

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – SECOND SESSION

Thursday 06th April, 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): Mr. Clerk, 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 want to welcome you to this session. It may be the last sitting of the Second Session of the Third Assembly that is if the Motion of Adjournment that is in the Order Paper shall be approved. I want to appreciate the Members for their commitment.

Honourable Members, what I have witnessed in the First and Second Session of the Third Assembly is encouraging in terms of attendance despite the Salaries and Remuneration Commission (SRC) having scrapped allowance that were meant for plenary. I want to encourage Members that be careful when we break for the recess. What we are doing is for the benefit of the people. I want to wish you the best in advance as we break for the short recess. I also want to confirm that some of our Members are held in official function but I see the Deputy Leader of Majority is in and things can proceed as planned. Thank you

The Speaker (Hon Oraro): Next order!!

PAPERS LAID

REPORT BY PLANNING, INDUSTRIALIZATION AND ICT COMMITTEE ON THE ON THE
DEMOLITION AND SHUTDOWN OF BUSINESSES WITHIN THE CITY

BY

HON. RATIB BOITONE, MCA, NYALENDA “A” WARD.
(CHAIRPERSON, PLANNING, INDUSTRIALIZATION AND ICT COMMITTEE)

AND

REPORT ON THE APPOINTMENT OF MRS. MONICAH AKELLO OGADA TO THE COUNTY
ASSEMBLY SERVICE BOARD

BY

HON. PAMELA OYOO, MCA, MIGOSI WARD.

(VICE CHAIRPERSON, COUNTY ASSEMBLY SERVICE BOARD)

The Speaker (Hon. Oraro): Hon. James Omollo.

Hon. Omollo (MCA, West Nyakach): Mr. Speaker, allow me to lay this Paper on behalf of Hon. Ratib Boitone.

The Speaker (Hon. Oraro): Proceed.

Hon. Omollo (MCA, West Nyakach Ward): Thank you Mr. Speaker. Pursuant to provisions of Standing Order No. 182 (6) of the Kisumu County Assembly Standing Orders, I wish to table today Thursday 06th April, 2023 a report by Planning, Industrialization and ICT Committee on the Demolition and Shutdown of Businesses within the City. Thank you.

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

The Speaker (Hon. Oraro): Honourable Members, I confirm the receipt of a report by Planning, Industrialization and ICT Committee on the on the Demolition and Shutdown of Businesses within the City as laid by Hon. James Omollo on behalf of Hon. Ratib Boitone. I therefore, commit this report to the Select Committee of House Business for scheduling it for debate.

The Speaker (Hon. Oraro): Hon. Pamela Oyoo.

Hon. Oyoo (MCA, Migosi Ward): Thank you Mr. Speaker, Pursuant to the provisions of Section 4 of the County Assemblies Service Act No. 24 of 2017, I wish to table today Thursday 6th April, 2023 a report on the Appointment of Mrs. Monicah Akello Ogada to the County Assembly Service Board. Thank you.

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

The Speaker (Hon. Oraro): Honourable Members, I confirm the receipt of the appointment of Mrs. Monicah Akello Ogada to the County Assembly Service Board has been laid by Hon. Pamela Oyoo and I want to confirm that it was given a green light and I hope it will be tabled today. Thank you.

The Speaker (Hon Oraro): Next order!!

NOTICES OF MOTION

REPORT ON THE APPOINTMENT OF MRS. MONICAH AKELLO OGADA TO THE COUNTY ASSEMBLY SERVICE BOARD

BY
HON. PAMELA OYOO, MCA, MIGOSI WARD.

(VICE CHAIRPERSON, COUNTY ASSEMBLY SERVICE BOARD)

REPORT BY PLANNING, INDUSTRIALIZATION AND ICT COMMITTEE ON THE ON THE DEMOLITION AND SHUTDOWN OF BUSINESSES WITHIN THE CITY

BY
HON. RATIB BOITONE, MCA, NYALENDA “A” WARD.

(CHAIRPERSON, PLANNING, INDUSTRIALIZATION AND ICT COMMITTEE)

The Speaker (Hon. Oraro): Hon. Pamela Oyoo.

Hon. Oyoo (MCA, Migosi Ward): Thank you once more Mr. Speaker. Pursuant to provisions of Standing Order No. 45 (1) of the Kisumu County Assembly Standing Orders, I wish to give a Notice of Motion that this House adopts the report by the County Assembly Service Board on the appointment of Mrs. Monicah Akello Ogada to the County Assembly Service Board. Thank you.

The Speaker (Hon. Oraro): Hon. James Omollo.

Hon. Omollo (MCA, West Nyakach): Mr. Speaker, allow me to give a Notice of Motion on behalf of Hon. Ratib Boitone.

The Speaker (Hon. Oraro): Please proceed.

Hon. Omollo (MCA, West Nyakach): Thank you Mr. Speaker. Pursuant to provisions of Standing Order No. 45 (1) of the Kisumu County Assembly Standing Orders, I wish to give a Notice of a Motion of a report by Planning, Industrialization and ICT Committee on the Demolition and Shutdown of Businesses within the City.

The Speaker (Hon. Oraro): Next order!

MOTION

ADOPTION OF A REPORT ON THE APPOINTMENT OF MRS. MONICAH AKELLO OGADA TO THE COUNTY ASSEMBLY SERVICE BOARD

BY

HON. PAMELA OYOO, MCA, MIGOSI WARD.

(VICE CHAIRPERSON, COUNTY ASSEMBLY SERVICE BOARD)

The Speaker (Hon. Oraro): Hon. Pamela Oyoo.

Hon. Oyoo (MCA, Migosi Ward): Thank you Mr. Speaker. On behalf of the County Assembly Service Board and pursuant to the provisions of section 12(3) (a), (b), (c), and (d) of the County Government Act No. 17 of 2012 as read together with section 9 of the County Assemblies Services Act No 24 of 2017, It's my pleasure and duty to present to the House, the County Assembly Service Board report on the Appointment, and approval for the Female External Board Member, Mrs. Monicah Akello Ogada to the Kisumu County Assembly Service Board.

Mandate of the County Assembly Service Board

Hon Speaker, The County Assembly Service Board herein after referred as Board, is a body cooperate, with perpetual succession, and a seal. It can sue or be sued and is in charge of the general management of the county assembly. The board is established pursuant to section 12 (1) and (2) of the County Government Act No 17 of 2012, which provides:

- (1) There shall be a county assembly service board for each county assembly.
- (2) The county assembly service board shall be a body corporate with perpetual succession and a common seal.

And it's mandated under section 12 (7) to undertake the following functions;

The county assembly service board is responsible for—

- (a) providing services and facilities to ensure the efficient and effective functioning of the county assembly;
- (b) constituting offices in the county assembly service, and appointing and supervising office holders;
- (c) preparing annual estimates of expenditure of the county assembly service and submitting them to the county assembly for approval, and exercising budgetary control over the service;
- (d) undertaking, singly or jointly with other relevant organizations, programmes to promote the ideals of parliamentary democracy; and
- (e) performing other functions—
 - (i) necessary for the well-being of the members and staff of the county assembly; or
 - (ii) prescribed by national legislation.

This provision was further enhanced by the enactment of the County Assembly Services Act, no 24 of 2017. Section 11 of this Act provides that;

11. (1) The Board shall—

- (a) direct and supervise the administration of the services and facilities provided by, and exercise budgetary control over, the Service;
- (b) determine and review the terms and conditions of service of persons holding or acting in the offices of the Service;
- (c) initiate, co-ordinate and harmonize policies and strategies relating to the development of the Service;
- (d) initiate programmes-
 - (i) for training and capacity building of members and staff of the county assembly and other persons;

- (ii) that promote ideals of parliamentary democracy as set out in Article 127(6)(d) of the Constitution; and
- (iii) that promote public awareness and participation in the activities of the county assembly; and
- (e) do such other things as may be necessary for the well-being of the members and staff of the county assembly.

In addition to the powers of the Board under section 12 (2) of the County Government Act, 2012 which stipulates that the Board shall have powers to-

- a) Acquire, hold, charge and dispose of movable and immovable properties;
- b) Sue and be sued.
- c) Despite the provision of other written laws, establish a pension scheme for officers of the service and from time to time determine the following:
 - d) the rates of contribution to the scheme; and;
- e) The multiple of the annual basic salaries for the Group Life and Group personal Accident cover.
- f) Do or perform all such other things or acts for the proper discharge of its functions under this Act and any written law, as may lawfully be done or performed by a body corporate.

Composition of the Board

Hon Speaker, the Board Comprises of the following members who were approved by the Assembly;

1. Hon. Elisha Jack Oraro Chairperson/Speaker of the County Assembly
2. Hon. Pamela Oyoo Vice Chairperson/MCA
3. Hon. Othuthu Abaja Member / MCA
4. Mr. Noel Otieno Olweny / External Member
5. Adv. Owen Ojuok / Secretary to the Board

Declaration of Vacancy

Hon Speaker, the First Schedule of the County Assembly Services Act, 2017, provides that upon convening of the First Sitting of the County Assembly of whenever a vacancy arises in the membership of the Board under section 12(3)(d) of the County Governments Act, the secretary to the Board shall, within fourteen days of the First Sitting or the occurrence of the vacancy or within such time as would be reasonable by a notice in the Gazette and in at least two daily newspapers of national circulation, declare a vacancy and invite interested qualified persons to apply.” In fulfillment of this requirement the Secretary to the Board placed an advertisement in the Daily Nation Newspaper of 14th October, 2022 and the Star Newspaper, declaring vacancies in the position of two external board members and invited interested persons to apply for the same.

Further the schedule provides that: Any person qualified in accordance with the Act may make application to the secretary within fourteen days of the application of the notice. The Board shall, within fourteen days after the last date of submission of the application under paragraph 2, consider the applications, shortlist, conduct interviews and recommend the name of one applicant for the position. The Board appointed Mrs. Janet Opiata and was approved by the County Assembly, however on January, 05th 2023; the Member tendered her Letter of Resignation which resulted into a vacancy in that position.

Acknowledgment

Hon Speaker, I wish to take this opportunity and appreciate all members of the Board for their input and valuable contributions during the preparation of this report. I also extend my gratitude to the Clerk of the County Assembly, who is also the secretary to Board for facilitating the smooth running of this exercise.

I cannot forget to appreciate the Secretariat for the splendid work and the support that they accorded the Board during the interviews and coming up with this report. In the same vein I wish to thank all the candidates who honored our invitation and expressed their interest to work with the County Assembly of Kisumu. On behalf of the County Assembly Service Board, I have the honour and pleasure to present the Kisumu County Assembly Service Board report on the Appointment and Approval of Mrs. Monica Akello Ogada as the Female External Board member.

Background

Hon. Speaker, the enactment of the County Assembly Services Act, 2017 amended section 12(3) (b) (c) and (d) of the County Government Act, 2012. With the commencement of the 3rd Assembly after the August 2022 general elections it was apparent that the Board had to advertise for the position of the two external members who are not members of the county assembly as envisaged in the Act. In effect the positions of two external board members were declared vacant. In these regard the secretary to the Board who is the Clerk to the County Assembly following a resolution of the board, pursuant to section 9(2) and the first schedule of the County Assembly Services Act, by notice in the national dailies declared the vacancies and invited interested persons to apply, as earlier indicated.

Hon Speaker, at the close of business on 1st November, 2022 at 5:00 pm, being the last day of receiving applications, a total of 36 applicants had expressed their desire to be considered for the Two (2) declared and advertised positions by submitting their applications. The Board through the Secretariat went through all the applications as received and prepared the shortlist. The board ensured that the shortlisted candidates met the requirements as provided for in section 9 of the County Assembly Services Act, 2017 and other relevant laws together with Chapter Six of the Constitution of Kenya 2010. The shortlisted candidates were subsequently notified of their success and invited for interview.

Legal Framework

Hon Speaker, the position of the Two Members of the County Assembly Service Board are provided for by the County Government Act, 2012 and the County Assembly Services Act, No 24 of 2017. This implies that this is a public office and hence the provisions of other enabling laws are invoked while approving any applicant or candidate to serve in this position. While undertaking this exercise the board considered the following statutes and legal instruments:

1. The Constitution of Kenya 2010
2. The County Government Act , 2012
3. The County Assembly Services Act , no 24 of 2017
4. Public Appointments (County Assemblies Approval) Act, no 5 of 2017
5. The Kisumu County Assembly Standing Orders,
6. The Human resource Manual and Public Service Regulations

Requirements Considered for the Position

Hon Speaker, In accordance with the provisions of Article 9 of the County Assembly Services Act, No.12 of 2017, a person shall not be qualified for appointment as a member of the Board under section 12(3)(d) of the County Governments Act unless such person—

- a) Is a Kenyan citizen
- b) holds a degree from a university recognized in Kenya;
- c) has at least ten (10) years' experience in public affairs;
- d) meets the requirements of Leadership and Integrity in Chapter Six of the Constitution of Kenya,2010

In addition, all interested applicants were required to obtain and submit the following valid documents;

1. Updated Curriculum Vitae
2. Certified copies of relevant Academic and Professional Certificates
3. National Identity Card or Passport
4. Tax compliance certificate from Kenya Revenue Authority; (KRA),
5. Clearance certificate from Higher Education Loans Board; (HELB),
6. Clearance from Ethics and Anti-Corruption Commission; (EACC),
7. Certificate of Good Conduct from Kenya Police; (CID);
8. Clearance Certificate from a recognized Credit Reference Bureau (CRB)

RECRUITMENT

Hon Speaker, following the advertisement of the Vacancies that was done the following persons were shortlisted for the interview.

No	Name	ID.NO	County	Sub-County	Ward
1.	Charles Ndiege Akach	6780052	Kisumu	Nyakach	North Nyakach
2.	Roy Samo	22398473	Kisumu	Kisumu East	Kajulu
3.	Noel Otieno Olweny	22111537	Kisumu	Kisumu East	Kobura
4.	Janet Opiata Odingo	9286541	Kisumu	Nyakach	S.W. Nyakach
5.	Ismael Noo Onyango	8227529	Siaya	Bondo	Central Sakwa
6.	Grace Jowi Jobita	11230583	Kisumu	Muhoroni	Muhoroni
7	Phillip Oduor Owino	5655270	Kakamega	Kakamega	North Butso
8	Joseph Edson Ochwanda	5553636	Busia	Samia	Bwiri
9	Rosemary Aluoch. Okello	867746	Siaya	Gem	Gem North
10.	Monicah A. Ogada	24757868	Kisumu	Kisumu West	North Kisumu

The candidates were invited for interviews through a Notice in the Nation Newspaper and Star

Newspaper on 11th November 2022.

The table below shows the date and time when each candidate was invited for interviews.

WEDNESDAY, 23 rd NOVEMBER, 2022					
NO.	NAME OF APPLICANT	GENDER	ID NO.	DATE	TIME
1	CHARLES NDIEGE AKACH	MALE	6780052	23.11.2022	9:00AM
2	ROY SAMO	MALE	22398473	23.11.2022	9:40AM
3	JANET OPIATA ODINGO	FEMALE	9286541	23.11.2022	10:20AM
4	GRACE JOWI JOBITA	FEMALE	11230583	23.11.2022	11:00AM
5	NOEL OTIENO OLWENY	MALE	22111537	23.11.2022	11:40AM
THURSDAY, 24 th NOVEMBER, 2022					
6	ROSEMARY ALUOCH OKELLO	FEMALE	867746	24.11.2022	9:00AM
7	ISMAEL NOO ONYANGO	MALE	8227529	24.11.2022	9:40AM
8	Prof. PHILLIP ODUOR OWINO	MALE	5655270	24.11.2022	10:20AM
9	MONICA A. OGADA	FEMALE	24757868	24.11.2022	11:00AM
10	JOSEPH EDSON OCHWANDA	MALE	5553636	24.11.2022	11:40AM

Results of the Interview Process.

Hon Speaker, the Board after conducting the interviews on Wednesday 23rd and Thursday 24th November 2022 arrived at the following findings as indicated below. The panel arrived at these findings having been guided by the Constitution of Kenya 2010, the County Government Act, 2012, the County Assemblies Services Act, No 24 of 2017, and the Public Appointments (County Assemblies Approval) Act 2017.

Hon. Speaker, the Panel was also guided by submissions made by candidates, experience in public affairs, attitude and presentation by each candidate. The Panel interviewed, scored and ranked the 9 candidates who appeared for interviews and based on their performance according to the job requirements and candidates response to questions asked during the interviews. In respect to the position that was declared vacant this report captures only the ranking of female candidates. The ranking for the all the Female candidates is as shown below:

TABLE 1A: INTERVIEW RESULTS ANALYSIS FOR FEMALE CANDIDATES

No	Name of Candidate	ID. No	Sub	% Scores by panelists					Total	Average
1.	Rosemary A. Okello	867746	Gem	60	67	60	59	60	306	61.2
2.	Monica A Ogada	24757868	Kisumu West	79	54	60	72	68	333	66.6
3.	Grace Jowi Jobita	11230583	Muhoroni	52	50	50	61	54	267	53.4
4.	Janet Opiata Odingo	9286541	Nyakach	75	74	67	78	72	366	73.2

Hon. Speaker, from the foregoing interview results, Mrs. Janet Opiata had the highest results with 73.2% under the female category followed Mrs. Monica A. Ogada with 66.6%. It was on this strength that Mrs. Janet Opiata was appointed a member of the Board.

Hon. Speaker, following the vacancy occasioned by the resignation of Mrs. Janet Opiata, the Board had a lengthy discussion and unanimously resolved that the second best Candidate one Mrs. Monica Akello Ogada be considered for the position of Female External Board Member. The board acknowledged that Mrs. Monica Akello Ogada was long listed, shortlisted, interviewed and ranked number two based on her performance according to the Job requirements and specification in line with the interview tool. The Board made the following findings and observation to justify the appointment of the Second placed candidate without another round of re-advertisement of the same position:

1. THAT if the position is re-advertisement the entire recruitment process of the position will require an additional financial resource that was not available in the County Assembly's Budget.
2. THAT the entire recruitment process is time consuming and may hinder the Board from achieving its agenda for this Financial Year.
3. THAT basing on past experience and best practice once a position is advertised and the first candidate is unable to take up the position, the second best candidate is usually considered for the same position without re-advertising.

RECOMMENDATION

Hon. Speaker, in view of the above, the County Assembly Service Board hereby recommends:

1. THAT pursuant to the provisions of the County Assemblies Approvals Act, 2017, The County Governments Act, 2012, The County Assemblies Services Act, 2017 and the Kisumu County Assembly Standing Orders this Assembly approves the appointment of Mrs. Monica Akello Ogada to serve as the Female External Board Member after she was ranked second in the initial approved Interview Report.

Mr. Speaker, may I call upon Hon. Nereah Okombo to second.

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

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “A” Ward): Thank you Mr. Speaker, I rise to second the report on the adoption of the report by County Assembly Service Board on Appointment of new External Board Member. Having heard the recommendations by the Board, I have no objection but to support the approval of the said External Board Member. I second.

The Speaker (Hon. Oraro): Honourable Members, now that the report by the County Assembly Service Board on the Approval for Appointment of Mrs. Monicah Akello Ogada to the County Assembly Service Board has been presented by Hon. Pamela Oyoo and seconded by the Deputy Speaker, as per our Standing Orders, I want propose a question that this report is open for debate.

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

Hon. Rakwach (MCA, Kolwa East Ward): Thank you Mr. Speaker, going by the mood of the House, I want to request the mover to reply.

The Speaker (Hon. Oraro): Honourable Members, I was keen to see any Member rising to oppose what the Honourable has said but there is none. In light of that, I would therefore, give Hon. Pamela Oyoo a chance to reply.

Hon. Oyoo (MCA, Migosi Ward): Thank you Mr. Speaker. I want o thank the House for being understanding and I believe we carried out the due diligence while undertaking our role as Members of the Board. Mr. Speaker, I want to beseech this House to consider adopting this report and allow Mrs. Monicah Akello Ogada to be an External Board Member in the County Assembly. Thank you.

The Speaker (Hon. Oraro): Honourable Members, the report by the County Assembly Service Board on the Appointment of Mrs. Monicah Akello Ogada to the County Assembly Service Board as an External Board Member has been presented and seconded. As per our Standing Order, I want to put a question for the adoption of report.

(Question put and agreed to)

The Speaker (Hon. Oraro): Honourable Members, the report on the Appointment of Mrs. Monicah Akello Ogada to the Count Assembly Service Board (CASB) as the Second External Board Member has been approved today the Thursday, 06th of April, 2023 at 15:04 hours.

Honourable Members, I direct that the Hansard Report be prepared and Letter of Appointment for Mrs. Monicah Akello Ogada be effected forthwith for her to commence giving her service immediately. Thank you.

The Speaker (Hon Oraro): Next order!!

MOTION

ADOPTION OF THE REPORT BY PLANNING, INDUSTRIALIZATION AND ICT
COMMITTEE ON THE OPERATIONAL STATUS OF MAMBOLEO ABATTOIR

BY

HON. RATIB BOITONE, MCA, NYALENDA “A” WARD.

(CHAIRPERSON, PLANNING, INDUSTRIALIZATION AND ICT COMMITTEE)

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

Hon Omollo (MCA, West Nyakach): Mr. Speaker, on behalf of the Chair, I would wish to move this Motion.

The Speaker (Hon Oraro): Yes, you may proceed. I can see Hon Boitone in the House.

Hon Omollo (MCA, West Nyakach): He is unwell Mr. Speaker.

The Speaker (Hon Oraro): Okay. Please proceed

Hon Omollo (MCA, West Nyakach): Mr. Speaker and Honourable Members, pursuant to the provisions of Standing Orders No. 4t(2) (b) of the County Assembly Standing Orders, the MCA for Kajulu Ward, Hon. Ben Adega raised a Statement in this House on 1st November 2022 regarding the operational status of the Mamboleo Abattoir in Kajulu Ward. (See Annex 1-Statement)

Mr. Speaker, in accordance with the provisions of Article 185 of the Constitution, section 8 of the County Government Act, 2012 read together with the County Assembly of Kisumu Standing Orders No. 193, the Hon. Speaker instructed the committee on Planning, Industrialization and ICT to make an inquiry, investigate and cause a report on the following in regard to this matter;

- a) Details of the plans that the Kisumu City department has put in place to completely restore quality operations in the facility through water and sanitation services, adequate and sustainable good public health conditions fencing and reclaiming parts of the land lost to encroachment by private developers and general repairs and maintenance of equipments within the facility.
- b) Details of the plans the Kisumu City department has put in place to reorganize the management of the facility in order to ensure sustainability and quality operations;
- c) Details of the City Department Budgetary Allocation of the Mamboleo Abattoir, justification for expenditure statement used in the repair, maintenance, development and operations of the facility in the FY 2020/2021 and FY 2021/2022.

ESTABLISHMENT AND MANDATE OF THE COMMITTEE

Mr. Speaker and Hon. Members, the Sectoral Committee on Planning, Industrialization and ICT is established under Standing Order No. 193 of the Kisumu County Assembly Standing Orders, whose mandate, pursuant to the Standing Orders No. 193 (5) is as follows;

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments
- b) study the programme and policy objectives of departments and the effectiveness of the implementation
- c) study and review all County legislation referred to it
- d) study, assess 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 on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 187 (Committee on Appointments)
- g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

COMPOSITION

Mr. Speaker and Hon. Members,

The committee on Planning, Industrialization and ICT as currently constituted comprises of the following Members:-

- | | | |
|--------------------------|---|------------------|
| 1. Hon. Ratib Boitone | - | Chairperson |
| 2. Hon. James Omollo | - | Vice-chairperson |
| 3. Hon. Seth Kanga | - | Member |
| 4. Hon. Seth Ochieng | - | Member |
| 5. Hon. Ken Ooko | - | Member |
| 6. Hon. George Abaja | - | Member |
| 7. Hon. James Were | - | Member |
| 8. Hon. Mariam Abeid | - | Member |
| 9. Hon. Nereah Okombo | - | Member |
| 10. Hon. Carren Odhiambo | - | Member |
| 11. Hon. Zacharia Okoyo | - | Member |
| 12. Hon. Rueben Rakwach | - | Member |
| 13. Hon. Benny Oiko | - | Member |
| 14. Hon. Gard Olima | - | Member |
| 15. Hon. Vincent Obuya | - | Member |

Secretariat to the Standing Committee

- | | | |
|---------------------|---|---------------------------|
| 1. Mr. Peter Anditi | - | Principal Clerk Assistant |
| 2. Austine Ochieng | - | Clerk Assistant |
| 3. Edward Odanga | - | Hansard Reporter |
| 4. Faith Judith | - | Serjeant-Arms |

ACKNOWLEDGEMENTS

Hon. Speaker, it is my privilege and pleasure on behalf of the Committee to convey my gratitude to all Members of the Committee for their valuable input throughout the period of investigation and inquiry' on this matter.

The Committee also appreciates invaluable support from the offices of the Speaker and Clerk of the County Assembly for providing conducive atmosphere to prepare this report. To our Clerks and the technical staff who tirelessly worked through to make this exercise a success, I applaud you.

It is now my humble desire and wish to hereby submit this report to the House for consideration on behalf of the Committee on Planning, Industrialization and ICT.

COMMITTEE INVESTIGATIONS

Hon. Speaker, in a Committee meeting held to deliberate on this matter, the committee resolved to request the City Manager, Kisumu County Government to comprehensively respond to the issues raised in the statement.

Consequently, a letter dated 11th November 2022, requesting the City Manager to respond to the issues on a date not later than 17th November 2022 was delivered to the City Management (See Annex 2)

Hon. Speaker, the City Management failed to respond within this timeline. Consequently, the Committee in another meeting resolved to do a reminder to the City Manager, asking him to respond to the concerns raised in the statement. A letter dated 18th November 2022 in this regard was delivered to the City Manager. (See Annex 3)

Hon. Speaker, once again, the City Manager failed to respond to the issues raised within the timeline indicated in the letter. However, the City Manager submitted a written response through a letter dated 16th February, 2023 (See Annexure IV)

Response from the City Manager on the issues raised

Hon. Speaker, the City Management in their written response recognized that Mamboleo Slaughterhouse is a vital facility serving the residents of Kisumu City and its environs with quality meat that is fit for human consumption. The facility sits on about loha piece of land and the County is in the process of acquiring a title for the said land. The factory was built between 1989 and 1991 with the funding from the Dutch government in partnership with the Kenyan Government.

Hon. Speaker, The facility has a perimeter length of about 1400m, approximately, 55% of which is a stone wall fenced. The operational area is wire fenced but with many man made gaps commonly referred to as "panya route" The factory is running well with below its designed output capacity of heads of cattle, 1000 chicken and 50 small stock per day. The facility is approached from the Western side through two approach roads. Currently both motorized and human traffic enter and exit through gate 1 without passing through the wheel dip and failure compromises the hygiene integrity of the facility. Currently, the gate house dilapidated with broken Polyvinyl Chloride (PVC) floor tiles and window glasses. There is inadequate water supply to the facility hindering the attainment of clean hygienic conditions. Power outage is frequent and the standby generator is not working. The factory building hosts cattle line, small animal line viscera processing room and section of the slaughtering poultry. Although Mamboleo slaughterhouse was planned as an export facility, meat preparations were never built.

Hon. Speaker, On 14th December 2022, the City of Kisumu advertised on the dailies through an open tender for the renovation of Mamboleo Slaughterhouse through Bid No. CGK/COK/W/2022/2023/03. The City intends to use part of its budget allocation to rehabilitate and equip the facility so as to bring back the slaughterhouse into full operation and also guarantee the safety of personnel working in the facility. The City intends to explore the possibility of constituting a Board of Management to run the facility as a well-managed facility will open up the livestock value claim by providing local and international market.

Committee Observations

Hon. Speaker, The Committee made the following observations;

- i. The County Government is yet to acquire the title deed of the land on which the Mamboleo abattoir sits on
- ii. The City Manager admitted in his response that the facility however is fenced, has many man made gaps - "panya routes"
- iii. On 14th December 2022, the City of Kisumu advertised on the dailies through an open tender for renovation of Mamboleo Slaughter House through Bid N0.CGK/COK/W/2022/2023/03
- iv. There is inadequate water supply to the facility hindering the attainment of hygienic conditions
- v. The power outage within the facility is frequent and the generator to be used in such cases is not working

Committee Recommendations

Mr. Speaker and Hon. Members, The Committee recommends to this House to resolve as follows;

- i. That the City Management immediately start the process of Fast Tracking the process of obtaining the title deed for the land on which the Mamboleo Abattoir sits
- ii. That City Management takes the initiative of fencing the whole facility/parcel to avoid further encroachment
- iii. That the City Management immediately takes the initiative and constitutes a Board of Management for purposes of day to day running of the facility
- iv. That the City Management immediately establish the cause of limited water and electricity supply to the facility and act accordingly to ensure that the supply of the two resources is adequate for efficient and effective operations of the facility
- v. That the City Management carry out face-lifting for the facility to realize its potential/output capacity.

CONCLUSION

Hon. Speaker, I hereby request this House to consider adopting this report on the Operational Status of the Mamboleo Abattoir. May I call upon Hon. Boitone to second.

Hon. Boitone (MCA, Nyalenda "A" Ward): Thank you Mr. Speaker, I second.

The Speaker (Hon Oraro): Honourable Members, now that the Report has been presented by the Committee on Planning, Industrialization and ICT on the Operational Status of Mamboleo Abattoir, as per our Standing Orders, I want to propose a question that the report by the Standing Committee

on Planning, Industrialization and ICT on the Operational Status of Mamboleo Abattoir as presented by Hon Omollo and seconded by Hon Boitone is open for debate.

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

Hon Adega (MCA, Kajulu Ward): Thank you, Mr. Speaker. First, I wish to thank the Committee for a work well done while investigating this matter. Mr. Speaker, when I brought this matter before this House, I had requested for Financial Report as well. As you may be all aware, this facility was built in 1989 and it is now in a dilapidated condition. We do not know how funds earmarked for this facility were being used. Mr. Speaker, that issue has not been captured in this report

Secondly, the advertisement was done by City Management to renovate the facility. The kind of works going on is almost 0.01 per cent. The contractor has to connect water, electricity and renovate the building which houses the rooms. Kindly, this is the second largest abattoir in Kenya. The department should take this facility seriously now that we have an international airport in Kisumu. Mr. Speaker, I reside next to the facility and I pass there every morning and evening on my way to work and back. That place should be shut down. It is shameful for the County Government of Kisumu to have neglected this facility. Even in other committees, when we invite departments to submit their financial reports, they play a game of cat and mouse with us. They never provide us those reports. Mr. Speaker, this House should be taken seriously and your rulings must be respected. Thank you, Mr. Speaker.

The Speaker (Hon Oraro): I am seeing two senior members on their feet. Let me give Hon Oiko first considering the consistency of being a senior member.

(Laughter)

Hon Oiko (MCA, Kabonyo Kanyagwal Ward): Mr. Speaker, even my age shows that I am senior..

(Laughter)

Mr. Speaker, though I find it difficult to follow the Report of over ten pages being red, and today they forgot to provide me with my hard copy.

(Laughter)

Mr. Speaker, I have few comments to make. Mr. Speaker, Mamboleo Slaughterhouse is the source of the meat largely consumed in this town. Yet, we are getting the picture that the place is not hygienic. There is no water, there is a problem of electricity, the committee is asking for a board to be established for it that means there is a problem with the City of Kisumu. That is a small thing that does not require a Board to manage. The city has a Board that is managing it. The renovation currently going on has also been criticized for being poorly undertaken. We have not been told the cost of the renovation and what exactly it entails.

Mr. Speaker, meat is the main food because you know *Samaki* is expensive. So, if the City Board does not want to take care of its people, that is a matter that the committee should address and take the board to task. Mr. Speaker, wherever you go to purchase meat, it is a cheap food for households compared to other protein delicacies.

The Speaker (Hon Oraro): What is your point of order Hon Okombo?

Hon Okombo (MCA, Manyatta B Ward): (On a Point of Order). Mr. Speaker, the Honourable Member keeps on mentioning meat and we do not seem to understand what he is talking about. Would he elaborate on what he means by meat in relation to what he is talking about?

Hon Oiko (MCA, Kabonyo Kanyagwal Ward): Mr. Speaker, I meant meat.

The Speaker (Hon Oraro): Please let me give Hon Oiko time to respond first.

Hon Oiko (MCA, Kabonyo Kanyagwal Ward): Honourable Speaker, when I talk of *nyama*, I only mean meat. The cow, meat or goat flesh. That is what I mean.

The Speaker (Hon Oraro): Honourable Members, I want to protect Hon Oiko because I trust that the Member is talking quote in quotes. I understand that he is responding in English, and you should be aware of the provision of our Standing Orders that when you start making your presentation or submissions in English, you should proceed in the same language. I however believe he is using it quote in quotes.

The Speaker (Hon Oraro): Yes, Hon Dede

Hon Dede (MCA, North Kisumu Ward): Thank you Mr. Speaker, I just wanted to clarify that but you have done it already. Thank you.

The Speaker (Hon Oraro): Hon. Oiko, you may proceed.

Hon Oiko (MCA, Kabonyo Kanyagwal Ward): Thank you. Mr. Speaker, we should take our facilities seriously. The slaughterhouse is the source of our main foodstuff. If it is in bad shape, with no sufficient water, inadequate supply of electricity, improper constitution management; Mr. Speaker, the City Board should be taken to task to formalize this so that we offer good services to our people. I would suggest that the committee should not stop at that, and that more interrogation should be done. We should also know the revenue realized from this slaughterhouse. With good revenue from that place, then we can now suggest to plough money to improve on it. These are issues that the committee should look into. Since the matter has come up and despite the fact that the City Manager was sluggish in responding, I am happy he finally responded, let this matter be taken seriously so that we improve our institution to offer good service to our people. Thank you.

The Speaker (Hon Oraro): Hon. Lumumba.

The Deputy Leader of Majority (Hon Lumumba, MCA, South East Nyakach Ward): Thank you Mr. Speaker. I rise to support this motion. However, I have few recommendations to add. I would request that this committee should not confine its report only to Kisumu City but the entire county. This is because there is no proper record of abattoir activities all over county. This has resulted in slaughtering of stolen animals. I would also recommend a clear record of those who bring their animals for slaughter, and if need be, a photograph should be taken of the animal and the owner to make it easy for us to identify such people. I come from Nyakach where there is rampant cattle rustling so that such an undertaking will make it easy for us to trace our animals.

(Laughter)

The Speaker (Hon Oraro): Order!! Honourable Members.

The Speaker (Hon Oraro): What is it Hon Dede?

Hon Dede (MCA, North Kisumu Ward): (On a Point of Order). Mr. Speaker, our Deputy Leader of Majority has stepped on my toe. As a person in that sector, I feel aggrieved by his remarks claiming that stolen animals are slaughtered. Does he have facts? Thank you.

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

The Deputy Leader of Majority (Hon Lumumba): Mr. Speaker, I did not mention any particular name but I said in general. I have evidence of that generality. More often than not, in my Ward, we have traced stolen animals to various slaughter houses including those located in my Ward such as Sondu and Sigowet Markets. Recently, one of the dealers boasted that a lot of animals slaughtered come from Sondu. It is on that respect that I appeal to this Honourable House that the committee considers the matter in the entire county. I can see Hon Ajumbo is in agreement with me because Seme Subcounty is equally affected. That is my take Mr. Speaker. Thank you.

The Speaker (Hon Oraro): Hon Ochele.

Hon Ochele (MCA, East Kano Wawidhi Ward): Thank you Mr. Speaker. I did not want to rise because another senior member was on his feet. Not senior by consistency but position. Mr. Speaker, being the Chairperson of Justice and Legal Affairs Committee, I must be seen to be fair. Thank you for that ruling.

Mr. Speaker, I arise to support the Motion as tabled by my friend Hon Omollo. Before I contribute, my I take this opportunity to thank the Dutch Government to have seen it fit that there were a number of goats and sheep which were lacking in markets from Seme, Nyakach, and mostly Kano. They thought of a way of helping the farmers to market their animals.

Mr. Speaker, going by the records we have in this republic, the only abattoir which existed before 1989 was the Kenya Meat Commission (KMC) situated in Athi River. Having considered the catchment area for Athi River, those days when it was producing to the capacity; this necessitated the men of God of goodwill to start this project in Mamboleo. The purpose of doing this was to create sufficient market for animals. It was also intended to create job opportunities for the youth who were maneuvering along the railway lines. Mr. Speaker, it was also heavily to take care of insecurity around Kisumu, this is because, as we speak today, and going by the record given by MCA for Kajulu Ward, a number of youths are idling around that abattoir because they used to work there, which is today a thing of the past.

Mr. Speaker, this county government should get serious and consider rehabilitating the abattoir, by first owning that parcel of land. You cannot just be spending money every financial year to a land that you don't own. The first step this government should do is to get land in the name of this county government then, after that, they can talk of serious budgetary allocation to improve on the facility and also go to another extent of building meat preparation room. We have the airport here Mr. Speaker which we can use to export our meat. We can only export our meat if they are produced in the right quality, under hygienic environment. We must effectively and optimally utilize the airport appropriately.

Mr. Speaker, once that is done, we are talking of vision 2030. When we are serious of attaining full industrialization, in the year 2030, we should start by doing small industries; make them big, productive and very vibrant. Otherwise, Mr. Speaker, other regions will be talking of Vision 2030 and working towards attaining it. How about Kisumu? We may be left behind. I therefore urge the House to take this matter seriously.

Finally, Mr. Speaker, we urge our farmers, through the government Extension Officers to change the kind of animals we breed. Locally, we breed low quality animals, specifically in the larger area of Kano. We should improve on the quality, so that when that abattoir is built to the stature of the modern facility, then we can get quality animals that can be exported internationally. I beg to support. Thank you.

The Speaker (Hon Oraro): Hon Opar.

Hon Opar (Nominated Member): Thank you Mr. Speaker, Sir. I rise to support the Motion tabled by Hon Omollo. As a resident of that area, I have done committee recommendations in which inadequate water supply has been reported. Now, when you check the water supply for Kisumu city, it comes from Kajulu. This is something that should be addressed because water should first reach Mamboleo before being supplied to Kisumu city. We know that water is life and if cows are being slaughtered under poor hygienic conditions, it means that we are putting the lives of people in danger. This should be immediately addressed.

Mr. Speaker, talking about the Title Deed. You cannot claim ownership of a place whose title deed you do not have. Therefore, I support the idea of processing a title deed because when you are staying in a place with no title deed, then you are in constant fear that somebody can chase you away at any time. This title deed should forthwith be processed. Now, the Board of Management; because we know that when the activities are there, there is the financial aspect of it that should cater for the abattoir. So, if we put a Board of Management, and give the direction on how these money is collected and used, then after that, these other items like fencing of the area should be dealt with at that level. Otherwise, I support the motion, thank you.

The Speaker (Hon. Oraro): Yes, Hon. Jenipher Obonyo, the Deputy Chief Whip

The Deputy Chief Whip (Hon. Obonyo, MCA, South East Kisumu Ward): Thank you, Mr. Speaker, I wish to call the mover to reply.

The Speaker (Hon. Oraro): Honourable Members, I had noticed that Hon. Peter Obaso was on his feet. I will give you an opportunity.

Hon. Obaso (Nominated Member): Thank you Mr. Speaker, first I want to commend the committee members for a job well done. When you read the recommendations provided by the committee, this is what is needed there, and when they are implemented fully, then Mamboleo Slaughterhouse is going to be a great asset to this County. It is also going to be a great source of revenue, which will add something to our own source revenue. Secondly, for those of us who know Mamboleo area, it is a place that used to do quite well back in the days but, with time, the state of that facility has deteriorated, and most people nowadays prefer Rabuor Slaughterhouse as compared to Mamboleo Slaughterhouse. If the County Government puts more effort on Mamboleo Slaughterhouse, then it will be a great asset to our great County. With those few remarks, Mr. Speaker, I beg to support, thank you.

The Speaker (Hon. Oraro): Hon. Samuel Dede.

Hon. Dede (MCA, North Kisumu Ward): Thank you, Mr. Speaker for giving me this opportunity to echo my sentiments concerning the report despite the report having been partially brought to the floor considering the request by the ward representative on the statement. We have seen that with the recommendations brought to the floor, we have been told that the County should manage and do the fencing. However, we found in the statement that there was an advertisement for the bidders who can undertake this works. This advertisement was done on 14th December, 2022. Moreover, I have a

problem with the issue of fencing an institution, because in my ward, there is a Nyahera Sub-County Hospital, which when I placed some budgetary allocation to the facility, I was told that the parcel of land on which the hospital sits, is owned by private individuals. Currently, we have noticed that this parcel of land doesn't have a title deed for the Mamboleo Abattoir yet, we wanted to fence it. How will you manage leaving other parts of our land encroached after fencing? Lastly, we know that Mamboleo Abattoir is not just a one day affair and should be worked on with the seriousness it deserves to enable the facility serve future generations. I am part of that business venture despite being a representative in this County Assembly of Kisumu. I was elevated from that venture to come and represent my people, and that is the reason as to why I have to passionately talk about it, thank you, Mr. Speaker.

The Speaker (Hon. Oraro): The mover had been called to reply.

The Speaker (Hon. Oraro): Yes, Hon. James Omollo.

Hon. Omollo (MCA, West Nyakach Ward): Thank you, Mr. Speaker. First, I want to thank the Hon. Members for taking their valuable time to debate on this motion and agreeing with our recommendations, which are quite timely. Mr. Speaker, the Mamboleo Abattoir is a very big asset that we have as a County and in this City of Kisumu, and if it can be improved, the better for us.

Mr. Speaker, there were a few issues brought to the attention of the House by Members among them; Hon. Lumumba Owade recommended that CCTV Cameras be installed in the facility to assist capture the pictures of meat before slaughter and after. I believe that is a welcome and noble idea because that will also help identify cows that are stolen from areas as far as Nyakach and be traced in Mamboleo, as someone coming from as far as Nyakach Subcounty. Mr. Speaker, I understand his sentiments, and we didn't include that in the recommendations but I trust that it is timely to have such kind of a gadget to give us future reports.

Mr. Speaker, in terms of the management of the abattoir, it is my considered opinion that this is a good idea to have a Board of Management like we do in our hospitals, who really look into the prudent use of finances in the hospitals. This should also apply to the abattoirs as this will help the City Management in monitoring what is going on in the facility.

Mr. Speaker, we didn't take care of other facilities of the same because the statement was specifically raised and targeted on the Mamboleo Abattoir. So, in future, we will strive to go beyond Mamboleo Abattoir and get to know what is happening in the one at Hon. Ochele's ward, and others within the city and its environs. Mr. Speaker, I want to thank Honourable Members because these recommendations provided will go a long way to make optimal and prudent use of this facility. Mr. Speaker, we have been informed that there isn't enough supply of water, which direly needs action to be taken by the city management. We have water in Kajulu area but not sufficient water in the Mamboleo abattoir. This also applies to the electricity too. We need these two utilities to be there throughout so that we can be having safe meat in this town and wherever it is transported to. I beg to reply, thank you Mr. Speaker.

The Speaker (Hon. Oraro): Thank you so much Honourable Members. First of all, you will agree with me that I made some recommendations on how statements should be handled in the House. I believe that Members can now agree with me that feedback on statements with recommendations, can only be discussed well when they are brought into this House in form of motions. Remember that, our statements time is only one hour. So, assuming that we were to discuss it in the statements time, then it would mean that very few Members would not have gotten the opportunity to discuss it. I still want to encourage Members that, statements that have no recommendations can be dealt with

during statements hour but, those with recommendations that require the House to resolve should come in form of motions. If we do so, then, it can be debated upon exhaustively and recommendations made. Otherwise, now that the report by the Committee on Planning, Industrialization, and ICT on the Operational Status of the Mamboleo Abattoir has been presented by Hon. James Omollo, seconded by Hon. Boiton Ratib and debated upon by honorable Members, as per our Standing Orders, I want to put a question. Before I put a question, I want to remind you that, when you agree with a report, it means that you are agreeing with the recommendations made by the House Committee as well as those given therein during debate in the House. This therefore means that you are telling the committee to go back and polish their presentations. So, I want to proceed to put a question.

(Question put and agreed to)

The Speaker (Hon. Oraro): Honourable Members, the Committee on Planning, Industrialization, and ICT's report on the Operational Status of the Mamboleo Abattoir with the comments therein, has been adopted today Thursday 6th, April, 2023 at 1548 hours.

Honourable Members, I want to direct that the Hansard report containing the recommendations be prepared and be communicated to the relevant departments for action. Thank you.

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

MOTION

ADJOURNMENT FOR SHORT RECESS FROM FRIDAY 07TH APRIL, 2023 TO MONDAY 24TH APRIL, 2023, PURSUANT TO THE PROVISIONS OF THE COUNTY ASSEMBLY SECOND ANNUAL CALENDAR OF 2023.

PRESENTED

BY

HON. KENNEDY OOKO, MCA, AHERO WARD.

(LEADER OF MAJORITY)

The Speaker (Hon. Oraro): Yes, Hon. Deputy Leader of Majority.

Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach Ward): Thank you, Mr. Speaker; I rise to move a motion on adjournment for this Assembly to proceed for Short Recess. I also stand to correct the Clerk that I am doing it on behalf of the Leader of Majority. I am Hon. Patrick Lumumba Owade.

The Speaker (Hon. Oraro): Proceed.

Deputy Leader of Majority (Hon. Owade): Mr. Speaker, and Honourable Members, aware that the Kisumu County Assembly Standing Order No. 25 (3) provides that; subject to paragraph 1, the County Assembly shall continue to be in session and may adjourn for such number of days as it may be determined in its calendar.

Further, aware that in the House Calendar, Gazette Notice issued on 21st February, 2023, the House resolved that the short recess was to commence on Friday 07th, April, 2023, and end on Monday 24th April, 2023.

Mr. Speaker, acknowledging that, the Kisumu County Assembly's Standing Order No. 26(3) which states that;

'On a day when the County Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the County Assembly calendar, the Leader of the Majority Party or the Leader of the Minority Party or another Member of the County Assembly Business Committee shall move a Motion of adjournment which shall be debated for not more than three hours after which the County Assembly shall adjourn without question put'.

Mr. Speaker, the Assembly now urges Members to consider adopting this motion to adjourn the House until Tuesday 24th April, 2023, pursuant to Kisumu County Assembly Standing Order No. 25(3). I therefore call upon Honourable Deputy Whip to second this motion.

The Speaker (Hon. Oraro): Yes Honourable Jennifer.

The Deputy Whip (Hon. Obonyo, MCA, South West Kisumu Ward): Thank you Mr. Speaker, I rise to second.

The Speaker (Hon. Oraro): Honourable Members, now that the Deputy Leader of Majority has moved the Motion on Adjournment for Short Recess and seconded by the Deputy Whip. As per our Standing Orders, I want to propose a question and I propose that the adjournment for short recess from Friday 7th April, 2023 to Monday 24th April, 2023 pursuant to the County Assembly 2nd Annual Calendar for 2023 is now opened for debate.

The Deputy Leader of Majority (Hon. Owade MCA, South East Nyakach Ward): (On a point of order).

The Speaker (Hon. Oraro): What is your point of order?

The Deputy Leader of Majority (Hon. Owade MCA, South East Nyakach Ward): Mr. Speaker, I have noticed two of the Honourable Members in the House naked.

The Speaker (Hon. Oraro): Who are the Members, Honourable Leader of Majority?

The Speaker (Hon. Oraro): Mr. Speaker, the Member for Kolwa Central Ward Honourable Oraro and Honourable Seth who is my friend.

The Speaker (Hon. Oraro): Sergeant-at-Arms, please confirm or help the Members to dress well.

(Hon. Oraro rises on his feet)

Hon. Oraro (MCA, Kolwa Central Ward): Mr. Speaker, may I rise to... may I rise to...

The Speaker (Hon. Oraro): Yes Honourable Kelvin.

Hon. Oraro (MCA, Kolwa Central Ward): May I rise to debate on this motion. I believe he is wearing glasses and the member is unable to see well....

The Speaker (Hon. Oraro): So, you are not naked?

Hon. Oraro (MCA, Kolwa Central Ward): Mr. Speaker, the Member does not see things clearly and I do not want to blame him Mr. Speaker.

The Speaker (Hon. Oraro): *(Laughs)* Honourable Deputy Leader of Majority.

(Loud consultations)

(Hon. Seth rises on his feet)

The Speaker (Hon. Oraro): What is it Honourable Seth Okumu.

Hon. Okumu (MCA, East Seme Ward): Mr. Speaker, I believe that the Honourable Deputy Leader of Majority has problems with his eye sight. We have appreciated that for long but, I believe it is getting worse. Therefore, we really need to assist him. We are all aware that we have a medical cover with AAR and they were here and I believe that they even allowed us to seek for proper medication there and even he should have visited the Baus Optical who were equally here to get better glasses so that he can see the difference between people who are naked and those who are not, thank you Mr. Speaker.

The Deputy Leader of Majority (Hon. Owade MCA, South East Nyakach Ward): Mr. Speaker..

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

The Deputy Leader of Majority (Hon. Owade MCA, South East Nyakach Ward): Mr. Speaker, It is my considered opinion that you are taking our jokes in this Honourable House too far. When we are supposed to be on a tie, it should be put up to the top. That being the case, I am aware that these Honourable Members came to the House while naked and they have just put their ties now. Even if you look at the Member for Seme Central, his ties is just upside down.

(Loud Consultations)

(Hon. Ajumbo rises on her feet)

Hon. Ajumbo (MCA, Central Seme): Mr. Speaker...

The Speaker (Hon. Oraro): Order!! Honourable Members. Order!! Honourable Moses Ochele. I had directed the Sergeant-at-Arm to please approach the seats where the Members are. They will inform me; they will advise me accordingly. We therefore proceed by opening the report for debate.

(Hon. Oraro rises on his feet)

The Speaker (Hon. Oraro): Honourable Kelvin, I am still waiting for the Sergeant-at-Arm to confirm to me whether you are naked.

Hon. Oraro (MCA, Kolwa Central Ward): Mr. Speaker, I want to contribute.

The Speaker (Hon. Oraro): Yes I am informed that the Honourable Kelvin is well dressed. So, I rule the Hon. Lumumba Owade to be out of order.

The Speaker (Hon. Oraro): So, Honourable Kelvin, proceed.

Hon. Oraro (MCA, Kolwa Central Ward): Thank you Mr. Speaker, please allow me to debate on the motion moved by our Deputy Leader of Majority. I want to congratulate him because today; if I was to vote for who is smartest and well-dressed MCA of the day today, and then I would vote Hon. Lumumba Owade. And I know that is what he was seeking.

(Laughter)

Mr. Speaker, they say that ‘too much work without play make Jack a dull boy’. It has been a long time since we commenced deliberations in this second session. Mr. Speaker, from January to date, a lot has happened inside and outside the House including many other political events. One of the things that I remember well and I know that you also communicated is that some of us were punished during this First Session before we proceeded for the long recess. Apart from that, we have the issue of mass demonstrations that have been taking place; we have the issue of Supplementary Budget that was brought in the Assembly and many more other issues. Then, it reached a time where Members can now sit back and reflect and find out...

Hon. Dede (NCA, Kisumu North Ward): Mr. Speaker, Point of Order!!

The Speaker (Hon. Oraro): What is your point of order Hon. Samuel Dede?

Hon. Dede (NCA, Kisumu North Ward): Mr. Speaker, I arise while citing the provisions of Standing Order No. 89 (Statement of Facts). Can the Member show this House the kind of punishments that has been meted to Members in this Assembly, thank you?

The Speaker (Hon. Oraro): Honourable Kelvin.

Hon. Oraro (MCA, Kolwa Central Ward): Do I respond to your issue Hon. Dede or I continue? What I am saying is that, a lot has happened in this House. Through your directive; some Members were dewhipped. That is a punishment. Hon. Dede, I am continuing with my debate and I do not want any interjection while contributing...

(Loud consultations)

The Speaker (Hon. Oraro): Honourable Members, I have given...

(Hon. Ochele consulting loudly)

Hon. Oraro (MCA, Kolwa Central Ward): Honourable Members, I have accorded Honourable Kelvin time to respond to Honourable Dede because he is saying that there was some kind of punishment meted to Members of this House. So, I trust that is what he is explaining. That, what kind of punishment it was.

(Honourable Owade consulting loudly).

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

The Deputy Leader of Majority (Hon. Owade MCA, South East Nyakach Ward): Honourable Member in his explanation, the Member has gone further by saying that others were dewhipped. There was no one who was dewhipped. In the Standing Orders, every member has the right to have one committee and more than one or less than two which does not mean punishment, thank you Mr. Speaker.

(Hon. Ochele rises on his feet)

The Speaker (Hon. Oraro): Honourable Moses Ochele, what is it?

Hon. Ochele (MCA, East Kano Wawidhi): Mr. Speaker, as a father, I love my children very much. But, at times, they digress by doing things which are not pleasant with their lives. So, I give them a little chip. That is not punishment but simply means disciplining. So, he knows what he did and therefore he had to be disciplined. Thank you.

The Speaker (Hon. Oraro): Honourable Kelvin Oraro.

Hon. Oraro (MCA, Kolwa Central Ward): Mr. Speaker, you know that one of the Members who is a teacher like Hon. Lawino knows what the word punishment and discipline mean. So, I do not want to make that one as a point of debate. I want to make it look like we are from somewhere in this First Quarter before the recess. Mr. Speaker, a lot has happened. Mr. Speaker you are aware that some time back after the election of the Speaker, there was a lot of confusion. But, the House is now bonding and a lot of tension is now reducing. I am seeing Honourable Adegwa very happy today and we are moving well.

However, now with the happenings, we believe that it is again time for us to proceed for recess that will take approximately two weeks to reflect on what has happened. How *wananchi* have seen things that we are doing around and we really appreciate where we are coming from. It means that we are heading somewhere. When you see people moving and the Assembly taking one form, whether you call it discipline or punishment, it means that something is happening in the Assembly.

Mr. Speaker, besides that, it reaches a point where you go back to the *wananchi* so that we can really understand their needs and priorities. What are we doing in the Assembly? Are we in the correct line? What are some of the important things that our people are seeing in terms of our debate? Are our motions enough? Are we fighting for motions that are really helping *wananchi*? So far, what have we done? What is my score card? As a legislature, I wish we could be having something like a scorecard. By now we could be saying like a motion brought by so and so has really impacted in this House. Some of us have not even brought a Statement. Maybe you might find out that some of the members have only spoken once in this House.

Therefore, there are tissues that we can reflect back on so that when we resume back after the recess, we will find out footing on what needs to be done to our constituents. Mr. Speaker, you are aware that after recess, the next task that is coming is the approval of the Budget Estimates for the financial year 2023/2024. We should be preparing to pass a budget. When it comes to the budget making, Honourable Members will be scrambling to look for resources for their wards. You know that resources like; a teacher of business studies will tell you that resources are scarce. Maybe we will not have adequate funds to allocate in our wards, so, you will need to go back and find out. What is so important? What are you going to give a priority?

Moreover Mr. Speaker, this recess is so important to us. That is because we can go and sit down with our constituents so that we see what is so important that we can include in our next budget. Even if the issue of the committee and the discipline is put aside, this recess is of importance to us.

Mr. Speaker, as I finalize, I want to tell my fellow colleagues that, this two week recess, in as much as we can get the opportunity to visit our relatives and to walk around maybe to certain places that you have never gone to, one thing that you must have back in your mind is that the next tedious thing we are going to face as an Assembly is the issue of the next financial year. As we look at the performance of the budget so far, we must also prepare that the next financial year is coming and this is going to be very important to Members because this is what is going to make or break our political careers.

Consequently, as we come back sober and ready to negotiate and engage with the CECM for Finance, Economic Planning and ICT (E-Government Services) and also the Assembly leadership, we need to come back sober enough. Instead of having internal wrangles in this House, we avoid that and we face the main task or the main things why we are here.

Mr. Speaker, I therefore support the motion brought by the Deputy Leader of Majority because it is timely; we are starting Good Friday tomorrow and transiting to Easter Monday. Our children will also be closing school very soon. You will also interact with your children or relatives. It is my belief that holidays are important as well as the recess. Thank you Mr. Speaker and I support the motion.

The Speaker (Hon. Oraro): Honourable Tom Nyaoke.

Hon. Nyaoke (MCA, North Nyakach Ward): Thank you Mr. Speaker My first vote of thanks goes to the Deputy Leader of Majority for coming up with this pregnant motion. I call it pregnant because it is coming along with lots of goodies that we are going to have particularly when it is starting from tomorrow when we as Christians and I do not know whether my fellow brothers and sisters from the Muslim community have something to celebrate these coming few days.

Nevertheless, I want to say with much thanks and appreciation by mentioning that this particular recess is going to be one that we really need to reflect upon where we have come from just like my senior Hon. Oraro has said and where we are going. Indeed, this session came with a lot of challenges particularly in the time that we are living in now. You remember we have also had several funerals that we had to put up with. We pray is that, as we go for recess, even thereafter, may the Almighty God protect the people whom we know; who are our brothers and sisters that we have within or outside the Assembly, within our Kisumu County so that everybody celebrates this short recess with good tidings.

Mr. Speaker, I would have wished that they made it a bit longer but, because of the task ahead of us I believe the given number of days is reasonable enough for us to stay with our constituents. Actually some of us I know but, I do not want to mention because some of us actually live with the constituents. Sometimes we have to leave early; sometimes they come to our homes once we have left. Even so, these days we have to stay with them and listen to their grievances. Although, their problems are actually now becoming too much in our wards particularly where I came from, people are moving because of floods and it is my prayer that yesterday's discussion is taken into consideration so that the relevant committees also assist us in addressing this issue. To the Members, if you have time, please find time to visit my ward and help us relocate those affected by floods and I pray and wish that the County Government and the relevant department come to our rescue so that our people are not affected like the previous years. Thank you Mr. Speaker and I beg to support.

The Speaker (Hon. Elisha J. Oraro): Hon. Ochele.

Hon. Ochele (MCA, East Kano-Wawidhi Ward): Thank you Mr. Speaker and Hon. Oiko. It is wonderful to get information that we are going back home to be with our loved ones. To some of us as portrayed by my neighbor, we are going back to help our people salvage their property caused by the ravaging floods.

Mr. Speaker, the only problem that I have is that, I was given hope that the river East Kano Wawidhi and North Nyakach was to be distilled by the NYS and it was my neighbor Hon. Nyaoke who promised me this yet now my people and his people are dying. Through this House Mr. Speaker, may you urge Hon. Nyaoke to fast-track this issue because if they were to come they will be using tax payer's money.

Hon. Nyaoke (MCA, North Nyakach Ward): Point of order.

The Speaker (Hon. Oraro): What is the point of order?

Hon. Nyaoke (MCA, North Nyakach Ward): Mr. Speaker I have said it severally that, the issue of floods is a very serious issue. The Member who has just spoken is my neighbor and as a matter of fact is my voter. I did not want to reveal this. He is also suffering now and as we speak I am going to remove part of his family from where the floods have affected. He should be first in line to support my course and appeal so that assistances is brought.

Therefore, Mr. Speaker through your chair I want to call upon my fellow Members to kindly assist me. I may have to repay them later as I go to assist him but let us take this matter serious. Thank you.

The Speaker (Hon. Oraro): Hon. Nyaoke, I thought that you arose on a point of order, I was listening carefully but I did not get what your order was.

Hon. Ochele (MCA, East Kano Wawidhi Ward): Mr. Speaker, the Member whose has just spoken was supporting my position. Mr. Speaker, one thing I want to make clear to this House is that I did go for NYS but the able government of Hon. Nyongó just delivered an excavator to my ward. So, I don't need any assistance from anybody apart from what the Governor has provided. As we are waiting to see the NYS, the excavator is already there in the ground doing its work.

Mr. Speaker, as we proceed with the short recess, like I have said that I am faced with a myriad of challenges. Mr. Speaker, within the challenges, there are also good things like I miss eating fish to be specific mudfish. It is therefore noble that we proceed for recess to enable us rejuvenate and come back ready to tackle the Budget Estimates for the FY 2023/2024.

Mr. Speaker, in this Second Session some of us in the National and County Assemblies do not know what will happen because there is a pronouncement that was made by the party leader Hon. Raila Odinga that those who did not toe the party line will have to seek a fresh mandate and that is condition number one before the talks begin. It is my prayer that the same is not extended down here and suppose it is extended down here, I urge we all stay put and respect our party leader as we face the Third Session thank you.

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

Hon. Oiko (MCA, Kabonyo-Kanyagwal Ward): Mr. Speaker it is definite that the motion for the short recess has been passed in the House without any doubt and members when stand to contribute, digress a little which is normal. Some may come up with their issues thinking it's relevant but it is upon the House to decide. What I want to say is that, there was a time when we were addressed by the Chairperson of the Select Committee of Budget and Appropriations and he advised us on what to do in preparation of the Annual Development Plan FY 2023/2024 and I know that when we resume back from the short recess, within one week the Budget Estimates will be laid in this Assembly. I wish the Chairperson of the Select Committee of Budget and Appropriations will be here to shed more light on how to prepare for the ADP and the considerations the priority projects that are in line with the CIDP III generation.

Mr. Speaker, if he could also talk with the Executive, when the first budget business was made in the Assembly, what we want to appear in the budget could have been captured by the Executive because the Executive will conduct public participation on the first Budget Estimate and then the Assembly will validate later. I believe that we are working in harmony and there is good consultation between the Assembly and the Executive, if room could be given for the Members to present projects for the next financial year so that when the Budget Estimates is brought to the House, they are well captured. It may look offside but generally when the Executive go for their participation and we also go the same, you will find that most of the projects that the Executive have been picked, we will not pick on or that they are concentrated in some particular areas which we will not concentrate on.

Mr. Speaker this is a matter that concern the elected members who collaborated with the nominated in their wards. This is a very important issue that should be address. Otherwise the short recess I endorsed and we know we have passed it.

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

Hon. Okumu (MCA, East Seme Ward): Thank you Mr. Speaker. I arise to support the Motion of Adjournment of the House for short recess. There are very few instances that we adjourn the House, like this one, we had factored this in the Annual Calendar that on this particular day we will allow Members to go and rest so that the comeback rejuvenated.

Mr. Speaker, I want to advice my fellow Members that, as we go home, let us take care of ourselves. We saw what happened to the MCA from Kakamega and we pray that this does not happen to any Member of this House. Let us pray for each other and let us also be vigilant in looking out for one another, and ensure that we successfully reconvene after the recess. Additionally, Mr. Speaker, I kindly request that any committee seeking to carry out their activities during the recess be allowed to do so. Let us take the opportunity to request the Office of the Speaker if there is a pressing matter to be discussed so that by the time we are coming back we have businesses that will be brought before the floor of the House.

Mr. Speaker, I have received a communication from our Party Leader, Hon. Raila Odinga, regarding the bipartisan talks, which was also conveyed by the Leader of the Majority through our page, similar to what my colleague Hon. Ochele communicated earlier. That Members, who are not loyal to the party should resign and seek fresh mandate from their people. Let us not take this communication casually. The party may call you for any other reason and the party may give directions when we are on recess on certain matters. Kindly let us stick to the party's decisions so that we remain relevant in this House. Thank you.

The Speaker (Hon. Oraro): Yes Hon. James Omollo.

Hon. Omollo (MCA, West Nyakach Ward): Thank you Mr. Speaker, I rise to support this motion. We have been here for a while and it is high time that we go home and conduct the representation bit of our role that needs us to be with the electorates. This is because most of our time by hearing from them and handling their issues will enable us be made aware of their priorities. Mr. Speaker, the Budget is overdue and when we come back in the month of May, 2023 we will be left with two months to pass the Budget. It is important to also go back for those of us who come from far to be with our electorates and get to know what they want to be put in this year's Annual Development Plan FY 2023/2024 and Budget Estimates FY 2023/2024 so that we are relevant in whatever they want and not only what we want as MCAs.

Mr. Speaker, this is also a time that we must take care of ourselves; what happened in Kakamega is not an isolated case but this is politics and anything can happen. As we embark to be with our electorates, you need to have good security wherever you are in any function because anything can happen. We are elected leaders and we really need to have protection all the time. Thank you.

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

Hon. Oyoo (MCA, Migosi Ward): Thank you Mr. Speaker I wish to call the mover of the motion to reply.

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

The Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach): Thank you Mr. Speaker. Allow me to convey my appreciation to fellow Members for supporting this motion. Aware that, just as my fellow colleagues have reiterated, as we proceed for the short recess we would like the Honourable Members to take care of themselves. Above all, I would like to appeal to our brothers and sisters that, they should not bring the bitter blood people in this recess to dilute the peace that is there which can make us end up in such a situation like that one of Kakamega. Let us use this recess and enjoy our Easter holiday. Otherwise, I wish you the best of Easter for yourself and a good recess. Thank you.

The Speaker (Hon. Oraro): Honourable Members, now that the Deputy Leader of Majority has moved a Motion for the Adjournment for Short Recess from Friday 7th April 2023 to Monday 24th April 2023 and pursuant to the County Assembly Second Annual Calendar for 2023, I want to take this opportunity to also to wish you the best.

Honourable Members, in reference to my communication, if you are keen you will realize that I talked about the Third Session that is the end of First Part of the Second Session. So we are having a short recess and just like a number of Honourable Members have said, this does not imply that our work stops. As per our Annual Calendar, we are proceeding for recess but I want to plead that could there be a call probably through a Gazette Notice or a particular from a House Committee then, you should avail yourself for such calls. I am also aware that there are certain committees which are still having pending works and I want to refer to a committee that we agreed that was formed yesterday, the Ad Hoc Committee comprising of Membership from the Joint Committees of Administration of Law, Justice, Legal Affairs and Good Governance and that of Co-operative, Finance, Trade and Enterprise Development where we agreed that we have fourteen Members which comprises of seven members from each of the committees which includes the Chairpersons and the Member who brought this statement to work on the issues on flood and emergency in areas that were mentioned.

Honorable Members, we also did have a *kamukunji* and we did resolve that, the way forward and so I want to request that you get in touch with the office of the Clerk for such arrangements. I would like to state that, the recess provides you with an opportunity to go back and interact with your constituents. When we will be resuming back for the Second Part of this Session, we will have two key documents that is the County Integrated Development Plan III, Annual Development Plan FY 2023/2024 and the Budget Estimates for FY 2023/2024. This will be your opportunity to interact with your constituents to agree on what goes into these documents so that when you come back you are able to debate soberly.

Lastly, Hon. Ochele and Hon. Seth Okumu have both advised that you must be responsible for your own security. Therefore, I urge you to take good care of yourselves. I also want to extend my best wishes for the Easter Holiday and, for our Muslim brothers, a blessed Ramadhan.

With those few remarks, I want to refer to Standing Orders No. 26 (3) which states that;

On a day when the County Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the County Assembly calendar, the Leader of the Majority Party or the Leader of the Minority Party or another Member of the County Assembly Business Committee shall move a Motion of adjournment which shall be debated for not more than three hours after which the County Assembly shall adjourn without question put.

ADJOURNMENT

The Speaker (Hon. Oraro): Honourable Members, in that regard, the House stands adjourned to Tuesday, 25th April 2023 at 2.30 p.m.

(House rose at 4.27 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

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