

SIAYA COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly- Third Session

Tuesday, 10th February, 2015

The House met at the County Assembly Chambers at 2.30 pm

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

PRAYERS

COMMUNICATION FROM THE CHAIR

OFFICAL OPENING OF THE THIRD ORDINARY SESSION OF THE ASSEMBLY

Hon. Speaker: Hon. Members of the County Assembly of Siaya, the Clergy, distinguished guests. I wish to welcome you all, to this occasion of the official opening of the Third Ordinary Session of the County Assembly of Siaya. I further welcome the media and members of the public at the public gallery. I am delighted by the continued quality participation of our partners in our legislative agenda which has made us be one Assembly of the people of Siaya.

Hon. Members, I am hoping that you seized the opportunity to mingle more with your electorate and constituents during the long recess to give them the reason they should re-elect you or just why they should only elect somebody like you next time. I am saying this knowing that there are no two same people. So, it is only you that should be re-elected if you mingle well and serve your people well. To the nominated Members, am hoping you made good use of the long recess to interact with the people you represent and also the parties that nominated you to this House. By doing so, am sure the nominating parties must be having the conclusion that you are the best they nominated and that no other nominee would have performed better than you, thereby guaranteeing your nomination for another term, God willing. As I say this, I hope that the representatives of the youth will remain youthful come 2018.

Hon. Members, I wish to congratulate you for working hard during the Second Session as demonstrated by high level of participation and performance. You demonstrated a rare zeal of

determination in discharging your role with dignity and commitment. I am particularly impressed by the way you managed to remain calm, decorous, united and focused when situations were so tempting to do the contrary. Some Assemblies locally and abroad have been on fire while we have been able to have fireworks in our debates without degenerating into a fire place. I thank you. You have given us a name. A name to identify with and a name to be proud of. As your leader and servant, I will only promise that for every one sacrifice you make to make Siaya Assembly the Assembly of choice, I will endeavour to do twice as much.

There are occasions when we have had our share of blanket condemnation for acts of individual Members of this Assembly or for ignorance of our critics or for misrepresentation of fact, but we have always set our eyes on the ball

Hon. Members, during the Second Session, this Assembly made a number of achievements. The following Bills were tabled, discussed and passed:-

- i. Siaya County Revenue Administration Bill, 2014;
- ii. Siaya County Assembly Service Bill, 2014
- iii. Siaya County Public Appointments Bill, 2014
- iv. Siaya County Trade License Bill, 2014
- v. Siaya County Appropriations Bill, 2014
- vi. Siaya County Finance Bill, 2014.

However, the Siaya County Assembly Service Bill, 2014 was returned from the Executive with memorandum, while, the Siaya County Ward Development Fund Bill, 2014 was referred to Committee on Budget & Appropriations and Delegated Legislation for review after receiving comments from the Commission on Revenue Allocation and Controller of Budget.

Hon. Members, this Assembly also Tabled and adopted a number of Reports, Petitions, Motions and Statements. In addition, the County Assembly timely vetted and approved County Executive Committee Member, Chief Officers and County Land Management Board members.

Hon. Members, despite the achievements, the Assembly experienced a number of challenges as well. The main challenge was and still is financial constraints due to the introduction of ceilings on the budget of the County Governments. This has paralyzed several activities of the Assembly. The Committees have been unable to carry out certain important tasks that are bestowed upon them.

Notwithstanding , a Court Order was issued on 30th January, 2015 giving access for up to 75% of the ceiling up from the previous 50%. We are optimistic that we will have a final determination on this matter on 20th Feb, 2015. When this happens, we hope to Table a Supplementary Budget and have the Liaison Committee distribute finances to Committees as resources will allow.

Hon. Members, as this Session opens, there are pending businesses to be prioritized. Two Bills are still at the Committee Stage. They are:-

1. Siaya County Public Participation Bill, 2014
2. Siaya County Rating Bill, 2014

And also, Petition on casuals which was not finalized.

Hon. Members, I wish to urge you to accord this Assembly maximum attendance and participation both in Committees and in the Plenary. I wish to appeal to Members to fully support and monitor the implementation of various activities and projects in the County, specifically in the Wards, while at the same time, embracing the principle of public participation and separation of powers

Hon. Members, I wish to inform you that while we were on recess, the Salaries and Remuneration Commission released a circular on remuneration for personal guide for persons with disability, circular on medical scheme for public officers serving in the County Governments, a circular on car loan and mortgage scheme for State Officers and other public officers of Government of Kenya. The Clerk with communicate details to you accordingly.

Hon. Members, I wish to thank the staff who were initially deployed to serve the Assembly from its inception. Despite a few challenges due to understaffing, they were able to multi-task and accomplish assignments well. With the newly recruited staff, the staffing gap has been considerably reduced and it is therefore anticipated that there will be improved service delivery.

Hon. Members, I would have loved to thank each one of you. From the Deputy Speaker, the Majority Leader, the Whip, Chairpersons, vice Chairpersons and the able Membership of this Assembly. But, I cannot do that now; I have done it before and forever will do it in silence.

Allow me therefore, Hon. Members, to say that, this is your Assembly, make it lively and more interactive for the people of Siaya to be happy of this Assembly.

Hon. Members, ladies and gentlemen, this being the opening of an Ordinary Session, I once again welcome you and wish you well in all your endeavours in fulfilling your mandates in this hon. Assembly.

Thank you all. May God bless you.

Next Order!

NOTICE OF MOTION

APPROVAL OF MEMBERS OF THE HOUSE BUSINESS COMMITTEE

Hon. Otieno: Thank you Mr. Speaker. Pursuant to Standing Order No. 152 (1) this House will approve at a later stage, the appointment of the Members of the House Business Committee.

Hon. Speaker: There are two notices!

Hon. Otieno: Thereafter, Mr. Speaker, pursuant to Standing Order No. 26 (3) we will move to Motion of Adjournment.

Hon. Speaker: Next Order!

MOTION

APPROVAL OF MEMBERS OF THE HOUSE BUSINESS COMMITTEE

Hon. Otieno: Thank you Mr. Speaker.

THAT, pursuant to Standing Order No. 152 (1) this House approves the appointment of the following Members to the House Business Committee in addition to the Members specified under paragraph (a), which should be headed by the Speaker as the Chair, (b), the Majority Leader, (d), should be the Deputy Speaker. Others are:-

- | | |
|--------------------------------|---------|
| 1. Hon. John Gare (Chief Whip) | -Member |
| 2. Hon. James O. Munda | -Member |
| 3. Hon. Andrew Omwende Omollo | -Member |
| 4. Hon. Eric Oduya Ndonji | -Member |
| 5. Hon. Joseph Oluoch Awuor | -Member |
| 6. Hon. Peter Oduor Muhulah | -Member |
| 7. Hon. Willis Ochieng | -Member |

8. Hon. Lorna A.O. Adida -Member
9. Hon. Margaret Oketch Adhiambo -Member

(Question proposed)

Hon. Muhulah: Mr. Speaker, we seem to be lacking microphones in this House.

(Microphone handed over to hon. Muhulah)

Thank you very much, Mr. Speaker, for your keynote address. I wish also to take this opportunity to welcome all the hon. Members to this House, and whoever has not met me, Happy New Year!

Mr. Speaker, as much as we will want to approve the list of the Membership that has been given to this Motion, I wish to take this chance to inform the Membership of this Committee how very important this Committee is. Our performance within this year should be so much above the board of the performance of year 2014. Mr. Speaker, generation of the Motions and all the debating that are supposed to be done in the Assembly, are supposed to be cooked through this Committee. So, whoever is listed as a Member of this Committee, should know that this is not an easy task, it is a task that requires a lot of commitment. And for us to perform above the board within this Assembly, then we have to take the Membership and the work of this Committee very seriously Mr. Speaker.

That is what I wish, Mr. Speaker. I stand to support.

Hon. Speaker: Yes hon. Agoko!

Hon. Agoko: Thank you, Mr. Speaker. I would wish to bring to the attention of the House, the one-third gender rule is not adhered to and I would request to see it adhered to.

(Applause)

Hon. Speaker: Yes contributions! Are there contributions? The Mover, I would ask you to reply if there are no more contributions.

Ooh, hon. Abayo, please!

Hon. Abayo: Thank you so much, Mr. Speaker. Allow me to join my colleagues to observe that the House Business Committee is a core Committee in this House. As we approve the names here, my colleagues have mentioned the critical role this Committee needs to play. In

fact, it is important that I join my colleagues in wishing that this Committee during this Session does a better job than last year.

Mr. Speaker, I know it is incumbent upon all of us to generate the business of this House, but I would wish that this Committee becomes more proactive in making sure that we do not lose any session because of lack of agenda. And where there are things to be followed up to make sure that we have business in this House, that this Committee takes the responsibility. There are times Mr. Speaker, when we never had agenda in this House, so it's upon the Committee Members to try their level best during this Session and moving forward, to ensure that we have agenda for deliberations in this House. Thank you, Mr. Speaker. I support.

Hon. Speaker: Thank you. Yes hon. Ngunjiri!

Hon. Ngunjiri: Thank you, Mr. Speaker and thank you for welcoming us back. I also welcome my fellow Members and hope they enjoy this Session as we did the last time. Mr. Speaker, I stand to echo the words of hon. Agoko and I would also like to repeat that as much as all the Committees are important and some of them are stated here as being more important than others, it is equally very important that any setup in this Assembly and indeed in any organization in this Country and according to the Constitution which we now hold dearly, there is an express statement that the gender rule must be considered.

Mr. Speaker, quite a number of times we have had to remind the House or some other organizations that the gender rule was not followed. If we want to have an amicable debate where people debate happily and knowing that they are properly represented, it is indeed very important that this aspect of constitution of Committees will be followed.

And in any case Mr. Speaker, how comes that each time a Committee or a group of people, maybe directors, maybe commissioners are appointed, it would appear like, when you talk of 1/3, that 1/3 will be the women and the rest will be the men. I don't think that is what is meant by 1/3 membership. 1/3 could also be that at one time, we wish to see or we should see a membership of 2/3 being women and therefore, the other third being men.

(Applause)

Mr. Speaker, we wish to see this carried out more clearly in this Session and I thank you and Members for listening.

Hon. Speaker: Can I give direction on this. Hon. Members, It has come to the attention of the Chair that much as it is not expressed in law, but we should aspire to have a simple thing like gender representation in a Committee of this nature. And because the presented list is the list that we had in the previous session, I just advise that we have two choices; one is that we can pass this list. If you look at Order No. 9, we are reconstituting Committees so that we say in our next Sitting if that Motion is passed, then we have this Committee have a gender face.

Alternatively, we can withdraw this Motion, because one thing is that, the list has to be passed as it is or rejected in toto. So, I therefore, want to advice that this Motion be withdrawn and when we open, it becomes the first agenda of the House. But, if that happens, we must also then give permission to the Committee, because every time we open an Assembly, there is the Committee that needs to work on the Calendar of the Assembly which is the business we should start with also. I think I want to direct that if you allow, then this Motion be withdrawn, if the Mover will be willing to do it, then we reconstitute. The next meeting we have, we start with this Committee.

Hon. Otieno: Thank you, Mr. Speaker. You being the judge you've now ruled. My idea would have been that we request the House that we pass the list with amendments. If you go to the Standing Order No. 152, it gives window Mr. Speaker, for the Committee to consist of 15 Members. So, I would request that, since the list brought before the house consist of 12 Members, that is plus the Majority Leader, Speaker and the Deputy, we can leave those positions for the 3Members to be included so that it passes. That would be my plea, Mr. Speaker.

Hon. Awino: Point of information, Mr. Speaker.

Hon. Speaker: Yes, Hon. Zilpa.

Hon. Awino: Thank you, Mr. Speaker. If this is the old list of the House Business Committee you are talking about, then I am a member of this Committee. But my name is not there now, so I am not a Member. If this is a new one, then I am not a Member. Thank you.

(Hon. Speaker and the Clerk consulted)

Hon. Speaker: Hon. Members, just a minute. Allow me to rule over this matter this way; It is true I am the Chair of this Committee and the information I have from the Clerk's office is

that this list ought to have the names of previous Members which includes hon. Zilpa and hon. Sela, isn't it?

Hon. Members: Yes! Yes!

Hon. Speaker: So, this is a mistake by Clerk's desk.

(Loud consultations)

Hon. Members, just a minute. If we are to admit that was a typo error then with the two hon. ladies in the list, would it therefore good for us to debate it?

Hon. Members: Yes! Yes!

(Loud consultations)

Hon. Speaker: With the two ladies in it, do we therefore have gender representation?

Hon. Members: Yes! Yes! Yes!

Hon. Speaker: Hon. Majority Leader, will you read the names afresh.

Hon. Otieno: Thank you, Mr. Speaker. Just as I had stated earlier, the Membership consist of:-

1. The Speaker (Chair)
2. Deputy Speaker
3. Majority Leader
4. Hon. John Gare (Chief Whip)
5. Hon. James Munda
6. Hon. Andrew Omwende
7. Hon. Eric Oduya Ndonji
8. Hon. Joseph Oluoch Awuor
9. Hon. Peter Oduor Muhulah
10. Hon. Willis Ochieng
11. Hon. Lorna A. O. Adida
12. Hon. Margaret Oketch

And if you allow me to include the omitted names; Hon. Zilpa Omondi, with amendments Mr. Speaker and also, hon. Sela Okwako.

Mr. Speaker, therefore, I am moving a Motion that we pass the list with amendments and I would like to ask Hon. Muhulah to second.

Hon. Speaker: Hon. Madialo, you have something?

Hon. Madialo: Point of order, Mr. Speaker. I would agree with the spirit that is being brought forward by the Majority Leader, but that would give us two ladies. And 4 out of 15 is not 30%. Which means, we will be looking at 3 more ladies.

Hon. Members: They are 14

Hon. Madialo: Sorry, Mr. Speaker, it will then come to point something. I don't know whether it will round up to one person or less.

Hon. Speaker: It will be 4 ladies

Hon. Madialo: Mr. Speaker what I wanted to propose as a point of order is this; perhaps we would say that we do support the Motion, but with the following amendments. That the list be amended to include the names of Hon. Zilpa Omondi, Hon. Sela Okwako and if you were to ask me to favour somebody, I would say the Hon. Pamela Migaya.

(Murmurs)

(Laughter)

Mr. Speaker, my proposal was that we accept the list with amendments mentioning the specific names so that we don't seem to have said let us pass the list but we assume that there are other names that are not appearing in the list.

Hon. Speaker: Somebody was asked to second.

(Hon. Odinga stood up in his place)

You will contribute, Sir

Hon. Muhulah: Hon. Speaker, allow the Hon. Chair, my boss to sit down first.

(Laughter)

Hon. Speaker: He is allowed

Hon. Muhulah: Mr. Speaker, I also wish to remind the hon. Member for Usonga that Hon. Migaya is not Pamela. I stand Mr. Speaker to second.

(Laughter)

(Applause)

(Question proposed)

Hon. Speaker: Before I put the question, I ask the Mover to reply.

Hon. Otieno: Thank you Mr. Speaker, you realize it's the beginning of this Session and you find that it's very hot and if you find the debate being equally hot, it makes one to untie his tie which will lead to one being sent out.

(Laughter)

Mr. Speaker I therefore congratulate Members and those who contributed to this very noble Motion of ensuring that we balance the Committees. The other Committees that are coming will do the same so that, every Member gets satisfied, every Member to gets enough Committees and every Member feels at home. Thank you. Mr. Speaker.

(Question put and agreed to)

(Applause)

Hon. Speaker: And the Clerk's desk, next time please be very watchful of such omissions.

Next Order!

MOTION

ADJOURNMENT TO ALLOW MEMBERS TO RECONSTITUTE COMMITTEES MEMBERSHIP

Hon. Otieno: Thank you, Mr. Speaker. Allow me to take this opportunity to address something small before I move the Motion. You know the first time I came I was on my feet to move a Motion and I wasn't allowed my time to thank Members for coming back in large numbers and again to encourage them to keep on coming this way. Mr. Speaker, allow me to thank hon. Members for their valuable contribution in the last session of the Assembly as you have alluded in your Communication. Further, I wish to notify hon. Members that in this Third

session, we have quite a lot to undertake, that we need to fast-track and objectively deliberate in agendas that will be tabled in this House.

Therefore, Mr. Speaker, pursuant to the Standing Order No. 26(3), I wish to move that the House adjourn until Tuesday, 17th February, 2015 at 2.30p.m. This will enable hon. Members meet in Committees to reconstitute membership of Assembly Committees where possible, prepare monthly work plans and the House Business Committee to prepare the Assembly Calendar for approval by the House.

I now ask hon. Augo to second.

Hon. Augo: I second

(Question proposed)

Hon. Speaker: Any contributions?

Yes, Hon. Zilpa

Hon. Awino: Thank you, Mr. Speaker. It has been hinted here that during the last Session, there were occasions when this House did not have any business. Mr. Speaker, Sir, I think that should not actually happen. Quite often, Committees leave this Assembly; go to Kisumu and many other places to prepare reports. Many times, those reports hardly come back to the Floor of this House, and if they do, they all come the last week when we are closing the Session and therefore, they are not debated. I believe that when we go out as Committees to do something, we must do it to its conclusion and the results must be brought to this House. So, I think that your office will ensure that this time if a Committee is allowed to go out, they must bring their report within a specified period and present it to this House for discussion and that will form an agenda for the House so that the House does not have to adjourn for lack of business. Thank you, Mr. Speaker. That is my contribution.

Hon. Owii: Thank you very much, Mr. Speaker, Sir. Mine in the first place was deliberate because this side of ours today decided to be quiet because the Leader of Majority spoke---

(Laughter)

And every other time your eye was very keen on the other side. Mr. Speaker, Sir, first and foremost, I want to thank God that by His grace, all the hon. Members are back to the House, alive and kicking. This is great. This is just an Assembly like the one in Nairobi and I believe

today in Nairobi, there will be some difference. They will be missing one of their own in the House. We have to thank God for this.

Mr. Speaker, Sir, I want to request my colleagues that, in as much as the House Business Committee that we have just constituted is supposed to generate the agenda and Motions for debate in the House, Mr. Speaker, Sir, at times it is necessary for all of us as Members of this House that any other time when you are reading for us the Order Paper, where we are supposed to be at least contributing as Members of the House. If you say, "Messages", from the time I came, we have never had Messages. That one sounds as if maybe you have not given us time to know the kind of Messages that we should bring to this Assembly. You can even take us out! I think if you take us to Entebbe maybe for----

Hon. Speaker: Hon. K'owii, if you read your Standing Orders you will know you don't generate Messages. You need to re-read the Standing Orders.

(Laughter)

Hon. Owii: I'm saying, Mr. Speaker, Sir, you know you should not be disputed when you are speaking---

Hon. Speaker: Hon. K'owii get direction from the Chair. The advice is; how Messages come. It's not you to receive Messages like that. Read your Standing Orders; you will get more acquainted with Messages. So, contribute and leave the part of Messages alone.

Hon. Owii: Maybe I wanted to talk about Petition.

(Laughter)

Hon. Speaker: Hon. K'owii, your time is up! Your time is up!!

(Laughter)

Hon. Owii: Let me just finish---

Hon. Speaker: You are not sure what you want to talk about.

(Laughter)

Maybe it is Petitions. Just take your seat.

(Laughter)

May the Mover reply.

Hon. Otieno: Thank you, Mr. Speaker. Again on my feet to thank those who have contributed and just to let you now put the question as we adjourn. Thank you.

Hon. Speaker: Hon. Members, before I put the question allow me to take you through the Standing Orders on Messages. It says:-

No. 39- Messages to and from the Senate

(1) Messages from the County Assembly to the Senate shall be in writing and shall be signed by the Speaker.

(2) The Clerk of the County Assembly shall transmit Messages from the County Assembly to the Clerk of the Senate and shall receive Messages from the Senate.

((4) If a Message is received from the Senate, at a time when the County Assembly is in session, the Speaker shall report the message to the County Assembly at the first convenient opportunity after its receipt and in any event not later than the next sitting day.

The rest you can proceed to read on your own

(Question put and agreed to)

(Applause)

ADJOURNMENT

So, hon. Members, this House now adjourns until Tuesday, 17th February, 2015 at 2.30 p.m.

The House rose at 3.30 p.m.