COUNTY GOVERNMENT OF KISUMU

COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – THIRD SESSION

Tuesday 26th November, 2024

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

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

PRAYER

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

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

PAPERS LAID

GROWING MENTAL HEALTH CHALLENGES WITHIN KISUMU COUNTY

THE STATUS OF NYALENDA HEALTH AND WELLNESS CENTRE

BY

HON. VINCENT JAGONGO, MCA, NORTH WEST KISUMU

(CHAIRPERSON, MEDICAL SERVICES, PUBLIC HEALTH AND SANITATION COMMITTEE)

(Laid by Hon. Oginga on behalf of Chairperson, Hon. Jagongo)

AUDITOR GENERAL'S REPORT OF THE FINANCIAL STATEMENTS OF LUMUMBA LEVEL IV HOSPITAL FOR THE YEAR ENDED 30TH JUNE 2023

BY

HON. KENNEDY OUKO, MCA, AHERO

(CHAIRPERSON, PUBLIC INVESTMENTS AND ACCOUNTS COMMITTEE)

(Laid by Hon. Onditi on behalf of Chairperson, Hon. Ouko)

KISUMU COUNTY ANNUAL DEVELOPMENT PLAN FOR THE YEAR 2025-2026

BY

HON. JOACHIM OKETCH, MCA, KONDELE

(CHAIRPERSON, BUDGET AND APPROPRIATIONS COMMITTEE)

(Laid by Hon. Warindu on behalf of Chairperson, Hon. Oketch)

REPORT ON SITE VISITS TO THE EXISTING COUNTY AGRICULTURAL FACILITIES

BY

HON. EUNICE ALANDOH, NOMINATED MEMBER

(CHAIRPERSON, AGRICULTURAL FISHERIES, LIVESTOCK DEVELOPMENT AND IRRIGATION COMMITTEE)

(Laid by Hon. Dede on behalf of Chairperson, Hon. Alandoh)

The Speaker (Hon. Oraro): What is it Honourable Emily Oginga?

Hon. Oginga (Nominated Member): Thank you Mr. Speaker. Allow me to lay this Paper on behalf of the Chairperson, Hon. Vincent Jagongo.

The Speaker (Hon. Oraro): Proceed.

Hon. Oginga (Nominated Member): Thank you. I have the following papers to lay before this House. Pursuant to the provision of Orders No. 182 (6) of the Kisumu County Standing Orders, I wish to table today, Tuesday, 26th of November 2024, the Report of the Departmental Committee on Medical Services, Public Health and Sanitation on the following,

a) The Inquiry into the matter of growing Mental Health Challenges within Kisumu County, a Statement sought by Honourable Regina Kizito, Nominated Member.
b) The Status of Nyalenda Health and Wellness Centre. Thank you.

(Hon. Oginga lays the reports before the House for consideration)

The Speaker (Hon. Oraro): Honourable Members, the report of the Departmental Committee on Medical Services, Public Health and Sanitation have properly laid before the House. That is two reports, being;

a) The report on the Status of Nyalenda Health and Wellness Centre in Kisumu Central Sub-County, and;
b) The report on the Inquiry into the matter of growing Mental Health challenges within Kisumu County, as sought by Hon. Regina Kizito.

Honourable Members, I direct that the House Business Committee considers these reports for purposes of scheduling for debate.

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

Hon. Onditi (MCA, Ombeyi Ward): Thank you Mr. Speaker, I seek your indulgence to lay before this House a report on behalf of the Chairperson of the Select Committee on Public Investments and Public Accounts, Hon. Kennedy Ouko.

The Speaker (Hon. Oraro): Proceed.

Hon. Onditi (MCA, Ombeyi Ward): Thank you Mr. Speaker. Pursuant to the provision of Orders No. 182 (6) of the Kisumu County Assembly Standing Orders, I wish to table today, Tuesday, 26th of November 2024, the Report of the Select Committee on Public Investments and Public Accounts on the examination of the Auditor General's Report on the Financial Statements of the Lumumba Sub-County Level IV Hospital for the period ended 30th June 2023. Thank you.

(On behalf of the Chairperson, PIC/PAC, Hon. Onditi lays the reports before the House for consideration)

The Speaker (Hon. Oraro): Honourable Members, the Select Committee on Public Investments and Public Accounts has provided before the House the Report on the Examination of the Auditor General's Report of the Financial Statements of Lumumba Level IV Hospital for the year ended 30th June 2023. I direct that the House Business Committee considers this report for purposes of scheduling for debate. Hon. Warindu, what is it?

Hon. Warindu (MCA, Miwani): Thank you Mr. Speaker. On the same breath, I wish to equally lay a paper on behalf of the Chairperson, Select Committee County Budget and Appropriations.

The Speaker (Hon. Oraro): Proceed.

Hon. Warindu (MCA, Miwani Ward): Thank you. Pursuant to the provision of Orders No. 182 (6) of the Kisumu County Assembly Standing Orders, I wish to table today, Tuesday, 26th of November 2024, report of the Select Committee on County Budget and Appropriations on its

consideration of the Proposed Kisumu County Annual Development Plan for the year 2025-2026. Thank you.

(On behalf of the Chairperson, CBAC, Hon. Warindu lays the report before the House for consideration)

The Speaker (Hon. Oraro): Honourable Members, the report of the Select Committee on County Budget and Appropriations on the consideration of the proposed Kisumu Annual Development Plan for the year 2025-2026 is properly laid before the House.. I direct that the House Business Committee considers scheduling this report for debate.

The Speaker (Hon. Oraro): Honourable Dede, what is it?

Hon. Dede (MCA, North Kisumu Ward): Thank you Mr. Speaker. Allow me to lay this on behalf of the Chairperson, Departmental Committee on Agricultural Fisheries, Livestock Development and Irrigation.

The Speaker (Hon. Oraro): Proceed.

Hon. Dede (MCA, North Kisumu Ward): Thank you. Pursuant to the provision of Orders No. 182 (6) of the Kisumu County Assembly Standing Orders, I wish to table today, Tuesday, 26th of November 2024, report of the Departmental Committee on Agricultural Fisheries, Livestock Development and Irrigation on their Site Visits to the Existing County Agricultural Facilities. Thank you.

(On behalf of the Chairperson, Departmental Committee on Agriculture, Hon. Dede lays the report before the House for consideration)

The Speaker (Hon. Oraro): Honourable Members, the report of the Departmental Committee on Agricultural Fisheries, Livestock Development and Irrigation on their Site Visits to the Existing County Agricultural facilities towards evaluating the current objectives of existing county agricultural facilities conducted during July-August short recess by this House Committee is properly laid before the House. I direct that the House Business Committee considers this report for purposes of scheduling for debate.

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

NOTICES OF MOTION

GROWING MENTAL HEALTH CHALLENGES WITHIN KISUMU COUNTY

THE STATUS OF NYALENDA HEALTH AND WELLNESS CENTRE

BY

HON. VINCENT JAGONGO, MCA, NORTH WSET KISUMU

CHAIRPERSON, MEDICAL SERVICES, PUBLIC HEALTH AND SANITATION COMMITTEE

(Notice of Motion given by Hon. Oginga on behalf of Chairperson, Hon. Jagongo

AUDITOR GENERAL'S REPORT OF THE FINANCIAL STATEMENTS OF LUMUMBA LEVEL IV HOSPITAL FOR THE YEAR ENDED 30TH JUNE 2023

BY

HON. KENNEDY OUKO, MCA, WEST KISUMU

(CHAIRPERSON, PUBLIC INVESTMENTS AND PUBLIC ACCOUNTS COMMITTEE)

(Notice of Motion given by Hon. Onditi on behalf of Chairperson, Hon. Ouko)

KISUMU COUNTY ANNUAL DEVELOPMENT PLAN FOR THE YEAR 2025-2026

BY

HON. JOACHIM OKETCH, MCA, KONDELE

(CHAIRPERSON, BUDGET AND APPROPRIATIONS COMMITTEE)

(Notice of Motion given by Hon. Warindu on behalf of Chairperson, Hon. Oketch)

REPORT ON SITE VISITS TO THE EXISTING COUNTY AGRICULTURAL FACILITIES

BY

HON. EUNICE ALANDOH, NOMINATED MEMBER

(CHAIRPERSON, AGRICULTURAL FISHERIES, LIVESTOCK DEVELOPMENT AND IRRIGATION COMMITTEE)

(Notice of Motion given by Hon. Dede on behalf of Chairperson, Hon. Alandoh)

The Speaker (Hon. Oraro): Yes, Honourable Emily Oginga.

Hon. Oginga (Nominated Member): Thank you. Pursuant to the provision of Orders No. 45 (1) of the Kisumu County Assembly Standing Orders, I wish to give a Notice of Motion that this House adopts;

a) The Report of the Departmental Committee on Medical Services, Public Health and Sanitation on the Inquiry into the Matter of Growing Mental Health Challenges within Kisumu County, a Statement sought by Honourable Regina Kizito.
b) THAT, pursuant to the provision of Orders No. 45 (1) of the Standing Orders, I wish to give a Notice of Motion that this House adopts the Report of the Departmental Committee on Medical Services, Public Health and Sanitation Committee on the Status of Nyalenda Health and Wellness Centre. Thank you.

The Speaker (Hon. Oraro): Honourable Onditi.

Hon. Onditi (MCA, Ombeyi Ward): Thank you. Pursuant to the provision of Orders No. 45 (1) of the Kisumu County Assembly Standing Orders, I wish to give a Notice of Motion that this House adopts the Report of the Select Committee on Public Investments and Public Accounts on the Examination of the Auditor General Report on the Financial Statement of Lumumba Sub-County Level 4, Hospital for the period ended 30th June, 2023. Thank you.

The Speaker (Hon. Oraro): Honourable Warindu.

Hon. Warindu (MCA, Miwani Ward): Pursuant to the provision of Orders No. 45 (1) of the Kisumu County Assembly Standing Orders, I wish to give a Notice of Motion that this House adopts a report of the select Committee on County Budget and Appropriations on the Consideration of the Proposed Kisumu County Annual Development Plan for the Year 2025-2026. Thank you.

The Speaker (Hon. Oraro): Honourable Dede.

Hon. Dede (MCA, North Kisumu Ward): Thank you once again Mr. Speaker. Pursuant to the provision of Orders No. 45 (1) of the Kisumu County Assembly Standing Orders, I wish to give a Notice of Motion that this House adopts the report of the Departmental committee on Agricultural, Fisheries, Livestock Development and Irrigation on Site Visit to various Agricultural Facilities within the County.

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

STATEMENTS

The Speaker (Hon. Oraro): Honourable Leader of majority.

Leader of Majority (Hon. Ooko, MCA, Ahero Ward): Thank you Honourable Speaker. I rise pursuant to the provisions of Standing Order No. 42 (c) of the Kisumu County Assembly to present and lay on the table of the County Assembly a Statement informing the County Assembly of the business coming before the House on the following week.

Honourable Speaker, this is therefore to bring to the attention of Members and the County Assembly that for the week commencing when is the 27th November 2024 to Tuesday, 03rd December 2024, the Select Committee on Assembly House Business at its last meeting approved the following tentative businesses to appear in the Order Paper as follows;

Thursday, 28th November 2024 at 02:30 p.m.

STATEMENTS TO BE ISSUED/SOUGHT

A Statements IS to be sought by the MCA for Awasi-Onjiko, Hon. Maurice Ngeta. That is, pursuant to Orders No. 42 (2) (b)

a) Regarding the stalled Early Childhood Development Projects within Awasi-Onjiko Ward.
b) Regarding the Escalating cases of Cattle Rustling in Awasi-Onjiko Ward and
c) On the matter of the Deteriorating State of Cleanliness and Waste Management at the Awasi Market.

SUBSTANTIVE BUSINESS

The Chairperson, Select Committee on County Budget and Appropriations, Honorable Joachim Oketch, will move a motion for the adoption of the Select Committee Report on its consideration of the proposed Kisumu County Annual Development Plan, Financial Year 2025-2026.

Tuesday, 03rd December 2024 at 02:30 p.m.

STATEMENTS TO BE SOUGHT/GIVEN

The Leader of the Majority will issue a Statement pursuant to Orders No. 41 (c) on the businesses coming before the County Assembly for the week commencing Wednesday, 4th December 2024.

SUBSTANTIVE BUSINESS

The Chairperson, Departmental Committee on Medical Services, Public Health and Sanitation, Honourable Vincent Jagongo, will move a motion for the adoption of the House Committee Report on the Inquiry into the matter of Growing Mental Health Challenges within Kisumu County, as sought by Honorable Regina Kizito. Thank you.

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

MOTION

REPORT OF THE SELECT COMMITTEE ON PUBLIC INVESTMENTS AND PUBLIC ACCOUNTS ON THE EXAMINATION OF THE STATEMENTS OF KISUMU COUNTY EDUCATION FUND, FINANCIAL YEAR 2022-2023

BY

HON. KENNEDY OUKO, MCA, WEST KISUMU

(CHAIRPERSON, PUBLIC INVESTMENTS AND PUBLIC ACCOUNTS)

The Speaker (Hon. Oraro): Yes Honourable Onditi.

Hon. Onditi (MCA, Ombeyi Ward): Thank you Mr. Speaker, on behalf of the Chairperson, Select Committee of Public Investments and Public Accounts, Honourable Ken Ouko, I would like to move a motion of a Report of the Select Committee of Public Investments and Public Accounts the Examination of the report of Auditor General on the Financial Statement of Kisumu County Education Fund for the year ended June 30, 2023.

The Speaker (Hon. Oraro): Proceed.

Hon. Onditi (MCA, Ombeyi Ward): Thank you Mr. Speaker I wish to present to this House the Report of the Select Committee on Public Investments and Public Accounts on the Audited Financial Statement of Kisumu County Education Fund for the Financial Year 2022-2023.

Mr. Speaker and Honourable Members, the County Assembly exercises oversight over County Government entities/investments, and their expenditure pursuant to Article 185 (3), of the Constitution of Kenya, 2010 through Public Accounts and Investment Committee, which in turn derives its mandate from the County Assembly Standing Orders.

Mr. Speaker and Honourable Members, it is instructive that Article 229 (8) of the Constitution of Kenya 2010 requires the County Assembly, within three months after receiving an Audit report, to debate, consider the report, and take appropriate action. The Committee held a total of two sittings, during which it received both written and oral evidence from the Accounting Officer or Fund Administrator on the audit queries raised by the Auditor General on the Financial Statement of Kisumu County Education Fund for the year ended 30th June, 2023.

Honourable Speaker, I wish to register my appreciation to fellow Honourable Members of the Committee, the Office of the Speaker, Clerk of the Assembly, and the Committee Secretariat for facilitation and technical support that made the production of the report possible. Special gratitude goes to the Office of the Auditor General, Kisumu for always seconding two members of their staff to technically assist the Committee during deliberation with the Accounting Officers. I also thank the management of the Kisumu County Education Fund for the prompt response to the audit queries and honoring Committee invitation.

Mr. Speaker and Honourable Members, on behalf of the Public Accounts and Investment Committee, I now wish to Table the Report on the consideration of the Auditor General on the Financial Statement of the Kisumu County Education Fund for the year ended 30th June.

The Speaker (Hon Oraro): Order, Honourable Onditi, are you tabling the report or are you Moving a Motion?

Hon Onditi (MCA, Ombeyi): Mr. Speaker, I am Moving a Motion.

The Speaker (Hon Oraro): Then use the right word.

Hon Onditi (MCA, Ombeyi): Thank you, Mr. Speaker, for that guidance. Mr. Speaker and Honourable Members, on behalf of the Public Accounts and Investments Committee (PICPAC), and Pursuant to Kisumu County Assembly Standing Orders 188, I wish to present to this House the report of the Committee on the audited financial statements of Kisumu County Education Fund for the financial year 2022/2023

Mr. Speaker and Honourable Members, the County Assembly exercises oversight over County Government entities/investments and their expenditure Pursuant to Article 185(3) of the Constitution of Kenya 2010, through the Public Accounts and Investments Committee which, in turn, derives its mandate from the County Assembly Standing Orders.

It's instructive that Article 229 (8) of the Constitution of Kenya, 2010, requires the County Assembly, within three months after receiving an audit report, to debate, consider the report, and take appropriate action.

The Committee held a total of 2 sittings during which it received both written and oral evidence from the Accounting Officer (Fund Administrator) on the audit queries raised by the Auditor-General on the financial statements of Kisumu County Education Fund for the year ended 30, June 2023.

Mr. Speaker and Honourable Members, I wish to register my appreciation to fellow Honorable Members of the Committee, the Offices of the Speaker, Clerk of the Assembly and Committee Secretariat for facilitation and technical support that made the production of this report possible.

Special gratitude goes to the Office of the Auditor General, Kisumu Hub for always seconding two members of their staff to technically assist the Committee during deliberations with the Accounting Officers.

Madam Speaker and Honourable Members, I also thank the management of Kisumu County Education Fund for prompt response to the audit queries and honoring committee invitations.

Mr. Speaker and Honourable Members, on behalf of the Public Accounts and Investments Committee, I now wish to table the report on the consideration of the Auditor General's report

on the Financial Statements of the Kisumu County Education Fund for the year ended 30, June 2023 urge this House to adopt it.

Establishment and Mandate of the Public Accounts and Investments Committee
Mr. Speaker and Honourable Members, the Public Accounts and Investments Committee is established under Standing Order No. 188 of the Kisumu County Assembly Standing Orders and is mandated to undertake the following functions;

i. Examination of the accounts showing the appropriations of the sum voted by the County Assembly to meet the public expenditure and of such other accounts laid before the House as the committee may think fit;
ii. Examination of the working of the Public Investments
iii. Examine the reports and accounts of the Public Investments and,
iv. Examine in the context of the autonomy and efficiency of the public investments, whether the affairs of the public investments, are being managed in accordance with sound financial or business principles and prudent commercial practices.

Composition of the Public Accounts and Investments Committee
The Committee as currently constituted comprises the following Honorable Members,

Table 1: Committee Membership as at November 2024

	NAME	POSITION
	MEMBERS	
1.	Hon. Ken Ouko	Chairperson
2.	Hon. Tom Onditi	Vice Chairperson
3.	Hon. Habil Nyasuna	Member
4.	Hon. Nancy Matara	Member
5.	Hon. Rueben Rakwach	Member
6.	Hon. Mickey Ochieng	Member
7.	Hon. James Were	Member
8.	Hon. James Omollo	Member
	SECRETARIAT	

1.	Austine Ochieng	Committee Clerk
2.	Chrispine Oguta	Clerk Assistant
3.	Patrick Okoyo	Hansard Reporter
4.	CPA Naboth Odero	Internal Auditor
5.	Faith Judith	Serjeant-at-arm
6.	CPA Mollen Achayo	Fiscal Analyst
7.	CPA Charles Agengo	Internal Auditor
8.	Wickliffe Owade	Researcher

Legal Framework & Guiding Principles

Legal Framework

Mr. Speaker and Honourable Members, the Committee was guided by the following legal instruments;

1. Constitution of Kenya 2010: Article 229 (4) of the Constitution of Kenya, 2010 requires the Auditor General, within a period of six months after the end of each financial year, to audit and report, in respect of that financial year, on;
    i. The accounts of the National and County governments,
    ii. The accounts of all funds and authorities of the National and County governments,
    iii. Accounts of all courts,
    iv. The accounts of every commission and independent office established by this constitution,
    v. The accounts of National Assembly, the Senate and the county assemblies,
    vi. The accounts of the political parties funded from the public funds,
    vii. The public debt and
    viii. The accounts of any other entity that legislation requires the Auditor General to Audit

Article 229(8) further states that "within three months after receiving an audit report, parliament or county assembly shall debate and consider the report and take appropriate action".

2. The Committee also relied on Article 226(5) of the Constitution of Kenya, 2010 which provides that if the holder of a public office, including a political office, directs or approves the use of public funds contrary to law or instructions, the person is liable for any loss arising from that use and shall make good the loss, whether the person remains

the holder of the office or not.

3. Public Audit Act 2015; Section 7 of Public Audit Act 2015 that mandates the Auditor General to: (i) Give assurance on the effectiveness of internal controls, risk management and overall governance at National and County Government; (ii) Undertake audit activities in state organs and public entities to confirm whether or not public money has been applied lawfully and in an effective way
4. Public Finance Management Act, 2012: Section 149 (1) of the Public Finance Management Act, 2012 which states that "An accounting officer is accountable to the County Assembly for ensuring that the resources of the entity for which the officer is designated are used in a way that is –
    a) Lawful and authorized; and
    b) Effective, efficient, economical, and transparent"

Guiding Principles

Mr. Speaker and Honourable Members, in the execution of its mandate, the Committee was guided by core Constitutional and statutory principles on Public Finance Management.
These principles include the following;

1. Constitutional Principles on Public Finance: Article 201 of the Constitution of Kenya 2010 provides for fundamental principles aimed at guiding all aspects of Public Finance. It states that the principles are; inter alia;
    i). Openness and Accountability including public participation in financial matters;
    ii). Public money shall be used in a prudent and responsible way; and
    iii). Financial management shall be responsible and fiscal reporting shall be clear.

2. Obligations of the Accounting officer;
    i). Article 226(2) of the Constitution of Kenya 2010 which provides that; The Accounting officer of a national public entity is accountable to the national assembly for its financial management, and the accounting officer of a county public entity is accountable to the county assembly for its financial management.
    ii). Section 149(1) of the Public Finance Management Act 2012 provides that; an accounting officer is accountable to the County Assembly for ensuring that the resources of the entity for which the officer is designated are used in a way that is; (i) Lawful and authorized and; and (ii) Effective, efficient and transparent

3. Direct Personal Liability: Article 226(5) of the Constitution is unequivocal that, if the holder of a Public Office or a political office, directs or approves the use of Public Funds contrary to the law or instruction, the person is liable for any loss arising from that use

and shall make good, the loss, whether the person remains the office holder or not. In the same spirit,

4. Section 203(1) of the Public Finance Management Act, 2012 enacts that; a public officer is personally liable for any loss sustained by a County Government and is attributed to; (i) The fraudulent or corrupt conduct, or negligence of the officer or, (ii) The officer's having done any act prohibited by Sections 196, 197, and 198.

The Committee considers these legal provisions as the basis for holding accounting and public officers directly and personally liable for any loss of Public Funds that may occur under their watch.

REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF THE KISUMU COUNTY EDUCATION FUND FOR THE YEAR ENDED 30, JUNE 2023

Madam Speaker and Honourable Members, Bovince Otieno, the fund administrator and the Accounting Officer appeared before the Committee on 8th November 2024 to adduce evidence on the Audited Financial Statements of the Kisumu County Education Fund for the year ended 30, June 2023. The following official accompanied him;

1. CPA. Japheth Orwa – Fund Accountant

The following officers represented the Office of the Auditor General;

1. Mr. Kennedy Ongoi -Office of the Auditor General
2. Margaret Onyatta - Office of the Auditor General

BASIS FOR ADVERSE OPINION

Madam Speaker and Honourable Members, The opinion of the Auditor General on the financial statements of Kisumu County Education Fund for the FY 2022/2023 was Adverse, implying that the financial statements did not present a true and fair view of the financial position of the fund. The following issues formed the basis of Adverse opinion;

3.1 Unsupported Cash and Cash Equivalents

Mr. Speaker and Honourable Members, the statement of financial position reflects a balance of Kshs.36,347,889 in respect to cash and cash equivalents, which as disclosed in Note 3 to the financial statements includes a balance of Kshs.8,455,221 in respect to an amount held in a commercial bank account and the note does not cast to the total balance of Kshs.36,347,889. In

addition, the casting difference of Kshs.27,892,668 has not been explained or reconciled. Further, the bank reconciliation statement includes payments in bank statement not recorded in cash book of Kshs.217,590 which relates to bank charges. However, no explanation was provided as to why these payments were not posted to the cash book.

In the circumstances, the accuracy and completeness of cash and cash equivalents balance of Kshs.36,347,889 could not be confirmed.

Management Response

Mr. Speaker and Honourable Members, we are agreement with the auditor regarding the casting difference of Kshs. 27,892,668 which is attributed to period(s) during which the fund was not maintaining cash book and doing monthly reconciliations. This error can only be cured by adjusting for prior period transactions which were paid but not entered in the cash book. The reconciliation will be done in the report of the year 2023/2024.

Mr. Speaker and Honourable Members, the management inadvertently forgot to record bank charges of Kshs. 217,590 in the fund's cash book. This error is highly regretted and in the subsequent period FY 2023/2024, all bank charges have been recorded in the cashbook and monthly reconciliation done. The cash book and monthly bank reconciliations have been presented to the auditor for verification.

Committee Observations

1. That the note supporting the reported Cash and cash equivalent of Kshs 36.347,889 reflected only Kshs. 8,455,221 resulting in an unexplained variance of Kshs. 27,892,668.
2. The Bank reconciliation statement included bank charges of Kshs. 217,590, which were not recorded in the cash book. No explanation was provided to the auditors during the audit as to why these payments were not posted on the Cashbook
3. That the management asserted that the casting difference of Kshs. 27,892,668 was attributed to the period(s) during which the fund was not maintaining cash book and doing monthly reconciliations which they are currently doing.

Committee Recommendations

1. That going forward, the management must ensure compliance with section 90. (1) the PFM Regulations which state that "Accounting Officers shall ensure bank accounts reconciliations are completed for each bank account held by that Accounting Officer, every month and submit a bank reconciliation statement not later than the 10th of the subsequent month to the County Treasury with a copy to the Auditor-General"
2. That the matter is resolved

3.2 Unsupported Disbursements

Mr. Speaker and Honourable Members, the statement of financial performance reflects an amount of Kshs.103,585,366 in respect to use of goods and services (disbursements) which relate to disbursements of bursaries and scholarships as disclosed in Note 2 to the financial statements. However, the reported amount of Kshs.97,210,746 for scholarships and Kshs.6,374,620 on bursaries does not agree with the supporting ledgers provided for audit which reflected scholarships amount of Kshs.61,615,413 and bursaries amount of Kshs.1,909,850 resulting to unexplained variances of Kshs.35,595,333 and Kshs.4,464,770 respectively. The variances have not been explained or reconciled.

Mr. Speaker and Honourable Members, in addition, out of the list of one hundred (100) schools with a disbursement of Kshs.1, 909,850 in respect of bursaries, six (6) schools with disbursed amount of Kshs.1, 010,689 did not acknowledge receipt of the amounts. Further, the basis of the scholarships and bursaries awarded was not supported by any documentation such as applications and vetting committee minutes.

In the circumstances, the accuracy and completeness of the disbursements amounting to Kshs.103,585,366 could not be confirmed.

Management response

Mr. Speaker and Honourable Members, the matter was initially raised in the management letter under paragraph "4.2 Unsupported disbursements-Kshs 103,585,366". The management replied to the management letter and attached hard copy ledgers supporting the variance of KShs 35,595,333 and Kshs 4,464,770 for bursaries and scholarship respectively. (Annex II)

Mr. Speaker and Honourable Members, in the management letter under the same paragraph, the auditor flagged off eight schools which received funding but had not provided acknowledgment receipts by the time of the audit. The management, in its response to the report attached acknowledgement receipts from the following two schools;

1. Naivasha Girls High School-KShs 40,535.00
2.Moi Nyabohanse Girls Secondary School-KShs 619,216

The remaining six schools were flagged off in the draft audit report under paragraph 2 "Unsupported disbursement" to which the management provided five acknowledgment receipts from the following schools;

Name of School	Amount (Kshs)
Ambira High School	324,280

Muhoroni Secondary School	162,140
Bungoma High School	162,140
Chavakali Boys High School	160,662
Mwongori High School	40,535
Total	849,757

Mr. Speaker and Honourable Members, its only Nairobi School which did not provide the acknowledgement receipt for Kshs 160,662 which was disbursed to them. The management provided internet banking statement confirming disbursement to the school. (Annex III).

The application and vetting process is done by the Ward Education Bursary and Scholarship Committees established under part IV of the Kisumu County Education Fund (Amendment)Act, 2016. We provided the signed minutes of the ward bursary and scholarship committees in the response to the draft audit report. (Annex IV).

Committee Observations

1. Management reported a disbursement of a total of Kshs.97,210,746 for scholarships and Kshs.6,374,620 for bursaries, however, they only provided supporting ledgers of Kshs.61,615,413 for scholarships and Kshs.1,909,850 for bursaries resulting to unexplained variances of Kshs.35,595,333 and Kshs.4,464,770 respectively.
2. That out of the list of one hundred (100) schools that received bursaries. Of kshs1, 909,850 six (6) schools with total disbursement amount of Kshs.1047, 209 did not acknowledge receipt of the disbursements during the time of Audit. However, the acknowledgment documents were provided during the committee deliberation.

Committee Recommendations

1. In future management must ensure strict adherence to Section 62 (c) of the Public Audit Act 2015 which requires a public officer not to without justification, fail to provide information within reasonable time that is required under this Act.
2. The matter is resolved.

3.3 Budgetary Control and Performance

The statement of comparison of budget and actual amounts reflects total receipts budget of Kshs.205,000,000 against actual receipts of Kshs.102,500,000 resulting to a shortfall of Kshs.102,500,000 or 50% of the budget. Similarly, the Fund expended Kshs.107,823,873 against an expenditure budget of Kshs.205,000,000 resulting to an under-expenditure of Kshs.97,176,127 or 47% of the budget. The underfunding and underperformance affected the planned activities and may have impacted negatively on service delivery to the public.

Management response

Madam Speaker and Honourable Members, the fund experienced funding challenges during the year thus rendering it unable to perform its planned activities. We have raised this concern with the Assembly's committee on Education asking for their interventions on funding from the Treasury.

Committee Observations

1. That there was an under-funding amounting to Kshs. 97,176,127 or 47% of the budget

Committee Recommendations

1. That going forward, the County Executive Committee Member Finance, Economic Planning, and ICT must ensure full disbursement of the approved budget.
2. That the matter is resolved

3.4 Unresolved Prior Year Matters

Mr. Speaker and Honourable Members, in the audit report of the previous year, several paragraphs were raised under the Report on Financial Statements, Report on Lawfulness and Effectiveness in Use of Public Resources, and Report on Effectiveness of Internal Controls, Risk Management and Governance. However, the Management has not resolved the issues nor given any explanation for failure to adhere to the provisions of the Public Sector Accounting Standards Board template

Management Response

The management attached Annex 1: Progress on follow up of prior year Auditor's Recommendations showing the progress made in resolving prior year audit maters.

There are still issues with regard to delay of disbursement to the fund which the management is currently addressing, supporting schedules/ledgers to support amounts disclosed in the financial statements, unsupported cash and cash equivalents which the management is also addressing. We commit ourselves to continually address issues raised by the Auditor to enhance compliance with the reporting template.

Committee Observation

That several paragraphs raised under the Report on Financial Statements, Report on Lawfulness and Effectiveness in Use of Public Resources, and Report on Effectiveness of Internal Controls, Risk Management and Governance in the prior year are yet to be addressed.

Committee Recommendations

1. That the management should implement recommendations on the prior year's issues and ensure the same is reported in the next financial year as required by the reporting template.
2. The matter is unresolved

3.5 Long Outstanding Imprests

The statement of financial position reflects outstanding imprests balance of Kshs.4,203,608 and as disclosed in Note 7 to the financial statements owing from seven (7) officers. However, these imprests had been outstanding for a long time contrary to Regulation 93(5) of the Public Finance Management (County Governments) Regulations, 2015 which states that a holder of a temporary imprest shall account or surrender the imprest within seven (7) working days after returning to duty station.

In the circumstances, Management was in breach of the law.

Management response

The management has ensured that all the outstanding imprests have been surrender except one for Kshs 129,000 whose holder had already exited service. The surrender documents have been given to the auditor for review.

Committee Observation

That there was an outstanding imprests balance of Kshs. 4,203,608 owing from seven (7) officers). The imprest had been outstanding for a long time contrary to Regulation 93(5) of the Public Finance Management (County Governments) Regulations, 2015 which states that a holder of a temporary imprest to surrender the imprest within seven (7) working days after returning to duty station.

Committee Recommendations

1. That the Accounting Officer initiate recovery on the outstanding imprests within a period of 30 days upon adoption of this report failure to which, the Chief Officer, Finance, initiate the recovery of the same from the Accounts of the Accounting Officer, Education fund.
2. That this matter remains unresolved

3.6 Unsupported Equitable Distribution of Bursary

The statement of financial performance reflects an amount of Kshs 103,585,366 in respect of use of goods and services which as disclosed in note 2 to the financial statements includes Kshs 6,374,620 which relates to bursaries issued by the fund. However, the bursary awards were not supported with signed ward committee minutes and approved student lists.

In the circumstances, the equitable distribution of the bursaries could not be confirmed.

Management response

Mr. Speaker and Honourable Members, we submitted the signed ward bursary and scholarship committee minutes and the schedule of the approved lists of beneficiaries in our response to the draft audit report. We however provided the signed minutes of the last ward committee meeting which approved the final list of beneficiaries during the audit field. (Annex IV).

We thank you for the opportunity accorded to us to respond to the report of the Auditor General.

Committee Observation

Mr. Speaker and Honourable Members, that the bursary awards were not supported with signed ward committee minutes and approved student lists during the time of audit however, the same had been provided at the time of committee deliberations.

Committee Recommendations

1. That going forward, Management must adhere to Section 62 (c) of the Public Audit Act 2015 on the timely provision of information.
2. that the matter is resolved

Summary of Observations

Madam Speaker and Honourable Members, the Committee summarized the following observations:

1. That the note supporting the reported Cash and cash equivalent of Kshs 36.347,889 reflected only Kshs. 8,455,221 resulting in an unexplained variance of Kshs. 27,892,668.
2. The Bank reconciliation statement included bank charges of Kshs. 217,590, which were not recorded in the cash book. No explanation was provided to the auditors during the audit as to why these payments were not posted on the Cashbook
3. That the management asserted that the casting difference of Kshs. 27,892,668 was attributed to the period(s) during which the fund was not maintaining cash book and doing monthly reconciliations which they are currently doing.
4. Management reported a disbursement of a total of Kshs.97,210,746 for scholarships and Kshs.6,374,620 for bursaries, however, they only provided supporting ledgers of

Kshs.61,615,413 for scholarships and Kshs.1,909,850 for bursaries resulting to unexplained variances of Kshs.35,595,333 and Kshs.4,464,770 respectively.

5. That out of the list of one hundred (100) schools that received bursaries. Of kshs1, 909,850 six (6) schools with total disbursement amount of Kshs.1047, 209 did not acknowledge receipt of the disbursements during the time of Audit. However, the acknowledgment documents were provided during the committee deliberation.
6. That there was an under-funding amounting to Kshs. 97,176,127 or 47% of the budget
7. That several paragraphs raised under the Report on Financial Statements, Report on Lawfulness and Effectiveness in Use of Public Resources, and Report on Effectiveness of Internal Controls, Risk Management and Governance in the prior year are yet to be addressed
8. That there was an outstanding imprests balance of Kshs. 4,203,608 owing from seven (7) officers). The imprest had been outstanding for a long time contrary to Regulation 93(5) of the Public Finance Management (County Governments) Regulations, 2015 which states that a holder of a temporary imprest to surrender the imprest within seven (7) working days after returning to duty station.
9. That the bursary awards were not supported with signed ward committee minutes and approved student lists during the time of audit however, the same had been provided as at the time of committee deliberations.

Summary of Recommendations

Mr. Speaker and Honourable Members, this House he Committee summarized the following recommendations:

1. THAT, going forward, the management must ensure compliance with section 90. (1) the PFM Regulations which state that "*Accounting Officers shall ensure bank accounts reconciliations are completed for each bank account held by that Accounting Officer, every month and submit a bank reconciliation statement not later than the 10th of the subsequent month to the County Treasury with a copy to the Auditor-General"*
2. In future management must ensure strict adherence to Section 62 (c) of the Public Audit Act 2015 which requires a public officer not to without justification, fail to provide information within a reasonable time that is required under this Act.
3. THAT, going forward, the County Executive Committee Member Finance, Economic Planning, and ICT must ensure full disbursement of the approved budget.
4. That the management should implement recommendations on the prior year's issues and ensure the same is reported in the next financial year as required by the reporting template.
5. THAT, the Accounting Officer initiate recovery on the outstanding imprests within a period of 30 days upon adoption of this report failure to which, the Chief Officer,

Finance, initiate the recovery of the same from the Accounts of the Accounting Officer, Education fund.

6. THAT, going forward, Management must adhere to Section 62 (c) of the Public Audit Act 2015 on the timely provision of information.

[The Speaker (Hon Oraro) left the Chair]

[The Temporary Speaker (Hon Oginga) in the Chair]

Madam Speaker it is a bit strange that none of the Members of the Select Committee of Public Investments and Public Accounts is in the House. Therefore, just allow me to call Honourable Warindu to second. Thank you Madam Speaker.

The Temporary Speaker (Hon Oginga, Nominated Member): Honourable Members, we all know that once a report has been tabled, it becomes a document of the House. Therefore, I will allow Honourable Warindu to second the Motion.

(Hon. Dede rises on a Point of Order)

Hon. Dede (MCA, Kisumu North): Point of Order Madam Speaker. Point of Order Madam Speaker.

The Temporary Speaker (Hon Oginga, Nominated Member): What is your Point of Order is it Honourable Dede?

Hon. Dede (MCA, Kisumu North): Madam Speaker, I am rising pursuant to the mprovisio0ns of Standing Order No. 89 of the Kisumu County Assembly on Statement of Facts. It is my belief that, a precedent has been set that a Member seconding a report should have appended his signature in the report that has been moved. Madam Speaker, did the Member called upon to second the Motion append his signature? Perhaps the Member does not know the content of the report.

The Temporary Speaker (Hon Oginga, Nominated Member): Honourable Members, as far as I am concerned once a document has been tabled in this House it becomes a document of the House and we all own it. It is my belief that we have all gone through this report and we are able to second it as Members of the House.

(Hon. Nyaoke interjects with a Point of Order)

Hon. Nyaoke (MCA, North Nyakach): Point of order Madam Speaker.

The Temporary Speaker (Hon Oginga, Nominated Member): Yes, Honourable Nyaoke

Hon. Nyaoke (MCA, North Nyakach): Madam Speaker, it has been a tradition in this House. This is not the first time that we are getting this issue of a Motion Moved without a member to second. Madam Speaker, previously it has happened and it has been rejected with the same basis.

The Temporary Speaker (Hon Oginga, Nominated Member): Please proceed Honourable Nyaoke and prosecute your point.

Hon. Nyaoke (MCA, North Nyakach): Thank you for according me this time. Madam Speaker, I was just explaining that it has happened before in this House where it was successfully ruled that where a Motion is being Moved and there is no Member from that particular House Committee to second; such Motions have not been allowed to proceed unless you want to Move that from today you are going to create a new rule that, we shall be able to use, going forward. Thank you Madam Speaker.

The Temporary Speaker (Hon Oginga, Nominated Member): I can see Honourable Odari Adonijah on his feet.

Hon. Odari (MCA, Chemelil Tamu): Thank you Madam Speaker. If we have to go or if in any case we if we have to take that direction then, you are misleading this House. Even the Mover of the Motion has not even appended the signature and he was busy reading the report. At the same time, he is calling a non-Member who has not even appended his signature to the report to second the Motion. Kindly guide us properly?

The Temporary Speaker (Hon Oginga, Nominated Member): Honourable Members, I think we all know that the Mover of the Motion is the Vice-Chairperson of the Select Committee of PICPAC who was recently sworn in. Therefore, that allows him to be a full Member of that House Committee. So, the Member is allowed to Move the Motion because the Motion was officially introduced to the House through tabling and as such, it becomes a document of the House. So I am making a final ruling. I am not going to give another chance.

(Hon. Dede rises on a Point of Order)

Hon Dede (MCA Kisumu North): Point of order Madam Speaker.

The Temporary Speaker (Hon Oginga, Nominated Member): What is it Honourable Dede?

Hon. Dede (MCA Kisumu North): Madam Speaker, even though the member supporting this report is not a committee Member. How sure are you that the Member owns the report because perhaps the Member did not append his signature deliberately? It means he does not own the report, Madam Speaker, and even the person seconding the report does not own the report. I totally believe that it is unprocedural to move such a motion. Thank you.

The Temporary Speaker (Hon Oginga, Nominated Member): Honourable Member, I will rule you out of order.

The Temporary Speaker (Hon Oginga, Nominated Member): Yes, Honorable Carren Odhiambo.

Hon. Caren Ajwang' (MCA, Kaloleni/Shaurimoyo): Thank you Madam Speaker. Once a document is brought before this Honorable House, we own it, and any Member can second it or can move it.

(Hon. Nyaoke once again interjects with a Point of Order)

Hon. Nyaoke (MCA, North Nyakach): Point of order, Madam Speaker.

Hon. Caren Ajwang' (MCA, Kaloleni/Shaurimoyo): Again, this is to inform the Honourable member that, the member cannot rise on a Point of Order while I am equally on a Point of Order.

(Hon. Nyaoke interjects)

Hon. Nyaoke (MCA, North Nyakach): Point of information.

Hon. Caren Ajwang' (MCA, Kaloleni /Shaurimoyo): Please allow me to finish.

The Temporary Speaker (Hon. Oginga, Nominated Member): Honourable Nyaoke, please give the member time to conclude her statement.

Hon. Nyaoke (MCA, North Nyakach): Madam Speaker, this information might help her to proceed, if you so allow me.

The Temporary Speaker (Hon Oginga, Nominated Member): Are you willing to be informed, Honourable Carren Odhiambo?

Hon. Nyaoke (MCA, North Nyakach): Madam Speaker, It is very important.

Hon. Caren Ajwang' (MCA, Kaloleni /Shaurimoyo): Honorable Speaker, I am not ready.

The Temporary Speaker (Hon Oginga, Nominated Member): Honourable Nyaoke, then please resume your seat.

Hon. Nyaoke (MCA, North Nyakach): Madam Speaker, then allow me inform the House.

The Temporary Speaker (Hon Oginga, Nominated Member): Granted.

Hon. Nyaoke (MCA, North Nyakach): (*On a Point of Information*) Madam Speaker, this is a House of Rules, and it is important that we put these rules together. Madam Speaker, we have no problem accepting that once a document has been introduced into this House, it belongs to the House, Madam Speaker. This is a House of Rules and Procedures that we cannot keep on changing left, right, and centre.

Madam Speaker, I beseech you so much when you are seated there, because every day we sit here, motions are moved, and we know the directions they take. Madam Speaker, I point in the practical point, there is a time that I was appointed to second a motion here, when I had just left the Select Committee of Public investments and Public Accounts, although I had shared and was part of the report, but my concurrence with the report was rejected, I was stopped from seconding that motion, just because I was not a member by then.

Madam Speaker, appending the signatures to this motion is not just for the sake of doing it. They are very important. They have got logical reasons why a person or a member has to append his/her signature to a report. This is a serious document. Madam Speaker, if the mover of the motion did not append his/her signature to a report, and again, we are again committing an illegality of appointing someone who is not a member of that House Committee to second this report. Okay, why was I not being appointed to second, Madam Speaker? Then I also qualify to second. Thank you that is the information I have for the House.

The Temporary Speaker (Hon Oginga, Nominated Member): Honourable Nyaoke, you are on a point of information.

Hon. Caren Ajwang' (MCA, Kaloleni -Shaurimoyo): Madam Speaker, allow me to finish.

The Temporary Speaker (Hon Oginga, Nominated Member): Yes, Honourable Carren Odhiambo

Hon. Caren Ajwang' (MCA, Kaloleni/Shaurimoyo): Madam Speaker, by Honourable Onditi standing to move that motion, it means the member owns that report, and I rest my case.

The Temporary Speaker (Hon Oginga, Nominated Member): Yes, Honorable Deputy Leader of Majority.

The Deputy Leader of Majority (Hon. Owade, MCA, South East Nyakach): Thank you, Madam Speaker. Madam Speaker, this motion was first brought in this House by way of notice, and the House adopted the notice. Once the document has been adopted, it becomes a document for the House, and the House means any member. I am talking of the notice. Now that the motion has been moved, any member, because the document is for this House, any member in this House is therefore free and accepted to second the motion.

Madam Speaker, the tradition Honorable Nyaoke is talking about, I am not aware of, and it is not on record which day and when. And if it ever happened, two wrongs do not make a right. We are now making the right decision, where if the wrong was done to you, then that was in the past. Now we are doing the right thing. Thank you, Madam Speaker.

The Temporary Speaker (Hon Oginga, Nominated Member): Honourable Members, I believe that, it has been stated clearly that once a document has been tabled in the House, and a notice of motion has been moved, then it becomes a document of the House, which allows the members to own it, go through it, and either agree with it or not agree with it. So, when it comes to moving, Honourable Tom Onditi was just right to move it because currently he is the Vice Chairperson of this House Committee of PIC/PAC. Since no member of that House Committee was present, he nominated Honorable Warindu to do so. I will go ahead and give Honorable Warindu the chance to second.

Hon. Warindu (MCA, Miwani): Thank you Madam Speaker. Sometimes we like a lot of theatrics. It is just recently that Honourable Nyaoke is one of the Members, who was sworn in the other day. During the deliberation of this report, I was present in that meeting. I really understand the content which is in this report, and it is recently that I was moved from this House Committee to the Select Committee of County Budget and Appropriations as the Vice-chairperson. How I wish that the same energy they were using to block the secondment of this report, they can use it to dissect on the content of this report, since the report is dealing with the matters that are affecting our students that involve a lot of use of money and how they were used. So, I am really looking forward, after seconding this motion, to see a very robust debate on this. Thank you.

Madam Speaker, let me second this report by saying that this is now third year running, when we are still getting an Adverse Report from the Kisumu County Education Fund.

Madam, Speaker, we have even starting to question the competency of those that are handling this fund. Madam Speaker, it cannot be that the accountants that we have in the department, or the accountants that are managing this fund, cannot even prepare a cash book.

Madam Speaker, if you go to the first issue which was flagged on by the Auditors, it was about Cash and Cash Equivalent. You will find out that out of Ksh. 36,346,889, the documents which were provided to support this case, we were only able to identify and locate the documents that amounted to Ksh. 8,455,221 and that was giving a casting difference of Ksh. 27,892,668, which has not been explained or reconciled and without the supporting documents.

Madam Speaker, sometimes you might be tempted to think that this money was mismanaged. This is not the first time that this case, or this scenario has happened, this keeps on occurring in the reports that we are handling. That the accountants that we are using to manage some of the funds that we have in the County cannot even prepare the cash book. I want to believe that by adopting this report the way it is, with the anomalies that are in this report, such like these cases will be a thing of the past when it comes to handling the funds in Kisumu County.

Madam Speaker, the second issue was about Unsupported Disbursement, which you will find that out of Ksh.103,595,366, the amounts that were disbursed, that were supported, out of these, Ksh. 97,210,746 was to go to Scholarships, and Ksh. 6,374,620 was to go to Bursaries. But this did not match or agree with the supporting ledgers that were provided to the audit office. From the supporting documents that we had, out of Ksh. 97,210,746, we were only able to locate and identify supporting documents for Ksh. 61,615,413 for Scholarship. Madam Speaker, remember that is out of Ksh. 97,000,000 for bursaries, out of Ksh. 6,374,000, we were only able to locate and identify the supporting documents of Ksh. 1,909,850 for bursaries and this resulted in unexplained variance of, for Scholarships to the tune of Ksh. 35,595,333 and for Bursaries the unexplained variance of Ksh. 4,464,770.

Madam Speaker, on the issue number three, we had Budgetary Control and Performance. The statements of comparison and actual amounts that we were given was Kshs. 205,000,000 against an actual receipt, those that can be supported, of Ksh. 102,500,000. This gave a variance of Ksh. 102,500,000.

Madam Speaker, if we go through these issues one by one, you will find that money was spent but they were not able to provide the supporting documents and this has been an issue. When a verification document is needed but it is not there, then sometimes we might be tempted to think that the money was improperly used.

Again, on the last issue, this was issue number four of Unsupported Equitable Distribution of Bursaries, where we had Ksh. 103,585,366. But for the supporting documents that were

provided, did not match the amount that is indicated there. I still urge the House that we need to take this report seriously and identify the anomalies that are there and advise on the control measures that can be put in place to bridge the gap that is happening in this fund. Madam Speaker, with all those remarks, I beg to second the report. Thank you.

The Temporary Speaker (Hon Oginga, Nominated Member): Honorable Members, now that the report by the Select Committee on Public Accounts and Public Investments on the Examination of the Report of the Auditor General on the Financial Statement of Kisumu County Education Fund for the year ended 30th of June, 2023, has been presented and seconded and as per our Standing Orders, I want to propose that this report by the Public Accounts and Investments Committee on the Examination of the report of the Auditor General on the Financial Statement of Kisumu County Education Fund for the year ended 30th of June, 2023, is now open for debate.

The Temporary Speaker (Hon Oginga, Nominated Member): Yes, Honourable Tom Nyaoke.

Hon. Nyaoke (MCA, North Nyakach): Thank you Madam Speaker. Madam Speaker, this is a very thorny issue, particularly the issue of bursaries and scholarship. Madam Speaker, in our wards this is one of the things that gives us sleepless nights. Madam Speaker, the report has been tabled now properly, has been ruled by you as the Chairperson, and we have noted quite a number of anomalies in the report.

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

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

The Temporary Speaker (Hon Oginga, Nominated Member): Granted.

The Deputy Leader of Majority (Hon. Owade, MCA, South East Nyakach): (*On a Point of Order*) Honourable Nyaoke is referring to you as the Chairperson. Could it be known, Honorable Nyaoke, that you are Madam Speaker?

Hon. Nyaoke (MCA, North Nyakach): Thank you my senior. At least, you must admit that you are my senior. Thank you. I apologize, Madam Speaker, for that. I want to continue by stating that, in this report, we are informed about some disbursements. If I can pinpoint one of them, it is the reported amount of Ksh. 97,210,746 for Scholarships and Ksh. 6,374,621 for Bursaries. Madam Speaker, the documentation of the said amounts is properly stated here that they do not agree. We have been talking about the rules. The persons that are employed to give us services in respect to these disbursements, I suppose that they were not just people picked from anywhere.

They must be people who are qualified to carry out the task that we have given them. Madam Speaker, if the County government can set aside Kshs. 97 million to go to scholarship, to help our children go to school, and to set aside over Kshs. 6 million for bursaries. Madam Speaker, this is a serious issue and a serious step that has been taken by the County government. It is saddening that now when it comes to disbursements, they disburse funds, and when they are told now to produce documents of simple disbursements to schools; because at least each student we know, we can identify how much money is being disbursed to students and to which schools these funds are being disbursed to, then I suppose that providing such documents should be a priority to these officers that we put to work in these offices.

Madam Speaker, sadly, in the event that you cannot trace these documentations, as the House Committee could not trace, or this report demonstrates that Kshs. 35 million could not be explained. Madam Speaker, Kshs. 35 million is quite a lot of money, a substantial amount of money that is for scholarship, and about Kshs. 4.4 million could not be explained. The simple reason that it cannot be explained at the very time the question has been raised, Madam Speaker, shows that there is some negligence on some part of not being effective on what they are doing. If you look further down, you see there is a statement they are saying, in its response to the report attached, acknowledgement receipts from the following two schools, that is Naivasha Girls High School having sent a document to support what they received as Ksh. 40,535, then there is another school called Moi Nyabohanse Girls Secondary School which received Ksh. 619,216. Madam Speaker, there is no school in North Nyakach that can be able to receive such an amount of money. This Moi Nyabohanse Girls Secondary school is confirming having received Ksh. 619,216. It can be of interest to know how this Nyabohanse could be able to pick so many students that would warrant such kind of a colossal sum of money. So many students that would warrant such kind of a colossal sum of money to be remitted to that school.

Madam Speaker, there are several schools which have been listed down that could not show any proof of having received those funds. Madam Speaker, lets us think that there is a gap whereby we now have to chase after these schools to ensure that they produce of furnish us with receipts. Why do they provide these receipts only after the findings that they did not have the receipt to confirm that they received this money? These are some of the issues that I think we will explore ways to dig into this. As I support this motion to be adopted because if we do not adopt it then there is very little we can do with this vital information that we are getting from this report. I therefore stand here to urge my fellow Honourable Members that we support this document because it is going to be the basis of the further findings that we may want to follow up. Thank you Madam Speaker, I beg to support.

The Temporary Speaker (Hon Oginga, Nominated Member): Honourable Owade.

The Deputy Leader of Majority (Hon. Owade, MCA, South East Nyakach): Thank you Madam Speaker. The report has been read. Some of us have gone through it. It has very weighty issues. This is not the first time we are getting such weighty issues. But, the question is; what is this House doing about it? It cannot be a song every year. You know, those students that you are supporting through bursaries are really vulnerable. However, if they can hear that Kshs 35 million cannot be accounted for, then, they will laugh at us asking what we are doing in this House when their money is being stolen.

Madam Speaker, it is foolhardy to employ someone to come and steal from you and you continue with his/her employment. If there is a problem with the Department of Finance and Economic Planning, then, I believe that it is high time they pack and go and recruit those who are capable of doing this simple work of accounting for our scarce resources that we do get from the Exchequer and from Own-source Revenue.

Madam Speaker, it is high time that when we recommend that action should be taken, it should be taken. For instance, this is a case of outright theft and I do not know since I was not very keen on the recommendation. But all the same, it should be recommended for investigation by the Ethics and Anti-Corruption Commission. We should not let go of any single cent without tracing it to the letter. In that way, we will be able to save the taxpayers a lot of money. Those who are stealing from us have been employed, maybe the tune of about a million per annum. However, in that total amount, they still steal millions; the tune of Kshs 35 million and so on and so forth. Really, should we sit and watch and listen and clap for them in this House? That is a big no. This House must resolve to see to it that action is taken against the responsible officers.

Madam Speaker, I support the report, but the recommendation should serve as a deterrent measure. Thank you, Madam Speaker.

The Temporary Speaker (Hon Oginga, Nominated Member): Yes, Honourable Reuben Rakwach of East Kolwa.

Hon. Rakwach (MCA, Kolwa East Ward): Thank you Madam Speaker. First, I wish to correct it as Kolwa East, not East Kolwa. That is the Ward I represent. Thank you once again Madam Speaker. I wish to support the report by the Select Committee on Public Investments/Public Accounts which has been well read and seconded on the floor of the House.

Madam Speaker, we need to remind the County Executive that they should do their work properly. As a House, we realized that during this year, full bursary disbursement was not realized from the Department of Finance and Economic Planning. Remember, by then; the students have applied for bursary, the relevant committees have already processed the applications, they have given the awards and the students are waiting in anticipation that their

monies are going to be paid. In addition, being that we are in economic hard times, even the parents have done their calculations that if the award which was given was Kshs 5,000 and I need to pay Kshs 40, 000 then the parent will only look for Kshs 35,000 in anticipation that the Kshs 5,000 will be paid. Only to realize that full disbursement was not done by the Department of Finance and Economic Planning.

Madam Speaker, we equally realized that there was not even a budget cut during the processing of the Kisumu County Supplementary Budget. So, we should task the Finance and Economic Planning Department to inform us where these monies that have been appropriated do go to.

Madam Speaker, we are going to have a dead County if we can have bursaries as Pending Bills. That is because if it is disbursed to the Education, Technical Training, Innovation and Social Services Department then it means it is a Pending Bill. This is because these students do not learn on Pending Bills. If you do not pay in time, you will be sent home. Now you will realize that even if you spend your time at home, you will still come back and be made to pay for that period that you did not learn. Then the Bursary Committees are being advised to only award bursaries to the needy and bright. So, the student who is not paid for in time will still be needy because the economic status shall have not changed. But he/she cannot be bright because during the time other students were in school, the student was at home. Maybe even during exams she/he was not there and finally even lacking the report form yet these are requirements for the awards. So, the Department of Finance and Economic Planning should also take its work seriously.

Madam Speaker, as of the acknowledgement from the schools; this is a must and the department must take it seriously. There is even the manifest whereby sometimes the department disburses funds to schools without sending the manifest. The school sometimes receives the money without knowing what to do with it. They do not know which students from which Counties or rather from which Sub-counties have benefited from that disbursement. So, you will find out that the student has been paid for school fees as per the award but he/she is still at home because the school has not received the manifest. If you go there, is when they will ask you for the contacts of the school so that they can send the award, the manifest. On the other side, the schools may also have multiple accounts. Sometimes the money is sent to a dormant account. So, even the school does not know and are not aware that there is money in their account. So, they really need to be serious on this one.

Madam Speaker, another thing is mismatch. The money which was reported to have been disbursed visa-a-vie the supporting documents. So, you get that the money reported is higher than that one which is documented. You realize that this one contravenes Public Audit Act 2015 Section 62. This is because, you realize that some of the supporting documents were only provided at the time of committee deliberations. But by the time the Office of the Auditor

General needed the information or rather the documents, they were not there. But if you read this section of the law, it states that *'one should not fail to provide information within reasonable time without any justification'* and there is a penalty for that Madam Speaker. So, the County Executive need to take their work seriously so that they can improve on the opinions from the Office of the Auditor General. Otherwise, thank you and I support the report.

The Temporary Speaker (Hon Oginga, Nominated Member): Yes, Honourable Bennie Oiko Pete.

Hon. Oiko (MCA, Kabonyo/Kanyagwal): Thank you Madam Speaker, this is a very important report for this County because it touches on the future of the children of Kisumu County, the Bursaries and the Scholarship.

Madam Speaker, please allow me to digress a little. It is my plea that when such a good report is brought for us, we should not struggle to throw it out but rather be focused on discussing it and giving the best out of it. Madam Speaker, I am requesting the Honourable Speaker to come to this House and make a specific ruling that when a report has been tabled in this House, it becomes a property of the House and any other Member can second it. This is because; we have evidence in this House whereby in some cases people have been refused to second reports because they are not members of those particular House Committees. Again, members have been refused to succumb to reports because they did not sign the report. Let this be clarified for this House so that when such a good report is brought, we do not struggle to kill it. I hope my plea is taken.

Madam Speaker, this report is given an adjective of Adverse Report. That means the Auditors were not impressed with the financial records of Kisumu County Education Fund for FY2022/2023 whereby this reflects our struggle during that financial year. We wanted to know if the bursaries had been paid in full. It was hell to know. Today, the report is informing us that, bursary was not paid in full and the records were poorly handled. Each Ward is awarded Kshs 4 million. That comes to a total of Kshs140 million. There is Kshs 65 million excess on top of this. Those are some of the issues which were not explained in this report. That is why the figures cannot reconcile and it is intentional.

Madam Speaker, when we refer to some records that have been presented in this House by the Department of Finance and Economic Planning whereby of the document one was discussed here last week; Consolidated report on the consideration of the Kisumu County Executive Quarterly Report and Financial Statements for the Period Ended 31st March 2024 and County Revenue Fund Quarterly Report and Financial Statements for the Period Ended 31st March 2024. Why is it that the records of Kisumu County at the Finance and Economic Planning Department cannot reconcile? Is it by a coincidence? No, it is not Madam Speaker. It is intentional. When

you go through that report, a letter was written to the Director General, National Treasury on 30th November 2023 by the then Chief Officer of Finance and Economic Planning, asking them for technical support on IFMIS. The staff in that department in Kisumu County cannot reconcile their records through the IFMIS. This means they have not got proper training. This officer wrote a letter to Nairobi office for that assistance and he is no longer in the office. We wonder whether those who are there will follow this or not. We wonder whether the staffs that are there have been given that technical support. Therefore, the adverse report we are getting in Kisumu County is intentional. It is not that we do not have good brains in that department. There are some people who are sitting in that office who do not want our children to be experts in the current digital ways of handling finance at this time and age. That is what is ailing Kisumu County. Madam Speaker and Honourable Members, this letter is annexed to this report.

Madam Speaker, so our staffs at the Department of Finance are handicapped and this has been identified because they cannot get help. Now, it is the Departmental Committee on Finance and ICT to take up this matter. Madam Speaker, this is because it would be pointless to get an Adverse Report from time to time and get figures that don not add up yet, the problem has been identified.

Madam Speaker, I am in concurrence that with the sentiments of the Deputy Leader of Majority that, we should not take these matters lying down. This is because evidences are brought to this House and we have them.

Madam Speaker and Honourable members, Kshs 7 million was not disbursed to our children as Bursary and these children were sent away as a result of lack of payment school fees. Madam Speaker, these students did not stay in school to learn and an officer proudly sits in the office and pretends that he is a boss. Madam Speaker, these are some of the pending matters that when you see someone driving along the streets and a Kenyan child is suffering in the village, then, you wonder why was that kind of person appointed to this office. So, I beseech the Honourable Members of this House that, there is a problem at the County Treasury because; the evidences are adduced to us by the same department. If we do not take this department to task, then, there is very little that our people will gain from this county. Madam Speaker, there are some trivial matters here that we should not bother about. Madam Speaker, like an imprest to the tune of Kshs 6 million is equally becoming a matter in this report, that staff in this department cannot even surrender imprests, what is happening?

Madam Speaker, we are equally informed of Unresolved Prior Years Matters. These were matters that were raised by the Office of the Auditor General and they have not been addressed. This is because; you can see the recommendations of this House Committee, that, the matter is unresolved. Madam Speaker, when Kisumu County was moving away from the Chequing Systems to the Digital Platform so that monies are directly wired to schools bank accounts, it

was deemed as a sure way that will assist our county. But, now where are we as we speak? Madam Speaker, we need to take the Minister for Finance to task because these monies are wired from this department. The fund accountant is appointed by the County Executive Committee Member for Finance and Economic Planning and not that County Executive Committee Member for Education. So, in this report, this matter lies squarely with the County Executive Committee Member for Finance and he is the one to be taken to task so that, all these matters that we encounter on bursaries are sorted out. Members if you can recall, when most of us were still new in this House in the year 2022, the matter of bursaries was like an elephant in the room. Madam Speaker, to state that today, we see where the problem lies and this is because someone refused to release the total amount, the system that is being used to pay these amounts and the amount is not being understood by our staff. Madam Speaker, where are we headed to?

Madam Speaker, we adopt this report, and let us be keen on the next report. Similarly, these reports should find their way to the Library for easy of reference. This is because, like this one, when you rule that it is committed to the Select Committee on Implementation, this House Committee is not an Auditor and we shall just be saying our things. So, we need to be keen and look at the next Audited Account and we reflect what was presented to this House and what will be presented to us then and it is when we can compare notes, and make a decision that, are we moving in the right direction in matter to do with Scholarships and Bursaries. I so contribute. Thank you.

The Temporary Speaker (Hon Oginga, Nominated Member): Yes Honourable Caren Odhiambo.

Hon. Caren Ajwang' (MCA, Kaloleni/Shaurimoyo): Thank you Madam Speaker. Looking by the mood of this House, may I call upon the mover to reply.

The Temporary Speaker (Hon Oginga, Nominated Member): Yes Honourable Tom Onditi.

Hon. Onditi (MCA, Ombeyi): Thank you Madam Speaker. Please allow me to first start by appreciating the Honourable Members for their tremendous contributions to this report. Madam Speaker, it is my belief that, this is one of the reports that has been seriously prosecuted in this House given the interest it contains across the electoral wards that we represent as Members of this House.

Madam Speaker, the issues to do with Bursaries and Scholarships has been mentioned here time and again because it is really a thorn in the flesh of these Members. Madam Speaker, down in the villages, it is believed that it is the Honourable Members that disburse these bursaries and the scholarships and not the Fund Administrators as has been illustrated to us in this report. Therefore, it is my opinion and really appreciates the Members who have contributed to this

report and given out some of the salient issues that are emanating from this report so that when this report is adopted it becomes rich.

Madam Speaker, Members have contributed and highlighted a number of outstanding issues and one of the significant issues is that it is becoming a norm in this county that officers charged with responsibilities to take care of how public monies are spent are spending these monies without due process and that includes the non-production of simple things like documentations for accountability purposes at the time of audit. It is a worrying trend that a whole Accounting Officer or a Funds Administrator cannot surrender something like an imprest and the funds were said to have been appropriated. Madam Speaker, this creates room for rumours and innuendos on whether the money was indeed spent or not. Therefore, as the report suggests, I equally concur with the sentiments of Honourable Members of this House that, moving forward, that the recommendation that has been proposed by the Deputy Leader of Majority, Honourable Owade Lumumba that, we need to make some of these House Resolutions a deterrent to the maneuvers and deliberate actions by the Funds Administrators that includes, recommending some of the actions be taken against such officers.

Madam Speaker, it has been said here time and again that, this should not be a song of every report presented by this House Committee. Therefore, we call upon…

The Temporary Speaker (Hon Oginga, Nominated Member): Order!! Order!! Honourable Dede..

Hon. Onditi (MCA, Ombeyi): Madam Speaker, when somebody is named Dede, you know what it is.

(Laughter)

The Temporary Speaker (Hon Oginga, Nominated Member): Order!! Order!! Please proceed.

Hon. Onditi (MCA, Ombeyi): Thank you so much Madam Speaker, this report calls upon the executive arm of the government to take their work with the seriousness that it deserves. This is because; it is the County Executive that is charged with the responsibility of keeping, maintaining, spending and reporting about the funds of the people of Kisumu County. Madam Speaker, sometimes when these funds are not spent in the way that they are supposed to, the people who feel the pain are Members of this House. Therefore, I equally agree with Members of this House that, the executive arm of this government should take their work seriously.

Madam, Speaker, Honourable Oiko Pete stated that the Adverse Opinion given by the Office of the Auditor General is a reflection of the struggles members had in that financial years under review of how funds were not being released on time. Madam Speaker, this has been mentioned

in numerous discussions around this issues of bursaries. THAT, why cannot these funds reach these schools on time? Then, you end up releasing these funds like in arrears and the student did not go to schools. So, you wonder as to why this money is being paid when this fund did not benefit this student. Consequently, I want to conclude by appreciating the Members who contributed to this motion. Madam Speaker, with those many remarks, I so reply. Thank you.

The Temporary Speaker (Hon Oginga, Nominated Member): Honourable Members, now that the Report of the Select Committee on Public Accounts and Public Investments on the Examination of the Report of the Auditor General on the Financial Statement of Kisumu County Education Fund for the year ended 30th of June, 2023 has been presented and seconded and debated.

Honourable Members, it is time for me to put a question and I put a question that, as many as are of the opinion that that Select Committee on Public Accounts and Public Investments on the Examination of the Report of the Auditor General on the Financial Statement of Kisumu County Education Fund for the year ended 30th of June, 2023 be adopted?

(Question put and agreed to)

The Temporary Speaker (Hon Oginga, Nominated Member): Honourable Members, the Report of the Select Committee on Public Accounts and Public Investments on the Examination of the Report of the Auditor General on the Financial Statement of Kisumu County Education Fund for the year ended 30th of June, 2023 is hereby adopted today Tuesday, 26th November, 2024 at 16:01 hours.

Consequently, I direct that the report together with the Hansard Report be forwarded to the following offices;

1. Department of Finance and Economic Planning and the Office of the Auditor General for purposes of implementation and
2. The Select Committee on Implementation to follow-up on the implementation of House Resolutions within 60 (sixty) days.

The Temporary Speaker (Hon Oginga, Nominated Member): Next order!!

MOTION

ADJOURNMENT OF THE COUNTY ASSEMBLY ON MATTERS ON DEFINITE COUNTY IMPORTANCE

BY

HON. KEN OOKO, MCA, AHERO

(LEADER OF MAJORITY)

The Temporary Speaker (Hon Oginga, Nominated Member): Yes, Honourable Lumumba Owade, the Deputy Leader of Majority.

The Deputy Leader of Majority (Hon. Owade, MCA, South East Nyakach): Thank you Madam Speaker, I arise to move a Procedural Motion.

AWARE, that the Orange Democratic Movement (ODM) Party has scheduled its grassroot elections for party officials to take place on Wednesday, 27th November, 2024.

FURTHER, aware that, Orange Democratic Movement comprises of 90 % of Members of this County Assembly whose participation in these activities is required. So, this makes it a matter of urgent county importance as it directly impacts on the Assembly's ability to function.

RECOGNIZING, that, Orders No. 31 (1) of the Kisumu County Assembly Standing Orders provides that any Member may rise in their place at any time and seek leave of the House to move an Adjournment of the County Assembly to discuss a definite matter of urgent county importance.

FURTHER, recognizing that, the participation of Members in this activity will interfere with the one third quorum of this House to transact business.

NOW THEREFORE, the House prays that the County Assembly do now adjourn its sittings until Thursday, 28th November, 2024 at 02:30 p.m.

Madam Speaker, it is now my humble duty to call upon Honourable Ajwang' of Kaloleni/Shaurimoyo Ward to second. Thank you

The Temporary Speaker (Hon Oginga, Nominated Member): Yes Honourable Ajwang'

Hon. Caren Ajwang' (MCA, Kaloleni/Shaurimoyo): Thank you Madam Speaker, I want to state here that tomorrow we have a very significant activity in this county. As the Deputy Leader of Majority has stated that, his House is composed of 99% of ODM Members. It is therefore in order for this House to adjourn its sittings until tomorrow Thursday 28th November, 2024 at

02:30 p.m. This will accord Honourable Members adequate time to participate in this activity and interact with their electorate. So, I beg to second.

The Temporary Speaker (Hon Oginga, Nominated Member): Honourable Members, now that the motion on the Adjournment of the County Assembly of Definite matters of Urgent County Importance has been moved and seconded. I want to propose that, this motion be open for debate.

The Temporary Speaker (Hon Oginga, Nominated Member): Yes Honourable Tom Onditi.

Hon. Onditi (MCA, Ombeyi): Thank you Madam Speaker, this is a matter that goes without saying and therefore I don't believe that, there is any member who is going to oppose this motion. If I was the one having the authority, I would directly call the mover to reply. However, tomorrow events calls for the participation of each and every Member as has been said here time without number that 99% of members of this House are members of the ODM and I don't think if there is any member who would not want to participate in this exercise. Given that in politic, immediately you bag the seat, your next focus is how then you get re-elected in the next election and the exercise tomorrow is part of those activities that builds up to the next general election.

Madam Speaker, therefore, I beseech Members to save time so that those who want to start going to rehearse in the evening, because you know election is election, even if for the polling stations, it is an election. You expect all matters that pertain to election are likely to happen there. So, the earlier we disperse with this matter, the better. Thank you, Madam Speaker. I support.

The Temporary Speaker (Hon Oginga, Nominated Member): Yes, Honourable Mildred Ajumbo of Central Seme Ward.

Hon. Ajumbo (MCA, Central Seme): Thank you Madam Speaker, for recognizing the gender. Madam Speaker, I want to support the Motion that we adjourn as an Assembly. I want to agree with the Members that 99.9 per cent of the Members of Kisumu County Assembly, out of the 35 Wards, 34 Wards is ODM, only one Ward is independent. The exercise that is scheduled to be conducted tomorrow is a very important exercise in the party, ODM. It is a matter that is touching on polling stations. Madam Speaker, for the party to be a strong party, polling stations must be strong polling stations, comprising of every Member in the community and every Member seated here is a Member of a polling station. Thus, it is very important that we participate tomorrow so that in unity with the members of the party on the ground, to show the solidarity. I want to support that it is very important that we report tomorrow in our various polling stations and be elected as delegates. Thank you, Madam Speaker.

The Temporary Speaker (Hon Oginga, Nominated Member): Yes, Honourable Reuben Rakwach.

Hon. Rakwach (MCA, Kolwa East): Thank you, Hon. Speaker, for recognizing my seniority.

(Laughs).

Yeah, this is also of all of us, there is no favoritism, it is only on seniority. Thank you, Madam Speaker. I wish to support the adjournment Motion, which has been moved.

Hon. Omollo rises on a Point of Order)

Hon. Omollo (MCA, West Nyakach): Point of Order, Madam Speaker.

The Temporary Speaker (Hon Oginga, Nominated Member): Yes, Honourable James Omollo.

Hon. Omollo (MCA, West Nyakach): Madam Speaker, It is my belief that, if you have done a favor for somebody, for one, Honourable Member, then the Member should not take it for granted. The member has to be aware that I am senior than him, that is the Law. Thank you.

The Temporary Speaker (Hon Oginga, Nominated Member): Actually, I was able to see him because of his bright shirt, not because of seniority.

Hon. Rakwach (MCA, Kolwa East): Thank you, Honourable Speaker. Yeah, that is why sometimes it is good to put on these bright attires.

(Laughter)

Hon. Rakwach (MCA, Kolwa East): At the same time, if you look at my head, my hair is gray and very few people can attain that. Honourable Speaker, I wish to support the Motion, which is before the Assembly today, which has been moved by my longtime friend, Honourable Lumumba, always known as Honourable.

Madam Speaker, we are all aware that ODM is the most reliable vehicle, which can bring Members to this Assembly, and it is the only party and I repeat, it is the only party which has ever nominated Members to this Assembly and it is the only party which will continue to nominate Members to this Assembly. That includes the women representing the youth and the people with disability.

Madam Speaker, it is only ODM, and that is the party we respect. So, as the calendar states tomorrow, there will be grassroots elections. It is important that we participate and being live members of ODM. I am a member No. 9382 of ODM and I want to believe that all the Members, all the MCAs in this House, apart from the one independent MCA, they are all live members of our ODM party. That is the most reliable vehicle. Madam Speaker, there are those people who attempted to use some vehicles, but they did not reach this destination.

Madam Speaker, we are all aware that, we are laying the ground, even come 2027; ODM party is going to be the most reliable vehicle to bring somebody, anybody who wants to come to this County Assembly. So, I support that we adjourn so that tomorrow we fully participate in the coming grassroots election, which we know will be free and fair and credible at the same time, because that is the spirit of our party and that one of our party leader, Hon. Speaker. I support. Thank you.

The Temporary Speaker (Hon Oginga, Nominated Member): Yes, Honourable James Omollo.

Hon. Omollo (MCA, West Nyakach): Thank you Madam Speaker. I want to support the Motion as has been said by Honourable Members who spoke before me. This is a party we adore so much and I think any activity happening there, we have to take charge as Members of the ODM party. Each one of us belong to a polling center where we will be elected tomorrow to be a member or otherwise. So, if we fail to avail ourselves, sometimes you can get yourself outcast of the party.

Madam Speaker, today we had the President H.E. Dr. William Samoei Ruto in this town and we know very well we are also eager to be in that seat in 2027. And by restructuring and making ODM influential on the grassroots, we need to do what we can as a people in the activity, which is purposely tomorrow, so that come 2027, ODM will be a force to take charge of this Country.

Madam Speaker, I trust that we are not owing anyone apology on that. We have to strengthen our party at the grassroots and it starts with the polling centers that we will do the elections tomorrow. So, I really support the mover of this motion Deputy Leader of Majority that we adjourn for this exercise tomorrow and all of us, we will be at the grassroots level.

This is to bring to the attention of even for those of us who are nominated, they have ODM members in their respective Ward, it is not that if he is an elected by independent candidate…but he also has majority of Ward members who are members of the ODM party. So, the Member is responsible for that Ward to enable the Member check and ensure that everybody who is in ODM takes part in that election scheduled for tomorrow, so that by Thursday, all polling centers in this Country will be orangeted because that is where we are and that is where we belong and

we really wish that 2027 we will take power of this Country. Thank you, Madam Speaker, I support.

The Temporary Speaker (Hon Oginga, Nominated Member): Yes, Honourable Seth Okumu.

Hon. Okumu (MCA, East Seme): Thank you so much, Madam Speaker. I rise to also support the adjournment Motion because the biggest party in Africa is holding grassroots elections, a proof that we stand for democracy. This is happening at a time that the Assembly was supposed to go on and the participation of Members which is really key.

Madam Speaker, I want to agree with the submission of the Honourable Member for Kolwa East, that all Members in this House are live members of ODM party and by denying them an opportunity to participate in this election is disenfranchising them. So, Honourable Members, I agree that we adjourn the Assembly for tomorrow to allow all the Members to go and choose the different leadership of the party in the different polling stations that they usually vote in.

Honourable Members, please allow me to request you that let democracy be practiced in places where we present. Please, let us not meddle, let us not take our personal interest and individual interest in this election because our intention is to allow the party to grow, to have ownership of the party and the only way people can have ownership of this party is when they participate in these grassroots elections that are earmarked to happening tomorrow. So, Honourable Members, allow the people, members of ODM party at the grassroots to choose the leadership that they prefer, that they will own, that they will help us with to help address issues of the party and to grow the party. Otherwise, thank you so much Madam Speaker. I support the Motion.

The Temporary Speaker (Hon Oginga, Nominated Member): Yes, Honourable James Were.

Hon. Were (MCA, Nyalenda "B"): Thank you Madam Speaker. I likewise rise to support the adjournment Motion. Madam Speaker, we are all aware that majority of us are here because we were elected on an ODM ticket.

Madam Speaker, today when the President of the Republic of Kenya visited this lakeside city, we had the party leader, Prof. Peter Anyang' Nyongó, announcing that tomorrow's exercise is very important and he reminded all of us that we should actively participate in that event. Madam Speaker, it is therefore important for us as party Members to spare time, to encourage our people so that we can have peaceful and organized grassroots election. I therefore support the adjournment Madam Speaker, thank you.

The Temporary Speaker (Hon Oginga, Nominated Member): Yes, Honourable Vitalis K'omudho.

Hon. K'omudho (MCA, Muhoroni/Koru): Many thanks, Madam Speaker. I equally stand here this afternoon to support the adjournment of the sessions because of the national day that we have today. Madam Speaker, if I was in authority, I would declare tomorrow a holiday in Kenya so that, ODM being the largest party, in this part of the world, people should have time to go and vote.

Again, remarkably, Madam Speaker, I will not forget to mention that in my third attempt that I made it to this House, it was through the famous ODM party. So this is a national day for some of us. I did it the first time on ODM and somebody had it. The second time, somebody had it. The third time, I was lucky enough to be here through the ODM party. So may we adjourn and I wish to finalize as we close. Many thanks, Madam Speaker.

The Temporary Speaker (Hon Oginga, Nominated Member): Yes, Honourable Samuel Onyango.

Hon. Onyango (MCA, Railways): Thank you, Madam Speaker. May I call the mover to reply.

(Laughter)

The Temporary Speaker (Hon Oginga, Nominated Member): Deputy Leader of Majority.

The Deputy Leader of Majority (Hon. Owade, MCA, South East Nyakach): Thank you, Madam Speaker. Allow me first of all to thank Members for unanimously supporting the Motion. This is a clear demonstration that ODM is loved, strong and true party of our nation. It is also a clear demonstration and testament that Members of this House are truly loyal to our beloved party, ODM.

Madam Speaker, Members have contributed, but to sum it up in one word that they are in support of tomorrow's activity. I therefore urge you Members that even in party participation; you still have to do your responsibility of oversighting.

Yesterday, we had a meeting with the team from Nairobi, the leadership of the Assembly and Chairpersons of various Sub-committees. We all agreed that Members, chairpersons of the Wards will work very closely with the Returning Officers and even Members of the County Assembly who are patrons, should help in supervising the exercise to ensure that free and fair election is carried out. The Honourable Governor, who is the party leader, emphasized on the issue of true, free and fair election.

The Party Leader appealed to our County members that we should not do anything contrary to the exercise that is expected of us. This is because the whole world will be watching Kisumu County, where the party leader comes from. Therefore, we should ensure that democracy is exercised. Remember, tomorrow, ODM democracy will be put to test, and you would not want to be seen to have failed in our responsibility of practicing and exercising true and real democracy.

Madam Speaker, I therefore call upon all the Honourable Members to please to turn up tomorrow in good numbers and help in any way possible to ensure that we come out with credible, and I mean credible, results that will make us walk with our heads held up to prove to the whole world that ODM is still the party for this region. I thank you all, and I wish you all the best in tomorrow's exercise until we meet again on Thursday. Thank you and God bless you. Thank you, Madam Speaker.

The Temporary Speaker (Hon Oginga, Nominated Member): Therefore, Honourable Members, and now that the Motion on Adjournment of the County Assembly on Definite matter of Urgent County Importance has been moved, seconded and debated, I will not put a question but instead refer to the provisions of Standing Order 26 (3) of the Kisumu County assembly Standing Orders that states and I read;

"That on a day when the County Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the County Assembly calendar, the Leader of the Majority or the Leader of the Minority Party or another Member of the County Assembly Business Committee shall move a Motion of adjournment, which shall be debated for not more than three hours, after which the County Assembly shall adjourn without a question put."

ADJOURNMENT

The Temporary Speaker (Hon Oginga, Nominated Member): Honourable Members, based on that Order, this is therefore to inform you that, this House stands adjourned until Thursday, 28th November, 2024, at 02.30 p.m.

(House rose at 4:25 p.m.)

Addendum

Hansard Team

Zablon Otiende	-	*Senior Hansard Reporter (Acting Editor)*
Edward Odanga	-	*Hansard Reporter*
Fanuel Okode	-	*Hansard Reporter*
Patrick Okoyo	-	*Hansard Reporter*
Jesca Otieno	-	*Hansard Reporter*
Jacklyne Otieno	-	*Hansard Reporter*
Valery Achieng'	-	*Hansard Reporter*