

SIAYA COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly- Third Session

Tuesday, 24th February, 2015

The House met at the County Assembly Chambers at 2.30 pm.

[The Temporary Speaker (Hon. Abayo) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

The Temporary Speaker (Hon. Abayo): Hon. Members, I have the following Communication:-

1. I wish to report, that the report of the Committee on Selection that was supposed to be presented as regards Membership of the Committees has been deferred to a later date.
2. The three Bills that were supposed to come to this Assembly;
 - a) The Public Participation Bill,
 - b) The Bill that was creating the office of the County Attorney,
 - c) The Bill on the Mortgage,

Are under consideration by the Delegated Legislation and they will be presented to this House later when this has been accomplished.

3. I want to remind the Committee on Agriculture that they were supposed to present a report tomorrow and that there will be no extension for this report on the level of preparedness by the County to undertake Agricultural activities at this time. So, the Chair directs that this report will have to be brought to this House without any further ado and extension will not be granted. So, we expect this report tomorrow.

The Chair, the vice Chair, and the Members of the Committee, you will have to burn the midnight oil if you had not taken action. Thank you.

Next Order!

STATEMENTS

REVENUE COLLECTION IN THE FY 2013/2014

The Temporary Speaker (Hon. Abayo): Yes hon. Ombee!

Hon. Ombee: Thank you, Mr. Temporary Speaker. I stand for the Chairman, hon. Elisha Okuku.

AWARE THAT the Constitution of Kenya, 2010 and the County Government Act, 2012 mandates the County Government to collect revenue from the public;

FURTHER AWARE that in the Financial Year 2013/2014, the County Government of Siaya through its budget estimates planned to collect revenue and had set a target or

projection from different sources, I wish to request for a Statement from the Executive on the following:-

1. What was the budgeted revenue target and how much was collected?
2. The revenue collected by each department of the County Government, including the hospitals and ploughing done by the County Government tractors.
3. What are the strategies that the County Government has put in place to enhance revenue collection in the future?

I rest my case. Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Hon. Abayo): Thank you, hon. Ombee. This Statement is directed to the Committee on Trade. Hon. Munda, that is a Statement that we will want you to take up. Based on what has been read, when do we expect that report? One week?

Hon. Munda: Mr. Temporary Speaker, I don't even have that copy!

The Temporary Speaker (Hon. Abayo): But you have heard!

Hon. Munda: I have just heard, but I should be having a copy

The Temporary Speaker (Hon. Abayo): 1. What was the budgeted revenue target and how much was collected?

2. The revenue collected by each department of the County Government, including the hospitals and ploughing done by the County Government tractors

3. What are the strategies that the County Government has put in place to enhance revenue collection in the future?

I will give you one week!

Hon. Munda: Mr. Temporary Speaker, I have just gotten the Statement and given that 3 items are needed, I will request that you give us 2 weeks.

Hon. Temporary Speaker (Hon. Abayo): 2 weeks from now? The Chair is not convinced that these are related issues. I want to direct that we get this report next Thursday.

Clerk, can you give us the date of Thursday, next week? These are strategies that are there, we have already also received quarterly reports, financial reports, and this is information that can easily be collected.

I want to direct that the 5th of March at 2.30p.m, we get the report on these issues. This is a critical issue, I am sure even the Budget Committee will be looking at other aspects of the same. We need this feedback in the Assembly as soon as possible.

Any other Statement? Yes, hon. Gare!

FIRE FIGHTING SERVICES AND DISASTER MANAGEMENT

Hon. Gare: Thank you, Mr. Temporary Speaker. Allow me to move this Statement:-

AWARE THAT the Constitution of Kenya, 2010, Fourth Schedule part two gives the County Government the functions and powers to provide fire fighting services and disaster management.

CONCERNED that there has been sporadic fire outbreak in West Sakwa Ward,

FURTHER CONCERNED that the fire fighting engine stationed in Bondo Sub County is not functional.

Mr. Temporary Speaker, this is not a matter for West Sakwa alone. You realize the whole of Siaya County; we don't have a fire fighting engine---

Hon. Awuor: Mr. Temporary Speaker, I am on my feet on a point of order.

The Temporary Speaker (Hon. Abayo): Yes, hon. K'awuor!

Hon. Awuor: I want to seek your indulgence whether it is in order for a hon. Member to read a Statement without Members having copies. I think this is going to be a precedent. The Temporary Speaker (Hon. Abayo): I want to agree with hon. K'awuor, it is not setting a precedent but what is key is the---

(Loud consultations)

Order, hon. Members! That is why we expect each one of us to be attentive; there are situations that we can be able to read Statements without necessarily availing copies. That is a possibility. So, hon. K'awuor, it is in my considered opinion that it will not be a violation, but that does not negate the fact that Members should have copies if that is our practice. So, I want to ask that we allow hon. Gare to continue.

Hon. Gare: Thank you, Mr. Temporary Speaker. I was on my feet saying, that the whole County of Siaya, we don't have a fire fighting engine. We have had cases where there is fire outbreak, more particularly in my Ward where big institutions like Bondo University, Nyamira Girls High School, Maranda High School, do not have a solution to this. I am therefore seeking for a Statement from the County Executive on the following:-

1. What mitigation measures has the County Government put in place to tackle fire outbreak cases?
2. When is the fire fighting engine being repaired to perform its function? The one which is lying here Mr. Temporary Speaker.
3. Are there budgetary allocation to procure more fire fighting engines and equipment?
4. Are there trained personnel in fire fighting?

Mr. Temporary Speaker, I rest my case. Thank you.

The Temporary Speaker (Hon. Abayo): Thank you, hon. Gare. This Statement will go to the Committee on Roads and Infrastructure. Is the Chair there? Vice Chair?

We are talking about emergency equipment here and I want to direct, I am sure there are Members of this Committee that this issue be taken up immediately, because you never know. We expect a Statement on the same on Thursday 5th. We want a report on this issue on Thursday 5th, next week. Thank you.

Yes, hon. Onduru!

Hon. Onduru: Mr. Temporary Speaker, I would also like to share with this House. Though the Statement is not written, but you have rightly said that even if it is not written, we can just give a Statement.

(Laughter)

We have an emergency in Madiany Mission Ward---

The Temporary Speaker (Hon. Abayo): Hon. Onduru, this is a House of Rules. If you are trying to take an opportunity to try out whether the Chair knows what he is doing, not this day, try another day. I want to put it to you that you have to notify the Chair on the Notice and the Chair can also visibly see that you had nothing you were reading. So, hon. Onduru, next time you will be out of this House.

(Laughter)

Next Order!

MOTION

The Temporary Speaker (Hon. Abayo): Sorry, before we go to agenda No. 8. Hon. Members, I wish to make the following Statement:-

There are 10 Statements pending in this House. The Statements were issued by Members of this House, committed to specific committees and deadlines given on when reports were expected in the House. These 10 Statements have not seen the light of the day in this House.

The Chair would want to draw the attention of the Members to the committees upon which these Statements were committed to. We want the various committees to make commitments on when these Statements will be brought to this House.

1. Response to Statement by Hon. Elisha Okuku on the status of undone projects for 2013/2014 in Yimbo East Ward.
2. Response to Statement by Hon. Joanes Andiego on the status of undone projects for 2013/2014 in Central Sakwa Ward.

Roads and infrastructure. The Chair?

Hon. Members: He is sick!

The Temporary Speaker (Hon. Abayo): The vice Chair? Any Member of that committee? Yes, we are talking about status of undone projects. Maybe by now they may have been done, we want a report on the two on infrastructure. They are related. Hon. Omwende, you are a member, how long will that require?

Hon. Omwende: Thank you, Mr. Temporary Speaker. Already there was a statement that you ordered that the Committee of Roads and Public Works--- I was kindly requesting that if possible, you can give us a maximum of two weeks so that we can go and do thorough research.

The Temporary Speaker (Hon. Abayo): There was a statement on the fire fighting machine. I did direct Thursday, next week. So, we want to commit the two---2013/2014 are facts that are available. Can we have your report compiled and combine with the fire fighting on Thursday, next week. The Chair reiterates, 5th Thursday, next week.

3. Response to Statement request by Hon. Oriaro on administration of Health Sector in the County.

Hon. Onduru, are you aware of this Statement?

Hon. Onduru: Mr. Temporary Speaker, I am not aware

The Temporary Speaker (Hon. Abayo): So, you find out. Clerk, let's give them the other week after 5th. Tuesday, 10th! Hon. Onduru, you liaise with the office of the Clerk if you don't have that copy. Get the facts and on Tuesday, 10th at 2.30 p.m. we get that report.

4. Report by the Committee on Lands, Physical Planning, Surveying and Housing on land dispute on Kadenge Plot 899 and Mbolori Market in Central Alego Ward.

Hon. Otare

Hon. Otare: Thank you, Mr. Temporary Speaker. That report is ready and I hope to bring it next Thursday.

The Temporary Speaker (Hon. Abayo): If it is ready, you bring it on Tuesday, next week.

Hon. Otare: Mr. Temporary Speaker, Tuesday I will not be in. Why don't you just permit me to bring it Thursday, next week?

The Temporary Speaker (Hon. Abayo): You said it is ready! So, you were lying to the House!

(Laughter)

Hon. Otare, we'll put it on Wednesday 2.30 p.m.

Hon. Otare: Next week?

The Temporary Speaker (Hon. Abayo): Yes, next week, Wednesday 2.30 p.m.

5. Report by the Committee on Public Investments and Public Accounts Committee on Special Report on the Financial Operations of the County Government and Defunct Local Authorities for the period 1st January 2013 to 30th June 2013.

Hon. Angul, are you aware of this?

Hon. Angul: Thank you. Mr. Temporary Speaker, we had already tabled the report in the House. I think it is the Clerk who should tell us ---

The Temporary Speaker (Hon. Abayo): Financial Operations of the County Government and the Defunct Local Authorities between January to June?

Hon. Angul: Yes

The Temporary Speaker (Hon. Abayo): Clerk, you need to schedule that---

(The Temporary Speaker (Hon. Abayo) and the Clerk at the Table consulted)

Ok. Thank you, hon. Angul. This has not come to the House and I'm told it's with the Speaker for some discussion made with the panel. The Chair would want to direct that this particular report is tabled in this House on Wednesday, next week. Should be in the morning, at 9.00 a.m.

6. Report of the Committee on Agriculture, Livestock and Fisheries on Beacon's meeting at Great Lakes Hotel, Kisumu.

We need this report. Tell us the status and when you think it should come to this House.

Hon. Ochieng: Mr. Temporary Speaker, I think if you give us a week's time. The report is ready; I think I will consult with the Clerk to see on the best day to table it.

The Temporary Speaker (Hon. Abayo): Hon. Willis Ochieng, Tuesday, 3rd?

Hon. Ochieng: No problem, Sir

The Temporary Speaker (Hon. Abayo): OK.

7. Report of the Committee on Agriculture, Livestock and Fisheries on their visit to Mumias Sugar Company.

I think this report appeared in this House and justice was done on it

(Laughter)

Hon. Ochieng: The report was brought to the Assembly and rejected. I think amendments have been done. It would be brought back to the Assembly---

The Temporary Speaker (Hon. Abayo): Can we have the two reports together or separately?

Hon. Ochieng: Separately, Mr. Temporary Speaker.

The Temporary Speaker (Hon. Abayo): So, Clerk, when would that be? Wednesday morning next week.

8. Report of the Committee on Health on the sacked Ukwala Health Centre Morgue Attendant.

Hon. Onduru: Mr. Temporary Speaker, we had already tabled that report and we were just waiting for the time to read it to the House.

The Temporary Speaker (Hon. Abayo): So, the report has been tabled? You laid it here?

Hon. Onduru: Yes!

The Temporary Speaker (Hon. Abayo): Clerk, when do we---Thursday this week at 2.30 p.m. we'll have that report. So, hon. Onduru and your team be available to present and defend the report.

9. Report of Committee on Health on Benchmarking visit to Kwale and Taita Taveta Counties.

Hon. Onduru: Same! We will table them together. So, I think the secretariat---

The Temporary Speaker (Hon. Abayo): Secretariat, response. Same day, you can move to Thursday.

10. Debate on Quarterly Financial Year 2013/2014 Reports by Committee on Finance, Budget and Appropriations.

Yes, Chair

Hon. Odinga: Mr. Temporary Speaker, Sir, I think we had tabled most of the financial reports that we went to discuss in Kisumu. As far as we are concerned, we tabled all the financial reports in the last financial year, up to the first quarter of 2014/2015

The Temporary Speaker (Hon. Abayo): Yes, that is the Chair. The Chair is saying there are many reports. The quarterly reports the Chair is aware of, even the first quarter of 2014/2015, including the Annual Development Plan 2015/16. I want to direct that the Chair of Budget, you liaise with the office of the Clerk to look at those specific reports and see how this can be scheduled in the other week. Not this one, the second week. The Chair will be able to tell you which reports.

Hon. Members, I want to add that the Chair directed last week that copies of these reports had been given to Members. Please, I would like to urge Members to go through those reports. We may not produce any more copies for you because we gave out all those copies. We want to be as paperless as possible. Those reports will be scheduled for discussion; we will give you specific dates the other week so that you are able to carry your copies. It is a

clear indication that a number of statements have come to this House and we would want the House to dispense on them as soon as possible.

Please, note those dates and I want to direct the office of the Clerk to remain vigilant with a follow up and possibly have this information on our website, so that Members can be able to track the dates we have set today.

(Hon. Muhulah stood at his place)

Yes, Hon. Muhulah

Hon. Muhulah: Hon. Temporary Speaker, I just want to bring to the attention of this House that I sought a statement on the Suppliers and directorship of those companies. To date, I've not gotten the response.

The Temporary Speaker (Hon. Abayo): Would you expound on exactly what you are talking about.

Hon. Muhulah: Mr. Temporary Speaker, if I jog your memory, you will recall that there was a time when there was the issue of the contractors and the membership of this house. So, this House requested a statement which was moved by me that the Executive furnish this House with the list of suppliers and directorship of the companies that work with the County Government of Siaya, but up to date, I have not received it.

The Temporary Speaker (Hon. Abayo): Hon. K'awuor, was this not mentioned? Maybe it was not a formal report, but at one point, Members of this House had been associated with the membership of some of the construction firms and hon. Muhulah sought a Statement to clarify this. Was it taken up or is it pending? If so, would you be able to tell us when this will be done?

Hon. Awuor: Thank you, Mr. Temporary Speaker. I'm sorry, I can't remember the Speaker directing that statement to the Committee on Governance and Administration, but if it is so, then I think we need to now start a fresh. If it was directed to this committee, which I am not aware, I think we need to get a copy from the office of the Clerk and then we will do the necessary.

Hon. Muhulah: Mr. Temporary Speaker, I just wanted to remind you that the statement was directed to the office of Majority Leader.

The Temporary Speaker (Hon. Abayo): Office of the Majority Leader? I did ask that because there must have been a write up to this effect and I think there was a day that the CEC in charge of Administration was in this House and he did allude to it. We want therefore, to capture that on this list of the pending statements, we insert No. 11:-

A statement by Hon. Muhulah seeking to know the ownership-- whether there is any involvement of Members of this House-- The official statement should come from the Executive, either exonerating Members or if there are Members that are associated with the construction firms that are offering services in this County, that should come out.

So, now that this report had been mentioned in this House by the CEC in charge of Administration and office of the Clerk has also confirmed there must have been some write up, I want to direct that the Chair of Governance and Administration liaises with the Clerk's office to see whatever write up is available and whether that can be taken. So, as a committee,

take that report or whatever write up is available and present a substantive report on that position.

Hon. Members, this puts the integrity of Members of this House into jeopardy and we would want to take that seriously-- that a clear statement from the Office of the Executive is tabled in this House in regards to that position. Thank you.

Next Order!

Hon. Awuor: Mr. Temporary Speaker, sorry, you have not given direction as to when you need this substantive report from the Executive.

The Temporary Speaker (Hon. Abayo): You need one week? Two?

Hon. Awuor: Two weeks can be ok.

The Temporary Speaker (Hon. Abayo): Thursday, 12th at 2:30p.m. let's have your report. Yes, hon. Onduru.

Hon. Onduru: Mr. Temporary Speaker, I had already issued notice of a statement on the devolved functions of the Ministry of Health to the Health --- but that statement is not appearing here, so I don't know whether it's lost or it is pending somewhere. It was a statement which was to be presented last session, but I think time did not allow us.

The Temporary Speaker (Hon. Abayo): Hon. Onduru, you are talking about a statement from your own committee? You are seeking a statement?

Hon. Onduru: No, I gave a notice of a statement seeking clarification of devolved function to the Ministry of Health which had not been transferred to another Ministry. So, I wanted clarification. And it was among the statements which were pending last time and I have not heard of that statement in the list you are sharing.

The Temporary Speaker (Hon. Abayo): It sounds a Motion, but let's confirm.

Hon. Awuor: Again, Mr. Temporary Speaker, one statement which was made---

The Temporary Speaker (Hon. Abayo): Hon. K'awuor, you have not been given a chance. Is it related to what hon. Onduru has said?

Hon. Awuor: Yes, Mr. Temporary Speaker. I think last session, Hon. Onduru made a statement before this House and that statement was directed to our committee. The statement was seeking the time that we were going to have the devolved units. I think we discussed that and it was resolved in this House. I don't know whether that is a different one, but the question that was raised by the hon. was properly tabled and discussed. To me it was dispensed on properly. Thank you.

The Temporary Speaker (Hon. Abayo): As fate would have it.

Hon. Onduru: That's not the one! Temporary Speaker, I think hon. K'awuor is talking about another statement which I also gave.

The Temporary Speaker (Hon. Abayo): Can you make a clarification on what statement. Hon. K'awuor is talking about when will the devolved structures ---up to the village level and hon. Onduru is talking about devolved structures of health. Hon. Onduru, can you make this clear to the Members.

Hon. Onduru: There is a statement in which I wanted the Government to institute the structures, the village, and the ward that was a different one. Then I had another statement which is the functions of the Ministry of health which includes garbage collection, refuse collection, dumpsites which has now been taken to another Ministry, but according to the constitution, they are functions devolved to the Ministry of Health. This was different thing

and I wanted to find out why those functions were transferred to another Ministry while they are functions of the Ministry of Health. And I really needed that notice last time.

The Temporary Speaker (Hon. Abayo): These functions were transferred to which sector?

Hon. Onduru: Water.

The Temporary Speaker (Hon. Abayo): So, I want to advice, Hon. Onduru you will avail a copy of that statement, but I want to ask the two Committees- Health, Environment and Water to have a look at that with the office of the Clerk so that if the statement was there, we can be able to schedule it for another day for discussion. We can present that statement officially to know who will be able to take it up. After it has been verified, I think Hon. Onduru is making it clear, functions were transferred. Can we confirm that these functions were transferred, let hon. Onduru help us unravel that, and if that is so, we will be able to take up that with the relevant committee. Not necessarily now, maybe Tuesday or Thursday we will be able to revisit that Hon. Onduru and commit it to the relevant committee.

Next Order!

ADJOURNMENT

The Temporary Speaker (Hon. Abayo): Hon. Owii is smiling at me.

Hon. Owii: Thank you, Mr. Temporary Speaker, Sir. I was smiling because this is not normal with me, that I come when the House is closing.

(Laughter)

I want to take this opportunity to put a Motion of adjournment given that we have exhausted all the business of the day and we have no more to discuss. I want to call upon one hon. Andiego, to second.

Hon. Andiego: Thank you, Mr. Temporary Speaker, I rise to second.

The Temporary Speaker (Hon. Abayo): Members, a Motion of adjournment has been proposed and seconded. I wish to pose the question that this house adjourns until tomorrow 9 a.m.

(Question put and agreed to)

The House rose at 3:15 p.m.