COUNTY GOVERNMENT OF KISUMU

COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – SECOND SESSION

Tuesday 28th November, 2023

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

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

PRAYER

The Temporary Speaker (Hon. Oginga, Nominated Member): Honourable Members,I want to request that pursuant to the provisions of Orders No. 32 (2) of the Kisumu County Assembly Standing Orders that the quorum bell be rung for five minutes.

(Quorum bell rung for the first five minutes)

The Temporary Speaker (Hon. Oginga, Nominated Member): The Deputy Chief Whip, can you please confirm if we have quorum.

Deputy Chief Whip (Hon. Obonyo. MCA, South West Kisumu Ward): Madam Speaker, there is quorum.

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

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

Hon. Ochele (MCA, East Kano Wawidhi Ward): On a Point of Order. I heard the bell being rung and I was the first Honourable Member to entre in the House. I never heard a Member raise

the issue of quorum hitch and after the bell stopped ringing, the Speaker did not confirm if there is quorum. I believe that it is in order that you first confirm if we have enough the quorum in the House and if indeed you ordered the bell to be rung before we move to any business.

The Temporary Speaker (Hon. Oginga, Nominated Member): Order!! Hon. Ochele, you are seated in the sit occupied by the Leader of Majority, can you confirm if we have the quorum. I am sorry that passed me.

Hon. Ochele (MCA, East Kano Wawidhi Ward): Madam Speaker, I want to say authoritatively that from the onset, we did not lack quorum and as we speak, there is quorum.

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

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

COMMUNICATION FROM THE CHAIR

The Temporary Speaker (Hon. Oginga, Nominated Member): Honourable Members, welcome to this session and I would like to take this opportunity to recognize the presence of two young ladies from my office. That is Madam Ascar Mbach and Mary Janet Atieno. Thank you and feel most welcome.

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

STATEMENTS

The Temporary Speaker (Hon. Oginga): Yes, Hon. Tom Nyaoke.

Hon. Nyaoke (MCA, North Nyakach Ward): Thank you Madam Speaker, I have got a statement to make. Madam Speaker for the last two days, we have been experiencing a serious problem particularly in my Ward and I am aware that some of the Wards are also affected. I wish to bring to the attention of this House that we should be ready when called upon for an assistance that could be as a result of floods. As a collective responsibility…

The Temporary Speaker (Hon. Oginga, Nominated Member): Order!! Hon. Nyaoke, you are out of order. With reference to Standing Order No. 42, I don't know whether that is a Personal Statement or Statement of Topical Concern?

Hon. Nyaoke (MCA, North Nyakach Ward): Madam Speaker, this is a personal statement.

Hon. Ngeta (MCA, Awasi Onjiko Ward): On a Point of Order. Thank you Madam Speaker. The issue that Hon. Nyaoke is raising is a Matter of Topical Concern and the Member must follow

the right procedure before raising it in this House. So, I want to implore the Member to be calm and follow the correct procedure in raising such statements. Thank you.

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

Hon. Ochele (MCA, East Kano Wawidhi Ward): Madam Speaker, I find the matter raised by Hon. Ngeta out of place. Hon. Nyaoke has not talked of topical concern. Neither is he raising this matter as a personal statement. The Chair can allow him to execute his statement. Thank you.

The Temporary Speaker (Hon. Oginga, Nominated Member): Yes, Hon. Oiko member representing Kabonyo/Kanyagwal Ward.

Hon. Oiko (MCA, Kabonyo/Kanyagwal Ward): Thank you Madam Speaker, what is his statement or a personal statement is a matter before you and this House. The matter of floods that Hon. Nyaoke is raising and the Member is requesting Members of this House to provide for assistance. That is a topical statement. It is on record in this House that a matter of El-nino was raised in this House two months ago by Hon. Oiko Pete. There is no answer that is forthcoming and I hope the Office of the Speaker is taking note. Thank you Madam Speaker.

The Temporary Speaker (Hon. Oginga, Nominated Member): Hon. Nyaoke, please allow me offer you some guidance. I want to refer you to the provisions of Kisumu County Assembly Standing Order No. 42 and I read;

"During Statements Hour, a Member may, by the indulgence of the House, explain matters of a personal nature although there is no question before the House, but such matter may not be debated.

It must be a matter of personal nature and not a topical concern. I will rule you out of order. Hon. Ochele, you know how statements in this House are raised, please adhere to these rules.

Hon. Ochele (MCA, East Kano Wawidhi Ward): Madam Speaker, you can see how Hon. Nyaoke is stranded. It is water that is giving him problems? Maybe he is talking about bottled water or lack of water in his house. Why can't you just give him time so that we get the gist of the matter?

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

Hon. Ngeta (MCA, Awasi Onjiko Ward): Madam Speaker, Hon. Ochele is misleading this House. The Honourable Member has stated clearly that it is the issue of floods in his Ward that

he intends address. Hon. Oiko has also confirmed the same. This is a House rules and procedures. Thank you.

The Temporary Speaker (Hon. Oginga, Nominated Member): Honourable Members, allow me to make a ruling on this matter. Let us follow the rules and procedures of this House. Hon. Nyaoke, please do a statement on the same and forward it to the Office of the Speaker for approval. Thank you.

(Loud consultations)

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

Hon. Dede (MCA, North Kisumu Ward): Thank you Madam Speaker. I have got a statement under Standing Order No. 42.

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

Hon. Dede (MCA, North Kisumu Ward): Thank you Madam Speaker. Mine is just to comment on the event that we had yesterday. We converged at the Sports Ground for the ODM Party Membership Registration. I want to thank the Honourable Members for the mobilization work they did. Thank you.

The Temporary Speaker (Hon. Oginga, Nominated Member): Honourable Members, we still on statement hour.

(Silence)

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

MOTION

ADOPTION OF THE REPORT OF THE JONT COMMITTEES OF ADMINISTRATION OF LAW, JUSTICE AND CONSTITUTIONAL AFFAIRS, GOOD GOVERNANCE AND SECURITY AND TRADE, TOURISM, INDUSTRY AND MARKETING ON THE INVESTIGATION INTO THE MATTER OF FIRE DISASTER IN AHERO MARKET

BY

HON. MOSES OCHELE, MCA, EAST KANO-WAWIDHI WARD

(CHAIRPERSON, JOINT COMMITTEES OF ADMINISTRATION OF LAW, JUSTICE AND CONSTITUTIONAL AFFAIRS, GOOD GOVERNANCE AND SECURITY AND TRADE, TOURISM, INDUSTRY AND MARKETING.)

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

Hon Ochele (MCA, East Kano Wawidhi Ward): Thank you Madam Speaker. Before I embark on this afternoon's motion, it is very discouraging to thwart efforts of Members…

The Temporary Speaker (Hon. Oginga, Nominated Member): Order!! Hon Ochele, you are out of order.

Hon Ochele (MCA, East Kano Wawidhi Ward): Madam Speaker, I was giving my opening remarks, which is allowed.

The Temporary Speaker (Hon. Oginga, Nominated Member): You are out of order!!

Hon Ochele (MCA, East Kano Wawidhi Ward): What should I do then, Madam Speaker?

The Temporary Speaker (Hon. Oginga, Nominated Member): Please proceed straight to the motion.

Hon Ochele (MCA, East Kano Wawidhi Ward): Madam Speaker, giving opening remarks is allowed, and the same might even digress on housekeeping matters. I do not believe that I am out of order but anyway, with due respect Madam Speaker, may I go straight to the motion, which is a Report of the Joint Committee of the Administration of Law, Justice and Constitutional Affairs Good Governance and Security and the Committee on Trade, Tourism, Industry and Marketing.

Mr. Speaker and Honourable Members,

1. Pursuant to Article 185 of the Constitution of Kenya read together with Standing Orders No. 41 (2) (b) of the Kisumu County Assembly Standing Orders, the Hon. Ken Ooko; the MCA for Ahero Ward on 6th September, 2023 raised a Statement on the Floor of this Hon. House requesting the Hon. Chairpersons for the Committees on the Administration Law, Good Governance, Constitutional Affairs and Security and Trade, Tourism, Industry and Marketing to provide a response on the fire disaster that razed down part of Ahero Market in the morning of 6th September, 2023 and destroyed several business premises within the Market leading to huge financial losses from traders.(Annex i)

2. In the Statement, the Hon. Ken Ooko requested the Chairpersons of the Committees to initiate an investigation on the matter and report on the following matters:
    i. The Causes of the fire disaster within the market
    ii. The extent of damage caused by the fire

iii. The Measures put in place by the County Government in regards to the compensation of the affected persons

iv. The remedies put in place to avert such disasters.

3. Consequently, the Hon. Speaker pursuant to Standing Orders No.185 established a Joint-Committee on the Administration of Law, Justice, Good Governance, Constitutional Affairs
and Security and the Committee on Trade, Tourism, Industry and Marketing to inquire into
the matter and report back to this Hon. House within twenty-one days upon committal.

4. Further to the matters requested for inquiry by the Hon. Ken Ooko, the following factors were also inquired into by the Joint Committee during its deliberations and are summarized as follows: -

i. Whether the County Government's response on the disaster was appropriate and in accordance to the law and;

ii. Whether the current procedures for disaster response existing within the County are adequate and legally sufficient.

Mandate and Composition of the House Committee

5. 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.

6. Additionally, the Committee on Trade, Tourism, Industry and Marketing is mandated pursuant to the Second Schedule of the Kisumu County Assembly Standing Orders to consider all matter related to:

7. The Joint-Committee therefore is composed as follows:

1.	Hon. Moses Ochele	Chairperson
2.	Hon Alice Wajewa	Chairperson
3.	Hon. Reuben Rakwach	V/Chairperson
4.	Hon Kennedy Ajwang	V/Chairperson
5.	Hon. Samuel Dedeh	Member
6.	Hon Peter Obaso	Member
7.	Hon. Eunice Alando	Member
8.	Hon. Bill Oliver	Member
9.	Hon. Mildred Ajumbo	Member
10.	Hon. Miriam Abeid	Member
11.	Hon. Anne Ochola	Member
12.	Hon. Samuel Onyango	Member
13.	Hon. Vincent Jagongo	Member
14.	Hon. James Were	Member

8. The Secretariat of the Committee comprises the following:

1. Mr. Owen Ojuok	- Clerk of the Assembly
2. Mr. Harman Moses	- Committee Clerk
3. Mr. Benard Abuodha	- Committee Clerk
4. Mr. Patrick Okoyo	- Hansard Officer
5. Ms. Jacqueline Otieno	- Hansard Officer
6. Mr. Kennedy Okise	- Serjeant-at-arms
7. Mrs. Judith Atieno	- Serjeant-at-arms

9. The Minutes of the Committee deliberations on the Status of Operation of the Village Units in the County has been referenced in the Committee Minutes with Code.

Acknowledgements

Mr. Speaker and Honourable Members, I would like to express my special thanks of gratitude to all Members of the Joint Committee on The Administration of Law, Justice and Constitutional Affairs, Good Governance and Security and the Committee on Trade, Tourism, Industry and Marketing for their valuable contributions during the inquire on this matter.

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 Joint Committee, for consideration and approval by the House pursuant to Standing Order No. 182 of the County

Assembly Standing Orders.

Legal Basis of the Inquiry on the Matter of Disaster at Ahero Market

Mr. Speaker and Honourable Members,

10. During the Joint Committee deliberations and investigations, the Joint Committee relied on a number of sources of Law which informed the Committee the legal foundation of Disaster Management within the County. The legal sources were here used to establish the legal practice in the management, response and administration of Disasters and were also used to find the basic principles that guide disaster preparedness and mitigation.

11. The legal basis of this inquiry are therefore as follows—

a) The National Disaster Management Policy, 2009which is based on three key policies approaches;

i. To make a paradigm shift from the conventional disaster response and relief practices to the more comprehensive risk reduction culture.

ii. To strengthen the country's disaster management system through improvement of response and recovery management at all levels.

iii. To develop a cooperative approach to disaster management through collaboration with all stakeholders to build strategic, scientific, implementation and partnership with all government departments and agencies, nongovernmental organizations (NGOs), academic and technical institutions, the private sector, the media, donors, etc.

b) The Kisumu County Disaster and Emergency Act, 2015whose object is to:

i. establish an efficient structure for the management of disasters and emergencies;

ii. enhance the capacity of the county government to effectively manage the impacts of disasters and emergencies and to take all necessary action to prevent or minimize threats to life, health and the environment from natural disasters and other emergencies;

iii. ensure that the county government effectively co-ordinates with other relevant agencies to mitigate the impacts of disasters;

12.Kisumu County Emergency Fund, 2018which established the Kisumu County Emergency Fundto enable payments to be made in respect of the County when an urgent and unforeseen need for expenditure arises for which there is no specific legislative authority.

Background Information on the Fire Disaster at Ahero Market

Mr. Speaker and Honourable Members

13.The Joint Committee on 8th September, 2023 vide letter Ref. CAK/CGK/CS/ADM/VOL.III/9/24 (Annex ii) made a communication to the CEC Member for Public Service, County Administration and Participatory Development to provide a response on the following matters:

i. causes of the fire disaster at the Market and the extent of the Damage,

ii. the County's Disaster Management Preparedness and Response,

iii. the compensation measures undertaken by the County Government on the matter.

14.Consequently, pursuant to a letter received by the Committee on 18th September, 2023 Ref. CAK/CA/ADM/VOL.I/5/2023 the CEC Member for Public Service, County Administration
and Participatory Development informed the Committee as follows:

Responses on the Causes of the Fire Disaster at the Market and Extent of Damage

15.The CEC Member submitted before the Committee a Report from the Department of Infrastructure, Energy and Public Works dated 7th September, 2023 formulated by one Mr. Paul Owuor; an Electrical Inspector who had made an inspection in the market in order to identify the causes of the fire.

16.The Committee was informed:

i. THAT, the Market Vice Chairman informed the Electrical Inspector that a fire alarm was raised at or about 2AM on 6th September, 2023 and upon arrival traders found their stalls already burning and that the fire started in one of the temporary structures built within the Market by the traders.

ii. THAT, a physical observation made at the site, revealed that the stalls in the main Market Permanent Structure were burnt completely leaving only the walls in place, while the electrical installations; since they were done in using metallic conduits, could still be seen in place at the time of the inspection.

iii. THAT, an electrical test conducted at the site further revealed that circuit protective

devises, energy meters found in the place at the power intake point were still effective and functional and single phase voltage was found to be present and normal at 230V.

iv. THAT, the electrical inspection further revealed that the electrical installation in the site is very old and that the earthing point could not be readily located for testing and thus this essentially renders the installation defective.

v. THAT, the electrical inspection concludes that the electrical malfunction was the likely cause of the fire disaster since the distance from the power in-take point to the temporary stall is too far and because wiring to those stalls were not supervised, it is likely that traders could have resorted to cheaper ways to get power to their stalls and this could give rise to fire.

vi. THAT, the fire gutted down a total of 24 permanent stalls in the super section of the Market and 9 temporary structures.

Response to County Disasters

17.The CEC Member further submitted before the Committee an overview of the Kisumu County Disaster Management Preparedness and Response and informed the Committee as follows:

i. THAT, the County Government has established elaborate structures aimed at facilitating disaster management and preparedness within the County and that these structures include:

a) Kisumu County Disaster Management Committee mandated to supervise, manage and administrate all matters related to disaster management within the County.

b) The County Directorate of Special Programs and Disaster Management tasked with the general coordination of disaster preparedness, mitigation and response and recovery phases of disaster Management.

c) Partnership and Joint stakeholder disaster response put in place to provider different measures for mitigation and response in high risk matters.

Compensation measures for future Occurrences

18.The CEC Member informed the Committee that measures had been put in place aimed at remedying the damage caused by the fire and that the Department of Special Programs had written to the Department of Finance for funding in order to repair and restore the market and compensate the affected traders using the Emergency Fund.

Committee Findings and Observations

Mr. Speaker and Honourable Members,

19. The Joint Committee made a site visit at the Ahero Market on Monday 2nd October, 2023 to make observations and meet the affected traders in order to fact-find the submissions from the Department.

20. The Traders informed the Committee;

a) THAT the cause of the fire was yet to be determined and they requested the Committee to compel the Department to do a comprehensive investigation into the cause of the fire in order to help mitigate a future occurrence.

b) THAT a total of 119 traders were affected with goods worth millions of shillings burnt to ashes and that Ahero market has no fire station and the fire engine had to be moved from Kisumu to Ahero.

21. The Committee has further established that the investigation into the cause of the fire incident conducted by the Electrical Inspector is still inconclusive since the inspector, pursuant to his report has raised doubt on his finding of an electrical malfunction. The Committee is therefore unable to recommend compensation of the affected traders since such recommendation must be founded upon a finding of culpability on the causes of the fire disaster.

22. The Committee has also found that the County does not have a Disaster Management and Preparedness Policy for guidance on the actions to be taken by the County Government incase of a disaster or an emergency.

Committee Recommendations

Mr. Speaker and Honourable Members,

23. Following the submissions from the Department and the affected traders and the observations made therein, the Committee Recommends:

i. THAT, **a** comprehensive policy and legislation on disaster management; particularly on disasters related to fire and floods be formulated within 12 months of the adoption of this Report. The framework should not only establish critical disaster areas that have not yet been regulated but also harmonize existing regulations in various legislations that could be applicable to national and international humanitarian assistance. Areas that need special attention include mechanisms for requesting national assistance; entry of personnel and goods for humanitarian assistance; early warning and information sharing regulation; accountability by agencies and persons engaged in humanitarian assistance.

ii. THAT, there is need to harmonize and strengthen coordination among agencies charged with disaster management. As it is, institutions exist within the County but with no

clear mechanism for coordination. Specifically, we recommend that a County Disaster Operations Centre (CDOC) be established and strengthened as the coordinating agency for disaster response within the County. The proposed CDOC requires to be institutionalized through law with a clear description of mandate and relationship with other agencies. In addition, the role of the Department of Special Programs in coordinating disaster response within the County needs to be strengthened.

iii. THAT,great emphasis for a strengthened coordination and oversight of national and International humanitarian assistance by the civil society be promoted and facilitated. This includes the need to enhance coordination meetings between the civil society and government and the need to include civil society in key County decision-making bodies. There should also be special registration of agencies whose mandate and objective is largely to support humanitarian assistance within the County. There is also need for adoption of a mechanism for temporary registration of such agencies during times of disaster.

iv. THAT, an inspection Report on the status of the firefighting infrastructure in existence in Market areas and County Government buildings in the County be submitted before this Hon. House within sixty (60) days upon the adoption of this Report together with recommendations with a view of upgrading them to an acceptable standard.

v. THAT, fire safety measures should be enhanced and conducted from time to time through fire safety programs, such as emergency procedures/evacuation drills, regular fire safety inspection, maintenance and servicing of fire equipment, trainees and staff training, information to occupants of buildings, keeping records and emergency.

Conclusion

Mr. Speaker and Honourable Members, it is therefore my honor and privilege, on behalf of the Joint Committee on the Administration of Law, Justice, Good Governance, Constitutional Affairs and Security and Committee on Trade, Tourism, Industry and Marketing to move this Motion before this Honorable House for consideration. Madam Speaker, with those few remarks, may I call the Co-Chair Hon Wajewa to second. I beg to Move. Thank you Mr. Speaker and Honourable Members.

The Temporary Speaker (Hon Oginga): Yes, Hon Alice Wajewa.

Hon Wajewa (Nominated Member): Thank you Madam Speaker, I rise to second the report of the Joint Standing Committees of Administration of Law, Justice, Good Governance, Constitutional Affairs and Security and Committee on Trade, Tourism, Industry and Marketing that went to Ahero Market to talk to affected traders. I want to echo the sentiments by my Co-Chair Hon Ochele. Although the cause of the fire has not been established, it is important to note that, the county should put in place mechanisms to deal with emergencies. Since a number of

traders were affected, and their goods worth millions were burnt to ashes, we are glad that measures that have been put in place to remedy the damage caused. The Department of Special Programmes had written to the Department of Finance, requesting for funding in order to repair and restore the market as well as to compensate the affected traders through the Emergency Fund.

Madam Speaker, it was also established that the county government does not have a proper Management Preparedness Policy and Guidelines and actions to be taken by the county government in case of such occurrences as disasters or emergencies. As has been recommended by the Joint House Committee, proper coordination among agencies charged with disaster management should be enhanced and the said coordinators be strengthened, and the relevant people should come together and ensure that we are ready for any kind of a disaster. With those few remarks, I second the report. Thank you.

The Temporary Speaker (Hon. Oginga, Nominated Member): Honourable Members, now that the report by the Joint Standing Committees on Justice Administration of Law, Justice, Good Governance, Constitutional Affairs and Security and the Committee on Trade, Tourism, Industry and Marketing has been presented and seconded as per our Standing Orders, I want to propose that the report is now open for debate.

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

Hon Boitone: (MCA, Nyalenda A Ward): Let me first thank you Madam Speaker for this opportunity. I want to thank this Joint Standing Committees for this report. Madam Speaker, I was a little bit keen on the dates of the report. The Statement was raised on Wednesday, 06th September, 2023 and the response, which I heard from the Chair, is that they received a response from the Executive on Thursday, 07th September, 2023. What does this mean? It means the Statement was raised a day like today and the next day a response is received. As Members of this County Assembly, we must be keen on how we deal with issues concerning the Executive. If at all a member was keen on this report, this could have been the first item to be discussed. Therefore, there is something wrong in that feedback or response.

Madam Speaker, I heard concerns that were raised on the Statement. First was on the cause of the fire, the extent of damage, compensation and remedies to be put in place in cases of similar occurrences. Madam Speaker, it may be a tall order to establish the cause of the fire; this is from what these Joint House Committees has reported. Of course, from the report, you heard the same. But now, the most important interest to common man who was affected is the compensation element. The report has come out very clear that there is totally no compensation to the affected traders. We always talk about allocating money for disasters like this. Out of that money, why can't the county government using this fund to compensate people who may suffer such kind of tragedies?

Madam Speaker, this is a valid concern and if at all statements will be brought here with issues pertaining disasters and then nothing in terms of compensation is done then, the electorates will not be getting our value for being in this House as their representatives. Madam Speaker, Kisumu County Management Committee, in relation to Mitigation and Preparedness, is a dead horse. I do not know whether we can flog this dead horse to come up, because when talking about mitigation, we are talking about preparedness. Something that happened in the beginning of the month of September, 2023 has not been resolved to date.

Madam Speaker, a statement was brought by Hon Oiko to prepare the County Executive so that the floods that is now a menace to us should have already been mitigated and Madam Speaker, to date, nothing has happened. Our people are suffering because houses are being swept away. Are we waiting for another statement to come? This Assembly should stand tall and put the County Executive on their toes so that they deliver on their duties, notably the County Executive Committee Members (CECMs), Chief Officers and respective departments. Otherwise, Madam Speaker, our role in this Assembly, at the end of five years, will be as good as nothing. I want to send a strong warning to the various County Executive Committee Members of different departments that, if at all this is the game they want to play with us, then soon or later, one or a number of them will go home. We do not want to play around with the lives and property of our people.

Madam Speaker, as I conclude, I want to say that these recommendations are good. However, if not implemented in the right time, calls will still continue. Thank you.

The Temporary Speaker (Hon Oginga): Yes Hon K'Omudho. Sorry, Hon Were, I have just noticed you. Hon K'Omudho, please proceed.

Hon K'Omudho (MCA, Muhoroni-Koru Ward): Many thanks Hon Speaker and my fellow colleagues. I stand here to support this report by the Joint Committees of Justice and Trade. Hon Speaker, we need to be very careful, as my colleagues have mentioned. If we are not careful, we shall reduce ourselves into simply a House of debate, with no actions. Just yesterday, in Muhoroni, I received a lot of messages and as a responsible Member of County Assembly; I should see what should be done during disasters. It is like our role has just been reduced to lamentations. We come here, talk then hand over our resolutions to the County Executive and our resolves are not taken into consideration as has been reiterated by a colleague. Madam Speaker,It is high time we acted on this, and we are not going to allow this to continue. I believe that we have the authority; it equally lies with this House at the same time. If the County Executive is becoming our causes, then it is the opposite. It is high time we put our feet down and serve the authority of this Honorable House. Some things need to be done, and we need to be advised accordingly in relation to this Disaster Fund Management and the operations as well as we do expect.

Madam Speaker, it is quite unfortunate that, we come here, lament, do very good reports like the one that has just been done, with accuracy and very good recommendations but at the end of the day, where are we headed with these kinds of things. Madam Speaker and Honourable Members, I want to suggest that we give it the last shot as the last report that is coming out. I want to believe that, we are here for a mission and we have given our projections, suggestions and input that should be taken with the seriousness that it deserves. The report is an accurate one; therefore, can we see some results coming out from this report because it is not affecting one or two persons but a wide area within the wards of the County Government of Kisumu. I stand to support the report together with the recommendations therein, thank you Hon. Speaker.

The Temporary Speaker (Hon. Oginga): Yes, Hon. James Were.

Hon. Were (MCA, Nyalenda "B" ward): Thank you, Madam Speaker, I also rise to add my voice on the report by first commending the Joint House Committees on Trade and JLAC for having come up with a number of recommendations. Madam Speaker, I know that matters pertaining to disaster require a lot of soberness, and going by the recommendations here, this House must be very serious with the County Executive and push them to the corner, so that they can implement these House resolutions in good time to avoid situations like this. Madam Speaker, going by one of the recommendations here, for us to mitigate disasters, it requires adequate funding. I implore on this House that let us approve more money to our Disaster Management kitty so that we can make the funds available in readiness for any disaster that happens within the County.

Madam Speaker, we should also encourage our County Executive wing to ensure that whenever business premises are constructed or put in place, a raft of recommendations from experts is seriously considered and complied with. The recommendations from the Inspectorate Unit to ensure that we have safety measures put in place in those business premises, again to ensure that emergency exits are established in these premises, and firefighting equipment are installed. Madam Speaker, it is only in doing this that this Assembly can put the County Executive to task so that the best can be done for our County. Otherwise, I beg to support this report, thank you.

The Temporary Speaker (Hon. Oginga): Yes, Hon. Tom. Nyaoke, the member representing of North Nyakach Ward.

Hon. Nyaoke (North Nyakach ward): Thank you, Madam Speaker for recognizing me. I will not delve so much on issues that have been raised by me fellow colleagues but, I will base my concerns on the response from the County's Disaster Committee that they gave to the committee. If you look at their submissions, it clearly shows that it is literally an issue that can be responded to answer all the questions that you may raise to them. Madam Speaker, to say that the County Government of Kisumu has established elaborate structures aimed at facilitating disaster management and preparedness within the County cannot be the truth. If they had an elaborate structure, which had already been put in place then by now, we would not be crying about the

current flood disaster. We call upon the County Executive to take what they are doing more seriously. Last year, we budgeted about Kshs. 50 million to go to Disaster Management but, this money was sent somewhere that we are not able to understand Madam Speaker. If you walk to the disaster management office now, they will inform you that, they have absolutely no funds to carry out any disaster related assistance that they should be able to do.

Madam Speaker, if we all do not come together and do our work, the Executive will also not be able to do its work. This is because of the good work that we are able to do that has also made them do what they are able to do. So, the narrative that they are going to keep giving us all the time, like what we are seeing now; for instance, we are now talking about the Ahero fire, and before we get a solution to the Ahero fire, we are being faced with the flood menace, which we have brought statements to that effect and it is in this very House but, no action has been taken. This is after a submission was brought here that they already have an elaborate program to mitigate all these issues. Madam Speaker, in your Chair, this House must now stand tall and be counted and ensure that what is expected of us is done and appropriate issues are attended to. I beg to support this motion but with a rider, that this House Joint Committees upon the adoption of this report should immediately make a serious follow-up to ensure that what they submitted here, particularly the submission from the County Executive that they have an elaborate structure, let us see that elaborate structure working. Thank you, Madam Speaker.

The Temporary Speaker (Hon. Oginga): Yes, Hon. Zachariah Okoyo.

Hon. Okoyo (Central Kisumu ward): Thank you, Madam Speaker, I rise to support this report, and it is a very sad day to this Assembly. I am saying this because, when I heard the Chair, JLAC reading the report, I was a bit shocked when I heard him saying that there was nobody from the County Executive or the Disaster team from the County Government of Kisumu that visited the site to see and evaluate the damages caused by the fire. Madam Speaker, I almost cried. I just visited the market and I saw what happened. The damage was extensive and the traders I believe lost almost everything. However, this happens because there must be a team or somebody is sleeping on the job. I am saying this because at the moment we are facing very heavy rainfalls and I want to inform you that, in my ward, the rain is sweeping houses almost every night. I have reported these issues to the County Executive and to the team which is tasked to mitigate the damages and handle disasters but nothing has happened yet. So, Madam Speaker, I believe that, it is high time we stood together and ask where the blame should be put and that is why I rise to support, thank you.

The Temporary Speaker (Hon. Oginga): Yes, Hon. Pete Oiko.

Hon. Oiko (Kabonyo-Kanyagwal ward): Thank you, Madam Speaker, the last speaker has just lamented on where the blame should be put. The blame is with the representative. The MCAs have refused to open their eyes to the plight of the people and to be relevant to our people. The

Kisumu MCAs fear the Assembly leadership, and that is where the problem is. If we would chat our ways as elected leaders then we would not be lamenting as we are doing now.

Madam Speaker, in this County Government of Kisumu, we have the Disaster Emergency Act, which is quoted here of 2015/2016 then we also have the Emergency Act of 2018. Let us go through these Acts and internalize what they constitute;

a) What are these Acts informing us?
b) Do these Acts have the requisite operational policies and regulations?
c) How do they operate?

Madam Speaker, no one bothers to find out about the regulations and policies. The Chair of JLAC, Hon. Ochele, lamented here on the matter of budget of 2023/2024 for Disaster Department. Honourable Members, when the budget was being read here on 30th June, 2023, I remember standing here and complaining but you were seeing me as a noise maker because they had been promised a little more on top of the Ksh. 20 million that every electoral ward was supposed to get. When we now lament that this Assembly passed Ksh. 50 million for Disaster and Emergency Department and yet only Ksh. 15 million is there. The Department of Finance is insisting that, the money in question is there then, what is the true position? I want to inform you my fellow Members that, last week when the Select Committee of Budget and Appropriations was meeting the departments to review their performance, I was seriously humiliated by the Chairperson and Hon. Jagongo. I only took the courage of a 'mzee' to be in that meeting to the end and Hon. Ochele that is where the rain started beating us. You are a member of the Select Committee on Budget and Appropriations and a Chairperson of JLAC and you see when you come to condemn that, and you were there. When I was raising these matters, I was told to shut up. So, I tell you Members, this is an open truth. The Chairperson of Budget and Appropriations hardly comes to the House and only shows up when he is supposed to read some reports and then he disappears. He ought to have been here today when we are lamenting so that he can defend the budget.

The Assembly leadership ought to have been here also. The Honourable Members are now lamenting concerning this issue of flood disaster which has been raised on this floor severally. What is happening? Why is the County Executive not keen on what we are raising? Ask yourself the same question because that is a matter which affects the people of Kisumu County and this Government are also for the same people of Kisumu County. That is because the elected MCAs have failed because Members do not know his representative role. That is where the problem is.

Madam Speaker, we can take the County Executive to task the way you were saying but, who will bell the cat. Moreover, once someone raises a matter for instance, allow me digress a little bit – during that time of the Committee of Budget and Appropriations a matter came up from the office of the Attorney General that there is a Pending Bill of Kshs 2 Billion. At one time, that matter had been raised in this Assembly by the Chairperson Administration of Law, Justice,

Constitutional Affairs, Good Governance and Security Committee (JLAC) and I discussed with him. The following day, the matter melted away. You see, he was saving his position as the Chairperson. He was saving his close position with the Leadership of this Assembly. See? Once we go that way, we are not going to help our people.

When we look at this report, it is merely a story because it does not pin down the Executive. How many business premises have been brought down in Kisumu County at the *JuaKali* Sector? What has been done to benefit our people? Floods have caused havoc severally since this Government came to power in the year 2017. What strong measures have they put in place? It is surprising and intentional that the Disaster and Emergency Department stopped getting allocation for the last for years. And that is so intentional. After the enactment of Emergency Fund Act 2018, the Disaster and Emergency Department was intentionally brought down by the Department of Finance. I also want to be on record for saying so.

Let us go to the Financial Records of Kisumu County and that is the budgetary allocation for Disaster Emergency Department. They have not been getting proper allocation. So, if that has been the practice, what are we saying now? The last four financial years, there has never been proper allocation for this department. How can a department work when there is no allocation? It is the emergency department that gets Kshs 100 Million every Financial Year. Go to the Financial Records of Kisumu County and you will find that. Furthermore, how the systems work, Emergency Act, 2018 is a guarded secret by the CEC Member for Finance and Economic Planning. Madam Speaker, for any desiltation work to be done in your ward, you have to go and plead. Our people please be informed that, this has been the trend in this County.

Therefore, we must inform this government that, it is unfair to the local mwanainchi and when we do not want to face that, we are talking here for nothing. Honourable Members, when I raised a Statement on Preparedness for El-nino, I wish Hon. James Omollo was here. He was quick to challenge and when I referred him to the Standing Order No. 195, he had never bothered to come back and discuss with me on whatever findings he got. That is the trend on how we behave. We simply want to oppose what has been flagged so that we are not seen to be criticizing the government. When we are talking for the benefit of our people, we are not criticizing the government.

So, Honourable Members, on matters of disasters and emergency, if we do not open up and take the County Executive to task the way fellow Members have said, we shall have and we are going to and again have failed our people. That is the plain truth.

There is also at times when matter comes to this Assembly like the Honourable Member who raised the Statement whom I believe is the Leader of Majority. He was expected to be in here in the plenary to also give his contribution. That is because; most of these people who are affected are from the ward which he represents. We shall assume so, though I know that Ahero is now cosmopolitan. People from other wards and from different Sub Counties are also found there.

That is when we see seriousness and we shall be seen to be serious with our representation in this Assembly.

Otherwise, to my fellow Honourable Members, Kisumu County has not faced serious flood. Hon. K'Omudho has also gone out. I was amused when he is now also lamenting. This is a Member who has been praising and worshipping this government every time he talks.

(Laughters)

But that is the truth. He is also now lamenting. I wish the people of Muhoroni/Koru Ward could be in the gallery to see their Hon. Member lamenting today and the past records are reflecting how he has been a praise and worshiper of this government.

Honourable Members, let us be serious, represent our people, serve them and ensure that the County Executive also serves our people well. Only when it is too much, what they cannot do is what we tell our people. For instance, when we talk of compensation in this report, then we are lying. The allocation given to emergency department, the allocation given to disaster emergency department cannot allow them to compensate the businesspeople when a tragedy like this one strikes them. That is the truth.

What we should now do is to encourage our businesspeople and farmers to insure their properties so that they are compensated when there is calamity. Hon. Speaker, I so contribute.

The TemporarySpeaker (Hon. Oginga, Nominated Member): Yes, Hon. Maurice Ngeta of Onjiko Awasi Ward.

Hon. Ngeta (MCA, Onjiko Awasi Ward): Thank you Madam Speaker for giving me this opportunity to rise and support the document that has been read by the Chairperson of Chairperson Administration of Law, Justice, Constitutional Affairs, Good Governance and Security Committee (JLAC). The issue of disaster in our areas is really making our people live in fear. We are here because of our electorates. We are here because we have a mandate and we have a task and also a job to deliver. When the disaster occurs in any part of this County the response is absolutely negative. The Ahero issue is indeed not impressing at all at all. The firefighters went to Ahero after four hours. This is so unfortunate! This tells us how some of our officers are sleeping on their job. I want to inform you that, for instance that in our areas more so in Kano plains and some other parts in this County notably West Nyakach, part of Kolwa East and Central, Kisumu West where people are crying that they need some people to be at Otonglo and other parts of Muhoroni, the issue of floods as we speak is seriously affecting our people Madam Speaker. Even now, the Chairperson who has just read the report is not a happy man. Where is coming from moreso the lower part of his ward is really flooded including me who is speaking at the moment.

Madam Speaker, we need to do our job as has been reiterated by some of my colleagues here, and we also need to pull up our socks. We need to ask the directorate/department that is in charge to inform us what is the preparedness put in place we do have as we speak. That is because, we have El-nino and even a single desilting we cannot tell for now especially us who are coming from Kano Plains. After all these, we have been witnessing perennial disasters every now and again including the areas that I have been talking about. After evacuating the affected people, the department just takes it for granted there after these people are being told to go back to their homes and then there issues are forgotten about.

Therefore, we need to put someone to task so that as a House we be informed of the plan they have for our people. With due respect, I want to ask the Chairperson of the Select Committee of Budget and Appropriations that during the budget making process, we need to consider that department so that we have funds allocated to this sector so that we make these people to do their job at the right time. Madam Speaker, without much ado, I want to congratulate Honourable Members who have contributed towards this motion and I want all of us to know that disaster is here to stay and we need to play our role as Members of this County Assembly. Otherwise, thank you very much Madam Speaker.

The TemporarySpeaker (Hon. Oginga, Nominated Member): Yes, Hon. Ouko of West Kisumu Ward.

Hon. Ouko (MCA, West Kisumu Ward): Thank you Madam Speaker. First, let me applaud the Chairperson of this Joint House Committees for the work they have done. At least we have something to talk about concerning the disaster preparedness in the County. Madam Speaker it is quite unfortunate that since the inception of devolution in 2013, we are still not prepared to handle our own issues. We are not able to handle even the small fire outbreak like the one that happened in Ahero Market.

The preparedness we are talking about starts with the people. I know that we have watchmen and traders in these markets. Madam Speaker, you will realize that even the Watchmen themselves have not undergone any training to detect whether there is fire in the market and they will only come to realize when the blazes are scorching them in these markets because they don't know how to do this. Madam Speaker, we should create some technical know-how on these by installing fire detectors in these markets. Instead of the County Fire department moving around with a big fire fighting engines and the traders in those markets will know that there is fire in the market if these fire detectors are installed. This has not happened. The County Department responsible is informing this House that they are ready to handle any fires in this County which is quite unfortunate. This was a loss to these traders and to the community.

Madam Speaker, we are all aware that when you intend to start a business, you have to start from somewhere and most of these traders started from scratch and at that end of the day, and they could leave there goods in the stores for safety and all these were scorched. It is a

disappointment and it is again quite unfortunate that not even one of the Members from the County Executive visited that place to stand and show sympathy and solidarity to these traders. Madam Speaker, these markets are domiciled under the Department of Trade and at the same time under the Department of Finance because that Department of Finance is collecting revenue from these markets. It is quite unfortunate that these departments cannot take their sweet time to visit these traders and what they are now doing here is lamenting.

Madam Speaker, I would like to recommend that should be included in this reports that, within 14 (fourteen) days, the Department of Finance must release funds from the Disaster Department to assist these traders. It is my belief that, this is one thing that they must do and failure to do that, the County Executive Committee for Finance and ICT should be summoned to appear before this House and explain. Madam Speaker, let us be practical and let us not just debate because we have a lot of time in our hands to show that we were in this House debating and let us come up with significant recommendations that are going to assist these traders.

Madam Speaker, we need to talk about the issue of Flooding in the County. Madam Speaker, how many times are we going to be talking about this menace? Do you want to inform us that, this government cannot handle the issues of Kabonyo-Kanyagwal? Or this is because it is a vast land that requires a lot of resources. Why can't they start with Ahero – Awasi then move to Ayweyo where our Chairperson comes from, so that we see the kind of work that they are doing. Madam Speaker, every year we are duplicating things and lamenting about the same issues, but, there is no work done and we are wasting a lot of resources for no apparent reason. We need to come up with ideas that will help this county.

My fellow Honourable Members, I believe that you all know that, it is our responsibility to even summon the Governor because we are bestowed with those powers in the law and we should not be afraid to face the risk we are encountering in this county. Or else, we will continue lamenting here in this House and at the lapse of our term, we will be sent packing. I believe that you all know that these people will be sending us all home if you are not aware. If we keep on lamenting the way we are doing and talking of issues that are not practical, our constituents will send us home and we will just be passing here like the other fellow members who were sent packing. So, please let us make hay while the sun shines or else we will be sent packing. Thank you Lady Speaker and I support the report.

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

Hon. Olima (MCA, South West Nyakach Ward): Thank you Madam Speaker. Please allow me to contribute to this report. Madam Speaker, many of my colleagues have contributed and I don't want to repeat myself because I want to delve into specific issues and also to advice that in future let the Chairperson of the Standing Committee of Administration of Law and Justice please, before bringing a report to this House, you need to consult and get to understand that, any recommendation that you put in a report, will take this House years to get it amended and we

want a report that can be implemented. Madam Speaker, what I meant is that, if you bring a report to this House that contains recommendations that we formulate regulations and policies to help us mitigate these disasters that we experienced in this county that will be erroneous. This is because we already have the Acts and laws in place and it is quite unfortunate that, one of the Acts you as a House passed in 2015 and another in 2018. These Acts clearly spell out on how to mitigate these disasters.

Madam Speaker, I want to state that, the problem that we have in this county first is the issues to do with the budgeting which my fellow colleagues have said and this is not an issue that is being raised in this House for the first time. Madam Speaker, we are all aware that fire is something we cannot mitigate all that time and equally avoid it but, during the term of the Second Assembly this House deliberated when this County received a Grant from our Development Partners to the tune of Kshs 250 million to do the Fire Station. It was resolved that, because we now have the municipalities covers the 14 wards in the City and the Rural areas. We do two rural fire stations and one within the City jurisdiction. Madam Speaker, as a result of political and financial interests, the entire Kshs 250 million was spent to do another fire station within the City when we already had one along Ang'awa Street which also has a fire engine which was donated by our development partners for free. Madam Speaker we spent an entire Kshs 250 million to do another Fire Station along the Obote Road. Madam Speaker, today, we are lamenting here stating that we could not help the traders in Ahero extinguish because the Fire Engines were far off and not easily accessible.

Madam Speaker, if as a County we want to go that direction and whatever we are deliberating here are tales. If you look at the Acts that were passed on the Emergency Fund and Disaster Management Act and the Department of Special Programmes. Madam Speaker, it is explicit that we should not even discuss the budget on Disaster and the Special Programme. This allocation should be automatically be 2% of the county budget and that is the law and we should not even be going into the nitty-gritties of how much we are to add to these kitties. Madam Speaker, today you will hear a member stating that, we had allocated Kshs 50 million and who made that decision to allocate the Kshs 50 million? While the law is explicit that 2% of the total county budget should go to Special Programmes and Disaster Management within the County. Madam Speaker, this is happening as a result of personal interest and this interest reared its head in 2018 when we go the first Director of Special Programmes then Hon. Ruth Adhiambo Odinga and because there was a tussle between her office and that of the Finance, this allocation was reduced. Madam Speaker, as a House we rightfully gave that information and as a House we were compelled to impeach the CEC Member in that docket and to date that issue has never been resolved because some people feel that they are much closer to power when they are doing the wrong things.

Madam Speaker, if you look at the recommendations given in this report that, somebody in Ahero is going to be compensated and again I have equally heard from one of the Honourable

Members state here that, they have given the County Executive Committee Member for Finance 14 (fourteen) days to release funds to the line department to compensate these traders. Madam Speaker, I query if these Members are even aware if there is budgetary allocations for such catastrophes. Madam Speaker, if you look at the recommendations in terms of what should be paid out to the Traders in Ahero, is even way much more that we allocated that department and we are all aware that how this department has always appropriated these funds for Disaster and Special Programmes is wanting. Madam Speaker, in the first three months of the Budget line and Programme is on Desiltation and is the reason I am wondering the Member who sought for this Statement. Madam Speaker, I am aware that the Member was doing this for the interest of his constituents because the market is in his electoral ward. I believe that the Member is ware that nothing can come from the County towards this catastrophy. Again, I am aware that, today if this is a report that will be given to the Leader of Majority of this House, then, I wonder because some of us who are not even Vice-chairperson of House Committees in this House can get anything little from this kind of report. If the recommendations in this report are the ones that we are going to give to the Leader of Majority then, moving forward, I pity this House. We other Members, who are not in any position of leadership in this House, we will not receive any justice in terms of service delivery to our people in the event of disaster and emergencies that may occur in their wards.

Madam Speaker, I had heard Member lamenting on issues to do with flooding which is a disaster within the County departments and I want to state that, those who are in anguish are not the ones lamenting here in this House. This is because, those in misery are in our Wards and looking for any better chance to even move away or be relocated but they cannot. This is because everybody is aware that emergency and floods in Kisumu County is perennial and we have never allocated funds in this House for the construction of Evacuation Centers and we have never allocated funds to these special groups even move to higher grounds that they are informed to move to. Madam Speaker, today, we are here lamenting in terms of wanting those things to be done.

Similarly, I heard Hon. Ratib the Member representing Nyalenda "A" Ward stating that there is nothing happening on the ground. I just want to advice and say that, today for those who are aggrieved on issues flooding and disaster mitigation will be assisted by the Senator Kisumu County, Professor Tom Ojienda. Madam Speaker, as we speak, today we have three tractors in Kolwa Central helping to mitigate floods and these tractors were the other day in Kabonyo/Kanyagwal Ward equally helping in flood mitigation. But because some members here feel that the National Youth Service machineries are for those who don't have the plight of our people at heart, I want to inform you that, you go and inform the people who voted you in that, you refused to take these machineries to assist them desilt your areas. Madam, Speaker, these machineries are still with us and if you feel that your place is flooded and you are in dire need of this support, we can assist you through the Office of the Senator, Kisumu County and get access to these machineries so that desiltation can be undertaken in all the wards that are affected by floods. Madam Speaker, for the Senator to do that, there are some of the areas where these

machineries were to be taken, some of the constituents threatened to burn those tractors as if the Senator himself or the NYS is being affected by the flood menace. Madam Speaker, I want our people to be truthful and let us not put politics first at the plight of our people this is because politics will come and everybody will be ready for a path and a battle moving forward this is when it comes to the elections of 2027. Madam Speaker, but for today, let us assist our people with anything that we can get access to even if it is the machinery offered by the NYS or even if it is assistance from the National Government or County Government, let us give our people the opportunity to get access to these services because they pay taxes both at the Count and the National level.

Madam Speaker, by discriminating people because of their political affiliations and by denying the Senator of this County to work in your Ward and to assist you people, I want to say that is malicious and wrong and the people you think will support you in the next elections will not stand with you when you are going home as one of us has stated that you are all going home. You will go home alone and those who are there who are supposed to hold your hands will let you go home and go home alone. Madam Speaker, I want to urge my fellow Honourable Members that, you are already elected and we will be here for the next four years and nobody is going to move us out so we need to do the right thing by helping our people and get to know that the plight of those people is more important and it is the reason we are in this House. Thank you.

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

Hon. Obaso (Nominated Member): Thank you Madam Speaker. Let me first start by commending these two Joint House Committees for a job well done. Secondly, I want to fully concur with these Joint House Committee's recommendations that have been presented and one reservation that I have on these recommendations, is that, we a House we do pass reports with very good recommendations. Madam Speaker, do we really follow-up to check whether these recommendations are being implemented and become operationalized? Madam Speaker, it is my belief that, this is where we have fallen behind and if these recommendations can be implemented and be operationalized then, I believe that as a County we will sour with the eagles.

Madam Speaker, it is my belief that this department is really dragging us behind and we have experienced may disaster especially in many wards in this great county of ours. Just recently the rain washed away most of the slums in our respective wards which is in Kolwa Central along the areas of Ogango, Tido and others. I reported this matter to the County Executive and up to date, nothing has been done. Madam Speaker, it is now almost a month since I reported this matter yet we as a House are still waiting for their responses. I believe that, these officers be put to task and should be held answerable for that. This is because, we allocated funds toward this kitty and what these funds are being used for, we are not aware but it is my opinion that, these officers should be summoned to appear before this House and grilled over their non-responsiveness.

Madam Speaker, I have made the following observations, and it is my belief that, those working at the County Executive have the feeling that we are in total support of His Excellency the Governor and they are riding on that assumption. Madam Speaker, every officer should be held accountable and should be held responsible for those things that they are not doing right. Thank you. I beg to support.

The Temporary Speaker (Hon. Oginga, Nominated Member): Yes Hon. Kennedy Ajwang'.

Hon. Kennedy Ajwang' (Nominated Member): Thank you Madam Speaker for according me this chance to equally give my contributions towards that matter. Having keenly listened to the sentiments given by Honourable Members, I want to call upon the mover to reply. Thank you.

The Temporary Speaker (Hon. Oginga, Nominated Member): Yes Hon. Ochele, Joint Committee Chair.

Hon. Ochele (MCA, East Kano/Wawidhi Ward): Thank you Madam Speaker. Apart from replying to contributions made by Honourable Members. May I first authoritatively state that, in this House there is no vacuum. The office of the Honourable Speaker is fully and ably occupied and the other leadership positions are equally occupied. I can authoritative state that the office of the Leader of Majority and the Whip is here speaking. So, if there is any member who wishes to ask for anything to the Leader of Majority and the Whips, I am ready to tackle that and any report that is to be attributed to the office of the Leader of Majority here I am I will receive them.

Madam Speaker, I want to first start by commending Members because I have heard them debate very passionately on the matter of Disaster. Madam Speaker, when some of our colleagues contribute, I feel like shedding tears because, they are talking of real life situations and the predicaments that we undergo when faced with disasters.

Madam Speaker, I heard a Member to be precise Hon. Gard Olima mention that we spent a lot of funds building Fire Stations and purchasing new Firefighting Engines in the CBD instead of decentralizing into the rural areas. Madam Speaker, I want to reply by supporting that, it is high time that we changed how we do things because now we are gifted by being bestowed seven municipalities and it is my proposal that, every municipality should have a Fire Station well equipped and ready to tackle any fire disasters at the shortest distance possible to avert the time wastage moving between Kisumu town to the rural folks. Madam Speaker, just imagine coming from Kisumu and rushing to Sondu, it can even take six hours. So, I am in total agreement with that recommendation.

Madam Speaker my senior Member Hon. Oiko Pete alluded to the fact that, Members of this August House fear approaching the leadership. I want to plead with Hon. Oiko Pete that, although he is not there, that he is a second timer in this House and I believe that he is aware of the procedures of tackling motions. Once a motion has been passed by this House, it is not

anymore a subject of this House neither is it a subject of the leadership but, it is on its transit to the County Executive. So, the person we are castigating here is the person called the County Executive because the leadership of this House does not have the sweeping powers to implement what has been passed by this House. In fact, if the Member wanted to strengthen his point, then, he should have stated that, the Select Committee on Implementation should pull up its socks, move with haste and ensure that every legislation passed in this House is implemented within the stipulated timelines and not pass the buck to the leadership.

Madam Speaker, it is so unfortunate when a Member rises to lament that, our people are suffering within our watch and yet the Senator for Kisumu County, Hon. Tom Ojienda is distributing excavators. Madam Speaker, my memory cannot be lost that, during last year's general elections, several people were elected by the same electorates who are suffering now. Madam, Speaker, number one of them being the Senator of Kisumu County, almost all the voters which translates to 99% of voters in this County voted for Hon. Tom Ojienda. So, it is not upon the Member of County Assembly to plead with the Senator to provide services to these people. Madam Speaker, in fact, that is his role. If he can get access, whether using dubious means, whether going down to seat with Lucifer to bring tractors, it is not upon the MCAs to go plead with him. This is because, the Senator knows where he got his votes and he equally knows where his people are suffering and he should take those tractors there. Madam Speaker, my duty as the MCA for East Kano/Wawidhi will never be at the footsteps of the Senator. The Senator knows my ward. Recently he constructed an iron sheet structure called an Assistant Chief's office and nobody interfered. Why does it make small sense when he hears us talking about tractors. How I wish that Hon. Gard Olima was here in this House today to inform him to do that what he was elected to do and not lamenting the way he is lamenting. Nobody has ever chased any tractors that were brought by anybody. Especially even myself, if I can get access to these tractors, today, in my ward, the only thing I will not do is to go there. Madam Speaker, I will thank God because my people will be getting assistance.

Madam Speaker, as I wrap up, an Honourable Member lamented to be precise Hon. Ratib Boitone that the Joint Committees' report on a certain page is not factual. If a matter is raised today, and the secretariat acts with haste and does a correspondence to the County Executive and find that Executive ready with responses because these are issues they are ready to do and moreso that deals with disasters, the matter can even be responded to within twelve hours. I would therefore advice Hon. Ratib to applaud the hardworking secretariat of this Joint Committees of JLAC and Trade to have been very responsive in meeting the request as put by these Joint Committees.

Madam Speaker, one thing that I want to over-emphasis that, the responses mostly received by these Joint Committees was based on theoretical aspects and no practicalities and that is the reason as to why we could not ascertain to what extent do we compensate. How do you compensate when those in-charge on the actual deliveries on these services are damp on it and

have developed cold feet to even visit affected traders. Therefore, it would have been prudent for the House to make further recommendations on the best possible way we can deal with these House Committees and the departments concerned moreso, the department of disaster which deals with these calamities, the department dealing with trade, Department dealing with physical and urban planning and the department dealing with finances so that, they can be brought on a joint meeting so that that we can come up with a lasting solution on disasters and mitigation.

Madam Speaker, finally and very finally, I want to state that, this House have got very serious Workplans and the calendar of this House must run as planned. Therefore, if you see me today and you don't see me tomorrow, don't purport on insinuate that I am not present to receive any report that is intended to me. I might not be there because I have gone to attend to other important matters pertaining to the responsibilities of the Assembly. Otherwise, thank you so much Madam Speaker and I reply.

The Temporary Speaker (Hon. Oginga, Nominated Member): Honourable Members, now that the report by the Joint Committee of Administration of Law, Constitutional Affairs and Good Governance and Security and the Committee of Trade, Tourism, Industry and Marketing on the Investigation into the Matter of Fire Disaster in Ahero Market on that happened on the 06th September, 2023 has been moved by Hon. Ochele, seconded and debated upon by Honourable Members and it is time for me to put a question? THAT, as many as are of the opinion that, the report by the Joint Committee of Administration of Law, Constitutional Affairs and Good Governance and Security and the Committee of Trade, Tourism, Industry and Marketing on the Investigation into the Matter of Fire Disaster in Ahero Market on that happened on the 06th September, 2023 be adopted?

(Question put and agreed to)

The Temporary Speaker (Hon. Oginga, Nominated Member): Honourable Members, the report by the Joint Committee of Administration of Law, Constitutional Affairs and Good Governance and Security and the Committee of Trade, Tourism, Industry and Marketing on the Investigation into the Matter of Fire Disaster in Ahero Market on that happened on the 06th September, 2023 has been adopted today Tuesday, 28th November, 2023 at 16:29 hours.

Honourable Members, I direct that the report together with the Hansard Report be submitted to the relevant department for purposes of implementation. Thank you.

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

ADJOURNMENT

The Temporary Speaker (Hon. Oginga, Nominated Member): Honourable Members, there being no any other business to be considered, this House stands adjourned until Wednesday, 29th November, 2023 at 09:00 a.m.

(House rose at 16:32 p.m.)

Addendum

Hansard Team

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