

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – THIRD SESSION

Tuesday 27th February, 2024

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

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

PRAYER

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Honourable Members, I want to refer ourselves to Standing Order No. 32 (2) and I read;

If there is not a quorum present when the Chair is taken at the time appointed for a meeting of the County Assembly, immediately after the saying of the Prayer, the Speaker shall order the bell to be rung for five minutes, and if no quorum is present at the expiration of the five minutes, the Speaker may direct that the bell be rung for a further five minutes and if there is still no quorum present, the Speaker shall adjourn the County Assembly forthwith to the next sitting.

I therefore want to direct that the quorum bell be rung for the first five minutes.

(Quorum bell rung for five minutes)

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Honourable Members, in view of the provisions of Kisumu county Assembly Standing Order 32 the term quorum refers to the minimum number of Members who must be present for the House to legally conduct its business. Our quorum therefore stands at 16. I want to request the Deputy Chief Whip to confirm if we have the quorum.

Deputy Chief Whip (Hon. Obonyo, MCA, South west Kisumu): Thank you Madam Speaker. There is quorum.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Mr. Clerk, take us through the Order Paper of today.

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

STATEMENTS

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Hon. Kennedy Ooko.

The Leader of Majority (Hon. Ooko, MCA, Ahero Ward): Thank you Madam Speaker. I rise pursuant to Standing Order No. 41 (2) (c), which mandates me as the Leader of Majority to table a report informing the House on the business coming before the Assembly on the following week. This is therefore to bring to the attention of the Members and to the Assembly that for the week commencing on Wednesday 28th February, 2024 to Tuesday 5th March, 2024, the Select Committee on Assembly House Business in its last meeting approved the following tentative businesses to appear in the Order Paper as follows;

On Wednesday 8th February, 2024, the following Papers shall be laid. One, the Leader of Majority intends to lay a report on Auditor General on Ahero Sub County Level IV Hospital for the FY ended 30th June, 2022.

Further, a report on Auditor General on Jaramogi Oginga Odinga Teaching and Referral Level V Hospital for the FY ended 30th June, 2022.

The third substantive business for the day, the Chairperson for PIC/PAC Committee Hon. Ken Ouko will Move a Motion for the Adoption of a Report of PIC/PAC Committee on the Examination of the Report of the Auditor General on the Financial Statements of the Kisumu County Covid-19 Emergency Fund for the year ended 30th June, 2022.

Consequently, on Wednesday, 28th February at 2:30 p.m., the following will be Papers to be laid:

The Chairperson PIC/PAC Hon. Ken Ouko intends to table the following reports: Report of Report of PIC/PAC Committee on the Examination of the Report of the Auditor General on the Financial Statements of the Kisumu County Covid-19 Emergency Fund for the year ended 30th June, 2022.

Notice of Motion to be given tomorrow; The Chairperson for PIC/PAC Committee Hon. Ken Ouko intends to give the following Notice of Motion:

THAT, pursuant to the provisions the Standing Orders No. 182 (6) of the Kisumu County Assembly Standing Orders, this House adopts a Report of PIC/PAC Committee on the

Examination of the Report of the Auditor General on the Financial Statements of the Kisumu County Covid-19 Emergency Fund for the year ended 30th June, 2022.

Then, the substantive business for the day will be; The Chairperson, Sectoral Committee on Agriculture, Fisheries, Livestock Development and Irrigation Hon Eunice Alandoh intends to Move a Motion on Adoption of a Report on Agriculture, Fisheries, Livestock Development and Irrigation Committee on its consideration of the Kisumu County Agricultural Facilities Improvement Financing Bill, 2023, that is, Kisumu County Bills No. 9 of 2023.

On Thursday, 29th February, 2024 at 2:30 p.m., the substantive business for the day will be; The Chairperson, Sectoral Committee on Labour and Social Welfare Services Hon Zachary Okoyo intends to Move a Motion on Adoption of a Report of Labour and Social Welfare Services committee on the matter of Degrading activities against Women Traders in Exchange for fish along beaches in Kisumu.

On Tuesday 5th March, 2024 at 2:30p.m., the following Papers will be laid: The Chairperson Liaison committee Hon. Nereah Okombo intends to table the following report: A report of the Select Committee of Liaison on its consideration of the report on the Half-year Progress Reports of House Committees for the period ended 31st Dec, 2023. Then, Notices of Motion will follow thus; The Chairperson of the Select Committee of Liaison Hon. Nereah Okombo intends to give the following Notice of Motion:

THAT, pursuant to Standing Orders No. 186 (2) of the Standing Orders, this House adopts a report of the Select Committee of Liaison on its consideration of the report on the Half-year Progress Reports of House Committees for the period ended 31st Dec, 2023.

On the same day, the substantive business will be; the Chairperson Sectoral on Agriculture, Fisheries, Livestock Development and Irrigation the Hon. Eunice Alandoh intends to Move Second Reading of the Kisumu Agricultural Sector Coordination Bill,2023, Kisumu County Bills No. 7 of 2023. Thank you Madam Speaker.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Thank you Honourable Members. The Statement that has been read by the Leader of Majority is provided for pursuant to the Kisumu County Assembly Standing Orders No. 41 (c). Honourable Members, this is a Statement on the calendar that needs adoption by the House. Therefore, I want to give a few minutes for reaction on the same. However, it may not be possible to vote on this Statement.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Yes, Hon Ochele.

Hon Ochele (MCA, East Kano Wawidhi): Madam Speaker, thank you. The Leader of Majority laid a programme for the Session but wouldn't it be in order for someone to second before we deliberate on it?

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Hon. Ochele that is why I have said that the Statements that are usually raised on the Floor are usually those sought from Chairs of both Sectoral and Select Committees. However, this particular Statement has been raised citing the provisions of Standing Orders No. 41 (c). Being a calendar of the House which requires adoption by the same House, I am opening the Floor for debate briefly. It is my considered opinion that you and me are on the same page unless you want to give further clarification. Otherwise the Floor is open for a brief debate. Hon. Members, a calendar for the next week beginning tomorrow, has been raised as a statement by the Hon. Leader of Majority and Standing Orders No. 1 gives the Speaker a leeway to decide on issues that are not provided for in this Standing Orders. If we do not have anyone who wants to deliberate or give a submission on the same, then I want to rule that the Calendar has been adopted without amendments and without a question being put. Thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Next Order!!

MOTION

ADOPTION OF THE REPORT OF THE SELECT COMMITTEE ON IMPLEMENTATION
ON THE IMPLEMENTATION STATUS OF HOUSE RESOLUTIONS PASSED DURING
THE 1ST AND 2ND SESSIONS OF THE THIRD ASSEMBLY

PRESENTED

BY;

HON. HENRIETTA BODO, NOMINATED MEMBER.

(CHAIRPERSON, SELECT COMMITTEE ON IMPLEMENTATION)

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Yes, Hon. Henrietta. I can see Hon. Henrietta today is rather short. Hon. Were, I suppose you are standing in for Hon. Henrietta.

Hon. Were (MCA, Nyalenda “B” Ward): Yes, Madam Speaker.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Please proceed.

Hon. Were (MCA, Nyalenda “B” Ward): Madam Speaker, on behalf of the Chairperson, Hon. Henrietta Bodo, I rise to move a motion on the report of the Select Committee of Implementation, on the implementation Status of the House Resolutions Passed During the 1st and 2nd Sessions of the Third Assembly.

CHAIRPERSON'S FORWARD

Madam Speaker and Honourable Members, pursuant to the provisions of Standing Orders No.184 of the Kisumu County Assembly Standing Orders which provides that “*within sixty days of a resolution of the county assembly or adoption of a report of a select committee, the relevant member of the county Executive under whose portfolio the implementation of the resolution falls shall provide a report to the relevant committee of the County Assembly in Accordance with Article 153(4) (b) of the Constitution.*”

Madam Speaker and Honourable Members, based on this provision, the Committee on Implementation during its meeting on 13th July, 2023, while considering its annual work plan for the financial year 2023/2024, resolved as its top most priority, to review and consider Implementation Status of House resolutions passed during the 1st and the 2nd sessions of the 3rd Assembly and report back to this House.

The Committee therefore developed a monitoring and tracking matrix to systematically monitor progress on the Implementation Status of all the House Resolutions including Legislations, adopted Committee Reports/Motions, Petitions and Statements passed by the House during the aforementioned period. This is to ensure accountability in resolutions and actions mandated by the House.

Madam Speaker and Honourable Members, the Committee in conducting its inquiry on Implementation Status of the house resolutions used two methods;

1. Wrote letters to relevant CEC Members requesting them to furnish the Committee with a detailed response on the Implementation Status of the House Resolutions
2. Invited the CEC Members together with their technical teams to respond on the Issues domiciled under their docket.

This report therefore represents the committee findings after conducting its inquiry with the relevant departments concerned.

HOUSE RESOLUTIONS UNDER THE DEPARTMENT OF PUBLIC SERVICE & PARTICIPATORY DEVELOPMENT OFFICE OF THE GOVERNOR

Madam Speaker and Honourable Members, the Committee on Implementation, following through analysis and scrutiny, has identified two Pending Reports domiciled under the department of Public Service & Participatory Development.

These reports are as follows:

1. Report by Administration of Law, Justice, Constitutional Affairs and Good Governance on the Status of Operation of Village Units in the County and;

2. The Statement raised by Hon. James Were regarding desiltation of Rivers and Drainages within the County i.e. In perennial areas such as Kisumu East and Nyando Sub-County

Madam Speaker and Honourable Members, the Committee in its role of following up on the Implementation Status of the reports under the department of Public Service & Participatory Development, first convened a meeting on Thursday, 27th July, 2023 and resolved that the CEC Member for Public Service & Participatory Development to appear before it on Thursday, 3rd August, 2023 (*See Annex 1*). However, the CEC Member did not turn up but responded on the house resolutions by submitting a report (*See Annex 2*) as follows;

1. That the holistic operationalization of the Village Units is based on the Principal Act of the Assembly (The Kisumu County Administration-Village Units Act,2019). That this Act has proposed amendments pending processing and approval by the County Assembly
2. That the Implementation framework (County Regulations on the operations of the Village Units) is not ready
3. That the departmental budget to operationalize the Village Councils is factored in the FY 2023-2024 approved estimates
4. That the department is open to progressive dialogue with the County Assembly on recall and /or re-evaluation of the list of village Councils to accommodate progressive concerns
5. That the recall of Village Administrators may be effected on consideration that re-submission for approval by the County Assembly as recommended in the Committee report shall be in accordance with the County Government Act,2012 and the amended County Administration (Village Units) Act 2019
6. The department further recommended a participatory dialogue approach between the department, the Assembly Committee and the County Public Service Board on the progressive operationalization of the Village Units
7. On the matter of desiltation of rivers and opening drainages around perennial disaster areas within the county, the department responded by stating that it is working with the department of Finance and the Assembly to consider areas under disaster mitigation budget rather than emergency or anticipatory estimates. That this will allow for quantity estimation beforehand and action before disaster, subject to budget allocation.

COMMITTEE RECOMMENDATION

1. Madam Speaker and Honourable Members, the Committee noted that there is need for amendments to the Kisumu County Administration-Village Units Act, 2019. That this Act has proposed amendments pending processing and approval by the County Assembly.

HOUSE RESOLUTIONS UNDER THE DEPARTMENT OF FINANCE AND ECONOMIC PLANNING

Madam Speaker and Honourable Members, the Committee on Implementation subsequently held another meeting on 25th September, 2023 and resolved to have a joint meeting with CEC Member Finance and Economic Planning on Monday, 2nd October, 2023 to respond on the Implementation Status of the following house resolutions domiciled under the department of Finance and Economic Planning (*See Annex 3*);

1. Implementation Status of the report by PIC/PAC Committee on its consideration of the Auditor General's Report on the financial statement of the County Executive of Kisumu for the year ended 30th June, 2020
2. Implementation Status of the House Resolutions on consideration of the Kisumu CBROP FY 2021-2022
3. Implementation Status of the House resolution on approved County Executive Quarterly Report for the period ended 30th September, 2022
4. Implementation Status of the Assembly Resolutions on payment of retirement benefits to retirees of the defunct Kisumu Municipal Council
5. Implementation Status of payment of Project Management Committee and their operations pursuant to statement raised by Hon. Lumumba Owade on 28th March, 2023

Madam Speaker and Honourable Members, the Committee on Implementation convened a joint meeting with the CEC Member Finance and Economic Planning on 2nd October, 2023. However, the CEC Member for Finance and Economic planning never showed up but sent his Chief Officer and his technical team to represent him and respond on the above concerns.

Madam Speaker and Honourable Members, the Chief Officer Finance and Economic Planning together with the technical staff responded on the concerns raised to them as follows;

1. In regards to the Implementation Status of the report by PIC/PAC Committee on its consideration of the Auditor General Report on the financial statement of the County Executive of Kisumu for the year ended 30th June, 2020 the Chief officer informed the Committee
 - a) That the Treasury has reviewed most of its operations to enhance operation effectiveness and efficiency and Internal Control Systems (ICS). Notable ones are streamlining the payment process, decentralization of most payment processing activities back to the department, and revision of payment voucher ownership and accountability among others
 - b) That all procurement and accounting processes are undertaken through the IFMIS system to enhance efficiency in the operation and use of the system
 - c) That unspent money is returned to the CRF account

- d) That for safe custody of payment transaction documents, the County treasury has created a registry where all files under audit review or pending auditing are stored for safety. That this also aimed to reduce the risk of missing documents
 - e) That there is full adherence to the financial statement through proper classification of expenditures and timely reconciliations
 - f) That the County treasury has started managing pending bills (development and recurrent) based on the best financial management and accounting principles/practices. That this will entail distinguishing completed and certified works from works in progress, terminating stalled and long overdue contracts and settling certified bills on First-In-First-Out (FIFO) Subject to the cash flow plan and availability of funds
 - g) That the county treasury has further enhanced transparency, accountability, predictability and efficiency in payment process by working on a cash flow plan, payment plan and tracking of pending bills
 - h) That to improve revenue management, the County established and fully operationalized the County Revenue Board. Over and above, the acquisition of revenue management system is in progress and soon after meeting all procurement processes, it will be officially launched
 - i) That the executive has developed a draft ICT Security policy currently under review and adoption by stakeholders. That the draft policy will be tabled before the Assembly for adoption.
 - j) That H. E the Governor appeared before the Senate PAC Committee on 12th September, 2023 to consider the OAG Report on the financial statement of the county executive of Kisumu for the period ended 30th June, 2020. That the executive managed to solve nearly all the issues raised and are yet to receive an official report from the Senate on the same.
2. On the implementation Status of the House Resolutions on consideration of the Kisumu CBROP FY 2021-2022, the Chief Officer informed the committee as follows;
 - a) That the County treasury did not submit a duly signed copy of the County Budget Review and Outlook Paper 2022
 3. On the Implementation Status of the Assembly Resolutions on payment of retirement benefits to retirees of the defunct Kisumu Municipal Council
The Chief Officer Finance responded by stating that the payment of the retirement benefits to retirees of the defunct Kisumu Municipal Council has been included in the approved budget estimates for the 2023/2024 under the department of Public Service Administration and Governance, that the payments shall be made in the Month of October, 2023.

4. Regarding implementation status of payments for Project Management Committee and their operations pursuant to statement raised by Hon. Lumumba Owade on 28th March ,2023, the Chief Officer Finance and Economic Planning provided clarification to the Committee;

That Article 207(1) of the Constitution of Kenya ,2010 established a Revenue fund for each county government, into which all money raised or received on behalf of the county government are paid, Article 209(3) specifies taxes and levies that can be charged by a county government and thus transferred or paid to CRF account. Furthermore, Part 2 of the Fourth Schedule of the constitution provides for the functions and powers of the County government upon which it can raise revenue transferable to CRF account.

That none of these provisions of the law recognize PMC fund as a revenue or specifically express that it be transferred to CRF account. In addition, PMC fund is an already accounted for fund during requisition for payment to contractors. That transferring the same would amount to double counting of a non-revenue activity thus overestimating revenue.

That the most effective and prudent practice in managing the PMC Fund is its current implementation method. This involves channeling the fund to the account held at KCB bank, which is overseen by Chief Officer of Infrastructure, Public Works and Energy. That all departmental requisitions are directed to the chief officer for Infrastructure who then facilitates the payments processing and transfers the funds to PMC members either through Mpesa Services or KCB Accounts.

COMMITTEE RECOMMENDATION

Madam Speaker and Honourable Members, the Committee on Implementation after lengthy deliberations on the issues under the department of Finance and Economic Planning with the Chief Officer Finance resolved that the responses provided by the Chief officer were deemed **UNSATISFACTORY AND RECOMMENDED** that the chief officer revisit the issues raised and provide a clear response to the committee no later than 11th October, 2023.

HOUSE RESOLUTIONS UNDER THE DEPARTMENT OF WATER, ENVIRONMENT AND NATURAL RESOURCES

Madam Speaker and Honourable Members, the Committee on Implementation identified the following Reports under the department of Water, Environment and Natural Resources

1. Report by Water, Environment and Natural Resources Committee on consideration of the statement sought by Hon. Benson Adega regarding water crisis in Bukna area (Katega, Kobuya and Aora Meya) in Kajulu Ward
2. Report by Water, Environment and Natural Resources Committee on consideration of the statement sought by Hon. Kennedy Ooko regarding Sand harvesting in River Nyando in Ahero Ward and;
3. The Regulation to operationalize the Kisumu County Climate Change Act,2020.

Madam Speaker and Honourable Members, the Committee upon identification of the above reports under the department of Water, Environment and Natural Resources resolved that the CEC Member in charge of Water, Environment and Natural Resources to furnish it with a detailed response of their Implementation Status. (*See Annex 5*)

Mr. Speaker Sir and Hon. Members,

The CEC Member for Water, Environment and Natural Resources in her response through a report (*See Annex 6*) informed the Committee as follows;

1. In regards to the Water crisis in Bukna area (Katega, Kobuya and Aora Meya) in Kajulu Ward, the Kisumu County Water Bill 2023 has been submitted to the Assembly for enactment and that the department has also developed Kisumu County Training Manual for small scale Water Service Providers which is yet to be presented to the Cabinet for approval.

The CEC Members further informed the Committee that the Bukna borehole is dry and has no water, therefore, the department could not budget for its repair or reconstruct the pump. However, the department plans to supply water to the area by the Lake Victoria Water and Sanitation project which is at its procurement stage by Lake Victoria Works Development Agency.

2. With regards to the Sand harvesting in River Nyando in Ahero Ward ,the CEC Member responded by informing the Committee that H.E the Governor on 28th March,2023 appointed the Kisumu County Environment Committee (CEC) and gazetted the area in the Kenya Gazette Notice No.7516 as per the revised environment and coordination Act,2015 and section 29(1),which stipulates that the Governor shall by notice in a gazette constitute a County Environment Committee (CEC)of the County and section 29 (2) further defines the composition of such committees.

That the Committee (County Environment Committee) is in the process of developing the County Environment Strategy and the Environmental Management Plan which will be used in conservation, enforcement, control and ensure that appropriate environmental management practices are followed within the County.

COMMITTEE RECOMMENDATION

Madam Speaker and Honourable Members, the Committee on Implementation after the analysis of the responses by CECM Water, Environment and Natural Resources resolved that the responses given were SATISFACTORY and SUCCESSFULLY addressed the resolutions of the County Assembly.

HOUSE RESOLUTIONS UNDER THE DEPARTMENT OF INFRASTRUCTURE, ENERGY AND PUBLIC WORKS

Madam Speaker and Honourable Members, the Committee on Implementation identified one report under the department of infrastructure, energy and public works which is the report by infrastructure, energy and public works committee on its consideration of the Statement raised by Hon. Boitone Ratib regarding the Status of Streetlights and Floodlights within Kisumu County.

Madam Speaker and Honourable Members, the Committee on Implementation held a meeting on Thursday, 7th September, 2023 and resolved that the CEC Member to furnish the committee with a detailed response on the Implementation Status of the report by infrastructure, energy and public works committee on its consideration of the Statement raised by Hon. Boitone Ratib on a date not later than Monday, 25th September, 2023 (*See Annex 7*). The Committee further wrote a reminder notice (*See Annex 8*). The committee is yet to receive any response on the matter and is following up to ensure all resolutions on the said report are implemented.

COMMITTEE RECOMMENDATION

Madam Speaker and Honourable Members, the Committee observed that despite sending a reminder notice, the CECM Infrastructure, Energy and Public Works has failed to address the concerns raised by the County Assembly. Consequently, the committee plans to summon the CECM to appear in person and respond to the aforementioned concerns.

HOUSE RESOLUTIONS UNDER THE DEPARTMENT OF COUNTY ATTORNEY

Madam Speaker and Honourable Members, the Committee has identified the following House Legislations within the jurisdiction of the County Attorney department that have yet to be regulated;

1. The Kisumu County Public Participation Act, 2016
2. The Kisumu County Alcoholic Drinks Control Act, 2014
3. The Kisumu County Education Act, 2015
4. The Kisumu County Trade, Licensing Act, 2015
5. The Kisumu County Trade Fund Act, 2015
6. The Kisumu County Disaster and Emergencies Management Act, 2014
7. The Kisumu County Health Act, 2019

8. The Kisumu County Road Act, 2019
9. The Kisumu County Law Enforcement Act, 2019
10. The Kisumu County Climate Change Act, 2020

Mr. Speaker Sir and Hon. Members, during the Consideration of the afore mentioned Acts, the Committee liaised with the Committee on Delegated County Legislation. It was resolved that the County Attorney would provide the Committee on Implementation with Regulations pertaining to the selected Acts. It is imperative to note that the committee has not yet received the Regulations as communicated by the Office of the County Attorney in their letter dated 12th June, 2023 (*See Annex 9*)

COMMITTEE RECOMMENDATION

Madam Speaker and Honourable Members, the Committee observed that it has yet to receive the Regulations as communicated by the Office of the County Attorney. The Committee on Implementation shall collaborate with the Committee on Delegated County Legislation to determine the most effective approach to resolving this issue promptly. Subsequently, upon adoption of this report, the two committees will present their submissions, aiming to achieve a lasting solution.

COMMITTEE FINDINGS/ OBSERVATIONS

- 1) Madam Speaker and Honourable Members, the Committee Members during its interrogation with the County Executive Committee Members and their technical team noted that the Officers failed to adhere to the provisions of Article 153 (4) (b) of the Constitution of Kenya and the Kisumu County Assembly Standing Orders, Order No. 184, which states “That within sixty days of a resolution of the County Assembly or adoption of a report of a Select Committee, the relevant CEC Member under whose portfolio the implementation of the resolution falls shall provide a report to the relevant committee of the County Assembly”.
- 2) The Committee has noted with concern that reports are typically not copied to the Implementation Committee, hindering the smooth tracking of House activities undertaken by this August House.
- 3) The Committee noted that some of the County Executive Committee Members either fail to appear or disregard invitations by sending their technical staff to represent them, without providing any justifiable reason. Some of these CEC members do not respond to letters addressed to their offices regarding concerns raised by Committee Members. Mr. Speaker Sir, it is upon this Honorable House to recommend the necessary measures to be taken against such officers.

- 4) Regulations are Key to the implementation/ operationalization of the Acts. However, upon examining the resolutions within the County Attorney's department, it has come to light that more than ten legislations have been enacted without any regulations submitted to the Committee on Delegated County Legislation for onward transmission to the House for adoption. Mr. Speaker Sir, this demonstrates a significant laxity on the part of the responsible Officer. The Committee in collaboration with the Committee on Delegated Legislation will promptly engage in consultations to address this matter with utmost urgency.

COMMITTEE GENERAL RECOMMENDATIONS

Madam Speaker and Honourable Members, following the scrutiny of the House Resolutions for the period under review, the Committee presents the following recommendations;

1. The mandate of the County Assembly is Representation, Legislation and Oversight. It is crucial for all committees of the Assembly to enhance their collaboration with this committee through consultation and reporting on the implementation status of projects and programs.

Through team-work, committees should strengthen their collaboration on monitoring and evaluating the actions of the executive to ensure that county government programs are implemented as intended.

2. Considering the significant task of the committee in scrutinizing all House resolutions and providing timely updates to the Assembly on implementation progress, this House should consider adjusting the committee budget, including site visits with experts to gain first hand insights and to ensure thorough scrutiny and make informed reports to the House.
3. Copies of communication to the Executive on House resolutions be given to the Chief Officers. This is because the Chief Officers are the implementing officers and it would be much more convenient to follow-up with them for prompt action and feedback.
4. The Committee plans to convene a consultative meeting with all CECs and chief officers to not only brief and sensitize them on the committee's mandate but also to establish collaborative a framework, including timeliness as stipulated in the Standing Orders. This initiative aims to foster a strong working relationship, recognizing the distinct and interdependent roles as provided for in the Constitution.
5. The Liaison Committee should ensure the timely submission of quarterly reports as stipulated in the Standing Orders. This will enable the Committee on Implementation to operate and manage its work, more efficiently.

6. The respective committee clerks should ensure that both hard and soft copies of committee reports adopted in the House, as well as correspondences to the Executive, are promptly forwarded to the committee on Implementation immediately after adoption, ensuring timely updates for efficient and prompt action.
7. The Clerks-at-the-Table, should promptly submit resolutions of the House to the Implementation Committee. This will enable the committee to fast-track and act promptly.
8. The staff turn-over in the committee remains a challenge. Efforts should be directed towards revamping the committee with a strong secretariat to enable it to successfully achieve its mandate within the designated timelines.

CONCLUSION

Madam Speaker and Honourable Members, it is my honor and privilege, on behalf of the Select Committee on Implementation to move this motion before this Honorable House for consideration and adoption. I would therefore call upon Hon. Ratib Boitone to second. Thank you, Madam Speaker and Hon. Members.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Hon. Ratib Boitone. Are you a Member of the Committee on Implementation? If so, then go ahead.

Hon. Boitone (MCA, Nyalenda “A” Ward): Thank you, Madam Speaker; I arise to support the work of the Select Committee of Implementation, thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Honourable Members, a motion on the Adoption of the report of Select Committee on Implementation on the Adoption of Implementation Status of the House Resolutions passed during the 1st and 2nd Sessions of the Third Assembly has been moved by Hon. James Were, on behalf of Hon. Henrietta Bodo, the Chairperson, and seconded by Hon. Ratib Boitone. I therefore want to propose a question that the debate on the motion is now open

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B” Ward): Yes, Hon. Ochele.

Hon. Ochele (MCA, East Kano-Wawidhi Ward): Thank you, Madam Speaker. May I first take this opportunity to commend this House Committee for the nice report and to also commend the Member for Nyalenda “B” Ward, for being eloquent in representing his Chair. The report is really vast and captures most of the agenda covered in the last part in the last two sessions. However, my worry is on some few areas because this is a report by the Select Committee on Implementation. When this House approves, we are supporting recommendations which were passed in the last session. Madam Speaker, it is my belief that this is an oversight which is a serious anomaly and the House cannot just move on to allow it go through.

Secondly, there is a recommendation which states that the correspondences to the departments be through the Chief Officers or the Chief Officers be served with the letters. Madam Speaker, there are structures of Government and how the Government functionalities are computed. From the Assembly, the letters are relayed through one center that is; the office of the Clerk and then sent to the office of the County Secretary. The figure-head of all departments remains the Chief Executive Member (CEM). It cannot change to be the Chief Officer (CO). So, once a CEM has obtained a correspondent through the Clerk, it therefore means that the department has received it. Madam Speaker, that recommendation means that we are trying to amend a procedure which has been in existence of which we do not have mandate to do so.

Finally, there is a recommendation that the committees present their reports in time. How I wish that the recommendation is in line with the very implementation Committee. That is because, I am privilege to be a Member of the Liaison Committee. The Select Committee which brings late its report is this one, the Implementation Committee. So, we should first start with rectifying the way they undertake their mandates before they bring such a recommendation. Why am I saying so, most of the House Committees presents their reports early? Now, if we do that and the implementer is late with their report and sometimes does that after coercion. So, they have to improve on that area.

Madam Speaker, it would have been in my wisdom that this report is not adopted. Or, if the Speaker can so allow, then, you can allow us to do amendments on the areas which we believe are outdated, thank you.

The Deputy Speaker (Hon. Okombo MCA, Manyatta “B” Ward): Honourable Members, Hon. Ochele has raised very pertinent issues and I want to agree with the Member. The Member is proposing that various amendments be made on the report before it can be adopted. However, we understand that there are also procedures and any amendments must be written prior to the discussion of the motion. Unless this House wants to agree that we grant Hon. Ochele that leeway but, then, it has to be moved in a proper manner. So, Hon. Ochele, do you want to move an amendment or you are rejecting the report in totality?

Hon. Ochele (MCA, East Kano Wawidhi Ward): Madam Speaker, I want to go with your sentiments that there are procedures of proposing amendments. Those procedures can only be followed when the report itself is submitted to this House or to the Members at the right time. This very report which has just been read and seconded, I saw it at 01:07 pm this afternoon. I do not know whether I am a genius to draft an amendment procedurally. Therefore, for us to be serious and produce one of the best reports, it is my request that we give them time just to work on it. Or, if it can be introduced, then it should be so and given to Members at the right time so that Members can react and prepare for the amendment, thank you.

The Deputy Speaker (Hon. Okombo MCA, Manyatta “B” Ward): Honourable Members, I want to draw your attention to the procedures of the House that legislative processes in Kenya have set

a precedence that a question once made or carried in affirmative or in the negative cannot be questioned again, but, must stand as a judgment of the House.

Standing Order No. 1 gives the Speaker a leeway to decide on some matters. I want to give room to Hon. Ochele because in the history of Kenyan legislature there has never been a decision so far which has been sought and granted on any resolution relating to a report or a House Committee. Once this report has been put and carried on, it shall stand as a judgment of the House. So, before we put a question on this motion, I want to give leeway to Hon. Ochele to make his amendment and move it procedurally.

The Deputy Speaker (Hon. Okombo MCA, Manyatta “B” Ward): Hon. Ochele.

The Deputy Speaker (Hon. Okombo MCA, Manyatta “B” Ward): Honourable Members, I want to give Hon. Ochele the right of reserve of a few minutes to draft submission and amendment on the report. I want to ask that we continue as he is preparing to come later and move his amendments. I therefore, want us to continue, any other person with other submission on the report?

The Deputy Speaker (Hon. Okombo MCA, Manyatta “B” Ward): Yes Hon. Dede.

Hon. Dede (MCA Kisumu North Ward): Thank you Madam Speaker for according me the opportunity to air my sentiments on the report on the Floor.

First, Madam Speaker according to some of the recommendations made in the report, it seem it is past the time line of their recommendation. To begin with, there was a statement sort by the Standing Committee of Water, Environment and Natural Resources and Climate Change in the previous financial year and the recommendation stated clear that upon the adoption of the report, within 30 days, there will be a budget were the recommendation shall be sort. And, as we see the budget was supposed to be on the financial year 2023/2024 and we are now envisaging to prepare the Budget Estimates for the 2024/2025. That mean, it has passed it due date and if adopted now, I don’t know how it will be back dated.

Secondly, concerning the timeline of the submission to the Floor, it seems that the time at which the report has been brought according to the Standing Order, it should be brought 24 hours before the time for debating. The report has just been sent at 13:01 hrs. which does not give us ample time to peruse through it in order to make submissions. Otherwise, that is my take. Thank you.

The Deputy Speaker (Hon. Okombo MCA, Manyatta “B” Ward): Hon. Dede, the moment the report was read and a question proposed, this report became a document of the House. I want to believe that your concern should have been raised before the question was proposed. The

question was proposed unless you want to join in the sentiments of Hon. Ochele. Otherwise, there is no way we can withdraw this report since it is officially a document of this House and you can refer to the provisions of Standing Order No. 56. Are there any other submissions?

The Deputy Speaker (Hon. Okombo MCA, Manyatta “B” Ward): Yes Hon. Ratib.

Hon. Boitone (MCA, Nyalenda “A” Ward): Madam Speaker, pursuant to Standing Order No. 32, it is my belief that the House currently lacks a quorum.

The Deputy Speaker (Hon. Okombo MCA, Manyatta “B” Ward): Honourable Members, a point of order on quorum hitch has been raised by Hon. Ratib, I therefore wish to ask the Deputy Majority Whip to confirm if we attain the quorum.

The Deputy Whip (Hon. Obonyo, MCA, South West Kisumu Ward): Thank you Madam Speaker, I indeed confirm that we have attained quorum.

The Deputy Speaker (Hon. Okombo MCA, Manyatta “B” Ward): Hon. Ratib, the Majority Whip is actually ruling you out of order. Can we have someone else confirming the sentiment of Hon. Ratib and the Deputy Majority Whip!

The Deputy Speaker (Hon. Okombo MCA, Manyatta “B” Ward): Yes Hon. Dede.

Hon. Dede (MCA, Kisumu North): Madam Speaker, I do confirm that we don’t have quorum.

The Deputy Speaker (Hon. Okombo MCA, Manyatta “B” Ward): Thank you. Hon. Members, I therefore want to direct that a quorum bell be rang for eight minutes. Pursuant to the provisions of our Standing orders and I read;

A quorum bell being rang under this Standing Orders state that the door shall remain open but no movement outside the chambers shall be permitted unless it is the Whip who is going out to try and whip Members who may be out of the Chamber but are within the premises of the Assembly. Thank you.

(Quorum bell is rung)

The Deputy Speaker (Hon. Okombo MCA, Manyatta “B” Ward): Honourable Member, I want to refer us to the provision of Standing Orders No. 33 (2) of the Kisumu County Assembly Standing Orders which states that;;

That in account of paragraph (1) a quorum does not appear to be present, the Speaker or the Chairperson shall cause the division bell to be rang as on a division and if no quorum is present

at the expiry of the eight minutes, the Speaker shall adjourn the County Assembly until the next sitting without a question being put.

ADJOURNMENT

The Deputy Speaker (Hon. Okombo MCA, Manyatta “B” Ward): Therefore, Honourable Member, this House stands adjourned to Wednesday, 28th February, 2024 at 9.00 a.m.

(House rose at 3.40 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> |