

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – SECOND SESSION

Thursday, 07th December, 2023

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

(The Speaker (Hon. Elisha Jack 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 have the following communications to make. First, is regarding pending businesses before various House Committees as at today 07th December, 2023. Honourable Members, I did convene a meeting with the Select Committee of Liaison and for Members who were present and I would like to bring to your attention that following are the pending works that need to be finalized;

1. The Select Committee of PIC/PAC, the Chairperson, Hon. Ken Ouko has a total of 17 (seventeen) committee reports.
2. The Standing committee of Medical Services, Public Health and Sanitation, Hon. Vincent Jagongo, your Committee has 12 (one) pending committee report to be submitted which is the Exchange Study Tour by this House Committee in Mulago National Hospital, Uganda.

3. The Standing Committee of Lands, Housing Physical Planning and Urban Development has 2 (two) pending committee report.
 - a) Statement on Representation of the County in the Lands Control Board;
 - b) Statement by Hon. Jennipher Obonyo on the Encroachment of Riparian Areas along Paga Beach in South West Kisumu
4. The Standing Committee of Labour and Social Welfare, you have 4 (four) pending committee reports that are overdue;
 - a) Petition to the County Assembly Regarding Verification of Pending Claims (Arrears) of Retirees of the former Defunct Local Authorities.
5. The Standing Committee of Finance and ICT, you have 3 (three) pending reports;
 - a) Kisumu County Executive Annual Report and Financial Statement for the year ended 30th June, 2023
 - b) Kisumu County Revenue Fund Account Annual Report and Financial Statement for the year ended 30th June, 2023
 - c) Kisumu County Emergency Fund Annual Report and Financial Statement for the year ended 30th June, 2023
6. The Standing Committee of Sport, Culture, Gender and Youth Affairs, has 1 (one) pending report;
7. The Standing Committee of Education, Technical Training and Social, services, 4 (four) pending reports;
8. The Standing Committee of Water, Environment, Natural Resources and Climate Change has 3 (three) pending reports and one being a petition;
9. The Standing Committee of Infrastructure, Public Works and Energy, you have 2 (two) pending reports;
10. The Select Committee on Implementation has 3 (three) pending reports;
11. The Joint Committees of Finance and ICT and the Committee of Administration of Law, Justice and Constitutional Affairs, Good Governance and Security headed by Hon. Moses Ochele you have 1 (one) pending report. This is a report that is dating back as early as April, 2023 to date.
12. The Standing Committee of Agriculture, Livestock and Fisheries, you have 2 (two) pending reports;
 - a) The Kisumu County Agricultural Facilities Improvement Financing (FIF) Bill, 2023
 - b) The Kisumu County Agricultural Sector Co-ordination Bill, 2023;
13. The Select Committee of Budget and Appropriations has 1 (one) pending report on
 - a) The Kisumu County Budget Review and Outlook Paper FY 2022/2023;
14. The Standing Committee of Tourism, Trade and Marketing has 1 (one) pending report.

Honourable Members, I want to bring to your attention that all House Committees except the Select Committee on Appointment has undertaken either a Retreat or a Benchmarking exercise. These are the only House Committees that have reported back on their benchmarking exercise.

1. The Standing Committee of Agriculture, Livestock and Fisheries Development and Irrigation; and
2. The Select Committee of Delegated Legislation;

Honourable Members, these are the only House Committees that have presented their report before this House on their Study Tour. All the other House Committees you have either undertaken a retreat or a benchmarking exercise and you have not presented your reports on these exercises. Honourable Members, I am sharing this report on the Pending Business before various House Committees in our official wall for necessary action. I want to implore you that, when we resume back from the Long Recess, please let these reports be ready and we shall not approval any retreats or benchmarking exercises for any House Committee until we receive these reports and this is as per a resolution passed in the meeting of the Select Committee of Liaison.

Honourable Members, I equally want to communicate that, the Assembly has developed a report on the Status of the Third Assembly – Second Session, 2023. I want to read my remarks but, the Department of Public Relations, ICT and Communication will ensure that each and every Member is furnished with a copy of this report.

Honourable Members, as we mark the Second Session of the Third Assembly, it gives me pleasure to present a report on the Status of the Third Assembly, 2023 – Second Session. I wish to take this opportunity to thank the Almighty God for His Grace and guidance that has enabled us reach this far. This document highlights various achievements that we have made since the beginning of the Third Assembly clearly indicating the millstones, challenges and the wayforward.

Honourable Members, on the Legislative front we have successfully processed 10 (ten) Bills, debated and approved several motions, considered 44 (forty-four) Statement requests, processed 8 (eight) Petitions and over 70 (seventy) House Committee Reports that have positively impacted the socio-economic lives of the people of Kisumu County.

Honourable Members, we have ensures that, the local mwananchi is part and parcel of our deliberations and decision making through active public participation and digital outreach programs through our County Assembly Broadcasting Unit (CAKBU) .

Honourable Members, on Capital Development, the County Assembly has successfully completed the Construction of the Speaker’s Residence while the Construction of the County Assembly Ultra-modern Chambers and offices is currently at 60% and is expected to be completed by the end of this financial year.

Honourable Members, we have endeavored and strived to build a close working relationship between the two levels of the County Government that is the County Assembly and the County Executive to improve efficient and effectiveness in service delivery in Kisumu County.

Honourable Members, we have done this even as we jealously guard the independence of the County Assembly and effectively discharged our oversight role to ensure that the County Executive remains accountable to the people.

Honourable Members, to this end please allow me to applaud the Honourable Members and staff from the Assembly for their hard work and dedication towards ensuring that the County Assembly achieves the mandate of legislation, oversight and representation.

Honourable Members, I equally appreciate some of the stakeholders and development partners whom we have partnered with during this period and some of them just to mention but a few include the Parliament of Kenya, the County Assemblies Forum (CAF), UNICEF, Commission on Administrative Justice (CAJ), USAid, the Senate amongst others.

Honourable Members, as the House proceeds for its Long Recess, I wish to take this early opportunity to wish all the Honourable Members and staff a Happy and Prosperous New Year, 2024.

Honourable Members, this State of the Third Assembly – Second Session Report will be availed to each and every Honourable Member and it is my belief that if not yet, then, you will have it but, I can see Hon. Benson Adege showing me that each member has a copy of the report. So, please go through it and see what you contributed and if there is anything that requires to be corrected. Please bring it to the attention of the Communications Department as appropriate. Thank you.

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

STATEMENT

The Speaker (Hon. Oraro): Yes Hon. Peter Obaso.

Hon. Obaso (Nominated Member): Thank you Mr. Speaker. Pursuant to the provisions of Order No. 41 (2) (b) of the Kisumu County Assembly Standing Orders to request for a Statement from the Joint Standing Committees of Infrastructure, Public Works and Energy and that of Administration of Law, Justice and Constitutional Affairs, Good Governance and Security regarding the matter of Flooding witnessed in Kolwa Central.

Mr. Speaker, I wish to inform this Honourable House that, the ongoing deluge has caused and continues to cause wanton destruction of infrastructure within Kolwa Central Ward and

particularly the Kabithae - Kabisae Roads which has made this road impassable and unmotorable.

Mr. Speaker, I therefore wish to seek for a statement from the Joint Chairperson Standing Committees of Infrastructure, Public Works and Energy and that of Administration of Law, Justice and Constitutional Affairs, Good Governance and Security to provide a response on the following;

- a) Whether the Department of Special Programmes mandated to utilize the Emergency Fund has made any necessary plans to repair this road and the infrastructure that was destroyed in Kolwa Central?
- b) Whether there are any available resources to mitigate any other calamities that may arise from the on-going floods in Kolwa Central?

Thank you.

The Speaker (Hon. Oraro): The Chairperson, Standing Committee of infrastructure, Public Works and Energy.

Hon. Rakwach (MCA, East Kolwa Ward): Thank you Mr. Speaker. I believe that given time, we will give a response to that statement by seeking for answers from the Department of Infrastructure, Public Works and Energy then, we will bring a report back to this House. Thank you.

The Speaker (Hon. Oraro): Honourable Chair, I thought that this was matter that requires emergency and your Committee's' immediate attention? Anyway, as the Chair has requested on behalf of the House Committee, I authorize this House Committee proceeds and follow-up on the same and even without coming to the Assembly, you need to give feedback to the Honourable Member Peter Obaso. Please ensure that you adhere to the provisions of our Standing Orders and I believe that within one week you are expected to have that statement worked on.

Hon. Rakwach (MCA, East Kolwa Ward): Thank you Mr. Speaker. I oblige!!

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

Leader of Majority (Hon. Ooko, MCA, Ahero Ward): Thank you very much Mr. Speaker. I arise to make a Statement. As we come the end of this session, I want to take this opportunity to thank the Honourable Members.

Mr. Speaker, Honourable Members have been very cooperative to the leadership of this House and by doing so, it has made this House make strides in matters that we discuss in this House. Mr. Speaker, I similarly want to take this opportunity to thank your office and the secretariat headed by the office of the Clerk of the Assembly. They have co-operated with these Members well as we come to an end of this session.

Mr. Speaker, lastly, I want to inform Honourable Members that, immediately after this plenary session, we would like to have a get-together at the Public Service Club and kindly purpose to attend. Thank you.

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

MOTION

ADOPTION OF THE REPORT BY THE STANDING COMMITTEE OF ADMINISTRATION OF LAW, JUSTICE, CONSTITUTIONAL AFFAIRS, GOOD GOVERNANCE AND SECURITY

THE PROPOSED KISUMU COUNTY PUBLIC PARTICIPATION POLICY.

BY

HON. MOSDES OCHELE, MCA, EAST KANO/WAWIDHI WARD.

(CHAIRPERSON, COMMITTEE OF ADMINISTRATION OF LAW, JUSTICE AND CONSTITUTIONAL AFFAIRS, GOOD GOVERNANCE AND SECURITY)

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

Hon. Ochele (MCA, East Kano/Wawidhi Ward): Thank you Mr. Speaker. Mr. Speaker, the Kisumu County Public Participation Policy was tabled before this Hon. House by the Hon. Ken Ooko (Leader of the Majority Party) (annex i) and consequently referred to the Sectoral Committee on the Administration of Law, Justice, Good Governance, Constitutional Affairs and Security to consider the Policy with a view of recommending approval or disapproval before this Hon. House pursuant to Article 185 of the Constitution and Standing Order No. 193 of the Kisumu County Assembly Standing Orders.

Establishment and Mandate of the Committee

Mr. Speaker and Hon. Members, the Sectoral Committee on the Administration of Law, Justice, Good Governance, Constitutional Affairs and Security is established pursuant to Standing Order No. 193 of the Kisumu County Assembly Standing Orders. Under the Second Schedule to the said Standing Orders, the Committee is mandated to consider all matters related to:

referendum, further Devolution in the County, issues of Integrity, Ethics and Conflicts of Interests including Anti-corruption and Human Rights; ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations in governance at the local level and assisting communities and locations to develop administrative capacity for the effective exercise of the functions and

powers and participation in governance at the local levels; administration of law and justice, including working and collaborating with national government operatives within the County especially on security matters.

The Committee was constituted in 6th July, 2023 and is currently composed of the following members:

- | | | |
|-------------------------|---|------------------|
| 1. Hon. Moses Ochele | - | Chairperson |
| 2. Hon. Reuben Rakwach | - | Vice-chairperson |
| 3. Hon. Mariam Abeid | - | Member |
| 4. Hon. Anne Ochola | - | Member |
| 5. Hon. Samuel Onyango | - | Member |
| 6. Hon. Vincent Jagongo | - | Member |
| 7. Hon. James Were | - | Member |

The Secretariat of the Committee comprises the following:

1. Mr. Harman Moses - Clerk Assistant
2. Mr. Patrick Okoyo - Hansard Officer
3. Mr. Kennedy Okise - Serjeant-at-Arms

The Minutes of the Committee deliberations on the Kisumu County Public Participation has been referenced in the Committee Minutes with Ref. No. MIN.28/JLAC/23, MIN.29/JLAC/23, MIN.30/JLAC/23 and MIN.31/JLAC/23.

Acknowledgement.

Mr. Speaker and Hon. Members, I would like to express my special thanks of gratitude to all Members of the Committee on The Administration of Law, Justice and Constitutional Affairs, Good Governance and Security for their valuable contributions during the interrogation of the Kisumu County Public Participation Policy.

I also wish to extend my sincere gratitude to the Members of the County Assembly, the Office of the Speaker and Clerk of the Assembly for their support during this exercise.

It is now my privilege and duty to present this Report of the Sectoral Committee on the Administration of Law, Justice, Constitutional Affairs, Good Governance and Security, for consideration and approval by the House pursuant to Standing Order No. 182 of the County Assembly Standing Orders.

Constitutional and Legal Foundation of Public Participation.

Mr. Speaker, the importance and place of this Policy is founded on the right to political participation as the foundation of public participation. Article 1(2) of the Constitution of Kenya enunciates this point on sovereignty of the people. It states that Kenyans may exercise their sovereign power either directly or through their democratically elected representatives. The language of this provision resonates with article 21 of the Universal Declaration on Human Rights (UDHR), article 13 of the African Charter on Human and People's Rights (ACHPR) and article 25 of the International Covenant on Civil and Political Rights (ICCPR).¹ It has been held that by dint of article 1(2) of the Constitution of Kenya, Kenya is both a representative and participatory democracy.

Article 10 of the Constitution of Kenya includes public participation as a national value and principle of governance. Sub-Article 2 (a) of the article explicitly mentions 'participation of the people' as such. This value and governance principle is supposed to be adhered to whenever a '...state organ, state officer, public officer and all persons...enacts, applies or interprets any law...' The Court of Appeal in *Independent Electoral and Boundaries Commission v. National Super Alliance Kenya and 6 others (2017) eKLR* made a firm determination that Article 10(2) of the Constitution is justiciable and enforceable. The court held that a person can sue another on account of an infringement of these provisions of the Constitution. In other words, a 'violation can found a cause of action'³

Article 118 of the Constitution directly invokes public participation in legislative process. The provision states 'Parliament (read County Assembly) shall...facilitate public participation and involvement in the legislative and other business of Parliament and its committees.' By dint of this constitutional provision, Parliament is compelled to engage the public in the process of law making or other legislative business. This is only limited where the Speaker of the relevant house of legislation determines that there are justifiable reasons for the exclusion of the public.

Reasonableness and threshold of Public Participation.

Mr. Speaker and Hon. Members; in the consideration of this Policy; the Committee was determined to establish whether the Policy has introduced a means of determining whether there has been an efficient and reasonable public participation whenever the County Government is called upon to do so and whether competent County Government organs are intended to be established in the policy that may interrogate the entire process leading to the enactment of a legislation or policy; from the formulation of the legislation to the process of enactment of the statute⁴ or policy to ensure that efficient Public Participation has been done.

The Committee was also moved to rely on a reasonable test to evaluate the competency of the

Public Participation administrative framework proposed in the Policy and determine whether the framework, so proposed; is capable of administering sufficient public participation in Kisumu County. This test is predicated on the finding of the High Court in the Mui Coal Basin Local Community & 15 Others v Permanent Secretary Ministry of Energy & 15 Others (2015) eKLR where the Court held that the reasonable test and the appropriate threshold for public participation is as follows;

- a) That the public participation exercise must accord with the nature of the subject matter,
- b) That public participation must be innovative to adjust to ensuing circumstance of the subject matter;
- c) That efficient public participation enables timely access to relevant information,
- d) That public participation must be inclusive and
- e) That public participation should not usurp the role of the office holders of an authority.

One curious decision to note is that public participation need not take place at the pre-legislative phase. In Kenya Association of Stock Brokers and Investment Banks v. Attorney General and Another (2015) eKLR (paragraph 90) and Kenya Small Scale Farmers Forum and 6 others v. Republic of Kenya and 2 others (2013) eKLR (paragraph 47) the High Court held that public participation need not take place at the pre-legislative phase. The court laid emphasis on the conformity of the actions of the legislature with the rules of public participation that it laid for itself. This is limited to a legislative process. However, this does not excuse non-legislative bodies that are making legislative proposals from ensuring public involvement in the process.

Policy Background.

Mr. Speaker and Hon. Members, The Kisumu County Public Participation Policy is the expression of what the Kisumu County Government wants to achieve and it is a statement of government commitment, which articulates basic principles to be pursued to attain specific goals and actions on matters where Public Participation is required. The Policy establishes the frameworks within which Kisumu County must function by deciding the Public Participation goals to pursue and how to pursue them.

The Policy seeks to provide the enabling framework that will guide citizen engagement in county governance and decision-making processes to ensure effective and meaningful public participation. The Policy in particular aims to enable all citizens, state and non-state actors including the civil society, the private sector and citizens including the marginalized communities and vulnerable groups to participate in every aspect of county governance and development, and to ensure effective exercise of the functions and powers of the county

government at all levels.

The policy provides guidelines and mechanisms for the facilitation, management, coordination and financing of public participation as a function within the county governance system.

This analysis is conducted based on the background that this Policy is designed to meet political and social ends in accordance with the Constitution, 2010. On the political front, this Policy is to be conditioned to help political leaders to translate party agenda and political visions into public programs and actions and must provide the platform for the executive authority to steer the processes leading to the achievement of County goals and priorities. On the social front, this policy is proposed to bridge inequalities and distortions in the conduct of Public Participation within the County in order to fulfill both allocative and distributive justice.

It is intended here to review the Policy to establish whether the Policy is relevant, practical and in accordance with the law and the Constitution.

Potential Legislative and Legal Issues on the Policy

Mr. Speaker and Hon. Members, following the Committee's scrutiny of the Policy, the Committee made the following inconsistent reliance on existing legislations:

Basis of the Policy on the Kisumu County Public Participation Act, 2015.

The Kisumu County Public Participation Act, 2015 (hereinafter the 'Act') is the County Law on public participation currently under enforcement. The Policy notes that one of its purpose is to remedy the implementation challenges faced by the Act and seems to infer that the Act is sufficient but lacks regulations and policies for implementation.

It is important to mention at the onset that in the normal legislative ordering, a policy cannot remedy an implementation challenge or a legal problem of a Statute. In terms of implementation, the right recourse is to formulate a regulation, however if an Act of the Assembly is legally fatal then best procedure would be to amend or repeal the Act. Nevertheless, be it as it may, the policy has not provided an analysis of the Act to indicate exactly where the problems are.

The Policy has also failed to indicate its legal framework on the Act despite noting that it intends to address its challenges. (See 1.3 under Public Policy Challenge in Kisumu, 3.3, 3.3.1 and 3.3.3 also 3.5).

Basis of the Policy on the Kisumu County Access to Information Bill, 2014

The Policy's County Legal Framework is noted to include the Kisumu County Access to Information Bill, 2014. It is observed that the Kisumu County Access to Information Bill, 2014 was never gazetted into law in accordance with the requirement of the County Governments Act, 2012 and the Constitution, 2010. It is therefore legally fatal for the policy to found its legal basis on a non-gazetted legislation. (see 3.3.3 of the Policy)

Basis of the Policy on the Kenya Policy on Public Participation.

It is further observed that pursuant to the records at the State Law Office, the Kenya Policy on Public Participation was never approved by Parliament and is not in operation. This policy therefore cannot place its foundation or part of its proposals on a National Policy alien to Parliament. (see 3.5 of this Policy).

Basis of the Policy on the Kisumu County Integrated Development Plans (2018-2022).

The Kisumu County Integrated Development Plan which is a five-year development plan is intended to remain operational only during its tenure. It is observed that this Policy has placed reliance on the Kisumu CIDP (2018-2022) which is now expired and consequently replaced with the Kisumu CIDP (2023-2027). (see page 30 under 3.5 of this Policy).

Consequently, if need be, the policy should be conditioned in accordance with the current County Integrated Development Plan.

Policy Measures

Under the Institutional Policy Measures proposed in the Policy, it is proposed certain responsibilities to be conducted by the Office of Public Participation established in accordance with Section 8 of the Act. The Nature of the ‘Office’ as established in the Act is a committee or an office under the public service board is not clear and it would be fatal for the Policy to rely on such an office that clear legal basis is not founded.

Policy Statements

It is observed that most Policy Statements in the Policy have used the word “shall”. It is to be noted that the use of the word “shall” under 5.1.2 (Policy Statement) contradicts the policy language. Strong action words such as will, must, are responsible for, etc are normally used in policies to express the authoritative actions by the government. Policy is not an intention, promise or a gamble. It is an authoritative decision by the government on what should be done or what should not be done. Consequently, the word “shall” while used in legislative texts to mean a compelling obligation, when used in Policies is imprecise and can indicate either an obligation or a prediction.

Implementation Framework.

Under 6.2.1 (Institutional Implementation Framework) roles and responsibilities have been defined for the Town Committees. It is to be noted that Kisumu County no longer has town committees but the same has been replaced with Boards of Municipalities.

Other Potential Legislative Issues.

The following are some of the potential legislative Issues that needs to addressed in the Policy.

1. The Policy has failed to establish a means of determining whether there has been an efficient and reasonable public participation whenever the County Government is called upon to do so and no County Government organ (s) has been established in the policy to interrogate the entire process of public participation⁵ to ensure that efficient Public Participation has been done. The Policy has however placed reliance on the Office of Public Participation established in the Kisumu County Public Participation Act, 2015 which the Committee has observed to be legally untenable.

2. The Policy has not defined what is an effective, reasonable and meaningful opportunities for public participation, despite mentioning that its main object is to address these challenges by setting an enabling policy framework and mechanisms for ensuring effective and meaningful public participation in county governance, decision-making and development processes at all levels. (See 1.3 of the Policy)

3. While the policy has provided for an access to information as one of the threshold for public Participation, it has not defined:
 - a) What entails a “reasonable opportunity to be heard” which is a major component of public participation (see Institute of Social Accountability and Another v National Assembly Petition No.71 of 2013).

 - c) components/parts of information to the public (see Law Society of Kenya v Attorney General and Another (2016) eKLR, paragraph 221, Milly Glass Works Ltd and 3 others v. County Government of Mombasa and 2 others (2016) eKLR, paragraph 33 :
Note that in this Cases Information to the Public must contain two parts; ie, an explanation of the decision, law or policy that is intended to be passed⁶.The public should be made aware of the rationale of this decision in order to adjudge its efficacy or efficiency, and an invitation to participate to make themselves heard)

4. The Policy lacks notes on its Financial Implication which is intended to inform the public and the implementing organs of the Policy, the financial consequence of this Policy on Public Funds/ Expenditure.

5. The Policy should define the modalities of public participation on long term policies, short term policies, Bills of the Assembly, emergency response policies.

The Committee further noted that though sections 87 and 91 of the County Governments Act, 2012 respectively establish detailed principles and modalities and platforms for citizen participation in policy formulation and legislation, the modalities of quantitative and qualitative participation proposed in the Policy is still wanting. By quantitative participation, reference is made to both the amount and extent of information disseminated by the County Government; and also to the widest possible extent to the citizens concerned. By qualitative

participation, reference is made to the extent of both the information and the array of citizens who would engage in meaningful debate of the proposals for legislation by the County Government.

Without taking away the sting in Judge Sacks judgment in Minister of Health vs. New Clicks South (PTY) Limited, that what matters is that at the end of the day a reasonable opportunity is offered to members of the public and all interested parties to know about the issue and to have an adequate say, what amounts to reasonable opportunity does not only depend on the circumstances of each case, but more importantly also, the manner (quality) of presentation of both the opportunity and the material of the proposals to be considered.

Recommendation.

Mr. Speaker and Hon. Members, since this public policy is about the long-term, its policy statements should be futuristic and long-range rather than have a short-term perspective. The Policy should therefore be able to accommodate the current priorities of the County Government in its CIDP (2023-2027), and take into consideration the current proposed legislation on Public Participation which was read a first time in Parliament on the 23rd of September, 2023. Consequently, the Policy should not find its basis on the Kisumu County Public Participation Act, 2015 but instead should provide an analysis on the Act with a view of establishing a rationale for its amendment or repeal.

The Committee therefore recommends:

- i. THAT this Hon. House approves the Policy as now is. However, the publication and the commencement of the operationalization of the Policy be enforced after thirty (30) calendar days upon the amendment of the Policy based on the matters raised in this Report.

Conclusion.

In conclusion, the Committee having considered the Kisumu County Public Participation Policy the Committee therefore recommends that this Honourable House adopts this Report with amendments therein for inclusion at the Second Reading Stage. May I call upon the Vice-chairperson of this House Committee Hon. Reuben Rakwach to second? I beg to move. Thank you.

Hon. Rakwach (MCA, East Kolwa Ward): Thank you Mr. Speaker for according me the opportunity to second this motion that has just been moved by my able Chair Hon. Moses Ochele. Mr. Speaker, remember that, Article 1 of the Constitution of Kenya 2010 stipulates that the power belongs to the people. Consequently, Article 10 of the same constitution includes Public Participation as a principle for good governance.

Mr. Speaker Sir, we have the Kisumu County Public Participation Act, 2015 which has gaps and this policy is going to remedy and seal some of these glaring gaps in the Act. This is because, this policy does not only touch on the public participation but, it highlights the standard measures for a good public participation. Therefore, this implies that, a good public participation must be efficient, reasonable and sufficient and at the same time, it should be one that induces timely access to relevant information.

Mr. Speaker Sir, a good public participation is that which is inclusive in the sense that, the marginalized communities, the vulnerable people and the non-state actors are all involved and participate in the decision making process in every sphere of county governance and development. Mr. Speaker, this policy is going to cure the problem that the Chairperson has just highlighted whereby we have perennial attendees of public participation events. Mr. Speaker participants from all these groups are all going to be involved. Mr. Speaker, I second this policy document. Thank you.

The Speaker (Hon. Oraro): Honourable Members, now that the Standing Committee of Administration of Law, Justice and Constitutional Affairs, Good Governance and Security has presented a report on the Proposed Kisumu County Public Participation Policy by their Chair, Hon. Moses Ochele and seconded by the Vice-chair Hon. Reuben Rakwach, a per the provisions of our Standing Orders I want to propose a question and I propose that, the Standing Committee of Administration of Law, Justice and Constitutional Affairs, Good Governance and Security report on the Proposed Kisumu County Public Participation Policy is open for debate.

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

Hon. Nyaoke (MCA, North Nyakach Ward): Thank you Mr. Speaker for according me this opportunity. First, let me take this opportunity to thank the Chair of the Committee of Administration of Law, Justice and Constitutional Affairs, Good Governance and Security for having brought to us this policy.

Mr. Speaker, it is common knowledge that, the way we as an Assembly has conducted our public participation exercises needed a lot of modifications. If you visit our respective wards during the public engagements, it has not been embraced in a manner that is expected of the citizenry. Mr. Speaker, given this policy that is being brought forth, definitely, we are going to add some flavour to this exercise. Mr. Speaker, this is something that if properly done then, it is my opinion that we are going to improve on the system and the interest of people to attend and participate in these forums. Mr. Speaker, as my colleague has just mentioned, what has been going on is that, you attend a public participation exercise and you are likely to find the same attendees in all these exercises. It is my belief that, with this policy, we will have to do some bit of Civic Education and Sensitization to our constituents, bring key changes and add some salt, sugar for those who use so that, so that each and every stakeholder is involved during this very significant occasions that we do have and in whatever that we do back in our respective wards.

Mr. Speaker, I take this opportunity to support this motion and implore upon the Honourable Members that we adopt this and as promises in one of the recommendations, that this House Committee wants it to take effect after 30 (thirty) days but with the recommendations and modifications that have been put forth. Mr. Speaker, it is our belief that this House Committee is up to the task and we only beseech them to undertake appropriate amendments to ensure that, moving forward after putting this policy to effect, we expect to witness quite a bit of changes in how we conduct our public participation engagements. Thank you and I beg to support.

The Speaker (Hon. Oraro): Yes Ratib Boitone and then Hon. K’Omudho.

Hon. Ratib (MCA, Nyalenda “A” Ward): Thank you Mr. Speaker. I first want to laud this House Committee for a job well done. Mr. Speaker, we are all aware that, one of our key mandates is to make laws, repeal and at times amend these laws. It has come at a time that this House Committee realized that, this policy to some extent required amendments and that is the duty of this House. Mr. Speaker, I want to really appreciate this House Committee and this is because the issues that they have brought forth are of great importance that will make and ensure that public participation is more productive.

Mr. Speaker, public participation as enshrined in the Constitution of Kenya, 2010 is a fundamental right when it comes to issues that pertain to the public and indeed if at all we as a House agree to adhere to it then, issues of meeting in corridors of justice, will be a thing of the past. Mr. Speaker, in several occasions people have been taken to court just because they did not adhere to the tenets and dictates of public participation. Mr. Speaker, the amendment of this policy has come at the right time and this is because, as a House, the Legislative wing which is the Assembly, we have been conducting public participation exercises. As reiterated by my fellow Honourable Members, that we have perennial members of the public who attend almost all these public participation exercises. Mr. Speaker, I do not have an issue with that, as long as they represent the people and again as long as they have what it takes to deliver to a certain particular constituent or programme that is required during that time. So, I support this motion. Thank you.

Hon. K’Omudho (MCA, Koru Ward): Thank you so much Honourable Speaker. Many, many thanks to my fellow colleagues in the House. I arise or stand to support this well-polished report by the Standing Committee of JLAC. Mr. Speaker, this report is well researched, well documented and covering quite a number of areas and more specifically on matters regarding public participation.

Mr. Speaker and Honourable Members, when my colleagues touched on the issue of perennial attendees of these gatherings, what is not coming out clearly is that apart from them being perennial, this exercise is reduced to a common man’s activity, a common man in the sense that, some of them get attracted to very minor things that, when we go there we expect to get refreshments or so. Honourable Speaker together with my fellow colleagues, it is coming out

clearly that, this policy is going to capture a wider scope, very capable members of the society and community that are going to make tangible contributions moving forward. Mr. Speaker, in that regard and based on the proper documentation, as I had stated well researched and well documented, this House Committee I stand to extol you and that you keep on doing the wonderful work you are doing. I support this report and implore my fellow comrades here to adopt this report. Thank you.

The Speaker (Hon. Oraro): Yes the Hon. Deputy Leader of Majority, Hon. Lumumba Owade.

Deputy Leader of Majority (Hon. Owade, MCA, South East Nyakach Ward): Thank you Mr. Speaker. I rise to support the document that is before us today. Personally, I feel very elated with the report that has been tabled here because, one of the issues recommended here is that public participation will take place at the ward level. Mr. Speaker, these exercises has been very expensive to some of us who come from far flung areas within the Sub-county headquarters because this compels us to transport our constituents to the Sub-county headquarters which is an additional expenses knowing very well how these Members are financially constraint. Mr. Speaker, another issue that has really impressed me is that the reference documents should be availed to the participants well on time. It is my belief that, this will accord members of the public adequate time to acquaint themselves with these documents. Mr. Speaker, this is a document that needs to be supported and embraced because it has given this House an eye-opener that we will be able to see what is actually disadvantaging our constituents in terms of public participation.

Mr. Speaker, finally, I want to really appreciate members of this House Committee that took their time to give us this wonderful report. Thank you.

The Speaker (Hon. Oraro): Yes Hon. Mildred Ajumbo, member representing Central Seme Ward.

Hon. Ajumbo (MCA, Central Seme Ward): Thank you Mr. Speaker. I arise to support the detailed work that was presented by the Standing Committee of JLAC because it was so detailed because it has covered almost everything but, I want to add my voice. Mr. Speaker, public participation as stipulated in the Constitution of Kenya, 2010, it is a resolution that empowers the people to make their own decisions and it should not been seen as a political process but, it should be owned by individual and groups of people from the Village and Ward level.

Mr. Speaker, public participation exercise is sometimes viewed as a political process because when you invite people for these public participation exercises, they misconstrue that it is the work of the area MCA that is supposed to invite a certain group of people but, with this report this exercise is going to be balanced so that people should not take it like it is the duty of the County Assembly. Mr. Speaker, sometimes the way we conduct these forums there are permanent members yes, and when they are not invited, they take it personal. Mr. Speaker, some

of them come for the public participation and when they see other people present they are like what brings you here, you are not a supporter of a certain politician maybe who invited people for public participation. Mr. Speaker, I want to agree that, it is high time we treat public participation seriously and this idea that during the time of Covid-19 there was a decree that only 20 people were supposed to be invited to attend these public participation exercises is now overtaken by events. Mr. Speaker, this is still on-going especially when the County Executive is conducting their public participation exercises. Mr. Speaker, sometimes you find that, only 10 participants have been invited citing the Covid-19 Regulations that have long gone. Mr. Speaker, moving forward please, let it be inclusive and let us be serious with our public participation exercises. I stand to support the Committee. Thank you

The Speaker (Hon. Oraro): Yes Hon. Seth Okumu.

Hon. Okumu (MCA, East Seme Ward): Thank you so much Mr. Speaker. I arise to support that we adopt this report on the Kisumu County Public Participation Policy. Mr. Speaker, as a County we have been having an Act that, procedurally, before you have an Act, you must first develop a policy that guides what you need to enact on. Mr. Speaker, we have been having a challenges as a county for instance when we were going through the process of making the Kisumu County Valuation Roll, whereby Kisumu County was taken to court and the only reason that this process was thrown out was because the courts was convinced through the presentations of the petitioners that we as a County did not conduct public participation on the Valuation Roll. Mr. Speaker, whatever laws that the judiciary applied to make that determination is what we are trying to cure so that anyone in Kisumu County who is trying to conduct public participation is made aware what they are supposed to do.

Mr. Speaker, the main reason as to why I am in support of the document is because of some of the points and the references on the statues that they have made in doing public participation. Mr. Speaker, please allow me to make reference to the Guiding Constitutional Principles and Values on Public Participation that this House Committee has mentioned. One is the recognition of the sovereignty of the people. Mr. Speaker, man will be convinced with his own will is of the same opinion. Mr. Speaker, if you are undertaking a project and you are doing it and you have not managed to convince you people, then, sometimes they opt that you should not have done the same project. Mr. Speaker, through these public participation engagements, that is the only way that we can recognize that people are important and that we do the things that they tell us to do.

Mer. Speaker, this document is talking about timely access to information, so, do not just go out there and conduct public participation by ambushing people with documents at the same time. So, timely access to information on what you are going to sensitive the people on during this engagement is fundamental to the process.

Mr. Speaker, this report is talking about recognizing and respecting people's views and opinions in decision making. Mr. Speaker, this document has been crafted in that, if implemented in Kisumu County then, we shall be having the best public participations as a county.

Mr. Speaker, in the same document, they are saying that, when you are conducting a public participation, there are some of the things that you need to take into consideration. One is the clarity of the subject matter. If you are going to talk about the Budget, it has to be clear to the people that you are going to be sensitive so that whatever that is going to be deliberated upon is on Budget. Mr. Speaker, you know that sometimes the Budget documents are so many and people sometimes mistake the Budget Estimates, with the Annual Development Plan, the CIDP, the County Fiscal Strategy Paper. Mr. Speaker, all those documents and the people that we approach do not know at what point we are supposed to be discussing what. Mr. Speaker, if that can be made clear as indicated in this report then, our public participation exercises will be meaningful. Mr. Speaker, sometimes you go to discuss about the Budget Estimates, and people are still reviewing the budget for the last fiscal year which was supposed to have happened earlier and then you spend a lot of time undertaking budget reviews instead of focusing on the estimates that have been proposed and seeing if they are well balanced and well spread and if the amounts appropriated to them will be adequate.

Mr. Speaker, the report talks about Multi-Sectoral Collaboration and Coordination. Mr. Speaker, the County Assembly and the County Executive alone cannot conduct public participation on their own but, if we join hands with other Non-State Actors and the Fourth Estate, we will be able to conduct very meaningful public participations. Mr. Speaker, I recall at one time when we were interrogating the Budget Estimates, the media allowed us to visit several radio stations and present the Proposed Budget Estimates and we received queries and feedbacks from the public. I believe that, this was a methodology of public participation that if it can be adopted, then we shall be having very meaningful public participations.

Mr. Speaker and Honourable Members, this document that we are expected to pass we are not just passing because we are interest in public participation, but, we are passing it because it will cure some of the challenges we have been encountering as a county in conducting public participation exercises. Mr. Speaker, the numbers in the public participation exercises, the media for public participation are all outlined in this document that we are adopting today as a House. Honourable Members, I want to implore on Members as the Chair mentioned and please inform other Members that, we pass this policy document as soon as possible (ASAP) because this will enable us align the Act that we are currently using because, it is easy to amend this Act once this policy document has been passed so that our Policy and the Act are in tandem and addressing the same issues. Mr. Speaker, I support the adoption of this report on the Kisumu County Public Participation Policy. Thank you.

The Speaker (Hon. Oraro): Yes Hon. Carren Ajwang'.

Hon. Ajwang' (MCA, Kaloleni/Shaurimoyo Ward): Thank you Mr. Speaker. Looking at the mood of the House, I want to call the mover to reply. Thank you.

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

Hon. Ochele (MCA, East Kano/Wawidhi Ward): Thank you Mr. Speaker. May I first begin by commending the Honourable Members who have contributed by raising their voices and those who have contribute by manner of silence. I want to state that as Hon. Seth Okumu puts it, we are not doing the policy for the sake of doing it but, we are doing it because a gap and a serious gap has been realized in the Act and the implementation of the Act. Mr. Speaker, for some of us who have gone through the policy, you will realize that, for the first time, a serous meaningful engagement with the public will come to play once this policy is passed.

Mr. Speaker, it is worth mentioning that, development nowadays does not come from the top, but, it comes from the bottom and I am not saying the slogan of our other parties but, that is the intention of ensuring that meaningful public participation is conducted because, for any development to take place in our wards, it is upon the residents of individual wards to come up with the priority projects and the only forum that they are allowed to do that, is when they are actively and meaningfully engaged in public participation which is free where they are given free environment to air their views so that, they forward them to the County Executive for consideration before onward submissions to the County Assembly.

Mr. Speaker, I had mentioned earlier that, and this is a concern of the House that, the distance covered by those who attend public participations because mostly, it is conducted at the Sub-county headquarters and some of these Sub-county headquarters as mentioned by the Deputy Leader of Majority, the Member representing South East Nyakach Ward to Pap Onditi and with the terrain in Nyakach, ferrying people to Pap Onditi is tedious, costly and therefore, you might end up getting even one or two members of the public attending and bearing in mind that nobody gives them advance transport allowances. So, it is upon them to dig deep into their pockets sacrifice and avail themselves for such exercises or foras and that is why in this policy, we are very keen on the financial trend or how will the finances move from the public participation kitty down to the public so that, there is ease of movement and it becomes enjoyable for any other person to attend.

Mr. Speaker, in the policy, Hon. Rakwach highlighted a very serious area that public participation will never be complete without ensuring that, all cadre of humanity attends. It will take care of the marginalized, people living with disabilities, diversity in religion and it will equally take care of gender and age. Therefore, once this policy is approved, we cannot talk of public participation when the main actors proposed in this policy are not represented and therefore, those who organize these foras will have a task either to be trained to align themselves with this policy requirements or somebody else will have to be serious and do it accordingly. Otherwise, I thank you very much I equally thank Members of this House for debating and

eventually approving this report. Mr. Speaker, I am saying approving in advance because I can see from the mood of the House that, Members are gearing to approve it to make public participation meaningful. Thank you, I beg to reply.

The Speaker (Hon. Oraro): Honourable Members, now that a motion for the adoption of the report of the Standing Committee of Administration of Law, Justice and Constitutional Affairs, Good Governance and Security on the Proposed Kisumu County Public Participation Policy has been moved, seconded and debated and as per the provisions of our Standing Orders I want to put a question? THAT, as many as are of the opinion that the motion for the adoption of the report by the Standing Committee of Administration of Law, Justice and Constitutional Affairs, Good Governance and Security on the Proposed Kisumu County Public Participation Policy be adopted?

(Question put and agreed to)

The Speaker (Hon. Oraro): Honourable Members, the motion for the adoption of the report of the Standing Committee of Administration of Law, Justice and Constitutional Affairs, Good Governance and Security on the Proposed Kisumu County Public Participation Policy has been adopted today, Thursday, 07th December, 2023 at 15:47 hours.

Honourable Members, I therefore direct that, the Hansard Report be prepared and communication be made to the relevant County Executive department and that of the Select Committee on Implementation on the adoption of the report of the Standing Committee of Administration of Law, Justice and Constitutional Affairs, Good Governance and Security commences the process of the amendment the Kisumu County Public Participation Act, 2015. Thank you.

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

MOTION

CONTINUATION OF THE DEBATE ON THE FIFTH STATE OF THE COUNTY ADDRESS TO THE COUNTY ASSEMBLY BY HIS EXCELLENCY PROFESSOR PETER ANYANG' NYONG'O, THE GOVERNOR, KISUMU COUNTY, (FOURTH AND FINAL DAY)

BY

HON. KENNEDY OOKO, MCA, AHERO WARD

(LEADER OF MAJORITY)

The Speaker (Hon. Oraro): Honourable Members, I want to bring to you attention that on Friday, 01st December, 2023, the Governor delivered his Fifth State of the County Address in a

Special Sitting that was held at the Tom Mboya Labour College and as per the provisions of our Standing Orders we have a maximum of four sittings to debate the Governor's address.

Honourable Members, today marks the final sitting and the following Members have so far made their contributions towards the Governor's address;

1. Hon. Seth Kanga, MCA, Market/Milimani Ward
2. Hon. Seth Okumu, MCA, East Seme Ward
3. Hon. Sammy Onyango, MCA, Railways Ward
4. Hon. Vincent Jagongo, MCA, North West Kisumu
5. Hon. Mildred Ajumbo, MCA, Central Seme Ward
6. Hon. James Were, MCA, Nyalenda "B" Ward
7. Hon. Regina Kizito Nominated Member
8. Hon. Kennedy Ouko, MCA, West Kisumu Ward
9. Hon. Kelvin Oraro, MCA, Central Kolwa Ward
10. Hon. Vitalis K'omudho, MCA, Koru Ward
11. Hon. Eunice Alando, Nominated Member
12. Hon. Geoffrey Warindu, MCA, Miwani Ward
13. Hon. Reuben Rakwach, MCA, Kolwa East Ward
14. Hon. Joachim Oketch, MCA, Kondele Ward
15. Hon. Benny Pete Oiko, MCA, Kabonyo/Kanyagwal Ward
16. Hon. Kennedy Ooko, MCA, Ahero Ward
17. Hon. Zachary Okoyo, MCA, Central Kisumu Ward
18. Hon. Tom Nyaoke, MCA, North Nyakach Ward
19. Hon. Bill Odhiambo, MCA, Kobura Ward

Honourable Members, the members whose names I have mentioned will not be given a chance to debate again, but, those Members whose names I have not mentioned, this is your last opportunity to debate the Governor's address. This is a continuation of the debate so if you had not gotten an opportunity, this is your time.

The Speaker (Hon. Oraro): Yes Hon. Maurice Ngeta of Awasi-Onjiko Ward.

Hon. Ngeta (MCA, Awasi-Onjiko Ward): Thank you Mr. Speaker for according me this opportunity to give my sentiments on the Governor's Fifth State of the County Address. Mr. Speaker, let me first applaud the Governor Professor Peter Anyang' Nyong'ó for what he has done in this county and for the vision that he has for this great County.

Mr. Speaker, in the Department of Medical Services, for instance I have some two key health facilities in my ward whom as the residents of Awasi/Onjiko we are glad because during the tenure of the Governor, we have witnessed the construction of wonderful health centres in both sides of the divide that is Awasi and Onjiko.

Mr. Speaker, in the Department of Agriculture, Livestock and Fisheries Development and Irrigation and we are all aware that, agriculture is the backbone of our economy and I want to agree with the Governor on the same and to implore the Members of this great County so that we join hands together and pass the two bills notably (*The Kisumu County Agricultural Facilities Improvement Financing (FIF) Bill, 2023 and The Kisumu County Agricultural Sector Co-ordination Bill, 2023*) that are before the House Committee of Agriculture to enable move this county forward. Otherwise, I support and stand with the Governor's State of the County Address. Thank you.

The Speaker (Hon. Oraro): Yes, Hon .Henrietta Bodo,

Hon. Bodo (Nominated Member): Thank you Mr. Speaker and thank you so much for according us this opportunity to...

The Speaker (Hon. Oraro): Hon. Member, can you please switch on you microphone.

Hon. Bodo (Nominated Member): Mr. Speaker, it is on. Thank you once again Mr. Speaker. I want to thank you very much for giving us the opportunity to at least give our sentiments on the Governor's State of the County Address because some of us were not here in the House when this debate commenced. Mr. Speaker, during the Governor's address I picked on a few items which I want to emphasis on.

Mr. Speaker, one of the issues that the Governor mentioned is in the Agriculture, Livestock and Fisheries Development and Irrigation, his speech was generally good but the numbers were not up to date. When this House is informed that six wards have benefited from Livestock Distributions and it is my belief that they should have gone ahead and given the names of the wards that benefited from this project so that we are abreast on the beneficiaries?

Mr. Speaker, secondly, is the Department of Education, Technical Training, and Innovation and Social Services. Mr. Speaker, it is indicated in the report that the number of girl child enrolled into the ECD Centres compared to that of the boy child, the margins provided are high. As Members of the House, I would like to request that we go out there and find out why enrollments done in ECD centres the number of boys registered or enrolled are high than those of the girl child while we are all aware that the girl child population in this county, is a bit high. So, it is my considered opinion that, even the report would have taken that into consideration.

Mr. Speaker, thirdly, is the Department of Infrastructure, Public Works and Energy. Mr. Speaker and Honourable Members, according to the score-card, road projects are being done and it is my belief that this is something that came a bit late because it is stated in the report that, they are working hard to ensure that road networks in our county are passable. Mr. Speaker, most of our roads are impassable. So, these are some of the points that I was able to pick and I wanted shared with the Members of this August House. Mr. Speaker, with girls, it is my belief that we have abled lady Members in this House who can go out there and investigate and find out why the

enrolment of the girl child in our ECD Centres does not represent our population index. Thank you.

The Speaker (Hon. Oraro): Yes, Hon .Peter Obaso.

Hon. Obaso (Nominated Member): Thank you Mr. Speaker. First, let me begin by applauding the Governor for a well-documented and well-presented report. Mr. Speaker, one of the things that I am always passionate about in Revenue Collection in this county. I am very delighted with the automation of revenue collection and with that, it is my belief that there will be no revenue pilferages as was in the past.

Mr. Speaker, secondly, I am very happy with the progress that has been made in the Department of Medical Services in this county because I believe that, in every Sub-county, there is an equipped health facility that is doing well and this deserves applaud.

Mr. Speaker, thirdly, I am again very glad with the strides made in the Department of Water, Environment and Natural Resources and Climate Change because it was just the other day that we as a House passed the Kisumu County Water Bill, 2023 which later gave birth to another water company known as KIRWASCO which is a good gesture to most of the Members who come from the rural wards of our county. So, I am very delighted with the Governor's score-card and I am in total support. Thank you.

The Speaker (Hon. Oraro): Yes, Hon .Lumumba Owade the Deputy Leader of Majority.

Deputy Leader of Majority (Hon. Owade, MCA, South East Nyakach Ward): Thank you Mr. Speaker. Hon. Ochele, please don't complain because it is true that I am a senior member in this House.

Mr. Speaker, I arise to make my contributions on the speech of our able Governor His Excellency Professor Peter Anyang Nyongó. Mr. Speaker, a lot has been said and a lot was equally heard. Mr. Speaker, but my happiness is in the field of Agriculture where the Governor articulated achievement he has done in the rice irrigation in Hon. Oiko Pete's Ward because this gave me hope because I am equally working towards rejuvenating coffee and avocado farming in Nyakach. I have personally shared this with the Governor and he has even encouraged me and even talked to the County Executive Committee Member for Agriculture. Livestock, Fisheries Development and Irrigation to see to it that a Coffee Milling Factory is established in this constituency. It is my belief that many farmers from this county especially in Muhoroni and Nyakach are very happy and looking forward to the installing of such a milling machine in this county. Mr. Speaker, it is now a policy from the Coffee Board that each and every county should have its own Coffee Milling and Processing Factory. The Governor has gone ahead and instructed the CEC Member for Agriculture to ensure that, this is done within the shortest time possible.

Mr. Speaker, again in the Department of Medical Services, I am glad and looking forward to the day that our Cancer Centre will be operational. This will give of our patients hope because presently, I have a patient at the Aga Khan Hospital who is in a critical condition suffering from cancer. Mr. Speaker, if that can be realized, I will be happiest and how I would wish that this center would be operational even tomorrow to help save the life of my uncle.

Mr. Speaker, we have equally had of cases of Sickle Cell Disease which is similarly a terminal case and the Governor is equally passionate about putting up that centre which is also in the process. Mr. Speaker, what else can the Governor do because if he has done this then, I know more will be done and it is my wish that these ventures could be achieved before the Governor exits office and then let that be his legacy to the county. Thank you.

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

Hon. Ochele (MCA, East Kano/Wawidhi Ward): Thank you Mr. Speaker for giving me this chance to at least ventilate on the Governor's Speech .Mr. Speaker, the Governor's speech was centered primarily on the summary of his achievements so far which is bit of his First Term in office and his Second Term in office.

Mr. Speaker, it was a powerful speech with a lot of implemented projects very much visible within the county and I believe that most of the records that the Governor has achieved so far will go in to the annals' of history and will go a long way to be remembered and form part of his legacy. However, there are a few areas that I would like to underscore.

One, there is this perennial flood issue be it El-nino or whichever name you will want to give it, but, we expect that each and every year certain sections of tis county must encounter flooding.

Mr. Speaker, while this House was doing the Budget for FY 2023/2024, the Select Committee of Budget and Appropriations gave priority to this aspect and apportioned some funds to the tune of Kshs 50 million. The Select Committee brought that issue to this House and this matter was approved. Mr. Speaker, miraculously the budget estimate being implemented today it appears that, this money was reduced to a paltry Kshs 12 million. Therefore, as we speak the team that is tasked with the emergency responses do not have adequate funds to either mitigate or to respond to areas that had already been affected. So, I am kind of beseeching the County Executive that, matters flood and any other disaster must be given priority.

Mr. Speaker, still on Disaster, we have been faced with several fire outbursts notably in Katito market and Ahero. Now that, Kisumu County has been blessed to give birth to several municipalities. It would be my wish to recommend that, every municipality is equipped with a Fire Station and this will help reduce the distance covered from City of Kisumu to the outskirts of the county. If that cannot be attained, then, we can cluster these municipalities and say that, since Ahero-Awasi, Muhoroni-Chemelil and Katito-Pap Onditi are neighbours, a Mini-fire Station be established maybe in Ahero or in Pap Onditi so that any fire incident in Muhoroni,

Ahero or Pap Onditi can we responded to within adequate time to prevent the loss of commodities and the burning down of businesses.

Mr. Speaker, on Agriculture, I appreciate His Excellency the Governor on who in his wisdom had this idea that, Ahero Irrigation Scheme deserves a three ton per day Rice Milling Machine. Mr. Speaker, this machine was purchased, taken to Ahero Irrigation Board and until to date that bit of machine is still lying there in a wooden casket, when will it be operationalized and why is it taking too long to be installed because it was geared towards easing the milling burden. Mr. Speaker, if this mill is installed today, most of our farmers will not be selling their paddies to Ugandan middlemen.

Mr. Speaker, recently, the County Executive introduced an investor to the farmers of East Kano Wawidhi, and investor who has the intention of leasing land from the county government and his intention is to do a mill which has the capacity of milling eight tones per day in Awach Kano Scheme. Mr. Speaker, how I wish that the County Executive harmonizes the mill in Ahero Rice Board with this proposed mill so that, this area can just have one mill which can service them efficiently. Mr. Speaker, if the cannot be achieved, then, I know that this House will advise whether to go ahead and award the lease request or to dice it when time comes.

Mr. Speaker, on Roads and Energy, I would say that roads done by the County Revenue Funds (CRF) and it is my belief that we expect a lot to be done in this financial year but, I have a problem with the Machine-based Programme. Mr. Speaker, those tasked to man this machine-based programme have failed to produce a workplan on how they will program themselves and ensure that the activities of the machine-based programme done. Mr. Speaker, in the current manner of operations, we have realized that these machines take even three or four months in a particular ward while a whole financial goes without these machines doing a single road in certain wards. Mr. Speaker, we want a rationale where once the budget is approved, I will be aware that in this financial year that roads undertaken using the machine-based programme will be done in one, two or three roads in my ward so that, as I plan to budget for other roads, I set aside funds for specific roads for the machine-based programme. Otherwise, the machine-based programme will just be a cash-cow because sometimes you wonder when the line department is invited to appear before the respective House Committee and you ask them to quantify the fuel they consume against the kilometers of roads covered, they cannot explain because the fuel consumption are exaggerated, there is this simple computation like myself and not Engineer Rakwach can ask, just inform this House how much litres of fuel do you need for a kilometer of road? Mr. Speaker, that simple question up to now, has never been answered. Once that simple question will be attained then, I believe that the Department of Infrastructure and Public Works will wake up and do a substantive work that is commensurate to the fuel they consume.

Mr. Speaker, in the same department gave funds to REREC which is under energy where the county government gave Kshs 30 million and the REREC gave a counter offer of Kshs 35

million to help provide electricity in the rural areas. Mr. Speaker, apparently, I am a beneficiary of this project and I have three sites which are in progress. Mr. Speaker, the problem is despite the fact that the County Government of Kisumu disbursed Kshs 30 million in advance, they don't have the capacity to monitor these works and none of the department members have gone down there to see what this contractor is doing. Apparently, it is one contractor given eight sites and like in my ward he has three sites, in Nyakach he has two sites, in Soin he has two sites, this is one and the same contractor. This contractor was awarded these works in last year September and to date he has not done and completed one site and he has abandoned all these sites and his phone is never answered. So, if the county government does not come out leaving the works to the REREC alone then, some of these contractors will turn out to be rogue contractors who will leave white elephants as electricity lines donned across the county.

Mr. Speaker, finally, I have a problem with the Department of Education where we have this program of "wings to fly". It is a very good program which has assisted needy students. Mr. Speaker, if a noble idea has been borne by this House and embraced by our able Governor and then, boys and girls are enlisted for this program. Mr. Speaker, it takes a whole term without receiving or sending these monies to the extent where these beneficiaries are at time send home because the county government failed to disburse these monies on time. Mr. Speaker, it is high time that, the department programs itself and liaises with the Department of Finance so that, by January when the schools are scheduled to be opened, those students in scholarship program get there monies on time so that they can read study in peace without being sent home from time to time.

Mr. Speaker, this element of staggering disbursement of bursary, where bursary is given out for form one this month, then after three months, it is given to the form threes. Mr. Speaker, it will eventually give room for mutilation of the beneficiary lists. Mr. Speaker, you will find that the original list given by the Ward Bursary Committees is different from the final list which is awarded. Mr. Speaker, how I wish that these two departments that is the Departments of Education and that of Finance consolidates this list and disburses these monies once. Mr. Speaker, that will accord us a lot of easy time and will help these students avoid unnecessary anxiety.

Mr. Speaker, finally, the Governor has very good intentions and if at all he could be in all the places at the same time, then, it is my belief that Kisumu County would have been better than what it is today. Mr. Speaker, you will realize that in the Department of Trade, it is good that nowadays we have the Revenue Board but Mr. Speaker, we are talking of development every now and then but, there is no development that can be forthcoming if we don't have a serious financial based moreso the Own Source Revenue. Mr. Speaker, in our localities we have rogue revenue collectors and this is something that has been discussed severally and I want to believe that it will be rectified. Mr. Speaker, there are those revenue collectors, who have their own ways of collecting monies and channel them to private accounts. It is there, it is serious, some action

has been taken because we had the opportunity to discuss it with the enforcement team and the Department of Finance as JLAC and we realized that, if we don't give full support to the County Revenue Board (CRB) then, there are rogue revenue officers there who are even resisting change and if they resist change and the County Revenue Board throws in the towel then, the messes will continue but, if we do something on them then, I want to believe that our Own Source Revenue will improve double or even triple. Mr. Speaker, thank you very much and I thank the Governor for his guidance. Thank you.

The Speaker (Hon. Oraro): Yes, Hon .Millicent Omuya.

Hon. Omuya (MCA, North Seme Ward): Thank you Mr. Speaker for giving me this opportunity to make my contributions on the Governor' Speech. First, I want to say that, the ceremony was well organized and the speech was detailed and even the program for that day at Tom Mboya Labour College was we'll managed. Mr. Speaker, I just have issues on very few departments.

Mr. Speaker, in the Department of Infrastructure, Public Works and Energy, I want to say that much has been done but, when you go through the whole report there is this part of the department's responsibility on Floodlights and Highmast. There is totally nothing that has been done and nothing is being mentioned as if it is not one of their functions. It is my wish that, this is taken into consideration because, as we speak, none of our floodlights in our markets are operational.

Mr. Speaker, in the Education Department, on the ECD programme, first, I want to applaud the Governor because he has done so much and in fact our ECD teachers are trained and placed on Permanent and Pensionable Terms but human capital is equally an issue that needs to be look at.

Mr. Speaker, in the Department of Lands, Housing, Physical Planning and Urban Development, I am delighted because Kombewa is one of the urban towns that have been upgraded into a municipality and the Board Members were approved by this House and gazetted. I am now kind of worried because it is taking too long for the Board Members to take their oath of office so that, members like us who commute from the villages like me, I am really yearning to see how a city starts. So, it is my humbly prayer that, these gazetted Members of these Boards be sworn in, in good time so that the operations of these new municipalities can commence. Otherwise, thank you and I highly commend what the Governor has been doing. Thank you.

The Speaker (Hon. Oraro): Yes, Hon. Emily Oginga.

Hon. Oginga (Nominated Member): Thank you Mr. Speaker for giving this opportunity to give my remarks on the Governor's State of the County Address. Mr. Speaker, I would like to focus more on issues that came up during the address and moreso, if you look at the Governor's speech you will see that, his focus was more on Medical Services which is one of the key primary pillars of this economy.

Mr. Speaker, as I focus more on this, I would like to laud the Governor for the works that he has done in this sector in providing healthcare to the people, of Kisumu County. In his speech on staffing where there is the equipping of the Community Health Workers to supplement the issues of understaffing in health facilities. This is a commendable gesture to take, because through this we are assured of our people accessing basic healthcare services. Mr. Speaker, if and it is just my wish that Governor could actually focus more on Human Capital in our health centres because in as much as he talked about the rehabilitation of health facilities in our wards, but, we have some very good facilities within these health centres that are actually collecting dust and this is just because we don't have adequate staffing levels to be deployed to those facilities. Mr. Speaker, I would like to encourage the Governor to continue with this work, but, if we could focus more on Human Capital to our health center and that is the challenge that we are currently facing in our health facilities.

Mr. Speaker, I would like to commend the Governor on the implementation of the FIF Act that has made some of our health centers functional and able to provide the much needed services to the people and if only they could implement the FIF Act fully, then I know that, we will be able to provide more and better services to the people.

Mr. Speaker, as I still focus on the Healthcare on Medical Services, I would like to congratulate the Governor for the work that he has done on the improvement of services offered at the JOOTRH. The Governor talked about the introduction of the Gasless Laparoscopic Infrastructure, the Sick Cell Centre and other specialists. I want to thank the Governor for having introduced these because, that is the way to go this is because we have so many people who need these services and they are compelled to move to places like Eldoret, Nairobi and even India. Mr. Speaker, it is my belief that, with the county offering these services then, we will also be able to attract Medical Tourism to Kisumu County which actually leads to economic growth of the county.

Mr. Speaker as I move on to the Public Works, the Governor mentioned the progress of the Machine-based Programme, I would like to commend the Governor for this because through his speech, we were actually able to see that, there was actually some savings that led to the extra development of specific kilometers of roads within the county which is a positive progress towards this initiative.

Mr. Speaker, on infrastructure, I would like to highlight on an issue that we came across as the House Committee of Medical Services was conducting site visits to most of these facilities within this county. It is on the designing of the infrastructure within the county. Mr. Speaker, the Governor has very good plans on the development of infrastructure within the county but if only we could have a more vibrant Designing Unit in the Department of Public Works and Infrastructure then, we would really not have a lot of wastages in facilities like the condemned buildings within our facilities. Mr. Speaker, you will find out that, the same design that is used on

areas with stable soil or ground is the same design that is used in areas with black cotton soil that needs a more elaborate foundational structure. If we could have a more vibrant designing unit in that department then, we will not actually end up with a lot of condemned buildings within the facilities.

Mr. Speaker, I would like to commend the Governor on the Department of Lands, Housing, Physical Planning and Urban Development for coming up with Municipalities and their Boards. This is a very good direction that is taken towards the implementation of the devolution structures. It is my belief that through this, we are going to be able to offer services at the grassroot level because that is the main intention and spirit of devolution.

Mr. Speaker, I would like to emphasize more that, as the Governor continues with his work, more emphasis should be put on land ownership on most of our public facilities, because we know that it has been one of the key issues that has been a problem and if only the Governor could move with haste and do mapping and identify the owners of these county facilities and I know that in as much as we are implementing most of our projects, at least we will be sure that most of these properties belong to the County Government of Kisumu.

Mr. Speaker, I would equally like to laud the Governor on the establishment of the Kisumu County Revenue Board that is tasked to steer the growth of Revenue Streams within the County. Mr. Speaker, it is our hope that in his next State of the County Address we will be seeing growth in revenue streams of the county.

Mr. Speaker, I would equally like to commend the Governor on the introduction of “*Huduma Mashinani*” that the Department of Public Services, Governance and Administration. Mr. Speaker, with the introduction of “*Huduma Mashinani*” we are able to go down to the people and get to know the exact issues that needs to be addressed. Through this department, there is the introduction of the Sub-county the Devolved Service Delivery Units and they Governor focused more on the initial one that is the Seme sub-county Service Delivery Unit. Mr. Speaker, through the Service Delivery Unit, we will be able to Monitor and Evaluate Projects that are implemented by the county and also the Village Councils that are equally in the process of development.

Mr. Speaker, finally, I would like to congratulate the Governor on the development of the Public Participation Policy which this House adopted just a few minutes ago and how I wish that through this policy, we will be able to conduct proper public participation exercises because, it is only through this that, we will be able to know what is needed at the grassroots level so that we are able to implement most of the projects well. Otherwise, thank you Mr. Speaker and I pray the Governor goes on with implementing his vision for this county of Kisumu. Thank you, I support.

The Speaker (Hon. Oraro): Yes, Hon. Nancy Matara.

Hon. Matara (Nominated Member): Thank you Mr. Speaker Sir for according me this opportunity to similarly air my views on the Governor’s Speech. Mr. Speaker, I seek you

indulgence as per the Kisumu County Assembly Standing Orders 79 (1) that my contribution is not a speech but an extract from the Speech of the Governor to assist me build my points.

Mr. Speaker, foremost, I would like to highlight on a few key areas and I would like to begin with the Health Sector. Mr. Speaker, as it is always said that health is fundamental to everyone's life and it is equally said that, a "healthy nation is a wealthy nation" and this equally applies to a "healthy county a wealthy county". Mr. Speaker, I want to reinforce the sentiments made by my colleague Hon. Emily Oginga who she has touched on issues to do with medical that she has stated but, I want to applaud the Governor for the immense changes that he has brought to the medical services with the introduction of the Zipline Drones because this will come handy with this time that we are facing the El-nino menace and our roads are impassible because these drones will help us deliver the much needed pharmaceutical and non- pharmaceutical commodities to our over-stretched health facilities.

Mr. Speaker, I would like to speak on the experts on Oncologists. The Governor has endeavored to hire specialist that will help handle patients with cancer cases and that is a big applause to him. Let me again touch on the Sickle Cell. Mr. Speaker, I am a guardian warrior on the Sickle Cell patients and I do know the pain that these patients go through and through this venture, it is my belief that we are going to get a relief from this.

Mr. Speaker, on the Gasless Laparoscopic Infrastructure, I want to say that, I am a living testament because I underwent this thorough operation which exhausted my medical cover at one of the private health facilities because we are now going to have it at the JOOTRH which I know will be affordable to those who don't have the medical covers because they can at least get access to these services.

Mr. Speaker, in the agriculture; sector, I would like to thank the Governor for ensuring that a Rice Milling Machine is put in place for the rice farmers which will help boost value addition.

Mr. Speaker in the sector of Lands, Housing and Physical Planning, there is a matter in this department that is so significant and dear to my heart and though devastating. It is at this juncture where our people are paying for Property Rates and you will find that most of the people don't know whereby, tomorrow is the deadline for payment of these fees and charges and you will find out that most of the widows and grandmothers swarm these areas moreso in the areas that I come from which is Manyatta, these widows are not aware about this issues and they don't know what to do about this. Mr. Speaker, it is my plea that the payment of these fees and charges be considered and pushed for at most a week or two so that those vulnerable in the society can be able to meet the stipulated deadlines.

Mr. Speaker, please allow me speak on the sector of Gender, Sports, Culture and Social, Services. Mr. Speaker, as the Chairperson of the Sports Committee in this House, I want to speak on culture. If we are going to keep on pumping funds yearly to our Cultural Centres and they are

not getting the realistic revenues, it my belief that we as a county should re-think our strategies. This is one department that always has the least revenue collection in terms of our Own Source Revenue Streams so we are compelled to think otherwise to enable us meet our targets.

Mr. Speaker, I want to say that, during the Governor's speech where we were privileged to have our chief guest Professor Khama Rogo and he said that we should embrace and own devolution. We are going to embrace and own devolution if we are only working with the Governor hand in hand. I am stating this because, for the last one year I have been in this House there in not one day that we as Members of this House have sat with our Governor on a one-one one round table apart from having these small informal meetings...

(Applause)

Mr. Speaker, it is my considered opinion that, for us to embrace and own devolution, we have to work together and by doing that, we are going to achieve this dream. Mr. Speaker, last but not least, I want to invite all the Honourable Members for tomorrow's finals of the CECAFA under 18 tournament so that we go and cheer up our ladies. God bless Kisumu and God bless you all. Thank you.

(Applause)

The Speaker (Hon. Oraro): Honourable Members, it is my assumption that all the Members have been accorded the opportunity to present their views on the Fifth State of the Governor's Address and this brings us to the end of the debate on the Governor's Speech.

Honourable Members, I want to direct that these debates and the Hansard Report on these debates on the Fifth State of the Governor's Address be prepared for purposes of forwarding to the Governor. Consequently, I want to remind you that apart from the Hansard Reports on the comments and debate on the Fifth State of the Governor's Address we have secured a date with the Governor which I believe will be a one week meeting which is the second week of January, 2024 where as a House we will have the opportunity to engage the Governor together with the County Executive Committee Members and the Chief Officers. So, I want to request that, each and every House Committee to prepare their areas of concern so that when we meet in January, 2024 which is both the County Executive and the Assembly we will be able to compare.

Honourable Members, verity soon a team will be established that will be working on the areas of engagement together with the stakeholders, the venue and other logistics. Otherwise, I want to really appreciate the Members who took their time to go through the speech and give their comments. Honourable Members, we have to be reminded that the comment whether positive or negative are for the purposes of ensuring that there is continuity and improvement in what the county does. Thank you.

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

MOTION

ADJOURNMENT FOR LONG RECESS UNTIL TUESDAY, 13TH FEBRUARY, 2024 THIS IS PURSUANT TO THE PROVISIONS OF KISUMU COUNTY ASSEMBLY STANDING ORDERS NO. 25 (3) AND THE HOUSE RESOLUTIONS OF WEDNESDAY, 22ND FEBRUARY, 2023.

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 rise to move a Motion of Adjournment of the County Assembly for the Long Recess.

ACKNOWLEDGING THAT, the Kisumu County Assembly Standing Order No. 25 (1) stipulates that except for session commencing immediately after the General Election, the regular sessions of the County Assembly shall commence on the Second Tuesday of February and terminate on the First Thursday of December.

FURTHER ACKNOWLEDGING THAT, in its morning sitting of Wednesday, 22nd February, 2023 this House approved County Assembly Sessional Calendar for the Second Session outlining that, the Long Recess was scheduled to commence on Friday 08th December, 2023 and to conclude on Monday 12th February, 2024.

Recognizing the importance of the orderly legislative proceedings Orders No. 26 (3) of the 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 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.

FURTHER, RECOGNIZING THAT, demanding nature the legislative duties and the dire need for Honourable Members to adequately address constituency concerns engage in community activities and strategize for the upcoming sessions, this recess becomes imperative because it offers the Members the opportunity for in-depth constituency work and overall rejuvenation.

NOW THEREFORE THAT, the Assembly recognizing the importance of this recess in fostering effective representation and legislative performance, it urges its Members to adjourn this until

Tuesday 13th February, 2024 aligning it with the Kisumu County Assembly Standing Orders No. 25 (1) read together with County Assembly Sessional Calendar for the Second Session. Mr. Speaker, I move and I would like to request Hon. Deputy Leader of Majority to second? Thank you.

The Speaker (Hon. Oraro): Yes, the Deputy Leader of Majority.

Deputy Leader of Majority (Hon. Owade, MCA, South East Nyakach Ward): Thank you Leader of Majority. Mr. Speaker, as I arise to second the motion of adjournment of this House for the long recess please allow me to thank all the Honourable Members for their full and unwavering support and participation during this Second Session and I take this opportunity to wish them all that they can wish for themselves during this long recess and I would like to wish them a Merry Christmas and a Happy New Year 2024. I therefore, second the motion on Adjournment of this House for the Long Recess. Thank you

The Speaker (Hon. Oraro): Honourable Members, now that the Leader of Majority has moved a motion that is Adjournment of this House for the Long Recess until Tuesday, 13th February, 2024 at 02:30 p.m. pursuant to the provisions of Kisumu County Assembly Standing Orders No. 25 (3) together with the House Resolutions of Wednesday, 22nd February, 2023, I want to propose a question THAT, the motion for the Adjournment of this House for Long Recess until Tuesday, 13th February, 2024 at 02:30 p.m. pursuant to the provisions of Kisumu County Assembly Standing Orders No. 25 (3) and the House resolutions of Wednesday, 22nd February, 2023 is now open for debate.

The Speaker (Hon. Oraro): Yes, Ken Ouko.

Hon. Ouko (MCA, West Kisumu Ward): Thank you Mr. Speaker. I stand here today to support this motion and it is in parliamentary practice for us to take a break like we are about to take effective today. One, during these December holidays and the festive seasons, it is fundamental that we join hands with our families back at home and this is for those who are not with their families here in town. It is during this time that we are going to engage our voters who are our employees and these are the people who sent us here.

Mr. Speaker, at times it becomes very difficult for Members to retreat back to see their people without something in their pockets. It is my hope that, because we are all aware that this is not under the control of the House and it is an issue that can only be sorted out by the exchequer. Mr. Speaker, if Members are given the opportunity to go back to their constituents, it is the best remedy because we are going to meet with our constituents, talk to them, and by the time we shall be done, it will be very clear that, at the end of it all, Members will be coming back to this House broke.

(Loud consultations)

(Applause)

Mr. Speaker, I thank you and it is my belief and prayer that you are working on that and you are going to cushion us from these effects. Thank you.

The Speaker (Hon. Oraro): Yes, Emily Oginga.

Hon. Oginga (Nominated Member): Thank you Mr. Speaker. I would like to support this motion because we always say that, a change is as good as a rest. Mr. Speaker, it is my hope that this rest will be as good as a change. Mr. Speaker, as we proceed for this long recess, just as my colleague Hon. Ouko has just mentioned, I am aware that, we will not be receiving any allowances but, we hope that through your office, you will be able to consider at least something small for the Members to cushion us because you are aware that, we are going back to our electorates and I believe that you know that you cannot go back to your electorates with an empty pocket. So, I would like to wish all the Honourable Members a happy festive holiday and please, take care of yourself and again, have the good rest and come back rejuvenated for the New Year. Thank you and I support.

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

Hon. K'Omudho (MCA, Koru Ward): Many, many thanks to you Honourable Speaker and thank you so much Honourable Members. I arise here today to support this motion of the Adjournment of this Assembly for the Long Recess. This is because; it has been a long haul because a whole year looks like just a number of days especially under these circumstances that we are undergoing. Mr. Speaker, as my fellow colleagues have mentioned, it is very difficult and it is indeed so hard because we are taking a break for two solid months. It is not an easy task going out there to face our constituents the way we are. So, we are a bit worried but we are glad that, we are taking a break but again, let us remember that it is another year that we are ending a session with this House very intact. I want to say Glory to the Almighty and Glory forever and ever Amen!! Remembering that, we are closing this House another year altogether when this House is totally together.

Mr. Speaker, maybe, you think on another note, in regards of how we are going to face the voters outside there and it is our belief that you have been very caring father and it is my considered opinion that you are going to see us through this as a caring father. Thank you.

The Speaker (Hon. Oraro): Yes, Maurice Ngeta then, I will give Hon. Ajumbo. Hon. Ratib Boitone don't worry you will get a chance to make your contribution.

Hon. Ngeta (MCA, Awasi/Onjiko Ward): Thank you Mr. Speaker. Hon. Ratib must be aware that in this House, he is my junior. I arise to support the motion of Adjournment of this Assembly. Foremost, let me take this opportunity to congratulate you for offering this House

good leadership. Mr. Speaker, as a leader and in-charge of this House you have shown us good and wonderful leadership.

Mr. Speaker, I equally want to congratulate the leadership of this House and this is because the leadership has walked with us from last year to date and we have realized that, we have a noble House under the stewardship of our very great men.

Mr. Speaker, thirdly, I want to congratulate all the Honourable Members who have consistently been attending and discharging their duties as Members of this great County of Kisumu. Moreso, those who have been standing with our able Prime Minister and President Raila Amollo Odinga in supporting his course and in supporting the ODM Party. I believe that, we are all aware that ODM Party is the vehicle that brought us to this House and we are really humbled serving under the leadership of the Right Honourable Raila Amollo Odinga.

Mr. Speaker, I would again like to laud the Honourable Members who have been in this House throughout this time supporting our able Governor Professor Peter Anyang Nyongó to enable him achieve his vision and aspirations for the county.

Lastly, I want to congratulate our electorates for according us the opportunity to serve them and this is the time for Honourable Members moreso, for those who have just been moving around here in town and not being able to interact with the electorate because this is the time we are going to engage and mingle with them and serve them with whatever we have during the festive season.

Mr. Speaker, just as I wrap up, I know that there are Members here who don't have their spouses with them, they can now get adequate time to go visit their wives and give them whatever they have been lacking for the last so many months. Mr. Speaker, for those who have taken time without seeing their electorates, this is the time to do so. I want to request Members that wherever you will be going, let us maintain and preach peace because I know that as a Kenyan, and as a public officer, we are in a trying moment because the leadership that is at the apex of this nation, we have never witnessed. This is because we are aware that as we speak, Members are lamenting of the empty pockets but we believe that the Almighty God will see us through and help us prevail over this bad leadership that it be cursed and God will give us an alternative. Thank you.

The Speaker (Hon. Oraro): Honourable Members, I had given Hon. Ajumbo Mildred Biko!!

Hon. Ajumbo (MCA, Central Nyakach Ward): Thank you Mr. Speaker. If you can limit this debate to three minutes and we don't say so many words. Mr. Speaker, this is just to support the Motion on Adjournment and just to thank you for the entire time that we have been here. This is too all the Members, please remember that we are breaking for the recess when the high cost of living has skyrocketed because the prices of food and petrol has gone up and we are going to face the December holidays with nothing. Mr. Speaker, in January, 2024 the form ones will be

reporting to school and the same time, the University and college students will be opening and with that high cost of living and we are on recess. So, it's not an excitement but I hear you say that, you are excited to break for the recess. Mr. Speaker, this is not a recess, but it a working recess. Mr. Speaker, but not working at the Assembly but, working from your pocket. So, Mr. Speaker, this is not a joke because I can see Members being jovial but I want to remind you that you are going for a three months recess with that high cost of living because remember that between now and December 31st we are talking about fund raisings of churches and in January we commence fund raising and contributions of school fees and at the same time, we are on recess. Mr. Speaker, I have heard the Leader of Majority in his motion say that, at the end of this, that is in the evening we are going to have something. Mr. Speaker, but remember that, you cannot eat when your pocket is empty. Yes, I can be full this evening but then, by 08:00 p.m. I will be crying. Thank you, I support the motion on adjournment.

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

Hon. Were (MCA, Nyalenda "B" Ward): Thank you Mr. Speaker. I equally want to support this motion on adjournment...

Hon. Ratib (MCA, Nyalenda "A" Ward): Point of Mr. Speaker.

The Speaker (Hon. Oraro): Yes Hon. Ratib, what is your Point of Order!!

Hon. Ratib (MCA, Nyalenda "A" Ward): Mr. Speaker, I just realized that in the order for contribution for Honourable Members that that you had for initially provided for, you had given chance to Hon. Ngeta, Hon. Ajumbo and I was scheduled to be next on line. Now, I am surprise that you have picked Hon. Were who is now coming in between...

The Speaker (Hon. Oraro): Honourable Member, Hon. James Were is more senior than you...

(Laughters)

Hon. Were (MCA, Nyalenda "B" Ward): Thank you Mr. Speaker I believe that Hon. Boitone is now well informed. I support this adjournment motion because we have been in this House for a while and we have been discharging our duties are required by law. Mr. Speaker, it has reached a point in time when we now have to go back and be with our constituents and create time for our families so that when we get back to this House next year in the month of February, we come back when we are more rejuvenated.

Mr. Speaker, I want to commend you for your steward leadership that has enabled us reach this far because you have demonstrated that the good leadership that we deserve, as you people and members. Mr. Speaker, this is to urge all my fellow colleagues that, now as we are breaking for our long recess, please let us stay focused, let us relax and let us be with our constituents, help guide them so that they are equally made aware that during the December holidays sometimes

comes with a lot of challenges. So, we must give guidance to our people, the students who did their examinations that as they await for their results, they should be aware that they must behave well, be responsible so that the outcome of their results, that must be ready to surmount other challenges. Mr. Speaker, I beg to support. Thank you.

The Speaker (Hon. Oraro): Hon. Ratib Boitone.

Hon. Ratib (MCA, Nyalenda “A” Ward): Thank you Mr. Speaker, I will just take a minute because this is a motion that we actually do not need to deliberate so much on. It is as per the timelines that this particular time, this House in the whole country is expected to be going for the long recess. This is to urge my fellow members that, please reserve your energy because the energy that you want to put across today please save it for the next session when this House will be resuming.

Mr. Speaker, my concern and it is the reason that, I insisted on giving me comment on this is that in this House and in numerous occasions, we have been experiencing quorum hitches. What does this portray? That some of the members had already proceeded for their recess and that is the truth of the matter. Mr. Speaker, today, as we break for the long recess, let it be made known to them that, wherever they are, when we resume our sessions next year please be very strict that during plenary sessions we must strive to attain the required quorum so that we transact the business of the House. Thank you.

The Speaker (Hon. Oraro): Hon. Okoyo.

Hon. Okoyo (MCA, Central Kisumu Ward): Thank you Mr. Speaker, first please allow me to differ with the last speaker. Mr. Speaker, there is a Nigerian quote that says “*Mit Karumo*” that translates; it is sweet when it is coming to an end. So, the Member should not castigate his fellow Honourable Members when they want to contribute because I know that today, Members are very eager to give their contributions because this session is coming to an end.

Mr. Speaker, I heard my fellow colleagues lamenting that, and I equally want to complain about breaking for the recess on empty pockets. Mr. Speaker, we are aware that, this matter does not rest with you and I want to put the blame squarely where it belongs. Mr. Speaker, we are suffering as a result of the National Government and it is the head of state who is making our lives very difficult. Mr. Speaker, we are breaking for the long recess but, we will be coming back in the New Year which is 2024. Mr. Speaker, what pleases me most is that, I know that next year, there is a Referendum that is looming. Mr. Speaker, during the referendum, we are going to teach the national government a lesson that they will never forget because, we cannot be suffering like this yet, we were elected by people and we cannot assist our people because the economy is bad. There are students who are supposed to join form one next year while there are others who are expected to join colleges and we cannot support them because we don’t have money. Mr. Speaker, I am happy because we are breaking for the long recess when you are still the Speaker

of this House and a staunch member of ODM Party. I am asking Members of this House who are still in ODM please let us go out there and ensure that, we register as many members as possible to ensure that the party remains strong. Mr. Speaker, for those who have switched allegiance to other parties, we are requesting you to consider coming back now, or else when we will be closing the door, we will not want you back.

Mr. Speaker, for those who are in this House but are eating with the enemies, in 2024 it will not be the same. I am saying this because I know that the referendum is coming and we cannot be allowed to sit and dine with those Members who are going to support or go against the wishes and aspirations of the people not to give the national government the offices that they want to give and members of the public are suffering as a result of not having money. Mr. Speaker, I want to stop my speech by stating this, that, I have heard the Leader of Majority saying that, he is inviting Members for a luncheon or cocktail party but, please ask or arrange so that at least we have our vehicles fueled as well when we will be done with the cocktail party. Thank you.

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

Hon. Jagongo (MCA, North West Kisumu Ward): Thank you Mr. Speaker, I will only take one minute. First, I want to really appreciate all the Honourable Members of this House for the good debates that we have had. Further, I want to take this opportunity to thank the Honourable Speaker and the clerks for the goods work that they have been doing in House Committees and I urge all of us to continue working for this county.

Mr. Speaker, I want to request that, there are a few House Committees which had some pending works and this is a good opportunity for them to complete these pending works. Mr. Speaker, a good example is the Standing Committees of Medical Services and Agriculture, Livestock, Fisheries Development and Irrigation. The Committee of Medical and Public Health Services has plans to conduct visits to some of the health centers within our wards and we had identified two health centres within the seven sub-counties and we felt that it was important to visit those health facilities because we are undertaking some fact finding mission and we only have this holiday to conduct this exercise and we need to report back to this House when we shall be resuming.

Mr. Speaker, the Standing Committee of Agriculture, Livestock, Fisheries Development and Irrigation has two Bills to process notably;

1. The Kisumu County Agricultural Facilities Improvement Financing (FIF) Bill, 2023 and
2. The Kisumu County Agricultural Sector Co-ordination Bill, 2023

Which are to be process which is scheduled to be taken for public participation on Friday, 15th December, 2023 in all the Sub-counties and we need time to convene so that we do the reports of these two Bill and other key activities? Mr. Speaker, I am aware that the request has been made and it will be in your office soon but, even before it reaches your office, please find it in your heart and allow these two House Committees to sit during this holiday. Otherwise, I want to

appreciate you and do have a wonderful Christmas holiday and a Happy New Year 2024. Mr. Speaker, I would like to request Members who will be available within Kisumu, that the Chopper Tournament is on and we will be having our finals on Thursday, 28th December, 2023. I would like to take this opportunity to invite you all on that date and the finals will be held in Chulaimbo and enjoy the games and we help nurture the talents of our kids. Thank you and be blessed.

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

Hon. Bill (MCA, Kobura Ward): Thank you Mr. Speaker. I arise to support the motion on adjournment. Mr. Speaker, as members, we have been in this House for a very long time and this is the time we are going to be with our electorates where we are going to interact with them and share. Mr. Speaker, I do not want to bore Members with what has already been said but, I equally want to embolden Members being that I am from, the Standing Committee of Agriculture and Fisheries Development that, when you go back home, endeavour to be a champion of agriculture so that our county can be food self-secure.

Mr. Speaker, as we are again going back home, it is a long period staying at home without coming back to this House, I would like to request your office that, please remember us because you know the struggles that we have in December when we are just about to get to January, we will have a lot of requests for school fees. So, I believe that your office is going to support.

Mr. Speaker, as I conclude, I want to thank your office for being supportive to Honourable Members because you have shown good leadership and we pray that as we will be resuming our sessions, you get the wisdom from the Almighty God to continue leading us. Mr. Speaker, I equally want to thank the leadership of the House for leading us well. As an Assembly, we are a House that has struggles but, the leadership has continuously guided this House well and has continuously given us direction. Mr. Speaker, the two months is adequate for Members of the ODM party to ensure that the youths get into our beloved party. I would like to urge Honourable Members that let us compete as we retreat to our electoral wards and came back with a list so that we can at least compare which ward has the biggest registration. This is an opportunity because you realize that from the ODM party's wish list, the Right Honourable Prime Minister stated that the party can only be strong when it has the numbers from the youths. So, personally, I will be a champion because I support the ideologies of the party which is ODM. I will be a champion and I will ensure that as I did before during the nominations and prior to the general elections I will now have more effort so that I ensure that in my ward which is Kobura, we attain a good number of registered members. Mr. Speaker, I want to wish you and all Members a Merry Christmas and a Happy New Year and may our good Lord protect and be with you all throughout this holiday season. Thank you.

The Speaker (Hon. Oraro): Hon. Careen Ajwang', member representing Kaloleni/Shaurimoyo Ward

Hon. Ajwang' (MCA, Kaloleni/Shaurimoyo Ward): Thank you Mr. Speaker. I equally arise to support this adjournment motion. Mr. Speaker, I am a mother and a spouse to somebody and I am happy that I will have a humble time to be with my family. I will be waking up in the morning to prepare my husband tea, lunch and supper. Mr. Speaker, it has been long because we always wake up in the morning and rush to be here. So, I am happy that we are breaking for this long recess and it is good to equally take a rest as well and this will be a good time to interact with our electorates. Thank you I support.

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

Hon. Nyaoke (MCA, North Nyakach Ward): Thank you Mr. Speaker, as I stand here to support this motion on adjournment which has been presented by the Leader of Majority. Mr. Speaker, it has come at the right times. However, I am aware that we have a lot of activities that are going to take place during this holiday season. One of them as mentioned by my brother and colleague Hon. Okoyo is on the registration of ODM party members. Mr. Speaker, I just want to remind him that, indeed that is why we call it registration and we are supposed to register those who have not become members. So, let us not look at some people and assume that this person looks like a FORD-Kenya person and let me not register him/her no!! Please let us talk to all of them and these are the people that we perceive not to be members of the ODM party to be registered and become party members. Mr. Speaker, it has become a routine when somebody belongs to another party that he or she cannot be swayed to register to join another party...

Hon. Okoyo (MCA, Central Kisumu ward): On a Point of Order!!

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

Hon. Okoyo (MCA, Central Kisumu Ward): Mr. Speaker, I would like to inform my colleague that the exercise is not just for registration of party members, it is also to confirm whether you are still a member of the ODM party or you has switched you allegiance to another party.

(Laughter)

(Applause)

Mr. Speaker, it is not just registration per say, you also need to confirm because like in his case maybe he needs to confirm now. Thank you.

(Laughter)

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

Hon. Nyaoke (MCA, North Nyakach Ward): Mr. Speaker that is the direction that the Member missed. Mr. Speaker, it is profound even to believe that, some of the people that I see checking to know if they are really members of the ODM party or not. Mr. Speaker, these are the members

who are “doubting Thomas’s who doubt if they are really members of OD party or not. Mr. Speaker, I am a faithful and a life member of ODM party and I do not need to struggle because nobody can register me in another party if I do not register. So, what I want to implore upon our Members here is that, if you know that you are still in ODM, and please do not waste a lot of time checking whether you still belong to the party please, go out there and recruit members to join the party. Please let us stop these side shows. Mr. Speaker, I also want to say that, during this festive season, kindly let us not forget to worship our Lord and Savior Jesus Christ, let us appreciate Him because in this House, we have faced a lot of difficulties but, I thank God because He has seen us through and it is my belief that as we will be coming back here the Almighty God is going to lead and protect us despite the ups and downs that we are going to encounter. Mr. Speaker, it is my belief that, all is going to be well. Thank you and I beg to support.

The Speaker (Hon. Oraro): Yes Hon. Sammy Onyango.

Hon. Onyango (MCA, Railways Ward): Thank you Mr. Speaker. I want to say that, some of the comments made here are left for funerals and wedding ceremonies. Please allow me to call upon the mover to reply. Thank you.

(Laughter)

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

Leader of Majority (Hon. Ooko, MCA, Ahero Ward): Thank you Mr. Speaker, I want to thank the Honourable Members for their contributions towards this motion. I want to start by concurring with the sentiments made by Hon. Ken Ouko that, it is Commonwealth Parliamentary Practice and Tradition that we break for the long recess at this time of the year. Mr. Speaker, from the contributions made by Honourable Members, I keenly listened to them and they have unanimously agreed that they want to break for the long recess but with some reservations that as the leadership we should take into consideration on how to cushion these Members from pressure from the electorates during this Christmas holidays and school fees that is coming this January...

(Applause)

Mr. Speaker, I know and I believe that all of us are aware that, as a country we are faced with a lot of challenges in terms of money not being disbursed on time to counties by the exchequer but, if we walk together with your office and that of the clerk, we can approach the County Executive where we have our Own Source Revenue and if we can implore them to lend us something for the Member as they break for the long recess, it is my opinion that, that approach will work.

Mr. Speaker, I have come to realized that, when we come to this Assembly, Members miss a lot and I believe that this will give Hon. Maurice Ngeta and Hon. Carren Ajwang’ time to at least go back and fulfill the conjugal rights that they have been missing.

(Applause)

Mr. Speaker, I again want to concur with the sentiments made by Hon. Okoyo that, people normally disagree to agree and I want to implore some of our Honourable Members in this House that includes my friend Hon. Tom Nyaoke that, it is an opportunity to go back and reflect and retrospect so that you come back home to enable us work as a team and this will be good for all of us. Mr. Speaker, I know that some of the members here have said that they are members of ODM party. Mr. Speaker, and Honourable Members, if you are a member of a registered party, you must be participating in the activities of that party. Mr. Speaker, some of the members here in this House have not been participating in the activities of ODM party and they claim to be members of this party. Mr. Speaker, I believe that it is time for them to think and come to a decision so that when you come back after the long holidays, we will be able to walk together as brothers and sisters.

Mr. Speaker, as we proceed for the long recess, I want to wish Honourable Members a successful engagement with their electorates. I want to wish you good health; I again, want to wish you a Merry Christmas and a Happy New Year 2024. Thank you and I reply.

The Speaker (Hon. Oraro): Thank you Leader of Majority. Honourable Members, I want to make reference to the provisions of Kisumu County Assembly Standing Orders No. 26 (3) which stipulates 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.

Honourable Members, the Leader of Majority moved a Motion for the Adjournment for Long Recess of this House until Tuesday, 13th February, 2024 at 02:30 p.m. pursuant to the provisions of Standing Orders No. 26 (3) that I have made reference to and the House Resolutions of Wednesday, 22nd February, 2023 and that is the approval of the House Legislative Calendar for the Second Session.

Honourable Members, I want to make the following remarks that, as we bring this session to a close and prepare for a well-deserved long recess, I would like to express my gratitude to each and every one of you for your dedication and hard work throughout this session. The progress that we have made together is a testament to our collective commitment and resolve to serve the people of Kisumu County. As we embark on the long recess, I urge all Members to take this opportunity to rest, rejuvenate and spend quality time with your loved ones. The festive season is a time for joy and celebrations but, it is equally a time to exercise caution and responsibility. Please remember to take care of yourselves and your families as well and to adhere to all safety

guidelines to ensure a happy and healthy holiday season. While we look forward to this much needed break, I must also emphasize the importance of remaining vigilant and prepared. As public servants, we must be ready to respond to any urgent matter that may require our attention. I kindly request that all Members please remain on standby and accessible in the event that, a Special Sitting is called during this recess period.

Honourable Members, in closing, I wish each and every one of you a joyful festive season, filled with warmth, happiness and peace. May you find rest and relaxation and come back to this House in February refreshed and rejuvenated and ready to continue the important work of serving our constituents in the Third Session of the Third Assembly. Thank you and let us adjourn this session with hope for a bright and Prosperous New Year 2024.

Honourable Members, with that, this House stands adjourned until Tuesday the 13th of February, 2024 at 02:30 p.m.

(House rose at 05:20 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>