

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – SECOND SESSION

Thursday 25th May, 2023

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

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

PRAYER

The Speaker (Hon. Oraro): Good afternoon Honourable Members and welcome to this session. Madam Clerk, take us through the Order Paper of today.

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

PAPERS LAID

ECD, ADULT EDUCATION AND VOCATIONAL TRAINING COMMITTEE ON THE KISUMU COUNTY EDUCATION FUND REPORT AND FINANCIAL STATEMENTS (1ST AND 2ND QUARTER) FOR THE PERIOD ENDED 30TH MARCH, 2023

AND

ECD, ADULT EDUCATION AND VOCATIONAL TRAINING COMMITTEE ON THE KISUMU COUNTY EDUCATION FUND REPORT AND FINANCIAL STATEMENTS (1ST AND 2ND QUARTER) FOR THE PERIOD ENDED 30TH MARCH, 2023

BY

HON. SETH OKUMU, MCA, EAST SEME WARD.

(CHAIRPERSON, ECD, ADULT EDUCATION AND VOCATIONAL TRAINING
COMMITTEE)

The Speaker (Hon. Oraro): Yes, Hon. K’Omudho.

Hon. K’Omudho (MCA, Muhoroni): Thank you Mr. Speaker, on behalf of the Chair please allow me to lay the following Papers.

The Speaker (Hon. Oraro): Proceed.

Hon. K’Omudho (MCA, Muhoroni/Koru Ward): One, pursuant to the provision of Standing Orders No. 182 (6) of the Kisumu County Assembly Standing Orders, I wish to table today Thursday 25th May, 2023, a Report by ECD, Adult Education and Vocational Training Committee on the Kisumu County Education Fund Annual Report and Financial Statements for the year ended 30th Jun, 2022.

Two, pursuant to the provision of Standing Orders No. 182 (6) of the Kisumu County Assembly Standing Orders, I wish to table today Thursday 25th May, 2023, a report by ECD, Adult Education and Vocational Training Committee on the Kisumu County Education Fund report and Financial Statements (1st and 2nd Quarter) for the period ended 30th March, 2023.

(Hon. K’omudho lays before the House the above reports for consideration)

The Speaker (Hon. Oraro): Honourable Members, I acknowledge the receipt of the report by ECD, Adult Education and Vocational Training Committee on the Kisumu County Education Fund Annual Report and Financial statements for the year ended 30th Jun, 202 and;

The report by ECD, Adult Education and Vocational Training Committee on the Kisumu County Education Fund report and financial statements (1st and 2nd Quarter) for the period ended 30th March, 2023. I want to commit these reports for the purposes of scheduling for debate.

The Speaker (Hon. Oraro): Hon. Kennedy Ouko.

The Speaker (Hon. Oraro): What is it Hon. Warindo.

Hon. Warindo (MCA, Miwani Ward): On a Pint of Order. Thank you Mr. Speaker, I believe that the Chair is having the report.

The Speaker (Hon. Oraro): Thank you for that. I have seen it in the Order Paper. I have just seen him in the House.

Hon. Warindo (MCA, Miwani Ward): Please allow me to confirm with him.

The Speaker (Hon. Oraro): Next order!

NOTICES OF MOTION

ECD, ADULT EDUCATION AND VOCATIONAL TRAINING COMMITTEE ON THE KISUMU COUNTY EDUCATION FUND REPORT AND FINANCIAL STATEMENTS (1ST AND 2ND QUARTER) FOR THE PERIOD ENDED 30TH MARCH, 2023

AND

ECD, ADULT EDUCATION AND VOCATIONAL TRAINING COMMITTEE ON THE KISUMU COUNTY EDUCATION FUND REPORT AND FINANCIAL STATEMENTS (1ST AND 2ND QUARTER) FOR THE PERIOD ENDED 30TH MARCH, 2023

BY

HON. SETH OKUMU

CHAIRPERSON, ECD, ADULT EDUCATION AND VOCATIONAL TRAINING

The Speaker (Hon. Oraro): Yes, Hon. K'Omudho.

Hon. K'Omudho (MCA, Muhoroni/Koru Ward): Thank you Mr. Speaker. I seek your indulgence to give notice of motion of the following on behalf of the Chair.

The Speaker (Hon. Oraro): Please proceed Honourable Member

Hon. K'Omudho (MCA, Muhoroni/Koru Ward): Thank you Mr. Speaker. One, pursuant to the provisions of section 45 (1), I wish to give a Notice of Motion that this House adopts the report by ECDE, Adult Education and Vocational Training Committee on the Kisumu County Education Fund Annual Report and Financial Statements for the year ended 30th June, 2022.

Two, pursuant to the provisions of section 45 (1), I wish to give a Notice of Motion that this House adopts the report by ECDE, Adult Education and Vocational Training Committee on the Kisumu County Education Fund Report and Financial Statements (1st and 2nd quarter) for the period ended 30th March, 2023. Thank you.

The Speaker (Hon. Oraro): Next order!

MOTION

(RESUMPTION OF THE INTERRUPTED BUSINESS)

ADOPTION OF THE REPORT BY PLANNING, INDUSTRIALIZATION AND ICT COMMITTEE REPORT ON CONSIDERATION OF THE KISUMU URBAN PROJECT CASH EXPENDITURE FUND ANNUAL REPORT AND FINANCIAL STATEMENTS FOR THE FINANCIAL YEAR ENDED 30TH JUNE, 2022
KISUMU COUNTY URBAN PROJECT ADVANCE ACCOUNT ANNUAL REPORT AND FINANCIAL STATEMENTS FOR THE FINANCIAL YEAR ENDED 30TH JUNE, 2022

AND
THE CITY OF KISUMU ANNUAL REPORT AND FINANCIAL STATEMENTS FOR THE
YEAR ENDED 30TH JUNE, 2022

BY

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

(CHAIRPERSON, PLANNING, INDUSTRIALIZATION AND ICT COMMITTEE)

The Speaker (Hon. Oraro): Honourable Members, I want to bring to your attention that this is a continuation of a motion on a debate that was moved by Hon. James Omollo on behalf of the Chairperson of the Planning, Industrialization and ICT Committee and seconded by Hon. Jenipher Obonyo on Tuesday 4th April 2023 at 2:30 p.m.

Honourable Members, as per the provisions of our Standing Order, when a debate is interrupted and scheduled for debate then, we proceed from where we left. The following Members had made their contributions, Hon. Kennedy Ouko, Hon. Zacharia Okoyo, Hon. Kelvin Oraro, Hon. Samuel Onyango, Hon. Henrietta Bodo, Hon. Mildred Ajumbo and Hon. Benny Pete Oiko.

Along the debating, the mover of the motion proposed a motion on adjournment of debate for a later date. This motion was seconded by the Deputy Whip Hon. Jenipher Obonyo. The House Business Committee rescheduled the same business for debate. The motion is now open for debate.

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

Hon. Ochele (MCA, East Kano Wawidhi Ward): Thank you Mr. Speaker for according me this opportunity to air my sentiments on this report. I rise to deliberate on this motion and before I make contribution, we should first start by commending this House Committee for the thorough job they did. I want to believe that before this report reached this House, Members of this House Committee must have deliberated upon it and combed whatever they needed to comb. Similarly, they had time to do what they were to do before they appended their signatures as part and parcel of this report.

Mr. Speaker, I just want to emphasize my role as an oversight Member that if I see a fault for the first time and ignore it and do the same for the second and third time then, it will be a disease that is uncontrollable. We are here on behalf of the Kisumu County residents and going by the recommendations in this report as given by the Members of Planning, Industrialization and ICT Committee; it is my considered opinion that our voices must be seen to be heard. The people of Kisumu must hear our voices and again the taxpayers of this county must equally hear our voices similarly the residents of Kisumu as a City must likewise hear our voices unless we are abdicating our duties.

Mr. Speaker, in the report and having gone through it, and gain having settled on the recommendations provided to this House Committee after conducting their inquest because this

is a serious House Committee which is composed of mostly the leadership in this House and chaired by a very able Chair Hon. Boitone. Mr. Speaker, please allow me to just highlight on two very critical areas of these recommendations.

One, that, the City Manager is in breach of section 56 and 59 (8) of the Public Procurement and Assets Disposal Act, 2015 which states;

“That an Accounting Officer shall commence any procurement proceedings until certified that sufficient funds to meet the obligations of the resulting contract are reflected in the approved budget”.

Mr. Speaker, this recommendation was made after having gone through the Books of Accounts of the City of Kisumu and the Honourable Members realized that this was not observed.

Mr. Speaker, it goes ahead to discuss the manager himself. That, the City Manager is in breach of relevant laws by utilizing funds without the approval by the County Assembly as provided for in section 72 (5) of the Public Finance (County Government) Regulations of 2012 which states that; all Grants shall be appropriated by the County Assembly before commencement of disbursement.

Mr. Speaker, these are serious allegations and we cannot just throw them under the bridge because if we ignore them, how about the next procurement procedures. Mr. Speaker, this hyena will grow bigger and end up consuming the entire county. Mr. Speaker, the worst part is that the House Committee is stating that, the City Manager declined/ignored and failed willfully to provide information sought by this House Committee contrary to the provisions of section 195 (b) of the Constitution of Kenya 2010. Mr. Speaker, this is the House mandated to do its oversight role as stipulated in the Constitution of Kenya 2010 and in the subsidiary legislation the County Government Act of 2012.

Mr. Speaker, if an officer of the County can blatantly ignore to provide information as required by this House. Then, where are we as a House headed? Do we just seat pretty read it and ignore? Or can we recommend that something be done so that these grievous mistakes cannot be repeated again in the near future. Mr. Speaker, there are several number of recommendations as placed by the able House Committee. Therefore, I want to echo the sentiments which were given when debating this motion for the first time that the recommendations contained in this report be adopted to the letter. Again, these recommendations be put to action. Otherwise, we will be seen as a lame duck and again be seen as flower girls and at the end of the day, who will be losing? The people of Kisumu County will be loosing and us as representatives, we will have lost our image. Thank you I beg to support this report fully.

The Speaker (Hon. Oraro): Hon. Tom Nyaoke, Member representing North Nyakach Ward.

Hon. Nyaoke (MCA, North Nyakach Ward): Thank you Mr. Speaker for according me this opportunity to also air my views and make observations on this very pertinent report that has been moved before this House by a very competent House Committee. I want to appreciate the House Committee for the good work that they have done.

Mr. Speaker, a while ago you gave us a good prayer when we were starting and part of that prayer is that we are praying; “for God’s blessings to descend upon us here assembled, and grant that we treat and consider all matters that shall come under our deliberation in so just and faithful a manner as to promote Your Honor and Glory, and to advance the peace, prosperity and welfare of our County and to those whose interest You have committed to our charge”.

Mr. Speaker, it is adequately important that, what we do in this House must be taken serious. I therefore, want to applaud this House Committee for the recommendations that they have come up with regarding this particular report and I want to echo the sentiment of my senior Hon. Ochele on how he has explained the same things about the report.

Mr. Speaker, if some of this reports will not be brought to action then, in future there will be no need to seat as a House Committee and work on such issues that are put upon the committees. It is therefore my humble request that this House adopt this report so that in future as we go to the people who are tasked to run the County Government at the same time must know that they are doing that on behalf of the good people of Kisumu County. I stand to support the adoption of the report. Thank you.

(Silence)

(The Deputy Whip rises on her feet)

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

The Deputy Whip (Hon. Obonyo, MCA, South West Ward): Thank you.

The Speaker (Hon. Oraro): Order!! Order!! Please let me check my record, I don’t know if you had contributed. You seconded the adjournment; you had not debated so you can proceed.

The Deputy Whip (Hon. Obonyo, MCA, South West): Thank you Mr. Speaker, going by the mood of the House may I call the mover to reply.

The Speaker (Hon. Oraro): Hon. Ratib Chairperson, Planning Committee.

Hon. Ratib (MCA, Nyalenda “A” Ward): Thank you Mr. Speaker, let me first take this opportunity to thank all the Members who contributed to this motion that was first moved on Tuesday 14th April 2023. Additionally, I would also like to extend my appreciation to those who have actively participated in the deliberations of this motion today.

Mr. Speaker, if the recommendations proposed by this House Committee and the House in general are followed diligently, I am confident that this Assembly will become a strong and an effective body in overseeing the actions of the Executive. We all understand that this motion was a little bit emotive but truth be told, as Members of this Third Assembly we want to stand firm in our mandate and we believe that if this is done then moving forward the Executive will be put on check and balance. Thank you.

The Speaker (Hon. Oraro): Thank you. Honourable Members, a report on the consideration of the Kisumu Urban Project – Cash Expenditure Fund Annual Report and Financial Statement for

the Financial Year ended 30th June, 2022, that Kisumu County Urban Project Advance Account Annual Report and Financial Statements for the Financial Year ended 30th June, 2022 an; the City of Kisumu Annual Report and Financial Statements for the year ended 30th June, 2022 was presented, debated and seconded. I therefore want to put a question on the adoption of the same.

(Question put and agreed to)

The Speaker (Hon. Oraro): Honourable Members, I noticed that some Members were standing and I don't know whether they were on their feet celebrating and thereafter taking their seats. I was counting them with my eyes but I will proceed to make the determination that the motion on the report on the consideration of the Kisumu Urban Project – Cash Expenditure Fund Annual Report and Financial Statement for the financial year ended 30th June, 2022, Kisumu County Urban Project Advance Account Annual Report and Financial Statements for the financial year ended 30th June, 2022 and the City of Kisumu Annual Report and Financial Statements for the year ended 30th June, 2022 has been adopted today Thursday, 25th May, 2023 at 15:17 hours.

Honourable Members, I hereby direct that the Hansard report be produced and the recommendations therein be communicated to the relevant authorities for action. Thank you.

The Speaker (Hon. Oraro): Next Order!

ADJOURNMENT

The Speaker (Hon. Oraro): Honourable Members, there being no any other business to transact, the House stands adjourned until Tuesday, 30th May, 2023 at 2.30 p.m.

(House rose at 03.19 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