member
18. Hon Nancy Owiti - Member
19. Hon Olga Aoko - Member
20. Hon Priscah Misachi - Member
21. Hon Samson Ameso - Member
22. Hon Inviolate Adhiambo - Member
23. Hon Caren Muga - Member
24. Hon Samuel Dede - Member

Secretariat

1. Ms. Angelyne Obonyo - Clerk Assistant HH&S
2. Ms. Jacklyne Otieno - Hansard reporter L&SW
3. Mr. Edwin Odanga - Hansard reporter HH&S
4. Mr. Abraham Odegi - Sergeant-at-arms HH&S
5. Ms. Risper Wayua - Sergeant-at-arms L&SW
6. Mr. Dominic Muinde - Legal Counsel L&SW
7. Ms. Macreen Lajah - Secretariat HH&S

Committee Mandate

Mr. Speaker and Honourable Members, the Committee was mandated to investigate and report back to the House on the prayers as highlighted on the Motion and as the title states; *Matter of*

payment of arrears owed to community health workers and subsequent remuneration of their stipends for the first quarter of FY 2021/2022.

LEGAL BASIS. The Committee in the process of this investigation was guided by the following statutory documents

1. The Kenyan Constitution
2. Labour Relations Act
3. Employment Act Cap 226
4. Kenya Community Health Policy (2020 – 2030)
5. The Kenya Community Health Strategy 2020 – 2025
6. County Governments Act
7. County Assembly Standing Orders

ACKNOWLEDGMENT

The Committee wishes to thank the Speaker and the Clerk of the County Assembly of Kisumu for the goodwill extended to the Committee that enabled it to fulfill its mandate.

The committee also recognizes and appreciates the role and contribution of its members and secretariat that have been instrumental throughout the whole process culminating in the production of this report.

It is my pleasure to report that the Committee has concluded its investigation and has the honour to present before this House, this report with recommendation that this Honourable House passes it with the herein expressions.

BACKGROUND INFORMATION OF COMMUNITY HEALTH VOLUNTEERS (CHVs)

The CHV programme in Kenya began in the early 1970s when community-based health care projects in different parts of the country emerged. Kenya's community Health strategy included a Community Health Workers (CHWs) cadre, called Community health Volunteers (CHVs). However, it is the National Health Sector Strategic Plan (Two) that formalized CHVs, in their current structure.

Community Health Volunteers are members of the community, nominated from within, who are tasked with improving the community's health and well-being and linking individuals to primary health care services. They are considered part-time volunteers, expected to conduct monthly household visits within a defined catchment area with a defined number of households both in rural and urban areas. Section 29 of the national CHV manual outlines 14 additional responsibilities.

Owing to the fact that Community Health Workers pay key role in functioning of Primary Health Care, the Governor Professor Peter Anyang' Nyong'o saw it prudent to remunerate the CHVs by paying them a monthly stipend as a way of appreciating the noble service they provide to the community.

By records, Kisumu County has a total of 2998 Community Health Volunteers distributed within the county as follows;

#	Sub County	Total No. of CHVS
1.	Kisumu Central	401
2.	Muhoroni	415
3.	Nyakach	430
4.	Seme	396
5.	Nyando	497
6.	Kisumu West	383
7.	Kisumu East	476
Total		2998

Table 1 Distribution of CHVs within the 7 Sub Counties

MATTER OF PAYMENT OF ARREARS OWED TO COMMUNITY HEALTH WORKERS

Mr. Speaker and Hon. Members, as was earlier mentioned in this report, a motion by Hon Rashid Miruka was committed to a joint Committee of Health, Housing and Sanitation and, Labour and Social Welfare to carry out intensive investigation on the matter in regards to the following prayers of the motion.

i. CEC be compelled to adhere to the promise made and pay the CHVs their dues in full and promptly.
ii. CEC to state clearly when the arrears of FY 2020/2021 and the first quarter of 2021/2022 will be paid.

The Committee presented before this Honourable House a progress report on its sitting of Thursday 11th November, 2021 at 1430hrs detailing the hurdles that hindered its attempt to complete the investigation.

It is against this backdrop that it requested for more time to allow them conclude this investigation to enable it bring a complete report. The Hon Speaker thereafter directed that the Committee report back in 14 days. Following the Hon Speaker's directive, the Committee did a reminder to the department of Health Services and Sanitation. The department responded vide a letters referenced GN 133 VO. IX (487) dated 10thNovember, 2021 and GN 133 VOL. X (341) dated 12th January, 2022 (see annexure 2 and 3).

FINDINGS

Mr. Speaker and Hon. Members, the department, through their letter(s) responded as follows;

THAT, there is a total of 2998 CHVs in the Department of Health Services and Sanitation's database, distributed within the County as shown in Table 1.

1. CHVs receive a monthly stipend of Kshs. 2500 payable quarterly.
2. 1, 968 of them have NHIF cover under MARWA scheme, 773 are covered through other schemes such as National Government, Red Cross, disciples of mercy, AMREF among others while a total of 257 are not on any cover.

   Reasons why these 257 CHVs are not under any cover;
   i. Some forwarded the names of their spouses to be covered and are thus listed as dependents of their spouses.
   ii. Some were rejected by NHIF on grounds that they failed to produce requisite documentation.

4. Between the months of July 2020 - March 2021, a total of 125 CHVs missed their payment as shown in the table below.

#	Sub County	Not received payment
1.	Kisumu Central	17
2.	Muhoroni	12
3.	Nyakach	14
4.	Seme	14
5.	Nyando	8
6.	Kisumu West	59
7.	Kisumu East	1
Total		125

Table 2: List of CHVs who missed payment from July 2020 to March 2021

Reasons for the above missing payment

i. Some account numbers were wrongly entered.
Action taken - The wrongly entered account numbers has since been corrected.

ii. A number of CHVs gave inactive account numbers.
Action taken - The department communicating the same to the affected CHVs who went ahead and did the necessary (activated the accounts).

iii. Names that some CHVs used didn't match the name used to open bank accounts.
Action taken- Upon realization, this was resolved by having the CHVs use the names that appear in their IDs.

1. On concern No. 1 of the motion;

THAT, the CEC be compelled to adhere to the promise made and pay the CHVs their dues in full and promptly.

The Committee analyzed the document forwarded by the department on payment made noted that payment has been done up to the quarter ended September, 2021 as shown in tables 3 & 4 below;

In the months of April, May and June (Quarter ended 30th June, 2021), a total of 2598 CHVs received payment.

#	Sub County	Total No. of CHVS	Received payment	Missed payment
1.	Kisumu Central	401	352	49
2.	Muhoroni	415	368	47
3.	Nyakach	430	390	40
4.	Seme	396	315	81
5.	Nyando	497	437	60
6.	Kisumu West	383	361	22
7.	Kisumu East	476	375	101
Total		2998	2598	400

Table 3 Distribution of payment made to CHVs for the quarter ended 31st June, 2021

In the months of July, August and September (Quarter ended 30th September, 2021), a total of 2598 CHVs were paid.

#	Sub County	Total No. of CHVS	Received payment	Missed payment
1.	Kisumu Central	401	393	8
2.	Muhoroni	415	415	0
3.	Nyakach	430	430	0
4.	Seme	396	396	0
5.	Nyando	497	497	0
6.	Kisumu West	383	377	6
7.	Kisumu East	476	476	0
Total		2998	2984	14

Table 4 Distribution of payment made to CHVs for the quarter ended 30th September, 2021

From the above analysis, the committee had the following to note;

a. The list of CHVs who missed payment that was forwarded by the department covers only up to March 2021. However,
b. *Table 3* shows that out of the total 2998 CHVs, only 2598 received payment leaving 400 CHVs unaccounted for.
c. Similarly, *Table 4*only accounts for 2768 CHVs. 14 remains unaccounted for.

2. On concern No. 2 of the motion;

THAT, the CEC to state clearly when the arrears of FY 2020/2021 and the first quarter of 2021/2022 will be paid.

Status of payment for the first quarter of 2021/2022, the Committee was informed as follows;
THAT,

i. Payment for the first quarter of FY 2021/22 (quarter ended September, 2021) was done in November 2021 where a total of 2,984 CHVs were paid in full. The CHVs who had previously missed had their payment processed during this time.
ii. A list of 2,992 CHVs had been submitted to the Department of Finance for processing for payment of the quarter ended December, 2021. This left out 6 CHVs

Reasons;

a) Demolishing of lower and upper railways caused relocation and loss of households,

b) Voluntary dropouts due to greener pastures.

Having gone through the entire submission by the department, the committee observed as follows in general.

1. The Assembly did allocate a total of Kshs. 3000 to cater for remuneration of all the 2998 CHVs, out of which Kshs. 500 was to cater for their NHIF. However, the response shows that a total of 773 CHVs receive their NHIF covers under other schemes and thus are not covered by the County Government whilst a total of 257 CHVs are not on any cover. From this, the committee noted that the department did not account for the Kshs. 500, being payment of NHIF for a total of 1030 CHVs who are either on other schemes or so far not on any cover.
2. The department having indicated in their response that a list of 2992 CHVs was submitted to the department of Finance to process payment for the quarter ended December, 2021, neither attached a list of these CHVs nor the 6 CHVs that were said to have missed payment for verification.

The Committee again communicated to the department vide a letter referenced CAK/CGK/CS/ADM/VOL.VI/106 and dated 26th January, 2021 directing that the department;

a. Account for the Kshs. 500 that was budgeted for as NHIF payment for the 1030 CHVs (773 + 257), and furnish the committee with;
b. A detailed list of the 2992 CHVs sent to the department of Finance for the said quarter ended December, 2021.
c. If payment was done, a list indicating when and how much each CHV received and
d. The names and particulars of the 6 CHVs whose names missed out as per their letter/response.

The department, vide their letter referenced. CGK/EXEC.HEALTH/COUNTYASSEMBLY/34/VOL.1 (81) and dated 10th February, 2022 responded as follows;

a. Account for the Kshs. 500 that was budgeted for as NHIF payment for the 1030 CHVs (773 + 257), and furnish the committee with;

Response; *Payment of premium was done based on a list submitted to NHIF, who however, did not approve the 1030 CHVs amongst others. The amount therefore was credited to Kisumu County Account.*

b. A detailed list of the 2992 CHVs sent to the department of Finance for the said quarter ended December, 2021.If payment was done, a list indicating when and how much each CHV received.

Response;

#	Sub County	Total No. of CHVS	Received payment	Missed payment
1.	Kisumu Central	401	395	6
2.	Muhoroni	415	415	0
3.	Nyakach	430	430	0
4.	Seme	396	396	0
5.	Nyando	497	497	0
6.	Kisumu West	383	383	0
7.	Kisumu East	476	476	0
Total		2998	2992	400

Table 5 Distribution of payment made to CHVs for the quarter ended 31st December, 2021

c. The names and particulars of the 6 CHVs whose names missed out as per their letter/response.

Response;

#	NAME OF CHV	ID.NO	CU	S/COUNTY
1.	Reagan's Hawkins	36219597	Market/Milimani	K. Central
2.	Bryan Otieno	29885259	Market/Milimani	K. Central
3.	Esther Nafula	28147559	Market/Milimani	K. Central
4.	Pauline Atieno	24044711	Market/Milimani	K. Central
5.	Tobias Owala	35390226	Market/Milimani	K. Central
6.	Linda Damayi	31283615	Market/Milimani	K. Central

Table 6 Names and details of CHVs who were not captured in the stipend list

RECOMMENDATION

Mr. Speaker and Hon. Members, the Committee thus has the following recommendations;

1. That to attempt to cure this delay in remunerating the CHVs, which is now a menace, the department should come up with a once and for all solution, even if it means coming into an agreement with a bank to be remitting money into the CHVs accounts at the end of every month, and the department repaying the bank later when they get funds. These people feel disheartened that every other employee of the government receive their salaries on time while them (CHVs), who are playing critical roles in our communities have to wait for several months before they can receive their stipends.
2. It is now my pleasure to recommend this report by the joint Committee on Health, Housing and Sanitation and Labour and Social Welfare on the matter of payment of arrears owed to Community Health Workers and subsequent remuneration of their stipends for the first quarter of FY 2021/2022before this Honorable House for further consideration.

I therefore call upon Hon. Dede to second.

The Temporary Speaker (Hon. Okumu): Hon. Vitalis Otura, are you sure about Hon. Samuel Dede being a member of your committee?

Hon. Otura: Yes Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Proceed Hon. Dede

Hon. Dede: Thank you Mr. Speaker, I second.

The Temporary Speaker (Hon. Okumu): Thank you Honorable Members. The Joint Committee of Health, Housing and Sanitation and that of Labour and Social Welfare has brought a report as a Motion that has been moved by Hon. Vitalis Otura, on behalf of their Chair, Hon. Vincent Jagongo and seconded by Hon. Samuel Dede. Consequently, I now want to propose a question that we open this report for debate.

The Temporary Speaker (Hon. Okumu): Yes, Hon. Rashid Miruka

Hon. Miruka: Thank you Mr. Speaker and honorable Members. I happen to have moved the motion and also by virtue of being a member of both committees but I am quite disturbed by the response we have here. My prayers were as follows;

To compel the relevant Department to adhere to the promises made and pay the CHWS their dues promptly…

Hon. Okiri: A point of information Mr. Speaker

The Temporary Speaker (Hon. Okumu): What is the point Hon. Paul Okiri?

Hon. Okiri: (*On a point of information*) I want to inform Hon. Rashid Miruka.

The Temporary Speaker (Hon. Okumu): Hon. Miruka do you want to be informed?

Hon. Miruka: Not at all, Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Hon. Okiri, you counterpart Hon. Miruka doesn't want to be informed so, he will continue with his submissions.

Hon. Miruka: Mr. Speaker, I was saying that, my prayers hasn't been addressed in the responses presented despite me attending the meetings. My second prayer was to give avenues on how this would be done in future so that CHWs get their dues in time.

Mr. Speaker, from the Joint Committee findings and recommendations, it is coming out clearly that the CHWs are owed money to date. Consequently, we aren't told anywhere in the report what steps that the department has developed to ascertain that they are paid promptly. The Joint Committee has just given us a table in the report indicating this number of people from Kisumu, Central, West and other areas have been paid, but there was no justification that this happened. From the report, it clearly states that we can only justify from the bank details that pays them directly.

However, before that is done, the department should have at least tabled information on whom to pay in the account, which isn't justified in the information. It makes me believe that the response given here is a mere narrative. We only have a list of Kisumu Central but not the other areas, but in their submission, they say that people from across the Sub-Counties weren't paid hence not convincing at all. It's disturbing how the department is reluctant to pay the CHWs and give us details required.

Finally, as the Member who sought for this Statement, I want to say that we need to be given more time to find facts on this issue otherwise our CHWs will be more demoralized if we don't finalize this job. Remember that other than the meager stipends, not all of them are receiving the NHIF cover they are supposed to be getting, as is clearly indicated in the annexes provided. If they are getting as little as Kshs. 2500, and even the remittance of the Health Cover that ought to help them isn't paid in good time, how would they continue discharging their services which are voluntary?

Mr. Speaker, we must be serious and honour the promises we make, and as you know that now we are facing our electorates who have been told that they will get their stipends promptly but now we are told that they have only been paid up to the month of September. This tells you that, they are still owed between the months of September to date, which is the justification of my concerns. Are we going to help the CHWs get what they were promised or will we keep on discussions for the sake of it when the departments can't give us responses that would ease the workforce of the

CHWs? I want to conclude by saying that we should invite both Departments of Health and that of Finance to produce the lists…

The Temporary Speaker (Hon. Okumu): Honorable Member, I just want to guide you as I can see we have three lists here; one has 2992 names, the others have various numbers as well. Do you have these lists?

Hon. Miruka: Mr. Speaker, I don't have them.

The Temporary Speaker (Hon. Okumu): Honorable Member, I will share them with you. The other list has 2768 names whereas the third list has 2598 names that were processed for payment and that would be used for paying the last quarter of their salaries. I also have a list of those who missed their stipends from July 2020 to March 2021 and indicating their Sub-Counties. In addition, there is a list of those who cannot be covered because they are in other schemes, so I believe you can come and consult with the lists I have mentioned.

Hon. Miruka: Thank you Mr. Speaker for that information, which I didn't have and regardless, the payments are still owed.

The Temporary Speaker (Hon. Okumu): What is Majority Leader?

The leader Of Majority (Hon. Onyango): Mr. Speaker, ordinarily for purpose of debate in this House, I don't believe that it is prudent that the chair can have information that members do not have because personally I do not see the list that you are alluding to. So, how do you want us to debate factual if you have got information that we do not have?

The Temporary Speaker (Hon. Okumu): Thank Hon. Members and that is why I was informing you or asking if you have the list. Because I have the list with me here that was presented before my table. It is true am having more information than you do and that's why I wanted to ask him if he has the list because he was asking for list that is present on my table.

He is trying to say that if you please check on you WhattsApp page you will find this list summarized because the list is so bulky and they are trying to minimize on the usage of papers.

The Temporary Speaker (Hon. Okumu): So, proceed Hon. Miruka.

Hon. Miruka: Mr. Speaker, I looked at my WhattsApp I do not have that responses and that is why I am giving my point so just allow me to continue lest I would…

The Temporary Speaker (Hon. Okumu): I would request the Serjeant-at-Arm to kindly circulate this list, that is the actual list so you confirm and anybody who need the list can use the hard copies that are on my table.

Hon. Miruka : Mr. Speaker, I may not have time to look at all of this papers and analyze now so just get the facts that am raising and if you have a different response then maybe let it come later but my argument is that the CHW's payment is in arrears that is one. Number two, we must put models to ascertain that they get their pay.

Number three, on the NHIF Cover, we must also be shown how and when they will get it because they get meager salaries and stipends and the department delays to pay them, and they also get sick. How do we help them? Summarily, I say I do not support the report thank you.

The Temporary Speaker (Hon. Okumu): Yes the Hon. Okiri.

Hon. Okiri: Thank you very much Mr. Speaker, a good debater will listen and they will seek advice from other people. And that is why I did mention that I want to inform the member for Nyakach but he did refuse and all this things are now on the ground. Next time Hon. Member if a member want to give inform prudently just allow to be furnished with the information and if you find the information is worthwhile you adopt it and if not you don't. But next time, normally please ask if a member has to give more information and do accept so that you give the House a good time to ventilate on the issues.

Mr. Speaker, the said list is in our website and am aware of it and the Kisumu County is going paperless, if the member had an issue with his phone then he should reset it and get the fact clearly.

Mr. Speaker, this is the same Member who actually sought for the Statement on the same and he is the same member who sat in the same Joint Committees and appended his signature to this report that is before this House.

Hon. Miruka: Point of information Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Whom do you want to inform Hon. Member?

Hon. Miruka: Mr. Speaker, I want to inform the Member who just resumed his seat.

The Temporary Speaker (Hon. Okumu): Hon. Member, do you want to be informed?

Hon. Okiri: Yes, as a senior Member I believe that is very important.

Hon. Miruka :(On a point of information) In my submission I said that I sit in the two House Committees and I got the information as the rest got it but am not satisfied with the responses that is given here, that is what I said. Thank you Mr. Speaker.

The Temporary Speaker (Hon. Okumu): Hon. Member, the contest is you signed that this report reflects your views and feelings …

Hon. Miruka: Which I don't deny but it did not address my prayers.

The Temporary Speaker (Hon. Okumu): So, how again were you saying that you do not support the report? But otherwise proceed Hon. Okiri.

Hon. Okiri: Mr. Speaker, before I proceed he should give us an answer on the question that you had asked "How was he signing this if he was not satisfied with the responses given by the Joint House Committees?" Then we continue from there. Otherwise, he is out of order of which actually he should withdraw even this Motion completely.

The Hon. Member appended his signature to this report, he accepted that this report has passed the threshold of this committee. He sits in that Joint Committee, Mr. Speaker, can he deny whether he did it intentionally or not. Thank you Mr. Speaker. Please give directions.

The Temporary Speaker (Hon. Okumu): Hon. Miruka, I now you are still ventilating on the question so I will give Hon. Samo then I will come back to you.

Hon. Okiri: Mr. Speaker I had not completed my submissions which I thought you were going to give direction on.

Hon. Samo: Just a point of information nothing pass the Hon. …

The Temporary Speaker (Hon. Okumu): Order!! Hon. Member. Whom do you want to inform?

Hon Samo: (On a Point of Information) I just wanted to inform the House including the Senior Member.

The Temporary Speaker (Hon. Okumu): Please, why don't you then allow the Senior Member Hon. Okiri to conclude his submission because the House is here in perpetuity?

Hon. Samo: Mr. Speaker, I don't object to that but, I wanted to furnish him with this information to assist the Hon. Member. He is misleading this House because nothing bars the Hon. Member from changing his views on a report even if he had signed it if it is not conclusive Mr. Speaker. That goes on to say that the Hon. Member is misleading the House and is very hard on the Hon. Member.

The Temporary Speaker (Hon. Okumu): Hon. Samo, I want to rule you Out of Order because you cannot deny that whatever you had signed is now not conclusive without giving concrete reasons or accepting first that you signed and there is something that is missing in the report now you are changing your mind.

Hon. Members, I did not hear anywhere in his statement where he said yes I signed that report but they did not capture this so my view has changed and that is what Hon. Okiri asked that Hon. Member if he signed this report which was supposed to contain representation of your view and now the Hon. Member is talking like he did not. So, I believe that your information has reached home.

Hon. Samo: Hon. Speaker, listen to him very well he never denied that this report is a fake but what he did state is that this report is not conclusive in other words it did not fully address some of the prayers he had asked for.

Mr. Speaker, that is very clear even in law that, if a report is brought into the House and has some of the issues you wish addressed not addressed then, you can bring it back to the House and convince the Speaker which of course he did Mr. Speaker by saying it.

The Temporary Speaker (Hon. Okumu): Hon. Members, please permit Hon. Samo to finish his information.

The Temporary Speaker (Hon. Okumu): Are you done Hon. Samo?

Hon. Samo: No Mr. Speaker. As I was saying that, he has not said that this report is a fake and that is the word that came from the senior Member. That is why I stood to correct that part that he is requesting that the report that has been brought to this House does not conclusively address some of the prayers that he had sought for .So, then that now makes your interpretation Mr. Speaker that you may allow an extension over the same but that does not invalidate sentiments made by the Senior Member Mr. Speaker.

The Temporary Speaker (Hon. Okumu): What is it Leader of Majority before I rule on Hon. Samo point of information.

Leader of Majority (Hon. Onyango): Mr. Speaker, Hon. Samo is misleading the House. Ordinarily when a committee has prepared a report and there are those who do not consent to the report then they register their grievances stating that therefore we shall have a Minority Report confirming that even though I signed I disagreed with it.

The Temporary Speaker (Hon. Okumu): Order!! Hon. Members.

Hon. Miruka: Mr. Speaker do you allow me. I have been mentioned.

The Temporary Speaker (Hon. Okumu): Order!! Hon. Miruka.

The Temporary Speaker (Hon. Okumu): Order!! Hon. Samo

The Temporary Speaker (Hon. Okumu) **:** Thank you Hon. Member, Hon. Samo your sentiments has been mentioned by the Leader of Majority that as if bring the report and the report does not capture what you say then you attach what is called Minority Report that can as well be brought before this House .But we don't want to have this practice of you signing to agree with what the report reflects on your views then coming to the House and recanting it which should have been done at the Committee level and later come to the House rejects it. It does not make sense.

Hon. Members, on that note, Hon. Samo we are not exchanging words am just guiding this House. Thank you. I want to request that you resume your sit so that we are a House of order. We don't want to make it a practice where Hon. Members sign reports because if these Hon. Members refuse that this report is not reflecting his wishes, prayers and aspirations yet they signed it then it doesn't make sense. On that note, I want to allow Hon. Okiri to finish his submission.

Hon. Okiri: Mr. Speaker, just as you have guided the House that once you have signed the report then you should abide by the contents therein. It is so unfortunate that at the 11th hour that we cannot differentiate signing report and also coming contrary to…

Mr. Speaker, in my final submission which must be captured on Hansard is that the mover did move this motion. The motion mover was incorporated in this Joint Committee. The mover of the motion also appended his signature to this report which I believe was an indication that he was satisfied with the findings and recommendations given by this Joint Committee. In conclusion, the committee made a resolution that this money should be paid promptly. If the said Members wanted to know how it will be paid; this is what these two sister committees are saying that in future we need to ask the department to pay the CHVs in time. I don't see any other thing that we might be haggling about. The Member in his statement sought as to how the CHWs will be paid yet he sits in that committee. They all unanimously agreed that henceforth, these cadre of staff had to be paid. I wish he could bring this motion after adopting this that subsequent deliberation of the Assembly of which we had agreed and I did sign. Thank you.

The Temporary Speaker (Hon. Seth Okumu): Yes Hon. Misachi.

The Chief Whip (Hon. Misachi): Mr. Speaker the Chairperson of Labour Committee chaired part of those Joint Committee sittings and I want to say and apologize on his behalf because I believe that this campaign which is going around has interfered with his nerves. So, I stand to support this report because we were saying that as a Joint Committee that whatever we have received then this is what we can limit. If there is any other thing that the House will ask for then we can call upon the two Departments of the Executive to shed more light and I believe that is the report that we have brought in this House. Thank you.

The Temporary Speaker (Hon. Okumu): Yes Hon. Pamela Odhiambo.

Hon. Pamela Odhiambo: Thank you Mr. Speaker. I wish to call the mover to reply.

The Temporary Speaker (Hon. Okumu): Thank you. Before the mover replies I just want to give guidance to the Hon. Miruka that if you read Standing Orders No. 182 (5); which states that;

> *"A report having been adopted by a majority of Members, a Minority or Dissenting Report may be appended to the report by any Member(s) of the Committee"*

So, as a matter of procedure, if you feel that a report does not capture your views then it is your right to demand for a Minority Report so that we know that even though you signed but you disagreed with the resolutions of the committee.

The Temporary Speaker (Hon. Okumu): Yes Hon. Otura.

Hon. Otura: Thank you Mr. Speaker. Foremost, I want to thank the Hon. Members for the robust contribution towards this report. There are several concerns from Hon. Miruka that the report does not address his prayer to an extent that may be true but as a Joint Committee, we sat and did some letters which had responses and the analysis given.

Mr. Speaker, the list that was not produced by the department has just been given out which was voluminous that I could not read. In matters arrears; yes there are and what matters now that I would urge Hon. Miruka to take note of is the motivation of the CHVs which I concur with him that they should be motivated by prompt payment.

Mr. Speaker, the motion requested for CECM to be compelled to adhere to pay the CHVs. Payments have been done as per the documents which have been shown herein, presented and analysis made. There is also a very clear report on arrears for the FY 2020/2021 as contained herein that I also read out and payments have been made and can be seen from the document.

Mr. Speaker when the first quarter of 2020 and 2022 will be paid; page 11 of the report states that payment of 1st quarter has been done. In fact payment has been done up to December 2021. That now leaves the 1st and 2nd month of this year which makes the 2nd quarter that will be paid later on.

Mr. Speaker, I would like to thank Hon. Okiri for his insight about Hon. Miruka's concern. What does it mean to authenticate something just like Hon. Samo stated? We authenticate by signing. Even this report ought to have been read by the Co-chairperson who is Hon. Miruka because he was the mover of the motion and I was only tasked to move it as a Member of the Joint Committee. He was part and parcel of the deliberations that is contained herein.

Finally, the recommendations in this report solves all his problems. Mr. Speaker, if Members can refer back to recommendation No. 1 and read what is written therein and states that; the committee has made the following recommendations; to attend to cure this delay in remunerating the CHVs which is now a menace, the department should come up with a once and for all solution. That one alone tells you that the problem is not yet cleared with. Thank you, I beg to move.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Otura. Hon. Members, a Join Committee Report from the Committee of Health, Housing and Sanitation and Labour and Social Welfare on the Matter of Payment of Arrears Owed to Community Health Workers and subsequent

Remuneration of their Stipend for the 1st Quarter of FY 2021/2022 has been moved as a motion on the floor of this House by Hon. Otura on behalf of the Chairperson, Hon. Jagongo, seconded by Hon. Dede 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. Okumu): Hon. Members, Join Committee Report from the Committee of Health, Housing and Sanitation and Labour and Social Welfare on the Matter of Payment of Arrears Owed to Community Health Workers and Subsequent Remuneration of their Stipend for the 1st Quarter of FY 2021/2022 is hereby adopted today Tuesday, 22nd February 2022 at 1559 hours.

Consequently, I want to direct that this report be taken to the Department of Health so that they can implement the recommendations and resolutions made by the House contained herein. Thank you.

The Temporary Speaker (Hon. Okumu): What is it Leader of Majority?

Leader of Majority (Hon. Kenneth Onyango): Thank you Mr. Speaker. I want to appeal to you under your powers provided for under Standing Orders No. 1 that we adjourn the House for around 10 minutes because there is a matter that is important coming up shortly and I don't want to preempt debate on it but I think it is very important that we adjourn for around 10 minutes so that we can dispense with that matter that is coming up. There is a Supplementary Order Paper that is coming up which the Speaker has ascended to. May I ask Hon. Khan to second?

Hon. Khan: Thank you Mr. Speaker I second.

The Temporary Speaker (Hon. Okumu): Hon. Members the House stands suspended for 10 minutes.

(House suspended for 10 minutes)

The Temporary Speaker (Hon. Okumu): Thank you Hon. Members, Hon. Members we suspended the House for ten minutes. I believe that we have concluded the adoption of the Report from the Joint Committees of Health Housing and Sanitation and Labour and Social Welfare. The House is now suspended for ten minutes.

MOTION

BORROWING BY THE COUNTY ASSEMBLY FROM THE CAR AND MORTGAGE SCHEME TO FACILITATE PUBLIC PARTICIPATION.

BY

HON. KENNTH ONYANGO, MCA, MIWANI WARD

(LEADER OF MAJORITY)

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

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. Aware that the County Assembly and Pursuant to the provision of Article 185 (2) read together with Article 196 of the Constitution of Kenya 2010, section 87 and 115 of the County Government Act, 2012 read together with the provisions of the County Assembly of Kisumu Standing Orders is obligated to conduct Public Participation before any legislation or policies is approved by this House.

Further aware that, the Kisumu County Spatial Plan and the Kisumu County Officers Retirement Benefits Bill, 2021 had been tabled before this House and committed to respective House Committees to facilitate Public Participation as per the requirements of the law.

Noting that, the County Assembly may not be able to facilitate the Public Participation exercise within the limited time approved by the resolution of this House due to financial delays.

Deeply concerned that, the electioneering period is fast approaching and my hinder the enactment process of these Bill and the Spatial Plan.

This Assembly therefore, resolves that a sufficient amount be borrowed from the Car and Mortgage Facility Scheme to allow these House Committees to facilitate these Public Participation sufficient for four months. Thank you and call upon the Hon. Aslam Khan to second this motion.

The Temporary Speaker (Hon. Okumu): Hon. Khan.

Hon. Khan: Thank you Mr. Speaker. I arise to second this motion as has been informed by the Leader of Majority that it is important and this is a topical matter that needs urgent attention and therefore should be expedited at the earliest. Thank you.

The Temporary Speaker (Hon. Okumu): Thank you Hon. Members. A motion from the Leader of Majority that the County Assembly borrows from the Car and Mortgage Facility Scheme to allow these House Committees to facilitate Public Participation which has been seconded by Hon. Khan. I now want to propose to put a question that we open this matter for debate.

The Temporary Speaker (Hon. Okumu): Yes Hon. Owiti.

Hon. Steve Owiti: Thank you Mr. Speaker, this is something that is very important and I want to call upon the mover to reply.

(Applause)

The Temporary Speaker (Hon. Okumu): Hon. Member, just to ensure that I am not infringing on Member's rights, I believe that I saw three Hon. Members rise on their feet. I just was to make sure that they are okay with you calling the mover to reply. I believe that it was Hon. Okiri. Are you okay with the mover being called upon to reply?

Hon. Okiri: Yes Mr. Speaker, the mover to reply.

The Temporary Speaker (Hon. Okumu): Hon. Ogutu!!

Hon. Ogutu: Mr. Speaker, I oblige that the mover replies.

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

Leader of Majority (Hon. Onyango): Thank you Mr. Speaker. I want to thank the Hon. Members for unanimously agreeing to support this motion. Mr. Speaker, I want to plead that due to the urgency of this matter that the Hansard Report be prepared expeditiously so that thus matter can be dealt with at the soonest time possible. Thank you.

The Temporary Speaker (Hon. Okumu): Hon. Members a motion has been moved by the Leader of Majority on the Borrowing from the County Assembly Car and Mortgage Account to facilitate Public Participation. This motion has been seconded by the Hon. Khan debated by Hon. Members and I want to put a question.

(Question put and agreed to)

The Temporary Speaker (Hon. Okumu): Hon. Members, the motion on the Borrowing from the County Assembly Car and Mortgage Account to facilitate Public Participation has been approved today Tuesday, 22nd February, 2022 at 16:12 hours.

Hon. Members, I want to direct that the Hansard Report be prepared and be submitted to the Clerk of the Assembly to expedite the process. Thank you.

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

ADJOURNMENT

The Temporary Speaker (Hon. Okumu): There being no any other business to transact, the House stands adjourned to Wednesday, 23rd February 2022 at 09.00 a.m.

(House rose at 16.15 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

Jesca Otieno – Hansard Reporter

Vallery Achieng' – Hansard Reporter