

COUNTY GOVERNMENT OF KISUMU



COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – THIRD SESSION

Thursday 22nd August, 2024

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

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

PRAYERS

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

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

STATEMENT

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

Hon. Matara (Nominated Member): Thank you Mr. Speaker. We don't have the Statement at this time because we contacted the County Executive Committee Member and he referred us to Chief Executive Officer Lake Region Economic Block (LREB) and he kept on informing me that he is sending somebody to bring the Statement. I therefore don't have the Statement with me now.

The Speaker (Hon. Oraro): Hon. Nancy Matara we agreed that you give us something on Festival of Arts and Culture (FESTAC), the total cost. If the festivals will gobble more than Kshs. 15 million then, where are the other source of funding coming from, when it is happening, what is the the responsibility of the Assembly if there is any?

Hon. Matara (Nominated Member): Mr. Speaker, the organizing committee was to present us with statement and facts on the FESTAC Festivals, and that's what they informed us, that is what you are going to use, but I don't have it, So there's not any other statement that I can give out in the House, yet I don't have it. So maybe, I don't know, but it's getting out of hands, but then organizers are saying that they will be sending us the information through the WhatsApp, but I haven't received any so far. So, Mr. Speaker, I'm sorry, I don't have any responses towards that event.

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

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B”): Mr. Speaker, I didn't talk, I was just smiling with the Assembly Gen Z.

The Speaker (Hon. Oraro): What is it Bill Oliver? You people are looking at me as if you have something to say. Honourable Members, it's you who resolved that, we get the statement you heard from the Chairperson of Culture Committee, any comments?

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

Hon. Adega (MCA, Kajulu Ward): Thank you Mr. Speaker. As a member of Sports Committee, you know sometimes, Mr. Speaker, you can't eat a stone to get water. The Executives refused to give us the information requested; we can't give information which we don't have. We therefore, don't have any communication from the County Executive in relation to the FESTAC festivals.

The Speaker (Hon. Oraro): Hon. Samuel Dede.

Hon. Dede (MCA, North Kisumu): Thank you, Mr. Speaker. We heard of the FESTAC festival a long time ago when you communicated on the floor, and you informed us that the Kisumu County Assembly football team will be playing during the opening ceremony. As it is now, we don't have any information from the Sports and Culture Committee. Now that we don't have any information, can we therefore do away with the FESTAC. Thank you.

The Speaker (Hon. Oraro): Hon. Seth Okumu, you are walking in, you are one of the members who asked about FESTAC. There is no communication furnished this House so far.

Hon. Okumu (MCA, East Seme): Thank Honourable Speaker, on that submission alone, if the respective House committee does not know, they have communicated with the department, the department does not know about FESTAC. Why should we as a county commit to spend money on FESTAC?

Honourable Speaker, we are struggling with so many things that are affecting the people of Kisumu that Kshs 15 million can equally do. We have problems with roads, we were talking about here with bridges that have collapsed, we have bursaries to pay, we have ECDs to build, we have dispensaries to construct, we have so many other things to do. Why must we invest on

something that nobody knows what it's doing, how it's operating, where it's coming from, where we are going to end, or what benefit it's going to give us? Honourable Speaker, we once talked about United Green in this House, and so many people doubted, but it came to pass that it was a scam.

Mr. Speaker, my sixth sense is telling me that investment in FESTAC is not beneficial to this county. As an Assembly, we need to move with speed to stop any expenditure on FESTAC to save this county. Thank you so much, Honourable Speaker.

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

Hon. Omollo (MCA, West Nyakach): Thank you, Mr. Speaker. Mr. Speaker, it's very sad that the department whom we oversight, that is the Sports Culture and Gender, has refused to give us information on this. It is our duty as the watchdog House Committee to this department to know all the details as pertaining FESTAC. This is because, even as we speak right now, I'm a member of this House Committee. I have no idea, neither my chair, neither my Honourable Deputy Chairperson, none of us has any iota of idea or information about what is going on, and we want to spend money on this.

Mr. Speaker, it is very sad, and I believe that it comes a time when we have to make very radical decisions as a House so that we save the face of the county and that of the Governor. This is because this thing can boomerang. I just imagine if the Chairperson of Infrastructure, Energy and Public Works would be in a position that something is happening in this county, and the respective Chairperson is kept in the dark and cannot say anything about it, and it is a road being done, let's say, for example.

So in this scenario where we are now, as a House Committee, we don't know anything, and we don't want to commit on this at all. And history will judge us that we were right or wrong. But as we speak, without information, and they have denied us this information until the last minute right now, there is none coming from the executive about this event.

Mr. Speaker, the Afri-Cities happened here in Kisumu, and everything was bold. It was in the press. Everyone was concerned. Everybody spoke about it, and everyone knew what it was all about. How many people are coming to the city, where they're going to stay and the hoteliers are aware. Everyone was aware about Afri-Cities. But this one, Mr. Speaker, I believe that we are on the wrong foot. I'm really not for the idea, but it is up to us to make that kind of decision. Thank you, Mr. Speaker.

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

Hon. Were (MCA, Nyalenda "B"): Thank you Mr. Speaker. Mr. Speaker, we were given the mandate to seek for answers about FESTAC, and Mr. Speaker, we did make frantic efforts through the department to get this information. Mr. Speaker, I've just gotten a call from the

department explaining that FESTAC event will run for seven days from 26th. Mr. Speaker, we were briefed that FESTAC event is expected to host around 3,800 delegates with 187 exhibitors, with expectation of 62 countries attending. So far, 125 speakers who have confirmed taking part.

Mr. Speaker, on the coast, it is true that the County Assembly appropriated around \$15 million towards that event. Mr. Speaker, the CEC Member in charge of this docket briefed that the ISAEMU that was signed between the FESTAC event organizers and County Government of Kisumu, and it was agreed that the FESTAC organizers were going to bridge the gap. They were going to raise funds to cater for the difference.

Mr. Speaker, they committed to working on comprehensive report that they will be submitted to this Assembly before the end of business today. Thank you,

The Speaker (Hon. Oraro): You heard the feedback from the Vice-Chairperson of the Standing Committee of Culture and and Sports. That's the feedback. Maybe I can allow two or three comments before we move.

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

Chief Whip (Hon. Kanga, MCA, Market/Milimani): Thank you Mr. Speaker. Mr. Speaker, I want to add my voice on the issue of FESTAC. Mr. Speaker, it's not the first time we are allocating money towards these festivals. Even in the first government of Prof. Anyang' Nyongó, we allocated money towards Afri-Cities, and it was spent in such an event. Even recently, Kenya as a country went to the Olympics, and money was appropriated towards that cause.

Mr. Speaker, the County Government of Kisumu appropriated Kshs 15 million towards FESTAC. So I don't know the worry. As a government, because we represent the government in this House, together with the Leader of Majority, let's wait for the County Government of Kisumu to spend the Kshs 15 million. Then, as an Assembly, we will hold them accountable. We will seek reports from the County Government. And it's their duty, Mr. Speaker, to submit such reports, how they spent those monies towards the festival because we allocated money towards, and I don't know whether the respective House Committee interrogated the department and asked them how they were going to spend.

Mr. Speaker, for your information, you allocated each and every House Committee time to interrogate the relevant department, how they are going to spend the monies they were appropriated. Mr. Speaker, I'm worried that the Chairperson, together with the Vice-chairperson, did not interrogate the department at that time to explain to them how they were going to spend the money. You don't wait until time reaches when those people are busy organizing for the event is when you want statements. You could have interrogated them by the time the County Assembly allocated you time to invite the relevant department and explain to you how they were going to spend that allocation of Kshs 15 million. But right now, I'm begging the Chairperson

and the respect House Committee to wait until the festival is over. Then they will invite the line department responsible, to bring reports, how they spent those monies. Otherwise, there's no worry. FESTAC is there. We are expecting visitors. The hotels are fully booked. The taxi men are working. Kisumu is busy. Mr. Speaker, even today, the Governor unveiled the Secretariat of FESTAC at the Royal City Hotel.

(Hon. Dede rises on a Point of Order)

The Speaker (Hon. Oraro): What is Hon. Dede?

Hon. Dede (MCA, North Kisumu): Thank you Mr. Speaker. Can the Member on the floor inform this House which hotels are booked for the FESTAC?

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

Chief Whip (Hon. Kanga, MCA, Market/Milimani): Mr. Speaker, it is in the public domain. Today, Mr. Speaker, the Governor unveiled the Secretariat of FESTAC at the Royal City Hotel and we are expecting more visitors. At the moment, the secretariat is ready. Visitors are checking into hotels. They have called several hotels. And Kisumu is a very busy place. So, as an Assembly, we welcome the visitors from various parts of Africa to the FESTA festival. Long live Kisumu. Long live Kisumu County Government. Thank you very much.

The Speaker (Hon. Oraro): I hope there is no more comment on FESTAC. You are satisfied. What is it, Hon. Seth Okumu?

Hon. Okumu (MCA, East Seme): Mr. Speaker, the Chairperson, we submitted when the Honourable Deputy Chairperson had not given us information that he had gotten. Honourable Speaker, I request that you allow me to comment again after he has submitted that information.

Honourable Speaker, the information we have been given are neither here nor there because if you get the sentiments from the Vice-chairperson, he's saying that he received the feedback from a phone call. There is nothing to show this House that he has done a phone call. There is no document to ascertain that there is an MOU between the County Government of Kisumu and FESTAC.

There is no communication from the department to this House Committee or to FESTAC that is before us. Honourable Speaker, even after the Vice-chairperson has communicated to this House, I still have reservations with regards to FESTAC. Honourable Speaker, we don't know the total budgetary cost of FESTAC. Whether the Kshs 15 million that we appropriated was enough or not, whether we needed more money, and where that extra money is going to come from, nobody in this House knows. The Chief Whip has mentioned that a secretariat has been constituted and unveiled this morning by the Governor. Running on what budget and who is going to cut that

cost? Honourable Speaker, I feel that if we are not careful, we will keep landing this county into more pending bills.

By entering into activities that we don't know their budgetary implications, and then people end up procuring things beyond what we have appropriated. Honourable Speaker, we can be happy that people are visiting this town. We can be happy that taxi men are working. Again, we can be happy that several people are running around buying food in our hotels. But we can as well be leaving a big hole for Kisumu to fill. And that is my concern. And that is what I want this House to salvage the County from. That is the reason why I stand by my point that before we can get more information about FESTAC, Honourable Speaker, this House needs to save Kisumu from more pending bills, from entering into activities that are not budgeted for, and from incurring pending bills that we are running away from. Thank you so much, Honourable Speaker.

The Speaker (Hon. Oraro): What is it, Honourable Leader?

Leader of Majority (Hon. Ooko, MCA, Ahero): Mr. Speaker, FESTAC is just like Afri-Cities event. It is an African event, and it is under African Festival of Arts and Culture that is done yearly. And we are lucky as a county and as a city that we are hosting it this year.

Mr. Speaker, I want to remind the Honourable Members that we approved a budget for that event. It is like approving a budget on a road. And now the way we are behaving, it is like you've seen a contractor assembling his tools to go to and do the road, then you start asking, what are you going to do in that road? It is my belief that in this we are being very unfair.

Mr. Speaker, you can't ask for the Bills of Quantity (BQs) until the contractor does the road. Honourable Speaker, I believe that the Kisumu FESTAC is being hosted at Mama Grace Onyango Cultural and Social Centre, together with Misango Arts, assembled from Arusha, Tanzania. So this is an African event, and it is a very big event. We also have other partners joining to ensure that the event takes place and I believe that we are in the middle of the FESTAC event that was launched yesterday by the Governor. So, when we are asking we want to know at this moment our work is to oversight let us wait when FESTAC is come and it is done then we ask how the department spent the Kshs 15 million. Mr. Speaker, why is this House worried where the other money is coming from and you did not contribute on that money.

Mr. Speaker, I want to also join my colleagues that we are happy as Kisumians our hotels are fully booked, the businesses are doing well, let us support FESTAC. Thank you.

The Speaker (Hon. Oraro): Honorable Members I'm seeing the Chairperson for Culture Committee. I think you already submitted or what is it?

Hon. Matara (Nominated Member): Mr. Speaker, the CEC Member was to send me a document on WhatsApp but I've got a brief report on FESTAC. Allow me to present it. In two minutes.

The Speaker (Hon. Oraro): Please proceed.

Hon. Matara (Nominated Member): Mr. Speaker and Honourable Members, the actually budget for the FESTAC is Kshs 16 million and now the extra 1 million is from Ksh. 500,000 is for the Security while the Kshs 500,000.00 (Kenya shillings five hundred thousand only) is for the Local Artist performing. They are going to be given Kshs 500,000.00 (Kenya shillings five hundred thousand only) and the Security will equally be given Kshs 500,000.00 (Kenya shillings five hundred thousand only)

So, it totals to what we approved which was Kenya shillings fifteen million (Kshs15 million). So, the extra one sorry Kenya shillings one million (Kshs1 million) but what I've received is as follows; first, we have daily delegates which are three thousand eight hundred fifty seven delegates (3,857) we have experts which is one hundred eighty seven (187). Mr. Speaker actually when I tried to talk to the CEC Member Honorable Farida, she informed me that she has an exhibition booth for us that we can display our items we have number three have counties countries attending at sixty-two (62) countries then we have speakers confirmed at one hundred twenty five (125) speakers confirmed. The County Government of Kisumu is taking care of State of Art Stage and Security and all the expenditures are being taken care of by the FESTAC team Mr. Speaker, then we'll have tags for the Honourable Members of the County Budget on FESTAC which is Kenya shillings fifteen million (Kshs. 15 million) that is stage 500 security and 500 performing artists. Thank you.

The Speaker (Hon. Oraro): What is it the Honourable Deputy Speaker. I gave you chance and you informed me you are discussing something with Hon. Bill.

The Deputy Speaker (Hon. Okombo. MCA, Manyatta “B”): Thank you Mr. Speaker. Just on the report that has been read by the Chair Sports and Culture. The Chairperson has stated that the County Government of Kisumu is only taking care of the Stage and the Security which she has clearly stated will cost the County Kenya shillings one million (Kshs1 million). So, in short, we are saving 14 million

The Speaker (Hon. Oraro): Honourable Deputy Speaker, but I didn't hear the Chairperson state that but, maybe you were having something on your ears.

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

Hon. Okumu (MCA, East Seme): Mr. Speaker, it is very clear from the submission of the Chairperson that we appropriated Kenya shillings fifteen million (Kshs 15 million) and that Kenya shillings fifteen million (Kshs 15 million) is going to be spent on the stage of FESTAC just the stage that they are going to provide a stage for FESTAC and it's going to cost the county Kenya shillings fifteen million (Kshs 15 million). I want that to go right on record and so that our

citizens can know where the Kenya shillings fifteen million (Kshs 15 million) is going to be spent on. Thank you.

The Speaker (Hon. Oraro): Why are Members rising? Hon. Matara can you repeat the statement on the budgetary implication so that it's clear so that Hon. Nereah is well informed because I didn't get her saying that Kenya shillings one million (Kshs 1 million) for the whole project. I mean for the whole program just the session on budget.

Hon. Matara (Nominated Member): Through the Speaker, the Kenya shillings fifteen million (Kshs 15 million) is a stage when you say stage an artist it doesn't mean that is necessary mean the podium.

The Speaker (Hon. Oraro): Honourable Members, why don't you lend your ears to Hon. Matara?

Hon. Matara (Nominated Member): Honourable Members, stage doesn't mean the actual podium the whole event is called to stage. It is the language of the arts. The Kenya shillings five hundred thousand (Ksh 500,000) which is additional funding brings the total expenditure to Kenya shillings sixteen million (Kshs 16 million). Which the additional expenditure of Kenya shillings five hundred thousand (Ksh 500,000) will go to security, the other amount of Kenya shillings five hundred thousand (Ksh 500,000) which is for Performing Artists and that one is they say....

(Hon. Olima rises on his feet)

The Speaker (Hon. Oraro): Honourable Chairperson, I believe that you've made your communication. Hon. Gard Olima, I don't want to open this matter to debate and we have already exhausted the statements time.

Hon. Olima (MCA, South West Nyakach): Thank you Mr. Speaker. I believe that this FESTAC event is now an animal in the House that is going to break or make this county. If you budgeted as a county for Kenya shillings fifteen million (Kshs 15 million). Who has donated the other Kenya shillings one million (Kshs 1 million) and from what coffers, from whose pocket? Mr. Speaker this is their appropriation House. We were asked to appropriate money. If you put Kenya shillings fifteen million (Kshs 15 million). So, they department must have requested for that and they must have had a BQ for the same.

Today you walk in town and you get all the billboards with see City Manager, Deputy Governor, Governor. I think the Kenya shillings fifteen million (Kshs 15 million) was to do all those things these is the 1 million for security why was it not part of what we were brought in this Assembly to approve. Whose pocket has given the Kenya shillings one million (Kshs 1 million) extra, from which coffers because we are the approving House. Mr. Speaker, why do they want to repeat with the Kenya shillings fifteen million (Kshs 15 million), now it is Kenya shillings sixteen

million (Kshs 16 million). Mr. Speaker, who has given the approval of one million without the approval of this Assembly.

The Speaker (Hon. Oraro): Your point is noted but I had the Chairperson state that any other cost is taken care of the by the partner but again, we have agreed that we are interested in the Kenya shillings fifteen million (Kshs 15 million). So, let us wait for the FESTAC to end and then we ask for the reports to verify the expenditure status of the festivals.

The Speaker (Hon. Oraro): Hon. Nyaoke, I said I'm giving you one minute.

Hon. Nyaoke (MCA, North Nyakach): Thank you Mr. Speaker. We are talking about a very fundamental issue but my worry is that, I believe that it is now too late in the day to discuss about this because what we should have asked at the very beginning at the time we were approving the budget for the actual thing. Mr. Speaker this function was officially opened yesterday and as a House we don't have the capacity to stop it even if that money is going to be squandered. What is remaining now...

The Speaker (Hon. Oraro): What is it Hon. Seth Okumu.

Hon. Okumu (MCA, East Seme): Mr. Speaker unless we are talking about different thing. Hon. Nyaoke is talking about an activity that was opened yesterday but on communication FESTAC is supposed to start on 25th. So, unless the Member is giving submissions on a different issue. Hon. Speaker I want him to come out clear and inform this House on what the Member talking about that started yesterday and has been opened. Thank you Mr. Speaker.

Hon. Nyaoke (MCA, North Nyakach): I withdraw that line. What I wanted to ask secondly is that I am aware that tickets will be sold for people to get into the function. I've been informed accordingly but my question is the collections of these tickets will be how much what is expected and where will this money be taken to? Will it come back to the county or those guests will leave with it.

(Loud consultation)

The Speaker (Hon. Oraro): Honourable Members, we cannot exhaust these discussions on FESTAC. It is my belief that what we asked for in the morning was very clear and the Chairperson of that respective House Committee has given a report. So, I want to suggest that with the report if there is any other concern then there must be a way of putting it but, now if we open up this matter for debate which is on FESTAC, I believe that we will not able to conclude.

So, I want to go with what the both the Leader of Majority and the Chief Whip has proposed that, let us not take this matters for granted when we give House Committees the opportunity to interrogate these Sectors in terms of their budget appropriations. Please, take it seriously. I mean some of the questions could have come earlier.

Honourable Members, as a House we appropriated Kenya shillings fifteen million (Kshs 15 million), and the Chairperson has put it very clear that any additional cost will be the responsibility of the organizers of the event. I mean as people responsible for oversight that's what you wait for because I'm 100% sure that by the end of the activity or the program, there is going to be a report on the same. Then we interrogate the report and if there is any mess then, the person responsible who has caused the mess will be held accountable. So, we give our arms and efforts to the same but what Hon. Gard Olima is asking is a very critical question though I heard that anything above Kenya shillings fifteen million (Kshs 15 million), is taken care of by the event organizers.

Honourable Members, up to that juncture, I believe we are informed. The Chairperson will inform you where to get your tags and if there is any responsibility and any questions, there's a way of bringing it. We are always available. We still have the whole of next week and even the week following. So, I want to close the issue of FESTAC and fortunately also the time for statement has elapsed. Thank you.

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

MOTION

REPORT OF THE SELECT COMMITTEE ON THE VETTING FOR APPOINTMENT OF
THE PROPOSED NOMINEES FOR THE POSITION AS MEMBERS OF THE KISUMU
CITY BOARD

BY

HON. KENNEDY OOKO, MCA, AHERO

(LEADER OF MAJORITY)

(Report moved on behalf of the Chairperson, the Honourable Speaker)

The Speaker (Hon. Oraro): Honourable Members, before I give the Leader of Majority, please I want to refer you to the Notices on the Order Paper on Limitation of Debates. The House resolved on Wednesday 21st February 2024 that pursuant to the provision of Orders No. 95 (1) of the Standing Order, this Assembly orders that each speech in the debate on a Report of a House respective Committee a Special Paper or any other reports submitted to the Assembly be limited as follows;

- a) a maximum of three hours with not more than 20 minutes for the mover in moving and 10 minutes in replying and;

- b) a maximum of five minutes for any other member speaking except the Leader of Majority but you shall be limited to a maximum of 15 minutes and the priority be accorded to the Leader of Majority Party in that order.

So, I'm bringing to you that attention that we are aware that we have a maximum of three hours for the debate and it's going to be distributed the way we resolved on Wednesday 21st February 2024. So, Honorable Leader Majority., the floor is yours.

Leader of Majority (Hon. Ooko, MCA, Ahero Ward): Thank you very much Honourable Speaker. I rise to move a Motion for Adoption of the report on the Vetting of the Nominees for Appointment to the position of members of the Kisumu City Board.

Mr. Speaker and Honourable members, pursuant to the Provisions of Article 184 of the Constitution of Kenya, 2010, Section 13 (4) of the Urban Areas and Cities Act, 2011, Section 11(1) of the Urban Areas and Cities (Amendment) Act, 2019 and Section 6 of the Public Appointments (County Assemblies Approvals) Act, 2017 read together with Standing Order No. 187 of the Kisumu County Assembly Standing Orders; His Excellency the Governor submitted to the County Assembly the following persons for vetting and approval for appointment to Kisumu City Board.

S/No	NAME	POSITION	CATEGORY
1.	Amb. Michael Adipo Okoth Oyugi	Member, City Board	Member
2.	Eng. Kenneth Nyangaga	Member, City Board	Member
3.	Mr. Joseph Muga Awuor	Member, City Board	Member
4.	Dr. Edwin Ochieng'Okul	Member, City Board	Member
5.	Mr. Lawrence Omondi Obat	Member, City Board	Member
6.	Ms. Caren Atieno Onyango	Member, City Board	Member
7.	Ms. Maryanne Amondi	Member, City Board	Representative of Association of Professional Societies.

8.	Ms. Vivian Akoth Otieno	Member, Board	City	Representative of the Informal Sector
9.	Mr. Samson Obwanga	Member, Board	City	Representative of the Private Sector
10.	Dr . Silvance Onyango Abeka	Member, Board	City	Representative of the Neighborhood Association

The Nomination of the ten (10) persons was conveyed to the Speaker of the County Assembly through the letter Ref. CGK/CS/ADM/20/VOL.II/113 dated 15th July, 2024. The Nominees curricula vitae and testimonials were enclosed in the letter and were forwarded to the Committee on Appointments pursuant to standing Orders No. 187.

Consequently, on the Tuesday of 6th August, 2024 pursuant to Section 13 (2) of the Urban Areas and Cities Act, 2011 read together with Section 6 and 7 of the Public Appointments (County Assemblies Approvals) Act, 2017, the Leader of the Majority Party; Hon. Kennedy Ooko tabled names of the Nominees on the Floor of the House for approval. The Nominations were procedurally committed to the Committee on Appointments for vetting and reporting to the House within twenty-one (21) days in accordance with Section 6 (7) of the Public Appointments (County Assemblies Approvals) Act, 2017 and Standing Order No 187.

Pursuant to Section 7 (4) of the Public Appointments (County Assemblies Approvals) Act, 2017, the Clerk of the County Assembly placed an advertisement in the print media on Tuesday 7th August, 2024 notifying the Nominees of the time and place of the approval hearing and invited the public to submit memoranda by way of written statements on oath (*affidavit*) on the suitability or otherwise of each of the Nominees in accordance with the Public Appointments (County Assemblies Approvals) Act, 2017 (*Annexure iv*). The Advertisement indicated that the submissions were to be received on or before 13th August, 2024 at 4.00 p.m. By close of the submission deadline, the Committee had not received any memoranda on the suitability of the Nominees for appointment.

Further in fulfillment of the provisions of Article 184 of the Constitution, 2010, Section 13(4) of the Urban Areas and Cities Act, 2011, Sections 11 (1) of the Urban Areas and Cities (Amendment) Act, 2019 and Section 87 of the County Governments Act, 2012 read together with section 7 (5) of the Public Appointments (County Assemblies Approvals) Act, 2012 and Standing Order No. 187, the Clerk of the County Assembly on 7th August, 2024 notified the public through the print media that the Committee on Appointments would conduct the approval hearings as from Wednesday 14th – Thursday 15th August, 2024 at the County Assembly Chambers.

The Nominees appeared before the Committee as scheduled for the approval hearings in accordance with the provisions of the Constitution, the Urban Areas and Cities Act, 2011 and its Amendment of 2019, the Public Appointments (County Assemblies Approvals) Act, 2017 and the County Assembly Standing Orders on their suitability or otherwise for appointment to the position of Members of the City Board.

Pursuant to Section 8 of the Public Appointments (County Assemblies Approvals) Act, 2017 the Committee observed that the following nominees met the integrity threshold; demonstrated knowledge of topical, administrative and technical issues touching on the portfolios to which they had been nominated, and had the requisite abilities, academic qualifications and professional experience to be approved for appointment as Members of the City Board in accordance with Section 13(4) of the Urban Areas and Cities Act, 2011 (hereinafter ‘the Act’) and Section 11 (1) of the Urban Areas and Cities (Amendment) Act, 2019:-

S/No	NAME	POSITION	CATEGORY
1.	Amb. Michael Adipo Okoth Oyugi	Member, City Board	Member
2.	Eng. Kenneth Nyangaga	Member, City Board	Member
3.	Mr. Joseph Muga Awuor	Member, City Board	Member
4.	Dr. Edwin Ochieng’Okul	Member, City Board	Member
5.	Mr. Lawrence Omondi Obat	Member, City Board	Member
6.	Ms. Caren Atieno Onyango	Member, City Board	Member
7.	Ms. Vivian Akoth Otieno	Member, City Board	Representative of the Informal Sector
8.	Mr. Samson Obwanga	Member, City Board	Representative of the Private Sector
9.	Dr . Silvanice Onyango Abeka	Member, City Board	Representative of the Neighborhood Association

Having conducted the approval hearings for the Nominees pursuant to the requirements of the Urban Areas and Cities (Amendment) Act, 2019 and Section 8 of the Public Appointments (County Assemblies Approvals) Act, 2017 read together with Standing Order No. 187 the

Committee recommends that this House therefore approves the Nomination of the listed persons to the City Board.

Further pursuant to Section 13 (4) of the Act, Section 11(1) of the Urban Areas and Cities (Amendment) Act, 2019, sections 4 and Section 8 of the Public Appointments (County Assemblies Approvals) Act, 2017 and Standing Order No. 187 and having found that there were substantive defects in the procedure used to arrive at one of the nominee, fundamental omissions on mandatory statutory compliance, and having made extraneous considerations on the suitability of the Nominee that may risk rendering the cumulative appointment process unconstitutional, the Committee prays that this Hon. House DOES NOT consider for approval the following person to the City Board: (*refer Appendix I(a) of the Report*)

S/No	NAME	POSITION	CATEGORY
1.	Ms. Maryanne Amondi	Member, City Board	Representative of Association of Professional Societies

Therefore, I take this opportunity to thank all the Members of the Committee for their input and valuable contributions and time during the approval hearings and deliberations during the writing of the Report. The Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the County Assembly for the technical support accorded to it during the exercise.

On behalf of the Committee on Appointments and pursuant to Article 184 of the Constitution of Kenya, 2010, Sections 13 of the Urban Areas and Cities Act, 2011 and Section 9 (2) of the Public Appointments (County Assemblies Approvals) Act, 2017 read together with Standing Order No. 187 of the Kisumu County Assembly Standing Orders, it is now my duty and privilege to present to this House, the Report of the Committee on Appointments on the Approval Hearings of the Nominees for appointment to the positions of Members of the Kisumu City Board

Preface

Establishment and Mandate of the Committee

Mr. Speaker and Honourable Members, the Committee on Appointments is established under Standing Order No. 187. Standing Order No. 187 (4) provides that the Committee on Appointments shall;

consider, for approval by the County Assembly, appointments under Articles 179(2) of the Constitution.

Committee Membership

The Committee on Appointments as currently constituted comprises of the following Members:

- | | |
|-------------------------|---|
| 1. Hon. Elisha J. Oraro | Speaker of the County Assembly/
Chairperson |
| 2. Hon. George Abaja | Vice Chairperson (MCA West Seme) |
| 3. Hon. Ken Ooko | Leader of the Majority Party (MCA Ahero) |
| 4. Hon. Lumumba Owade | Deputy Leader of the Majority Party (MCA
S.E. Nyakach) |
| 5. Hon. Seth Kanga | Majority Whip (MCA Market/Milimani) |
| 6. Hon. Nereah Okombo | Deputy Speaker (MCA Manyatta B) |
| 7. Hon. Zachary Okoyo | Member (MCA Central Kisumu) |
| 8. Hon. Eunice Alando | Member (MCA Nominated) |
| 9. Hon. Carren Odhiambo | Member (MCA Kaloleni/Shaurimoyo) |

Committee Secretariat

The Secretariat Comprises;

1. Mr. Owen Ojuok – Clerk of the County Assembly
2. Mr. Harman Moses – Clerk Assistant
3. Mr. Patrick Okoyo – Hansard Officer
4. Ms. Risper Wayuah – Serjeant-at-arms

Background Information - Notification of Nominations

Mr. Speaker and Hon. Members, pursuant to Article 184 of the Constitution, Sections 13(4) of the Act and 11(1) of the Urban Areas and Cities (Amendment) Act, 2019 as read with Sections 4 and 6 of the Public Appointments (County Assemblies Approvals) Act, 2017, the Governor through the County Secretary forwarded to the Clerk of the County Assembly the following Nominees for Vetting as Members of the City Board:

S/No	NAME	POSITION	CATEGORY
1.	Amb. Michael Adipo Okoth Oyugi	Member, Board	City Member
2.	Eng. Kenneth Nyangaga	Member, Board	City Member
3.	Mr. Joseph Muga Awuor	Member, Board	City Member

4.	Dr. Edwin Ochieng'Okul	Member, Board	City	Member
5.	Mr. Lawrence Omondi Obat	Member, Board	City	Member
6.	Ms. Caren Atieno Onyango	Member, Board	City	Member
7.	Ms. Maryanne Amondi	Member, Board	City	Representative of Association of Professional Societies
8.	Ms. Vivian Akoth Otieno	Member, Board	City	Representative of the Informal Sector
9.	Mr. Samson Obwanga	Member, Board	City	Representative of the Private Sector
10.	Dr . Silvance Onyango Abeka	Member, Board	City	Representative of the Neighborhood Association

The Notification included an attachment of curriculum vitae and testimonials of the Nominees.

Notification to the House and Referral to the Committee on Appointments.

Pursuant to the provisions of the Standing Orders, the Hon. Kennedy Ooko; Leader of Majority on 7th August, 2024 tabled the Notification of the Nomination before the Hon. House and informed the House of the Governor's Nomination of the Nominees to the City Board.

Pursuant to Section 8 of the Public Appointments (County Assemblies Approvals) Act, 2017 and Standing Order No. 187 the names and curriculum vitae of the Nominees were referred to the Committee on Appointments for approval hearings and reporting to the House within twenty-one (21) days.

Notification to the Public and the Nominees

Article 118 of the Constitution provides that the County Assembly shall facilitate public participation and involvement in the legislative business and other business of the County Assembly and its Committees.

Section 7(4) of the Public Appointments (County Assemblies Approvals) Act, 2017 provides that the Clerk shall notify the public of the time and place for holding an approval hearing at least seven days prior to the hearings.

Further, Section 7(10) of the Public Appointments (County Assemblies Approvals) Act, 2017 provides that “any person may, prior to the approval hearings and by written statement on oath provide the clerk with evidence contesting the suitability of a candidate to hold office to which the Candidate has been nominated”.

Pursuant to Article 118 of the Constitution as read with Section 7 of the Public Appointments (County Assemblies Approvals) Act, 2017, the Clerk of the Assembly placed an advertisement in the print media on 7th August, 2024 (*Annexure ii*) inviting the public to submit memoranda by way of written statement on oath (affidavit) on the suitability or otherwise of the Nominees in conformity with Section 7 of the Public Appointments (County Assemblies Approvals) Act, 2011. The Advertisement indicated that the submissions were to be received on or before 13th August, 2024 at 4.00pm.

Further pursuant to Article 118 of the Constitution, Section 7 of the Public Appointments (County Assemblies Approvals) Act, 2017 and Standing Order No 187 the Clerk of the Assembly notified the general public that the approval hearing of the Nominees would be conducted as from 14th – 15th August, 2024.

Issues for Consideration during the Approval Hearings

Section 7 (8) and (9) of the Public Appointments (County Assembly Approvals) Act, 2017 provides that:

“...An approval hearing shall focus on a candidate’s academic credentials, professional training and experience, personal integrity and background.

The criteria specified in the schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate.”

Additionally, Section 8 of the Public Appointments (County Assemblies Approvals) Act, 2017 provides that the issues for consideration by the relevant Committee in relation to any nomination shall be: -

Procedure used to arrive at the Nominee

Any Constitutional or statutory requirements relating to the Office in question, and

The suitability of the Nominee for the appointment proposed having regard to whether the nominee’s abilities, experience and qualities meet the needs of the body to which the Nomination is being made.

Pursuant to Section 13(4) of the Act a person shall not be appointed a member of the board unless that person—

(a) is a citizen of Kenya;

(b) is ordinarily resident or has a permanent dwelling in the city;

(c) carries on business in the city; or

Consequently, pursuant to Sections 9 (6) (*Amendment of S.13 of the Act*) of the Urban Areas and Cities (Amendment) Act, 2019 a person shall be qualified for appointment as a member of the City Board if that person —

(a) holds a bachelor's degree from an institution recognized in Kenya;

(b) has a distinguished career in a medium level management position in either the private or public sector;

(c) holds at least seven years' post-qualification professional experience; and

(d) satisfies the requirements of Chapter Six of the Constitution.

While conducting the approval hearings, the Committee was further guided by the provisions of Section 8 of the Public Appointments (County Assemblies Approvals) Act, 2017.

Constitutional and Statutory Requirements in County Assembly approval of Public Appointments.

The Constitution and various statutes provide clear framework on conduct of county Assembly approval of public appointments. They are listed below:

- a. The Public Appointments (County Assemblies Approval) Act, 2017
- b. Chapter 6 of the Constitution (leadership and integrity); Article 10 of the Constitution (national values and principles of governance); Article 118 of the Constitution (public access and participation); Article 232 of the Constitution (values and principles of public service);
- c. The Leadership and Integrity Act (Cap. 182);
- d. The Urban Areas and Cities Act, 2011
- e. The Urban Areas and Cities (Amendment) Act, 2019;
- f. The Public Service (Values and Principles) Act (No. 1A of 2015)

g. The Public Officer Ethics Act (Cap. 183

Public Appointments (County Assemblies Approvals) Act, 2017

Section 8 of the Public Appointments (County Assemblies Approvals) Act, 2017, provides for issues which the County Assembly is supposed to consider in relation to any nomination. These are:

- (a) the procedure used to arrive at the nominee;
- (b) any constitutional or statutory requirements relating to the office in question; and
- (c) the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.

The procedure for appointment of Members of the City Board is outlined under the Public Appointments (County Assembly Approvals) Act, 2017 and the Urban Areas and Cities Act, 2011.

Section 9 of the Urban Areas and Cities Act, 2019 provides that nomination of Members of the City Board is a statutory prerogative of the Governor. There is no further procedure prescribed in the Act. However, the requisite procedure for approval is provided for in Section 7 of the Public Appointments (County Assemblies Approval) Act which provides direction on the conduct of approval hearing. These are:

- (a) An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background (section 7(7));
- (b) The criteria specified in the Schedule shall be used by a Committee during an approval hearing for the purposes of vetting a candidate (section 7(8));
- (c) Any person may, prior to the approval hearing, and by written statement on oath, provide the clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated (section 7(9));
- (d) A candidate may, at any time, by notice in writing addressed to the Clerk, withdraw from the approval process and the candidate's nomination shall end (section 7(10)).

The period for consideration of nomination is spelt out in the Act. Section 8 of the Public Appointments (County Assemblies Approval) Act provides that the Committee shall consider the nomination and table its report to the House for debate and decision within twenty-one (21) days from the date on which the notification of nomination was given.

Constitutional Provisions

The Constitution, in addition, sets out certain requirements regarding the appointment of persons to public office which include:

Chapter Six on Leadership and Integrity

The Committee, in determining the suitability of the nominees, took into consideration the provisions on leadership and integrity as outlined under Chapter Six of the Constitution. In particular, the committee took cognizance of the following provisions:

Article 73(2) of the Constitution that provides that the guiding principles of leadership and integrity include-

- (a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;
- (b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;
- (c) selfless service based solely on the public interest, demonstrated by;
 - (i) honesty in the execution of public - duties; and
 - (ii) the declaration of any personal interest that may conflict with public duties;
- (d) accountability to the public for decisions and actions; and
- (e) discipline and commitment in service to the people.

Article 75(1) of the Constitution that requires a State officer, whether in public or private life, to behave in a manner that avoids conflict between personal interest and public official duties and Article 75(3) of the Constitution that prohibits a State Officer who has been removed from office under that Article from holding any other State Office.

Article 77(1) of the Constitution that prohibits a full time State officer from participating in any other gainful employment.

Article 77(2) of the Constitution that prohibits an appointed State officer from holding office in a political party.

Article 78 (1) of the Constitution that disqualifies persons who are not Kenyan citizens and persons holding dual citizenship from appointment as State Officers. Article 10(2) of the Constitution on national values and principles of governance.

Article 10(2) of the Constitution which provides for the national values and principles of governance which include patriotism, national unity, sharing and devolution of power, the rule of

law, democracy and participation of the people; human dignity, equity, natural justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized; good governance, integrity, transparency and accountability; and sustainable development and;

Article 118 of the Constitution obligates the County Assembly to conduct its business in an open manner, and that its sittings and those of its committees shall be in public; and that parliament shall facilitate public participation and involvement in the legislative and other business of the County Assembly and its committees. It also provides that the County Assembly may not exclude the public, or any media, from any sitting unless in exceptional circumstances.

Two-Third Gender Rule

Article 27(8) of the Constitution provides that the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.

Section 13(3) of the Act, provides that in constituting the City Board consideration shall be made to the two-thirds gender rule.

Leadership and Integrity

33. The Committee, in determining the suitability of the Nominees, was also guided by the provisions on Leadership and integrity as outlined under Chapter Six of the Constitution. In particular, Article 72 (2) of the Constitution provides that the guiding principles of leadership and integrity include:

- a. Selection on the basis of personal integrity, competence and suitability,
- b. Objectivity and impartiality in decision making and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;
- c. Selfless service based solely on the public interest, demonstrated by –
 - i. Honesty in the execution of public duties; and
 - ii. The declaration of any personal interest that may conflict with public duties;
- d. Accountability to the public for decision and actions; and
- e. Discipline and commitment in service to the people

Article 75 of the Constitution requires a state officer, whether in public or private life to behave in a manner that avoids conflict between personal interest and public official duties. This Article

further prohibits a state Officer who has been removed from office under it from holding any other state office.

Article 77(1) of the Constitution prohibits a full time State Officer from participating in any other gainful employment.

Article 77(2) of the Constitution prohibits an appointed State Officer from holding office in a political party. Article 78 of the Constitution disqualifies persons who are not Kenyan Citizens from appointment as State Officers. Further, a State Officer is barred from holding dual Citizenship.

In addition, the Committee considered section 10 of the Leadership and Integrity Act, 2012 in particular which provides that: -

A state Officer shall, to the best of their ability –

- a) Carry out the duties of the Office efficiently and honestly;*
- b) Carry out the duties in a transparent and accountable manner;*
- c) Keep accurate records and documents relating to the functions of the office; and*
- d) Report truthfully on all matters of the organization which they represent.*

Suitability of the Nominees for the proposed appointment having regard to whether the Nominees' abilities, experience and qualities meet the needs of the body to which the nomination is being made.

The Suitability of the Nominee of the Nominees was assessed after scrutiny of the Nominees' academic credentials, professional training and experience, personal integrity, background and qualities as well as their performance during the approval hearings conducted on 14th – 15th August, 2024.

Memoranda from the Members of the Public in respect of the Nominees.

Committee did not receive any Memorandum from the Members of the Public in respect of the Nominees opposing their nomination.

1. VETTING OF NOMINEES TO THE BOARD OF KISUMU CITY.

The Nominees appeared before the Committee on 10th July, 2023 in accordance with the timeline provided for in the advert for the vetting exercise placed in the dailies and were vetted under oath pursuant to the Statutory Declarations Act, the Public Appointments (County Assemblies Approvals) Act, 2017, the Urban Areas and Cities (Amendment) Act, 2019 and Standing Orders of the Kisumu County Assembly. The Committee noted the following:

MANDATORY REQUIERMENTS ACCORDING TO SECTION 13 (4) OF THE URBAN AREAS AND CITIES ACT, 2011

S/No.	Names	Category	Nationality	Academic Qualifications requisite for the Position (atleast a Bachelor's Degree)	Statutory Clearance Qualification	Carries on business in the municipality or has lived in the municipality for at least five years	Av. Score
1.	Amb. Michael Adipo Okoth Oyugi	Member	Kenyan	Responsive	Responsive	Responsive	83.75
2.	Eng. Kenneth Nyangaga	Member	Kenyan	Responsive	Responsive	Responsive	69.75
3.	Mr. Joseph Muga Awuor	Member	Kenyan	Responsive	Responsive	Non-Responsive	68.8
4.	Dr. Edwin Ochieng'Okul	Member	Kenyan	Responsive	Responsive	Responsive	80.43
5.	Mr. Lawrence Omondi Obat	Member	Kenyan	Responsive	Responsive	Responsive	78.33
6.	Ms. Caren Atieno Onyango	Member	Kenyan	Responsive	Responsive	Responsive	76.63
7.	Ms. Maryanne Amondi	Representative of Professional Associations	Kenyan	Responsive	Non-responsive	Non-responsive	51
8.	Ms. Vivian Akoth Otieno	Representative of the Informal	Kenyan	Responsive	Responsive	Responsive	60.13

		Sector					
9.	Mr. Samson Obwanga	Representative of the Private Sector	Kenyan	Responsive	Responsive	Responsive	74.57
10.	Dr Silvance Onyango Abeka	Representative of the Neighborhood Association	Kenyan	Responsive	Responsive	Non-Responsive	86.38

Committee Observations on the Suitability of the Nominees

The Committee having considered the nominees filled questionnaires pursuant to Section 8 of the Public Appointments (County Assemblies Approvals) Act, 2017, their curriculum vitae and having heard oral submissions during the approval hearing, made the following observations on the suitability for appointment as Members of the Board of Kisumu City.

THAT, pursuant to Sections 9 of the Urban Areas and Cities (Amendment) Act, 2019 the following Nominees for Members of the Kisumu City Board are eligible for appointment to the Board:

S/No	NAME	POSITION	CATEGORY
1.	Amb. Michael Adipo Okoth Oyugi	Member, City Board	Member
2.	Eng. Kenneth Nyangaga	Member, City Board	Member
3.	Mr. Joseph Muga Awuor	Member, City Board	Member
4.	Dr. Edwin Ochieng'Okul	Member, City Board	Member
5.	Mr. Lawrence Omondi Obat	Member, City Board	Member
6.	Ms. Caren Atieno Onyango	Member, City Board	Member
7.	Ms. Vivian Akoth Otieno	Member, City Board	Representative of the Informal Sector
8.	Mr. Samson Obwanga	Member, City Board	Representative of the Private Sector
9.	Dr . Silvance Onyango Abeka	Member, City Board	Representative of the Neighborhood Association

THAT, the mentioned Nominees meet the requirements of Chapter Six of the Constitution on Leadership and integrity having received clearance from the following Statutory Bodies:

- i. Higher Education Loans Board(HELB)
- ii. Credit Reference Bureau (CRB)
- iii. Director of Criminal Prosecution
- iv. Kenya Revenue Authority
- v. Ethics and Anti-Corruption Commission

THAT, the Nominees have never been charged in a court of law in the past three years.

THAT, the Nominees have never been dismissed from Office under Article 75 of the Constitution for contravention of the provisions of Article 75 (1) *conflict of interest*), Article 76 (*financial probity*) Article 77 (*restriction on activities of a State Officer* and Article 78 (2) (*dual citizenship*) of the Constitution.

THAT, the Nominees demonstrated knowledge of topical, administrative and technical issues touching on the management and administration of Kisumu City and has the requisite abilities, qualifications and experience required to serve as Members of the Board.

THAT, the following nominee DID NOT demonstrate knowledge of topical, administrative and technical issues touching on the portfolio to which she had been nominated, did not have professional experience to be approved for appointment as Members of the City Board in accordance with Section 13(4) of the Urban Areas and Cities Act, 2011 and Section 11 (1) of the Urban Areas and Cities (Amendment) Act, 2019 and did not provide proof of fulfillment of Chapter Six of the Constitution, 2010 by providing mandatory statutory compliance requirements in accordance with Section 9(6) (d) of the Urban Areas and Cities Amendment Act, 2019.

1.	Name	Position	County	Category
1.	Ms. Maryanne Amondi	Member City Board	Siaya	Representative of Professional Associations

The vetted Nominees' profiles and Score sheet Analysis are hereunder attached in the Appendix i of this Report.

Committee Recommendations

Having conducted the approval hearing of the Nominees pursuant to Article 184 of the Constitution, Section 4 and Section 8 of the Public Appointments (County Assemblies

Approvals) Act, 2017 and Standing Order No. 187 of the Kisumu County Assembly Standing Orders, the Committee Recommends:

THAT this Hon House Approves the following nominees for appointment to the City Board.

S/No	NAME	POSITION	CATEGORY
1.	Amb. Michael Adipo Oyugi	Member, City Board	Member
2.	Eng. Kenneth Nyangaga	Member, City Board	Member
3.	Mr. Joseph Muga Awuor	Member, City Board	Member
4.	Dr. Edwin Ochieng'Okul	Member, City Board	Member
5.	Mr. Lawrence Omondi Obat	Member, City Board	Member
6.	Ms. Caren Atieno Onyango	Member, City Board	Member
7.	Ms. Vivian Akoth Otieno	Member, City Board	Representative of the Informal Sector
8.	Mr. Samson Obwanga	Member, City Board	Representative of the Private Sector
9.	Dr. Silvance Onyango Abeka	Member, City Board	Representative of the Neighborhood Association

Further pursuant to Section 11 of the Urban Areas and Cities (Amendment) Act, 2019, Section 8 of the Public Appointments (County Assemblies) Approvals Act, 2012 and Standing Order No. 187 the Committee recommends that the following Nominee is not approved:

S/No.	Name	Position	Category
1.	Ms. Maryanne Amondi	Member City Board	Representative of Professional Association

May I call upon the Chief Whip to second?

Chief Whip (Hon. Kanga, MCA, Market/Milimani): Mr. Speaker, the personalities we vetted here were qualified. We have an ambassador, Mr. Adipo Oyugi, who was exceptionally qualified

and who is able to speak several languages, including Española, Portuguese, German, and French, and even Dholuo language and this would be a plus for Kisumu City, Mr. Speaker, and.

Mr. Speaker, the other time, Kisumu City hosted Afri-cities, I was embarrassed when we were at the airport, when we were meeting some delegation from Senegal and Cameroon, and they were speaking French. Mr. Speaker, there were no interpreters, so communication was a great barrier. So, this time around, we have a person who is able to speak several languages, and as a city, we are proud of that. Several of them, like Professor Beka, who is a renowned professor who understands the terrains of this city, going by how the proposed nominee presented himself. We had Engineers in that board, Mr. Speaker, and unfortunately, we had an Advocate of the High Court, whom, Mr. Speaker, as the Chairperson of the Select Committee on Appointment, you know what transpired when we interviewed the personality.

Mr. Speaker, as an Assembly, I believe this time around, the due process has been followed by the County government, and the Select Committee on Appointment checked all the requirements which as stipulated when the process is being done. Mr. Speaker, I believe the Assembly's Select Committee on Appointment did its work. Now, what remains is the work of the plenary to interrogate, check, and debate robustly whether what the Select Committee on Appointment did, they followed the law. With those few remarks, I second. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Honorable Members, now that the Leader of Majority has moved the motion on the Adoption of a Report of the Select Committee on Appointments on the Vetting of Proposed Nominees for Appointment to the position of Members of the Kisumu City Board, this was seconded by the Chief Whip, as per our Standing Orders, I want to propose a question. And I hereby propose that the motion for adoption of a report of the Select Committee on Appointments on the Vetting of the Proposed Nominees for Appointment as Members of the Kisumu City Board is open for debate.

The Speaker (Hon. Oraro): Yes, Hon. Seth, you have disappeared. I'm used to seeing you seated on this this side.

Hon. Okumu (MCA, East Seme): Thank you Mr. Speaker, allow me to submit from the seat of the Honorable Ben Adegwa of Kajulu Ward. We were consulting about the membership of this Board, and the Member has informed me to submit on his behalf and on my own behalf as well that we approve the adoption of this report that as agreed, we bring down that one proposed nominee, the lady, I believe that she's called Marianne Amondi, and the other members be approved to be on the Board.

Mr. Speaker, I was here, even though I'm not a member of the Select Committee on Appointments, but I had interest on the membership of the Kisumu City Board, and I wanted to

witness for myself those whom the Governor had brought before us to approve to help us in managing the city. Honorable Speaker, I want to agree with the submission of the Chief Whip that most of the proposed nominees as Members in their presentation and their certificates, they merit being in that Board, and they are going to add value in management of our city. Honorable Speaker, I know it was a lot of tasks when you were vetting the proposed nominee to be Members of the Kisumu City Board. There were so many, but Honorable Speaker, I saw the commitment of Members.

So, they are not just bringing a report that was made, but it is a report that originates from Members of this Assembly, because they were always there for each and every person. I remember you sending out one lady, because she lost her I.D. card, but she managed to come back with a sworn affidavit, and sat before the House Committee, and she proved herself before this House Committee. Honorable Speaker, we had done this before, but as you know, the processes of this County, and the way Kenyans are becoming litigious, it was taken to Court, and we were advised to get a new Board, and that is what we are doing right now.

Honorable Speaker, I want to implore on Members that we join hands in approving these people, so that our city can have a full board that can engage in the activities of the city. Honorable Speaker, I support.

The Speaker (Hon. Oraro): Honorable Kelvin.

Hon. Oraro (MCA, Kolwa Central): Mr. Speaker, although on one hand, I'll be supporting the report, but I'm a little bit disturbed. Mr. Speaker, we are taking this city for a joke. His Excellency, the Governor, Professor Anyang' Nyongó, has worked all around the county, and for that matter, we have had boards from different towns and municipalities.

Mr. Speaker, when you talk about Kombewa, the majority of the people, or the residents and people who understand Kombewa, I never saw somebody from Kolwa or any other region going to be there at the Municipal Board at Kombewa. The same happened with Ahero Town, same to other towns that were established. But when it comes to the City, I'm seeing people being outsourced, and very few people from this area, like Kisumu East entirely, is in the city, and the entire, almost half of Kisumu West is in the city. But they have chosen around two or three, I'm not sure, and the majority of the members are not even from within. It is not about papers but the things that are going to be discussed. The last Chairperson of the City Board, never did much, and for that reason, if you go to most of the roads in Kisumu East, we are suffering, and that's where residents come from. In addition, you see that this special Board has just been left, so that anybody can sit in the City Board. Where are we heading as a city? What do you want to achieve? I'm kindly asking, although my hands are tied. I will just support the report of the Select

Committee on Appointments, but the reality, as we appreciate the son from Kasagam, the ambassador, but I'm saying it was not enough.

(Hon. Okumu interjects with on a Point of Order)

Hon. Okumu (MCA, East Seme): Mr. Speaker, Point of Order!!

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

Hon. Okumu (MCA, East Seme): Honorable Speaker, I want to inform the Hon. Member on the floor, my brother, Honorable Kelvin Oraro.

The Speaker (Hon. Oraro): Honorable Kelvin, do you want to be informed?

Hon. Oraro (MCA, Kolwa Central): Mr. Speaker, I believe that the Member he wants to inform the House, together with me.

The Speaker (Hon. Oraro): Yes, Hon. Seth Okumu please proceed.

Hon. Okumu (MCA, East Seme): Thank you, Honorable Speaker. I just want to bring to the information of the Honorable Member that, two of those proposed nominee as members, if you were here, are coming from Kisumu East. Honorable Speaker, if I was to go by the names, Professor Michael Adepo Panja is from Nyalenda "A", and I believe that the Honorable Member from Nyalenda "A" will help confirm that. Professor Abeka comes from Kajulu. So, remember, I just wanted to bring that information, so that you don't go submitting on falsehood. Thank you.

Hon. Oraro (MCA, Kolwa Central): Mr. Speaker, I believe that I was on record. I was continuing to contribute and I was saying, thank God, someone, a member from Kasagam community in Kolwa was given the position. But the position I'm complaining about, when I look at Kisumu West and Kisumu East, and the entire Board, the number was too small. I hope that the next Governor, or the next person who will be constituting this Board, should consider that the decision that will be made in the city will actually affect the people from Kisumu East and Kisumu West, and majorly the indigenous, who are the people of Kolwa, Kajulu, and Kisumu. Mr. Speaker, for that reason, when you are talking about the Board, I will always pray that the membership of that board, we should always be having two-thirds, if not a half.

Mr. Speaker, for that reason, I want to say that I'm very happy we have someone from Nyalenda "A", who we not only see him as someone from Nyalenda "A", but also as a member who understands Kolwa very well, which unlike in the last Board, we were not included. This time at

least, our voices can be heard, and we are represented as the people of Kolwa. But the representation is not enough. Although, I support the report. That is my take, Mr. Speaker.

The Speaker (Hon. Oraro): Thank you, Hon. Kelvin, though you don't need to say that your hands are tied. This is because, here, you are free. You either support or reject. It is upon you to convince the Members to follow your thinking.

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

Hon. Rakwach (MCA, Kolwa East): Thank you, Mr. Speaker, Sir. I rise to oppose the report because of the reasons that I'm going to give. Honorable Speaker, I said I always ride on facts, and I respect the Constitution of Kenya. Mr. Speaker, Sir, the report has even mentioned some clauses in the Constitution of Kenya, which the report has refused to respect again in making the conclusions and the recommendations. This is because there is the Urban Areas and Cities Act of 2011. If you look at the provisions of section 13(4) of this Act, it states that and I quote;

“a person shall not be appointed as a Member of City Board unless that person is a Kenyan citizen”

Mr. Speaker, unless that person is ordinarily resident or has permanent dwelling in that city, unless that person carries on business in that city and finally, unless that person has lived in that city for at least five years. Honorable Speaker, at the same time, it goes on. If I take you back to the provisions of Section 13 of the same Act 2011 Sub-section three states that and I quote;

“The Executive committee shall while appointing members of the Board, ensure gender equity, representation of the persons with disability, youth, and marginalized groups, honorable Members”.

First, I want to poke holes or the gaps which are in this report. Honorable Speaker there is nowhere written whether there is a representative of the Disability. I have not even seen a disability card here.

Honorable Speaker, on the issues to do with the Marginalized Groups, I have not seen or maybe I was fast and did not take time to go through this report, but I stand to be guided. But now, the most worrying bit of it, if you go to page 13 of the same report, analysis has been done well. As per the provision of Section 13 (4) of the Urban Areas and Cities Act of 2011 of the citizenship of a person being appointed, whether the person has permanent dwelling, carries business, or has lived in the city for five years. They have analyzed that one Mr. Joseph Muga Awuor is not responsive in that column. One Ms. Marianne Amondi is not responsive in that column. And it is indicated and one Dr. Sylvans Onyango Abeka is not responsive on that column. How come in

the recommendation it is being recommended that these proposed nominees have satisfied the panel and this House is being implored with to approve these names Hon. Speaker, minus only one nominee's name, this young lady, I have forgotten the name. Is it Maryanne Amondi? Only that one name. What has this Report seen in Mr. Joseph Muga Awuor and Dr. Sylvans Onyango Abeka, who are not qualified? According to even the analysis that has been done on Page 13, I beg to oppose this Report. Hon. Speaker, this is based on the facts provided in the report.

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

Hon. Nyaoke (MCA, North Nyakach): Thank you Mr. Speaker. I want to support the adoption of this report, and if possible Mr. Speaker, with an amendment, if I can be allowed that part. Mr. Speaker, we have looked at the names of people who have been vetted and proposed for approval by this House. Actually, I want to say that I followed the vetting process very candidly and something to my dismay, is actually, one of the proposed nominees in that report is now seeking to omit from this particular report, one Ms. Maryanne Amondi.

Mr. Speaker, Ms. Maryanne Amondi, is representing Professional Associations. You are a member of a Professional Association Mr. Speaker. And I do know that where representation is required from these associations, they do select, appoint or suggest a person to do that representation.

Mr. Speaker, when this favorable lady was chosen from the professional cadre to represent the same people, then one way or the other, it is found that she is not competent. But the incompetence here, Mr. Speaker, is something that all of us, or even the whole team can be able to verify that what is the level of that competency that was required? My colleague, Mr. Reuben, has put across some points there. But even if we look at the composition of the whole team, Mr. Speaker, we should be seen to be trying to look at what Constitution which is actually requires from us. You have seen that, if we reject this proposed nominee, this lady, Mr. Speaker, we are going to remain with the two ladies with several men in that board, Mr. Speaker. Are we doing justice to women of Kisumu County?

Mr. Speaker, I humbly implore this House that if something can be done, because I am personally aware that even Maryanne Amondi has got sufficient education, Mr. Speaker and she has been living in this particular city, and I am sure professionally she is able to give proper guidance and support to the team which we are going to approve here, Mr. Speaker. It is now my humble prayer that something should be done to this report to ensure that we overturn the recommendations of this House Committee regarding the rejection of this proposed nominee. It is not yet late. We need to reconsider our decision to omit this lady.

Mr. Speaker, Prof. Peter Anyang' Nyongó is equally very educated, and I am sure in the field of such kind of cadres, he must have considered the qualifications of this lady, Mr. Speaker. It is part of this that I am requesting my fellow Honourable Members to take this issue seriously and to know that even for her to reach this vetting process, there are people who have worked along with her in providing some decisions or decision-making in this particular City, Mr. Speaker. I therefore pray that this House reconsiders the decision to reject this proposed nominee. Mr. Speaker, I want to stop there, but pray that let Members reconsider the position that has been brought by this report not to leave this one Maryanne Amondi out of this City Board. Thank you, Mr. Speaker.

(Hon. Rakwach rises on a Point of Order)

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

Hon. Rakwach (MCA, Kolwa East): Hon. Speaker, the Member who has just spoken has dwelt more on Ms. Maryanne Amondi and I think we should follow the Constitution. There is this provision which is Section 13 (4) of the Urban Areas and City Act 2011; I believe that I have read out the requirements. Mr. Speaker, the report indicates well that she is not responsive as of what is required for a member of the City Board. The proposed nominee is in that category. The proposed nominee is not qualified, alongside Dr. Silvanice Onyango Abeka and Mr. Joseph Muga Awuor. So let us just follow the law and remember, we are being watched. People of this great County of Kisumu are watching us. Whatever we are doing here must be inconsistent with the Constitution of Kenya. I just want to remind the Member that the lady the Member is really advocating for does not qualify. So he should not take a lot of his time begging the House to approve her. Thank you. Thank you.

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

(Hon. Okumu rises on his feet)

Hon. Okumu (MCA, East Seme): Hon. Speaker, on a point of information before the Hon. Member submits.

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

Hon. Okumu (MCA, East Seme): Hon. Chairperson...

The Speaker (Hon. Oraro): Hon. Seth, you keep on confusing me. Next time you are seated somewhere, in the next minute you are appearing elsewhere. You should be consistent with your seating arrangement.

Hon. Okumu (MCA, East Seme): Hon. Speaker, the Member was speaking in tongues, and I did not want to sit next to him, the Hon. Rakwach. But I just wanted to inform the House and that is my colleague Hon. Rakwach, that the Section 13 of the Urban Areas and Cities Act that you are referring to was amended in Section 9, Part 4, 5, 6, and 7 of Urban Areas and Cities (Amendment) Act of 2019. So, Hon. Member, let us not refer to an Act that has been amended. Thank you, Hon. Speaker.

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

Hon. Olima (MCA, South West Nyakach): Thank you, Mr. Speaker. Allow me also to contribute on this. Mr. Speaker, just to start with, this House has done this vetting, this is now the fourth time. As a County, the Second Assembly did one, this Third Assembly did one that was rejected by the courts, because of illegalities that the Chief Whip was talking about. Mr. Speaker, if we go by this report, and if this report is going to make the decision of the Board, then I want to assure this House that this thing is going to fail again in court, and it is going to come back for the third time. Mr. Speaker, the Board will never be complete if it does not have 2/3 Gender Rule. That is an illegality, whether the people are qualified or not.

Mr. Speaker, if a House Committee found it fit that one Maryanne did not merit, then it is my belief that this report will not reach this House. It will have been taken back, consulted, so that when we approve the names, there is no way we are going to approve nine people and not a third of them are of either gender. If we approve this Board today the way it is, the way the House wants us to approve it, the House Committee, then it means this Membership is illegal, until such time when the Governor will replace Maryanne Amondi with another person, so that we have a complete Board. There is no way the Board is going to run without a professional representative in that Board.

Mr. Speaker, as we talk today, the Urban Areas and Cities Act amended 2019, is very clear that you can never be a Member of the City Board if you do not either reside or do business within the City. Mr. Speaker, from the report that we have received from this House Committee, three Members are either not residing within the city or are not doing business within the city. And that is one thing that is a mandatory requirement, that you cannot represent people where you do not stay. Therefore, that specific instrument that was used to deny Maryanne Amondi the chance to be part of the Board is going to be illegal because; two other members who are being qualified today are non-responsive in either doing business or residing within the City.

Mr. Speaker, I wish that this House could either prove the ten names that were brought to them in wholesome or reject the entire list of names and get a new team that is going to perform and work with all the sectors within the City.

Mr. Speaker, if you look at the membership of this Board, there is a category of each member to represent the others. There are the Jua-kali people who are in informal sectors. There are the professionals. There is the private sector. There are those who are in the neighborhood associations. Mr. Speaker, the Board can never run without any. That is if, one of the sectors is missing. Therefore, Mr. Speaker, you are aware that in the Second Assembly, when we tried to remove the then County Public Service Board, this error of omission or commission made the Board to win against the Assembly and the County Government by then. If you go by this direction, if you approve this Board today, it will never take course, any action until such a time when the Board is fully constituted.

Mr. Speaker, my request is that, because I have seen from the Committee report that Maryanne Amondi has scored over 50%. And if you are taken to that Board, I do not believe that it is your personal responsibility to adjudicate. You are a representative of the people, if the professionals have issues, they will channel them through their representative. If the informal sectors people have issues, they will channel them. It is not your personal brain going to work in the City. It is going to be the support of your association, your sectors and your members who you are representing in that Board. So today, if you say that the professionals are not going to be the Board, then who is going to work on issues of professionals in that Board if you do not have a professional person and is this Board going to work without the professionals? So Mr. Speaker, I wish and I request the Members that we reject this Report. Take it back to the Governor; let us get a complete report until such a time when we have approved all the members as required by the Urban Areas and Cities Act 2019. Thank you.

(Hon. Rakwach rises on his feet)

The Speaker (Hon. Oraro): Hon. Rakwach, whom do you want to inform or what do you want to inform the House?

Hon. Rakwach (MCA, Kolwa East): Hon. Speaker, if you look at Hon. Okumu who has just talked of an amendment, if you look at the Urban Areas and Cities Amendment Act 2019, Section 9 that Hon. Okumu has just invoked, it is only talking of deleting the words County Executive Committee appearing in Subsection 1 and substituting it with the words County Governor. At the same time, inserting the following new Subsection immediately after Subsection 1. It does not talk of deleting or expanding Subsection 4 of Section 13 of the Urban Areas and City Act 2011. The conditions here have not been expanded in this amendment. That is the information I wanted to pass to the House. Thank you, Hon. Speaker.

(Hon. Okumu rises on his feet)

Hon. Okumu (MCA, East Seme): Mr. Speaker, just to clarify for my brother. I know the Member is running away from facts. And I said you read the amended 2019 Section 9, subsection 4, 5 and 6. It has brought new requirements for Members of the Board that did not exist in the 2011 Act. So all those that you are talking about right now, including the submission of my brother, the Hon. Gard Olima, the son of Atieno Chandore, (*Laughs*). Were amended in the 2019 Act. And now these people that we are vetting qualify as per the 2019 amended Act. Thank you.

(Hon. Kelvin Oraro rises on his feet)

Hon. Oraro (MCA, Kolwa Central): Point of Information, Mr. Speaker.

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

Hon. Oraro (MCA, Kolwa Central): The House, of course, Mr. Speaker.

The Speaker (Hon. Oraro): What is the information?

Hon. Oraro (MCA, Kolwa Central): Mr. Speaker, at least with the gadget that you provided to the Members of the Assembly and the Internet around, we are able to very fast access the Act, the amendment that the Member is trying to quote. And what I have realized and with the Constitution, Hon. Gard is actually very right. And you know very well that without the gender equality issue, if we do not follow that, we are just playing to the hands of the Court. Mr. Speaker, we do not want to be embarrassed twice. So for that reason, we better ask the Leader of Majority to withdraw this list, go and consult, and the other member to be given very fast, so that we move us out instead of rejecting the entire Report. Unless the House feels it fine to bring Ms. Maryanne Atieno back and be included in the list. That is my suggestion, Mr. Speaker.

(The Chief Whip rises on his feet)

The Chief Whip (Hon. Kanga, MCA, Market Milimani): Point of information Mr. Speaker.

The Speaker (Hon. Oraro): What is it, Hon. Seth Kanga?

The Majority Whip (Hon. Kanga, MCA Market Milimani): Mr. Speaker, I am rising under point of revolution and at the same time Standing Order No. 89 on Statement of Facts. Mr. Speaker, when the names are presented to the County Assembly and in this case committed to the the Select Committee of Appointments, we do interrogate these gentlemen as Members of the City Board, as individuals, not as a group. And when the lady was presented by the Governor, there is a fundamental fact which cannot be ignored. The issues of Chapter 6, of Leadership and

Integrity, of which the lady failed. Mr. Speaker, when we were vetting them, we knew the issues of the 2/3 Gender Rule and it is now upon the Governor to decide whether the approved nominees be subjected to oath of office or whether the Governor waits until he appoints another person who will appear before this Committee on the basis of professional organizations. Then after we have vetted the person whom I believe will be a lady, then the Governor inaugurates the board in totality.

Mr. Speaker, but at the moment, we cannot vilify this gentlemen who performed exceptionally well on the basis that the 2/3 Gender Rule is not adhered to but on the fact that the lady failed to meet the issues of Chapter 6 which are very fundamental of Leadership and Integrity Act. So let us just approve the list, then we wait for the Governor to bring another name of which will be vetted before this Assembly, then presented to the Governor for assent, then the board will be inaugurated. Until the board is inaugurated, it is not the Board. Until they are subjected to the oath of office, it is not a Board. So let us wait for the Governor to bring the alternative name, we vet, then we present to the Governor. But as of now, we cannot subject these proposed nominees to such arguments as fronted by the Hon. Members whom I believe knows that what we are doing is right, but they are just bringing any arguments. I do not know whom they are trying to please. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Thank you. Before you give the point of information, Hon. Kelvin, maybe through the gadget, I believe that, you combine it to inform the Members of the requirements in the membership of the City Board. What is the maximum number that is required when constituting a board? Again, then the procedure of vetting, when the names comes to the Assembly for vetting, the provision that if one person fails, then you reject the whole list.

Mr. Speaker, I have seen such provisions elsewhere. I would like you to guide the House if there is such provision that if one name fails, then you reject the whole list. And then at what point do you consider the membership of the Board to have been fully constituted to check whether it meets those other requirements that you are talking about? So, Hon. Kelvin, or you need some time? But, Hon. Gard, you had contributed.

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

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

Hon. Olima (MCA, South West Nyakach): The House.

The Speaker (Hon. Oraro): I will give you one minute.

Hon. Olima (MCA, South West Nyakach): One minute, thank you. Mr. Speaker, what the Chief Whip has said is very fundamental. That until the Board is inaugurated, it is not a board. Why then hurry to approve these names of proposed nominees without a complete Board? Why the hurry? When we can still wait for the other person to be brought, so that we pass a full Board. Why the hurry of us just passing names because they came for an interview? Why can we not wait for the other person to come so that we do a full Board and inaugurate it at once? We are not saying that we are going to reject the person you have approved. We are saying just let us pass a full Board that is gender parity and equal. That is what I am saying.

The Speaker (Hon. Oraro): Thank you so much.

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

The Chief Whip (Hon. Kanga, MCA Market/Milimani): Mr. Speaker. Has the Member mentioned any statute or Law to that effect, which says that if any Member fails to meet the threshold, then the list is rejected in totality. I thought the Hon. Kelvin Oraro and, where is Hon. Rakwach, who behaves like a Senior Council in this House?

(Entire House laughs)

The Chief Whip (Hon. Kanga, MCA Market/Milimani): And Hon. Gard Olima. If these Members could be able to state such a statute, Mr. Speaker, as you have directed. Thank you Mr. Speaker.

The Speaker (Hon. Oraro): the Hon. Chief Whip has already stated what is required of you and in fact, I am saving some time for Hon. Oraro. If there is that provision, then you will guide the House appropriately before I give my verdict the same. But in the meantime, I want to give those Members who have not contributed; I am seeing the Deputy Leader of Majority. Hon. Bennie Oiko Pete I noticed you.

(Hon. Okumu rises on a Point of Order)

Hon. Okumu (MCA, East Seme): Point of Order Hon. Speaker.

The Speaker (Hon. Oraro): What is the point of Order?

Hon. Okumu (MCA, East Seme): Hon. Speaker, on the submission of Honourable Members, that we should fail the other proposed nominees to the City Board as Members because one member has failed, is that the practice of Houses anyway?

The Speaker (Hon. Oraro): Hon. Seth Okumu, I have already given an opinion on the same and in fact, I have given leeway to Hon. Oraro to persuade the House that there is a statute that provides that if one member fails, then you bring down the entire list. I am waiting for him.

Hon. Olima (MCA, South West Nyakach): Mr. Speaker, if you allow me, I can help Hon. Oraro to answer that.

The Speaker (Hon. Oraro): Proceed.

Hon. Olima (MCA, South West Nyakach): Mr. Speaker, what is a Board? A Board is not an individual. And there is Urban Areas and Cities Act is very clear what constitutes...

The Speaker (Hon. Oraro): Honourable Members, I suggest that let us consider and give time to Hon. Lumumba to give us more insight on this matter. I have secured some two minutes for Hon. Oraro to conclude after the Deputy Leader of Majority is done. I promised to give him time.

The Speaker (Hon. Oraro): So Hon. Lumumba.

The Deputy Leader of Majority (Hon. Owade, MCA, South East Nyakach): Thank you, Mr. Speaker. Having listened to Members of this Honourable House and in my opinion, let us be realistic to ourselves and also to the rules. There is nowhere, Mr. Speaker, where it is said if members are nominated for voting, they must be passed all at one go. That is the reason why there is a vetting. And if some members are not approved, then the whole exercise is null and void. There is no rule like that anywhere. Mr. Speaker, there is also the Constitution position of a Board. As long as the Board has the quorum, the Governor can decide to give appointment letters to even six Members with two women and that still constitute to 2/3.

Mr. Speaker, what is necessary and should be a practice is that Members of this House, once they have approved the names of the proposed nominees to this City Board, then it is up to the Governor to see when to give them appointment letters. We can approve six or even seven. Then the Governor in his own wisdom will see that there is no gender representation and then he decides to keep the appointment letters and send back the other nominees to this House and say, go ahead and nominate or vet the remaining vacancies. And until after that, then he gives the appointment letters. There is nowhere indicated that our nominee can be rejected because one of the proposed nominees is to be rejected....

(Hon. Olima rises on a Point of Order)

Hon. Olima (MCA, South West Nyakach): Point of Information, Mr. Speaker.

The Speaker (Hon. Oraro): Is it the same thing that you are whispering to Hon. Nyaoke?

Hon. Olima (MCA, South West Nyakach): Mr. Speaker no this is a different matter. Having listened to my junior, contribute, I want to inform the House that there is equally no law that allows us to approve a partial Board because there is nothing like partial board. We can only have a full Board or no Board. So the issue of we approved this is neither here or there. We either approve a full Board or no Board. So, there is nothing like a partial board.

The Speaker (Hon. Oraro): Your information is passable, Hon. Gard. But I have one question Honourable Members, even as we debate. Assuming we had a Board in place and God forbid one person dies, do we dissolve the entire board? That is food for thought.

Hon. Olima (MCA, South West Nyakach): Mr. Speaker, that will need a Constitutional amendment of the Act, because nobody saw that when we were making the law. So, we cannot go there until we meet that. We can only cross the bridge when we reach it.

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

The Deputy Leader of Majority (Hon. Owade, MCA, South East Nyakach): Thank you Mr. Speaker. Vetting is a vetting. Whether a Board or Cabinet. It is a Board. Just recently, Mr. Speaker, there was a Cabinet Secretaries vetting in the National Assembly. Where all Members were not vetted. There were Members that were rejected. That did not stop the President from appointing Members of his Cabinet. It is just as the Member is saying that there is no law that prohibits us from giving names of those that have been brought to this House, it is the same way that this House does not also prohibit us from giving less. To the best of my knowledge, even the Governor would have been and brought less names and say, approve that as you are waiting for the other bit. Where there is a challenge is when by the time he constitutes the Board and the Board is not up to the required number of members of the Board. Mr. Speaker, I find that argument a bit shallow and null and void. Thank you, Mr. Speaker.

Hon. Olima (MCA, South West Nyakach): Mr. Speaker, once again, I feel...

The Speaker (Hon. Oraro): No, Hon. Gard. You are...

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

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

Hon. Olima (MCA, South West Nyakach): The House. I feel so much embarrassed...

(Hon. Rakwach speaks off the record)

Hon. Olima (MCA, South West Nyakach): You are not the House. I feel so much embarrassed when a Hon. Member, of course now he is my junior, compares a Cabinet with a Board. I want the Member to refer to the dictionary and just know what a Board is. Mr. Speaker, a Board, according to Urban Area and Cities Act of 2019 constitutes of 10 people. So, Mr. Speaker, allow us to talk About a board or no Board.

The Speaker (Hon. Oraro): Hon. Gard Olima, you have given that information. This is now the fourth time.

Hon. Olima (MCA, South West Nyakach): No, the Member is not getting informed and that is why I am bringing this matter up again. .

(Hon. Owade speaks off the record)

The Speaker (Hon. Oraro): Order!! Hon. Members. Order!! Hon. Member. Please resume your seats. Hon. Gard Olima requested to give information to the House. I believe the Member was not giving it to only Hon. Lumumba Owade, the Deputy Leader of Majority. He was giving it to the House. Again, I have noticed that the Member has given the same information more than three times and he has communicated. So, in his presentation, the Member has persuading Members to reject the report and he made his points similar to other Members. Let us also give other Members the opportunity either to agree with the report or to persuade Members to do otherwise. We will come to a time of making decision. So, we should not be worried. When Hon. Gard Olima will have persuade Members effectively, I am 100% sure that Members will go with his suggestion. Similarly, if the Deputy Leader of Majority has persuaded Members effectively, I am 100% sure. But if there was something wrong in what is being presented, it is my responsibility to guide the House. But as of now, where I sit, there is no such statute that provides for rejection of a whole list when one Member has been rejected during the vetting process. So, I guide. So, let us give opportunity to Members who have not debated to debate.

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

Hon. Oyoo (MCA, Migosi): Thank you, Mr. Speaker. I stand to support the report. I want to say the city needs a Board as yesterday. The city has functioned without a Board for some time. And it is not fair for them to work without a Board. These people are different people. Some of them passed. We cannot vilify somebody who passed because somebody did not perform. The Board can be selected progressively. Let those who pass go on and do their work. Whoever failed let another person be appointed so that that person will be brought here for vetting. And she or he will join the rest. I stand to support.

(Hon. Nyaoke rises on a Point of Order)

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

The Speaker (Hon. Oraro): Hon. Nyaoke, what is the point of Order? I already gave you time to contribute. You had debated. I want to give priority to those who have not debated.

Hon. Nyaoke (MCA, North Nyakach): Mr. Speaker, this is a House of rules and procedures. We need to learn as we proceed.

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

Hon. Nyaoke (MCA, North Nyakach): Mr. Speaker, the way my learned colleague is putting this issue is so much casual. That let the people who passed, let them go and start working and then the rest. No, we cannot take things like that, Mr. Speaker. We must all come to a consensus on what the law says as per the requirement of the selection of the City panel.

The Speaker (Hon. Oraro): Hon. Nyaoke, there is no day we will come to a consensus. Order!! Honourable Members. Let me get Hon. Nyaoke. Hon. Seth Kanga kindly resume your seat I will give you a chance. I have noticed you. Switch off your microphone. Hon. Nyaoke we cannot come to a consensus. This is a House of debate and there are only two coins. Either you agree or you disagree. But if there is something that is questionable as per the law, it is my responsibility to guide. But as of now, Members are in the right track. You are either in concurrence with the report or disagreeing with it.

The Speaker (Hon. Oraro): Hon. Seth Kanga what is it?

The Chief Whip (Hon. Kanga, MCA, Market/Milimani): Mr. Speaker. The Hon. Nyaoke should respect the Hon. Pamela Oyoo, who was elected by the people of Migosi. He cannot describe the contributions of Hon. Pamela as casual. Yet Hon. Pamela was elected by the people of Migosi to come and represent them in this House.

(House applauds)

The Chief Whip (Hon. Kanga, MCA, Market/Milimani): You cannot decide for Hon. Pamela how she should debate in this Hon. House. Therefore, Mr. Speaker, Hon. Nyaoke should withdraw and apologize to Hon. Pamela.

The Speaker (Hon. Oraro): Hon. Seth Kanga, I believe that Hon. Pamela has not complained. Let me handle this one first Hon. Gard, I have noticed you. Hon. Pamela has not complained about the contribution of Hon. Nyaoke.

Hon. Oyoo (MCA, Migosi): Thank you Mr. Speaker. I am now complaining.

(All House laughs loudly)

Hon. Oyoo (MCA, Migosi): Mr. Speaker, I have spoken my mind. Hon. Nyaoke should speak his mind because in this House, we are not governed by anything, we are allowed to speak our mind, contribute freely, and nobody should gag me. I'm an Honourable Member, elected by the people of Migosi, and they have allowed me to represent them. I don't sit here for Honorable Nyaoke. Honorable Nyaoke, kindly apologize, because it is not fair.

The Speaker (Hon. Oraro): Honorable Nyaoke.

Hon. Nyaoke (MCA, North Nyakach): Mr. Speaker, Honorable Pamela Oyoo, as you know, is my sister, actually. I want to categorically withdraw my statement and my claims, and let's proceed as per the guidance of the Chief Whip. Thank you, Mr. Speaker.

The Speaker (Hon. Oraro): Honorable Olima, I have given you so many times. Why don't I give Honorable Oiko? He has been standing for a long time.

Hon. Olima (MCA, South West Nyakach): Just a minute, Mr. Speaker. Just one minute to give my point of information. Mr. Speaker...

The Speaker (Hon. Oraro): Is it the same information that you were giving the other time to prosecute?

Hon. Olima (MCA, South West Nyakach): No, differently. Mr. Speaker, when we are in this House and we debate, we are allowed to call a spoon a spade and if somebody feels illed, it's the Speaker who can control over that. Mr. Speaker, it's not unparliamentarily for somebody to say a casual thing or say anything. Unless we are...

The Speaker (Hon. Oraro): Honorable Olima, we are already passed that matter.

Hon. Olima (MCA, South West Nyakach): No, you see, that's going to gag other Members in the future. Unless it is unparliamentarily language used in this House, that's when somebody can withdraw and apologize.

The Speaker (Hon. Oraro): Honorable Olima, you are consuming the time of others because that complaint could have come from Honorable Nyaoke, and he's the one who has volunteered to withdraw and apologized.

The Speaker (Hon. Oraro): Honorable Oiko.

Hon. Oiko (MCA, Kabonyo Kanyagwal): Mr. Speaker, a report is before the House to approve the proposed nominees as members of the Kisumu City Board. The respective House Committee has done its work and presented the report for us. It is now upon us to interrogate the report and give our views. Mr. Speaker, in this report, one matter that is bringing problem is the gender parity. When the nine are approved and one is not approved, what is the implication? Mr. Speaker, we have seen from practice, if the number is ten, nine is approved, one is not, the work is thrown to the appointing authority to do the necessary.

Mr. Speaker, I've looked at the records of these people. The reason why Ms. Maryanne could not have been approved by this House Committee, but, Mr. Speaker, there's a problem with the record. They are not numbered, so making reference becomes difficult. Like that, I cannot say which page. But when you look at this record, profiles and score sheet analysis, when you look at profiles and score sheet analysis, Ms. Mary Ann's professional papers were not commissioned. The proposed nominee brought her credentials that this House Committee could not authenticate. So the committee was in a dilemma. Another matter, Mr. Speaker, this House Committee is giving the picture. In their practical interview, the candidate did not impress the panelists. Papers could be there but when you interview the candidate, as Honorable Nyang' was saying yesterday, that that candidate did not impress the Members of this House Committee during the interview time. It is now upon this House Committee to give us that direction. And if it falls otherwise, we shall say, we relied on the report of this House Committee. Mr. Speaker, we have seen instances where Members are vetted and some fail in the vetting. This will not be the first one. Even at the National Assembly, when the Cabinet was being vetted, this lady, Solae from Bomet, was not passed. And the cabinet had been vetted in pieces.

Mr. Speaker, it is upon His Excellency the Governor to forward to this House another name to be vetted. And, that is what we will expect of the Governor because the Governor is fully aware that it is a female that has not approved. So in this replacement, we expect the Governor to forward the name of a lady, not a man. And we also know the quorum. There are ten members. When only one member is not passed, will they lack quorum? They will not lack quorum. In their meetings, they will proceed with their activities.

Mr. Speaker, I have also gone through this list. The Demographic Profile of these proposed nominees in accordance with Section 9 (7) C of the Urban Areas and Cities (Amendment) Act 2019. That one wants the House Committee to tabulate their areas of origin. And when we look

at this, there is this picture that Kisumu is a cosmopolitan area. So, because Kisumu is cosmopolitan, we find people from other areas being included in the Board and people have come out of Kisumu. That is, Professor Sylvan Onyango has come out of Kisumu from Rachuanyo, Vivian Akoth Otieno from Rachuanyo, Marianne's case is finished and Joseph Muga from Bondo.

So about three or four people are coming out of Kisumu, the diaspora. That is where we could have raised the question, how many people do come out of Kisumu? And that is the message we should pass to the Governor. And with that, Mr. Speaker, the nine that have been passed by this House Committee, we give them the go-ahead to be appointed by the Governor so that they serve the people of Kisumu. I so commit.

The Speaker (Hon. Oraro): Honourable Members, I want to give priority to those who have not debated. First, the Deputy Speaker is on her feet then Hon. Samuel Onyango then Hon. Peter Obaso.

The Speaker (Hon. Oraro): So, Hon. Okombo.

The Deputy Speaker (Hon. Okombo, MCA, Manyatta "B"): Thank you, Mr. Speaker. Mr. Speaker, I also rise to support the report of the Select Committee on Appointments, of which I am a member.

Mr. Speaker, granted that the column that shows whether the person carries the business in the City, Municipality, has lived for five years and above, Mr. Speaker, as has been clearly clarified by some Honorable Members here, Benny Oiko Pete and Honorable Seth included, Mr. Speaker, that analysis refers to the Act of 2011 and not the Amendment Act of 2019, which no longer requires the application of that section as was amended in subsection 4, 5, 6, and 7.

Mr. Speaker, I also want to say that the approval of the proposed members to the City Board does not initiate the operation of the board. Mr. Speaker, the operation of the City Board commences at a gazette notice by the Governor. So until the Governor gazettes the members to be as Board members, then we still do not have a board.

Mr. Speaker, on the issue as to whether we are constitutionally right or the constitutionality of members of the board if approved, Mr. Speaker, the unconstitutionality of the Board as was declared by the Court was based, was not based on the vetting by the House Committee, but was based on the nomination process by the appointing authority regarding the four representatives of different categories, Mr. Speaker.

Mr. Speaker, as Honorable Oiko Pete has said, one Mary Anne, was not brought because she was not a resident of Kisumu City, but because of noncompliance of the statutory document, like the DCI and EACC, and technical incapacity and lack of topical knowledge as witnessed by the members of the vetting committee. So, Mr. Speaker, I find the report very clear, very much in order, and I want to urge the Honorable House to support the report. Thank you, Mr. Speaker, in support.

The Speaker (Hon. Oraro): Hon. Samuel Onyango.

Hon. Onyango` (MCA, Railways): Thank you, Mr. Speaker, I rise to support the report. Mr. Speaker, we are not here to interview. If you were brought here, you are supposed to do your job. So, if Ms. Mary Anne was brought here, Mr. Speaker, during the Board member's interview I was here, and I can even recall there was a lady that who did not produce her original Identification Card. This proposed nominee was sent back by this House Committee Members to go and bring the affidavit. So, on this particular approval on the City Board, Mr. Speaker, it is my belief that this House Committee did their job very well, and those who passed, passed. So, we cannot force someone who failed to pass. So, on that note, Mr. Speaker, let those who passed be approved. Let those who failed to try next time. Thank you, Mr. Speaker, I support.

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

Hon. Obaso (Nominated MCA): Thank you, Mr. Speaker. I rise to support the approval of these proposed nominees to be Members of the City Board. Mr. Speaker, I was here during the vetting process and this House Committee did their good job well. So, I want to support and I believe those who were selected had the merits, and they qualified for this position. There are some people like Ambassador Adipo, whom I know, and Mr. Muga Owuor, who was my lecturer back in the college. They are people of respectable background, and I feel we should pass this list with the recommendation that the lady who has been dropped be replaced with the same gender. Thank you. Mr. Speaker, that is my submission.

The Speaker (Hon. Oraro): Hon. Kelvin Oraro, I had promised to give you two minutes.

Hon. Oraro (MCA, Kolwa Central): Mr. Speaker, first, let me appreciate that the exercise that you are doing is very helpful to the Assembly because you are trying to increase the debating standard of this Assembly and for Members to learn that the debate is also controlled by the rules...

(The Deputy Leader of Majority interjects with a Point of Order)

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

The Speaker (Hon. Oraro): What is the point of order, Honorable Deputy Leader of Majority?

The Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach): Mr. Speaker, the Honorable Member had contributed and I didn't hear him rise on any point of order.

The Speaker (Hon. Oraro): Honorable Deputy Leader of Majority, I had promised that I would give him two minutes, when he stood. I just kept my words. He had stood on a point of order and I promised to give him, I wanted to give priority to the other members.

Hon. Oraro (MCA, Kolwa Central): Mr. Speaker, maybe the Honorable Member was resting his eyes. I'm not worried, Mr. Speaker.

The Deputy Leader of Majority (Hon. Lumumba, MCA, South East Nyakach): Mr. Speaker, I think that is a very serious allegation by the Honorable Member. In this House people don't come here to sleep but to contribute. And if in any case, the Member was the one who was sleeping when I was contributing, then I'm very sorry. People don't talk when they are sleeping. Thank you.

The Speaker (Hon. Oraro): Honorable Deputy Leader of Majority, you may be correct, but you don't just stand and start contributing. You stand and seek the attention of the Speaker, on whether you are rising on a Point of Order, or anything. But Honorable Oraro, you have heard what Honorable Deputy Leader of Majority said.

Hon. Oraro (MCA, Kolwa Central): Mr. Speaker, that is fair enough, let me withdraw and apologize, but it is my belief that Members need more inductions, so that we also learn on how to seek your indulgence.

Mr. Speaker, I want to say that the level on how you have conducted this debate is very good, and it's also helping Assembly, and especially for Members who admire to go to Parliament. You know, we are in record, most of MPs in Kisumu County are not speaking in Parliament. And I believe that this can be a very good place to learn on how to debate, so that when you go to Parliament, you're not near to that House.

Hon. Okumu (MCA, East Seme): On a point of order, Honorable Speaker.

The Speaker (Hon. Oraro): What is the point of order, Honorable Seth Okumu? What is the matter with you? You keep on changing your seats. Can you stick to one place where you are

sitting? Honorable Speaker, I just wanted to help you with the timing of the Honorable Brother, and the two minutes are over.

Hon. Okumu (MCA, East Seme): Honorable Speaker, I just wanted to bring to your attention that these two minutes that you promised him, I think he has completed them before saying anything.

The Speaker (Hon. Oraro): Honorable Seth, I'm timing. The Member still has one minute left.

Hon. Oraro Kelvin (MCA, Kolwa Central): Thank you. Mr. Speaker. Let me go straight to the point. One, I want to say that from the amended Act of the Urban Areas and Cities Act, the composition of the City Board is supposed to be 10. If you read the provisions of section, 10, which has the 13A, which was amended, and actually that's what the Governor did. Then if you go to section 11, trying to explain the 14, section 4 majorly, that when the County Governor shall, while appointing the Members of the Board, ensure gender equity, representation of persons with Disability, Youth, and Marginalized Groups. Mr. Speaker, I wanted to stick on Gender Equity. Initially, the list was considering that, and upon the select Committee on Appointment conducting the vetting of proposed nominees, because it is by procedure, we have realized that one Member, unfortunately a lady, does not merit being approved as per the report of the Select Committee on Appointments. So, for that reason, when the Assembly was trying to look at, the issue of it being legal as a board...

(Hon. Samuel Onyango rises on his feet)

The Speaker (Hon. Oraro): Honourable Sammy, whom do you want to inform? One minute.

Hon. Onyango (MCA, Railways): The Member is answering the wrong question.

The Speaker (Hon. Oraro): Honourable Sammy, it is me who mandated Honourable Oraro to do that. Whatever he is presenting, I mandated him to do it. So proceed. Can you summarize very fast?

Hon. Oraro (MCA, Kolwa Central): Thank you, Mr. Speaker for protecting me. Let me go very fast. So, on the issue of the gender equity, unfortunately the lady who was removed was for making now the Appointment of board look like it does not respect the gender equity. I was trying to produce that it is not clear on how we should do in case of gender equity, but that is left under, I can say lacuna, the Honourable Speaker to decide. That's why in my suggestion, I felt like we had two options. One was the Leader of Majority to relax and wait maybe in the next one or two weeks or number two, Mr. Speaker, I feel like it can be approved, which when approved, it is just going to sit idle. They are borrowing from the Parliament list of Cabinet, which it is up

to you to decide. Members were okay, but the issue of gender equity was not clear and that is upon you to decide and give the, Mr. Speaker.

(The Deputy Speaker rises on her feet)

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

The Deputy Speaker (Hon. Okombo, MCA, Manyatta “B”): Mr. Speaker, I want to inform us that there's something that we keep on repeating. Mr. Speaker, we keep on giving clarifications that approving the List of the Board Members does not initiate the operations of the Board until such a time that the Members shall have been visited by the Governor, then it becomes a Board. So when a Member is dropped, it is still within the mandate of the Governor to nominate another person to replace that very person that has not been approved by the Assembly. So, Mr. Speaker, the issue of Members being approved and not meeting the gender requirement does not apply here. Thank you, Mr. Speaker. Thank you so much.

The Speaker (Hon. Oraro): Honourable Kelvin Oraro has presented something that I request him to do, but I want to remind him that the process of having the Board Members to the City starts with the nomination. After the nomination is brought to the County Assembly for vetting and approval, the appointment comes thereafter. So, there is no lacuna. Everything is in order because as at now, there is no appointment to any person to the Membership to the Kisumu City. Hon. Pete put it very well, that the Governor can decide to bring another name, Hon. Pete was suggesting that it should be of the same gender, and he may decide to appoint even the minimum threshold. If the threshold is five, the quorum that is what he may decide to appoint. But as at now, there is no person who has been appointed to the Membership of Kisumu City board. So there is no lacuna. Everything is in order. Is there any Member who has not contributed?

The Speaker (Hon. Oraro): Hon. Samuel Dede.

Hon. Dede (MCA, Kisumu North): Thank you, Mr. Speaker. Even though you say I called the mover to respond, I wanted to comment on the motion. Mr. Speaker, when my colleagues are debating the qualifications, we discovered that there are columns for the prerequisites for one to serve on the Board. One must be a Kenyan citizen, have two academic qualifications, and provide statutory documents. Then, there is a section that states that one must have operated a business in the municipality or have lived in the region for at least five years. During the debate, Maryanne was not the only one involved.

The Speaker (Hon. Oraro): Honourable Samuel Dede, I don't want to cut you short, but I believe that this matter has been clarified almost three times. Please refer yourself to Urban Areas and Cities Act Amendment Bill, 2019, Section 9. And you'll realize that there were changes of the

same. The vetting process relies both on County Assemblies Approval Act, which requires that those areas must be presented as per the Approvals Act. But in terms of agreeing with the nominee, it no longer applies as per the Amendment Act of 2019.

The Speaker (Hon. Oraro): Hon. Eunice Alando.

Hon. Alandoh (Nominated MCA): Thank you, Mr. Speaker. Going by the mood of the House, and the way Members are now repeating themselves, I call the mover to reply.

Hon. Oiko (MCA, Kabonyo/Kanyagwal): Point of order, Mr. Speaker. See what Honourable Olima is doing.

The Speaker (Hon. Oraro): Honourable Olima, what are you doing? Please, let's hear the reply by the Leader of Majority in silence.

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

The Leader of Majority (Hon. Ooko, MCA, Ahero): Thank you very much, Honourable Speaker. I want to appreciate the Members that have contributed on this report. Honourable Members, first I want to start by saying that as a House Committee, we are vetting Members of the City Board as individuals, not collectively. And I want to say that the Governor followed the law and Urban and Cities Act by nominating the ten Members. I've had a number of Members arguing over the gender issue. It is my belief that the Governor nominated three women, and I believe that there is gender sensitive out of ten. I also want to agree with the Member that said that the Governor may decide to nominate or to appoint only five. But out of five, maybe two should be women. Then the gender issue is taken care of. So our work as a House Committee is to vet these Members.

Number two, I want to agree with the Honourable Chief Whip that we have very qualified persons to sit in this Board. I will give a few. If you look at Ambassador Adipo, who has been an Ambassador and UN Representative in Austria, and that is Vienna City, a well-organized city. He told us that he was there for more than five years. Those are the type of people that we need in this city to reorganize Kisumu as a city.

Honourable Speaker, all these men and women merit their CVs. I believe that yesterday we had a very hot discussion about having a colorful CV and the person. But I can assure you, these men and women really merited their CVs.

Honourable Kelvin Oraro talked of biased representation. I want to give you some of these Members and I want to tell you where they come from. If you look at Ambassador Adipo, he

comes from Nyalenda “A”, that is in Kisumu East. Again, I want to combine that question with Honourable Rakwach, who was talking about youth and did not read the part of the amendment of the Urban Areas and Cities Act, that Vivian Akoth is a youth of 30 years who is very ambitious with his academic work and was born in Manyatta, was born and brought up in Manyatta.

Mr. Lawrence Obat is a guru in Insurance who has worked in this city for more than 15 years and comes from Kano, comes from Nyando. Mr. Samson Obunga, who has lived in this city for more than 5 years, comes from Nyakach. If you look at Mr. Edwin, Edwin Ochieng Okul is a native of Muhoroni, but he stays in this City. So, again, I want to bring your attention to Ms. Karen Atieno Onyango. Karen Atieno Onyango comes from Dago and that is Kisumu you are talking about. So the list of these proposed nominees, I believe, represent the face of this County. I want to appreciate the Governor for the good work and the good research that he did.

Honourable Tom Nyaoke on the matters to do with one Marianne. I was looking at the trend of the contribution of yesterday about the County Executive Committee Member that was not approved. The contribution of today of one Marianne that has not been recommended for approval. The trend is the same. So, I'm wondering what is happening with this group of Hon. Members.

(Loud laughter)

The Leader of Majority (Hon. Ooko Kennedy, MCA, Ahero): Honourable Speaker, I believe that there is more than meets the eye. But I want to report to the Honourable Members that one Marianne did not have DCI Clearance Certificate at the time of interview. A simple Certificate of Good Conduct. This is a legal officer. This is an Advocate of the High Court. Mr. Speaker, appearing for the interview without DCI clearance? Again, coming to the interview without the EACC approval? That is a very important part of the interview. Mr. Speaker, on Chapter 6 of the Constitution of Kenya on Leadership and integrity. So, I believe that this House Committee did good work by not approving the nomination of one Marianne. Mr. Speaker, I also want to agree with the Honourable Oiko that if the Governor decides to nominate these nine nominees, then there will be enough quorum to transact the business of the City Board of Kisumu. I want to say that this House Committee did good work. I want to persuade this House to approve this report as a whole, the way it is. Honourable Speaker, I do reply. Thank you.

The Speaker (Hon. Oraro): Honourable Members, First of all, I want to appreciate the Members for the debate. I can attest to it that yesterday and today we have seen a robust debate where Members don't seek consensus but you debate to convince your colleague to agree with your opinion.

Similarly, just like yesterday, we have a debate on the nomination to the proposed nominees to the City Board Members, and I want to encourage that that's what's supposed to happen. You don't have to agree with the opinion of your colleague, Honourable Member, but you persuade the other colleague Honourable Member to agree with you. Except that at one point I heard Honourable Nyaoke was trying to bring an amendment. Several years ago I said that it is not wrong to bring an amendment during debate. But when you bring an amendment during a debate, you inform the Speaker seated here that I'll be proposing an amendment at least an hour to the debate. When you propose the amendment, you call a seconder, and you stop the debate on the main report and debate the proposed amendment and make a determination for it to be part of the report. Thereafter, a new question is proposed before the debate proceeds. So, Honourable Nyaoke, it is my believe that now you are informed. You don't just propose an amendment, you don't call a seconder, but amendment should come at least an hour before the debate starts.

Otherwise, the Motion on Adoption of a Report of the Select Committee on Appointments on the Vetting of Proposed Nominees for Appointment to the Kisumu City Board has been moved, seconded, and debated. So it is time that now I want to put a question. Now you will make your voting depending on where you are persuaded. So if you say "Ayes", it means you are agreeing with the report of the Select Committee on Appointments, which means nine Members are approved and one is rejected. If you say "Nay", then it means you are disagreeing with the report of Appointment Committee and the contrary is true.

(Question put and agreed to)

The Speaker (Hon. Oraro): Honourable Members, the Motion on Adoption of a Report of the Select Committee on Appointments on the Vetting of Proposed Nominees for Appointment to the Kisumu City Board has been adopted today, Thursday, the 22nd of August 2024 at 16:40 hours. I direct that the Hansard report be prepared for onward submission to the Governor for action.

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

ADJOURNMENT

The Speaker (Hon. Oraro): Honourable Members, let's us be upstanding. Honourable Members, there being no other business in the order paper, this House stands adjourned until Tuesday, the 27th of August 2024 at 02.30 p.m.

(House rose at 04.41 p.m.)

Addendum

Hansard Team

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