

## COUNTY GOVERNMENT OF KISUMU



### COUNTY ASSEMBLY OF KISUMU

### **THE HANSARD**

#### *Official Report*

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

**Tuesday 08<sup>th</sup> October, 2024**

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

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

#### **PRAYER**

**The Speaker** (Hon. Oraro): Good afternoon Honourable Members, I have been informed that we are slightly short of quorum, so I direct that pursuant to the provisions of Orders No. 32 (2) of the Kisumu County Assembly, that the quorum bell be rung for five minutes. Consequently, no Member shall leave the House when the quorum bell is being rung, except the Whip, who may go out to whip Members. I direct the Serjeant-at-Arm to ring the quorum bell for the first five minutes. We need at least six more members for us to have a quorum.

*(Quorum bell be rang for five minutes)*

**The Speaker** (Hon. Oraro): Honourable Members, I am informed that we have attained enough quorum. So, Clerk, take us through the order of the day.

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

#### **COMMUNICATION FROM THE CHAIR**

**The Speaker** (Hon. Oraro): Honourable Members, I have a few communications to make. Number one, Honourable Members, we are honoured to welcome the teachers and students of Chianda Boys High School to our County Assembly today who are seating at the

public gallery. The students have been accompanied by the following teachers. As I call your name, maybe you can stand so that the Members can see you. Mr. Ogonda Frederick, Head of Department of Humanities. Ms. Bernadette Nyangaga who Heads the History and Government, Mr. Felix Ogambo. Ms. Janet Akinyi. Ms. Brigitte Abuodha. Ms. Irene Amon. Mr. Kabiru John, Mr. Lee Omega, Mr. Edwin Odhiambo and Mr. Walter Obonyo. I'm not aware which classes or where they are, but I want to inform the students that your presence here today is a testament of your dedication to learning and understanding the workings of your local government. Chianda must be in Siaya County.

I happen to have a nephew of mine who graduated at Chanda some years back, so I know it's a school in Siaya County. And we hope that this study inspires you to become active and engaged citizens in your community. Best wishes for a successful and informative visit.

Honourable Members, as per our usual tradition, I want to give opportunity to some few Members to say a word to these students. They should be coming from Siaya, who is from Siaya? I will give Honourable Emily Oginga the chance thereafter; I'm getting whispers of Honourable Sammy Onyango of Railways Ward. Honourable Sammy Onyango is from Gem. Then the leadership, I'll give one person, maybe the Chief Whip or the Deputy Leader Majority, or the Leader Majority, you will agree amongst yourselves there of one person. There's a friend of mine, who always talks to these students, where is Honourable Benny Peter Oiko? He's there. So let's start with Honourable Emily Oginga. One minute each.

**Hon. Oginga** (Nominated Member): Thank you Mr. Speaker. I'd like to take this opportunity to welcome the students and teachers from Siaya County. That is the county of leaders. I'm happy to have you in the House today, because I believe learning in this time and ear is quite an interesting time. At least you have the opportunity to come to this House and be part of the proceedings, which was not a common practice prior to devolution. So that is why I'm saying that it's an interesting time to live.

At least you have the opportunity to come and see what your leaders are doing in the House, so that when you go back to school, at least you know you are working towards something that you know and you have been there to see. Otherwise, thank you so much for taking this trip, and I'd like to wish you a safe journey as you go back.

Mr. Speaker, I would like to mention one thing that I remember when I was growing up. I went to school at Lwak Girls High School, and we used to take a math competition that was called Siaya Maths then. I remember Chianda Boys, for one thing, they used to top in Maths. I hope it's still maintained up to this moment, because when I see you here, I see mathematicians.

Just like before, whenever we used to go for outings, we used to see mathematicians from Chianda. Otherwise, I'd like to encourage you to continue working hard and always work towards achieving your goals. Thank you so much.

**Hon. Onyango** (MCA, Railways Ward): Thank you, Mr. Speaker. I also take this opportunity to welcome the student from Chianda, Siaya County, the county of intellectuals. Feel most welcome.

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

**Hon. Oiko** (MCA, Kabonyo Kanyagwal Ward): Thank you Mr. Speaker; I understand that Siaya is the county of intellectuals. It was. But now, things are balancing and I think that is the reality because education started there, and now when you look at all parts of Nyanza, it embraces all faculties. But we still salute Siaya, because our big brains started from there like when we talk of Chianda, that is Rarieda, Sub County, Where Asembo, and Uyoma are.

We greatly remember the late Achieng Oneko, Odede, and those big politicians during those days and they still matter in our history. But we now also refer to Bondo, where the doyen of politicians hailed, and that is Jaramogi Oginga Odinga. It is still the place where we get political direction. Mr. Speaker, I have heard that Chianda High School were the mathematicians and that brings to my mind, were they beating Maranda and St. Mary Yala? That was wonderful, if that was the case but where you are today is the House of politics. The House of politics is not just politics alone. All these people you see here, they are not just mere politicians. They are people who embrace all subjects. Because here, we handle matters of medical, climate change, accounts, that is budget, agriculture.

So this is a House of all brains and it needs those who have gone to school in all those fields to make this House relevant to the people they serve. And I know some of you, when you are coming here, you are anxious to know what the Assembly entails. The Assembly, when it is seen from outside, is assumed to be all politics. But what I want you to know, it embraces all subjects. So all these people you see here, when matters of science come, they are supposed to explore that knowledge.

When the budget time comes, they are mathematicians. That is what the Assembly entailed of. And because I know we are going for other matters, feel welcome, and I know some of you will be politicians, scientists, engineers, and the rest. Thank you Mr. Speaker.

**The Speaker** (Hon. Oraro): The Leadership, one person, Deputy Leader of Majority.

**Deputy Leader of Majority** (Hon. Lumumba, MCA, South East Nyakach Ward): Thank you Mr. Speaker, allow me first of all to welcome the students and the staff from Chianda High School. Chianda Boys is in Rarieda and particularly Uyoma. This is an area that has got very rich history.

This is where the late Odede Rachilo comes from. This area has paid very, very dearly to the struggle of liberation in this country, starting with the late Senior Chief Okwiri, who was in the forefront during the liberation of Kenya when he fought against colonialism. Mr. Speaker, I'm

not going to forget that my very good friend Okong'o Arara, who comes from Kabudha, was one of the pioneers of this school. I remember that in 1976, Chianda Boys represented Kenya in the East African football tournament in Zambia, where Okongó Arara was the then champion. He was a great footballer. Again, met Okongó Arara and worked with him. However, during the Second Liberation, Okongó Arara and I were detained by the regime of former President Daniel Arap Moi. That is an alumnus of Chianda High School. So, I have a lot of memories, both good and bad, of Chianda.

Mr. Speaker, again, in 1988, the famous Oknunyal prosecution that was done at 08:00 p.m. when Ang'awa sentenced Okongó Arara, to 10 years' imprisonment. He served it and came out. Unfortunately, when Okongó Arara came out, Mr. Speaker, he was not mentally stable. To date, we do not know his whereabouts. I have a lot of respect for this school, and I wish you all the best that you can wish yourself. Thank you very much, and God bless you.

**The Speaker** (Hon Oraro): When the Deputy Leader of Majority was talking about Okongó Arara, Honourable Gard Olima was wondering what happened in 1976. What is it Honourable Olima?

**Hon Olima** (MCA, South West): Thank you, Mr. Speaker. Allow me also to welcome the Chianda High School fraternity to this House. Mr. Speaker, allow me to inform these students and the teachers that the Room we are sitting in today is a creation of a 2010 Constitution. That is 14 years ago. And, you are privileged to have seen *Wazees* in this House, the likes of Honourable Oiko Pete and Honourable Lumumba Owade 'Fujo junior', who are taking us so much back on issues that do not help us to date.

Mr. Speaker, allow me to inform our visitors that this House is majorly for Legislation, Oversight, and Representation. Anytime we are here, we do Legislation that is, formulating laws that governs Kisumu County. In addition, we do Oversight to the Executive Government, because County Government has only two arms; the Legislature, which is the County Assembly, and the Executive headed by the Governor. We also do representation from where we come.

*(The Leader of Majority rises on a Point of Order)*

**Leader of Majority** (Hon Ooko, MCA Ahero): On a Point of order.

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

**Leader of Majority** (Hon Ooko, MCA Ahero): Mr. Speaker, Honourable Gard Olima is setting a bad example. I can see that Honourable Gard Olima is naked.

**The Speaker** (Hon Oraro): Serjeant-at-arms, can you confirm if Honourable Gard Olima is naked or not well-dressed? Honourable Gard, you can have your time to dress well, then you come back.

*(Hon. Olima is escorted out of the Chambers by the Serjeant-at-Arms)*

Honourable Members, it is my belief that with those few remarks, we welcome the students from Chianda together with their teachers.

Honourable Members, my second communication, I want to remind the Members that the Committee of Medical Services, Public Health and Sanitation is hereby reminding you that this week has been a Mental Health Awareness Creation Week, and they are reminding you of the mental health awareness and the screening exercise that will take place tomorrow, Wednesday, 09th, October 2024, here at the County Assembly Chambers. As you may have been informed, the primary objective of the activity is to raise awareness about health issues, and to be specific, mental health issues, reduce the associated stigma, and provide accessible screening services. The activity will take place immediately after the morning Session, and all Honourable Members are encouraged to attend.

Therefore, immediately after the morning Session, we will be having a team from the Directorate of Medical Services, plus other partners, alongside ourselves. This is very key, because mental health is an issue that requires concerted effort from a stakeholder approach towards getting awareness to the public, and even to the affected ones.

Thirdly, there is an issue on the matter of pending business before House Committees, and a concern was raised again on low attendance of committee meetings. I want to be on record that we already have an issue, in terms of the register showing that members attend House Committees, but there is no output, neither does the minutes of the said meetings show their presence. So, I want to make an appeal, that there are so many works pending at committee levels, that if Members do not appear, it may be difficult for us to achieve what we are supposed to achieve. I heard Honourable Gard Olima talking to the students say that our work is legislation, oversight legislation.

Honourable member, we can only do that and achieve these matters effectively when we take serious our committee works. So please, the Chairpersons of all various House Committees, and the Members of those committees, expedite the works that are pending amongst your respective House Committees. Otherwise, I welcome you to this Session. Thank you.

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

## STATEMENTS

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

**Leader of Majority** (Hon Ooko, MCA Ahero): Thank you Honourable Speaker. I rise pursuant to Order No. 42 (2) (c) which mandates me as a Member of the House Committee, and on behalf of the County Assembly Majority Leader, 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.

Mr. Speaker, this is therefore to bring to the attention of Members and the County Assembly that for the week commencing Wednesday 09th, October 2024, to Tuesday 15th, October 2024, the Select Committee on the Assembly House Business, at its last meeting, approved the following tentative Businesses to appear in the order of Papers as follows;

Wednesday 09th, October 2024, at 09:00 a.m.

### PAPERS TO BE LAID

The Leader of the Majority will lay on the table of the County Assembly the following papers:

1. Nomination of Hesbon Owuor Hongo to the position of County Secretary.
2. City of Kisumu Annual Report and Financial Statements for the year ended 30th June, 2024 for Kisumu Urban Project.
3. Kisumu County Emergency Fund Account Annual Report and Financial Statements for the year ended 30th June, 2024.
4. Kisumu County Revenue Fund Annual Report and Financial Statements for the year ended 30th June, 2024.
5. Kisumu County Car Loan and Mortgage Scheme Annual Report and Financial Statements for the year Financial Year 2023-2024.
6. Kisumu County Executive Annual Report and Financial Statements for the Financial Year 2023-2024.
7. City of Kisumu Annual Report and Financial Statements for the year ended 30th June, 2024, and lastly
8. Kisumu County Climate Change Fund Annual Report and Financial Statements for the year ended 30th June, 2024.

## SUBSTANTIVE BUSINESS

The Chairperson Budget and Appropriation Committee Hon Joachim Oketch will Move the Second Reading of the Kisumu County Finance Bill, 2024.

Wednesday, 09th October, 2024 at 02.30 p.m.,

## PETITION

The Honourable Speaker will report a Petition by Kisumu Contractors and Suppliers Association to the County Assembly on the matter of pending bills for Kisumu County Government.

## PAPERS TO BE LAID

1. The Chairperson of the Standing Committee on Infrastructure, Energy and Public Works, Honourable Reuben Rakwach will table the committee report on the Matter of Construction of Akodhe Loth road in Chemelil- Tamu ward.
2. The Chairperson of the Standing Committee on Education, Technical Training, Innovation and Social Services, Honourable Seth Okumu, will table the committee report on the Inquiry into the State of Early Childhood Education Program in Kisumu County.
3. The Chairperson of the Standing Committee on Finance and ICT, Hon Carren Ajwang' will table the committee report on the consideration of the Kisumu County Executive Quarterly Report and Financial Statements for the period ended 31st March, 2024 and Kisumu County Revenue Fund Report and Financial Statements for the period ended 31st March, 2024.
4. The Chairperson of the Standing Committee on Trade, Tourism, Marketing and Industry, Hon Alice Wajewa, will table the committee report on the Benchmarking Exercise at Busia County Assembly.

## NOTICES OF MOTION TO BE GIVEN

1. The Chairperson of the Standing Committee on Infrastructure, Energy and Public Works, Hon Reuben Rakwach, will give a Notice of Motion for the adoption of the committee report on the matter of construction of a Akodhe Loth Road in Chemelil- Tamu Ward.
2. The Chairperson of the Standing Committee on Education, Hon Okumu, will give a Notice of Motion for the adoption of the committee report on the Inquiry into the State of Early Childhood Education Program in Kisumu County.
3. The Chairperson of the Standing Committee on Finance and ICT, Honorable Carren Odhiambo, will give a Notice of Motion for the adoption of the committee consideration of the Kisumu County Executive Quarter Report and Financial Statements for the period

end of 31st March, 2024, and Kisumu County Revenue Fund Report and Financial Statements for the period end of 31st March, 2024.

4. The Chairperson of Select committee on Budget and Appropriation, Honourable Joachim Oketch, will give a Notice of Motion for the adoption of the committee report on consideration of the Kisumu County Finance Bill 2024, County Assembly Bills No. 3 of 2024.
5. The Chairperson of the Standing Committee on Administration of Law and Justice, Constitutional Affairs, Good Life and Human Security, Hon Moses Ochele, will give a Notice of Motion for the adoption of a committee report on the Huduma Mashinani Programme.

#### STATEMENTS

1. The MCA for Railroads Ward Honourable Samuel Onyango will seek a Statement from the Chairperson Committee on Sports, Culture, and Youth Affairs, regarding the Expenditure for the FESTAC event.
2. The MCA for Kajulu Ward, Honourable Benson Adegwa will seek a Statement from the Chairperson, Standing Committee on Infrastructure, Energy and Public works regarding the Deteriorating Condition of the Ong'adi-Osiepe road at Pur-Kojwang' in Kajulu Ward.

#### SUBSTANTIVE BUSINESS

The Chairperson, Select committee on Budget and Appropriations, Honourable Joachim Oketch will move the second Reading of Kisumu County Finance Bill, 2024.

Tuesday 15th October, 2024 at 02:30 p.m.

#### PAPER TO BE LAID

The Chairperson on the Standing Committee of Medical Services, Public Health, and Sanitation, Honourable Vincent Jagongo, will table the committee report on the Matter of Mosquito Invasion in Kisumu County, as sought by Hon. Reuben Rakwach.

#### NOTICE OF MOTION

The Chairperson on the sectoral committee on Medical services, Public Health, and Sanitation, Hon. Vincent Jagongo, will give a notice of motion for the adoption of committee report on the Matter of Mosquito Invasion in Kisumu County, as sought by Hon. Reuben Rakwach.

## STATEMENT TO BE SOUGHT

The Leader of Majority will issue a Statement Pursuant to Order No. 41(2)(c) on the businesses coming before the County Assembly for the week commencing Wednesday 15th October, 2024.

## SUBSTANTIVE BUSINESS

The Chairperson of the Standing Committee on Finance and ICT, Honourable Carren Ajwang', will move a motion on the committee report of the Finance and ICT committee on the consideration of the Kisumu County Executive Quarterly report and Financial Statements for the period ended 31st March, 2024, and Kisumu County Fund report and Financial Statements for the period ended 31st March, 2024. Thank you very much Hon. Speaker.

**The Speaker** (Hon. Oraro): It is Statements time. Majority Leader, approach the Chair.

*(The Leader of Majority consults with the Speaker)*

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

**MOTION**

ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON ADMINISTRATION  
OF LAW, JUSTICE, CONSTITUTIONAL AFFAIRS, GOOD GOVERNANCE AND  
SECURITY ON THE HUDUMA MASHINANI PROGRAMME

BY

HON. MOSES OCHELE, MCA, EAST KANO/WAWIDHI

(CHAIRPERSON, STANDING COMMITTEE ON ADMINISTRATION OF LAW, JUSTICE,  
CONSTITUTIONAL AFFAIRS, GOOD GOVERNANCE AND SECURITY)

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

**Hon. Ochele** (MCA, East-Kano Wawidhi): Thank you Mr. Speaker. I stand to move a motion on the report on Huduma Mashinani Programme. It is in my interest to inform Members that the report is very bulky and it is posted in our website. Mr. Speaker and Honourable Members, on the Thursday of 07<sup>th</sup> March, 2024 the Member for Kabonyo Kanyagwal Ward, the Hon. Oiko Pete, MCA, requested for a statement from the Chairperson of the Committee on the Administration of Law, Justice, Good Governance and Constitutional Affairs regarding the

County Government's Huduma Mashinani programme. In particular, the Honourable Member tasked the Committee to inquire into and provide a comprehensive response on the following;

- a) A detailed feedback report for each sub-county involved in the exercise. These reports should be accompanied by attendance registers to verify participation levels.
- b) The current implementation status of the feedback collated from the sub-counties. This should detail how various sectors and service delivery departments are acting upon the gathered information.
- c) A clear breakdown of the total expenditure incurred during the exercise. This should differentiate between public funds utilized and any potential support received from private organizations.
- d) The tangible impact of this exercise on service delivery experienced by our citizens.

Mr. Speaker and Honourable Members, following the receipt of the Statement, the Committee wrote a letter to the CEC Member for County Administration and Participatory development vide letter Ref. CAK/CGK/VOL.III/3/24 (03) dated 13<sup>th</sup> March, 2024 requesting a response on the matters requested for by the Hon. Member. In a letter dated 4<sup>th</sup> April, 2024, the CEC Member informed the Committee as follows:

- a) THAT the Department be given more time to respond as the County Government was still conducting the Huduma Mashinani scheduled to conclude towards the end of June, 2024; and
- b) THAT the matters requested for by the Statement also include fiduciary report on the Huduma Mashinani, the same be provided once all the financial reporting and their relevant supporting schedules have been submitted to the CEC Member for Finance and Economic Planning within 21 days upon the end of the Financial year as per the requirements of the Public Finance Management Act, 2012.

Mr. Speaker and Honourable Members, this is therefore a detailed Committee report that will provide an analysis of the feedback on the program, implementation strategies, Monitoring and Evaluation of the resolutions of the Huduma Mashinani, Financial Report on the expenditure for the programme and its impact analysis.

Committee Mandate and Composition;

Mr. Speaker and Honourable Members, the Standing committee on Mr. Speaker and Honourable Members, the Sectoral Committee on the Administration of Law, Justice, Good Governance, Constitutional Affairs and Security is established pursuant to Standing Order No. 193 of the Kisumu County Assembly Standing Orders. Under the Second Schedule to the said Standing Orders, the Committee is mandated to consider all matters related to:

*referendum, further Devolution in the County, issues of Integrity, Ethics and Conflicts of Interests including Anti-corruption and Human Rights; ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations in governance at the local level and assisting communities and locations to develop administrative capacity for the effective exercise of the functions and powers and participation in governance at the local levels; administration of law and justice, including working and collaborating with national government operatives within the County especially on security matters.*

The Committee pursuant to the resolution of this Hon. House on 6<sup>th</sup> July, 2023 is currently composed as follows:

1. Hon. Moses Ochele - Chairperson,
2. Hon. Reuben Rakwach - Vice-chairperson
3. Hon. Anne Ocholla - Member
4. Hon. Mariam Abeid - Member
5. Hon. Vincent Jagongo - Member
6. Hon. James Were - Member
7. Hon. Sammy Onyango - Member

The Committee Secretariat is composed of the following;

1. Adv. Owen Ojuok - Clerk of the Assembly
2. Mr. Harman Moses - Clerk Assistant
3. Mr. Patrick Okoyo - Hansard Reporter
4. Mrs. Rose Baraza - Serjeant-At-Arms

Mr. Speaker and Honourable Members, the Minutes of the Committee a deliberation on this matter has been referenced in the Committee Minutes archive with Code: MIN.No.11/JLAC/3/2024, MIN. No. 12/JLAC/3/2024, MIN. No. 13/JLAC/3/2024, MIN. No. 14/JLAC/4/2024, MIN. No. 21/JLAC/6/2024 and MIN. No. 23/JLAC/6/2024.

Acknowledgements.

Mr. Speaker and Honourable Members, I would like to express my special thanks of gratitude to all Members of the Committee on The Administration of Law, Justice and Constitutional Affairs, Good Governance and Security for their valuable contributions during the deliberations on the matter of Huduma Mashinani. I also wish to extend my sincere gratitude to the Members of the County Assembly, the Office of the Speaker and Clerk of the Assembly for their support during this exercise. It is now my privilege and duty to present this Report of the Committee on the Administration of Law, Justice, Constitutional Affairs, Good Governance and Security, for consideration and approval by the House pursuant to Standing Order No. 182 of the County Assembly Standing Orders.

Legal Basis for the Inquiry

Mr. Speaker and Honourable Members, the Huduma Mashinani program is premised on the Right to Political participation is intended to enhance service delivery and foster government-citizen engagement across eight sub-counties. The program involved discussions on public service delivery, project updates and citizen feedback. The right to political participation is the foundation of public participation. Article 1(2) of the Constitution of Kenya enunciates this point on sovereignty of the people. It states that Kenyans may exercise their sovereign power either directly or through their democratically elected representatives. The language of this provision resonates with Article 21 of the Universal Declaration on Human Rights (UDHR), article 13 of the African Charter on Human and People's Rights (ACHPR) and article 25 of the International Covenant on Civil and Political Rights (ICCPR). It has been held that by dint of article 1(2) of the Constitution of Kenya, Kenya is both a representative and participatory democracy.

Mr. Speaker and Honourable Members, Article 10 of the Constitution of Kenya includes public participation as a national value and principle of governance. Clause 2 (a) of the article explicitly mentions 'participation of the people' as such. This value and governance principle is supposed to be adhered to whenever a '...state organ, state officer, public officer and all persons...enacts, applies or interprets any law...' Therefore, the Committee sought to investigate whether the Huduma Mashinani programme was conducted within the relevant provisions of the Constitution.

Mr. Speaker and Honourable Members, additionally, the Committee relied on the following legal provisions during the inquiry:

1. County Governments Act, 2012:

In Section 87 which emphasizes public participation in decision-making processes and outlines the need for public engagement in development activities. Huduma Mashinani's citizen engagement efforts align with this section;

- i. Section 92 which directs counties to establish mechanisms for the participation of citizens in governance, which Huduma Mashinani serves as a tool for. And
- ii. Section 104 which mandate county governments to plan and deliver services that promote development and public satisfaction, directly related to Huduma Mashinani's goals.

2. Public Finance Management Act, 2012:

Section 207: Mandates public participation in the county budget process and the use of county resources, which is crucial in reviewing the Kshs. 2.9 million expenditure in the Huduma Mashinani forums.

Section 125: Requires transparency and accountability in financial management, ensuring that resources are directed toward the intended services for the public's benefit.

3. Leadership and Integrity Act, 2012:

This act applies to public officers and officials involved in programs like Huduma Mashinani. It requires transparency, accountability, and ethical conduct in managing public projects and engaging with citizens.

4. Access to Information Act, 2016:

The program's emphasis on providing updates on projects and expenditure aligns with this Act, which grants the public the right to access information held by public bodies to enhance transparency.

5. Urban Areas and Cities Act, 2011:

Provides for citizen participation in the management of urban areas, which is relevant to Huduma Mashinani's forums in Kisumu's urban and rural settings.

Reasonable Threshold of Public Participation in Huduma Mashinani Programme

Mr. Speaker and Honourable Members, in order to determine whether the Huduma Mashinani Program adhered to reasonableness and threshold of Public Participation, the Committee interrogated the entire process leading to the submission of the Huduma Mashinani Report.

The Committee relied on the reasonable test already decided by the Courts to evaluate the sufficiency of public participation. This test is predicated on the notion that the County Government is free to choose the manner of facilitating public participation and that the public cannot dictate to the County Government the modalities of conducting public participation.<sup>4</sup> In other words, whatever modality that the County Government decided to use in the Huduma Mashinani programme was not questioned by the Committee if it fitted into the essential ingredients of public participation as enunciated in the Constitution and in the reasonable test.

The Committee resolved that the reasonable test and the appropriate threshold for public participation during the Huduma Mashinani Program would be used to determine;

- a) Whether the Huduma Mashinani accorded with the nature of the subject matter advertised for the program;
- b) Whether there was timely access to relevant information by the public in regards to the Huduma Mashinani, and;
- c) Whether the Huduma Mashinani was inclusive i.e. whether it covered all sub-counties.

#### Background information

Mr. Speaker and Honourable Members, the Huduma Mashinani program is an initiative of the Kisumu County Government aimed at improving public service delivery by bringing government services closer to the people. The program was conceived as a platform for citizen engagement, project updates, and feedback collection on various aspects of county development. Through Huduma Mashinani, the County Government seeks to create a two-way communication channel between the government and citizens, fostering transparency, accountability, and public participation.

Key areas of focus for the Huduma Mashinani forums include:

1. Infrastructure - Addressing the status and progress of ongoing infrastructure projects.
2. Health Services - Enhancing healthcare service delivery across sub-counties.
3. Education - Ensuring educational initiatives and programs are implemented effectively.
4. Water - Improving access to clean water and the progress of water projects.
5. Agriculture - Supporting agricultural development and providing updates on agricultural policies.
6. Community Services - Ensuring that community services are tailored to meet the local needs of citizens.

Mr. Speaker and Honourable Members, the Huduma Mashinani forums are held across all eight sub-counties of Kisumu. During these forums, the County Government engages directly with the public to provide updates on the progress of ongoing projects, address any concerns raised, and gather suggestions to improve public service delivery. This grassroots approach ensures that citizens are actively involved in governance and decision-making processes.

The program also emphasizes accountability in public expenditure. For example, during the latest round of Huduma Mashinani, the County Government spent Kshs. 2.9 million on various items including venue setup, public mobilization, refreshments, and participant reimbursements, as well as the facilitation of media coverage and live streaming of the events. This transparent accounting ensures that public funds are utilized for the benefit of the citizens.

Overall, Huduma Mashinani demonstrates the County Government's commitment to enhancing service delivery, fostering public participation, and addressing citizen concerns at the local level.

#### SUBMISSIONS FROM THE DEPARTMENTS

Mr. Speaker and Honourable Members, the Committee on 06<sup>th</sup> September, 2024 vide letter ref. CGK/CECM/PSCA/47/VOL.1 (113) iii) received a Report from the Department on the Huduma Mashinani Program and was informed as follows: THAT,

THAT, the Huduma Mashinani program involved discussions on public service delivery, project updates and citizen feedback. Key areas of focus were as follows:

- i. Infrastructure;
- ii. Health;
- iii. Education;
- iv. Water;
- v. Agriculture and
- vi. Community services

See annex ii for the matters addressed during the Huduma Mashinani and relevant feedback.

1. THAT, the Huduma Mashinani fora were held in the eight Sub-Counties, where the County Government was able to discuss progress of ongoing projects and address any concerns or suggestions regarding public service delivery.
2. THAT, the Huduma Mashinani registered good attendance from the public based on the attendance registers tabled before the Committee. (see annex iv)

3. THAT, following a letter dated 16<sup>th</sup> September, 2024 Ref. CGK/CECM/PSCA/47/VOL.1 (114) the CEC Member for County Administration and Participatory Development informed the Committee that Kshs. 2,900,000.00 had been expended on the Huduma Mashinani on the following expenditure items:
- i. Venue arrangement, general cleaning and decoration in County colora including halls, water, toiletries,
  - ii. Hire of Public Address System with at least three cordless microphones, generator and fuel for standby power back-up;
  - iii. Hire conference chairs and tables;
  - iv. Refreshments including tea, milk, water and snacks;
  - v. Airtime and mobilization of participants by the administrators;
  - vi. Public Mobilization through Radio mention (Radio Sky and Radio Nam Lowe)
  - vii. Portable toilets and tents (especially for Muhoroni and Kadibo);
  - viii. Participant transport reimbursement;
  - ix. Rapporteur, documentation and reporting;
  - x. Media facilitation;
  - xi. Live stream on digital screen and social media platforms.
  - xii. Backdrop/ event banners

THAT the implementation of the responses received shall be communicated in the 1<sup>st</sup> Quarterly Report for the FY 2024/2025 of the Department.

#### FINDINGS AND OBSERVATIONS.

Mr. Speaker and Honourable Members, following the receipt of the Report from the Department, the Committee made the following findings and observations:

- i. THAT the Huduma Mashinani was conducted in all Sub-Counties and feedback received and registered from the Sub-Counties;
- ii. THAT there were no key performance indicators on the Report to measure the impact of Huduma Mashinani.

iii. THAT the Huduma Mashinani accelerated the identification and resolution of service delivery issues such as, infrastructure bottlenecks, delayed water projects, and health service shortcomings which were identified and addressed more quickly due to the forums, which facilitated real-time interaction between government officials and the public;

iv. THAT the Huduma Mashinani has effectively raised public awareness of ongoing and planned county projects in sectors such as health, education, water, and agriculture which will greatly foster good governance;

v. THAT the feedback mechanism for the Huduma Mashinani is still weak and should be improved if the benefits of the program are to be realized.

#### Committee Recommendation

Mr. Speaker and Honourable Members, the Committee Recommends:

- i. THAT, the County Government through the Directorate of Public Affairs should establish a more robust mechanism for collecting and acting on citizen feedback. This could include the use of digital platforms (e.g., mobile apps, SMS platforms) for real-time feedback, and a formal follow-up process where citizens can track the status of their concerns or suggestions after the forums.
- ii. THAT, the Department should expand the thematic focus of the Huduma Mashinani program to include emerging issues such as climate change, environmental sustainability, and digital literacy. Specific sessions could be tailored to address local challenges related to these areas, especially in rural communities that may not have access to such critical information.
- iii. THAT, the Department should develop key performance indicators (KPIs) to measure the impact and success of Huduma Mashinani forums. This could include metrics such as the number of concerns addressed, citizen satisfaction levels, and improvements in service delivery based on feedback received.

#### Conclusion

Mr. Speaker and Honourable Members, it is therefore my honor and privilege, on behalf of the Committee on the Administration of Law, Justice, Good Governance, Constitutional Affairs and Security to move this Motion for Adoption of the Report on the Huduma Mashinani Program.

*(The Speaker, Hon. Oraro vacates the Chair, the Deputy Speaker Hon. Okombo Chairs)*

**Hon. Ochele** (MCA, East-Kano Wawidhi): Madam Speaker, may I call upon the Chief Whip to second?

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B”): Order!! Honourable Chief Whip. Honourable Ochele, Honourable Chief Whip, is not a member of this House Committee, but I have looked through the membership of your House Committee, starting with your deputy, Honourable Reuben Rakwach, Honourable Vincent Jagongo, Honourable Samuel Onyango, Honourable Miriam Abeid, Honourable Anne Ochola, and Honourable James Were. So, if Honourable Abeid were not in the House, I would have given a leeway to the Whip to save the report, having been adopted by the House. But since Honourable Abeid is a member of this House Committee, and she is present, I do not know whether you want to consider giving it to Honourable Abeid to second, or you want to proceed with Hon. Whip.

**Hon. Ochele** (MCA, East-Kano Wawidhi): Thank you, Madam Speaker. Madam Speaker, I beg to recede my earlier pronouncement. I had not recognised the arrival of Honourable Abeid, but now that one member of this House Committee is around, may I leave the Honourable Chief Whip and pick a member of this House Committee to second. I welcome the learning lawyer, Honourable Kevin Oraro on board.

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B”): Honourable Abeid?

**Hon. Abeid** (Nominated MCA): Thank you Madam Speaker, I second.

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B”): Honourable Abeid, how do you second?

*(Laughter)*

Thank you, Honourable Members. The report of the Standing Committee on Administration of Law, Justice, Good Governance, Constitutional Affairs and Security has been moved and seconded. It is now my pleasure to propose that the report be opened for discussion.

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

**Hon. Nyaoke** (MCA, North Nyakach): Thank you, Madam Speaker. Madam Speaker, as I stand to support this report, there is something that we have also noticed in the report that is worth taking home and maybe we can consider discussing it further on the basis that we may feel is relevant. I would confine myself to the Department of Roads, Infrastructure and Energy, where my learned colleague, Honourable Chairperson of the Standing Committee of JLAC has just read.

Madam Speaker, this is saying, it is bullet eight, if you look at the Department of Energy, number eight, which states the Status of Dysfunctional Floodlights Constructed in Kisumu East,

major markets, Mamboleo, Chiga, Orongo, Guba, Chiga Market, Seme, Lolwe, Akado and Bodi. Madam Speaker, I would also prolong the list to include quite a number of floodlights in North Nyakach Ward, Madam Speaker. Madam Speaker, if you look at what they have said to be proposed intervention on that particular issue, it is stated here that Maintenance of the Floodlights had been procured under a framework that would run for three years, beginning 2023-2024. The seven contractors had already been awarded. This applied to Muhoroni Market and Menara.

Madam Speaker, as I stand here, I have a message that I received this morning from members of North Nyakach requesting me to repair for them almost four floodlights that had collapsed some few days ago. Madam Speaker, I am just learning from this report that some contractors have been given this responsibility to maintain those floodlights. Madam Speaker, this is a food for thought for all the Members, particularly those who are also facing a similar dilemmas. Madam Speaker, I support the adoption of this report because this document, in fact, it has covered quite a lot of areas that maybe we did not even ask for, but we feel is very necessary. This is actually a summary of everything that has been taking place and most likely even in our Wards. Madam Speaker, I would not hesitate to recommend that this kind of report, with the able Chairperson of JLAC, to be making this report almost every Financial Year, so that we have a brief of exactly what is taking place and what are the exact positions of the situations we have in our Wards. Thank you, Madam Speaker. I beg to support.

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

**Hon. Oliver** (MCA, Kobura): Thank you Madam Speaker. Madam Speaker, I want to thank the Standing Committee of JLAC for work well done. Madam Speaker, the Huduma Mashinani Programme is a very wonderful programme, especially for us as Members of the County Assembly, because it gives us a clear picture of really what is happening. Some of us, we even went further and attended the Huduma Mashinani Programmes and we realised a lot of things. Madam Speaker, I am happy because Article 118 of the Constitution gives power to public participation, and at least it shows us the importance of public participation. Being that Huduma Mashinani is a programme that is also a public participation, it gives a link of the County government, the County Assembly and also with our ward members.

Madam Speaker, if you look at it from a perspective where if we do not have the public participation, it means the voter does not have that opportunity to at least interact with the County government. And also, apart from our public participation, it is a forum that unites all, so that the voter can reach and express their views on the real happenings in our County. So, it is a plus for our County and I believe we are going to make it even more better and even at some point, if resources allow, we even make the public participation not only for the sub-County but we go and devolve it even further so that we have smaller Ward Public Participation in the name

of Huduma Mashinani at the Wards. Madam Speaker, from that report at least we can, as Members, even develop ideas that we can pass through this Assembly to better the county government of Kisumu. I rise to support and I believe we, Chairperson JLAC will be giving us similar reports in every Financial Year so that we get a clear picture of really what is going on and also get to know and how we can better our Kisumu County government. Thank you, Madam Speaker.

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B”): The Honorable Chief Whip.

**Chief Whip** (Hon. Kanga, MCA, Market/Milimani): Thank you Madam Speaker. I rise to support and add my voice on this report as read by the Chairperson JLAC. Madam Speaker, this report addresses some of the Statements which are usually sought by several Honorable Members in this Honorable House and I wish they were here to add their voice over it.

Madam Speaker, the Huduma Mashinani, which I believe was conducted in our eight Sub-Counties. There were serious issues which were raised and in each and every Sub-County, there were concerns raised by the residents of those respective constituencies of those Sub-Counties. Madam Speaker, if you look at the responses which were given by the County Government, it indicate that a lot still need to be done. So, that devolution is realized in all our sectors, or all the devolved functions which are being carried out by the County Government.

Madam Speaker, on the issue of Infrastructure, we need to appropriate more money towards it, going by the issues which were raised by the residents in those respective Sub-Counties.

Madam Speaker, on the issues of Health, there were glaring concerns, so that the challenges facing Health Sector in our respective Sub-Counties are addressed. Those concerns must be undertaken by the County Government of Kisumu. In addition, we need to support the Chairperson of JLAC because the Member is up to the task and equally pursuing the committee initiatives very well as per the report which we have seen in this House.

Madam Speaker, the objects of devolution are very clear; to facilitate state organs for decentralization, and enhance public participation in our respective Sub-Counties, so that devolution is realized. I therefore urge this House, as a Member of Market/Milimani Ward going by the recommendations and observations of this House Committee, whereby we need to strengthen and monitor, so that; we improve our Infrastructure, enhance Health Services, boost Agriculture, and support Education, especially the ECDs. Madam Speaker, infrastructural developments in some of the ECDs in our Sub-Counties, are wanting. So we need to support this.

Madam Speaker, the issues of accountability, were highlighted during the Huduma Mashinani, whereby the residents felt that a certain amount of money was appropriated towards a project,

and the physical infrastructure which is on the ground does not resemble what was appropriated towards that project. Those are some of the issues that were featured.

Madam Speaker, the other issue is that one of Inclusivity. Some of the residents were saying that when the projects were initiated, but when they were being undertaken, they were not involved. Those are the issues which we need to make more emphasis on.

Others are; Transparent Financial Management. Madam Speaker, there are issues even whereby the Project Management Committees (PMCs) were claiming that they were not involved. The Project Management Committees were informed when the project was being initiated. While the project was being undertaken, they were left aside. Those are the issues which needs the Assembly which is the oversight wing of the government which we need to make more emphasis on. Otherwise, Madam Speaker, I support this report.

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B”): Thank you, Honorable Whip. Honorable Kelvin.

**Hon. Oraro** (MCA, Kolwa Central): Thank you, Madam Speaker. First, I want to take this opportunity to appreciate the role of the Secretariat and the Members of the Committee for coming up with the report that the able Chairperson Honourable Moses Ochele has just read. I want also to take this opportunity, try to know the source of the report that has just been tabled. Madam Speaker, I have also realized from the report, that it came as a result of a Statement raised by Honourable Oiko Pete, trying to find out a detailed feedback report for each Sub-County involved in the exercise. This report should be accompanied by attendance register to verify participation in the said Sub-Counties and indeed it has achieved that.

Secondly, the current implementation status of and feedback collected from the Sub-Counties, they should give in detail how various sectors and service delivery departments are acting upon them. Actually, the report did that.

Madam Speaker, the third one is a clear breakdown of the total expenditure incurred during the Huduma Mashinani event. They should differentiate between public funds utilized and any potential support received. From the report, we have realized that we even have other parties or other organizations supporting the Huduma Mashinani.

Madam Speaker, fourth, is the tangible impact of the exercise on service delivery experienced by our citizens. Actually, that is why our able Chief Whip has also mentioned how those who attended this programme voiced their concerns.

Madam Speaker, I want to go straight to the recommendations and pick out two or three that I felt were very important to accompany this report. Huduma Mashinani is generally a programme

initiated by the County Executive and they are trying to find out from the public about their performance. Meaning that the County Executive want to get the feedback from the people that we represent, Madam Speaker. For that reason, they did it at Sub-County level. At that level, it means that maybe some few individuals from various Wards did not attend the event. That alone might be significant as a step, but not enough. Therefore, one of the recommendations that were proposed by this House Committee is for feedback to be targeting a bigger population. Then, I saw a proposal of Mobile Application, Proposal of SMS, so that it can reach a wider audience within the county.

Madam Speaker, Remember, the Governor of Kisumu County is heading over 800,000 citizens. Out of those people, the Huduma Mashinani could only meet a certain number like 200 in the entire County. So for that reason; when they improve the feedback, when we have things like websites, when we have things like mobile application as stated by this House Committee, then a bigger population can be reached and for that reason, they can get the feedback that they wanted. And from the feedback, they can know how to change some of the things that actually they are doing as the County Executive. Madam Speaker, I welcome that proposal and recommendation by this House Committee because it is a good way and it's a step forward for the betterment of that department.

Secondly, is issue on climate change to be included in the program of the Huduma Mashinani. That was okay. But finally, I wanted to connect the proposal of Bunge Mashinani that was proposed by this House Committee. Remember, we, the Legislative side of the Government, we also need to get feedback from the people. Majority of the people feel like the MCAs are not working. And there is a breakdown of information between County Executive, and the Assembly and Members of County Assembly. In most cases, people believe that it is the MCA who directly manages fund and who directly need to do implementation. With limited information going to the ground, we always have a lot of problem trying to explain even the issue of Bursary and the delays. Some always roll back, spiral back, and the blame is leveled on the MCAs and especially the Assembly. And we are not seen as people who are working.

Madam Speaker, for that reason, I believe that it will be well, if Assembly in each Financial Year, if possible, to be conducting Bunge Mashinani Programmes, where Bunge Mashinani, will also undertake a similar process so that we can get direct information from the people on how they view the County Executive, their knowledge on Executive and their knowledge on things that are supposed to be implemented by the County Executive. If the Assembly can conduct similar processes, although we will not use the word Huduma Mashinani, but we will use the word Bunge Mashinani.

With the Bunge Mashinani, we are able to involve the community or the residents to participate on issues of governance. And for that reason, that alone will also make the Assembly to be in

touch with the people. The last time Assembly did something close to that, and it was done at the Headquarters, meaning that some few people will come to the Assembly.

Madam Speaker, if a similar programme can be done, even at the Sub-County level for a start, it will also be a direct way of trying to engage the public so that they can appreciate the role of MCAs in the constitution and maybe in terms of following up on the implementation of project. So Madam Speaker, all said and done, I want to say that the report is fair and has really answered the seeker of the Statement and the details that the Member sought for. I am seeing on my part, almost 80 if not 100% has been responded to. For that reason, I support the reports and I wish that we add even other Statements that can also be answered that way. Thank you, Madam Speaker.

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B”): Honourable Benny Oiko Pete.

**Hon. Oiko** (MCA, Kabonyo/Kanyagwal): Thank you Madam Speaker, I also want to make a little contribution on this report. This report is a good one that this House Committee has struggled to present before this House. Madam Speaker, this matter of Bunge Mashinani had started in this House. And I hope the Honourable Whip will second that. That it had started in this House, then it just died silently. If Members will come up to revive it, it will politically build some of us. Because I remember when we went to Miwani Ward, it had a good impact. Then we went to East Seme. That is during the Second Assembly. It had a good impact. Then we interacted with the community Members and the discussion was lively. Members, this is something that this Assembly had started, but it died. Let us put up more effort to revive it.

Madam Speaker, when you look at this Report, it was good work that was undertaken by this House Committee. This is because, when you look at page 12, they are trying to summarize the implementation of the projects during that Financial Year. Though it may not be very accurate, but there is good effort on page 12 and page 13. And from page 13, Madam Speaker, to page 34, this House Committee has struggled to find out the concerns of the public during the Huduma Mashinani, which is very critical. They have been given by the departments the concerns raised by the members of the public. The gaps they have realized were there, which is very critical. We now need to know that these gaps, how will we fulfill them and why did they occur? But as it has been echoed by fellow Members, you know, at the implementation, problems occur.

Madam Speaker, when you look at page 13, that is talking about Project Completion Status per Sub-County, the completed projects, that is first column, is 65.1 per cent, which means the concerns raised by the Members were correct. Not all the projects were done. Then when we look at that record, we are also being informed of those not done projects at 14.7 per cent, incomplete projects, 6.2 per cent, and there is also the missing information. What does the missing information entail?

Madam Speaker, that implies that in some departments, they were not able to give the full information as per their project status, which may happen in an office because of poor record keeping. But the picture given here, Madam Speaker, is that when we go on with the Huduma Mashinani, our people will be sensitized. The government will also see the gaps and when these gaps are corrected, then good work will be done for our people.

Madam Speaker, Members of the public were lamenting that the Project Management Committee payments delays across the projects in the County. And there are instances where they claim they have not been paid. And those facts are true. When you go under medical, they also blame the County Government for lack of pharmaceutical and non-pharmaceutical commodities. These are no drugs in those spots. Now the question is, what is the government doing so that drugs are found in our hospital?

Madam Speaker, on Infrastructure, there is also an outcry. But Madam Speaker, the picture we have here is that the County is trying, but there are problems. So it is now upon us and the County Executive to address these outcries, then our people will see the value for their money and they will see that good work is being done to them. This report is supported and we bring that when we raise Statements on annual basis is when we shall get these kinds of reports. They cannot simply come that the department will bring. It is we as a House to wake them up so that we get the reports. Madam Speaker, I want to commend this House Committee that it has done good work.

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B”): Honourable Ochele and the JLAC Committee Members, having a nod from Hon. Benny Oiko Pete means that your House Committee has done a tremendous job. Congratulations for getting a nod from Honourable Benny Oiko Pete. You know that, it does not come easy.

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B”): Honourable Odari.

**Hon. Odari** (MCA, Chemelil/Tamu): Thank you Madam Speaker. Similarly, when we are congratulating Honourable Ochele, correspondingly we do not forget a senior who took his time and thought very wisely to bring this Statement before this House. Madam Speaker, I just want to congratulate this House Committee led by Senior Honourable Ochele for good work that they have done.

Madam Speaker, there is only one area that I want to talk about and that is in the Department of Roads, on the issues to do with floodlights. They are talking of seven markets, but if you go down there, you will find that there is a problem within our County. All the floodlights within the markets, for example, in Chemelil, Masogo Nyangoma, Muhoroni, Ahero, they are not in

operation since 2022. So, the department should do something. I have heard my brother also talking of contractors, that there are seven contractors that have been given contract or tender to maintain floodlights across the county. I think this statement was raised on March and today we are in October which is seven months down the line.

Madam Speaker, as we speak, last week I was on the ground, and the response we received regarding the maintenance of the floodlights was disheartening. We were informed that the contractors have refused to proceed with the work because they believe they will not be paid. So, Honourable Nyaoke, from this moment onward, please be aware that the contractors will not continue working on them.

Additionally, there is a serious concern that I must address the issue of bursary payments. A question was raised in Seme regarding the payment of bursaries, and unfortunately, the response from the Department of Education has been far from satisfactory. Although they claim to have completed the payments, the reality is different.

Madam Speaker, it is deeply troubling that parents, our brothers, and sisters applied for bursaries in December or January, and yet, to this day, many have not received the funds, particularly those attending universities and colleges. This situation is very unfortunate. I personally submitted a statement on this matter, and the Leader of Majority assured us that the issue would be resolved within a week, which the Department of Education confirmed. They claimed to have secured Kshs. 205 million and promised to make payments within a week. However, to this day, no payments have been made. I am at a loss as to what will be done to address this. With those few remarks, I support the report. Thank you.

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B”): Honourable Mildred Ajumbo.

**Hon. Ajumbo** (MCA, Central Seme): Thank you Madam Speaker. I rise to lend my voice to the report on Huduma Mashinani, as presented by the Chairperson, JLAC, Honourable Ochele. I must commend this House Committee for conducting such an engaging process with the citizens, many of whom followed it online.

Madam Speaker, while much has already been said by my colleagues, I would like to highlight a few concerns raised by citizens during the discussions. Chief among them were delays in project implementation, the lack of regular public meetings—which only happen once a year—and the issue of stalled projects, particularly in our wards.

Madam Speaker, I fully support the committee's recommendation that the Assembly needs to play a more active role. It has become apparent that many citizens are placing blame on the Members of the County Assembly (MCAs) for issues that may not necessarily fall within our jurisdiction. During Huduma Mashinani, while some citizens commend the work done by the

County Executive, others are unaware of the specific roles MCAs play. For example, when a road remains uncompleted, citizens often assume the MCA is at fault, without understanding whether the project is under the National Government or the county's budget.

Madam Speaker, to address this, I believe it is essential for the County Assembly to introduce a "Bunge Mashinani" initiative, which would allow for more oversight of Huduma Mashinani. Huduma Mashinani, though valuable, is only held at the Sub-County level and often sees limited attendance. If we were to conduct Bunge Mashinani at the ward level, it would foster deeper engagement and improve service delivery across the county. Thank you. I stand to support.

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta "B"): Honourable Samuel Dede.

**Hon. Dede** (MCA, Kisumu North): Thank you, Madam Speaker. I would like to begin by commending this House Committee for the great work they have done. However, despite their efforts, there are some gaps that should be addressed.

Madam Speaker, for instance, in the Health Sector, there are areas where the work done did not match the community's expectations. A case in point is Gita Health Centre, where the actual work on the ground fell short of what was anticipated. In Chulaimbo Sub-County Hospital, while it was noted that a Standby Generator was successfully installed by the 2nd of April, other important matters were overlooked. The incident at Chulaimbo was only proposed in the budget for FY 2024/2025, yet by the time the report was being presented, the budget should have already been approved, and not still under proposal.

Madam Speaker there are also issues of Stalled Projects in the health department. For example, at Got Nyithindo, Kshs 2.5 million shilling allocation was made for the completion of a facility, but there was confusion regarding which financial year the funds were allocated. Initially, Kshs 2.5 million was allocated in the FY 2022/2023, but then there was a reallocation in the FY 2022/2023, creating a problem. Despite these allocations, the project was not completed, and the contractor abandoned the site. There should have been a clear record of the percentage of work completed before the contractor left, especially before allocating another Kshs 2.5 million in the next financial year.

Furthermore, during the Huduma Mashinani exercise, it became evident that we have been losing significant resources. In the Department of Trade for example, we found that at Chiga Market, revenue collection had stalled for a long time by the time Huduma Mashinani was conducted. Madam Speaker, these are critical issues that need to be addressed to prevent further loss of resources and to ensure that projects are completed on time and within budget.

Madam Speaker, our Own Source Revenue was being misused by some business people. While they were conducting their businesses, they were not contributing to the county's revenue as

required. In Nyando Sub-County, the community expressed serious concerns regarding the FLLOCA project at the time. By the time Huduma Mashinani was conducted, the planning and design of the projects had already been completed, and they were simply waiting for funding. However, as of now, in some areas, these FLLOCA projects have yet to be rolled out, which calls for urgent intervention, Madam Speaker.

Madam Speaker, in Seme Sub-County, we encountered several issues with Stalled Projects. For example, in Nyaonde, a project was abandoned, and in Redore, the contractor failed to report to the site. Later, it appeared the contractor resumed work, but it is unclear if the delays were due to missing the initial deadline or other reasons. This inconsistency needs to be addressed.

Madam Speaker, the committee's recommendations include developing key indicators to track the progress of such projects. These metrics—such as the number of concerns addressed and citizen satisfaction levels—are crucial. If fully implemented, these measures would greatly improve accountability and transparency.

Madam Speaker, while Huduma Mashinani is conducted at the sub-county level, many of our citizens may not be able to attend these meetings. We should consider ways to ensure wider participation to better serve the community.

My wish is that if Huduma Mashinani should be conducted more frequently, it should start at the village level. Devolution was intended to bring services closer to the people by starting from the grassroots. However, since it is currently conducted at the Sub-county level, many people do not attend.

If Huduma Mashinani were held at the village or ward level, we would be able to identify and address the challenges people are facing on the ground more effectively. Because perhaps the attendance of them at the sub-county level, or the distance where...

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B”): Honourable Dede, what prohibits you from attending a public participation at a sub-county level?

**Hon. Dede** (MCA, Kisumu North): Madam Speaker...

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B”): As Honourable Dede, you've said most of us, don't attend. Why don't you attend as a representative of the people?

**Hon. Dede** (MCA, Kisumu North): Madam Speaker, I would like to make a point of correction. When public participation is being conducted at the sub-county level, not all Members of the community are able to attend due to the proximity of meetings. For example, the public participation session for Kisumu West Sub-county was held in Kisian Market, Kisumu, which

made it difficult for everyone to participate. Madam Speaker, it's important to note that not all Members of the community can be present at the same time.

*(The Chief Whip interjects with a Point of Order)*

**The Chief Whip** (Hon. Kanga, MCA, Market/Milimani): Madam Speaker, Point of Order!!

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B”): Yes, Honourable Whip, what is your Point of Order (Information)

**The Chief Whip** (Hon. Kanga, MCA, Market/Milimani): Madam Speaker, Honourable Dede, as a senior legislator in this House, is fully aware that the funds allocated for Huduma Mashinani in the current financial year were specifically designated for its implementation at the sub-county level. By suggesting that Huduma Mashinani should be conducted at the village level, I am unsure where the County Government would obtain the additional funds for such an expansion. It would be more appropriate to wait until the next financial year to propose that the County Government of Kisumu allocate funds to extend Huduma Mashinani to the village level. As it stands, Madam Speaker, the current allocation is for the Sub-county level only. Thank you, Madam Speaker. That is the information I wanted to convey.

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B”): Honourable Chief Whip, in the spirit of public participation, once services are devolved to the lowest level, I believe Honourable Dede is right in proposing that these services be brought closer to the people. I don't believe that the Member is asking for this to be implemented immediately, but rather suggesting that it be considered in future plans. As we are already reviewing the Kisumu County Annual Development Plan FY 2025/2026, Honourable Dede, is that what you're proposing?

**Hon. Dede** (MCA, Kisumu North): Thank you, Madam Speaker. Thank you for at least guiding a Member. I know the Member is a transport manager.

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B”): Order!! Honourable Dede. Honourable Chief Whip is not a transport manager. He is the Honourable Member representing Market Milimani Ward and the Chief Whip of this House.

**Hon. Dede** (MCA, Kisumu North): Thank you Madam Speaker, for your guidance. Yes, Madam Speaker. The Honourable Member represents Market/Milimani Ward, which is within the CBD. However, as he often mentions in this Assembly, his primary responsibility is managing the transport sector.

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B”): Order!! Honourable Dede. Please refrain from discussing the personal matters of Honourable Kanga. If you have finished your

submission, kindly allow me to give the floor to someone else. I saw Honourable Anne Ocholla on her feet.

**Hon. Ocholla** (Nominated Member): Thank you, Madam Speaker. I rise to call the mover to reply. Thank you.

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B”): The mover has been called upon to reply, unless we have a Member who has not spoken and wants to make a submission. Honourable Ochele, you have been called upon to reply.

**Hon. Ochele** (MCA, East Kano Wawidhi): Thank you Honourable Speaker and Honourable Members. I would like to take this opportunity to commend you all for the positive debate on the report. Madam Speaker, I would also like to acknowledge the efforts of the Committee Secretariat, the Committee Members, the Office of the Clerk, the Office of the Speaker, and the leadership of this House for providing a smooth and conducive environment for us to complete this report.

Madam Speaker, I don't have much to respond to, but I would like to specifically commend Honourable Pete for his wise decision to bring forth the statement. This statement has enabled both this House Committee and this House to gain valuable insights into the ongoing developments in Huduma Mashinani.

Madam Speaker, I believe Honourable Pete has set an important precedent. From now on, even if the Member doesn't raise another statement, he can be rest assured that this House Committee will continue its oversight. By bringing this to our attention, he has sparked our awareness.

We will be requesting such reports at the end of every financial year to stay informed about what is happening in our wards. Madam Speaker, it seems some Members, like Honourable Dede, may misunderstand the scope of JLAC, thinking it covers the Department of Roads or the Department of Water. Our task was simply to report on the activities of Huduma Mashinani. If there are specific concerns, Members can take them up with the relevant departments based on this report. Otherwise, our role was strictly to report on Huduma Mashinani activities.

Honourable Members, If there are no lights in your ward, as Honourable Pete mentioned, or in my own ward, I know exactly where to address the issue. I'll go directly to the Department of Roads, Transport, and Energy, not JLAC.

Madam Speaker, I believe we are fortunate to have a great Governor. It was very insightful of Professor Nyong'o to initiate these spot-checks on the progress of county projects. His decision demonstrates wisdom. Similarly, Madam Speaker, our Honourable Speaker, with the leadership

of this House, showed great foresight by organizing our first open day. Those who attended, including Members of the public, gained a much clearer understanding of our roles. Often, there is confusion between what the Assembly does and what the County Executive is responsible for, but I believe this event helped clarify that.

Madam Speaker, it is my considered opinion that, those who attended now have a clearer understanding of the roles of the Members in this House and where they should direct their questions about projects and the responsibilities of the County Executive. Madam Speaker, as Honourable Pete mentioned, it is important that we decentralize our Open Day from the town to the Sub-counties. This will give those who cannot afford to travel to town from distant wards an opportunity to observe Members debating. After the debates, they can ask questions, and I trust the Members will respond effectively. Therefore, both this House Committee and I strongly support decentralizing these activities to the sub-counties.

Finally, Madam Speaker, the Honourable Whip provided valuable insight by reminding us that everything done in the county is based on the available budget. Madam Speaker, if we can decide now that we take Huduma Mashinani to the village level, if attending eight sub-counties, the Government spend Kshs 2.9, if we extend it further, it will be Kshs 2.9 times 70 Villages. Madam Speaker, I believe that could be a lot of money and can appear to be wasteful. Therefore, Madam Speaker, I am just of the opinion that we retain it at the sub-county level so that we don't spend much more money which will go to projects for Huduma Mashinani. Otherwise, I thank you, I thank the House for debating, and I pray that the ayes have it. Thank you. I reply.

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B”): Honourable Members, a motion on the Adoption of a Report on the Huduma Mashinani Programme by the Standing Committee on the Administration of Law, Justice, Good Governance, Social Affairs and Security has been moved, seconded and debated upon. I therefore want to put a question on the adoption of the same.

*(Question put and agreed to)*

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B”): Honourable Members, the adoption of the Report of the Huduma Mashinani Programme of the Standing Committee on the Administration of Law, Justice, Good Governance, Social Affairs and Security stands adopted today, Tuesday 08<sup>th</sup> of October 2024 at 16:27 hours. I direct that the report together with the Hansard be prepared and forwarded to the relevant department for any necessary action that may be required therein.

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

## ADJOURNMENT

**The Deputy Speaker** (Hon. Okombo, MCA, Manyatta “B”): Honourable Members, there being no other business, the House stands adjourned until tomorrow Wednesday 09th of October 2024 at 09.00 a.m.

*(House rose at 04.28 p.m.)*

*Addendum*

**Hansard Team**

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