

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF KISUMU**  
**HANSARD**

**Thursday, 19<sup>th</sup> November, 2015**

**Afternoon Session**

**Time: 02:30 p.m.**

**[Mr. Speaker, Hon. Samuel Ombogo]**

**[Prayers by Mr. Speaker]**

**[COMMUNICATION FROM THE CHAIR][1]**

**Mr. Speaker (Hon. Ombogo):** Hon. Members, good afternoon?

**Hon. Members:** Good afternoon Mr. Speaker!!

**Mr. Speaker (Hon. Ombogo):** Hon. Members, there are two communications I want to make before this House. The first one was addressed through the Speaker of County Assembly, reference is Invitations to honour the Proverbial Kisumu Superman during the Lakeside and King and Queen Beauty Pageant Event this Saturday and it reads:

We continue to thank the Service and Committee please you are invited to the Lakeside Pageant Event that will take place this Saturday, 21<sup>st</sup> November, 2015. The key event will be to celebrate and honour Kisumu land. Please note these are not your usual successful dedicated and engagement Kisumu months, but the other striving months which are dedicated to as much as are that cases to fight the myriad of challenges. This is a proverbial agreement to help get the opportunity to recognize and appreciate our mothers and this will help appreciate the same as some of us were actually brought up with such mothers. If it was not for them, we could not be where we are now. In the past two weeks, we have taken time to

handle the participants right here in Kisumu and went ahead and shortlisted them who will act as a presentation on behalf of Kisumu County.

We therefore take this opportunity to invite you to join us in this very special event. The date shall be 21<sup>st</sup> November, 2015, the venue will be Tuffoam Mall at the Roof-top the time for honouring the Kisumu Superman will be as from 10:00 a.m. to 04:00 p.m. then the Beauty Pageant from 04:00 p.m. until late. To help us make this event more successfully, we will be charging Kshs 500 for normal seats and Kshs 1,000 for VIP seats and Kshs 100 for children. This will entitle you to a meal and soft drinks any time before 04:00 p.m.

Please do not hesitate to contact Ivy the main organizer in Cellphone No. 0701 588 400 to have your tickets.

**[COMMUNICATION FROM THE CHAIR][2]**

**Mr. Speaker (Hon. Ombogo):** This was communication through the Office of the Clerk County Assembly of Kisumu. Reference is: Invitation to Attend a Team Building Workshop as from 01<sup>st</sup> December, 2015 to 02<sup>nd</sup> December, 2015 at Pride Hotel Bondo.

Water and Sanitation Services have been devolved and are now the mandate of the County Governments. In line with the aspirations of the Constitution of Kenya 2010 (COK/10) and the Bill of Rights in Access to Safe Water and Sanitation in the County, is expected to increase to reach the currently served populations. More importantly, this populous being served must continue to enjoy uninterrupted access to safe water and sanitation through improved sustainability and safety. The County Government of Kisumu, want to achieve these objectives by partnering with able organizations. This understating demands that we collect all the input from all the stakeholders in the County and evaluate and monitor safe water supply and activities. As part of this Government, the County Government of Kisumu in partnership with UNICEF has to organize sensitization workshops for key leaders from the both the political and Executive in leadership to set the objectives, strategies and plans for achieving, increase of services and the challenges in mitigating in achievement of this objectives.

In this regard, a two day Consultative Workshop for;

1. Chair, Water Committee.
2. Chair, Budget Committee,
3. Chair, Implementation Committee,
4. Chair, PIC/PAC Committee,
5. CEC Finance and Planning,
6. Chief Officer for Water and Sanitation,
7. Chief Officer for Finance and Planning,
8. County Director for Implementation,
9. County Water Directors,
10. Selected WASAS Forum Members

The function is planned to be held as from 01<sup>st</sup> and 02<sup>nd</sup> December, 2015 at Pride Hotel Bondo and participants are expected to check in on 30<sup>th</sup> November, 2015 at 05:00 p.m. This is to kindly request you to inform the County Assembly Committee Members to attend the Workshop. The Department will take care of accommodations, transport reimbursement, fuel costs and out of pocket allowances for the entire two days for the participants. You are kindly requested to confirm your participation through [geowi@gmail.com](mailto:geowi@gmail.com). Please treat this matter as urgent. Please find attached proposed timetable for the event and names of members to attend this function. Signed by George A. Oyier.

The names and list of participants are as follows;

1. Hon. Benjamin Juma, Chairman, Water and Sanitation Committee.
2. Hon. Aggrey Ogosi, Vice-chairman, Water and Sanitation Committee.
3. Hon. Maurice Ondiek, Member, Water and Sanitation Committee.
4. Hon. Pamela Omino, Member, Water and Sanitation Committee.
5. Hon. Caroline P. Owen, Member, Water and Sanitation Committee.
6. Hon. John Olum, Member, Water and Sanitation Committee.
7. Hon. Bob Ndolo, Member, Water and Sanitation Committee.
8. Hon. Jane Omollo, Member, Water and Sanitation Committee.
9. Hon. Mohammed Aslam Khan, Member, Water and Sanitation Committee.
10. Hon. Susan Omollo, Member, Water and Sanitation Committee.

11. Hon. John Kadede, Member, Water and Sanitation Committee.
12. Hon. James Omollo, Member, Water and Sanitation Committee.
13. Mr. Geoffrey Cherose, Clerk, Water and Sanitation Committee.
14. Jane Mirera, Sergeant-at-Arms, Water and Sanitation Committee.
15. Hon. Joseph S. Opepo, Chairman, PIC/PAC Committee.
16. Hon. Kelvin Odhiambo, Vice-Chairman, PIC/PAC Committee.
17. Hon. Benta Ndeda, Member, PIC/PAC Committee.
18. Mr. Francis Ombewa, Committee Clerk, PIC/PAC Committee.
19. Hon. Willis Ogonyo, Chairman, Budget and Appropriation
20. Hon. Caroline Agwanda, Vice-chairperson, Budget and Appropriation
21. Hon. Isaya Onyango, Member, Budget and Appropriation Committee
22. Hon. Philip Edwin Anayo, Member, Budget and Appropriation Committee
23. Hon. Samuel O. Ong'ou, Member, Budget and Appropriation Committee
24. Hon. James Diang'a, Member, Budget and Appropriation Committee
25. Hon. Petronilla Omondi, Member, Budget and Appropriation Committee
26. Hon. Charles Aguko, Member, Budget and Appropriation Committee.
27. Mr. Peter Anditi, Clerk, Budget and Appropriation Committee.
28. Mr. Cephas Onoka, County Assembly, Fiscal Analyst.
29. Mr. Hesborn Odhiambo, Sergeant-at-arms.

That is the list of participants who are expected to check in at the Pride Hotel on 30<sup>th</sup> November, 2015.

### [NOTICES OF MOTIONS]

**Chairman Finance Committee** (Hon. Were): Thank you Mr. Speaker. Mr. Speaker, I rise to give Notice of Motion on continuation of Kisumu County Finance Bill F/Y 2015/16 3<sup>rd</sup> Reading, thank you.

**Deputy Leader of Majority** (Hon. Omollo): Thank you Mr. Speaker. I rise to give Notice of Motion on the Adoption of House Business Schedule w.e.f. 19<sup>th</sup> November, 2015 to 03<sup>rd</sup> December, 2015, thank you.

**Hon. Koko:** Thank you Mr. Speaker. I rise to give Notice of Motion on the continuation of the ECD, Vocational Training Committee Report on Recruitment of EDE Assistants and Bursary Disbursements, thank you.

**Hon. Anayo:** Thank you Mr. Speaker. Mr. Speaker, I can see that all the movers of these motions have done their part, but I wish to add a very urgent one on No. 10 but since it is not possible. Mr. Speaker, I just want to inform this House that in the future we should not allow Hon. Members, whenever they attend these functions, which do happen between Monday and Fridays and especially on Tuesday, Wednesday and Thursday when we have session here at 02:00 p.m. they should be banned from eating in those functions.

Mr. Speaker, I know most of us have not been to Acacia Hotel and today there was a function at that place, and they are there eating and that is why we lack the requisite quorum. Mr. Speaker, we should develop a mechanism that Tuesdays, Wednesdays and Thursdays Members are banned from eating in those functions so that they can be here on time, thank you.

**Hon. Elijah:** Point of order Mr. Speaker?

**Mr. Speaker (Hon. Ombogo):** Granted.

**Hon. Elijah:** Thank you Mr. Speaker. Mr. Speaker is it in order for Hon. Anayo to insinuate that Members only go to functions to eat, if you did not hear him properly and those were his utterances.

**Mr. Speaker (Hon. Ombogo):** The Hon. Member said that they should be banned from attending these functions during plenary time.

**Hon. Anayo:** Mr. Speaker, I know that he is one of the Members and I am even shocked to see him in the House now, this is because he was there eating lunch and rushed back. Mr. Speaker, what I implied was that we make sure that we come back early enough, even if Members are paid something like Lunch Allowance, let them be paid those allowances so that we don't attend these functions during Assembly sittings, thank you.

**Mr. Speaker (Hon. Ombogo):** Hon. Members, those sentiments made by Hon. Anayo hold water and we should check on our session attendance. When we attend other functions during our normal Assembly sessions, this does not reflect well and we should not miss the requisite quorum to enable us conduct business.

**[STATEMENTS]**

**Hon. Elijah:** Thank you Mr. Speaker. I would like to seek a statement from the Leader of Majority (interrupted)

**Chief Whip (Hon. Isaya):** Point of order Mr. Speaker?

**Mr. Speaker (Hon. Ombogo):** Granted.

**Chief Whip (Hon. Isaya):** Thank you Mr. Speaker. Mr. Speaker, you know that we have Hansard with good reasons, and anytime a Member is contributing and is not captured then that is not within the Standing Orders. Mr. Speaker, we must ensure that what is said in this House is well captured for now and posterity.

**Mr. Speaker (Hon. Ombogo):** Hon. Elijah, is the microphone now functioning?

**Hon. Elijah:** Thank you Mr. Speaker. I don't know whether the Hansard is capturing my contributions, but I have the microphone with me. Mr. Speaker, I want to seek a statement from the Leader of Majority. Mr. Speaker, my written statement is already in the Office of the Leader of Majority.

Mr. Speaker, I would like to know the following;

1. How prepared is our County with regards to Disasters caused by the Elnino Rains? Mr. Speaker, in that answer, I expect to find out;
2. Where mitigation exercises have been carried out and which mitigations are these?
3. How much has the County spent so far in this mitigation exercise?

**Mr. Speaker (Hon. Ombogo):** Hon. Member, have you submitted your written statement to the Leader of Majority through the Clerk's desk so that he can give us an appropriate duration?

**Hon. Anayo:** Thank you Mr. Speaker. Mr. Speaker, one month ago I sought a very important statement about the Street lightings. The question was as follows;

1. Lighting Cost of the Projects of Streetlights?
2. Estimated Bill per month?
3. Who was to foot these Bills?

Mr. Speaker, after seeking for these answers, they stopped. Mr. Speaker, we still need to know because there is a lot of confusion because if you read in the print media, it is said that this is a nation-wide program and it is not a County initiative. Mr. Speaker, even if it is not a County Initiative and it is being perceived and there is a lot of infighting between the National Government and the Counties, so we are still not in the clear who is funding this project. Mr. Speaker, even if it is being funded by the National Government, we need to know who will foot this Bill, because we know that as a matter of fact it is not going to be practical for us to pay these moneys from the county coffers, while taking into considerations that six months ago, we only had 21 streetlights in Kisumu and more often than not, these lights were always off due to none-payment of the these Bills.

Mr. Speaker, currently we are looking at 10,000 lights that are going to be on in a daily basis, who is going to foot these bills? This is a serious thing that the residents of Kisumu need to be aware of. We don't want the town to be light for two or three months then we end up having black-outs at the expense of lack of money. So, I still urge the Majority Leader to seek for those answers so that we are aware as a House, thank you.

**Mr. Speaker (Hon. Ombogo):** Hon. Member, did you submit a hard copy of your statement to the Leader of Majority?

**Hon. Anayo:** Yes I did Mr. Speaker. I know the last time I sought this question he was sitting for the Majority Leader, as a person he would like to know.

**Mr. Speaker (Hon. Ombogo):** Majority Leader you must respond to this issue?

**Deputy Leader of Majority (Hon. Omollo):** Thank you Mr. Speaker, I did submit that statement to the Executive for an answer on the same and we are still waiting

for responses. So, as soon as we get the responses we shall furnish the House with that, thank you.

**Hon. Olum:** Thank you Mr. Speaker. I want to seek a statement from the Deputy Majority Leader who is equally the Chairman of ICT. Mr. Speaker, the last one month, where I sit the communication gadgets have not been working, and moneys spent for installation of this gadgets is very high.

Mr. Speaker, I don't know what happened why we are not communicating as we should, instead of us using these portable microphones. Mr. Speaker, I want explanations if the contractor was not paid his contract sum, or the money has been refunded back, if not we need to know the cost of installation of these gadgets.

**Chief Whip (Hon. Isaya):** Point of order Mr. Speaker?

**Mr. Speaker (Hon. Ombogo):** Granted.

**Chief Whip (Hon. Isaya):** Thank you Mr. Speaker, in a rejoinder on what Hon. Olum has said; there was a statement that was raised here that we want to know the total cost of the Hansard equipment that were supplied. I think there was a member who sought for that question. Mr. Speaker, we have been having a lot of problems regarding these communication gadgets and again it seems that approximately more than Kshs. 7 million was spent on these gadgets and we have been having problems, why can't we get appropriate answers regarding these equipment?, it was said that whoever was contracted to supply these gadgets did not supply the entire specifications as was specified in the BQs:

1. Now what is the problem? and
2. Where is the problem?
3. Who was the Contractor contracted to supply these Hansard Equipment?
4. Who gave this Contractor the go ahead to undertake these incomplete installations?

Mr. Speaker, it is better that we get concrete answers regarding this issues because it is now almost three years since this installations were undertaken, it is better we get a comprehensive answer regarding this.

**Deputy Leader of Majority** (Hon. Omollo): Thank you Mr. Speaker, on these issues on the Hansard Equipment. Mr. Speaker, indeed there was a statement sought by Hon. James Were which the Hansard Team is in the process of providing the equipment that were delivered to this Assembly. Mr. Speaker, the said Budget that was done by the Transition Authority (TA) in the year 2013, in the BQ has various items including the VGA Units (Monitors) which as you can see was never supplied to this House. Mr. Speaker, there are several items that were in the BQ that have not been delivered.

Mr. Speaker, the Hansard Team is combing through the deliveries that may give us information on any items that should have been delivered to this House, and if there is none, then we need to be told why they have not been delivered. The team is still compiling the whole thing, because these were items that were specified in the delivery book and they were paid for and were never delivered in this House. Mr. Speaker, the Hansard team is still gathering information so that we furnish this House with a comprehensive report so that we know how many of these items were to be delivered, and how many were actually delivered in actual sense and how many were received by the Hansard Department, so that we have a complete picture of things, so that we can forward the report to the Committee of County PIC/PAC to take remedial actions, thank you.

**Chief Whip** (Hon. Isaya): Mr. Speaker, it is not my character to exchange words with the Majority Leader, but it is long overdue. Mr. Speaker, stamp your authority on this because there are lies going around, if you don't stamp your authority we are not going to get to the bottom of this matter. Mr. Speaker, for that, because it is three years down the line, as from the time of TA until now, it is a long time and we need a timeframe. I want to say that the document that they are talking about, be it procurement, be it any procedure, the documents are with us here. So, it is better we get to the bottom of this matter once and for all. Mr. Speaker, we need a timeframe from the Majority Leader, that we give you one week, so that we dispense off this matter, so that we know where we can start doing our repairs.

Mr. Speaker, if TVs were supposed to be mounted here and they are not there, and they were paid for, we need a timeline so that we know where we are and where we are headed, thank you.

**Mr. Speaker (Hon. Ombogo):** Majority Leader can you give us a timeline?

**Deputy Leader of Majority (Hon. Omollo):** Thank you Mr. Speaker, I think one week will be adequate because we are almost done because I went through the invoices the one you sign for delivered goods, there were some which were not intact. So, the Hansard is working on it, so by next week they will be all here and I will be giving every detail of this delivery, that is next week on Thursday, thank you.

**Mr. Speaker (Hon. Ombogo):** Majority Leader, you have to be precise because the line in which Hon. Olum is using is not working properly.

**Deputy Leader of Majority (Hon. Omollo):** On that, the line needs technical repairs. Mr. Speaker, the supplier that did supply did not enter into agreement of maintenance of these equipment and we need to have a technician who can be supervising the maintenance, because you find that it is only that wing that is not working, but others are working. So, we need to look for a technician to come and check and that can be facilitated by the office of the Clerk.

**Hon. Ochele:** Thank you Mr. Speaker. I sympathize with the Leader of Majority because this kind of question has been earlier on raised and the answers members have been getting are trivial. The main issues that has been raised by Hon. Olum, that why is it that their row is missing the services of this gadgets.

Mr. Speaker, the gadgets as explained by the Leader of Majority, these are the Hansard they are activated by sound, when they vibrate they elongate their lifespan and if they continually spend days without being used, the magnetism is there, then they become demagnetized

(Hon. Members amused by the sentiments made by Hon. Ochele)

Mr. Speaker, you have observed of late that the row from where Hon. Osano sits is perennial and perpetual absentees. So, these members can observe and know that these are technical things that can be knocked out by not being formally utilized.

(Laughter)

**Mr. Speaker (Hon. Ombogo):** Hon. Olum, are you satisfied with that response?

**Hon. Olum:** Mr. Speaker, the statement that I raised is very sensitive and I am glad on the response by the Majority Leader. I want to request Hon. Ochele to tone down and can he declare his interest on this matter on why these gadgets are not working and why the moneys that was paid to the contract firm and I suspect Hon. Ochele know what happened here. Mr. Speaker, why am I saying this, I have been here throughout and you cannot say that these gadgets are defective because members are not in the House and always absent. Mr. Speaker, can he substantiate. Let us handle this issue soberly and go with what the Chief Whip has requested that we give the Majority Leader one week because somebody is talking of TA that was in 2013 and we are approaching the expiry of our term and next week we are going on recess, we want to know the truth of this matter, thank you.

(Laughter)

**Mr. Speaker (Hon. Ombogo):** Order Hon. Members we conclude this matter.

**Hon. Osano:** Thank you Mr. Speaker. This matter is a bit sensitive and it deserves a bit of amusement. Mr. Speaker, we have done benchmarking, we have even gone to the Senate and the National Assembly, and we have seen what they have and I think it is true that we were given sub-standard gadgets and we need to find out.

Mr. Speaker, we have gone to Nairobi, Homa-bay we have done benchmarking all over, we have never seen such kind of gadgets. Something is amiss here, thank you.

**Hon. Elijah:** Thank you Mr. Speaker. Mr. Speaker (Interrupted)

**Mr. Speaker (Hon. Ombogo):** I hope it is not on the Hansard Equipment, because the Majority Leader has given an undertaking that he will give a response after one week. so, please let us give other statements.

**Hon. Elijah:** Mr. Speaker, today I have gotten lectures from Hon. Ochele who has become a professor. Mr. Speaker, the truth of the matter is that these gadgets are not substandard but faulty. Mr. Speaker, in this Assembly money is wasted by purchase of faulty equipment. Mr. Speaker, I want you to direct that we should not

spend any further moneys in the maintenance of faulty gadget Mr. Speaker. It has been the concern of this House and it has never been addressed and I want to say in this House authoritatively that if the Leader of Majority can confirm that the gadgets were not fully delivered according to the BQs, it is a serious offence.

Mr. Speaker, I now want you to direct that, either the Committee of Finance or PIC/PAC to investigate this matter. This is because the Chairman of ICT should not have allowed these faulty gadgets to get access. Mr. Speaker, this must be investigated.

**Deputy Leader of Majority (Hon. Omollo):** Mr. Speaker, it is very unfair for my colleague Hon. Elijah to make such utterances. One, when were these gadgets installed and when was I appointed chair of that Committee?

Mr. Speaker, I have said here that what I was given to submit before the House, there were a lot of inconsistencies, and I said no, get me everything and the Hansard Team is working on delivering these documents, which were not delivered, which were delivered but substandard, so that I bring a detailed report before this House so that PIC/PAC Committee can do their part. Mr. Speaker, it is not my responsibility to go and check which is fake and which is not and how much was used and that is the work of the Committee of PIC/PAC. So, I will deliver all that is needed and then PIC/PAC Committee will take over from there, thank you.

**Hon. Ogesi:** Thank you Mr. Speaker. Mr. Speaker, I also want to add my voice on the same. This is a matter that has been with us for sometimes. Mr. Speaker, it is sad that three years down the lane, we are still talking about Hansard Equipment.

Mr. Speaker, the Transition Authority (TA) knew that every Assembly in the Republic of Kenya needed to have Hansard Equipment and that is why it was amongst the first things that were budgeted for, not by the County Government but by the Transition Authority (TA). Mr. Speaker, funds were provided for the same. Mr. Speaker, we have been to Assemblies all over, and last week we were in Mombasa County Assembly and for the operations of the Assembly, the most important equipment of any Assembly is the Hansard. Mr. Speaker, for one of us to

say that the gadgets are not working because there are absentees, that is not right and that is trying to trivialize a matter that is very important and we need to be serious with some of these things.

Mr. Speaker, I think you need to make a serious ruling so that this matter is investigated and reported back to this Assembly. Mr. Speaker, I believe that the Leader of Majority is not the person to do that, just as Hon. Elijah has said. I also believe that PIC/PAC is not the Committee to do that Mr. Speaker so that you get serious answers (Interrupted)

**Hon. Ochele:** Point of order Mr. Speaker?

**Mr. Speaker (Hon. Ombogo):** Granted to Hon. Ochele.

**Hon. Ochele:** Mr. Speaker, I am saddened by Hon. Ogesi mentioning the name of PIC/PAC Committee which brought a very satisfactory report in this House and was passed unanimously. Mr. Speaker, one person who should not mention about any Committee is Hon. Ogesi because he is the same man who shoots down his own motion. I want to say to him that he has lost track.

**Mr. Speaker (Hon. Ombogo):** Hon. Members, we had requested the Majority Leader to respond on the issues raised by Hon. Olum and he requested for one week. Hon. Members, let us wait for the 7 (seven) days and see what will come out of it, that is when I will make a ruling.

**Hon. Pamela Odhiambo:** Thank you Mr. Speaker. Mr. Speaker, mine will go to the Chairman of Welfare and Equal Opportunity Committee. Mr. Speaker, this is about our Sergeant-at-Arms.

Mr. Speaker, yesterday as I was walking out, i saw one of the Sergeants-at-arms with his coat tucked. So, when I inquired, he informed me that the trouser is very small and I told him to let me look at it. He informed me that he was wearing another trouser inside and in Kisumu it is very humid and we cannot allow our Sergeant-at-Arms to wear two trousers. Mr. Speaker, I confirmed that the uniforms they were fitted with are small and it is now three years since they were fitted.

Mr. Speaker, I think it is better as the Committee of Welfare and Equal Opportunity that this matter be looked into, thank you.

**Hon. Isaya:** Thank you Mr. Speaker. Mr. Speaker, as we agreed in this House, what the Hon. Member is saying is a serious issue. We agreed that there shall not be anybody seeking for statements without written submissions. So, let us not just be verbal, please raise these statements accordingly and we shall answer you appropriately. Mr. Speaker, I am not the type of person who will go out of his way answering statements without any written documents, so, unless there is a written document, I will not respond. If there is a written document I will take that matter seriously and I will give a response to the House accordingly.

**Hon. Elijah:** Point of order Mr. Speaker.

**Mr. Speaker (Hon. Ombogo):** Granted.

**Hon. Elijah:** Thank you Mr. Speaker. It is not appropriate for the Chair of Welfare to demand a written statement when the writing is on the wall. Mr. Speaker, what Hon. Pamela saw, is seen by everybody.

**Hon. Isaya** (interrupts): I am not Hon. Pamela.

**Mr. Speaker (Hon. Ombogo):** Hon. Pamela can you please hand over your written submission before the table of the Clerk.

**Hon. Misachi** (interject): Mr. Speaker, can you instruct Hon. Pamela to draw what he saw because what he saw was practical.

(Laughter)

**Mr. Speaker (Hon. Ombogo):** Hon. Member, it has become a rule in this House that statement sought is submitted in hardcopy. So, let her submit a written statement or what she saw to Hon. Isaya.

**Hon. Osano:** Point of order Mr. Speaker.

**Mr. Speaker (Hon. Ombogo):** Granted.

**Hon. Osano:** Mr. Speaker at times we need to be human. Assuming she doesn't write the same, what will happen? In fact I am urging Hon. Pamela not to write, so that we see what will happen to our Sergeant-at-Arms, let us be human Hon. Chief Whip.

**Hon. Isaya:** Mr. Speaker, I have been handed a diagram by my sister of what she saw and indeed it is not something not worth seeing, because it is something absurd. Mr. Speaker, because of the gravity of this matter, I will take it up with the office of the Clerk, because I know the Sergeant-at-arms are growing fat each and every day, but when we are dealing with this issues, we will fit them with cloths that have enough space, thank you.

**Mr. Speaker (Hon. Ombogo):** Give us the timeframe for response.

**Hon. Isaya:** I will give you my response on Thursday next week because I have to liaise with the office of the Clerk so that when I give a response, it will not only be dealing with the Sergeant-at-Arms but deal with the entire staff of the Assembly and to some extent, I want to promise that we will have even T-shirts to be worn on Friday, I assure you we will talk to the Clerk on this matter, thank you.

**Hon. Were:** Thank you Mr. Speaker. I am not satisfied with the response by the Chairman of welfare Committee, let him give us a timeframe on when he will give us a response on this matter. Secondly, he used the term maybe is not specific, and we are all aware that Kisumu County Assembly Service Board has been budgeting for uniform for staff especially those of the Sergeant-at-Arms and it is quite absurd that three years down the line our Sergeant-at-arms are still using the uniforms they came with from the Defunct Local Authorities. This is not in Order Mr. Speaker, this issue needs to be addressed urgently, thank you.

**Hon. Isaya:** Mr. Speaker, I think I have been practical, but I know Hon. Were has a bone to pick with me and I have said that next Thursday I will give a response on that issue that has been raised and I will consult with the Clerk and give an appropriate answer. I am saying and I am repeating next Thursday I will give a response, thank you.

**Hon. Lydia Odhiambo:** Thank you Mr. Speaker, I would like to inform Hon. Were that indeed the Chief Whip has answered in the most appropriate way in the issue that has been raised it is administrative and he has to sort the issue with the Clerk who is the overall in-terms of the staff and I know that we have visited other Counties and whatever we have seen is far much better than what we have seen in Kisumu both for the Members and staff, but I would like to urge the Chief Whip that as you discuss this issue with the Clerk try to relate what we have seen in other Counties, so that it becomes practical even here.

**Hon. Isaya:** I will.

**Hon. Ochele:** Thank you Mr. Speaker. I rise to demand statements which I had sought in this House both verbally and in hard copy. The first statement went to the Committee of Security and Administration, the Chairman was absent, but in his place the Deputy was there, and I was asking about the Security Officers deployed in the Assembly, I wanted to know;

1. Their number?
2. Where they are deployed?
3. Cost paid to the Security officers deployed in the Assembly?

I supplied a detailed statement both in hard copy and it is now a month and over before this statement was sought here.

The second statement was to the Leader of Majority, and I wanted to know; this Funds called Special Program Fund which has been in the Budget I want to know;

1. Which projects have been undertaken?
2. Their status as per the time I was asking?
3. In which Wards?

Mr. Speaker, I don't know why these two statements are difficult to achieve but they appear to be moderate. Mr. Speaker, can you please advise the Chair for Security and the Majority Leader to kindly avail those statements to the House, thank you.

**Mr. Speaker (Hon. Ombogo):** Chairman for Security, please respond to the first question?

**Hon. Auko:** Thank you Mr. Speaker. Mr. Speaker, it is true that I was away when the statement was sought. Mr. Speaker, I received the response in my office yesterday and I was reading it and as I was reading it, I found that some statements had no attachments to support. Mr. Speaker, I want to bring a comprehensive report from the concerned Member and in fact I promise to deliver a response next week on Thursday with all the attachments and the minutes that came up with the idea of paying them.

Mr. Speaker, I beg that I be accorded another one week so that I bring a concrete report on this matter, thank you.

**Mr. Speaker (Hon. Ombogo):** Hon. Ochele, the first Statement will be responded to after one week, are you comfortable with that?

**Hon. Ochele:** Mr. Speaker, I understand the predicament of Chairman of Security and I have always complained that he is carrying many big jobs and on that day I even requested that this docket be given to another Member who has nothing. He is a missionary, he is our Minority Leader and the Chairman of Security, the in tray is full.

**Mr. Speaker (Hon. Ombogo):** Order Hon. Member!! What the Chairman for Security is answering and based on the answer he has given, he has requested for more time, you cannot insinuate that he is incompetent.

**Hon. Ochele:** Mr. Speaker, I did not say that he is incompetent; any incompetent person cannot hold three dockets and still struggle to perform in them and the statement he has raised, show that he is ready to perform. So, I am giving him the benefit of doubt, and if he doesn't then the Chair will see what to do.

**Mr. Speaker (Hon. Ombogo):** Hon. Members, so let us wait until Thursday. The second response is expected from the Majority Leader.

**Deputy Leader of Majority (Hon. Omollo):** Thank you Mr. Speaker. Mr. Speaker, the Clerk did a communication to the Director of Special Programs and

up to now he has not given us the response and immediately I receive it I will deliver it to the House on Thursday, thank you.

**Hon. Elijah:** Mr. Speaker, I have a concern, the Service Board is in this Assembly. Mr. Speaker, unlike what the Leader of Minority has said that is information that the Service Board should not struggle to get.

Mr. Speaker, the decision of bringing policemen to this Assembly lies with the Service Board. If Hon. Ochele raised just a simple question, we are being told of attachments that did not add up...

**Mr. Speaker (Hon. Ombogo):** Order Hon. Elijah!! Hon. Chair of Security, do you want to respond to that?

**Hon. Auko:** Mr. Speaker, when they are seeking for these statements, there should be no any witch-hunting. Mr. Speaker, the fact that I have requested for an extension, does not mean that the Service Board has failed. Mr. Speaker, if there is something going on to witch-hunt the Service Board, then let it come out clearly.

**Hon. Osano:** Point of order Mr. Speaker.

**Mr. Speaker (Hon. Ombogo):** Granted.

**Hon. Osano:** Mr. Speaker, the truth be told, if this thing was not passed in the Assembly, that these officers be paid, it must have been passed in the Service Board. Mr. Speaker, there is no witch-hunting here, in fact you just assumed office the other day and this thing was passed even before you were the Leader of Minority. So, let us be candid here, please give the House the response.

**Hon. Lydia Odhiambo:** Thank you Mr. Speaker. Mr. Speaker, I also demand an answer to a statement that resembles Hon. Ochele's. Mr. Speaker, I can recall some few weeks ago, I sought a statement in this House regarding the level of preparedness with regards to the floods.

Mr. Speaker, as you are aware right now our people are suffering, there is water all over. I saw even in the electronic media a supplement on Kisumu County and I wish to know from the Leader of Majority who sits on behalf of the Government

on how far the County has worked in terms of the flooding issues. Mr. Speaker, the Special Program Funds which in some areas it is being utilized and what is the criteria, thank you.

**Deputy Leader of Majority (Hon. Omollo):** Thank you Mr. Speaker, the two statements were on the same day and they were identical in nature.

**Mr. Speaker (Hon. Ombogo) :** So, you stated that you be given more time. Let us continue because that statement had been raised and is being responded to.

**Hon. Ochele:** Mr. Speaker, I think the statement on Special Programs and Emergency Fund, this is a statement that should be handled with a lot of urgency. Mr. Speaker, there are obvious areas which are flood prone and these particular funds were put for the unexpected. Mr. Speaker, we are not seeing these funds being utilized in areas that they should be.

Mr. Speaker, if you want to continue postponing the statement, then you will postpone this to an extent where everybody affected will have died or their dwellings will have been swept. These funds were put there to deliver services, which type of statement do they want? Is it from the Assembly or from the affected people? Mr. Speaker, he is talking about the Clerk, we want to ask as the Leader of the Majority who has the link with the Executive, what has he done? It is true that the Clerk did a communication, on his part what has he done? What has he achieved even if it is verbal, he can relay the verbal by saying that so far we are working on these areas, but the substantive statement will be delivered in a week's time.

Mr. Speaker, relying on a letter which has been written which we did not even see, we are taking that matter very lightly. Mr. Speaker, this is a very serious matter and Elnino has just started, when do they want to utilize these funds, after the Elnino? Then what is the Disaster Element all about and why do you have another one as Special Funds. So, the Leader of Majority should rise from slumber land and face the Executive and deliver the statement to this Assembly, thank you.

**Mr. Speaker (Hon. Ombogo):** The Leader of Majority, I don't want you to respond but, the question on the issues of use of Special Programs Fund has been

in this House for long and as the Chair, I now direct that the response must be tabled before this Assembly within 7 (seven) days as requested. So, kindly work hand in hand with the Executive so that you avail the reports before the Assembly.

**[COMMENCEMENT OF BUSINESS]**

**[MOTION]**

**[KISUMU COUNTY FINANCE BILL, 2015, 3<sup>RD</sup> READING]**

**[CONTINUATION]**

**Hon. Were:** Thank you Mr. Speaker Mr. Speaker, I rise to move a motion on Continuation of the Kisumu County Finance Bill, 2015, 3<sup>rd</sup> Reading and I request my able Deputy Hon. Gabriel Ochieng' to second?

**Hon. Gabriel:** Thank you Mr. Speaker Mr. Speaker, in rise to second the Continuation of the Kisumu County Finance Bill, 2015, 3<sup>rd</sup> Reading and on that note I request the House to convert to Committee of the Whole House.

(House converts to Committee of the Whole House)

(Hon. Moses Ochele relieves the Speaker)

(Hon. Ochele presides the 3<sup>rd</sup> Reading of the Finance Bill, 2015)

**Hon. Gabriel:** Thank you Mr. Speaker, I wish that we begin from where we left yesterday on page 71, item 141 which we were in the last sub-item on the sale of CDs by small van per day and we had agreed that we dispense of this Bill today and we were in the process of proposing questions on item 142 to item 167. So, you can proceed from there Mr. Chairman.

**Mr. Chairman:** Hon, Members, as stated by the Vice-chairman of Finance and General Purposes Committee, the House was adjourned when we were talking on certain amendments in item No. 141 on page 17 of the Bill and the amendments were on item 141 which passed.

Hon. Members, I want us to commence debating item 142 onwards. So, as I go through the items, should you have any amendments please allow me to see your body language, then I will give you the chance to propose the amendment.

Item 142 on Handbills and Fliers, item 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155.

Let me put a question as from item 121 to item 155 excluding item No. 141 because Item 141 had already been passed and I want to put a question that from item 121 to item 155 be part of the Financed Bill, 2015?

**[Question put and agreed to]**

Item No. 121 to item No. 155 becomes part of Kisumu County Finance Bill, 2015.

**Mr. Chairman:** Physical Planning, item No. 156, 157, 158, 159, 160. If there is no any proposed amendment under Physical Planning? So, may I propose that item No. 156 to item No. 160 be part of the Bill?

**[Question put and agreed to]**

Item No. 156 to item No. 160 becomes part of Kisumu County Finance Bill, 2015.

**Mr. Chairman:** Hon. Members, under Building Plans, item No. 161, 162, 163, 163,

May I put a question that from item 161 to item 163 be part of the Bill?

**[Question put and agreed to]**

Item No. 161 to item No. 163 becomes part of Kisumu County Finance Bill, 2015.

**Mr. Chairman:** Hon. Members, Renewal Fees, Residential, item 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180,

**Hon. Olum:** Mr. Chairman, I want to propose an amendment on Item No. 180, on the Extended Areas. Mr. Chairman, you know Extended Areas when you want to give them charges regards plans, I propose that an amendment be done by deleting that column. Why am I saying so, in the extended areas there are no services

offered by the County Government? The extended areas let it be the Estates and the CBD.

**Hon. Ombogo:** I want to second the proposal made by Hon. Olum.

**Mr. Chairman:** That?

**Hon. Ombogo:** Mr. Chairman, that fees should not be charged on the Extended Areas and should only be charged to the CBD and Estates.

**Hon. Misachi:** Mr. Chairman, I want to put a counter proposal?

**Mr. Chairman:** Order Hon. Misachi, when a motion has been put up like in this case, just resume your sit and a seconder is found, then the Chairman puts a question and opens it for debate. it is in the debate that you can give counter proposals to build it or to dilute it, this is because the proposal is originally from Hon. Olum and has been seconded in that state by Hon. Ombogo and you can only add or remove during the debate.

So, may I propose a question that the Application Fees for Development of Extended Areas be deleted?

**Chief Whip (Hon. Isaya):** Thank you Mr. Chairman. Mr. Chairman, I would have agreed with what Hon. Olum has said that there are a lot of challenges. One of the challenges is that when you are talking about extended areas and you omit the CBD and that means that, you will leave out, Muhoroni, Miwani and others.

Mr. Chairman, I have heard Hon. Olum mention the term our people, I also have my people. Mr. Chairman, what I would like to say is that if you go to for example to Kanyakwar, you will find that almost everybody has acquired land there, how can you apply law selectively. If you go to South west Kisumu, there is Hayer Bishan and Co. how will you deal with them. Mr. Chairman, the point I am trying to drive is that, let us not apply the law selectively saying that this law will work from here to there.

Mr. Chairman, I want to say that this has been a thorn in the flesh, but what we normally do is, we don't give Notices to the indigenous people. Take for example

somebody who is in his ancestral home, we don't give them notices. Those who have acquired land in those areas like for example if you go to Kajulu, the number of people who have bought land there are over and above the indigenous people. So, even if you go to where Hon. Olum is coming from, this applies to there. So, those who have bought land there, can't we charge them or leave them because they are our people. Mr. Chairman, this issue of just burdening the City with taxes because they are people coming from outside, this is a very bad trend, that if there are taxes to be levied be taken to the City because there are people outside their paying for you, I think it is not something which is advisable.

Mr. Chairman, what I would like to suggest is that if the charges are exorbitant, then we make proposal for reduction of these charges, but for those holding land in these areas, let them pay. So, we must find a formula, like somebody who has bought land in these areas must pay the obligated levies.

**Hon. Owen:** Point of information.

**Mr. Chairman:** Why do you want to inform instead of otherwise?

**Hon. Owen:** Thank you Mr. Chairman, I want to say that there is a way this amnesty applies to the extended areas. Those members of the community who have commercialized these ancestral lands, at the time of sub-division, they are being subjected to pay Land Rates. They will be captured in the systems and compelled to pay land rates. That means that you have now gone ahead to use that for commercial purposes.

Mr. Chairman, similarly the people who are having land and have been rated. and what Hon. Olum is saying, if you put it blanket like that on extended areas, then we were always looking at that old woman who have land and has children who are not working, the only thing that they have remaining is the ancestral land. in most cases you will find there is no way you will find the government taking time to build infrastructure in those areas, there are no roads, electricity, there is no services being offered to these people and this is their land and there is no way government want to go ahead and make they pay yearly. They will not be able to understand the meaning of these rates payable without services.

**Hon. Gabriel:** Point of order Mr. Chairman.

**Mr. Chairman:** Granted.

**Hon. Gabriel:** The Hon. Member is misinforming the House, this is because she is talking about people paying land rates and here we are talking about approvals of developments. Mr. Chairman, she should stick to the subject matter, but not other thing Mr. Chairman.

**Mr. Chairman:** Hon. Member, she did not want to inform you, and she rose in a point of order which she has not stated and please don't introduce a new item, just debate on the proposal as put by Hon. Olum.

**Hon. Owen:** Mr. Chairman, as I was stating (interrupted)

**Chief Whip** (Hon. Isaya): Thank you Mr. Chairman. Mr. Chairman, I only want to inform members that I have heard her say that the Government had done nothing in extended areas. Mr. Chairman, I want to inform this House, that if you go to her place there is a School being built at a cost of over Kshs 100 million.

Mr. Chairman, now, that we have contractors working in these wards, there is also the question of electricity in her area. Mr. Chairman, I think this idea of misinforming the House will not help his people, thank you.

**Hon. Owen:** Mr. Chairman, I am sure that the member who has just resumed his sit may not know a place in my ward called Ahenya, similarly he does not know a place in my place called Aburo which have no electricity connectivity, so, please hold your peace. Mr. Chairman, as I was saying these people who are rated, whenever they want to make development in these lands, they have to pay for Plan Approvals. The natives living in those lands are not rated and therefore you don't expected them to pay for any Plan Approvals whenever they want to put up structures in their areas.

Mr. Chairman, however, as we were discussing these issues when we were in the City, it is farm land and they understand and how they should utilize land in those areas. This is because we have a Masterplan and each area must be utilized in a certain way. So, if you want to start a slum for instance we must agree

with my colleagues on this item No. 180 on Application for Development Permission. Mr. Chairman, this is somebody who wants to develop, and people are now moving to the Extended Areas even the Asians. This is where the County Government can get money, I am afraid that those who want to stick that they come from Extended Areas and peg their taxes on the City, they are very wrong.

Mr. Chairman, we have to generate revenue and this is something that is standard, it is done, take for example Hon. Otiende has bought land in another part which is an Extended Area. You cannot charge him the same levy with that person with a grass thatched house. Mr. Chairman, that person is a developer who has to pay the required levies to the relevant authorities and there is nobody who can claim that there are no roads, there are access roads and those are the services. Mr. Chairman, we are trying to build a hospital in your ward, are those not services?

Mr. Chairman, when we are here, we are law makers, we don't make laws to make our people suffer, but we are making laws that will make our City attain the City status. Mr. Chairman, if you look at Nairobi, Kabete people are paying Land Rates, in our place because of "our people" we are not doing that and even in Milimani, somebody who has money and wants to develop a mansionate, should not pay for plan approval, Mr. Chairman, I oppose that.

**Mr. Chairman (Hon. Ochele):** Hon. Members, the proposal has to highlight key areas.

**Hon. Olum:** Mr. Chairman, I want to urge my colleagues that what I meant was that when we are passing this Bill (interrupted)

**Mr. Chairman (Hon. Ochele):** Order Hon. Olum!! Hon. Whip, you understand why we adjourned, and you understand what we should be doing today. Please proceed Hon. Olum.

**Hon. Olum:** Mr. Chairman, what I meant is that when we are passing this Bill, it is something that might take a while. My main concern was the Extended Areas, the reason why we consider these areas is because I have seen that even the city we are to enforce the Bills. The Enforcement Officers of the County are harassing the community in those areas. There was an old mama who wanted to build her house,

in a place called Awasi Onjiko and our “askaris” stationed at Ahero and Awasi really frusted her and the community and this is an old mama who just wants to build her house. These enforcement officers invaded these homes and collected Kshs 10,000 and if you don’t pay they write you a Bond and come to town and pay.

Mr. Chairman, that is why I am saying that when they are passing this Bill, we should not give them a blank cheque, this is going to affect us because we are here to make laws, we need to consider the people of these areas. Mr. Chairman, I want to correct a notion which Hon. Misachi said that we are getting services, we know the services we are receiving. Do you know in the City why some areas don’t comply in payment of rates? This is because there are service needs like electricity, clean water and even tarmac road, they don’t have. Mr. Chairman, I am saying that if you must categorize, you will give the city inspectorate a chance to be taking money from our people. Mr. Chairman, that is why I am saying that let us not pass this because we want to generate revenue.

**Hon. Gabriel:** Than you Mr. Chairman, I want to oppose the sentiments of my colleagues Hon. Olum. Mr. Chairman, he is talking about “askaris” going around collecting money around Awasi for those people intending to undertake development. Mr. Chairman, this is what we even stated yesterday that, to curb corruption we should adhere to the rules that are put, and as law makers, these are the laws that we are developing so that our people can adhere to.

Mr. Chairman, you know that you want to develop your home, you have to submit your Development Plan for approval.

**Hon. Olum:** That is a community land.

**Mr. Chairman (Hon. Ochele):** Order Hon. Olum. When I gave you chance to debate I protected you, and you cannot shout in the Assembly.

**Hon. Gabriel:** Mr. Chairman, the grass thatched house Hon. Olum is saying, does not need an approval, we get approval from the City Planner on development plans, so that when you build a house, nobody will come and say that you pay for this. Mr. Chairman, that is why we are saying to develop a house in your land,

maybe putting up a structure, you don't have pay Kshs 1,500 to our enforcement officers, but adhere to the laws we are making here and that is why we are called law makers and that is why we are legislating. Mr. Chairman, I am opposed to that proposal because I also have land in Chiga, I intend to develop it and I will pay because once you say that there are no services as was stated by Hon. Misachi and there are Health Centres in those areas, and roads plus schools being built in some of the Wards here and they don't want to pay levies, it is bad.

**Hon. Osano:** Mr. Chairman, this is a very sensitive and emotive issue, and the truth is that we have two types of parcels, we have Leasehold Title and Freehold Title. Mr. Chairman, the reason as to why some of these titles were called leasehold is because there is a way they can be planned using them and you cannot not tell me on how I want to plan my home, it is not very easy. Mr. Chairman, when passing this we need to consider area also. I know there are some freehold titles in Manyatta, Nyalenda but those are for the people. We cannot just agree that somebody who comes from Muhoroni, that we want this to be done, let us look at it culturally, you want to build for your grandmother a house, honestly and you are told that before you do this you have to do this and this is not something that you can apply everywhere.

Mr. Chairman, there are things you can apply in the CBD and others are not applicable in the Extended Areas, thank you.

**Mr. Chairman (Hon. Ochele):** Chief Whip, I hope it is about quorum?

**Chief Whip (Hon. Isaya):** Mr. Chairman, I want to add something and what I want to say is that I want to inform the Members that yesterday we would have finished with this Bill, but because of quorum, we had to adjourn. Mr. Chairman, if you go to the attendance register, you will find that more than 20 members have registered their names.

Mr. Chairman, we have some members who have the tendency of writing their names there, and disappearing. Hon. Members, I want to assure you that I will expose you in the media (fourth estate) because there is that perennial tendency which we are not going to accept, this is because the House cannot be there

without Members. I want to assure you that today, even if we are left with two members we will finish this Bill, because the media is here and seeing members come in and walk out and tomorrow if your name appears in the newspapers that states that you come in sign and disappear, then you will say that the media is against you.

Mr. Chairman, I want to cite the opposition in this House, they come here they sign and disappear. We are not going to be carrying this burden for you any longer, we are not going to accept this.

**Leader of Minority (Hon. Auko):** Mr. Chairman, the Chief Whip is talking to people who are not here, and he is warning people who are not here.

**Chief Whip (Hon. Isaya):** Mr. Chairman, I knew he was going to say that. Mr. Chairman, why am I talking to people who are here? I know some of them are just about to move out and I know they have linkages to contact their friends who are out there, but today we must do away with this important Bill, whether good or bad. Also tell them that we are noting their names down and we will publish them so that those who elected them will know that they are absentees in the House. Mr. Chairman, these members have an obligation in this House which they must fulfill failure to which we are going to expose you badly.

**Mr. Chairman (Hon. Ochele):** Chief Whip, your agenda and sentiments have been received positively and I wish you could bring before the House motions to discuss the conduct of Members of the Executive. Otherwise, the Finance Bill, which is being discussed and something which touches on the electorate, members don't see the seriousness in it, I wonder why some of us are even here. Chief Whip, there is no motion as important as this, I give you the go ahead and do the necessary.

**Chief Whip (Hon. Isaya):** Mr. Chairman, thank you and I oblige.

**Mr. Chairman (Hon. Ochele):** Hon. Members, I want to make a ruling on the amendments which was proposed by Hon. Olum and seconded by Hon. Ombogo that the Item 180, Application for Development in Extended Areas be expunged?

**[Question put and agreed to]**

**Mr. Chairman:** Hon. Members, the item 180, Application for Development in Extended Areas is not part of this Bill.

**Mr. Chairman:** Hon. Members, after passing that motion. May I now put a question on the following items, item No. 161 item No. 180 including the amendments, that Item No. 161 to item No. 180 be part of the Finance Bill, 2015?

*[Question put and agreed to]*

**[That Extended Areas be expunged from the Bill]**

That Item No. 161 to item No. 180 becomes part of the Kisumu County Finance Bill, 2015.

**Mr. Chairman (Hon. Ochele):** Hon. Members, Item No. 181, 182, 183, 184, 185, 186, 187, 188, 189, 190,

**Hon. Ombogo:** Thank you Mr. Chairman. I have been wondering on the issues of Change of User that is Item No. 190, more so, the fees payable. Mr. Chairman, when you look at Item change of user from Agricultural to Residential, the fees charged is exorbitant particularly the change of user from Agricultural to Residential. Mr. Chairman, I don't see why a person should be charged Kshs 54,000/= this should be revised. Mr. Chairman, this is a person who is changing his land from agriculture to residential. Mr. Chairman, I propose that this fees be reduced from Kshs 54,000/= to Kshs 10,000/=. This will affect many of our Kisumu County residents and request Hon. Osano to second.

**Hon. Osano:** Mr. Chairman, I am not in a position to second that proposal simply because Change of User from Agriculture to Residential. Why? If somebody wants to change from Agricultural to Residential, first the reason as to why he wants to change that is to make more profit, and if you want to make more profit, then you have to pay more money. So, to me I am very keen on it.

**Mr. Chairman (Hon. Ochele):** Hon. Ombogo, would you like to look for another seconder?

**Hon. Ombogo:** Mr. Chairman allow me to ask Hon. Olum to second that proposal of Change of User because the fee being charged is too high?

**Hon. Olum:** Yes, I rise to second Hon. Ombogo's proposal that item 190, Change of User from Agricultural to Residential is too high. This figure is going to destabilize our people in the Agricultural areas and if we want to generate more revenue, then let us give them a reasonable amount.

**Mr. Chairman (Hon. Ochele):** Order Hon. Olum, you did not get what you were seconding. The Member proposed that the figure be reduced to Kshs 10,000/=.

**Hon. Olum:** Mr. Chairman, I want to second Hon. Ombogo's proposal that, Kshs 54,000/= is too high and we go according to his proposal of Kshs 10,000/=.

**Mr. Chairman(Hon. Ochele):** Order Hon. Members, a proposed amendment has been put across by Hon. Ombogo that the Change of User from Agricultural to Residential be reduced from Kshs 54,000/= to Kshs 10,000/= that proposal has been seconded by Hon. John Osumba Olum.

Members, may I now propose a question that the Change of User from Agricultural to Residential be reduced from Kshs 54,000/= to Kshs 10,000/=?

**Hon. Owen:** Thank you Mr. Chairman, while it is not a mistake to change the user, the mistake may even be reduced from people who want to change agricultural land to residential. Mr. Chairman, this happened many years ago from the coffee farmers because of the declining coffee prices in the world market. Farmers wanted to uproot their coffee and tea and put the estates on sale. They rushed to go and get protection and strict laws were put in place so that they do not do this.

Mr. Chairman, this can endanger any economy, and especially agriculture which is part of our GDP and this is also what feeds the nation. Mr. Chairman, I do not support that proposal, because if you see somebody trying to develop an estate from agricultural land, this is a person who can go ahead and pay this fee charged of Change of User. So, I vehemently oppose, thank you.

**Hon. Misachi:** Mr. Chairman, please allow me to second what Hon. Owen has said?

**Mr. Chairman (Hon. Ochele):** Order Hon. Misachi, you are not seconding you are debating.

**Hon. Misachi:** Mr. Chairman, I support the sentiments of Hon. Pamela Owen.

**Mr. Chairman (Hon. Ochele):** Please allow Hon. Lydia Odhiambo to contribute because I have given her a chance, then I will consider you.

**Hon. Nereah (interjects):** She has already resumed her seat, let Hon. Misachi continue.

**Mr. Chairman (Hon. Ochele):** Hon. Misachi you can continue.

**Hon. Misachi:** Mr. Chairman, I want to tell you this, reduction of these charges is not bad because we are thinking that they are our people. Mr. Chairman, most of the agricultural land rest in the hands of the Asian community, the economy controllers of Nyanza.

Mr. Chairman, if we do this and tomorrow they say that Change of User is only Kshs 10,000/=, we go look for money we change these land by building estates on these agricultural land and at the same time we are talking of Food Security. Mr. Chairman, are we really doing justice to our own County. Mr. Chairman, I believe this figures and those who were there, are also coming from these areas, and they know why they pegged this figure at Kshs 54,000/= so that even if I have my 10 acres of land I cannot sell it to a willing buyer to develop an estate there because I can plant cash crop there and that is Food Security. Mr. Chairman, I want us to go with the sentiments of Hon. Owen, that this Bill if you want to dilute it, this is our projection for money for our Development Kitty in the years to come, and what we are doing is injustice to this Finance Bill, thank you.

**Hon. Lydia Odhiambo:** Thank you Mr. Chairman, I equally want to oppose the amendment with the following reasons.

Mr. Chairman, I must confess that most of my colleagues who spoke before me have equally shared the same sentiments. We all know as Kisumu County that, we are no Food Security. This has become a challenge and we are not able to feed our

people and in the event that we allow people to change user, I believe that we are going to be in a very precarious situation if this cannot be condoned.

Mr. Chairman, in fact if Members can agree, we should even increase these charges so that people are discouraged from changing the user, thank you.

**Hon. Osano:** Thank you Mr. Chairman, on the same breath, I think this Change of User because of lack of clarity. Assuming somebody wants to change an acreage maybe 100 acres, Hon. Members do you believe that this person should pay Kshs 54,000/=. I think the author of this Bill should be categorical, that change of user should be this much per acreage.

Mr. Chairman, let me give you a very good example, you know what happened at the Dominion in Siaya County. People are complaining that these people were buying these lands per acreage, so we need to come out very clear and say this change of user should be Kshs 54,000/= per what acreage. Mr. Chairman, I am proposing an amendment that this Change of User Kshs 54,000/= be Kshs 54,000/= amount per acreage. So, if somebody want double that, then he has to pay twice that amount of Kshs 54,000/=, thank you.

**Mr. Chairman (Hon. Ochele):** Hon. Members, I have cited members conversing with their phones while in the House which is in contravention of House rules and procedures and that is the last chance, the second time you do it, the Chair will order you out.

**Hon. Osano:** Chairman, before I conclude, there is another change of user from Agricultural to Industrial which is being charged Kshs 100,000/=:, this should also apply.

**Mr. Chairman (Hon. Ochele):** Hon. Osano, these are amendments proposed by individuals and with specific intentions. So, unless you want to create an amendment within an amendment, and it has to be the same item. It is better that we clear with the first before we move to the other.

**Hon. Osano:** Chairman, then let us do away with Kshs 54,000/= which I propose that it should read Kshs 54,000/= per acreage. I will ask Hon. Elijah to second.

**Mr. Chairman (Hon. Ochele):** Before it is seconded, you need to know that these proposals have regulations attached to them. So, if you want to change, then we need to get the regulations. So, in the regulations, any variance is there specifying these measures on acreages and at this stage we are not discussing the regulations, that is why everything here including the size and quantity does not matter, but the figures. So, the figures will be guided by the regulations.

**Hon. Elijah:** Thank you Mr. Chairman. Mr. Chairman, I want to maintain that Change of User from Agriculture to Residential should be discouraged and that is why it has to be pegged at Kshs 54,000/=.

Mr. Chairman, if we can change the user of Kibos for example to residential, just look at how many people are going to lose their jobs, especially those who work in the factories, even that factory is not going to be there because sugarcane will not be grown. Mr. Chairman, these fees should be there to discourage those who apply. The fact that you pay Kshs 54,000/= does not give you the guarantee to change the use, it is subject to approval as you have said, the Executive needs to approve that, but by making it more difficult even moving from step one, so this amount should not be reduced Mr. Chairman.

**Mr. Chairman (Hon. Ochele):** I think that item has exhaustively been deliberated and may I now put a question and I put a question after the proposal made by Hon. Ombogo. That, item No. 190 on Change of User from Agriculture to Residential be reduced from Kshs 54,000/= to Kshs 10,000/=?

**[Question put and negatived]**

**Mr. Chairman (Hon. Ochele):** The proposed amendments has failed to see the light of the day so it will remain as it is in the Finance Bill, 2015

**Mr. Chairman (Hon. Ochele):** Item Nos. 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229. Since there is no any amendment of those items mentioned. I want to put a question as from Item Nos. 191 to Item No. 229. Hon. Members, Item No. 191 to item No. 229 be part of the Bill?

*[Question put and agreed to]*

**Mr. Chairman (Hon. Ochele):** That item No. 191 to Item No. 229 becomes part of the Kisumu County Finance Bill, 2015.

**Mr. Chairman:** Hon. Members, let us proceed. We are at Tourism and Heritage Item No. 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, and 241? Since there is no amendment proposed in article 230 to 241. May I now put a question that from Item 230 to item 241 be part of the Bill?

*[Question put and agreed to]*

**Mr. Chairman (Hon. Ochele):** That item No. 230 to Item No. 241 becomes part of the Kisumu County Finance Bill, 2015.

Hon. Members, let us proceed. We are now under the Department of Agriculture Livestock and Fisheries. Item Nos. 242, 243, Chairman for Tourism, please settle down we have discussed you Department and conclude and you were not there 244, 245, 246, I can see the Chairman of Agriculture walking in, we welcome you, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262? So, in the Department of Agriculture, Livestock and Fisheries no amendment has been proposed in article 242 to 262.

**Hon. Gabriel:** Mr. Chairman, I just want some clarification?

**Mr. Chairman (Hon. Ochele):** Yes, Hon. Gabriel.

**Hon. Gabriel:** Mr. Chairman, in item 251, on meat inspection, I wonder whether we have a Slaughter House for donkeys.

**Mr. Chairman (Hon. Ochele):** Hon. Gabriel Ochieng', these Bills are borrowed from the National Legislations and National Legislation recognizes that donkeys are edible and anything edible should have a Slaughter House. If we don't have it here, then we will have it any time in the future. So, we must project.

**Hon. Misachi:** Chairman, the same Slaughter House can be used to slaughter camels and donkeys.

**Mr. Chairman:** Hon. Members, it is not separated, it is stated in that item that meat inspection for Cattle, Donkey, Camels, Sheep, Goats, Pigs and Chicken. So, we cannot leave out donkeys because it is edible.

**Mr. Chairman (Hon. Ochele):** Therefore I now put a question that from Item 242 to item 262 be part of the Bill?

*[Question put and agreed to]*

**Mr. Chairman (Hon. Ochele):** That item No. 242 to Item No. 262 becomes part of the Kisumu County Finance Bill, 2015.

**Hon. Osano:** Mr. Chairman, before we move on, there is something I noted that I want addressed. If you look at item No. 261, on Agricultural Cess prescribed by the Agricultural Act. Legal Notice No. 120 of 1998?

**Mr. Chairman (Hon. Ochele):** Hon. Members Order!! You cannot take us back after we are through with an item.

**Hon. Osano:** Mr. Chairman, I wanted to say this thing but you assumed that you were not seeing me. Mr. Chairman, what they are talking about in this item is no longer there.

**Mr. Chairman (Hon. Ochele):** Hon. Members Order!! We are in the Department of Governance and Administration, Item 262, and here we find Special Programmes.

**Hon. Osano:** Mr. Chairman, I want to take you back because you come from a sugar growing area. This item that is here is not there, Agricultural Cess prescribed by the Agricultural Act. Legal Notice No. 120 of 1998, it is no longer there. This is AFFA Act. Mr. Chair, I am here and I represent the sugar growers.

**Mr. Chairman (Hon. Ochele):** Order Hon. Osano!! You were present when we were tackling these items?

*(Mr. Chairman rises to his feet to invoke Standing Order No. 104)*

*(The Chairman instructs the Sergeant-at-Arms to escort Hon. Osano outside for  
Gross Misconduct)*

**Hon. Osano:** Mr. Chairman, even if I am escorted out I will shout out loud because I represent the sugar growing sector.

Sergeant-at-Arms, please don't touch my properties, if you are kicking me out please don't touch my properties.

**Mr. Chairman (Hon. Ochele):** Sergeant-at-Arms, please escort Hon. Osano out of the Debating Chambers.

*(Inaudible)*

*(Hon. Osano is escorted out of the Chambers by the Sergeant-at-Arms)*

**Mr. Chairman (Hon. Ochele):** Hon. Osano is going out until Tuesday next week.

Order Hon. Members!! I have been taking the House through these items one by one. We deliberated on the proposed amendment by Hon. Gabriel Ochieng; where was Hon. Osano? He was just seated there and you cannot take the House back because you have just remembered something, which I will not allow.

**Mr. Chairman (Hon Ochele):** Hon. Members, let us proceed.

**Hon. Okiri:** Mr. Chairman, I am not very happy with Hon. Gabriel of Kondele Ward. He is the Member who has just leaked for Hon. Osano on the Cess Levy, and then he leaves Hon. Osano in the frying pan.

*(Laughter)*

**Mr. Chairman (Hon. Ochele):** Hon. Members, the Chairman is always blind unless that matter is brought to his/her attention. Please let us proceed.

Item Nos. 263, 264, 265, 266, 267, 268, 269, 270, 271. Hon. Members under that Department of Special programmes. We proceed to County Administration, Item No. 272, 273, 274, 275, 276, 277. Hon. Member, on item No. 277, there is an amendment that has been brought forward on Research Fees where it was pegged at Kshs 30, 000/= and the Committee proposed that it be reduced to Kshs 25,000/=

and the House resolved that it be pegged at Kshs 25,000/=. So, I hope it will not be brought up again. We are now on item No. 278, 279.

May I now put a question, under that Department we have items No. 263 to 279 where amendment that had been put forth was carried forward from the previous items.

**Hon. Ombogo:** Point of order Mr. Speaker?

**Mr. Speaker:** Granted.

**Hon. Ombogo:** Mr. Chairman, I have one observation on Item No. 279, Rate Clearance Certificate (refer to 1954) of Kshs 5,000/=.

Mr. Chairman, if an individual has cleared paying his rates, why is it that he has to be charged Kshs 5,000/= for the Certificate? I think this is too much and exorbitant.

**Mr. Chairman (Hon. Ochele):** Are you proposing an amendment?

**Hon. Ombogo:** Mr. Chairman, yes, I am proposing an amendment that the Rates Clearance Certificate be reduced to Kshs 3,000/=. I request Hon. Elijah to second?

**Hon. Elijah:** Mr. Chairman, this idea of hawking for seconders should be discouraged. Mr. Chairman, I am not ready to second that proposal having been in the Local Authorities for long.

**Hon. Ombogo:** Mr. Chairman, let Hon. Owen who understands the need of the people to second?

**Hon. Owen:** Mr. Chairman, I second that because I think Clearance Certificates of Rates in itself should be a Certificate. So, you should not pay an extra amount to get a certificate and that is creating ways of making our people suffer unnecessarily. I second thank you.

**Mr. Chairman (Hon. Ochele):** Hon. Members, a proposal has been put forth by Hon. Ombogo under item No. 279 that Clearance Certificate for rates be expunged

and it be free of charge and seconded by Hon. Owen. I now propose that the Rates Clearance Certificate be free of charge?

**Hon. Gabriel:** Mr. Chairman, in the Valuation Objection Forms, and moreso on the Rating Act, you remember we have a Rating Bill that was tabled in this House and we returned it Mr. Chairman, on that basis I want to inform the House that let us leave these sub-items in 279 as they are because we returned the Rating Bill and even that Fees of Clearance Certificate was in that Bill and it was amended.

Mr. Chairman, let us wait for the Bill to be brought back to the House, with the amendments that the Committee proposed and let us leave the items in 279 the way they are in this Finance Bill, 2015, that is my proposal.

**Hon. Misachi:** Mr. Chairman, I want to share the same sentiments as the Member for Kondele has put it. These were made for rateable Areas and these were by-laws from the defunct Local Authorities and they have been there for years. Mr. Chairman, if it had been amended at the Committee stage, let us wait for the Rating Bill when it will be submitted before the House, then we can say on this item we want an amendment because we don't know whether that amendment has been taken care of at the Committee stage.

Mr. Chairman, this is only pegged on that person who want to dispose his piece of land, you clear your outstanding rates and then you are issued with a Clearance Certificate, because any buyer will ask for your clearance certificate before entering into a transaction.

**Hon. Ombogo:** Mr. Chairman, it is not logical because I am a business man in this town, I own plots, and I do pay rates. Mr. Chairman, the works of the Clearance Certificate is not only for those who want to dispose off their land.

Mr. Chairman, sometimes it is not logical when you pay a Rates of Kshs 1,000/= and when you require a certificate, you pay Kshs 5,000/=. There are many needs of having this certificate, because it is just like a receipt. There is no harm of you paying Rates of Kshs 500/= and you be given a certificate for free. Mr. Chairman, why do you have to pay your Rate at Kshs 4,000/= and pay for Clearance

Certificate at Kshs 5,000/=. Mr. Chairman, this thing must be looked into and let us not wait for a Bill which we don't know when it will be brought to this House.

**Hon. Elijah:** Mr. Chairman, Clearance Certificate will only come when you want to transfer ownership of property belonging to you. Mr. Chairman, when you make your payments yearly, you are not given any clearance certificate. It is only on the application to transfer and it is a process. Mr. Chairman, we should not allow Hon. Ombogo to mislead this House, because I know he owns properties in this part of town, but these properties are not in his name, that is why he doesn't know that there is Clearance Certificate.

Hon. Olum: Mr. Chairman, I want to support Hon. Ombogo and what Hon. Elijah is stating. It is not clear here that the certificate is only applicable when transferring land. Mr. Chairman, what I am saying is that let us not give a blank cheque. This is because clearance certificate is needed everywhere, whether you are paying or not. Mr. Chairman, there are some areas that they pay rates of Kshs. 1,000.00 and even less and they default for around 6 (six) years so they are entitled to pay Kshs. 6, 000/= . Mr. Chairman, you pay this amount and when you require a certificate you pay another Kshs 5,000/=:, you know that is very unfair.

Mr. Chairman, I want to inform the House that the Executive has already started enforcing these charges even before they are passed by this House. So, we must ensure that whatever we pass here is already being enforced.

**Hon. Kelvin:** Mr. Chairman, as we try to debate the Finance Bill, we are targeting for the smooth and effective running of the government. Mr. Chairman, Rates collection, comparable is one of the areas that the Executive collects a lot of money, and for that reason when we start reducing or expunging these figures which are pegged on targets, then we will be missing the concept.

Mr. Chairman, for Rate Clearance Certificate, I feel that it should not be interfered with. Mr. Chairman, what Hon. Ombogo is trying to say is that each and every year that you pay you are required to have a clearance certificate, which is a big lie. Mr. Chairman, when you have a rate of Kshs 1,000/= you just pay it to show that you don't have any arrears. Mr. Chairman, those who dispose their land to the rich, you

will see many petrol station mushrooming up like the people from the Somali origin, they have to settle the rates and transfer it, and that is the time the buyer may tell you let me clear the outstanding balance so that this land can be transferred. Mr. Chairman, when a buyer is paying you almost Kshs 5 million, and the only amount outstanding is Kshs 5,000/= to terminate the transaction, and if you have an arrears of Kshs 50,000/= he pays that amount, I don't think that should be an issues. So, Mr. Chairman, for Clearance let there be a fee so that it can be regulated, thank you.

**Mr. Chairman:** May I now give a ruling on this?

**Hon. Ombogo:** Mr. Chairman, before you rule let us get this thing clearly. When you want to develop, and you have submitted your plan for approval, one of the requirements is that you must clear your outstanding rates and a Clearance Certificate.

Mr. Chairman, here is a case you are being charged on the submission of that plan, you are told to clear any outstanding rates first before the plan is approved, and you are asked for the Clearance Certificate on which you had already been charged. Mr. Chairman, let us not say that the Clearance Certificate is only applicable when you want to dispose of land and that is why I am saying that it should not be there. Mr. Chair, you are now free to make your ruling.

**Hon. Owen:** Mr. Chairman, as I have said when I was seconding that these are unnecessary bureaucracies that we create for our people. Mr. Chairman, once I pay rates and I have cleared, the next thing I expect is a certificate reflecting that I have done all that is obligated. Mr. Chairman, why do I need to pay a further Kshs 5,000/= for a piece of paper after clearing my rates. So, let us not punish people who are generous to pay their dues. Instead let us give this person and let them feel honoured. Mr. Chairman, as much as we want to argue and want to collect revenue and keep collecting, and if you want to collect more money, then we should remove all these other taxes that we are introducing that make our people to default even further. So, that is my take on that.

**Mr. Chairman:** Hon. Members, that debate is exhausted, and may I now put a question for the proposed amendment that Rates for Clearance Certificate Item No. 279 Kshs 5,000/= that was proposed by Hon. Ombogo and seconded by Hon. Owen be free of charge?

**[Question put and negatived]**

**Mr. Chairman (Hon. Ochele):** Hon. Members, the amendment flops. Hon. Members, that item No. 263 to Item No. 279 becomes part of the Kisumu County Finance Bill, 2015. We are in the last department which is Industrialization, Energy and Enterprise Development, Item No. 280.

Hon. Members, since there is no any amendment on that item, may I put a question that item No. 280 be part of the Kisumu County Finance Bill, 2015.

***[Question put and agreed to]***

Hon. Members, that item No. 280 becomes part of the Kisumu County Finance Bill, 2015.

Hon. Members, that comes to the end of our session and may the Clerk take us through the Memorandum of Object and Reasons.

**MEMORANDUM OF OBJECTS AND REASONS**

This Bill is prepared pursuant to the standing Order of the Assembly which requires the County Finance Bill to be presented to the Assembly as a legislative proposal.

The object of the bill is to impose or vary the various taxes, licenses, fees and other service charges that are payable to the Kisumu County Government. These are set out in the Schedule. The said Schedule sets out the rates in Kenya shillings (Kshs.) The proposed streams of revenue collection are intended to enhance the revenue payable to the County Government so as to ensure better service delivery and also to enable the County Government to perform the increased functions bestowed on it by the Fourth Schedule of the Constitution.

**Statement on Delegated Powers to Legislate**

The Executive Committee Member responsible for Finance is empowered to bring into operation the various provisions of the Act or certain sections of the Schedule. This is to enable the putting in place of the necessary physical, administrative and personnel infrastructure that would aid in the operationalization the collection of the proposed taxes, fees and charges.

Part I provides for preliminary provisions.

Part II provides for power to charge license fees, rent and cess. The Part further provide powers to the County Executive Committee Member responsible for finance to amend any of the schedule through an order published in a gazette.

Part III provides for payment to the County to be made through an authorized channel. It requires receipt to be issued for all payments made to the County and provides for an offence for a person that contravenes the provisions of this part. It also provides for appointment of agencies for the assistance in revenue collection and recovery and duties of the agent.

Part IV provides for a general penalty for failure to comply with any provisions of the Act. It also provides for offences by the staff of the County including the penalty for the offences. This provides recourse if a person is aggrieved by non-performance of the County Officers.

Part V provides for savings of any of the fees, charges, permit, rent or cess that is currently being charged by the County until such fees, charges, permit, rent or cess is repealed or a law is enacted to provide for it. It also provide for savings of directions, resolutions or authorization that were issued by Municipal Councils, Town Councils and County Councils that were in the County, relating to financial management to ensure the financial base of the County is not affected by the enactment of this law. It further provides for the County Executive Committee Member to make regulations for the better carrying out of the purposes and provisions of this Act.

The enactment of this Bill shall occasion additional expenditure of public funds that will be provided in the budget estimate.

*Dated the 29th September, 2015.*

*GEORGE ONGAYA-OKOTH,  
County Executive Member-Finance and Planning.*

## **THE KISUMU COUNTY FINANCES BILL, 2015**

### **A Bill for**

**AN ACT of the County Assembly of Kisumu to provide for the various taxes, fees and charges for services and for the other revenue raising measures by the County Government; and for the matters incidental thereto**

**Mr. Chairman (Hon. Ochele):** Hon. Members, the clerk has taken us through the Memorandum of Object and Reasons and the 3<sup>rd</sup> Reading. May I now put a question that Memorandum of Object and Reasons together with the 3<sup>rd</sup> Reading be part of the Bill?

**[Question put and agreed to]**

**Mr. Chairman (Hon. Ochele):** Hon. Members, the Kisumu County Finance Bill, 2015 has today Thursday, 19<sup>th</sup> November, 2015 been passed by the County Assembly of Kisumu Committee of the Whole House.

**Hon. Were:** Thank you Mr. Chairman. Mr. Chairman, I now propose that the Committee of the Whole now reverts to plenary for the Chair of the Committee of the Whole House to give a progress report and I would like to humbly request my able Vice-Chairman to second?

**Hon. Gabriel:** Thank you Mr. Chairman, I do second that we revert to plenary so that the Progress Report on the Finance Bill, 2015 be given.

*(Committee of the Whole reverts to Plenary)*

*(Hon. Ombogo relieves Hon. Ochele as the Speaker)*

**Mr. Speaker (Hon. Ombogo):** Hon. Members, what is it?

**Hon. Nereah:** Mr. Speaker, we are just confirming what the able House Committee Chair had said a while ago about the microphones. As you can see the back row is now empty and it has a confirmation to the House, thank you.

**Mr. Speaker (Hon. Ombogo):** Order Hon. Nereah!!

Hon. Members, we want a report from the Committee of the Whole House. I now request the Chairman of the Committee of the Whole House to give a Progress Report on the deliberation of Kisumu County Finance Bill, 2015.

**Chairman, Committee of the Whole House (Hon. Ochele):** Thank you Mr. Speaker, the Kisumu County Finance Bill, 2015, was read the 3<sup>rd</sup> Time yesterday and after the Clerk had taken us through the various parts which are contained in the Bill. We commenced with Part II which dealt with taxes fees and charges payable and rates applicable. Mr. Speaker, this part was passed without any amendments.

Mr. Speaker, the Committee of the Whole House proceeded to Part III of the Bill which dealt with payments. This was passed without amendments. Mr. Speaker, Part IV, was also passed which touches on Offences and Penalties, this was passed without amendments. Mr. Speaker, similarly Part V, was also passed; this was on miscellaneous without amendments.

The Committee of the Whole House proceeded to schedule where we have the actual taxes. We have the actual proposed taxes, fees and other charges payable to the County Government of Kisumu where we identified the arrangement in terms of serial numbers from column 1, Departmental fees and charges, column 2, then there is column 3 which contains the City and Sub-counties, Column 3 was further divided into two where we have Kisumu City with its rates in its sub-column and other Sub-Counties in column 3.

Mr. Speaker, in the columns, we proceeded as per the Departments, and Department No. 1 was Education, Youth, Gender, Culture and Social Services. That is from Item No. 1 to item No. 13 which was passed without amendments. Mr. Speaker, then we proceeded to Department No. 2 where we have Health Services. This commences from Item No. 14 to item No. 120. All these items were passed without amendments.

The Department of Lands, Housing, Physical Planning and Urban Development, item 121 to item No. 241. Mr. Speaker, this appeared to be the longest Department. In this department there were some two amendments which were passed by this House. The first amendment raised was on item No 141, it was the fees for the removal of Posters per poster of Kshs 30/= and this amendment went across with these fees being expunged and is assumed to be taken care of in the charges for putting the posters up.

Mr. Speaker, the second amendment in this department was proposed by Hon. Olum and seconded by Hon. Ombogo, was on item No. 180. In this item they were proposing amendment on the part of Extended Areas, Application Fees for Development in Extended Areas. Mr. Speaker, this amendment was passed and the amendment stated that Extended Areas be excluded from the Application Fees. Mr. Speaker, there were some other amendments that were proposed but flopped and they don't make much impact on the Bill.

We proceeded to the Department of Agriculture, Livestock and Fisheries which has items as from No. 242 to 279. Mr. Speaker, all these items were passed without amendment except item No. 277 which has amendment as contained in the resolution of the House as it was deliberating on the report in the Committee of Finance and General Purposes, this amendment targeted Item No 277 where in the proposed Bill, the Research Fees was pegged at Kshs. 30,000/= and the Committee proposed that this fees be revised to Kshs 15,000/=. Mr. Speaker, in the resolution of the House, it was pegged at Kshs 25,000/= and that proposed amendment was carried forward to today and it has now been pegged officially that the fees be pegged at Kshs 25,000/= .

Mr. Speaker, in the event of debating on the Kisumu County Finance Bill, 2015 at exactly 04:45 p.m. a member became unruly and could not allow the House to proceed, would not see the Chair on his feet, the Member kept shouting and yelling, and based on the Standing Orders No. 104 which guides the House on Grossly Disorders in the Assembly, part (j) of that Order which states

“Conduct is grossly disorderly if a member acts in a way that is in detriment and the dignity or orderly procedure of the County Assembly”

Mr. Speaker, in part (2) of that order states that;

*“(2) The Speaker or the Chairperson of Committees shall order any Member whose conduct is grossly disorderly to withdraw immediately from the precincts of the County Assembly*

*(a) on the first occasion, for the remainder of that day’s sitting;*

Mr. Speaker, in that case we were in the Committee of the Whole House. Hon. Joseph Osano was ordered to vacate the precincts of the Assembly and because that penalty is first occasion, he has been ordered just for the remainder of the days’ session and he will be back on Tuesday. Otherwise, Mr. Speaker, thank you so much that was the Report as was undertaken by the Committee of the Whole House.

**Speaker (Hon. Ombogo):** Hon. Members that was the progress report from the Committee of the Whole House chaired by Hon. Ochele and I will now put a question for the adoption of the Progress Report?

**[Question put and agreed to]**

**Mr. Speaker (Hon Ombogo):** Hon. Members, the Kisumu County Finance Bill, 2015 having been read the 3<sup>rd</sup> Time. I will now put a question, that the Kisumu County Finance Bill, 2015 be adopted upon this day Thursday, 19<sup>th</sup> November, 2015 at 05:15 p.m.

**[Question put and agreed to]**

**Mr. Speaker (Hon. Ombogo):** The Kisumu County Finance Bill, 2015 has been passed with amendments therein today Thursday, 19<sup>th</sup> November, 2015 at 05:15 p.m.

*(Applause)*

**[MOTION]**

**[ADOPTION OF THE HOUSE BUSINESS SCHEDULE]  
[W.E.F. 19<sup>TH</sup> NOVEMBER, 2015 TO 03<sup>RD</sup> DECEMBER, 2015]  
[LEADER OF MAJORITY]**

**Deputy Leader of Majority (Hon. Omollo):** Thank you Mr. Speaker, I rise to move a motion on the Adoption on the House Business Schedule w.e.f 19<sup>th</sup> November, 2015 to 3<sup>rd</sup> December, 2015.

Mr. Speaker,

<b>DATE</b>	<b>MORNING</b>	<b>AFTERNOON</b>
Thursday 19/11/2015 10:30-12:00	1. House Business Committee Meeting	<b>Plenary</b>  1. Adoption of House Business Schedule from 19 <sup>th</sup> November, to 3rd December, 2015  2. ECD, Vocational Training and Adult Education Committee interrupted Report.
Friday	<b>Free</b>	<b>Free</b>

20/11/2015		
<p>Monday 23/11/2015 9:00-10:30</p> <p>10:30-12:30</p>	<p>1. Agriculture and Environment Committee.</p> <p>2. Health Services Committee.</p> <p>3. Finance and General Purpose Committee.</p> <p>1. County Budget and Appropriation Committee.</p> <p>2. Information, Communication and Technology Committee.</p> <p>3. Welfare and Equal Opportunity Committee.</p> <p>4. Administration and Security Committee. County PIC/PAC Committee.</p> <p>5. Committee on Implementation.</p>	<p><b>2:30-4:00</b></p> <p>1. Labour and Social Welfare Committee.</p> <p>2. Appointment Committee.</p> <p>3. Joint sitting between Budget, Appropriation, Finance and General purpose.</p> <p>4. ECD, Vocational Training and Adult Education Committee.</p>
<p>Tuesday 24/11/2015 9:00-10:30</p> <p>10:30-12:30</p>	<p>1. Transport and Public Works Committee.</p> <p>2. County Delegated Legislations Committee.</p> <p>3. Planning, Housing and Industrialization Development Committee.</p> <p>1. Trade, Co-operatives and Enterprises Development Committee.</p> <p>2. Children, Gender, Culture and Community Services Committee.</p> <p>3. ECD, Vocational, Training and Adult Education.</p> <p>4. County Pic/Pac Committee.</p> <p>5. Water, Energy and sanitation committee</p>	<p><b>Plenary</b></p> <p>1. Nairobi Exhibition and Kisumu ASK Show Report by Agriculture Committee.</p>

Wednesday 25/11/2015	<b>Plenary</b>  1. ICT Report on E-Learning by ICT Committee. 2.	<b>Plenary</b> 1. Report on Vetlanda partnership by Hon. Benta Ndeda.
Thursday 26/11/2015 9:00-10:30  10:30-12:00  12:00-1:00	1. Justice and Legal Affairs Committee. 2. Children, Gender, Culture and Community services Committee. 3. Tourism, Wildlife and Heritage Committee. 4. Committee on Implementation. 5. Water, Energy and Sanitation Com.  1. Joint sitting between Budget, Appropriation, Finance and General Purpose. 2. Selection Committee  1. Liaison Committee.	<b>Plenary.</b>  1. Joint Report on County vehicles by Finance and Transport.
Friday 27/11/2015	<b>Free</b>	<b>Free</b>
Monday 30/11/2015 9:00-10:30	1. Information, Communication and Technology Committee. 2. Fisheries, livestock and Natural Resources Committee. 3. Welfare and Equal opportunities Committee. 4. Privileges Committee.	<b>2:30-4:00</b> 1. Tourism, wildlife and Heritage Committee. 2. Labour and Social Welfare Committee. 3. Agriculture and Environment Committee. 4. ECD, Vocational, Training and Adult Education

10:30-12:30	<ol style="list-style-type: none"> <li>1. Administration and Security Committee.</li> <li>2. County PIC/PAC Committee.</li> <li>3. Implementation Committee.</li> <li>4. Justice and Legal Affairs Committee</li> </ol>	Committee.
<p>Tuesday 01/12/2015 9:00-10:30</p> <p>10:30-12:30</p>	<ol style="list-style-type: none"> <li>1. Public works, Roads and Transport Committee.</li> <li>2. Trade, Co-operatives and Enterprises Development Committee.</li> <li>3. Children, Gender, Culture and Community Services Committee.</li> <li>1. Committee on Implementation.</li> <li>2. County Delegated Legislation Committee.</li> <li>3. Justice and Legal Affairs Committee.</li> <li>4. Planning, Housing and Industrialization Development Committee.</li> <li>5. Labour and Social Welfare Committee.</li> </ol>	<p><b>Plenary</b></p> <ol style="list-style-type: none"> <li>1. Report on Bench marking in South Africa by Planning, Housing and Industrialization Committee.</li> </ol>
Wednesday 02/12/2015	<p><b>Plenary-</b></p> <ol style="list-style-type: none"> <li>1. Adhoc Committee Report on Boda Boda by Hon. Aloo</li> <li>2. Report on Bench marking to Mombasa by Privileges Committee.</li> </ol>	<p><b>Plenary</b></p> <ol style="list-style-type: none"> <li>1. Report on Bench marking in Nakuru by Health Services Committee.</li> <li>2. Report on Bench marking to National Assembly by labour and Social Welfare Committee.</li> </ol>

<p>Thursday 03/12/2015 9:00-10:30</p>	<ol style="list-style-type: none"> <li>1. Health Services Committee.</li> <li>2. Tourism, Wildlife and Heritage Committee.</li> <li>3. Justice and Legal Affairs Committee.</li> <li>4. Committee on Implementation.</li> <li>5. Water, Energy and Sanitation committee.</li> </ol>	<p>Plenary</p> <ol style="list-style-type: none"> <li>1. Adoption of Recess Schedule from 4<sup>th</sup> December, 2015 to 9<sup>th</sup> February, 2016.</li> <li>2. Motion on adjournment for Long recess From 4<sup>th</sup> December, 2015-9<sup>th</sup> February, 2016</li> </ol>
<p>10:30-12:30 12:30-1:00</p>	<ol style="list-style-type: none"> <li>1. House Business Committee.</li> <li>1. Liaison Committee.</li> </ol>	

I would request Hon. Nereah to second?

**Hon. Nereah:** Thank you Mr. Speaker, I rise to second that the House adopts the House Business Schedule as read by the Leader of Majority and especially the long recess from 04<sup>th</sup> December, 2015 to 09<sup>th</sup> February, 2016 so that out colleagues who are lost in town, can go back to the villages and serve their people, thank you Mr. Speaker.

**Mr. Speaker:** Hon. Members, the Majority Leader has tabled the House adopts the House Business Schedule w.e.f from 04<sup>th</sup> December, 2015 to 03<sup>rd</sup> December, 2015, I will now propose a question for discussion?

**Chief Whip (Hon. Isaya):** Thank you Mr. Speaker, I stand to support the schedule, but Mr. Speaker, I know I will not have time to say this, I will urge Members to take Committee Meetings seriously because a times you see the way Member are behaving. It was true in what was raised by my Hon. Member Hon. Ochele, you will see that some of the times these seats are empty.

Mr. Speaker, I want to believe that member have all the time to do other things but when it comes to issues of the House, they should take them seriously because whatever we are discussing here will inform and help our electorate. We were elected to come here and deliberate and discuss issues that will help our electorate

but to some extent you can see some members are coming here and taking issues of this House lightly. Mr. Speaker, I want to say that if you have an opportunity to be the Chairman and I have said this severally and I am repeating it here again that if you feel that there is a member who is not productive, then it is better that you tell us and we remove such a member from that Committee.

Mr. Speaker, I want to say that, the way I am seeing, are not beneficial to these Committees because there is no need of you signing the attendance of this House and you never bother about your committees, and after missing all the Committee sittings, you start discrediting your Committee and start critiquing what the Committee has come up with and you had all the time to air your views in the same Committee. I think that makes the work of other Committee Members very difficult. Otherwise, I want to support the House Business as was read by the Majority Leader. I want to ask the Committees that have not submitted their reports, and especially those who have had a chance of going out. I expect that they will come with issues that will help this House and the County at large to move forward. Otherwise, I want to thank the Leader of Majority for giving us the guidelines that will guide us throughout our recess, thank you.

**Hon. Elijah:** Thank you Mr. Speaker, the House Business Calendar as was read and I would like to call the move to reply?

**Deputy Leader of Majority (Hon. Omollo):** Thank you Mr. Speaker, after those few deliberations by Members, I hereby to reply, thank you.

**Mr. Speaker:** Hon. Members, the Majority Leader has replied on the Proposed House Business Schedule w.e.f from 19<sup>th</sup> November, 2015 to 03<sup>rd</sup> December, 2015, I now put the question for the adoption of the schedule?

**[Question put and agreed to]**

**[MOTION]**

**[REPORT OF ECD, VOCATIONAL TRAINING AND ADULT  
EDUCATION]**

**[ON RECRUITMENT AND DEPLOYMENT OF ECD ASSISTANTS,  
VOCATIONAL TRAINING AND BURSARY DISBURSMENT]**

**Hon. Koko:** Thank you Mr. Speaker. I stand to ask the House to continue discussion on the Report from the ECD, Vocational Training and Adult Education Committee from where it was left yesterday. Mr. Speaker, we had read the Report and discussions were to continue.

**Mr. Speaker (Hon. Ombogo):** Hon. Members, the Vice-chairman of ECD has requested that the report on Vocational Training and Adult Education Committee be continued. I hope Members were given hard copies of the Report?

**Chief Whip (Hon. Isaya):** Thank you Mr. Speaker. On what you have just said and what I had said earlier that we should take matters of this House seriously. Mr. Speaker, this report is very important, and Mr. Speaker I can see that there are so many things inside and it would have been good if it is discussed when the House is full and therefore this is within your powers, that you use your powers to reschedule the motion so that we commence with it on Tuesday, 24<sup>th</sup> November, 2015 and as you have said it was supposed to take the better time of today but because of circumstances and the Bill that we postponed yesterday. Mr. Speaker, we need to exhaust this issue as a House.

Mr. Speaker, I want to say that Education is the foundation of every nation and every county and when we are discussing this report, it is better that we discuss it and put up measures that can assist this County and therefore I would suggest that you invoke Standing Orders No. 1 so that we commence with this report on Tuesday, 24<sup>th</sup> November, 2015, thank you.

**Hon. Olum:** Thank you Mr. Speaker. I want to second the proposal made by the Chief Whip because I am also a Member of this Committee and I would have wished that all members are present in the House. This is because there are so many questions they asked this Committee and I would wish that this report be pushed Tuesday, 24<sup>th</sup> November, 2015 because we have a lot of issues in this report.

**Mr. Speaker:** Hon. Members, there is a proposal by the Chief Whip that the Report on Continuation of ECD and Vocational Training Committee be rescheduled up to Tuesday next week to allow members of this House fully participate on the report. This has been seconded by Hon. Olum. I now invoke Standing Orders No. 1 which allows the Speaker to give directive that let this report be tabled on Tuesday, 24<sup>th</sup> November, 2015 at 02:30 p.m. Hon. Members, I am requesting all the Members of ECD Committee be present in this House on that day and especially the Chairman of ECD Committee.

**Hon. Koko:** Thank you Mr. Speaker. Mr. Speaker, when you see the Vice-chairman standing for the Chairman and I don't know why you want the Chairman to be there while the vice-chairman is present. Two, I just want to say on what the Chief Whip said that we need to take issues of the House seriously, even this House should be able to know how to apportion it's time for debate on issues put on the Order Paper. It is not right just to put anything in the Order Paper if we know we shall not be able to conclude with it. Mr. Speaker, the seconder of the motion used the same words last time when the motion was deferred to today. I think he will use the same words when the motion will be mentioned the other day. Mr. Speaker, I want to demand that this motion takes precedence of all the other motions when it appears in the Order Paper on Tuesday.

**Hon. Olum:** Point of order Mr. Speaker?

**Mr. Speaker:** Granted.

**Hon. Olum:** I just want to inform the Office of the Clerk that I don't have a hard copy of the House Business Schedule.

**Mr. Speaker:** It will be forwarded to you; we know your predicament and that your IPAD was stolen.

### **Adjournment**

**Mr. Speaker:** There being no other business to transact, this house stands adjourned until Tuesday, 24<sup>th</sup> November, 2015 at 02:30 p.m.

*(All Arise)*

*(Speaker's Procession)*

*(House adjourns at 06:30 p.m.)*

***Addendum***

***Hansard Reporters***

*Roseline Awuor*

*Gladys Chepkong'a*

*Dennis Odhiambo*

*David Ayieko*

*Zablon Otiende*