

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – THIRD SESSION

Thursday 25th April, 2024

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

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

PRAYER

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

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

COMMUNICATION FROM THE CHAIR

The Speaker (Hon. Oraro): Honourable Members, I have one communication to make in regards to visitors in the speaker's gallery. I would like to bring to your attention the presence of some special guests within the gallery. Hon. Gard Olima, Member of County Assembly representing South West Nyakach Ward has brought his children to witness the Assembly Session. These young minds are here to gain firsthand experience of the democratic process and how their County Government functions.

On behalf of the County Assembly, I want to extend a warm welcome to Natasha, Bradley and Myra. I hope their visit today inspires them to become future leaders and active participants in our community. I trust that it will be in order to give a chance to two Members to welcome them. That is Hon. Seth Kanga and Hon. Lawino Opar.

(Laughter)

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

The Chief Whip (Hon. Kanga, MCA, Market Milimani): Thank you Mr. Speaker. I rise to acknowledge the presence of my erstwhile friend's family, Hon. Gard Olima to this Honourable House. This is a clear indication and testimony that Hon. Olima means well for his family and the Member is a great inspiration not only to his family but a challenge to I who has been a Member of this Assembly serving my Second Term but my family has never attended sessions of this House including the swearing in. Hon. Olima, you have challenged me and all the other Members because it is the first time we are acknowledging the presence of one of our colleague's family. I never saw this in the Second Assembly but we are witnessing this in the Third Assembly. I congratulate you. Keep it up. Thank you.

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

Hon. Opar (Nominated Member): Thank you Mr. Speaker. I rise to welcome the family of Hon. Gard Olima. Feel most welcome. You are the future leaders; I know you are going to come out with something. I know you will follow the footsteps of your father or go the other way depending on how he relays his political ambitions. Welcome. Thank you.

The Speaker (Hon. Oraro): Honourable Members, I equally officially want to convey to the Assembly the passing of one of the pioneer Member of this Assembly. Hon. James Okoth Diang'a was the MCA representing North Seme Ward. A number of you may be aware that the Member passed on and the family is making arrangement for his sendoff. As a pioneer Member of this House, we can rise up on our feet and observe one minute of silence in his honour.

(The House observed one minute of silence to honour the departed for Member)

The Speaker (Hon. Oraro): May his soul rest in eternal piece. On the same note, I want to give chance to two Members. One pioneer Member, one Member of the Second Assembly and another Member of the Third Assembly.

The Speaker (Hon. Oraro): Hon. Pamela Oyoo.

Hon. Oyoo (MCA, Migosi): Thank you Mr. Speaker. I am standing on behalf of the pioneers to say something on Hon. Diang'a. The Member was so humorous. He was fond of laughing. He could do so whenever approached by another Member. He was a no nonsense Member. He stuck to his gun and the Member had policies which he always defended. He could not change his mind once he took a position. He was a principled man. We will miss him. May his soul rest in peace and May the Lord condole his family. Thank you.

The Speaker (Hon. Oraro): One Member from Second Assembly. Hon. Gard Olima.

Hon. Olima (MCA, South West Nyakach): Thank you Mr. Speaker. I also rise to condole with the family of Hon. James Diang'a who was a pioneer Member of this House. With the traditions,

it is very clear that what we got when we came as Members of the Second Assembly came from the First Assembly. Therefore, if we lose one of us, it is the same family. I condole with the family and I feel and request that the House stands with the family during this grieving time so that we be part of funeral. Thank you Mr. Speaker.

The Speaker (Hon. Oraro): Let me give a chance to Hon. Omuya because she also represents the same Ward.

Hon. Omuya (MCA, North Seme): Thank you Mr. Speaker. I want to thank all of you for remembering my constituent. As a Ward, we have lost a great man. Hon. Diang'a supported me when I was getting into this office. I learnt through his footsteps. I got information that the Member collapsed and died because he has never been sick. I am requesting the House to stand with the family because they are currently not doing well financially. I will really appreciate if help we will accord to the family. Thank you very much.

The Speaker (Hon. Oraro): Thank you so much. I believe we have got our Welfare Chairperson. I have not spotted Hon. Ajumbo but I believe that it is in order that Members can deliberate and find a way of standing with family of the late Hon. Diang'a.

The Speaker (Hon. Oraro): Next order.

PAPER LAID

KISUMU COUNTY GOVERNMENT BUDGET IMPLEMENTATION REVIEW REPORT FOR THE HALF OF FY 2023/2024

BY

HON. KENNEDY OOKO, MCA, AHERO

(LEADER OF MAJORITY)

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

The Leader of Majority (Hon. Ooko, MCA, Ahero): Thank you Mr. Speaker. Pursuant to provisions of Article 228 (6) of Constitution of Kenya 2010 read together with Section 9 of the Controller of Budget Act, 2016, I wish to table today Thursday 25th April, 2024, the County Governments Budget Implementation Review Report for the First Half of FY 2023/2024. Thank you.

(Leader of Majority lays the review report before the House for consideration)

The Speaker (Hon. Oraro): Honourable Members, the County Governments Budget Implementation Review Report for the First Half of FY 2023/2024 by the Office of the Controller of Budget is properly laid before the House. I direct that all Members of the Assembly

to get reference and I know it is also in the website but, the Office of the Clerk will be able to produce enough copies for the Members. It is for the whole County Governments. It should be your interest to know how Kisumu County is performing alongside other governments.

Additionally, the Select Committee of Budget and Appropriations should be able to look into this even as we are preparing to look into the Budget Estimates for the Financial Year 2024/2025 that I believe is due by 30th of April. This document should be disseminated to all Members. It should be done in reference to the budget estimates.

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

STATEMENT HOUR

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

Hon. Olima (MCA, South West Nyakach): Thank you Mr. Speaker. I wish to seek leave from you to request for a Statement from the Implementation Committee.

The Speaker (Hon. Oraro): Proceed.

Hon. Olima (MCA, South West Nyakach): Thank you Mr. Speaker. On the matter of incomplete projects in my Ward and pursuant to Standing Order No. 42 (2), (b) of the Standing Orders, I wish to seek for a Statement from the Select Committee of Implementation on the Issues of Recurring Budgetary Allocations for Projects in South West Nyakach that remain Unimplemented.

Hon. Speaker, funds were allocated and approved in this Assembly for the Budget estimates for FY 2021/2022 which were earmarked for the following programs;

- i. Construction of Miriu at a cost of Kshs. 2 million,
- ii. Construction of Oboch Maternity Wing at Kshs. 2 million,
- iii. Construction of Achegala Dispensary at Kshs. 2 million.

These projects received an allocation again in Budget Estimates for the FY 2023/2024 and yet no construction activity has commenced.

Additionally, in this Financial Year there is Construction of ECD at Othith at a cost of Kshs. 1.5 million but the Contractor is yet to move to the site. The project is indicated as stalled yet the budget approved in 2021/2022 saw construction began but were never completed. That is the Construction of Chachi ECD at Kshs. 1.5 million, Construction of Oboch ECD at a cost of Kshs. 1.5 million, Construction of Apondo ECD at a cost of Kshs. 1.5 million, and Construction of Apoko ECD at a cost of Kshs. 1.5 million.

Mr. Speaker, the residents of South West Nyakach deserves transparency regarding these infrastructure projects and it is in this breath that I respectfully that I request the Chairperson of the Implementation Committee to provide this House with the following information,

- i. Detailed status of all the aforementioned projects,
- ii. Clear explanation of delays and lack of progress on these critical infrastructure projects, and;
- iii. Detail report on the amount spent in any of the projects.

Thank you Mr. Speaker.

The Speaker (Hon. Oraro): Honourable Members, is there any feedback from the Implementation Committee?

The Speaker (Hon. Oraro): Yes, Honourable Opar.

Hon. Opar (Nominated Member): Mr. Speaker, I am a Member of the said House Committee.

The Speaker (Hon. Oraro): Honourable Members, Hon. Oiko raised the same statement on projects on FY 2022/2023.

Hon. Oiko (MCA, Kabonyo Kanyagwal): Yes Sir.

The Speaker (Hon. Oraro): Honourable Members, I wanted the Member to give us response on the same or if that also could be added to the report the House Committee is supposed to give. To the implementation Committee, is the report coming?

Hon. Boitone (MCA, Nyalenda A): Thank you Mr. Speaker. On behalf of the Chairperson, I wish to report that the report has been discussed and it will soon be in the House Business Committee.

The Speaker (Hon. Oraro): Honourable Members, I direct that the Statement by Hon, Gard Olima to form part of the report as per the Statement that was sought by Hon. Oiko. I did direct that all the pending works be given to the House Business Committee or Liaison Committee by the end of this week. Therefore, this statement is committed to the Implementation Committee.

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

MOTION

REMOVAL FROM OFFICE OF THE MEMBERS OF THE PUBLIC SERVICE BOARD

HON. MOSES OCHELE

CHAIRPERSON, JUSTICE, LEGAL AFFAIRS, GOOD GOVERNANCE AND SECURITY

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

Hon. Ochele (MCA, East Kano Wawidhi): Thank you Mr. Speaker. Before I proceed to move my motion, may I join the rest of the Honourable Members of this House in condoling the family of the departed brother Hon. Diang'a and may his soul rest eternal piece.

Mr. Speaker, this afternoon, I am moved to carry out a task on behalf of the House and moreso Members who had given their intention that the Motion on the Removal of the Members of the Kisumu County Public Service Board and they did this in way of signing and confirming that the issues raised by the public to themselves hold ground. Therefore, Mr. Speaker, I beg to move.

MR. SPEAKER SIR, PURSUANT to Article 251(1) of the Constitution of Kenya, 2010 read in tandem with Sections 58 (5) of the County Governments Act, 2012, Members of the County Public Service Board may be removed from office under the following grounds:

- (a) serious violation of the Constitution or any other law, including a contravention of Chapter Six;*
- (b) gross misconduct, whether in the performance of the member's or office holder's functions or otherwise;*
- (c) physical or mental incapacity to perform the functions of office;*
- (d) incompetence; or*
- (e) bankruptcy*

WHEREAS,

Article 10 read together with Articles 73, 74, 75 and 232 of the Constitution of Kenya, 2010 provides for accountability of state officers to the Public for decisions and actions as a key guiding principle of leadership and integrity.

AND WHEREAS,

Sections 8,9,10, 11, 24,32 and 34 of the Leadership and Integrity Act provides for the general leadership and integrity code to wit; breach of public trust, failing to carry out the duties of respective offices in a transparent and professional manner, failing to conduct duties of the office with impartiality and objectivity in accordance with Articles 10, 27, 73 (2) (b) and 75 of the Constitution which obligates a state officer, to behave in all senses, in a manner that is devoid of compromising public or official interest in favor of personal interest.

AWARE THAT,

Section 59A of the County Governments (Amendment) Act, (No. 11 of 2020) provides that the County Public Service Board shall be independent and shall not be subject to the direction or

control of any other person or authority. This provision nevertheless does not immunize the Board from accountability to the public, performance of constitutional functions with integrity and oversight of this County Assembly pursuant to Articles 73, 74, 75, 185 and 232 of the Constitution of Kenya, 2010.

FURTHER AWARE THAT,

Articles 10, 232, 235 and 236 of the Constitution and Sections 59, 59A, 60, 62, 63, 64 and 65 of the County Governments Act, 2012 (Revised 2022) provides for the values and principles of public service and an elaborate regulatory framework for the establishment of County Public Offices and the recruitment, employment, deployment, transfer and dismissal of county public officers; which framework the County Public Service Board is expected to operate.

NOTING THAT,

The County Assembly of Kisumu through its Sectoral Committee on the Administration of Law, Justice, Good Governance and Constitutional Affairs being fully appraised of the importance of the provisions of Article 73(2)(d) of the Constitution which demands that all State Officers to be accountable to the public for their decisions, actions and by implication public utterances; and in exercise of the provisions of Article 195 of the Constitution which bestows this County Assembly or its committees with the power to summon any person to appear before it for purposes of giving evidence summoned the Board before it on 20TH MARCH, 2023 to shed light into the then attendant matter of recruitment of Village Administrators. And that in its meeting with the County Public Service Board on the said date, this County Assembly noted the oral and written submissions of the Board and found that there were misgivings, elements of moribund leadership and utter incompetence amongst other depositions;

COGNIZANT,

Of the significance of provisions of Section 29 of the Leadership and Integrity Act, 2012 which prohibits an officer from knowingly giving false information to any person; Section 30 of Leadership and Integrity Act, 2012, which prohibits a State officer from falsifying records or misrepresenting information and Section 27 (3)(g) of County Assemblies Powers and Privileges Act, 2017, which classifies, willful furnishing of a County Assembly or a committee with information which is false or misleading or making a statement before a County Assembly or committee that is false or misleading, as an offense;

NOTING THAT

In giving effect to Article 10 and 232 of the Constitution, Section 59 (1) (d) and (f) of the County Governments Act, 2012 requires the County Public Service Board to prepare regular reports for submission to the county assembly on the execution of the functions of the Board and evaluate

and report to the county assembly on the extent to which the values and principles referred to in Articles 10 and 232 are complied with in the county public service in December of every year.

CONCERNED THAT

The analysis of the recent activities of the Members of the Board and information provided by some Members of the Board, their actions prior and subsequent to providing the information, and observed misdemeanor in the manner in which the Members of the Board performs the functions of the Office goes against the grains of several provisions of the Constitution of Kenya 2010, County Government Act 2012, Leadership and Integrity Act 2012, Anti-Corruption and Economic Crimes Act 2016, County Assemblies Powers and Privileges Act, 2017 and Public Officers Ethics Act, 2009;

MR. SPEAKER SIR,

NOW WHEREFOR,

I PRAY THAT this Assembly RESOLVES that the following Members be removed from the Office of Members of the Kisumu County Public Service Board;

1. CHARLES BABU KARAN (MR.) of Passport No. AK0139169
2. JACINTA M.A KAPIYO (MRS.) of Passport No. AK05579059
3. EDWARD KOCHUNG' (PhD) of Passport No. PP No. BK087819
4. STEPHEN OROT (PhD) of Passport No. AK0445514
5. JANE A. OYARE (MRS.) of Passport No. AK0016577
6. NASHON O. ALUOKA (MR.) of Passport No. A2089249

In accordance with Article 251 (1) of the Constitution and Section 58 (5) of the County Government Acts 2012, and the provisions of the Standing Orders on the following grounds:

1. GROSS VIOLATION OF THE CONSTITUTION AND OTHER LAWS

Usurpation of Statutory Powers.

MR. SPEAKER SIR, WHEREAS Section 59 (1) (b) of the County Governments Act, 2012 vests upon the County Public Service Board the powers to appoint persons to hold or act in offices of the county public service including in the Boards of cities and urban areas within the county and to confirm appointments;

AND WHEREAS Section 58 (1) (c) of the County Governments Act, 2012 mandates the Governor to nominate and appoint a certified public secretary of good professional standing, with the approval of the county assembly, who shall be the secretary to the board.

Pursuant to the provisions of Section 58 (1) (c), the County Public Service Board is effectively incompetent and lawfully barred from nominating and/ or appointing a Secretary to the Board or appointing a person to act as such.

In the Committee meeting held on 20th March, 2024, the County Assembly took notice that one MR. COLLINS ODHIAMBO AGUTU had appeared before it as an acting secretary to the Board having been recommended as so vide a letter dated 4th March, 2024 from the Office of the County Secretary and consequently appointed by a resolution of the Members of the Board as an acting secretary. The same Mr. Collins Odhiambo Agutu through the direction of the Members of the Board has since assumed substantive position of the Secretary to Board in utter disregard of the provisions of the law.

Now therefore, the Members of the Board, by purporting to appoint one MR. COLLINS ODHIAMBO AGUTU as secretary to the Board contrary to Section 58 (1) (c) of the County Governments Act, 2012 grossly violated the Constitution by usurping the Statutory Powers bestowed upon the Governor and this County Assembly by attempting to exercise for themselves powers which are not bestowed upon them.

- a) Neglect of Statutory duties and Contempt of the County Assembly.

MR. SPEAKER SIR, WHEREAS Article 73(2)(d) of the Constitution demands that all State Officers must be accountable to the public for their decisions, actions and by implication public utterances; AND WHEREAS in fulfillment of the Article 73 (2) (d) of the Constitution, Section 51 (1) (d) (e) (f) of the County Governments Act, 2012 mandates the Board to prepare regular reports for submission to the County Assembly on the execution of the functions of the Board; to promote in the county public service the values and principles referred to in Articles 10 and 232 and to evaluate and report to the county assembly every December on the extent to which the values and principles referred to in Articles 10 and 232 are complied with in the County Public Service; The Members of the Board have grossly violated the provisions of Articles 73 and 195 of the Constitution and Section 51 (1) (d) (e) and (f) of the County Governments Act, 2012 by engagement, connivance and/or complicity refused to furnish the County Assembly with reports on the execution of the functions of the Board and the extent to which the values and principles referred to in Articles 10 and Articles 232 of the Constitution are complied with in the County Public Service thus hindering the County Assembly from exercising its oversight and legislative mandates.

- b) Retention of Staff Beyond Mandatory Retirement Age.

AWARE THAT Regulation No. 70 (1) of the Public Service Commission Regulations, 2020 provides that the mandatory retirement age in the public service shall be sixty years (60) or sixty-five (65) years for persons with disability; and such age as may be determined by the

Commission for lecturers and research scientists serving in public universities, research institutions or equivalent institutions as determined by Commission in consultation with such universities, research institutions or equivalent institutions.

FURTHER AWARE THAT Section D.21 of the Human Resource Policies and Procedures Manual, 2016 provides that all public officers shall retire from the service on attaining the mandatory retirement age of sixty (60) years and sixty-five (65) years for persons with disabilities;

The Members of the Board; contrary to the provisions of Regulation No. 70 (1) of the Public Service Commission Regulations 2020 and Section D.21 of the Human Resource Policies and Procedures Manual, 2016 by commission, omission or connivance have continued to course the retention of over or about 34 employees within the County's Payroll System for over or about 1 year despite the employees attaining the mandatory retirement age.

GROSS MISCONDUCT

a) Bribery

WHEREAS Article 10 and Article 73 (1) (a) (iii) & (iv) of the Constitution of Kenya in so far as it connotes the manner in which a state officer is expected to exercise assigned authority.

AND WHEREAS Article 75(1) of the Constitution as read with Section 8,9,10, 11, 24,32 and 34 of the Leadership and Integrity Act, 2012 and Sections 9 and 11 (1), (2) (a) (c) of the Public Officer Ethics Act obligates a State Officer to behave in all senses in a manner that is devoid of compromising public or official interest in favor of personal interest.

Members of the Board's actions of receiving bribes and or soliciting for bribes during various recruitment processes to wit; the recent recruitment of Directors and Chief Officers including but not limited to the various positions whose recruitments were done within the last two years have destroyed the trust the public had on the County Public Service Board following the failure of the members of the Board to uphold the public's legitimate expectation pursuant to Article 75 and Article 232 of the Constitution and Section 6 (1) (a) (c) and (2) (3) of the Bribery Act which provides that a person commits an offence of receiving a bribe if the person requests, agrees to receive or receives a financial or other advantages intending that a relevant function or activity be performed improperly by that person receiving the bribe and in anticipation of or as a consequence of a person requesting for or agreeing to receive or accepting a financial or other advantage an activity is performed improperly by that person or another person.

b) Violation of appointment Laws and Regulations.

WHEREAS Section 65 (1) of the County Governments Act, 2012 (Rev. 2022) provides that in selecting candidates for appointment, the County Public Service Board shall consider; the standards, values and principles set out in Articles 10, 27(4), 56(c) and 232(1) of the Constitution; the prescribed qualifications for holding or acting in the office; the experience and

achievements attained by the candidate; the need to ensure that the candidates proposed for appointment have knowledge and experience in diverse fields including human resource management and development and finance and the conduct of the candidate in view of any relevant code of conduct, ethics and integrity.

The Members of the Board have continuously approved for employment or course the employment of persons within the County's Public Service, persons who are evidently unqualified and incompetent to hold such positions in utter disregard of the provisions of the law.

2. INCOMPETENCE Mr. Speaker Sir, WHEREAS Section 59 (4) of the County Governments Act, 2012 provides that the County Public Service Board shall have powers to —

(a) inform and educate county public officers and the public about the values and principles;

(b) recommend to the county government effective measures to promote the values and principles;

(c) assist county government in the formulation and implementation of programmes intended to inculcate in public officers the duty to uphold the values and principles;

(d) visit any county public office or body with a view to assessing and inspecting the status of compliance with the values and principles;

(e) recommend to the relevant lawful authority, any necessary action in view of the violation of the values and principles by any person or public body;

(f) inform and educate county public officers and the public about the values and principles;

The said Members of the Board are grossly incompetent and have continuously breached and/or aided the breach of the law having failed to fulfill or course the fulfillment of the provisions of Section 59 (4) of the County Governments Act, 2012 to wit;

Failure to conduct, facilitate or course the formulation of a comprehensive training needs assessment for the County Human Resource contrary to Section 33 of the Public Service Recruitment and Training Policy which demands that all training be based on comprehensive training needs assessment that should be carried out on annual basis;

Failure to course the formulation of the County Annual Recruitment Plan contrary to Section B (2) (1) of the Human Resource Policies and Procedures Manual for the Public Service of May, 2016 which requires the County Government through the Public Service Board to prepare Human Resource Plans to support achievement of goals and objectives in the County Government's Strategic Plans; and

Employing persons to various positions without reasonable advertisement to the public in regards to the vacancy of such positions contrary to the provisions of Article 232 (1) (h) of the Constitution of Kenya which demands that transparency and provision to the public of timely accurate information must be exercised at all times in the provision of public service.

May I call upon Hon. Reuben Rakwach to second?

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

Hon. Rakwach (MCA, East Kolwa): Thank you Mr. Speaker. I second.

The Speaker (Hon. Oraro): Honourable Members, now that the Motion on the Removal from Office of the Members of the Kisumu County Public Service Board has been presented by the Hon. Moses Ochele and seconded by Hon. Reuben Rakwach, as per the provisions of our Standing Orders, I want propose a question that this motion is open for debate. But before that I want to refer ourselves to the Order Paper on the Limitation of Debate.

THAT, pursuant to the provisions of Orders No. 95(1) of the Standing Orders, this Assembly orders that, each speech in a debate on Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party be limited as follows: - A maximum of thirty five (35) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of five (5) minutes for any other Member speaking, except the Leader of the Majority Party, who shall be limited to a maximum of fifteen (15) Minutes (if the Bill is not sponsored by him); and that priority in speaking be accorded to the Leader of the Majority Party and the Chairperson of the relevant Sectoral Committee, in that Order. This was a resolution of the House passed on Wednesday 21st February, 2024.

Please take cognizant of that resolution. Hon. Pamela Oyoo. MCA, Migosi Ward.

Hon. Oyoo (MCA, Migosi): Thank you Mr. Speaker. I stand to oppose the motion. The Members of the Kisumu county Public Service Board has been accused of gross misconduct, usurping authority, incompetency and neglect. I have heard Hon. Ochele reading through his motion, I never heard of any reason that warrants the removal from office of the Members of this board. I want to say that this motion lacks merit because this is a House of rules and procedures.

Mr. Speaker, if you accuse somebody of bribery then it is your responsibility to bring the evidence to enable Members debate about it. This motion lacks basis, it lacks merit and it lacks evidences. These Members of the Board have been accused of employing people that are over 60 years. I didn't hear him table any evidence; they have been accused of incompetence. I didn't hear him table evidence. I am calling upon this House not to listen to any hearsays.

Let us have the evidence that can stand the test of time. This is a House of rules and procedures. Anything being brought in the House for debate should be accompanied with all evidences and all papers pertaining to accusations so that we talk about them as per the law, code of conduct and per the Standing Orders of the House. I beg to oppose.

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

Hon. Ngeta (MCA, Awasi/Onjiko): thank you Mr. Speaker for giving me this opportunity. I want to disassociate myself with this motion. I want to go on record and say that this motion lacks merit. The mover had withdrawn this motion. The allegations leveled against the Board members are very weighty. These are wives and husbands. There is no evidence adduced on the bribery charges. I have never heard of the Executive requesting the Members of Parliament to employ the Chiefs or the Deputy County Commissioners.

Mr. Speaker, we must adhere to our mandate. We don't need to have an animosity between the Assembly and the Executive. I want to humbly request this House that let us create a conducive working environment between these two arms of the government.

Mr. Speaker, you are the head of this Assembly. Let us adhere to our oversight role which should not be seen as witch-hunting. I want the Mover of the Motion to read and confirm Statement of Facts as spelt out in that Standing Order. Mr. Speaker, I want the Honourable Member to provide facts on the allegations made against the said Members of the Kisumu County Public Service Board. Thank you.

The Speaker (Hon Oraro): Hon. Nyaoke has stood for quite some time. I have noticed you Hon Kelvin. You will be the next Member to contribute.

Hon Nyaoke (MCA, North Nyakach): Thank you Mr. Speaker. The Motion which has been brought before us Mr. Speaker is a serious one and that can affect the running of the county. The decision that we shall come up with, from this Motion, may affect a number of things. Mr. Speaker, I have looked at the Motion carefully, and I was taking some notes while the Mover was on the Floor. I will address my points on three main issues.

Mr. Speaker, the Motion Mover has talked about bribery. Mr. Speaker, bribery is a very serious offence that if alleged on someone, proper evidence must be adduced to that effect. Mr. Speaker, in legal terms, this Motion lacks *quid pro quo*.

(Applause)

Mr. Speaker that is a Latin word meaning something for something or in exchange. If you are accused of something like bribery, evidence must be produced to satisfy the Members that such a thing did take place. If you look at the Members who have been accused, we need to consider their careers. Here is a case that will put a mark on somebody's career for the remainder of his lifetime. Therefore, as we bring a label of bribery on a particular individual, Mr. Speaker, we need to be satisfied that in deed, it did take place.

Mr. Speaker, if you look at the Motion, there is a lot of procedural errors that cannot stand the test of time. You cannot say, for example, a group of people, like in this case a Board of six Members were compromised. And, you cannot talk of bribery unless you mention the particular member who was involved in such an act. My thought was that those involved in bribery ought

to have been mentioned. Secondly, the Mover talked of incompetence. Incompetence can be varied in so many ways, and there can be factors that can lead to incompetence.

Mr. Speaker, the time when Members of the Board were invited, I was here as a friend of the House Committee on Justice and Legal Affairs, and I did listen to their presentation. From their explanation, I realized that the Board does not have a CEO. When they left this place, I am sure they made arrangements on how they can link up with the Governor to make sure that a CEO is appointed. As we speak, we are looking forward to see that any vacant position in the Board is competitively occupied. I remember the Board also did mention the position of Director, Human Resource, a key office on matters employment. Mr. Speaker, these are the things the House Committee then should have assisted the Board to ensure that those position are put in place so that we work in unison.

Lastly, Mr. Speaker, the Mover also talked about neglect of statutory duties and contempt of County Assembly. Mr. Speaker, the accused members seemingly did not act with requisite intent to defy or disrespect the Assembly. I saw the Chairperson of the Board when he was making his presentation. He may have lacked knowledge of the Standing Orders of the Assembly; however, I am certain that the Chairperson does understand his work. Therefore, some of the things that they might have done that the Mover thought went against the Assembly procedures could have been genuine misunderstanding of the House procedures. The relevant House Committee should ensure that such kinds of entities are put on their toes. They should also be guided on relevant procedures so that all of us can move as a team.

Mr. Speaker, in the meantime, I do not believe that it is worthwhile to approve this Motion. I object this Motion and request Members not to support it. Thank you.

The Speaker (Hon Oraro): Honourable Members, I had promised to give Hon Kelvin Oraro a chance. However, I am seeing the Deputy Leader of Majority on his feet. Let me allow him to speak. You will be followed by Hon Kelvin, then Hon Dede, in that order.

Deputy Leader of Majority (Hon Owade, MCA, South East Nyakach): Thank you Mr. Speaker. I will address the issue of statements of facts. Before that, I would wish to give a background of what happened. Mr. Speaker, from the initial stages of this Motion now before the House, there was a misunderstanding between the House and the Members of the Public Service Board. They were then summoned to appear before the House Committee on Justice and Legal Affairs. Somehow, we agreed and disagreed. After that, Mr. Speaker, some of us agreed that we would have a Motion of Impeachment based on that particular matter. Subsequently, certain consultations were reached at. Of interest to me at that time was an issue which was resolved through that consultation.

Mr. Speaker, I have seen in the Motion allegations against the Public Service Board. One of the concerns that made me to sign has not been mentioned here. As such, it was resolved and it

remains resolved. I am a Christian, a Catholic by faith and if I forgive, I mean it. If I don't, I don't. Mr. Speaker, I have no good reason to support this Motion if I have no evidence against the Members of the Board as per the allegations raised in the Motion. The allegation that I was party to is not mentioned here. Therefore, for the Mover of this motion is aware of that and I had shared with him... I made it very clear that I wanted to withdraw my signature of supporting this Motion. Mr. Speaker, if you read this affirmation indicated on the Motion, I am actually shocked to hear that each Member whose name and signature appear herein has informed me that they have sufficiently verified the particulars of the allegations in the impeachment Motion. Mr. Speaker, I have not verified those allegations. I only heard.

(Laughter)

I, therefore, withdraw my signature. Thank you

The Speaker (Hon Oraro): Hon Kelvin.

Hon Oraro (MCA, Kolwa Central): Thank you Mr. Speaker. I am surprised. I do not know when the signature was being appended and why some of the Members are running away and are disowning their own signatures. However, I want to say that the Mover of the Motion Hon Ochele, a senior Member of this House and a pioneer member of the Assembly, if there is a mistake the Member has made, and a second mistake after the Royal Swiss case, it is this mistake of moving this Motion. I want to say that out of emotions, you cannot run an Assembly. Just because you were promised something and it is not working, you cannot use emotions to drive the Assembly or the Executive; you will automatically fail. And, I know why Members were angry and the reasons they were quick to sign. Some of us have learnt a bitter lesson and we are much more prepared for the worst. I trust that many wanted to join us without knowing.

Mr. Speaker, I want to say this without fear of any contradiction is that the only thing that the Mover of the Motion failed to address or even informs Members, and I trust that as the Speaker you need to organize for an induction of Members. I have realized that people do not understand the functions of the Board, how the Human Resource works, and the role of the County Secretary. One of the areas that the Mover of the Motion knowingly chose to ignore is to read the functions of the Public Service, created within the public contained under Section 59 of the County Governments Act, 2012. It clearly informs you of the functions of the County Public Service Board. If you look at the functions, you cannot even assume that the issue of Retirement Age is pegged on them. There is a separate team that should follow up on the same.

Mr. Speaker, if you look at the issue of Appointment of Secretary of the Board, this Board cannot do it by themselves. There is a powerful team on top of them that is charged with appointments.

Mr. Speaker, the area that the Mover of the Motion never followed well and may have raised it, is the allegation of bribery. Hon Ochele has the burden of proof. You have to prove to Members, through evidence, and also the evidence of those who claim to have been defrauded. You cannot just assume that the entire Kisumu Public Service Board is taking bribes. In a way, you are trying to malign the name of Kisumu County Government. Above all, you are destroying the career of very many respected individuals within the Board. Therefore, if there is no proper evidence, and you cannot table any before this House, or before any court of a person claiming to have given some money in the name of seeking for a job, then you cannot purport or assume that you can accuse anyone of bribery.

Mr. Speaker, this Motion is a good one for study. If you look at it, it was prepared by someone with legal experience. The only problem is that he was going round and round without pointing out the real problem. For that reason, I would ask the Mover of the Motion, to kindly withdraw. Do not ponder that some of us went to Nakuru because of one or two reasons. It starts from peer pressure and at end of the day; you realize you have made a mistake that you will regret. You will see Members disowning you like the case of Hon Lumumba who has withdrawn his signature because he doesn't want to make any mistake.

(Laughter)

Hon Ochele, kindly withdraw this Motion because it will not see the light of the day. I oppose the Motion.

The Speaker (Hon Oraro): Hon Gard Olima.

Hon Olima (MCA, South West Nyakach): Thank you Mr. Speaker. Before I proceed, allow me to welcome my family to the House and inform them that this is where I disappear to whenever I am not at home. Thank you.

(Laughter)

Mr. Speaker, allow me to oppose this Motion in totality. Mr. Speaker, we have been in this Assembly for a while. We have seen the allegations made against Members of the Kisumu County Public service Board. Because I have only three minutes, I want to go through the facts, one by one.

Mr. Speaker, the first allegation is on the Statutory Powers. The Mover of the Motion informs us that the Board usurped the powers of the Governor in appointing a Mr. Collins Odhiambo Agutu. Mr. Speaker, I want to inform the Members and the Mover of this motion to know that there is no specific that the Governor will either write to the Assembly or to the Board. There is the Office of the County Secretary who writes on behalf of the Governor.

Mr. Speaker, if the Mover has acknowledged the Board receiving a letter from the County Secretary, then that is the Governor. Therefore, the Governor only writes through the County Secretary. Nobody can therefore assume that the powers of the Governor were usurped because of a Mr. Collis Odhiambo Agutu who is now acting as the Secretary to the Board. He is in on Acting Capacity. This Assembly does not approve anyone in acting capacity. We approve individuals for substantive positions. Therefore, I want to inform the Mover of this motion that, that is not usurpation of powers. The Board is right. They did not do anything wrong. The Board does not appoint its secretary. That is the work of the Governor to appoint and the Assembly approves. However, anyone can be in acting capacity.

Mr. Speaker, secondly, the board has been accused of Neglect of Statutory Duties and Contempt of the County Assembly. Mr. Speaker, we have been here for the last one and half years. We have had two Decembers since the Third Assembly. This House committee involved in looking at the papers of the Assembly has been here. Today, Mr. Speaker, you read that you received an Audit Report for the county. I have not heard anywhere in this Assembly where this House Committee complains that the Board doesn't furnish us with documents or any legal instruments they should submit to the Assembly. If anything, it should have gone through other processes and not impeachment. I want, therefore, to urge Members that this is a House Committee report which should not be used to kill the mentorship and the life of Members who work for the Kisumu County Government.

Thirdly, Mr. Speaker, and I do not know whether the Mover understood what he said. That Retention of Staff beyond Mandatory Retirement Age. Mr. Speaker, the Board employs. If someone is still on payroll today, that is not the role of the Board. It is the payroll officers and the Human Resource who now delegate and know that those who have attained the age of 60. It is not the role of the Board to remind the HR of those who have turned 60. If anything, any employment in this county is requested by the department. For example, the Department of Medical Services could request for recruitment of say, ten nurses. The revenue office, for example, would place request for employment of revenue officers. It is not the Board to decide who they are going to employ and when. If someone is still on the payroll, it is not the work of the Board but payroll officers and the Human Resource department.

Mr. Speaker, the worst of it all is the issue of Gross Misconduct. And I want this to be on record because I want to quote. If you say that someone has been bribed, there should be evidence adduced to that effect. However, before the evidence, allow me to bring to the attention of this House that on 24th April, 2024 at around 7:17 p.m., the Mover of the Motion wrote in the social platform, where all the Members included, and said the following and I quote, when did Ochele become leadership? If I have even failed to convince the Board to recruit for me a single Village Administrator. My friend, I hope you are immune to propaganda. If not then I fear for Third Assembly.

Mr. Speaker, this is somebody who has gone to the Board to convince them to employ for him somebody.

(Laughter)

The Mover of the motion is already bribing the Board to employ for him personally. Mr. Speaker, then he comes here to inform us, because his preferred person was not employed; now the Board should go. Mr. Speaker, we cannot go that direction. This is a matter of conflict of interest. Everyone here would wish his people to be employed but let us follow the rules. The Member stated that he wanted the Board to help him but has been denied access. Mr. Speaker, does this warrant the removal of Members of the Board from office?

Mr. Speaker, at times we need to get the value of this House. Therefore, the first person who is corrupt according to my statement is Hon Ochele, who went to the Board to request for a position of a Village Administrator and was denied the favour. That is why the Member is Moving a Motion to remove the Members of the Board from office. When we are investigating these people, we must first investigate Ochele who tried to convince the Board and was turned down.

Mr. Speaker, finally, I want to speak about the issue of the list of Members who appended their signature in support of the motion. Mr. Speaker, anywhere, and in law, where someone appends a signature, that meets the threshold of that document to be submitted to this House. Today you have seen Honourable Members as Hon. Nyaoke and Hon Lumumba withdraw their signatures. The Motion stands stale because it is now inadequate, it doesn't meet the threshold to be discussed in this House. The affirmation has been read by my junior Hon. Lumumba Owade and the Deputy Leader of Majority has indicated his intention to withdraw his signature. Then, that implies that the Mover of the Motion fixed his name without disclosing the intent of the Motion. Therefore, Mr. Speaker, let us be vigilant on people who want to use this Assembly for their personal interest. I oppose this Motion in totality and request that we stop it at this point. Let us not bring controversies under the pretext of doing oversight. Thank you.

The Speaker (Hon Oraro): Hon Oiko Pete.

Hon Oiko (MCA, Kabonyo Kanyagwal): Mr. Speaker, I also want to contribute a little on this report. Mr. Speaker, the Motion that has been brought touches on the lives of some people. When you look at the report, how long have the Members of the Kisumu Public Service Board been in office and what period is remaining? I want to say that this is the second time this of Motion is being brought before the Assembly.

Mr. Speaker, in 2017, we had the same Motion on Impeachment of the former Members of the County Public service Board. At that time, I was the Chairperson of Standing Committee of Labour Social Welfare. I opposed that Motion on the grounds that were submitted. I informed

them that the grounds they brought would not be admissible. However, they insisted and Members scrambled for the constitution of an Ad hoc Committee because they expected to get over Kshs. 100,000. The week after, there was a Court Injunction and the matter died a natural death. Therefore, we must be careful when bringing such matters that touch on the lives and the profession of others.

Mr. Speaker, the Constitution of Kenya has been cited a lot. And I wish there were specific evidences brought against the Members. This is where you find the judges talking of hot air. When you make reference to the Constitution and fail to give specific evidence of what you are saying, then it is an exercise in futility. Mr. Speaker, the report on the Public Service Board is under scrutiny in this House. I remember that in 2022, a report was brought to this House. I do not know whether the report for 2023 has been brought. Mr. Speaker, since there is something that has happened in this House that the Public Service Board matters of labour in Kisumu Assembly are now being oversighted by the Standing Committee on Justice and Legal Affairs, whose Chairperson is Hon Ochele. This could bring confusion in this House.

Mr. Speaker, the Standing Committee on Labour and Social Welfare should inform this House if the Service Board has submitted its Annual Report for 2023. And if it has not done this to date, which is just one financial year, do you sacrifice someone? And what is the position at the Public Service Board now? They do not have the Chief Executive Officer; they do not have the Director of Human Resource. These could have contributed to the delay in preparing that report. What would the other Board Members do if that is the scenario where they find themselves? Do you send them home because the positions of the Human Resource and the Chief Executive Officer have not been filled? And whose work is it recruit the CEO? It is the Governor. Therefore, this report is simply tainting the image of the government of Prof. Nyongó. Why should the Public Service Board be without a CEO? Mr. Speaker, we need to look at the Annual Report of the Public Service Board. It is only the 2023 report which I do not know about.

Mr. Speaker, it is said that the County Public Service Board should work independently. I do not understand what the Honourable Member means by independent. The County Public Service Board must work in collaboration with other departments. It cannot go ahead to employ without instruction from the County Secretary in collaboration with the Department of Finance. The Department of Finance must first confirm the existence of funds to enable the County Public Service Board to employ. Therefore, the Board does not just work independently by waking up and making decisions. This is the reason when a letter was written to them by the County Secretary that a staff be in an acting capacity, if a mistake was made, then it was not the Board. The author of the letter should be faced first.

Mr. Speaker, matters of Inducement are easy to claim. However, you cannot claim such matters when you do not have an Occurrence Book (OB) Number. And when you want a House Committee to be formed and to investigate and you have no leading evidence, where is the

House Committee going to start from? The House Committee cannot start from zero. It must get evidence and since they have failed to furnish this House with the specific people who gave bribes, whether the matter was reported to the police, we are stranded.

Mr. Speaker, the issue of Retaining staff beyond the Mandatory Retirement Age was recently raised by the Controller of Budget and the Auditor General. The report showed that there are 34 staff in Kisumu County who are beyond retirement age. It was last week when this matter was raised. Who are these staff? Are they the political appointees or are they people recruited through advertisements? We need to know that. We cannot just start accusing Members of the County Public Service Board when we have not analyzed who these employees are. Let the Mover inform this House if they are interested in this; to sacrifice some people that it is the Board which employed them and has refused to release them on attaining the retirement age.

Mr. Speaker, this is a very interesting report because when you call a Member of the Board Incompetent, what parameters did you consider to do so? By the time they were being recruited, what were the requirements? One thing that is being stated here is the issue of training of staff. When they were being recruited, was it required that they were capable and have the qualifications to train the staff. Even here at the Assembly, the Speaker and the Clerk organize trainings for us but they do not do that themselves because they are not trainers of trainees. So, when you blame Members of the Board of being incompetent and you cite that then you are unfair to these members. Also, when you say that they are incompetent, is it that work is not going on at the County Public Service Board (CPSB)? Let us have those evidences because we have not been informed that work at the Board offices have stalled to show their incompetencies. It is only a matter of training that has stalled and that too needs resources for the staff to be trained. With the scarce resource that is impending in this Government, you wouldn't blame the heads of Departments when trainings are not offered. We are also not keen when we talk about this because we do not know of the Operations and Management (O&M) allocation that the Departments get as well as the O&M allocations received by the CPSB for them to use some of that allocation for training of staff. Resources are scarce in this Government, so, if the staff haven't been trained or taken for workshops, then that does not mean that the Members of the Board are incompetent.

Mr. Speaker, one issue that I want to inform Members is that, when we impeach an officer at that level, you are killing that person, professionally, financially, and would not walk with their heads held high moving forward. As it is now in Kenya, once you go through impeachment, you are finished professionally. So, let us be fair to our people and have advance reasons that would stand the test of time rather than acting on emotions with the knowledge that someone should go home.

Mr. Speaker, on the issue of Recruitment of Village Administrators, the day it was being discussed here in the House, Mr. Speaker, you quoted a Section on that day that said that 'they

will work for a fixed term of three years-renewable. That is also what the Act states; that the Village Administrators would work for a fixed three years term which is subject to renewal, which implies that one can even renew it ten times. When you are in that House Committee and you feel aggrieved with that Clause, please try and mobilize the Members to amend it then we shall move. The young people who are employed as Village Administrators are also Kenyans and people of this County. Do not think that they will be happy with this Assembly when the Assembly wants all of them to go home. Let them go home on their personal mistakes. Let them go home when the County Executive realizes that they are not performing. Let the Assembly paint a kind of picture...

The Speaker (Hon. Oraro): Hon. Oiko, one more minute please then conclude.

Hon. Oiko (MCA, Kabonyo-Kanyagwal Ward): Let the Assembly not paint the kind of picture that we want to send them home in mass. The pieces of evidence given by Hon. Gard finish everything. Honourable Members who feel that they want to bring in new Village Administrators, be careful because there are some people who are taking you for a ride and the day you will realize; see the first one being this one because we are bringing this motion down. Next time you will realize that the recruitment being done there, they are the main beneficiaries but when they come here, they point at Members of the Board. So, let us be very careful, and let us sit down as elected leaders and agree otherwise, that will be the scenario that we will be like we are now. Mr. Speaker I have contributed a little.

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

Hon. Oliver (MCA, Kobura Ward): Thank you Mr. Speaker Since I came to this Assembly, I have longed to use the word expunge, and today I want to start by saying that my name and signature to be expunged from that report. Mr. Speaker, if you look at the kind of reports and the motions that we have been bringing to tis Assembly, it is as if we are going backwards. If you look at a report that was presented by the Committee of Trade, Tourism, Marketing and Industry, from the findings, it stated that certain members of the House Committee should not vie. However, I am seeing again that we are throwing the baby with the bathwater, an action which is not right.

Mr. Speaker, again if we want to talk about Gross Misconduct, let isolate each individual against the misconduct rather than generalizing it that all of them accepted bribe at the same time, or that all the bribes were given to them but without even any evidence.

Mr. Speaker, when we talk about Incompetency. I want to state here categorically that all the accusations we are having here, at least we would have been shown or given one or two pieces of proof of evidence. So, Mr. Speaker, with all that, a motion without any evidence to show either one was corrupt or that somebody violated any Code of Conduct is not something we can pass in

this Honourable House. Mr. Speaker, I want to repeat that my name and signature to be expunged from that document, thank you and I beg to oppose.

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

Hon. Dede (MCA, North Kisumu Ward): Thank you Mr. Speaker for giving me the opportunity to also echo my sentiments on the issue. First, I want to inform my colleagues that before one appends his/her signature to a document they have to read and know the contents of the document. Mr. Speaker, witnessing Members withdrawing their signatures from a report that they appended their signatures to, should be a lesson to our other colleagues. In addition, it seems that the CPSB in my opinion, are misusing the resources of the County. Why do I say so? You find that in 2021 when we came to this Assembly, there was an advertisement for the recruitment of ECDE teachers, there were 430 applicants which went through long-listing and short-listing, interviews were done and we were to get 87 teachers. However, the resources of the County were misused because the 87 applicants who qualified have not been employed to date. That means that the CPSB misuses the resources of the County. Mr. Speaker, to add on that...

Hon. Okombo (MCA, Manyatta "B"): A point of Order Mr. Speaker

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

Hon. Okombo (MCA, Manyatta "B"): (*On a Point of Order*) Mr. Speaker, it is on irrelevance, in that the Honourable Member is adding another allegation to the ones already laid in the floor of the House, which is on misuse of public funds. Mr. Speaker, I have read through the allegations but misuse of public funds is not one of them. So, unless the Member wants to move a motion on the amendments of the motion then Mr. Speaker, I believe that the Member is out of order.

The Speaker (Hon. Oraro): Honourable Deputy Speaker, I believe that the Member is in Order because the misuse of public funds is within the allegations made by the mover of the motion. So, I the Member is within the purview and I gave Hon. Benny Pete Oiko chance and he raised issues of misadministration on employment. I should not deny Hon. Dede the chance, and I trust that because I had set the precedence on discussion within the same range, Hon. Dede will continue but because the Deputy Speaker is talking about substantiating the facts which you should be bold enough to substantiate.

Hon. Dede (MCA, North Kisumu): Thank you Mr. Speaker, for defending me. In addition, you find that the Wage Bill in Kisumu County is caused by other people holding offices within the County Government like the County Secretary...

Hon. Ngeta (MCA, Awasi-Onjiko Ward): A Point of information Mr. Speaker

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

Hon. Ngeta (MCA, Awasi-Onjiko Ward): I want to inform the Honourable Member on the Floor.

The Speaker (Hon. Oraro): Hon. Dede do you want to be informed?

Hon. Dede (MCA, North- Kisumu Ward): I do not want to be informed but if the Member wants to inform the House then the Member is at liberty to do so. .

The Speaker (Hon. Oraro): Hon. Ngeta, please resume your seat. Hon. Dede you only have five minutes to contribute so wind up.

Hon. Dede (MCA, North Kisumu Ward): Thank you Mr. Speaker; concerning the last speech of the Governor, if you go through the Hansard report of that day, I clearly mentioned the issue of regional balancing in terms of employment. It has been adduced by our colleague that there is no regional balancing in Kisumu County during employment. With that Mr. Speaker, concerning the Wage Bill which we were talking about, there are others performing some functions like the current County Secretary, a Mr. John Auma who was in the office and earns money like the other person who is in the same office in the same capacity. It therefore means that we are duplicating duties for our members.

Hon. Ngeta (MCA, Awasi-Onjiko): A Point of information Mr. Speaker.

The Speaker (Hon. Oraro): Hon. Ngeta, can you please allow Hon. Dede to conclude...

Hon. Ngeta (MCA, Awasi-Onjiko Ward): (*On a Point of Information*) Mr. Speaker, I want to inform the Member on the Floor because we cannot continue like this if the Member is misleading the House. Then, the County Secretary, Hon. Auma was a substantive County Secretary but the current County Secretary is in an acting capacity. Let him be clear Mr. Speaker.

Hon. Dede (MCA, North Kisumu Ward): Thank you Mr. Speaker, to conclude, this is concerning the extension of contracts of our Village Administrators. You will realize that the Members of the County Public Service Board decided to extend the contract of Village Administrators despite the stipulation that they ought to be in office for a fixed three years term which is non-renewable. These cadres of staff should be there for the term as per the advertisement that was done, verifications and then approval by the County Assembly. So, Mr. Speaker, you notice that after they worked for three years the County Public Service Board would have organized themselves whereby at the time their term elapsed they were ready to recruit other candidates who would have merited. Otherwise, I support the motion, thank you.

The Speaker (Hon. Oraro): Out of the Members standing, let me give Hon. Were, then Hon. Omuya, followed by Hon. Ratib Boitone and lastly Hon. Adonija.

Hon. Were (MCA, Nyalenda “B”): Thank you, Mr. Speaker. I also rise to join my colleagues in rejecting this motion. Mr. Speaker, I am also joining the list of Members who are expunging their names from the report..

(Laughter)

Mr. Speaker, when this list was going round, the content of the motion was never there. We did not read to get to know what was coming before the House. Mr. Speaker, the allegations...

Hon. Dede (MCA, North Kisumu): A Point of information Mr. Speaker.

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

Hon. Dede (MCA, North- Kisumu Ward): Mr. Speaker, the Member on the Floor...

The Speaker (Hon. Oraro): Hon. Were do you want to be informed?

Hon. Were (MCA, Nyalenda “B”): Mr. Speaker, I do not need to be informed.

The Speaker (Hon. Oraro): Hon. Dede, then please resume resume your seat.

Hon. Dede (MCA, North Kisumu Ward): Mr. Speaker, can I inform the House?

The Speaker (Hon. Oraro): What do you want to inform the House?

Hon. Dede (MCA, North- Kisumu Ward): *(On a Point of Information)* it is procedural for those who went to school that before you append your signature on any document; perhaps you are going to be killed; you have to read the content of the document before you append your signature. It means you are in on it.

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

Hon. Were (MCA, Nyalenda “B”): Thank you, Mr. Speaker; I have already said that I am expunging my name and signature from that report. Mr. Speaker, there are some serious allegations that must be accompanied by serious pieces of evidence. If you talk about bribery, we must be having sworn in affidavits by the people who gave out money to respective individuals showing that they bribed and paid certain amount of money to that individual but there are none. Mr. Speaker, some of my colleagues quoted that if you have a court case, you are eligible to be extorted and if you do not return the favour, you must report the matter to the police and get an Occurrence Book (OB) number, which is not there in evidence. I therefore join my colleagues in rejecting this report Mr. Speaker, thank you.

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

Hon. Omuya (MCA, North Seme Ward): Thank you, Mr. Speaker, I am also rise to add my voice to the motion and I am going to oppose the motion and have reasons. In the whole of this House, I was once a staff who worked with these people. Interestingly, I realized today that I was working with a team of fools. I know Mr. Alwoka is a Lawyer, I know Madam Oyare, Madam Jocinta, and Doctor Orot. I also know Mr. Babu Karan, who before being the Chairperson of the CPSB, he was the Manager of the Senate office. Mr. Babu Karan was also once a Senior Teacher.

Mr. Speaker, funnily, today they are termed as people who are incompetent. I worked in that Board with those people for more than two years until I requested for a re-designation and I can say strongly that there is no single day the DCI or Police came to arrest any of them because of bribery. It is quite unfortunate that these are parents and what I would wish to say is that as we are in this House, suppose Millicent Omuya has done something wrong, should we not kill the whole House because of one person. In case there is anybody who has messed there, let us wait for that time and let that operon carry their own burden. When you look at that team, look at the age of someone like Mr. Babu. Most of them are almost on the retirement age. When after this meeting we want to do a report and inform them members of this Board that they are no longer staffs of this County, expect death announcements to follow soon. So, at times we as Members of the County Assembly need to be human and let these people finish their term, go in peace and avoid unnecessary wars. Thank you so much.

(Feet thumping)

The Speaker (Hon. Oraro): Hon. Ochele I believe you are taking notes, and you will have enough adequate time to reply.

(Hon. Ochele rises on his feet)

Hon. Ochele (MCA, East-Kano Wawidhi Ward): Yes, Mr. Speaker, and as a senior Member, when I stand amidst a debate then it means that there is something that I want to clarify and other decisions shall follow later. Just allow me to say something

Mr. Speaker because it is necessary that I do what I intend to do at this point and juncture. Mr. Speaker, I hope you have been keen as Members debate, and there is only one area that I want to clarify on because I have been hearing it repeatedly. I am not responding but just making a rejoinder on my earlier contribution, so that we can get a direction before we go further into the debate. Mr. Speaker, we have been debating on a report but what I moved was not a report. I moved a motion, and with a motion Mr. Speaker, the only thing which is required is the content, which I provided. I did not just provide the content, but this is content which was provided by the people who appended their signatures on this motion. Mr. Speaker, it is quite shocking to learn that...

The Speaker (Hon. Oraro): What I am seeing is like you are replying.

Hon. Ochele (MCA, East-Kano Wawidhi Ward): Mr. Speaker, I just want to clarify that there is a very distinct difference between a report and a motion. But this House has been guided to be debating on a report, which requires a bundle of annexures that is not a requirement in a motion. Mr. Speaker, if you check at this motion the authors indicated that the pieces of evidence and exhibits shall be provided as this matter progresses. Mr. Speaker, this was just an initial stage. There is a stage where if at all it passes, then ...

The Speaker (Hon. Oraro): Hon. Ochele, I get you but the manner in which you are going is like you are giving a reply. I trust that you just take notes and you will have the highest number of minutes in making your reply. In the reply you will clarify to the Members. You can also opt to whisper what you want to convey, to the Member next to you to help convey. You are the mover of the motion. Just hold on and let Members deliberate and we will give you time to reply and, in your reply, you may convince the Members otherwise. In the meantime, let us give the Members who want to debate. Who was on the Floor?

Hon. Ochele (MCA, East-Kano Wawidhi Ward): Mr. Speaker, I do not want to reach that stage of withdrawing the motion...

(Laughter)

The Speaker (Hon. Oraro): Hon. Ochele, you brought a motion to the House, and if you were to withdraw the motion then it would have been before we started the debate. There is no way you can withdraw a motion when we are already debating on it. So, just resume your seat, and I promise to give you time to make reply. Let us not exhaust time for other Members who want to contribute. Remember we also have another motion that is coming after this. If you get time to respond, please hit your points directly and resume your seats.

The Speaker (Hon. Oraro): Hon. Chief Whip.

The Chief Whip (Hon. Kanga, MCA, and Market/Milimani): Thank you, Mr. Speaker; I arise to oppose this motion. Mr. Speaker, today I do not want to deal with the issues of the Law, the County Government Acts or related statutes. I want to base my arguments on basic principles. It was just recently when we took a whole week in Nairobi at Pride Inn Hotel-Azure on an induction exercise. The induction was on the procedures of this House and the consequences of our actions thereto. Mr. Speaker, as the Whip of the Majority Party together with the Leader of Majority, we have an uphill task of representing the Government in this House. You all know that the Government is represented by the Leader of Majority and the Whip who will ensure that Government issues are passed in this Honourable House. Mr. Speaker, the content of this motion qualifies an acronym in the social media, that the Kisumu County Assembly should be disbanded. Reason for this is that the Honourable Members including the ranking Members who

have served in this Assembly are signing a document without reading it. Two weeks ago, we were in darkness which qualifies that statement.

Mr. Speaker, before a Member appends his/her signature on a document on impeachment motion, and it is good that the Hon. Gard Olima has brought his kids here to witness Legislators of Kisumu behaving in a manner which has been witnessed today. We need to apologize to the residents of Kisumu County who elected us because once a person is impeached, we have career personality fear. Mr. Charles Babu Karan is a retired teacher, Mrs. Jocinter Kapiyo, a career Civil Servant, Prof. Kochung', a Lecturer in one of our universities, Dr. Orot, and alumni of Maseno University and a pronounced Agriculturalist, and Mr. Alwoka who is an Advocate of the High Court.

Mr. Speaker, the consequence of that is that you cannot hold an office anywhere in this Republic. We impeached the Speaker Honourable George Onyango Oloo and he cannot hold an office anywhere and yet a member signs a document without going through the document. That one leaves a lot to be desired on our Members.

Mr. Speaker, on equal measure, the other day, the Hon. Kennedy Ajwang' presented a report here but some Members of that House Committee were not present in this Honourable House to articulate why they wanted to subject that report to this House. Today again, I as the Chief Whip was monitoring and observed that among the Members who signed this document, ten of them are absent and yet you want somebody to be impeached. This only means that they are not taking the proceedings of this House seriously. You want to subject an individual, a professional, to those consequences yet you are not in this House to talk about those issues. Mr. Speaker, that also leaves a great deal to be desired. Some Members like my friend and Leader, Hon. Lumumba Owade, who equally read this thing, and a Member of the House Business Committee where this motion was subjected...

(The Deputy Leader of Majority rises on his feet)

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

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

Deputy Leader of Majority (Hon. Owade, MCA, South East Nyakach): Mr. Speaker, the way my Leader...

The Speaker (Hon. Oraro): Hon. Owade, what is the Point of Order?

Deputy Leader of Majority (Hon. Owade, MCA, South East Nyakach): Mr. Speaker, it on the Statement of Facts that is Standing Orders No. 89...

The Speaker (Hon. Oraro): Which states?

Deputy Leader of Majority (Hon. Owade, MCA, South East Nyakach): Having proof of the Hansard that I withdrew from the document and gave reasons, I do not see why the Hon. Member can still repeat what I have already clarified. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Honourable Deputy Leader of Majority, please resume your seat. I believe that if I am not wrong, the Hon. Whip started by saying that the Hon. Lumumba Owade did not get the subsequent statement. So, I trust that it is in order that we listen to what the Member has to say first so that if it is related to what you are saying then we can make a decision.

The Chief Whip (Hon. Kanga, MCA, Market/Milimani): Thank you Mr. Speaker. I do not know why the Hon. Lumumba Owade is rushing. I just wanted to say that the Hon. Lumumba Owade is a member of the House Business Committee. Mr. Speaker, before this motion found itself to the floor of this House, it must have passed through the Select Committee of House Business and I believe Hon. Lumumba would have given his comments. I am now lecturing him as a ranking Member of this House. You are all aware that the Member is new in this House. You could have made your comments in the House Business Committee rather than and exposing yourself in this Honourable House.

Mr. Speaker...Deputy Leader of Majority, just keep cool down I am teaching you parliamentary practices because you are new in this House. I believe the Hon. Gard was lecturing me the other time and you were complaining. Now get the facts right...however I respect Hon. Ochele who is the mover of this motion and the Hon. Dede...

(The Deputy Leader of Majority again interjects and rises on his feet)

Deputy Leader of Majority (Hon. Owade, MCA, South East Nyakach): On a point of Order Mr. Speaker

The Speaker (Hon. Oraro): Hon. Lumumba, what is it?

Deputy Leader of Majority (Hon. Owade, MCA, South East Nyakach): Mr. Speaker, the Chief Whip is misleading the House and you are aware that this particular document; I am the one who stood here and read the Order Paper for the week and it was not part of it. That alone is a problem...

The Speaker (Hon. Oraro): Hon. Deputy Leader of Majority, I want to rule you Out of Order. The Hon. Chief Whip has not done any mistake in what he has given. It is my responsibility as the Speaker to sign Orders of Businesses as they come into the Assembly and into the House Business Committee. So, Hon. Chief Whip, please proceed.

The Chief Whip (Hon. Kanga, MCA, Market/Milimani): Thank you, Mr. Speaker. I was praising the Hon. Ochele for being brave enough for bringing this motion to this Honourable

House. However, there are issues which have been raised by all Members including Members who signed this document. I want also to praise the Hon. Dede. You stood firm and supported this document. In this House we should have Members who stand there grounds. But, Mr. Speaker, this document should have never found itself in this Honourable House. That is because, when you are talking about incompetence, Mr. Speaker, these gentlemen have been competent enough in the second government whereby they recruited people such as Chief Officers and Directors whose terms came to an end and therefore we cannot talk about them being incompetent. These gentlemen are just going home next year in the month of April. Why don't we wait for their term to expire rather than killing their careers in the name of impeachment? Mr. Speaker, I rise on behalf of the Government to oppose this motion in totality. Thank you.

The Speaker (Hon. Oraro): The Hon. Leader of Majority. Or you had given to Honourable...

The Leader of Majority (Hon. Ooko MCA, Ahero): Thank you, Mr. Speaker. I believe that there is nothing wrong if the Member contributes after me. But, I want to donate my three minutes to Hon. Regina. I have seen the Member rise on her feet twice and maybe you have not noticed her. So, if you allow me, I donate three minutes to her.

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

Hon. Kizito (Nominated): Thank you Mr. Speaker...

(Hon. Odari rises on his feet)

Hon. Kizito (Nominated Member): Hon. Odari, please resume your seat, please show me some respect.

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

Hon. Odari (MCA, Chemelil/Tamu): But, Hon. Speaker, I do not believe that you are on the right direction because...

The Speaker (Hon. Oraro): Hon. Odari, why am I in the wrong direction?

Hon. Odari (MCA, Chemelil/Tamu Ward): Mr. Speaker, you had ruled that after Hon. Were, it was Hon. Mildred, then Hon. Boitone and then Hon. Odari. But, in between here I have seen you according....

The Speaker (Hon. Oraro): Hon. Odari, you are just right but, you see when the Leader of Majority stands, I have no otherwise but to give him a chance to debate. When I did that, the Leader of Majority donated his time to Hon. Regina Kizito. So, that is what I followed Honourable Member.

Hon. Odari (MCA, Chemelil/Tamu): Mr. Speaker, I oblige. Thank you.

Hon. Kizito (Nominated Member): Thank you so much Honourable Speaker and the Leader of Majority. I want to say this with the strongest terms possible that as an Assembly, let us not shame ourselves but rather be the legislatures that we were elected to be. I would like to urge the mover of the motion Hon. Ochele that before you bring a motion to the Honourable House, kindly have strong evidences especially in the case of bribery that you have even quoted that during the appointment of the County Executive Committee Members, that there were so many cases of bribery that took place. If I refer to the case of the Deputy Governor of Kisii County – the case that was brought before the Senate that there was some bribery that took place and there was even somebody who went there and said that he sent some money to the Deputy Governor through an M-PESA. That was a very strong case that had all the merits.

On this one again, I would like to urge Members of this County Assembly that before we bring a motion like this to this Assembly, please, let us have strong evidences. These are fathers to their children; these are people who are in some positions in the society that when you want to accuse them falsely with bribery allegations without clear evidences to show that they really did it. Mr. Speaker I believe that it is very wrong. If right now the Public Service Board decides to take this matter to court for defamation, we will not blame them for doing that to the mover of the motion. So, please Members, as Regina Atieno Kizito, I stand to oppose this motion, thank you.

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

The Leader of Majority (Hon. Ooko, MCA, Ahero Ward): Thank you...

(Hon. Oiko rises on his feet)

Hon. Oiko (MCA, Kabonyo Kanyagwal Ward): On a point of Order Mr. Speaker.

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

Hon. Oiko (MCA, Kabonyo Kanyagwal): Mr. Speaker, before the Leader of Majority speaks; there are some Members who want to speaker. Can the Hon. Majority Leader speak last? That is the request.

The Speaker (Hon. Oraro): Hon. Leader of Majority that is a request from the Hon. Member. But, I am aware based on the procedural motion; you still have some more time. There is a request for you to speak last so it is upon you to make that decision.

The Leader of Majority (Hon. Ooko MCA, Ahero Ward): Thank you Mr. Speaker. I have seen Hon. Odari, Hon. Joachim Oketch, Hon. Ratib Boitone and Hon. Nereah Okombo and also Hon. Jennifer Obonyo on their feet. If you are okay then I will give them time then I will conclude later on, thank you.

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

Hon. Joachim (MCA, Kondele): Thank you Mr. Speaker, I will be very brief because we want to give the Leader of Majority more time to present. Mr. Speaker, sometimes when I look at Hon. Ochele, the Member is a senior Alumni of I believe Egerton University and we are Alumni with you and the Leader of Majority plus maybe other Members that I may not aware of.

Mr. Speaker, so, I have known the Member to be somebody who is very firm on his decisions which at least he has manifested here today. However, I have never known him as somebody who is very rush and as somebody again who gloats over issues. So, today as an Alumni of Egerton University, I believe that the member has embarrassed us in front of all these Members for bringing such a motion and in front of the public and even Members who are in diaspora watching. Mr. Speaker, I can see them commenting. Hon. Sammy is very active and Hon. Adegga cannot even sleep. I do not know why he is more concerned. It is my belief that there is something behind this. He is not sleeping wherever he is.

Mr. Speaker, you know Hon. Ochele is known to be very sly. That is why I just wanted to mention areas where he is running away from the same facts that the Member did provide in this House. He was standing and trying to respond but, as he was concluding his statement Mr. Speaker, the Mover of the motion did read that evidence and exhibits in support of the motion shall be adduced. So, it happened that he used a word that he personally does not understand. He also said 'shall be adduced in fulfilment of the requirement of Standing Orders No. 65 Part VI'. Therefore, the Member is the one contravening the same Standing Orders because if you look at the synonyms of adduce meaning he was saying 'he will produce' which he has failed to produce and table on this floor Mr. Speaker.

Mr. Speaker, I was very keen as Hon. Ochele was moving the motion. You know, sometimes we read words but we do not attach value or a meaning to the same words that we read. The mover of the motion was reading 'serious violation of the Law'. It does not mention violation of which Law. Again, it does not talk of misconduct but he talked of Gross Misconduct. Therefore, I believe that Hon. Ochele has grossly himself violated the same Articles that he is accusing the same Members of the Board of having violated. Hon. Ochele is talking of 'these board members are contravening Section 29 of the Leadership and Integrity Act by giving false information. He cannot provide proofs and evidences of bribery and all other allegations that he has given us here. Mr. Speaker, it is my belief that whoever is giving us wrong information here is none other than Hon. Ochele who is contravening Section 29 of the Leadership and Integrity Act.

Mr. Speaker, you know we cannot say that all the County Service Board Members received bribe at the same time and again all of them were incompetent at the same time. Mr. Babu Karan happened to be my teacher and he was the Headteacher of Arina Primary School. I also have two lecturers in the same board. They are people who are known as people of high integrity. So, we cannot subject them; number one to malice. We cannot reject them as people of high reprove

to witch-hunt. Number three, we cannot subject them to generality of the same statute of law that we stand here to uphold.

Mr. Speaker, therefore, if you look at this report, one; if you look at the mood of this report, it is driven by anger. Another thing, this report is driven by malice. Number three, this report is driven by selfish interest. Therefore, this report serves the selfish interest of individuals. Mr. Speaker, as I conclude, I want to use very big English. Number one; this report is frivolous Mr. Speaker. As I conclude I want to say that this report is unsumptuous.

Mr. Speaker, as I conclude, I want to say that this report is unpalatable on the floor of this House. Mr. Speaker, going by the mood of this House and if you look at the technicality of this report; majority of the Members who appended their signature to this motion have withdrawn..

Mr. Speaker, for us to save the face of this House, you have worked tirelessly; train these Members, taken them for trips, taken them for benchmarking. Mr. Speaker, we will not stand here and look at fellow Members embarrass this House in the eyes of the public. Mr. Speaker, this motion should not stand up to the tail end. We call upon Hon. Ochele just throw in the towel. Sometimes we do not die by withdrawing our statements or coiling our tail and accepting that we made a mistake. Withdraw this report and if at all one day if you have enough evidence then adduce it on the floor of this House. Thank you very much Mr. Speaker and may God bless you.

The Speaker (Hon. Oraro): Hon. Ratib I can let the Honourable Member contribute before other. I know I said you go first but, let Hon. Adonijah go and then you will follow.

Hon. Odari (MCA, Chemelil/Tamu): Thank you very much Mr. Speaker. First of all, I want to take this opportunity to apologize to our Governor Prof. Peter Anyang' Nyongó and to this Assembly and the Members of the County Public Service Board. I appended my signature that is two weeks ago but, I want to state here categorically that when we were signing, we were given a paper. It was just a paper. There was nothing written that we could go through. That is what they brought to us when we left this Assembly. In addition, on top of it, was written; Kisumu County Assembly. Whoever was moving with that paper was Hon. Adegga. If you look at the last page, I believe that I am number seventeen.

Mr. Speaker, if you look at the affirmation of the mover, number two which states that; 'each member whose name and signature herein has informed me that they have sufficiently verified the particulars of the allegations in the impeachment motion'. Which is wrong? They never gave us any document to go through so that we can append our signatures. Once again, I am very sorry for that. I have seen in the motions allegations of gross misconduct and bribery. Today we are being told that these six people who have been mentioned here were asking for bribery. It is this Assembly these Hon. Members who were asking money from those people. They took our signatures to go and bargain with. They even went as far as...that is why I am withdrawing my signatures from there. They even went as far as requesting for money amounting to Kshs

500,000 from somebody who is bedridden. Who is sick which I believe is very wrong? They even went as far as I do not two days after that, they requested to be given Kshs 400,000. That one should not be the case. You cannot take my signature and go and bargain with outside there. I have never taken from anyone since I was born. That is very-very bad.

Mr. Speaker, another thing, I believe that on the issue of gross misconduct, the mover should have brought us the evidence to show that these people misbehaved in the office.

If you look at the gross misconduct; I want to read only five of them. Sexual harassment, theft and violence. I do not know whether they had sex there in the office under gross misconduct. Those are the evidence that we want on the floor of this Assembly. Thank you, Mr. Speaker, I rest my case but, once again, I want my signature and my name to be expunged from this paper and I also would like to request my good friend Hon. Warindu to be part of those Members who should have their names and signatures expunged from this motion. Kindly, kindly.

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

Hon. Boitone (MCA, Nyalenda “A”): Thank you Mr. Speaker. A lot has been said about this debate and I do not need to repeat much. But, there was a day I was in the lounge and a list was brought to me bearing names of some Members of this Honourable House. I was implored to append my signature to that list. I asked about it without any document. I was told very clearly that we are sending Members of the County Public Service Board home. So, I was told, just sign. But again, I did not sign. I told the Hon. Member that for me to sign, I need clear and concrete evidence why the board should be sent home. This was not provided to me and that makes the reason why I did not sign the list. Mr. Speaker, it is quite unfortunate if at all there were Members who appended their signatures to that list without actually going through what they are signing against. I believe that this was a lesson that we should learn.

Mr. Speaker we have seen several reports that come to the floor of the House which are from House Committees and you find out that member of those committees just signs the document without first going through it. So, when the report is read in the House, you find that sometimes they cannot even debate about the same document. That is the problem which made us not to understand why we were signing Mr. Speaker.

Mr. Speaker, please allow me also to encourage the mover of this motion. I believe and I know that there may be some problems with the County Public Service Board. And it is the public domain that there are some problems with the Public Service Board. However, the mistake that the mover may have done is that he did not collect concrete evidence to back these allegations. In Law it is said ‘proving beyond reasonable doubt’. So, for that matter therefore Hon. Speaker, I ought to have supported Hon. Ochele but, I do not because the Member has no reasonable doubt to support his accusation.

Lastly Mr. Speaker, Hon. Ochele is one of the best debaters in this House. I want to encourage him. Hon. Ochele, go back, collect the evidence as required and bring back the motion in this House. We will support when necessary but, in the meantime, I am sorry, I am not with you, thank you.

The Speaker (Hon. Oraro): Hon. Nereah, then Hon. K’Omudho.

Hon. Okombo (MCA, Manyatta “B”): Thank you Mr. Speaker. I do not want to go into repetition of the charges because those ones have been sufficiently debated upon and treated with the contempt that it deserves by almost all the speakers that have been to the floor. Mine is very simple. That granted the Law gives us the mandate of oversight. But, Mr. Speaker, oversight does not connote impeachment of public officers. What I want to say is that yes, the Constitution provides that we can call the member of the County Executive if we feel that there is something that they are not doing right. Inviting members of the County Executive; whether County Public Service Board or the Chief Officers or County Executive Committee Members, it does not mean that we call them here with a view of sending them home. When we call them here we check on where they have gone wrong? What can we do to make them right? In other words, Mr. Speaker, we consider all possible solutions to the prevailing issues or challenges. Then, we consider consequences as well, alternatives that may be needed and make necessary adjustments so as to drive this County forward and provide services that the people want instead of witch-hunting and behaving in a manner to suggest Mr. Speaker that we are here to trade.

Mr. Speaker, there are some names here which I do not want to go into but, if the same yardstick were to be used against the Members by the public. Mr. Speaker, would we be here today, I do not think so. When somebody says that funds have been embezzled or misused, Mr. Speaker, the public accuses these Members everyday of misusing or rather embezzling projects funds, but, is it true? Therefore, we should use the same yardstick that if used against us them we will consider it fairly.

Mr. Speaker, I have checked the list of Members that signed. They were twenty-two Members nine of whom have withdrawn. I have talked to; Hon. Warindu he has withdrawn, Hon. Hon. Were has withdrawn, Hon. Nyaoke has withdrawn, Hon. Billy has withdrawn, Hon. Lumumba (Fujo) has withdrawn, Hon. K’Omudho has withdrawn, Hon. Odari has withdrawn, Hon. Ajwang’ Kennedy has withdrawn, and Hon. James Omollo. That is nine out of Eighteen. Another nine; Hon. Jagongo, Hon. Sammy, Hon. Adegwa who was the author of this before Hon. Ochele assumed it, Hon. Matara, Hon. Ajumbo, Hon. Onditi, Hon. Okoyo, Hon. Ouko and Hon. Alando are conspicuously missing for whichever reason whether they are on official duty or not, that makes them a total of Eighteen out of twenty two. Mr. Speaker, that leaves only four Members who were still not telling us their stand on this. That is; Hon. Anne...

The Speaker (Hon. Oraro): Please wind up.

The Speaker (Hon. Oraro): Order Members!!

(Hon. Anne rises on her feet)

The Speaker (Hon. Oraro): What is it Hon. Anne Ochola, let others resume their seats except for Hon. Anne who is on a point of Order.

Hon. Ochola (Nominated Member): Thank you Mr. Speaker, I want to inform the speaker on the floor that I am not one of those persons that you can call my name. I have not said anything. I am the one who signed. You did not sign against my name. So, it is my time, yes.

(Laughter)

(Loud consultation)

(Hon. Okombo contributing indistinctively)

Hon. Okombo (MCA, Manyatta “B”): Thank you Mr. Speaker I am winding up...

The Speaker (Hon. Oraro): Order!! Hon. Deputy Speaker.

Hon. Ochola (Nominated): Yeah, it is my time and I am going to say if I am withdrawing or otherwise.

Hon. Okombo (MCA, Manyatta “B”): Can I wind up?

The Speaker (Hon. Oraro): I want you to wind up. I think I want to request you to keep off...

Hon. Okombo (MCA, Manyatta “B”): Thank you Mr. Speaker I am winding up and I am saying...

The Speaker (Hon. Oraro): Just a minute Hon. Nereah. As you conclude, I want to request that you maybe avoid speaking on behalf of other Members. But, again, Honourable Members, I want to refer you to the provisions of Standing Order No. 66 (V) which states as follows; when a motion is coming to the Assembly of such nature, so long as you have appended your signature, you cannot withdraw. And it says that; any signature appended to the list as provided under paragraph (I) shall not be withdrawn. So, I hope you stand guided. We will proceed procedurally and I want to request you to desist from speaking on behalf of others.

Hon. Okombo (MCA, Manyatta B”): Thank you Mr. Speaker I obliged and I respect. All those Members that have seen that this motion does not meet the threshold and is therefore malicious, witch-hunting and is meant to serve selfish interest may go with us to division when that time comes. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Hon. Members, I want you to take cognizant of the fact that we also have another motion. I have also seen that it is now a repetition. But, I am seeing the Leader of Majority on his feet. To the Leader of Majority, you have to be cognizant of the fact that we have another motion. You were giving time to the Deputy Chief Whip. Okay, fine, proceed.

Deputy Whip (Hon. Obonyo, MCA, South West Kisumu): Ahsante sana Bwana Spika, ningependa kuzungumza hkuhusu mjadala huu iliyo mbele yetu. Bwana Spika, Kulingana na vile nimesikiliza, wacha niseme ukweli wa mambo. Nimessikia wanakamati wa bodi la kuajiri wafanyi kazi kutoka Kisumu wako na ufisadi. Ningependa kusema ya kwamba hiyo bodi hawana ufisadi kwa sababu hakuna siku mmoja kati yetu alienda huko akaitishwa hongo. Ningependa mtoa hoja ya kwamba mimi kama naibu mjeledi, yeeye mwenyewe aliniambirifu ya kwamba aliandikiwa majina ya watu; wa kwanza kutoka kwa idara ya afya watu watano, kutoka kwa idara ya kilimo watu watatu na watu watatu kutoka kwa mapato. Hebu utueleze; uliitishawa hongo ya pesa kiasi gani ndio uandike hao watu wote? Tena Bwana Spika, mimi kama Naibu wa mratibu wa chama ni kweli Mheshimiwa Adeg a aliniletea karatasi hiliniweke sahihi. Ningependa kuomba waheshimiwa wenzangu, kabla huwajaweka sahihi waangalie kile ambacho kimeandikwa.

Niliwekwa Naibu wa mratibu wa chama, siwezi kuweka sahihi kabla sijauliza chama ilinipa kazi kwa ivo, ningependa kuambia waheshimiwa wenzangu hii mjadala nimeikataa kabisaa na muende mkajaribu tena, mkitafuta ushahidi ya kutosha ndipo tuunge mkono. Asante.

The Speaker (Hon. Oraro): Leader of Majority, you have donated a lot of your time. So if you can summaries in three minutes.

Leader of Majority (Hon. Ooko, MCA, Ahero): Thank you Mr. Speaker. Mr. Speaker, I don't want to do any reputation but I want to start by congratulating the Members. I believe that this is the first time Members are united in this Motion.

Mr. Speaker, I want to touch on some very key areas. If you look at the opening remarks of the mover, the threshold that is required to remove the members of the County Public Service Board is under Article 251(1) of 2010 Read, with tandem with sections 58(5) of the County government 2012, there are four areas that are required to remove the Board, one talks about bankruptcy, I have not seen in this Motion where the mover has talked of Insolvency. There is no member among these members of the County Public Service Board that have been accused of any inability to pay anywhere.

Two, Mr. Speaker, It talks about Mental Incapacity to perform functions of the offices. I have not seen anywhere in this Motion where the movers say that these six members of the County Public Service Board are mentally incapacitated.

Three, there is this area where the movers has accused Members of the County Public Service Board of Gross Misconduct, under this threshold, one it talks about theft. Among the six members of the County Public Service Board none has been accused of theft anywhere. None has been accused of any physical violence in their working places or anywhere.

Lastly, Mr. Speaker, he talks about Incompetence. I had the privilege of being among the members who served in the last Assembly and I believe that the last Assembly, we are the Members that approved the current serving members of County Public Service Board. I want to say that this board is composed of very competent personalities, as has been mentioned by my colleagues, if you look at them, Mr. Charles Babu Karan that is a much known former senior teacher. When you talk about Mr. Nashon Alwoka, that is a very esteemed Advocate of the High Court, a man of great repute. Again, if you look at Mr. Stephen Orot, a PhD holder in the field of Agriculture.

Mr. Speaker, I want to say that all the members of the County Public Service Board are qualified and I want to say that as we speak now, we have Directors and Chief Officers serving in the County Executive who were recruited by this members of this Board. So we have no reason to say that they are incompetent.

Lastly, Mr. Speaker, I want to say that it is the work of the Director of Human Resource in the County Executive that is responsible to forward the names for removal of anybody that has reached retirement age to the payroll department for removal, it is not the work of the County Public Service Board. Mr. Speaker, I know we have taken much time but I want to say that this Motion has not met the threshold that is required to remove and Member of the County Public Service Board and I want to ask all the Members present to shoot down this Motion and the mover to take his time and look at it and see it fit that this Motion cannot see the light of the day. I rest my case Mr. Speaker. Thank you very much.

The Speaker (Hon. Oraro): Hon. K'Omudho.

Hon. K'Omudho (MCA, Muhoroni Koru): Many thanks Honourable Speaker and to the Honourable Members, going by the circumstances as everybody can witness, I call the mover to reply.

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

Hon. Ochele (MCA, East Kano Wawidhi): Thank you Mr. Speaker. May I take this opportunity to stand on my feet as a real warrior. Mr. Speaker, I've been keen in watching and reading books related to wildlife, normally I love the behavioral manner of the king lion who rarely goes to hunt. But, the lioness does but when the lioness faces serious obstacles or danger, she rush back

to the lion who will never run to any other person but carries or conducts the war to the end even if it means taking the last breath to protect what he believes should be protected.

Mr. Speaker, I want to start by commending Members for having freely debated on this Motion. I'm saying freely debated because it was like a choreographed debate where I want to believe for once this Assembly has been resonating in the same idea from the beginning to the end.

Mr. Speaker, I want to start by saying that I'm not the author of the Motion, I didn't go to hunt but I was lying down waiting for the meat to be brought by a team that went hunting. Mr. Speaker, in this team that went hunting, composed of a ranking Member of the leadership of this House and is the person who roped me in last minute and if you can check the list, I fall in number 22. This was towards the very end of last week or early this week that is Honourable Lumumba Owade.

Mr. Speaker, it is very embarrassing to find a Deputy Leader of Majority saying that he appended his signature to the motion without reading. Then why was the Deputy Leader of Majority mobilizing Members as late as yesterday to support this Motion? It is very unfortunate that if I were you my senior, I would just have kept quiet and not allow any Member of this House to know that I'm that incapacitated in making decisions. I'm sorry, use that word but that is the truth don't ever do that because it is demeaning to your capacity and capability.

Mr. Speaker I want to thank my two leaders, the Leader of Majority and the Chief Whip, they've never bothered with me or to lure me to shoot down the Motion, we have been meeting in the corridors shaking hands, more so with the Chief Whip Mr. Speaker. But, the Leader of Majority since the motion started, could hardly face me when he sees me he faces away, I don't know why. Maybe, that is his style of leadership. But I commend him for that because I'm learning him more but the Chief Whip is jovial, we share, but no matters of this report.

Mr. Speaker, this motion table today this afternoon, Mr. Speaker is not a report, like any other Motion Mr. Speaker, Members come with Motions, no evidence but the Speaker directs that the County Executive Committee Members relevant comes and justifies or disowns such a motion. This is not exceptional, like any other no motion has ever been full of annexures and if you read Standing Orders Mr. Speaker, the motion in fact should be very brief. The only convincing thing is that if the Motion indeed met the threshold! Looking at the Motion Mr. Speaker, our Standing Order states that 16 of our Members once they sign, that is the threshold for ownership of the Motion, then the content and have not had any Member say that the threshold in terms of numbers was biased or did not meet we didn't meet it. I've not heard any Member saying that allegations here are not worth debating. They all took their time, debated it and in fact, everybody even the ones who have not debated wanted to contribute because they have substance that can be discussed.

Mr. Speaker, I want to state that in this Assembly when the Standing Committee of Justice and Legal Affairs held their session combined with that of Labour and Social Welfare, Mr. Speaker, there was a very bright error committed by the Member of the Public Service Board and it is in the Hansard where even the Chief Whip ordered the County Executive Committee Members to vacate the House. It was not me who was chairing, but it was from the Members including the Chief Whip today. I'm shocked that, that day the Service Board committed grievous offence by allowing the one they termed as a stranger to be in the House and they compelled me to give orders that the acting County Executive Committee Member to leave the House. Today, the very board is a saint, that CEO is a saint, the person who is at fault is the mover of the Motion not the very Member who contributed on these subjects. Mr. Speaker.

Mr. Speaker I love my brother, the upcoming lawyer Honourable Kelvin Oraro, it is good you're determined to be a lawyer tomorrow and I promised you will represent me but start by getting hold of facts my brother. I'm very much aware of my roles and I'm very much aware of what I'm doing and I know that I brought a Motion not a report.

Therefore, I'm not emotional. I've never done anything when I have emotions. I do my things when I am very sober because I can't defend the positions I take.

Hon. Gard Olima, I don't want to commend on your contributions because as usual, you're are the same Hon. Gard but because you have visitors, I will excuse you because I know what has transpired and you know that I know. Therefore, being my brother I will not go further by stating what I knew that you know.

Mr. Speaker, my brother Honourable Oiko Pete the astute debater stated that all these things brought before this House are hot air. I was smiling all through but when I heard him mentioned that term hot air I felt like my adrenaline was getting out of control because that is a term that I don't want to be repeated. But if you find or you hear somebody who keep on repeating that word hot air, then you know where he belongs, he is still celebrating the judgment of 2020 elections. I'm not party to that and I'm sorry for him for being comfortable and persistently using such blunders. Mr. Speaker the Member continued to referring to this Motion as a House Committee report that this House Committee to do this. This motion is a Private Member's Sponsored Motion it was not sponsored by any other House Committee. If anybody wants to mention anything about the motion, you mentioned the 22 of us and on top you put the mover which is myself. So we didn't meet as a House Committee everybody signed on his/her own volition.

Mr. Speaker, I love my younger brother, Hon. Bill. The Member pretends to be shy, but very intelligent. Mr. Speaker one thing that is synonymous with my brother, Hon. Bill is to learn the word I withdraw. He went to Nairobi; led by my brother Honourable Gard Olima, received the money pause for a photo, and accepted that projects will be done by the National Government in his Ward. But when pressure was piled on him Mr. Speaker, he called rushed to call the media

and said, I was not aware I have left. So my brother you are young but if you started your political career that way then I don't think you'll go far. Learn to be consistent in your operations.

Mr. Speaker, I had commented on my brother, Hon. Kanga, but if you want to get where the intelligence lies, most so in tackling matters like this. Today if I had a trophy I would have given it to the Chief Whip. It was very real because there are pretenders in this House. You sign something after reading it, today you again come here and you say it wasn't me. So who was he? So, Chief Whip, that is good and being the whip, I think you are doing you're mapping of those who can run away when the temperatures in the kitchen are hotter, but some of us like Hon. Anne Ochola.

The Speaker (Hon. Oraro): Hon. Ochele who is Hon. Adui?

Hon. Ochele (MCA, East Kano Wawidhi): When I mentioned that word, there is only one person who nodded in appreciation and that is my Chief Whip, Honourable Seth Kanga, the member representing Market/Milimani.

Mr. Speaker, I appreciate Honourable Anna Ochola and the few who didn't pronounce themselves not to be part of this process because that is what strong beings are made of. If you are made to be strong, you stand to be counted. Thank you those few Members who remain to be counted.

Mr. Speaker, this is to Hon. Regina, I trust that some Members said that it is good Mr. Speaker you took us for training and you've been taking us in for training House Committees and as General House. Hon. Regina you need further induction. I have not committed any crime to be taken to court; I'm just doing my legislative role. If Members, my colleagues so wish that the Motion cannot pass, so be it, but you cannot say that if Members of the County Public Service wishes to take me to court. How many things have we said in this House, how many things do we legislate? So, it is my opinion that there are certain terms you should rub from your tongue as a young upcoming legislature.

Hon. Joachim, my brother, the Member is gone anyway, I wanted to say something for his ears but now that he is gone, I commended him for him for the advice. But I think if anybody talks of emotions, I think Hon. Joachim from our conversation in the afternoon, I think you carried something and I want you to share the same this afternoon.

Hon. Odari and Hon. Bill are the same. Same!! So I'm not worried when Honourable Odari stand to speak because he came and his denial is one on the same.

Hon. Boitone you are mature, I was not present when they were luring you to append your signature to that list and I've never touched this list till today, 25th. This is the second time and the first time was 16 when I signed it, but some of us we were privileged to get it and it is good your conscience was very clear that you could not sign what you don't understand but for those

of us who signed and conversed for this report, take a cue from Hon. Boitone who is always cautious, but debates very soberly.

Mr. Speaker, I don't want to talk much about the Deputy Speaker, she is my boss and I know the steps she took before even she knew that I will be the mover and that is commendable as a leader. You must whip your team to the direction that you feel is best for you. Thank you my DS.

Finally, Mr. Speaker, I've been facing a lot of pressure, I want to be honest and anybody who want to mark this kindly mark it because as you see this document today, if this House approves it now, then it marks the first step for a process that will call for evidence. Just the way I said for Motions, you don't attach evidences and exhibits on Motions but once it is approved, the burden of proof stands with a mover and I am the mover. I'm not a madman, just to come up with these things without knowing the head or the tail. I'm quite aware of the implications in this House and therefore if this Assembly knew that this is just the beginning of a process, because if you pass this right now, then the Speaker will pronounce it passed and the House will constitute an Ad hoc Committee. This Ad hoc Committee will study this allegations, invited the accused persons in the presence of the mover at that stage. Mr. Speaker, the Ad hoc Committee will proceed only and only if the mover provides evidence but not at this stage.

Mr. Speaker, how I wish we could have been fair to the Citizen of Kisumu County because people out there are waiting. Some are waiting to vilify me or those who signed, some are waiting with heavy evidences and exhibits on these allegations. But because we have been whipped to debate the way we have debated, we've denied the people of Kisumu a chance to air their frustrations, their benefits and the dream they have for a recruiting organ that is the County Public Service Board. And, I know outside here, there are people who are watching or wondering what material, what substance we are made of because if there's a process where the public can defend themselves is a stage where we have an Ad hoc Committee where every member who wishes to testify is free to come. But with the Service Board we should not die we should not suffocate ourselves in defending them because if all that is contained in this motion is false. They have a long time to defend themselves freely, they bring counter if you talk of engaging employees beyond the 60years, and they have the payroll. If you say that they are corrupt they have been soliciting for bribes for that bit to be there. We have evidences which cannot be played today. But, given a chance, this evidence will flow.

Mr. Speaker, if we say gross violation of the Constitution, obviously what I was mentioning like the CEO who gives them power to hire a CEO? Who gave them power now to inform him instead of acting, now be substantive instead of signing AG now sign CEO and Secretary to the board. If that is not violation of the law, then I'm wondering if I don't understand anything to do with the law.

Mr. Speaker, I don't want to bore Members because time has gone but I'm praying, my biggest prayer that if not for anything else, individually we should mobilize our souls to give this Motion

a chance, then avail yourselves when these personalities mentioned today appear before that Ad hoc Committee which will just be composed of members of this House. None of the Ad hoc Committee Members will come from outside, all of them will be picked from this House and therefore Mr. Speaker, I plead that as mature legislatures, we give a chance this Motion and the Motion, the title reads: Motion on Removal from office of Members of Kisumu County Public Service Board. Without going further, what carries the contents? The main subject matter is the head of a document. The head does not talk about any impeachment; there is a big difference when the head talks of impeaching Members of the County Public Service Board and when it talks of Removal. There is a mix-up there. In this motion we are simple proposing the intention of removing the Members of the County Public Service Board and not impeachment and that should go on record and it should be used as a reference in further deliberations of this House.

Otherwise, Mr. Speaker, I want to believe that the people of East Kano/Wawidhi are happy and celebrating that the position they gave me as an MCA, I have not disappointed them by the position I took. I don't drop something that I had started. I am fighting for them because when I talk of recruitment, I want those who voted for me who are qualified as any other person be given equal chance and I want a situation whereby Mr. Speaker if head count be done, I want to see members of East Kano/Wawidhi be counted on equal measure as anybody else from other wards and that I stand for my people and not myself.

The Chief Whip talked about a lot of things, how I wish as leaders you did not pronounce all those things, they are like you and they are too young for you to carry them. Those are simple propaganda and diversionary tactics. Avoid them because you are a leader and worth more than that. Thank you Mr. Speaker I beg to reply.

The Speaker (Hon. Oraro): Honourable Members, now that the Motion Removal from office of Members of the Kisumu County Public Office Board pursuant to Art. 251(1) and Art 75 of the constitution of Kenya 2010, Section 58(5) of the County Government Act 2012 and the provisions of the Standing Orders has been moved, seconded and debated. Honourable Members, as per our Standing Orders I want to put a question but before I put a question, I want to make some clarification on the manner of handling inquiries for grounds raised on Matters for Removal of Member of the County Public Service Board.

Honourable Members I want to again remind us that the Motion for Removal of Members of the Kisumu County Public Service Board from office was moved in this House and you can recall from Section 58 of the County Government Act 2012 and Article 251(1) of the Constitution provides for threshold of removal of such members from office but it does not provide for threshold for introduction of such Motion or debate. But, when you refer yourself to Article 50 of the Constitution of Kenya which provides for Fair Hearing of any member falling within such Motion.

Honourable Members, we refer to precedence that has been set in other jurisdictions that includes in County Assemblies some of them being Kisii County Assembly, Bungoma County Assembly among others which has taken such actions and the reference is regards to Standing Orders No.65 which provides for the Removal from Office of the County Executive Committee Members which was modified in those sections for the same.

Honourable Members, the threshold that was set was a third of the members which I believe as per the Motion 22 of the Members appended their signatures with the allegations thereof. Now when such motions pass the fast stage which we are in today, pursuant to Standing Orders No. 65(6) then the motion moves to the next level.

Honourable Members, in the next level it talks about formation of an Ad hoc Committee or plenary within 7days or whichever way the Assembly shall resolve. In the plenary or the Ad hoc Committee they shall develop their Terms of Reference which include presenting the evidence, inviting the accused before the Ad hoc of Plenary fort for them to defend their positions either individually or with lawyers, writing a report, bringing it to this House for debate and if by the end of the day there is a threshold of 75% of all Members being in support of that report for it to proceed.

Honourable Members, the reason why I am bringing this to your attention is because the manner of handling such motion is because it is not a usual Motion. It is a motion that is touching on the rights of the persons who were in office and therefore there must be fair hearing. Honourable Members, I am raising that issue on the manner in which we handle such motions so that when we will be voting, you consciously vote. If the motion goes through then it goes through the steps that I have mentioned. Step one is to constitute an Ad Hoc Committee or a Special Committee where the accused will present themselves and the mover of the motion will present evidence of the same and a report is done. Thereafter the House agrees or rejects the report. If at this moment the motion is not adopted then the motion stands rejected and we will follow the provisions of our Standing Orders in any case there is a Member who wishes to bring a motion. I also want to make clarification which I had initially made.

Honourable Members, for matters of clarification if such a motion comes and you have appended your signature then you are prohibited from withdrawing your signature up to the end of the motion. So, I listened carefully but I was also taking my time to know the areas that require further training like what Hon. Pete was trying to say. If Hon. Ochele wanted to withdraw the motion then the Mover cannot withdraw that motion once the mover has moved it. He had an opportunity to withdraw it during notice time. Again, the Mover also had an opportunity to withdraw it just before he started the process of moving the motion for debate. But this is a case where he has moved it, it has been seconded and debated upon then you want to withdraw it which is not possible because it is not indicated in our Standing Orders.

So, I direct that this motion goes to the end as per the first section and I want to proceed to put a question on Motion on Removal from office Members of the Kisumu County Public Service Board pursuant to Article 251 (1) and Article 75 of the Constitution of Kenya 2010, Section 58 (5) of the County Government Act 2012 and the provisions of the County Assembly Standing Orders as presented and debated.

(Question put and negatived)

The Speaker (Hon. Oraro): Honourable Member, the motion on Removal from Office Members of the Kisumu County Public Service Board pursuant to Article 251 (1) and Article 75 of the Constitution of Kenya 2010, section 58 (5) of the County Government Act 2012 and the provisions of the County Assembly Standing Orders as was presented and debated upon has been rejected today Thursday, 25th April, 2024 at 17:48 hours. Honourable Members, if there is any intention to bring a similar motion then the Standing Order must be followed. Thank you.

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

MOTION

REPORT OF THE SELECT COMMITTEE OF COUNTY BUDGET AND
APPROPRIATIONS ON CONSIDERATION OF THE KISUMU COUNTY BUDGET
REVIEW AND OUTLOOK PAPER FOR FY 2022/2023

BY

HON. JOACHIM, MCA, KONDELE WARD

(CHAIRPERSON, SELECT COMMITTEE)

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

The Leader of Majority (Hon. Ooko Kennedy, MCA, Ahero): Hon. Speaker, I beg to move that notwithstanding provisions of Orders No. 28 (2) of the Standing Orders of the Kisumu County Assembly Standing Orders. This House resolves to extend its sitting until such a time that it shall have concluded the business outlined in the Order Paper and I want to request the Majority Whip to second.

The Speaker (Hon. Oraro): Yes Majority Whip.

(The Majority Whip seconds by bowing)

The Speaker (Hon. Oraro): Honourable Members, now that a motion on Extension of Time to a time that we shall have concluded the debate has been proposed by the Leader of Majority and Seconded by the Majority Whip, I therefore want to propose a question that the motion is opened for debate.

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

The Deputy Whip (Hon. Obonyo, MCA, South West): Thank you Mr. Speaker, I wish to call the mover to reply.

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

The Leader of Majority (Hon. Ooko, MCA, Ahero): Hon. Speaker now that all the Honourable Members have agreed, I just want to reply.

The Speaker (Hon. Oraro): Honourable Members, when a Procedural Motion has been moved on extending the time as per our Standing Orders No. 28 (2), there is no question put but we resolve that the House stands extended in terms of its sitting until such a time we shall have concluded the businesses outlined in the Order paper.

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

Hon. Joachim (MCA, Kondele): Thank you Mr. Speaker. As a committee we had delegated Hon. Ratib to move the motion on behalf of the House Committee.

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

Hon. Ratib (MCA, Nyalenda “A”): Thank you Mr. Speaker and Honourable Members. On behalf of the Chairperson of Select committee of Budget and Appropriations, I wish to move a motion on the report of the consideration of the Kisumu County Budget Review and outlook paper FY 2022/2023.

Mr. Speaker and Honourable Members, PURSUANT to Article 220 (2) of the Constitution of Kenya, 2010, Section 118 of the PFM Act, 2012 and S.O No. 189 of the Kisumu County Assembly. The County Executive Committee Member. Finance and Economic Planning accordingly submitted the KCBROP FY 2022/2023, laid on the floor of the House on Wednesday, 25th October, 2023 and committed to the County Budget and Appropriations Committee for processing.

This CBROP provides a comprehensive overview of the county's fiscal journey during the past year, giving insights into the challenges faced and the strides made in achieving our development objectives as the County culminated the Implementation of the 2nd Generation of the CIDP (2018-2022).

In compliance to the legal frameworks underpinning processing of this document, the Committee held consultative engagements with all County Departments/Sectors on 21st & 22nd November, 2023 to give highlights and justifications on the performance of the Previous Budget FY 2022/2023 (See Annex II - Consolidated report of the consultative engagement with Sectors). The Committee has also conformed to the provisions of Article 196 and 185 of the Constitution of Kenya 2010 and Section 87 of the County Government Act, 2012 by seeking Public Views on

the KCBROP FY 2022/2023 through Public Participation that was conducted across the seven sub-counties Kisumu County on Thursday, 23RD November, 2023 (See Annex V – Compiled Public Participation Report).

The recommendations arising from all these deliberations including public hearings have been incorporated into this report.

Mr. Speaker Sir, the Committee is grateful to your office and the Clerk for the logistical support accorded to it during its sittings, report writing retreat, the period of engagement with respective Sectors/County Departments and during Public Participation. Likewise, I thank all the CECMS who honored Committee invites and gave their comments on this policy document. I am grateful to members of the public and other stakeholders for attending the public participation and giving their views. Finally, I laud my Committee Members and Secretariat for planning, programming and coordinating all exercises and for making useful contributions towards the preparation and production of this report.

It is my now pleasant honor and privilege to present the report of the Committee on its consideration of the KCBROP FY 2022/2023 for consideration and approval.

1. COMPLIANCE TO THE LEGAL FRAMEWORK UNDERPINNING PREPARATION OF CBROP FY 2022/2023 (Refer Pg. 7 of the Main Report)

Mr. Speaker sir and Hon. Members, the Kisumu County Budget and Review Outlook Paper has been prepared pursuant to the provisions of Section 118 of the PFM Act, 2012.

Hon. Speaker, while there is great extent of adherence to the law on preparation of the CBROP, the Committee has noted that some few provisions were flouted;

TABLE 1: COMPLIANCE MATRIX

No.	PROVISIONS OF SECTION 118 OF THE PFM ACT, 2012	COMMITTEE OBSERVATION (COMPLIANT(√)/NON-COMPLIANCE (×))	COMMITTEE RECOMMENDATIONS
1.	(2). (c) Information on— (i) Any changes in the forecasts compared with the County Fiscal Strategy Paper; or	×	The CECM. Finance and Economic Planning to enforce adherence to the legal provisions guiding the preparation of this document and ensure compliance to the standards set in all other
2.	2. (ii) How actual financial performance for the previous financial year may have affected compliance	×	

	with the fiscal responsibility principles, or the financial objectives in the County Fiscal Strategy Paper for that financial year; and		future and subsequent submissions
3.	(2). (d) Reasons for any deviation from the financial objectives in the County Fiscal Strategy Paper together with proposals to address the deviation and the time estimated for doing so.	×	

2. REVIEW OF THE COUNTY FISCAL PERFORMANCE FOR THE FY 2022/2023. (Refer Pg. 8 of the Main Report)

Mr. Speaker Sir and Hon. Members, the overall County fiscal performance for the FY 2022/ 23 budget is as outline in the Table below;

TABLE2: FISCAL OUTTURN

	Revised Budget	Actual	Deviation	Performance
	(Kshs)	(Kshs)	(Kshs.)	
	(A)	(B)	(A-B=C)	=sum(B/A*100)
Opening Balance to CRF A/C	652,654,461	652,654,461	-	100
Total Share of National Revenue	9,273,791,596	8,336,745,704	(937,045,892)	90
Gross Locally Collected Revenue	2,118,837,525	1,153,464,305	(965,373,220)	54
Total Revenue	12,045,283,582	10,142,864,470	(1,902,419,112)	84
Expenditure				
Recurrent	8,483,121,804	6,948,631,105	(1,534,490,699)	82

Development	3,562,161,778	2,356,295,196	(1,205,866,582)	66
Total Expenditure	12,045,283,582	9,304,926,301	(2,740,357,281)	77

COMMITTEE OBSERVATIONS

1. That, the County received 84% of the total Revenue projection with National Share and OSR received at 90% and 54% of the targeted amounts respectively.
2. That, the County absorbed 77% of its overall estimated expenditures during the FY under review with Recurrent expenditures absorbed at 82% and Development expenditure absorbed at 66%.
3. The County absorbed only 66% of its estimated Development expenditure.

COMMITTEE RECOMMENDATIONS

1. The County treasury to set realistic OSR target based on its previous trends and the prevailing macroeconomic environment to address the budget deficit.
2. The CECM. Finance and Economic Planning to implement the revenue raising measures previously recommended by this House to expand the County Revenue base and ensure Revenue targets are met in future.
3. The County treasury to put appropriate measures to improve absorption of resources from development partners including timely preparation of designs, procurement and financial processes and adherence to the legal requirements.

REVENUE OUTTURN FOR FY 2022/2023 (Refer Pg. 9 to Pg. 12 of the Main Report)

A. NATIONAL REVENUE OUTTURN

Mr. Speaker Sir and Hon. Members, during the FY 2022/2023, the County received Kshs.8,989,400,165 as disbursements from National treasury consisting of Equitable Share of Ksh.8,015,575,921 and Grants amounting to Kshs.321,169,783, and an opening balance of 652,654,461.

TABLE 3: NATIONAL REVENUE

	A	B	B-A	Performance
	2022/2023	Actual Receipts	Budget Balance	
Opening Balance	652,654,461	652,654,461	-	100.0%

Equitable share	8,026,139,240	8,015,575,921	(10,563,319)	99.9%
DANIDA	29,565,000	21,991,500	(7,573,500)	74.4%
KISIP	500,000,000	200,000,000	(300,000,000)	40.0%
Transforming Health	61,190,702	-	(61,190,702)	0.0%
ASDSP	34,629,346	4,830,936	(29,798,410)	14.0%
KCSAP	344,635,160	70,007,432	(274,627,728)	20.3%
EU IDEAS	24,604,061	-	(24,604,061)	0.0%
Finance Locally -Led Climate Action Plan (FLLOCA)	22,000,000	22,000,000	-	100.0%
SEACAP	10,000,000	-	(10,000,000)	0.0%
EU Water Tower	3,524,998	-	(3,524,998)	0.0%
AFRICITIES	40,000,000	-	(40,000,000)	0.0%
UNICEF	499,000	-	(499,000)	0.0%
KUSP	2,919,156	2,339,915	(579,241)	80.2%
Road Maintenance Fuel Levy	93,997,196	-	(93,997,196)	0.0%
KDSP	64,134,545	-	(64,134,545)	0.0%
TVET	15,953,192	-	(15,953,192)	0.0%
Total Share of National Revenue	9,926,446,057	8,989,400,165	(937,045,892)	91%

COMMITTEE OBSERVATIONS

1. That, most of the projected grants were not received by the County which includes Transforming Health, SEACAP, EU-Water Tower, AFRICITIES, UNICEF, Road Maintenance Levy, KDSP and TVET

2. That, OCOB reports that the County received Kshs. 93,997,196 Road Maintenance Fuel Levy through the County Budget Implementation Review Report for FY 2022/2023 which is not declared in the CBROP.
3. That, CBROP FY 2022/2023 indicates that the County received Kshs. 2,339,915 KUSP donor funds against a projection of Kshs. 2,919,156 which is not reported in the OCOB CBIRR FY 2022/2023.
4. That the OCOB CBIRR FY 2022/2023 indicates that the County received Kshs. 2,339,915 KDSP donor funds against a projection of Kshs. 64,134,545 which is not reported in the CBROP FY 2022/2023
5. That CBROP FY 2022/2023 reports that the County received Kshs. 8,015,575,921 Equitable Share of Revenue Raised Nationally while OCOB CBIRR FY 2022/2023 indicates that the County received Kshs. 8,026,139,240 giving a variance of Kshs. 10,563,319.
6. That CBROP FY 2022/2023 reports that the County received a total of Kshs. 10,142,864,470 while OCOB CBIRR FY 2022/2023 indicates that the County received Kshs. 10,247,424,985 giving a variance of Kshs. 104,560,515

COMMITTEE RECOMMENDATIONS

1. The CECM. Finance and Economic Planning should strive to make more realistic National Revenue Projections accordingly guided by County Allocation of Revenue Act and the County Governments Additional Allocations Act.
2. The CECM. Finance and Economic Planning to submit a comprehensive detailed report justifying all the notable variations of figures reported between the CBROP and OCOB CBIRR FY 2022/2023 during the FY under review within two weeks of adoption of this report.

B. COUNTY OWN SOURCE REVENUE OUTTURN

Mr. Speaker Sir and Hon Members, the County OSR target was Kshs. 2,118,837,525, however only Kshs. 1,153,464,305 was collected giving a negative variance of Kshs. 965,373,220

TABLE 4: COUNTY OWN SOURCE REVENUE

Revenue Streams	A	B	B-A	Funding Level
	Budget Estimate	Actual Collection	Difference	%
	(Kshs.)	(Kshs.)	(Kshs.)	

Land Rates	278,083,466	149,897,898	(128,185,568)	54%
Rents	63,844,894	20,039,683	(43,805,211)	31%
Trade license fees	253,953,452	164,156,629	(89,796,823)	65%
Bus Park Fees	164,844,132	51,504,963	(113,339,169)	31%
Parking Fees	109,953,404	21,416,191	(88,537,213)	19%
Reserved slot	19,379,747	5,851,300	(13,528,447)	30%
Monthly Stickers	46,251,150	20,645,100	(25,606,050)	45%
Clamping Fees	384,038	27,500	(356,538)	7%
Market Fees	143,026,826	48,956,664	(94,070,162)	34%
Stock Ring	5,079,726	2,681,910	(2,397,816)	53%
CESS	27,139,013	14,036,005	(13,103,008)	52%
Building Plans	31,598,866	907,250	(30,691,616)	3%
Sign Board promotion etc	179,590,717	148,608,083	(30,982,634)	83%
Sundry revenue	12,678,750	26,764,620	14,085,870	211%
Public Health and Others	3,150,278	4,810,842	1,660,564	153%
Sub-Total	1,338,958,459	680,304,638	(658,653,821)	51%
Revenue from Departments				
Health Medical Services	600,000,000	422,015,272	(177,984,728)	70%
Agriculture, Livestock and Fisheries	8,220,606	3,711,768	(4,508,838)	45%
Commerce, Tourism, Trade and Heritage	1,452,466	1,782,940	330,474	123%
Lands, Housing and Physical Planning	119,944,340	30,935,996	(89,008,344)	26%
Education, Youth, Culture	6,502,391	763,900	(5,738,491)	12%

and Sports				
Liquor License	38,453,328	13,363,790	(25,089,538)	35%
Energy & Mining	3,144,309	586,001	(2,558,308)	19%
Governance and Administration	2,161,626	-	(2,161,626)	0%
Sub-Total	779,879,066	473,159,667	(306,719,399)	61%
Total	2,118,837,525	1,153,464,305	(965,373,220)	54%

COMMITTEE OBSERVATIONS

The County OSR collection stood at 54% against the set target.

COMMITTEE RECOMMENDATIONS

- i. The CECM. F.EP&ICT to give realistic OSR targets to avoid the wide revenue Shortfalls affecting budget implementation.
- ii. The CECM. Finance and Economic Planning to prepare and submit all relevant revenue enhancement based legislation not limited to County Rating Bill (for Property Rates), Model County Finance Bill, County Trade & Licensing Bill, County Tariff Policy, County Agricultural Produce Cess Bill, Social Protection Bill and Ward Allocation of Revenue Act, within the deadlines provided by the previous House Resolutions.

EXPENDITURE OUTTURN (Refer Pg. 13 to Pg. 16 of the Main Report)

Mr. Speaker Sir and Hon Members, the County total Expenditure comprises of the Recurrent and Development Expenditure component;

A. RECURRENT EXPENDITURE OUTTURN

Hon. Speaker Sir, the County targeted a total Recurrent Expenditure of Kshs. Kshs 8,483,121,804. However, it actually spent Kshs. Kshs. 6,948,631,105 of the target translating into an absorption rate of 82%.

TABLE 5: RECURRENT EXPENDITURE

S/No.	Department	Revised budget (Kshs)	Actual B Expenditure (Kshs.)	Performance
		A		B/A (%)

1.	Agriculture, Irrigation, Livestock and Fisheries.	202,777,165	167,294,065	83%
2.	County Assembly of Kisumu	783,886,220	741,474,220	95%
3.	City of Kisumu	458,411,574	285,536,959	62%
4.	Roads, Transport and Public Works	200,963,891	143,373,424	71%
5.	Kisumu County Public Service Board	88,833,775	50,079,647	56%
6.	Education, Human Resource Development and ICT	601,084,306	575,532,576	96%
7.	Office of the Governor	299,829,608	225,303,412	75%
8.	Health Services	3,394,875,464	2,833,986,689	83%
9.	Public Service Administration & Devolution	430,491,737	416,453,802	97%
10.	Tourism, Culture, Arts and Sports.	84,595,082	47,374,521	56%
11.	Lands, Housing and Physical Planning	149,169,597	82,692,415	55%
12.	Trade, Energy and Industry	102,669,819	93,364,460	91%
13.	Finance and Economic Planning	1,573,896,941	1,208,498,798	77%
14	Water, Environment and Natural Resources	111,636,625	77,666,117	70%
	TOTAL	8,483,121,804	6,948,631,105	82%

COMMITTEE OBSERVATION

- a) That, the County Treasury has reported an exaggerated Recurrent Expenditure absorption rate of 88% while the actual absorption rate is 82%.
- b) The Department of Lands, Housing and Physical Planning recorded the least recurrent expenditure absorption rate of 55%.
- c) The Department of Public Service Administration & Devolution recorded the highest recurrent expenditure absorption rate of 97%.

COMMITTEE RECOMMENDATIONS

- a) The CECM. Finance and Economic Planning to revise the reported percentage for the County's recurrent absorption rate from 88% to 82% for accurate records.
- b) The County Treasury County to submit the County procurement plan for each and every Financial Year to the Assembly by August and ensure its strict implementation to address the challenge of under absorption of the recurrent budget due to controlled A.I.Es

B. DEVELOPMENT EXPENDITURE OUTTURN

Mr. Speaker Sir and Hon. Members,

The County targeted a total Development Expenditure of Kshs. Kshs 3,562,161,778. However, it actually spent Kshs. Kshs. 2,356,295,196 translating into to an absorption rate of 66%.

TABLE 6: DEVELOPMENT EXPENDITURE

NS/N o.	Department	Revised budget (Kshs)	Actual B Expenditure (Kshs.)	Performance
		A		B/A (%)
1.	Agriculture, Irrigation, Livestock and Fisheries.	285,754,664	258,474,152	90%
2.	County Assembly of Kisumu	150,000,000	128,320,089	86%
3.	City of Kisumu	118,288,564	73,701,790	62%
4.	Roads, Transport and Public Works	303,655,456	216,107,156	71%
5.	Kisumu County Public Service Board	0	0	0%
6.	Education, Human Resource Development and ICT	124,203,086	64,550,000	52%
7.	Office of the Governor	45,000,000	25,000,000	56%
8.	Health Services	180,100,000	65,000,000	36%
9.	Public Service Administration & Devolution	20,000,000	0	0%

10.	Tourism, Culture, Arts and Sports.	59,000,000	18,000,000	31%
11.	Lands, Housing and Physical Planning	514,000,000	200,000,000	39%
12.	Trade, Energy and Industry	117,004,061	20,384,502	17%
13.	Finance and Economic Planning	1,552,855,947	1,260,391,889	81%
14	Water, Environment and Natural Resources	92,300,000	26,365,618	29%
	TOTAL	3,562,161,778	2,356,295,196	66%

COMMITTEE OBSERVATIONS

- i. That, there is a general low absorption of the Development expenditure compared to the recurrent expenditure majorly due to delayed procurement and financial processes.
- ii. The following Departments have reported the least absorption of the capital expenditure of less than 50%; Trade, Energy and Industry at 17%; Water, Environment and Natural Resources at 29%; Tourism, Culture, Arts and Sports at 31%, Health Services at 36%, Lands, Housing and Physical Planning at 39%

COMMITTEE RECOMMENDATIONS

- i. That, future budgetary allocation to respective Departments be based on their absorption rates.
- ii. That, the CECM. F, EP & ICT to ensure that subsequent budget proposals for Development projects are accompanied with concept notes, BQs and designs to address the challenge of over/under costing of projects leading low absorption rates.
- iii. The CECM. Finance, Economic Planning & ICT to ensure that all project proposals identified in the Subsequent Budget Estimates originate from the CIDP and ADP to address the existing gap between planning and budgeting resulting into under absorption of the Development Budget.
- iv. The Public works Department to prepare BQs for all approved Development projects in the CADP FY 2024/2025 in line with the previous House Resolutions for accurate costing of the projects during approval of the expenditures in the Budget Estimates for FY 2024/2025.
- v. Sectoral Committees and Implementation Committee to review, investigate and verify the implementation status of various Developments Projects for previous Financial Year

2022/2023 executed by the respective Departments they are mandated to oversight to validate the details reported in KCBROP FY 2022/2023.

CONCLUSION

Hon. Speaker, it is therefore my pleasant undertaking on behalf of the Select committee of County Budget and Appropriations to table this report in this House and recommends it for adoption. I wish to call upon Hon. Warindu to second.

Hon. Warindu (MCA, Miwani): Thank you Mr. Speaker, I second the motion.

The Speaker (Hon. Oraro): Honourable Members, now that the report on the consideration of the Kisumu County Budget Review and Outlook Paper FY 2022/2023 has been moved and seconded, I want to propose a question that the motion is opened for debate.

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

Hon. Pete (MCA, Kabonyo Kanyagwal): Thank you Mr. Speaker, this is a very vital report for this House because it highlights the Expenditure of 2022/2023 and the Members of this House should pay attention to this report to enable us get the picture of why things succeed and why things fail.

Mr. Speaker, this House Committee has done some work and we are being informed that the Absorption Rate for the Development stands at 66%. That means that 34% was never spent and that comes to 1.2 billion. If that amount was not spent on projects then what is the situation on the ground hence the outcry that there are no roads, incomplete projects and Members need to pay attention to this. Why does this happen? They have talked here of early Procurement Plan. This has been a song here and has never been realized. The ball now is on the court of the Chairperson of Select Committee of Budget and Chairpersons of Sectoral Committees on early procurement for the departments to enable projects to be implemented in good time. They have also recommended here that the departments should be given allocation as per their absorption rate. This is very unfair to Members and to the people of Kisumu County because what delays implementation as per this report is the delayed preparation of the Procurement Plan for the authority or entities to incur expenditure which is given to the department. This delays the in the implementation and procurement plan I have seen here where they are saying that after two weeks of recommendation of this report, the County Executive Committee Member for Finance will be summoned which is good but you know that the report has delayed which are technical reasons that we don't want to delve into.

Mr. Speaker and Honourable Members, another matter is also raised here on the Swapping of Debt between KIWASCO which is a parastatal of Kisumu County and the County Executive. We first want to know how much KIWASCO should be contributing to Kisumu County so that we know the total amount from KIWASCO in a financial year because all along in the budget of

the County we are all aware that figure has been omitted and the debts that are being swapped; were they captured in the budget. We need to know these departments with debts, what is the total stock of debt? And how much money should KIWASCO remit to Kisumu County Government so that we are talking of figures that we are sure of. Let us not get records that are silently being handled between the department of Finance and KIWASCO and we talk in abstract.

Mr. Speaker and Honourable Members, the other matters raised here, is the Approval of Budget at a Cabinet Level. They have highlighted here that the County Executive Committee Members complain from time to time on their budget approval and it is high time that the Governor and the County Executive Committee Member for Finance are made aware of this. Though we are aware that the ceilings are normally given per department but they still complain. What is it that they don't understand? When the ceiling has been given there are still complaints. There is still plenty of time and I hope that the fellow Members will also give their contribution.

Mr. Speaker and Honourable Members, on the Own Source Revenue, we had a target of over Kshs 2 billion but 1.1 billion was the collection realized at a percentage of 54%. Now that the Kisumu County Revenue Board was established and the Chairperson stated here one time therefore we are waiting for the figures to see if there is improvement because if the Own Source Revenue is collected only at 54% that gives a gloom picture that our projects may not be done. We may not realize good resources to execute all that we want to do in our budget. Thank you.

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

Hon. Joachim (MCA, Kondele): Thank you Mr. Speaker. I want to contribute as a Member of this House Committee. Foremost, I want to acknowledge the sentiments of Hon. Pete. We do agree that the issue of debts were between KIWASCO and County Government of Kisumu is long overdue and I am happy and I believe that in one of our deliberations as we were handling County Budget Review and Outlook Paper, of course the Member attended most of the sessions but I am not too sure if he attended the one of Debt Swap which I believe that there was a deliberate attempt by the previous County Executive Committee Member for Water and Environment. She did by then trying to allege that they had agreed on the debt swap and by then they were mentioning a figure of close to Kshs 50 million. The County Executive Committee Member for Water and Natural Resources also did submit to this House Committee then that they had agreed with KIWASCO to be paying close to Kshs 3.5 million per month from a particular date. I do agree with the Member that this issue needs to be resolved and I hope that during our deliberations with the Department of Finance and Economic Planning we now need to get a conclusive answer regarding the debt swap because KIWASCO being an entity fully owned by the County Government of Kisumu, we expect to get some revenue from that.

Mr. Speaker, I do agree with the Member that there is a serious conflict when it comes to departments acknowledging the documents the present to the Department of Finance and

Economic Planning visa-vie what is presented to this House Committee. Severally, the Department of Finance does acknowledge that they get proposals from various departments. But you are aware that not all your proposals find their way into the budget. So it has always been a game between the various Departments of the County and the Department of Finance. As we speak today, the reason as to why we are rushing to submit our Ward-based Projects is because the Cabinet will convene a Meeting either this weekend or on Monday so that it can adopt and approve the budget that will be submitted in this House on 30th June. So sometimes you wonder whether the various County Executive Committee Members get a chance to look at the document or when they appear before us they are ignorant not to know what they passed at the cabinet level because as a House Committee we don't sit in that cabinet Hon. Pete. Sometimes you might not know who is saying the truth but we are going to change our approach and this time we expect that they give us a document earlier enough so that we spend two months to deliberate on this document. I am very sure that when we approach towards 30th June then we shall know who is speaking the truth or whoever is lying.

Mr. Speaker, I also do agree with the sentiments of the Member that this is a document that we should keenly look into. Most of us do not check the annexes that Hon. Ratib was saying. At the tail end, we were also able to see our Ward-based Projects and in terms of whether they were done or not done. So the County Budget and Review Outlook Paper is simply a document that looks at the Performance of the previous financial year so that it informs our decision making moving forward and that is why you see the Own Source Revenue is at 54% which is right. We had a Projection of Kshs 2.2 billion and what was collected was Kshs 1.1 billion. That is a 54% performance and I believe that this is a worrying trend of course the document that we shall be reading next week which is the County Fiscal Strategy Paper FY 2024/2025; we have a performance up to the first of the year. So, it is my considered opinion that we shall be able to see that Hon. Pete and make an informed decision going forward because after CFSP we shall now be doing the estimates.

Mr. Speaker, the issue of Own Revenue Collection should worry us. Mr. Speaker, sometimes we normally say that if we look at the amount of money we allocate them and what they promised to collect sometimes it does not make sense but I don't need to make that decision on behalf of Honourable Members. Let us go through the document and understand what is there. The funny part if you listen to the portion on the Absorption Rate; you know we use Recurrent Expenditure so that it helps in implementation of the development projects but we are performing at 66% against a performance of 88%. So, this shows you that they do not balance. They are spending more on Recurrent less on the Development Expenditure. It is my belief that we also need to be very serious this time round so that we also interrogate their Recurrent Expenditure Component. They have realized that is where there is a lot of money. In terms of development we only have Kshs 3.5 billion. So, ask yourself where the other amount of money going is. We have a budget of the County at Kshs 13 billion, meaning Kshs 8 billion is going somewhere and we spend time looking at it. So we need to adopt the approach that we used to have of course now we have the

Speaker on a different level but let us hope that we can also have other like-minded Members so that we tooth pick through their Recurrent Expenditure. This is because I am informing Honourable Members that, today if you go to that Prosperity House the corridors are full of desk and everything because it is only two months towards the end of the financial year and the accountants are doing their magic for us because we normally don't check their Recurrent Expenditure. I trust that we need to spend more time looking at this document because it will inform the decision we make going forward.

Otherwise, I want to take the opportunity on behalf of the mover of the motion to thank the Members, we still have other reports coming and I also want them to continue with the spirit as we work on the estimates and other documents that we are having. Thank you.

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

Hon. Rakwach (MCA, Kolwa East): Thank you Mr. Speaker, I wish to call the mover to reply.

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

Hon. Ratib (MCA, Nyalenda "A"): Thank you Honourable Speaker. The concern that has just come out most of them has just been highlighted by the Chairperson of Budget and Appropriations committee. Early procurement is very key in a budget making process because if it is done late chances of these projects being completed within the stipulated time are very high so we will still work on it and we push the County Executive that Procurement be done timely.

Mr. Speaker, it has also come out very clear that future allocation will be allocated basing on how department have absorbed their previous allocations because the absorption rate will inform this House Committee on how much we allocate these departments. They don't expect to be given much if their Absorption Rate is below the bar.

Mr. Speaker, there is an item that came out very clear that Members of County Assembly through their wards must investigate and report the status of all the projects that were undertaken in that financial year. Hon. Speaker, this is very important. The projects that were undertaken during the year in review, I wish that all the Members of County Assembly report the status of these projects. This will also inform this House Committee in formulating the next budget in each and every ward. It is important that if there was a project that was left incomplete then it should be given priority for its completion.

Mr., Speaker, the issues that hon. Oiko Pete has raised to do with KIWASCO as has mentioned, I believe that the Chairperson has come out clear about this Debt Swap. This is not the first time that this issue is appearing on the floor of this House. We need to get clear directions and clear picture on how KIWASCO is giving revenue to Kisumu County. We are at 54% in Own Source Revenue. It is high time that we do not wait until the end of the financial year. I would also like to implore that we also have a meeting with the County Revenue Board so that we get to know

up to a certain period how are they performing. Let us not wait until the end of the year that is when we complain of on source revenue below the bar.

Mr. Speaker on Departments Disowning their submissions after being presented to the Cabinet; this is a trend that most if not all the County Executive Committee Members of almost departments have been attributed to. When they are called upon to appear before the House Committee of Budget and Appropriations, they tend to behave as if the document that they are being taken through they are not aware of. This is something that each and every department should take charge and make a follow up. There should not be blame games whereby most of them tend to blame the County Executive Committee Member for Finance on altering their document should be a thing of the past. It is high time that they should start owning the document right from the beginning until the implementation stage.

Mr. Speaker, I want to thank you and the Leader of Majority for the extension of time to enable this House adopt this document and I also want to take this opportunity to thank you for the seriousness that the Members have put up to this late to make sure that this document is adopted in the floor of this House.

Through the Own Source Revenue, that is the only way where we can increase the development budget for this County. Thank you.

The Speaker (Hon. Oraro): Honourable Members now that the motion on the adoption of the report of the Select Budget and Appropriations on its consideration of the Kisumu County Budget Review and Outlook Paper FY 2022/2023 has 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 Speaker (Hon. Oraro): Honourable Members, the report of the select Committee of Budget and Appropriations on its consideration of the Kisumu County Budget Review and Outlook Paper FY 2022/2023 is hereby adopted today Thursday, 25th April, 2024 at 19:02 hours. I direct that the Hansard report be prepared and the communication be made to the relevant department for action. Thank you.

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

ADJOURNMENT

The Speaker (Hon. Oraro): Honourable Members, there being no any other business to transact, the House stands adjourned to Tuesday, 30th April, 2024 at 2.30 p.m.

(House rose at 07.03 p.m.)

Addendum

Hansard Team

<i>Zablon Otiende</i>	-	<i>Senior Hansard Reporter (Acting Editor)</i>
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