COUNTY GOVERNMENT OF KISUMU

COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – SECOND SESSION

Wednesday 22nd March, 2023

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

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

PRAYER

The Speaker (Hon. Oraro): Honourable Members, good afternoon. Pursuant to the provisions of Kisumu County Assembly Standing Orders No. 32 (2) I want to request that the Serjeant-at-Arms rings the quorum bell for five minutes.

(Quorum bell rung for five minutes)

The Speaker (Hon. Oraro): May I ask Hon. Deputy Leader of Majority to confirm if we have quorum.

Deputy Leader of Majority (Hon. Lumumba**,** MCA, South East Nyakach): Thank you Mr. Speaker. There is quorum.

The Speaker (Hon. Oraro): Mr. Clerk, please take us through the Order Paper of today.

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

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oraro): Honourable Members, I have the following communications to make. One is from the CECM Finance, Economic Planning and ICT Services to the Clerk on the validation of the Kisumu CIDP Program for the period 2023/2027 which all of you are aware that has been in the process of development. And I read, as you may be aware that there is Kisumu County CIDP III Secretariat currently compiling the First Draft of the CIDP III. It is of

this reason that the Department of Finance, Economic Planning and ICT Services has organized a One day nonresidential workshop for validation of Draft CIDP III 2023/2027. Whereas the CIDP III shall be submitted to the Assembly as per the statutory requirement, Members of the County Assembly as stakeholders for planning process.

In this regard, all Members of the County Assembly are invited for the workshop slated for Friday 23rd March, 2023 at Grand Royal Swiss Hotel starting 8:30 a.m. Purpose to attend.

Number Two, I want to communicate that the First Supplementary Budget for the Year 2022/2023 was committed to the Budget and Appropriations Committee. As you are aware, we are running out of time. I checked the records and you are only two or three days from the deadline. I therefore, want to direct that you fast-track the process. Please purpose to bring as a report latest Tuesday 28th March, 2023 tomorrow. I have received a lot of inquiries from the Members of the Assembly with regards to projects to be implemented and as well as the issue of Mortgage Scheme Facility. You are aware that the Supplementary is tied to the mortgage. I therefore want to appeal to the committee that the faster you complete the process, the better for the Members. So, Tuesday next is the latest date.

Lastly, as you can see in the gallery, we have students from Bar Union Secondary School who are in the Journalism Club. I want to declare that I am an alumni of Bar Union Secondary School. I sat for my KCSE in that school and that is twenty-five years ago. Welcome to Kisumu County Assembly. I would like to recognize the teachers that are accompanying the students. We have Dr. Ochieng Benedict, Mr. Waswa Peter, Mr. Otieno Henry and Ms. Salome Amondi.

Honourable Members, you can see, it is only in this school Bar Union Secondary School where you can find a Doctor as a teacher. I will give the Honourable Member to say something to the students from his Ward.

Hon. Dede (MCA, Kisumu North Ward): Thank you Mr. Speaker, for according me this opportunity to welcome the students. It is our pleasure to have you here. Our Speaker is an alumni from Bar Union Secondary School. You are the best performing school in my Ward. I am also aware that a number of you never participated in the just concluded general elections because majority of you were underage but your parents voted me in as your representative. We appreciate you and again because our Speaker comes from your school. We also expect that one day, one of you will be in this Assembly as the MCA. Welcome as proceed with the debate. Thank you.

The Speaker (Hon. Oraro): Thank you Hon. Dede. Hon. Ochele, why are you looking at me? It is not a debate time.

(Laughter)

The Speaker (Hon. Oraro): Honourable Members, I only gave Hon. Dede a minute to welcome the students but I can equally give you a minute to say something.

Hon. Ochele (MCA, East Kano Wawidhi Ward): Thank you Mr. Speaker. I was just amused that my very able Speaker, Engineer is an alumni of Bar Union. I have known this school sometimes back when I was a teacher. I used to set exams and mark from this school. My team leader was

from Bar Union and I have very fond memories of this school. I have known the kind of uniform you were wearing. It is like the one that I used to wear in Wangapala Secondary School.

Young girls and boys, it is my pleasure just to encourage you just like it has been done by your MCA that election is like a relay. Today it was Hon. Eng. Elisha Jack Oraro and Hon. Samuel Dede and tomorrow it could be one of you. As you work hard for you future, do it knowing that even being a politician is one of them. I will be pleased to hear that there is another Speaker who is from Bar Union Secondary School. Thank you welcome to Kisumu County Assembly.

The Speaker (Hon. Oraro): Thank you Hon. Ochele. Hon. Oiko, I know you were a Bursar at some point and must have something to say.

Hon. Oiko (MCA, Kabonyo Kanyagwal Ward): Thank you Mr. Speaker. It is good to see the students coming to the Assembly to understand what we are doing. This can enable them admire what politics is. I remember the other day when Hon. Moses Kajwang was presenting a Bill in the Senate, and he said we should not produce politicians. We should produce professionals. Politicians come from professionals. You boys and girls, who have come here today, be professionals and then you become a politician. Make your decision in life to become a politician.

Being a politician is a noble job but you will hear different stories outside there. This is not a dirty game. It is a very good profession because all the major decisions are made in the National Assemblies and political forums. It is politics that builds or destroys. See how important it is. The moneys spent on this earth must be approved by the politicians. See how politician is an important person on this earth. You have heard the Speaker talking of Supplementary Budget, this county cannot adjust its budget before the Assembly authorizes it. That shows how important we are.

I would recall this; Bar Union is a school in Nyahera and that is the home of AIC Church. The place also has the high number of professors in Kisumu County. If I look at your faces, I know some of you will aspire to be like late Robert Ouko, Prof. Jalango and the others who come from Nyahera.

I remember in the early 80's at Mama Grace Onyango Social Hall which used to be called Social Center, we were addressed by Prof. Jalango I learnt from him that when it is raining, it is dangerous to walk in the rain. Your body attracts lightening. So when you see someone hit by lightning, it is not witchcraft. Thank you Mr. Speaker.

(Laughter)

The Speaker (Hon. Oraro): Thank you. Hon. Ochele, you should know that, Hon. Oiko was not only a bursar, he was also a teacher. I know I am going to be accused of being gender bias. So, let me consider gender. Hon. Mildred Ajumbo.

Hon. Ajumbo (MCA, Central Seme Ward): Thank you Mr. Speaker for recognizing that the gender issue is important in this House. To the visiting students and teachers, we welcome you to Assembly. You see the Assembly consists of the ladies and gentlemen. Politics is not only for the men but also for the ladies. I am an elected MCA from Central Seme Ward. I used to be in

debating and journalism clubs when I was in school. That is what prompted me to be a politician. I started loving politics when I was in primary school. I can see in you future politicians but its only one that will represent your Ward if you all come from North Kisumu Ward.

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

Hon. Omollo (MCA, West Nyakach Ward): Mr. Speaker, the Honourable Member on the Floor is addressing the students and not the Chair.

(Laughter)

The Speaker (Hon. Oraro): Hon. Ajumbo, address the Chair.

Hon. Ajumbo (MCA, Central Seme Ward): Thank you Mr. Speaker. I want to encourage the students to work hard and just as Hon. Oiko has said, politicians are also professionals. Many of us are professionals and in different fields. I encourage you to work hard especially the girl child. We are very few in the House but I would like to see more joining the rest in this House and even having a woman Speaker in the next fifteen years. Thank you.

(Laughter)

The Speaker (Hon. Oraro): Thank you Honourable Members. I wish I could give all of you time to welcome the students but because of time, we shall proceed. I want to inform the students in the Journalism Club that you are in the right place and we will one day organize some Members to visit you at school, including myself. Please feel welcome. Thank you.

The Speaker (Hon. Oraro): Next order!

PAPERS LAID

REPORT BY HOUSE BUSINESS COMMITTEE ON THE BUSINESSES TRANSACTED BY THE COMMITTEE IN THE FIRST SESSION OF THE THIRD ASSEMBLY AND THE GENERAL PERFORMANCE OF HOUSE COMMITTEES

BY

HON. NEREAH OKOMBO, MCA, MANYATTA "b" WARD.

(THE DEPUTY SPEAKER)

REPORT BY WELFARE AND EQUAL OPPORTUNITIES COMMITTEE ON THE CONSULTATIVE MEETING WITH LAP FUND IN NAIROBI

BY

HON. MILDRED AJUMBO, MCA, CENTRAL SEME WARD.

(CHAIRPERSON, WELFARE AND EQUAL OPPORTUNITIES COMMITTEE)

The Speaker (Hon. Oraro): Hon. Seth Okumu.

Hon. Okumu (MCA, Seme East Ward): Mr. Speaker, please allow me to lay this Paper on behalf of the Deputy Speaker.

The Speaker (Hon. Oraro): Proceed.

Hon. Okumu (MCA, Seme East Ward): Thank you. Pursuant to the provision of Standing Orders No. 182 (6) of the Kisumu County Assembly Standing Orders, I wish to table today Wednesday 22nd March, 2023 a report by House Business Committee on the Businesses Transacted by the Committee in the First Session of the Third Assembly and the General Performance of House Committees. Thank you.

(Hon. Okumu lays the report before the House for consideration)

The Speaker (Hon. Oraro): Honourable Members, I confirm the receipt of a report by House Business Committee on the Businesses transacted by the Committee in the First Session of the Third Assembly and the General Performance of House Committees. I want to commit this report to the House Business Committee for the purposes of scheduling it for debate.

The Speaker (Hon. Oraro): Hon. Mildred Ajumbo.

Hon. Ajumbo (MCA, Central Seme Ward): Thank you Mr. Speaker. Pursuant to the provision of Standing Orders No. 182 (6) of the Kisumu County Assembly Standing Orders, I wish to table today Wednesday 22nd March, 2023 a report by Welfare and Equal Opportunities Committee on the Consultative Meeting with LAPFUND in Nairobi. Thank you.

(Hon. Ajumbo lays the report before the House for consideration)

The Speaker (Hon. Oraro): Honourable Members, I confirm the receipt of a report by Welfare and Equal Opportunities Committee on the Consultative Meeting with LAPFUND in Nairobi. I want to commit this report to the House Business Committee for the purposes of scheduling it for debate.

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

NOTICES OF MOTION

REPORT BY HOUSE BUSINESS COMMITTEE ON THE BUSINESSES TRANSACTED BY THE COMMITTEE IN THE FIRST SESSION OF THE THIRD ASSEMBLY AND THE GENERAL PERFORMANCE OF COMMITTEES

BY

HON. NEREAH OKOMBO, MCA, MANYATAT "B" WARD.

(THE DEPUTY SPEAKER)

REPORT BY WELFARE AND EQUAL OPPORTUNITIES COMMITTEE ON THE CONSULTATIVE MEETING WITH LAP FUND IN NAIROBI

BY

HON. MILDRED AJUMBO, MCA, CENTRAL SEME WARD.

(CHAIRPERSON, WELFARE AND EQUAL OPPORTUNITIES COMMITTEE)

The Speaker (Hon. Oraro): Hon. Seth Okumu.

Hon. Okumu (MCA, Seme East Ward): Thank you. Pursuant to the provision of Standing Orders No. 45 (1) of the Kisumu County Assembly Standing Orders, I wish to give a Notice of Motion on a report by House Business Committee on the Businesses Transacted by the Committee in the First Session of the Third Assembly and the General Performance of House Committees. On behalf of the Deputy Speaker. Thank you.

The Speaker (Hon. Oraro): Hon. Mildred Ajumbo.

Hon. Ajumbo (MCA, Central Seme Ward): Thank you. Pursuant to the provision of Standing Orders No. 45 (1) of the Kisumu County Assembly Standing Orders, I wish to give a Notice of Motion on a report by Welfare and Equal Opportunities Committee on the Consultative Meeting with LAPFUND in Nairobi.

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

STATEMENTS

The Speaker (Hon. Oraro): Hon. Seth Okumu.

Hon. Okumu (MCA, East Seme Ward): Thank you Mr. Speaker. Pursuant to the provisions of Standing Orders No. 41 (2) (b), of the County Assembly of Kisumu, I wish to request for a Statement from the Chairperson of Roads, Transport and Public Works Committee on the Status of St. Rita-Kidi Achiel in East Seme Ward. I want the Chairperson, to provide this House with the following;

a) Bill of Quantities of the forgoing road projects of the successful contractors,
b) LSO,
c) Contract agreement,
d) Award letters and
e) Total amount for the project.

Mr. Speaker, the biggest role of the Honourable Members is to do oversight. There is no way we can do proper oversight on these roads if we can't access these documents. We should know exactly the scope of works that is supposed to be done, when it should be done and the duration it is supposed to take. I therefore request the Chairperson to furnish this House with those documents and the Committee should treat this matter with the urgency it deserves. Kindly, give him a maximum of seven days to respond. Thank you.

The Speaker (Hon. Oraro): Honourable Members, I have noticed that the Chair of the committee is in the House. Hon. Reuben Rakwach.

Hon. Rakwach (MCA, East Kolwa Ward): Thank you Mr. Speaker. Thank you for according me this chance. I believe the Honourable is aware that I don't keep the documents that he is

requesting here with me and they are with the department of Public Works, Roads and Transport. I trust that if I am given until Thursday next week it will be appropriate, I will be able to provide all that the Member has requested for. Mr. Speaker, I don't know if there is a certificate of urgency attached. Otherwise, thank you I will provide the same come Thursday next week.

The Speaker (Hon. Oraro): Thank you so much Hon. Chair. Hon. Members as per our practice we normally give an average of two weeks. The Hon. Seth Okumu of East Seme Ward has requested for seven days. The Hon. Chair for the Committee of Public Works, Roads and Transport has indicated that the committee may be able to give the report by Thursday next week.

The Speaker (Hon. Oraro): What is it Hon. Member I want to give a ruling on this or is it on the same?

The Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach): Mr. Speaker, Hon. Seth had requested you not to give more than seven days.

The Speaker (Hon. Oraro): Proceed.

The Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach): Mr. Speaker if you allow what the Chairman has requested that the requested documents be produced on Thursday next week, that would be eight days and I just wanted to remind you that.

The Speaker (Hon. Oraro): Order!! Honourable Member…

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

Hon. Ngeta (MCA, Awasi-Onjiko Ward): Thank you Mr. Speaker, over the same matter, I want to agree with Hon. Rakwach that seven days is impossible for him to access these documents and again I want to remind him that, let him have some decorum when responding or replying to a Hon. Member that he is not in custody of these documents. Mr. Speaker. Thank you.

The Speaker (Hon. Oraro): Honourable Members let us agree that the committee of Roads, Public Works, on Thursday that is 30th that will be exactly eight days and I trust that as per our Information and Communication Policy that will be enough owing to the fact that it is just documents that the Committee is required to present as per the request by the MCA of East Seme. I therefore direct that the committee furnish this House with the said documents by Thursday 30th March 2023. It is statement time.

The Speaker (Hon. Oraro): Hon. Moses Ochele

Hon. Ochele (MCA, East Kano Wawidhi Ward): Thank you Mr. Speaker, I rise to give a Response to a Statement Raise some time back by the member for Chemelil Tamu ward. I arise while citing the provisions of Standing Order No. 41(2) (b) in regard to the request for statement from the Chairperson of the committee of Administration of Law, Justice, Good Governance, Constitutional Affairs and Security that was made in this House by the Hon. Fredrick Adonija on

the Emergency Status of the Ongoi bridge along Chemelil - Oduwo Muhoroni road in Chemelil Tamu ward.

Mr. Speaker, the Committee of Administration of Law, Justice, Good Governance, Constitutional Affairs and Security is mandated pursuant to Standing Orders No. 193 read together with the Second Schedule of the Kisumu County Standing Orders as follows…

Hon. Omollo (MCA, West Nyakach): Point of Order Mr. Speaker.

The Speaker (Hon. Oraro): What is the Point of Order Hon. James Omollo?

Hon. Omollo (MCA, West Nyakach Ward): (On a point of order): Thank you. Mr. Speaker, Hon. Ochele is giving response to a Member who is not in, I don't know whether is in order to continue to give the response while the Member who sought this Statement is not in the House to ascertain as to where the matter sought has been addressed appropriately, thank you.

The Speaker (Hon. Oraro): Hon. Moses Ochele it is being drawn to my attention that the Hon. Member who sought for this statement is not present in the House but I believe that once a statement is raised, it becomes a property of the House and it is the responsibility of the representative of Chemelil-Tamu Ward to ensure that he is in the Assembly on Tuesday from 02.30 p.m., Wednesday from 09.00 a.m. and from 02.30 p.m. and Thursday from 2.30 p.m. so Hon. Ochele please proceed. Hon. Omollo, I rule you out of order.

Hon. Ochele (MCA, East Kano Wawidhi): Thank you Mr. Speaker and that is why my last born must learn in Bar Union unlike Nyabondo where my Hon. colleague learnt in, some of these things he should have known because he is senior Member that unless you are out of this Assembly with permission then you have to attend so if he is absent Mr. Speaker, you are quit in order to advise him that it is not my duty as the respondent to ensure that he is in the House, that is his mandate and that is why he was elected. Thank you, Mr. Speaker, for that.

Mr. Speaker, I was just citing the mandate of my committee that is under Standing Order No. 193 as read together with the Second Schedule of the Kisumu County Assembly Standing Orders as follows:

a) to consider all matters related to referendum, further devolution in the County,
b) issue of integrity, ethics and conflict of interest including anti-corruption, human rights, ensuring and coordinating the participation of committees and location in governance at the local level and;
c) assisting House Committees and locations in governance at the local level to develop administrative capacities for the effective exercise of the functions and powers and the participation in governance at the local level.
d) Administration of Law and Justice including working and collaboration with the national government operations within the County especially on matter of security.

Mr. Speaker, the Committee has found that, while the matter requested in the Statement is very pertinent that worth or requires our legislative attention, the Committee has no mandate accorded

to it to handle matters related to Roads and Transport. Therefore, on that note, we wish to recommend that the Statement raised by the Hon. Fredrick Adonija on the Emergency Status of the on-going Bridge that is situated along Chemelil-Oduo-Muhoroni Road, in Chemelil Tamu Ward be committed to the Standing Committee of Roads, Public Works and Transport. Thank you.

The Speaker (Hon. Oraro): Thank you. Honourable Members, you have heard the response by Hon. Moses Ochele on the issue that was raised by Hon. Adonijah. I am of the opinion that I can accord two Members to contribute to the matter basically stating that the Committee is unable to execute that request based on and in-line with their mandate. Therefore, that this matter be committed to the Committee of Roads, Public Works and Transport.

(Silence)

The Speaker (Hon. Oraro): Honourable Members, silence means concurrence. I therefore rule that the Committee of Roads, Public Works and Transport takes up the matter. All the details are with the Committee of JLAC. So, Hon. Reuben Rakwach, please liaise with the Clerk and the Clerk of the Committee of Administration of Law, Legal and Constitutional Affairs and Security and Good Governance and take up the matter. I will give you a period of two weeks which I believe is adequate for you to respond to this matter.

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

Hon. Rakwach (MCA, East Kolwa Ward): Thank you Mr. Speaker. Most obliged.

The Speaker (Hon. Oraro): Honourable Members, it statements hour.

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

MOTION

ADOPTION OF THE REPORT BY THE COMMITTEE OF IMPLEMENTATION ON THEIR INDUCTION EXERCISE IN NAIROBI COUNTY

BY

HON. HENRIETTA ATIENO BODO, NOMINATED MEMBER.

(CHAIRPERSON, COMMITTEE OF IMPLEMENTATION).

The Speaker (Hon. Oraro): Yes Hon. Henrietta, Chairperson, Committee of Implementations.

The Committee on Implementation is established pursuant to Standing Order No. 191 of the Kisumu County Assembly Standing Orders which states that:

(1) There shall be a select committee to be known as the Committee on Implementation;
(2) The Committee shall scrutinize the resolution of the County Assembly (including adopted committee reports), petition, and undertakings given by the County Executive Committee and Examine:-

a. Whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary;
b. Whether or not legislation passed by the county assembly has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary;

(3) The committee may propose to the county Assembly, sanctions against any member of the County Executive Committee who fails to report before it on Implementation status without justifiable reasons.

Hon. Speaker, the committee as currently constituted comprises of the following Honorable Members:

Table 1: Committee Membership as at February, 2023

	NAME	DESIGNATION
1.	Hon. Henrietta Bodo	Chairperson
2.	Hon. Kelvin Oraro	Vice Chairperson
3.	Hon. Maurice Ngeta	Member
4.	Hon. Anne Ochola	Member
5.	Hon. Vitalis Komudho	Member
6.	Hon. Boitone Ratib	Member
7.	Hon. James Were	Member
8.	Hon. Ken Ouko	Member
9.	Hon. Mickey Awuor	Member
10.	Hon. Jennipher Obonyo	Member
11.	Hon. Emily Oginga	Member
12.	Hon. Geoffrey Warindu	Member
13.	Hon. Vincent Obuya	Member
14.	Hon. Tom Onditi	Member
15.	Hon. Millicent Omuya	Member

Secretariat

Hon. Speaker, the secretariat facilitating the committee in executing its mandate comprises of the following technical team:

1. Belinder Owino -Clerk Assistant
2. Mr. Raphael Jumah - Researcher
3. Mr. Fanuel Okode - Hansard Reporter
4. Rose Baraza - Sergeant-at-Arms

Hon. Speaker, firstly, allow me to take this opportune moment to express my sincere gratitude to the Members of Implementation Committee for their dedication, time, substantial input and valuable contributions during the entire induction workshop that took place in Nairobi County. Secondly, I am also deeply and greatly obliged to both the Offices of the Speaker and the Clerk of the County Assembly for their extreme support their accorded the committee during the entire capacity building period.

Finally, on behalf of the committee, I wish to extend my candid gratitude to the technical staff attached to this committee for their much dedication and the unwavering roles exhibited during the event. The secretariat ensured that the committee was well assisted and facilitated before, during and after the workshop hence made it possible to produce this report.

Hon. Speaker, it is now my pleasant duty and privilege to humbly present this report to this August House for debate and consideration on behalf of the Committee on Implementation

Hon. Speaker, the inception of the Third County Assembly commenced after the General Election which occurred on the 8th of August, 2022. The Committee on Selection in its mandate of Standing Order no. 155(2) of the Kisumu County Assembly Standing Orders nominates Members to serve in committees save for the membership of the county assembly business committee and committee on appointments hence the initiation of Committee on Implementation.

Hon. Speaker, the committee has held a myriad of sittings within the County Assembly Precincts in the first quarter of the FY 2022-2023. There were issues raised during most of committee`s deliberations regarding induction of the new members on board on matters committee`s general management, procedures, rules and practices. Members sighted the anticipated workshop as a head start that would enable them execute their primal roles of representation, law making and oversight in an efficient and effective manner. This came as a result of the following salient issues: That majority of the Members were freshmen and lacked the requisite knowledge and expertise to execute their roles and that some of them were utterly not from a political environment hence the need for the training.

Hon. Speaker, the committee in its sitting of Thursday, 3rd November, 2022 vide MIN NO. 8/IC/03/11/2022 unanimously resolved that the Members be capacity built for purposes of equipping the committee with adequate skills necessary to discharge their mandate effectively and efficiently. This resolution was forwarded to Liaison Committee and in its meeting held on Tuesday, 15th November, 2022 vide MIN NO. 21/CAK/LC/NOV/2022 and approved that the select committee to proceed on an induction as from Thursday, 17th November, 2022 to Tuesday, 222nd November, 2022 in Nairobi County at Pride Inn Hotel.

Hon. Speaker, the County Assembly committees are extension of the Assembly established under the county assembly standing orders and in accordance with Section 14 of the County Governments Act, 2012. The committees are supposed to perform functions that the Assembly is not well fitted to consider in plenary. Following the constitution of the County Assembly committees on 5th of October, 2022 and consequent election of Chairpersons, the Select Committee on Implementation held its induction workshop as from 17th November, 2022 to 22nd November, 2022.

Hon. Speaker, the workshop entailed the overview, management, establishment and role of committees in achieving the mandate of the county assembly, legal underpinning of committees of the Assembly, rationale for committees in the Assembly, limitation of mandate of committees, overview of the management and operation of committees in the Assembly, mandate of the select committee on Implementation, duties of committee chairperson, members and secretariat, management of committee, procedures and practices of the committee

Hon. Speaker, the workshop was officially opened by a word of opening prayer from the chairperson before welcoming members to the meeting. The chair then invited members, the facilitator and the secretariat to introduce themselves and subsequently urged members to actively participate in the proceedings to enable them grasp the basics on the establishment, management and operations of the committee. The Chairperson afterwards welcomed the facilitator to train the members.

In his foreword, the facilitator Mr. Joseph Mwangi, Senior Clerk Assistant from the Senate informed the committee that he was tasked with the responsibility of facilitating the entire induction program and congratulated members for being appointed to the Implementation Committee in the Kisumu County Assembly. He further informed members that the training came at an opportune moment when various policies, legislations and regulations were being developed at the County level. The capacity building would therefore equip members with requisite skills necessary in discerning the roles of the committee in scrutinizing the proposed Statutes, Policies & Regulations.

Hon. Speaker, the aim and intentions of the induction workshop were to:

1. To appreciate and understand the distinct roles and place of committees in the County Assembly
2. To acknowledge the role and mandate of the select committee on Implementation
3. To be cognizant of and comprehend the role of the committee chairperson, vice chairperson, members and the structures of the committee
4. To understand the management of an effective committee
5. To appreciate and discern the protocols, norms and practices of the committee

Hon. Speaker, the facilitator took the members through the various topics of concern *(terms of references)* as below:

1. Establishment and mandates of the committee
2. Roles of chairperson, Members and the secretariat
3. Attributes of an effective committee
4. Overview of role of committees in achieving the mandate of the County Assembly

5. Consideration of petitions, legislative proposal, statements and committee reports
6. Conduct of site visits
7. Workings and Essential roles of the Implementation Committee
8. House Resolutions
9. Drawbacks facing Implementation Committee
10. Possible Interventions/Solutions
11. Compliance and Sanctions
12. Emerging Issues and Way forward

Hon. Speaker, the presentation covered the establishment of the committee, its membership functions, mandate and stakeholders. The committee shall comprise of the Chairperson and not less than eight and not more than ten Members as evidently stipulated in the Kisumu County Assembly Standing Orders No. 191(1)

The committee was reminded that, pursuant to and in addition to the provisions of the County Assembly Standing Orders, the Committee on Implementation should discharge the following but not limited to;

1) The Committee shall scrutinize the resolutions of the County Assembly (including adopted Committee reports), Petitions and the undertakings given by the County Executive Committee and examine –
    a. Whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and
    b. Whether or not legislation passed by the County Assembly has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.
2) The Committee may propose to the County Assembly, sanctions against any member of the County Executive Committee who fails to report to the relevant select Committee on implementation status of projects and programmes under his or her docket without justifiable reasons.

Note: refer to the Kisumu County Assembly Standing Orders No. 191(2) & (3).

Hon. Speaker, other essential roles of Implementation committee which distinguishes it from other committees include: *Tracking undertakings and House Resolutions and following up to establish the implementation status and appraise the House.*

The presentation covered the roles of the Chairperson, attributes of an effective chairperson and members of committee and the role of the secretariat.

1) Functions of the Committee Chair

The facilitator dissected roles of a chairperson of the committee as follows:

Before the Meeting

Agenda setting, formulates the agenda in consultation with the secretariat and members and develops and discussion plan

During the Meeting

(i) Presides at committee meetings
(ii) Performs the functions and exercises the powers assigned to the office of the chairperson by the committee, resolutions by the Assembly or legislations and he`s the spokesperson of the committee pursuant to the Kisumu County Assembly Standing Orders No. 163
(iii) Introduces agenda items-preliminaries, adoption of the agenda
(iv) Enforces rues of procedures, summarizes debates, highlights points of convergence and divergence
(v) Allocates time to every agenda item and attempts to impress upon members to stick to set timelines
(vi) Ensures democracy prevails and that equity in contributions is respected and achieved
(vii) Keep to the order of the agenda, be familiar with the protocol of the meeting and be fair and neutral

After the Meeting

Hon. Speaker, during the training workshop, the committee was informed that after the meeting, the Chairperson ensures the following are to be executed:

(i) Action items are implemented, must ascertain that typed minutes are a true reflection of the previous meeting(minutes are effectively written i.e. factual and correct)
(ii) Ensure that draft minutes are circulated to members before the next slotted meeting if rules permit and represents the interest of committee in Liaison committee
(iii) Tables and moves the report on behalf other committee members
2) Roles of the Committee Members

Before Sitting

(i) Familiarize themselves with the agenda items and prepare adequately to participate in the deliberations
(ii) Acquaint themselves with the necessary logistic
(iii) Seek clarity on issues with the chairperson or the secretariat
(iv) Propose to the chairperson important matters that could set the agenda of the committee

During the sitting

(i) Attend sittings with open mind
(ii) Be a good listener
(iii) Be receptive to new/other approach
(iv) Present views precisely, clearly and confidently
(v) Not allow personal preferences to obscure opposing views, help the chairperson maintain order, note points of the sitting for future reference and actively participate in the proceedings
(vi) Support the sitting to reach consensus for purposes of collective desion-making and take part in voting (if any)

After Sitting

(i) Carry out tasks assigned during the meetings

(ii) Evaluate the outcome of the meeting and consult officials or other committee members to get clarity on tasks

3) Roles of the Committee Clerk

He/she is responsible for the:

(i) Custody of committee records
(ii) Administrator of the day-to-day operations of the committee including management of logistics
(iii) The use and management of the committee resources
(iv) Responsible for agenda setting, drafting of work plans, committee budgets and policy analysis for the committee
(v) Procedural advisor to the committee

4) Attributes of an effective chairperson

Encourages members participation, sound planning and advance preparations of meetings, control of deliberations, effective use of the standing orders, keep a firm hand on the proceedings by managing time and being consistent in applying the legislative rules, guide the deliberations in terms of focus and relevancy and finally any questions arising in the select committee shall be decided by vote and a good chairperson would be advised to avoid taking a decision on a controversial matter without significant number of Members being present.

Overview of Role of the Committee in Achieving the Mandates of the County Assembly
Role of the County Assembly

Hon. Speaker, the presenter informed the committee that the County Assembly performs the following functions:

(i) The County Assembly exercises legislative authority pursuant to Article 185 (1 & 2) of the Constitution of Kenya, 2010
(ii) Scrutinizes and monitors the actions of the County Executive Pursuant to Article 185(3) of the Constitution of Kenya, 2010
(iii) Vets and approves key County Government Appointees
(iv) Ensures the law and budgets it has approved are being properly implemented
(v) Subjects the County Executive Plans, Policies and Actions to Public debate and hearings as provided in Article 185(4) and 196 of the Constitution of Kenya, 2010 and
(vi) Approves the budget, expenditure and borrowing of the County Government

Legal Underpinning of Committees of the County Assembly

Hon. Speaker, the facilitator informed the members that committees in the Assembly are smaller units or groups of members of the County Assembly that allows the Assembly to perform several functions simultaneously. The power of the county assembly to appoint committees is derived from:

(i) The Constitution of Kenya-Article 124 &195

(ii) Enabling Acts-County Government Act, 2012 and Parliamentary Powers and Privileges Act
(iii) The Standing Orders- Standing Order No. 155 of the Kisumu County Assembly Standing Orders
(iv) Resolutions and practice of the Assembly

Powers of the Committee and Enabling Legislations

Hon. Speaker, the facilitator informed the Members of Implementation Committee of Implementation Committee that the County Assembly derives its authority from the following Statutes which are the Constitution of Kenya (*Articles 124, 185(3) & 195(2) (b)), Standing Orders No. 174 of the Constitution of Kenya, 2010.* He further informed them that the committees are capable of:

(i) Power to summon witnesses to appear and examine them
(ii) Power to enforce attendance of witnesses
(iii) Power to examine witnesses on oath/affirmation
(iv) Power to compel production of documents
(v) Power to compel answering of questions
(vi) Power to examine to issue commission or request to examine witnesses abroad
(vii) Freedom of debate and speech
(viii) Protection from civil or criminal proceedings for parliamentary works

Tools utilized by Committees to conduct their businesses

Hon. Speaker, having the right tools in County Assembly helps committees work faster and more efficiently and help avoid mistakes and errors. Some of the tools utilized by Committees as highlighted by the facilitator include without limitation to:

(i) Committee meetings/sub-committee meetings
(ii) Request for memoranda
(iii) Site Visits
(iv) Review of legacy reports by previous
(v) Review of public audit reports by Independent Offices and Commissions
(vi) Questioning witnesses for oral evidence
(vii) Public Hearings
(viii) Benchmarking visits
(ix) Fact finding visits
(x) Committee inquiries

General Roles of Committees

Hon. Speaker, the presenter highlighted the following as the general roles of committees

(i) Oversight the County Executive and initiating legislative proposals(*Specific & basic)*
(ii) Scrutinizing of legislative proposals and bills(*specific and basic)*
(iii) Conducting investigations and reporting to the plenary for action
(iv) Reviewing and approving the budget and expenditure(*basic)*

(v) Reviewing audited accounts of County Governments and public agencies
(vi) Approval of Public Appointments
(vii) Approval of County Planning and development plans*(MTEF-CADP, CBROP,CFSP, Budget Estimates)-(basic)*

Rationale for Committees in the County Assembly

Hon. Speaker, during presentations, the facilitator brought to the attention of the members that the depth and breadth of work in a legislature cannot be conducted in plenary sessions; the detailed work of the legislature is hence carried out by specialized committees. *For instance-Committee on Implementation among other select and sectoral committees)*

(i) Provides the opportunity for more detailed, in-depth investigations and discussions
(ii) Allow review of policy matters or bills more closely than would be possible by the entire chamber
(iii) Serve as the focal point for legislation and oversight
(iv) Present their observations, findings and recommendations (reports) to the chambers for the final debate and
(v) Serve as point for people inside and outside the legislature to seek to influence legislative products by providing information about what they want/will accept.

Hon. Speaker, the presentation covered procedures and practices in executing committee mandates in line with consideration of legislative proposals, statements, and motions and how secondary site visits are done by the Implementation Committee.

Consideration of Bill (During Pre-Publication Scrutiny)

Hon. Speaker and Hon. Members, Standing Order No. 113(3) (b) undertakes the following taking into consideration Standing order No 1. which allows the Speaker to give directives as below:

(i) The committee scrutinizes the bill within 21 days upon referral by the sitting Speaker, the Committee examines the legislative proposal and seeks vies of the sponsor and the relevant CECM on the likely impact, effect, outcome and consequence of the bill.
(ii) The committee may in consultation with the sponsor suggest variations with a view of improving the legislative proposal but the sponsor is bound to incorporate such amendments
(iii) After expiry of the 21 days, the speaker may direct the publication of the bill with or without the pre-publication report of the committee.

Consideration of the Bill (1st Reading)

Mr. Speaker and Hon. Members, the committee was made to understand that after the pre-publication stage, and the legislative proposal read for the first time, it is committed to the relevant standing committee which among others is expected to conduct public hearings, take into account the views, concerns and resolutions of the public when the committee makes its report to the County Assembly. By and large, the foregoing report is tabled in the Floor of the

House which guides the Assembly in its deliberations on the bill. (*it contains proposed amendments of the bill)*

Consideration of Petitions

Hon. Speaker, the committee does the following once the petition is committed:

(i) The Committee Clerk through consultation with the chairpersons creates timelines/schedule for the committee to adopt in working on the petition
(ii) The committee afterwards invites the stakeholders likely to be interested in the petition, conducts hearings with the petitions and witnesses, listens and take in account their prayers
(iii) The committee then proceeds to writing a report which must be adopted by the committee members in a sitting. Thorough proof reading is need before the report finds its way in the August House

Committal and Dispensation

Hon. Speaker, the facilitator walked the members the procedure on how petitions *(Public /Stakeholders Prayers)* are executed by the County Assembly pursuant to Standing Order No. 217 as follows:

(i) The Assembly refers the petition to the relevant Sectoral Committee
(ii) In not more than 60 calendar days from the time of reading the prayer, respond to the petitioner(s) by way of a report
(iii) The petition report is laid on the Floor of the House and not debated upon although the Speaker may in exceptional circumstances allow comments or observations but this is limited to not more than 20 minutes.
(iv) The Clerk shall within 15 days of the House Resolutions in writing notify the petitioners of the decision of the County Assembly on the petition.

Committal of Statements

Hon. Speaker, the committee was taken through procedures undertaken when statement requested is committed to the relevant County Assembly Committee seeking for response from the Chairperson pursuant to Standing Order No. 41(2)(b) which includes:

(i) A Member requests for statement on particular matters of county interest
(ii) The CECM under whose purview the matter raised in the statement fall, should be invited to a committee meeting to deliberate on the statement if his/her presence required otherwise responding to the statement through submission of documents by the line department within a certain stipulated time period(2-3 weeks)
(iii) The member who requested for a response to the statement to be invited when the committee is deliberating on the salient issues as contained in the statement
(iv) The chairperson of the committee to report to the House the committee`s consideration request on the progress

(v) A response to a statement as tabled by the chairperson on behalf of the committee may not be debated upon if the member who raised the statement is satisfied with the response unless the speaker directs so for the convenience of the House

Conduct of Site Visits

The committee should be able to conduct site visits to ascertain issues raised during its meetings or statements requested by Hon. Members during plenaries

The information gathered from the site visits informs the committee`s report on attendant matter under inquiry and the secretariat is expected to coordinate and obtain authority on advice by the clerk, do all the logistical arrangements and also coordinate with the relevant line department seeking for technocrats to accompany the committee during the site inspection.

Note: Implementation committee only conducts secondary site visits. This results from house resolutions of a Sectoral committee who does the primary inspection to avoid conflict of interest.

Consideration of Committee Reports

Hon. Speaker, reports are a regular feature of committee and they are the only means by which the committees communicate with the Assembly as its agents and the public. The committee`s findings and recommendations to the Assembly are critical when the Assembly adopts the motion hence the committee`s recommendations gets the force of a formal House resolution. This gives the County Assembly the authority and tooth to monitor and oversee the County Executive compliance through the Select Committee on Implementation.

Processing of Motions

Hon. Speaker, draft motions should be short, precise and to the point and framed so as to express with as much clarity as possible, the distinct opinion or decision of the House. A draft resolution must deal with matters within the competence of the House, deal with only one substantive matter, consists of a clear and concise proposed resolution or order of the House and not contain unbecoming or offensive expression.

Committee Recommendations

Hon. Speaker, recommendations should emanate from the evidence and findings and should not be hanging, should be within the law and actionable, should clearly indicate who is to implement, should be courteous and use decent language and with requisite decorum and finally should be stated in a complete and clear language (*no ambiguous statements and no guessing of the intention of the writer- lack of passion)*

Assurances by the County Government

Hon. Speaker, during the induction workshop, the members were informed that the committee should develop a list of all assurances made during the session as this forms the bulk work of the committee of ensuring that the County Government honors its commitments on matters raised in the House and pursuant with the mandate, the committee should follow up on resolutions. For

instance: Motions that have been adopted and requires the CECMs to present reports to be tabled in the House by the committee chairperson.

House Resolutions and Implementation Tracker: the committee is also expected to develop and maintain a tracking tool to fast track the implementation status of all house resolutions and government undertakings.

Compliance and Sanctions

(i) It is the responsibility of the Implementation Committee of the Honorable House to ensure that the House Resolutions are acted upon.

(ii) The Committee should establish sanctions for each failure of compliance. The weight of the sanction should be in accordance to the importance of the resolution.

(iii) Use Sanctions sparingly and filling a substantive motion to discuss the CECM or the Chief Officer.

(iv) Failure to comply with the House Resolutions without a reason could form a basis for removal or impeachment from the office.

Hon. Speaker and Members, the following are the main challenges that the committee may face while discharging its duties;

(i) Untimely transmissions of House Resolutions to the Executive arm for implementation. Custody and channeling of House resolutions
(ii) Untimely transmission of responses from the Executive to the Legislature-Delay in responses from the Executive. This is as a result of unwilling executive hence lack of compliance.
(iii) Too many uncoordinated House Resolutions. The recommendations should be SMART, should have timelines and therefore implementable.
(iv) Lack of clearly provided sanctions, it is not clear to the committee as to what sanctions should be prescribed and who should implement the sanctions
(v) Budget constraints-passing resolutions without considering financial implications

(vi) General Apathy/fatigue and misunderstanding of the significance of the Implementation committees in upholding legislature's stature and oversight responsibilities.

(vii) The County Executive do not prioritize implementation of House resolution during budget

(viii) Others include: lack of quorum, non-cooperation of the members and not managing time in a committee meeting, conflict of interest, committee venue and having committee sittings running concurrently.

Hon. Speaker, the foregoing challenges can be mitigated through the following possible interventions/solutions

(i) Enhance Capacity of the Members and staff through capacity building, exposure inspections and sensitization seminars.

(ii) Develop a corroborative partnership for technical cooperation on information and case study sharing between the National Parliament (NA, Senate), County Assemblies, Service Delivery Unit and other stakeholders

(iii) Prepare and publish Regular reports and also consider developing a concrete monitoring and tracking mechanism tool by the Implementation Committee

(iv) Address public image and perception -Need for legislators/committee members to safeguard the legislatures' corporate standing and image (Honorable) by acts and words. Further there is need to consider anchoring specific sanctions on the executive for non-compliance within the standing orders (S.O 174) and other relevant statutes. This will ensure the Assembly does not act in futility.

(v) The assembly to ensure prioritization of funding of House resolutions during consideration of the County Budget Estimates.

(vi) Members to develop tolerance amongst each other and work towards achieving the committee`s mandate

Hon. Speaker based on the success of the foregoing exercise and the learning areas noted herein, the Committee recommends;

1. THAT this House adopts the Implementation Committee Report on the Induction exercise
2. THAT, the Committee to initiate the process of convening a stakeholders conference to discuss and chart way forward on the status of implementation of County Assembly resolutions

Madam Speaker, I beg to move and I would to call upon Hon. Were to second. Thank you.

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

Hon. Were (MCA, Nyalenda "B" Ward): Thank you Madam Speaker. Thank you, Madam Speaker, I beg to second.

The Temporary Speaker (Hon. Oginga, Nominated Member): Honourable Members, now that the report by the Committee of Implementation on their Induction Exercise having been moved by Hon. Henrietta Bodo the Chairperson and seconded by Hon. James Were, I now want to propose a question that the report is now open for debate.

The Temporary Speaker (Hon. Oginga, Nominated Member): Yes Honourable James Omollo.

Hon**. Omollo** (MCA, Central Nyakach Ward): Thank you Madam Speaker, looking at the mood of the House, please allow me to call the mover to reply.

The Temporary Speaker (Hon. Oginga, Nominated Member): Yes Hon. Henrietta Bodo.

Hon. Henrietta (Nominated Member): Thank you Madam Speaker. First, the Committee has spoken and I would like to implore Honourable Members to kindly adopt this report because if you were keenly going through the report as I was presenting, the recommendations therein are explicit. The Committee is unable to perform its duties if the Committee is not adequately funded and that is our major obstacle.

Secondly, as a Committee, we have in several occasions invited respective CEC Members to appear before the Committee to respond to key issues that we are not able to tackle unless they are heard and they have not honoured our invitations. Madam Speaker, I again beseech Honourable Members to kindly adopt this report so that we are able to perform our duties as expected of the Committee. Thank you.

The Temporary Speaker (Hon. Oginga, Nominated Member): Honourable Members, now that the report by the Committee of Implementation on their Induction Exercise in Nairobi having been presented, seconded and debated. 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 Implementation on their Induction Exercise in Nairobi is hereby adopted today Wednesday, 22nd March, 2023 at 16:05 hours.

Honourable Members, I therefore direct that, the report and the deliberations be communicated to the relevant offices for immediate action. 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 Thursday, 23rd March, 2023 at 02:30 p.m.

(House rose at 16:10 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