# COUNTY GOVERNMENT OF KISUMU

# COUNTY ASSEMBLY OF KISUMU

# THE HANSARD

***Official Report***

## THIRD ASSEMBLY – SECOND SESSION

## Thursday 23rd March, 2023

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

## (The Temporary Speaker (Hon. Emily Oginga) in the Chair)

## PRAYER

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Good afternoon Honourable Members, I want to request that pursuant to the provisions of Kisumu County Assembly 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. Oginga, Nominated Member): Honourable Members, may I request Hon. Moses Ochele to confirm if we have the quorum.

**Hon. Ochele** (MCA, East Kano Wawidhi Ward): Thank you Madam Speaker. We have the quorum.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Thank you. Mr. Clerk please take us through the Order Paper of today.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Next order!!

## PAPERS LAID

PUBLIC WORKS, ROADS AND TRANSPORT COMMITTEE ON THEIR INDUCTION EXERCISE HELD IN NAKURU COUNTY

BY

HON. REUBEN RAKWACH, MCA, EAST KOLWA WARD.

(CHAIRPERSON, PUBLIC WORKS, ROADS AND TRANSPORT COMMITTEE)

DELEGATED LEGISLATION COMMITTEE ON THEIR INDUCTION EXERCISE HELD IN PRIDE INN AZURE, NAIROBI

BY

HON. MIRIAM ABEID, NOMINATED MEMBER.

(CHAIRPERSON, DELEGATED LEGISLATION COMMITTEE)

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Hon. Reuben Rakwach.

**Hon. Rakwach** (MCA, East Kolwa): Thank you. Pursuant to the provisions of Standing Order 182 (6) of the Kisumu County Assembly Standing Orders, I wish to table today Thursday 23rd March, 2023 the report by Public Works, Roads and Transport Committee on their Induction Exercise held in Nakuru County.

*(Hon. Rakwach lays before the House the committee report for consideration)*

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Honourable Members, I confirm the receipt of the report by Public Works, Roads and Transport Committee on their Induction Exercise held in Nakuru County. I therefore, commit this report to the House Business Committee for purposes of scheduling it for debate.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Yes Hon. Abeid Miriam.

**Hon. Abeid** (Nominated Member): Thank you Madam Speaker. Pursuant to the provisions of Standing Order 182 (6) of the Kisumu County Assembly Standing Orders, I wish to table today Thursday 23rd March, 2023 the report by Delegated Legislation Committee on their Induction Exercise held in Pride Inn Azure, Nairobi. Thank you.

*(Hon. Abeid lays before the House the committee report for consideration)*

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Honourable Members, I confirm the receipt of the report by the report by Delegated Legislation Committee on their induction exercise held in Pride Inn Azure, Nairobi. I therefore, commit this report to the House Business Committee for purposes of scheduling it for debate.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Next order!!

## NOTICE OF MOTION

PUBLIC WORKS, ROADS AND TRANSPORT COMMITTEE ON THEIR INDUCTION EXERCISE HELD IN NAKURU COUNTY

BY

HON. REUBEN RAKWACH, MCA, KOLWAS EAST WARD.

CHAIRPERSON, PUBLIC WORKS, ROADS AND TRANSPORT COMMITTEE

DELEGATED LEGISLATION COMMITTEE ON THEIR INDUCTION EXERCISE HELD IN PRIDE INN AZURE, NAIROBI

BY

HON. MIRIAM ABEID, NOMINATED MEMBER.

CHAIRPERSON, DELEGATED LEGISLATION COMMITTEE

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Hon. Reuben Rakwach.

**Hon. Rakwach** (MCA, East Kolwa): Thank you. Pursuant to the provisions of Standing Order 45 (1) of the Kisumu County Assembly Standing Orders, I wish to give a Notice of Motion on the report by Public Works, Roads and Transport Committee on their Induction Exercise held in Nakuru County.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Hon. Abeid Miriam.

**Hon. Abeid** (Nominated Member): Thank you Madam Speaker. Pursuant to the provisions of Standing Order 45 (1) of the Kisumu County Assembly Standing Orders, I wish to give a Notice of Motion on the report by Delegated Legislation Committee on their Induction Exercise held in Pride Inn Azure, Nairobi.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Next Order!

## STATEMENTS

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Hon. Reuben Rakwach.

**Hon. Rakwach** (MCA, East Kolwa): Madam Speaker and Honourable Members, I rise on Standing Order No. 41(2) (b) to respond to statement (*See Annex 1)* sought by Hon. Fredrick Adonijah, MCA, representing Chemelil Tamu Ward and I wish to respond as follows:

The committee held 2 sittings in processing the aforementioned issue. In its 1st sitting held on 9th March, 2023, the committee resolved to communicate to the line department of Infrastructure, Energy and Public Works vide letter dated 28th February, 2023 ref no CAK/CGK/CS/VOL.1(10) seeking for responses. The 2nd committee sitting delved into examination of the response (letter dated 7th March, 2023 ref no: CGK/CECM/IE &PW/ASSEMBLY/VOL.II (068) received from the CECM.

Madam Speaker and Honourable Members,

1ST INQUIRY

The statement required the chairperson to give justifications for the stalled construction of the public toilet at Kopere market and the budgetary plans the department has put in place to complete the project considering its impact on public health in the area

Department`s Response:

Hon. Speaker and Members, the department explained the status in respect of the 4 Door Pit Latrine at Kopere Market as follows:

| S/NO | ELEMENT | OBSERVATIONS | REMARKS |
|---|---|---|---|
| 1) | Substructure | The plinth area worn out plus the paint | Indicative of weather degradation possible from poor workmanship |
| 2) | Walling | Both external and internal are intact | Walls constructed by concrete blocks |
| 3) | Roof | Roof intact plus the cover | Roof structure and cover are okay |
| 4) | Floor Finish | Floor finished with screed and some points cracked | Need for floor tiles |
| 5) | Wall finishes | External render wearing out also plaster wearing out plus the paints | Indicative of poor workmanship. Need for redoing of plaster and render is an option |
| 6) | Doors | Brazed and button door installed without door handle and tower bolts and paint worn out | Repair and painting will improve the shatters |

Committee` Findings and Observations

a) According to the department, the project is in good use but should be considered for repair and maintenance
b) According to the Hon. Fredrick Adonija, the facility is stalled, grounded and incomplete and there is need for the department to put in place budgetary provisions to complete it

Committee`s Recommendations

Based on the above findings and observations, the committee herein makes the following recommendation:

a) Need for the committee to conduct site visits on the aforementioned project to ascertain the truth

2ND INQUIRY

The Chairperson to give the official position of the status of construction of Corner-Legio-Chepsueta Road and Budgetary plans the department has put in place for a comprehensive and satisfactory completion of the road considering its socio-economic and political importance being a road connecting the boarders of Kisumu and Nandi Counties.

Department`s Response

Hon. Speaker and Members, according to the CECM`s report, it states that the foregoing project which has a length of 2 Kms was budgeted at a contract sum of Kshs.2,994,190 and the contract was awarded to Tita Transport Services Ltd P.O.Box 1991 Kisumu on 24th February, 2020. The work commenced on 17th March, 2020 and it was intended to be completed on 23rd May, 2020. On 31st December, 2022, the contract was terminated following failure by the contractor to request for extension upon expiry of his contract period. Further, the contractor is liable for fundamental breach of contract. The project particulars are as indicated in tabulation below:

| S/NO | ITEM | PARTICULARS |
|---|---|---|
| i. | Contract Name | Improvement of Chepsueta –Kibigori Legion Access Road |
| ii. | Contract Number | CGK/RT&PW/CRF/MUH/CKL/19-20-072 |
| iii. | Contract Sum | Kshs.2,994,190 |
| iv. | Contractor | Tita Transport Services LTDP.O BOX 1991 Kisumu |
| v. | Employer | County Government of Kisumu |
| vi. | Employer`s Representative | The Chief Officer of Infrastructure, Energy and Public Works |
| vii. | Project Manager | Kisumu Muhoroni sub-county engineer, County Government of Kisumu |
| viii. | Tender Award Date | 24th February, 2020 |
| ix. | Contract Agreement signing date | 10th March, 2020 |
| x. | Commencement Date | 17th March, 2020 |
| xi. | Contract Period | 12 weeks |
| xii. | Intended completion date | 23rd May, 2020 |

Committee`s Observations and Findings

*A.* The contract has been terminated and the notice of termination has been issued to the contractor vide letter dated 31st December, 2022 Ref No. CGK/RT &PW/AO/NSW/VOL.1/2 (*See annex 2).*
B. The contractor is liable for fundamental breach of contract.
C. No payment has been made thereof in respect of the contract
D. The department recommended that the project be considered in the next FY 2023/2024

Committee`s Recommendations

1. The department of Infrastructure, Energy and Public Works to provide details on why Kshs. 2,994,190 which was appropriated for the project could not be utilized by retendering the contract as opposed to recommending that the project be considered in the fiscal year 2023/24.
2. The Committee further directed that the CECM to submit to the committee a list of implementation status report on projects implemented FY 2019/20 to date.

3RD INQUIRY

The Chairperson to provide details for immediate interventions to repair the High Mast Flooding Lights at Kopere and Songhor Markets which have not been working for a long time thus inconveniencing the traders considering the importance of lighting system in spurring economic growth.

Department`s Response

Hon. Speaker and Members, the committee was informed that the 2 floodlights were installed in FYs 2016/17 & 2017/18 respectively with the aim to improve on security due to cattle rustling which is rampant in that area. However, they have been reported to be non-functional after the survey which was undertaken as at 31st January, 2023. The department further stated that the above lighting infrastructure has not been attended to and completely non-functional for a while due to the following salient issues:

1. The previous maintenance contract expired on 20th February, 2022 and hence could not procure new maintenance services contract due to lack of budget and time constrain therefore new contractor could only be engaged at the beginning of the FY 2022-2023 beginning July 2022.
2. Delayed/late issuance of AIEs and temporary freeze of procurement of goods and services in the 1st and 2nd quarter of FY 2022/23 thus left the department unable to seek contracted services or engage service providers
3. None/delayed payment of maintenance works done reduces service providers capability and ability to promptly respond to reported faulty lights and therefor this makes it difficult for the department to continuously engage them
4. The department lacks capacity (tools & equipment) and limited resources to handle logistics associated with maintenance works

Committee`s Observations and Findings

1. That the department through the central procurement advertised for framework advertisement for maintenance of lighting infrastructure on 09/11/2022 but due to contractor apathy arising, only 2 bidders applied which did not meet the threshold of a minimum of 7 contractors for framework contracting
2. The procurement process started again with an open tender circulated and published on the county website in March, 2023 with a view to attract multiple firms to maintain the lighting infrastructure. This has been further delayed due to supplementary budget review before the Assembly.
3. The process of awarding tenders is expected to be completed by the beginning of April, 2023 upon approval of the supplementary budget by this House.

Committee`s Recommendations

1. The department to prioritize the 2 floodlights upon successful completion of award tenders to contractors.
2. The CECM, Infrastructure, Energy and Public Works to submit to the committee the implementation status of county floodlights and streetlights.

**The Temporary Speaker** (Hon. Oginga): Honourable Members, we are still within the Statement Hour. The Floor is still open.

**The Temporary Speaker** (Hon. Oginga): Hon. Oiko.

**Hon. Oiko** (MCA, Kabonyo Kanyagwal): Madam Speaker, the statement was raised by Hon. Adonijah and it has been responded to. We should now debate on it. Allow us to give our comments on what has been presented in the House.

**The Temporary Speaker** (Hon. Oginga): Hon. Oiko, that is why I said that we are still on Statement Hour.

**Hon. Oiko** (MCA, Kabonyo Kanyagwal): Thank you Madam Speaker. Three issues were raised by Hon. Adonijah. They were roads, toilets and floodlights. The toilets should fall under the Department of Trade but when it comes to the matters of BQ, they should be done by the Department of Public Works. The picture portrayed here is that, this toilet was not completed and the committee has made a recommendation that there is need to conduct site visits to enable it get the right status of the buildings. When the matter was raised on the Floor of the House and the committee is bringing a report when they have not conducted the site visits, I believe they have not exhausted its work. Matters of toilets build in the markets are becoming a thorny issue because they are built and left incomplete. The management is not formalized and it becomes unsuitable if left without proper management.

On the matter of the road that costs Ksh. 2.9 million and this was for the FY 2019/2020. The committee is proposing for more allocation in the next budget. We are not being informed that the work is not completed since the award of the contract. This was on going work that ought to have been taken as a Pending Bill. Why was it not terminated on time and awarded to another

contractor? Why do they want it to reappear on the next budget and it was a project for FY 2019/2020?

Madam Speaker, another matter is on the floodlights. They were installed and the response given is that there is no enough budget and time constraints for the repair. This is a matter that may not only be in Chemelil Tamu Ward. Most of the floodlights are not functioning in most parts of this County. We wonder why the maintenance money cannot be factored in the budget. We cannot be informed that there is lack of budgetary provision yet these projects were installed by the County Government. We are failing our people especially the small traders who doing their businesses at night.

Madam Speaker, a lot of seriousness is needed when we are doing our budget. Let the Members know that, if there is an allocation for Maintenance for the Floodlights. Let us interrogate the budgets. This should apply to other departments that offer services to the people.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Order!! Hon. Oiko. I believe we should make comments on statements and that should not be more than five minutes.

**Hon. Oiko** (MCA, Kabonyo Kanyagwal Ward): Thank you Madam Speaker. The matter of maintenance money on projects that need to be taken care of by the government is very key so that they do not become dysfunctional. I plead with Sectoral Committees to address this. Thank you.

**The Temporary Speaker** (Hon. Oginga): Hon. Ken Ouko.

**Hon. Ouko** (MCA, West Kisumu Ward): Madam Speaker, you should give Hon. Odari Adonijah a chance to give his reactions on the response given by the committee because he is the one who sought for the statement.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Hon. Odari Adonijah, are you satisfied with the response?

**Hon. Odari** (MCA, Chemelil Tamu): Thank you Madam Speaker. I am still going through the report and I beg that I respond to it in our next sitting.

**Hon. Omollo** (MCA, West Nyakach): On a Point of Oder. Madam Speaker, an Honourable Members seeks for a statement, the committee embarks on a fact-finding mission and it is read on the Floor and he declines to say something when given a chance to confirm whether he is satisfied with response or not. The Hon. Odari should stop taking this House for granted.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Hon. Onjiko Awasi Ward.

**Hon. Ngeta** (MCA, Onjiko Awasi Ward): Thank you Madam Speaker, let me bring to your attention that there is no such Honurable Member in this House but there is Hon. Maurice Otieno Ngeta representing Awasi Onjiko Ward.

**The Temporary Speaker** (Hon. Oginga): I apologize for that.

*(Laughter)*

**Hon. Ngeta** (MCA, Onjiko Awasi Ward): Thank you. I want to say that, I don't want to blame Hon. Odari but that problem is left squarely with the team that did the induction. He should learn from our seniors. You should take your time and learn the House procedures. Thank you.

**Hon. Oiko** (MCA, Kabonyo Kanyagwal Ward): Madam Speaker!

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Hon. Oiko, you should talk through the Chair.

**Hon. Oiko** (MCA, Kabonyo Kanyagwal Ward): That is why I called you Madam Speaker.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Proceed.

**Hon. Oiko** (MCA, Kabonyo Kanyagwal Ward): Thank you madam Speaker, we may be setting a bad precedence in this House. The matter that was raised by Hon. Odari is now a matter of the House and not an individual. The response has been given by the Chair of the Committee. A Member who feels like giving his or her opinion is allowed. If a Member feels satisfied with the report he has presented then it is fine. Allow me to use this, it is not in order for a fellow Member to force the other one to respond. That is unparliamentary. One only responds when he feels……

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Order!! Hon. Oiko. What is it Hon. Omollo?

**Hon. Omollo** (MCA, West Nyakach Ward): Madam Speaker, it is very simple. If you seek for a statement, it is either you accept or reject the response as simple as that. Thank you.

**Hon. Oiko** (MCA, Kabonyo Kanyagwal Ward): Madam Speaker, yesterday we had a response given on a statement that was sought by Hon. Odari. The Honourable Member was not in the House and it was well dealt with. That was now a document of the House. There is no crime in a Member not responding to a response. We ought to have decline that the response should not be given in his absence.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Honourable Members, we have come to end of the Statement Hour.

**Hon. Ochele** (MCA, East Kano Wawidhi Ward): On a Point of Order. Madam Speaker, I want to believe that my senior and brother Hon. Oiko is very much aware that Hon. Odari was elected by the people of Chemelil Tamu Ward to represent them in this Assembly. He can only be absent by a Notice to the Office of the Speaker. Any Member responding to a statement sought by the said Member does not wait for him doing his personal business at the expense of those who elected him.

*(Applause)*

Madam Speaker, the House should not be put on halt on its operations because a Member is absent. So, I find Hon. Oiko very much out of order by suggesting that we should have suspended the reading of the response until Hon. Odari clears his personal missions. Thank you.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Honourable Members, we cannot go beyond the stipulated time for statement.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): What is it Hon. Ngeta?

**Hon. Ngeta** (MCA, Onjiko Awasi Ward): Madam Speaker, I concur with Hon. Ochele. This is an institution. It can't wait for an individual. I want to remind Hon. Oiko that he should be a steadfast and senior Member of this House. He should not mislead other juniors Members like Hon. Odari. I want to advice Hon. Odari that, he should stop following the footsteps of Hon. Oiko, he will get lost.

*(Laughter)*

**Hon. Oiko** (MCA, Kabonyo Kanyagwal Ward): Madam Speaker, we are setting a bad example in this House. What I said is very simple. Hon. Odari was not in the House yesterday and there was a statement he had raised and the response was given. There was no complain. The direction Hon. Ngeta is taking is now uncouth.

*(Laughter)*

**Hon. Oiko** (MCA, Kabonyo-Kanyagwal Ward): How have I misled Hon. Odari? I have only offered advice.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Order!! Honourable Members.

**Hon. Ochele** (MCA, East Kano Wawidhi Ward): Madam Speaker, may I seek your attention. As mentioned by Hon. Oiko that this is an Honourable House. Can he justify this term uncouth to be parliamentary. It is not and he should withdraw and apologize unconditionally.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Hon. Oiko, can you withdraw and apologize.

**Hon. Oiko** (MCA, Kabonyo-Kanyagwal Ward): Madam Speaker, I will only apologize if Hon. Ngeta apologizes first. He has forced me to use that term.

*(Laughter)*

**Hon. Ngeta** (MCA, Onjiko-Awasi Ward): Madam Speaker, I don't see the need of apologizing to the Honourable Member because he want to mislead the junior Members of this House. We will not allow him to do so.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Hon. Oiko.

**Hon. Oiko** (MCA, Kabonyo Kanyagwal Ward): Madam Speaker, Hon. Ngeta is not a better debater than me.

*(Loud consultation)*

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Order!! Honourable Members. Hon. Oiko you used an unparliamentary language. Can you withdraw and apologize.

**Hon. Oiko** (MCA, Kabonyo Kanyagwal): Madam Speaker, it is always parliamentary to apologize but when a Member incites you to give such comments, we need to look into what brought it. Let Hon. Ngeta table what makes him feel that I am misleading Hon. Odari because I said that, once a response has been given in this House, it becomes a property of the House. It was discussed in his absentia. I had raised a statement in this House on Ahero Health Center and Hon. Jagongo responded when I was not there. I didn't complain.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): What is it Hon. Ochele?

**Hon. Ochele** (MCA, East Kano Wawidhi Ward): Madam Speaker, this matter is very simple. Whether they have personal disagreement is not our business. I encourage Hon. Oiko to table anything that shows that Hon. Ngeta used unparliamentary language. My concern is that he used unparliamentary language. Why did he choose using that word yet there are several other words he would have used. The word is unpalatable. Let him withdraw and apologize unconditionally.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Hon. Oiko, can you withdraw and apologize.

**Hon. Oiko** (MCA, Kabonyo Kanyagwal Ward): Madam Speaker, I have said it is parliamentary to withdraw and that is very much in order but, when you are being forced to give a picture of what you did not say.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Order!! Hon. Pete, I only asked for one thing, if you can withdraw the word you don't need to explain.

**Hon. Oiko** (MCA, Kabonyo-Kanyagwal Ward): Can Hon. Ngeta explain how I am misleading Hon. Odari?

**Hon. Omollo** (MCA, West Nyakach Ward): Point of order Madam Speaker.

**Hon. Omollo** (MCA, West Nyakach Ward): Thank you Madam Speaker. I trust that it is very clear what you are requesting the Hon. Member. When you have used a word in this House that is unparliamentarily and the Speaker is convince and ask you to withdraw and apologies, I believe that the Honorable thing is to do is withdraw and apologies first before you explain any other thing. If you do not want to withdraw and apologies and you know Standing Order No. 106 on Gross Misconduct which include the Speaker asking you to withdraw and apologies. Hon. Member just withdraw and apologies its simple what is hard, the rest we will square, thank you Madam Speaker.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Hon. Oiko we have other business to handle so please last chance.

**Hon. Oiko** (MCA, Kabonyo Kanyagwal Ward): Madam Speaker Standing Order 106 is now being quoted which is okay but I don't believe that I had gone to that extent. If Hon. Ngeta had not imputed what he did to me or to Hon. Odari, we would have not gone to this extent. It is the misleading information that he gave and I have also explained myself that what has happened

today; yesterday it happened to me, where statement you raised, answer is discussed in your absence without you giving your opinion.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Order!! Hon. Oiko, can you please resume your seat.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Yes, Deputy Leader of Majority.

**The Deputy Leader of Majority** (Hon. Lumumba, MCA, South East Nyakach Ward): Thank you Madam Speaker. Hon. Oiko the Speaker has given me the chance I am on the floor. Madam Speaker, I wonder how many time are you going to plead with Hon. Oiko to withdraw, I now call upon you to pick a ruling on this matter thank you.

**Hon. Wajewa** (Nominated Member): Madam Speaker he has withdrawn.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): He has! Thank you. Statement hour is over.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Next Order.

## MOTION

ADOPTION OF REPORT BY AGRICULTURE, LIVESTOCK, FISHERIES AND IRRIGATION COMMITTEE ON THEIR INDUCTIONEXERCISE HELD IN NAKURU COUNTY
BY
HON. EUNICE ALANDO, NOMINATED MEMBER

(CHAIRPERSON, AGRICULTURE, LIVESTOCK, FISHERIES AND IRRIGATION COMMITTEE)

**The Temporary Speaker** (Hon. Oginga): Yes Hon. Alando.

**Hon. Alando** (Nominated Member): My Committee during its meeting held on 17th October, 2022 while considering approval of its work plan for this FY 2022/2023, Prioritized to undertake the Committee Induction to enhance the Capacity of the new Members in order to effectively discharge their constitutional mandate.

In adherence to the procedures and practices of the Assembly, the Committee invoked the Provisions of Standing order No. 191 and 165 of the Assembly Standing Orders and made a formal request through a Memo to the Liaison Committee to approve its quest to undertake this noble course.

After the approval and authorization, the Clerk procured a Venue and Trainer for this Activity which was held at Vickmark Hotel in Nakuru (County) and facilitated by PCA. Emily

Chepkwony of the Senate starting from Thursday, 3rd November, 2022 to Tuesday, 8th November, 2022 (see annex i).

The Agriculture, Livestock, Fisheries and Irrigation Committee derives its mandate from Article 185 of the Constitution of Kenya 2010, read together with Standing Order No. 193 of the Kisumu County Assembly Standing Orders.

Standing Order Number 193 (Second Schedule) of the County Assembly of Kisumu further stipulates as follows.
That the Committee shall inquire into, investigate and report on;
*All matters relating to agriculture, including crop and animal husbandry, livestock sale yards, County abattoirs, plant and animal disease control, veterinary services (excluding regulation of the profession) and fisheries; animal control and welfare, including licensing of dogs and facilities for their accommodation, care and burial of animals*.
Provision of County Assembly Standing Order No. 193. The functions of the Sectoral Committees are to;

1. There shall be select committee to be known as Sectoral committees the Members of which shall be nominated by the County Assembly Business committee in consultation with County Assembly parties at the commencement of every County Assembly.
2. A Member appointed to a Sectoral committee at the commencement of a County Assembly or at any other time during the term of a County Assembly shall, unless the County Assembly otherwise resolves, serve for the term of that County Assembly.
3. Unless the County Assembly otherwise directs, the sectoral committees and the subject matter respectively assigned to them shall be set out in the second schedule.
4. The mandate of Sectoral committees in respect of the subject matter assigned under the second schedule of these Standing Orders shall only be exercised within the limits contemplated under Part 2 of the Fourth schedule to the Constitution.
5. The functions of Sectoral committees shall be;
    a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operation and estimates of the assigned departments;
    b) Study the Programs, policy objectives of departments and the effectiveness of the implementation;
    c) Study and review all the County legislation referred to it;
    d) Study, access and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
    e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
    f) To vet and report all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order No. 187 (Committee on Appointments).
    g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

COMMITTEE MEMBERSHIP
Mr. Speaker and Hon. Members,

The composition of Agriculture, Livestock and Fisheries Committee under the County Assembly Standing Orders No. 193 is constituted as stated; -

1. Hon. Eunice Alando - Chairperson
2. Hon. Bill Oliver - Vice Chairperson
3. Hon. Tom Nyaoke - Member
4. Hon. Samuel Dede - Member
5. Hon. Pamela Oyoo - Member
6. Hon. George Abaja - Member
7. Hon. Jenipher Obonyo - Member
8. Hon. Carolyne Lawino - Member
9. Hon. Gard Olima - Member
10. Hon. Moses Ochele - Member
11. Hon. Nereah Okombo - Member
12. Hon. Ann Ochola - Member
13. Hon. Zachary Okoyo - Member
14. Hon. Tom Onditi - Member
15. Hon. Vitalis K'Omudho - Member

Secretariat

1. Peter Anditi - Principal Clerk Assistant
2. Omollo Isaac - Committee Clerk
3. Zablon Otiende - Rapporteur
4. Kennedy Okise - Sergeant-at-Arms

The Committee in discharging its mandate was guided by the following TORs.

a) Focus on the Mandate and Establishment of the Committee (County Assembly S.O No. 193 (5) and Second Schedule.
b) Role of Chairperson, Members and Secretariat of the Committee.
c) Procedure in Committees.
d) Public Participation.
e) Role of the Committee in the County Budget Making Process.
f) Procedure and Need for Site Visits.
g) Quarterly Implementation Reports.

SITTINGS OF THE HOUSE COMMITTEE
The Committee held three meetings to plan, prepare and produce this report.

Acknowledgment

Mr. Speaker and Honourable Members, on behalf of my Committee, I wish to convey our sincere gratitude to the Office of the Speaker and that of the Clerk for the authorization, coordination and facilitation of the Induction Exercise. It was indeed eventful and material.

I equally wish to thank the Members of the Committee for allocating time out of their busy schedule to attend and fully participate in this learning process.

Mr. Speaker, I want to applaud our super trainer for the wonderful training and content loaded which proved to be participatory during the knowledge process.

Mr. Speaker, without forgetting, to our technical staff, I really want to appreciate their effort and commitment which ultimately culminated into this auspicious occasion. Thank you.

EXECUTIVE SUMMERY

After the August 2022 elections, a new assembly was formed in line with the relevant provisions of the law. Subsequently various House Committees were constituted to transact the numerous businesses and activities as may be delegated to them from time to time by the House.

Amongst this established House Committees, is the Committee on Agriculture, Livestock and Fisheries which derives its mandate and functions from article 185 of the Constitution of Kenya, 2010 and the Kisumu County Assembly Standing Orders No. 193 and the Second schedule?

The Second Schedule of the County Assembly Standing Orders states that;

The Committee shall inquire into, investigate and report on;

*All matters relating to agriculture, including crop and animal husbandry, livestock sale yards, County abattoirs, plant and animal disease control, veterinary services (excluding regulation of the profession) and fisheries; animal control and welfare, including licensing of dogs and facilities for their accommodation, care and burial of animals*.

Recognizing that, the Committee has new members and notwithstanding its critical role and mandate as enshrined in various statutes. During preparation of the Committee Work plan for this Financial Year 2022-2023, Members proposed and prioritized to undertake an Induction to build their capacity to enhance the Committee's operational efficiency and promote quick grasp and for the fulfillment of its objectives.

Consequently, the County Assembly Leadership authorized, organized and facilitated the Committee Induction Workshop in Nakuru (VickMark Hotel) starting from Thursday, 3rd November, 2022 to Tuesday, 8th November, 2022. Members and the Secretariat were comprehensively trained on the following key areas by the Senate Principal Clerk Assistant Madam Emily Chepkwony;

I. Mandate and Establishment of Committee (Kisumu County Assembly S.O No. 193 (5) and Second Schedule).
II. Role of Chairperson, Members and Secretariat to the Committee
III. Procedure in Committee.
IV. Public Participation.
V. Role of the Committee in County Budget Making Process.
VI. Quarterly Implementation Reports and Site Visits.

The Committee was enriched and all participants vowed to practice and utilize the acquired knowledge and experience while discharging their responsibility and to effectively oversight the Line Departments. This would ultimately promote the growth and development of the Agriculture Sector in Kisumu County, enhance food security and economic wellbeing of the residents.

Mr. Speaker Sir and Hon. Members,

The Committee developed an induction program to guide the training process and consequently shared it with the consultant for enrichment. Below is a tabulation of the Program. Madam Speaker and Honorable Members I therefore move the Motion and call upon the Hon. Bill Oliver to second the motion.

**Hon. Bill (**MCA, Kobura): Thank you Madam Speaker. I arise to second the report.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Hon. Members now that the report by the Agriculture, Livestock and Fisheries Committee on their Induction Exercise held in Nakuru County has been presented and seconded. As per our Standing Order I want to propose a question. I propose that the Agriculture, Livestock, Fisheries and Irrigation Committee Report on the Induction exercise held in Nakuru is now open for debate.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Yes Hon. Pete Oiko.

**Hon. Oiko** (MCA, Kabonyo Kanyagwal): Thank you Madam Speaker. This report by the Agricultural committee is a good report and will open our eyes on our role at the committee level, at the Assembly level and generally the oversight role that we are supposed to play.

Madam Speaker, I had been cautioned that I don't talk much. On page 16 and I will plead with Members to go through the powers of Assembly Committees, the roles of the committees that is Members in the budget making process which is very key. Our role in public participation is very important and the interrogation of quarterly implementation report. Madam Speaker. If we go through this, we shall enhance our capacity as Members of Kisumu County Assembly. Thank you.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Yes Hon. Alice Wajewa.

**Hon. Wajewa** (Nominated Member): Madam Speaker. I want to congratulate the Chairlady of Agriculture, Livestock, Fisheries and Irrigation Committee and the Members for the elaborate and comprehensive report. As my fellow colleague has reiterated, there are some matters which are really imperative which are going to assist the Members. We are going to be made aware of how to go about our proceedings in the House, roles, public participation and the powers of Assembly Committees. I want to appreciate the committee for the good report, thank you.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Yes Hon. Majority Speaker, sorry Hon. Lumumba Owade.

**The Deputy Leader of Majority** (Hon. Lumumba, MCA, South East Nyakach Ward): Thank you Madam Speaker. It surprises me that you have even forgotten my name in the House; I need to put a tag on your neck to always remind you of my name. Madam Speaker I personally applause this report and fully support it. To me this is going to be a living Bible to this House, it has really articulated nearly every sector of our House. If you look at No. 2, the Role of Chairperson, it is very much articulated, the role of Members, secretariat and roles and

procedures of the committee. Madam Speaker, if as a House we can follow the contents of this report to the letter, I don't see where this House will ever go wrong because this will facilitate us achieve our mandate as members of this Third Assembly. I therefore, support and recommend the report. Thank you.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Yes Hon. Zachary Okoyo.

**Hon. Okoyo** (MCA, Central Kisumu Ward): Thank you Madam Speaker for according me this opportunity to contribute to this motion. First, let me start by appreciating what my Chairlady Agriculture, Livestock and Fisheries Committee has done. The Chair has articulately moved this report and everything is flawless.

Madam Speaker, let me equally congratulate Madam Emily Chepkwony, the Principal Clerk Senate for facilitating the Induction Exercise. Just as other colleagues have reiterated I want to say that this is a very good report and I would like to beseech this House to follow-up this report to the letter and if need be, this report should be kept in our archives so that any time we want to make references, we would use this report.

Madam Speaker, in this report, there are a lot of areas that has touched me and I must confess that, I don't know whether during the induction that I momentarily closed my eyes but this report will rekindle and remind me at all the times the roles of members in various House Committees should be done. Madam Speaker, I beg to support. Thank you.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Yes Hon. Carren Ajwang'.

**Hon. Ajwang"** (MCA, Kaloleni-Shaurimoyo Ward): Thank you Madam Speaker for according me this prospect to contribute to this report. I arise to concur with the report presented by the Chair, Agriculture, Livestock, Fisheries and Irrigation Committee.

Madam Speaker, the reports has shown that this Committee was really serious with their work because from the report, the Committee captured nearly everything. Similarly, I have noted some of the key rules and procedures governing committee meeting because we learned a lot from that. I want to say kudos to the Committee and keep it up. Thank you.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Yes Hon. Obonyo.

**The Deputy Whip** (Hon. Obonyo, MCA, South West Kisumu Ward): Thank you Madam Speaker. Going by the mood of the House, may I call the mover to reply.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Honourable Members, Yes Hon. Alando.

**Hon. Alando** (Nominated Member): Thank you Madam Speaker. I want to take this opportunity to thank Member of this House for having accepted to adopt the motion from the Committee of Agriculture, Livestock, Fisheries and Irrigation and for the support they have accorded us because we are all aware that agriculture is the economic back-bone of this country.

Madam Speaker nowadays, almost everybody practices agriculture and you have good health as a result of agriculture produce. This is because in the morning before you left your residence you

took breakfast and by doing so, you are promoting agriculture. Even as you prepare to go to your homes, we are all aware that, on your way home, you are going to promote a farmer by purchasing some their farm produce. So, it is very important for one to embrace agriculture. Honourable Members, I appreciate you for having supported this motion and I would similarly request that you support issues related to agriculture and especially during the Budget Making Process. Please remember to consider this Committee when presenting their proposals and projects during the Budget Cycle. I beg to reply. Thank you.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Thank you Hon. Eunice Alandoh, Chairperson, Agriculture and Fisheries Committee. Honourable Members, now that the report by the Committee of Agriculture, Livestock, Fisheries and Irrigation on their Induction Exercise held in Nakuru County having been presented, seconded and debated. As per the provisions of our Standing Orders, I therefore, want to put a question for its adoption.

***(Question put and agreed to)***

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Honourable Members, the report by report by the Committee of Agriculture, Livestock, Fisheries and Irrigation on their Induction Exercise held in Nakuru County is hereby adopted today Thursday, 23rd March, 2023 at 16:11 hours.

Honourable Members, I therefore direct that, the report and the deliberations be communicated to the relevant offices for purposes of implementation. Thank you.

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Next order!!

## ADJOURNMENT

**The Temporary Speaker** (Hon. Oginga, Nominated Member): Honourable Members, there being no any other business to transact, I declare this House adjourned until tomorrow Tuesday, 28th March, 2023 at 02:30 p.m. Thank you.

*(House rose at 16:15 p.m.)*

***Addendum***

***The Hansard Team***

*Zablon Otiende – Senior Hansard Reporter (Ag. Editor)*

*Edward Odanga – Hansard Reporter*

*Fanuel Okode – Hansard Reporter*

*Patrick Okoyo – Hansard Reporter*

*Jacklyne Otieno – Hansard Reporter*

*Jesca Otieno – Hansard Reporter*

*Vallery Achieng' – Hansard Reporter*