

## COUNTY GOVERNMENT OF KISUMU



### COUNTY ASSEMBLY OF KISUMU

### **THE HANSARD**

#### *Official Report*

#### **THIRD ASSEMBLY – THIRD SESSION**

**Tuesday, 10<sup>th</sup> September, 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): Honourable Members, please allow me to refer you to the provisions of Orders No. 32 (2) of the Kisumu County Assembly Standing Orders which refers on quorum and let the quorum bell be rung for the first five minutes.

*(Quorum Bell rung for the first five minutes)*

**The Speaker** (Hon. Oraro): The Deputy Whip, please confirm if we have attained the required quorum.

**The Deputy Whip** (Hon. Obonyo, MCA, South West Kisumu): Thank you Mr. Speaker, we have the required quorum.

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

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

**COMMUNICATION FROM THE CHAIR**

**The Speaker** (Hon. Oraro): Honourable Members, first, I request all Members of the Select Committee on Appointments tomorrow immediately after the second session in the afternoon, we shall be convening for a special sitting in preparation for the vetting of the proposed nominee. Secondly, to all Members of the Select Committee on General Oversight, we were scheduled to have a meeting on Thursday, 12<sup>th</sup> September, 2024 but based on the fact that we shall be conducting a vetting exercise on the material day. So, we have proposed the postponement of this meeting to the following week which I believe will be on the 19<sup>th</sup> September, 2024. Please take note of those changes.

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

**PAPERS LAID**

REPORT OF THE SELECT COMMITTEE ON APPOINTMENTS ON THE SUITABILITY  
ON MR. NASHON ALUOKA AGOLLA FOR APPOINTMENT TO THE POSITION OF  
COUNTY ATTORNEY

BY

HON. KEN OOKO, MCA, AHERO

(LEADER OF MAJORITY)

*(Report tabled before the House by Hon. Adegga on behalf of the Leader of Majority)*

**The Speaker** (Hon. Oraro): Honourable Benson Adegga.

**Acting Leader of Majority** (Hon. Adegga, MCA, Kajulu): Thank you Mr. Speaker. On behalf of the Leader of Majority Hon. Ooko, I seek your indulgence to lay a paper.

**The Speaker** (Hon. Oraro): Permission grated.

**Acting Leader of Majority** (Hon. Adegga, MCA, Kajulu): Pursuant to the provisions of Public Appointments (County Assembly) Approvals Act No. 5 of 2017 read together with Orders No. 186 (6) of the Kisumu County Assembly Standing Orders. I wish to table today Tuesday, 10<sup>th</sup> September, 2024 the report of the Select Committee on Appointments on the suitability on Mr. Nashon Aluoka Agolla for appointment to the position of County Attorney. Thank you.

*(Hon. Adegga lays the Report before the House for consideration)*

**The Speaker** (Hon. Oraro): Honourable Members, I confirm report of the Select Committee on Appointments on the suitability on Mr. Nashon Aluoka Agolla for appointment to the position of County Attorney as laid by Hon. Adegga on behalf of the Leader of Majority who did indeed

communicate to me of his absence and that he has mandated Hon. Adegga to occupy his chair. So, I direct that the Select Committee on House Business considers scheduling this report for debate.

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

## NOTICE OF MOTION

REPORT OF THE SELECT COMMITTEE ON APPOINTMENTS ON THE SUITABILITY  
ON MR. NASHON ALUOKA AGOLLA FOR APPOINTMENT TO THE POSITION OF  
COUNTY ATTORNEY

BY

HON. KEN OOKO, MCA, AHERO

(LEADER OF MAJORITY)

**The Speaker** (Hon. Oraro): Honourable Benson Adegga.

**Acting Leader of Majority** (Hon. Adegga, MCA, Kajulu): Thank you Mr. Speaker. On behalf of the Leader of Majority Hon. Ooko, I wish to give a Notice of Motion that pursuant to the provisions of Orders No. 45 (1) of the Kisumu County Assembly Standing Orders that, this House adopts the report of the Select Committee on Appointments on the suitability on Mr. Nashon Aluoka Agolla for appointment to the position of County Attorney. Thank you.

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

## STATEMENTS

**The Speaker** (Hon. Oraro): Honourable Benson Adegga.

**Acting Leader of Majority** (Hon. Adegga, MCA, Kajulu): Thank you Mr. Speaker. I believe there was an error. I wish to give a statement on the Business for the coming week...

*(Hon. Ochele rises on a Point of Order)*

**The Speaker** (Hon. Oraro): Honourable Ochele, what is your Point of Order?

**Hon. Ochele** (MCA, East Kano/Wawidhi): Thank you Mr. Speaker. In line with the provisions of our Standing Orders, I am aware that there is always hierarchy in leadership in this House. Mr. Speaker, in the absence of the Leader of Majority in the House, then his Deputy assumes the position of Leader of Majority. Mr. Speaker, in the absence of both leaders and the Whip is in the House then, the Whip should take the position of the Leadership of the House.

Mr. Speaker, irrespective of whether the Leader of Majority has donated his powers to you, but we must respect the hierarchy in this August House. Otherwise, some of these offices will be

seen as flower girls. Mr. Speaker, we have reduced the office of the Chief Whip as a flower girl. Mr. Speaker, how can an ordinary Member who is not even a Member of the Select Committee on Appointments Move and Give Notice of Motion on behalf of this House Committee and yet the Chief Whip who is present in the House and also the top leadership as we speak today. Therefore, in the absence of the Whips who then should move this report? Not Hon. Benson Adega yet the Whip is present in the House. Mr. Speaker, Hon. Adega can only move that report only if the Member takes leave from Hon. Jennipher Obonyo who is the Deputy Whip. Otherwise, we must respect positions that we hold in this House. Thank you.

**The Speaker** (Hon. Oraro): Thank you Hon. Ochele for that observation. Honourable Members, in my possession is a letter written by the Leader of Majority mandating the Hon. Benson Adega to present or lay the papers on his behalf. I did inquire the Leader of Majority of the Whips this is because I could not spot the Whips in the House Business Committee meeting and the Leader of Majority informed me that he was not able to get in touch with the two Whips.

Honourable Members, now that the Whip is present in the House, I believe that this is something that the two can iron out and agree very fast and handover those responsibilities to the Whip...

*(The Chief Whip rises on a Pont of Order)*

**The Chief Whip** (Hon. Kanga, MCA, Market/Milimani): Mr. Speaker, I want to categorically state here that I do not fight for positions or responsibilities because it is my belief that this position that I am holding I did not scramble for it, I deserved it.

Mr. Speaker, I am perturbed because the Hon. Adega is neither a Member of the Select Committee on Appointments nor in leadership. Mr. Speaker, the same Hon. Adega is not a Member of the Select Committee on House Business. In this House, we have Members of this House Committee seated like the Hon. Eunice Alando. Mr. Speaker, sometimes when my office is overlooked, I do not fight for it this is because, I never fought to occupy these offices. So, if the Leader of Majority feels that I no longer deserve to occupy the office of Chief Whip, then, that is up to him because I believe that people know me in this region whether I am a Member of the County Assembly or not.

Mr. Speaker, the name Adui Nyang you will never be removed from me even if I go to Migori, Siaya, wherever even Nairobi. You will never remove the name from me. I am a ranking Member of this House and if my office is being overlooked, I will not fight over it because when you present yourself in this Honourable House and you are there and your office is being overlooked let it be Mr. Speaker if that is the way you Members want to move then for the peace of this Hon House, I beg to oblige; but, I believe offices should be respected, the way in Dholuo we say “*ongino ok inyal ma ngweche*” (you cannot take life of an ant)

Therefore, if that is the way the Leader of Majority together with the leadership of the House and the Honorable Speaker who is the custodian of the laws and the rules of this House sees me and allows the Hon. Adegwa to proceed then, let it be. Otherwise, thank you very much.

*(Hon. Oiko Pete rises on a Point of Order)*

**The Speaker** (Hon Oraro): Hon. Oiko, what is your point of order?

**Hon. Oiko** (MCA, Kabonyo/Kanyagwal): Mr. Speaker the matter being discussed now has become a routine in this House that Honorable Adegwa is the pseudo Leader of Majority. Every time we come to this House, before you see the Leader of Majority, Hon. Adegwa is occupying the chair of the Leader of Majority, you see.

Mr. Speaker, what is being echoed by the Whip is the true position of this House. We have Members of the Appointments Committee

**The Speaker** (Hon Oraro): Hon Oiko Pete, what is your Point of Order? Are you on a Point of Order or are you debating? I believe that this is the same thing that the Chief Whip has just presented.

**Hon. Oiko** (MCA, Kabonyo/Kanyagwal): Mr. Speaker, it is the same I just wanted to stress on it.

**The Speaker** (Hon Oraro): Please resume your seat Hon Oiko? I thought you are on a certain Point of Order because the same thing you are saying is what Hon Seth Kanga has said.

*(Hon. Adegwa interjects)*

**The Speaker** (Hon Oraro): What is it Hon Adegwa?

**Hon. Adegwa** (MCA, Kajulu): My name has been adversely mentioned. Please allow me to respond to some of the issues raised.

**The Speaker** (Hon Oraro): Proceed.

**Hon. Adegwa** (MCA, Kajulu): Mr. Speaker, the business of the House must go on whether or not the Leader of Majority or Whips are in the House. Mr. Speaker, we cannot leave and adjourn this House because of lack of quorum. Most of the Members are absent. Even today when I was coming in, the Majority Whip was not in this House. The Whip walked in when the business was going on Mr. Speaker. And, I am sorry I am not trying to remove you from your seat Mr. Whip. I am only doing the business I was delegated to execute. Mr. Speaker, that the response I can issue. Thank you Mr. Speaker.

**The Speaker** (Hon Oraro): Thank you so much Honourable Members, I have listened to the Point of Order by the Hon Whip. I want to make it clear that the Standing Order provides that

the Leader of Majority is the only leader who has the powers to nominate temporary Members, including other House Committees. Even today, I can confirm in the morning I received a letter nominating Members to temporarily sit the House Business Committee because of lack of quorum; despite the fact that I know there are Members of House Business Committee were out on official business. However, the Members who were left behind were not able to attend yet the House Business Committee had to proceed so that we make a recommendation for the business to proceed. As such, with the powers given to Leader of Majority, he nominated Members to sit in that House Committee to enable the business of this House move smoothly and uninterrupted.

Honourable Members, on the same strength, the Standing Order provides that including even the chairpersons in your absence you are supposed to nominate Member or your deputy who moves a Motion or lays a Paper on the Table on your behalf. I had not noticed the Honourable Whip until his name was mentioned because when I came in, I noticed that the Hon. Adegwa was occupying the seat of the Leader of Majority and also have communication from the Leader of Majority to that effect. Therefore, Honourable Whip, there is nobody looking down upon your seat.

*(The Chief Whip rises on his feet)*

I am on my feet Honourable Whip. I had not noticed the Honourable Whip when I was coming in and the Hon Adegwa is just there when an order is called, there is no harm coming up and saying that I want to say that you have arrived and would wish to proceed with a particular order.

Honourable Members, I believe that we should avoid the sideshows and proceed with the business of the House. Now that the Whip has come he should be able to Move the Statement, or if he feels that the Hon. Adegwa should just proceed, it is okay. I do not believe that there is anything wrong that we need to belabour about instead of proceeding with the business of the House. Therefore, Hon Seth Kanga you can proceed with the Statement or allow the Hon. Adegwa to proceed with it.

**The Chief Whip** (Hon. Kanga, MCA Market/Milimani): Mr. Speaker, I am not new in this House. I am also a regular attendee in this House who understands procedures and Standing Orders of this House. Mr. Speaker, with due respect, when I arrived in this House, you asked my Deputy to confirm if the House has quorum and my Deputy responded that we had a quorum. Therefore, by saying that you never noticed me and I am seated right besides Hon. Adegwa, with my equally a bigger sized body, when you say that you had not noticed me, I think it is very disrespectful.

Mr. Speaker, I believe as Hon. Adegwa has earlier mentioned, every Member has got a right to represent the Leader of Majority in this House but offices should be respected. This is not the first time I am noticing this, the Leader of Majority has equally always ignored me in his duty as the Leader of Majority and equally you as the Honourable Speaker. You have always not noticed

that, I don't know if you have noticed it but you always ignore it. But, I do not have any problem with that. I equally believe that I represent the interest of the County Government, the interest of the Executive in this House but I will not force myself to do things when the Leader of Majority does not delegate those matters to me.

Mr. Speaker, when I was coming in, I met the Leader of Majority outside this Honourable House and I had him inform a Honourable Member that he had delegated this matter to Hon. Adegga right in my face Hon Speaker. So, Mr. Speaker if that is the way the Assembly and the leadership of this Assembly wants to proceed or they have decided or they have designed it proceed I don't have any matter Mr. Speaker.

Mr. Speaker, I rest my case and I oblige by the decision of the Leader of Majority and by your directions. However, Mr. Speaker, *Adui Nyang'* will also remain *Adui Nyang'*. You will never remove it from me either in this House or outside the precincts of this House. I believe I am a politician, in my own rights and I will move on. I will soldier on. Whether you ignore me, whether you try to undermine me, I don't mind. I will remain *Adui Nyang'* and I will soldier on. Thank you.

**The Speaker** (Hon. Oraro): Thank you so much, Hon. Seth Kanga. Thank you. I will treat that as a comical relief because you have confirmed that the Leader of the Majority informed you that he had delegated the matter to Hon. Adegga. I don't call the Whip by the name. I said the Whip to confirm if we had quorum, and I noticed that Hon. Jennifer confirmed that we had quorum. So, I did not notice you until Honorable Ochele raised the matter through a Point of Order. So, Hon. Adegga, proceed.

**Hon. Adegga** (MCA, Kajulu): Thank you, Mr. Speaker, there are some issues that should be discussed in the leadership. Thank you very much Mr. Speaker. I rise while citing the provisions of Standing Orders No. 42 (2) (c), to present and lay on the Table of the County Assembly, a Statement informing the County Assembly of the Business coming before the House on the following week. That for the week commencing Wednesday, 11th September 2024 to Tuesday 17th September 2024, the Select Committee on Assembly House Business at its last meeting approved the following tentative Businesses to appear in the Order Paper as follows:

Wednesday, 11<sup>th</sup> September, 2024 at 09:00 a.m.

#### PAPERS TO BE LAID

1. The Kisumu County Annual Development Plan ADP for the financial year 2025-2026 will be laid by Majority Leader.
2. Report of the Auditor General on Migosi Sub-County Hospital for the year ended 30th June 2022 by Majority Leader.

3. Report of Auditor General on Migosi Sub-County Hospital for the year ended 30th June 2023 by Majority Leader.
4. The Kisumu County Draft Finance Bill 2024 by Majority Leader.

SUBSTANTIVE MOTION OF THE DAY

1. Adoption of the report of Implementation Committee on the implementation status of the project approved in the fiscal year 2022-2023 by Hon. Henrietta Bodo.

Wednesday, 11<sup>th</sup> September, 2024 at 09:00 a.m.

SUBSTANTIVE MOTION OF THE DAY

2. Adoption of the report of Appointment Committee on the suitability of Mr. Nashon Otieno Aluoka Ogola for appointment to the position of County Attorney by Majority Leader.

Thursday, 12<sup>th</sup> September, 2024 at 02:30 p.m.

SUBSTANTIVE MOTION OF THE DAY

1. Adoption of the report of Infrastructure, Energy and Public Works Committee on the matter of construction of Ongoi Bridge along Chemelil-Oduo-Muhoroni Road in Chemelil-Tamu Ward by Reuben Rakwach.

Tuesday 17th September 2024 at 02.30 p.m.

STATEMENTS

1. Statement Pursuant to Standing Order No. 41(2)(c) of the Standing Orders Business coming before the County Assembly for the week commencing on Wednesday 11th September 2024 by Majority Leader.

SUBSTANTIVE MOTION OF THE DAY

Adoption of the report of the Delegated County Legislation Committee on the pending regulations by Hon. Mariam Abed.

**The Speaker** (Hon. Oraro): Thank you, Hon. Atega. It is Statements time.

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

**MOTION****STATUS OF HOUSE RESOLUTIONS ON THE REPORT OF MEDICAL SERVICES,  
PUBLIC HEALTH AND SANITATION COMMITTEE ON THE STATUS OF SUB-  
COUNTY HOSPITALS**

BY

HON. HENRIETTA BODO, NOMINATED MEMBER

(CHAIRPERSON, SELECT COMMITTEE ON IMPLEMENTATION)

**The Speaker** (Hon. Oraro): Yes, Hon. Henrietta Bodo.**Hon. Bodo** (Nominated MCA): Thank you, Mr. Speaker and Hon. Members. Before the House is a report on the implementation status of Sub County Hospitals.

Mr. Speaker and Honourable Members, the Select Committee on Implementation is mandated to scrutinize the resolutions of the County Assembly (including adopted Committee reports), Petitions and the undertakings given by the County Executive Committee and examine whether or not such decisions and undertakings have been implemented within sixty (60) days as provided for in Standing Order No.184 of the Kisumu County Assembly Standing Orders.

The report of the Sectoral Committee on Medical Services, Public Health and Sanitation on the status of Sub County Hospitals was tabled before this Honourable House on 5<sup>th</sup> December,2023 and adopted on 6<sup>th</sup> December, 2023 pursuant to the relevant provisions of the Kisumu County Assembly Standing Orders.

The Select Committee on Implementation at its meeting held on Monday,11<sup>th</sup> March,2024 sought to follow up on the Implementation Status of House resolutions on the report by Sectoral Committee on Medical Services, Public Health and Sanitation on the status of Sub County Hospitals.

In considering the implementation status of House resolutions on the aforementioned report, the Committee wrote a letter to the CEC Member for Medical Services, Public Health and Sanitation to furnish it with a detailed response on the Implementation of House Resolution on the said report.

This comprehensive report therefore is a compilation of the responses received in regards to the Implementation Status of the House Resolution on the report by the Committee on Medical Service, Public Health and Sanitation on the status of Sub County Hospitals.

## Preface

### Establishment and Mandate of the Committee

Mr. Speaker Sir and Hon. Members, the Select Committee on Implementation is established Pursuant to the provisions of Standing Orders No. 191 of the County Assembly of Kisumu.

The Committee is mandated to scrutinize the resolutions of the County Assembly (including adopted Committee reports), Petitions and the undertakings given by the County Executive Committee and examine whether or not such decisions and undertakings have been implemented ,where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary; and whether or not legislation passed by the County Assembly has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary. The Committee may also propose to the County Assembly, sanctions against any member of the County Executive Committee who fails to report to the relevant select Committee on implementation status of projects and programs under his or her docket without justifiable reasons.

Standing Order No.184 further provides that Within six days of a resolution of the County Assembly or adoption of a report of a select committee, the relevant member of the County Executive under whose portfolio the implementation of the resolution falls shall provide a report to the relevant committee of the County Assembly in Accordance with article 153(4)(b) of the Constitution.

### Composition of the Committee

Mr. Speaker and Hon. Members, the Committee as currently constituted comprises of the following Honorable Members,

*Table 1: Committee Membership as at April,2024.*

S/NO	NAME	POSITION
1.	Hon. Henrietta Bodo	Chairperson
2.	Hon. James Were	Vice Chairperson
3.	Hon. Anne Ochola	Member
4.	Hon. Geoffrey Warindo	Member
5.	Hon. Boitone Ratib	Member
6.	Hon. Mickey Awuor	Member
7.	Hon. Vincent Jagongo	Member

8.	Hon. Caroline Opar	Member
9.	Hon. Mildred Ajumbo Secretariat	Member
1.	Pst. David Ochieng	Senior Clerk Assistant
2.	Ms. Grace Kung'a	Committee Clerk
3.	Mr. Rodgers Wagude	Clerk Assistant
4.	Mr. Wycliffe Owade	Research
5.	Mr. Fanuel Okode	Hansard Reporter
6.	Mr. Abraham Odegi	Sergeant-At-Arms

#### Acknowledgement

Mr. Speaker and Hon. Members, the Committee wishes to thank the offices of the Speaker and Clerk of the Assembly for the support and also for providing a conducive environment which enabled committee to carry out its mandates effectively.

I also want to appreciate the members of the Committee on Implementation for their dedication, commitment and valuable contribution exhibited during the scrutiny of the county assembly resolutions.

Finally, I wish to thank the Secretariat for their untiring commitment in ensuring that the Committee achieves its mandates.

Mr. Speaker Sir and Hon. Members, it is now my pleasant duty and honor, to table this progress report on the Implementation status of House resolution on the Report by the committee Medical Services, Public Health and Sanitation on the status of Sub County Hospitals, for consideration and adoption.

#### Introduction

Mr. Speaker and Honourable Members, the report of the Sectoral Committee on Medical Services, Public Health and Sanitation on the status of Sub County Hospitals was tabled before this Honorable House on 5<sup>th</sup> December,2023 and adopted on 6<sup>th</sup> December, 2023 pursuant to the relevant provisions of the Kisumu County Assembly Standing Orders.

The Select Committee on Implementation at its meeting held on Monday,11<sup>th</sup> March,2024 sought to follow up on the Implementation Status of House resolutions on the aforementioned report.

In considering the implementation status of House resolutions on the report by the Committee on Medical Services, Public Health and Sanitation on the status of Sub County Hospitals, the Committee wrote a letter to the CEC Member for Medical Services, Public Health and Sanitation to furnish it with the detailed response on the Implementation of House Resolution on the said report (*See Appendix 1*)

The CEC Member for Medical Services, Public Health and Sanitation in his response informed the Committee as discussed below;

**HOUSE RESOLUTIONS ON THE REPORT BY THE COMMITTEE ON MEDICAL SERVICES, PUBLIC HEALTH AND SANITATION ON THE STATUS OF SUB COUNTY HOSPITALS.**

Mr. Speaker and Honourable Members, The report by the Committee on Medical Services, Public Health and Sanitation had the following house resolutions;

1. That the department of Medical Services, Public Health and Sanitation should;
  - a) Invest in improving and expanding network infrastructure within health facilities
  - b) Collaborate with telecommunication providers to enhance connectivity, ensuring seamless online claims processing; And
  - c) Consider implementing backup systems for situations of network outages

Implementation Status;

The CEC Member for Medical Services, Public Health and Sanitation in his response informed the Committee;

- a) That the department is currently in the process of digitizing the health facilities right from the community through to the primary care facilities and to all levels of care as outlined in His Excellency the Governors Manifesto. That at the Level 1 (Community level), Community health volunteers are using tablets to collect data from the households.
  - b) That the facilities have also prioritized budget for data bundles (*See Appendix 2, copies of AIEs released to Lumumba, Chulaimbo, Migosi, Nyakach, Gita Hospitals*)
  - c) That the department is yet to engage Safaricom on the expansion of Network to the facilities
2. That the department of Infrastructure, Energy and Public Works should;
    - a) Conduct a comprehensive assessment of the structural integrity of the condemned structures in high-risk areas (in Nyang'ande, Sondu and Nyang'oma) and further develop and implement a plan for the reconstruction where necessary.

- b) Endeavour to engage engineering experts to design resilient buildings suitable for local soil conditions when undertaking projects

Implementation Status;

The CEC Member for Medical Services, Public Health and Sanitation informed the Committee;

- a) That the department of Medical Services, Public Health and Sanitation had done a letter to the department of Infrastructure, Energy and Public Works to carry out an assessment to Chulaimbo Hospital Maternity building that is not in use and was condemned in 2014 and is yet to receive communication from the Department of Infrastructure, Energy and Public Works (See Appendix 3, a copy of the letter)
- b) That further a letter was written to the Chief Officer of Infrastructure, Energy and Public Works on two facilities (Nyitienge in South West Kisumu Ward in Kisumu West Sub-County and Lela Health Centre in Kobura Ward in Nyando Sub-County. Consequently, the department is yet to receive feedback on the same. (See Appendix 4, a copy of the letter)
- c) That the department of Medical Services, Public Health and Sanitation should collaborate closely with the Public Services Board to;
- d) Prioritize staff recruitment and retention initiatives and establish a mechanism for regular workforce assessment and planning
- e) Develop competitive remuneration packages and offer profession development opportunities to attract and retain skilled healthcare professionals

Implementation Status;

The CECCM responded as follows;

- a) That the department is currently liaising with the department of Public Service Board in the recruitment of the skilled health care workers of various cadres. That this recruitment is competency based and is guided by the indent developed by the department of health. (See Appendix 5, a copy of indent)
3. That the CEC Member for Medical Services, Public Health and Sanitation should;
- a) Reach out to NHIF for a discussion geared towards finding a lasting solution to the consistent delays in reimbursements for services rendered.
  - b) Explore interim funding solutions to mitigate the impact of delayed reimbursements

Implementation Status;

The CEC Member responded as follows;

- a) That the department held a consultative meeting with Social Health Authority Board Chair and Transition Authority on way forward concerning reimbursements especially Linda Mama. And that NHIF/SHAB has advised counties to reconcile their accounts as all assets and liabilities of NHIF will be transferred to SHAB. That templates have been sent to facilities to reconcile their accounts. Further that Linda Mama is paid on rolling basis when government releases funds (See *Appendix 6, a copy of minutes of meeting between the department and the NHIF/SHAB*).
4. That the department of Medical Services, Public Health and Sanitation to liaise with the department of Lands, Housing, Physical Planning and Urban Development to provide legal and administrative interventions to establish clear ownership and secure the hospital's long term presence on the land.

Implementation Status;

The CECM stated that;

- a) The department did an official communication to the department of Lands concerning health facilities without title deeds and requested for the facilitation of the processing of the title deeds.
5. That the department of Medical Services, Public Health and Sanitation to ensure purchase and installation of burning chambers in all sub-County hospitals within the County to enhance waste management practices, protect public health and contribute to environmental sustainability, fostering a healthier and safer community for all.

Implementation Status;

The CEC Member informed the Committee as follows;

- a) That the department currently has incinerators and burning chambers in the following facilities;
- b) JOOTRH, KCRH, KOMBEWA, BLOOD BANK, LUMUMBA SCH & NYAKACH COUNTY HOSPITAL
- c) Shredder and Microwaves-1 at JOORTH.
- d) Burning chambers-33.

Current Conditions and Status of Incinerators;

- a) That incinerator at JOOTRH is broken down due to the introduction of scrubber by the ministry of environment and forestry which caused back flow of emission to the chambers hence blowing it up. That the design was not properly executed.
    1. That currently the department plans to return the incinerator to its initial functionality with a direct chimney (without a scrubber).
    2. That JOOTRH Shredder and microwaves are currently working. However, it has few challenges of optimizing its capacity.
  - i. That in Nyakach Sub County Hospital one new incinerator was commissioned costing ksh.7million (CGK) in the current financial year 2023/2024
  - ii. That Lumumba Sub-County Hospital has an incinerator serving several facilities including KCRH
  - iii. That Blood Bank incinerator is currently not working
  - iv. That the incinerator at Kombewa Hospitals is currently working but has a high operation costs
  - v. That the department intends to construct 5 incinerators that will serve the Sub-Counties as envisaged in the healthcare Waste Plan (HCWP) of 2023/2025
  - vi. That in the next financial year 2024/2025 the department have proposed to construct a new incinerator for KCRH at cost of Ksh 9 Million
6. That the CEC Member for Medical Services, Public Health and Sanitation should work closely with the department of Finance and Economic Planning to streamline the disbursement process, ensuring timely and predictable financial support for health facilities.

#### Implementation Status;

The CECM informed the Committee that;

- i. The department of Medical Services, Public Health and Sanitation has developed recurrent distribution schedule based on workloads. That the distribution schedule is divided into quarters to facilitate quarterly disbursements of funds. That the distribution schedule shall be shared with the county treasury to facilitate and guide on the distribution.

#### Committee Observations

Mr. Speaker and Hon. Members, the Committee, upon consideration of the responses from the department of Medical Services, Public Health and Sanitation, made the following observations;

1. Based on response on House resolution that the department should collaborate and expand network infrastructure within health facilities, the Committee observed that the department is yet to establish an engagement framework with Safaricom. However, it has

appreciated the fact that CHVs are using tablets to collect data from the households and that the respective facilities have equally prioritized budget for data bundles.

2. Based on response on House resolution that the department of Infrastructure, Energy and Public Works should conduct a comprehensive assessment of the structural integrity of the condemned structures in high risk areas and endeavor to engage engineering experts in designing resilient buildings, the Committee observed that much efforts has been done by the department of Medical Services, Public Health and Sanitation in implementing this House resolution. However, much efforts need to be done by the department of Infrastructure, Energy and Public Works.
3. On recommendation that the CEC Member for Medical Services, Public Health and Sanitation should reach out to NHIF in finding a lasting solution to the consistent delays in the reimbursements for services rendered, the Committee observed that the matter has been addressed satisfactorily as per the recommendation.
4. Regarding the incinerators and burning chambers in various sub-county Hospitals, the committee noted with concern that while a lot of progress has been done by the department, a number of them have broken down while others are experiencing huge operational cost.
5. On House recommendation that the department to liaise with department of Lands, Housing, Physical planning and Urban Development to provide legal and administrative interventions to establish clear ownership and secure the hospitals long term presence on the land, the Committee observed that the department has addressed the matter as per the house resolution.

#### Committee Recommendations

Mr. Speaker and Honourable Members, the Committee having considered the implementation Status of House Resolution on the said report, the Committee recommends as follows;

1. That the Committee of Medical Services, Public Health and Sanitation engage further with the department on establishment of an engagement framework with Safaricom to stabilize adequate network in these facilities
2. That the Committee of Medical Services, Public Health and Sanitation in their oversight mandate, fast-track the impact and outcome of digitization of these health facilities to determine value for money
3. That the Committee of Medical Services, Public Health and Sanitation on a quarterly basis follow-up with the department on progress of competitive remuneration packages and retention of skilled health care professionals to ensure meritocracy and efficient delivery of services in our facilities
4. That the committee on Infrastructure, Energy and Public Works urgently follow-up with the department on two subsequent letters dated 27<sup>th</sup> June, 2023 and 27<sup>th</sup> May 2024, written to them by the department of Medical Services, Public Health and Sanitation on

status of the condemned buildings within respective facilities and report back to the House within a period of 21 days

5. That the committee on Lands, Housing, Physical Planning and Urban Development to engage with the department of Lands, Housing, Physical Planning and Urban Development to solve the issue of title deeds for the concerned health facilities once and for all and report to this House the status within 60 days of adoption of this report
7. That the Committee on Medical Services, Public Health and Sanitation closely engage with the department of Medical Services, Public Health and Sanitation on conditions and status of incinerators and burning chambers in various sub-County hospitals in line with its healthcare Waste Plan (HCWP) of 2023/2025 to enhance waste management practices and to foster a healthier and safer community for all.
8. That the Committee on Medical Services, Public Health and Sanitation fast-track progress with the recurrent distribution schedule developed by the department of Medical Services, Public Health and Sanitation to facilitate quarterly disbursement of funds to various sub county hospitals, while analyzing its impact and outcome.
9. THAT this Honorable House adopt this Committee comprehensive report on its inquiry on the Implementation Status of House Resolution on the report by Medical Services, Public Health and Sanitation Committee on the status of Sub-County Hospital.

#### Conclusion

Mr. Speaker and Hon. Members, it is now my honor and privilege, on behalf of the Committee on Implementation to move this motion before this Honorable House for Consideration and adoption. May I take this chance to call upon Hon. James Were to second the motion? Thank you, Mr. Speaker.

**The Speaker** (Hon. Oraro): Yes, Hon. James Were

**Hon. Were** (MCA, Nyalenda “B”): Thank you, Mr. Speaker; I want to thank my able Chairperson for having presented a detailed report. The report contains a raft of recommendations to ensure that we have smooth operation of our Sub-County facilities. Mr. Speaker, the recommendations run from ensuring that we have timely follow up on the NHIF and Linda Mama claims, so that our facilities can have enough finances through the FIF Act, which is a Kisumu County legislation that helps in running our facilities.

Mr. Speaker, if we work on our network by ensuring that the networks in all our facilities are improved and working then, I believe that we shall not be having challenges in fast-tracking the payments now that we have gone cashless. Mr. Speaker, this House Committee has also recommended that we have recruitment of qualified staff, and as we do the recruitment, we also look at ways in which we can retain the good staff that we have. With those few recommendations, I beg to second the motion, thank you.

**The Speaker** (Hon. Oraro): Honourable Members, now that the motion on the adoption of a report of the Implementation Committee on the Implementation Status of House Resolutions on the Report of Medical Services, Public Health and Sanitation Committee on the Sub County Hospitals has been moved, seconded as per our Standing Order, I want to propose a question and I propose that the Motion is open for debate.

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

**Hon. Boitone** (MCA, Nyalenda “A”): Thank you Mr. Speaker. As a Member of this House Committee, I want to support adoption of the Report by the select committee on Implementation. Mr. Speaker, two items are coming out very clear that we need to stress on.

1. The Department of Medical Services to liaise with Department of Infrastructure, Public Works and Energy to give out clear picture facilities within the County that are deemed to be condemned. And this is a weighty matter, Mr. Speaker, because public funds have been used on this facility, so to speak. And it is high time that the Public Works, Infrastructure Department liaise with the Medical Services so that they give us clear picture of the said facilities.
2. Mr. Speaker, another recommendation that has been given out about land ownership where these facilities are situated. This is not a conversation that is coming up for the first time. Several times we have talked about land ownership of our facilities. We have seen several locations whereby public land transfers were not done to completion yet a facility has been built on it. Later on, someone claims to own those pieces of land.

So, I want to support that the Department of Medical Services, together with the Department of Lands, Physical Planning, Urban Development, to undertake transfers of all the land ownership where these facilities sit. Those two important aspects of this document are worth supporting and that is why, Hon. Speaker, I want to appeal to this House to support this report so that we put our records clear and straight. Thank you, Mr. Speaker. I support the motion.

**The Speaker** (Hon. Oraro): Hon. Ken Ouko.

**Hon. Ouko** (MCA, West Kisumu): Thank you, Mr. Speaker. We have a report in the House by the Select Committee on Implementation which is somehow detailed to an extent. Mr. Speaker, I am appealing to understand what actually the Implementation Committee should do because, Mr. Speaker, we have a lot of recommendations which we have passed in the House. Mr. Speaker, I have a feeling that this House Committee should be following up on the recommendations we have made in the House. Like the other time we were talking about hospitals with cracks and that was contained in a report of the Medical Services and Sanitation Committee that was presented here in this House.

Mr. Speaker, I have never heard of a situation where this House Committee went to the Department to make a follow-up on the Land Title Deed cases which we have cited in this House many a times.

Mr. Speaker, at times it is quite confusing to see a Member who has not signed the report supporting and seconding. Mr. Speaker, it is quite unfortunate for the House because it is like walking and talking a lie. Maybe somebody is seconding for the sake of being in the House. Mr. Speaker, if we fail to tell the truth, we might not achieve what we want in the House because these reports are very important for the County, not only for this House. So, Mr. Speaker, I support but with a lot of reservations. Thank you, Mr. Speaker.

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

**Hon. Pete** (MCA, Kabonyo/Kanyagwal): Thank you Mr. Speaker, I also want to contribute a little on this report. This is a report from the Select Committee on Implementation on the Status of Resolution in this House. Mr. Speaker, they were referring to the Sub-County hospitals, the status of sub-county hospitals as part of the resolutions of the House. And it is good they have gone down at the health facilities which serve our people.

Mr. Speaker, the first area I want to address is the area of Title Deeds. When you look at this report, the health facilities are sitting on lands that the government does not have the title deeds. That is the picture we are getting here, Mr. Speaker. And there is a letter written by the Chief Officer to the Lands Department on this matter. And when we look at the list of health facilities without title deeds, the picture given here is that all our health facilities do not have title deeds.

Mr. Speaker, when you look at the letter addressed to the Lands Department and the information given by the Health Department, then now we ask whose work it is to ensure that the land where these health facilities stand, whose work is it to prepare the title deeds. Is it the work of the Land's Department, or is it the work of the political leadership in the areas where these facilities are? Because we know for this to be done, resources will be needed to facilitate this. So this House Committee must go down to find out, where should we get the resources to process the title deeds? And why has it taken all this long for these facilities not to have title deeds? Because we may have a situation where the owners may wake up and demand their parcels of land back.

So, I believe that this political leadership should go down on the ground to establish, if it is true these facilities don't have title deeds, what should we do? This is because money must be factored in the budget to facilitate this. The mere communication from one department to another may not do a lot. And this is a matter that the central committee, the Medical Services and Sanitation Committee should take seriously so that we are not embarrassed, Mr. Speaker.

Mr. Speaker, there are also some buildings that have been Condemned. These buildings that have been condemned, when the Department of Infrastructure and Public Work is alerted and they had been condemned, what are they going to do with them? What should be done here is, how money

should be allocated to these condemned health facilities, so that new ones, they improve for our people. Otherwise, they will fall down and the good services they are providing to our people will not be there.

Mr. Speaker, it is incumbent upon each member to establish the condemned buildings in his ward, get in touch with the Department of Health and that of the Public Works so that what is necessary is done. This is because from this report, when we discuss it, and we leave it at that level, we shall have done very little service to our people. Action must be seen to be taken.

Mr. Speaker, there is also this matter of National Hospital Insurance Fund and Social Health (NHIF) Authority. We are getting the picture now that we are transiting from National Hospital Insurance Fund to the Social Health Authority (SHA). We hope good work will be done here, but we know what has been ailing the National Health National Health Insurance Fund, because they were not remitting the deductions, the recoveries to the healthy facilities in good time.

Mr. Speaker, it is our hope that this will improve, but this matter is a matter that we should also echo to the national government, because it has been echoed that there's a lot of fraud up there. That is why our health facilities don't get their allocation, and what they collect from the members that National Hospital Insurance Fund is supposed to reimburse to them in good time. We hope the new management will do a good work so that money reaches our facilities in good time, not the way it had been.

Otherwise, Mr. Speaker, this report is not a bad but a good one. And the other equipments that are needed in the healthy facilities, like incinerator, these ones, if they are bad, we know the budgeting system in our county, the leadership from the wards where these facilities are should facilitate. If they are like the sub-count hospitals, these are flagship projects. Since they are flagship projects, the Department of Health and the Department of Finance should be asked to collaborate so that good allocation is made to the sub-count health facilities to ensure their facilities are done up to date and good work is seen to be done in our health facilities. With those few remarks, Mr. Speaker, I hope good effort will be made to improve our health facilities in Kisumu County so that our people get good services. I so contribute.

**The Speaker** (Hon. Oraro): Yes, Chief Whip Hon. Seth Kanga.

**The Chief Whip** (Hon. Kanga, MCA, Market/Milimani): Thank you Mr. Speaker. foremost, I want to commend the Chairperson, Select committee on Implementation, the Honourable Henrietta Bodo, for the first time bringing a very comprehensive and elaborate report to this House, which I believe if implemented in our various sub-count hospitals, then the services, whether curative or preventive, I don't want to talk about preventive, but I want to talk about curative and preventive measures in our sub-count hospitals.

Mr. Speaker, the services in our sub-count hospitals, as you are aware that Jaramogi Oginga Odinga is a referral hospital, so where a lot of emphasis should be placed is our sub-county hospitals. That's where a large number of residents of this county get their health services.

Mr. Speaker, this House Committee in their recommendation, number three, touched on remuneration of our healthcare professionals. Mr. Speaker, this House Committee should further check into how we appropriated money towards remuneration of our healthcare providers so that we ensure that they are motivated in their respective facilities to ensure the residents of this county who are assessing or getting their healthcare services in our facilities are satisfied when the professionals are remunerated and motivated accordingly.

Mr. Speaker, I urge the Department of Health to ensure that the recommendations approved by this House are implemented in the various sub-county hospitals. If these recommendations are not put into practice, we will fail in our responsibility to provide quality healthcare services to our residents.

Mr. Speaker, our healthcare system has been encountering persistent challenges. However, I would like to commend our medical facilities, especially JOOTRH, for their efforts. On several occasions, I receive requests from families whose patients have been treated and are seeking waivers. This, Mr. Speaker, is a clear indicator that our healthcare facilities are functioning. Otherwise, we wouldn't be receiving such requests. I know many other Members have had similar experiences, with patients being treated and discharged, and families calling on us to assist with waivers. This is a testament to the fact that our healthcare facilities are indeed working.

Not only at JOOTRH, but also in our sub-county hospitals, we must ensure that we reduce deaths and increase the number of patients receiving treatment and being discharged. This can only happen if the recommendations are fully implemented. I urge the Chairperson of the Select Committee on Implementation to act swiftly and ensure these recommendations are enforced across our sub-county hospitals. This requires more than just attending committee meetings—it involves visiting the facilities unannounced. If the department is informed ahead of time, for instance, that a certain House Committee will be visiting Nyakach Sub-County Hospital, they will prepare, and the staff will make a show of attending to patients. But we need to see the actual, day-to-day activities in these hospitals, not just a temporary display.

Otherwise, Mr. Speaker, I support this motion and I commend the Chairperson together with this House Committee Member for being elaborate with a very comprehensive report of this. Thank you, Mr. Speaker.

**The Speaker** (Hon. Oraro): Honourable Abeid.

**Hon. Abeid** (Nominated Member): Thank you, Mr. Speaker. I would like to congratulate my fellow specially elected MCA, Hon. Bodo, for a job well done. I also want to extend my

appreciation and congratulations to the Health Committee. As a part-time healthcare provider myself, I have observed with great satisfaction the significant improvements in our healthcare system, particularly in Kisumu County. Mr. Speaker, when we joined this Assembly in 2022, many healthcare facilities were struggling. However, I am pleased to note that positive changes have taken place. So, once again, I commend Hon. Bodo and the entire committee for their excellent work. Keep up the great efforts because I understand the challenges you've overcome. That's why it was important for me to speak.

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

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

**The Speaker** (Hon. Oraro): Yes, Honorable Bodo.

**Hon. Bodo** (Nominated Member): Thank you Mr. Speaker and Honorable Members, I want to express my gratitude to all of you for supporting the report from the Select Committee on Implementation. Our journey as a House Committee has been remarkable. We started with little to guide us, but we have made significant strides and progress and we are moving forward with purpose. I appreciate your support and encourage us all to continue working diligently on our tasks. Thank you, Mr. Speaker.

**The Speaker** (Hon. Oraro): Honorable Members, now that the motion on adoption of the report of the Select Committee on Implementation on the Status of the House Resolutions on the report of Medical Service Public Health and Sanitation Committee over the status of the sub-county Hospitals has been moved, seconded and debated, I want to put a question on the adoption of the same.

*(Question put and agreed to)*

**The Speaker** (Hon. Oraro): Honourable Members, the report of the Committee on the Status of House Resolutions on the report of Medical Services Public Health and Sanitation Committee on the status of the Sub-county hospitals has been adopted today, Tuesday the 10th of September 2024 at 1548 hours. I direct that the recommendation of the same be communicated to the right departments for purposes of implementation.

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

## ADJOURNMENT

**The Speaker** (Hon. Oraro): Honourable Members, there being no any other business in the order paper, the House stands adjourned until Wednesday the 11<sup>th</sup> September 2024 at 09.00 a.m.

*(House rose at 03.49 p.m.)*

*Addendum*

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