

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – SECOND SESSION

Tuesday 19th September, 2023

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

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

PRAYER

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

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

COMMUNICATION FROM THE CHAIR

The Temporary Speaker (Hon. Oginga, Nominated Member): Honourable Members, welcome back to this session after a very long time since we had our Bonding Session. I will therefore, give a chance to a few Members to say something about their experiences about this retreat.

The Temporary Speaker (Hon. Oginga, Nominated Member): Yes, Hon. James Were of Nyalenda B Ward.

Hon. Were (MCA, Nyalenda “B” Ward): Thank you Madam Speaker. Last week we had an opportunity for bonding session and it gave us an opportunity to gel as a unit. We had an opportunity to know our staff and I believe that they are whom we have to contact whenever we

have pressing issues. It was also an opportunity for us to re-energize and refresh our minds. Thank you Madam Speaker.

The Temporary Speaker (Hon. Oginga, Nominated Member): Thank you Hon Were. Yes Hon K'Omudho

Hon K'Omudho (MCA, Muhoroni-Koru Ward): Many thanks Madam Speaker. I want to express my gratitude to Honourable Members, too. I wish to comment on the bonding session that was held last week at Sawela Lodge, Naivasha. I want to specifically thank the organizers, the leadership of the Assembly and everyone who was involved in the same process. The exercise was long overdue and it came at the right time. We are really grateful. It was the first time that I had the opportunity to interact with staff some of whom I did not know. That was a great gesture. As we speak, I am able to walk into different departments and identify with my colleagues.

Secondly, it was a great opportunity, as colleagues, to come together as a team. May the spirit of unity live. If possible, let us be having it after every three months. Thank you Madam Speaker.

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

Hon Adeg (MCA, Kajulu Ward): Thank you Madam Speaker. The bonding exercise was a very healthy one as it accorded me an opportunity to know over 25 per cent of staff whom I did not know. I interacted with everyone including the Human Resource Manager whom I did not know. Most Members, for the first time, knew that the Assembly has an Annex Office, which houses other staff. I want to thank the organizers, particularly the office of the Clerk and that of the Speaker. Thank you Madam Speaker.

The Temporary Speaker (Hon. Oginga, Nominated Member): I can see Hon Opar on her feet.

Hon Opar (Nominated Member): Thank you Madam Speaker for this opportunity. I agree with the sentiments expressed by fellow Honourable Members. It was a great and fantastic moment. Looking at the faces of the staff, I am glad, particularly seeing the face of Mrs. Jesca Otieno, whom I did not know. The bonding was a very healthy activity and even as our Deputy Speaker said, we should have it quite often. I am glad to have interacted with Members and staff. Thank you.

The Temporary Speaker (Hon. Oginga, Nominated Member): Thank you. I noticed Hon. Kelvin Oraro. I do not know whether you still want to get the opportunity before I give Hon. Bill Oliver.

Hon. Oraro (MCA, Kolwa Central Ward): Thank you Madam Speaker, I also find myself having something to say on the ongoing issue, and I want to reiterate what someone said that; 'Too much work without play makes Jack a dull boy'. We had a lot of work in the Assembly as

both Members and staff, and Members were growing fat because they were sitting a lot. The opportunity that I got, I realized that we need to jog around and learn how to take care of our health so that we can be physically and mentally fit for rational during debate. One of the areas that I enjoyed most is the opportunity we got with the facilitators who taught us about teamwork, and to know the importance of exercise in our lives. They equally wanted us to understand our inner energy Madam Speaker. We met with people from different backgrounds, and from the various backgrounds we have had a lot of politics in Kisumu until we have forgotten about ourselves. Apart from the interactions, this opportunity gave me some inner strength. I never knew that dancing can make you fit, and let your joints open up so that you do not get tired in any circumstance Madam Speaker. So, in this case, I want to appreciate the administration that is the office of the Speaker and that of the Clerk and the County Assembly Service Board (CASB) for planning the bonding retreat. As I said earlier, this should be done quarterly to make sure that we continue engaging in activities that bond us together.

Lastly, Madam Speaker, it was an opportunity to inform staffs that we need to pull our energy towards in one direction, which is to make our County Assembly one and that we can trust our colleagues. The suspicion and fear that we have has made us not to walk together. From the interactions in one of the days, I saw the energy that the Speaker, and the Members of the Speaker's Panel. The only thing that was not reflected, and we really urge the House to consider, is to allow the leadership to take a centre role. It is not the duty of a Speaker to unite people parse but of the entire leadership including the Leader of Majority, and the Chief Whip to be in the fore-front because we are almost all from ODM party. We need to be speaking in the same voice. By virtue that they do not appear to be working towards that line, the Speaker did it well by trying to bring us together as a family. Madam Speaker, the way forward should be for us to embrace the need to interact, to develop Bills and Motions and these learned staff that we have today are able to enjoy our stay in this Assembly. We will be judged after five years with the Motions and Bills that we will be discussing in the Assembly, and the reports that we are churning out, that will have an impact on the lives of the people we represent? That is why the union, the bonding was an eye opener for the next phase of this Financial Year of Kisumu County and during this period of our which we are in service currently. Thank you, Madam Speaker.

The Temporary Speaker (Hon. Oginga, Nominated Member): Thank you. Let me give one more chance to Honourable Bill Oliver so that we move to the next order.

Hon. Oliver (MCA, Kobura Ward): Thank you Madam Speaker. We were on a retreat in Naivasha and I learnt a lot. First of all, we have members of staff which I never knew are part of this Assembly. At least, we got to interact and know each other. Another thing is that everyone has to know is that they all have a role to play in Kisumu County Assembly. I learnt to appreciate every role that every Member has including the staffs. Madam Speaker, from our retreat, I also realize that sporting is a very good activity and as Members, we should take it seriously. That is

because; some of us realized that we are gaining a lot of weight which is not good for our well-being. However, I can report that for now, I have made it a culture by waking up in the morning and dance or even go for a jog. I therefore believe that other Honourable Members are going to do that. This will make us healthy and for that matter, a healthy man or woman performs hi/ her duties well.

Madam Speaker, I therefore want to thank the County Assembly Service Board, the Speaker and the Clerk for what was done. I believe that in the coming years, we are still going to have such programmes that bring us together because as an Assembly, we are one thing pushing a common agenda. Therefore, we need such platforms to interact and know more about each other as well as understand one another more, thank you.

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

PAPER LAID

THE KISUMU COUNTY FINANCE BILL, 2023

BY

HON. BENSON ADEGA, MCA, KAJULU WARD.

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

Hon. Adega (MCA, Kajulu Ward): Pursuant to section 133 of the Public Finance Management Act, 2021 read together with Standing Orders No. 226 of the County Assembly Standing Orders; I wish to lay today Tuesday the 19th of September, 2023; the Kisumu County Finance Bill, 2023.

Hon. Adega tables the paper for consideration)

The Temporary Speaker (Hon. Oginga, Nominated Member): Honourable Members, I am in receipt of the Kisumu County Finance Bill, 2023 and I want to commit it to the Select Committee of Budget and Appropriations for consideration within 21 days.

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

STATEMENTS

The Temporary Speaker (Hon. Oginga, Nominated Member): Honourable Members we are in statement hour and I will open the floor for any statement to be raised. It seems there is no statement.

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

MOTION

ADOPTION OF THE REPORT ADOPTION OF THE REPORT BY THE COMMITTEE ON AGRICULTURE FISHERIES, LIVESTOCK DEVELOPMENT AND IRRIGATION ON THE MATTER OF FISH KILLS IN CAGES ALONG DUNGA BEACH

BY

HON. EUNICE ALANDO, NOMINATED MEMBER

(CHAIRPERSON, AGRICULTURE, LIVESTOCK AND FISHERIES COMMITTEE).

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

Hon. Bill (MCA, Kobura Ward): Thank you Madam Speaker. I wish to move the motion on behalf of my Chair Hon. Alando.

The Temporary Speaker (Hon. Oginga, Nominated Member): Please proceed Honourable Member.

Hon. Bill (MCA, Kobura Ward): Thank you once again. Mr. Speaker Sir and Hon. Members, Pursuant to Standing Order no. 41 (2), Hon. James Were during the assembly sitting on Tuesday, 4th July, 2023, sought for a statement regarding mysterious Fish Kills in cages along Dunga Beach in Lake Victoria (see annex 1). The statement was accordingly committed to the Sectoral Committee on Agriculture, Fisheries, Livestock Development and Irrigation pursuant to its mandate as enshrined in County Assembly S.O No. 193 (5) to investigate, probe, inquire and report back the Findings and Recommendations to the House within a period of two weeks. My Committee in gratifying this noble task, has adopted this report which I now present before this Hon. House for determination.

2. QUESTIONS SOUGHT FOR IN THE STATEMENT

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

3. RECOMMENDATIONS

Mr. Speaker and Hon. Members, with regards to the Committee observations and findings contained herein, we present the following recommendations for consideration;

- a. On Plans/interventions in terms of remedying on the loss by providing fingerlings, fish feeds or any compensation towards the same?

The Committee Recommends;

1. THAT, the Kshs. 2,000,000 set aside in the current budget for cage farmers in Dunga, priority be given to the affected farmers by providing a stimulus program such as fingerlings and fish feeds.
2. THAT, the Department to strengthen and expedite their engagements with Partners/stakeholders like Victory Farms, Equity Bank among others to find a way of providing a support to the affected farmers.
- b. What measures is the Department putting in place to address any future occurrence on the same?
3. The Department to continuously provide targeted technical services to Fish Cage Farmers in Dunga and the entire County.
4. The Department to implement the Multi Agency Team recommendations on Fish Kills in Lake Victoria which include; Purchase of Water quality monitoring kit and act as an early warning sign for remedial measure and Establishment of cold chain facilities and marketing strategies at strategic beaches.
5. The Directorate to train more Fish Quality Assurance Officers to enable them handle quality assurance issues in case of Massive Fish Deaths.
6. The National Government to complete the Process of legislation on Aquaculture to enable easy regulation of Cage Culture activities.

ACKNOWLEDGEMENT

Mr. Speaker Sir and Hon. Members, on behalf of the Agriculture, Fisheries, Livestock Development and Irrigation Committee members, I wish to extend my gratitude to your office and the Clerk's office for providing us with a conducive environment which has enabled us to achieve our objective within the limited timeframe.

I am also appreciative to my members who despite their busy schedule sacrificed their time and generously participated in this exercise to its conclusive end.

I equally, commend the line Department for their full cooperation on this process by promptly submitting the responses as requested by the Committee.

Lastly, I applaud my technical team for showing commitment throughout, planning and coordinating activities, drafting and compiling this report

Hon. Speaker Sir and Members, now it is my pleasant duty and honor, to table this response report on the questions sought for by the Hon. James Were regarding the Fish Kills in cages along Dunga Beach and recommend it to the House for adoption.

LEGAL FRAMEWORK UNDERPINNING COMMITTEE ACTIVITIES

Mandate of the Committee

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

Standing Order Number 193 (Second Schedule) of the County Assembly of Kisumu stipulates as follows.

That the Committee shall inquire into, investigate and report on;

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

Provision of County Assembly Standing Order No. 193(5)

1. The functions of Sectoral committees shall be;

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operation and estimates of the assigned departments;
- b) Study the programme and policy objectives of departments and policy objectives of departments and the effectiveness of the implementation;
- c) Study and review all the County legislation referred to it;
- d) Study, access and analyze the relative success of the departments as measures by the results obtained as compared with their stated objectives;
- e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- f) To vet and report all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order No. 187 (Committee on Appointments).
- g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

COMMITTEE MEMBERSHIP

Mr. Speaker and Hon. Members,

The composition of Agriculture, Fisheries, Livestock Development and Irrigation Committee as currently constituted comprises; -

MEMBERS PRESENT:

- | | | |
|-------------------------|---|------------------|
| 1. Hon. Eunice Alando | - | Chairperson |
| 2. Hon. Bill Oliver | - | Vice Chairperson |
| 3. Hon. Samuel Dede | - | Member |
| 4. Hon. Pamela Oyoo | - | Member |
| 5. Hon. Vincent Jagongo | - | Member |
| 6. Hon. Maurice Ngeta | - | Member |
| 7. Hon. Nereah Okombo | - | Member |

Secretariat

- | | | |
|-------------------|---|---------------------|
| 1. Peter Anditi | - | Committee Clerk |
| 2. Omollo Isaac | - | Clerk Assistant |
| 3. Zablun Otiende | - | Hansard/Secretariat |
| 4. Kennedy Okise | - | Sergeant-at-Arms |
| 5. Wycliffe Owade | - | Researcher |

COMMITTEE MEETINGS

Mr. Speaker sir and Hon Members, the Committee held a total of four meetings to deliberate on the statement, prepare terms of references, communicate with the Department, analyze and scrutinize and get just justifications to the responses and cause adoption this report.

TERMS OF REFERENCE FOR AFL COMMITTEE;

- I. Inquire on the possible Causes of the Fish Kills in Cages along Dunga Beach.
- II. Get a profile of the losses incurred by affected farmers as a result of the Fish Kills.
- III. Get details of plans or interventions in terms of remedying on the loss by providing fingerlings, fish feeds or any compensation.
- IV. Measures being put in place by National and County Government to address any future occurrences.

FORWARDING CONCERNS TO THE DEPARTMENT AND SUBMISSION OF RESPONSES

Mr. Speaker Sir and Hon. Members, following the Committal of the statement, the Committee through its resolution directed the Clerk of the Assembly to make written communication on the concerns sought for on the statement to the Line Department. The letter was referenced: CAK/ALFC/CG/VOL.8/2023 dated Tuesday, 8th August, 2023 (see annex ii).

Consequently, the Department responded by submitting a detailed and comprehensive written response vide a letter Ref: CDF/KSM/ADM/10/VOL.II/197 dated 23rd August, 2023 which was received by Clerk on Monday, 28th August, 2023 (see annex iii).

10. BACKGROUND INFORMATION

Mr. Speaker Sir and Hon. Members, Fish Kill is an annual phenomenon that usually occurs on Lake Victoria and is associated with weather patterns. In 2020 Lake Victoria as well as the Riparian regions experienced severe weather patterns where mass Fish Kills were reported on the Kenyan side around late January and February, 2020. Changes in weather conditions triggers mixing of the Lake, an event that could lead to fish kills due to low dissolved oxygen levels in the water.

In May, 2021 there were cases of mysterious deaths of Nile perch in Lake Victoria, after investigations it was concluded that this was an annual phenomenon that usually occurs on Lake Victoria and is associated with weather patterns that causes mixing of the Lake at different spots causing anoxia (low dissolved oxygen below critical levels).

In 2022, reports from Fishermen at different points in Kisumu East, Kisumu West, and Seme Sub-Counties of fish kills, bad smell and bad smell were received. Fishermen and Cage Fish Farmers were greatly affected. For instance cage Fish Farmers in Othany, Kaloka, Asat and Ogal beach Seme-County, the loss was estimated at One Billion Kenyan Shillings.

Due to this mysterious happenings, the CS for mining, Blue Economy & Maritime Affairs on Wednesday 23rd November, 2023 formed a Multi-Agency Team (MAT) tasked to look into issues of Fish Kills and report the Findings and Recommendations to the CS within 14 days from 23rd November, 2022 i.e. by 6th December, 2022 which further confirmed that low oxygen levels is the main cause of fish kills in cages or in the wild.

COMMITTEE OBSERVATIONS AND FINDINGS

Mr. Speaker and Hon. Members, the Committee noted the following after conducting inquiry and investigation into this matter;

1. That, the Phenomenon that lead to Fish Kills on Cages along Dunga Beach is called (ANOXIA-low dissolved oxygen below critical level) and happened in the month of April, 2023.
2. That a total loss incurred from the misfortune is totaling to Kshs. 15M.
3. That a total of 22 farmers were affected with a total of 60 Cages with average size of the Cages at 5M*5M* and 4M depth each having a capacity of 5000 fish.
4. That, the Fish Kills in Dunga occurred after finalization of an inventory by the Multi Agency Team lead by PS. Blue Economy and Fisheries therefore Dunga farmers did not benefit from the stimulus package offered jointly the National Government and County Government since farmers considered were based on the MAT report.

5. That there were engagements with stakeholders like Victory Farms, Equity Bank among other stakeholders to find a way of providing a stimulus program for Dunga Farmers.

6. That in the FY 2023/2024, the Department has set aside a Budget of Kshs. 2,000,000 for cage farmers in Dunga and farmers who lost will be given first priority.

CONCLUSION

Mr. Speaker and Hon. Members, I would like to implore this House to deliberate and consider adopting this report and further ensure that resolutions passed herein are communicated to the Department and promptly implemented. I therefore move the motion and call upon Hon. Ken Ouko to second.

The Temporary Speaker (Hon. Oginga, Nominated Member): Hon. Kennedy Ouko.

Hon. Kennedy Odhiambo Ouko (MCA, West Kisumu Ward): Thank you Madam Speaker. One, it is clearly explained that all these problems have been here they're.

The Temporary Speaker (Hon. Oginga, Nominated Member): Order!! honorable Ken Ouko. You're called upon to second.

Hon. Ouko (MCA, West Kisumu West): Thank you. I second.

Hon. Oiko (MCA, Kabonyo Kanyagwal Ward): Madam Speaker. Point of order!!

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

Hon. Oiko (MCA, Kabonyo Kanyagwal Ward): Madam Speaker, with due respect, it has been a parliamentary practice that when such a report come to the House, is read by the Chair, Vice Chair or a Member of that House Committee and can only seconded by the Member of the same House Committee. I want to be informed on which Standing Order this Assembly is diverting from that a non-member of the committee is seconding the report. When we look at the list of Members, Hon. Ken Ouko is not among the list. Madam Speaker, the list presented in this House, the Member of the committee who is present in this House in only the vice chair Hon. Bill Oliver.

The Temporary Speaker (Hon. Oginga, Nominated MCA): Yes Hon. Ajumbo. I don't know if you have a similar comment because I want to make a ruling on this matter.

Hon. Ajumbo (MCA, Central Seme Ward): Madam Speaker, it is just on the same comment. I just want to concur with what Hon. Oiko has raised. At times we know our responsibilities in this

Assembly and when we want to take everything for a joke it becomes very difficult and we become very useless like when we were still in the luncheon we were taking our lunch as we wait for time. Hon. Bill knew so well that he was alone while presenting this report and it is not right and wise to come and test Hon. Members in this House. Thank you.

The Temporary Speaker (Hon. Oginga, Nominated Member): Thank you Hon. Millicent for that comment and for the guidance from Hon. Oiko. Hon. Members, I believe that we risk deferring this report since we have no seconder and that there is no Member of this House Committee who is present. I know they are all out on official duty. I wish to defer this report to the House Business Committee for rescheduling. Thank you.

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

Hon. Oraro (MCA, Kolwa Central): Madam Speaker, I believe that it was not even wise for the report to be brought to this House. Madam Speaker, if really the House Business Committee is working then, they could have seen that instead of scheduling a report and Members are busy then they could have postpone. But all the same our judgment is wise and we are just sending a warning that whoever sits in the House Business Committee should always communicate to the leadership and especially the Chairpersons through Liaison Committee that they should take their work seriously and mobilize Members to attend and defend the report. Most of these reports are done through House Committees and we are not in all those committee meetings. We don't even know those people who come to give evidences. So, anytime a report is brought without the support required then, that implies that Members are not taking their work seriously and that should be changed. Thank you.

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

ADJOURNMENT

The Temporary Speaker (Hon. Oginga, Nominated Member): Honourable Members, there being no any other business to transact, the House stands adjourned to Wednesday, 20th September, 2023 at 9.00 a.m.

(House rose at 03.15 p.m.)

The Hansard Team

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