

## COUNTY GOVERNMENT OF KISUMU



### COUNTY ASSEMBLY OF KISUMU

#### **THE HANSARD**

#### *Official Report*

#### THIRD ASSEMBLY – SECOND SESSION

Thursday, 6<sup>th</sup> July, 2023

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

[The Speaker (Hon. Oraro) in the Chair]

#### PRAYER

#### COMMUNICATION FROM THE CHAIR

**The Speaker** (Hon. Oraro): Honourable Members, I want to welcome you to this session. I have the following communication to make. You are being reminded by the Sports Committee on the trainings in line with the forthcoming CASA Games. I am also informed that there are a number of Members who have not shown interest in different disciplines. The deadline is nearing. Please do so, so that you are not locked out. Secondly, today, I met a team from the Agricultural Society of Kenya (ASK) which is planning to start their yearly exhibitions from 26<sup>th</sup> July, 2023 and it is important to inform the Members on the same. As an Assembly, we shall be meeting with the Clerk on whether or not we shall have a stand depending the availability of funds.

Lastly, I have a Report on the pending works of various Committees as at Thursday, 6<sup>th</sup> July, 2023.

PENDING REPORTS, STATEMENTS, MOTIONS, BILLS  
AS AT THURSDAY, 6<sup>TH</sup> JULY, 2023 DELEGATION

#	ITEM	NATURE	DATE REQUESTED /ISSUED	TIMELINE	DUE DATE	STATUS
<b>1. PIC/PAC - By Hon Kennedy Ouko – Chairperson</b>						
1)	Report on consideration of the Kisumu County Revenue Fund quarterly report and financial statements for the period ended 31 <sup>st</sup> March, 2023.	Report	11/05/2023	21 days	1/06/2023	<b>Overdue</b>
2)	Report on consideration of the Auditor General's report on Kisumu Water and Sanitation company FY ended 30 <sup>th</sup> June, 2021.	Report	17/05/2023	21 days	7/06/2023	<b>Overdue</b>
3)	Report on consideration of the Auditor General's report on Kisumu County Trade Fund FY ended 30 <sup>th</sup> June, 2021.	Report	17/05/2023	21 days	7/06/2023	<b>Overdue</b>
4)	Report on consideration of the Auditor General's report on the Kisumu County Car loan and Mortgage Scheme Fund FY ended 30 <sup>th</sup> 2021.	Report	17/05/2023	21 days	7/06/2023	<b>Overdue</b>
5)	Report on consideration of the Auditor General's report on Kisumu County Education Fund FY ended 30 <sup>th</sup> June, 2021.	Report	17/05/2023	21 days	7/06/2023	<b>Overdue</b>
6)	Report on consideration of the Auditor General's report on Kisumu County COVID-19 Emergency Response Fund FY ended 30 <sup>th</sup> June, 2022.	Report	17/05/2023	21 days	7/06/2023	<b>Overdue</b>
7)	Report on consideration of the Auditor General's report on Kisumu County Car loan and	Report	17/05/2023	21 days	7/06/2023	<b>Overdue</b>

	Mortgage Scheme Fund FY ended 30 <sup>th</sup> June, 2022.					
8)	Report on consideration of the Auditor General's report on County Executive of Kisumu for the year ended 30 <sup>th</sup> June, 2022.	Report	24/05/2023	21 days	14/06/2023	<b>Overdue</b>
9)	Report on consideration of the Auditor General's report on Kisumu County Revenue Fund for the year ended 30 <sup>th</sup> June, 2022.	Report	24/05/2023	21 days	14/06/2023	<b>Overdue</b>
<b>2. Health, Housing and Sanitation - 2022</b> By Hon Vincent Jagongo - Chairperson						
1.	Report on the status of referral hospitals within the County	Report	20/06/2023	Over the recess period	8/08/2023	<b>In progress</b>
<b>3. Planning, Industrialization and ICT - By Hon Boitone Ratib - Chairperson</b>						
1)	Statement on representation of the County in the Lands Control Board	Report	18/05/2023	14 days	1/06/2023	<b>Overdue</b>
<b>4. Labour and Social Welfare - Hon Zachariah Okoyo - Chairperson</b>						
1)	Report on consideration of Kisumu County Public Service Board Annual report for 2022.	Report	22/02/2023	21 days	15/03/2023	<b>Overdue</b>
2)	Report on the degrading activities against women traders in exchange of fish along beaches in Kisumu.	Report	23/02/2023	14	9/03/2023	<b>Overdue</b>
3)	Report on the allegations of irregular recruitment of staff at the JOOTRH.	Report	1/03/2023	14 days	15/03/2023	<b>Overdue</b>
4)	Report on petition against Rabuor sub county hospital in the matter of illegal dismissal without pay.	Report	6/04/2023	60 days	7/06/2023	<b>Due for submission</b>

**5. Cooperative, Finance, Trade and Enterprise Development - Hon Carren Ajwang'**

1)	Report on consideration of Kisumu County Executive quarterly report and financial statements for the period ended 31 <sup>st</sup> March, 2023	Report	11/05/2023	21 days	1/06/2023	<b>Overdue</b>
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**6. Children, Culture and Community Services - Hon Nancy Matara - Chairperson**

1)	Report on the reasons for continued closure of Jomo Kenyatta sports ground.	Report	24/05/2023	14 days	7/06/2023	<b>Overdue</b>
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**7. ECDE, Adult Education and Vocational Training - Hon Seth Okumu - Chairperson**

1)	Report on the consideration the Kisumu County Early Childhood Development and Education Bill, 2023	Report	5/07/2023	21 days	5/08/2023	<b>In progress</b>
2)	Report on the status of bursaries for forms one to three.	Report	Statement sought today.			

**10. Water, Environment and Natural Resources - Hon Samuel Dedeh – Chairperson**

1)	Response to a statement sought by Hon Kennedy Ooko regarding storm water management and general environmental cleanliness of Ahero town.	Statement	8/11/2022	14 days	22/11/2022	<b>Overdue</b>
2)	Response to a statement sought by Hon Lumumba Owade regarding lack of cleanliness and unhygienic conditions in Sondu and Nyabondo Markets in South East Nyakach.	Statement	9/11/2022	14 days	23/11/2022	<b>Overdue</b>

**11. Public Works, Roads and Transport - Hon Rueben Rakwach – Chairperson**

1)	Report on the emergency status of Ongoi bridge along	Report		14 days		<b>Overdue</b>
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	Chemelil – Oduwo – Muhoroni road in Chemelil Tamu ward.					
2)	Report on the perennial road accidents claiming lives at Nyamasaria overpass at Kachok	Report	24/05/2023	14 days	7/06/2023	<b>Overdue</b>
<b>12. Implementation - Hon Henrietta Bodo - Chairperson</b>						
1)	Report on the matter of payment of Project management Committee	Report	29/03/2023	14 days	12/04/2023	<b>Overdue</b>
2)	Report on the House resolutions for the last financial year	Report	Resolutions from 3/11/2022	Within sixty days of a resolution or adoption of a report. S.O 184	To 5/05/2023	<b>Overdue</b>
3)	Report on the implementation status of desiltation of rivers and drainages	Report	Statement sought today			
<b>13) Administration of Law, Justice, Constitutional Affairs, Good Governance and Security – Hon. Ochele</b>						
1)	Report on the Petition by Kolwa residents against the Kisumu County Lands adjudication officers in the matter of Nyamthoe lands adjudication.	Report	14/03/2023	60 days	15/05/2023	<b>Overdue</b>
<b>13. Joint Committees of Cooperatives, Finance and Enterprise Development and JLAC – Hon. Ochele</b>						
1.	Report on aversion plans of the imminent flooding disasters in flood-prone areas within the County	Report	5/04/2023	1 week	13/04/2023	<b>Committee reported progress. Full report yet to be submitted.</b>

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There is no pending report with the committee of Agriculture. Honourable Members, you are aware that these reports ought to have come during the session. Unfortunately, if the Adjournment Motion is approved, then it appears that they will be moved to the next Session.

Honourable Members, before I conclude, I also want to bring to your attention that there are a number of resolutions that were in the Budget debate of 30<sup>th</sup> June, 2023. Each and every committee had some resolutions that they wanted this House to adopt. Remember the report was adopted. As such, those resolutions must be put in action. I will communicate them in due course.

Hon. Members, I have the report. The resolutions proposed by the Budget and Appropriations Committee and adopted by the House during the Special Sitting of Friday 30<sup>th</sup> June, while considering the Budget and Appropriations Committee report on the proposed Kisumu County Budget Estimates for the Fiscal Year (FY) 2023/2024. Committees are therefore called upon to follow up to ensure that the implementation is done as per listed.

First, there was a resolution to conduct revenue survey on revenue enhancement plan to capture all revenue streams and areas within the County and present the same to the House in writing. Budget and Appropriations Committee please follow that in implementation. In the timeline, it was by September, 2023.

Secondly, to fully automate collection by sourcing, purchasing and installing of e-revenue system and report the progress to the Assembly. Finance and ICT Committee, this was to be done by September, 2023. I can see a total of 21 Resolutions. I suggest that the best thing to do is post them in our WhatsApp group so that each Committee ensures that they are implemented.

VISITING DELEGATION FROM ST. MONICA MAGO SECONDARY  
SCHOOL, SIAYA COUNTY

Honourable Members, I am informed and I can also see that in the gallery, we have students from St. Monica Mago Mixed Secondary School in Siaya County. They are accompanied by the following teachers: Mr. Chrispine Odhiambo, Mr. Kennedy Majonjo, Mr. Vincent Akudo, Mr. Bruce Keonzo, Mr. John Ouma, and Mr. Samwel Odedo. Welcome to Kisumu County Assembly. You also have Siaya County Assembly and we do almost the same thing.

In our usual tradition of receiving and welcoming visitors to County Assembly, I extend a warm welcome to them, and I believe the Sergeant-at-Arms have taken you round. If not, I know they

will do the same. I want to give a chance to two Members to pass their welcoming remarks. Hon. Sammy Onyango.

**Hon. Onyango** (MCA, Railways Ward): I wish to welcome students from St. Monica Mago secondary school to this County Assembly. I come from Ngiya in Siaya County but I am an MCA in Kisumu County. To the teachers and students, feel most welcome.

**The Speaker** (Hon. Oraro): Thank you Hon Onyango. Let me now give one Honourable Member, preferably a lady to present welcoming remarks. Hon. Abeid.

**Hon. Abeid** (Nominated Member): Thank you Mr. Speaker. My name is Hon Abeid, a specially elected MCA and I wish to address the girls. I am a parent of children of your age and I have noticed that the era of the social media is taking a different line of your life and I want to tell you as someone who was a teenage mother, stay in school and study because it is the only thing that you will have to take care of yourselves. This will enable you to be an asset in the society. Thank you.

**The Speaker** (Hon. Oraro): Let me also grant Hon. Mickey to talk to the students.

**Hon. Mickey** (Nominated Member): Thank you Mr. Speaker. This is an ambush. How are you boys and girls?

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

**Hon Okumu** (MCA, East Seme Ward): On a point of Order. It is a tradition that we address the Chair. I can see the Hon Member is addressing the students. That is the order I feel the Member has breached. Thank you, Mr. Speaker.

**The Speaker** (Hon. Oraro): Hon Mickey, I believe you stand guided.

**Hon. Mickey** (Nominated Member): I am much obliged Mr. Speaker. I don't have much to say but stay in school and study hard. With determination, you will achieve what you want to achieve. What I know from experience is that the only difference between you and the person you admire the most is in between the books. So, stay with your books. Thank you very much.

**The Speaker** (Hon. Oraro): You know it will be unfair if I do not give Hon. Gard Olima a chance to express his welcoming remarks.

*(Laughter)*

**Hon. Olima** (MCA, South West Nyakach): Thank you Mr. Speaker. I want to take this opportunity welcome the students and teachers to Kisumu County Assembly. This is a constitutional office we are holding as Members of Kisumu County Assembly, representing people from different Wards

in this County. I want urge you, as my colleagues have said, you in school for a mission and much awaits you outside here. So, do your part today for a better tomorrow.

To the teachers, you also have ambitions of moving from where you were to some steps. Some of you might be thinking of being MCAs. It is a very difficult job because we always want your support. I want to tell you today that being an MCA is difficult work and don't think of being one. Just ensure that you become a better person than who you are today. From where we sit, we are carrying a lot of burden, especially from our constituents. To the ladies, you are that you should be putting on the school uniform, the graduation gown, the wedding gown and finally maternity, in that order and not the reverse!

*(Laughter)*

You actually lose the point if you start from the reverse. Everything you need is between your books. Nothing else! I encourage you to work hard. Come here more often and learn how we make these laws. You may have heard Finance Bill being talked about even by village women groups. We in Kisumu County also have Finance Bill. Siaya County is also doing the same. Learn more and teachers should guide you and know more about what you can do. Do not only be concerned about getting good grades, get skills which is why Competency Based Curriculum (CBC) was introduced. Your teachers should help you acquire relevant skills so that when you get out of school, you are relevant in the society. The more you work hard, the better it is for you in future. Thank you very much.

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

## STATEMENTS

### IMPLEMENTATION STATUS OF DESILTATION OF RIVERS AND DRAINAGES

**The Speaker** (Hon. Oraro): Hon. James Were.

**Hon. Were** (MCA, Nyalenda A): I have three statements to present.

*(Laughter)*

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

**Hon. Onditi** (MCA, Chemelil Tamu Ward): Mr. Speaker, please protect me.

**Hon. Adega** (MCA, Kajulu Ward): Hon. Rakwach, is saying that there is a hippopotamus getting into the House.

*(Laughter)*

**The Speaker** (Hon. Oraro): Order Honourable Members. Proceed Hon. Were.

**Hon. Were** (MCA, Nyalenda A): A Statement to the Chairperson Planning, Industrialization and ICT Committee on the implementation status of distillation of rivers and drainages. I rise under Standing Order no 41(2)(b) to seek for a statement from the Chairperson, Committee on Planning, Industrialization and ICT regarding the status of implementation of a project, desiltation of rivers and drainages. Aware that the County Assembly approved a supplementary budget FY 2022/2023 with an allocation of 30 million in the department of City for desiltation of rivers and drainages within the city. I humbly request the Chairperson, Committee on Planning, Industrialization and ICT to provide a statement before this House as follows:

(1) A comprehensive status of the implementation of the above project within the city.

DEATH OF FISH IN CAGES  
ALONG DUNGA BEACH

Secondly, my Statement goes to the Chairperson Agriculture, Livestock and Fisheries Committee on the death of fish in cages along Dunga Beach. I rise under Standing Order No. 41(2)(b) to seek for a statement from the Chairperson, Committee on Agriculture, Livestock and Fisheries regarding the death of fish in cages along Dunga Beach. Aware that about two months ago, there was a calamity which led to death of fish reared in cages along Dunga Beach in Lake Victoria resulting to losses in millions to the farmers. I humbly request the Chairperson, Committee on Agriculture, Livestock and Fisheries to provide a statement before this House as follows:

- (1) What plans or interventions in terms of remedying on the loss by providing fingerlings, fish feeds or compensation towards the same?
- (2) What measures is the department putting in place to address any future occurrence of the same.

STATUS OF BURSARIES FOR  
FORMS ONES TO FORM THREE

Thirdly, Statement to the Chairperson Early Childhood Education, Adult Education and Vocational Training on the status of bursaries for Forms one to three. I rise under Standing Order No. 41(2)(b) to seek for a statement from the Chairperson, Committee on Early Childhood Education, Adult Education and Vocational Training regarding the status of bursaries for Forms One to three; Aware that the students are already going back to school from the half term break, I humbly request the Chairperson, Committee on Early Childhood Education, Adult Education and Vocational Training to provide a statement before this House as follows:

- (1) What is the status of the bursaries for Forms one to three, when will the disbursements be made to schools?

Thank you, Mr. Speaker.

**The Speaker** (Hon. Oraro): Honourable Members, I want to direct that the first Statement by Hon. James Were be committed to the Implementation Committee. He wanted the matter be dealt with by the Planning, Industrialization and ICT. However, I feel it can best be handled by the Committee on Implementation. On his second Statement, the Committee on Agriculture, Livestock and Fisheries can handle them.

Honourable Members, I want to authorize that these two committees to work on these Statements during the recess, so that we get the feedback immediately we resume from the long recess. I can see the Chairpersons are here. Let me start with Hon. Seth Okumu. Is it a Statement or you want to respond?

**Hon. Okumu** (MCA, East Seme): I want to respond.

**Hon. Okumu** (MCA, East Seme): Honourable Speaker, I got the statement from Hon. James Were yesterday and I took an initiative to seek for the information from the relevant department. I have the response to his Statement. Hon Speaker, you may be aware that we had budgeted for Kshs 205 million for bursaries but as at now Ksh 152,750, 000 has been released for bursaries and this has made us pay for all the scholarships that we have and all the form Fours. For the Form Threes, we need Ksh 28, 293, 127 million and for the Form Twos, we need Ksh 30, 177, 918 million and for the Form Ones 11, 907, 577 million. We believe that the department will get an Exchequer release and we believe all the bursaries will be cleared by 13<sup>th</sup> July, 2023.

Hon Members, we are asking for your patience as you know the challenges we have with Exchequer releases. However, we believe that once everything is done, we shall clear the issue of bursaries by 13<sup>th</sup> July, 2023 Thank you, Mr. Speaker. Those were the responses I was asked to get.

**The Speaker** (Hon. Oraro): Thank you. I rushed into committing the Statements to committees. I ought to have heard from the Chair fast. Hon. Were, are you satisfied on the issue sought on the bursaries?

**Hon. Were** (MCA, Nyalenda A): Thank you Mr. Speaker. I am satisfied.

**The Speaker** (Hon. Oraro): Thank you. I therefore, declare that Statement sorted. I also ask the Hansard to expunge it from committing it to the Committee on Education. I think I it would be wise to listen from the Chair, Committee on Agriculture.

**Hon. Alando** (Nominated Member): Thank you Mr. Speaker. Regarding the Statement by Hon Were, we have noted his concerns. As you have directed before, the Committee will sit and deliberate appropriate way forward.

**The Speaker** (Hon. Oraro): Thank you. That Statement stands committed to the Committee on Agriculture. Yes, Hon. Bodo, comment on the Statement committed to the Committee on Implementation.

**Hon. Bodo** (Nominated Member): Thank you Mr. Speaker. It stands committed.

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

### MOTION

#### ADOPTION OF REPORT BY PROCEDURE AND RULES ON AMENDMENTS TO THE KISUMU COUNTY ASSEMBLY STANDING ORDERS

BY

HON. PAMELA OYOO, MCA, MIGOSI WARD

**The Speaker** (Hon. Oraro): I have the request by Hon. Pamela Oyoo that the Leader of Majority presents the report.

**The Leader of Majority** (Hon. Ooko. MCA, Ahero Ward): Thank you Mr. Speaker. On behalf of the Vice Chairperson on Procedure and Rules, Hon Pamela Oyoo, I wish to Move a Motion for the adoption of Procedure and Rules on amendments to Kisumu County Assembly Standing Orders.

**Mr. Speaker and Hon. Members,**

The Standing Orders of the County Assembly codify much of the procedures and practices of the House and provide a mechanism for regulating County Assembly business; therefore, it is important that they are kept up to date.

Pursuant to Article 185 of the Constitution, the County Assembly has complete authority concerning its procedure so far as it is not limited by constitutional provisions, in addition to this inherent power; the constitution of Kenya read in tandem with Section 14 of the County Governments Act, 2012 contain substantially the provision that "*the County Assembly shall determine the rule of its proceeding.*" Therefore, the first aim in commissioning this review of the Standing Orders is to remove anomalies and make the Standing Orders easier to use and in harmony with the Constitution, Statutes and relevant parliamentary law.

This review is thus done in recognition that the Standing Orders are subordinate rules of procedure for the conduct of business in the County Assembly and that any interpretation and application is herein done only in the context of procedure, and not substance.

## Committee establishment and mandates

### Mr. Speaker and Hon Members,

Standing Orders No. 190(1) establishes the Select Committee on Procedure and Rules mandated to;

- a. Consider and report on all matters relating to these Standing Orders.
- b. Propose amendments to these Standing Orders and any such amendments shall upon approval by the County Assembly, take effect at the time appointed by the County Assembly and,
- c. May propose rules for the orderly and effective conduct of Committee business and any such rules shall, upon approval by the County Assembly, continue in force until amended or repealed by the County Assembly.

Standing Orders No. 190(4) of the Kisumu County Assembly further provides that the Committee on Procedure and Rules may at any time propose amendments to these Standing Orders.

### Composition

The Committee on Procedure and Rules is composed of the following;

#### Hon Members

<b>1. Hon Elisha Oraro</b>	<b>Chairperson</b>
<b>2. Hon Pamela Oyoo</b>	<b>Vice chairperson</b>
3. Hon Jennipher Obonyo	Member
4. Hon Nereah Okombo	Member
5. Hon Kennedy Ooko	Member
6. Hon Seth Kanga	Member
7. Hon Ken Ouko	Member
8. Hon Seth Okumu	Member
9. Hon Caren Odhiambo	Member
10. Hon Emily Oginga	Member
11. Hon Bill Oliver	Member
12. Hon Kennedy Ajwang	Member

#### Secretariat

1. Annebelle Wabuge	-	Senior Clerk Assistant
2. Allan Otieno	-	Committee clerk
3. Fanuel Okode	-	Hansard
4. Abraham Odegi	-	Serjeant-at-arms

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## ACKNOWLEDGEMENT

### Mr. Speaker and Hon Members,

The committee wishes to extend its gratitude to the offices of the Speaker and Clerk of the Kisumu County Assembly for the logistical and technical support accorded to it in the entire time of the making of this report.

Finally, may I express utmost appreciation to the Committee Members, Members of the Procedure and Rules committee and the technical team who played an invaluable role in the preparation and production of this report?

It is my pleasure to report that the Committee has completed its analysis and has the honour to present before this House, its report on the proposed amendments to the Kisumu County Assembly Standing Orders with a recommendation that this Honorable House passes it with the herein proposed amendments.

### LEGAL FRAMEWORK

Mr. Speaker and Hon. Members, the Standing Orders is established *in accordance with the Law* and in pursuit of a *legitimate aim*. This does not merely require that the Standing Order should have a basis in domestic law but also refers to the quality of the order in question. In particular, the order must be sufficiently clear in its terms and afford a measure of procedural protection against arbitrary application.

The following statutory provisions therefore guided the Committee in its review;

- a) County Governments Act, 2012
- b) The Public Finance Management Act, 2012
- c) Public Appointments (County Assemblies Approvals) Act, 2017
- d) County Assembly Powers and Privileges Act 2017
- e) Statutory Instruments Act.
- f) County Assembly Services Act
- g) The Elections Act
- h) Interpretation and General Provisions Act
- i) Petition to the County Assembly (Procedures) Act, 2020

Mr. Speaker and Hon. Members, take notice that the County Assembly is controlled in its procedure by any provision of the above mentioned laws which directly, or by necessary implication, governs its procedure. In general, the County Assembly is governed in accordance with the recognized principles of parliamentary law subject to any special provisions of the constitution, statutory or charter provisions and any rules it adopts and the Standing Orders.

### Procedure of Amending the Standing Orders

Mr. Speaker and Hon. Members, the Standing Orders provide three avenues through which they can be amended, namely: -

- i. The Procedure and Rules Committee can propose amendments anytime;
- ii. Amendment on the Initiative of a Member; and,
- iii. Periodic Review by the Procedure and House Rules Committee.

### Commencement of proposed amendments

Mr. Speaker and Hon. Members, proposed Amendments to the Standing Orders take effect at the time appointed by the House, after approval.

### OUTLINE OF PROPOSED AMENDMENTS TO THE STANDING ORDERS

Mr. Speaker and Hon. Members, the Speaker issued a communication to the Procedures and Rules Committee notifying it to initiate a review process of the Standing Orders. The Committee was to propose amendments and or review on areas such as:

- i. The substituting committee system focusing on areas such as size composition, operations, effectiveness and efficiency of our committees;
- ii. Areas of improvement in the general legislative oversight focusing on any aspects or areas that may not have received due attention, including but not limited to oversight mechanisms;
- iii. Establishment of the *Bunge Mashinani*
- iv. Consideration of the various Speaker's rulings, as well as judicial decisions that have a bearing on the procedures of the House.

### PROPOSALS FOR AMENDMENT

Mr. Speaker and Hon. Members, following the review process, the Committee proposes the following orders be amended.

#### 1. STANDING ORDER 136: LAPSE AND RE-INTRODUCTION OF BILLS

THAT Standing Order No. 136 (3) be amended to require that a Bill, the consideration of which has not been concluded at the end of the term of the Assembly should not lapse but may be taken over by a committee of the House or any Member at the stage at which the Bill had reached with the approval of the House, and subject to its republication.

Recommendation: The Committee propose that Standing Order No. 136 (4) be amended by introducing the words '*may with approval of the House in the new session be re-introduced by a relevant Committee of the House at the stage at which the Bill had reached*' immediately after the words "A Bill for the consideration of which has not been concluded at the end of the term of a County Assembly" and by deleting the word "lapse"

## 2. PROPOSAL ON IMPROVING THE EFFICIENCY OF COMMITTEES

Mr. Speaker and Hon. Members, Committees form an important avenue through which the House executes its duties. Therefore, effective committees translate to an effective House. In this regard the Committee proposes that:

- a) The streamlining of the mandates of Committees especially where the mandates are broad. This will ensure specialization and hence enhancing efficiency;
- b) The membership of the Committees be reconsidered; and
- c) Additional committees be established to deal with emerging issues

Specifically, the Committee proposes:

## 3. STANDING ORDER NO. 160

THAT Order No. 160 be rephrased to read as follows;

Composition of Select Committees

160.(1) *Subject to any written law, these Standing Orders or a resolution of the County Assembly, a Committee shall consist of an odd number of Members, not less than five and a maximum of 9 for Committees with Members of the leadership*

## 4. STANDING ORDER NO. 189

THAT Order 189(1) (e) be amended to read as follow;

There shall be a select committee to be known as the Budget and appropriation committee comprising of;

- a) The Chairperson
- b) Liaison chairperson
- c) Majority leader
- d) Majority whip
- e) Minority leader
- f) Minority Whip

Not less than 7 and not more than 9 other members.

THAT Order 189(2) be expunged so that Order 189(3) becomes Order 189 (2)

THAT Order 189(2)(e) be amended by deleting the words ‘tax estimates’ to read as follows;

*Examine economic plans  
and budgetary policies and programs with direct budget outlays.*

## 5. STANDING ORDER NO. 195 TO 206

THAT Order 195 to 206 be maintained;

*Justification – the Committee on General Oversight is to be retained among the committees. The General Oversight Committee to hold meetings every last Thursday of the month or a day before or after if Thursday falls on a holiday.*

## 6. SECOND SCHEDULE

THAT the Sectoral Committee on Cooperative, Finance, Trade and Enterprise Development be re-aligned with the department at the executive. .

Committee on Finance and ICT: All matters relating to Cooperative movement, micro finance institutions, empowerment of registered women and youth groups, insurance, proposed loans and advances by the Executive; fair trading practices and all matters of Tax estimates; monitor the spread and enhanced use of ICT in the County government to increase transparency and accountability.

Department: Finance, Economic planning and ICT

Committee on Trade, Tourism, Industry and Marketing: All matters relating to industrialization, trade development and regulations including markets; trade licenses (excluding regulation of profession); fair trading practices; local tourism, County parks, beaches, recreation facilities, wildlife conservation and preservation of old buildings like churches, schools, government offices, other buildings.

Department: Trade, Tourism, industry and Marketing

THAT Second schedule be amended by including the words ‘and all matters of tax estimates’ at the end of the paragraph against ‘Finance, and ICT to read as follows;

*All matters relating to finance, financial statements, insurance, proposed loans and advances by the Executive, trade development and regulations including markets; trade licenses (excluding regulation of professions); fair trading practices and all matters of Tax estimates.*

THAT the Sectoral Committee on the Administration of Law, Justice, Constitutional Affairs, Good Governance and Security should be retained and its mandate to include: All matters related to County Public Service, County Administration and Governance, Referendum, issues of integrity, conflict of interest, Enforcement services and coordinating the participation of the people in governance and County security.

Department: Public Service County Administration and Participatory Development

THAT, Sectoral committees be properly aligned to their respective departments in accordance to the changes made on the various departments to read as follows;

## SECOND SCHEDULE SECTORAL COMMITTEES

[Standing Order 193] Subject Area

THAT, the sectoral committees shall align to the County Government Departments of the Day.

Agriculture, fisheries, Livestock development and irrigation.	All matters relating to agriculture and irrigation including crop and animal husbandry, livestock sale yards, County abattoirs, plant and animal disease control, veterinary services(excluding regulation of the profession) and fisheries; animal control and welfare, including licensing of dogs and facilities for their accommodation, care and burial of animals.
Medical Services, Public Health and Sanitation.	All matters relating to County health services, including, in particular, County health facilities and pharmacies, ambulance services, promotion of primary health care, licensing and control of undertakings that sell food to the public, cemeteries, funeral parlors and crematoria and refuse removal, refuse dumps and solid waste disposal and sanitation.
Sports, Culture, Gender and Youth Affairs	All matters relating to sports, cultural activities, local heritage and gender issues; public entertainment, including cinemas, video shows and hiring; control of drugs and pornography; National Youth Service and youth affairs.
Infrastructure, Energy and Public Works.	All matters relating to energy, County transport, including county roads, street lighting, traffic and parking, public road transport and ferries and harbours, excluding the regulation of international and national shipping and matters related thereto; County public works and services including storm water management systems in built-up areas; firefighting services and disaster management.
Lands, Housing, Physical Planning and Urban Development.	All matters relating to land; county planning and development , including statistics, land survey and mapping, boundaries and fencing; housing; urban development
Education, Technical Training, Innovation and Social Services.	All matters relating to pre-primary education, adult education, village polytechnics, craft centres and childcare facilities; public amenities; innovation.

Water, Environment, Natural resources and climate Change.	All matters relating to the provision of clean water for domestic use; implementation of specific National Government policies on Natural resources and environmental conservation, including soil and water conservation and forestry and control of air pollution, noise pollution, other public nuisance and outdoor advertising; Climate change.
Trade, Tourism, industry and Marketing.	All matters relating to industrialization, trade develop and regulations including markets; trade licenses(excluding regulation of profession); fair trading practices, micro finance institutions, empowerment of registered women and youth groups, insurance, proposed loans and advances by the Executive; fair trading practices and; tourism.
Finance and ICT	All matters relating to finance, financial statements, all matters of Tax estimates; monitor the spread and enhanced use of ICT in the County government to increase transparency and accountability.
Ward Development Committee	All matters relating to developments in the wards

## SELECT COMMITTEES

THAT, Labour, Welfare and Equal Opportunities committee be changed to a select committee as it's no longer aligned to a department.

Mandate; All matters relating to labour, trade union relations, manpower or human resource planning, social welfare.

### 7. STANDING ORDER NO. 164: Notice of Meetings

The committee observed that there was need to include use of electronic means of communication as a mode of issuing notices to Members.

Recommendation: Amend paragraph (2) by deleting the words “*through the email addresses of a Member*” appearing immediately after the word “*circulation*” and substituting therefore the words “*by electronic means to a Member’s official communication address or number*”

#### 8. STANDING ORDER NO. 183: Progress Reports for Committees

The Committee proposes that the half yearly report by Committees on their activities be revised to quarterly. This is to allow committees to make more regular reports to the Liaison Committee on their activities.

Recommendation: Amend Standing Orders No. 183 (1) by deleting the words “half yearly” appearing immediately after the word “*submit*” and substituting therefor the word “*quarterly*”

#### 9. STANDING ORDER NO. 183A: Exit Reports

The Committee notes that there is need to provide for continuity on the functions of Committees on matters under their mandate. It would be important for succeeding Committee to be appraised of key achievements by preceding Committee and also of any pending matters of concern.

Recommendation: Amend by introducing a new paragraph 183 (3) as follows:

*183 (3) the chairperson of Committees shall table an Exit Report to the Assembly at the expiry of its term.*

#### OTHER PROPOSED AMENDMENTS TO THE STANDING ORDERS.

Mr. Speaker and Hon. Members

The Committee further proposes the following amendments to the Standing Orders.

#### 10. STANDING ORDER NO. 2

THAT, Standing Order 2 be amended -

- a) by deleting the definition “Majority Whip” and substituting therefor the following new definition;

*“Majority Party Whip” means the member elected as the Party Whip by the Majority Party.*

- b) by deleting the definition of “Minority Whip” and substituting therefor the following new definition;

*“Minority Party Whip” means the member elected as the Party Whip by the Minority Party.*

c) by introducing a new definition of Party Whip as follows:

*“Party Whip” means a member designated by a parliamentary party as its party whip for the purposes of the transaction of the business in the House and includes the Whip of the Majority Party and the Whip of the Minority Party.*

NEW STANDING ORDER 61A, 175A, 175B, 175C, 243A

#### 11. STANDING ORDER NO. 61A

1. THAT a new Order No. 61A be introduced to include ‘*procedure for removal of a member of the County Assembly Service Board appointed from the members of the County Assembly*’ to read as follows;

61. (A) Procedure for removal of a member of the County Assembly Service Board appointed under section 12(3) (c) of the County Governments Act (No. 17 of 2012).

(1) Such member, on grounds provided for in Section 10 (1) of the County Assembly Service Act (No. 24 of 2017) may be removed from the office by the political party which nominated him/her and through a resolution supported by simple majority of the members.

(2) A vacancy occasioned by (1) above shall be filled within twenty-one days of vacancy.

#### 12. STANDING ORDER NO. 61B

THAT a new Order No. 61 B be introduced to include ‘*procedure for removal of deputy Speaker*’ to read as follows;

61 (B) Procedure for removal of Deputy Speaker.

(Adopt that of the speaker with necessary amendments ie simple majority)

*(1) Standing Orders 176 (Vote of no confidence in the Chairperson or Vice-Chairperson) shall apply, with necessary modifications, to the removal of the Deputy Speaker.*

(2) A vacancy occasioned by (1) above shall be filled within twenty-one days of vacancy.

## 13. STANDING ORDER NO. 242A

2. THAT a new Order No. 242A be introduced after renumbering to include 'Bunge Mashinani' to read as follows;

Bunge Mashinani

*243. The Assembly in the spirit of promoting public outreach, may from time to time as necessary hold its plenary sittings at ward level and all the provisions of parts VII, XV, XVI, XVII, XVIII, XXVIII of the Standing Orders and any other related provisions of this Standing order and other related laws shall apply.*

## 14. STANDING ORDER NO. 13(1);

THAT a new Order no. 13A be introduced as follows;

## 13. Election of the deputy speaker

(2) *As soon as practicable after the election of a Speaker following a General Election, a Deputy Speaker shall be elected by the County Assembly as per article 176 of the constitution of Kenya 2010.*

## 15. STANDING ORDER NO. 23

THAT Order No. 23(1) be rephrased to read as follows;

Address by the Senator, Visiting dignitaries or members of National Assembly

*23 (1) The Speaker may, in consultation with the Leader of the Majority Party and the Leader of the Minority Party, allow the Senator of the County, a visiting Governor, Member of the National Assembly or other such visiting dignitary, to address the County Assembly on such occasions as may be appropriate.*

## 16. STANDING ORDER NO. 113. (6)

THAT Order No. 113(6) be rephrased to read as follows;

*A Bill shall be signed by the Member in charge of it and laid on the table of the County Assembly and introduced by way of First Reading in accordance with Standing Order 122 (First Reading of Bills).*

*Justification - Tabling/Laying of Bills initially not provided for and ought to come at 'Introduction of Bills.'*

## 17. STANDING ORDER NO. 50 (j)

THAT Order No. 50(j) be amended by deleting ‘230’ and replacing therefore with ‘237’ to read as follows;

*motion made under Standing Order 237 (Exemption of business from Standing Orders).*

*Justification - Wrong Order No. quoted.*

## 18. STANDING ORDER NO. 193(6)

THAT Order No. 193(6) be rephrased to read as follows;

*Each Sectoral Committee shall comprise a Chairperson and 6 other members.*

## 19. STANDING ORDER NO. 225 (3)

THAT ORDER NO. 225(3) be expunged.

*Justification-* The item referred to herein (Procedure in Committee of Supply) does not exist anywhere within the Standing Orders.

## 20. STANDING ORDER NO. 237 (2)

THAT Order No. 237 (2) be amended by deleting ‘207’ and replacing therefore with ‘220’ to read as follows;

*No Motion for the exemption of business from the Standing Orders shall be made to exempt any business from Standing Order 119 (Publication), Standing Order 120(Not more than one stage of a Bill to be taken at the same sitting) or Standing Order 220 (Restriction with regard to certain financial measures).*

*Justification - Wrong Order No. quoted.*

## 21. STANDING ORDER NO. 244(6)

THAT Order No. 244(6) be amended by deleting ‘129’ and replacing therefore with ‘131’ to read as follows;

*Standing Order 131 (Procedure on Bills reported from Committee of the whole County Assembly) shall apply to a Motion to approve the report of the County Assembly Procedure and Rules Committee on the amendments proposed to the Standing Orders.*

*Justification - Wrong Order No. quoted.*

**CONCLUSION**

Mr. Speaker and Hon Members,

In making the recommendations, the Committee considered the practice in comparative legislatures such as the National Assembly and the Senate as well as emerging trends in the conduct of the business of the House during this term of the Assembly. It is hoped that this review of the Standing Orders will assist the Third Assembly to effectively and efficiently discharge its mandate of legislation, representation and oversight.

NOW THEREFORE, in line with the provisions of PART XXVIII (*Amendment of the Standing Orders*), the Committee on Procedures and Rules recommends –

- i. THAT, pursuant to the provision of Standing Order No. 243 (5), the House approves the proposed amendments to the Standing Orders as contained in the First Schedule to the Report;
- ii. THAT, pursuant to the provisions of Standing Order 265, the House resolves that the amendments made to the Standing Orders shall commence in the next Financial Year starting July.

I, therefore, want to call upon Hon. Emily Oginga to second the adoption of this report. Thank you, Mr. Speaker.

**The Speaker** (Hon. Oraro): Hon. Emily Oginga.

**Hon. Oginga** (Nominated MCA): Thank you, Mr. Speaker. First of all, I want to commend this committee for the marvelous job they have done. We say that this House is a House of order, and from the report that has just been presented, we can actually see an improvement in our current Standing Orders that will help us discharge our mandate to the people of Kisumu County effectively. One of the key areas that actually attracted me, was the *Bunge Mashinani*.

Mr. Speaker, I would like to actually appreciate this group for coming up with *Bunge Mashinani* because in my interactions with people out there, I realized that not so many people understand what the Assembly is mandated to do. Just recently, I was in a meeting and just heard somebody asking the MCAs who were in attendance, to employ the youth to clean up the drainages. Mr. Speaker, I believe that by the introduction of *Bunge Mashinani*, we will be able to go down there and interact with our people and let them know about our responsibilities and also to help them to know how to go about issues that come up within the County.

Mr. Speaker, secondly, I want to talk about the committee realignment. I think this has been long overdue because there has been a lot of conflict in the committees, especially the sectoral committees. Mr. Speaker, I would like to talk about a recent case where we had the vetting of the Chief officers. Mr. Speaker, you know that some of the Chief officers had to be vetted by two

sectoral committees at one sitting. I believe that by realigning these committees to the relevant departments at the Executive, then we will be able to discharge our duties well without having to have a bigger group sitting down to look into issues affecting these departments.

Another issue that I would like to emphasize on, is on Standing Order (S.O) No. 183 (3). In this S.O, we have the exit report by the Chairs of various committees. Mr. Speaker, I believe that this is a very good move which will enable continuity for various Houses. I believe that it will help the new Members who will come in five years to come if not all of us make it back, and they will be able to continue with the businesses that needed to be done by the Third Assembly. They will also be able to transition well with less repetition. Otherwise, Mr. Speaker, I would like to thank the committee for a wonderful job, and for giving us room for amendments in future. I second the report. Thank you.

**The Speaker** (Hon. Oraro): Thank you, Hon. Leader of Majority and Hon. Emily Oginga. Honorable Members, when the Paper was laid, I did refer ourselves to the Standing Order No. 244(5) *'The County Assembly shall consider the proposed amendments to the Standing Orders as reported from the County Assembly Procedure and Rules Committee on a Motion that: The report of the County Assembly Procedure and Rules Committee be approved.*

Honorable Members, the second part of it says that it can adopt the procedure on Bills reported by the committee of the Whole County Assembly, as per S.O. No.131 Procedure on Bills reported from Committee of the whole County Assembly shall apply to a motion to approve report of the County procedure and rules committee on the amendments of the proposed Standing Orders. Therefore, Hon. Members, with slight modification, I want to direct that I propose the Motion for debate. Thereafter, we shall allow any further amendment in it. If none, we go the guillotine way. I put a question on the proposed amendment as a whole, where we will vote for or against it in a combined way.

In that regard, Hon. Members, I want to propose that the Motion for the adoption of the report from the Procedure and Rules committee, on the amendment of the Standing Order, is open for debate. Yes, Hon. Gard Olima.

**Hon. Olima** (MCA, South West Nyakach ward): Thank you, Mr. Speaker. I rise to support the report brought by the procedure and rules committee. Mr. Speaker, any law is a work in progress, and therefore, if you made changes after seeing what has been happening, I want to support the report and see how best we can serve the people of Kisumu with the new rules that we are going to get if we pass this report. Mr. Speaker, I wanted to request that we look at the report keenly. The Second Assembly created the Ward Development Fund committee hoping that we were going to have funds for it but up to date, it is mere hot air and I thought the committee would be wise to remove the Ward Development committee from our select committees. It is written here that the Ward Development committee will look at the ward developments in the wards. So, what will these other committees be doing in the wards? How I wish that the committee would have just

abolished the Ward Development committee because it now negates what all the other committees are doing. What we are all trying to do here is to develop the wards. I do not know at what point the Committee on Medical services, Health and Sanitation will come in and the point at which the Ward Development committee will come in.

If you are doing a road in South-west Nyakach ward, the committee on Roads will be looking into that, and it is equally development. I do not know if they will be going together with the ward development committee to do the same. How I wish that we can check on that and see because as it stands, that committee will be doing nothing, because it is a matter concerning roads, and should be done by the Roads committee. If it is a matter of Health, it will be done by the Health committee. At what point will we be using the ward development committee to do anything in the wards? That is one request that I wish the committee could check into.

Secondly, Mr. Speaker, I have just realized that there is an amendment in the position of the Deputy Speaker. Mr. Speaker, I think a Deputy Speaker is a deputy to a speaker who is elected by the Members as per the Constitution that was promulgated in 2010. The election of the Speaker is the same way we elect the deputy Speaker. Therefore, the removal of a deputy speaker should be the same way as the removal of a speaker. I do not think we should lessen that office such that a simple majority vote makes one vacate that office. We should protect that office so that it should also have a mandate and feel to be part of the leadership because by being a Deputy Speaker, you go through the normal election that the Speaker goes. I therefore do not think that we should amend that to a simple majority because it is a Constitutional office held by a person elected by majority of Members in this House. The simple majority aspect I think should be abolished and remains the same way as when to remove a speaker.

Lastly, I would just request that as we adopt this report, and as it has been said that it will take effect this FY, Mr. Speaker, we are going to be in committees how I wish to request the leadership that are going to put and realign people in committees that we use the strengths of different people. We have members here with different strengths and knowledge. If you were to ask me any day and time who the Chair of Health committee would be I will tell you that would be Hon. Jagongo because of how he has been there from the Second Assembly to date. How he performs his work in the committee of Health. How I wish that if leadership is going to place Members in different committees, the strengths of different people and what those people feel they can do better so that we get the seven who can work hard to make sure that this House does the best.

In addition, my request to the leadership would be that, as we do all these things, let us please ensure that all the sub-counties are represented in those committees so that even if I am not there, then my brother, my junior Hon. Lumumba Owade can represent me---

*(Laughter)*

Can represent me even when I am not there so that each and every Sub- County, when we are doing something in Health, let us get at least somebody from a sub-county. So that all these sub-counties feel represented in those committees so that we work as a team and ensure that if I am there and Hon. Lumumba is not there, he is assured that what we are going to discuss is part and parcel of development in his ward. With those few remarks, I support.

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

**Hon. Nyaoke** (MCA North Nyakach ward): Thank you, Mr. Speaker. Let me also put my concern in this very important Motion. I want to thank the committee; having been in that committee I am still proud that good work is still going on. Mr. Speaker, we have looked at all the areas of interest that we are actually making changes on particularly areas which had errors. The other logical things that I can see has been done particularly on changes made on Standing Order No. 136 on the lapse and re-introduction of Bills. Mr. Speaker, this is something that if we didn't look into keenly and made a change on it, we would be losing very important Bills that ought to have been started, Mr. Speaker.

The other thing that was looked on is the proposal on the improving the efficiency of the committees. Mr. Speaker, the design which has been proposed in these particular amendments, I am sure and I am certainly proud that is going to bring a good change in the way that we are handling our committees. I am promising you that we will, whether I get into committees or not, I am sure those who will get into these committees are able and equal to the task to show that they are able to perform. Mr. Speaker, if we join our hands together in this House, make sure that what actually brought us into this House is properly articulated and executed. Mr. Speaker, I do not think we will have various issues going forward.

Mr. Speaker, I also want to support what my colleague Hon. Gard Olima has said. That really, there are certain things that while we are going to consider the composition of committees, there are people that even if you ask me who will be a Chair of which committee, I can comfortably do it without an iota of doubt. There are certain areas that I would know certain people would fit well whether they like me or not. I believe and trust that the leadership is going to be impressed upon by the Holy Spirit, the guidance of God, so that as we pray in our Assembly prayer, let that prayer get into their hearts as they go to perform this task of realignment of the committees. Thank you, Mr. Speaker.

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

**Hon. Oraro** (MCA, Kolwa Central Ward): Mr. Speaker, I want to appreciate this opportunity and to also appreciate the report made by the committee members and the secretariat who tried to write the report and the way they wrote the report shows a lot of maturity and how advanced they are. There is this question of the removal of the Deputy Speaker, which I have heard Hon. Gard Olima Speaking about. Actually, we should see it as an amendment and ask you, the Speaker, to give us

a way forward on how we can amend that so that remove it. We want to make sure that the Deputy Speaker and the Speaker are protected.

The issue of simple majority and reasons why a Deputy Speaker can be removed should be clear. We do not just wake one day and say that we are 47 members, we are not interested in our deputy speaker and then we vote and say that it is a 24 against 23 and then you are told that you are no longer a deputy speaker. There must be protection of the said offices so that we live harmoniously and for you to even imagine removing a deputy speaker should be a serious thing.

Therefore, I want guidance from you on how you feel that we can propose the amendment, and if possible, we invite someone to second the amendment and it is debated on the issue of removal of the deputy speaker so that we move to the next level. Because, that is one thing that even without looking at it, maybe not Hon. Nereah Okombo who is there today, but we are looking at any other person who will be a deputy speaker. To imagine that you want to remove a deputy speaker is equivalent to imagining of removing a speaker and it is to imagine that you want to remove a governor. That imagination is what we need to control, and that is why I differ with that part in the report, and I think you should give us guidance on how we can amend it in that report.

Secondly, I want to appreciate that the question on Labor and social welfare being treated as a select committee because as a sectoral committee it is hanging. They are trying to look for some roles but they are not there that is why they always invite the County public service board, which is an independent body in the County. Being an independent body, they are not even subjected to threats. The actual thing that the labor committee should be doing as a select committee the way it has been proposed, is to also look at the welfare of workers within the County. Are they serving the County? Are they doing their roles like recruitment of revenue officers and enforcement officers?

The Labor committee has the powers to even analyze and say that these people are helping the County or we are just paying people who are not doing good work. In one way or another, they have many roles that they can do apart from only concentrating on recruitment processes Mr. Speaker. So, I support the issue of labor and social welfare committee to be differed as a select committee but with clear roles. This will help in giving advice, like when you talk about shortage of staff in VTCs, which is under the department of education.

The committee on labor should have a role in those areas despite having a department under the same because labor will always be concentrating on the workforce and the welfare of the workforce within the County. So, I support the report on the issue of labor being a select committee. The last issue that I might also want to bring to your attention is the operation of committees in terms of meeting. One of the hurdles that we have in Kisumu County Assembly in terms of meetings, is that HBC can do that because it has many members, and for you to have a peaceful meeting, then forces the HBC to sit and arrange for those committees to have a sitting.

Mr. Speaker, if we have a situation like what we learnt from the Senate, a committee Chair should see the essence of having a sitting without passing through HBC. With that, a committee can make appropriate arrangements. You hear that some committees have not presented their reports, you will not be surprised to hear that these committees do not have time to sit, and, even if they sit there will be always some collision where members are unavailable to transact committee business.

However, if we have a situation where a committee has seven members committed to achieve specific goals, that will make their work easier. However, if everything will be controlled by HBC, then a lot might not work well. For this reason, as you continue improving your document, the issue of how you want them to operate, they can arrange and say this month we plan for, six sittings. But, if it is still under HBC, then you will not have solved the problem of other committees not presenting their reports on time.

Finally, Mr. Speaker, I want to say the document that has been brought before us today is one of the ways of trying to empower Members and the Assembly to operate effectively, to produce good reports and above all, to make Members be relevant in relevant in terms of committee work. If this is implemented, I am sure that by the next Quarterly Report, you will see many Members very happy. You will also assess which committees are performing. For now, if you were to ask members to vote for the committees that have performed in this Assembly in this last Financial Year, I can tell you that the leading is Budget and Appropriations Committee followed by Health Committee whose Chair is Hon Jagongo. The third position, in my estimation, would go to Education committee. Mr. Speaker, there are other dormant committees which makes me wonder if their chairs are alive. They ought to come out and work. Thank you, Mr. Speaker.

**The Speaker** (Hon. Oraro): Hon Onyango

**Hon Onyango** (MCA, Railways Ward): Thank you. Mr. Speaker, I want to take this opportunity to thank the committee for submitting a good report. Mr. Speaker, I support the full adoption of this Report with a few comments. First, I want to thank the committee for giving our Committee of Ward Development some work. Hon Gard, if the committee is abolished, then you will have no committee.

*(Laughter)*

Secondly, Mr. Speaker, I always support the simple majority.

**The Speaker** (Hon. Oraro): Order Members. Allow Hon Onyango to make his submissions

**Hon Onyango** (MCA, Railways Ward): I support the simple majority on removing a Deputy Speaker. This is not a matter of targeting someone but just an issue of bringing order. This will remind any holder of that office that he or she is first an MCA. It will also be reminder to the Speaker that once his deputy is removed from office, then he must also get serious.

(Laughter)

Therefore, as for me, I support

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

**Hon Adegga** (MCA, Kajulu Ward): On a point of order. Is the Member threatening the Sitting Speaker?

**The Speaker** (Hon. Oraro): Hon Adegga, I think that is out of order because he made his opinion. I do not think he was targeting anyone.

**Hon Onyango** (MCA, Railways Ward): Thank you Mr. Speaker for protecting me. I know Hon. Adegga wanted to be noticed.

(Laughter)

What I was saying that I commend the committee for suggesting a simple majority for removal of a deputy speaker. This will bring some order. The Speaker will also see that he or she is not invincible and that any occupant of such an office can be impeached. Thank you, Mr. Speaker, I support.

**The Speaker** (Hon. Oraro): Hon Ken Ouko

**Hon Ouko** (MCA, West Kisumu Ward): Thank you Mr. Speaker. I would like to thank the Committee for coming up with all these amendments to our Standing Orders. It is important that we align ourselves to requirements.

Mr. Speaker, for one to be elected as a Speaker in County Assembly of Kisumu it is not an easy work it is not easy work. You will have to complain everywhere, you have to campaign everywhere, to move everywhere and it requires a lot of money. Being a Deputy Speaker automatically you have to be an MCA which means you have a fall back plan if you are impeached.

We cannot equate these offices in terms of powers. There will be a lot of struggle for power if we do that. Sincerely speaking, the Deputy Speaker who has a fall back plan if sent back home he or she will not go home but will remain as an MCA. However, when the Speaker is sent away, he will go home there is no fall back plan for the Speaker. I recommend that the Speaker be given opportunity, as it was explained in our Standing Orders, and the Deputy Speaker can be removed from the office with a simple majority. This will bring a lot of order in the House. I beg to support. Thank you.

**The Speaker** (Hon. Oraro): Hon Obaso

**Hon. Peter Henry Obaso** (Nominated MCA): Thank you, Mr. Speaker. Let me start by commending the committee for a job well done. Secondly, Mr. Speaker, I want to support this

report and I am happy with the realignment, as we have seen we have seen confusion before. When Hon. Farida was here, she was always addressing finance the committee led by Hon Carren and the other committee led by Hon Wajewa. Every time we could be there around 32 members of us in that committee, I think this is in order, at least we will have a flow of our job.

Secondly, Mr. Speaker, I want to totally agree with the Report except on the removal of a Deputy Speaker by a simple majority. My take is that it should be left as it is because I think it will lead to scramble for power in this House. This is my view, Mr. Speaker. I beg to support.

**The Speaker** (Hon. Oraro): Hon. Miriam Abeid.

**Hon. Abeid** (Nominated MCA): Thank you, Mr. Speaker. One I would really like to thank you, with your team for coming with a wonderful report, I support 100 per cent what is in that document and I have realized the issue of impeachment of Deputy Speaker. Hypothetically speaking, it is becoming an issue. I believe if you are put in a position where you feel too comfortable, it also tends to compromise the quality of service you give but when you know there are people you are indebted to, then you perform better. I support that document in totality.

**The Speaker** (Hon. Oraro): Honorable Member what I want to correct is that the Deputy Speaker is not being impeached. It is called removal from office. Those who can be impeached are the Speaker, the Governor, the Deputy Governor and the CECMs. However, for the Deputy Speaker, we use the term removal from office. Hon. Okoyo.

**Hon. Okoyo** (MCA, Central Kisumu): Thank you Mr. Speaker for giving me this opportunity. Mr. Speaker, I rise to support this report. I want to appreciate what the committee has done, and that is the Committee on Procedure and Rules, which you chair. I want to inform the House that I am pleased the way you are leading us in this Honorable House. Mr. Speaker, this afternoon when our Members were coming in, you can see members are smart today and I believe that is the wisdom from you. I want also to remind you one of your Members, when he was approaching the house almost all Members mistook him for a hippopotamus or an elephant.

*(Laughter)*

Maybe, they were seeing him as big as the elephant or as hippopotamus. Mr. Speaker that should tell you that the welfare of Members is well taken care of, and that is a part on your back. I also want to appreciate the idea of reducing the Members of the committees to seven or at most nine Mr. Speaker, in Dholuo language, we say, not many rats dig the hole or is it few rats dig the hole? I believe when we are few we are going to perform perfectly. Therefore, Mr. Speaker I support the report and moving forward Mr. Speaker, as the Chair of Labour committee, I want to inform the Members that the mandate they have been given now will make them smile because we believe we will go extra mile to see how because when they were campaigning, they promised their

electorates jobs to see how you can bring electorates to work in the County Government of Kisumu. Thank you, Mr. Speaker.

**The Speaker** (Hon. Oraro): Hon. Bill.

**Hon. Bill** (MCA, Kobura Ward): Thank you, Mr. Speaker, I arise to support the document on the two basis. First, Mr. Speaker if you look at the management you realize that in the past, people did many things but as years go by, there is something called division of labour and with that, we tend to do a lot of research, because we are concentrating on one thing. On that basis, I support the document because when people are concentrating on a small number of committees there is a lot that can be done. A member cannot perform well optimally in fifteen or twenty committees. I am using that as an example, not targeting anybody. For good performance and again to give Kisumu a good name, you realize that having fewer numbers in committees will take Kisumu to some greater heights.

Secondly, Mr. Speaker, I am supporting the report because we had the errors in the areas that were quoted. That is normal and rectifying the same will deliver a good document. Thank you.

**The Speaker** (Hon. Oraro): Hon. Lumumba.

**Hon. Lumumba** (MCA, South East Nyakach Ward): Thank you, Mr. Speaker. I rise to support the document, but what I would like to tell this Hon House that let us not read mischief in these amendments. Orders are made for prosperity, not for Hon Lumumba but for the offices. I think why this amendment of Deputy Speaker is coming up is that, it is not provided for in the Standing Orders.

In the Standing Orders, we only have the Speaker. Why are you not reading the mischief in the procedure of removing a member of public service board? It is in the amendment. It is also in the amendment here providing order of removing any office of majority and minority. We are not doing this thing to hurt or please anyone. Therefore, there is nothing wrong! Kindly accept this a document. It is an omission that might have happened when the Standing Order was being done.

Always, everywhere there is an exit rule. The Speaker one is because he does not have a fallback plan. If impeached, he will go back home, the Deputy Speaker if removed he or she will remain in the House as a Member of County Assembly. Therefore, I am appealing to you not to read mischief in this thing we are trying to have some order in this Standing Order. Thank you Mr. Speaker. I support the report.

**The Speaker** (Hon. Oraro): Hon Nereah Okombo.

**Hon. Okombo** (MCA, Manyatta B): Thank you, Mr. Speaker. Mr. Speaker I also rise to add my voice to the amendment in the Standing Orders. Mr. Speaker, I want to support as a member of the committee but Mr. Speaker I want to ask or implore on my colleagues that as we look at this report,

we look at it objectively, Mr. Speaker, without any ulterior motives because an assembly is a political outfit Mr. Speaker where different interest and other interest may arise.

Mr. Speaker I want to use the example of the recall clause constitution, where the constitution provides for recalling of an MCA. When you are recalled, the community does not chase you away from that community. You blend back to the community but then there are measures place before that recall is infected Mr. Speaker. I therefore want this House not to look at an individual when discussing this report or whichever interest somebody may have, because offices come and go, persons come and go but constitutional offices that are enshrined by the law are there to stay subject to amendments. I, therefore, want to give this office security that befits it.

Mr. Speaker, the subject of amending the standing orders is not coming up today. It has been a process and a walk It has been a discussion that members have had their opinion and because some members have may not find it easy to throw dust at you Mr. Speaker, most of those dust are being thrown at Nereah as the Deputy Speaker. For that reason, if members can look at the report, I am a Member of the committee, but I did not append my signature, not that I was opposed to the report, but, I wanted some measures or some discussions to be undertaken for everyone to be at per or understand the report. Mr. Speaker that was done at the *Kamukunji* today, and am glad that those of us who could actually not understood the reason for realigning committees, did and understand and that now the dust will not be thrown or directed at the Office of the Deputy Speaker

It is in order that we put measures into place that as much us the deputy speaker because Nereah may not be here today. She may be in the National Parliament tomorrow but there will be somebody, may be Hon Billy in the office of the Deputy Speaker. We want to give that office the dignity that it deserves Mr. Speaker, so that not every single malice, not every political interest can be used to underestimate the office of the Deputy Speaker.

Mr. Speaker I want to join my colleagues, Hon. Gard, and two other Hon Members who had talked. However, I want to differ that as the House may adopt the simple majority way Mr. Speaker but I request that measures be put in place, reasons as to why the Deputy Speaker can be removed from the office without just waking up one day that now we have a simple majority we are removing the deputy speaker. That is my submission. I beg to support.

**The Speaker** (Hon. Oraro): Hon. Seth Okumu then Hon Alice Wajewa.

**Hon Okumu** (MCA, East Seme Ward): Thank you so much, Mr. Speaker. Mr. Speaker I rise to support this report. Hon Speaker I remember when we were in the Second Assembly as we were trying to amend the standing order, Hon Members refused that you allow that be amended by the Members that will be elected in the Third Assembly so that they are responsible for any changes if it affects them, so that they don't say that why the second assembly amends the standing order that is not favorable for us and you obliged and you have given us those who have come to the

Third Assembly the opportunity to make laws that govern us in this assembly, should it go well we will thank ourselves should it go bad we thank ourselves .

Hon. Speaker, they were simple changes that we needed to make in the standing order, like references to difference in the standing orders that were not quoted well. Those were really necessary and that needed no debate for us to pass. Mr. Speaker, I remember when people were talking about welfare, I had even proposed why don't we have 24 committees because we're 48 members including you, we have 24 committees each having two Members, whatever amount given to that committee the two members are going to divide, because, sometimes most of us are thinking about it in terms of welfare and the math we were doing here if two members are in a committee and you are given Kshs. 2.5 million, then each of you will be having over a million each. That's the math we were talking about. However, but that is not enough, apart from being in a committee we talk about representation, and in representation, it has to be a reflective of the numbers we are having in the Assembly.

I remember before we came with the 15 Member committee, that we are having then in the second assembly the reasoning was we were 48 members including the speaker and the quorum of assembly was 15, so any 15 members will sit and make decision on behalf of the people Kisumu and that was replicated in the committees. But we are agreeing here that we are reducing and that any 7 Member that would sit and make decision on behalf of the people of the Kisumu assembly that if everyone comes, but the quorum of that seven is only a third. If three people can sit on behalf of 1.3 million residents of Kisumu County that is the only question am still asking for myself. Hon Speaker, yes, we want welfare, yes, we want effectiveness but how we address the issue of representation in this Assembly of committees do you believe that three is enough to make the decision that affects the people of Kisumu? And if you believe, so let us live by that. Honorable Members, I had to bring this up so that I go back to what I had said in the Assembly to make decision and live by it. Honourable members that is my submission to the standing orders thank you.

**The Speaker** (Hon. Oraro): Hon. Alice Wajewa.

**Hon Wajewa** (Nominated MCA): Thank you, Mr. Speaker for the opportunity, first of all I want support the report and I want also to congratulate the committee Members that came up with this report, especially you the chairman Mr. Speaker, I was a very difficult task and I think if you are somebody who gives up easily you could have given up on this issue, because it was no easy. I just want to congratulate you and the committee for standing firm and explaining well to the members about the committee. I want to congratulate all the Members for accepting and for being patient when the Speaker was explaining and here we are. I want to talk on the realignment of committees. It was an embarrassment to us, especially me during the budget making process we engaging the Executive, there were a lot of confusion when it comes to our work because the

committees were not realigned with the executive and I just want to tell you that I support the report in totality. Thank you very much.

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

**Hon. Dede** (MCA, Kisumu North): Thank you, Mr. Speaker for the opportunity to also echo my sentiment concerning the motion. First of all, I congratulate the committee for having work well for the assembly, concerning the realignment of the committees, it has come at the right time Mr. Speaker because in the committees where were at 15 yet during the meeting time we cannot even attend the quorum of five. So, if we are seven, at least three can sit in a committee and make the deliberations making the committee at 7 there will be productivity to this house where by, there has been a time allocation being made of 2m per committee. You find that if you are 15 members we can have one sitting and yet we dispense with all the money and then there is plenty of work to be done by the committee so that when we are 7 in a committee between 7 to 9 the allocation of 2.1m for instance, we can at least do 3 activities in a committee for example, like the Committee on Implementation, it has plenty of pending work, reason being the allocation placed for the committee was used once and done with at all. At least, when a committee is reduced to 7 it will work well with us because if the committee go once the remaining money will be used for other two meetings so they suspend with the money. With that, I also rise to support my colleagues in the re-alignment of the committees, such that members will also work and be productive at long last. Otherwise, thank you.

**The Speaker** (Hon. Oraro): Hon Jagongo.

**Hon. Jagongo** (MCA, North West): Mr. Speaker, looking at my watch and also considering the mood of the House, may I call upon Mover to reply.

**The Speaker** (Hon. Oraro): Hon. Members I said that this is a unique report in the house, which follows a particular standing order. So, before I give the Hon Leader of Majority to reply, I want to make some standing order 244 that I read provided that the Report of the County Assembly procedure and rules committee is approved based on the Motion as was approved by the Leader of Majority. However, if there is any amendment then we go to Standing Order No. 131.

I have listened and noticed that Members have narrowed down to one major issue that is the office of the Deputy Speaker. I may not be able to debate but, I want to inform Members that my attention has been drawn to the County Government (amendment) Act 2020, which provides for provision on the limit on how to remove them from the office just like the Speaker. It is talking about 2/3 of the Members and not simple majority. Therefore, it is something that is already provided for in the amended County Government Act. The Hon. Leader of Majority, please take note of that as you reply.

Serjeant-at-arms, kindly assist the Hon Leader of Majority.

**Leader of Majority** (Hon. Ooko, MCA, Ahero Ward): Thank you Mr. Speaker. As I reply, I want to thank members for their contribution. First, I want to acknowledge the sentiments of Hon. Zachary Okoyo that today Members are very smart in this House, especially Hon. Ochele and Hon. Onditi, I want to thank you for that.

Mr. Speaker, I want to also acknowledge the contribution of Hon. Bill Oliver about a member having many committees while the other, one committee. I do not see a problem when a Member has many committees and I want to give example in this House, as it stands, Hon. Seth Okumu sits in thirteen committees and I can confirm that he attends all of them. On the same note, my able friend Hon. Gard Olima who has one committee and never attends any sitting. Therefore, Mr. Speaker, it is not a matter of having many or one committee.

Mr. Speaker, I want to agree with the Deputy Speaker and you have done a clarification that I don't want to dwell on, that the Deputy Speaker is a constitutional officer that is there to stay. I want to remind Members that, if you look at the proposed amendments on page 16, we are talking about each sectoral committee being reduced to seven Members. At the moment we have fifteen which means that in each committee, eighteen Members will be dropped. This is done without looking at any individual as a person, we are talking about membership.

Mr. Speaker, Hon. Alice Wajewa talked about re-alignment of the committees. We had to do this as a committee because the confusion that we have witnessed when members of the Executive come to the Assembly has not been pleasing and this will enable us do away with such confusion in the future.

Mr. Speaker, I also want to agree with Hon. Olima that this is work in progress and I want to refer Members to page 8, where I started by saying that the Standing Orders provide three avenues through which they can be amended. One says that The Procedure and Rules can propose amendment any time and that is why I propose that this House adopt the report. We have the procedure and rules committee and they can still do further amendments in case we experience any difficulties.

I would like to inform the members on the issue that was raised by Hon. Olima, about the ward Development committee. As Procedure and Rules committee, we received a report that we retain the committee but we change the name and the objectives. The Chair is also confirming the same and that is why I had said that Hon. Olima has not been attending the meetings.

Mr. Speaker, I also agree with Hon. Olima that when the Selection committee will be placing Members in committees, we consider all the sub counties by making sure that all the regions are represented and also gender.

Mr. Speaker, there is an issue that has been raised by Hon. Tom Nyaoke and Hon. Olima about the individual strengths in our committees. I totally agree with them. As the Chair of the Selection Committee, when we will be slotting Members in committees, we will have to consider the individual strength of each Member, especially the Chair. However, remember being placed in a committee is a privilege given to you by the Party. We will therefore consider your strength individually and also your loyalty to the Party. You must therefore have the two. If you have a lot of strength and you are disloyal, we cannot consider you.

Lastly, I want to say that the reorganization of these committees will make the Members more productive and also improve their welfare. Mr. speaker, with the pending Motion in the House, I want to rest my case and I do reply. Thank you.

**The Speaker** (Hon. Oraro): Thank you so much. The Hon. Leader of Majority has made a reply and if you allow me to refer to the same Standing Order, I want to give opportunity if there is any further amendment.

**The Speaker**, Hon. Elisha J. Oraro: Hon. Nereah Okombo.

**Hon. Okombo** (MCA, Manyatta B): No, Mr. Speaker, I was just getting up.

**The Speaker**, Hon. Elisha J. Oraro: I am giving opportunity if there are any further amendments and I am doing so because I want to find a way of consolidating all the amendments and putting a question at one. That is why I am giving an opportunity for any further amendments because the issue of the Deputy Speaker has been clarified that is a constitutional matter and is an amendment Act of the County Government Act of 2020 that gives the threshold at two thirds. Yes, Hon. Omollo.

**Hon. Omollo** (MCA, West Nyakach): Thank you. Mr. Speaker, I want to propose an amendment. Having replied, I had stated very clearly that we have to consider the Sub Counties, which are seven in this County. This will mean, for example committee A, wants to have seven members, the selection committee need to select from the seven sub counties and there we have to be aware of the gender and Party strength. I am referring to the Member elected on Independent ticket, in this House. I would suggest how well we can achieve that.

I would suggest an amendment of seven to nine so that the threshold is nine, if we have reached seven and gender is not reached, because are some sub counties you cannot not find a woman meaning the gender will be on the other end. Therefore, you have to top up to get this gender. If we have two extras in a committee, then we can add to attain gender and Party strength. In future when other Parties, now we do not have other parties and the party strength constitute a committee. I would wish to propose an amendment that it be pushed to nine so that we can take care of any

eventuality in terms of placing Members in the committees. Thank you and I do not know who to ask to second because it has just come to my mind.

Hon. Nyaoke can you second please? Thank you.

**Hon. Nyaoke** (MCA, North Nyakach): I must say that I am loyal to my colleague. I second.

**The Speaker** (Hon. Oraro): I will give the Leader of Majority to comment because when we talked about seven we were considering the seven constituencies and I think we also did the arithmetic. Hon. Gard Olima also put it well that, when we are looking at the seven then at least there should be a Member from each constituency. What is it Hon. Adegga? I am giving---

**Hon. Adegga** (MCA, Kajulu): On a point of information. I want to inform the Chair that some sub counties have four members and some have more like Kisumu central and you have said seven per committee. When we go round in each committee you will find that one sub county---

**The Speaker** (Hon Oraro): Hon. Adegga, if they are four members, then they will appear in those committees because what Hon. Gard was presenting, which was making sense, was that at least a constituency should be represented. What is it Hon. Kelvin Oraro?

**Hon. Oraro** (MCA, Kolwa Central): The idea of representation per sub county in all the committees, is actually not workable or even advisable.

Mr. Speaker, there are committees of interest and then there are those that you can leave free and consider other things. But, if my brother Hon. Omollo talks about a woman, a youth and a sub county must be there in a committee and also talk about the party, like today we have the majority Party which is ODM and maybe tomorrow the Assembly can have different parties then, there is a lot of activities that will be considered. When you are making a law, you should not chest thump because the law is not for only today but for the best part of Kisumu County.

For that reason, the issue of sub county and representation along the sub county to me, I feel we should be a practice and not be subjected to the Standing Order to make it like a law. That is my take. Thank you.

**The Speaker** (Oraro): Hon. Gard Olima.

**Hon. Olima** (MCA, South West Nyakach): Thank you Mr. Speaker, I want to oppose what Hon. James Omollo has suggested.

**The Speaker** (Oraro): I have not opened the issue for debate, Hon Gard.

**Hon. Olima** (MCA, South West Nyakach): He has proposed amendments but I want to come back on the issue Hon. Oraro is saying. I want to say that, there are committees that need representation from the Wards and the sub counties, there are those that can have representation from one constituency like the committee on Procedure and Rules because it is for the us in the House. When we talk about committee like Health and Roads committee then somebody from Seme must be represented because they are committees whose objectives impacts on all Wards. The committees that touches on our mandates on the villages and wards, are the committees we are saying that when the Selection committee sits should look at them.

There are committees that leadership will get in by default and if Nyakach is not in leadership, then we cannot force to be in that committee because, there are committees that when you are in leadership, you are automatically the Chair, like the Committee on Procedure and Rules, and we cannot change that. But, there are committees that we are looking into in terms of what we are going to get in the ground, let us get Members of the Agriculture committee at least from all the wards and sub counties. But there are some committees we can give room to choose whoever they want and I think that will be okay with everybody. Thank you.

**The Speaker** (Oraro): Thank you. Hon Gard had started debating but I had not opened the matter for debate. However, I want to rule on the amendment by Hon. James Omollo out of order because it was very clear when the Leader of Majority presented and in terms of membership, that is not now the work of this House but the Selection Committee. I can see the Leader of Majority standing.

**Leader of Majority** (Hon Ooko MCA, Ahero Ward): Thank you Mr. Speaker, I want to provide some information and I want members to look at page nine and I want to totally agree with Hon. Olima.

If you look at page nine,161, that is composition of the Select committees *subject to any written law this Standing Order, or a resolution of this County Assembly, a committee shall consist of an odd number of members not less than five and a maximum of five* but, we have some concerns like the Budget committee and Hon. Gard and Hon. Oraro talked about interest. In the Budget committee we are talking of about fifteen Members and that will take care of all the regions. Mr. Speaker, I want to persuade the members that the procedure and rules committees and we can do further amendments which in my opening remarks I said that it can be done any time. I want to ask you that we support this report the way it is. I also request that the changes take effect from 20<sup>th</sup> July 2023.

**The Speaker** (Oraro): What do you want to clarify?

**Hon. Ochele** (MCA, East Kano Wawidhi): Thank you Mr. Speaker. I am seeing a strange eye looking at me from the back and I am not going to pock holes and open a debate because I have realized the voice and tone of the Majority leader.

Mr. Speaker, I was just wondering aloud that we are focusing on the issue of constituency and in the devolved laws, we do not refer to anything as a constituency but we rather refer to them as sub counties. If we talk of constituency, then we are focusing on the national government. We are a devolved unit where we have the village as the smallest unit, wards and sub counties. Constituency does not appear anywhere.

Therefore, if we have to go by the law, then in Kisumu county, it is obvious that we have eight sub counties unless we are killing *Kadibo* (referring to Nyando) which is live and strong as any other sub county. Making reference to the constituency does not apply to the devolved laws. Thank you.

**The Speaker** (Oraro): Thank you so much. Hon. Ochele has given us clarification. Allow me to proceed and request that, Hon. Oraro, I think we have given enough time and we have a number of activities.

**Hon. Oraro** (MCA, Kolwa Central): On a point of information.

**The Speaker** (Oraro): Whom do you want to inform?

**Hon. Oraro** (MCA, Kolwa Central): I want to inform the Chair. Being that this is a serious Motion which involves the welfare of Members and involve the running of the Assembly, I have not heard about the maximum placement of members in the committee which should be something of great of importance. A member should have a maximum of how many committees?

**The Speaker** (Hon Oraro): I think I have heard what Hon. Oraro is saying and I think we heard agreed here that once we agree that for select committee, is minimum five and maximum nine and budges has provision of fifteen, sectoral committees have an average of seven then, the rest of how many, is the mandate of the Selection committee to place Members taking in consideration what we have passed in the Standing Order.

Having agreed, I would like to put a question and Hon. Members, as I had highlighted earlier, I put for the consolidated proposed amendment.

*(Question put and agreed to)*

The report of the county Assembly proposed committee on the amendment to the Standing Order has been approved today, the Thursday, 6<sup>th</sup> July, 2023 at 1647hrs. As per the presentation by the Majority Leader, the amendments take effect from 20<sup>th</sup> July, 2023.

**The Speaker** (Oraro): Next Order.

## MOTION

REPORT OF THE COMMITTEE ON PLANNING, INDUSTRIALIZATION AND ICT  
ON THE CONSIDERATION OF AD HOC COMMITTEE REPORTS RECOMMENDING CONFERMENT OF  
MUNICIPALITIES: KATITO-PAP-ONDITI, AHERO-AWASI, MUHORONI-CHEMELIL, MASENO-HOLO  
AND KOMBWEA-BODI

BY

HON RATIB BOITONE, MCA, NYELEND A “A” WARD

(CHAIRPERSON, STANDING COMMITTEE OF PLANNING, INDUSTRIALIZATION AND ICT)

**Hon. Boitone** (MCA, Nyalenda A): Thank you Mr. Speaker. I rise to move a motion on the report of the committee on Planning, Industrialization and ICT on the consideration of Ad Hoc committee reports recommending conferment of Municipalities: Katito – Pap – Onditi, Ahero-Awasi, Muhoroni-Chemelil, Maseno-Holo and Kombewa-Bodi.

Hon. Speaker, the provisions of Section 9(1) of the Urban Areas and Cities Act 2011 bestows the County Assembly with powers of making resolutions on the conferment status of municipalities. The resolution provides that the conferment status of a municipality on a town meets the criteria set out in Sub Section 3 of this Act hence leading to grant of charter on the municipality.

Mr. Speaker Sir, Section 9(2) of the Urban Areas and Cities Act 2011 set out the procedures applied for the conferment of municipalities

Pursuant to the provisions of the Section 9(2) of the aforementioned Act, His Excellency, the Governor constituted the Ad hoc Committee to; Evaluate the possible areas for upgrade to municipality status against the criteria as outlined in Sections 5, 9 and 10 of Urban Areas and Cities Act (2011), and Sections 5 and 6 of the Urban Areas and Cities (Amendment) Act, 2019 and prepare a report for each area for tabling before the Executive Committee and subsequently to the County Assembly for consideration. Consequently, the Executive communicated to the Assembly the ad hoc committee report proposing conferment of the following areas to municipalities; Katito-Pap-Onditi, Ahero-Awasi, Muhoroni-Chemelil, Maseno-Holo and Kombewa-Bodi on 4<sup>th</sup> July 2023. The reports were tabled in the House by the Majority leader, Hon. Ken Ooko on 4<sup>th</sup> July 2023 and subsequently committed to the sectoral committee on Planning, Industrialization and ICT. The Hon. Speaker directed the committee to immediately commence the consideration of the reports and cause a report on the same as soon as practicable to pave way for the vetting of the nominees for the position of the Board members for the municipalities.

The Committee held two sittings to consider the matter before it with the objective of establishing whether the proposed municipalities; Katito-Pap-Onditi, Ahero-Awasi, Muhoroni-Chemelil, Maseno-Holo and Kombewa-Bodi qualified for conferment in accordance to Urban Areas and Cities Act 2011 Section 9(3) and whether the procedures involved are in line with the existing laws for approval by the County Assembly.

#### 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;

- (1) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments
- (2) study the programme and policy objectives of departments and the effectiveness of the implementation
- (3) study and review all County legislation referred to it
- (4) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives
- (5) 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
- (6) 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)
- (7) 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 the following Members: -

- |                      |   |                  |
|----------------------|---|------------------|
| 1. Hon. Boiton Ratib | - | Chairperson      |
| 2. Hon. James Omollo | - | Vice Chairperson |
| 3. Hon. Seth Ochieng | - | Member           |
| 4. Hon. Ken Ooko     | - | Member           |
| 5. Hon. Seth Okumu   | - | Member           |
| 6. Hon. George Abaja | - | Member           |

- 
- |                         |   |        |
|-------------------------|---|--------|
| 7. Hon. James Were      | - | Member |
| 8. Hon. Marriam Abeid   | - | Member |
| 9. Hon. Nereah Okombo   | - | Member |
| 10. Hon. Caren Odhiambo | - | Member |
| 11. Hon. Zackaria Okoyo | - | Member |
| 12. Hon. Rueben Rakwach | - | Member |
| 13. Hon. Sammy Onyango  | - | Member |
| 14. Hon. Joachim Oketch | - | Member |
| 15. Hon. Moses Ochele   | - | Member |

### **Secretariat**

- |                    |   |                           |
|--------------------|---|---------------------------|
| 1. Peter Anditi    | - | Principal Clerk Assistant |
| 2. Austine Ochieng | - | Clerk Assistant           |
| 3. Edward Odanga   | - | Hansard Reporter          |
| 4. Faith Judith    | - | Serjeant-at-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 dedicating their time for deliberations on this matter. This ensured that the committee beats the short deadline that was given.

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 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.

### **INTRODUCTION**

#### **Historical Background**

Hon. Speaker, prior to the promulgation of the Constitution of Kenya in 2010, Kenya had a centralized system of governance. This system was headed by the President who was assisted by the Provincial Administration that ran through to villages in Kenya. Municipalities were established for purposes of delivering services to the people of Kenya.

The first formal Local Government was established in 1902. However, over time, the number of Local Governments has increased. Prior to the promulgation of the Constitution in 2010 and the enactment of the Urban Areas and Cities Act in 2011, the management of urban areas and cities in Kenya was governed by the provisions of Local Government Act, Cap 265 Laws of Kenya (now repealed).

Under the said legislation, urban areas and cities were categorized as follows:

- (a) Municipality
- (b) County; or
- (c) Township.

The Local Government Act empowered the Minister for Local Government, in consultation with the Electoral Commission, to establish urban areas either:

- (a) on receipt of proposals from municipal council, county council or town council; or
- (b) by an order.

The Minister also had powers to name an urban area, delimit its boundaries, alter the boundaries of an urban area or amalgamate one or two urban areas. Before the repealing of Local Government Act Cap 265, there were 175 local authorities in Kenya comprising of the Cities of Nairobi, Mombasa and Kisumu, municipalities, county councils and town councils.

The Constitution of Kenya, 2010

The new Constitution introduced a new system of governance. The Constitution introduced the devolved system of governance. A devolved system of government assigns sovereignty to national and sub-national governments by distributing power and resources between the two levels of government. In Kenya, these two levels of government are the national government and the county government.

The two levels of government are distinct and inter-dependent although they conduct their affairs on the basis of mutual consultation and co-operation. To that end, the functions of the various levels of government are as set out under the Fourth Schedule of the Constitution of Kenya 2010.

The guiding principles of devolution are as set out under Article 174 of the Constitution which include: to promote democratic and accountable exercise of power; to foster national unity by recognizing diversity; to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them; to recognize the right of communities to manage their own affairs and to further their development; to protect and promote the interests and rights of minorities and marginalized communities.

In furtherance of these principles of giving powers of self-governance to the people and recognizing the right of communities to manage their own affairs, county governments are mandated to decentralize their functions and the provision of their services to the extent that it is efficient and practicable to do so. Urban areas and cities including municipalities are further decentralized units of county governments.

Together with the devolved system of governance, the constitution of Kenya introduced a new legal framework on the governance and management of urban areas and cities including municipalities. Article 184 of the Constitution mandated parliament, within one (1) year of the date of the promulgation of the Constitution, to enact a legislation providing for among other things the criteria for classifying areas as urban areas and cities; establishing the principles of governance and management of urban areas and cities and to provide for participation by residents in the governance of urban areas and cities. The said legislation was also intended to provide for mechanism for identifying the different categories of urban areas and cities and their governance. The legislation contemplated by the framers of the Constitution of Kenya 2010 was enacted in 2011

Under the Urban Areas and Cities Act, urban areas are categorized into three categories as follows;

- (a) Cities;
- (b) Municipalities; and
- (c) Towns.

Hon. Speaker, Section 48(1) further provides for decentralized units as follows

*Subject to subsection (3), the functions and provision of services of each county government shall be decentralized to— (a) the urban areas and cities within the county established in accordance with the Urban Areas and Cities Act (No. 13 of 2011); (b) the sub-counties equivalent to the constituencies within the county established under Article 89 of the Constitution; (c) the Wards within the county established under Article 89 of the Constitution and section 26; (d) such number of village units in each county as may be determined by the county assembly of the respective county; and (e) such other or further units as a county government may determine.*

#### Conferment of Municipal status

Hon. Speaker, this is enshrined in Section 9 of the Urban Areas and Cities Act as follows;

The county governor may, on the resolution of the county assembly, confer the status of a municipality on a town that meets the criteria set out in subsection (3), by grant of a charter in the prescribed form.

The procedure set out under section 8(1) to (4) shall apply with necessary modifications to the conferment of municipal status to a town, except that the conferment shall be done by the county governor.

A town is eligible for the conferment of municipal status under this Act if the town satisfies the following criteria—

- (a) has a population of at least between seventy thousand and two hundred and forty-nine thousand residents according to the final gazetted results of the last population census carried out by an institution authorized under any written law, preceding the grant;
  - (b) has an integrated development plan in accordance with this Act;
  - (c) has demonstrable revenue collection or revenue collection potential;
  - (d) has demonstrable capacity to generate sufficient revenue to sustain its operations;
  - (e) has the capacity to effectively and efficiently deliver essential services to its residents as provided in the First Schedule;
  - (f) has institutionalized active participation by its residents in the management of its affairs;
  - (g) has sufficient space for expansion;
  - (h) has infrastructural facilities, including but not limited to street lighting, markets and fire stations; and
  - (i) has a capacity for functional and effective waste disposal.
- (4) Notwithstanding the provisions of subsection (1), the county governor shall confer the status of a special municipality to the headquarters of the county even where it does not meet the threshold specified under subsection (3) (a)

Procedure used for conferment of a municipality

Passing a resolution to apply for conferment of the status of a municipality

The Town Committee of a town intending to apply to the County Executive Committee for grant of a municipality status passes a resolution for this purpose. The passing of the resolution shall be governed by the rules and regulations of the concerned Town Committee. The resolution is forwarded to the County Executive Committee for consideration.

Consideration and approval of the request by the County Executive Committee

Upon receipt of a resolution from a Town Committee for the grant of a municipality status in respect of a specific town, the County Executive Committee reviews the same and may either approve or decline the same.

Where the County Executive Committee, after consideration of the resolution, approves the resolution by the Town Committee, it makes a recommendation for the conferment of a municipality status on the concerned town

Formation of an ad hoc committee

Where the County Executive Committee makes a recommendation for the conferment of a municipality status on a qualifying town, the County Governor constitutes an *ad hoc* committee to consider the recommendation by the County Executive Committee and advise as appropriate.

The membership of the *ad hoc* committee constituted by the County Governor as described above is set out under the Urban Areas and Cities Act, 2011 and includes relevant professionals in good standing nominated by the following institutions taking account of regional, ethnic and gender diversity and representation of persons with disability

- (a) Institution of Surveyors Kenya;
- (b) The Kenya Institute of Planners;
- (c) The Architectural Association of Kenya;
- (d) The Law Society of Kenya;
- (e) The Association of Urban Areas and Cities;
- (f) The Institute of Certified Public Accountants of Kenya; and
- (g) The business community.

The *ad hoc* committee considers whether the concerned town satisfies the criteria set out under section 9 of the Urban Areas and Cities Act for the grant of a municipality status. Where the *ad hoc* committee determines that the concerned town meets the statutory criteria, the recommendation for grant of the concerned town a municipality status is forwarded to the County Assembly by the County Governor for approval

Approval by the County Assembly

Once a recommendation is received from the County Governor for the conferment of a concerned town with the status of a municipality, the same is debated by the County Assembly and passed or declined in line with the standing orders of the relevant County Assembly.

If approved, a resolution is drafted and forwarded to the County Governor requesting the County Governor to confer the concerned town with the status of a municipality by grant of a municipality charter in the prescribed form.

#### COMMITTEE FINDINGS AND OBSERVATIO

Hon. Speaker,

The Committee established the following in regards to the qualifications for conferment of municipalities

Criteria 1; Population Threshold

According to the Urban Areas and Cities amended Act (2019), an urban area is eligible for conferment to a municipal status if it satisfies the criteria on population of at least between 50,000

and 249,000 residents based on the last Census conducted by Kenya National Bureau of Statistics (KNBS). According to the 2019 Population and Housing Census, the following were the numbers;

1. Proposed Katito -Pap Onditi Municipality had a population of 69,266.
2. Proposed Kombewa Bodi Municipality had a population of 63,760
3. Proposed Maseno Holo Municipality had a population of 57,555
4. Proposed Awasi-Ahero Municipality had a population of 71,386
5. Proposed Muhoroni -Chemelil had a population of 63,242

### Committee Recommendation

1. That the proposed municipalities be approved on the basis of meeting the provisions of the law in regards to population threshold

### Criteria 2: Integrated Urban Development Plans

The Urban Areas and Cities Act, 2011, Section 9 (3)(b) requires that a town satisfies the criteria of having an Integrated Development Plan for conferment of municipal status.

The Committee observed that Ahero-Awasi and Maseno-Holo Integrated Urban Development Plans are in draft plan stage, while the rest are at the proposal stage.

### Recommendation

1. That the County Executive Committee Member, Lands, Physical Planning, Housing and Urban Development to facilitate and finalize this process and table the Integrated Urban Development plans for these municipalities within a period of six months to the assembly for adoption

Criteria 3: Demonstrable Revenue Collection or Revenue Collection Potential and Capacity to generate sufficient revenue to sustain its operations

Hon. Speaker,

Urban areas are the hub for economic and social activities. For them to effectively operate, they need to have sustainable revenue streams.

The Ad hoc committee report presented a summary of revenue collection from these municipalities as follows;

Municipality	Average Revenue for the fy2019/2020, 2020/2021, 2021/2022 and 2022/2023
Ahero-Awasi	24,495,769
Maseno-Hollo	18,540,179
Kombewa Bodi	4,721,253
Katito Pap Onditi	15,828,253
Chemelil Muhoroni	21,999,410

### Recommendations

1. The Committee noted that there is potential to collect more revenues hence the County Executive Committee Member for Lands, Physical Planning, Housing and Urban Development to present a revenue enhancement plan and organization structure for each municipality and how the structure interrelates with the Kisumu County Revenue Board to the Assembly for approval within a period of six months
2. The County Executive Committee Member to present to the Assembly a legal framework/regulation/by-law/Strategies regarding the management of revenue within the municipalities
3. That the County Executive Committee Member ensures that each municipality to have valuation roll to maximize collection of land-based revenues

Criteria 4. Provision of essential services provided by the municipality as per first schedule 1 of the Urban Areas and Cities Act, 2011

The Committee noted in the County Executive Committee member's explanation that the Municipalities once approved will qualify for World Bank Grant Funds which will be adequate to provide financial resources to carry out major essential services as provided by the Act.

### Recommendations

1. That the County Executive Committee Member for Lands, Physical Planning, Housing and Urban Development to present to the House the World Bank funding plans in a period of not more than six months upon adoption of this report
2. That as aforementioned, the County Executive Committee Member for Lands, Physical Planning, Housing and Urban Development to provide a governance structure as espoused in Section 48(1)(a) of the County Governments Act 2012. This will avoid future duplication of functions/ conflict of interest on financial, human and material resources with other decentralized units

Criteria 5; Has institutionalized active participation by its residents in the management of its affairs

The Committee recommends as follows in regards to this;

1. The County Executive Committee Member for Lands, Physical Planning, Housing and Urban Development to present a charter and Logo/policy for each municipality detailing how the board will interact with citizens. This will be in line with the prevailing legal framework regarding public engagement.

Criteria 6; Has sufficient space for expansion, infrastructural facilities, including but not limited to street lighting, markets and fire stations; and has a capacity for functional and effective waste disposal.

The Committee noted that there is existing and sufficient space for expansion of the areas proposed for municipalities

Recommendation

1. That the County Executive Committee Member for Lands, Physical Planning, Housing and Urban Development to provide roadmap on how the proposed municipalities can be expanded to make them more economic viable

#### GENERAL COMMITTEE RECOMMENDATION

Mr. Speaker and Hon. Members,

1. That this Hon. House approves the Ad hoc committee reports recommending conferment of municipalities; Katito-Pap-Onditi, Maseno-Holo, Kombewa-Bodi, Ahero-Awasi and Chemelil-Muhoroni

#### CONCLUSION

Hon. Speaker,

I hereby request this House to adopt this report on the conferment of municipalities; Katito-Pap Onditi, Maseno Holo, Kombewa Bodi, Ahero Awasi and Chemelil Muhoroni. May I call upon Hon. James Omollo to second this report. Thank you.

**The Deputy Speaker** (Hon. Okombo): Yes Hon. James Omollo.

**Hon. Omollo** (MCA, West Nyakach): Thank you Madam Speaker. I rise to second this Motion. Conferment of these Municipalities will be of a big advantage to this County and I urge the members to adopt this report if they so agree. Thank you.

**The Deputy Speaker** (Hon. Okombo): Hon. Jagongo, why are you on your feet?

**The Deputy Speaker** (Hon. Okombo): Hon Members, a Report on the consideration of the Ad hoc committee on its recommendation on conferment of municipalities that is Katito – Pap Onditi, Ahero- Awasi, Muhoroni – Chemelil, Maseno – Holo and Kombewa- Bodi has been read by the Chair Hon. Ratib Boitone, seconded by the Hon. James Omollo. I, therefore, want to propose that the Report be open for discussion.

**The Deputy Speaker** (Hon. Okombo): Yes Hon. Jagongo you are on your feet.

**Hon. Jagongo** (MCA North West): Thank you Madam Speaker. Mine is to contribute on the issue at hand. I also want to support and confirm the listed municipalities.

Madam Speaker, we have walked this journey for a longer time and we stand to benefit when the said towns become Municipalities. From the Report, a minimum population for a town to be a Municipality is 50 plus and, all of them has meet that threshold. Therefore, I believe that it is in order to support it.

Secondly, for Maseno and Holo municipality covers two wards and we have been sidelined for a very long time when other wards were benefiting from the city. I believe, in the Municipality, once we put our resources together, we will attract some development within that region.

Madam speaker, for this Municipalities to get funding, we must confirm this and that is why I am saying that we need to get to confirm in order to get funds for this. I support.

**The Deputy Speaker** (Hon. Okombo): Yes Hon. Ajumbo.

**Hon. Biko** (MCA, Central Seme): Thank you Madam Speaker. I rise to support the report. Madam Speaker, according to the UN report, the world is becoming urban and most people will leave in the cities hence the importance of having Municipalities.

I have just looked at the at the advantages that this will bring. We will overcome challenges such as poverty, clean water and also on climate change. There will also be controlled development in our urban areas and promotion of investments and this will go a long way in creating opportunities for the residents and the business communities in those areas.

Madam speaker, on page 14 on the revenue column, it has given different Municipalities average revenue for the Financial Years starting 2019 up to 2023. I realized that our Municipality, Kombewa- Bodi, has been the least according to this revenue projections, at Kshs. 4.7 million, and that does not mean we will not improve. With the World Bank funded municipality which we are not going to rely on fully, however, I want to assure you that we will improve on our collection and even if the World Bank will support, we are not just saying this that we pass it but also need to up our game as the County of Kisumu so that our municipality should not stop working even if there is a delay that we normally experience when the Exchequer fails to release money on time. Thank you, Madam Speaker. I support.

**Deputy Speaker** (Hon. Okombo): Hon. Tom Nyaoke. Member representing North Nyakach Ward.

**Hon. Nyaoke** (MCA, North Nyakach Ward): Thank you Madam Speaker. I thought you are going to look at the seniority but I thank you, you overlooked that. I rise to support the Motion before us

today. It is also important to note that Katito – Pap Onditi Municipality is in my Sub County. If you look at the report from Ad-hoc Committee, the eligibility for conferred as municipality entails a lot of criteria that has to be followed. I want to thank those areas that has been promoted for having met all those criteria.

Some of the fundamental criteria that has to be met is that such areas must demonstrate the capacity to generate sufficient revenue. That has been clearly noticed and we certain sure that with that enhanced revenue collection from these Municipalities, a lot of services will be geared towards helping this people.

Madam Speaker, I also want to thank the Governor and his entire team for having thought it wise that these plans are put in order. I also do not want to want to appreciate the procedures that were put in place. I was upbeat that Katito-Pap Onditi Municipality should be conferred. Lucky enough, it has been considered. Thank you, Madam Speaker.

**Deputy Speaker** (Hon. Okombo. MCA, Manyatta A Ward): Honourable Member representing East Seme Ward.

**Hon. Okumu** (MCA, East Seme Ward): Thank you Madam Speaker. Going by the mood of the House, let me call the Mover to reply.

**Deputy Speaker** (Hon. Okombo. MCA, Manyatta A Ward): I have seen Honourable Members on their feet. I have seen Hon. Oraro and I want to give him a chance, followed by Hon. Ouko and if there is no any other person who wants give his opinion on this then I will invite the Mover to reply. Yes, Hon. Oraro.

**Hon. Oraro** (MCA, Kolwa Central): Thank you Madam Speaker. Let it go on record that I am a Member who opposed this report and towns that have been listed to be Municipalities. At some time back they were town councils and I don't see any changes that have occurred since they were elevated to town centres. With Municipalities, there will be many responsibilities that will steer the employment of new staff. If you look at the rate of development, we can rank them. It wasn't a must that they were to conferred at the same time but there must be some arrangements. If they are brought to the Assembly, we should be able to give a report that that clearly indicates that these towns grew and deserved elevation to Municipalities.

Madam Speaker, you are aware that we had cities, Municipalities and county councils before the advent of devolution. It takes time to graduate from one stage to another. By that reason, if look at Katito, Maseno, Ahero, Holo and Kombewa, you will realize that you can compare them. Ahero is far much better than Holo. Just because we want to give them a blanket approval, I don't know how they are going to improve on funding. However, as a House, we should offer guidelines on how we feel things should be done because this is the only House that can make rules and even send it back for proper adjustment.

We ought to have elevated three towns that have grown. Ahero, Katito and Maseno are towns that we could say have grown. There is nothing in Holo, Kombewa or even Muhoroni to warrant this new Municipality status. You can see improvements in Ahero, even in terms of revenue collection. Yes, we are rushing to conclude yet we need to put some order. With that, I want to say without fear of contradiction that I reject this report. We will soon find ourselves calling Ahero a city yet it may lack what it takes to be a city. We must know how a town should rise from Council to a Municipality so that we are able to defend our move as legislature

Thank you, Madam Speaker.

**Deputy Speaker** (Hon. Okombo): Hon. Ouko, the Leader of Majority is on his feet. Allow him to present then you will contribute thereafter.

**The Leader of Majority** (Hon. Ooko. MCA, Ahero Ward): Thank you Madam Speaker. I rise to support the report and I want to inform the Honourable Member from Kolwa Central that the towns were not promoted to councils. They were promoted from councils to towns. There were parameters that were set by the World Bank, which we met. Remember, during the First Assembly in which you were a Member, there was money that given by the same institution during the First Assembly and the conditions were set. One of the conditions that was not met by the then Governor was the formation of the City Board. When Prof. Nyongó was elected as the Second Governor, he accomplished that, and funds came. I think you have seen some changes in terms of development.

The same applies to the newly inaugurated towns. There were conditions that were set and which we met. There was also a suggestion that we merge the towns to form municipalities. I want to tell you that already there is money approved by the World Bank waiting for the formation of these Municipalities and the Boards. I wanted to guide you on that. Thank you.

**Deputy Speaker** (Hon. Okombo. MCA, Manyatta A Ward): Hon. Ouko.

**Hon. Ouko** (MCA, West Kisumu Ward): Thank you Madam Speaker. I beg to support the creation of these Boards of Municipalities. These are the benefits of 2010 Constitution. I believe no one should cast aspersions against all these developments. These Municipalities are going to be the new social and economic hubs. This is why we are representing our people. We are taking developments to the people, through opportunity granted by World Bank. If we can make trials on these matters, then we would not be having Kisumu City today. We must start from somewhere. I support the report because one of the Municipalities, Holo, is in my Ward. It is in order that I support it fully. Thank you very much Madam Speaker. I support.

**Deputy Speaker** (Hon. Okombo. MCA, Manyatta A Ward): Hon. Ratib Boitone, you had been called upon to reply.

**Hon. Boitone** (MCA, Nyalenda B Ward): Thank you Madam Speaker. You realize the urgency of this report. It was committed to this House on 4<sup>th</sup> of this month. A report has been made today 6<sup>th</sup>

of this month. In that regard, I want to thank the Members of this committee and the secretariat for burning the midnight oil to prepare this report. Madam Speaker, I want to agree with Hon. Vincent Jagongo that we shall be getting funds from the World Bank.

*[The Deputy Speaker (Hon. Okombo) left the Chair]*

*[The Speaker (Hon. Oraro) took the Chair]*

With these, Mr. Speaker, we are going realize massive developments without relying on our funds. I also want to thank Hon. Mildred Ajumbo, for confirming that the promoting these towns to municipalities will also create some jobs for our people. we have realized how the youth are vulnerable and are in dire need of employment opportunities. It is my hope that that these Municipalities will come with many opportunities.

Mr. Speaker, on revenue, we noted that we shall put to task the CECM, Finance to ensure that revenue collection is optimized, working hand in hand with the Boards which are yet to start operations. This County has been having an issue with revenue collection. If these changes are implemented, it will impact positively in our budget.

Mr. Speaker, I want to thank Hon. Kelvin Oraro for not appreciating the changes on these areas. Those changes you are saying you have not seen, I hope you will see them. Be ready to witness the growth. All the criteria were met and, as a Committee, we presented a robust report. I thank this Honourable House, Mr. Speaker, because we believe that these Municipalities are spread across various Wards in this County. When these developments will be realized, those particular Wards will benefit. Thank you Mr. Speaker. I reply.

**The Speaker** (Hon. Oraro): Honourable Members, I want to bring to your attention that the Motion adoption of the report by Planning, Industrialization and ICT Committee on the Ad hoc reports recommending the conferment of Maseno – Holo, Kombewa – Bodi, Katito – Pap Onditi, Ahero – Awasi and Muhoroni – Chemelil as Municipalities was presented, seconded, debated and, as per Standing Orders, I want to put a question for the adoption of this report.

*(Question put and agreed to)*

**The Speaker** (Hon. Oraro): Planning, Industrialization and ICT Committee report recommending the conferment of Maseno – Holo, Kombewa – Bodi, Katito – Pap Onditi, Ahero – Awasi and Muhoroni – Chemelil as municipalities has been adopted today, Thursday, 6<sup>th</sup> July, 2023 at 1747 Hrs. I want to direct that the Hansard report be prepared and communicated to relevant department for action. Next Order.

## MOTION

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ADJOURNMENT FOR LONG RECESS PURSUANT TO STANDING ORDER NO. 25 (3) AND THE HOUSE  
RESOLUTION OF WEDNESDAY, 22<sup>ND</sup> FEBRUARY, 2023

BY

HON KENNEDY OOKO, MCA, AHERO WARD

(THE LEADER OF MAJORITY)

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

**The Leader of Majority** (Hon. Ooko. MCA, Ahero Ward): Thank you, Mr. Speaker. I rise to give a Motion of Adjournment for long recess pursuant to Standing Order No. 25 (3) and the House Resolution of Wednesday, 22<sup>nd</sup> February, 2023.

Aware that the Kisumu County Assembly Standing Orders 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 determine in its calendar.

Further aware that during its sitting of Wednesday, 22<sup>nd</sup> February, the House approved its Calendar in which it resolved that the long recess was to commence on Friday, 7<sup>th</sup> July, 2023 and end on Monday, 7<sup>th</sup> August, 2023.

Acknowledging that the County Assembly Standing Orders No. 26 (3) provides 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.

Now, therefore, this Assembly now urges Members to adjourn the House until Tuesday. 8<sup>th</sup> August, 2023 pursuant to Kisumu County Assembly Standing Orders No. 25(3).

May I call upon Hon. Lumumba Owade to second.

**The Speaker** (Hon. Oraro): Hon. Lumumba Owade.

**Hon. Lumumba** (MCA, South East Nyakach): Thank you Mr. Speaker. I rise to second the Motion. I believe this will give the Members opportunity to interact with electorates. It has been a very tedious period, with very little time for Members to interact with their electorates.

It is also a chance for the Members to visit various projects in the Wards. The Chair of Education Committee has said that the bursary will soon be released. It will be good news to inform the

students and parents, and to assure them that Form One to Form Three bursaries will be disbursed. Mr. Speaker, I, therefore, second the Motion.

**The Speaker** (Hon. Oraro): Honourable Members, the Motion of Adjournment for long recess pursuant to Standing Orders No. 25 (3) and the House resolution of Wednesday, 22<sup>nd</sup> February, 2023 has been moved and seconded by the Leader of Majority and Deputy Leader of Majority respectively. I want to refer to Standing Order No. 26 that the debate cannot be more than Three Hours. In that regard, I open the motion for debate but we limit it to two minutes per Member. Hon. Okoyo.

**Hon. Okoyo** (MCA, Central Kisumu Ward): Thank you Mr. Speaker. Going by the mood of the House and how the Members are evidently smartly dressed and waiting to usher in the Long Recess, may I call the Mover to reply.

**The Speaker** (Hon. Oraro): Honourable Members, I have not seen any Member standing, I will give the Leader of Majority a chance to reply.

**The Leader of Majority** (Hon. Ooko. MCA, Ahero Ward): Thank you Mr. Speaker. This is a Motion that has received an overwhelming support from the House. I hope Members will have time for their family and constituents, and at least come back when they are fresh. I do reply.

**The Speaker** (Hon. Oraro): Honourable Members, the Leader of Majority has moved the motion for adjournment, seconded and replied. I therefore, want to refer you to Standing Order No. 26 (3). I read, *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.*

This means there is no question put. However, I want to make the following remarks. I want to say that as we come to the end of this session, I would like to take a moment to express my heartfelt gratitude to each and every Hon Member of the County Assembly of Kisumu. Your unwavering commitment, dedication and tireless efforts have made this session a remarkable success.

Throughout those months, we have engaged a robust debate, deliberated on crucial matters and made decisions that will shape the future of our beloved County. Your active participation, thoughtful contributions and willingness to work together have truly exemplified the spirit of democracy and collaboration.

I would also like to express my appreciation to the County Assembly administration, our support staff and all those who have diligently assisted us in the duties. Your professionalism and assistance have been valuable in insuring the smooth functioning of the Assembly.

As we break for the long recess. I urge each and every Member to exercise caution and responsibility in their activities during this period. Remember we are the representatives of the people and, our actions bare a direct impact on their lives. Let us continue to uphold the highest ethical standards and be mindful of our responsibilities as public servants. Further, I would like to emphasize the importance of unity and corporation within our Assembly and despite and diverse perspective opinion, it is crucial that we remain united in our commitment to serving the people of Kisumu County. Let us not allow personal or political differences to hinder our progress instead let us find common ground and work towards achieving collective goals that we have set forth.

In conclusion, Hon Members, I would like to wish each and every one of you a fulfilling and rejuvenating recess. May this time provide you with an opportunity to spend quality moments with your loved ones, recharge your energies and return with renewed enthusiasm for the challenges that lies ahead.

Finally, I once again express my deepest gratitude to all Hon Members of the County Assembly of Kisumu for your unwavering dedication and hard work. Should need arise for a Special Sitting, I kindly request that you heed the call as it is our duty to serve our constituents promptly and effectively.

Thank you very much and may you enjoy a safe and fruitful recess.

### **ADJOURNMENT**

**The Speaker** (Hon. Oraro): Hon. Members with the Standing Orders that I have read, the House stands adjourned until Tuesday, 8<sup>th</sup> of August, 2023 at 2.30 p.m.

*(House rose at 6.11 p.m.)*

### **Addendum**

#### **The Hansard Team**

*Zablon Otiende – Hansard In-Charge*

*Edward Odanga – Hansard Reporter*

*Fanuel Okode – Hansard Reporter*

*Patrick Okoyo – Hansard Reporter*

*Jacklyne Otieno – Hansard Reporter*

*Jesca Otieno – Hansard Reporter*

*Vallery Achieng – Hansard Reporter*