COUNTY GOVERNMENT OF KISUMU

COUNTY ASSEMBLY OF KISUMU

THE HANSARD

Official Report

THIRD ASSEMBLY – FIRST SESSION

Thursday, 22nd May, 2025

House met in the Main Chamber at 02:30 P.m.

(The Temporary Speaker (Hon. Carren Ajwang') in the chair)

PRAYERS

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni/Shaurimoyo): Honourable members, in line with the provisions of Orders, No. 32 (2) of the Kisumu County Assembly Standing Orders, I direct that the quorum bell to be rung for the first five minutes.

(Quorum bell rung for the first minutes)

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni/Shaurimoyo): Honourable Nyaoke, kindly occupy that Leader of Majority's seat. Honourable Kennedy Ajwang please occupy the Chief Whip's seat. Honourable Kennedy Ajwang' kindly confirm if we have quorum.

Acting Chief Whip (Hon. Ajwang, Nominated Member): Thank you Madam Speaker. We have quorum.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni/Shaurimoyo): Order!! Honourable Moses Ochele. Kindly resume your seat. You are protected Honourable Ochele, resume your seat.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni/Shaurimoyo): Clerk, can you please take us through the order of the day.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni/Shaurimoyo): Next order!!

NOTICE OF MOTION

THE KISUMU COUNTY ADMINISTRATION (VILLAGE UNITS) AMENDMENT ACT, 2024

AND

THE KISUMU COUNTY PUBLIC PARTICIPATION ACT, 2015

BY

HON. MOSES OCHELE, MCA, EAST KANO/WAWIDHI

(CHAIRPERSON, ADMINISTRATION OF LAW, CONSTITUTIONAL AFFAIRS, GOOD GOVERNANCE AND SECURITY)

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni/Shaurimoyo): Yes, Honourable Moses Ochele.

Hon. Ochele (MCA, East Kano/Wawidhi): Thank you Madam Speaker. I rise to give a Notice of Motion. Pursuant to the provisions of Order No. 45 (1) of the Kisumu County Assembly Standing Orders. That, this House adopts the motion on the Intend to Amend the Kisumu county Administration (Village Units) Amendments Act, 2024 and the Kisumu County Public Participation Act, 2015.

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni/Shaurimoyo): Next order!!

MOTION

THE KISUMU COUNTY ADMINISTRATION (VILLAGE UNITS) AMENDMENT ACT, 2024

AND

THE KISUMU COUNTY PUBLIC PARTICIPATION ACT, 2015

BY

HON. MOSES OCHELE, MCA, EAST KANO/WAWIDHI

(CHAIRPERSON, ADMINISTRATION OF LAW, CONSTITUTIONAL AFFAIRS, GOOD GOVERNANCE AND SECURITY)

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni/Shaurimoyo): Yes, Honourable Moses Ochele, please approach the chair.

(Hon. Ochele consults with the Speaker)

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni/Shaurimoyo): Yes, Honourable Moses Ochele, I believe that you are now ready to move the motion.

Hon. Ochele (MCA, East Kano/Wawidhi): Thank you once more Madam Speaker. I am ready to move my motion. However, there is another parliament next to me here. Chaired by Honourable Regina Kizito

The Temporary Speaker (Hon. Ajwang', MCA, Kaloleni/Shaurimoyo): Order!! Honourable members. Honourable Ochele, please proceed and move your motion.

Hon. Ochele (MCA, East Kano/Wawidhi): Thank you madam Speaker, I have the privilege of moving a motion on the Intend to Amend the Kisumu county Administration (Village Units) Amendments Act, 2024 and the Kisumu County Public Participation Act, 2015.

AWARE THAT, the Amendment Act, which amended the Kisumu County Administration (Village Units) Act, 2019, was enacted by this Assembly and subsequently gazetted on 14th March, 2024 in accordance with Section 25 of the County Governments Act, 2012;

FUTHER AWARE THAT, the Amendment Act was subjected to Judicial Review in ELRC Petition No. 1 of 2024 - Marriam Abdallah v. Kisumu County Assembly & Another, in which the Employment and Labour Relations Court (Hon. Justice Nzioka wa Makau) declared Section 10 of the Amendment Act unconstitutional, null and void, to the extent that it violated the constitutional principles of public participation and separation of powers;

NOTING THAT, the rest of the Amendment Act remains legally valid and enforceable, and that the Court's decision applied the doctrine of severability, preserving all other provisions of the law not expressly declared unconstitutional;

FURTHER NOTING THAT, that the unconstitutional Section 10 of the Amendment Act sought to subject the appointment of Village Administrators to approval by this Assembly, without reasonable public participation;

CONCEWRNED THAT, the continued existence of Section 10 of the principal Act (as amended) may result in legal uncertainty and conflict with both the Constitution and judicial pronouncements, thereby necessitating legislative clarification;

TAKING CONNIZANCE of importance of Village Administrators in facilitating grassroots governance, civic engagement, and service delivery under Section 52 of the County Governments Act, and the urgent need to establish alternative governance models during the fiscal adjustment period;

NOW THERERFORE, I pray;

THAT this Honourable House resolves:

1. To acknowledge and give effect to the judgment of the Employment and Labour Relations

   Court in ELRC Petition No. 1 of 2024 by formally treating Section 10 of the Amendment Act as null, void and severed from the Kisumu County Administration (Village Units) (Amendment) Act;

2. To initiate amendments to the Kisumu County Administration (Village Units) Act, (Amendment) Act, 2024 to adjust the intent of the section 10 in accordance with Public Participation feedback, thereby aligning the legal framework with the Constitution, the County Governments Act, and the said judgment;

3. To direct the Committee on Justice and Legal Affairs, in consultation with the County

   Attorney, to draft and table a Village Administration (Amendment) Bill, 2025 within thirty

   (30) days from the date of adoption of this Motion, for purposes of:

   a) Enacting the amendment Act in accordance with the threshold of Public Participation set by the Court in ELRC Petition No.1 of 2024, the Kisumu County Public Participation Policy, 2024;
   b) Reinforcing the CECM's regulatory powers under the Amendment Act; and

   c) Compelling the amendment of the Kisumu County Public Participation Act, 2015 in accordance with the Resolutions of this Hon. House made on the 12th July 2023 within 90 days of the adoption of this Motion;

4. To mandate the Office of the Clerk, to publish a corrigendum version of the Kisumu County

Administration (Village Units) Act reflecting the severance and or adjustment of Section 10 and facilitate access to the updated legislation by all departments and stakeholders;

5. To urge the County Executive Committee Member responsible for County Administration,

in exercise of the delegated legislative authority granted under the Amendment Act, to formulate and publish Regulations that enable cost-effective and constitutionally compliant grassroots administration models, including volunteer-based or part-time liaison systems, pending wage bill normalization;

6. To call upon the County Public Service Board and the Directorate of Human Resource Management to undertake institutional restructuring within ninety (90) days of this Resolution to realign personnel to priority service areas and prepare the County for eventual re-introduction of Village Administrator positions upon enactment of the amendment.

Madam Speaker, the intention and purpose of this Motion as highlighted is that the structural adjustments at the lowest head in the administration of this government is lacking. Madam Speaker, yesterday His Excellency the Governor made a resolution that in the absence of the Village Administrators and the Village Councils, the Assembly should proceed and put a temporary stopgap measure by appointing Ward Development Committees chaired by the Ward Administrators. That aside, Madam Speaker, we should not lie pretty that everything is right because we have a pending work ahead of us. We had passed the Kisumu County Public Participation Amendment Motion which gave us mandate to amend the Public Participation Act, 2015 in line with the policy prepared by the County Executive and adopted by the Departmental Committee on Administration of Law, Justice and Constitutional Affairs, Good governance and Security (JLAC).

Madam Speaker, we have to align this so that when we undertake public participation, we do it based on a constitutional guideline: The County Public Participation Act, 2015 which is in line with the County Governments Act, 2012 and the Constitution of Kenya 2010, and our Policy as was provided for and approved by the Departmental Committee on Administration of Law, Justice and Constitutional Affairs, Good governance and Security and adopted by this House. Madam Speaker, whether or not the Village Administrators are in office, as an Assembly we should not leave a vacuum. We must do our work so when the County Executive will feel or deem it right that the Village Administrators position be reinforceable, then we have an Act; not

that when the revenue collection improves then we are awoken one day that we have to amend something which we ought to have amended a long time ago.

Therefore, Madam Speaker, the intention of this Motion is to stop or to reduce the backlog of activities by the House by ensuring that that pronouncement made by the Court is adhered to and we align the Village Units Act 2024 to the Constitution of Kenya 2010, the policy and the ruling which I have already mentioned.

Therefore, I am beseeching Honourable Members that the intention of the Motion is not only good for the public but also for our welfare. May I call upon the Vice Chairperson, Departmental Committee on Administration of Law, Justice and Constitutional Affairs, Good governance and Security, whom I not noticed before, Honourable Oraro, to second.

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/ Shaurimoyo): Yes, Honourable Oraro

Hon Oraro (MCA, Kolwa Central): Thank you Madam Speaker. I rise to second this special Motion Moved by Chairperson Honourable Ochele. I want to second it getting attention of the House on the part of the reason on the ruling of the Court was about Section 10. Out of the judicial review, they realized Section 10 in the Act that we passed in this Assembly had a anomalies. The issue involved public participation. When one section of an Act is declared illegitimate, it is this same House that has power to request the County Executive to consider reintroducing back the Act and amending and taking it for public participation. *Wananchi* are supposed to know what is going on and why it also contributed to Village Administrators not being in office.

Madam Speaker, for that reason, we wanted the structure of governance to be complete. You know very well that after the Ward we had the Villages which were already established in this county. However, the positions are now vacant and we cannot just sit pretty when we have an Act which some Section was declared illegal. We must come out as Members and move with haste so that it is put it in place. We are supposed to use this opportunity as MCAs to ensure that we complete the devolution process by having Village Councils.

Madam Speaker, the Village Councils are going to be instrumental in undertaking public participation. With their involvement, we have a complete structure of county administration. For that reason, it is my opinion that, this is the opportunity that the House has to approve this Motion. Upon approval, we can push so that we have public participation within that period. We can rush to ensure that it is done during the budgeting period in this financial year so that when the County Executive will be planning for next financial year, if they so wish, they can also have their allocation for the Village Administrators and the Village Council.

Madam Speaker, as a County I wish that Governor will leave office after establishing a full structure of administration from the Village Council to best level of administration, to solve some problems and also for proper communication. Therefore, this special Motion is very important today and tomorrow and in the future. For that reason, I support my Chairperson. I also beseech the House to approve this Motion without much ado. I second. Thank you, Madam Speaker.

The Temporary Speaker (Hon Ajwang', MCA, Kaloleni/ Shaurimoyo): Honourable Members, now that a Motion on the intent to amend the Kisumu County Administration (Village Units) Amendment Act, 2024 and the Kisumu County Public Participation Act, 2015 has been presented and seconded. I propose a question that the Motion on the intent to amend the Kisumu County Administration (Village Units) Amendment Act, 2024 and the Kisumu County Public Participation Act 2015 is open for debate.

The Temporary Speaker (Hon Ajwang', MCA, Kaloleni/ Shaurimoyo): Yes, Honourable Boitone.

Hon Boitone (MCA, Nyalenda "A"): Thank you Madam Speaker. I want to support the Motion moved by Honourable Ochele. Madam Speaker, as a legislative wing of this County Government…

The Temporary Speaker (Hon Ajwang', MCA, Kaloleni/ Shaurimoyo): Order!! Honourable Ngeta.

Hon Boitone (MCA, Nyalenda "A"): Madam Speaker, as I was saying, as the legislative wing of this County Government it is our mandate and duty to ensure that the process of hiring Village Administrators is followed to the letter. Madam Speaker as we all understand, the structure of the county government is headed by the Governor and if you look at the last unit, at the moment, it is the Ward Administration. Some of our Wards are vast that may not be effectively managed by Ward Administrator and that calls for the presence of Village Administrators. The Village Administrators came in the Second Assembly. Let it be clear that the Third Assembly is not in war with the Village Administrators. Their term ended because it was a contract. That is when we realized that the process of hiring the Village Administrators was not followed as per the law. That is what this Third Assembly wants to rectify.

Madam Speaker as I have said the presence of the Governor cannot be felt everywhere.

(Hon. Ngeta rises on a Point of Order)

The Temporary Speaker (Hon Ajwang', MCA, Kaloleni/ Shaurimoyo): What is your point of Order Honourable Ngeta

Hon Ngeta (MCA, Awasi/Onjiko): Madam Speaker it is time we came up with a new rule. I seek your protection Madam Speaker. Madam Speaker, a member seated next to me…

The Temporary Speaker (Hon Ajwang', MCA, Kaloleni/ Shaurimoyo): Order!! Honourable Ngeta, what is your point of order?

Hon Ngeta (MCA, Awasi/Onjiko): Protect me Madam Speaker. Madam Speaker protect me. A member cannot put on a blouse then pointing finger at me, Madam Speaker. I have a tie and a coat on. Madam Speaker kindly protect me from Honourable Ochele and Honourable Omollo.

The Temporary Speaker (Hon Ajwang', MCA, Kaloleni/ Shaurimoyo): Honourable Ngeta, I have heard you. Please resume your seat. Please proceed Honourable Boitone.

Hon Boitone (MCA, Nyalenda "A"): Sometimes Madam Speaker it perplexes the mind of the learned people when a serious Motion is being discussed in the House then a senior Member brings jokes on the floor of the House.

The Temporary Speaker (Hon Ajwang', MCA, Kaloleni/ Shaurimoyo): Honourable Boitone, please be orderly.

Hon. Ngeta (MCA, Awasi/Onjiko): I am safe, Madam Speaker. Thank you for your protection.

The Temporary Speaker (Hon Ajwang', MCA, Kaloleni/ Shaurimoyo): Proceed Honourable Boitone.

Hon. Boitone (MCA, Nyalenda "A"): Madam Speaker, as I was saying earlier, that the presence of the Governor cannot be felt effectively at the village unit. That is why I support that the reinstatement of the Village Units, led by the Village Administrator, should be put back in place. However, due process must be followed. Madam Speaker, as we are all aware, that at the moment we are struggling with issues of bringing up, upgrading our Wards in terms of service delivery. One of the people who could have even advocated for the Members of the County Assembly and wrote effective letters to the Governor are the Village Administrators. This is because they are the smallest and the last unit as the eye of the Governor. Of course, Madam Speaker, as I said earlier, we may not be here in the Fourth Assembly, but God willing, and I pray that most of us be elected back so that we will stand tall and let Kenyans know that we wanted the County government, through the department, to enact proper laws that will protect the process of establishing Village Administrators in place. Madam Speaker, I know the Village

Administrators are watching us. These are ones whose term ended. I repeat that, this Assembly is not in war with the Village Administrators whose terms expired.

Madam Speaker, if laws are put in place and need be there for them to be reinstated, the process will start again and eligible candidates will be vetted and take the positions. I want to support this because I know the importance of the Village administrators if put in place. If they be hired on Fixed Contract or on Permanent and Pensionable basis, that is not an issue. However, the bottom line is that we have Village Administrators at our ward levels. Thank you, Madam Speaker.

The Temporary Speaker (Hon Ajwang', MCA, Kaloleni/ Shaurimoyo): Honourable Nyaoke.

Hon. Nyaoke (MCA, North Nyakach): Thank you Madam Speaker. I want to support this motion. The intent of this motion is very important to Kisumu County as a whole. Madam Speaker, just as my fellow colleague Honourable Ratib Boitone has mentioned, the issue of Village Administrators has been a thorn in the flesh for some time because of misunderstandings here and there.

Honorable Speaker, the prayers that have been put in this motion are seeking nothing else but to cure the problems that we have been having. Madam Speaker, it should go on record that it is not this Assembly which declared Section 10 of the amendment as unconstitutional, but it was expressly given here by Justice Nzioka who did say categorically, or who did rule categorically and declared Section 10 of the amendment unconstitutional, null, and not only null, also void.

Madam Speaker, we at the moment, particularly those members who have gotten used to working closely with the Village Administrators, we miss them so much that there is a lot of work that we used to cooperate with them. Madam Speaker, now it compels me to go up to the level where the Village Administrators were supposed to go. Madam Speaker, the approval of this motion now will set the path that is going to cure all these problems. Madam Speaker, I beg to support.

The Temporary Speaker (Hon Ajwang', MCA, Kaloleni/ Shaurimoyo): Yes, Honourable Obaso.

Hon. Obaso (Nominated MCA): Thank you Madam Speaker. I appreciate that. Madam Speaker, let me start by commending this House Committee for this well-thought out idea.

Secondly, Madam Speaker, Village Administration was the lowest structure of County governance system and it serves as important aspect to the governance process of this County. Thereby, if the Kenyan Court of Law, declared section 10 of that Act unconstitutional, then it is my belief that, it Is upon us, we as Members of County Assembly, to bring back the Act and

amend section 10 so that we have a smooth running of the whole system of governance. Thank you, Madam Speaker. I support the motion.

The Temporary Speaker (Hon Ajwang', MCA, Kaloleni/ Shaurimoyo): Honourable James Omollo.

Hon. Omollo (MCA, West Nyakach): Thank you, Madam Speaker. Foremost, I want to thank the Departmental Committee on Administration of Law, Constitutional Affairs, Good Governance and Security for bringing this motion to us so that we can deliberate on it.

Madam Speaker, those who did the Constitution of Kenya, 2010 really envisioned how the County government structure should be up to the lowest level and the reason as to which it should be like that. It is for our own good and for the good of the people of Kenya. So, as a County, I want to say that bringing this motion will really enhance our being felt on the grass roots using the structures which were availed by the Constitution of Kenya and it is upon the House to approve this so that we realize all this.

Madam Speaker, when the County Executive is implementing projects in our wards, various wards for those of us who are elected, there has been a difficulty because the Village Administrators are not there, the Village Councils, or the Ward Committees. So, I believe that, it is upon us now as a House to do the necessary amendments and to make amendments to where we should really have these structures to be available for our wards. If we do that, I believe that things will be running smoothly in our wards. It is very difficult right now, for the only the Ward Administrators, to do all the functions that are supposed to be done by the Village Council, at the same time, they do the functions for the Village Administrators, again they do everything entailing the ward. So, it is my opinion that, it is high time we approved this motion so that we do all these amendments that the Chairperson has proposed so that things can really move. Thank you, Madam Speaker.

The Temporary Speaker (Hon Ajwang', MCA, Kaloleni/ Shaurimoyo): Yes, Honourable Kennedy Ouko.

Hon. Ouko (MCA, West Kisumu): Thank you, Madam Speaker…

The Temporary Speaker (Hon. Carren Ajwang'): Honourable Ouko, just a minute before you contribute. Honourable Nyaoke, kindly occupy the Leader of Majority's seat. Sorry for that, please proceed, Honourable Kennedy Ouko.

Hon. Ouko (MCA, West Kisumu): Thank you Madam Speaker. The position of the Village Administrators and the Village Councils are provided in law. And many a times, Madam

Speaker, it has come to the notice of some people that the County Assembly of Kisumu is fighting for the abolition of this kind of posts. Madam Speaker, what is created by the law of the land, the Constitution of Kenya, 2010, we have no powers to interfere with that. However, Madam Speaker, we are given the opportunity to make regulations on operations of this kind of Acts as a County Assemblies.

Madam Speaker, any Law made by the County Assemblies, which is in conflict of the law of the land as has been pronounced by the judge, is null and void. It is our duty as Members of the County Assembly, who are in charge of legislation and some other functions, to do what is expected by amending all those that are fighting against the Law of the land. So, Madam Speaker, our work here really is to make the laws which are not in conflict with the Constitution of Kenya, 2010. Madam Speaker, for that reason, I stand here to support the motion that we have to sit down as Members of the County Assembly and amend as directed in line with the constitution of Kenya. Thank you, Madam Speaker.

The Temporary Speaker (Hon Ajwang', MCA, Kaloleni/ Shaurimoyo): Honourable Zachary Okoyo.

Hon. Okoyo (MCA, Central Kisumu): Thank you Madam Speaker. Let me start by appreciating my colleague, the Chairperson, Honourable Ochele, for bringing this forth to this Assembly for discussion. Madam Speaker, amending the Village Units Act, I believe is something which should have been done even before. However, because of the ruling that was made, it has now come to this Assembly that we really need to amend this. I do not believe that we are late. Madam Speaker, for the spirit and the letter of Constitution 2010 and for the work of the Governor of the great County of Kisumu to be realized, Madam Speaker, we must have the Village Administrators. Even for us, the Honourable Members, to let the constituents of our Wards understand and feel what we do as the legislators of this Assembly, I want to say the Village Administrators must be there.

In that regard, Madam Speaker, I want to concur with my colleagues by stating that, we need to amend this because the Third Assembly which has the good and capable Members who are ready to work for this County of Kisumu, cannot seat back and watch the Village Administrators not doing their roles in their designated areas and it is very sad, Madam Speaker, that the Village Administrators could not proceed because their contracts were over.

Madam Speaker, I want to put this very clearly, as some of my colleagues have mentioned, that most of Village Administrators who maybe were talking or maybe were discussing their issue with other people who are not in this Assembly thought we, the Third Assembly Members, were out to make them jobless. These are our people, our brothers and sisters, and our voters to be specific and we cannot keep quiet when our brothers and sisters are jobless. Madam Speaker, I

want to say this, with a lot of sadness in my heart, that we are here as the Chairperson of a very important House Committee, that is the Departmental Committee on Labour and Social Welfare that,, I cannot be party to make other people jobless.

Madam Speaker, allow me to concur with my colleagues who have supported this motion and say, let us amend this Village Unit Act so that we can also be seen as people who want Devolution to be realized in its fullest. Thank you, Madam Speaker.

The Temporary Speaker (Hon Ajwang', MCA, Kaloleni/ Shaurimoyo): Yes, Honourable Mildred Ajumbo.

Hon. Ajumbo (MCA, Central Seme): Thank you Madam Speaker for not having made Hon Ngeta to feel like he is a senior Member. Madam Speaker, I want to add my voice to the debate on the Village Unit Council on the importance to amend the Act.

It is very important, Madam Speaker, we know the roles that were played by the Village Administrators in coordinating activities at the village level and assisting in developing and implementation of policies at the village level. There is a very big vacuum at the moment at the village level, from the time that the Village Administrators' contract ended. We feel it on the ground as elected members, even as nominated Members, because many times when we are going for public participation, our Village Administrators were very active, and even in terms of monitoring and reporting of the projects on the ground, it was very effective, Madam Speaker.

This Financial Year, Madam Speaker, I want to say that we've really suffered in terms of the projects, because when a project comes to the ground, the Village Administrators would mobilize people to come for even that project handover or takeover. And you would find people coming in large numbers, but currently, as we speak, at the village level, you hardly find people coming, even for public participation, because they used to mobilization at the village level. Remember, we have two villages.

So, as we speak, we combined two villages, which is quite hard in terms of mobilizing our constituent to attend public participation forums. I want to support that the Village Administrators, they are very key in implementation of projects at the village level and the vacuum that has been left by them is felt, and it is important that this Assembly ensures that before we reach 2027, let us ensure that the Village Administrators are employed, whether on permanent basis, but we cannot leave a vacuum the way it is right now, Madam Speaker. I stand to support. Thank you.

The Temporary Speaker (Hon Ajwang', MCA, Kaloleni/ Shaurimoyo): Yes, Honourable Ngeta, I know you are a senior member of this Honourable House, but I had to consider gender as well.

The Temporary Speaker (Hon Ajwang', MCA, Kaloleni/ Shaurimoyo): Proceed. Honourable Ngeta, it is your turn. I have noticed you, Hon Millicent Omuya.

Hon. Ngeta (MCA, Awasi Onjiko): Thank you Madam Speaker. I rise to support the motion before us. Madam Speaker, foremost, let me just congratulate the able Chairperson and the able team for the job well done. Madam Speaker, the Village Amendment Act 2024 is very key to this great County of Kisumu, we have realized how the work of Executives is being scrapped on the ground. Madam Speaker, there is a gap, and we have realized it, since we have this Village Administrators on the door.

Madam Speaker, at times it is good to do the right thing in accordance with the laws of the land and the Constitution 2010 stipulates clearly that we have two levels of government, County Government and the National Government. We have realized what the Village Administrators have done in this great County.

Madam Speaker, I want to urge this House that we pass this Bill before us and we move forward and we be focused. I want to appreciate my brother whom I nurtured a long time ago and took him to the church. I have struggled with this boy, Madam Speaker, for him to just come here and do the right thing. When he was doing thing the opposite, Madam Speaker, I felt betrayed. But now I am a happy man, as a godfather and as a supervisor… I do not want to be here for…

(Hon. Okoyo interjects on a Point of Order)

The Temporary Speaker (Hon Ajwang', MCA, Kaloleni/ Shaurimoyo): Yes Honourable Okoyo.

Hon. Okoyo (MCA, Central Kisumu): Madam Speaker, sometimes I wonder where some Honourable Members emanate from. I have not seen or heard any Honourable Member here called a boy and I wonder where, we only have boy but he is called Boitone. So, if he is referring to my colleague and friend as a boy, then, it is my belief that, this is demeaning and I would want him to withdraw. Thank you.

Hon. Ngeta (MCA, Awasi Onjiko): Madam Speaker, sometimes let us avoid shenanigans and those hullabaloos. The person whom I am talking about is here. He is here, he could have just rose and defended himself. Let no one stand on behalf of someone, Madam Speaker. Let's just be focused and I want to say…

(Hon. Omollo rises on a Point of Order)

The Temporary Speaker (Hon. Carren (MCA, Kaloleni Shaurimoyo): Yes, Honourable Omollo. What is your point of order?

Hon. Omollo (MCA, West Nyakach): Thank you Madam Speaker, it is my belief that, it is really demeaning when a Honourable Member is given a platform to say a very serious thing then, when he is told to apologize, he still insists and repeats the same thing. It's really incorrigible and I believe that the Honourable Member is becoming really uncouth in this House. He should really say the right words in this House and it is not only today. Even right now, when we were seated here, he just mentioned something out of order. I and Honourable Ochele were not doing anything to him, but he just came from nowhere. Madam Speaker, I believe that, Honourable Boitone noted this. So, the member is a joker and should even be kicked out of this House. Thank you, Madam Speaker.

The Temporary Speaker (Hon. Carren (MCA, Kaloleni Shaurimoyo): Honourable Ngeta, kindly…

Hon. Ngeta (MCA, Awasi/Onjiko): Madam Speaker, let's stick to the point and the debate, Madam Speaker.

The Temporary Speaker (Hon. Carren (MCA, Kaloleni Shaurimoyo): Honourable Ngeta, please stick to the debate.

Hon. Ngeta (MCA, Awasi Onjiko): Madam Speaker. In this House, we do not want those members who are making noise. Let him go and make noise outside.

The Temporary Speaker (Hon. Carren (MCA, Kaloleni Shaurimoyo): Order!! Honourable Ngeta. I want to direct that Honourable Ngeta please stick to the debate and not dwell so much on the move of the motion and please summarize.

(Hon. Ochele rises on a Point of Order)

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Yes, Honourable Ochele

Hon. Ochele (MCA, East Kano Wawidhi): Madam Speaker, it is my belief that, the Honourable Member representing Awasi-Onjiko is excited. I think he has gotten some bread because his behaviour since he appeared in this House is wanting. It is unlike him, today, I believe that the member has something extraordinary. He has said good words about me except saying that I am a boy. I am a father of nine, eight boys and one girl. I have two women. A boy cannot do that.

So, I am requesting this Honourable House and the Chairperson to reprimand Honourable Ngeta to withdraw that comment on boy. This is because I am a functioning man. He is a husband to one wife and a father to three children. He cannot compare himself with me in terms of manhood. So, Madam Speaker, as much as you are restricting him to be within the debate. The member cannot

compare himself with me in terms of manhood. Madam Speaker, while I appreciate your efforts to keep the debate focused, I respectfully request that the member withdraw his remark referring to me as a "boy." I find it inappropriate and would like it to be retracted.

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Honourable Ngeta, kindly withdraw your remark and offer an apology. Please proceed, summarize and conclude your statement.

Hon. Ngeta (MCA, Awasi/Onjiko): Madam Speaker, thank you very much for what I believe is the final opportunity to speak. I would like to state categorically that Honourable Ochele is my friend and a fellow villager. We grew up together, and I had the privilege of teaching him many things, including a bit about life in town. He is indeed my friend, and I have acknowledged that sincerely.

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Honourable Ngeta, please resume your seat.

Hon. Ngeta (MCA, Awasi/Onjiko): Madam Speaker, I sincerely apologize for that. I kindly ask that you allow me to use my time to speak.

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Honourable Ngeta, please resume your seat. It appears that you are not presenting any substantive points on the motion being discussed. So, I will now give the opportunity to another member who is prepared to contribute to the debate.

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Honourable Okoyo, what is it?

Hon. Okoyo (MCA, Central Kisumu): Madam Speaker, we can't let this go just like that. Madam Speaker...

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Honourable Okoyo, I've ruled on that. We proceed.

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Yes Honourable Omuya.

Hon. Omuya (MCA, North Seme): Thank you Madam Speaker. I rise to add my voice in support of the motion. I would also like to take this opportunity to commend the Departmental

Committee on Administration of Law, Constitutional Affairs, Good Governance and Security for their commendable work. I believe this marks a step in the right direction.

Madam Speaker, previously, we had Village Administrators operating without a legal framework. According to the Constitution, the establishment of Village Administrators must go hand-in-hand with the formation of Village Councils. Unfortunately, the Village Administrators served their full term without these Village Councils ever being constituted. Madam Speaker, today, we stand united in support of upholding and implementing the Constitution. As it clearly states, the Village Administrator is the smallest unit of administration, and it is vital that this structure be implemented as intended.

Most importantly, I emphasize that this implementation must be done in a procedural and lawful manner. I fully support the motion. Thank you.

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Honourable Kennedy Ajwang'.

Hon. Kennedy Ajwang (Nominated Member): Thank you, Madam Speaker. I wish to call the mover to reply.

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Honourable Ochele, you have been called upon to reply.

Hon. Ochele (MCA, East Kano Wawidhi): Thank you Madam Speaker. In all my time in this House, I have never witnessed a motion as popular as the one before us today. The overwhelming support it has garnered speaks volumes, and I believe that is why my esteemed colleague and age mate appeared a bit agitated—perhaps even overexcited—given that the motion strongly favours his views.

Madam Speaker, allow me to sincerely thank all Honourable Members who have contributed to this debate with such thoughtful and encouraging words. For those who haven't had the chance to speak, it's evident from their demeanour that they are in full agreement with the sentiments expressed on the floor today.

Madam Speaker, Honourable members, the core of this motion is to amend two critical pieces of legislation: the Kisumu County (Village Units) Amendment Act, 2024, and the Kisumu County Public Participation Act, 2015. It's clear that members are especially invested in the section regarding village administrators, while also supporting the necessary changes to the Public Participation Act.

Madam Speaker, Honourable members, there has been a growing misconception among the public—that this House is against the establishment of the Village Administrators. Let me state clearly: we are not**.** In fact, we miss our colleagues, the Village Administrators. We recognize their role, and we are committed to ensuring their rightful place within the county governance structure.

Madam Speaker, Honourable members as several members, including Honourable Ratib and Honourable James Omollo, have rightly pointed out, the position of Village Administrator is grounded in our supreme law—the Constitution of Kenya, 2010—and further supported by the County Governments Act. However, since their inception, these roles have operated without the required Village Councils, rendering the administrative structure incomplete.

Madam Speaker, Honourable members, recently, the County Executive proposed to correct this by establishing both the Village Administrators and their respective councils. Unfortunately, external interference led to a legal challenge. A court ruling subsequently declared Section 10 of the 2024 Amendment Act unconstitutional. This ruling—not the will of this House—is what halted the process and left the administrators out of office.

Therefore, this motion seeks to begin the process of amending the relevant laws to align them with the Constitution and the County Governments Act. The mandate given today to the Departmental Committee on Administration of Law, Constitutional Affairs, Good Governance and Security is a call to action. I trust that this House Committee will act swiftly and efficiently to carry out the necessary amendments.

Madam Speaker, Honourable members, a critical component of this process, as emphasized by the court, is public participation. We must first amend the Public Participation Act to ensure it provides a robust framework for engagement. That amendment will then pave the way for the proper revision of the Village Units Act, 2024.

Madam Speaker, Honourable members, I urge all members to support this process wholeheartedly. When called upon to mobilize your constituents and encourage their input, I am confident we will respond with the urgency and unity this matter deserves. With that, Madam Speaker, I thank you—and I hereby reply.

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Honourable Members, now that the motion on the Intent to amend the Kisumu County Administration (Village Units) Amendment Act 2024 and the Kisumu County Public Participation Act 2015 has been presented, seconded, and debated, I therefore want to put a question on the adoption of the same.

(Question put and agreed to)

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Honourable Members, the motion on the Intent to amend the Kisumu County Administration (Village Units) Amendment Act 2024 and the Kisumu County Public Participation Act 2015 has been adopted today, Thursday, 22 May 2025 at 1546 hours.

Consequently, I direct that the recommendations of the report and that of the House debate be forwarded to the relevant department for action and implementation. Additionally, I direct that the Select committee on Implementation to follow up on the implementation status of the same. Thank you.

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Next order!

ADJOURNMENT

The Temporary Speaker (Hon. Ajwang' MCA, Kaloleni/Shaurimoyo): Honourable members, there being no any other business to transact, the House stands adjourned until Tuesday, 27 May 2025 at 2.30 p.m.

(House rose at 3.47 p.m.)

Addendum

The Hansard Team

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