REPUBLIC OF KENYA

COUNTY ASSEMBY OF KISUMU

HANSARD

TUESDAY 10TH NOVEMBER, 2015

AFTERNOON SESSION

Time: 2:30 p.m

[Presiding Speaker Hon. Pamela Omino]

[Prayers by the Presiding Speaker]

Speaker (Hon. Omino): May I call upon the Clerk to take us through the order paper of today.

PETITIONS

Speaker (Hon. Omino): Hon. Onunga.

Hon. Onunga: Thank you Madam Speaker, I rise to present petition on behalf of the people of Nyalenda A and B under Standing Order No. 198. Madam Speaker…

Hon. Aloo: Madam Speaker, we don't have copies of the petition and I want to request that we provided with the copies if we have to commence with the business.

Speaker (Hon. Omino): Have you provided copies to the members? I want to request the office of the Clerk to provide all Hon. Members with the copies of the petition.

Hon. Gabriel: Point of information.

Speaker (Hon. Omino): Granted.

Hon. Gabriel: Thank you Madam Speaker if the petition is not ready today it is under your jurisdiction to give it to another day so that we can tackle this matter Madam Speaker.

Speaker (Hon. Omino): Hon. Member, Hon. Gabriel I want to request you to follow the right procedure of this House because the Hon. Members are not having the copies of the Petition, I

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want to request you to table it on Thursday afternoon and make sure that all Hon. Members will be having copies of the petition.

NOTICES OF MOTION

Speaker (Hon. Omino): Hon. Gabriel.

Hon. Gabriel: Thank you Madam Speaker, I rise to give notice of motion for the Adhoc Committee report investigating CEC Member for Finance and Planning.

Speaker (Hon. Omino): Any other notice of Motion? Next Order.

[COMMENCEMENT OF BUSINESS]

MOTION: REPORT OF THE AD HOC COMMITTEE INVESTIGATING THE CEC MEMBER FOR FINANCE AND PLANNING, MR. GEORGE ONGAYA-OKOTH

Hon. Gabriel: Thank you Madam Speaker, I want to move a Motion for the Adhoc committee investigating the CEC Member for Finance and Planning, Mr. George Ongaya-Okoth**.**

Madam Speaker, The Committee takes this opportunity to Report to the House of its findings within the stipulated 10 (ten) days, as mandated by law.

PREAMBLE

Kisumu County Assembly was established pursuant to Chapter 11, article 176 (1) of the Constitution of Kenya, 2010 which states that;

There shall be a County Government for each County, consisting of a County Assembly and a County Executive.

The roles of the County Assembly as stipulated in article 185 of the Constitution of Kenya, 2010 states;

(1) The legislative authority of a county is vested in, and exercised by, its county assembly.
(2) A county assembly may make any laws that are necessary for or incidental to, the effective performance of the functions and exercise of the powers of the county government under the Fourth Schedule.

(3) A county assembly, while respecting the principle of the separation of powers, may exercise oversight over the county executive committee and any other county executive organs.
(4) A county assembly may receive and approve plans and policies for
(a) The management and exploitation of the county's resources; and
(b) The development and management of its infrastructure and institutions.
Further synthesized in the County Government Act, 2012 section 8 (1) …

Hon. Farida: Point of order Madam Speaker.

Speaker (Hon. Omino): Granted.

Hon. Farida: Madam Speaker I don't have the copy of the report?

Speaker (Hon. Omino): Hon. Gabriel are the Hon. Members having the copies of the report?

Hon. Gabriel: Madam Speaker, I wanted this to be brought to your attention, we only have fifteen copies as per now our Clerk is working on very important annexes that are supposed to be put inside. He is also going to bind them because we want the report to be neat. The House can be given ten to fifteen minutes and the report will be ready and Members will be given copies of the report.

Speaker (Hon. Omino): This means that your report is not ready?

Hon. Gabriel : Madam Speaker my report is ready that is why we have few copies of the report, it is only that the copies are being made.

Speaker (Hon. Omino): So that one will mean that we will adjourn for fifteen minutes.

Hon. Gabriel: That one will rely under your jurisdiction Madam Speaker.

Speaker (Hon. Omino): Let me hear from Hon. Members, Hon. Farida.

Hon. Farida: Thank you Madam Speaker, I will support that idea because honestly we are all here doing our work and so it is unfair when other Members have copies and others don't have. Personally I want to see what the report is all about and how do I debate on what I have not read.

Speaker (Hon. Omino): Hon. Aloo.

Hon. Aloo: I want to support that before we discuss the report because this is a very important report Madam Speaker we need to be provided with the copies each and we should be given humble time to discuss the report and I can see annexes here and I want to belief the annexes are coordinated with the report, thank you.

Speaker (Hon. Omino): Hon. Olum.

Hon. Olum: Thank you Madam Speaker, this is a very important report and we should be given time to go through the report first before we debate on it, thank you Madam Speaker.

Speaker (Hon. Omino): Hon. Benta.

Hon. Benta: Thank you Madam Speaker, I am suggesting that the Chair of Ad hoc committee read the report and we second it and then we will go through and debate it tomorrow.

Speaker (Hon. Omino): Hon. Khan.

Hon. Khan. Thank you Madam Speaker, I agree with Hon. Olum that we need time to study and go through the report as the procedures of this House so that we can come up with the best views on this report so that we can see the issues pertaining the said CEC Member so that we can address accordingly. The other issue is that it will not be okay that the Chairman of the Ad hoc committee reads the report while other Members don't have the report, thank you Madam Speaker.

Speaker (Hon. Omino): Hon. Elijah.

Hon. Elijah: Thank you Madam Speaker, the truth of the matter is the report is not enough adequately to all Members it was mistake for them to come with few copies the chair could have requested for extension of time because we don't know when the Clerk is going to bring the rest of the copies, so important to know if the report is there and how far they have gone, thank you.

Speaker (Hon. Omino): Hon. Priscah.

Hon. Priscah. Thank you Madam Speaker, I am wondering because even the few copies are given selectively only few Members have been selected to have copies.

Speaker (Hon. Omino): Hon. Opepo.

Hon. Opepo: Thank you Madam Speaker, the chairman of Ad hoc committee knew what he was doing because this is deliberate because if the House will agree to adjourn for ten to fifteen minutes and then we come back and the official time here is until 6: 30 and he is saying the report is coming from ten to fifteen minutes, why don't we wait for the report so that we can discuss it.

Speaker (Hon. Omino): Hon. Ochele.

Hon. Ochele: Thank you Madam Speaker today is a historic time in Kisumu County. The report was ready by yesterday 10 am and it was ready in soft copy and Kisumu County is paperless by that time I would have given the person given the mandate one number at least to forward it and post it in our web site.

Like the way members have put it there is a deliberate effort to frustrate this report, I am saying so but I do not understand the content. Madam Speaker if it was ready yesterday how many copies did we require we only require fifty copies Madam Speaker I am requesting with your indulgence that we adjourn for fifteen minutes as requested by Hon. Gabriel Ochieng so that all Members can get the copies and after everyone has gotten the copies we will pick it from there but I seriously persuade Members that we don't frustrate what is contained in this report, thank you.

Speaker (Hon. Omino): Hon. Gabriel.

Hon. Gabriel: There is information that I want to pass to the House that it is not true the report was ready by 10 am yesterday because by 10 am yesterday we were still in Eldoret Madam Speaker. Madam Speaker the Clerk of this Committee plus the staff completed compiling the report in soft copies by around 1 am in the morning that is why I don't want a lot of speculations going around that is why I insisted we have to dispense the matter that is why I am saying you give us time we give you copies because we don't want rumors going around, I am very confident with my report that is my request as the Chair of this committee.

Speaker (Hon. Omino): Hon. Members I want to make ruling on this and I want to ask the chair to make sure all Members get copies today. Let them go through the report and let the report be tabled tomorrow at 2:30 pm.

Hon. Ogosi: Section IV of the County Government Act is very clear that the committee is given 10 days to investigate and to bring report back to the House and the 10 days elapse yesterday the reason the committee did not present the report to the Assembly is because yesterday was not a sitting of the Assembly, so this report must be tabled today not any other day. Let us allow the chairman to read the report before the House and be seconded then you give Members time to read it and debate on it on whichever way the Assembly will agree Madam Speaker.

Speaker (Hon. Omino): Hon. Ogosi you are a Member of that Committee and by yesterday you knew very well that the report was going to be tabled, where were you?

Hon. Priscah: We are not disputing that the chair should not read, but as you look at the report it is a voluminous and some of us will want to go through page by page as we read, we are not children let us wait until 6 or we wait until tomorrow.

Madam Speaker (Hon. Pamela): Elijah.

Hon. Elijah: Madam Speaker, you have already made a ruling so let us wait until tomorrow when all the documents will be ready for all the Members.

Speaker (Hon. Omino): Hon. Gabriel

Hon. Gabriel: we will only call the document of the Assembly if it has been adopted and if it not, it will be like any other paper around, so I am requesting that you give the chair chance he reads the report, he gets the seconder the House adopts its then it becomes the document of the House then you will have the chronology to suspend the debate, otherwise if you leave it that way it will be knocking out and we will wait for another six months.

Speaker (Hon. Omino): Hon. Okiri.

Hon. Okiri: Thank you very much Madam Speaker, I have the opinion that the mover of this motion can withdraw this motion now then he request to table it tomorrow.

Speaker (Hon. Omino): Khan.

Hon. Khan: Madam Speaker you gave a ruling that the report be brought tomorrow and you have consulted widely with the Clerk's office and you have given the reason why they cannot be availed this afternoon but it can be availed before the days ends and the majority of the Members do not have the copies to read it and to come up with appropriate ruling of the report. On the same strength and it is very clear that let us accept your ruling, thank you.

Speaker (Hon. Omino): Hon. Members, there is a proposal from one of the Hon. Member that we give a chance to the chair of this committee to read the report before the Hon. House, let it be seconded and then we adopt it as a House is when we can adjourn. The other members are saying that we adjourn without adopting the report so that we can clear tomorrow; I want us to come up with one resolution that is going to assist this House.

Hon. Elijah. Madam Speaker, adoption is not going to be possible because adoption will mean the end of this report because after reading a report you propose a question for Members to debate then after the debate that will have ended the debate of this report and Members don't have the copies Madam Speaker.

Madam Speaker, what we are praying for is to have copies of the report read it properly so that so that we come up with informed debate. By allowing this to be read Madam Speaker is denying members of this House access of the report and quality debate. I will disagree totally with the adoption of the report because if you adopt it will never be subjected.

Speaker (Hon. Omino): Now that the report is ready can we proceed, Hon. Gabriel go on.

Hon. Aloo: Our Standing orders is very clear that before a report is discussed in the House Members must be given 24 hrs to the debate and I was requesting now that all the members are having copies you give us until tomorrow 2.30 pm adopting it may have challenges Madam Speaker, withdrawing it will have also challenges Madam Speaker and this is a very important

document that we don't want anyone to challenge after we have discussed it and passed it, thank you Madam Speaker.

Speaker (Hon. Omino): Ochele.

Hon. Ochele: Now that all the Members have copies, I am requesting that the chair withdraws the report for tomorrow afternoon, the report has been done in a hurry the error should be change and we given time to through the report because it has so many annexes and it will make us to make worthy recommendations, so it is in order that the chair should withdraw the report and be given swap for tomorrow at 2.30 pm.

Speaker (Hon. Omino): Hon. Gabriel.

Hon. Gabriel: I was just waiting for your ruling, I don't have any objection to withdraw the report and I will request Hon. Petronila to second it.

Hon. Petronila: Thank you Madam Speaker, it is interest of the House that this report be withdrawn and be brought back to the House tomorrow at 2.30 pm, I rise to second, thank you madam Speaker.

Speaker (Hon. Omino): Thank you very much a report for the Adhoc committee investing the CEC Member for Finance has been brought to this House by Hon. Gabriel has been withdrawn until tomorrow at 2:30 p.m. and seconded by Hon. Petronilla,

I therefore want to put a question;

(Question put and agreed to)

A report for the Ad Hoc committee investing CEC Member for Finance has been officially withdrawn until tomorrow at 2:30 p.m.

Adjournment

There being no other business, the House stands adjourned until tomorrow 02: 20 pm.

(Speaker's Procession)

(End)