

SIAYA COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly- Third Session

Wednesday, 4th March, 2015

The House met at the County Assembly Chambers at 2.30 pm

[The Deputy Speaker (Hon. Adera) in the Chair]

PRAYERS

PAPERS

Hon. Deputy Speaker: Any Papers to be laid? Chairman, Public Accounts and Public Investments Committee, hon. Angul.

Hon. Angul: Thank you, Mr. Deputy Speaker, Sir. We had already laid it on 3rd December, 2014.

Hon. Deputy Speaker: Ok. Time will come for it.

Hon. Madialo: Mr. Deputy Speaker, I wish to lay:-
The Siaya County Public Participation and Petitions Bill, 2014, Second Reading.

(Hon. Madialo laid the document on the Table)

(Commotion at the Public Gallery)

Hon. Deputy Speaker: Is there any other Paper?

Next Order!

MOTION

Hon. Angul: Thank you, Mr. Deputy Speaker, I wish to move a Motion:-
THAT this House adopts the Report of the Committee on Public Investments and Public Accounts on Special Audit Report on Financial-----

(Commotion at the Public Gallery)

(Loud consultations in the House)

Hon. Members: Mr. Deputy Speaker! Mr. Deputy Speaker, Sir!

An hon. Member: This is unacceptable! We cannot be mobbed by----

Hon. Deputy Speaker: Order! Order! Let us have some order! Serjeant-at-Arms, ensure that there's order outside.

An hon. Member: Let these people go out of this place!

An hon. Member: We need the police! Police!

Hon. Awuor: Mr. Deputy Speaker, there's something fishy happening out here---

An hon. Member: We cannot be intimidated!

Hon. Awuor: We cannot be intimidated, Mr. Deputy Speaker! This is not the first time we are having Sessions. We have had several Sessions here with members of the public seated quietly at the Public Gallery listening to what is going on. We cannot be intimidated!

An hon. Member: Or else we all walk out!

(Loud consultations)

An hon. Member: Our safety!

(Loud consultations)

Hon. Deputy Speaker: Where is the Serjeant-at-Arms? Ensure there is order at the Public Gallery. Ensure nobody encroaches----

(Loud consultations)

Hon. Angul: Mr. Deputy Speaker, I wish to move a Motion:-

THAT this House adopts the Report of the Committee on Public Investments and Public Accounts on Special Audit Report on Financial Operations of the County Government and Defunct Local Authorities for the period 1st January, 2013 to 30th June, 2013 laid on the table of the House on 3rd December, 2014.

Hon. Deputy Speaker: Are you calling for a Seconder?

Hon. Owiti: Mr. Deputy Speaker, I think I will call hon. Elisha Okuku to second.

Hon. Deputy Speaker: Hon. Okuku.

Hon. Okuku: I rise to second.

(Question proposed)

(Commotion at the Public Gallery)

(The Hon. Deputy Speaker consulted with the Serjeant-at-Arms)

Hon. Angul: Thank you, Mr. Deputy Speaker. I want to take Members through the Special Audit Report on the Financial Operations of the County Government of Siaya---

Hon. Deputy Speaker: Before you proceed, hon. Members, I want you to feel secure. We are making arrangements to ensure that our lives are secure. In the meantime, proceed.

Hon. Angul: Thank you, Mr. Deputy Speaker. I want to take Members through the report of the Committee on Public Investments and Public Accounts on Special Audit Report on the Financial Operations of the County Government and Defunct Local Authorities for the period 1st January, 2013 to 30th June, 2013.

Mr. Deputy Speaker, I would like to tell Members that I will just go to the Executive summary because the report was given out yesterday and I will just be quoting the pages. Let's go to page one and two:-

The PIC/PAC Committee on various occasions examined the content of the reports of the Auditor General on the Financial Operations of the County Government of Siaya and its Defunct Local Authorities for the period 1st January, 2013 to 30th June, 2013.

The audit covered the County Executive, the County Assembly, the former County Council of Siaya, the Town Council of Bondo, Town Council of Ugunja, Town Council of Yala, Municipal Council of Siaya, Town Council of Ukwala and the County Council of Bondo transactions for the period from 1st January, 2013 to 30th June, 2013.

Mr. Deputy Speaker, the examination of the Committee took into account the transactions before, during and after the transitional period.

(Commotion at the Public Gallery)

The Committee also did verification and confirmation of the transactions in respect to but not limited to the following areas:

- Invitation of the witnesses to provide oral evidences, providing or forwarding copies of the responses (hardcopies)
- Examination of the documents to confirm whether there was compliance with the laws and regulations in force
- Scrutiny of the handing over reports in respect of Assets, Creditors and Debtors
- Closure of the Bank accounts of the defunct Local Authorities

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- Project's verifications (LASDAP) and budgets of the defunct Local Authorities

(Commotion at the Public Gallery)

(Loud consultations)

Mr. Deputy Speaker, Sir, the Committee had audit findings, and you will refer to page 4 of the report.

These were the findings of the Committee.

1. Failure to close bank accounts up to the date of auditing
2. Failure to take over the defunct local authorities contrary to instructions issued by the Ministry of Local Government vide Circular No. MLG/1333/TY/52 of 18th February, 2013.

Mr. Deputy Speaker, Sir, we have the management response to the audit queries. That is in page 5. I would like Members to refer to page 5 and 6 of the report.

The County Director of Finance expressed the following response to the audit queries:-

1. Lack of capacity was noted to be a major contribution to the County Government failure to have in control the observed lapse in its responsibilities, but his explanation was accepted. He therefore apologized that a reconciled position of the County Government could not be provided because reconciliation was still on-going.
2. The Director apologized that the local authority accounts continued being active after a long time. However, he tabled a letter which had instructed the banks to close the accounts which the banks ignored. The letter was issued by the then Principal Finance Officer (Mr. Richard Sang.)
3. Other measures which had been put in place included;

-Formation of the Audit committee to oversee the implementation of the County Government activities.

-Valuation of the Assets shall be done to ensure financial statements include actual values.

(Loud consultations)

Mr. Deputy Speaker, the County Government reported that some accounts had been closed except the following:-

- County Council of Siaya-KCB accounts CESS account- 260970606. This account has been attached by the KRA notice worth Kshs.1,268,778 as the account had a balance of Kshs. 10,000
- Municipal Council of Siaya – all the accounts were noted to be having debt balances and the banks instructed the County Government to pay the debt balances to enable them close the accounts.
- Town Council of Ugunja – all the accounts had been closed as instructed.
- County Council of Bondo – the County Council of Bondo Bank accounts were reported to be closed except bank account number 0123102694340 at the National bank Kisumu branch was realized to be active with a balance of Kshs. 3,249,915 which drew the attention of the Committee.

(Commotion at the Public Gallery)

(Several Hon. Members walked in and out of the House)

Mr. Deputy Speaker, Sir, the handing over reports for the defunct County Council of Bondo and Town Council of Ukwala were not tabled the Committee---

Hon. Deputy Speaker: There are movements up and down movements. I don't know how secure we are here.

(Loud consultations)

Hon. Members: We are no secure!

(Loud consultations)

Hon. Angul: Mr. Deputy Speaker, Sir, the handing over reports for the defunct County Council of Bondo ---

Hon. Members: Wait! Wait!

Hon. Abayo: Point of order, Mr. Deputy Speaker!

Hon. Deputy Speaker: What is the point of order hon. Abayo?

Hon. Abayo: Mr. Deputy Speaker, we have members of the public within the compound and we are not sure of their intentions. You have heard them talk. Mr. Deputy Speaker, we are not sure what is next. We don't want to overhear what they are saying, but I think before we continue, we should ensure that we are safe. All of them have moved to where the vehicles are. We do not know what is next, Mr. Deputy Speaker. It is therefore interfering with the proceedings of the House.

Hon. Deputy Speaker: Let me have an update from the Serjeant-at-Arms, so that we know what is happening.

(The Hon. Deputy Speaker consulted with the Serjeant-at-Arms)

Hon. Muhulah: We have police officers here, why can't they be called?

Hon. Deputy Speaker: Hon. Angul, proceed.

Hon. Angul: I continue?

Hon. Deputy Speaker: Yes

Hon. Angul: Thank you, Mr. Deputy Speaker. The handing over reports---

Hon. Members: Order! Order!

Hon. Deputy Speaker: I have allowed him to proceed after assessing the situation. Incase there is need to adjourn, we shall adjourn. But at least for now I think it's safe. Hon. Angul, proceed.

(Hon. Okoth stood up in his place)

Hon. Angul: Mr. Deputy Speaker---

Hon. Deputy Speaker: Hon. Willis.

Hon. Okoth: I think, Mr. Deputy Speaker, as much as you have been informed on what is happening, it high time you also inform us on what is going on. We can't be safe just by saying that we are safe!

(Hon. Andiego stood up in his place)

Hon. Deputy Speaker: Ok. Hon. Andiego.

(Commotion at the Public Gallery)

(Loud consultations)

Hon. Andiego: Thank you, Mr. Deputy Speaker. We are not settled! The helter skelter movements that we are seeing around is disrupting our attention. So, we are requesting that they sit at the Public Gallery instead of moving up and down. Thank you.

(Hon. Agoko stood up in his place)

Hon. Deputy Speaker: Hon. Agoko!

Hon. Agoko: Just on that note, Mr. Deputy Speaker, Sir. I have always believed that I am a free man, and I have always believed that I have the right to represent the rights and views of Sidindi Ward residents who elected me, Mr. Deputy Speaker. But getting into this compound, I have been accosted by a battery of youths who must have been well prepared to attack me Mr. Deputy Speaker. And on my way to the loo, they blocked me! I didn't relieve myself! Mr. Deputy Speaker, this is very unfortunate and it calls for action. It means I am not a safe man, Mr. Deputy Speaker, Sir, even in the precincts of the Assembly!

(Applause)

(Commotion at the Public Gallery)

And Mr. Deputy Speaker, if I cannot have freedom to relieve myself within the precincts of the Assembly, then it's like we are being called upon to hire private armies, of which I am capable of doing, Mr. Deputy Speaker! By walking alone and by being what I am does not mean I cannot have private armies which I am seeing being put around here!

(Applause)

Mr. Deputy Speaker, I cannot watch and look around what is happening if I am being accosted within the precincts of the Assembly. I have always presumed that I am safe within the precincts of the Assembly, but Mr. Deputy Speaker, right on your Chair, what is happening-- Mr. Deputy Speaker, I think something needs to be done. Some action is called for--

(Applause)

And if this is pre-arranged Mr. Deputy Speaker, that the lives of Members of this Assembly cannot be guaranteed, then we shall guarantee our own lives. I call upon this House, probably to adjourn so that security---

Hon. Member: Yes! Yes!

(Applause)

Hon. Deputy Speaker: Hon. Aneme!

Hon. Aneme: Mr. Deputy Speaker, I want to support what my colleague is saying. We are not visitors in Bondo and we are not visitors in Siaya! Since we started this Government last year, you have never seen a situation like this! You must be bothered at what is happening

outside - and fooling us to go on and abuses are coming from the window and a Member of the County Assembly is accosted to the toilet. There must be something which must be---! So before we proceed, I think if these people wanted to beat Agoko, then let us all go out and face them!

I second him.

(Hon. Augo stood up in her place)

Hon. Deputy Speaker: Hon. Members, we don't need to take a lot of time on the---

Hon. Augo: Mr. Deputy Speaker, I have a point of order!

Hon. Deputy Speaker: Just hold on! If our security is threatened, then we have to say that we are threatened. And you cannot allege that the Chair is encouraging Members to go on. You know, a Member must call for an adjournment. That is procedural. That is when the Speaker can call for the same. But the Speaker on his own Motion cannot call for an adjournment.

Hon. Members, according to the situation, just as Members have said, we have privileges in this Assembly and this is where we should find peace. The best place you can find peace is in the Assembly here. And as I was telling you, we were making arrangements. You know, the Serjeant-at-Arms was updating me on the measures that they were undertaking, and he kept on updating me, and already, we have police officers within the compound and therefore, if the situation will be beyond our control, then we shall adjourn. Okay?

You know, at the moment I feel it is within control, but incase there is need to adjourn, we shall adjourn. I have already heard an application or a request that we adjourn. If there is need, we shall adjourn. Our security is very important. Even mine as I sit here, imagine people are now running out, I think the Speaker will be the last to leave, because I am the one seated at the farthest end.

I stopped when a Member was on her feet, let's hear from her.

Hon. Augo: Thank you, Mr. Deputy Speaker, for giving me this chance. Mr. Deputy Speaker, we are so concerned, especially we ladies in this Assembly. As we were seated outside there, a hon. Member of this House confronted us and even attempted to take off his belt! I don't know if he wanted to cane us with the belt or do what to us---

An hon. Member: Rape us!

Hon. Augo: Shouting at us and we don't know what we had done to him. So, even our lives are in danger! If a hon. Member of this House can threaten we ladies in this House, Mr. Deputy Speaker! It is alarming and I want to tell the hon. Member, here is Bondo, we are not afraid of them. We are telling them we are not afraid of them! If somebody can transport people from somewhere to come to Bondo and disrupt the Assembly meeting, we also have boys in Bondo!

Hon. Members: Yes! We have!

(Applause)

Hon. Deputy Speaker: That is very unfortunate. Hon. Members, just from the word 'honorable', we should always be honorable at all times.

(Loud consultations)

Hon. Members, I think tension is really growing and we cannot pretend that we can debate under these circumstances. I will request the Member, please report the same to---

Hon. Awuor: Mr. Deputy Speaker, just a point of information. I think this hon. House needs to get proper information on really what is happening outside there. Because, Mr. Deputy Speaker, this is not the first time the Assembly is seated. Through your Chair, because you told us that you've been briefed, can you kindly address the House and tell the hon. Members what is happening outside there. This is unfortunate! We have never seen, we have never heard of this!

Hon. Members: Yes!

Hon. Deputy Speaker: Yes, hon. Members, I was advising the Member, please report that matter to the Serjeant-at-Arms immediately this Assembly adjourns. I don't have any information that I may share with you, but I think what I have seen is also what you have seen. I am not privy to any information. You know, I saw members who I believe were supposed to be seated at the Public Gallery moving up and down, and I think I felt a bit scared also. The person who can maybe update us is the Serjeant-at-Arms, and we will get the information from him then we share the same. I think for now, I will go by the proposal for adjournment.

(Loud consultations)

(The Hon. Deputy Speaker consulted with the Serjeant-at-Arms)

Yes, hon. Maurey.

Hon. Asewe: Thank you, Mr. Deputy Speaker. As a Member of the Public Accounts Committee, the report that is on the Table to be discussed is very important and it has taken us a number of months to go through it. It needs ample time; it needs environment that is conducive for discussion. Otherwise, we will rush over and pass or reject something which is very important. I am requesting you to understand the need and postpone----

Hon. Deputy Speaker: Hon. Maurey, we are past that.

Hon. Asewe: Ok

Hon. Deputy Speaker: Even the Speaker is agreeable that the situation is not conducive for any further debate.

(Hon. Osuri stood up in his place)

I hope you are not going to repeat the same, Hon. Osuri!

Hon. Osuri: Thank you, Mr. Deputy Speaker. Observing the situation, I am proposing that we defer the discussion of the Motion and discuss what is happening within the environment, even if we are not privy to the information. Some of us are operating in darkness, and from what has come from the Floor, it seems some of us have the information and it is important that we discuss it for the safety of hon. Members.

Hon. Deputy Speaker: Hon. Elisha!

Hon. Elisha: Thank you, Mr. Deputy Speaker. My worry is one; we will adjourn until when? If we adjourn today because they are here, what about tomorrow? Is the Business of the Assembly going to stall because of the thugs? If they are not here for public participation, then our Serjeant-at-Arms should liaise with the police officers so that they clear outside.

Mr. Deputy Speaker, this is a plot that we are not going to accept in this County. Elisha will die today, but life will continue and the struggle will continue. But we cannot accept other hon. Members to threaten other hon. Members here, Mr. Deputy Speaker, in our midst!

(Applause)

We cannot not also accept Mr. Deputy Speaker, other hon. Members to liaise with the public to come and threaten other hon. Members here!

(Applause)

It is uncalled for and we cannot adjourn because of them. It is them to leave this place because we are here because of the law and we cannot accept that we adjourn every now and then because of the thugs. The police are here to give us maximum security and let them come and kill us inside here!

Hon. Deputy Speaker: Okay, hon. Elisha. There are two schools of thought; there is a school of thought that is for an adjournment and another one is saying, for how long shall we be adjourning? And that now calls for the Speaker to propose the question.

(Hon. Andiego stood up in his place)

Hon. Andiego!

Hon. Andiego: Mr. Deputy Speaker, I believe you are also seeing what is happening. We have requested that if it is the Serjeant-at-Arms who knows exactly what is happening, why can't he come and explain to us or we adjourn the ongoing discussion, then we get into exactly what is happening. Because as you can see, there are Members who know exactly what is happening---

Hon. Members: Yes!

Hon. Andiego: We request them to let us also be aware! Because, Mr. Deputy Speaker, we don't know, we'll walk out here and we may lose our dear lives. So, Mr. Deputy Speaker, I am requesting that if it is the Serjeant-at-Arms who knows exactly what is happening, this is the time, let him explain. If it is not him, then give the hon. Members time to debate on what they know is happening outside there. Thank you.

Hon. Deputy Speaker: Hon. Madialo!

Hon. Madialo: Mr. Deputy Speaker, the Public Accounts Report, is a very important report of the Assembly and it cannot be mixed up with side shows. I personally believe that it is very important that this report be debated and people be given time to ventilate on what is in it.

Mr. Deputy Speaker, as it is now, let us face the reality. One; we have amongst our Members, people with disability, people who cannot run if there was volatility. It means, Mr.

Deputy Speaker, that even if we were to say, let us brave it, let the police come and if they cannot move the public out let them use tear gas, what will happen to my brother Hon. Omwende? Oh, he's not here!

Hon. Omwende: I'm here!

Hon. Madialo: Oh, he's here! Do you think we will be fair to hon. Omwende if we were to say let us be brave? Mr. Deputy Speaker, this is a very important document, I suggest Mr. Deputy Speaker, that because it is within your ---

[The Deputy Speaker (Hon. Adera) left the Chair]

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

(Applause)

Hon. Speaker: Hon. Members, the County Assembly of Siaya is an autonomous, independent and respectful Assembly.

(Applause)

This Assembly cannot be threatened by anybody

(Applause)

I want to assure you that you are safe, but I do not want my Members to debate in an environment as if they are in Somali.

Hon. Members: Sure!

(Applause)

Hon. Speaker: I therefore direct that this Assembly adjourns for few a minutes as we consult.

(Applause)

Hon. Members: Yes!

Hon. Speaker: I further order the Serjeant-at-Arm to liase with the police to ensure that this environment is very safe for all of us

(Applause)

Hon. Members: Yes!

(The House adjourned for a few minutes)

(The House resumed at 3.27p.m.)

ADJOURNMENT

Hon. Speaker: Hon. Members, from where we left. Hon. Abayo

Hon. Abayo: Thank you, Mr. Speaker. We have had deliberations, we have had our fears, we have shared our feelings, we feel a bit more settled Mr. Speaker, but as it would be, we need a little time Mr. Speaker, to reflect on the issues that have been raised.

I wish therefore, Mr. Speaker, to move a Motion that this House adjourns until Tuesday, 10th March, at 2. 30 p.m. I call upon hon. Ndonji to second.

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

(Question proded)

(Question put and agreed to)

(Applause)

The House rose at 3.29 p.m.