

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – THIRD SESSION

Thursday, 04th April, 2024

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

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

PRAYERS

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

The Speaker (Hon. Oraro): Next order!

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oraro): Honourable Members, I have the following communications to make. One, I did communicate to you that we shall have our *kamukunji* after the plenary. On the same note, the Leader of Majority had requested that I inform all the elected Members to a meeting. I have consulted and we have agreed that we are going to consolidate these two meetings. We shall begin with the *kamukunji* and then the elected leaders. Please inform your colleagues that we shall have the *kamukunji* after the session.

My second communication is in regard to a Petition that was tabled yesterday by the Trade, Tourism, Marketing, and Industrialization Committee on the Alleged Rogue Leadership of Kibuye Market Management Committee. I did direct that I will provide a considered opinion on the same and it is as follows;

Honourable Members, please let me refer you to the provisions of Kisumu County Assembly Standing Order No. 217 which provides for the tabling of the Petition in the County Assembly with exemption of the Speaker giving opportunity for Members to debate. Further, similarly

allow me to refer Members to the whole of part 209 of the Standing Orders which is about Public Petitions. The provisions of Standing Order No. 209 provides for the meaning of Petition and various statutes. Additionally, the provisions of Standing Orders No. 210 provides for the Submissions of a Petition. Consequently, the provisions of Standing Orders No. 211 provides for the Petition on Private Bills, Standing Orders No. 212 provides for the Notice of Intention to present Petition, Standing Orders No. 213 provides for the Forms of Petition, Standing Order No. 214 provides for the Time of Petition, Standing Orders No. 215 provides for the Presentation of Petition, Standing Orders No. 216 provides for the Comments on Petition and it says that and I quote:

”the Speaker may allow comments, observations or clarifications in relation to a Petition presented or reported and such total time shall not exceed thirty minutes”

Honourable Members, the provisions of Standing Order No. 217 provides for Committal of Petitions and Standing Order No. 218 provides for Copies of Responses, Standing Order No. 219 provides for Register of Petitions and that marks the end of our presentation with regards to petitions within the Assembly as per our Standing Orders. I did align myself to the provisions of Standing Orders No. 217 (2) which provides that;

“whenever a Petition is committed to a Sectoral Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the County Assembly and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the Petitions for not more than twenty minutes”

Honourable Members, this Petition was brought to this Assembly last year and this Standing Committee requested for the extension of time in numerous occasions. With the approval of the Speaker, it went beyond Sixty days and finally it was brought before the Assembly, I did go through it and I allowed Members to comment. Going by the exceptional occurrence that happened, I looked at the Standing Orders and realized that there is no provision in handling such occurrence. When there is a feeling for need to debate or to return the Petition to the House Committee or to further allow for engagement with the petitioners on the petitions.

Honourable Members, the provisions of Standing Order No. 1 provides for the matters which are not expressly provided for in the Standing Orders, I have also consulted with other jurisdictions or parliaments including Senate and National Assembly on how such matters can be handled and I want to direct as follows; the petitions will be given back to the House Committee. I have asked the Clerk to give more technical persons for purposes of re-doing the report based on the stakeholder meetings that were held by the House Committee. This is in line with the contradictions that were witnessed or observed in the report itself.

Two, I direct that a Procedural Motion be moved by either the Leader of the Majority or any Member of the House Business Committee as shall be directed to allow for the exemption of that Petition from the provision of Standing Order No. 217 so that Members can debate and give amendments.

Honourable Members, I want to remind you that we as a House we went for trainings and learnt on how to go through amendments on a report. Once the report is ready which I have directed that it should be the first business when we come from Short Recess. Members will go through it once it is laid before the House. Any amendment proposed should be as per the Standing Order. Honourable Members, with that, the House is therefore guided. Therefore, the Standing Committee of Trade, Tourism, Industry and Marketing will have to redo the report with the guidance of the technical staff that shall be provided for by the Clerk and table the report upon reporting back from short recess. So, I direct. Thank you.

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

STATEMENT

The Speaker (Hon. Oraro): Hon. Benson Adega.

Hon. Adega (MCA, Kajulu): Thank you Mr. Speaker. I rise pursuant to the provisions of Kisumu county Assembly Standing Orders No. 41 (2) (b) to request for a Statement from the Chairperson of Lands, Housing, Physical Planning and Urban Development Committee on the matter of deplorable state of Mamboleo market in Kajulu Ward.

Honourable Speaker, I wish to inform this Honourable House that the Mamboleo Market is currently in deplorable condition impaired with insecurity which in turn has actively affected traders within Mamboleo market. The market currently does not have basic amenities such as toilets as the current one is a two door with no water and therefore not in use.

Further, the market does not have a Garbage Collection Container (Skip Bin) and this has led to litters being scattered all over. The market also hosts cattle traders with no define area and this has forced them to invade the market stalls belonging to other traders in order to sell their animals.

This inadequate facility couple with lack of floodlight for almost a year has further compounded to deplorable state. I wish to further inform this House that the level of insecurity and again with the absence of floodlight within Mamboleo Market has reached an emergency level and this has led to four people being murdered in the last three months alone. This is an indication that there is lack of security or brooding area for gangs and criminals.

Honourable Speaker, I therefore wish to seek for a Statement from the Chairperson of Lands, Housing, Physical Planning and Urban Development Committee to provide response on the following areas;

- a) Whether Mamboleo Market has a plan and status of implementation of such a plan?
- b) Will the floodlights be repaired to enhance security within the market?
- c) Who has liability of the management of the market?

Mr. Speaker, it is in public domain that a month can never pass without somebody being murdered. Thank you.

The Speaker (Hon. Oraro): Honourable Chair of Lands, Housing, Physical Planning and Urban Development Committee or the Vice Chair. I am informed that they are in a committee meeting but let me direct that this report is committed to the Lands, Housing, Physical Planning and Urban Development Committee, work on it give feedback within the last week of April.

The Speaker (Hon. Oraro): Hon. Carren Odhiambo.

Hon. Carren (MCA, Kaloleni Shaurimoyo Ward): Thank you Mr. Speaker. This is a Personal Statement under Standing Order No. 42. Honourable Speaker, I rise under Standing Order No. 42 on Personal Statement on the Matter of Acquisition of new iPads for the Honourable Members. I wish to take this opportunity to thank you and your administration for providing iPads for the Honourable Members. Indeed acquiring this new device means a great deal operation of this Honourable House not only does it serves as validation of the need to enhance oversight and legislative performance of this Honourable House but also provides Members with necessary tool to further their constitutional mandate.

Personally, I am excited about the possibilities that these devices will open up for the Honourable Members both individually and professionally. It will undoubtedly enhance productivity, creativity and ability to make a positive impact in their legislative mandates. Honourable Speaker, I wish to request your office in furtherance of this good gesture, the Members be taken for a specialized training on how to use the device. This will be needful as most Members are used to android system.....

(Applause)

Hon Speaker, I therefore wish to request that this training be facilitated in good time to aid Members in the usage of these devices. Thank you

The Speaker (Hon Oraro): Thank you Hon Carren. I believe that I have noticed that almost all members have their iPads. The reason we are providing the iPads is because we no longer want to print documents. You are supposed to be environmentally active in terms of being friendly to the environment. Therefore, in order to minimize printing, we have provided you with iPads. Please remember also that the world is going digital and I want to implore my friend Hon Oiko Pete – he is the one who should be request to be helped in handling the iPad- because he has expressed here that he is analogue. This time round, you have to be digital Hon Pete.

I will organize with the Clerk to take Members through not how to use the device but the items that will be sent to that device. We will no longer give you hard copies of reports, not even the

Order Papers. Not even the minutes of House Committees. All minutes, the Hansard, Order Paper shall automatically be in a particular folder in your iPads. Therefore, you will be advised on how to access those folders, each day so that complaints of not receiving reports in time will be a thing of the past.

Honourable Members, again remember also that we are going to be able to cut costs in terms of purchase of reams of papers when we use these iPads. However, I want to request that you be your own keeper. Once we complete the Ultra-modern County Assembly, we will have fixed gadgets on the tables. In the meantime, this was the most improvised way we could ensure that each member accesses our information digitally, without going through the challenge of printing, distributing and even filing. Therefore, please take care of those devices, make good use of them. It's not only for taking photos, it is to ensure that the Assembly proceedings goes on well. Thank you very much Hon Carren for raising that. I saw Hon Ngeta. Okay, proceed.

Hon Ngeta (MCA, Awasi Onjiko Ward): Thank you Mr. Speaker. I rise on Standing Order....

The Deputy Leader of Majority (Hon Lumumba, MCA, South East Nyakach): Point of order

The Speaker (Hon Oraro): What is your point of order?

The Deputy Leader of Majority (Hon Lumumba, MCA, South East Nyakach): The Honourable Member representing Awasi/Onjiko Ward is naked.

The Speaker (Hon Oraro): Hon Ngeta, can you stand? You need to dress up properly. Just pull your tie to where it is supposed to be. You need to be smart. I can see Hon Ngeta is properly dressed.

The Deputy Leader of Majority (Hon Lumumba, MCA, South East Nyakach): Thank you Mr. Speaker. Looking at the way the Honourable Member is appearing, it is very degrading to this House let Members know how to dress in the Assembly.

The Speaker (Hon Oraro): Hon Rakwach, can you help me confirm if the Member sitting next to you is properly dressed?

Hon Rakwach (MCA, Kolwa East): Honourable Speaker, I can see that the Member is in a shirt, neck tie and a coat. I, therefore, conclude that he is well dressed. Thank you.

Hon Ngeta (MCA, Awasi Onjiko Ward): Thank you Mr. Speaker. I rise on Standing Order No. 42 on a Personal Statement. Mr. Speaker, I want to congratulate you and the entire leadership for organizing a wonderful and robust raining in Nairobi, conducted by the Centre for Parliamentary Studies and Training (CPST). Mr. Speaker, I wish we could have several of such trainings so that most of the Members can acquire more knowledge especially on how to discharge their legislative role. Mr. Speaker, through that training we acquired a lot and I can inform you for a fact that these Members now clearly understand the provisions of the Standing Orders and their legislative work. I thank Members who attended the training and I believe we are now more enlightened. Thank you

The Speaker (Hon Oraro): Next order.

MOTION

ADOPTION OF A REPORT OF MEDICAL SERVICES, PUBLIC HEALTH AND SANITATION COMMITTEE ON THE STATUS OF CHULAIMBO COUNTY HOSPITAL

The Speaker (Hon Oraro): Hon Chair for Health

Hon Jagongo (MCA, North West): Thank you Mr. Speaker and Hon Members, the provisions of Orders No. 194(2) (b) vests the responsibility of preparing programs on the House Committees. In light of this, the Committee on Medical Services, Public Health and Sanitation Committee developed its annual workplan for the FY 2023/24 where among its listed activities for the year was, *to conduct field visits to healthcare facilities to assess service delivery pursuant to Standing Orders No. 193(5) (e)*.

At its sitting of Thursday 29th June, 2023 (see annex 1), the Committee resolved to carry out surveillance exercise to the health facilities within the County in a dedicated effort to ensure enhancement of healthcare services offered and seamless functionality and developed a program thereof (see annex 3).

With the authority of the Hon Speaker the Committee conducted surveillance exercise at Chulaimbo County Hospital on 7th July, 2024 to gain firsthand understanding of the hospital's operations and identify areas for improvement to enhance patient care and staff's well-being. (see annex 4).

Hon Speaker, the Committee, from the visit, established that these facilities by large face similar challenges and to mention a few; inadequate human resource, poor waste disposal system, faulty electrical system, condemned buildings among others. These are evident in the three reports previously tabled, where the Committee proposed recommendations thereof.

This report therefore, details the Committee's findings during the surveillance exercise carried out at Chulaimbo County Hospital. It outlines the facility's performance, staffing situation, services offered, infrastructure, financial state, and challenges.

Hon Speaker, the Committee is deeply concerned that its previous reports, presented before this House, all highlighted similar issues faced by healthcare facilities. In each of these reports, the Committee proposed recommendations for improvement.

Unfortunately, the implementation status of those recommendations remains unclear and the Committee is weary that the proposals outlined in this report may suffer the same fate, gathering dusts on the shelf.

Hon Speaker, the Committee has three reports of these nature, which it intends to table before this House for adoption. Knowing the status of their implementation in this scenario is crucial in that;

1. It will prevent wasted or rather duplication of efforts and allow the Committee to propose alternative approaches in the pending reports.
2. It will allow the Committee to hold relevant parties accountable for inaction and demonstrate the potential ineffectiveness of simply proposing new resolutions.
3. It will allow the Committee to focus on the most critical issues that haven't been addressed and tailor their approach based on the past implementation successes or failures. And,
4. It will help the Committee to strategize for better implementation

Lack of action on past resolutions demoralizes the spirit of the Hon Members who work tirelessly to bringing positive change in their jurisdictions. It can also lead to public distrust in the work of the Committee and the County Assembly as a whole.

The Committee therefore implores the House's resolve to compel the Committee on Implementation to submit to this House, the implementation status of the House resolutions on the following reports of the Medical Services, Public Health and Sanitation Committee whose timelines in accordance with Orders No. 184, have long elapsed on or before Wednesday 24th April, 2024;

- i. Report on the status of referral hospitals in Kisumu County of 10th August, 2023
- ii. Report on the status of Nyakach County Hospital, Pap Onditi of 6th September, 2023
- iii. Report on the status of Sub County hospitals within Kisumu County of 6th December, 2023

Recommendation

Hon Speaker, this concern notwithstanding, the Committee remains committed to improving healthcare and has thus proposed recommendations in page 12 of this report that it believes if implemented, have the potential to significantly enhance the quality of care provided and create a safe and healthy environment for both patients and staff.

Finally, may I take this opportunity to convey the Committee's utmost gratitude to the Offices of the Speaker and the Clerk of the County Assembly, its Members and the Secretariat, not forgetting the management of Chulaimbo County Hospital, led by the Medical Superintendent Dr. Rukiah for their support, dedication and cooperation before, during and after this exercise that ensured its success all through to the point of production of this report.

It is therefore a great honor and privilege on behalf of the Committee to move this motion,

THAT this House adopts the report of the Medical Services, Public Health and Sanitation, on the status of Chulaimbo County Hospital.

CHAPTER ONE

PREFACE

Establishment and Mandate of the Committee

Mr. Speaker and Honourable Members, the Committee executes its mandate in accordance with the provisions of Standing Orders 195(5) and Second Schedule from which it draws its mandate to look into and investigate on;

All matters relating to County health services, including, in particular County health facilities and pharmacies, ambulance services, promotion of primary health care, licensing and control of undertakings that sell food to the public, cemeteries, funeral parlours and crematoria and refuse removal, dumps and solid waste disposal; housing; and sanitation.

Members of the Committee

The following are the members of the Committee as constituted pursuant to the Selection Committee report of Monday 17th July, 2023;

- | | | |
|------------------------|---|------------------|
| 1. Hon Vincent Jagongo | - | Chairperson |
| 2. Hon Emily Oginga | - | Vice Chairperson |
| 3. Hon Seth Okumu | - | Member |
| 4. Hon Nereah Okombo | - | Member |
| 5. Hon Kennedy Ooko | - | Member |
| 6. Hon Joachim Oketch | - | Member |
| 7. Hon Lumumba Owade | - | Member |

Secretariat to the Committee

- | | | |
|--------------------------|---|------------------|
| 1. Obonyo Angelyne (Ms.) | - | Clerk Assistant |
| 2. Valery Achieng' (Ms.) | - | Hansard reporter |
| 3. Mr. Abraham Odegi | - | Sergeant-at-arm |

CHAPTER TWO

LEGAL FRAMEWORK

Mr. Speaker and Hon. Members, below are the laws that enabled and governed the Committee prior to during and post this exercise;

Article 185(3) of the Constitution of Kenya, 2010

Legislative authority of county assemblies

- (3) A county assembly, while respecting the principle of the separation of powers, may exercise oversight over the county executive committee and any other county executive organs.

Section 8(1)(f) of the County Governments Act No.17 of 2012

Role of the county assembly

- 1) The county assembly shall –
f. perform any other role as may be set out under the Constitution or legislation.

Kisumu County Assembly Standing Orders No. 193(5) (a)

(5) The functions of a Sectoral Committee shall be to —

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments.

Kisumu County Assembly Standing Orders No. 193(second schedule).

Mandates the Committee to investigate and inquire into-

All matters relating to County health services, including, in particular County health facilities and pharmacies, ambulance services, promotion of primary health care, licensing and control of undertakings that sell food to the public, cemeteries, funeral parlours and crematoria and refuse removal, refuse dumps and solid waste disposal; housing; and sanitation

Kisumu County Assembly Standing Orders No. 193 (5) (g)

The functions of a Sectoral Committee shall be to —

- (g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

CHAPTER THREE

STATUS OF CHULAIMBO SUB COUNTY HOSPITAL

Brief overview of the facility

Mr. Speaker and Hon Members, Chulaimbo Sub County Hospital is located in Kisumu West Sub County. The hospital is a vital healthcare facility for the local community and surrounding areas and serves a population of approximately 25,969. It has evolved over the years to become a key provider of medical services in the region.

The hospital was established to address the healthcare needs of the growing population in Kisumu West Sub County. Over time, it has expanded its services and facilities to meet the changing healthcare demands of the community.

It offers a comprehensive range of outpatient and inpatient services, as will be seen later in this report.

FINDINGS

1. Clinical/Operational Performance

The hospital serves a population of approximately 25,969.

It has a 26-bed capacity and caters to roughly 18,000 patients annually (both in- and outpatient).

The facility boasts a high bed occupancy rate (80%) and a low mortality rate (0.1 per 1000).

2. Staffing

Number of staffs per department/section (currently available against the ideal number required for optimal performance).

	Staff cadres	Total number available	Total number required	Gap/Surplus
1	Consultants	0	2	2
2	Medical officers	1	2	1
3	Pharmacists	1	2	1
4	Dentists	1	2	1
5	Clinical officers (specialists)	0	4	4
6	Clinical officers (general)	8	10	2
7	Nursing staff	22	34	12
8	Dental technologists	0	1	1
9	Public health officers	1	3	2
10	Pharmacy technologists	4	7	2
11	Laboratory technologists	7	14	7

	Staff cadres	Total number available	Total number required	Gap/Surplus
12	Nutritionists	1	3	2
13	Radiographers	0	2	2
14	Physiotherapists	1	2	1
15	Occupational therapists	0	2	2
16	Health records & information officers	3	2	1
17	Biomedical engineering technologists	1	2	1
18	Support staff	2	2	0
19	Drivers	2	3	1
20	Accountants	0	1	1
21	Health Administrators officer	1	1	0
22	Community oral health officers	0	2	2
23	Security personnel(contract)	4	6	2
24	Social workers	0	2	2
25	Community health volunteers	25	30	5
26	Community health assistance	0	3	3
26	Casual workers/staff	14	17	3

- i. The hospital faces a critical staff shortage due to retirements and lack of replacements.
- ii. Six staff members are due to retire by December 2024, further exacerbating the issue.

3. Services Offered

The hospital provides a comprehensive range of outpatient and inpatient services, including:

- a) Accident & Emergency
- b) Maternal & Child Health (ANC, PNC, Family Planning, Immunization)
- c) Non-communicable Disease Screening
- d) Dental care
- e) Comprehensive Care Clinic
- f) Youth friendly services

- g) Basic emergency, maternity, and pediatric care
 - h) Laboratory services (limited)
 - i) Pharmacy
 - j) Ultra-sound (limited availability)
4. Bed Capacity and Wards

The hospital has 26 beds distributed across various wards, including male and female medical, delivery, ANC, PNC, pediatric, and isolation rooms.

5. Ambulance Services

There is only one functional ambulance at the facility which also serves the entire Kisumu West and oftentimes, the County. A highlight of insufficient resources.

6. Projects

The facility has several projects that are either ongoing or proposed. These include:

- i. Completion and equipping of the maternity theatre (currently stalled)
- ii. Removal of asbestos from buildings
- iii. Fencing of the facility perimeter
- iv. Installation of solar power system
- v. Construction of additional latrines
- vi. Renovation of leaking roof and bat-infested building
- vii. Purchase and installation of a backup generator
- viii. Renovation of outpatient complex and X-ray building
- ix. Construction of a pediatric outpatient facility (partner-funded, awaiting funds).

7. Financial Status

The Committee established as follows;

- i. THAT the hospital is owed over Kshs. 1 million by NHIF, Linda Mama, hindering smooth operations and pending bills totaling Kshs. 4.6 million.
- ii. THAT the hospital was reported to have allegedly collected zero funds in some months despite continued operation and daily patient intake. This matter however was addressed at a joint meeting that the Committee held with the department and the hospital management.

8. Operational status of equipment in the facility

S/no	Equipment	Operational status	Action required	Amount
1.	Autoclave 50 L Capacity (2).	1 partially functioning with frequent spare parts replacement and the capacity is small hence require several rounds of sterilization, 1 not functioning.	To purchase new 200Lcapacity (1)	480,000
2	Suction machine (2)	1 for the inpatient functioning, one for the outpatient (casualty not functioning)	To purchase and replace Suction Machine Twin Bot. Electric 20L/Min.Dc-23	30,000
3	Laboratory Microscope	1 partially functioning, 1 not working (of poor quality)	To purchase 1 Olympus Microscope	120,000
4	Electrolyte /lipid profile analyzer machine (Integra 400 plus)	Not available and urgently needed	To purchase 1	370,000
5	FHG analyzing machine	functioning though still has pending dept of 464,000	To be supported in offsetting the debt to be fully functional	
6	Infant resuscitaie 1	functioning	No need for replacement	
7	Infant incubator 1	Not functioning	To purchase new one	90000
8	Maternity Delivery beds	1 fully functioning. One was brought with missing parts hence not functioning	To purchase an additional disability friendly delivery bed	270,000
9	Patients bed 26	They are old and some have become loose	To replace at least 10 plus mattress	
10	Stretcher	Old and with broken legs (not functional)	In need to purchase 3 Foldable	@18,000 -

			Wgb040(A002)- Ska-1B Piece	
11	Patient monitors	All three are functional		
12	Oxygen concentrators	All three are functional		
13	2 probe ultrasound machines	Working but without a printer	To be replaced by a 3-probe ultrasound with a printer	800,000
14	Old X-ray and nor working		In need to purchase a new digital one	
15.	Air conditioner for pharmacy	(1 not working at the CCC, not present in the main pharmacy	In need to purchase two and install in both departments of the facility	
16	2 examination light	One functional and 1 is not	To purchase one additional one	14,000
17	Examination coach 8	6 functional 2 a bit loose and partially functional	To purchase additional 1	
18	Stadiometer/Weight and Height Scale	1 is functional	To purchase additional 1	25,000
19	Emergency crash cart/emergency trolley	Not available and urgently needed	To purchase 1	80,000
20	Improvised dental chair	partially working	To purchase 1(in need of an ideal dental chair/unit	450,000
21	Infant weighing scale	Functioning well	To purchase additional one for the OPD	
22	Drip Stands Stainless Steel with Plastic Base	2 functioning 2with broken legs	In need to purchase 4 more	
23	Wheelchair	2 well functional	In need to purchase 3 more	@ 17,000
24	LEEP machine	Functioning well		
25	Thermal ablation machine	Functioning well		
26	Cryotherapy machine	Functioning well		
27	dressing trolley	Not functioning as the	Needs to purchase	15,000

		wheels are damaged	one	
28	handheld pulse oximeter	2 partially functioning with damaged probes	Needs to purchase (2) for both adults and children	@ 20,000
29	Patients screens 4-fold	Only one properly functioning. 3 has the wheels damage ² and unable to balance well	In need to purchase 2 more	@ 15,000

9. Impacts of FIF Act and the shortcomings so far experienced in the process of its implementation.

Positive impacts

1. The facility enjoy refund if all banked funds for budgeting.
2. FIF has curbed possible cases of pilferages as all payments are made through facility paybill number.

Shortcomings

1. Delayed disbarment from County health Fund account
2. Community not well sensitized on Paybill mode of payment hence the patients have not fully adopted to the system as some still insist on carrying cash.

OBSERVATIONS

Mr. Speaker and Hon Members, the Committee observed the following during its visit to the facility;

1. THAT there is a whole building that has been pronounced condemned and thus lying idle
2. THAT the facility does not have proper fencing
3. THAT there is an open septic tank within the facility which is health risk to the facility and the nearby community.
4. THAT the facility still has buildings with asbestos roofing which is also a health risk.
5. THAT the Ampath building is infested by bats.
6. THAT the outside pit latrines are sunken.
7. THAT there is no proper waste disposal system as the burning chamber is cracked and not in good condition.

CHALLENGES FACED BY THE FACILITY

Mr. Speaker and Hon Members, the Committee established that there are myriad of challenges facing the facility that hinders its attempt to deliver optimally. These challenges include;

1. Frequent power outages due to lack of a backup generator or solar system.
2. Faulty power distribution system leading to overloads.
3. Lack of perimeter fencing, compromising security as people just walk in, through and out of the facility at will. This challenge has oftentimes led to patient escapes, Livestock grazing on hospital grounds and even theft of items within the facility.
4. Limited diagnostic capabilities due to the absence of U/E/Cs machine analyzer and X-ray services, necessitating unnecessary referrals.
5. Reliance on a private M-pesa agent with limited operating hours, hindering financial transactions as some patients come with cash which require them to deposit and make payment for services.
6. Inadequate maternity unit with privacy concerns.
7. Inefficient waste disposal system with a cracked burning chamber.
8. Lack of spacious storage facilities and proper patient toilets.
9. Inadequate lighting in pathways, creating safety concerns at night.
10. Flooding during heavy rains.

RECOMMENDATIONS

Mr. Speaker and Hon Members, the Committee has previously presented before this House three reports, all highlighting similar issues faced by healthcare facilities, and in each instance proposed recommendations for improvement. Unfortunately, the implementation status of those recommendations remains unclear and the Committee is wary that the proposals outlined in this report may suffer the same fate, gathering dust on a shelf.

Despite this concern, the Committee remains committed to improving healthcare at Chulaimbo Sub County Hospital and thus proposes the following recommendations that it believes has the potential to significantly enhance the quality of care provided and create a safe and healthy environment for both patients and staff implemented.

1. THAT to address the challenge of staff shortages the department of Medical Services, Public Health and Sanitation, in collaboration with Kisumu County Public Service Board should;
 - i. Initiate urgent recruitment drive to fill vacant positions, prioritizing critical roles like registered nurses and specialists.
 - ii. Implement retention programs to incentivize existing staff and minimize further departures.
2. THAT the department of MSPH&S should prioritize the completion and equipping of the maternity theatre so as to enhance maternal healthcare services.

3. THAT the CECM for Medical Services, Public Health and Sanitation should prioritize construction of perimeter fencing and enhance security measures to safeguard the facility, its personnel and prevent unauthorized access.
4. THAT the department of MSPH&S should collaborate with that of Infrastructure, Energy and Public Works to conduct a feasibility study to determine the most suitable option between a backup generator and a solar power system with battery storage and factor a budget proposal for procurement of the same in the upcoming budget. Additionally, should develop a comprehensive maintenance plan to ensure the backup power system functions optimally for an extended period.
5. THAT to enhance financial management, the CECM for Medical Services, Public Health and Sanitation should collaborate with relevant authorities to expedite the settlement of outstanding NHIF and Linda Mama claims and consider streamlining document processing to facilitate timely payment of pending bills.
6. THAT to address the issue of faulty power distribution system, the department of MSPH&S should collaborate with that of Infrastructure, Energy and Public Works to implement a preventative maintenance plan that involves regular inspections and testing of the electrical system to identify and address potential issues before they cause overloads and disrupt critical hospital operations.
7. THAT the CECM for Infrastructure, Public Works and Energy should address infrastructural issues that are contributing to flooding in the facility by implementing drainage improvement projects to mitigate flooding risks.
8. THAT to improve on diagnostic capabilities and patient care, the MSPH&S should prioritize acquiring essential diagnostic equipment, such as a U/E/Cs machine analyzer and an X-ray machine, whose lack hinder accurate diagnoses leading to unnecessary patient referrals to other facilities.
9. THAT the department of Infrastructure, Energy and Public Works to investigate the validity of the condemnation claims and explore options for repurposing or demolishing the building to optimize the use of available space and enhance the facility's operational efficiency.
10. THAT this House resolves to compel the Committee on Implementation to submit to this House the implementation status of the House resolutions on the following reports of the Medical Services, Public Health and Sanitation:

- iv. Report on the status of referral hospitals in Kisumu County of 10th August, 2023
- v. Report on the status of Nyakach County Hospital, Pap Onditi of 6th September, 2023
- vi. Report on the status of Sub County hospitals within Kisumu County of 6th December, 2023.

CONCLUSION

Mr. Speaker and Hon Members, it is now my pleasure on behalf of the committee, to present this motion: THAT this House adopts a report of Medical Services, Public Health and Sanitation Committee on the status of Chulaimbo County Hospital.

Mr. Speaker, I request the Deputy Chairperson of the Standing Committee of Health Honourable Oginga to second the Motion. Thank you.

Hon Oginga (Nominated Member): Mr. Speaker, I would like to second this Motion. First, I would like to bring out the cross-cutting issues in facilities in the county. This House Committee took site visits of most of our health facilities and brought reports. Actually, if you look at the observations, most of them are cross-cutting. There is one major issue which is prominent, that is the Condemned Buildings. Some of these condemned buildings especially the one at Chulaimbo hospital and if you look at it, you may think it is a building that can be occupied. However, if you ask who condemned the building, and whether a report was given to the facility, there is actually no report which was given about this facility. Therefore, you find that the department of Infrastructure, Energy and Public Works need to work with the facilities and confirm if some of eh buildings that are condemned are not habitable because the number is quite worrying.

Secondly, Mr. Speaker, I would like to mention the Power issue at Chulaimbo hospital. I remember when we visited the facility, we asked why they haven't received a Power Backup Generator and this is because there was a proposal sometimes back that a generator was supposed to be purchased. We established that no one was willing to take the tender because of pending bills. Most suppliers were therefore shying away from taking up the contract. This is one of the consequences of Pending Bills.

Mr. Speaker, I would like to encourage the House to support these House Committee recommendations because, usually we come here with very good recommendations, and if some could be implemented as soon as possible then we would actually see changes in our health facilities and improve service delivery to the people of Kisumu County. Some of these recommendations need immediate action that would help facilities operate in an orderly manner and be able to offer services because right now you find challenges at JOOTRH because they are carrying all the burden from Sub-county hospitals. If only the Sub-county hospitals could be well equipped, then we would not be having issues at JOOTRH currently being experienced.

Mr. Speaker, I would also like to encourage the Committee on Implementation to follow up on the recommendations from committees. Otherwise, I wish to second this Motion. Thank You Mr. Speaker.

The Speaker (Hon Oraro): Honourable Members, now that the Standing Committee on Medical Services, Public Health and Sanitation has moved a report on the Status of Chulaimbo Sub-county Hospital following their field visit, as presented by Hon Jagongo, Chairperson of the said House Committee, seconded by Hon Emily Oginga, the Vice Chairperson of the said Standing Committee. Honourable Members, as per the provisions of our Standing Orders, I want to propose a question. I propose that the Motion on adoption of a report of Medical Services, Public Health and Sanitation Committee on the Status of Chulaimbo Sub-county Hospital is open for debate.

The Speaker (Hon Oraro): Yes Hon Henrietta Bodo, Chair Implementation Committee

Hon Bodo (Nominated): Thank you Mr. Speaker, Sir. The recommendations being given on this Floor are very important for all of us. However, I would like to inform the House that as Implementation Committee, as a matter of priority, we are going to implement these resolutions. I do not know how much I can stress on this but all I know is that we are going to implement these resolutions to the letter. Hon Jagongo....I believe that as a matter of priority....

(Laughter)

Hon. Okombo (MCA, Manyatta “B”): Point of order Mr. Speaker.

The Speaker (Hon Oraro): Hon. Okombo, what is your Point of Order

Hon Okombo (MCA, Manyatta “B”): *(On a Point of Order)* Mr. Speaker, it is my belief that my Honourable colleague needs to clarify what she means by saying that she will implement the resolutions to the letter. Mr. Speaker, as an Assembly we have three roles; representation, legislation and oversight. Implementation lies with the County Executive. That is why the resolutions of this House are referred to the departments at the County Executive for implementation. The duty of the Select Committee on Implementation is to follow up on the resolutions of the House and ensure that resolutions made here are implemented but by the County Executive not by the Select Committee of Implementation.

The Speaker (Hon Oraro): Whom do you want to inform Hon Rakwach?

Hon Rakwach (MCA, Kolwa East): Mr. Speaker, I want to inform the House. The Honourable Member needs guidance. I believe that being that she Chairs the Implementation Committee, the Member gets the impression that it her Committee to does implementation of House resolutions.

The Speaker (Hon Oraro): What have you informed the House Hon Rakwach? Hon Henrietta Bodo, there was a point of order by Hon Nereah but I believe that it was a guidance that your House Committee is to follow up on the recommendations of the House, not to implement the recommendations.

Hon Bodo (Nominated Member): Yes, Mr. Speaker. I am in total concurrence with sentiments made with the two Honourable Members. However, I trust that sometimes we miss some of these things. Mr. Speaker, I used the word, we, which means I am not going to do it alone. We are going to do it with the County Executive. Hon Jagongo, I equally trust that I was making

reference to your Motion. We want to make it a matter of priority. All resolutions passed in this House, we are going to implement them to the letter.

(Laughter)

Thank you Mr. Speaker.

The Speaker (Hon Oraro): Honourable Henrietta, you have been guided that as Chairperson of the Select Committee on Implementation, your work is to follow up on the implementation of the resolutions of the House.

Hon Bodo (Nominated Member): Thank you Mr. Speaker. Yesterday, some of us were not here but actually, I proposed that if we want, we can change the name from implementation – and it was raised by Hon Sammy- to follow up committee.

(Hon Okombo rises on her feet to a point of order)

The Speaker (Hon Oraro): Order!! Hon Nereah. Please resume your seat. Honourable Henrietta, let me assist you. Refer to the provisions of Standing Orders No. 191. It talks about Committee on Implementation and it states that;

There shall be a select committee to be known as the committee on Implementation comprising the Chairperson, and not less than eight and not more than ten other Members.

Now, it is my considered opinion that you are nine. Therefore, you have met that provision. This provision further states that;

The committee shall scrutinize the resolutions of the County Assembly- including adopted committee reports- Petitions and the undertakings given by the County Executive Committee and examine whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have implemented; and whether such implementation has taken place within the minimum time necessary, and

(b) whether or not legislation passed by the County Assembly has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.

The committee may propose the County Assembly sanctions against any member of the County Executive Committee who fails to report to the relevant select committee on implementation status of projects and programs under his or her docket, without justifiable reasons.

Honourable Members, let me also refer you to the provisions of Standing Order No. 184 – Reports on County Assembly Resolutions. It states that;

Within 60 days of a resolution of the County Assembly or adoption of a report of a select committee, the relevant member of the County Executive Committee 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 of Kenya, 2010.

Now, that is where you follow up on. Did they report within the 60 days given? And if you look at the Schedule II of the Standing Orders, it provides what the Sectoral Committees do. From the committee of Agriculture, Health, Culture, Public Works, Planning, ECDE, JLAC, Water, Finance, Ward Development, it gives the same. So, Hon. Henrietta Bodo and all the Members, I hope you are guided, that the Select Committee on implementation follows up on the resolutions of the House but not to implement. The provision of these Standing Orders therefore guides you on that rather than on your own definition. Let us therefore go back to the debate on the report by the Committee on Health.

The Speaker (Hon Oraro): Yes, Hon. Tom Nyaoke. I am seeing Hon. Henrietta seems like the Member wants to say something, let her have one minute.

Hon. Bodo (Nominated Member): Thank you, Mr. Speaker, I believe that I am guided accordingly but, I still insist on the preposition 'we', thank you.

The Speaker (Hon. Oraro): Hon. Henrietta is now out of Order because I have already guided her appropriately.

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

Hon. Nyaoke (MCA, North Nyakach): Thank you, Mr. Speaker, I want to start by first thanking this House Committee for coming up with this clear report. I have a lot of interest in this report because it mirrors exactly what I have in my ward.

Mr. Speaker, if you look at the challenges that they have outlined in this report from Chulaimbo Hospital, it is the exact replica of so many of such hospitals in our wards and even Sub-Counties. Mr. Speaker, this is something that I believe that moving forward; I have learnt a lot that I should not task the committee which made this report but to mention something about the Select Committee on Implementation that is chaired by Hon. Henrietta Bodo. Mr. Speaker, if this issue can be followed, and the recommendations listed herein by this House Committee are looked into, I trust that we are certainly going to improve our medical facilities.

Mr. Speaker, if you look at Katito Sub-County Hospital for instance, it is a serious place but anybody can enter through any corner because there is no perimeter wall or fence existing in that place. They have a gate, which is useless if all the corners can be accessed through, and it is exactly what is happening at Chulaimbo.

Mr. Speaker, the other thing that they have mentioned in the report which also affects Katito Sub-County Hospital is a single M-pesa agent at the gate. One time I visited that health facility and a patient, an old woman, who had just been dropped to hospital, was sent back to go and deposit Kshs. 50 to a M-pesa shop near the gate. Mr. Speaker, I therefore support entirely and I am requesting that the committee on Implementation to follow up the implementation of these issues as soon as possible, so, that we keep on improving and doing exactly what this House Committee has provided us. Otherwise, Mr. Speaker, I beg to support, thank you.

The Speaker (Hon. Oraro): Yes, Hon. Gard Olima.

Hon. Olima (MCA, South -West Nyakach): Many thanks Mr. Speaker...

(Laughter)

Thank you, Mr. Speaker, I rise to question and oppose the report on the floor of the House. The report coming from the Chairperson of Medical Services, Public Health and Sanitation Committee, whom I know for his thorough work and dedication is quite disappointing today. Mr. Speaker, on a report of the Department of Health, in any part of this Country that does not touch on Human Resource is no report to this House. Mr. Speaker, even as we are talking in this House, you are aware that the biggest challenge we are having as Kenyans and as Kisumu County, is the issue of health. So, if you can get a report without the human resource element dedicated to it as the number one challenge that we are going through, then I do not believe that we are going to take this County to the next level.

Mr. Speaker, you have even witnessed that medical camps are doing wonders without houses but in those tents, people are being treated because the human resource is there as well as drugs. However, if the major problem in Chulaimbo County hospital is power, and we do not get questions about pharmaceutical commodities and human resource, then I trust that Kisumu is not better placed. We do not need that report in this House because we can do better, in that what I know is happening in Kisumu County is inadequate staff and drugs for patients. Those are the biggest challenges that we are experiencing in this County. Mr. Speaker, the other day we launched a drone which should be transporting drugs to all Sub-Counties in this County but up to now, I have not seen that drone drop any drugs in Nyakach Sub-County.

Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach): A point of Order Mr. Speaker.

The Speaker (Hon. Oraro): What is your Point of Order Hon. Deputy Leader of Majority?

Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach): *(On a Point of Order)* Mr. Speaker, the Honourable Member of South-West Nyakach is misleading this House. I personally come from Nyakach Sub-County, and particularly in my ward, drones have dropped more than ten times and nearly every week, thank you Mr. Speaker.

The Speaker (Hon. Oraro): Hon. Gard Olima.

Hon. Olima (MCA, South -West Nyakach): Thank you, Mr. Speaker, I said I have not seen the drones and not that he has not seen or we have not seen the drone as Nyakach people. I believe that simple English is well understood and he is guided. I can continue...

Hon. Nyaoke (MCA, North Nyakach Ward): A point of Order Mr. Speaker.

The Speaker (Hon. Oraro): What is your Point of Order Hon. Nyaoke?

Hon. Nyaoke (MCA, North Nyakach): *(On a Point of Order)* On Statement of Facts Standing Orders No. 89. It is important to help our brother Hon. Gard Olima to be present because we have seen these drones because we are usually available there when they come in our medical

facilities. In fact, sometimes they deliver when we are there and it is just unfortunate that the deliveries haven't found him around the facilities to witness the same. I hope next week the Member can try as much as possible to witness one, thank you.

The Speaker (Hon. Oraro): Hon. Gard, does it mean that you have to be called or notified whenever these drones are making the deliveries to these facilities in your ward for you to see?

Hon. Olima (MCA, South -West Nyakach): Yes, Mr. Speaker, and I also get reports from those who manage the ward on my behalf and they have not reported that to me.

(Loud Consultations)

The Speaker (Hon. Oraro): Are you all on Points of Order?

(Affirmative response by the House)

The Speaker (Hon. Oraro): Let me therefore start with the Deputy Leader of Majority.

Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach): *(On a Point of Order)* Mr. Speaker, it is very unfortunate that the Honourable Member of South West Nyakach is always in Nairobi despite being a representative in Nyakach. This is the reason the member has never had a chance to see the drones delivering drugs in his ward's medical facilities. Unless the Member wants the drones to pass through Nairobi, over his house to the facilities, thank you.

The Speaker (Hon. Oraro): Honourable Member, you had already raised that matter in your Point of Order.

The Speaker (Hon. Oraro): Yes, Hon. James Omollo is it on the same Point of Order?

Hon. Omollo (MCA, West Nyakach Ward): *(On a Point of Order)* No Mr. Speaker, it is on Statement of facts pursuant to the provisions of Standing Orders No. 89. Even in *Anding'o Opanga*, there is a drone that often drops drugs in my ward's medical facility, and I believe that all of us have ascertained that at one point we have witnessed the drones doing that. Maybe Hon. Gard Olima is never in his ward and ever busy in Nairobi, thank you.

The Speaker (Hon. Oraro): Hon. Anne Ochola.

Hon. Ochola (Nominated Member): *(On a Point of Information)* Thank you Mr. Speaker, I want to inform my colleague that the member does not stay at home and that is why he misses to see what happens back there. I know you stay in Nairobi and often comes when there is a meeting or so.

(Laughter)

The Speaker (Hon. Oraro): Hon. Gard you need to withdraw that statement, apologize and proceed because a given majority are saying that there are drones even in your ward.

Hon. Olima (MCA, South West Nyakach): Thank you, Mr. Speaker, having listened to the Points of Order and Information, allow me to take the next one week to confirm the same then I

will come back and apologize and also give a way forward. Mr. Speaker, I want to believe that the biggest cry of our people today in Kisumu County is lack of pharmaceutical and non-pharmaceutical commodities and human capital in our facilities. Before we get to the bigger hospitals, power issues and the like, can we have the staff and the medical resources, such as drugs and human resource? Mr. Speaker, copy pasting reports just because the issues affecting them are across-cutting, is not going to help us. We want specifics because some of these issues need budgetary allocations. Even if you had sent my sister, Hon. Henrietta Bodo to go and see the implementation process, if this House does not allocate money to those facilities, then the report will die a natural death. There is no Member of County Assembly in this House who is ready to take their budgetary allocation of the ward to use in handling power/electricity issues. Everybody wants to be seen doing constructions.

Mr. Speaker, some of these things need money that is budgeted for in the flagship projects, and therefore, recommendations in terms of power outages, condemned buildings, etc, need budgetary allocations. Even if we were to inform the House Committee on Implementation today, that they go and follow up without us putting budgetary allocation to the same, there is nothing that is going to be implemented and nothing to be followed up. We are going to be here every year getting reports from the Departments and House Committees which will not be implemented. Mr. Speaker, I want to request that as these House Committees bring us these reports in this House, can they bring us reports that offer solutions. Some of these things are not just implemented by word of mouth by virtue that the Assembly passed them. We can pass them alright, but where is the money? Even if the County Executive Committee Member, Chief Officer or Director sits there without us the appropriating unit giving allocations to such like departments, they will not implement them.

Mr. Speaker, today, I have just heard from the Vice Chairperson, that contractor refused to take up a project of that Chulaimbo for the supply of Power Backup Generator. This is because they have not implemented, and who should appropriate that money? It is the Assembly, so that the contractors are paid and they give the power services. If you do not pay contractors and we keep on bringing reports here, Mr. Speaker, we are going to be doing this for the sake of sittings. If there were sitting allowances, we would have been earning it but nothing is going to work out in this County. Let House Committees, I want to request; because some of us do not have committees, bring reports to this House that offer workable solutions. Thank you.

Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach): A point of Order Mr. Speaker.

The Speaker (Hon. Oraro): What is the Point of Order Hon. Deputy Leader of Majority?

Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach): (*On a Point of Order*) Mr. Speaker, the Honourable Member is misleading the House. There is no member in this House who does not belong to a House Committee.

The Speaker (Hon. Oraro): Hon. Gard Olima.

Hon. Olima (MCA, South West Nyakach): Mr. Speaker, I trust that I am in my House Committee, which is the Committee of the Whole House and we are all here. So, this is a committee and a session and I do not have a specific House Committee where I will bring a report. Is that correct? Please be advised.

(Laughter)

So, Mr. Speaker, as I conclude, I want to...

Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach): Mr. Speaker it is still a committee...

The Speaker (Hon. Oraro): Order!! Deputy Leader of Majority, Hon. Gard can you please conclude, because other Members equally want to debate. You have one minute.

Hon. Olima (MCA, South West Nyakach): Mr. Speaker, I want to request House Committees that as you bring reports to this House, please bring the reports with the methods of implementation. This will help the Select Committee on Implementation because I heard from the Chairperson of Implementation Committee and I trust that the training that Members got was less. We need another two weeks so that the Members can understand. The Leader of Majority, who is also the Chairperson of Committee on Selection, we were taught in Nairobi that the Member uses his conscience to give this people these House Committees but unfortunately, the Member used a disgrace of lack of conscience to allocate these Members House Committees.

(The Leader of majority rises on his feet)

The Speaker (Hon. Oraro): What is it Leader of Majority?

The Leader of Majority (Hon. Ooko, MCA, Ahero): Mr. Speaker I rise while citing the provisions of Standing Orders No. 89 on Statement of Facts. I trust it is incorrect for Hon. Gard Olima to say that the Member does not belong to any House Committee. In our Standing Orders, we do not have a House Committee known by the name of Committee of the Whole House and the Member belongs to the House Committee on General Oversight, thank you.

The Speaker (Hon. Oraro): Hon. Gard Olima it is my belief that you had concluded.

Hon. Olima (MCA, South West Nyakach): Thank you, Mr. Speaker, I believe that I have been informed rightly and I was talking in terms of reports to this House. There is no day the House Committee of General oversight will be called upon to bring any report in terms of Select/Sectoral Committees. We do not deal with any department in this County, such as Agriculture, Water, etc. So, I do not contemplate there will be any day we will be bringing a report. That is why I am asking those specific House Committees to ensure that when they bring reports to this House, bring reports that offer solutions so that when the Select Committee on Implementation follows up, they have to know there was a budget allocation, and on so that they know what is to be done. However, just giving reports that we do not have power, houses, toilets, without allocation to those programs that implies that we are going to do nothing and waste our time, thank you.

The Speaker (Hon. Oraro): Thank you, Hon. Gard Olima, I have considered what the Leader of Majority is saying is that at least you belong to a House Committee but you do not belong to a Sectoral Committee. That is what you were...

Hon. Olima (MCA, South West Nyakach Ward): Yes, that is what I am saying in terms of reports, but I do not have a House Committee. My committee is on right now.

The Speaker (Hon. Oraro): You have a committee called the General Oversight committee but not a Sectoral Committee.

The Speaker (Hon. Oraro): That is fair enough. Yes Hon. Nereah.

Hon. Okombo (MCA, Manyatta "B"): Thank you, Mr. Speaker. I am humbly requesting Hon. Olima to resume his seat this is because the Honourable Member has that tendency of rushing through House Committee reports without keenly going through them. The Honourable Speaker, I want to brag that the Standing Committee of Medical Services, Public Health and Sanitation have the most competent committee clerk. Mr. Speaker, from the reports that have been presented before this House, you can equally attest and affirm...

Hon. Olima (MCA, South West Nyakach): Mr. Speaker, point of information.

Hon. Okombo (MCA, Manyatta "B"): Mr. Speaker, I don't want to be informed.

The Speaker (Hon. Oraro): Hon. Olima, you have made your contributions...

Hon. Olima (MCA, South West Nyakach): Mr. Speaker, I want to inform the House.

The Speaker (Hon. Oraro): Hon. Olima, what is your information?

Hon. Olima (MCA, South West Nyakach): Thank you Mr. Speaker. It is my belief that this House does not operate as a result of the Committee Clerks. If reports that are brought in this House as a result of Committee Clerks then, Members are not discharging their responsibilities It is my considered opinion that reports are prepared on behalf of Committees on Implementation, Health and again it is upon the Committee Members to generate Committee reports. The duties of the Clerks are to prepare reports on behalf of what the members have deliberated and agreed upon. So, let me inform my sister that please there is no competent staff you can talk about in the Assembly. Thank you.

The Speaker (Hon. Oraro): Hon. Okombo, please proceed.

Hon. Okombo (MCA, Manyatta "B"): Mr. Speaker that is the reason as to why I was asking Hon. Olima to at times sit back and listen and equally pay attention to what other Members have to say. Mr. Speaker, I have not even concluded with my contributions and the Member is rising on a point of order. Mr. Speaker, looking at this report, which I believe and certain that Hon. Olima has not even gone through gauging from his submissions...

(Hon. Olima rises on his feet)

The Speaker (Hon. Oraro): Hon. Olima, you have been requested to resume your seat...

Hon. Okombo (MCA, Manyatta “B”): Mr. Speaker, I want to refer the member to recommendation number one. This recommendation talks of addressing the shortage in Human Capital that the Department of Medical Services, Public Health and Sanitation has the intentions in collaboration with Kisumu County Public Service Board should offer solutions to the issues of Staff Shortage by initiating urgent recruitment drives to fill vacant positions in critical roles like Registered Nurses and other Specialists. Mr. Speaker, there two possible solutions offered there.

Mr. Speaker, when we look at recommendation number two, which was on the issues to do with lack of power. Here, there is a recommendation for collaboration with the Department of Infrastructure, Energy and Public Works to conduct a Feasibility Study to determine a more suitable option. Two, to purchase a Back-up Generator and Solarization. Mr. Speaker, you can see that these are very solid recommendations with achievable solutions. So, as a House Committee of Medical Services, Public Health and Sanitation we conducted site visits and identified the possible challenges that our health facilities are facing, which our objectives was to come up with better ways to manage our health facilities. Mr. Speaker, yesterday as a House Committee we presented a report from Mulago Referral Hospital and you could see that what we learnt there was excellence that we desired that our facility to emulate what Mulago Referral Hospital is doing. Mr. Speaker, actually, that is why as a House Committee decided that it is time we give our health facilities services to our people what ought to be given to them. Mr. Speaker, reading from this report, I believe that as a House Committee we did our best and I still want to reiterate that our Committee Clerk who prepared this report is very competent and did exactly what the House Committee deliberated upon and I want to say that there was nothing omitted from what as a Committee discussed and for that, I still want to applaud our Committee Clerk Madam Angeline Obonyo for work well done.

Mr. Speaker, I just want to urge this Honourable House to assist this Committee adopt this report because these health facilities are spread across the county and all we do as a House Committee is to represent all of us whom do not sit in the Health Committee. Mr. Speaker and that is why we as a Committee conducted site visits from one facility to the other all over the County and it is my belief that, this is well intended and I would like to implore this House to please adopt this report and when the time comes for the allocation of resources, I again implore this House that we allocate resources with a view of improving the status of our facilities to give our people what they witnessed and deserve. Thank you.

The Speaker (Hon. Oraro): Hon. Oiko Pete.

Hon. Oiko (MCA, Kabonyo/Kanyagwal): Thank you Mr. Speaker. The Chulaimbo Hospital, is a very old health facility in Kisumu and prior to devolution it was a Provincial Referral Hospital and the report we are getting today is a pathetic one which portrays that things are not to okay in this health facility because this is one of the facility we as a County should be proud of in this Country because of its age.

Mr. Speaker as the Honourable Deputy Speaker has stated on the report that was presented before this House yesterday which was the Benchmarking with Mulago Referral Hospital, the report was full of praise of the facility in Uganda and we were being urges to benchmark with

them and emulate the best practices. Mr. Speaker, when such an old health facility can be portrayed like this, like the Human Capital which shows that there is shortage of staff.

Mr. Speaker, recently, there was recruitment of staff in the health facilities; we now wonder what is really transpiring in this County, the serious staff shortages in this facility. It is not just a matter of saying that when we allocate, let us be truthful, where does this House allocate funds in this County. Yes when we approve, but the allocation is being done by the County Executive and this House needs to take the County Executive to task on the deplorable situation of our health facilities.

Mr. Speaker, when we want to make JOOTRH a level IV Hospital, this implies it will be at the same levels as that of Moi and Kenyatta National Hospital. The other hospitals that we should be proud of our hospitals to offer the same services would be the Kisumu County Referral Hospital and Chulaimbo Sub-county Hospitals. Mr. Speaker, when these facilities are now in pathetic situations, we need to open our eyes and raise these matters to the County Executive so that; these hospitals become flagship projects of the County Executive. Mr. Speaker the meager resources being allocated to the Member of Parliament of the Area should not be pumped here. Therefore, both the Departments of Finance and the Health should convene and agree what good allocations should be allocated to a County Referral Hospital to help improve its infrastructure, facilities and the human capital.

Mr. Speaker, when we talk that way and come up with a resolution, then, we shall be the legislatures of Kisumu County. Mr. Speaker, the problem is that these reports are not numbered. Mr. Chair, please take note of that preference becomes an issue.

Mr. Speaker, there is no Maternity Theatre in this health facility and this is a very huge drawback when there is no such unit in the hospital. How are we assisting our expectant mothers who are giving birth to our young ones in the absence of such a unit? Mr. Speaker, this should be addressed by the County Executive which comprises of the Department of Finance and Economic Planning and the Department of Medical Services.

Mr. Speaker, there is equally a noble suggestion that the Asbestos used for the construction of these buildings should be removed. Mr. Speaker, I believe that you are aware that it was in the year 2005 when Hon. Nyagudi was the Member of Parliament for Kisumu Town. The matter of cancer was raised that it was on the rise in Kisumu and the response was that, it is because during that time the supply of water was very poor and our people depended on rain water harvest. The rain water that they depended on was from the roofs. So, asbestos was classified as a promoter of cancer and that is equally a matter that we should not lose sight of.

Mr. Speaker, when we go through this report, such a big health facility which is a County Referral Health Facility has no microscope in its laboratory. Mr. Speaker, how are tests done in these health facility with no such fundamental equipments. Honourable Members, let us not just take reports and we are condemning the report and at the same time we are in support of the report. We must inform the County Executive the truth that when such a facility has no microscope, that is a big blunder on our government.

Mr. Speaker, the other issue is that the Infant Incubator is not there, that includes the Maternity Delivery Beds. Mr. Speaker, beds for patients are not there. Let us look at the situation in that health facility very deprived. Honourable Members that is what we are presiding over in Kisumu County. We are equally informed that challenges faced by this health facility. We are all aware that Cash Revenue Collection is prohibited and they don't have the good ways of collecting revenues from the public and they rely on a private M-pesa Agent. Mr. Speaker, when a health facility of this magnitude relies on a private M-pesa agent, then what picture does it portray on our financial management principles? Very poor.

Mr. Speaker and Honourable Members, on the recommendations, the House Committee is raising in this report which is the matters to do with Pending Bills. Revenue collected by this facility that is to be gotten from the National Hospital Insurance Fund (NHIF) is not easily gotten by this facility. The "Linda Mama" claims are not reimbursed back to this facility and the County Executive must move with haste to assist this health facility to get these funds so that the issues to do with Pending Bills are defrayed. Mr. Speaker, the County Executive should;

1. Have highlighted the allocation it gives this health facility?
2. What allocation is disbursed to this facility by the Department of Medical and Health Services?
3. Does that allocation really reach this health facility?

Mr. Speaker, when it is suggested that, the County Executive Committee Member for Infrastructure, Energy and Public Works should address infrastructural challenges to mitigate floods in this health facility, which is a noble idea but, how is the County Executive Committee Member for Infrastructure, Energy and Public Works going to achieve that when the line department has not sat down and done consultation and the cost implications. I believe that this needs to be looked into in-depth.

Mr. Speaker, now I come to the matter of the Select Committee on Implementation on issue number nine. Reports that have been adopted by this House from other health facilities, this House Committee is inquiring if this Select Committee has strived to make follow-ups on their implementation status? Which sounds good? But, let us ask ourselves the report on the Status of Referral Hospitals in Kisumu County Referral Hospital of 10th August, 2023. Then there is that of Nyakach Sub-county Hospital, that is Pap-Onditi, then there is that of the Sub-county Hospitals in Kisumu. Mr. Speaker, the matters that were deliberated and that are supposed to be followed-up by this Select Committee on Implementation yet we know very well that these are matters that touch on finances. Have these allocations been done to these health facilities? Probably not? So, what is this House Committee going to make a follow-up on? Zero work. It is only that the Chairperson needs to be inducted a little so that the Chairperson knows how to navigate these waters.

Mr. Speaker, this report is a good one but, it is a big challenge to us on how our health facilities are being managed and that is what we all need to place our focus on. Thank you.

The Speaker (Hon. Oraro): Honourable Members, I have noticed that Hon. Vitalis K’Omudho was first on his feet but, i have equally noticed Hon. Ken Ouko.

Hon. K’Omudho (MCA, Muhoroni/Koru): Many thanks Honourable Speaker and many thanks to my fellow Honourable Members...

Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach): Point of Order!!

The Speaker (Hon. Oraro): The Deputy Leader of Majority, what is your Point of Order?

Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach): Mr. Speaker the Honourable Member on the floor is naked. Mr. Speaker, I want to state here that this is a very bad precedence that we are setting in this House. This is to the Honourable Members; it is my belief that you are all aware of the rules of this August House. You can see that in this House that not only Hon. K’Omudho that is not properly dressed but quit a number of us seated in this House are naked which portrays this House in a bad light...

The Speaker (Hon. Oraro): Order!! The Deputy Leader of Majority. Hon. K’Omudho please be on your feet.

Hon. K’Omudho (MCA, Muhoroni/Koru): Mr. Speaker, I wish to inform my colleague that I had undergone a surgery which was a spine issue and I have the doctor’s orders not to be putting on a neck tie and if need be after this session I will produce a medical report in support of the same.

(Laughters)

The Speaker (Hon. Oraro): Order!! Order!! Honourable Members and order!! Honourable Deputy Leader of Majority. Hon. K’Omudho I have not received any report from you. So, please excuse yourself go out and dress properly and come back. Alternatively, you can please furnish my office with the Doctor’s advice.

Hon. K’Omudho (MCA, Muhoroni/Koru): Thank you Mr. Speaker, given some few minutes I will be able to produce or avail the doctor’s advice equally I will be able to come back dressed appropriately. However, I am restricted...

The Speaker (Hon. Oraro): Honourable Member, please proceed and later furnish my office with the report...

Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach): Honourable Speaker, I have not concluded with my Point of Order!!.

The Speaker (Hon. Oraro): Please proceed.

Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach): Mr. Speaker I have stated that...

The Speaker (Hon. Oraro): Hon. K'Omudho I have advised that you please step aside and dress as appropriately required or you furnish me with the report.

The Speaker (Hon. Oraro): Honourable Deputy Leader of Majority please continue.

Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach): Mr. Speaker, I must state here that if we are not careful this House will degenerate into a cattle market. Mr. Speaker, in this House I can count those who are naked that includes Hon. Joachim Oketch...

(Laughters)

Mr. Speaker, is the Member properly dressed? Please let us take our work seriously. We are Honourable Members and sometimes we are called to school and told that our children are not properly dressed. If you cannot dress properly in this House, then how are you going to defend your child? Thank you Mr. Speaker.

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

Hon. Joachim (MCA, Kondele): Mr., Speaker I believe that the eyes of the Deputy Majority Leader are naked and he has to be informed that the member from Kondele is properly dressed and therefore he has to withdraw and apologize because the people of Kondele are watching and they know me as somebody who dresses very well. Thank you Mr. Speaker.

The Speaker (Hon. Oraro): Order!! Deputy Majority, I did not hear the name of Hon. Joachim mentioned, so we proceed.

Hon. Okombo (MCA, Manyatta "B"): Mr. Speaker.

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

Hon. Okombo (MCA, Manyatta "B"): Mr. Speaker, allow me to give information to the general House. Mr. Speaker as much as we rise on points of order. It is proper that we quote the orders upon which we are rising on and also Mr. Speaker on the same note, maybe not on dressing, it's also not out of order to leave our phones on the ringing modes. Mr. Speaker, one of us has just had his phone ringing and disturbing us.

Mr. Speaker, we may not have some of these orders in writing, Mr. Speaker, but this is a House. It is stated in the Speaker's Rules that, we need to have our phones on silent mode. Mr. Speaker, we are not asking that we leave our phones outside, but it is not a good show when our phones keep ringing while we are debating. I have communicated Mr. Speaker.

The Speaker (Hon. Oraro): What is it the Hon. Leader of Majority?

Leader of Majority (Hon. Ooko, MCA, Ahero): Thank you Mr. Speaker. We are in the House and I have not heard any phone ringing. I trust the Member should come citing that Statement of Fact and quote for us the provisions of that Standing Order.

The Speaker (Hon. Oraro): What is it Hon. Okombo.

Hon. Okombo (MCA, Manyatta "B"): Mr. Speaker, you know, as Honourable Members we need to be honorable even in our statements and citations. Mr. Speaker, the Deputy Leader of Majority has just had his phone ringing when he was on a Point of Order and Majority Leader is covering up for him. It is not in good taste. We are leaders Mr. Speaker and the Speaker's Rules are explicit.

The Speaker (Hon. Oraro): Honourable Members can we work through the rules which provide that the Standing Order we have traditions, we also have the Speakers Rules and the precedents. I trust that it is just in order that we be orderly. In terms of phones, I have not heard any phone ringing but I believe that if a member had his/her phone ringing it is prudent that we put our phones either in silent or in vibration mode. It is advisable to be orderly. Honourable Members, let us focus on the debate, we still have another report that is coming.

The Speaker (Hon. Oraro): Honourable Ouko, the Floor is yours.

Hon. Ouko (MCA, West Kisumu): Thank you Mr. Speaker. I would like to thank this House Committee for coming up with a detailed report on the status of our health facilities. Mr. Speaker we are failing to pinpoint where the problem is. The problem which is actually affecting our facilities is Jaramogi Oginga Odinga. We are doing a lot in JOOTRH in the expense of our hospitals within the sub counties. It is high time that this House Committee comes up with a resolution that we surrender JOOTRH to the National Government so that Kisumu District hospital can be made a referral hospital to take care of what JOOTRH was doing.

Mr. Speaker, for one, if we don't do that, we'll still be lamenting over these issues. Sometimes back it was elucidated that if you surrender JOOTRH to national government, we will be having adequate resource allocation and human capital to take care of the Sub-county hospitals and even our dispensaries back home. The moment we still hang on JOOTRH, we will be putting a lot of

money which should buy generators in Chulaimbo, giving drugs to Pap Onditi or Nyakach sub county Hospital.

The best thing for us, is to do away with JOOTRH and we handle issues back home so that our people can get services and that is the only solution. Otherwise, all the reports will be coming to the Assembly with good recommendations but due to financial constraints, we will not be able to manage. Thank you Mr. Speaker. I support.

The Speaker (Hon. Oraro): Honorable Ajumbo.

Hon. Ajumbo (MCA, Central Seme): Thank you Mr. Speaker. Mr. Speaker, I want to add my voice to the report by the Standing Committee of Health and I want to say kudos to the good observations and their recommendations. This House Committee has been going around I believe that from last year. They also visited my ward that houses Kombewa Sub-county Hospital and I want to report here that they did a good work and by going around I had to offer them lunch.

Mr. Speaker, I want to say that sometimes do not take it for granted when these House Committees are making site visits, as the area MCA ensure that you are around so that when the report is brought to the Assembly, you have something to talk about on your sub county hospital.

Mr. Speaker, their observations are more or less the same. All these hospitals have issues of Asbestos and the Condemned Buildings. Everything else is the same. I'm not going to repeat the observations. Recommendations are always the same, copy pasted challenges are always the same? I'm not saying that this House Committee copy pasted the challenges, observations and recommendations. But Mr. Speaker is the same thing when you go to the sub county hospitals everything else is the same. So what is the way forward Mr. Speaker? Some of these recommendations are stating that there is inadequate staff. Just recently there was employment. We don't know if the health facilities in Chulaimbo and the other areas, members were employed so that we do not again talk about the inadequate staffing and many other things Mr. Speaker.

Mr. Speaker, we are going to our budget. Mr. Speaker I am talking and members are busy laughing I am not sure why Hon. Jagongo and Hon. Okumu who are members of the Health Committee are busy laughing. Mr. Speaker protect me.

The Speaker (Hon. Oraro): Hon. Jagongo and Hon. Okumu why are you laughing?

Hon. Jagongo (MCA North West): We're not laughing, we are just smiling loudly.

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

Hon. Ajumbo (MCA, Central Seme): Mr. Speaker, these are members of the Health Committee who were going round and I mentioned here that when they came to our health facility in Kombewa, I offered them lunch and I don't know whether they were laughing because I gave them lunch. But, the report that came out Mr. Speaker is the same report that we are reading

today. That's why I'm saying yes, they did a good work. But then the Health Committee, most of them sit in the Select Committee of Budget and Appropriations.

Mr. Speaker, they are in the Select Committee of Budget and Appropriations and when this report will be coming out, when the Health Department will be coming to do their budgets. Mr. Speaker, I expect Hon. Jagongo and Hon. Okumu to talk about some of these issues so that when they look at the Health Committee's budget, then they'd be able to even question where Kombewa and Chulaimbo are. Mr. Speaker, I expect Hon. Okumu who is coming from Seme to defend that report when it comes out. Thank you. I support the committee's work

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

The Speaker (Hon. Oraro): Mr. Speaker, I just wanted to remind my sister the Hon. Ajumbo by practice, I cannot honor myself so when she's mentioning my name, I consider it's just cautious if you say the Hon. Seth. Thank you Mr. Speaker.

The Speaker (Hon. Oraro): Honourable Members, I believe that the mover can reply because I'm not seeing any other member on the Floor.

The Speaker (Hon. Oraro): What is it Hon. K'Omudho? There was a lot of time and there was no Member on his/her feet.

Hon. K'Omudho (MCA, Muhoroni Koru): Mr. Speaker many thanks once more. Earlier on I had risen to give my facts and because of those consequences, I wasn't allowed. I hope now it is orderly to give my prediction in the report, because specifically Mr. Speaker, this thing touches on me many ways, and I'd wanted to contribute to that. However, if time is not allowing, then the mover can reply, thank you.

Hon. Jagongo (MCA North West): Thank you Mr. Speaker. I want to convey my gratitude to all the Members who have raised concerns and I believe that members of this House Committee were keenly listening and we have taken their concerns that they have raised. It is my belief that together with the motion, we'll have a good case to handle them.

Mr. Speaker, I know that nowadays the trend is that when Chairperson is reading the minutes, we only deal with part of the report, so the Hon. Olima did not go through the report and that is the reason why the Member had issues with the contents in the report. But I would want to say that the reason why we are pushing the Select Committee on Implementation to take up this matter is because as you've said, most of the challenges are similar and once discussed in this Assembly they need to do a follow up and ensure that whatever was discussed in this House is implemented by the County Executive and a report is brought back to this Assembly so that we know we discuss ABCD and five out of the six issues that were discussed, four are being implemented and maybe two have not been implemented.

So it is my considered opinion that it is high time that the Committee on Implementation move with swiftness and ensure that all the matter that are discussed in the assembly are worked on.

Mr. Speaker, on the same note. I also want to thank the Leader of Majority for ensuring that I be part of a Committee of Implementation. I believe with the energy that I have, I will push that committee so that we get results for the implementation of the projects within our community.

Mr. Speaker, otherwise, thank you so much and we believe we would want to move this county to another level in terms of health issues. The issue of JOOTRH is something that we have discussed here severally and it will be moved to a level VI hospital and I believe that this is something that is now beyond our control because we had recommended sometimes back and we've been exerting pressure for it and the County Executive need to put more effort to it so that it gives us give us ways so that we can have more health care workers employed in the lower level facilities. Otherwise, thank you.

The Speaker (Hon. Oraro): Honourable Members, now that motion on adoption of the report of Medical Services, Public Health and Sanitation Committee on the Status of Chulaimbo Sub county hospital have been moved, seconded and debated. It's now time that I put that question?

(Question put and agreed to)

The Speaker (Hon. Oraro): Honourable Members, the motion on the adoption of a report or the Medical Services, Public Health and Sanitation Committee on the Status of Chulaimbo Sub County Hospital have been adopted today Thursday 04th April 2024 at 16:04 hours. I direct that the recommendations of the said report be communicated to the relevant department for actions.

The Speaker (Hon. Oraro): Next Order!

(The Speaker leaves the Chair)

(The Deputy Speaker Hon. Okombo chairs)

MOTION

ADOPTION OF A REPORT OF FINANCE AND ICT COMMITTEE ON CONSIDERATION
OF THE MODEL INTERGOVERNMENTAL CONDITIONAL ALLOCATION TRANSFER
AGREEMENT FY 2023/2024

BY

HON CARREN ODHIAMBO

(CHAIRPERSON)

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

Hon. Carren (MCA, Kaloleni Shaurimoyo): Mr. Speaker and Honourable Members, the County Executive Committee Member for Finance, Economic Planning and ICT (e-government) vide a correspondence referenced KC/FIN/C.ASSEMBLY VOL. IV/107 dated 21st February, 2024 forwarded to the County Assembly the Model Intergovernmental Conditional Allocation Transfer Agreement which was a deliberation between the National Treasury and the Council of Governors whose sole purpose was that the CECM tables the model before the County Assembly for approval.

Consequently, pursuant to the provision of Article 119 of the Constitution of Kenya 2010 and sections 191A (3) and 191B of the Public Finance and Management Act, 2012 ensure that Public Participation on this Model is conducted so that the views of the public are gathered and incorporated in the Model.

In light of the above, the Model Intergovernmental Conditional Allocation Transfer Agreement was tabled before the House on Wednesday, 06th March, 2024 and stood committed to the Standing Committee of Finance and ICT for appropriate processing in line with the Committee mandate.

Objectives of the Model Intergovernmental Conditional Allocation Transfer Agreement (MIGCATA)

Mr. Speaker and Honourable Members, the procedure and purposes of executing this agreement is provided for in section 191 (A) (3) which states that:

“where a County Government intends to enter in an agreement under the sub-section (1), the County Executive Committee Member shall submit the model agreement to respective County Assembly for approval.

Further, there is requirement that Stakeholder engagements is conducted as outlined in section 191B and submission of the same be forwarded to the Senate in line with section 191D and requisition of funds in 191E.

Mr. Speaker and Honourable Members, the County Government Additional Allocation Bill, 2023 (National Assembly Bill No. 23 of 2023) provides for additional resource allocation to County Governments for each respective financial year.

Purposes of The Model Intergovernmental Conditional Allocation Transfer Agreement (MIGCATA)

The Purpose of this memorandum is to apprise the County Assembly on the Model Intergovernmental Conditional Transfer Agreement which is developed pursuant to the provisions of section 191A of the Public Finance Management Act, 2012.

Committee Mandate

The Committee derives its mandate from Orders No. 193 (5) of the Kisumu County Assembly Standing order which states that;

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) study the programme and policy objectives of departments and the effectiveness of the implementation;
- c) study and review all County legislation referred to it;
- d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- f) to vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185 (*Committee on Appointments*) ; and
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

Committee Membership

No.	Names	Position	Representation
1.	Hon. Caren Ajwang'	Chairperson	Kaloleni/Shaurimoyo Ward
2.	Hon. Lumumba Owade	Vice-chairperson	South east Nyakach Ward
3.	Hon. Joachim Oketch	Member	Kondele Ward
4.	Hon. Ken Ouko	Member	West Kisumu Ward
5.	Hon. Mickey Awour	Member	Nominated Member
6.	Hon. Benson Adegga	Member	Kajulu Ward
7.	Hon. George Abaja	Member	West Seme Ward

Secretariat

1. Peter Anditi - Principle Clerk Assistant
2. Kephass Onoka - Fiscal Analyst
3. Grace Kung'a - Committee Clerk

4. Zablou Otiende - Senior Hansard Reporter
5. Abraham Odegi - Serjeant-at-Arm

Acknowledgement

Mr. Speaker and Honourable Members, on behalf of the Standing Committee of Finance and ICT Committee, I wish to convey my sincere gratitude for the invaluable support granted to the Committee by the Office of the Speaker and that of the Clerk for the effective execution and remarkable accomplishment of the Committee's task.

Further, I wish to thank the Honourable Members of this House Committee for having taken their busy time out against the busy schedule, to generously participate in the event and generating this treasured output. Not forgetting our passionate secretariat who played a major role in organization and coordination of the event and further compiling this report.

Finally, without forgetting, I want to really appreciate the County Executive Committee Member and his technical team who honoured committee invitation and appeared before this Committee to give clarity on the policy documents before the House. I must confess that their presence made our task easier. Much esteemed.

Scrutiny and Deliberations of the Model Intergovernmental Conditional Allocation Transfer Agreement (MIGCATA)

The Model Intergovernmental Conditional Allocation Transfer Agreement Committee was laid before the Committee during its sitting on Thursday, 14th March, 2024. The Committee evaluated the Model in conjunction with the submission forwarded by the CECM where the Secretariat took Members through the analyzed Conditional Grants to be disbursed to the County Government of Kisumu for the FY 2023/2024 as below;

Grants - Conditional Additional Allocation for THE County Government Of Kisumu In Financial Year 2023/2024

The County envisages receiving Kshs 879,418,015.00 as Grants/Conditional Allocation from Development Partners to finance various infrastructural development projects for the FY 2023/2024 as listed below;

No.	PROJECT DESCRIPTION	GRANTS/LOANS (KSHS)
1.	IDA (World Bank) Credit National Agriculture value Chain Development Project (NAVCDP)	250,000,000.00
2.	IDA (World Bank) Kenya Climate Smart Agricultural project (KCSAP)	90,000,000.00
3.	DANIDA Grant – Primary Healthcare in Devolved Context	12,474,000.00

4.	Sweden – Agricultural sector Development Support programme (ASDSP)II	536,771.00
5.	World Bank – Kenya Informal Settlement Improvement Project (KISIP)	400,000,000.00
6.	Aquaculture Business Development Project	15,407,244.00
7.	IDA (World Bank) Credit (Financing Locally – Led Climate Action (FLLoCA) Program, County Climate Resilience Grant(CCRG)	111,000,000.00
Total Disbursement (Kshs)		879,418,015.00

Consequently, the Committee resolved to invite the County Executive Committee Member for Finance and ICT (e-Government) to appear before the Committee on 18th March, 2024 to shed light on the objects and the purposes and interventions required to process the policy document.

Deliberations with the County Executive Committee Member For Finance, Economic Planning And Ict (E-Government)

Mr. Speaker and Honourable Members, the committee vide a letter dated 15th March, 2024 invited Mr. George Okong’o, the County Executive Committee Member for Finance and ICT (e-Government) who appeared before the House Committee. The CECM was accompanied by the following technical staff;

1. Mr. Martin Opiyo - Director, Finance
2. Mr. Wilson Abiero - Finance Department

The CEC Member in his response on the Model informed the House Committee that his office had received a correspondence from the National Treasury and Economic Planning referenced IGFR/IATIA/A (74) dated 08th January, 2024 stating that the provisions of section 191A to 191E had been amended that mandates Principal Secretaries, National Treasury consent to sign Intergovernmental Agreement with respective County Governments before Grants and Conditional Allocations are disbursed to respective County Government entities. To actualize this, a task force was constituted to develop a Model Intergovernmental Conditional Allocation Transfer Agreement which was sent to the office of the Legal Officer, National Treasury to provide legal advisory on the same which was recommended and adopted by the Attorney General for further execution.

Mr. Speaker and Honourable Members, in furtherance to that, the County Executive Committee Member for Finance and ICT (e-Government) again received further correspondence from the Council of Governor addressed to all County Executive Committee Members for Finance and Economic Planning Referenced COG/6/33 Vol. 22 (8) dated 09th January, 2024 affirming of the same with an attached Model Agreement for County Governments requesting respective CEC

Members to table the Mode Agreement before respective County Assemblies for approval thereafter, ensure that public Participation is conducted in accordance with the provisions of section 191A (3) and 191B of the Public Finance Management Act, 2012.....

(Hon. Dede rises on his feet)

Hon. Dede (MCA, Kisumu North): Point of order Madam Speaker!

The Deputy Speaker (Hon. Okombo, MCA, Manyatta B): Hon. Dede, why don't you let the Hon. Chairperson Finance finishes with her presentation of the report? Hon. Dede, if io may inquire, you are rising while citing which Standing orders?

Hon. Dede (MCA, Kisumu North): (On a point of Order) Madam Speaker, the provisions of Standing Order No. 36.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B"): Which says?

Hon. Dede (MCA, Kisumu North): The time when the Motion should be placed.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B"): Hon. Dede, please can you read through the provisions of the Stranding orders that you have cited.

Hon. Dede (MCA, Kisumu North): Madam Speaker, I don't have with me a copy of the Standing Order but, I have mastered it.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B"): madam Speaker, I want to I want to refer you to the provisions of Standing Orders No 36 which states that the Order Paper to be prepared and circulated, which was done. Hon. Dede you are out of order.

Hon. Dede (MCA, Kisumu North): Kindly Madam Speaker, may I have the Standing Order so that I can debate on what I know.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B"): Hon. Dede, I'm taking you through provisions of Standing Order No. 36 which reads, that is part 8 of our Standing Orders which talks of Order of Business and I want to believe that the Order Paper under discussion today was circulated more than 12 hours so Hon. Dede you are out of order.

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

Hon. Nyaoke (MCA, North Nyakach): Point of Order Madam Speaker.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta B): Hon. Members, what is it? Let the Member finish reading through her report.

Hon. Nyaoke (MCA, North Nyakach): Madam Speaker, which is why we are seeking point of order because we need to go in tandem with the person reading the document Madam Speaker.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B”): Okay which order are you rising on?

Hon. Nyaoke (MCA, North Nyakach): Madam Speaker, on Standing Orders No. 89 on Statement of fact.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B”): Which fact do you want to state?

Hon. Nyaoke (MCA, North Nyakach): Madam Speaker, orders No. 91(1)

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B”): Order 92(1)? Can you read it Hon. Nyaoke.?

Hon. Nyaoke (MCA, North Nyakach): It says that when a statement is being read in the House and possibly there is no concurrence, a Member is at liberty raise a point of order.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B”): Leader of Majority just a minute. Hon. Nyaoke the provision of Standing Order No. 91, touches on Debate on Amendment confined to an amendment. Therefore, Honourable Member you are out of order.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B”): Yes Leader of Majority.

The Leader of Majority (Hon. Ooko, MCA, Ahero): Madam Speaker, I want to inform the House that when a report is being read we cannot rise on a point of order.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B”): Honourable Members you stand informed. Proceed, Chair Finance Committee.

Hon. Carren (MCA, Kaloleni Shaurimoyo): Thank you Madam Speaker for protecting me. I believe that Hon. Dede wanted to complain that the report has not been posted but this was done some time back because I can remember very well that yesterday I gave a notice of this report.

Constitution of a Mediation Team to Adjudicate The CGAAB, 2023

Mr. Speaker and Honourable Members, the County Government Additional Allocation Bill, 2023 (National Assembly Bill No. 23 of 2023) was referred to a mediation team which was a team constituted from both House of the Parliaments where a mediated version of the Bill was passed by both Houses on 21st and 22nd February, 2024 with the following amendments and assented to on 04th March, 2024 by H.E. the president paving way for implementation.

The mediation team formulated the following amendments which were part of the Bill assented to for implementation;

- a) THAT, the conditional allocation for provision of Library Services to be revised to Kshs 162,848,690.00 allocated among 21 (Twenty-one) Counties.
- b) THAT, the conditional allocation financed by a Grant from the German Development Bank (KfW) to finance Locally-Led Climate Action Program (FLLoCA) – County Climate Resilience Grant) totaling to Kshs 1.2 billion be included in the Bill.
- c) THAT, conditional allocation for Community Health Promoters (CHPs) Project from the National Government’s Share of revenue not provided for in the Bill for the FY 2023/2024
- d) THAT, The Mediated Version of the County Government Additional Allocation Bill, 2023 (National Assembly Bill No. 23 of 2023) be granted an Exemption of Two (2) Financial Years being FY 2023/2024 and 2024/2025 from the requirement of section 191A to 191E of the Public Finance Management Act, 2012. (Annexed)

Advisory Opinion from the Council Of Governors (COG)

Mr. Speaker and Honourable Members, the Council of Governors issued further advisory as follows;

1. THAT, County Governments revises their Budget Estimates for FY 2023/2024 to conform with figures approved by both House.
2. THAT, County Governments WILL NOT be required to enter into any agreements for transfer of Conditional Grants for the following financial years 2023/2024 and 2024/2025 respectively.

Mr. Speaker and Honourable Members, County Executive Committee Member for Finance and ICT (e-Government) stated that if this model had been approved as was presented, it would have triggered monumental delays in disbursement of Grants and Conditional Allocation of Funds to County Governments which could have been necessitated by red-tape bureaucracies leading to stalled and incomplete projects which is a serious threat to devolution.

Mr. Speaker and Honourable Members, this came even as the Council of Governors’ through the Intergovernmental Budget Economic Council (IBEC) lodged for the repeal of the amendments to the Public Finance Management Act, 2012 Sections 191 A – 191 E, which

obligates the National Treasury to enter into Intergovernmental Agreements with respective County Governments before the transfer of conditional allocations.

Recommendation and Conclusion.

Mr. Speaker and Honourable Members, this is to therefore, implores this House to forthwith declares this Mode and be suspended for a period of 2 (two) years until County Governments receive further advisory from the Council of Governors. I therefore call upon Hon. Joachim to second.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta B): Yes Hon. Joachim.

Hon. Joachim (MCA, Kondele): Thank you Madam Speaker. I rise to second the report by the Chairperson of Standing committee on Finance and ICT on the Model of Intergovernmental Conditional Allocation Transfer Agreement FY 2023/2024.

Madam Speaker, just as read by the Chairperson, you are aware that this agreement was to inform how the County Government of Kisumu implements the allocation it receives for Grants and therefore it was a requisite that what was passed by the National Assembly that we sign the agreement and this agreement was to be between the Treasury and what we call the recipient County Government.

Madam Speaker, the Act that was accented to by the President had issues and the Council of Governors noted that we were going to experience a lot of delays. We were equally going to suffer because some of the grants that we were to receive as a County were not going to come. Some of the projects had started like what we call Kenya Informal Slum Improvement Program (KISIP) that is already ongoing and the requirement before the release of funds was going to bring a lot of delays. Madam Speaker, of cause the National Government is still working on it and therefore the advisory opinion by the Council of Governors is that we delay the implementation of this Model Agreement by two years so that the amendments by the PFM Act that is on part 191 (b) (d) and (e) be amended before we can implement it and therefore I do agree with this House Committee and the advisory by the County Executive Committee Member for Finance and the Council of Governors (CoG) that we suspend it for a period of two years as the amendments are being worked on. Otherwise, I second.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B”): Honourable Members a report of Standing Committee of Finance and ICT on the consideration of the Model Intergovernmental Conditional Allocation Transfer Agreement FY 2023/2024 has been moved and seconded, I therefore want to propose a question that the motion is opened for debate. Hon. Nyaoke.

Hon. Nyaoke (MCA, North Nyakach): Thank you Madam. Speaker. It is clear and it is my belief that it is in everyone’s knowledge that in as much as we funds from our development partners it is also important that the conditions that come with these funds are also made easier for the absorption of the respective Counties to make good use of these funds. There are certain times

and occasions that we have seen even at the National level the development partners that come with finance may come with good financial model but the reception and the acceptance of these models are sometime very prohibitive in a manner that even if the funds are made available then the time for disbursement of those funds become very challenging. I believe that it is in this backdrop that this House Committee felt that it necessary to discuss with the relevant department to see how much easy we can make these funds available to our respective Counties. It is therefore important that we impress upon this House to unanimously adopt the report that is going to help since they have given us a period of anticipation of two years to suspend these bottlenecks to allow us to agree on the best way that we can work with our development partners.

Madam Speaker, we do appreciate the development partners that come and we still confirm that we are ready and very willing to work with them as our regular partners. What we need to do in this House is to legislate and come up with a method that can work towards a better model. Sometimes there fund or grants can be available but putting it into use becomes very difficult and takes time. Thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta B): Hon. Oginga.

Hon. Oginga (Nominated MCA): Madam Speaker. I wish to call the mover to reply.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B”): Honourable Members I want to concur with Hon. Oginga and state that there seems not to be any Member who wants to give his/her contribution on this report.

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

Hon. Carren (MCA, Kaloleni Shaurimoyo): Thank you Hon. Speaker. I want to take this opportunity to convey my sincere appreciation to Honourable Members because silence means consent. Hon. Nyaoke talked of the duration taken before we receive the grant and I do agree that it is not easy to receive the Grant immediately to facilitate the works they are supposed to do. Moving forward, we need to find an amicable way or else we will be receiving grants but they won’t help because the intended projects are not going to be completed Thank you.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B”): Honourable Members, a report of Standing Committee of Finance and ICT on the consideration of the Model Intergovernmental Conditional Allocation Transfer Agreement FY 2023/2024 was been moved, seconded and debated upon. I therefore want to put a question on the adoption of the same.

(Question put and agreed to)

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B”): Honourable Members, the report of Standing Committee of Finance and ICT on the consideration of the Model Intergovernmental

Conditional Allocation Transfer Agreement FY 2023/2024 is hereby adopted today Thursday 04th April, 2024 at 16:30 hours. I therefore direct that the report together with a copy of the Hansard be prepared and forwarded to the relevant department for action.

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

MOTION

ADJOURNMENT OF THE COUNTY ASSEMBLY PURSUANT TO ORDERS NO. 26 (3) OF THE STANDING ORDERS AND THE HOUSE RESOLUTION OF THURSDAY 22ND FEBRUARY, 2024 UNTIL TUESDAY 23RD APRIL, 2024 AT 2.30 P.M.
BY LEADER OF MAJORITY

The Deputy Speaker (Hon. Okombo, MCA, Manyatta B): Yes Leader of Majority.

The Leader of Majority (Hon. Ooko Kennedy, MCA, Ahero): Thank you Madam Speaker. I rise to move a motion of adjournment.

Acknowledging that at its sitting of 22nd February, 2024, the House approved the County Assembly annual calendar for 2024 that is regular session outlining that the short recess was scheduled to commence of Friday 5th, April 2024 to Monday 22nd April, 2024. Further acknowledging the importance of legislative proceedings, orders No. 26 (3) of the County Assembly Standing Orders that specifies that on a day when the County Assembly specifies that;

‘On day when the County Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the County Assembly normal calendar, the motion for adjournment shall be moved by the Leader of Majority Party of the Leader of the Minority Party or another Member of the Assembly House Business committee. This motion shall be debated for not more than 3 hours after which the County Assembly shall adjourn without a question put.’

Recognizing the demanding nature of legislative duties and the need for Hon. Members to adequately address constituencies concerns and engage in community activities, a recess becomes imperative as it offers the opportunity for in depth constituency work and overall rejuvenation. Now therefore the Assembly recognizes the importance of this recess is fostering effective representation and legislative performance, this House raises that the County Assembly do now adjourn for a short recess pursuant to order No. 23 (3) of the County Assembly Standing Orders read together with the House resolution of 22nd February, 2024 until 23rd April, 2024 at 2.30 p.m. I therefore request the Deputy Leader of Majority to second.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta B): Hon. Deputy Leader of Majority.

The Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach): Madam Speaker I rise to second the motion of adjournment. It is true that the Members need to go to their respective wards and interact with their electorates. Indeed it is long since we resumed and it part of our responsibly as Members of the County Assembly to also check on what is going on in terms of development projects. I therefore second the motion. Thank you.

The Speaker (Hon. Oraro): Honourable Members, now that the Leader of Majority has moved a motion on the adjournment of County Assembly pursuant to the provision of Standing Orders No. 26 (3) and the House resolution of 22nd February, 2024 until 23rd April, 2024 at 2.30 p.m. and seconded. I want to propose that the motion is opened for debate. Hon. Okumu.

Hon. Okumu (MCA, East Seme): Hon. Speaker, having consulted deeply with the House, it has been agreed that the mover replies.

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

The Leader of Majority (Hon. Ooko Kennedy, MCA, Ahero): Mr. Speaker, now that the House has deeply consulted on this motion that we break for recess starting Friday 5th April, 2024 to 22nd April, 2024. I agree with the Members that this time they will get an opportunity to interact with the electorates now that we are in the budget making process. I reply.

(The Deputy Speaker leaves the Chair)

(The Speaker chairs)

The Speaker (Hon. Oraro): The motion on the adjournment of County Assembly pursuant to the provision of Standing Orders No. 26 (3) and the House resolution of 22nd February, 2024 until 23rd April, 2024 at 2.30 p.m. was moved, seconded and reply made, I want to refer to Standing Orders No. 26 (3) which states that;

‘On day when the County Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the County Assembly normal calendar, the motion for adjournment shall be moved by the Leader of Majority Party of the Leader of the Minority Party or another Member of the Assembly House Business committee. This motion shall be debated for not more than 3 hours after which the County Assembly shall adjourn without a question put.’

ADJOURNMENT

The Speaker (Hon. Oraro): Hon. Members, the House therefore stands adjourned to Tuesday, 23rd April, 2024 at 2.30 p.m.

(House rose at 04.40 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>Jacklyne Otieno</i>	-	<i>Hansard Reporter</i>
<i>Valery Achieng'</i>	-	<i>Hansard Reporter</i>