

## COUNTY GOVERNMENT OF KISUMU



### COUNTY ASSEMBLY OF KISUMU

### **THE HANSARD**

#### *Official Report*

#### THIRD ASSEMBLY – SECOND SESSION

Wednesday, 22<sup>nd</sup> November, 2023

House met in the Main Chamber at 02:30 p.m.

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

#### **PRAYERS**

**The Speaker** (Hon. Oraro): Mr. Clerk, please take us through the order of the day.

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

#### **COMMUNICATION FROM THE CHAIR**

**The Speaker** (Hon. Oraro): Honourable Members, I had earlier made communication in the wall that the Hon. John Awiti is bereaved because he has lost a daughter-in-law and the burial is scheduled to take place on Friday, 24<sup>th</sup> of November, 2023 at his home in Kisumu West Sub-county just near Obambo. I will be attending a funds drive with him today after this session. So, for those who are able to join in assisting the bereaved please do so. Thank you.

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

#### **MOTION**

THIRD READING OF THE KISUMU COUNTY WATER BILL, 2023

(KISUMU COUNTY BILL NO. 6)

BY

HON. SAMUEL DEDE, MCA, NORTH KISUMU WARD

(CHAIRPERSON, STANDING COMMITTEE OF WATER, ENVIRONMENT AND  
NATURAL RESOURCES AND CLIMATE CHANGE)

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

**The Speaker** (Hon. Oraro): Hon. Dede, why do you have to leave where you usually seat because there is a reason as to why members are identified by their usual seating positions. Maybe those microphones do not recognize you. Please go back and occupy your seat and use your microphone.

**Hon. Dede** (MCA, North Kisumu Ward): Thank you Mr. Speaker. I want to request the Clerk to take us through the Third Reading of the KISUMU COUNTY WATER BILL, 2023 (KISUMU COUNTY BILL NO. 6).

**The Speaker** (Hon. Oraro): Yes Mr. Clerk!!

*(The Clerk takes Member through the Third Reading of the Bill)*

#### THE KISUMU COUNTY WATER BILL, 2023

A Bill for

AN ACT of the County Assembly to give effect to Article 43 (1) (d) and Part 2 of the Fourth Schedule of the Constitution 2010 to provide for legal and institutional framework for provision of water services in the County and for connected purposes.

#### MEMORANDUM OF OBJECT AND REASONS

The principal object of this Bill is to provide for a legal institutional framework for the implementation of Article 43 (1) (d) and paragraph 8 (d), 10 (a), 11 and 13 of part 2 of the Fourth Schedule of the Constitution in order to.

- a) ensure access to sustainable, clean, portable, affordable, equitable and adequate water for domestic consumption and for industrial, agricultural and other purposes;
- b) Provide for improved, appropriate and sustainable water management services including effective and efficient management of storm water in built-up areas;
- c) Improve public and environmental health through sustainable, effective and efficient sanitation;
- d) Improve and ensure high water quality for human consumption;
- e) empower communities and develop the capacity of communities for effective water sanitation and service delivery;

f) facilitate effective water and sewerage and/or sanitation dispute resolutions mechanisms;  
and

g) enhance soils and water conservation efforts;

Statement of how the Bill concerns the County Government of Kisumu

This Bill concerns that county Government of Kisumu in terms of Article 43 and the Fourth Schedule Part II of the Constitution.

Statement of Delegation of Legislative Powers and Limitation of Fundamental Rights and Freedoms.

This Bill does not contain any provisions limiting any fundamental rights or freedoms. This Bill however delegates legislative authority to the County executive Committee Member for the time being for Water, Environment and Natural Resources to make regulations for the better implementation of the Act.

Statement that this Bill is not a Money Bill, within the meaning of Article 114 of the Constitution of Kenya

This Bill is not a money Bill within the meaning of Article 114 of the Constitution of Kenya.

Financial Impact Statement

The enactment of this Bill shall occasion additional expenditure of public funds.

Mr. Speaker and Honourable Member, the Kisumu County Water Bill, 2023 (Kisumu County Bill No. 6) stands read for the Third Time. Thank you.

**The Speaker** (Hon. Oraro): Honourable Members, now that that Kisumu County Water Bill, 2023 (Kisumu County Bill No. 6) has been read for the Third time, I propose that it is open for debate? This is because; the Third Reading gives Members the opportunity for any further proposed amendment even though at the commencement of the session, I have not received any communication from any Member or the House Committee or from the public at large on any proposed further amendments.

*(Silence)*

**The Speaker** (Hon. Oraro): Honourable Members, I assume that silence is construed to mean that Members are contented with the amendments so far. So, Hon. Chair, Water, Environment and Natural Resources, Hon. Samuel Dede, the floor is now yours.

**Hon. Dede** (MCA, North Kisumu Ward): Thank you Mr. Speaker. I want to inform you that during the amendments that were done in the morning session, Honourable Members debated upon these amendments and they were adopted. Mr. Speaker, after adoption and approval of the

Kisumu County Water Bill, 2023 (Kisumu County Bill No. 6), it be forwarded to the Governor for his assent. I reply Thank you.

**The Speaker** (Hon. Oraro): Honourable Members, the Kisumu County Water Bill, 2023 (Kisumu County Bill No. 6) was introduced into this Honourable House and procedurally laid on the floor of this House on Thursday, 21<sup>st</sup> September, 2023 and stood committed to the Standing Committee of Water, Environment and Natural Resources and Climate Change and public participation was conducted on Thursday, 28<sup>th</sup> September, 2023 in all the seven sub-counties.

Honourable Members, Second Reading of the Kisumu County Water Bill, 2023 (Kisumu County Bill No. 6) was done and amendments were proposed to the Bill. Honourable Members, today in this session, the Third Reading has been undertaken and we have noticed no further amendments being proposed. As per the provisions of the Kisumu County Assembly Standing Orders, I want to put a question? I put a question that, the motion for the approval of the Kisumu County Water Bill, 2023 (Kisumu County Bill No. 6) with all the amendments therein be adopted?

*(Question put and agreed to)*

**The Speaker** (Hon. Oraro): Honourable Members, the Kisumu County Water Bill, 2023 (Kisumu County Bill No. 6) has been adopted today Wednesday, 22<sup>nd</sup> November, 2023 at 14:41 hours with all the amendments therein. I so direct that the Vellum together with Hansard Report be prepared for purposes of forwarding of the Kisumu County Water Bill, 2023 (Kisumu County Bill No. 6) to the Governor for assent/enactment. Thank you.

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

## MOTION

ADJOURNMENT OF THE COUNTY ASSEMBLY PLENARY SITTINGS ON DEFINITE MATTERS OF URGENT COUNTY IMPORTANCE.

PUBLIC PARTICIPATION ON THE KSUMU COUNTY BUDGET REVIEW AND OUTLOOK PAPER (CBROP) FY 2022/2023 - UNTIL TUESDAY, 28<sup>TH</sup> NOVEMBER, 2023  
AT 02:30 P.M.

BY

HON. KENNEDY OOKO, MCA, AHERO WARD

(LEADER OF MAJORITY)

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

**Leader of Majority** (Hon. Ooko, MCA, Ahero Ward): Thank you Mr. Speaker. I arise to move a Motion of Adjournment of the County Assembly Plenary Sitting until Tuesday, 28<sup>th</sup> November, 2023 at 02:30 p.m.

AWARE that the Kisumu County Budget review and Outlook Paper (KCBROP) for the financial year 2022/2023 was laid on the table of the County Assembly during its sitting of Wednesday, 25<sup>th</sup> October, 2023.

FURTHER AWARE THAT, the County Assemblée of Kisumu has scheduled Public Participation exercise for the Kisumu County Budget review and Outlook Paper (KCBROP) for the financial year 2022/2023 on Thursday, 23<sup>rd</sup> November, 2023 where Honourable Members and staff are expected to take part.

ACKNOWLEDGING THAT, Orders No. 31 (1) of the Kisumu County Assembly Standing Orders states that;

*“Any member may at any rise in his or her and seek leave to move the adjournment of the County Assembly for the purposes of discussing definite matters of urgent County Importance.*

FURTHER ACKNOWLEDGING THAT, Order No. 29 of the Kisumu County Assembly Standing Orders states that;

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

NOW THEREFORE, this Assembly urges Honourable Members to adjourn the County Assembly plenary sittings until Tuesday, 28<sup>th</sup> November, 2023 at 02:30 p.m. to allow for public participation exercise. Mr. Speaker, I therefore want to call upon Hon. James Omollo to second.

**The Speaker** (Hon. Oraro): Yes Hon. Omollo, member representing West Nyakach Ward.

**Hon. Omollo** (MCA, West Nyakach Ward): Thank you Mr. Speaker. I arise to second this very important motion. Mr. Speaker, we are all aware that our work here is to oversight the County Executive and it is now upon us to go out there and check what our constituencies are saying about the CBROP. Honourable Members are obligated to attend the public participation being conducted in his/her ward. So, I beg to second that this House be adjourned until such a date and time that the Leader of Majority has mentioned. Thank you.

**The Speaker** (Hon. Oraro): Honourable Members, now that a Motion for Adjournment of the County Assembly Plenary Sittings on Definite Matters of Urgent County Importance being the Public Participation on the Kisumu County Budget Review and Outlook Paper for the fiscal year

2022/2023 until Tuesday, 28<sup>th</sup> November, 2023 at 02:30 p.m. has been moved by the Leader of Majority and seconded by Hon. James Omollo, I propose that this motion is open for debate?

**The Speaker** (Hon. Oraro): Yes Hon. Ken Ouko the member representing West Kisumu Ward.

**Hon. Ouko** (MCA, West Kisumu Ward): Thank you Mr. Speaker. I arise to concur with the motion because this is a very important exercise and we are all aware what Public Participation entails because it is enshrined in our Constitution and the expectant results is that anything that is done in the County Assembly or the County Executive has to go through the public participation. Mr. Speaker, we all know the importance of this exercise and it is significant that we as Members be accorded the opportunity to go and oversee what is happening. Public Participation is in line with our oversight role which is required of us as one of our key functions. So, as a Member and as one of the people interested and bestowed the mandate to go and oversight the County Government, I want to appreciate this House for this motion of adjournment. Thank you.

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

**Hon. Nyaoke** (MCA, North Nyakach Ward): Thank you Mr. Speaker. I also rise to support this motion of adjournment which has been moved by the Leader of Majority. Mr. Speaker, it is important and again it is within our jurisdictions that we attend such events as public participation. Mr. Speaker, our attendance as leaders in this public participation exercise adds some salt to the discussions that goes on back in our wards or sub-counties. Mr. Speaker, there are certain times that our leadership skills is required and that we give leadership as we look into these statutory documents as we continue with the public participation exercise. Mr. Speaker, it is the reason as to why I request that each one of us because sometimes you find that we may not be there physically but, I want to impress upon all our members and colleagues to strive to attend this very important function especially Members/Leaders coming from the Sub-counties of Nyakach that, we do meet at Pap-Onditi tomorrow so that we are able to assist and help our people in understanding these documents. Thank you. I beg to support.

**The Speaker** (Hon. Oraro): Yes Deputy Speaker, Hon. Okombo.

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B” Ward): Thank you Mr. Speaker. Going by the mood of this Honourable House, I can see that every one of us is in agreement that indeed Public Participation is crucial in a thriving democracy. Therefore, we are giving a nod to the adjournment of this House to allow us join hands with our fellow electorates in participating in deciding on issues to do with governance that affect them at the grassroots. I therefore, want to call upon the mover to reply. Thank you.

**The Speaker** (Hon. Oraro): Hon. Okombo, you cannot debate and at the same time call the mover to reply.

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

**Hon. Dede** (MCA, North Kisumu Ward): Thank you Mr. Speaker. I equally want to add my voice concerning the motion of adjournment of the House. Mr. Speaker, it is procedural that we be with our electorates at some moment given that we are going for the public participation exercise. I similarly join my fellow colleagues that it is a requirement that where one emanates from kindly purpose to attend and help shed light over some of the issues that will be raised during the exercise so that, while you interact with your electorates, they are made aware of how projects in our Sub-cuties and Wards are being done. Mr. Speaker, it is time for us to play our oversight role at that particular moment and time. Otherwise, I support the motion of adjournment. Thank you.

**The Speaker** (Hon. Oraro): Yes Hon. Maurice Ngeta.

**Hon. Ngeta** (MCA, Awasi/Onjiko Ward): Thank you Mr. Speaker. Looking at the mood of the House, may I call upon the mover to reply? Thank you.

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

**Leader of Majority** (Hon. Ooko, MCA, Ahero Ward): Thank you Mr. Speaker. I totally agree with the contributions from the Honourable Members that, this is a very important exercise which will give members of the public an opportunity to reflect and gauge our performance for the last fiscal year. Mr. Speaker, I really want to implore Honourable Members to strive to attend this exercise since it will bestow you with another opportunity to interact with your electorates and get to know their feeling about our performance for the last fiscal year 2022/2023.

Mr. Speaker, I believe that all Honourable Members are aware that we have commenced the Budget Making Process for the next financial year 2024/2025. So, this will equally give you an opportunity to develop a roadmap as we embark on the budget making process for the financial year 2024/2025. I do reply. Thank you.

**The Speaker** (Hon. Oraro): Honourable Members, now that the Motion for Adjournment of the County Assembly Plenary Sitting on Definite Matters of Urgent County Importance being the Public Participation on the Kisumu County Budget Review and Outlook Paper for the fiscal year 2022/2023 has been moved and seconded and debated. I want to make reference to the provisions of the Kisumu County Assembly Standing Orders that provides that when such motion is moved then, there is no question put.

Honourable Members, in that regard, the House stands adjourned until Tuesday, 28<sup>th</sup> November, 2023 at 02:30 p.m.

*(House rose at 03:10 p.m.)*

*Addendum*

**Hansard Team**

<i>Zablon Otiende</i>	-	<i>Senior Hansard Reporter (In-charge)</i>
<i>Edward Odanga</i>	-	<i>Hansard Reporter</i>
<i>Fanuel Okode</i>	-	<i>Hansard Reporter</i>
<i>Patrick Okoyo</i>	-	<i>Hansard Reporter</i>
<i>Jesca Otieno</i>	-	<i>Hansard Reporter</i>
<i>Dennis Onyango</i>	-	<i>Hansard Reporter</i>
<i>Jacklyne Otieno</i>	-	<i>Hansard Reporter</i>
<i>Valery Achieng'</i>	-	<i>Hansard Reporter</i>