COUNTY GOVERNMENT OF KISUMU

COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – SECOND SESSION

Wednesday 4th October, 2023

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

(The Deputy Speaker (Hon. Nereah Okombo) in the Chair)

PRAYER

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honourable Members, I want to request that pursuant to the provisions of under Standing Order No. 32 (2) of the Kisumu County Assembly Standing Orders, that the Serjeant-at-Arms rings the quorum bell for the first five minutes.

(Quorum bell rung for five minutes)

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Hon. Deputy Chief Whip kindly confirm if the House has attained the quorum.

The Deputy Whip ((Hon. Obonyo, MCA, South West Kisumu Ward): Thank you Madam Speaker. There is quorum.

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

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Next order!!

COMMUNICATION FROM THE CHAIR

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honourable Members, we are privileged to have in our midst pupils from Chiga Primary School in East Kolwa Ward, Kisumu East Sub County. I know the school is in Kolwa Ward headed by Hon. Reuben Rakwach who is on official duty in the Senate in Nairobi. I know Members of Kisumu East are here. I will give them a chance to say something to the pupils but before that, allow me to recognize the delegation that heads this visit. We have the Head Teacher Rev. Ruth Omondi, Mr. David Otieno Owili, Senior Teacher Mrs. Evelyn Uhuru, and Mr. Alphayo Oluoch and the Personal Assistant to Hon. Rakwach, Mr. Maurice Onyango. Pupils of Chiga Primary School, please feel most welcomed. We have Hon. Boitone of Nyalenda "A" also a Member representing Kisumu East, Hon. Benson Adega Ambuti of Kajulu Ward and we also have nominated Member Hon. Peter Obaso who is also coming from Kisumu East. I want to give you a minute each to say something to the pupils. I will start with Hon. Benson Ambuti.

Hon. Ambuti (MCA, Kajulu Ward): Thank you Madam Speaker for giving me a chance to welcome our pupils from Chiga Primary School in Kisumu East. I want to encourage you to work hard so that you get to where we are at the moment. Be active in school; respect your parents and teachers, anytime they give you instructions. Thank you Madam Speaker.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Hon Boitone, maybe you can share with the pupils our key mandates as MCAs, what we do here. May be that can be part of their lessons learned and experiences shared. This could make them be abreast with the happenings of the Assembly.

Hon Boitone (MCA, Nyalenda "A" Ward): Thank you Madam Speaker. My name is Ratib Boitone, a member represent Nyalenda "A" Ward, in Kisumu East Sub-county. I take this opportunity to welcome teachers and pupils of Chiga Primary School to this session of the Third Assembly. I have been directed by the Speaker to briefly take you through what we do in this Assembly. One of the mandates of the Assembly is to represent you. Whatever issues, problems or matters you would like to bring forth, are presented on your behalf by us in this Assembly. We have various foras outside where we can meet and get your ideas or views which we eventually submit before the House through Statements. That is representation role.

Secondly, as a Member of County Assembly, we are also mandated with an Oversight Authority. I hope you understand what oversight is. We do checks and balances on the projects done by the County Executive wing of the Government led by the Governor Prof. Anyang' Nyongó. So, as they roll these projects to different Wards in Kisumu County, we have to scrutinize the processes involved. This ensures that the projects are done as were drawn and in respect to the Bills of

Quantities. This is an important role that you should take note of. If things are not well done, then we bear the blame from the electorates.

Thirdly, we legislate. Legislation is making laws, amending laws where appropriate or doing away with laws that may be obsolete. This is work done in the Assembly. We also have staff who are a part of us and who assist us in undertaking these tasks. This is an important role. You understand that Governments are run through laws. For Kisumu County, the by-laws that govern our operations are formulated in this Assembly. Those are the three core mandates of the Assembly.

Let me now take this opportunity to welcome you to this House. Feel most welcome. I believe that by the time you will leave, you shall have gained knowledge on the roles of your area MCA. Thank you Madam Speaker.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Thank you Hon Boitone.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Hon Obaso!!

Hon Obaso (Nominated Member): Thank you Madam Speaker. Let me start by applauding these beautiful girls and boys for coming to the Assembly for their learning. I have a word of encouragement to the candidates. I want to inform you that every dream is valid as long as you stick to these key concepts of success. First, you must identify what you want to do in life. You do it with hard work then you stay committed to it. This way, you will be successful. Secondly, I want to let you know that every development you see in the County is either formulated at the County Assembly or Parliament of Kenya. This House is therefore very important to the success of our republic. Thank you and feel most welcome.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Thank you, I do not know why Hon. Dede seems uneasy on his seat. Hon. Dede, what do you have to say?

Hon. Dede (MCA, Kisumu North Ward): Thank you, Madam Speaker, for according me s opportunity to air my sentiments concerning your speech. First of all, Madam Speaker, it is procedural in this House that Members can welcome guests regardless of the Sub-County the come from. Being a representative, I represent members of the Fourth Estate in the Kisumu County Assembly. So, it is rightful that…

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Order!! Hon. Dede. This House does not do the work of the Fourth Estate. We are legislators in this House and we also do Oversight, Legislation and Representation and those are our key roles mandated by the Constitution of Kenya 2010. However, you are right that any Member has a right to talk to our visitors, and kindly stick to the point in one minute.

Hon. Dede (MCA, Kisumu North ward): Thank you, Madam Speaker for the correction. Mine was just to encourage the young ones that at one particular time, more than thirty years ago, I was also a candidate. While they are here, they need to prepare well for the task ahead. To the teaching staff, be informed that this House constitutes Members of different professions. We have teachers such as Hon. Were, who is out on official duty, Hon. Nyaoke among others. So, the House is represented by all sorts of profession other than teachers. I want to inform these pupils therefore that as for now, you need to focus on their studies. The Honourable Member representing Kolwa East, Hon. Rakwach, informed me that when the teachers and pupils from his ward come to the Assembly, I should inform them that they should work hard. Also, that those students who will perform best will receive a gift from him as well as the teachers whose subjects will be ranked as best performers. That is all the information I have for you, thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Thank you, we also have with us in the House, the youngest elected MCA. He represents Kobura Ward. He is also the only MCA who made it to the Assembly outside the ODM Party caravan, with an independent ticket.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Yes, Hon. Bill Oliver.

Hon. Oliver (MCA, Kobura Ward): Thank you, Madam Speaker. I am happy that you have recognized me well. So, I am happy we have visitors today and that they are my neighbors because you realize that we are one family. Olwa, Obura, and Obonyo were brothers. I wanted to use some word that we are one family. I therefore want to inform or visitors that in this House, you realize that we have many professions that is why outside there, the things we discuss here, you notice that they have a lot of impact. One thing I want to advice you people is that you should take your work in school seriously, do what the teachers require of you, and if you do not understand anything, just go and consult the teachers. You realize that at that age, most pupils fear their teachers instead of having some bond with them so that they get to understand and tap more knowledge from the teachers. I want to encourage you that your dreams are valid. If you want to be a doctor, an engineer, a teacher, know that all dreams are valid. All these will be dependent on how you use your time. The precious time that you have is what will propel you to your dreams.

If at any time you have your timetable and you are not using it, then know very well that you are reducing the percentage of getting to your valid dreams. So, take it seriously. I am also happy with Hon. Rakwach's office for taking this initiative well and bringing their pupils here because this is an area where they learn and some of them even get inspired seeing people as their parents or even relatives elected working. I believe that you heard a Honourable Member informing you as to what we do here. So, some of them will come out here and may want to get into politics. I really want to applaud the office of Hon. Rakwach, and I believe that Honourable Members will continue with this trend. The other time we saw other groups, and we will continue with this

trend so that our children get encouraged to pursue other professions or even join politics. It is a path and after we are gone some people will also fit in our shoes. So, we are happy with the management of Hon. Reuben Rakwach's office, thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Hon. Okoyo, what is it?

Hon. Okoyo (MCA, Central Kisumu ward): Thank you, Madam Speaker.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): No, what is it?

Hon. Okoyo (MCA, Central Kisumu ward): Madam Speaker, I also want to give a word of advice and encouragement.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Then, one minute please Hon. Okoyo.

Hon. Okoyo (MCA, Central Kisumu Ward): Thank you Madam Speaker. Let me take this opportunity to welcome the young souls and the teachers who are here. Madam Speaker this is so encouraging and I believe the young souls are really admiring what they are seeing before them. Madam Speaker, I was not very happy when you were choosing people to welcome the young…

(Hon. Adega rises on his feet)

Hon. Adega (MCA, Kajulu Ward): On a point of order Madam Speaker

Hon. Okoyo (MCA, Central Kisumu Ward): Madam Speaker, the young souls…

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honourable Adega, what is your point of order?

Hon. Adega (MCA, Kajulu Ward): Can the Honourable Member assure the people…

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): What is your point of order Hon. Adega?

Hon. Adega (MCA, Kajulu Ward): Who are the people in the House Madam Speaker…

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Order!! Hon. Adega.

Hon. Okoyo (MCA, Central Kisumu Ward): Thank you for protecting me and I do not know why Honourable Adega feels uncomfortable when I am speaking. Madam Speaker, what I wanted to…

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honourable Okoyo, it is in order that you address Members as Honourable Members.

Hon. Okoyo (MCA, Central Kisumu Ward): Thank you Madam Speaker for the correction. Madam Speaker, I want to emphasize and ask these young souls to work hard. I would also inform them to know that the County does not have Kabonyo/Kanyagwal, Kolwa and Kobura Wards only. That one should not be a language to be spoken in this Assembly.

Lastly, the young souls should see us as professionals. But politics is not a profession which I do not think they should take home as a field to study. We are professionals from different fields. Politics is just one of the responsibilities that we do but, it is not a profession. Once again, thank you Madam Speaker and I welcome the pupils and the teachers.

The Deputy Speaker (Hon. Okombo MCA Manyatta B Ward): Thank you. Next Order!

MOTION

ADJOURNMENT FOR THE URGENT MATTERS OF COUNTY IMPORTANCE: PUBLIC PARTICIPATION ON THE KISUMU COUNTY WATER BILL, 2023 AND KISUMU COUNTY ADMINISTRATION (VILLAGE UNITS) (AMENDMENT), 2023.

BY

HON. KENNEDY OOKO, MCA, AHERO WARD

(LEADER OF MAJORITY)

The Deputy Speaker (Hon. Okombo MCA Manyatta B Ward): Yes, Hon. Adega, are you Hon, Kennedy Ooko?

Hon. Adega (MCA, Kajulu Ward): Thank you Madam Speaker, I want to move the motion on behalf of the Leader of Majority Hon. Kennedy Ooko.

The Deputy Speaker (Hon. Okombo MCA Manyatta "B" Ward): Please proceed Honourable Member.

Hon. Adega (MCA, Kajulu Ward): Thank you Madam Speaker. AWARE THAT the Kisumu County Administration (Village Units) (Amendment) Bill, 2023 and the Kisumu County Water Bill, 2023 underwent first reading on Thursday 7th September, 2023 and Thursday 28th September, 2023 and was to the committed to the Committee of Administration of Law, Justice, Constitution Affairs, Good Governance and Security and the Committee of Water, Environment, Natural Resources and Climate Change respectively in accordance with Standing Orders No. 123 (1) of the Kisumu County Assembly Standing Orders; *A Bill having been read a First Time shall stand committed to the relevant Sectoral Committee without question put.*

FURTHER AWARE THAT Orders No. 123 (3) of these Standing Orders provide that; the Sectoral Committee to which Bill is committed shall facilitate public participation and shall take

into account the views and recommendation of the public when the committee makes its report to the County Assembly.

Madam Speaker, RECOGNIZING THAT the County Assembly has scheduled public participation exercise for the two Bills on Thursday, 5th October, 2023 which is tomorrow.

FURTHER RECOGNIZING THAT the Hon. Members and staffs of the County Assembly have a responsibility to actively participate in this process to ensure that the government serves the best interests of its constituents and upholds democratic principles.

ACKNOWLEDGING THAT Standing Orders No. 31 (1) the Kisumu County Assembly Standing Orders states; *Any Member may at any time rise in his or her place to seek leave to move the adjournment of the County Assembly for the purpose of discussing a definite matter of urgent County importance*.

FURTHER ACKNOWLEDGE THAT, Standing Orders No. of the Kisumu County Assembly Standing Orders states; *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 County Assembly plenary sitting until Wednesday 11th October, 2023 at 9:00 a. m. Thank you.

The Deputy Speaker (Hon. Okombo MCA Manyatta "B" Ward): Honourable Adega, please call a seconder.

Hon. Adega (MCA, Kajulu Ward): Madam Speaker, let me call upon Hon. Nyaoke to second this motion. Thank you.

The Deputy Speaker (Hon. Okombo MCA Manyatta "B" Ward): Yes Hon. Nyaoke, Member representing North Nyakach Ward.

Hon. Nyaoke (MCA, North Nyakach Ward): Thank you Madam Speaker, we are all aware that, one of the fundamental functions as enshrined in the Constitution is stakeholder engagements or public participation. Therefore, it is of utmost importance that we adjourn this House and attend to this particular function that is scheduled to take place tomorrow in all the seven Sub-counties. I therefore stand to support the adjournment motion. Thank you.

The Deputy Speaker (Hon. Okombo MCA Manyatta "B" Ward): Thank you Honourable Members. An Adjournment Motion for Urgent Matters of County Importance that is the Public Participation on the Kisumu County Water Bill, 2023 and Kisumu County Administration

(Village Units) (Amendment) Bill, 2023 has been moved by Hon. Benson Adega on behalf of the Leader of majority Hon. Kennedy Ooko and seconded by Hon. Tom Nyaoke. I therefore want to propose a question that this motion be opened for discussion.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Hon. K'omudho, Member representing Muhoroni/Koru Ward.

Hon. K'omudho (MCA, Muhoroni/Koru Ward): Many thank Madam Speaker and again thanks to my fellow colleagues Honourable Members. With due respect, it is only fair that we get to support this adjournment motion taking into consideration that stakeholder engagements is key to doing what we as a House is mandated to do even here in the plenary. Madam Speaker, without taking this to the community, ideally we would have lost the game and therefore it is only fair that and it equally goes to our daily mandate that we as Members of this Honourable House get to attend this public participation exercise and especially as Honourable Members representing the interest of our communities. Again, you will realize that this has been mentioned in the past because quite a number of activities take place when we don't attend these public participations. Ideally, staff from the Assembly and even the public would ensure some involvements from us as Honourable Members to help moderate the temperatures just in case the meetings become a bit abnormal and here is where your presence is required. Madam Speaker, I fully support 101 % the adjournment motion for the public participation exercise. Thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Hon. Ratib Boitone, Member representing Nyalenda "A" Ward.

Hon. Ratib (MCA, Nyalenda "A" Ward): Thank you once again Madam Speaker. I similarly arise in support of the Adjournment Motion. It is in the public domain that the Constitution 2010 provides what is known as public participation in all the undertaking of the two levels of government notably the National and the County Governments. Therefore, laws, bills and regulations must be taken through for scrutiny by the public to enable them give a node if it is in good faith. This is where public will have to give their views and input and they will either refuse or accept what has been taken to them.

Madam Speaker, this is the only time where the public is accorded the opportunity to challenge a document on what they deem not to be good to them. So, this public participation is not only key to the Honourable Members of the House but, it is equally significant to members of public. This is because, the buck stops with the public and whatever is done from the two tiers of government, the buck has to stop with the public. If they ascertain that what is not good for them, at the end of the day they will have to bear the brunt or wrath. So, I equally want to encourage the public to attend these engagements without forgetting the Members of this House to also endevour and attend and these forums to help shedlight on a few areas that the public might not be acquainted to. I support the motion. Thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Hon. Dede, Member representing North Kisumu Ward.

Hon. Dede (MCA, North Kisumu Ward): Thank you Madam Speaker. I equally arise to concur with this Motion of Adjournment of the House on matters of County Importance. Madam Speaker, as the Chair of the Standing Committee of Water, Environment, Natural Resources and Climate Change and this Bill is directly under my docket. This Bill will enable us enact rules which will govern members of this County. So, I stand with this House that, we adopt the motion of adjournment by stating that this Bill is not only meant for Members of this County Assembly but, also members of the public in this County.

Madam Speaker and Honourable Members, secondly, I am aware that it is lawful that whatever this House does, we must capture the views and aspirations of the public. The law gives us the latitude to capture their thoughts through these public participation exercises so that when the report is brought to this House as representatives of the public get to know their needs. I understand that not everyone may be able to attend public participation events. Therefore, I encourage the Members of the County Assembly of Kisumu to ensure that public participation takes place at the Sub-County level in all 35 wards. In cases where committee members cannot be present during these events, I kindly request our leaders to inform those unable to attend to submit their opinions in the form of written memoranda. These memoranda should be forwarded to the County Assembly through the Clerk's office to ensure that their perspectives are also considered.

Additionally, in light of the evolving governance system, it's important to acknowledge that our rules and regulations can change over time. I'm aware that the issue of Village Administrators has become a sensitive topic, especially considering the duration of their tenure in those roles. The adjustments/amendments proposed through public participation will contribute to a more effective functioning of the Executive branch of the government.

Lastly, I would like to urge Members of Kisumu County Assembly to attend the public participation and highlight the issues which our people shall not be well conversant with. Thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Yes Deputy Whip.

The Deputy Whip (Hon. Obonyo, MCA, South West): Thank you Madam Speaker, I wish to call the mover to reply.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Thank you Hon. Whip but I have seen Hon. Members who still want to contribute to the motion on their feet.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Yes Hon. Bill.

Hon. Bill Oliver (MCA, Kobura Ward): Thank you Madam Speaker, I wish to support the adjournment motion. Public participation is very significant especially in our roles as Members of the County Assembly. I have actually attended some of the public participation and we really get to learn a lot even as Members. In such platforms we get ideas as we get to interact with the members of the public. Madam Speaker, I want to encourage Members of the House to always attend the public participation since it is a very important tool for us in the Assembly.

Madam Speaker, another issue as I support, I believe we will be having more and better ways of making our people at the wards know when we have the public participation because I have been talking to Members and also walking around and I have realized that we need to improve on how we notify our people since the attendance is really wanting. Thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honourable Members, is there any further contribution before we give leeway for the mover to reply?

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Yes mover of the motion, Hon. Adega.

Hon. Adega (MCA, Kajulu Ward): Thank you Madam Speaker, I want to express my gratitude to the Honorable Members for their support of the motion. It is the responsibility of our esteemed Members to engage with the public in the process of public participation. Equally, it is crucial for the public to familiarize themselves with the motion that will be passed in this legislative body and actively participate in it.

Madam Speaker, I would also like to extend my appreciation to Honorable Vitalis for his wise counsel, highlighting the need for Members to take a more active role in coordinating and facilitating public participation programs. It is indeed a matter of fairness and effectiveness when we are in the legislative chambers while public participation activities are happening on the ground. Thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Thank you Honourable Members. A motion of Adjournment for Urgent Matters of County Importance that is Public Participation on the Kisumu County Water Bill, 2023 and Kisumu County Administration (Village Units) Amendment Bill, 2023 has been moved, seconded and debated upon. I therefore want to put a question on the adoption of the same.

(Question put and agreed to)

ADJOURNMENT

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B" Ward): Honourable Members, the House stands adjourned until Wednesday, 11th October, 2023 at 9.00 a.m.

(House rose at 03.15 p.m.)

Addendum

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