

SIAYA COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly- Second Session

Friday, 19th December, 2014

Special Sitting

The House met at the County Assembly Chambers at 2.30 pm

[The Speaker (Hon. Okode) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, thank you for creating time to come to this Special Sitting of the Assembly. We know we have interrupted your holidays, but the matter was of a Constitutional nature where we had to discuss the names of the nominees, failure of which they would automatically become CECs.

In a Special Gazette, the Speaker of the County Assembly of Siaya gazetted a Special Sitting:-

Pursuant to Standing Order No. 27 (3) of the County Assembly of Siaya Standing Orders, it is notified to the information of Members of the County Assembly and the general public that there will be a Special Sitting of the County Assembly which shall be held in the County Assembly Chambers of Bondo, on Friday, 19th December, 2014 at 2.30 p.m. for purposes of consideration of Special Motion relating to the report of the Committee on Appointments and the approval of:-

1. Mr. Gondi Hesbon Olum – The office of; Member of the County Executive Committee in charge of Trade, Industry and Cooperative Development.
2. Mr. Chero Oduor Omondi – The office of; Member of the County Executive Committee in charge of Public Works, Roads, Transport and Infrastructure.
3. Pamela Awino Akello – The office of; Member of the County Executive Committee in charge of Education, Youth Affairs, Gender and Social Services.

In accordance with County Assembly Standing Orders No. 22B, the CEC in charge of Finance, Planning and Vision 2030, the acting CEC in charge of Public Works, Roads, Transport and Infrastructure and the Chairman, County Public Service Board, will be admitted in the Assembly to present reports on Statements earlier requested.

Hon. Members, the other Communication I may need to make to you which is of welfare in nature is that, the office the Clerk and Finance managed only to secure financial request for our Ward offices and I'm informed by the Clerk and the Finance department that monies have been channelled to our respective land lords and monies for the staff will--- before you leave here, the necessary will be done. If you know what I mean.

The other issue is; we had opted to have these CECs come today to clarify the air on certain issues. It is not life and death as it is out there. The matter is, we asked on certain things and as Representatives of the people, we need to get some clarifications so that we know what to tell the people.

Such include issues of;

1. The allegedly devolved finances for recruitment of medical staff,
2. The alleged verbal recruitment of ECD teachers,
3. The other one is the talk in town of monies having been spent to build temporary structure in the Executive office space.

When Members don't have information, then the people suffer more, but when we have information, then we have what to tell them. It is not as hot as some people wanted it to appear to be.

I was informed by the Clerk that because we have not paid medical bills, the provider, the underwriter had terminated the service, but he also told me they are in consultation, they are talking and I hope it will be communicated to you sooner than later on the next cause of action. But he tells me they have assured him that they are going to reinstate that.

That is a problem we have across board. Even the hotels, even the airlines, we have a problem, because we have not received any monies for operations.

Otherwise, hon. Members, we want to take the shortest time possible, we dispense off the items we have today then we proceed with our holidays until February next year.

Next Order!

PAPERS LAID

Hon. Apiyo: Thank you, Mr. Speaker, Sir. Allow me to lay before this hon. House:-
The Report of the Committee on Appointments on the Vetting of Nominees, Siaya County, Executive Committee Members.

(Hon. Apiyo laid the document on the Table)

Hon. Speaker: I direct that all Members be furnished with the same report.
Next Order!

NOTICE OF MOTION

Hon. Apiyo: Thank you, Mr. Speaker Sir. I now wish to present before this House the Notice of Motion of the Committee on Appointments on the Vetting of Nominees to Siaya County Executive Committees.

Hon. Speaker: Hon. Members given notice to move that Motion today.
Next Order!

STATEMENTS

Hon. Speaker: Hon. Members, I don't expect new Statements, but I expect the questions that were sought by Members previously in the House, clarification on the CECs and the Chair of the County Public Service Board. Immediately when we are done with this session, I will go and then come back for an expanded or Special Committee meeting.

Next Order!

MOTION

Hon. Apiyo: Thank you, Mr. Speaker Sir. I want to move a Motion that this House adopts the Seventh Report of the Committee on Appointments on the Vetting of the Three County Executive Member Nominees laid on the Table of this House today, Friday, 19th December, 2014. I will request Hon. Joanes Andiego to second.

Hon. Andiego: Mr. Speaker Sir, I rise to second.

Hon. Speaker: Hon. Members, allow me to propose the question which is that:- This House adopts the Seventh Report of the Committee on Appointments on the Vetting of Three County Executive Member Nominees laid on the Table of the House, today, 19th December, 2014.

Hon. Apiyo, please proceed.

Hon. Apiyo: Thank you, Mr. Speaker, Sir. On behalf of the Committee on Appointments, on this Special Sitting, I would like to present to this hon. House our report on the three nominees of the Executive Committee Members in charge of Trade, Industry and Cooperative, County Executive Committee Member in charge of Education, Youth Affairs, Gender and Social Services and the last one, Public Works, Roads, Transport and Infrastructure.

Mr. Speaker Sir, I would request not to go on each and every page.

On behalf of the Members of the Committee on Appointments and pursuant to the provisions of Standing Order No. 185, it is my pleasure and duty to present to this House, the Committee's Report on the Seventh vetting of the County Executive Committee Nominees.

Committee Membership

The Committee on Appointments was constituted by the House on Tuesday, 30th April, 2013, comprising of the following Members:-

- | | |
|--------------------------------------|--|
| 1. Hon. George Okode | – Speaker of the County Assembly/Chairperson |
| 2. Hon. Stephen Ouma Adera, MCA | – Deputy Speaker/Vice Chairperson |
| 3. Hon. Edwin Martin Otieno, MCA | – (Leader of the Majority Party)Member |
| 4. Hon. John Ombewa Gare, MCA | – (Chief Whip) Member |
| 5. Hon. Sylvester Madialo, MCA | - Member |
| 6. Hon. Lorna Adida, MCA | - Member |
| 7. Hon. Christopher Apiyo Apiyo, MCA | - Member |
| 8. Hon. Jared Abayo, MCA | - Member |
| 9. Hon. Joanes Andiego, MCA | - Member |
| 10. Hon. Benson Onyango, MCA | - Member |
| 11. Hon. Sella Akinyi Okwako, MCA | - Member |

Committee Mandate

The Committee on Appointments is one of the Select Committees established under Standing Order No. 185 (1) which provides that, the Committee on Appointments shall consider, for approval by the House, appointments under Article (179(2)(b) of the Constitution (Members of County Executive Committee).

Nomination by H.E. the Governor

Pursuant to Article 179(2)(b) of the Constitution, H.E. the Governor, Cornel Rasanga, forwarded to the County Assembly through the Clerk's office, the names of three nominees vide a letter dated, 26th November, 2014, 1st December, 2014, 2nd December, 2014 and 10th December, 2014 for vetting by the Committee on Appointments and consideration for approval by the County Assembly for appointment as Member of the Siaya County Executive Committee as hereunder;

S/No.	NAME OF NOMINEE	RESPONSIBILITY
1.	GONDI HESBON OLUM	County Executive Committee Member in charge of Trade, Industry and Cooperative Development.
2.	PAMELA AWINO AKELLO	County Executive Committee Member in charge of Education, Youth Affairs, Gender and Social Services.
3.	CHERO ODUOR OMONDI	County Executive Committee Member in charge of Public Works, Roads and Infrastructure.

Committee Meetings

Mr. Speaker, Sir, the Committee convened at Bondo Sub County offices on 18th December, 2014, during which the three nominees appeared before them, were vetted in accordance with the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.

Mr. Speaker, Sir, **The Appointments process of these Nominees;**

i) Pursuant to Article 179(2)(b) of the Constitution of Kenya 2010, H.E. the Governor, forwarded to the County Assembly through the Clerk's office, the names of the nominees for vetting by the Committee on Appointments and consideration for approval by the County Assembly for appointments of the three nominees as Members of the Siaya County Executive Committee.

ii) Honorable Speaker in a Communication to the House, informed the House that the County Assembly had received the names of the said nominees and directed that the names and curriculum vitae of the said nominees be referred to the Committee on Appointments for vetting and reporting to the House.

iii) Pursuant to Standing Order No. 27(3), the Speaker notified the Members of the Assembly and the general public of a Special Sitting of the County Assembly scheduled for 19th December, 2014 for purposes of consideration of a special motion relating to the Report of the Committee on Appointments on the Approval of the Three Nominees.

iv) The public was invited to participate in the vetting process. Press and media announcements were made inviting the public to submit memoranda on the suitability or otherwise of the said nominees pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act 2011. However, no memoranda were received from the public condemning the nominee or raising objection to these nomination.

Vetting of the Nominees

In conducting the vetting process, the Committee on Appointments examined the nominees against the following criteria, amongst others, in accordance with the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 and the County Government Act 2012:-

- i) Academic qualifications
- ii) Employment record
- iii) Professional affiliations
- iv) Potential conflict of interest
- v) Knowledge of the relevant subject
- vi) Overall suitability for the position
- vii) Tax compliance
- viii) Integrity

Mr. Gondi Hesbon Olum – County Executive Committee Member Nominee for the Department of Trade, Industry and Cooperative Development.

Mr. Gondi Hesbon Olum, appeared before the Committee on Thursday, 18th, December 2014. He submitted original copies of the following documents of which he had submitted copies before:-

- ID card
- Curriculum Vitae
- Academic and professional certificates
- Compliance Certificate from Kenya Revenue Authority (KRA)
- Clearance Certificate from Higher Education Loan Board (HELB)
- Duly filled self declaration form on Leadership and Integrity from Ethics and Anti-Corruption Commission (EACC)
- Clearance Certificate from Credit Reference Bureau (CRB)
- Clearance Certificate from Criminal Investigation Department (CID)

Mr. Speaker Sir, he stated before the Committee that:-

- He is 72 years
- He is a resident of East Migwena, in South Sakwa, Bondo Sub-County in Siaya County
- He has a M.Sc degree in Economics from the Kiev Institute of National Economy, USSR, a Bachelor of Philosophy in Economics from the University of Nairobi and 'O' Level Certificate from Mombasa High School.
- He is currently a consultant in Monitoring and Evaluation, Strategic Planning, Employee and Work environmental Surveys.
- He is an accomplished Economist/Statistician having 29 years experience in public service having rose from Statistical Officer/Economist in 1977 to level of Chief Economist in the Ministry of Planning and National Development in 1994. He later became Director of Industries in the Ministry of Industry.
- He later worked as a project manager for Ministry of Planning and National Development in developing national Statistical System Project funded by World Bank and DFID.

The Committee found the nominee suitable for appointment because:-

- He has the relevant experience required for the docket nominated for.
- He has the requisite qualification for the post.
- He demonstrated leadership and organizational skills.
- He submitted all the compliance certificates as stipulated in the advert and Chapter Six of the Constitution of Kenya.

Pamela Awino Akello – County Executive Committee Member Nominee for the Department of Education, Youth Affairs, Gender and Social Services.

Mrs. Pamela Awino Akello appeared before the Committee on Thursday, 18th December, 2014. She submitted original copies of the following documents of which she had submitted copies before the committee:-

- ID card
- Curriculum Vitae
- Academic and professional certificates
- Compliance Certificate from Kenya Revenue Authority (KRA)
- Clearance Certificate from Higher Education Loan Board (HELB)
- Duly filled self declaration form on Leadership and Integrity from Ethics and Anti-Corruption Commission (EACC)
- Clearance Certificate from Credit Reference Bureau (CRB)
- Clearance Certificate from Criminal Investigation Department (CID)

She stated to the Committee that;

- She is 52 years old
- She is from Kobong' Sub location, Uyoma Central, Rarieda Sub-County in Siaya County.
- She has a Masters of Arts in Project Planning and Management and Bachelor of Education (Arts) from University of Nairobi and Higher Diploma in Psychological Counselling from Durham University.
- She is an experienced teacher, philanthropist and a professional counselor
- She is the Senior Assistant Director of Education. She has 30 years experience in the education fraternity having risen from a teacher in 1983 to the level of Senior Assistant Director of Education.
- She is a team player and believes in consultation. She has the relevant planning and organization skills required for the docket she was nominated to.
- She will strive to raise the education, youth, gender and social services standard to be in a competitive edge with other Counties.
- She will periodically present departmental plans and reports to the Assembly and other relevant stakeholders in order to improve the performance of the County.

The Committee found the nominee suitable for appointment because:-

- She has the required qualifications for the post nominated to.
- She understands her role in the Education docket and has plans to improve the performance of the docket in the County.
- She has a wealth of experience and demonstrated team work and management by consultation where required.

- She complied with all the requirements stipulated in Chapter six of the Constitution of Kenya, 2010 on leadership and Integrity.

Mr. Chero Oduor Omondi – County Executive Committee Member Nominee for the Department of Public Works, Roads, Transport and Infrastructure.

Mr. Chero Oduor Omondi appeared before the Committee on Thursday, 18th December, 2014. He submitted original copies of the following documents of which he had submitted copies before:-

- ID card
- Curriculum Vitae
- Academic and professional certificates
- Compliance Certificate from Kenya Revenue Authority (KRA)
- Clearance Certificate from Higher Education Loan Board (HELB)
- Duly filled self declaration form on Leadership and Integrity from Ethics and Anti-Corruption Commission (EACC)
- Clearance Certificate from Credit Reference Bureau (CRB)
- Clearance Certificate from Criminal Investigation Department (CID)

He stated to the Committee that:-

- He is 61 years old.
- He comes from Ngunya Sub-location, Ugunja Sub County, in Siaya County
- He holds a Bachelors in Architecture degree from the University of Nairobi.
- He is an Architect by profession with 31years working experience with the Ministry of Public Works.
- He has a hands on experience in organization,supervision and training of staff.
- He is ready to handle the infrastructural challenges experienced in the County.
- He will ensure the objectives of the County Intergated Development Plan is achieved.

The Committee found the nominee suitable for appointment because:-

- He has the professional qualification for the post nominated to.
- He has the relevant experience required to perform the functions of the portfolio.
- He demonstrated the plans he has for the department and the County's infrastructural development.

RECOMMENDATIONS

Mr. Speaker, Sir, the Committee unanimously found them suitable and therefore approves the appointment by H.E the Governor of the following persons to the docket mentioned:-

1. **Gondi Hesbon Olum**-County Executive Committee Member in charge of Trade, Industry, Labour and Cooperative Development.
2. **Pamela Awino Akello** – Nominee for County Executive member in charge of Education, Youth Affairs, Gender and Social Services.
3. **Chero Oduor Omondi** – Nominee for County Executive member in charge of Public Works, Roads, Transport and Infarstructure.

Mr. Speaker,Sir, pursuant to Article 179(2)(b) of the Constitution of Kenya 2010, Section 35 of the County Government Act 2012 and Standing Order No. 185 (4), the Committee recommends that this House approves the nomination of:-

- i. **Gondi Hesbon Olum-** Nominee for County Executive Member in charge of Trade, Industry, Labour and Cooperative Development.
- ii. **Pamela Awino Akello** – Nominee for County Executive Member in charge of Education, Youth Affairs, Gender and Social Services.
- iii. **Chero Oduor Omondi** – Nominee for County Executive member in charge of Public Works, Roads, Transport and Infrastructure.

Thank you, Mr. Speaker, Sir.

Hon. Speaker: Yes, Hon. Oriaro.

Hon. Oriaro: Thank you, Mr. Speaker, Sir. Here's my take on the matter before the House. I take issue on the aspect of age. The public has always cried out why the youth have never been considered in lucrative areas and whoever is the appointing authority has constantly shunned the youth. The people we are having before us are old; theirs is just to find a place for killing time before they depart to be with the greater Lord.

On that note, Mr. Speaker, Sir, we also know that the Ugenya people have always cried. I do not know what the Ugenya people shall say about this. We also have voters in Ugenya and the Governor knows that for sure. So, on that note Mr. Speaker, Sir, and as a great concern, I stand to reject the list.

Thank you.

Hon. Speaker: Yes, Hon. Ben.

Hon. Omondi: First and foremost, I wish to sincerely take this opportunity and thank H.E the Governor for work well done. Before I comment on the issue of age and other things, I want to say that as a Representative from Ugenya, we have no problem because Ugenya is represented by the CEC in charge of Health.

(Applause)

Surely, the Governor has done the right thing by replacing a person from Ugunja with another one from Ugunja. Another one was sacked from Rarieda and there's a nominee from Rarieda. There was one from Bondo; we have a nominee from Bondo. On the issue of age, the Constitution is very clear and we should not bargain or consider just the three names, we should consider the entire composition of the cabinet. Is there a representative from the youth? That's what we should consider.

But, personally as Ben, I want to say that am very happy and we need to move another step forward. And on behalf of the Committee on Public Works, Roads and Infrastructure, we are very thankful, because this is one Committee that has been running without the CEC in charge and a Chief Officer. So we want to believe that this time round as a Committee, we are going to move with speed so that everything is done. Thank you very much. I support!

Hon. Speaker: Yes, Hon. Muhullah

Hon. Muhullah: Thank you very much, Mr. Speaker. One, I want to commend the Committee on Appointments for bringing the three people to this House.

Mr. Speaker, indeed the concern is one; that when are we ever going to give our sons and daughters who are still within the working age a chance to serve in this Government of Hon. Rasanga. Because, when you look at the CECs and even sometimes the Chief Officers,

all these people are retired. Are these people brought to serve the Governor as an individual or they are brought to serve the County Government of Siaya?

(Applause)

Mr. Speaker, you cannot tell me that in the present education sector and more so in the County of Siaya, we cannot get someone who is youthful enough, brainy and very much objective to deliver services to the people of Siaya County. It cannot be very difficult that we have to go for a retired 72 year old and bring him in as a CEC.

(Applause)

Mr. Speaker, we have youthful people and I can single out the senior officers who are working in this government that had already retired. Now, we call for the interest; where is the interest when somebody is already retired and earning his pension? Does he really become serious when he is engaged Mr. Speaker? It becomes an issue that this House has to stop this precedence from going on. We want the youth to be engaged in delivery of services in Siaya County.

I do want to believe that sometimes, it may not be that when you are 72 years old, then you are senile or you cannot think for yourself, but the question is, why are we training professional people to work? We are not training professionals to go outside the County and live there, then we assume that old people who are supposed to be resting are the ones supposed to serve us in Siaya. These are not the people we need to engage as at now! The world has gone digital and my request is, let's look for young people to serve Siaya County with the seriousness it deserves. I beg to disagree.

Thank you!

Hon. Speaker: Yes, Hon. Munda.

Hon. Munda: Thank you, Mr. Speaker for giving me the opportunity to also air out my views on this particular matter. First of all, I want to thank H.E the Governor for giving us good brains to manage our County.

Secondly, I want to thank the Committee on Appointments for the good work they have done in this short time. First, when looking at the nominee for Trade, Industry and Cooperative Development- Mr. Hesbon Olum, even though he is old, he has got a lot of experience in that docket and I hope and know that he will steer the County to greater heights because he even has vast knowledge in matters industries which we seriously need in this County of Siaya.

Looking at Madam Pamela Awino Akello. This woman has been a D.E.O for quite long in so many places. She has vast experience in matters to do with education and she qualifies so much in that docket and I thank the Governor for having nominated her.

The last one is Chero Oduor Omondi. I don't know him, but from what I have seen here he has also some good news for the County of Siaya. I stand to support.

Thank you.

(Laughter)

Hon. Speaker: Yes, Hon. Onduru.

Hon. Onduru: Thank you, Mr. Speaker. I would like to start by appreciating the Appointments Committee for exactly following what they were supposed to follow. This is very clear; that those people we are appointing here, we look at their academic qualifications, employment records, professional affiliation, potential conflict of interest, knowledge of the relevant subject, overall suitability for the position, tax compliance and integrity. I have not seen where age comparison has been indicated! Whether they are 40,50 or 70 years!

Like in trade, we are talking of people who have linkages and networks. We are not talking of somebody who has just been in employment for 2 or 4 years and may not have linkages and networks for our County. We want people who can attract investors in our County.

(Applause)

(Hon. Muhulah stood up in his place)

Hon. Muhullah: Point of order, Mr. Speaker!

Hon. Speaker: Just a minute, Hon. Onduru. Yes Hon. Muhulah

Hon. Muhulah: Mr. Speaker, is the Member in order to come and mislead the House that there is any indication here showing the connectional linkages that this person has?

(Applause)

Why can't he just talk on what is here, Mr. Speaker?

Hon. Speaker: Hon. Onduru, Did you say there is connection?

Hon. Onduru: I did not say that!

Hon. Speaker: Proceed! Hon. Onduru!

(Laughter)

Hon. Onduru: the Member should also know that in ten years, he will be seventy. And I know he will be very smart and able to do any work.

(Laughter)

Hon. Speaker: Are you saying he is 60 years old?

(Laughter)

Proceed, Hon. Onduru!

Hon. Onduru: I think the Appointments Committee really did a good job and I'm sure people who are approved here to work for this County will add value to us. Age does not matter. If its age my dear Members, I would not have been here because I also think am old, but I can still provide service to this County. So, for me, I think this is a good choice. The Committee did a good job. We should approve this and forge ahead.

And again, let them tell us, who are those young people who they were competing. Maybe they were nowhere to compete with them. I support. Thank you very much.

(Applause)

Hon. Speaker: Hon. Madialo

Hon. Madialo: Thank you, Mr. Speaker. I really need to associate myself with this report, more so because am a Member of this Committee. Mr. Speaker, the constitutional dispensation that gave birth to even this Assembly and the County Government, provided for oversight, and like in the budget process, even in the appointment process, the Assembly looks at the appointees before they are appointed. And in the same manner, the Assembly looks at the proposed budget before it becomes a budget. Mr. Speaker, this was to cure the old scenario where Parliament was looking at these things after, not before. And, Mr. Speaker, in that oversight, parameters have been defined and the previous speaker, Hon. Onduru stated the parameters.

But, let me add that one of the tenets of the constitution is that we try to avoid discrimination. And that discrimination is explained by the fact that we sit Here today with female Members who are nominated specifically to get rid of what would amount to discrimination in the society, decision making by men only. Mr. Speaker, it would be wrong to deny somebody a job because she is a woman and not a man. It is wrong to deny somebody a job on the grounds that he is young and not old or one of his legs is bad or he doesn't have eye sight.

And in the same manner, it is wrong to deny someone a job because he is older than the next person. Discrimination can simply be defined as excluding somebody from that which she/he could get or concentrating on factors other than qualification.

Mr. Speaker, what should have been an issue in the report would be that this person does not meet the constitutional provisions on integrity. But age cannot be an issue.

Mr. Speaker, permit me to add that the constitutional requirement that there should be equitable representation has been covered here. There could be a problem if the Governor were to cross and give this slot that was lost in Rarieda to Gem and take the one for Bondo to Usonga and you know---

(Laughter)

Mr. Speaker, if that were to happen, then equitable representation within the Executive would be missing. But in this case, the Governor went back to the areas where the people that vacated these offices came from and he ensured that he filled the offices with people from those specific areas so that geographical consideration in terms of representation in the Executive is well covered.

But, Mr. Speaker, that would not my main point. My main point is; it would be a sad day if we were to exclude somebody from work on the grounds that he is 70 years rather than 65 or that he is 65 years and we were looking for a person of the age of 54.

I wish to sit, Mr. Speaker, but may I add this; the constitution does give age limits by requiring on top of other things that you cannot earn pension more than----, but these are Executive Committee Members and not Chief Officers. These are people who are in these offices during the duration of the Governor and during the time when he serves. And a person who serves during your tenure must first and foremost be agreeable to you and Mr. Speaker even as we have the power to vet, but we must also understand that the Governor appoints

people he is comfortable of working with. Because, these are people who will provide services during the time the Governor is in office.

On those few remarks, I urge Members to adopt the report.

(Applause)

Hon. Speaker: Hon. Gare

Hon. Gare: Thank you, Mr. Speaker. First and foremost, I am standing to support that we adopt this report. Why am I saying so? First, I want to thank H.E. Governor for the work well done. Why am I saying so? One, we had vetted these CEC's before, but then, the ones that we vetted earlier left or they were relieved of their duties, because they serve at the mercies of the Governor. I will call them the Governor's shamba boys because he comes and goes with them. So, if he has again done what is called regional balancing by giving us—if the person who went was from Rarieda, he has given somebody from Rarieda. He has given somebody from Bondo and somebody from Ugunja. That is regional balancing! We would refuse if he gave it someone from another Sub County and leaves a Sub County without a CEC.

Mr. Speaker, even the gender balance has also been observed. Now that we have this other lady coming in the docket of education, gender balance has been well taken care of.

Mr. Speaker, I want to refer this House to the County Government Act, section 35, sub section 3d which says; a person may be appointed as a Member of the County Executive Committee if that person has knowledge, experience and a distinguished career of not less than 5years in the field relevant to the portfolio of the department to which the person is being appointed.

We have seen the papers of these nominees; they have vast experience, distinguished careers and knowledge in the relevant departments of which they have been appointed to serve in. What else do we need? We need to support this document!

(Applause)

I want to request this House that we cannot deny somebody a chance to work because he is 70 years old. You are saying that this person must be a youth, what if he is a youth and does not have the distinguished career and experience of not less than 5 years. What do we do? We give him time! The youth will get their time! Am telling you old is gold! We cannot deny these people a chance because they are old and they have the experience.

(Applause)

So, I ask this hon. House to support and adopt this report. Thank you, Mr. Speaker!

(Applause)

Hon. Speaker: Allow me to remind Hon.Members that we are free to debate, but remember that we have even some other persons we want to see after this. So, we avoid repetitions.

Yes, Hon. Were

Hon. Were: Thank you, Mr. Speaker, for giving me this opportunity. The debate about the nominees is quite exciting. I was asking myself several questions.;you know, at the age of 72, age comes with anticipated challenges. Age depreciates, it does not appreciate--

(Applause)

and it comes with de-accelerated energy levels---

(Applause)

I was asking myself, if it was a horse race, I would not pick the 72. But you see, I was also asking myself, if already the department is a busy one, why pick on somebody old. Because old age comes with diseases, he has to pick his antihypertensive.

(Laughter)

He has to go for his diabetic regimen. You know he has arthritic conditions and time and again he has to be in the hospital.

(Laughter)

(Hon. Madialo stood up in his place)

Hon. Madialo: On a point of order, Mr. Speaker.

Hon. Speaker: Yes Hon. Madialo. Hon. Were, take your seat.

Hon. Madialo: Point of order, Mr. Speaker. Is the Hon. Were in order to suggest that this person is afflicted of all those ailments while it is not captured here in this report?

An Hon. Member: Yes! It's outside the report!

Hon. Speaker: Hon. Were----

Hon. Members: He is a doctor!

Hon. Speaker: Hon. Were, are you implying that you know more than the Committee dug out?

Hon. Were: You know I was talking as a specialist.

(Laughter)

Hon. Speaker: Order! Order, Hon. Members! Hon. Were, you are free to talk from your point of knowledge, but the House had not sought an expert opinion. Proceed!

(Laughter)

Hon. Were: You know, this County doesn't have the shortage of professionals who would serve in various disciplines and it's a pity that the Executive is a house of the aged.

(Applause)

If I had a chance, then I would have said; why don't we wear---Because other considerations seemingly were in plain, but we need to be a bit more serious with issues to do with regions and the constitution. Why pick on a pensioner, surely? Why?

(Applause)

That is my input.

Hon. Speaker: Hon. K'owii

Hon. Owii: Thank you, Mr. Speaker Sir and the hon. House. Mr. Speaker, just as you had suggested that we should talk knowing that we have some other business that we are going to do and for the short time that I have been here am seeing that quite a number of us are agreeing with the report, but the truth of the matter is that you should always learn to set some precedence that we can continue doing.

There is a time when *Bwana*---was brought to us and the same House really behaved.

(Applause)

I don't know if they behaved bad or good, but they behaved. What makes me happy is that we have a lot of trust in the characters of our Appointments Committee. They have done all that we would want to know and that is exactly what is supposed to be found out to make these people suitable candidates or not. Am not saying age is bad, maybe if we say age is not good then we would have continued in that line of argument. If it was bad that time, then it would have been bad this time too. As Hon. Gare said, what is needed is not age. Even in the County Governments Act, age is not mentioned. They only talk of the work experience one should have.

Am only disagreeing with one thing, one person I know personally. We were appointed at the same time with Mrs. Pamela Akello in the docket of Education Administration, the same day and because she has stayed behind us, she has moved to very many levels. In fact she has been an M.E.O, D.E.O in many places. What we should caution is that let us not make it to be biblical that where you have removed a lady, you must replace with a lady, where you have removed a man, you must replace with a man. The Governor could play with everything, but still bring most of these people on board.

I want to request that maybe in future, that kind of arrangement should not be reflected here. And you as our people should also be cautious because maybe we would get someone who is better in one docket like trade in Ugenya constituency than maybe these other places.

I'm only standing here to support this report because it is well prepared. It is so detailed. My fear was only one; I never saw it in the papers. I wonder if it was advertised. That was my biggest fear and a very big concern. But now that we are here and we are passionate, I want to say that the gentleman in the name of Olum Gondi, if you read all that he has passed through in terms of experience, Mr. Speaker, Sir, you just say how I wish he came earlier, how I wish the Governor knew, he would have picked him earlier. And if he may make a mistake by one day saying that Olum Gondi also goes home, then we may say NO! Because we are seeing with our eyes the character of a man who has really tried to do alot in this Country in the spirit of service to the nation.

This report is good. The three characters that have been brought here are people that are going to deliver to this particular County. Let's give them support.

Thank you, Mr. Speaker.

Hon. Speaker: Yes, Hon. Andiego.

Hon. Andiego: Thank you, Mr. Speaker, Sir. I have really tried several times that I thought you forgot about me. Mr. Speaker, I am also a Member of the Appointments Committee and I just want to support what Hon. K'owii has said. I wonder where these people were. How I wish the Governor would have known these people long time ago. These are the people we need in this County.

Mr. Speaker, I want to disagree with my colleagues on the issue of age. Mr. Speaker, it has always been said that you may be young bodywise, but very old in mind. Even in this Assembly, Mr. Speaker, you know how Hon. K'owii has been actively participating and he is very old as compared to young, fresh Members of this House.

(Applause)

(Laughter)

So, in this House or wherever these people are appointed, there is no wrestling or fight there. It's just a matter of brain and these are the kind of brains we need --

Hon. Owii: Point of order, Mr. Speaker!

(Laughter)

Hon. Andiego: It's just a comparison, Mr. Speaker!

Hon. Speaker: What is it Hon. K'owii?

Hon. Owii: Just to correct an impression.

(Laughter)

I have never been young throughout my life Mr. Speaker. How I wish some of you would stay young for the rest of your lives. When asked how old you are, you can never say I am 30 years young; you'll always talk of 30 years old. All of us are old...

(Laughter)

And I don't want to say that I'll ever be young again--

Hon. Speaker: Is that a Standing Order you are voicing, Hon. Owii?

Hon. Owii: I'm coming up with my standing order, Mr. Speaker!

(Laughter)

I was only trying to correct an impression. In any Assembly where people respect the voices of everybody, more particularly the Deputy Chief-Whip, should not just open his mouth anyhowly---

Hon. Speaker: No!No! Hon. K'owii. Your time is up!

Hon. Andiego: Thank you, Mr. Speaker. Reading the mood of the House, I would request the Mover of this Motion to reply so that---

Hon. Members: No! No! No! No!No!

Hon. Speaker: No, he has a right, but the Speaker decides. In this case, before the Mover is asked to reply, allow me to ask Hon. Booker to make his contribution. Please let's try three more, unless it is so burning.

Hon. Minami: Thank you, Mr. Speaker. From the onset I have to say that I support the report brought to this House by the Committee of Appointment. Mr. Speaker, one thing that we should distinguish from this report is that these people never competed with anybody. These were direct appointees of the Governor. What somebody should not insinuate here is that they were better than young people. That one should be corrected, because they never competed anywhere.

Mr. Speaker, it is very sad that young people are being stepped on here when we have youth representatives in this House and they are being told that old is gold, they should wait for their time to come. That's very unfair. If that would have been the case, youth representatives would not have been in this House Mr. Speaker. They would have been told to wait for their time. Mr. Speaker, the constitution allows young people to participate in matters development. To be represented and to have representatives. So, it's very unfair that a whole Chief Whip can stand here and tell the youth to wait for their time.

(Applause)

Hon. Gare: Point of order, Mr. Speaker!

Hon. Speaker: Yes, Hon. Gare. What's the point of order?

Hon. Gare: I want to tell my Deputy Chief-Whip--

Hon. Members: Through the Chair!

Hon. Speaker: Through the Chair, please.

Hon. Gare: Thank you, Mr. Speaker. You cannot say and tell me that I have said the youth should wait. What I said was here. Get it very clearly.

Hon. Minami: Where is it?

Hon. Gare: I said we need the experience and it is said in the County Government Act that at least 5 years' experience.

Hon. Minami: Who said they don't have it?

Hon. Speaker: Order! Order! Order!

Hon. Gare: So, I said that some of these youth you're advocating for, may not have gained the 5 years' experience. That's what I said! Yes! I didn't say that the youth cannot get the position. They can get if they have the experience.

Hon. Speaker: Point taken!

Hon. Gare: Get it very clear my deputy!

Hon. Speaker: Order! Hon. Members!

Hon. Minami: Thank you, Mr. Speaker---

Hon. Speaker: Excuse me, Hon. Booker, just take your seat first. Hon. Gare has just expounded his point and I think we have taken it and placed it where it deserves to be. Yes, Hon. Booker. Through the Chair please.

Hon. Minami: Thank you. Mr. Speaker, the Hansard is very clear that young people have been told in this House to wait, time is still on their side. I cannot lie before the House.

Thank you, Mr. Speaker

Hon. Speaker: Yes, I've given you the chance to say that young people should not wait.

Hon. Minami: Yes!

Hon. Speaker: Proceed

Hon. Minami: So, Mr. Speaker, another issue that has been coming here is that the Governor is very clever that when somebody is sacked from Ugunja, he replaces him with another person from Ugunja. And I think Hon. K'owii has really explained it very well. It is not a must! The position for CEC education was not meant for Rarieda, neither is it meant for women. It can be changed that because we have three vacancies, the CEC for education can be a man from Rarieda and the CEC for roads can be a woman from Ugunja. So, let us not make it the way he said that it's the culture.

Mr. Speaker, I just want to remind this House that the Governor has never been consistent in replacing somebody where somebody has left. A good example is Aluoch K'opot who was not approved by this House, he comes from Gem. When another appointment was brought, it was taken to Alego. So, we cannot say that the Governor has been consistent. It is evident Mr. Speaker.

(Applause)

Mr. Speaker, having said so, we cannot say that age is not an issue. If age was not an issue, then a 25 year old or even a retired 90 year old would have been given a position here. So, Mr. Speaker, as a County let us try to look at experience versus age. As I said earlier, apart from age, Gondi Olima is bringing nothing on the table. Apart from age and experience, I've not seen anything that--- he is going to connect Siaya with some Japanese that he worked with or some NGO somewhere so that the road infrastructure starting from the Governor's office can be repaired. It's in a very pathetic condition. And I believe that the experience we've been told here is going to change the situation in Siaya, the County Headquarters within three months.

Mr. Speaker, as I sit down, I want to state very clearly that I support this report.
Thank you

(Applause)

Hon. Speaker: Let me give Hon. Abayo.

(Hon. Okuku stood up in his place)

Elisha, unless it's so burning. What is so different? Let me give Hon. Abayo the chance then we will see if Hon. Elisha will allow us to ask the Mover to reply.

Hon. Okuku: No! Mr. Speaker!

Hon. Speaker: Take your seat, Hon. Elisha!

Hon. Okuku: No! Mr. Speaker, I was elected to come and talk in this House, Mr. Speaker!

Hon. Speaker: Hon. Elisha, take your seat!

Hon. Okuku: I was elected by the people of Yimbo East to come and talk! There's no way you can say unless it so burning, Mr. Speaker!

Hon. Speaker: Hon. Elisha, you are doing a disservice to the people you represent.

(Applause)

Hon. Okuku: No! Mr. Speaker!

Hon. Speaker: The Standing Orders also allow me to eject you from this House. So, you will not talk Hon. Elisha. Yes, Hon. Abayo

Hon. Okuku: But I have talked!

Hon. Abayo: Thank you Mr. Speaker---

(Hon. Okuku still standing at his place)

Hon. Speaker: Hon. Elisha! Hon. Elisha! Hon. Elisha!

(Hon. Okuku settles)

Hon. Abayo: Forgive him, Mr. Speaker. I want to start by saying that I'm a Member of this Committee and I want to support this report. Mr. Speaker, I want to appreciate that the Governor is now becoming a good student.

(Applause)

This is because the Governor is now starting to follow the rules. Mr. Speaker, I don't want to add. Hon. Madialo has talked about constitutional provisions as regards issues of age and Hon. Gare has read the requirements. Mr. Speaker, the Committee was doing vetting and the issues that we vet on are specified in the Act and we followed that.

Mr. Speaker, on the issue of age, let me share with this House that there are some careers called specialized careers and they have a fixed curriculum. They take longer. For example, engineering, why does it take long? Mr. Speaker, why is it that very few Universities are now allowed to offer this particular course and there are Universities that when they offer this course, then those students are not recognized. I want Members to know that areas such as education and medicine are specialized areas and there are no two ways about the curriculum that these fellows go through.

Mr. Speaker, it is known that some of these professions, older people are allowed to practice. Challenge me on this for today. Areas of education, medicine and engineering are that the older you are the better you are in terms of experience and service delivery.

(Applause)

Hon. Gare: Tell them!

Hon. Abayo: The area of law, Mr. Speaker. Why is it that our learned friends take longer? It is because there is something special about them. And this is what we are talking about.

Mr. Speaker, why again I talk about the Governor being a good student is that; these are positions people were sacked from and I want this House to be alive to the fact that the positions we are talking about are of people replacing those who were sacked. Mr. Speaker, why were they sacked? It all about performance!

Mr. Speaker, for me the Governor has given us an easy job. Infact, we ought to have passed this as a record, if we are going to be honest.

The age notwithstanding, somebody is challenging the experience of Olum. Honestly! The statistics that this particular County has thrived on to develop its County Integrated Development Plan even before the inception of this County was initiated by this gentleman who held several Siaya County stakeholder meetings in Nairobi to think for the future of Siaya. We have got the right guy!

(Applause)

Look at this guy coming into the area of trade. We are talking about Masters in Economics! Surely! Let's be factual. We want this County to look at how we raise money and how we are able to spend the money. This can only be done through trade. This is an economist and he can surely help us in this area. Mr. Speaker, this House has problems with monitoring of projects. A consultant is coming in the area of M & E. Surely, unless we don't know.

Mr. Speaker, we have a challenge in thinking beyond one year, here are we talking about a consultant in strategic planning. Unless we don't know what we are talking about. But, the Members know. I just want to remind them. This is the person we are talking about. A project Manager in the Ministry of Planning and National Development. Let me stop there about Gondi.

Mr. Speaker, this House knows that one of the areas we have had the greatest challenge is in the education department. And I also believe that we as Members of this House know the role of the CEC and the role of the Chief Officer. We have talked about the age factor. Let's talk about the Chief Officers who are the hands-on guys in this docket. How many of them are young? Honesty, so many young people are the Chief Officers who are supposed to be handling hands-on. The records are clear, can I name them? Let's get to the Land Board, Mr. Speaker. We are talking about young people not being given opportunities; three quarters of them are young people. In fact, there was even a challenge, Mr. Speaker, in getting who chairs the Land Board until we brought in the last fellow you passed here. He is the one chairing that Board. So, young people have opportunities in this government and we want to appreciate them.

(Applause)

A Senior Director of Education. Surely! And Siaya is known for education. I don't have to mention much about that. The issue of public works and infrastructure. I'm happy am seated next to the Chair. This guy is very visionary because he is seeing the chair next to me and knows that we have brought in the right person with a lot of experience in the area of architecture. You look at the type of designs of toilets we have in Siaya compared to Machakos. It was a public ridicule when somebody was making a reference between the toilets designed in Siaya and Machakos. He put them in the media and started comparing.

The quality of the designs that we are talking about here, we dont have! This guy is an architect and he is experienced in public works.

Mr. Speaker, let me not belabor. This is a clear cut easy job and I want to ask the Hon. Members that we pass it with all the honesty because we have the right people who will be able to move this County to the next level.

Thank you, Mr. Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Members. Allow me to refresh your minds with the Standing Orders especially those that touch on gross disorderly conduct.

Standing Order No. 104, talks of the following as cases of disorderly conduct;

1. If a Member persists in making serious allegations which in the Speaker's opinion amount to inadequate substantiation.
2. If a Member abuses his/her privilege. That's also your right.
3. And also talks of; acts in any way to the serious detriment of the dignity and orderly procedure of this Assembly.

So, you need to ask yourself if your conduct furthers the dignity of this House or otherwise.

Let's go to standing order No. 99, which says;

Whenever the Speaker or the Chairperson of Committees rises, any Member then speaking, or offering to speak, shall resume his or her seat and the County Assembly or the Committee shall be silent, so that the Speaker or the Chairperson of the Committees may be heard without interruption.

So, we ask ourselves whether as Chairs we would love to see where people interrupt our speeches and directions.

Yes, the Mover had been asked to reply, that came from the Floor.

Yes, may the Mover reply.

Hon. Apiyo: Thank you, Mr. Speaker, Sir. I want to say, yes, His Excellency the Governor has become a good student as mentioned by one of my colleagues.

Mr. Speaker, Sir, I want to thank you as the Chair of this Committee and again I want to thank all Members of the Committee on Appointment for their good work and the wonderful responses they have given before the Floor.

Mr. Speaker, I also appreciate all the Hon. Members who supported this wonderful report. Mr. Speaker, Sir, I don't want to respond so much because what we've laid before this House speaks for itself.

On that note, Mr. Speaker, Sir, I request this House to adopt:-

The Seventh Report of the Committee on Appointment on the Vetting of the Three Executive Members Nominees laid on the Table of this House, today, Friday, 19th December 2014.

Thank you.

(Applause)

(Question put and agreed to)

(Applause)

Hon. Speaker: Hon. Members, there being no other business, allow me to make the following communication from the County Secretary. It says;-

Hon. Speaker, kindly announce to the Hon. Members to come for a breakfast meeting in H.E the Governor's office on Monday, at 8.30 a.m. and thereafter, proceed to ATC Siaya for the State of County address. The occasion shall be graced by the Prime Minister who shall after the event lead the leaders in the East Asembo public baraza at Nyalima grounds.

Thank you.

You are all welcome.

Secondly, allow me to say that after this session, I will come back and we will have an expanded committee meeting to get clarifications for certain matters that were asked by Members of this House before we went on recess.

ADJOURNMENT

There being no other business, this County Assembly adjourns until 5th of February, 2015.

The House rose at 3.50 p.m.