

Friday, 26th January, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly – Second session

SPECIAL SITTING

Friday, 26th January, 2018

The House met at the County Assembly Chamber at 4.00 p.m.

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

PRAYER

COMMUNICATION FROM THE CHAIR

SPECIAL SITTING

Hon. Speaker: Hon. Members, allow me to welcome you to the usual Hon. House this day pursuant to Notice in the Kenya Gazette setting this meeting being a Special Sitting for the County Assembly. It is Notice No. 17 and it reads ‘Pursuant to Standing Order No. 26 of the Siaya County Assembly Standing Orders, it is notified for the information of Members of the County Assembly of Siaya and the general public that there shall be Special Sitting of the County Assembly to be held on Friday, the 26th of January, 2018 at the County Assembly Chambers.

The Business to be conducted shall be Tabling and consideration of the report of the Committee on Appointments and Vetting of the Nominees to the Siaya County Executive Committee’. It was dated on the 23rd January, 2018, signed by the Speaker, Hon. George Okode.

Next order!

PAPER

VETTING OF NOMINEES TO THE SIAYA COUNTY EXECUTIVE COMMITTEE

Hon. Madialo: Mr. Speaker, Sir, I wish to lay on the Table of the House a second report of the Committee on Appointments on vetting of Nominees to the Siaya County Executive Committee.

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NOTICE OF MOTION

VETTING OF NOMINEES TO THE SIAYA COUNTY EXECUTIVE COMMITTEE

Hon. Madialo: Mr. Speaker, Sir, I wish to give Notice to this House to move a Motion: THAT this House adopts the second report of the Committee on Appointments on vetting of Nominees to the Siaya County Executive Committee laid on the Table of the House today, Friday, 26th January, 2018.

MOTION

VETTING OF NOMINEES TO THE SIAYA COUNTY EXECUTIVE COMMITTEE

Hon. Madialo: Mr. Speaker, Sir, allow me to move a Motion that this House adopts the second report of the Committee on Appointments on vetting of Nominees to the Siaya County Executive Committee laid on the Table of the House today Friday, 26th January, 2018. I would like to call upon Hon. Majority Leader to second.

(Hon. Oor seconded)

Hon. Madialo: Mr. Speaker, each Member has got a report dated 26th January, 2018. This is the second report of the Committee on Appointments on the vetting of the Siaya County Executive Committee Nominees as forwarded to this House by the nominating authority who is the Governor of the County of Siaya. Page 3 of the report, is a preface that discloses the Membership of the Committee and the names are there and I would not like to belabor on the same by reading the names.

Forwarded and before the Committee by letter dated 23rd November, 2017, were six (6) nominees.

1. Charles Oduor - Agriculture, Food and Fisheries, Ugunja Sub County.
2. Joseph Obiero Warega - Finance and Economic Planning, Bondo Sub County, Yimbo East Ward.
3. Bernard Richard Odark Mboha - Public Works, Roads and Transport, Alego Usonga Sub County, South East Alego Ward.
4. Dr. Elizabeth Achieng Odhiambo - Tourism, Culture, Arts and Sports, Bondo Sub County, Yimbo East Ward.
5. George Rubik Misore - Water, Irrigation, Environment and Natural Resources, Rarieda Sub County, West Uyoma Ward.
6. Dorothy Akinyi Owino - Health and Sanitation, Gem Sub County, South Gem Ward.

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Mr. Speaker, those nominees are in three categories as follows:

Fresh Nominations, those that have not been before the Committee of this House earlier were;

1. Charles Oduor Ogada - Agriculture, Food and Fisheries
2. Joseph Obiero Warega - Finance and Economic Planning
3. Bernard Odark Mboha - Public works, Roads and Transport

Dr. Elizabeth Achieng Odhiambo is a nominee who had come by way of reshuffling of the earlier list which had been rejected and moved from the docket of Energy and Industry and placed in the docket of Sports, Tourism, Culture and Arts.

Mr. George Rubik Misore and Ms. Dorothy Akinyi Owino, were brought back but in the same portfolios for which they had earlier been vetted and their nominations declined by this House. I wish at the inception to state that the Committee did not admit the re-submitted nominees, that is the two for vetting and this was in respect to the provisions of Section 10 (1&2) of the Public Appointments, County Assembly Approval Act of 2017, an Act by the Kenya Senate. And it reads, part 1,

'Where the nomination of a candidate is rejected by a County Assembly, the appointing authority shall submit to the County Assembly the name of another candidate, and the procedure for approval specified in this Act shall apply accordingly'.

And 2, *'A nominating authority shall not reshuffle the name of a candidate whose nomination has been rejected by the County Assembly unless the circumstances relied on for the rejection of the appointment of the candidate did not exist or ceased to exist at the time of rejecting the nomination of the candidate'.*

This Committee had previously declined the nomination of the candidates, alongside others in its report of 3rd October, 2017. That informs the decision of the Committee not to re-submit them for vetting. Indeed, allow me to add that admissibility was an issue. We were then left with 4 nominees to vet and inviting them, we were guided by the Constitution of Kenya 2010, Article 73 (2a), Article 75 (3), The County Government Act 2012 Section 35, The Public Appointments (County Assemblies Approval, 2017.

Allow me at this point to emphasize that what Section 35 (3d) of the County Government Act and Section 7 (8) of the Public Appointments Act, read together with Section 8 of the Public Appointments Act state and are of the same spirit and the spirit is captured in 7,8 *'An approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background'.*

The point here is not that you have a degree in the field to which you have been nominated. We keep giving an example, that you could have a degree in education and you leave university today and you go to Kenya Commercial Bank and you are employed as a teller. Then after that you become a supervisor, a Branch Manager, then a Regional Manager of the same Bank.

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If you are brought before us to get education, we will look at you as a person who does not have a career in education but you have a career in banking. So the underlining fact here is that the law requires a degree, simple! After you have attained your degree, where did you engage your mind, your work and your effort? That is what constitutes your experience and knowledge and career.

Mr. Speaker, the process of appointing Members of the County Executive Committee is long and wide but what we know is that you should be relevant enough politically so that you win the confidence of the Governor then you must be so qualified that you are able to pass through the vetting of the Appointments Committee. And that is how this lady and gentlemen ended up before the Appointments Committee of this House.

We were awake to the existence of the Second Schedule on the Public Appointments County Assemblies Approval Act No. 5 of 2017 which prescribes an assessment form. But given that we had to look at other things before we come to the form; like regional balancing, youth, people with disability, gender; we opted not to use or to employ on the services of that form because then you would have to give marks even where qualifications as per the Constitution are not met.

We reckon also that the form does not describe persons; we do not know if we were to mark people and we find that somebody has 10%. This individual is competing against himself because he is one person nominated to that docket, if he gets 10%, is that a pass mark? We don't know.

May I speak on the individuals!

Mr. Bernard Odark Mboha – County Executive Committee Member Nominee for Roads, Public Works, Transport and Communications. At this juncture, I wish to recognize that the Hon. Member for South East Alego is related to this nominee and in fact they share a name. Perhaps, I don't know whether he wants to sit through the deliberations or whether he wants to declare interest.

Hon. Speaker: How do you know that they are related? It is him to tell us. Are you related?

Hon. Mboha: Thank you, Mr. Speaker. At this juncture I wish to declare interest. One of these nominees, for Roads specifically is personally known to me and I wish not to take part in the discussions/deliberations. I think that will be okay, I wish to take leave as Hon. Members discuss him, otherwise thank you, so much.

(Hon. Mboha left the House)

Hon. Speaker: Okay, I want to ---he has declared his interest, he will sign the self-declaration form. Otherwise, thank you.

Hon. Madialo: Thank you, Mr. Speaker, Sir; for asking him that question. I know his mother.

(Laughter)

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Mr. Speaker, Sir, the Hon. Oriaro is a stickler for rules and details and is wondering why is he walking out after declaring interest.

Hon. Speaker: He has opted to withdraw and the chair permitted, he wanted to withdraw.

Hon. Madialo: Thank you, he had a valid compliance of KRA, valid Clearance Certificate from Higher Education Loans Board (HELB) duly filled self-declaration form on Leadership and Integrity; valid certificate of good conduct from CID and valid certificate from Credit Reference Bureau.

Mr. Odark has got a Masters' in Science and Natural Resources (Economics) degree certificate from Colorado State University. Bachelor of Arts (Economics) from University of Nairobi, Certificate in building knowledge and Expertise in infrastructure from World Bank Institute, Certificate in investments Appraisal and Management from Harvard Institute for International Development, Certificate in Agriculture, Project Planning and Administration Course from African Development Bank Group, Certificate in Advance Project Analysis from management Education Institute.

His oral submissions and deduced from his certificates and testimonials is a fact that he has 27years experience with East African Development Bank and during that period his main field of operation was identification, planning, implementation and appraisal of several bank funded projects in different sectors. Some of those sectors included roads and estate developments, some projects were: upgrading of the Entebbe International Airport through engagement by Uganda Civil Aviation.

Development of 96 modern waterfront apartments in Mombasa, a project of English Point Marina; acquisition of 20 new Foton Prime movers to increase and modernize the existing company's fleet for Lochab Bros Limited in the transportation sector, development of small scale hydro power projects at various locations in Kenya under the auspices of Kenya Power and Lighting Company and development of 872 low cost housing project for Mwalimu SACCO limited.

Mr. Speaker, Sir; **Dr. Elizabeth Achieng Odhiambo** appeared before the committee on 22nd January, 2018. She is nominated to the department of Tourism, Culture and Sports. At this juncture I wish to repeat what has been said earlier that Dr. Odhiambo has been before us earlier. Before forgetting, I remember clearly because I did ask her that question whether she felt comfortable with energy and industry at that time in October and she said that she was going to learn on the job.

When we engaged her last week, Dr. Elizabeth Odhiambo told us that she didn't know the other job but this one was where she was supposed to be. Dr. Odhiambo demonstrated experience in interaction with literature to the extent of specialization in culture and more so she demonstrated how literature relates with culture and how culture relates with Tourism and she also explained what experience she has in sports with specified interest in Hockey.

Mr. Speaker, Sir; Dr. Elizabeth Odhiambo was being considered a second time but the interaction with her was to the extent only of proving the relevance of her knowledge and

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experience and career to the portfolio to which she had been nominated. She had been vetted earlier and the other question as to integrity did not arise and she was not taken through that. We did take and integrate or presume that the fact that she had been changed from one department to another might constitute change of circumstances as envisaged under the law and that is fine. Much as she was a resubmitted name, she was admitted to the vetting process a fresh.

Mr. Charles Oduor Ogada had all the documents that touch on integrity, has a bachelor's degree in Project Management from University of Nairobi. Has two diplomas; one in Project Planning and Management and another in Community Based Development from Premisa Africa and Kenya Institute of Management respectively. He was a founder member of Ugunja Community Resource center focusing on agricultural development in the region as one of the key activities.

For five years was the program officer at the resource center, coordinating activities for sustainable agriculture and technology transfer. He got secondment from the resource center to ICRAF to coordinate a program for Consortium for scaling up Farm Productivity Options (COSFAP) in western Kenya. He until recently had worked with various organizations including Kenya Agriculture and Livestock Research Organization (KALRO) International Center Of Insect Physiology and Ecology (ICIPE) and Kenya Forestry Research Institute (KEFRI) in dealing with projects targeting women, farmers and youth in Siaya County.

He has authored, edited and co-authored a number of training manuals for farmers. Mr. Speaker, Sir; if I were to take a minute or two on this gentleman; the fact that he has industry in his mind was demonstrated by the way he builds his academic advancement very far until he reaches Masters' but I must also state that in terms of expressing himself and communicating, he was the best.

Joseph Warega; appeared before the committee on 22nd January, 2018, has a bachelor's degree in Commerce (Accounting Option) from University of Nagpur –India. He attended several Accounting & Financial Management courses, workshops and seminars and awarded corresponding professional certificates. He has a presidential recognition certificate in internal audit. He was recognized by the president in 1988, the second one he got presidential recognition in 2009.

He has worked in various levels in the public sector-accounting departments, rising from an accounting officer II in 1984 to Senior Principal Accountant in 2004 and heading accounting units in the Ministry of Finance. Until recently he was the director of finance in the County Government of Siaya. He served in various technical committees and taskforces and at some point managed the disbursement of Local Authorities Transfer Fund, LATF, to various authorities in Kenya.

There was information in the nature and style of rumors because we don't have evidence that there were issues around Mr. Warega touching on the cemetery issue of Nairobi. I would wish that as much as it was not brought to us under oath, to say that the Chair of the Committee engaged Mr. Warega on this issue and it appears apparently he had envisaged that this might arise and he came with documents explaining what happened in this case and indeed

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demonstrated that those who had been responsible were arrested and prosecuted and he was not part of those people who were prosecuted.

In any event, given that he had not been convicted anywhere, the Committee would have perceived anyway that he was innocent until proven guilty. A few observations: either he would be seated in this House to explain but I had requested that the House bears with us on the fact that time was on the shorter end, that notice was short, a request that was granted.

That might have been misconceived that I was saying, that I am requesting you to pass this name. It has been expressed so. Now let me go into the details. There is no chairman that comes with a Report and is not going to request that you pass it. So if I had requested that you pass it that time, I was right, now I am requesting that you pass it today.

We want to observe certain things; there is no law being met here. Our earlier sentiments being, nominate with due regard to the provision of the law as to profession, experience and knowledge. Now whether that person is competent or not isn't our business because we do not conduct an interview.

Perhaps the difference that would have informed the smooth sail of this one is this; that this time round, we did not subject anybody to vetting before they brought the relevant documents, which means that if those documents did not come, we would have interpreted it as if you do not have those documents.

As we entered the boardroom to interact with this lady and gentlemen, all the documents as to experience and knowledge and career were with us. Another thing I wish to point out is that, H.E the Governor is directed by Section 35 to ensure that the face of the County is reflected in the Cabinet. Now how he interprets most regional balancing might be up to him to decide. We have observed that so far, Bondo Sub County has got two nominees, who if you look at the Report are being approved, and those two are in Bondo Sub County in one Ward.

We have pointed out there to the appointing authority that 'take care of those concerns in the next submissions if there will be any that will ensure the face of the County is represented in the Cabinet. If we are going to shuffle persons, from one Department to another, the fact that reshuffling has resulted in approval, is not an open Cheque. We should ensure that even in reshuffling, we put people in their proper portfolios.

I want to add that in spite of the various provisions of the law assented to, we are awake to the existence of a pending court case that has been filed by the members of the public against the County Government, and restricted the Governor from re-submitting the list of the nominees, whose nomination had earlier been declined by the County Assembly.

Nevertheless, this Committee recommends to this House that:

The House approves the nomination of the following candidates as County Executive Members in the departments stated alongside the names. We recommend that this House approves the nomination of Charles Oduor Ogada as the CECM of Agriculture, Food, and Fisheries. We recommend that this House approves the nomination of Mr. Joseph Obiero Warega as the CECM of Finance and Economic Planning.

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We further recommend that this House approves the nomination of Mr. Bernard Odark Mboha as the CECM of Public works, Roads, Transport and Energy and we recommend that this House approves the nomination of Dr. Elizabeth Achieng Odhiambo as the CECM of Tourism, Culture, Arts, and Sports.

Before I sit down, I wish to add that the Committee Strongly recommends that the appointing authority observes all the demands of the provision of the constitution and subsidiary acts by making subsequent provisions. Mr. Speaker, allow me to ask the majority leader to second.

Hon. Oor: Mr. Speaker, I stand to second.

Question proposed

Hon. Speaker: Yes, Hon. Andiego?

Hon. Andiego: Thank you Mr. Speaker, allow me to take this opportunity to thank the Committee of appointments for the Report they have brought. Indeed the timeline was very short but they have managed to bring a very elaborate report. Sometimes when you are in the court of law, you are the accused or the one who has taken the matter to the court, sometimes two of the parties may want that judgment be taken to either side but the judgment must always come as a one sided one where there must be a winner and a loser.

When you lose the case, you will always blame the judge, and when the case is in your favour, you will say the judge is good. This time round we were very keen. We must also understand that we learn in the processes and gain experience day by day. This time round as has been stated in the Report, through your wisdom, the Chair of this Committee, we introduced a way that the nominees had to declare whatever the evidence that they were going to give by way of swearing and even with the document that they were presenting to the Committee. When we were analyzing each and every document we learnt a lot. You may just hear about somebody and you come to know them when they are now delivering what they have.

If I go straight to the requirements during the vetting, as has been indicated in the Report, there are laws being followed when we do the vetting. You don't just wake up from slumber and say so and so is qualified, so and so is not. In this Report, all those sections and the requirements of the law are stated in the Report. Whoever will get this Report, will understand and maybe a very good Committee Member of Appointment next time when this kind of an issue arise, because you will simply site from the books of the law and you will see what is required in the translation of what that law means, maybe depends on yourself

You all know that as been decided by The Speaker, may sometimes carry the day, and I am glad that our Speaker always take the law the way it is and not how you are interested on it. The section that talks about experience, knowledge and distinguished career has been translated in very different ways, always to suit the person you want to be in that chair.

It has brought a lot of issues, but this time round, the Committee decided that through the advertisement, you furnish the Committee with any document showing the experience you have.

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We had it so easy. Everybody brought whatever was there, we looked into them and found out that all these nominees were suitable in the Departments they were nominated.

When we talk about this nominee called Bernard Odark Mboha, for those of us who attended the vetting meeting, many of us would agree that according to how he expressed himself, he was not worth, but going down to what he has done, what he has supervised, wherever he has worked, through the documents he presented, we were convinced that if he could get time to supervise the improvement of Entebbe Airport, he was supervising buildings, and apartments built in many parts of the Country and in East Africa. We were thus convinced that Mr. Mboha is worth.

When we came to Dr. Elizabeth, she said she is a teacher of literature at the University. We all know that culture is all about the literature. So, when she was put to express herself, she did it so well and the Committee was convinced that if it is a matter of Tourism, Culture and Sports, and this is a lady who is a hockey player, we were convinced that that Department suits her very well.

When we talk of this Finance Minister, Mr. Warega, we were very much impressed. This is a guy who has worked in many departments and brought a lot of innovative issues in the parts that he has worked. When he was asked how he is going to improve the revenue collection which has been a thorn in our flesh in Siaya, he explained so well how he is going to do it, and in our view as the Committee, we resolved that Mr. Warega could do what is required in Siaya.

In ending, I urge the appointing authority to strictly observe all the demands and provisions of the Constitution and subsidiary Acts when making other appointments. Issues of regional balance are key and we are requesting that as much as we have passed this and we know that there are still others which are coming, we want regional balance to be considered.

Issues of law are also very important and we have cited in this Report the relevant parts of the law they should look into when doing other appointments.

We do not want to become enemies for no reason. We have never been against any government. Siaya is ours. We must be part of it, but we have mandated duties, and we must do right to our people. We expect that right to be done even by the appointing authority. I support this Report. Thank you.

Hon. Speaker: Yes, Hon Oriaro, Member for Central Alego.

Hon. Oriaro: Thank you, Mr. Speaker, Sir, for this chance. Mine is to openly say that I stand to support the Motion outside this Report, because the Report simply tells me that the works are below average. So my support based on these names is outside Report.

First, in proving that my work is outside the Report, let me say this; there were six names, the name of Rubik is not brought here because of matters of inadmissibility and the name of Dorothy. We better be frank. In fact allow me to say that I am more concerned with the people of Central Alego than any other person. Rubiik failed because the law is very clear that he lacked the relevant degree. He was not in water, his degree is not related to water yet he was meant to be in water.

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Dorothy is currently serving as the Chief Officer Health. Fortunately, I am a member of the Health Committee and we even with her in a seminar the other day in Migori. She does her work very well. She failed because her degree has got nothing to do with health. Let us be truthful, because this Report shall go down the annals of history as a Report that was adopted during the reigns of Hon. Leonard Otieno Oriaro of Central Alego Ward.

The 4 names are brought before us so that we adopt them. The only person who passes the test of time is worried that he doesn't have a degree relevant in that field. However, the other names are suitable; they have got no relevant degrees in those fields. Mboha has got nothing to do with works, the other one for tourism has got no knowledge in tourism, and that's why our universities are clear.

They teach Tourism and Hotel management, but they don't teach somebody to become a career linguistic because that area will deal with culture and such like matters. So we are adopting the names.

I am therefore convinced to pass these names because of matters extra parliamentary and I will list them out:

1. We were told that we are the people who are bringing the Governor down. The other time we did it, and I was told by the public that I am one of the persons bringing the Governor down. I am going for it on matters expedience rather than principals, so if the public wants the Governor to work, Oriaro is for it, so let the Governor work. But based on matters of law, nobody can convince Oriaro that this document is having attendant legal established legalities whether Constitution or statutes thereof.
2. Lastly, at times even in the judicial corridors, judges make judgments not because they are within law; they go by what the public is saying. That is called legitimacy. I am also inclined to support this document because of matters legitimacy. We hear Members of parliament scandalize our names all over and some even try to lecture us on matters representation which they don't even understand. So Hon. Oriaro of Central Alego is for these names on matters expedience rather than principals, I support.

(Laughter)

Hon. Speaker: Hon. Olasi.

Hon. Olasi: Thank you, Mr. Speaker. I want to start by saying that the Mover plainly stated in this document, Article 35, 1(5). We see that you need a degree but that does not put you in a specific field. The chair even demonstrated that you can be a teacher but end up being a banker, so I believe this is in order as long as you have a degree and can demonstrate that you have a career in that particular field. Hence, these people deserve consideration.

Secondly, I am attracted to the general observation No.4, which states clearly and I want it to be understood that you are not breaking any law by approving these names, and it's done out of our own volition to allow these people work for Siaya County. No matter what others say, for

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a person of my class and caliber to support this document, know that I am doing it for the good of the County.

Last but not least, allow me to also register my concern just as Hon. Oriaro said that he is concerned with the people of Central Alego. I want to also authoritatively state that I am also concerned with the people of Rarieda, and its common knowledge that if the document is passed, Bondo has two, and if it is passed the way I believe it will, Alego Usonga has one just like Ugunja. So the remaining parts of the County not represented are Rarieda and Gem. How I wish I was part and parcel of the appointing authority, but that doesn't mean that I wish to be a Governor, I am very happy to serve my people as the MCA for West Uyoma. Therefore, my main plea is that these two remaining Sub Counties be considered, thank you.

Hon. Speaker: Hon. Otiato.

Hon. Otiato: Thank you, Mr. Speaker. Today I am a happy man, and before I make a comment I don't know if I am allowed to declare my interest, but I am so happy that in all this discussion, my Ward has actually benefited well, and so I have nothing much to say apart from just supporting it. As I talk on behalf of the people of Yimbo East, the other day we were complaining about consideration other than this that there was appointment of Board of Directors and even cleaners but Yimbo got none. So when God has blessed us with this, I can only say, thank you.

I want to take a position and say that we may be having questions with the report here and there like the previous one, but I think the Hansard is very clear on my position on these issues of law. I will not say what I said last time but I want to say that we are back to what I said then, that qualifications and experience in section 37(d) which is very clear in which I recommend the Hon. Chair for doing this commendable job.

Today I want to say without any doubt and remember I started by declaring my interest that Elizabeth happened to be a teacher at Usenge when I was a student there. When I saw her recognition for the work that she did to the Hockey team as a professional hockey trainer, and enabling Usenge boys to go against the mighty Kisumu boys' Hockey team, I was so happy. Therefore, I want to assure the House that giving Elizabeth a chance to work in this docket will be one of the best choices we ever made.

Secondly, our greatest cultural heritage; that is Got Ramogi, has been kept well under the supervision of this wonderful lady as the chair, and so I will support her appointment to this docket and I think that all of us have seen and understood the reasons she is the right person for the job.

In terms of Warega; very articulate, very disciplined with the records that if you dared trying looking around him that you want your things done illegally, don't send a message because it will be kept for future reference. Don't float around any other document because he will make a documentary. I know that this old man will serve us well. I happened to have been there when he was defending his position to the Committee. One of the things that was clear that he is cognizant of the fact that we have got ghost workers in the departments.

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I know it will be sorted out amicably under his watch. We cannot say that the decision we are taking today is because of intimidation of any kind. These men and women that we are approving today have proved their worth with documentary evidence of what they have been able to do and this is what we are asking the Governor's office if at all there is any other list that will need to come again, let it go on record that we want this kind of professionalism in the coming list.

When somebody says that this particular report we can only adopt it because of some external forces then I am sorry because there is no stand-alone department. You will realize that when we are talking about finances we are talking about finance and economics, when we are talking about sports; we are talking about Tourism, Sports, Culture and so on. In one way or the other, the list is the best that we can offer so far following what we were given.

Doing a thesis is not an easy job and to get a PHD is not easy either; it's a clear sign that this is somebody who can work under minimal supervision and works and presents a thesis, collect evidence from the people. I know that the two nominees that happen to be coming from my Ward will represent you well, thank you.

Hon. Adala: Mr. Speaker, Sir; thank you so much; I want in a special way to thank the Committee for a job well done. I have seen names that I want to believe are going to do a good job; Charles Ogada is somebody that I have worked with and I know for sure that where he has been set then we cannot have doubts about what he will do in terms of Agriculture in the County. However, having said that, I commend the Committee.

I would want to again state that once again we are back where we were when the first list was rejected. Why am I saying so! because again this Committee has submitted again a report that is half-baked. Half-baked in the sense that there is certain key information that we need to have seen here that is missing. For example, I sit here on behalf of the Youth of Siaya County and when you submit to me a Report with the names and I cannot ascertain the ages of these people then I am left to wonder because it is stated very well that there has to be youth representation and I know it is not the complete list but we need to keep tabs.

Keep tabs so that the next names that will be submitted here, I will fight for youth representation in the Cabinet of Siaya. Another key thing that is missing here; we have been submitted to the Report as opposed to last time when we had both the Reports and the C.V.s of these people.

On Mr. Rubiik and Miss. Owino; when we sat here last time, it was that they were missing a relevant degree and that is still the case that we are in but it has been clarified so well. If you refer to page 6 of 19 of this Report no. 10 evidence (not a C.V) this Committee has failed to state to us if Mr. Rubiik and Miss. Owino failed again to submit any other evidence that would ascertain that they have experience in health and water respectively.

I am left to wonder what rationale you have used to again knock out Mr. Rubiik and Miss Owino because from your Report you have not stated that they did not submit anything that would show they have got the relevant experience.

Finally, I want to appeal to Members that in as much as we are going to adopt the four names that have been submitted here, although I need to add that against my conscious because you have not really explained to me well the issue of Mr. Rubiik and Miss Owino but I will

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endorse it. The people of Siaya need to be served and the faster we finish with this exercise the better; we have subjected the people of Siaya to uncertainty.

How I wish that his Excellency would move with speed and submit the last names so that we are done with this thing. You cannot convince me that somebody is sitting there and they know so well that they have been sacked in quotes. Then such fellows cannot serve very well and at that point, our people suffer in my village of Ywaya. Having said that I want to acknowledge and thank the Members for having sacrificed their time to come for this special meeting, thank you.

Hon. Speaker: Thank you. Member for Sigomre, Hon. Erick Odawa!

Hon. Odawa E: Thank you, Mr. Speaker, Sir. I rise to support in admiration the Report tabled in this House by the Appointments Committee and as well congratulate them for a job well done.

Secondly, I want to request the executive to depoliticize the process of nomination of CECMs such that we can get people who are credible and able to deliver.

Number three; I would like to request the Executive that in the future appointments, they make sure that they take into consideration regional balance, gender, Youth and Persons with Disabilities for all the people of Siaya to feel part and parcel of the activities of Siaya County.

Number four; I want to say that we are not adopting this Report because we have been intimidated by any person, and at this juncture I would like to request our Members of National Assembly to keep their tuff as we also keep ours. We are able and capable to deliberate and deliver on matters Siaya County. Hence, we do not need any interference from Members of the National Assembly, so let them concentrate on matters National government and leave matters pertaining to Siaya to us to tackle.

We can hear and see things on the social media, radio and other electronic Media which I think us as a House are not happy about. I would like at this juncture to congratulate the new appointees, and I hope that they will deliver to the people of Siaya County. Thank you and I support.

Hon. Speaker: Thank you. Hon. Lorna Adida!

Hon. Adida: Thank you, Mr. Speaker, Sir. Allow me also to first of all appreciate the Committee on Appointment for work well done. Being a Member of the Committee, allow me to say that I was impressed by the manner in which the candidates presented themselves, and more so I was so much impressed with Madam Dr. Elizabeth, and the manner in which she carried herself is even an encouragement to the ladies.

I would also like to encourage his Excellency the Governor to even include more ladies in his Cabinet because for sure we know that ladies are the Nation builders, and if Siaya could have ladies of her caliber then Siaya would move to the next level.

Hon. Members of this House, it is our duty even though members of the public think that we are sitting on the Governor's list, and I would also like to request our Members in the National Assembly to leave matters of Siaya to us given that they are the ones who preach equality. The only way they can help us is by encouraging us and making sure that we work together. I support.

Hon. Speaker: Hon. Member for Sidindi, Hon. Wandera.

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Hon. Wandera: Thank you, Mr. Speaker, Sir, for giving me this opportunity to deliberate on this Report. I want to say that the appointment of Mr. Mboha is very much in order, and I know and I am sure that Mr. Mboha will do a good work given the existence of Maira Water falls which is about 50 meters which I know Hon. Members don't even know exists. And going by the development records of Mr. Mboha, I know that it will be developed to produce more power to the Country.

Mr. Charles Ogada, at one time was a CDF chairman which during that time I was a Head teacher in the field, and I know his potentiality. Later on I became the chairman of cash transfer in the sub County while he was still the CDF chairman, and I sat with him in the same office. So his qualification is highly approved.

The other two, although I don't know their capabilities personally, who am I to say no to their approval when the Committee that vetted them and knows them well says yes? Thank you.

Hon. Speaker: Hon. Nick!

Hon. Ochola: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Motion.

*(Hansard system failed)
(Portable microphones were availed for use)*

Mr. Speaker, you do realize that we need a new Hansard system very soon. First of all, let me thank this Committee for the work they did and the document they presented before the House today. Having said that, I wish to point out for the records that when names were brought in this House in the last sitting, ideally we followed the law and rejected the names, and said that the names which come to this Assembly should fit the bill as per the law.

I am happy that the names brought back, albeit not all, and according to the Report that is before us, the Committee followed the law to the letter. If I can remember so well, during the last debate, we were confusing between what was relevant and experience. It came out that time that if you had to head Water you must not have a degree in Water. We were looking at the degree, experience and then the work experience in that field.

I have gone through this Report and actually all the four nominees as much as they don't have the prerequisite degree for the positions for which they are being proposed for appointment, they have relevant experience in whatever field we are proposing. Having said that, if we go back into our records, we said that we did not have problems with the nine names which were presented last time, but they were wrongly placed or those who could not fit in any of the nine positions to be replaced.

It also emerged during our observation that some information was not laid for the House. I remember saying that some of these names, we don't have CVs to back them. I remember during the debate, we said that if it's a question of relevant experience, it must be backed by not

only a CV but also a recommendation done by other party confirming that indeed that was a particular beneficiary. That is why I am personally contented with this Report.

Having said that, however, I have issues with the Committee having left the two nominees, but before I bring fourth the issues that I have, I must declare here that I do not have any interest in any of these nominees because one, I come from North Gem, and there is no nominee from North Gem here. Two, all the nominees here are not known to me on any personal level, but the Nominee number Five, George Rubiik and of course nominee number Six, Dorothy Akinyi Owino were of course not considered this time round because no circumstances changed for what experience is there, and their names were re-submitted in the same portfolios.

My understanding then was that they brought their CVs but they did not have any document to support the experience in the job description. I have the advantage of having the CV and documents of nominee number Five, George Rubik. At some point, there were the campaigns for the position of the Speaker. But to make record straight because this is a past event, I voted for Hon. George Okode during voting, but I retained all the CVs of all those people who wanted those positions, and when this name was now not listed, I got curious and went back to his CV. What I found in that CV...

Hon. Andiego: Point of order, Mr. Speaker, Sir.

Hon. Speaker: Yes, Hon. Andiego!

Hon. Andiego: Mr. Speaker, is it in order to discuss a Report which had been debated and done away with?

Hon. Speaker: Hon. Members, we need to stay focused on the Motion. We will allow references but not to the extent of diverting the attention and focus of the whole Motion.

Hon. Ochola: Most obliged, Mr. Speaker, Sir. I am just discussing the Report which is before the House. That, in that particular document, because that CV was subjected to us, I saw some experience with three different water companies.

Hon. Speaker: Hon. Nick, you are out of order. The Motion that we have does not have Rubiik. The mention of the names was that they are not part of the Report that we are discussing. Will you proceed and discuss the Motion. You are a Member of the party that the Governor comes from. Tell the Governor to do the right thing. Let us not discuss the names of Rubiik and Dorothy in our discussions now, please.

Hon. Ochola: Most obliged, Mr. Speaker Sir. I was mentioning that because I can see their names in this Report with due respect, Mr. Speaker, Sir.

Hon. Speaker: We were explaining why we are not discussing that. There was no other way of saying we are not discussing that. Their names have not been mentioned. Please debate outside the two names.

Hon. Ochola: Most obliged, Mr. Speaker, Sir. I won't go further than that. The proposed nominee for Health, for what I know is that she has been the CEO for health for the past 6 years.

(Laughter)

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Having said that, I wish to support the list of the 4 nominees, going to sleep not knowing what knocked off the other two. Thank you so much, Mr. Speaker, Sir.

Hon. Speaker: Hon Members, I would like to call on the Mover to reply on that.

Hon. Madialo: Mr. Speaker, I will talk to the Hon. Nick Ochola. Allow me to thank all those who have supported this Motion. Allow me also to repeat for the benefit of my very good friend Madam Winnie, that I am in order to request that you pass this Report. Mr. Speaker, allow me, (in reply) to state; none of us fear heat, because if you are a cook and you fear heat, you get out of the kitchen, but we are going to remain inside that kitchen until the food is cooked.

The issue of degree as had been explained is relevant, but it is the experience, and knowledge and career that is supposed to be relevant to the portfolio. I wish to address my mind to the allegation, the averment on the allegation of Mheshimiwa Adalla, that the Report is half baked. We are not in the business of baking any Report, we write them. But even if we were baking them and the ingredient missing is documents, I think it was incumbent upon each and every Member of this Assembly, now that the passing of these people was so emotive, to come over there, sit down and listen, because these people were giving document after document and saying what is contained in that document. That is why *Mheshimiwa* Otiato is able to narrate what came out of the mouth of Dr. Elizabeth without seeing any document.

Mr. Speaker, I will be inviting Hon. Adala next time, I will make sure I pick him from Ugenya to come and be attending these things and then talk about them after hearing what goes on verbatim.

I abide by the ruling of the Speaker that we do not debate or discuss names which we have said we simply did not readmit. You know, sometimes hear what is being said and listen to what has not been said. I will repeat what had been said earlier; the names came but they were not readmitted for vetting.

There is something else that has been said in that statement. Above all, the law is written there and it says, if the circumstances don't change then the names are not resubmitted. I might be out of my depth on this, Mr. Speaker, but with your permission may I clarify that an additional CV does not constitute change of circumstances. Change of circumstance has just been demonstrated there. Somebody was put in that docket but has now been realigned to this docket. Circumstances change.

Should it happen that at the time when you are being vetted you dint have clearance from KRA and when you are returned 2 weeks later, you have the certificate from KRA. Circumstances will have changed. At that time you were a defaulter at KRA and now KRA is saying that you have complied. That is a changed circumstance. But the changed circumstances cannot include that you brought an additional CV.

Lastly, I would like to commend the leadership of the Assembly who largely sits in the Appointments Committee and also the Committee at large for having made these --move. I would wish that even as we advise the Governor, and from the House, I would be challenging the Majority Leader if the Governor listens to him; we would advise that the next time names are

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coming, let all the documents including the ones relevant to experience and career be attached to the letter that submits the names.

It has made our works so easy, it makes the running so smooth, and it makes us come to you convinced that what we have seen we can defend. When we say that these 4 convinced the Committee that for the parameters that are defined by the law as to experience, knowledge and career, they satisfy the Committee and the documents being public documents, any Member can go into those files and you will find that those people; for example Elizabeth even demonstrated by bringing volumes of books, authored by herself and which constitute what is useful to train university students.

Mr. Speaker, I thank every Member for supporting the Motion and for taking their time to be with us in debating the Motion. I thank every Member because the way I see their faces, they are going to say 'Aye'. So I thank every Member in advance for saying 'Aye' when the Speaker puts the question, but I have pleaded with you so much that when the Speaker puts it in a short while, please, don't shame me.

(Laughter)

(Question put and agreed to)

Applause

ADJOURNMENT

Hon. Speaker: Hon Members, as we conclude I want to bring to your attention that I have been advised that you can register your participation after this. Don't worry; they will look at other factors. The Clerks know what I am talking about.

There being no other Business, will you be standing for Adjournment?

(All Hon. Members rose in their places)

There being no other Business, this House adjourns until on notice.

The House rose at 5.34 p.m.