

**REPUBLIC OF KENYA****COUNTY ASSEMBLY OF SIIAYA****DEBATES OF THE COUNTY ASSEMBLY OF SIIAYA****THE HANSARD**

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**2015 HANSARD REPORTS**

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**Tuesday, 10th February, 2015 to Thursday, 17<sup>th</sup> December, 2015**

.....  
**1<sup>ST</sup> ASSEMBLY,**

**3<sup>RD</sup> SESSION**  
.....

*Assembly Buildings, Siaya*

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**REPUBLIC OF KENYA**

**SIAYA COUNTY ASSEMBLY**

**THE HANSARD**

**First County Assembly- Third Session**

**Tuesday, 10<sup>th</sup> February, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYERS**

**COMMUNICATION FROM THE  
CHAIR**

OFFICIAL 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, I 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, I 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 30<sup>th</sup> 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 20<sup>th</sup> 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 will 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. Nguire!

**Hon. Nguire:** 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.

Since the presented list is the one 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.

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 for 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. Selah 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?

**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 you 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.

**TUESDAY, 17<sup>TH</sup> FEBRUARY, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYERS****COMMUNICATION FROM THE CHAIR**

**Hon. Speaker:** Hon. Members, we welcome you once again. We want to advise that after we are done with the approval or otherwise of our calendar, you remain behind to be done with matters of the committee membership and also communication from the political party coalition, Cord.

Other than that, mine is just to encourage committees and Members to be as active as possible so that we have business during this Session.

The House Business Committee met in the morning and we allocated the business that we had in our tray for this week and part of next week. So, I encourage all the Chairpersons and the Members to liaise with the Liaison Committee and the Clerk's office so that we have business.

I also made a Communication last week that the County Assembly Service Bill had been returned by the Governor and the ordinary practice is that when it is procedurally returned, then we recommit it to a committee for consideration upon which the committee can agree with the amendments or pass it as it had initially been passed. Going by the complexities, the Chair directs that I will give a ruling on that memorandum on Thursday, this week. Thank you

Next Order!

*(Several Members walked into the House)*

*[The Speaker (Hon. Okode) left the Chair]*

*(The Temporary Speaker (Hon. Abayo took the Chair)*

**PAPERS LAID**

**Hon. Otieno:** Thank you, Mr. Temporary Speaker. Allow me to lay on the Table of the House:-

The County Assembly Calendar for the Third Session of the First Assembly for Adoption

*(Hon. Otieno laid the document on the Table)*

**NOTICE MOTION****ADOPTION OF ASSEMBLY CALENDAR**

**Hon. Otieno:** Thank you, Mr. Temporary Speaker. I wish to move a notice of Motion:-

THAT pursuant to Standing Order No. 26, this House adopts the County Assembly Calendar for the Third Session of the First Assembly laid on the Table of the Assembly today, Tuesday 17<sup>th</sup> February, 2015.

**The Temporary Speaker** (Hon. Abayo): Next Order!

urging Members that when you go behind the paper itself it shows---

### MOTION

#### ADOPTION OF ASSEMBLY CALENDAR

**Hon. Otieno:** Thank you, Mr. Temporary Speaker.

Pursuant to Standing Order No. 26, this House adopts the County Assembly Calendar for the Third Session of the First Assembly laid on the Table of the House today, Tuesday 17<sup>th</sup> February, 2015.

I would want hon. Ndonji to second.

**Hon. Ndonji:** Mr. Temporary Speaker, Sir, first I would like to commend the way it has been scheduled and I am

**The Temporary Speaker** (Hon. Abayo): Hon. Ndonji---

**Hon. Ndonji:** I'm seconding, Mr. Temporary Speaker. I just wanted to request Members that they should be observing the schedule that is there and always keep time Mr. Speaker, Sir. I rise to second.

*(Question proposed)*

**Hon. Otieno:** Mr. Temporary Speaker, may you allow me now to take the House through the County Assembly Calendar:-

#### **FIRST ASSEMBLY (THIRD SESSION)**

### **CALENDAR OF THE COUNTY ASSEMBLY OF SIAYA.**

It is NOTIFIED for general information that pursuant to Standing Order No. 26 of the County Assembly of Siaya Standing Orders, by a resolution made on 17<sup>th</sup> February, 2015, the Assembly approved the calendar of the Assembly (Regular Session) for 2015 as set out in the schedule

### SCHEDULE

#### PART 1: SITTING

<b>PERIOD</b>	<b>DAYS</b>
<b>THIRD SESSION, FIRST PART</b>	Opening Tuesday, 10 <sup>th</sup> February – Wednesday, 30 <sup>th</sup> April, 2015 Tuesday (afternoons) Wednesday (mornings and afternoons) Thursday (afternoons)
<b>THIRD SESSION, SECOND PART</b>	Tuesday 2 <sup>nd</sup> June – Thursday, 27 <sup>th</sup> August, 2015 Tuesday (afternoons) Wednesday (mornings and afternoons) Thursday (afternoons)
<b>THIRD SESSION, THIRD PART</b>	Tuesday, 22 <sup>nd</sup> September – Thursday, 3 <sup>rd</sup> December, 2015 Tuesday (afternoons) Wednesday (Mornings and afternoons) and Thursdays (afternoons)

**PART II: RECESS**

<b>PERIOD</b>	<b>DAYS</b>
<b>THIRD SESSION, FIRST PART</b>	
a) Short Recess	Friday, 3 <sup>rd</sup> April – Monday, 20 <sup>th</sup> April, 2015
b) Long Recess	Friday, 1 <sup>st</sup> May – Monday, 1 <sup>st</sup> June, 2015
<b>THIRD SESSION, SECOND PART</b>	
c) Short Recess	Friday, 3 <sup>rd</sup> July – Monday, 20 <sup>th</sup> July, 2015
d) Long Recess	Friday, 28 <sup>th</sup> August – Monday, 21 <sup>st</sup> September, 2015
<b>THIRD SESSION, THIRD PART</b>	
e) Short Recess	Friday, 30 <sup>th</sup> October – Monday, 9 <sup>th</sup> November, 2015
f) Long Recess	Friday, 4 <sup>th</sup> December, 2015 – Monday, 8 <sup>th</sup> February, 2016

**NB: TUESDAYS (2.30PM), WEDNESDAY MORNING (9AM), AFTERNOONS (2.30PM), THURSDAY (2.30PM)**

Thank you.

**The Temporary Speaker** (Hon. Abayo): Yes, Hon. Walter

**Hon. Okello:** Thank you, Mr. Temporary Speaker, I did not intend to speak, but the Hon. Whip looked at me in manner likely to suggest that he was whipping me to speak on this matter. So, in response to that, I am rising to support that this House adopts this calendar of the Motion that was moved by the hon. Majority Leader.

The only thing I would like to add is that, I think for the first time, I am getting exposed to this kind of calendar and I believe that it's quite good in terms of personal organization for a Member who intends to probably prepare for business or create forth an agenda that is relevant for this House and the County as a whole has ample time and good exposure to be able to see when that fits.

Mr. Speaker, again in line with that, it would be important that as much as possible, this gets exposed to the public. Not just through the main media, the Daily Nation or The Standard which majority of our people do not read, but it should be availed in the Ward offices, market places so that the people out there who elected this hon.

House of Representatives to sit here can also get to appreciate the working schedule, just like people out there know the way schools operate, their opening days and school holidays for organization and general preparation. The public should also appreciate the same of this legislative House.

In line with that again, for purposes of coordination it is important that the Executive also get to appreciate this calendar and so are able to prepare Bills and Motions because most of the Bills and policy issues are supposed to be preserved for the Executive.

So, it is also important for the Executive to appreciate this calendar, fit in the businesses that will be able to drive this

County forward in terms of development because I believe this is the most critical year that we are in in terms of development being that it is the middle year, we have two years behind, we have two years ahead in the life of this Assembly.

Mr. Temporary Speaker, I support

**The Temporary Speaker** (Hon. Abayo): I'm seeing there are no contributions.

*(Question put and agreed to)*

### **ADJOURNMENT**

**The Temporary Speaker** (Hon. Abayo): Hon. Members, agenda No. 9 is adjournment and I wish to say that this House stands adjourned until tomorrow, Wednesday at 9.00am.

The House rose at 2.50 p.m.

**WEDNESDAY, 18<sup>TH</sup> FEBRUARY, 2015**

The House met at the County Assembly Chamber at 9.30 a.m.

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

**PRAYERS**

*(Hon. Otieno laid the document on the Table)*

**COMMUNICATION FROM THE CHAIR**

**The Temporary Speaker (Hon. Abayo):** Next Order!

**QUARTERLY FINANCIAL REPORTS****NOTICE OF MOTION**

**The Temporary Speaker (Hon. Abayo):** Hon. Members, I wish to remind the House that as we wound up last year, you went home on recess. A number of reports were presented to the Members. 1st, 2nd, 3rd quarterly financial reports were given to the Members.

ADOPTION OF  
PUBLIC SERVICE BOARD  
REPORT

**Hon. Otieno:** Thank you, Mr. Temporary Speaker. I beg to give notice of the following Motion:-

Annual Development Plan, 2015/2016 too. These reports were looked at by the Finance and the Budget Committee, laid on the Floor of this House and they were given to the Members.

Pursuant to Section 59(d) of the County Government Act, 2012, this House adopts the Eleven Months Report of the Siaya County Public Service Board for the period from January, 2014 to November, 2014.

I want to urge Members to go through those reports because; they will be back to the Floor of the House for deliberations. So, wherever you may have kept yours, please re-visit it because we will take up on them next week effectively. Thank you.

**The Temporary Speaker (Hon. Abayo):** Next Order!

Next Order!

**PAPERS****MOTION**

ADOPTION OF  
COUNTY PUBLIC SERVICE BOARD  
REPORT

**Hon. Otieno:** Thank you, Mr. Temporary Speaker. I would like if you allow me to lay on the Table of the House:-

**Hon. Otieno:** Thank you, Mr. Temporary Speaker, once more: THAT pursuant to Section 59(d) of the County Government Act, 2012, this House adopts the Eleven Months Report of the Siaya County Public Service Board for the

The Eleventh Months Report of the Siaya County Public Service Board for the period January, 2014 to November, 2014 for adoption.

period from January, 2014 to November, 2014.

Mr. Temporary Speaker, Members of the House are aware that the report has come and I have tabled it. I was requesting that since Members have not gotten ample time to go through the report, they be given time to study it, interrogate it thoroughly, then we can discuss and debate it in the afternoon.

*(Applause)*

I now ask Hon. Gare to second.

**Hon. Gare:** Thank you, Mr. Temporary Speaker. I stand to second and I do agree with the hon. Majority Leader that we have just seen this report now and it will not be in order for us to start discussing it before we see what is inside. I therefore, request that Members be given time and we discuss it in the afternoon. Thank you.

*(Hon. Muhulah and Hon. Ndonji stood up in their places)*

*(Question put and agreed to)*

*(Motion deferred for discussion in the afternoon)*

*(Hon. Otare walked into the House)*

**The Temporary Speaker** (Hon. Abayo): Yes, hon. Muhulah, what is it?

**Hon. Muhulah:** Nothing that can cause commotion, Mr. Temporary Speaker. Due to the development that has just occurred in the House, may I seek the leave of the House under Standing Order No. 31, that the House discusses the crucial issue of agriculture preparedness by Siaya County Mr. Temporary Speaker. This is because the season has already started, but there is nothing put in place that is clearly defining

how the County is ready to handle the issue of Agriculture for this season. I wish to ask hon. Ombee to second.

**Hon. Ombee:** Thank you, Mr. Temporary Speaker, Sir, I rise to second.

*(Hon. Muhulah and hon. Otieno consulted)*

*(The Temporary Speaker (Hon. Abayo) and Clerk consulted)*

**The Temporary Speaker** (Hon. Abayo): Hon. Members, a hon. Member of this House has invoked the provisions of the Standing Order No. 31(1) that talks about:-

Any Member may at any time rise in his or her place and seek leave of the House to move the adjournment of the County Assembly for the purpose of discussing a definite matter of urgent County and/national importance.

Notwithstanding that, we have deferred a Motion for the afternoon and therefore, we do not have any other agenda this morning. So, we can take this opportunity to discuss the issue of preparedness of the County in undertaking agricultural activities.

I therefore want on that basis to propose the question that this House, this morning discusses the preparedness of the County in so far as undertaking agricultural activities now that the rains have started.

Yes, hon. Muhulah!

**Hon. Muhulah:** Thank you, Mr. Temporary Speaker, for accepting the sleek of leave of this House. Mr. Temporary Speaker, it has prompted me to introduce this debate this morning because we seem as a County Government of Siaya, especially the Executive, that we do not learn from our mistakes. The introduction of the subsidized

agricultural services to the citizens of Siaya County was initiated last year through the office of the Governor and was supposed to be overseen by the C.E.C.M and his agricultural team.

Mr. Temporary Speaker, we had a lot of challenges when introducing this thing. Which of course we conceded since this was a new thing in this County. We at least express our sincerity for the little performance of the County Government. Mr. Temporary Speaker, this was with a disclaimer that in the year 2014/2015, we never wanted to see a repeat of the same because there was hue and cry from the Siaya people on how this thing was performed.

The Executive pointed out that there was a lot of insufficiency in terms of allocation of funds which we the County Assembly did not accept. Not until it was noted that there were limited machineries to execute this, which we conceded and accepted. Then there was the issue of fertilizer subsidies which were eventually brought very late and made the County Government of Siaya loose almost or approximately Kshs. 15 million in terms of seeds that were of low quality, Mr. Temporary Speaker.

Mr. Temporary Speaker, come this year again, we are finding that the issue of the tractor rationalization or distribution in this County is a decoy. We have citizens of this County who have worked very hard, collected their monies and paid for the tilling of their land. Today, these people are pleading as if the County Government did them a favour.

This is quite contrary to our expectations in terms of food security for this County Mr. Temporary Speaker. The monies that are subsidizing these facilitations is the public fund and for that,

the Executive has to account for these monies and tell the County Assembly the reasons why these citizens cannot get what they need in terms of preparedness for the oncoming rains.

Mr. Temporary Speaker, Sir, tilling of land was supposed to have been put in different periods. The areas of Uyoma were supposed to have been given these services during those long seasons.

Around this time when the rains have started, this service was supposed to have been transferred to the areas of Ugenya, Gem, Bondo and Alego; because we expected that around Uyoma they were supposed to have finished the services that they were supposed to give.

Mr. Temporary Speaker, until today, there are people from Uyoma and Asembo and the southern part of Gem that are craving for the services that they have paid for. The issue of fertilizer goes very much in hand with the issue of attaining quality the crops as our yields Mr. Temporary Speaker.

Today, there is no clear policy and we are asking the House to please ask the County Government of Siaya to give us a clear road map on how they want to handle the issue of fertilizer! Because, as at now, I look at it that any time, if the rain is to continue, then people will start putting seeds in the soil and they are supposed to use these fertilizer for the same purpose.

Today again, Mr. Temporary Speaker, I want to inform this House that we are privy to information that this County last year procured fertilizer that was sub-standard and had to be returned. Till today, we don't know whether that money that was used to pay for the fertilizer has been brought back.

Mr. Temporary Speaker, again, the issue of seeds. It can never be said better that it has to go together with the tilling. There can never be anytime again when we want to see this other than now.

It is for this reason, Mr. Temporary Speaker, that we want to get a clear statement from this House, through the Committee on Agriculture that how much is the County Government prepared in terms of agricultural facilitation for the Members or for the people of this County to be able to go in line with the policy of the sustainability and the security of food in this County, Mr. Temporary Speaker. I rest my case.

**The Temporary Speaker**

(Hon. Abayo): Hon. Members, you will remember that having made the proposal and then seconded, I ought to have put a question to the Members whether they would accept this discussion to go on and I didn't. Now that this is not a written Motion, I gave hon. Muhulah time to expound on really what is the gist of the matter for the hon. Members to see the need to discuss this particular issue at this point, or whether that issue, would come as a statement.

Therefore, if I put this question and it is agreed to, then we will go on with the discussion, because you have understood. This shows how urgent it is and it is of County importance and I think that is critical.

*(Question put and agreed to)*

**Hon. Munda:** Thank you, Mr. Temporary Speaker, for giving me this opportunity to also air my views on this important matter. First, I want to take this opportunity to thank hon. Muhulah for bringing this matter to this House at this time. This idea of tractors for hire and the

subsidized seeds and fertilizer at the Ward was a noble idea and it ought to have given us an opportunity to get bumper harvest at the end of the season. But what we are seeing is the opposite.

The tractors are very few in this County and we are not able to till the land the way we ought to have done. Even the seeds, the fertilizers and the rest are not in place. I think the Executive should get time and see to it that these things are available in good time so that our people can till their land in good time.

Some people made payments last year. Even in my Ward, some people paid, but their lands have not been ploughed. I think the Executive should move with speed so that these things are done and we get to till our land in good time and get the fertilizers and seeds in place. Mr. Temporary Speaker, I rest my case.

**Hon. Ndonji:** Thank you, Mr. Temporary Speaker, Sir. First, I want to commend hon. Muhulah for bringing up this Motion. I happen to be a Member of the Agriculture Committee and this an issue that I have raised at the Committee level a number of times and even in engagements with the Executive, Mr. Temporary Speaker, Sir. I even went a step ahead and told them that they should be having a timetable because the rainy season is well known within the County so that at least ploughing is done at the right time.

Mr. Temporary Speaker, Sir, the CECM in charge of agriculture told us during one of these meetings that each and every Ward was getting a tractor so that at least they can plough. But she said that they were giving priority to the Wards in Rarieda Sub County because the rains were coming quite earlier. Mr. Temporary Speaker, Sir, I am a victim of this problem because where I

come from; you cannot plough when it rains. Already, the rains have started falling and so many people have paid and these services have not been done.

Mr. Temporary Speaker, Sir, just the way the hon. Munda has said, there are some people who paid last year and never got the services. We wouldn't like the same to be repeated. I tend to think that somebody is sleeping on the job. The idea was so noble, but seemingly, the Executive was not prepared for this noble idea. I thought that if we had these problems last year, they are not supposed to be repeated because we are supposed to be learning from mistakes.

Mr. Temporary Speaker, Sir, I want to say that we should get to the root of this matter and find out where the problem is and if it means that heads have to roll, then let them roll. Thank you.

**Hon. Gare:** Thank you so much, Mr. Temporary Speaker. I stand to contribute and first I want to echo what my fellow colleagues have said.

This problem now cannot be called a teething problem. We expected teething problems to be last year and I think up to now even if it is a tooth, it has grown! The same problems that we had last year are still coming this year. In my Ward, Mr. Temporary Speaker, Sir, the tractor came last week. Farmers paid money; the tractor came, went to our fields and ploughed only 3 acres. The tractor is now lying there because there is no fuel. It has stayed there for 5 days.

When I called the CECM, she told me they are lacking fuel. For sure, where are we? I want to call upon even the Committee on Agriculture; you are the Committee that is supposed to talk to this CECM direct, what are you doing? Engage this CECM and tell her that we are in

problems. They said they were going to start ploughing last year in the black cotton soil in Rarieda. The Rarieda Members are here, some of them are saying even their lands have not be tilled. On our side, the tractor came, it's lying there and they are saying there is a problem with the treasury, they don't have money and there is no fuel. Then why did this thing come?

We told the farmers to pay, they have paid. Some people were ploughing with animals, when the rains start, they will relax. What about the people who paid the money and their money is tied in the County Government? If they cannot plough for these farmers, let the money be returned. If it is being returned, let it be with interest! Someone cannot pay money last year, five months down the line, it has not been ploughed!

*(Applause)*

The money is lying there and then you return the money without interest! That cannot happen!

This Committee on Agriculture, you are here to talk on our behalf, what are you doing? This is a pathetic situation, Mr. Temporary Speaker, and I think something should be done. Thank you.

*(Several Members stood up in their places)*

**The Temporary Speaker** (Hon. Abayo): Hon. Asewe!

**Hon. Asewe:** Thank you, Mr. Temporary Speaker, for giving me this opportunity to air my views on the same. I would like to take this opportunity again to thank hon. Muhulah for having brought this

issue to the House. Mr. Temporary Speaker, this matter should have been brought to this House earlier than today to save farmers from losing again.

Last year, I can remember I went round the 6 Sub- Counties encouraging some of the PLWDs to invest in agriculture. Some of them paid their money, but the services were rendered very late to an extent that the first rains did not get their farms ready and it was because of the delay from services that we were getting from the tractor section.

Mr. Temporary Speaker, as I know, it was a problem that was there last year, it ought to have been analyzed and an amicable solution found to solve this problem instead of waiting until today. We will again loose!

There are some people who paid last year and they have not received the services. I really concur with what hon. Gare has said, that these people should be refunded their money plus the interest. It is quite unfair for the County Government of Siaya to encourage us to talk to farmers, they go pay the money and then the money is kept somewhere or used in other services that it was not meant for.

The Agriculture Committee should take the matter seriously so that we have what we can explain to the farmers. Otherwise, you will soon see demonstrations that we are trying to con the public. Mr. Temporary Speaker, I would like to rest my case.

**Hon. Augo:** Thank you, Mr. Temporary Speaker, for giving me this opportunity. First of all, I want to thank hon. Muhulah for bringing this Motion. This is a very pathetic situation. We have been singing that food security is there in Siaya County. There's nothing like that! Mr.

Temporary Speaker, the other time people paid for the tractors and they didn't get them. Eventually, when the tractors came to their fields, they were being told there was no fuel and for their land to be tilled, they were told to buy fuel.

So, we are wondering, why were these tractors bought? Were they bought for formality to show that Siaya County is working and for pictures to be posted online for people to see that there's something going on in Siaya regarding food security? Our people now do not have even food in their granaries because of such messes!

Mr. Temporary Speaker, there were some people in North Sakwa Ward where the tractor came late and they could not even harvest. Thereby, resulting into a loss. Mr. Temporary Speaker, we are very serious about this matter and we want to tell Members of the Committee of Agriculture who are here---. They are always meeting every now and then, even thrice in a week. What do they discuss?

*(Applause)*

We need food on the table! That's what we want! The Committee should know that! The County Government has been singing every now and again about food security but nothing is being done. Thank you, Mr. Temporary Speaker!

*(Applause)*

**Hon. Onduru:** Thank you, Mr. Temporary Speaker. I would want to start by saying I am a Member of the Agriculture Committee.

*(Laughter)*

**The Temporary Speaker (Hon. Abayo):** Order! Order! Members!

**Hon. Onduru:** My Chairman is not here, but I will try to say what I know and what we have done. Protect me, Chair, because Apiyo is---

**An. Hon. Member:** Why and am here?

*(Laughter)*

**Hon. Onduru:** First and foremost, I would like to say that the Ministry of Agriculture should not exist in this County. If you asses even your Wards, what are the staffs in the field doing? Have you seen them? What do they do? Do they earn money for doing nothing? That is one thing this House should think about. These people are there and they are doing nothing!

I would like to say that we have been engaging the CECM and the Director every time and these things you are saying in this House we have told them severally. Last time, we called the CECM and she didn't even appear before the Committee. So, there is a problem. What they should be doing now is to ensure ploughing is going on and seeds are available. But nothing is happening and they are there! My suggestion is that this House-----

*(Hon. Muhulah stood at his place)*

**The Temporary Speaker** (Hon. Abayo): Yes, hon. Muhulah

**Hon. Muhulah:** Mr. Temporary Speaker, I would seek your indulgence. Is it in order for a Member of the Agriculture Committee who were supposed to have engaged the agricultural officers and brought us a report to come to this House and start condemning the agricultural officers? Is it in order?

*(Applause)*

*(Laughter)*

**The Temporary Speaker** (Hon. Abayo): Let's give hon. Onduru time. He may have realized that this is a serious issue now. So, let's allow him to make his contribution. He may have not realized it's that serious.

**Hon. Onduru:** Mr. Temporary Speaker, I said very clearly and in very good English that we have engaged----

**The Temporary Speaker** (Hon. Abayo): Hon. Onduru, go on with your submission.

**Hon. Onduru:** We have engaged the CECM and his team and we have discussed this, but nothing has been happening! So, my proposal to this House is that the CECM and his team should come here and face the whole House and answer some of the questions which they have completely refused to answer. As a Committee, we have tried our level best and I would like to thank hon. Muhulah for bringing this up and that's what can help us. So, if they cannot work, they should pack and go!

*(Applause)*

**Hon. Adera:** Thank you. Mr. Temporary Speaker, I wish to add my voice on the many voices that have spoken. First, I wish to congratulate hon. Muhulah for bringing this matter before the Plenary. Secondly, I was about to congratulate the Agriculture Committee of this Assembly---

*(Laughter)*

But, having heard the contribution of hon. Onduru, I retract and reserve. The reason why I am saying that is that if the agriculture department on the Executive side should pack and go home, then the Committee from this Assembly should follow suit.

*(Applause)*

The reason being that we've seen on several occasions, the Agriculture Committee traverse this Country in the name of benchmarking and doing studies and everything that can uplift agricultural activities and as things stand now, it appears like they are falling down together with the Executive.

If we have to blame the Executive, then we also have to blame ourselves as the Assembly and more so the Agriculture Committee should ask themselves how much they have spent on travels in the name of visiting agricultural sites. I'm even informed that they have even travelled to Israel!

*(Laughter)*

**The Temporary Speaker** (Hon. Abayo): Hon. Adera, you are the one on the Floor, don't listen to anybody!

**Hon. Adera:** Mr. Temporary Speaker, I'm not listening to anybody and I wish to advise all Members; please do not advise me on what to say!

*(Laughter)*

Mr. Temporary Speaker, they are just reminding me that Israel is one of the places they've gone to.

*(Laughter)*

I wish the Chairman was here to tell us areas that they have visited. I'm sure they are many and if there's any committee that has traversed this Country, then it is the Agriculture Committee. I wish to challenge this Committee to take responsibility and work together with the Executive in order to see how we can uplift agriculture in Siaya

County. Otherwise, if the Executive fails, the Government of Siaya will have failed.

We cannot excuse the Committee of the Assembly and blame the Executive for failure; we shall have failed together, because the common mwananchi does not know how to differentiate between the Executive and the Assembly. The will say the people we elected have failed us in agriculture. So, I wish to challenge that Committee to take this matter seriously. Thank you.

**The Temporary Speaker** (Hon. Abayo): Hon. Members, I wish to guide the discussion that as we talk about the Agriculture Committee as it has been mentioned, we are talking about this particular House. I therefore, want to direct that the Members make their submissions, raise those critical issues that the Agriculture Committee representing this House can take up and not condemn the Committee.

*(Applause)*

At the end of the day we shall be talking about the Agriculture Committee taking up those issues. So, let us raise the issues where there are gaps and let's also avoid repetition of what has been said.

*(Hon. Gare stood at his place on a point of order)*

**Hon. Gare:** Mr. Temporary Speaker, we were just asking if it is in order if a Member of the Agriculture Committee has admitted that they have tried inviting the CEC who refused to appear before them. The Orders are very clear on what should happen if a CECM refuses to come before a Committee. What have they done about it? That's what we are asking, we are not condemning them! What have they done

since the CECM has refused to come before the Committee? It's very clear what should be done! Do you sit back and wait for hon. Muhulah to bring the issue to be discussed in the Assembly? No!

**The Temporary Speaker** (Hon. Abayo): I think I have given a directive and I want it followed. Let us raise the issues. We have known that the CEC had been invited. The CEC may have been called for another thing all together, but if it is on the same, that should come out.

Moving forward, as hon. Gare has mentioned, a Member was making a proposal that the CEC be invited to this House. It was not concluded! Nobody seconded it! That particular proposal went that way. So, I want us to raise the issues that the Agriculture Committee should be able to take up immediately, but not say the Committee has failed. Let us raise the gaps and tell them the areas we would want them to take up.

Yes, hon. Walter

**Hon. Okello:** Thank you, Mr. Temporary Speaker, Sir and thanks also for the guidance you have just given. From the contribution of the House, you realize how important this matter is and I wish the Executive arm of the County Government of Siaya was here, I would have referred them to the constitution of Kenya.

The 4<sup>th</sup> Schedule part 2 which lists the functions of the County Government and the first function that is listed without a doubt is the function of agriculture. That alone tells you how much the sector of agriculture is important and critical to the growth and establishment of a County government.

I also want to thank hon. Muhulah for bringing this up. When I walked in, he raised some very critical issues as part of his opening remarks of which I would like the Agriculture Committee to take up in line with your guidance. Mr. Temporary

Speaker, the hon. Muhulah in his speech said that in the last financial year, the County Government of Siaya bought sub-standard fertiliser which had to be returned back. Mr. Temporary Speaker, this is a matter critical to me and I'm sure to the County Assembly, as well as the Siaya people on how the Country government of Siaya ended up procuring sub-standard fertiliser.

It would be important that the Agriculture Committee gets up this matter and explain to this House and by extension the people of Siaya who were responsible for the purchase of sub-standard fertilizer and what it cost us in terms of money and who should bear responsibility for that.

Secondly, I would like the Agriculture Committee to ask and present to this House a cost benefit analysis. I agree with hon. Gare that this is not the time to talk about teething problems, this is something that is already established.

Since this was already done in their piloting set up in the last ploughing season, we would have expected the Agriculture Committee to present to us a cost benefit analysis on how much money was spent during ploughing last time, what was the return output in terms of harvest for the farmers and what the impact was.

So that, when we discuss for this particular financial and ploughing year, we know exactly what this system is going to benefit the County with. We cannot keep doing things haphazardly, we are an organized government and we need to know how much we are putting in and how much we are getting.

Mr. Temporary Speaker, finally, it is also important for the Agriculture Committee in liaison with relevant Executive bodies to tell us the long term plan. As a County, do we have a substantive agricultural policy guiding us as we go forward? Which areas do we want to

concentrate on? There have been talks of investors coming to the County to re-open the collapsed ginneries; where are we going to have these cotton farms.

These are critical elements that should be captured in an agricultural policy which could then wholesomely take care of the issues of tractors that we are talking about today.

Mr. Temporary Speaker, if it were not for your guidance, I would have challenged the Committee to give us comparative cases being that as the Deputy Speaker correctly observed, they have been around, doing benchmarking in a number of places so that they could tell us the success stories.

Let us know what is happening in Bungoma and other places they have been to. It would serve this House well if those benchmarking reports would relevantly be laid so that as we discuss this, we know that we are correct in the context of the Country and now in a Country that is working in relationship with other Counties. Thank you, Mr. Temporary Speaker.

**Hon. Ngure:** Thank you, Mr. Temporary Speaker. I would also like to start by thanking hon. Muhulah for bringing this very important Motion. Mr. Temporary Speaker, farming in this County is---- women will be greatly affected if we don't get enough food to put on the table. Our children and husbands will cry of hunger.

Mr. Temporary Speaker, these tractors are few and I thought that this year, there would be arrangements put in place so that the Wards have enough tractors and indeed I hear that a few more tractors have been brought on board.

The other problem apart from the tractors being few is poor management. People who have availed tractors to be hired by the County do not seem to have proper arrangement for ploughing or tilling these lands. You find that people pay a lot of

money for their land to be tilled and they are told there's no fuel. But if we have Kshs. 1,850 paid to plough an acre, we know that the County government is going to subsidize, but surely, this is enough money to buy fuel to till the land. The problem is poor management.

The people given this job are not planning well. They take long time taking measurements of land to be ploughed. Right now in Rarieda, not so much has been tilled yet the rains are here. By next week, in Rarieda we will not be able to do much with our land.

These particular people have been using their own arrangement to till their land and if left that way, they will do much more other than telling them to pay money for some tractors coming and they are told it will be on a first come, first serve basis. They have now paid their money, their lands have not been tilled and the rains have started falling.

The end result will be a poor harvest. This was a very good service brought to help the people realize good harvest and we need to ensure proper management of the same. Without proper management, whatever we discuss here will not be helpful to us. We have to urge the Agriculture Committee to pull up their socks and ensure this service is properly done. If they don't do that, we will not get anywhere.

So, Mr. Temporary Speaker, I want to urge the committee that as they continue to discuss with the CECM Agriculture, they should tell her that we need more tractors and proper management of this service. We hear of fertiliser coming late or expired. We need all these to be addressed. Otherwise we'll be making noise here and nothing is done, in the end, the ladies will agree with me that our kids and husbands will suffer due to hunger. Thank you

**Hon. Awuor:** Thank you so much, Mr. Temporary Speaker. I'm on my feet to

support this Motion and from the onset, allow me to join those who have praised hon. Peter Muhulah for bringing this Motion. Mr. Temporary Speaker, sometime last year, I called the CECM in charge of agriculture who told me that my people of Yala Township Ward would not get the tractors because they were busy ploughing for Uyoma people. I'm surprised to hear that nothing has happened in those areas. It's unfortunate.

I really don't want to discredit the Agriculture Committee because they have presented before us verbal information that they have really tried and I know the problems we face in dealing with the Executive because I also Chair one of the Committees. On the way forward, Mr. Temporary Speaker, the Committee should get a list from the Executive of the people who paid and their land was never tilled.

Secondly, quite a lot of money was paid for these services and the reports have not been disclosed. I don't know whether this should be handled by the Finance Committee, but whichever Committee it goes to; I think we need to know how much was realised from the services.

Mr. Temporary Speaker, I come from Yala and a few days ago, there was a lot of fertiliser being transported on motorbikes, tractors and lorries from Yala Cereals and Produce Board to other areas other than this County. We really need to know where they were being taken to because we may realise later that the ones meant for this County have already been taken to other Counties and our people may not have good harvest. I rest my case. Thank you.

**Hon. Ombee:** Asante sana. Naunga sana hoja hili. Nataka nizungumze kama mwakilishi wa eneo la Gem Kusini. Tunapozungumza, zaidi ya watu mia moja walishalipa pesa na hawajaona tingatinga hadi leo. Ombi langu pamoja na wale ninao

waakilisha ni kwamba watu warudishiwe pesa yao ili watafute tingatinga kwingine. Badala ya watu kujaa ofisini mwangu huku wakipiga kelele kuwa wanataka pesa zao. Sio jambo nzuri. Kwa hivyo, ninaomba warudishiwe senti zao. Asante sana

*(Applause)*

**Hon. Apiyo:** Thank you, Mr. Temporary Speaker. Once again, I would support hon. Muhulah for what he has done before this hon. House. One of the pledges made by ODM party was about agriculture and food security and we have to discuss about them in this County. Mr. Temporary Speaker, I was of the opinion that this issue would have come as a statement, then it be delegated to the Committee on Agriculture.

They go and meet further with the CECM, then if nothing can be done, the CECM be called upon to appear before this hon. House. It appears like a routine that we discuss things here and nothing happens on the Executive end. We are really wondering!

Mr. Temporary Speaker, I come from Uyoma South and this is a black cotton area and we depend mostly on agriculture apart from fishing. The rains are soon falling and as at yesterday, the figure stands at 168 acres that has not been ploughed yet people have paid. We only have one tractor in South Uyoma and it's me who brought it from a relative all the way in Awasi.

So, I am really wondering what the County government is doing about agriculture. Mr. Temporary Speaker, I have over six cases where there are people who paid money for the services and to date, their fields have not been tilled. Mr. Temporary Speaker, another issue is about the CECM of Agriculture and the manner in which she conducts herself.

There is a big question mark on her. Sometimes, the CECM will just get a car and move to anybody's Ward in the name of doing research and not even notify these

hon. Members. I wonder what kind of behaviour this is! That one is an issue that should be taken up by the Committee on Agriculture.

Mr. Temporary Speaker, you have said that we should not blame the Committee on Agriculture, but this is the Committee that has the highest number of meetings and we have not seen the end results before this Floor.

Mr. Temporary Speaker, before I wind up my submission, one of the Members of the Committee has just reported to us that they tried meeting the CEC in charge but in vain. I would request that this hon. House invites the CEC.

Thank you, Mr. Temporary Speaker. I would request hon. Onduru to second.

*(Laughter)*

**Hon. Temporary Speaker** (Hon. Abayo): Hon. Zilpa

**Hon. Awino:** Thank you, Mr. Temporary Speaker. I am a Member of the Agriculture Committee and am requesting you to ask the hon. Whip to also listen.

*(Laughter)*

**Hon. Temporary Speaker** (Hon. Abayo): Hon. Zilpa, you will squander your chance.

**Hon. Awino:** Mr. Temporary Speaker, yesterday we were in the Business Committee and some of these issues I think were already known to the Speaker. Particularly on agriculture. He said that some of these CECMs are going to be invited here in the Committee of the whole House so that Members should raise issues that they have with those CECMs. So, the Speaker is planning for a meeting and we have issues in agriculture. So, these issues that we have we should organize them and raise them when the CEC comes in.

Secondly, the issue of agriculture is just as serious as it's being said here and as the agriculture committee, I remember we had done a very good plan for ploughing when we met with the CECM and it was agreed that the tractors would go down to Uyoma in the month of November. But if you may recall, we had rains that went up to almost 25th December and when it's raining we are told that tractors cannot plough.

During that meeting, the CECM raised a concern. She said she did not have money. There was no money that was being given to her department. And this issue of money is closely tied with the issue of the budget.

You can recall that when we budgeted, it was said that we had over budgeted and there have been issues with the acquisition of money from the treasury. She said that our failure to comply with some budgetary requirements was affecting the financing of agriculture and therefore, as it was stated here, there was no fuel and you cannot dig without fuel. How true that is, I cannot tell until they are called here and they answer to our queries.

As we talk now, it is getting late and I am sure if we insist that seeds have to be bought, then that money is going to be wasted because it's going to arrive too late and it won't benefit anyone. What we should fight for now is that we should get fertilizer and Mr. Temporary Speaker, yesterday I inquired from the Cereals Board.

A bag of fertilizer, DAP 50kgs is going for Kshs. 2,000 and that is exactly the amount of money that the Agriculture Committee had recommended to the County government. Hon. K'awuor is saying it's available in Yala, but probably it's going to Western province. So, hon. Temporary Speaker, I am appealing to Members to tell their people that the fertilizer is available in certain stores of the Cereal Board and that

they should buy it and not wait for what we don't know when it will come.

Otherwise, it has been said that the Agriculture Committee has made so many trips and everything, but this issue is beyond our control. It has nothing to do with benchmarking. The County Government has the responsibility to do what we have recommended. I think sometimes statements may be very sweeping. I don't think the CECM of Agriculture ever refused to meet us.

She may not have been available, but the word refusing is a little bit too sweeping. Because if she refused, we would have reported here that we wanted this to be done and the CECM has refused. We have not come here and said the CECM refused.

So, let's wait and present these issues to the CECs when the Speaker invites them here so that they can answer our queries. Thank you.

**Hon. Temporary Speaker** (Hon. Abayo): Hon. Elisha

**Hon. Okuku:** Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to say something. Mr. Temporary Speaker, Sir, I am surprised that some of the contributors talk as if they are CECMs in this Assembly or CECM representatives.

*(Laughter)*

I'm really surprised. I believe they don't know what brought them here and they are misplaced identities. What is happening in Siaya is very crucial. We are witnessing robbery without violence. If you talk with hon. K'adera, he will tell that we have so many types of robberies. Some without violence and some with violence. But in our case, this is robbery without violence. The level of impunity in this County is escalating very highly that the Assembly must stop it with immediate

effect. When did the rains start beating us as the County Government of Siaya?

Somebody is talking about the ceilings, that they have affected development. This is not the case because the ceilings were put against the operations, not against development. If we can agree that the ceilings have affected development in this department, I can pose a question that in the budget of year 2013/2014, where there were no ceilings against the development; did they give good services to the people of Siaya? The answer is obviously No! We even allocated money to buy new tractors for the community of Siaya.

Where are they? What happened? We must define a system of stopping this impunity from escalating high. I am very thankful that am not seeing the Chair or the vice Chair of the agriculture committee here. Had they been here, I would have told them what to do. You find somebody saying that we have invited the CECM and she has refused to come. We all know what should happen in such cases.

Yesterday, some of my constituents who have paid for the tractors came here and confronted me Mr. Temporary Speaker. There is no clear information on when their lands will be ploughed. Where are we going? We are already approaching March. I don't think we are on the right path. We must define a proper system for the benefit of the community of Siaya. Otherwise, we will talk and the CECMs and Chief Officers will earn and the community of Siaya will continue to suffer.

*(Laughter)*

If we are not firm, if we don't stand tall, then the three things will go significantly. So, as an Assembly, in order to help the community of Siaya, we must call a spoon a spoon. As an Assembly, for us to defend the people whom we are representing, we must stand firm and not

defend or talk on behalf of a CECM who has demonstrated high level of failure.

I think, Mr. Temporary Speaker, it's high time that the Agriculture Committee and the Committee of the whole House should call upon these CECMs one by one, starting with the Agriculture CECM to appear in this Assembly so that they could see and hear from every person here on where we are, where we want to be and where we should be.

I think it's high time that all the able Chairs and Committee Members should stand firm and address the issues in their departments. They should not rush in the Committees, sign and run away. This has affected the performance of the Committees. Members do not have time; they don't sit in these Committees to address these issues when they are very much needed there. It's high time that Members should change so that they apply the right thing at the right time.

Mr. Temporary Speaker, Sir, you can cheat the whole world, but you cannot cheat yourself. It is very improper for the County Government of Siaya, more so the Executive to cheat the people they represent and whom they offer services to. It is very unfair.

I need your indulgence and your direction, Mr. Temporary Speaker, because I was marching to a court of law so that I can sue the CEC of Agriculture and the Chief Officer because they are doing a disservice to my constituents. And I want to hire the services of---

*(Laughter)*

*(Applause)*

I think hon. K'adera can help me with the legal part of this.

**Hon. Awuor:** Point of order, Mr. Temporary Speaker.

**Hon. Temporary Speaker** (Hon. Abayo): Yes, Hon. Awuor.

**Hon. Awuor:** Mr. Temporary Speaker, I wanted to have your indulgence on the statement that Members rush to Committees, sign and leave. That will really affect the performance of Committees. Is it in order for a Member to say that Members rush to sign the attendance list and don't sit? I think we are in a proper House and we need proper clarification. Thank you.

**Hon. Temporary Speaker** (Hon. Abayo): Hon. Elisha, that is a very serious statement and you will either withdraw that statement or substantiate. The Chair heard you and if it is true that there are Committees where people go sign and walk away, it is either you withdraw that statement or you go ahead and tell us these Committees.

**Hon. Okuku:** Mr. Temporary Speaker, I better substantiate than withdraw.

**Hon. Temporary Speaker** (Hon. Abayo): Go ahead!

**Hon. Okuku:** It is very embarrassing that when a Committee decides to call a CECM at their level, you find that the CECM comes in time while Members are not yet in the Committee room. They sit and wait for almost 30mins to 1hour. Some come, sign and leave. Mr. Temporary Speaker, even last Thursday, I had a CECM in the Committee of Water and Irrigation---

*(Several Members stood in up in their places)*

**Hon. Temporary Speaker:** Order! Hon. Members. Order!!! Yes, hon. Adera.

**Hon. Adera:** Mr. Temporary Speaker, you have given the hon. Member a chance to substantiate. He either gives us documentary evidence showing that there

are Committees that have been signing or he withdraws. There are only two options. I don't think in this Assembly, there is any Member or Committee that has been giving Members sheets to sign. If it's Water, then the Chair is here. He should tell us!

*(Laughter)*

**Hon. Temporary Speaker** (Hon. Abayo): Hon. Elisha, I gave you direction that you withdraw that statement and you chose to substantiate. You will mention Committees and the dates they sat because we will verify that from the minutes and the attendants list. Yes, Hon. Elisha, and you better address it at this point in time, because you will not get another chance.

**Hon. Okuku:** Mr. Temporary Speaker, I better begin with the Liaison Committee where the Deputy Speaker is the Chair. Even the Chair doesn't obey time! I am here to substantiate! Mr. Temporary Speaker, the truth is the truth, whether it is popular or unpopular. We must start with ourselves and we must be serious.

**Hon. Temporary Speaker** (Hon. Abayo): Which Committees are you talking about?

**Hon. Okuku:** As I said, Mr. Temporary Speaker, if you didn't get me, even the Liaison Committee!

*(Laughter)*

*(Applause)*

**Hon. Temporary Speaker** (Hon. Abayo): He is quoting Liaison, but he is mentioning people coming late, including the Chair. But you have not substantiated on the signing. You know you may come late, but is it that people sign and go away? Did the Deputy Speaker sign and go away?

**Hon. Adera:** Is it an offence to come late?

**Hon. Temporary Speaker** (Hon. Abayo): It is not an offence. I am stopping any more discussion. Hon. Elisha has squandered his chance. Yes, hon. Booker.

**Hon. Minami:** Thank you, Mr. Temporary Speaker, for giving me the opportunity to contribute to this important Motion and from the onset, I want to thank my colleague, the hon. Peter Muhulah for bringing this Motion at the right moment. We have had a lot of contribution from hon. Members and I think it's time that we have a resolution because we cannot continue to just debate.

So, Mr. Temporary Speaker, it is my plea that this House now comes with a resolution and that resolution must be directed to somebody or some office so that urgent action is taken.

Mr. Temporary Speaker, if it is indeed true that we have some farmers who paid their money last year and their farms have not been ploughed up to today the way the hon. Chief Whip said, then those people should be compensated with interest as it has been suggested.

Number two. I think the CECM in charge of agriculture should bring here a comprehensive report on how the issue of ploughing the farms in this County is going to be done. So that as an Assembly, even as a Representative of the people, we should know that this is the plan that is going to be used to plough our farms.

Number three. I think it was yesterday when the hon. Speaker gave a directive that if there is anybody who feels that they want to move from one Committee to another, they should do so. This committee of Agriculture has been blamed for failure in doing its work.

If there is any Member here who feels like that they can do better in that Committee, this is the time to say that I want to be a Member of the Agriculture Committee so that we can bring change

where the current Members have not brought change. I think that one will help us instead of blaming the Committee which I have also heard blaming itself.

Mr. Temporary Speaker, this is an important matter that we have talked here and majority of us have been giving contribution that seems to be going the same direction, and from noon, you will start getting reports how hon.

Members have been reported to the Executive on how they made their contributions in this House. That if there is anybody who has really hit hard on the Executive, then some of us here have become Hansard editors and they are going to report directly to the office of the Executive how Booker contributed on this matter.

I want to tell you, shame on you if you represent your people and your people their farms have not been ploughed and people are complaining here and then you going to report your colleagues how they contributed. Shame on you!

Mr. Temporary Speaker, we had an earlier agenda that was deferred so that Members could get time to go through it. It is my belief that we only have something like two hours to go through that Public service report.

So, Mr. Temporary Speaker, I will call upon you to either call upon the Mover or you bring a halt to the debate, so that we can have time to go through the Public service report so that when we come in the afternoon, we can have what to contribute. Thank you!

**Hon. Temporary Speaker** (Hon. Abayo): I want to invite the Mover to reply.

**Hon. Muhulah:** Thank you, so much, Mr. Temporary Speaker. I wish to take this opportunity to thank all hon. Members for their pertinent contributions. Mr. Temporary Speaker, the essence of introduction of this Motion was not blame or

pass the buck to somebody else. I want to remind hon.

Members that the cardinal responsibility of this hon. House is to defend and advocate for the people who made us come to this House. Time has come for this Government to work in a modern way which has policies. Since the inception of mechanized agriculture, this House has not seen a clear policy that governs this noble idea in Siaya County.

Mr. Temporary Speaker, this thing has to be taken seriously because the issue of food is very important and can affect and reduce even the productivity of our people. Once again, I do take this opportunity to thank all Members for their active participation. Mr. Temporary Speaker, may we have a direction that will bring this to a stop. If it will call for the invitation of the CECM and the CO of Agriculture to come to this House and shed more light, it will be very good.

The issue of the return of investments of last year in line with mechanization of agriculture is also wanting. I report to this House that we sat with the hon. CECM of Finance, interrogated him and we realized that all the monies collected from last year's ploughing has never reached the Country treasury.

It is stuffed in a private account which the CECM has not reported to this House and we are following it up Mr. Temporary Speaker. That is a pertinent issue! Money belonging to the public must be in the government treasury account. It can never be banked in a private account run by two people who this House doesn't know. This issue must be taken seriously. Thank you.

*(Applause)*

**The Temporary Speaker** (Hon. Abayo): The Chair would want to direct as follows:-

I have looked at the Schedule of Committee meetings that has been approved. The Agriculture Committee meets on Tuesdays and Thursdays and therefore has a window to meet tomorrow, Thursday, 19th and also on Tuesday, 24th.

Not to overemphasize the urgency and the importance that goes with this particular issue, I want to direct that the Agriculture Committee finds the opportunity of having a meeting on either or both days to comprehensively look at the issues that have been raised here, invite the relevant people who would be able to give information on the raised issues and table a report in the House on Thursday, 26th February.

What are these issues?

It has been mentioned that the aspect mechanization of agriculture has been the first flagship project for this County. Members want to know how many tractors are there and how they have been allocated to the Wards. Members would also want to know if there is a developed ploughing plan. Members have raised the issue of payments made last season and work was never done.

We have facts by names, by Wards and Constituencies of individuals who paid money and they never got value for their money.

There's need to report to this House the number of people who have paid for this season and are waiting for work to be done for them. We also need to know the amount of money paid for that regard.

The issue of fuel has been raised. The Chair or vice Chair of Agriculture is not here, but the Members are here. Ventilate on these issues.

We're told that there was fertilizer brought and returned because of low quality. This needs to be verified. There is need for policy formulation regarding these issues.

The Agriculture Committee has been mentioned adversely on a number of meetings and bench markings. If there is an

activity that they have undertaken and no reports have been brought to this House, may that be done!

This House would also want to know the quantity of the already procured farm inputs. Has the County bought any or it's yet to buy? And the strategy of how to distribute the same or how farmers will access these inputs.

Plus many others that I may have not mentioned, but the spirit in this morning's discussion had. Let's have a comprehensive report on these issues on Thursday, 26th.

Next Order!

**MOTION**

ADJOURNMENT

**The Temporary Speaker** (Hon. Abayo): Hon. Members, there being no other business in the House as shown in the Order Paper, this House stands adjourned until 2.30 p.m.

The House rose at 10.50 a.m.

**WEDNESDAY, 18<sup>TH</sup> FEBRUARY, 2015**

The House met at the County Assembly Chamber at 2.40 p.m.

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

**PRAYERS****PAPERS**

**Hon. Deputy Speaker:** Hon. K'owii.

**Hon. Owii:** Thank you very much, Mr. Deputy Speaker. Allow me to take this opportunity to present the Paper on County Assembly Committees and Membership.

**Hon. Deputy Speaker:** You are allowed.

*(Hon. Owii laid the document on the Table)*

**NOTICES OF MOTION**

**Hon. Deputy Speaker:** I can lend you my copy Hon. K'owii. Hon. K'owii are you proceeding with the notice of Motion?

**Hon. Owii:** Thank you very much, Mr. Deputy Speaker, Sir. I want to put in notice Motion:-

**THAT** pursuant to section 59 (d) of the County Government Act, 2012 this House adopts the Eleven Months Report of the Siaya County Public Service Board for the period from January 2014 to November 2014.

**Hon. Deputy Speaker:** Hon. K'owii, a notice had been given to that effect. I believe the notice that you should be giving is for the membership, the Paper that you just laid on the Table.

**Hon. Owii:** Mr. Deputy Speaker, Sir, they were two because-- one actually the

deliberations all the same had started, but was interrupted. Now I want to give a notice of Motion:

**THAT** this House adopts the report of the Amended Siaya County Assembly Committees Membership laid on the Table of the House today Wednesday, 18th February, 2015.

Thank you, Sir.

**Hon. Deputy Speaker:** Thank you. Next Order!

**MOTION**

ADOPTION OF THE ELEVEN  
MONTHS REPORT  
OF THE  
SIAYA COUNTY PUBLIC SERVICE  
BOARD

**Hon. Deputy Speaker:** Deputy Leader of Majority, Hon. K'owii.

**Hon. Owii:** Thank you, Mr. Deputy Speaker.

Pursuant to section 59 (d) of the County Government Act, 2012 this House adopts the Eleven Months Report of the Siaya County Public Service Board for the period from January 2014 to November 2014.

Mr. Deputy Speaker, Sir, the debate on the same was interrupted today and we as the Assembly accepted that we will continue with the debate in the afternoon. Thank you, Sir.

**Hon. Deputy Speaker:** Thank you. Hon. Members, as you are aware, this matter had been before this House in the morning session and it was deferred to the afternoon session and the debate can now proceed. The matter had been moved and seconded. I believe the Chair had proposed the question. Yes and it is now time for debate. Hon. Ndonji.

**Hon. Ndonji:** Mr. Deputy Speaker, Sir I normally like doing what I think is right. This pamphlet was given to us in the morning and I doubt if people can go through this report within the time that we were given and come and give constructive arguments on the said matter.

So, am requesting that we be given more time so that by the time we are coming, we've already gone through it using a toothcomb and come up with all the points that we are going to raise. I request Hon. Elisha Okuku to second.

**Hon. Okuku:** Mr. Deputy Speaker, I rise to second that Members be given more time so that we can ventilate maturely.

**Hon. Deputy Speaker:** Hon. Madialo, you seem to be having something burning inside you.

**Hon. Madialo:** Mr. Deputy Speaker, the Hon. Member has rightly pointed out that certain things must be done right and ---

**Hon. Deputy Speaker:** And for that purpose I can see the direction you are taking. Can you then allow me to say a word before you proceed?

**Hon. Madialo:** So that you make a final ruling, let me---

**Hon. Deputy Speaker:** I was just asking myself whether we should propose the question or whether I should give about two or three Members time also to contribute on the same before I propose the question. Therefore, I start with you.

**Hon. Madialo:** Mr. Deputy Speaker, I wanted to point out this; section 59 (d) of the County Government Act stipulates that a report will be prepared by the County Public Service Board. The report is then gazetted and once it's gazetted, that is when it is a report that can be handled by the Assembly. The gazette notice that has this report should be attached here so that what we debate on is what is in the report. We don't know whether what was gazetted is what is reported to us.

*(Applause)*

Mr. Deputy Speaker, with due respect to the Majority Leader, a committee will have to look at whether the contents here and the contents in the gazetted document are the same and before we even debate and adopt it, confirm to the Assembly that what is here is what was gazetted. So, Mr. Deputy Speaker, I do know for certain that there's a gazetted copy that was presented to us.

**Hon. Deputy Speaker:** Just proceed.

**Hon. Madialo:** I will be quite comfortable in debating this if the gazetted one is attached to this, so that we can counter check whether what is known officially by the Government as what was done by the Public Service Board is what is in front of us.

*(Applause)*

**Hon. Deputy Speaker:** Any other Member? Any more contributions? Hon. Aneme I can read from your eyes that you are having something.

**Hon. Aneme:** I was just winking that you end it. It's complete!

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Okello, are you also winking?

**Hon. Okello:** I am winking, Mr. Deputy Speaker, but I wanted to agree with the sentiments of the Chair, hon. Madialo that the document is indeed bulky and for purposes of procedure and ownership, my thinking was that the document be committed to a certain committee of the House i.e. Delegated Legislation or any other committee for that matter for them to look at it with a tooth comb just as Hon. Ndonji put it.

Mr. Deputy Speaker, there are certain issues in this report that may need counter checking and confirmation and Members in their individual capacities may not have the commitment especially on time to be able to do that.

So, my imagination was that it be committed to a Committee of the House which will then report back having taken the ownership of the same and having counterchecked the necessary provisions in this report. We need to debate this from a total point of information Mr. Deputy Speaker, Sir. Thank you.

**Hon. Deputy Speaker:** Hon. Maurey. Yes, give him the microphone.

**Hon. Asewe:** Thank you, Mr. Deputy Speaker. Apart from the technicalities that have been cited by our learned friend hon. Madialo, the time we were given to go through this document is short.

Remember that after the adjournment, we were supposed to go through this document but we were engaged in another very important discussion concerning the tractors. So, apart from the technicalities that are coming up, we need more time to go through the same document so that we debate on what we understand and what we have gone through. Thank you.

**Hon. Deputy Speaker:** Ok, thank you, hon. Members. I have heard your sentiments and it's clear that as an Assembly, this is the place we have to debate and agree on certain issues. You will recall that in the National Assembly, some Bills have been passed that people have termed as premature and they elicited some reactions.

We don't want that to happen in Siaya and from the reasons that you have raised, it is clear that Members need to be given adequate time to look at the document.

Another issue that has been raised is whether procedure was followed. I have consulted some statutes and it's clear that in the past, this same Board had presented a report before this Assembly and it is quite different-- The channel that they followed is a bit different from what they have done today.

So, I will therefore direct that this document to be taken to the committee on Delegated, Legislation, Justice and Legal Affairs so that it's that committee that will forward this report to this House for further action. It's so ordered!

*(Applause)*

Next Order!

### **MOTION**

ADOPTION OF THE REPORT  
OF THE AMENDED COMMITTEES  
MEMBERSHIP

**Hon. Owii:** Yes, Sir. I want to move a Motion:

**THAT** this House adopts the report of the Amended Siaya County Assembly Committees Membership laid on the Table of the House today, Wednesday, 18th February, 2015.

I had laid, Mr. Deputy Speaker, Sir

**Hon. Members:** Where are they?

**Hon. Owii:** Mr. Deputy Speaker, Sir, I was thinking the entire Membership was having what I have, because I had mine to lay on the Table. Most unfortunate it appears that each and every one is not having. But, allow me to explain one point Sir.

**Hon. Deputy Speaker:** Move on.

**Hon. Owii:** Mr. Deputy Speaker, Sir, going through the list of names of the hon. Members in various committees; I learn that very few of the Members decided to move from one committee to the other. So, when we were counting, the people that used that opportunity that was given did not even reach seven.

So, I was opting that I would read the names of hon. Members that decided to move to committees which they never belonged to in the past. If you can allow, but generally all the entire membership remain as---

**Hon. Deputy Speaker:** Before I allow you, maybe you can call for a Seconder, then I will give you time after that.

**Hon. Owii:** Thank you, Sir, let me call hon. Gare to second.

**Hon. Agoko:** Point of order, Sir!

**Hon. Deputy Speaker:** Yes, hon. Agoko what is your point of order?

**Hon. Agoko:** Mr. Deputy Speaker, Thank you so much. I have come to realize that the office of Leader of Majority is a usurping the powers of the Committee on Selection. I just don't know if today an individual purports to take all the responsibilities of the committee on Selection.

*(Applause)*

It will be therefore an illegality Mr. Deputy Speaker, to be discussing or debating the same.

**Hon. Deputy Speaker:** Hon. Agoko, who is the Chairman of Selection Committee?

**Hon. Agoko:** Mr. Deputy Speaker, Sir, I am talking about deliberations of a committee, not the recommendations of an individual.

**Hon. Deputy Speaker:** I have only asked who the Chairman of that committee is.

**Hon. Agoko:** The Chairman is the Leader of Majority and I am a Member of that committee and no meeting has ever been held Mr. Deputy Speaker, Sir. So, what is being tabled here is a creation of the Deputy and the Leader of Majority. The two of them and then it's brought for us here alleging that it has been discussed by the committee.

I am a Member of that committee, I have never heard of any notification of the same. I have never had any time to discuss on the same. It is an illegality Mr. Deputy Speaker, Sir, to take time to talk on the same.

**Hon. Deputy Speaker:** Deputy Leader of Majority, can you respond?

**Hon. Owii:** Thank you very much, Mr. Deputy Speaker, Sir. Most unfortunate, I thought hon. Agoko wasn't aware that the Leader of Majority is the Chair of the Selection Committee and the direction that was given by the Chair yesterday, is what we responded to and the product of the same is that each and every Member that had a feeling of maybe putting a request to move to another committee, that window was given the whole of yesterday and some of the Members that are here Sir, decided to use that particular window.

That is why we opted just to mention the names of those who have moved from one committee to another and maybe they have decided to discontinue being in other committees. That is the position.

**Hon. Deputy Speaker:** You know the Chair may not know who and who sat, where did they sit and when did they sit. Whatever comes before the Assembly must be ---. I believe from the sentiments of the Leader of Majority, this matter had been discussed here yesterday or a directive was given by the Speaker and therefore what they did was a follow up on the direction that was given. I will therefore, ask hon. K'owii, that your motion be seconded. Then we can proceed from there

**Hon. Owii:** Thank you very much, Mr. Deputy Speaker, I want to request hon. Gare to second.

**Hon. Deputy Speaker:** Hon. Gare. You know any sentiments that you want to raise, there will be a time for that.

**Hon. Owii:** Certainly.

*(Hon. Gare stood to second)*

*(Question proposed)*

**Hon. Deputy Speaker:** The debate can now proceed. Hon. Agoko

**Hon. Agoko:** Thank you, Mr. Deputy Speaker, Sir, I brought to your attention that this is a House of rules and order and it's unfortunate if the Chair purports to overlook the same. This is a House of rules and order where we legislate and when we are doing legislation we also have to abide to the same.

We cannot assume that what the Leader of Majority is presenting to us is legitimate while am putting to your attention that I am a Member of that committee and we never sat to discuss the same. No single time---

**Hon. Deputy Speaker:** Hon. Agoko, you know I told you that there would be time for do that, do not go back to what you had raised earlier that---

**Hon. Agoko:** Mr. Deputy Speaker, you had overlooked the same!

**Hon. Deputy Speaker:** No, not that the Chair overlooked it. You know when the Speaker is talking you have to take your seat. I had given direction that then Motion be moved and then it be seconded. If there is any sentiments for or against, then that will come later and this is now the time. Fine, you can proceed now.

**Hon. Agoko:** It was therefore my humble appeal Mr. Deputy Speaker, that the Chair, directs that this document be committed to the Committee on Selection for discussion and review so that we actually ensure that each and every Member is in the right committee, that things are okay as per the way and wishes of Members. I therefore request your Chair that before this document is adopted, it be committed to the Committee on Selection. I call on hon. Angul to second.

**Hon. Owiti:** Thank you, Mr. Deputy Speaker---

**Hon. Deputy Speaker:** Hon. Angul, I can only give you time to contribute, then a decision shall be made. You know when you talk about procedure and rules; you also have to obey that. We are now debating and therefore at some point, I'll have to give direction.

You don't propose, you know another person will come with a counter proposal. So, the best thing, the procedure that you are talking about hon. Agoko is that a Motion shall be moved then it's seconded then its open for debate.

Now at the time for debate, that is when you raise the issues that you are

raising. Then the Speaker has got his ears, he will know how the Motion is moving and the sentiments and the feelings of Members. Then Speaker has a feeling like the ones you are having. Do not think that the Speaker is blind and dumb.

Fine, so hon. Angul, I can only give you a chance if you want to contribute. At the end of all contributions that is when the Speaker can give directions. We have to follow procedure the way hon. Agoko is putting it.

**Hon. Owiti:** Thank you, Mr. Deputy Speaker. I also will contribute on this list as a Member of the Selection Committee that the procedure that hon. Agoko and other Members of the Selection Committee are complaining about is genuine because we as the Members of the Committee, we have not been called in any meeting concerning those people who are changing from one committee to another. And if I may give example on Budget Committee--

**Hon. Deputy Speaker:** You need not to go to the list. Just make your contribution

**Hon. Owiti:** Ok, I will concur with hon. Agoko that the thing needs to be at least---

**Hon. Deputy Speaker:** I only want to get sentiments from members of Selection Committee. Hon. Odinga, are you a member of the committee?

**Hon. Odinga:** I am

**Hon. Deputy Speaker:** Ok. Proceed!

**Hon. Odinga:** Thank you. As I have indicated earlier, I am a member of the Selection Committee. As you have said, we need to obey rules and orders. We need to go by whatever we passed in our Standing Orders. As a member of that committee, this is the first time I'm seeing this list.

**Hon. Deputy Speaker:** But are you of the opinion that we need to defer it or we proceed with it?

**Hon. Odinga:** Mr. Deputy Speaker, I'm coming to that in a few minutes time. We need to clear the air on this Mr. Deputy Speaker. There is a word which was used that there was a window, that there was a directive given by the Speaker that Members can move from one committee to another, but I don't believe that it was said that laid out procedures should not be followed.

The window was that Members who want to change from one committee to the other can do that and then the Selection Committee will be called to go through it, then the Chair to present it. I think that is the correct procedure. So, my opinion is that this list should go back to the Selection Committee and then it comes in a procedural way. Thank you.

*(Hon. Okuku stood up at his place)*

**Hon. Deputy Speaker:** Hon. Gare. Hon. Elisha, you have contributed!

**Hon. Okuku:** Surely!

**Hon. Deputy Speaker:** Oh, I'll give you a chance

*(Laughter)*

**Hon. Gare:** Thank you, Mr. Deputy Speaker. I'm a member of the Selection Committee and of course the vice Chair. This list has come today because this was a directive from the Chair yesterday that Members who would wish to move from one committee to the other give their names to the Chair who is the Majority Leader so that he (Majority Leader) can insert their names in the various committees they want and the list be brought today.

In the morning! Mr. Deputy Speaker, as you are aware, we cannot call a

committee meeting on Wednesday because we have Assembly sittings. That is why the Chair of Selection, after discussing with the very few Members who wanted to move from one committee to another, the list had to be brought today because it was a directive from the Chair. If the same Chair now directs that it should be taken back, we don't have a problem, we'll do it. We were working as per the directives of the Chair. Thank you

*(Several Hon. Members stood up in their places)*

**Hon. Deputy Speaker:** I only need to get the contribution of two more Members. Only Members of the Committee. Hon. Apiyo Apiyo, then I'll come to hon. Sela.

**Hon. Apiyo:** Thank you. Mr. Deputy Speaker, there is an issue, even if we have to adopt this report. From what I have seen, I would say that we thrash this document because how can one Member appear eight times! I don't want to mention names. This is why we want the Selection Committee to go and scrutinize this document.

**Hon. Okwako:** We have a lot of debts Mr. Deputy Speaker. We have loans and mortgage to pay. I was quarrelling because I got few days and I want to pay my loan. Why should we quarrel and talk like children over this?

**Hon. Deputy Speaker:** Hon. Sela, we don't come to committees to pay loans!

*(Laughter)*

**Hon. Okwako:** Yes, that's not the case, but people suffer!

**Hon. Deputy Speaker:** Ok---

**Hon. Okwako:** Let me finish!

*(Laughter)*

I was to have three meetings. Now, if I get those four, I will have achieved my goal!

*(Laughter)*

**Hon. Deputy Speaker:** So, hon. Sela, would you want us to proceed with this or we defer it?

**Hon. Okwako:** If I get my number, no problem!

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Anastasia

**Hon. Augo:** Thank you, Mr. Deputy Speaker. I have a point of correction. I'm in the Committee of Tourism Conservation---

**Hon. Deputy Speaker:** Don't go to that yet---

**Hon. Augo:** No, my name is not Hon. Anastasia Achieng' Auko. I am Anastasia Akinyi Augo

**Hon. Deputy Speaker:** Ok. The Chair has taken note of that

*(Hon. Okuku ordered out of the House for making unsubstantiated allegations)*

**Hon. Awuor:** What he was saying was not even adding any value.

**Hon. Deputy Speaker:** Hon. Members, at some point it's good to live to the title of being honourable and we have to respect the business of this Assembly, we have to respect ourselves and the sentiments that we make.

Remember that whatever you say today shall remain on record and generations to come even after 100 years will be able to refer to what this August House was discussing and our individual contributions.

Therefore, we should always be keen and careful with our sentiments.

Let us proceed. Hon. Muhulah

**Hon. Muhulah:** Thank you, Mr. Deputy Speaker. Indeed we are saddened by what has just happened because as Hon. Members, it is important that we conduct ourselves with a lot of decorum.

However, Mr. Deputy Speaker, I stand this afternoon to remind this hon. House that this is a House of rules and procedures. The essence of constituting committees is to discuss deliberations and directives that come from the hon. Speaker's Chair. One of them was that window that was given.

That window did not bar the concerned committee from sitting and deliberating. I want to appreciate the work that was done by the Chair and the Deputy because they made a list, but I think it would have been very much nice if the whole committee verified and agreed on the documentation of that list Mr. Deputy Speaker. That is what will hold the authenticity and credibility of that committee.

The Select Committee should have sat down and done the list for it to have the blessings of all the committee Members before it is brought to this House. Doing such things is setting the wrong precedence because next time, some two people or few members of a committee will sit and bring a document without deliberations and it will be contested.

In that manner, we do accept and agree with the list, but I would plead that the House gives the committee the chance to sit and come back as a committee supporting the document Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you, I'm giving chance to the last contributor. Hon. Madialo. Or you had contributed?

**Hon. Madialo:** I only opposed that --- Mr. Deputy Speaker, but let me support something. Mr. Deputy Speaker, I would have wished to say that the sentiments directed at the list should be reserved for a Motion to amend for purposes of meeting the gender rule which obviously is not observed here. The numbers here are beyond the limits prescribed by law. We must know also that the House moves with the engine of committees.

So that, if we were to suggest that we go back and sit to have longer committee membership, then in essence, all the documents that we have committed to the committees will stand still until the Majority Leader and his office comes up with the membership of those committees.

This entails that even the Committee of Finance and Budget must not sit to look at the Supplementary Budget until the Majority Leader comes up with a list that is adopted. Can we afford it?

So, Mr. Deputy Speaker, this is a technicality. Let us look at the substance of what we do on behalf of the people. Can the technicality that we are addressing be allowed to be a barrier to doing what we were elected to do? Or worse, we don't do a supplementary budget because the Finance Committee cannot sit because it does not exist.

The nurses, doctors and ECDE teachers who have nothing to do with what we are doing here are made to go without their salaries because we cannot agree on how the committees were constituted.

I think Mr. Deputy Speaker that will be putting procedure as the master of substance, which should not happen. May I

add that the Majority Leader perhaps has invited this argument, because this is not a report. This is a list brought by leaders of a political party telling the Assembly that our political party wants the following in the following committees.

That's why when you go to the Standing Orders; it says the Select Committee should have the Majority Leader and Minority Leader. The reason is that both leaders will bring Members from their parties and any other party in the Assembly that is recognised will bring Members. Mr. Deputy Speaker, the Majority Leader in this case is a figurehead.

The person we are supposed to blame is the Whip because it is the Whip that whips people to committees and it is the Whip that brings a list of the people given to him/her by the political parties to these committees. But you see we are talking about this as if we are supposed to be all of us. This is simply because we are all CORD. If KANU was here, it would come with its own membership, hon. K'owii would not be answering for KANU.

So, Mr. Deputy Speaker, this is one of the mischiefs that perhaps we tried to cure, but which we might have to go back to because it is us who changed the Standing Orders that added these numbers. In normal circumstances, the Selection Committee is supposed to be made up of certain individuals recognized by parties only, plus the Speaker and his deputy.

They are usually five. So, in the process of accommodating 20 people, this is what we end up with. Mr. Deputy Speaker, I stand to support that we adopt this list, but with your direction that this office goes back and ensures that where we are only men, ladies are brought in to balance up the gender rule. Thank you.

**Hon. Okello:** Thank you, Mr. Deputy Speaker. Very unfortunate that some of my contributions have since been overtaken by contribution from the Chair, hon. Madialo. But where I want to highlight as a matter of concern is that there is a reason why structures even in organizations have leadership and I believe that when a committee for instance has leadership in the name of a Chair and a vice, there are certain functions that can be dispensed adequately by the two on behalf of the others.

There are certain things that we don't have to attend to as a whole Assembly which can be handled by the Speaker and the Deputy. So, from where I stand, it is quite in order that certain functions can be dispensed adequately by the Chair and vice Chairs of the various committees that we have.

I want to believe that since this was not a report just as hon. Madialo has highlighted, it was a list and given the circumstances and the procedures that preceded the presentation of this list, it was quite in order for the Chair and the vice Chair in consultation to bring this list. Again in consideration of very important activities, this morning we had a very critical debate on the issue of agriculture.

If we spend a lot of time on this list it means the issues we raised cannot be addressed. We have issues to do with roads, Miss Tourism currently going on and I am sure hon. Abayo and his committee is keen on that.

So, Mr. Deputy Speaker, the continuous working of the committees, just as hon. Madialo has said should not be halted due to such technicalities. So, I want to submit that I am for the idea that we adopt this list as it were and stand by the direction that the committee goes to look at it by

taking into consideration issues of gender. But also for me, most importantly for the purposes of functionality of committees, if you allow me to give an example.

A committee where I sit called Implementation committee has overtime struggled with availability of members. This could be the right moment for the selection committee to beef up and strengthen the Implementation Committee as an example so that the committee can serve its purposes to the expectations of this House and according to the Standing Orders and other rules that guide the operations of this House. Thank you

**Hon. Deputy Speaker:** Thank you. Hon. Members, I wish to thank you for your open debate over the list that has been presented before this House. I have heard your contributions and concerns. The issue at stake is whether to subject this list for a vote or whether to defer it. I wish to say the following before we can do either.

When it comes to formation of committees, there are rules that guide us. There are some committees that should be dissolved after a certain time and there are some where the number of membership is guided by the Standing Orders.

There are committees that the Standing Orders will tell that it should not be more than, 5, 11, 12 and so on. In all committees there must be gender representation. So that if we have more women, it must balance with a certain number of men. The gender rule as per the constitution has to be followed.

**Hon. Members:** Like in Selection Committee!

**Hon. Deputy Speaker:** Yes, like in Selection Committee where there is no female

**Hon. Members:** And Budget!

**Hon. Deputy Speaker:** Hon.

Members, the formation of such committees should have been done by the time we were opening for this Session. However, that was never done and for us to move with speed, we need to put this matter behind us so that the Assembly business can continue. However, I do not want to rush into issues of formation of committees because we can still do it within two or three days.

So, I will direct that the Selection Committee sits and looks at the list which has been made. I believe this is just a draft. So, Members with issues can go to Members of that committee, the Chairman or vice Chairman, and then the committee will sit and make deliberations then bring us the final list by Tuesday in the afternoon. Is that agreeable to everybody?

**Hon. Members:** Yes!

**Hon. Gare:** So, there's no sittings between now and Tuesday?

**Hon. Deputy Speaker:** No! Hon. Members, you are aware that we have been sitting in our committees, so there is nothing that will bar us from sitting in any other committee. So, in the interim, the committees will continue sitting the way we've been sitting.

Any committee that had been scheduled earlier to sit will proceed with their businesses. So, I direct that the Selection Committee brings a fresh list by Tuesday in the afternoon.

Next Order!

## ADJOURNMENT

**Hon. Owii:** Seeing that we have run over all the business of the day and we have no more to discuss Mr. Deputy Speaker, sir, I want to propose that we adjourn until

tomorrow at 2.30 p.m. I want to request hon.  
Madialo to second

**Hon. Madialo:** I second

*(Question of adjournment put and  
agreed to)*

The House rose at 3.38 p.m.

**THURSDAY, 19<sup>TH</sup> FEBRUARY, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYERS****COMMUNICATION FROM THE CHAIR**

**Hon. Speaker:** Members, allow me to make Communications today in 2 parts. I'll first of all deal with the circulars that came during our recess, and then at the tail end of our stay here, I will give direction on a matter touching on a Bill that had been referred back by the Governor.

I will start with:-

**1. Mileage Allowance.**

Salaries & Remuneration

Commission sent a circular to us dated 27<sup>th</sup> January, 2015 on Mileage Allowance for Members of County Assemblies. And it reads:-

Following the Commission's earlier advice on Mileage Allowance through its Circular Ref. No. SRC/TS/CGOVT/3/16 dated 27<sup>th</sup> November, 2013; the Commission hereby wishes to clarify as follows regarding mileage.

1. That claims will only be made based on the distance between the County Headquarters and the Member's home and NOT the farthest end of the Ward. The claims are limited to one claim per week to facilitate Members to undertake their representative functions.

2. The Members of the County Assembly to be held responsible for the improper use of the mileage claims.

The Commission is available for any clarification and hopes that this guidance will enable the smooth administration of mileage claims.

**2. Court Order**

That in the Court on this 30<sup>th</sup> day of January, 2015, before hon. Mr. Justice Lenaola, Order;

That this Matter coming up for Mention on the application dated 23<sup>rd</sup> July, 2014 before hon. Mr. Justice Lenaola and upon hearing Counsel for the Petitioner, Counsel for the 1<sup>st</sup> Respondent, Counsel for the 2<sup>nd</sup> & Counsel for interested Party.

**IT IS HEREBY ORDERED BY CONSENT**

i) That for the Counties that have complied with the budgetary ceilings set by the Commission on Revenue Allocation; they are hereby allowed to access their funds to the extent of the said ceilings.

ii) That for the Counties that are yet to comply with the budgetary ceilings set by the Commission on Revenue Allocation, they be allowed to access up to 75% of the said ceilings.

iii) That judgment is hereby deferred to 20<sup>th</sup> February, 2015.

Given under my hand and seal of this hon. Court this 30<sup>th</sup> January, 2015, issued at Nairobi.

That is the matter on ceilings. We realize that we can now access up to 75%, that is why we will be able to get our salaries for this month and next, the matter is coming for hearing on the 20<sup>th</sup>, tomorrow.

There is another Communication from the office of the;

### **3. Controller of Budgets that is addressed to:**

All Governors  
All County Assembly

Speakers,

All Clerks – County

Assemblies.

And it talks about, **Guidelines for Operationalization of Ward Development Funds.**

It talks about:-

- The Establishment of Ward Development Fund
- The Approval of Ward Development Fund Bill or Regulations
- Operationalization and Administration of Ward Development Fund
- Role of the Members of County Assembly and the Residents
- Role of the County Executive
- Monitoring and Evaluation
- Auditing

That has been signed by the Controller of Budgets, Agnes Odhiambo (Mrs.). It was dated December 18<sup>th</sup>, 2014.

You will get all these copies.

We also have a Communication on:-

### **4. Subsistence Allowances**

Salaries & Remuneration

Commission has reviewed our grades and we fall under E2, E1 and D5 which will get the following according to clusters; When we are in Nairobi, Mombasa, Kisumu,

Malindi, Kilifi, Lamu, Kwale and Naivasha, the Members of the County Assembly will be getting Kshs. 14,000, that is up from the former figure. Cluster 2 is Nyeri, Eldoret, Kericho, Kakamega, Kisii, Embu, Nanyuki, Nakuru, Lodwar, and Garissa, where it will be Kshs. 10,500. Cluster 3, will be Kshs, 8,400.

All these, you will get copies and any matters arising therefrom, you will get clarification from the Office of the Clerk. There is another one on,

### **5. Persons with Disability Remuneration for Personal Guide for Persons with Disability.**

That is a circular dated 17<sup>th</sup> of December, 2014, and it goes;

The Salaries and Remuneration Commission has received requests with regard to payment of assistants to public officers with disabilities. The Commission is in contact with the National Council of Persons with Disability for guidance on facilitation of persons with disability in the Public Service.

This is in view of the need to provide for remuneration for personal guide for persons with disability within the public sector through the establishment of a policy that will give the required guidance.

As consultation towards the establishment of a policy proceeds, the Commission during its 84<sup>th</sup> meeting held on 16<sup>th</sup> December, 2014 has adopted the position that persons with disability who are **blind** and those on **wheel chairs** who require personal assistants to perform their duties be paid Assistants Allowance at a flat rate of Kshs. 15,000 per month as part of the gross pay of the beneficiary (person with disability), as a stop gap measure. This will be done while awaiting policy on facilitation/assistance which will be

communicated by the Commission in due course.

Your office is hereby requested to bring the contents of this circular to the attention of the affected employees in your organization and to ensure compliance.

**Signed by, Nicodemus O. Odongo, Acting for the Commission Secretary.**

I direct the Office of the Clerk to avail those copies to Members and be accessible at any time for clarification should they arise from Members. Otherwise, the other Communication I will make when we will be done, shortly before adjournment.

Next Order!

### PAPERS LAID

**Hon. Speaker:** Yes, hon. Gare.

**Hon. Gare:** Thank you, Mr. Speaker. On behalf of Majority Leader., allow me to lay on the Table of the House the following Papers:-

- i) Siaya County Public Service Board Annual Report for the year 2014, pursuant to Section 59 of the County Government Act, 2012
- ii) Siaya County Public Service Board Interviewing Report of Ward Administrators
- iii) Siaya County Public Service Board's Proposed Establishment of the Office of the County Attorney, Siaya County Government.
- iv) County Government of Siaya's Quarterly Financial and Budgetary Report for the Quarter Ending 31<sup>st</sup> December, 2014.

*(Hon. Gare laid the documents on the Table)*

**Hon. Speaker:** Allow me to direct as follows:-

That Paper No. 1, which is Siaya County Public Service Board Annual Report for the year ending 2014, be committed to the Committee on Governance and Administration. I also add, upon consultations, we have also recommended that the report that was submitted yesterday to the Committee on Delegated Legislation from the Board, be shared equally with the Committee on Governance and Administration for reasons known to the Office of Speaker and the assisting hon. Members so that they will look at the documents together and present reports to the House for debate.

2. The Siaya County Public Service Board Interviewing Report on Ward Administrators be committed to the same Committee on Governance and Public Administration for perusal and a report thereafter.

3. Siaya County Public Service Board's Proposed Establishment of the Office of the County Attorney, Siaya County Government. I direct that this proposal be committed to the Committee on Justice and Legal Affairs, which is the Committee on Delegated Legislation. And I dare add that, if you look at the manner in which it was submitted, it was signed by the Secretary to the Board, and procedurally, it should come through the C.E.C in charge of Governance.

So, as the Committee will be engaging, we need to clarify that, so that for documentation, they are able to give you a forwarding letter from the C.E.C.M. and you will look at it and present a report as soon as possible. It has been shared by colleagues here that that office is really needed and it is even delaying initiation of Bills and Laws, and therefore you need to expedite the process.

4. There is the County Government of Siaya's Quarterly Financial and Budgetary Report for the Quarter Ending 31<sup>st</sup> December, 2014. I direct that this be committed to the Committee on Finance, Budget and Appropriation, upon which they will look at it and report back to the Assembly. Thank you.

Next Order!

### STATEMENTS

**Hon. Speaker:** Yes, hon. Ndonji!

**Hon. Ndonji:** Thank you, Mr. Speaker, Sir.

AWARE that pursuant to the Standing Order No. 135, Article 2(a), a Bill becomes operational after the Governor's assent and the subsequent gazettelement.

FURTHER AWARE that this August House recently passed the Finance Bill, and cognizant of the fact that the Finance Bill is the only documents that gives guidance on the revenue collection, considering the plight of traders within Siaya County and further considering the fact that a numbers of revenue collectors without proper guidance from the concerned authority have resorted to applying the new rates without proper consultations and applying wrong percentages which are inconsistent to our earlier deliberations.

CONCERNED that this might bar traders from indulging in businesses, I seek guidance from the C.E.C.M in charge of Finance to highlight on the following:-

1. What parameters are being used by revenue collectors to collect different rates from traders?
2. What modalities have been put in place to compensate traders who may have paid in excess of the

required rates as per the Finance Bill?

3. Due to delay of the assentment and Gazettelement of the said Bill and the subsequent set timelines for acquisition of the single Business permits, passage of payments period attracting penalty, it will not be fair to put penalties on traders who may delay in making such payments in time.
4. What would be wrong with traders being charged what they previously paid pending the effectiveness of the said Bill?
5. I further urge the Finance C.E.C.M to put in place a proper legal mechanism in regards to proper revenue required to the general public through the most transparent and accountable way of communication within which the said Revenue will be regulated in the most transparent and accountable way.

Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Yes, hon. Deputy Speaker!

**Hon. Adera:** Thank you, Mr. Speaker. I rise on behalf of hon. Andiego, a Member for Central Sakwa. Mr. Speaker, I wish to request a Statement from the Executive on the declaration of Oyamo and Ndeda Adjudication Sections.

**Hon. Speaker:** Hon. Members, allow me to refer question by hon. Erick Ndonji to the Committee on Finance, Budget and Appropriation and question asked on behalf of hon. Joannes Andiego be referred to the Committee on Lands. May I

add that that the Statement by MCA Ndonji is very urgent; therefore, the Committee should fast track an answer for the said question.

**Hon. Gare:** Thank you, Mr. Speaker. Allow me once more on behalf of

the Majority Leader to take Members through our House Business for the coming week, i.e. from 24<sup>th</sup> to 26<sup>th</sup> February, 2015.

**HOUSE BUSINESS FOR THE COMING WEEK**

**(24<sup>TH</sup> TO 26<sup>TH</sup> FEBRUARY 2015)**

S/No.	DAY/DATE/SITTING	BUSINESS OF THE ASSEMBLY
1.	Tuesday 24 <sup>th</sup> February, 2015 Afternoon Sitting	Committee of the Whole House (Siaya County Public Participation Bill, 2014)
		Tabling and Adoption of the Amended Assembly Committees Membership by Chairperson of the Committee on Selection.
2.	Wednesday 25 <sup>th</sup> February, 2015 Morning Sitting	Second Reading of the Siaya County Loans and Mortgage Fund Bill, 2015.
3.	Wednesday 25 <sup>th</sup> February, 2015 Afternoon Sitting	Report by Committee on Agriculture, Livestock and Fisheries on the level of Agricultural preparation by the County.
4.	Thursday 26 <sup>th</sup> February, 2015 Afternoon Sitting	Tabling and Discussion of the Siaya County Ward Development Fund Bill, 2015 by Chairperson of Committee on Delegated Legislation, Justice and Legal Affairs.

Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Hon. Members, these are the plans for next week. The people who can make them happen are the same Members, so if it falls under your docket, kindly ensure that we have business next week.

Next Order!

**BILL**  
(SIIAYA COUNTY PUBLIC PARTICIPATION  
BILL, 2014)  
(SECOND READING)

**Hon. Speaker:** Hon. Booker!

**Hon. Minami:** Thank you, Mr. Speaker. On behalf of the Committee on Justice and Delegated Legislation, we were supposed to Table the Siaya County Public Participation Bill, 2014 for the second reading in the House.

But Mr. Speaker, the Committee could not lay the Bill today for the second reading because it underwent public participation and the views of the public have been compiled and it's when the Committee wants to go and make sure that

the views of the public are in conformity with the statutes in place. So, as a Committee we are requesting that we be given more time, let's say for one week, so that we compile the Bill and we bring it to the Assembly for the Second Reading.

Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Members, the Committee did consult the Office of the Speaker with the reasons they are not able to present their report today. However, I want to add that, if you look at our next week's schedule, a lot of these reports will be expected to come from the said Committee, I therefore direct the Office of the Clerk to liaise with that Committee to ensure that they get time and venue to complete these pending businesses that they have.

There is that Bill pending, there is the one on Mortgage, one on County Ward Development Fund, there is also that one for the creation of the Office of the Attorney. I would want that you give them the necessary support so that next week where possible, they be done with these and bring them to the Assembly for debate.

*(Hon. Onduru stood up in his place)*

**Hon. Speaker:** Yes!

**Hon. Onduru:** Mr. Speaker, Sir, I'm just enquiring on some of the business which were pending last Session. Some were Statements while some were reports. Right now we have started another business but they are not here. I wanted to find out because I had a Statement on functions devolved on Health and we also had some reports on Health which were ready and time would not allow us to present them.

**Hon. Speaker:** That is a good concern. Allow the Chair to direct that all those pending items from our previous

Session, the Office of the Clerk to liaise with the people who asked those questions and the people who did the reports, so that by Tuesday we have all those things looked at in the House Business Committee so that they are allocated time next week. There will be no excuse; by next week we want all the pending businesses to come to this House for consideration. That is the directive!

Before we go to the Next Order, allow me to make the Communication I'd indicated that I will make.

**COMMUNICATION ON  
MEMORANDUM OF REFFERAL OF  
THE  
ASSEMBLY SERVICE BOARD BILL,  
NO. 3 OF 2014**

Members, I wish to make Communication on the Memorandum of referral of the Siaya County Assembly Service Board Bill No. 3 of 2014. The said Bill has been returned by the Governor for reconsideration by the Assembly citing reservations on Section 28 of the said Bill which establishes a County Assembly Fund.

In his Memorandum, the Governor wrote, and I quote "That I am unable to assent to the Bill as passed by the Assembly and therefore refer it back for reconsideration pursuant to the requirements of Section 24 (2) and (3) of the County Governments Act 2012."

Ladies and gentlemen, you will note that Pursuant to Section 24 of the County Governments Act, 2012;  
2) The Governor **shall within fourteen days after receipt of a Bill:** -

(a) Assent to the Bill; or

- (b) Refer the Bill back to the County Assembly with a Memorandum outlining reasons for referral.
- 3) If the Governor refers a Bill back to the County Assembly, the County Assembly may, following an appropriate procedure under this Section: -
- (a) Amend the Bill taking into account the issues raised by the Governor, or
- (b) Pass the Bill without amendments.
- 4) If a County Assembly amend the Bill taking into consideration the issues raised by the Governor, the Speaker shall within fourteen days submit the Bill to the Governor for assent.
- 5) If a County Assembly passes the Bill a second time, without amendment, or with amendments which do not accommodate the Governor's concerns by a vote supported by two-thirds of Members of the County Assembly, the Speaker shall within seven days re-submit the Bill to the Governor and the Governor shall within seven days assent to the Bill.
- 6) **Very Important**, If the Governor does not assent to a Bill or refer it back within a period referred to under this Section, **the Bill shall be taken to have been assented to on the expiry of that period.**

Regarding the day of submission to the Governor, I am informed by the Assembly secretariat that the County Assembly Service Bill, 2014, together with County Public Appointments Bill, 2014, County Revenue Administration Bill, 2014, County Trade License Bill, 2014, were submitted on **the 14<sup>th</sup> of September, 2014.**

Later, upon oral request, for reasons better known to the registry of the Executive, second batch of the said Bills were sent on 27<sup>th</sup> November, 2014. Ideally, we should have expected an assent or a referral within 14 days after the receipt of

the Bill by the Governor. Instead, the Memorandum dated 23<sup>rd</sup> December, 2014 was received by the Assembly Clerk on the 12<sup>th</sup> January, 2015, way beyond the 14 days period provided for under the law.

Going by the aforementioned, I strongly feel **restrained by Section 24 (6) of the County Government Act, 2012** which states that; ***"If the Governor does not assent to a Bill or refer it back within a period referred to under this Section, the Bill shall be taken to have been assented to on the expiry of that period"***. I therefore **decline** to recommit the Bill to the house for reconsideration.

*(Applause)*

I am further barred by the provisions of the Standing Order No. 135 (6) which stipulates that ***If the Governor does not assent to a Bill or refer it back within a period referred to under this Section, the Bill shall be taken to have been assented to on the expiry of that period.*** As we speak, the Bill according to this hon. Assembly is technically a law and I therefore direct the Clerk to expedite a formal gazette process.

*(Applause)*

I further advice that anybody feeling aggrieved by any provisions of this law to consider the due process of amendments as stipulated under the law and the Standing Orders of the County Assembly. Section 15 (1) of the County Government Act, **Provides that a person has a right to petition a County Assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation.**

On whether or not the said Section 28 of the Bill is a serious violation of the

law or *ultra vires*, reference can be made to the Parliamentary Service Act, 2012 Section 18, (to which this Bill is anchored) on establishment of National Assembly Fund which states; -

- 1) There is established a Fund to be known as the National Assembly Fund
- 2) There shall be paid into the Fund: -
  - (a) Such moneys as may, from time to time, be provided by Parliament
  - (b) Such moneys as may be borrowed by the commission on such terms and for such purposes as the commission, in consultation with Minister for the time being responsible for Finance, may determine;
  - (c) Any moneys accruing to or received by the Commission from other source.
- 3) There shall be paid out of the Fund all payments in respect of any expenses incurred in pursuant of the provisions of this Act
- 4) The Commission may, with the approval of the National Assembly signified by resolution, establish such other Funds as it may deem necessary.

In addition, the objects and purpose of the Fund established under the County Assembly Service Bill or the Parliamentary Service Bill are aimed at managing benefits provided by Salaries and Remuneration Commission in the parliamentary institutions e.g. the Car and Mortgage loans etc. and not any other **imaginary public Funds outside this scope**.

Finally, ladies and gentlemen, I wish to reiterate that this Assembly will endeavor to adhere to statutory timelines in execution of its functions. The Executive arm of the County Government is hereby forewarned that non-observance of timelines will not be tolerated in our future dealings; be it on reporting or law making. The time frames set out under any written law governing our operations, will have to be respected at all times. Thank you.

Next Order!

### MOTION ADJOURNMENT

**Hon. Gare:** Thank you, Mr. Speaker. Now that we have exhausted everything that we had in our Order Paper, I wish to move a Motion that this House stands adjourned until Tuesday, next week on 24<sup>th</sup> in the afternoon at 2.30pm and I will request hon. Muhulah to second.

**Hon. Muhulah:** Unfortunately, hon. Speaker, I do not want to second because I don't abide by that Motion, so I refuse to second.

*(Laughter)*

**Hon. Gare:** Thank you, Mr. Speaker, Sir, it's unfortunate that hon. Muhulah cannot second, but I want to request hon. Deputy Speaker to second.

**Hon. Adera:** I grab that opportunity and second, I second.

*(Laughter)*

*(Question proposed)*

**Hon. Muhulah:** Hon. Speaker, I deliberately refused to second the proposal of the hon. Whip because;

1. It's too early in the afternoon to adjourn
2. I think this should have been a very good opportunity Mr. Speaker, if once again; I seek the leave under Standing Order No. 31, that we discuss the issue of disaster preparedness of the Siaya County. I do ask the hon. Agoko to second.

*(Laughter)*

**Hon. Speaker:** You have opposed the Motion, let's proceed with contributions. The Motion on Adjournment, let's deal with that Motion first then we come to yours.

Right?

**Hon. Muhulah:** Yes.

**Hon. Speaker:** We want to first deal with the Motion by hon. Gare, if it is defeated, then we come back to yours, because we can't have the two running at the same time.

*(Question put and agreed to)*

*(Applause)*

*(Laughter)*

The House rose at 3.15 p.m.

## TUESDAY, 24TH FEBRUARY, 2015

The House met at the County Assembly Chamber at 2.30 p.m.

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

### PRAYERS

### COMMUNICATION FROM THE CHAIR

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

1. I wish to report, that the report of the Committee on Selection that was supposed to be presented as regards Membership of the Committees has been deferred to a later date.

2. The three Bills that were supposed to come to this Assembly;

- a) The Public Participation Bill,
- b) The Bill that was creating the office of the County Attorney,
- c) The Bill on the Mortgage,

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

3. I want to remind the Committee on Agriculture that they were supposed to present a report tomorrow and that there will be no extension for this report on the level of preparedness by the County to undertake Agricultural activities at this time. So, the Chair directs that this report will have to be brought to this House without any further

ado and extension will not be granted. So, we expect this report tomorrow.

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

Next Order!

### STATEMENTS

REVENUE COLLECTION IN THE FY  
2013/2014

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

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

**Aware that** the Constitution of Kenya, 2010 and the County Government Act, 2012 mandates the County Government to collect revenue from the public;

**Further aware** that in the Financial Year 2013/2014, the County Government of Siaya through its budget estimates planned to collect revenue and had set a target or projection from different sources, I wish to request for a Statement from the Executive on the following:-

1. What was the budgeted revenue target and how much was collected?

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

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

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

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

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

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

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

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

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

3. What are the strategies that the County Government has put in place to enhance revenue collection in the future?  
I will give you one week!

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

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

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

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

Any other Statement? Yes, hon. Gare!

FIRE FIGHTING SERVICES  
AND DISASTER MANAGEMENT

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

**Aware that** the Constitution of Kenya, 2010, Fourth Schedule part two gives the County Government the functions and powers to provide firefighting services and disaster management.

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

**Further concerned** that the firefighting engine stationed in Bondo Sub County is not functional.

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

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

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

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

*(Loud consultations)*

Order, hon. Members! That is why we expect each one of us to be attentive; there are situations that we can be able to read Statements without necessarily availing copies.

That is a possibility. So, hon. K'awuor, it is in my considered opinion that it will not be a violation, but that does not negate the fact that Members should have copies if that is our practice. So, I want to ask that we allow hon. Gare to continue.

**Hon. Gare:** Thank you, Mr. Temporary Speaker. I was on my feet saying, that the whole County of Siaya, we don't have a fire fighting engine.

We have had cases where there is fire outbreak, more particularly in my Ward where big institutions like Bondo University, Nyamira Girls High School, Maranda High School, do not have a solution to this. I am therefore seeking for a Statement from the County Executive on the following:-

1. What mitigation measures has the County Government put in place to tackle fire outbreak cases?
2. When is the Firefighting engine being repaired to perform its function? The one which is lying here, Mr. Temporary Speaker.

3. Are there budgetary allocation to procure more Firefighting engines and equipment?

4. Are there trained personnel in Firefighting?

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

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

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

Yes, hon. Onduru!

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

*(Laughter)*

We have an emergency in Madiany Mission Ward---

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

(*Laughter*)

Next Order!

### MOTION

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

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

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

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

**Hon. Members:** He is sick!

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

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

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

3. Response to Statement request by Hon. Oriaro on administration of Health Sector in the County. Hon. Onduru, are you aware of this Statement?

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

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

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

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

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

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

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

*(Laughter)*

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

**Hon. Otare:** Next week?

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

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

Hon. Angul, are you aware of this?

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

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

**Hon. Angul:** Yes

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

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

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

6. Report of the Committee on Agriculture, Livestock and Fisheries on Beacon's meeting at Great Lakes Hotel, Kisumu.  
We need this report. Tell us the status and when you think it should come to this House.

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

**The Temporary Speaker** (Hon. Abayo): Hon. Willis Ochieng, Tuesday, 3<sup>rd</sup>?

**Hon. Ochieng:** No problem, Sir

**The Temporary Speaker** (Hon. Abayo): OK.

7. Report of the Committee on Agriculture, Livestock and Fisheries on their visit to Mumias Sugar Company.  
I think this report appeared in this House and justice was done on it

*(Laughter)*

**Hon. Ochieng:** The report was brought to the Assembly and rejected. I

think amendments have been done. It would be brought back to the Assembly---

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

**Hon. Ochieng:** Separately, Mr. Temporary Speaker.

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

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

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

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

**Hon. Onduru:** Yes!

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

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

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

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

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

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

**The Temporary Speaker** (Hon. Abayo): Yes, that is the Chair. The Chair is saying there are many reports. The quarterly reports the Chair is aware of, even the first quarter of 2014/2015, including the Annual Development Plan 2015/16.

I want to direct that the Chair of Budget, you liaise with the office of the Clerk to look at those specific reports and see how this can be scheduled in the other week. Not this one, the second week. The Chair will be able to tell you which reports.

Hon. Members, I want to add that the Chair directed last week that copies of these reports had been given to Members. Please, I would like to urge Members to go through those reports. We may not produce any more copies for you because we gave out all those copies. We want to be as paperless as possible.

Those reports will be scheduled for discussion; we will give you specific dates the other week so that you are able to carry your copies. It is a clear indication that a number of statements have come to this House and we would want the House to dispense on them as soon as possible.

Please, note those dates and I want to direct the office of the Clerk to remain vigilant with a follow up and possibly have this information on our website, so that

Members can be able to track the dates we have set today.

*(Hon. Muhulah stood at his place)*

Yes, Hon. Muhulah

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

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

**Hon. Muhula:** Mr. Temporary Speaker, if I jog your memory, you will recall that there was a time when there was the issue of the contractors and the membership of this house.

So, this House requested a statement which was moved by me that the Executive furnish this House with the list of suppliers and directorship of the companies that work with the County Government of Siaya, but up to date, I have not received it.

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

**Hon. Awuor:** Thank you, Mr. Temporary Speaker. I'm sorry, I can't remember the Speaker directing that statement to the Committee on Governance and Administration, but if it is so, then I think we need to now start a fresh. If it was

directed to this committee, which I am not aware, I think we need to get a copy from the office of the Clerk and then we will do the necessary.

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

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

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

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

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

Hon. Members, this puts the integrity of Members of this House into jeopardy and we would want to take that seriously-- that a clear statement from the Office of the

Executive is tabled in this House in regards to that position. Thank you.

Next Order!

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

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

**Hon. Awuor:** Two weeks can be ok.

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

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

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

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

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

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

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

**Hon. Awuor:** Yes, Mr. Temporary Speaker. I think last session, Hon. Onduru made a statement before this House and that statement was directed to our committee. The statement was seeking the time that we were going to have the devolved units.

I think we discussed that and it was resolved in this House. I don't know whether that is a different one, but the question that was raised by the hon. was properly tabled and discussed. To me it was dispensed on properly. Thank you.

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

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

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

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

According to the constitution, they are functions devolved to the Ministry of

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

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

**Hon. Onduru:** Water.

**The Temporary Speaker** (Hon. Abayo): So, I want to advice, Hon. Onduru you will avail a copy of that statement, but I want to ask the two Committees- Health, Environment and Water to have a look at that with the office of the Clerk so that if the statement was there, we can be able to schedule it for another day for discussion.

We can present that statement officially to know who will be able to take it up. After it has been verified, I think Hon. Onduru is making it clear, functions were transferred.

Can we confirm that these functions were transferred, let hon. Onduru help us unravel that, and if that is so, we will be able to take up that with the relevant committee. Not necessarily now, maybe Tuesday or Thursday we will be able to revisit that Hon. Onduru and commit it to the relevant committee.

Next Order!

## ADJOURNMENT

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

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

*(Laughter)*

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

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

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

*(Question put and agreed to)*

The House rose at 3.15 p.m.

**WEDNESDAY, 25TH FEBRUARY, 2015**

The House met at the County Assembly Chamber at 9.30 a.m.

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

**PRAYERS**

*(The Quorum Bell was rung for the second time)*

**QUORUM CALL AT THE COMMENCEMENT OF SITTING**

**The Temporary Speaker** (Hon. Gare): Clerk, can you confirm whether we have quorum.

*(The Clerk at the Table confirmed the lack of quorum)*

**The Temporary Speaker** (Hon. Gare): Serjeant-at-Arms, can you ring the bell.

*(The Quorum Bell was rung)*

**Hon. Muhulah:** Mr. Temporary Speaker, it is very evident that there is lack of quorum in the House and we cannot proceed with any House business. On that note, I wish to move a Motion of Adjournment and I would request the hon. Maurey to second

*(The Clerk at the Table confirmed the lack of quorum for the second time)*

**The Temporary Speaker** (Hon. Gare): Hon. Muhulah, we understand the quorum is not there, but you realize this is a House of rules. The Standing Order states very clearly that the bell has to be rung for ten minutes, then for another five more minutes. So, we still have some time. So, we'll wait. Thank you

**The Temporary Speaker** (Hon. Gare): Order! Order! Hon. Members, Standing Order No. 32 states very clearly that if we don't have a quorum, the bell has to be rung for ten minutes.

If no quorum is present at the expiration of the ten minutes, the bell be rung for a further five minutes and if there is still no quorum present, the Speaker shall adjourn the County Assembly forthwith to the next sitting.

We have rung the bell twice and I would therefore want to say that this House stands adjourned until 2.30 p.m. in the afternoon.

The House rose at 9.22 a.m.

**WEDNESDAY, 25TH FEBRUARY, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYERS****PAPERS**

**Hon. Agoko:** I wish to lay a report before this House on:-

Status of Agriculture Tractor Hire services, Procurement and Distribution of Seeds and Fertilizer in the Financial Year 2014/2015 and Agri-Business Funds collected in 2013/2014

*(Hon. Agoko laid the document on the Table)*

**Hon. Deputy Speaker:** Next Order!

**NOTICE OF MOTION**

**Hon. Agoko:** Thank you, Mr. Deputy Speaker, Sir. I take this opportunity to give a notice of Motion:

THAT this House Adopts the Report of the Committee on Agriculture, Livestock and Fisheries on status of Agriculture Tractor Hire Services, Procurement and Distribution of Seeds and Fertilizer in the Financial Year 2014/2015 and Agri-Business Funds collected in 2013/2014 laid on

the Table of the House, today, Wednesday, 25th February, 2015.

**Hon. Deputy Speaker:** Next Order!

**STATEMENTS**

**Hon. Deputy Speaker:** Hon. Elisha, you have something?

**Hon. Okuku:** Not something, Mr. Deputy Speaker, Sir, I have a Statement!

**Hon. Deputy Speaker:** And that can be something. Proceed!

**Hon. Okuku:** Thank you, Mr. Deputy Speaker, Sir. I have three Statements to make:-

1. **AWARE** that the post of a substantive County Secretary was advertised but stopped by the Governor and that public funds were spent in the exercise, I wish to seek for a Statement from the County Executive why the exercise was stopped and when the post will be re-advertised.

2. **AWARE** that the Health sector is seriously understaffed and patients are suffering, causing high mortality rate, I wish to seek for a

Statement from the County Public Service Board on the progress of recruitment for the health workers.

3. **AWARE** that a taskforce was formed by the Executive to address emerging issues between the local community, especially Yimbo East Ward which I represent and the Dominion Farms Limited.

**FURTHER AWARE** that the conclusion of the report was done by November 2014, I wish to seek for a Statement from the County Executive when the report will be tabled in the House.

Thank you, Mr. Deputy Speaker, Sir.

**Hon. Deputy Speaker:** Thank you. Hon Elisha, you have issued three Statements and two are under one and they fall under different dockets. So, I direct that the first Statement that deals with the issue of County Secretary be committed to the Committee on Public Administration and Governance.

The second one dealing with health be dealt with by the Health Committee. Your last Statement which deals with Dominion Farms Limited and the community should go to the Agriculture Committee.

We should get the reports within two weeks. The second week from today!

Next Order!

### MOTION

**Hon. Agoko:** Thank you, Mr. Deputy Speaker. May I take this opportunity to present this report to the House. Mr.

Deputy Speaker, Sir, it's about 13 pages, I don't know whether to go through it word by word or we can go per sub heading?

**Hon. Deputy Speaker:** I wish you could just summarize your report. I believe you are aware of the contents. If you can summarize it, the better.

**Hon. Agoko:** I would then Mr. Deputy Speaker, Sir, wish to go to page 3.

### INTRODUCTION

Agriculture projects are our major flagships in the county and therefore more emphasis needs to be put in place to promote and scale up agricultural interventions so as to spur the economy of Siaya County.

In response to a Statement made by Hon. Muhulah on 18<sup>th</sup> February, 2015 in the Plenary in relation to acquisition of tractor hire services, the following issues were raised;

1. Number of tractors available and their working conditions
2. Number of tractors allocated per ward
3. Acreages ploughed in 2014/2015 FY.
4. Number of people who have paid money for ploughing in 2013/2014 FY and have not been ploughed for.
5. Availability of funds collected in 2013/2014, specific details of the bank account and its signatories
6. What are the inhibiting factors in relation to fuel supply?
7. Quantity of fertilizer and seeds that have been bought and strategy for distribution

8. Quantity of seeds procured in 2013/2014, how many were distributed and status of unused stock.

Mr. Deputy Speaker, after various joint meetings with the CEC for Agriculture and her technical team, the committee came up with the following.

### NUMBER OF TRACTORS AVAILABLE AND DISTRIBUTION

In total, we have 20 tractors. 12 owned by the County government and 8 are privately owned, but hired by the County government. They are in good working conditions.

**Table 1.0**

S/N	SUB COUNTY	WARD	TRACTOR ALLOCATION		REMARKS
			COUNTY	PRIVATE	
1	ALEGO USONGA	S.E.Alego	1		working
		N.Alego	1		working
		W.Alego	1		working
		C.Alego	1*		*-sharing tractor
		Township	1*		*-sharing tractor
		Usonga	0		Served in December for land preparation for rice. Currently, no farmer has applied. The 30 acreage threshold has not been achieved as farmers in Usonga prefer to pay the private

## 2015 SIIAYA COUNTY ASSEMBLY DEBATES

					tractors for the service, but expect the County Government tractors to plough for them for free.
2	Rarieda	W.Uyoma	1		Working
		N.Uyoma		1	Working
		S.Uyoma		1	Working
		E.Asembo		1	Tractor currently not working due to mechanical breakdown
		W.Asembo	-	-	Initially allocated private tractor which ploughed all the land that had been registered for THS. Tractor to be allocated to another Ward this week.
3	Bondo	E.Yimbo	1		Working
		W.Yimbo		1	Working

## 2015 SIIAYA COUNTY ASSEMBLY DEBATES

		N.Sakwa		1	Working
		S.Sakwa	1		Tractor currently not working due to mechanical breakdown
		W.Sakwa		1*	Working
		C.Sakwa			Served by County tractors on rotational basis
4	Gem	Yala Township	1*	1	Private tractor grounded *-sharing tractor with north Gem.
		N.Gem	1*		*-sharing tractor with Yala Township
		E.Gem			Served by county tractors on rotational basis
		W.Gem			Served by county tractors on rotational basis
		C.Gem	1*		*-sharing tractor with South Gem

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## 2015 SIAAYA COUNTY ASSEMBLY DEBATES

		S.Gem	1*		*-sharing tractor with Central Gem  Initially allocated private tractor which developed mechanical problems
5	Ugunja	Sigomere		1	Working
		Sidindi	1*		*-Sharing tractor with Ugunja
		Ugunja	1*		*-Sharing tractor with Sidindi
6	Ugenya	E.Ugenya		1	Working
		Ukwala	1*		*-sharing with N.Ugenya
		N.Ugenya	1*		*-sharing with Ukwala
		W.Ugenya	1		Working

**REMARKS**

- Number of private tractors hired during the season 2014/2015= **14 tractors**
- Number of private tractors down with mechanical problems= **4 tractors**
- Private tractors withdrawn/temporarily pursuing other interests = **5 tractors**

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2015 SIIAYA COUNTY ASSEMBLY DEBATES

- Total number of County tractors = **13 tractors**
- County tractors with major mechanical problem = **1 tractor**
- County tractor with minor mechanical problem= **1 tractor**

There is a challenge in hiring private tractors because of delayed payment by the County government.

The following is a list of private tractors hired and payments made in 2013/2014 financial year:-

NO.	NAME	AMOUNT
1.	Samuel N. Ochanda	Kshs. 216,750.00
2.	George O. Okongo	Kshs. 1,299,000.00
3.	Andrew Oduka	Kshs. 654,900.00
4.	Assa Okoth	Kshs, 171,900.00
5.	Kifaru Auto Works	Kshs. 111,000.00
6.	Peter Angonga	Kshs. 145,800.00
7.	Success C Mafoni	Kshs. 66,000.00
8.	Bobmillas Limited	Kshs. 510,000.00
9.	Maricus Odongo	Kshs. 156,000.00
10.	West Kenya Sugar Co.	Kshs. 329,250.00
11.	Agricultural Development Corporation	Kshs. 2,700,000.00
12.	TOTAL	Kshs. 6,360,600.00

7. Davis Ochieng Okeyo

The contractors currently engaged with the department are;

1. Charles Kipkirui Korir
2. Peter Nyariwo
3. Martin Onyatta Oswago
4. George Okongo
5. Paul Ochieng Omeno
6. George Owira Ofula

8. Kifaru Auto Works

9. Bobmillas Limited

10. Rafiki wa Maendeleo

The County Government has allocated Kshs. 66million for purchase of 5 new tractors and implements, Kshs 27million for purchase of 27 trailers and Kshs.13million for 13 disc harrows. As at now Kshs.30million is available for

purchase of tractor and implements, Kshs.13million for trailers and Kshs. 6million for disc harrows.

Mr. Deputy Speaker, the Committee had a lot of reservations on this because we couldn't understand why the 27 trailers had to be bought. We somehow thought they could be used in garbage collection. We didn't want to say they are unnecessary because we don't know their use. But as far

as agriculture is concerned, we may not want the 27 trailers.

### LAND PREPARATION PROGRESS REPORT AS AT 24<sup>TH</sup> FEBRUARY 2015

The following table gives a summary of the total acreage of farms that has been ploughed per ward and balances, in which work is ongoing.

**Table 1.2**

S/N	SUB COUNTY	WARD	ACREAGES DONE	BALANCE
1	ALEGO USONGA	S.E.Alego	67.75	49
		N.Alego	55.25	47.50
		W.Alego	16	29.7
		C.Alego	60.25	81
		Township	35.25	26.45
		Usonga	NIL (because they want the County government to do it for them free of charge)	NIL
2	Rarieda	W.Uyoma	209.25.  Mr. Deputy Speaker, Sir, you realize that the Member for West Uyoma said the department should pack and go yet it is South Uyoma that has had the highest amount of work done	53
		N.Uyoma	161	48

## 2015 SIIAYA COUNTY ASSEMBLY DEBATES

		S.Uyoma	168.125	45
		E.Asembo	23.5	18.5
		W.Asembo	27.5	0
3	Bondo	E.Yimbo	1 Very Unfortunate. The tractor that was there broke down after doing only one acre.	39 We are pushing the department to ensure that the remaining acres are ploughed
		W.Yimbo	28	6.8
		N.Sakwa	139.5	0.5
		S.Sakwa	134	30
		W.Sakwa	33.5	1.5
		C.Sakwa	103	53
4	Gem	Yala Township	1.0	19.0
		N.Gem	20.0	48.45
		E.Gem	28.69	NIL
		W.Gem	26.25	21.25
		C.Gem	28.5	21.29
		S.Gem	30.5	29.75
5	Ugunja	Sigomere	58	27
		Sidindi	61.25	23.5
		Ugunja	76.25	26.75
6	Ugenya	E.Ugenya	96	10
		Ukwala	28	8
		N.Ugenya	44	11
		W.Ugenya	47	10
7.	TOTAL		1808.315	757.94

**Hon. Deputy Speaker:** What about Usonga?

**Hon. Agoko:** I explained Mr. Deputy Speaker, Sir, that in Usonga nobody has paid even for a single acre. They expect the County government to do it for them free of charge. So, Mr. Deputy Speaker, we can only urge the representative for Usonga to urge his people to make use of this service.

**Hon. Deputy Speaker:** Is that a reflection of the people of Usonga? That they don't like paying for services?

**Hon. Agoko:** Mr. Deputy Speaker, let me clarify that in Usonga, it's a bit funny. In Usonga we have about 10 tractors that are owned by private operators from Rift valley that are working and charging about Ksh. 5,000 per acre. Mr. Deputy Speaker, Usonga Ward is where people are very able and they prefer paying for the Ksh. 5,000 per acre tractors. They don't need the County government tractors and Mr. Deputy Speaker, Sir, at some point---

**Hon. Muhulah:** On a point of order Mr. Deputy Speaker, Sir!

**Hon. Deputy Speaker:** Let the Member explain! Or what is your point of order?

**Hon. Muhulah:** Mr. Deputy Speaker, Sir, we cannot sit here and listen to the hon. Member misguiding this House. There is no logic where somebody would wish to pay Ksh. 5,000 for a tractor when there is a cheaper one. The Usonga people are actually farmers who plant in big plantations. We are not defending anybody in this House Mr. Deputy Speaker---If there are no tractors in the County then we need to say!

**Hon. Deputy Speaker:** Order! Order! Hon. Muhulah you are out of order. The Member has already explained that there are schemes in Usonga and there are several tractors. Therefore, it's the farmers democratic right to go for a tractor of their choice. You cannot force them to go for the County tractor. Hon. Agoko, proceed!

**Hon. Agoko:** At some point there was hue and cry and we were wondering why the people of Usonga did not do that and about 4 tractors were paraded beside the Member of County Assembly for Usonga's office for about one week for them to see that the tractors are available and still they did not make any orders for the services

### TRACTOR HIRE SERVICES STATUS

**Table 1.3**

S/NO	SEASON/ FINANCIAL YEAR.	LAND IN ACRES	AMOUNT(KSH)	REMARKS
1.	2013/2014  Long Rains	4,150	4,873,138	Some land was ploughed in institutions.

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

					The institutions that were ploughed for include;  Siaya ATC- 32 acres  GK prison - 14acres  Nyanginja primary school - 4acres
2.	2014/2015 Short Rains	1,035	1,140,414	Land was ploughed at various rates i.e dry rate, Kshs.1200 and Kshs.1850	
3.	2014/2015 Long Rains	2,566	4,747,100	Land preparation is ongoing and the figure keeps on increasing.	
<b>4.</b>	<b>TOTALS</b>		<b>10,760,652</b>	<b>10,760,652</b>	

**REMARKS**

Approximately Ksh.771.400 was deposited on county revenue account between December, 2013 and 15<sup>th</sup> January, 2014. Deposits on agribusiness account commenced in mid-January 2014. Auditors have been invited to audit the account on

16<sup>th</sup> April, 2015 and communication has been issued to the bank that no withdrawals be made from the account with effect from 15<sup>th</sup> February, 2015, except for deposits to be done until 15th April, 2015.

**FINANCIAL TRANSACTIONS**

An informal meeting was held in January 2014 at IFAD Hall with all elected

hon. Members of the County Assembly and the CEC of Agriculture and the meeting resolved that an agribusiness account to be opened and the monies collected from agribusiness activities be managed from this account.

Mr. Deputy Speaker, the explanation of the CEC then was that it was very difficult to access the monies from the County revenue account. It was a very informal meeting Mr. Deputy Speaker, but we were shocked that the CEC and the department used that kind of engagement to go ahead and open an account. We had no problem with the same Mr. Deputy Speaker.

In this regard the funds collected from various activities under agribusiness initiatives are deposited in the agribusiness account. The account details are as follows;

#### Bank Account Details

Account name-**Agribusiness Initiative for Siaya County**

S/NO	PERIOD	AMOUNT DEPOSITED	AMOUNT SPENT	BALANCE
1.	14 <sup>th</sup> Jan 2014-30 <sup>th</sup> June 2014	7,181,897	447,650	6,734,247
2.	1 <sup>st</sup> July 2014-31 <sup>st</sup> Dec 2014	4,059,059.50	10,083,615	-6,024,555.5
3.	5 <sup>th</sup> Jan 2015-20 <sup>th</sup> Feb 2015	3,574,779	1,092,100	2,482,679
		<b>14,815,735.50</b>	<b>11,623,365</b>	<b>3,192,370.5</b>

#### Sources of income

1. Tractor Hire service-Ksh.9,712,735.5
2. Sale of seeds-approx.Ksh.5 ,014,000
3. Agribusiness trade fair-Kshs. 89,000

#### Expenditure

Account number-**1148554374**  
 Bank-**Kenya Commercial Bank**  
 (KCB)  
 Branch-**Siaya**

#### Signatories;

##### 1. Mandatory

- I. Chief officer Agriculture, Livestock, Irrigation, and Fisheries
- II. Accountant in charge Agriculture, Livestock, Irrigation, and Fisheries

##### 2. Alternate signatories

County director of Agriculture and Manager AMS Siaya

#### Deposits and Expenditure on Agribusiness Account

1. Purchase of strategic grain reserve (1,947 bags) -Ksh.5, 587,600. Mr. Deputy Speaker, Sir, I wish to state that the committee on agriculture did not know of the money spent on the purchase of grains because we had

- not been consulting on expenditures of the financial account.
2. Purchase of storage bags (ordinary and PICS bags) – Kshs. 1,245,000. The bags that were used are modern bags that can keep maize for a longer period of time. They have three linings that cannot allow weevils to penetrate, hence the amount stipulated.
  3. Facilitating purchase and storage of maize(strategic grain reserve)-Ksh.691,525.90
  4. Purchase of fuel for the tractors and supervision-Ksh.1.210, 626.10. Mr. Deputy Speaker, I would wish to state that one tractor uses an average 10 litres of fuel per acre. To get a tractor for a week is a reasonable amount of money
  5. Repairs/maintenance of tractors and compensation to casual plant operators-Ksh.2,202,050
  6. Publicity and launching of Agribusiness initiative-Ksh.301, 000. This was done at Siaya ATC and some of us here attended.
  7. Distribution of seeds to farmers-Ksh.94,215
  8. Refunds for un-ploughed farms-Ksh.77,550

9. Facilitation of Riparian counties fisheries bill workshop-Ksh 123,800.

10. Bank charges-Ksh,89.999

### REMARKS

Expenditure done in the account has never been reported to the Committee and no consultation was done prior to spending the amounts.

### INHIBITING FACTORS TO FUEL SUPPLY

1. Mr. Deputy Speaker, Tractor Hire Services for short rains falls between June and September when the sector has not received AIEs (monies to operationalize the activities).
2. Delays in paying for ordered fuels by the county treasury.
3. AMS section is having only one service crew vehicle (to carry out supply and delivery in the field)
4. Poor facilitation of field officers.

### FERTILIZER PROCUREMENT

Kshs.19.3million from the recurrent budget was allocated for fertilizer procurement. The department of agriculture has initiated the procurement process up to identifying the supplier and the award given. The quantities of fertilizer to be purchased are as shown in the table below.

**Table 3.0: Fertilizer to be procured directly by the County Government of**

Siaya

Type of Fertilizer	Quantity -50kg
--------------------	-------------------

	<b>Bags</b>
Diammonium Phosphate (DAP 18:46:0)	2000
Chemically compounded NPK 23:23:0	1500
Chemically compounded NPK 17:17:17	500
Calcium Ammonium Nitrate (CAN 26%N)	2600
<b>TOTAL</b>	<b>6,600</b>

Mr. Deputy Speaker, this was supposed to be delivered in the 2013/2014 financial year, but there was a serious issue on this because the supplier who was awarded this contract in 2013/2014 delivered fertilizers that had a mark of the National Cereals and Produce Board meaning it was subsidized fertilizer that was being again supplied to the County government. We raised a red flag and it was returned to the supplier. I wish that this House notes that an anomaly was taking place

#### **7.0 SEED PURCHASE 2015-LONG RAINS (2014/2015 FINANCIAL YEAR)**

In the current financial year no funds were allocated for procurement of seeds. However, arising from requests made during the last joint meeting between the sector and County Assembly Committee on Agriculture, Livestock, Irrigation and Fisheries, Ksh.4.88Million has been vired from the purchase of trailers to acquire the seeds. Details of the seeds to be purchased are as shown below.

**Table 4.0**

<b>SN O.</b>	<b>Type of Seed</b>	<b>Firm</b>	<b>Quant ity- KG</b>	<b>Price</b>
	Duma 43	Agri seed comp any	14,000	Kshs.2,730,000
	DH04	Kenya seed comp any	12,000	Kshs. 2,040.000
	Serena Sorghum	Kenya seed comp any	500	Kshs.70.000
	Seredo Sorghum	Kenya seed comp any	300	Kshs. 42,000
	<b>TOTAL</b>		<b>26,800</b>	<b>Kshs. 4,882,000</b>

#### **REMARKS:**

The procurement process is complete awaiting delivery by the suppliers. The delivery for the seeds by Kenya Seed Company is expected on Thursday, 26<sup>th</sup> February, 2015, while the seeds from Western Kenya are already in the stores. Disbursement of seeds to farmers will be done immediately when all the seeds are in the county. The Seeds going to be purchased

this season include Duma 43 and DH04 as they were the most popular in terms of viability test.

NB. Seeds from Western Kenya were not purchased, but are a replacement of the last stock which was returned to the supplier.

### 7.1 Seed Balances as at Jan 2015

The county government of Siaya through the department of agriculture

VARIETY AND QUANTITY/KG	H516	DH04	H513	WS505	WS 507	DUMA 43	TOTAL S	Value.
								Kshs.
Alego Usonga	744	0	0	168	384	0	1296	129,600
Bondo	382	0	0	396	976		1754	175,400
Gem	1610	0	0	774	356	148	2888	288,800
Ugenya	1922	20	0	1840	986	72	4840	484,000
Rarieda	938	0	0	1560	830	0	3328	382,800
Ugunja	678	0	0	564	326	0	1568	156800
<b>Total</b>	<b>6,274</b>	<b>20</b>	<b>0</b>	<b>5,302</b>	<b>3,858</b>	<b>220</b>	<b>15,674</b>	<b>1,567,400</b>

### REMARKS

The department has continuously been monitoring the viability of the seed supplied last year; result being viability of some of the seeds in the store was unsatisfactory. Therefore, the department engaged the two main suppliers of the seeds in the county warehouses to replace the stale seeds. Western seed Company has since then recovered all the 9 tons of seed not disposed in the last season and replaced with

procured 63.7 tons of assorted maize seed during 2013/2014 financial year (Long rains season), as at mid- January 2015 approximately 48 tons had been disposed leaving about 15.6 tons in stores across the county.

The table below shows balances of seeds in various stores across the county.

**Table 4.1**

fresh stock of the same quantity. Meanwhile the department has continued to consult with Kenya Seed Company to replace stocks whose germination is found unsatisfactory. Seed balances was also due to lack of sensitization to farmers and late distribution.

### 7.2 MAIZE PURCHASE

A total of 1,947 bags of maize were purchased

**Table 5.0 Total purchase per sub-county**

SUBCOUNTY	NO.OF BAGS
BONDO	83
ALEGO USONGA	127
GEM	426

## 2015 SIIAYA COUNTY ASSEMBLY DEBATES

UGENYA	341.46
UGUNJA	439
RARIEDA	530.2
<b>TOTAL</b>	<b>1,946.66</b>

**MAIZE RELIEF**

Owing to severe droughts that affected some areas in the long rains 2014, there were concerns that some little assistance be granted to some families who were affected but were extremely vulnerable.

The idea of granting food relief came from the food security meetings held on 11<sup>th</sup> September, 2014 at the County commissioner's office followed by another meeting held on 17<sup>th</sup> September, 2014 also at the County commissioner's office and a

final meeting on the same held on 24<sup>th</sup> September, 2014 at the Alego Usonga sub county administrators office, and the subsequent approval by the cabinet on the same. To date, 463 bags of maize have been removed from the strategic grain reserve and donated to needy families as indicated below.

The CECM in charge of Agriculture, Livestock and Fisheries is pursuing the Executive to allocate funds from the relief kitty to compensate for the stocks used as relief.

**Table 5.1**

SUBCOUNTY	WARD	NO.OF BAGS
<b>BONDO</b>	SAKWA NORTH	34
	SAKWA WEST	40
	SAKWA CENTRAL	25
	SAKWA SOUTH	29
	YIMBOWEST	52
	YIMBO EAST	43
<b>SUB TOTAL</b>		<b>223</b>
ALEGO USONGA	USONGA	25
	SOUTH EAST ALEGO	139
	CENTRAL ALEGO	51
	SOUTH ALEGO	20
<b>SUB TOTAL</b>		<b>235</b>
<b>GEM</b>	EAST GEM	5
<b>SUB TOTAL</b>		<b>5</b>
<b>GRAND TOTAL</b>		<b>463</b>

**Table 5.2****CURRENT MAIZE STORES**

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SIAYA ATC	ALEGO USONGA			65
NYAWARA – COMMUNITY HALL	GEM			306
UKWALA-Sub County Agriculture Office.	UGENYA			341.46
SIGOMRE- ASS.CHIEF’S OFFICE	UGUN			
	<b>SUB COUNTY</b>	<b>MARKET CENTRE</b>	<b>NO.OF BAGS</b>	<b>REMARKS</b>
	JA			146
AMBIRA- Sub County Agriculture Office.				95
ARAM- Sub County Agriculture Office.	RARIEDA			430.2
MANYUANDA				100
	<b>TOTAL</b>			<b>1483.66</b>

Mr. Deputy Speaker, in that regard, I don't want to put any blame on the committee because no consultations have ever been done and therefore the committee cannot take liability, but we have the mandate to report to you what is taking place.

### **8.0 Distribution Strategy for Farm Inputs-Long Rains 2015**

#### **Proportion**

We uphold last year's resolution by the county assembly committee on agriculture of 60% equal share and 40% equitable portion in all the 30 wards

#### **Pricing**

The price of fertilizer will be pegged on the NCPB rates .The department proposes to charge Ksh.200 per 2kg packet

of maize seeds while Ksh.75 per kg for sorghum.

#### **Outlets**

Consultations between the department and major stakeholders have resulted in identifying 34 strategically located outlet points. Hon. County Assembly Members to provide security for the stores. The 34 proposed satellite stores in the 6 Sub-Counties are;

#### **1. UGUNJA SUB COUNTY.**

- I. Rang'ala family project
- II. MCA's Office – Ugunja
- III. Sigomre
- IV. Kirind Resource Centre
- V. Sikalame

#### **2. RARIEDA SUB COUNTY**

- I. Aram Market
- II. Nyilima
- III. Manywanda
- IV. Madiany
- V. Ndigwa
- VI. Ragengni

### 3. BONDO SUB COUNTY

- I. NCPB Stores in Bondo town
- II. Kopolu centre
- III. Nyamonye
- IV. Ajigo Market
- V. MCAS Office in Usenge

### 4. UGENYA SUB COUNTY

- I. Ukwala market
- II. Sega market
- III. Uhuru market
- IV. Aboke market
- V. Bar Ndege

### 5. ALEGO USONGA SUB COUNTY

- I. Boro
- II. Uranga
- III. Siaya Town
- IV. Karemo
- V. Bar ogongo chief camp
- VI. Kowet chief camp

### 6. GEM SUB COUNTY

- (i) Mutumbu
- (ii) Akala
- (iii) Wagai
- (iv) Sirembe
- (v) Yala
- (vi) Nyangweso
- (vii) Ramula market

### 9.0 CHALLENGES EXPERIENCED IN THE PROGRAM;

1. Private tractors withdrawing and pursuing other interests.
2. Procurement process has been difficult due to late payments to suppliers.
3. Delay in cash flow from the treasury.
4. Drop in acreages to be ploughed
5. Only 20 tractors are in working condition and it becomes a challenge to serve the 30 wards.
6. Finance and Procurement department has been slow in funding.

### 10.0 COMMITTEE RECOMMENDATIONS TO THE HOUSE

1. The department to hire more private tractors to bridge the gap on demand for ploughing and the ratio to be one tractor per ward.
2. Seed germination tests to be done to assess viability and avoid losses.
3. Procurement to be done earlier and the sector to come up with planned timelines that are workable
4. Horticulture seeds to be distributed in all the wards.
5. CECM to consult Hon. Members on all agriculture activities being done within their Wards.
6. CECM to attend a Committee of the Whole House to share with Members issues on Agriculture, Livestock and Fisheries department. . Mr. Deputy Speaker

it's our humble wish that this House plans to have a Committee of the whole House attended by the CECM for Agriculture for her and her team to share with the hon. House the activities and issues that are related in that field, because there seems to be many gaps and there are certain issues that will be well highlighted when the CECM herself comes to this particular house.

7. Agriculture being a seasonal activity requires prompt and timely funding. The activity should be given priority by the finance department.

8. Members of County Assembly to take Agriculture seriously putting into consideration that agriculture is not only tractor hire service but includes also livestock and fisheries. Members are humbly requested to allocate at least 10% of their Ward budget in agriculture.

I now call upon the Hon. Members of this house to adopt this report and I ask hon. Ombee to second.

Thank you.

**Hon. Ombee:** Thank you, Mr. Deputy Speaker, Sir, I rise to second.

*(Question proposed)*

**Hon. Minami:** Thank you, Mr. Deputy Speaker, for giving me the opportunity to contribute to the report that has been tabled in this House. First of all, I don't know if this is a report that is representing the views of the CECM of Agriculture or it is a report by the Committee in charge of over-sighting the Executive arm of the Government.

*(Applause)*

I say so because, while delivering the report, the Chair has in very many occasions said that these were not the views of the Committee and I thought that whatever was being tabled here were views of the Committee after a fact finding mission that this very House ordered the Committee to do. So, I don't know if we are debating a report that was brought to this House by the CECM for Agriculture or a report that the Committee of Agriculture went out, sought and brought to the House.

Number one, I have seen a report that is full of lies, blatant lies, that is being brought and read to this Assembly and the Members of this House are urged to support. As a Member representing East Gem Ward, there isn't even a quarter of an acre that has been ploughed by the County Government of Siaya in this financial year.

*(Applause)*

But the report is indicating that 28.69 acres have been ploughed by the County Government of Siaya and none is remaining. I want to confirm that these were the acres of land that were ploughed in the financial year 2014 and not this year. That is why am saying these are lies.

Number two, this report is indicating that East Gem Ward received 5 bags of relief food. This is also a lie because as the representative of that Ward I have never seen anywhere in my life that East Gem, even if you leave Gem as a Sub County where relief food has been brought. I want to say as I said earlier that these are lies.

Number three, stakeholders of agriculture sat down and decided that

Ramula market is where the subsidized grains are going to be put. I want to call upon the County Government of Siaya not to bring tension/division to a Ward that has been peaceful for a very long time. I'm saying so because Ramula is in the farthest part of East Gem. Last year the subsidized seeds were brought to the center of the Ward- that is Bar Kalare Chief's camp. I don't know who came with this issue of Ramula, unless this is a person who wants to bring those issues that I said earlier. As the representative of that Ward, I want to state very categorically here that am not going to allow that to happen.

It is so ironical, we are told here by the Chairman of this committee that the people of Usonga refused to pay for tractors, isn't it? And at the same time the County Government is denying those who have paid for tractors and taking four tractors and parading them at the Ward representative's office for a whole week so that the people of Usonga could see the tractors so that they can pay.

While we have Wards that are pending here, that only 1acre has been ploughed. Tractors are lying in Usonga where people have refused to pay or they have been told they are too rich to pay the Kshs. 1,800, they can only afford the Kshs. 5,000 tractors that are taken to them, isn't it?

Mr. Deputy Speaker, as a County that talks of agriculture or food security as one of its main objectives so as to make people peaceful and secure, we can only boast of having 13 tractors that are working and yet the County is looking to plough almost 20 acres of land! I don't know when that will happen. Transactions made in and out of the bank have been indicated here, but those are just typing.

I would have thought that for a department that would want to be accountable to the people, even bank statements would have been attached here so that most of us who are debating and are being asked to adopt this report would be adopting something that is authentic. The figures written here, you don't know where they are true or they are lies.

Mr. Deputy Speaker, I remember very well, in the last financial year, 2013/2014, that majority of the Wards had an allocation of Kshs. 1 million for the purchase of subsidized farm inputs. I don't know if whatever was brought to our Ward, East Gem was amounting to even half of 1million. Right now, we are being requested here to put 10% of the allocation to agriculture when we cannot even verify how 0.03% that we have allocated to agriculture was utilized.

Mr. Deputy Speaker, I don't know, maybe I am the one whose eyes are not seeing very well. This report, it's covering which financial year, is it 2013/14 or 2014/15, or is it a mixture of report of financial year? Am wondering why the County Government of Siaya would go out to advertise for people to buy for it fertilizers and then we have somebody going to the government stores and bringing fertilizers.

You see, doing business between Government to government is easier that involving middle men. Why wouldn't the County Government of Siaya just write to the National Cereals and Produce Board to provide them with the subsidized fertilizer, why would the County Government of Siaya force us to buy commercial fertilizers when

the Government of Kenya has brought to its people subsidized fertilizer?

*(Applause)*

I don't know the rationale about that nor do I know the intention why that was to happen. Finally, today is when I have seen where an empty sack or *gunia* is bought at Kshs. 650. Sacks which go at Kshs. 50. All of us can go to page 10, down there on expenditure. We are told, purchase of strategic grain reserve, 1,947 bags at Kshs. 5,587,600. Those are bags that have been filled with maize. Number 2, purchase of storage bags (ordinary and PICS bags) at the cost of Kshs 1,245,000. Mr. Deputy Speaker, if you divide 1,245,600 by 1,947, it will come to Kshs. 650 per bag. I don't know whether these bags were gold coated, they were diamond like or they are just the normal bags that we see around.

Finally, I want to say that I want to reject this report in toto because of the misinformation and misrepresentation that is in it.

**Hon. Deputy Speaker:** Thank you. Hon. Members, just give me one minute to say a word. You know, hon. Booker has indicated that the Chair of this committee ought to have come up with the report concerning the views of the Members and I want to tell you that Members don't have facts.

They must seek those views and facts from the members concerned, the agriculture people, from the CECM, Chief Officer and the officers concerned with that department. So, the views that are raised should come from those people. We cannot divorce the facts that have been presented from the

CECs department. They are the ones who should give us the facts and then we gather them and write a report. So, hon. Booker you should note that. Hon. Madialo.

**Hon. Madialo:** Thank you, Mr. Deputy Speaker. Permit me with a very heavy heart to state that this report that should be thrown out completely.

*(Applause)*

One, it is an indictment. If it's from the CECM of Agriculture, then that CECM is fighting this government. Let me start with the places where they want to place stores and as a representative, let me go to Alego Usonga. Boro is in Central Alego, Uranga is West Alego, Siaya Town of course is township, Karemo is S. E Alego, Bar ogongo is S. E Alego and Kowet is N. Alego. I thought that this Sub-County has got 6 wards, why would they put three stores in one Ward and then leave the others without stores? And my brother and friend hon. Agoko, probably I have said it now but I will still say it, Mr. Deputy Speaker, the Agriculture Chairman shouldn't have carried this report to the Assembly and I would be in agreement with hon. Booker---

**Hon. Deputy Speaker:** And you, the Members, won't be aware of the places/centers that the CECM was intending to put up those stores. So, it's important also for the committee to bring the report so that the House is aware of the intentions of the agriculture department. So, you cannot say that the Chairman was wrong to be bring the report here.

**Hon. Madialo:** Mr. Deputy Speaker---

**Hon. Deputy Speaker:** It is through the report that we are now getting the facts.

**Hon. Madialo:** Mr. Deputy Speaker, I am properly guided, but when I go out to do public participation in legal affairs and you take me to two centers in Sidindi Ward and you leave Sigomre, I would be able to know there is bias. And in this one there is bias and the responsibility lies with the Chair as the overseer. But Mr. Deputy Speaker, I am properly guided.

Secondly, and this is very sad, that somebody can put in writing that in a certain Ward, people prefer private services to public service. And the saddest part of it again is this; that it would seem both the CEC and Committee on Agriculture don't know that the area they are referring to is the largest area in this County under irrigation and that what is called Bunyala irrigation scheme is only 25% Bunyala and 75% is Usonga.

Therefore, the 1,200 acres of land that you must cultivate in Usonga cannot be done with four tractors. There is no way four tractors would have lied idle in Usonga because the four tractors cannot do even  $1^{1/4}$  of what is required to be done in Usonga.

Worse still, when you talk of an area that is irrigated, am not an agriculturalist, but it's an area which is under water, it's a wet area. We must all know that you don't cultivate that place with an ordinary tractor; you will need a tractor equipped with a rotavator. So, what should have been said is this, was there a rotavator in Usonga or did you take tractors that don't work? What is done at hon. K'owii's area cannot be done in Uyoma

because Uyoma is dry most of the time. And you can use these things we use to dig roads to do the farms in Uyoma. You can't take the tractor that was in Uyoma and take it to Usonga and say the tractors are lying there.

**Hon. Owii:** Mr. Deputy Speaker, a point of order.

**Hon. Deputy Speaker:** What is your point of order, hon. K'owii?

**Hon. Owii:** It's not a point of order; it's a point of misinformation that is coming from hon. Madialo. We cannot use the machines that we use to make roads to plough our farms Mr. Deputy Speaker. It has never been tried even in Uyoma and I believe it cannot be tried even in Usonga.

*(Laughter)*

That is misinformation, Thank you, Mr. Deputy Speaker, Sir.

**Hon. Deputy Speaker:** Thank you. Hon. Madialo, proceed.

**Hon. Madialo:** Mr. Deputy Speaker, we are talking about relief food. Was it donation or relief food? But I do know there must have been maize distributed to families that have aged members. But those were food donations because relief connotes that there is a disaster. Was there a famine disaster in Siaya, hon. Members? And was there anywhere where people were dying from hunger, hon. Members? Seeds might have been provided; in fact the ones for Usonga were carried on my own transportation cost. But Mr. Deputy Speaker, I do not know whether the CECM for agriculture in conjunction with our Chair might have appreciated that what happened-

--

**Hon. Deputy Speaker:** In conjunction with the Committee on Agriculture, not the Chair. Withdraw that statement.

**Hon. Madialo:** Statement withdrawn Mr. Deputy Speaker. The problem is, it's signed by the hon. Joseph Agoko.

**Hon. Deputy Speaker:** He signed that on behalf of the committee

**Hon. Madialo:** Mr. Deputy Speaker, this maize and millet or whatever grain that was being purchased was a purchase arrangement to take away from farmers their harvest, then it was purchased and given out to select persons. We have it captured here that there was relief food and my place got 25bags.

How do you give 15,000 people 25bags? And Mr. Deputy Speaker, am saying that this report has no strategy to the extent that I do not know whether other Wards are misrepresented, but if I go by the Ward I represent, then the fact alone that they---I don't want to use the word they didn't know what they were doing, but I would have expected that it be captured here.

What grains they were promoting and Mr. Deputy I say so because I do know that the County Government and no lesser person than the Governor himself together with the CEC and the Director of Agriculture, US-Aid, BIDCO and EABL have been to Usonga in the last four months, five times to promote barley, rice and provide market. Now, these people, if they are unable to capture that here, did they even go there?

Mr. Deputy Speaker, may I sit by stating that when you tell people we are going to have 13 tractors, we are going to

have 12 or 10 tractors, you must tell us also how much land you intend to till. Because we are not just buying or hiring tractors in a vacuum, we are hiring those tractors for certain jobs and those jobs must be described so that there is justification for the expenditure. Mr. Deputy Speaker, I will therefore join the hon. Booker in rejecting this report

**Hon. Odinga:** Thank you, hon. Deputy Speaker, Sir. First of all, I wish to indicate to you that am a bit confused. Not that I don't understand what is going on, but because the final report before me is confusing based on the following reasons:

I assumed that this was the response to a Statement made by hon. Muhulah, on 8<sup>th</sup> February, 2015. But, Mr. Deputy Speaker, Sir, take a look at the first page. It says that - Report of the Committee of Agriculture, Livestock and Fisheries on status of Agriculture, Tractor Hire Services, procurement and distribution of seeds and fertilizer. Then they leave it there.

It is a status report, this is not a response! Mr. Deputy Speaker, Sir, the reason is, the next statement after that says- and fertilizer in the financial year 2014/2015 and then it proceeds and says -and Agri-business funds collected in the financial year 2013/2014. Mr. Deputy Speaker, Sir, if you allow me, I will proceed to page three which clearly indicates the areas that hon. Muhulah requested or wanted to seek more clarification on, it is listed from number 1 to number 8.

The number of tractors available and their working conditions, number of tractors allocated per Ward, all are here Mr. Deputy

Speaker, and I don't need to go over them again. But if you go to details, the report is telling us what has happened between 2013/14 and also giving us a report of the current financial year.

Mr. Deputy Speaker, Sir, as I said, if you look at the date, it is 25<sup>th</sup> February, 2015 and the report is saying it is for the financial year 2014/15. We all know that the financial year for the government starts in July and ends in June. We are in February.

**Hon. Deputy Speaker:** Which date are you referring to, the one on the cover page?

**Hon. Odinga:** Yes, the cover page

**Hon. Deputy Speaker:** But this one is simply referring to the date when this report was presented or tabled in the Assembly.

**Hon. Odinga:** That is what I am referring to Sir.

**Hon. Deputy Speaker:** Yes

**Hon. Odinga:** What I am saying is, if you look at the report, the date indicated is today, February, 2015, but the report is talking about a whole financial year from July 2014 to June 2015 which we are yet to. So, this is why I am saying that this is a status report---

*(Hon. Awino stood on a point of order)*

**Hon. Deputy Speaker:** Hon. Zilpa?

**Hon. Awino:** Thank you, Mr. Deputy Speaker; this is a point of information. On the issue of 2014/15 not having ended, I think the committee on page 9, on that table up there, No. 3; it says 2014/15 long rains- they have given acreage, amount and then the remarks say, land

preparation is ongoing and the figure keeps on increasing. So, it's not saying that the whole year, receipts and expenditure have been realized but it keeps increasing, meaning it's ongoing. So, I think that should answer the issue raised by hon. Jack. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Zilpa. Hon. Odinga proceed.

**Hon. Odinga:** Mr. Deputy Speaker, Sir, I think it is misleading for a hon. Member to pick an item in a report. If you post this report on the website, what will someone read? That this is a status report for 2014/15. If at all it doesn't go into details, it's dwelling on one item that indicates that it's an ongoing process, and then the thing is that this is a status report which is talking of what happened in 2013/2014 and continuously talks of what is happening in 2014/2015. This is not a response. Mr. Deputy Speaker, we are not hitting at each other because we know very well that---

**Hon. Deputy Speaker:** Of course we are not hitting at each other. You proceed with your contribution, nobody has complained.

**Hon. Odinga:** Thank you, Mr. Deputy Speaker; I want to categorically say---

**Hon. Owii:** Just a point of information, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Are you feeling threatened, have you been hit at hon. Owii?

**Hon. Owii:** We don't stand when we are threatened; we only stand when we have issues.

**Hon. Deputy Speaker:** Ok. You raise your issue, are you standing on a point of order or you want to proceed?

**Hon. Owii:** Point of information, Mr. Deputy Speaker. I want to inform the hon. Member who is on the Floor that if at all there is one person who decided to misinform this particular House on what we intended to have for a report, it is actually what we have in the Order Paper.

That is what the team of hon. Agoko is trying to respond to. Not what actually was brought up by the hon. Member. So, hon. Agoko is responding to this particular Motion, not exactly what was requested by hon. Muhulah. Thank you very much.

**Hon. Deputy Speaker:** Don't you think you are bringing more confusion, hon. K'owii? The report must be aligned to the Statement that was made by hon. Muhulah. So, if you can come up with a report that was not requested, then don't you think that is total confusion?

**Hon. Owii:** Hon. Deputy Speaker, Sir, this Motion is misleading then, because it is what is telling us what we are discussing right now. Not that particular report.

**Hon. Deputy Speaker:** Can I get a copy of the Statement that gave birth to this report?

**Hon. Owii:** Let's just give you the Order of Business.

**Hon. Deputy Speaker:** I have that.

**Hon. Minami:** Mr. Deputy Speaker, could you allow me to help hon. Owii to know what we are talking about?

**Hon. Deputy Speaker:** You are not allowed. Hon Odinga proceed.

**Hon. Odinga:** Thank you, Mr. Deputy Speaker, Sir, as you can see, the office of the Majority Leader is also confused.

**Hon. Deputy Speaker:** And you know, this is not a report from their office, this is a report from the Committee of Agriculture. You can proceed.

**Hon. Odinga:** That's why am saying that if the Majority Leader's office can be confused, what about us, other Members?

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Odinga proceed.

**Hon. Odinga:** What I was saying is that if you look at page 3, the introduction part of it---

**Hon. Onduru:** Mr. Deputy Speaker, Sir, the hon. Member on the Floor of the House is not properly dressed.

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Onduru, who has given you the chance to speak? You must respect the Chair. Nobody has given you a chance to speak!

**Hon. Onduru:** I apologize.

**Hon. Deputy Speaker:** Ok, then sit down. Hon. Odinga proceed.

*(Laughter)*

**Hon. Odinga:** Thank you, Mr. Chair, for your protection. I was saying that when you look at page 3---

*(Hon. Onduru stood at his place)*

**Hon. Deputy Speaker:** Hon. Onduru, you have something?

**Hon. Onduru:** Yes, I have. Mr. Deputy Speaker, I want to draw to your attention that the hon. Member on the Floor is not properly dressed for this House.

*(Laughter)*

**Hon. Deputy Chair:** Hon. Odinga, can you rise up so that the Chair can see you. The Chair would want to see your code of dressing.

*(Hon. Odinga rose up without a neck tie)*

Ah! Hon. Odinga, what the hon. Member has raised is true. You are not properly dressed in this Assembly.

**Hon. Odinga:** Mr. Deputy Speaker, Sir just allow me---

**Hon. Deputy Speaker:** Hon. Odinga, you are not properly dressed, and therefore, the Speaker cannot continue listening to you.

*(Applause)*

**Hon. Odinga:** Mr. Deputy Speaker, Sir, I even have a letter confirming that I have a problem with my neck---

*(Laughter)*

**Hon. Deputy Speaker:** Hon Odinga, liaise with the Serjeant- at- Arms, so that we can verify your letter, if you are indeed---

*(Laughter)*

*(Hon. Odinga walked out of the House)*

*(Applause)*

**Hon. Deputy Speaker:** Hon. Were.

**Hon. Were:** Thank you, Mr. Deputy Speaker, Sir. I have had the opportunity to look at this report and it is a boardroom report presented by a team that had gone for moon hiking.

*(Laughter)*

*(Applause)*

You know, I expected the Agriculture Committee to oversight, not to be an appendage of the CECM. I have looked at the report, they are talking of strategic reserves of various stores in the six Sub Counties and they are not telling us whether the maize that is stored in those various stores are available.

We are in the know of the sorrowful state that the agriculture sector is undergoing and for a sedentary team to purport to oversight; to present a report to this Assembly is an insult. I ask myself several questions whether the Chair of Agriculture Committee ---

*(Laughter)*

Was doing his work in this Assembly, and his body language and posturing was telling that the narrative was a lie. It is a concoction manufactured in hell!

*(Applause)*

*(Laughter)*

At a time when this County is in a crisis, somebody should have been brave enough to tell us the truth.

**Hon. Deputy Speaker:** What crisis, hon. Were?

**Hon. Were:** But you see, there is public complain when someone talks about unavailability of tractors.

**Hon. Deputy Speaker:** You know---

**Hon. Were:** You allow me time to talk!

**Hon. Deputy Speaker:** You know to be in crisis means something else---

**Hon. Were:** You allow me time to talk!

**Hon. Deputy Speaker:** The Chair is guiding you. When the Chair speaks, you must respect.

**Hon. Were:** All right.

**Hon. Deputy Speaker:** So, when you talk about being in a crisis, that is too dangerous. I don't think this County is in any crisis at the moment. Proceed Hon. Were.

**Hon. Were:** I honour your opinion, but you see, when I talk about a crisis, it is rather a relative term because of the precipitating factors. Time is going; this County is not moving because of a team that is not caring. I am being given information here that there is a tractor that is being shared; it has been working in Yala and North Gem, and it is close to me, I have never seen that tractor. Already the public is complaining all over because no work is going on in North Gem and it's a concern that somebody is sabotaging this County.

I don't know why the CEC was able to hypnotize the group and they decided to sit in the board room, write a report that has got not value. It is a report that this Assembly should reject in its entirety. Thank you.

*(Hon. Odinga walked into the House putting on a tie)*

**Hon. Deputy Speaker:** Hon. Omwende. I can see hon. Odinga is back and thanks to God he has recovered miraculously.

*(Laughter)*

**Hon. Odinga:** Can I continue from where I left?

**Hon. Deputy Speaker:** No, you had already exhausted your time. Hon. Omwende proceed.

**Hon. Odinga:** Mr. Deputy Speaker, Sir, that would be so unfair to me. As you know---

**Hon. Deputy Speaker:** I may consider you later, but now it's Hon. Omwende's time.

**Hon. Omwende:** Thank you, Mr. Deputy Speaker, Sir. If there is a report that has been tabled in this Assembly that has not reached the threshold to be discussed, it is this report.

*(Applause)*

From this report it is clearly indicated that some Wards are going with flesh in their bags while other Wards are going with a bag of bones. It is very sad. I see people laughing, but this is not a laughing matter! Surely, like in my Ward, Sigomre, about the number of tractors available and their distribution, I will be very specific, that is Ugunja Sub County.

It is said that Sigomre had one tractor that is working. Mr. Deputy Speaker, my constituents are really longing for this tractor up to now and somebody somewhere is saying that Sigomre has one tractor, where is that tractor? It is very unfortunate.

Mr. Deputy Speaker, this report is quite confusing. If you look at the introduction

part, No. 3, acreage ploughed in 2014/15, then there is also availability of funds collected in 2013/2014, specific details of their bank account and its signatories. Mr. Deputy Speaker, I seek for your guidance, this report is so confusing, why don't you give us direction because to me this thing doesn't give the tangible information that the hon. Muhulah was really longing for. Thank you.

**Hon. Deputy Speaker:** Hon. Angul.

**Hon. Angul:** Thank you very much, Mr. Deputy Speaker. I would just like to identify a figure on page 11 that is very much misleading, on the refund of un-ploughed parts. As I speak now, in the financial year 2013/2014, there were about five people who had paid in my Ward and as the report comes in here, it states that the money had been refunded while up to today, at the time am speaking, there is no money that has been refunded to the farmers. So this report is---

**Hon. Deputy Speaker:** You are referring to page 11?

**Hon. Angul:** Yes, page 11 on Refund of un-ploughed parts- Kshs. 77,550. As I speak now, in my Ward there were about 5 people who paid during the financial year 2013/14 and they have not been refunded the money, neither have they been ploughed to. So, Mr. Deputy Speaker, as other Members have stated, this report is misleading us. It's not giving us the correct views on the ground. So---

**Hon. Agoko:** Mr. Deputy Speaker!

**Hon. Deputy Speaker:** Yes, Chairman.

**Hon. Agoko:** Kindly, I just beg the Chair to direct that hon. Angul identifies these

farmers so that I also capture. I would also want to know the particular farmers as I also engage further.

**Hon. Deputy Speaker:** Hon. Angul, it's important that you give us concrete facts. You know when you talk about farmers in your Ward whose monies have not been refunded, we wish to know who are the farmers and perhaps if they have presented their complaints in writing. That would be more concrete than just throwing that farmers have not been refunded.

**Hon. Madialo:** Mr. Deputy Speaker, point of order.

**Hon. Deputy Speaker:** Hon. Madialo, what is your point of order?

**Hon. Madialo:** Mr. Deputy Speaker, would it be in order for one Member to identify those whose money is still lying with the County Government while every Member has people who paid and whose farms have not been tilled since 2014? Mr. Deputy Speaker, would it be in order for the identification of the individuals to be brought in while it was not part of the issues that were raised by Hon. Muhulah?

would it then be in order for the Chairman to seek that every Member brings the names of those whose money is still lying with the County Government, so that if the hon. Angul is to be addressed in the manner he is being asked to raise the issue, then everybody be allowed to raise the issue at the same time.

**Hon. Deputy Speaker:** Hon. Madialo, at some point it will be necessary because so many people will be complaining. If at all there are people or farmers complaining that

they have not been refunded, then it will be necessary that they present us with those names so that we can see how to help. Otherwise people will be complaining outside but without giving the names to the Committee, we may not ascertain who exactly is speaking the truth. Hon. Angul, proceed.

**Hon. Angul:** Mr. Deputy Speaker, as I speak now, I think this was a report of 2013/2014. And I think the Committee went on the ground and identified that this was the total figure that was refunded. Mr. Deputy Speaker, I represent East Asembo Ward and as I speak now I know the money has not been refunded back to the farmers in my Ward. So, it is not malice, neither am I talking of something that I don't know, I know the farmers in my Ward.

It is stated here that 23 acres have been ploughed in East Asembo, but as I speak now, that may not be true because the tractor that has been given in my Ward has been having break downs every now and then. Even today in the morning as I was coming, it broke down! It came yesterday, today it broke down. So, I will end my submission there, but the Chair should actually check the accurate figures from the CECM. Thank you.

**Hon. Deputy Speaker:** Hon. Maurey. I will take two from each side then we conclude.

**Hon. Asewe:** Thank you, Mr. Deputy Speaker. I would like to help you give direction that a report of a committee is to give the information they have gotten. Whether negative or positive, we should give it to the House.

Now, a case where a tractor is broken down somewhere, I don't think it's the mistake of the committee. It is the mistake of the implementers. So, it would be very wrong to reject the report wholly because some of the mistakes that we are seeing here are not the mistakes of our committee and we need clarification from the CEC of that Ministry.

*(Applause)*

Mr. Deputy Speaker, when I went through the whole thing, there are things that are not correct and some are not true, but things like let me say the accounting department, the figures that were given to the committee came directly from that department that was implementing. If there is any information that is not correct and we require a true position, then the CECM should be summoned to come here and clarify. Otherwise, the committee should not be blamed wholly. What they have done partly is ok, though some areas need clarification from the CECM. Thank you.

**Hon. Deputy Speaker:** Hon. Walter.

**Hon. Okello:** Thank you, Mr. Deputy Speaker. Allow me to say from the onset that going through this report; I have wanted to be the devil's advocate and support the committee, but having benefited from the kind guidance of a colleague, I wish to restrain myself to giving just an observation.

To put to rest the kind of confusion that is coming up, Mr. Deputy Speaker, it will be incumbent upon your good Chair to give guidance on whether the report as it is, is supposed to be a report or as I have been guided accordingly by my colleague, if it

was supposed to be a statement from the CECM on events.

Mr. Deputy Speaker, to say that we reject the report as it would be to deny that we don't want to hear the perception of the CECM and the status of agriculture in the County as it were. Again Mr. Deputy Speaker, to support or admit this report, will be to admit that East Gem for instance, represented by hon.

Booker, has received 5 sacks of maize in an emergency or starvation that all of us are not aware of. Again, to admit that, will also be to admit that in Siaya County, there is a Ward called South Alego which apparently received 20 bags, yet East Alego has also received a certain number bags Mr. Deputy Speaker.

It will not be objective Mr. Deputy Speaker, to support or reject this report as it were yet it is the same report, there are valuable and important things for purposes of information that are useful to us as Members and also for charting the way forward. There are critical issues the hon. Muhulah raised and this House discussed at length. Issues of agricultural policy, issues of tillage, issues of SWOT analysis and the benefits of these tractors hired. Issues which ought to have come out in that report, if that was the intention of this report, but they are glaringly missing Mr. Deputy Speaker.

Mr. Deputy Speaker, I wish to suggest humbly that you guide the Agriculture Committee to present this as a statement from the CECM, because if you look at the conclusion and the recommendations, the Committee recommends that; No. 6, that the CECM of Agriculture to attend a Committee of the Whole House to share with Members on issues of Agriculture, Livestock and

Fisheries Department. That is the kind of forum that will enable Members to engage the CECM so that she can answer first hand some of the questions which we might be wrongfully throwing at the Chairman's desk this afternoon.

Finally, Mr. Deputy Speaker, I want to add my voice on an issue that was raised earlier by the hon. Booker that as Members or Chairmen of Committees present reports, it is assumed that they have taken ownership of the reports that they are presenting.

It is therefore a contradiction when the Chairman in his presentation, a number of times withdraws himself and says that those are not necessarily the views of the Committee. Kindly guide us and let the Members of the Committee be absolved where they need to be absolved, but let the issues being raised here find the right forum for clarification and for advice. Thank you.

**Hon. Awuor:** Thank you, Mr. Deputy Speaker. I am on my feet to debate on this report. I have looked at it critically and it's quite unfortunate because I represent a Ward called Yala Township and if you look at the report, it is said that Yala Township Ward has one tractor which has broken down. Mr. Deputy Speaker, I think that's not right, because I represent that Ward and there has been a lot of complains over the same, so I think that is not true. Mr. Deputy Speaker.

I have looked at what the County Government received in terms of bags which were meant for relief and it is a concern that the relief was specifically given to majorly two Sub-Counties; Bondo Sub County and Alego Usonga Sub County. I have heard hon. Booker denying and saying that he was

not aware of the 5 bags which were given to his Ward.

Secondly, Mr. Deputy Speaker, we need to also get clarification on how and when, if the Executive has relief food, when is it given, how is it given or is it an expense that the Executive, the Governor for example just decides that I am giving this bag to Alego Usonga Sub County, because I have seen in this report Mr. Deputy Speaker, that all Wards in Alego Usonga Sub County are benefiting. I don't know whether there was a disaster in the 6 Wards.

You will find South East Alego getting 139 while Ugenya, Ugunja, Rarieda and Gem got none. How is that done Mr. Deputy Speaker? I think these are issues that from the onset we need to know because we cannot keep food. For example in Nyawara, there was a store which kept 306 bags of maize and you cannot just dish out the bags that you kept for other areas, but if there is a disaster, I think there must be a declaration Mr. Deputy Speaker. So, these are issues that we really need to know.

Mr. Deputy Speaker, parading 5 tractors, my friend, the hon. Madialo has said **NO**, these tractors were never paraded within his office. But surely, how do you parade 5 tractors when other Wards have none! I think that is madness Mr. Deputy Speaker.

These are issues that need serious attention and address because we represent the people and things need to be done in the right way. There is this issue, on page 11; that the treasury has been delaying with payment of fuel and that has really affected the ploughing of farms in time. I think this issue needs to be addressed. We should not accept that, right there have been delays, so the County Assembly has accepted that the

treasury can just keep on delaying and we are happy that that is okay.

Mr. Deputy Speaker, that is not acceptable to me and I want to urge the House not to accept the same. I think for the time being Mr. Deputy Speaker, I want to put my humble request to the Chairman and the Committee on Agriculture that they humbly withdraw this report and work on it properly and tell us the time that we would-- - Maybe they were never given enough time. So, I want to humbly request the Chair to ask for permission from the Chair and withdraw this report and go and work on it.

Otherwise, Mr. Deputy Speaker, I want also to support just one issue that has been contained in this report that the CEC in charge of Agriculture should face the Whole House Committee to give us exactly the picture which is worrying us.

Lastly, Mr. Deputy Speaker, if this report is accepted, it will tell the public in this County that some Members of this Assembly are working and others are not. Like in my area where only 1 acre has been ploughed and others like West Uyoma where---I think Mr. Deputy Speaker, if this is accepted, the report will be circulated within the County and it will really show that the Executive does not care about some Wards and therefore we are not working, because people don't know that we are not implementers in this County Mr. Deputy Speaker. I rest my case.

**Hon. Deputy Speaker:** I am giving the last chance and then we proceed. Hon. Members, before I give hon. Andiego a chance, we must not forget the role that we play as an Assembly. When we want a report from the Executive, it means we are sending a Committee to engage the

Executive to come and tell us what they are doing or what they intend to do.

We don't expect a report the way you need it yourself. Otherwise, it appears that most of us already have a formed opinion of what ought to have been indicated in that report. The Chairman through his Committee is simply informing this Assembly on the findings which he got from the CEC. He did not come up with his own report! He is telling us that according to the CEC, she told us that in Central Gem, for example, one or ten acres of land have been ploughed.

The Chair of Agriculture plus the Committee do not know or they don't have those facts. They cannot go to Central Gem or East Gem to look for the farms that were ploughed, but they are simply giving a report of the findings that they got when they engaged the CECM concerned. Let us not confuse things, there is separation of powers. Let us agree on that. I know in a report, we may have the minority and the majority.

A report must not only be suitable to the majority, sometimes a report may be minority based. So we must understand that the report that is given to the House should reflect what the CEC or what the department that was engaged said. With information that you give us, you are simply reporting what you were told and what you gathered. Otherwise, we don't have those facts ourselves.

We are now seated here; we don't know what is going on in the farms. So, the information that we gathered through the Agriculture Committee is simply the information that we got from the CECM plus the department of agriculture.

Hon. Andiego, you can take your chance.

**Hon. Andiego:** Thank you, Mr. Deputy Speaker, Sir---

**Hon. Odinga:** Point of information, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Andiego, proceed! Hon. Odinga, kindly take your seat!

**Hon Odinga:** Point of information, Mr. Deputy Speaker, Sir.

**Hon. Deputy Speaker:** What information do you want to raise?

**Hon. Odinga:** Mr. Deputy Speaker, Sir, as I was walking out, there is one thing I saw in this report that would affect all of us in this House. If you allow me, I can point it then walk out.

**Hon. Deputy Speaker:** I am giving you one minute.

**Hon. Odinga:** Thank you.

**Hon. Deputy Speaker:** Why do you want to point and walk out?

**Hon. Odinga:** Mr. Deputy Speaker, Sir, I am being called for another meeting, and that is why I have insisted that I must tell the House that there is a statement--

**Hon. Deputy Speaker:** Okay, proceed!

**Hon. Odinga:** Thank you. Mr. Deputy Speaker, Sir, look at page 9 of this report, item No. 4.0, Financial Transactions. It says an informal meeting was held in January, 2014 at IFAD Hall with all elected hon. Members of the County Assembly and the CEC of Agriculture and the meeting resolved that an agribusiness account to be opened and the monies collected from agribusiness activities be managed from this account.

Mr. Deputy Speaker, Sir, we all know that it is an illegality both constitutionally and under the County Government Act, 2012, that all monies should be channeled to one account. And it is said here that elected Members sat at IFAD- I was not among them that sat at IFAD and approved opening of this account. Mr. Deputy Speaker, Sir, we will be tying our hands if we allow such a report to go into our records. Thank you.

**Hon. Andiego:** Thank you, Mr. Deputy Speaker; I am just worried of how small I am because I have been on my feet for long and I could not catch your eye, I am sorry for this. I just want to appreciate the Committee because, Mr. Deputy Speaker, you know information is power and from them we've got information, we have something that we can talk about. I thank the Committee for bringing us this report, you have opened our eyes.

I am a representative of the people, and Mr. Deputy Speaker, we are here to represent the views, needs and demand of the people we represent. At times I feel so much pained that I come here and I get a report that is assumed I know, yet I know nothing about. We have really suffered. Mr. Deputy Speaker, so much money is being spent on agriculture and if you go back to

our Wards, you may find out that we-- I personally, sometimes part with huge sums of money towards these issues.

At times when there are seeds or grains that are being distributed, I'm forced to hire a track to carry maize from Bondo to my Ward yet money for distribution was allocated. So, the information that we get here will help us.

The only thing that I am requesting our people is that after getting such information, it is high time that we call the CEC concerned so that we question her and put things in order. We really need to put things in order for this County to run smoothly. A situation where somebody says because she is a CEC or whatever and then decides for us, we will suffer a lot. Ladies and gentlemen, we need to rise up and do the work we were elected for.

Mr. Deputy Speaker, if you check No. 3.0, it is stated that we have 12 County government owned tractors and 8 private tractors, and when you go deep inside on the remarks, the 8 private tractors rose to 14.

It is something that brings about questions. There is also a place they said; after consultations with the Members of this Assembly, they agreed that we will provide security for the seeds that will be placed in some stores. I am told to provide security yet I don't know where the seeds are kept. Like in my Ward, I am seeing it is stated that the seeds will be kept at Kopololo, and yet there is no store there. Our office is in a place called Nango where we have security which is being paid for by the County Government.

So, I would wish Mr. Chairman, that as much as we have the information, we are requesting you to invite the CEC so that we have a one on one talk with her, we explain

ourselves. Agriculture as you mentioned, is key to our County, but sometimes it is like we are playing with what is important to our lives. When we come to the issues of tractors, somebody will tell you that the acreage that you ploughed in your Ward is 100, yet it has not even reached 50.

We need to be serious! When we were preparing the budget, yes it could not match, but we proposed that each and every Ward should have its own tractor that we manage. But if it can't go to 30 tractors, why can't we have 15. So that we say, this week, Elisha has it, next week, Andiego has it. We can manage these things! We need to sit with the Executive and look into how we can also help them. Some of us are very good managers, we have managed so many things for over 30 years and they are successful!

Somebody should not sit somewhere and think that we are very poor managers. When given a chance, we can even make it look much better. We are also good in doing such things, so we want to be involved.

Mr. Deputy Speaker, what worried me most is when my Ward is getting only 25 bags of whatever they call relief. I don't know whether they were unwanted seeds that were turned to be relief. And somewhere, a certain Ward just like mine is getting 139 bags. What was the criterion? What method did these people use to distribute? Or some people were hungrier than others? We are 30 Wards and all should be treated equally, whether I support you or I don't. If you have your own, then you can call a friend and give, but on this one for the County, we are all equal despite our backgrounds.

**Hon. Ngure:** Point of information, Mr. Deputy Speaker!

**Hon. Deputy Speaker:** Yes, what is the point of information you have hon.Ngure?

**Hon. Member:** I just wanted to go back to page 4 of this report and inform hon. Andiego that on the issue of sharing, that might not even be the ideal situation because we are given a report here that Yala Township shared a tractor with North Gem and only one acre has been ploughed. So, I don't know if it will work well when a tractor is being shared.

**Hon. Deputy Speaker:** Hon. Andiego, proceed!

**Hon. Andiego:** Thank you for the information Madam Ngure. But it can work according to the managers there---there are times they say that there are tractors being shared and yet they are not there. If it is there and well managed, it can work. Mr. Deputy Speaker, I am sitting, asking that we need to be serious in our County when it comes to things that are affecting our lives. Thank you, Mr. Deputy Speaker.

*(Hon. Augo stood at her place)*

**Hon. Deputy Speaker:** I had indicated that I would give hon. Andiego the last chance but because of gender, I will indulge you.

**Hon. Augo:** Thank you, Mr. Deputy Speaker. First of all, I just want to congratulate the Committee on Agriculture for giving us this report. Mr. Deputy Speaker, we have wanted to know what is

happening with agriculture and indeed these people have struggled and finally came out with this report.

I am not saying that the report is suitable, be supported and to be adopted, but I am just saying that our eyes have been opened and now we know what is happening on the ground. Just to go to North Sakwa, the acreage which has been ploughed is 139.5-- page 7, the remaining is 5, this is not correct! There is no any acreage of 139 which has been ploughed! There isn't! Hon. K'owii, just let me talk!

**Hon. Owii:** I'm not talking, I am only wondering.

*(Laughter)*

**Hon. Augo:** So, we are not condemning this report, but hon. Members have scrutinized it and have seen where the loopholes and mistakes are. According to me, I am saying that we should bring the CECM to this House to tell us more about agriculture. We want to know where our monies are going because whatever is here is not understandable.

Mr. Deputy Speaker, we have to be a very serious House when it comes to matters of money in this County. And that is why I am saying that this report is an eye opener! As you have said, our brother and his committee are not supposed to bring their own report, but they are to work with the Executive to bring us the report, because they are the implementers. So, Mr. Deputy Speaker, I want to say that this report should be looked at again and we need the Executive in this House. Thank you, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. I would be in trouble if I don't give hon. Elisha and hon. K'owii a chance to speak. I will start with hon. Elisha. They have been standing up all along and Members were many who wanted to contribute. Let us hear from hon. Elisha.

**Hon. Okuku:** Thank you, hon. Deputy Speaker, for giving me this opportunity to offer my services to the County of Siaya. Mr. Deputy Speaker, Sir, it is difficult to support this report because of the identified, 1, 2, 3 areas.

One, Mr. Deputy Speaker, when you go to page 7, the report indicates that Yimbo East which I represent, the only acreage which has been ploughed is 1 against 39, and when you look at my neighbor, Yimbo West, the acreage which has been ploughed is 28 against 6.8 Mr. Deputy Speaker.

When you go physically and look at Yimbo West and Yimbo East, you will find that where we have land is Yimbo East. Yimbo West is occupied by water, islands and everything. So, when you find that they have only ploughed one acre in my Ward, it is a total joke Mr. Deputy Speaker, and a total mockery to this House.

This CECM in charge of Agriculture, just like Members have mentioned, should be called before us Mr. Deputy Speaker, because according to my understanding, I think, she is drawing money in the name of salary and doing a very big disservice to the community of Siaya.

We must stop this and we cannot do this by not inviting her in our midst. I think it is high time that we should call her here and inform her that our people need services. You know Mr. Deputy Speaker,

agriculture is very fundamental and it is the-

--

*(Hon. Asewe lifted up his hand)*

Asewe, I am on the floor! Please obey

**Hon. Deputy Speaker:** Hon. Elisha, Asewe has done nothing that threatens your life.

**Hon. Elisha:** Mr. Deputy Speaker, protect me, I am seeing his hand up always.

**Hon. Deputy Speaker:** I am protecting hon. Asewe from you because you are the one who looks more harmful to hon. Asewe.

*(Laughter)*

**Hon. Elisha:** Okay, Mr. Deputy Speaker, when you look at this report, you find that the maize relief- page 14- in my Ward they brought 43 bags, I don't want to deny this. I saw some bags in my office and I involved the area Chiefs and Asst. Chiefs in my Ward to distribute it. But what worries me is this; what was the rationale of the impact assessment to justify that the 28,000 people that I represent in Yimbo East only needed 43 bags while in some Wards, people got around 139 bags Mr. Deputy Speaker?

Again my worry is this; who gave the Executive the authority or approval to go this direction Mr. Deputy Speaker? Everything being done which touches on public funds needs approval!

So, in a nutshell, I want to conclude by saying that it's a high time that we thrash this report. Then two, we call upon the CECM in charge of agriculture to come and

face the Committee of the Whole House so that we can put things straight and stop this impunity. Thank you, Mr. Deputy Speaker, Sir.

**Hon. Deputy Speaker:** Hon. K'owii, I hope you are not going to summarize what other Members have talked about.

*(Laughter)*

Give your contribution without repetitions!

**Hon. Owii:** Thank you, Mr. Deputy Speaker, Sir. It is always hard to argue with the Chair. I have stood several times, Mr. Deputy Speaker, but you chose to give me the last chance. I may repeat, I don't know.

**An. Hon. Member:** Don't repeat!

**Hon. Owii:** You had your chance! If you didn't have, just come back and speak. Mr. Deputy Speaker, there are two things that I wanted to talk about or just seek clarification on. And they are things that would make us not believe the Committee on Agriculture in this report that they have given us.

One, we shouldn't just go and get dictation from the CECM and write notes as if we are children in a class, we don't even question! For instance, if we may make a mistake of accepting this particular report, then any sensible person would see this House to be actually trying to promote impunity. If you look at page 11, there is the purchase of storage bags that has been talked about here.

Who would buy an empty bag at Kshs. 650? That is sheer corruption! And it

would mean that this House, if at all we adopt this particular report, then we are promoting corruption in the Executive!

I believe that even if the CECM was giving information as was required by the Committee, the Committee had every opportunity to ask questions! Why was an ordinary empty bag costing Kshs. 650? They would have asked! And even in their recommendations, they have not said anything about the same! That one would actually show a bit of impunity.

Mr. Deputy Speaker, Sir, I said I had two issues that I felt I would highlight.

The second one was the issue of distribution of--These are not relief food! If they were relief food, then this is the time! They are keeping quite a number of bags, close to 1,483 bags in stores! Why don't they give them out! Why do they only give 5 bags to a whole Ward? And they are keeping too many!

For what purpose now! I believe the Committee on Agriculture should have asked why they were keeping too many bags, for what and why they were giving too little. Because I know in some places people are suffering; there is famine in some places. Why are they not making any considerations for those particular places?

I have an issue, and this one is a repetition, in fact in almost all sectors. That if there is any consideration, then it has to be Bondo and Alego Usonga. And they just do it! Like now when they were distributing, I don't know if it was relief, but let me use the word relief. Mr. Deputy Speaker, Sir, they just concentrated in Bondo and Alego Usonga and they did not consider any other place in the remaining four Sub-Counties i.e. Ugenya, Ugunja, Gem and Rarieda.

I believe those are parts of Siaya County and I wanted to request that because we feel that in their recommendation they should have put that other places should also be considered, I want to request that even without actually recommending the passing of this particular report, whatever is remaining in the stores should now be distributed to the remaining Sub-Counties. Not actually just making consideration of-- I was given only 25 and other places got 0 (zero).

I said I had only two issues which I wanted to address, Sir, and I think I have touched on them. If I made any summary, then I did not intend to, I had to speak about them. Thank you, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you, hon. Owii. I now call upon the Mover of the Motion to respond. But before he responds, as I had said earlier, hon. Members, the report is made up of the facts that were gathered from the CECM and the Department of Agriculture. If we approve this report, then we are saying that we are comfortable with the information that our Committee gathered. If we reject this report, then we are simply sending a message to them that the information that you gave us is inappropriate and you need to up your socks.

We are not disapproving the information from the Committee on Agriculture, let us understand that. We are not discrediting what the Committee on Agriculture did. What the Committee on Agriculture has done is just to facilitate the process of obtaining information from the Department of Agriculture to the Assembly.

They have highlighted to us what the department of Agriculture has been doing. It is not their report as the Agriculture

Committee, but they have presented a report or facts as per the Department of Agriculture. So, let the Agriculture Committee not feel that we have thrashed their report, that is not your business. Perhaps even the Agriculture Committee Members are not really for that report.

You never know! Maybe Members of that Committee are also saying that the facts these people gave us are not appropriate! So, let us not feel that we are doing a disservice or discrediting what the Agriculture Committee has done. If we approve it, then we are saying kudos to the CEC and her Department, and if we disapprove it, then we are saying the information that the CEC and her department gave us was not appropriate.

Chairman of Agriculture, it's your time.

**Hon. Agoko:** Thank you, Mr. Deputy Speaker. First of all, I express my gratitude to Members of this House for their very many contributions as to the issues raised on the report. Mr. Deputy Speaker, I am delighted by the response of this House.

I want to appreciate the Members because they looked at each word, each statement word by word, sentence by sentence. And Mr. Deputy Speaker, I could not do it any better when I got this kind of information and this is what the implementers in the department have. I did not find any better way to soothe it or to sweeten it before presenting it to the Members.

Mr. Deputy Speaker, it is my role and the role of the Committee to present to the Members the affairs of the Executive, each and every activity and the way they are conducting things. When it comes to the distribution of relief, it is not within the

mandate of the Agriculture Committee to decide on where the relief is to be taken, but it is indicated in this report for the Members to know that out of the strategic grain reserve, so much was released.

So, it is for the Members consumption to know that the activity took place and so much was removed. I am therefore putting to this hon. House that we are going to revisit these issues, but I would be very happy in engaging you further so that we ensure that those farmers who paid in 2013 and have not been ploughed for, kindly, I still call upon you Members to help us with the details so that as we engage the Executive, we also have some facts and figures. So, that we can say, so and so in this particular Ward paid in 2013/2014 and has not been served. And in that regard Mr. Deputy Speaker, the Members will be served better.

Mr. Deputy Speaker, I also wanted to put it that--- it is unfortunate that the Member representing Usonga Ward is absent, he has left, but the Committee really engaged the department on the issue of Usonga.

We really wanted the facts and figures correct, and they said it many times, Mr. Deputy Speaker, Sir, that tractors were paraded beside the Member of County Assembly's office in Usonga on instructions of the Governor for a whole one week. The entire Committee was taken aback that that was done. I cannot in any way not say what was reported to us and I was reporting exactly as it was put to us.

Mr. Deputy Speaker, let me thank this House, and I promise to give them a more comprehensive report including their concerns in 14 days. Thank you, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you.

**Hon. Agoko:** Mr. Deputy Speaker, I would request that this House facilitates the Committee so that we can visit certain fields to really confirm-- because the issues we are getting here Mr. Deputy Speaker, I didn't know that we were to go the fields to confirm and verify certain activities that are taking place.

For this regard, it will be important that we go to places like Usonga and really see what is really there and why those people don't need the tractors, because as things stand, I would still bring such a report here that would not please the ears of some of us. I must just say what is there on the ground. Thank you, Mr. Deputy Speaker.

*(Applause)*

**Hon. Deputy Speaker:** Thank you. As I had indicated earlier, whatever decision this Assembly shall arrive at, it should not bother the Committee so much. Because if we reject it, we are simply sending a word to the CEC and her team that we rejected the information that you gave us. If we approve it, then we are telling them, congratulations. And it is not disapproval on the good job of our Committee on Agriculture in this Assembly.

*(Question put)*

Hon. Agoko!

**Hon. Agoko:** Yes, Mr. Deputy Speaker. I had requested for withdrawal and to get back to the House in 14 days' time.

*(Members responded in unison, "YES")*

*(Applause)*

**Hon. Deputy Speaker:** Hon. Agoko, that is very unprocedural. You cannot ambush the Chair when the Chair is putting the question.

*(Laughter)*

But we are all learning. If the Chair wishes to withdraw his report then I have no reason to object.

*(Applause)*

Because you can withdraw your report at any stage before the voting is done. So, we will take the report back to the Agriculture Committee. But I don't know why you are so worried, because I had already indicated to you, if it doesn't see the light of the day or if it sees, that should not bother this Committee.

**An. Hon. Member:** It is not our fault!

**Hon. Deputy Speaker:** Yes, we don't manage tractors, we don't manage fertilizers and therefore, if the Assembly rejects the report from CEC's department, that should not bother the Chairman! Do I proceed or---

*(Members answered in unison "Proceed")*

**Hon. Deputy Speaker:** No, I just want to get it from the Chair himself.

**Hon. Agoko:** Mr. Deputy Speaker, as you've put it, I would have just wished that as it gets rejected in the next phase, I get some of these facts and figures, but when it

is rejected as of now, it means we shall have lost the agenda.

I would wish to engage the Executive further on these particular agendas because the matter is so hot, it is urgent and we need to engage immediately. So, I would humbly request that I withdraw; we don't subject it to a vote for now, but let it be rejected at the next level when we shall have brought other facts.

**Hon. Deputy Speaker:** Okay, I direct that the report goes back to the Agriculture Committee and we get a report. We will give you next week, but on the Tuesday of the other week, we must have this report back.

If at all we were going to reject this report, then I was going to invite the CECM in charge before the Committee of the Whole House, but now that you are taking it back, then the CEC will have to face the committee alone.

**Hon. Owii:** It is better that way

### ADJOURNMENT

**Hon. Deputy Speaker:** Hon. Owii, you have a Motion. This should be your Motion.

**Hon. Owii:** Thank you, Mr. Deputy Speaker, Sir. Given that we have exhausted all the business of the day, I want to move a Motion of adjournment of this House: -

That the House be adjourned until tomorrow at 2.30 p.m. and I want to call upon hon. Munda to second.

**Hon. Munda:** Mr. Deputy Speaker, I rise to second.

*(Question put and agreed to)*

The House rose at 5.06 p.m.

**THURSDAY, 26<sup>TH</sup> FEBRUARY, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYERS****COMMUNICATION FROM THE CHAIR**

**Hon. Deputy Speaker:** Hon. Members, as you are all aware that last week there was a court judgment on our budget ceilings that has been in court for quite a number of months. Last week on Friday, there was a judgment and the Office of the Speaker together with the Speaker's Panel are studying the judgment and there will be a communication to the whole House in the coming week. Thank you.

Next Order!

**PAPERS**

**Hon. Apiyo:** Mr. Deputy Speaker, Sir, thank you for giving me this chance to lay on the Table of the House:-

The Report of the Committee on Roads, Public Works, Transport and Communication on the Tendering Process for the FY 2014/2015 as it was on the County Government Website for adoption,

**Hon. Deputy Speaker:** Alright, you are allowed to Table the Paper or the document.

*(Hon. Apiyo laid the document on the Table)*

**Hon. Deputy Speaker:** Next Order!

**STATEMENTS**

**Hon. Onduru:** Mr. Deputy Speaker, Sir, I would like to give a Statement, but if you look at the Order Paper, they are two, (a) and (b), but it is only one Statement. Mr. Deputy Speaker, I would like to give my Statement on refuse removal, refuse dumps, solid disposal function of the Health Service. Control of air pollution, noise pollution and other public nuisances and outdoor advertisements.

Mr. Deputy Speaker, I wish to draw the attention of this House that, the Fourth Schedule of the Constitution of Kenya, 2010, Part 2, County Government provides that, health, County Health Services functions and powers are:-

1. County Health Facilities and Pharmacies
2. Ambulance Services
3. Promotion of Primary Health Care
4. Licensing and Control of undertakings that sell food to the public
5. Cemeteries
6. Refusal Removal, Refuse Dumps and Solid Waste Disposal

**AWARE** that, functions of refuse removal, refuse dump and solid waste management has been delegated to the

Ministry of Environment, Water and Irrigation,

**FURTHER AWARE** that the Fourth Schedule of the Constitution presided that the following functions be carried out by the Ministry of Water, Environment and Irrigation implementation of specific National Government policies on Natural resources and Environmental conservation under paragraph 10,11and 12.

11. County Public Works and Services including

- a) Storm water management systems in built up areas
- b) Water and Sanitation.

**FURTHER AWARE** that, article 185 (2), 186 (2) and 187 (2) Fourth Schedule, Constitution of Kenya, 2010 and article 185 (2) states that; A County Assembly may make any Laws that are necessary for, or incidental to the effective performance on the functions and exercise of the powers of the County Government under the Fourth Schedule.

Article 186 (1) states that:-

- Except as otherwise provided by this Constitution, the functions and powers of the National Government and the County Government respectively are set as out in the Fourth Schedule.

Article 187 (2) states that:-

- If a function or power is transferred from a Government to one level or to a Government at the other level;
- a) Arrangements shall be put in place to ensure that the resources necessary for the performance of

the function or exercise or the power are transferred and

- b) Constitutional responsibility for performance of the function or exercise of the power shall remain assigned by the Fourth Schedule.

Mr. Deputy Speaker, Sir, refuse removal, refuse dumps and solid water disposal is a function of County Health Service. Transferring this function to Ministry of Water, Environment is a violation of the Constitution as provided under Fourth Schedule and Article 185 (2), 186 (1) and 187 (2) cited above.

Mr. Deputy Speaker, Sir, I wish to request for a Statement from the Executive on the following:-

1. Why they ignored article 185 (2) and 186 (1).
2. Does the Ministry of Water, Environment and Irrigation have trained personnel to supervise and manage solid waste?
3. Why they violated the Constitutional provision.

Thank you, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** As I look at your Statement, it is cross cutting, both on Health and Governance. Hon. Elisha, what are you murmuring about? What are you saying? Can somebody give hon. Elisha the microphone!

**Hon. Elisha:** Hon. Deputy Speaker, I am saying it is cross cutting, even environment services are included there--- and that is why it is environment.

**Hon. Deputy Speaker:** Okay. It is cross cutting on many sectors but I want to direct that the same be handled by two Committees, you can have joint meetings in

your deliberations. That is, Health and Governance. We can have a report in the next two weeks, I wish we had a dairy. We can have the report on the 12<sup>th</sup> of March. Hon. Chair for Health and Chair for Administration, are they both here? I can see Chair for Health, let's have this report on the 12<sup>th</sup> of March.

Next Order!

### MOTION

**Hon. Apiyo:** Thank you, Mr. Deputy Speaker, Sir, once again. I want to move a Motion: -

THAT this House adopts the Report of Committee on Roads, Public Works, Transport and Communication on the Tendering Process for the FY 2014/2015 as it was on the County Government's Website, laid on the Table of this House today Thursday, 26<sup>th</sup> February, 2015. I would request my colleague hon. Booker to second.

*(Hon. Minami stood to second)*

**Hon. Deputy Speaker:** Before I propose the question, according to the copy that I have in front of me, I wish to inform Members that, your copies as they are stapled, you need to re-arrange them. I don't know whether you have realized that they are not properly arranged. You can go through it then you re-arrange them, preface should be page 2, of course the heading is page 1, page 3 is Committee Findings, then the page with the signature is page 4.

*(Question proposed)*

It is open for debate. Hon. Apiyo, you can take the microphone

**Hon. Apiyo:** Thank you, Mr. Speaker. The Report of the Committee on Roads, Public Works, Transport and Communication, concerning the Tendering Process for the FY 2014/2015 as it was on the County Government's Website, dated on 26<sup>th</sup> February, 2015.

### 1.0 PREFACE

Mr. Deputy Speaker, Sir, on behalf of the Members of the Committee on Roads, Public Works, Transport and Communication, and pursuant to the provision of The Standing Orders No. 191 (5) (a) and (g), it is my pleasure and duty to present to the House, the Committee's Report on the status of Tender Documents for the Financial Year 2014/2015 on the County Government Website.

### 1.1 COMMITTEE MANDATE

Mr. Deputy Speaker, the Committee on Roads, Public Works, Transport & Communication is established under The Standing Order No. 192 and is mandated to oversight on all matters related to County transport, including County roads, street lights, traffic and parking, public road transport and ferries and harbors, excluding the regulation of International and National shipping and matters related thereto; County public works and services including storm water management systems in built up areas, firefighting services and disaster management.

### 1.2 MEMBERSHIP OF THE COMMITTEE

1. The Hon. Benson Omondi  
- Chairman

2. The Hon. Christopher Apiyo  
- Vice Chairman
3. The Hon. Andrew Omwende  
- Member
4. The Hon. Helida Atieno  
- Member
5. The Hon. Murray O. Asewe  
- Member
6. The Hon. Joannes Andiego  
- Member
7. The Hon. Pamela Midumbi  
- Member
8. The Hon. Pius Ombiyo Ogutu  
- Member
9. The Hon. Edwin M. Otieno  
- Member
10. The Hon. Booker Minami  
- Member
11. The Hon. Margaret Olongo  
- Member

### 1.3 BACKGROUND

Mr. Deputy Speaker, Sir, after myriad of complaints from members of the public and local contractors, regarding tender documents on the County Government website, this Committee after lengthy deliberations decided to call the County Director of Procurement, Mr. Tobias Oloo; to address the issue that formed the basis of these complaints. The main issues were;

- I. Merging of more than one project in one tender and

- II. Delay in payment of contractors

### 3.0 COMMITTEE FINDINGS

#### I. Merging of more than one project in one tender

The Director informed the Committee that in the previous financial year (2013/2014) his office together with that of the County Engineer faced two major challenges;

1. Delay in the completion of projects by contractors and,
2. Inadequate supervision of projects leading to poor quality of work

Due to the above mentioned, his office decided to adopt a new strategy this financial year. Thus they clustered projects and tenders in three categories as follows;

- Cluster A -  
Ksh.2.5 Million and above
- Cluster B -  
Ksh500, 000 - 2.5 Million
- Cluster C -  
Ksh.1- Ksh.500, 000

The main reason for this clustering and subsequent merging of projects in cluster (A) tenders was to ensure that;

1. There would be a few numbers of contractors who could be easily supervised by the office of the County Engineer which is currently under-staffed.
2. The contractors who will be selected for these projects, especially in cluster (A) tenders, will be those with both financial and technical muscle to do quality and timely work.

The cluster (B) tenders were specifically targeted for women, youth and people living with disability from within the County. This also catered for local

contractors who may not have a very big financial capacity thus alleviating the fear of locking out small local contractors.

In addition, Cluster (C) tenders were targeted at groups from within the Wards where the respective projects were to be undertaken.

The main advantages for this new approach were;

1. Cost reduction; economies of scale dictate that when you have fewer contractors working on numerous projects, you save money.
2. Merging of projects results into fewer contractors thus easing supervision and ensuring quality of work done.

To further ensure that local contractors are taken care of, the Director informed the Committee that contractors from Siaya would be awarded 5 points during selection, this was to give them an advantage over the rest of the bidders from outside the County.

## **II. Delay in payment of contractors**

Mr. Speaker Sir, delayed in payments was another major challenge affecting contractors. However, the Director informed the Committee that this was because in the previous financial year most contractors did sub-standard work and some did not even complete the projects, this made it difficult for the County Government to pay these contractors as the supervisors could not issue certificates of completion to the accounts office so as to facilitate timely payments.

This sub-standard work was pegged on the fact that most contractors who were selected for these projects had no technical expertise on construction and therefore compromised on quality of work done,

further making it difficult for the County Government to pay.

The Director further informed the Committee, that the major reason why they ended up with quack contractors was due to a lot of political interference during the selection of contractors.

## **CONCLUSION**

In a nutshell, the Director thoroughly addressed the issues of clustering of tenders and delayed payments of contractors in the previous financial year to the satisfaction of Members of the Committee, and there was a general agreement to have the tendering process continue. It was also agreed that the Committee will be informed on major policy changes to keep them in the know so as not to create anxiety.

## **RECOMMENDATIONS**

- The office of the County Procurement Director ought to consult often with the Committee on change of policy that affects the electorate and especially sensitive matters such as tendering.
- The office of the County Engineer should employ more staff so as to ease supervision and facilitate faster payment of contractors.

Thank you, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you. Hon. Muhulah!

**Hon. Muhulah:** Mr. Deputy Speaker, thank you, this afternoon. I want to thank the Committee on Works for the very good work that is working in our mind now. However, Mr. Deputy Speaker, I am a bit concerned by the decision by the public works through the tendering director of

accepting or suggesting that all the projects be lumped in one tender document.

Mr. Deputy Speaker, we get that formerly, when the tenders were done individually, there was a very big challenge in executing these tenders and completing them in time and with quality. I wonder now what informed the mind of the Director of Procurement that they should put 3 or more projects in one tender document.

In that capacity, the contractor will have it, let's say for example Mr. Deputy Speaker, there are some instances where you get 3 ECDEs put in one tender document Mr. Deputy Speaker. If formerly, completing one ECDE in time and with a very good and acceptable quality was challenge, I wonder how that is going to be easy for now.

Mr. Deputy Speaker, there is somewhere here where the Committee says that they had agreed with the Director of Procurement that the tendering process go on. Again, through your indulgence Mr. Deputy Speaker, I want you to make a clarification to me whether the Committee has powers to decide for this House or they go, get the information, then come and resolutions and deliberations are done in this House Mr. Deputy Speaker.

This is the second time Mr. Deputy Speaker, we are having this. The first time we had it was when the Committee on Education was saying that they had accepted and agreed with the CEC that the system that they were using for the bursary was to go on. Now again, we are getting from the Public Works Committee that they had agreed at the Committee level that the tendering process, the way it was, was to go on Mr. Deputy Speaker. Is it the Committee that decides for this House or the work of

the Committee is to gather information and bring a report to this House then resolutions are done Mr. Deputy Speaker?

Thank you, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Abayo!

**Hon. Abayo:** Thank you, Mr. Deputy Speaker, for giving me this opportunity. I rise to oppose this Motion. Mr. Deputy Speaker, why do I oppose this Motion? I want to start from the conclusion. The first statement is that the director thoroughly addressed the issues of clustering of tenders and delayed payments of contractors in the previous financial year, and the statement I have issue with is, '*to the satisfaction of the Committee*'.

That the Committee is telling this House that they were satisfied with the explanation that the director did give, that is where I don't agree with them Mr. Deputy Speaker. Mr. Deputy Speaker, as my friend has mentioned, the reasons given for the cluster-- my brother has mentioned that up to date some of the contractors have not finished the work; it is well over a year! That within four months they want to do three major projects, Mr. Deputy Speaker. The reasons given; one is, there would be fewer contractors that could easily be supervised by the office. I don't agree with this.

The contractors supervise projects, so whether you give a contractor 3 projects, those projects have to be supervised independently. We don't supervise the contractor, we supervise the work, it is upon which we do a report Mr. Deputy Speaker. So, whether we have 600 projects, we will supervise 600 projects against 10 contractors, we will not be talking about supervising 10 contractors but supervising

the 600 projects. Therefore for me, it does not make a difference, Mr. Deputy Speaker.

Again, the contractors that were selected, that they had the technical and financial capacity, this is being realized now. Mr. Deputy Speaker, there is an admission here by the director that the previous tendering process did not take this into account.

The director is owning up to tell us and the Committee is getting convinced, I don't know whether the Members of this House will be convinced. That this was not done in the previous situation Mr. Deputy Speaker, I don't want to agree with this. It is not really the issue, we are talking about few engineers, what is their technical capacity?

The engineers themselves who do this work, leave alone their capacity, we are talking about the inadequacy in terms of their numbers. What has been done to increase this number? Mr. Deputy Speaker, I even remember in the budget provision, we did put a pick up for this team, I don't know whether that pickup was bought --- one or two that would actually help in facilitating this. And I believe Mr. Deputy Speaker, that the director is not giving us the actual reasons that has caused this cluster.

Mr. Deputy Speaker, moving forward, and the Committee goes ahead to give us the advantages. Cost Reduction! The economies of scale! On whose side? Is it economies of scale to the County or to the side of the contractor, who is benefitting here? I think Mr. Deputy Speaker; there is a clear misrepresentation of facts here. One contractor more projects, the advantage is to the contractor or to the County? The Committee needs to tell us whose interest they are serving! Mr. Deputy Speaker, I

don't want to agree with that. If you have 3 projects, it means you are giving more money to a few contractors, leaving out the lots of the residents of Siaya who may want to take the advantage.

Now, in the categorization, I want to agree that people who do not have the capacity should go with what merits them. But I don't agree that clustering is a solution, because there is what we call in economics, 'primitive accumulation of wealth' and that could be in the fewer hands. Mr. Deputy Speaker, this is what we are fighting! We cannot take more money and put it in the fewer hands because they have the capacity.

*(Applause)*

We are impoverishing ourselves instead of leveraging opportunities where all and sundry have opportunities to make wealth and the County needs to give that opportunity. It is so clear to me, Mr. Deputy Speaker, that they are curtailing that particular process. Single contractors have not finished projects today; it is interesting that we would come up to support that.

Mr. Deputy Speaker, moving forward to page 3. That to further ensure local contractors are taken care of, the director informed the Committee that contractors from Siaya would be awarded 5 points during selection, this was to give them an edge over the rest.

Well, I may be a lay person, I am a career teacher Mr. Deputy Speaker, but 5 points against what? We want a report that communicates, if the local contractors are being awarded 5 marks, against what? Other contractors are being given what? So, we expected a little bit of elucidation on this

that we have some facts or comparison that we who did not sit in this Committee have the facts right.

Mr. Deputy Speaker, moving forward. On supervision, I wonder the role of the Project Management Committee at the grass root, because it is on the completion certificate that people are paid, they are giving this as a reason for the delayed payments!

I am just wondering! The Committee should have also raised, what is the role of the Project Management Committee before payments are given, because, these are the immediate committees that supervise this work. Mr. Deputy Speaker, that for me is an area that needs to be looked at and the Committee should have brought the role.

But now, the mother of all of it. This substandard work was pegged on the fact that most contractors who were selected for these projects had no technical expertise on construction and therefore compromised the quality of work. Mr. Deputy Speaker, hon. Members, whom are we bending to? There is ownership that in the previous tendering process, these issues were not considered. Is it the Office of the Governor, which Executive, because this is the role of the Executive.

They are owning up that there was no technical expertise. You therefore understand Mr. Deputy Speaker, why the projects were shoddy. They are taking ownership. Why did we pick on people who did not have the technical capacity? This is interesting, and the little bit of it is that they are owning up that they brought in quack contractors and this was due to political interference during the selection.

Mr. Deputy Speaker, the Members seated here are politicians, who did

interfere? Is it Members of this House? Our integrity plus others is in question! Who are these who interfered? And what evidence is there? Or somebody is just shifting the buck to others to say we failed and they want to bring in the hon. Members. Were we Members involved in the tendering process? Mr. Deputy Speaker, this for me is serious and the Committee needs to give us more facts. How was the political interference? If Abayo was one of them, let it come out!

*[The Hon. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker (Hon. Madialo) took the Chair]*

Let me finalize with the recommendations, Mr. Temporary Deputy Speaker. That the office of the County procurement director ought to consult often with the Committee on the changes of policy. Mr. Temporary Deputy Speaker, it is this House that approves policies. The Committee is endorsing that there was a change of policy but they are only pleading that a change of policy should have been shared with the Committee. If there was a change in the policy, did this House approve it? I would be happy to see a copy of that policy that was approved by this House, and if it was not, I have a question; who approved it? Mr. Temporary Deputy Speaker, I oppose this report in totality.

*(Hon. Were and Hon. Okello stood up at their places)*

**The Temporary Deputy Speaker**  
(Hon. Madialo): Sorry, hon. Uzima and hon. Okello just take your seats for a minute. Hon. Apiyo, even before you contribute,

was this report written by the CEC in charge of roads or is it by your Committee?

**Hon. Apiyo:** Mr. Temporary Deputy Speaker, this report came from the Committee Members, not from the CEC. We invited the director of procurement and what he gave as his input, that is what we have reported on.

**The Temporary Deputy Speaker** (Hon. Madialo): I will give a ruling on whether or not it should have been debated in the first place, but let us hear the views of the Members. Hon. Uzima Were.

**Hon. Were:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. The authors of this report remind me of the Biblical five ladies who were waiting for the bridegroom and when the hour beckoned, they realized that they had no fuel.

*(Laughter)*

It is gangrene---

*(Laughter)*

That is slowly eating the toe and eventually will consume the whole body. I really wondered when I was going through the report and I was asking myself what hypnotized the team. In medical practice, there is what we call somnambulism—

*(Laughter)*

That is sleep walking. You sleep, you walk and it is a sad practice. We are aware that there are quite a number of contractors who are collapsing under the weight of several projects that they were awarded and they are not able to complete. I wanted to give you an example of a contractor who was awarded projects worth Ksh. 15 million. That is Sports Fund. Upto

date, the 30 Wards have not received the Sports items. 15 million! A contractor is not able to meet the contract and then we hear somebody is telling us that we accept this clustering. That it will enhance efficiency and quality. What madness! Am wondering whether this Committee is an appendage of the directorate of supplies office. We have given you the mandate to have above average performance, I am giving you D-(minus).

*(Laughter)*

I would urge this Assembly to reject this report in its entirety because we are giving a lee way to political contractors.

*(Laughter)*

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Hon. Temporary Deputy Speaker** (Hon. Madialo): Hon. Walter Okello.

**Hon. Okello:** Thank you, Mr. Temporary Deputy Speaker, for giving me an opportunity to speak on the report that is receiving condemnation from the Members and I believe rightly so because of a number of reasons, some of which have already been pointed out by the previous speakers. But for me Mr. Temporary Deputy Speaker, my concern, one, is on the question that this Committee sought to address from the very beginning.

On introduction, usually we expect that reports come as a way of addressing either a Statement from Members or a way of petition or a certain problem that the committee found on their own

Mr. Temporary Deputy Speaker, the report before us is really grey on what it's seeking to answer. The report starts by

saying that, after myriad of complaints from members of the public and local contractors regarding tender documents on the County Government Website, the Committee decided to call one Mr. Tobias Oloo for deliberations, and the issues they said were; merging of more than one project in one tender and delay in payment of contractors. Mr. Temporary Deputy Speaker, it really does not help the Membership of this House by not telling us exactly what problem the Committee went out to address.

So, Mr. Temporary Deputy Speaker, if we gave the Committee the benefit of doubt that the problem they had in mind was the merging of more than one project in one tender and delay in payment, we would expect Mr. Temporary Deputy Speaker, that the same compares with the recommendations.

I believe all of us we went to literature classes at various levels. We wrote compositions and we were taught that there is supposed to be certain coordination between what you have in the introduction and what you finally have in the conclusion Mr. Temporary Deputy Speaker.

Reading what we call the introduction of the report and what you find in the recommendation, the divergence really leaves one wondering if the Committee by the time they were finishing the recommendations, they were still on the same problem course that they started with. Just on that account alone, the report does not satisfy the main basic level of a report. We have seen reports in this House and Mr. Temporary Deputy Speaker; we are not in the trial and error period of legislation in this County.

However, Mr. Temporary Deputy Speaker, I would wish to tell my colleagues

that we are running the risk of getting confused in our roles. We saw this yesterday with the Committee on Agriculture report and we are seeing this today, where issues that were supposed to come as statements from the CECMs, which have facts as they are- and I commend the Committee on roads for bringing the facts as they are from the CECM. But, Mr. Temporary Deputy Speaker, when this comes as report from the Committee, then as a House we are forced to reject them.

So, Mr. Temporary Deputy Speaker, I think it will be important to clarify to committees, all of us collectively, through trainings or through whatever means possible, so that we are able to differentiate what we present as Committee reports and what we present as facts found from interactions with CECMs.

Finally, Mr. Temporary Deputy Speaker, I would want to raise an issue with the version by the director that cluster B tenders were specifically targeted for women, youths and people living with disability within the County as a way of catering for local contractors who may not have very big financial capacity, thus alleviating the fear of locking out small contractors.

Mr. Temporary Deputy Speaker, if we adopt this report with this kind of reasoning, Siaya County will go down in history as one of the most *jua kali* run Counties out of the 47. Mr. Temporary Deputy Speaker, with the kind of Membership and the capacity we are seeing here, if we allow ourselves to associate with the kind of reasoning that is coming from the director, then come five years down the line, the legacy that we are going to leave in this County will be more than shameful. I

wish I got the right word that the Hon. Were used; it is a very technical one—

*(Laughter)*

I didn't get it right, but if I got it right I would have applied it here Mr. Temporary Deputy Speaker.

It is a lie, it is imaginary, it is total hogwash Mr. Temporary Deputy Speaker, to imagine that if you cluster projects, Kshs. 500,000 - 2.5 million that you want the youth whom you have refused to get a Youth Fund to get capital kitty from which they can access capital, women whom you have refused to train-- this County Government of Siaya has deliberately failed to capacity build the women of Siaya to be able to do tenders.

This County has deliberately failed to capacity build the youth of Siaya County to be able to do tenders. Tenders are reserved for cronies; tenders are reserved for certain retirees who have camped at certain headquarters.

*(Applause)*

The tenders are reserved for people who can carry buckets of fish and carry sheep and goats in exchange for tenders Mr. Temporary Deputy Speaker. If we associate with this report Mr. Temporary Deputy Speaker, we shall be validating rotteness

So, Mr. Temporary Deputy Speaker, I want to sit but I beg your guidance. We are not condemning the Committee on Roads, we are not condemning the Committee on Agriculture, we want a clear guidance on what to present as statement report and what to present as facts and the recommendations of the Committee which should be a culmination of research, of counter checking

facts with what is on the ground and what is on paper.

Thank you, Mr. Temporary Deputy. I reject this report.

*(Applause)*

### **The Temporary Deputy Speaker**

(Hon. Madialo): Hon. Agoko!

**Hon. Agoko:** Thank you. Mr. Temporary Deputy Speaker, Sir, as a victim of circumstances, I would be the last person to reject this report.

Mr. Temporary Deputy Speaker, as a matter of fact, I don't have any problem with the Committee and I don't have any problem with the way they have done this. But, Mr. Temporary Deputy Speaker, I have a lot of problem with the policy, I have a problem with the conduct, the way activities are done. For this House to adopt this report, we will be turning ourselves into a lynch ball of Siaya County.

We could be lynched by the residents of Siaya who would be aspiring to do business. Mr. Temporary Deputy Speaker, it will be unfortunate and it is unfortunate that the gap between the rich and the poor is widening and in this regard the County Government of Siaya is widening it at a very high speed.

If we subject 90% of the residents of Siaya who may not be able to do a Kshs. 10 million job, we knock them out because we are clustering these projects. We shall be impoverishing as many people and enriching quite a few. The multiplying effect in economics just like hon. Abayo has put it shall not have been met and we need to accelerate the multiplying effect to the economy so that we also accelerate the growth in Siaya County.

Mr. Temporary Deputy Speaker, as hon. Were put it, it would be gangrenous that the residents of Siaya may end up not having any money. As of now, Mr. Temporary Deputy Speaker, I want to say that the kind of contractors who will be doing this work will not be the residents of Siaya. You could have heard it over the radio the other day when the residents of Sindindi Ward were on air; criticizing hon. Agoko for allowing contractors from Mt. Kenya region to do some work in Sindindi Ward.

Mr. Temporary Deputy Speaker, you know the people who do this and as a matter of fact, it has been explicitly explained here that the technical expertise of the contractors who were given work was highly questionable, it was below standard, was below bar. Mr. Temporary Speaker, I would lack any other better way to express it but it was unfortunate and it is unfortunate that some of the contractors who were given work in my Ward are yet to complete it to date.

The very small jobs that they were given, they are yet to complete and now if you cluster these, you merge them and give one contractor 20 jobs or 10 jobs, Mr. Temporary Deputy Speaker, then it means that by the end of the financial year Siaya County shall have not done anything or very little shall have been done.

Mr. Temporary Deputy Speaker, this change of policy, that contracts be clustered and merged together, I don't know from what --- that the policy was made. And I want to say that in terms of hierarchy, I am failing to know whether it is the director of procurement or who makes the policy? I tend to believe that this is the House that generates policies for the County

Government. And in this regard Mr. Temporary Deputy Speaker, I beg to disagree with the policy that jobs be merged together to the tune of 10 million, 15 million and given to one contractor. Assume that one contractor has been given 10 or 5 of such contracts as it were in the financial year 2013/2014; it means that 80% of a lot work shall have been given to one or two people.

Mr. Temporary Deputy Speaker, the capacity of the contractors. It is indicated here that some of them lacked capacity. How was it done in 2013 that they did not give the job to contractors with capacity! If these people lacked capacity, what would happen to make them to now have capacity to do 10, 5, 6, 7 jobs? Mr. Temporary Deputy Speaker, I beg to disagree with this report and call for its rejection. Thank you.

*(Applause)*

**The Temporary Deputy Speaker**  
(Hon. Madialo): Hon. Zilpa!

**Hon. Awino:** Thank you, Mr. Temporary Deputy Speaker. I want to join my colleagues in raising issues against this report, particularly this issue of clustering. I think clustering is going against the spirit of devolution, because devolution means, that these resources should trickle down to the grass root, to the village, so that the common mwanainchi can enjoy the fruits of the resources that are now available from the National Government and other revenues that are being collected in this County. Now, when you cluster them, you give people who have money the advantage of dominating, such that in another 3 years we shall have 100 millionaires in Siaya and over 900,000 beggars in this County.

I think that is not we are working towards. We want to have a fair society. What is happening here is not fair, because these very people, come the next tenders, these people who have already got tenders in this cluster, are the same people who are going to get these money.

Now, how fair is it when those who need this money are not being helped to get it? I think there is need for those concerned to ensure that the money also gets into the hands of women. The cluster that was given to women, you could see that it was just upto- I think Kshs. 500,000. But one wonders whether even those projects really went to those same women. There must be transparency and accountability.

We ought to know who these people who are given these tenders are. Otherwise, we are just going to be taken for a ride, and we are being taken as if we don't have brains and we don't have eyes to see.

There is something wrong and I join others in saying that this report should be rejected. Not because the Committee has not done their work, but from where we have got this information, things are not right. Let's have fairness hon. Temporary Deputy Speaker. Thank you.

**The Temporary Deputy Speaker**  
(Hon. Madialo): Hon. Zilpa, you have not said whether you want the report rejected or--

**Hon. Zilpa:** Thank you, Mr. Temporary Deputy Speaker. I think, following what I have said, the report should be rejected.

**Hon. Temporary Deputy Speaker:**  
Hon. Aneme!

**Hon. Aneme:** Thank you, Mr. Temporary Deputy Speaker. Before I forget,

I want to persuade the House to totally reject this report with reasons.

*(Laughter)*

If you look at the literature of the whole issue, this is not a report from the Committee on Roads and Infrastructure. It is a report from the director of roads, handed over to these people and then they gave it the preamble in order to look like it is theirs so that they bring it here.

*(Laughter)*

*(Applause)*

The whole literature here tells us that these people didn't own this thing. 80% of the report here is, 'the director informed us'. So, they were just swallowing what the directors informed them without chewing.

*(Applause)*

The other thing which infact should have been cleared if the Committee was an oversight Committee; they should have grilled this report to get to know the list of the contractors who did the substandard job to the Siaya people. It is not reflected here.

Number 2. They are accepting that they owned that there are contractors whose payments have not been effected to date. Who are these contractors that the County Government has refused to pay because of the substandard work done? That one is not appearing here. Which means the Committee did not grill this thing to own the report.

Number 3. This director is telling them that now they have selected the contractors who are the best. Who initially chose those contractors who are not the best? We also need to know that. The

Committee should have exhumed that so that we know it. They are now getting the best people, who interfered with their system that gave us the bad ones whom they are refusing to pay? What criteria are they now using to enable them reach the best people which they did not apply initially? That one, the Committee should help us to know!

It is a total lie that these people are combining the projects to one particular person or to a few people so that they get easy supervision. Are they supervising the person owning the company or they are supervising the work? If I am a contractor and I am given 10 projects to do, what is the Committee supervising and what is the director of roads supervising? Is he supervising me or supervising the 10 projects that I was given which cuts across Siaya? So, it is a total lie that combining them is to give them ease to supervise.

Lastly, the report is not giving us an answer on the progress or the status of all the projects that have been undertaken from the year 2013/2014 and some which have been done in 2014/2015.

This report should have given us a summary of the status of all the projects which were done to completion, which have been certificated, which have not been paid because of substandard jobs and all that kind of stuff. We need it here. If this report could have contained all those, then we would say that this report is having some sense.

But otherwise the way it is, our dear Committee only gave us the preamble, but the report is not theirs, it belongs to the director who was telling them how they have been succeeding to fail. Thank you, Mr. Temporary Deputy Speaker, Sir.

**Hon. Temporary Deputy Speaker:**  
Hon. Elisha!

**Hon. Okuku:** Thank you, Mr. Temporary Deputy Speaker, for giving me an opportunity to join one of my best friends, Aneme, to condemn this report. It is difficult definitely to support this report as it is. I begin with the issue of clustering. As it has been said by the previous speakers, clustering projects undermines democracy and even the rights of people. Reason being that somebody cannot sit in a corridor somewhere and say that if you are disabled, then you can only do projects ranging from Kshs. 1- Kshs. 500,000 or from Kshs. 500,000-Ksh. 2.5 Million, or if you are a woman or a youth, you can only go for certain projects.

This undermines the spirit of democracy and bars people from decision making. So, I think that the easy answer that the Committee should have brought to this House is that they wanted contractors who can bring them big shares from the projects they are going to take.

That's why they decided to cluster! So that they can collect more from contractors, and I think this hon. House cannot accept that somebody sits in an office to work formulas on how he/she can collect more from contractors, and we as an Assembly who should be playing oversight role, clap and sing that it is a job well done. That is wrong!

Somebody wants to convince this hon. House that by clustering these projects and by combining them together, then it brings about easy supervision. That is a total lie! Because, if a project is given to Elisha to do in Usonga Ward, another one to the same Elisha as a contractor to do in South Uyoma Ward and another one in Ugunja, it will

force the supervisory team to go to Usonga to supervise the work that I have done there, move to Ugunja to see what I have done there and thereafter move to South Uyoma.

They are not going to call me in a hotel and say, because you are doing three projects in the County and we are now seeing you in a hotel, it is now easier to supervise or assess you. This does not make any meaningful argument before this House. You cannot carry all your eggs in one basket. That means that you are going to kill several Ward projects by giving them to a single contractor.

Mr. Temporary Deputy Speaker, I think that what this hon. House should do is to reject this report and to make a ruling that we refuse ---

**The Temporary Deputy Speaker**  
(Hon. Madialo): Hon. Elisha, don't think for the House, just propose what you want.

**Hon. Okuku:** Mr. Temporary Deputy Speaker, what I propose that this House should do is that we should make a ruling that we don't want to go that direction of clustering projects and combining them together. I think that it is demeaning to members of the County of Siaya.

I think there is a very key important point here; you find that by the time these projects have been clustered the way they have been done, one project will cost over Kshs. 5 million and it will definitely attract contractors from outside Siaya. The people of Siaya will identify projects, approve the budget and those who will reap from those projects will come outside Siaya, take the projects and benefit, while the people of Siaya remain hungry, watching, clapping, worshipping and praying. We can't agree!

I think that since Booker left this Committee, that's why this report has been brought to this Assembly and I think that he should be taken back to this Committee so that a good report can come.

Mr. Temporary Deputy Speaker, I surrender---- oh, he is saying that he is still in the Committee! I wonder if Booker can bring such a report to this hon. House. Thank you, Sir

*(Laughter)*

**The Temporary Deputy Speaker**  
(Hon. Madialo): Hon. Omwende. Members, I will take two more contributions before putting the question.

**Hon. Omwende:** Thank you, Mr. Temporary Deputy Speaker, I will accept the crucifixion that this House----

*(Applause)*

Has subjected the Committee on public works, roads and transport, and this is the same period that Jesus was also undergoing crucifixion.

*(Laughter)*

Mr. Temporary Deputy Speaker, there is a disease that is spreading in this House at a very alarming rate. Some Members who I don't want to quote-- if the report started with one Member rejecting it, most of the Members just follow suit and reject it just for the sake of rejecting.

*(Hon. Muhulah and hon. Aneme stood at their places)*

**The Temporary Deputy Speaker**  
(Hon. Madialo): Hon. Omwende, withdraw that one!

**Hon. Members:** Yes! And apologize!

**Hon. Aneme:** Point Order, Mr. Temporary Deputy Speaker!

**Mr. Temporary Speaker** (Hon. Madialo): Hon. Aneme, just take your seat. I am expecting a withdrawal from---

**Hon. Omwende:** Let me withdraw. I withdraw it by a half.

*(Laughter)*

**The Temporary Deputy Speaker** (Hon. Madialo): Hon. Omwende, withdraw.

**Hon. Omwende:** I withdraw, Mr. Temporary Deputy Speaker, Sir.

*(Laughter)*

*(Applause)*

**The Temporary Deputy Speaker** (Hon. Madialo): Proceed!

**Hon. Omwende:** Mr. Temporary Deputy Speaker, we have to know the mandate of the committee. In fact, most Members speaking didn't understand the mandate of the Committee. The Committee report was on the tendering process for the financial year 2014/15. That was one of the mandates of the Committee.

In fact, am surprised if Members are saying that we as a Committee should have gone ahead and gave a report on the undone projects and the tendering processes of the 2013/14 financial year. Mr. Temporary Deputy Speaker, I know that you are a wise man, please advise because there is a lot confusion. One hon. Member even said that we don't know how to analyze!

Members here think that the report should favour them. That is the idea that comes first and that is what is bringing a lot of

confusion. But this is what we got from the Director! What do you expect from us if the Director has said that? And this is logical to me. If you compare one family that is having many children and another family with only two, in terms of planning and----

**Hon. Muhulah:** Point of Order, Mr. Temporary Deputy Speaker, Sir!

*(Laughter)*

**The Temporary Deputy Speaker** (Hon. Madialo): Hon. Muhulah, what is your point order?

**Hon. Muhulah:** Mr. Temporary Deputy Speaker, is it in order for the hon. Member to keep on misleading this House? We are talking about supervising projects in this County. We cannot equate it to a family having 5 children and another one having 2 children. Is the Member in order even to ask and insinuate that the people in this House do not have the capacity to understand about the report?

**The Temporary Deputy Speaker** (Hon. Madialo): Hon. Omwende, please confine yourself to the contents of the report of which you are supposed to be a signatory. Confine yourself to the content and the spirit of it. We can discuss children later.

**Hon. Omwende:** Mr. Temporary Deputy Speaker, you should have given me the opportunity to defend what am trying to say.

**The Temporary Deputy Speaker** (Hon. Madialo): As long as you are not talking about children.

**Hon. Omwende:** It's ok. But sometimes the use parables is also important. Mr. Temporary Deputy Speaker, I am talking about the family because of the

clusters. Cluster A- that is where we have a few contractors. If you compare the other years when we were had many contractors--

**The Temporary Deputy Speaker**

(Hon. Madialo): Hon. Omwende, if you listened to the Members carefully, they are saying that if you wanted the report to be looked at in the line you want it to be looked at- in comparison with the previous tendering system, then you put the two systems on the table and they look at each against the other and then they make a decision as to whether the previous one was better than the current one. So, kindly address your mind to the contents of the report that is before the House. Avoid what is not before the House.

**Hon. Omwende:** It seems you have already taken side Mr. Temporary Deputy Speaker, Sir---

*(Laughter)*

But I kindly request that am supporting this--

**Hon. Okuku:** Point of order, Mr. Temporary Deputy Speaker.

**The Temporary Deputy Speaker**

(Hon. Madialo): Yes, hon. Elisha.

**Hon. Okuku:** Is it in order for the hon. Member to misguide this House that the Speaker has taken sides?

**The Temporary Deputy Speaker**

(Hon. Madialo): Hon. Omwende, you are out of order. You are ordered to withdraw.

*(Laughter)*

**Hon. Omwende:** It will force me to withdraw again, Mr. Temporary Deputy Speaker.

*(Laughter)*

But I am concluding saying that this was a report from the Executive. It is not our report and that is why we are bringing it to this Assembly. Thank you, Mr. Temporary Deputy Speaker, Sir.

*(Applause)*

**The Temporary Deputy Speaker**

(Hon. Madialo): Hon. Booker.

**Hon. Minami:** Thank you, Mr.

Temporary Deputy Speaker, for giving me the opportunity to contribute to this report. First of all, I want to confirm that am a very strong Member of this Committee.

*(Laughter)*

But Mr. Temporary Deputy Speaker, in any Committee report, you will always find a place where all the Members have to sign. But, Mr. Temporary Deputy Speaker, if you look at this report, names were written and it's only the Chair who has signed it. I am the one who seconded this Motion, but having listened to the contributions from Members and the issues that have been raised and remembering the way we debated here yesterday on the report of the Agriculture Committee, any sane Member who is doing oversight would request that the Committee be allowed to withdraw this report---

*(Applause)*

So that a proper report is brought to this House. I want to say, and this one should be to all Committees the way you said yesterday. There is no way a Committee can bring a report in the House then claim that it was given to us by the Chief Officer or the Director.

*(Applause)*

That one cannot be true! Even today we have questions that have been raised and referred to Committees; we don't expect that next time when a Committee is bringing a report here, they will say that it belongs to the Director or the Chief Officer. No! Report as a Committee that we went out and say this is what we found out. So, I want to request all of us, yesterday it was the Agriculture Committee, today it's the Roads Committee, and tomorrow it may be Tourism, Pic and Pac or whichever, we don't want to hear that the Director said, we want the report that the Committee went and found out.

That is the report we want! So, am requesting that as a Committee when you are given a task, go round, make sure you get information. Even if there is somewhere that department sat down and made that decision, let that decision be brought here, where Members sat and the minutes of the meeting. So that a report is given with evidences supporting anything that is said!

On behalf of this Committee, I request that you allow us to go back and do a thorough job that will be brought here and make sense to the House. Thank you.

*(Applause)*

*(Question on withdrawal of the report proposed)*

**Hon. Apiyo:** Thank you, Mr. Temporary Deputy Speaker. On behalf of my fellow Committee Members and on behalf of the Chair of this Committee, I would request your Chair and the House to invite the CEC, the Chief Officer and the Director before this hon. House to answer all the questions that have been put across.

Mr. Temporary Deputy Speaker, Sir, I am putting this across because we have seen several business that have been lined up, and because I love the way hon. Members have put their sentiments across, I would like that we bring all the three officers to be grilled before this Hon. House and answer those questions.

**The Temporary Deputy Speaker** (Hon. Madialo): Sorry, hon. Apiyo, are you moving a Motion that you be allowed--- are you supporting that you be allowed to withdraw this report? And if were doing so, seek for a Seconder and then we proceed!

**Hon. Apiyo:** Mr. Temporary Deputy Speaker, what I am saying is that, when I withdraw the report, then it will mean that as a Committee, we will go again and invite them. Now I am requesting that the invitation should be before the Floor! So, it's different with what you are asking.

**The Temporary Deputy Speaker** (Hon. Madialo): You are out of order, hon. Apiyo! Tell the Assembly whether the report is being withdrawn or not!

**Hon. Apiyo:** The report is being withdrawn.

**Hon. Minami:** Mr. Temporary Deputy Speaker, I second.

*(Question on the withdrawal of the report put and agreed to)*

**The Temporary Deputy Speaker** (Hon. Madialo): Before we go to the next Order, Members, when bringing 'reports' to the Assembly, please let us ask ourselves first whether it is a report or a statement. Because this is not a report! Does it sound like a report? Is it not a statement from the Director of procurement to the Assembly?

Secondly, when this Assembly by a resolution adopts anything, it has the force of law. And when we say that 5% will be given to a certain category of people during procurement, surely is that in line with the provisions of Public Procurement and Disposals Act? So, as a Committee, when a person tells you this is the policy I am coming up with, do we probe to find out whether what we are being told is in line with the existing regulations? Is it a one man decision?

Lastly, Chairmen of the Committees, When a person asks---If you look at this, are you able to discover which Member amongst us asked for this Statement? Hon. Apiyo Apiyo in yours, I believe yours is the one am holding, are you from the face of it able to tell who was being answered?

**Hon. Apiyo:** Mr. Temporary Deputy Speaker, what I would say as the truth before this hon. House is that the report was done with other Committee Members with the Chair who is sick in hospital right now. Most of the Members were never there. Like hon. Booker was not there, hon. Omwende was not there, even me I wasn't there. We were given the report and it's me who said that we cannot present the report. Then I did invite again the Director---

**The Temporary Deputy Speaker** (Hon. Madialo): Hon. Apiyo Apiyo, the question was this, from the report who in this Assembly asked for this? Does it disclose?

**Hon. Apiyo:** Mr. Temporary Deputy Speaker, this came from a Statement before this House.

**The Temporary Deputy Speaker** (Hon. Madialo): Who asked for the Statement?

*(Loud consultations)*

*(Laughter)*

**Hon. Apiyo:** Whatever you are asking for Mr. Temporary Deputy Speaker, is not in this report.

**The Temporary Deputy Speaker** (Hon. Madialo): Whatever it is, you know it. Hon. Apiyo Apiyo, what are you in the Committee?

**An hon. Member:** He is now the acting Chair!

**Hon. Apiyo:** Mr. Temporary Deputy Speaker, I have said very well that I am the vice Chair of this Committee.

**The Temporary Deputy Speaker** (Hon. Madialo): Thank you, hon. Apiyo Apiyo, kindly take your seat now. And lastly, to avoid this so that we don't list this type of papers, and I do not mean to derogate on the Membership that came out with this, but surely, if you are sent to go and deal with the department of roads and public works and you go to the director of procurement, that is a very junior person in that department! Can that person--- because these statements are being given by the CEC's on behalf of the Governor. Can the person in procurement answer for the Governor? So can we really say we were over-sighting by going to some director in a department and say that, that is what the director said?

So, I will direct that in the next interactions between the Committees and the Executive, that we ensure that we are interacting with such officers that can have answers that are binding on the Executive. These would be Chief Officers and CECMs or people designated by them in writing to attend to the Committee request. We must avoid going directly to the junior officers and then saying that director said this.

Lastly, let these reports come through the Liaison Committee and then the House Business Committee before they are tabled in the Assembly for discussion. I rest my directions by reading for you the heading that says, 'Report on Committee for Roads, Public Works, Transport and Communication concerning the tendering process....' You were probing a process only. Whether the tenders were awarded or not, is not an issue

Next Order!

### MOTION

**Hon. Minami:** Thank you, Mr. Temporary Deputy Speaker. I want to present to the House, the order of business that the House is going to undertake in the coming two weeks.

#### **Tuesday, 3<sup>rd</sup> March, 2015 - Afternoon Sitting**

1. Report of Committee on Agriculture, Livestock and Fisheries on Beacon's meeting at Great Lakes Hotel, Kisumu.
2. Motion by Hon. Peter Muhulah, MCA, West Alego Ward on Disaster Management Preparedness by the County Government of Siaya.

#### **Wednesday, 4<sup>th</sup> March, 2015 - Morning Sitting**

1. Report of the Committee on Agriculture, Livestock and Fisheries on their visit to Mumias Sugar Company.
2. Report by Committee on Lands, Physical planning, Surveying and Housing on land dispute on Kadenge plot 899 and Mbolori Market in Central Alego Ward.

3. Second reading of Public Participation Bill, 2014
4. Second reading of Siaya County Loans and Mortgage Fund Bill, 2014
5. Report of the Committee on Delegated Legislation, Justice and Legal Affairs on Siaya County Public Service Board's Proposal on Establishment of the Office of the County Attorney, Siaya County Government

#### **Wednesday, 4<sup>th</sup> March, 2015 - Afternoon Sitting**

1. Report by Committee on Public Investments and Public Accounts Committee on Special Report on Financial Operations of the County Government and Defunct Local Authorities for the period, 1<sup>st</sup> January, 2013 to 30<sup>th</sup> June, 2013.
2. Debate on Siaya County wards Development Fund Bill, 2014.

#### **Thursday, 5<sup>th</sup> March, 2015 - Afternoon**

1. Committee on Public Works, Roads, Transport and Communication's response to Statement request by Hon. Elisha Okuku on the status of undone projects for 2013/14 in Yimbo East Ward.
2. Committee on Public Works, Roads, Transport and Communication's response to Statement request by Hon. Joanes Andiego on the status of undone projects for 2013/14 in Central Sakwa Ward

#### **Tuesday, 10<sup>th</sup> March, 2015 – Afternoon Sitting**

1. Report of Committee on Health on sacked Ukwala Health Centre Morgue Attendant.

2. Report by Committee on Trade, Industry, Labour and Cooperative Development to Statement request by Hon. Elisha Okuku on high fees and charges levied by the County Government of Siaya to the traders and the legal authority for the same.
3. Statement by Chairman, Committee on Welfare on contributions towards the Welfare kitty by Members.

**Wednesday, 11<sup>th</sup> March, 2015 – Morning Sitting**

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

**Thursday, 12<sup>th</sup> March, 2015 – Afternoon Sitting**

1. Report of the Committee on Agriculture, Livestock and Fisheries on status of agriculture preparedness, hire of tractors, procurement and distribution of seeds and fertilizer in the FY 2014/15.
2. Response to Statement by Committee on Administration and Governance on the recruitment of a substantive County Secretary as requested by Hon. Elisha Okuku, MCA, Yimbo East Ward.
3. Response to Statement by Committee on Health Services on recruitment of Health Workers by the County Government of Siaya as requested by the Hon. Elisha Okuku, MCA, Yimbo East Ward.
4. Response to Statement by Committee on Agriculture, Livestock and Fisheries on the Task Force Report about Dominion Farms Ltd as

requested by Hon. Elisha Okuku, MCA, Yimbo East Ward.

5. Debate on Quarterly Financial Year 2013/2014 Reports by Committee on Finance, Budget and Appropriations.
6. Report by Committee on Administration and Governance on list of contractors prequalified by the County Government of Siaya.

Mr. Temporary Deputy Speaker, Sir, as I finish, the office of the Majority is requesting that all the Committees that have been given responsibilities and time slotted for them to make sure that the reports they bring should meet the requirements of a report that can be tabled in the Assembly.

Thank you

**ADJOURNMENT**

**Hon. Minami:** Mr. Temporary Deputy Speaker, being that there is no any other business to transact in the House; I call upon the House to adjourn until Tuesday, next week at 2.30 p.m. in the afternoon.

**Hon Muhulah:** Hon. Temporary Deputy Speaker, which Tuesday? He has just said Tuesday in the afternoon.

**The Temporary Deputy Speaker** (Hon. Madialo): Hon. Muhulah is a stickler for procedure.

**Hon. Minami:** Mr. Temporary Deputy Speaker, let me help hon. Muhulah. I'm saying, Tuesday, 3<sup>rd</sup> of March, next week in the afternoon.

*(Question put and agreed to)*

The House rose at 4.06 p.m.

## TUESDAY, 3<sup>RD</sup> MARCH, 2015

The House met at the County Assembly Chamber at 2.30 p.m.

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

### PRAYERS

### PAPERS

**Hon. Gare:** Thank you, Mr. Speaker. On behalf of the Leader of Majority, allow me to lay these two documents on the Table of the House:-

1. Siaya County Fiscal Strategy Paper
2. Debt Management Strategy Paper

*(Hon. Gare laid the documents on the Table)*

**Hon. Speaker:** You have laid it on behalf of the Majority Leader. I wanted to issue a strong warning to the Executive which I think the Majority Leader as the representative of the Executive should tell them. The law provides for timelines.

In the Public Finance Management Act, it is clearly stipulated when is the deadline upon which the Executive should submit the Fiscal Strategy Paper to this Assembly. The law talks of not later than 28<sup>th</sup>.

Today is not 28<sup>th</sup> and they have just submitted it! However, I will just accept it because it will have serious consequences should we not debate or discuss this Paper.

In future, we are not going to treat this lightly. We therefore commit it to the Committee on Budget, Finance and Appropriations.

Same to the Debt Management Strategy Paper. I am aware that the Committee has a lot, the Committee is also supposed to look at the supplementary budget and I just wish to direct the Committee to really expedite its in-tray to ensure that we dispense of this business as soon as possible.

There were supposed to be two reports from the Committee on Agriculture, may I find out, had they been laid before? Mr. Chairman, had you laid the two reports?

**Hon. Agoko:** Its one report today, the other is one is tomorrow

**Hon. Speaker:** Next Order!

### NOTICE OF MOTION

*(Hon. Agoko and hon. Muhulah stood up in their places)*

**Hon. Speaker:** Two hon. Members are on their feet, I don't know why. Honorable, take your seat first, I want to find out what the hon. Chairman has. Yes, hon. Chairman.

**Hon. Agoko:** I wanted to lay the Paper---

**Hon. Speaker:** Which Paper? I thought you had laid this report!

**Hon. Agoko:** No! No!

**Hon. Speaker:** Then we will not debate it today!

**Hon. Agoko:** We shall!

**Hon. Speaker:** How? We can't lay a report today, expect Members to go through it today, and expect it to be debated today! I thought all along that you had laid this report in the previous Session?

**Hon. Agoko:** Well, my memory cannot serve me right on that, probably your records could be right.

**Hon. Speaker:** Let me find out from the Clerk whether the report had been laid before.

*(The Hon. Speaker consulted with Clerk-at-the-Table)*

Hon. Members, the practice of Parliament is that we always want to have reports laid, copies given to Members so that they have time to go through the reports, then we allocate time to debate those reports. Chairman, are you still convinced they had not been laid?

**Hon. Agoko:** Mr. Speaker, we had laid it last year. That's the report I am getting, and we are to discuss it today

**Hon. Speaker:** Any objection or Member saying it had not been laid? There being no objection, I want to believe it had been procedurally laid. Just wait; let's see what hon. Muhulah has.

**Hon. Muhulah:** Thank you, Mr. Speaker. I wish to give a notice of Motion that this House discuss----

**Hon. Speaker:** You were giving a Motion?

**Hon. Muhulah:** Notice of Motion

**Hon. Speaker:** Then allow me to first give hon. Agoko because the discussion I had with him is on whether the report had been laid, and in the Order Paper, his Motion is No. 8 while yours is Motion No. 9. Yes, hon. Agoko!

**Hon. Agoko:** Mr. Speaker, Sir, I wish to give a notice of Motion:

THAT this House adopts the report of the Committee on Agriculture, Livestock and Fisheries on Beacon's meeting at Great Lakes Hotel Kisumu laid on the Table of the House last year.

**Hon. Speaker:** Thank you. Yes, hon. Muhulah

**Hon. Muhulah:** Mr. Speaker, thank you. As I said, I want to give a notice of Motion for this House to discuss and resolve on disaster management and preparedness for Siaya County.

Thank you.

**Hon. Speaker:** Thank you. Next Order!

## STATEMENTS

**Hon. Agoko:** Mr. Speaker, I want to bring to the attention of this House that I sought a Statement or a report from a Committee of this Assembly regarding the staff of the defunct Ukwala Town Council who have not been paid their salaries despite a court award. I was requesting this House to give guidance and ensure that the staff are paid. Mr. Speaker, to date, these staff have not yet been paid and I would therefore seek to get a report on the same.

Aware that this may cause attachment of County Government's property, Mr. Speaker, it would be an embarrassment if the auctioneers begin with

the Speaker's vehicle when it's parked somewhere in Kisumu town because they will be looking for any property of the County Government. Mr. Speaker, we need to expedite this.

**Hon. Speaker:** I pray they start with the Governor's vehicle

*(Laughter)*

To which Committee was this Statement committed?

**Hon. Agoko:** It was Finance and Budget, Mr. Speaker, Sir.

**Hon. Speaker:** Chairman, Finance and Budget, what is the fate of that question?

**Hon. Odinga:** Mr. Speaker, Sir, I am not aware of that.

**Hon. Speaker:** It will be a serious matter if we discover that it was given to a Committee and the Committee denies. Hon. vice Chairman, do you have information on whether you got that request?

**Hon. Muhulah:** Mr. Speaker, I was the one actually to disregard the assumption of the hon. Member because I don't think anybody in the Finance Committee heard about the same. So, I would say that I am not aware and probably all my fellow Committee Members are not aware.

**Hon. Speaker:** I direct that;-

1. The Office of the Clerk to ensure that we have a very clear tracking system of Questions, Bills, Motions etc. so that every Session we are aware who asked what question and which Committee it was committed to, so that we are able also to track when the reports need to come back. It is very clear in

our Standing Orders, the period within which we should be answering some of these things when they've been committed to Committees.

2. I therefore want to direct that, hon. Agoko, without feeling fatigued, if you could put your question afresh to this Committee, we commit it to it tomorrow so that they give us the report by next week.

**Hon. Agoko:** Mr. Speaker, I am sorry I don't have a written copy of the same. But Mr. Speaker, Sir; staff of the defunct Ukwala Town Council were wrongly dismissed and at some point they went to court.

The court reinstated them and the court ordered for their salaries to be paid back. Mr. Speaker, the court order they have was shared in this Assembly and the matter was extensively discussed and I remember hon. Sela Okwako even requesting that we include names of other Members who were not included then. I would just request, Mr. Speaker, that I get a copy of the same so that I Table it tomorrow.

**Hon. Speaker:** May I request that that question be extracted from the HANSARD and given to the relevant Committee to look at.

I further advise that as the Committee is looking at that matter, they also need to liaise with the Ad-hoc Committee that was looking at a Petition that was brought to this House regarding issues of casual employees.

This matter of casuals was not concluded. And on that note, I further direct that the Ad-hoc Committee has until Thursday next week to give us their findings

on the same. The people out there are waiting for answers and had hopes in this Assembly.

Please, Clerks take note. Members of that Ad-hoc Committee, take serious note.

Yes, hon. Chairman, Health.

**Hon. Onduru:** Mr. Speaker, Sir, I would like to request for a Statement on the state of drought:-

**AWARE THAT** there is an acute drought in Madiany Division of Rarieda Sub-County affecting all the Wards in that Sub-County i.e. North Uyoma, South Uyoma and West Uyoma, and all water pans have dried up including grass and fodder,

**CONCERNED THAT** that the drought has caused livestock to die due to lack of water and pasture, I wish to seek a Statement from the County Executive if they have assessed the situation in the Sub-County and ascertained the magnitude of the drought.

Secondly, what emergency response has the County Government undertaken to save the affected community and to assist in the re-stocking programme?

**Hon. Speaker:** That is water and drought. We give it to the Committee on Water and Environment? Hon. Chairman, you think it falls under your Committee? So, kindly all Members and all Committees, when Statements are sought, some of them are so urgent that we cannot afford to have the luxury of taking more than two weeks before we dispense of these Statements.

Therefore, may the Committee ensure that we have this report as soon as next week because I don't think it calls for a lot of visits.

Next Order!

## MOTION

**Hon. Agoko:** Thank you, Mr. Speaker. I wish to request this House to adopt the report of the Committee on Agriculture, Livestock and Fisheries on Beacon's meeting at Great Lakes Hotel. Mr. Speaker, we may not go through the report word by word, but I wish that we understand some of the very pertinent issues. I would wish to go straight to page 3.

## INTRODUCTION

Building Eastern Africa Community Network (BEACON) is a network of church organizations and non-governmental organization working for holistic development of communities in Kenya and the East Africa region. BEACON aspires for a just, peaceful, sustainable and God fearing society. The organization exists to empower church organizations and non-governmental organizations to engage in public policy in the themes of economic justice, good governance and natural resources management.

In Kenya, BEACON is implementing a project on food and livelihood in six Counties i.e. Uasin Gishu, Trans Nzoia, Migori, Kisumu, Kakamega and Siaya.

Its approaches include; awareness raising, networking, promoting of best practices in food production, policy engagement, research and networking. From its policy work, BEACON came to know that there are new laws namely the Agricultural Fisheries and Food Authority Act, 2013 (AFFA Act) and Crops Act, 2013 that will shape the governance structure of agriculture sector in a way that will strongly infringe the freedom of a peasant farmer in

crop farming and to favor large scale farmers. The Acts came into action this year and are already being implemented.

Mr. Speaker, this was a follow up meeting on the first meeting that we had at Royal City Hotel, Kisumu that all the Members of this House attended.

Mr. Speaker, I would wish that we get to the **AFFA ACT, 2013**

AFFA ACT (Agricultural Fisheries and Food Authority Act) is an act of parliament that provides for consolidation for all the laws and regulations and promotion of agriculture.

In that Act, "agriculture" means cultivation of land and the use of land (whether or not covered by water) for any purpose of husbandry, aquaculture and food production and includes:-

1. Cultivation of crops and horticultural practice within the meaning of the Crops Act.
2. Breeding of aquatic animals and plants in the Kenya fishery waters and sea ranching and fish farming
3. Fish harvesting within the meaning of the Fisheries Act.
4. The use of land, meadow land ('meadow land' is an area or section of land used for the cultivation of grass for hay), market gardens or nursery grounds.
5. The use of land for agroforestry, when that use is ancillary to the use of land for other agricultural purposes.

6. Transgenic and microbial formulations for use and application in agricultural systems.

#### **Functions of the AFFA**

The Authority shall, in consultation with the county governments, perform the following functions:-

1. Administer the Crops Act, and the Fisheries Act in accordance with the provisions of these Acts.
2. Collect and collate data, maintain a database on agricultural and aquatic products excluding livestock products, documents and monitor agriculture through registration of players as provided for in the Crops Act and the Fisheries Act.
3. Be responsible for determining the research priorities in agriculture and aquaculture and to advise generally on research thereof.
4. Advise the national government and the county governments on agricultural and aquatic levies for purposes of planning, enhancing harmony and equity in the sector.
5. Carry out such other functions as may be assigned to it by this Act, the Crops Act, the Fisheries Act and any written law while respecting the roles of the two levels.

#### **CROPS ACT, 2013**

The Crops Act 2013 is an act of parliament that entails to consolidate and repeal various statutes relating to crops and to provide for the growth and development of agricultural crops and for the connected purposes

### **Guiding principles**

The National Government and County Governments shall be guided by the following principles in the management and administration of land:-

- 1 Has a communal function and land ownership as a social responsibility.
- 2 Land owners and lessees of agricultural land, being stewards, have the obligation to cultivate the lands they own or lease and make the land economically productive on a sustainable and environmentally friendly manner.

### **Application of the Act**

‘Scheduled crops’

Mr. Speaker, as far as this Act is concerned, scheduled crops means any of the crops listed under the First Schedule and such other crops that the Cabinet Secretary, on the advice of the Authority, may declare to be scheduled crops.

Mr. Speaker, Sir, this Act puts the power in the hands of Cabinet Secretary for agriculture to declare that certain crops be categorized under ‘scheduled crops’.

The scheduled crops are; sugarcane, tea, coffee, grass, irish potatoes, cotton, sunflower, soya beans, beans, barley, finger millet, maize, pearl millet, rice, sorghum, wheat etc.

To deal with the above mentioned scheduled crops, ‘deal’ meaning collecting, buying, storing, transporting and selling for use, one has to be licensed. But in the case of food crops it excludes any non-commercial activity.

Mr. Speaker, this Act may not be very clear. That is why we need to bring it to the attention of this House because when

you say non-commercial activities, you need to register, then it means most of the residents of Siaya County fall under this bracket because at one time or another, a farmer may decide to probably sell a basket of *sukuma wiki* or some maize and this Act outlaws sale, meaning any sale that is not categorized as it does not define from what quantity and there goes on the Act.

### **Role of National and County Governments in development of crops.**

1. The Authority (AFFA), on behalf of the national government, shall be responsible for licensing and charging of levies and breeder royalties on all scheduled crops.
2. In order to achieve the objects and purposes of this Act, it is the duty of the national and county governments to provide an enabling environment for the development of crop sector.
3. The county governments will implement the national government policies to the extent that the policies relate to the county and in particular shall be responsible for;
  - (i) development of crops grown within the county;
  - (ii) plant disease control;
  - (iii) markets;
  - (iv) cooperative societies within the county;
  - (v) soil and water conservation.

### **Registration Requirements for Scheduled Crops**

1. Each small holder farmer shall be required to register with cooperative society, out grower institution etc.

2. The Authority shall maintain a register of all entities registering smallholder growers and shall enter in the register:-
- The full names of the scheduled crop factory.
  - The date of submission of annual returns.
  - The particulars of numbers of registered growers, area planted with scheduled crop or variations of these particulars and any other particulars the Authority may deem necessary

#### **Registration of dealers**

1. Every dealer in a scheduled crop shall register with the Authority.
2. A person shall not deal in a scheduled crop unless the person is registered in accordance with this Act.
3. The Cabinet Secretary shall, in consultation with the relevant county executive committee member responsible for agriculture, prescribe regulations providing for the procedure for registration of dealer
4. A person who contravenes this law commits an offence and shall on conviction be liable to imprisonment for a term not exceeding three years or to a fine not exceeding five million shillings or to both.

#### **Taxation of scheduled crops**

1. According to Article 209 of the Constitution, only the national government may impose in relation to a scheduled crop – income tax,

VAT, customs duties on import of agricultural and aquatic products and excise duty.

2. A county government may pursuant to the Fourth schedule of the Constitution impose fees for development of agricultural crops within the county, development and regulation of scheduled crop markets within the county; issuances of trade licenses to any person trading on scheduled crops within the county and issuance of licenses for cooperative societies within the county.
3. The fees imposed by a county government shall not in any way prejudice national policies, economic activities across county boundaries or national mobility of goods, services, capital or labour.

#### **Manufacturing license**

Mr. Speaker, Sir, to deal with those crops that we have enlisted, one must have a license, and going by what is here, it outlaws even the cottage industries that we have around.

Even soya beans is listed here as a scheduled crop and many of our farmers here these days are grinding soya beans and you find a lot of soya beans on the shelves of super markets. Even people who use ground nuts to have some butter and all that will not be there.

Even the cottage processing of milk is outlawed in this Act, meaning only large scale manufactures may be given time to operate

Mr. Speaker, because most of us will read this, I would just like to get to the

**Committee's observations:-**

1. The Acts will adversely affect our people in such a manner that farmers may decide not cultivate scheduled crops for the fear of being arrested and incriminated.
2. So many people are not aware of the two Acts. Mr. Speaker, probably even Members of this Assembly may not be aware that the Crops Act is already enforced and they could be taken to jail if they are storing some five or ten bags of maize that they harvested from their farms. And even if you carry some one bag of maize that you could be taking to hon. Agoko to use when he has a funeral or meeting friends, that vessel may be impounded if you are found transporting scheduled crops without license. The Act says that you'll forfeit it to the government. If it is a vehicle, if it is a vessel or even a *punda*, Mr. Speaker, it will be forfeited to the government and including the crop itself.

**Hon. Members:** Aaaaai! Aaaih!

**Hon. Agoko:** That is, Mr. Speaker, we have attached copies of the Acts. All of us have a copy; you can go through it and am only saying that many of us including farmers and other stake holders may not be aware of the two Acts

3. The Acts were passed in a rush and were not adequately debated and put to public participation. Mr. Speaker, this was in January, 2013 when were

in an election mood and many of our parliamentarians were not around as people were busy campaigning.

4. The Acts tend to promote foreign seed companies at the expense of local seed companies.

**COMMITTEE'S  
RECOMMENDATIONS TO THE  
HOUSE**

1. Contentious Sections of the Acts should be amended. For example, PART 1, Section 2 which deals with the definition of a dealer. Mr. Speaker, the definition of a dealer as a per this Act is even transporting, it's even storing it and many other things that probably go with it
2. There is a serious need to create awareness to farmers and stakeholders on the two Acts.
3. Siaya County Assembly should engage the general County Assemblies Forum to petition the National Parliament and Senate to review and amend the contentious issues in the two Acts.

Mr. Speaker, at some point we had Chairmen of Committees of Agriculture from the six Counties that are listed here having a meeting with the Cabinet Secretary Mr. Felix Koskei to discuss the same. But Mr. Speaker, he put the fire back to us. He told us, 'ladies and gentlemen, you are blessed to be close to Members of Parliament from your respective areas, kindly go back and talk to them so that they amend this'.

Mr. Speaker, at some point we had a meeting with the Members of the National

Assembly and we were discussing possibilities of amending this. But Mr. Speaker, Members of the National Assembly from our County alone may not push to have this thing amended and the Committee is humbly appealing to the entire Assembly that we engage the County Assemblies Forum to engage with the National Assembly and the Senate to have these Acts amended.

Mr. Speaker, I would end my presentation by calling on hon. Onduru to second  
Thank you.

**Hon. Onduru:** Mr. Speaker, I second.  
(*Question proposed*)

**Hon. Okello:** Thank you, Mr. Speaker. I need to start by thanking the Agriculture Committee for this report. However, Mr. Speaker, I want to raise a concern that, looking at this report, as weighty and as detailed as it is, the Chairman in his own words and as indicated in the report, the Beacon held a conference for the Agriculture Committee from 23<sup>rd</sup> to 25<sup>th</sup> October, upon which they were comprehensively taken through the issues that were raised here for three days-the whole of 23<sup>rd</sup>, the whole of 24<sup>th</sup> and the whole of 25<sup>th</sup> in the conducive environment of Royal City and Mr. Speaker, that is why the Chairman is very well adapted to the issues. Mr. Speaker, the Chairman has taken the last 15 or so minutes to ably take us through the same.

Mr. Speaker, my submission is that the time that we are exposed to this report is not adequate for us to be able to debate it objectively, especially given that reading from their recommendations, the first recommendation is that some sections of the

Acts should be amended i.e. Part I, Part II, Part III and Part IV. Mr. Speaker, it is my submission that for Members to be able to adequately debate and come to reasonable conclusions on whether to adopt or not adopt the recommendations of the Committee, the whole Assembly, courtesy of the Agriculture Committee should be taken through these, probably for a day or half a day.

I know the Agriculture Committee is made up of resourceful people led by the Chairman and other fellow Members. Mr. Speaker, it is possible for the Agriculture Committee to request for a day to informally engage Members with this report so that by the time we come to those matters with legal implications, we are in the know.

So, it's my submission that the debate on this report be put on hold until the Agriculture Committee sufficiently engages the Membership of this House so that we can interrogate the implications of altering those Acts because Members here represent people, they know the situation in their Wards and they know best what repercussions the same will have on their people.

So, Mr. Speaker, I want to conclude by proposing that the debate on this report be put on hold until such a time that the Agriculture Committee shall have sufficiently engaged the House to rubberstamp its report.

**Hon. Speaker:** Hon. Walter, please take your seat. If you have other grounds for which the report should be delayed, we will consider. But on involving the Assembly, I am aware that I permitted the Chair of that Committee to invite Members of this Assembly to a meeting in Kisumu where they were to be sensitized on these issues; it

was not only the Agriculture Committee. Mr. Chairman, can you clarify that, whether or not the Membership had been taken through this.

**Hon. Agoko:** Mr. Speaker, the Membership had been taken through this but it was in bits and probably we didn't get a grasp of the entire thing. But because this is something that really impacts on lives, Mr. Speaker, I would humbly appeal that we do the same as hon. Okello has requested because Members really need to go through this. Re-doing it is not a crime Mr. Speaker. It was done, but re-doing it for a second time is not a crime, we can re-do it.

**Hon. Speaker:** May I warn Members and Committees that when you come to this House with reports, you needed to have mobilized. You don't come to this Assembly half prepared then we adjourn for another Session. We will end up adjourning for all reports! That is not acceptable!

Hon. Chairman, you moved a Motion stating an intention that we debate your report. So, you needed to have been prepared! Right? So, when you say that we now adjourn to look at this report afresh when we have not even started debating it, what are we saying? I don't know whether the hon. Chairman still maintains that position.

**Hon. Agoko:** Mr. Speaker, Sir, really, I didn't mean that we don't debate the report today, but I am only saying that after the debate, taking them for a second session of discussion for them to internalize the Act, Mr. Speaker, is not a crime, but as of now, we need to debate the report.

**Hon. Speaker:** This report had been laid before this House and it was laid last Session. We have no reason whatsoever to

say we do not have adequate time. Unless we are telling the media out there and the people in the Public Gallery that we take these things for granted, we take them home and we do not read them!

**Hon. Agoko:** Mr. Speaker, I would just wish to notify your Chair that it is not the first time we are sharing copies of the AFFA Act and the Crops Act with Members. We have done it earlier and we are doing it the second time, although ----

**Hon. Speaker:** And your report, had it also been shared? Because, you are not laying the Acts, you are laying the report. Had you laid the report? You said you had laid the report.

It looks like you had not laid the report. So, this whole House has been taken for a mockery that a report had been laid when it had not been laid. And the Chair himself said that he had laid the report! Hon. Okello, will you move your Motion if we can adjourn this report to a future date.

**Hon. Okello:** Thank you, Mr. Speaker. In view of the critical issues that are pertained in the report laid before this House today, I wish to move that the debate of the same report be adjourned until such a time that the Committee of Agriculture will engage the entire Membership on the contents of the same. Mr. Speaker, I wish to call upon hon. Abayo Jared to second.

**Hon. Abayo:** Thank you, Mr. Speaker. I rise to second that Motion with the following reasons. As it has come to be, the Committee has highlighted contentious areas in this particular Act. I also want to agree with you that we were taken through this particular Act and these issues were discussed extensively. We may have had gaps between that time this was presented to us and today. Now we have the copy of the

Act, we will be linking this to critically analyze the areas raised.

Mr. Speaker, there are 3 recommendations that I sat and looked at. One, we are talking about an Act that has not originated from this House. Mr. Speaker, we are talking about a national legislation that we really need to digest its position as regards this Assembly. The areas that concern the County have been raised.

There is a proposal to involve the forum, Mr. Speaker, and that we will need some time to see the best way to engage the forum that brings together all the 47 Counties.

That even if it we are to do a petition, Mr. Speaker, we will be making a reference with the forum and asking, either they put up a task force to look at this, that a petition is raised for all the Counties.

So, we obviously need some time. Not much time, Mr. Speaker, a week will do if we are a serious House, then we get back to critically look at this, we interrogate possibilities and how these proposals can actually be---. So I second, Mr. Speaker.

**Hon. Speaker:** Hon. Chairman, when do you want this report debated?

**Hon. Agoko:** Mr. Speaker, I would request you give us two weeks because I need to mobilize. We need to consult further and we need to get resource persons to also take us through these laws.

**Hon. Speaker:** If there is no objection, I am just going to put the question that the debate on the report of the Committee on Agriculture, Livestock and Fisheries on Beacon's Meeting at Great Lakes Hotel, Kisumu, be deferred for debate within two weeks.

*(Question put and agreed to)*

*(Report deferred)*

However, hon. Members, let me just make a statement that let this be the last. When we lay reports in good time, we need to go through them and when we come here, we debate. Because, there are members of the public out there who have gone through our Order Paper on the internet and they are prepared specifically to listen to our contributions on these matters.

If somebody left Nairobi today or yesterday to come to the Public Gallery to listen to our contributions, then we now say that we have not had enough time to look at it---to put facts straight, it's that the law, the Constitution and the Standing Orders allow anybody to petition an Assembly or Parliament, Senate on a matter that affects them. So, even as Siaya County Assembly, any member of the public can petition. So, you don't need belabor how we are going to mobilize other people to do this because when they get a petition, they will also summon us

Next Order!

## MOTION

**Hon. Speaker:** Yes, hon. Muhulah!

**Hon. Muhulah:** Mr. Speaker, thank you once again this afternoon. I wish to move a Motion for this House to discuss the Siaya County Management and Disaster preparedness.

**Hon. Speaker:** You had given a notice, now you can move it and ask someone to second it.

**Hon. Muhulah:** Mr. Speaker, I now move a Motion that the House discuss and resolve on the Siaya County Disaster

Management and Preparedness and I will ask hon. Ouda to second.

**Hon. Ouda:** Thank you, Mr.

Speaker Sir; I rise to second the Motion.

**Hon. Speaker:** I wish the Speaker had the powers to ask you to say something.

*(Laughter)*

OK. Allow me then to propose the question, had you moved it?

**Hon. Muhulah:** I had moved it.

**Hon. Speaker:** You had not read the Motion.

**Hon. Muhulah:** Thank you, Mr. Speaker for that reminder. Mr. Speaker, the Motion is on the Siaya County Management and Disaster preparedness.

**Aware that** dozens of families in the County have been marooned by drought, floods and fires;

**Concerned that** these menaces has led to immense negative impact on the economy which inter alia include loss of life and injuries, widespread destruction of property, crops and infrastructure such as roads, hence curtailing the movement of people and goods from one place to another;

**Deeply concerned that** flooding has led to the destruction of crops, displacement of people and outbreak of waterborne diseases in Ukwala, West Ugenya, East Ugenya, West Alego, and Usonga, while drought has led to premature drying up of crops, drying up of water pans, leading to deaths of animals and outbreak of waterborne diseases as well.

Mr. Speaker, as also confirmed by hon. Onduru on situations in Uyoma, in some parts of the County especially in the and East and West Uyoma and while fire recently almost devastated a hostel at Jaramogi Oginga Odinga University of Science and Technology and previously

affected Maranda, Ambira and Nyamira High Schools;

**Further aware that** currently, drought is widespread in West and East Uyoma and that the wet seasons are just about to begin while fire disasters are an unpredictable reality;

**Deeply concerned** Mr. Speaker, that such disasters have left irreparable and negative socio-economic impact which include but are not limited to displacement of people leading to the emergence of internally displaced persons (IDPS), disruption of educational programmes and other economic activities owing to the destruction and/or closure of educational, health and other institutions;

**Deeply concerned that** the people living in the affected regions may be denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution of Kenya;

This Assembly **URGES** the County Government to speedily establish a County Disaster Preparedness and Management Authority to handle issues of such magnitude and mitigate their effects, and County Resettlement Fund for compensations and rehabilitation of all the infrastructure destroyed and resettle all internally displaced persons.

Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Members, allow me to propose the question which is that---

*(Hon. Adera stood up in his place)*  
Yes, Hon. K'adera!

**Hon. Adera:** Mr. Speaker, I am standing on a point of order. I have been looking at this this Motion Mr. Speaker, and

it appears quite ambiguous because it is touching on 3 different areas; drought, flood, fire, and I wish the Mover of this Motion could have narrowed it. Mr. Speaker, Standing Order No. 45, part (3) states that, the Speaker shall not admit a Motion which is too long.

Having looked at this Motion, it's too long and I even fail to understand it. I don't know whether the Mover wants to address drought or whether he wants to address the issue of fire or floods. I pray that it be taken back to the Mover to re-look at it, perhaps, take it back to the Clerk for re-drafting, so that we can have a shorter and clear Motion to deal with. Thank you, Mr. Speaker.

**Hon. Speaker:** It's a question on a point of order. Let the Speaker provide the direction. Hon. Members, as it has been put by the Deputy Speaker, part (3) says, if the Speaker is of the opinion that any proposed Motion:-

a) Is one which infringes, or the debate on which is likely to infringe, any of these Standing Orders;

b) is contrary to the Constitution or an Act of Parliament or of the County Assembly, without expressly proposing appropriate amendment to the Constitution or the Act of Parliament or County Assembly;

c) if it is too long;

According to the Speaker, this is not too long.

*(Applause)*

And too long is objective. I think Members of Rules and Procedures Committee can in future consider defining what too long

means, whether it is 4 pages or seven pages. Therefore, hon. Muhulah, you will proceed.

**Hon. Muhulah:** Thank you, Mr. Speaker. I think sometimes clarification is -- --I don't know what too long is Mr. Speaker---

**Hon. Speaker:** Hon. Muhulah, proceed!

*(Laughter)*

**Hon. Muhulah:** Thank you, Mr. Speaker. Maybe I want to start by defining what disaster is, Mr. Speaker. Disaster means, flood, disaster means fire, disaster means drought, disaster means anything that infringes in the rights, caused unexpectedly. Mr. Speaker, what has prompted me to bring the Motion of disaster to this House, is that for many times, Mr. Speaker, it has always happened in Siaya County and the Siaya County Government has actually failed to recognize and notice that these are things that have been affecting us Mr. Speaker.

Mr. Speaker, I want to cite one very serious issue that affects the lower River Nzoia in terms of flooding Mr. Speaker. And I want to remind the hon. Member who was worried about the length of this Motion that I am also talking for his people.

*[The Speaker (Hon. Okode) left the Chair]*

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

*(Laughter)*

Mr. Speaker, as I have said here, the flooding affects---

*(Laughter)*

Now that you are the Chair, Mr. Deputy Speaker, I believe you understand that am also---

*(Laughter)*

It is very evident, Mr. Deputy Speaker, that flooding in the lower River Nzoia has affected many people who come from those regions. We have seen mothers giving birth prematurely, we have seen children dying because of pneumonia, we have seen families going hungry, and we have seen Mr. Deputy Speaker, families losing their crops.

If we talk about the fire issues, again I want to cite a reference which also comes from your neighbors Mr. Deputy Speaker. Recently, Ambira High School was razed down because in the entire Siaya County Government, we have a fire engine that costed a lot of money but it is not being used today. Mr. Deputy Speaker, some of the things they say have been hindering the performance of that engine is that:-

1. No any driver can drive it,
2. They allege that the engine cannot be able to run that system.

All these things are things that can be put in place and that fire engine can be used.

Mr. Deputy Speaker, the recent most disaster that affected us was the Jaramogi Oginga Odinga which was almost razed down. Mr. Deputy Speaker, the proximity of Jaramogi Oginga Odinga and where the fire engine is stationed is more or less a walking distance. That one again calls for preparedness Mr. Deputy Speaker.

Just a few minutes ago, the hon. Member from Uyoma, did raise a Statement here Mr. Deputy Speaker. He wanted to

know the position of Siaya County Government in relation to the drought and the loss of animals in Uyoma. Again on that one, the County Government of Siaya should come out very clearly and tell us how best this thing can be addressed.

It is with this reason that I urge this House that the Siaya County Government should come up with a County Disaster Preparedness Management Authority as well as County Settlement Fund, to be able to compensate the loss of these noble citizens of the Siaya County Mr. Deputy Speaker.

Mr. Deputy Speaker, this is a serious matter that when we are discussing it , we are supposed to be able to dispose of this Motion, to get resolutions before the long rains start and possibly another drought or another fire coming and possibly will even raze the County Assembly.

Mr. Deputy Speaker, I wish to urge the House to deliberate on this issue sensibly and get a resolution that will be given to the Executive to come up with a solution. Thank you, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Andiego!

**Hon. Andiego:** Thank you, Mr. Deputy Speaker; I rise to support this Motion. Indeed we really need a Disaster Management Team, because Mr. Deputy Speaker, it is not only narrowed to what has been addressed by the Mover, but there are so many things that have been left out.

I also come from the Lake, in the Island where we have very many disasters that befall our people. In many occasions, you hear of people dying in the Lake because of the wind that at times blows them or a boat capsizing around the Lake and there is nothing that our Government is doing as concerns this Mr. Deputy Speaker.

Recently, I had three cases in my Ward where a strong wind came and blew two houses of widows. Mr. Deputy Speaker, the widows had nothing. That wind blew the house. Everything! Even the chicke! The other day it was a 'stima' that came and the whole house of a peasant farmer was burnt down with everything, including 10 sacks of maize which were there, something he had worked for the whole year and was ---

**Hon. Odinga:** Point of order, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Odinga, what is the point of order?

**Hon. Odinga:** Mr. Deputy Speaker, Sir, I think there is a trend in terms of language that we are using, and if not checked, then we will end up speaking sheng in this House. When the Member says 'the other day *stima* came', what is *stima*, Mr. Deputy Speaker?

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Odinga, you know, when you make a full statement in one language or if you have been communicating in one language, then you make another statement in a different language, then that one can be termed as mixing two languages. But if you just use one word, that cannot be a mixture of two languages. So, hon. Andiego proceed.

**Hon. Andiego:** Thank you, Mr. Deputy Speaker, for defending me. I meant electricity. So, Mr. Deputy Speaker, I am in full support of this, I believe that when we put in place a Disaster Control Management Team, all these problems that face us will be solved. Mr. Deputy Speaker, it has been a trend, right now we are expecting rains, we really want it to rain as soon as yesterday

and immediately the rains come, Mr. Deputy Speaker, it will come with a lot of disaster. Our roads will be blown away; our crops will be blown away, so many things will happen.

As much as rain is good, it comes with problems and if we have a team that controls these, it will be of good use. Mr. Deputy Speaker, where I come from, at the moment, we don't even have water in our ponds, but with the rains, the water that is wasted can be controlled and even make small lakes around. We can use those lakes in irrigation to help us get some food; we can also use these in so many ways. So, Mr. Deputy Speaker, we need to think as a County. We should not just wait for rains to come and bring problems to us. I support this Motion, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Osuri!

**Hon. Osuri:** Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion since it is a Motion that affects all of us in the 30 Wards of Siaya County and there will be no time when we don't have these disasters, whether during drought or during the rains.

So, Mr. Deputy Speaker, I feel that this Motion has come at the right time so that we engage our County Government, particularly the Executive and the Assembly to look at them and prepare to encounter some of these problems like has been mentioned here.

Mr. Deputy Speaker, as a Member of South East Alego Ward, which is the largest Ward, I have encountered these problems and has even deferred particularly in the community. Like one of our County Schools, Ng'iya Girls High School, their main source of water is Urewe dam, where the level of water has gone down. Right

now, the water that comes from that dam is not sufficient to meet the demands of the population in that school.

The same local community, both in South East Alego and North Alego where my counterpart hon. Ombiyo is has created a sort of a problem that has been deferred and we are really engaging to get a solution. However, the problem is drought, which is disaster.

So, Mr. Deputy Speaker, Sir, just as the Mover of the Motion has said, I feel we should establish a County Disaster Preparedness and Management Authority to handle some of these issues, and I add that on the same note, we should also establish a Committee from the Assembly that should be handling the disaster management so that they move together with that team from the Executive.

Hon. Deputy Speaker, Sir, you can see and I want to congratulate, though hon. Jacob Kaimenyi has refused to rank our schools, but Maranda, I heard from the street how they were celebrating. They have had a water problem and I wish that if a good source of clean water is taken to Maranda, the school will continue leading.

The same to Ambira, Ng'iyia and many of our local schools. Mr. Deputy Speaker, Sir, I support by saying, let us establish the management from the County Government and let us also have a specific Committee from our Assembly dealing with this matter. Thank you.

**Hon. Deputy Speaker:** Hon. Ouda!

**Hon. Ouda:** Thank you, Mr. Deputy Speaker, Sir. I think it is sheer concern; sheer knowledge to know that it is long overdue to have a County Management Board. I will not use the word authority because authority, according to that word,

then it becomes the function of the National Government and probably turning that thing into a parastatal. So, I want to agree with hon. Osuri that it is extremely important to establish a Committee in this House that will be dealing with management because some of our schools are not doing better because we cannot even manage disasters in these schools.

Why I say schools is I have heard Hon. Osuri talk of Maranda and I want to add Nyamira Girls which has also performed well and they are actually celebrating.

Mr. Deputy Speaker, I will not be wrong to say, option number one, we must have a Disaster Management Board, option two, Disaster Management Board, option three, Disaster Management Board. Thank you.

*(Several hon. Members stood up in their places)*

**Hon. Deputy Speaker:** Hon. Rosemary!

**Hon. Ogutu:** Thank you, Mr. Speaker, Sir. I just want to add my voice in supporting this Motion by saying that it's long overdue for us to put in place strong measures regarding disaster preparedness. I just want to say that it is important to put in place a Disaster Management Committee, and if possible we can merge or form a joint one with the Executive.

At the moment there is drought, rains will come and sweep away houses. Some hon. colleagues do rush to the Executive, I don't know who they approach, but because there is no Committee, you just run may be to the Governor or to the Deputy Governor for assistance. But for those ones who will not manage to reach the

Governor's office, they will be left hanging with no help accorded to them. Therefore, I strongly support the formation of this committee, and as we form the committee for drought, and floods, we should also think of fire.

As we can see this, I don't know how to call it, is it 'mzima moto' or what? It has been here for a long time; since we came here last year it has been standing here, but if there was a Disaster Management Committee, they could have queried the people concerned on why this thing is standing here.

For example, if the Assembly starts burning now, will that thing help us? Mr. Deputy Speaker, Sir, I don't think we will be helped. Therefore, we need to form this committee for it will put everything in order and ensure that things are in place to ensure disaster management. Thank you, Mr. Deputy Speaker

*(Several hon. Members stood up in their places)*

**Hon. Deputy Speaker:** Hon. Maurey! Hon. Members, we still have other Motions and I wish we would limit our contributions. We have other Motions please, and I can see there are so many Members who would wish to contribute.

**Hon. Asewe:** Thank you, Mr. Deputy Speaker, for giving me this opportunity to add to what Members have contributed concerning this Motion. Mr. Deputy Speaker, let me support the Motion. There is need to train members of our County, there should be a management team to assist when there is fire breakout or any other disaster that may come in. Mr. Deputy Speaker, if it is possible, this one should be

done even at the Sub-Counties because if we only establish one in Siaya alone, it may be difficult to reach all parts of the County. Mr. Deputy Speaker, something like fire, it takes a very short time to destroy whatever is in front of it, if it is a house or any other facility that may catch fire. So, it is necessary that we get a management team within the locality ---so that the situation can be contained.

Mr. Deputy Speaker, I was in Maranda when the school caught fire, it was pathetic and if you could see how the belongings of the children were being burnt by fire, you would really sympathize with the situation. Fire fighting machine from Kisumu cannot help in Siaya because the distance is too long given the number of road barriers that are there.

It is really necessary that we put one within each Sub-County to assist. Mr. Deputy Speaker, the fire fighting machine that we are talking about, so many reasons have been given, and if we could be having a team, we would directly petition the team to find out exactly what is happening. The other time we were told the machine is okay, it is only the driver that is not there.

That the machine has some instructions in Chinese language that cannot be understood by our drivers, this one came and went.

Recently, Mr. Deputy Speaker, were told that there was a problem with the engine and it was fixed and it is now working. It was even filled with water, but it is not working, it is not doing anything! Today, Mr. Deputy Speaker, we engaged the part of the Executive concerned with the machine.

We were told that it is only the pump side that is not working; otherwise the whole

machine is now okay. For how long will this go on? We need to plan prior, disasters come without any notice. This case is serious and we need to form the disaster management team to assist us. Otherwise, thank you, Mr. Deputy Speaker.

**Hon. Owii:** Just a reminder, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** You want to remind me? Hon. Owii, I know you want to contribute. I am told this is the last Motion, so Members you are free.

**Hon. Owii:** That's all I wanted to remind you about

**Hon. Deputy Speaker:** Ok. You will contribute. Hon. Awuor!

**Hon. Awuor:** Mr. Deputy Speaker, I want to thank you. First, may I take this opportunity to thank hon. Peter Muhulah for this noble idea of bringing this Motion before this House. Mr. Deputy Speaker, a lot of issues have been raised in terms of disaster preparedness of this County.

I can remember very well, sometime last week, one Member who is our Whip, made a Statement before this House that the University of Bondo which is now Jaramogi Oginga Odinga University got burnt and no immediate action was taken. Maranda got burnt sometime back; same applied to Nyamira Girls School. So, I think this is a noble idea Mr. Deputy Speaker, that I am on my feet to support and say that it was only short of mentioning other Wards.

I can say that the drought that has persisted this time, Mr. Deputy Speaker, has affected even Yala Township Ward which I represent, though it is not here in this paper. I want to say that this idea of forming an authority to manage disaster preparedness of the County is timely and prompt.

Mr. Deputy Speaker, I stood on a point of information because I wanted to know whether a Member was right to make some changes when on the Floor without proposing a seconder.

I seek your indulgence, Mr. Deputy Speaker, because one Member stated while contributing that this Statement that has come from hon. Muhulah should have been, the County Assembly seeking the County Executive to have a management board while the Statement was very clear that this is a management authority that he seeks, he needs our support to put to the Executive to form one.

I don't know whether he was right, but to me whether board or management, Mr. Deputy Speaker, I want to support this and I want to really propose that when it is going to be made, I know we have not reached there, I don't want to cross the bridge before we reach it, but I believe disaster funds that at times we put in the office of the Governor, I think it should be the board that should manage the funds. Mr. Deputy Speaker, I want to urge my colleagues to support this Motion. Thank you.

**Hon. Deputy Speaker:** Hon. Ngure!

**Hon. Ngure:** Thank you, Mr. Deputy Speaker. I want to support this Motion and thank hon. Muhulah for bringing it. Mr. Deputy Speaker, drought, flood and fire are disasters and they affect us more or less on equal measures. When we have drought, the rivers dry, our animals die, our crops fail and we also don't have enough for use as human beings. The same when we have floods; people suffer driving through the bad roads, we even drown in the floods and still our crops fail because of floods.

But, Mr. Deputy Speaker, the one issue that stands out very much is fire disaster; this is where we have a lot of destruction. You know when you have floods you can avoid to go there and drown, maybe you can also run away from drought, but fire that razes our schools down leaves us with a lot of destruction.

It destroys our school buildings, destroys school properties, and they even kill our children in those schools, sometimes even the teachers. Fire that destroys our business buildings will destroy property, will even kill the people who work there, people will lose their lives, and commodities will go.

We are always quick to run to a school to console the people who have suffered fire outbreaks and yet what we should do more is prepare to stop these fires when they come.

When we see fire fighting machine lying here, not utilized, it reminds me of, even in Nairobi, when each time a fire fighter drove to a fire disaster point, within minutes, it ran out of water and all that was to be saved went down in that fire.

So, what we should do as this Assembly is to make sure that measures are in place, make sure that when disasters befall us, we have proper and working machines. People are saying that this machine has not been in operation because the manual perhaps is in Chinese. That can be translated!

Any other thing that cannot make this machine run should be corrected, and in my view, we need more than one fire fighter in Bondo, we need more than one fire fighter in Siaya, because in some cases, we have these disasters coming simultaneously and if we are not prepared enough, we can

still have one part of our County destroyed while we have another part being saved.

So, it is very important that we don't run to a school to donate blankets and food stuff just because fire has razed down a dormitory. We should have proper mechanism for saving a situation when fire erupts and when there is drought.

We should know what to do when people are starving, because in most cases you hear food being distributed in starving areas, but I don't think the whole of Siaya will be covered when you try to save a situation of drought.

You hear animals are dying; it may not be covered when you are trying to save that particular situation. So, there should be proper mechanism put in place so that we have enough water for our animals when there's drought. We should have means of drainage and irrigation so that we are not swept by floods like in areas such as Budalangi and Kano Ahero.

So, we really need to work hard and put measures that work and not always run to rescue a situation because fire has broken down, because now there is drought or floods. They will always be there. Please let us work on curtailing these situations rather than saving them when they come. Thank you, Mr. Deputy Speaker, and I thank Hon. Muhulah very much for bringing this Motion.

**Hon. Deputy Speaker:** Hon. K'owii.

**Hon. Owii:** Thank you, Mr. Deputy Speaker. I may make a mistake of repeating, but this is because I have the opportunity of talking late. One thing that I want to establish is that the Motion that is before the House is noble and timely. In fact, this is one Motion that should have come in year

one when we came here. By now we would have had an opportunity of establishing a Disaster Management Committee at the County level.

As it has been said by my colleagues, we have to put measures against the disasters that are repeating year in year out. Like the issue about drought in Uyoma, the whole of Uyoma, not just West and East or West and North Uyoma, even the Southern part of Uyoma is seriously experiencing drought at this time.

The truth of the matter is that it is behaving like an annual event. And if we know that in the months of December, January, February until March we will have drought in Uyoma, what we are putting in place avoid this? And that is why we don't necessarily need to start by forming that particular committee.

We as a House of Representatives, what are we doing about that? How are we going to prepare ourselves to see how best we can stop this kind of droughts? Droughts are experienced simply because there is no water around.

If at all we can avail water to our people, if we can have like 8 drums in Uyoma, that I think will be enough. Or 4 or 5 would be enough to actually see us through because our animals that are said to be dying now walk up to 15- 16kms just to go and look for water. I believe that we have the capacity to see how we can put quite a number of measures in our budget to see ways of averting this kind of situations.

The floods in West Alego and parts of Usonga are like an annual event, it will happen, this is obvious. What are we doing about it? Must we just wait until we form a committee? It will be too late! We should be putting reasonable funds for this particular

purpose, just to prepare ourselves and even get ready with things that can make us actually store that kind of thing that displaces our people.

And lastly, I want to say that in a big County like Siaya, if you have only one firefighting engine, and this one which is even broken, I think that is too much of a shame to us. Why don't we put--- the other day we didn't even have ambulance, we sat as an Assembly and said that we need to have ambulances.

We sat as a Committee and made a proposal for the same. Now Siaya is having ambulances. Why can't we say that we need to have firefighting engines in each and every Sub-County? We have the capacity to do that because today it is Maranda--like the day when it was at Jaramogi Oginga Odinga University, I went there and to my surprise as I was leaving, I left this engine here, I thought some other ones had already come. When we were there we were told a firefighting engine was coming from Kisumu.

What a distance! If it comes and reaches the spot where we have the problem, that one alone would mean the whole building like that big building which caught fire would go down and what a big loss.

The essence of devolution is that things be made closer to the people. We cannot afford to have this one engine here to go and assist fighting fire in East Ugenya. I wish my colleague was around, how? Maybe in Yala, the new teachers training college is on fire, would we wait? So, I just want to propose that let it go in record that we need to have more firefighting engines, close to 6 in each and every Sub-County in Siaya County.

Lastly, I also want to request that in our financial year 2015/16 budget, let us put reasonable money for disaster preparedness. That one would easily assist the victims of the same.

Thank you, Mr. Deputy Speaker, Sir.

**Hon. Deputy Speaker:** Hon. Abayo.

**Hon. Abayo:** Thank you, Mr.

Deputy Speaker. I would not want to really belabor to raise the challenges that go with this Motion; they have been all raised and well-articulated. Let it go in record, the issue of fire is a serious issue and the latest was in my Ward. A dormitory got burnt in Nyagondo Secondary School and everything in that house got burnt. So, we are really addressing a serious issue.

Mr. Deputy Speaker, I don't know, but this really needs to be coordinated, because hon. Gare was here with a Statement on fires and what needs to be done and he asked the Executive to do something. Hon. Onduru today was on his feet talking about issues of drought. Those were Statements, and today we have a Motion. That just states how serious the issue is. I do not know, but I believe that we are preempting discussion on the two Statements when they will come to this House. But this is quite unique that we are talking about an authority.

Mr. Deputy Speaker, it is true that we need to put more resources and that we have a structured way to manage issues of disasters in this County. Mr. Deputy Speaker, an authority is a long term thing. Set it up, put it in place and design how it works. I am not sure whether we want to call it an authority, a board, an agency or a committee, but one thing; the speed of this Motion is that we set up an institution or we have a clear structure that when disasters

happen, we know what to do. We are committing an institution that can look at issues to do with disaster. If I was sure it is a committee or an agency, I would have proposed an amendment, but I want to leave that window that we choose the right word that we definitely need an institution that will run its own secretariat, that would be able to map all the hazards that have been mentioned and potentials of perennial disasters.

You get to Usonga, it's known. That institution that will coordinate issues to do with emergency response, that institution that will set regulations on how things are operated, that institution that will see on how we do training and carry out awareness on these issues.

Mr. Deputy Speaker, we can't talk about disasters until we have a structured way of involving the media because these will be the guys that will move this particular issue very fast. I want to support that we have such an institution. Whatever we call it; we leave it for some further consideration.

Mr. Deputy Speaker I am aware, let me not speculate but it happens that as these issues come up, I was also trying to have a discussion with some members of this County-- Say this facility is now ready for use, the issue is who would raise it and I believe that what we need on the two Statements that have been raised, we will be talking about what would be our management strategy.

Strategy one would be that we have more funding to this particular area. In our 2014/15 budget there is a provision of Kshs. 10million to buy a machine. Hopefully, as it has been mentioned by my other colleagues that we need more, if this is going to operate

then we need another one and we must think of---. At Kshs.10million, Mr. Deputy Speaker, we will not buy a machine bigger than this one, it would be less. If we are talking about the big machines we hear of coming from Kisumu, we need about Kshs. 30million.

Therefore, moving forward, Mr. Deputy Speaker, we are setting a budget cycle, we need to focus and see not just this machine because this only handles fire, what of other aspects? That is why we need an institution that will come up with a clear strategy, a bigger picture on how we manage issues of disaster in this County.

I therefore support, Mr. Deputy Speaker. This is one area we need to focus on and as an institution; it's not going to happen today. As we put up the institution, set the structures, commit the funds to have it operate, what are we doing in the interim? And this is hopefully what we were seeking from the two Statements; that there is what we can do immediately. Mr. Deputy Speaker, thank you.

**Hon. Deputy Speaker:** Hon. Aneme.

**Hon. Aneme:** Thank you, Mr. Deputy Speaker. Let me talk lastly.

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Aneme, why do you want to talk lastly? You can sit down, you will talk lastly.

*(Laughter)*

We give it to Hon. Munda.

**Hon. Aneme:** Thank you, Sir.

**Hon. Deputy Speaker:** Perhaps there is something special you want to---

**Hon. Aneme:** So, Mr. Deputy Speaker, what I wanted to say---

**Hon. Deputy Speaker:** So, you don't want to talk lastly again?

**Hon. Aneme:** If there is somebody last, let me be the second last.

*(Laughter)*

**Hon. Deputy Speaker:** Ok. Proceed!

**Hon. Aneme:** First I want to support this Motion and I want this House to remind the Executive that it is embarrassing the County government. I can remember last year, 2013/14 budget, we in the Committee of Finance allocated some funds for emergencies and when you look at this Motion, almost 80% of the problems cited here are emergencies.

I have never heard how the Executive spent the money we allocated for emergencies. Our institutions get burnt almost every quarterly but we are not seeing the hands of the Executive in them, apart from the donors. For example, we had Akoko here, the whole dormitory which has a capacity of 150 students got burnt and not even a single cent was from the Executive! So, I think it's a high time we should compel the Executive to identify and see how they can tackle these situations whenever they arise.

Secondly, there is now need that some funds should be allocated, and in fact am of the opinion that a committee should be set to be reminding them because they usually forget. Whenever there is a disaster they should be pushed to see what is happening because it seems they don't know. And again, it's not bad for us to insist that we want to know how the money we

allocated for the financial year 2013/14 was utilized because we have never heard of these people handling these situations.

When I come to the drought, a drought is a disaster and as my colleague hon. K'owii has said, this is a yearly thing. Every year we know there will be drought in Uyoma, Rarieda, the Southern part of River Yala, and even in Ugenya there is nowhere where there is no drought. Go to other places, even past River Yala here there is drought. And there is no plan from the Executive to come up with a flagship project that can handle that situation.

So, it is a time that these people should be compelled to come up with a flagship project to handle the drought disaster so that we talk of what we are doing, not just talking and allocating monies that sometimes you don't know where they go to.

Lastly, Mr. Deputy Speaker, there is a lot of laxity particularly when it comes to this machine. This machine came here before the Siaya County Government was born, and it was a donation from Japan. It has been laying here simply because the former Bondo County Council did not have the money to train a driver to operate it. Just train a driver to drive it! And there is a boy here who influenced those people to bring this machine here, that boy is languishing here in Bondo.

After going there and persuading those people to hand over the machine to the Government, now the boy is pushed aside. The machine is lying here; there is no money for his training or for any other person to be trained to run this machine even if they didn't want the boy. He comes from South Sakwa, he's called Mr. Ochieng. And again, when this thing was handed over to

the government with the allocation of something close to Kshs. 20million for disaster management, they could not think of just making the machine operational! In fact, there's a big laxity! It's an abuse of the offices! So, I think there is need, if it has to come from our source, better we move with speed to compel these people to act. That is what I wanted to add, Mr. Deputy Speaker, Sir. Thank you

*(Hon. Augo and hon. Munda stood up at their places)*

**Hon. Deputy Speaker:** Ok, proceed. Hon. Munda, I will give you the next chance.

**Hon. Augo:** Thank you, Mr. Deputy Speaker. Am sorry Hon. Munda, but that's how it is.

*(Laughter)*

Mr. Deputy Speaker, first of all, I just want to thank the hon. Member for bringing this Motion. It is a shame for the County Government. Seeing this vehicle which was donated to Siaya County people, laying here is a shame! It was for the Town Council of Bondo.

**Hon. Deputy Speaker:** Are you aware that you are part of the Government?

**Hon. Augo:** I am, but it is a shame for us, Mr. Deputy Speaker. I think because it was a donation, that's why we don't care about it. But if at all we would have spent a lot of money to buy it, it would have been working. It is a shame! Recently when the University of Bondo was burning, I just want to thank our friend, the Director of ----. In fact he is the person who first gave us an emergency tank of water to secure the place

before the firefighters from Kisumu arrived. Mr. Deputy Speaker, as Members have said, let us have a committee; let us have a plan for this fire disaster. We in Bondo we have really felt it. Our schools, colleges have been on fire and it is a pity and very painful seeing this machine laying here. I don't know, is it because it was for Bondo? If it would have been in Siaya then I think something would have been done.

Mr. Deputy Speaker, something has to be done to this machine. This machine was not only brought to Siaya County, it was also donated in Murang'a. Why couldn't they contact the Murang'a people and ask them more about it? This is the same machine which was taken to Murang'a and the other one was brought to Bondo.

Why couldn't they go and inquire and know how the machine is being used there? Now it is already 3 years down the line! This is shameful! Am saying that now our County Government has to do something to this machine. If the donor can find the machine laying there and we are spending a lot of money because of fire, it will be very shameful. Thank you. Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Munda.

**Hon. Munda:** Thank you, Mr. Deputy Speaker, for allowing me now to talk. May I first take the opportunity to thank Hon. Muhulah for bringing up this Motion. It is timely and I wish it would have been brought earlier. In Siaya, we have many problems of disasters and I think what hon. Muhulah brought here about County disaster preparedness and management authority is fully timely and I think we should embrace it. Even when I talk of the area I represent, there is a time around the

end of the year when the Governor visited us at Aram. Immediately he left, a heavy rain came and the area was flooded because there is no water drainage and a lot of things were destroyed there.

Many businessmen lost a lot of goods there and if we had this kind of arrangement it could have saved a lot of people there and elsewhere in the County of Siaya. And that is why it is good to support it and see to it that all these things that are brought about by drought, fire, flooding and the rest of it are looked into in good time so that our people will not lose a lot.

**Hon. Deputy Speaker:** Hon. Zilpa.

**Hon. Awino:** Thank you, Mr.

Deputy Speaker. I want to say that I support this Motion and agree that there should be a body in place to manage disasters. When we're still waiting for that, as a County we need also to put in place some simple precautions to take care of these disasters. Right now it is very dry everywhere and I think the water has all evaporated. As you go to Siaya, there is a shallow water pad somewhere which has very dirty water because people were drawing that water. Now it has dried.

I don't know what they are doing but that water has dried and its dry everywhere and I think it is almost bringing conflicts between communities and especially communities and schools. If you have a boarding school that gets its water from a dam and the water is getting finished, then the community will rise against the school.

Now, something can be done about some of these things. Take for example, Ng'iya Girls High School and the community around there, they are fighting over a dam and this dam has not been de-

silted for many years. Suppose they did the de-silting, it would contain more water and although it is very dry, the water could still be there and there would be no quarrel.

Mr. Deputy Speaker, I had the opportunity to go to somewhere called Yatta. It is a favorite destination for those who want to learn something to do with irrigation and farming. Yatta is extremely dry. In fact, when we were going to Yatta, I asked the people who were taking us there, 'now, where are you taking us?'

It looks as if you are taking us nowhere!' This is because it looked as if we were going to- I don't know where. And even while we were there, it was like a wilderness where you don't see people. It was extremely dry but I tell you the people of Yatta are doing very well. Through their suffering over many years of lacking water, they had to have their own solution to their own problems. So, in Yatta families or groups come together and dig these water pads.

You can have a home where there is a water pad or a group of people have water pads. It doesn't rain for long in Yatta, it takes just about 3 weeks and that's all, the season is over, no more water. But the irony is that they are producing a lot of food. The livestock there are not like these ones we are crying about, they don't die like they die in Uyoma and other parts of Siaya County. Their animals are very healthy because they plan for that drought.

For us, we know that drought is coming and we sit here and do nothing about it. Those people are planning, Ukambani used to be known for hunger, these days you don't hear them asking for relief food. It's because they are taking care of their own selves and you go there and marvel at what

people can really do when they are organized.

We went to Israel. Israel is very dry but there is a lot of food. They were doing irrigation because they had planned for it. Waste water is recycled and used for irrigation and other purposes and they export their produce to other Countries in the World. Here we are crying. Last season, Uyoma had a good bumper harvest in Siaya County; I wonder where all the stocks of maize were taken.

Those are the things that should have been gathered and kept in readiness for this dry season so that our animals don't die. We prepare for them! An issue was mentioned here of winds blowing roofs, I'm just wondering, when winds are blowing roofs, it means that we don't have trees and it is our responsibility to ensure that we do tree planting. The same Israel, I saw that every tree had a drip, and they have very tall trees because they are irrigated. Every tree has a drip so that they don't dry.

They are taking care of their trees. Here, instead of taking care of our trees, we cut them to make charcoal and burn bricks. As I come to Bondo, when I cross river Yala, I always look at all those big--- there, and I say that if I was the CECM of Environment, Water and Irrigation, I would force everybody to put water gutters so that we do rain water harvesting. All these houses don't have tanks. There should be water tanks, there should be gutters so that when it rains, that water is collected and stored.

We have already been told that we are the Government, and you know there is nothing you can go and touch and say this is the Government. The Government is you and I. Now, as we think of what to do, let us

ensure that as that is going on, we put into place simple solutions to our problems so that we don't cry year in year out. Even next year, we will be crying because the County Government is not going to do something out of the ordinary so that all of a sudden, there is water everywhere, there are no fires burning here and there.

We have to look for solutions to our problems and if this firefighting engine cannot work, even the donor can be talked to and told that although you gave us this machine, it is not working. It can be traded in and we get another one! So that if there is a fire breakout, then we don't have to suffer the way we suffered recently when this thing was here and there was nothing we could do.

So, Mr. Deputy Speaker, I support the idea of having a body that will be incharge disasters, but let us start from a small background to make it a reality like it is a reality in Israel. The Israelites have fought nature to make it possible for them to live, and they are so concerned about what is around them.

They don't even pollute their lakes as we do here. Their fish are alive, there's plenty of water. In Israel you can shower ten times because there's water every minute, here we are crying and it's a shame that our people have to drink some very dirty water. I always cry when I see that water and I cry when I see *boda boda* people washing their motorbikes in the rivers and polluting. That is also a disaster of its own. Water is polluted, we drink it and we die of cancer. Thank you very much, Mr. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Odinga.

**Hon. Odinga:** Thank you, Mr. Deputy Speaker, Sir. I think all has been

said by my colleagues in support of this Motion. What I need to tell my colleagues is that in terms of resources, it is a requirement that every County Government in locating terms of emergency funds, a percentage of the total revenue--- Mr. Deputy Speaker, Sir, I don't want to repeat what my colleagues have said.

I want to propose that you call upon the Mover of the Motion to reply because I can also see in the Order Paper there is a request for a Statement on the same, and it's like next time we won't have much to discuss over that matter. So, I request that the Mover be called upon to reply. I request hon. Abayo to second.

**Hon. Deputy Speaker:** Hon. Odinga, that is not in order! It's unprocedural! You are a senior Member of this Assembly. Hon. Omwende, can you proceed!

**Hon. Odinga:** Why is it not in order, Mr. Deputy Speaker, Sir?

**Hon. Deputy Speaker:** You cannot cut the Speaker short; you know it's the Speaker who has got eyes that can capture the whole House. The House is still in the mood of debating and we cannot deny them that right. Hon. Omwende, proceed.

**Hon. Omwende:** Mr. Deputy Speaker, first, I support this Motion, I just wanted to request just to call the Mover to reply.

*(Laughter)*

**Hon. Deputy Speaker:** Ok. Now that there is no other Member who is yearning to make any further contribution, I wish to call upon the Mover of the Motion to reply and I hope you will be as short as possible, and not too long.

*(Laughter)*

*(Question put and agreed to)*

**Hon. Muhulah:** You have just said that you don't deny people the right to talk!

*(Laughter)*

**Hon. Deputy Speaker:** Of course the right to talk does not mean talking the whole day; it must be limited to some extent. Proceed, Sir!

The House rose at 4.45 p.m.

**Hon. Muhulah:** Thank you. Mr. Deputy Speaker, I wish to thank hon. Members for debating on that Motion exquisitely. The substance of that Motion is that the County Government of Siaya needs to establish at least an institution that will be looking at these disasters.

The measures that can be taken as fast as possible are like having firefighting engines in the County. If possible, we would propose to have one in each and every Sub-County and then we either minimize these calamities or possibly discard the element of disasters in Siaya County. I wish that this House moves very fast because some of these tragedies possibly will occur as soon as the rains start. I thank the House, thank you.

*(Question put and agreed to)*

## ADJOURNMENT

**Hon. Owii:** Thank you, Mr. Deputy Speaker, Sir. We have exhausted the business of the day and we have no more to discuss, I therefore wish to move a Motion that this House adjourns until tomorrow at 9 am in the morning. I want to request hon. Angul to second.

**Hon. Angul:** Thank you, Mr. Deputy Speaker, I stand to second.

**WEDNESDAY, 4<sup>TH</sup> MARCH, 2015**

The House met at the County Assembly Chamber at 9.10 a.m.

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

**PRAYERS**

**The Temporary Speaker** (Hon. Muhulah): Do we have enough quorum, Madam Clerk?

*(The Clerk-at-the Table confirmed the lack of quorum)*

**The Temporary Speaker** (Hon. Muhulah): Serjeant-at-Arms, can you ring the bell for a few minutes.

*(The Quorum Bell was rung)*

*(Several Hon. Members walked into the House)*

*(Quorum confirmed)*

**The Temporary Speaker** (Hon. Muhulah): We can now proceed!

**PAPERS**

**Hon. Agoko:** Thank you, Mr. Temporary Speaker, Sir. I wish to put it to the attention of this House that we had laid the Paper in December and today we just want to discuss the Motion.

**The Temporary Speaker:** Hon. Chair, is that the Mumias report?

**Hon. Agoko:** Yes, the report for Mumias.

**The Temporary Speaker** (Hon. Muhulah): Thank you. Hon. Chair for lands!

**Hon. Otare:** Thank you, Mr. Temporary Speaker. The report was laid here last year, 23<sup>rd</sup> October and there were some amendments that the House wanted the Committee to follow up on. It's ready for discussion

**The Temporary Speaker** (Hon. Muhulah): Thank you. Next Order!

**NOTICES OF MOTION**

ADOPTION OF THE REPORT OF THE  
COMMITTEE ON AGRICULTURE, LIVESTOCK  
AND FISHERIES  
ON THEIR VISIT TO MUMIAS SUGAR  
COMPANY

**Hon. Agoko:** Thank you, Mr. Temporary Speaker. I wish to move a notice of Motion that this House adopts the report of the ---

*(Hon. Hilda Achieng's cellphone rang)*

**The Temporary Speaker** (Hon. Muhulah): Hon. Chair, would you resume your seat please! Hon. Members, I want to bring to your attention that at any given moment you come to this House, please ensure that your phones are on silent mode. Next time the Chair will not hesitate to give a warning, the Chair will throw Members out of the Session because it's a disturbance and interruption to the proceedings. Carry on, Hon. Chair, Agriculture!

**Hon. Agoko:** Thank you, Mr. Temporary Speaker, Sir. I wish to give notice of the following Motion:-

THAT this House adopts the report of the Committee on Agriculture, Livestock and Fisheries on their visit to Mumias Sugar Company

**The Temporary Speaker** (Hon. Muhulah): Hon. Chair, Lands!

ADOPTION OF THE REPORT  
ON THE LAND DISPUTE ON  
KADENGE PLOT 899  
AND MBOLORI MARKET  
IN CENTRAL ALEGO WARD

**Hon. Otare:** Thank you, Mr. Temporary Speaker, I wish to give notice of the following Motion:-

THAT this House adopts the report of the Committee on Lands, Physical Planning, Surveying and Housing on the land dispute on Kadenge Plot 899 and Mbolori Market in Central Alego Ward.

**The Temporary Speaker** (Hon. Muhulah): Next Order!

**MOTION**

ADOPTION OF THE REPORT OF THE  
COMMITTEE ON AGRICULTURE, LIVESTOCK  
AND FISHERIES  
ON THEIR VISIT TO MUMIAS SUGAR  
COMPANY

**Hon. Agoko:** Thank you, Mr. Temporary Speaker Sir, I wish to move the following Motion: -

THAT this House adopts the report of the Committee on Agriculture, Livestock

and Fisheries on their visit to Mumias Sugar Company on 3<sup>rd</sup> October, 2014.

Mr. Temporary Speaker, this report had been discussed in this House and the House had some reservations, but I believe it has now been done to the expectations of the House. I would wish that we grow through it though we may not go word by word.

First of all, I wish to thank the members of the Committee for their dedication and commitment. I would request that we go to page 3.

In reaction to the Statement brought to the House by Hon. Peter Ombee, Member of South Gem Ward on 5<sup>th</sup> of August, 2014, notifying the House on the complaints of farmers in South Gem that Mumias Sugar Company had contracted them, facilitated in ploughing, harrowing, furrowing, supply of seed cane and fertilizer for planting, they did not make any follow up to supply ammonia fertilizer for top dressing.

He also wished to know how much monies had been paid by Mumias Sugar Company in terms of cess so that it can be ploughed back to the sugar cane growing areas. The Statement was referred to this Committee to investigate and report back to the Assembly.

The Committee did farm visits and consultative meetings with sugar cane farmers in South Gem Ward and extended its visits to Sidindi, Sigomre, E. Gem, N. Gem, E. Ugenya, Yala Township and N. Ugenya Wards which are also engaged in sugarcane farming under contract with Mumias Sugar Company within the County for information gathering and analysis.

The key approaches during the survey were;

- i. Farm visits.
- ii. Public meetings with farmers
- iii. Direct consultation with farmers
- iv. Direct consultation with local agricultural extension personnel at Sub County and Ward level
- v. Consultation with area representatives of Mumias Sugar Company

### FINDINGS.

#### **1. Communication**

The communication between farmers and the firm, i.e. Mumias Sugar Company, is not very efficient, leading to unresolved issues. Some of the grey areas include:-

- i. Contract agreement presented to farmers already signed without the farmers consent and knowledge.
- ii. Limited sensitization and education on economics of sugar cane farming.
- iii. Detailed explanation on the role of the farmers and the company in the contract. The company does not explicitly explain to farmers what they are supposed to do and what the company is to provide.
- iv. The company stopped supplying farmers with fertilizer without giving them notice.
- v. There seem to be a biased treatment between private and contracted farmers.
- vi. Poor harvesting where cane is cut at knee high.

#### **2. Cane Development/Agronomy**

Commercial sugar cane farming in some parts of Gem Sub-County is a new venture

hence farmers are not very familiar with various agronomic practices. However, farmers in the other Sub-Counties that have been in the trade still require their skills to be further enhanced. Some of the challenges faced include;

- i. Poor land preparation.
- ii. Delayed supply of seed cane i.e. after ploughing seed cane is delivered when the land is already overgrown with weeds.
- iii. Low tonnage due to poor varieties provided by the company while the farmers prefer a variety called C149
- iv. The cost of gapping sugar cane farms is borne by the farmers.
- v. Herbicides are not given to farmers.
- vi. Farmers are not trained.

#### **3. Infrastructure Development**

Some of the major issues in infrastructure development and maintenance were;

- i. Poor maintenance of roads used by cane tractors in sugar cane growing areas.
- ii. Linao Bridge was left incomplete yet Kshs. 20,000,000 was released by Kenya Sugar board for construction of the same.

#### **4. Cane Harvesting and Transportation**

Farmers complained that they have made losses arising from cane harvesting and transportation related challenges. Some of the bottle necks cited by the farmers are;

- i. Poor harvesting, i.e. the height of cutting the cane is too high.

- ii. Areas that are not fully grown are left unharvested. The harvesters tend to rush to areas that are well grown.
- iii. Delay in collection of cane after cutting, leading to reduction of tonnage.
- iv. Weighbridge not in strategic places. Farmers are just informed of their canes tonnage but they don't witness the weighing.
- v. Inaccurate reading from the weigh bridge.
- vi. Loss of cane due to theft and poor packaging while on transit

#### 5. Financial and Economic Issues

Farmers take sugar cane farming with very high esteem being the only large scale commercial farming activity in the County. It is envisaged that, engagement in sugar cane farming will improve the households' livelihoods. However, the converse is true in some instances. Some of the complaints raised by farmers that lead to diminishing their returns were;

- Interest charged in transportation is too high.
- Delayed payment of up to 8 months after delivery by contracted farmers, yet non contracted farmers are paid within two weeks of delivery.
- After all the deductions, most farmers end up with losses---

**The Temporary Speaker** (Hon. Muhulah): Sorry for interruption, Chair for Agriculture. Could you ensure that microphones that are in front of you are off.

Put them on only when you are standing to speak. Continue, Hon. Chair!

**Hon. Agoko:** Transport charges have remained the same despite shorter routes established by the company.

- Use of cess not clear. The use of cess has not been well clarified.

Following findings from the field visits, the Committee found it necessary to hold consultative meetings with Mumias Sugar Company management. Hence, the Committee made visits to the company on 18<sup>th</sup> August, 2014 and 3<sup>rd</sup> October, 2014, where broad discussions were held with the management.

The following broad areas were covered:-

#### i. Sugarcane establishment and husbandry

During its farm visits the Committee established that supply of seed cane and other farming materials came late and some farmers diverted fertilizer to other farming activities thus large fields of cane were unhealthy due to lack of fertilizer leading to low yields. In its consultations with Mumias Sugar Company, it emerged that Siaya County delivered 10%- 20% of the cane processed by the company.

Secondly, the current cane yield per hectare of land in the County is less than the minimum economical yield of 80 tonnes per hectare. Other factors that underpin low profitability of cane growing in the County are weeding, low land holding under sugarcane per household, coupled with the long distance to the factory.

The Committee was advised to encourage farmers to address the challenges

expounded above. The sugarcane farmers were also to be encouraged to source seed cane from within the County to avert high transportation costs.

**ii. Sugar cane production contracts**

Farmers brought to the Committee's attention that the contracts were too complicated to be understood, and were signed 4–6 months after growing cane. The management of Mumias Sugar Company acknowledged that the current agreement format was complicated for farmers to understand and did not take into account the changes that have taken place in the sugar industry over the years.

Therefore, consultations with key stakeholders, like the Kenya Sugar Growers Association are ongoing with a view to revising the contract format. It is expected that in the review process, Kenya Sugar Growers Association will hold consultations with the farmers in the whole Country and consult with them on the proposed changes.

**iii. Provision of farm inputs for sugar cane production**

Subsidized fertilizer is the major input posing challenge between farmers and Mumias Sugar Company. The Company noted that it did not have direct access to the subsidized fertilizer since it was being handled by the National Cereals and Produce Board with regulations on the quantities to be procured.

Secondly, the NCPB only stocks various types of fertilizer, some of which may not be ideal to sugarcane growing. The situation is aggravated by some of the NCPB stores being located in areas far away

from sugarcane farmers. In recognition of the above challenges, the Company is in process of procuring fertilizer for cane development directly from manufacturers without going through NCPB.

**iv. Infrastructure, Construction and Maintenance**

The company maintains roads in cane farming areas only. However, the management noted that there was a fund for maintenance of infrastructure in sugarcane areas which the County Government could benefit from upon application.

Since the County Government may not be having clear information on the operations of the fund, the County Assembly requested the management of Mumias Sugar Company to furnish the County with procedures of application and any other information that could help the County benefit from the fund.

Meanwhile, the Company advised that the maintenance of roads could be undertaken under partnership between the County Government and the company depending on areas of strength for each partner. For example, the company could provide machinery and trucks, while the County Government provides fuel for running the operations or vice versa.

On the construction of Linao Bridge in East Ugenya that has stalled, the company agreed to have the construction re-launched and work done to completion.

**v. Cane harvesting, transportation and weighing**

The company intends to give 30% of the transportation contracts to local entrepreneurs. This would minimize the

effects of cartels that exist in the transportation of sugarcane. The management promised to investigate reports of malpractices at the weighing bridge and poor harvesting methods and appropriate remedial measures to be put in place and allow farmers to be present during weighing and intensify its supervision.

In order to put up a weighing bridge in an area, the company requires a minimum of 6,000 hectares of cane; hence, the County will qualify for a weighing bridge when the region meets the threshold.

**vi. Importation of cheap sugar**

The company was facing serious challenges due to flooding of the Kenyan market with cheap imported sugar by cartels. This had seriously affected the market price and the operations of the company. The company had all its security details on surveillance but it was impossible to have the culprits brought to book. Some of the importers repackaged their sugar into Mumias Sugar bags

**vii. Payment of cess to the County**

The company conceded that it owes Siaya County cess monies for about three years and it was working on modalities to clear the amount. Previously, the monies were used to undertake projects identified by cess committee in sugarcane growing areas. However, the management conceded that the company was facing serious financial constraints.

**viii. Payment for delivered cane**

Farmers had complained they had not been paid for cane supplied since December, 2013 and there was a disparity in payment of contracted and non-contracted

farmers who were paid on delivery. Previously, the company was 7 months in arrears for payment of delivered cane.

However, the company received assistance from the County Government of Kakamega and has been able to settle farmers payments up to the month of July, 2014.

**ix. Corporate Social Responsibility**

The company runs corporate social responsibility activities through its subsidiary, Mumias Foundation. The County can benefit from the wide range of programmes like; Utamu Halisi Football Tournaments, supply of medicine to community dispensaries, construction of classrooms and toilets and dairy cows to sugar cane farmers offered by the implementing agent.

**COMMITTEE'S  
RECOMMENDATIONS TO THE  
HOUSE**

1. Before contracting farmers there should be a proper communication/sensitization between farmers and the company so that farmers understand the obligations of each party. The contracts should be signed at least 1–2 months before commencement of the activities. Mr. Temporary Speaker, the problem we had in South Gem, one, is that farmers do not understand the content of the contract. Two, is that the farmers were not sensitized to know their obligations and those of the company

- and this led to the issues that were raised here.
2. The County should work on modalities of sugarcane production and processing within the County. It would be ideal and profitable for farmers if a sugarcane processing plant is established in Siaya County. That will reduce the cost of transport and other operational costs.
  3. The National and County Government should work on modalities of reducing the cost of sugar production to compete in the COMESA markets. Mr. Temporary Speaker, Sir, you realize that Kenyan sugar producers spend twice or more what is spent by other sugarcane growing and processing companies outside Kenya. So you find that the sugar processed in Kenya cannot compete and that is why our farmers are suffering. So we recommend that measures be put in place to ensure that sugarcane production costs are reduced to be competitive.
  4. A farmer's sacco should be formed to negotiate for better terms in farm inputs supply and marketings of their cane. Farmers or farmers representatives must be allowed to be present at the weighing bridges when their canes are being weighed. Mr. Temporary Speaker, we found that farmers are never allowed to be present when their canes are being weighed at Mumias Sugar weigh bridges and we feel it is very necessary that farmers or their representatives be allowed to be present at the weigh bridges.
  5. Cess committee should be formed to make a follow up on the monies owed by the company and help identify projects to be undertaken in sugar planting zones. Mr. Temporary Speaker, Sir, Mumias Sugar Company and other sugar processing companies release their monies to cess committees. In this regard, after the promulgation of the constitution, Siaya County Government has not established a cess committee that previously comprised of councilors and farmers representatives. Mr. Temporary Speaker, Sir, we recommend that Members of County Assembly who come from sugarcane growing areas and farmers representatives be brought together to form a cess committee so that we can be receiving the monies from the company to undertake a project.
  6. Enhance supply chain of farm inputs e.g. subsidize seed cane, fertilizer etc., and ensure their timely delivery within the County. Mr. Temporary Speaker, the delivery of these inputs including seed cane has not been very efficient and farmers have serious problems and challenges when the fields are prepared and seed cane is delivered probably two or three months after the fields have been prepared. You find that by then the farms are bushy and this increases the cost of production

- because the farmers have to redo the farms again.
7. The County Government of Siaya should set up a sugarcane research station to ensure our farmers grow varieties with high potential yields. Mr. Temporary Speaker, in some parts of this world, there are varieties of sugarcane that mature within nine months, and here in Kenya, and particularly in Siaya County, we grow sugarcane that matures between 18 to 26 months So it will be good enough for us to have a research station here so that proper research is done to have varieties that can mature within that period of time.
  8. Soil sampling should be done before setting up cane fields and other crops to establish the soil Ph. and soil nutritive requirements. Mr. Temporary Speaker, soil sampling and testing is hardly done around and farmers do not know their soil Ph. and nutritive requirements, thus leading to people doing things that are not professional and end up making serious losses because they don't know.
  9. The Ministry of Agriculture extension officers should partner with the company field officers to give appropriate technical advice to sugarcane farmers for increased production and profitability. Mr. Temporary Speaker, it is unfortunate that the Ministry of Agriculture personnel never bother to advice

sugarcane farmers because all the sugarcane fields are deemed to be owned or are properties of Mumias Sugar Company. Mr. Temporary Speaker, every crop falls within the agriculture department and they should be reminded to be advising and assisting even the sugarcane farmers.

At that end, Mr. Temporary Speaker, Sir, I call upon the Hon. Members of this House to adopt the report and I call upon Hon. Onduru who is seated beside me here to second.

**Onduru:** Mr. Temporary Speaker, Sir, I second.

*(Question proposed)*

**Hon. Minami:** Thank you, Mr. Temporary Speaker, for giving me the opportunity to say something on this report. First of all I want to thank the Committee and the Members who went to Mumias Sugar and brought us this report.

Mr. Temporary Speaker, we have seen Mumias Sugar Company getting into our areas, contracting farmers to do cane farming and some of those contracts are not very helpful to our people. I have seen a farmer in my Ward being contracted; he gives out 10 acres of land and will start enjoying the benefits of his land from the sugar miller after 3 harvests, Mr. Temporary Speaker. So I would have wished that the Committee advises the company to make sure that the farmer gets a percentage from the first harvest. As it stands now, majority

of our farmers who are contracted by these companies will not benefit in the long run if necessary measures are not put in place to make sure that they are protected.

So my request would be to make sure that in future, before this company comes in any engagement with our farmers, we have agricultural officers within our County, we have an agricultural CEC and a Chief Officer who have been employed by the County Government, we want them to have an agreement with any other company, not only Mumias, which puts very clearly how long and how much in terms of percentages from production that any contracted farmer is going to benefit, Mr. Temporary Speaker.

Mr. Temporary Speaker, with those very many remarks, I support the report. Thank you.

**The Temporary Speaker** (Hon. Muhulah): Hon. Were!

**Hon. Were:** Thank you, Mr. Temporary Speaker, Sir. I have looked at the report presented in this Assembly by the Committee on Agriculture and it is a bit strange that they met farmers in my backyard without really involving me. I even don't know the venue.

I have looked at the Committee recommendations and one common thing here is, 'should, should'. Very common! 'Should, should, should'.

*(Laughter)*

It portrays---

**Hon. Awino:** Point of order, Mr. Temporary Speaker, Sir!

**Hon. Were:** Allow me to talk, Zilpa!

*(Laughter)*

**The Temporary Speaker** (Hon. Muhulah): Hon. Were, Hon. Zilpa is on her feet. What is the point of order?

**Hon. Awino:** Thank you, Mr. Temporary Speaker. Is it right for the Hon. Member to keep repeating the word 'should'? We are not in a language class! Let him look at the content.

**The Temporary Speaker** (Hon. Muhulah): Hon. Zilpa, 'should' is a language, and please allow the Member to say the reason why he doesn't feel 'should' should be there. Hon. Were, continue!

*(Laughter)*

**Hon. Were:** I couldn't understand why they are in love with---

**The Temporary Speaker** (Hon. Muhulah): Hon. Were, continue with the discussion that we are in!

**Hon. Were:** Okay. Okay. Fine!  
*(Laughter)*

You know, it is a helpless situation and one thing that should have come out very clearly is for the County Government to work on a policy formulation that would cater for the farmers interests, fair trade practices, inter county trade and how farmers should be able to relate with other companies that are making forays into this County to do business with our farmers. This should have been the starting point! Policy formulation that would give a road map. But when somebody is like, 'should, should'.

*(Laughter)*

I don't understand why they are in love with the word 'should'. That is my contribution.

Thank you, Mr. Temporary Speaker.

*(Laughter)*

*(Loud consultations)*

**The Temporary Speaker** (Hon. Muhulah): Hon. Aneme! Order Members!

*(Loud consultations)*

**Hon. Aneme:** Thank you, Mr. Temporary Speaker. I arise to support this Motion and this report.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Muhulah): Order Members! Order! Continue, Hon. Aneme

**Hon. Aneme:** Today, this Paper seems to be well researched, it looks good than the others. What I wanted to remind my colleagues is that sugarcane is one of the cash crops that Siaya should benefit from, but with the way we have been handling the sugar industry in Siaya, it is not very strong. So with this kind of a good report, I am going to urge our Agriculture Committee to take the initiative of making sure that sugar industry programmes are put in place in Siaya so that we can also make the money that the other colleagues from the neighborhood are getting.

I am in agreement with the recommendations. If you turn to page 7, from number 4, there are good recommendations, but I believe if the Committee does not put the initiative of following up, this will remain just a paper. So I would urge our colleagues to make sure that they follow these recommendations and make sure that they are working because there is no time frame in all these

recommendations. They are just there but we do not know when they will be effected. The Siaya County Government came into being in the year 2013, today is 2015 and when we have such recommendations and we don't have the time frame, I don't know whether they will be done by the next government.

So my colleagues, I want to urge you to go and make sure that these recommendations are implemented, they are put in place and the time frame is there. Research should also be done, do not only confine yourselves to the neighbourhood of Mumias, sugarcane industry can even be extended down to the South of River Yala. So the Committee should do research on designated places where sugarcane industry can also be extended to.

So with those few remarks, you are going to --- and next time I hope your report will be good like this one. Thank you very much.

**Hon. Awuor:** Thank you, Mr. Temporary Speaker. I am on my feet to support this report. First and foremost allow me to thank the Committee through the Chair for the good work they have done. Mr. Temporary Speaker, I want to say that if a report is before this House and I see something which is not included, I can just contribute and add that we should have added this and that.

Mr. Temporary Speaker, there are things that I have seen here in the report and specifically that part of recommendations which states that a cess committee should be formed to follow up the monies owned by the sugar companies and it is a recommendation to the effect that the Members of the County Assembly coming from those areas where this activity is being

done should form part of the membership of this committee. Mr. Temporary Speaker, I do understand that our roles from 2013 changed, if you were a councilor then, you are now a Hon. Member of the County Assembly and I wanted your indulgence to really know whether MCAs can form part and parcel of the committee that deals with cess.

Secondly, there's a recommendation about soil sampling. Mr. Temporary Speaker, I want to agree with the Committee that sampling should be done to know the varieties that we really need to grow in these areas. So I want to support this and I want to say that we need to look at it broadly and I think the time frame should also be put in place, Mr. Temporary Speaker.

I wanted just to say those few remarks for now, Mr. Temporary Speaker, but I think the recommendations are good and I don't want to replace the word 'should' with 'must'. Recommendations are put in the best language; you can't force recommendations, Mr. Temporary Speaker. I want to differ with my colleague. Thank you, Mr. Temporary Speaker.

**Hon. Munda:** Thank you, Mr. Temporary Speaker, for giving me this chance to contribute to this important report. First, I would say it is a good report and the Committee on Agriculture, I must thank you for doing this job greatly. I only have some few concerns which they noted. Like in page 3 (i); contract agreement presented to farmers were already signed without the farmers consent and knowledge. That is noted and the farmer should be told when they should ---.

The other one is that the company stopped supplying farmers with fertilizer

without giving notice. This is important, they should be given notice.

The other one is about the biased treatment between private and contracted farmers. There should be no biasness in this programme.

On the recommendations, Mr. Temporary Speaker, they are good and I would take great emphasis on No. 9. It is written that the Ministry of Agriculture extension officers should partner with the company field officers to give appropriate technical advice. It is important that it should be done that way. Thank you, so much Mr. Temporary Speaker.

**Hon. Madialo:** Thank you, Mr. Temporary Speaker. May I support the report and, Mr. Temporary Speaker, add that perhaps the Chairman should pass this to the CEC of Agriculture so that it aids in the formulation of an agricultural policy more so touching on the areas where sugarcane is a cash crop.

But, Mr. Temporary Speaker, this good report perhaps may have been supported by certain recommendations that should not be there. I start with recommendation No. 3; the National and County Government should work on modalities to reduce the cost of sugar to compete in the COMESA market. Mr. Temporary Speaker, COMESA means, Common Market for Eastern and Southern Africa, and there is no way the County Government of Siaya can be able to deal with South Africa, Namibia, Zambia and Tanzania. That might have been an unnecessary recommendation.

Mr. Temporary Speaker, recommendation No. 7; the County Government of Siaya should set up a sugarcane research station to ensure our

farmers grow varieties. Mr. Temporary Speaker, when we adopt this report, we expect the Executive to implement it as much as possible, and when we provide that a research station be set up where sugar as a controlled group is concerned, then perhaps we over burden the minds of the Executive because we all know that the quality of sugar in Kenya is controlled by the Kenya Sugar Research Institute and that is exclusively a national government function.

In fact it would be illegal for the county government to purport to set up a sugar research station because even the national government itself must pass through the Kenya Sugar Research Institute.

Mr. Temporary Speaker, the rest of the recommendations are beautiful and if implemented, they would further add value addition on our lands especially land usage.

Lastly, Mr. Temporary Speaker, when we talk about sugarcane as a cash crop, the Committee has dealt with it perfectly. But when we talk about Mumias Sugar and then tie these very good findings to Mumias Sugar, then there will be a problem there, Mr. Temporary Speaker. For one, Mumias Sugar is not a government institution; Mumias Sugar is a profit making company that is listed in the stock market. So we can't bind it with our resolutions.

Secondly, Mumias Sugar as an operation, is about 20% or 10% Siaya, the rest is Kakamega County. And so when we get resolutions that say that these are directed at Mumias Sugar Company, you see, even if was a government institution, we would have to work in consonance with the County of Kakamega. So, Mr. Temporary Speaker, my view would be that these recommendations and the findings of the Agriculture Committee are so good that

they should not dilute them with the recommendations that are not implementable. So that what we take to our CECM or cabinet should be things that concern us exclusively as Siaya and ask them to implement them as policies of Siaya. But when we perhaps go outside those precincts, then an excuse might come from the other side and they may be right, they may say you talked about Mumias Sugar Company and it is a private institution and there was nothing we could say.

Mr. Temporary Speaker, I want to rest my submissions by stating this; the contracting of farmers from the experience that many of us must have, most of the time these farmers out of desperation, sometimes I think it is out of ignorance, you find somebody plants sugarcane that two years down the line, he is selling the crop without harvesting it. And sometimes they sign contracts that they have not read. Sometimes contracts are written in English but it is common knowledge that the majority of land owners in the rural setup might not be so at home with the English language.

Mr. Temporary Speaker, it is good that the Committee is saying that we set up a policy where we shall be giving guidance to our farmers or land owners to seek advice before they append their signatures to the contracts. Perhaps it might be important that we say, before the department of lands registers these contracts, they should see the farmer and establish that that farmer knows what he signed.

Those things are not reinforce able if you don't register them in the Ministry of Lands, without of course forgetting the fact that if the owner of the land says he wants to rent it out for Kshs. 2 per year and he says

that is what he wants, you can do nothing about it.

Mr. Temporary Speaker, I support the report.

**Hon. Asewe:** Thank you, Mr. Temporary Speaker, for giving me this opportunity to add my voice to what has been said. Mr. Temporary Speaker, first I would say that I support the report.

Mr. Temporary Speaker, Siaya is lacking so many things in the agricultural sector and those people who have engaged themselves in sugarcane growing need to be given the necessary support. Though Mumias is not within Siaya as it has been mentioned, but whatever they are giving to our farmers, I think will raise the income in Siaya County.

Mr. Temporary Speaker, there is this Ministry of Agriculture in Siaya; I don't know why they are sleeping on their jobs. I don't even see why other bodies should come up! Even if it is technical advice, the Ministry should be there to give the technical advice to the farmers. If it is a policy, it should come up with that one, present it to the right place so that it can be passed and then the farmers will benefit from it. We need to engage the Ministry so that they participate fully, not sitting in an office like the secretaries.

I have seen that our Committee on Agriculture is really willing to support the farmers by engaging the sugarcane growers with that technical part in Mumias. You even see the access roads that they are talking about. If the government can follow up properly, there is a way they can be engaged in construction of some of the roads. These roads will also help our people to access their farms.

So, such opportunities should be exploited and we should not just read the report, discuss it and leave it here. Mr. Temporary Speaker, there is a tendency in this House and even on the other arm of the Siaya County Government that when a report like this is tabled, we go through it and maybe make recommendations and then it is dumped like that without any further action. This one should stop and the necessary Committee should follow up to make sure that the report is implemented the right way.

Thank you.

**The Temporary Speaker** (Hon. Muhulah): Hon. Ombee

**Hon. Ombee:** Thank you, Mr. Temporary Speaker, Sir. I rise to support the report. The Statement was brought to the House by Hon. Peter Ombee, here I am.

*(Laughter)*

This is a wonderful report and I thank the Committee for the good work they have done. My complaints have been considered and the recommendations are very good. Mr. Temporary Speaker, Sir, recommendation number one states that; before contracting farmers, there should be proper communication/sensitization between farmers and the company so that farmers understand the obligations of each party. The contract should be signed at least 1-2 months before commencement of the activities. Mr. Temporary Speaker, Sir, let this recommendation be implemented.

Thank you, I will stop there.

*(Applause)*

**The Temporary Speaker** (Hon. Muhulah): Hon. Elisha

**Hon. Okuku:** Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to add my voice to this report. First and foremost, I want to appreciate what the Committee on Agriculture has done.

Mr. Temporary Speaker, Sir, it is very difficult definitely to say that the Committee should follow up the report. After preparation of the report and adoption, the report now becomes the property of the County Government of Siaya. So it's upon the County Government----

**The Temporary Speaker** (Hon. Muhulah): Hon. Elisha, discuss only about this report, there is a Committee on Implementation in this House which is supposed to be following this. Continue Hon. Elisha.

**Hon. Okuku:** That is where I was going, Mr. Temporary Speaker.

**The Temporary Speaker** (Hon. Muhulah): Continue Elisha!

**Hon. Okuku:** Mr. Temporary Speaker, as my colleagues have said, the implementation of some reports which have been adopted have not seen the light of day. The Committee on Implementation should be urged and pushed so that they do a proper follow up on reports that have been passed in this Assembly.

Mr. Temporary Speaker, it's definitely difficult to push Mumias Sugar as a company, but I would rather urge the County Government of Siaya to take the first initiative of sensitizing and argue on behalf of the people it represents, negotiate on their behalf, confront the County Government of Kakamega and the Mumias Sugar Company so that our people can be compensated. If you look at the report, you find that there are wrong doings that have been done and it's upon this County

Government to take them up so that those people who were contracted and are now crying can have their day and can laugh.

As it was said by Hon. Madialo, Mumias Sugar Company is not a government that can be pushed, it's a private company listed in the stock exchange market. If the County Government of Siaya cannot take the lead to act and argue on behalf of its people, it will be in vain. As an Assembly we can only adopt but the person who can take the lead is the CECM for Agriculture. I want to urge the CECM to be proactive and follow up with Mumias Sugar Company so that people can be compensated for the contract they signed earlier.

Mr. Temporary Speaker, another thing that I wanted to address is the issue of signing contracts with our people. You find that the contracts are addressed in English and people rush to sign them without properly understanding the meaning of what they are signing.

That is what has also brought us a problem along the Yala Swamp with the so called Dominion Farms. People rush to sign what they don't understand and at the end of the day they cry. I think proper sensitization is needed. We should come up with a policy that before any investor hits the ground running; our people should be properly sensitized, they should understand what they are signing.

Mr. Temporary Speaker, this report shows the cry of our people and it should be an eye opener in dealing with future investors. I want to rest my case by congratulating this Committee and say that the County Government of Siaya should take the lead.

Thank you.

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

*(Several Hon. Members stood up in their places)*

**The Temporary Speaker** (Hon. Muhulah): Resume your seats! Resume your seat Hon. Augo! Hon. Members, knowing that we still have another Motion; I would wish that we agree to minimize the discussion then we invite the Mover of the next Motion to come in. In that case, I will only allow a few Hon. Members to make their contributions.

Hon. Augo, please now take the Floor.

**Hon. Augo:** Thank you, Mr. Temporary Speaker, and am sorry I'm not a member of the Agriculture Committee. I just want to thank you for giving me this opportunity, but I'm very sorry that today you are very biased.

**The Temporary Speaker** (Hon. Muhulah): Hon. Augo, the Speaker allowed each and everybody to talk. Can you withdraw the word biased!

*(Laughter)*

**Hon. Augo:** I withdraw! But----  
*(Laughter)*

Mr. Temporary Speaker, today the Chair is not seeing ladies, but I have withdrawn. Thank you very much; I want to congratulate the Committee on Agriculture for doing this research. Mr. Temporary Speaker, I insisted on contributing on this report because where I was born, my father has been a sugarcane farmer and my area has the biggest population of cane growing farmers in Siaya. I know Hon. Agoko will agree with me that it's true. I was in my area last Saturday and I found out that some of the farmers have already cleared their farms

and said they are not going to plant sugarcane anymore.

Mr. Temporary Speaker, my real brother had a 3acre piece of land with sugarcane, when the Mumias Sugar Company came to harvest the sugarcane, he didn't even get a single cent. It is very painful! Because this is our cash crop in Siaya, the County Government should go and talk to our people, tell them the profits they can get and what can make them earn something in sugarcane. As at now, their hearts are out of sugarcane.

The recommendations here are so good, but if we don't go back to our people, this matter of sugarcane will be a forgotten thing in Siaya County. Some of them even decided to burn everything in their *shambas!* They don't want anything to do with sugarcane! It's true; you can go and investigate, Hon. Members.

Mr. Temporary Speaker, my recommendation is that we go the South Nyanza way. They decided to have their local factories. They even manufacture *sukari ngurus* and sell them. You'll find the *sukari ngurus* in the Asian shops in Kisumu. Even our people here in Bondo go up to South Nyanza to get them. It can also help us instead of sitting and waiting for the Mumias people. Mr. Temporary Speaker, Mumias is a dying horse! They have no money! If we can depend on Mumias, then we have to have an option.

Thank you and I support.

*(Hon. Ogutu stood up in her place)*

**The Temporary Speaker** (Hon. Muhulah): Hon. Rosemary, is it so much burning that we cannot discard this issue?

**Hon. Ogutu:** Just a word.

**Hon. Temporary Speaker** (Hon. Muhulah): A word or a contribution?

**Hon. Ogutu:** A contribution can be in the form of a word

**The Temporary Speaker** (Hon. Muhulah): Ok

**Hon. Ogutu:** Thank you, Mr. Temporary Speaker, Sir. I take this opportunity to thank my fellow colleagues at the Agriculture Committee and I also take this opportunity to thank Members. I am the one who brought this Motion last time and it was rejected here in totality. But this time round I think it has come with a lot of senses. The Agriculture Committee did not only go out to Mumias to come back with bags of sugar. It has really come out very clearly that we went there to do research---

**The Temporary Speaker** (Hon. Muhulah): Hon. Rosemary, are you reprimanding Members or you are giving yourself congratulations?

**Hon. Ogutu:** Those were just remarks which were made, but it has come out in the report that we did some work.

**The Temporary Speaker** (Hon. Muhulah): Ok. Go on!

**Hon. Ogutu:** Thank you. I also want to urge Members to encourage farmers to continue growing sugarcane even as we work on the policy formulation. Thank you, Mr. Temporary Speaker.

*(Question put and agreed to)*

### MOTION

ADOPTION OF THE REPORT  
ON THE LAND DISPUTE ON KADENGE  
PLOT 899  
AND MBOLORI MARKET  
IN CENTRAL ALEGO WARD

**Hon. Otare:** Thank you, Mr.

Temporary Speaker, Sir. I wish to put a Motion that this House adopts the report of the Committee of Lands, Physical planning, Surveying and Housing on land dispute on Kadenge plot 899 and Mbolori Market in Central Alego Ward.

Mr. Temporary Speaker, Sir, this report was initially laid in this House on 23<sup>rd</sup> October, 2014 and there were some amendments that the House wanted the Committee to follow up on. We had two reports and I just wish to inform this Hon. House that the report on plot 899 is still not ready because there are some documents that we are still following.

Mr. Temporary Speaker, Sir, this issue was brought to this House by Hon. Oriario of Central Alego Ward and to our advantage; he is also a member of this Committee. I will just go direct to the introduction because initially we had brought this report to this House and it forced us to go back to the public to bring another report.

So, the members of the Lands Committee went back to the public on 20<sup>th</sup> Feb, 2015 to establish the dispute at Mbolori Market. Mr. Temporary Speaker, Sir, when the members went to the place, we met stakeholders totaling 108 and this also included the complainant of this plot. If we look at the previous report, when we went to Mbolori market we found only 60 stakeholders and when we went back the total raised to 108. This shows how concerned the public is with this report.

### Community Contribution/observation

1. There has been a market in the disputed land parcel 1027/Kochieng B, as

evidence; there was a foundation for an old posho mill in the market.

2. The land was contributed by the community around that place and demarcation was done in 1945.

3. The land in question has been in the high court in Kisumu since 2007.

4. The complainant, Mr. Phanuel Otieno who was also present in the meeting said that the County Council of Siaya and the advocate have not been attending the court session and he was shown the portion of the land by his late father.

5. The traders requested the County Government to take up the matter so that the market can continue as before.

#### **Committee Members Reaction**

The Committee members who were present observed that there has been a market in the disputed land and the rights of the community should be protected. Mr. Temporary Speaker, Sir--

**Hon. Omwende:** Point of order, Mr. Temporary Speaker, Sir!

**The Temporary Speaker** (Hon. Muhulah): Yes, Hon. Omwende, what is your point of order?

**Hon. Omwende:** I wanted to know if it is in order for this House to discuss something that is already in court.

**The Temporary Speaker** (Hon. Muhulah): Hon. Omwende, we are not discussing the issues that are being handled in court, we are establishing whether that land belongs to Siaya County Council, in this case Siaya County Government. We are not discussing any dispute. Hon. Member, please continue.

**Hon. Otare:** Thank you, Mr. Temporary Speaker, Sir. I was just saying

that if the Lands Committee did not go to the area, we wouldn't have known that this matter is in court. So, I'm just bringing the report to tell the House that this matter is before court.

The land parcel No. 1027/Kochieng B is duly registered in the names of the County Council of Siaya reserved for Mbolori Market (as attached P.D.P).

From the community contribution, there is need for the county surveyor to survey the land to determine the boundary.

#### **Resolutions**

The Committee unanimously resolved that the County Government to follow up the matter at the High Court in Kisumu and the County Land Management Board Members to visit the area for alternative disputes solution as the board is now fully constituted.

Mr. Temporary Speaker, Sir, I will just call upon this Hon. House that this time round let them adopt this report because we have done our best.

*(Laughter)*

I will request, Hon. Ombee, to second.

*(Laughter)*

**Hon. Ombee:** Mr. Temporary Speaker, Sir, I rise to second.

*(Question proposed)*

**Hon. Andiego:** Thank you, Mr. Temporary Speaker. I rise to support this report. I'm a member of the Lands Committee and I attended this visit to Mbolori. Mr. Temporary Speaker, we met the residents of the area and it's true that the land was given by the community. It was a

public land that was meant for development. Mr. Temporary Speaker, you know in Kenya, land grabbers sometimes if you look at them, it's as if they are being haunted. It's so sad that somebody just feels he is rich enough and can encroach land meant for public development and take it away. Such like behaviors needs to be stopped! We should come to the rescue of our people.

It is a very small land and we found that somebody has just developed a house on that land. It is said that the matter is in court, but now that we have the County Lands Management Board, they need to visit that area because they are mandated to look after public lands so that they can also identify the problems that are there.

The person who has taken that land says it belongs to his grandfather who is not there. And the old ones that now belong to the public were given by other people. It was my grandfather's land and he gave it out to a school, he gave it out to the church or for development in the area. So, a grandson who was not yet born when the land was given cannot just come to say that this is his land. The residents also have some agreement that the land belongs to them.

So I'm requesting this House that we support this report so that the County Lands Management Board can also go and do their research so that we have a comprehensive report from both sides. Thank you. I rest my case by so supporting the report.

**The Temporary Speaker** (Hon. Muhulah): Hon. Willis.

**Hon. Ochieng:** Thank you very much, Mr. Temporary Speaker. I'm on my feet to support the report. As a member of the Lands Committee I also attended the meeting that was at Mbolori. When we were

indulging the people in that meeting and by the way they were talking, it was clear that the parcel of land No. 1027/Kochieng B was duly registered in the name of the County Council of Siaya and even the old men who were there by the time those lands were being demarcated also conceded that the land parcel No. 1027 was allocated for the market.

We are kindly urging the County Government to do a follow up because the case is at the court and the evidence is clear. The County Government can reclaim that land and it should be developed. Otherwise, I rest my case. Thank you.

**The Temporary Speaker** (Hon. Muhulah): Hon. Maurey

**Hon. Asewe:** Thank you, Mr. Temporary Speaker. Let me also add my voice to what other Members have said. First I would like to offer my support to the report. Mr. Temporary Speaker, we have seen from the report that this case has been in court since 2007 and up to this time the outcome has not been delivered.

Long ago, there was a tendency by the national government that land belonging to the government or the former local authorities could be taken by individuals and construction is going on those parcels of land without intervention from the right authorities.

Mr. Temporary Speaker, I think it is very wrong that we see somebody constructing a house or putting up an investment in a land belonging to the government and nobody is taking action. We wait until when the house or investment is complete then that's when we now start raising issues and going to court. Mr. Temporary Speaker, you saw along the main

highways when big houses were brought down and the government was spending a lot of money on demolition. It will not be good for the county government that is in place right now to wait for such activities go on and then later on pursue the case of bringing down those structures.

I will urge this Committee to go deeper and find out why the advocate has not been going to court to have this issue resolved. Otherwise if this report is left hanging, somebody will again come with another case and it will once again be discussed in this House. I think it will be very much right for us to go deep and find out why the advocate has not been going to court so that this matter can be resolved and the land be used correctly. I would like to rest my case. Thank you.

**The Temporary Speaker** (Hon. Muhulah): Hon. K'awuor.

**Hon. Awuor:** Thank you, Mr. Temporary Speaker, Sir. I stand to support this report. I'm also a member of this Committee and allow me to just confirm that we went and whatever my colleagues have said is true. Mr. Temporary Speaker, now that we have a fully-fledged County Lands Management Board, I think we should move with speed and handle this issue because there are so many land grabbers out there.

I want to take this opportunity to urge the County Government in collaboration with the County Lands Management Board to map out all the public lands which by the constitution, the County Government of Siaya took over immediately the County Government was born.

Mr. Temporary Speaker, I think that is when we are going to get things right. I tell you, land grabbers are out there and they

have encroached quite a number of places. In my area, there is a piece of land which was registered in the name of County Council of Siaya and someone has grabbed it yet we had proposed to have a youth polytechnic there. Mr. Temporary Speaker, I want to request that the Executive and the County Lands Board Management Board should move with speed to map out and consolidate a very good report that covers all the public utility lands in Siaya County so that we have a databank for the same. I rest my case.

**The Temporary Speaker** (Hon. Muhulah): Yes, Hon. Ouda!

**Hon. Ouda:** Thank you, Mr. Temporary Speaker, Sir. I rise to support this report. I am also a member of this Committee except that the typist made a mistake by not writing my name as Hon. Fred Ouda but instead replaced it with an unknown person by the name Hon. Stephen Odongo.

*(Laughter)*

I was in that meeting, Mr. Temporary Speaker---

**The Temporary Speaker** (Hon. Muhulah): Just take your seat, Hon. Ouda. Hon. Chair of Lands, would you clarify to this House who Hon. Stephen Odongo is.

**Hon. Otare:** Mr. Temporary Speaker, Sir, that was just a typing error. He is the secretary.

**The Temporary Speaker** (Hon. Muhulah): It's ok. Hon. Ouda.

**Hon. Ouda:** So, Mr. Temporary Speaker, Sir, I rise to support this report. I think it's one of the well done and smart reports and I want to say that the rights of the people of Siaya must be protected at all

costs. One of the rights is the right to own land. This is a public utility land that must be repossessed. I want to say that after this report is adopted, because I know it's going to be adopted by the Hon. Members, somebody somewhere should swing into action and ensure the land is repossessed for the good use of the people around Mbolori market.

Otherwise I support it and guess that any other report will be as lean and neatly done as this one and anytime with my name on it incase I'm in that Committee. Thank you, Mr. Temporary Speaker, Sir

**The Temporary Speaker** (Hon. Muhulah): Hon. Madialo.

**Hon. Madialo:** Thank you, Mr. Temporary Speaker. I wish to support the report. The report is good in so far as the resolution is that the County Government and the County Lands Management Board members should visit the area for alternative disputes solution.

Mr. Temporary Speaker, may I add this; the land in question was up to 1990 in the name of an individual, on the second month in 1990, the land was subdivided and it created 1027 and 1028. And then, perhaps there is something that is not added here; the person you are saying has a posho mill on the land remained with 2.8acres. The County Government of Siaya, then the County of Council of Siaya, was given 0.7acres and the records say, 0.7acres was reserved for Mbolori market with a 5meters wide road running in the middle. Those are the facts.

So the problem we are having here is this; is this portion on 1028 or 1027? Because the land was once one parcel. And so, counting the 5meters wide road from either side of the market, where is the

boundary between 1028 and 1027? Mr. Temporary Speaker, what I'm trying to add is this; I don't want to contradict my colleagues, but the gentleman on that land does not own the land. The land was once his father's; it once belonged to an individual who donated 0.7acres to the Council from his own land----

**Hon. Ombee:** Point of information, Mr. Temporary Speaker, Sir!

**The Temporary Speaker** (Hon. Muhulah): Yes, Hon. Ombee.

**Hon. Ombee:** Mr. Temporary Speaker, Sir, the complainant, Mr. Phaniel Otieno reported that the County Council of Siaya and the advocate have not been attending the court session and he was shown the portion of the land by his late father. Who is the advocate for the defunct county council of Siaya? By the time we were there, someone said the advocate for the county council was Hon. Madialo. It is that Hon. Madialo was the county council's advocate at that time?

**Hon. Madialo:** Mr. Temporary Speaker, thank you for the introduction of that. I didn't want to say that a report was brought without due investigations; because if you were told there is a court case, you need to go to the case number, then after you have gotten the case number, you ask what the verdict was. And the verdict was that; take a surveyor there to establish the boundary between 1028 and 1027.

**The Temporary Speaker** (Hon. Muhulah): Hon. Madialo, are you saying that the case is over?

**Hon. Madialo:** It is over!

**The Temporary Speaker** (Hon. Muhulah): It's over?

**Hon. Madialo:** Yes!

**The Temporary Speaker** (Hon. Muhulah): Continue

**Hon. Madialo:** You don't go to court just because there is case, when it is over you don't go. So, Mr. Temporary Speaker, what I'm saying is this; I have given a history and if you go to the records, and I know the Committee didn't call up the file because they would have found out in the file that a recommendation came from the advocate of the county council then that the man should be called and a surveyor be taken there.

There is a recommendation in the reports of the County Government on cases that are existing, but in this case, please, now that we have a Land Management Board, if you go to open it, you will find an advice that; please ask the board, it is written to the County Secretary, ask this Board to engage forthwith and establish the boundary between 1028 and 1027.

Mr. Temporary Speaker, this Committee was wise in this aspect; as Phaniel was saying, his grandfather was there, that means he is a citizen of Siaya and their native land was next to Mbolori Market, and the best way to deal with such a person even if you win a case against him, Mr. Temporary Speaker, is that you engage him in a manner that befits dealing with a citizen.

The resolution to that cannot be take policemen or a few thugs and move him out. That cannot be the solution. The solution is in what the Chairman has read; go with surveyors and get an alternative dispute resolution mechanism, taking into account, Mr. Temporary Speaker, that only about 5% of the land was donated to the county council.

Mr. Temporary Speaker, I rest my submissions by saying; at the end of it, whether the Committee went to the court file or not, whether they went to our records, and I can see from what they are saying that they did not. Because had they gone, they would have known that 1027 is a product of a sub-division and that it was not 1945, they would have known that it was in 1990's. But the end result of it is that the recommendation they are giving is the best way to deal with that problem. Mr. Temporary Speaker, I support the report.

**The Temporary Speaker** (Hon. Muhulah): Yes, Hon. Odinga. Hon. Omwende, I'll get back to you

**Hon. Odinga:** Thank you, Mr. Temporary Speaker, Sir. Only that I have risen so many times---

**The Temporary Speaker** (Hon. Muhulah): Hon. Odinga, concentrate on the Motion.

**Hon. Odinga:** It's like next time I will stand on the table, Mr. Temporary Speaker, Sir. *Bwana* Chairman, this time you've brought a report, it is brief and to the point. What I wanted to say, Hon. Temporary Speaker, Sir, is that I hope that this Committee in their work plan they are putting into account that not only Mbolori as a market or a public utility place could be having this problem, we have quite a number of markets or public utilities that have been grabbed by different people within the County Government of Siaya.

The fact that most of them were in the defunct local authorities doesn't stop the Committee and the Management Board from establishing where they are and also whether they still belong to this County.

Mr. Temporary Speaker, Sir, I want to say that what has really impressed me with their resolution is that they are saying that the County Government should follow up on the matter. We are being told that the matter before court was concluded and as at now it's upon the Land Management Board to make a follow up and maybe come up with an alternative dispute resolution mechanism.

I want to believe that the word 'alternative' means that we don't want to squeeze this guy and get him back to court. Something that could injure his right. So I want to believe that the alternative dispute resolution could be one that would be acceptable to both the County Government and the interested party.

So, Mr. Temporary Speaker, Sir, I support and I want to say that this is really a nice report. Chair, this is a good work, even though am not a member of this Committee, but it's a nice report, straight to the point and can be easily understood. Thank you, I support.

**Hon. Omwende:** Thank you, Mr. Temporary Speaker. First may I take this opportunity to thank the Committee on Lands, though I'm not supporting or rejecting. I'm not convinced with *Mheshimiwa* of Usonga. I will not mince my words when I say that this matter is in court. I think it has not been resolved completely. On that note, I would kindly request the Mover of this report to withdraw until this matter is put to rest. That was my request---

**The Temporary Speaker** (Hon. Muhulah): Order! Hon. Omwende! Order! The Hon. Member for Usonga has admitted that he was an advocate taking that matter in court. He is the same person reporting to this House that the matter has been resolved and

that the recommendation according to him concurs with the recommendation the Lands Committee has proposed. Hon. Omwende, have you seen the file of these deliberations from the court?

**Hon. Omwende:** Mr. Temporary Speaker, we cannot just believe like that---

**The Temporary Speaker** (Hon. Muhulah): Omwende, I have asked you a very simple question, have you seen the court file on this deliberations?

**Hon. Omwende:** I am yet to see it, Mr. Temporary Speaker.

**The Temporary Speaker** (Hon. Muhulah): Then with what authority, Hon. Omwende, can you speak and say that the matter is still in court if the Hon. Member who handled the case has said the matter had been resolved?

*(Hon. Asewe raised up his hand)*

**Hon. Omwende:** On that ground---

**The Temporary Speaker** (Hon. Muhulah): Hon. Omwende, you are out of order! You are out of order! Continue, Hon. Asewe! Mr. Temporary Speaker,

**An Hon. Member:** Mr. Temporary Speaker, is too harsh!

**Hon. Asewe:** Mr. Temporary Speaker, I wanted to rise on a point of information. Mr. Temporary Speaker, the purpose of sending the Committee out was for it to get the right information so that this House can know the exact position. Mr. Temporary Speaker, we are blessed that we have the advocate who was handling the matter and he has given us the position on the matter, why should we waste time again on something that has been discussed in court and the advocate is here giving us the

information? Mr. Temporary Speaker, I think the Member is out of order!

*(Laughter)*

*(Hon. Odinga stood up in his place)*

**The Temporary Speaker** (Hon. Muhulah): What is it, Hon. Odinga?

*(Laughter)*

**Hon. Odinga:** Mr. Temporary Speaker, I think---

**The Temporary Speaker** (Hon. Muhulah): Hon. Odinga, can you laugh first then you pick that microphone!

*(Laughter)*

**Hon. Odinga:** Mr. Temporary Speaker, I think there is something which is happening and I want to bring to your attention that some Members are making contributions while hiding behind the Standing Orders. Somebody is rising on a point of order saying that he wants to seek information and then he is making a contribution right before you, Mr. Temporary Speaker! And you are not reacting!

*(Hon. Adida stood up in her place)*

**The Temporary Speaker** (Hon. Muhulah): Point noted, Hon. Odinga. Hon. Lorna.

**Hon. Adida:** Thank you, Mr. Temporary Speaker. Allow me to also join my fellow colleagues in commending the good work that the Committee on Lands has done. My observation is just that I can be sure to say that they've just started and there's only little that they have done

because there are a lot of land issues, Mr. Temporary Speaker. There are a lot of issues on land grabbing. A point in case is like here in Bondo, you find the land has been grabbed to a point that you cannot even get a portion even to put up a toilet.

So the Committee on Lands, there are so many issues that you will have to deal with. A case like the Bondo jua kali artisans, you find that it is a land that is always under dispute. Whenever these people try to concentrate on their issues, you find that there are always threats and I think this one is soon coming as a Statement so that the Committee on Lands can move with speed and check what is really happening.

I commend you for the good work and I encourage you, more so the department of lands dealing with physical planning. There are issues especially in Bondo, we are almost losing direction. A place like in Bondo town, everybody is out everywhere! So I think these are issues that we will sit down to tackle with the department of lands so that we can bring sanity. Thank you.

**The Temporary Speaker** (Hon. Muhulah): Hon. Members, we appreciate your debate on that one and the Chair directs the Lands Committee to liaise with the CEC of Lands and Physical Planning and the Siaya County Land Management Board to give this Hon. House the total audit of all the public lands. The second one will be all the public lands that have been grabbed. Please liaise with the relevant authority and give us that report very soon. I don't know how long it can take you to finish it. How long would you need for that exercise?

**Hon. Otare:** Thank you, Mr. Temporary Speaker. We have a work plan

and last Monday we were in Ugunja. We are moving---

**The Temporary Speaker** (Hon. Muhulah): Have you started the exercise?

**Hon. Otare:** The exercise has started.

**The Temporary Speaker** (Hon. Muhulah): Ok. Then No. 2; ensure that the surveyors are taken to this land in question and a clear report brought to this House. A survey is done and of course the debated ownership is confirmed because I have a map in front of me that is a bit relevant to what the Hon. Member for Usonga said.

*(Question put and agreed to)*

#### **ADJOURNMENT**

**The Temporary Speaker** (Hon. Muhulah): Hon. Members, it is 9 minutes to 11a.m on Wednesday morning and we have exhausted our business. There being no other business, the House stands adjourned until 2.30 p.m. in the afternoon. Thank you.

The House rose at 10.51 a.m.

**WEDNESDAY, 4<sup>TH</sup> MARCH, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

*[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 3<sup>rd</sup> 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 1<sup>st</sup> January, 2013 to 30<sup>th</sup> June, 2013 laid on the table of the House on 3<sup>rd</sup> December, 2014.

**Hon. Deputy Speaker:** Are you calling for a Secunder?

**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 1<sup>st</sup> January, 2013 to 30<sup>th</sup> 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 1<sup>st</sup> January, 2013 to 30<sup>th</sup> 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 1<sup>st</sup> January, 2013 to 30<sup>th</sup> 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
- 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 18<sup>th</sup> 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.

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 in case 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

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

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---

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

**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 then 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!

I further order the Serjeant-at-Arm to liaise 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, 10<sup>th</sup> March, at 2. 30 p.m. I call upon hon. Ndonji to second.

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

*(Question prosed)*

*(Question put and agreed to)*

*(Applause)*

The House rose at 3.29 p.m.

## TUESDAY, 10<sup>TH</sup> MARCH, 2015

The House met at the County Assembly Chamber at 2.30 p.m.

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

### PRAYER

### COMMUNICATIONS FROM THE CHAIR

#### 1. DISORDERLY CONDUCT BY MEMBERS

**The Temporary Speaker** (Hon. Abayo): Hon. Members, we are all aware of what happened here last week that occasioned the adjournment of this House. Following the disorderly conduct of last Wednesday, I would like to ask the office of the Serjeant-at-arms to do speedy investigations on the same and liaise with the police for legal action on those perpetrators. Members are therefore called upon to report to the police or Serjeant-at-arms directly on cases where they have evidence on the incident as they know it.

As an Assembly, it is hoped that such occurrences will not take place again in future. If it happens, then the independence of the House will have been put in disarray and that is why we have asked that action needs to be taken if we have the culprits.

#### 2. ASSEMBLY SECURITY

It is also hoped that with the completion of the renovation taking place that have delayed and this has been occasioned by the ceiling that was put by the Senate and non-disbursement of funds. We hope that the security of the Members and

even the Assembly precincts will improve because we have a wall around us. We have also fixed the CCTV and there will be no further interferences.

In this regard, the Chair would also want to request the Assembly that moving forward, this House will need to put in place a Budget that will occasion the engagement of armed security to guard the premises of the Assembly.

As had also been communicated earlier, the Chair would like to report that consultations are on-going on when the Members of this House will meet with the Executive and the elected political leaders of the National Assembly and the Senate; so further information will come as regards that information.

#### 3. VISIT TO HON. BENSON OMONDI

Hon. Benson Omondi has been indisposed in hospital and the Chair would want to report that he is out of hospital and he is recuperating at home. I would like to ask the welfare committee and any other Member who will be present that on behalf of this House they visit him after the first session tomorrow just to show solidarity that we appreciate that he is back home.

#### 4. UPDATE ON THE ASSEMBLY DEVELOPMENTS

There will be an informal meeting on Thursday morning at 10.00 a.m. in this House. The issues that will be shared or discussed will be an update on the Assembly developments as regards development and recruitment of staff. There will also be discussion of provision of the Supplementary Budget.

There is also information that will be shared on the 2015/2016 Budget ceilings, CRA has already given information and we would want to share on that.

On the development updates of what is going on in the Assembly, the Office of the Speaker is aware of a statement that had been raised by Hon. Osuri as regards some issues within the Assembly. They will be part of the updates that I have mentioned and therefore the spirit of that particular statement will be discussed exhaustively.

The chair would also want to ask the members of this House that in-house matters that touch on the going on Siaya within the Assembly better be discussed in the informal meetings and possibly to raise them in the Floor of the House.

#### 5. VISIT BY SENATE COMMITTEE ON IMPLEMENTATION

Lastly the Senate committee on Implementation will visit Siaya County and they would want to meet the House Committee on Implementation on Friday, 20<sup>th</sup> March, 2015 between 10.00 a.m. and 11.00 a.m. the venue will be communicated. The Chair of Committee on Implementation, I am sure you are aware of this and that can be planned with the office of the Clerk.

In their letter, they have also requested that they want to meet one public learning institution in the County. I would

want to state that Rang'ala Girls for obvious reasons having been the best has been earmarked. It is important the Assembly is aware.

### PAPER

#### MEMORANDUM ON UNPRECEDENTED INCREASE OF FEES AND CHARGES

**The Temporary Speaker** (Hon. Abayo): Yes, Hon. Oriaro.

**Hon. Oriaro:** Thank you, Mr. Temporary Speaker, Sir; I take this opportunity to Table a Motion:

THAT, this House adopts a Report of the Committee on Implementation on submission memorandum of complaint by the Ugunja Business Community on unprecedented increase of fees and charges by the County Government of Siaya on their businesses which was addressed to the Governor, laid on the Table of this House on 3<sup>rd</sup> December, 2014.

*(Hon. Oriaro laid the document on the Table)*

Thank you, Hon. Oriaro. I wish to ask the office of the Clerk to produce copies of this Report and share with Members and there will be consultation with the House Business Committee on when this will be put on the Floor of the House.

I wish to direct that the Committee on Budget and Appropriations takes this particular statement where necessary but we will be discussing the report. Let me make a clarification; this is a report that will be tabled after we have consulted when will

this be done and I wish to commit this to the Committee on Budget and Appropriation. If there will be any issues that will be raised.

### NOTICE OF MOTION

#### SPECIAL AUDIT REPORT ON DEFUNCT LOCAL AUTHORITIES

**Hon. Angul:** Thank you, Mr. Temporary Speaker, Sir, I wish to Move the following notice of Motion:

THAT, this House adopts the Report of the Public Accounts and Investments Committee on special audit report on financial operations of the County Government of Siaya on defunct local authorities for the period of 1<sup>st</sup> January, 2013 - 30<sup>th</sup> June, 2013 which was laid on the Table of this House on 3<sup>rd</sup> December, 2014.

**Hon. Temporary Speaker:** I am aware that this was proposed before the House and was adjourned for good reasons. Next Order!

### MOTION

#### AUDIT REPORT OF THE COUNTY GOVERNMENT AND DEFUNCT LOCAL AUTHORITIES 2013, (JANUARY – JUNE)

**Hon. Angul:** Thank you. Mr. Temporary Speaker, Sir; I wish to Move a Motion that this House adopts the Report of 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 1<sup>st</sup> January 2013 to 30<sup>th</sup> June 2013 laid on the Table of the House on 3<sup>rd</sup> December 2014 and I will call Hon. Elisha Okuku to second.

*(Hon. Okuku Seconded)*

**Hon. Temporary Speaker:** Hon. Members, I wish to propose the question that this House adopts the Report of 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 1<sup>st</sup> January 2013 to 30<sup>th</sup> June 2013 laid on the Table of the House on 3<sup>rd</sup> December 2014. Yes, Hon. Angul!

**Hon. Angul:** Thank you. Mr. Temporary Speaker, Sir; the Report was laid last Tuesday and I hope all Members have the Report and I would like to go straight to the Executive summary of the Report because it was laid last Tuesday and was interrupted last Wednesday because of the reasons that you have just stated.

The PIC and PAC committee on various dates 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 1<sup>st</sup> January 2013 to 30<sup>th</sup> June 2013.

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

The examination of the committee took into account the transactions before, during and after the transition period.

The Committee also did verification and confirmation of transactions in respect to but not limited in 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.
- Project's verifications (LASDAP) and budgets of the defunct Local Authorities.

#### 1.3.1.1 Failure to close Bank Accounts

- All defunct Local Authorities were to close all operating bank accounts and transfer all Funds to the County Government Revenue Account and obtain a closure of accounts Certificate from the banks stating the amount so transferred. Contrary to the above directive, the defunct Councils continued operating the accounts, some of them to Date thus defeating the purpose of the circular from the Transition Authority.
- Immediate closure of the bank accounts and transferring any monies in those accounts to the Revenue Account of the County Government of Siaya.
- Reconciliations should be done to ascertain the exact amount to be transferred to the County Revenue Account.
- Make available banks confirmation certificates as at the

time of closure of each Bank account.

#### 1.3.1.2 Failure to take over the Defunct Local Authorities

- The County Government of Siaya had not officially taken over the Assets and Liabilities of the former Municipal Council of Siaya, County Council of Siaya, County Council of Bondo, Town Council of Bondo, Town Council of Ugunja, Town Council of Yala and Town Council of Ukwala as at the time of audit conclusion on 26 September 2013, contrary to instructions issued by the Ministry of Local Government vide Circular No. MLG/1333/TY/52 of 18 February, 2013. Arrangements should be made by
  - Transition Authority to have Assets and Liabilities of the former Councils handed over to the County Government.
  - Transition Authority should ensure that accurate statements of assets and liabilities as at 28 February 2013 are prepared by former Councils' chief officers to enable a proper handing over to the County Government. The balances will form a basis for opening balances to be recorded in the County Government books of accounts.

The County Director of Finance expressed the following response to the Audit queries;

- 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.

- 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 Principle Finance Officer (Mr. Richard Sang.)
- Other measurers 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.

The Principal Finance Officer was to table the report of the closure of the defunct Local Authorities accounts.

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.

These were the recommendations by the Committee;

- a. The county government should make the payment only based on the validated creditors report.
- b. The bank reconciliation statement for the County Government of Siaya and the defunct Local Authority should be done and updated.
- c. The County Government should put proper mechanism to ensure that the staff salaries arrears are paid.
- d. The County Internal Audit office should work together with the Public Accounts Committee to enable the County utilizes its public funds in a transparent and accountable manner as stipulated in the constitution Article 201.

Municipal Council of Siaya

During the year under review, the defunct Municipal Council of Siaya collected

revenue totaling Kshs.5,923,134.00, out of the revenue collected only Kshs.2,807,422.00 was banked, resulting in a difference of Kshs.3,115,712 which was used directly by the Council without approval and also no supporting documents were availed for the expenditure.

Under the circumstances the propriety of the expenditure could not be confirmed.

Government financial regulations and procedures should be followed to avoid possible loss of revenue through pilferages. Proper systems should also be put in place to ensure that all revenue collections are banked intact.

Single Business Permits Kshs.1, 655,244 staff and councilors advances and outstanding imprest 3,265,800. Under the circumstances the debtor's figures could not be confirmed. Under item 3, the creditors' balances amounting to Kshs.97, 000,923 as at 30 March 2013 handed over to the County Government by the defunct Municipal Council of Siaya, were not supported by original contract agreements, invoices, delivery notes, statements, schedules and payrolls. Consequently the accuracy of the creditors figure could not be confirmed.

During the year under review, the defunct Municipal Council of Siaya made some payment and the authentic payee could not be confirmed. Payment totaling Kshs.455, 000 as per payment voucher reflected Municipal Council of Siaya as payee, while the same cheque number reflects Domnic Simiyu as payee being paid total of Kshs.957, 000.00. The cheque numbers are 000373 and 000359 as part of October and November salary arrears.

Under the circumstances the propriety of the expenditure could not be confirmed.

During the year under review, the defunct Municipal Council of Siaya received LATF totaling Kshs.15, 555,878. However, the Council spent Kshs.7, 120,000.00 on Loans Account and Kshs.7,987,044.00 on salaries as at the time of audit in September 2013, contrary to the LATF Act that only 35% should be spent on salaries, while the rest to be spent on projects. Under the circumstance the council was in breach of the Law.

We had the management response and that is in page 9 and page 13 of the report.

1. The clerk therefore in writing informed the committee that the documents were misplaced due to the movement of the office as stated in the letter attached hereunder.
2. The clerk responded by informing the committee that the documents were with the consultants. We wrote even a letter to the consultants and they could not bring us the documents because they were blaming the County Government had not paid them so they could not release the documents.
3. The clerk informed the committee that the Bank pay in slip was with the office of the principal Finance Officer, County Government of Siaya by then Mr. Richard Sang.
4. The salary ledgers could not be tabled by the clerk and treasurer before the committee as directed by the chairman. This was as a result of the management misplacing the

document. The chair then requested the clerk and the treasurer to explain why the document could not be produced. The Committee realized that there were counter accusation of some junior staff which made the committee resolve to invite other officers to shade more light on the salaries ledgers.

5. The salary ledger was in the custody of Madam Abeka who used to prepare the salary arrears on behalf of the Municipal Treasurer. Madam Loice Abeka informed the Committee that she had done the duty delegated to her and left the salaries Ledger with the treasurer to carry out an examination and report to the County Government over the salaries and arrears. The treasurer also could not accept or deny handling the ledgers at last.

These were the Committee

recommendations on the Municipal Council of Siaya which is on page 14.

1. Documents not seen should be assumed hidden by the former management of the defunct Municipal Council of Siaya.
2. A forensic audit on the same items quoted in the report.
3. The committee recommended that the clerk and the treasurer be subjected to forensic investigation by statutory body as per the member's deliberations.
4. The officers under the clerk and treasurer be should be put under probation while in deployment to other departments where they don't handle money and other procurement issues.

5. Statutory forensic investigative agencies should be brought on board to help with the probe of the salary ledger, under banking of revenue, unsupported and unauthorized payments and the authenticity of the creditors.

6. Further investigation to be carried out between the accountant and the treasurer due to the loss of the salaries ledgers.

7. Payment of creditors worth Kshs. 97,000,923 be suspended until investigation is complete to validate list and the amounts.

The County Council of Siaya and these were the audit findings.

1. The creditors balances amounting to Kshs.97,000,923 handed over to the County Government by the defunct County Council of Siaya were not supported by creditor's registers, original contract agreements, invoices, delivery notes, statements, schedules and payrolls.
2. Records availed indicated debtors balances amounting to Kshs.15, 316,884 had been handed over to the County Government by the defunct County Council of Siaya. Outstanding debtor's balances were not supported by listings, debtor's registers, copies of invoices and demand notices. The outstanding debtor's balances have not been incorporated in the books of the County Government. Further, the debtors figure does not include the staff and councilors advances and outstanding imp rest. It was also noted that Plot rent of only three divisions are being charged instead of all seven divisions which are under the council and no explanation

was provided, while the Council is losing funds for not charging Plot rent on the remaining four divisions.

3. The revenue collected by the Council from December 2012 to February 2013 amounted to Kshs.6,861,230.00, out of which the Council spent Kshs.4,961,096 directly. However, the cash analysis book and payment vouchers were not availed for audit verification. Under the circumstances the propriety of the expenditure could not be confirmed.

Those were the audit queries. This is how the management of County Council of Siaya responded.

The clerk of the defunct County Council of Siaya responded by citing that the creditors were list worth Kshs. 42,008,984 but not Kshs. 92,000,923. It was clearly noted and the KENAO Auditor made the correction which proved that the figures reported was for the Municipal Council of Siaya but not County Council of Siaya which they therefore concurred with the County Clerk, Mr. Adundo. On the same note the documents were realized to be with the consultant whom the County Government had forwarded the documents to for the preparation of the books of Accounts. The consultant had not been paid.

The management tabled a list of creditors before the Committee. The Members went through the list to certify if they were true records required. The letters registered for the creditors were produced for verification and they ascertained as true records. On the same note, it was decided that some documents such as statements,

schedules, on original contact documents were detained by the consultant due to non-payment of fee owed by the County Government.

The fourth management response was that they are certified as the true records. On the same note, it was decided that some documents such as Statements, Schedules, and original documents were detained by the consultants due to non-payment by the fee, owed by the County Government.

The 4<sup>th</sup> Management response was that the County Management response was that, County Clerk produced Ledgers for the verification as requested by the Committee. He therefore requested the Members to go through them, one by one, and the KENAO auditor confirmed that the figures were balancing. This therefore brought a discussion as to why the documents were not produced during the audit, Mr. Speaker. The Clerk also responded that during the transitional period, most of the documents were not in the right places, but were later put to enforcement team, to trace the missing files.

Both the Clerk and the Treasurer apologized to the Committee, over the missing files by then. These were the Committee's Recommendations for the County Council of Siaya, and they are in page 22 of the Report.

### **Recommendations**

1. The Committee said that the consultant should be compelled by the County Government so that the documents are released to help in further investigations to enable the Clerk and the Treasurer to answer pending audit queries.

2. The Committee recommended that the Clerk and the treasurer should be

investigated and the forensic audit be carried out, on the un accounted parts.

3. The Committee recommended that no payment be done until investigation is through, and the validation of creditors is done.

4. The officers should explain what the other Councilors did with their moneys, was it accountable? If yes, why did the Chief Officer inform the Committee of such amount given to former Councilors?

I will go to the defunct County Council of Bondo, and these were the Audit findings and they are in page 22 and page 23 of the Report

### **The defunct County Council of Bondo, Audit findings**

The Creditors balances amounting to Kshs 7, 144,358 as at 30<sup>th</sup> March, 2013 were handed over to the County Government by the defunct local County Council of Bondo, but were not supported by creditors register, original contacts documents, invoices, delivery notes, Statements, Schedules, payrolls. Constitutently, the accuracy of these Creditors' figures could not be confirmed. The creditor's Ledger should be updated in order to reflect the accuracy of the creditor's data so that the position is known to avoid payment being made to pretentious suppliers and ghost employees.

Another audit finding, during the period under review, the defunct County Council of Bondo had variation on revenue collection. For Instance the month of May and June 2012, the collection was Kshs 10,420,998 while in the same period in 2013; the collection was Kshs 4,282,985, resulting in a difference of Kshs 6,133,003. Which were reconciled and unexplained. Under the circumstances, the Revenue figure

could not be confirmed. The significant drop in the revenue collection, should be investigated and collection be enforced.

During the period under review, the Council incurred expenditure totaling to Kshs3, 119,245 as per the cash book. No payment vouchers, request for the same were availed for audit verification, under the circumstances, the propriety of the expenditure could not be confirmed. These were the management response which is in page 23 to page 33 of the Report.

### **The Management Response**

1. The Treasurer produced copies of the creditor's balances. These were not verified since they were not in original copies.

2. The Clerk confirmed that some of the invoices had not been reconciled, in the Creditor's Ledger of which, most of the personnel had been transferred to perform duties, at the Siaya County Offices in Siaya.

3. The Clerk responded that, during transition, a lot of changes took place, hence the supervision of the Revenue collection was not being monitored as the Matatu owners claimed to be issued with the same receipts, at different collection points. This brought discrepancies on the matatu collection fees.

4. On the creditors, of Kshs 3,202,644 was produced for verification, and that was creating a balance of Kshs 1,396,989 not confirmed, as creditors. The supporting documents for the creditors were also tabled as shown, and this was comprising of:

Algak- Kshs 394,141

BBC saving Sacco- Kshs1, 180,503

Audit fees for now was-Kshs

800,000

Kassam-Kshs226000

CFC Motors-Kshs602, 833

This was giving a total of Creditors list of Kshs3, 202,644.

The fourth response was by the treasurer who tabled the payment vouchers, engineer's Certificates, contract documents, fully signed notifications of the qualifications to support the procurement of Kshs 22,265,617. These were therefore verified by the Members and the KENAO Auditors, and they were confirmed as the true records. The recommendations From the Committee were as follows and it is in page 33

**Committee Recommendations:**

1. The Members resolved that further investigations by independent bodies should be carried out, to discover the truth from the Chief Officers.
2. The investigation should be on the Assets and liabilities and the handing over Report, which was not signed by the receiving officers, condemnations of NAYA paediatric hall, Got Matar Hospital, and a list of creditors which must be validated. I.e. Creditors work, Kshs 1,396,989. And the payment vouchers were, Kshs409, 498.
3. The Clerk, Engineer, and the treasurer should also undergo investigation, on the last County project
4. A list of individual Creditors and the invoices be brought to the

Committee for verification, before the payment is made. That was the County Council of Bondo. I will now go to the defunct Town Council of Bondo, and these were the audit findings. The Report on that Town Council of Bondo is on page33 and 34 of the Report.

**Defunct Town Council of Bondo audit Findings**

1. The defunct Town Council of Bondo has not closed 3 Bank Accounts being operated at Kenya Commercial Bank, account no.11233970223. The other account is no.11107094321.and the third Account is number 1110708432 contrary to the transitional authority that the accounts be closed by 28<sup>th</sup> of February 2013. The Accounts have been attracting charges which were not budgeted for, as at 30<sup>th</sup> June 2013. The charges were Kshs17, 138.085. Under the circumstances, the Bank balances could not be confirmed.

2. During the period under review, the Council operated general rates fun account, and road maintenance levy at KCB under overdraft of Kshs 997,719, and Kshs 2,795 respectively, Mr. Speaker, approval and scrutiny of the overdraft were not availed for the audit verification. Under the circumstances Mr. Speaker; the

overdraft operations figure could not be confirmed.

iii) Mr. Speaker, the audit query which was there by KINAO (Kenya National Auditors Organization) Audit, record again indicates that debts and balances amounting to Ksh283, 000 had not been handed over to the County Government by the Defunct Town Council of Bondo.

iv) Outstanding debtors balances were not supported by listing debtors' register copies of invoices and demand notices Mr. Speaker;

v) The outstanding debtors' balances have not been incorporated in the books of accounts of the County Government Mr. Speaker. Further, the debtors figure does not include the staff and the councilors' advances and the outstanding impress Mr. Speaker;

vi) The creditors balances amounting to Ksh5, 272, 263 handed over to the County Government by the Defunct Town Council of Bondo, were not supported by the creditor's registers, original contract documents, invoices delivery notes, statements, schedules and pay rolls Mr. Speaker.

Consequently; the accuracy of the creditor's figures could not be confirmed Mr. Speaker.

vii) During the year under review; the defunct Town Council of Bondo, received a total...totaling to Ksh15, 475, 651 however the Council spent Ksh2, 953, 409 on the projects Ksh 6, 042, 650 on salaries as of the time of the audit in September 2013.

Mr. Speaker, Ksh1, 954, 998.25 was the bank balance. Under the circumstances Mr. Speaker, Ksh4, 524, 594 could not be confirmed. However the Council accounted for.

Mr. Speaker; those were the audit queries under the Town Council of Bondo. These were the management response and they are in page 35 and 37 of the report. Mr. Speaker, the Clerk and the Treasurer denied and disputed the overdraft mentioned by the KINAO to the report as untrue records of their accounts.

The KINAO auditors therefore, requested to be given time to confirm on the issue of the overdraft Mr. Speaker. This is because; the officers confirmed that the Council had never had any overdraft in the history of its ....from 1993.

Mr. Speaker, the Treasurer of the Defunct Town Council; of Bondo; took the Members through their audit response and proved the figure had been handed over. Members then perused the document through the handing over report. He therefore availed the debt pass, debtors' ledger listing invoices, contact documents, which were perused by the Committee Member through one by one which they were satisfactorily convinced by the defense of the Treasure and the Clerk.

Mr. Speaker, these were the Committee recommendations which are in Page 38 of the Report:-

1. Members received all the documents that were required and were satisfied. Therefore the Officers should be released.
2. Members unanimously resort that the officers had shown integrity in their work and should be emulated to their good work done compared to work by the Defunct Local authority Mr. Speaker.

#### THE AUDIT FINDINGS OF DEFUNCT LOCAL AUTHORITY OF UGUNJA

I will now go to the Defunct Local Authority of Ugunja. The Audit queries are

in Page 38 and 39 of the Report. Mr. Speaker, the creditors' balances amounting to Ksh5, 742,240 as of 30<sup>th</sup> March 2013 handed over to the County Government of the Defunct Council of Ugunja were not supported by creditors' registers, original contact documents, invoices, delivery notes, Statements, schedules and pay rolls Mr. Speaker.

Consequently, the accuracy of the creditors' figure could not be confirmed.

Second query was; records availed in case the debtor's balances amounting to Ksh31, 031, 300 had not been handed over to the County Government by the Defunct Government County Council of Ugunja as of 30<sup>th</sup> June 2013 Mr. Speaker.

Outstanding debtors' balances were not supported by listings debtors' registers, copies of invoices; demand notices were not there Mr. Speaker. The outstanding debtors' balances have not been incorporated in the books of the County Government.

Further, the debtors' figure does not include the staff and the councilor's advances and the outstanding impress. Under the circumstances; the debtors' figure could not be confirmed. During the period under review Mr. Speaker, the Defunct Local Town Council Authority of Ugunja made payments on cash basis totalling Ksh1, 200, 760.

This was by making it cash withdrawal from the bank in order to suppliers of goods and services instead of making cheque payments to the suppliers which is the safest way to handle Mr. Speaker. Under the circumstances; the propriety of the expenditure could not be confirmed.

The fourth audit query was, during the period under review; the Defunct Council of Ugunja, received a till totaling to Ksh17, 087, 187 Mr. Speaker. However, the Council spent Ksh282, 920 on projects Mr. Speaker. Ksh11, 631, 063.20 on salaries, and, Ksh5,

173, 203.82 on consultants, stationeries, repayment of bank overdraft as of the time of audit in September 2013

Contrary to the Latin Act that only 25 percent should be spent on salaries while the rest should be spent on projects. Under the circumstances the Council breached the law of the Latin Act Mr. Speaker.

Mr. Speaker, there were two management response and that was the Clerk and the Treasure of Ugunja Town Council and they are in Page 39 and Page 45. The Clerk therefore responded that the creditors' figure was Ksh55, 272, 263 due to ALG...figure that was double quoted.

He further availed the documents for verification by the Committee. We realised that the documents were photocopies and not the original copies. They were ordered to table the documents before the Committee Mr. Speaker, on the day they would be required to reappear before the Committee. Members therefore demanded to know why the documents could not be produced during the audit exercise.

The Clerk responded that Latin Accounts were attacked by KRA and they were not able to access the accounts due to non-remittance to the statutory deductions to KRA and the response could not satisfy the members. The Clerk further apologized for making cash debits to contractors.

Mr. Speaker, these were the recommendations from the Committee. Members unanimously resolved that forensic audit be done to the Chief Officers along the following items;

- i. Expenditure of Ksh17, 087, 187 disbursed as Latin money
- ii. Why the Town Hall of Ugunja was not completed yet money was being disbursed for a project every year from 2012 to 2013, Town hall allocation was only Ksh1, 500, 000.

- iii. The loans in the budget indicate funds amounting to Ksh575, 000 was budgeted to pay...who constructed the Town hall and it remains uncompleted to date Mr. Speaker.

#### TOWN COUNCIL OF YALA

These were the audit queries of Town Council of Yala and they are in page 46 and 47 of the Report.

The creditor's balances amounting to Ksh47, 216, 930 as of 30<sup>th</sup> March 2013 were handed over to the County Government by the Defunct Council of Yala which were not supported by the original documents, invoices, delivery notes, statements, schedules, payrolls consequently the accuracy of the figure could not be confirmed Mr. Speaker.

The second audit query was; records availed indicates that debtors' balances amounting to ksh1, 164, 727 had been handed over to the County Government by the Defunct County Council of Yala as of 30<sup>th</sup> June 2013.

Mr. Speaker, the outstanding debtor's balances have not been incorporated in the books of the accounts of the County Government. Further, the debtors' figure does not include the staff advances, outstanding impress. Mr. Speaker, under the circumstances, the debtors' figures could not be confirmed.

Mr. Speaker, during the period under review, revenue totaling to Ksh3, 160,607.10 was collected and out of which only Ksh1, 116,369.10 was banked intact resulting to a difference Ksh2, 044,238 which has not been accounted for. Under the circumstances; collection figure could not be confirmed.

During the period under review Mr. Speaker, the Defunct Town Council of Yala's payroll staff bio data.

#### iii) Unbanked Revenue

During the period under review, revenue totaling Kshs.3, 160,607.10, was collected and, out of which only Kshs.1, 116,369.10 was banked intact resulting to a difference of Kshs.2,044,238 which has not been accounted for. Under the circumstances the revenue collection figure could not be confirmed.

The County Government should put in place a strong internal control system to ensure that there is proper accountability at every stage in revenue collection cycle, such as daily counter checking of receipts cash book by a senior officer and daily balancing of the cash book. All revenue collected should be banked intact and expenditure incurred recorded in cash book and properly accounted for.

The clerk and treasurer tabled an audit response to the committee which was discovered as a wrong document, it was an Audit report of the Financial Statements for the Town Council of Yala for the Year Ended 30<sup>th</sup> June 2012, instead of the auditor general report on the financial operations of the defunct town council of Yala for the period 1st January to 30th June 2013.

After a lengthy discussion the members resolved that both the clerk and treasurer be given a chance to go and look for the proper documents and table to the committee the right audit response on the date to be communicated.

#### **MINUTES OF THE PIC AND PAC COMMITTEE FOR THE DEFUNCT TOWN COUNCIL OF YALA OVER THE SPECIAL AUDIT REPORT AT**

**BONDO WEST END HOTEL ON 11<sup>TH</sup>  
AUGUST 2014 AT 2.30 P.M.**

**MIN.PIC/PAC/TCY/2/11/8/2014:  
CREDITORS-47,216,900.30**

A total of Kshs. 47,216,900.30 was realized to be the total creditors.

During the session, a number of invoices produced to support the creditor's ledgers had several anomalies for discussion.

- Invoices Kshs.  
10,710,412.00
- Salaries ledgers Kshs.  
33,311,706.00

During the interrogations, the creditors balance totaling to Kshs. 3, 194,789.30 had not been properly supported thus making the committee disapprove them as the correct document.

**MIN.PIC/PAC/TCY/3/11/8/2014:DEBTO  
RS.-1,164,727**

Kshs. 1,164,727 was reported as outstanding debtors by the KENAO auditors, while the clerk and treasurer reported that Kshs. 2,003,802.50 was the creditor's balance thus Kshs. 839,075.50 had not been captured by the KENAO, the handing over reports had no clarification for the total debtors handed over to the County Government.

**MIN.PIC/PAC/TCY/4/11/8/2014:UNBAN  
KED REVENUE- KSHS 2,044,238**

The Audit report highlighted on the ksh.2, 044,238 Revenue spent at source as a result of a total collection of Kshs. 3, 160, 607.10 and banking of Kshs. 1,116,369.00.

The Town Clerk emphasized on the lack of Banking facilities in Yala Town that

made the defunct Local Authority not to Bank their Revenues in good time.

The amount unbanked was two third of what was collected. The clerk admitted that the monies used at source contradicted with the Government Financial Regulation.

The payment vouchers were therefore produced to support the unbanked revenue which the members rejected on the ground of un-procedural regulations.

**MIN.PIC/PAC/TCY/5/11/8/2014:  
PAYROLL/ESTABLISHMENT  
BUDGET**

The payroll documents and establishment budget that were not produced during the audit exercise to support the staff Bio data for the month of January to March 2013 were then tabled before the Committee on 11<sup>th</sup> August 2013. On the same note, the payroll documents and establishment budget were produced for verification thus enabling the defunct Town Council of Yala to be cleared.

**MIN.PIC/PAC/TCY/7/11/8/2014:PRODU  
CTION OF LASDAP/BUDGET  
ESTIMATES FOR THE F/Y 2012/2013  
DOCUMENTS**

It was therefore recommended that the LASDAP/BUDGET ESTIMATES to be produced to enable the committee carry out a Social Audit on the proposed projects by the community. The chairman and the members requested the clerk and the treasurer to table the document before them. This was therefore done as requested.

**SOCIAL AUDIT REPORT OF YALA  
TOWN COUNCIL  
MIN 21:14/8/2014 YALA TOWN  
COUNCIL BARSOURI SECONDARY  
SCHOOL DINNING HALL**

The committee moved to Yala town council where they found the clerk and the treasurer and after self-introduction the chairman informed the clerk the reason for the visit. The clerk then led the committee to the projects they did in the FY 2012-2013 and the first project was Bar-sauri Secondary school dining hall.

Members realized that the money disbursed for the project Kshs. 400,000 had been given to the school management instead of being put into the project directly monitored by the council. It was found that the building was not yet complete, it had not been plastered, then members asked the clerk why they chose to share one project with community and was in question how the magnitude of the work done by the council will be weighed after sharing the same project with the community.

The committee concluded that it was difficult to quantify how much money was from the community and from the Town Council of Yala respectively.

#### **MIN 22:14/8/2014 ANYIKO PRIMARY SCHOOL ECDE**

The committee moved to Anyiko Primary School to see the ECDE project of a class room which was on going. The project had not been completed and was on going therefore the committee asked the clerk to bring up bills of quantities.

#### **MIN 23:14/8/2014 ULUMBI ECDE**

The committee went to Ulumbi ECDE where they found the ECDE classroom had been built in somebodies compound; the land had been donated out to the church by an Individual where it raised eyebrows why a public ECDE would be built in a private land.

The committee found out that the environment was not suitable for learning

since there were two mausoleums and graves within the compound therefore wondered how public funds would be spent in such an Environment where by it was also in a private parcel donated to the church.

#### **MIN 24:14/8/2014 ULUMBI SINAGA ECDE**

The committee moved to Sinaga where there was an ECDE to be built , where the last disbursement for the building was Kshs 200,000 the building had not been completed and seemed to be abandoned, therefore members demanded bills of quantity from the clerk and a report for the said building which has not been received by the community to date.

#### **RECOMMENDATIONS**

- The two chief officers should be investigated and forensic Audit to be undertaken to completion on the following areas;
  - Under banking of revenue.
  - Reconciliation of creditors.
  - Unsupported payments.
  - Construction of ECDE in a private land.
  - Disbursement of funds directly to schools instead of carrying out the project.

#### **TOWN COUNCIL OF UKWALA AUDIT QUERIES**

##### **i. Creditors**

The creditors balances amounting to Kshs.27,618,811.00 as at 30 March 2013 handed over to the County Government by the defunct Town Council of Ukwala were not supported by creditor's registers, original contract agreements, invoices, delivery notes, statements, schedules and

payrolls. Consequently the accuracy of the creditors figure could not be confirmed.

**Recommendation**

The Creditors ledger should be updated in order to reflect accurate creditors' position to avoid payments being made to fictitious suppliers and ghost employees. The

Council should Support the creditors with all necessary documents. A forensic audit should be carried out to validate the creditors to be inherited by the County Government of Siaya.

**ii. Debtors**

Records availed indicate debtors balances amounting to Kshs.2,827,039.00 had been handed over to the County Government by the defunct Town Council of Ukwala as at 30 June 2013.

Outstanding debtor's balances were not supported by listings, debtor's registers, copies of invoices and demand notices. The outstanding debtor's balances have not been incorporated in the books of the County Government. Further, the debtors figure does not include the Single Business Permits, staff and Councillors advances and outstanding imprest. Under the circumstances the debtors figure could not be confirmed.

**Recommendation**

Debtors' ledger should be updated regularly to reflect true position of the balances at any given time. Debt collection policy should also be put in place to ensure that debts are collected as and when they fall due.

**iii. Direct Revenue Expenditure**

During the period under review, the Council made revenue collection totaling Kshs.5,374,802.00, out of which

Kshs.1,071,193.00 was used at the source resulting to a difference of Kshs.1,754,679.00 which could not be reconciled or explained and how it was accounted for. Under the circumstance the revenue figure could not be confirmed.

**Recommendation**

The County Government should put in place a strong internal control system to ensure that there is proper accountability at every stage in revenue collection cycle, such as daily counter checking of receipts cash book by a senior officer and daily balancing of the cash book. All revenue collected should be banked intact and expenditure incurred recorded in cash book and properly accounted for.

**iv. Local Authority Transfer Fund Expenditure**

During the year under review, the defunct Town Council of Ukwala received LATF totalling Kshs.20,499,929. However, the all amount went to personnel emoluments as at the time of audit in September 2013, contrary to the LATF Act that only 35% should be spent on salaries, while the rest to be spent on projects. Under the circumstance the council breach the Law.

**Recommendation**

The Council should adhere to the law, and avail approval for the excess of 35% on salaries. The County Government should investigate and confirm how the funds were utilized. Also, proper procedures should be followed when expenses are being incurred.

**CONCLUSION**

The forgoing observations clearly indicate that the process of taking over of assets and liabilities, including staff of the

former Councils was not properly handled due to apparent lack of leadership by officials of Transition Authority who had the responsibility to ensure a smooth and seamless transition process.

The County Government should however ensure full control of functions, including revenue collection, recording and proper accounting for the same while awaiting guidance from the National Treasury based on the accounting and reporting systems to be developed by the Public Sector Accounting Standards Board in accordance with Section 194 of the PFA Act 2012. Expenditure should be incurred in accordance with the requirements of the Public Finance Management Act 2012 and for the benefit of the taxpayers.

#### **MANAGEMENT RESPONSE**

#### **MINUTES OF PIC AND PAC COMMITTEE ON THE SPECIAL AUDIT REPORT OF THE DEFUNCT TOWN COUNCIL OF UKWALA HELD AT PARK VIEW HOTEL AND APARTMENTS ON 18<sup>TH</sup> AUGUST 2014 AS FROM 10.00AM.**

#### **MIN 1:18/8/2014 CREDITORS**

The KENAO auditor took members through the report stating the Creditors balances amounting to Kshs. 27,618,811.00 as at 30<sup>th</sup> March 2013 handed over to the County Government by the defunct Town Council of Ukwala were not supported by creditor's registers, original contract agreements, invoices, delivery notes, statement schedules and payrolls. Consequently the accuracy of the creditors figure could not be confirmed.

The Auditor went further by saying that the Creditors Ledgers should be updated

in order to reflect accurate creditors' position to avoid payments being made to fictitious suppliers and ghost employees. The Council should support the creditors with all necessary documents. A forensic audit should be carried out to validate the creditors to be inherited by the County Government of Siaya.

Outstanding debtors balances handed to the County Government of Siaya were also not supported. The LATF money received and was spent on personnel emoluments at the time of Audit in September 2013 contrary to the LATF Act that only 35% should be spent on salaries while the rest to be spent on projects.

The Committee then asked the former clerk of the defunct Town Council of Ukwala to produce the documents. The clerk said that only the treasurer was in a position to bring up the documents since he is the one who kept the ledgers.

The committee noted that the clerk and the treasurer were playing blame games that if the clerk is not there; the treasurer defends himself by saying the clerk should be answerable to the documents and when the treasurer is not in now the clerk claims that the treasurer has the documents. Members then came to conclusion that the treasurer should be answerable since he had worked in Ukwala for a period of over 8 years compared to the clerk who only worked for 6 months.

The auditor went ahead and read the creditor's list;

- NSSF – amounting to Kshs. 1,518,420 including penalties for reinstated staff.

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

- NHIF – KSHS. 526,080 being Penalties for delayed remittance as from September to February.
- LAPFUND – Kshs. 3,759,653 this was unremitted amount as from July 2012 to February 2013 inclusive of reinstated staff.
- Salary Arrears – Kshs. 1,699,833
- Reinstated Members of staff by Industrial Court Orders – Kshs. 10,950,000 this payment included 9 members of staff removed from the budget for a period of 7 years.
- PAYE – Kshs. 1,454,779 this amount was deducted from the members of staff but was never remitted.
- Leave allowance arrears – Kshs. 225,500 was not paid to staff that proceeded for annual leave.
- Wasinge Enterprises – Kshs. 229,850 this was for the supply of receipt books.

The committee went further by asking the clerk to defend the creditors list. The clerk said that he was only able to answer questions on how he had spent the LATF money where he said that when he came to the Council he found a loan which had been taken by the former clerk, the loan had to be cleared and he also found staff salary arrears of 9 months of which he had to clear and during this time the new Collective Bargaining agreement (CBA) had also increased the expenditure increasing the budget.

When asked about the loan, the clerk said he didn't sign the loan agreement and only the treasurer could explain.

The committee asked the clerk to table the resolution of minutes which resolved that the salaries had to be paid using the project money. The clerk said they didn't resolve in the meeting but just decided since they didn't have any other money apart from the LATF money of which they used to pay the 33 permanent staffs, 22 casual staffs and 7 – 9 Councillors. The total money for salaries was Kshs. 2,000,000.

When the clerk was asked how much revenue they would collect in a year, he answered that they would collect an average of Kshs. 833,333 in a month and an average of Kshs. 10,000,000 in a year.

The committee came to a conclusion that they could not proceed without the Treasurer bringing the documents required for validation. A member suggested that the meeting may halt and stop having blame games between the clerk and the treasurer and instead of wasting time calling them each and every time; the committee should just write a report on what information the committee has managed to gather.

The committee agreed that the Audit report about Ukwala Town Council was true since the clerk said he paid salaries to meet the statutory obligations yet he didn't have any resolution to do so.

The chairman then gave the clerk a chance to say something to the committee. The clerk thanked the committee for having given him a chance to be listened to on how he had served Ukwala Town Council with sincerity and transparency and if given a chance will be much willing to come back and work in Siaya County.

The auditor wound up by saying that it was very unfortunate that Ukwala Town Council did not implement any project.

The committee advised the clerk to inform the treasurer to go behind the books and correct the situation as may be recommended that when it comes to creditors and debtors, Ad hoc committee should be formed to validate the figures.

- The clerk of Ukwala had only worked for 6 months and was not in apposition to know most of the things in the council and the committee would rather once again call the treasurer for further interrogation.
- The committee concluded that the clerk and the treasurer of the defunct Town council of Ukwala had spent more than 35% of the LATF money in paying salaries which was contrary to the LATF regulations.

**MINUTES OF PIC AND PAC  
COMMITTEE ON THE SPECIAL  
AUDIT REPORT OF THE DEFUNCT  
TOWN COUNCIL OF UKWALA HELD  
AT BONDO WEST- END HOTEL ON  
26<sup>TH</sup> AUGUST 2014 AS FROM 9.00AM.**

**MIN 1:26/8/2014 CREDITORS**

The KENAO auditor took members through the report stating the Creditors balances amounting to Kshs. 27,618,811.00 as at 30<sup>th</sup> March 2013 handed over to the County Government by the defunct Town Council of Ukwala were not supported by creditor's registers, original contract agreements, invoices, delivery notes, statement schedules and payrolls. Consequently the accuracy of the creditors figure could not be confirmed.

The Auditor went further to say that the Creditors Ledger should be updated in order to reflect accurate creditors' position to avoid payments being made to fictitious

suppliers and ghost employees. The Council should support the creditors with all necessary documents. A forensic audit should be carried out to validate the creditors to be inherited by the County Government of Siaya.

Outstanding debtors balances handed to the County Government of Siaya were also not supported. The LATF money received was spent on personnel emoluments the time of Audit in September 2013 contrary to the LATF Act that only 35% should be spent on salaries while the rest to be spent on projects.

The Committee chairman then asked the former Treasurer of the defunct Town Council of Ukwala to produce the documents one by one for validation and to confirm if the creditors balances of Kshs. 27,618,811.00 is to be inherited by the County Government of Siaya. The treasurer removed the payments vouchers that had been used for making the payments in order to defend himself from the allegations.

The treasurer admitted that they use to deduct the statutory deductions but use not to remit the deductions to its respective statutory bodies;

- NSSF – amounting to Kshs. 1,518,420 including penalties for reinstated staff.
- NHIF – KSHS. 526,080 being Penalties for the delayed remittance as from September to February. The committee requested to have the payment vouchers used to pay the NHIF since the documents the treasurer had produced were only penalties.
- LAPFUND – Kshs. 3,759,653 this was unremitted amount as from July

2012 to February 2013 inclusive of reinstated staff.

- Salary Arrears – Kshs. 1,699,833 the Treasurer explained that the arrears were inherited from Siaya County Council

The committee asked the treasurer to submit list of the staff and the former Councillors to enable identify those who have arrears. The KENAO auditor also emphasized that no payments can be made without a clear documentation indicating the names and amount owed to the staff and former Councillors.

- Reinstated Members of staff by Industrial Court Orders – Kshs. 10,950,000 this payment included 9 members of staff removed from the payroll for a period of 7 years.
- PAYE – Kshs. 1,454,779 this amount was deducted from the members of staff but was never remitted.
- Leave allowance arrears – Kshs. 225,500 which was not paid to staff who proceeded for annual leave.
- Wasinge Enterprises – Kshs. 229,850 this was for the supply of receipt books. When the treasurer produced the invoice for that payment the auditor noticed that the invoice was not dated and had no signature, when the treasurer was asked why the invoice was not dated and had no signature, he answered that he wasn't aware that the invoice was not dated and had no signatures.

The Committee therefore resolved that the invoice was not genuine since a document cannot be made without date and signature.

The committee went on verifying the payment vouchers one by one as the treasurer produced them.

Almost all the payment vouchers had mistakes, some had no authorization signatures and some had the amount in words differing from the amount in figures. Once the Auditor identified the mistakes, he asked the treasurer if he was ready and willing to submit the payment vouchers to the Committee, the treasurer accepted that those are the genuine payment vouchers he wants to table to the committee. The Auditor asked him severally and he insisted that those are the genuine payment vouchers and he is ready to table to the committee.

While tabling the payment vouchers, members noticed a voucher dated **13<sup>th</sup> November 2012** worth Kshs. 150,000 had no signature.

Another payment voucher dated 15<sup>th</sup> November 2012 worth Kshs. 250,000. This payment voucher had no authorization and the amount in words differed from the amount in figures. The amount in words was two hundred and fifty shillings while in figures it read Kshs. 250,000.

The treasurer also produced the staff arrears list which was rejected by the committee since it was not binding having no authorization. Members concluded that the document was fictitious since it had not even been filed.

The treasurer defended himself that the clerk was never in office to authorize the payments. Members disagreed with him since he wasn't the only signatory of which if the clerk was not there then he would not have authorized the payments alone as this

was found not to be in order since he has to remain responsible for the authorization he made alone without the clerk's authorization.

The KENAO Auditor intervened and asked the treasurer if it was in order to make payments without a supporting document, the treasurer reply that actually it's not in order. This therefore made members to conclude;

- That the treasurer was not competent.
- Members made conclusion that the treasurer and the clerk of the defunct Town council of Ukwala had spent more than 35% of the LATF money in paying salaries which was contrary to the LATF regulations.
- Other Local Authorities' also had problems but managed to work on their projects unlike the defunct Town Council of Ukwala who had done no project claiming their Council was poor and the monies they received would only pay the salaries and cater for other Council's operations.

The treasurer then admitted having made errors in his work and therefore asked for forgiveness from the committee and thanked the committee for sparing their time to listen to him.

### **SOCIAL AUDIT REPORT TOWN COUNCIL OF UKWALA CONSTRUCTION OF OFFICE BLOCK**

Members of the PIC and PAC Committee went to the Defunct Town Council of Ukwala to find out how far the project had moved. On reaching the site

members found the former Town Treasurer, the committee asked him to direct members to the site where the office Block worth Kshs. 820,000 had to be constructed. The former Treasurer directed members to the site where the office block was to be constructed though nothing had been done so far despite the money allocation.

On seeing no work had been done the chair asked the former Treasurer to produce the documents including the certificate of completion and bill of quantities of the said office block which has not been produced to date.

### **RECOMMENDATIONS**

- Members UNANIMOUSLY resolved that the clerk and treasurer should be done for further forensic investigation by statutory investigative agencies.

**Hon. Temporary Speaker** (Abayo):

Yes! Hon. Oriaro.

**Hon. Oriaro:** Thank you, Mr.

Temporary Speaker, Sir.

1. I clearly confess that the omnibus nature of a Report, a Report consisting of a Report; its ways has especially overwhelmed me maybe because I was having a siesta.
2. I want to observe that a near medians Report by Committee of Public Accounts and Public Investments is a standard Reporting and a standard Reporting calls for a standard debating while a standard debating calls for a truly standard resolution so that we move forward because the problem with development is that it moves forward and never backwards.

We are from a regime law sidedness in so far as matter of governance is concerned.

All along the past haunts us because of malpractices generated by our Government so as a County Government it would be much better that today we create data of good governance in so far as the use of public funds is concerned so that we are not taken backwards. A Hon. Member observed sometimes back that if we are not careful as County government we will be much worse than even the local authorities.

So I am making my observations away from the Bondo town council that the Report nearly exonerates because of not having issues though issues may still be remotely entrenched. The House better takes the approach by the ICC that we absorb you today but there is still a room for rekindling the issues whenever new evidence appears. That's my observation because if we say that you are clean and we recommend further good things directed at you in future; that's too dangerous. For the remaining councils Siaya County council, Bondo County council, Ukwala County council and Yala town council it is very easy to draw a vector linearity here;

- a. The chief officers, the clerks and the treasures and remotely the officers below them could not justify their positions in so far as the content of their management letters are concerned. They could not satisfy the Committee and that is a matter that was common with all of them.
- b. There is also a matter common with all of them that are in the line of communality. That there was an inherent excuse that this documents

we are not able to produce before you are not in our hands. The way handing over took place was not orderly, we are even told that such documents are held up somewhere by the so called expert of County Government of Siaya.

What the Report is not telling us is what we must arrive at for us to move forward otherwise this Report shall be shelved and for once it will be worse for us because we may keep precedence as most of the Counties such as Kiambu and Kirinyaga in which even KENAO report has not released Counties and that is a known fact. We must question the circumstances in which the County documents inherited from local authorities in so far as the justification of expenditure and handling of book keeping is concerned.

We get to know as an Assembly circumstances under which those important documents which have impeded the two reporting's of the matter on the Floor. We want to know who is it that suctioned for those documents to be in the hands of the experts because we were surprised to learn that they could not be released and we have learnt it because of lack of funds. Who engaged that contractor, the expert body and on what terms because we already know the culture of corruption? They are like us and given that we are not in it we have to

cover them up. Who sanctioned such contracts, was it entered in the right way and why is it that there is a bit of contract that the County cannot pay?

In short, to me this is a standard reporting and if Oriaro is found to have embezzled funds then this is the time to say bay to County Assembly of Siaya if I am a Member and if I am not a Member but working somewhere else or in the County Government of Siaya then this is the time to depart and let you continue with matters of governance. Thank you, I support.

**Hon. Temporary Speaker**

(Abayo): Hon. Osuri.

**Hon. Osuri:** Thank you, Mr. Temporary Speaker Sir, first I want to commend the work done by this team though voluminous, content needed is there. I want to observe that there is a lot of rot in some of these defunct councils such that they seemed to be working without any procedures at all. It appears as if some of these chief officers went to the same school and were trained by specific tutor such that they were working without registers, without invoices, some of them even made payment without knowing the name of the payee and without signature.

However, I don't know what I would say because if you talk about failure to close bank accounts, they are still operating and perhaps not included in the Report. Who are the

signatories in this accounts which are still operating? It means transactions are still going on as we are speaking! I don't know if some of the signatories are in the Assembly here or even outside just as the Hon. Member said.

*(Laughter)*

Sometimes we need protection here as we are discussing because we may be discussing some of the Members here who will give us a blow as we go out, but I hope you are capable of protecting us and there is also...

**Hon. Temporary Speaker**

(Abayo): Hon. Osuri the chair can protect you as you so wish but remember we are debating facts and therefore if they are facts you better talk facts and I want to refuse any attempt to intimidate any Member of this House.

**Hon. Osuri:** Thank you, Mr. Temporary Speaker, sir, for having assured me of my protection. There were also even favour to take over defunct local authorities, I have seen a lot of apologies having officers that are trained given that they did either a shoddy job in the offices or they were doing them intentionally. Now having apologies I don't know whether if that kind of apology will be supported by this Hon. House.

I would say in brief that there is a lot to be looked at, but I support the Report, however the measures should be stunned if we adopt measures

that should be taken because some of these officers that have been quoted are still deployed, perhaps they are working and we don't know the kind of measures that would be carried from those reports to us.

I would rather they be stopped and further investigation be done as has been recommended in some parts of this Report, but this House needs to give a direction of what next because as I said in summary that there is a lot of rot and the tax payers money has been messed up completely during those periods, I rest my case.

**Hon. Temporary Speaker**

(Abayo): Hon. Muhula.

**Hon. Muhula:** Thank you, Mr. Temporary Speaker, sir. This afternoon we are debating one of the strongest statements that this House has ever received, I say this because it is in the public domain that the past administrations and regimes of local authorities were not managed very well.

This Committee have worked very hard to display the seriousness that the PIC/PAC is supposed to be engaged in. The Report that is coming up here is displaying basically the impunity, a lot of mismanagement and a lot of one hand management style where one or two people could decide the direction of the financial management of the defunct local authority.

The many mistakes that we have seen here that has led to a lot of misappropriation and wastage of public funds are;

To define the --- look out of Transitional Authority after giving an indication that the County Government was going to take over which was very difficult. As much as we are seeing here and which of cause is unfortunate as I stand here to support this Report I did not see clearly where the PAC/PIC indicated in the management of the local authority's assets the road map of the finances.

We are privy to some of this information that some of the assets of these municipal councils are not in the hands of the Government to date. What mesmerizes me is that the people who are culpable to what is happening here today are the same people who have actually been blessed and awarded with high positions in the present County Government of Siaya which is very unfortunate.

I am looking at the statement from the PAC/PIC on the issue of Bondo that they are exonerating the administration and management of Bondo while when I look at page 35 on this Report bullet (iii) MIN.PIC/PAC/TCB/2/9/7/2014:CASH AND BANK BALANCES. There is a deliberate attempt of refusing to close the dots, I wonder if that qualifies somebody to be a good staff!

When we come to page 36  
MIN.PIC/PAC/TCB/6/9/7/2014:LOCAL  
AUTHORITY TRANSFER FUND  
EXPENDITURES (LATF). There is clear  
demonstration that there is nothing that has  
come out to explain clearly to define the  
expenditure of Kshs. 4.5 million because  
again it is qualified here that the clerk and  
treasurer were instructed by the committee  
which there are no any details confirming  
that this instructions was actually met and  
this figure accounted for accordingly.

I support but I request this House  
that if it will be the question of forcing the  
County Government to do that forensic audit  
or asking the relevant people and I want to  
echo the statement of Hon. Osuri that we  
have those people around us and it would be  
very prudent for this House to get to the  
bottom of this because this is public money.  
In that line we will be doing our role of over  
sighting and reporting to our people that  
indeed we are either eradicating corruption  
or minimising it to a point that possibly we  
can be able to manage.

**Hon. Temporary Speaker**

(Abayo): Hon. Munda.

**Hon. Munda:** Thank you,  
Mr. Temporary Speaker, Sir, for giving me  
this opportunity to also air my thoughts to  
the Committee of PIC/PAC, the Committee  
did a good job and if we look at it from  
council to council i.e. Yala, you could see a  
lot of things that were done there like the  
revenue collected was Kshs. 3 million at that  
time but only Kshs. 1 million was banked so  
you wonder where the Kshs. 2 million went  
to and could not even be accounted for. If  
you go to Ukwala you see a lot of mistakes  
that were done and they are so many done  
on LATIF money, all of it went to personnel

emoluments contrary to the law. "This is bad  
and serious" ...

. When you go to the...County of Siaya, you  
will see the same mistakes done and even  
their National Bank Account was closed  
with Ksh3 million. You wonder what they  
are doing with this amount.

When you go to Siaya County  
Council, there are also a lot of things that are  
noted. For instance, the...of three divisions  
were charged and the rest were not charged.  
This was a mistake and something must to  
be done about it.

When you go to Bondo County  
Council where I was; and I was just a  
councilor---

*(Laughter)*

Yes, I must say. I was not one of the  
officers there...

When you go Bondo, you will see  
the mistakes that these people were doing.  
And, one of the information was that the  
Clerk, Treasurer and Engineer should be  
questioned.

When you go to Ugunja, a forensic  
audit should be done on the officers because  
of the amount they did not use well. The  
Committee did a good job and I am  
recommending that most of these people  
whom we have in the County Government  
doing jobs; should be investigated  
thoroughly and even be charged. A lot of  
money was lost during their time. We should  
not just let them go scot free. That is my  
contribution. Thank you, so much.

**Hon. Temporary Speaker:** Hon.  
Onduru.

**Hon. Onduru:** Thank you, very  
much Mr. Temporary Speaker, I want to  
commend and congratulate this Committee  
for the good job. They have come up with  
something which can enable us to discuss  
the Report. I support the Report.

Mr. Speaker, this Report is a wakeup call to us as Members of the Assembly. We must wake up and act on this Report because; if you see the amount of money involved and poor management; we cannot let this go.

I think this is where we should put our feet down. In this Government; maybe the Executive will copy the same thing. It is shame, if these officers are still working in this County Government, they are still doing the same things they used to do secretly and we may never know.

I recommend that these names that have been mentioned in the Report should be suspended immediately when investigations will be ongoing. But, if they are still there, then we are accepting the wrongs in the new Government or dispensation and people will continue doing the same wrong things. The Anti-Corruption should be called to come and do a thorough investigation in all these local authorities, the ones which have been mentioned here to give us an exact report on what happened.

I think our Committee did not go deep and find what happened. I think they tell us a summary of what is there and maybe there are very serious things. This House should recommend that; one; those who are involved and are still working in this County should be suspended when investigations are on.

Secondly, this should be reported to the Anti-corruption which should come in big force and do something. Because, when they were handing over; my colleague has asked how about the reports on property? Maybe some of them went with vehicles, tractors, land and some of them have sold our property. So, Mr. Speaker; this is a very serious matter and this House should come up with serious action to be taken against those officers who were involved in theft. If I may use that word

**Hon. Speaker:** Hon. Rosemary

**Hon. Ogutu:** Thank you, Mr.

Speaker, Sir; I want to support this Report with some few reservations to make, being a very strong Report in this House; which needs to be dealt with carefully because it touches on many peoples' lives. I have not heard anybody who died; they are still alive working in this County, working in this Government.

Therefore, the local authorities as it has been said were not well managed in terms of monumental funds. There was a lot of mismanagement. And, what I didn't get clearly from the Report was that, is that most of the monies used to go to the consultancy.

And, I didn't hear the Report mention; who were these consultants? Did you manage to find them? Also, a lot of money used to go to legal fees, were you able to meet these legal officers of ours? And, to tell you how many cases they won for the councils? Some used to go to insurances. You were supposed to meet these policy sellers to tell you how much insurance they gave to the members of the County Council.

There was accumulation of debts which is carried forward activities of this County. I told you, if we are not careful, we will be going the local authorities' way. Of debts which are carried forward for more than six months accumulating to millions; by the time we will be leaving this Assembly, we will also be carrying forward Ksh5 Million debts on water and etcetera.

So, that is a major problem; accumulation of debts. Last but not least; there was the issue of statutory deductions. Before their...came, we were told it was Ksh10 million, but you have to submit the statutory deductions before the money comes. I didn't hear your report on how well it was covered. Because there was the issue

on LAP (Local Authority Provident) Fund, the LAP Trust, NSSF (National Social Security Fund), it did not come out clearly.

Therefore, I support and I wish that the culprits be brought to book because they are around, only names have changed and their places of work. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Aneme

**Hon. Aneme:** Thank you, Mr. Speaker. I am very happy because I participated in the making of this document. I want to support it. I also hope that seeing the way they are smiling; they also support it. Mr. Speaker, this Report brings to the Assembly ownership. I want to believe that this House should have iron pillars of this Report push it to the next level for action.

Mr. Speaker, for those who were meeting these people one on one; actions speak louder than words. Most of these people were sweating more than how Hon. Angul was sweating when writing the Report. That was a test to the fact that these people were trying to cheat because they could not explain everything.

We found ourselves in situations where we had big files like these authorized for payments for the whole year with no authorizing signatures of these people, no signatures of the recipient of the money. And that says a lot. It is only that we had no power to arrest and take them to the court of law. For these people; no one could pass the test except people of Bondo.

So, the Report on these people are rotten and pathetic. If these are the people whom the Siaya County Government has inherited; and they drive around proud, that they are good people whom the people of Siaya are also proud of; then we are having a junk of people rotten in their management styles.

If they are the same people who are entrusted with some of the funds; I think that is why our collection is dropping down.

*(Applause)*

If you look at what is being collected in Bondo, it is half of what they were collecting. And this is money which they were authorizing payment without any signature. Some of them were being paid in the fields. So, we should strongly support this document and take it to the next level with a very strong position that we should see action taken against them.

If you go to the last part of the programs which were all permitted in the entire Siaya, we were taken to the sites. The jungle sites; and sometimes we would trace a project for a whole day and then we ended up in a road at the end of the road in a river in North of Ugenya.

To an extent that even the officers who were leading us could not talk. You see your colleague in a coat and a tie tongue tied. You ask;

“Bwana, where are we going?”—it was somewhere around this place. Yet, over one million was spent in a place which an officer who was spending on that project cannot show you where the project is. Yet these are the same people we still have in our offices in their coats and ties handling the monies of Siaya.

I want to persuade you that we should take this Report to the next level by ensuring that action is taken. We could not arrest them and that is why we recommended that some technocrats, either the Anti-Corruption, or the Forensic Audit or other Audit firms should take action before it is too late. We want to see some of these people called upon to answer these charges.

We came across a cheque, the cheque counter...tells you amount of money but if you trace the origin of the

cheque leaf, it is Otieno Aneme and somebody else with a different name. that is theft. And, they are still handling those cheques, monies and still going round to see how the revenue is being collected.

If God was on our side, this Committee enabled the Siaya County Government to know those who can be retained, and those who should face the panel. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Hon. Okite

**Hon. Okite:** Asante sana, Bwana Spika. Ninataka kusema machache juu ya vitu vimesomwa hapo. Wengine wanasoma lakini hawakuwa hapo awali. Mimi nilikuwa ndani ya serikali kwa miaka kumi na tano. Ukitaka kwenda Siaya, hurudi Kisumu.

Maneno haya ni machache, makosa ilikuwa kwa wale wakubwa wetu. Kwa mfano; *Chairman, Committee Member, Treasurer na Clerk. Only four people!* Hakuna yeyote tena. Ikiwa wangeenda ...wangetoka Ukwala, waende Ugunja, watoke Ugunja waende Seme. Keshowe asubuhi, wangepesa pesa yao. Wale *Members* na---

**Hon Okwako:** Asante sana, Bw. Speaker. Mimi ningependa kuongea juu ya kile unachosoma hapo. Wengine wanasoma na hawakukuwa hapo. Mimi nilikuwa ndani miaka 15. Ukitaka kuenda Siaya, usipite Kisumu. Usipite hapo. Maneno haya ni kidogo. Makosa ilikuwa kwa wale wakubwa chini. Kwa mfano: *Chairman, Finance Committee, Clerk, na Treasurer. Only 4 people. Hakuna mwingine.*

Kama wanaenda huko, wanatoka kwao wanaenda meeting Ugunja. Wakitoka Ugunja, wanaenda Seg. Kesho asubuhi, wanagawa pesa yao. Wale *Members* na *Councillors* wengine wanapata list, eti 'nipatie pesa fulani. Hiyo ambayo inabaki ni balance. Hatuwezi kuwaweka watu kwa

shida, haswa wale wasio na makosa. Nyinyi wote na Tender officers mnakosea lakini polisi hawawashiki. County Assembly haiwashiki. Yaonekana kuwa hata nyinyi mtabakia kwenye shida hii.

Mnazungumza tu, na ukweli hakuna. Nikikuambia kuwa nimewahi kukaa kwa County Council, nilianza na Urban, 20 years now, Shida inatokea kwa wakubwa na wala si wadogo.

**Hon. Okuku:** Point of order Mr. Speaker.

**The Speaker:** Yes, Hon. Elisha? You have a point of order?

Hon. Okuku: Hon Selah is moving to an extent she can beat somebody Mr. Speaker.

*(Laughter)*

**Hon. Okwako:** Mimi nimekuwa Vice Chair Lady kwa miaka 14, na Miezi 9, tokea 1992 up to now. I am a counselor. Makosa kubwa ni kwa chief officer. Kama kosa imetokea, kuna Yule anayechukua pesa akipeleka kwa wakubwa ndiposa wakubwa hawawezi kumtaja au kusema. Asanteni.

**The Speaker:** Yes Hon. Omwende?

**Hon. Omwende:** Thank you Mr. Speaker, I just have a personal concern, since this Report is so touchy. I wonder the layout that you have put in place, for Membership security, because we can end up talking here, while these people mentioned can be communicating outside. Otherwise our lives can be in danger. Those that we have been discussing here, they are so big elephants in this County. I wonder; for me to contribute, the layout that you have put in place, for this to continue. Thank you.

**The Speaker:** Hon. Omwende, you did hear the Chair did communicate very well on the issues of security. I want to assure that no Member should feel intimidated, I did say that. And that your security is assured. You have immunity when you are in this House. That this sitting should be public, and therefore you expect Members of the public in the Gallery.

So whoever is sitting here, this is a presentation in the Assembly, and it is open to the public. That is what is expected. And that the moment the document gets to the Floor of this House, including the order paper that we are discussing here today, the Chair is aware that it should be on the website, and it should be on the public domain. Your security is assured. Hon. Members, let us contribute handedly to this particular issue that is the only way we can change this particular society.

That is a call on each one of us to deliver that particular mandate. Thank you. Honorable Odinga?

**Hon. Odinga:** Thank you Mr. Speaker, Sir. I want to join my colleagues in giving my views. First I am a Member of this Committee, and I supported it at the Committee level. What we need to understand first of all is do our Committees originate its mandate? First of all, I want to commend the work of KENAO, because it's for that Report that this Committee sat down, looked at this Report, got one on one, the former Chief Officers of the defunct Local Authorities, and then came up with this Report.

An Audit as you all know, entails, examination, verification and accountable documents, even assets. Once that was done by the KENAO, it was upon this Committee, to get it from the horse's mouth. That is

from the former Chief Officers. That is actually, if the Chief Officer's position is as indicated by the KENAO.

I want to give a small approach. That there are some Members within us, who feel that if I was once a Chief Officer, and as at now, this Report is discussing Jack Odinga as a former Treasurer of the Defunct Siaya County Council; that is not true. So I want you to give them freedom to talk freely about this Report, because there is nowhere that Jack Odinga is mentioned. If at all he is mentioned, then I would not be part of this Committee that discussed the Report of this House, that this is the Report, these are the Recommendations that I am party to.

I am saying this because, you heard earlier; I don't want to mention the Hon. Speaker's name, but there are some insinuations, that maybe part of these Honorable Members is part of this. That should not be the picture painted today as we discuss this Report. The main reason why an Audit is done is to check on internal operations.

The strength of internal Audit of an Organization or an Institution, and then thereof, a recommendation is made. That is why, at the end of it all, you find an Auditor saying that "in my opinion as an Auditor". So they expressed their opinion. Then later on, as a Committee, this is how we are expressing our opinion.

What we are saying is that at times, you allow me, Mr. Speaker Sir, to say the Swahili saying, which goes that 'Mgalla muuwe, lakini haki umpe.' To some extent, these people have suffered. The so called Chief Officers have really suffered. The truth is that, the Defunct Local Authorities, with a plotted stamp, they used to collect and pay salaries on their own. This is when

you could find that at times, it could even go overboard, and even make some borrowings from individuals, to make ends meet.

I want to share with you, that there are times, when you were chased away from a Local Authority, or a Town Council, you could stay out of the Office for even 3 years, without pay.

**The Speaker:** Hon. Odinga, I am expecting that your discussions are out of submissions that were presented in the Committee, and that is what you are sharing with us. Please restrict yourself to the latter and the spirit of the Report, so let's not try to give an account that may not be of benefit to this Report. Thank you

**Hon. Odinga:** Thank you Mr. Speaker sir. The reason why I am saying that is what you have heard some Members saying, that these former Chief Officers, some of them could even be barred from holding public offices. The reason why I am giving this is that these are human beings. When we gave recommendations, that further investigations be done, it meant that this Committee had human eye.

That these are the people with families, these are the people that in case they did wrong, it can still be investigated, truth be established, then, if it is established, that really, they committed fraud, something like that, then they can be handed over to the next authority. What I am saying is that, recommendation of these is that further investigations be done. I support the Report. Thank you.

**The Speaker:** Hon. Pamela?

**Hon. Ngunjiri:** Thank you, Mr. Speaker, I participated in the investigation of these Town Councils, and the damning Reports were so worrying, that sometimes we wonder if it was necessary to continue. It

was so choking, that sometimes we had to stop, adjourn, just to go and reconnect, then start again the next day. These officers, like Hon. Osuri said, it sounded like they went to the same institution, and they learnt the same way of working, and they gave some kind of answers, to the questions that we asked.

I have heard about in the past, the rot that is the County Councils. Of course we didn't see how people working in the County Councils carry themselves. They were rich beyond what we imagined as analysts. I for one did not know that it was this bad. When listening to these explanations, it was like all the players were on the stage the same time. You cannot even begin to say, or wonder why we did not report much about assets. With this kind of Report, with this kind of eating, with this kind of misuse of funds, who would have imagined that there is still money left, to carry out projects?

No wonder all the projects that we have carried out came inform of what Hon. Aneme explained. They were half finished, if indeed you could see signs, but some of them you could not even see a sign. Some projects had been carried on. They were in a state of very bad repair if they were ever done.

You go to a place where a dispensary was supposed to have been constructed, and you wonder if this thing is worth for a hospital. The recommendations that we gave here were after a very long consideration. Indeed, even when going to do this audit, were first taken through training by KENAO and what they trained us on we were scared to make it out to these officers because they were very strong.

Most of them said that these officers were not supposed to be seen near any

public office and any public office did not mean Siaya, any public office in the Country, those were the kind of recommendations we were trained. But then we looked at it and we said if they were to go then the whole system would go or the old system would go.

So we said there is also this option for asking for forensic audit to be done on these people and then we recommended they should be investigated further. And I think that is what most of us are saying should be done. Some of these people if put through another investigation they will not escape! I think we have been lenient with them!

For somebody to follow a revenue collector in the field, keep the money, uses it there and then, has not requisitioned for this money! It has not been authorized! Who would pass that? There is a recommendation that, money that comes in, only 35% should be used as salaries and 65% should be used on projects and that is not what happened.

In some cases, the whole LATIF money that came just paid salaries and people moved on and nobody questioned. Like Hon. Selah, God bless her, she is not here, pointed out that these was not the ---of the employees. The Chief Officers authorized this, they thought they would escape by not appending their signatures, so they just took money and divided it amongst themselves.

Staff who worked in the local authorities went for months without salaries because these Chief Officers took the money and shared it out. We should be careful even to warn ourselves that they are going to kill us, you don't eat and kill, once you have eaten your food why are you killing somebody?

We simply went through the report, saw the rot, reported on the rot and somebody should just own up because some of them were completely unable to explain themselves. Some ended up just shivering and others crying. I had to rebuke one whom I thought come near where I do and I thought he was acting weak! I told him don't cry in front of other men! You should cry when a woman does something to you! That is how bad it was.

If anything at all is to be done about this kind of situation, now and later, then these people ought to know that they cannot do things like this and get away with it. I we continue to be lenient, if we do nothing about this kind of rot then we are wasting our time in this devolved Government. More so, if nothing is done, if they are not punished like some of us have said it here, the others will ---. It is not the way to go. They will be punished in the way that they should be, It might not be what we recommend here but that is the essence of debating this so that some other recommendations can come out and can be - --

**Hon. Speaker:** We still have one more Motion to handle, you need to take the shortest time possible, so please summarize.

**Hon. Ngure:** Sorry Mr. Speaker, I was carried way but thank you, for giving me the chance to say what I said.

**Hon. Speaker:** Hon. Madialo!

**Hon. Madialo:** Thank you, Mr. Speaker. Permit me to support this report. The most headstrong Members of this Assembly are Members of this Committee so that what comes out of this Committee you can take it to the bank that it has the input. I have heard the Hon. Ngure ---they have done a report that would pass the test

of the requirement of audit. It is a requirement when carrying out audit that such information as would scandal the names or businesses of people who are not part of that exercise should not be disclosed.

I have seen that these gentlemen were careful not to mention names. I have read a paragraph that touches on a firm which I was a founder but which has six partners as of now. I heard a Member also say, why don't you say these names, names of people who are engaged as consultants? I do agree with the report as presented by the chair to say that consultants were engaged, now, who were the consultants? The Committee is right. You go then to the forensic audit and establish the consultants, so that you do not use the unit of the Assembly to scandalize a person who cannot defend themselves here.

I wish to add as the Hon. Oriaro put it, we have come up with a standard report because circumstances including this that has been disclosed, somebody is holding the relevant documents somewhere. If the relevant documents are being held somewhere, then it means that the conclusions here do not have the benefit of the contents of those documents that cannot be accessed by the Committee at that time. So it is very important and wise to ensure that that report does not go out overboard and make recommendations that sometimes might end up hitting a bullet that hits the wrong person.

Let us look at this scenario, the Chief Officers used LATIF beyond the required 35% but the other question is, the people that were engaged if you paid them. Could you pay them without going beyond 35%? But us not go there, let us talk here. On the Floor of this Assembly there are

many Members who are saying that people who were engaged even without ---, 300 of them, retained in the payroll.

We should start with the Chief Officer who gave the salary. Did he employ them? Did he have the authority to sack them so that he doesn't use more than 35%? I go this direction and I have said earlier that I am supportive of this, it was wrong to use more than 35% but I ask, it is common knowledge and it has been stated that all local authorities was a rot. Now, how comes all of them were like this, whether you go to Mombasa, Busia etc. It is not the rot with the Chief Officer, the entire system has doubled by the Ministry of Local Authority was rotten!

That is what we must be careful and unfortunately we are not being controlled directly by a Ministry the way the Local Authority used to. There is something that you corrected, that you will forgive me if I go outside your direction. I did see the Hon. Odinga, because he has been my friend for long, borrow money to take to ---leaders--- but he also knows the money was borrowed!

In scenarios where the officers we are talking about and in that one I think the recommendation that the audit be done is correct of course you will come to the bank account and establish that on 4<sup>th</sup> August, there was no money in the account but the officers and the councilors went to Kakamega and spent Kshs.900,000; now a question will arise here, how did they get the money and then the Chief officer will be able to explain that I borrowed it from Hon. Ben and that explains why Hon. Ben has got Kshs. 100,000 in his pocket two months later.

There are many issues to be pointed out but I don't want to point out all of them;

I want to rest my contribution by saying; Members I don't think we have reached any level, such a level that anyone would want to kill the other; I would like to guide colleagues. Let us not put ourselves in scenarios, talking about danger. I wonder if you were to be engaged with robbers; what would you do? Just because somebody threatened to throw a stone doesn't mean it's hard to stand here, so and so is wrong.

Adversely, all people die ... we don't die twice. It is only once and when you die you die whether there is protection or not. Even presidents have been assassinated and not just presidents; in the USA (United States of America) where security of VIP (Very Important Persons) is strongest. I want to encourage Members that when an issue comes to Floor of the Assembly; lets first discuss it without suggesting that there could be somebody out here that kills people who have contributed here.

*(Laughter)*

**Hon. Ombee:** Thank you, Mr. Temporary Speaker, Sir; I'm one of the former councilors in Siaya County Council; the previous Member said that the former councilors were paid some amount about Kshs. 200,000. The amount mentioned was for wards are there any evidence to prove who were paid? Because I never saw that amount, I was also one of the complainants on LATF () projects for FY 2009-2010, 2010-2011, 2011-2012, 2012-2013, there was Kshs1million allocation for each ward but there was no project done within my ward at that time. The County Council office at Akala Market and another in Ng'iyia Market have been sold and these are public utilities; who has authorized the sale? I rest my case and support the Report.

**Hon. Otare:** Thank you, Mr. Temporary Speaker, Sir; though it has taken too long but I must say that it's a good Report. My only worry is when you compare this Report to the Audit Report because we are talking of former local authorities, audit Report and we are in financial year 2015/16 and the County Government started in the year 2013/14.

We have never seen an audit Report for the County Government. Before we adopt this Report can we also get a Report for the County Government where they are given almost Kshs. 4billion per year? This Report should be compared to a Report of a County Government. This Report has taken too long and Members started investigations last year; when you look at the funds Members used to make this Report is more than LATF money that was given to---

*(Loud Consultations)*

**Hon. Otare:** Mr. Temporary Speaker, Sir; please protect me.

**Hon. Temporary Speaker:** The Chair would want you to restrict yourself to the content of the Report and any attempts to get out of it will just squander your chance.

**Hon. Otare:** This Report is a good Report but we should have a Report for the last financial years for the County Government of Siaya so that we can see how they have been operating since we started this County Government.

**Hon. Temporary Speaker:** Hon. Otare, the Chair would want to inform you that financial quarterly Reports are in this House, have been Tabled in this House and have been discussed by this House and also to inform you that the audit Report on the

County Government when it comes we ventilate on that, just keep your cool.

**Hon. Odinga:** Mr. Temporary Speaker, Sir; I want to concur with you and I want to bring to the attention of the Member that this Report also contains part of the audit by the Siaya County Government; there is the element of when it was started up to end of June, it's part of this Report.

Mr. Temporary Speaker, Sir; I didn't hear you tell Hon. Otare to withdraw his statement that maybe that Committee used more than LATF; you know this is something that is recorded by Hansard. Maybe through you Mr. Temporary Speaker, Sir; may Hon. Otare withdraw that statement because it is too harsh to the Committee.

**Hon. Temporary Speaker:** Hon. Otare, you will have to withdraw that statement and if you don't withdraw you will have to tell us because you said we need to compare the County Government and this Report; you will tell us how much the Committee used against the amount of money we are talking about in this Report.

**Hon. Otare:** It's only that you didn't hear me but due to the fact Hon. Odinga has requested, I withdraw.

*(Laughter)*

**Hon. Okuku:** Thank you, Mr. Temporary Speaker, Sir; I was feeling unwell and I never wanted to contribute on the Floor but Hon. Otare has made me stand and contribute.

I'm part and parcel of this Committee and I contributed during the session while we were conducting the report writing in Kisumu and the Report speaks for itself. I stand here to support the Report and will also urge Members to support as they

have supported; only to say that two wrongs will never make a right.

Only to subject that before we adopt the Report we have to compare the level and depth of impunity from the County Government of Siaya and the former local Government. He cannot subject this House to compare and contrast the level of definite corruption that was during the Defunct Local Authorities to the County Government of Siaya.

If at all he has evidence of any form of corruption in the County Government then it is upon him to bring his allegations as a way of Statement, Motion or Petition to this House. I want to concur with Hon. Madialo; that we were very much cautious by the time we were winding up this Report so that we can bring it to the House.

We did visit the projects that were claimed to have done; we must call for a forensic audit so that the former chief officer led by former Chairmen and Mayors who are Here to defend definitely if they are around. They must be brought to books; they must account for disservice they have done to the people. I think that it's high time to call the Mover to Reply then we make a decision so that we can call for further investigations so that they carry their own cross, thank you.

**Hon. Angul:** Thank you, Mr. Temporary Speaker, Sir, I want to thank all the Members of PIC and PAC Committee and the Members of this House for supporting this Report. This is the strongest Report that has ever been brought in this Assembly and it carries weight. As you see we could not mention the consultants but we have their names.

Somebody asked about the insurance, we have clearly stated here on

page 5 the legal officers and the insurance brokers who were insuring the vehicles of former municipal councils and former County Government of Siaya.

The committee will not go back to make a Report for the money the County Government getting lost. I may give an example of the Kshs. 200, 000 that has been mentioned. We went up to one of the primary schools in Central Alego called Kuba Primary School and looked at the visitors book. We were received by the head teacher and we were told they received Kshs. 200,000 from the County Council of Siaya.

We were accompanied by the CO of the County Council of Siaya and he agreed that the money was given out and one of the councilors took the money to that school. We were comparing it with other Wards where we went and we could not get the same money that was given to them.

I want to thank everybody who has participated here. This is just a start.

*(Applause)*

This was a Report for only 6 months. We have another Report in our desk which is covering the whole FY from January to December. The County Government is included here if somebody was it is the County Government of Siaya that we started I thank Hon. Jack Odinga for explaining that the County Government is excluded in this Report where the first page is the County Government of Siaya and all the 7 former defunct local authority.

I thank everybody for supporting this Report and if we adopt it I think we are going to go another level. Thank you.

**The Temporary Speaker** (Hon. Abayo): Thank you, Hon. Angul.

*(Question put and agreed to)*

### MOTION

#### ADJOURNMENT

**Hon. Madialo:** Allow me to invoke Sub Clause 2 of Standing Order 29 that says that if the Speaker is of the view that a certain Motion of adjournment of the County Assembly is of the proceedings of the County Assembly the Speaker may put the Question or decline to propose it.

This Assembly will adjourn for reason that the Motion next on line might require lengthy contribution from Members given the importance that it carries with it to the affairs of the County. I therefore request that this motion be adjourned until the next sitting as shall be suggested by the House Business Committee.

I invite Hon Oriaro to second.

**Hon. Oriaro:** I second.

**The Temporary Speaker** (Hon. Abayo): This House be adjourned in respect of Siaya County Public Participation Bill Second Reading for another date

There being no other Business the House this House stands adjourned until tomorrow 9.00 a.m.

The House rose at 4.25 p.m.

**WEDNESDAY, 11<sup>TH</sup> MARCH, 2015**

The House met at the County Assembly Chamber at 9.30 a.m.

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

**PRAYER****COMMUNICATION FROM THE  
CHAIR****PENDING BILLS**

*(The bell rings for 10 minutes)*

*(The bell rings for an extra 10 minutes)*

**PAPERS**

**Hon. Onduru:** Mr. Speaker Sir, up to this time, the office of the Clerk has not brought the report. This Morning I was expecting to get report, so I came here at 8, but I have not seen it, but because I had prepared all reports, they are with the Clerk's office and they are not ready.

**The Speaker:** That is in regard to which paper?

**Hon Onduru:** We have a paper to present our bench marking this week at Ukwala and Taita and then there is some more attendance, considered for employment but was dismissed by Ukwala Sub- County Hospital. So those reports were to be presented today. I have not seen them so I don't know that is happening.

**The Speaker:** So you had finished compiling the Reports?

**Hon. Onduru:** Yes, and they were with my Clerk, to our Committee.

**The Speaker:** When did you finish the compilation?

**Hon. Onduru:** Last week.

**The Speaker:** So, had these reports been read in the previous Sessions?

**Hon. Onduru:** Not yet, Mr. Speaker Sir.

**The Speaker:** They were to be laid today?

**Hon. Onduru:** Yes, today.

**The Speaker:** They are not very long. They are brief reports which could be laid and discussed.

**Hon. Onduru:** Yea. All of them can be laid and discussed.

**The Speaker:** Okay. So I direct the office of the Clerk to take action, on the Committee Clerk, as per the disciplinary terms notable in their contract or their permit. I further direct that the reports be availed this Afternoon for debate without delay. And before that, you ensure that Members have the report followed to date at the Assembly. Hon Chairman, the reports availed will be discussed today in the Afternoon.

**Hon. Ngure:** Point of order, Mr. Speaker. As you can see, from the head count here, we don't have the quorum to deliberate on matters beforehand.

**The Speaker:** Hon. Members you will agree with me that, first of all, the Constitution requires that before the Assembly transacts a business, it must have a quorum. Secondly, remember our standing orders address the issue of quorum.

Take note of that issue. Therefore, I had also been informed earlier on, that these two reports were not ready. I want to take

action before we deal with the issue of the quorum, because if I don't, then it will be assumed that the reports were here and action will not be taken.

So getting back to your issue of quorum, ... and then there was also some other two reports you discover that at this point, we have not started the serious Business of the Assembly, which is Motions. So this is the preliminaries.

Yes, the next Committee? Committee of Roads for the Chair? The Chair is sick. The Vice Chair? Any Member of that Committee that is there? Yes, Hon. Midumbi? What is the status of these two reports?

**Hon. Midumbi:** Thank you Mr. Speaker. I can't tell the status of the two reports. Our Chair is sick; Vice also got an accident some days back. So I don't know anything.

**The Speaker:** Have you been attending Committee meetings?

**Hon. Midumbi:** Yes I have been attending. The last time I attended, I think we discussed the report that was brought to the assembly, and it was not adopted. That report from bench marking in South Africa,

The Speaker: The two reports that you managed to lay, and report on responses to Statements presented by Hon. Elisha Okuku, in the status of undone Project in Yimbo East, and also the same on undone project on Central Sakwa Ward. Have we discussed those reports? Or do you have those reports ready?

**Hon. Midumbi:** No

**The Speaker:** When did you last meet?

**Hon Midumbi:** We last met, last week.

**The Speaker:** Were you aware that the reports were to be tabled this week?

**Hon. Midumbi:** They were to be tabled but we dint discuss when they are to be tabled. That is why I was not aware that they are being tabled today.

**The Speaker:** Do you have Assembly programme?

**Hon. Midumbi:** I have.

**The Speaker:** Assembly programme that we read last week and part of this week?

**Hon. Midumbi:** For this week.

**The Speaker:** and for last week? Did you see it in the Assembly Programme?

**Hon. Midumbi:** I didn't look at the Assembly programme Mr. Speaker Sir.

*Laughter*

**The Speaker:** Anyway, the Chair directs that the Clerk should not approve any paid sitting for that Committee, until they present these Reports, and latest, next week Wednesday. Meaning, that if you are to meet, you will meet and you will not be paid.

You can meet as many times as possible, even as from today, but let that Committee not sign the registers. Because as far as I am concerned, we had a programme circulated in this Assembly last week, and even the other week. You could not have met last week after the programme, and knowing very well that this matter is coming up, and see if you can do anything about it.

I know that will bring some seriousness in the Committees. Then I'd rather direct that that report should not go beyond Thursday.

**Hon. Midumbi:** Which Thursday?

**The Speaker:** Thursday Next Week. The latest should be Friday Next Week. So it will depend. If you want to have your meetings paid, then it means you should

bring the Report even on Tuesday. So that from Wednesday when we meet, you can present it. We have no other way.

The other issue that needs to happen, when a matter is on an Order Paper like this, and it has not come for debate, then the Speaker can rule that it does not come, until after 6 months. That will disservice these two Honourable Members who want to know, the status of undone projects in the Wards. When do you think you can bring the Report?

**Hon. Midumbi:** Tuesday Next Week.

**The Speaker:** Tuesday Next Week?

**Hon. Midumbi:** Yes.

**The Speaker:** So, take note, Tuesday Next week; the two Reports will be brought.

**Hon. Awino:** That is too soon! They have to go and look for the answers to this issue.

**The Speaker:** Is there any other Member of that Committee that is near?

*Laughter*

Yes Hon. Zilpa

**Hon. Awino:** I am just a sympathizer. If today is Wednesday, and if she is talking of Tuesday next week, it's not going to be possible. So maybe Thursday will be a more reasonable day.

**The Speaker:** Yes Hon Mary C?

**Hon Ajwang:** Thank you Mr. Speaker. I concur with the segment which Hon. Pamela has stated that the report will be ready by Tuesday is okay, because they have gone through it, so they have also written, so it just a matter of piling and bringing to us here for the adoption.

**The Speaker:** Hon. Munda, are you a Member of that Committee?

**Hon. Munda:** No.

*Laughter*

But I will just comment. Maybe they have just piled everything; it's just a matter of giving out.

**The Speaker:** With you, you are speculating. The Committee Members have the facts. Hon Andiego?

**Hon. Andiego:** Yes, Mr. Speaker Sir?

**The Speaker:** You are a Member on Committee of Public Works, Roads, Transport and Communication?

**Hon. Andiego:** Yes Sir.

**The Speaker:** Are you aware that you are supposed to make some two Reports today on status of undone projects in your Ward? And in Yimbo East Ward?

**Hon Andiego:** Mr. Speaker, the Report was done, and we left it with the Vice Chair, Hon. Apiyo Apiyo, who am told is sick and did not delegate it to me to give.

**The Speaker:** Let me ask you, you give Reports to people or to Clerks? MCA Members of the Assembly or Committee Members of Clerks?

**Hon. Andiego:** With Clerks Mr. Speaker, but it's the Chairman or Vice Chair who gives.

**The Speaker:** So are you therefore saying that this Report is ready, we can even discuss it in the Afternoon? Because if the Clerk of the Committee has it, then it is something that you just need to print and sign.

**Hon. Andiego:** I don't have any problem Mr. Speaker Sir. If the Clerk is ready with it, I can go ahead and present it.

**The Speaker:** In your last Meeting, did you see Hon. Pamela attend?

**Hon. Andiego:** Pamela Midumbi was there.

**The Speaker:** was she briefed that these reports were done? Because according to her, these are reports she has never seen.

**Hon. Andiego:** She left before we ended, Mr. Speaker.

*Laughter*

**The Speaker:** So, we are confident that they can present it on Tuesday, because it is ready? Just to advise the Committee, that when the Chair is not around, the Vice Chair can present the Report or any other Member, so long as you give the Report.

So we are saying that, we have come to a resolution, which is that, your next meetings, before that Tuesday will not be paid, because you have taken the Assembly for granted so that to allow a matter to be on the Order Paper, even put it in the Website, when the public is ready to listen to it.

You can imagine even if it is the people from Sakwa area, West Sakwa who is represented in our Public Gallery, they want to know more on the status of the undone project. Then they hear you say, and then they hear you say, that their leader, you are a Member of that Committee.

You say the report is the Vice's or Chairman's duty, and you say you have to go to Nairobi. It will be very unfortunate. Therefore, because we want to put a stop to this, I direct that your Meetings before that Tuesday will not be paid, and pre-set the report Tuesday, Afternoon. That is a lenient punishment I think.

**Hon. Andiego:** It is a good one Mr. Speaker. Now that they are getting it from you, they may miss that meeting. So I don't know what we will do when they miss.

**The Speaker:** But which meeting and you have the Report ready? You have the Report ready. You don't need a meeting.

You know we can even suspend the Committee, if they don't bring that Report, because they will not take this House for granted and perhaps plan to go to Nairobi. It will be very unfortunate! Therefore because we want to put a stop to this we direct that your meetings before that Tuesday will not be paid and you should present the Report on Tuesday afternoon without fail. I think that is a lenient punishment.

**Hon. Andiego:** It is a good one but now that they are getting it from you they may miss that meeting. I don't know what they will do when they miss.

**Hon. Speaker:** Which meeting and yet the Report is ready? You don't need a meeting if the Report is ready. We can even suspend the committee if they don't bring that Report because they will not take this whole House for granted that they have to be paid to give us a Report.

Back to Hon. Nguire, do you want to proceed with the quorum issue?

**Hon. Nguire:** Mr. Speaker, Sir, we are only 15 Members but I need clarification on this issue of quorum. Sometimes we come here and from the beginning there is no quorum so we have had to adjourn. We have had a period to clarify certain matters which perhaps even the Members who are not here needed to listen to.

**Hon. Speaker:** If the Constitution says that the quorum should be 1/3 of the Members that means anything you do which could have legal implications without quorum met can be challenged. In other words if we impeached a Governor today with less people then when it goes to court he can say my impeachment was irregular

because in the first place there was no quorum.

If we adopted a PIAC Audit Report which implicated some people that they would need redress they would start from the point that we do not have quorum so it was illegitimately constituted. The Standing Orders say that when there is no quorum an MCA can raise the matter to the Speaker. In the traditional parliaments previously it was said that the Speaker is blind. He does not see.

**Hon. Nguire:** He still is.

**Hon. Speaker:** But when you look at the legal implication, the Speaker cannot afford to be blind when certain matters are being discussed. If you follow the Senate proceedings you will discover that they start by establishing quorum because if the Speaker was blind and somebody was impeached or a matter that would seek legal redress was handled then it means that it would be anility.

The other thing that I would want you to note is what is the Business of the Assembly? It is not communication from the Chair, messages, petitions or notices of motion, its Business is Motions. The other ones don't have a lot of legal implications.

You can do it at 2 levels one, that the Speaker established that there is no quorum. Two, sometimes he may not see it so a Member raises it. So those are two ways. For now I decided to handle the preliminaries because of those issues I have told you that we have not started the real Business of the Assembly.

Like I had earlier been informed that we don't have items to discuss but if I left it to go like that we would not know that these people had not completed their task. That is why we had begun with that preliminary we

don't want then to hide under lack of quorum that is why they have not debated.

**Hon. Nguire:** On the other occasions when we have adjourned from the very beginning without even going through the preliminaries, was that right?

**Hon. Speaker:** It is right! You see what matters here is in the wisdom of the Chair because matters that we want to debate could have implications. If we are discussing an in-house matter we may not necessarily talk of that, say for example we are discussing this tabling of Report and we are not debating it for that we can just proceed but when it now comes to Motions then we cannot proceed.

You discover that most of the things that happen in Parliament are in the judgment of the Chair so we can do it both ways. We can do it when we start just like somebody will tell you that you cannot adjourn without Question put but you ask yourself if we came here and there is no Business and you put a question of adjournment and people reject so what are people doing? People are seated then you put again and it is defeated what happens? So you can adjourn without Question put when there is no quorum and the Business is over.

Is there is any other Business?

**Hon. Onduru:** The Reports are here so can you allow me to Table them.

**Hon. Speaker:** On that you need to seek the decision of the House because I had made a ruling on it. Both of them?

**Hon. Onduru:** Yeah, both of them

**Hon. Speaker:** What you may do is propose that the House allows you to debate those Reports if you are convinced. The practice of Parliament is that once the Speaker has ruled there is no other thing but

I am saying if there is a resolution we carry this for the interest of the Assembly.

**Hon. Onduru:** I propose that I lay on the Table the two Reports.

**Hon. Speaker:** Request the House that you want us to Debate those Reports

**Hon. Onduru:** I request the House that I lay the Reports and continue to debate because they are very short Reports but since we are here and we have Business we can proceed. I propose. I am requesting Hon. Agoko if he can support.

**Hon. Agoko:** Thank you, Mr. Speaker, Sir, I rise to second that we debate the Reports as requested by Hon. Onduru.

**Hon. Speaker:** Is there an objection?

**Hon. Ngure:** Since I called for quorum before, we still don't have quorum.

**Hon. Speaker:** The Clerk can you please confirm if we have quorum?

*(Loud consultations)*

One of the issues we are going to debate is on suspension. I don't know whether the Report has recommended that the person be reinstated or suspended or just dismissed.

Is the whip here? If we have a whip in this House can you go and check if the Members are outside there.

*(Loud consultations)*

**Hon. Onduru:** Mr. Speaker, Sir help us to understand, if one Member insists that there is no quorum and the other Members who are seated here say that they would like to proceed what happens?

**Hon. Speaker:** The danger of what you are saying is we may have a situation where one day only committee members are there and they are saying we have quorum just for them to account their Report

**Hon. Ngure:** I am not just insisting. I am just saying what the situation is. I am here to debate so if the Chair allows me to debate without quorum, I am here.

**Hon. Speaker:** You should insist don't fear insisting! That is the law! We must have quorum! Mr. Chairman it is your Report why don't you take the role of the Whip and mobilize people outside.

*(Loud consultations)*

*(Clerk-at-the-Table confirms quorum)*

## PAPERS

### BENCHMARKING VISIT TO KWALE AND TAITA TAVETA

**Hon. Speaker:** Yes Hon. Onduru.

**Hon. Onduru:** I beg to lay the following paper on the Table of the House: The Report of the Committee on Health on benchmarking visit to Kwale and Taita Taveta Counties

### SACKED UKWALA MORGUE ATTENDANT

**Hon. Speaker:** Yes Hon. Onduru.

**Hon. Onduru:** I beg to lay the following paper on the Table of the House: The Report of the Committee on Health on sacked Ukwala morgue attendant who was relieved of his duty today.

*(Hon. Onduru laid the documents)*

## NOTICES OF MOTION

### BENCHMARKING VISIT TO KWALE AND TAITA TAVETA

**Hon. Onduru:** I wish to give the notices of the following Motions:

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

THAT, this House adopts the Report of the Committee on Health on benchmarking visit to Kwale and Taita Taveta Counties

SACKED UKWALA MORGUE  
ATTENDANT

**Hon. Onduru:** I would like to give the following notice of Motion:

THAT, this House adopts the Report of the Committee on Health on sacked Ukwala morgue attendant

**MOTION**

**Hon. Onduru:** Thank you, Mr. Speaker, Sir, I will begin with the benchmarking visit to Kwale and Taita.

On behalf of the Committee on Health I have the pleasure and Honour to present the committees Report on their visit to Kwale and Taita Counties

The purpose of the visit:-

The Health Committee agreed to visit Kwale and Taita County Assemblies to bench mark because of the similarities of health indicators that the three counties are facing. These indicators are; high HIV/AIDS prevalence, death from pregnancy related complications, high incidence of malaria, kidney, TB and child mortality rape.

We thought if these counties share with us the same indicators; let's visit them and see how much they have done to improve the health status of their County. We started with Kwale.

DISCUSSION WITH KWALE COUNTY  
ASSEMBLY, HEALTH AND SANITATION  
COMMITTEE

Our discussion was to find out the challenges, achievements and how the Committee relates with the Executive. The County has 14 health centers, 69 dispensaries and 3 hospitals. Every Sub County has a Hospital and they include; Matuga, Musambweni Referral Hospital and Lugaluga Hospital.

During our discussion; the Committee found that they had not passed any Bill related to Health. There is pleasant relationship between the Executive and the County Assembly. We found out that the Health Committee monitors and inspect every funded project and ensure that they are implemented to the latter.

The Committee is very vigilant in carrying out their oversight role very effectively. This was proven when we visited their facility where work was going on in terms of renovation, supply of equipment, supply of pharmaceutical and non pharmaceutical materials.

VIST TO KWALE COTTAGE HOSPITAL

We decided to visit the Hospital itself to see what was happening there. The two Health Committee, we and the Kwale Health Committee; visited the Kwale Cottage Hospital which was considered as the Kwale Sub County Hospital. Before the devolved system; the Hospital was neglected and was in a very poor state of repair and lacked facilities such as Maternity Wing.

But, with the new dispensation, the County Government set aside funds to support the facility. This has led the staff being paid promptly leading to staff high morale. Funds for rehabilitation were given to the facility. They have also received support from CDF to build the Maternity Unit and Kwale Foundation and NGO has facilitated them in establishment of a blood transfusion Centre.

As much as the Hospital received support from the County Government; however they raised the following challenges;-

- a) Inadequate capacity building for the staff
- b) Long procurement bureaucracies of supply for pharmaceutical and non-pharmaceutical

We visited Musambweni County Referral Hospital where they met with the Health Management Committee of that hospital. The people whom we met were; the Administrator, Nursing Service Manager, Pharmacist, Public Health Officer and Engineer. The Medical ... was in Nairobi for official duties.

Our findings were:-

Background information;

Musambweni County Referral Hospital is situated in Musambweni Sub County, Kwale County; About 65 Kilometers South of Mombasa, along Musambweni-Lungalunga Highway, 25 Kilometers off the Highway.

The Hospital has a bed capacity of 168 distributed as follows; pediatrics 40 beds, female ward 36, male ward 36, maternity 42 and amenity 14.

Issues and challenges;

During our discussion, the following were shared with us as challenges:-

- i. Inadequate staff due to high staff turnover and transfers without replacement
- ii. The Hospital has no utility vehicle
- iii. Erratic supply of stationary, lab reagent, pharmaceuticals and non-pharmaceutical e.t.c
- iv. No oxygen plant. Oxygen is acquired from Mombasa

- v. The entire infrastructure is in dire need for renovation, painting, replacement of wooden framework infested with termites, eroded metallic framework due to ...missing...
- vi. Inadequate ICT materials and equipment
- vii. Inadequate healthcare equipments e.g CT Scan, laundry machine, incubators and CD4 machines
- viii. Inadequate and in decent staff housing leading to low staff morale.
- ix. No social worker leading to high number of waivers
- x. No ICU minutes
- xi. Cases beds are not in good condition. These are some of which we found to be at a state of disrepair.

Although they had challenges; they also had achievements which they shared with us; that—

- i. free ambulance service for the community since the County Government is supporting their operation.
- ii. Communication with the County Government has been easier,
- iii. Steady supply of drugs to the hospital.
- iv. Renovation of facility is under way
- v. Additional doctors and pharmaceutical staff had been employed by the County Government
- vi. Major renovation of the doctors' houses
- vii. Increase of staff housing compared to the previous time
- viii. Increase of number of casual workers

We asked about their referral system; and they also told us that the Committee was informed that the patients are not picked from their

homes because of insecurity but the network with CHW(Community Health Workers), a patient is picked and taken to a nearby facility where they will be picked from. That is how they operate their referrals.

They also have a mortuary; they have two staffs who work on the corpses. And Biomedical engineers who work on the machines. They charge an affordable fee and have a waive system for those who can't raise the funds. Since 75 percent of the populations are Muslims; they don't take bodies to the morgue hence low income to the facility.

We talked about the Budget; for the Financial Year 2014/2015, the County Government has allocated funds for oxygen purification plant, ICU Unit and Equipment Laundry Machines, Digital X-rays and modern theater. That was our visit to Kwale.

We also visited Taita Taveta. The Committee travelled from Mombasa to Wundanyi; on Tuesday 4<sup>th</sup> at 3pm and reached there in the evening. On Wednesday, the Committee visited the Taita Taveta County Assembly and met with the Speaker, Hon. Meshack Maganga and the Health Committee.

The two Committees then proceeded to Taita Rock Hotel, where we met with CECM of Health, Mr. Gifton Mokaya.

#### Discussion;

During our discussion with Taita Taveta Health Committee; we learnt that they had not passed any Bills on health matters. It was also noted that the CEC of Health and Chef Officers

are not doctors except for the Director.

We learnt that doctors are not purely administrative but they also attend to patients. It was also noticed that they need around 900 health workers in the whole County to smoothen their operations.

The diseases that top their lists were hypertension, Diabetes, HIV/AIDS, and Malaria.

Flagship projects;

They told us that they had projects which they had planned to do;

- i. To upgrade their County hospital to level 5 County Referral Hospital
- ii. Upgrading diagnostic machines
- iii. Increase the number of theatres, CTs and ICUs Units

Findings;

We were very interested about the Budget; they require Ksh150million per year to run the Health Department fully. They increased their allocation from 23 to 28 of the Budget of the Financial Year 2014/2015 as compared to the previous year which reflects 2 billion.

Challenges;

- i. Lack of key medical equipment and
- ii. lack of enough staffing
- iii. High maternal rates

So, with those; they also had some achievements, they are slight improvement on the health indicators. They acquired four more ambulances to add to their fleet of

six which they had previously. KEMSA (Kenya Medical Supplies Authority) use to use the push system before, now they can order for what they need.

They have made sure that every facility has a maternity unit. They are in the process of establishing more dispensaries around the County since patients have to walk an average of 20Km to reach a facility.

They received an ambulance, mobile clinic donated by the First Lady; they have a draft Bill for comprehensive County Health Service Delivery Bill that is yet to be passed. There is a cordial relationship between the Executive and the Committee who work hand in hand in terms of sharing ideas and coming up with solutions to problems.

#### UWEZO SUB COUNTY HOSPITAL

Because we had talked to the top authorities; we just asked them about their challenges. Most of the challenges had been addressed by the County Government. They had the following achievements:-

1. County Government has set aside Ksh8 million for the renovation of the infrastructure and acquiring machinery.
2. The following departments had been renovated; female ward, morgue, foot path, set-up customer care office, establishing of a generator house and a kitchen.

This was a hospital which had been neglected, but when we went there we found

that they had done a lot of work and the hospital was improved and looked modern. Previously, it had been neglected because of politics. The County Government had done a lot.

3. The machines that had been acquired were; theater machines, laundry machines, X-ray machines, Ultra sound machines and kitchen appliances. We saw all these and we were impressed and wondered how these could be done in such a small county.

Those were what our discussions, findings and challenges.

Our overall findings were—

- a) The Committee found out that there was a good relationship between the Executive and the Health Committee in that they have regular consultative meetings and executive appreciate the recommendations given by the Committee and implement them accordingly.
- b) The Committee is vigilant and carries out their oversight role by closely monitoring and inspecting the projects funded by the County Government. In a facility we visited, we noticed that the staff have high morale and are motivated in executing their duties.
- c) In both Counties, the CECM, Chief Officer and the Director are not all doctors. In Kwale, the Director and the CECM are doctors; however, they are looking for a non-doctor to fill the position of Chief Officer. In Taita, the CECM is not a doctor but the Chief Officer and Director are doctors. So, there is a balance of administration, technical and professionalism. That makes them

work in good harmony because if you had all of them to be doctors then they would do what favors them.

- d) The ambulance renders free services to the community. Cost of operation is covered by the County Government.
- e) The County Government has allocated funds for prefabrications of the hospitals' requisition of equipment, machinery and expansion of space e.g. maternity unit, particularly in Sub County Hospitals.
- f) All professionals were hired according to their qualifications, merits and experience is not necessary from within the County e.g. CECM for Gender, Youth Affairs and PWEDs come from Kisumu County.

**Recommendations;**

- a) The Health Committee of Siaya should closely monitor, inspect and ensure that proposed projects are implemented appropriately.
- b) The Health Committee and Executive should have regular consultative meetings to share ideas and come up with solutions to challenges affecting Health Department.
- c) The County Government should increase staffing in the facility to enable smooth running operations.
- d) The Siaya County Government should motivate their staff by providing housing and training
- e) The Siaya County Government should have a plan to face lift the Sub Counties and Siaya County Referral Hospital and also establish a modern health centers

in the wards to serve as referral from dispensaries.

- f) Siaya County Government should use KEMSA as a provider of drugs in hospitals in Siaya County.
- g) In Kwale County, there are emergency units. For example; an oxygen purification plant. Siaya County should fully equip emergency units and personnel ready to handle emergency cases.
- h) The Health Budget in Siaya should be increased to...

**Hon. Onduru:** Mr. Speaker, Sir; this is the Report for our visit to Kwale and Taita Taveta.

**Hon. Temporary Speaker:** Hon. Members, we have got the Report from the Committee I now call upon Members to debate the Report.

**Hon. Andiego:** Thank you, Mr. Temporary Speaker, Sir; let me take this chance to thank the Committee for the good Report. We always have good Reports in this House but my worry is the implementation of the Reports. I request the Implementation Committee to do something; when we adopt a Report and it is not implemented we become demoralized.

I am among the people who have been affected; I took the Committee on health around my Ward and they came up with a Report and it was brought to this Assembly and it was passed. Some of the facilities in my Ward were to be provided with staff and there were so many things to be done according to the Report and none of the above has been done up to now.

I don't know the meaning of us bringing Reports which are not implemented; I would also request the Committee as much the Report is good, they

should also follow and see because right now as we speak I was with the Governor and he was said that they have a very good Health Bill which has been kept for a whole year and this Bill should have been brought Here, we pass it and it be implemented. It is a Bill that enables us to upgrade some of our health facilities, employment of more doctors etc. I will also urge the Committee to follow up and see things go the right way, thank you.

**Hon. Ngunjiri:** Point of Order! The Hon. Member is bringing very good information to us and he is saying that there is a Bill by the Government that has been kept for one year and that Bill should be brought Here for debate. Why has the Bill been kept and by who?

**Hon. Temporary Speaker:** What is your Point Of Order?

**Hon. Ngunjiri:** That is my Point Of Order, I'm seeking clarification.

*(Laughter)*

**Hon. Andiego:** Thank you, Mr. Temporary Speaker, Sir; I had just finish but I was just giving information and so it should be left to the investigators to go and find out when and how it happened.

**Hon. Temporary Speaker:** Any Hon. Member has a right to inform the Members on issues touching on health as we discuss this Report and he has not done any wrong to give us information.

**Hon. Ngunjiri:** Thank you, I was just excited to know.

**Hon. Augo:** Thank you, Mr. Temporary Speaker, Sir; first of all I would like to congratulate our Committee for the good work. When we visited Kwale we couldn't believe that in such a remote area like that beautiful things could come out. We found out that the MCAs and the

Executive had good cooperation and the Executive did what they were instructed to do by the Assembly. I urge our Chairperson to liaise with Implementation Committee so that all the recommendations in this Report be implemented. I request the House to support this Report, I rest my case.

**Hon. Ngunjiri:** Thank you, Mr. Temporary Speaker, Sir; I also stand to congratulate this Committee for a job well done. No wonder the Chairperson was very eager to start on this work; he knew something good was going to be presented to us. The benchmarking has been done very well because sometimes when we go for this benchmarking and we don't come with clear reports because of the lack of enough information about the places we have visited.

As it has been said by the colleagues who spoke before me; if things have been done so well in places like Kwale; the Health Committee saw the new equipment, machines at the facilities, renovation work has also be done at the hospitals then we should as my colleagues have said urge our own County Government to look into our facilities.

Early last year, I found that there is some good work being done at Bondo District Hospital, there are some young men and women who are working there. They are very active and eager to help and I thought this is something that should be encouraged by making the environment conducive to the kind of work that they do because then you go inside the hospital.

Last month, I had an occasion to visit the wards because I have patients there and really patients are still sharing beds and they have no beddings just the mattresses. A small place like Bondo District Hospital

should be done well so that when people go there they see a good job being done. These hospitals here seem to be doing so well, where do they get their monies from? Don't we have monies budgeted for these hospitals? I think we need to step up our oversight role in terms of going to these facilities and really that work must be done.

Mr. Chairman if this is what you went for and you have come up with this kind of Report, now what is left is for us to really put our foot down and insist that this must be done. Otherwise, we are just going to remain a laughing stock when other counties do so well. There will be no reason why benchmarking; come back and then seat and nothing is done, thank you.

**Hon. Omondi:** Thank you, Mr. Temporary Speaker, Sir; I also rise to support the Report of the Health Committee and we are all seeing the good things that are being done in Taita and in Kwale and we are wondering why this have not been done here. I think that the budget for expenditure is usually brought in this Assembly and we are the ones who say as many as are of that opinion say, 'Aye' and we shout 'Aye' but we don't look at the budget items line by line. What is put in that health budget?

**Hon. Temporary Speaker:** Hon. Zilpa, you are out of the question; you are castigating yourself and the Assembly---

**Hon. Omondi:** Yes, including myself, I am saying that next time that the budget is presented here; we have to go line by line to see if it's the Health sector; how much money has been put into that Health Sector before we pass the Budget.

I mean we are the problem; we can't blame the Executive because we are the ones who pass those things. If we say that this Budget is not taking care of our health

in this County it would not be passed so let's come from the budget. This Committee went and saw the wonderful work that is being done there and the Committee from that end gave them a very positive report. That is the kind of relationship we would like to have between our Committee here and the Executive.

When we talk of a Bill that has been lying somewhere, it is not the Governor that brings the Bill, if it is a Bill it should be the CECM Health, and this is the man that we should be interacting with. We are sending you as the Committee on Health from this House that you should go and talk to the Executives; those are the CECM Health and Chief Officer.

Doctors that you talk with, what do you discuss with them? As we talk, the health issue is a big problem in Siaya, particularly that Referral Hospital where we once upon a time sent you and instead of doing the work there, you went round the whole County, looked at the dispensaries, brought a report here and everyone claimed that it was a very good report and yet you were not looking at these sub county hospitals!

**Hon. Augo:** Point of order.

**Hon. Temporary Speaker:** Yes Hon. Augo!

**Hon. Augo:** Mr. Temporary Speaker, is it in order for a Hon. Member to blame the Committee for going round and bringing the report? The report was passed which means the report was good.

**Hon. Temporary Speaker:** I am ordering the Member to withdraw and apologize.

**Hon. Omondi:** I withdraw and apologize.

**Hon. Onduru:** Mr. Temporary Speaker, the report was not for the Health Committee, it was an Ad Hoc Committee of this House.

**Hon. Omondi:** Thank you, Mr. Temporary Speaker. The achievements that these people have realized is that, they say that KEMSA used to use the PUSH system before but now they can order for what they need. But in the recommendations, this Committee brings to us, they are saying that we should buy drugs from KEMSA.

I think the implication there is, there were documents when it came to the use of KEMSA to supply the drugs. So I don't know whether you want to go the KEMSA way still because there were problems and these people are confirming that there was a problem and now that they are not tied down to KEMSA they are procuring very fast. I don't know whether that will be in this adoption of this report.

The issue of giving over 35% of the budget to health would also eat into the other sectors that the County Government is handling in our budget. They should suggest a sum that will not eat into other sectors so that every sector is comfortable.

Otherwise, we urge the Health Committee to be vigilant and to ensure that our Health Centers, our dispensaries and our Referral Hospitals provide the best care for patients. As we talk, there is a lot of outcry of women losing their lives when they go for maternity.

**Hon. Okuku:** Mr. Temporary Speaker, is it in order for Members to transact Business when there is no quorum?

*(Clerk confirms lack of quorum)*

**Hon. Temporary Speaker:** It is not in order for us to transact Business when there is no quorum. On that note I will request that we suspend the debate of this report and we adjourn.

**Hon. Augo:** Mr. Temporary Speaker, it is a habit that the elected Members come to this Assembly whenever they feel like. Kindly think about it because we nominated Members will also walk out of the House and leave it empty.

**Hon. Andiego:** Mr. Temporary Speaker, kindly tell the Hon. Member to withdraw that statement because we are ever here. What you need to know that at times some of the elected Members are busy serving those who elected them. If you count us right now, you will find that the number is balancing, even some of the nominated Members are not here and we are not blaming them for not being here.

**Hon. Temporary Speaker:** Hon. Augo, I just want to put to your attention that the nominated Members are 18, and could they have all been inside here then that quorum could have been there. But it is unfortunate that there is no quorum and I will call upon Hon. Onduru just to table the report.

I will only wish that we don't put it on record that the nominated Members are only used for quorum because they also take part in debates, they conduct Business and they are not only here just to fill the quorum. That is a very unfortunate statement from Hon. Augo and I will kindly call upon her to withdraw that. Hon. Augo, kindly withdraw that!

**Hon. Augo:** Mr. Temporary Speaker, I withdraw.

**Hon. Temporary Speaker:** Hon. Onduru, can you kindly table that report then we adjourn?

**Hon. Onduru:** Mr. Temporary Speaker, if you can remember, I laid 2 reports at the same time.

**Hon. Omondi:** Mr. Temporary Speaker, I think this is a deliberate move to derail the Committee. Hon. Ombiyo was just here and he decided to go out, Hon. Ombee was here, he disappeared and many Honorable. We all need to be disciplined.

**Hon. Okuku:** Mr. Temporary Speaker, is it in order for a Hon. Member to start calling names of people in this House? By calling names you are tainting the names of those Hon. Members! I wish that Hon. Zilpa should withdraw. She is tainting the names of those Hon. Members while they are not here. The Hon. Members who left have issues known to them! I think you should order her to withdraw that statement.

**Hon. Omondi:** Thank you, Mr. Temporary Speaker. I respect you but I will not withdraw.

**Hon. Temporary Speaker:** It is unfortunate that we are getting to this direction and it is also very unfortunate that we are insinuating that some Members are deliberately frustrating the Business of this House.

It would have been very unfortunate for me to confirm that and I also tend to think that should we put it on record that Hon. Ombiyo and Hon. Ombee are frustrating the Business of this House then it will be very unfortunate. I therefore call upon Hon. Zilpa to withdraw that statement as we move on.

**Hon. Omondi:** I am sorry Hon. Temporary Speaker, I am not withdrawing.

**Hon. Temporary Speaker:** Kindly Hon. Zilpa, it will be an upfront to the House for you to say that you don't withdraw and I call upon you once more to withdraw that statement that 2 Hon. Members are frustrating the Business, that it is a deliberate move by 2 Hon. Members to frustrate this House!

**Hon. Omondi:** I am sorry Mr. Temporary Speaker, I am not withdrawing!

**Hon. Temporary Speaker:** Hon. Zilpa, it will be very unfortunate to throw you out of this House and I will call upon you once more for the last time to withdraw that statement upon which the Chair will throw you out of this Sitting and instruct that you don't attend two other meetings.

*(Applause)*

*(Hon. Zilpa Omondi walks out of the House)*

**Hon. Temporary Speaker:** Okay, I therefore call upon this House to be adjourned until today at 2.30p.m.

The House rose at 11.02 a.m.

**WEDNESDAY, 11TH MARCH, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYER****NOTICE OF MOTION**

THE SIAYA COUNTY PUBLIC PARTICIPATION  
(BILL, NO. 10 OF 2014)

**Hon. Speaker:** I am aware the Chair of Health had laid the Paper; did he give Notice of Motion? Chair, did you give Notices of Motions for the two Motions?

**Hon. Onduru:** Yes, I did.

**Hon. Speaker:** And then there will be another one in the afternoon, Hon. Ndonji; did you give a Notice of Motion?

**Hon. Ndonji:** Thank you, Mr. Speaker, Sir; I rise to give a Notice of Motion that I want to present; The Siaya County Public Participation Bill No.10 of 2014 for a second Reading.

**MOTION**

REPORT ON BENCHMARKING VISITS  
TO KWALE AND TAITA TAVETA COUNTIES

**Hon. Speaker:** Hon. Members, you will recall that when we adjourned, there was a Motion on the Floor and I have been informed by the then Speaker that it was not concluded and therefore at this stage I would want to call upon the Mover to reply to that Motion.

Unfortunately, I have noticed that it was omitted; it should have been the business to dispense with first but kindly

take it because we debated in the morning but now we conclude it before we go to the next Order.

**Hon. Onduru:** Thank you, Mr. Speaker, Sir; I hope many Members who were here in the morning are the same this afternoon; the people who debated very objectively on the Report. I would start by thanking Members who effectively debated on the Report and many of them appreciated that the Report was well done and they got the information.

They all emphasized that we should as the Committee for Health be very vigilant in following our projects and I hope we are going to do that as a Committee. We found out in Kwale and Taveta; they order drugs from KEMSA(Kenya Medical Supplies Authority) and this time KEMSA has changed the approach where they use 'push drugs,' there is some change that we can now just order the drugs we want and we are recommending that in Siaya County the health department should be doing the same.

They also talked about percentage that is shared between the other departments and I think it's the mandate of this House to approve the budget so they will be considering when the budget comes here and see how much they should give. I would like to thank you very much for supporting this Report and for adopting it.

*(Question put and agreed to)*  
Next Order!

REPORT ON SACKED MORGUE  
ATTENDANT

**Hon. Onduru:** Mr. Speaker, Sir;  
May I Move the Motion:

THAT this House adopts the Report of Committee on Health on sacked Ukwala Health Centre Morgue Attendant.

Hon. Odinga Petitioned the House to investigate why Mr. Adede, the Ukwala morgue attendant's contract was not renewed when other people who were working there, theirs were renewed.

The Speaker directed that the Committee of Health investigate and Report back to this House. The Committee did their investigation and went to Ukwala to meet the relevant authorities on 2<sup>nd</sup> October, 2014 and because of many things, this Report has delayed so much. Before we went for recess, it was not tabled but today we have this opportunity.

We met the management team of Ukwala. Ojwang was a new medical staff and he is also the chairman of Ukwala Health Management team. He wanted to make some changes and the management team informed us that such interviews were to be carried out after 3 months to give opportunity for other casuals to be employed every 3 months as required by labour laws.

The positions were advertised and interviews were carried out and the shortlisted candidates were contacted. A score card was used in the interview process for all candidates and their average scores were determined. The management team then selected the suitable candidates for the various posts that were advertised. There were two vacancies on the position of

morgue attendant and they had three **REPORT** candidates as per their scorecards.

They informed us that Adede was never interviewed in the previous interviews because he was the only candidate for the job. However, during this interview, there were other candidates. According to the management team, Mr. Adede wasn't as suitable as compared to the two who were given the job because of the following reasons:

- a) They received complaints about him that he mistreats relatives who come to pick bodies of their beloved ones and delays to release the bodies unnecessarily.
- b) The hospital administrator also received a letter of complain about Mr. Adede being corrupt and asking for bribes from clients even after they had paid the hospital Bill.
- c) They also added that he used to send clients to buy formalin yet the health centre had the drug.
- d) The hospital administrator, Mrs. Opondo alleged that Mr. Adede was a male chauvinist and did not want to take instructions from her since she was female.
- e) He also used to misadvise clients causing confusion.
- f) He didn't want to multi task and yet the other staffs were few and the casuals carry out multiple jobs like cleaning their work environment and slashing the compound.
- g) He had poor attitude and was very rude to authority.

The Health Committee asked the management team if they addressed the

issues they were raising through a formal letter warning him of his misconduct as per the procedure but unfortunately they never did so. They only provided minutes of him facing the disciplinary committee on 21/7/2014.

The Health Committee also met with Mr. Adede on 16/10/14 and these were his statements:

Mr. Adede reported to the Health Committee that the same day the ADHOC Health Committee was visiting the facility, the management team carried out the interviews of casuals except for one by the name Oscar who never went through any interview and was retained. Mr. Adede suspected that the management team wanted to do away with him and that's why he was never retained. He was given the following reasons why he didn't succeed for the position:

He didn't have his C.P.E certificate, even though he explained to them that his certificate got burned in his house and he only remained with the leaving certificate. He was also asked if he mistreated clients when they came to collect the bodies and ask for money from them to which he said that he never mistreated anyone and his mandate wasn't to collect any money from anyone but only to attend to the bodies and keep records.

Last but not least, he was asked to read his application letter aloud in front of the interviewers which he did. Then they asked him if he was the true author of the letter and he answered yes. The very same day Mr. Adede was given verbal instructions to vacate the facility compound and not to come back because he was no longer working for the facility.

The position was given to another candidate who later learnt that the salary for the job is Kshs. 5000 only which wasn't enough for him, he later quit and the hospital remained with one inexperienced staff that he trained before he lost his job.

Mr. Adede also added that the interview panel included the chairman of the facility and the treasurer but this time they were not among the panelist. He said that the administrator wanted to hire her relatives; she hired her cousin to be the cashier and her sister in law in charge of the kitchen.

He was paid Kshs. 2,500 as severance pay. Mr. Adede also informed the Committee that one of the lady staffs was being mistreated and she quit the job only to find out they wanted to give that position to someone else. He requested for his reinstatement since he has been performing well for the facility but relieved of his duty because of conflict of interest by the facility management team.

He also said that he had no problem working under a female supervisor. He said that he was ready to work in any position in the hospital as long as he would earn something for his family. His last words were that the administrator was running the hospital unprofessionally.

On 23/10/2014, the Health Committee and the CECM of Health and his team met and reviewed both statements from the morgue attendant and the health management team and agreed that Mr. Adede be reabsorbed and redeployed accordingly since there were no valid reason to dismiss.

The Committee on Health and Executive team agreed amicably that Mr.

Adede be reinstated. I call upon Hon. Munda to second.

**Hon. Munda:** Mr. Speaker, I rise to second.

**Hon. Speaker:** Hon. Members, allow me to propose the question which is that this House adopts the report of the Committee on Health to find out that they worked with him in that position somewhere else. He requested his reinstatement since he has been performing well for the facility, but he seemed to have ceased because of conflict of interest.

Then after that, we were to have another meeting with the CECM, the Chief Officer and the Director. After we had informed them, we called them for a meeting, and in that meeting which was held on 23<sup>rd</sup> October, 2014, the Health Committee, the CECM of Health, and his team, met and reviewed both Statements from the Morgue attendant and Health review team, and agreed that, let them be re-absorbed and let them be re-deployed accordingly since there was no valid reason to dismiss him.

Our Recommendations therefore, the Committee, on the Health Committee Team, agreed amicably that they would legislate. Thank you

**The Speaker:** Secunder?

**Hon. Owii:** I will call upon Hon. Munda to second.

**Hon. Munda:** Mr. Speaker, I rise to second

**The Speaker:** Hon. Members, allow me to propose the question, which is:

THAT this House adopts the Report on the Committee of Health on Sawagongo Health Centre Morgue attendant. If there are no contributions, I will put the question. Yes, Hon. Andiego!

**Hon. Andiego:** Thank you, Mr. Speaker. Again we have seen the Committee of Health doing us proud by going, coming back to check on what will be needed. Indeed, this Statement came to the Assembly, and it is not always good that most of our leaders do away with workers, without even thinking of what they have done, to the community, even how they are going to live.

You can see, according to the Report, it states very clearly that Mr. Adede did not do any harmful mistake because, if the letter that was brought in to accompany the Statement was not signed, it was not authentic, and also what I would want to know is, up to now, according to the recommendations that Mr. Adede be reinstated, is he back to his work or Adede is still at home?

During our morning debate, we were complaining that the Reports come to the Assembly, we pass them, and then they lie without any action taken. The implementation does not take place. So, many of them happen this way. This normally demoralizes Members.

That when you send us out, we spend our time, energy, we talk to people, we give them information, when we come back to the Assembly this way, we say that so and so should go back to their work, and then it doesn't happen. So, at times we waste our contributions to this Honorable Assembly, at times it becomes useless, because we talk and nothing happens.

So my humble request is that we need to know what should be done if we have passed a Report, and action is not taken.

Some action must be taken. I even gave example in the morning that, we went

to my Ward, we called people, we talked, and the Report was passed, and now nothing is happening. So it means we are just talking. I will request the House which is the Communication Authority that once a Report is passed in this Assembly; you give a timeline of when these Reports should be implemented. And if it is not implemented, what should we do as an Assembly? Thank you. I support the Report.

**The Speaker:** Hon. Augo?

**Hon Augo:** Thank you, Mr. Speaker sir. In the case of Mr. Adede, as it is specified, we interviewed Mr. Adede, and the findings that are in this Report, are correct and very true. If I am not far from the truth, if this man would have been reinstated, by September last year, we would have not even discussed this. By just giving the Report of his reinstatement, but because all the things which had been discussed by the Committee are not being implemented, even by the Executive, because in this report, we met the Executive who also went with their team and did their investigation,.

They received both Statements from the Morgue attendant and the Health Management Team, and agreed that Mr. Adede be reabsorbed and redeployed accordingly, since there was no valid reason to dismiss him, and nothing has been done up to now. I support this Report, and something has to be done. Thank you, Mr. Speaker.

**The Speaker:** Hon. Ndonji? You had something?

**Hon. Ndonji:** Thank you, Mr. Speaker, Sir. First I want to commend the Health Committee for the job they have done. I have a few concerns here, the first of which have been raised by the Members who have just spoken, and that one is the

part of implementation. I propose that incase this Report passes, then the Implementation Committee should be charged with the duty of making sure that the Executive implements what has been passed by the Assembly, and in particular, this Report.

My other concern is that, there are issues that have been raised, about Mr. Adede. So I am worried, that if Mr. Adede gets there, the relationship between him and the management has not been so good. So my point is that when he gets there, there is a chance still that he may get intimidated. So I don't know what measures can be taken, so that we avoid such intimidation. If there is a way, through which they can be warned against intimidating Mr. Adede, then I think we will be moving towards that direction, thank you.

**Hon. Speaker:** Hon. Munda!

**Hon. Munda:** Thank you, Mr. Speaker, Sir, for giving me this chance to also comment on this Report. First I want to say that I support and congratulate the Committee of Health for the good Report that they have done. They have made us proud by working so fast and making sure that the whole truth about Mr. Adede is out in the open for all to see.

When we look at the finding on page 3 you will get to see that this man was earning only Kshs. 500 which he accepted however small it was. If you go to last paragraph he was considered the best employee at the Centre since his department was performing well and was the main source of income for the facility and was even rewarded a shirt.

This shows that this guy was a good person and did a good work and if you look keenly it is evident that the management had some issues with him and they put a lot

thing on his way saying that he is not suitable while on the other hand they say that he is suitable.

They wanted him not to get this job but I am happy and thank the department of health for reconsideration and seeing it necessary for him to be reinstated. So with the reasons given we find it important that Mr. Adede should be reinstated and those people who wanted him out should be disciplined, thank you.

**Hon. Speaker:** I call upon the Mover to reply.

**Hon. Onduru:** Thank you, Mr. Speaker, Sir, and I also thank the Members for supporting this Report given that it is something touching on someone's life. Although he has worked for a long time, the management also feels they are doing the right thing making it a very difficult judgment though through the process we went I think we came up with a fair decision.

With all this, Adede has not yet been reinstated and we have talked with the CECM, chief and everybody else and Hon. Odinga is really in problems because the community around is also saying that you took this man out of his job and now his children cannot go to school, so the Implementation Committee should take this issue very seriously.

Today was my day to present and you have appraised our Report as a Committee and we pray that we will continue to do a good job and we will also need your support because there are times when we have presented Reports here and it is criticized by even my Committee Members but today things have changed, thank you.

*(Question put and agreed to)*

**Hon. Speaker:** Hon. Speaker, Sir, may you also allow me to add my voice on the same. During your contributions, you have talked about whether or not this attendant has been reinstated. I can tell you for sure that as a Committee you have done this attendant more disservice than anybody else because you did the Report and it is this far that you are now discussing this Report.

Had you laid this Report early enough then it means the House would have taken a decision on it and you would now be asking the relevant people "why haven't you reinstated this attendant?" So I think that is a caution to all of us that when we handle matters let us finish with them as soon as possible.

A concern has been raised and it's genuine that what happens to our Report after decisions have been taken on them. When a Report is rejected it is as good as there was no Report and therefore cannot be brought back until after six months.

When a Report is adopted and recommendations are there, the office of the Table Clerks should ensure that those communications are made to the executive and then there should also be a system where the executive gives us Report on what actions they have taken to implement the decisions of the House.

When that happens and nothing is done then now the Implementation Committee should pick up on what actions the executive has taken in implementing our Report and therefore I order the office of the clerk to ensure that anytime we are done with Reports, we could even do it on a weekly basis depending on the urgency.

You summarize all the deliberations that the Assembly had and you communicate with the executive and you agree on time frame within which they will respond so that this House is updated be it even in a fortnight on what action the executive has taken or is taking on Reports that come from this House and that's a directive.

Hon. Ndonji!

**Hon. Ndonji:** Thank you, Mr. Speaker, Sir, I rise on behalf of the Chairman of Delegated Legislation, Hon. Madialo and I am proposing that the Siaya County Public Participation Bill 2014, No 10 be read for the second time and I call upon Hon. Okuku to second.

**Hon. Okuku:** Thank you, Mr. Speaker, Sir, I second.

*(Question proposed)*

## BILL

### *Second Reading*

THE SIAYA COUNTY PUBLIC PARTICIPATION  
BILL  
(BILL NO. 10 OF 2014)

**Hon. Ndonji:** Thank you, Mr. Speaker, Sir, the Siaya County Public Participation Bill had been read a second time. All Members were issued with these County Gazette supplements of Bills 2014 and I think that we were given time to go through it.

Under normal circumstances this was supposed to be done within 21 days but due to the extensity that was done by the committee, it had to meet members of the

public and various groups of people like the CBO's, civil society organizations.

They were mentored very extensively because we wanted to ensure that they can participate effectively in a Bill that is going to affect them and is going to make all Bills get down to the public.

To this end I want to propose a few amendments on the Bill and I hope the Members are going to support me.

The title: The Title should read:

THE SIAYA COUNTY PUBLIC PARTICIPATION AND PETITION BILL, 2014

Delete the word "Citation" and replace it with "Title and commencement thereof"

PART II – Preliminary: Deleting the word "establishment, composition and functions of the office of public participation" and replacing it with "establishment of Siaya County public participation advisory board thereof"

Section 5: Deleting the word "establishment of the office" and replacing it with "establishment of directorate thereof"

Section 6: Deleting the word "composition of office" and replacing it with "functions of the directorate"

Section 7: Deleting the word "appointment and qualifications of chairperson and members" and replacing it with "powers of the directorate"

Section 8: Deleting the word "functions of the office" and replacing it with "appointment and qualifications of the directorate"

Section 9: Deleting the word "powers of the office" and replacing it with "or of affirmation of the office thereof"

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

Section 10: Deleting the word “committee of the office” and replacing it with “terms of office of the director”

Section 11: Deleting the word “term of office” and replacing it with “remuneration”

Section 12: Deleted altogether

Section 13: Deleting the word “removal from office” and inserting “removal from office of the director”

Section 14: Deleting the word “vacation of office” and replace it with “filling of vacancy”

Section 15: Deleting the word “filling of vacancy” and replace it with “protection from personal liability”

Then we incorporate Siaya County Public Participation and Petition Advisory Board.

Section 16: Deleting the word “secretary” and replacing it with “establishment of the advisory board”

Section 17(1): Deleting the word “removal of secretary” and replace it with “functions of the board”

Section 18(1): Deleting the word “meetings” and replace it with “independence of the board”

Section 19: Deleting the word “employees of the office” and replacing it with “committees of the board”

Section 20: Deleting the word “protection from personal liability” and replacing it with “chairperson and vice chairperson”

Section 21-26 have been incorporated in the next sections in the final draft

Section 21: Secretary to the Board

Section 22: Meeting of the Board

Section 23: Remuneration

Section 24: Removal of office of the members of the Board

Section 25: Vacation of office by chairperson or a member of the Board

Section 26: Filling of vacancy

## PART III

Deleting the word “citizens participation forum” and replacing it with “community participation and involvement”

Section 27(1) to replace 21(1) to read “democratic governance”

Section 28 to replace section 22(1) to read “participation by local community”

Section 29 to replace section 23(1) to read “communication by directorate”

Section 30 to replace section 24(1) to read “notification by directorate”

Section 31 to replace section 25(1) to read “county citizens participation forum”

Section 32 to replace section 26(1) to read “Sub-County, City and urban areas public participation forum”

Section 33 to replace section 27(1) and to read “ward or village citizen participation forum”

Section 34 to replace section 28(1) and to read “Citizen Initiative Forum”

## PART IV – PETITIONS

Section 35 to replace section 29(1) and to read “form of petition”

Section 36(1) to replace section 30(1) and to read “procedure for presenting petition”

Section 37(1) to replace 31(1) to read “consideration of petition”

Section 38(1) to replace section 32(1) to read ‘investigation procedure”

-Executive Committee’s Power of Direction,

Section 51, (1) to replace Section 45, (1) to read Management of Information,

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

Section 52 to replace Section 46 to aid Publicity;

Section 53 to replace Section 47 to read Offences and penalty; and lastly

Section 54 to replace Section 48 to read Review

Mr. Speaker, Sir; for these changes or the amendments that we've proposed, I want to observe gender and call upon Hon---

**Hon. Speaker:** Order, Order, Hon. Members, at this stage the Committee has given us their report. Once the Bill has been Read for the First Time, it is committed to a relevant Committee for Public Participation then that Committee brings the report.

The Second Reading, after which that Bill passes that stage then amendments will be made at the Committee of the Whole House. Therefore, at this point it is not right to make amendments.

I take to the Standing Orders No. 143 where it talks of Committal of Bills to Committee of the whole County Assembly. A Bill having been read for the Second Time; shall stand committed to the Committee of the Whole Assembly, the Order of the day or on the Committee being given; the Speaker shall leave the Chair without the question being put.

So, we had indicated that the Committee would go to the Committee of the Whole House tomorrow. At this point, you can make contributions on your take on that Bill. If you don't have any, then I'll put a question; if it passes, then it means it goes to the Committee of the Whole House tomorrow. If it does not pass then it dies here.

Is there any other contribution?

**Hon Onduru:** Thank you once more, Mr. Speaker, Sir; I want to thank all the Members because seemingly they are happy with the job that has been done.

I also want to urge Members kindly before going to the Whole House tomorrow,

to go through it so that any amendments that we may have; come with them tomorrow so that we can include the amendments that you want to bring as Members. Otherwise I am so happy and overwhelmed that Members are supporting this Bill. Thank you very much.

**Hon. Speaker:** May I just add that amendments should ideally be in writing. You should, where possible see the Speaker and the Mover of that Bill for Order of the day. Because sometimes you make an amendment that can fundamentally change the Bill.

*(The Bill was read a Second Time and committed to a Committee of the Whole the following day)*

**MOTION**

## ADJOURNMENT

**Hon Onduru:** Thank you, Mr. Speaker; considering the fact that we have exhausted what we have in our order Paper, I propose that we adjourn and I ask Hon. Ndonji to second.

**Hon. Ndonji:** Mr. Speaker, Sir; I wish to second.

**Hon. Speaker:** Honorable Members, there being no other schedule, I want to put a question that this County Assembly adjourns until tomorrow Thursday March, 2015 at 2.30 p.m.

*(Question put and agreed to)*

The House rose at 3.57 p.m.

## TUESDAY, 17TH MARCH, 2015

The House met at the County Assembly Chamber at 9.30 a.m.

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

### PRAYER

### PAPERS

1. REPORT OF COMMITTEE OF  
PUBLIC WORKS ROADS  
TRANSPORT AND  
COMMUNICATIONS
2. REPORT ON COMMITTEE OF  
AGRICULTURE, LIVESTOCK AND  
FISHERIES ON THE STATE OF  
AGRICULTURE

**Hon. Deputy Speaker:** Chairman Public Works, Roads, Transport and Communication, Hon. Ombiyo?

**Hon. Ombiyo:** Thank you, Mr. Speaker, Sir, I rise to table a Report before the House, a Report on the status of the undone projects in East Yimbo and Central Sakwa Ward. A report which was requested by Hon. Elisha Okuku on the status of the undone projects. Mr. Speaker, I table.

**Hon. Deputy Speaker:** You have another paper today? Hon. Ombiyo?

**Hon. Ombiyo:** Yes, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Andiego, you have something?

**Hon. Andiego:** Not formal, Mr. Speaker; informal.

**Hon. Deputy Speaker:** If it's informal, then this is not the right place for it. You wait for an informal forum. What is it? Perhaps we can have a clue, we can formalize it. Even if it's not formal.

**Hon. Andiego:** Okay Mr. Speaker, what I have is the issue of the passing on of our brother Benson Omondi.

**Hon. Deputy Speaker:** That one we can address later. We shall formalize it. Hon. Ombiyo, I can see you have two papers, are they combined in this Report you have laid?

**Hon Ombiyo:** Thank you Mr. Speaker. The two reports that were requested by Hon. Andiego and Hon. Elisha are both combined in this Document.

**Hon. Deputy Speaker:** Okay thank you. If both are consolidated in one Report, the better so that we can handle them at a go. We have another paper by the Chairman, Agriculture Livestock and Fisheries, Hon. Agoko. Yes, Hon. Agoko!

**Hon. Agoko:** Thank you, Mr. Speaker. I wish to table a Motion:

THAT this House adopts the Committee Report on Agriculture, Livestock and Fisheries. I laid the Report last week, it is just waiting...

**Hon. Deputy Speaker:** Ooh you did lay the Report Last Week?

**Hon. Agoko:** It was laid. Yes.

**Hon. Deputy Speaker:** Hon Members, I have a communication from the Chairman Budget and Finance. They were supposed to lay some Papers on the table this Afternoon and as you are aware, the Committee I have mentioned has been busy putting stitches on the same report since last week, and they have just indicated to me

that they are on the way. I think we shall indulge in it when they arrive. Hoping they shall arrive on time. Meanwhile we can move on. Next Order!

### NOTICES OF MOTIONS

#### 1. REPORT OF COMMITTEE OF PUBLIC WORKS ROADS TRANSPORT AND COMMUNICATIONS

#### 2. REPORT ON COMMITTEE OF AGRICULTURE, LIVESTOCK AND FISHERIES ON THE STATE OF AGRICULTURE

Who is coming first with the notice? Hon. Ombiyo? You laid a paper and I believe you are having a notice of motion?

**Hon. Ombiyo:** Thank you Mr. Speaker Sir, I wish to give notice:

THAT this House adopts the Report of Committee of Public Works Roads Transport and Communications response to Statement request by Hon. Elisha Okuku on the status of undone projects 2013/2014 in Yimbo East Ward. Thank you

**Hon. Deputy Speaker:** What about the one for Johannes? Because I believe we are discussing them

**Hon. Ombiyo:** Yes, that is in Motion number nine. I also wish to give Notice, to this House:

THAT this House adopts the Report on Committee of Public Works, Roads, Transport and Communication response, to the Statement request by Hon. Johannes Andiego on the status of undone projects 2013/2014 in Central Sakwa Ward, that are already laid before the House. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank You. Next Order? Any other Notice of Motion? Hon. Agoko?

**Hon. Agoko:** Thank you so much Mr. Speaker sir, I wish to put a notice of Motion:

THAT this House adopts the Report on Committee of Agriculture, Livestock and Fisheries on the state of Agriculture, Charter hire services, procurement and distribution of seeds and fertilizers in the Financial year 2013/2014 and Agribusiness farms collected in 2013/2014 Financial Year, laid on the table, of the House last week.

**Hon. Deputy Speaker:** Next Order! Hon Angul? Are you ready with your papers?

**Hon. Angul:** Yes. I am ready.

**Hon. Deputy Speaker:** Okay. You start by laying the papers.

**Hon. Angul:** Thank you Mr. Speaker. I wish to lay the following Papers, on behalf of our Chairman for Budget, Appropriation and Finance, will be laid on the table of the House of the Report of Siaya County supervisory paper .That's the paper number one. The second paper, I wish to table in the House the Report of Siaya, Medium Term Debt. I also want to lay on the table Quarterly Financial and Budgeted review Reports on 2015/2016 second quarter 31<sup>st</sup> December 2014. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you. I will give you another opportunity to move the notices of Motion, on the various papers you've laid.

**Hon. Angul:** Thank you, Mr. Speaker. I wish to move that this House adopts the report of Committee of Budget Appropriation and Finance that is to be laid on the Table of the House, of the Report of Siaya County Fiscal paper. The second one is to lay, on the House, that the House adopts a Report on Siaya.

**Hon. Deputy Speaker:** Hon Angul, you have already laid. You move Notices of Motion.

**Hon. Angul:** Mr. Speaker, I would like to move a motion, that this House adopts a Report...

**Hon. Deputy Speaker:** For now you only give a Notice, and then you will move a Motion later on.

**Hon. Angul: Okay.** I want to give a notice of Motion, that this House adopts the Report on Siaya, County Fiscal Paper strategy, and the other one is Medium Term Debt on debt management. The third one, that the House adopts the Quarterly Fiscal and Budgeting review Report o 2015/2016 2<sup>nd</sup> quarter ending 31<sup>st</sup> December 2015

**Hon. Deputy Speaker:** You are through with the laying?

**Hon. Angul:** Yes, I am through with this.

**Hon. Deputy Speaker:** Okay. Let's proceed. Next Order!

### MOTION

REPORT OF COMMITTEE OF  
PUBLIC WORKS, ROADS,  
TRANSPORT AND  
COMMUNICATIONS

**Hon. Deputy Speaker:** Chairman Public Works Roads Transport and Communication? Hon. Apiyo?

**Hon. Apiyo:** Thank you Mr. Speaker Sir. I wish to move a motion, that this House adopts the Report of the Committee on Public Works Roads Transport Communication's response on Statement laid by Hon. Elisha Okuku on the status of the undone projects 2013/2014 in East Yimbo Ward.

The Report is already made before the House, and on behalf of the Members of the Committee on Roads and Communication, pursuant to standing Orders number 191; I wish to move that the House adopts this Report.

This Report was written by the Committee Members, on request by Hon. Elisha on undone Projects, and the Committee sat and made several findings, majorly on East Yimbo Ward, the Committee found that a project, like opening of Uriri, Yaw Pachi Road which was given to a contractor called OMBRA Engineering and Construction Limited was already complete and the road was already being used.

In East Yimbo Ward, there was also a road which was opened, that is Wambasa-Ogango Road that was given to CHEIGO Construction Limited, and was already complete, and was being used. Another completed project was opening, grading and calvating of Daraja Luala Kodida Road, that was given too Newardreaders Limited. The money allocated to this road was not enough, thus only opening and grading was done. There was recommendation to put in more funds, in this Financial Year, to enable calvating to be completed.

In the Trade sector, In East Yimbo Road, there was a project of furnishing of Resort Cottages at Got Ramogi Tourist Resort which was given to Got Matara Engineering Services. The project was found to be not complete, and it was ongoing.

The project involved doing of finishes such as plastering, door fittings and paintings which had already been done. However, the Community was complaining of the poor quality of work. The County

Engineer has promised to review the Scope of work and assess its quality accordingly.

Another project was the construction of modern toilets at Nyamonye Market, which was given to SEGO Enterprises. This one was also not complete, was ongoing. After review of the Scope of work, the Office of the County Engineer and area MCA had recommended additional work at the finishing level which are underway.

That was why the project was not complete. There was a recommendation of some further additional work, with that, it was being done, at the time the Committee visited that site.

There was also leveling and drainage works at Nyamonye Market. This was given to FREDO Construction Limited. The project was found to be complete and it was functioning. That was in the Trade Sector.

**Hon. Ombiyo:** Another project was the construction of modern toilets at Nyamonye market which was given to Fredo enterprises. This one was also not complete, was on going. After review of the scope of work, the office of the County Engineer and the area MCA had recommended addition work at the finishing level which is underway.

There was a recommendation for some further additional work and it was being done by the time the Committee visited the site. There was also leveling at Nyamonye market, this was given to Fredo Construction Ltd., the project was found to be complete and it was sanctioned.

In the Agriculture sector, East Yimbo had construction of a Fish Banda, this was given to Migwen Enterprises Ltd, and the project was found to be ongoing. In the Education Sector, East Yimbo Ward, had the construction of an ECDE classroom at

Ajigo Primary School that was given to Mofrem agencies.

This project was meant to be complete and handed over to the community and it was already being used by the community. Another ECDE was at Ugambe Primary School which was given to Joe contractors and General Works. This was also found to be complete, handed over to the community and it was already being used.

In the health sector, East Yimbo Ward, there was construction of a staff house at Ulombo dispensary that was given to Kwei general supplies, this was also found to be complete. The contract had been awarded earlier then withdrawn and awarded to the current contractor since the previous contractor had disappeared from the site without completing the work.

The second contractor has since completed the work and the project is waiting the handing over. In Central Sakwa Ward, the Committee also visited the projects there. There was Alara Kodila Wamra road that was given to Tobia constructors ltd. This project was found to be complete and the road was already in use.

There was also Odongo Mang'ako road that was given to NEWA Traders, the project was incomplete, the amount of money that was specified for this project was not enough to complete it since the length of the road as indicated on the BQ was shorter than the actual length on the ground. Therefore the scope of work had to be reviewed and works are ongoing.

There was also Rabango junction, Rabango Primary school road, this was given to Betocap and the project was found to be complete. There was also Liuna Kajong road that was given to Fego

enterprises ltd., this was also found to be complete.

In Central Sakwa under Trade and Development sector, there was a project of construction on toilets at Sigigo market, this was given to Newa Traders and the project was found to be complete and waiting handing over.

There was also construction of toilets at Nango market, this was also given to Newa Traders and the project was found to be complete and waiting handing over. Another one was the construction of toilets at Uyayi market, it was given to Newa Traders and it was found to be complete and waiting handing over.

In the Agricultural Sector in Central Sakwa Ward, there was only one toilet which was building of omena stores and Urombo beach which was given to Jolly Constructors and it was found to be complete and waiting handing over. In the Education Sector in Central Sakwa, there were 3 ECDE classroom blocks that had been awarded to Tando construction Co. and Tando had already completed the project and waiting handing over. There was also an ECDE classroom construction at Migoni Primary School, this was given to Tobia construction Co. and the project was complete and handed over.

In the health sector in Central Sakwa Ward, we had a project of construction of Uyawi dispensary that was given to Winam contractors and the status was found to be at the ringtone level. The project had taken a long time before taking off and had stayed for a long time at the level since the contractor had a problem with the cash flow. However, the contractor is now on site and building the ringtone level.

The CEC Member further informed the Committee on the challenges faced in the Financial Year 2013/2014 as captured in this report in appendix 1 of page 5 and the strategies for remedies for mitigating these challenges which formed part of recommendations are also captured in this report in annex 1 of page 5. In addition, the committee recommended that the County Accounts office pay the contractors promptly so that projects are completed on time.

I therefore rest my case and urge the House to adopt this report. Thank you.

**Hon. Deputy Speaker:** Hon. Andiego!

**Hon. Andiego:** Thank you, Mr. Deputy Speaker. I think I am one of those who wrote this under a statement. We wanted to know the status of undone projects in our Wards.

**Hon. Deputy Speaker:** Hon. Andiego, take your seat! You know when you stood; I thought you wanted to second this Motion. This Motion has not been seconded; can we say that it dies a natural death? What do we do about it Hon. Ombiyo?

**Hon. Ombiyo:** Mr. Deputy Speaker, Hon. Andiego is not aware of our Standing Orders, so he was thinking that the report is open for debate. I therefore ask Hon. Pamela Midumbi to second this report.

**Hon. Midumbi:** Thank you, Mr. Deputy Speaker, I rise to second.

*(Question proposed)*

**Hon. Deputy Speaker:** Hon. Andiego!

**Hon. Andiego:** Thank you, Mr. Deputy Speaker. We wanted to know the

status of undone projects for 2013/2014 in our Wards. And as per the report that my colleague has just read, it has given us what is complete and he has not said anything about the undone projects.

In my Ward, I wanted to know and I know the projects, why have they not been done? I have a water line that was moving from Wabaha to Alaha which has stalled. The contractor left and it is now one year. I would want to know where the contractor is and why he gave up on the project.

There was also a toilet that when the budget team was going round, there was a toilet to be done at Liunda beach. This toilet is not there up to now. I wanted to know the status of that toilet. As at now, I know all the projects that are complete and some of them are now being used.

What we wanted to know is why some projects of FY2013/2014 stalled and what is their status? When will they be done? This is what we wanted the Committee to get a report and let us know the status of these projects. I want to know the undone projects not the ones which are complete. I reject this report, thank you.

**Hon. Deputy Speaker:** Hon. Were!

**Hon. Were:** Thank you, very much Mr. Deputy Speaker. I have looked at this report; the strategies to address challenges, the constraints are well authored. But one thing that is in the public knowledge is that corruption is not mentioned and a bigger problem in Procurement, Department of Engineering is corruption.

**Hon. Deputy Speaker:** Hon. Were, was there any element of corruption in it?

You know you have to confine yourself within the mandate that was given to the Committee.

*(Laughter)*

You don't introduce a new element so you proceed with the debate on the Report but do not introduce new elements please.

**Hon. Were:** I appreciate your opinion; but if you give an opportunity and really tie up my hands really defeat the purpose of overlooking the wards that we were given as an Assembly and it's a constitutional responsibility---

**Hon. Deputy Speaker:** Hon. Were can you continue with the debate?

**Hon. Were:** I'm just clarifying---

**Hon. Deputy Speaker:** No, no, we don't want to clarify; you proceed with your contribution.

**Hon. Were:** The other issue that is coming up is about the capacity of the technical staff who oversee the works that are going on in various wards and what comes into focus is the qualification, experience, appraisal reports because most the work officers that are undertaking supervisory works within areas where these projects are being carried out are some of the staff who used to work in the defunct councils.

It is a pity that we talk about the failure of these projects because of the capacity and one notable area are when they talk about funds that would really facilitate their movements to the sites; we are aware that Kshs.48 Million was set aside as project management expenditure to facilitate their movements and this is not coming out clearly in the Report.

How the Kshs.48 Million was spent and what remained out of these funds that were set aside because Kshs.48 Million is not small money and one thing that we are aware of is that most the projects that have

been done in this County; the works officer and the engineer rarely visit these sites.

The other area that could be of interest is the collusion between the contractors and the engineers; that has been a very big barrier. It is a bit strange when I come back to projects that were undertaken in North Gem Ward because when I look at what is coming out in this Report---

Allow me Hon. Maurey, you don't represent North Gem.

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Were, you are senior in this August House and you are aware if there is any---

**Hon. Were:** I am talking about North Gem Ward—

**Hon. Deputy Speaker:** No! Hon. Were, a Hon. Member has all the right to stand on a Point of Order at any stage. Do take your seat Hon. Were. Hon. Maurey!

**Hon. Asewe:** Point Of Order! Is right for the Member to misleading the House by introducing other items that were not passed in the House; we were discussing matters concerning ...East Yimbo and Central Sakwa wards. The Member is discussing about Kshs.48 Million that was given to the Ministry, he is talking about his Ward that was not here. I strongly believe that the Hon. Member is misleading the House.

**Hon. Deputy Speaker:** Hon. Were, I can see you holding a booklet. What is wrong with the booklet?

**Hon. Were:** All the projects that were undertaken in this County are in this Report, it was not done---

**Hon. Deputy Speaker:** You may take your seat. Hon. Maurey, the Hon. Member is in Order indeed; you know you can make comparisons with other projects in

other Wards. The Hon. Member is in Order but you have to limit of course when you are making comparison, you don't go overboard.

**Hon. Were:** I wanted to give an example of some of the projects that have been undertaken in North Gem Ward and when I look at this Report an example is Mutumbu Polytechnic where Kshs.1Million was set aside for rehabilitation of the centre. If you look at the remarks it's talking about already what is supposed to be done there is to do painting and sure enough no proper works have been undertaken to rehabilitate Mutumbu Polytechnic.

What has been done was just the roofing; paint work has not been done, the floor is its original state and this kind of Report is misleading and even when you look at other projects that have been undertaken in the Ward. We have serious reservations in equality and even road works are not done properly; it's a bit strange that somebody would be stressed when a fully Elected Member of County Assembly representing North Gem is on Floor, thank you.

**Hon. Osuri:** Thank you, Mr. Deputy Speaker, Sir; the Report that has been presented Here, to me doesn't address the request on the Statement by Hon. Members because it is very merely on the status of undone projects fy-2013/2014 both in East Yimbo and Central Sakwa. However, what the Report has covered is completed projects; completed and undone are two different things. Some have been done to certain levels are not complete so it is not addressing the request by the Hon. Members.

Two, even the annexes that we have given on the status ...; like when we talk of

South East Alego Ward in Pap Nyadiel, Kowiti Market is stated here completed. Malanga Market, Matera Junction is stated here completed and until yesterday in Pap Nyadiel; they were still working on the last two bridges and here it is shown completed.

It is high time when these remarks are indicated completed; they should be indicated in consultation and in agreement with the engineers and the completion certificate given because if it is just stated here and the Hon. Members don't have completion certificates for these projects then it's not correct.

It is also high time when contractors are given work in future the period for which the project is to be undertaken must be clearly stated. Otherwise, we are going to have a project started in 2013 and its going to end 2017, that it is at lintel level so they must be given period time or finalize which they should be completed, thank you.

**Hon. Okuku:** Thank you. Mr. Deputy Speaker, Sir; for giving this opportunity as one of the victims who sort a Statement on the status of undone projects in my Ward which is Yimbo East Ward; I stand this evening to condemn this Report and reject it in total because it is know that you can cheat the whole world but you can't cheat yourself.

I cannot sit back while I'm being cheated in the Floor of the House by the Committee resolutions. When you talk of Roads and Transport Sectors; opening of **Ururi-Upachi road** which was given to a contractor called Oprah Engineering and Construction Limited, it is completed here and in use. Before the road was done, the community was using it so given that they are using the road does not guarantee that the road was done and is completed.

It still needs culverts and it is incomplete. When you go to opening of Ongas-Ongang Road which was given to Chendro Construction Limited which has also been indicated here completed; it is in the same status as Ururi-upachi Road, not completed. When you look at the Report talking about the opening and grading and construction of culvert of Daraja Road which was given to NEMA Traders; the money allocated for this project wasn't enough and only opening and grading was done.

This road is in a very bad state and we cannot say that Daraja road is complete and I request that the NEMA Traders; the contractor should be urged to go and redo the --- otherwise, it's going to be worse. Trade and development Sector; I allocated Kshs.3Million for finishing Got Ramogi Cottages and Resort for tourist attraction and this contract was given to Got Matera Engineering Services, the works are ongoing.

They note that this project involved doing of finishes such as plastering. This is not true. There is nothing that was being plastered there Mr. Speaker. I am not an engineer but I know what plastering means, Mr. Speaker. Door fitting was done, painting was not done much. Mr. Speaker, if you continue reading you will see that the community is complaining because not much was being done with Kshs.3 Million is not adding up and I think Mr. Speaker that this issue of undone projects like Got...Resort must be looked into.

We cannot just pass the Report just because it has been done and that it is ongoing yet the quality of work is a tall order. Even the lay men in the community are complaining and; the Report has also captured that the community is complaining

over the same. They could have said that; because the community is complaining; the Ministry is doing something so that the community can get services which are equivalent to the much which was put.

*(Honorable Member raised his hand)*

**Hon. Speaker:** Proceed, Hon. Okuku!

**Hon. Okuku:** It is difficult to proceed when the Speaker is eyeing another party

**Hon. Speaker:** Honorable Member the Hansard is on. Proceed Hon. Elisha

**Hon. Okuku:** Mr. Speaker, Sir; when you look at construction of modern toilet at ...Market which was given to ... Enterprises; they have said that it is ongoing after reading of the scope of work of Office of the County Engineer and the MCAs; we never did a review on the scope of the work of the construction of the modern toilet. We only did a review on leveling of the market not construction of the modern toilet. The constructor who was given this work is lingering around. People are waiting to start using that toilet Mr. Speaker. This Report is misleading the House.

Mr. Speaker, if you look at the drainage and leveling where we said that they should do something; which was given to the...Market; they are saying that it is complete. Is it me who doesn't understand the word "complete"? I wish we had a dictionary, because when it is written that it is complete, yet when you walk around the market, Mr. Speaker; the drainage system has not been done to completion. I stand as a representative of the Nyamun...market people. I stand as somebody who approved the budget on their behalf and I say it is not complete.

Mr. Speaker, when you talk about the construction of this ....that is one area

that I agree. It was captured right. When you look at Kanyangol ECDE or Primary School, Mukrema Agency, the work is complete. This work is completed after I wrote several letters demanding to know why this contractor had come to my community and conned people on the ground. There is a lot behind this.

And it is not as complete as said because Mr. Speaker, it is difficult to keep off the pupils from using the ECDE while the completion of the work has not been checked. When you look at Uga...ECDE, I agree it is 90 percent and not 100 percent complete. The grill has not been done and when we went there with the Governor; they said that the grill should be done. The veranda was very high to an extent that the pupils could be injured if they tried to climb and get into the classrooms. The contractor was advised to do the grills. It has not been done. It is not yet complete.

Mr. Speaker, on health sector; they said that the construction of staff houses was not necessary, which was given to the general supplier, It is not yet complete yet they are stated to have completed. They also stated that the contractor had been awarded earlier the contract then withdrawn later. This means there is something fishy going on. And that is the reason why the contractor was withdrawn from the contract.

The Committee should have dug deeper and told this House why the first contractor was withdrawn from the project. It could have been because the first contractor may have done a lot of damage and soiled the name of the County Government on the ground by taking materials from the common people and not paying back. This should be addressed by this Committee.

Mr. Speaker, along the line, the construction of staff house at the Othach dispensary is not mentioned at all yet there

was Kshs.2 Million which was allocated for construction. I would wish to get from the Committee a report on that construction.

Mr. Speaker, I even put in the fy2013/2014 one million for Barokri Water Project to be extended from the water point to Magome Primary School. Nothing has been mentioned on it. I don't know if it has been misused, or if it went to a different vote head. It has not been touched on in the project.

Mr. Speaker, in my FY2013/2014 budget---

**Hon. Speaker:** One minute. You only have one minute left. Summarize.

**Hon. Okuku:** Mr. Speaker, I also put one million for tree planting at Oye...It has not been touched on and there is no sign that any tree will be planted. I don't know the position of that. Mr. Speaker, we also had one million for ...Dam, one million for ... Dam, and five hundred thousand for sports. It is not covered in the Report.

Finally, the issue on how the bursary was issued because it was part of the money for development in my ward. It is not covered in the Report Mr. Speaker. I therefore reject this Report in totality. Thank you

**Hon. Speaker:** Thank you, Hon. Rosemary

**Hon. Ogutu:** Thank you, Mr. Speaker, Sir; I want to start by appreciating the Committee that despite the fact that the Report is being rejected, they brought out some information in this House.

According to me, I belong to the Implementation Committee;I thought that information on most of the projects and on where they have reached would be brought out. Because, we have gone round and there are issues that have been raised and a lot has been queried. This issue was cross cutting and the Roads Committee has dealt with most of it such as buildings, infrastructure

and roads; issue on water and solar panels have not been touched.

Therefore I would urge that committees such as the Transport Committee can be merged with the Implementation Committee so that they come up with concrete answers to the issues of projects to this House. There is a lot which has not been brought here. There is a school in which we went to in Sakwa called Migiro; the ECDE class is near completion yet the class is collapsing. And, we recommended that it should not be handed over to the community because we don't expect our children to learn in such classrooms. The next when the wind comes, you will hear that a classroom has collapsed on our children.

On the issue of the projects; I will not reject this Report. But, it should be an eye opener that we should have two committees to bring in totality the situation and conditions of the projects in Siaya County. In wards such as South East Alego, the ECDE classrooms which construction was started in 2014 have not been completed up to date. They are still at the slab level.

So, when you are referring to completed projects; very few have been completed. And if we were to give percentage, not even 50 percent have been completed. Mr. Speaker, Sir; it is upon you to give direction so that we work together and come up with project implementation. Thank you

**Hon. Speaker:** I will give the last contributor Hon. Maurey.

**Hon. Asewe:** Thank you, Mr. Speaker, I would like us to thank the Committee for the much that has been done as one of the speakers said, they have opened our ears and eyes on certain things that we were not aware that the implementers were saying that they have completed.

Mr. Speaker, this Assembly is facing a serious problem in terms of committee work. Mr. Speaker, we depend a lot on the information given by the CECMs, we are not facilitated to go out and visit the project sites. Mr. Speaker, what is expected here in this Assembly; is more of forensic analysis—to go and inspect and see what is happening.

Mr. Speaker, if you ask to be facilitated to visit these projects. The answer is always that there is no money. Mr. Speaker, now that this Report has been brought to this House and has been rejected in totality simply because we gave the information from the CECMs and this information is not accurate. I urge this House to intensify their call for availability of facilitation to the committees to visit these sites especially the ones that are in question to ensure that whatever report will be tabled in this House be correct.

Mr. Speaker, another problem that I see is that we, Members of this house have the tendency of rejecting everything that is brought to this House. For instance, the case that we have here today; Hon. Andiego is in this Committee, he was contributing. If the information that was raised here was not correct; why did he not raise it in the Committee? That the question that we are trying to answer here is not what I asked; he is part of the Committee.

**Hon. Speaker:** Hon. Murray, that is wrong. A Member may have a ...opinion and it is not a must that they have to go by what he or she contributes. Therefore, do not pinpoint that any Member as being part of the Committee should not resent.

**Hon. Asewe:** Thank you, Mr. Speaker, for giving me direction. Another problem that I see is that there are problems here that have been raised. I feel that we are not in classroom where we sit for exams. We need to investigate cases such as this.

We need the Members to be specific that what we need to be inspected is a, b, c, d. Let us not leave it open that one has to read between the lines to get what they need.

If there is a specific project that needs to be inspected; let it be particular that this and that project. So that we go to those particular projects and answer relevant questions, thank you.

**Hon. Deputy Speaker:** I will ask the Mover to reply because we have a lot in the order paper, Hon. Members if we are not careful we will go home without discussing very important items. You better look at the order paper we have just laid on the Table and removed Notices of Motions for a ...

**Hon. Munda:** Mr. Deputy Speaker, Sir, an important anomaly that needs to be brought to the attention of the House!

**Hon. Deputy Speaker:** No! No! If you look on the order paper we even have .....

**Hon. Munda:** Mr. Deputy Speaker, Sir, there is an omission that needs to be taken care of.

**Hon. Deputy Speaker:** What is the omission?

**Hon. Munda:** The Report was capturing issues on East Yimbo Ward and Central Sakwa and the Committee went ahead to give us analogy of points that have been taken and when you look at the last column in that Report earnestly where we talked about Sidindi Ward. Look at it!

**Hon. Deputy Speaker:** The last column in which page?

**Hon. Munda:** The last page No. 22, in Sidindi Ward all other projects are quantified as per the value and that's where there is the corruption in development that I think I talked about, there is a cover up! In this project we have 2.5 million but here it is

blank, the contractor is also blank while there is a remark there that three ---. If you adopt this Report in this manner then you are trying to justify a point that has elements of a cover up and having mischief, thank you.

**Hon. Deputy Speaker:** I will give it to Hon. Ombiyo to reply.

**Hon. Ombiyo:** Thank you, Mr. Deputy Speaker, Sir, I wish to reply the Motion but first let me take this opportunity to inform the Hon. Member for Sidindi Ward that the earnest he is referring to is part of information that the Committee relied on when preparing this Report otherwise this Report was based on a request by Hon. Member for Central Sakwa and East Yimbo and the document he is referring to was from the County Engineers office.

This was annex to maybe give evidence of the projects which were done in 2013/2014. So let me take this opportunity to urge my fellow colleagues to pass this Report with the challenges it has; I agree that it has challenges as they have been raised and ways of mitigating the same has been raised. In the 2013/2014 there were a lot of challenges in terms of project implementations since the structures of County Government were being set up for the first time.

Projects were awarded very unprofessionally; the engineering department was inadequately staffed such that even supervising 30 Wards with a department which has only 2 or 3 engineers is not easy. That is one of the challenges why some of the projects had not been completed in time and in the Committee Report we also highlighted some of the challenges as brought to us by the CECM where one of the challenges was inadequate

provision of funding in most of these projects.

So, if a certain project was inadequately funded and a BQ maybe projected more money to complete that project, the law only allows the engineer to do up to that level which the funds can accommodate. And that's why when we say a project is complete it is complete in the context with the funds which it was allocated to.

The project may require additional funding, let's take for example a bridge, which may require 10 million to complete yet only 2 million was allocated to it. So when you prepare a BQ, you only do work up to level of that 2 million and hope that maybe the authority will reallocate more money for completion in the next financial year.

Another challenge that was realized or represented by the CECM or executive was procurement of works dealing with back log towards the close of the financial year. Once money is returned there is a lot of bureaucracy of returning this money and reallocating it hence delays.

There was also limited technical capacity which hindered effective project supervision as earlier mentioned. There is also lack of training of available staff and it is common knowledge that all the staffs that County Executive have and which they rely on were all absorbed from defunct local authorities and we know maybe only 3 or 4 officers have the adequate skills to supervise these projects therefore we cannot rely on 3 officers to supervise projects in the whole County adequately. Something needs to be done on that and the CECM promised that they are working to mitigate that challenge.

The strategies which were presented to address these challenges by involvement of technical staff in estimating the cost of projects to avoid under estimation whereby under estimation aspect has been realized to cause maybe delays or a project may be deemed complete or completed because it was under estimated.

The procurement process should also commence early in the financial year so that projects are done on a timely manner. The department should acquire at least new 4 double cabs for supervision processes because the County is very vast and the department only has one double cab.

The technical capacity should be enhanced by employing more engineers to the County and I think this will help us in terms of supervision as the staffs also attend training regularly so that they also change with the changing norms of engineering industry and engagement of some staff in various departments. I think if these strategies are implemented by the executive maybe in the next project implementation there won't be so much challenges and what the Hon. Member is raising will be addressed.

In terms of water, the Hon. Member for Yimbo East has really lamented that this Committee has not captured the matter of water while the Committee left the matter of water to the Water and Irrigation Committee if the Member is in fact the chair and he should in fact convene his Committee and present a Report on water since the Roads Committee is limited to infrastructure.

**Hon. Deputy Speaker:** You have one minute!

**Hon. Ombiyo:** Thank you, Mr. Deputy Speaker, Sir, I rest my case by urging all Members of this House to adopt

this Report so that we can move forward, thank you.

I ask Hon. Pamela Ngure to second.

**Hon. Deputy Speaker:** To second what?

*(Loud consultations)*

Hon. Ombiyo you are a senior Member of this House, are you Moving another Motion within a Motion or are asking Hon. Ngure to second in withdrawing the Report?

*(Question put and negatived)*

Hon. Members, you know sometimes you don't need to crucify the Committee or the Mover of the Motion especially when the chairman or a representative of the Committee is giving a Report, he is simply giving a Report of the Committee and not his Report and in most cases we do not get this information from our own houses or it is not our own creation.

They are information which we are given by CECM or from a department and therefore we should not look at a Member as if he has given us a raw deal, instead we should shift it to the executive for proving information that we can term as inadequate. Moreover, the information that comes here perhaps must have been given by somebody and not the Committee itself. Hon. Chairman where did you get this information and whom did you invite?

**Hon. Ombiyo:** Thank you, Mr. Deputy Speaker, Sir. I was presenting joint Committee of joint Public Roads and Infrastructure because I personally was not in that Committee since the whole of last week I was engaged with my mom's illness and I didn't attend even some of those sittings. So, I was merely presenting the

Committee's Report which is a joint one and binds all the Members of the Committees.

**Hon. Deputy Speaker:** Anybody who attended the sitting?

Okay, Hon. Members, I think in future, what I can urge ourselves is that when we are given such an assignment as an Assembly, we need to dig deeper if we are investigating maybe we want information from the CECM or department of Roads maybe on status of a road in a certain Ward, Hon. Ombiyo this is very important and the CECM indicates that this road is complete and another one is underway.

We also need to go further and pay a physical visit to those sites so that we ascertain if what the person is telling us is true. Otherwise, we can just be spokespersons of the CECMs, like today you have only told us the story which he told you. You have not visited any site. So in future let us go further than this. Thank you. Next order!

### MOTION

#### STATUS OF AGRICULTURAL PREPAREDNESS AND AGRIBUSINESS FUNDS

**Hon. Deputy Speaker:** Yes, Hon. Agoko.

**Hon. Agoko:** Thank you, Mr. Deputy Speaker, Sir, I wish to Move a Motion:

THAT, this House adopts the Report of the Committee on Agriculture, Livestock and Fisheries on the status of agricultural preparedness, hire of tractors, procurement and distribution of seeds and fertilizer for the FY 2014/2015 and agribusiness funds collected for the FY 2013/2014 by the

County Government laid on the Table of this House on Wednesday, 25<sup>th</sup> February, 2014.

I had presented this Report here earlier and we had gone through it. There were serious concerns that this House wanted us to put clarification on and I would request that we don't read through the entire Report. Most of what we have put in the appendix is the details that this House wanted.

This House wanted the details of the acreages done per Ward, the names of the farmers whose farms had been ploughed and the details of the expenditures in the agri-business account. We have the details.

Last time when we were here while I was presenting this Report (I want to refer this committee on page 11 where it was indicated that Kshs. 1.3 Million was spent on purchase of bags) we said that truly Kshs. 1.3 Million was spent in procuring bags but there was no breakdown. As of now you look at page 11, it is broken down that 9000 ordinary bags were bought at Kshs. 55 each then about 3000 bags were bought at Kshs. 250 each so in total there are 12,000 bags.

On that particular day the Report indicated they collectively spent 1300 bags so it was presumably calculated that that same money was spent to procure 1947 bags which at the end of the day was reflecting huge figures which were misleading. I want to say as concerns procurement of seeds, they have been procured and distributed in the Wards. The seeds that were supplied last year, much of it has been returned to the suppliers.

They have been replaced and fertilizers to date have not been supplied by the vendor though he was given the LPO more than a month ago but the Director says

they are passing it to the Chair that is delivering but it is taking a bit of time.

All the details that are in this Report had been discussed earlier like the sentence where there is the distribution of seeds and fertilizers, they are all there and they are the same, no much changes except on the details that the Members wanted on the particular farmers whose farms have been ploughed and the expenditures on agribusiness account.

The challenges were:

1. Private tractors withdrawing and passing our interest.
2. Procurement process has been leading to late payment to suppliers
3. Delay of cash flow from the Treasury
4. High acreages to be ploughed
5. Only 20 tractors are in working condition
6. Finance and procurement Department has been slow in funding.

This has been an impediment towards the supply of tractors. The County Government is procuring an additional 6 tractors that as of now the vendor is yet to supply despite the orders that were given sometime back.

Our recommendations were:

1. The department hires more private tractors to meet the demand of ploughing and rationing to be done, 1 tractor per Ward. You look at acreages done, it is South East Alego that has the highest acreage not yet done. That is the Ward

represented by Hon. Osuri, it still has about 118 acres that has been paid for but is not yet done so we are requesting that we have more tractors to bridge the gap.

2. Seed germination test to be done to assess liability and to avoid losses
3. Procurement to be done earlier and the to come up with timelines that are workable
4. The department has planned to procure horticulture seeds and we are recommending that the seeds be distributed to all the Wards not only the areas that there is the demo
5. The CECM to consult the Hon. Members on all activities being done within their specific Wards.
6. CECM to attend a committee of the whole House and share with Hon. Members issues on agriculture department. I had spoken to the CECM and she is very much ready to come and talk to the entire Assembly on issues relating to that particular department.
7. Agriculture being a seasonal activity it requires prompt and timely funding. The activity should be given first priority by the finance department. You realize that the tractor and fertilizer vendors most of them want to be paid some deposit and the finance department insist on delivery before payment and

many other things that go along that way creating a big impediment on supplies in that particular department.

8. The County Government to take up and seriously putting into consideration that agriculture is not only tractor hire service but includes also livestock and fisheries. Members are also requested to allocate at least 10% of their Ward Budget on agriculture.

Going by the Maputo Declaration, that all governments in the world, the County Government of Siaya included, it is a humble request and also a requirement that we allocate at least a minimum of 10% of our respective Budgets within our respective areas on agriculture to ensure food security.

At this point I call upon Hon. Zilpah Omondi to second.

**Hon. Awino:** Thank you, Mr. Deputy Speaker, Sir, I second.

*(Question proposed)*

**Hon. Deputy Speaker:** There being no other contribution, I will put the Question. Hon. Agoko I thought that the one that was laid Wednesday, 25<sup>th</sup> February, 2015 is the one that you went back to work on, is that the position? Therefore you ought to have laid it afresh. Anyway next time do not repeat the mistake.

*(Question put and agreed to)*

**MOTION**

ADJOURNMENT

**Hon. Owii:** Thank you, Mr. Deputy Speaker, Sir, it appears that we have exhausted all the issues that we were supposed to address in the order paper today. Members have deliberated all Motions that have been put on the Floor and we have no more to discuss.

I wish to Move a Motion:

THAT, this House adjourns until tomorrow Wednesday, 18<sup>th</sup> March, 9.00 a.m. I call upon Hon. James Odhiambo Munda to second.

**Hon. Munda:** I second.

**Hon. Deputy Speaker:** There is one thing that this August House will always remember Hon. K'owii for; moving adjournment Motions.

*(Laughter)*

On that he is our hero!

**Hon. Owii:** I have the belief that I am one of the few people that seriously contribute in this Assembly. This is a prime duty of Leader of Majority.

**Hon. Deputy Speaker:** It is very true that Hon. K'owii is one of the main contributors of this Assembly that one I can give thumbs up.

*(Applause)*

I am just adding that one other thing that he is also good at is moving adjournment Motions. Nobody can beat him in that.

*(Laughter)*

*(Question proposed)*

*(Question put and agreed to)*The

House rose at 3.56 p.m.

**WEDNESDAY, 18TH MARCH, 2015**

The House met at the County Assembly Chamber at 9.30 a.m.

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

**PRAYERS****QUORUM CALL AT THE COMMENCEMENT OF SITTING**

**The Temporary Speaker** (Hon. Muhulah): Do we have enough quorum, Madam Clerk?

*(The Clerk at the Table confirmed the lack of quorum)*

**The Temporary Speaker** (Hon. Muhulah): Serjeant-at-Arms, can you ring the bell for 15 minutes.

*(The Division Bell was rung)*

*(Several hon. Members walked into the Chambers)*

**Hon. Ngure:** Are we in Session?

**Hon. Gare:** Point of information, Mr. Temporary Speaker!

**The Temporary Speaker** (Hon. Muhulah): What is it *Mjumba wa West Sakwa*?

**Hon. Gare:** I would want to inform the Member who has just talked that the House is in Session. Our Standing Orders explain very clearly that when we don't have quorum, the bell has to be rung for ten minutes, and if no quorum is present at the expiration of the ten minutes, the Speaker may direct that the bell be rung for a further five minutes. We are in Session and already we are transacting, that is why we are standing through the Chair.

**Hon. Ngure:** Much obliged!

**The Temporary Speaker** (Hon. Muhulah): Thank you so much, hon. Gare.

*(The Division Bell was rung for the second time)*

*(The Clerk at the Table confirmed the lack of quorum for the second time)*

**The Temporary Speaker** (Hon. Muhulah): Members, under the Standing Orders No. 32 (2), it directs that in a situation where the quorum isn't there, the Speaker shall call for the division bell to rung for 10 minutes. We gave that chance for the bell to be rung for 10 minutes, the situation persisted, and we again gave a chance for the bell to be rung for 5 minutes. Abiding with the Standing Orders of this House, the quorum is still not there for this Session. That calls for the House to adjourn till today at 2.30 pm in the afternoon.

So, the Chair directs that all the business for this morning be scrapped from the Order Paper and new ones be introduced.

Chief-Whip, please communicate to the Chairs of these respective Committees to see the Speaker and explain the situation.

This House stands adjourned until 2.30 p.m. in the afternoon.

The House rose at 10.00 a.m.

**WEDNESDAY, 18TH MARCH, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYERS****QUORUM CALL AT THE COMMENCEMENT OF SITTING**

**Hon. Deputy Speaker:** Are we on time or we have come so early? Are we within time? What's the time?

**Hon. Ndonji:** We are within time, Mr. Deputy Speaker, Sir!

**Hon. Deputy Speaker:** Hon. Members, as I see it, it appears that either we have quorum or we don't have. We can give Members sometime to see whether they can be here in the next few minutes. Clerk, can you confirm whether we have quorum?

*(The -Clerk at -the -Table confirmed the lack of quorum)*

**The Deputy Speaker:** Serjeant-at-Arms, can you ring the Quorum Bell for about 10 minutes.

*(The Quorum Bell was rung)*

*(The Quorum Bell was rung for the second time)*

*(The -Clerk at -the -Table confirmed the lack of quorum for the second time)*

*(Hon. Muhulah stood up in his place)*

**Hon. Deputy Speaker:** Hon. Muhulah

**Hon. Muhulah:** Mr. Deputy Speaker, I know my suggestion could be in contradiction with the Standing Orders of the hon. House. The function that was in Rarieda Sub-County seems to be over and quite a number of Members were there. I would ask for your indulgence if we could give them some few minutes Mr. Deputy Speaker. There are a lot of things that we are supposed to have discussed today that require some urgency.

That will be my request, Mr. Deputy Speaker.

*(Hon. Okuku and hon. Ndonji stood up in their places)*

**Hon. Deputy Speaker:** Hon. Elisha.

**Hon. Okuku:** Mr. Deputy Speaker, Sir, I respect the suggestion by hon. Muhulah, but this is a House of rules and we are being guided by the Standing Orders which clearly stipulate that 15 minutes after the beginning of this Assembly, if there's lack of quorum people should not transact any business.

Mr. Deputy Speaker this precedence was even set in the morning when hon. Muhulah was presiding over as the Speaker and he could not wait any longer. I think we should abide by the Standing Orders. Thank you.

**Hon. Deputy Speaker:** Hon. Ndonji, you were on your feet at some point

**Hon. Ndonji:** Thank you, Mr. Deputy Speaker. Yes, I was on my feet but what I wanted to say is what hon. Elisha has said. I concur with him Mr. Deputy Speaker, Sir, that this is a House of rules and we have got to follow what is in the Standing Orders and we are not supposed to bend it even a bit.

*(Hon. Muhulah stood up in his place)*

**Hon. Deputy Speaker:** Hon. Muhulah.

**Hon. Muhulah:** Mr. Deputy Speaker, Standing Orders, I agree are supposed to govern the Assembly, but at times the discretion lies with the Chair of the House. Mr. Deputy Speaker, referring to the allegation that when I was presiding in the morning I did not allow enough time; I did give enough time Mr. Deputy Speaker and even the Movers of the Motions that were to be discussed; including the Member for Ugenya East was not in! So, there was actually nobody to move those Motions Mr. Deputy Speaker.

But in this case, this afternoon, Mr. Deputy Speaker, I am the Chair of Finance; I am here and very ready to move my Motion. So, there's a lot of difference Mr. Deputy Speaker.

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Members, the Mover of that Motion acknowledged that the Standing Orders suggest that we have limited time at which if there is no quorum, then the House should adjourn. He went further to suggest that we can bend the rules; there was opposition to that request by two hon. Members. They

indicated that once the rules have been set, then there's no need to bend them, and being a House of rules, we are not ready to bend them today to fit----

*(Applause)*

Therefore, because there's no quorum, we have no other option but to adjourn. This House stands adjourned until Thursday, 19th March, at 2.30 p.m. in the afternoon.

The House rose at 2.51 p.m.

**THURSDAY, 19TH MARCH, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

## PRAYERS

**COMMUNICATION FROM THE  
CHAIR**

**Hon. Speaker:** Hon. Members, allow me to communicate to the Assembly that the business we have today is so pertinent and has timelines. Therefore, we have to dispense these Motions as a way of not being time bad. I therefore direct that for us not to lack quorum during the proceedings, the register will not be signed until when we are done with the Bills. This is because we have a tendency where people sign and leave, then we lack quorum and we cannot do justice to this County.

Secondly, the Committee on Implementation will be met tomorrow by the Senate Committee on Implementation. From 9-10 a.m. they will meet the Governor, 10-11 a.m. they will meet our Committee, and from 11-12noon, they will be visiting Bondo University.

Otherwise, I wish you a very interactive debate.

Next Order!

**PAPER**

**Hon. Odinga:** Thank you, Mr. Speaker, Sir. I wish to lay on the Table of the House:-

The Siaya County  
Supplementary Budget Estimates for  
the FY 2014/2015.

*(Hon. Odinga laid the document on  
the Table)*

**Hon. Speaker:** Any other? The other one has been laid before?

**Hon. Members:** Yes. Yes!

**Hon. Speaker:** Next Order!

**NOTICE OF MOTION**

SUPPLEMENTARY BUDGET  
ESTIMATES

FOR THE FY 2014/2015

**Hon. Odinga:** Mr. Speaker, Sir, I wish to give notice of the following Motions:-

THAT, this House adopts the  
Report of the Committee of Budget,  
Appropriation and Finance on the Siaya

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

County Supplementary Budget Estimates for FY 2014/2015, laid on the Table of the House today, Thursday, 19<sup>th</sup> March, 2015.

## FISCAL STRATEGY PAPER

THAT, this House adopts the Report of the Committee of Budget, Appropriation and Finance on the Siaya County Fiscal Strategy Paper, laid on the Table of this House on Wednesday, 18<sup>th</sup> March, 2015.

## MEDIUM TERM DEBT MANAGEMENT STRATEGY PAPER

THAT, this House adopts the Report of the Committee of Budget, Appropriation and Finance on the Siaya County Medium Term Debt Management Strategy Paper, laid on the Table of the House on Wednesday, 18<sup>th</sup> March, 2015.

Thank you.

## STATEMENTS

*(Hon. Ombee stood up in his place)*

**Hon. Speaker:** Hon. Member, just take your seat first. Hon. Members, may I remind you once more that the business that comes to the Floor needs to get the approval of the Office of the Clerk or the Office of the Speaker for obvious reasons. This was not brought to my attention. Even the date is

not clear. But all the same, I want to allow the Statement to be read, except that I am seeing part of this Statement reading that the Statement is requested from the Chief Officer concerned while we have CECs. So, I will allow you hon. Ombee to ask, but for future, all of us, when we have Statements, we have to give them to the Office of the Clerk to look at their admissibility and the wordings and then be shared with the Speaker. Need be, they should be shared with the House Business Committee before they're brought to the Floor. Otherwise, proceed, Sir.

**Hon. Ombee:** Thank you, Mr. Speaker, Sir.

**AWARE THAT,** the 2010 constitution of Kenya principally vests management of forests on County Governments as per the Fourth Schedule Part 2 (10);

**FURTHER AWARE THAT,** Kenya Forestry Service is a state corporation that deals with management of forest resources in Kenya, and has operational offices in Siaya as well as in the neighboring counties;

**COGNIZANT OF THE FACT THAT,** the Legal Notice No.

104 published in the Kenya Gazette Supplement No 132 in September, 2012 specifies forest fees and charges applicable in Kenya;

**DEEPLY CONCERNED THAT,** in particular instances, Kenya Forestry Officers from Kisumu County have evidently charged and collected charcoal levies at questionable rates from traders in Akala Market- Gem Sub County, in Siaya County;

**FURTHER CONCERNED THAT,** occurrence of such a practice can lead to loss of revenue for Siaya County as well as double charging and exploitation of traders should forestry officers from Siaya County decide to equally levy similar charges on the same subjects;

Mr. Speaker, Sir, I wish to request a Statement from the Chief Officer concerned with forests management in Siaya County on the following specific issues:-

1. How the mandate of Kenya Forestry Services which is a state corporation charged with managing forests in the country relate with that of County Forest Services Management and specifically whether officers from

one county are allowed to collect charcoal levies from a different county,

2. The legal notice referred to above only specifies 'Charcoal Movement Permit' at Ksh. 20.00 per bag, however, an official receipt from KFS (No B 1580819 dated 02-02-2015) shows a charge of Ksh.200.00 as 'Charcoal Levy' charged to a trader in Akala Market. Why is there a contradiction on the vote name and the amount?

I rest my case, Mr. Speaker, Sir.

Thank you.

**Hon. Speaker:** Hon. Lolwe, I want to believe you are seeking a Statement from the CECM in charge. I will give that to the Committee of Environment. The reason why sometimes we want to see them in advance is to put them in perspective. As it is, we are not sure whether it belongs to Environment Committee or Trade. But I want to say, because your Statement seeks an answer from the department of forestry, I want to commit it to the Committee of Environment. I also want to advise them to liaise with the Committee of Trade to get some of these issues around trade so that when they are giving their report, they will have consulted

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

the department of trade as well through the Committee on Trade.

**Hon. Awuor:** Thank you, Mr. Speaker, Sir. I am on my feet on behalf of the Leader of Majority of this House. Allow

1. Tuesday, 24<sup>th</sup> March, 2015  
Afternoon Sitting

2. Wednesday, 25<sup>th</sup> March, 2015  
Morning Sitting

3. Wednesday, 25<sup>th</sup> March, 2015  
Afternoon Sitting

me to present the Tentative Business Programme of the Assembly for the week starting on 24<sup>th</sup> to 26<sup>th</sup> March, 2015.

**S/No. DAY/DATE/SITTING  
BUSINESS OF THE ASSEMBLY**

1. Report by Committee on Trade, Industry, Labour and Cooperative Development on Statement request by Hon. Elisha Okuku on the high fees and charges levied by the County Government of Siaya to traders and the legal authority for the same.
2. Report by Committee on Roads, Public Works, Transport and Communication on the tendering process by the County Government of Siaya in the FY 2014/2015.

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1. Siaya County Loans and Mortgage Fund Bill, 2014 - Second Reading
2. Report on Siaya County Quarterly Financial report for 2014/2015
1. Tabling and discussion of the Siaya County Ward Development Fund Bill, 2015 by Chairperson of Committee on Delegated Legislation, Justice and Legal Affairs.
2. Committee of the Whole House – Siaya County Loans and Mortgage Fund Bill, 2014

4 Thursday, 26<sup>th</sup> March, 2015  
Afternoon Sitting

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

**Hon. Speaker:** I direct the Table-Office; from now henceforth, make sure that every time there is a Statement or a Resolution from this House, communication is made to the relevant Committee and the relevant Executive departments in good time. The tracking system is your business and ensures that Members get their questions answered within not more than 14 days from the day they are asked.

Next Order!  
**MOTION**

3. Report by Committee on Agriculture, Livestock and Fisheries on the Task Force Report on Dominion Farms Ltd as requested by Hon. Elisha Okuku, MCA, Yimbo East Ward.
1. Report by Committee on Roads, Public Works, Transport and Communication on mitigation measures being taken by the County Government on the fire outbreaks in the County
2. Report of the Committee on Implementation on unprecedented increase of fees and charges by the County Government of Siaya to traders.

ADOPTION OF THE SUPPLEMENTARY  
BUDGET ESTIMATES  
FOR THE FY 2014/2015

**Hon. Odinga:** Thank you, Mr. Speaker, Sir. I beg to move the following Motion:-

THAT, this House adopts the Siaya County Supplementary Budget Estimates for the FY 2014/2015 laid earlier on the Table of the House today, Thursday, 19<sup>th</sup> March, 2015.

I request hon. Peter Muhulah to second.

**Hon. Muhulah:** I second!  
*(Question proposed)*

**Hon. Odinga:** Thank you, hon. Speaker, Sir. I wish to present before this

House; The Report of the Budget, Appropriation and Finance Committee on the Supplementary Budget for the FY 2014/2015. Mr. Speaker, Sir, you can remember that Siaya County, among other Counties, did contest the issue of budget ceilings which was given by the CRA, and out of that, we have not been able to access 100% of our budget based on the court ruling. This Committee sat down with the Executive and the Assembly and agreed on revising our budget to comply with the ceiling by the CRA.

Mr. Speaker, Sir, the Committee on Budget, Appropriation and Finance was established under Order No. 187 and mandated as follows:-

- 1) Investigate, inquire into and report on all matters related to coordination, control and monitoring of the of the County Budget
- 2) Discuss and review the estimates and make recommendations to the County Assembly
- 3) Examine the County Fiscal Strategy Paper as presented to the County Assembly

4) Examine Bills related to the Budget, including Appropriations Bills

5) Evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays.

Mr. Speaker, Sir, the Budget, Appropriations and Finance Committee therefore examined and discussed the Siaya County Supplementary Budget Estimates for the Financial Year 2014/2015 and has therefore made recommendations as contained in this report.

In reviewing this Siaya County Supplementary Budget Estimates for the Financial Year 2014/2015, the Committee held five meetings during which a team from the Executive arm of the Government led by the CEC member for Finance as well as from the County Assembly led by the principal finance officer presented the supplementary budget estimates and further gave clarity on specific issues contained in the Siaya County Supplementary Budget Estimates for Financial Year 2014/2015. The recommendations arising from these deliberations are included in this report.

Mr. Speaker, Sir, the Committee extends its gratitude to the office of the

controller of budget, Siaya County and all representatives from the Executive arm of the County Government who appeared before it. The Committee is also particularly grateful to the offices of Siaya County Assembly Speaker, the Siaya County Assembly Clerk for the support received as it discharged its mandate in examining the Siaya County Supplementary Budget Estimates for the Financial Year 2014/2015.

**Compliance of the 2014/2015 Supplementary Budget Estimates with the CRA Ceiling Requirements.**

Mr. Speaker, Sir, following the recent ruling of the Kenya High Court on Friday, 20<sup>th</sup> February, 2015, that all county governments countrywide comply with the Commission of Revenue Allocation's ceiling requirement, and given that this requirement was introduced after the approval of the 2014/2015 budget estimates, this Supplementary Budget has been prepared to ensure that the County Government of Siaya complies with the above ceiling. As a result, Mr. Speaker, Sir, the County Assembly of Siaya has prepared a complying supplementary budget of Ksh 363,760,947 for total recurrent. However, it should be noted that the CRA provides for

some expenditure items which are not within the ceiling.

Therefore, in preparing the budget, the County Assembly budgeted for the following as over and above the ceiling requirement;

- i) Car loan and mortgage for the Members of the County Assembly and the staff.
- ii) Ward operation expenses for all the 30 Wards of Siaya County.
- iii) Gratuity for the Members of the County Assembly.

On the other hand, Mr. Speaker, Sir, the County Executive arm has prepared a complying supplementary budget of Kshs. 2,740,257,586.

**Highlights of the 2014/2015 Supplementary Budget Estimates**

**i. The County Assembly of Siaya**

Mr. Speaker, Sir, in complying with the CRA ceiling requirements, the total budget for the County Assembly can be summarized as follows;

**Approved Budget      Supplementary Budget      Revised estimates**

Recurrent estimates	773,845,300
	(223,124,353)
	550,720,947

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

Development estimates	<u>94,000,000</u>	v)	Other operations
	90,000,000		<u>184,000,000</u>
<b>TOTAL ESTIMATES</b>	<b>867,845,300</b>		<u>22,624,353</u>
	<u>(133,124,353)</u>		
	<u>734,720,947</u>		

Mr. Speaker, Sir, the expenditure items which have been budgeted and are not part of the CRA ceiling are as follows;

- i) Car loan and Mortgage  
125,000,000
- ii) Ward operation expenses  
46,860,000
- iii) Gratuity for MCAs  
15,100,000

Mr. Speaker, Sir, the reduction of Ksh 203,124,353 are to be spent as follows;

- i) Surrendered to the County Executive for other proposals  
108,000,000
- ii) Siaya County Public Service Board Office refurbishment  
2,500,000
- iii) Proposed construction of Ward offices @ 2 million per Ward  
60,000,000
- iv) Proposed Assembly Complex  
10,000,000

Mr. Speaker, Sir, I also want to share with you that we had an informal meeting where we discussed and there are some amendments which were made by this House and I wish to share with you at the tail end of this report.

**ii) Agriculture Sector**

Mr. Speaker, Sir, we had budgeted for Ksh 4,300,000 which was initially approved for purchasing harrows, (code-3111103) has been reallocated to purchasing of seeds and fertilizers (code-311399). This is because the county had not been able to access its funds. This has made it impossible to purchase the harrows within time hence need to purchase seeds and

fertilizers to aid the farmers during this planting season. Mr. Speaker, Sir, earlier we budgeted for Kshs. 4,300,000 to purchase harrows, which was approved, but now the Executive is proposing that they want to take Kshs. 4,300,000 from harrows, to purchase seeds and fertilizers because they are seeing the time remaining, they might not be able to spend the money.

Then another proposal was that Kshs. 3,300,000 which was initially approved for purchase of trailers (code-3110705) has been reallocated to tractor hire services (code-2210606).

**iii) The Trade, Industry and Co-Operatives Development**

Mr. Speaker, Sir, out of the budget approved for administration and market services, Kshs. 538,631 has been reallocated to advertising, awareness and public campaign (code-2210504) to facilitate Kenya National Chamber of Commerce which took place on 11<sup>th</sup> March, 2015.

**iv) Education, Youth Affairs, Culture and Social Services**

The County Treasury had proposed to reallocate the funds initially approved for the recruitment of ECDE instructors to other expenditure items within the sector. However, the Committee recommends that

the Ksh 96,000,000 be spent as was approved on ECDE instructors.

**v) Ward Development Expenditure**

Mr. Speaker, Sir, earlier, there was a request by the Executive to Members from various Wards that they give changes they feel should be effected in the Ward projects. So, as at when we were doing the supplementary, according to the Executive, most of the changes proposed by the Members had been effected.

**Committee Recommendations**

1. There is need for the County to avoid impulse buying and instead set clear priorities upon which the county funds shall be spent.
2. The seeds and fertilizers can be bought for now, but there needs to be a clear guideline on how these will be distributed to ensure equal benefits for the farmers within the county.
3. The CEC member for Agriculture should be able to determine the soil type for each sub-county before deciding on the type of fertilizer to supply in the respective sub-counties.
4. The statutory deductions and other benefits in respect of the former staff

of the defunct local authorities should also be factored in the Budget.

5. Given that some expenditure had been executed, there needs to be serious regulation on the expenditures so that the county is not financially grounded before end of the financial year.
6. The county government should take serious measures to allocate more funds for the Siaya County Referral Hospital. This will help improve its condition which the Committee observed is pathetic. Similarly, the government should also ensure that drugs at the Referral Hospital are bought and well stocked so as to ensure quality service delivery at the hospital.

### CONCLUSION

Mr. Speaker, Sir, the Committee therefore requests this Assembly to adopt the Siaya County Supplementary Budget Estimates for Financial Year 2014/2015 and further resolve that the proposed recommendations as contained in this Committee Report be adopted.

Mr. Speaker, Sir, as I had alluded earlier, when we were going through the

budget during the informal meeting, there was a proposal of a new item which was not proposed by the Executive. This proposal was brought by hon. Elisha, it was seconded by hon. Walter and there was unanimous agreement that the following amendments be executed in 2014/2015 Supplementary Budget.

1. Under **Development Expenditure**; that we add the completion of Got Ramogi Resort at Ksh. 9,000,000.
2. Then he said completion of Siaya Stadium at Ksh. 3,000,000.
3. Under **Recurrent Expenditure**, there was a legal fee, legal matters that was proposed to be Kshs. 38,000,000, this was reduced to 26,000,000. The Kshs 12,000,000, which was reduced from legal, is what took care of the Stadium and the Got Ramogi Resort.

I rest my case. Thank you!

**Hon. Speaker:** I will ask the Mover to reply. Ooh, just take your seat. Yes, hon. Agoko!

**Hon. Agoko:** Thank you, Mr. Speaker. I rise to support the Motion. But, Mr. Speaker, I would wish that this House, under your Chairmanship, should not be taken for granted or for a rubber stamp. Mr. Speaker, when we approve a budget like this, then the implementation should be to the letter. Mr. Speaker, the 2013/2014 financial year's budget has been mutilated in terms of implementation. The budget that we approved here, its implementation does not reflect what was approved.

I want to give an example of Sidindi Ward; when you look at the document that is here, we have Ksh. 3,000,000 for street lighting. This has not even been tendered! This money has not been spent! It is indicated even the spots that we should have those street lights, spots that we should have the solar lamps, it is indicated in the document that is before you, Mr. Speaker, but the implementation requires the representatives or the Members of this County Assembly to go and beg!

Mr. Speaker, it is a sad state when we approve such a budget and then in funerals and *barazas*, it said that monies are

only taken to places where Members of the County Assembly who are then referred to as wise, go to beg. Mr. Speaker, it is a sad state in this County if Members have to go and beg for the projects approved in the budget within their respective areas to be implemented.

Mr. Speaker, I would wish that this House plays its role and ensure that what is approved here---- I rise to second and call for the approval of the same, but there must be strict adherence to the same, Mr. Speaker! We cannot just be seated here as rubber stamps! We approve it then the following day we have to run round the corridors begging that, 'can you do this work in my Ward?'

After we have approved like this, the voters down there are only waiting to see these things being done! Not that we stop doing our work here in the Assembly and run along the corridors looking for the people to do the work in our Wards. Mr. Speaker, it is a sad state in this County and I wonder if that is what your Chair supports!

Mr. Speaker, you look at the 2013 financial year budget, many things have not been done, yet we have timelines for these things. Mr. Speaker, it is a sad state when something has been done then somebody

says the Assembly will be notified. We need to approve! The reason for approval, Mr. Speaker, is to get this information in advance, then we look at it, look at the pros and cons of the same then we approve. But if we are to be a rubber stamp on the same, it is a sad state. Thank you.

**Hon. Speaker:** Thank you. May I just say that my Chair does not support. Instead, I wonder if that is what the Committees of this House support. Any time a Member has implementation not being done properly, they should bring Statements to this House and they be forwarded to the relevant Committees and those Committees will liaise with the relevant departments of the Executive and then they are handled here. That is the best way to do it.

Yes, Hon. Andiego!

**Hon. Andiego:** Thank you, Mr. Speaker. I rise to support this document and I just want to add my voice to what hon. Agoko has just said. Mr. Speaker, all of us have responsibilities. My biggest responsibility is to represent my people in this Assembly, make laws and do oversight. Mr. Speaker, we have been turned to supervisors of the projects in our Wards. We must follow why projects have not been

done and the whereabouts of contractors, while there are people in offices who are getting big salaries! Those people employed as engineers should take their responsibility. Mr. Speaker, it is sad that we are now passing the 2014/2015 budget yet even many of the projects in the 2013/2014 budget have never kicked off! We wonder where the money is and when you move to various offices, you don't get concrete answers to these projects.

Mr. Speaker, we have a lot of work to do and if we are added some work which we are not even paid for, we feel so bad, because for me to move from one project to another, I use fuel, I use energy, and sometimes, moving from one office to another is also not easy. So, we are requesting that, I don't know who can take over this, but if it is our Committees, then we need to do something because it is not easy.

In my Ward, as we speak, Mr. Speaker, regarding sports, we have the goals posts which were to be placed in some of my schools. The contractor I was given does not even pick my phone calls. They went to the schools, made very big pits and as a result of that, many pupils have broken their legs. Who takes responsibility for this? It is

us! The community blames us! Not even those who dug those pits!

Again, when you go to some areas, Mr. Speaker, the conditions are worse! There is no hope! A year ago, we told people that we will bring them water, up to now there is no water in that place and every now and then when we go down there, we say, 'we gave you Ksh. 2,000,000, we gave you Ksh. 1,000,000 for the water'. Somebody is sleeping on his job and it is this Assembly that should show such like people the door so that people can know what they are supposed to do. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Members, allow me just to say this so that we don't become repetitive on the same matter. We have a duty as elected Members to represent our Wards, to ascertain the levels of development. When that is not happening, don't follow contractors! You risk even being maligned. Come to this House, raise the matter and let the relevant Committee pick it up. We even revised our Standing Orders; we can invite these people here. What I can undertake as the Chair is that I will ensure that we have regular meetings with the CECs, whether formally or informally so that we get these updates,

because I don't want again similar contributions. It is a frustration that we are facing and we will deal with it. You must be the people to deal with it first.

Yes, Hon. Booker.

**Hon. Minami:** Thank you, Mr. Speaker, for giving me this opportunity to contribute on this matter. First of all, I support the Motion, and by supporting the Motion I want to state that as a County we are really much behind in terms of implementation. Mr. Speaker, I want to give you an example of Vihiga County which is our next door neighbour. I happen to come from a Ward which neighbours Vihiga County, and in that County, projects are running throughout the year, you'll never find a time when the County is quiet in terms of project implementation. Mr. Speaker, this has really brought us to loggerheads with the people we represent. Those of us who border Vihiga and Kakamega Counties, hon. K'awuor will tell you, Mr. Speaker, those Counties are implementing development projects. Siaya County is dormant. We don't know the main reason why it's dormant.

Mr. Speaker, it has been said that we have projects that were supposed to be implemented in the FY 2013/2014 and up to

now as we are talking in this House; some of those projects have never been implemented. Who is supposed to implement the projects? Is it the Members of this House or the Executive? Mr. Speaker, this is why sometimes when we raise questions you will hear somebody saying, and I want to quote in Dholuo, “*Atiyo to iludha. Itiyo ang’o?*”

*(Laughter)*

**Hon. Speaker:** That’s also a quote?

*(Laughter)*

**Hon. Minami:** Yes

**Hon. Speaker:** Proceed!

**Hon. Minami:** That is why some of us have come with a new quote, “*Anindo to iludha.*”

*(Laughter)*

Mr. Speaker, Sir, sorry for those quotes. Those quotes are very familiar in this County. Mr. Speaker, there is no way that just drilling a borehole at a cost of Kshs. 1 million can take you three years! I wonder. And if there are no contractors in this County, why can’t they ask us to give them contractors who can do those works? Like the budget of 2014/15, not even a single cent has been spent in this County and somebody cannot claim that they were waiting for this supplementary budget. The budget has

always been implemented throughout, where is the problem?

Mr. Speaker, Members of this House, especially those who are elected by their constituents should come to terms with the fact that it doesn’t matter how close, how many times you sleep with the big man in the big house. What will matter at the end of the day is how many projects you’ve implemented to your people by the end of every financial year. It will not matter how many times you will report Members of this House to the Governor that so and so said this when even in your Ward, projects have stalled for two years! You are doing a disservice to the people who elected you!

*(Applause)*

And Mr. Speaker, I am standing here without fearing anybody to state very clearly that the Executive side of the County Government of Siaya has really failed the people of Siaya in terms of project implementation. And as an Assembly we cannot continue sitting here, I’m repeating that phrase of, “*atiyo to iludha.*” It is not there! It is, “*anindo to iludha.*” That one is there.

Mr. Speaker, we have seen instances here where Members have raised questions on undone projects in their Wards. The other

day, a report by the Committee of Roads and Public Works was rejected in this House where two Members had sought to know the status of undone projects. After having met the CEC, that Committee did not take time to go and see for themselves the exact projects that were being said. Mr. Speaker, if this Assembly cannot support these MCAs or these Committees in doing their oversight, then implementation may be difficult to achieve. When a question has been brought here, it is very important that these Committees go out and see for themselves if indeed the projects being talked about have been done. That is where we are failing as a House. One of our major roles is oversight, and we cannot be friends with members of the Executive when we are discharging such a function. Whether that Executive member comes from your Ward, that one should not stop you from doing what you are supposed to do the right way.

Many reports have been rejected in this House. Most of the reports have been coming from the CECs when they meet Committees, they bring a report here and its being said that what is on the ground is totally different. That means that those CECs have been playing games with Members of the Committees. I think they

have realized that these Committees don't have the resources to go out and check those projects. So, I don't know if in this budget we have enough resources for these Committees to do their oversight role because we can't perform our work as required by the law if we cannot go out. Mr. Speaker, you see other Assemblies moving out to check projects, and here in this Assembly, it has reached a time when you are told to use your own personal vehicles. I don't know if we have enough resources in this supplementary because the phase that we are now going onto is a phase where a lot of implementation is going to take place and Committees will be charged to make sure that whatever is being done is per the budget that we passed here.

Finally, this Assembly should come out very clearly and state that if there is anybody who is awarded a tender and the person has shown very clearly that they don't have the capacity or the technical know-how of implementing this project, this House should direct that the tender or that project be stopped and it be awarded to another contractor. A very good example is what hon. Andiego has said here; the person who was given the tender of supplying sports equipment is a very big letdown. That

person did not know the scope of work that he was given. That person did not know the technical aspect of the work that he was given and it is very wrong that contracts are given on the basis of I know you, you know me. Let these contracts be given to the people who have the necessary technical qualifications. Thank you.

**Hon. Speaker:** Yes, Hon. Walter.

**Hon. Okello:** Thank you, Mr. Speaker, for the opportunity to contribute on this matter. I wish to start by congratulating the Committee on Budget, Appropriation and Finance for the time they took and the labour they put in to bring out a report that is quite comprehensive especially in terms of details. Mr. Speaker, earlier on when we had an informal meeting, the Committee ably took the rest of us through the finer details of the budget and I want to say that it is a report and an outcome worth supporting.

Mr. Speaker, the reason I support this most is because as an Assembly, we are aware of the issue of budget ceilings and how it has hampered the operations of the Assembly in the recent past. And so, Mr. Speaker, this supplementary budget and the report comes as an answer to the challenge that was there.

As other Members have said, a good budget is only effective as far as its implementation and execution is in tandem with what is on paper. Members have quite adequately outlined areas where the County Government of Siaya has failed to live up to expectations in terms of prudent and timely execution of projects, and Mr. Speaker, I will not go back to that.

Mr. Speaker, in the report, the Chairman rightly said that there's been an element of reallocation of funds from the previous budget. If you look at page 6 on the agriculture sector, the Committee finds that Ksh. 4.3million that initially had been approved for purchase of harrows has been reallocated for the purchase of seeds and fertilizers. Mr. Speaker, I think it is important that as an Assembly, we put our feet down so that there is proper consultation on matters that involve reallocation of funds especially because Members of this Assembly are on the ground daily and would know what is important, timely and right. Right now people have ploughed and some are already planting. Actually the rains have delayed, if you look at it in the lay man's terms.

So, Mr. Speaker, I wonder that the seeds that are yet to be purchased, we know

the tedious process of procurement, just as it has been explained by Members that since 2013 there are certain elements of procurement that are still on. Mr. Speaker, I don't know if it is the same procurement procedures that we are going to follow now in purchasing these seeds and fertilizers. And if that is the same, then I don't know when these seeds and fertilizers will arrive in Siaya County for farmers to be able to use them effectively.

So, Mr. Speaker, I wonder if it was really wise for the County Government to decide on this kind of reallocation, especially without the consultation of Members. The same applies to the Ksh. 538,000 that was apparently used for advertisement of the Kenya National Chamber of Commerce event that took place. Mr. Speaker, this points out to a failure on the part of the Executive to foresee these kinds of important events. These are calendar events! So, Mr. Speaker, to wait until this calendar event reaches and then you want to do a reallocation of monies from other votes, Mr. Speaker, I think that is really haphazard and not the way a County Government can be run in terms of budget and expenditure.

It would also be important to note that the Executive is already deciding, as we can see on the report, to reallocate the monies that had been allocated for recruitment of ECDE instructors. Mr. Speaker, the employment of ECDE teachers is a matter that is before a court of law.

I would really wonder the rationale that the County Government used to reallocate this money because as someone who represents the youth of Siaya County, I know the kind of anticipation that young people in this County have on determination of the element on recruitment of ECDE instructors. So, Mr. Speaker, these are the kind of monies that we hope will be left to stay put as they are so that once the courts determine that the County can go ahead and employ ECDE teachers all over the County, then we will not have a case where the courts have given us the go ahead to employ and then then County Government had in its own wisdom, or lack of it, as manifest in this case here, decided to reallocate this money. So, I congratulate the Committee for recommending right there that the Kshs. 96 million be spent as was approved initially for the recruitment of instructors. They deserve an applause for that.

Mr. Speaker, finally, I want to congratulate the team because we have seen a significant amount of money being allocated to the health sector. All of us who've interacted with the Siaya County Referral Hospital know the kind of mess that has been going on down there. So, for the County Government in liaison with County Assembly Committee to allocate some Kshs. 35million or thereabouts to the Siaya County Referral Hospital, Mr. Speaker, that is prudent and will really go forward in helping our County in terms of healthcare.

Finally, Mr. Speaker, I want to help the Member who talked last, hon. Booker, about issues of facilitation of Committees to do their work. I believe that the Committee adequately explained to us that within the budget there's a certain vote about operations and other operations of the Assembly which can adequately take care of interests and functions of the Assembly in terms of oversight so that the people of Siaya County would appreciate what this Assembly is doing for them.

Thank you, Mr. Speaker, let us support this and stand firm that it is adhered to in letter and spirit. Thank you!

*(Applause)*

**Hon. Speaker:** Hon. Rosemary.

**Hon. Ogotu:** Thank you, Mr. Speaker, Sir. I rise to support this Motion with the amendments which were made here on the Floor. The amendments of Got Ramogi Resort- the tourists attraction centre and the amendment of Siaya County Stadium with modern toilets and bathrooms. So, I support.

Mr. Speaker, Sir, I'll be very brief because most of the things have been said. I happen to go round with the Committee on Implementation and sometimes I really sympathize with my brothers and sister who were elected in the Wards, though in the long run all of us will bear responsibility. It's very sad. Most of the projects are not done. Though you've always told us, Mr. Speaker, Sir, that it is not the mandate of the Implementation Committee to go out because we sometimes turn to be auditors and engineers, and that is not our work. But now you have advised that the Statements be brought to this House and then they be referred to a Committee, the Committee looks for the CEC of the said department, talks to him/her, do a report to the House and a resolution is passed. But now, where do these resolutions go to? Has the Executive ever adhered to any of these resolutions? And what are the measures we

are supposed to take as Members of this Assembly? All these CECs have got big vehicles, the prados which they are supposed to go round with and see what is happening on the ground, not just going to Siaya and back to their homes.

So, as Members of this County Assembly, in fact we are running out of patience! Because, what will our colleagues point out! I even went to hon. Andiego's Ward where a classroom is sagging! And you want our children to learn in such classrooms!

The CECM for education, what initiative has he taken? Or we have not brought a Statement to this House? After Statement, resolution, after resolution where does it go to? I hope we are in a learning process, Mr. Speaker, Sir. Tomorrow we are meeting with the Implementation Committee from the Senate; I think they will advise us further on what steps and initiatives we are supposed to take in this House. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Hon. Were.

**Hon. Were:** Thank you, Mr. Speaker, Sir. I've looked at the report that has been presented here, the Siaya County Supplementary Budget Estimates for the financial year 14/15, page 6---

**Hon. Awuor:** Point of order, Mr. Speaker!

**Hon. Speaker:** Yes, Hon. Awuor.

**Hon. Awuor:** Mr. Speaker, I'm seeing somebody speaking before this House, I don't know whether he is a Member of this House or not.

*(Laughter)*

*(Applause)*

**Hon. Speaker:** Is it about the dress code or whether or not he is a Member of this House?

**Hon. Awuor:** The person who was speaking is naked!

*(Laughter)*

**Hon. Speaker:** Well, I have not seen a naked MCA, but I can see that he is not properly dressed.

**Hon. Awuor:** That's it, Mr. Speaker, Sir!

*(Laughter)*

**Hon. Speaker:** Hon. Were, too bad! Would you just go and dress properly.

*(Hon. Were walked out of the House)(Laughter)*

*(Applause)*

**Hon. Muhulah:** Thank you, Mr. Speaker. Owing to the fact that we still have three Motions, if you would allow, I wish I could call upon the Mover to reply.

*(Loud consultations)*

*(Hon. Were walked into the House dressed properly)*

*(Laughter)*

*(Hon. Were stood up in his place)*

*(Applause)*

**Hon. Speaker:** Hon. Were, if we were all to do that, then it means that at some point this House will be closed. I want to be lenient with you for the last time. Finish your contribution and then the Mover be called upon to reply.

*(Laughter)*

**Hon. Were:** I was a bit concerned. I had talked about page 6 and I was a bit uneasy with the language used. Go to page 6, I read, "Mr. Speaker, Sir, the reduction of Kshs. 203,124,353 are to be spent as follows; (i) surrendered to the County Executive." I was a bit uneasy with the language used. You know, when you talk about surrender, it is something that is done under duress.

The other thing I wanted to talk about is; I am concerned when I look at the money that has been left to the County Executive to utilize in operations, which is to the tune of Kshs. 10 Million. I am a bit

concerned because the health system is collapsing and it is good enough that the County Referral Hospital has been given Kshs. 35million for its uplift. I just wanted to inform the House that the other day, as the vice Chairman of the Health Sectoral Committee; I had a call from somewhere where a patient was complaining that they are not able to get emergency services at Yala Sub District Hospital.

The x-ray machine in the facility broke down a year ago and no effort has been put in place to repair the machine. Yala Sub District Hospital services a very big area and it's on the busy Kisumu-Busia road where several accidents have occurred and patients are not able to get x-ray services. So, the issue I was coming up with, as much as the MCA representing Yala Ward was interruptive-----

*(Laughter)*

I don't know whether that is the best representation he could give for his place----

*(Laughter)*

**Hon. Speaker:** Hon. Uzima Were, can you focus on the debate!

*(Laughter)*

**Hon. Awuor:** Let him withdraw!

*(Laughter)*

**Hon. Were:** Alright! Thank you, Mr. Speaker, Sir. The money that is needed to repair the machine is not much money. I would request this House that as we allow the Executive to utilize Kshs. 10 million for operations, it will be better even if we get Kshs. 2million for Yala Sub District Hospital to repair the machine. Thank you.

*(Several Hon. Members stood up in their places)*

**Hon. Speaker:** We said the Mover to reply!

**Hon. Were:** I would propose, because this is an amendment, I don't know if that is the right direction because we want to get Kshs. 2million from the Kshs.10million---

**Hon. Speaker:** Hon. Members, allow me not to let us go that route. That is why I asked you to have an informal meeting. If we take that route, I can tell you for sure, everybody here will propose that money be taken to a certain project.

**Hon. Awuor:** Mr. Speaker, just for record purposes. In our informal meeting, the issues which have been raised by the

Hon. Were, because he was not there, I raised-----

**Hon. Members:** Yes!

**Hon. Awuor:** But because the financial year 2015/2016 is just around the corner, the whole House agreed that we are going to get good money for that service.

*(Applause)*

So, I just want to----

**Hon. Speaker:** So, hon. Were, is very right?

**Hon. Awuor:** Yes, but he was absent!

**Hon. Speaker:** Ok. Thank you. The Mover, will you reply please?

**Hon. Odinga:** Thank you, Mr. Speaker, Sir. I want to take this opportunity once again to thank my colleagues for contributing towards this very important document. However, Mr. Speaker, Sir, I need to point out, in fact I would have said this earlier but didn't want to say it because somebody could misconstrue it as meaning that we want to woo Members to support this document.

As we were engaging the Executive, we were told that the County Assembly of Siaya, as at now, we only have Kshs. 300,000 to spend. And this includes even salaries. So, Mr. Speaker, Sir, it's against

this backdrop that once we approve this budget and it is taken to the relevant authorities, then we would be able to access other funds without difficulty.

There's also an area which was raised by hon. Booker and some Members of Implementation Committee; Mr. Speaker, Sir, I really support that something needs to be done so that once it is approved, it should be implemented to the latter.

There was an issue that hon. Were was uncomfortable with. The words, 'surrender to the County Executive.' Mr. Speaker, Sir, this was not an easy thing. Even the Members of the Assembly, you can remember the genesis, how it has come until a time when we are giving. We are surrendering because it is a court ruling. So, when the court decides, then it means that we are surrendering. That is what the term surrender is all about. Otherwise, it would have been monies budgeted for within the budget of the County Assembly of Siaya.

Otherwise, fellow Members, thank you so much for contributing positively and whoever came a bit late and didn't not get the detailed information, am still available, maybe after this we can share and give details on whatever was discussed at the informal meeting. Thank you!

*(Question put and agreed to)*

*(Applause)*

### **MOTION**

ADOPTION OF THE  
FISCAL STRATEGY PAPER

**Hon. Odinga:** Mr. Speaker, Sir, I had given a notice earlier that I would be moving a Motion that this House adopts a Report by Committee on Budget, Appropriations and Finance on the Siaya County Fiscal Strategy paper which was laid on the Table of this House on Wednesday, 18<sup>th</sup> March, 2015 for adoption. I ask hon. Jared Abayo to second.

**Hon. Abayo:** Mr. Speaker, I second.

*(Question proposed)*

**Hon. Odinga:** Hon. Speaker, Sir, allow me, I believe I will still be within the Standing Orders. Mr. Speaker, Sir, at the Budget and Appropriation Committee, at times we delegate our roles within ourselves. Mr. Speaker, Sir, I want to ask if you will allow, that hon. Abayo takes us through this document and then I will be called upon to reply. If you allow, Mr. Speaker, Sir.

**Hon. Speaker:** Chairman, according to us it is the Committee report, any of you can present it.

**Hon. Abayo:** Thank you, Mr. Speaker, Sir. I rise to move this Motion and I believe all Members have a copy of the report. Page 2 has a preface and a membership that is well known to us. Page 3 has the mandate and acknowledgements that we have made. I want to start on page 4:-

1. Mr. Speaker, Sir, the County Fiscal Strategy Paper sets out the broad strategic priorities and policy goals that should guide the county government in preparing its budget for the next financial year and in the medium term. The County Fiscal Strategy Paper is therefore a very important document for policy makers as it facilitates evaluation of the effectiveness of existing policy. It offers policy makers and the county government at large an opportunity to modify its macro-economic parameters and adjust its expenditure and revenue along more suitable lines for accelerating service delivery to the people of Siaya County.

2. Mr. Speaker, Sir, in reviewing the compliance of the 2015 County Fiscal Strategy Paper to the provisions of the Public Finance Management Act, the Committee established that broadly, the document had adhered to the legal requirements. However, a few omissions

were noted. Such as the failure to expressly indicate in the document, how the views of the public and other interested groups were incorporated in the finalization of the document.

Mr. Speaker, Members will agree if you look at the CFSP that was presented to us, they have outlined various key stakeholders and their contributions but the members of the public have not been outlined as contained in Section 117 (5) of the constitution. This is despite the general knowledge that the county treasury conducted public participation in all the 30 wards of the county. So despite undertaking the policy has not outlined that they had contributions from the public.

3. Mr. Speaker, Sir, the Committee also observed that even though the county treasury conformed to the legal requirement on the deadline of submission of the CFSP, that was on 28<sup>th</sup> February, 2015. In future, the county treasury should consider submitting the document much earlier. This will enable the Assembly to have ample time to review the CFSP.

**COMMITTEE OBSERVATIONS AND RECOMMENDATIONS ON THE 2015/2016 FISCAL STRATEGY PAPER**  
**Introduction**

Mr. Speaker, Sir, this chapter outlines the economic context in which the 2015/16 Medium Term Expenditure Framework budget is prepared providing an overview of the recent economic development and the macro-economic outlook covering the global, regional, domestic environment. It therefore provides a basis on which to prioritize the county economic projections.

It similarly outlines the major achievements that the county government had realized over the last MTEF period, the challenges faced over the period and the strategies expected to enable tackling of the challenges as well as the priorities that the county government expects to implement in the 2015/2016 MTEF period.

## **ECONOMIC ENVIRONMENT AND OUTLOOK**

### **Regional Economic Outlook**

Mr. Speaker, Sir, the Committee appreciates that the CFSP concentrated on the economic activities in the Western Africa. The Committee therefore recommends that focus on COMESA and the East African Integration should also be incorporated in the strategic paper and that the economic prospects of the county be

aligned to the economic activities which have taken place.

We'll all agree that the East African Community has made quite some effort in a way of breaking barriers that may have inhibited development across board. Mr. Speaker, we are even aware as I highlight, that there is a proposal that even students would go to various countries in this region and pay fees in the same currency. The Committee feels that that particular aspect needs to be elaborated because it has serious impact that we need to talk about.

### **National Economic Situation**

Mr. Speaker, Sir, the national economic situation is clearly explained by this paper. However, the Committee recommends that specification on the foundation upon which to build an economic transformation agenda should be more elaborated in terms of giving specific interventions that have been undertaken by the government. Mr. Speaker, if you look at this area, there is a mention that economic transformation has been realized. The Committee feels that there should be specific examples. If this has been done at the national level, what specifically has been done? That is what we are talking about, a mention of specific interventions that may

have transformed the economy of this country and definitely with ripple effect to the county government

### **County Economic Performance and Prospects**

Mr. Speaker, Sir, this area outlined the major achievements in the last Medium Term Expenditure Framework period *vis a vis* the underlying challenges. However, the Committee had a concern that the Kshs. 196 million for FY 2014/15 and Kshs. 300 million for FY 2013/14 stated as spent on roads may not be representing the actual situation.

The Committee is aware that the Kshs. 196 million allocated for roads during FY 2014/2015 may not have been spent as the tender awarding process is still on-going. The Committee recommends that there is need for reporting of the number of kilometers done on roads during the FY 2013/2014. That is not mentioned because that is the only way we would be able to read the tangible impact of the whole system. That has not been mentioned in the paper.

### **Overview of the County Economy**

Mr. Speaker, Sir, in this section, the Committee recommends that there is need for clear demonstration on how fishing has

contributed to the growth of the county. The growth so far achieved in the fishing industry is not clearly quantified yet this is a significant element of determining effectiveness of such growth.

Mr. Speaker, if I may be able to explain, it is clearly stated that fishing is one core area and may have determined the growth of economy of this county, the question that the paper leaves unanswered is in which way. There is need to specify whether it is the tonnage or what the turnover in terms of income is. There is need to quantify that particular achievement.

### **Growth challenges**

Mr. Speaker, Sir, this Committee recommends that though the CFSP did not capture the non-performance of the structural plans, it remains a major challenge hence a strategy should be formulated to improve the county economic development.

### **Poor Marketing Systems**

Mr. Speaker Sir, the Committee recommends that the county government should undertake the establishment of SACCOs and Co-operatives as a policy in order to enhance marketing of fish and fish products and other agricultural produce. This is reinforced by a Motion that had been raised and adopted by this Assembly that

required the county government to put in place a County Fishermen SACCO.

The Assembly gave the county government 60 days to take up the issue. This may not have been done, Mr. Speaker. This afternoon I have seen a letter informing me and possibly Members of this Assembly that the Executive will be looking at a review of the status and challenges of the cooperative movement in this county. This was a Motion of last year and action is being taken this year.

### **Strategic Priorities and Policies**

Mr. Speaker, Sir, this section outlines the four broad pillars covered by the CFSP. The Committee concurs with pillar No. 1 which intends to improve governance and administration through investment in devolution structures for effective service delivery. This is compared to the pillars in the national policy paper which is a replica of our policy document that we are talking about. The county government has highlighted that priority No. 1 would be how we would be able to improve governance through investing in devolution. The Committee further appreciates that this pillar should actually take top priority because it forms the foundation upon which the other sectors may thrive. This Committee wishes

to register, Mr. Speaker, that despite that highlight in the document, there are no tangible proposals in terms of priorities of what needs to be taken. They have even therefore not quoted how much will go in enhancing this. That is a critical gap that this Committee noted.

### **CFSP Priority's Alignment to 2015 Budget Policy Paper**

Mr. Speaker, Sir, this Committee was more pleased with the alignment of the County pillars with the National's 2015 Budget Policy Statement and generally the diagnosis of the Siaya issues are clearly outlined in the CFSP 2015. Ours are 4 pillars; the national government has 5 pillars. The devolution that is number one in our County is number five in the budget policy paper. I think that is for obvious reasons

### **FISCAL POLICY AND BUDGET FRAMEWORK**

#### **Fiscal Structural Reforms**

Mr. Speaker, Sir, this section outlines the structural reforms which the CFSP will undertake in the FY 2015/2016. However, the Committee observed that the same reforms were outlined in the FY 2014/15 Medium Term Expenditure

Framework period, thus, the Committee recommends that there is need to clearly demonstrate how this will improve the current situation hence enhance the economy of Siaya County.

Mr. Speaker Sir, digitization had been allocated funds in the FY 2014/2015 budget. The same has also been outlined as a target to realize revenue collection in the FY 2015/2016 CFSP hence the Committee recommends that there should be feedback on how far the implementation of the project has gone. Besides the efforts already put in place to implement this project, the Committee recommends that the county government should undertake to benchmark in the counties which have begun implementing this idea so as establish its effectiveness.

### **2015/16 Budget Framework**

Mr. Speaker, Sir, the Strategy Paper only talks on the expected revenue as compared to the revenue in 2014/15. The Committee recommends that there should be a general overview on the performance of the 2014/15 budget and how this is going to affect the 2015/16 budget.

Mr. Speaker, Sir, the Committee observed that the following practices have

been taking place without proper regulations;

- i) Selling seeds by the Agriculture department.
- ii) Education department extending bursaries to the universities and colleges students.
- iii) Procurement department classifying projects into small projects and large projects.

The Committee therefore recommends that the above practices need the formulation of regulations by the County Executive and be approved by the County Assembly. On the same note, the CEC Member for Finance should also set regulations on the county wage bill before it is approved by the County Assembly. This should be done in consideration of the economic circumstances and be made on financial year basis.

### **Revenue projections**

Mr. Speaker, Sir, on the revenue projections, the Committee recommends that the County government should outline the plans in place to be used to increase the local revenue collections. This was not clearly outlined in the CFSP.

### **Expenditure forecasts**

Mr. Speaker, Sir, the CFSP forecasts an increase of 1% in the development expenditure and a reduction of the same

percentage in the salaries and wages. The Committee is of the view that this target is too low.

### **MEDIUM TERM EXPENDITURE FRAMEWORK**

Mr. Speaker, Sir, in considering the medium term expenditure framework of various sectors, the Committee looked at the various sectors from the following perspectives;

- i) The mandate of the sector.
- ii) The achievements of the sectors over the FY 2014/15.
- iii) The challenges faced by the sectors over the FY 2014/15.
- iv) The priorities for the sectors in the FY 2015/16.
- v) The strategies to achieve the priorities for the sectors in the FY 2015/16.
- vi) The budgetary proposed allocation for the sectors in the FY 2015/16.

### **Departmental priorities and budget estimates**

Mr. Speaker, the Committee was concerned that the CFSP has not outlined any strategy for the County Assembly of Siaya. This, the Committee feels should be presented even as a mention.

Mr. Speaker, Sir, the CFSP has listed so many solutions in some departments with no priorities on how to achieve these targets.

Some of the departments with no prioritized strategies include;

- i) Agriculture, Livestock, Fisheries and Irrigation.
- ii) Trade, Industry and Co-operatives development.
- iii) Education, Youth Affairs, Sports and Culture.
- iv) Water, Environment and Natural resources.

Besides, some departments/areas have got no single priority for the 2015/2016 Financial Year and hence no financial allocation. Some of these departments include;

- i) Governance.
- ii) The Public Service Board.
- iii) Disaster mitigation and management.
- iv) Infrastructure improvement.

Furthermore, on the sectors/departments given the proposed estimates, the allocation is lumped together with no specifications on the individual projects each sector plans to implement in the Financial Year 2015/2016.

### **Health**

Mr. Speaker, Sir, based on the fact that all revenues are banked directly to the

County Revenue Fund Account, this Committee recommends that the county government should adopt as a policy, a framework that will enable the health facilities to retain 20% of their appropriations in aid based on the report of the Ad-Hoc Committee on Health that was adopted by this Assembly in August, 2014. Given the importance of this sector in the economic development of the county, this retention would help in ensuring procurements during emergencies.

#### **ICT, Tourism and Wildlife**

Mr. Speaker, Sir, the Committee recognizes the importance of the ICT in the development of the county's economy. However, the Committee observed that this sector has consistently been under-funded in the previous Financial Years. The Committee therefore recommends that more funds should be allocated to this sector in the FY 2015/2016 so as to enable effective promotion of tourism in the county, development of ICT infrastructure and engagement of more technical staff.

#### **Lands, Physical Planning, Survey and Housing**

Mr. Speaker, Sir, although the CFSP reports that the valuation roll for Siaya is complete, the Committee observed that this

has not been done. This is an extensive process that requires the application of the following Acts;

- i) The Valuation for Rating Act, and
- ii) The Rating Act.

The above constitutional requirement has not been complied with thus what was done to Siaya town was planning. Similarly, the Bondo town valuation roll cannot begin in March 2015 as reported in the paper.

Mr. Speaker, Sir, during the FY 2014/2015, there was an allocation for the Geographical Information System (GIS). The Committee is therefore concerned with what the county government has so far done in establishing this system given that the laboratory equipment and software has been acquired. For proper records and documentation of public land, the Committee recommends that the county government should visit the land offices in Siaya. The Committee also recommends additional funding for the purchase of more land for development.

#### **Education, Youth Affairs, Sports and Culture**

Mr. Speaker, Sir, this section outlines the achievements, challenges and priorities in this sector. However, the Committee observed that some of the sporting

equipment is yet to be supplied to the sporting grounds as outlined in the sector's achievement. The Committee also recommends that there should be formulation of a policy that will establish the Sports Fund as recommended in the paper. This will promote the sporting and cultural activities.

### **Water, Environment and Natural resources**

Mr. Speaker, Sir, the core mandate of this sector is to promote, conserve and protect life, environment and improve access to water for sustainable county development. The Committee examined the report on this sector based on its achievements over the previous MTEF period, some of the challenges the sector faced over the same period, strategies of handling these challenges as well as the priorities of the sector over the next MTEF period. Based on this CFSP, this Committee therefore recommends that there should be a plan to extend water from the main water system of Yala-Bondo-Siaya to the other parts of the county.

### **Governance**

Mr. Speaker, Sir, the Committee observed that no priority has been outlined in this sector

### **Inter-Governmental Relations**

Mr. Speaker, Sir, the CFSP also outlined areas touching on inter-governmental relations and therefore are not under the County Government. These areas include;

- i) Security and Peace Building.
- ii) Environmental conservation.
- iii) Enforcement of Laws. The Committee has commended very strongly the establishment of the office of County Attorney
- iv) Disaster Mitigation and Management.

### **Conclusion**

Mr. Speaker Sir, the Committee therefore requests this Assembly to adopt this report and further resolve that the proposed recommendations as contained in this report on the CFSP be adopted.

Thank you

*(Applause)*

**Hon. Speaker:** Any contributions?

Yes, Hon. Pamela Ngunjiri

**Hon. Ngunjiri:** Thank you, Mr. Speaker. This is a very impressive and exciting report. Even if I were not to debate further on the matters here, Mr. Speaker, allow me to congratulate the Budget Committee.

*(Applause)*

The report is very clear; you read it and you sit down and wait for the points raised here to be implemented. Everybody wants to be associated with a Committee that is doing a good job, Mr. Speaker, on a request, would you please ask the Majority Leader and the Whip to include me in the Budget Committee-----

*(Laughter)*

*(Applause)*

So that next time we read such a report, people will assume that Pamela Ngure was party to it. I cannot fail to thank this Committee because several times we had some very shallow reports, good but not so much in detail. So, when we get one that is so articulate, we must appreciate. They've been very impressive, very hawk eyed by pointed at every piece of detail. I wasn't really standing to debate but just wanted to congratulate you. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Ndonji:** Thank you, Mr. Speaker, Sir. First, I would like to congratulate this Committee for a job well done. Mr. Speaker, Sir, just as hon. Ngure has said, this is a report that everybody would want to be associated with, but me I

don't want to be taken to that Committee because the competency that is there needs no challenge. This is what we should be expecting in the Assembly, Mr. Speaker, Sir. This is because they have not come to say the Executive said this and that, they are bringing in what the Executive said and they are also saying what should be done about what the Executive said, trying to correct whatever is wrong. For that reason, I don't see why we should debate a lot about this report, but I would also like to urge the House that when time comes, let us pass this report because I don't see any problems in it. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Gare:** Thank, you, Mr. Speaker, Sir. I also want to give a pat at the back to the Committee of Budget and more so the way it has been presented to us by our 'learned friend' Abayo K'onyango-----

**An hon. Member:** Abayo is not a lawyer

**Hon. Gare:** Abayo is a lawyer! You don't just know! Let me say this; Mr. Speaker, the Budget Committee has done a good job. Many a times, people wonder why the Committee normally holds its meetings

in Kisumu; you can now see what the Committee has been doing in Kisumu.

*(Applause)*

**An hon. Member:** They can go again!

**Hon. Gare:** Mr. Speaker, for the better part of last week we were lacking quorum and some people were attributing this to the fact that the Budget Committee was in Kisumu, you can now see what the Committee was doing in Kisumu, and as we can see, it is nice. Keep it up! Mr. Speaker, I was happy with one or two things; one, is the extension of water line that is coming right from Yala to Bondo. You realise that when the line that was coming from Gobei to Maranda High School was being put, there were no provisions for----- . Meaning there was no provision for extension. The County government should look into it and see how our people will get water if this line starts working.

Mr. Speaker, I am also happy about the issue of disaster mitigation and management. The other day we were bringing reports here of what measures the County government is putting in place so that we see----. We have been seeing a firefighting machine laying here, I don't

know whether it is hidden these days. Our institutions around have been having fire outbreaks and there's nothing much we can do since the machine is down. Imagine they were still not looking at it! But the Committee has looked at it and recommended that this should be looked into. Mr. Speaker, I don't think we need to debate further on this Motion but we should just invite the Mover to reply.

*(Applause)*

**Hon. Speaker:** There are some two Members who had raised their hands. Hon. Okite

**Hon. Okite:** Ahsante sana, Bw. Spika, kwa kunipa fursa hii na mimi vilevile niseme machache kuhusu hoja hili. Ningependa kuipongeza kamati hii kwa kuwa wamegusia sekta zote kama vile; ujenzi, barabara, elimu na afya. Mwenye macho haambiwi tazama! Kwa hivi sasa twaiona, twaisikia na twaizungumzia.

*(Applause)*

Ningependa kuzihimiza kamati zingine ziweze kufuata njia hii walioifuata wanakamati ya bajeti. Wakifanya hivi, mambo yatakuwa sawa hapa Bungeni. Kwa hivyo, Bw. Spika, ningependa kusema kuwa,

kizuri chajiuza kibaya chajitembeza. Kwa hivi sasa, twaiuza kwa sababu ni nzuri.

*(Applause)*

Ahsante sana, Bw. Spika, ninaiunga mkono

*(Applause)*

**Hon. Speaker:** Hon. K'owii, you can pick from there!

*(Laughter)*

*(Applause)*

**Hon. Owii:** Thank you very much, Mr. Speaker, Sir. I want to say that this afternoon I am impressed with the kind of reports that have been presented before this House. Something special is happening about this Committee. Today I am learning that if you want to come up with very good reports, the Speaker should give you a chance to go to Kisumu.

*(Applause)*

*(Laughter)*

Mr. Speaker, I am saying this because, the other time you gave us an opportunity to go to Kisumu as an Ad-hoc Committee for Health and for sure what we came up with has been addressed here after quite some time.

I want to say this is a well-researched document, very informative, and I wanted to request, Mr. Speaker, Sir, if you would just allow us to see ways and means of bringing on board the Executive, the implementers. This is because quite a number of things have been addressed here; we can only go that far. But if the implementers are sleeping on their job as it has been said by some Members, then this one will just go into the waste basket. I want to request, very kindly, that we try to emulate the Odinga Committee which appears so special even the way they get treated.

*(Laughter)*

Mr. Speaker, Sir, the other day we wanted to go out but our request to go to Kisumu was rejected. Then we suggested Pride Hotel which was equally rejected! We wanted to write a report but we were told that we could do it at the Committee level. Aaaaai!

*(Laughter)*

You can see that kind of treatment can make us come up with a very local report that cannot impress the House.

*(Laughter)*

I think that one will be given consideration in future.

*(Applause)*

Thank you very much; Mr. Speaker, Sir, and I want to call upon the Mover, if you allow, to reply. Thank you.

*(Laughter)*

**Hon. Speaker:** I will invite the Mover to reply, but I just want correct an impression that the Chair treats the Committee specially. As an Assembly, we do not even have money for Committee meetings, so the Committee prevailed upon the Executive because these really are their documents. So, being in Kisumu was funded by the Executive and not the Assembly. That is just for information sake. Back to you, put money in your Committee operations and talk to CRA not to put ceilings on our operations.

Yes, may the Mover reply!

**Hon. Odinga:** Thank you, Mr. Speaker, Sir. For sure I want to thank my colleagues. First of all, I would like to thank the budget team that even when they went to Kisumu, the facilitation that is being talked about was just in terms of provision of a hall and meals. In terms of subsistence, they have not been paid even a single cent. So, it is a sacrifice they are making.

Mr. Speaker, Sir, when we were going through this document which is also a requirement by the PFM Act, we also engaged both the CECM in charge of finance and the Director of learning and his team. Mr. Speaker, Sir, I don't want to go into details, but just to thank my colleagues for first of all giving us time to go and do this and then for giving us a pat on the back. We want to say thank you so much and may God bless you.

*(Question put and agreed to)*

### MOTION

#### ADOPTION OF THE MEDIUM TERM DEBT MANAGEMENT STRATEGY PAPER

**Hon. Odinga:** Once again, Mr. Speaker, Sir, I beg to move a Motion which I had earlier put a notice:-

THAT this House adopts the report of the Committee on Budget, Appropriations and Finance for the Siaya County Medium Debt Management Strategy Paper laid on the Table of the House on Wednesday, 18<sup>th</sup> March, 2015.

I call upon hon. Nicholas Aneme to second

**Hon. Aneme:** Mr. Speaker, I rise to second

**Hon. Speaker:** The register can now move

*(Question proposed)*

**Hon. Odinga:** Thank you once again. Hon. Speaker, Sir, I just want to jog your memory that when this Committee was given four or so working days, we had five items to work on. Mr. Speaker, Sir, I also want to donate my time to my able vice Chair. If you allow-

**Hon. Speaker:** Just be letting the vice-Chair to do it. You don't have to introduce then invite somebody.

**Hon. Odinga:** Thank you!

**Hon. Speaker:** Able vice-Chair, will you take it and finish.

*(Laughter)*

**Hon. Muhulah:** Thank you, Mr. Speaker. As it has been alluded to by the Chair of Finance, this afternoon we are debating the Medium Term Debt Management Strategy Paper. Mr. Speaker, I may not go through the Paper, I will go to specific areas that informs this House what debt management is.

Mr. Speaker, Sir, the Committee on Budget, Appropriations and Finance was

established under Standing Order No. 187 and is mandated to do the following:-

- 6) Investigate, inquire into and report on all matters related to coordination, control and monitoring of the County budget.
- 7) Discuss and review the estimates and make recommendations to the County Assembly.
- 8) Examine the County Fiscal Strategy Paper, as presented to the County Assembly
- 9) Examine Bills related to the budget, including Appropriations Bills
- 10) Evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays.

Mr. Speaker, Sir, the Budget, Appropriations and Finance Committee therefore examined and discussed the County Medium Term Debt Management Strategy for 2015/16 – 2016/17 and has made recommendations.

Mr. Speaker, Sir, the debt management should encompass the main financial obligations over which the central

government exercises control. In that case, Mr. Speaker, what Siaya County government has at now is not regarded and considered as a debt but as a liability.

Mr. Speaker, Sir, the legal framework upon which the Medium Term Debt Management Strategy Paper will be operationalized are anchored in Sections 58, 107, 140, 141, 142 and 143 of the Public Finance Management Act, 2012 and the same are explicitly captured on page 3, 4, 5 and 6 of the Siaya County Medium Term Debt Management Strategy Paper for 2015/16 – 2017/18.

Mr. Speaker, Sir, the main objectives of the Siaya County Debt Management Strategy Paper for 2015/16 – 2017/18 is to ensure that the County Government of Siaya's financial needs and its payment obligations are met at the lowest possible cost over medium to long term, consist with a prudent degree of risk.

Specifically, Mr. Speaker, Sir, the strategy aims at;

- i) Covering the financing needs and payment obligations while minimizing medium and long term costs.
- ii) Limiting risks in the public debt portfolio by providing an optimal

and sustainable composition of the public debt.

Mr. Speaker, Sir, the key assumptions underlining the Siaya County Medium Term Debt Management Strategy Paper for 2015/16 – 2017/18 are;

- i) That the forecasted GDP growth rates will be realized and that the variables such as inflation rates, interest rates among others will remain stable to minimize the cost of debts.
- ii) That the political, social and economic environment will remain favorable during the implementation of the debt strategy.
- iii) That the county government will be provided funds as provided for in law.
- iv) That the national government will guarantee all county government loans.
- v) That the County Government of Siaya will adhere to the strategies contained in the debt management policy document.

Mr. Speaker, Sir, I will deliberately want to jump the debt management strategy and

get to the; **Maintenance of Debt at Sustainable and Affordable Levels:-**

Mr. Speaker, Sir, this aspect of aspect of the debt management strategy paper is captured in page 8 of the Siaya County Medium Term Debt Management Strategy Paper for 2015/16 – 2017/18 and the most pertinent policy statements in this section are as follows;

- i) Borrowing must be for the following types of projects:-
  - Investing in the productive capacity of Siaya County.
  - Funding priority core infrastructure and development initiatives.
  - Specific purposes projects identified as high priority in the County CIDP or specific sector plans.

Preference shall be given to projects with high rates of returns or projects such as investing in hospitals or schools that generates a high rate of return and those that will help the County reach the Millennium Development Goals and the Kenyan Vision 2030.

- ii) Borrowing must not be used for:-

- Funding shortfalls in recurrent expenditure.
- Funding any form of losses incurred by the county.

**Acceptable Sources**

Mr. Speaker, Sir, both acceptable and unacceptable funding sources will be prescribed in the yet to be developed County Debt Management Bill. In the meantime, during the period 2015/16 – 2017/18, borrowing will be restricted to concessional sources of finance from multilateral and bilateral donors e.g. African Development Bank and World Bank.

**Unacceptable Funding Sources**

Mr. Speaker, Sir, in accordance with this debt management policy document, borrowing from the commercial lenders will be explicitly prohibited because they are expensive and they are also prohibited by International Monetary Fund programs.

Mr. Speaker, Sir, the major reasons why they are prohibited are as follows;

- i) Cost – their interest rates are high.
- ii) Interest rate risk – they have variable interest rates which increases the cost of loans.

- iii) Rollover risk – their loans tend to be short term.
- iv) They require assets to be offered to be offered as collateral.
- v) They lack transparency.

#### **Debt Management Advisory Committee**

Mr. Speaker, Sir, for purposes of evaluating borrowing proposals, this strategy paper proposes that there shall be a debt management advisory committee which shall be chaired by the Chief Officer in charge of Finance with membership from planning, infrastructure and water docket. The County Treasury will act as the secretariat for the committee and the committee will make recommendations to the CEC member for Finance as to whether borrowing should or should not proceed.

Mr. Speaker, Sir, in conclusion, the Committee therefore requests this Assembly to adopt this report and further resolve that the proposed recommendations as contained in the County Government of Siaya Medium Term Debt Management Strategy for 2015/16 – 2017/18 be adopted.

Thank you, Mr. Speaker.

*(Hon. Okello stood up at his place)*

**Hon. Speaker:** Yes, hon. Walter Okello

**Hon. Okello:** Thank you, Mr. Speaker. I have no objection against the report on debt management, but Mr. Speaker, I would like to point out a concern. Sometimes back, the hon. Agoko, Chair for agriculture, presented a report which had a lot of technicalities, and with your indulgence, Mr. Speaker; we directed hon. Agoko to prepare a forum to enable Members get a grasp of the technicalities in that report.

Mr. Speaker, the Committee of Budget has ably taken us through the recommendations having studied the Siaya County Medium Term Debt Management Strategy Paper. Their report is excellent and it's a good summary. However, Mr. Speaker, I would want to put it to you that it would have been of great benefit to the Membership of this House, I know the same paper has been tabled before and Members probably have it as among the many paper documents they have.

Mr. Speaker, we will pass this today as really there's no objection to it, but Mr. Speaker, I would put it to you to kindly create a forum so that the members of the Budget Committee, having well understood the contents of Medium Term Debt Management Strategy Paper, to engage the

rest of the Members so that we can be on the same page.

The reason for this, Mr. Speaker, is that sometimes Members get themselves in public forums. I in particular, am a member of certain professional forums where people from Siaya County engage a lot and they may want to know beyond the report here. There are certain technicalities, aspects and implications. When you talk about debt and debt being borrowed by the government, we know that that has implications passing over generations. If the County government of Siaya borrows today, it may pay for the next 20 years. Mr. Speaker, it is important that beyond passing this report today, arrangements be made so that Members can adequately and competently understand the contents. When hon. Muhulah talks about acceptable sources of borrowing, what are these sources? What are the examples? And what are the roles of Members in overseeing the borrowings that the County government is allowed to make? So, Mr. Speaker, with that submission, I support the report.

**Hon. Speaker:** On that note, I direct the Table-Clerks to pick up that matter and organize for a familiarization session that must also involve the Executive who are the

authors of this document. That should happen as soon as possible. Any more contributions? If there are no contributions, I call upon the Mover to reply!

**Hon. Odinga:** Thank you. Hon. Speaker, Sir, I just want to thank Members and more so hon. Walter for showing concern and interest in knowing in detail the Medium Term Debt Management Strategy Paper. Thank you.

*(Question put and agreed to)*

#### **ADJOURNMENT**

**Hon. Speaker:** Hon. Members, there being no other business, this House adjourns until next week, Tuesday at 2.30 p.m.

The House rose at 4.48 p.m.

## TUESDAY, 31<sup>ST</sup> MARCH, 2015

The House met at the County Assembly Chamber at 2.30 p.m.

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

### PRAYER

### COMMUNICATIONS FROM THE CHAIR

#### 1. SPECIAL APPRECIATION

**Hon. Speaker:** 1. Hon. Members, allow me to officially thank you for the resources and time you allocated during the sendoff of our colleague. In the course of the week, I will make a communication in regards to the office he has left. From the bottom of my heart, I thank you for the solidarity, sacrifice and selflessness. May God reward you abundantly.

#### 2. SECOND ANNUAL DEVOLUTION CONFERENCE

I have received a letter from the Office of the Governor inviting us to Inter-County Dialogue in the build up to the Second Annual Devolution Conference in Kisumu. The letter reads; *this is to bring to your attention that the second Annual Devolution Conference will be held in Kisumu from 21<sup>st</sup> -24<sup>th</sup> April, 2015 by the Council of Governors.*

I want to direct the Office of the Clerk to ensure all Members get copies. Further, I want to direct the Office to go through our resources and consider writing to the Executive if they can consider facilitating our visit to Kisumu for that conference.

#### 3. MEETING WITH WARD ADMINISTRATORS

Sometime back, we shared in this Assembly that we would love to meet appointees from the Executive, I therefore ask the Office of the Governor to ensure that the newly recruited Ward Administrators have a meeting with this Assembly even for thirty minutes only. I ask them to consider bringing them for an interaction on Thursday at 2.00 p.m. Hon. Members, kindly be available so that you know who is who and perhaps who has been recruited in or from your Ward.

Thank you. Next Order!

### STATEMENT

#### COMPLAINTS BY THE UGUNJA BUSINESS COMMUNITY

**Hon. Okuku:** Mr. Speaker, Sir, on behalf of the Leader of Majority, Hon. Edwin Martin Otieno, MCA, Ugunja Ward, I wish to request for a Statement from the County Executive on the status of the memorandum of complaints by the Ugunja Business Community on the unprecedented increase of fees and charges by the County Government of Siaya on their businesses which was addressed to the Governor. Thank you.

**Hon. Speaker:** I want to commit that Statement request to the Implementation Committee because I am aware they had engaged in an exercise to unearth the same sometime this month. Therefore, I want to request them to take the Statement, marry the concerns with the assignments you

engaged in and let us have the report presented to this House tomorrow afternoon because I know you have done the bulk of the work.

Secondly, there is a communication that I needed to make; I consulted with the Member who presided over when you were debating the Taskforce Report on Yala Swamp and in the wisdom of the Speaker and also as acceptable within the operations of the Assembly, the Report should be presented within one month, but having also listened to other Members, I want to request that the three Committees that were charged with the duty of looking at this Report meet after this Session and have representatives.

You can decide, maybe three Members per Committee so that we don't miss quorum tomorrow morning; we go to Yala swamp and meet the people and management in regard to this Report; let's seek their views and then on Thursday afternoon, you can give us a report regarding implementation of this task force Report. The Chairpersons of those Committees to look at that proposal.

For the Committees that have been deemed fit, you will be exempted from attending the morning Sitting but please don't deny us Quorum.

### COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[The Speaker (Hon. Okode) left the Chair]*

#### IN THE COMMITTEE

*[The Temporary Chairperson (Hon. Abayo) took the Chair]*

### THE SIAYA COUNTY LOAN AND MORTGAGE FUND BILL,

(COUNTY ASSEMBLY BILL NO. 11 OF 2014)

**The Temporary Chairperson** (Hon. Abayo): Hon. Members, we are now in the Committee of the Whole House to consider Siaya County Loan and Mortgage Fund Bill, County Assembly Bill no.11 of 2014. It is my belief that all of us have copies of the Bill.

*(Question, Clause 2 be part of the Bill, proposed)*

*(Question put and agreed to)*

*(Question, Clauses 3 to 5 be part of the Bill, proposed)*

*(Question put and agreed to)*

**The Temporary Chairperson** (Hon. Abayo): Yes, Hon. Ngunjiri!

**Hon. Ngunjiri:** Mr. Chair, Sir, the reason we don't know whether to say aye or nay is we have just received this piece of paper and in my case I have not even gone through it and most people are confirming the same. Can we be given about five minutes to read it?

**The Temporary Chairperson** (Hon. Abayo): I do understand your concern but it is almost 3.00 p.m. and this Assembly ought to have started at 2.30 p.m. By that time, the copies of the Bill had been given out. This would be the third or the second copy being given today. We have proceeded with this Bill and it has been discussed and the Committee of the Whole House would be moving to the third reading; so, the only amendments that were registered are with the Mover and he will be able to raise them.

So, when I call the clause, the expectation is that if there are amendments then they are raised but so far as the Chair is concerned, there are only two amendments that are with the Mover of the Motion and there is no any other; so, as I call the clauses, we should have concurrence that in those areas there are no amendments because none had been registered earlier.

So I wish to draw your attention to the clauses and they are numbered right from page 2. I have talked about 1-5 so we are moving clauses 6-7. So please be on page 4.

*Clause 6-7*

*(Question, that Clauses 6-7 be part of the Bill, proposed)*

*(Question put and agreed to)*

**The Temporary Chairperson** (Hon. Abayo): Yes, Hon. Elisha.

**Hon. Okuku:** I have an amendment that clause 7 2(b) to be added to read ‘processing applications for granting of loans and mortgages to MCAs and staff, subject to the provision of anything relating to provision of loan and mortgage’, ‘and staff’ should be added to it. I therefore propose Hon. Rosemary Ogutu to second.

**Hon. Ogutu:** Thank you Chair, I rise to second.

**The Temporary Chairperson** (Hon. Abayo): Thank you, Hon. Members, you have heard the amendment that clause 7 2 (b) that, after MCAs, an addition be made that says ‘and staff’. This is because there is circular from CRA authorizing that members of staff are also entitled to loans and mortgages.

*(Question, that Clause 7 2(b) be amended by adding ‘and staff’, proposed)*  
*(Question put and agreed to)*

*Clause 8-10*  
*(Question, that Clause 8-10 to be part of the Bill, proposed)*  
*(Question put and agreed to)*

*Clause 11-14*  
*(Question, that Clause 11-14 be part of the Bill, proposed)*  
*(Question put and agreed to)*

*Clause 15-16*  
*(Question, that Clause 15-16 be part of the Bill, proposed)*

*(Question put and agreed to)*

*Title*

*(Question, that the title be part of the Bill, proposed)*

*(Question put and agreed to)*

Yes, Hon. Okuku.

**Hon. Okuku:** Thank you, Chair. I stand to say that the title should be amended to read ‘an Act of the County Assembly of Siaya to establish a loan and mortgage fund for the MCAs and the staff for connected purposes’ so ‘and staff’ should be added as part of the title. I propose Hon. Rosemary Ogutu to second.

**Hon. Ogotu:** Thank you, Chair, I second.

**The Temporary Chairperson** (Hon. Abayo): An amendment has been proposed and it has been seconded.

**Hon. Muhula:** Thank you, Chair, in terms of the title, look at the introduction and the contents; it reads ‘The Siaya County Assembly Loan and Mortgage Fund Bill’ and so long as it is the County assembly, it is not only restricted to the MCAs. We may have language myopia if we have to always keep on adding staff as it is the institution that takes interest of both Members and staffs, so I would rather the title read ‘County Assembly Loan and Mortgage’, than inclusion of the word staffs. Yes, Mr. Chair!

**The Temporary Chairperson** (Hon. Abayo): I hope the Hon. Members you are getting that contribution, but because there was an amendment, we will have to deal with that amendment first so that when it is sustained then is when we get to the second amendment if any, or if it is not going to be, then Hon. Muhula, there is in the long title an addition and as you have said it is for Members of the County Assembly. Members of County Assembly is very specific and it does not include the Assembly staffs. It ...

**Hon. Muhula:** Mr Chair, the title does not include any Member of the County Assembly staff unless I am not reading the right page.

*(Loud consultations)*

**The Temporary Chairperson** (Hon. Abayo): Can you come up again? Which title? We are on page two, yes!

**Hon. Muhula:** Mr Chair, that’s where I am, on page two. What I am saying is one thing; that instead of addition of the word ‘staff’, we would rather change the title to read ‘Siaya County Assembly Loan and Mortgage’ because Assembly is an institution that takes care of all Members and its staff.

**The Temporary Chairperson** (Hon. Abayo): So that counters what has been raised, so you have made a proposal because that’s important. If you look at Clause 2 who the applicant is; is a Member of County assembly of Siaya and does that include staff? It does not! Member of County Assembly is so clear and I would take to the same page, page 2 .....

**Hon. Muhula:** Mr Chair, when we start with the title and see if that title conforms with ...

**The Temporary Chairperson** (Hon. Abayo): Is what I am saying if we change the title then all this other areas will change. So we are saying look at 1, 2 & 3, item 3 from down Member of County Assembly means a Member of elected or nominated in accordance with article 177. So it will cause us nothing by adding staff and all the other things.

We can then be able to say that if we are changing there we are changing here and here and in the short title in capital it is very clear it is capturing the Siaya County loans and mortgage Bill, so Hon. Muhula make it clear then we have somebody seconding you then ...

**Hon. Muhula:** Mr Chair, I don’t want to first of all get into subsequent, I wanted to substantiate first because when we talk about County, that means the entire Government of Siaya which we don’t know if this Bill is applicable but if you are

specifically designing it for Siaya County Assembly, then it must read 'Siaya County Assembly Loans and Mortgage'. Now staffs are included and not County Members. Siaya County Assembly loans and mortgage then....

**The Temporary Chairperson** (Hon. Abayo): Now move that and have someone second it.

**Hon. Muhula:** I will have Hon. Omwende second.

*(Loud consultations)*

(Hon. Omwende seconded)

**The Temporary Chairperson** (Hon. Abayo): Okay! There was the first amendment proposed by Hon. Elisha and has the long title as I had stated and now I will put this to you first. We are agreeing that in the short title there will be an addition as has been stated; Siaya County Assembly that has been proposed and we will deal with that. There is a proposal for the inclusion of Members of County Assembly and staff, right?

*(Question, that the long title has the inclusion of not only Member of the County Assembly but we add and staff for the connected purposes, proposed)*

*(Question put and agreed to)*

**The Temporary Chairperson** (Hon. Abayo): There is the second amendment as proposed by Hon. Muhula on the short title that it should have an inclusion of County Assembly to read The Siaya County Assembly Loan and Mortgage fund Bill 2014.

*(Question, that the short title be amended to read The Siaya County Assembly Loan and Mortgage fund Bill 2014, proposed)*

*(Question put and agreed to)*

**The Temporary Chairperson** (Hon. Abayo): I wish also to direct that the other subsequent areas will change like in the area of applicant that we shall also add there staff because the staff will also be applying. I think that should follow.

*(Clause 1)*

*(Question put and agreed to)*

**The Temporary Chairperson** (Hon. Abayo): Yes, Hon. Elisha!

**Hon. Okuku:** Chairman, I beg to move that the Committee to adopt the Report to the House its consideration of the Siaya County Assembly Loan and Mortgage Fund Bill 2014 and its approval thereof with amendments.

**The Temporary Chairperson** (Hon. Abayo): Thank you, Hon. Elisha.

*(Question put and agreed to)*

*[The chairperson (Hon. Abayo) left the Chair]*

*[The Speaker (Hon. Okode) resumed the Chair]*

**Hon. Speaker:** Yes, Chairman!

**Hon. Abayo:** Mr. Speaker, Sir, I beg to report that the Committee of the Whole House has considered the Siaya County Assembly Loan and Mortgage Fund Bill 2014 and approved the same with amendments.

**Hon. Speaker:** Yes, Hon. Elisha!

**Hon. Okuku:** Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said report.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Speaker:** Yes Chairman!

**Hon. Okuku:** Mr. Speaker, Sir, I beg to move that the Siaya County Assembly Loan and Mortgage Fund Bill 2014 be now read a third time.

*(Question proposed)*

*(Question put and agreed to)*

*(Bill is read a third time)*

**Hon. Speaker:** Next order!

**MOTION  
ADJOURNMENT**

**Hon. Owii:** Mr. Speaker, Sir, I want to put a Motion for adjournment that this House adjourns until tomorrow 9.00 a.m. and I want to request my colleague Hon. Muhulah to second.

**Hon. Muhulah:** I rise to second.

*(Question put and agreed to)*

The House rose at 3.13 p.m.

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

**WEDNESDAY, 1<sup>ST</sup> APRIL, 2015**

The House met at the County Assembly Chamber at 9.30 a.m.

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

**PRAYER**

Bill 2015 (County Assembly Bill No. 1 of 2015) from 7 to 1 day.

**PROCEDURAL MOTION**

*(Question put and agreed to)*

**REDUCTION OF PUBLICATION PERIOD**

**Hon. Speaker:** Next order!

**Hon. Odinga:** Pursuant to Provisions of Standing Order no. 117, this House resolves to reduce the publication period for Siaya County Supplementary Appropriation Bill 2015 (County Assembly Bill No. 1 of 2015) from 7 days to 1 day. I request Hon. Deputy Majority Leader to second.

**BILL****SUPPLEMENTARY APPROPRIATIONS BILL  
2015**

*(Hon. Owii stands to second)*

**Hon. Odinga:** Mr. Speaker, Sir, I beg to move that this Bill be now read a first time. I call upon Hon. Rosemary Ogutu to second.

**Hon. Ogutu:** Thank you, Mr. Speaker, Sir, I rise to second.

**Hon. Speaker:** Hon. Members, allow me to propose the question which is that Pursuant to Provisions of Standing Order no. 117, this House resolves to reduce the publication period for Siaya County Supplementary Appropriation Bill 2015 (County Assembly Bill No. 1 of 2015) from 7 to 1 day. Yes Chairman!

**SUPPLEMENTARY APPROPRIATION  
BILL 2015 (first reading)**

**Hon. Speaker:** Next order!

**Hon. Odinga:** Mr. Speaker, Sir, I wish to say that this Supplementary Appropriation Bill is a legal equipment that we need to do it and there being no other debate, may the question be put.

**BILL****SUPPLEMENTARY APPROPRIATIONS BILL  
2015**

**Hon. Speaker:** Technically, the mover has replied and I therefore put the question which is that Pursuant to Provisions of Standing Order no. 117, this House resolves to reduce the publication period for Siaya County Supplementary Appropriation

**Hon. Odinga:** Mr. Speaker, Sir, the Siaya County Supplementary Appropriation Bill 2015, having gone through the first reading, I hereby beg to move that this Bill be read a second time and I call upon Hon. Murray to second.

**Hon. Murray:** Thank you, Mr. Speaker, I stand to second.

**Hon. Speaker:** Hon. Members, allow me to propose the question which is

that the Siaya County Supplementary Appropriation Bill 2015 (County Assembly Bill no. 1 of 2015) be now read a second time.

**Hon. Odinga:** Mr. Speaker, Sir, I wish to say just as I said earlier, that we passed a supplementary budget and it is a constitutional requirement that as a County Government, we need to authorize the withdrawal of the same. This Bill therefore if passed will give the County Government authority to withdraw at the exchequer. Thank you.

**Hon. Speaker:** Hon. Members, allow me to put the question which is that the Siaya County Supplementary Appropriation Bill 2015 (County Assembly Bill no. 1 of 2015) be now read a second time.

*(Question put and agreed to)*

*SUPPLEMENTARY APPROPRIATIONS  
BILL 2015-A BILL FOR, AN ACT TO  
AUTHORISE THE ISSUE OF A SUM OF  
MONEY OUT OF THE COUNTY REVENUE  
FUND AND ITS APPLICATION TOWARDS  
THE SERVICE OF THE YEAR ENDING ON  
THE 30<sup>TH</sup> JUNE, 2015*

**COMMITTEE OF THE WHOLE  
HOUSE**

*(The Speaker, Hon. Okode left the Chair)  
(Hon. Awuor took the chair)*

**Hon. Chair:** Order, Hon. Members. We are now in the Committee of the Whole House. We want to go through the Clauses. I will call upon the Clerk to guide us on this.

*Clause 2 – 3*

*(Question put and agreed to)*

*Schedule*

*(Question put and agreed to)*

**NOTICES OF MOTION  
COMPLAINT BY UGUNJA BUSINESS  
COMMUNITY**

**Hon. Ogutu:** Thank you, Mr. Speaker, Sir, I rise to Table the Report of the Committee of Implementation following the public's admission of memorandum of complaint by Ugunja business community.

**Hon. Speaker:** It's called notice of Motion! Give the notice of Motion then I give Hon. Walter a chance so that he has reason to contribute, just give them notice of Motion so just say I give notice.

**Hon. Ogutu:** Thank you, Mr. Speaker, Sir, I give notice of Motion that this House adopts the Report of the Committee of Implementation on the memorandum of complaint by Ugunja business community on the unprecedented increase of fee and charges by the County Government of Siaya which was addressed to Governor laid on the Table this afternoon .

**Hon. Ndonji:** Point of order, Mr. Speaker, Sir.

**Hon. Speaker:** I said let her just give notice she is not Moving a Motion, but Hon. Ndonji is also right he has seen the violation of Standing Orders. Okay just proceed!

**Hon. Ogutu:** I am through and thank you Mr. Speaker for your protection.

**Hon. Speaker:** Thank you, Hon. Walter Okello what is it, do you have something?

**Hon. Okello:** I would like to second her.

**Hon. Speaker:** No, excuse me you have just given notice it is when it comes to Moving a Motion that you look a seconder but it is good you have a too willing seconder.

Yes! Hon. Ndonji what is the issue?

**Hon. Ndonji:** Mr. Speaker, Sir, what is supposed to be debated on is very important and it is important that we make quorum and even if it was not important our quorum is not enough for us to conduct business. I wanted to bring that to your knowledge.

*(The Speaker consulted with the clerks at the Table.)*

**Hon. Speaker:** Will you ring the bell for some ten minutes. I agree with you Hon. Ndonji the matter is very gravest and we cannot take a vote unless we attain quorum, though debate could continue but just let us establish that we have quorum.

*(Bell rings for ten minutes)*

**Hon. Speaker:** Hon. Ndonji do we have quorum and if we don't ---

**Hon. Ndonji:** Mr. Speaker, Sir, it is as if they have refused!

**Hon. Speaker:** So?

**Hon. Ndonji:** Hon. Walter was here and he has left.

*(Laughter)*

**Hon. Speaker:** So what do you do? Will you Move an amendment for adjournment Motion?

*(Loud consultations)*

## MOTION

### ADJOURNMENT

**Hon. Ndonji:** Mr. Speaker, Sir. Hon. Member just give me time! We know the

norm of the Members of this House and at such a time I don't see the chances of them coming. So I Move that you adjourn the sitting until tomorrow at 2.30 p.m. I call upon Hon. K'owii to second.

**Hon. Owii:** Mr. Speaker, Sir, I was still holding my breath so that my brothers and sisters could come but clearly there is no sign of people coming therefore I second.

**Hon. Speaker:** So Hon. Owii you have seen the signs that nobody is coming, so will add the Serjeant-at-arms another ten minutes to ring the bell then I put the question? And we only have tomorrow so whatever business not debated today will wait until we ...

*(Loud consultations)*

*(Bell rings for another ten minutes)*

**Hon. Speaker:** Hon. Members I think we have tried what is humanly possible to raise quorum which am told we have not been able to and therefore a Motion of adjournment have been Moved and properly seconded before the House I want to put the question that this House adjourns until tomorrow the 2<sup>nd</sup> April at 2.30 p.m.

*(Question put)*

**Hon. Speaker:** I have not picked so I don't know whether we will do division. Allow me to put it again so that I try to pick and if I am defeated I will do division.

*(Question put and agreed to)*

**Hon. Speaker:** Members, there being no other business this House stands adjourned until tomorrow, 2<sup>nd</sup> April at 2.30 p.m. same venue.

The House rose at 9.48 a.m.

**WEDNESDAY, 1<sup>ST</sup> APRIL, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYER**

*(Quorum bell is rung)*

**COMMUNICATION FROM THE CHAIR****CHAMBER OF COMMERCE LUNCHEON**

**Hon. Speaker:** Hon. Members, the Kenya National Chamber of Commerce and Industry have invited Members of this Assembly tomorrow for a luncheon. They say, "We aspire to increase members of the Chamber within the various Wards of Siaya. We kindly request your pleasure to attend a luncheon at Bondo CDF Hall tomorrow Thursday, 2<sup>nd</sup> April, 2015 commencing at 12.00 noon.

During this session we hope to share the range of services and operations available from the chamber of commerce and industry as well as the benefits that may be derived by business fraternity in all the Wards".

In other words, Chamber of commerce the Siaya branch wants to involve the Members of this House in the recruitment drive and they want to share with you so tomorrow you are invited to Bondo CDF Hall at 12 noon it will last between 1 hour to 1 and a half hours.

After the lunch as I told you the other day we will meet with the newly

recruited Ward Administrators in this Hall from around 2.00 p.m. Thank you.

**PAPER****MEMORANDUM ON UNPRECEDENTED INCREASE OF FEES AND CHARGES**

**Hon. Speaker:** Yes, Hon. Rosemary Ogutu.

**Hon. Ogutu:** Thank you, Mr. Speaker, Sir, I take this opportunity to Table a Motion:

THAT, this House adopts a Report of the Committee on Implementation on memorandum of complaint by the Ugunja Business Community on unprecedented increase of fees and charges by the County Government of Siaya on their businesses which were addressed to His Excellency, the Governor.

Next Order!

**Hon. Speaker:** Please give the Notice of Motion so that I give Hon. Walter a chance. He had risen to contribute.

**NOTICE OF MOTION  
MEMORANDUM OF COMPLIANCE BY UGUNJA  
BUSINESS COMMUNITY**

**Hon. Ogutu:** I give a Notice of Motion that this House adopts the Report of the Committee on Implementation on the memorandum of complaint by the Ugunja business community on the unprecedented increase of fee and charges by the County Government of Siaya, on their business

which was addressed to His Excellency the Governor laid on the Table this year.

*(The document was laid on the Table)*

*(Hon. Ndonji rose on a point of Order)*

**Hon. Speaker:** Let her just give the Notice of Motion. But, Hon. Ndonji is also right he has seen a violation of the Standing Order. Proceed.

**Hon. Ogutu:** Thank you, Mr. Speaker for your protection.

**Hon. Speaker:** Hon. Walter Okello, what is it?

**Hon. Okello:** Thank you, Mr. Speaker; I was only rising to second the Notice.

**Hon. Speaker:** No, excuse me; she has just given a Notice. When it comes to Moving the Motion that you now look for a seconder. It is okay, you have a too willing seconder. Don't worry. Yes, hon. Ndonji what is the issue?

**Hon. Ndonji:** Mr. Speaker, Sir; what is supposed to be debated is very important. It is important that we meet the quorum. Our quorum is not enough for us to conduct Business. I wanted to bring that to your knowledge.

**Hon. Speaker:** Clerks, do we have quorum?

*(Clerk confirms lack of Quorum)*

**Hon. Speaker:** Confirm and let me know. Ring the quorum bell for ten minutes.

I agree with you Hon. Ndonji, the matter is very grievous and we cannot take a vote unless we establish quorum. Though the debate could continue but let's establish the quorum.

*(The quorum bell was rung)*

Hon. Ndonji, do we have quorum.

**Hon. Ndonji:** Mr. Speaker, Sir; we have reached the quorum. Hon. Walter Okello was here---

*(Laughter)*

**Hon. Speaker:** So, what do we do? Should you Move an amendment of adjournment Motion?

**Hon. Ndonji:** Yes. Mr. Speaker, Sir; we know the norm of the Members of this House. At this time, I don't expect any Member to come in. the bell has been rung as the norm should be. And, I don't see chances that the Members will come in. I Move that you adjourn the Sitting until tomorrow.

**Hon. Speaker:** Who is seconding you?

**Hon. Ndonji:** I request Hon. Charles K'owii to second.

*(Hon. Owii seconded)*

**Hon. Owii:** Mr. Speaker, I was still hoping that our brothers and sisters will come in but given that there are no signs of people coming; I second.

**Hon. Speaker:** Hon. K'owii, you've seen the sign that no one is coming until tomorrow at 2.30 p.m.

**Hon. Speaker:** Who is your seconder?

**Hon. Ndonji:** I request Hon. Charles Owii to second.

**Hon. Owii:** Mr. Speaker, Sir; I was still holding my breath after our brothers and sisters are away given clearly that no sights are seen of people coming, I second.

**Hon. Speaker:** Hon. Owii, there is how we see the signs? You have seen the sign nobody is coming.

**Hon. Owii:** I was holding my breath; at least one may feature.

**Hon. Speaker:** Let's have the Sargent-at-arms ring the bell for another 10minutes then I put the question, thank you. We only have tomorrow so whatever business---

*(The Quorum Bell was rung for 10 minutes)*

**ADJOURNMENT**

Hon. Speaker: Hon. Members I think we have tried what is humanly possible to raise Quorum which I have been told we have not been able to and therefore a Motion having been Moved and seconded properly before the House I want to put the question.

*(Question put and agreed to)*

The House rose at 2.57 p.m.

**THURSDAY, 2<sup>ND</sup> APRIL, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

## PRAYER

**COMMUNICATION FROM THE  
CHAIR**

**Hon. Speaker:** Hon. Members, I have two Communications to make:-

1. The Siaya County Public Participation Bill (Petition Bill), 2014 has been returned by H.E the Governor for consideration by this Hon. House. I have looked at the concerns and I therefore want to commit this Memorandum to the Finance Committee together with the Justice and Legal Affairs Committee as the authors of this Bill. Consider the views of the CECM in charge of Finance because the matters raised touches on Finance.

I further direct the Office of the Clerk that if this Assembly does agree to adjourn today, then you write a letter to the Executive telling them that we are on short recess until when we will be back. That is when time will start running. This is because we are supposed to consider this within fourteen days and re-submit it to the Governor for assent.

2. I have a Communication on declaration of vacancy in the

Membership of Assembly of Siaya in respect of North Ugenya Ward.

Hon. Members, following the death of Hon. Benson Onyango Omondi on 14<sup>th</sup> March, 2015, an elected member representing North Ugenya Ward and Chairman of House Committee of Roads, Public Works and Communication and a member of various other Committees, I have today issued a notice to the Independent Electoral and Boundaries Commission on the arising vacancy according to the provisions of Article 194(a) of the Constitution of Kenya, 2010 and Section 19(3) of the Elections Act, 2011.

Now therefore, the Commission will initiate County Assembly by-election by publishing a notice of the holding of the by-election in the gazette and in the electronic and print media specifying a day for the nomination of candidates for the County by-election; the day on which the vote shall be taken, among other issues.

In my notice, I have brought it to the attention of IEBC that a vacancy has arisen with the membership of the County Assembly in respect of North Ugenya Ward and directed that;

Now therefore, in pursuance of the provisions of Section 19(3) of the Elections Act, 2011, I commanded IEBC that due notice having been first given, IEBC do---an election to be held according to the law of Member to

serve in the County Assembly for the said Ward.

By this declaration of the vacancy, it is my prayer and indeed the prayer of this House that IEBC will expedite the process of the said by-election to accord the North Ugenya Ward people an opportunity to exercise their right to elect a representative of their choice as soon as is reasonably possible.

May the soul of the late Hon. Benson Onyango Omondi rest in eternal peace and may God grant the family, and the North Ugenya residents and by extension this Assembly, comfort and protection at this trying moment. May peace prevail during the North Ugenya by-election and the period beyond. Thank you!

Next Order!

### PAPER

**Hon. Oriaro:** Mr. Speaker, Sir, allow me to lay the following Paper on the Table of the House:-

Report of the Implementation Committee on the Memorandum of complaints by the Ugunja Business Community---

**Hon. Speaker:** That one was laid yesterday and even a notice of Motion was given.

**Hon. Oriaro:** But it is appearing! That's why I was tongue tied.

*(Laughter)*

**Hon. Speaker:** It was laid by Hon. Rosemary Ogutu. Now, she had also given a notice of Motion, so we should just go straight into the Motion.

**Hon. Oriaro:** Thank you!

**Hon. Speaker:** There are several Papers here which were to be laid. May I know their status? The Joint Task-Force

Report on Dominion-is there a report for it? Then there is the Report by the Committee on Public Works on mitigation measures being taken by the County Government of Siaya on fire outbreaks. These shouldn't have been here if they were not ready.

What about the Committee on Governance and Administration Report on the list of contractors and suppliers prequalified by the County Government of Siaya in the Financial Year 2013/2014 and 2014/2015?

**Hon. Osuri:** Thank you, Mr. Speaker, Sir. I rise on behalf of the Committee on Governance and Administration to lay on the Table of this House:-

The Report of the Governance and Administration Committee on the list of contractors and suppliers prequalified by the County Government of Siaya in the Financial Year 2013/2014 and 2014/2015.

*(Hon. Osuri laid the document on the Table of the House)*

### STATEMENT

**Hon. Osuri:** Thank you, Mr. Speaker, Sir. I rise to request for the following Statement on behalf of the people of South East Alego that I represent:-

Mr. Speaker, Sir, PURSUANT TO Section 116(2) and Section 96(1) of County Government Act No. 17 of 2012, which deals with principles of public service delivery and right to information respectively;

Mr. Speaker, Sir, AWARE OF the Kenyan system of annual budgeting and implementation process where all budgeted activities are meant to be implemented within a specific financial year; and that each county submits its

annual budget implementation review report to the Controller of Budget;

Mr. Speaker, Sir, BEING OF THE OPINION THAT, concerned offices in Siaya County must have submitted such reports for Financial Year 2013/2014 and could be procedurally preparing the 2014/2015 report;

CONCERNED THAT, a survey of the status of budgeted projects in South East Alego Ward shows that most of them are yet to be completed despite the budget implementation period being either over or nearing its end, Mr. Speaker, Sir, I wish to request a Statement on the following projects in South East Alego Ward:-

1. The factual and latest progress report on all the mentioned projects for FY 2014/2015 and all the completed and pending projects for 2013/2014.

**2013/2014 Financial Year**

Pap Nyadiel- Othidhe Road  
 Karemo – Uhuru - Randago Road  
 Mur Malanga – Matera – Ndisi Road  
 Nyangija Primary ECD center  
 Magugu Primary ECD Center  
 Karemo Educational Resource Center  
 Ngiya Market Cattle ring toilet  
 Mur Malanga Dispensary  
 Mariga Dam Distillation  
 Uyembe Dam Distillation

2. In case of uncompleted projects for 2013/2014, what actions were taken against the contractors and if any completion certificate could have been given without due process being adhered to and any

measures put in place to ensure that such projects are completed.

3. For the incomplete projects for 2014/2015, the period that was given for the contractor and interventions put in place in case of non-conformity.

**2014/2015 Financial Year**

Ngiya Primary ECDE Center  
 Bar Kangwanda Primary ECDE Center  
 Mugane Primary ECDE Center  
 Nyangoma Kogelo Dispensary  
 Bar Agulu Dispensary  
 Nyarodi - Wangapala – Akech Road  
 Obare – Ngiya Market Road  
 Bar Olengo Dominion Road  
 Athuok – Bar Osimbo Road  
 Ojura/Barolengo Fish Banda  
 Nduru Dispensary Fencing  
 Nyangoma Kogelo Market Modern Toilet  
 Uhuru Market Modern Toilets  
 Bar Agulu Market modern toilets  
 Solar Lights in South East Alego Markets  
 Rabuor Dam

Mr. Speaker, Sir, Barding Dispensary was erroneously omitted but it should also be here.

4. Details of projects undertaken by development partners like NGOs through relevant departments of the county executive.

**Executive Projects**

Roads in South East Alego e.g. Nyajuok, Randago, Pap Oriang, Bar Osimbo Sub-Location.

Tourism Project at Mama Sarah Obama's Home.

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

**Hon. Speaker:** Hon. Osuri, you realize that the question addresses almost all the departments of the Executive. I'm therefore hesitant to give it to one Sectoral Committee and equally hesitant to form a Joint Committee approach.

I therefore want to give this to the Committee on Implementation. But I want to urge the Committee to work very closely with the Sectoral Committees that have their departments attached to the questions herein.

I'm always hesitant to allow a situation where the same question has been asked by a Sectoral Committee and then the Committee of Implementation is asking the same question and the same person and we represent the same House. So, for order to prevail, the Committee on Implementation will look at these projects; liaise with the Sectoral Committees of this House and equally the CECMs in charge.

I'm also aware that this House had rejected requests of almost a similar nature that came from I think Central Sakwa and East Yimbo. Therefore, you may want to find out if you can be of help to those two Hon. Members who asked related questions.

*(Hon. Minami stood up in his place)*

Yes, Hon. Booker.

**Hon. Minami:** Thank you, Mr. Speaker, Sir. As you have just alluded, a few weeks ago, similar questions were asked by Members from East Yimbo and

Central Sakwa and the reports were seemingly rejected by this House. Mr. Speaker, I thought it would be in order that we give the Committee on Implementation the task of going to all the Wards because it is my belief that almost all Wards have similar concerns. This will in essence curb the rapid Statement requests by Members on similar issues. We can give the Committee on Implementation some quality time, maybe one month or two months to come up with a comprehensive report on the status of the projects that were done in 2013/2014. Thank you, Mr. Speaker.

**Hon. Speaker:** That's a good concern, but may I share with you that at the Speaker's Panel, we are making consultations because even if that is done today and they bring a report, you'll still find a situation where after their report again—

We think that when we reopen, we will have interactions with CECMs coming to this House every Wednesday afternoon to bring us reports and their planned actions. That will sort out this problem completely because the other danger is that when we overburden the Implementation Committee, and we have financial constraints at the moment, then they will not even be able to move.

That will be quite a challenge. They will just get reports from the Executive but will not have the means to verify the status of those projects. So for now, let them handle this and then when we open, we say that every Wednesday we will be having two CECMs come Here to give us reports on the progress of implementations in their dockets and also plans. So, we will get that opportunity to interrogate them. Thank you.

**Hon. Owii:** Mr. Speaker, Sir!

**Hon. Speaker:** Yes!

**Hon Owii:** Thank you very much, Mr. Speaker, Sir, for your advice. I want to agree with the Hon. Member who raised the concern over Statements which may appear similar all the time. Mr. Speaker, Sir, I wonder if you would humbly request the Implementation Committee that during this time of recess, they can take their time and move around and establish the facts about these projects of FY 2013/2014 and possibly the ones for 2014/2015.

If we depend on the other people, they can give us stories that are not true. If the Implementation Committee can go round, they can establish quite a number of things that they can Table before the House.

**Hon. Speaker:** Hon. K'owii, I declined to do that. Instead I'm ordering all Sectoral Committees that when we open; give us reports on the status of implementations of projects in your relevant departments. We cannot have a situation where Sectoral Committees meet but they don't give us reports of implementation in their sectors. I do not want to overburden the Implementation Committee with this task. I know the dangers. Yes, Hon. Zilpa.

**Hon. Awino:** Thank you, Mr. Speaker. This is my suggestion. Just like the Hon. Owiti Osuri has come up with these projects-this is the way I look at it; if I am a Ward Representative, I'm supposed to oversee what has been budgeted for in my Ward, and I think that wanting to know the status of projects for somebody else is really not logical.

The only logical thing would be for me to come Here and say that in 2014/2015, Bar-Agulu dispensary was supposed to be constructed. I should come Here and say that it has not been done. What I should strive to know is why it has not been done. All the Ward

Representatives should know the projects that should be done in their Wards but have not been done. Thank you!

**Hon. Andiego:** Mr. Speaker, Sir, your advice is right, but the problem we face in this Assembly is how we can be facilitated to those projects. It's hard because for a Committee to move from one place to the other there must be some means of transport. This has not been easy according to the ceilings that we have always been told about. If we leave it to the Ward Representative, you may not know what is there between him and the contractor. If you leave it to a Ward Representative to come up with the report, you may find some biasness, but if the work is done by a Committee, it may be fair to all. It won't be a personal report.

**Hon. Speaker:** Hon. Andiego, there should be nothing between the contractor and the MCA that should stand between service delivery. The solution is what I have told you. Sectoral Committees, when you meet CECMs, you have a duty to ask them to give you a report on the status of projects in your docket. Then when your present that report and somebody contests, then there is the room for facilitation for that Committee to go and verify.

So, let us leave it there, we will get a way out of this as soon as we reconvene. But I can tell you that it worries me as well that just as Hon. Zilpa has said, as leaders in our Wards, we cannot pick a problem directly! Otherwise, could we proceed, Hon. Members?

Next Order!

### MOTION

**Hon. Speaker:** The Motion:  
THAT this House adopts the Report of the Joint Committee on Task Force Report on

Dominion Farms Limited. Who is the Committee Chair?

**Hon. Awino:** Hon. Abayo is our Chairman. We met yesterday and visited Dominion Farms but we cannot present a report yet, we still need some more meetings. They were not even aware of our going there.

**Hon. Speaker:** Thank you. Just for guidance; the way this Task Force Report came to this House is that a Member asked the status of that report; unfortunately, it was dropped in this Assembly without even a forwarding letter. When somebody commissions a task force and a report is given, they need to share with us their planned actions on that report.

The Joint Committee was to go, see and give us a report in relation to implementation of that report. I hope it will be ready as soon as we open because tempers are so high in that area and we need to take a decision as an Assembly.

Next Order!

### MOTION

**Hon. Speaker:** Motion No. 9; the secretariat, can we stop doing this in future! When a Motion is not ready don't put it in the Order Paper! Because the rules are that when it appears in the Order Paper, then it is by the leave of the Speaker or else it shall not appear until after six months. Some of these things have a bearing on what the people want or what a Member of this House has asked on behalf of his people.

Next Order!

### MOTION

Report Of The Implementation Committee On A Memorandum Of Complaints By The Ugunja Business Community On The Unprecedented

Increase Of Fees And Charges By The County Government

**Hon. Oriaro:** Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts the Report of the Implementation Committee on a memorandum of complaints by the Ugunja Business Community on the unprecedented increase of fees and charges by the County Government of Siaya on their businesses which was addressed to the Governor and laid on the Table of this House yesterday, Wednesday, 1<sup>st</sup> April, 2015

I call upon Hon. Walter Okello to second.

**Hon. Okello:** Seconded.

*(Question proposed)*

**Hon. Oriaro:** Thank you, Speaker, Sir.

A Statement request was brought to this House on 31<sup>st</sup> March, 2015 by a Member requesting for a statement from the Executive regarding a memorandum of complaint from the Ugunja Business Community on unprecedented increase of fees and charges by the County Government of Siaya on their businesses as addressed to the Governor.

The Hon. Speaker, having appreciated that this Memorandum had congruently been brought to the attention of the Committee on Implementation on 6<sup>th</sup> February, 2015 and momentous effort had been put by the Committee in a bid to get this matter effectively addressed.

Mr. Speaker, Sir, as a committee on Implementation, having had objective analysis of the memorandum itself, reached a conclusion that the philosophy of the memorandum was premised on the fact of the implementative operationalization of the Siaya County Finance Bill, 2013 passed in this

Honourable House, the body of which raised salient questions namely:-

1. What became of the Siaya County Finance Bill, 2013 passed in this Assembly?
2. What became of the scope of the Implementation of the Siaya County Finance Law in so far as the collection of revenue by the County Executive?
3. Could the current fees and charges regimes be in tandem with the letter and the spirit of the Finance Bill?
4. Is the process of implementation of the Siaya County Finance Law be a type buttressed by the structures and tenets of good governance?

Mr. Speaker, Sir, to this end, the Committee of Implementation has the honour to present a comprehensive report on a memorandum of complaint of the Ugunja Business Community on unprecedented increase of fees and charges by the County Government of Siaya which is a participatory product of the Ugunja Business Community complainants themselves and the reactionary take of the County Executive as led both by the C.E.C.M on Governance and Administration and C.E.C.M on Finance, Planning and Vision 2030.

Mr. Speaker, Sir, based on a memorandum by the Ugunja Business Community presented to the Committee on 30<sup>th</sup> January, 2015, the Committee on Implementation of the County Assembly has the honour and privilege to present this report on the deliberations on the issues raised by the Business Community.

I therefore take this opportunity to thank all Members of the Committee and the staff of the County Assembly for their technical support and valuable contribution during this important exercise. I also take

this opportunity to appreciate and thank the Members of the County Executive Committee who availed themselves before the Committee to give their accounts.

## 1. IMPLEMENTATION COMMITTEE MEMBERSHIP.

Mr. Speaker, Sir, the Committee on Implementation as constituted on Tuesday, 30<sup>th</sup> April, 2013, is composed of the following Members:-

Hon. Leonard Oriaro	-
Chairman	
Hon. Pius Ombiyo	-
V/Chairman	
Hon. Rosemary Ogutu	-
Member	
Hon. Rose Okite	-
Member	
Hon. Walter Okello	-
Member	
Hon. Anjeline Odhiambo	-
Member	
Hon Peter Muhulah	-
Member	

## 2. COMMITTEE MANDATE

The Committee on Implementation was established under Standing Order No. 189 which states that;

(1) There shall be a select committee to be known as the Committee on Implementation.

(2) The Committee shall scrutinize the resolutions of the County Assembly (including adopted committee reports), petitions and the undertakings given by the County Executive Committee and examine

a. Whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken

place within the minimum time necessary; and

b. Whether or not legislation passed by the County Assembly has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.

(3) The Committee may propose to the County Assembly, sanctions against any member of the County Executive Committee who fails to report to the relevant select Committee on implementation status without justifiable reasons.

### **3. CONCERNS RAISED IN THE MEMORANDUM**

Amount of money levied for Single Business Permit (SBP) had been increased in 2015 as compared to the previous years without any known law or policy that informed the increments.

The increased amounts are untenable and having the potential to kill small business which the common citizen heavily depend on.

The assented Siaya County Finance Bill has not been operationalized and the traders would like to know the status of the Act.

Although public participation was done on the Bill, some traders still complained of not being privy to the content and objective of the Bill.

### **4. COMMITTEE MEETINGS ON THE MATTERS RAISED BY THE UGUNJA BUSINESS COMMUNITY**

In order to effectively delve into the issues raised by the traders, the Committee convened four different meetings in which, one was with the Business Community and the Sub-County

Administrator for Ugunja was in-attendance, and in three of the four meetings, particular responsible officers from the Executive were invited to shed light on the issues raised.

The first meeting that the Committee convened with the Community was on 9<sup>th</sup> February, 2015 held at Ugunja Community Hall to further inquire into the facts that were presented in the Memorandum, copies of single business permits, invoices and receipts were presented to the committee that evidently demonstrated this unlawful increase, both on the invoice and the receipts.

In attendance at this particular meeting was the Ugunja Sub-County Administrator who lamented to the committee and the traders that he was not privy to any of these events of malpractice. This clearly demonstrated that there was a visible lack of connection between the County Headquarters and its officers at the sub-county level. This clear absence of coordination between Executive officials at the County Headquarters and the sub County Administrator the Committee noted as a matter of grave governance and administration concerns.

In addition, the Committee met with the Chief Officer of Finance and the County Revenue Officer on 20<sup>th</sup> February, 2015 in a bid to get their opinions on the anomalies at the Revenue Office in Ugunja in so far as the evidently demonstrated unlawful increase in levies as illustrated both on the invoices and the receipts. However, the meeting was unfruitful since both the Chief Officer of Finance and the County Revenue Officer seemed to be so surprised of the findings and were not in a position to address the matters at hand on behalf of the C.E.C Member for Finance Planning and Vision 2030.

On 26<sup>th</sup> February, 2015 the Committee met the C.E.C Member for Public Administration and Governance, who tabled two documents, one being his official response on the matters of mal-governance and suspected corruption at the revenue office at Ugunja.

Further, the C.E.C member informed the committee that the Governor had looked into the issues on the Memorandum and asked the legal officer to make possible amendments to the Act (which they still referred to as a Bill)

Consequently, on 27<sup>th</sup> February, 2015, the Committee met The C.E.C Member of Finance, Planning and Vision 2030 who tabled his response and on further deliberations, it was very clear that the C.E.C Member was completely in darkness with regard to the matter of the origins of newly increased trade levies.

Mr. Speaker, Sir, the Committee noted that the Governor may be excluding the C.E.C Member of Finance, Planning and Vision 2030 on matters of policy. This conclusion the Committee easily unearthed by the one observation that of the CEC Member of Finance, Planning and Vision 2030 was not even aware of the letter written to the County Legal Officer yet it unswervingly involved his office.

## 5. FINDINGS

Out of the deliberations of the Committee on the issues raised by the Business Community, and having thoroughly engaged with the officers from the Executive- particularly the CEC Member for Administration and Governance and the CEC Member for Finance, this Committee identified three significant issues:-

I. That there was unlawful increase in the amounts of money levied on Single Business Permits (SBPs).

II. That there was disparity between the actual amounts written on some Invoices and the actual fees collected at the revenue office.

III. That there was un-procedural Implementation of the yet to be published Siaya County Finance Act, 2014

### **I. Unlawful increase in the amounts of money levied on Single Business Permits (SBPs)**

From the evidence presented to the Committee by the Business Community, and comparing with similar cases across the County, Ugenya Sub-County in particular, Mr. Speaker, the Committee noted that the County Revenue office at Ugunja had increased the amount of money charged for S.B.P in the year 2015, by between 25% - 50% as compared to last year 2014 that visibly shows the increment comparing the invoice for the year 2015 and the S.B.P for 2014.

Mr. Speaker, Sir, this revelation shocked the CEC Member for Finance just as it had shocked his Chief Revenue officer. However, because the Chief Officer, although surprised, insisted that they were still using the same charges that they inherited from the defunct local authorities and there was not supposed to be any increase in his view. The CEC Member for Finance observed that;

1. The revenue collectors might have created and implemented their own policy, which as CECM in-charge he maintained was yet to be made aware of;

2. He was not informed about certain policy shifts such as these at the Executive level;

3. He noted that there was a serious element of corruption, due to the fact that the revenue collection was currently manual and often prone to abuse; and

4. He promised that his office would investigate and ensure necessary legal measures are taken against those found culpable under him.

Mr. Speaker, Sir, in his submission to the Committee - the issue being cross-cutting into the matters of governance - the CEC Member for Governance and Administration also observed that there was a serious element of corruption, and promised that his office would investigate and ensure necessary legal measures are taken against those found liable.

## **II. Disparity between the actual amounts written on the invoices and the actual fees collected at the revenue office.**

Mr. Speaker, Sir, the Committee, having analyzed documentary evidence submitted by the Business Community in the accompaniment of their memorandum, in comparison with more others presented in the Ugunja Community Hall public hearing, noted that there was wide disparity between the actual amounts indicated on some invoices and the actual fees collected at the revenue office.

The Committee has attached for illustration, the evidence collected from the traders. An example is the case of one, Mr. Collins Onyango- SBP No. 38088 against invoice no.14064. The amount

indicated on the S.B.P was Kshs 4,150 for a Mini Supermarket and when he went to pay, it was demanded that he pays Kshs 5,200 for a Medium Shop, yet there was no new invoice issued to this effect.

In addition, note the disparity of the nature of business indicated on the invoice and the one on the S.B.P, which openly depicts that maybe the assessment was not done correctly or was never done at all. What makes the matter more mediocre is that the same officer, Mr. Walter Mbae, who issued the invoice in less than two weeks, was the same one charging what is not indicated on the invoice he issued.

Mr. Speaker, Sir, on the case of this Mr. Collins Onyango- SBP No. 38088, one anomalous contradiction of invoicing and charging is founded to which, on the grounds of accountability, a question is asked and an answer is urgently demanded: Having believably done practical status business assessment, why does the County Government of Siaya charge a MINI SUPERMARKET – Supermarket - a paltry Kshs 4,150 while charge a MEDIUM SHOP – Shop – a shocking Kshs 5,200?

Mr. Speaker, Sir, sterling revelations shall still be of our amusement: Invoice No. 23265 for Life Check Medical Clinic was first issued for Kshs. 35,200 The owner of the clinic Mr. Dominic Onyango informed the Committee during its meeting at Ugunja that after negotiation with the revenue officers the amount was reduced to Kshs 10,200. The business code is also not indicated meaning the officer was not even clear on the codes of the business.

This undoubtedly depicts a nude Executive held up at the County headquarters with no control of chargeable levies by its grounds-persons and as well

an Executive held up at the County headquarters uninterested in ordered and co-ordinated governance and administration matters; for it is laughable that the chargeable trade levies can be changed based on negotiation, which is an act devoid of known universal policy guidelines.

### **III. Unprocedural Implementation of the Siaya County Finance Act, 2014**

The Siaya County Finance Bill, 2014 had been assented to by the Governor; however it was yet to be operationalized since it had not been published by the Government Printer. The C.E.C Member for Governance and Administration informed the Committee that since the Government Printers were taking long to publish the Act, they had decided to take the proposed finance law to Kenya Literature Bureau which was an alternative to Government Printers.

*[The Speaker (Hon. Okode) left the Chair]*

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

However, in its fact-finding visit of Ugunja, the Committee was informed that when the traders asked for the foundation of the variations between the amounts indicated on the invoices and the amount demanded, they were informed that the 'new rates' were premised on the Siaya County Finance Act, 2014 which they claimed was already in operation. This was a total contradiction to what the C.E.C members had told the Committee.

The Committee, in an engagement with the two CECMs, the Chief County Finance Officer and the County Revenue Officer, observed that while the revenue

collectors purported to be implementing the Act, the Act had not been gazetted, thus contravening the letter and spirit of the Public Financial Management Act, 2012 and by and large, the Constitution of Kenya, 2010.

Mr. Deputy Speaker, Sir, the CEC Member for Governance and Administration informed the Committee that the Governor had instructed the legal officer, through the Office of the County Secretary, to suggest possible Amendments to the Finance Act (which they still referred to as the County Finance Management Bill).

To this end, the Committee noted thus;

1. That the Executive, led by the Governor himself, is not even aware that the Bill had been passed and assented to, although not published;
2. Failure to engineer timely gazettelement of the Siaya County Finance Law could have been deliberate, going by the Executive's official indicative claim of: (1) the fact of backlog at the Government Printer as being reason for initial delays; (2) the fact of the on-going Executive option line of the purported gazettelement with the Kenya Literature Bureau in the background of the obvious knowledge that only and only the Government Printer as being the official body legally tasked with the gazettelement of such official public documents whose origins are the County and National Governments; and (3) the fact of the initiation of an amendment

drive on a document whose procedural commitment, including financial cost commitment, in the hands of the supposed gazettelement authority is underway, the Office of the Governor had free-will to peruse through the Bill straight from the Assembly for the detection of legal technicalities, if any, and by way of official memorandum return the passed Bill to the Assembly for further scrutiny and consideration, this ahead of the Governor's accented hand at the Bill into law before indulging into procedural gazettelement process.

3. To this end, the Committee observed that the purported implementation of the Act was an act of corruption and impunity.

## 6. CONCLUSION

The above mentioned Committee findings clearly exhibit widespread corruption, impunity and mal-governance at the Executive level.

## 7. RECOMMENDATIONS

Mr. Deputy Speaker, Sir, against this bleak picture, this Committee recommends as follows:-

1. The extra monies extorted from the traders and by extension, traders from the entire county to stop forthwith.
2. The Siaya County Assembly establishes an Ad-hoc Committee so as to;
  - Determine the extent of such malpractices as directed to the business community body in all the remaining five Siaya sub County regions namely: Ugenya, Gem, Bondo, Alego Usonga and Rarieda;
  - Enlist affected traders and individuals per sub-county;
  - Quantify the unlawful charges that have been levied on businesses;
  - Determine a formula for reimbursement of the excess levies to individuals and traders.
3. The CECM on Governance and Administration and CECM on Finance, Planning and Vision 2030 should bear political responsibility for policy lapse within their departments.
4. The Siaya County Governor should bear political responsibility for his act of: (1) by-passing own appointed CECM Executive members on matters of policy; (2) failing to initiate co-ordinated leadership from amongst own chosen CECM Executive Members; and (3) entertaining and failing to reprimand own choice of CECM Executive members for policy lapse under their dockets.
5. The individual officers, right from the Chief Finance Officer down to the sub County Revenue officers, bear administrative responsibility.
6. The County Executive should facilitate the officers at the Sub-County level to enable them effectively do their duties at the grass roots.

Mr. Deputy Speaker, Sir, as I conclude, earlier in the day, we received the would be Ward Administrators, our big worry in this context, and with regard to recommendation No. 6 is that—

**Hon. Deputy Speaker:** They are Ward Administrators, not would be!

**Hon. Oriaro:** I'm sorry, Mr. Deputy Speaker, Sir. Our fear is that, even the Sub-County Administrators, there is no link between them and the Executive. There is no order in terms of directives. At least in the old provincial administration, there was some order, in that; the DC would brief the DO who would then brief the chiefs- such that every week, the chiefs would hold *barazas* to convey some message. The chiefs would also brief the assistant chiefs on matters to do with governance. The assistant chiefs would then brief the village headsmen.

So, it would be useless and counterproductive to have all these officers yet they are just there to earn salaries.

With those many remarks, Mr. Deputy Speaker, Sir, the onus is on the House to discuss and recommend on the document. Thank you!

*(Applause)*

**Hon. Deputy Speaker:** Yes, Hon. Walter Okello!

**Hon. Okello:** Thank you, Mr. Deputy Speaker, Sir. I rise to support this report. I want to thank the Chair for elaborately presenting it even at the risk of his own health. Our Chairman has been unwell but has persevered; you can see he is sweating. That shows the kind of sacrifice and importance that the Committee has put on this report.

Because of time, I will not say much. I just want to highlight that as the Chairman has stated out towards the end of

his speech, there seems to be a lack of coordination in terms of policies from what is happening at the Executive level. Mr. Deputy Speaker, Sir, when we engaged the Sub County Administrators who are supposed to be the eye of or the representative of the County Government, they seemed not to be aware of a lot of on goings at the Sub County. That is very worrying. Now that we are having the Ward Administrators coming on board, it will be important to set a proper precedence in terms of roles, responsibilities, duties and clear structures of governance.

Another thing that has come out clearly is that we need to protect the business community in the County and that cannot be done if we have this kind of increases in levies and charges on single businesses permits. If we are to be serious in supporting the business industry in Siaya, then this has to be rectified. Our recommendations may seem a bit difficult to implement especially in terms of people bearing and accepting responsibilities.

I wanted to clarify that when talking about political responsibility, the people out there may want to know who is responsible for certain alterations. It was important for us as a Committee to let the people know that it is not the Members of this Assembly but the officers responsible.

When we engaged with the CEC Finance, he wasn't aware that certain increases were being implemented; when we engaged with CEC Governance, he was equally unaware; when we engaged with the revenue officers, they were equally unaware of who had authorized those increments. Sometimes it is good that the right people be held accountable for those kinds of errors.

Finally, there is a concern about the Finance Bill that we passed Here and its

operationalization. We got a lot of contradicting feedback from the CEC Finance and the CEC Governance. It is important that in our future communications, we get clear and comprehensive communications in terms of documents that are passed Here and are supposed to operationalize activities in Siaya.

With those few remarks, I urge Members to support this document in the interest of the business community in Siaya County. Thank you!

**Hon. Deputy Speaker:** Yes, Hon. Majority Leader.

**Hon. Otieno:** Thank you, Mr. Deputy Speaker, Sir. I stand to support this report and first I want to congratulate the Committee for a work well done. I happen to be the representative of this Ward being talked about. It is very sad to hear that an officer is irregularly collecting monies from business people and the officer is still in office up to date. It is really tarnishing the name of the County and us as elected leaders. It's like we are sitting on the job and not doing anything to help our people.

An invoice given out today is different from one issued out the following day! The amounts keep on changing haphazardly. This is a brave criminal and such officers should not enjoy sitting in those offices. These are people who belong to jail. I also agree with the recommendation that such officers should be forced to reimburse these excesses to the traders. We cannot entertain this and let it go on! This is the reason why so many businesses that our people have cannot grow. They are being overcharged!

I rest my case by saying that the Executive should not sleep on this and we must see action taken and these people must be taken to court and must answer to these charges. I rest my case. Thank you.

**Hon. Augo:** Thank you, Mr. Deputy Speaker, Sir. I would like to commend this Committee for the hard work they have done in coming up with the findings in this report. Our traders are really suffering- even those in Bondo town. There have been a lot of complains about the revenue collection and the taxes they are paying. The recommendations should be acted upon.

It is really shameful that our Governor wasn't sure if the Bill was passed. I don't know where we are heading to as Siaya County. Recently, I gave the Chairperson of the Committee on Trade a receipt which I got from a trader and yet we haven't passed that the receipts should be issued to the traders.

In our report the other time, we discussed that we should tax highly during market days and lower the rates on ordinary days, but now the rates are just the same. It is a flat rate. Whenever they see us, they think we are the people who have imposed the high rates on them. This report is so good and it should be implemented. I support.

**Hon. Okuku:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support the work of this Committee on Implementation. The business community is very demoralized. What we are seeing from these officers is robbery without violence. They are robbing our people without applying force. They pretend that they work for the County Government of Siaya yet they are doing their own work. I don't think that it is right or in order for these characters continue serving in this County Government.

This act of imposing heavy monies on our people should stop with immediate effect! The legal advisor to the Governor should be advising him on such matters.

For this Committee to realize that the Governor is not aware of the Bills that have been passed, this indicates that the people who are in that office are totally sleeping on their jobs. My thoughts are that the legal advisor should be aware of all the Bills that have been passed in the Assembly; those that the Governor has returned with memorandums; and the ones that the Governor has assented to.

This is a wake up to this Assembly to start interrogating the officers who are aligned to the office of the Governor because they are doing a disservice to the community. This is uncalled for and it seems that the Governor operates outside the parameters of the law. It's high time we called upon the office of the Governor to do its work properly.

I agree with the recommendations that the Committee has brought forward and I think that the monies that were illegally collected from the Ugunja Business Community should be returned to them. We should be encouraging business people to come and do business in a free and fair environment. We shouldn't demoralize them. I support this report, thank you.

*(Question put and agreed to)*  
*(Applause)*

**Hon. Deputy Speaker:** Next order!

### MOTION

PROGRESS REPORT OF THE GOVERNANCE  
AND ADMINISTRATION COMMITTEE ON  
THE LIST OF CONTRACTORS AND  
SUPPLIERS PREQUALIFIED IN THE FY  
2013/2014 AND 2014/2015

**Hon. Osuri:** Thank you, Mr. Deputy Speaker, Sir. I arise on behalf of

the Committee on Governance and Administration to request this House to adopt its progress report on the list of contractors and suppliers prequalified by the County Government of Siaya in the FY 2013/2014 and 2014/2015 laid on the Table of the House today, 2<sup>nd</sup> April, 2015. I wish to ask Hon. Mary C. Ajwang--

**Hon. Deputy Speaker:** Hon. Osuri, what do you mean by progress report?

**Hon. Osuri:** Thank you, Mr. Deputy Speaker, Sir--

**Hon. Deputy Speaker:** Just brief us on what you mean by progress report.

**Hon. Osuri:** Mr. Deputy Speaker, Sir, as you will see in the recommendations in this report, it not been finalized.

**Hon. Deputy Speaker:** Simply tell us where you have reached. I can see you are already moving a Motion and you have even asked a Member to second you! How does one second a Motion that is not complete? Just brief the House on the progress you have made so far.

**Hon. Osuri:** Mr. Deputy Speaker, Sir, I wanted to say that this report has not been finalized and I don't want to bother the House by reading every detail. Instead, I will give a summary of how far the Committee has gone. Contained in this progress report, you have seen the extent to which the Committee--

**Hon. Owii:** Point of order, Mr. Deputy Speaker, Sir!

**Hon. Deputy Speaker:** Hon. K'owii, what is your point of order?

**Hon. Owii:** Mr. Deputy Speaker, Sir, just as it has been said by the Hon. Member, the report is incomplete; and usually, an incomplete report should not be brought to the House. We can only deliberate but in the hope that one day

again he brings the other part of the report for us to continue. Kindly---

**Hon. Deputy Speaker:** Hon. K'owii, you are out of order! I had already given direction that he simply briefs us on where he they have reached with the report. We are not moving any Motion; we are not debating on it. We are doing what you are saying.

**Hon. Owii:** But we are out of order!

**Hon. Deputy Speaker:** You are out of order, Hon. K'owii! Can you sit down and be orderly!

*(Laughter)*

Hon. Osuri, please brief the House on what you have done. I even told you not to move a Motion.

**Hon. Osuri:** I am not moving a Motion!

**Hon. Deputy Speaker:** Yes, just brief us

**Hon. Osuri:** Mr. Deputy Speaker, Sir, I wanted to report to this House that the Committee had made several attempts to invite the Director of Procurement but he has not attended to the several requests that have been sent to him.

**Hon. Omwende:** Point of order, Mr. Deputy Speaker, Sir!

**Hon. Deputy Speaker:** Hon. Omwende, what is the point of order!

**Hon. Omwende:** Mr. Deputy Speaker, Sir, this is a House of rules and procedures, it has been clearly indicated by the Hon. Member that this report is not ready for consumption, and to worsen it, even Members of this Committee have not signed yet this thing will be used for record purposes.

**Hon. Deputy Speaker:** You know, Hon. Members, some of you do not understand the rules and procedures that you are quoting. You are talking about

rules and procedures yet you are the same people breaking the same rules. When Hon. Osuri stood to move a Motion, he invited a Seconder and I told him that you cannot invite somebody to second a Motion on a report that is incomplete. I advised him that the best thing he could do was just to brief the House on where the Committee has reached then we will give them more time to do the report and report back to this Assembly.

We are together; whatever you are saying is what we are doing. This is where we can get the challenges that the Committee is facing and why they have not given us a report. Perhaps there are some road blocks on their way. So, Hon. Osuri, I am only giving you three minutes. Brief us on what you have done and how much time you need.

**Hon. Osuri:** Thank you, Mr. Deputy Speaker, Sir. That is exactly what I was doing. In brief, the Committee has made several attempts to invite the Director of Procurement because the question that was sought by the Hon. Peter Muhulah was to get a list of contractors and the Committee has made four attempts and you can see the invitation letters from the Clerk's office to the officer who up to date has not brought the list.

So the Committee is requesting that if possible, they be given more time to make other attempts. If that is not done, then the Director be called before this House. Thank you, Mr. Deputy Speaker, Sir.

**Hon. Owii:** Mr. Deputy Speaker, Sir, if you allow!

**Hon. Deputy Speaker:** No, you are not allowed! The Committee has requested for more time, we don't need to debate over a report that is incomplete.

*(Loud consultations)*

How much time do you need Hon. Osuri?

**Hon. Osuri:** Since we are going on recess, we will make more attempts and report back on the first week of resumption of this House.

**Hon. Deputy Speaker:** I am giving you up to the second week after recess. Is that okay?

**Hon. Osuri:** Thank you, Mr. Deputy Speaker, Sir.

**Hon. Deputy Speaker:** Okay. Next order!

### ADJOURNMENT

**Hon. Owii:** Thank you very much, Mr. Deputy Speaker, Sir. Before we go to adjournment, I wanted to roll out the tentative business of the Assembly for the week of 21<sup>st</sup> to 23 April, 2015.

On Tuesday, 21<sup>st</sup> April, 2015 after the short recess- in the afternoon, the Business of the Assembly will be; Tabling and discussion of the Siaya County Ward Development Fund Bill, 2014 by the Chairperson of Committee on Delegated Legislation, Justice and Legal Affairs.

On Wednesday, 22<sup>nd</sup> April, 2015- morning sitting- there will be a report by the Committee on Trade, Industry, Labour and Cooperative Development on the Status of the Siaya County Rating Bill, 2014.

On Wednesday in the afternoon- there will be a report of the Committee on Trade on charcoal levies by the Kenya Forestry Service.

Lastly, we are yet to have Business for Thursday, 23<sup>rd</sup> April, 2015, but we definitely know that there will be some Business.

Now, Mr. Deputy Speaker, Sir, pursuant to Standing Order 26 (3), I wish

to move a Motion that this House adjourns for short recess as from Friday, 3<sup>rd</sup> April, 2015 and resume Business on Tuesday, 21<sup>st</sup> April, 2015 at 2.30 p.m. I want to call upon Hon. Joshua Owiti Osuri to second.

**Hon. Osuri:** Seconded.

*(Question put and agreed to)*

The House rose at 4.35 p.m.

**TUESDAY, 21<sup>ST</sup> APRIL, 2015**

The House met at the County Assembly Chamber at 9.30 a.m.

*The Speaker (Hon. George Okode) in the Chair]*

RAYER

**PAPERS**

REPORT ON PUBLIC PARTICIPATION  
IN GOVERNANCE AND LIST OF  
CONTRACTORS AND SUPPLIERS

**The Speaker:** Yes, Hon. K'awuor?

**Hon. Awuor:** Thank you, Mr.

Speaker Sir, I am on my feet to lay papers, on a report on public participation in governance, on the list of contractors and the suppliers have been qualified by the County Executive 2013/2014 and 2014/2015

**NOTICES OF MOTION**

**Hon. Awuor:** Thank you, Mr.

Speaker, sir, I am on my feet on behalf of the Committee of Governance and Administration to move a motion, that this House adapts the Report of the Committee Association and Governance on the list of contractors and supplies we have had qualified by 2013/2014, 2014/2015 laid on the table, laid on the table of the House, day 21<sup>st</sup> April 2015. I'd want to...

**The Speaker:** Chair? Your office to consult with the office of the Speaker, before we come to this session next. We want to give notice of moving this motion

next week on Tuesday. So your notice should read that we give notice to present the report Next Week on 28<sup>th</sup> of April. Thank You.

**Hon. Awuor:** Thank you, Mr. Speaker.

**MOTION**

**The Speaker:** That is the motion that has been deferred to Next week Tuesday, 28<sup>th</sup> of April. Next Order!

**MOTION****ADJOURNMENT**

**The Speaker:** Yes, Hon Gare?

**Hon. Gare:** Thank you, Mr.

Speaker; I am on my feet to move a motion:

THAT this House Adjourns. You realize that we are having a second Devolution Annual Conference in Kisumu. It was to start today, and this matter is of National importance.

I would request that Members attend this Conference. Without forward request that this House stands adjourned until next Tuesday or 28<sup>th</sup> at 2.30 pm, and I want to request Hon. Muhula to second.

**The Speaker:** Hon. Muhula?

**Hon. Muhula:** Mr. Speaker, I mean the issue that the Honorable Member

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has raised is very accurate, and for that matter I stand to support and second.

The Speaker: Honorable Members,  
I put the question that this House Adjourns until Tuesday 28<sup>th</sup> of April, 2015 at 2.30.  
May as many as of that opinion say Ayes?  
May as many as of the contrary opinion say Nay... The Ayes have it.

There being no other Business, the House adjourned to Tuesday 28<sup>th</sup> of April, 2015

The House rose at 2.42 p.m.

**WEDNESDAY, 29<sup>TH</sup> APRIL, 2015**

The House met at the County Assembly Chamber at 9.30 a.m.

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

**PRAYER**

**The Temporary Speaker** (Hon. Abayo):  
Clerk, do we have quorum?

*(The Clerk-at-the Table confirmed the lack of quorum)*

**The Temporary Speaker** (Hon. Abayo): Serjeant-at-Arms, can you ring the bell for 10 minutes.

*(The Quorum Bell was rung for 10 minutes)*

*(Several Hon. Members walked into the House)*

*(Loud consultations)*

**The Temporary Speaker** (Hon. Abayo): Clerk, is there quorum?

*(The Clerk-at-the Table confirmed the lack of quorum)*

**The Temporary Speaker** (Hon. Abayo): I direct that the Bell be rung for another 5 minutes

*(The Quorum Bell was rung for 5 minutes)*

*(Hon. Were walked into the House)*

*(Hon. Were consulted with Hon. Awuor and Hon. Onduru)*

**The Temporary Speaker** (Hon. Abayo): Order! Order! Order, Hon. Were!

*(Laughter)*

*(Several Hon. Members walked into the House)*

*(Loud consultations)*

**The Temporary Speaker** (Hon. Abayo): Clerk, do we have the quorum?

*(The Clerk-at-the Table confirmed that there was quorum)*

**COMMUNICATION FROM THE CHAIR****INFORMAL MEETING**

**The Temporary Speaker** (Hon. Abayo): Hon. Members, I wish to communicate that after this Session, we shall be having an informal meeting to discuss the issues that had been communicated to you earlier. Thank you.

Next Order!

**PAPER**

REPORT OF THE COMMITTEE ON EDUCATION,  
YOUTH AFFAIRS, GENDER AND SOCIAL  
SERVICES ON THE RECRUITMENT OF ECDE  
TEACHERS

**Hon. Ogutu:** Thank you, Mr. Temporary Speaker, Sir. On behalf of the Committee of Education, I wish to lay on the Table of the House:-

The Report of the Committee on  
Education, Youth Affairs, Gender and  
Social Services on the Recruitment of ECDE  
Teachers

*(Hon. Ogutu laid the document on the  
Table)*

### **ADJOURNMENT**

**Hon. Ndonji:** Mr. Temporary  
Speaker, Sir, for this morning, seemingly  
there are no other issues, so I'm requesting  
for an adjournment until 2.30p.m this  
afternoon.

I call upon Hon. Elisha Okuku to  
second.

**Hon. Okuku:** Hon. Temporary  
Speaker, Sir, I wish to second.

*(Question put and agreed to)*

The House rose at 9.24 a.m.

**WEDNESDAY, 29<sup>TH</sup> APRIL, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYERS****NOTICE OF MOTION**

*(Question proposed)*

**ADOPTION**

**OF THE REPORT ON THE RECRUITMENT  
OF ECDE TEACHERS**

**The Temporary Speaker** (Hon. Madialo): The Hon. Oduya Ndonji for the Chairperson of Education Committee.

**Hon. Ndonji:** Mr. Temporary Speaker, Sir, I hereby give notice of the following Motion:

THAT this House adopts the Report of the Committee on Education, Youth Affairs, Gender and Social Services on the Recruitment of OCDE Teachers

**The Temporary Speaker** (Hon. Madialo): Next Order!

**MOTION****ADOPTION**

**OF THE REPORT ON THE RECRUITMENT  
OF ECDE TEACHERS**

**Hon. Ndonji:** Mr. Temporary Speaker, Sir, I want to request the House to adopt the report of the Committee on Education, Youth Affairs, Gender and Social Services on the Recruitment of OCDE Teachers.

I call upon Hon. Booker Otieno to second.

*(Hon. Minami seconded)*

**Hon. Ndonji:** Mr. Temporary Speaker, Sir, I want to present a report of the Sectoral Committee on Education, Youth Affairs, Gender---

**The Temporary Speaker** (Hon. Madialo): Order, Hon. Ndonji! I have before me, two copies of the report referred to, you must be having yours. Page 2, Preamble.

**Hon. Ndonji:** Yes!

**The Temporary Speaker** (Hon. Madialo): Members, I don't know whether the copies you have are signed?

**Hon. Members:** No!

**The Temporary Speaker** (Hon. Madialo): Hon. Ndonji, are you sure you are ready?

**Hon. Ndonji:** The original copy has been signed, Mr. Temporary Speaker, Sir. It's only these ones that have not been signed.

**The Temporary Speaker** (Hon. Madialo): Where is the original copy, Clerk?

*(The Clerk-at-the-Table presented the copy to the Temporary Speaker (Hon. Madialo))*

**The Temporary Speaker** (Hon. Madialo): Hon. Ndonji, how many Members do you have in this Committee?

**Hon. Ndonji:** We have eleven Members, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Hon. Madialo): And how many have signed?

**Hon. Ndonji:** About eight have signed. That's enough for a quorum, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Hon. Madialo): Have you indicated that the quorum was met in the absence of the people who have not signed?

**Hon. Ndonji:** Yes, because, Mr. Temporary Speaker, Sir, these are issues that we had already discussed as a Committee. Apparently, the Chair and the vice Chair are not around and they are the ones who told me to present the report.

**The Temporary Speaker** (Hon. Madialo): Hon. Ndonji, look at our Standing Orders; if a Member is going to move a Motion on behalf of another person, the person on whose behalf the Motion is being moved, must give notice in writing, at least 24 hours before the Motion is moved.

You are not ready! And the ruling of the Chair is that the presentation of this report shall stand deferred to the next Session of this Assembly.

Hon. Ndonji, the saddest part of it is that the one on whose behalf you are moving this Motion has also not signed. So it is within her powers and entitlement to disown it.

I rule that this be deferred to the next Session

**Hon. Awuor:** Mr. Temporary Speaker, Sir, it is unfortunate---

**Hon. Ndonji:** Much obliged, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Hon. Madialo): Yes, Hon. K'awuor!

**Hon. Awuor:** Mr. Temporary Speaker, Sir, though you have ruled, I don't know whether a precedence had been set before because previously, the reports that have been presented before the Assembly, if the Chair and secretary to the Committee signs, then it is deemed that the report has been owned by the Committee. So I don't know whether we are making a different meaning of this.

**The Temporary Speaker** (Hon. Madialo): Hon. K'awuor, look at page 2!

**Hon. Awuor:** Mr. Temporary Speaker, when you look at page 11---

**The Temporary Speaker** (Hon. Madialo): No! No! No!

**Hon. Awuor:** The Hon. Chair of the Committee has signed!

**The Temporary Speaker** (Hon. Madialo): Look at page 2!

**Hon. Awuor:** Yes!

**The Temporary Speaker** (Hon. Madialo): That is where you start signing as the Chair.

**Hon. Awuor:** And that's why, Mr. Temporary Speaker, I'm asking whether-- previously we have discussed several---

**The Temporary Speaker** (Hon. Madialo): Hon. K'awuor, the Chair has ruled that the presentation of the report is deferred to the next Session!

**Hon. Okuku:** Point of order, Mr. Temporary Speaker!

**The Temporary Speaker** (Hon. Madialo): Yes!

**Hon. Okuku:** Is it in order for a Member to engage the Chair when he has already made a ruling?

*(Laughter)*

**The Temporary Speaker** (Hon. Madialo): The Hon. K'awuor was out of order, I respected his age.

Next Order!

*(Laughter)*

### ADJOURNMENT

**Hon. Gare:** Thank you, Mr. Temporary Speaker. On behalf of the Majority Leader, I wish to move that now that we don't have any other thing to discuss now, I move a Motion that we adjourn until tomorrow at 2:30 p.m.

**The Temporary Speaker** (Hon. Madialo): I can now propose the question---

**Hon. Members:** Secunder!  
Secunder!

**Hon. Gare:** Mr. Temporary Speaker, you are so fast, that is why I was sitting down!

*(Laughter)*

I want to invite Hon. Munda to second.

**Hon. Munda:** Mr. Temporary Speaker, I rise to second.

*(Question proposed)*

*(Question put and agreed to)*

*(Applause)*

**The Temporary Speaker** (Hon. Madialo): Hon. Members, the House is now going to retire to continue with the informal meeting that was discontinued as Members went for lunch.

The House rose at 2.43 p.m.

**THURSDAY, 30<sup>TH</sup> APRIL, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYERS****COMMUNICATION FROM THE  
CHAIR**

A LETTER FROM THE COMMITTEE OF PUBLIC  
WORKS, ROADS AND TRANSPORT

**Hon. Deputy Speaker:** Hon. Members, there is a letter I have received from the Committee of Public Works, Roads and Transport. The Committee had an election on 28th April this year following a vacancy in the position of the Chairmanship. The Standing Orders require that if certain positions fall vacant, then they should be filled within fourteen days. They have just brought us the letter indicating that they sat and elected Hon. Christopher Apiyo Apiyo as the Chairman.

*(Applause)*

Hon. Apiyo Apiyo, just rise up so that Members can know who you are.

*(Applause)*

*(Hon. Apiyo stood up in his place)*

*(Applause)*

*(Laughter)*

They went ahead to elect Hon. Maurey Asewe as the vice Chairman.

*(Applause)*

I wish to congratulate the two Members who have been elected as Chair and vice Chair respectively, I hope you will take the mantle farther than where the

former Chair, the late Hon. Ben Omondi had put it.

Next Order!

**MESSAGE**

**Hon. Deputy Speaker:** Hon. Members, there's one Member who has a Message or a communication to make. Yes, Hon. Ndonji.

**Hon. Ndonji:** Thank you, Mr. Deputy Speaker, Sir. I wanted to make an announcement to Hon. Members that there is a programme that is being run by Kenya Commercial Bank in which business people or local traders are given an opportunity of going to foreign countries where they are connected with business people and manufacturing companies there.

The next trip will be going to Turkey and what is required of any interested person is only the person's ability to pay for the transport to and fro.

I'm requesting Members who are interested in going to Turkey to make some business deals there to contact me so that we can see what can be done. For the Members who will be ready to go, you are highly welcome.

Thank you, Mr. Deputy Speaker, Sir.

**PAPERS**

**Hon. Ndonji:** Mr. Deputy Speaker, Sir, notice is hereby given that pursuant to the provision of the Public Finance Management Act, 2012, Article 129, I wish to move a motion that the budget estimates--

**Hon. Madialo:** Point of order, Mr. Deputy Speaker, Sir!

**Hon. Deputy Speaker:** Yes, Hon. Madialo!

**Hon. Madialo:** Mr. Deputy Speaker, Sir, the Order in which the acting Majority Leader is rising on is 'Papers', not 'Motions'. I thought he was supposed to simply lay a Paper!

**Hon. Deputy Speaker:** Hon. Ndonji, you only need to lay the Paper, we will move to the stage.

**Hon. Ndonji:** Thank you, Hon. Madialo for that. Mr. Deputy Speaker, Sir, I wish to lay on the Table of the House:-

The 2015/2016 Budget Estimates both for the County Assembly and the Executive.

*(Hon. Ndonji laid the document on the Table)*

**Hon. Deputy Speaker:** Both will be committed to the Committee of Budget. Hon. Madialo!

**Hon. Madialo:** Sorry, Mr. Deputy Speaker, but with your permission, though it is not listed, I stand to lay on the Table of this House:-

The Report of the Committee on Delegated Legislation, Justice and Legal Affairs on the Ward Development Fund Bill, 2014.

*(Hon. Madialo laid the document on the Table)*

**Hon. Deputy Speaker:** Hon. Ndonji, were you through?

**Hon. Ndonji:** No, I wasn't through; there are two Papers that I wish to lay.

**Hon. Deputy Speaker:** Ok. Go ahead!

**Hon. Ndonji:** Mr. Deputy Speaker, I wish to lay on the Table of the House:-

The County Assembly of Siaya Strategic Plan for year 2014-2017.

*(Hon. Ndonji laid the document on the Table)*

Lastly, I wish to lay on the Table of the House:-

The County Assembly of Siaya Annual Report from March 2013-June 2014.

*(Hon. Ndonji laid the document on the Table)*

**Hon. Deputy Speaker:** I hope Members have been given copies of the two documents. In case you don't have them, then the Clerk should make an arrangement to provide you with copies as soon as possible.

Next Order!

#### NOTICE OF MOTION

**Hon. Ndonji:** Mr. Deputy Speaker, Sir: - Notice is hereby given that pursuant to the provision of the Public Finance Management Act, 2012, Article 129, I wish to move a Motion that the Budget Estimates for the County Government of Siaya for the Financial Year 2015/2016 be laid before the Assembly, today, 30<sup>th</sup> April, 2015 for consideration and approval.

*(Hon. Madialo stood up in his place)*

**Hon. Deputy Speaker:** Who is seconding?

*(Laughter)*

I've seen, Hon. Madialo rise; I thought he wanted to raise an issue. I don't know why he was standing!

*(Laughter)*

**Hon. Ndonji:** Mr. Deputy Speaker, Sir, we had agreed with him that he seconds, so I guess he decided to second before I called him. Now I call upon Hon. Madialo to second.

**Hon. Madialo:** Mr. Deputy Speaker, Sir, I have seconded again!

*(Laughter)*

**Hon. Deputy Speaker:** That is now in order.

*(Laughter)*

Next Order!

### MOTION

**Hon. Deputy Speaker:** Chairman, Delegated Legislation, there was an indication that you were to move a Motion.

**Hon. Madialo:** Mr. Deputy Speaker, it was not an indication to move a Motion; it was an indication that we would lay the report that we have just laid. What follows is that you'll determine whether it is constitutional to debate it or not, and when.

**Hon. Deputy Speaker:** Now that you've laid the document, I believe--

**Hon. Madialo:** Mr. Deputy Speaker, now it is a document of the House. In the next Order of Business, if the House Business Committee allows, it is going to be listed for debate.

**Hon. Deputy Speaker:** Now that it has been laid, it's now upon the House Business Committee to determine when it shall be debated. All documents should be going before the House Business Committee before they are debated here. We shall give it a date when it shall be slotted in the Order Paper.

Next Order!

### ADJOURNMENT

**Hon. Ndonji:** Hon. Deputy Speaker, Sir, I want to move a Motion:-

THAT, pursuant to Standing Order 26(3), this Assembly adjourns for recess, today, 30<sup>th</sup> April and resume on Tuesday, 2<sup>nd</sup> June, 2015 at 2.30 p.m.

I call upon Hon. Booker Otieno to second.

*(Hon. Minami stood up in his place and seconded)*

*(Question proposed)*

*(Question put and agreed to)*

*(Applause)*

**Hon. Deputy Speaker:** Hon. Members, just shortly before we break, Liaison Committee, can we have a meeting. Our meeting did not take place in the morning because we lacked quorum and it is very important that we meet so that we plan on the way forward. So, let us have a short meeting for about ten minutes.

The House rose at 2.55 p.m.

**WEDNESDAY, 27<sup>TH</sup> MAY, 2015**

The House met at the County Assembly Chamber at 9.15 a.m.

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

**PRAYERS****PAPERS**

**Hon. Otieno:** Thank you, Mr. Speaker.  
Allow me to lay the following Paper on the Table of the House:  
The Recommendatory from the Office of the Governor on the County Symbols, Flag and Emblem

*(Hon. Otieno laid the document on the Table)*

**Hon. Speaker:** I commit it to the Committee of Delegated Legislation.

**Hon. Odinga:** Mr. Speaker, Sir, I wish to lay on the Table of the House:  
The Siaya County Government Supplementary Budget Estimates for the FY 2014/2015 and its Appropriation

*(Hon. Odinga laid the documents on the Table)*

**Hon. Madialo:** Mr. Speaker, I stand to lay on the Table of the House:-

The Report of the Committee on Delegated Legislation on the Ward Development Fund Bill, 2015

**NOTICES OF MOTION**

SUPPLEMENTARY BUDGET ESTIMATES  
2014/2015

**Hon. Odinga:** Mr. Speaker, Sir, I wish to give notice that I will

be moving a Motion on the Supplementary Budget 2014/2015.

PROCEDURAL MOTION ON  
THE APPROPRIATION BILL NO 2 OF  
2015

I also wish to give a notice that I will be moving a Procedural Motion on the Siaya County Appropriation Bill No. 2 of 2015.

ADOPTION OF THE REPORT OF THE  
COMMITTEE ON DELEGATED  
LEGISLATION ON THE WARD  
DEVELOPMENT FUND BILL, 2015

**Hon. Madialo:** Mr. Speaker, I stand to give notice of Motion:  
THAT, this House Adopts the Report of the Committee on Delegated Legislation on the Ward Development Fund Bill, 2015

**MOTION**

**Hon. Odinga:** Mr. Speaker, Sir, as I had given a notice earlier, I beg to move that this House adopts the Siaya County  
**[Hon. Odinga]**  
Government Supplementary Budget Estimates for the FY 2014/2015 laid on the Table of this House, today, Wednesday, 27<sup>th</sup> May, 2015.

I want to call on Hon. William Angul to second.

**Hon. Angul:** Thank you, Mr. Speaker, Sir. I rise to second.

*(Question proposed)*

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 2015 SIAYA COUNTY ASSEMBLY DEBATES
 

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*(Question put and agreed to)*

**PROCEDURAL MOTION**

REDUCTION OF THE PUBLICATION PERIOD  
OF THE APPROPRIATION (AMENDMENT)  
BILL, 2015

**Hon. Odinga:** Thank you once again, Mr. Speaker, Sir. As I said earlier, the 2014/2015 supplementary budget that we have just passed needs to be accompanied by its appropriation, and before you, Mr. Speaker, is the Siaya County Appropriation (Amendment) Bill, 2015.

Mr. Speaker, Sir, procedurally, because it is a procedural Motion, I would like to move:-

THAT, pursuant to the provisions of the Standing Order 117, this House resolves to reduce the publication period for The Siaya County Appropriation (Amendment) Bill, 2015 (County Assembly Bill No.2 of 2015) from 7 days to 1 day.

I call upon the Hon. Majority Leader to second.

**Hon. Otieno:** Mr. Speaker, I stand to second.

*(Question proposed)*

*(Question put and agreed to)*

**BILL**

SIAYA COUNTY APPROPRIATION  
(AMENDMENT) BILL, 2015

**Hon. Odinga:** Mr. Speaker, Sir, once again I want to thank Members for taking their time and agreeing to reduce the number of days meant for debate of this Procedural Bill from 7 days to 1 day.

Now, Mr. Speaker, Sir, I beg to request that this Bill be now read the first time.

I call upon Hon. Joseph K'awuor to second.

**Hon. Awuor:** Mr. Speaker, Sir, I rise to second.

*(Question proposed)*

*(Bill read for first time)*

**Hon. Odinga:** Mr. Speaker, Sir, I now beg to request that following my earlier request that this House reads the Bill for the first time, as you know, the County Government is in dire need of this money for development. Based on that, I beg to move that the Siaya County Appropriation (Amendment) Bill, 2015 (County Assembly Bill No.2 of 2015) be read the second time.

I call upon Hon---- Mr. Speaker, Sir, you'll advise me, maybe I'm going too fast.

**Hon. Speaker:** No! Just call a Secunder!

**Hon. Odinga:** Having been read for the first time, Mr. Speaker, Sir, I now request that the Bill be read a second time. I call upon Hon. Elisha Okuku to second.

**Hon. Okuku:** Thank you, Mr. Speaker, I rise to second.

*(Question proposed)*

*(Question put and agreed to)*

*(Bill read for a second time)*

**COMMITTEE OF THE WHOLE  
HOUSE**

*(Order for Committee read)*

*[The Speaker (Hon. Okode) left the  
Chair]*

**IN THE COMMITTEE**

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

*[The Chairman (Hon. Madialo) took the Chair]*

*Siaya County Appropriation (Amendment) Bill, 2015*

*(Loud consultations)*

**Hon. Chairman:** Hon. Members, we are now in the Committee of the Whole House. The Clerk, read the clauses.

*(Clerk-at-the-Table read, Clauses 2-3)*

*(Question, that clauses 2-3 be part of the Bill, proposed)*

*(Question, that clauses 2-3 be part of the Bill, put and agreed to)*

Schedule 1-2

*(Question, that Schedule 1-2 be part of the Bill, proposed)*

*(Question, that Schedule 1-2 be part of the Bill, put and agreed to)*

Title

*(Question, that the Title be part of the Bill, proposed)*

*(Question, that the Title be part of the Bill, put and agreed to)*

Clause 1

*(Question, that Clause 1 be part of the Bill, proposed)*

*(Question, that Clause 1 be part of the Bill, put and agreed to)*

**Hon. Odinga:** Thank you. Mr. Chairman, I beg to move that the Committee do report to the House its consideration of the Siaya County Appropriation (Amendment) Bill, 2015 (County Assembly

Bill No.2 of 2015) and its approval thereof without amendments.

*(Question put and agreed to)*

*(Resolution to be reported without amendments)*

*(The House resumed)*

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

## REPORT

### Siaya County Appropriation (Amendment) Bill, 2015

**Hon. Madialo:** Mr. Speaker, Sir, I beg to report that the Committee of the whole House has considered the Siaya County Appropriation (Amendment) Bill, 2015 and approved the same without amendment.

**Hon. Odinga:** Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said report.

*(Question that the House do agree with the Committee of the whole House in the said report proposed)*

*(Question that the House do agree with the Committee of the whole House in the said report put and agreed to)*

**Hon. Speaker:** Yes, Chairman!

**Hon. Odinga:** Thank you once again, Mr. Speaker, Sir. I want to take this opportunity to thank Members for

**[Hon. Odinga]**

contributing positively in the Appropriation Amendment Bill, 2015.

Mr. Speaker, Sir, I now beg that the Siaya County Appropriation (Amendment) Bill, 2015 be now read a third time.

**Hon. Apiyo:** Seconded.

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

*(Question proposed)*

*(Question put and agreed to)*

*(Bill read a third time)*

**MOTION**

WARD DEVELOPMENT FUND BILL, 2014

**Hon. Madialo:** Mr. Speaker, Sir, I stand to move the following Motion: THAT, This House does adopt the report of this Assembly's Committee of Delegated Legislation, Justice and Legal Affairs on proposed amendments to the Ward Development Fund Bill, 2014.

I ask the Hon. Pamela Midumbi to second.

**Hon. Midumbi:** Seconded.

*(Question proposed)*

**Hon. Madialo:** Mr. Speaker, Sir, the necessity for the Ward Development Fund as earlier passed in this House cannot be gainsaid. Of interest was that compliance with the constitutional provisions that would subtract from the potential of conflict of interest between the Assembly Members and the implementation role of the other arm of the government.

Mr. Speaker, the preliminaries informing this report are clear- that the role of this Committee, under Order 190B is to consider and deal with all matters related to administration of law, justice and constitutional affairs, besides the other 17 grounds listed under Order 190 of our Standing Orders. I will not belabor our time in enumerating those grounds; they are clear in the Standing Orders of the House.

But, Mr. Speaker, permit me to outline and inform the Assembly that the report recommends that the money

committed to this fund shall not be less than 20% of the disbursement by the central treasury as stipulated under our constitution. The key word there, Mr. Speaker, is; not less than 20%. Mr. Speaker, that was to ensure that as growth comes with amounts disbursed, the fund also grows at the same similar rate. Mr. Speaker that would be part 4 of the Bill. I think we have the Bill with us, everyone was given.

Mr. Speaker, part 34 seeks to remove the role of the County Assembly Member in nominating the chairman, and introduces that the C.E.C in charge of finance shall nominate the chairman. And, Mr. Speaker, this will be from amongst the list of persons elected at a forum convened by both the Ward administrator and the County Assembly Member for purposes of constituting a committee by the community.

Mr. Speaker, the persons to be elected, and from amongst whom the C.E.C.M shall pick the committee at the Ward level shall be nine. That is what the proposed amendment seeks to introduce. Nine people will be forwarded to the C.E.C.M who will then pick 5 members to the committee.

Mr. Speaker, this Committee sought to limit the number of people sitting in the committee at the Ward level for purposes of controlling the amount of money that goes towards allowances because it will definitely eat into the development fund and beat the purpose for which this fund is being created. Mr. Speaker, some of the Wards have very

**[Hon. Madialo]**

many sub-locations while some have few. We don't know the reason why that is so, but it was informed by data collected by the Interim Independent Electoral and Boundaries Commission.

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

Therefore, the proposed amendment seeks to limit the fora to the Ward, so that each Member shall convene open public meetings in their respective Wards. Mr. Speaker, how each Member will decide to arrive at the selective colleges shall be up to them, as long as the public is agreeable with the manner and style in which they arrive at the committee. Part c of 4 (2) is therefore completely deleted, Mr. Speaker.

Mr. Speaker, in the amendments, the Committee seeks to constitute the Ward administrator and the secretary for purposes of avoiding employment of parallel staff. Again this is for purposes of ensuring that the fund does not introduce employment opportunities that could end up with the money disbursed paying salaries instead of going towards development projects.

Mr. Speaker, for purposes of implementation, the Committee recognized- and this is after interaction with other various departments of the executive- that at least one or two people might have to be employed to help supervise the implementation of the projects. And so, where such staff cannot be sourced in the existing personnel structure, this Committee ties the hands of the executive by introducing that there cannot be more than 3(three) employees per committee.

Mr. Speaker, the rest are self-explanatory and time is not on our side. The membership is well versed with matters legislation, they'll read. But I want to point out this--

*(An hon.Member's cellphone rang)*

*(Laughter)*

Mr. Speaker, that is when it happened.

*(Laughter)*

Mr. Speaker, the Committee sought to ensure the following;

The Committee said that this Act, once signed by H.E the Governor, will be self-implementing, and the Committee ensures by way of the recommended amendments that this happens by stating that it starts to operate with the onset of the 2015/2016 budget. It is particular. 2015/2016 budget comes into force once the Appropriations Bill for that is signed-we hope that this will be signed then-and they start operating together.

Mr. Speaker, allow me to report to the House that on our calculations, and fortunately part of the Committee sits also in the Budget Committee-this will bring the Ward development funds per Ward to Kshs. 36million for the 2015/2016----

*(Hon. Odinga and Hon. Madialo consulted)*

Sorry, Mr. Speaker, I have been corrected. Taking to account funds that are project specific-that are sent in by the central government to the hospitals, this would be Kshs. 32million. The Kshs. 32million is standard against all the Wards.

Mr. Speaker, the amendments also ensure, and it's enshrined in the Bill that, notwithstanding that that disbursement will be as suggested, the balance of the monies that remain with the executive shall be as equitably distributed amongst the Wards as possible. We hope the executive shall honour that without us having to come to bear---

**[Hon. Madialo]**

I want to rest my submissions, Mr. Speaker, by urging this Assembly that we know that there's a problem across the country on absorption of budget estimates. And, Mr. Speaker, as much as we quarrel, you, from your seat has experienced of the fact that attempts to absorb money, even by the Assembly, have hit snags or technicalities with the result that people suggest that it is incompetence either on our part or on the executive's part that contributes to non-absorption of funds.

Of course I still disagree with that. But, Mr. Speaker, this Bill, as of itself, is a development Bill. So that, Mr. Speaker, on the day the budget is allowed by this Assembly, 20% of the funds automatically get absorbed by the mere fact that this Act exists.

So, Mr. Speaker, I urge this Assembly to adopt this report and help us move forward. Thank you.

**Hon. Speaker:** I want to believe it's a matter we had delved into, and therefore there would be no much contributions.

*(Question put and agreed to)*

**ADJOURNMENT**

**Hon. Otieno:** Thank you, Mr. Speaker. I am on my feet to move an adjournment Motion which I'm going to explain briefly.

THAT, pursuant to Standing Order No. 26 (3) (4), I would wish to move a Motion of adjournment that this Assembly adjourns its sittings that were meant to resume on Tuesday, 2<sup>nd</sup> June, 2015, according to the calendar of this Assembly, to Thursday, 11<sup>th</sup> June, 2015.

The focus here, Mr. Speaker, is, Thursday, 11<sup>th</sup> June, 2015. Mr. Speaker, this is necessitated by the fact that during this long recess, quite a number of informal meetings were held, thereby interrupting the recess period. The requested period will enable Hon. Members to recover the days used in attending the informal sittings, Mr. Speaker.

Secondly; we are all aware that the Committee on Budget and Appropriation is currently holding public participation meetings at the Ward level on the proposed budget estimates for the financial year 2015/2016 as required by the law. The Committee's programme will end on Monday, 8<sup>th</sup> June, 2015. Later, the Committee will engage with Sectoral Committees for their input in the proposed budget estimates.

Mr. Speaker, I therefore move that this Assembly resolves to alter the dates of resumption of its sittings to be; Thursday, 11<sup>th</sup> June, 2015.

I therefore call on Hon. Mary C. Ajwang' to second.

**Hon. Ajwang':** Thank you, Mr. Speaker, Sir. I rise to second.

*(Question proposed)*

*(Question put and agreed to)*

The House rose at 9.50 a.m.

**THURSDAY, 11<sup>TH</sup> JUNE, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYERS****COMMUNICATIONS FROM THE CHAIR**

**Hon. Speaker:** Hon. Members, allow me once more to welcome you from the recess. You just rested from the Plenary, otherwise am aware you've been up and about with your role of representation. I have the following communications to make:-

1. We had the Third Session- First Part of long recess which lasted from 1<sup>st</sup> May to 1<sup>st</sup> June, and today again, I need to share with you, though you are privy to our calendar, that in the Third Session-Second Part, we'll have a short recess from July 3<sup>rd</sup> to 20<sup>th</sup> July. So that means this period will run up to around 3<sup>rd</sup> of July. It will be a short one of about two weeks. So whatever we have, we need to condense it to clear it within the two or three weeks.
2. Another issue which I must share with you is on the matter that brought us almost to a halt, the issue of ceilings. In the current financial year we really had issues. As we are making the budget for 2015/2016, we are all aware, and the Budget Committee will tell you, that the financing of Assemblies still remains

very inadequate, and the Assemblies forum is pursuing this with the Senate through a petition. The last meeting we had, I was personally present as we shared with CRA that our roles will be compromised if they do not fund our oversight role, capacity building, legislation and public participation. I painted to them a very bad picture where our Committees have now been reduced to the position of begging for whatever we want to get from the Executive.

3. Hon. Members, this Assembly has a budget making role and this demands that we really have to do that budget in a very consultative manner. I want to urge that you give the Budget & Appropriations Committee the maximum cooperation they deserve; we expect the same from the Committee. I had shared with them that they try to use all means possible, even if it means having informal meetings with Members of the Assembly, the Executive before they come up with the final budget. We want an inclusive budget. Therefore to the Budget Committee, we expect you to take lead. I am aware as your Chair that the public hearings have not been very friendly, not from mistakes of your own, but

perhaps for inaction of another arm. I want to believe that we will as an Assembly sit down in future to make sure that your work will not be as frustrating as was manifested this time round.

I can see some Members are out, and because we don't have so much, I want to allow them to come in before I proceed.

*(Several Hon. Members walked into the House)*

4. Ok. Another matter is; Hon. Members, when we will be done with this, I hope we will have a brief informal meeting to wrap up a few in-house issues. During that time, Hon. Maurey Asewe will have something to share with you.
5. Members, you will agree with me that we will need to sit as a House and internally reflect on our image out there because I am convinced that it is reducing day by day perhaps by commission or omission. We will have to sit one day, perhaps in the course of next week to do a reflection and make sure that we want to always aspire to be the County Assembly that the people of Siaya must be proud of.
6. We have been doing renovations for the last many months which have significantly been affected by poor flow of finances. But I report to you today that I've been informed by the Clerk and the works office that soon, maybe in the course of this month,

there will be completion of the renovations, except the one for the ramp that will not be completed. I will share this with you in the informal meeting on how to take advantage of that launch or opening so that it's not a matter of sneaking back as if it is business as usual. We need to go back in style, and if need be, invite VIPs, and that day also showcase what we've been doing as an Assembly. You never know, it might be the day that we might even reconcile this County! Because should we have an opportunity to have all leaders come, then that day we can have a dialogue and you will be surprised how we can take advantage of that opening to bring peace in this County, we all need peace.

Finally, which is very important--- I can see Hon. Chair for PIC/PAC is out, let me allow him to come in.

*(Hon. Angul walked into the House)*

7. Finally, I want to share with you that there has been a release today, it was done yesterday but the IEBC- the county chapter, allow me to call it so, has done a release today. They were in my office and I took that advantage to call the media so that they release this information to them. Allow me to read it. It is from IEBC, and it goes:-

NAIROBI, KENYA: Wednesday, June 10, 2015 - The Independent Electoral and Boundaries Commission (IEBC) wishes to inform the public that the Ugenya North

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

Member of County Assembly (MCA) by-election will be held on Monday, August 17, 2015.

Those wishing to vie as Independent Candidates are required to submit their symbols, letter of intent to vie and seek clearance from the Registrar of Political Parties on or before 29th June, 2015.

Each Political Party wishing to participate in the elections must finalize the nominations and determine intra-party disputes arising from party nomination of its candidate(s) on or before 3rd July, 2015.

The delivery of nomination papers to IEBC will take place on Monday, 20th and Tuesday, 21st July, 2015. The official campaign period will commence immediately thereafter and end on Saturday, 15th August, 2015.

Ugenya North is a County Assembly Ward in Ugenya Constituency, Siaya County. It has a total of 9,536 registered voters spread across 19 polling stations. The MCA seat fell vacant following the death of the incumbent on 14th March, 2015.

Ezra Chiloba

Commission Secretary & CEO

Your Speaker, in his communication to the public said that we expect political parties to do credible nominations, we expect IEBC to conduct free, fair elections, we wish the candidates all the best and we wish the people of Ugenya North the best leader that they deserve.

Thank you.

*(Hon. Munda walked into the House)*

Hon. Munda, take your seat, we want to proceed.

*(Hon. Munda settled)*

Hon. Members, last time we were Here, we had pending reports which we need to clear, and am told that the secretariat attempted to reach these Committees to know when they will table their reports but there was no response.

I just want to ask when we are likely to have the report of the Committee on Education, Youth Affairs, Gender and Social Services on the recruitment of ECDE teachers. Education Chair, are you there? Are we likely to have this report any time soon?

**Hon. Adida:** Thank you, Mr. Speaker, Sir. Allow me to say that the report is almost ready, just for fine tuning that we are going to do tomorrow then it will be ready for presentation next week. However, there are logistics that we discussed during the Liaison Committee, there are some processes that it's supposed to pass through but we hope it will be done with speed so that it can be in the House in good time. Thank you.

**Hon. Speaker:** So by Wednesday next week we can have it ready?

**Hon. Adida:** Yes!

**Hon. Speaker:** Secretariat take note of that. Then we have the Joint Committee on Agriculture, Water, Irrigation and Delegated Legislation on the taskforce force report on Dominion Farms Limited. Hon. Chairman, Abayo, please.

**Hon. Abayo:** Thank you, Chair. I wish to state that we've had a number of meetings with various stakeholders, and one last meeting which we had to push, Mr. Speaker, to 22<sup>nd</sup> June, is a meeting with the legal team of the Dominion Farms. We want to go through clause by clause of the two instruments-the MOU and the lease agreement on compliance as required before we are able to take our decision.

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

So on 22<sup>nd</sup> June, a meeting has been confirmed, and after that, Mr. Speaker, you will give us one week and we should bring the report to this House.

**Hon. Speaker:** 22<sup>nd</sup> or 27<sup>th</sup>?

**Hon. Abayo:** 22<sup>nd</sup> of this month of June.

**Hon. Speaker:** Do you think it is feasible to have to have it in this part or when we open after 4<sup>th</sup>?

**Hon. Abayo:** Yeah, I think after 4<sup>th</sup>--

**Hon. Speaker:** That should be after 4<sup>th</sup> ?

**Hon. Abayo:** Yeah! So that---

**Hon. Speaker:** So we are not likely to have it this---

**Hon. Abayo:** Yeah---

**Hon. Speaker:** Ok. Fine. So that one you push forward. Then the report of the Committee of Budget, Appropriations, Finance, Planning and Vision 2030. Yes, Chair.

**Hon. Odinga:** Thank you, Mr. Speaker, Sir. Just as you said earlier, as a Committee, we have done our public hearings that ended on 8<sup>th</sup> of this month and as a Committee we are now embarking on report writing and we still want to engage our colleagues before we bring a final document to this House. According to our plan we expect to table report by 23<sup>rd</sup> June.

**Hon. Speaker:** Will you have adequate time? 23<sup>rd</sup> will be a week after next.

**Hon. Odinga:** Yes, 23<sup>rd</sup>. That is according to our work plan.

**Hon. Speaker:** You have factored in meeting the Members and the CEC's together?

**Hon. Odinga:** Yes, the Members, CEC's and even the technical people.

**Hon. Speaker:** 23<sup>rd</sup>, ok. Secretariat take note of that. And then the report of the Committee on Trade, Industry, Labour and Cooperative Development on the status of the rating Bill. Was this taken back to the Finance Committee? Yes, Chairman!

**Hon. Munda:** Thank you, Mr. Speaker. The Committee on Trade met and they are of the opinion that the Rating Bill should be dealt with by the Committee on Budget & Appropriation.

**Hon. Speaker:** Chairman Finance, with what you have in your hands now, do you think you will be able to multi task and handle this also?

**Hon. Odinga:** Mr. Speaker, Sir, I think maybe if you can allow us to do it after 4<sup>th</sup>. We can receive it as a Committee but we can only work on it after 4<sup>th</sup> because of the nature of the document we are working on now.

**Hon. Speaker:** Secretariat take note of that. Then the report of the Committee on Water and Irrigation on charcoal levies by the Kenya Forestry Service. Any member of the Committee on Water and Irrigation? Yes, Hon. Apiyo.

**Hon. Apiyo:** Thank you, Mr. Speaker, I wish to report that the report is not yet ready but we are willing that come next week we shall subject it before the Hon. House.

**Hon. Speaker:** Do you think Thursday next week is ok?

**Hon. Apiyo:** Mr. Speaker, Sir, I have to communicate with my Chair then I can report maybe on Tuesday on the exact position of this report.

**Hon. Speaker:** So tentatively let's put it for Thursday, if you will not be able then you will let us know before then. Thank you.

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 2015 SIAYA COUNTY ASSEMBLY DEBATES
 

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**Hon. Apiyo:** Chair, I also wish to report before this Hon. House that the report of the Committee on Public Works, Transport and Communication on the mitigation measures being taken by the County Government of Siaya on fire outbreaks in the County is very much ready and we are willing to present it on 16<sup>th</sup> June 2015 in the afternoon.

**Hon. Speaker:** When is that, Tuesday or Wednesday?

**Hon. Apiyo:** Tuesday!

**Hon. Speaker:** Good! Alright!

Thank you, Chair. So we have agenda for Tuesday and agenda for Wednesday. We are not sure about Thursday. Alright, let's see, we may get agenda for Thursday Here.

Next Order!

### STATEMENT

**Hon. Speaker:** Yes, Hon. Walter.

**Hon. Okello:** Thank you, Mr. Speaker, Sir. I rise to request the following Statement that appears on copies that Members already have, presumably so. I believe all Members have. I can see a number of Members with copies.

Mr. Speaker, Sir, **AWARE THAT**, The President of United States of America, who has his parental roots in Kenya and specifically Siaya County, is scheduled to visit Kenya next month (July 25<sup>th</sup>-26<sup>th</sup>) to participate and attend bilateral meetings at the 2015 Global Entrepreneurship Summit in Nairobi,

**FURTHER AWARE THAT** the planned visit has important agenda of accelerating economic growth besides strengthening democratic institutions in Kenya and other African countries,

Mr. Speaker, Sir, **NOTING THAT** Siaya County is at a vantage point in this

agenda, being the birthplace of the father of the President of the United State of America,

Mr. Speaker, Sir, **DEEPLY CONCERNED THAT** there has been talks in the media and other unofficial fora of some preparations for the visit by Siaya County – one case in point, Mr. Speaker, is that there are reports that some funds have been allocated for the beautification of the grave of the late Obama Snr.

Mr. Speaker, Sir, **FURTHER CONCERNED THAT** Siaya County might miss out on a life time opportunity to foster linkages and development partnerships if no proper consultations and adequate plans are made to engage the expected international delegates coming with the President,

Mr. Speaker Sir, I wish to request a Statement from the executive on the following:-

1. Arrangements that the Siaya County Government has made to leverage on the Kenya-Siaya-USA relationship for purposes of boosting trade and tourism, agriculture, infrastructure and other visible development sectors in the county during the planned visit by President Obama.
2. Whether adequate consultations are being made with stakeholders and specifically with the County Assembly of

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

Siaya on possibilities of the county benefiting from the visit.

3. Extent of preparations that the county has put in place to boost business in the county should President Obama opt to visit the birth place of his late father in Alego Kogelo.

Mr. Speaker, though not captured in this Statement directly, we've heard many comments on this. Again today, Members who listen to other media, especially the radio, heard officials of the County Government of Siaya, particularly the head of the government of Siaya, H.E the Governor quote certain proposals that will be put forth as requests for H.E President Obama's consideration.

Mr. Speaker, the proposals may need harmonization and ownership by this Assembly and the people of Siaya so that we present our voices as a County Government so that we don't miss out on the importance of this international and once in a life time opportunity that will be presented by that visit. Thank you.

**Hon. Speaker:** I order that the question be handled by the office of the Leader of Majority and that we get a response on Tuesday, 16<sup>th</sup> June, 2015 in the afternoon sitting.

**Hon. Owii:** Thank you very much. Mr. Speaker, Sir, as an office of the Leader of Majority, I was thinking that I may try to do exactly what you have said but I have the belief that Tuesday is not most ideal to

report back to the House. If you would only be kind enough, push it to Wednesday so that if we don't meet them on Monday, then we can easily meet them on Tuesday for the same.

**Hon. Speaker:** Hon. K'owii, what the Hon. Member wants is just the strategies put in place. By the way, if your office was so robust, you would even answer now. But now, let me give you tomorrow and Monday and even weekend. The office of Leader of the Majority, you are free to visit the Governor even at night, any day and talk about these issues. Right?

*(Laughter)*

**Hon. Owii:** If you happen to go that far, Mr. Speaker, Sir, you know the language of this House.

*(Laughter)*

**Hon. Speaker:** The language of this House has allowed you to do it.

*(Laughter)*

Please, let's have the answer on Tuesday. Thank you.

Then you realize there was supposed to be a timetable here but it has been overtaken by events because of that interactive session we had. At this point---

*(Hon. Owii stood up in his place)*

Yes, you want to say something?

**Hon. Owii:** Thank you again, Mr. Speaker, Sir. If you didn't run through the program for next week that is starting from the 16<sup>th</sup> ---

**Hon. Speaker:** It has been overtaken.

**Hon. Owii:** I was saying that I was supposed to read but you went ahead, Si!

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

*(Laughter)*

Now I have a communication from the Hon. Edwin Martin Otieno, Majority Leader, County Assembly of Siaya during the opening of the ordinary session of the Assembly today, Thursday, 11<sup>th</sup> June, 2015 at 2.30 pm, Bondo Chambers.

Mr. Speaker Sir, Hon. Members of the County Assembly of Siaya, I wish to welcome you all, back to the Assembly from the long recess.

Hon. Members, I wish to congratulate and thank the Members of the Committee on Budget, Appropriations, Finance, Planning and Vision 2030, Chairpersons of the various watchdog and sectorial Committees for working hard during the budget making process from engagement with the respective County Executive Officers particularly the CEC Members and Chief Officers, to public participation process throughout the County.

Indeed you exhibited objective criticism and maintained professionalism and collective responsibility and embraced the principles of good governance and public participation all through. This will lead to successful completion of the process. I must thank all Hon. Members for sensitizing and organizing the public during the process.

I also wish to thank in a special way, the County Executive Department of Finance for facilitating the Committee on Budget, Appropriations, Finance, Planning and Vision 2030 to execute the budget process.

Finally, Mr. Speaker, Sir, I wish to urge us Hon. Members to participate fully in the legislative, representation and oversight roles of this House, ensuring full attendance both in Plenary and in Committee Sittings. Mr. Speaker, Sir, the business of the House

this week and next week will be dominated by the financial year 2015/2016 budget estimates, and as the Committee on Budget, Appropriations, and Finance, Planning and Vision 2030 proceeds to its retreat on the same, I urge that any additional observations from any Chairperson of a Committee to be welcomed so that we come up with a budget that reflects all interests and which all of us will be proud of.

Thank you, Mr. Speaker.

### ADJOURNMENT

**Hon. Owii:** Mr. Speaker, Sir, there being no any other business for this afternoon, I want to propose an adjournment of this Hon. House to next week, Tuesday 2.30pm.

**Hon. Speaker:** Seconder?

**Hon. Owii:** I call upon, Hon. Odinga, to second.

**Hon. Odinga:** Seconded.

**Hon. Speaker:** Thank you, before I put a question to that Motion, I want to advice that the practice of Parliament is that you can adjourn an Assembly through a Motion of that nature, but there are also certain times that you don't have to move that Motion that the Assembly adjourns.

For example, when we have exhausted business, the Speaker just rises and says the House is adjourned. The reason is; if the Assembly Members for example want to discipline, say, the Speaker, and one day there is no agenda and nobody moves a Motion of adjournment, you can imagine, people can sit forever!

*(Laughter)*

The other thing is when there is time. You know we are allocated debating time, when we move from, say, 2.30p.m to 6.30pm, that time when it reaches, unless

somebody seeks for further debate, then it can be adjourned.

Thirdly; also if say when there's chaos. Assuming there is a scheme just for people to fight until they don't leave and nobody moves a Motion of adjournment, then people can die Here fighting.

But all the same, it is in order, selective, you can move the Motion.

*(Question put and agreed to)*

The House rose at 3.10pm

**TUESDAY, 16<sup>TH</sup> JUNE, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYERS****PAPER**

THE REPORT OF THE COMMITTEE ON  
ROADS, PUBLIC WORKS, TRANSPORT AND  
COMMUNICATION ON MITIGATION  
MEASURES BEING TAKEN ON FIRE  
OUTBREAKS

**Hon. Apiyo:** Thank you, Mr.  
Speaker. I wish to lay before this Hon.  
House:-

The Report of the Committee  
on Roads, Public Works, Transport  
and Communication on mitigation  
measures being taken by the County  
Government of Siaya on fire  
outbreaks in the County.

*(Hon. Apiyo laid the  
document on the Table)*

**NOTICE OF MOTION**

**Hon. Apiyo:** Thank you, Mr.  
Speaker. I wish to give notice of the  
following Motion:

THAT, this House adopts the Report  
of the Committee on Roads, Public  
Works, Transport and  
Communication on mitigation  
measures being taken by the County  
Government of Siaya on fire  
outbreaks in the County, laid on the  
Table of this House today, 16<sup>th</sup> June,  
2015.

**STATEMENT**

**Hon. Speaker:** There was a  
Statement request issued last week that was  
committed to the office of the Majority  
Leader for an answer today. Did it come?

*(The Clerk at-the-Table and the Hon.  
Speaker consulted)*

I direct that that Statement be  
answered tomorrow afternoon.

Next Order!

**MOTION**

**Hon. Apiyo:** Thank you, Mr.  
Speaker. I wish to move the following  
Motion:-

THAT, this House adopts the Report  
of the Committee on Roads, Public Works,  
Transport and Communication on mitigation  
measures being taken by the County  
Government of Siaya on fire outbreaks in  
the County, laid on the Table of this House  
today, 16<sup>th</sup> June, 2015.

I call upon Hon. Pamela Midumbi to  
second.

**Hon. Midumbi:** Seconded.

*(Question proposed)*

**Hon. Apiyo:** Thank you, Mr.  
Speaker. On behalf of the members of the  
Committee on Roads, Public Works,  
Transport and Communication, and pursuant  
to the provision of Standing Orders 192 (5)  
(a) and (g), it is my pleasure and duty to

present to the House, the Committee's Report on fire outbreak mitigation measures taken by the County Government of Siaya as requested in this House by the Hon. John Gare, Member of County Assembly for West Sakwa Ward, (see attached annex 1)

### COMMITTEE MANDATE

The Committee on Roads, Public Works, Transport & Communication is established under Standing Order 192 read together with the Second Schedule of the Standing Orders of the County Assembly is mandated to oversight on all matters related to county transport, including County roads, street lighting, traffic and parking, public road transport and ferries and harbours, excluding the regulation of international and national shipping and matters related thereto; county public works and services including storm water management systems in built up areas, fire fighting services and disaster management.

The Committee comprises of 10 members;

Hon. Christopher Apiyo	-
Chairman	
Hon. Murray O. Asewe	- Vice
Chairman	
Hon. Booker Minami	- Member
Hon. Helida Atieno	- Member
Hon. Pamela Midumbi	- Member
Hon. Andrew Omwende	- Member
Hon. Joannes Andiego	- Member
Hon. Edwin M. Otieno	- Member
Hon. Pius Ombiyo Ogutu	- Member
Hon. Margaret Olongo	- Member

### EXECUTIVE SUMMARY

The Committee met with the C.E.C Member for Roads, Public Works, Transport and Communication, together with the County Engineer on 3<sup>rd</sup> March, 2015. In this meeting, the C.E.C Member confessed that there had been no fire fighting mitigation measures that had been put in place by the county government so far. However, according to the C.E.C Member, there were already plans underway to train some employees of the county government to run a fire fighting department.

With regard to the fire fighting machine, the C.E.C Member informed the Committee that the machine was to be taken to Kisumu on 16<sup>th</sup> March, 2015 for service and repair and would be up and functional in a few weeks.

On 8<sup>th</sup> April, 2015, the Committee met with the C.E.C member for Health and the Chief Officer for Water and Irrigation. The Chief Officer for Water and Irrigation precisely put it to the Committee that there existed no hydro points within all the urban centres in the county and in case of any emergencies, water will always be drawn from water treatment works (see attached report from the Chief Officer annex 2). The Chief Officer in his report kept talking about matters that will be done in the future and there was no substantive measure that was already in existence.

The C.E.C Member for Health on his part said the Committee had caught them "pants down" since there were no measures that had been put by his department to tackle fire outbreaks in any health centre in the county. At the Siaya County Referral Hospital, the C.E.C further reiterated that there existed a hydro point that had run down more than 5 years ago and the hospital

only had 3 fire extinguishers. This was a mockery of the highest degree and it was dreadful to be coming from the C.E.C Member for Health whose priority should be to ensure safety of citizens of this county.

## FINDINGS

### 1. What mitigation measures has the County Government put in place to tackle fire outbreaks cases?

- 1) Until the time the Committee started probing into this matter, there was absolutely no mitigation measures that the county Government had put in place to tackle fire outbreak cases.
- 2) What existed was an aptly written theoretical framework in County Public Services Human Resource Manual Section K part 4 (see attached annex 3) on fire precautions which no Chief Officer within the County Executive ever adhered to.
- 3) According to the C.E.C Member for Roads and Public Works, the county government had identified twelve (12) people from within their staff establishment, three (3) drivers and 9 crew members who will be involved in the management of fire out brakes within the county.
- 4) These 12 staff were to be subjected to a two weeks training on fire outbreak management in Kisumu to ensure they acquire requisite wherewithal to fight fire. This training, as the Committee learnt, had not taken place to date. Only three drivers were taken for a three day pump operation training in Kisumu.
- 5) The drivers, during their engagement with the Committee on 8<sup>th</sup> April, 2015, elaborated that the training they

underwent was extremely basic, to put it mildly, and they could not attest that they have any much knowhow in fire fighting. This Committee realized that the other 9 crew members who were to be trained have never got any single line of training and there seems to be no plans underway to offer this training. In fact, what the Committee was told was a pure public relations gimmick to mollify the Committee and struggle to show ciphers of non - existing actions on the part of the Executive on matters of fire fighting.

- 6) This clearly depicts a County Executive not committed to disaster management in general and fire fighting in particular as will be further identified in successive sections of this report.
- 7) What makes this more hilarious is the kind of confusion that exists in coordination of issues of fire fighting. First, the County Public Service Human Resource Manual Section K; a legal document that should guide the operations of the County Government lays the responsibility of fire fighting in the departments of public works and labour. Second, the Standing Orders of this Honourable House lays the responsibility squarely with the department of roads and public works, heavily contradicting is the executive order that created these executive departments which lays the responsibility with the department of governance and administration. Making it difficult for any department to take full responsibility of the matter.

8) These revelations depict vividly that the county government is not committed to ensure fire outbreak mitigation measures within the county, fire outbreak management and disaster management are an afterthought in this Government.

**2. When is the Fire fighting engine being repaired to perform its function?**

- 1) According to the county engineer, the machine was a donation from the Government of Japan, and when it arrived in Kenya it was supposed to pass through a garage in Thika to give it a clean bill of health but it did not. Therefore, it arrived at Bondo in a non-functional state.
- 2) When the Committee requested the County Secretary to furnish it with the delivery report of the machine upon its arrival in Bondo, to date the report has not been given to the Committee, making it difficult for the Committee to clearly know the true status of the machine upon its arrival in Bondo.
- 3) The Committee has made momentous efforts to acquire a written report from the Governance Department but the Chief Officer of this Department has continuously shown signs of laxity and total refusal to furnish the Committee with this report. An act in total disregard of Article 96 of the County Government Act and Articles 35 and 195 of the Constitution of Kenya and Standing Order 196 of the Standing Orders of the County Assembly of Siaya, on the right to access accurate information.
- 4) That notwithstanding, the amount of time that the machine had spent parked

at the former county council offices in Bondo was not acceptable. More than two years after the establishment of the County Government, no effort had ever been made to ensure the machine was running and functional, an act of casualness and lack of commitment portrayed with a lot of ease by the County Government.

*[The Speaker (Hon. Okode) left the Chair]*

*[The Temporary Speaker (Hon. Minami) took the Chair]*

- 5) However, the machine is mobile and has been tested. The defect was with the water pump in the machine that required major repair which the County Government had already embarked on. The Government took the machine for service and repair at Freelance Fire and Safety Consultants in Kisumu at a cost of Kshs. 72,400. (see attached annex 4 a)
- 6) The fire fighting consultants did a report (see attached annex 4 b) and in it, wrote a recommendation that was to be urgently implemented by the county government. This was on 19<sup>th</sup> March, 2015. To date, the recommendations which are very vital to effective fire fighting process have not been implemented, another clear sign of lack of commitment.
- 7) The fire-fighting machine was brought to the County Assembly compound on 8<sup>th</sup> April, 2015 so as to demonstrate to the Committee that it was functional. However, on further inspection and

interrogation, the Committee made a grim discovery that the machine had no battery of its own. What it was using had been borrowed from one of the lorries at the transport department. Therefore, to say that the County Government is not committed to issues of fire fighting is an understatement; this is a sign of absolute carelessness. A clear show of inability to perform a constitutionally endowed duty of fire fighting and disaster management.

**3. Are there budgetary allocation to procure more fire fighting engines and equipment?**

- I. To this regard, the C.E.C Member for Roads and Public Works informed the Committee that there was already a tender on the purchase of a new fire fighting machine available on the county government website- **Tender No. CGS/SCM/OT/ 2014-2015/141** worth Ksh.10, 000,000. However, the three companies who were interested in buying the tender could only supply a small land cruiser fire engine. Their reason being that only a small land cruiser was worth that amount of money, a bigger machine, which the County Government had wanted, was Kshs. 30,000,000.
- II. The County Government had therefore cancelled the tender as seen in the cancelation letters attached (see attached annex 5). This quickly begs the question; was the tender floated without any proper market survey? Does this always occur with other tenders that have always been

cancelled by the County Government?

- III. The C.E.C Member for Roads and Public Works informed the Committee on 3<sup>rd</sup> March, 2015 that there would be a re-advertisement of the tender for a fire fighting machine so as to get a bigger machine. But not surprisingly, 4 months later, no advertisement for this tender has been done, further confirming that the County Government is not committed to fire fighting.
4. **Are there trained personnel in fire fighting?**

There were 3 drivers who received a rather inadequate training in driving the fire fighting machine. No other crew member had been trained. The promise that was made for training 12 members of staff by the C.E.C Member for Roads and Public Works were empty and very hollow.

## CONCLUSION

In conclusion, the findings of this Committee reveals that the County Government is not committed to the issue of fire fighting, and therefore, there is no hurry to get a fire fighting department in place to help tackle fire outbreaks within the county.

## RECOMMENDATIONS

1. The County Government should create a well capacitated fire fighting department on a 24 hour standby operation for mitigating fire outbreaks within the county in the next one month.

2. The above department should have branches in all sub counties in one month.
3. In the next 6 months, the County Government should train members of the public on safety measures during fire outbreaks.
4. The County Government should streamline fire fighting matters preferably in one department in the next one month to ensure nobody can pass the buck on responsibility.
5. The CECM on Governance and Administration should bear political responsibility for lack of coordination in fire fighting matters and untimely establishment of a fire fighting department.

Mr. Temporary Speaker, I would like to request my colleagues to find time and go through the attached annexes because I think they are evidence enough that we did our best to invite all the necessary people to give us more information.

Mr. Temporary Speaker, my last recommendation as the Chair is that the Committee on Implementation must also take charge and ensure that recommendations that come from Committee reports are implemented.

I sit down by asking the Hon. Members to kindly adopt this report. Thank you!

**The Temporary Speaker** (Hon. Minami): Hon. Members, the report is now open for debate. Yes, Hon. Were.

**Hon. Were:** Thank you, Mr. Temporary Speaker, Sir. I have looked at this report and it's a lone voice in the wilderness.

*(Laughter)*

It is full of helplessness. It has no teeth and it is pitiable!

*(Laughter)*

Where is the remedy? There's need for a Bill. Instead of waiting for the Executive to come along and do the needful, it is very important that the Sectoral Committee, and more so this County Assembly, should be able to partner with the Executive and work on a Bill that will establish a directorate that will take charge of disaster.

There's need for a policy guideline that along with the County Public Service Board, will work on a scheme of service for members of this directorate and then incorporate intergovernmental relations and collaboration with other players-either national or international that have interest in disaster management.

It is a bit strange that three years down the line, this County is a sitting duck that would wait for a crisis so as to make visitation and run around with no vans available. The Executive should be urged to establish a taskforce comprising of various professionals and experts in diverse fields like health, agriculture, human resource etc. to see whether this kind of approach would be viable, the logistics, the funds- you know, that connectivity. But as at now, you will cry, lament and look hopeless. Without the Bill you will have no teeth. Thank you.

**The Temporary Speaker** (Hon. Minami): I'll give this opportunity to the Hon. Member who asked for this Statement so that he can give his views. Hon. John Gare, the Floor is yours.

**Hon. Gare:** Thank you, Mr. Temporary Speaker, Sir. It is true that there's need for us to look at the issue of fire outbreaks in

Siaya County, and I want to say that the Committee has done a good job.

I want to echo their recommendation that we need to have a 24hour fire fighting department in the county and it should be extended to the sub-counties as the Committee has said. This is a truth that nobody can run away from because if we don't have this kind of service in the county, then we are going to lose, and after losing it us who will again be contributing to these things.

West Sakwa where I come from, you are all aware that there are big institutions like Bondo University where fire broke out the other day and we could not help it until we had to call a fire fighting machine from Kisumu County.

So I want to recommend that whatever the Committee has said is needful and we really need to call upon the Implementation Committee, as the Chair has said, this Committee should follow up so that we see to it that action is taken. So many times we have been talking here and adopting reports as we are doing now, but they are never followed up. So we want to call upon the Implementation Committee to perform its role and see to it that these things are put in place.

I also want to echo what my colleague has said that what will help us is a Bill. With the help of the Committee, is important that we need to look at whether we can formulate a Bill that can save us as a county. Thank you, Mr. Temporary Speaker, Sir.

*(Applause)*

**The Temporary Speaker** (Hon. Minami): Hon. Okello.

*(Laughter)*

**Hon. Okello:** Mr. Temporary Speaker, I was definitely not on my feet but thank you for the opportunity to contribute. I just want to agree with what the two Hon. Members' have said, especially Hon. Gare who requested for the Statement. Mr. Temporary Speaker, my concern is that our preparedness as a county, in terms of disasters should go beyond just fire.

But since fire preparedness and management is what is at hand, actually we are sitting on a time bomb because we have our people who are traders in Bondo, Ugunja, Akala, Siaya and all over; we have several places where potentially we may have disasters. Nobody ever prays for disaster, but these are things that can happen without notice.

So, Mr. Temporary Speaker, it is quite unfortunate as *Mheshimiwa* here says that two years down the line, as a county we have not seen it necessary to put in place measurable steps that will help us towards attaining that kind of preparedness in case something happens.

Mr. Temporary Speaker, my other concern is that if you read this report it is indicated that there's no proper training for people who can fight fire. In this county we have several unemployed youth and this is one avenue that the county government should take advantage of. We can have selected youth trained properly and put on standby so that in every major centre and in every sub-county, we have a certain number of youth who are trained and properly equipped to fight fire.

Finally, I think this report is coming at the right time when we are in the budget making season for the next financial year. It's unfortunate that our colleagues who are in the Budget Committee are out but I

believe that because of the urgency involved in this matter, we need to resolve as a House that whatever the financial implications this matter has, it needs to be captured properly in the budget so that we do not rely on donations. If you read through this report you hear that the equipment that was here was donated from somewhere, and that is why it was ineffective. So, let us resolve as a House to have this issue of fire fighting machine captured in the budget. Mr. Temporary Speaker, if we do that, the people of Siaya County will have a feeling that this is an Assembly that cares for them. I support.

**Hon. Osuri:** Thank you, Mr. Temporary Speaker. As I rise to support the report and commend this Committee, I would wish to echo the following:-

It is stated on page 2 that; the C.E.C Member confessed that there had been no fire fighting mitigation measures that had been put in place by the county government. He goes further to say that plans are underway and that the machine had been taken for repair and would be up and functional in a few weeks. Mr. Temporary Speaker, Sir, how few are the few weeks? In case of a fire outbreak they would say that they promised that the machine would be ready in a few weeks. Few weeks can be 1, 2, or even 100. We need to know whether the few weeks have elapsed and whether the machine is up and functioning.

Mr. Temporary Speaker, let me also look at page 4, this issue of tendering and cancellation. The way the tendering and awarding system in Siaya County is done seems to be questionable. There's no professionalism. I wish that some kind of vetting should be done to some of these people that are given tenders to undertake certain projects in the Wards. This is

because we have seen a lot of dubious people running up and down with envelopes, purporting to be good contractors in their areas of discipline. This is costing us a lot. So there's need to undertake professionalism and we need to even question the people that award these tenders.

As it has been echoed in this report and also by a Member who has contributed, the PIC/PAC and Implementation Committees should wake up and perform their duties. There is a series of reports that have been passed in this House; I don't know whether an archive has been built where they are dumped. I don't know whether they do follow ups on some of these reports. Otherwise we will continue adopting reports day in day out and their effect will never be felt by our people on the ground. We've even seen reports about the defunct local authorities' where some huge amounts of money were embezzled yet the people mentioned in the report are just walking scot free.

Otherwise, Mr. Temporary Speaker, Sir, I support the adoption of this report.

**Hon. Otieno:** Thank you. Mr. Temporary Speaker, I'm on my feet to support this report. I want to say that back in the year 2002 in Ugunja, even before being elected in this House, a petroleum tanker got an accident and there was a huge fire outbreak which went for over 12 hours and destroyed quite a number of things.

There was no quick response because the firefighting machine had to be gotten from Kisumu. It was even an uphill task to get the machine from Kisumu because we later learnt that it had gone to another place for a similar mission like the one that was awaiting it in Ugunja. So, Mr. Temporary Speaker, as a county, it is

prudent that we get our very own firefighting machine. And since the Budget Committee is working on the final budget, it will be necessary that this issue be incorporated in the 2015/2016 budget so that our safety is assured.

Mr. Temporary Speaker, I want to concur with the Hon. Member for North Gem that a Bill should be worked on so that issues of fire outbreaks are handled well. Lastly, I want to appreciate the Committee which worked on this report and urge it to consider the contributions of other Members so that we come up with a water tight report that will later on transition into a Bill.

Mr. Temporary Speaker, I support the report and urge the House to adopt it. Thank you!

**The Temporary Speaker** (Hon. Minami): Hon. Rosemary.

**Hon. Ogutu:** Thank you, Mr. Temporary Speaker, Sir. I support the report by complimenting the Committee for what they have brought to this House. Most of the things have been said, Mr. Temporary Speaker, mine is only to add that before we come up with a Bill, this Assembly should come up with a committee to take care of these emergencies. This time we are lucky enough that there were no floods in Usonga and other areas which normally flood during the rainy seasons. So it is very necessary to come up with a committee that will be in charge of the fires and the flood mitigation.

We can say here, Mr. Temporary Speaker, that the Committee on Implementation should do a follow up, yet we also have a backlog of follow ups which we have not done.

So, Mr. Temporary Speaker, Sir, I would recommend that as a House we come up with that committee to take charge of the issues. Thank you.

**The Temporary Speaker** (Hon. Minami): Hon. Willis.

**Hon. Ochieng:** Thank you, Mr. Temporary Speaker. I want to start by thanking the Committee for having brought us this report. Indeed they have done a lot of research and brought us every detail that was needed in this Assembly.

First, Mr. Temporary Speaker, I want to say that the Committee has done its part to expose the laxity of the Executive in responding to fire outbreaks in this county. I think the County Government should have its priorities right.

As it is said, Mr. Temporary Speaker, prevention is better than cure. If the number of incidents that have been captured here are anything to go by, then I think a lot of money has been spent in recovery. If this firefighting machine was functional, I think the County Government could not have spent a lot of money in trying to recover lost items during such incidences.

Instead of just forming a committee on firefighting and flood mitigation, Mr. Temporary Speaker, I think it should be a joint committee on disaster management because all these fire outbreaks are disasters. Early this year, a heavy wind blew almost a quarter of my population in Mageta Island. They only survived because I had connections with some good samaritans who assisted me to erect some tents for them. If the county government had formed a disaster management committee, it would not have been a difficult job for an elected leader to handle such situations when they arise.

Lastly, Mr. Temporary Speaker, I want to say that we can't have a county whereby something is budget for, it is procured it, and then later it is found out that the money allocated for the equipment is

lesser than what is required. I think something should be done in the department of procurement because if we are not careful, we are still going to face all these problems in the near future.

Otherwise, I thank this Committee and my only prayer is for these recommendations to be implemented with immediate effect. I also want to concur with my colleague, Hon. Walter, that there is no need for the County Government to empower those who have already been recruited. Thank you very much, Mr. Temporary Speaker, Sir

**The Temporary Speaker** (Hon. Minami): Deputy Leader of Majority!

**Hon. Owii:** Thank very much, Mr. Temporary Speaker, Sir. First I want to commend the Committee for the work well done. This is a detailed report that should be used to engage the County Government for delivering.

Mr. Temporary Speaker, the recommendations that have been put here may just go like any other recommendations that have been put in this Assembly by other Committees without any implementation at all.

So I wanted to make some suggestions, Mr. Temporary Speaker, if you allow. I wanted to suggest that we should actually have further engagement with the Budget Committee and the CECM Finance to adjust the budget to accommodate the purchase of a bigger machine worth Kshs.30million as proposed here.

I also wanted to make a suggestion, Mr. Temporary Speaker, Sir, that an invitation should be extended to the CECM in charge of Roads, Infrastructure and Public Works to appear before the Committee of the whole House just to make commitment

that the recommendations that have been put here are going to be implemented fully.

Finally, Mr. Temporary Speaker, Sir, I want to request that something should be done about the firefighting machine or vehicle that we have around so that it can be in good condition even as we await for the purchase of a better one. You never know, anything can happen, there can be fire outbreaks at any time and we may not actually wait for those fire engines to come from Kisumu. When fire erupted at Bondo University, the institution almost went down because of the distance between here and Kisumu.

Thank you very much, Mr. Temporary Speaker, Sir.

**Hon. Asewe:** Thank you, Mr. Temporary Speaker. I would like to also add my voice to what other Members have said.

Mr. Temporary Speaker, we went through so many challenges in our bid to come up with this report and this Assembly has to come up with a way of forcing the CECM to take action because even getting this information from the CECM was a problem. Our Clerk had to push several times so that the information could be given.

Mr. Temporary Speaker, we are in a County Government, we are not in a department. How can a County Government not afford battery for the fire fighting machine? I think this is just negligence.

Mr. Temporary Speaker, just as it has been said, we have to come up with a policy that will push these people to do the necessary. A good example is the PIC/PAC report which was substantially researched and we brought it to this House, but surprisingly, it has never been implemented up to this time. If we are not careful, even this one will just be dumped like that. It's like we have formed an archive of reports;

reports that have been well done, brought to the House and they are dumped there without any further action. Mr. Temporary Speaker, this House should come up with a policy that will push these people to implement these reports. If not so then we will be wasting time, Mr. Temporary Speaker.

Otherwise I will also urge this House to adopt this report. Thank you.

**The Temporary Speaker** (Hon. Minami): May the Mover now reply!

**Hon. Apiyo:** Thank you, Mr. Temporary Speaker. As the Mover of this report I want to say that I will support what other Hon. Members have said, indeed a Bill should be prepared. Mr. Temporary Speaker, the Bill will definitely streamline everything and will make sure that we do things according to the law.

Mr. Temporary Speaker, I also wish to reiterate that the County Government should immediately create a well capacitated fire fighting department. Further, as the Deputy Majority Leader has said, we should engage the Budget Committee before we pass the budget so that we allocate some money for the purchase of at least two or three firefighting machines. One fire fighter engine is not enough; we should have two or three, then we will be ready for any disaster.

Mr. Temporary Speaker, once again I want to thank all Members for the contributions. We have done our work; we now leave everything to the Implementation Committee to do their work. Thank you.

*(Question put and agreed to)*

## ADJOURNMENT

**Hon. Owii:** Thank you very much, Mr. Temporary Speaker, Sir. Having exhausted the items that we were supposed

to discuss today, and given that we don't have more to discuss, I want to move a Motion that this House adjourns until tomorrow at 9.00 a.m. in the morning.

I want to call upon Hon. Were to second.

**Hon. Were:** Seconded

**The Temporary Speaker** (Hon. Minami): Hon. Members, being that there is no other business, the House stands adjourned until tomorrow at 9.30 a.m.

The House rose at 3.28 p.m.

**WEDNESDAY, 17<sup>TH</sup> JUNE, 2015**

The House met at the County Assembly Chamber at 9.30 a.m.

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

**PAPER**

REPORT OF THE EDUCATION, YOUTH  
AFFAIRS, GENDER AND SOCIAL SERVICES  
COMMITTEE ON THE RECRUITMENT OF ECDE  
TEACHERS BY THE COUNTY EXECUTIVE

**Hon. Speaker:** There's a Paper to be laid by the Education Committee.

**Hon. Ndonji:** Mr. Speaker, Sir, on behalf of the Committee on Education, Youth Affairs, Gender and Social Services, I wish to lay on the Table of the House:-

The Committee's Report on the Recruitment of ECDE Teachers by the County Executive.

*(Hon. Ndonji laid the document on the Table)*

**NOTICE OF MOTION**

**Hon. Speaker:** The Speaker was consulted by the Committee on Education and they requested that this Motion be deferred to Tuesday, 23<sup>rd</sup>, next week. Chair, you can enlighten the House on the same.

**Hon. Adida:** Thank you, Mr.

Speaker. We have requested for the same so as to allow Hon. Members to go through the Motion properly so that on Tuesday we can have quality debate. We really request for a full House so that this report is discussed while all Hon. Members are there. This is because the report touches on very pertinent issues that concern all the Wards. Thank you.

**Hon. Speaker:** In other words, the Committee has given notice of this Motion to be debated next week, Tuesday, 23<sup>rd</sup> June, 2015.

So, I direct the Clerk to ensure that Members have copies and Members go through the report so that on Tuesday, Members will discuss on something they are privy to its content.

**ADJOURNMENT**

**Hon. Gare:** Thank you. Mr. Speaker, now that the Chair has requested that we push what we had for today to next week when there's a full House, I want to

request that this House adjourns so as to give room for Sectoral Committees to fine-tune their budgets because tomorrow the Budget Committee will meet us for the whole day as we look at their budget.

I will therefore propose that this House adjourns until Tuesday, 23<sup>rd</sup> at 2.30 p.m.

I want to request Hon. Oriaro to second.

**Hon. Oriaro:** Seconded.

*(Question put and agreed to)*

The House rose at 9.45 a.m.

**THURSDAY, 25<sup>TH</sup> JUNE, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYER****COMMUNICATION FROM THE CHAIR**

**Hon. Speaker:** You will pass Communication from the Chair and go to the next one. I'll talk about that after an update on Motion No. 8.

Next Order!

**STATEMENT**

**Hon. Speaker:** Yes, Hon. Ndonji, you have a Statement on behalf of Hon. Stephen Adera.

**Hon. Ndonji:** Thank you, Mr. Speaker, Sir. I have a Statement here that I want to put across on behalf of Hon. Stephen K'adera who is the MCA for West Ugenya Ward.

**AWARE THAT**, Siaya County Public Service Board, a Board charged with the recruitment of staff and employees of the County Government was established through a competitive process and were vetted by the County Assembly;

**FURTHER AWARE THAT**, the County Government Act, No. 17 of 2012 Section 57 and 58 give express terms under which the Board members shall be engaged.;

**CONCERNED THAT** the said terms as provided for under the County Government Act, 2012 have not been adhered to in terms of salaries and allowances, I therefore request the County Executive to inform this House the terms of

appointment of the Members of the Siaya County Public Service Board and their current remunerations.

Thank you, Mr. Speaker, Sir.

*(Hon. Aneme walked into the House)*

**Hon. Speaker:** Hon. Aneme, you are walking as if you are entering Migwena!

*(Laughter)*

*(Hon. Adera walked into the House)*

The Deputy Speaker is also walking as if ---.

*(Laughter)*

May that Statement be committed to the Committee on Public Administration and Governance and let the Assembly get your report by next week, Wednesday afternoon.

Next Order!

**MOTION**

**Hon. Odinga:** Thank you, Hon. Speaker, Sir. I want to say that if you look at the Order Paper, we were supposed to Table our report and then give a notice of Motion and thereafter move a Motion on 2015/2016 Financial Year Budget Estimates.

Mr. Speaker, Sir, on behalf of this Committee, I want to say that---

**Hon. Speaker:** Just proceed!

**Hon. Odinga:** Following new developments-- some just came today, we are unable to Table the report today and

these are the main reasons why we were not able to do that:-

1. Last time when we were giving our progress report, we said that we wanted to engage the CRA so that they could tell us the limits in terms of-- if it is ceiling or if it is items to be budgeted for. So we were waiting for communication by yesterday, instead they communicated saying that they were not able to give us their input by yesterday and said that that can only be done by the end of today.
2. Then another thing, Mr. Speaker, Sir, is that today we received a document that is adjusting the budget ceilings for the Assemblies and one of the Assemblies' that will benefit out this is the Siaya County Assembly.

*(Applause)*

So, Mr. Speaker, Sir, we saw it prudent that before we bring the earlier budget, we thought it is wise that we include whatever was approved by the Senate and allocated to Siaya which is to the tune of Kshs. 70,279,553 million.

So, Mr. Speaker, Sir, those are the main reasons why we were not able to Table that report because it will be incomplete until we pass ---without including this then it will be a disservice to the County Assembly of Siaya.

Mr. Speaker, Sir, as a Committee we have also engaged quite a number of people; we have engaged all the CECs, Members of this County Assembly and all stakeholders

within Siaya. Lastly, Mr. Speaker, Sir, we wanted to engage you and the County Assembly Service Board because we are unable as a Committee to just distribute these additional monies. We have to come to you then we get the areas which were underfunded.

So, Mr. Speaker, basically that is the reason why we are not able to do so and I request your office to grant us this weekend so that we may be able to present by Monday morning. Thank you.

**Hon. Speaker:** I think our hands will be tied on that, we just have to grant you. But what is your roadmap like, when do you want to informally share it with Members and when do you want to officially Table it on the Floor of the House?

**Hon. Odinga:** Mr. Speaker, Sir, because it is a programme based budget, any change will affect all the allocations--

**Hon. Speaker:** So when do you want to Table it?

**Hon. Odinga:** I want to Table it on Monday and we can have an informal meeting so that we take Members through whatever changes we've made. Then Members can debate and agree to either adopt it or raise observations.

I also want to say that we are approaching end of financial year and we have a deadline of 30<sup>th</sup> June, 2015.

I also want to urge Members to read the soft copies which were sent to them earlier because when we come we will only share with you the changes that we have made in the major budget. Thank you.

**Hon. Speaker:** We will grant, only that you take cognizance that it was in the interest of Members to this time round have an ample time to look at the budget.

The Deputy Speaker had shared with me-- he was rising on a point of order. Deputy Speaker?

**Hon. Adera:** Thank you. Mr. Speaker, I am on my feet under Standing Order No. 31. Members, how do you look at me like you don't have the Standing Orders?

**Hon. Muhulah:** We know the Standing Orders; just say what you want to say!

**Hon. Adera:** Hon. Muhulah, you mean you have crammed the Standing Orders?

Mr. Speaker, since yesterday 24<sup>th</sup> June, 2015, we have heard some nasty information through the social media and through the media. Mr. Speaker, we have heard and also watched one of the Members of this County Assembly decided to remove his clothes within the precincts of the County Assembly.

Mr. Speaker, as we are aware, we have privileges as Members of the County Assembly but the privileges are limited. There are things we can do and things that we cannot do.

Mr. Speaker, apparently yesterday was my birthday and on the same day, one Member of this County Assembly, and to be precise the Hon. Member of Central Gem, Hon. Fred Ouda decided to remove his clothes in order to address the press. Mr. Speaker, that act has drawn a lot of criticism from members of the public and therefore I am seeking your guidance.

Mr. Speaker, I wanted us to fully discuss the conduct of the Hon. Member at this juncture and if that cannot be done, then we seek your direction. That act has drawn a lot of criticism to the Members of the County of Siaya and beyond. About 3 weeks ago, we knew the County of Homabay to be a County of witches because they declared

publically that they were night runners and they were even demanding support from the County Government.

Mr. Speaker, just one week ago, the County Assembly of Siaya was ranked second best in the Republic of Kenya as an Assembly where Members are active and participate fully in articulating issues and I fear that this act will compromise our position.

Mr. Speaker, I wish to seek that this Assembly adjourns for even about 30 minutes so that we discuss the conduct of the Member who decided to address the press within the precincts of the County Assembly of Siaya while naked. As we are seated Here, I think the people of Kenya and beyond perceive us negatively.

Mr. Speaker, Sir, I am seeking your direction whether we should adjourn the main business for even at least 20 or 30 minutes.

**Hon. Speaker:** I have heard you. I saw Hon. Oriaro really support, is that true?

**Hon. Adera:** And I will call upon Hon. Oriaro to second.

*(Laughter)*

**Hon. Speaker:** I have not granted! I just wanted to know. I have taken your views.

**Hon. Adera:** Formally, I will call upon Hon. Oriaro to second.

**Hon. Speaker:** Hon. Oriaro, is that true?

**Hon. Oriaro:** Mr. Speaker, the House knows that I am fully digital. Personally I came into commune with matters that attribute to that fact in the social media. Last evening, I took my time to listen to *Ramogi Radio* and *Mayienga Radio* this morning and also watched Citizen

Television. So the matter is real and live, Mr. Speaker, Sir, as to warrant taking that trajectory into it.

*(Laughter)*

**Hon. Speaker:** Ok. Hon. Members, that is a very serious matter and as you know, we also would not want to discuss the conduct of somebody whose behavior we have not given him a chance to share with us and his view has not been heard.

Therefore, instead of granting leave under Standing Order No. 31, I want to consider that as a matter of privilege and I therefore commit it to the Committee on Powers and Privileges to summon the MCA whose name has been mentioned and witnesses that were there including members of the fourth estate and members of staff.

And that should be done between Monday and Tuesday next week, a report be compiled on Wednesday then we debate that matter Here on Thursday.

*(Applause)*

Just as a reminder, Hon. Members, if you look at the Constitution- Article 75 talks about the conduct of a State Officer:-

**75.** (1) A State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids—

- (a) any conflict between personal interests and public or official duties;
- (b) compromising any public or official interest in favour of a personal interest; or
- (c) demeaning the office the officer holds.

(2) A person who contravenes clause (1), or Article 76, 77 or 78(2):-

- (a) shall be subject to the applicable disciplinary procedure for the relevant office; and

(b) may, in accordance with the disciplinary procedure referred to in paragraph (a), be dismissed or otherwise removed from office.

(3) A person who has been dismissed or otherwise removed from office for a contravention of the provisions mentioned in clause (2) is disqualified from holding any other State office.

I therefore direct that the Committee convenes to investigate that matter and report here on Thursday afternoon. Thank you.

**Hon. Adera:** Most obliged, Mr. Speaker.

#### COMMUNICATION FROM THE CHAIR

**Hon. Speaker:** At this point I would like to make my communication. Hon. Members, we passed the 2014/2015 Budget, did Supplementary in September and did another Supplementary in March and we had expected that by today we would have all our pending bills given or advanced to us for all the payments. But the information am getting is that such monies have not come in full and we have therefore sanctioned the CEC in charge of Finance as to why we shouldn't summon him to explain to the House why those monies have not come. And anytime in the course of next week we will meet informally and an advice will ensue as to how we can deal with that matter because as far as we are concerned, there is money with the Controller of Budget and the requisition was made and our claims are out there. It might not be business as usual for the Executive this time round.

*(Applause)*

**Hon. Muhulah:** Point of information, Mr. Speaker!

**Hon. Speaker:** Yes!

**Hon. Muhulah:** Mr. Speaker, I would wish to know when we are inviting the CECM because the danger of waiting until after 30<sup>th</sup> will mean that all the monies for our expenses will only come as development funds. We should invite the CECM Finance before 30<sup>th</sup> and if possible this County Assembly should make a requisition before 30<sup>th</sup>. That will save us because if we meet the CECM after 30<sup>th</sup>, Mr. Speaker, the Act does not allow for any recurrent fund to be adjusted to development fund. Thank you.

**Hon. Speaker:** I am cognizant to that idea and as we speak am told they are meeting the finance team and I told them that if there is a requisition to be made, they have to request that money tomorrow. So we will ensure that that meeting happens before 30<sup>th</sup> June, 2015.

Next Order!

## ADJOURNMENT

**Hon. Speaker:** Hon. Members, there being no other business, this House adjourns until Monday, 29<sup>th</sup> June, 2015 when we will have a Special Sitting at 2.30pm. But you will come in the morning for an informal briefing by the Budget and Appropriation Committee.

The House rose at 2.55 p.m.

## SPECIAL SITTING

MONDAY, 29<sup>TH</sup> JUNE, 2015

The House met at the County Assembly Chamber at 2.30 p.m.

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

### PRAYERS

### PAPERS

REPORT ON THE 2015/16  
PROGRAMME BASED BUDGET FOR THE YEAR  
ENDING 30<sup>TH</sup> JUNE 2016

**Hon. Odinga:** Thank you, Mr. Deputy Speaker, Sir. I wish to lay on the Table of the House:-

Report on the Siaya County 2015/16 programme based budget for the year ending 30<sup>th</sup> June 2016.

*(Hon. Odinga laid the document on the Table)*

**Hon. Deputy Speaker:** Hon. Odinga, your report looks so old!

*(Laughter)*

But I believe the content is more important.

**Hon. Odinga:** Let me give you a new one.

*(Hon. Odinga handed a new copy to the Hon. Deputy Speaker)*

**Hon. Deputy Speaker:** Yes, this one looks better! I was looking at the date and thought that it could be 2013/2014!

Next Order!

### NOTICE OF MOTION

Report Of The Committee On Budget, Appropriation, Finance, Planning And Vision 2030 On The 2015/2016 Programme Based Budget For The Financial Year Ending 30<sup>th</sup> June, 2016

**Hon. Odinga:** Thank you once again, Mr. Deputy Speaker. On behalf of the Committee on Budget, Appropriation, Finance, Planning and Vision 2030, I wish to give notice that I will be moving the following Motion:

THAT, this House Adopts the Report of the Committee on Budget, Appropriation, Finance, Planning and Vision 2030 on the Siaya County 2015/2016 Programme Based Budget for the Financial Year Ending 30<sup>th</sup> June, 2016.

### STATEMENT

**Hon. Deputy Speaker:** I'm seeing a Statement here and I don't know whether it's a misplaced Statement or what. From the Order Paper I don't think we have any. Let's move to the next Order.

### MOTION

**Hon. Odinga:** Thank you. Mr. Deputy Speaker, Sir, as I indicated earlier, on behalf of the Committee on Budget,

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

Appropriation, Finance, Planning and Vision 2030, I wish to move the following Motion:-

THAT, this House Adopts the Report of the Committee on Budget, Appropriation, Finance, Planning and Vision 2030 on the Siaya County 2015/2016 Programme Based Budget For the Financial Year Ending 30<sup>th</sup> June, 2016 as laid on the Table of this House today 29<sup>th</sup> June, 2015.

I want to call upon Hon. Oriaro to second.

**Hon. Oriaro:** Seconded.

*(Question proposed)*

**Hon. Odinga:** Thank you---

**Hon. Were:** You are not seeing me, Mr. Deputy Speaker, Sir?

**Hon. Deputy Speaker:** Hon. Were, you are too dark! I was unable to see you, but now I can see you.

*(Laughter)*

**Hon. Were:** Thank you. I want to thank the Budget Committee for the presentation, but my concern is whether the presentation of this budget has met the legal requirements. One; there is supposed to be evidence of public participation, Two; there is supposed to be an annual work plan for 2014/2015 and then there is supposed to be a work plan for 2015/2016 and then we are supposed to see whether there is a cash flow sheet.

There is no shortcut because if there is an omission, then the whole thing collapses and I wish to seek whether there is compliance with section 131 of the Public Finance Management Act, 2012. Thank you.

**Hon. Deputy Speaker:** Hon. Were, I don't know whether you are moving a Motion or what! I can't understand!

*(Laughter)*

You are out of order Hon. Were. Hon. Jack, proceed!

*(Laughter)*

**Hon. Odinga:** Thank you, Mr. Deputy Speaker, Sir, for protecting me. Mr. Deputy Speaker, Sir, maybe before I start giving the contents of this report, if you allow me, I can respond briefly.

**The Deputy Speaker:** You don't need to respond because I have already overruled Hon. Were. Proceed with the Motion!

**Hon. Were:** Mr. Deputy Speaker, Sir---

**Hon. Deputy Speaker:** Hon. Were, hold your horses, perhaps what you are yearning for shall be addressed as the Mover makes his contribution.

**Hon. Odinga:** Mr. Deputy Speaker, Sir, a copy of this document has been sent via e-mail to all Members. For those who don't have their tablets around, we are making some copies for you.

Mr. Deputy Speaker, Sir, first I want to start by the preface which will generally inform us on what is contained in this document.

Mr. Deputy Speaker, Sir, the Constitution of Kenya, 2010 has placed significant responsibility on the County Assembly over the management of the county's public resources.

The Assembly in particular, has the responsibility with regard to resource mobilization, allocation, monitoring and control. Section 131 (2) of the Public Finance Management Act, 2012 contemplates a relevant committee to discuss and review and make recommendations to the County Assembly. Standing Order No 208 (5) in particular,

gives this responsibility to the Committee on Budget, Appropriation, Finance, Planning and Vision 2030.

Mr. Deputy Speaker, Sir, in line with the provisions of Section 129(a) of the PFM Act, 2012, the budget estimates for the County Government of Siaya (including the County Executive and the County Assembly) were submitted to the County Assembly on 30<sup>th</sup> April, 2015 thereafter committed to the Committee on Budget, Appropriation, Finance, Planning and Vision 2030 as well as other Sectoral Committees for discussion, review and making of recommendations to the County Assembly.

Mr. Deputy Speaker, Sir, the Budget, Appropriations and Finance Committee therefore has examined and discussed the Siaya County Budget Estimates for Financial Year 2015/2016 and has therefore made recommendations as contained in this report.

Mr. Deputy Speaker, Sir, there is the Committee mandate and this one can be found in our Standing Order No.187. If you allow me, I don't want to re-read it because it is there in our Standing Orders.

The composition of the Committee: Mr. Deputy Speaker, Sir, the Committee on Budget, Appropriations and Finance, as was constituted by this Assembly on Tuesday 30<sup>th</sup> April, 2013 comprises of the following members;

1. Hon. Jack Odinga  
- Chairperson
2. Hon. Peter Muhulah  
- Vice Chairperson
3. Hon. Joseph K'awuor  
- Member
4. Hon. Jared Abayo  
- Member

5. Hon. Sylvester Madialo  
- Member
6. Hon. Margaret Oketch  
- Member
7. Hon. William Owiti Angul  
- Member
8. Hon. Nicholas Ochieng Aneme  
- Member
9. Hon. James Obiero Otare  
- Member

We held 10 Committee meetings. The first one we held with the youth, the people with disabilities (PLWDs) and the leadership from all the 6 sub-counties, we also had a meeting with the CEC of Finance and his team. We held meetings and got reports from all the sectoral committees. Nevertheless, there are some that didn't submit their recommendations.

Mr. Deputy Speaker, Sir, I want to go directly to alignment of this budget to the County Fiscal Strategy Paper of 2015.

Mr. Deputy Speaker, Sir, Kenya adopted the Medium Term Expenditure Framework (MTEF) approach to budgeting, which ensures that there is a clear link between policy, planning and budgeting. The content of this budget has generally been informed by the County Integrated Development Plan (CIDP), the Annual Development Plan (ADP) and the Fiscal Strategy Paper (FSP) 2015 as approved by the County Assembly.

Mr. Deputy Speaker, Sir, this is to inform you and Members that when we were preparing this budget, it was aligned to the requirements which are to be met before such a document is prepared and presented before the Assembly.

Mr. Deputy Speaker, Sir, I want to read some few areas or highlights of the 2015 budget estimates.

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

Mr. Deputy Speaker, Sir, we are happy as a Committee to report that this year's county resource envelop has increased by 18.6% as compared to Kshs. 3,208,484,989

reduced.

Mr. Deputy Speaker, Sir, in summary, I want to give Members what we are expecting as a County Government in terms

Revenue Item	Estimates 2015/2016	Percentage to total revenue (%)
CRA Equitable Share	4,995,298,722	91.53
Local Revenue	230,000,000	3.68
<b>Others</b>		
Facility Improvement Fund (FIF)	113,309,926	1.81
Health Sector Support Fund (HSSF) by the World Bank	91,500,000	1.46
DANIDA (Danish Government)	27,530,000	0.44
B/F 2014/2015	800,336,616	12.79
<b>TOTAL</b>	<b>6,257,975,264</b>	<b>100</b>

of revenue;

Mr. Deputy Speaker, Sir,

in the FY 2014/2015. This is as a result of an increment in the equitable share. Also worth to note is that the recurrent expenditure has reduced from 69.7% in the FY 2014/2015 to 68.8% in the FY 2015/2016.

there is also an attachment on revenue, i.e. what the Executive expects to collect in terms of local resources.

S. NO	REVENUE SOURCE/BASE	AMOUNT (KSH)
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It was an outcry, Mr. Deputy Speaker, Sir, when we were going round. Members of the public were concerned that the recurrent expenditure is more and needs to be

1	Single Business Permit	45,000,000
2	Market Receipts	50,000,000
3	Bus Park Fees	12,000,000
4	Parking Fees	5,000,000
5	Fish Cess	6,500,000
6	Plan Approval	2,500,000
7	Transfer Fees	1,000,000
8	Miscellaneous Income	3,240,000
9	Plot Rates	16,150,000
10	Plot Rent	5,900,000
11	School Fees	250,000
12	Slaughter Fees	896,500
13	Ground/Kiosk/House/Stall Rents	5,239,800
14	Burial Fees	30,800

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

15	Sand/Quarter – Transportation	1,200,000
16	Sugar Cess	4,500,000
17	Cilor	37,900
18	Boda Boda Fee (Seasonal Tickets)	3,500,000
19	Hospital Receipts	43,000,000
20	Public Health Receipts	2,500,000
21	Agribusiness Receipts	12,000,000
22	Veterinary Services	1,500,000
23	Co-Op Audit Receipts	105,000
24	Weights & Measures	450,000
25	Liquor License	7,500,000
<b>TOTAL</b>		
<b>230,000,000</b>		

Then, Mr. Deputy Speaker, Sir, under County Expenditure; we discussed earlier when we were at the informal meeting and we said the transfer of that money that would go to Ward Development should be 1,050,000,000. If you add all the recurrent development expenditure then the total is 5,457,638,648. Mr. Deputy Speaker, Sir, the other sectors- those ones we will get from our final list.

Mr. Deputy Speaker, Sir, there are programs for 2015/2016 budget estimates. When we were going through, we realized that there are programs this budget was trying to address

- a) Pillar 1: Improve governance and administration through investment in devolution structures for effective service delivery.
- b) Pillar 2: Social transformation through investment in healthcare

services, education, youth, culture and social services.

- c) Pillar 3: Agricultural transformation for improved food security through investment in irrigation, mechanization and agro inputs.
- d) Pillar 4: Transforming county infrastructure and communication through Investment in road network and ICT services.

Mr. Deputy Speaker, Sir, I would not like to go sector by sector; I just want to mention some few items and a few areas.

Under County Executive, they were given a ceiling of Kshs.460, 488,008 which should constitute to their budget, and Mr. Deputy Speaker, Sir; we made sure that they conformed to that. The other details, Mr. Deputy Speaker, Sir, we discussed earlier.

Then under Finance, Economic Planning and Vision 2030; there were a number of proposals which range from construction of a perimeter wall to construction of parking bay. If you refer to our budget which was submitted by 30<sup>th</sup> of April and based on the interaction with the CEC, the relevant people and even from the public participation, we reduced these projects to two; and that is the construction of a perimeter wall for Kshs. 3million and a payment for pending bills for Kshs. 100,019,497.

Mr. Deputy Speaker, on agriculture, livestock and irrigation, the main thing that I would like to mention is that there was a proposal for an allocation Kshs.102, 174,894, but now when we engaged the CEC and the relevant Directors and COs, they said they were comfortable with a start of Kshs. 50million and if you look at their table, this was reduced from Kshs. 100million to 50million for a start.

Mr. Deputy Speaker, Sir, another thing that I need to mention is that there was an intention to introduce Agricultural Management Information Service (AMIS) at a cost of Kshs. 6.5million. Based on discussion with the people concerned, this was shelved because they need to put a structure in place so that maybe this item can get allocation the next financial year.

Then another thing worth noting, Mr. Deputy Speaker, Sir, is that under (AI) Artificial Insemination, there was an initial allocation of Kshs. 3.5million to purchase breeding animals. Now, this Committee sat down and agreed that this one can be shelved for improvement of our local breeds through A.I. services and this was increased from Kshs. 3.5million and now there is an addition of another Kshs. 2.5 million to bring it to Kshs. 6million. Thus we intend to

cover or to capture all 30 Wards through A.I services.

Mr. Deputy Speaker, Sir, under Water, Environment and Natural Resources, there was an allocation of Kshs. 10million for beautification. When we engaged with the relevant people i.e. the CEC and her team, she said they wanted to beautify Siaya town. On our side as a Committee, we said that priority should be on improving on infrastructure within Siaya before beautification. So that money was shelved for water supply.

Mr. Deputy Speaker, Sir, under Education, Youth Affairs, Gender and Social Services, there was an intention to give some Kshs. 2,000 to old people. Initially they had requested for Kshs.3million in the belief that Kshs. 5.4million which was allocated last year will spill over to this year and then that would make it Kshs. 8.4million. Based on the fact that by the end of the financial year that money will collapse and will form part of development expenditure, we saw it wise to budget with Kshs. 9million for this financial year and then the Kshs. 5.4million will be redirected for development.

Under this one also, Mr. Deputy Speaker, Sir, there is a need to consider the youth, women and PLWDs. We intend to create a kitty and then budget with Kshs. 20million so that these people can access some funding in terms of empowerment. That is mainly the major things that were done under education.

I want to move to Health. Under Health Services, there were a number of things which were not budgeted for and when we engaged the CEC and his team, they said that when they engaged the technical team, they were told that there were no funds and hence they couldn't

budget with that. But since, Mr. Deputy Speaker, Sir, we know that health is a very key sector; we decided to shelve other projects to cater for this.

I want to specifically say that there was a budget in the last financial year 2014/15 to cater for CHW's, this was missing in the 2015/16 and we thought this was very important and should not be left out. So there is an introduction of Kshs. 51,552,000 to take care of the CHWs as a stipend.

Also there was an omission of their NHIF funding to the tune of Kshs. 8,763,840. Mr. Deputy Speaker, Sir, we were told that there are some equipment which we are expecting from the United States of America and that we will be required to clear them in terms of pay for freight charges plus accompanying logistics and the requirement was Kshs. 120million. However the Committee recommended an allocation of Kshs. 70million for a start and that the difference of Kshs. 50million will be appropriated during supplementary budget.

Mr. Deputy Speaker, Sir, there was also the issue of ambulances; there was a time we were taken through the services of ambulances by one- I don't want to mention the name because it will maybe amount to direct procurement. But we were just taken through on how these ambulance services can be procured and we budgeted with Kshs. 32,400,000. This will be for 9months because we anticipate that between 1st of July and end of September; maybe the relevant sector could be engaging whoever will win the tender for these services.

Mr. Deputy Speaker, Sir, there was also an addition to sub-counties and Siaya County Referral Hospital in terms of the renovations, some completions and rehabilitation of some of these facilities. So

under health we have a total of Kshs. 108million.

In the department of Lands, Physical Planning and Housing, initially they were proposing Kshs. 20million for a land bank but when we engaged them we found out that last year, 2014/2015 there was an allocation of Kshs. 20million which they said they had committed. But we could not give them the whole 20 million, we said we will give them Kshs. 5million and another Kshs. 4million for land auditing so that lands that belong to the government of Siaya is reverted back to Siaya County Government.

Under tourism, Mr. Deputy Speaker, Sir, there was an allocation of internet connection linking sub-counties and it was proposed at Kshs. 10million. There was an area, Mr. Deputy Speaker, Sir, which we didn't mention in our earlier list but we left it because we didn't touch it and I want to say that this was Got Ramogi.

Under Got Ramogi there was construction of four cottages, construction staff quarters, construction of changing room, branding of key sites and landscaping. Mr. Deputy Speaker, Sir, you remember that during our supplementary we promised as a House and as a Committee that during 2015/2016 we would take care of this very important development aspect under tourism. So there is an allocation of Kshs. 12.3million. The other areas I think have been discussed that there were some reductions.

Under Roads, Public Works and Transport, the only item that maybe was affected was that there was an allocation of Kshs. 20million; this was to be treated as contingency fund. This was reduced to Kshs. 10million, and we said that if need arises then maybe during supplementary we can

add another one because they say it is a requirement that one percent of development should be set aside as contingency fund.

The CEC Member for Finance had proposed Kshs. 60 million for the construction of Ward offices for the 30 wards. Mr. Deputy Speaker, Sir, as had been said earlier, this was redistributed to Wards and not held at the public works at the executive.

Mr. Deputy Speaker, Sir, the supply of solar lights in this county has been very poor. Unfortunately, 2years after coming into being of this government, some Wards don't even a single solar light. The CEC Member for Finance proposed Kshs. 7.5million and Kshs. 19,918,497 to be used for solar lights and street lights for the Wards and Siaya town respectively. However, considering the distribution of the solar lights to Wards in the previous years, this Committee recommends an additional Kshs. 10.4 million.

The Committee further recommends that the total allocation of Kshs. 37,818,497 be used in providing solar and street lighting in the major towns and markets of the county. Mr. Deputy Speaker, Sir, we insisted that we wanted a list which will be shared with Members of this House and they brought a list because the other time there was an allocation to provide lights but there were no specific areas where these solar lights were to be taken to and we ended up with some places getting more and some not getting. So we will share, we have the list here for each and every Ward, major markets and all the markets which have been proposed to have solar lights the next financial year.

Mr. Deputy Speaker, Sir, under the County Assembly, the Committee would like to report that the Commission of

Revenue Allocation (CRA) had set Kshs. 523million, but as we are speaking, I have just received communication that this ceiling has been revised upwards. Initially it was approved by the Senate, then taken to the National Assembly for approval and it is now an Act. So it means that when we pass this, we pass it with amendments so that we also include the new revenue ceilings.

	<b>Activity description</b>	<b>Amount</b>
1.	Architectural, structural design, bills of quantities and NEMA report on the County Assembly Complex	27,365,500
2.	Architectural, structural design, bills of quantities and NEMA report on the County Assembly Complex	11,692,800
3.	Construction of one 100m3 suspended steel water tank and piping work	6,000,000
4.	Construction of Committee Rooms and offices	10,000,000
	<b>TOTAL</b>	<b>55,058,300</b>

Mr. Deputy Speaker, Sir, these are the Committee Recommendations;

- i. Mr. Deputy Speaker, Sir, in future, there will be need to avail a proper design and bills of quantities of buildings to be constructed before any budget is allocated. This will ensure effective budgeting.
- ii. Mr. Deputy Speaker, Sir, to effectively distribute the money to support the fish farmers, the

- county government should identify the fish farmers within the county. That one we said through formation of cooperatives.
- iii. Mr. Deputy Speaker, Sir, to improve on the revenue collection from the meat industry, this Committee recommends that in future plans, there would be need to construct a slaughter house in every sub county.
- iv. Mr. Deputy Speaker, Sir, a satellite laboratory requires a veterinary investigation laboratory. This should be allocated for at the county headquarters and shall be the main laboratory. Further to this, there should be an allocation for subsidiary veterinary laboratories in each sub – county and each should be attached to a Sub – County Veterinary Officer.
- v. Mr. Deputy Speaker, Sir, once or twice, money has been allocated to projects before a clear policy guideline on its operationalization is put in place. In most cases, such funds have ended up being misappropriated or otherwise roll over to another financial year before its intended benefit is achieved. This Committee therefore recommends that no further budgetary allocation should be given to a project before a legislative policy in in place.
- vi. Mr. Deputy Speaker, Sir, there should be an amendment to the existing bursary regulation to remove the ceiling of money given to the students so that extreme cases can be given a window to be awarded a little more support from the bursary kitty.
- vii. Mr. Deputy Speaker, Sir, to ensure that there is equal distribution of resources across the county, there should be a system to ensure that the executive projects whose location is not clearly spelt during budgeting are fairly spread across the county during implementation e.g. solar and street lights.
- Lastly, Mr. Deputy Speaker, Sir, we wish to share with this House the challenges we faced when we were working on this document.
- Mr. Deputy Speaker Sir, while considering the proposed budget estimates to come up with these recommendations, the Budget, Appropriations, Finance, Planning and Vision 2030 faced the following challenges;
- i. It was difficult for the Committee to establish the absorption rate for the county, this is because the 2014/2015 is ending on 30<sup>th</sup> June, 2015, and hence there was no conclusive information to determine the county spending rate.
- ii. The rate of implementation of projects at the Ward level for

the last two financial years has been very slow. This has led to very little benefits of devolution being realized among the common *mwananchi*. During the public participation meetings, the Committee found it difficult to convince the public why the implementation could not be fast tracked.

- iii. Part of the public was hostile for the Committee to successfully hold its meetings. For instance, it's unfortunate that the Committee didn't hold its intended meeting at Gobei Secondary School in North Sakwa Ward due to the hostile environment that the members of the Committee and members of staff met on arrival.

Mr. Deputy Speaker, Sir, I rest my case there and I ask for Hon. Oriaro to second.

**Hon. Oriaro:** Mr. Deputy Speaker, Sir, I second.

**Hon. Deputy Speaker:** What do you second?

*(Laughter)*

Hon. Oriaro you are being---

**Hon. Oriaro:** Hon. Deputy Speaker, he has confused me more and for the first time I truly confess.

*(Laughter)*

**Hon. Deputy Speaker:** You had seconded and now it's time for contribution.

**Hon. Oriaro:** It's debate time, that is why am on my feet.

**Hon. Deputy Speaker:** Yes, proceed!

**Hon. Oriaro:** Mr. Deputy Speaker, Sir, in terse, we plainly observe that for the first time, the budget before this House is structurally eloquent and a product of synthesis---

*(Laughter)*

Synthesis of factors and forces including; free public participation, intellectual input and a representative hand of Members.

Therefore, Mr. Deputy Speaker, Sir, I stand to support with one amendment to make it more complete; that is the inclusion of an environmental and conservational component of the fencing, hard weed removal and silt removal of Lake Kanyaboli, Kadenge and Gang'u beaches. I will call upon the Vice chair of budget, Hon. Muhulah, to second.

**Hon. Muhulah:** Mr. Deputy Speaker, Sir, I would rise to second that, I think initially it was in the budget. But now as it has already been alluded to by the Chair of Finance, we wish to have all things adopted and passed, but with amendments. I second.

**Hon. Deputy Speaker:** The Chair is confused because I need to see your proposed amendments in advance; you know what the law says, that you present your proposals in good time so that we have a look at them to see whether they are in tandem with the statutes and even with the document you are proposing to amend. There are some amendments that you will still have a window to correct even after this, just before they are taken to Nairobi. If there are things that we can do at this level,

let us keep them and discuss them with the Committee. Otherwise, almost everybody will be crying for an amendment and if we open that window, even the Chair who is seated here may have something to change in the budget. If it's something that we can change with the Committee after this then let us deal with it at the Committee level.

**Hon. Oriaro:** Mr. Deputy Speaker, Sir, therefore my path is that we adopt it in its generality with amendments. I support, Mr. Deputy Speaker.

**An Hon. Member:** Exactly!

**Hon. Deputy Speaker:** That is why am advising the House that we pass the document. Even if you are going to pass it; you know it's not the Chair to tell you to pass it. If you pass it and there are changes that you would want to do, maybe the typographical errors, or change of names, then you know how we have dealt with such issues before. We will deal with them in the same manner again. So let us proceed.

Any contributions?

*(Hon. Muhulah stood up in his place)*

Yes, Hon. Muhulah.

**Hon. Muhulah:** Mr. Deputy Speaker, looking at the mood of the House, it seems like there is nobody with contributions; I would therefore like to propose that the Mover be called upon to reply.

**Hon. Deputy Speaker:** I don't think so! Looking at the mood of the House from the Speaker's angle I can see that Members would still want to make their contributions.

*(Hon. Were stood up in his place)*

**Hon. Were:** Thank you very much, Mr. Deputy Speaker, Sir. You know from the onset that I was querying the

compliance of this budget. When you look at the process-- because I don't even have the copy or that evidence that this budget is complying with section 131 of the Public Finance Act.

**Hon. Deputy Speaker:** Hon. Were--

**Hon. Were:** Just allow me talk!

**Hon. Deputy Speaker:** When you don't have that document it tells that you are not IT compliant.

**Hon. Were:** No! No! Just allow me talk!

**Hon. Deputy Speaker:** The Mover had already indicated that the documents were sent to each Member's e-mail. Hon. Were, do you browse, do you tweet, do you facebook?

*(Laughter)*

*(Applause)*

**Hon. Were:** I am not a mad man to raise this issue! I was talking of accompanied documents; cash flow, annual work plans for 2014/2015, 2015/2016. This is a must! I have looked at public participation, you know when you talk of Michael Odundo, there are so many Michael Odundos'. Michael Odundo from where? Where in the contact? This is one thing that is lacking.

**Hon. Deputy Speaker:** Hon. Were, you can make your contribution but do not revisit what we have already made clear. So you either make your contribution in support of the document or you don't give your support to the document.

**Hon. Were:** Okay. But you are not providing an answer! I will just sit. I told you that for us to move forward, if one requirement is not met, then the whole thing collapses. It is incumbent upon your Chair to

give direction, but within the law. You are not law unto yourself!

**Hon. Deputy Speaker:** Hon. Apiyo.

**Hon. Apiyo:** Thank you, Mr. Deputy Speaker. First I want to say that I will support this document with amendments. Mr. Deputy Speaker, Sir, as my colleague has said and proposed for a seconder, I join the team with one reason; when we were being taken through the budget by the Budget Committee Chair, we could see some areas which are not necessary like the purchase of motor vehicles at Kshs 4.5million- under irrigation unit. I think it is not necessary.

Again, Mr. Deputy Speaker, in education, a majority of us had proposed that we amend the issues of sporting and culture. I will also join my colleagues to support this.

This is a good document, Mr. Deputy Speaker. When you look at the adjustments in the development of the budget, i.e. the finance sector, for example, the construction of a sub county planning unit in Gem, it is good that they had proposed for the decrease of this unit. This is well thought of by the Committee and I also support the decrease of the Kshs. 9 million.

Still on the same area, Mr. Deputy Speaker, there was the construction of a parking bay at IFAD; the proposed amount was Kshs. 1million. I don't see why we should subject that amount to such kind of stuff. I also support what the Committee has proposed.

In conclusion, Mr. Deputy Speaker, Sir, I urge us to adopt the document but with amendments. Thank you.

**Hon. Minami:** Thank you, Mr. Deputy Speaker, for giving me this opportunity. First of all I want to thank the Committee for the work they have done.

Mr. Deputy Speaker, I was just requesting for your indulgence that you allow for Members to digest this document because we can't give concrete views just after the presentation that has been given by the Chairman. The amendments that Members are proposing here, Mr. Deputy Speaker, you just ruled that they should be brought in writing, so I request that if possible, we adjourn, those of us with amendments can come with them tomorrow and then we pass them through the Committee of the Whole House and then the Budget goes on. Thank you.

**Hon. Deputy Speaker:** Hon.

Booker, I don't think that is what I said. I was reminding the House that they know the procedure to follow when they are making amendments. One, they must notify the Office of the Speaker in advance to make such amendments. If you want to propose an amendment in the House then you need to write them and indicate to the Speaker that there is something that you want to amend. But remember we have timelines that we must adhere to and this document must be dealt with today and not any other day.

I indicated that if there are changes that you want to make, you are aware, we have done this before, just contact the Committee and do the necessary changes. There is still room for that, unless it is something that covers maybe all the Wards, something that is common.

**Hon. Andiego:** Thank you, Mr. Deputy Speaker. I rise to support the document and I join my colleagues in proposing that those changes should be allowed and we find a way on how they are effected. At times there are changes that come not only on the amount but at times on the names of the projects to be done. So I request and support that.

Mr. Deputy Speaker, in our Wards, according to the budget, we have projects and amounts allocated, and at the end of every financial year we go for another budget but I will request the Committee to look into savings. A project at times is allocated Kshs.2million but it is done with Kshs. 1.9million. If these savings can again be used in our Wards it will also help us in many issues. So if I am given Kshs. 35 million this time, next time I should be added that difference to top so that I can add on some other projects.

Mr. Deputy Speaker, there are some project proposals which have been made by the Committee, I don't know how they came to rule that in our Wards we need to be doing these cultural and sports activities. Some of us are not for it. Chairman, I don't know if you can allow me to change these to things which people want. If I can be allowed, I will be so happy because I think I know what is viable in my Ward. Thank you.

**Hon. Owii:** Thank you, Mr. Deputy Speaker. First and foremost, I want to thank the Budget Committee for this good work they have done. Mr. Deputy Speaker, there are some projects in our budget that cut across all the Wards, and early in the morning we were trying to make some corrections. I am happy that Hon. Andiego came up with that one because I have just brought you my proposals for an amendment. The amendment that I wanted to bring on board is cutting across all the Wards.

Just like Hon. Andiego said, this issue of cultural activities, when we met Here in the morning, we were not very comfortable with it and we said we would reallocate this money to some other activity in the Wards, and I wanted to propose an

amendment to the same that if the entire House will agree, then this cultural activities be removed and one be given an opportunity to come up with an activity of similar amount.

And on sports activity, which equally is one of the amendments I had proposed to you, Mr. Deputy Speaker, Sir, I was equally thinking that given- you know once beaten twice shy, we know exactly what came out of the sports fund. Even before we clear the dirt that was there, there is another proposal of Kshs. 500,000 going to sporting activities. It will only remain with one who is interested, but I was proposing that because it is cutting across the entire county then we should be given an option of coming up with any other activity in our Wards that would amount to the same money.

These are my amendments which I wanted to propose and I want to call upon Hon. Andiego to second.

**Hon. Andiego:** Mr. Deputy Speaker, I rise to second.

**Hon. Deputy Speaker:** Okay! Hon. Members, the same issue has been raised severally by other Members, however the only Member who has proposed and moved an amendment Motion is Hon. K'owii, and therefore I will not deny him the opportunity to proceed with the Motion because it is proper. I indicated that if it is something that only touches on one Ward then each Member cannot be making a proposal that effects only one Ward, but if it is something that cuts across like this one, then we can proceed with the same amendment then later on proceed with the main Motion.

I therefore propose the question---

*(Hon. Odinga rose on a point of order)*

Hon. Odinga, what is it?

**Hon. Odinga:** Mr. Deputy Speaker, Sir, as you said earlier, you made a ruling that we adopt the report with a general thinking or allowance for making amendments because maybe this issue was not well explained to Members. The reason why maybe the Committee sat down and came up with such idea- if you allow me, Mr. Deputy Speaker, Sir, I can just take two minutes to explain the reasons so that---

**Hon. Deputy Speaker:** Proceed!

**Hon. Odinga:** Thank you. Mr. Deputy Speaker, Sir, we are aware that in each and every Ward there is a sports committee that was formed, we are also aware that every Ward, however late the sporting kits came, but every Ward received at least some equipment for sporting activities. If you look at the allocation under the Executive, there is an allocation of Kshs. 6 million which is going to take care of sporting activities at the county level.

So the thinking behind this was that at the Ward level, the Ward sports committees would organize sports tournaments, either football, volleyball, netball, and even some were saying they have boxing as a sport in their Wards. So the main reason why we were thinking of this was that we can nature sports from the Ward level, they could compete inter Wards and then from there they go to the sub county level, then whoever wins at the sub county level will now be taken over by the county allocation of Kshs. 6 million. So that was the thinking behind that.

However we are not forcing Members to accept, but we are saying that those who feel like nurturing sports from the Ward level, I think some have been doing it with their own money, but now we are thinking, let it cut across, let it be a project,

let it be something that is done across all the Wards. But we are not forcing any Member to accept what he or she thinks will not benefit their Wards. Thank you.

**Hon. Oriaro:** Mr. Deputy Speaker, I have got an insight on this issue of culture. If you look at my proposal list it is itemized. In the realm of culture in my Ward area we've got the people who taught Tony Nyadundo and the *ohangla* team. They come from my area! We've got the *odondo k'odondo* men. We have got people who are interested in tag of war. So the allocation in my Ward will not be scrapped.

That is just an insight! There will be joint competition, inter sub location competitions that will end up being a Ward competition where the *ohangla* people will compete, the *dodo* dance team will compete, the *orutu* people will compete and they will be rewarded for this.

Mine is very clear, and if it is read, it is all about Ward cultural, music dance et al programmes- events under Wards. So this matter is very germane to my Ward. Elsewhere if it isn't, then I believe that amendment would allow for such a room. But it should not be brought in ubiquity!

*(Laughter)*

It is not cross cutting in the 30 Wards, in my place it is relevant. Thank you, Mr. Deputy Speaker.

**Hon. Minami:** Thank you, Mr. Deputy Speaker. The idea of having a sports fund is very okay, but the problem comes in the implementation part. As Hon. Members, we really want to have sporting activities in our various Wards supported by the County Government of Siaya, Mr. Deputy Speaker, but as Hon. K'owii has said, once beaten twice shy. Where is the law that is going to guide the utilization of this sports fund?

Mr. Deputy Speaker, we have committees which we have put in the Wards, but under which law? We have them yes, but under which law? We are dealing with a government that is always not very sincere. After we have allocated money in an open and sincere way then they will come and tell us that this is development money. When we start paying referees, when we start awarding competitors, they will tell us that that one will now be called recurrent and this is part of development money.

That is where my problem is. We can allocate, but let us be assured that a law is going to be put in place very soon so that the implementation of this sports fund is done in a proper way. We don't want to go back to what was done in 2013/2014. We don't want another Minister to lose his/her position because of Kshs. 500,000. Thank you.

**Hon. Deputy Speaker:** I need to make a ruling on whether we put the amendment proposed by Hon. K'owii into debate or not. As I indicated earlier, Members, I informed you of the process of bringing such amendments and Hon. Owii did comply. He brought to me his proposal and therefore I don't see any reason why I should deny him the chance to proceed with this Motion. So let us dispense with this then we move to the main Motion.

So I will therefore propose the Motion that the vote from the budget tabled in this Assembly, today 29<sup>th</sup> June, 2015 be amended by deleting items on sports and cultural activities that amount to Kshs 1 million in each Ward.

*(Loud consultations)*

Hon. Walter!

**Hon. Okello:** Thank you, Mr. Deputy Speaker, for giving me the chance to say that I will not support the Motion that we unanimously replace the item of sports

and culture from each Ward. Mr. Deputy Speaker, in simple terms, what Hon. Oriaro was trying to say is that this thing is unique in each Ward.

But even more important than that is that we will be seen as a very insensitive House, Mr. Deputy Speaker, to the aspirations of young sports people of Siaya County if we all rise up and say that we want to get rid of sports and cultural activities. Mr. Deputy Speaker, if you ask me, actually I would be moving a Motion to add more money to sports and culture. Mr. Deputy Speaker, Sir, sports is very important; this county produces one of the top sports people in Kenya, people like Jerry Onyango of Gor Mahia. They are so many; I cannot list all of them. So, Mr. Deputy Speaker, I think it will not really be in good taste to the public if we are to go that way.

Having said that, I want to take an undertaking to the concerns of Hon. Booker and the rest that one of the key functions of this House is to make laws, so, Mr. Deputy Speaker, it is incumbent upon us to generate these laws. So I want to give an undertaking that in liaison with very able Members Here, I want to spearhead the process of coming up with a proper legislation that will ensure that there's proper governance and implementation of the sports utilization fund in this county as soon as possible, Mr. Deputy Speaker.

So I want to support the Chair of Budget, Hon. Jack that we go ahead with your earlier indication to support the earlier Motion of adopting the report and then bear in mind that we can do those amendments later and appropriately in compliance with the relevant laws. Thank you.

*(Applause)*

*(Hon. Madialo stood up in his place)*

**Hon. Deputy Speaker:** Hon. Madialo, I will request you to take your seat. I just want to make a few comments then you can proceed.

Hon. Members, you know that there are repercussions that will follow this. If we decide that we are removing the issue of sports and culture, if we delete it through an amendment then nobody will be able to bring it back, even if you follow the Committee at a later stage saying that for me I want it, it will not be possible. So I want you also to understand that as you also yearn to make some changes you should also look at the repercussions that will follow those changes.

**Hon. Madialo:** Mr. Deputy Speaker, you have taken the air off my ---. I wanted to say that we are making a very grave mistake and we must also be aware that the amendments we are talking about must be followed by Appropriation Bill which must be passed tomorrow. And the Appropriation Bill will not be complete unless the Budget Paper itself is conclusively complete.

Allow me to go to the substance of what my very able Deputy Majority Leader and friend Hon. K'owii proposed. Mr. Deputy Speaker, The County Government Act is quite clear that where we have not enacted law, then we are at liberty to employ the National Law. There is a Sports Act in this Country, so if there is no law here, then we employ the Sports Act.

*(Applause)*

Mr. Deputy Speaker, perhaps if you allow me to own up, the County Secretary, one time at a personal level asked me, how will this be done without noise? I told him

to ask the Minister to go to the Sports Act and he will be able to pay the referees and give prizes without war. The problem that we faced was that the people that were implementing the previous program simply did not want to admit that at a certain point they lacked knowledge on certain things.

**Hon. Madialo:** and that is why we told them to give us a committee. The committee was constituted pursuant to the sports Act. So that as we sit today, if the MCAs remove themselves from the committee and do not interfere, then those committees can come up with a program, undertake tournaments, pay the referees and do all those things that we wanted to be done under the Sports Act.

Mr. Deputy Speaker, on my part I would wish to have the cultural activities remain in the programs of my Ward. I know where the Hon. K'owii comes from there's a lake, and so all devils in that area, when one scares them, they run to the lake. But in our place, when devils visit you, you do a game called 'nyambala'. Now, Mr. Deputy Speaker, ever since money for 'nyambala' went away, so many people in our place are becoming blind. You can see my eyes

*(Laughter)*

So, Mr. Deputy Speaker, we need this 'nyambala' to go on so that our eyes can get cured. It is an interesting thing, and Mr. Deputy Speaker, when we launch it you'll permit me to invite you to officiate the reopening of 'nyambala'.

**Hon. Deputy Speaker:** Give me a date

*(Laughter)*

**Hon. Madialo:** So, Mr. Deputy Speaker, what I'm saying is that preference may not cut across, but there may be Wards

where those cultural activities are treated as important and integral part of our customs. Mr. Deputy Speaker, I'm not opposed to the Hon. K'owii removing culture from his part of the budget by way of supplementary budget later when supplementary comes, but I would be opposed and I am opposed to a Motion saying that because the Deputy Majority Leader does not like culture, now all the Wards should not have culture. Mr. Deputy Speaker, I am opposed to that!

**Hon. Owii:** Point of correction, Mr. Deputy Speaker, Sir.

**Hon. Madialo:** Withdrawn, Mr. Deputy Speaker, Sir!

**Hon. Deputy Speaker:** Order!

**Hon. Owii:** Point of correction, Mr. Deputy Speaker, Sir!

**Hon. Deputy Speaker:** Yes. What is your point Hon. K'owii?

**Hon. Owii:** Mr. Deputy Speaker, while I was moving a Motion on the same, I said it has to be an option for each and every Ward, you can have it or you cannot have it. I was only requesting that we should be given that window.

**Hon. Madialo:** So, Mr. Deputy Speaker, may I rest my case by saying that, given that the Chair is saying that the document be passed with a general provision for amendment, which means amendment after beating statutory timelines is allowed, Mr. Deputy Speaker, I oppose the Motion that amendments be done at this stage and urge my colleagues that we pass this document as it is. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Madialo. Hon. K'owii, in your proposal that is before me, you had clearly indicated that this is a problem cutting across all the Wards, and it now turns that majority of the Members are comfortable. Therefore, there's no need of touching it, we

can follow on the same system that we had agreed on. We have a window under which we can do this. If one is not comfortable with sports and culture, then there is a window already and we can still delete it at a later stage.

Let us proceed! We are not going to debate over the issue of amendments; we can proceed with the main issue.

**Hon. Owii:** Mr. Deputy Speaker, just from your explanation, I'm wondering because I assume this one is a Ward project and this issue of culture and sports- I'm not serious about sports. I want to say that even in my Ward I need sports, but in culture, it had to take the Chair to explain because we didn't know exactly what they meant by cultural activities. But the truth is that it is a Ward project. Like in my Ward I've put Kshs. 4million for bursary; in some Wards people have put Kshs. 2million. If it is a Ward project, I should be given a window either to have it or not to have it!

**Hon. Deputy Speaker:** Hon. K'owii, what you are saying has been provided for already. The Chairman of the Budget Committee is here, talk to him after we are through. He will take your views.

**Hon. Owii:** Thank you very much!

**Hon. Deputy Speaker:** Yes, let us proceed!

**Hon. Andiego:** Mr. Deputy Speaker--

**Hon. Deputy Speaker:** Are you proceeding with the Motion?

**Hon. Andiego:** I just want something clarified, Mr. Deputy Speaker, Sir.

**Hon. Deputy Speaker:** Ok. Proceed!

**Hon. Andiego:** Thank you! Mr. Deputy Speaker, Sir, the issue here is not the project but our fear is that we've been given

the money for sports and culture and somebody else who does not know comes to your Ward to decide for you. For example, Hon. Madialo was saying that he wants to chase away the 'nyambala', what if the Executive comes and brings---instead of chasing 'nyambala'?

*(Laughter)*

He will not have solved the problem well. So we are requesting---

**Hon. Deputy Speaker:** Hon. Andiego that is why we have Committees, they will deal with such issue. That should not worry you.

*(Hon. Ouda stood up in his place)*

**Hon. Ouda:** Ok---

**Hon. Deputy Speaker:** Hon. Ouda, welcome to the House---

**Hon. Ouda:** Thank you---

**Hon. Deputy Speaker:** You have travelled along way! This morning I heard your voice on Radio Mayienga, I believe you were in Nairobi and not Radio Mayienga in Yala. I hope you've come with your Mercedes Benz all the way from the airport. Proceed, Hon. Ouda!

*(Loud consultations)*

*(Several Hon. Members walked out of the House)*

*(Loud consultations)*

**Hon. Ouda:** I just want to say that I support the budget---

**Hon. Deputy Speaker:** Hon. Members! Hon. Members! You cannot walk out the way you are doing! We need to deal with this issue! Where's the Serjeant-at-Arms?

**Hon. Ouda:** I'm saying I support the budget 100% and I want to add that this

budget was seriously done, so there's no problem.

*(Loud consultations)*

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

**An. Hon. Member:** There's no quorum!

**Hon. Ouda:** Mr. Deputy Speaker, I think we have quorum! The people who are Here also have Wards. Mr. Deputy Speaker, I still want to congratulate the budget team for a job well done. I have to say that even in my Ward I can't complain. Nothing can be 100% perfect, Mr. Deputy Speaker, Sir and I do believe that with this budget, things will be much better.

So, Chairman and your Committee, congratulations from the Member of County Assembly, Gem Central Ward until 2017 and I will fully continue representing my people!

*(Laughter)*

I was on the radio this morning, you heard me and I have represented Siaya so well---

*(Laughter)*

And we have come out very strong supporting Prime Minister Raila Odinga, the father of devolution. I know anybody can walk out because the Jubilee government is also there.

*(Laughter)*

**Hon. Deputy Speaker:** Thank you. Hon. Maurey, I will give you the last chance then I will call upon the Mover to reply.

*(Several Hon. Members walked into the House)*

**Hon. Asewe:** Mr. Deputy Speaker, first I want to say that I am happy with the work that the Budget Committee has done. However, Mr. Deputy Speaker, Sir, in the morning when we had an informal meeting, I raised a point about the Paralympic games and I requested the Committee to consider putting some money for the games. Mr. Deputy Speaker, in the last budget there was some allocation but this money was spent without considering the Paralympic games.

I don't know what the Chairman of Budget can say about this and how to go about it. I'm really concerned.

**Hon. Deputy Speaker:** I now want to call upon the Mover---

*(Hon. Ngure stood up in her place)*

We are also chasing time. And you know, Members cannot be walking out and the Chair is just seated!

**Hon. Ngure:** I didn't walk out!

**Hon. Deputy Speaker:** No! I'm not talking about you! I'm saying that Members have been going out and coming in while the Chair is just seated here. You know, the Chair may also want to have a break.

But I'll give you a chance. She's the last Member and then the Chair will respond.

*(Hon. Asewe raised up his hand)*

Hon. Maurey, what is it?

**Hon. Asewe:** I raised a question concerning the Paralympic games. How do we go about it?

**Hon. Deputy Speaker:** You want your question to be answered instantly!

*(Laughter)*

This is not a---

**An Hon. Member:** Market!

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Maurey, you are a senior member of this Assembly, you cannot raise a question and expect that you will exchange with the Chair. This is not a public *baraza*---

*(Laughter)*

Where you pose questions to a chief and you are answered as you want!

*(Laughter)*

We don't manufacture answers Here!

*(Laughter)*

The Chair has taken note of your concerns and he will respond. Hon. Ngure, proceed!

**Hon. Ngure:** Mr. Deputy Speaker, sorry, I cannot pin point where that figure was moved from, but the subject is one that concerns women. Mr. Deputy Speaker, I just want to mention that we don't have very specific items being budgeted for in our category in the county. One such item that was specifically budgeted for and then removed was sanitary towels.

I just want to say that in our schools there is a very big deficit of sanitary towels for our young girls, and if there is a way, Mr. Deputy Speaker, where this can be looked after, both in the executive budget and also in our own budget here then perhaps it would be a kind thing to consider supplementing that which is being handled by the Executive because it is never sufficient. The girls have been suffering.

It has just come to my mind that I should mention this, and if it is something that can be included in the budget then considerations should be made. Thank you!

**Hon. Deputy Speaker:** May we now invite the Chair

**Hon. Odinga:** Thank you, Mr. Deputy Speaker, Sir. I want to take this opportunity to thank my colleagues for their valuable contribution. Allow me to clarify one or two issues.

Mr. Deputy Speaker, Sir, when I started presenting the report I said that it conformed to the requirements of the Constitution of Kenya. Mr. Deputy Speaker, Sir, if you recall, specifically Hon. Were was mentioning things like public participation, I want to confirm that in the report we said that some of the annexes include a report on how we went to all the Wards.

Mr. Deputy Speaker, Sir, I also want to confirm that we even went to North Gem where Hon. Were comes from. He quoted a name and asked whether that person can be traced. Mr. Deputy Speaker, as I said, this report has various annexes and one of them is the attendance lists. I have here an attendance list for West Sakwa Ward and participant No. 1 is called George Nyambara whose ID No. is 10262363---

**Hon. Deputy Speaker:** Hon. Odinga, ignore that because we are not addressing the issue of public participation.

**Hon. Odinga:** Mr. Deputy Speaker, Sir, I'm just responding to some of the issues raised by Members.

**Hon. Deputy Speaker:** Ok. Proceed. You know I overruled the issue of Hon. Were because he wanted to know whether you have complied. I think this is not the right forum for that.

**Hon. Odinga:** Mr. Deputy Speaker, Sir, just allow me because---

**Hon. Deputy Speaker:** Just proceed!

**Hon. Odinga:** When a Hon. Members stands up in this House and questions whether public participation was done---I can remember, Mr. Deputy Speaker, Sir, that he also received mobilization money. Does it mean that he didn't use it for public participation?

*(Laughter)*

*(Applause)*

I was just giving an example, Mr. Deputy Speaker, Sir.

*(Laughter)*

He was asking whether we can trace or prove---

**Hon. Deputy Speaker:** You know you've not also produced a document where he signed to show that he received that mobilization fee. That's on a light note!

*(Laughter)*

**Hon. Odinga:** Mr. Deputy Speaker, Sir, I didn't know you'll ask that, otherwise I would have come with it. I just want to make one proof, when we were going round, there are minutes for each and every Ward and there are attendance lists fully signed by people who can be traced. You can even ask them whether they participated or not.

I'm just giving one or two examples; in West Sakwa, participant No. 1 was called George Nyambara, his ID No. is 10262363, his phone No. is 0708836372, he comes from K'apiyo sub-location and he has signed this document as one of the participants.

Another example is from Siaya Township Ward. Participant No. 1 was Pascal Abanja, ID. No. 7608529, his phone No. is 0722680378, he comes from Mulaha sub-location and he appended his signature as confirmation that he attended the event.

This is for all the 29 Wards that we went to. We didn't participate in one Ward.

Mr. Deputy Speaker, Sir, also worth noting, the reason why I was asking that we pass this document---

**Hon. Deputy Speaker:** Could it be the Ward of the concerned Member?

**Hon. Odinga:** No! No! Mr. Deputy Speaker, Sir, it wasn't!

**Hon. Deputy Speaker:** You are confirming that you went to Hon. Were's Ward?

**Hon. Odinga:** Mr. Deputy Speaker, Sir, we went to Hon. Were's Ward.

**Hon. Deputy Speaker:** And you talked to the people?

**Hon. Odinga:** Yes! I can prove that.

**Hon. Deputy Speaker:** Ok. Proceed.

**Hon. Odinga:** Mr. Deputy Speaker, Sir, I also want to justify the reason why I was saying that we pass this document with amendment. The other time we said there is an indication that there would be increment in allocation to the County Assembly, I have just received communication from the CRA when we were inside Here that now we can adjust our ceiling---

*(Applause)*

I just want to read two lines. One is saying; under County Executive; that the ceiling for recurrent budget of the County Executive remains as Kshs. 440,835,009.

And then the other one which affects us is that; under County Assembly budget. The CRA ceilings for the FY 2015/2016 of Kshs. 523, 850,672 has been revised as per the attached circular to be now Kshs. 594, 029,051. Kindly revise your budget to accommodate the changes.

We have now confirmed that there's an increment of Kshs. 70,178, 379. So, Mr. Deputy Speaker, Sir, that one justifies the

reason why we say we can pass it with amendments.

Mr. Deputy Speaker, Sir, I don't want to take much of your time; there was one question by Hon. Maurey on the paralympic games. Earlier on when I stood on a point of order, I talked about sporting activities and I said that there are committees which were formed at Ward levels and there is a requirement that we include the PLWDs in those committees. The reason why they are to be included is so that they can also give their views and any allocation thereof should also take care of their interests. Initially it was not there, it was just done recently. So I believe that your interests will be considered.

On the women sanitary towels, Mr. Deputy Speaker, Sir, we confirmed that the national government is going to give schools sanitary pads in the next financial year. What we are saying is that maybe this never happened in the financial year ending tomorrow, but the national government has budgeted to do that in the FY 2015/2016. So if we do it, it will be replication of an activity.

Lastly, Mr. Deputy Speaker, Sir, I want to once again thank Members for the valuable contribution and I believe that this was a very active House. The passage of this document is not only a legal requirement but we will also base on this to prepare an Appropriation Bill which under the PFM Act needs to be passed before the end of 30th June, 2015 which is tomorrow.

With that, I rest my case. Thank you!

*(Question put and agreed to)*

*(Applause)*

**ADJOURNMENT**

**Hon. Otieno:** Thank you, Mr. Deputy Speaker. We have exhausted the business of the day and we have no more to discuss, I therefore wish to move a Motion that this House adjourns to tomorrow at 2.30 p.m. I want to request Hon. Muhulah to second.

**Hon. Muhulah:** Seconded.  
*(Question proposed)*

*(Question put and agreed to)*

The House rose at 4.45 p.m.

**TUESDAY, 30<sup>TH</sup> JUNE, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYERS****PAPERS**

APPROPRIATION BILL, 2015

(COUNTY ASSEMBLY BILL NO. 3 OF  
2015)

**Hon. Odinga:** Thank you, Mr. Deputy Speaker, Sir. I wish to lay on the Table of the House:-

The Siaya County Appropriation Bill, 2015 (County Assembly Bill No. 3 of 2015)

*(Hon. Odinga laid the document on the Table)*

**NOTICE OF MOTION**

ADOPTION OF THE APPROPRIATION  
BILL, 2015  
(COUNTY ASSEMBLY BILL NO. 3 OF  
2015)

**Hon. Odinga:** Thank you once again, Mr. Deputy Speaker, Sir, I wish to give notice that I will be moving a Motion for adoption of the Siaya County Appropriations Bill, 2015.

**PROCEDURAL MOTION**

REDUCTION OF THE PUBLICATION  
PERIOD OF THE APPROPRIATION  
(BILL, 2015)

**Hon. Odinga:** Mr. Deputy Speaker, Sir, as I indicated earlier I wish to state:-

THAT, pursuant to the provisions of Standing Order 117, this House resolves to reduce the publication period for Siaya County Appropriation Bill, 2015 (County Assembly Bill No. 3 of 2015) from 7 days to 1.

I call upon Hon. William Angul to second.

**Hon. Angul:** Thank you, Mr. Deputy Speaker, Sir, I rise to second.

*(Question proposed)*

*(Question put and agreed to)*

**BILL**

APPROPRIATION BILL, 2015  
(COUNTY ASSEMBLY BILL NO. 3 OF  
2015)

**Hon. Odinga:** Thank you once again, Mr. Deputy Speaker, Sir. I want to take this opportunity to thank Members for taking their time and agreeing to reduce the number of days meant for publication of this Bill from 7 days to 1 day.

Mr. Deputy Speaker, Sir, this is a very important Bill, and as you can remember, yesterday, 29<sup>th</sup> June, 2015, we passed our budget and this is the Bill that is going to authorize the spending of the same.

Based on that, I wish to request that this Bill be read for the first time, and I want to request Hon. Peter Muhulah to second.

**Hon. Muhulah:** Mr. Deputy Speaker, Sir, I rise to second.

*(Bill read for first time)*

### BILL

**Hon. Odinga:** Thank you. Once again, Mr. Deputy Speaker, Sir, according to constitutional requirements, today 30<sup>th</sup> June, 2015, as an Assembly we ought to authorize the spending of the budget we passed yesterday, 29<sup>th</sup> June, 2015. And with that, Mr. Deputy Speaker, Sir, I want now to request that the Siaya County Assembly Bill No. 3 of 2015 be read the second time. I now call upon Hon. Rosemary Ogutu to second.

**Hon. Ogutu:** Thank you, Mr. Deputy Speaker, I rise to second.

*(Question proposed)*

*(Question put and agreed to)*

*(Bill read for a second time)*

### COMMITTEE OF THE WHOLE HOUSE

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

### IN THE COMMITTEE

*[The Chairman (Hon. Muhulah) took the Chair]*

*Siaya County Appropriation Bill, 2015 (County Assembly Bill No. 3 of 2015)*

*(Loud consultations)*

**Hon. Chairman:** Hon. Members, we are now in the Committee of the Whole House and we want to look at the Bill clause by clause. We will start with clause No. 2.

*(Clause 2)*

*(Question, that Clause 2 be part of the Bill, proposed)*

*(Question, that Clause 2 be part of the Bill, put and agreed to)*

### Clause 3

*Question, that Clause 3 be part of the Bill, proposed)*

*(Question, that Clause 3 be part of the Bill, put and agreed to)*

### Schedule 1

*(Question, that Schedule 1 be part of the Bill, proposed)*

*(Question, that Schedule 1 be part of the Bill, put and agreed to)*

### Schedule 2

*(Question, that Schedule 2 be part of the Bill, proposed)*

*(Question, that Schedule 2 be part of the Bill, put and agreed to)*

### Title

**Hon. Chairman:** I want to bring to the attention of Hon. Members that the title is missing the word Siaya, and if you allow, we can take it as a typographical error and then insert the word Siaya so that it reads; The Siaya County Appropriation Bill, 2015. So, insert the word Siaya.

*(Question, that the Title be part of the Bill, proposed)*

*(Question, that the Title be part of the Bill, put and agreed to)*

### Clause 1

*(Question, that Clause 1 be part of the Bill, proposed)*

*(Question, that Clause 1 be part of the Bill, put and agreed to)*

**Hon. Odinga:** Thank you. Mr. Chairman, I beg to move that the Committee do report to the House its consideration of the Siaya County Appropriation Bill, 2015 (County Assembly Bill No.3 of 2015) and its approval thereof with amendments.

I want to ask Hon. Joseph K'awuor to second.

**Hon. Awuor:** Seconded.

*(Question put and agreed to)*

*(Resolution to be reported with amendments)*

*(The House resumed)*

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

### REPORT

Siaya County Appropriation Bill, 2015 (County Assembly Bill No. 3 of 2015)

**Hon. Muhulah:** Hon. Deputy Speaker, Sir, I beg to report that the Committee of the whole House has considered the Siaya County Appropriation Bill, 2015 and approved the same with an amendment.

**Hon. Deputy Speaker:** Were there amendments to the Bill?

**Hon. Odinga:** Mr. Deputy Speaker, Sir, just as the Chair of the Committee of the whole House said, it was passed with an amendment.

**Hon. Deputy Speaker:** Ok. You can proceed.

**Hon. Odinga:** Mr. Deputy Speaker, Sir, based on that, I beg to move that the House do agree with the Committee in the said report.

I call upon Hon. Elisha to second.

**Hon. Okuku:** Seconded.

*(Question that the House do agree with the Committee of the whole House in the said report proposed)*

*(Question that the House do agree with the Committee of the whole House in the said report put and agreed to)*

**Hon. Deputy Speaker:** Yes, Chairman!

**Hon. Odinga:** Mr. Deputy Speaker, Sir, I now beg that the Siaya County Appropriation Bill, 2015 be now read a third time.

*(Question proposed)*

*(Question put and agreed to)*

*(Bill read a third time)*

### ADJOURNMENT

**Hon. Minami:** Mr. Deputy Speaker, Sir, pursuant to County Assembly Standing Order 26(3) which stipulates that on a day when the County Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance with the County Assembly Calendar, the Leader of the Majority Party or the Leader of the Minority Party or another member of the County Assembly Business Committee shall move a Motion of adjournment which shall be debated for not more than three hours after which the County Assembly shall adjourn without question put;

In this regard, I propose that this House adjourns and resumes its Sitting on Thursday, 2<sup>nd</sup> July, 2015 at 2.30 p.m. This

will provide more time for the Committee on Budget, Appropriation, Finance and Vision 20130 to fine-tune the amendments to the Siaya County Appropriations Bill, 2015.

I call upon Hon. Omwende to second.

*(Laughter)*

**Hon. Omwende:** Thank you, Mr. Deputy Speaker, Sir. I rise to second.

*(Question proposed)*

*(Question put and agreed to)*

The House rose at 4.06 p.m.

## TUESDAY, 30<sup>TH</sup> JUNE, 2015

REPORT OF THE POWERS AND PRIVILEGES COMMITTEE MEETING HELD ON TUESDAY, 30<sup>TH</sup> JUNE, 2015 AT THE BONDO COUNTY ASSEMBLY CHAMBER TO DISCUSS THE CONDUCT OF HON FRED ODHIAMBO OUDA, MCA CENTRAL GEM WARD

The Committee met at the County Assembly Chamber at 10.00 a.m.

### PRAYER

**The Chairman (Hon. Okode):** I take this opportunity to welcome all of you here this morning. The reason we are here is to discuss the conduct of a Member of our Assembly. We had initially planned to have this meeting yesterday but when we reported here at 10:00 a.m., apparently the clerk to the Committee was not prepared because he had not mobilized the witnesses which included the Serjeant-at-arms, and therefore we were not able to kick-off.

So we gave stern instructions that the clerk who was here yesterday be exempted from taking notes in this meeting. I issued instructions that the Clerk himself should be here to take minutes. I also instructed that the Clerk should share with us the actions he is going to take against the Serjeant-at-arms who never appeared yesterday in good time.

So I think we have to start and how to start is to first of all get an explanation from the Clerk himself on why the Serjeant-at-arms was not here in good time to give us a brief and the measures he has put in place to ensure that in future, Committees are not derailed because officers are not doing their work in good time.

**The Clerk (Mr. Olwero):** Thank you, Mr. Chairman. I wish to first of all apologize for being late today. We were

processing payments which are accruing at the IFMIS and because today is the final day for payments, we didn't want to be left behind.

For yesterday's case, the challenge has been that the Serjeant-at-arm was hoping that a few members of staff would volunteer to give information so as to enable him process the report because in the first place he was not at the scene. Unfortunately, it appears that no member of staff was present to give that report, so he had to pick from the ashes.

Once he had done that, there was a problem with the printer; we've had a challenge with our printers, both here and in Siaya. So, there was a delay and the transport he was to use left before the document was ready. However, he made efforts to be here but unfortunately he was a little bit late for the meeting. But the report is ready and he can table it.

I think the other challenge was that he was hoping that the first people who would appear before this Committee were the journalists. But when we called the journalists with the PRO, the journalists gave us information that they had engaged with the office of the Speaker and the Speaker's advice was that they ignore---. So

he was not sure with the order of appearance.

I reprimanded him verbally and informed him that in future, such reports are crucial. Thank you, Mr. Chairman.

**The Chairman** (Hon. Okode): Members, I don't know if you buy that. What's your reaction to that explanation? As the Chair, I am not convinced that the issue of journalists is an issue. When you are invited to a Committee there is specified time to come, and in that invitation I don't think it's specified what time the journalists are coming and what time the Serjeant-at-arms was to be here.

When you are invited to a Committee, you come to give a report on what you have collected or give a report on what you were not able to collect and why you never collected it. There is not rule that you must bring something. That's the Chair's perspective. I still see it as a matter of laxity.

**Hon. Andiego:** Thank you, Mr. Chairman. While in the Assembly on Thursday, you instructed that we meet on Monday and go through this issue. From Thursday to Monday, as a matter of urgency, I think it was appropriate for the Serjeant-at-arms not to wait until the last minute to prepare the necessary documents. It's now upon you as the Chairman to tell us what next because this is not the first time such like things are happening. When we call for meetings they don't come in time and we are usually forced to adjourn. So there must be a stern warning so as to avoid such like things happening in future again.

**Hon. Osuri:** Thank you. Mr. Chairman, the decision is within your docket. However, even if there was a reason for the delay, there are easier channels of

communication and this should have been communicated to you in advance.

**Hon. Nguire:** Thank you. There is a statement that I didn't get clearly. My colleagues here said it as it is, the fact that these people come late and at times don't appear. I think that's for you to make a decision on. Did you say that when invited, the journalists were told to ignore?

**The Chairman** (Hon. Okode): I'll talk about that later.

**Hon. Nguire:** I don't know if we have authority over the journalists. Do we have authority to invite them? Are they under our authority in the Assembly? Anyway, you said you'll talk about it.

Initially the staff had a challenge of transport from Siaya to Bondo, but with the coming of the van, I think lateness should be a thing of the past. So they need to pull up their socks on that.

**The Chairman** (Hon. Okode): Ok. I think I'll address two issues. One; the issue regarding the clerks. I want to refer it to the Clerk to take it to the HR and note that as a Committee we are not pleased with the fact that staff have delayed to appear before us and they have not shown efficiency at work. The HR will then report to the Board so that appropriate action is taken. I am concerned when the Hon. Andiego says that this is not the first time. And that must go into their files and be used during their confirmation.

For me, I have never considered transport to Bondo as an issue and it should not be an issue. How they reach Siaya is the same way they should reach Bondo, this is where we are working from now. If you are a clerk to a Committee and the Committee is meeting in Bondo, I think you should liaise with your HOD and tell him/her that you are waking up to go to Bondo, you'll not report to Siaya. Even in their contracts we never

signed anywhere that we will offer transport to them. That to me is an excuse that should not arise. I remember when we were doing interviews we asked, ‘can you work anywhere in Siaya?’

The answer was ‘yes’. And if anything, this is just temporary. That’s an excuse that people will take to delay to work.

So we will handle that at the HR and Board level. I’m taking it very seriously; infact had the Clerk delayed for another ten minutes I would also have expelled him from the Committee.

Back to our business. On the issue of journalists, as the Chair of this Committee I was deciding on who was to come and appear before us. If the Committee feels somebody else should come and appear before us then that should be so, though I would advise. I had indicated initially that we should meet any member of staff who witnessed what happened, invite the journalists who definitely witnessed what happened, invite a report from the Serjeant-at-arms because he does intelligence and should be able to collect and find out what happened. All that is most important more so when you know somebody is going to dispute, but when somebody is not going to dispute, that is a very straight forward case.

Now, on the issue of journalists, I thought over it when we invited them. We have the mandate to invite anybody, but that anybody you are inviting, as legislators we need to be careful on the impact of inviting those people. The code of conduct of journalists dictates that they should not disclose their source of information and when you attempt to do that then they will report that the Assembly has summoned them. That will then put us at a collision path with the media and that would be a

very unfortunate thing. I had instructed the Clerk to call them then one of them called me and said, ‘Mr. Speaker, *hii kitu si itawaharibia Assembly?*’ I asked how.

Then he reminded me that they have the letters and some of them will do a story that the Assembly summoned them. Then I asked him to read the letter. The letter was not talking of summoning but when it goes out there it will be like we summoned them. You remember what happened in the National Assembly when the Speaker ejected them from the Speaker’s Gallery? It became an issue of right to information and code of ethics. It became a very hot issue.

I then said fine, I just called them and said, just keep the letters, don’t distribute them. I’m hoping that we will not reach a point where we will have somebody denying that he never did it, so that we are to look for evidence elsewhere. That is where we are as far as inviting journalists and advising them not to come is concerned.

The issue that we are discussing was framed this way in a letter addressed to Ouda.

**RE: INVITATION TO APPEAR  
BEFORE THE ASSEMBLY STANDING  
COMMITTEE ON PRIVILEGES,  
POWERS AND PROCEDURES**

Your attention is drawn to a wide coverage of clip aired by the Royal Media Services-Citizen Television on Monday, 24<sup>th</sup> June, 2015 on its 9.00pm news and several vernacular radio stations touching on your conduct at the Assembly precincts.

Following a resolution of the Assembly during its afternoon Sitting held on Thursday, 25<sup>th</sup> June, 2015 in which the Hon. Speaker committed the matter to the Privileges, Powers and Procedures

Committee, and pursuant to the provisions of Standing Order No. 191, you are hereby invited to appear before the Committee in Bondo on Monday, 29<sup>th</sup> June, 2015 and shed light on the following;

- I. Allegations of demeaning the integrity of the Assembly by conducting yourself in a manner which brought the image of the Assembly to disrepute.
- II. Breaching the provisions of Article 73(1) of the Constitution of Kenya 2010.

Your cooperation on this matter will be highly appreciated.

Yours faithfully,

**ISAAC FELIX OLWERO**  
**COUNTY ASSEMBLY CLERK**  
**COUNTY ASSEMBLY OF SIAYA**

Now at this juncture I want us to get a report from the Serjeant-at-arms before we invite Ouda who is already here.

**Hon. Osuri:** Chair, before we proceed, I have three concerns. First of all, just as you have echoed, there's need to take this Committee serious as members by attending in time including the other officers.

Secondly; there also needs to be some seriousness with the Member we are dealing with. He seems to be taking things very lightly and casually.

Thirdly; this is not the first time this Committee is dealing with the same person. I would say this is the fourth time.

First; this Committee dealt with the issue of him fighting with another Member in the precincts of the Assembly.

Two; he became also a witness of another fight that involved two other Hon. Members.

Three; when we adjourned because the Assembly was disrupted and we went for an informal meeting in Kisumu, an issue similar to this and involving the same Member came up. It was said that he almost appeared naked to the ladies.

So, Mr. Chairman, this is now the fourth time. We may think that we are dealing with someone of sound mind yet he is no straight upstairs. It may not be today but I think there is need for a medical examination on the Member so as to give us proof that we are dealing with somebody of sound mind.

That's what I wanted to say, Mr. Chairman.

**The Chairman (Hon. Okode):** Your contribution is welcome, only that you jumped the gun. I wish you said that at the end when he has even admitted having done it or refused. But it's fine. We will use all that to help us come up with a decision.

Ok. So, would you come and address us?

**Snr. Serjeant-at-arms (Mr. Otieno):** Thank you very much, Hon. Chairman, the Clerk and Hon. Members present.

Honourable Members, On Friday, 26<sup>th</sup> June, 2015, the Clerk, Siaya County Assembly tasked me to come up with a report on what transpired on Wednesday, 24<sup>th</sup> June, 2015 in the Assembly premise between Hon. Fred Ouda-MCA Gem Central Ward and the media.

### **BACKGROUND**

Honourable Members, I wish to state that on Wednesday, 24<sup>th</sup> June, 2015 during the 7pm and 9pm news bulletins, among the

items in the news bulletin (Citizen TV) was the news on Hon. Fred Ouda, MCA Gem Central Ward stripping naked in protest against a tweet allegedly made by His Excellency the Deputy President William Samoei Ruto. The whole spectacle took place and was covered by the journalists reportedly in the office of the Majority Leader.

Honourable Members, I also wish to state that the incident happened on Wednesday, and as you know we normally have two Sittings on Wednesday and so the Serjeant-at-arms office was fully in Bondo when the spectacle took place. Infact, I also came to know of it through the media and also on Facebook.

### **PRELIMINARY REPORT**

Honourable Members, I wish to state that in my bid to come up with a comprehensive report on the same, I have reached out to members of the staff who may have witnessed the incident to come forward and give/record a statement on the same, but so far none has done so. My effort to reach the journalists through the office of the Public Relations has also been futile as none has been able to turn up. Some had initially told me that they would come on Monday and that's why I had to wait for them, but by 9:00a.m none had turned up. I needed their evidence so that I could come with a conclusive report

However, preliminary report indicates that on the said date – Wednesday, 24<sup>th</sup> June, 2015, Honourable Fred Ouda allegedly made a call to the journalists to come for a press briefing in the Assembly. This according to the source was not unusual since they are routinely invited by the Speaker and Members of County Assembly whenever there is a matter to be

reported. When the journalists arrived, he allegedly led them to the office of the Majority Leader. He then reportedly informed them that he was out to make a “naked protest” against His Excellency the Deputy President William Samoei Ruto over a tweet he allegedly made disparaging the residents of Kibera, and that they cover the same. He allegedly went ahead, stripped and gave a briefing to the journalists. The same was aired in the 7pm and 9pm news bulletins.

### **CONCLUSION**

Honourable Members, in conclusion I wish to point out that:-

a. At the moment no formal complaint has been made against the Honourable Member as per the CRIMINAL PROCEDURE CODE SECTION 89. In lieu of the above, no inquiry nor investigation file has been opened at this stage. The burden of proof in making a prima facie case (EVIDENCE ACT SECTION 107) is therefore in abeyance. I therefore seek further direction from the Honourable Members.

b. The disclosure of statements by members of staff can only be on voluntary basis, hence cannot be compelled to testify (EVIDENCE ACT SECTION 132). Hon. Members, it is a practise that when such press briefings occur, members of staff are usually not involved. In normal circumstances where staff are involved, maybe a member of the office of the Serjeant-at-arms if called, may just sit outside and not see what is happening inside. We are never party to such press conferences

### **RECOMMENDATIONS**

Honourable Members, in light of the above, I wish to recommend that:-

a. Any communication or activity involving the media or press within the precincts of the Assembly should include the public relations office and the sergeant at arms department.

Hon. Members, when I came I found that the habit had been going on. I questioned the security men at the gate on why they allowed people to just come in and they told me that sometimes the journalists or even other members of the public normally come in with the MCAs but they are never allowed to take them through the frisking.

In most cases MCAs say, ‘*hawa ni wageni wangu*’ and then they are allowed to come in. Journalists too say that ‘we have been summoned by the Speaker or a particular MCA’ and they just come in. They are never frisked or tagged. So it wasn’t unusual on this particular day.

b. Honourable Members should allow any other person apart from MCAs gaining access to the assembly to go through the usual security checks and procedures including being issued with visitors’ tag and their motive being known. I wish to state that that has not been the case in our Assembly. I tried to issue the order but it could not work.

One time Hon. Members reprimanded me and told me that they are elected by their electorate and hence do not need permission to walk into the Assembly with their people. That has been a challenge to us and since we are also protecting our jobs, we don’t want to get into the wrong side of the Members. We are still young and under probation, so we don’t want get into conflicts with the Members because you are our employers. We just have to go by your words.

c. The staffing level at the Serjeant-at-arms department should be enhanced and working tools be provided. (SIAYA COUNTY ASSEMBLY STANDING ORDERS Part XVII, Clause 96).

d. The Assembly leadership should give further direction on public access to the County Assembly (SIAYA COUNTY ASSEMBLY STANDING ORDERS Part XXV, Clause 225).

No person can deny the public access to the Assembly, including the journalists, except when the direction is given by the Speaker. Therefore, it is incumbent upon this Committee and the Speaker in particular to give direction so that we know what to do in case some people are coming.

Off the cuff, Hon. Members, I also wish to state that the incident was quite unfortunate. However, it happened when we were not aware and the practise in public offices is that the offices are normally opened. They must be opened in the morning to allow for cleaning and even for the public to be served.

On that particular day I understand the office of the Majority Leader was open. Most of the time, Hon. Members enter these offices, including the office of the Speaker and sometimes it’s difficult to bar them from the offices because they need services in those offices.

In conclusion, I also wish to note that had we even been aware that Hon. Ouda had invited the press, there is no much we would have done because he is a Hon. Member and has got the right to address the press. It’s difficult! Unless there is a regulation that all press conferences must be held in consultation with the offices of the public relations and the Serjeant-at-arms so that we aware of what is going to transpire.

I also understand that Members have certain privileges when they are in the precincts of the Assembly. So I think I will be in a conflict course when I start questioning Hon. Members on so many matters that may not be of my concern. Therefore, I only beg for direction from the Speaker. Thank you.

**The Chairman** (Hon. Okode): Before you react, I want to put certain things clear because I gather that he does not know certain things.

On criminality of this issue or otherwise, I want to say that we are not dealing with whether this matter is a criminal offense or civil offense, we are dealing with a matter of breach of privileges that Members enjoy. That is well captured in our Standing Orders and the Powers and Privileges Act. So we are not talking of opening files here. We are talking about the law which guides the conduct of a Member of an Assembly while in the precincts of the Assembly.

The issue of whether there is procedure or document that guides how people should be admitted or gain entry into the Assembly, he doesn't know there is. We have what we call the Speaker's Rules and I almost wanted to ask him if he shared his report with the Clerk. The Speaker's Rules which we all have, indicate how somebody can access the precincts of the Assembly, how somebody should conduct him/herself in the precincts of the Assembly.

Remember that ignorance of the law is no defence. The Privileges Act we are talking about. It's not an offense for journalists to come into the Assembly. However, the practise of Parliament is that when one wants to address a press conference in the Assembly precincts, it needs to be in the knowledge of the Speaker.

This is also captured in the Speaker's Rules. Again remember that we also have Committees that meet in the same Assembly and our Committees are open to everyone, members of the public and also members of the fourth estate. They can access the meetings but that doesn't mean that we don't screen them.

The issue of checks that he is talking about is something that this Committee cannot discuss. That is a matter that the department needs to raise. Equipment for checking and the staffing level is not something that this Committee would want to indulge in. It is something that that department needs to identify and share with the Clerk. But remember that it will not come to a point where we have enough staffing levels for Serjeant-at-arms.

Why is it that we don't have a legal officer? It's because the ceilings are there, they are talking of a wage bill and so many other challenges that come into play. But the office of the Clerk is handling that, hope in this budget. But even if we had all the number of Serjeant-at-arms we want, all the equipment we want, we are not addressing the security lapse, we are addressing today the conduct of a Member of the Assembly in the precincts of the Assembly. That we must separate. The issues that he has mentioned are issue outside the mandate of this Committee.

Therefore, I want to bring us back to the issue of the conduct of Hon. Ouda. The other issue he mentioned which I need to clarify is that he said that no complain had been made. I want to invite you to the same Powers and Privileges Act which says that this Committee on its own motion or through a report or a matter raised on the Floor or the Speaker can initiate investigations in such a matter. So it is not

true that you would wait for somebody to report so that you take action. No! I think he still doesn't know! He comes from the other security arm which looks at evidence in that way and that's why I said that we are dealing with the privileges and the guiding things are the Privileges Act, our Standing Orders and the Constitution which all of us as State officers swore to defend.

So we will take from his statement, to me what is important is that he did investigations and he is saying he saw it on the media and he is saying that members of staff were not willing to report and he suggested certain issues that to him would enhance security.

If any other member has anything to raise regarding his submission- but I would just urge you to confine it to the conduct of the Member because that is the business that we have today. If there's none, I will excuse him and call Fred Ouda.

**Hon. Ngure:** I just wanted to add that indeed we don't need as a Committee to wait for somebody to report to us that certain issues needs to be investigated. Like this particular case was in the media---

**The Chairman** (Hon. Okode): Actually it came on the Floor! The Deputy Speaker is the one who raised it and a debate was to ensue, then I ruled that let us refer it to the relevant Committee. Issues that happen outside the Assembly are for the police, but within the precincts of the Assembly, the Powers and Privileges Committee.

**Hon. Ngure:** Yes! And it was reported that this took place in the Majority Leader's office. That is within the precincts of the Assembly. It was in the media and it also came on the Floor of the House. So we have a report that something happened and as you correctly said, we need to investigate

to find out what brought that action. After finding out then we can discuss the consequences of what happened. So we have a report to discuss.

**Hon. Andiego:** Thank you. Chair, I love the way you've ruled and also made it clear to the Serjeant-at-arm. What I want to add is that I haven't heard anywhere where you have been told to stop people from getting into the Assembly. But you have to screen them. You have to know who they are and what they are going to do in there. Stopping people will mean a different thing. We always come, even me I have come with a visitor and I have never been told that there's need to screen the visitors accompanying me. I don't think I can say no if asked. At times if you become too soft---

**Hon. Ngure:** Point of correction, Mr. Speaker! I thought you just ruled that we only discuss the conduct of Fred and not go into the security lapse or otherwise. That is for another day.

**The Chairman** (Hon. Okode): That's Ok. Why I let him continue is because the Serjeant-at-arms made an allegation that Members stop them from screening them and their visitors, I think he just wanted to clarify that. But as I said before, the focus is the conduct.

**Hon. Andiego:** I just wanted to make it clear that after something bad happens to them and then you say, 'I stopped you' it will be now another thing. So my request to you is please do your work as guided by the law. It is true that we are discussing the conduct of a Hon. Member inside the Assembly premises which we feel was unethical. Therefore you are also involved, and if you feel that somebody must tell us what to do then we will not be doing our work.

**Hon. Osuri:** Thank you, Hon Chair. When Hon. Ouda was invited to appear before this Committee, was he requested to make prior statement regarding his conduct, and if so, do we have that statement?

**The Chairman** (Hon. Okode): No! The letter just asked that he comes to shed light on the allegations of demeaning the integrity of the County Assembly.

**Hon. Nguni:** Mr. Speaker, we should have requested for a statement to be made first so that we go through it and interview him along those lines. That should have been the starting point!

**The Chairman** (Hon. Okode): That's right. I think that was an omission in this letter. What we can do at this point now--did you look at the previous letters we had done?

**The Clerk** (Mr. Olwero): No!

**The Chairman** (Hon. Okode): Fine. Now that it's not here, we'll engage him and ask him to put it in writing so that as we will be finalising the report, we will be looking at what he has written against what he said.

**Hon. Nguni:** Although that will have given him an opportunity to write it in a certain manner because we would have interrogated him already. I think it would be better for him to write a letter and then we start interrogating him based on the letter. Otherwise he is going to write a statement on what we have already discussed.

**The Chairman** (Hon. Okode): So, you feel we need to ask him to write it right now? However brief it is.

**Hon. Nguni:** Yes!

**Hon. Osuri:** I also think so. We can give him around ten minutes to do so.

**The Chairman** (Hon. Okode): Ok. So, would the Clerk go and tell him to write something on what happened as far as this matter is concerned. It should just be brief.

Tell him we will accept a handwritten submission. He is in my office.

*(The Clerk walked out of the Chambers)*

**Hon. Nguni:** As we talk about this issue of security checks, one time I was at the airport when Hon. Matiba was Minister for Transport and Communication. When he came to the place where he should be checked, he was so mad at the persons there because they did not know who he was. It was so annoying to him. When I looked at him I asked myself who should start this?

**The Chairman** (Hon. Okode): The leaders!

**Hon. Nguni:** Yeah. It was him to show everybody else that they needed to be checked! Because if you don't check the minister then you will not check the assistant minister, the PS, nobody will be checked! So if we refuse to be checked as Members of this Assembly then who is going to be checked? Everybody else will have a reason why they feel they are above that. These checks should be for everybody including the Speaker so that we can hold everybody accountable.

*(The Clerk walked into the Chambers)*

*(The Clerk and the The Chairman (Hon. Okode) consulted)*

**Hon. Migaya:** I'm really concerned with what the Serjeant-at-arms said, that the staff refused to give evidence to this Committee. If they are there and they saw what happened, why are they refusing? What will happen when tomorrow we are here and something happens in Siaya even to one of them, will they tell us what has

happened? Why are they refusing? Why don't they want to give evidence? That is my concern.

**Hon. Owii:** Thank you very much, Mr. Chairman. The issue here is very serious and should be treated with the seriousness it deserves. The truth that the Serjeant-at-arms said is that even if he was there and was not invited to be inside and the door was closed, I don't know how he would have seen what was happening. In the first place, the office is upstairs; he wouldn't have even peeped through the window

I want to say that we as politicians should know what integrity entails. There are things that we do with very good reasons but the repercussions may not be good. Like when Hon. Ouda comes, he'll tell us his reasons and we may not be convinced because he could as well do it elsewhere given that the privileges that are given to him as a Member of Country Assembly of Siaya do not actually give him room to behave in such a manner.

So personally I am fearing for the integrity, if these things continue they will not augur well. But in any political scene which we are products of, anything can happen. People can fight even here at the Assembly before you, Mr. Speaker. And they just know that they are breaching the Standing Orders. It can easily happen. It has happened in the National Assembly, you saw ladies pouring water and people trying to even carry the Mace and tearing the Order Papers. They know they are doing a mistake but they have a reason for doing that.

But I think the best we can do on issues that touch on security checks is that we should have an informal meeting and be told as Members on how we should behave. If my visitor comes, he/she can as well call me and I tell them to go through the security

checks because he/she may be my visitor who is actually coming to kill me in my office.

But I believe that with the members of the press, if at all there is order in which they can come then that's better. One thing that the press would have liked is what they saw. If it was just a mere press conference, then that wouldn't have gone far. This one was quite outrageous and a very unusual thing more so because it was an adult. Personally as a politician I may think that the course for doing what he did may have been good, he was expressing his feelings, but where he did was the worst.

People can fight and abuse senior people like you, Mr. Speaker, but that they are only expressing their emotions. Maybe what they are doing or saying is something that people should listen to but where and how they do it may be the problem. We need to safeguard the integrity of the Assembly. We saw the other day when a team of hooligans came here, they had a course and they knew what they were defending. If they would have been taken to court they would have given their story, but was it best way to air their issues? They should have done it a public rally like how it went down in Yala, but not here.

Time and again, Mr. Speaker, it's you to give us guidance and remind us about these things. That now that we've been here for close to two years we should be behaving differently in a way that would portray the image of the Assembly in good light. The other day the Assembly was rated No. 2, after only a few days, somebody strips himself naked! One person has decided to take us to zero!

Some of us have been in this game for long. We should not just pardon him but

we should make him see that he did something bad which he should not repeat.

**The Chairman** (Hon. Okode): Ok, two quick ones; Hon. Migaya wanted to know what happens if a member of staff does not willingly give evidence when they have it. The picture you painted was that they saw what happened, they have the evidence but they don't want to. Do you know what should happen?

**Hon. Owii:** Mr. Chairman, if you excuse me. We've heard cases of hostile witnesses. You cannot force ne to be a witness. From the Serjeant-at-arms report there are a lot of hearsays, he is talking of things he never witnessed, things he was just told. Even the very same people who might have witnessed the incident are saying they never witnessed. How would we force them to now say that they witnessed it? We have only seen the captions about what Ouda did.

**The Chairman** (Hon. Okode): That's fine. I am asking him a question. Do you know what should happen if you are sure a person has evidence but has declined to give it to us and he is a member of the Assembly family? Do you know what should happen?

**Snr. Serjeant-at-arms** (Mr. Otieno): Yes, Sir.

**The Chairman** (Hon. Okode): Which is?

**Snr. Serjeant-at-arms** (Mr. Otieno): Mr. Speaker, I wish to state that am not implying that they saw. The incident took place in the office of the Majority Leader and I was just inquiring if any member of staff could have witnessed it. The incident happened inside the office of the Majority Leader and no staff was actually allowed to be there.

**The Chairman** (Hon. Okode): So you are saying that none of the staff witnessed the incident?

**Snr. Serjeant-at-arms** (Mr. Otieno): I'm not sure whether they witnessed it. But I was just imploring on anybody who might have been present there to come forward and give a statement, but nobody has done so.

**The Chairman** (Hon. Okode): But you said there were some who were coming on Monday!

**Snr. Serjeant-at-arms** (Mr. Otieno): No, I talked of the press.

**Hon. Ngure:** There is waiting for them and there is also going to them. If you heard that maybe so and so witnessed the incident, you should have gone to them. What Hon. K'owii said is true; that door was closed and perhaps no staff saw what took place inside there. So, what the Serjeant-at-arms should tell us is whether there is a member of staff who was there.

**The Chairman** (Hon. Okode): Ok. Let me tell you something. We are not doing this just to ascertain whether or not Ouda did it, we are addressing a very pertinent issue raised. That tomorrow if a member of staff has evidence, forget about seeing now, he/she has the document you need to prove a case and he/she refuses to give it to you, are there consequences? That is what we are talking about and that is what I want the Serjeant-at-arms to know, that there are consequences.

Just like there are consequences when you are summoned and you refuse to appear, there are consequences which can even take you to court. The Powers and Privileges Act which I'm talking about refers to the privileges enjoyed by Members of the Assembly and members of the staff. We can even initiate criminal proceedings

against you for holding that evidence or refusing to give us the information. That has to be clear.

**Hon. Ngure:** That's what we are establishing. Is there such a person?

**The Chairman (Hon. Okode):** Yes! That's what we want to know. That's why I'm asking him whether he is sure somebody has information and has refused to give it out. He said something like that! Had he said that the incident happened in the Deputy Speaker's office and nobody saw it, that would have been a very straight forward case. But he is talking of some people having information and they are not willing to give. That's a different matter. We need to proceed. I think we are done with you.

*(The Snr. Serjeant-at-arms (Mr. Otieno) walked out of the Chambers)*

I have a question to the Committee. We sent the Clerk to ask Hon. Ouda to write a statement on what happened and we told him that it's a normal procedure that before you meet the Committee, just tell us in writing what happened so that we are able to even save time when we are engaging with you. I'm told that he has said that he cannot write any statement, this is not a criminal issue and therefore he is ready to let it go on record that he will not write a statement.

Members, what is you take, do we go ahead and invite him or invite him and enlighten him on why he needs to write something?

**Hon. Osuri:** Chair, I think we should just invite him. It's all right in case he has written something, if he has not we can just still go ahead and interrogate him.

**Hon. Ngure:** In any case, the HANSARD is here. What he says will be captured

**The Chairman (Hon. Okode):** But will we use his refusal to write something as a factor to influence the penalty we will give him? That is arrogance to the Committee!

**Hon. Owii:** I don't know what the Standing Orders says because I remember a case last year between the same Ouda and his colleague and he readily wrote a statement then. Today he is saying that this is not a criminal offence. You can guide us, Mr. Speaker.

**The Chairman (Hon. Okode):** Let me read to you the Powers and Privileges Act.

Section 17. Objection to answer question or to produce papers.

(1) Where any person ordered to attend to give evidence or to produce any paper, book, record or document before the Assembly refuses to answer any question that may be put to him or to produce the paper, book, record or document on the ground that it is of a private nature and does not affect the subject of inquiry, the Speaker may excuse the answering of the question or the production of the paper, book, record or document, or may order the answering or production thereof.

(2) Where any person ordered to attend or to give evidence or to produce any paper, book, record or document before any committee refuses to answer any question that may be put to him or to produce the paper, book, record or document on the ground that it is of a private nature and does not affect the subject of inquiry, the chairman of the committee may report his refusal to the Speaker with the reasons therefor; and the Speaker may thereupon excuse the answering of the question or the production of the paper, book, record or document, or may order the answering or production thereof.

The statement to us is a record that we want him to produce and the law says here that the Speaker or the Chairperson may excuse. But remember that this is like defiance which when allowed, may mean that we are doing double speak. The other time we subjected him to the same, the other time somebody refuses he is excused.

So I think what we will do if we agree to go ahead and interview him or have a conversation with him is that we must bring to his attention that refusal to write a statement to us we consider it as contempt and defiance and that has an influence in the mind of the investigator. We'll also remind him further that he had done it before.

Let me tell you something. At times people don't know what they are getting themselves into. They get defiant for nothing. The matter facing our brother here is safer handled by us in-house. If it is handled by the Ethics and Anti-Corruption Commission then our brother can lose his seat! This I tell you for free, it is very clear. That we are handling it under privileges is for his own benefit. And that is why you hear that Parliament wants to be very guarded; they want to do their things their own way. The other day when Ethics and Anti-Corruption Commission wanted MPs to appear before it for pouring water and tearing the papers, the National Assembly moved in very fast and covered their people because they would have been liable and they would lose their seats!

So if we handle it and then somebody takes it to court, the court would want to know what action the Assembly took now that we have the Privileges Act. But if we say we were stopped from doing it because he never wrote a statement, that means his enemies out there would go to court or would go to the Ethics and Anti-

Corruption Commission which can also do their stuff on their own motion and then he will lose his seat! This is the ignorance that takes us nowhere! The defiance that can cost us our offices and I will tell him as much!

So if you accept that he comes then I think he should be invited and then we inform him accordingly. I think that goes in line with what Hon. Osuri said that the Member is treating the matter casually.

*(Loud consultations)*

*(Hon Ouda walked into the Chambers)*

Welcome, Hon. Ouda, how are you?

**Hon. Ouda:** Mr. Chair, I am fine, but am requesting that the door should be closed!

**The Chairman (Hon. Okode):** Why?

**Hon. Ouda:** You know the way I'm seated; I remember a certain movie called 'Escape from Sobibor' where they wanted to hang somebody and this is how the jury looked like. So because I don't want to look like that and feel intimidated, I think the door should be closed.

**The Chairman (Hon. Okode):** This is a public Committee; we want it to be open to members of the public so that they can see what's going on. I can assure you that you are safe; the person behind you is the Serjeant-at-arms who has been guarding you in this Assembly for the last two years. The person next to you is Hon Okuku, your very good friend who would not allow any enemy to attack you. Are you feeling any safe now?

**Hon. Ouda:** After your assurance, I feel safe.

**The Chairman (Hon. Okode):** Thank you, Sir. I want you to relax! These are your colleagues!

**Hon. Ouda:** I'm relaxed. I have no problem with that!

**The Chairman** (Hon. Okode):

Good. Now, Hon. Ouda, this is the Powers and Privileges Committee and we have invited you to share with us on a matter whose letter was capped as follows. I want to read it to you; I believe you have the letter. It says;

Your attention is drawn to a wide coverage of clip aired by the Royal Media Services- Citizen Television on Monday, 24<sup>th</sup> June, 2015 on its 9.00 p.m. news and several vernacular radio stations touching on your conduct at the Assembly precincts.

Following a resolution of the Assembly during its afternoon Sitting held on Thursday, 25<sup>th</sup> June, 2015 in which the Hon. Speaker committed the matter to the Privileges, Powers and Procedures Committee, and pursuant to the provisions of Standing Order No. 191, you are hereby invited to appear before the Committee in Bondo on Monday, 29<sup>th</sup> June, 2015 and shed light on the following;

- I. Allegations of demeaning the integrity of the Assembly by conducting yourself in a manner which brought the image of the Assembly to disrepute.
- II. Breaching the provisions of Article 73(1) of the Constitution of Kenya 2010.

Your cooperation on this matter will be highly appreciated.

The previous day you communicated to the Chair and to the Clerk that you would not be able to make it yesterday and you requested to be here today and your request was granted. So before we engage you, we

just wanted to be sure, we had sent the Clerk to you, as a procedure and also to ensure that we have shorter time with you; we had asked that you just put what happened in writing like you had done before when you appeared before this Committee of your colleagues. The answer he gave us was that you were not willing to write down anything to the Committee. Is that so?

**Hon. Ouda:** Yes!

**The Chairman** (Hon. Okode):

Could we know why you don't want to write?

**Hon. Ouda:** Simply because I have appeared before the Committee in person. The HANSARD is there, there is a Clerk to this Committee and what I'm going to say whether verbal or what, is going to be captured. So I really don't think it was necessary for me to put anything in writing.

**The Chairman** (Hon. Okode): And if we told you that our HANSARD is faulty, would you be willing to write something?

**Hon. Ouda:** I also guess that minutes are being taken and whoever is incharge of the minutes should take them word by word and ensure that he captures every important detail.

**The Chairman** (Hon. Okode): Hon. Ouda, I have two things for you. First; in your mind do you trust that these are your colleagues and would not want anything bad to happen to you and whatever they are doing to you is that which they are doing to a brother. Do you believe so?

**Hon. Ouda:** Mr. Speaker, Sir, I trust that. But you might not know, some have taken things so personal that they even go into things that I think do not concern them. I am sorry to say that, Mr. Speaker.

**The Chairman** (Hon. Okode): Do you think there is a member of this

Committee whom you feel has personal interest in this matter?

**Hon. Ouda:** Yes! I know people who have interest in this matter, but I cannot name them. I can maybe write just because you as the Chair has requested me and I give the writing to you. That one I can do even after this, I have no problem with that. But I will only hand it over to you! Personally I have no issue with anybody because I'm in the business of politics and I have got my own way of how I came to this Assembly and I will go out and I will come back.

**The Chairman (Hon. Okode):** Now, let me say this. The Chair is not any bigger than this Committee. This is a Committee of Members of this Assembly and you make the Chair more comfortable when you cooperate with the entire Committee.

Secondly; Hon. Ouda, human beings are human beings. If you sat where we are seated today and you ask somebody to write a statement, you have not even been told how many pages or how many words to write. Refusal to write always has a negative effect in the mind of the person. It always amounts to defiance. They would imagine that you are doing what they call contempt. You can even write two lines and bring it! Then we can interrogate you to get much more. I'm telling you for free, how I wish you just wrote that letter so that your colleagues do not think that you are belittling them. How I wish!

**Hon. Ouda:** Ok, Chair, we have agreed. As we proceed with this session I'll make sure that I do a written statement. But just for the sake of time, let us proceed. I will do that.

**The Chairman (Hon. Okode):** Thank you. Allow me clear something here. As he (the Clerk) brought us the message

from you, he mentioned that you said that this is not a criminal offense.

Let me tell you; Parliaments all over the world are very protective of themselves and their members. You will hardly see a Parliament that is willing to allow one of its own to be subjected to the courts; they would always want to handle their things in-house.

That is why legislators went ahead and crafted the Powers and Privileges Act so that they are able to handle their matters within themselves. The matter that we are going to talk about in a short while, I can tell you for free that it is safer handled internally because if it is handled outside there then it will be referred to the Ethics and Anti-Corruption Commission which will just look at the law.

The consequences which I'll give you to read in a short while would be so severe. That is why when there was the pouring of water during the famous Security Bill, when the Commission wanted to go for the MPs, the legislators instead rushed very fast and covered their colleagues and gave them lesser penalties. They were protecting one of their own! We are here to do the same to you. How I wish you cooperate. That's it!

I want to start by asking you what you can say about the letter that you received and shed light on the issues that were raised in that letter.

**Hon. Ouda:** Thank you, Chair and the entire Committee which I happen to be a member of.

I want to say that on that day, Wednesday, in the precincts of the Assembly and in one of the offices, I think that of the Majority Leader, I personally called a press conference to react to a tweet

that I thought was demeaning to my community and to the people of Kibera.

When somebody says that you eat fish, then you know where that fish comes from and you know which community eats fish. I also used the connotation that if somebody says that you like chicken, then in your mind you always know where chicken comes from. If somebody says that you come from Kagondu in Kiambu, then you know the people who live there. Likewise, if somebody says that you come from Kibera, then you can almost know who lives there.

The tweet was so offensive as it went ahead to say that the people of Kibera were following a corpse to the grave and subsequently said that the people of Kibera should continue using flying toilets. We know about the issue of flying toilets and the people who were being insulted by that.

Fred Odhiambo Ouda who sits before you has had a long political journey from 1992 to date. Fred Odhiambo Ouda has been youth for the party from 1992---

**The Chairman** (Hon. Okode): What I want---

**Hon. Ouda:** I'll come to the issue!

**The Chairman** (Hon. Okode):

Sorry. Your justification for doing something, if you did, we will ask you under what you want this Committee to consider in coming up with a decision. For now what we wanted you to say, you have reached the point where you said you called the press---

**Hon. Ouda:** Yes, I called the press. That tweet is what made to call the press. Later on, somebody else came out and denied that account. When the tweet was still circulating on the social media, nobody denied it, when I splashed it out that's when somebody came out to deny it. I don't take that denial to be true nor do I take it to be false. I said yesterday even in the electronic

media that somebody can hide the left arm and slap you with the right and then hide the right and use the left to say *pole*.

I called the press and told them to sit in the office. As a politician that I am, I said it's been too much, that was my mind. Then I said I am here because of so many reasons that I sit in this Assembly, somebody might not know the journey. I have heard somebody being insulting for too long. Then I said like somebody who has a wife in the house who has been abusing you and then one day you decide that this wife must see me today. So at that point you really don't wait for the wife to insult you, you just wait for the wife to delay in bringing you water for washing your hands, then she delays for two minutes and that would be your reason to slap her.

So that's what happened in the Assembly that day when I called the press. According to me there's no better place I'm designated to have a press conference than at the Assembly. At some point there will be an Assembly complex with a gym and a designated press conference room. What I did was a press conference/protest which I am allowed to do in this country in the best way possible as long as it is within my right in the constitution.

When I called the press conference, somebody in the calibre of Deputy President William Ruto could not have heard anything, and am glad today that some function in Mumias had to be shortened so that they rush back to Nairobi and watch news so as to know what happened. I'm proud of that!

When I invited the press they didn't know the manner I was going to do it and I want to tell this Committee that that was the best way for me to do it. I reasoned that if I

put on a suit like the Speaker or the Governor---

**Hon. Osuri:** Mr. Chair, is it in order for the Hon. Member to sit the way he is seated with his legs crossed like that while addressing us?

**Hon. Ouda:** I was just a bit relaxed.

**The Chairman (Hon. Okode):** Do you think the posture you took was good enough?

**Hon. Ouda:** I was trying to be more relaxed. But it's ok.

**The Chairman (Hon. Okode):** You are now more relaxed, that was not right.

**Hon. Ouda:** Thank you, Sir. Now, when I called these people, there was no any other way I could drive this message home unless I was the Speaker who has a big seat and can call the press and the whole thing will be in the papers whether he is in a suit or was sleeping. In fact it is even better if he calls it in his house when he is sleeping, they will still capture it. If the Governor calls a press conference today it will be widely covered. But as an MCA, the experience I have with the press is that that thing could have only gone to one vernacular radio station simply because they know me and not because they wanted to cover it.

So I used my style which is; I removed my shirt which is okey, I removed my vest which is okey, and I removed my trouser and my shoes and I remained with a very clean grey boxer. Then I said this is how they will listen to me. I sat down and addressed the press conference.

I'm glad that the press conference was even watched by the President of the most powerful country in this world, Barack Obama. The statement was watched by President of the Republic of Kenya, Uhuru Kenyatta and Deputy President William Ruto who I was addressing. This press

conference was watched by all of you including the Prime Minister who I feel was being insulted. And I'm glad of that!

As I conclude, Mr. Speaker, there's one thing that should never happen to you. People should never fail to talk about you, whether it's positive or negative. If you are not talked about then it means you are a dead person in this world, you are a walking corpse.

So, regardless of my name, regardless of my family, regardless of my title that I got because of politics, I said I must address this press conference and I did it perfectly well, Mr. Speaker. What followed is that it was in the print media, and I actually went ahead and addressed some electronic media like a national television and several radio stations. That's how it was.

**The Chairman (Hon. Okode):** Good! So, the Hon. Member who is our colleague has said he called the press, removed his top, trouser and remained with a clean boxer and he has explained why he did it. Before Hon. Members engage you further, do you think what you did in the precincts of the Assembly was demeaning to the office that you hold and the integrity of the Assembly?

**Hon. Ouda:** Mr. Speaker, Sir, as I mentioned earlier, according to my own understanding, I think the best place I can always hold press conferences is at the Assembly. Chair, I must also say that I was protesting. Before I became an MCA I was an activist, before I became an activist I'm a Luo, before I became a Kenyan I was a Luo. So, regardless off my title or any other thing, things that came first before others took center stage on that day. That's why I did what I did!

**The Chairman** (Hon. Okode): That protest which you say is rightful, do you think it demeaned the office that you hold and the integrity of the same?

**Hon. Ouda:** Mr. Speaker, Sir, maybe you explain that part to me because when you say I demeaned the office that I hold—but the office that I hold has people behind it and it also has people who elected me through a party that has a party leader that I have an obligation to protect and to defend at all costs.

**The Chairman** (Hon. Okode): So you are not sure whether it demeaned or not?

**Hon. Ouda:** I'm not so sure of that.

**The Chairman** (Hon. Okode): Let me clarify to you a point that you've been mentioning ever since that the safest place for you to hold a protest or do anything is the Assembly. Get it from me that you don't have absolute privilege in the Assembly precincts. We have the Powers and Privileges Act which specifies how far you can go with your privileges and the limits of those privileges. If you attempt to kill somebody in that Assembly you will see how you will be arrested. The immunities that you have are as far as civil cases are concerned and issues that touch on your conduct within the Assembly, but not criminal matters.

I'm also telling you for free that the actions you do in that precinct of the Assembly, if they touch on a violation of the constitution then it is a matter that can still be subjected to the leadership and integrity threshold or test and you cannot go scot free. I know you can afford newspapers, you should ask yourself why EACC wants to go to Nakuru County Assembly to arrest MCAs when they fight there. Why are they issuing warnings to the Assemblies? The other day I

read to you communication from them. Why do they want to arrest Members of Parliament? You are saying you don't know whether this demeaned---are you aware that we have the Speaker's Rules which guide on the conduct of Members of Assembly while within the precincts of the Assembly? And if you do, do you think your action violated such rules?

**Hon. Ouda:** Mr. Speaker, I must say that there are rules as you said, but these rules were also made at a cost. Sometimes some of us who know how far we've come with this thing--then sometimes, I'm sorry maybe to the Committee, but sometimes our passion for this thing--Personally I've not gone through that Act in its entirety but me I thought that people have come a long way with this thing and sometimes we cannot just allow rules to prevent us from expressing some of the most important things that this world needs to know.

**The Chairman** (Hon. Okode): Fine! As I leave it to the other members, I also want to invite you to read a section of this constitution and just plead with you as a Member of our Assembly, in fact a member of our Committee and a friend to us all. A Committee has the ranking of let's say a court of law, but how nice it becomes when you just say the truth to members without having to do this and that and then you win their favour through your defence.

'Hon. Members, I did it and its true it is demeaning to the integrity of the Assembly and even to my office and am very sorry but remember I was fighting for a political course which you are also products of, please let us treat each other as friends, be lenient to me.' I'm telling you, that is the easiest way to get out of this, but to try to say you don't know what demeaning is, whether that demeaned or not—I don't

know whether that can convince Hon. Osuri that indeed you don't know what demeaning an office is.

But let me share with you how serious this matter can be if we were not to handle it internally. Read the conduct of state officers, that is the whole of Article 75(1). You can read loud so that everybody hears.

**Hon. Ouda:** 75. (1) A State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids—

- (a) any conflict between personal interests and public or official duties;
- (b) compromising any public or official interest in favour of a personal interest; or
- (c) demeaning the office the officer holds.

(2) A person who contravenes clause (1), or Article 76, 77 or 78 (2)—

- (a) shall be subject to the applicable disciplinary procedure for the relevant office; and
- (b) may, in accordance with the disciplinary procedure referred to in paragraph (a), be dismissed or otherwise removed from office.

(3) A person who has been dismissed or otherwise removed from office for a contravention of the provisions mentioned in clause (2) is disqualified from holding any other State office.

**The Chairman** (Hon. Okode): The key thing there is the conduct of State officers. It includes; in a manner that avoids—

- (c) demeaning the office the officer holds.

And then you go to 2(b) which says; a person who contravenes the above part may, in accordance with the disciplinary procedure referred to in paragraph (a), be dismissed or otherwise removed from office.

It is not in the remotest mind of any of us to see you being removed from office

through an initiative outside there; we better handle this inside here. I don't want to quote the Privileges Act; The Speaker's Rules also talk very well about our conduct which should not demean the integrity of the Assembly. You are rightfully before a Committee that looks into the conduct of Members while they do what they do in the precincts of the Assembly.

Hon. Members, you can ask Hon. Fred Ouda anything you have before we release him.

**Hon. Osuri:** Thank you, Mr. Speaker who is also the Chairman. The Hon. Member for Central Gem could have had very good reasons of protesting against the tweet that allegedly talked ill of the people of Kibera. Kibera is in Nairobi, and to me there is no way it is related to Siaya County. According to me he should have done his thing in his Gem Central Ward or since he is saying that the matter touched on the Luo community, then the best he could have done would have been to go Kisumu which I think acts as the headquarters for the Luo nation.

Mr. Chairman, could there have been a very good reason why the Hon. Member chose to bring the issue to Siaya County headquarters and specifically to the office of the Majority Leader? Could he have had any good reasons of doing that?

Two; if he was protesting that the tweet affected this Assembly, as a Member of the County Assembly of Siaya, was he aware that at the time he was holding the press conference his colleagues were having a Session in Bondo? Why did he choose not to go to Bondo perhaps in solidarity with his colleagues if he thought the matter was affecting all of us?

Mr. Chairman, to me he demeaned the integrity of the Assembly and his

colleagues. He is a member of this Committee and he knows that this is not the first time he is appearing before us. Maybe he can briefly tell us why he chose to protest in Siaya and specifically in the office of the Leader of Majority and not any other office. Thank you!

**Hon. Andiego:** I still would want to know from the Hon. Member whether he thinks that whatever he did doesn't affect other Hon. Members. This is because the message that comes out everywhere is about Siaya County Assembly Members and we are the Members. In his right sense, doesn't he think that the matter has also casted other innocent Members in bad light?

Two; there was a letter written to us indicating that the Deputy President was to come to Bondo in the same week, why couldn't he just wait and face the Deputy President one on one? We are concerned about where you did it. You could have done it in your house or you could have done it on the road, but since you did it in the Assembly we are also affected as Members of this Assembly. Outside there it is said that people at the County Assembly of Siaya strip naked.

**The Chairman (Hon. Okode):** Since the questions may be related, I want you to combine so that it is easier for you.

**Hon. Adera:** Thank you, Chair, and other colleagues. I think the issues that I wanted to raise have also been raised by other members. This is not the first time Fred Ouda is appearing before this Committee and it's very rare for this Committee to invite or summon Members. For you to have appeared before this Committee more than once, you must ask yourself 'why always me?'

I would have asked the questions that have been asked by my colleagues, but since

they have asked, I would only wish to advise that as a member of this Committee there's need to be extra careful on how we behave and the activities we take part in. This is a Committee that deals with disciplinary issues and for you to be a member your values must be above board. People are wondering how you are a member to such a Committee. Some are even saying that Fred should not be a member of such a Committee. One day when another Member does such a thing, do you think you would be able to tell him/her off? It may be very difficult because you may take it as something normal. So, for anybody to be a member of this Committee, he/she must be of high integrity and of good conduct.

Fred, we love you as a colleague, but things that create a space between us are things that we cannot tolerate, and it is better that we tell you when you've missed the mark, rather than to cheat you that things are okay. You also know that what you did was wrong, how I wish that you would calm down, be remorseful and tell your colleagues that you are sorry. I think that would serve better than living in denial.

**Hon. Ngure:** I just wanted to add that in this Committee we never meet regularly and it has always been a concern that we don't meet oftenly. I think this is because we've never had issues to call for a meeting. But of all the few meetings we've had, Fred has been involved.

So it's upon Fred to think critically and look at himself and ask, 'why me always?' You cannot always be on the wrong side every time! Fred has always been a subject of discussion in all our meetings and it's upon him to re-examine himself and find where he stands in these issues; are they right, are people being malicious? If you conduct yourself

according to what is required, I don't think anybody would call for a meeting to discuss you.

Mr. Ouda has mixed so many things and it's not even clear whether he thinks what he did was wrong. He has tried to defend himself so much that it leaves one with many questions than answers. You know, if you try too much to defend yourself even before you are questioned, then it raises eye brows. As the Speaker said, this is the best place where you can sit with colleagues and they will listen to you and look into how to help you.

If you are quick on the defensive, how do we help you? When we tell him to sit upright and listen, Hon. Ouda is busy writing. Right now he is on his phone. How is he endearing us to him? How do we become nice to him? Hon. Adera said that we all love Ouda and we would like to be nice to him. If that is the case, then give us a reason to love you.

Let me just touch on the example he gave that if one wants to show his anger he has to beat the wife. Wife beating is no longer as an example that people give! Don't come here and tell us that! Who beats his wife in this day and age? Ooh please, spare us that! Women of Kenya do not like it anymore!

**Hon. Owii:** I have some views about what Ouda did. As a politician sometimes you have to go to the extreme if you want to make an edge over your colleagues. That is what made Raila be what he is. He was taken in several times and he knows why he had to act that way.

I don't think it was necessary for him to do what he did in the Assembly. He could have gone anywhere and would still have been captured as the MCA for Gem Central

Ward. That would not have painted the Assembly in bad light.

People are keen on how they build their political careers; it may not be like Hon. K'owii's. We cannot be the same. But you have to look left, right and center whether what you want to do is right. You may want to do it as Hon. Osuri said, but you never know, it may attract school children who will say that they have seen a mad MCA.

It may not give the impact that you wanted but there are places where if you do it, it will have a different bearing. Kenyan women sometimes back went to a corner at Uhuru Park and striped themselves naked and even removed their braisers, they were expressing a feeling and this gave them some space as far as leadership is concerned. But for Ouda, what space did he want? You can defend Raila in many ways but where you do it matters a lot. Going to the Assembly was wrong; the message would still have reached home even if you did it in your office.

People are trying to build their own political names and I think Hon. Ouda was also trying to get an edge over some of us who may not appear to be ambitious. Bu he is moving too fast. To us Raila is like a god and if bad things are said about him, all of us may open their mouths to talk, but that doesn't mean that you have strip naked.

That was unnecessary. For me as a politician, you did the right thing but at the wrong place and this has given us a very bad image as an Assembly more so when we had been rated as second best. It now appears like maybe somebody hadn't known as well and that's why we were rated there. Men of courage don't do it the way you did it.

**Hon. Osuri:** Mr. Chairman, I want to protest against what Hon. Ouda said. He

said that even President Obama watched whatever he did. That is very wrong! Why should he drag President Obama in this mess?

**The Chairman** (Hon. Okode): Hon. Sylvia then Ouda will respond

**Hon. Migaya:** Thank you, Chair. Actually what I wanted to say has been well captured by Hon. K'owii. I must say that it was really odd because a certain lady from the press told me that she had to run away after seeing what happened. That lady ran because of what she saw down the boxer.

*(Laughter)*

It is quite unfortunate. He has said that he was only in a boxer, now am wondering what was boxer was carrying. He was naked and was on somebody's seat! That was wrong!

**The Chairman** (Hon. Okode): Hon. Fred, I'm giving you chance to respond to the concerns and also put forward what you want this Committee to consider. Let it be very brief please.

**Hon. Ouda:** Chair, there is not much to respond to because I think I had actually pre-empted much of the things that have been said here.

One by Hon. Andiego; we all know that you can never defeat the government machinery, but going forward I still believe I will defeat them because I am not yet done with my protests. I will still do it the way you want me to do it.

Another concern was that I affected other Members; let it be known that the office I hold is that of MCA, Central Gem-Siaya County. Even if I did it outside the Majority Leader's office they would still refer to me as MCA, Central Gem-Siaya County. Mr. Speaker, Sir, it is good to know that.

Hon. Osuri asked why I could not come to Bondo and why Kibera. I join the two questions and I answer that I am an MCA for Central Gem-Siaya County and some of the people who voted for me in Gem Central live in Kibera. They live there to earn their daily bread but come to Central Gem during voting and in December. So I have to defend them. The other day I said on electronic media that I cannot pass a child from Kiambu who does not have food just because I come from Siaya. I'll give the child food.

Why not Bondo? As Hon. K'owii has said, we all have different political ambitions; we all have got different channels in which we got our seats; we also have different channels in which we plan to reinvent ourselves; we also have different oppositions from where we come from. It depends on how one wants to handle his opposition and how he wants to propel himself in readiness for the next general elections. Let it also be noted that we are here for a very short while, probably one and a half years, and people are gaining ground, people are preparing and people want to come back to these seats. I don't want to lose, I will never lose and losing has never been part of me. Whatever I will do to get that seat, I know it myself.

Finally, having responded to all these issues, I want to agree on one thing; that maybe because I didn't know—that's how I put because I didn't know- to me I know that in the precincts of the Assembly is where I'm more secure to do my press conferences. Because I didn't know that bit, maybe that's why I did that.

But on the form of protest and in the manner I did the protest, I'm sorry Chairman and the entire Committee. Yesterday I said in electronic media that now I'm going to

put up a small office for myself, maybe in Siaya or Kisumu because I earned more followers as a result of this. If anybody cared to listen to me yesterday as I was on radio, many prominent people and prominent party members in this country joined me in this.

I say this as I conclude; I started by saying that I've come a long way politically, from a youth to wherever I am. The difference between me and other politicians outside there and inside here is that some of us maybe came to these seats because there was a vacant position; some of the people outside there came because they were in America and earned some little money and came in.

Some other people came in because people wanted learned people, but for me, I'm a product of political struggle right from 1992 when I disappeared in a rally held by Jaramogi Oginga Odinga for two days and followed Jaramogi all the way to Salgaa and walked back to Nakuru for five hours just because I believed in the man.

As a form one in 1994, I got into a pick-up and went to Thika and almost died there. I'm saying this, Mr. Speaker, because I want the Committee to know where I've come from with this. All these things I said on radio yesterday and they were confirmed by the sister to the former Prime Minister. Mr. Speaker, Sir, when it comes to the form of protest, we know we are living in a country from the KANU regime, NARC regime and Jubilee regime that do not listen to reason. As a politician I followed the precedence of people like Gladys Wanga and I see you being lenient to me because you are also a product of the same struggle.

I request the Committee to be lenient to me maybe because I did it in the precincts of the Assembly. But on the form of protest,

I'm sorry to say that next time Raila is called a corpse, I would even invite Hon. K'owii, Hon. Osuri and even the Governor so that these guys would know that we are not going to sit down and be trounced on politically.

I ask the Committee to forgive me for doing it in the precincts of the Assembly. On the form of protest I ask the Committee to forgive me and allow me to continue carrying this baggage because I must get somewhere as Fred, we must get somewhere as the community of Gem Central, we must get somewhere as Siaya people, we must get somewhere as the Luo nation and as this country as a whole. We will not sit down and watch people whom we've elected to power, people we've raised from grass to where they are today in Eldoret Sports Club standing there and abusing the former Prime Minister.

I tell this Committee that I'm ready to go to whatever length and to whatever extent to make sure I protect the image and integrity of the man who I still believe is the father of devolution. Those who care to listen to me, those who are ready to fight this battle with me and who do not care, I invite them to join me in fighting this battle in the best ways possible.

As you said, I'm a member of this Committee, I am a brother to you all and whatever bad you do to me goes back to yourself, whatever good you do to Fred equally goes back to you. This protest is just a tsunami that has just begun and maybe it will culminate to the 2017 elections when we will be guarding our votes jealously. Thank you!

**The Chairman (Hon. Okode):**

Thank you so much, Hon. Fred for coming. Some feared that you would still do the same here but thank God you've not done it.

*(Laughter)*

**Hon. Nguere:** But he said he will continue doing it.

**Hon. Ouda:** Maybe madam never heard me well. I said I'm planning to have an office---

**Hon. Chairman:** A stripping office?  
*(Laughter)*

**Hon. Ouda:** Where I'll do that. If this government listens to only that language then I have no choice.

**Hon. Chairman:** Now, as you leave, you'll jot down something, the same things you've said and then leave it there. Thank you so much and have a good afternoon. We will communicate to you most likely on Thursday. Please make sure you don't miss the Assembly Session on Thursday afternoon. You can write it from my office.

*(The Serjeant-at-arms presented a document to the The Chairman (Hon. Okode):)*

He has already written!

*(Hon. Ouda walked out of the Chambers)*

Now, as we dissolve into another meeting, can we direct that the Clerk's office writes that report and we can look at it tomorrow afternoon and feed in the recommendations, especially the penalty?

The report should include the background, what happened, the accusations, the part of the constitution that has been violated, the Powers and Privileges Act, the Speaker's Rules and parts of the Standing Orders. Then you will talk about the proceedings, how things went, who was invited on day one and day two and what they said, how the meeting was conducted.

Then you will talk about his confessions. Then you come to the Committee's observations. His actions demeaned the integrity of the Assembly, he should have done it elsewhere, the Committee was of the opinion that he needs to be remorseful.

**Hon. Adera:** Another observation is that this is not the first time he is appearing before the Committee.

**The Chairman (Hon. Okode):** Yes! The Committee is concerned that his integrity is not in tandem with membership in this Committee. The Committee is even observing that he should not have bragged the name of President Obama into this and that that was a Kibera issue and it should not have been brought here. Even the former Prime Minister's name should not have been mentioned. The Committee also noted that he did not show some respect or remorse.

Then on the recommendations you should note that the Committee recommends that there's need for Members to be trained or inducted on issues of security and admittance of members of the public and the press to the County Assembly. The CID were ready to give us some training even on how we conduct ourselves. I remember Hon. K'owii saying one thing that I haven't forgotten; that some of us keep exposing ourselves when we are in a gathering by saying, 'where is my driver?' We'll also share the Speaker's Rules and the Privileges Act with Members so that they know what it entails. Fred Ouda didn't even know that such things exist.

Then we will decide on what penalty to give Fred Ouda. That can be decided tomorrow. Sometimes why I always do this is because it helps the Committee so that people don't speculate what will come. If he knows what we've recommended or the

penalty, he won't appear! You know, we also want to reprimand him when he is there and he listens to his colleagues talk.

The other thing is that you know he is our colleague, however much we may want to be hard on him. Somebody may also leak to him that so and so wanted you to be sent home completely. So when you give that room we will have created more enemies between now and the time he will appear before the whole House. So we can finalise on it Thursday before the afternoon Session, table it, it is discussed when he is there and we finish with it.

**Hon. Owii:** He also said that whatever he did was to safeguard the integrity of Raila. This should be in the

report! He has said severally! We don't to fear that one because that is his reason for doing what he did.

**Hon. Osuri:** I'm concurring with Hon. K'owii because the way he is acting is as if he has some powers from somewhere supporting him. That is why he may be belittling this Committee. He has said people all over were backing him.

**The Chairman (Hon. Okode):** That should be under his submission. For now we can adjourn until tomorrow.

The House adjourned at 12.11 p.m.

**THURSDAY, 2<sup>ND</sup> JULY, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYER****PAPERS**

*(Loud consultations)*

**COMMUNICATION FROM THE CHAIR**

**Hon. Speaker:** Hon. Members, I am sorry for the delay. I am just being informed now that the clerks led the Speaker in without having the report ready. Why that happened, the clerks will address with the County Assembly Clerk.

I am also expecting that the office of the Clerk and Finance will be able to share with us the reports/statements that we agreed on yesterday. I hope that will be solved, that we will not finish and find them absent.

Next Order!

Skip Order No. 5 and No. 6.

**STATEMENTS**

**Hon. Onduru:** Mr. Speaker, Sir, I have a Statement on Statutory Obligations of the County Public Service Board of Siaya.

Mr. Speaker, Sir, AWARE THAT the provisions of the County Government Act No. 17 of 2012 obligates the County Public Service Board under article 59 (1d, e, and f) to be regularly preparing reports on the execution of its functions and submitting the same to the County Assembly;

FURTHER AWARE THAT, article 59 (5a) of the same Act requires that such reports shall be delivered to the County Assembly each December;

Mr. Speaker, Sir, NOTING THAT the reports shall include, but not limited to details of persons appointed to various positions as provided for in Article 59 (2) of the County Government Act 2012;

NOTING FURTHER THAT the County Public Service Board has the statutory obligation of promoting values and principles of public service enshrined in Article 10 and 232 of the Constitution of Kenya 2010;

Mr. Speaker, Sir, CONCERNED THAT the County Public Service Board of Siaya has not submitted such statutory reports to this Assembly today since we started the Assembly;

CONCERNED THAT this might result into the people of Siaya County having an ineffective utilization of human resource, coupled with poor quality and unproductive services from the Board

**Hon. Muhulah:** Point of order, Mr. Speaker, Sir!

**Hon. Speaker:** Yes, Hon. Muhulah!

**Hon. Muhulah:** Mr. Speaker, would it be in order for the Member for Uyoma West to come and say or lie to this House that there is no report that has ever been

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submitted here by the Public Service Board on the respective question that he is raising?

**Hon. Speaker:** Allow me to clarify. Hon. Muhulah is right. The issue is, unprocedurally, the report came too quickly and the Speaker never had the opportunity to go through them. Being the last day, I admitted the Statement to be read. But as Hon. Muhulah rightly says, the Board has submitted annual reports to this Assembly.

So let's proceed and I will give direction on the Statement.

**Hon. Onduru:** Thank you, Mr. Speaker, Sir. Maybe I was not been there when the reports were being presented to this House.

CONCERNED FURTHER THAT this might result into the people of Siaya County having an ineffective utilization of human resource, coupled with poor quality and unproductive services from the Board, I wish to request that;

1. The County Public Service Board of Siaya submits reports on the execution of its functions immediately to the County Assembly
2. The Board to provide the Assembly with details of all the personnel employed so far including names, County of origin, Sub-County, Wards, qualifications and advertised requirements for each position.
3. The Board to explain what caused the delay in recruitment of health staff, Ward Administrators, Village Administrators, ECDE teachers among others.

Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you. Let me just give direction on that Statement request. Hon. Members, anytime you submit a report, let us bring them in good time so that

the Speaker can go through them and advise accordingly. This is because part of these issues or clarifications sought had been given before or are part of a report that was given before.

However, I want to ask Hon. Onduru to liaise with the Committee on Governance in addressing this. Thank you.

Yes, Hon. Walter!

**Hon. Okello:** Thank you, Mr. Speaker. I have a Statement request concerning the same County Public Service Board.

Mr. Speaker, AWARE THAT the Secretary of the County Public Service Board is the mandated spokesperson of the Board and hence expected to articulate resolutions and/or any authorized communication from the Board to other stakeholders;

FURTHER AWARE THAT in Administrative practice in Kenya, the Secretary to any Board becomes the official spokesman and oversees the implementation of the Board's resolutions;

CONCERNED THAT there are instances when the Chairman of Siaya County Public Service Board has acted as the conveyor of the Board's deliberations and associated resolutions.

FURTHER CONCERNED THAT such communications from the Chair has lacked distinctiveness between resolutions of the Board and what might be considered the Chairman's personal statements on issues of interest to the County.

NOTING THAT lack of clear communication responsibilities from the Board is a recipe for confusion and complicates the oversight role of this Assembly;

Mr. Speaker, Sir, I wish to request a Statement on the following:-

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1. Siaya County Public Service Board to inform this Assembly on who their official spokesman is and instances, if at all, when this can be delegated.
2. When such communications are made, are there official records that can be referred to in case of such a need?
3. Why the Chairman of the Board at times, usurps the mandate of the Secretary of the Board in terms of communicating issues of the Board.

Thank you.

**Hon. Speaker:** On the same, allow me to make further guidance. You look at that Statement and realise that we may not have justification for some part of it. For example, the occasions in which the Chairman of the Board usurped the mandate of the Secretary.

As I told you before, they came too late, I never had the opportunity to look at them and because we were going on recess I admitted. So I would want to advise Hon. Walter to again liaise with the Chair of the Committee on Governance and Administration and look at the issues that need to be addressed here and then forms part of the report. Thank you.

Now, Hon. Members, I may seek guidance. And before I do that, there are certain Statements that were asked on this Floor and we thought that when going on recess we would have wished to know the status of those reports. What is clear in my mind I think is one that was asked last year on the same Board.

So any Committee that is handling a Statement which has not been addressed on this Floor, would you give us the status. Hon. K'awuor!

**Hon. Awuor:** Thank you, Mr. Speaker. We had two reports that we were supposed to present before this House this afternoon but they were not permitted, Mr. Speaker. I want to request the House that immediately we come back from recess the reports will be ready. Mr. Speaker, I want to apologize for that. Thank you.

**Hon. Speaker:** Any other Statement? Or who asked a Statement which was not answered? Yes, Hon. Osuri!

**Hon. Osuri:** Thank you. Mr. Speaker, before the House went on recess in April I sought a Statement seeking the status of the projects in my Ward- South East Alego. I think it was directed to either PIC/PAC or some other Committee, but upto date I have not received the report. Thank you, Mr. Speaker.

**Hon. Speaker:** I don't know but I want to guess it must have been committed to the Committee on Implementation. Any member of Implementation Committee?

**Hon. Muhulah:** Mr. Speaker, the request from the Hon. Member for South East Alego was directed to the Committee on Implementation and they have worked on it. It's possible that the report could have been given today but the Chairperson who should have given the status is not around. But I am aware that the Committee on Implementation went to South East Alego to check on the status of the projects.

**Hon. Okello:** Mr. Speaker, if you allow, I would just like to add that the Committee has actually taken that work just as *Mheshimiwa* has said, but there is a response that we have been waiting from the Executive on the same but it has taken quite a while now. A letter was written by our Clerk to the Executive and it has taken over 3 weeks, almost a month without getting a

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response. Do that is the frustration we are facing as a Committee.

**Hon. Speaker:** Hon. Members, when you can invite the CECs to come before you and they do not come, you then summon them. If they don't come again you can enforce that summon even by using the police so that they come and appear before you. If that does not work, that can be grounds for impeachment or censure. Please let us use the instruments that we have to help the people of Siaya County.

Statements are over? Next Order?

I know the clerk is a little bit mixed up now because we were supposed to lay a Paper and then give Notice. All that was in respect to the Order No. 8. At this juncture I want to invite the Hon. Deputy Speaker.

**Hon. Adera:** Thank you. Mr. Speaker, the main Business that we are having this afternoon is a report from the Privileges Committee on the conduct of one Hon. Member.

However, Mr. Speaker, the said report is in the process. It is being photocopied so that Members can get copies. We were having a small power problem and we were not able to photocopy in good time. Mr. Speaker, you are aware that we had very limited time to come up with the said report; otherwise it would have been ready by yesterday.

Due to the above reason, Mr. Speaker, I am on my feet to move a Motion of adjournment for about 30 minutes to enable the secretariat to come up with enough copies for all Members. I wish to request Hon. Booker to second the Motion.

**Hon. Minami:** Thank you, Mr. Speaker. I rise to second.

*(Question put and agreed to)*

*(The House adjourned for 30 minutes)*

*(The House resumed after 30 minutes)*

**Hon. Speaker:** Go to Order No. 5  
**PAPERS**

**Hon. Adera:** Mr. Speaker, I wish to lay the following Paper on the Table of the House:-

Report of The Standing Committee on Powers & Privileges on the gross misconduct of Hon Fred Odhiambo Ouda, MCA, Central Gem on 24<sup>th</sup> June, 2015 in the precincts of the Assembly contrary to the provisions of Powers & Privileges Act Cap 6 Laws Of Kenya

*(Hon. Adera laid the document on the Table of the House)*

**Hon. Speaker:** Next Order!

**NOTICE OF MOTION**

GROSS MISCONDUCT OF HON. FRED ODHIAMBO OUDA, MCA, CENTRAL GEM ON 24<sup>TH</sup> JUNE, 2015 IN THE PRECINCTS OF THE ASSEMBLY

**Hon. Adera:** Mr. Speaker, I now wish to move notice of the following Motion:-

THAT this House adopts the report by the Committee on Privileges on the gross misconduct of Hon Fred Odhiambo Ouda, MCA, Central Gem on 24<sup>th</sup> June, 2015 in the precincts of the Assembly contrary to the provisions of Powers & Privileges Act Cap 6 Laws Of Kenya.

**Hon. Speaker:** At this point I want to request Hon. Ouda to withdraw from the Assembly to allow Members to freely debate this report because he had been given

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chance as required by the rules of national justice to appear before the Committee.

However he may not go far, he will find somewhere to rest, maybe in the office of the Speaker or a place of his choice so that as soon as we are done with this report we will call him to share with him the deliberations of this House. Hon. Ouda, please.

*(Hon. Ouda withdrew from the House)*

Next Order!

**MOTION**

**GROSS MISCONDUCT OF HON. FRED ODHIAMBO OUDA, MCA, CENTRAL GEM ON 24<sup>TH</sup> JUNE, 2015 IN THE PRECINCTS OF THE ASSEMBLY**

**Hon. Adera:** Thank you, once again, Mr. Speaker. At this juncture, Mr. Speaker, I wish to move a Motion:-

THAT this House adopts the report of the Standing Committee on Powers & Privileges on the gross misconduct of Hon. Fred Odhiambo Ouda, MCA, (CENTRAL GEM) on 24<sup>th</sup> June, 2015 in the precincts of the Assembly contrary to the provisions of Powers & Privileges Act CAP 6 Laws of Kenya, laid on the Table of this House today, July 2<sup>nd</sup>, 2015.

I wish to request, Hon. Omollo K'owii to second.

**Hon. Owii:** Mr. Speaker, Sir, I second.

*(Question proposed)*

**Hon. Adera:** On behalf of the Members of the Committee on Powers and Privileges, and pursuant to the provisions of Standing Order No. 191, it is my pleasure

and duty to present to the House, the Committee's report on the disorderly conduct of Hon Fred Odhiambo Ouda, MCA, Central Gem that occurred on 24<sup>th</sup> June 2015.

**ESTABLISHMENT OF THE COMMITTEE**

**Committee Membership**

The Committee on Privileges was constituted by the House on Tuesday, 30<sup>th</sup> April, 2013 and it comprises of the following Members:-

1. Hon George Okode, MCA  
– Chairperson
2. Hon. Stephen Kadera, MCA  
– Vice Chairperson
3. Hon. Charles Kowii, MCA  
– Member
4. Hon. Pamela Ngunjiri, MCA  
- Member
5. Hon. Joshua Osuri, MCA  
- Member
6. Hon. Pius Ombiyo, MCA  
- Member
7. Hon. Sylvia Migaya, MCA  
- Member
8. Hon. Joannes Andiego, MCA  
- Member
9. Hon Margaret Olongo, MCA  
- Member

**Committee Mandate**

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The Committee on Powers and Privileges is one of the Select Committees established under Standing Order No. 191

1. There shall be established a committee to be known as The Committee of Privileges consisting of the Speaker as Chairperson and seven other members nominated by the County Assembly Business Committee.
2. The Committee shall regulate its own meetings and its own procedure
3. The Committee of privileges shall, either on its own motion or as a result of a complaint made by any person, enquire into any alleged breach of the Assembly code of conduct or any conduct of any member within the precincts of the Assembly (Other than the Chamber) which is likely to reflect adversely on the dignity or integrity of the assembly or any member thereof.
4. The Committee shall inquire into any breach of privileges of the assembly and its members as provided for under the Kenyan National Assembly (Powers and privileges) Act, Cap 6 Laws of Kenya.
5. The Committee shall, after inquiry as referred to sub section (3) and (4), report its findings to the Assembly together with its recommendations.

**Committee meetings**

The Committee held two sittings on Monday, 29<sup>th</sup> June, 2015 and Tuesday, 30<sup>th</sup> June, 2015. On the first meeting, Hon. Fred Ouda, sent an apology.

On the second meeting, the Committee received written and oral submissions from Fred Otieno, the Senior Serjeant-at-Arms and the Hon. Ouda on the incident that occurred.

The interrogation was done in accordance with the Standing Orders 172 which states that:-

Committees shall enjoy and exercise all the powers and privileges bestowed on County Assembly by the Constitution and statute, including the power to summon witnesses, receive evidence and to request for and receive papers and documents from the Government and the public.

**BACKGROUND**

On 25<sup>th</sup> June, 2015, Hon. Stephen Adera, MCA, West Ugenya Ward, seconded by Hon. Leonard Oriaro, MCA, Central Alego Ward raised the issue of the misconduct of the Hon. Fred Ouda. The Hon Speaker directed that the matter be referred to the Committee on Powers and Privileges for inquiry and report its finding to the House today Thursday, 2<sup>nd</sup> July, 2015.

He further directed that the mentioned Member submit written statement and appear before the Committee on Monday, 29<sup>th</sup> June, 2015 at 10.00am.

Members of staff and any other witness who was present when the incident occurred were requested to submit written statement and appear before the committee.

**PROCEEDINGS**

The Committee was guided by the written statements, oral submissions by the said member and Serjeant-at-Arms report, newspaper cuttings and the relevant legal provisions in handling the matter.

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In conducting the inquiry, the Committee also consulted and was guided by the following;

1. The Constitution of Kenya, 2010 - Article 73 and 75 on Leadership and Integrity
2. The Leadership and Integrity Act, 2012 - Section 11, 40 and 41
3. The National Assembly Powers and Privileges Act, 2012- Section 10, 11 and 12 and 14.
4. The County Assembly Standing Order No 172 on Powers and Privileges of Committees.

**ORAL SUBMISSIONS**

Pursuant to the National Assembly (powers and privileges) Act, 2012, section 15 the following persons were summoned and gave their oral submissions as indicated;

**FREDRICK OTIENO- SENIOR SERJEANT-AT-ARMS, COUNTY ASSEMBLY.**

- Mr. Fredrick Otieno appeared before the Committee on Tuesday, 30<sup>th</sup> June, 2015 and stated that;
- He is the Senior Serjeant-at-Arms of the County Assembly
- On the material day he was in Bondo Chambers for the Plenary Sitzings.
- He avers that in his bid to come up with a comprehensive report on the same, he had indeed reached out to members of staff who may have witness the incident to come forward and record a statement but to no avail
- His efforts to reach the Journalists who were present during the incident bore no fruit.

- However, his preliminary investigation indicates that on the same date, Wednesday, 24<sup>th</sup> June, 2015, Hon. Fred Ouda, allegedly invited journalists to attend a press briefing in the Siaya Assembly Chambers.
- When they arrived he led them to the office of the Leader of Majority Party, Hon. Edwin Martin Otieno.
- He then reportedly informed them that he was out to make a naked protest against the Deputy President, H.E, William Rutto over a tweet he allegedly made disparaging the residence of Kibera and that they cover the same.
- He went ahead and stripped half naked remaining only with a boxer. Mr. Speaker, other people call it *athoch, afuong'o, ahanda, lar kayana*

*(Laughter)*

*(Applause)*

**HON. FRED OUDA- MCA CENTRAL GEM**

He appeared before the Committee on Tuesday, 30<sup>th</sup> June, 2015 and stated that;

1. The Deputy President's tweet "*let them go back to the flying toilets, you cannot stop a fly from following a corpse to the grave*" is what incited him to behave the way he did. The insinuation was that the Right Hon. former Prime minister of Kenya was, politically speaking, dead. And

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- Kibera residents were flies that were following him to his political grave. He said there was no better place to call a press conference than the Assembly.
2. That what he did was a protest in the best way possible.
  3. As an MCA, he said there was no way he could have received the coverage he wanted had he addressed the press in his clothes.
  4. He had appeared in Mayienga Radio station and a battery of callers congratulated him for the bold act of defending the former Prime Minister.
  5. He said that he will still hold protests in future and this is how he gets his political mileage.
  6. He said that he was sorry for putting the name of the Assembly in disrepute but he is not sorry about the act. Mr. Speaker, he even indicated that he will soon open an office of strippers and those who want to join him should do so.
  3. The Member should not have dragged the name of the former Prime Minister.
  4. The Member, in his body language, tone and general disposition during the proceedings; neither showed remorse for his conduct nor respect to the Committee.
  5. At some point, members of the Committee had suggested that he be taken for a medical examination.
  6. That if this matter was to be handled outside the precincts of the Assembly, he would have lost his seat according to Article 75 of the constitution of Kenya, 2010.
  7. Asked by the members why he could not have done it in the presence of the DP he said he feared the consequences.

**COMMITTEE'S OBSERVATIONS AND FINDINGS**

The Committee having considered his written statement and heard his oral submissions during the inquiry, made the following observations:-

1. The action of the Member demeans the integrity of the House
2. It's the second time the Member is appearing before the Committee on disciplinary issues

**FINDINGS**

1. The Committee found out that the action of the Member amounted to disorderly conduct that demeaned the integrity of the Assembly.
2. His actions violated Section 11 of the Leadership and Integrity Act, 2012 on professionalism, Section 40 and 41 on the enforcement of leadership and integrity code.
3. He further contravened the Assembly Standing Order No. 104 which stipulates issues on gross disorderly conduct by;
  - i. Creating actual disorder.
  - ii. Otherwise abusing his privileges
  - iii. Acting in a way that is to the serious detriment of the dignity or orderly proceedings of the County Assembly.

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**COMMITTEE'S  
RECOMMENDATIONS TO THE  
HOUSE**

1. The Committee recommends that he apologizes to the Assembly.
2. The Political party that sponsored him withdraws him from the Committee of Powers Privileges pursuant to Standing Order No. 154(4).
3. The Committee suggests the Member be suspended for 3weeks, i.e. 12 Plenary Sittings and Committee meetings commencing after the recess.

Mr. Speaker, I wish to urge the Members of this Assembly to support this Motion because we feel it will be a deterrent to other Members or even the Member himself.

The recommendations that we have come up with may act as a deterrent so that we don't see this again in future. People are now seeing Siaya in negative light. Just recently, Siaya County Assembly was ranked as one of the best County Assemblies and we were No.2. Several months back we used to be No. 1, and perhaps the conduct of some Members is the one pushing us to No. 2. If we are not careful soon we will be going to No. 5, 10, 30 and maybe No. 47, you never know.

So, Mr. Speaker, I want to call upon our Members to be extra vigilant and careful in our activities. The way we conduct ourselves is very important. Let us conduct ourselves in an honorable way just the way we are called Hon. Members. Let that honorable title follow us even in our actions, not only within the precincts of the

Assembly but even outside. When you go to a place and somebody says that that is an MCA from Siaya, they will first look at your conduct and how you behave. Thank you.

So let us build the image of our County Assembly and the County as a whole.

**Hon. Speaker:** Hon. Members, you can now contribute on the debate.

**Hon. Muhulah:** Mr. Speaker, I thank you for giving me this opportunity. The matter before us is a very serious matter and equally very delicate. Mr. Speaker, many a times we have spoken in this House about the issue of decorum and holding this House with the dignity that it deserves.

Mr. Speaker, the issue of a Member misbehaving within the precincts of the Assembly cannot just be done because we are enjoying the privileges that are accorded to us by the Standing Orders. Mr. Speaker, unless you are mad to the extent where you decide to remove your clothes-- this amounts to either some mental incapacitation or possible distortion by way of maybe being drunk or it can also be very deliberate. Mr. Speaker, in this essence, the Hon. Member did not have the two former ones but actually to me it was very deliberate.

Mr. Speaker, the purported cause of this act was in Nairobi and I do not see how that issue was affecting the Siaya people. I want to say that even if the DP actually said the sentiments, it is possible that it would have been in order not to injure the name of the Prime Minister but owing to the fact that what the Kibera people did to the toilets and the clinic was more retrogressive.

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We are all aware, Mr. Speaker, that Kibera has always been a slum which requires toilets and possibly requires a facility that will see that the health of the people is taken care of. Mr. Speaker, to go against these things and start demolishing or burning them amounts to not understanding the reason why those things were constructed.

On this fact, Mr. Speaker, there is no any other way that even me as Hon. Muhulah would come out and start supporting such atrocities because it is a drawback to development. Mr. Speaker, I do not see anything that could have warranted the Hon. Member to call the press and start removing his clothes. That was so demeaning! More so a few days after Siaya had already been rated No.2. After being position two in the entire country, the next day one of us removes his clothes in front of the media! That is not something that Siaya should take very lightly, Mr. Speaker.

Mr. Speaker, Chapter 6 of the Constitution states clearly how leaders should behave not only when inside the precincts of the Assembly but also when outside.

Mr. Speaker, I was with the Budget Committee in Kisumu and I was actually informed by Hon. K'awuor of what had happened and the first thing I did was to ask whether the Hon. Member being discussed today was mad or had been mad at one time. I never thought any sensible Hon. Member will resort to removing his clothes in public.

Whether you like it or not, this House has a responsibility. You must conduct yourself with all the decorum and respect that is required. There is no choice

about that! You cannot say that you did that to safeguard the former Prime Minister. The former Prime Minister has been called all manner of names in this country and no any single day has ever removed his shirt to protest against what has been said about him. I don't see the reason why somebody would stand to display his anger to the public.

I want to ask and appeal to Hon. Members to discuss this issue with sobriety and openly because discussing it does not amount to hating the Hon. Member but it amounts to being very open with any other person who will again take chance to repeat the same mistake.

Mr. Speaker, this House has a responsibility to display the respect of the Siaya County Assembly and respect of the Siaya people to the world. I don't think there is any other way we can be able to display it if every time we are grieved we have to act like that.

Mr. Speaker, it's not the first time we are hearing about the Hon. Member we are discussing here. First it was an issue of confrontation, second it was an issue of a belt being removed, third is an issue of a whole Hon. Member removing his clothes. It is going to be a sequence if we have to encourage such things, Mr. Speaker. Very soon we may come to this House and get all manners of negativity towards the dignity and status of this House. Thank you, Mr. Speaker.

**Hon. Abayo:** Thank you, Mr. Speaker. I stand with a heavy heart to make contribution to this Motion. I have never felt this heavy before. Mr. Speaker, I feel heavy because I come from Gem where the

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Member mentioned in the Motion comes from.

I also feel it the other side, Mr. Speaker, that the people of Siaya ranked this Assembly well. This was not ranking by anybody else but by the citizens of Siaya. They said this Assembly has been able to deliver. But the turn of events is very unfortunate.

Mr. Speaker, I am a historian and sometimes we want to make history but we end up being on the wrong side of history. Mr. Speaker, allow me to look at this report. The Hon. Member mentioned here took pen and paper and put his feeling. The Committee has said he was not remorseful; he did not regard the Committee with respect. Chair we were not in the Committee but his action is demonstrated in his black and white. He writes a statement, 'Dear Sir', I wonder who the addressee is. Who is the Hon. Member addressing in his letter? I

ause it is important that we put things in proper context. Chapter Six talks about Leadership and Integrity.

73 (1) Authority assigned to a State Officer-

- (a) is a public trust to be exercised in a manner that-
  - (i) is consistent with the purposes and objects of this Constitution;
  - (ii) demonstrates respect for the people;
  - (iii) brings honor to the nation and dignity to the office; and
  - (iv) promotes public confidence in the integrity of the office.

Demonstrates respect; so any violation is not demonstrating any respect. Read together,

don't see! Even what he has put down- is this what the Committee is referring to as his own testimony put in black and white! This is lack of seriousness! And I want to believe the Committee has not also demonstrated what they are saying here because when you look at the recommendation, they are not serious.

Mr. Speaker, allow me to base my submissions on the law. Allow me to make reference to Article 73(a) (i-iv). I will make reference on the Leadership and Integrity Act Section 9, Section 11(a, b) and Section 32 and I will be able to conclude. When we talk about our behavior and our conduct, it is important that we make reference that all Kenyans did accept that this (constitution) is the code of conduct that we expect to abide with.

Mr. Speaker, let me read the Constitution first bec

Mr. Speaker, with Section 9 of the Leadership and Integrity Act:-

Responsibility and  
duties

Subject to the Constitution and any other law, a State officer shall take personal responsibility for the reasonably foreseeable consequences of any actions or omissions arising from the discharge of the duties of the office.

Mr. Speaker, in as much as the Hon. Member may not want to put it in black and white, it is incumbent upon him to take personal responsibility. Hon. Fred Ouda must take personal responsibility, the law requires so.

Section 11:- A State officer shall—

(a) carry out duties of the office in a manner that maintains public

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confidence in the integrity of the office;

(b) treat members of the public and other public officers with courtesy and respect;

Mr. Speaker, will this maintain public confidence in the office? That is why I have felt heavy because I share with him the same office, I am an MCA! Public confidence and integrity, which integrity are we talking about? What are we telling the public? We have all been sub merged in the wave of either being mad or all of us seem to be sick.

Mr. Speaker, we were in Kisumu and anybody who heard you mention Siaya would sit straight. You would imagine what they would be saying next.

Mr. Speaker, this was done in the office of the Majority Leader of this House. This act was done in the office of a Hon. Member elected by a majority of this House to be our Majority Leader! Where is he placing the position of the Majority Leader? Who is the leader of this House? Mr. Speaker, that is one of the reasons why I feel something is seriously wrong with our brother. I think this is a serious abuse and he needs to take the first apology to the Majority Leader.

Let me finish, Mr. Speaker, with Section 32 of the Leadership and Integrity Act then I make my summary.  
32: Conduct of private affairs

A State officer shall conduct private affairs in a manner that maintains public confidence in the integrity of the office

You strip naked in the full glare of the cameras and still go ahead to defend this. I think this could be the height of craziness, Mr. Speaker.

Mr. Speaker, I would rest my case by saying that this was pre-meditated. For the Hon. Member to invite the media and put them in one place it means this was pre-meditated.

I am an African, the other side of it, Mr. Speaker, men have never stripped naked. We have heard of ladies strip naked when they want to show their disgust. In the African context, where do we put this stripping by Hon. Ouda?

A Member has even mentioned what the former Prime Minister went through. He was even caned severally and he just turned and left. Did he strip naked to the gentleman who caned him?

Mr. Speaker, I believe that the recommendations given here are not worth their salt. And I was wondering whether it was a typo, maybe as the Mover will be replying he will tell us whether it was a typo of weeks or months. The Committee suggests, they are not even recommending, they are suggesting that the Member be suspended for three weeks. Then they put it like they want to convince us. Three weeks! Mr. Speaker, this is not the first case. The second one was mild but still related with those behaviors!

*(Laughter)*

My body language will be showing

*(Laughter)*

This is the third one and we are talking about three weeks! Unless we are denied or told expressly that it cannot go beyond that. The Member deserves a serious action!

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*(Applause)*

Mr. Speaker, he deserves a serious action.  
The three weeks is a big joke for me.

*(Applause)*

This is a serious joke! Mr. Speaker, unless your Chair will direct otherwise, I want to make an amendment and propose that these three weeks be changed to three months!

*(Applause)*

And I want to ask Hon. Apiyo to ---

*(Laughter)*

*(Applause)*

**Hon. Speaker:** What we will do is this; let us proceed with the discussion, if you have an amendment you can bring it to the Clerks-at-the-Table in writing.

**Hon. Apiyo:** Can I second?

*(Laughter)*

**Hon. Speaker:** Later on!

**Hon. Abayo:** Thank you, Mr. Speaker. I want to make the second amendment on this report. Recommendation No 2 states that the political party that sponsored him should withdraw him from the Committee on Privileges. This is because he has not demonstrated any regard to privilege. I agree with this but I want to add that the Hon. Member be suspended from being the vice Chair of PIC/PAC.

*(Applause)*

With this level lack of integrity, are we still going to say that we have faith that

the Hon. Member can be able to lead a critical Committee like PIC/PAC?

*(Applause)*

The Committee needs men and women of this House who have the highest integrity!

*(Applause)*

Somebody may ask how integrity is gauged. We go by the law! Mr. Speaker, I rest my case.

*(Applause)*

**Hon. Speaker:** I direct Hon. Abayo to write those two amendments and bring them to the Clerks-at-the-Table's desk. Hon. Elisha!

**Hon. Okuku:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to support the recommendations that the Committee has brought to this House. Mr. Speaker, the issue before this Plenary this afternoon is very weighty and like me I would love to side with Hon. Fred Ouda because he is my personal friend but it is difficult at some point to defend a wrong.

*(Applause)*

I have always said here, Mr. Speaker, that two wrongs will never make a right and we cannot stand with what our brother has demonstrated.

Mr. Speaker, I think Fred needs to seek the intervention of a Chaplain. I don't know if we have an Assembly Chaplain but

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his action needs serious intervention of a Chaplain so as to ashame the devil. If we don't call the Chaplain to come and help us in prayers, then I think something big may be in the offing. Mr. Speaker, while employing, consider employing the Assembly Chaplain who can pray for Members.

Mr. Speaker, it is true that this is not first time we are discussing the Member. The first offence involved the two of us.

*(Laughter)*

The second one he was alone. The third one is more serious than the rest, Mr. Speaker. On the fourth one he might mobilize all the night runners from Homabay to come and camp in your office, Mr. Speaker.

*(Laughter)*

So, Mr. Speaker, we must act before we give him an opportunity to mobilize the night runners to come with their paraphernalia to the Assembly. We must stop this evil act in our midst.

Fred we loved you, but your character loved you more than we loved you.

*(Laughter)*

**Hon. Augo:** Thank you, Mr. Speaker, for giving me this opportunity. Mr. Speaker, it is very sad to talk about Hon. Fred Ouda. Mr. Speaker, if our first complain would have been addressed, this

mess would not have happened. But he was really defended that he didn't do it.

What happened in the Assembly, Mr. Speaker, shows that what we said and what we reported was true. To me, it seems like something is wrong with the Hon. Member. Before we make any conclusion, Mr. Speaker, you should take this man to the hospital!

*(Applause)*

*(Laughter)*

Finding someone who is married with children stripping naked is rare. Even those people who were in the premises of the Assembly should be taken for cleansing because what they saw was a taboo. They should have taken traditional medicine.

According to the Luo traditions, something should be done about the Majority Leader's office. What my colleague Hon. Elisha Okuku has said is true. We need more prayers and we should have somebody to pray because there is something that will happen.

*(Laughter)*

Mr. Speaker, this thing is not a joke. It was done on the same week our Deputy President was here, why couldn't he go there and face him and then strip off his clothes for him? The Deputy President was in Bondo and Bondo is in Siaya, why couldn't he go and express his anger to him?

Mr. Speaker, it is a pity. We love Fred, he is our colleague and a Hon. Member, but if Hon. Members who are men can do such a thing, then what of a woman?

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If a man can react in such a way, what of a woman? Mr. Speaker, this thing should be taken seriously and not lightly.

The following day when I was in Bondo, some people came and told me, ‘Hon. Augo, these days you people in Siaya strip naked, you are running mad, MCAs in Siaya are stripping naked’.

Mr. Speaker, this thing is not a joke and we should say it as it is! Yes, he is our son and a Member of the Assembly but what he has done is wrong! Let’s call a spade a spade!

*(Applause)*

Let us not sympathize with this act. Let’s not cover up so that he may see that I was with him. Oooh, you know when people were talking, I didn’t talk. No, even if you ate his lunch say the truth!

*(Applause)*

Mr. Speaker, there was money circulating!

*(Laughter)*

*(Several Hon. Members stood up in their places)*

**Hon. Speaker:** Order! Order! Take your seats! Will you take your seats Hon. Members! That is a very serious allegation, Hon. Augo. You are out of order!

Yes, Hon. Ayima Were!

**Hon. Were:** Thank you, Mr. Speaker, Sir. It has been a week of waiting to see a resolution that will restore the confidence in this very honorable institution.

Probably for those who don’t know, Hon. Fred is a neighbor of mine.

*(Laughter)*

We have a relationship. You would imagine how my situation would appear but I wanted to say this this Assembly is not an Assembly of ---

I have looked and analyzed the conduct of Hon. Fred through the lens of a medical practitioner.

*(Laughter)*

And it would be appropriate that before any enforcement is done, a referral should be made to a psychiatrist institution. You would ask yourself what the state of mind of the Hon. Member was at the state of commission. I have looked at the manifestations or reasons for the bizarre behavior and I think the right thing this Assembly should have done is to refer the gentleman to a psychiatrist and we get a report before we make any decision. This is the normal practice.

You look at the behavior; does it resonate well with the public? The message that was supposed to be passed around had a very good ripple effect. Ruto was able to watch this, Uhuru had a battery of advisors looking at this and they were saying, ‘look, you don’t touch *Jakom*’. Those are the returns we are getting from the public. But now the law has been contravened and convoluted. Let us allow a psychiatrist to get us a report and then we can act based on that report. That is the norm. Thank you.

**Hon. Gare:** Thank you. Mr. Speaker, fortunately or unfortunately we are

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birds of the same feather with the Hon. Member who has just spoken. Actually what I wanted to say is what he said. Before we make a ruling, can you rule that we give room for a medical checkup then after that we can decide as a House on what kind of action to take? Even in the court of law there are some behaviors that require one to go for medical checkup before the judge makes a ruling. So before we proceed can we give room so that we know whether we are dealing with a normal case or a psychiatrist case?

**Hon. Speaker:** Hon. Members, allow me to give some direction on whether or not the report should be delayed waiting for an expert opinion.

1. It is not in the business of this House to seek medical report from an expert. If we rule so, how will you implement it?

*(Applause)*

Who will pay for the medical examination bills? And should it take 5 years before it is brought, will we not take action?

*(Applause)*

Most importantly, from where I sit, the recommendations given by this Committee are not as grievous as ---That would make us think twice on whether we should vote on this or not. Therefore the issue of examination does not arise here because we will not effect it. We cannot enforce it.

*(Applause)*

Yes, Hon. Andiego!

**Hon. Andiego:** Thank you, Mr. Speaker, for giving me this chance to contribute on this weighty matter. I want to start by saying that Fred is my friend and my colleague, but being an MCA who also comes from Siaya like him, the name he has given me grieves me so hard than anything else, Mr. Speaker.

Mr. Speaker, on Saturday after this thing had happened, I attended a funeral in my Ward where the preacher just preached on what happened in Siaya and all MCAs were termed as strippers. I was ashamed where I was. I even wanted not to talk in the funeral but I decided to talk so that I could apologize for what had happened. I expected Hon. Fred to have done that even before today.

It is so painful, Mr. Speaker, that this happened after we had been rated No. 2 among all the County Assemblies. We boasted all over about it! I don't know whether we can now be No. 46 or 47.

Mr. Speaker, Hon. Fred sometimes needs to know who his friends are. A friend is that person who stands with you when you are in problems and also ready to correct you when you are going astray.

*(Applause)*

To me I am a very good friend of Hon. Fred and I want to correct him. Whatever he did was satanic! Mr. Speaker, I was watching TV with my children and it was mentioned that there is an MCA who had stripped naked, my young child asked me “*daddy, huyo ni wewe?*” It was sad. So however much we want to be public on issues, at times we need to control ourselves.

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Mr. Speaker, we know very well as a community there are places where we can strip. One of these places is in the bathroom, you are allowed and you can even go there 20 or 50 times, strip naked and even come out without taking a bath. Also in your bedroom, no one will question you because that is what it is meant for. I believe many of us we have those boxers, many of them, but we don't like people to see them. It is only for our bedrooms.

We advise, Mr. Speaker, that our colleague should not tell the public how clean, good or beautiful his boxers are, it is a shame in front of the women we have! Most of the members of the fourth estate are ladies, I met some and I asked them how they managed and why they couldn't run away, they said as reporters they had to witness the whole thing!

*(Laughter)*

Mr. Speaker, Sir, it is our humble request that Fred should apologize to Siaya people and to all Kenyans. Fred we really love you but we hate your conduct.

*(Laughter)*

*(Applause)*

**Hon. Osuri:** Thank you so much, Mr. Speaker, Sir. I want to be brief and clear that I am a member of the Committee that compiled this report and the Hon. Members of the House, you will bear with us. The Speaker has stated the limitations we have in the medical examination. At the beginning, the Committee was reluctant to interrogate the Hon. Member. We were wondering whether he was steady upstairs. However with the limitation of time we thought that if

we took him for medical examination we would not have presented this report today.

Another thing is that besides being Hon. Members and operating as colleagues at the Assembly level, we are operating at different levels in different sectors. There is a mixture here, some are parents and some are grandparents. That must be respected! We are relating in different ways and wouldn't wish certain behaviors to be conducted in the manner the colleague did. For example, Hon. Speaker, I am here with my son Hon. Aneme who I taught. I'm the godfather to Hon. Pamela Midumbi and her siblings. We must separate the levels of operations!

Hon. Speaker, at times we need to make follow ups of our meetings, whether formal or informal. Things wouldn't have been this way had we acted on the warning that we gave when this House was disrupted at one time and we retreated to Kisumu. We should have warned and cautioned the gentleman. As it is indicated in our report; this was the second time that the Hon. Member formally appeared before the Committee.

Hon. Speaker, the Committee may have been limited by the kind of highest punishment to slap the Member with, but it was disgraceful to the Gem community and to the whole Hon. House. If there was a high punishment that would act as a deterrent measure to this gentleman then I would go for it. Thank you, Mr. Speaker.

**Hon. Aneme:** Mr. Speaker, Sir, I didn't want to talk but the way the talk has climaxed has persuaded me to say something. I think I want to agree with my colleagues who have suggested that Fred should be given a stroke. I think Fred has been mesmerized with power and love

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clouded over him with the people who normally send him to Nairobi.

*(Applause)*

*(Laughter)*

Every week my friend travels to Nairobi to vomit nonsense which at times is tossed around to be believed as nonsense from our own Assembly. When he comes back he laughs around and we laugh with him too and he thinks we are happy with him. But truly speaking we are not happy with all the things that my brother has been doing for the last three months. This went a notch higher when he decided to strip naked. I believe that even if the wife of Fred was there, she wouldn't have accepted to look at her husband stripping naked in an office while trying to act as a tough MCA.

*(Laughter)*

People have talked and what they are waiting to see is what the Assembly is going to do. So if we don't do anything, however little it will be, it will seem like we are also ready to strip naked anytime. I believe that as I see you smiling, I think you are synthesizing the decision and the direction you are going to take. Thank you so much.

*(Laughter)*

**Hon. Apiyo:** Thank you, Mr. Speaker. I will be brief. I want to condemn the action of my dear friend and colleague, Hon. Fred. Mr. Speaker, this has diminished the integrity of the House. If we go back to the observation of the Committee, indeed this is the second time this House is dealing with the issue of indiscipline by the same Hon. Member. When our beloved sisters from this Hon. House one day mentioned that Fred had acted so badly to them,

somebody outside there might have thought that maybe they were lying. Now we can see the truth that this is indeed his character. If he could do---

**Hon. Speaker:** Hon. Apiyo, I have heard that discussion going on and I think I want to clarify certain things. That he has done this doesn't necessarily mean that he did what was alleged. Secondly, that was in an informal interaction; let us not bring it to cloud the debate in this official sitting. Proceed, Hon. Apiyo.

**Hon. Apiyo:** Thank you, Mr. Speaker. You have given a ruling on the medical issue and I agree that we should not go into that.

Mr. Speaker, I want to say that as Hon. Members, we have to be strict and we must always stand for the truth. We were voted and selected by political parties to come to this House and when we have issues that affect our political parties we must stand for the truth. Mr. Speaker, according to the Constitution of Kenya- Article 75, 76 and 77, I put my colleague in the hands of the people of Central Gem. As a colleague my hands are tied, there is nothing I can do but I second the amendments by the Hon. Abayo.

Mr. Speaker, I must say that leadership of this Assembly is not together with the Members of this Hon. House! This is why problems are emanating every time!

**Hon. Speaker:** You are out of order! I don't see leadership in this conduct. So if you have nothing else to say you can give somebody else a chance. Hon. Mary C.

**Hon. Apiyo:** Mr. Speaker, I am still on my feet. Thank you for your correction.

**Hon. Speaker:** Yes, continue.

**Hon. Apiyo:** Mr. Speaker, I am sorry but Fred is one of the leaders', infact a vice

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Chair of one sectoral Committee. So I think am not out of order, Mr. Speaker.

*(Laughter)*

Mr. Speaker, we are Hon. Members and when we are playing our game we must put our integrity first. Why am I saying this? Mr. Speaker, it is a trend that some of us think that they are more equal than others and any time they can do something funny and nobody can come and touch them. As Members, we are guided by the Standing Orders, I beg my colleagues that we should portray a good image of the Assembly outside there.

I will also recommend that the political party that sponsored the Member to this House should also strip him from the leadership of the sectoral Committee. Thank you.

**Hon. Ajwang'**: Thank you, Mr. Speaker. May I first thank the Powers and Privileges Committee for the good work they have done because they want to bring peace in the Hon. House.

Secondly, Mr. Speaker, I thank you for the ruling you have made concerning the medical issue. Let us not give the devil the upper hand at the expense of the angel. Hon. Members, I am very much sad and I don't know how I can put up with Hon. Ouda's conduct. There was a time when I met Ouda along the corridors just walking barefoot and carrying his shoes. I wondered whether the Hon. Member for Gem Central was a mad person.

*(Laughter)*

*(Applause)*

I said that one day this thing will come out for everybody in the House to know. I thank the Almighty Father that He

has given me the report immediately. When we complained you refused, today the Lord has carried the day.

*(Laughter)*

*(Applause)*

**Hon. Speaker**: When was this? Was your meeting at night?

*(Laughter)*

*(Applause)*

**Hon. Ajwang**: It was in the morning hours as I was going for a Committee meeting. That is when I met Fred swinging the shoes and walking in his socks. I told myself that one day people will come to know that Ouda is not a Hon. Member. Next time you will just find Ouda in your office with a rope on his neck.

*(Laughter)*

How can Hon. Ouda go to my Ward Rep- the Majority Leader's office and remove everything and remain with the boxer!

*(Laughter)*

I have been waiting to hear from relatives and friends on how Ouda was brought up during his childhood. They were just saying that Ouda is their friend and they will never forget him. They should have told us whether Ouda is normal or abnormal!

*(Laughter)*

Ouda has demeaned the name of our former Prime Minister by dragging his name into this nonsense. If at all Ouda was brave enough, he could have done his thing outside the premises of the Assembly where people could have seen him removing

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everything. Personally, I am a tough lady and I would have just matched outside. Why should I hide in somebody's office?

The incident happened during the show period; why wouldn't he not go and do his thing at the show ground instead of bewitching my MCA, Hon. Edwin Otieno? Mr. Speaker, Sir, I didn't know that such a thing would happen in Siaya. I would like to urge my fellow women colleagues not to ever do such a thing. If there is something, we can tackle it by not removing our clothes!

*(Laughter)*

As I come to my conclusion, I want to concur with Hon. Abayo. You know a teacher knows history and also knows how to judge and if I also check the people who are in the Committee, they are people who are able to give Ouda what he deserves. But Just as Hon. Abayo has said, they would have suspended Ouda for even three months. That's what he deserves! Not three weeks!

Mr. Speaker, Sir, this is the worst thing I have ever seen and let it be the last thing from Hon. Fred Ouda. Let him not repeat this! But we must give him a severe punishment so that next time we shall not have another person behaving that way. By the way, this morning when I met him he had a brand new car and he said it is a gift. A gift from where?

*(Laughter)*

**Hon. Ogutu:** Thank you, Mr. Speaker. I don't have much to say because my friend and colleague has winded up the debate. The conduct of the Hon. Member was very uncouth and uncalled for. The recommendations that have been made by our colleagues are very weak.

I also want to urge that the office of the leadership of the Assembly must be respected and this can only be done if the security has been tightened. I must add that though we have the freedom of expression, when we want to address the media, the Speaker should be in the picture, he should know. We cannot continue doing it without his knowledge or that of leadership of the House. Every Tom, Dick and Harry cannot just wake up each morning to address the media in the precincts of the Assembly! Sometimes you address the media on something which even the Speaker if asked, doesn't know!

*(Applause)*

I don't have much, but I think the Kibera people have got their MCA who should have stripped naked for them. Not an MCA from Siaya!

*(Hon. Owii rose on a point of order)*

**Hon. Speaker:** Yes, Hon. K'owii, you have a point of order?

**Hon. Owii:** Thank you very much. Mr. Speaker, I am on a point of order on an issue that has been raised by the Hon. Member. That any time we want to make a statement to the media we have to get permission from the Speaker. The truth is that I can do it in my Ward; I don't necessarily need permission to go and address the press in my Ward!

**Hon. Speaker:** I think Hon. Rosemary mentioned that if you want to hold a press conference in the precincts of the Assembly you must seek for permission!

*(Applause)*

**Hon. Ogutu:** Thank you very much, Mr. Speaker, for hearing me well. I never talked of the permission at the Ward level!

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As a Ward Rep you can make even ten thousand statements in your ward, but in the precincts of the Assembly, let the leadership of the Assembly know.

By Hon. Abayo talked of women stripping naked; I want to state here that nowadays women don't strip naked. I think in this era we know how to air out our issues, we know how to put our issues forward; we go straight to the issues. If men have decided to strip, let them strip more oftenly!

*(Laughter)*

I wind up by saying, Fred we love you, but your conduct is taking you away from us.

*(Laughter)*

**Hon. Awuor:** Mr. Speaker, I didn't wish to talk about this thing but the one who opened the Floor did mention me that am the one who informed him of what happened within the precinct of the Assembly. Mr. Speaker, we were with the Budget Committee in Kisumu and I was called by my 11 year old daughter who asked me, 'Daddy, I watching Citizen Television, where are you?' I told her I was in a meeting in Kisumu. She then told me watch Citizen Television and see an MCA who had stripped naked. I later on received several calls because I happen to be from Gem and Hon. Ouda is my friend and we have a

he was behaving like somebody who is not normal. Mr. Speaker today we are talking about a case where Hon. Fred was in the Majority Leader's office half naked.

Mr. Speaker, my representation in this Assembly is because of people with disability. I have handled a number of people with disability in different capacities,

caucus where we normally sit as Gem MCAs.

Mr. Speaker, a lot has been said and I want to support what has been suggested by Hon. Abayo that there should be an amendment so that the penalty is severe. We are not only talking about one Fed Ouda, next time it may be K'awuor if we don't make it to be strong.

I want to really support Hon. Rosemary who said that we need to put good security around the Assembly. The offices of the leadership should be locked when they are not there and we need to also respect those offices.

I want to stress that even if we have privileges we should not misuse them. This thing has given men a bad image and a strong punishment should be put in place to stop this vice once and for all. Thank you, Mr. Speaker.

**Hon. Maurey:** Thank you, Mr. Speaker for giving this opportunity to contribute to this sad Motion.

Mr. Speaker, it has been mentioned here that at one time the Hon. Member Fred dangled his belt to and almost showed his private parts sometime back. Again it was also been mentioned here by Hon. Mary C. that she one time met him walking in his socks while carrying his shoes. Mr. Speaker, I also have it in my camera when one day I met Hon. Fred at the reception area walking in a very short trouser and a very small belt and

some with hearing impairment and some with mental disorder. I don't know where Fred lies.

Mr. Speaker, we talk and we may laugh, but let us remember one thing; if one of us has gone out of his mind and is running completely naked, what should we do? Should we stop him and take him to the

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hospital? This case is critical, Mr. Speaker. Let us not laugh, let us not enjoy this moment. The most difficult person to deal with is a person whose normality borders insanity because it is difficult to know whether he is normal or abnormal.

We cannot take him for medical examination just as you have put it, but why don't we take this gentleman to a person who can counsel him?

**Hon. Speaker:** Order! We have talked about the counseling and the medical examination issue. Time is not on our side and we need to conclude this matter. Hon. Omwende.

**Hon. Omwende:** Mr. Speaker, because of time I shall keep what I wanted to say.

*(Laughter)*

**Hon. Speaker:** Hon. Booker, you have something to say?

**Hon. Minami:** Yes! Thank you, Mr. Speaker. I want to thank the Committee for the report that they have brought to the Assembly and I will just go straight to the recommendations.

*(Laughter)*

As Hon. Abayo said, the Committee the Committee should give recommendations and not suggest. If that was a typing error then it should be rectified. That section should read, the Committee recommends.

What I would request is that because Members have deliberated on so many issues and I think a very critical angle has been brought on the privileges of Hon. Members addressing the press, Mr. Speaker, I think as the leader of this House you should give direction on how far the press

can reach in the Assembly. This is because next time somebody will just strip in your office, Mr. Speaker! I think that one will be more serious than this one. So as an MCA, where can I address a press conference within the Assembly?

I must also add that I am supporting these recommendations without any amendments, just the way the Committee has given them. The amendments will just complicate the Committee's recommendations. Thank you, Mr. Speaker.

**Hon. Owii:** Thank you very much, Mr. Speaker, and the Hon. House. Mr. Speaker it is a very sad evening because we are talking of what we never expected to happen. There are things that when you them happen, you know that madness is fast approaching. One can start behaving like how our good colleague Hon. Fred behaves

In as much as I will say we should not take him anywhere, there are things that I think should be done because if we don't try early or advice early, then Fred will surprise you one Friday morning by carrying those bags you normally see those funny boys in Kisumu carrying.

Madness can just start that way; I saw it happen to somebody in my Ward. We may be talking about somebody whose madness is advancing and we are not sure. Even if you give a punishment to this man will that change his madness?

You as the father of this House, I would request you to take time with your son Fred and talk. I am kindly requesting. Nobody should behave like that.

When we were actually talking as a Committee, we made our own considerations and we felt the kind of punishment that is given to him is only sending a signal to all of us who are normal that we don't behave in that manner.

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Mr. Speaker, the truth is that even three weeks is a very long time for a Hon. Member representing his people to be out of the House unless he is just sick. I cannot be out of this House for that length of time if I am well. I want to kindly request that we should also be humane to him. We are Christians and that is why Jesus said that whoever has not done any sin, let him cast the first stone like Abayo. That is what Jesus said.

*(Laughter)*

*(Hon. Abayo stood up in his place)*

I'm sorry! I think that was uncalled for. Just have peace.

*(Laughter)*

**Hon. Speaker:** Hon. K'owii!

**Hon. Owii:** Yes, Sir!

**Hon. Speaker:** Address the Chair.

**Hon. Owii:** Ok, Sir. I wanted to request that let us have a human face. We are loaded with loans; you have been our savior. If a brother can be away for more than even three weeks I know what it will cost him. We may wake up one morning only to be told that because of loans, Fred has decided to hang. Thank you very much, Mr. Speaker Sir.

*(Laughter)*

**Hon. Speaker:** Ok, Hon. Members I think--- Hon. Pamela, please just summarize.

**Hon. Ngure:** Thank you. Mr. Speaker, being a member of this Committee and having deliberated on the recommendations that we made, I just want to assure my colleagues here that it was not just lenient. Fred has gone through hell and back. He has done this in hell and then has

come and done them on earth. There is nothing or a punishment that can serve Fred well at the moment. For me, Fred is my colleague; I can't say he is my friend. Almost everybody stands up to say Fred is his friend and I don't know how you keep friendship with Fred. The guy has no limits! He doesn't know when to joke, with whom, at what time and which place. That is a problem that Fred has. He takes his jokes too far!

You want to punish him by making him miss Sittings, if I may ask, how many times does Fred sit in this House? How many times does he appear in Committee meetings? Will that punishment change him even after he has been away for 3 weeks?

**Hon. Adera:** Point of order, Mr. Speaker!

**Hon. Speaker:** Yes.

**Hon. Adera:** Mr. Speaker, we are not probing Fred's attendance in this Assembly, we are debating the report from the Committee on Privileges, let us leave it at that! Is it in order, Mr. Speaker, for Hon. Ngure to bring an issue that is not within the mandate of the Committee?

**Hon. Speaker:** I agree with you, Hon. Deputy Speaker, it is out of order in so far as attendance is concerned. We are discussing something else and the issue of attendance is not part of our discussions. Can you proceed?

**Hon. Ngure:** Much obliged, Mr. Speaker. I was just trying to bring the point of how it will help us to save Fred. Everybody here is claiming that Fred is their friend; we need to talk to him as his friends in order to help him be normal. It is a pity that we are not able to help him get medical attention, he surely needs it, that's the one thing that we thought would save him. We

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can only plead with the many friends he has to please talk to him and help him.

From what I heard from the Floor of the House, Hon. Were is apparently a very close relative to Fred; please tell him that a normal person does not behave like he does. A normal person does not go to the extent that Fred goes with his jokes.

Otherwise, I don't see any form of punishment that will help him, so what was recommended by the Committee should suffice. As Hon. K'owii said, we can only talk to him so that he can change before he carries a sack of old clothes on his back. I pity Hon. Fred and I plead with my colleagues here in the Assembly to help him. Thank you.

**Hon. Speaker:** Hon. Maurey, you want to talk on the same? Is it a personal issue or a point of order?

**Hon. Asewe:** Yes, Mr. Speaker. I was out of order but if you allow me, I would like to say the last word. Mr. Speaker, just as I said, Fred has done a wrong, but am pleading with this House to pardon him and give him time so that he can change.

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

**Hon. Speaker:** Hon. K'owii, we want to put the question! Hon. Maurey Asewe, you are out of order! We only talk once on a subject matter.

So at this point, Hon. Members, before I put the question, I would like to request the Mover to reply. At the same time there are proposed amendments that have come to the Chair for consideration, and before I ask the Mover to reply, maybe I ought to address the two.

I will read the amendments, there are two of them and then when I have read them, the Mover will move the amendments after which he will reply, and because of

time, I just want to request that there is no need to debate so much because in our discussions we already debated. Then I will just put the question. If you lose it, then we go to the second, if you lose the second then we will revert to recommendations of the Committee.

First of all, what Hon. Booker talked about was a typo and I think there is no need to put that as a question. It is the Committee recommends.

Recommendation two, the proposer is proposing that we add the statement or phrase, *that as a member of PIC/PAC*, to read that; *the political party that sponsored him withdraws him from the Committee of Privileges and a member of PIC/PAC*. However, I want to decline that proposal because of this;

One; this is a matter of conduct of a Hon. Member and the proposal came from the Committee on Powers and Privileges. That is the Committee that looks at the conduct of the person. And therefore if the Committee itself feels like this is the person who should be a champion of good conduct and has not demonstrated so, then they feel that the party that recommended him in that Committee should reconsider withdrawing him.

As to whether he should be withdrawn from the Committee of PIC/PAC, I have reservations because I don't find his conduct that we are discussing here to have direct consequence with conduct of the functions of PIC/PAC. However, there are sections of the Standing Order which you can refer to to see how to handle any member in a Committee. Not only him.

For example; how to discharge a member from a Committee. Standing Order No. 157 says that;

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1) The County Assembly party that nominated a member to a select committee may give notice, in writing, to the Speaker that the member is to be discharged from a select committee.

(2) The discharge of a member shall take effect upon receipt by the Speaker of a notice under paragraph (1).

Then there is the Standing Order No. 174 which talks about vote of no confidence in the Chairperson or vice-Chairperson. I want to urge members of the PIC/PAC Committee to follow that route if they feel that his contribution or his conduct or otherwise-only to urge that you need to peg it on his conduct in so far as discharging functions under PIC/PAC are concerned. Maybe he could not have been the best member of Powers and Privileges but a very good one in PAC/PIC. So that I leave for the Committee to decide.

Then there is also Standing Order No.160 which talks of vacancy in the office of the Chairperson and vice-Chairperson.

I therefore want to rule that the Committee should explore the internal mechanisms and the political party or coalition that brought his name to that Committee-- whether the Member is doing them service in that Committee or his reputation is in tandem with what is expected of a Member in discharging those functions.

However, I want to admit recommendation number three which talks about deleting three weeks- twelve Plenary Sittings and Committee meetings commencing after the recess to be read that;

The Committee recommends the Member to be suspended for two months commencing after the recess.

Hon. Abayo, will you move your Motion, it is seconded then I put the question.

**Hon. Abayo:** Thank you, Mr. Speaker. As I have mentioned and a number of Members have also given their input that the two weeks would not really make a big difference. If we go by what we have heard on the Floor of this House, Mr. Speaker, it would be key that we set precedence. Mr. Speaker, this is an issue of leadership and integrity and this should be our core parameter, this has been possibly thrown through the door.

Incidences have been mentioned, Mr. Speaker, that have not been captured. It means that a lot goes around our brother, and Mr. Speaker, I wish to propose that on that basis, we change this to two months. I want to ask my brother, Hon. Apiyo, to second.

**Hon. Apiyo:** Mr. Speaker, I rise to second. Thank you.

**Hon. Speaker:** Hon. Members, then I would like to propose the question which is that:- This House adopts the report of the Standing Committee of Powers and Privileges on the gross misconduct of Hon. Fred Ouda, MCA of Central Gem which occurred on 24<sup>th</sup> June, 2015 in the precincts of the Assembly contrary to the provisions of Powers and Privileges Act CAP 6 of the laws of Kenya laid on the Table of the House today, 2<sup>nd</sup> July, 2015 as amended.

Allow me to put the question.

**Hon. Adera:** Mr. Speaker--

**Hon. Speaker:** I am putting the question; you have a point of order?

**Hon. Adera:** I wish to contribute before you put the question.

**Hon. Speaker:** At the point of proposal?

**Hon. Adera:** Yes!

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**Hon. Speaker:** Ok.

**Hon. Adera:** Thank you. I wish to say the following; On behalf of the Committee, I presented a report that we came up with and we felt the period that we have given to Hon. Ouda is actually adequate and commensurate to his behavior. Mr. Speaker, I was trying to go through our Standing Orders but due to time---

**Hon. Muhulah:** Point of order, Mr. Speaker!

**Hon. Speaker:** Yes!

**Hon. Muhulah:** Is the Hon. Member debating on his behalf or on behalf of the Committee? Can he talk for himself and not on behalf of the Committee!

**Hon. Speaker:** Hon. Muhulah, remember he is the Mover of the Motion and therefore---

**Hon. Muhulah:** Mr. Speaker, are we talking about moving the Motion or we are talking about the new Motion that has been introduced by the Hon. Abayo?

**Hon. Speaker:** The Hon. Abayo has brought an amendment! Hon. Deputy Speaker, please proceed !

**Hon. Adera:** Thank you, Mr. Speaker. Hon. Muhulah is a senior member of this Assembly and he should be----.

**Hon. Speaker:** Order! Proceed!

**Hon. Adera:** Hon. Speaker, I am debating an amendment within the same Motion and that's why I have all the rights to defend the whole Motion and the thoughts that the Committee presented.

Mr. Speaker, I said that as a Committee we considered several issues. Mr. Speaker, if you look at the Standing Orders, if you have an issue and the Assembly suspends you, the Standing Orders talk about 3 Sittings. I am not saying that it is in relation with the issue at hand but

am just trying to give an example that though this was done within the precincts of the Assembly it was in an office and not within the Plenary. Mr. Speaker, I think that we are guided by several issues. Mr. Speaker consider---

**Hon. Okuku:** Point of order, Mr. Speaker!

**Hon. Speaker:** Yes, Hon. Elisha Okuku, what's the point of order?

**Hon. Okuku:** Mr. Speaker, is it in order for the Deputy Speaker to tell the House that the act was done out of the Assembly while the area the act was done is gazetted officially as an Assembly?

*(Applause)*

**Hon. Speaker:** Hon. Members, what I heard the Deputy Speaker say is about the penalties for gross misconduct spelled out in the Standing Orders when you commit it in the Chambers. Unless, Hon. Deputy Speaker, you said otherwise?

**Hon. Adera:** Exactly! That's what I said, Mr. Speaker. Inside the Plenary, not outside!

Mr. Speaker, we were trying to calculate how many sittings this gentleman will miss. 12 sittings by Kshs. 3,900- that will be Kshs. 46,800. Mr. Speaker, if he has to attend Committee meetings, take 2 sittings in a day for 5 days by 3 weeks, if you calculate, that gives you Kshs. 117,800.

**Hon. Muhulah:** Point of order, Mr. Speaker!

**Hon. Speaker:** Yes!

**Hon. Muhulah:** Is it in order for the Deputy Speaker to mislead this House? We are talking about Chapter 6 of the constitution- Article 73 and 75. We are not talking about Siaya County Assembly only; we are talking about the conduct of the Member, Mr. Speaker.

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*(Applause)*

**Hon. Speaker:** Hon. Muhulah, use those facts to contribute when your time comes. Deputy Speaker, would you proceed.

**Hon. Adera:** Thank you. Mr. Speaker, when the Member rises on a point of order, let him sight the point of order under which he is correcting. Hon. Muhulah is a senior member in this Assembly; he should master the Standing Orders!

Mr. Speaker, in total that is Kshs. 163,800. We will be doing a disservice to the people of Central Gem if the Member they elected to represent them in this Assembly is away. They may think that they are orphans. Let's give Fred a chance. Mr. Speaker, I oppose the Motion for an amendment.

**Hon. Speaker:** Yes, Hon. Walter Okello.

**Hon. Okello:** Thank you, Mr. Speaker, for giving me this chance. Mr. Speaker I have sat for long throughout the discussion this afternoon for various reasons.

One; I came to this Assembly as a representative of the youth out there. Mr. Speaker, the gentleman under discussion happens to be a youth in my observation. Mr. Speaker, having said that, I want to limit myself from the current debate or whether to amend or not to amend, and Mr. Speaker, allow me to say from the onset that I want to be the devil's advocate in this case. Mr. Speaker, the essence of correction should really not be to punish but to correct.

I want to associate myself with the submissions of Hon. Kadera that all of us concur that the conduct of Hon. Fred was a bit out of order. But, Speaker, to the extent that we then subject this young man to torturous absence of two months as proposed by my friend and a mentor in

many ways- the Hon. Abayo, Mr. Speaker, that would be injurious and hurtful to the young people of Siaya County.

Mr. Speaker, sometimes what Hon. Fred did was an expression of love. We may agree or not agree but that was his way of expressing love. Mr. Speaker, they say that love is blind; there are people who say that you can cross oceans for love and they die in the process. Mr. Speaker, what Hon. Fred Ouda was expressing was his love for the former Prime Minister.

Mr. Speaker, I also want to say that Fred has not claimed at any one instance that he was acting for this Hon. Assembly that only recently was voted number two. Fred acted on his own behalf. The only wrong thing Fred did was to do his thing in the wrong place. If Fred had done this at Wagai center, am sure the *boda boda* people would be celebrating because they elected him.

So, Mr. Speaker, having said all that, I want to say that let us not as an Assembly be seen as a lynch mob. All of us, as the Hon. K'owii said, the good Lord said that he who has not sinned should cast the first stone. All of us today if our closets were to be opened here in this Assembly- and I will be very careful so that am not asked to substantiate, Mr. Speaker, there are Members who have threatened to whip other Members if they come to this House and move certain Motions.

For me that is a more gravious sin and a threat to our role of oversight. Mr. Speaker, there are Members sited here today who recently during the agricultural show awarded themselves tenders of fencing and murraming, Mr. Speaker, for me that was more serious than what Fred has done—

**Hon. Speaker:** Hon. Walter that is a serious allegation that you will need to introduce as a separate Motion.

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**Hon. Okello:** In conclusion, I can only say that we have made our point and my concern is that the people of Gem Central who Fred represents should not miss representation in this House for a period not longer than 3 weeks. I support that we adopt the Motion in its earlier form. Thank you.

**Hon. Muhulah:** Mr. Speaker I revisit my earlier submission that whatever we are discussing here is not about the County Assembly of Siaya, but it is about the decorum of Members of the County Assembly. Mr. Speaker, Chapter 6 -Article 75 (1) tells us that;

A State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids—

- (a) any conflict between personal interests and public or official duties;
- (b) compromising any public or official interest in favour of a personal interest; or
- (c) demeaning the office the officer holds.

There is a clear recommendation here from Privileges Committee that Fred is expected to miss more than 8 Sittings which by law sends him home straight away. It is a recommendation from the Committee! So, I wonder how they want us to save Fred Ouda while they have already put a rope on Fred Ouda's neck.

*(Applause)*

Whether it is three months or six months, Mr. Speaker--

**Hon. Speaker:** Let me just clarify something. Did you say that if a Member is suspended from the Assembly for 8 Sittings he seizes to be a member of the Assembly?

**Hon. Muhulah:** Mr. Speaker, I used the word 'missing'. Missing 8 consecutive Sittings.

**Hon. Speaker:** But not under suspension.

**Hon. Muhulah:** Mr. Speaker, I have nothing against any Hon. Member here, am so much concerned of how we behave. We cannot come here to try to uphold Members wrong conduct in the name that somebody is going to lose the powers to pay loans or the powers to represent his people. That is a misguided way of looking at it, Mr. Speaker. Mr. Speaker, we must be responsible! And choices have consequences! This is one of the consequences that the Hon. Member would have thought. What kind of shame do you think his children are facing? Can the wife even go to the market?

Why do we look at him as someone who should be saved while he knew from the start that what he was doing was wrong! Mr. Speaker, we must be ready to face the consequences of our choices. We are talking about the law and the responsibility of this House.

*(Applause)*

We are grown up people and we should know how to express our disputes. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Members I want you to limit this debate.

*(Hon. Owii stood up in his place)*

*(Loud consultations)*

Unless there is something so urgent, Hon. K'owii

**Hon. Owii:** I wanted to call upon the House to allow the Mover to reply.

**Hon. Okuku:** Mr. Speaker, I wanted to bring to your attention just a small thing

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**Hon. Speaker:** Yes, Hon. Okuku.

**Hon. Okuku:** Mr. Speaker, is it in order for us to discuss the character of a Hon. Member and he keeps on threatening people with messages?

*(Loud consultations)*

He is threatening people that; *you cannot finish me*. Is it in order?

**Hon. Speaker:** That is out of order. You bring it to my attention, I will take action. Hon. Maurey, you are the last person then I want to put the question. Let us not be repetitive.

**Hon. Asewe:** Thank you. Mr. Speaker I have been ruled out twice that I am out of order and I hope this time I won't be out of order. Mr. Speaker, when we attend our meetings every time, we pray that we will treat those people that are brought before us with fairness. I have not seen even in the National Assembly where somebody is sent for suspension for two months. I don't know why we are taking this matter out of context. Even in the National Assembly I have never heard that somebody is sent out for two months! I am against this idea of increasing the sentence to two months.

**Hon. Speaker:** Yes. Hon. K'owii, please be the last.

**Hon. Owii:** Mr. Speaker, I just want to contribute on the amendment Motion. Mr. Speaker things can be compared, we have the time and you can give us the guidance. Just the other day you saw what our friends in the National Assembly did, some Senators were almost stripped naked and the offenders were given only three weeks. These two months- if it is in law then somebody should read it for us because we should not actually do things out of law. That is the National Assembly where we are

borrowing from. Some people decided to even pour water close to the Speaker but it was still three weeks.

I'm only requesting you kindly that there are times as Christians that we should have some human face. Today it is that man; tomorrow it may be you. Some of us even after taking liquor out there, the way we behave- I am not talking about somebody.

*(Laughter)*

The way we behave is so bad that it would cost them two more months. So I want to say that let us just have a human face. We will do a lot of disservice to the people of Central Gem, they never committed this crime and we can only excuse them by giving Fred the three suggested weeks. Thank you.

**Hon. Speaker:** Okay, Hon. Members, I know the matter borders on-you said human face and the law, and because it is time to put the question, I want to-- because some Members are coming in and others moving out, I want the Serjeant-at-arms to ring the Bell for 5minutes before I put the question.

Meanwhile, you people you can do your mobilization so that we vote on this. Will you ring the Bell so that those who are out can come in?

*(Loud consultations)*

*(The Division Bell was rung)*

**Hon. Speaker:** If I send you out then the other camp will lose one vote.

*(Laughter)*

Hon. Members, allow me to put the question. Order! Order! The question am putting is on whether the Member should be

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suspended from the Assembly for two months or not. To make it simpler, if you say *Aye* to this question then he is going home for two months, if you say *Nay* then you will give us room to put another question which will be that the Member is suspended for three weeks.

*(Question that Hon. Ouda be suspended for two months put)*

The Speaker is not able to collect the voices.

*(Laughter)*

Hon. Members, take your seats. I want to refer you to the Standing Orders. I'm not seeing myself picking the voices. Standing Order number 68 talks of;

**Technical failure, confusion or error occurring**

**68.** (1). In the event of a technical failure, confusion or error occurring in the course of voting which in the opinion of the Speaker cannot otherwise be corrected, the Speaker may direct the County Assembly to another round of electronic voting or proceed to a roll call voting.

*(Applause)*

69 talks of;

**Roll call Division claimed**

**69.** (1) The Speaker shall direct a roll call vote to be taken if a Member claims a division and-

- (a) the Speaker considers that there is a reasonable doubt as to the outcome of the vote in question; or
- (b) if, on a question other than a question of procedure, five or more Members rise in their

places to support the Member claiming the roll call division.

(2) The Speaker shall direct a division to be taken in every instance where the Constitution lays down that a fixed majority is necessary to decide any question.

At this point I want to ask the clerk's to be ready. Do you have these materials? If you don't have them, we can physically count. Okay, let's make it easy so that we can save on time.

This is not how it happens but let us make it easier. I know you are Hon. Members, but we want to make it easier. Can we just stay standing as we count? To make it easy!

*(Loud consultations)*

**Hon. Apiyo:** Mr. Speaker, I know what we are going through right now can be dangerous to some. I know! Let us go the secret ballot way. I know people who will report back!

*(Loud consultations)*

**Hon. Muhulah:** Already there was a message that was sent!

**Hon. Apiyo:** Text messages are here, Mr. Speaker!

**Hon. Speaker:** Hon. Aneme, what is it?

**Hon. Aneme:** Mr. Speaker, in a scenario where you have you have heard that there was lunch bought, and in a scenario where there are text messages being sent- that is a threat to our life. Let us go secret and we vote!

*(Applause)*

**Hon. Speaker:** Hon. Members, as to whether we are going secret or not is my

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decision and it is not a decision or a choice I want to donate to you. Please we have made our contributions here in full glare of the public and the media, that something has been sent, a text. Use that text to report for another action to be taken against the man.

*(Applause)*

*(Loud consultations)*

**Hon. Speaker:** Hon. Members! Hon. Member! As to whether we are going secret or not, is my decision. And it is not a decision or a choice I want to donate to you. We have made our contributions here in the full glare of the public and the media. That a text has been sent-use that text to report so that another action is taken against the Member.

*(Applause)*

Don't fear. It's either you are for it or you are not for it or you abstain. If you feel you don't want to be on any side just abstain.

Therefore, will as many as of the opinion that Hon. Fred Ouda be suspended for two months stand up for counting. Will the Clerk count?

*(Several Hon. Members stood up in their places)*

*(Clerk-at-the-Table counted and confirmed the number to be 9 Members)*

Nine Members, note that down.

Will as many as are of the opinion that Hon. Fred Ouda is suspended 3weeks stand for counting.

*(Several Hon. Members stood up in their places)*

*(Clerk-at-the-Table counted and confirmed the number to be 11 Members)*

Will as a many as neither here nor there- for those who have abstained from voting stand for counting.

*(Three Hon. Members stood up in their places)*

So, Hon. Members, you realize that the question of Hon. Fred Ouda being suspended for two months has received 9 votes and therefore the amendment is lost.

*(Applause)*

I therefore revert to the earlier Motion which was sponsored by the Hon. Deputy Speaker. So we will allow you to reply.

**Hon. Adera:** Thank you, Mr. Speaker. I wish to thank all the Members who have made their contributions to this debate. This debate has elicited a lot of emotions and I want to tell Hon. Members that it our democratic right to debate the way we wish, we should not fear anything. That is why it's an Assembly. In An Assembly there must be people from two opposing sides. otherwise, am happy that Siaya County Assembly has matured.

Mr. Speaker, the issue at hand is that there are allegations that some text messages have been sent; I am not sure of that or disputing but I just wish to echo your advice that the affected Members can- they know the steps that they should follow.

Mr. Speaker, I don't want to speak much because we have said almost everything. I want to leave it there and urge Members to support this Motion by voting for it . Thank you.

*(Question on the adoption of the report of the Committee on Powers & Privileges put and agreed to)*

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**Hon. Speaker:** At this point, Hon. Members, may the clerk go and invite Hon. Fred Ouda to come to this Assembly and he stands at the Bar there as I read out to him the decision of this House.

*(Hon. Ouda walked into the House)*

You will stand there at the Bar.

Hon. Fred Ouda, this Assembly has extensively deliberated on your misconduct that occurred on 24<sup>th</sup> June, 2015 in the precincts of the County Assembly contrary to the provisions of Powers and Privileges Act, CAP 6 of the Laws of Kenya. The Assembly has observed and recommended the following:-

1. That your actions demeaned the integrity of this House
2. That the Committee noted that it's not the first time you are appearing before the same Committee and your matter coming to the House on issues of disciplinary in nature.
3. That the Members have a feeling that you should not have dragged the name of the Right Hon. Former Prime Minister
4. At some point Members thought, though this was not concluded, that counseling services are befitting to a person of a behavior that is identical to what you executed
5. The same Assembly observed that had this misconduct been displayed outside the precincts of the Assembly where you don't enjoy privileges, then the consequences would have been severe, as severe as dismissal or loss of your office.

6. This Assembly analyzed your conduct while referring to the Constitution of Kenya, the Leadership and Integrity Act, the Standing Orders and the Powers and Privileges Act and recommended the following;

1. That you will have to apologize to the House when you resume the sentence
2. That the party or coalition that nominated you to the Powers and Privileges Committee- a Committee that is in charge of discipline and conduct within the precincts of the Assembly considers withdrawing your membership from the Committee.
3. And most importantly, the House recommends that you be suspended from the Assembly precincts for 3 weeks which amounts to 12 Plenary Sittings and Committee meetings commencing after the recess

Hon. Ouda, having read the decisions of the House, I want to bring it to your attention that the Chair takes it very seriously that when we were debating, allegations that we are yet to prove that text messages were sent to threaten the way Members were behaving or voting.

I have directed that anybody with such allegations should bring them to the

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Office of the Speaker and a stern action will ensue from that. We don't expect anybody from anywhere to threaten Members of this Assembly when they conduct the business that the people who elected them and the Constitution and statutes demand of them.

In conclusion, Hon. Fred Ouda, you will not be expected therefore to be seen within the precincts of the County Assembly soon after we open for the said three weeks.

You may miss your entitlements or the privileges that you enjoy in the Assembly in so far as Committee sittings are concerned and any activities.

Therefore at this point we want to ask you to leave. The day you will be coming back after serving the sentence- you will be able to talk to us. You can now leave.

*(Hon. Ouda walked out of the House)*

Next Order!

**ADJOURNMENT**

**Hon. Owii:** Mr. Speaker, Sir, pursuant to the provisions of Standing Order No. 26 (3), this House adjourns for short recess and resumes its Sittings on Tuesday, 21<sup>st</sup> July, 2015 at 2.30pm.

I want to request Hon. Abayo to second.

**Hon. Abayo:** I stand to second.

*(Question put and agreed to)*

The House rose at 6.15 pm

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**TUESDAY, 21ST JULY, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

PRAYER

**COMMUNICATION FROM THE  
CHAIR  
COMMITTEE ALLOCATIONS**

**The Temporary Speaker** (Hon. Muhula): Hon. Members, you can recall one time when we sat here, quite a number of the Committee Chairs did complain about the allocations that were given according to their respective Committees.

The House did resolve that adjustments should be done for some occasions. I wish to inform the Clerk to ensure that all the Members get this copy of the recommendations of the respective Committees, as should be done. Next Order!

**MOTION  
ADJOURNMENT**

**Hon. Owii:** Thank you, Mr. Speaker. I want to give notice of Motion for the adjournment of the House. Before I do so, I am doing so because you requested, but this is the work of the Majority Leader, or his Deputy. And if they knew that they will not be present in this Assembly, they would have called somebody. I am not here to act on their office, but I will do so because of the respect for the Speaker's Chair.

**The Temporary Speaker** (Hon. Muhula): Hon. Owii please, resume your

seat. Hon. Owii you are aware that the entire House Membership of this House knows very well that the Deputy Chief Whip is the hierarchy of the Leadership of the County Assembly, which starts from the Leader of Majority, and Deputy Leader of Majority, then Chief Whip, then Deputy Chief Whip.

As at now when we talk about the Leadership of the County Assembly, you are the only one who is here, who in all the orders, of recognition, you are the only person who can move that motion. Hon. Owii, you are out of order. Proceed.

**Hon. Owii:** Mr. Speaker, the Standing Orders of the Assembly, permits any Honorable Member who is responsible for any responsibility here. When they know that they know that they are not going to be present at that time, to request their Deputy or a colleague, to do it on their behalf, and I have not heard any communication from the Majority Leader, or even his Deputy. That's why I am saying; I am doing so because of their request, I am respecting the Speaker's Chair that is why I am doing so.

**The Temporary Speaker** (Hon. Muhula): Hon. Odinga, what is your point of order?

**Hon. Odinga:** Mr. Speaker sir, I think you made a ruling. And Hon. Deputy Chief Whip should accept that.

**Hon. Owii:** Can I continue Mr. Speaker?

**The Temporary Speaker** (Hon. Muhula): Go ahead.

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**Hon.Owii:** I believe Governor's House have heard my sentiments, despite their rulings. I beg to move an adjournment motion to suspend the Business of this Honorable House, until 7<sup>th</sup> August 2015. This adjournment will enable Committees to clear pending Businesses, and compile elaborate reports, in readiness of resumption of the plenary sittings.

The break will go a long way in providing ample time for Honorable Members to prepare adequately for the grand opening ceremony, of Siaya County Assembly Refurbished Chambers, scheduled to take place on 6<sup>th</sup> August 2015.

The short interview will as well provide amicable time, for Honorable Members to prepare for the Historic visit of the USA President to the Republic of Kenya on 26th-27th of August 2015. By Hon. Edwin Martin Otieno, Leader of Majority, Siaya County Assembly. Thank you, Mr. Speaker. I will call Hon. Jack Odinga to second.

**The Temporary Speaker** (Hon. Muhula): Honorable Members, before I give that question, you are aware that, under Standing Orders of this House, we are supposed to be re- convening the Committee Memberships. For that, the Chair directs, that during this recess, or adjournment period, ensure that all Committee's Chairs, should ensure, that by the time we resume on the 7<sup>th</sup>, all the pending reports should be ready for deliberation.

As to such also, I want to direct, that all the Members who possibly would want or have different interests in different Committees, please submit your names to the Whip, and the Majority Leader for deliberations of the selections for the Committees Constitutions within this period,

so that when we open we can work on that one.

I do now propose the motion that this House adjourns up to 7<sup>th</sup> of August. Ladies and gentlemen, once again before I put the question, I have proposed and I have not seen any Member come up for debate? I want to take this time now, because the Petition for the Honorable Member for Central Alego was to come in time, unfortunately it has come bit late. It is a matter that I feel the Health Committee is the one that is supposed to be handling this.

Now the Chair directs, that the Committee of Health looks at this Petition and report to the House. So we commit this petition to you, and please let's have a big response of it because of the petition. Thank you.

I now rise to put the question that this adjourns from today 21<sup>st</sup> July at 2.45pm till on 7th of August on a time that will be communicated to the Honorable Members. May as many as of that opinion say Ayes? May as many as those of the contrary opinion say Nay? The Speaker is not getting in trouble. ---

*(Laughter)*

*(Question put and negatived)*

*(Applause)*

**Hon. Asewe:** ... Thank you, Mr. Temporary Speaker, Sir, the date that we are to convene here in the House is on 7<sup>th</sup> Friday which is not a plenary day as per our calendar, can help us on that.

**Temporary Speaker** (Hon. Muhula) : Hon. Asewe the chair has discretion of calling this House at any convenient time and as directed by the chair the date was

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mentioned as 7<sup>th</sup>, Hon. Asewe you are out of order.

**Hon. Asewe:** If you allow me please

**Temporary Speaker** (Hon. Muhula)

: What is it Hon. Asewe?

**Hon. Asewe:** Mr. Temporary Speaker requesting to have direction to understand how I am out of order because I simply implied a question.

**Temporary Speaker** (Hon. Muhula)

: Hon. Asewe! It is the discretion of the chair and at any given moment can call for a special sitting if there is something or matter of urgency, the chair can even call a meeting today in the evening. Is that clear and understandable Hon. Asewe?

**Hon. Asewe:** Yes! Thank you.

**Temporary Speaker** (Hon. Muhula)

: Any agenda if any?

Hon. Elisha!

**Hon. Okuku:** Thank you, Mr.

Temporary Speaker, Sir. I heard that the days carried the day because definition has been brought before this Assembly and a petition has been brought before the House therefore we need to understand and get the concept of the petition. So the days carried the day because the way it was handed over before the House can synthesis and understand it properly. It's upon the Speaker to read the petition before the Assembly so that we can get it, thank you.

**Temporary Speaker** (Hon. Muhula)

: It is okay, Madam Clerk just have your seat. Hon. Elisha the petition came late because of the petitioner. We expected the petition to be in this House before the business of this House started though we cannot explain as to why it came a bit late but the very pertinent thing is that the petition has gotten to where it is supposed to be.

Since it was brought a bit late and either way we can still reverse and read it because we take it as a business for this afternoon so that we can work on it. The expectation was that the this House was going to adjourn for the evening, but now the Motion sponsored by Leader of Majority has failed then we have all the reason to read that petition. May we have that petition! Hon. Odinga.

**Hon. Odinga:** As I know and as I know that you have always been guiding this House, you have been defending the rules of this House at all times, we need your guidance on this because for one we have order paper which clearly indicates what need to deliberate on as a House.

This petition when you called for petition it did not come up during petition time. It came late and I wonder why this petition could not wait until the next sitting. Now that you did put a question and proposed yet nobody stood up to even defend the reason why we did not to adjourn as a House, nobody did that. But when you did put the question it was negated.

Now didn't give us direction after the nays had it which means we are not adjourning up to 7.00 p.m. as the House as indicated. To what extent, do we start a fresh, come up with new Order paper then we list what we want to deliberate on as a House or what next because that was the last agenda of the day?

**Temporary Speaker** (Hon. Muhula)

: Hon. Members this issue of petition had already been communicated to the Hon. Speaker and we were expecting this petition as part of the Order paper for today, so allow the House Hon. Odinga to have a chance to hear it and I get your concerned but before we commit it to the Hon. Chair of the plenary.

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Hon. Whip!

**Hon. Gare:** Thank you, Mr. Temporary Speaker, Sir. I am requesting on behalf of the Assembly that because the Motion of adjournment has failed you allow us to adjourn for 10 minutes so that we go for a Kamkunji then we come back and discuss the petitions.

**Temporary Speaker** (Hon. Muhula) : Hon. Whip what do you want to discuss again? The nays have carried the day, are you going to consult to come up with another Punda question or what is?

*(Laughter)*

**Hon. Gare:** Thank you, Mr. Temporary Speaker, Sir. I just wanted to inform you that I have just made a call to the Hon. Speaker and I have told him about whatever has transpired in the House and he has requested that we have an adjournment so that we discuss why we are not going for adjournment or why we have refused to go. So we are in agreement that we want to continue having Assembly and we are going to have agendas for the subsequent sittings of the Assembly. That's what he has requested of me Mr. Temporary Speaker, Sir.

**Temporary Speaker** (Hon. Muhula) : Then I allow that we have to adjourn for 15 to 20 minutes then we reconvene after around 3.20 p.m.

Order! Hon. Members, Hon. Rosemary and Okello you can be consulting like only you two people should know what you are discussing.

**COMMUNICATION FROM THE  
CHAIR**

COMMUNICATION BY CHAIRPERSON,  
WELFARE

**Temporary Speaker** (Hon. Muhula): Once we finish today's business, please, Hon. Chair for welfare has a communication to give, so kindly give him sometime so that you can hear what he has for you.

Yes! Hon. Elisha.

**PETITION**

PUBLIC PETITION SIAYA COUNTY ASSEMBLY

**Hon. Okuku:** Thank you, Mr. Temporary Speaker, Sir. On behalf of Central Alego Ward and on behalf of Ward representative Hon. Leonard Otieno Oriaro I have a petition dated on 20<sup>th</sup> July, 2015, Public petition Siaya County Assembly.

We the undersign who are residence of Central Alego, Central Alego location and Alego sub County Siaya County draw the attention of the County Assembly of Siaya to the following;

1. Due to facilities as a result of poor maternal health care, high mortality rate, jigger infestation, prevalent of malaria, water bone and air bone diseases Barazas were held and pleas were made for the provision of health facilities in the Ward especially in Ojuwando sub location. As a result communities in the Ward donated land for construction of health centres at Uhembo, Kanyaboli and Osoro village in Central Alego Ward.

Respective communities did sight clearance on Harambee basis modern fencing and construction was done at the proposed sight at Uhembo health. So from the County budget 2013/2014 and subsequent physical budget to date 2015/2016 going to the tune of Kshs. 12 million

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have since been allocated to the 3 facilities accumulating to Kshs. 4.2 each. Building of these facilities started in the physical year 2013/2014. However some of these facilities do not regulate expenditure of Kshs. 4.2 Million.

There is concern that quality of workmanship has been compromised and that the pace of work is too slow. They should have started working by now but it's only at Uhembo that Beyond Zero campaign mobile clinic has offered services.

On Harambee basis, modern fencing and construction of pit latrines was done at the proposed site at Uhembo Health Centre site in the same sequence. From the County Budget of fy 2013/14 and subsequent fiscal budget to date 2015/16 funding to the tune of Kshs. 12.6Million have been allocated to the three facilities translating to Kshs.

4.2Million each. Building of these facilities started in the year 2013/14. However, some of the facilities don't reflect expenditure of Kshs.4.2Million. There is concern that quality of workmanship has been compromised and the pace of construction work is slow.

They should have started working by now; it is only at Uhembo where the Ground Zero campaign mobile clinic has offered services. In the current fiscal year 2015/16, through public participation budget making process and allocation of the employment of clinical officers and nurses at Job group H for each of the three facilities has been factored to operationalize the facilities immediately but efforts have been made to engage the project implementers through respective steering Committee

meeting and site meetings to raise pertinent design and workmanship concerns.

Minutes, public meeting Reports relating to some of the project are available. That the issues in respect of which the Petition is made are not pending before any Court of Law, or Constitutional or legal body.

Therefore, our humble Petitioners pray that County Assembly; help us facilitate satisfactory completion of construction of work with requisite equipment or fittings done at these facilities as soon as possible and handing over to stakeholders done by 15<sup>th</sup> August 2015, helps ascertain that the work done on the ground reflects and justify the funds allocated to each of the facilities; help us manage by engaging the County Executive through the Public Service Board to initiate a process that will see suitable health care officers recruited and posted to these facilities by 15<sup>th</sup> August 2015.

This will enable the health centres to be operational by 1<sup>st</sup> September, 2015, kindly oblige. The names and list of the Petitioners are 43 in total, their addresses and National Identity cards and passport numbers if possible, signatures. I beg to rest my case.

**Hon. Temporary Speaker:** Thank you, Hon. Okuku. This Petition carries very weighty matters. In my own view this Petition borders on two Committees; the Committee on health services and Committee on Roads & Public Works. The Chair to direct that Madam Clerk ensure the copies are availed to both the Chair of Committee on Health and again one copy for the Chair of Roads and Public Works and because the matters Here are weighty I will plead with the Hon. Chairs that you take it seriously and work overtime to possibly

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give us this Report immediately we resume which will be 7<sup>th</sup> August 2015.

**PAPER**

**Hon. Temporary Speaker:** Hon. Owii, do you have any Papers?

**Hon. Owii:** Mr. Temporary Speaker, Sir; there is a Paper that is supposed to be laid by the Majority leader.

**Hon. Temporary Speaker:** Paper on what, Hon. Owii?

**Hon. Temporary Speaker:** It is on the Order Paper for today; I wonder if you have read the other side.

*(Laughter)*

**Hon. Temporary Speaker:** No, that one I understand was cancelled.

**Hon. Owii:** That is why I just wanted to explain because the business is now on, if it had been cancelled well and good.

**Hon. Temporary Speaker:** Could you resume your seat? Hon. Owii, the Chair takes very serious concern about the laxity of the office of the Leader of Majority. Indeed all Hon. Members know very well that religiously that the House is always convened on Tuesday at 2.30pm; that we expect all the leadership of County Assembly to be in the House.

For this one the Chair directs that the offices of The Majority Leader and the offices of Chief Whip organize themselves and ensure that they delegate their responsibility early enough before the time of the House Businesses.

*(Applause)*

There to I may not put the penalties as at now but next time I will impose a penalty. Do you still want to explain on this?

**Hon. Owii:** Thank you very much, Mr. Temporary Speaker, Sir; I didn't want to explain any other way other than why we

are not laying the Papers. The reason is actually coming as a result of the advice we got from the House business Committee that decided that this Paper which was supposed to be laid today can be laid but at a later date and you know any business we discuss Here is normally generated by the House Business Committee and not the leader of majority.

**Hon. Osuri:** Point of Order!

**Hon. Temporary Speaker:** Hon. Osuri, what is your point of Order? The Statement is very clear that the Paper was not approved by the House Business Committee. What is your point of Order?

**Hon. Osuri:** Can I put my point of across?

**Hon. Temporary Speaker:** Put it Hon. Osuri.

*(Laughter)*

**Hon. Osuri:** Is it in Order if it was discussed by the House Business Committee that it was not supposed to be in the Order Paper yet it is in the Order Paper. Whose mistake is this?

**Hon. Temporary Speaker:** Order! Order! Hon. Osuri Order!

**Hon. Osuri:** No, this is wrong  
*(Laughter)*

**Hon. Temporary Speaker:** The matter we are discussing Here has a Constitutional mandate that it cannot be approved right now or be laid because we are going for a short recess up to August and it requires that once this Paper is laid Here, it must be disposed with within 14days and the matter came now when we are supposed to have been debated.

The Leader of Majority is explaining to the House that House Business Committee is not the leadership of this Assembly. He is just explaining why it never occurred.

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What is your Point of Order Hon. Osuri?

You're out of Order Hon. Osuri.

*(Laughter)*

**Hon. Minami:** Mr. Temporary Speaker, Sir; maybe I can just have a Point of Order on the same. If indeed the House business Committee sat and decided that that item is not going to be part of today's deliberation, then how did it find its way in the Order Paper?

*(Applause)*

**Hon. Temporary Speaker:** Alright Hon. Members, if you got me very clearly, the House Business sat into this House at 1pm; the Order paper had already been made so we looked at it that if we did put today to have that one then the 14days will be around Friday or Thursday which is about---

The House is resuming 7<sup>th</sup> August, 2015; so this House once it has received that communication from the Executive it must be disposed within 14days. Order! Order!

**Hon. Osuri:** Can you protect me?

*(Laughter)*

**Hon. Temporary Speaker:** You are protected Hon. Osuri. So that is the reason why we felt we could not cross that one because it doesn't look wellbeing crossed and that is the reason why the matter appeared on the Order Paper. Thank you. Now Hon. Whip what is it?

Hon. Minami: Mr. Temporary Speaker, Sir; I think you want to confuse this House further because the issue of seven is the reason why Members refused to go on a---

**Hon. Owii:** Thank you, very much Mr. Temporary Speaker, Sir. As you have explained, if at all there was any error on the Order Paper, it must have come from the secretary not the leadership. I wanted to

explain so that my colleague Hon. Osuri takes it from that point that it was not the Leader of Majority generating the Order!

**Hon. Temporary Speaker:** You are right! I want to apologize Hon. Members, it happened because all the printers and the photocopiers were carried back to Siaya, so there was no any other way we could generate a new Order Paper. Hon. Members, please bear with us on that one. Next order!

**NOTICE OF MOTION**

ADJOURNMENT

**Hon. Owii:** Thank you, very much Mr. Temporary Speaker, Sir. As it appears, there is no Business for us. I wanted to give a Notice of Motion for adjournment that this House stands adjourned until 7<sup>th</sup> August, 2015 and I want to request

**Hon. Temporary Speaker:** You have only given a Notice of Motion!

*(Laughter)*

Next order!

**MOTION**

ADJOURNMENT

**Hon. Owii:** Thank you, very much Mr. Temporary Speaker, Sir. I want to move a Motion for adjournment:

THAT this House stands adjourned until 7<sup>th</sup> August, 2017.

*(Laughter)*

**Hon. Temporary Speaker:** Order, order!

**Hon. Owii:** I want to move a Motion that this House stands adjourned

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until 2<sup>nd</sup> of August, 2015. I call upon Hon. Angul to second.

**Hon. Angul:** I rise to second.

**Hon. Temporary Speaker:** Hon. Members, we are resuming after some short recess but please ensure that those confusions are not brought in this House Leader of Majority because once you have pronounced a date in this House it can only be changed by an amendment. I will only excuse you for that one today.

Hon. Members, I want to propose the question that this House adjourns today at 3.27pm on Tuesday till 7<sup>th</sup> of August, a time when the Chair shall communicate.

Hon. Members, there being no person to deliberate on this, I wish now to put the question that this House adjourns today Tuesday at 3.28p.m. till the 7<sup>th</sup> of August at a time that will be communicated to you.

*(Question put and agreed to)*

The House rose at 3.30 p.m.

2015 SIAYA COUNTY ASSEMBLY DEBATES

**TUESDAY, 11TH AUGUST, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

PRAYER

**COMMUNICATION FROM THE CHAIR**

**Hon. Speaker:** Hon. Members, allow me to make the following communications:-

1. I want to sincerely thank you for being patient throughout the period we were operating from Bondo and the peace and the conducive environment that you created to ensure that this happened without interruptions. We have witnessed Assemblies where they cannot even construct a wall without landing in court. Thank you so much.
2. I further want to thank you sincerely for the good hospitality that you showed when we were visited by the Prime Minister, the Senators and the MPs. That was a successful day and I think it will go in the annals of history that the first Assembly indeed hosted dignitaries and everybody appreciated. Thank you!
3. Last Session, we begun a journey of constructing our Ward offices and the Budget Committee had discussion with the Executive on the way forward which was to be finalised--and because time is not on our side, I want to ask the

Committee on Roads to move with speed, liaise with the CECM in charge of Finance and also the CECM in charge of Roads together with the procurement entity of the Assembly Board to ensure that by the end of this week we have a way forward on how to move forward with the construction of Ward offices.

We had a Committee that was dealing with the Yala Swamp report; there was also another report which was committed to the PIC/PAC Committee on investments, at this juncture allow me to direct that Committee to liaise with the ad-hoc Committee in the course of this week so that they give their views and we have a comprehensive report on the Yala Swamp issue together with recommendations that will have a bearing on the investment proposals. You also need to further engage with the CECM in charge of Trade so that we have a comprehensive input from the Executive on the same.

4. Hon. Members, after our sitting this afternoon, the leadership of CORD coalition has requested me to announce to you that after this Plenary, we will need to come back for an informal

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meeting in this Chambers. Please avail yourself. Thank you!

Next Order!

**PAPERS**

**Hon. Otieno:** Thank you, Mr. Speaker, for giving me this opportunity to stand before this Hon. House today, 11<sup>th</sup> August, 2015 to lay the following Papers:-

1. A Report of the Auditor-General on the Financial Operations of Siaya County Executive and Assembly for the period 1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014.

*(Hon. Otieno laid the document on the Table of the House)*

2. A Report of the Auditor-General on the Financial Statements of the County Government of Siaya for the sixteen (16) months period ended 30<sup>th</sup> June, 2014.

*(Hon. Otieno laid the document on the Table of the House)*

3. Mr. Speaker, Sir, allow me to also lay on the Table of the House, two speeches from:-

- The Rt. Hon. Raila Amolo Odinga

- H.E Governor Cornel Rasanga Amoth

*(Hon. Otieno laid the documents on the Table of the House)*

**Hon. Speaker:** May I direct that the two reports from the Auditor-General be committed to the PIC/PAC Committee. As you are aware, Article 229(8) of the Constitution stipulates that:-

Within three months after receiving an audit report, Parliament or the County Assembly shall debate and consider the report and take appropriate action.

In your calculation of timelines you need to take cognizance of the fact that the reports were received on 24<sup>th</sup> June, 2015 and we will be going for recess from 27<sup>th</sup> August, 2015 to 21<sup>st</sup> September. So you need to really plan well so that we are not out of tune with time.

Another clarification is that the speeches that have been laid before this House, the House Business Committee has allocated them time within which they will be debated, but the clarification is that we don't take resolutions of those speeches, we just debate and if time will allow, then we can extend time as the Committee will advise.

Next Order!

**STATEMENT**

**Hon. Otieno:** Thank you, Mr. Speaker, once more. Allow me to issue a Statement on the Assembly Business for the coming weeks:

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S/No.	DAY/DATE/SITTING	BUSINESS OF THE ASSEMBLY
2.	Tuesday, 11 <sup>th</sup> August, 2015 Afternoon Sitting	Tabling of the Speeches (Leader of Majority Party) <ul style="list-style-type: none"> <li>➤ Rt. Hon Raila Odinga</li> <li>➤ His Excellency the Governor</li> </ul>
3.	Wednesday, 12 <sup>th</sup> August, 2015 Morning Sitting	Tabling of the Reports of the Committees on Appointments, Trade, Industry & Cooperative, Public Works, Roads & Transport on the three nominees for vetting.
3.	Wednesday, 12 <sup>th</sup> August, 2015 Afternoon Sitting	Debate on the speeches of Rt. Hon Raila Odinga and H.E the Governor.
4.	Thursday, 13 <sup>th</sup> August, 2015 Afternoon Sitting	Debate on the speeches of Rt. Hon Raila Odinga and H.E the Governor.
5.	Tuesday, 18 <sup>th</sup> August, 2015 Afternoon Sitting	Report from the Selection Committee on the Reconstitution of Committees.
6.	Wednesday, 19 <sup>th</sup> August, 2015 Morning Sitting	Report from the Joint Committee on Public Administration & Governance & Health Committee on Refuse Removal, Refuse Dumps and Solid Waste Management.
7.	Wednesday, 19 <sup>th</sup> August, 2015 Afternoon Sitting	Report of the Committee on Water & Irrigation on Charcoal levies by the Kenya Forestry Service.

Thank you!

**Hon. Speaker:** Hon. Members, you realise that tomorrow Wednesday, we will be considering the names from the various Committees for approval or otherwise by this House, I am aware that the Committees met these nominees today morning and therefore the reports are not yet ready, they are in the draft form and I would therefore advise that as soon as we are done with the

informal meeting, the three Committees need to converge for a short time and finalise their reports. We had agreed that we do the recommendations so that tomorrow in the morning all the three reports are ready for debate.

Remember that we have a timeline of processing the names within fourteen (14) days, so if we delay tomorrow, then we delay on Thursday, it will be automatic that they have been approved by this House. So take tomorrow morning seriously, more so

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the Committees that will be presenting the reports.

Next Order!

*(Hon Ndonji stood up in his place)*

**Hon. Speaker:** What is it Hon. Ndonji?

**Hon. Ndonji:** Mr. Speaker, Sir, I wanted to seek leave of the House so that we discuss an issue of security because for the past four (4) days a number of MCAs have been fearing for their lives due to threats and I tend to think that this is a very serious issue. We don't want to take it lightly and we would like the House to discuss it. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Hon. Ndonji, can we discuss that in the morning? For obvious reasons, I have always advised us not to ambush the Chair. It doesn't mean that the Chair wants to gag this Assembly, but there are certain obvious reasons why we would want to sometimes prepare for some---

I want to plead with you that we allocate time for its discussion tomorrow. If you don't mind.

**Hon. Ndonji:** Much obliged, Mr. Speaker, Sir!

**Hon. Speaker:** Thank you so much. Next Order!

**ADJOURNMENT**

**Hon. Otieno:** Mr. Speaker, protect me from the Hon. Deputy Speaker. He is gagging me in a way!

*(Laughter)*

Mr. Speaker, having exhausted all the business we had today, I would like to request that this House adjourns until tomorrow at 9.00a.m in the morning.

I would like to ask Hon. Rosemary Ogutu to second.

**Hon. Ogutu:** Seconded

*(Question put and agreed to)*

The House rose at 3.06 p.m.

2015 SIAYA COUNTY ASSEMBLY DEBATES

**WEDNESDAY, 12<sup>TH</sup> AUGUST, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYER**

The House rose at 3.00 p.m.

**QUORUM CALL AT THE  
COMMENCEMENT OF SITTING**

**Hon. Deputy Speaker:** We can start. Do we really have quorum?

*(The Clerk-at-the-Table alerted the Deputy Speaker on the lack of Quorum)*

**Hon. Deputy Speaker:** Serjeant-at-Arms, can you ring the Quorum Bell?

*(The Quorum Bell was rung)*

*(The Quorum Bell was rung for the second time)*

*(The Clerk-at-the-Table confirmed the lack of Quorum for the second time)*

**Hon. Deputy Speaker:** Hon. Members, it appears there is lack of quorum and therefore we cannot transact the business of the House. Therefore we have to adjourn until tomorrow at 2.30 p.m.

**THURSDAY, 20<sup>TH</sup> AUGUST, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYER****COMMUNICATION FROM THE CHAIR****CALL FOR INFORMAL MEETING AFTER SESSION**

**Hon. Speaker:** Hon. Members, we were supposed to have a meeting at noon, an informal session which had been communicated to you but for some reasons that were beyond the control of the committee we were not able to have that meeting.

Receive apologies from the Liaison Committee though I have extended this meeting there were issues they felt were in the interest of this entire Assembly. Please take those apologies. Therefore after this session we will request that once the Speaker leaves, you remain seated in the Chambers for an informal meeting to continue with the Business that we never transacted informally at noon.

**PAPERS****1. DRAFT ROADS SECTOR POLICY 2015**

**Hon. Speaker:** Yes Hon. Majority Leader.

**Hon. Otieno:** Allow me to lay a document from the Executive that talks on the Siaya County Government, Draft Roads Sector Policy 2015.

*(Hon. Otieno laid the document.)*

**Hon. Speaker:** Let it be committed to the committee on Roads, Public Works, Transport and Infrastructure.

**2. TERMS OF SERVICE FOR THE SCPSB**

**Hon. Awuor:** Thank you, Mr. Speaker, Sir. I stand on my feet to lay the Report on a Statement which was issued by Hon. Stephen K'adera on the issues of terms of service for the members of the Public Service Board Siaya County. Thank you.

*(Hon. Awuor laid the document)*

**STATEMENTS****COMMITTEES URGED TO FAST TRACK REPORTS**

**Hon. Speaker:** Yes Hon. Majority Leader.

**Hon. Otieno:** Thank you, Mr. Speaker, Sir, for the opportunity again. Allow me to give a brief statement.

I wish to thank the Hon. Members of this House for the support they gave in terms of resources and their participation in

the just concluded by- election held in North Ugenya Ward in which the ODM party candidate won. We now wait to work together with him once he takes the oath.

This House is concerned with the low number of Business being transacted. The House Business Committee is aware that quite a number of committees are deliberating on Reports at various stages.

It is prudent that the Reports are fast tracked and Tabled before the Assembly to enable the deliberation and adoption of the same. The House Business Committee has a duty to schedule Business for Plenary Sittings. As at now, only Committee on Selection's Report for constitution of Committees has been scheduled for Thursday next week.

I call upon all of us to heed to the call and enable this House undertake its core mandates as expected. Thank you, Mr. Speaker.

**Hon. Speaker:** Majority Leader, do we have Business to be transacted next week other than the Liaison Selection Committee Report?

**Hon. Otieno:** Up to now, we don't have. It is only that which has been scheduled for Thursday next week by the Selection Committee.

**Hon. Speaker:** You have something to say, Hon. K'awuor?

**Hon. Awuor:** Thank you, Mr. Speaker, Sir. We have a document that we are supposed to Table next week, but it has not passed through the House Business Committee. I want to request your indulgence if we can include it for next weeks' deliberations after you shall have seen it. This is a Report on a Statement which was requested by Hon. Deputy Speaker, Stephen K'adera.

**Hon. Speaker:** Hon. Members, without you sapping the functions of the committees and the procedures that should be followed, you also realize that if we leave here without an agenda for Tuesday then it will not impact well on us and the public glaring at us.

Allow me to use powers of the Speaker, to admit that that Report be Tabled now then circulated to all Members for debate from Tuesday.

*(Paper Tabled above)*

**Hon. Speaker:** You can give a Notice of Motion because we want to debate on it on Tuesday.

**Hon. Awuor:** I will give a Notice of Motion on Tuesday in the afternoon.

**Hon. Speaker:** It has to be debated the same day. Therefore, we direct the Office of the Clerk to ensure every Member leaves with a copy soon after the informal meeting.

**Hon. Awuor:** Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** At the same time, Hon. Members, may I remind us that we will be going on a one month recess on Thursday, 27<sup>th</sup> of August, 2015. We therefore should ensure that pending Business is transacted next week by Thursday before we go on recess. Next Order!

## MOTION ADJOURNMENT

**Hon. Speaker:** To all of us and members of the public; I wish to bring to your attention that that we are adjourning doesn't mean we have no Business. We cleared two Motions yesterday, which one

had been slotted for today. There should not be an impression that there is not work.

We had two Motions and Reports; one which was allocated time yesterday afternoon and one was supposed to be discussed today afternoon. But, because the House went beyond its schedule; we had stretched and finished the two by yesterday.

There being no other Business, Hon. Members this House adjourns until Tuesday next week at 2:30 p.m. in the afternoon.

The House rose at 2.40 p.m.

**THURSDAY, 20<sup>TH</sup> AUGUST, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYER****COMMUNICATION FROM THE  
CHAIR****CALL FOR INFORMAL MEETING AFTER  
SESSION**

**Hon. Speaker:** Hon. Members, we were supposed to have a meeting at noon, an informal session which had been communicated to you but for some reasons that were beyond the control of the committee we were not able to have that meeting.

Receive apologies from the Liaison Committee though I have extended this meeting there were issues they felt were in the interest of this entire Assembly. Please take those apologies. Therefore after this session we will request that once the Speaker leaves, you remain seated in the Chambers for an informal meeting to continue with the Business that we never transacted informally at noon.

**PAPERS****1. DRAFT ROADS SECTOR POLICY  
2015**

**Hon. Speaker:** Yes Hon. Majority Leader.

**Hon. Otieno:** Allow me to lay a document from the Executive that talks on the Siaya County Government, Draft Roads Sector Policy 2015.

*(Hon. Otieno laid the document.)*

**Hon. Speaker:** Let it be committed to the committee on Roads, Public Works, Transport and Infrastructure.

**2. TERMS OF SERVICE FOR THE  
SCPSB**

**Hon. Awuor:** Thank you, Mr. Speaker, Sir. I stand on my feet to lay the Report on a Statement which was issued by Hon. Stephen K'adera on the issues of terms of service for the members of the Public Service Board Siaya County. Thank you.

*(Hon. Awuor laid the document)*

**STATEMENTS****COMMITTEES URGED TO FAST TRACK  
REPORTS**

**Hon. Speaker:** Yes Hon. Majority Leader.

**Hon. Otieno:** Thank you, Mr. Speaker, Sir, for the opportunity again. Allow me to give a brief statement.

I wish to thank the Hon. Members of this House for the support they gave in terms of resources and their participation in the just concluded by-election held in North Ugenya Ward in which the ODM party candidate won. We now wait to work together with him once he takes the oath.

However this House is concerned with the low number of Business being transacted. The House Business Committee is aware that quite a number of committees are deliberating on Reports at various stages. It is prudent that the Reports are fast tracked and Tabled before the Assembly to enable the deliberation and adoption of the same.

The House Business Committee has a duty to schedule Business for Plenary Sittings. As at now, only Committee on Selection's Report for constitution of Committees has been scheduled for Thursday next week.

I call upon all of us to heed to the call and enable this House undertake its core mandates as expected. Thank you, Mr. Speaker.

**Hon. Speaker:** Majority Leader, do we have Business to be transacted next week other than the Liaison Selection Committee Report?

**Hon. Otieno:** Up to now, we don't have. It is only that which has been scheduled for Thursday next week by the Selection Committee.

**Hon. Speaker:** You have something to say, Hon. K'awuor?

**Hon. Awuor:** Thank you, Mr. Speaker, Sir. We have a document that we are supposed to Table next week, but it has not passed through the House Business Committee. I want to request your

indulgence if we can include it for next weeks' deliberations after you shall have seen it. This is a Report on a Statement which was requested by Hon. Deputy Speaker, Stephen K'adera.

**Hon. Speaker:** Hon. Members, without you sapping the functions of the committees and the procedures that should be followed, you also realize that if we leave here without an agenda for Tuesday then it will not impact well on us and the public glaring at us.

Allow me to use powers of the Speaker, to admit that that Report be Tabled now then circulated to all Members for debate from Tuesday.

*(Paper Tabled above)*

**Hon. Speaker:** You can give a Notice of Motion because we want to debate on it on Tuesday.

**Hon. Awuor:** I will give a Notice of Motion on Tuesday in the afternoon.

**Hon. Speaker:** It has to be debated the same day. Therefore, we direct the Office of the Clerk to ensure every Member leaves with a copy soon after the informal meeting.

**Hon. Awuor:** Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** At the same time, Hon. Members, may I remind us that we will be going on a one month recess on Thursday, 27<sup>th</sup> of August, 2015. We therefore should ensure that pending Business is transacted next week by Thursday before we go on recess. Next Order!

**MOTION**  
ADJOURNMENT

**Hon. Speaker:** To all of us and members of the public; I wish to bring to your attention that that we are adjourning doesn't mean we have no Business. We cleared two Motions yesterday, which one had been slotted for today. There should not be an impression that there is not work.

We had two Motions and Reports; one which was allocated time yesterday afternoon and one was supposed to be discussed today afternoon. But, because the House went beyond its schedule; we had stretched and finished the two by yesterday.

There being no other Business, Hon. Members this House adjourns until Tuesday next week at 2:30 p.m. in the afternoon.

The House rose at 2.40 p.m.

**THURSDAY, 20<sup>TH</sup> AUGUST, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYER****COMMUNICATION FROM THE  
CHAIR****CALL FOR INFORMAL MEETING AFTER  
SESSION**

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The House rose at 2.40 p.m.

**WEDNESDAY, 7<sup>TH</sup> OCTOBER, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYER****NOTICE OF MOTION**

ADDRESS BY SENATOR OMONDI ON  
DISABILITY CHALLENGES

**The Temporary Speaker** (Hon. Abayo): Yes, Hon. Gare.

**Hon. Gare:** Thank you, Mr. Speaker, Sir, on behalf of the Majority Leader who has just come in and has not been feeling well for some time, allow me to give a notice of the following Motion:

THAT, the thanks of the County Assembly be recorded for exposition of public policy contained in the address of the Senator Godliver Omondi on disability challenges and opportunities delivered on Monday, 28<sup>th</sup> September, 2015 laid on the Table of this House on Tuesday, 6<sup>th</sup> October, 2015.

**MOTION**

ADDRESS BY SENATOR OMONDI ON  
DISABILITY CHALLENGES

**The Temporary Speaker** (Hon. Abayo): Yes, Hon. Gare!

**Hon. Gare:** Thank you, Mr. Speaker, Sir, once more allow me to Move a Motion:

THAT, the thanks of the County Assembly be recorded for exposition of public policy contained in the address of the Senator Godliver Omondi on disability challenges and opportunities delivered on

Monday, 28<sup>th</sup> September, 2015 laid on the Table of this House on Tuesday, 6<sup>th</sup> October, 2015.

I invite Hon. Aneme to second.

**Hon. Aneme:** I second.

*(Question proposed)*

**The Temporary Speaker** (Hon. Abayo): Yes Hon. Gare.

**Hon. Gare:** Thank you, Mr. Speaker, Sir, just as I have moved the Motion, allow me to set the tempo!

*(Laughter)*

We were visited by Senator Godliver N. Omondi, accompanied by the Speaker of the Senate. She left with us the message which has been circulated among us and we have perused them. I am seeing it includes challenges, opportunities and way forward.

In her introduction, she said that disability is part of human condition and the intervention required to overcome the problems of people living with disabilities are multiple.

She said that about 82% of people living with disability in the whole world are living below the poverty line and more so in developing countries like Kenya. There are a lot of challenges she mentioned like social, economic, transport and policy barriers are some of the things that are preventing people living with disability to access the opportunities they are supposed to enjoy within the country.

More so this is evident in the rural areas. One of the challenges that she mentioned is rampant among the people living with disabilities is unemployment. She said that most of these people do not get the chance to get employment like other people and this is so rampant. She said that 100% of people living with disability worldwide more so the women do not get opportunities to get employed and more so in rural areas.

She went ahead and said that some of the challenges that are really affecting these people is information in health centers. They don't get the right information and many of them are now contacting HIV/AIDS because they don't get the right information that they are supposed to get.

These people are seriously limited to access to health facilities. You find that somebody has a child or daughter living with disability at home but then there is a challenge of this person reaching the facilities considering the fact that our facilities are still far away and many of us even those who are not physically challenged cannot reach the facilities.

There is lack of involvement. You realize even in the villages, they are not consulted their views are not sought so that they also participate in whatever is being made within the society.

There are challenges that she mentioned like there is a lot of negative attitude from the health workers in the health facilities. When they see these people they don't recognize them like any other person who should be given the right services just like any other normal person. You realize that some teachers do not even give these people the right chance to represent themselves and even teach them the right way.

You realize that even in our homes where we live with these people some people keep them at home. They don't even want it to be known that he /she has somebody who is physically challenged. She went ahead and said there are some way forward that she thought should be done and that we should improve the attitude towards these people that we should look into ways to do it.

She is also saying the government has set up governing structures to empower the people living with disabilities. This is evident that after the new Constitution 2010 you realize these days there is representation of these people right from the County to National Assembly and up to the Senate. Therefore the structures are being put and the government is on the right track but they said that they are still lobbying for the government to give enough funding for the services towards the people living with disability.

Finally she was saying that we should conduct some survey and research to know how many people we have. Right away even if you are asked in a village how many people are living with disability in this Village, Sub- Location or Location, we don't know! So that survey or research should be conducted. May I not go so far I can leave it to Members to also deliberate on the same. Thank you.

**The Temporary Speaker** (Hon. Abayo): Yes Hon. Ndonji.

**Hon. Ndonji:** Thank you, Mr. Speaker, Sir, for Senator Omondi to accompany the Senate Speaker was quite a blessing to our County and particularly for the people who are physically challenged. It is very important that we look into what she gave us here. Just to add on what the Chief Whip has said, you will find that, wherever

it is said that there is registration for people living with disability. In most cases there is a point in which they are going to CAP.

In most cases, there are some that their physical situations, will not allow them to reach these places, therefore the numbers are never correct whenever they are being given out. It is my take, that we should find a way, in which instead of calling these people, they can be found wherever they are, when there is anything to do with registration, or if there is any data that is being collected.

There is so much she has said, that she has already done, or rather they have done at the National Assembly, or at the National level, but the truth is that this is not reaching all the folks. You will find that it is being said that it is being done at the National Level, while somebody down at places like, Mageta Island, Masiro Kathieno, Luanda Kotieno, may not even be aware of what the Government is doing on people living with disability. It is important that having gotten into Devolution, it should be done even by the County Governments that will ensure that whatever is being done for people with disabilities reaches all the villages, of the County.

Another issue that we are supposed to be addressing is the issue of Stigma. A number of occasions, you find that some of the people living with disabilities are normally hidden instead of being assisted. So we need to come up with policies and structures that are going to ensure that these people get assisted as much as they can be assisted. The County Government itself has a social responsibility.

We should now get into the Budget and find a way in which our Government can also purchase some assistive devices for some of these disabled people, so that at

least they can manage to move around and even to do whatever they are supposed to be doing.

Down in the village, we have a number of people living with disabilities, but who can do other things. Like in my Ward, there is one who cannot even walk, but she is very good at handcraft, she is very good at even making baskets. So Mr. Speaker, if you can find a way in which their products can also be moved around, then we are going to assist these people in such a manner that they help themselves, but we also just push so that they can even get more from whatever they can do.

**The Speaker:** Hon. K'awuor?

**Hon. Awuor:** Mr. Speaker, I am on my feet to contribute to this speech by Senator Godliva Omondi. Allow me to thank one of our own Hon. Margret Oketch who really was concerned about the Senator to come and address us though there was no time. But because we have this document and I have gone through this, I have noted with concern, the issues that the Senator has addressed. One of the issues that this lady representing people with disabilities has raised her concern how a normal person does not think, that at one time, although you are how you are, you can have an accident, and become disabled.

I think this is something that we need to take into possession wherever we are, because some people are born with disability, others get it through accident, or through abandonment. It is true that people with disability policies are made at the National level. But we, at the County level, we need also to have our policies that can help these people. I want to appreciate the efforts that the County Government has made, by putting some percentage to help people with disability, the Youth and

Women but I think much needs to be done. We need to know really, the percentage that have been put, how many people with disability have benefitted.

These are issues that, as a County Government, we need to have very clear policy, we need to take data, on every aspect of contact that have been given in the name of people with disability, the youth and the women. I want to thank the people of Kenya, through the Constitution that was promulgated in 2010, where they came up with affirmative action that took care of various issues including the issue of gender balance.

It is true that when employment is being done, employers are so careless about people with disabilities. One of my friends was arrested in Kisumu sometime back. The Speaker accompanied me to go and see that friend, and we saw a police officer who was disabled and he was an officer, and we were wondering, have things changed? Because if we had looked at the age, that officer was old. I want to say that if this Government has changed the policy, now we can consider people with disability in our Government, then that is a plus to the Nation.

On issues of data collection, I think the County Government through the structures that have been put in place; I know that in the village; the Administrative Units have not been established. We have the Ward Administrative Unit. I think the County Government through that Administrative Unit, to know really, where these people are, how many go to school, how many don't go to school, how these people can be helped. I think that will show a commitment as a County that this County cares about the people with disabilities.

I want to thank the leadership of this House because when we came in, and before we came in, I was a member of the Siaya County Council which was converted to Siaya County Assembly. Then there was no way that people with disability could get in. The leadership of the House, even though is not complete, I want to thank the people of the House because there is progress in putting up a very good ram for people with disability. I know we cannot exhaust all these, but I want to ask my colleagues to exert pressure, within our midst, and House Rep's to make sure that we have very good policies and we take care of people with disability.

You may not be having one, but if you can still sire a child, you don't know what will come out of the womb. If you are travelling you may have an accident. I had a friend who was a Member of the Parliament, who was a very normal person. He was a great Lawyer in this Country and Constitutional lawyer. He was a very normal person, but all over sudden, he became blind. So honorable Members, let us take this issue seriously, let us support Members with disability, at whatever cost. Mr. Speaker, I want to thank you.

**The Speaker:** Yes, Hon. Ayima Were?

**Hon. Were:** Let me thank you for giving me this opportunity. The presentation in this Assembly by the Honorable lady who represents people with disability in the senate, was visionary, and was well researched and the presentation was captivating.

We walked with her through her speech and we landed with her. So, let me express my concern. I think everybody would know that the representation of people with disability in this assembly has

been wanting, chronic absenteeism, of those who had been nominated to represent this special group has been an issue here as you can see.

Let me also at this juncture thank you, Mr. Speaker sir, for gathering the courage for the just concluded ODM elections to take the space of those people.

*(Laughter)*

I think that courage is a special one, because there was a vacuum.

**Hon. Awuor:** Point of order, Mr. Speaker!

**The Speaker:** Yes, Hon. K'awuor?

**Hon. Awuor:** Mr. Speaker, I want clarity. Should the Member clarify what he means by Speaker taking that post of a person with disability in that election?

*(Laughter)*

**The Speaker:** I wish to add to the fact that, are you addressing the person of the Speaker or the Chair? So it's high time, as you talk you make a difference between the Chair of this particular Session, and the individual seated in this chair. So Hon. Were, go ahead.

**Hon. Were:** Point taken. I wanted to challenge the Committee of Budget, that in future when they look at the Budget, they should allocate enough resources to take care of the needs of this people with disabilities. It has not been well both at the National Government and the County level when we are putting aside money to carter for their needs.

I also wanted to say that let us match our tops with actions when we are catering for this people because when we are putting the facilities this has not been really

taken care of. Contracts in this County are up for grabs to the disadvantage of this people with disability and the field is rally crowded, I don't know if we could create a department that would really enforce the policy that was put in place which is the 30% to cater for this people with disability.

I also wanted to say that when you go to the health facilities it is true that this people do not have access to health facilities because they are normally crowded and they are disadvantaged when they seek health services. I think this Assembly would be right to see how this can be handled. Let me also take this chance today to appreciate the level of presentation of our Chief Whip today because he was not asleep.

*(Loud consultations)*

**Hon. Speaker:** Yes, Hon. Gare!

**Hon. Gare:** Mr. Speaker, Sir, I don't know what is wrong with our fellow Member because when was I sleep and what are then appreciating? Is it in order for a Member to come up and say that on one side he is appreciating while on the other hand he is saying I was not asleep but yesterday he stood here and apologized and withdrew, so then you didn't withdraw! What are you saying? Was I sleeping? May I know and I want him to be very serious because next time I will...

*(Laughter)*

**Hon. Speaker:** Hon. Gare! I wish to address that, that Hon. Were was appreciating your contribution at this particular time and the chair deed hear him say that you were not a sleep and of course you were not asleep, so therefore Hon. Were is in order.

*(Laughter)*

**Hon. Speaker:** Yes, Hon. Kadera!

**Hon. Adera:** Thank you, Mr.

Speaker, Sir, I also wish to add my voice on the contribution or the debate that is on-going. I also wish to thank the Chief Whip because when I entered here he gave a very elaborate contribution which confirms that in deed he was not asleep perhaps yesterday it was different.

*(Laughter)*

When this lady the Senator visited us here last week I was sympathetic with her when I saw her movements and at some point I was looking at her with sorrowful eyes and when we were going round I remember the Speaker to the Senate telling us ‘Don’t worry we also face the same challenges at the Assembly.

So I think we are even better than the Senate in terms of making arrangements for people with disability because the Senate has not made a ramp while Siaya County Assembly is already in the process of making one and they even appreciated us. So we are proud as Siaya Assembly to be a head of the Senate in development but they are much better than us in terms of resources yet we are still ahead of them in terms of thinking and execution.

In so many things that the Speaker confide in us that there things which they can even copy from us and I am advising the Senate if there is someone who can communicate with them they should come and benchmark with the Siaya County Assembly.

*(Applause)*

Yah! And you know disability is state that can get you in any stage of life and for us whom God has given life fully we appreciate it and we are hoping that He will keep us healthy all the time but let us always be sympathetic with our brothers and sisters whom perhaps may find themselves on the other side of disability.

So we should always assist each other if get anybody with disability not only Hon. Members but any member of the public. Let us be sympathetic to them as sometimes when we get in the Matatu sometimes you find that someone who is normal may not want to give a seat for the person with disability, so let’s change that kind of attitude.

Last week I saw something on the social media where a pregnant lady was standing I think in a bus and she was requesting a guy who was sitting to let her have seat but the guy told her to next time date a man with a car.

**Hon. Osuri:** Point of Order!

**Hon. Speaker:** What is the point of order Hon. Osuri?

**Hon. Osuri:** Thank you, Mr. Speaker, Sir, is it in order for the speaker on the floor to mislead the House that pregnancy is disability?

*(Loud consultations)*

**Hon. Speaker:** I wish to ask Hon. Kadera to confirm that pregnancy ... but chair will want to state that pregnancy is not disability and ask Hon. Kadera to restrict himself in his presentation to the content of this particular debate.

**Hon. Ngure:** Point of information.

**Hon. Speaker:** Yes, Hon. Pamela!

**Hon. Ngure:** I think on matters of pregnancy whether it is his comfort or disability one is still a lady and I here confirm that although pregnancy would not

be disability it is sometimes uncomfortable and we would appreciate if other people who are not so uncomfortable to perhaps help us with a seat in the car.

*(Applause)*

**Hon. Speaker:** Hon. Kadera proceed!

**Hon. Adera:** I am the one who told her to represent me in that case and I believe she has answered Hon. Osuri. I don't have any more contribution on this.

*(Laughter)*

**Hon. Speaker:** Hon. Munda.

**Hon. Munda:** Thank you very much, Mr. Speaker, Sir, for allowing me to speak now I have been on my feet for quite long but it seems you were not seeing me. Fast I want to take the opportunity to thank the Hon. Omondi for finding time to come and seat with us on that day, so he has really impressed us a lot.

What disturbs me is the level of unemployment which is indicated here, it is noted that employment among disabled is almost 100% in developing Countries like Kenya which I think is quite disturbing and 100% is too high and should be checked. We are also told that the few who are employed are earning less than those who are abled. That also brings biasness and should be checked.

We are also told in this document that the disabled are not involve in decision making in so many case and therefore they should be made part of the decision makers. But we are also told that some progress is being made which brings hope to the group.

I want to end by quoting what we started with in introduction in which we can see that disability is a part of human condition in which almost everyone will be temporarily or permanently impaired at some point in life and those who survive to

old age will experience disability difficulties. I think is quite right and we should take note of it, thank you and I rest my case.

**Hon. Speaker:** Hon. Osuri.

**Hon. Osuri:** Thank you much, Mr. Speaker, Sir. I am on my feet to contribute to this important presentation that Senator Omondi who visited us here on the 28<sup>th</sup>, in deed her presentation is quite accurate on various matters. We have specific representatives in this House that are brought here to take care of the disabled although all of us have these disabled in our Wards.

It is true that I wish the representatives of the disabled were here to take note of our contributions. However, I am happy that the Hon. Member for North Gem, when he was contributing said, he is holding brief today for the disabled. I hope, at the end of this debate he is accurately taking note of our concerns so please represent them effectively.

There is also lack of accessibility, just as a hon. Member has said; we need to plan particularly in the transport sector. We need to have provisions, our vehicles particularly in specific routes, if we have accurate data, we need to care of these disabled so that they don't end up struggling for transport with the abled.

There is also lack of information as to their nature of disability. The senator did indicate of negative attitude some of us, even including the disabled persons, some of them believe that some of these traditional medicine men have about the skin of the albinos which is causing a lot of concern to such people. This type of negative attitude should be addressed so that we can accommodate the disabled.

We also have specific cases where the disabled are at times particularly the females are sexually abused by the abled, even at times by the very disabled and this is a real concern. The disabled are also human beings like any other abled persons and they have their rights in the society, the rights to education, the rights to transport, and the rights to health. In our health facilities, there should be provision for these disabled persons.

I would end by saying that this was quite a good speech by Senator Omondi although we have a lot of challenges but I think if we go through this document very carefully, we should come up with certain things that we can also embrace within our Assembly, improve the livelihood of the disabled within Siaya County. Thank you.

**Hon. Temporary Speaker:** Yes, Hon. Aneme!

**Hon. Aneme:** Mr. Temporary Speaker, allow me also to add my voice on this issue. I want to applaud Senator Omondi but as I was reading it, it came as a reminder of what we all know. The issue of disability when talking about it I am in pain. I was once associated with some organization dealing with people living with disability. Sometimes when I see a paper like this it reminds me that I am doing nothing to help our people.

I connect the issue of disability with poverty. Poverty comes in levels but it is true that people with disability, if poverty strikes such a home it becomes so pathetic. But if you look at it on the Government side, it is as if there is nothing that our Government is doing.

If you look at how money is being trickled down, what comes from the National Government directly to this population, the poverty group, somebody

cannot substantiate it. What we need and lack in Siaya is a good policy which should give us a clear road map as to how we can reach our people and to give them equitable support.

It could be in terms of education, money to enable those who can afford to do business, but you will find a scenario where the Government talks about so many things but when you come to the area of disability it is very minimal.

I and you are in the Budget Committee, when we discuss a paper from the Executive, you will find that it is us who struggle to get money from other dockets. It is high time to come up with a good policy that is targeting only people living with disability. This cannot be achieved if we don't know the population of people living with disability. If we can have statistics of knowing their disability e.g. eye problem etc., if we have that kind of statistic, it will help us.

If you go to schools where there are children with disabilities, they are not catered with bursary, you just sympathize. There was a day I came across a carton box full of applications for children who are in disabled schools like Nyang'oma School for the deaf and Maranda School for the mental retarded, then you find a scenario where even the Government put our children in scenario that we are not treating them as human beings.

This is happening because there is no policy and planning. Planning will help us to reach these people where they are. It is better we come up with a very strong voice to compel ourselves and to compel our Government to come up with a policy guideline. If that policy is made, I wish to be invited to contribute.

Money should be put aside to help in education of these people. 99% of people living with disability are not educated! Why? Because they are neglected as if they are not our people and not human beings. With this document, we should be very serious and take this as an assignment so that next time we come up with something that will help us to chat a destiny for our people. Thank you.

**Hon. Temporary Speaker:** Hon. Augo!

**Hon. Augo:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity. First of all I would like to congratulate our Senator Omondi for visiting us in our Assembly and presenting this document to us.

Again I thank Hon. Margaret who invited the senator in our County. People say that disability is not inability, and one might say that if you are disabled you can do anything that a normal person can do and this is not true. As you see me, I was not walking as I am walking now, I was straight, very normal but then I had an accident. Now I am disabled. So you cannot run away from disability.

I want to start with our Assembly; the Assembly has not considered people living with disability. When we were opening this Assembly, we were told that toilets of the disabled will be complete within one month, and the entrance of where people living with disability will be complete. Up to now, nothing has been done.

As I am speaking now, we have our Hon. Member who was operated recently and she has a very difficult time climbing the stairs to get into the Chambers and we are not even looking into that.

We are not considering people with disability in this House. I also find it very difficult to climb these stairs when coming in and even my brothers and sisters; it is very unfortunate that we are discussing this Report when our Hon. Members who are representing people with disability are not in this House they would have said more than what we have said.

Even in employment if you look at this Assembly; you will find that if you look all over in the offices you might not find people with disability.

You can have only one in the Speaker's office. We have to ask ourselves what we have done for the persons living with disability in this House before we help the ones who are outside.

MCA's representing persons with disability are really in problems; there are inadequate employment opportunities for persons living with disability and the rate of poverty is high.

There was an allocation for the elderly which was budgeted for when we came to this house; that money should be given to persons living with disability instead of giving it to the elderly.

Our County Government should come with a policy and consider those schools to give money to the parents who have children living with disability to take them to school. The poverty rate in this County is very high and even if you wanted to take a child to such schools they can't meet the expenses. The Executive should look into helping people living with disability because most of them are living in poverty, I rest my case and I support this Report.

**Hon. Omar:** Thank you, Mr. Speaker, Sir; let me also take this opportunity to thank Senator Godliver

Omondi for doing research and giving us a presentation on persons with disability. As Hon. Members what we need to do is to take action; we talk of policies and you will find that even in the Constitution the issues of disability is there the problem is implementation and we are the people to push for it.

When we talk of statistics because we are saying we can only budget if we have statistics; I'm challenging Hon. Members to start with their Wards and know how many people in their Wards are living with disability then from their we can take the statistics for the whole County and present the same to the Executive which will help us budget for them but if we don't take action then we will keep on talking and there will be no solution.

Lastly, most of the parents who have children living with disability shy away from presenting these children for assistance. Last week I was attending a meeting organized by District officer to assist children living with disabilities; some parents came claiming that they are staying with these children and they are unable to come with these children to the meetings.

As leaders whenever we have the opportunity to address our people; let us remind them that these children living with disability are just like any other child and wherever they are required ask the parents to avail the children for assistance and they can only be assisted if the parents are willing to ask for that assistance. I support the Motion, thank you.

**Hon. Awino:** Thank you. Mr. Speaker, Sir; I just want to say one or two things and also to register my thanks to the Senator for creating this awareness. We have said that those who live with disability are poor; I want to suggest that we have

quite a number of children of school going age that live with disability and it would just be fair for us members of this County Assembly and particularly those who represent Wards that some of the resources that we have the money that goes to the Wards is put aside so that the children living with disability are given bursaries and they should not be given bursaries like the other children.

They should be given bursary that can take them through their education without referring them again to their parents to chip in and that way we shall empower them and if we empower them academically because some of them are gifted they can go to higher education and after higher education; good training and good jobs.

That way we shall remove a certain percentage from this poverty percentage. It is said that most of the women who live with disability suffer more when they live with a serious disability because there are some women who have got mental disability and many times you see how they are abused sexually. You will see a woman who her mind is not right and after a short time you will see she is expecting a child and you don't know where this child is from.

We need to tell the society that the rights of these people ought to be respected and over and above each one of us should realize that anybody can suffer from disability even me I used to have good eyes that could read well but most of the time I have to wear glasses and that in itself is already disability.

None of us is far from what we call disability, let us be our brothers' keepers, let us try to do our best to make life a little bit comfortable for people who are unfortunate, thank you.

**Hon. Owii:** Thank you, very much, Mr. Speaker, Sir; I also want to add my voice on this Motion of Senator Godliver Omondi. The words that have been used by the Senator surely are very practical because I have been working with people living with disability for over 20 years.

It is stated that disability is not inability; people living with disability are very bright people and if you see a child living with disability around your place; there are so many education centres which were open which means that every child living with disability should not be isolated.

They should be living just like any other normal child. The government opened educational centres for such children like in Maranda Assessment Centre, Equator round table in Ugunja dealing with children who have Mental Disability. So, Mr. Speaker, what Oliver has is that these people living with disability should be considered.

I would urge my colleagues living in the wards to take the numbers that are there. For example, there is a child who was living in the school where I was working, she had completed her Form Four but is still at home. She is still at home, she hasn't gotten any job; she is down again.

The opportunities that are being given to the able children they don't get. I would urge my colleagues who are in position; wherever there is a vacancy, in any office. Please, consider these people living with disabilities too. For example; mentoring handicapped children, if you have a mentally handicapped child around your area, there are so many places you can take disabled children. For example, Lutheran School for Disabled children

If you take that child there, he or she will get treatment just like any other normal child. Hon. Members, we should consider this Motion that hon. Godliver has brought

to us as an important gift to this Assembly. Thank you, Mr. Speaker for giving me this chance.

**Hon. Temporary Speaker:** Yes, hon. Ombee.

**Hon. Ombee** Thank you, Mr. Temporary Speaker, Sir; I will not repeat what my colleague has said. But I want to add something. It is not in Order for hon. Member to mislead this House that this hon. House is not disability friendly, yet we have washrooms for persons living with disability.

Mr. Speaker, Sir; I think I should call the Mover to reply, if it is in order.

*(Laughter)*

**Hon. Temporary Speaker:** Honorable Ombee it's not your responsibility. You can request the Mover through the Speaker. I will invite hon. Gare to reply.

**Hon. Gare:** Thank you, Mr. Temporary Speaker. First and foremost I want to thank hon. Members for the Health debate that we've had this afternoon; it has been very lively and some of us were congratulated that we were not sleeping.

Mr. Temporary Speaker, I want to say that many things have been said here. I would wish to talk about the leadership of this Assembly. Somebody was thanking the leadership for the work that has been done but, one of us came up and said that we have done nothing to people living with disability and more so to the hon. Members.

That was very wrong; because, one, when we came here we did not have those kinds of washrooms that we have now which are friendly to people living with disability. And, if anybody in this Assembly do not know that we have washrooms today at that corner which are friendly to hon. Members living with disability.

Two; we came up with a ... as you know, we are having problems with the Central Government in issuing us with

money. We start a project; there are ceilings and so many issues. So the projects get stuck and take long before completion since. But, we at least started and it is three quarters done.

So we are saying that if you look at other counties; even the Senate itself do not have a wrap. While Siaya County itself has made an effort, We are on the right course. We cannot say that we are not taking care of members living with disability.

Three, Mr. Speaker, the issue of employment of staff who are living with disability; we can't come and say that there is only one person living with disability working in the Speaker's Office. How would you tell someone is disabled? Is it by when someone is limping?

Is that the only disability that we can talk of? You can never know. You don't have data to show that these are the people working here who are living with disability. A Member came here and said and also thanked the Speaker for having taken his seat. But, our Speaker is also challenged. He does not have good sight.

*(Laughter)*

So, living with disability does not mean that one has to be limping. Honorable Members it does not only include people who limp. Even hon. *nani* is here, he used to see well yet these days he cannot read without specs. We are on the right track and we are taking care of people with disability except that we could take time because of the Central Government that does not issue money on time.

Otherwise the main issue that has been discussed here is about—policy. We need to come up with policies. We know that there have been issues about people living with disability whether they have been issues of it being devolved. We live with them and we represent them.

As an Assembly or as a County; we need to come up with a policy just like the

one we came up with on the elderly people in the County that we should give them stipend. We should come up with such good policies which will capture statistics, how do we want to empower these people economically; these are the things to do.

As a County Assembly; we need to look at it. It is unfortunate that we are having this kind of discussion yet we are not having all the hon. Members. I wonder whether you did not tell that today we were having this kind of discussion.

All the same we are representing these people back at home. The most important thing that we have come up with here is that we need a clear cut policy that will touch on these people. Otherwise, I want to thank everybody for having talked so well. It was a very healthy discussion. And Mr. Speaker, I rest my case. Thank you.

**Hon. Temporary Speaker:** Thank you, hon. Gare.

I just want to add before you put the question that a lot has been discussed. The challenge to this Assembly has been made; but let the Chair also recognize that when Godliver came to this Chamber; putting her up on this particular stage was a nightmare.

I remember sitting there to see the Serjeant-At-Arms team try to pull Madam down here, it was not easy. We want to appreciate what this Assembly has done, But I think, this Assembly has the obligation to make a special provision whether it is temporary. That there should be easy access from here to this particular end and also in front of the Assembly that should be noted

I also want to remind the Members, because this is a key area. If you talk about the Disability Act, 2003 that particular piece of legislation stipulates that every employer must preserve 5 percent to the people living with disability. Then we will be able to confirm whether at our levels we are conforming to that piece of legislation.

Let me put the question.

*(Question put and agreed to)*

### **ADJOURNMENT**

**Hon. Gare:** Mr. Temporary Speaker, it seems like you have exhausted everything that we have in our Order Paper. I request that we adjourn until tomorrow 2.30pm. I request hon. Augo to second.

*(Hon. Augo seconded.)*

**Hon. Temporary Speaker:** Thank you, hon. Gare this House is adjourned until tomorrow 2.30 p.m.

The House rose at 3.43 p.m.

## TUESDAY, 10<sup>TH</sup> OCTOBER, 2015

The House met at the County Assembly Chamber at 2.30 p.m.

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

### PRAYER

### COMMUNICATIONS FROM THE CHAIR

#### 1. COMMITTEE SITTINGS

**Hon. Speaker:** Hon. Members, thank you for reconvening here today. We just need to remind ourselves that we have up to 4<sup>th</sup> December to finish the pending Business before this House for its various committees. Liaison Committee met today and resolutions were made regarding timelines. Kindly adhere to those timelines and ensure that every committee delivers its Report to this House on time as was discussed in the Liaison Committee.

#### 2. SITTING ALLOWANCE

**Hon. Speaker:** Secondly, I have heard complaints about remuneration of sitting allowances and I have directed the Office of Finance to ensure that the statements are out by today 10<sup>th</sup> October 2015. Kindly liaise with office of finance and HR so that you verify the figures in your interim statements. If there are issues or disputes kindly handle them.

Having said that I hope we have a very busy last lap of our session and it is going to be very interactive. Any

committees that are planning to go out kindly liaise with the office of the finance in good time and ensure the committee clerks are up to date with their tasks so that they don't embarrass the Members. Thank you.

### PAPERS

#### RECRUITMENT OF ECDE TEACHERS

**Hon. Speaker:** Yes Chairman.

**Hon. Adida:** Thank you, Mr. Speaker, Sir, I wish to lay on the Table of this House the Report of the Committee on Education, Youth Affairs, Gender and Social Services on recruitment of ECDE teachers.

*(Hon. Adida laid the Paper)*

**Hon. Speaker:** Hon. Members a Report of the committee on Education on recruitment of ECDE teachers has been laid today and I am told that a Debate will ensue tomorrow morning.

### MOTION

#### ADJOURNMENT

**Hon. Speaker:** Hon. Members being a day of resumption of business and that the Committee of Liaison had met in an early morning session to deliberate on how

Business will be flowing in this House. I request that you rise up for an adjournment.

*(Hon. Members rose)*

There being no other Business this House adjourns until tomorrow Wednesday, 11<sup>th</sup> October, 2015 at 9.00 a.m. same venue.

The House rose at 2.36 p.m.

**TUESDAY, 13<sup>TH</sup> OCTOBER, 2015**

The House met at the County Assembly Chambers at 2.30 p.m.

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

**PRAYER****COMMUNICATION FROM THE CHAIR**

**Hon. Speaker:** Hon. Members, I have communication from the Office of the Governor that the CEC for Health, Dr. Edward Owillah, has been relieved of his duties as the serving CEC in that department. Reasons that are in that letter I chose not to divulge because I also approved a Statement that wants to seek the same reasons.

Further, I make a communication that there is the Ad-hoc Committee of this House that is looking at the Yala Swamp report; it was supposed to give a report today but they have updated my Office so that they be allowed to look at that report more critically and present a report to this House sooner than we are scheduled to adjourn the House. That is before the end of this month.

Next order!

**PETITION**

**Hon. Speaker:** I'm hoping that the PIC/PAC Committee is critically looking at the Petition from Siaya Forum because as we are aware, we had a deadline of 60 days to consider it. We shall be going for long recess from December to February so you need to deal with it before then.

Next order!

**NOTICES OF MOTION**

**1. Notice By Hon. Okuku On The Hiring Of Ambulance Services By The County Government Of Siaya**

**Hon. Okuku:** Thank you, Mr. Speaker. I wish to give notice of the following Motion:-

**AWARE THAT**, the County Government of Siaya in its Financial Year 2015/2016 budgetary provisions, allocated Kshs. 32,400,000 for hire of six(6) state of the art ambulances to be used for a period of nine months;

**FURTHER AWARE THAT**, currently the County Health Department only has Six (6) ambulances which are acutely inadequate for the current populace;

**CONCERNED THAT**, we are in the fourth month of the financial year yet no such acquisition has been made;

**FURTHER CONCERNED THAT**, similar challenges have bedeviled our health Sector with respect to inadequate personnel, lack of drugs and medical equipment;

**NOTING CLEARLY THAT**, by the time the ambulances shall be hired, the County Government shall have made some savings in retrospect;

This County Assembly **RESOLVES THAT** the County Executive expeditiously

hires the said ambulances as soon as is practically possible but not later than two months; **AND THAT** the number of the said ambulances be increased from six (6) to a higher number as dictated by the savings arising from the delay in implementation of the activity.

Thank you.

**Hon. Speaker:** The Hon. Member has given notice that he will move his Motion later on. Next!

**2. Notice By Hon. Abayo On The Setting Up Of A University In Siaya Town**

**Hon. Abayo:** Thank you, Mr. Speaker. I wish to give notice of the following Motion:-

**AWARE THAT,** H.E The Governor of Siaya County did set up a taskforce to look into the possibility of setting up a university in Siaya Town in order to enhance the socio-economic development of the County and its environs and that a report had been presented to him;

**FURTHER AWARE THAT,** the report recommended Maseno University and that a Memorandum of Understanding (MoU) had been signed between the County Government and the University;

**NOTING THAT,** Siaya Agricultural Training Centre (ATC) has been targeted for conversion into a university and some ATC facilities have been taken over by the University namely, a hostel has been converted into an administration bloc;

**CONCERNED THAT,** both the report and the MoU have not been presented to the County Assembly for approval yet the County Government has committed Ksh.30 million to refurbish the ATC as vocational training centre;

This House **RESOLVES THAT,** the Executive presents the relevant documents to the County Assembly within two weeks and that all the undertakings on the establishment of the University halts with immediate effect until the County Assembly approves it for implementation.

Thank you, Mr. Speaker.

**Hon. Speaker:** When are you moving the Motion?

**Hon. Abayo:** Mr. Speaker, I would be able to move this Motion tomorrow.

**Hon. Speaker:** Tomorrow morning?

**Hon. Abayo:** Yes, tomorrow morning.

**Hon. Speaker:** Next order!

**STATEMENTS**

**1. Statement Request By Hon. Abayo On The Delay In The Provision Of The Health Insurance To Community Health Workers**

**Hon. Abayo:** Thank you once more, Mr. Speaker. I beg to request for the following Statement:-

**RECOGNIZING THAT,** quality health services is an inalienable right of every citizen of the republic and specifically, a reason why provision of health services was devolved under the Fourth Schedule;

**REMEMBERING THAT,** in recognition of the above premise, the County Government of Siaya did adopt a policy to provide National Hospital Insurance Fund (NHIF) cover to all Community Health Workers in the County and their dependents;

**RECALLING THAT,** in the FY 2015/2016 this Assembly did allocate a total

of Ksh.8, 763, 840.00 towards the provision of NHIF cover for the CHWs for the implementation of the policy in the accounting period;

**FURTHER RECALLING THAT**, in the same financial year a total of Ksh.51, 552, 000.00 was allocated for stipend for Community Health Volunteers;

**CONCERNED THAT**, despite the health risks they are exposed to in the course of helping the County Government fulfill its mandate the Community Health Workers have not started enjoying the insurance cover yet we are in the second quarter of the financial year;

**DEEPLY CONCERNED THAT**, the Community Health Workers have not been paid stipend despite their hard work and commitment risking their lives in provision of their service to our communities;

Mr. Speaker Sir, I wish to request Statement from the Chairman of the Committee on Health Services as follows: on:

1. What accounts for the delay in the provision of the health insurance facility and payment of stipend? Is it lack of policy guideline and if so why?
2. What strategy has the County Executive put in place to ensure the CHWs begin receiving their stipend and NHIF cover as quickly as possible?
3. How does the County Executive Committee Department for Health Services intend to cover for the period the CHWs have been struggling without NHIF cover and stipend since the beginning of the financial year?

**Hon. Speaker:** Is the Chairman or the vice Chairman of the Committee on Health there? Make sure that Statement is processed and a report given to this House within two weeks.

Yes, next is Hon. Elisha Okuku.

## **2. Statement Request By Hon. Okuku On The Recent Reshuffle Of Chief Officers By H.E The Governor**

**Hon. Okuku:** Mr. Speaker. I beg to request for the following Statement:-

**AWARE THAT**, the County Chief Officers were recently reshuffled;

**FURTHER AWARE THAT**, the County Governments Act, 2012, Section 45 stipulates the requirements for the appointment of Chief Officer which includes knowledge and experience in the relevant department to which one is appointed to.

I therefore wish to request the following:-

1. Is it in order for the Governor to reshuffle Chief Officers to departments where they have no knowledge?
2. If it is so, is there anything that the County Assembly can do to ensure that the Chief Officers are assigned to departments where they have knowledge and experience in in order to ensure optimum results and service delivery?

Mr. Speaker, Sir, thank you, and I rest my case.

**Hon. Speaker:** Hon. Members----

*(Hon. Ogutu stood up in her place)*

You have something?

**Hon. Ogutu:** Just a point of clarification, Mr. Speaker, Sir. The

Statement before us is from Hon. Elish not Elisha.

**Hon. Speaker:** Does it mean he is reading it on behalf of Hon. Elisha Okuku?

*(Laughter)*

I want to believe it's a typo error. But other than a Statement, I want to consider it as more of seeking interpretation guidance from the Office of the Speaker---

**Hon. Adera:** Mine is signed by Hon. Elisha!

*(Laughter)*

It's a typo, Hon. Members. Hon. Elisha, allow me to give guidance on this as opposed to committing it to a Committee. Next!

### 3. Statement Request By Hon. Ndonji On The Recent Sacking of Senior Officers of the County Government of Siaya

**Hon. Ndonji:** Mr. Speaker, I beg to request for the following Statement:-

**AWARE THAT**, the CEC for Health Services, Dr. Edward Okoth Owillah was recently sacked;

**FURTHER AWARE THAT**, a number of sackings of various senior officers have taken place in the past;

**CONCERNED THAT**, this trend is ruining careers of a number of Siaya professionals who left work at various places to come and join county residents in a bid to spur development;

**COGNIZANT OF THE FACT THAT**, hiring of such officials is a process that even entails vetting through the County Assembly, I hereby seek a Statement from the Executive to;

1. Outline circumstances that led to the sacking of Dr. Owillah
2. Furnish the Assembly with a list senior officers who have faced the sack to date and reasons for such sackings.
3. Entail reshuffles that have taken place to date and the values they are expected to add to operations of the County Government.

Mr. Speaker, I thank you and rest I my case.

**Hon. Speaker:** I commit that to the Committee of Governance. The chair, kindly ensure we get the report within two weeks. Next is Hon. K'awuor.

### 4. Statement Request By Hon. Awuor On The Financial Problems At Yala Sub-County Hospital.

**Hon. Awuor:** Mr. Speaker, Sir, I beg to request for the following Statement:-

**CONCERNED THAT**, Yala Sub-County Hospital has a financial problem due to non-remittance of funds for operations and payments of support staff and contracted guards;

**FURTHER AWARE THAT**, the national government has been remitting maternity funds to counties and Siaya not excluded;

**NOTING THAT**, the hospital administration is almost closing the facility after failure by the Executive to respond to letters from the facility which are attached here for verification;

I am therefore requesting the CEC Member for Health and any other concerned CEC to tell the House the measures in place to solve the above mentioned problems so as to enable the facility which serves as a referral hospital resume normal operations.

**Hon. Ngure:** Point of order!

**Hon. Speaker:** What's your point of order?

**Hon. Nguire:** I think Hon. K'awuor has let a very important line in his Statement.

**Hon. Speaker:** Which is?

**Hon. Nguire:** **NOTING THAT**, the contracted guards and support staff have downed their tools. That was not read, Mr. Speaker, Sir.

**Hon. Speaker:** What?

**Hon. Nguire:** That was not read, Mr. Speaker, Sir.

**Hon. Speaker:** Hon. K'awuor, did you intentionally omit it or you didn't see it?

**Hon. Awuor:** Mr. Speaker, Sir, maybe the Hon. Member who raised the question did not hear it. But for the sake of everyone, I am able to go through it again.

**Hon. Nguire:** No! Hon. K'awuor, please appreciate my help.

*(Applause)*

**Hon. Speaker:** Through the Chair!

**Hon. Nguire:** Mr. Speaker, could Hon. K'awuor, please appreciate my help!

**An. Hon. Member:** He doesn't want!

*(Laughter)*

**Hon. Speaker:** Hon. K'awuor, she needs you to appreciate her. Is that asking for too much?

*(Laughter)*

**Hon. Awuor:** Mr. Speaker, Sir, allow me to appreciate Hon. Pamela's help. I have realised that quite a number of Members did not get it, so allow me to repeat the whole Statement.

**Hon. Speaker:** Yes!

#### **4. Statement Request By Hon. Awuor On The Financial Problems At Yala Sub-County Hospital**

**Hon. Awuor:** Mr. Speaker, Sir, I beg to request for the following Statement:-

**CONCERNED THAT**, Yala Sub-County Hospital has a financial problem due to non-remittance of funds for operations and payments of support staff and contracted guards;

**FURTHER AWARE THAT**, the national government has been remitting maternity funds to counties and Siaya not excluded;

**NOTING THAT**, the contracted guards and support staff have downed their tools and that the hospital administration is almost closing the facility after failure by the Executive to respond to letters from the facility;

I am therefore requesting the CEC Member for Health and any other concerned CEC to tell the House the measures put in place to solve the above mentioned problems so as to enable the facility which serves as a referral hospital resume normal operations.

Mr. Speaker, Sir, attached are various letters which have been written by the hospital administration to the Executive to make sure this issue is solved. Thank you.

**Hon. Speaker:** Committee of Health, kindly expedite within two weeks and if it is true that they have downed their tools, you need to move with speed.

Next order!

#### **MOTION**

#### **1. Motion By Hon. Okuku On The Hiring Of Ambulance Services By The County Government Of Siaya**

**Hon. Okuku:** Thank you, Mr. Speaker. Given that I had issued a notice earlier, I rise to move the following Motion:-

**AWARE THAT**, the County Government of Siaya in its Financial Year 2015/2016 budgetary provisions, allocated Kshs. 32,400,000 for hire of six(6) state of the art ambulances to be used for a period of nine months;

**FURTHER AWARE THAT**, currently the County Health Department only has six (6) ambulances which are acutely inadequate for the current populace;

**CONCERNED THAT**, we are in the fourth month of the financial year yet no such acquisition has been made;

**FURTHER CONCERNED THAT**, similar challenges have bedeviled our health Sector with respect to inadequate personnel, lack of drugs and medical equipment;

**NOTING CLEARLY THAT**, by the time the ambulances shall be hired, the County Government shall have made some savings in retrospect;

This County Assembly **RESOLVES THAT** the County Executive expeditiously hires the said ambulances as soon as is practically possible but not later than two months; **AND THAT** the number of the said ambulances be increased from six (6) to a higher number as dictated by the savings arising from the delay in implementation of the activity.

I wish to call upon Hon. Oriaro to second.

**Hon. Oriaro:** Seconded.

*(Question Proposed)*

**Hon. Okuku:** Mr. Speaker, Sir, all of us know that Siaya County Government needs adequate ambulances which can fully assist patients from Siaya to reach different places for further medication. We are also aware that a budget is a framework that informs the County Government on what route to take and what to do. The 2015/2016 budget was passed in this Assembly and it is binding. In

the budget, we approved the hiring of ambulances to render services to the people of Siaya.

Mr. Speaker, Sir, months are elapsing, time is going and our people are falling sick every minute. Sickesses cannot wait for the delays by the County Government of Siaya. Given that what we have in Siaya are box Nissans and not fully equipped ambulances, the Assembly and the Executive thought it wise that it is better for the County Government of Siaya to hire fully equipped ambulances which can take care of patients at the time of need.

Given that Siaya borders different Counties and has many islands which may require ambulances at any given time, I wish to urge this House to move with speed and push the Executive to hire these ambulances so that the people of Siaya can see what they expect.

If we don't push the Executive to operationalize a budget we passed, then we are giving the people a raw deal and a disservice to their expectations.

I want to rest my case by urging Members to find a solution that will help in securing the lives of the people of this County. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Oriaro!

**Hon. Oriaro:** Thank you, Mr. Speaker. First I must observe that good ends starts by good processes. It was not all about the Siaya County Government procuring finances to contract; it means that there is nothing barring the County Government from initiating the process.

We had a good discourse with the Kenya Red Cross and the County Executive also had discourse with them over this. The ambulances we were shown are like modern hospitals. The ambulances are capable of providing I.C.U services.

We can recall that we lost a colleague in this House merely because there was no immediate I.C.U centre to refer him to. We've got very good vans, but an ideal ambulance hardly consists of only a nurse and a driver. We must have paramedics of all sorts and even other attendants. The ambulances from Kenya Red Cross have got everything. If it's all about minor surgeries, the persons are there. What made us gravitate towards this and also necessitated the idea of having this in the budget was cost saving. These ambulances would have made the County Government move a notch higher in service delivery.

I call upon the Executive to move with speed so that our people can start enjoying the benefits of the ambulances from Kenya Red Cross. They will do us more good than harm. I support!

**Hon. Muhulah:** Thank you, Mr. Speaker. It is good that we are discussing the issue of health when actually this is a sector that has been very critically ailed in Siaya County. If you look critically, most of the Statements are actually touching on health and possibly the priority that the County Government is giving the health sector is wanting.

Mr. Speaker, Sir, the issue of hiring of ambulances was actually hatched by Kenya Red Cross when its Secretary General visited this Assembly and displayed to us the very interesting point of working with the County Government. The health sector is a problem in this county and some lives have been lost because of the lack of priority that the County Government is giving this sector.

What informed the House and possibly the Budget Committee into accepting to work with Kenya Red Cross in hiring their ambulances was the financial relaxation it

was going to give the County Government. The total budget that was allocated for the hiring exercise was about Kshs. 32.4million; that was translating to about Kshs. 600,000 per month per ambulance. When you look at this cost in relation to the purchase of the six ambulances, we were going to save a lot because after the contract had been drawn, the management and administration of the ambulances was not going to be a problem of the County Government; it was going to be a problem of the Kenya Red Cross. Thus, the County Government was going to save.

In line again with working with the Kenya Red Cross, as an institution that is well versed and trained in rescue and evacuation, they were also going to supply us with well-trained paramedics who were going to manage these ambulances. I want to agree with my colleague that an ambulance is not a crane where you just put a sick person then you transfer from one point to another. It's supposed to be a mobile clinic that can suppress any condition. It's not just about moving a patient from one area to another. This is why we were agreeing to work with the Kenya Red Cross.

*(Applause)*

Mr. Speaker, it is true that we had budgeted for nine months. As at now, one month has gone. This is one County that is known for misuse, reckless and misguided priorities. This is the County of Siaya.

*(Applause)*

We are talking about a CEC who came and inherited problems in this County. Today, Dr. Owillah is being sacked because there are no medications yet there have never been medications in this County since inception. Ever since this County started

there have never been any medications in our hospitals!

*(Applause)*

It is the same way and people are dying! The Executive is so comfortable. Somebody can pay for a trip going out and come back without any investor but forgets that medicines are not there!

*(Applause)*

We have already lost the first month and we are already losing money in the second month. Where is the money that was allocated for the hiring of these ambulances? I want to disclose to this House that if we don't check, we may soon find out that there is no single cent left to run this County Government if this House does not care. There is a problem, Mr. Speaker. The County Government of Siaya has misguided priorities and is not looking ahead. One of the spirits of devolution was that the health of the people was to be well safeguarded by being given a priority.

*(Applause)*

Why do we have to talk about President Obama talking about a child in Central Kenya having a different life span than a child in Nyanza? What about the life of a child of a Hon. Member of County Assembly and a child of somebody who is not a Hon. Member? Can we compare the two and then bring a solution to this problem.

*(Applause)*

Why do we have to only talk about different situations in this County? Why can't we talk about the different categories of the citizens of Siaya County also? Unless we push the County Executive to prioritize the issue of ambulances, I don't think we

will be doing good service to residents of this County. Unless we demand today, Mr. Speaker, through your Chair, we must have a clear written documentation from 2013 to this moment so that we can get the performance of this County Government. We might be walking with a government that is falling. There are a lot of bad things happening in this County, Mr. Speaker, and this could be one of them.

This Motion has come at a very timely point. You've just heard Hon. K'awuor talk of how patients in Yala are dying because they cannot access medication. Even in cases like those of pregnant women whereby the national government remits money for maternity, still they cannot get that money. What kind of government do we have in Siaya County? We can use a lot of money to make perimeter walls, gates and other things that don't add value to the people!

*(Applause)*

Mr. Speaker, healthcare is very critical. You can never run a government without prioritizing the lives of your people. And you cannot stand tall and talk about your achievements without talking about the lives of your people. Mr. Speaker, this is not a government worth supporting! We need to do something and we need to do it now!

*(Applause)*

Let's have a solution to this menace and make a resolution as a House to correct and help the health sector, lest we get to 2017 where we may not have people to vote for us. All of them would be dead. Mr. Speaker, I support.

*(Applause)*

**Hon. Speaker:** Hon. Muhulah, they will be alive! Don't worry!

*(Laughter)*

Yes, Hon. Aneme.

**Hon. Aneme:** Thank you, Mr. Speaker, Sir. I want to take it from that mood.

*(Laughter)*

It is true that we are running a plutocratic government! This is plutocracy!

*(Laughter)*

It is shameful that as early as last year, the Siaya County Government had a problem with ambulances. They budgeted for the ambulances and after budgeting, there is now no need for the ambulances. That is stealing! By force we must insist to know where that money is.

It is not only the ambulances that we wanted to acquire; even the ones we have in our scanty health institutions are being paid for. The drivers and the staff in these ambulances are demanding money from the patients! Recently when we were in Bondo, there are two people who ran to us to collect money from patients who were to be rushed to Kisumu for further medication, when they realised that those messages were sent to people like Aneme, nobody could face us. That is theft! You are stealing from somebody who is dying! That is the Siaya County Government! A very plutocratic government!

*(Applause)*

Even the projects that we budgeted for when the County Government started were dispensaries and health centres. Upto to now many of them have not been completed. In the event that one is complete, you will find nothing going on there and even the contractor who built the facility has not been

paid. Does it mean that the money for the 2013/2014 budget has never been found?

Mr. Speaker, Sir, as an Assembly, if we are to oversight, we must raise up our arms! Surely, what are we overlooking? Are we overlooking to see the County government paralyzing a system like this? We are overlooking a County Government looting it patients! Are we overlooking to see that monies which were supposed to be paid in the last financial year are not paid? Infact I wanted to plead with my colleagues to come up with a list of all the projects that were started in the Financial Year 2013/2014 but are still incomplete. We need to demand the Executive to tell us why they have not been paid!

*(Applause)*

Mr. Speaker, Sir, I am mad!!

*(Applause)*

This is a plutocratic government that if we cannot help and correct, then we are overlooking nothing. The whole mess will fall on us too. Even an old woman will ask us what we were doing when all these mess was taking place. Thank you, Mr. Speaker, Sir.

*(Applause)*

**Hon. Speaker:** The---will be plutocratic with them.

*(Laughter)*

Yes, Hon. Ndonji.

**Hon. Ndonji:** Mr. Speaker, Sir, I rise to support this Motion. It has been a tendency by this County Government to put so many fresh flowers in our budget which go stale after a few days. This is not the only case that is happening here today. You can recall that even when it came to the employment of ECDE teachers, there was intentional

delay so that the money could be diverted to other things which were never budgeted for.

Health is a fundamental human right and it so sad that people from this part have been crying of neglect by the national government yet when we are given an opportunity to improve our lives, the monies are used in things that are not important.

I come from an area that might be considered as one of the farthest and remotest parts of Siaya County. This is an area which needs an ambulance more that even here in town. The truth is that here in town it is easier to get vehicles that can transport one to the nearest health facility in comparison to wherever I come from.

I want to urge my colleagues to stand firm on this issue so that what is supposed to be done is done and we get the ambulances. As Hon. Okuku put it, let us also cover the time that has been lost. It has been said that it was supposed to be nine months, Mr. Speaker, Sir, I think it's close to four months now since this was supposed to be done yet nothing has been done.

If we say that we have another two months, it means that six months will have gone. If the six months can go, then instead of having six ambulances, let's have twelve ambulances and this should be done expeditiously. Thank you!

**Hon. Abayo:** Mr. Speaker, Sir, I rise to support this Motion. I want to start by saying that we are talking about our lives. We are talking of a facility that you will not require at any other level but only when there is emergency. It means that they are not for ordinary occurrences; they are for extra ordinary occurrences.

We are talking about the best performance in terms of this facility. Colleagues have talked about the advantages of these facilities; how they are cost

affective and issues of management. Why are we talking of nine months and not twelve? We were giving a window that the three months be taken to critically process all the necessary things so that by the time the three months have elapsed, we are good to go. The three months were to be for the procurement of these facilities so that as we move to the fourth month, it is enforced. This has not happened and I want agree with Members that we have to do something.

Mr. Speaker, this country has scared us out of our own skins. We have been threatened and told of the devastating effects that have been envisaged by the coming of the so called El-Nino rains.

We are talking of a facility that will be so necessary at that time when we will be talking of disasters as a result of El-Nino. What is our level of preparedness? Three or four Members have sought Statements in this House about our level of preparedness as a county. This is a manifestation that we are not ready because this would be a very key facility.

Mr. Speaker, Sir, this takes me back to last financial year-2013/2014, where the procurement process was being done two months to the end of the year. It's like we never learnt anything because I thought we were going to make a difference. There is a deliberate effort for non- action on the side of the Executive.

A colleague has talked about why the CECM has been sacked. You have the reasons, Mr. Speaker. This then tells us that there is a problem somewhere and I want to agree with Hon. Muhulah and my other colleagues that the health sector requires serious attention. There should be an overhaul on the leadership of that department! If the Executive will not do it, what is the Assembly doing?

I want to challenge the Committee incharge of this particular department that --

*(Applause)*

I want to challenge Members of this House who are in that Committee that we must stop sleeping in one bed with the Executive when it comes to oversight.

*(Applause)*

Mr. Speaker, what is the referral system of the ambulances? Leave alone the six that we have. Even if we are going to procure from the Kenya Red Cross, it is critical that the Executive puts in place a referral system so that we know how the ambulances work. There are various advantages that we have talked about. We want the Executive to explicitly put this so that we would know how to even procure more.

To show the seriousness of what we are talking about, this Assembly zero-rated the ambulance services in the Finance Bill so that there would be no payment for ambulance services in this County. This is because you will not see an ambulance in a normal circumstance.

The Assembly was rational enough to say we stop the payment just to show that this is a service that it critical to every one of us. You put it in the recurrent expenditure but when it comes to the end of the year you will never get that money, it is transferred to development. It is at end of the year that the Executive possibly sits to collect all the money that come and transfer development to recurrent so that they be able to use it before the end of the year.

The ambulance service we are talking about is a right to every citizen of Kenya and Siaya is not an exception. We must

come out to say that this is a process that must be done immediately.

Mr. Speaker, Sir, I support.

*(Applause)*

**Hon. Speaker:** Hon. Were!

**Hon. Were:** Mr. Speaker, Sir, I have been listening very keenly and that's why today I have taken a back seat. The Motion has come at a right time but it is a palliative approach to cancer that is slowly consuming the whole body. We are merely giving panadol—

*(Hon. Andiego rose on appoint of order)*

**Hon. Speaker:** Yes, Hon. Andiego.

**Hon. Andiego:** Mr. Speaker, Sir, the Member on the Floor is not well dressed and is a stranger in the House.

*(Applause)*

**Hon. Speaker:** Hon. Were, if you are not well dressed for the occasion, kindly withdraw from the House and do the needful.

*(Laughter)*

*(Hon. Were withdrew from the House)*

**Hon. Speaker:** Yes, Hon. Andiego.

**Hon. Andiego:** Mr. Speaker, Sir, I rise to support the Motion. It is very painful that as a House which is mandated to oversight, we always sit Here from Tuesdays to Thursdays and pass Motions or reports which are never acted upon. This is something that cuts across. It's not only in the health sector but in many areas. We allocate money for various projects and many times you find them changed without any consultation with the Assembly.

We sat as an Assembly and agreed on the need to hire ambulances because of their necessity. We allocated money for this, money belonging to the County. We wonder

whether we will be doing this every now and then and this is the outcome.

In a Statement two weeks ago, I requested to know why some of my projects cannot be paid. I have not received an answer up to date. If you go to my Ward, contractors have moved away from the sites of projects that were to be done in 2014/2015. I wonder how projects budgeted for in the financial year 2015/2016 will be done yet previous ones have not been completed.

It's shameful that we all wake up every morning coming to Siaya to represent our people yet when we go back home, we have nothing to showcase. We are asked questions that we cannot answer yet we are mandated to oversight. Mr. Speaker, Sir, I'm sorry to say that as Members of this Assembly we need to be trained on how to go about this oversight issue.

*(Applause)*

This is because few of us don't know how to handle these issues that are happening in our Wards. We need to be trained so that we are well conversant with what oversight is all about. It is sad that even in the education sector, some millions were budgeted for the recruitment of ECDE teachers yet up to now no teacher has ever been recruited. We come Here and talk about it but nothing happens. Some of us even brought names. So we become irrelevant on what we are doing.

At times you feel that you should not be part and parcel of such a county. It's sad! Next you hear that one or two people have been sacked. We sat under your Chairmanship, Mr. Speaker, Sir, vetting the CEC Members and we approved these people as suitable; I wonder why we cannot be given a chance to know why the people

we vetted are deemed to be non-performers. We may end up with a scenario whereby all the people we vetted are out of their offices even before the five years are over. I don't know if we can also be given a mandate to evaluate how these people are performing. It is sad that when you walk around the offices you find one that one office is mandated with a lot of tasks. If you want to go to the health department, you are told to pass through the secretary. I wonder why all the ten sectors have been reduced to one; in that for you to go to any sector, you have to pass through one office.

We wonder why the CECM Health and his Chief Officer cannot be given power to run the department. I think they should be given the money to spend and if somebody misuses it, then we task that person to produce answers. We have officers without money; officers without power. Something is wrong and we are requesting you, Mr. Speaker, as the head of this oversight House that something should be done or else I'm assuring you Hon. Members that none of us will see this door again.

*(Applause)*

Thank you.

**Hon. Speaker:** Hon. Osuri.

**Hon. Osuri:** Thank you, Mr. Speaker, Sir. I want to concur with the Mover. His concern is that we have very many challenges that have been derailing the health sector and although we are talking about the issues of ambulances, my worry is that even if we are to have them, where are we going to refer our sick people to?

Do we have to refer them to health facilities that have no drugs and have no medical equipment like X-ray machines? He has indicated very clearly that there are inadequate personnel. Where are we going to get the drivers who will drive these

ambulances? We have a problem in this county! It is unfortunate that we took our time and shared ideas with the people who are not ready to listen. They have refused to listen!

*(Applause)*

Mr. Speaker, Sir, if it is proper, I would propose that we call for an informal meeting between us and the Executive so that we can tell them that there is a problem not only in the education sector but also in the health sector.

We are budgeting for dispensaries and maternity wings with no equipment. They are just white elephants without personnel and drugs. We are just constructing death beds for our people. We need to address this. The budget people may give me direction on this, but from where I stand, I am suspecting that we have parallel budgets.

*(Applause)*

This Assembly makes its own budget and there is another budget committee somewhere at the Executive that determines what is to be implemented. This is because whatever we budget for is never implemented.

Recently, the Education Committee went out and the biggest problem we noted was that contractors are not even paid yet their monies have been budgeted for. From the look of things, people will not be applying for these projects in Siaya because there's no payment. I want to challenge even the PIC/ PAC Committee to do a follow up. In March this year, I brought a Statement in the House requesting for the status of projects in South East Alego Ward and, Mr.

Speaker, Sir, I think you made a direction and up to now---

*(Hon. Apiyo rose on a point of order)*

**Hon. Speaker:** Yes, Hon. Apiyo, what is the point of order?

**Hon. Apiyo:** Mr. Speaker, I would like your Chair to put the House in order because by the look of things, I can see we are diverting from the Motion on ambulances which was moved by Hon. Elisha Okuku and we are now going to other issues. Would you direct the debate, Mr. Speaker, Sir? Thank you.

**Hon. Speaker:** Hon. Apiyo, I think I'll tie it to just what you have said. I need to remind us of the functions of Sectoral Committees because I have also followed our debate and it is like we are blaming each other as if we don't know the roles of our Sectoral Committees.

Standing Order No. 192 (5) talks of the following functions of Sectoral Committees:-

(a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;

Are our Departmental Committees doing that?

(b) Study the programme and policy objectives of departments and the effectiveness of the implementation;

Are our Sectoral Committees doing that?

(c) Study and review all County legislation referred to it;

(d) Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;

Do we meet the CECs to ask them of their plans? And when we meet them, do we review their successes? What recommendations do you bring to this Assembly?

(e) To investigate and inquire into all matters relating to the assigned departments as they may deem necessary and as may be referred to them by the County Assembly;

Departmental Committees, are we doing enough?

(g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

In other words, as we make contributions, be aware that as Sectoral Committees in charge of those departments and over sighting them, are we doing enough?

To the matter that Hon. Apiyo has sought; it is true. We know that the rules of debate are that we should not be repetitive and should not be irrelevant; we should stay focused to the Motion. Yes, Hon. Osuri, do wind up please!

**Hon. Osuri:** Thank you, Mr. Speaker, Sir, for giving guidance to Committees. Just like my colleagues have said, it is high time for the Health Committee to sit down and address the issues that are affecting our health sector. I support this Motion and my issue is that once we adopt it, let it be taken up by the Implementation Committee so that things move. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Rosemary!

**Hon. Ogutu:** Thank you, Mr. Speaker, Sir. All has been said and the issue is about emergency preparedness in our county. If you can remember, an Ad-hoc Committee on health which was headed by Hon. Abayo and Hon. Muhulah brought a

report in this House and resolutions were passed but they have never been adhered to and nothing has been done so far.

We keep on singing about the health sector which is deteriorating day by day. It is not only the ambulance services; it is from medication. Go to our referral hospital in Siaya, its filthy and stinking. Women and children are dying day and night yet we say that we are responsible and we were chosen by the people we represent. We are asked questions which we can't answer. I don't know who we will blame.

The health sector in this country even from the national level is questionable. If you read the papers last week and watched news, a patient took 18 hours in an ambulance. The ambulance went round Nairobi and they couldn't find an ICU bed for the patient and he died. The Cabinet Secretary for Health could not answer why the health sector is dying. Sorry to say this but we are in a dying government. A government that cannot take care of its people! A government that can watch its people die! The national disease has come down to the county.

We will support this debate Here, pass a resolution, but no action will be taken and we will sit back and watch our people die. It is very sad. I don't know which direction we will take as a county. I don't think we need to buy more of the so called van ambulances.

We need to hire ambulances from the Kenya Red Cross. I can tell you for sure that I am a life member of the Kenya Red Cross and when a friend got an accident along the Busia-Kisumu road, the Kenya Red Cross ambulance was called and am telling you that if you were to die, you will not die because of the best equipment in that

ambulance. Those are the kind of ambulances that we need to use.

If we cannot get medication from our referral hospital, can't we even get some first aid so that we can proceed to another health facility if the one in the county has failed? I support this debate but where is it heading to? What is the answer we will get after this? That is my big worry, Mr. Speaker, Sir. Let every Committee take charge so that we get services. Thank you.

**Hon. Speaker:** Hon. K'awuor

**Hon. Awuor:** Thank you, Mr.

Speaker. I am on my feet to support this Motion. I want to start by thanking the Mover of the Motion, Hon. Elisha Okuku, for bringing this up. On the same note, allow me to also thank the Budget Committee for allocating some money to healthcare so that our people can be taken care of.

The reason why I support this Motion is that there has been a lot of failure by the both the national and county government in dealing with the health sector. We are part and parcel of this County Government and whatever we raise; we raise it as the oversight wing of this County.

If this County Government has a budget and four months have gone without implementation, then I think something must be done. You heard me making a Statement concerning Yala Sub County Hospital. In that facility, Mr. Speaker, we are blessed to have two ambulances donated by the Millennium Village Project and one thing that it is so sad to note is that the county ambulance that has been there was removed and brought back to Siaya on condition that it was to be repaired. That has taken around 3 weeks now.

Mr. Speaker, 4 days ago, a patient who fell from a tree and broke his neck was referred to Yala Sub County Hospital, and

because there was no good ambulance that could take the patient to Kisumu, it took the family a lot of time to help the patient reach Kisumu.

I want to urge this House to take this matter very seriously. Let us see the way things are implemented because issues of health are different from other issues and I want to ask our people to look after everything that we budget for. I think we need to look for the best use of anything that has been budgeted for in this House.

I don't want to repeat a lot of things but I want to really urge my colleagues that as representatives of the people and as the people mandated to oversight, let us do our jobs properly without fear or favor. Mr. Speaker, I rest my case.

**Hon. Speaker:** Member for Ukwala!

**Hon. Odinga:** Thank you, Hon. Speaker, Sir. I don't want to repeat what my colleagues have said but I also want to support this Motion. It is true that as an Assembly we budgeted for the hire of these ambulances and the main reason was that we looked at the cost benefit analysis---

*(Hon. Ombee stood up in his place)*

**Hon. Speaker:** What is it Hon. Ombee?

**Hon. Ombee:** Mr. Speaker, Sir, this is a point of information. Are you aware that it is not in order for the Hon. Members in this House to debate without drinking water?

*(Laughter)*

There is no single bottle of funeral water!

*(Laughter)*

**Hon. Speaker:** That is out of order! It is only in order not to have funeral water Here!

*(Laughter)*

I am not seeing that in our Standing Orders- the rules that govern the drinking of water. But the clerks-at-the-Table should take serious note of that. Yes, Hon. Odinga. Proceed!

**Hon. Odinga:** Mr. Speaker, before that point of order, I was saying that how I wish as an individual that this can be done within 21 days and not 60 days. The reason is that already we had given these people three months to do the procurement. We know the procurement procedures. If we give them 21 days, that will be enough to procure the services of these ambulances.

If we are giving them 60 days and not saying also how we are going to make a follow up to ensure that this is done, I don't think this might be done. I don't know if the Mover can agree to adjust that it be done immediately and we give 21 days. This will save our people from dying.

Mr. Speaker, Sir, the problem that we are having as a county is that we have not actualized devolution. We talk of devolution and I want to share with you that as Budget Committee we have even received a communication from ward administrators who were hired sometimes back and they are saying that in their offices they don't even have a shilling to buy a pen.

So you can see the desperate situation that we are in. The principle of devolution says that funds should follow functions. We want services. We want people to be treated at dispensaries and health centers but we have not devolved funds.

How I wish that we can come up with a strategy in terms of oversight because I have seen in other counties- I was doing something like a benchmarking and I talked to some Members of Homabay County Assembly on how are they implementing their budgets and they were saying that as an Assembly they are doing something like performance contracting.

They are agreeing with the Executive that within this period of time, you are going to implement this number of projects; if not then they are supposed to report back to the House through respective Chairs that this was not done because funds never came from the national government or ABCD happened that could not allow them to do that.

As an Assembly, we also tired of talking every now and then that implementation is not being done. We come up with very good policies, we come up with very good resolutions but the moment we walk outside this door, they also remain in an un-gathered dust somewhere. On the side of implementation, we actually need to come up with a strategy.

Not only on health. Health is the only sector which has been fully devolved. All these other sectors are half way- 50% or 90%, but health is the only sector that has been fully devolved. And if you look at our budgeting, health is the only sector that we give the highest chunk of our allocations. But now when it comes to delivery, things are not right. This is about our health, is about the citizens of Siaya.

Even the hiring of nurses and doctors is difficult. I have a scenario in Ukwala where I come from. We have a very good doctor called Dr. Ojwang'. Now I am hearing from other source that Dr. Ojwang' is soon leaving. He wants to leave Siaya

County. He is going to work somewhere around Nakuru. If we continue losing very competent doctors then at the end of the day we will end up not having qualified doctors and that will put our people in the hands of quacks.

Somebody asked, how do we do this oversight? We all know that if it is a budget, we need to follow it to completion and ensure that it is fully implemented the way we passed it. How I wish we can come up with a strategy on how to ensure that everything that passes in this Assembly is fully implemented. Thank you and I support!

**Hon. Speaker:** Hon. Deputy Speaker!

**Hon. Adera:** Thank you, Mr. Speaker. I want to add my voice to the debate that is ongoing. The issue of ambulance has reminded me of one thing; that we have a big problem in this county when it comes to implementation. Many a times we have passed several documents Here and implementing them becomes a big issue. At the moment we are talking about ambulances which we did pass in our budget but nobody has ever talked about them. We should urge the procurement department to move with speed so that lives can be saved through procuring those ambulances.

Hon. Rosemary Ogutu has said that with the kind of ambulances that Kenya Red Cross has, if at all you were to die today, then you could add another 20 years. We need to have good ambulances. I have also used one of the ambulances that we have in the County Government and just as one of us was putting it, they should be described as vans, not ambulances. That is very true.

Mr. Speaker, I need to differ with my colleagues on one point; that we need to hire ambulances from Kenya Red Cross. That

alone, we are already taking the job of the Executive. Due process should be followed when we are procuring anything. Be it a contract, be it services. Perhaps we have better ambulances than Kenya Red Cross.

I know they have got the best ambulances but for Members to direct that we need to hire from them, which alone will raise some procurement queries. So let us leave it open that the Executive should procure better ambulances. But if we direct that we get them from a particular source, then we are missing the point.

**Hon. Muhulah:** Point of information, Mr. Speaker, Sir!

**Hon. Speaker:** Yes, Hon. Muhulah!

**Hon. Muhulah:** Mr. Speaker, I wish to bring to the attention of the Hon. Deputy Speaker that the people who brought us this proposal were the Executive. So it is not the County Assembly directing the Executive to procure ambulances from the Kenya Red Cross, it was their wish and they had talked and agreed. What we were only going to do is to appropriate funds for the procurement of these facilities.

**Hon. Adera:** Thank you. I think that was a mistake that was done and the Assembly should not have agreed to give lee way to the Executive that you can just get them Kenya Red Cross. That was done and I believe that it can be corrected because we are the people doing oversight.

Mr. Speaker, as I was saying, implementation is the biggest problem in this county. We have several documents or Motions that we have passed Here. We even have our budget and I think some few months ago we had a supplementary budget.

If you look at the supplementary budget vis-à-vis the original budget, you realize that we only passed a supplementary budget for purposes of procuring finances

from Nairobi to Siaya, but when it comes to implementation, the Executive is back on the original budget. I wonder why they bring us a supplementary budget in the first place. I am even aware that one is coming Here soon. I believe a supplementary budget overrides the original budget. That is why we call it supplementary and that is why it is a task brought to the Assembly.

There is a big problem. I don't know whether to call it a plutocratic government or what. That cannot be the best word for it because plutocracy in English means a government that is led by the rich. And if our County Government is led by the rich then it would mean that the rich have a lot of money to bring down. So this is a poor way of governance and they should pull up their socks and come to reality with the things on the ground.

It is true that our hospital facilities are going down and the issue of ambulance has been quite problematic because you will find that a patient is sick but that patient cannot be rushed to hospital simply because there are so many bureaucracies along the way. You make a phone call to a hospital and the process that they want to undergo is too long and the patient can simply die even before the ambulance reaches the point. When it comes they will want to charge you. They tell you to pay us a certain amount before they can offer you services.

I am in support of the Motion and the County Government should be pushed to procure such ambulances. I support, Mr. Speaker!

*(Applause)*

**Hon. Speaker:** Hon. Pamela Ngunjiri!

**Hon. Ngunjiri:** Mr. Speaker, I wish I could get instructions from you rather than from Hon. Ndonji. I am getting confused.

*(Laughter)*

**Hon. Speaker:** Hon. Pamela, take instructions from the Speaker, not from somebody else.

**Hon. Ndonji:** I wasn't talking to her, Mr. Speaker!

*(Laughter)*

**Hon. Speaker:** I know!

**Hon. Ndonji:** I was just thinking aloud!

**Hon. Speaker:** I know! Proceed!

**Hon. Ngunjiri:** Thank you, Mr. Speaker. Talking about ambulances or health provision, one is bound to digress because our life is made up of what we get to make it useful. And when we talk about these ambulances, we should also bear in mind that even if we had ambulances and our hospitals are not equipped, the staff are over worked, they are few, there are no beds and infrastructure is bad from the buildings to the roads, we will still have problems. So, when we address the issue of ambulances, we digress to these other things because it should be one block- to save life.

You don't save a life simply because someone has got into an ambulance. Yes, we get mileage from ambulances which are well equipped and which look like ICUs; the type of ambulances supplied by Kenya Red Cross because they literally have everything. But if a patient needs to get to hospital they will still lack things when they get to hospital. So we need to address these things wholly and make sure that what we are actually looking for is adequate in every sector of health.

Mr. Speaker, talking about ambulances, you would think that this is a matter that should be taken more seriously

by our women folk because from the start of carrying that baby to when the baby is born, we need to have a healthy mother so that the baby will be healthy. And even when the baby is growing, we need to have facilities that can take care of this baby. We need to have facilities that will help a woman to take care of her family and even her husband. In most cases, and in due respect to our male counterparts Here, you find that the ladies or the mamas are much more concerned about family wellbeing. Maybe because they are there all the time and whatever happens to the family will find them there. For a mother, we not only need these ambulances but we also need equipped hospitals.

As my colleagues have said, we thank the Mover of this Motion, Hon. Elisha Okuku for coming up with this. The rule Here is to address one as my friend and I think I also go by that. My friend, Hon. Elisha Okuku, we thank you for bringing this Motion and we would request that the people who are handling the health sector to quicken their steps and handle this with the concern that it deserves.

I also wish that when we debate these things and come to a conclusion, we should do follow-ups because there is no point of standing Here every time and blaming each other. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. K'owii!

**Hon. Owii:** Thank you very much, Mr. Speaker, and the House. I rise to support this particular Motion. I am speaking quite late and may end repeating what has been said but I will be saying it in my own words because there are issues that I want to address and I want to put some emphasis on them.

The issue we are addressing today is so important. It touches on each and every

household in this county. One may not be sick today but potentially they might be patients the following day. It is painful to see such things happening; even things that appear obvious and should not actually take too long to implement. I therefore say that today is a day when we say filth is filth no matter the package. It won't matter how it is packaged for us. The truth is that today we are seeing filth in the management of health affairs in this county.

I am saying that because we as members of the Health Committee, tomorrow we will be out of Siaya for about 3 days for report writing on health issues that have affected this particular county. Some people might have thought that the Health Committee has been sleeping on their job, NO! We have a big dossier and we are coming with it.

*(Applause)*

How I wish this issue was brought in good time because this is an issue that would have actually been taken to our Committee so that we bring on board the characters that maybe are making it difficult for the implementation of this. But if we bring it as a Motion in a House like this, then we give you the whole issue to carry to the team of the Executive to see if at all implementation which they have failed to do in the last four months can be done. The issue is so important because it touches on the most vulnerable population.

**Hon. Muhulah:** Point of order, Mr. Speaker!

**Hon. Speaker:** Yes, Hon. Muhulah!

**Hon. Muhulah:** Mr. Speaker, the clear connection between the County Assembly and Executive is supposed to be the Hon. Majority Leader's office. There is a

Deputy Hon. Majority Leader saying that it will be the responsibility of the Speaker to take what has been said here to the Executive yet that is his work--

*(Applause)*

Is he in order, Mr. Speaker?

*(Applause)*

**Hon. Speaker:** Hon. Owii, would you repeat yourself so that we can be sure whether you are sending the Speaker to---

*(Laughter)*

**Hon. Owii:** Mr. Speaker, you were quiet when most Members of this House were trying to push this thing through your face and I had to respect the voices of the majority. Each and every speaker was saying, "Mr. Speaker, Sir"---

*(Laughter)*

--See how best this one will reach the Executive. So I thought we were now changing things--

*(Laughter)*

**Hon. Speaker:** Hon. K'owii, take your seat first!

*(Laughter)*

Hon. K'owii, Mr. Speaker, Sir, is a salutation, it was not meant to direct me

*(Laughter)*

Hon. Deputy Majority Leader, will you proceed!

**Hon. Owii:** After we have passed the resolution Here, I will carry the luggage to the Executive and address the same.

*(Laughter)*

I will take it as filth. I said that this is going to affect the potential sick people in future and if we actually don't remedy this one very fast, Mr. Speaker, Sir, then in the nearest future we will have lost quite a number of lives simply because of wrong priorities.

Mr. Speaker, Sir, I wanted to buy the time frame that was addressed by Hon. Odinga. I put it that two months is such a long time for you to gamble with the lives of people. That is why I thought if this thing was brought to a Committee it would have been more effective that here. The truth is that if we give this particular issue a long time then it can only be three week then we see the implementation.

I wanted to also request that anything that is put in the budget, Mr. Speaker, should be respected by both the Executive and the Assembly. The case is not the same; you will find that the issue of hiring the ambulances would just go like this quietly if the Assembly was quiet about it. And we find that as we close the financial year then it will have just died like that. So I want to request that the issue of respect for the budget has to be put as a priority by both the Assembly and the Executive.

Lastly, Mr. Speaker, Sir, I wanted to request that the Committee on Implementation headed by Hon. Oriaro should not wait for too long. They should find out why things have been so quiet about hiring of the ambulances while it is actually in the budget. The Committee on Implementation should move with speed and help arrest the situation.

Mr. Speaker, Sir, life is not something to gamble with, and when it touches on the lives of the people who voted for us, that have made us to be Hon. people,

then we as a team should join hands and work as a family to see that this mess is completely done away with. I rest my case.

**Hon. Speaker:** Just a point of clarification. Hon. Members, I have heard your contributions. There are two issues that I needed to clarify;

1. Reducing the time frame for the Executive to execute this function. The wording of that Statement is, 'expeditiously within two months.' That doesn't stop the Executive in doing it within one day. It is practically possible. The challenge in putting a time frame in it is that it is a procurement issue where they will tell you that we need to put it there for 21 days, we need to evaluate, we need to give 14 days' notice for the award and then that means that if we restrict it to 21 days or less, then you will be breaking procurement rules. That is why I will not approve such an amendment to this Motion. The way it is, it is proper.
2. The other statement which I have heard come from us---

**Hon. Odinga:** Point of information, Mr. Speaker, Sir!

**Hon. Speaker:** Yes!

**Hon. Odinga:** Mr. Speaker, Sir, there are cases when a government can be allowed to use restricted tendering. This is something touching on life. Under restricted tendering, you can give a notice of 7 days or they can just procure- contract the ambulances without tendering. This is why we are saying that if we give them a time limit of 21 days then I think we will avoid the issue of following them again after two months. Maybe after two months again, a

Motion will be brought here to follow this Motion.

**Hon. Speaker:** Hon. Odinga, I think we have concluded this matter. I am not giving you room to convince me otherwise. The issue is; nothing stops a Committee of this House charged with that department to discuss those matters to bring it as expeditiously as possible. From where I sit, I approve a Motion based on how practical it is.

Hon. Oriaro has left? I heard a Member say that the Implementation Committee should equally move with speed on this matter. Let me share with you that people are even as we speak debating whether there is relevance of the Implementation Committee. Because if you have working Sectoral Committees, then you don't even need it. You remember when we were doing the budgets, at some point the Budget Committee called the Sectoral Committees to defend these proposals from the Executive touching on their budgets.

I want to believe that that is the time the Health Committee saw this as an activity in the budget. Soon after we passed the budget, the Health Committee was to sit with the CECM and his team and ask them, 'how do you intend to implement this budget and the timelines?' I have heard Members ask, 'how do you go about it?' We were just told the other day of tracking. Why can't you ask the CECM that, 'tell us, now this is the budget, when do you intend to do this and this and how do you intend to do it?' If they do not meet their targets then we have a reason to ask them why. So let us not push the blame to another Committee. Let us do our work and it is possible to do it.

Hon. Jack Odinga has just mentioned how another Assembly is doing it. It is the same thing, tracking. What do we intend to

do within this period of time? That is why we should be meeting them and get frequent regular reports. Yes! Hon. Were!

**Hon. Were:** Now let me talk as the vice Chair of health. I want to thank Hon. Elisha for bringing this kind of Motion in the House. The situation as it is, the health situation in this county is very desperate. We are in a state of hopelessness. As the debate continued, I was asking myself why we are putting the needle in the wrong place. We are not confronting the author of confusion in the health sector. Several Statements have been read in this House---

*(Laughter)*

I was asking myself, a sector that has got no CECM and the Chief Officer is untutored in issues to do with the health and the County Director cannot be able to move because of the paralysis occasioned by the author of confusion. We've have had situations where the procurement department is paralyzed and they cannot be able to do their work professionally and the supply of drugs in various health facilities is really worrying because somebody intentionally is doing business in this county.

We realize a situation where recently drugs to do with libido were delivered in a lorry to the County Secretary for onward transmission to the Executive team. We don't know how low their libidos are.

*(Laughter)*

**Hon. Muhulah:** Point of order, Mr. Speaker!

**Hon. Speaker:** Yes, Hon. Muhulah!

**Hon. Muhulah:** Once again I would wish to have your indulgence, Mr. Speaker. To my knowledge, I understand that the speaker on the Floor is the vice Chair of the Health Committee, is he

talking about a report that they have interrogated or he is talking about a report that only he himself knows about? And if he is talking about that, does he say that the capability of the Health Committee as at now is helpless and that it requires reconstitution?

**Hon. Speaker:** Hon. Were that is a good question because when you were starting to give your contribution you said you were speaking as the vice Chair of health, is that the position of your Committee?

**Hon. Were:** Already we have a report that we will be able to present in this Assembly.

**Hon. Speaker:** But you know our rules, we don't pre-empt that one

**Hon. Were:** I am not pre-empting; I was merely giving you an appetizer

*(Laughter)*

**Hon. Speaker:** We have the appetite, don't give us more.

*(Laughter)*

**Hon. Were:** And we are on top of things, Mr. Speaker, Sir. The Sectoral Committee of Health is really energized and very passionate about the issues to do with health in this county and we will not disappoint this House when the time comes to present the report.

One thing I wanted the Hon. Members to go home with is that the situation is desperate and the Executive has invaded the health sector. They are doing business. Allow us time to present this when the time comes. Thank you, Mr. Speaker.

**Hon. Speaker:** Yes Hon. Muhulah!

**Hon. Muhulah:** Hon. Speaker, I didn't want to call for a point of order but I wanted to remind the vice Chair of the Health Committee that there is an extensively researched document on the delivery of health services in Siaya County and we have not seen the Committee on Health working well to make sure that that thing is achieved.

Now on that position, Mr. Speaker, may I request with your permission—because from the mood, the House seems to have been convinced that the Motion is well articulated to represent the intention of this House. May I call the Mover of the Motion to reply?

**Hon. Speaker:** I can see no objection. May the Mover reply

**Hon. Okuku:** Once more Mr. Speaker, Sir, I rise to thank all Hon. Members who have contributed by either proposing or opposing. I personally respect all the views. Health is everything in the society and if one is healthy then he/she can easily learn and be taught, can perform his/her duties effectively and productively to the society and to the people of Siaya.

Mr. Speaker, it is said that the higher you go the cooler it becomes. I want to remind Hon. Members that when we were delegated to be Hon. Members of the society, we moved a step higher and where we stand, we have a medical cover and it is cool on our side. But the residents of Siaya, Mr. Speaker, are facing a hostile environment and we must move collectively as a Hon. House to fight for their rights.

Mr. Speaker, all the Counties are given equal opportunities to compete and to correct mistakes that were there before. Siaya can do better and compete with

other counties; Siaya can do better and compete with the national government. It is upon this House to rise up to support and do better things to the people of Siaya.

I always say outside there that the County Assembly of Siaya has very good debaters and even if you put the National Assembly Members to debate with us, you will find that we have very substantive people who can ventilate on issues well. As we conclude this matter, I want to request The Speaker of the National Assembly, Hon. Muturi, to compete with us and we will defeat them.

Thank you very much. May God bless this House.

*(Laughter)*

*(Question put and agreed to)*

*(Applause)*

## ADJOURNMENT

**Hon. Speaker:** Hon. Members, there being no other business this House stands adjourned until tomorrow, 14<sup>th</sup> October, 2015 at 9.00 a.m.

The House rose at 4.35 p.m.

## WEDNESDAY, 14<sup>TH</sup> OCTOBER, 2015

The House met at the County Assembly Chamber at 9.30 a.m.

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

### PRAYER

#### QUORUM CALL AT THE COMMENCEMENT OF SITTING

**The Temporary Speaker** (Hon. Muhulah): Do we have quorum?

*(The -Clerk at –the -Table confirmed  
the lack of quorum)*

Hon. Members, I notice that there is lack of quorum and under Standing Order No. 33; I order that the Quorum Bell be rung for ten minutes.

*(The Quorum Bell was rung for ten  
minutes)*

**The Temporary Speaker** (Hon. Muhulah): Do we have quorum now?

*(The -Clerk at –the -Table confirmed  
the availability of quorum)*

Ok. Let's proceed. Next order!

#### COMMUNICATION FROM THE CHAIR

**The Temporary Speaker** (Hon. Muhulah): Hon. Members, the Chair has noted that the Business of this House is being taken for granted. Every Hon. Member knows very well that each and every Wednesday, the Business of this House starts 9.00am. It lowers our dignity that we cannot take the Business of this House seriously and some Members are

being inconvenienced because they come to this House as early as possible and end up staying Here waiting for other Members to come.

Please let it be a notice to all Members that part of decorum that we need to exercise every single moment is to ensure that we start our Business as regulated in our Standing Orders; Tuesdays from 2.30 p.m. and Wednesdays from 9.00 a.m. Please take note of that.

The Chair has the following communication from World Link Press Publishers to the Siaya County Assembly:-

The Siaya County Youth cum Business Entrepreneur Development Conference through the World Link Press Publishers, youth training division has organized a seminar in your County on 23<sup>rd</sup> October, 2015 at St. Julians Hall from 9:00 a.m. to 5:00 p.m. to sensitize the youth and business people on the practical steps they must take in order to succeed.

Take note of that. Please you can advise the youth in your respective Wards and also if you have time, please make a visit there and hear what this World Link Press Publishers have for your youth and the entire youth of Siaya County. Thank you.

#### NOTICE OF MOTION

**The Temporary Speaker** (Hon. Muhulah): Hon. Abayo, I understand you had already given a notice of Motion yesterday. Next order!

**MOTION****MOTION BY HON. ABAYO ON THE  
SETTING UP OF A UNIVERSITY IN  
SIIAYA TOWN**

**Hon. Abayo:** Thank you, Mr. Temporary Speaker, Sir. I rise to move the following Motion:-

**AWARE THAT,** H.E The Governor of Siaya County did set up a taskforce to look into the possibility of setting up a university in Siaya Town in order to enhance the socio-economic development of the County and its environs and that a report had been presented to him;

**FURTHER AWARE THAT,** the report recommended Maseno University and that a Memorandum of Understanding (MoU) had been signed between the County Government and the University;

**NOTING THAT,** Siaya Agricultural Training Centre (ATC) has been targeted for conversion into a university and some ATC facilities have been taken over by the University namely, a hostel has been converted into an administration bloc;

**CONCERNED THAT,** both the report and the MoU have not been presented to the County Assembly for approval yet the County Government has committed Ksh.30 million to refurbish the ATC as vocational training centre;

This House **RESOLVES THAT,** the Executive presents the relevant documents to the County Assembly within two weeks and that all the undertakings on the establishment of the University halts with immediate effect until the County Assembly approves it for implementation.

I ask Hon. Osuri to second.

**Hon. Osuri:** Mr. Temporary Speaker, Sir, I arise to second.

*(Question proposed)*

**Hon. Abayo:** Thank you, Mr.

Temporary Speaker, Sir. Indeed somebody sitting in this House and anywhere else in Siaya or beyond could be wondering why we would be talking about this Motion. From the onset, allow me to declare that my motivation for this particular Motion is that this town called Siaya indeed requires a university.

Siaya is the County Headquarter and borrowing from what we have seen; Yala town has grown because of Odera Akang'o campus. All of us are also aware that once a sleeping town, Bondo, is now a very vibrant town because opportunities are there for our young people to continue with learning and our communities also have opportunities.

When a university comes in a given town, everybody benefits, all cadres. It is in that view that we would want to see- a university turned round Maseno town, the once small town is now a big and vibrant town. We would want to see Siaya experience the same. Anything else that would be a hindrance to that should be dealt with. It is our obligation to see that we move to the next level.

Mr. Temporary Speaker, Sir, the scenario here is as follows; we want to appreciate that in that recognition, the Governor did setup a Task Force of professionals. We can never lack professionals. Siaya will always have the best. The Task Force did a report and handed it over to the Governor with very clear resolutions, findings and recommendations. We are told such a report exist and has been presented to the Governor and the Governor has gone ahead to make commitment.

When we talk about a Memorandum of Understanding between the County

Government and a university, it is critical that we know what we are getting into. We must know what is binding. What are the obligations of this County? We have a facility called Siaya ATC; it has infrastructure, it has personnel, it has activities that are ongoing and as a university comes in with the intention to convert it, or we have agreed that this conversion into a university should take place- this House comprises of representatives of the people of Siaya, the custodians on behalf of the people need to be told what it portends to us.

What is the university bringing in? What are they committing in terms of the expertise that they should have in terms of finances? This House does not know! It is for this reason that we would want to know what was in the Task Force Report and what was in the MoU.

It is critical also to know that ATC has been running very successful activities. We have demonstration plots- when you go to the ATC you will see some of the best. Are we going to sustain that? Yes, there is a possibility to have a faculty, this needs to be known to us. As we go looking into the obligations, this House will be called upon to commit resources, we will be committing money and we must know what are we committing money to.

*(Applause)*

We have to be told. We have to have a clear concept- that this is what we are talking about and that as we put in the money, we also see how that money will translate into the development of this County.

To make it worse, despite the fact that these two critical documents have not been shared Here, activities are going on. A hostel has been turned into an administration

block and it is labelled. Some of the rooms that we've been using have been turned into lecture halls. The kitchen is now labeled the library. For how long are we going to wait for this document?

Very interestingly, Mr. Temporary Speaker, Sir, as I conclude; construction works are on at the ATC, there is a building which already has a roof; there is one whose foundation has been put up. I want to attest to this and categorically say that the management of the ATC to date does not know who is actually doing the construction. Nobody knows whether it is the County Government or it is Maseno University. The management of ATC as at yesterday has not been informed of who is doing the construction.

We must unravel this confusion. The plea is that everything should stop and these documents be brought to this House so that the Assembly can then dispense with this thing having known what is in position. That is when we can be able to say, Yes/Amen, we need a university to take effect immediately. Mr. Temporary Speaker, Sir, I move.

**The Temporary Speaker** (Hon. Muhulah): Hon. Osuri

**Hon. Osuri:** Mr. Temporary Speaker, Sir, I rise to support this Motion and would like to state that this Motion is long overdue. It was a very good idea that the Governor saw it right to set up a Task Force to look into the setting up of a university in this County. That was a very good idea.

We are not against a university being established in Siaya; however, proper procedure should have been followed. The Task Force report ought to have been Tabled and discussed in this House. It touches on two very important Committees in this

House; I happen to sit in the Education Committee and I have never seen that report. The ATC is under the Agriculture Committee whose Chairman is Hon. Agoko and he is here. If it was going to be changed into a university, then that Committee ought to have been involved. So, proper procedure for the establishment of the university was not followed.

As it has been put by the Mover, Bondo University has changed the face of Bondo town. Likewise, the establishment of a university in Siaya would give a facelift to this town. We should have benchmarked with some of these new universities that are being established. I hear that maybe in two weeks' time, Homabay is going to open the Tom Mboya University. What about Siaya? The Budget Committee at one time told us that Kshs. 30million was allocated for the construction of a university, whether it was passed by the Budget Committee or this House, I am yet to understand.

Mr. Temporary Speaker, Sir, a university also needs planning. If you go to the ATC today, those foundations have been haphazardly done. It is a chaotic state. Though not in this Assembly, at some point in time I was accused and it was in the papers that I was against the establishment of Maseno University at the ATC. I appeared before the Task Force and gave my input. What I said and still stand to say is that a university is needed in Siaya, but I would oppose setting up a university within the town. We've all seen the recent happenings in Bondo and Maseno when students rioted and there were chaos.

**The Temporary Speaker** (Hon. Muhulah): Hon. Osuri, are you confirming that you are against that university being town?

**Hon. Osuri:** I am not against the university being in the center; the town extends up to the outskirts. But the ATC it is an institution that is helping to train our local farmers for periods of three weeks. We also need the ATC. We have adjacent lands within the town where it can be set but we need not to do away with the ATC.

It is very important that proper procedure should be followed for the establishment of this university. We need to know the kind of MoU that is there. Of late I have not been seeing students there. I don't know whether they are there or not. We need to know the status. In conclusion, I say that let proper procedure be followed. Thank you.

**The Temporary Speaker** (Hon. Muhulah): Hon. Rosemary!

**Hon. Ogutu:** Thank you, Mr. Temporary Speaker, Sir, for giving me this time to air my views as I support this Motion. Just as my colleague has said, this Motion is long overdue. It should have come earlier. I want to tell this House that it is not only Hon. Osuri, it has been said that this Assembly is against the establishment of a university at the ATC. It is in the public domain. The Committees of Agriculture and Education met the Task Force in June at the ATC.

As we were giving out our views, Dr. Were said that he is fed up with petty politics from this Assembly. That made some of my colleagues to walk out of the meeting. At that time, Dr. Omamo was still the Chief of Staff and he forced Dr. Were to apologize so that Members could remain seated. Unfortunately, he apologized when some Members had gone. It was sad. We left that meeting without any way forward.

Nobody is against the university. We have seen how sleeping towns have woken

up because of universities. What we want is proper arrangement. The Assembly should be aware of what is happening. The Executive should work closely with the Assembly because it is this Assembly that is going to set the funds for that university. It is from this Assembly that we are going to get students to come to that university because we are the people's representatives. It is very unfortunate that upto date there is no MoU that has come to this House.

As my colleague has said, things are so scattered at the ATC. You can't tell which path leads where. It is unfortunate that the Implementation Committee went to the ATC and we were told that we could not occupy a room there because we never booked early. That clearly shows you that even if it is set there, we will not be in good terms with them. If we can't use their facility, can we really support it to be there? We want the MoU to be brought to this House or else no budget will be passed in this Assembly for that university. Thank you.

*(Applause)*

**The Temporary Speaker** (Hon. Muhulah): Hon. Representative of Ugenya East!

**Hon. Ndonji:** Thank you, Mr. Temporary Speaker, Sir. I happen to be a Member of both the Education and Agriculture Committees and I attended the meeting that has been highlighted by Hon. Rosemary. It is on record that that day I said that while we support the establishment of a university, we wouldn't want to kill the ATC. I said that we needed to have both the ATC and university. My take at that time was that if possible, we should look for a place where the university can be allocated

and not at the ATC because that was going to kill that institution.

Seemingly, the input of this Assembly was not wanted by the Task Force. The Task Force called us but they were not ready to take our ideas. I was saying and I want to repeat today that most of the things that the Executive proposes to be in the budget are not meant for the purposes they claim they want to use them for.

You will come to realize that as we move on, a number of others will come up and probably what is in the budget is never done the way it is in the budget. And if something is done, you find that it is out of the budget. In most cases it is easier for these funds to be used for foreign trips by the Executive at the expense of the projects that are supposed to be helping the people of Siaya County.

I want to say that it is a must, and I don't want it to be a request, we should demand that the Task Force report be brought to the Assembly. We should be privy to the MoU before we go ahead. It is also important for us to know who is doing the construction there. From which funds are they doing these constructions? Probably it is there, we don't know where the funds are from; we could be making noise but it is there. It is very important for us to get information about any funds that are coming into the County and are going through the County Government because it is part of what should be reflected in the budget.

I support this Motion and I lead by saying that let these people should give us the Task Force report. Thank you, Mr. Temporary Speaker, Sir.

*[The Temporary Speaker  
(Hon. Muhulah) left the Chair]*

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

**The Temporary Speaker** (Hon. Abayo): Hon. Oriaro!

**Hon. Oriaro:** Thank you, Mr. Temporary Speaker, Sir---

**Hon. Booker:** Mr. Temporary Speaker, Sir, I wanted to request for some clarification from the Chair before Hon. Oriaro continues.

**The Temporary Speaker** (Hon. Abayo): Yes, Hon. Booker

**Hon. Booker:** Thank you. At the moment I am seeing that the Mover of the Motion is also the one chairing the Motion. I don't know if it is in order for the Mover of the Motion to Chair a Motion. When the time will come for the Mover to reply, is the Mover going to reply from the Chair?

*(Applause)*

**The Temporary Speaker** (Hon. Abayo): Well put Hon. Booker. The Chair can tell you that the role of the Chair is to guide. The Chair will not gag any discussion. The assurance is that the Mover will reply when he is on his chair and not as the Chair over Here. The Mover will be able to reply when he is on his chair next to you.

*(Laughter)*

That one I can assure you. Yes, Hon. Oriaro!

**Hon. Oriaro:** Thank you, Mr. Temporary Speaker, Sir. With the intention of giving flesh to this Motion, I am of the observation that progressive economists will always tell you that the so called Asian Tigers that we aimlessly talk about when we want compare our economies with theirs are doing well merely because those institutions

have heavily invested in matters to do with education.

One clear thing which progressive economists will also talk about is the concept of the backward and forward linkages. That one level of investment begets other levels of investment. This is very true with a university and anybody who would be against a university at this point in time is backward.

The main thing that concerns us is merely procedure. The role of the Assembly as expressed in the constitution is very clear that for anything to be done by the County Government, it must be approved by the Assembly. That is our primary duty. So anything done without our approval is a waste of time and if it shall involve the use of money, then we will be misplaced.

Above all, functions of the County Government are very clear. University education is not a function of the County Government; we're only stressing on this because education is the foundation of everything. So it is moral that we embark on it. That means that without proper procedures and without proper involvement of the Assembly, then we will be doing a disservice to our people.

We will not forget one thing; when President Obama was coming to Kenya, the Governor wrote letters to the US Embassy and one of the areas he was interested in was a university in Siaya. Maybe our Governor is sleeping on the job. I can recall, and there is empirical evidence that a team from the diaspora led by Teddy Obanga of Canada, we met them as a county and I was at the forefront, and they were ready to mobilise resources globally for the construction of a university. The Governor sat on this opportunity! When the team came to meet the Governor so that the way forward could

be crafted, the Governor had ulterior intentions. Mama Sarah Obama was contacted. The team thought they were going to meet the Governor in Siaya but he took the meeting to his Yunia hotel in Busia. Those people thought they had gone to Siaya only to learn that they were not in Siaya. Mama Sarah Obama had sent Hon. Osuri to represent her in that meeting but we were surprised that he was chased from that meeting. The Governor questioned why Hon. Osuri was in that meeting and the diaspora team was left questioning why Hon. Osuri was being chased yet he was representing Mama Sarah Obama.

So the Governor has got private business in public office. That's why he is not ready to engage the County in obvious business because there would be no room for looting because those people want structured discussion and structured ways of implementation.

*(Applause)*

We will support the Maseno University thing as long as we move away from the philosophy of the end justifying the means. When you want to mill sugar, you must start from sugarcane. You cannot say that you want sugar and the input is the napier grass. You can't get sugar from that! We would want to question how construction is being done at the Siaya Agricultural Training Centre (ATC).

The Kshs.30 million they are talking about; or even Kshs.16 million, is capable of erecting a storey building. We know what it cost the National Government to build the lands offices just across the road. What is being done there is below average. It has already cracked. We are questioning how the Governor, his team and even the physical planning valuers can go to the

extent of erecting such a building in a space where the value of the land is too high such that if we do not make proper use of it, we will be a laughing stock in future. So the structures being undertaken there—we don't care where the funds come from but we would want to know the Bills of Quantities and what informed the construction of such a building. If the money was little, why couldn't they engage us objectively? There is no shortcut. Even if it means souring our relationship, let it be that we are doing it while executing our duty.

*(Applause)*

The Governor has to be told off in all activities he is doing including this. If it is the issue of land, Mama Sarah Obama had donated land in my Ward. In Ojwando A there is 90 acres and over 100 acres in Pap Boro. We have the land! If it is the issue of funding, people are outside there to assist the County Government. The activities of the university started at the former Siaya Medical Centre, all of a sudden it was halted and students suffered, including my niece. We want to know what became of Maseno University at the Siaya Medical Centre then it was rushed to the ATC. I support!

*(Applause)*

**Hon. Apiyo:** Thank you, Mr. Temporary Speaker, Sir. I must appreciate the Mover of the Motion as I rise to endorse it. Proper channels must be followed. For example, if you want to get a title deed, you must first do a survey, present your survey papers to be checked then get the approval. The right channel will then lead you to a title deed.

If there was a MoU, then this procedure is half way. This Hon. House has not received the MoU. That is why I started

by saying that proper channels and procedure have to be followed. The County Government committed Kshs. 30million yet this Hon. House did not pass that. Who gave them the authority to commit the money? Was it this County Assembly? No! Everything involving money has to pass through this House. Proper channels have to be followed! Even as we have financial advisors who tell us how to spend our monies in the bank. If the Executive cannot use the money we are given then something is wrong.

As the Chairperson of the Public Works, Roads, Transport and Communication Committee, I have got information from the Executive that there are a lot of hanging projects and there is little money. This is a Motion that all of us should support. When the Governor and his team are doing the wrong thing we must condemn them. We should not sleep in the same bed with the Governor and his team. People are asking us what is wrong with Siaya County. We are not fighting the Governor and the Executive. We want to help them to do the right things.

*(Applause)*

We must respect our institutions. As a House we must stand tall and remain strong every time. If something is wrong we must condemn it. As Hon. Oriaro said, I really wonder why we must insist on putting up a structure at the ATC while there are huge tracts of land somewhere. I did something in Turkana for Mount Kenya University and it is the community that donated the land. I am asking the Executive to keep off the ATC if there is land. Let us get somewhere where a serious university that can help the people of Siaya can be put.

*(Applause)*

I support!

**Hon. Muhulah:** Mr. Temporary Speaker, Sir, you've heard how Hon. Members have continued to pour the anger and disappointment because of the university. Research and development are the oils of growth. It is through research that we get development and growth is then spurred. A university is the mother of research.

Before I get to the Motion, I wish to tell this Hon. House that the Kshs. 30million was actually approved by the House in the budget but it was never approved in the name of Maseno University because we did say that Maseno University is not within the devolved functions of the County Government. For that, we could not put that money as it had been proposed by the Executive for Maseno University.

I am among the people that the Governor called one evening when I was at the Jomo Kenyatta International Airport coming to Kisumu that I was among many Members Here who were opposed to the issue of establishing Maseno University in Siaya.

I was very candid and told H.E the Governor that I knew the importance of education and more so higher learning, but I was opposed to the County Government's idea that we should sell out the Agricultural Training Centre (ATC) while each and every county is striving to get their own ATCs for the purpose of agriculturists. This is because many people are involved in agriculture and they may not have that high acumen to understand university lectures and that is why I said that we must hold on to the Siaya Agricultural Training Centre (ATC).

Mr. Temporary Speaker, Sir, from the beginning, this thing was suspect. As much as university education is not

devolved, this does not deter any County Government from getting into partnership with any university. They are allowed. But we are only custodians of the law and hold responsibility on behalf of the people. It is delegated responsibility from the electorate such that when they are signing such critical documents, then it must be witnessed by the people of Siaya.

I am sorry to introduce this one, Mr. Temporary Speaker, Sir, but it is the issue of agreements that is actually bringing problems between the people of Siaya County and Dominion Farms Limited because this thing was done under the table. The same thing is also being done by the Executive arm of the County Government of Siaya with regards to Maseno University. A university is an investment; and just like in any case, when you are looking for investment, you have to source for different people then weigh out their financial muscle to see if they are actually prepared for whatever they want to do.

*(Applause)*

Let's follow the footpath of Maseno University. These people had an interest in Siaya and they went actually to my uncle's place--- Then they were stationed at the Siaya Medical Centre. These people went and collected monies which haven't been refunded till to date. Hon. Oriaro talked about it. Those people went even without saying bye to the owners of the institution. Up to today they have never paid those people. That was a sign that these people were not prepared to have a university in Siaya. They never had the financial muscle to undertake it.

I wonder why the Executive could not invite interests from all universities then

look at the people who were prepared to have a campus in Siaya. One of our sons has been heading one of the biggest universities in Africa-the University of Nairobi- that is Prof. George Magoha. He could have quickly accepted to bring a campus here in Siaya. And for your information, we already have a department that is offering certificates here. We have a very nicely integrated university called Mount Kenya University. A young university but very vibrant. They would have had an interest here. We have Prof. Olive Mugenda, a steadfast lady and the Vice Chancellor of Kenyatta University; she would have had an interest here. Our very own Jaramogi Oginga Odinga University was never invited. Why did these people settle on Maseno yet they don't even have the money? I'm sorry to disclose that the students have already been given letters not to attend any classes in Siaya but to relocate to Kisumu. These are poor children whose parents have struggled to get them fees so that they learn here in Siaya; how do you then tell them to relocate to Kisumu? Can they afford it?

I cannot authoritatively confirm it but rumour has it that the administration block of Maseno University was recently razed down in a bid to interfere with investigations. The university has had some financial problems and due to the fear of investigations, the building was burnt down. Mr. Temporary Speaker, Sir, is that really an institution to trust?

*(Applause)*

The County Government should have looked for a land to give Maseno University but not do away with the ATC, an institution that is so helpful to the people of Siaya. We reject that!

*(Applause)*

It's very unfortunate that even the relevant Committees of Education and Agriculture have no clue in whatever was appended for in the agreement between Maseno University and Siaya County Government yet they are the custodians of all these things.

Hon. Members, it will never lower your dignity if you stand for the truth, honesty and integrity. This House is not fighting the Executive, but it is our responsibility as an oversight authority to ensure that whatever happens in this County is above board. I ask my colleagues to stand for that.

Education is a key thing and universities are the fastest propellers of development in any area, but we can never get it right unless we do things properly. Maseno University has failed twice in this County and I don't think that we should allow any agreement between Maseno and Siaya to go on.

Mr. Temporary Speaker, Sir, Hon. Members of the Committee of Implementation were almost getting locked out of the ATC when we converged to have some serious engagements in that building that was purportedly given to Maseno. It prompted us to even question Prof—and Dr. Were on who owns the ATC—whether it is Maseno University or the County Government of Siaya. In his wisdom Prof—bulged in and told Dr. Were that they had to go. I told them that they had to go because they had no authority to even question the Hon. Members because the ATC is a property of the County Government of Siaya and it must remain so.

If the County Government wants to deal with Maseno University or any other university, then we must get a clean

financial balance sheet that will tell us whether the university is prepared to have a campus in Siaya. If they cannot provide that, then we should not allow them to come here. As a matter of urgency, this House needs to see the agreement and the MoU. We want to see all the legal formalities and anything that can support the acceptance of Maseno University to have a campus in Siaya County, or else, let's open this thing to all universities within and outside this region.

Mr. Temporary Speaker, Sir, I beg to support.

**Hon. Okwako:** Thank you, Mr. Temporary Speaker, Sir. My colleagues have talked well but I only differ with them in one area--- Even if the County Government has done something wrong, we have our leader Here and four or five people can look into this report and point out the wrong procedures. The Governor is not God; he is just someone like us. If he makes a mistake we need to face him and talk with him but not making noise every now and then. That is the only way we can make a future for our grandchildren. We don't have to debate in very harsh tones and make noise.

Those chairing Committees are mature people. Let us not just say that we can't pass this; yes we cannot pass it, but let's also face the Governor and his team and discuss issues out.

*(Applause)*

**Hon. Apiyo:** Point of order, Mr. Temporary Speaker, Sir!

**The Temporary Speaker** (Hon. Abayo): Yes, Hon. Apiyo Apiyo!

**Hon. Apiyo:** Mr. Temporary Speaker, Sir, I wish to tell my respected colleague, Hon. Sela, that we are debating, we are not quarrelling. This is the only way we can face the Governor. It is in this Hon.

House that we can say anything we want!  
This is the place to debate!

*(Applause)*

We are debating! We are not fighting! We are not quarrelling with anybody! I want to tell my colleague that we are not fighting the Governor; we are debating in this Hon. House. Thank you!

**The Temporary Speaker** (Hon. Abayo): Hon. Sela, I think that is clear. One thing I want to add is that at times we talk with a lot of emotions. At one point Hon. Muhulah was hitting his desk while talking and I don't know whether that is the level of annoyance that Hon. Sela is talking about.

From what Hon. Apiyo has said, I want to inform the Hon. Members seated in this Hon. House that it is in this House that we address our business. We don't go siting with the Governor to discuss serious issues. As Hon. Apiyo has put it, this is where we handle our business; this is where we give direction—

*(Applause)*

We don't go discussing critical issues with the Governor. Official business is done in this House. We can discuss anything else that is unofficial as friends, but official business between the Assembly and the Executive is done in this House. That should be clear. Hon. Sela, continue.

**Hon. Okwako:** I don't want to say much. As the first MCAs, I want to request us to work together so that history might judge us well. Let it go down in history that the first people to sit in this Hon. House did a good job. Thank you.

**The Temporary Speaker** (Hon. Abayo): Yes, Hon. Shabaan.

**Hon. Omar:** Thank you, Mr. Temporary Speaker, Sir. I also want to support the Motion but first of all I want to

register my disappointment because the way I heard Members talking, it seems that even after thorough deliberations in this House, there is no action that is taken. I'm praying that this time, after serious discussions, action will be taken within the two weeks that have been given here.

I want to support that the MoU and the taskforce report be brought to this House so that we see their contents. What I have heard is that when the Committee members met the taskforce, there was one Dr. Were who said that he was tired of the petty politics of Hon. Members; that was an insult! The taskforce is using public money and it is us who pass the money that is to be used by these people.

*(Applause)*

It is not in order for them to insult Hon. Members! And that is why we must see the MoU and the taskforce report. It is also important to note that the ATC is important for the people of Siaya. The university is also important, but if you look critically at the workforce, most people who are being employed in this country are the middle level people; people with diploma and those with certificates. People with degrees have very few jobs. So if the university is to take over the ATC, yes we are going to gain, but the gain cannot be compared with what we are going to lose. So I support the establishment of the university at Siaya but not at the ATC.

*(Applause)*

We know that the universities open up places, but Siaya has already been opened up! If we take the university to the land Hon. Oriaro was talking about, more people will gain from it than placing it at the ATC. People will be able to invest there because the land is vast.

What I've seen is that there is somebody who wanted to take credit of what the Assembly has passed. If the Assembly passed the establishment of a university then it is the Assembly that should lay down all the procedures to be followed. But if one person takes over and wants to do everything, then it seems he wants to take the credit and in the process of doing that, it leads to corruption.

*(Applause)*

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

*[The Temporary Speaker (Hon. Muhulah) took the Chair]*

For an MoU to be undertaken between the County Government and any institution, let the tender be floated or let us make suggestions of the universities we think have the capability of establishing a campus within this County.

Lastly, if we say two weeks, then by the first week of November, we should have a report. If it is not possible, let the Executive come to this House so that we are informed on what is going on. I support the Motion!

*(Applause)*

**The Temporary Speaker** (Hon. Muhulah): Hon. Ag. Majority Leader, have you taken note of that?

**Hon. Ndonji:** I have taken note, Mr. Temporary Speaker, Sir.

*(Laughter)*

**The Temporary Speaker** (Hon. Muhulah): Hon. Booker Minami.

**Hon. Minami:** Thank you, Mr. Temporary Speaker, Sir. I want to thank the Mover for bringing this Motion. From the onset I want to say that---

**The Temporary Speaker** (Hon. Muhulah): Order! Order, Hon. Osuri! Order!

*(Laughter)*

Laugh in English, Hon. Osuri!

*(Laughter)*

Continue Hon. Booker.

**Hon. Minami:** Mr. Temporary Speaker, Sir, I want to confess that I'm one of those students who were denied a chance in 2013 to study at Maseno University-Siaya campus even after registering. This has made me lose more than three years and I had intended to do my degree. I would say that it is very unfair to the people of Siaya. We know our economic status as a County; we don't have industries or factories where our people can get some money. But you find parents sacrificing by either selling a piece of land or some cattle so that they can take their children to school.

A university in Siaya would have opened this County. The County Government should stop involving itself in establishing a university if they know they don't have the funds or their main intention is to misuse public funds. It is true that the money that was passed in this Assembly was not for the establishment of Maseno University.

As a County it is very important that we have a university in our headquarters, but let's look at universities across this country. Let us look at history; when students are on riot, what are the effects of universities being in a town center?

*(Applause)*

A good example is yesterday's case in Maseno University where people could not pass through because the road had been blocked. Jaramogi Oginga Odinga

University is another case. So in the context of Siaya, the ideal place to put up a university is not within the town.

*(Applause)*

This is a very small town with very limited infrastructure and if we have a university here and by any chance there are riots, nobody will work in these offices. So I believe that the best place for a County like Siaya to have a university is outside the town and if indeed we have public lands in Siaya that are not within the town and are enough to put up a university, it would be my prayer that those places be considered for establishment of a university. If we have a university in town and students go on rampage and next to it is a prison, the students can go and overpower the prison guards and free all the convicts.

*(Applause)*

That is possible and it would be a very bad scenario for this County. I want to support this Motion and urge that as a County Government, if indeed we want to serve our people and develop this County, then let us be sincere to them. Thank you.

**The Temporary Speaker** (Hon. Muhulah): Hon. Nguire.

**Hon. Nguire:** Thank you, Mr. Temporary Speaker, Sir. Let me add my voice in support of this Motion. I want to support this Motion simply because education, like health, which we discussed yesterday, is a very vital sector in any society. And if we mess up with the health sector, what of education?

One thing that has been said Here again is the need to keep working hand in hand with the Agricultural Training Centre (ATC) because it's also very important in training our people at that cadre. If we destroy the facility to put up a university

then we will have lost one aspect of training institution.

*(Applause)*

If we continue politicking we may not manage to set up a university in Siaya. As a result of that, we will continue lagging behind. If you are in Nairobi at about 8pm to 9pm you will see a good number of people moving from one direction to the other. That will make you know what education now means to Kenyans. Young men and women are trying very hard to gain more knowledge and university degrees are now the in thing. So it is very important that we be very serious when looking at things to do with education, particularly higher learning.

Some of us are aspiring to go back to school. There is no end in education, you can learn until you go to your grave. But if we don't put institutions in place for these children we will have done a lot of disservice to this County. It is my humble prayer that whatever reports we need, whatever facilities we are looking for, let us look at them soberly. Otherwise, our sitting Here would be meaningless.

If we continue fighting and a university is not set up in this County, then the other team coming will blame us. If we don't fight to keep the Agricultural Training Centre (ATC), then the people coming behind us will blame us. So we must be a very serious lot. If money is set aside for these institutions then we must do proper follow ups to make sure the money is well spent. If people come here and do a feasibility study and find that there is need to get some land somewhere to put a university, let's discuss this in a sober manner. We should make sure that anybody blocking this is made to understand the importance of having these institutions.

Otherwise as a County we will be lagging behind.

Look at the mushrooming universities and campuses that are coming up everywhere. Apart from the Nyanza region, we don't have Jaramogi Oginga Odinga University anywhere else. These other people are having universities almost in every County. In places like Nairobi, Nakuru and Mombasa, they have campuses all over. We must tick what we need for our children so that as we leave this place, somebody can stop us on the road and talk nicely to us. But if we don't do that we will be laughed at.

I beg to support this Motion and request that we insist on that which will help Siaya grow. Thank you.

**The Temporary Speaker** (Hon. Muhulah): Hon. Zilpa.

**Hon. Awino:** Thank you very much, Mr. Temporary Speaker, Sir. From where I sit, I still hold to the opinion that a university campus must be in Siaya town. This is because of accessibility. There are many people who are working in Siaya and they may want to further their education, the only way they can do this is to have an accessible learning institution where they can go to in the evening.

Even I would like to go to college to learn about the things that I never learnt in life and not because I want a job. But I can't do it because the nearest institution is Jaramogi Oginga Odinga University in Bondo. But if we have an accessible institution in Siaya, then the people here will definitely benefit.

I have been going to the Agricultural Training Centre (ATC) for meetings and those buildings that have been cited here seem to have been abandoned. There is nothing that is going on there and I don't

know where we got funds to do them up to the foundation level. The other day I talked to the principal of the institution and asked her where her students were and her reply was that they were moved back to Maseno University main campus.

So in reality Maseno University is no longer here. Whatever was signed in the MoU is not known to us but we would wish to have knowledge of it. As it was mentioned, previously they were at the Siaya Medical Centre.

I personally know the owner of the place. They inconvenienced him and he sold everything in that hospital so that Maseno University could start up a faculty of medicine in that place. But after he had done everything, Maseno University pulled out. I don't know what happened. We can conclude that it's not an institution that one can enter into a partnership with.

We need a university in this town. This is not the only town that will be hosting a university. Where is Nairobi University? Where is it located? It is right in middle of Nairobi. Masinde Muliro is at the heart of Kakamega town. These universities also have branches within Kisumu's town center. So we cannot say that we can't have a university here in town because students are going to riot. Let's give it a chance.

**The Temporary Speaker** (Hon. Muhulah): Hon. Zilpa, do you think that it is worth considering the issue of strike?

**Hon. Awino:** Strike is not a bad consideration. If anything, we as parents should tell our children not to ever get involved in strikes. Now all the children are coming back and we have already paid their fees. Nobody knows when they will go back. So it's not a worthy course but a

campus is necessary here and we should not oppose it for the sake of opposing. The Executive and the Assembly must find a way forward. As it has been said, those who come after us will wonder what we did by not having a campus here. As for the MoU and everything, I support that we should see them to understand their content and give our input. Otherwise, thank you very much.

**The Temporary Speaker** (Hon. Muhulah): Hon. Agoko.

**Hon. Agoko:** Thank very much, Mr. Temporary Speaker, Sir. I'm happy with the debate that is going on, the sobriety, the objectivity and I only urge my colleagues to keep the spirit. The issue at hand has had serious challenges. From inception; the Committee on Agriculture raised objections on doing away with Agricultural Training Center (ATC) and getting it converged to a Maseno University campus. We got serious objections from the community and were branded to be opposing each and every development activity initiated by the County Government. That was not so. We do not oppose development agendas, and personally, I support the establishment of a university within Siaya County and within Siaya town.

Our own concern was that the Agricultural Training Centre (ATC) is a learning centre where there is technology transfer and demonstrations of latest technologies in agriculture. Counties like Mombasa and others who did not have agricultural training centers by the time of inception of the County Governments are now very busy setting aside funds to establish such facilities. That is what made us get concerned. We don't need to do away with the institution.

The process of engaging Maseno University to come on board was shrouded

with a lot of secrecy and I would say nothing was above board. At one point, the Committee on Agriculture and the Committee on Education were invited to a meeting with the Task Force, but we did not give the meeting any resolutions because the Task Force used that forum to show a lot of disgust. They did not show any sense of respect to the Assembly because they said they were tired of endless noises from this Hon. House and it was a serious exchange of harsh words when Dr. Were insinuated that we only make noise and we don't want development in Siaya County.

On that particular day we had the engagement, there was a bulldozer already bringing down the sign of the Agricultural Training Centre (ATC). As we talk, they vanished into the thin air and the students who were learning at the institution have been served with letters to transfer to Kisumu. This is putting our sons and daughters in jeopardy because they pay fees; they plan to go to attend classes at their time of convenience.

Probably they are people who work in Siaya and are unable to facilitate themselves to pay for boarding. That is why they decided be day scholars at the Agricultural Training Centre (ATC). But as from now they have been ordered to transfer to Kisumu because they couldn't put up good structures there.

Mr. Temporary Speaker, we have talked about the Kshs. 30million that was approved by this Assembly to be used for construction of buildings at the Agricultural Training Centre (ATC) that were to be used by Maseno University. That money hasn't been used though it was approved. I want to say that the constructions we are talking about started 6months before the approval of the budget. If the budget we approved were

to be used to pay constructions that started 6-7 months before the approval of the budget then the Assembly was being taken for a ride and that should be investigated.

I want to say we support the establishment of a university, though not within the town center. Probably it should be outside the town center for sobriety, security and for opening up of the County headquarters into a modern town centre. I support this Motion that we need to get records and put structures in place even for establishment of any other university that may show interest in Siaya. I rest my case.

**The Temporary Speaker** (Hon. Muhulah): Hon. Andiego, I thought you wanted to talk, but when I look at you, you are seated. Go on Hon. Andiego.

**Hon. Andiego:** Thank you, Mr. Temporary Speaker. I wanted to talk but at times you find that what you intended to say has already been said.

**The Temporary Speaker** (Hon. Muhulah): Go on!

**Hon. Andiego:** Hon. Agoko has gone through what I wanted to say. It is true that in Siaya we need a university. The most important thing is for us to weigh our options and the MoU must be brought so that we see what is in it. As much as we need a university, we also need the Agricultural Training Centre (ATC). When it comes to development we should put aside our differences. Universities develop places much faster. A good example is Bondo and Eldoret. If you compare Bondo to Siaya today, you will that see Bondo is growing very fast.

The only problem we face in Siaya is that things are done without consultation. The Assembly is a very important stakeholder and we need to be consulted. Consultations with this Assembly will give

the best results to what is done in the County. I support the Motion with an opinion that we need that university. So even if the place is to be changed from the Agricultural Training Centre (ATC) to another place, we can acquire land elsewhere and build infrastructures outside the town. Thank you.

**Hon. Okuku:** Thank you, Mr. Temporary Speaker, for giving me this opportunity to echo my sentiments. I want to support the Motion and say that as County Government of Siaya, we need both a university and the Agricultural Training Centre (ATC). What the County Government needs to do is to strike a balance. Siaya has two universities that already exist; they are Jaramogi Odinga Odinga University and Odera Akang'o.

We can't do away with Agricultural Training Centre (ATC). What the County Government did was to set aside some money that was mismanaged in the name of bringing up a university. The entry point is to identify a piece of land and let the institution erect buildings on their own.

The Executive should have sued Maseno University for coning the people of Siaya. We should not even sit Here wasting public funds debating on an institution which has shown high level of corruption, high level of indiscipline and high level of mismanagement. I want to urge the Executive to start engaging its legal experts and sue Maseno University. It is well said, that it is difficult to teach an old dog new tricks and that is what is haunting this County Government of Siaya. The 'governors' of Siaya think old, behave old and act old---

**The Temporary Speaker** (Muhulah): Hon. Elisha, resume your seat.

How many Governors do we have in Siaya?  
There is only one Governor, H.E. Cornel  
Rasanga. Kindly withdraw that statement.

*(Laughter)*

**Hon. Okuku:** Mr. Temporary  
Speaker, Sir, I didn't say the Governor, I  
said 'governors'.

**The Temporary Speaker**

(Muhulah): Hon. Okuku, withdraw the word  
'governors' because there is only one  
Governor in Siaya.

**Hon. Minami:** Mr. Temporary  
Speaker, Sir, before he withdraws, I think  
Hon. Okuku is right because in this County,  
we have a 'governor' for Alego Usonga, we  
also have a 'governor' for Bondo.

**The Temporary Speaker** (Hon.  
Muhulah): What are the names of those  
'governors'?

**Hon. Minami:** No, Mr. Temporary  
Speaker, you cannot---

**The Temporary Speaker** (Hon.

Muhulah): Order! Order! Order Hon.  
Member! Hon. Booker Minami what are the  
names of those 'governors'?

**Hon. Minami:** Mr. Temporary  
Speaker, Sir, what I am saying is that we  
cannot be restricted to thinking in one way.

**The Temporary Speaker** (Hon.

Muhulah): Order! Order! Hon. Booker, can  
you substantiate for this House the names of  
the 'governors' and where the 'governors'  
are found?

*(Laughter)*

**Hon. Minami:** Mr. Temporary  
Speaker, you are not giving me time to  
answer you. Give me time to answer you.  
We even have the Ng'iya Girls Board of  
'Governors'. We also have the Siaya  
Institute Board of 'Governors'.

*(Laughter)*

If that is what you want, then they  
are there, Mr. Temporary Speaker, Sir. So  
what Hon. Okuku meant is that the  
'governors' are those who are governing  
different sectors of the County Government.

**The Temporary Speaker** (Hon.  
Muhulah): Point taken.

**Hon. Okuku:** Thank you, Mr.  
Temporary Speaker, Sir. I'm talking about  
the governors of Siaya County Government  
and any one in any department is a governor  
in their own right. They think old and  
behave old. They say in *Dholuo* that *Raila*  
*okelo nwa kaunti wachamo*. They strategize  
on how to eat and spend the little money we  
have. If the Assembly cannot come out and  
put a straight line to the 'governors' of  
Siaya, they will be like the 'governors' of  
other Counties who bought wheelbarrows at  
Kshs. 109,000 while a single wheelbarrow is  
Kshs. 3,000 only. We don't want to match  
such 'governors' and I think let the legal  
team sue Maseno University.

**The Temporary Speaker** (Hon.  
Muhulah): Hon. Elisha, you can only bring  
that as a Motion in this House, for now,  
please stick to the debate.

**Hon. Okuku:** I will bring it as a  
Motion so that we can deliberate on it and  
save the face of Siaya. I want to rest my case  
by saying that when we started the County  
Government of Siaya, there was an intention  
to take Kshs. 30million from public funds to  
go and do a grave of the late chief Amoth  
Owira who died sometime back--

**The Temporary Speaker** (Hon.  
Muhulah): Order! Order! Hon. Elisha, the  
subject matter here is about Maseno  
University, MoU and the Task Force Report.  
Would you concentrate on that?

**Hon. Apiyo:** Mr. Temporary  
Speaker, Sir--

**The Temporary Speaker** (Hon. Muhulah): Order! Order! Hon. Apiyo, resume your seat!

**Hon. Apiyo:** Don't restrict us!

**The Temporary Speaker** (Hon. Muhulah): Order! Do not force me to get you out of this House. The subject matter is Maseno University, the Task Force Report and the MoU. That's the Motion. Continue, Hon. Elisha!

**Hon. Okuku:** The sitting Speaker cannot restrict somebody from giving examples. Even in a court of law---

**The Temporary Speaker** (Hon. Muhulah): Hon. Elisha how is the grave related to the Motion?

**Hon. Okuku:** Mr. Temporary Speaker, Sir, can you give me time to explain? The grave was to be done properly so that we could walk there and learn history.

**The Temporary Speaker** (Hon. Muhulah): Hon. Elisha, you are out of order!

**Hon. Okuku:** Mr. Temporary Speaker, Sir, you have ruled me out of order but my point has been taken. I want to rest my case by saying that we must stop insinuations and I'm going to bring a substantive Motion so that we sue Maseno University. Thank you.

*(Laughter)*

**The Temporary Speaker** (Hon. Muhulah): Hon. Members, having debated elaborately and exclusively on this Motion, I believe that it's the right time to call the Mover of the Motion to reply.

**Hon. Abayo:** Thank you, Mr. Temporary Speaker, Sir. Let me start by appreciating the focus that the Members of this House have given this Motion. People

have talked very genuinely. Our role as an Assembly is not in doubt as regards any policy. Any MoU done by this County Government is a policy. When you want to define a County Government, you can never start with the Executive, it's always the Assembly, then the Executive and then you can go to the Board.

Questioning this thing is critical. I agree that this particular report would have informed this House on the rationale upon which Maseno University was picked on. An assumption that all the Members of this House were against the university has now been dispelled. What the Members are contesting and agreeing on is now clear. For Maseno University to have moved from the Siaya Medical Training Centre to the Agricultural Training Centre (ATC) it is clear that there must have been a problem. That has been highlighted Here.

Financial probity of Maseno University is in question and that has been highlighted. Are we going to sustain it? There is no contestation whether we need a university, we all agree. As some Hon. Members have said, land is available. You can even get 200 acres in East Gem today!

*(Applause)*

The budget allocation of Kshs. 30million has been clarified. This was in the budget. I am a Member of the Budget Committee and I can tell you that the draft budget that was given to us by the Executive was very specific. They were putting money for the Agricultural Training Centre (ATC). In our three sessions, we told the CEC that he won't get money for Maseno University because we don't know Maseno. That was very clear. I want to allay fears that the Kshs. 30million put in the budget was for Maseno University. Therefore, if this money

was used for the construction that started 6 months ago, then it would be an illegality and we will confront it when that time comes.

Mr. Temporary Speaker, Sir, should we fail to get this document, what would be the position of this House? We are saying that we need these documents in two weeks. There are also very strong statements that Maseno University has left. We are not sure about that, but I think this is a critical stage and if we don't get these two reports, then we will be saying as a House that the issue of Maseno University *vis-à-vis* the Agricultural Training College (ATC) is null and void. Thank you, Hon. Members, for your contribution and God bless you.

*(Applause)*

**The Temporary Speaker** (Hon. Muhulah): Hon. Members, indeed it has been a very interactive debate on a Motion that was brought by Hon. Abayo.

*(Question put and agreed to)*

### ADJOURNMENT

**Hon. Ndonji:** Mr. Temporary Speaker, Sir, having exhausted the Business as programmed in the Order Paper today, I want to move a Motion that this House adjourns until this afternoon at 2.30 p.m. I call upon Hon. Oriaro to second.

**Hon. Oriaro:** I second.

*(Question put and agreed to)*

The House rose at 11.03 a.m.

## WEDNESDAY, 14TH OCTOBER, 2015

The House met at the County Assembly Chamber at 2.30 p.m.

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

### PRAYER

### COMMUNICATION FROM THE CHAIR

#### APOLOGY FOR DELAY

**Hon. Speaker:** Hon. Members, the Chair apologizes for the delay because we were discussing admissibility of a matter which was supposed to come before this House this afternoon. And we had that discussion with the sponsor of the Statement and it will be addressed tomorrow, thank you.

Next Order!

### PETITION

**Hon. Speaker:** Hon. Chair for PIC/PAC would you kindly let this House know where you have reached with the Petition.

**Hon. Angul:** Thank you, Mr. Speaker, Sir; we are on the process of making the Report, we will be going to Kisumu this week on Sunday to write the audit Report FY 2013/14 and you gave us 60days which has not elapsed.

**Hon. Speaker:** Chairman, just have a seat. The law says that you have 60days within which to present that Report from the day it was committed and I also reminded you that we will be going on long recess and

we wanted you to dispense with that business the soonest.

Over the Petition; I said that the Petition was largely touching on the audit Report and we did not want to have you to discuss this thing separately. We wanted to expedite the Petition within 60days is the provision or we wanted sooner than 60days so kindly work around your programme or timetable so that it is finished before we go.

**Hon. Angul:** Thank you.

**Hon. Speaker:** Is there any Petition that is pending in this House?

**Hon. Oriaro:** Mr. Speaker, Sir; yesterday I met a team of traders from Ugunja, they had approached me. They had sent a Petition here nearly two months ago and I saw a copy confirming that it was officially received.

**Hon. Speaker:** To which Committee was it committed to?

**Hon. Oriaro:** It was addressed to the Clerk's office. And we are yet to hear of it at the plenary here.

**Hon. Speaker:** I direct the Clerks to give us communication tomorrow on that Petition when we will come in the morning and when we come for afternoon sitting; the provision is that the Clerk has 14days to look at that Petition if it's in the right format and form and if it is a matter within jurisdiction of this Assembly and he can guide the Petition accordingly.

Then it is brought to either the Speaker or a Member depending on how the

Petition has been written and we have within 60days to handle a petition, so if it is over; if it is true that it was admitted and the Clerk has not brought it to the Assembly within 60days we will have done the petitioners injustice. Let's get the petition tomorrow.

**Hon. Agoko:** Thank you, Mr. Speaker, Sir; you have talked about pending petitions and I have just thought about a petition I made in this Assembly about unpaid workers in the defunct Ukwala Town Council that had a court order to be paid a total of Kshs. 18Million and you committed the same to the Committee on Finance and Budget. I have talked about it here twice and you have asked the Chair twice about it and to date I have not heard any communication yet the staffs are yet to be paid.

**Hon. Speaker:** Is that the Petition that was being handled by Hon. Madialo; the joint Committee?

**Hon. Atieno:** Mr. Speaker, Sir; we sat in that Committee but I don't think but we didn't discuss about it.

**Hon. Ndonji:** Point of clarification, Mr. Speaker, Sir.

**Hon. Speaker:** Yes.

**Hon. Ndonji:** I don't know if the one Hon. Zilpa is talking about could be the Committee on casuals because there could be some confusion. What's being talked about is employees of the defunct town council who had not been paid and not the casuals. I think Hon. Zilpa maybe be confusing with the other Committee on the casuals who were laid off.

**Hon. Speaker:** Let the Clerk's office take note of that. We want communication tomorrow, we are talking about three other petitions; the one for casuals, the one Hon. Agoko has just talked about so that we don't do the public injustice. We need to process the Petitions within time.

## STATEMENTS

**Hon. Speaker:** Are there any Statements that have not been handled in this Assembly and if they are committed to Committees, the Chairpersons of those Committees can give us updates.

**Hon. Oriaro:** Sometime towards the end of last year I brought a Statement on an issue touching on land matters; there was one on Boro market and the other one was on plot 899 Kadenge. Plot 899 Kadenge is yet to feature on the Floor, I don't know of its fate.

**Hon. Speaker:** Vice Chair, Lands Committee? Any Member of the Committee on Land you can give the update?

**Hon. Andiego:** Thank you. Mr. Speaker, Sir; I am a Member of lands and we have not discussed about it maybe if given time we will update you next week.

**Hon. Speaker:** Have you ever seen it in it your Committee?

**Hon. Andiego:** No!

**Hon. Speaker:** What is your position in that Committee, are you the Chair or just a Member?

**Hon. Andiego:** I am a Member.

**Hon. Apiyo:** Thank you. Mr. Speaker, Sir; maybe one of our Members in the Lands Committee could have something. We had also visited the place some time back. I was not feeling well. How I wish I could be given some time you could give me time to explain to the hon. House.

It is one of the matters that the Committee is having at hand right now. And, there is another issue at Akala. We have two issues on our desk.

**Hon. Speaker:** Any other statement which has not been handled?

**Hon. Ndonji:** Thank you, Mr. Speaker, Sir; sometime last year I had a

Statement request in which I wanted to know how far implementation, recommendation and resolution passed by the Assembly had gone because a number of times we pass resolution here and we do not see any action on the resolutions that we make here.

At the same time in the Statement I wanted to know any other project that had been implemented by the County government and had not been brought to book. That was actually committed to the Committee on Implementation.

**Hon. Speaker:** Chair of Implementation, are you aware of it?

**Hon. Oriaro:** The Committee is aware and with a lot of objectivity, I can inform the House that in the course of next week, the Report shall be laid, there will be a Notice of Motion and we will Move our Report.

I can authoritatively say that there were challenges. One; the mistake was on the Assembly side to pile those reports. It took us months to get those reports. Concerning the projects; the mood of the House was that we visit all the wards but the Speaker ruled that we do statistical visits. For example; the Osuri issue was brought as a Petition.

**Hon. Speaker:** So, you've said you will give us the Report on next week. Authoritatively, you've said so.

**Hon. Awuor:** I think if a hon. Member says that the House made a mistake; he should clarify how the House made that mistake and who is the House? He should be very specific.

**Hon. Oriaro:** I'm sorry, its not the House, he is preempting some of our observations and recommendations. It will be indicated in the Report. Weakness on the part of the Assembly when we are through with Plenary

It is on the administrative platform on how to handle our reports and how they

communicate with the Executive. All those issues are captured. On the Executive matter on the issue of casuals; it is sad. We can also confirm here that all those issues are captured there. We objectively came up with recommendations that shall set the pace of the House and the general citizens of the County.

**Hon. Speaker:** From yesterday; I have been saying and I will repeat that Sectoral Committees have a duty after we have passed reports and resolutions to make follow ups. You should ask the CECMs their intentions of implementing and time frames of implementing those resolutions.

If we leave it to the Implementation Committee; it will not work. It will never work. That is why when hon. Owii was contributing by referring to the Implementation Committee to have not done much. I said that it is a function of the Sectoral Committee and I read out to you the provisions of the Standing Orders.

In fact even Bills; if we pass a Finance Bill, the Committee on Finance Budget and Appropriations can on its Motion engage with the relevant department how they will implement that law. You don't have to wait for Implementation Committee.

Any other Statement?

**Hon. Andiego:** Thank you, Mr. Speaker; I also brought a Statement two weeks ago on why some contractors are not paid and I instructed some of the contractors in my ward; you directed that it was to be here within a week. Until today Mr. Speaker, I have not gotten any response.

**Hon. Speaker:** Yes, hon. Chair

**Hon. Apiyo:** Thank you, Mr. Speaker. I heard the issue last week, hon. Chair directed that this week I give direction on El Niño issue. It is something that we had discussed on Tuesday with the Committee on Disaster here at the Assembly. I had promised that tomorrow we will give the

direction on how far we've gone on the issue of Elnino.

Mr. Speaker, I would like to report to this hon. House that our Committee is meeting to start working on the Report that we will represent to this House next week or probably the other week.

**Hon. Speaker:** You have talked about El Niño; he is talking about the non-payment

**Hon. Apiyo:** Sorry, Mr. Speaker, I thought you were asking for any other Statement that has been brought to us

**Hon. Speaker:** I brought that back to you, because that Statement was referred to your Committee? Where some construction work has stalled because, the contractor says he has not been paid.

**Hon. Apiyo:** Yes, I am aware. I had called the CECM. In our last meeting with the CECM in charge of Roads and Infrastructure; we discussed. I did ask him that I had information that some files were taken to His Excellency the Governor home. I did ask him if he knew about them.

Mr. Speaker; he said he is not aware of that. I also asked him why some contractors are not being paid, and most of them are also being auctioned. He promised to follow up and come up with a Report next week.

*(Hon. Ms. Rose on a point of information)*

**Hon. Speaker:** On the same?

**Hon. Ogutu:** Yes, on the same. The hon. Chair is telling the House that he called the CECM. I don't know if it was only verbal communication or he came to the Committee to explain. The answer which the CECM provided to the Committee should be tangible or was it verbal communication?

**Hon. Speaker:** Are you a member of that Committee?

**Hon. Ogutu:** I am not a member; I just want him to tell us.

**Hon. Speaker:** Alright, take your seat. I don't want to pre-empt the debate. I want to make a communication that what will make your work easy; is that you have to put it in writing. And, always ask them to give you an advance response in writing so that when you even when the Committee looks at that report; when you are satisfied, you don't even have to call.

It is the gaps that we identify in those reports that we now want to engage them verbally. Then you present the reports. But, for the benefit of the House, we may need to know whether you called him as an individual or the Committee invited him.

**Hon. Apiyo:** Thank you, Mr. Speaker; we invited the CECM, he is on of the Reports that we are having that we also have the minutes of this meeting with the CECM that was on Monday Mr. Speaker.

**Hon. Speaker:** Is there any Statement that is pending?

I thought that the Chairperson would have been rising up and telling us—we have this and that, and we have done one, two, three and we are hoping to clear this by this date. I find it taking the House apart when the persons who requested for these Statements are the ones reminding the Committees.

**Hon. Andiego:** Mr. Speaker, the Chair, who is trying to give an answer on my Statement, I don't think he was concerned. This was directed to the Chair Finance and he is talking about the buildings, roads---

*(Laughter)*

I am yet to know what is happening because it is not giving me satisfactory answers.

**Hon. Speaker:** Hon. Chair, is it true that matter was in your committee or it was on the Committee of Finance?

**Hon. Apiyo:** This is one of the statements that was given to Finance but it was one of our AOB which was cross cutting to our committee. It is an issue that

the CECM raised and that is why I also have to give some clarification about the payments.

**Hon. Speaker:** Finance? Hon. Abayo, do you know anything of that nature? Payment of a contractor in Central Sakwa

**Hon. Abayo:** Not precisely.

**Hon. Speaker:** Let the clerk take note of that. We want to get these statements tomorrow shared with the entire Assembly so that we know.

**Hon. Oriaro:** Mr. Speaker, Sir, it would be a process in futility for you to task the Clerk with the matter of finding the answer to Reports. I can objectively preempt here. We sat with these people, the CECM's and the County Government and we confirmed that all our Reports the moment the Assembly forwards them and they receive them, they are never acted upon. Even the CECM's will tell you they are seeing them for the first time they appeared before us.

The County Secretary will also say they distributed them to the CECMs so there is a problem with that and maybe in our Report we may come up with a way forward. All the Assembly Reports since the inception of the County Assembly none of them has ever been acted upon. That one we formally established. It is captured in the Hansard so that is the true picture.

**Hon. Speaker:** The reason the Clerks are better placed to know when a question was asked and who asked it is that the Clerks Department have a tracking system which should know even if it is a Bill, when it was introduced, who introduced it and what is the validity period. If it is a statement I would want them to let us know who asked it and which committee

was it committed so that we solve this problem.

**Hon. Minami:** Thank you, Mr. Speaker, Sir. I want to say something on the issue of payment of contractors. It is true that that question was asked and if you talk to the engineers if indeed that question was directed to the Budget Department, then I believe we are not going to get the right answer.

We will not even get an answer because before contractors especially those who are engaged in civil works and infrastructure are paid the Finance Department must get a Report from the Engineer's Department which falls under the infrastructure department.

The right committee should bring an answer whether contractors have been paid or not because the Finance Department will only act on a Report from the engineers department. So it is the engineering department which will clear a contractor based on the amount of work that they have done. It is my belief that the committee that is best placed to provide an answer to the question that was raised by Hon. Andiego is the Committee on Roads and Infrastructure. Thank you.

**Hon. Speaker:** Take that contribution positively. The goodness is that within our Standing Orders we have the provision for if you feel that you have a matter that you require the indulgence of another committee or expert then that is allowed. We need to take that positively.

Finally is there any other? We just wanted to get hold of what business it is that we have not transacted and we need to fast track before we go for recess.

**Hon. Awuor:** Just on the statement we have just handled of non-payment of contractors. The other day Hon. Andiego

talked about it. It was that we get to know why many contractors have not been paid yet they had completed the work long time ago.

Many of them and Hon. Apiyo has just stated that a number of contractors are getting their properties auctioned because they are unable to service their loans because they have not been paid for the service they rendered the County Government of Siaya.

Your Chair should note that many business people will now be shying away from dealing with Siaya County Government because of this issue of non-payment and when he is looking into this matter he would rather look at all non-paid contracts all over the County because it cuts across the board. It would be futile for us to wait for another statement tomorrow or another day about non-payment of contractors.

**Hon. Speaker:** I remember we must have told that to the Committee on Roads when we said we would consider expanding that question but you see you must be specific even when you are talking to the CECM's. You cannot tell them that contractors are not being paid. You have to say that contractors are not being paid for example this, this and that.

There is no harm Hon. Members for you to ask that projects are stalled in your Ward even if they are 30. It is not your business! Just ask why for those contracts those people have not been paid.

**Hon. Andiego:** Mr. Speaker, Sir, I was very specific.

**Hon. Speaker:** Yours was okay it was specific.

**Hon. Andiego:** It is finance that these people need so I don't see why engineers should be involved. We should

just be told if there is money or not because I believe and I have evidence of where even the engineer has done inspection and written a certificate.

**Hon. Speaker:** I hope our committees also invite the authors of these statements and if you invite them you will get more information. Maybe they have some information which will beef up your Reports and design where you want to go. It is better than just going directly to a CECM. You also can invite them as witnesses to share with you more information on what exactly the issue is. If that committee had invited Hon. Andiego and even give them such evidence so that we are able to have a comprehensive Report.

**Hon. Ogutu:** Thank you, Mr. Speaker, Sir. Just as a rejoinder to that, I think I will preempt a bit of a Report that we are supposed to bring to this House of Education Committee. We went round and you find that one contractor has done about 3 ECDE centers and it is not complete. Already we were with the engineers of whom the engineer says that they had even given the certificates for payments 3 months back yet these contractors have not been paid.

I think this problem lies with the Committees on Finance and they should liaise with the Committee on Roads, Transport and Infrastructure but it is mainly in the Finance Department because the engineers are also complaining that they have done their work. Thank you.

**Hon. Speaker:** I have mentioned the committees of the House handling that matter and in your Report you need to take care of that.

I am being reminded that I gave a directive that the Committee on Finance was to consult the Committee on Roads and the

affected political leaders in those areas and also the office of the Majority Leader. You will get more information when you go because we don't want to preempt supposing you go there and we are told this contractor started work without authorization, what do we do? Let us just go and get the details about this works.

**Hon. Minami:** Thank you, Mr. Speaker, Sir. I have an issue that I think I should address at this moment. When you look at the National Assembly where we have the Majority Leader you will find that majority of the issues we are raising here are usually handled by the Majority Leader.

This House has got a Majority Leader.

*(Applause)*

...but many a times the seats that are reserved for the Majority Leader and the Deputy are usually vacant. Example is today and yesterday. And Mr. Speaker, it's known, that the link between the Assembly and the Executive in matters of policy and other issues, that provide day to day running and management of the Assembly Business and conducted by officers. But in our case, we find that sometimes it's very difficult for those kinds of Businesses to go on. Today we had an acting Committee that was accorded by the Speaker.

In normal situations, by any chance the Majority and the Deputy are not around, and being holders that conduct day to day businesses of the Assembly, they would ask for somebody to represent them. The other day, I think I was reached here by a programme to read on behalf of the majority. I refused.

**Hon. Ndonji:** Point of information

**The Speaker:** Yes Hon. Oduya, what is it?

**Hon Ndonji:** Mr. Speaker, Sir, It is not that I was appointed by the siting Speaker today, we had agreed, I had agreed with the Deputy Majority Leader Yesterday, and he told me to stand in for both of them, because he was going to attain medication, and the Majority Leader was also out, to attend medication.

I can also concur with Honorable Booker because there is a day that I got ambushed here, to lead the House on duties that were supposed to be performed by the Majority Leader. I wasn't even prepared, but I managed to do what I could do about it.

I just wanted to inform the House that it is not the Speaker who appointed me. But yesterday the Deputy Majority Leader talked to me about it, and he told me that he also came to your office and communicated.

**The Speaker:** yes, Hon. Oriaro?

**Hon. Oriaro:** But Mr. Speaker, this one has to go in the Public domain. If office bearers who earn allowances, their package is higher than us, have others acting on their behalf!

**The Speaker:** Hon Oriaro, may you take your seat? Hon. Members, let me share with you the functions that Committees are doing is a function that is statutorily bestowed upon the Committees.

If you want to delegate these functions to the offices of the Majority Leader, then why would you want the Committee sittings? What for? Why is it that these Committees are paired with the Departments in the Executive? I want us to be selective when we are reading what is happening in the National Assembly.

Sometimes they are bad examples. I can tell you for sure, (we are not allowed to do this) If you look at how sometimes the

office of the Majority Leader in the National Assembly relates to the Office of the President, then you will start asking why you condemn a Majority Leader in the County Assembly when he sleeps with the Governor.

So let us look at their functions. If you look at their functions, who is a majority Leader? He is the leader of the Party or Coalition with a majority in the House. That means he is your leader. And if your leader is not there, you can represent him. And if he does it in writing like he did the other time, it's quite in order. Remember these are also Legislators who also do oversight representation, and they represent their people. They fall sick like we do. They get busy like we do. I think you will not be fair if you want to condemn them for not discharging such functions.

To be honest, because how many times have we not come? Then who will condemn us? How many times! When the Chair is not there, will we then say we don't want the Report to be read? The Standing Orders provide. The Chair can sign, in his absence, the Deputy, in his absence another Member. So I think that one, we just take it to be that we have functions as Committees, and we have to discharge those functions.

Where the law provides that certain things are to be discharged by the Leadership of the House, let them discharge, if they are not there, let their assignees discharge. Otherwise I think when we read the History of power, you realize that the Office of the Speaker, National Assembly is saying that the Committees have so much Business pending, then they can make Administrative decisions to ban trips so that Business is conducted.

We have been a good Assembly, we still are. Please let the Committees do their

work, and present these reports in good time, so that we do justice to the people of Siaya. We should not be complaining of less frequency of meetings when we have so much Business in our hands. Next Order!

**MOTION**  
ADJOURNMENT

Honorable Members, there being no other Business, the House Adjourns until tomorrow, Thursday 15<sup>th</sup> of October at 2.30 p.m. And the Assembly Adjourns.

The House rose at 3.20 p.m.

**THURSDAY, 15<sup>TH</sup> OCTOBER, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYER****COMMUNICATION FROM THE CHAIR**

**Hon. Speaker:** I will defer that communication and look at it after Order No. 7.

Hon. Member for Central Alego!

**STATEMENT**

**Hon. Oriaro:** Thank you, Mr. Speaker, Sir, I beg to request on the following statement; we felt that the friendly partnership be welcomed by the National Government and partners. The Siaya town could as well be specific with regions which were to benefit out of the water and sanitation programme consisting both portable pipe provision and water sewerage line waste/ near liquid water disposal components. Works are currently in the hands of a contracted Chinese firm further recalling that in the scope the project provisioned for;

- a) Water supply line with the entire coverage spat of Siaya Nyandiwa, Yala swamp road to which survey was complete with the bacon laid already.
- b) Both water supply line and sewer line for Siaya Awelo Ofuto road fearing that there seems to be no known indications of timelines of the

commencement of these works and much to the changing of the intended public beneficiary further recalling that the contracted Chinese firm in this project is visibly in there winding stages in the midst of communication gap between the public and the Chinese contractor. I wish to request a statement from the County Government as follows;

1. When is the contracted Chinese firm going to commence works to cover --- one on the infrastructure lane of water supply line along Siaya Nyandiwa, Yala swamp road?
2. Infrastructural lane of both water and sewer lines along Siaya Awelo Ofuto road.
3. Should the winding up of

the Chinese contractor become inevitable what mitigations plan does the County Government have in place to see to it that this initially said water and sanitation projects are finally undertaken to the good of the public? Thank you.

**Hon. Speaker:** That request we commit it to the Committee of water, you realise that the contract is a National Government contract but issues of sustainability will be taken over by the County Government and then the Committee of Agriculture and Water report within two weeks.

**Hon. Ndonji:** Thank you, Mr. Speaker, Sir, pursuant to Standing Order 42(2k) the following are the tentative business for the Assembly for next week that is from 21<sup>st</sup> to 22<sup>nd</sup> October, 2015. On Wednesday 21<sup>st</sup> October we will have a Report at the normal sitting of the Committee on Implementation on the status of the adopted Committee Reports and projects.

The same Wednesday, 21<sup>st</sup> October, 2015 in the afternoon we shall have a Report of the Committee on Public Works, Roads, Transport and Communications on

preparedness of the County Government in tackling El-Niño rains and lastly on Thursday, 22<sup>nd</sup> October, 2015 during the afternoon sitting.

**Hon. Odinga:** Tentatively they are saying that it is supposed to be discussed on Thursday and as a Committee we are saying we are starting to work on it and we will table all these reports by Tuesday.

**Hon. Speaker:** Tuesday will be a holiday, let's put on Wednesday. I just want to be sure, as the Chair you have said that next week you will table the report. Hon. Members, then you will allow me to make communication.

Hon. Members, I had instructed the office of the Clerk to furnish you with list of pending activities before this House. We have a Statement tracker and looking at this listing, they are about 19, that is excluding what has been asked today, 19 answers that we are supposed to get. Therefore, let the Committees deal with those matters as soon as possible.

We have another one for petitions; we have about 8 that mean we have quite a lot. We also have one on Motions. You realize that some have been passed and some have not been passed. But again under Motions we now know what is pending in our tray.

I also just want to remind us how our template looks like this Session. We will be going on a Short recess from Friday 30<sup>th</sup> to 9<sup>th</sup> of November, which is our third Session, 3<sup>rd</sup> part. We will come back on the 4<sup>th</sup>, we will have a long Session again, Long recess from the 4<sup>th</sup> of December, 2015 to 8<sup>th</sup> of February, 2016. That tells that whatever is in our tray in our Committees and as a House by extension we have to dispense with before we go for the Long recess.

There is a letter written here, addressed to the Committee on Budget and the letter is written by the Ward Administrators. I know they must have wanted the intervention of the Assembly to address their problems. They are talking of 'Funding of Ward Operations'.

The purpose of this letter is to bring to your office to do whatever is possible to allocate funds for the Ward Operations in order to enable us be facilitated, we carry out our duties effectively. Propose that the allocation should range from Kshs. 30,000 to 50,000 per month per Ward.

This letter has been addressed to the Budget Committee, however, I feel it will be proper for this letter to be addressed to the Committee on Governance, so that the Committee on Governance will seat with the CECM in charge of Governance and meet the Ward Administrators and hear what their issues are, if it is administrative then they will report to us how they have agreed as a way forward.

From there, that is why the CECM in charge will talk to the Budget Committee, say at the time of Supplementary and for future that they may be facilitated if you direct so. I therefore direct that this letter of this concern be handled by the Committee on Governance. Chair Governance or Vice Chair Governance, take note!

I want to bring this to your attention. There is a proposed visit by the British High Commission and a letter has been written here from the office of the Governor and it says; that the British High Commissioner to Kenya, Dr. Christian Tuner, intends to visit Siaya County on October 29<sup>th</sup> 2015.

His visit is primarily to explore and harness potential business opportunities for UK companies within the County Government and how devolution is taking

shape. During the tour, the High Commissioner would like to meet His Excellency the Governor and meet and address the Legislative Arm of the County organized through the Speaker and the Leader of Majority. This is therefore to request you to organize and prepare a report on the tour.

I think basically they are letting us know that we should be expecting a guest, I will communicate to you whether he will want to meet us informally or formally. So can we be upstanding! Next order!

### **MOTION**

#### ADJOURNMENT

**Hon. Speaker:** Hon. Members, there being no other Business, this House adjourns until Wednesday 21<sup>st</sup> October, 2015, same venue at 9.00am.

The House rose at 2.47 p.m.

## TUESDAY, 27<sup>TH</sup> OCTOBER, 2015

The House met at the County Assembly Chamber at 2.30 p.m.

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

### PRAYER

### COMMUNICATION FROM THE CHAIR

**Hon. Speaker:** Hon. Members, apologies for the delay. The delay was occasioned by late submission of items for debate. That should not be made to be the order of the day.

#### Communication on the Construction of Ward Offices

Allow me to make the following Communication:-

Sometime back, this Assembly allocated money for the construction of Ward offices. It was in the Assembly budget. It was then followed by a supplementary budget for the last financial year in which the Budget Committee agreed with the Executive that they would domicile that budget in the Executive. At that time, the Assembly had gone ahead and had made advertisements for bidders. That was followed by a procurement process which saw the Assembly procurement committee award contracts in various Wards, I think except three. The Assembly then wrote to the Executive through the County Secretary.

The Assembly reference was; 'Construction Of Ward Offices' and the letter read :-

The Assembly has finished the procurement process for the above which was initiated when the budgetary provision was still domiciled in the County Assembly and in view of the urgent need for the facilities to provide a conducive work environment for Members of County Assembly hence effective service delivery.

Following deliberations between both the Executive and the County Assembly together with Commission for Revenue Allocation, it was resolved that the budget for construction be prepared and domiciled in the Executive.

However, a meeting between the Budget Committee and CECM Finance resolved that the County Assembly finalises the procurement process and prepare the contract.

The purpose of this letter is to request your office to take over the process of implementation and provide land for construction of the Ward offices.

Attached herewith is a list of the awarded contracts and other documents relating to the procurement process.

Please revert and confirm or otherwise.

This was signed by the Clerk of the County Assembly.

On the 26<sup>th</sup> of October, a letter was written from the County Executive through the County Secretary and the subject is 'Construction Of Ward Offices.' The letter reads:-

Reference has been made to the above subject matter.

Please note that the procurement of development works for implementation is a preserve of the County Executive while the Assembly Members do the oversight role.

It is in this spirit that the office requests that the matter be referred to the Executive for initiation of such works through the County Executive Committee Member concerned.

N/B : The amount of contact sum involved is not even available for such works hence the need to have the technical staff to appraise on the same and advice.

This was signed by the County Secretary.

I want this matter to be referred to the Committee on Budget, Appropriations, Finance, Planning and Vision 2030 for they are the team that negotiated with the Executive on where to domicile this budgetary allocation and a report should reach this House as soon as we come back from the short recess so that we move with speed.

We are in a County where budget implementation is delayed because of procurement processes. One arm has procured and awarded; the other arm was to do the implementation. May you please report to us.

Next Order!

### PETITION

PETITION FROM THE MAU MAU WAR  
VETERANS ASSOCIATION

**Hon. Speaker:** Hon. Members, there is a Petition that has come from the Mau Mau War Veterans Association. It is a public Petition from the Mau Mau Liberation War Veterans to the Siaya County Assembly, drawn in accordance with

part XXII of the Standing Orders of the Siaya County Assembly. It reads:-

We the undersigned citizens of Kenya on behalf of over 400 Mau Mau War Veterans from all the Sub-Counties of the County of Siaya; draw the attention of the Assembly to the following:

That, we are a fraternity of freedom fighters from the entire Siaya County, who directly or through the participation of our parents and other relatives fought or defended the freedom of the people of Kenya prior to and after colonization;

That, the real struggle for freedom began with our legendary forebears including Oluoch Abaki, Otieno Sogo, Jonathan Okiri, Miyoyo Kololo, Obando Mumbo, Owuor Ale, Oyamo Goro and many others of the same genre who may or may not have been noted;

That, without the dedication of these heroes and heroines, and Mau Mau gallant fighters like Ramogi Achieng Oneko, Jaramogi Oginga Odinga, Walter Odede, Wasonga Sijeyo, Okech Oloo, Miriam Akech, the freedom being enjoyed by all Kenyans today would not have been achieved;

That, the freedom fighters from across the County suffered greatly through the application of draconian laws, detention without trial, imprisonment, torture in the notorious for cruelty emergency villages, rape and beating of women, denial of the enjoyment of human rights and the deliberate extermination of huge populations;

That, we respect and acknowledge the role and mandate of democracy, respect for humanity and the land we fought for;

That, the objective of our national liberation appears to have been progressively forgotten and its values paled,

resulting in tribalism and the balkanization of the country;

That, the issues in respect of which this Petition is made, are not pending before any court of law or constitutional or legal body in the Siaya County Assembly jurisdiction.

Therefore, your humble petitioners pray that Siaya County Assembly-

1. Consider, appreciate and recognize all wars of resistance waged by the ancestors and those who followed in their footsteps and note their heroic deeds and record them for prosperity through an Act of Siaya County Assembly;
2. Recognize the Mau Mau armed struggle for liberation and independence as waged by Kenyans from all corners of the country, through an Act of Siaya County Assembly; Likewise, recognize the struggle for more democratic space (the second liberation) through an Act of Siaya County Assembly;
3. Facilitates the writing of the history of the freedom struggle for the benefit of current and future generations;
4. Consider for recognition, adequate monetary and other material compensation, all heroes and heroines of freedom struggles in the County of Siaya as stipulated below;
  - (a) They be awarded some ex-gratia payment as an appreciation for this role

- (b) The living freedom fighters in the County be awarded pensions to see them through their twilight years.
- (c) The heroes and heroines of the freedom struggle be accorded representation in the County Assembly.
- (d) That, monuments in honour of the struggles and the heroes and heroines of these wars be erected especially in areas that the freedom fighters were killed and buried in large numbers.

We have in mind:-

Bondo police station where freedom fighters supporters were punished. Many had their fingers chopped off. Dehumanisation was the order of days.

Mageta and Sayusi Islands, where many freedom fighters were denied sufficient food, medical facilities, physical beatings and many were starved to death while detained there.

- (e) That, a freedom and unity university be set up in the County to promote research on nationalism and culture.
- (f) That, land confiscated from the Mau Mau freedom fighters and their sympathisers during the liberation war be returned or alternative land be granted in compensation.

- (g) That, the role of the Mau Mau emergency villagers, detainees and prisoners in carrying out development work such as the construction of MAU Mau roads and stadiums in the Siaya County through hard labour, be recognised and appreciated
- (h) That, this Petition be subjected to public debate.

This Petition has been signed by eleven Petitioners and it's committed to the Governance and Public Administration Committee. Kindly deal with it as soon as you can.

Next Order!

### PAPERS

**Hon. Otieno:** Mr. Speaker, Sir, I'm on my feet to lay the following Papers on the Table of the House:-

1. The Siaya County Disaster Management Bill, 2015
2. The Siaya County Persons Living with Disabilities Bill, 2015
3. The Siaya County Public Nuisance Bill, 2015
4. The Siaya County Child Care Bill, 2015
5. The Siaya County Public Works Bill, 2015

6. The Siaya County Carriage of Food Bill, 2015
7. The Siaya County Quality in Learning and Teaching Bill, 2015
8. The County Budget Review and Outlook Paper

*(Hon. Otieno laid the Documents on the Table)*

**Hon. Speaker:** Next Order!

### NOTICES OF MOTION

1. NOTICE OF MOTION BY HON. NDONJI ON THE ESTABLISHMENT OF THE SIAYA COUNTY BUDGET AND ECONOMIC FORUM

**Hon. Ndonji:** Mr. Speaker, Sir, I wish to give notice of the following Motion:-

**AWARE THAT**, the Public Finance Management Act, 2012, Section 137, provides for the establishment of the County Budget and Economic Forum;

**FURTHER AWARE THAT**, the Forum would provide a means of consultation by the County Government on preparations of County Plans, County Fiscal Strategy Paper, the Budget Review and Outlook Paper and on matters relating to budgeting, economy and financial management of the County;

**CONCERNED THAT**, to date the County Government has not established the Forum;

**FURTHER CONCERNED THAT** planning, budgeting and economic problems

affecting the County are as a result of lack of the Forum.

This County Assembly **RESOLVES THAT**, the County Executive establishes the Siaya County Budget and Economic Forum with immediate effect.

Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** When will you move the Motion?

**Hon. Ndonji:** I'll move the Motion tomorrow morning, Mr. Speaker, Sir

**Hon. Speaker:** Ok. Yes, Hon. Booker!

**2. NOTICE OF MOTION BY HON. MINAMI ON THE RECRUITMENT OF EARLY CHILDHOOD EDUCATION TEACHERS BY THE SIAYA COUNTY PUBLIC SERVICE BOARD**

**Hon. Minami:** Thank you, Mr. Speaker. I would like to give notice of the following Motion:-

**AWARE THAT**, the recruitment of Early Childhood Education teachers by the Siaya County Public Service Board has never been done despite the past budgetary allocations for the same;

**FURTHER AWARE THAT**, the recruitment of the same is currently on-going at the Agricultural Training Center where candidates are being interviewed; a process that ends tomorrow;

**CONCERNED THAT**, this recruitment exercise has elicited a public outcry from our electorates due to its apparent secrecy and perceived flouting of due recruitment procedure in the public service;

**FURTHER CONCERNED THAT**, if this exercise is allowed to continue to conclusion, the public will lose faith in the

ability of the County Assembly to oversight the Executive;

This House **RESOLVES THAT**, the recruitment exercise be temporarily stopped until such a time that a clear recruitment process is agreed upon in consultation with the Committee on Education of this House.

**Hon. Speaker:** Next Order!

**STATEMENTS**

**FIVE STATEMENTS BY HON. AGOKO ON FINANCIAL MANAGEMENT BY THE EXECUTIVE**

**Hon. Agoko:** Thank you, Mr. Speaker, Sir. I beg to give the following Statement request:-

**AWARE THAT**, Governments do budgets to define their financial engagements, plans and allocations in a specific financial year which is subjected to public participation where for example residents of each Ward prioritize projects and activities to be undertaken within the financial year;

**FURTHER AWARE THAT**, the same is analysed, synthesized and refined by the Budget, Finance and Appropriation Committee before approval by the County Assembly as outlined in the Constitution of Kenya, 2010 together with provisions of the Public Finance Management Act, 2012 after which it is assented to by H.E. the Governor, making it legally binding;

**GIVEN THAT**, the Constitution and Public Finance Management Act does not allow doctoring of the budget including reallocation of funds from one vote to another without approval by the County Assembly;

**CONCERNED THAT**, about a total of Kshs.400,000,000 allocated within the

2013/2014 and 2014/2015 financial years was used outside the budget by the Executive while many projects within the budgets of FY 2013/2014 and 2014/2015 have been ignored and not implemented in Sidindi Ward as per the budget;

**DEEPLY CONCERNED THAT**, given this trend defeats the purpose for preparation of annual plans and budgets, to the extent that the residents of Sidindi Ward in particular continue to suffer and loose in the absence of services they so much desire, planned and budgeted for the last two years down the line;

Mr. Speaker, Sir, I hereby seek responses from the Executive as follows:-

1. An explanation why the Executive has not provided street lights in Sidindi Ward despite allocation of Kshs. 3 million for street lighting in the 2013/2014 financial year.
2. An explanation why the Executive has not constructed foot bridges despite allocation of Kshs. 900,000 for culverts in the FY 2013/2014 yet the community is extremely in danger with the coming El-Nino rains.
3. An explanation accounting for every cent of the diverted funds and for justification for the contravention of the provisions of the Constitution and the Public Finance Management Act, 2012, and specifically for alienating the Assembly from executing its Constitutional role and for abuse of office by the Executive departments involved.

Mr. Speaker, the Statements are all related to financial management. I will call it misallocation of funds or misappropriation.

2.

**Hon. Agoko: AWARE THAT**, Governments do budgets to define their financial engagements, plans and allocations in a specific financial year which is subjected to public participation where for example residents of each Ward prioritize projects and activities to be undertaken within the financial year;

**FURTHER AWARE THAT**, the same is analysed, synthesized and refined by the Budget, Finance and Appropriations Committee before approval by the County Assembly as outlined in the Constitution of Kenya, 2010 together with provisions of the Public Finance Management Act, 2012 after which it is assented to by H.E. the Governor making it legally binding;

**GIVEN THAT**, the Constitution and Public Finance Management Act does not allow doctoring of the budget including reallocation of funds from one vote to another without approval by the County Assembly;

**CONCERNED THAT**, about a total of Kshs.400,000,000 allocated within the 2013/2014 and 2014/2015 financial years was used outside the budget by the Executive while many projects within the budgets of FY 2013/2014 and 2014/2015 have been ignored and not implemented as per the budgets;

**DEEPLY CONCERNED THAT**, given this trend defeats the purpose for preparation of annual plans and budgets;

Mr. Speaker, Sir, I hereby seek responses from the Executive as follows:-

1. An explanation why fertilizer worth Kshs.19,000,000 as per the

allocation for FY 2013/2014 was not procured.

2. An explanation accounting for every cent of the money should it have been diverted; and;
3. Justification for the contravention of the provisions of the Constitution and the Public Finance Management Act, 2012, and specifically for alienating the Assembly from executing its constitutional role and for abuse of office by the Executive departments involved.

### 3.

**Hon. Agoko: AWARE THAT,** Governments do budgets to define their financial engagements, plans and allocations in a specific financial year which is subjected to public participation where for example residents of each Ward prioritize projects and activities to be undertaken within the financial year;

**FURTHER AWARE THAT,** the same is analysed, synthesized and refined by the Budget, Finance and Appropriation Committee before approval by the County Assembly as outlined in the Constitution of Kenya, 2010 together with provisions of the Public Finance Management Act, 2012 after which it is assented to by H.E. the Governor making it legally binding;

**GIVEN THAT,** the Constitution and Public Finance Management Act does not allow doctoring of the budget including reallocation of funds from one vote to another without approval by the County Assembly;

**CONCERNED THAT,** about a total of Kshs.400,000,000 allocated within the 2013/2014 and 2014/2015 financial years was used outside the budget by the

Executive while many projects within the budgets of FY 2013/2014 and 2014/2015 have been ignored and not implemented in Sidindi Ward as per the budget;

**DEEPLY CONCERNED THAT,** given this trend defeats the purpose for preparation of annual plans and budgets;

Mr. Speaker, Sir, I hereby seek responses from the Executive as follows:-

1. An explanation why the County Headquarters worth 101m has not been done yet that amount was allocated in the FY 2013/2014 budget
2. An explanation accounting for every cent of the money should it have been diverted; and;
3. Justification for the contravention of the provisions of the Constitution and the Public Finance Management Act, 2012, and specifically for alienating the Assembly from executing its Constitutional role and for abuse of office by the Executive departments involved.

### 4.

**Hon. Agoko: AWARE THAT,** Governments do budgets to define their financial engagements, plans and allocations in a specific financial year which is subjected to public participation where for example residents of each Ward prioritize projects and activities to be undertaken within the financial year;

**FURTHER AWARE THAT,** the same is analysed, synthesized and refined by the Budget, Finance and Appropriation Committee before approval by the County Assembly as outlined in the Constitution of Kenya, 2010 together with provisions of the Public Finance Management Act, 2012 after

which it is assented to by H.E. the Governor making it legally binding;

**GIVEN THAT**, the Constitution and Public Finance Management Act does not allow doctoring of the budget including reallocation of funds from one vote to another without approval by the County Assembly;

**CONCERNED THAT**, about a total of Kshs.400,000,000 allocated within the 2013/2014 and 2014/2015 financial years was used outside the budget by the Executive while many projects within the budgets of FY 2013/2014 and 2014/2015 have been ignored and not implemented in Sidindi Ward as per the budget;

**DEEPLY CONCERNED THAT**, given this trend defeats the purpose for preparation of annual plans and budgets;

Mr. Speaker, Sir, I hereby seek responses from the Executive as follows:-

1. An explanation why ECDE teachers have not been recruited yet Kshs. 96 million was allocated for that purpose in the FY 2014/2015 budget.
2. An explanation accounting for every cent of the money should it have been diverted; and;
3. Justification for the contravention of the provisions of the Constitution and the Public Finance Management Act, 2012, and specifically for alienating the Assembly from executing its Constitutional role and for abuse of office by the Executive departments involved.

5.

**Hon. Agoko: AWARE THAT**, Governments do budgets to define their financial engagements, plans and allocations

in a specific financial year which is subjected to public participation where for example residents of each Ward prioritize projects and activities to be undertaken within the financial year;

**FURTHER AWARE THAT**, the same is analysed, synthesized and refined by the Budget, Finance and Appropriation Committee before approval by the County Assembly as outlined in the Constitution of Kenya, 2010 together with provisions of the Public Finance Management Act, 2012 after which it is assented to by H.E. the Governor making it legally binding;

**GIVEN THAT**, the Constitution and Public Finance Management Act does not allow doctoring of the Budget including reallocation of funds from one vote to another without approval by the County Assembly;

**CONCERNED THAT**, about a total of Kshs.400,000,000 allocated within the 2013/2014 and 2014/2015 financial years was used outside the budget by the Executive while many projects within the budgets of FY 2013/2014 and 2014/2015 have been ignored and not implemented in Sidindi Ward as per the budget;

**DEEPLY CONCERNED THAT**, given this trend defeats the purpose for preparation of annual plans and budgets, to the extent that the residents of Sidindi Ward in particular continue to suffer and loose in the absence of services they so much desire planned and budgeted for the last two years down the line;

Mr. Speaker, Sir, I hereby seek responses from the Executive as follows:-

1. An explanation why poultry worth Kshs.400,000 was not procured for farmers in Sidindi Ward yet it was budgeted for in the FY 2013/2014 budget.

2. An explanation accounting for every cent of the money should it have been diverted;  
and;
3. Justification for the contravention of the provisions of the Constitution and the Public Finance Management Act, 2012, and specifically for alienating the Assembly for executing its Constitutional role and for abuse of office by the Executive departments involved.

Thank you, Mr. Speaker.

**Hon. Speaker:** I direct that the questions sought be directed to the relevant Sectoral Committees. Issues that touch on street lighting, culverts and footbridges be committed to the Committee on Public Works, Roads, Transport and Communication. The issue touching on the headquarters should also go to the same Committee.

Issues touching on fertilizer, poultry, and livestock breeding be committed to the Committee on Agriculture, Livestock and Fisheries.

Then on hiring of ECDE teachers; let that be handled by the Committee on Education, Youth Affairs, Gender and Social Services.

Hon. Members, you realize that some of the questions sought here are within the Committees in form of questions. Had the Committees given responses to them in good time, maybe I would not have admitted them. A case in point is the question regarding the El-Nino preparedness that was asked by Hon. Walter Okello sometime back. I don't know whether we want to answer it when El-Nino has ended. To which Committee was it committed to? Is the Chairman of the Committee on Public

Works, Roads, Transport and Communication there? And just to remind us that on Thursday we will be going on short recess and we will be back on 10<sup>th</sup> November.

*(Hon. Okello stood up in his place)*  
Yes, Hon. Walter.

**Hon. Okello:** Mr. Speaker, Sir, I'm rising to seek guidance given the array of issues that Hon. Agoko has raised. A lot of those issues seem to revolve around the implementation of work and implementation of resolutions of this House as well as the budget; I'm seeking to know if probably it would be right for the Implementation Committee to have a hand on the share. This is because a while back we interacted with members of the Executive from various departments and I realize that some of the questions that are being raised now could as well have come up from the interactions we had other than linking them to any Sectoral Committee.

**Hon. Speaker:** As the Implementation Committee, if you had had brought your report here, we wouldn't have taken these things to the Sectoral Committees. As they have come, the Sectoral Committees are better placed to handle them. These are matters that fall within the Sectoral Committees. Somebody will say that since they involve finances, let Finance Committee handle them; another one will say they involve Sectoral Committees. So let them be handled by Sectoral Committees.

**Hon. Owii:** Just a point of clarification, Mr. Speaker, Sir.

**Hon. Speaker:** Yes!

**Hon. Owii:** This issue on street lights; the other day I heard that the street lights are now falling under the docket of Trade as a sector and today you have

committed them to the Committee on Public Works, Roads, Transport and Communication.

**Hon. Speaker:** The Chairman of Trade, Industry, Labour and Cooperative Development Committee, are you there? I need to be guided because I'm told the Executive keeps changing the portfolios but don't make communications to us. You meet them on a daily basis hence you know better; is street lighting under Trade?

**Hon. Ndonji:** Actually it has not been communicated officially to our Committee.

**Hon. Speaker:** I want to believe in the budget it must have been under the Roads and Infrastructure Department, that's where it falls. Even if it was changed yesterday, let us go by the provisions that were in the budget, and if you realize it was changed to another Committee, you will seek clarification in the right department.

**Hon. Agoko:** Mr. Speaker, Sir, the CEC of Trade has been talking much about it and I tend to think the department of Trade could be handling the issues of streetlights.

**Hon. Speaker:** Let the department of Roads handle the issue of street lights. If you find that it's not within your docket, report to us even tomorrow so that we channel it to the right department. And we would wish to know about the El-Nino preparedness report. The Vice Chair of the Committee concerned? Or that has also gone to another Committee?

**Hon. Minami:** Mr. Speaker, Sir, it was committed to the Committee of Roads where I sit and the Committee has finished its deliberations and even written a report, but I don't know why it is not among the business of the day.

**Hon. Speaker:** Just an advice to all of us; whatever we have, let us try to handle them if not between now and Thursday, then between 10<sup>th</sup> of November and 4<sup>th</sup> of December because we don't want to go for long recess with pending business.

Next Order!

## MOTION

Motion by Hon. Minami On The Recruitment Of Early Childhood Education Teachers By The Siaya County Public Service Board

**Hon. Minami:** Thank you, Mr. Speaker. I would like to move the following Motion:

**AWARE THAT**, the recruitment of Early Childhood Education teachers by the Siaya County Public Service Board has never been done despite the past budgetary allocations for the same;

**FURTHER AWARE THAT**, the recruitment of the same is currently on-going at the Agricultural Training Center where candidates are being interviewed; a process that ends tomorrow;

**CONCERNED THAT**, this recruitment exercise has elicited a public outcry from our electorates due to its apparent secrecy and perceived flouting of due recruitment procedure in the public service;

**FURTHER CONCERNED THAT**, if this exercise is allowed to continue to conclusion, the public will lose faith in the ability of the County Assembly to oversight the Executive;

This House **RESOLVES THAT**, the recruitment exercise be temporarily stopped until such a time that a clear recruitment process is agreed upon in consultation with the Committee on Education of this House.

I call upon Hon. Agoko to second.

**Hon. Agoko:** Seconded.

*(Question proposed)*

**Hon. Minami:** Thank you, Mr. Speaker, Sir. It is in the public domain that in the Financial Year 2014/2015, this House passed an amount totaling to Kshs.96 million for the recruitment of ECDE instructors. Up to date, nothing has happened and this House has not been officially informed why that amount of money has never been used for the intended purpose.

I hope Hon. Members have this list that has some data. In the first table, the County Government went out and carried out data collection and it is my belief that the Members of this House were aware of that. The data clearly shows the number of ECDE teachers and the level of education.

The collected data indicates that this County has 236 teachers with diploma, 893 with certificate and 836 are untrained teachers. Among the 236 teachers with diplomas, 36 are male; among the 893 with certificates, 60 are male; and among the untrained, 18 are male. Currently, there is an ongoing process where the County Public Service Board is carrying out a recruitment process which was never advertised. A County that believes in equal opportunity for its citizens will endeavour to make sure that each and every person with any qualification and is interested in getting employment in different ECDE centres will get the information that the ECDE recruitment exercise is taking place.

The County Government went out and collected data on whether the current teachers are untrained, are certificate holders or diploma holders. What is alarming from the information we have is that majority of these teachers were never informed about the interview that is going on. Only a specific number, about 450, were called for

the interviews. This in itself means that since the County Government is going to employ only 450 ECDE instructors the way they have indicated here, then those who have been invited for the interviews are automatically employed. This is going to deny the 1,900 ECDE instructors whose data are available, a chance and equal opportunity to get employed by the County Government.

ECDE is a key sector under the education ministry that was devolved. The manner in which the County Government of Siaya is handling the issue of ECDE instructors is totally alarming. As a County, we would rather employ so many teachers who are qualified and they teach under trees or under tents, rather than building beautiful ECDE classes without qualified teachers.

This Assembly did allocate Kshs.96 million for the recruitment of ECDE instructors and up to date this House has not been officially informed if indeed this money is still available or was used for other purposes.

The Kshs. 96 million allocation was a proposal from the Executive that they were intending to employ 800 ECDE teachers and it is my belief that they had done their calculations and knew that it was the right number they could sustain in terms of remuneration for the years to come. Now we are being informed that the County Government is going to employ only 450 ECDE teachers. The public is not aware of the recruitment and only a few selected teachers are aware of this process. I must confess that a majority of the Members of this House don't know about the recruitment process that is ongoing within the County.

This County has 30 Wards and if the number to be employed is 450, how are we going to be sure that these teachers are going

to be deployed equally? From the data we can see that these are teachers who have been giving services to different schools within our County; and these teachers have been with these children since they were brought to ECDE schools until when they finish and go to the private schools. As an Assembly, how are we going to be sure that each and every Ward is going to get a share? Other than being told that each and every Ward is going to get 15 ECDE teachers, how are we going to be sure of that?

As an Assembly we should also be informed. As the representatives of the people, we should always have answers for our electorate. It is very shameful that our electorates know that ECDE recruitment is going on whereas as a leader and somebody who should be well informed, I don't have any information on the same.

This process has been shrouded in secrecy. Majority of the ECDE teachers who brought their data don't know about the ongoing recruitment process. They are just hearing of it from their friends. I am requesting that if this House agrees, then this process be temporarily stopped and be started a fresh after an agreement with the relevant Assembly Committee so that later on we don't have issues that maybe some areas were given more teachers and some areas didn't get a chance.

I collected some alarming data just a few minutes ago before I came Here; if for example if in each and every Ward they are going to employ 15 teachers-I come from Gem Sub County where we have 6 Wards and if you multiply 6 by 15, it will give you a total of 90 ECDE teachers; by 1 p.m. this afternoon, only 9 people from Gem had come for the interviews. You can see the kind of disparity that is going to happen when this exercise ends tomorrow. As

representatives of the people we cannot sit back and just watch as the Executive continues to do things without following the due process and procedure. Thank you, Mr. Speaker.

**Hon. Speaker:** Member for Central Alego

**Hon. Oriaro:** Concerning the matter at hand, my attention is drawn to three consequential events that took place in my Ward. A team led by the CECM Education and members of her department went to 25 public schools in my Ward to profile teachers.

This was in 2014/15 jurisdiction. Recently, the Ward Administrator in my Ward drew my attention to his intention to go round the public schools where ECDE centres are to know who really teaches in those schools. Earlier on we can recall that the County Government went ahead to do an advertisement calling upon ECDE teachers to apply. All these came up with valid statistics, and figures don't lie, Mr. Speaker, Sir.

Yesterday noon, I received calls from teachers in 16 primary schools; just a few minutes before we were moved into business, I received calls from the remaining 14 schools. Before the Speaker brought us to order, I received another call from a member of the public from Nairobi whose wife teaches at Karapul ECDE school and had applied for a job. Interestingly, in my Ward none of the ECDE teachers who were brought into those several events were invited for any suitability test.

Mr. Speaker, Sir, the new constitutional order that we enjoy in Kenya now seeks not a compromise, but the embodiment of a high shining ideal. Ours is all about the process. If the Executive had their own simplest way of arriving at those

whom they feel are best placed to be engaged for these jobs, why were they spending public money going round looking for statistics they could easily get by not going round at the expense of other services?

The way I am seeing it in Central Alego, it's like they are looking for their own special persons in those schools. Are they doing a political recruitment for 2017? This one must be brought to note. We want a process that is Cartesian; a process that is not a trajectory; a process that is --- We want good ways! Not the ancient philosophy of the end justifying the means- that parents wanted teachers for their children. The process involved in arriving at those teachers is what we are praying for, a cry for openness. I support the Motion.

**Hon. Agoko:** Mr. Speaker, Sir, I rise to support the Motion. Noting that ECDE forms the foundation of the education system in a child, it's paramount that we put a lot of emphasis in moulding the same. As we look at the process that is taking place in Siaya County, professionalism has been ignored, inclusion has been ignored. Looking at what is taking place, it's like we are almost getting to par with mismanagement and the maladministration that is ongoing with education at the National Government. We need to put a lot of emphasis on creating and moulding a strong foundation in our children so that they become better leaders in terms of education.

Mr. Speaker, we have to look at the process of recruitment; we have ECDE teachers who have been doing this before and if they are neglected, then it's like we are creating room for anarchy. You cannot expect an ECDE teacher who hails from Uyoma to come and handle pupils in West

Ugenya. The money is little and may not be enough to comfortably keep these people in those particular places. The locality may not be conducive for those people. So we have to look at a situation whereby the ECDE teachers being recruited should come from those localities, understand their dialect, understand their living and understand their environment. We also have to look at people who would get to those institutions easily from their homesteads.

Mr. Speaker, it would make no sense to hire an ECDE teacher, let's say from Sidindi Ward who comes from Rangala and you post him or her to teach in a school in Uhuyi- 18km away. It would make no sense to hire a teacher in Nzoia where the Leader of Majority represents and you post him/her to teach in Ligegea where he/she will be using Kshs. 80 or 100 per day to and fro. We have to put things in a situation that we get comfort for those teachers so that they can have maximum time for the pupils that they will be handling. We also have to put professionalism and continuity into perspective. When I talk about continuity, we are talking about teachers who have been handling these particular children before; not bringing new faces and telling them to start a fresh with those particular children.

The financial year is almost coming to an end and if we don't move with speed to recruit teachers now, then it means something wrong is taking place. We budgeted to spend Kshs. 96 million on the same and we budgeted to hire 800 teachers. The neighbouring Counties have already hired more than 800 teachers. The ECDE centres we have supported in construction would have a minimum of three ECDE teachers and we are developing a minimum of six in every Ward, which translates to 18. We have to know and we have to be firm

that we get the 800 teachers as it was envisaged in the budget. I support the Motion.

*[The Speaker (Hon. Okode) left the Chair]*

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

**Hon. Elisha:** Thank you, Mr. Temporary Speaker, Sir; I rise to support the Motion. Education is all about the foundation. A weak foundation will result into weak performance. I have really been touched by the statistics brought to this House by the Department of Education, Youth Affairs, Gender and Social Services. Those who have diploma certificates are 236 - 36 are male and 200 are female. Those who have gone up to the certificate level are 893-60 are male and 833 are female. Those who are untrained are 836-18 men and 818 are of the female gender. The total comes to 1,965. That translates to 114 men and 1,851 females.

It is widely known that if you empower a woman you empower a whole community, thus, we must be transparent to this big number of women who have trained and shown interest in the sector. This Assembly has a very big composition of female Hon. Members who are Here to ensure that the people they represent are given good services. We cannot let it lie down when this big number which translates to 96% is being short-changed by the County Government of Siaya.

Nyamonye Zone in my Yimbo East Ward has always done well in exams, but surprisingly, no one from that area has been invited for an interview. I don't know the criteria that will be used to ensure that the people I represent are also considered in this

ongoing process. It is upon this House to ensure that there's order in that department. That's why we are paid to ensure that the citizens of Siaya are given equal chance to compete against each other in any recruitment drive being carried out by the County Government.

We cannot accept it when people are selectively being invited for interviews or suitability tests. You can only do a suitability test to someone who you have engaged and intend to confirm. To my understanding, these people have never been engaged by the County Government. These people need an interview, not a suitability test so that they can be fully engaged to perform.

It's only a proper foundation that will carry this County to greater heights. If we don't build a proper foundation in the sector of education, then we will mess up everything in this County. The way the department of Education, Youth Affairs, Gender and Social Services is being managed is very suspect. In our first Financial Year, Members budgeted almost Kshs.15 million for sporting activities. It brought a lot of issues. The issue of bursaries has also brought a lot of issues and even audit queries.

**The Temporary Speaker (Hon. Abayo):** Hon. Elisha, can you restrict yourself to the Motion.

**Hon. Okuku:** Mr. Temporary Speaker, Sir, the Department of Education, Youth Affairs, Gender and Social Services has given the citizens of Siaya a raw deal. I fail to understand when the right things will be done to the people of Siaya. Do we have to ask for angels to come down from heaven to perform these duties?

**The Temporary Speaker** (Hon. Abayo): Hon. Elisha, you have 30 minutes to conclude.

**Hon. Members:** 30 seconds!

**The Temporary Speaker** (Hon. Abayo): 30 seconds!

**Hon. Okuku:** Mr. Temporary Speaker, Sir, thank you for giving me 30 minutes to conclude and I think I still have time to contribute.

*(Laughter)*

I want to rest my case—

**The Temporary Speaker** (Hon. Abayo): You have 30 seconds!

*(Laughter)*

**Hon. Okuku:** I want to rest my case by supporting this Motion with all my strength and ability and make sure they are stopped from what they are doing until a clear road map is shared with this Assembly. Thank you!

**The Temporary Speaker** (Hon. Abayo): Yes, Hon. Margaret Oketch.

**Hon. Oketch:** Mr. Temporary Speaker, Sir, I support the Motion by saying that I'm really devastated with the statistics that I'm seeing here. I cannot see the list of specialized teachers who are very important for our children with disabilities. How are these children going to be taken care of?

*(Applause)*

It's only teachers with special skills that can understand these children and enable them get to higher levels. The people doing the recruitment have not considered the people living with disabilities. As a representative of the people with disabilities, I speak loudly by saying that that process must be halted. I cannot just sit back and watch something like this going on and yet

there are no teachers who are going to teach our children with special needs. Thank you, Mr. Temporary Speaker, Sir.

**Hon. Owii:** Just on a point of clarification, Mr. Temporary Speaker, Sir!

**The Temporary Speaker** (Hon. Abayo): Yes, Hon. K'owii.

**Hon. Owii:** Mr. Temporary Speaker, Sir, some of us are in the Education Committee and we find it very difficult to address some issue Here because the same Chair had directed that we go and look into this matter-the issue of ECDE teachers and then report to the House.

Today it appears as if the chicken came before the egg. Personally, I find it difficult to talk about this Motion that has actually been Tabled by a member of that Committee who knows that we've already finished working on the report and just waiting for its Tabling. I don't know how you will help, Mr. Temporary Speaker, Sir.

**Hon. Ogutu:** Point of information, Mr. Temporary Speaker, Sir!

**The Temporary Speaker** (Hon. Abayo): We will not have two points of order on clarification. It is because of failure by Committees to do what they need to do that some of these things come as Statements or Motions. But I wish to make a clarification that the issue at hand which this House needs to resolve on is on the process that is ongoing. Therefore the other details that you may have come up with will be heard in this House. The issue at hand is to stop the exercise. Any grounding to that effect is the business that this House has.

*(Applause)*

**Hon. Owii:** Allow me to continue.

**The Temporary Speaker** (Hon. Abayo): Yes, Hon. K'owii.

**Hon. Owii:** Mr. Temporary Speaker, Sir, I don't wish to pre-empt our report, but I want to say that there is a serious need to stop this particular exercise. There are good reasons that were put by the Mover of the Motion which of course would easily make the House accept to support the halting of the ongoing exercise. I don't want to pre-empt, but the truth is that he has actually put quite a lot. Today we were expecting to see the Education Committee Report in the Order Paper, but now that it has been delayed or overtaken by events, I want to request Members to accept to resolve that the House stops this particular exercise. Thank you, Mr. Temporary Speaker, Sir. I support.

**Hon. Andiego:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to participate. Sometimes I always regret working with an Executive which is not ready to work with this Assembly. I always believe that we are just separated but we are not enemies. We should be consulting on many issues. This Assembly represents all corners of this County and we should always be informed by the Executive on whatever is happening.

At times we sit Here and pass the budget but what comes up later on makes us regret passing the budget. As indicated in the Motion, Kshs. 96 million was allocated for the recruitment of ECDE teachers. A year ago, we were told to give names of ECDE instructors from our Wards and it was later nullified. The Ward Administrators also brought some other names and we don't know where they were taken to.

Today, I was ashamed when I was woken up by some of my electorate asking me where I took their names. They say they gave me their names and I placed them under the table. Now people are being

recruited and they are not being considered. It's quite a shame. I have always been here in Siaya waiting for a report on when the ECDE teachers will be recruited and we've never been informed of anything. We do Statements and Reports in this Assembly and they are never responded to. It makes us look stupid in front of our electorate!

It's so sad that we passed that Kshs.96 million be used in the recruitment of 800 ECDE teachers but now they are intending to only recruit 450. Today I went to one of the officers concerned with this exercise to inquire on how these instructors are being recruited. I told him that only two people from my Ward have been invited for the interviews and wanted to know more on the criterion used to single out the people to be interviewed. I was told that they only invite instructors from the constructed ECDE classrooms.

So if you have five ECDE classrooms that have been constructed or are ongoing, then it is from those places that they will invite people for interviews. Now, if we have an untrained instructor in an ECDE centre that is currently under construction or has been constructed, and on the other hand, we have a qualified instructor with a diploma but doesn't work in one of those centres; what do we do? Do we consider the untrained class eight drop-out and leave out the qualified one? Are we not doing injustice to those who have gone for training?

I really support the halting of this exercise with immediate effect! The Assembly should also go ahead and invite the people concerned to come and tell us why and how they are going on with this process. This Assembly has now clocked three years since its inception, a lot of Documents have gone through this House

and we are not sure of their implementation. What should we do as a House?

If possible, the head of the Executive arm should also come to this Assembly one day and give us a statement on what is going on. All the departments are in problems; it's not only the education sector. If we cannot rise up as the representatives of the people and talk on behalf of the people who elected us, then we shall be doing more harm to our people. Thank you!

**Hon. Okello:** Mr. Temporary Speaker, Sir, I wish to very briefly add my voice on the ongoing debate by first of all congratulating the Mover of this Motion, Hon. Booker, for the timeliness of this debate. If this didn't come out right now, then we would be talking of spilt milk.

Having said that, Mr. Temporary Speaker, Sir, you notice that the debate is generally about justice; and the ethic in justice is that justice should be done or be seen to be done. What we are witnessing in this County is a case of justice that is being denied outrightly to the thousands of youth who are qualified as ECDE instructors.

Mr. Temporary Speaker, Sir, information has been laid to us by Hon. Andiego that the discrimination is being done purportedly on people who come from around ECDE structures that were constructed by the County Government. One of the strengths of the 2010 Kenyan Constitution is that it's very progressive and has a very tough stance against discrimination of any kind.

So by supporting this Motion today, all of us as an Assembly will be upholding the constitution and its very tough stance against discrimination that the County Government of Siaya was trying to mete on the residents of Siaya County especially the youth.

The issue of equitability and equitable spread of resources is a very pertinent issue when it comes to governance. Just as, Hon. Andiego, has said, the issue of ECDE is just a tip of the iceberg. With your permission, Mr. Temporary Speaker, Sir, I want to relate to the House a struggle I had a while back. This House supported a move that I made that 30% of all County Government procurement be reserved for the youth and women as well as people living with disabilities.

When I went out on my way to seek a report on the same, I was informed from the same offices that about 76 companies that qualified as being marginalized had been awarded tenders in the last financial year. Out of the 76 companies that had been awarded, it transpired very out rightly that 52 out of the 76 companies were actually coming from one particular Sub County.

*(Applause)*

It put me in a very awkward position how I was going to explain to the youth in the other 5 Sub Counties how it happened that 52 out 76 were coming from one particular Sub County. That is an elephant's share if you ask me; it is more than a lion's share.

Mr. Temporary Speaker, Sir, it would point that if what is going on right now was allowed, then you will not be surprised that out of the 450 instructors to be recruited, about 402 or 403 would most likely be from the same Sub County.

*(Applause)*

I think this is what we have been fighting for at the national level; that there is equitability, not everything going to Central Kenya. It is very unfortunate that in this

modern day, people who are supposed to be supporting devolution are trying to sneak this here. I thank the House for taking note of this because the kind of phone calls that I have been receiving since morning from youths concerning this ECDE recruitment drive is appalling.

If it were not to be stopped through this legal and justifiable way, the youth of Siaya want to mobilize themselves in their thousands and they were going to use whatever means possible to stop this exercise. So I thank this Assembly for averting that great mayhem that was going to be witnessed in Siaya. That was going to be the mother of all protests. It was going to be the biggest showdown between the Siaya County Government and its people that it has chosen to step on.

Mr. Temporary Speaker, Sir, in conclusion I want to say that the Department of Education should borrow very heavily from the Department of Health. Recently, the County Government through the Department of Health advertised for so many positions. People did their applications and were shortlisted. I looked at the County website yesterday at night and saw almost 300 people shortlisted for interviews as registered nurses. That is progressive. We are not just opposing for the sake of it, where there is due good we give commendations. So the Department of Education should borrow very heavily from what the health people have done which I think is progressive.

Finally, Mr. Temporary Speaker, the essence of devolution was to bring services closer to the people. We have Sub County officers and we have Sub County Administrators; working with their figure of 450 and then we go down to the figure of 15 per Ward, where I come from, Rarieda, we

have 5 Wards, so 5 by 15 will give us a figure of 75. There is no reason why we should not be conducting these interviews at the Sub County level. There is no reason at all.

*(Applause)*

When the National Government is recruiting GSU people and Army people, they move from Sub County to Sub County. Recently they were in Siaya. So you can't tell me there is so much constrain in resources that our few officers doing the interviews cannot move to Gem, cannot move to Rarieda, cannot move to Bondo and the rest.

Mr. Temporary Speaker, Sir, you know the status of our youth; to tell them to come to Siaya and burn Kshs. 200 or Kshs. 400 fare that they don't have, I don't think there is any worse form of injustice than that.

I support this Motion, Mr. Temporary Speaker, Sir, and kindly make it in your ruling that this matter be respected in adherence with the Constitution and our role as an oversighting agency of this Government. Thank you.

**Hon. Were:** Thank you, Mr. Temporary Speaker, Sir. This County is in a state of hopelessness. The problem affecting the management and recruitment of ECDE teachers is a symptom of a bigger problem that is affecting the very heart of governance in this County. The recruitment is an illegality; it is political with an eye to 2017 elections.

Gem as a Sub County is seriously affected because as at today, not even a single ECDE teacher from Gem as a Sub County had been interviewed. It is intentional! It is mischief that is stinking! Somebody is taking this County for granted!

We came Here to represent our people! Not that somebody is doing us a favour! It is perversion at its highest level! This Assembly should be able to send out a clear message that somebody cannot be doing business with issues that are affecting the men and women of this County.

The recruitment of ECDE teachers has a history. I am talking as a Member of the Sectoral Committee of Education. Initially, this Assembly approved and appropriated Kshs. 96 million for the recruitment, then a certain pervert raided the account and transferred Kshs. 14 million to be used in the Department of Environment without the express approval of this Assembly as the law stipulates. What a shame!

Our men and women who were trained have a right to practice their skills in this County and we have the opportunities. Sometimes I ask myself, 'what is wrong with our people who have been given the opportunity to govern this County'? Is it demonic?

*(Laughter)*

Do we need to exercise our spiritual ability to put things right? Why do we meet every Monday to pray? Even today, prayer sessions were on! Don't we have a discerning spirit? It is all madness! I look at myself with pity and question why I'm Here if the very people that the public---

**Hon. Omwende:** Point of order, Mr. Temporary Speaker, Sir!

**The Temporary Speaker** (Hon. Abayo): Yes!

**Hon. Omwende:** Mr. Temporary Speaker, Sir, are we talking about the employment of ECDE teachers or are we talking about demons?

*(Laughter)*

**The Temporary Speaker** (Hon. Abayo): Hon. Were, you are out of order! Will you restrict yourself to the substance!

**Hon. Were:** You know, English is a foreign language and sometimes you need to pull your level of literacy to a certain level so as to understand.

*(Laughter)*

**The Temporary Speaker** (Hon. Abayo): Hon. Were, you would want to pull the level of literacy- whom are you referring to? Are you referring to the Members of this House? Can you withdraw that statement?

**Hon. Were:** Obligated. But since you have a conscience, Mr. Temporary Speaker, Sir, that conscience will move with you outside this House. Today if this Assembly cannot be unanimous and make a resolution for the good of the public, then it will go in history that we were able to be in our comfort zones as somebody carted away Kshs.96 million for his own good.

It is very strange that Gem is affected and I would look at somebody straight in the eye and tell him that this situation reminds me of the time when Jesus was in the Garden of Gethsemane.

*(Laughter)*

You look at the hour of agony and also look at the Calvary and you say, God our salvation has come. This Assembly needs to be resolute, be resilient and make a decision today that the whole exercise be stopped. Thank you.

*(Applause)*

**The Temporary Speaker** (Hon. Abayo): Hon. Omwende!

**Hon. Omwende:** First and foremost, Mr. Temporary Speaker, Sir, may I take this opportunity to thank you for giving me an opportunity. I am very happy because most of the Members contributing on this Motion are from my Committee on Education and I really appreciate their concerns.

I think this is immature because a lot is coming from the Committee on Education report. This is just a leaf from the report that we have. We have a full report on the Kshs. 96 million and how it was spent. Infact, we are now summarizing the report and we are going to Table it in the Assembly. It will be a surprise to Members.

So, Mr. Temporary Speaker, Sir, for that reason, I was kindly requesting that if possible, you can postpone this Motion while we wait for the report itself to come. It will give us more light than debating just part of the report. Thank you, Mr. Temporary Speaker, Sir.

*(Hon. Okello stood up in his place)*

**The Temporary Speaker** (Hon. Abayo): Hon. Omwende, the Speaker had made a ruling and that ruling is what stands as we transact the business that is ongoing. Yes, Hon. Walter, you have an issue?

**Hon. Okello:** Mr. Temporary Speaker, Sir, I had a point of order and you have just clarified on the same. I was wondering why the Hon. Member was playing sympathetic unto the County Government yet the urgency of this matter is clear to everybody.

**The Temporary Speaker** (Hon. Abayo): Yes, Hon. Willis Ochieng!

**Hon. Ochieng:** Thank you, Mr. Temporary Speaker, Sir, for having given me this chance. First I want to thank the

Mover of this Motion for having thought it wise to bring it. We as the MCAs of Siaya represent the interests of the entire community of Siaya County. I am aware that one of our roles is oversight.

As has been listed Here, we budgeted Kshs. 96 million for the recruitment of the ECDE teachers and I want to believe all citizens of this County went through the budget. As we were walking around with the Budget Committee, the members of this County were also participating in this budget and they were also aware that these monies were put here to recruit the ECDE instructors.

We want to the County Government to move with speed and put things in black and white so that every community within this County can know how the recruitment of the ECDE instructors is to be done.

I was making some phone calls to my Ward and I've been told that only 3 residents of Yimbo West have been called for the interview. Aware that 450 instructors are supposed to be recruited all over the County, I think this shows that there are some Wards or areas that will have a bigger number of ECDE instructors in this recruitment exercise that is taking place right now. The recruitment should be done in a free and fair manner so that people from the entire County can benefit from their resources that were budgeted for.

Mr. Temporary Speaker, Sir, this is not the first recruitment that is being done in this County; a number of recruitments have been done and procedures have been followed. Why not this one of recruiting the ECDE instructors? I am supporting this Motion that the interviews that are taking place right now be stopped so that they communicate officially to this Assembly on how they are doing the recruitment.

**The Temporary Speaker** (Hon. Abayo): There being no other submissions, I want to invite the Mover to reply.

**Hon. Minami:** Thank you, Mr. Temporary Speaker, Sir. I want to take this opportunity to thank all the Members who have contributed to this Motion. Whatever they have said is a feeling that is moving across the County and that feeling is a feeling of desperation, it is a feeling of desolation from the people we represent.

I urge my colleagues to support this Motion so that the process of recruitment is overboard. Nobody should be made to feel that he/she has been left out due to one or two reasons; especially due to political reasons. Thank you.

*(Question put and agreed to)*

*(Applause)*

**The Temporary Speaker** (Hon. Abayo): Hon. Members, on order of urgency, I direct that the resolution of this House be communicated to the Executive, and in the earliest opportunity possible.

I also direct that the report on ECDE that has been mentioned on the Floor of this House by Hon. K'owii and seconded by the Vice Chair of the Committee on Education, be fast-tracked and be discussed in this House on Thursday at 2.30 p.m. I want to direct the office of the Clerk to liaise with the Committee so that we have this report in this House on Thursday at 2.30 p.m. Next Order!

### ADJOURNMENT

**Hon. Owii:** Thank you very much, Mr. Temporary Speaker, Sir. We have had a very good afternoon with a lot of deliberations on an issue that has been pending for a very long time; and there

being no other Business, I want to propose that this House adjourns until tomorrow at 9:00 a.m. I want to request, Hon. Oriaro, to second.

**Hon. Oriaro:** Seconded.

*(Question put and agreed to)*

The House rose at 4.17 p.m.

**WEDNESDAY, 28<sup>TH</sup> OCTOBER, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

PRAYER

**COMMUNICATION FROM THE  
CHAIR  
BILLS**

**Hon. Temporary Speaker:** Hon. Members, I wish to communicate to the following. This regards to the Bills that are before you. I want to make statement that as these Bills will be passed or committed to various committees.

As you go through the Bills, any element that touches on finances of those Bills will need to be communicated on the various Committees, take an opportunity to share with the same areas with Finance Committee so that you can get a report that touches on finances because the Finance Committee will also have a due process to consult with the relevant CECMs so that as we pass these Bills anything finances is discussed and the final input of the various stakeholders are done.

After that is done, we would expect that these Bills be considered in various Committees as soon as possible. So, we will have Committee discussions within. Anything budget needs to be discussed with the Budget Committee within one week. After that, the Committee will look at them and after the Committee have internalized the various Bills then there will be room for public participation. I want to inform the Committees and their leadership that the

public hearings on those Bills are scheduled tentatively on Friday next week.

We will do two day, Friday and Monday, so I want to ask the Committees that as you get these Bills, you then draw your work plan on how this will be done. As we resume after recess, these Bills should be ready and we should do our reports and present them to the House. Friday next week, not this week and Monday, the week that we will be resuming our Sittings.

Secondly, I would want to remind the Committee on Health Services that the report on Health as before them is as needed as yesterday because there are a number of issues coming up on health and some of those issues are in that report. I want to ask the Committee on Health to fast track that report. If it is possible, Chair of Health, that report be tabled in this House tomorrow if that is possible so that Members can be able to get copies. As we resume after the recess then we will be able to dispense of it. Next order!

**STATEMENT  
TREE PLANTING**

**Hon. Temporary Speaker:** I am reliably informed, the Statement that you are talking about on tree planting, the Clerk is informing me that some of the specifications need to be verified with the provisions in the budget so that we don't make a general

statement. The research team is working on it and I hope that will be available.

The Chair is also aware that there was a Motion presented by Hon. Rosemary and looking at the content we have advised that we change it into a statement because there are some facts about that particular statement that need to come forth before we are able to discuss substantively. I would want to ask that it is changed and I think a team is already working on that. Next order!

### **BILL**

#### SIAYA COUNTY PERSONS WITH DISABILITIES (BILL 2015)

**Hon. Temporary Speaker** (Hon. Abayo): Hon. Members, that Bill has been sent under the signature of the chair of Health. I want to state that this Bill stands committed to Committee of Education, Youth Affairs, Social services and Gender. This is because the issue of child health care is very explicit in the fourth schedule that that particular docket is under Education.

I want to mention that as Committee on Education go through this particular Bill and find that there is any element that will require the input of Health as a Committee should then liaise with Health Committee input before they finalize. It is important that you get this information before you actually go public participation so that if any issue you will have been informed by information from the Health docket.

### **BILL**

#### SIAYA COUNTY PERSONS WITH DISABILITIES (BILL 2015)

The Siaya County persons with disabilities Bill 2015 stands committed to Committee of

Education, Youth Affairs, Social services and Gender.

### **BILL**

#### SIAYA COUNTY DISASTER MANAGEMENT BILL 2015 FIRST READING

The Siaya County disaster management Bill, Hon. Members is a private Bill under the signature of our Chief Whip Hon. Gare and I wish to commit this particular Bill to Committee on Governance and Administration and I want to advise the chair of Committee on Governance and Administration that as they handle this Bill they have to seek that opinion of the sponsor.

### **BILL**

#### SIAYA COUNTY PUBLIC WORKS (BILL 2015)

The Siaya County Public Works Bill 2015 stands committed to Committee of Roads and Infrastructure.

### **MOTION**

#### ADJOURNMENT

**Hon. Temporary Speaker** (Hon. Abayo): Hon. Ndonji

**Hon. Ndonji:** Mr. Temporary Speaker, Sir, having exhausted today's business as per schedule of the Order paper I wish to Move a Motion of adjournment until tomorrow Thursday, 29<sup>th</sup> October at 2.30 p.m. and I call upon Hon. Gare to second.

*(Hon. Gare seconded)*

*(Question proposed)*

**Hon. Temporary Speaker** (Hon. Abayo): Yes, Hon. Oriaro!

**Hon. Oriaro:** Mr. Temporary Speaker, Sir, this is very timely because we

will have ample time to handle other issues that germane to our mandate in this House and the County, I support!

**Hon. Temporary Speaker** (Hon. Abayo): Yes, Hon. Walter!

**Hon. Okello:** Thank you, Mr. Temporary Speaker, Sir. I also support the adjournment Motion but let me use this opportunity to raise concern that you could be aware that yesterday in this sitting you gave a very direct and urgent ruling on a matter that the House had exhaustively discussed.

I am informed from reliable sources that the Order that was executed from the debate was not adhered to and the Motion that we discussed yesterday as to the stoppage of the combing exercise seem to have been in vain so even as we adjourn I think it would be okay to take the opportunity to look into it.

**Hon. Temporary Speaker** (Hon. Abayo): To ventilate on the same? If that is not yet, then the chair will give a direction on that as we conclude. Before I put the question I wish to mention that Hon. Members the chair did take time to confirm whether official communication did come from the Assembly to the executive as regards the resolution of the House yesterday.

I did confirm that that particular information was delivered and I have said as chair that I want to see that I have confirmed from the delivery book that it was delivered to one Ziporah whom am told could be the secretary to County Secretary.

To that effect I want did as I had mentioned and I also want to confirm that the Majority leader has also made an attempt to confirm if that communication reached as we did raise this morning and we did communicate this morning with him when

he told me that the letter did reach but the County Secretary was not in the office he was in a Cabinet meeting as per the issue at hand.

Now for us the position is clear that we had made a stop to that by the resolution of this House. I wish also to confirm that I am also aware that the process went on which will be a process done in futility. The position of this House stands and we will be moving to confirm that that Order we gave that this stops whether interviews where done because people may have not been informed.

We would allow that process to go on but our position as we resolved will remain that it will only move on when and until when the Committee on Education, Youth Affairs, Social services and Gender will have had a discussion with the executive to determine how the process will continue. It's only important that therefore the Committee on Education, Youth Affairs, and Social services and Gender move with speed and engage.

So if we are going to make communications that they have a meeting with the representative from their counterparts from the executive so that the process is handled before it continues which will be best for us, therefore our position Hon. Walter stands because we made a resolution and we want to see that resolution honoured.

We would need to get that this is not honoured when the Committee of Education will give us their position and I am happy that Hon. Okello is part of that Committee. The faster you meet and sermon this team to be able to chart a way forward will be better for us.

*(Question put and agreed to)*

**Hon. Temporary Speaker** (Hon. Abayo): The House stands adjourned until tomorrow Thursday, 29<sup>th</sup> October at 2.30 p.m.

The House rose at 3.57 p.m.

## THURSDAY, 29<sup>TH</sup> OCTOBER, 2015

The House met at the County Assembly Chamber at 2.30 p.m.

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

### PRAYER COMMUNICATION FROM THE CHAIR

#### NOMINATION OF THE COUNTY POLICING AUTHORITY

**The Speaker:** Honorable Members, I have a communication to make, regarding the constitution of the nomination of the County Policing Authority. There is a letter from the office of the Governor, just arrived on the Assembly, and it reads; cc of the letter reads, the above subject matter refers National Police Service Act 2011 requires that 2 elected Members nominated by the County Assembly shall be Members of County Policing Authority. This is therefore to request you to nominate the two Members, forward their names to this office.

In order to speed up service delivery, I wish to request that we get names as soon as possible. Hon. Members, National Police Service Act simply says that the names be nominated by the Assembly, but it doesn't say specifically who should do the nomination.

I would therefore use my discretion to refer these names that one be nominated by the Committee on Governance and Administration by virtue of their involvement in security issues, more so being the Committee that checks the Department of Governance. Then another person belongs to the Committee of powers and privileges as the Committee that is

concerned with the discipline within the Assembly. So I would want to get these names, preferably this evening.

When we finish the session, we get one name from the Committee of powers and privileges, and another name from the Committee of Governance, so that we forward. The other one is, Hon. Members, you would recall that we had very vibrant Assembly in the past, that we have so much Business that is pending. I am therefore calling upon you on Monday so that we have an informal meeting, in these Chambers, to discuss the pending Business of how we can speed them up, and execute them before we go on long recess, which should be on the 4<sup>th</sup> of December.

I am particularly concerned about 3 very important issues:

1. Is the ad hoc Committee on Yala Swamp. The public out there are waiting; they want to know the way forward, and we cannot afford to go on long recess without clearing it. That is one report that will be read by many people, it will be important that the report is scrutinized well, critiqued, and presented when it is ready.
2. Also there is the PICK and PACK report. Because we have a timeline, and that timeline has to be respected. Therefore, we

- would want to meet that day and agree with the pack pick Committee how they can speed up that report and we get it as soon as we open.
3. Not only that, there is also a petition, from the Siaya consultative forum, regarding also issues that were raised by the Auditor General. You need to have a clear programme on how to do away with that petition before we go.

So let us meet on Monday, and plan as a House, thank you.

**Hon Ogutu:** A point of clarification Mr. Speaker sir, the Committee of Governance are away

**The Speaker:** Why don't we then say that by Monday, will they be back by Monday? Committee of Governance? So let us get the names on Monday, from the two Committees because if it doesn't come, then I will just use Legislation to say, let the Chairman represent them, and even the Committee of privileges, either I appoint myself, or somebody within the Committee. At the end of the day, the names will still come to this Assembly, at some point. So that is the point you will decide whether to replace the names. So let us get the names by Monday please. Was the Chair of PACK in when I was making communication on the PACK Report? Were you in?

**Hon. Angul:** Yes, I was in.

**The Speaker:** Thank you. Now, for the benefit of all of us, we are saying that we want to meet on Monday as an Assembly to plan for the major activities that we must finish before we go on the long recess which should be on the 4<sup>th</sup>. And we have specifically mentioned the Adhoc Report

and Dominion, the Auditor General's Report, that is the PACK Report, the Petition, that is also within the Committee Department PICK which has to be handled, among other issues also. Next Order!

## STATEMENTS

Yes, Honorable Member for Central Sakwa?

**Hon. Andiego:** Thank you Mr. Speaker, I rise on the Statement. aware that County Public Service Board acting on its constitutional mandate has been conducting recruitments exercises in various Departments of the County, including the ongoing process in the Health Department. Noting that there are two officers, currently employed as accountants, in Bondo Sub County, and Siaya, Referral Hospital where they have worked for more than 5 Years, noting further that the position whereby 2 officers, Nelly Norah Atieno, Siaya Hospital and Kennedy Ogolo, Bondo Hospital from West Yimbo and Central Sakwa Ward respectively were advertised and they duly applied.

The short listing left put however Kennedy Ogolo, concerned that there is a looming disadvantage for such caliber of officers who have faithfully and diligently served the public service and have inquisitive qualifications to continue doing so in their current capacity I request to know the following;

Why Public Service Board did not show us the suitability assessment for the two officers as has been done in other departments in the County Government and still went for the expensive route of advertisement of subsequent recruitment processes. I want to know why the two serving officers were not given first priority in the preferred method of recruitment but

they still flanked with the 19 candidates shortlisted for only two positions.

Whether the board observed the provision of secondment as laid down in the County Government Act 2012, 73, when dealing with the cases of the two mentioned officers, thank you.

**Hon. Speaker:** The Committee on Health Services, I hope you will have an answer by the time we resume on the 10<sup>th</sup>. Hon. Rosemary.

**Hon. Ogutu:** Mr. Speaker, Sir; **aware** that section 44 of the County Government Act 2012; sets clear procedures for appointing a County Secretary with the well-defined roles. **Further aware**, that three years in the new Constitutional dispensation, Siaya County doesn't have a substantive County Secretary despite millions of taxpayers' money is spend on numerous advertisements for this position and as still borne in recruitment processes.

**Concerned** that operating with an interim Secretary puts this County into a ransom situation where he/she can resign without notice, cannot be fully be accountable for certain decisions taken by him/her and cannot be subjected to regulatory census by this House whenever required.

**Deeply concerned** that no good reason has ever been brought forth as to why this County can only operate with an acting County Secretary. I request to know why the County Government is operating with an interim County Secretary and exact timelines when a substantive County Secretary will be appointed, thank you.

**Hon. Speaker:** The Committee on Governance and Administration is partly Here, so please take that question and go with it to Kisumu. Let's get answers by the

time we open. Yes, Hon. Walter Okelo. Looks like he hasn't nominated anyone?

**Hon. Ogutu:** Thank you, Mr. Speaker, Sir; **concerned** that Siaya County has the least number of forest cover in the Country with only 1480hectares of forested land out of a total of 354, 212hectares making only 0.42% of the forest cover in the County.

**Aware** that budgetary allocations have continuous been made in subsequent financial years to set up a tree planting exercise various Wards. For instance in fy-2014/15, not less than Kshs.20Million was allocated to Wards to set up tree nurseries and plant trees, concerned that no visible change in tree planting activities has been so far noted despite the current rains which could be used to advance the objective set up in the water, environment and natural resources budget.

I request the following; that an accurate audit of the status of tree planting activity in the County in the fy- 2013/14 be availed to this House, to know the status of implementation of tree planting activity against budgetary allocations for Ward in theFY- 2014/15, to know the ongoing activities in this financial year with respect to the tree planting vis-à-vis the funds that have been allocated in the budget, thank you.

**Hon. Speaker:** Committee on Environment? Yes, the Chair is there. Please give us answers when we resume. Next Order! I didn't get even Notice of Motion, do we have a Motion and did we give Notice?

## MOTION

**Hon. Otieno:** Thank you, Mr. Speaker, Sir; I think the Clerk office assumed that the Assembly is aware of the

calendar of the House so they didn't do a Notice of Motion. Allow me to Move a Motion of an adjournment.

THAT Pursuant to Assembly Standing 26 (3) which stipulates that on a day when the County Assembly is scheduled to adjourn a day other than the next common Sitting day in accordance to the County Calendar, the leader of majority party or leader of minority party or another Member of the County Assembly Business Committee shall Move a Motion of adjournment which shall be debated for not more than 3hours after which the County Assembly shall adjourn without question put.

In this regard, I propose that this Hon. House adjourns for a short recess as from Friday, 30<sup>th</sup> October, 2015, to Monday 9<sup>th</sup> November, 2015 and to resume its Sitting on Tuesday, 10<sup>th</sup> November, 2015 at 2.30pm. I will ask Hon. Ombiyo to Second.

*(Laughter)*

**Hon. Speaker:** I propose the question that pursuant to Assembly Standing 26 (3) which stipulates that on a day when the County Assembly is scheduled to adjourn a day other than the next common Sitting day in accordance to the County Calendar, the leader of majority party or leader of minority party or another Member of the County Assembly Business Committee shall Move a Motion of adjournment which shall be debated for not more than 3hours after which the County Assembly shall adjourn without question put.

*(Question proposed)*

**Hon. Speaker:** Yes, Hon. Booker!

**Hon. Minami:** Thank you Mr. Speaker, for the opportunity you accorded me to contribute. Mr. Speaker, first of all I would

like to thank the hon. Members of this House. Those who have worked since we came back from recess to make sure that Business of this House continue to run smoothly.

Mr. Speaker, I would also wish to thank various committees in this House, for the work that they have continued to do to make sure that the Business that is transacted in this House have value for Siaya people.

Mr. Speaker, as we go for our recess, I kindly request that this House ensures that any Motion or anything passed in this House and forwarded to the Executive is implemented. Mr. Speaker, on Tuesday, we passed a Motion here stopping the exercise that was being carried out on recruitment of ECDE (Early Childhood Development Education) teachers. And, the exercise seems to be continuing. I don't know if this House that doesn't forward the Reports of this Assembly to the Executive or it is the Executive that ignores what this Assembly rules.

Mr. Speaker, until yesterday the exercise was on unabated. I believe that those people seem to be determined to continue with the exercise. An exercise that this House felt that should be temporarily stopped so that proper procedures of recruitment are put in place

Apart from that, there are so many Motions, Bills that have been passed by this Assembly. It will be appropriate that this House makes sure that anything that is passed here is implemented. This House has an oversight role; it should not just sit when somebody ignores or frauds the process

Mr. Speaker, I want to urge my colleagues that as we go on recess we should make sure that if there is anything that we can do that is going to make this Assembly to continue with its work, let us do so. So that, as we are in recess; I know there are

matters of committees that are pending and may be have not been completed.

I request my colleagues, let us take advantage of this short recess to finish the business that have been pending so that when we come back we go through them and finish them before we go for the long recess. Thank you, Mr. Speaker, I support.

**Hon. Speaker:** Yes, Hon. Gare, I'm told yesterday made the Governor's work very easy by nominating people who are....

*(Laughter)*

**Hon. Oriaro:** Thank you, Chair, a time it is natural that nature takes its course. One, as the people operating in the Public Accounts Committee; for many years we've been known as a Committee that cannot bite. Much is to the chagrin of the entire membership of this House and the public in general. We know we've got three audit reports before us and a Petition. And, we really needed quality time to prove that we can bite to the extent that if we start to bite; we will be wondering what next to bite.

We all know that our Report is ready. We want to fine tune. So, this is a God sent opportunity for us to have a credible report that shall create data from which members of this Committee in the future can refer even when we go to our graves.

Two, it is both joyous and sad for me as the Chair of Implementation. We opted to present our Report on Implementation on Tuesday but unfortunately, our car was involved in an accident which was nearly fatal. During that accident, the computer and flash drives crashed. We were praying that our Reports would be dispensed this week before the recess. That is why it is sad.

It is also joyous because my committee has been working nonstop throughout the week to mount up a credible report. It is a God sent credible opportunity for us because next week we believe that our reports will be out. The membership of this

House and the County and the entire citizens of this country will come to learn that there is a Committee on Implementation that will shake Siaya Assembly.

I am hopeful that my colleagues, my Senator at the Senate will be very impressed. I support.

**Hon .Speaker:** it is unfortunate, the computer crashed but thank God; your teeth remained, you can continue biting.

*(Laughter)*

**Hon. Speaker:** There being no more contributions; we just rise to adjourn. Members, we will reconvene on the 10<sup>th</sup> of November 2015 in our Chambers at 2.30 p.m.

The House rose at 3.10 a.m.

**TUESDAY, 10<sup>TH</sup> NOVEMBER, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYER****COMMUNICATION FROM THE CHAIR**

**Hon. Speaker:** Hon. Members, thank you for reconvening here again today. We just need to remind ourselves that we have up to 4<sup>th</sup> of December to finish the pending businesses in our Committees. Liaison Committee had a meeting today and resolutions were made regarding timelines. Kindly adhere to those timelines and ensure that every Committee delivers its report to this House on time as was discussed in the Liaison Committee.

Secondly, Hon. Members, I have heard complaints about sitting allowances and I directed the Finance office to ensure that the statements are out by today, 10<sup>th</sup> November, 2015. Kindly liaise with the office of Finance and HR so that you verify the figures in your interim statements. If you have issue or disputes, kindly handle them.

Having said that, Hon. Members, I hope we will have a very busy last lap of our Session and it's going to be very interactive. Any Committee planning to go out, kindly liaise with the Finance office in good time and ensure that the Committee clerks are up to date with their tasks so that they don't embarrass the Members. Thank you!

Next Order!

**PAPER LAID**

**REPORT OF THE COMMITTEE ON EDUCATION,  
YOUTH AFFAIRS,  
GENDER AND SOCIAL  
SERVICES ON  
RECRUITMENT  
OF ECDE TEACHERS**

*(Hon. Adida laid the document on the Table)*

**Hon. Speaker:** Hon. Members, a report of the Committee on Education, Youth Affairs, Gender and Social Services on the recruitment of ECDE teachers has been laid today and I'm told that a debate will ensue tomorrow morning. Next Order!

**ADJOURNMENT**

**Hon. Speaker:** Hon. Members, being our day of resumption of business, the Liaison Committee had met earlier and deliberated on how business will be flowing in this House from tomorrow. I want to now request you to rise up for adjournment.

*(Hon. Members rose up in their places)*

Hon. Members, there being no other business, this House adjourns until tomorrow, 11<sup>th</sup> November, 2015 at 9:00 a.m.

The House rose at 2.36 p.m.

**WEDNESDAY, 11<sup>TH</sup> NOVEMBER, 2015**

The House met at the County Assembly Chamber at 9.00 a.m.

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

**PRAYER****QUORUM CALL AT THE COMMENCEMENT OF SITTING**

**Hon. Deputy Speaker:** Do we have quorum?

*(The Clerk-at-the-Table confirmed the lack of quorum)*

**Hon. Deputy Speaker:** May the Division Bell be rung for about 10 minutes.

*(The Division Bell was rung)*

*(The Clerk-at-the-Table confirmed the availability of quorum)*

**NOTICE OF MOTION**

THAT, this House Adopts the Report of the Committee on Education, Youth Affairs, Gender and Social Services on the Recruitment of ECDE Teachers.

**Hon. Okello:** Mr. Deputy Speaker, Sir, I wish to give notice of the following Motion:-

THAT, this House Adopts the Report of the Committee on Education, Youth Affairs, Gender and Social Services on the Recruitment of ECDE Teachers.

**MOTION**

Adoption Of The Committee On Education, Youth Affairs, Gender And Social Services Report On The Recruitment Of ECDE Teachers.

**Hon. Okello:** Mr. Deputy Speaker, Sir, I rise to move the following Motion: THAT, this House Adopts the Report of the Committee on Education, Youth Affairs, Gender and Social Services on the Recruitment of ECDE Teachers.

I wish to call upon Hon. Lorna Adida to second.

**Hon. Adida:** Seconded.

*(Question proposed)*

**Hon. Okello:** Thank you once again, Mr. Deputy Speaker, Sir. It's now my pleasure to take Members through the report:-

**Committee Mandate**

Mr. Deputy Speaker, Sir, the Sectoral Committee on Education, Youth Affairs, Gender and Social Services is constituted pursuant to provisions of the County Assembly Standing Order 192 (4) and (5) read together with part 2 of the Fourth Schedule of the Constitution of Kenya, 2010 and is mandated to;

- (a) Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;

- (b) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- (c) Study and review all county legislation referred to it;
- (d) Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary and as may be referred to them by the County Assembly;
- (f) To vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185 (*Committee on Appointments*); and
- (g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

### **Committee Composition**

Mr. Deputy Speaker, Sir, the Sectoral Committee on Education, Youth Affairs, Gender and Social Services was constituted in this Assembly on Tuesday, 30<sup>th</sup> April, 2013. The Committee comprises of the following Members:-

- 1. Hon. Lorna A.O. Adida -  
Chairperson
- 2. Hon. Andrew Omwende -  
Vice Chairperson
- 3. Hon. Mary Ojwang' -  
Member
- 4. Hon. Walter Okello -  
Member

- 5. Hon. Eric Ndonji -  
Member
- 6. Hon. Zilpa Omondi -  
Member
- 7. Hon. Rosemary Ogutu -  
Member
- 8. Hon. Charles Omollo K'owii -  
Member
- 9. Hon. Joshua Osuri -  
Member
- 10. Hon. Booker Otieno -  
Member
- 11. Hon. Nicholas Were -  
Member

### **Introduction**

Mr. Deputy Speaker, Sir, on Tuesday, 27<sup>th</sup> October, 2015, a Motion was moved in the House by Hon. Booker Otieno Minami on the recruitment of ECDE teachers that elicited passionate contributions from Hon. Members. The prayer of the Mover of the Motion was that the on-going recruitment of ECDE teachers in Siaya County be stopped. Members overwhelmingly passed the Motion and communication regarding the same was done to the Executive through the office of the County Assembly Clerk.

During their submissions, Members raised valid concerns about the recruitment process that was on-going by then. Members submitted that:-

- I. The Executive arm of the County Government had been allocated Kshs. 96 million in the 2014/2015 Financial Year to employ 800 ECDE teachers. This they failed to do without any convincing explanation.
- II. Data of the practicing ECDE teachers in the County was purportedly collected by the Ward administrators. The approximate

number relayed to the Executive was approximately 1,965 of whom 236 were Diploma holders, 836 Certificates holders while 893 were untrained.

- III. Most of the eligible ECDE teachers were not aware of the on-going recruitment process given the frequency and urgency of enquiries that were made to their respective Members of the County Assembly. The process was therefore shrouded in secrecy either deliberately or out of incompetence by the officers in charge.
- IV. Teachers to be recruited were to be those who teach in ECDE centres constructed by the County Government. Members felt that this move was discriminatory as it placed eligible ECDE teachers not teaching in ECDE centres constructed by the County Government at a disadvantage point.
- V. The process would give rise to uneven distribution of teaching slots where some Sub-counties could end up with very few chances. Some of the qualified teachers could be left out and those untrained be recruited given the non-objective scouting process carried out by the Ward administrators.

#### **Meeting between the Education Committee and Education CEC and Chief Officer**

The Education Committee, acting on the concerns of the Members, summoned the CEC and CO Education on Friday, 30<sup>th</sup> November, 2015 and held discussions with

them at the Assembly Chambers from 10.00 a.m.

#### **Submissions by the CEC and CO – Education**

- The CEC Education clarified that in the 2015/2016 FY, the Executive allocated Kshs. 54 million to employ 450 ECDE teachers with the assistance of personnel from Directorate of ECDE.
- She informed Members that the Education Department thought it wise to do a suitability test for the current ECDE teachers teaching in the public ECDE centres.
- The CECM informed Committee members that the Education Department used Ward Administrators to establish the exact number of ECDE teachers in the County. She pointed out that from the statistics collected, Siaya County had a total number of 2033 ECDE teachers.
- The CEC explained that they needed to motivate the current ECDE teachers teaching in ECDE centres by giving them a stipend to encourage them to continue moulding the young children.
- The CEC-Education confirmed that the Executive had stopped the recruitment process courtesy of the resolution made in the Assembly to stop the exercise.
- The Chief Officer-Education expressed willingness to halt the recruitment process as had been resolved in the House in order to provide opportunity for the

concerned parties to iron out issues raised by Members of the County Assembly.

- The CEC-Education explained that out of the Kshs. 96 million budgetary allocation in the 2014/2015FY to employ 800 ECDE teachers, Kshs. 72 million was rolled over to the 2015/2016FY as development fund. She clarified that this is in line with the Public Finance Management Act, 2012 which stipulates that all recurrent funds lapses at the expiry of the Financial Year. The CEC explained that the rolled funds will

4yrs - Middle class

5yrs - Final class

- The CECM-Education informed members that salaries for ECDE teachers will be staggered in three categories based on qualification as follows:

a) Long serving ECDE teachers without Certificates -Kshs. 5,000

b) ECDE teachers with Certificate -Kshs. 7,000

c) ECDE teachers with Diploma -Kshs. 12,000

**Committee Members reaction and further deliberations on issues raised by the CEC/CO-Education**

- Members re-affirmed their position that the recruitment process be halted as had been resolved in the Plenary to provide room for relevant stakeholders to iron out the loopholes that bedevilled the recruitment process.
- Members were concerned that most of the resolutions passed in the

be used to equip ECDE centres with furniture as captured in the supplementary budget which is yet to be approved by the County Assembly.

- The CECM-Education informed Committee members that up to the time the exercise of conducting suitability test for ECDE teachers was stopped, 538 ECDE teachers had been assessed. She explained that the Department had planned to stagger ECDE learners' per age in different classes' i.e. 3yrs - Baby class

Assembly have consistently been ignored by the Executive. They therefore emphasized that resolutions passed in the Assembly should be respected by the Executive.

- Members felt that issues to do with recruitment of ECDE teachers should be dealt with by the Public Service Board. They observed that the current process side-lined the Board, a move which can easily be challenged in court.
- Members informed the CEC and CO-Education that the process of identifying individual ECDE teachers for the suitability test was opaque, non-participatory and discriminatory. They advised the CEC and CO-Education that they should have shortlisted all the suitable ECDE teachers before being subjected to the suitability test.

- Members felt that the assessment/suitability test of ECDE teachers should have been devolved to Sub-Counties to provide equal opportunity for all the legible ECDE teachers to be assessed.
- Members were concerned that some ECDE teachers from private schools were assessed yet some deserving teachers from public schools were denied chance. They felt that this move defeats logic i.e. denying eligible ECDE teachers teaching in public ECDE centres while giving opportunity for teachers teaching in private schools who were not targeted.
- Members resolved that the 15 ECDE teachers to be employed per Ward should be teachers who hail from the particular Ward. Consideration should be put on the sub-locations to ensure fair and equitable distribution.
- Members were concerned that the criteria for recruiting ECDE teachers through the newly constructed ECDE centres by the County Government do not give equal opportunity to deserving ECDE teachers teaching in centres not constructed by the County Government.
- Members advised the CEC and CO-Education that once the issues that bedevilled the process of assessing the suitability of ECDE teachers has been sorted out, they should fast-track the recruitment process so that the Kshs. 54 million allocated for recruitment of ECDE teachers is

utilized before the end of the 2015/2016FY.

- Committee members felt that under the prevailing circumstances, recruited ECDE teachers may be engaged by January 2015. This will be six months into the Financial Year despite the fact that the budgetary allocation of Kshs. 54 million covered the whole financial year. Members therefore resolved that the number of ECDE teachers to be recruited be increased from the planned 450 to a limit commensurate to the savings realized.

### RESOLUTIONS

In making resolutions, the Committee relied on the provisions of the County Government Act, 2012 on functions of the County Public Service Board. Sections 65 (1) (f) and (g) of The Act directs the County Public Service Board to consider ‘the need for open and transparent recruitment of public servants; and individual performance’ when making appointments’.

Section 65 (2) states that; ‘In determining whether an appointment, promotion or re-designation has been undertaken in a fair and transparent manner, the overriding factors shall be merit, fair competition and representation of the diversity of the county’

Finally, Section 66 correctly states that; ‘If a public office is to be filled, the County Public Service Board shall invite applications through and other modes of communication so as to reach as wide a population of potential applicants as possible and especially persons who for any reason have been or may be disadvantaged.

In respect to these Articles, Committee members resolved that:

- I. It is the County Public Service Board that is legally mandated to conduct the recruitment process of positions in public service in the Executive arm of the County Government. If the Board decides to delegate for any reason, such delegations must be done with respect to Article 64 (4) (a) and (b) of the County Government Act, 2012.
- II. Since there was a clear breach of Articles 65(1) (f) & (g) and 65(2) during the halted recruitment process, the recruitment process should be started afresh.
- III. In pursuit of the principles set out in Articles 10, 27(4), 56(c) and 232(1) of the Constitution of Kenya, 2010, out of the 450 vacancies, each Ward should be given equal slots of 15 teachers. Even within the Wards, where possible, there should be equal distribution in the sub-locations.
- IV. The County Public Service Board should take the lead role in the recruitment process. The CEC Education must inform Members of the County Assembly through the Education Committee before the recruitment exercise is restarted.
- V. The temporary stoppage of the recruitment process by the County Assembly must not be used by the Executive as an excuse to continue denying this County opportunity to access qualified ECDE teachers. Once the identified issues are resolved amicably, the process should restart within 30 days.

- VI. Members resolved that all ECDE teachers should be paid a flat rate of Kshs. 10,000 as had been factored in the budget before an elaborate policy guiding the payment of ECDE teachers is put in place.
- VII. The employment of ECDE teachers should take into account People with Disabilities (PWDs) and the two thirds gender rule.
- VIII. Members resolved that before major decisions are made by the Executive, there must be wide consultation between the Executive and the County Assembly.

Mr. Deputy Speaker, Sir, I now call upon Hon. Members of this House to adopt this report.

**Hon. Oriaro:** Thank you, Mr. Deputy Speaker, Sir. As the Mover has requested, I accept to support the report. It is actually in tandem with the spirit of the Motion necessitating the stoppage of the recruitment exercise. However, the report took too long to see the light of day in this Hon. House. Had it been brought much earlier, we would have moved forth. Nevertheless, I appreciate the report in its entirety.

Indeed it's clearly indicated that initially our feeling was that we employ 800 ECDE teachers and that was accompanied with an allocation of Kshs. 96million in the Financial Year 2014/2015. The report objectively unearths that due to the delay necessitated by the beginning of a new Financial Year, they only carried forward Kshs. 72million. The report hardly tells us the fate of the Kshs. 24million. Where was it taken to? So as we adopt this report, the Assembly has to intervene by doing an

enquiry into the whereabouts of the Kshs. 24million. I support.

**Hon. Muhulah:** Mr. Deputy Speaker, Sir, I rise to support the Motion. The recruitment of ECDE teachers by the Executive is very suspicious. The County Government has no interest of looking at the welfare of children. The County Government should not even be reminded of the recruitment of ECDE teachers. It is their responsibility as enshrined in the Kenyan constitution.

Mr. Deputy Speaker, Sir, I sit in the Budget Committee as the vice Chair. In the 2014/2015 Financial Year estimates, this House did approve Kshs.96million for the recruitment of ECDE teachers. The County Government took it lightly by even trying to hoodwink the Chair of the Public Service Board, Hon. Joe Donde, to accept to delegate that responsibility, not with the blessings of the Board, to the County Executive.

The law says that no one, be it the chairperson or the secretary, can individually delegate a responsibility of the Board to another entity. The chair of the County Public Service Board went ahead to delegate the recruitment exercise to the Executive. By doing this, he contravened the relevant chapters of the constitution as pointed out by Hon. Walter Okello. This elicited wars between the Board and the Executive, thus ending the Financial Year without the recruitment of ECDE teachers.

As it is in the Public Finance Management Act, 2012 so long as you don't use a recurrent expenditure or allocation, in the subsequent year, it turns to development fund and it can never be reverted to employ ECDE teachers as had been proposed earlier. That means that the Kshs. 96million is now development expenditure. The

Executive confirms and accept this. They are acknowledging that they failed to use the Kshs.96million.

Until today we've never seen the equipping of the ECDE centres built by the County Government. I can tell you for a fact that if the Siaya County Government was working effectively, by now we would be having over 120 completed ECDE schools. Today I can also say for a fact that not more than 80 ECDE schools are complete in this County.

They now say that they want to transfer the Kshs.96million that had been set aside for the employment of ECDE teachers to furnishing the ECDE schools at accost of Kshs.1.2million to every ECDE centre. We are seeing an element of irresponsibility on the side of the County Government again when it comes to identifying the number of ECDE teachers it should employ.

None of the Hon. Members in this House knew what was going on. We were ambushed. That is why I want to tell my colleague Hon. Oriaro that it is not right that this thing came late. We didn't know that the recruitment was going on. We just heard it from other quarters. Siaya County Government wanted to recruit people who are not trained at the expense of those who are trained.

How illogical that is! We have people who have gone to school to train so as to come back and instil education in the young children but are denied a chance to go through the recruitment exercise; yet we have people who schooled upto class 5 and are given a chance to play with our children.

We must put a demarcation between the responsibility of taking Siaya to another level and somebody making unilateral decisions because he wants to retain power in the next elections. We are talking about

development of Siaya County, not the development of Peter Muhulah as an individual. We cannot use taxpayers' money to satisfy our egos.

Another sad thing is that the County Executive is not conscious of what this House wants. We don't have a government in Siaya, we have a scandal!

*(Applause)*

At each and every point they must bring a scapegoat to derail the proper usage of public funds. The recruitment of ECDE teachers is not a responsibility of the County Executive; it is a responsibility of the County Public Service Board and they have to do it because it is their mandate. I stand to support.

*(Applause)*

**Hon. Deputy Speaker:** Any further contributions? Yes, Hon. Andiego.

**Hon. Andiego:** Thank you, Mr. Deputy Speaker, Sir. I stand to support the Motion. As has been said by my colleagues, it is sad that on many occasions, the Executive tends to do things behind our back yet we are the direct representatives of the people. We all know that even the construction of most of the ECDE centres we are talking about is not yet complete yet as a House we allocated money for their construction.

Mr. Deputy Speaker, Sir, we don't have a government that can take us somewhere. Something that can be done in a few hours takes our CECs, Chief Officers and Directors more than one year to implement. The money allocated for such a task ends up being used for some other things. We are now being told that Kshs. 72million has been used to equip our ECDE centres but if you look keenly, the money

stated is not commensurate to the kind of work that has been done. This is what we call robbery without violence. This is not looting, this is robbery without violence.

Our work is to oversight the Executive, but it is quite difficult to oversight something you know nothing about. Even if it is some equipment being brought to our Wards, it's prudent that we should be told the number of equipment being brought to our Wards. We sit in this House to deliberate on issues but they are never worked on. These people don't respect this Assembly.

Mr. Deputy Speaker, Sir, I would like to request the amendment of resolution No. 6 which says that; Members resolved that all ECDE teachers should be paid a flat rate of Kshs. 10,000 as had been factored in the budget before an elaborate policy guiding the payment of ECDE teachers is put in place.

It should be amended because there's no way an instructor who dropped out of school in class 5 can be paid the same amount of money like someone who went to college and attained a diploma in ECDE teaching. A diploma holder should get something higher than somebody with a certificate and those with nothing to show. I would suggest that somebody who has not gone past 'O' level should not be recruited as an instructor in our schools. If they are to be employed, then they should be employed as messengers.

If you look at the statistics, ECDE teachers with diplomas are almost 300; those with certificates are over 500. This means that we already have more than what we need. We should recruit those who are qualified because I believe that even when

the advertisements were being done, qualifications were mentioned. People should not be picked out of sympathy but out of merit. Mr. Deputy Speaker, Sir, I support.

**Hon. Augo:** Thank you, Mr Deputy Speaker. I want to appreciate the Committee for the good work they have done. Now, it is written here that; long serving ECDE teachers without certificates Kshs. 5,000; ECDE teachers with certificate Kshs. 7,000; ECDE teachers with Diploma Kshs. 12,000. Mr Deputy Speaker, Sir, sometime back, the Governor said that the ECDE teachers will be paid a flat rate token of Kshs.10,000.

The Committee has also failed to give us data of how people are qualified per sub-county. This would have helped us know how the recruitment will be done and the number of slots each sub-county can get.

There have been a lot of complaints about the education department in this county. A case in point is that most of the constructors who constructed the ECDE centres in 2013/2014 have not even been paid. I'm appealing to the elected Members to save those people by addressing their plight.

**Hon. Deputy Speaker:** Which people?

**Hon. Augo:** The contractors who built those centres.

**Hon. Deputy Speaker:** Hon. Augo, I think you are now getting irrelevant. Stick to the Motion being debated now. If you want to debate about the issue of contractors, then you can bring it as a substantive Motion.

**Hon. Augo:** Thank you, Mr. Deputy Speaker, for that correction. But it is a cry. I

heard my other colleagues also complaining about it.

I must say that it was proper for this House to stop the recruitment exercise. I also received calls from several people regarding the exercise. Even if we are nominated Members, we should also be updated on what is happening. We are also MCAs! There was no communication at all.

I congratulate the Committee by urging them to request the Executive to give them the number of diploma and certificate holders per sub-county and even per Ward if possible. This will help us know the people being employed in our areas. Thank you

**Hon. Deputy Speaker:** Thank you, Hon. Augo. I want to make a small correction. We are all Members of this Assembly and we have equal rights. Don't think that it's only elected Members who can push for something. If there is something, you push for it. Even if the contractors have not been paid, it is your right to push for the contractors; it is your right to point out to the Executive where they are letting you down.

Hon. K'owii, it's your turn now. I saw you rising up. Unless you don't have anything to contribute. I hope I have not ambushed you.

**Hon. Owii:** Thank you very much. Mr. Deputy Speaker, Sir, I was looking around because I came a bit late and thought maybe some of my colleagues that are here were supposed to take the earliest opportunity to talk.

First I want to say that I support the report because I am proud of it as a Member of this particular Committee. I only wanted to clarify on one issue. The issue about the flat rate of Kshs. 10,000. I wanted to give an example that can make my colleagues to

also accept the recommendation that was given here. Compare this to the recruitment of primary school teachers. All primary school teachers are recruited as P1 teachers regardless of any other course or any other qualifications that one has. One may actually have done another course but if he/she had not been employed, he/she can only be recruited as a teacher in primary as a P1 teacher. So the same case actually should apply here. There should be an area of entry for each and every teacher in ECDE.

I want to suggest that, all teachers who have certificates are supposed to be recruited at certificate level and then thereafter when we have organized and put policies in place for these people, those who have diplomas should actually be given a better kind of payment. But the entry point should be the same.

That's how people operate in the education sector. Even in the forces, there are people who go in as constables yet some of them have degrees. After training is when they give their degree certificates and they are promoted straight to be inspectors. But the point of entry has to be the same. That is normally what happens in the education sector unless I have forgotten or there are some new changes.

We should actually push for the 450 teachers to be employed as earlier agreed. But it should be in an orderly manner and not in the manner which these people were doing them. You find that in some situations, like in my case, a teacher was brought from South Sakwa to be recruited in my Ward yet I have more than enough who are coming from my Ward.

So in a situation like that, if that teacher was teaching in my Ward and he/she comes from South Sakwa then he/ she can be recruited, but if it is a new recruitment,

then I don't think I would ever accept that kind of arrangement and I believe my colleagues who are representing their Wards would equally not allow that. I support.

**Hon. Osuri:** Thank you, Mr. Deputy Speaker, Sir, I rise to support this report and I want to declare that I am a Member of the Committee. This purported recruitment exercise of ECDE teachers has been such a mess. I think that this delay by the Executive is deliberate and I wish that somebody should be held responsible for this. The delay is in itself an injustice to the people of Siaya particularly the ECDE teachers.

As it has been put in the report, the construction of ECDE centres was in no way related to the recruitment of the teachers as the Executive was trying to justify. They were saying that they would only recruit teachers to be taken to the centres that have been constructed by them. Different Wards at that time had proposed the constructions; some proposed two centres and others one. And therefore there would be a lot of imbalance.

As it has been laid out, the Assembly approved a budget of Kshs. 96million to recruit 800 ECDE teachers. This was moved to Kshs.72million and at some point it has even been moved to Kshs. 54million to recruit 450 teachers. There is also likelihood that the Motion to stop the recruitment exercise is likely to be used by the Executive to further delay the exercise.

There has been a reshuffle of the Chief Officers and at one time, as one of the Hon. Members had put it earlier, when we put the former Chief Officer to task to justify the change from Kshs. 96million to Kshs. 72million and the whereabouts of the Kshs. 24million, the former Chief Officer even attempted to give a report to the

Education Committee that they used part of it to purchase a vehicle.

**Hon. Owii:** Point of correction, Mr. Deputy Speaker, Sir!

**Hon. Deputy Speaker:** Yes, Hon. K'owii.

**Hon. Owii:** I wanted to inform the Member on the Floor that the issue we are discussing is not actually related to the Kshs.96million. The report on the Kshs. 96million is a report that we don't want to pre-empt now. We are coming up with that report as a Committee, so if we start discussing it now, then there will be no need of coming up with that report which we should most likely be presenting to the House next week.

**Hon. Deputy Speaker:** Okay, thank you. Hon. Osuri, confine yourself to the report.

**Hon. Osuri:** Mr. Deputy Speaker, Sir, this issue of recruitment of the ECDE teachers should be done as fast as possible so that the teachers can serve our centres. As I said, I support the report.

**Hon. Deputy Speaker:** Yes, Hon. Zilpa

**Hon. Awino:** Thank you, Mr. Deputy Speaker, Sir. Looks like my microphone is not connected to your system because it has been red a few times and people have been asked to speak yet they never put their microphones on.

**Hon. Deputy Speaker:** It is now your chance!

*(Laughter)*

**Hon. Awino:** Yes, it is now my chance. I am a Member of this Committee and I don't want to go to much discussion about it because I support everything that is here. My only worry is that we have come up with this report but the members of the

Executive are not Here. How will this report reach them so that they know what we have discussed? Many times things are discussed Here, Motions and so forth, but they just end up in this House. No action is ever taken on them. I don't know what procedure is followed to ensure that what is discussed Here reaches the relevant CECM for action.

The other issue is this other one that people have talked about; the issue of the flat rate of the Kshs. 10,000. The Committee arrived at this resolution because during the budget of Financial Year 2014/2015, Kshs. 96million was allocated and it was that Kshs.10,000 be paid to these ECDE teachers.

So as a Committee we felt that since everybody had been told that it is Kshs.10,000, let it be Kshs.10,000. But of course we advised that an elaborate policy guiding the payment of ECDE teachers be put in place. So we are not saying that it's going to be the minimum, but let everybody start at a flat rate and then later on their qualifications can be considered and maybe this can be enhanced. Otherwise, I support. Thank you.

**Hon. Oriaro:** Mr. Deputy Speaker, Sir, on a point of information.

**Hon. Deputy Speaker:** Hon. Oriaro.

**Hon. Oriaro:** I said I support the report but the lack of empirical outlook is what maybe may not lead Members as to why they recommended a flat rate of Kshs.10,000. I have gone into calculations and if it Kshs.54million divided by 450 ECDE instructors, that would be Kshs.120,000 per teacher annually; and that would also mean every month its Kshs. 10,000. So they would have said that in the initial proposal of Kshs. 5000 for untrained---

**Hon. Deputy Speaker:** Hon. Oriaro you had contributed. If you forgot to add

that then it's unfortunate. You had your time.

**Hon. Oriaro:** But this is for your own good! I'm still---

**Hon. Deputy Speaker:** Order! Order! Hon. Oriaro! Order!

**Hon. Oriaro:** In deed I'm out of order.

*(Laughter)*

**Hon. Deputy Speaker:** Hon. Apiyo.

**Hon. Apiyo:** Thank you, Mr. Deputy Speaker, Sir. I want to congratulate the Committee. This is a wonderful report. The report mentions that the ECDE teachers should be employed per Ward and they should actually be from that particular Ward. This is an issue that I have noted in my Ward. Somebody comes from the neighbouring West Uyoma Ward and is being recruited in South Uyoma. We have to see some seriousness here. We all have ECDE centres and we also have qualified ECDE teachers in each and every Ward; let individuals coming from a particular Ward be recruited in their Ward.

We are almost half the Financial Year yet the allocation for the recruitment of ECDE teachers has not been utilized. This in essence means that we have made some savings and thus, we should be able to employ more teachers.

There has been lack of transparency in the recruitment exercise. Many Members were not aware that the recruitment of ECDE teachers was ongoing. Personally, I learnt of it on the Floor of the House when we halted the process. The exercise is a mandate of the County Public Service Board and I don't see why they should delegate their duty to another body. Unless they are busy, and I don't think they are, because we are not seeing what they are doing. Maybe

some people have interests in the exercise and want to have some characters recruited. Maybe that's why the Board is being forced to delegate their mandate to another body.

This House did send information to the County Secretary that it had stopped the recruitment process but he ignored. He purportedly said he was in a meeting. I really wonder how somebody could not stop this exercise under the guise of being in a meeting. This means that nobody respects this House.

**Hon. Owii:** Point of information, Mr. Deputy Speaker, Sir.

**Hon. Deputy Speaker:** Yes, Hon. K'owii, what is your point of order?

**Hon. Owii:** Not a point of order, point of information. Kindly, Mr. Deputy Speaker, Sir.

**Hon. Deputy Speaker:** Is it in connection to what Hon. Apiyo was talking about?

**Hon. Owii:** Yes, Mr. Deputy Speaker, Sir.

**Hon. Deputy Speaker:** Ok. Proceed.  
**Hon. Owii:** I wanted to inform the Member on the Floor that when a Statement was brought Here in the House about the stoppage of recruitment of teachers, the exercise was stopped and that is why we came up with the Committee to investigate and find out all these details that we have brought to the floor. The exercise as at now is stopped; it is not actually going on.

**Hon. Deputy Speaker:** Thank you, for the information, proceed Hon. Apiyo!

**Hon. Apiyo:** Mr. Speaker, I think Hon. Owii just wanted to interrupt my contributions. This service is going on even right now, I even called somebody coordinating in Rarieda, telling me of issues at my Ward that there are some people who are trying to complain, it is going on right

now. I really wonder why somebody should mislead the House that the recruitment was stopped.

**Hon. Deputy Speaker:** Hon. Apiyo, we have another recruitment exercise going on in Rarieda, I think the one for the clinical officers, so you should not confuse the two but we can confirm with the Chairperson on Education. Is the exercise altered or it's ongoing? The exercise of recruiting ECDE teachers?

**Hon. Adida:** Thank you, Mr. Speaker, as per our lasting sitting with the CEC Education and the C.O., they confirmed that the exercise had been stopped and even during this time that we have been going through our report, based on the rumours that we were hearing that the exercise is still going on, I talked to the CEC and she confirmed that the exercise has been stopped and they are waiting for our resolution from the Assembly. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you. You can proceed Hon. Apiyo!

**Hon. Apiyo:** Thank you, Mr. Speaker

**Hon. Deputy Speaker:** I am giving you one more minute.

**Hon. Apiyo:** May be the Chairperson of this Committee should call somebody called Mr. Owiti who is coordinating the exercise in Rarieda to get more information. My last contribution is what the Members resolved that all teachers should be paid a flat rate of Kshs. 10,000.00, I also support the recommendation. Like Hon. Owii did mention, there should be an entry of this ECDE issue, they are our babies Mr. Speaker, I think if we recruit the ECDE teachers with an entry then after that we should know either to increase but the flat rate of Kshs. 10,000.00 I also

recommend that the ECDE teachers should be given a flat rate of Kshs. 10,000.00. Thank you.

**Hon. Deputy Speaker:** Thank you, Members, before I call the mover, I have some few observations in the report, if you go to page 6, bullet 3, Members felt that issues to do with recruitment of ECDE teachers should be dealt with by the Public Service Board.

They observed that the current process side lined the Board, a move which can easily be challenged in court. If you go to bullet 5, Members felt that the assessment/suitability test of ECDE teachers should have been devolved to Sub Counties to provide equal opportunities for all the eligible ECDE teachers to be assessed. I find the two to be contradictory. At one point you talk about the Board and another point you talk about the Sub County, because we don't have the Board at the Sub County level.

Bullet 6, Members were concerned that some ECDE teachers from private schools were assessed yet some deserving teachers from public schools were denied chances. They felt that this move defeats logic i.e. denying eligible ECDE teachers teaching in public ECDE centres while giving opportunity for teachers teaching in private schools who were not targeted. Again this one, we treat all teachers to be equal whether in they teach in private or public schools. We cannot give ECDE teachers in public schools first priority, we need to treat them equally, it is not their mistake to be under the private schools but they were looking for opportunities, that is why they are there.

Bullet 7, Members resolved that the 15 ECDE teachers to be employed per Ward should be teachers who hail from that

particular Ward. Okay, there is a fact that you are talking about equal number per Ward, I don't think we have, our Wards are the same, some are diverse. If you go to Hon. Osuri's Ward, South East Alego, if you go to West Ugenya, those are some of the biggest Wards that we have in this County and talking of equal number of teachers per Ward, I think some Wards will be disadvantaged, because you would also say that consideration should be put to Sub Locations, some Wards have 11, 12, Sub Locations, some have 2, 3, so I think those are some of the things that the Committee should have really looked at.

If you go to recommendations part 4, the County Public Service Board should take the lead role in the recruitment process. The CEC Education must inform Members of the County Assembly, I think if you put this in the recommendation, somebody may challenge you that you want to usurp the roles of the Executive. I think it should have been silent but not put it in the recommendations because our work is to do oversight and if we push the ---mast ---when they are recruiting, anyway it is good to share information.

**Hon. Oriaro:** Mr. Deputy Speaker - --

**Hon. Deputy Speaker:** Hon. Oriaro, you want to guard the Speaker and the Speaker is not allowing you. I am doing this because this report has been brought to the Assembly and it should come before the Speaker's Table so that we look at them before we commit them to the Assembly, if there are things that can be challenged we recommend that they be removed from the report and it is unfortunate that we are discussing it, we didn't have time to look at them and that does not mean that I don't

have any authority to give my opinion over it.

*(Applause)*

I think at this juncture I will call upon the Mover to reply.

**Hon. Oriaro:** Mr. Speaker, if we adopt it with those intriguing issues, why can't you just direct?

**Hon. Owii:** Mr. Speaker, Sir.

**Hon. Deputy Speaker:** Hon. Owii!

**Hon. Owii:** Mr. Speaker, Sir, I think the direction that you are trying to give us is so good but it's a bit late because when we talk about equal distribution, we know even in terms of what we get as Wards in this particular County, we know that Hon. Osuri's Ward, Hon. Speakers' Ward are the largest but they are given 30 million just like any other small Ward.

**Hon. Deputy Speaker:** Hon. Owii, you are out of order.

**Hon. Owii:** I am trying to assist you.

**Hon. Deputy Speaker:** Take your seat! You are not assisting the Speaker, it is too late. Hon. Okello!

**Hon. Okello:** Thank you, Mr. Speaker. Let me start by thanking all the Members for contributing very usefully to this debate, this Motion. I particularly thank Members of the Education Committee who have come up very strongly to beef up on the elements that we had already discussed at the Committee level and to clarify a lot of issues that other Members who are not Members of the Committee had raised and that makes my work easy.

I want to thank Members and we welcome amendments on suggestions of beefing up this report. I however noted that there was no direct Motion for amendments, however we have taken consideration of the

concerns and I want to believe that we should be able to put into consideration. As Hon. Owii observed, besides this report there is a report that has been going on at the Committee level for education which should be ready for presentation in this House in a few weeks' time and therefore a lot of other issues that were raised especially concerning the money, the balance for 24 million and several other issues that are related to this department will come up in that particular report.

Our Business for the day today was particularly to deal with the issue of recruitment and we have taken concern and notice that some Members have raised about the possibility of this exercise still going on. Mr. Speaker, we want to assure Members that as a Committee from where we sit we have the CEC and the CO who assured us that the programme has been halted even as we are talking here, so if there was any --- on the same again it will be beyond our progress but from where we sit the exercise indeed stopped.

Several issues have also been raised which Members have dealt with, the issue of paying the flat rate of Kshs. 10,000 for members, I believe my colleagues have adequately handled the matter as to why we believe that Kshs. 10,000 is the best entry point for everybody else.

**Hon. Deputy Speaker:** In fact I forgot to mention something about the pay that also should have been left to the Human Resource. It is not our business to determine how much should be paid but all in all nobody proposed any amendment; it is only Hon. Andiego who said that we should amend but that is not the way of moving amendment Motion and that is why I assumed it. Otherwise I am not proposing that we make any changes because it is not

the duty of the Speaker to propose an amendment. But in an area where there is -- -I must direct, I cannot be blind to something that is obvious. Proceed!

**Hon. Okello:** Thank you, Mr. Deputy Speaker. I wish to inform the House that the reason why as a Committee we felt to put the Kshs. 10,000, it is in public knowledge that at some point His Excellency the Governor when he was going out and talked about this exercise, he had meant clearly that those coming in will be taken at Kshs. 10,000.00 so as a Committee we felt that it will be really difficult to again explain to people out there that we are not going for the Kshs. 10,000 that was stated earlier but we are not giving a different rate.

Mr. Speaker, I wish to confirm with Members that as you can see on page 8 where resolutions lays, our report states as follows; that Members resolved that all ECDE teachers should be paid a flat rate of Kshs. 10,000.000 as had been factored in the Budget before an elaborate policy guiding the payment of ECDE teachers is put in place.

So, we are putting this with either that there is a policy guideline that could be coming from the other side where the HR and everybody else will be consulted. For us this Kshs. 10,000.00 is a borrow from the budget and also what had been communicated to the public at several different forums where His Excellency the Governor and everybody else

**Hon. Deputy Speaker:** I can see, the rider now qualifies it.

**Hon. Okello:** Thank you, Mr. Speaker, moving on again to the concern of Members about the mandate of the board *vis a vis* the recommendation of the Sub County, I want to submit that it is not in conflict, it is not in contradiction, the reason

I say that is, in our earlier recommendation we talked about the mandate of the Board which is not disputed but the Board should be given the mandate to run/exercise. When you come to part 5, when we talk about the Sub County, it was in regard to location, Mr. Speaker, we believe or Members suggested that it is possible for the Board, of course the Board sits at Siaya or Bondo but the Board is not permanently there.

The Board could move and say that on this day we are doing a recruitment in Gem Sub County, the following day they are doing interviews at Ugenya Sub County for purposes of transport and purposes of reachability if there is such a word in our English so that it is about location not

**Hon. Deputy Speaker:** I think you are really trying to justify your point. What is the difference between the Board, you know you had said that it should be devolved to the Sub Counties. Anyway the explanation is good and even the issues that had been raised I think if it is that way then I think I buy your explanation.

**Hon. Okello:** Thank you, Mr. Speaker. I will not want to take more time of the Members; I thank them for supporting this. I want to conclude by saying that this report is very important and very urgent. In making your ruling, kindly

**Hon. Deputy Speaker:** I am not making any ruling, it is the Assembly to decide, my work is to put the question.

**Hon. Okello:** Judging from the mood and the debate, I believe Members will overwhelmingly support this, what I want to request from you is that there need to be very clear direction of communication channel after this report is adopted in proceeding to the other side of the Executive so that they can take into place what is here so that this exercise can continue. Members

raised queries here, they raised concern that the Executive---to further delay the process of recruitment of our teachers, it is our plea that the report be taken in good faith so that this exercise is enhanced, so that by January when schools resume our ECDE instructors will have been recruited in regards with recommendations that this House has adopted. Thank you.

**Hon. Deputy Speaker:** Thank you, Members, I think my work is now easy and with the reply that Hon. Okello has given, I think most of the areas that I was underlining with my pen I think he has explained very well and if you explain to anybody I think with the explanation that you have given he/she will be able to understand.

I also want to give direction that immediately we dispense this matter, the office of the clerk should immediately send the decision of this Assembly to the Executive before 2pm today with a forwarding letter in an official manner. Whether the Assembly will support the Motion or will reject the Motion, that decision should be sent to the Executive immediately.

Hon. Members, at this point allow me to put the question that this House adopts the report of the Committee on Education, Youth Affairs, Gender and Social Services on the recruitment of ECDE teachers.

*(Question put and agreed to)*

**Hon. Deputy Speaker:** Next order!

## ADJOURNMENT

**Hon. Owii:** Thank you, very much Mr. Deputy Speaker, Sir. After the deliberations that we have had, it appears

that we don't have any more Business for this morning, I want to put a request that, I want to move a Motion that this House adjourns until 2.30pm this afternoon. I want to request Hon. Augo to second.

**Hon. Augo:** Seconded

*(Question put and agreed to)*

The House rose at 11.02 a.m.

**WEDNESDAY, 18TH NOVEMBER, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYER****QUORUM CALL AT THE  
COMMENCEMENT OF SITTING**

**Hon. Temporary Speaker:** Clerk-at-the-Table, is there quorum?

*(Lack of quorum confirmed)*

Can the Serjeant-at-Arms ring the Quorum Bell for ten minutes?

*(The Quorum Bell was rung for 10 minutes)*

**Hon. Temporary Speaker:** Do we have Quorum?

*(Quorum confirmed)*

**Hon. Temporary Speaker:** Shall we continue?

**COMMUNICATION FROM THE  
CHAIR****LIST OF SCHOOLS TO PLANT TREES**

**Hon. Temporary Speaker:** Hon. Members, the MCA for West Gem did communicate with the elected leaders to provide a list of ten schools within which some trees will be planted. If there those who have not presented the lists of the schools where we could be able to plant trees please hand in that list immediately after this session to the MCA for West Gem.

Next Order!

**PAPER****SHORTAGE OF DRUGS AND QUALITY  
OF SERVICES**

**Hon. Were:** Mr. Temporary Speaker, Sir; on behalf of the Committee on health services, allow me to Table a Report on the shortage of drugs and quality of services in Siaya County Health facilities.

**NOTICE OF MOTION****SHORTAGE OF DRUGS AND QUALITY  
OF SERVICES**

**Hon. Were:** This is a Notice of Motion, on behalf of the Committee on Health; I beg to give a Notice of Motion on the Report on shortage of drugs and quality of services in Siaya County. I call upon Hon. Anastasia to second.

*(Hon. Augo Seconded)*

**STATEMENTS**

**Hon. Awuor:** Thank you, Mr. Temporary Speaker, Sir; this morning I was supposed to give a Statement on behalf of Hon. Peter Muhula; but due to some technical hitch I want to request the Chair to give me a chance tomorrow in the morning, thank you.

**Hon. Temporary Speaker:** Hon. Awuor has consulted with the Chair and we have agreed that the statement will be presented tomorrow.

**MOTION**

REPORT ON SHORTAGE OF DRUGS  
AND QUALITY OF SERVICES IN SIAAYA  
COUNTY

**Hon. Were:** It is a pleasure Mr. Temporary Speaker, Sir; on behalf of Members of the Committee on Health services inquiry into acute shortage of drugs in health facilities in Siaya County. I'm pleased to present this Report to this Hon. House on 22<sup>nd</sup> June, 2015, the Committee on Health meant to plan its activity following an outcry from the public that there was an acute shortage of drugs and ---

**Hon. Temporary Speaker:** Hon. Were, just hold your peace. I wish to propose the question that this House adopts the Report of the Committee on Health for the shortage of drugs and quality services in Siaya County Health facilities. Yes, Hon. Were!

**Hon. Were:** Ok, let me continue. Mr. Temporary Speaker, Sir; on behalf of Members of the Committee on Health services, at least we can go and look at it so that we participate soberly. Thank you, Mr. Speaker. I request hon. Gare to second. Hon. Speaker: What have you requested him for?

*(Laughter)*

**Hon. Oketch:** To second.

**Hon. Speaker:** To second what?

*(Members spoke off the mic)*

*(Hon. Were rose on a point of information)*

**Hon. Speaker:** Your point of information is noted.

**Hon. Were:** I was given a brief history.

On 22<sup>nd</sup> of May June 2015; the Committee of Health made a plan its activities following an outcry of the public that there was an acute shortage of drugs and medical supply in the Sub counties and other primary healthcare facilities. The frequent complaints of the status of such supplies was

both a surprise and suspect given that adequate budget had been set aside for equipping hospitals based on assessed needs.

The Committee resolved to visit Sub County Health facilities to ascertain the status of drugs supply. Mr. Speaker, Sir; the Committee held a total of twenty meetings; visited a Sub county Health facilities, engaged the County Director Supply Chain Management, the County Pharmacist and the County Director of Health Services in attempt to unravel the mysteries surrounding the reported shortage.

The Committee also reviewed crucial documents like the Financial Year 2014/2015 Budget to ascertain that funds had been allocated to purchase of such supplies that were reportedly lacking in the Health facilities.

**Summaries of the findings;**

- i) A keen finding of the Committee was that the procurement rules and regulations in the Health sector were either deliberately ...or out of ignorance flawed in nearly all cases where challenges were confirmed.
- ii) Some firms that were contracted to deliver the health commodities were not prequalified. While those which were prequalified changed contracts specifications without following regulatory procedures.
- iii) Our investigations revealed that...firms supplied unbranded drugs which were later on stolen from the stores and up to that occasion the report is still

- iv) There was complete lack of supervision of procurement processes by officers in charge and apparent divorce of coordination between officers at the County Headquarters and Head personnel at the Sub counties.
- v) The Committee found that the health facilities in Siaya County are understaffed and cannot therefore perform at their optimum level. The few staffs that are there are demoralized and operate without passion, following complaints of stagnation ...poor and unstable remuneration and lack of essential and effective working tools.
- vi) The Committee further found that there were serious limitations in the physical infrastructure at the health facilities. There was overcrowding in some wards and some of the ongoing construction were of questionable standards.

This was observed despite the fact that there was Supplementary funds allocated to fast track rehabilitation and extension works in various health facilities.

#### **Acknowledgements;**

I wish to recall the Committees gratitude to the House for having entrusted us with the execution of important duty of contributing to the efforts of restoring the image of Health Sector in Siaya County.

The Committee thanks the entire leadership for their dedication and commitment during the fact finding and deliberation that which has made this Report a reality. The Committee thanks the Office

of the Department of Health Office of the Director of Budget; Office of the Assembly Clerk for the related facilitation and our clerk Assistant for enabling, coordinating investigations and report writing activities.

Mr. Speaker, we can now move to the Considerations, adoption of the Report by the Committee. You can see the membership, we now move to the visit to the Sub county Hospitals.

#### **VISIT TO UKWALA SUB COUNTY HOSPITAL, UGENYA SUB COUNTY**

The Health Committee visited Ukwala Sub county Hospital, Monday 13<sup>th</sup> July 2015; the Committee had sent a notice to the management team through CECM (County Executive Committee) head services of the intended visit. However, it was surprise to notice that all the team members including sub county health Management Committee Members were absent.

The reason advanced was that they had gone for a week long county annual work plan for Health Department in Kakamega. The members therefore, only met with the hospital pharmacist who gave us his submission as summarized herein;

They also visited different section of the hospital and interviewed a few categories of the patients who were in by then.

#### **Committee's observation;**

Members observed that there was a building that had been completed and was to be used as a ward. It was in a state of disgrace because it had not been furnished with ward equipments.

Submissions by the pharmacist;

The pharmacist made the following statements;-

There were instances when the medical supplies were specifically drugs

delivered to the hospital by contracted suppliers were different from the ones that were specified and ordered by the officers from the hospital.

There were concerns that there were occasions that quantities delivered were far much less than that was ordered. Reasons given for such occurrences were price variation mostly varying upwards and meant that they could only bring less.

They also observed that such exorbitant prices were far much higher than those of the preferred supplier KEMSA (Kenya Medical Supplies Authority). They noted that such inconvenience in variations occurred only where local suppliers were involved. Apparently, the local suppliers were the preferred choices of the County Procurement Officers for reasons based known to them.

Supplies made through local suppliers took long to be delivered this made the hospital using the ...stock and eventually lifted the shortages that had been frequently felt.

There was an acute shortage of the medical staff for instance the hospital had no laboratory technologies yet they were expected to provide lab tests to the patients. The Committee also received bitter complaints from the members of the staff most common was stagnation in the same Job Group for a long time.

#### **Committee's Recommendations;**

- i) Procurement of drugs and other medical supplies to Sub county and referral hospital be done through KEMSA and MEDS (Mission for Essential Drugs and Supplies). In cases where the County Procurement Officer resort to have surplus; they must document reasons for such after a power evaluation with

all stakeholders effective immediately in accordance to Section 4 (c) of the Kenyan Medical Supplies Authority Act 2013

- ii) Critical areas where there are no qualified staffs should be addressed as ultimate priority by the County Health Human Resource in charge. A laboratory technician should be posted to this hospital by end of November 2015.
- iii) The completed in patient floor should be in operation

#### **VISIT TO AMBIRA SUB COUNTY HOSPITAL, UGUNJA SUB COUNTY**

The Health Committee visited Ambira Sub county Hospital on Monday 13<sup>th</sup> July, 2015; members toured the hospital facility and interrogated health officials from both Sub county health and hospital management teams

Committee's observations;

- i) The hospital kitchen was in a fair condition. However, there was only one casual worker in the hospital cateress managing operations in the kitchen. Quantities of food supply seemed inadequate.
- ii) General sanitation of the facility was far below general standards there were no designated toilets for staff. Some parts of the roofs were leaking and there was observed congestion in both male and female wards. Male wards contained only 3 banks of bed, there were signs of leakage in the roof

- for both ...and maternity wards. The condition of the maternity ward was fair as a result of intervention by ICAP (International Center for AIDS Care and Treatment).
- iii) The hospital drugs store was too small although there were some drugs cited inside. There were some machines in the biochemistry lab although they looked mould and old.
- iv) The new inpatient block has been completed being a project of the National Government. However, plugging work was poorly done with signs of leaks of...in several places.
- Submissions by the hospital and Sub County Health Management Team;
- i) There were acute delays in delivery of medical commodities a case cited was an order that was made in April and received in July 2015. To make the matters worse was supplied was not what was ordered in terms of time and quantity.
- ii) Staffs employed on casual basis were made to wait delays, there contracts had expired by 30th June 2015 and no communication on whether their termination or renewal had been done. An act in total violation of the Employment Act, 2012 and the County Government Human Resource Manual Documents that ought to safe guard welfare of employees of the County Government.
- iii) Some of the patients however, were of the opinion that services were better at the hospital with food being given to the inpatients
- iv) Drug supplied by the local suppliers are subjected to theft because they are not branded.
- v) There was staff shortage
- vi) In adequate beds in both male and female wards.

### Committee Recommendations

That should be number 1, am seeing 4, we can make some adjustments. It's clerical

1. Funds should be allocated, even if through supplementary budget, for equipping the completed in-patient unit by end of November 2015.
2. The completed unit at Ambira Sub County Hospital should be operationalized within 90 days after adoption of this report.
3. Qualified staff should be recruited and posted to assist in the hospital

catering services by end of November 2015

4. Supply of drugs should be done by KEMSA or MEDS unless there are convincing reasons why the two agencies should not be engaged, in the event of which procurement procedures should be followed with strict supervision from the county headquarters.

#### **VISIT TO MADIANY SUB-COUNTY HOSPITAL – RARIEDA SUB-COUNTY**

The Health Committee visited Madiany Sub-County hospital on 15<sup>th</sup> July, 2015 and met both health and hospital management committees.

#### **Committee observations**

- The drug store was well stocked although there were claims that some of the drugs in the store were irrelevant since what was brought was not what the hospital ordered.
- Food store was in a good hygienic condition and well stocked, however, it was small in size.
- There is serious overcrowding in one general ward with three cubicles used for admitting some cases.
- The hospital did not have laundry facility; general cleanliness of the

whole hospital is wanting due to erratic water supply.

- Acute shortage of staff.

#### **Submissions by the Sub County and Hospital Management Teams;**

- Rybon and Siamed Companies, both from Nairobi were main supplier of both drugs and non-pharmaceuticals. While the hospital ordered for drugs worth Kshs 5 Million in 2014/2014 financial year, the order was changed to Ksh1.25 Million by the County procurement officials (see annex 2). The drugs supplied were however only worth Kshs1.16 Million. Interestingly the drugs that were finally delivered in the same order were not the same that were originally specified by the users. In another order, non-pharmaceuticals worth Kshs 3 Million was approved by the county government, but what was delivered to the hospital was worth only Ksh1 Million.
- Upgrading of the hospital to a sub-county hospital level was done in theory, major essential improvements in X-ray, Maternity, Wards, and Mortuary departments were not done prior to the upgrade.

This has meant that the level of the hospital is not commensurate with the standard of services and facilities.

- Food supplied to the hospital was inadequate. The hospital reportedly is in debt to the tune of Kshs 1 million.
- A required percentage of funds from Appropriations-in-Aid (A.I.A) which are channeled to the County Revenue Account are never allocated back to the hospital as per financial regulations. More so, no allocation is made for maintenance of hospital vehicles.
- The hospital receives A.I.E late, when impact of shortages have been adversely felt, the A.I.Es more so, are not aligned to the needs of the hospital.
- Supervision of the hospital has been left for partnering NGOs

## RECOMMENDATIONS

1. There should be urgent budgetary allocation to improve the status of X-Ray services, hospital theatre, maternity wing, all wards, the mortuary and other specialized departments at Madiany hospital to bring them to the level commensurate with that of

a Sub-County hospital. The Kshs 10 Million that was allocated in 2014/2015 budget for purchase of an X-Ray machine should be utilized immediately.

2. Urgent postings of required staff should be done to address acute shortages observed.
3. Drugs should be supplied by KEMSA and not by local supplier with questionable affiliations.
4. Budgetary allocations should be made to repay the debt that the hospital owes.
5. Sustainable water supply should be provided to the hospital.

## SIAYA COUNTY REFERRAL HOSPITAL

On 14<sup>th</sup> July 2015 the committee visited the above hospital and the following were the Submissions by the Hospital Management Team and Sub County Health Management Team.

### Committee Observations

- One general ward partitioned into five sections i.e. pediatric, male and female wards with inadequate bed sheets and bed covers.
- An old psychiatric unit built in 1953 and lacks special mattresses,

maintenance, fencing and sanitary facilities for ladies

- An old kitchen, inconsistent food supply evidenced by an empty food store since the hospital owes food suppliers Ksh14M. The hospital resorts to borrowing to sustain hospital operations.
- Shortage of drugs, non-pharmaceuticals and beds in the maternity wing coupled with leaking roof and inconsistent running water. There were cartons in the store that were purportedly containing drugs but members found out that they were boxes full of condoms and gloves.
- Old and inadequate clothes for patients. Apparently no linen has been bought for the last three years despite successive budgetary allocations.

#### **Submissions by Hospital Management Team and Sub County Health Management Team**

- All drugs which were ordered were not delivered. All drugs which were delivered by SIAMED from Nairobi were not ordered.
- The hospital ordered drugs worth 6.7 M in May. Revised it downwards to

3M upon request by the concerned authorities, drugs which were eventually supplied were worth 0.9M

- Health centers and Dispensaries were allocated 8M for drugs and non-pharmaceuticals. This amount was altered to 3M. This order was placed in early May, 2015 and has since not been supplied.
- Annual Plan done and zero implementation
- Lack of utility vehicle hampering supervision by the Hospital Management Team and the County Health Management Committee
- Lack of staff promotion and recognition leading to massive exodus of highly qualified staff to other lucrative jobs
- Acute staff shortage. The current ratio is one Nurse to 52 patients in female ward, 6nurses serving in the pediatric ward .The minimum number of staff should be 127 yet only 60 are on board.
- Cumbersome and time consuming redistribution of drugs to utility facilities since suppliers deliver all the drugs ordered by other hospitals to the facility.

- Final copy of the approved Health Department budget not shared with the Hospital Management Team and Sub County Health Management Committee.
- Pre-determined and inconsistent A.I.Es. No engagement with the hospital management to prioritize hospital needs.

### **Committee Recommendations**

1. All deliveries must pass through an inspection and acceptance committee before being accepted into the utility facility. All Supplies should be delivered directly to utility facilities. This should be affected immediately.
2. In the F/Y 2014/2015, Ksh. 6, 250,000 was allocated for purchase of patients clothing and uniforms. Purchase the clothes and uniforms be done within 90 days.
3. The hospital kitchen to be allocated budget for renovation/upgrading and the 14M debt owed to food suppliers settled after verification within 90 days of adoption of this report.
4. A new ward unit should be constructed and all categories of patients given adequate space. Additional beds, bed covers and bed

sheets should also be purchased within 90 days.

5. A new roof to the maternity wing should be done, water reservoirs installed to ensure consistent flow and its drugs and non-pharmaceutical store stocked in accordance with the hospital needs within 90 days
6. Adequately equipped and standardized psychiatric unit should be constructed alongside ladies sanitary rooms. There should be budgetary allocations to the unit for operations and maintenance within 90 days.
7. Supply of drugs should be based on actual facility workload as stipulated in section 2.5 of the Kenya National Drug policy (1994). Additionally, AIEs issued to the facility should prioritize urgent needs effective immediately.
8. Facility annual work plan development must be consultative and implemented exhaustively failure to which substantive reasons should be given.
9. The hospital should have a utility vehicle to aid in undertaking daily operations.

10. Final copy of the approved Health Department budget should be shared with the Hospital Management Team and Sub County Health Management Committee
11. The Kshs 35 Million that was allocated in the supplementary budget of 2014/2015 for rehabilitation of the referral hospital should be accounted for by the Director of Health.

#### VISIT TO YALA SUB-COUNTY HOSPITAL – GEM SUB COUNTY

The committee members visited Yala hospital on 14<sup>th</sup> July 2015 in the afternoon. Members of the Sub-county Health Committee were not present on the excuse that they were not aware of the assembly committee's impending visit. However some of the Hospital Management Team members were present and were eventually engaged by the committee in their fact-finding mission.

#### Submissions by the Hospital Management Team and Sub County Health Management Team

The officers revealed that there has been significant reduction in allocation to the hospital since the onset of devolution. This has greatly affected the operations at the hospital since originally the level of funding used to be Ksh4.5 Million per annum, but this has been reduced to 1.5 Million for purchases of drugs.

A delivery of Kshs. 350 000 was taken to the Hospital and The Pharmacist was asked to sign a delivery worth 1.5M which he declined. He took a break to photocopy documents to give to the committee but was allegedly threatened along the way and disappeared.

KEMSA and MEDS used to supply drugs and non-pharmaceuticals at cost effective prices but the County Government reverted to other suppliers who supply non-branded drugs at exorbitant prices. Rural health facilities have not gotten drugs for the last six months.

There is serious understaffing in the hospital. For the existing staff, no promotion has been effected for that last five years.

Kshs 14 million had been allocated for use by the hospital and an A.I.E signed for the purpose. This allocation has not been availed by the County Government. HMT is rarely consulted when various issues affecting the hospital are being deliberated by the County Government. Apparently funds allocated never reaches the hospital.

#### Recommendations

5. The promotion issue of the affected medical staff must be addressed by the Human Resource department and a comprehensive report brought to this assembly within the statutory period. There is also urgent need to employ urgently needed officers at the hospital.
6. Supply of the drugs should be done by KEMSA or MEDs.

#### VISIT TO BONDO SUB-COUNTY HOSPITAL – BONDO SUB-COUNTY

The Committee members paid a visit to Bondo Sub-County hospital on 15<sup>th</sup> July

2015. The Committee met the sub-county and hospital management Team.

**Committee observations;**

The committee noted serious overcrowding in all departments of the facility. Bondo sub-county hospital is clearly overwhelmed given that there has been a sharp population increase in the town, thanks to the university and the presence of more investors in the region. The hospital serves patients from neighboring sub-counties like Rarieda, Gem, and Siaya, apart from the populous Bondo, making it more deserving in terms of expansion of facilities.

Members noted that the access road to the hospital was in a very bad state – muddy when it rains, narrow and bushy. There were actually no clear roads within the facility. The compound was bushy and untidy. The nursery unit of the maternity wing had 5 incubators out of which only one was functional.

Soakage-pit is small and nearly full, the out-patient department has faulty wheel chairs and stretchers, there were also inadequate consultation rooms (1 out of the required 4)

Maternity wing is inadequate in terms of space, some essential ward equipment lacking, for example lockers. The hospital has only one amenity ward with two beds.

The pharmacy lacked essential drugs, a situation that has persisted for the last four months. The drug store was virtually empty. There is an X-ray machine which is dysfunctional.

Pediatric ward is small with inadequate facilities, in fact during the period of the committee's visitation; this ward had no nurse in attendance. There were no mosquito nets in the ward.

The maternity wing has only 12 beds, yet the optimum capacity is 24. Patients were sharing the few available beds.

There was construction work going on, however quality of such work was poor and progress seemed to be too slow. There is an acute shortage of staff in all departments – Mortuary (1 out of required 5), Laboratory (8 out of the needed 20), out-patient department ( 2 out of the needed 20) and in the pediatric wing, there was one nurse handling 20 children at a time.

**Submissions by Hospital Management Team and Sub County Health Management Team**

There were inconsistencies in the supply of medical equipment and drugs. A telling case occurred in a period when the hospital ordered for drugs worth Kshs 1.3 Million. The value of drugs that were delivered under the same order was Ksh.718,952; what was more surprising was that the LPO that was sent to the supplier by the procurement department read a value of Ksh1, 258,572 meaning that in the records, this is the value of drugs that were supplied. Another twist to this order came when the officer who supplied the drugs alleged that the drugs he had brought was a donation from USA president – Barrack Obama.

In some cases, the types of drugs supplied by the local supplier differed with what the user had requested. The occurrence was aggravated by substantive reduction of quantities of medical commodities ordered for as reported in a case where Lab Reagents worth Kshs.1 Million was ordered for by the hospital. In this order, the value of re-agents that was received was Kshs 300,000.

The variance was not explained or communicated to the user by the procuring officers.

KEMSA who used to be the preferred suppliers by the hospital was changed by the procurement officers. The ones who currently make supplies are Siamed, Port Florence, Mediflon, and Rybon Pharmaceuticals. Apparently the HMT was not consulted when this change was made. These local suppliers do not present invoices when requested by the hospital staff. They also supply unwanted drugs.

On staffing issues, the management teams were emphatic on stagnation, lack of motivation, uncertainty surrounding the engagement of contractual staff, and lack of protective clothing for relevant staff. The management teams are not involved in development plan of the hospital. They receive instructions from 'above'. The final version of the 2015/2016 budget has not been shared with the HMT.

#### **Committee Recommendations**

1. The members were aware that Bondo Sub County hospital had received Ksh18 million out of supplementary budget in the 2014/2015 financial year meant for expansion and refurbishment of the maternity wing. The extent to which this allocation has been used should be explained and a report given to this house in a period of two weeks.
2. The Hospital needs specialized equipment for emergency response and at the casualty.
3. The order in which there was a claim that drugs invoiced were a donation from USA president should be independently investigated by either a team preferred by this house or jointly with the executive and a report be given to this house in a time so specified at the time of such engagement
4. More funds should be allocated, in subsequent main or supplementary

budgetary allocations, to expand the hospital facilities as prioritized by the HMT.

5. The director of health and his management team at the county headquarters should undertake regular visits and inspections in this hospital within three weeks of adoption of this report.

#### **The committee observations upon perusal of files from director supplies chain management**

The committee wishes to inform this Honorable House that it requested for suppliers documents from the office of the County Director Supply Chain Management for F/Y 2014/2015 on 24<sup>th</sup> August 2015. However, the committee did not receive all the documents requested for and could not therefore carry out comprehensive investigations. Despite the above, the committee was able to get the following information from the files that were forwarded-

1. Belagon pharmacy supplied what was thought to be drugs to Madiany Sub County Hospital worth Kshs. 71, 500 yet it was not prequalified. It was later found out that what was actually supplied were some electrical accessories for the theatre. A clear contravention of section 2.4(4) of the Kenya National Drug Policy (1994)
2. Forever Living East Africa Ltd. Supplied food supplements to the Office of the Director Supplies Chain Management for Onward distribution to County Executive Members yet the company was not prequalified. Request for quotation method was used. However Forever

Living E.A Ltd was given audience at County Executive Committee meeting held on 6<sup>th</sup> May 2014 (Ref: min28), to present its products after which request for quotation was done to Forever living E.A. Ltd, Kisumu Medical Stores and Town Gate Chemist. Forever Living E. A. Ltd emerged successful and supplied food supplements worth Kshs. 692,323. This was a glare breach of Section 2.4(4) of The Kenya National Drug Policy (1994)

3. Most of the LPOs forwarded to the committee did not have attached lists whose originality can be ascertained to be from the County Government or supplier since they lacked rubberstamp. This anomaly was confirmed by the Director Supplies Chain Management. Furthermore this omission could have been the source of non-conformity in orders placed and drugs supplied to health facilities.

#### **Submissions from the County Director Health Services**

The Facility Improvement Fund policy that allows hospitals to retain 75% of their collections was superseded by the Public Finance Management Act 2012 that states that all County Revenue be banked in central revenue account.

#### **Submissions from the County Chief Nurse**

Mr. Joshua confirmed that there are medical equipment donated from the U.S.A to be shipped in the first week of November and dock within six weeks.

A certificate of donation and a commercial invoice (for purposes of customs) (see annex 5) sent by mail from Amanda Paniagua-the shipment manager MedShare was presented to the Committee. The Chief Nurse also indicated that redistribution of the coming equipment has been done in consideration of the facilities that budgeted for equipment across the County.

However the Committee noted that a bill of lading that indicates date the shipment is leaving and arrival, person shipped to, the sender and volume of consignment amongst other details was missing. The County Director Health further clarified that there will be four shipments in one year sent quarterly

The accountant Health Department

The accountant presented a report to the committee indicating that the AIEs given to the committee by the management of Yala Sub County Hospital were not all that were issued to the facility and provided details of the AIEs that the facility's administration left out.

She further clarified that in supplementary budget, Bondo Sub County Hospital was allocated Kshs. 18M

Breakdown

- Repairs and maintenance- Kshs. 3Million.
- Refurbishment of Maternity wing- Kshs. 15Million
- Kshs. 3,693,357.90 has been paid in completion of maternity block and theatre block
- LSO No. 2733 of Kshs. 2,890,580,80 has been issued for the proposed fencing, pavement and repair of kitchen block in Bondo, in West Sakwa

## Siaya County Referral Hospital

Amount allocated in the supplementary budget- Kshs. 97Million

## Breakdown

- F/Y 2015/2016 Budget Kshs. 50, 000 000
- F/Y 2015/2016 construction of a blood bank Kshs.5,000,000
- Refurbishment Kshs. 10, 000 000
- Rehabilitation Centre F/Y 2014/2015 Kshs. 32,000 000
- An LSO has been issued for Kshs. 92,000,000

## Submissions from the acting County Pharmacist

The Officer confirmed that the department had indeed received complaints from health facilities that there were inconsistencies in drugs ordered and the commodities supplied. On receipt of that information the department did a County wide analysis (see annex 6) and came up with a report which was shared with the committee. The officer further stated that to avoid the recurrence of the above anomaly, the Department has endorsed KEMSA to be the sole supplier of drugs to all facilities in the County with exception of isolated cases that are justifiable.

The Pharmacist was however not able to explain why private suppliers were used instead of KEMSA and if at all the department effectively over sighted the issuance of LPOs as it ought to have.

## Submissions from the Chief Officer Finance

The Officer presented a list of AIEs that have been issued to Health Department and indicated that it is the work of the department to issue Sub AIEs to individual facilities.

## GENERAL OBSERVATIONS

Subsequent to the elaborate investigative visits to the Sub-County health centers and analysis of relevant secondary health related documents, the committee found out that;

- I. There was a suspect change-over of suppliers from KEMSA, who is overwhelmingly supported by the users, to other suppliers who reportedly do not adhere to Public Procurement and Disposal Regulations, in nearly all hospitals visited. These new suppliers changed the types and quantity of drugs requested, (may be in collaboration with procurement officers), charged exorbitant prices, concealed requested documentations and delayed the supplies. This is against section 4(b) of Kenya Medical Supplies Authority Act, 2013
- II. The County Procurement office in some instances engaged non-qualified suppliers of medical commodities in glare breach of Section 23 of Public Procurement and Disposals regulations. One of such irregular supply was not made to any health facility, but to the office of the director of supplies & chain management.
- III. There was a clear lack of communication between the officers manning health department at the county level, Sub County Health Management officers and individual facilities. This led to lack of coordination of implementation activities and brewing of mistrust between the parties. The sub-county health officials for instance do not

- have information about budgetary allocation on the health – this is an indicator that budget preparation process in the department is not participatory.
- IV. There is an acute shortage of staff in the hospitals. Most them are operating on skeleton staff and in some cases, essential services are being provided by unqualified staff.
- V. The in-patient absorption capacity of the hospitals is very limited, there was observed overcrowding, and mixing up of male, female, and children in same wards in some cases. The status of supportive equipment was wanting with glaring lack of quality beds, furniture, blood bank, incubation facilities and proper waste disposal systems.
- VI. Remuneration and standardization of salaries and allowances for medical staff was non-uniform in some cases. Delays in salary payments were rampant without convincing explanations. Staffs engaged on contractual basis were not properly informed of their status regardless of the impending expiries. These lead to low staff morale and poor service delivery.
- VII. Hospitals do not retain the 20% of Appropriations-in-Aid as required by the Health Sector Financial Management regulations. All the revenues collected are deposited in the County Revenue Account – if there are any re-allocations, it was not evident from the investigations.
- VIII. The distribution system of medical supplies, in some instances, occurs in a manner that these supplies are first delivered to the Siaya referral hospital before they are re-directed to other sub-county health facilities. This brings forth logistical challenges hence unwarranted delays.
- IX. Some sub –county health facilities are immersed in huge debts hence are operating at the mercies of suppliers who can instigate undesirable legal procedures any time.
- X. The administration of Authority to Incur Expenditure by the officers at the county headquarters is erratic and confusing. This leads to delays in planning for purchases and payments.

#### COMMITTEE RECOMMENDATIONS

On the basis of the findings and other evidence adduced from documentary analysis, this committee recommends the following;

- I. The County Procurement Officers must constitute Acceptance and Inspection Committees **immediately** as stipulated in the Public Procurement and Disposal Act (2005) Section 17(1) and Public Procurement and Disposal (Ammendment) Regulations, 2013 section 16 (1) . These committees must be active in all sub-county hospitals where deliveries are made.
- II. Local questionable suppliers e.g Siamed, Port Florence, Mediflon, and Rybon Pharmaceuticals should

- be investigated and stopped from serving the hospital and appropriate measures be instigated for those found culpable.
- III. This committee observed the important role that non-governmental partners like DANIDA, ICCAP etc and Community Health Volunteers (CHVs). We recommend therefore, that coordination of their operations be instituted so that there is distinction in their projects and those of the county government. The stipend of the CHVs **in thirty days**, must be regularized and their NHIF contributions be done regularly.
- IV. CEC, Chief Officer, director in charge of health and county pharmacist must **in Thirty Days**, establish coordination and communication framework/policy in the sector. Such a policy must be consultative and must be brought to the county assembly for approval as an urgent measure to improve positive interaction between the officers at lower levels of devolved units and the officers at the county headquarters.
- V. CEC health and all officers in his ministry should regularize distribution of drugs to sub-county health facilities in manner that does not burden the referral hospital. To this end, this committee recommends that Siaya County Drug Distribution Policy be developed, legalized and adopted within a period of two months of adoption of this report.
- VI. The committee being aware of the 10% increase in budgetary allocation towards recruitment of health personnel in the county in 2015/2016 financial year, urges the County Executive HR department to expedite the recruitment processes. Any pending recruitment from previous financial years must be concluded in **Thirty days** and reports of the same brought to this house as provided for in the County Government Act.
- VII. The County Director Human Resource Management to conduct customer satisfaction, work and environment satisfaction surveys to understand the gaps which include staff promotion, stagnation and the number of staff required to effectively run Health facilities and implement incident recommendations thereof. This should be done in 60 days.
- VIII. The hospitals should put in place disability friendly mechanisms in the facilities.
- IX. Supportive services like security, cleaning and catering should be contacted at the health facilities to reduce management burden and improve quality of rendered services before the expiry of sixty days.
- X. A copy of this report to be directly forwarded to the CEC Member Health Services by the Assembly.
- XI. Unless otherwise stated in a specific recommendation, all reports falling due subject to this report should be submitted to this house within 60

days as stated in standing orders no 182 which states that “Within sixty days of a resolution of the County Assembly or adoption of a report of a select committee, the relevant County Executive Committee Member under whose portfolio the implementation of the resolution falls shall provide a report to the relevant committee of the County Assembly in accordance with Article 183 of the Constitution”

The House rose at 3.35 p.m.

**Hon. Gare:** Point of order!

**The Temporary Speaker** (Hon. Abayo): Yes Hon. Gare.

**Hon. Gare:** Just as it had been requested earlier the report was so voluminous and you can see the Hon. Vice Chair of Health is sweating. He is actually taking a lot of water to rehydrate him. I want to request that we stop there and continue from tomorrow so that Members can have time to peruse through this so that we have a healthy Debate tomorrow in the afternoon. Thank you.

**The Temporary Speaker** (Hon. Abayo): Hon. Members you will agree with me that it was worth going through that long Report. I want to thank the Mover for taking us through the Report and as had been alluded to earlier and seconded and voice added by the Chief Whip, the Motion stands Moved. There is also proposal that had been made and seconded that we adjourn at this point for further deliberation to continue tomorrow.

## MOTION

### ADJOURNMENT

There being no other Business this House adjourns until tomorrow Thursday, 19<sup>th</sup> November, 2015 at 2.30 p.m.

## THURSDAY, 19TH NOVEMBER, 2015

The House met at the County Assembly Chamber at 2.30 p.m.

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

### PRAYER

### MOTION

*(Resumption of debate interrupted on 18.11.2015)*

**Hon. Speaker:** Hon. Members, this is a continuation of yesterday's deliberations and the Chair of Health did move this Motion. I therefore open the debate for the Members. There is nobody to contribute?

Yes, Hon. Leonard Oriaro!

**Hon. Oriaro:** Mr. Speaker, I thank the Committee on Health for the wonderful job, the compilation and the Moving of the motion thereof.

Mr. Speaker, County governments were created as instruments, entities of purely service delivery. The delivery can only be done by the law. The Constitution is the bile of democracy.

The one area that is underscored in the current dispensation when we are handling parliamentary practices and governance order of the level of the Constitution and the Statutes is that; all that is done at the Executive pertaining the expenditure this is even in the PFM (Public Finance Management) Act; the Executive has to spend but as per the budget law on the grounds that it goes by the minute Page 4, MIN 28/6/5/201—presentation of food supplement

My attention is drawn to the matter in question that under the Chair of His Excellency the Governor, the Executive decides to buy remedies and we see—low

libido at the cost of Kshs.672, 000. It is resolved here easily, that the Chair directs that the money that was meant to be used on outpatient basis that the healthcare providing institution was directed to be diverted.

Where is the first baseline if at all the action was valid? Had there been statistics to show that public money should be used in such way, because, what we see here is not backed up by statistics from the healthcare department that they really need such like drugs.

What were the alternatives? Mr. Speaker, one; money that was approved to do right things is being diverted to do other things and there are no known framework used. This matter is questionable and we support this Report on the grounds that we've gotten to know that which is already known by the public.

So, Mr. Speaker, Sir; at the end of the day I plead with my colleagues we pass this Report. The recommendation in it, there is no room for amendments. I support it on the grounds that the Report confirms that the Committee did its work professionally and objectively; not subjectively. The matter on such use of drugs is in the public; people are questioning. Is it the Governor and his team who have a problem to reproductively function so that they need leverages?

*(Laughter)*

When you check the records at the referrals, is a known case. Such cases are never addressed. This is shame and we pass a Report so that the good practices and we warn the Executive to address the needs of the public. The needs of the public are

backed up with empirical and statistical evidence. Mr. Speaker, I support.

**Hon. Speaker:** Hon. Zilpa!

**Hon. Zilpa:** Thank you, Mr.

Speaker; I rise to support this Report by the Health Committee. It is a serious matter that our hospitals; the healthy centers, dispensaries and even the referral hospital have no drugs. Many people have been losing their lives just because they can't afford drugs.

Mr. Speaker, it will be in the interest of this Assembly if a survey could be done. For example, in this referral hospital, those who exit at the gate be given questionnaires to ascertain whether they are going out to buy drugs or not. Many a times those who are admitted here are only given a bed; the other services are *shauri yako*. This is a hospital of *shauri yako* nothing goes on because there are no drugs. Even as we talk now, there are no drugs. And, if there are they don't reach the patients.

If I have a patient in this referral hospital; it is my responsibility to go and buy everything. The only thing that they can give out for free is the drip water. Other than that, there is nothing. When nurses are going round; when they reach a room where there are patients, they stand very far and instruct the person taking care of the patient to go buy certain drugs.

Yet, those drugs are to be bought. It is not provided for by the hospitals yet here; we see that money is budgeted for buying these drugs. The drugs are not reaching those who should receive them. What is happening? We can write a Report like this one but if no action is taken, this will be a norm.

I suggest Mr. Speaker; after this Report, let the Health Committee not wait until there is uproar that there are no drugs. There should be quarterly health visits to these health institutions to find out the state

of affairs in these institutions so that we can arrest this problem.

Here we are as politicians; very soon people will be going out to ask for votes. Who is going to vote for us if the people who should vote for us are left to die. In the area where I live; I don't know—these people don't even examine their issues. But, they said that a neighbor of mine, died from cholera.

There is a big issue that there is cholera in Siaya. If there is cholera in Siaya, why don't they treat the water in Siaya. Put chlorine where people go to draw water. So that people can be protected from this outbreak. Of course, they can't do it because there will be no money to buy it. Yet, year in year out we put money in the Budget. Nobody knows where the money goes.

Recently when we went to Hon. Were's place when he was bereaved; you remember those young people; when I rose to speak, I was the unfortunate one. They started saying that we are thieves! And they did not tell the guy in charge of Health that he was also a thief. I am the one who was abused. Although I asked them to take us to jail; they were aware that we are stealing from them.

This Report should be taken very seriously. It should be taken to the Executive, and I suggest that if you give somebody this big Report; they will not read. Could this Report be accompanied by a letter to those who are concerned where the people that this Report is addressing, and highlight in that letter the areas that we want that action to be taken. So that they don't have to go through the Report but we can refer them to the pages in the Report where they ought to read

I doubt whether they will read this whole Report. Otherwise I congratulate the Health Committee for bringing this Report. Let us hope that soon Siaya Referral Hospital will be a referral hospital. If we go

to Bondo Sub District Hospital we shall get services. If we go to Yala; we shall get services. But, we will not get services if we only wait for people to complain. Let us be the watchdogs, let us oversight these health centers and know exactly what is happening so that our people can get value from this government they voted for.

After all, you ask yourself, why was health devolved? I believe that this was a critical area that the National Government thought that if given the resources to man by yourselves; you would take care of your own people. But, here we are and not doing that. Let's wake up and make sure that this Report is implemented as ... Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Aneme

**Hon. Aneme:** Thank you, Mr. Speaker, first I want to commend the Committee on Health for the good job they have done. But, in the recommendations; there are some issues that I think they should have been so harsh about. There are so many leniencies in these recommendations. For example; if you have documents showing that there were supplement drugs that were bought and you know that they are not curative medicine.

**Hon. Ndonji:** Mr. Temporary Speaker, Sir; this one calls for more harsh action against these people and particularly the people who are complacent in the purchase of such drugs because if we just leave it like that without even saying that these people should be surcharged so that this money can go the right drugs, we have been doing a disservice to the people of Siaya County.

Just as Hon. Zilpa has just stated; health is one of the sectors that have been fully devolved and as one of the Counties that has been neglected by the Central Government since Independence, we were supposed to drag this one with two hands

that we bring positive change to the people of Siaya County.

Therefore, it is very wrong for us to be hearing what is happening to the health sector, when somebody is not healthy or rather you are ill there is nothing you can do—not even eating. It's very important that we become vigilant on what is being done in this particular sector. Another issue that has come to the Floor is the poor services that people get from public facilities which I think should also be looked into so that people get the good services that they require from these facilities.

Understaffing as has been talked about; recently there was recruitment of staff, we still don't know where the process has reached but I tend to think that it should be taken very seriously so that these people can be posted to do the jobs they are supposed to be doing. Otherwise, I don't have much to say I support the Report.

**Hon. Ogutu:** Thank you, Mr. Temporary Speaker, Sir; as I also want to add my voice on supporting this Report even though it's a huge document. This Report follows another Report which was given in this House from the Committee on Ad hoc which you chaired and we heard very strong recommendations which have not been adhered to date.

Here comes another huge document with very scanty information which has not been put together. These recommendations should have come in a page to give a way forward. The way it has been put, nobody is being held responsible on this because the Report really entails on the issue of supply of drugs which are not specified.

*(Hon. Owii rose on a Point of Information)*

**Hon. Temporary Speaker:** Yes, Hon. K'owii.

**Hon. Owii:** Thank you, it appears that the Hon. Member on the Floor actually is not misleading the House; it's only that she wasn't here when Hon. Were was reading through the Report to see the findings and the recommendations put together, they are not scanty and actually as a reminder they are on page 20, 21, 22. She can read through then maybe we contribute later, thank you.

**Hon. Temporary Speaker:** I just wish to clarify that as you look through that Report, the visits to all the 6 hospitals; there are observations and recommendations and the Chair believes it is that which Hon. Rosemary is referring to. The fact that there are observations and recommendations under each and then at the end there is a summary again of recommendation and observations, I think that is what Hon. Rosemary Ogutu is talking about and if that is not the position then she should clarify.

**Hon. Ogutu:** That is the position and I thank you for elaborating on that.

**Hon. Temporary Speaker:** Can you continue?

**Hon. Ogutu:** Yes.

*(Laughter)*

**Hon. Ogutu:** The most repeated issue in this case was about the supplies which are not specified and here is a case where the supply was given to most hospitals and not what they required. In Siaya referral hospital; the supply and delivery were condoms and gloves. I think the gloves are ok but to supply condom in a maternity wing is not right. What I really wonder on the Report is who is responsible, does it come from the director of health or does it come from the procurement dept.

because when something is being procured it has to go through some channels.

Here is a case whereby you request for panadol and they bring you condoms or drugs for malaria and they supply Viagra; we don't know where these problems are coming from and that's why I wanted thorough recommendation like who is responsible for supplying what the hospitals don't require. Otherwise, I support the Report.

**Hon. Awuor:** Thank you, Mr. Temporary Speaker, Sir; I want to ventilate on this Report which was presented by my friend Hon. Nicholas Were on behalf of the Committee on health. I would like to thank this Committee for a well done job and I want to say that prior to this Report this Hon. House can remember I brought a Statement Here on the position of Yala Sub-County hospital.

I looked at this and I know it's not part of this Report but I want to say that; that precipitated the Committees going to all the Sub Counties with this Report. Mr. Temporary Speaker, Sir; I and you are Members of the Budget Committee and almost 33% of the County Budget is given to the health facilities. It is unfortunate and unbelievable what we see in our health centres until such a time that we don't know whether it was wrong and at times I said it was not right for the sector to be devolved in Counties because it's huge and I want to blame the Council of Governors for rushing to devolve this sector which they can't manage.

Sometime back our Governor was at Bondo hospital as early as 6.30 a.m. to 7.00 a.m. and he made a very good statement, how I wish that the persons given responsibilities the chief officers and CECMs could visit the health facilities. I

have lived in this Country for some time and there was a time when one assistant minister used to pretend that he was sick and he could wear some rugs and line up with patients in facilities just to see how these facilities were run, I think that should be the spirit of devolution. It is not there and if health is bad then we cannot represent people that we can't provide health care for their lives.

I happened to be a member of boards of health facilities and during those periods there was a percentage which was being retained. The monies were coming to the County Referrals but the percentages of AIE (Authority to Incur Expenditure) were retained for operations. When the County Government took over the Executive decided to have all the revenues from the Sub County facilities put under the revenue account.

I want to say that such monies should not be treated as revenue because emergencies occur and when there is an emergency the procedure of getting an ambulance is cumbersome. The procedure of getting money to buy food and emergency issues is not easy.

This is an issue that Assembly should come up and support this either with amendments or at is and days that have been given there should be really looked into so that we don't be counted as a failed Assembly because if the Executive is performing and the Assembly is not keen the boat will sink with everybody else and I want to plead with my colleagues that when the Members of this Assembly criticize things which are not right; they should not be seen as if they are fighting the Executive.

This is something that we really need to look at positively and also objectively because Here we are Elected and Nominated

but representing a common man who voted for the president of this Republic of Kenya and Governors, Senators, MCAs (Member of County Assembly) and everybody who was elected because we are serving the same people and we should be sycophants of the Executive. I want to rest my case by supporting this document.

**Hon. Aneme:** Thank you, Mr. Temporary Speaker, Sir; I want to strongly disagree with this Report. I read this Report at night and to me it is not telling us any truth. It is hiding a lot of things. To my disbelief this is a committee that is heavily constituted with people who know what drugs are because almost half of them are people who learnt and studied about drugs.

Why I criticize this Report and reject it is from the findings. You find a situation where one of them says firms who were supplying the drugs were non prequalified firms. You would think that in a scenario whereby all the firms which are really capable of supplying Siaya are put aside and non-prequalified firms are allowed and some of them did not even apply but are allowed to supply the drugs to our colleagues who know what drugs are and the committee is not even rejecting this kind of scenario in their Report. I think it is a total lie.

On the same light, local firms supply unbranded drugs, sometimes to some of our colleagues at home and even to those in the towns. Some unbranded drugs look alike that if you don't have their names you will not know them. For example Paracetamol and Septrin look alike and here is a scenario whereby these people receive unbranded drugs and stock them in our dispensaries, hospitals and institutions and then they leave them like that.

The committee who are represented by the heavily learned people are getting all

this information that these people did receive unbranded drugs and they put them there how did they know? I am criticizing this because this time we even have less staff manning our institutions. For this reason we are even hiring the community workers to support these people.

**Hon. Were:** Point of information!

**The Temporary Speaker** (Hon. Abayo): Yes, Hon. Were.

**Hon. Were:** My colleague who is on the Floor is talking about unbranded drugs and yet he doesn't understand. The normal practice is when KEMSA delivers drugs to the hospital you will see the GOK mark but the drugs we get from other pharmacies they are indicated very well for example Septrin. That is a requirement. So he is giving this House wrong information based on his level of understanding. Thank you.

*(Laughter)*

**The Temporary Speaker** (Hon. Abayo): Hon. Were you will agree with the Members when it says and it is in the Report 'unbranded' so you get where he is coming from. You ought to have understood but now you have made the clarification and where such cases then occur you would have also provided that definition or that reference in your Report.

I allowed you speak but I was going to mention that you wait to give a reply but because it was a point of information I did allow so that the Members are able to read from the same page.

Yes Hon. K'owii what is it?

**Hon. Owii:** Thank you, Mr. Temporary Speaker, Sir, I have a point of information. I believe our colleague who is on the Floor is learned and the truth is that what Hon. Were is saying is not that he is not informed. If he could read through the

recommendations that are here he could see exactly what is recommended on the issue of these unbranded drugs, procurement and the anomalies.

**The Temporary Speaker** (Hon. Abayo): What is the point of information?

**Hon. Owii:** He is missing some information and I wanted to tell him that he should read iii.) page 20 of our recommendations. That will actually inform him.

**The Temporary Speaker** (Hon. Abayo): Hon. Aneme back to the Floor.

**Hon. Aneme:** If you see the way they are armed.

*(Applause and laughter)*

They are defending what they know they are hiding. It is in their findings that there are unbranded drugs. It is number 3a.) in the findings so why they are circumlocuting, I don't understand.

*(Laughter)*

**The Temporary Speaker** (Hon. Abayo): The clarification is very clear on what branded and non-branded drugs are.

**Hon. Aneme:** In the same breadth I have an issue with their finding of the stagnation of the people in the job groups. It is true that in our health institutions, quite a number of our staff have been staying in those job positions for more than 15 years and you find a situation where other people are being hired and put as their leaders but I did not get in this Report the recommendations which tried to untie that. Sometimes I think it is better that the people who have stayed in a job for a long time should be at least should be given sometime should be given qualifications and promotions.

*(A Hon. Member shouts)*

Can you protect me?

**The Temporary Speaker** (Hon. Abayo): I will protect you. Hon. Members if you allow me. Hon. Aneme is raising a critical issue on the Motion but even if I were not sitting on this Chair I want to report that there is a Report of promotions of all the health staff that has been done and it had been done before so you can see even the Mover is nodding.

The issue of staff and promotions for sure would have not come in this Report at this time. I know the Report has been there for a long time especially senior staff in the health department in this County. I have been promoted by the Board and I can assure you that the Chair has seen a copy, where I saw it is not for today.

*(Applause)*

**Hon. Aneme:** This would seem to be a repeat but I better also air it. The issue of supplying different drugs. Here the Committee is not telling us who should be responsible and what actions can be taken against a person who received drugs that are different from what the order was talking about. They are not telling us that, it means they are not even leading us to the recommendation of what action can be taken against such a person who is receiving things which probably are not in the order. For the drugs you should order what is necessary at that particular time in relation to the kind of problems and diseases that we are having and if you receive all the things that you didn't order why do you accept them?

That is also giving me an understanding that even our health personnel

are also killing our people yet they are the same people who order Amoxil and receive another thing all together. At a time that he is now receiving other things does it mean that the order that they wanted to use for the said problems on the Floor do not exist? That is an area that I think the Committee did not help us.

On the delay of the supply of the drugs, you find a situation where a supply ordered as early as April and up to July it has not been received. Truly speaking if there are people who are supposed to be rescued with those drugs are they still alive? Here the Committee is not guiding us. The delay is taking place from a firm which was not prequalified and they were leaving firms who are prequalified which could have supplied them even within a week or so.

There is a firm here called Rebon, the owner was getting Kshs. 5 Million the procurement department changed it to Kshs. 1.25 Million and again to what was the equivalent Kshs. 1.1 million. There is a variation of almost Kshs. 900, 000 somewhere who is taking responsibility of this? You know very well that this man has been given a very big order and is supplying a quarter of the whole thing and then it goes silent like that and the committee and the recipient also goes silent like that. One would think that the Committee also conspired with the people who are ordering these drugs.

*(Applause)*

**Hon. Augo:** Point of information!

**The Temporary Speaker** (Hon. Abayo): Hon. Aneme you better obey the decorum of the House. Yes Hon Augo.

**Hon. Augo:** I would like to inform my friend Hon. Aneme that he should go to the committee recommendation number 2 on page 27 which says local questionable

suppliers e.g. Seme, Port Florence, Mediflo and Rebon pharmaceutical should be investigated and stopped from serving the hospital and appropriate measures be instigated for those found guilty.

What else do you need? Thank you, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Hon. Abayo): Hon. Gare, is that different from your point of information?

**Hon. Gare:** Yes it is. We need your direction, the member on the Floor did state so well that he went through this thing overnight and maybe he was sleeping. I think we should direct him because he has stated everything that is here. He continuously refers to us as 'them'

He has a notebook here which I think he was writing on at night when he was sleeping. Kindly allow us to tell the Member on the Floor that he should have read the recommendations so well because they are well stated instead of claiming his own things.

*(Applause)*

**The Temporary Speaker** (Hon. Abayo): Thank you Hon. Gare you should talk through the Chair but I think the information that has been raised by Hon. Augo is so clear. It is his time, he has 2 minutes to conclude.

**Hon. Aneme:** Thank you, very much for your protection. I started by saying that I am against this report. If you go to page 18 of this report you find a situation whereby drugs worth Kshs. 1.3Million were ordered, the ones delivered are worth Kshs. 700,000, the LPO paid towards the drugs is Kshs. 1.2Million and I am not seeing in the report where the

Committee is questioning the whereabouts of Kshs. 500,000.

*(Applause)*

That is why I am disagreeing with this report.

Lastly, on page 21, there is a scenario whereby the drugs are ordered in Madiany and electrical accessories are supplied. In that scenario, what is the Committee telling us? Somebody ordered drugs, the patients are sick, electrical accessories are ordered!

There is also another supply called Forever Living, they supplied food supplements to the Executive department. If this was a drug to be bought probably more than Kshs. 500,000, can we know from the Committee what this food supplement is? What is viazi, cassava, maize or what?

**Hon. Oriaro:** Point of information.

**Hon. Temporary Speaker:** Yes, Hon. Oriaro!

**Hon. Oriaro:** The Hon. Member in a point of ---, if you go to page 4, min. 28. They diverted the money which was supposed to be used at the Referral to buy low libido drugs. He is almost repeating what I had presented here. Thank you.

**Hon. Temporary Speaker:** I did not get your point of information, you were about to make a contribution.

*(Laughter)*

Hon. Aneme, you must conclude.

**Hon. Aneme:** Lastly Mr. Temporary Speaker, Sir, I am in the Budget Committee, we budgeted for Kshs. 97Million to be given to the Health Department for drugs. If you look at what is in the report, it goes up to Kshs. 92Million,

there is Kshs. 5Million not featured anywhere and the Committee is not telling us where the Kshs. 5Million is. When I look at this report, it seems those who were spending this money are our colleagues who are defending this report, they seem to have had a share in the money. Thank you.

**Hon. Temporary Speaker:** Hon. Aneme, you will have to withdraw that statement you have made.

**Hon. Aneme:** I am a very obedient person, I withdraw that but these people must tell us where all these monies are.

**Hon. Temporary Speaker:** I think that is clear, you have clearly raised those issues. Hon. Elisha!

**Hon. Okuku:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to look, ventilate and talk about this report that has been tabled by the Committee on Health. I represent Yimbo East Ward. I fail to understand and I want to begin by saying that the Committee team did a very beautiful work by unearthing the ill which has taken place in this department of health.

It is upon this House to do some amendments because of the recommendations, the recommendations are very weak. We pass this report with heavy recommendations so that we get the services which are of quality.

After saying that, I want to continue by saying that, I don't if really if this House is debating and ventilating on the report touching the hospitals. I listened very careful to the mover of the Motion yesterday, I thought that we are discussing about the morgue, instead of discussing of the hospital.

If you look at the report, what it entails, men and women who sat in this Committee, it is uncalled for. I think that

right from the CECM Health, Chief Officer Health, Director Health and any other element in the department of health should be shown the door if we are serious with the lives our citizens. As a health department, this is an area where this Assembly has approved a lot of money because we are concerned with the lives of our community.

What we saw yesterday, what is entailed in the report reminds me how the former president of the Republic of Kenya, His Excellency Daniel Arap Moi was governing the country. There was a lot of bureaucracy, high level of impunity, mismanagement, negligent of duty, robbery without violence and even killing without confirmation. This is being practiced in this department of health.

I want to draw your attention quickly

**Hon. Temporary Speaker:** Hon. Elisha, you will have to choose your words very well. Calling names of people who do not have the opportunity for defense is not always the best. I wish you restricted yourself to key points of this report.

**Hon. Okuku:** Thank you, Mr. Temporary Speaker. I don't mind even if I call them names, they were given the opportunity to rule. Go to page 13, where Kshs. 8m was budgeted. The order for the drugs was Kshs. 8Million, the figure was altered to Kshs. 3Million. I think somebody somewhere should take administrative responsibility and political responsibility.

On the same page, Kshs. 6.7Million was reversed downwards to Kshs. 3m and eventually drugs which were supplied were worth Kshs. 0.9Million. The same page talks about the acute staff shortage in the department of health. I don't know how long it takes the Board which is chaired by once upon a time Hon. Member of Gem, Hon. Joe Donde.

I don't know how long it takes him to hire nurses and doctors to make the lives of our people be in a stable condition. We still talk of staff shortage 3 years down the line while the Board has been constituted. You find that the people who do not even add value to the lives of people of Siaya, I don't know if I will do a disservice by calling one name, Makamu is being hired and being given a lot of privileges in Siaya and the Governor is even pushing so hard that he be employed while he is not even adding value to people of Siaya yet the Doctors, Nurses and those who can change the lives of people of Siaya are not being considered for employment.

People are being employed any how in the name of community policing without even proper work structure yet no one is listening to the plight of the only people who can help the lives of people in terms of health.

Allow me to draw your attention to page 16 where it states that; a delivery of Kshs. 350,000 was taken to hospital and a pharmacist was asked to sign Kshs. 1.5 Million. Here someone has supplied goods worth Kshs. 350,000 yet the government and the recipient are being forced to some extent to sign to Kshs. 1.5 Million, these mean that the Committee could have come clear and tell us the one who forced the recipient to sign so that they can be shown the door immediately.

Mr. Speaker, Sir, once again allow me to take you to page 18 which talks about the order of drugs worth Kshs. 1.3 Million but in the end the delivery was Kshs. 718,952 while in the LPO sent to the supplier by procurement was reading Kshs. 1.2 Million. Interestingly, the report indicates that this money was donated by His. Excellency, the president of the USA,

Mr. Barrack Obama. This is clearly robbery without violence!!

I think the procurement officer should be shown the door if we are sure that we want Siaya County to progress positively. Lastly the part that I want to draw the attention of this House is on page 19 where it is being said that the sub-user request and placed an order of reagents worth Kshs. 1 Million and the delivery of reagents taken to that hospital was worth Kshs. 300,000.

As a House of rules and procedures we are to play oversight role to this issues, we are to put check and balances to the executive and I think that we must craft and draft a very substantive Motion to compel both the health and procurement departments so that they can be shown the door because Siaya has more than enough trained people in that line who can manage those positions properly.

Let me send a warning to the Governor that he must bear and take political responsibility in everything that is taken place in Siaya because this kind of impunity must come to a stop. I want to rest my case by saying that I agree and support the Report fully and we must come up as a House and thank our authority.

**Hon. Temporary Speaker:** Yes, Hon. Gare!

**Hon. Gare:** Thank you, Mr. Temporary Speaker, Sir. I agree with my fellow Members that it is true the matter we are discussing today is very serious as it concerns the health of our people down there at home. It is true that this Committee unearthed so many things and they are here, so if it were that the Committee were hiding anything then they could have not unearthed the facts that are here and this is a fact that all of us must agree with.

*(Applause)*

The matter at hand is about drug shortage which is rampant in our health facilities across the County of Siaya and one big mistake that we realized was that the procurement team changed and instead of using KEMSA they used private supplier and we had recommended that that stops immediately as a Committee.

We further went ahead and said that these firms be investigated, the firms that were not even qualified but were now supplying drugs which were non branded as it was said by my learned friend, Hon. Aneme, who thought that branded means paracetamol yet what we meant is that the drugs did not have the GOK tag which made it easy for even the health personnel to sell them outside the health facility.

So we say that these firms be stopped immediately and that it is only KEMSA that is the firm to supply drugs to health facilities and if it is a case of emergency it must be serious case and consultations made. This was discussed and we recommended there. We realized so many anomalies and it can be realized that a place like Bondo rather Madiany they are ordering a drug worth Kshs. 3 Million for instance then when that thing comes here they are told that they are going to be given drugs worth Kshs. 2 Million.

Finally they are given Kshs. 700,000 and those are the figures that Members are trying to mention but when we talk to them, we realize that there is a problem at the procurement team. So the main problem here is the procurement and that's why we are saying in the recommendation that we must look into this team and if possible throw them away as Members just said.

We cannot just come as a Committee and throw so and so away in the

procurement office, we must do what we call forensic investigation as said yesterday by the Implementation team. I am happy that yesterday Hon. Oriaro was having teeth to bite the County government and we saw it, thank you for that!

Here is another one coming to you as the Implementation Committee but now that we unearthed that there is a problem with the procurement team, 'what are you doing to them?' Because we have the facts, you go with the facts and you find out as Implementation team and you bring a Report that in our investigation we found out that so and so in procurement is the one who was dealing with this and in that case you will now recommend that, that person be shown the door.

*(Applause)*

I think that is the best way to deal with the matter!

If you look at the issue of Libido which I also want to seriously talk about that we as a Committee was also concerned and that is why we had to call this people and sit with them so that they could give this minutes. The minutes are clearly saying that in the executive meeting they discussed and agreed that drugs be bought for this purpose and that the products are known to be remedies to several health conditions.

Where there is no libido there is allergies, colon complications, high blood pressure, internal organ complications and many other complications therefore we went ahead and said where and they gave us an invoice which talks about Kshs. 600,000 and these are the facts that we are giving you to go and continue with and we are saying that the firm that also did the supply was wrong and if the firms are found to be as we see

here then they face the music and even repay the money.

This is what we are saying as a Committee and we are not covering anything which is why we were supposed to give appendix of the invoice as well as appendix of the minutes so that you can see and read and this are the facts that we will go with as an investigation committee at the Implementation.

**Hon. Oriaro:** Hon. Chair!

**Hon. Temporary Speaker:** Yes!  
Hon. Oriaro.

**Hon. Oriaro:** Is it right Mr. Chair for the Committee of Implementation to be expressly at rest with good findings but absolutely weak recommendations? Is it the duty of the Committee of Implementation to create their own terms of reference or just go by the weak things which will go nowhere?

**Hon. Temporary Speaker:** I wish to clarify that the Implementation Committee as it has been raised would be taking action on the implementation of the recommendation and it's not the Implementation Committee doing the investigation.

That would then be taken by PAC to look on the issues of investigations but the Implementation Committee will be looking at how the recommendations of this Committee have been implemented by the relevant authority and that is by the executive. I think that is a valid point of order that needs to be taken up.

**Hon. Gare:** Thank you, Mr. Temporary Speaker, Sir; what I was saying is very clear! What are you saying is weak? We have given you even an invoice and we have given a recommendation that these firms be investigated.

Whatever Committee that can investigate them in this House and it has

been said by the Chair this PAC & PIC will investigate and your work is to look at that if the Committee of Health recommends for investigation. Has it been done! Thank you, Mr. Chair for that kind of explanation.

*(Applause)*

We do recommend on the issue of facility work load, you realize that drugs were just being taken to a facility for example someone is given panadol while this person was supposed to take amoxyl. We then recommended that this kind of supply should be based on facility work load; what the facility needs is what should be supplied to that facility and we say that they realign the supply chain which is in our recommendations.

I want to end there by saying that the Committee tried and unearth so many things and we have to agree as Members of this Assembly that surely we need to do something about this drug shortage in our facilities so that our people can get the best services that they need, thank you.

**Hon. Speaker:** Yes, Hon. Ouda!

**Hon. Ouda:** Thank you, Mr. Speaker, Sir; I have looked at the report and checked page by page. I want to say that the Committee of Health did a very wonderful job.

*(Applause)*

Looking at the recommendations; I don't see dire recommendations and weak recommendations. To me, these recommendations are all good and if an investigation has been ordered; then my Committee which is I sit, will chose a venue to go and sit down to discuss. Even if in Naivasha

*(Laughter)*

So, Mr. Speaker, if you ask me today, I will tell you that the Committee on Health has cleared its job. They have done a good job, we cannot crucify them. Mr. Speaker, Sir; I want to take cognizance of one word that has been overused. I beg your pardon. These drugs from Forever Living. They have listed a lot of things that they can do. They can treat allergy, blood pressure and so on. Mr. Speaker, why is it that people are so concerned about libido? What is it about libido?

*(Laughter)*  
*(Members spoke off record)*

I also think that next time; the Assembly should consider buying libido drugs for us.

*(Laughter)*

It would help many of us. As I finish, I am saying that let us look at the report wholesomely so that the procurement shortcomings are handled, but let us not concentrate on a certain word called libido.

Let us look at the finances and everything else. Then let me say, as we direct, the PAC team should take over and the now, I am the Chair, as I stand here because the Chair is not in. we can discuss with the Members and the Speaker, we pick a venue to go and discuss this thing and bring a Report.

**The Speaker:** Yes, Hon. Augo?

**Hon. Augo:** Thank you, Mr. Speaker; First of all, I would like to congratulate all the Members who have supported this Report. I am in the Committee of Health and I really appreciate that you supported this Report.

This House had a very bad out cry of our hospitals in our County especially the Sub Counties. We took our time and made twenty visits to our hospitals. We were visiting the hospitals sometimes as let as

eight in the evening. Sitting down with the staff and the hospital Committee Management. We unearthed all these problems. We didn't go there to investigate how the monies which was budgeted for health was being used in those hospitals.

I want to tell this House that what we went to find out was why, the shortage of drugs was in the hospitals, and why the hospitals were not being supplied with the drugs. That's the major problem that made us visit all those hospitals.

If at all we would have wanted *kitu kidogo*; we would have not brought this Report here. This Report made these people tremble and they could not sleep. Just thinking about this Report coming to this House with all this information in it, and money being misused and our people are dying.

I want to urge our Hon. Members to support this Report and make this Report a reality by being implemented. I highly request this House not to throw a way this Report. It took us a lot of time. And, it took as a lot of effort to investigate such that when we went to a certain Sub- County hospital; if you go through this Report; there was a staff that who revealed for us some secrets and was threatened.

*(Hon. Oriaro rose on a Point of Order)*

**Hon. Oriaro:** The House is closely in quorate. So the weight with which we would wish to assert our feelings on behalf of the County Public may be watered down.

**Hon. Speaker:** Hon. Oriaro, we have a quorum and I want to ask Hon Augo to continue.

**Hon. Augo:** Thank you, Mr. Speaker; you know sometimes you have to use some English which somebody can understand properly.

Thank you, Mr. Speaker. I just want us to support this Report so that it can be implemented so that it can work and make our people...

**The Speaker:** Order, Hon. Oriaro, you cannot raise the issue of lack of quorum and you walk out. Hon. Oriaro?

**Hon. Oriaro:** Mr. Speaker sir, Do you want me to release the content of my bowel on the floor? Can I be escorted to the little room by the Sergeant at Arm?

*(Laughter)*

**The Speaker:** You have noted my concern, Hon. Augo can you continue?

**Hon. Augo:** Thank you, Mr. Speaker, Sir, I rest my case, and I support the Report.

**Hon Awuor:** Having listened to the Members' contributions Mr. Speaker, I wish to request the Mover of the Motion to reply.

**The Speaker:** Hon. K'awuor has made a plea. Are there any other Members who want to make their contributions? Then I invite the Mover to reply.

**Hon Were:** Mr. Speaker, sir, let me take this opportunity to applaud the Hon. Members. I want to tell them that we appreciate their contribution. We take note of their concerns. Our motive point at the recommendations that if implemented will address public outcry. We want to offer hope, and give our county men and women secure, comfortable when they seek Health services in our Health facilities.

This Report if implemented, our professional staff will find our

facilities attractive, as Alemba market offer attractive package. I want to say, the main player, in the deficiency, that is affecting Health Center is the procurement Department, but the deficiency can be cured, if we constitute as recommended in our Report, acceptance and inspection Committees in every facilities, the deficiency is curable. This Report is a performance appraisal of our Health Center management, right from the CECM, to the Chief Officer.

I want to appreciate that the sector has witnessed changes. The CECM who was there, Dr. Owilla was relieved of his duty, the Chief Officer who was there, was transferred to another sector. This Committee of Health has presented a very good Report if implemented has a far reaching effect, and make our Health facility a model, that can be able to take care of our people, and even those who come from outside this County. I appreciate the concern, thank you Members.

As to the food supplements, that has been exhausted within this House. We allow the relevant Committee to do their role. Thank you for the time, thank you for the contribution, thank you everybody for listening. May God bless Siaya as a County. Thank you Mr. Speaker for your patience. God bless you.

**The Speaker:** Hon. Members, having had healthy discussion, I wish to put the question, that this House adopts the Report of the Committee, on the shortage of drugs and quality of Health Services, in Siaya County Health Facilities.

*(Question proposed and agreed to.)*

Next order! Yes, Hon.  
K'owii!

### MOTION

**Hon. Owii:** Thank you very much Mr. Speaker sir. We have had a very healthy debate this afternoon, and I am seeing something new in this particular House and I always wish it to be there. That when we are very few, we all appear to be very active. How I wish every other time we can be few.

*(Laughter)*

**The Speaker:** Hon. K'owii, can you get seated. I want to ask Hon. K'owii as a leader of this House, that he takes the Business of the House seriously, and that when you rise to move a motion, you should stick yourself to that Motion. You better note that. Hon. K'owii, can you continue?

**Hon. Owii:** Thank you very much, Mr. Speaker. I have the belief that you know I am the leader of the majority in the House, and I may also have one or two things to say before I move a motion in the House, but I am sorry for what I said.

**The Speaker:** Which Motion are you referring to as a Leader of Majority?

**Hon. Owii:** For Adjournment, Mr. Speaker.

*(Laughter)*

**The Speaker:** So, don't remind us of your position. Can you move? And if that is difficult, Hon Members, having exhausted the Business of the day, I declare that this House stands Adjourned until next week Tuesday at 2.30 p.m.

The House rose at 4.02 p.m.

**WEDNESDAY, 25<sup>TH</sup> NOVEMBER, 2015**

The House met at the County Assembly Chamber at 9.30 a.m.

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

**PRAYER**

*(Quorum bell is rung)*

**Hon. Temporary Speaker:** I think we are going to adjourn the proceedings of the House for the next 30 minutes as we wait for quorum, so we will be back at 9.50am.

*(The House is adjourned for 30 minutes)  
(House Resumes at 9.50am)*

**NOTICES OF MOTION**

AUDITOR'S REPORT FY 13/14

**Hon. Angul:** Thank you, Mr. Temporary Speaker. I wish to move a Notice of Motion: THAT

**Hon. Owiti:** The second Notice; I wish to Move a Notice of Motion which is: THAT this House adopts the Report of Committee on PIC/PAC on the Auditor General on Financial Operations of Siaya County Executive for the Period 1<sup>st</sup> July 2013 to 2014 laid on the Table of the House on Tuesday 24<sup>th</sup>, November 2015.

**STATEMENTS**

**Hon. Ndonji:** Thank you, Mr. Speaker, Sir; I want to issue a Statement request on behalf of Hon. Elisha Okuku, the MCA for Yimbo East Ward.

Mr. Speaker, Sir; aware that the financial year 2013/14, Got Ramogi Resort in Yimbo East was allocated Kshs. 3Million, further aware; that the financial year did elapse and concerned that up to date the project has not been done.

Mr. Speaker, Sir; I wish to request for a Statement from the Chairperson, Committee on Roads, Public Works, Transport and Communication and the Committee on Tourism, Wildlife Conservation & information; Who was the contractor awarded the contract, were the monies allocated used or not. And if not, why? When will the project be completed and when will the project be handed over to the Community, Thank you, Mr. Speaker, Sir.

*(The Speaker [Hon. Okode] left the Chair)*

*(The Temporary Speaker [Hon. Minami] took the Chair)*

**Hon. Temporary Speaker:** The Statement is committed to the Committee of Roads, Public Works and the Committee on Tourism & Wildlife. They can do a joint Report and then they bring that Report in the House.

**MOTION**

**Hon. Angul:** Thank you, Mr. Speaker, Sir; I want to Move a Motion: THAT this House adopts the Report of Committee on PIC/PAC on the Auditor

General on Financial Operations of Siaya County Executive for the Period 1<sup>st</sup> July 2013 to 2014 laid on the Table of the House on Tuesday 24<sup>th</sup>, November 2015. I call on Hon. Leonard Oriaro to second.

*(Hon. Oriaro seconds)*

**Hon. Owiti:** Mr. Speaker, Sir; The Committee on Public Investments and Accounts Committee was established under Standing Order No. 186 and is mandated to do the following;

1. The examination of the accounts showing the appropriations of the sum voted by the County Assembly to meet the public expenditure and of such other accounts laid before the County Assembly as the Committee may think fit.
2. The examination of the reports, accounts and workings of the county public investments;
3. The examination, in the context of the autonomy and efficiency of the county public investments, whether the affairs of the county public investments, are being managed in accordance with sound financial or business principles and prudent commercial practices.

The Committee held a total of six (6) sittings, during which it interrogated the County Assembly Clerk, the Principal

Finance Officer, the Senior Procurement Officer, the Senior Accountant and the Works Officer on audit queries by the Auditor General. During this exercise, the Committee was guided by the stated principles as well as the rules, procedures and customs of the County Assembly derived from the Constitution of the of Kenya, 2010, the Siaya County Assembly Standing Orders, conventions, usages, practices and rulings and directives of the Chair.

The greatest constraint faced by the Committee in the preparation of this report was the incredibly heavy workload given the volume and issues raised in the report.

Limited access to transcribed hard copy Hansard records makes referencing and cross-checking of information and evidence a challenge.

These challenges notwithstanding, though, PAC is nonetheless proud to have discharged its mandate with honor and valor, as expected of it by the Constitution, Standing Orders and customs of this Assembly. The PIC and PAC Committee on various dates examined the content of the reports of the Auditor General on the Financial Operations of the County Assembly of Siaya 1<sup>st</sup> July 2013 to 30<sup>th</sup> June 2014.

The Audit covered the County Assembly and in particular the Current Assets, the Current Liabilities, the Expenditure Review and the Human Resource Management and Payroll.

The Committee also did verification and confirmation of transactions in respect to but not limited in 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.
- The witness providing oaths, forwarding copies, or the response in hard copies

2. The examination of their documents to confirm whether there was compliance with the laws and regulations. Page 8 of 76, that is the start, and that is the current assets, under current assets there was

## **1.1 Cash Management**

### **i. Education Sector**

The audit query is there, the Management response is also there, I am told the Members have gone through them

### **Committee Observations and Findings**

The Committee confirmed that the corrections in the records had been done, cashbook opened and the reconciliations was also done. This was confirmed by the Committee, during the time and plus the response that we saw, and the cashbook was also availed for us to verify whether it was done.

### **Recommendations**

The Committee recommends that in future, a proper cash management should be paramount. As you know, if there is no cashbook written, there is no way you can confirm that the cash management is going on well under any department and the requirements of the Public Finance Management Act, 2012 adhered to.

If the departments are not adhering to the Public Finance Act, there is no way you can say that cash management is being done properly.

### **ii. County Health Sector**

There was also a cash survey, and I think the Members have gone through it, under the Ministry of Health, under the Kshs.12, 649, 910. I also think that Members have gone through the Managements' response, and the Committee observations are below,

### **Recommendations**

The Committee recommends that no government officers should hold more than one imprest at a time. Further, the imprests should be submitted within 24 hours after the expiry of the purpose for which the money were issued. Otherwise the money be recovered from the officer's salaries. That was the recommendation from the Committee. From there, I will go to the

### **iii. Cash Shortages and Imprest at the County Water Sector**

Under the County Water Sector, there were also imprests of Kshs.732, 453 of which the Management had a response, and the response is on page10 of 76, the Members have the names, and the imprest were surrendered. The Committee observations are on page 11 of 76, and the recommendations are also in the same page, and I will just take the Members on the part that recommends that,

#### **Recommendations**

The PAC recommends that stronger measures should be put in place and the policies on surrendering the imprests should be strengthened, as per the requirements of the Public Finance Act Management, 2012.

Similarly, the imprests should also be submitted within 24 hours after the expiry of the purpose for which the money were

issued, otherwise the money be recovered from the officer's salaries. That was the recommendation of the Committee.

### **1.2 County Executive Imprest Account**

Under this, there is also Management response, how the Management responded. The Executive responded on page 12 of 76, and the Committee observations is also there on page 13 of 76, and below it is the Committee recommendations.

#### **Recommendations**

To bring bear the actual beneficiaries of the County Education Bursary during the year under review, this Committee recommends that further investigations should immediately be done on the CECM, the Chief Officer and the Director of Education.

Further, the Committee recommends that the management should take action on the bank reconciliation statements by updating the cashbooks appropriately. These bank reconciliation statements should be ready and be submitted to this Assembly within 14 days for this will help account for the County Bursary allocation during the year under review failure to which, the officers in charge should be also reprimanded.

### **1.3 Cash Shortage at Bondo Sub-District Hospital**

This was an audit query which was on the audit report, and if you go to page 14 of 76, there was a response from the management and also there is a Committee observation and findings, I f I may take you through the Committee observations, under page 14 of 76,

### **Committee Observations and Findings**

The Committee was able to verify the payment vouchers for the Kshs 711,699 and Kshs 498,655. Regrettably enough, all these were hospital revenue spent directly without going through the bank.

The PAC Committee learnt that the Health Department, in their written submissions responded that the staff at Bondo Sub-County Hospital who had a cash shortage of Kshs 711,699 contrary to cash management provision has been surcharged for the unconventional operation. The money is to be recovered from their salaries on check off system. However, during the meeting with the CECM, Health, Dr. Owila, the Committee realized that such an action had not been taken.

Further, CECM in charge of Health could not confirm if that was the true position. Similarly, no correspondence had been sent to the concerned staff at Bondo Sub-County Hospital. This the Committee considered as giving of false information

which should not be entertained. So under that, the recommendations were as follows;

### **Recommendations**

The Committee therefore recommends that the Bondo Sub-County Hospital Cashier should properly adhere to the financial regulations and avoid direct expenditure of revenue collected.

To ensure effective adherence to the financial regulations at the hospitals, the CECM, the Chief Officer and the Director of Health should put in place structures that shall ensure funding of the hospitals in good time to help evade the direct expenditure.

The Committee also recommends that the CECM, in-charge of Health, Dr. Owila and the Chief Officer Health, Dr. Midiwo should be warned for giving false information to the Committee.

### **1.4 Cash Shortage at Siaya County**

#### **Referral Hospital**

That was also a query in the Auditor General's Report, 2013/2014. And the response is as follows; the response is below the audit query, and I think the Members have gone through it, and the Committee observations and findings were as follows;

### **Recommendations**

The Committee therefore recommends that the Siaya County Referral Hospital Cashier should properly adhere to

the financial regulations and avoid direct expenditure of revenue collected.

To ensure effective adherence to the financial regulations at the hospitals, the CECM, the Chief Officer and the Director of Health should put in place structures that shall ensure funding of the hospitals in good time to help evade the direct expenditure of the funds collected from the Hospital.

### **1.5 County Government IFMIS/G-Pay Account with Central Bank**

1.5 was the County Government IFMIS given to pay accounts with Central Bank. This was an audit query you remember last year but 1 there was hacking of money at the Executive and the audit query is with us on page 17 of 76 and the management is also on page 18 of 76 and the committee observations were also on the same page and it continues up to page 19 of 76.

The recommendations that the committee recommended was as follows:

Given that these were the cases that resulted out of the fraudulent transactions through IFMIS G Pay account and to avoid any form of prejudice then this committee recommends that any further action should only take place after the ruling of the matter in the High Court. This case is still in court and we could not decide upon it because the court ruling has not been done.

This committee recommended that Kshs. 1, 450, 000 paid to 29 members of the County Assembly should be recovered within 30 days. This is a case where you heard that about 29 MCA's were paid Kshs. 50,000 in their accounts and the committee is recommending that this money be

recovered within 30 days from the CECM, CO, Director of Finance and the Head of Treasury with immediate effect.

It was not clear how these MCAs were paid and the reason they were paid. We could not get the letter they were claiming was written by the Clerk of the Assembly. So we are recommending that this money be recovered from them.

If you go to point 1.6, that is fraudulent transaction through IFMIS G Pay the management response is on page 19 of 76 and it goes up to page 20 of 76. The recommendation is on page 21 of 76. The committee therefore recommends that the CECM in charge of Governance should therefore be compelled to show cause why the board advisory was not followed as regards to the release of the affected staff back to the transitional authority as well as the reason as to which led to the punishment of the two officers named above.

These are the committee's observations and findings:

The committee understood that Kshs. 84, 591, 775 was paid fraudulently subsequently leading to a loss of Kshs. 4, 237, 471. The committee further confirmed that this case is currently in court though it was observed among the committee members that the case is taking too long before determination given that two of the officers involved in this scam had been released to go back to the Transitional Authority even before this fraudulent payment was made.

The committee felt that there was a commission of negligence in the Department of Governance for not acting as per the County Public Service Board's advisory.

The committee further learnt that two of the other officers, Grace Adero by then then a procurement officer and Stephen

Oyugi an IT Officer whose names were not in the CID correspondent submitted to the committee had been sent on compulsory leave. Additionally no correspondence indicating the extent of the involvement of the two was submitted to the committee.

The House arose at 10.18 a.m.

The recommends that CECM Governance should therefore be compelled to show cause why the Board's advisory was not followed as regards the release of the other two affected officers who went back to the Transitional Authority. As well the reason which led to the punishment of the two officers that is Grace Adero and Stephen Oyugi who were sent on compulsory leave. They should be reinstated immediately.

On assets and this was the construction of early childhood development ECDE classrooms, there was a query and below the query is the management response. After the management response on page 23 of 76---

**Hon. Okuku:** Point of Order!

**The Temporary Speaker** (Hon. Minami): What is your point of order?

**Hon. Okuku:** Is it in order for us to continue debating while we lack quorum in this House?

*(The Temporary Speaker consults the Clerks- at- the- Table)*  
*(No quorum)*

**The Temporary Speaker** (Hon. Minami): Now because of a persistent lack of quorum this House should adjourn until today 2.30 p.m. in the afternoon because the matters being discussed here are very weighty.

## WEDNESDAY, 25TH NOVEMBER, 2015

The House met at the County Assembly Chamber at 2.30 p.m.

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

### PRAYER

#### COMMUNICATION FROM THE CHAIR

1. RESHUFFLE OF CHIEF OFFICERS
2. PETITION

**Hon. Speaker:** Thank you, hon. Members, I promised yesterday to give direction on matters pertaining to a Petition which is in this House. Further, this hon. House asked to give direction on a matter that was asked by hon. Elisha Okuku whom I've not spotted in this House this afternoon. It was a matter touching on the reshuffle of Chief Officers.

Hon. Members, hon. Elisha Okuku wrote that I ask the Speaker to give direction on the reshuffle of Chief Officers by His Excellency the Governor of County of Siaya. Hon. Member for East Yimbo, must have sought the clarification based on earlier ruling I made in this House regarding in the reshuffling of County Executive Committee Members.

In the case of CECs Section 35 sub section 3 of the County Government Act, 2012 required among other things that a member of the Executive Committee needs to have knowledge, experience and distinguished career of not less than five years of the field relevant to the portfolio of the Department to which the person is appointed.

Section 45 Subsection 1 (a) of the County Government Act, provides that the

Governor shall nominate qualified and experienced County Chief Officers from among persons competitively sourced from recommended by the County Public Service Board and with the approval of the County Assembly appointing Chief Officers.

From the above qualifications; knowledge and distinguished career in the field relevant with the portfolio in the department which the person is appointed is not expressly provided in law. Most importantly, the matter raised by hon. Okuku above was concerned with the powers of the appointing authority in reshuffling while disregarding expertise.

The answer to the question above rests under Section 45 of the County Government Act, 2012 that the Governor may reassign County Chief Officers. That means that The Governor properly acted within statutory provisions to reassign Chief Officers on the issue of what the Assembly can do to ensure that the appointment or reshuffle of Executive of Chief Officers matches knowledge and experience in the portfolio with the view of improving service delivery.

The Hon. Member for East Yimbo, individually or the Assembly collectively can petition parliament under the right to petition parliament as the ...in the Constitution. Under Article 119 Sub section 1 of the Constitution 2010; every person has a right to petition parliament to consider any matter within its authority including to enact, amend or appeal any legislation.

My second direction is in regard to the Petition in which I mentioned earlier. Honorable Members I have this communication to make on appearing before the County Assembly public Investments and Accounts Committee by the Executive. This House will remember that a Petition by Siaya Consultative Forum under Article 47 of the Constitution of Kenya, 2010 and Section 15 and 88 of the County Government Act was committed to the Public Investments and Accounts Committee of this House. The Committee was directed to expeditiously dispose of the matter within 16 days as provided for in the Standing Orders of this House number 203 or before commencement of our recess whichever is earlier.

The Committee invited the concerned authorities to appear before it with written information to enable it gather information to be used in the consideration of the Petition. Casually and before any formal written submission the acting County Secretary appeared before the Committee after long hours of waiting and requested to be allowed to appear on Thursday to which the Committee obliged.

On the same Thursday, 18<sup>th</sup> of November 2015 the acting County Secretary appeared before the Committee with a letter addressed to the Speaker; responding as follows—

“Reference has been made to the above subject matter; and hereunder please find responses regarding the issues raised—

- 1) Whereas members of the public have a right to Petition any government entity to access information. The circumstances referred to do not warrant the officers of the County Executive Arm to respond as expected. This is because the issues raised by the Petition,

have been captured in the 2013/2014 Audit queries by the Auditor General on the financial operation of the County Government for the period 1<sup>st</sup> July 2013 to 30<sup>th</sup> June 2014.

- 2) That the Siaya County Public Investments and Accounts Committee as constituted by the Standing Orders No. 186, 1 Subsection 2 has just been issued with the responses by the County Executive Officer and they have not submitted the same to the County Assembly of Siaya for deliberation and adoption. Until this is done; the responses do not constitute information that can be given to any authority, any entity or individual.
- 3) Three, it is the County Executive’s prayer that the Petitioners are advised to wait until such a time that the County Assembly ratifies the County Public Investments and Accounts Committee’s Report after which the information will be availed to them according to the laid down Government position.

The above letter raised the following legal and procedural issues namely;

- 1) Whether or not the issues raised by the petitioners do not warrant officers of the County Government---

**Hon. Speaker:** let me start by part one of the letter, the County Assembly or any of its Committees like Parliament under Article 125(1) of the Constitution of Kenya

2010 has powers to sermon any person to appear before it for purposes of giving evidence or providing information. The executive needs to be reminded that the information they were providing was to the County Assembly and not to the public in this matter.

The presence of petitioners or any other member of the public during a Committee sitting is guaranteed under Article 118(1) (a) which provides that conduct of business shall be in open manner and sitting shall be opened to public, their presence of the petitioner during the presiding should not be mistaken to mean direct engagement in response with the executive.

If anything, there role during presiding is a passive one except when they are proving information to the Committee as witnesses. The issue at hand is that the Assembly is seeking information from the executive responding to public practitioners who are exercising their rights under the Article 37 of the Constitution and sections 15 and 88 of the County Government act.

The fact that the law commands or demands that the executive to provide evidence and information under Article 125 of the Constitution cannot be then said. In addressing part two of the responses I have the following to say;

In Parliamentary palace the tradition is at any moment a Report is tabled in Parliament it becomes public document. Adoption or rejection is an official pronouncement of the Assembly on the subject matter. The matter on issuance of Parliamentary records is governed by Standing Orders No. 221(3) which allows the Speaker to make rules and regulate the access by public to journals and records whereby records include Reports.

More importantly, the Report on petitions are never debated for adoption as insinuated in the response. Standing Oder No. 203 states wherever a petition is committed to a secretarial Committee, the Committee shall in not more than 60 calendar days from the receipt of the petition respond to the petition by way of a Report addressed to the petitioners and laid on the floor of the County Assembly and no debate on it is in relation should be allowed but the Speaker may in exceptional circumstances allow for comments in relation to the petition for not more than 20 minutes.

I find it common logic that as much as the contents of the petition are substantially based in Auditor general's Report some sections of the petition are foreign to this Report. Hence, responses in relation to KENAO Report cannot sufficiently deal with all matters raised in the petition.

The fact that issues raised are already familiar to the witness or the executive can only mean to me that it is much easier for the executive to respond to the allegations. I am persuaded to believe that the executive would not raise an objection to senate or the ethics and anti-corruption commission if they wanted responses for the same on grounds that already responses to the same are with the County Assembly to the extent that this is so asking for responses from the executive on the same matter two times, three times, three time, four times and even five times is not asking for too much. Unless one is admitting that their records or registry is wanting.

On part three of the response one is tempted to ask the following question;

- What do you mean by ratification?
- a. Which Report?
  - b. Which Government policy?

- c. Which policies supersede the dictates of the Constitution?
- d. What do you mean?

I didn't want to address myself to the ambiguities in this part but shall confine myself to the prayer. Having carefully considered the issues raised visa vie the existing laws, rules and procedures I decline the prayer and direct that witness of the executive shall appear before the Committee on Public Investment and Accounts not later than Monday, 30<sup>th</sup> November for purposes of giving evidence or providing information without failure.

*(Applause)*

I further direct that the office of the Clerk in consultation with the PAC Committee to cause the sermon to happen failure to which article 125(b) be invoked to;

1. Enforce the attendance of witness and examine them on oath affirmations or otherwise.
2. Compel the production of documents.

Finally, Public Investment and Accounts report on the same be laid on Table of the Assembly not later than Thursday, 3<sup>rd</sup> December 2015 in relation to the petition for the clerk to be notified in writing the petitioners within 14 days after laying of the Report as provided under our Standing Orders No. 203(3). Thank you, Hon. Members.

Hon. Members remember in our previous sitting we agreed that Committees have to finalize businesses before then and I would want to seek direction from Whip on this regard whether we proceed or not.

**Hon. Gare:** Thank you, Mr. Speaker Sir, following yesterday's ruling that the Assembly should be going on recess on 3<sup>rd</sup>

of December that is on Thursday next week and all Committees of the House that are having pending businesses to complete them before 3<sup>rd</sup> of December.

I will be requesting that if you will allow that this House adjourns at this time so that the Committees that are still having pending businesses to complete them and then we come back in the Assembly on Tuesday next week at 2.30 p.m. that is on first of December. Thank you.

**Hon. Speaker:** Hon. Members that was the spirit of our discussion last time unless there is any objection! So therefore being no objection, Members would request that we be upstanding for adjournment.

## MOTION

## ADJOURNMENT

**Hon. Speaker:** Based on our previous agreement that Committees finalize their businesses for us to be able to empty our in trail by 3<sup>rd</sup> next week. Members there being no other business this House stands adjourned until next week Tuesday, 1<sup>st</sup> of December, 2015 at 2.30 p.m.

The House rose at 3.04 p.m.

**TUESDAY, 1ST DECEMBER, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

*[The Speaker (Hon. Okode) in the chair]*

**PRAYER****PAPERS**

## 1. YALA SWAMP

**Hon. Oriaro:** Mr. Speaker, I am sorry, the report is not ready.

**Hon. Speaker:** It needs to be laid today because we should debate on it tomorrow morning.

## 2. HEALTH SERVICES

**Hon. Onduru:** Mr. Speaker, Sir, I would like to lay on the Table a report on Joint Committee on Health, Public Works and Transport.

## 3. NHIF PAYMENTS

**Hon. Onduru:** Mr. Speaker, Sir, I wish also to lay on the Table of the House a report on Health Services, payment of NHIF stipend to CHVs.

## 4. DRAFT COPY SECTOR POLICIES

**Hon. Minami:** Thank you, Mr. Speaker. I would like to lay a report of Public Works, Roads, Transport and Communication on the analysis of the draft copy sector policies document.

**Hon. Speaker:** Hon. Members, may I remind you that we may not have enough time to get all these reports. At this point the House Business Committee will consider the availability of time. I would love to have the report of the Yala Swamp laid. Yes Chairman!

**Hon. Agoko:** Mr. Speaker, allow me to lay on the Table a report on the Joint Committee on Agriculture, Tourism, Water and Legislation on Yala Swamp.

**Hon. Speaker:** Thank you. I direct the office of the Clerk to ensure that before we adjourn all Members will have copies of that report to go through it for debate tomorrow. Next order!

**STATEMENTS**

## PEOPLE WITH DISABILITY

**Hon. Asewe:** Thank you, Mr. Speaker. Allow me to lay before this House a Statement request on utilization of funds for people with disability. Aware that in the FY2015/2016, this House approved allocation of funds totaling to Kshs. 36 Million. Concerned that the FY2015/2016 is coming to an end in 7 months' time, yet there is no evidence that implementation of this budget activities is ongoing or may start soon. Deeply concerned that the delay is breaching on the rights of these people.

I request a Statement from the Education, Youth Affairs, Gender and Social Services and Health Department an explanation to the observed group in the affirmation, implementation and plans in place to address these sentiments. Thank you, Mr. Speaker.

**Hon. Speaker:** I commit the Statement to the relevant Committees mentioned. The sponsor of that Statement will be disadvantaged because we may not

get answers now because we will resume in February. Let me hope that you will try to indulge the Finance Committee when they are dealing with Supplementary Budget so that you are sure that the money is still intact.

### MOTION

#### KENAO REPORT 2013/2014

**Hon. Speaker:** Yes, Chairman, I am aware that the Motion was interrupted! You can proceed.

**Hon. Angul:** Thank you, Mr. Speaker. I wish to continue with the report of Public Accounts and Investment Committee on the KENAO report of 2013/2014. I had already taken Members through an informal meeting during today's informal meeting so I will just go through the recommendations starting from page 74.

### COMMITTEE RECOMMENDATIONS

1. To bring bare the actual beneficiaries of the County Education Bursary during the year under review, this Committee recommends that further investigations should immediately be done on the CECM, the Chief Officer, and the Director of Education.
2. The County Government should also ensure that resources are used in a way that is effective, transparent and economical as required by Section 149(1) of the Public Finance Management Act, 2012.
3. To bring sanity in this sector and to fully account for the purchase and distribution of certified seeds during the year under review, the CECM, the Chief Officer and the Director of Agriculture should step aside for further investigations.
4. The CECM, Governance and Administration should be should be debarred from holding his current position and be investigated further for contempt of the Committee and the misappropriations in this department with intention of instituting prosecutorial procedures.
5. Further investigation be done so as to establish the students intended to benefit from the ward level, what led to the challenges as reported by the CECM, Education, the actual challenges experience, correction measures taken, the final list of beneficiaries and the mitigation measures put in place to curb any future mishandling of the county resources in this department.
6. In future, proper cash management should be paramount and the requirements of the Public Finance Management Act, 2012 adhered to.

7. Stronger measures should be put in place and the policies on surrendering the imprest should be strengthened as per the requirements of the Public Finance Management Act, 2012. Specifically, no government officers should hold more than one imprest at a time. Further, the imprest should be submitted within 24 hours after the expiry of the purpose for which the money was issued, otherwise the money be recovered from the officer's salaries.
8. To ensure effective adherence to the financial regulations at the hospitals, the CECM, the Chief Officer and the Director of Health should put in place structures that shall ensure funding of the hospitals in good time to help evade the direct expenditure.
9. The Kshs. 1,450,000 paid to 29 Members of the County Assembly should be recovered within 30 days from CECM and Chief Officer for Finance, the Director of Finance and the Head of Treasury with immediate effect.
10. The County Government should immediately recruit more field staff in the Engineering department so as to improve on the quality of supervision.
11. To enhance supervision and quality work of the county projects at the ward levels, the Committee recommends that the Project Management Committees (PMCs) should be empowered and facilitated and this should be clearly indicated as part of the 5% in the Bill of Quantities for the projects.
12. The County management should in future adhere to section 54 (1) of the Public Procurement and Disposal Act, 2005 which requires advertisement of tenders, section 37 (2) and (3) which specifies the kind of communication to be used and section 66 (1) which requires the input of a financial and technical evaluation committee in a procurement process. Sections 6(a) to (d), 16 (1) and section 17 (1) to (3) of the Public Procurement and Disposal Regulations 2006 which establishes inspection and acceptance committee and states its roles were also flouted.
13. The County Engineer, Eng. Kenneth Ochieng should be reprimanded for giving false information to the

- Committee regarding Ndere Karuoth and Uhembo dispensaries.
14. Regarding the fabrication, delivery and installation of solar street lighting masts, further investigations should be conducted on CECM and CO in charge of Trade, CECM and CO in-charge of Finance and the County Secretary.
15. The Committee therefore recommends that the County Secretary should follow up to ensure the County Government recovers the unaccounted for items within 14 days failure to which such items amounting to Kshs 531,997 be recovered from the officer who was to collect the items from the recalled members of staff.
16. The County Government should liaise with the National Government within 14 days for a refund of the money paid to the Council of Governors. Failure to this should call for recoveries of this money within 30 days from the County Secretary, the CECM, Chief Officer and the Director of Finance who facilitated this payment.
17. This Committee therefore recommends that proof of competitiveness be tabled in addition to the minutes resolving the refurbishment of the IFAD Hall. This should be done within 14 days failure to which the CECM, Finance and the County Secretary should be debarred from holding their current position.
18. In view of the issues raised regarding the procurement of Legal Services, this Committee recommends that within 14 days;
- (i) A task force be appointed to scrutinize all the pending litigation claims from the defunct local authorities together with all the already paid bills.
  - (ii) The taskforce above should also advice on ways of monitoring legal claims to ensure that only those claims that are certified as payables are actually paid and which fees notes have already been paid by the defunct local authorities and by the County Government of Siaya.
  - (iii) The taskforce should also establish the nature and respective stages of the

- claims under these cases including those already paid, and those still outstanding against the County Government.
- (iv) The County management should reconcile what is due to the advocate with what was paid to them by the defunct local authorities and what the County Government has paid to date for the purpose of ascertaining the exact amounts due to them.
- (v) Cases where the County Government is now the complainant at the same time defendant should be withdrawn.
- (vi) No further payment should be made awaiting the recommendations of the taskforce.

I think I will rest my case at this point on THE REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL OPERATIONS OF SIAYA COUNTY EXECUTIVE FOR THE PERIOD 1 JULY 2013 TO 30 JUNE 2014 and I wish to call upon Madam Pamela to take us through County Assembly recommendations after Members have deliberated on this. We laid 3

Reports as well as 3 statements to this House which are;

1. The financial operations of Siaya county executive.
2. The financial operations of Siaya county Assembly.
3. The financial statement for both the Assembly and the Executive.

Thank you.

**Hon. Speaker:** I want to believe that the question had been proposed and therefore it's your time to contribute. Yes, Hon. Member for Central Alego!

**Hon. Oriaro:** Thank you, Mr. Speaker, Sir, before I add my voice to this, I just want to draw your attention to recommendation No. 18, it may confuse Members because the chair was talking of up to No. 14 while the content in the other Report is from roman I to XI and they are same.

Mine is a ubiquitous note to this document therefore we must observe that the auditor general's Report to which the PAC & PIC had done an investigative inquiry by calling upon witnesses to testify vied the guidance of the KENAO team only tells us or reminds us of a dangerous governance trend that if allowed to persist may take us to those days of backwardness.

The Report warns us and tells us of the dangerous we may subject the County if rectification measures are not addressed recalling the word we had from the pontiff of the Roman Catholic operative and for that matter I belong to Catholic justice and peace commission. So we had a warning from the pontiff the same warning raised earlier.

Thank you, Mr. Speaker.

*(Laughter)*

**Hon. Gare:** Mr. Speaker, first and foremost, I must agree that this Committee has a sharp knife. And that is why they are cutting the Executive on both sides.

*(Applause)*

I think this is okay, and that is why we are here. And, if we talk of integrity, we must apply. I'm not saying we are not passing the Report. We must pass the Report to show that we are also up to the task. Mr. Speaker, some of these things can easily be handled. I don't see why the temperature should rise so much. Because some of these documents that they are asking us to produce; we were not told earlier.

When we used to travel back then, we never used to come back and surrender the documents—the bus tickets. We were never asked to surrender, we can't trace them. The Assembly has also insisted that the management should prove that there was invitation for travelling. For those which we did not produce the required documents; there is invitation letters. They should not be worried.

The issue of loan forms; Mr. Speaker, it is true we were given the money and some people did not fill the forms. Why don't we just go back and fill the forms? Is that something that should worry? We will fill them and we hope we'll be paid.

*(Laughter)*

We were given the loans and, we can't refuse to pay back. Let it not be said that we are refusing to pass the Report because we don't want to pay the loans. That is not true! Mr. Speaker, there is this issue of foreign trips; even me, my name is in that Report.

I am a leader in this Assembly, and I want to commend the committee that despite the leadership; they are not worried about me because if anything they would have --- I have no fear. My name is in the Report that I was in Israel; you know there was a Committee on Health and we went to Israel. Apparently three of us were sponsored by the Assembly and the rest were sponsored by the Executive. This is where there is confusion. I was only paid once. If you do your investigation, you will find out that I was paid once by the Executive. There is nothing you can do to me. I am not afraid.

*(Laughter)*

*(Hon. Okuku rose on a point of order)*

**Hon. Okuku:** Mr. Speaker, Is it in order for hon. Member to threaten us that—"you do me nothing"

*(Laughter)*

**Hon. Gare:** I am saying I am not afraid. Even if you do any investigation, I am clean. I was only paid once.

**Hon. Speaker:** Hon. Elisha, you know English is not our mouth.

*(Laughter)*

**Hon. Gare:** I am not afraid Mr. Speaker. I am saying there are things that we can do locally here in the Assembly such as; things concerning documents, receipts, and our passports—these we can take

responsibility and produce them. There are those who were mentioned in this Report and for sure they travelled. It is only unfortunate that they did not surrender the passports when these guys were doing their investigations.

That is the main problem. I want to urge the Members to be on the fore front on fighting impunity in this County. So that when we are oversight the Executive; we start by ourselves. If we refuse to pass this Report; we will have failed the test. I urge Members to pass this Report.

*(Applause)*

**Hon. Speaker:** Hon. Margaret!

**Hon. Oketch:** Thank you, Mr. Speaker. I want to add my voice to this issue. And, although it is quite a complicated issue; we need to consider; because in situations whereby colleagues went for trips and maybe because of ignorance and as a hon. Member; if you have an opportunity to go somewhere; surely, you cannot let an opportunity pass you by.

I think they should be given consideration on the same; the Motion should be passed but with a few amendments in it. Let us not have so much harsh statements; we should consider and accommodate all those who made the mistakes. It wasn't their fault. They had the chance of travelling to exploit and for exposure. So, I support it but with amendments.

*(Hon. Members spoke off record)*

**Hon. Speaker:** Order, hon. Members. Order! Hon. Oriaro. Proceed

**Hon. Oriaro:** Thank you, Mr. Speaker, one; as I stand to support the Motion, I must say that I am also a Member of the PICPAC Committee. One thing I have observed is like the whole House led by

Assembly Whip has led us to crossing the Rubican just as he did in Executive rate over 2000 years ago.

*(Laughter)*

It is true that while pointing fingers at others; we ought to take cognizance of the fact that the rest of the fingers are pointing back at us. The only problem that is surprising to the Members is that which is to make some of the contributors realize that they are ensnared. It is only that our tone was the tone of Draco—that Greek politician.

*(Laughter)*

Mr. Speaker, while we were going through the audit queries while writing this Report. it is a fact that human beings have their own little scruples. Members of the Assembly are human beings. Therefore, we cannot evade the fact that we have our own little scruples.

I am very happy that even though we never mentioned names; the Whip has come out clearly. It is true.

I also want to say here that the Majority Party Leader were the few who were in question. But, this was because of very little weaknesses. For instance; failing to indicate the amount on loan mortgage i.e. it was Kshs.3 Million.

Was it difficult to note that the car grant was Kshs.2 Million, or failing to sign? They were little mistakes. Mr. Speaker, Sir; that is why as an Assembly we come out to talk about it sincerely to help our Members such that the Report does not reach the Senate when those corrections have not been done.

The moment it reaches the Senate, it will have already been committed to the court of public; such that whether you are genuine or not; you'll be seen as a defaulter. Mr. Speaker, mine was to draw the attention

of the Members On the part concerning the Assembly, that the issues in the audit queries were so weak.

We would not allow blind supporters of the County Government to list as on the same rank of the guilty. Mr. Speaker, we are up to the task. Mr. Speaker, I support.

**Hon. Speaker:** Hon. Willis!

**Hon. Willis:** Thank you, Mr. Speaker. I want to support the Report. First, I would like to congratulate the Committee members for PICPAC for having worked well to produce this Report.

*(Applause)*

Mr. Speaker, aware that we are here as oversight members of this County of Siaya; we should also do the oversight within ourselves here. We shouldn't be at quick to oversight the County Government, the Executive while we forget to oversight the Assembly.

Mr. Speaker, aware that this County Government, we are the pioneers of this devolved government; we came into this Assembly and there were no clear structures on how things should be done. We are still in learning process---  
The prescription doesn't serve any purpose. We shall receive the Report as presented; it's not worth our time. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Hon Members, let me just share with you something, that a PAC /PIC Report goes even to the Ethics and Anti-Corruption Commission. I want to bring your minds, for example to the National Assembly the other day. They invited a Cabinet Secretary to appear before them. On several occasions, he did not appear. What did that Committee do? It wrote to the Director of Public Prosecution to institute prosecutorial measures against that person.

We do not have prosecutorial functions. All we can do is to look at Report. Even the Kenya National Audit with all its functions, cannot prosecute somebody. All we can do is to take a Report to the Arms offices that have these powers vested in them. When you have evidence manifested on the Audit Report, you can bring a Procedural Motion to take action against an officer. Remember he also has the room to seek redress in a Court of Law. Will you proceed? Yes Hon. Gare?

**Hon. Gare:** thank you, Mr. Speaker. First and foremost, I am on my feet to support the Report. It is so clear. This is the Committee whose main mandate is to examine the Reports and the accounts for both the Executive and the County Assembly. I am happy that they have recommended a number of issues and their recommendations. Some within 14 days, some within 30 days.

What we have been asking for in this Assembly is that this one should be followed so that it is not just a recommendation, we pass it here, and no follow up is made. That we find out and know that if a CECM was followed even 14 days, after those 14 days, what happened? That is what we should advocate for, so that it is followed to the latter.

That all those recommendations are followed. We have seen cases where by there are serious misappropriation of funds in this County. We are saying, we are not sitting back to look at them, we recommend what the Committee has done.

They have examined those accounts, and those Reports, and come up with a very clear recommendation. That we should also support, that within those days that they have given, the various CECM institutions, can we see the heads rolling? I have seen a

case where somebody is told to step aside, that is inside this Report.

Can we see if these people can step aside, for further investigation to be done? I want to support this Report and ask my colleagues, can we support such kinds of a Report. Mr. Speaker, it is true it is not ending here. We are also making our recommendations, The Senate will also make their own recommendations, and that is our role. I thank my colleagues, and ask them to support this Report.

**Hon. Speaker:** Hon. Omwende?

**Hon. Omwende:** Thank you Mr. Speaker, I still seek for your guidance, because when we want to debate on this Report, to me, there are still barriers. 1. In case we propose that one of the officers step aside, we are giving him 14 days, incase, and I know that they will not step aside, I don't know where there is our limitation.

When we are discussing this Report, where is our limitation? So that when we are discussing this Report, we discuss it awesomely without any fear, because to me, there are some barriers that will not allow us to discuss this thing freely. So Mr. Speaker, I am seeking for your guidance.

**Hon. Speaker:** What I said is that we do not use a Report to institute impeachment motions. Instead the findings in a Report can be used to institute impeaching motions. We cannot use a PAC/PIC Report to say that this person, we recommend to be impeached.

That arising from our observations in the Report, you can come up with a motion, substantively to impeach that person. He will be given a chance to be heard, and it will be based on the evidence that he will also present.

Remember, the National Assembly Speaker is saying, there needs to be

connection between that action and the offence committed. So we are not saying that the Report should not have recommendations. We are also saying that the Report should not come here and start recommending that so and so be impeached.

That should be through procedural motion for impeachment, because if you say that, when is the time for him to answer? If need be. Just like say, you cannot start talking here about: you want to adversely mention an office like say; the Office of the Governor, or a Speaker, you bring a substantive Motion, for that action to follow. Yes Hon. Booker?

**Hon. Minami:** Thank you, Mr. Speaker. No. 1, while we were going through the Report, we were guided by the Auditor's Report. They gave us the limitations, and the actions that we could take. That is the procedure to be followed. The recommendations contained in this Report have timelines, and I would like to support what the Chief Whip has said.

For example, if we are saying that CECM to step aside for further investigation, and the Assembly passes that Report in that nature, then if indeed that CECM doesn't step aside, then I think it will be the duty of the Assembly not to transact any Business with that CECM.

2. As an Assembly, we know that we are not recognizing the order of that office, if action is not taken according to the Report that we have passed in the Assembly.

3. If we are debating a Report and any Member would be having some amendments to the Report, something that they feel should be added, or removed from the Report; I think this is the right place where all those things should be done. So I am requesting my colleagues, these are just suggestions and recommendations from the

Committee. Wherever you are seated if you feel that the recommendations are not adequate, I think this is the right time that you can make it adequate so that the offense gets the right punishment.

If you have the Auditor's Report and now you have the Report of the Committee, you will find that there is a very big difference, in terms of; we have questions that arose, and were answered by those people who were mentioned in the Audit Report. On those kinds of occasions, we cannot recommend anything because the questions that were raised we answered.

Only on those questions that we did not get sufficient answers is where we have given the kind of recommendations that are here. So I will request our colleagues that, we are debating this thing, nobody has been stopped from giving their recommendations. We have been with this Report, I think for the past 1 week, and I think if there is any amendment that somebody would like to bring to the Report, this is the time, so that we can support it.

It is very unfortunate that a CECM, who was vetted, and his name brought in this Assembly, and passed, can refuse more than 4 times to honor summons of the Assembly. That is the highest order of arrogance, disrespect that a CECM whom we gave this position as an Assembly, can refuse to attend to our Meeting. The recommendations on those CECM are very clear here, and I don't think anybody can dispute them.

They never appeared before the Committee so that they could be heard. We gave them time, but they refused. We even have officers, it is indicated here, who gave false information to the Committee and our recommendations are very clear.

I am going to request our colleagues to read through the Report and I believe they have read, not only the recommendations, because these recommendations are matching what we found out in our recommendations. So I am going to request that we support this Report because it has got timeline, we have not left it in arrears. We have 14 days, for those who could not respond, to respond, and after 14 days, the actions are there that we have given if they cannot respond. With those few remarks, I beg to support the Report.

**Hon. Speaker:** yes, Member for Central Sakwa?

**Hon. Andiego:** Mr. Speaker. I am also on my feet to support this Report, and I want to thank the Committee, for a job well done. It is always my worry, and I am seeing it is a worry to many of our colleagues, that we first of all give good recommendations.

All these good Reports go to be dumped in a pit where they will never be found. At times it demoralizes our efforts to be attentive and work according to the requirements of this House. This part of implementer, if they lack some of the material to make them implement all these Reports, something should be done so that they get whatever is required.

I am not happy with a CECM not coming when invited for an investigation and it is not once or twice but more than 3 times yet he/she is someone whom if we could have said is not suitable he couldn't have been with us.

These people when they come they say, "We have left where we were because we come from Siaya and we want to serve our people" but later they turn into something else. Their failure to attend to the meetings also makes us under-perform because it is like we are doing nothing.

Something should be done to such a CECM. I don't know if the law allows that he should also be interrogated as to why he is turning down a call from a committee.

It is so sad indeed that you meet me on the way and you give me money, you know how sweet money is. After giving me without a reason it turns every corner that an MCA was given money. When it gets to the public it turns to another thing. It is my humble request to our partners the Executive that they stop giving the money which is needed to help our people.

We should be questioning the reason as to why they do this because I don't think if you are given money there must be something behind it. What was the motive of such like money being given to people who did not ask for it? It is the same people who go down there telling people how the MCAs have received money from them. So we have failed because we are the kind of people who are not used to being given easy money which you have not worked for.

Another thing which I am very much happy with is that when we are at our Ward levels you see somebody comes from Siaya in the name of engineer or whoever. When they come to check on the projects, they come when they have already decided on what is to happen.

I have seen here in the Report that the PMCs which up to today (I don't see if they are legally formed) should be empowered. I would request that they should be legally formed and it should be indicated how they should be receiving whatever belongs to them at the time they are performing their duties.

All along if you look at our projects 2013/2014 you will find that many of these projects are substandard they are not well done. Here is case whereby if you have

water the contractor comes with the sub-standard pipes they lay them down without any supervision and the next day they cannot carry even a single litre of water in them and then we name these projects as white elephant.

An example of my Ward that I spent almost Kshs. 11 Million for water and there is no drop of water that was coming out of those pipes just because the people of that place who are in need who are supervising and looking after these projects and therefore I am happy that it has been indicated in the Report.

I am just requesting that even if it is a Bill that should be passed that all the projects should have PMCs who are empowered and legally formed. It is sad that if you walk around Siaya you find that one market is having more than 5 solar light yet other places have had enough in fact some Wards are having none.

At times we fail to understand why and how if am a victim of such that I went to look for them and I was given a very local man who I don't even understand. I don't know whether they are the people called handbag boys whom you want a project of your area and the money is given to them and they start talking some things we don't even understand some were even for some issues.

If the Report indicates that there should be an investigation this is very important and I really support. Thank you.

*(Applause)*

**Hon. Speaker:** Yes, Hon. Shaban!

**Hon. Omar:** Thank you, Mr.

Speaker, Sir. I also want to support the Motion. First of all let me appreciate the committee for work well done. Writing such a Report is not children's ceremony. Members have really contributed and they

have given very important support for the Report. I would like this Motion to be passed but with amendment.

I want to take the Members to page 40 of 76 of this Report, 2.10: Stall dispensary block at Obwogore. This dispensary falls under my Ward and management response number 3 is not correct. It states that “We confirm the balance of Kshs. 1, 683, 858 was factored in the FY 2014/2015 for completion of the said project.

The project is currently over like 35% complete which is wrong and the contractor has so far been paid Kshs. 1, 836, 593 with the balance of Kshs. 1, 847, 264 currently the paint work and fittings are complete”. This is not correct even over the weekend I was there the fittings are not there, the roof is not complete. So it should be passed that this amendment should be made.

On the committee observations and findings line number two, it has since been completed. It should read the reverse. It has not been completed because if somebody goes there and sees it is not complete and our record show that it is completed, it is not right. I will ask Hon. Osuri to support the amendment.

**Hon. Osuri:** I second.

**Hon. Speaker:** For today we will allow that because that is a matter of fact ordinarily the reason we have Reports beforehand is that when we observe that there are amendments then we bring them on board before we debate. You can imagine if today we were to make even 70 amendments and you want to vote on each you cannot finish. Some amendments will even dilute the object of the Report because I think that is a matter of fact a management letter according to the committee that is

what they were given. I am only concerned that it is complete does it have a bearing on a recommendation here that we feel will disadvantage that project.

**Hon. Omar:** 2 weeks ago I wrote a letter to the CS concerning this project but now if they read this and see that it is complete, they will wonder why I have submitted that letter.

**Hon. Speaker:** I think what I want to do on matters of its completeness or incompleteness; you liaise with the committee to finalize a position on that Report. You can imagine if you want to vote on that, what will inform our voting? We have not seen it so we cannot really vote on that because it is just a matter of fact and fiction.

Otherwise let us just proceed. Yes, Hon. K’owii.

**Hon. Owii:** Thank you very much, Mr. Speaker sir, and the honorable House. First, I would like to commend the Committee of PAC/PIC for this honorable work. I want to believe that if what Hon. Were was talking about was anything to go by, then I would say, people should be treated well to give us good Reports like this.

*Applause*

If there was any treatment, this is a job well done

**Hon. Speaker:** Hon. K’owii, Hon. Were had long withdrawn that statement. If you want to introduce it, you also withdraw it

*(Laughter)*

So, can we proceed?

**Hon. Owii:** Thank you Mr. Speaker sir. It was very polite. There are two issues that I wanted to address on this particular Report. All the recommendations including the ones which I want to address are good. The issue on recommendation number 4 that is the CECM governance and administration should be barred from holding his current position and be investigated further, responding to the Committee, and the misappropriation in this Department, with the intention of instituting prosecutorial procedures.

Talk a lot when you read inside the Report. That this is one guy who actually is respected, and I don't know to what level, our hands are allowed to hold such characters. Possibly like you told us that we can make suggestions, that this one would be a case that if it goes like this, then equally, most of these CECM will not attend to our summons.

*Applause*

So, this was not to be taken lightly Mr. Speaker sir, I think you can put your pen on this, and then we see how we address the issue of this CECM because it will be a big jigger like someone said.

On recommendation No. 9, this is just causing fears to me, in as much as I dint receive that money. You know, I fearing because, as you read the Report through, as we were being carried through, what i got from that earlier recommendation, is that they were giving 14 days to the characters that they have mentioned here, to give that letter to the Committee, 14 days. Just to establish the truth that MCAs, 29 of them were given some money.

In their recommendation here, this is what they have put. That Kshs1, 450,020,

should be recovered from MCAs, the characters we have mentioned. I was only fearing because the effect of the same will be from the date we approve of this Report. Supposing they bring out the letter, what should be the case of our colleagues that received it? This is my fear.

If Angul Report will also take care of these our brothers and sisters that stood to be the beneficiary of the same, then I would sit here, and take note of the money, because you we know our state. We would not actually wish to go with this kind of arrangement in our lives, in terms of finances.

My fear is the 14 days that they have given, and the 30 days, period. That these people should pay their money. So our colleagues may not be safe, so if there is any way we can adjust this Report, just forget about that letter, and then insist that these people pay, then it would be safe for our colleagues.

*Laughter*

Otherwise, this is one detailed Report that has come in the Life of this House. I support

*Applause*

**Hon. Asewe:** Thank you Mr. Speaker. I would like to add my voice on what other Members have contributed towards this Report. First I would like to say that I support this Report, and even urge the Members of this House to recommend the Report, because the Committee took time, to go through all that were mentioned in the Report, though there are challenges that this House needs to address, even beyond the Reports that we are discussing.

To book and to call the Officers that were involved in this Report was a big problem to an extent that several implementations were made, and some of them at one time they were not even attending to. These are some of the areas that need to be analyzed even if it means sitting down so that we talk as a family with the Executive to make them to understand the need to respond to such implementations and summons.

Like the case of the CECM that refused to attend the sessions that they were invited to, delayed the Report, and finally we had to make recommendations of debarment. We did the mandate of this Committee; I don't think CECM is beyond the recommendation of debarment because we cannot take somebody directly to jail.

Concerning other areas, the Committee went down into the Report that was from the Auditor, and the nitty gritty were highlighted, it was discussed and Members concluded as it is laid in this paper. The just outgoing Member has mentioned that he is worried of the Members, that we did receive the said amount. The attachment that is required to make a payment voucher be authentic is what we are looking for. For a payment to be honored by an Audit, it needs some attachment which will explain exactly what transpired, why the money was paid. That is what is required.

So, if these documents can be availed, it will give more light, it will give more information, why the payment was made. This is what we are looking for, so if that letter can be availed, then we will be happy to get the information, why the money is paid. I think in some areas, as you can see, we could not go down to some projects, there was no time exactly to go into

some projects, to see that this House has been done to this level.

Sometimes we had to rely on the engineers Report, and as you know, not all of us are engineers, so do your valuations according to the level of work. Sometimes we have got the eyes of the expert. This Report was delivered to the committee, to me the work is done very well but a lot more needs to be done as we usually say, if good work is done it usually needs a lot of work.

We would recommend that this House also comes in with every other recommendation that they would add to what we have done so that the Report can be adequately addressed. Otherwise I rest my case.

**Hon. Speaker:** Yes, Hon. Member for Sidindi!

**Hon. Omwende:** Thank you, Mr. Speaker, Sir. I rise to add my voice to this Report. I first of all want to commend the committee for good work done. I support it, it is a good job. It is voluminous Report that took them time to come up with especially for these recommendations you must have the spine and courage. The Report clearly outlines a manifestation of the high levels of maladministration in this County.

I want to take the Members to page 66 of 76, talking about refurbishment of IFAD Hall at a cost of Kshs. 3.9 million close to Kshs. 4 million. The Report says it was not possible to confirm whether the County got value for money in the transaction. Probably somebody perched up the quotations to justify the query but it leaves a lot to be desired. Just the refurbishment of that small building is Kshs. 3.9 million. You look at the recommendations it really demonstrates a lot of lethargy everything is done in a lackadaisical manner and Siaya County

stands to lose a lot in this kind of personnel structure we have around.

For a CECM to ignore summons to appear before a committee many times I think it demonstrates a lot of disrespect and non-recognition to the Assembly. It means the Assembly is valueless to him and in this regard if we don't follow up such mannerisms... because the same officer that is in charge of Governance and Administration. It is all about upholding integrity and Constitution and ensuring that everything is done above board.

*(Applause)*

The officer who is mandated to oversee the same again ignores summons of a legally constituted institution like the County Assembly. That officer should be investigated as indicated here. I recommend that that should be done with speed to ensure that this Assembly serves its mandate and purpose.

I look at some of these issues where we are talking about money and administration, I said it is high level of maladministration because almost in every chapter you find much of it is on procurement and whoever signs offer letters is the CS. A lot has been said in this House about the personality and the constitutionality which the same officer holds that office.

This County needs to have a substantive CS because every other thing he does without care and without bothering to know whether he means well for this County because in all the other comments here it is all about what has been done by the CS. It is him who writes those letters without even approving or confirming if it is done procedurally as demonstrated in this Report.

I therefore recommend that we follow up this matter with speed and give it all the support. Thank you.

**Hon. Speaker:** Yes Hon. Osuri.

**Hon. Osuri:** Thank you, Mr.

Speaker, Sir, for giving me this chance. I rise to contribute to this document. I wish to echo my voice on recommendation number 5, this is that further investigation to be done so as to establish the students intended to benefit from the Ward level, what led to the challenges as reported by the CECM Education and mitigation measures put in place to curb any future mishandling.

As a Member of the Committee on Education this has been our main challenge when we talk about mitigation measures put in place to curb any future mishandling. The future is just tomorrow because we don't know that currently the Ward Bursary school fees are working on the bursary forms and we are told of the challenges that we are not given samples here.

If these measures are not put in place in good time there is a likelihood of a repeat of mishandling of this important resource meant for our students. I am concerned about the future which is just tomorrow. In case these measures are not heeded there is a likelihood of a repeat and our students are likely to suffer.

The second issue is about time frames that are being given in this document. I do appreciate but my concern is that they have not indicated with effect from what period. I am getting concerned that if they are left open within 14 days my concern is with effect from when because there is a likelihood of openness. We don't know with effect from the adoption of this Report or not.

I was proposing, with amendment that this time period be given from where it

starts whether with adoption or with effect from such and such a period that is when it is likely to be effective. If it is left open like that it is likely to be abused. Otherwise if that amendment can be made plus with the concerns of other Members, I support.

**Hon. Speaker:** He has not proposed amendment but let me just say that it is in the common palace that is with effect from the time we communicate to them. If we pass the Report today the Assembly communicates with them then time starts from that time but I think in future we need to be that clear in our Reports.

Yes Hon. Omwende, he had just sought clarification. He had not contributed to this Motion that is why I am giving him time to contribute.

**Hon. Omwende:** Thank you, Mr. Speaker, Sir, a point of information on missing payment voucher and supported payment on page 49 of 76 under management response...Mr. Speaker, I have got it. Thank you.

### **Recommendations;**

In the view above of the copies of payment voucher, that is payment 8.1; and average payment in voucher for the service offered, the Royal Media Service paid voucher for 1.9 which was paid to 36 Members of the County Assembly.

A letter by the Assembly Clerk to the County Secretary for facilitation of Members of the County Assembly; Mr. Speaker, remember the other time we were talking about 29 Members right now we are talking about 36 Members. The other 29 Members was paid 1.4 Million. Mr. Speaker, I just want to know which is which? Is it 29 or 36?

**Hon. Speaker:** What is in the document that we are discussing now?

*(Hon. Members spoke off record)*

Will a Member of that Committee clarify!

**Hon. Minami:** Mr. Speaker, I would like to help my colleague. This is the issue. I wish you read the original audit report where these issues were raised. These issues were raised differently. When you see an answer in 3.3 and another answer given in another number; the issues were answered differently according to the issues raised differently.

If you have the audit report with you, you can check and see what answer is in number 3.3 and in the other number that talked about 29 Members. Thank you.

**Hon. Speaker:** I don't feel you have convinced. Can the committee help!

**Hon. Oriaro:** Mr. Speaker, another area that is concerning the Members that have spoken is why we arrived at the decision that whoever who paid the money to be held responsible is that it is indicated in the management response and captured in the KENAO Report that; the Executive were saying that they paid Members those amounts to go and inspect the projects in their wards.

Then a question arose, we have 30 elected Members; why is it that in the first instance you paid less the number and another instance they paid more? This is what was dangerous to this excerpt and they were claiming that it is the former Interim Clerk that wrote a letter to them. And, because they failed to produce that letter; we realized that they were using the name of that Interim Clerk to cover up.

It was not clear. If it is inspecting project in our wards, then they should have paid only 30 Members. So, that matter should be made clear to the Members. Because, the way it is, it should be known that it is us who went out of our own Motion which is not the case.

**Hon. Speaker:** Yes, Hon. Omwende proceed!

**Hon. Omwende:** Thank you, Mr. Speaker, I wanted to understand that information. Thank you.

**Hon. Speaker:** Yes, Hon. Erick Ndonji

**Hon. Ndonji:** Thank you. Mr. Speaker, Sir; I want to start by saying that the people who made the mistakes that have been found out here, they are professionals who went through interviews and it came out clearly that they were people who were going to carry out duties they are aware of.

Therefore, Mr. Speaker, Sir; I want to start off by saying that whatever mistakes that were done here, were done intentionally because I don't believe that I, Ndonji can be taken from here to become an accountant or a CECM in charge of Finance because there is nothing I know about those things I only know politics and marketing.

Mr. Speaker, Sir; going through the document the first thing that the Committee has asserted were the guiding principles, and they used the law; Article 201 which enacts fundamental principles that—

“Shall guide all aspects of Public finance in the republic...”

Mr. Speaker, Sir;

“The principles are inter alia that: 201 states that;

- a) There shall be openness and accountability including public participation in financial matters;
- d) Public money shall be used in a prudent and responsible way; and
- e) Financial management shall be responsible and fiscal....shall be clear”

Mr. Speaker, Sir; most of the audit queries, you will find that they come because the officers who were in charge of these offices never took these issues to account

All the same, the Report is okay. But, I tend to think that there are questions that ought to be raised. For example; page 8 of 76:-

### **Education sector**

I think it is the first sentence in the third paragraph; “The sector had made payments of Ksh729, 939 but without cash book. Therefore it was not clear how payments were made without passing a transaction entry in the cash book...”

Mr. Speaker, Sir; despite being a lay man in accounts, I want to say that if it were me, I would have decided that first it be entered in the cash book. Another question that should be raised here is; what were these payments for? It is not clear what these payments were being paid for. It is only said that such payments were made but we've not been told the reason for such payments.

Page 15 of 76; the recommendations that were given stated that there was an impression that the CECM and the CEO did not give correct information and particulars of the person in the hospital that was supposed to be surcharged. Mr. Speaker, we are not supposed to be waiting. The surcharging should be done with immediate effect so that this person knows that public funds are not to be played with.

Page 17 of 76; the IFMIS account; it has been said that there is some money that was paid fraudulently. I don't know if the monies have been recovered. It has not been stated there clearly. Mr. Speaker, page 24 of 76; it was said that retention fees totaled to Kshs.9, 980, 291 the account holding this money has not been disclosed. Could it be in somebody's account earning interest? We should be told where this money is. I don't want to take much time; I want to get to the recommendations that we have at the end.

### **General recommendations;**

The Committee's first recommendation is to bring bare the actual beneficiaries County Education Bursary during the year under review and this Committee recommended that further investigation should be immediately be done on the CECM and Chief Officer and the Director of Education.

There are two issues here, Mr. Speaker, Sir; the first one is that I would like us to do these investigations by having random visits to these schools that it is being claimed that these students benefited so that we find out if the students purported to have benefited really did benefit.

I also want to say that the CECM who was in charge at that time is not the one who is in charge now and we should take that into consideration.

I do believe that it is the office that is being blamed, but even the personality is very important and therefore it is very important for us to look into it because even if we blame the CECM yet he is not the current one in that office then we will be doing great injustice to the CECM in that office. I want to rest my case by saying that I support the document, thank you.

**Hon. Speaker:** Can you contribute as I call upon the Mover to reply?

**Hon. Angul:** Thank you, Mr. Speaker, Sir. I wish to thank all the Members who have really contributed to this Motion as we know that it has a time line because it has to go to the Senate for discussion. Have heard how the Members have contributed especially to areas that need to be amended like the payment of the 36 Members of the County Assembly; there were two payments of Kshs. 1.1 million and

Kshs. 1,450,000 with Kshs. 1.4 being payment to 29 Members of the County Assembly and also the 36 Members of the County Assembly.

**Hon. Speaker:** Hon. Chairman, it is alleged to have been paid!

**Hon. Angul:** Yes! Mr. Speaker, Sir, alleged to have been paid, we could not get the clarity on this and that is why we say that the auditor actually said that it was paid but we could not get the supporting document showing that the Members were paid and that is why we say that the Members cannot be surcharged unless we get the documents. So, Members cannot pay if they didn't get the money and again they did not ask for the money which is why we say that maybe the person who gave out the money should pay...

**Hon. Speaker:** Hon. Chairman that is an allegation you talk as if you have taken a position!

**Hon. Angul:** That was an allegation! On the issue of bursary it was not clear and that is why we were saying that in the 2013/2014 things were not that very clear and we said that the officers as well as the CECM and directors who were in charge by then should take the responsibility as we recommended and the Assembly will still discuss on it.

On the issue of governance we gave the recommendation because they ignored the Committee that is CECM Governance and the CECM Agriculture. So I am very thankful because we still have the two Reports to be discussed and I thank the Members because they have really contributed to this Motion, I rest my case.

**Hon. Speaker:** Hon. Chairman, thank you.

*(Question put and agreed to)*  
*(Applauses)*

**Hon. Angul:** I will now call upon my colleague Hon. Pamela Ngure to take us through the financial operations of the County Assembly of Siaya from 1 July, 2013 to 30 June, 2014.

**Hon. Speaker:** Would you move the Motion or let her move then be seconded as we propose?

**Hon. Angul:** Okay! Hon. Pamela can you move the Motion?

**Hon. Speaker:** Then you do it separately!

**Hon. Ngure:** Thank you, Mr. Speaker, Sir. I beg to move the Motion: THAT this House adopts the Report of the Committee on PAC/PIC of the Auditor General on the Financial Operations of Siaya County Executive for the period 1st July, 2013 to 30th June, 2014 laid on the

Table of the House 24<sup>th</sup> November, 2015 and I call upon Hon. Beatrice Obondo to second.

*(Hon. Obondo seconded)*

*(Question proposed)*

**Hon. Speaker:** Hon. Members, allow me to propose the question which is: THAT this House adopts the report of the Committee on Public Accounts and Investment on the Auditor General on Financial Statements of Siaya County Executive for the period 1<sup>st</sup> July, 2013 to 30<sup>th</sup> June, 2014 laid on the Table of the House on Tuesday the 24<sup>th</sup>, November 2015.

**Hon. Ngure:** Mr. Speaker, the report on financial operations of the County Assembly follows the same lines as the report of the Auditor General on the Financial Operations of Siaya County Executive and the rules guiding this report are as stated in the main report. Membership of the Assembly---

**Hon. Speaker:** Hon. Member, are you giving a report, moving a Motion on the Financial Statements?

**Hon. Ngure:** Yes. Financial operations of ---

**Hon. Speaker:** Motion number 9 is on Financial Statements that is what I proposed. May I have guidance to the mover!

**Hon. Angul:** Thank you, Mr. Speaker. The Financial Statements are with Hon. Oriaro, then I will call Hon. Oriaro to proceed. This is the County Assembly operations.

**Hon. Speaker:** We have in our Order Paper Motion number 9 which is on Financial Statements.

**Hon. Angul:** Mr. Speaker, I will call Hon. Oriaro to take us through the Financial Statements of the Siaya County

**Hon. Speaker:** We will start afresh.

**Hon. Oriaro:** Mr. Speaker, I would wish to move a Motion that the Hon. House adopts the report on Auditor General on Financial Statements of the County Government of Siaya that was laid in the House in the afternoon of Tuesday last week. I call upon Hon. Asewe to second.

*(Hon. Asewe stood to second)*

**Hon. Speaker:** Hon. Members, I have to propose it afresh because of the confusion that was there and I now propose the question that this House adopts the Report of the Committee on Public Accounts and Investment on the Auditor General on Financial Statements of Siaya County Executive for the period 1<sup>st</sup> July 2013 to 30<sup>th</sup> June 2014 laid on the Table of the House on Tuesday 24<sup>th</sup>, November 2015.

**Hon. Oriaro:** Thank you, Mr. Speaker, one thing I must observe is that this report as well follows in the nature and parts of the report earlier deliberated upon and my first observation is, some of the issues in the audit query in our interrogations as variously seen following management letters, the Committee was satisfied that the members of the executive clearly satisfied, and the intentions of the Committee in other areas where matters made grieve, we went ahead, we were giving specific recommendations as to the matters that were in question, they can easily be seen.

For instance, Mr. Speaker, on page 10 of 12, compensation of employees, Members can see the management response and the Committee observation and alongside that you can see we came up with recommendation that the head of Human Resource Department should be warned for negligence of duty, taking more than one year to get the details of staff members for whom the County Government was deducted money by the National Government. Roman (ii), the Committee further recommends that this list of staff paid in support of transfer to the National Treasury be availed in the House.

On this, it is very clear that the Department had --- but that which they did was valid only alongside that which is very important is that we in the House be furnished with the entire list within 14 working days, failure to which as a mechanical practice, the Committee on Implementation will scrutinize and come up with clear recommendations as to breaches or otherwise. It is my wish to take Members through substantive recommendations/observations and the recommendations resultant to that. We go to page 20 of 21, I take you to the general recommendations, you will learn that we came up with six recommendations

**Hon. Okuku:** Hon. Oriaro, general observations not recommendations.

**Hon. Oriaro:** I am saying general recommendations to me, they are substantive recommendations, because in other areas just like the one I have spotted Mr. Speaker, Sir, on the issues of casuals, that matter was very clear, so it needed an observation attached to it, so on matters of generality, I will go through our observations and findings then later on recommendations.

The amended financial statement which was presented could still not be fair as regards the opening balances from the previous year's financial statement as raised in the report of the Auditor General on the Financial Statement of the defunct local authorities during the financial year 2011/2012. Observation number 2, other than the Trade Department, all other departments did not collect their revenue into the County Revenue during the year under review as was expected.

Further, Mr. Speaker, the County Government has been and including the year under review budgeted for salaries of the staff under this devolved functions but with no revenue collected from the functions.

Observation number 3, as much as the Committee was convinced of the transfer of funds to the National Government, it was concerned that the County Government of Siaya has never undertaken to get the data of the staff members for whom the deductions were made.

Mr. Speaker, this shows some sort of laxity. Number four, during its Committee meetings, the PAC noted that the education sector and in particular the education bursary has a lot of unclear operations which could not be brought to bear even after several meetings and drilling.

Regarding the expenditure of Kshs. 31,545,000, the schedule of students who reportedly benefited from the bursary kitty had a total expenditure of Kshs. 29,465,000 creating a discrepancy of Kshs. 2,089,000 which could not be explained. Further the Committee was not able to get the list of students initially intended to benefit on the County Education Bursary before the challenges as expressed by the education department.

The department was also not able to give details of the challenges during disbursement clearly indicating each case per student and the challenged faced. With the two pending issues mentioned here above, it is additionally not possible for the Committee to get the list of students who finally benefitted from the County Education Bursary after the challenges were corrected.

Observation number 5, the ECDE blocks across the County have been completed but not yet valued hence cannot be regarded as assets.

Number six, part of the payment for emergencies was the provision of catering services by Mr. Akotch Catering and Supplies hence the Committee could not understand how this was an emergency. The County Treasury admitted that some payments were wrongfully made in the name of emergencies; they however reported that ---services were provided and payments made to right suppliers. Further, voucher number 15, 61 and 229, 67 used for payment of fuel and media advertisement respectfully were not dully signed by authority to incur expenditure holder i.e. key holder.

Committee recommendations.

1. The Committee admitted the draft report of the Transition Authority in the meantime but with prayers that the Authority moves with speed to give its final report on the Assets and Liabilities inherited by the County Government of Siaya from the defunct local authorities.
2. That the CECM, for Finance in 14 days liaise with the District Accountants of the respective devolved functions to get the data of

their revenue collection during 2013/2014 and submit the report to this Assembly failure to which the CECM should bear the political responsibility. The CECM, for Finance should also establish where the revenue from these devolved functions was deposited and the possibility of reimbursing back the funds to the County Government of Siaya.

3. That the Head of the Human Resource Department should be warned for negligence of duty, taking more than one year to get the details of staff members for whom the County Government was deducted money by the National Government. Furthermore, this list of staff paid in support of transfer to the National Treasury should be availed to this House within 14 days for inspection.
4. To bring to bear the actual beneficiaries of the County Education Bursary during the year under review, this Committee recommends that further investigations should be done on the CECM, the Chief Officer and the Director of Education with an intention of instituting recoveries for the lost funds and commencing prosecutorial process where necessary.
5. Within 14 days, the total expenditure of Kshs. 14,422,187 spent on emergencies should be fully accounted with duly signed payment vouchers demonstrating clearly the

emergency cases under which this money was spent. Failure to account for this money within the 14 days should attract recoveries of this money from the CECM of Finance, the C.O for Finance, the Director of Finance and the Head of Treasury.

In short Mr. Speaker, Sir, away from the grammatical error, occasioned in the drafting of this report, I would urge Members to go for substance and appropriately debate and adopt the report. Thank you.

**Hon. Speaker:** Yes, Hon. Members! If there are no contributions I will ask the mover to reply! The standard practice is that when you sense that there are grammatical issues, you can assign the office of the Clerk to go through and then as a Committee you own up the report so that it is not substantially changed in content or material facts in the report before it is given to the concerned authorities. Could the mover reply!

**Hon. Oriaro:** Thank you, Mr. Speaker. I want to thank the whole House for unanimously supporting the report beforehand. This is commendable because the saying goes that silence also means contribution. By your way of advice, the Committee will sit with the secretariat as to do grammatical appraisal on this report because in certain cases they are too handy, so thank you Mr. Speaker, Sir, I rest my case.

**Hon. Speaker:** Allow me then to put the question:  
THAT this House adopts the report of the Committee on Public Accounts and Investment on the Auditor General on Financial Statements of the Siaya County Executive for the period of 1<sup>st</sup> July, 2013 to 30th June, 2014 laid on the Table of the

House on Tuesday the 24<sup>th</sup> of November, 2015.

*(Question put and agreed to)*

**Hon. Speaker:** Next order!

### MOTION

**Hon. Ngure:** Thank you, Mr. Speaker. This Motion having been moved and seconded, I now go straight to read our report

**Hon. Speaker:** Just for the record, there is no harm in moving it afresh.

**Hon. Owii:** Point of information!

**Hon. Speaker:** Yes!

**Hon. Owii:** Some of us were not here last week, we were engaged elsewhere on some community programs, as such we were not given this document. I was given the one moved by Hon. Oriaro, and the one that was moved by the Chair. So I don't know how we will actually follow what Hon. Ngure is going to put to us, can we be assisted?

**Hon. Speaker:** Hon. Members, unfortunately the moment a report is laid on the Table of the House, it is perceived that it is a public document which anybody can access. Just like in a court of law, if you are served, even in the Newspaper and you did not see it, it is assumed that the report reached you.

I am afraid that if we go that route then the next day is that people will say that they never saw the report and I therefore just want to sympathize with the people who have not gone through it to the extent that we have quorum, let us debate it because they were laid on the same day, that is what

I want to believe. May we debate the report and then make a determination.

**Hon. Ngure:** Thank you, Mr. Speaker. I wish to move a Motion: THAT this House adopts the report of the Committee on Public Accounts and Investment on the Auditor General Report on Financial Operations of Siaya County Assembly for the period 1<sup>st</sup> July 2013 to 30<sup>th</sup> June 2014 laid on the Table of the House on Tuesday 24<sup>th</sup> November 2014. I wish to request Hon. Beatrice Obondo to please second.

*(Hon. Obondo stood to second)*

**Hon. Speaker:** Hon. Members, allow me to propose the question which is that this House adopts the report of the Committee on Public Accounts and Investment on the Auditor General on Financial Operations of Siaya County Assembly for the period 1<sup>st</sup> July 2013 to 30<sup>th</sup> June 2014 laid on the Table of the House on Tuesday 24<sup>th</sup> November 2015. Proceed!

**Hon. Ngure:** Thank you, Mr. Speaker. As you have pointed out, these reports were laid on the Table of the House way back on 24<sup>th</sup> of November and assuming that Members have taken time to read the report, I now go straight to the recommendations as made by the Committee of PIC and PAC. Mr. Speaker, having interrogated the various officers in connection with the report as received from the Auditor General, we came through with these recommendations.

1. In view of the above, this Committee therefore recommends that the proof that retention money was deducted in the subsequent payments should be produced within 14 days failure to which it will indicate that such

- money was not deducted hence the Principal Finance Officer should be surcharged the cost of defects and liabilities during the stipulated period. Meaning if we don't have to get the details of the money as deducted, the Principal Finance Officer will be surcharged because this should have been done.
2. That within 14 days, the County Assembly Clerk, the Principal Finance Officer and the Works Officer should give a comprehensive report giving specific details on the tender award process; the effectiveness of the equipment at the time of supply and installation; the time as to when the equipment will be commissioned; reasons as to why the retention money was not deducted; and how the defects already identified in the equipment shall be corrected. Failing to give the above report within 14 days should call for recovery of the losses from the officers who were responsible for the messes. Mr. Speaker, retention money should have been deducted. Coming up or realizing some defects in the works that was carried out, even on the equipment, then this money would have sufficed to make the corrections that we needed done.
  3. The County Assembly management should undertake to report and seek clearance with PPOA within 14 days of all the previous tenders which were initially not reported to the Authority. Upon clearance or not, the County Assembly management should report to this Assembly within the subsequent 7 days.
  4. That all the loan application forms be duly filled within 14 days failure to which the PFO should step aside from his current position in the County Assembly.
  5. That all the Members of the County Assembly should make their loan payments through check-off system. The PFO should ensure this commitment is in place within 14 days.
  6. In regards the foreign travels, this Committee therefore makes the following recommendations;
    - i. That the Office of the County Assembly Clerk and the Principal Finance Officer avail within 14 days the stamped copies of air tickets/boarding passes or passports, copies of invitation letters, copies of the reports and any other documentary evidence to warrant such travels for each of the foreign trips during the year under review. The unsupported expenditures after the 14 days should then be recovered from the MCAs listed to have travelled in each foreign trip.
    - ii. The actual number and names of the MCAs and staff who travelled out should be established by the Office of the County Assembly Clerk and the Principal Finance Officer within 14 days and MCAs and staff paid but didn't travel should be

- surcharged of the amount paid to them.
- iii. That within 14 days, the Office of the County Assembly Clerk and the Principal Finance Officer produces evidence to justify the need or reasons for each of the foreign trip during the year under review.
- iv. In future, The County Assembly should ensure that, all payment vouchers are supported by the relevant documentations for accountability purposes.
7. That within 14 days, the PFO avails the copies of the air tickets and copies of the bus tickets or work tickets for the air travels and motor vehicle travels respectively in accounting for the local travels expenditure during the year under review. The Assembly management should also avail the invitation letters and other relevant documents accounting for the local travels expenditure failure to which the said expenditure be recovered from the authorizing officers. Why recommend this is because for an officer or Member of the Assembly or member of staff of the Assembly to take a trip on behalf of the Assembly there has to be some kind of invitation that they need to go, there has to be some kind of authorization, there must be authority for them to travel or otherwise where do you get that ticket from? If you are travelling locally, you need the Assembly

vehicle, you need a work ticket to show that it was called upon you to make this trip.

8. That within 14 days, the Office of the County Assembly Clerk and the Principal Finance Officer avail the above mentioned documents to account for the total of Ksh 10,500,000 spent on Ward office rent, staff salaries and maintenance costs failure to which this money should be recovered from the concerned officers. The details are in the report.

Mr. Speaker, the reasons for audit is not just for now, the reasons for audit is so that you know what you ought to have been doing and that in the future you should now do the correct thing. So if you are able to argue your case that you did not do it because you did not know because there was no authority, because there was no circular, it is now clear that those should happen. So that is why audit is carried out. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Elisha Okuku, Member for Yimbo East!

**Hon. Okuku:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to support the report. I am a Member of the PIC and PAC, it is in order for the House of rules and procedures like this Hon. House to put sanity and integrity in whatever documents brought before the Assembly. The report which has been properly spelt and read by Hon. Ngure touches even on me and I sit in that Committee Mr. Speaker, as one of the people who has, by the time when it was being handled I had never started repaying back this loan.

We do not fear to do the right thing because we are Members of this House, if we fear to deliberate on this report and approve it the way I saw Hon. Owii feared, then we are giving a very clear road map to the senate to penalize us deeply Mr. Speaker.

Therefore, I want to urge this House that we should do the right thing at the right time in the right way, whether we are being pinched or not. No one is left behind, you find that to some extent other Members traveled or as had been mentioned to travel to where they don't even belong.

For example, I was with the team that went to Israel; you find that even Members who never accompanied our team have been mentioned that they were with us to Israel Mr. Speaker. It is upon this House to approve the report so that they can engage it by the administration of this Assembly so that they bring their passport and that will expel them from being blamed.

You find that some Members have been mentioned to where committees which they don't belong to were going, for example South Africa, some Members who did not belong to the Committee on Roads have been mentioned to have travelled to South Africa, I think we must have sanity if we are true leaders of tomorrow and if you want to put a clear foundation for the people of Siaya.

It will really be bad and of no use, Mr. Speaker, if we are on the forefront making noise and checking the executive thoroughly and we cannot check ourselves, we cannot put sanity between ourselves, we fear to face the reality and the truth.

The society will judge us harshly. I want to stand and say that even those who travelled clearly to different areas, internationally, they must bring back their

passports to prove that they travelled Mr. Speaker. If they cannot bring the board pass and the passport, then if Hon. Elisha is surcharged, I don't think that is an illegality. Mr. Speaker, we must repay back our loans as had been mentioned, whether we like it or not, whether our pay slips we read nil or not, because we took it and the only way to get out of it is to repay it back.

The Assembly has done a lot of renovation and refurbishment and Mr. Speaker, some of the renovations and refurbishments have been paid in advance which is unlawfully done. If you put a recommendation that the PFO to make sure that he doesn't repeat the same, to ensure that he task the person who was procured to make sure that we have value for our money, I don't think we will have gone wrong Mr. Speaker.

I want to urge Members that we should not fear, if you know very well that you have staff at your Ward and you paid, do the necessary so that you can be out of the hook and if you don't have staff and you ate money, please let that money be recovered from you, you like it or not.

Mr. Speaker, I want to urge Members that if we are really of dignity, if we are really position two in the Republic of Kenya and we want to move to position one, then we must pass this report. I want to surrender, I rest my case, thank you.

*(Laughter)*

**Hon. Speaker:** Hon. Okite!

**Hon. Okite:** Bwana Spika, ningependa kutoa shukuruani kwa kamati, ningependa kuiunga mkono kwa sababu kuna msemu inasema ya kwamba, ukiona mwenzako ananyolewa na wewe pia weka kichwa yako maji. Tulikuwa tukiongea juu

ya ufiisadi na tulikuwa tukiongea juu ya watu wetu ambao wanatumia pesa yetu vibaya.

Ukiona mwenzako anatenda mabaya, haikuruhusu utende mabaya, mwenzako akitenda mabaya, unatenda mazuri. Sasa imefikia kikomo, na tunajua ya kwamba sisi wenyewe ndio tunaumiza watu wetu kama hii Assembly, kwa sababu kuna wengine, kuna wakati tulikuwa tukipanda ndege tukienda sehemu mbali mbali, wengine wanapanda, wakifika Nairobi, wanarudi

*(Applause)*

Ikifika wakati wakupatiana pesa, kila mtu anapata sawa, hakutumia pesa yake, anataka kufanya raha. Jambo letu kuwa hapa bwana Spika, nikufanyia watu wetu kazi, sio mambo ya kwenda, kutembea na kupata pesa halafu mtu anakuja anakwaambia kwamba, 'haujui kazi ya pesa wewe'.

Tulikuwa tukiongea kwa jambo yetu ya upande ile ingine, na tulisema ya kwamba kila mtu arudishe pesa, na ikasemekana ya kwamba pesa ambayo ilitumika vibaya ni lazima irudishwe. Tukitaka kujitetea sisi wenyewe tutakuwa watu wabaya kwa sababu kuna watu wengine wanasema ya kwamba ati hii ripoti tukiipitisha, itatukalisha chini kwa sababu hatutapata yale ambayo inge fanya tuzilete hapa. Kama tulienda na kama tuko na hizo vitu, mbona tunaingopa? Kwa hivyo ninaunga mkono bwana Spika, asante.

*(Applause)*

**Hon. Speaker:** Bwana Asewe!

**Hon. Asewe:** Thank you, Mr. Speaker. All the Members that are in this House are charged with responsibilities, responsibility to deliver to the people of

Siaya. One of our mandates here is to make laws and these laws must rule us. It is not that we make laws for others and we don't follow, this is something that is displayed today and we want to see whether we make laws for other people and not ourselves.

It is true that there are some discrepancies, there are some cases where we need to follow the truth, we need to go through and see exactly what happened. I am one of the Members who went to South Africa and I boarded a plane to South Africa, my name is now in the report that I didn't go to South Africa, I should proof that I went to South Africa.

There is no way I can send my passport to South Africa to be stamped at Jomo Kenyatta International airport, again stamped at the airport in South Africa! There is no way! So these passports should be produced because sometimes we give our management, the Assembly management hard time for no reason.

Why should we surcharge the management when you travelled to South Africa, you have these passports! why don't you avail your passports to support that you travelled to South Africa or to any other part of the Country.

Mr. Speaker, there are cases where somebody is mentioned that he was in Israel, at the same time he was in Rwanda. Is he a smart man or a superman that can fly within seconds? This is not possible. It is today that we have to demonstrate the truth so that this Assembly will ---that we deserve, the integrity that was measured to qualify this Assembly to be number two in the Republic of Kenya. We don't want to go back, we want to go forward and be number one. Thank you, Mr. Speaker.

*(Laughter)*

**Hon. Speaker:** Hon. Gare!

**Hon. Gare:** Thank you, Mr.

Speaker. First and foremost I must agree that this Committee of PIC and PAC have a very sharp knife, both sides of the knife are sharp and cutting, and that is why they were cutting the Executive and now cutting the Assembly.

*(Applause)*

This is okay for us, because actually this is why we are here and if we are talking of integrity we must both apply. We are not saying that we cannot pass this report, we must pass the report so that we show that we are also up to the task.

Mr. Speaker, some of these things can easily be handled, I don't see why the temper should rise so much. Because you realize that some of these documents that they are saying we produce, we were not told earlier and when we used to travel those days, we didn't know that we are supposed to come back and give the documents, even the bus tickets, we were not told to surrender them and now that we have been told that we are supposed to surrender, if we can't trace them back, they have said that the management should also produce a proof that there was invitation and that is why we were travelling .

So, for those ones that we were not told and we didn't surrender the receipts, there is a proof of the invitation letter, there is a proof that we went to such and such a trip. Where is the worry? There is no worry here!

The issue of loan forms. It is true that were given money and some people did not fill the forms and we are here, why don't we go back and fill the forms. We will fill

them and now the only hitch is, we pay, which we are also saying, we are going to repay.

*(Laughter)*

Because we were given the loan and there is no way we say we can't pay back. Let it not be said that we are refusing to pass the report because we don't want to repay the loan. There is this issue of foreign trips. My name is in that report and I am a leader in this Assembly. I want to commend the Committee that despite leadership or what, they are not worried about me, there is no fear.

So, what I am saying, like me, my name is there that I was in Israel, the Committee of Health went to Israel, apparently three of us were sponsored by the Assembly and the other people were sponsored by the Executive, this is where there is confusion, I was only paid once, go and do investigations and you will find that I was only paid once by the Executive and you will do me nothing, I am not afraid, yes!

*(Laughter)*

**Hon. Okuku:** Mr. Speaker, point of order. Is it in order for the Hon. Member to threaten us that 'you will do me nothing.'

*(Laughter)*

**Hon. Gare:** I am saying that I am not afraid, even if you do any investigations you will not find me because I was only paid once.

**Hon. Speaker:** Hon. Elisha, you know English is not our mouth

**Hon. Gare:** I am not afraid. I am saying that there are some things that we can

manage locally here in the Assembly, things to do with the documents, things to do with receipts, things to do with our passports, that one we can take the responsibility and you produce your passport. I know some people were mentioned in this report but for sure they travelled, only that they did not surrender the passport when these guys were doing the investigation.

I want to urge the Members to support this report so that we are seen to be in the forefront of fighting impunity of this County, so that when we are following the Executive and doing the oversight, we start by ourselves, but if we refuse to pass it then we will fail the test. I urge Members to pass this report.

*(Applause)*

**Hon. Speaker:** Hon. Margaret!

**Hon. Oketch:** Thank you, Mr. Speaker. I just want to add my voice to this issue although it is quite a complicated issue, we should also have consideration. You find that in situations whereby maybe some colleagues went to other trips, maybe it is due to ignorance and you know as a Hon. Member you have an opportunity of going somewhere, surely you can't just let the opportunity to go like that.

I think they should be given some consideration on the same and the Motion should be passed but with some amendments on it and let us not have so much harsh statements and we just consider and we accommodate all those people who made the mistakes, it wasn't their fault but they had the chances of going there to exploit and exposure. So, I support it but with amendments.

**Hon. Speaker:** Which amendments?

*(Laughter)*

**Hon. Speaker:** Hon. Oriaro!

**Hon. Oriaro:** Thank you, Mr. Speaker. As I stand to support the Motion at hand, I must say that I am a Member of Public Accounts Committee. One thing I must observe, is like the whole House led by the Assembly leadership, the Whip, has led us to crossing the ---just as he did ---over 2000 years ago.

*(Laughter)*

It is true, while pointing a finger at others, we ought to take cognizant of the fact that the rest of the fingers are pointing at ourselves but the only problem we have that is surprising Members as to make some of the contributors realize that they have been smeared, I must say that it is only that our tone was the tone of Draco, that Greek politician.

*(Laughter)*

Mr. Speaker, while we were going through the audit queries as to writing this report, it is only the fact that human beings have their little scruples. Members of the Assembly are just human beings, therefore we can't evade the fact of having little scruples and I am very happy that even though we never went ahead to mention names, the Whip has come out very clearly, it is true and I want to say it here that even the Majority Leader, are the few who were in question, but it was because of little negligence, merely failing to sign that,

indicating that on loan mortgage it was 3 million, was it difficult to note that?

It is helping our Members such that the report does not reach the Senate when that has not been done because the moment it reaches the Senate, we will already be subjected to the courts of the public, such that whether you are genuine or not you will be seen as a defaulter.

Mine was only to draw to the attention of the Members that the issues in the audit query were so weak on the part of the Assembly such that you would not allow like supporters of the County Government to list us on the same rank. We are very clean and we are up to the task, I support.

**Hon. Speaker:** Hon. Willis!

**Hon. Ochien'g:** Thank you, Mr. Speaker. I want to support the report. First I want to congratulate the Committee Members for PIC and PAC for having worked very well and producing this report. Aware that we are here as oversight Members of this County of Siaya, I think we should also do the oversight within ourselves. We should not be very fast in doing oversight to the Executive while we forget doing ours.

Aware that this County Government, we are the pioneers who have started this devolution element. We came in to this Assembly and there were no clear structures on how things are supposed to be done, we are still on a learning process whereby just as some other Members have spoken, it is not that those whose names have been mentioned have done those mistakes knowingly, I think it is a learning process.

To my ruling, I want to believe that all the issues that have been mentioned in that report when not tackled well, they will push us to Chapter Six of the Constitution

that talks of integrity Mr. Speaker. I want to support the report and I would make sure that the report be implemented just as the Committee recommendation has been stated

Issues of payment of Ward staff and the rent, we all know that there is no any elected MCA here who is not operating in his office at the Ward office, maybe the paying system is what has not been going in the right channel or has not been taking place rightfully. These are what we should just correct because, we have been paying money, I think only the document and procedures that are required are what we should put in place so that we become clean representatives. Otherwise I am supporting the report, thank you, very much Mr. Speaker.

**Hon. Speaker:** Hon. Augo!

**Hon. Augo:** Thank you, Mr. Speaker, for giving me this chance. First of all I would like to commend the Committee of PIC and PAC for a good job well done. As I say so, as my colleagues have congratulated them, it will give us a second thought of how we will use our money in this Assembly.

As we have been travelling, some of us didn't know that these tickets, this boarding pass has to be kept safely, maybe they were just putting them any how when they arrived at home but my prayer is, as for me, all my boarding passes are in the office of the procurement and if at all I miss one or two, I can say so, but maybe in the office of the procurement I have never handed them over, so all the Members are included that we have not been surrendering our board pass.

As stated here, the invitations are not attached. It is not our duty, the invitation comes to the office of the Clerk not to the Hon. Members, so it is the duty of

the officer in charge to attach for us the invitation letters, as we went to Ghana, there was an invitation letter and all the Members surrendered their passports and photocopied them, which made us to be clean that we went on a trip and we came back safely.

Mr. Speaker, I really thank the Committee because as we oversight the County Government, we should also oversight ourselves and keep the integrity because like the other reports of the Public Accounts of the County Government was read here, some of us even recommended that those people should be surcharged and be barred from the office within 14 days. Mr. Speaker, we should pass this report but with some amendments as my sister has said

*(Laughter)*

We should be added more time for our Hon. Members to go and search for the tickets wherever they kept them so that they can bring them that they may be found clean because you can't go to the airport and say that I traveled on such and such a date. I would like Hon. Margaret to support me

*(Laughter)*

**Hon. Oketch:** I support

*(Laughter)*

**Hon. Speaker:** Hon. Members, I mentioned the issue of amendments and how they do it but all the same which part of that report do you want time added so that we see if it will go through, so that I am not seen to be blocking those amendments, which part of it? We will proceed then agree with this later. Yes, Hon. Andiego, you had something to say?

**Hon. Andiego:** Thank you, Mr. Speaker, I am now settled.

**Hon. Speaker:** Hon. Okello Walter!

**Hon. Okello:** Thank you, Mr. Speaker, for the opportunity to contribute in this matter, a lot of content has been raised by Members. As an Assembly, what we have done is setting precedent for this Assembly and for the Assemblies to come. From where I sit, I think I am one of the happiest people --- I want to support this report whole heartedly, this Committee is one Committee that we have always pushed as to when they will start bringing reports, I am happy that when the first report came just as Hon. Gare ---I am among the people whose names appeared in the report.

This Assembly has had accusations that there are Members who have Ward offices for which they don't pay rent and there are those who have exaggerated rent cases then there are those who don't pay Ward staff and others make fictitious claims and all sorts of things. I'm glad that going forward when such issues are raised somebody will not say that they are being witch hunted or being targeted but what we will be doing is playing fair and square.

I don't want to pre-empt a debate that we are going to have concerning budget a few days to come. There have been talks around in public places that certain Members of the Assembly have been compromised; allegations which are wild.

I want to believe that with the kind of precedence that we have set all these allegations are going to come out clear, we are going to check out each other clearly and it's going to be a fair game and spare game going forward. Thank you, I support.

**Hon. Owii:** Thank you very much, Mr. Speaker, Sir; as I want to talk I ask God to give me wisdom because it is good bit.

There was a time the issue of roads came up in this House, a number of us actually cautioned Members and nobody ever listened.

Today people have their problems and it has settled on each one of us to an extent that even if we are saying that we are paying, we are sure that we are not going to complete payment within the given time and it will impact very negatively about some of us who would wish to come back again to this House because of what will come up at the C.R.B.

Today is like one day in the National Assembly; the team was convinced that if you can help us pass these draconian laws, they did. When they came back the Members they were representing never felt good about the same. We may actually forget that what we are doing is good but there are times that actually just be cautioned. I don't think I will fall a victim of this, I will only fall a victim when it comes to this; producing air tickets, boarding passes and passports, I don't keep them.

As we are talking now, the best that we would have said here is what is specific that you have to produce a passport and you stop there. We don't need to get into these small details; even Members of the Assembly won't pay because it will be too hard for us to get them.

Those are little things that people used to forget about and ignorance of law is not an excuse; I didn't know that we were supposed to keep those air tickets and boarding passes because once we have passed this one as it is then it's not our document now.

It will even go to the Senate and you will pay and we were going to South Africa for those who went. Was it a small amount of money? No, and now we you are

requested just to pay your trip to Mombasa it will be an argument. This is just but a good Report, it is an eye opener to us and you are trying to package filth but you have decided to leave some filth even in this Assembly. You would have brought everything on board so that we talk with authority. Not small little things that touch on Members only and we should be our brother's keeper.

I want to request that in recommendation 5; that the office of the County Assembly Clerk and the Principal Finance Officer avail within 14days the stamped copies of air ticket, boarding passes or passports and copies of invitation letters, copies of the Report but for this air ticket and boarding I think we should try to erase this one. Let us not make a mistake and put a rope to hang ourselves and yet we are Members of the same House.

**Hon. Ngure:** Point of Order!

**Hon. Speaker:** Yes, Hon. Ngure.

**Hon. Ngure:** Thank you, I think we give respect to Hon. Owii because when I read this; it says copies of air tickets from boarding passes or passports then you should not dwell much on the air tickets. Nobody gives a body pass if you don't have a ticket and if you have a ticket without a boarding pass you not go through immigration without a boarding passport. There is no way you cannot travel without a passport, the item here is passport.

**Hon. Owii:** Thank you, very much. If you knew that why were you bothering about these small things; why didn't you just concentrate on the passport? I want to say that on the issue on loan; I remember speaking in this Assembly and I said we go the check-off system but people refused that they would pay the loans in their own arrangements and our own arrangements never worked.

Our own arrangements have made us be victims of these problems that we are going to face in the few months that are coming. I want to say that I support but with those few amendments that I have mentioned, thank you.

**Hon. Speaker:** Hon. Owii, I don't think I want to agree to that amendment because it's not changing anything---

**Hon. Owii:** Allow me to be clear; I had been called by the office of the Principal finance officer and they were demanding air tickets and I had brought with me my passport.

**Hon. Speaker:** Hon. Owii, you will discover that that or passport we are talking about is only applicable for foreign travels; how about local travels? We can't restrict ourselves to a passport; what about somebody who has lost their passport. This is why we have those options; I don't think it changes anything.

**Hon. Ombee:** Thank you, Mr. Speaker, Sir; may I take this opportunity to congratulate this Committee for the good Report Tabled today. I support.

**Hon. Speaker:** There being no other contributors I ask the Mover to reply.

**Hon. Asewe:** Point of Information.

**Hon. Speaker:** Yes, Hon. Maurey!

**Hon. Asewe:** Mr. Speaker, Sir; there is this case of 14 days that is adversely mentioned, it was given for response, it is not 14 days for paying whatever amount or anything that is charged.

**Hon. Ombee:** This is a wonderful document. I will not debate on a good report like this one. Today the Committee proved to this Hon. House that this is not a toothless Committee.

*(Applause)*

I support the report and thank you.

**Hon. Speaker:** Hon. Members, there being no contributors, I will ask the mover reply. Yes, Hon. Murray!

**Hon. Asewe:** Mr. Speaker, there is this case of 14 days that is adversely mentioned. The 14 days was given for response. It is not for paying the amount but for response.

**Hon. Speaker:** Will the mover reply!

**Hon. Ngure:** Thank you, Mr. Speaker and the Hon. Members. I also want to thank the office of the Clerk for providing us the facilities to run this report. I thank the KENAO team for guiding us through the writing of this report. Hon. Members, you will realize that as we write these reports, a lot of it is not just our own thoughts.

If we give 14 days for someone to respond that we have sat together as Members of PIC and PAC and have decided that so and so needs 14 days and for the other person we give 30 days, this is all in the regulations for audit report writing. I want to thank the Committee clerk of PIC and PAC. He sat hours for hours alone to write the report on matters we had deliberated on and I think he did a very good job.

Whereas it was very difficult to get members of the Executive to come before us and interrogate them, the officers of the County Assembly came more often on time and when we needed additional information, they went for that additional information.

I know there are still some matters that should be reported on, like some of the things that we saw toward the end of our report writing when we took a tour within the Assembly. We are still waiting for this

to be reported on and that is why we have given those numbers of days.

We thank everybody who has helped us to go through the report and as it has been said here, when we do oversight let us be clean. We thank the Speaker for taking time to read this and debating on it in the manner that we did and I know that we will all support this.

*(Question put and agreed to)*

**Hon. Speaker:** Next order!

**MOTION**  
ADJOURNMENT

**Hon. Speaker:** Hon. Members, may we rise for adjournment!

*(Hon. Members rose for adjournment)*

**Hon. Speaker:** Hon. Members, this House adjourns until tomorrow Wednesday, 2<sup>nd</sup> of December, 2015 at 9.00 a.m.

The House rose at 5.40 p.m.

**WEDNESDAY, 2ND DECEMBER, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYER**

**The Speaker:** Yes, Hon Abayo!

**Hon. Abayo:** Thank you, Mr.

Speaker; I arise to move a Motion:

THAT this House adopts the Report of Joint Committee of Agriculture, Tourism, Water and Delegated Legislation on Yala Swamp as made on the table of this House on 1<sup>st</sup> December 2015, and I ask Hon. Agoko to second.

**The Speaker:** Hon. Member, I propose the question which is:

THAT this House adopts the Report of the joint Committee on Agriculture, Tourism, Water and Delegated Legislation on Yala Swamp laid on the table of the House on Tuesday, 1<sup>st</sup> December, 2015.

**Hon. Abayo:** Mr. Speaker, it is my honor and pleasure to present to this Honorable House, the Report of the joint Committee on Agriculture, Tourism, Water and Delegated Legislation on Yala Swamp. The Report has given the background to this effect, and a task force was formed on the 28<sup>th</sup>, and we have laid out the terms of reference of that Committee.

This Report is long and I will not be able to read word by word but I would be able to highlight the key areas. The terms of reference as regard to the taskforce. A Report is given on page 4, item 3 on the Committee's mandate.

The joint Committee was established under the Standing Order number 1(a) 3 and was mandated to conduct an in-depth analysis of the recommendation of the

taskforce Report on Yala Swamp, and determine their legal Economic, Environmental and Socio- Political implications of the same on the Community, the people of Siaya and the Swamp.

The Committee was also to consider the challenges facing the Swamp in general, and make recommendation on how to reform it, with a view to enhancing sustainable utilization of this resource, for the benefit of the People of Siaya.

The General background of Yala Swamp, the geographical position and executive summary has been given which I want to mention, that Yala Swamp is a Wetland bordering Busia and Siaya.

The size of the Wetland is contested, but estimate put the size approximately to 17,500 Hectares according to some studies. Therefore not clear part of the swamp found within Siaya County. In 2004, Dominion Farms Limited was allowed to get into the Farms through an MOU and lease agreements signed by the defunct Siaya and Bondo County Council. The arrival of the investors had rose hope for the local Community, but unfortunately, certain unresolved challenges arose. His Excellency the Governor therefore put this task force to look at it.

Taskforce Report was then laid in this Plenary, and the Chair re-directed that a joint Committee be formed. One of the key findings of this Joint Committee is the glaring absence of land demarcation that delineates the various land uses within the Swamp, especially the area under Dominion

Farms and the Community Land Boundaries. The lack of clarity on where the Farm starts and ends, and where the Community Land begins, is the major cause of constant conflict between the Community and Dominion Farms.

The Committee further noted that Dominion Farms appeared to have started using the 3200 Hectares of Land that had not been officially leased to them, which if established to be true, then constitutes the legality.

This scenario therefore provides justification for the Committee strong recommendation that a comprehensive survey of Yala Swamp should be undertaken, to map out the extent of Community Land against the Land that has been leased to Dominion Farms. The Committee further recommends that the MOU on the lease agreement be revisited to become an instrument for peaceful co-existence between the investor.

I want to mention that Dominion Farm came into operation in 2004, and has been engaging in a number of Agricultural activities, and Mr. Bin informed the Committee that besides Commercial rice production, which covers 3000 Hectares, there is Fish Production covering 200 Hectares, and they have 14 ponds with a projected production of 2 tons per Month, and flooding is one of the major issues causing conflict between the investor and the neighboring people. It is said that artificial flooding from Dominion Farms is a great hindrance for Farmers realizing their harvest after planting.

The people of Aduwa and Abidha specifically raised this complaint. It is alleged that wire constructed by Dominion Farms, whose height is high than what was recommended is a major cause of this kind

of flooding especially in the upper side. Let me mention, (this is key) the Committee witnessed actual flooding on several parcels of land. The Committee, we walked there, we have photos.

We were there for 30 minutes and we saw the water move, fill and cover crops and we have Members of the Community pulling out their crops. This is not a story.

In the process of the joint Committee's interaction with the local Community that is the stakeholders, it became evident that the relationship between the local residents and the Dominion Farm was very conflicting.

When Dominion Farm came into the region, it made promises to transform the Region. Like creating job, improving infrastructure, transfer of Technology to the locals. Apart from job creation through Agribusiness, the project would also ensure accessibility of clean water; improve the Health Services, Improve with well-equipped Primary Schools, and thereby alleviating poverty in the area.

Instead of this cooperation between Dominion and the local Communities as envisaged, what transpired was and would continue to be serious accusations and counter accusations. The residents have raised a flurry of issues regarding the Farm operations to date. How far is Mr. Speaker therefore clearly reviewed the causes of this conflict? And in the recommendations, we have said how the conflicts have revolved.

One is poor working conditions: Most of the people working for Dominion are subjected to pathetic inhuman conditions. Women stand in cold water, in the rice paddies, for very long hours, for 12 hours at a meager pay of Kshs 205/= per day or even less. Labour laws are not followed

and the workers are not allowed overtime pay or even to join Labour Unions.

There are no protective gears as workers handle corrosive chemicals and no compensation for injuries arising therefore. The Farm is mechanized hence laying off most of the Community Members without any due regard for that course. The workers deserve better and favorable working conditions. Residents have complained of not being paid for days for their hard work, only to be relieved of their jobs when they complain. Others are threatened by the Farm Manager.

There are claims of compulsory acquisition of land without compensation, thereby aggravating their poverty levels. In Kenya, compulsory acquisition arises when the State or Government decides to take a property without any private acquisition. That's the term compulsory. Acquire the property for public use without the consent of the owner. We have tried to highlight that.

Water Extraction, on the authority to extract water by Dominion Farms for irrigation and power generation, the Committee is in possession of a water extraction permit from World Bank, the reference we have given of 23<sup>rd</sup> November 2006, as per the water act 2002. This permit for the Water extraction lapsed on the 23<sup>rd</sup> November 2011. And no evidence or proof of an extension was provided by Dominion Farms.

In addition to this, on the permit there is a line under special conditions, which states that this permit will automatically be cancelled, when the authorized period expired without further reference to use on unless that expenditure is done. As at today, it could be that there is no permit to extract the water. On the future

potential of Lake Kanyaboli we have highlighted and specifically mentioned key issues.

Very important is the issue before I get to the conclusion is the development of the Land Use Plan. The Government of Kenya has made great strides in institutionalizing sustainable management of deltas in the Country's National Development Frame. In 2011, the Government established an Inter- Ministerial Technical Committee to oversee policy direction, The Planning and Conservation of major Deltas in the Country, namely: Tana, Yala, Omo, Malewa, Nyando, Sondu Miriu, and Nzoia. All of which are experiencing unprecedented threats due to human activities and impacts of Climate change.

Through the Delta Secretariat, IMTC in collaboration with the County Government of Siaya and Busia have started working on Strategic Environmental Assessment and what is planned for Yala Swamp. Two Committees I had mentioned that have taken place in this regard. We have given our conclusion. The joint Committee wishes to submit that this matter is a very sensitive issue and points close to the hearts of many local people. Many Stakeholders, Lobby Groups, Individuals have raised concern on Environmental destruction and injustices by the Dominion Farm in Yala Swamp.

The main accusation against Dominion by the Community is that the Farm is threatening the integrity of Yala Swamp Ecosystem, and the health and the wellbeing of hundreds of thousands of residents, while at the same time ignoring them in the management of the Wetland. The flooding of the private agricultural and grazing land is also causing thousands of people to relocate against their wish. The

contaminated water that the people and the animals use for drinking is however a result of the poor management of the Wetland farm.

In light of these accusations, it is vital that Dominion Farm propose new projects, and thorough and independently assessed for the impacts that they have on the Swamp, the Ecosystem and the human population. Despite the conflict, it is also important to emphasize however the role of the Dominion in the development of the area in discussion cannot be ignored, and that Farm is important in terms of revenue collection and job creation.

What is also true is that the development of the Community forming within the Wetland should form part of the Farm's Strategic interest, if harmony is to be achieved and sustained. County Government and other stakeholders must therefore exhaust all diplomatic mechanisms of settling this dispute between the Dominion and the local Community in order to ensure maximum utilization of the natural resource

### **Our recommendations**

1. Priorities on the Land use: following unprecedented conflicts at the Swamp, due to climate change, increased population, competition for land, declining natural resources, encroachment into the fragile systems, as well as escalating poverty levels, there is need for our framework to provide environmental based evidence for decision making, on how to effectively and sustainably use this resource.

2. There is therefore urgent need for the County Government to liaise with the Interministerial Technical Committee and the County Government of Busia to fast track the ongoing process of undertaking Strategic Environmental Assessment upon

which--- is planned for Yala Swamp. This process will improve integration.

Our recommendations, Mr. Speaker.

### **1. Land Use Plan**

Following the unprecedented conflicts that have been witnessed at the swamp due to climate change, increasing population, competition for land, declining natural resources, encroachment into the fragile ecosystems as well as escalating poverty levels, there is need for a framework to provide environmental –based evidence for decision-making on how to effectively and sustainably use this resource.

There is therefore urgent need for the County government to liaise with the Inter-Ministerial Technical Committee (IMTC) to fast track the on-going process of undertaking Strategic Environmental Assessment upon which to develop a land use plan for Yala Swamp. This process will improve integration of environment and development; identify new opportunities; prevent costly mistakes and most importantly building public engagement processes.

The Land use plan will assign specific areas of the swamp to various uses for example community use, biodiversity and for development /investment. This will clearly give direction to any private enterprise and place experts on ground to weigh the situation as deemed necessary, ending the

wetland destruction and conflicts that are currently being experienced.

In this regard, the County Government should with immediate effect issue a memorandum halting all new activities by Dominion Farms and overtures that have been made by other interested investors until the land use plan is finalized and approved by the County Assembly.

*(Applause)*

## **2. Investment/Partnership Policy**

There is a dire need for a comprehensive investment/partnership policy, which captures the interest of the County government, local community including the poor and marginalized. The investment policy must bargain for reasonable shareholding portfolios in all the investment firms that shall be privileged with public license to operate at the Yala Swamp wetland including other places within the county where public land is set apart for public investment.

Further that investment policy will also be dictating terms such that local communities are reserved justifiable percentages on gainful employment opportunities. In addition, the county government of Siaya needs to structurally encourage both local and multinational investment co-operation through

entrepreneurial programs in exploiting for the numerously abundant local the local resources for common good.

Policy and instruments to be enacted by the County Government of Siaya so that current investor and as well as new investor(s) at the Yala Swamp shall reasonably allow for structured community/public shareholdings in the resultant investment ventures.

## **3. Control of Environmental Pollution**

Relevant government agencies/departments as well as the County government must investigate the issue of environmental pollution from aerial spray by the Dominion group Farms that kills cattle and affects health of the members of the community. With clear results, it will be easy to know where the causes of water borne, vector borne and other diseases are coming from.

This finding will give an insight into the current cause of conflict and the steps to be taken. NEMA and WARMA should be consulted to share copies of annual reports with the relevant county departments for information.

In regard to the setting up of the sugar factory in Siaya County, the committee welcomes the idea but is strongly opposed to the establishment of the mill

within the swamp and therefore recommends that the factory be located upstream on R. Yala or R. Nzoia and that the County current construction be stopped forthwith as per the recommendation of NEMA.

*(Applause)*

The reasons for this are as follows:

1. Following the submissions of the environmentalist during the public participation on the NEMA report on the establishment of a the factory at the swamp, it was reiterated that the mill would destroy the environment with adverse impact on the flora and fauna for instance that the smoke from the factory will kill the birds within the ecosystem
2. Being within the wetland, it's of great concern on where will the treatment and discharge of effluents be done. It's a known fact that negative effects of Mumias sugar factory are at times felt at the swamp. What of a sugar factory within the swamp?

However, the committee is in support of the setting up of sugarcane plantations within the swamp on condition that the local communities are effectively engaged, out grower and shareholding

strategies put in place and EIA requirements fulfilled

#### **4. Yala Swamp Consortium**

As can be observed, there are a number of CSOs and government agencies both at county and national levels that are interested in Yala swamp for various reasons that have been advanced in this report, it is incumbent upon the County Government to take leadership in setting up a joint framework/platform/consortium upon which to coordinate the activities of all interested parties in the swamp in a more coordinated, beneficial and sustainable manner.

#### **5. Re-Negotiating the Dominion MOU and Lease Documents**

The Committee strongly recommends that the MoU that was signed be re-opened for negotiations. Following the commencement of the county system of government, there is good reason to deal with the transition issues that preface this agreement. The MoU in its current form fails to meet the thresholds of public participation of the local communities and input of all stakeholders as required by the Constitution of Kenya 2010.

There is need for clarity on what the land size that should be subject to lease should be. There is also the question of amounts that should accrue to the county

together with special arrangements on community benefits, which will enable especially the local communities to appreciate the project, own it and identify with it leading to its success.

This review is also necessitated by the fact that Dominion has failed to comply with a number of provisions in the MOU and the Lease Agreement as has been stated.

The County Government of Siaya Executive has a year timeline before the commencement of the next Financial Year 2016/2017 during which the review shall have tenably and reasonably concluded, with a review of, but not limited to, seeing to it that there is upward annual chargeable fees per acre from the current one of Kshs. 150 to a level in conformity with market rates.

#### **6. Empowerment Opportunities**

Dominion farm should create sustainable empowerment opportunities for the community members to curb unemployment, rather than scouting for cheap labour that is “on and off”. Dominion should focus on its mandate as an enterprise that is here to make profit but must work with the county government and adjacent communities to help in the development of the area and the lives of the locals.

The department of agriculture through Siaya Agricultural Training Centre

should also explore the possibility of partnering with Dominion Farms on practical trainings for instance in the area of agri-business etc. What the farm should ensure is that as much as it is gaining from the agricultural venture, it should avoid putting the lives and future sustainability of the locals in danger.

#### **7. Fresh Survey of Yala Swamp**

The County government through the Ministry of Lands, Physical Planning, Surveying and Housing, and the Ministry of Finance in collaboration with other relevant institution should undertake a survey to establish a clear demarcation of the extent of coverage of Dominion farm, the conservancy, community land, public and private road networks and the overall size of the swamp area.

The department of Finance should as a matter of priority develop a concept on the survey of the swamp upon which budget allocation shall be made for survey latest in the FY2016/17 if not in the forthcoming supplementary budget in order to end the growing conflict. A conclusive survey of the entire arable land and setting apart land for community use should precede any subsequent allocation of land to any approved prospective investors.

#### **8. Welfare of the employees**

A relationship between the farm and workers must be demanded that respects the labour codes of the Republic of Kenya as regards working hours, protective clothing, and equal pay for equal work, freedom to join and form trade unions, full time employment after consistent engagement for 3 months among other provisions.

An audit by the Ministry of Labour ought to be undertaken immediately to punish wrong and failure to obey the labour laws. Terms of engagement of all employees of the Dominion farm should be revised to reflect compliance with current labour laws.

The committee recommends that the local community should be given first priority in labour recruitment and capacity building for sustainability. Dominion Farms must be compelled to provide protective clothing to its employees and Workers Unions must be allowed to operate in the farm forthwith.

### **9. Integrated Natural Resource Management Plan**

The committee recommends that the relevant department(s) of the County Government of Siaya should engage with other partners notably SOPA to develop an integrated natural resource management plan for the Yala swamp wetland. This may require developing a wetland policy and/or

legislation (i.e. Natural Resource Management Bill) for approval by the County Assembly to guide management of the Yala swamp and similar ecosystems in the county. This should take into account-cited challenges in this report.

### **10. Unlawful Occupation of riparian land**

The County Government should confirm availability and authenticity of all permits and licenses of all private developers/users within the riparian land within 30 days as per the provisions of the Amended EMCA Act, 2015 Section 64, which states that *the authority has directed that a fresh environmental impact assessment be carried out or that new information is necessary from the project proponent any environmental impact assessment licence that has been issued may be cancelled, revoked or suspended by the authority.*

### **11. Flooding problems**

Flooding is one of the major issues causing conflict between the investor and the people majorly due to the adjusted height of the weir and unpredictable opening of the floodgates. This has been a great hindrance to farmers optimizing their harvest. In this regard the committee recommends that the County Government and Dominion Farms should commission the

services of an independent expert with the view to determining the current height of the weir.

Should it be confirmed be that its higher than the recommended height of 4.6m as re-designed by Log Associates in 1996, the County Government should ensure that Dominion Farms reduces the height of the weir within 60 days. On the destruction of crops caused by artificial flooding as a result of Dominion Farms' activities in the lower areas, the Agriculture department shall do an assessment so that Dominion farm pay for the damages caused and apprehended for malicious damage.

### **12. Environmental Audits**

There is need for continued and regular Environmental Audit. Dominion needs to do annual environmental audit, according to EMCA. The provision in clause (xi) for an Environmental Impact Assessment report is insufficient. Dominion need to be compelled to do annual environmental audit to fulfil the requirement of EMCA Act, for it's like this part of the law is being disregarded with impunity.

For example, recently NEMA issued a stop order on the construction of a sugar factory at Dominion Farms but the investor continued with the works. The County

Government should as a matter of urgency petition NEMA to administer a stop order on all the activities being undertaken by Dominion Farms without EIA to stop with immediate effect as per the provisions of Schedule 2 of EMCA, 1999 Section 58 (1).

### **13. Problem of community land**

Under an order of urgency CECM Lands should set apart at least 3000 acres of land for community use to the local communities living around the swamp in both Bondo and Alego-Usonga constituencies.

This should be taken into account as the recommended survey has been mentioned is being undertaken. There is the process of how this is done. In doing this the CECM of Lands should be cognizant of the fact that the conflict in the usage of land has been dominant in Yimbo East, Central Alego and Usonga Wards where communities have been engaged in farming.

On compensation, the committee recommends commensurate compensation for the pieces of land that have been submerged in water for the past 10 years and those that were compulsorily acquired by the government as highlighted in the Winam Survey Report which is in our possession and according to the provisions of the Trust Land Act Cap 288 section 8(1) which says '*where land is set aside under section 7 of this Act full compensation shall be promptly paid by the government to any resident of the area where the land has been set aside*'. We are recommending commensurate compensation.

On the access road the committee recommends that the County Government orders Dominion Farm to open the access road from Yimbo to Alego within 14 days!

*(Applause)*

Cognizance to the County

Government it is important to calculate and determine what Dominion Farms owes the County Government of Siaya for all the investments. The County Government should also charge single business license on both the privately owned academy and the vocational trainings center as per the provisions of the Finance Act 2014 and demand all the arrears accrued on the same and that is why we are saying from 2014.

The department of finance through the revenue office should verify the pending payments to date as regards to the land rate and make sure that the books of dominion balances then you shall demand an order for all the pending payments. This should be done within 30 days and this should include a surcharge on any omissions or commissions on the part of Dominion Farms.

Most importantly the county should be able to stop receiving the land rate for the phase 2 that is 2300 ha for it constitutes an illegality. This particular section was provided for but it was not officially endorsed. It means that Dominion paid for that phase 2 which was not officially endorsed it therefore is an illegality.

On the exploitation of the potential of Lake Kanyaboli, the committee states that the future of the lake in terms of tourism protection is not in doubt and the County Government of Siaya should therefore through the department of tourism and wildlife conservation adopt the Lake Kanyaboli Half Marathon and Kanyaboli Rowing and Canoeing as national sports events and subsequently make budgetary allocations for the development of the same.

Through the department of Land and Survey ascertain the existence of 2 acre piece of land formally meant for cattle dip at Lake Kanyaboli, process change of user and allocate that piece of land to the Lake Kanyaboli Boat Rowing and Canoeing plan for the development of the sports infrastructure. This should also be subjected to public participation.

Through roads and infrastructure open and/or grade the 42 km road around Lake Kanyaboli to demarcate the ... area of the lake from the rest of the individual farms.

Through the department of Finance put in place within 60 days a mechanism to collect revenue from the many visitors who tour this area. The committee was informed that any school getting to the swamp and would want to be taken round the Dominion Farm charges Kshs. 4,000 that would be revenue.

On other investors in to the swamp as concerns other interested investors the committee is of the view that Yala swamp is a fragile ecosystem and therefore should not be loaded with all the potential investment opportunities.

Due to the fact that new investors are interested in the same activities that are already being undertaken by Dominion Farms it is therefore the committee's recommendation these investors that I talked about, two of them are interested in sugar cane Dominion Farms is farming sugar cane illegally. One of them is also in rice farming and dominion is doing rice farming.

There is an amendment on this one; the committee therefore recommends that the County Executive Committee consider the prospective of the swamp. We are saying let them consider all, initially the proposal was one. An amendment that I am making

here on behalf of the committee is that they consider the potential investors in the swamp subject to the completion of the land use planning and survey of the area. The land use plan would be able to specify what acreage is available for which farming or development and what are is available in the swamp for biodiversity.

If we allow other investor and I want on behalf of the committee to be very categorical on that, if any investor gets into the swamp today without clear guidelines the community may not welcome him. The land use plan will tell us the number of acreage even if we want to bring in 10 investors, the land use will have demonstrated that the committee is saying they have no problem so let the county Executive consider the 3 already interested but they should wait until the land use plan is out that would depict what could be done.

*(Applause)*

That can only happen when the survey is done. Even today Dominion Farms tell us they cannot determine their beacons on the ground and even phase 2 cannot be determined on the ground. It is important that the two be done fast. The committee has no problem with other investors coming into the swamp but with a rider, that the County Government should subject all the investor business plans and proposals at Yala Swamp for approval by the County Assembly.

Lastly, a data bank of all public land should be made available so that other investors can be accommodated in other areas of Siaya County not necessarily Yala Swamp. I wish to note that that component of recommendation 9. I have captured it under the policy that I will propose. I wish to Move. Thank you.

*(Applause)*

**Hon. Speaker:** Yes Hon. For Central Alego.

**Hon. Oriaro:** In the name of the Father, Son and Holy spirit Amen.

*(Laughter)*

**Hon. Okello:** Point of order!

**Hon. Speaker:** Yes Hon. Okello.

**Hon. Okello:** I wish to seek your clarification if the Hon. Member on the Floor is in order to be present in the House with regalia that looks like Hausa. We are all aware that we should dress in a certain way.

*(Applause)*

**Hon. Speaker:** Hon. Oriaro you know this not a House of bush men and bush women. This is a House of decent men and women. I have noted that the regalia has been taken away. Proceed.

**Hon. Oriaro:** Thank you, Mr. Speaker, Sir, first I thank God. I must also thank Hon. Members of this Hon. House on this day and time for having come out in the spirit of Article 1 in the Constitution which says that the sovereignty of the people is vested in their representatives. I must also thank pioneers of devolution reforms more so the living legend Prime Minister Raila Amollo Odinga for having fought hard so that we have the new dispensation. Representation and issues of governance is captured there.

For the more than 13 years the problems at the swamp have persisted. They have undergone stratification politically socially and economically and in the size of dialectics. These problems have been undergoing synthesis to the extent that when the people are out for a cry of justice nobody

would be in a better position to comprehend what I am going through.

The issue of land grabbing as we talk about it here and Assembly had recommended and raised in the Report. The issue of grabbing the land linking Yimbo and Kadenge and the one linking the intake area under the area of Mur- Malanga, there is no known legal space for public utilities to be grabbed, that is land grabbing and all mechanisms of justice were acquired even the National Human Rights Commission; these people we have always fought hard to come and listen to these problems. They were ducking; you know in the old Constitution the law of setting apart was clear, well could be they blind it when they were accepting Dominion.

The idea of giving the community autonomous the 300acres of land, it was in consonance with the law of setting apart for over 13years local are yet to see this land all to it that the map was created being used by the investor for self-gain. This is a classic case of land grabbing, the issue of displacement of persons which is a crime enshrined in the International law which can even be addressed by the ICC.

All these things have remained kept under because people feared these issues, even the issue of land dues natives autochthonous ---- is used to supply milk, beef etc. Locals have been displacement from native sources of livelihood; poverty has gone to a level beyond unity. All these issues of land grabbing; now is the time as ably recommended but they come to not as expressed, deadlines given here but I don't want to dwell into them---. Dominion came like a god; many people left their churches, it was all about the panoptic proverbial weaver bird coming in and everybody welcoming it.

**Hon. Speaker:** Hon. Oriaro, please summarize.

**Hon. Oriaro:** I am summarizing, Mr. Speaker, Sir; no known investor shall be allowed before survey, I say, Amen.

**Hon. Speaker:** Hon. Members, we didn't bring it to your attention that the whole village of Central Alego has been with us here. They must be celebrating the vigor in which their leader is talking. Hon. Madialo.

**Hon. Madialo:** Thank you, Mr. Speaker, Sir; I begin by saying that I support this Report; you have recognized the people of Central Alego, their leader has good English.

*(Laughter)*

**Hon. Speaker:** You don't know that word.

**Hon. Madialo:** I don't know that one but I do know that English was brought by ship. In ordinary language that would be understood by our people; there are three points that I would like to appreciate about the Report.

The spirit of the Report as presented by the ably Chairman has recognized the following; we are not a vas to the investments that are already within the presence of Yala swamp and that we are not at war with the investor known as Dominion farms limited but we are saying that even as the investment stay let the rights of our people be considered, not only considered, recognized with action.

Second point; when the Hon. Oriaro talked with a lot of vigor on this, you know he has been on sides over this. It has to be recognized that the survey that we talk about that this Report mentions is not a survey that we want done in the next 6months. It is a survey that we want done immediately because we have no intention of repelling

any of the prospective investors and if you read carefully the wordings of the Report; this Assembly is saying, yes the Executive go ahead and identify the investor but before you move the investor in, kindly ascertain how much land is in the swamp but something pleases me about this Report;

The main reason why the people of Kadenge have a problem with Dominion farms is because at the point Dominion was coming; they did not or their leaders did not take care of the interest of the people first so Dominion was allowed in and after they had started their work then issues started arising but at that time they had already come in and that's why we are saying that while the County Government is setting apart land for the investors.

3000 acres of land has to be set apart and we are saying land for community amounting to 3000 acres must be set apart first before any investors are given land.

This will also be very difficult to the Speaker because when we talk about 3000 we didn't take these figures out of the blues. We do know that in Yimbo within the swamp there are farmers who are doing horticulture and maize farming and we do know that in Usonga right inside the swamp there are people doing horticulture and various farming activities and we do know that there is a problem in South East Alego and dominantly in Central Alego about pastures for our livestock so that it is a matter of going to the farms and determining the extend in which the locals have farmed inside the swamp and delineating the land on which the locals are **home and dry**.

May I add that these investors might also be important because where I come from we are no longer going into the swamp because the water is a bit deep but if an investor comes they will dry the water again

and we will go in again. We never used to go in this thing before Dominion came because there was too much water.

I wish to add to my colleagues that let us adopt this Report, there is a sense of urgency because investors are not people who wait for you with their capital, if we take too much time and more so if our Executive takes too much time in doing the survey the investor might carry the capital to other areas.

There are other counties that need that capital and when they are doing it I will be a very happy man when we say that we have done demarcations and that our people are grazing legally and our people are now farming legally, I beg to support.

**Hon. Okuku:** Thank you, Mr. Speaker, Sir; for forgiving an opportunity to support this Report. As you know I represent Yimbo East Ward, where part of the swamp is falling. Our community has suffered a lot in the hands of grabbers pretending to be called investors. The type of the person involved in Yala swamp is a grabber who has grabbed land from our community.

Today I don't want to talk much because I'm very sure that a lot of our views have been captured. I have to categorically warn the Executive which is headed by the Governor; the Report is self-explanatory, let them implement this Report with immediate effect so that our people can come out of the bondage.

If they delay because they are used to delaying, if they think that another investor will come with miracles to Siaya yet they have not taken cognition that Dominion came as angel in our midst and really disappointed our community, let them implement this; let our people have the 3000 acres so that they did it equally to the neighboring Wards so that we can farm

peacefully. Let them do survey and do demarcations and put beacons in good time and we are not going to allow any further investor to the land before we see the success and implementation of this Report.

*(The Speaker [Hon. Okode] left the Chair)*

*(The Temporary Speaker [Hon. Madialo] took the Chair)*

**Hon. Gare:** Thank you, Mr.

Temporary Speaker, Sir; I am on my feet to support this Report and may I take this time to thank the Committee for this kind of Report, it has not been easy for them I know and finally they have brought then Report, One thing that we are realizing that this problem is not only for Hon. Oriaro or Hon. Elisha alone. Our people are becoming poorer and poorer and we are getting sick. With this kind of serious environmental pollution that we have noticed here, people are getting sick by aerial spraying, corrosives mechanicals, pesticides and some of these things will not be realized now.

I can tell you that some of these effects will be realized much later when our people will even become blind because of these kinds of chemicals. The aerial spraying is done with chemicals that haven't been tested by NEMA or even other bodies. There are mothers staying in water for 12hours and after that they get Kshs. 205. Kshs. 205 per day and when you stay in water for 12hours you are prone to diseases like bilharzia, cholera, and we are here looking at it and nobody is taking action.

I want to say that we are happy that they day is today but we not yet reached there because there is a disease in this County that we have been passing Reports as we have passed today and we give timelines but they are not followed. Until we

that our people can get out of the problems that they are facing; so we want to urge the Executive, the Committees in this Assembly who are concerned with following up on implementation that can this be followed to the latter so that these things are noticed.

Finally, there is a problem; every investor who comes to this County is looking for Yala Swamp. The County Government of Siaya is in office and this is the third year but they don't have a data map of the public lands.

Those investors can come and we cannot take all the investors to Yala Swamp, why can't we look for our data map so that we know that what kind of acreage of public land is available in the County so that some can even go to Uyoma, Rarieda, Gem, why is it that all investors must go to Yala Swamp yet our people are suffering there. When we heard of investors; we thought that our people would benefit; unfortunately, the investors are getting richer whereas our people are getting poorer and dying.

So we want to stop this. And we are saying can these be implemented? So that the timelines that have been given by our able Chair; Abayo *wuod Onyango* can be met.

*(Laughter)*

Mr. Temporary Speaker, Sir; I want to rest my case by supporting this. But I am crying, there is a disease which if is cured, Siaya people will benefit. The disease can be cured; the disease is implementation. Thank you, Mr. Speaker.

*(Applause)*

**Hon. Temporary Speaker:** Hon. Member for East Alego

**Hon. Osuri:** Thank you, Mr. Temporary Speaker, Sir; for recognizing me. Much has been said by my colleagues. However, much has been documented in this Report about opening of the access route. We need to have one Siaya; where poor

people can interact freely. Siaya and ...do their business across short distance. We also want to see the youths play football in Alego and vice versa.

Mr. Temporary Speaker, Sir; we don't need to go round to interact socially, but because of one investor who has lost the...for us. If we can implement this Mr. Temporary Speaker, then we will go a long way. The issue of under payment to the workers and exploitation has been heavily put in the Report.

The low payment and long hours; working without protective gears that would make people become sick especially by working in water logged areas.

Mr. Temporary Speaker, Sir; our people have been exploited. Even if you look at our grazing lands, we know very well that the people of Murmalanga that I represent in South East Alego Ward are the founders of the Murmalanga Dairy that is near Siaya Stadium. They have been producing milk; and of late, the Siaya County Government is in a process of introducing school milk.

If our people have been denied grazing land because of an investor; then we are not doing anything. But I'm happy Mr. Temporary Speaker, that this Report has recognized the existence of the local people. The foreigners who come to investment must realize that our local people, whom we are representing, are their hosts and they deserve to be respected.

My people of both Barolengo and Mur-Malanga continue to lose their source of livelihood, livestock; by the areal sprays that have led to the death of these livestock. Damages have been done to our people in the past, I wish that it be inserted immediately that those people who were affected in the past and lost their property to be compensated immediately and adequately. Thank you, Mr. Temporary Speaker.

**Hon. Temporary Speaker:**

Members, its fine, I will pick on one person. I would wish to request that we stick to the provisions of the Standing Order because many people want to contribute and we go by the time frame provided for by the Standing Orders. The Deputy Majority Party Leader

**Hon. Owii:** Mr. Temporary Speaker, Sir; thank you, very much. I hope you will protect me; I'm also in the ra...of gender

**Hon. Temporary Speaker:** Deputy Majority Leader, I want to remind the House that when contributors stand up and a Member of the Assembly is up, it takes two-

**Hon. Owii:** Thank you, Mr. Temporary Speaker, Sir; I want to take this opportunity to thank the team, the...that has been brought before us; a very comprehensive Report that may not need much deliberations because all that we could talk about are in the Report.

If you allow me, Mr. Temporary Speaker, Sir, this is one Report which is very suggestive, shows human case on issues that were not addressed during the time of the defunct Bondo Siaya County Council. The lot of that time never considered their people and I want to say that all these things will be implemented and our people will see a very big change. And this will roll over to Rarieda; it will not only be in Siaya.

*(Applause)*

Mr. Temporary Speaker, Sir; I am not against the timeline but I am only worried that if we talk of 30 days yet the money for ...was actually not captured in our Budget. What do we do? Allow me come up with a suggestion Sir, that the County Government to talk to the interested investors to move with speed and meet the conditions and the timelines like...they can afford to do it even outside the budget. This is one thing that we cannot oppose. It is hard

to oppose it because we have interest to industrialize Siaya.

We cannot talk of employment; the kind of jobs that people do in the swamps can make the employer or the persons like Dominion behave the way they are behaving. But now, when we will be having industries we will be able to go by...and things will not appear the same.

So, if at all we want industrialization of Siaya, this we cannot do until we improve our production. Production that will meet the sustainability of an industry possibly will come from the investors. Thank you, Mr. Temporary Speaker.

**Hon. Temporary Speaker:** Hon. Nguni.

**Hon. Nguni:** Thank you, Mr. Temporary Speaker, Sir; I stand here as a Member who has come from two homes. My original home is Yego East and my current home is Uyoma West, so whatever has taken place in Yala Swamp affects me personally.

And I know the people who have been affected there by lack of proper process of industrialization of acquiring land for farming. Our people have suffered there.

Mr. Temporary Speaker, this is a good report. We start to see that things will be done in Yala Swamp in a manner that we have been longing for. Many times we have seen this Committee go out to Yala Swamp, Yala Swamp became a song in this Assembly and it has not gone in vain.

Mr. Temporary Speaker, by extension, no country will prosper from small scale farming from manual labour work in small farms. We need industries in our counties. And, if we are to grow at the pace of other counties; then what has been started by this Report will help us to see the light of the day. I support this Report

**Hon. Temporary Speaker:** Hon. Minami.

**Hon. Minami:** Mr. Temporary Speaker, Sir; since majority of those who have been so much concerned with the issue of Yala Swamp have spoken and are in support of this Report. I was requesting that time has come that we call the Mover to apply so that we can pass this Report immediately. Thank you, Mr. Temporary Speaker.

*(Applause)*

**Hon. Temporary Speaker:** Noted, Bwana Deputy Whip. I call upon the Mover.

**Hon. Abayo:** Thank you, Mr. Temporary Speaker, Sir; I want to take this opportunity to thank the hon. Members for supporting this Motion, Mr. Temporary Speaker, you can see nobody has stood to reject this Report. As the Members have said; it has touched on the key issues that need to be addressed.

The emotions as demonstrated by a Member, hon. Elisha Okuku who had been to the cells. Mr. Temporary Speaker; these are issues that we had to manage.

I thank God behold, today that the Report is complete; thank you so much hon. Members for the support of this Motion. I want to ask hon. that you support this Report with the amendments that the Committee deliberated on. Thank you, so much.

**Hon. Temporary Speaker:** I may now put the question.

*(Question put and agreed to)*

The House rose at 3.35 p.m.

**THURSDAY, 3<sup>RD</sup> DECEMBER, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

**PRAYER****COMMUNICATION FROM THE  
CHAIR**

**Hon. Speaker:** Hon. Members, I am pleased to inform you that the Executive heeded to our directive last week that they appear before our Public Accounts and Investments Committee. They turned up but they had not submitted a written submission on the issues that arose.

Following the request by the Committee after the Executive had requested, we have extended that appearance to Tuesday next week; and as a House we say they must appear and give answers to the questions that were raised in that Petition.

We are hoping that the Committee will be able to finalize so that when we come for the Special Sitting to discuss the supplementary budget, the Committee will be ready to Table that report.

Next order!

**PAPERS**

THE QUARTERLY FINANCIAL AND  
BUDGETARY REVIEW REPORT FOR THE FIRST  
QUARTER ENDING 30TH SEPTEMBER, 2015

**Hon. Otieno:** Thank you, Mr. Speaker, Sir. Allow me to lay on the Table of the House:-

The County Government of  
Siaya Quarterly Financial and  
Budgetary Review Report for the  
First Quarter ending 30th September,  
2015

*(Hon. Otieno laid the document on  
the Table)*

**Hon. Speaker:** It stands committed to the Finance, Budget and Appropriations Committee. Next order!

**NOTICE OF MOTION**

REPORT OF THE JOINT COMMITTEE ON  
AGRICULTURE, TOURISM, WATER AND  
DELEGATED LEGISLATION ON YALA SWAMP

**Hon. Abayo:** Thank you, Mr. Speaker, Sir. I arise to give notice of the following Motion:-

THAT, this House adopts the report of the Joint Committee on Agriculture, Tourism, Water and Delegated Legislation on Yala Swamp as was laid on the Table of this House on Tuesday, 1<sup>st</sup> December, 2015.

**Hon. Speaker:** Next order!

**MOTION**

REPORT OF THE JOINT COMMITTEE ON  
AGRICULTURE, TOURISM, WATER AND  
DELEGATED LEGISLATION ON YALA SWAMP

**Hon. Speaker:** Yes, Chairman!

**Hon. Abayo:** Thank you, Mr.

Speaker, Sir. I rise to move the following  
Motion:-

THAT this House adopts the report  
of the Joint Committee on Agriculture,  
Tourism, Water and Delegated Legislation  
on Yala Swamp as was laid on the Table of  
this House on Tuesday, 1<sup>st</sup> December, 2015.  
I ask Hon. Agoko to second.

**Hon. Agoko:** Seconded

*(Questi  
on proposed)*

**Hon. Abayo:** Thank you, Mr.  
Speaker. It is my honor and pleasure to  
present to this Honorable House, the report  
of the Joint committee on Agriculture,  
Tourism, Water and Delegated Legislation  
on Yala Swamp.

Mr. Speaker, Sir, the Task Force on  
Yala Swamp was formed on 28<sup>th</sup> April, 2014  
by His Excellency the Governor, County  
Government of Siaya, Cornell Rasanga  
Amoth, with a view to looking into certain  
specific issues of concerns to the people  
around the swamp, especially those living  
around the areas where Dominion farms

have a presence. The main terms of  
reference for the task force were;

3. Establish the full physical extent of  
the Yala Swamp falling within the  
jurisdiction of Siaya County;
4. Establish the extent and utilization  
by acreage of the swamp including  
the activities being undertaken  
therein;
5. Establish the impact of the activities  
on the community and county and  
benefits thereto e.g. environmental,  
economic, social, Political etc.
6. Establish the various allocations and  
whether they are shared or  
individually owned;
7. Establish who allocated the swamp  
to whom and what procedures, if  
any, was used in allocation;
8. Establish the current status of the  
agreement(s) and validity thereof
9. Secure the necessary documentations  
touching on the swamp, among other  
issues that His Excellency the  
Governor or the task force may  
determine to do in the course of  
undertaking its activities.

Mr. Speaker, Sir, the report was tabled in the Plenary and the Chair directed that a Joint Committee be formed comprising of Committees on Agriculture, Livestock, Fisheries and Irrigation; Environment, Water & Sanitation, Tourism, Wildlife Conservation and ICT and Delegated Legislation & Legal Affairs for action.

### COMMITTEE'S MANDATE

Mr. Speaker, Sir, the Joint Committee was established under Standing order No. 183 and was mandated to conduct an in-depth analysis of the recommendations of the Task force report on Yala swamp and determine their legal, economic,

environmental and socio-political implications on the local community and the swamp. The committee was also to consider the challenges facing the swamp in general, and make recommendation on how to resolve them with the view to enhancing sustainable utilization of the natural resource for the benefit of the residents of Siaya County.

### COMMITTEE COMPOSITION

Mr. Speaker, Sir, the Joint Committee was constituted through the Chair's ruling on 25<sup>th</sup> March, 2015 and comprised of fourteen (14) Members as follows:-

NAME	POSITION	COMMITTEE REPRESENTATION
Hon. Jared Abayo	Chairman	Tourism & Wildlife Conservation & ICT
Hon. Joseph Agoko	Vice Chairman	Agriculture, Livestock, Fisheries & Irrigation
Hon. Elisha Omondi Okuku	Member	Environment, Water & Sanitation
Hon. Sylvester Madialo	Member	Delegated Legislation & Legal Affairs
Hon Nicholas Aneme	Member	Tourism & Wildlife Conservation
Hon. Hilda Otieno	Member	Delegated Legislation & Legal Affairs
Hon Willis Ochieng	Member	Agriculture, Livestock, Fisheries & Irrigation
Hon. Sylvia Migaya	Member	Tourism & Wildlife Conservation
Hon. Pamela Midumbi	Member	Environment & Water
Hon. Zilpa Omondi	Member	Agriculture, Livestock, Fisheries & Irrigation
Hon. Joshua Osuri	Member	MCA South East Alego
Hon. Peter Muhulah	Member	Delegated Legislation & MCA, West Alego
Hon. Peter Lolwe Ombee	Member	Water & Environment

Hon. Leonard Oriaro	Member	MCA, Central Alego
Hon. Booker Otieno	Member	Delegated Legislation & Legal Affairs

### EXECUTIVE SUMMARY

Mr. Speaker, Sir, Yala Swamp is a wetland region that borders Busia and Siaya Counties. The size of the wetland is contested but estimates put the size at approximately 17,500Ha according to some studies, it is therefore not clear how much of the swamp is found within Siaya County.

In 2004, the Dominion Farms Limited was allowed to get into the Yala Swamp through an MoU and Lease Agreement signed by the defunct Siaya and Bondo County Councils. The arrival of the investor brought hope to the local community but unfortunately certain unresolved challenges arose. Sir, His Excellency the Governor therefore formed a Task Force team on 28<sup>th</sup> April 2014 with a view to looking into these challenges within the jurisdiction of Siaya and any other issues that affect the swamp and its surrounding communities.

The taskforce report was then Tabled in the Assembly Plenary and the Chair directed that a Joint Committee be formed comprising of selected membership from the Committees on Agriculture, Water, Tourism and Delegated Legislation to scrutinize and critique the task force report with a view of

coming up with lasting solution to the eminent issues bewildering Yala swamp. The joint Committee adopted several methodologies in a bid to execute its mandate, which included interaction with various stakeholders, field visits and review of the existing secondary information among others.

One of the key findings that the Joint Committee makes; is the glaring absence of land demarcation plan that delineates the varied land uses within the Swamp especially the area under Dominion Farms and the community land boundaries. The lack of clarity on where the farm starts and ends and where the community land begins is the major cause of constant conflict between the community and Dominion Farms.

The Committee further noted that Dominion farms appear to have started using 3,200ha, of land that had not been officially leased to them, which if established to be true constitutes an illegality.

This scenario provides justification for the committee's strong recommendation that a comprehensive survey of Yala Swamp should be

undertaken to map out the extent of community land against the land that has been leased to Dominion Farms. The committee further recommends that the MoU and the Lease Agreement be re-visited to become instruments for peaceful co-existence between the investor and the community.

### **INTRODUCTION**

Mr. Speaker, Sir, Yala swamp wetland is a trans-boundary wetland lying between Siaya and Busia Counties, located on the north-eastern, shoreline of Lake Victoria. It is a biodiversity conservation habitat for indigenous and endangered fish, bird and mammal species. It is one of the most important riparian and floodplain wetlands around the lake, and indeed the third largest in Kenya after Lorian Swamp and the Tana Delta, covering an area of approx 17,500 Ha.

The swamp forms the mouths of both rivers Nzoia and Yala and is a freshwater wetland arising from backflow of water of Lake Victoria as well as the rivers' floodwaters. The swamp contains three freshwater lakes, Kanyaboli, Sare, and Nyamboye. It is a highly productive ecosystem and therefore a major source of livelihood to the local communities.

The Yala swamp is one of the most fragile ecosystems around Lake Victoria and to conservationists the swamp should be treated as Kenya/East Africa's national heritage, shared resource of Lake Victoria and one of the wetlands in E. A. with the highest number of biodiversity and a museum for lost species of Lake Victoria.

The swamp has a filtering effect on the waters draining into Lake Victoria. It buffers the lake by retaining nutrients, sediments and prevents organic pollution load from reaching the lake.

The lake is at risk from over exploitation of the natural resources by the heavy investments by the Dominion Farms Ltd, a host of other private developers as well as the communities within this ecosystem. In this regard, its unique values and importance are in the process of being permanently damaged.

The swamp harbours endangered fish species, some of which have disappeared from Lake Victoria. The critically endangered sitatunga antelope still lives in the swamps' papyrus. Ramogi hills, a sacred site to the Luo people, are also found within the swamp. Birdlife International classifies the Yala Swamp among Kenya's 60 important bird areas for its large flocks of birds and endemic species.

Yala swamp is a Ramsar site and therefore a wetland of international importance. Kenya as a signatory of the Ramsar Convention is obligated to ensure the wise-use of the wetland. However, currently Dominion Farms Limited, an Oklahoma-based company has with authority from the County Government converted part of Yala Swamp into a massive industrial agricultural operation that produces rice, sugarcane, bananas, and tilapia etc.

Mr. Speaker, Sir, Yala Swamp is a major natural resource to Siaya County and Kenya at large with a lot of unexploited potential. The Swamp has great socio-economic potential in the area of tourism with the existence of lake Kanyaboli, Ramogi hills and the rare *Sitatunga*, sports tourism-including boat racing on Lake Kanyaboli; commercial agriculture notably aquaculture, livestock production, and horticulture.

Despite the great potentiality depicted above, Yala Swamp has continued to experience a myriad of problems such as over exploitation of Swamp resources by local community, poor road networks within the swamp, destruction of natural breeding

grounds in the ecosystem, perennial flooding, and human-wildlife conflict of which, this report seeks to propose interventions with the view to finding a lasting solution.

In addition, in 2004, the Dominion Farms limited was allowed to get into the Yala Swamp through an MoU and Lease Agreement signed by the defunct Siaya County and Bondo County Councils. The arrival of the investor brought hope to the local community but unfortunately certain unresolved challenges arose.

Mr. Speaker, Sir, Alego Usonga Constituency of which Yala Swamp is part covers three (3) divisions of Boro, Karemo and Uranga with a total of four (4) locations and nine (9) sub-locations. The total population according to 2009 census was 30,951 within an area of 192 Km<sup>2</sup>. The most densely populated sub-location is Kaugagi/Hawinga with a population density of (313) while the least is Sumba at 114. The details of population of the area are given in Table 1.

**Table 1: Population of Divisions of Siaya County covered by Yala Swamp**

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

DIVISION	LOCATION	SUB/LOC	NO. HHS	MALE	FEMALE	TOTAL	AREA KM <sup>2</sup>	DENSITY
BORO	SOUTH	Obambo	851	1557	1778	3335	19.5	171
	CENTRAL	Kadenge	1124	2167	2023	4190	18.5	226
KAREMO	SOUTH	Bar Olengo	682	1384	1561	2945	21.7	136
	ALEGO	Mur Malanga	815	1598	1820	3418	23.6	145
URANGA	SOUTH	Gangu	940	1771	2120	3891	13.9	280
	WEST	Kaugagi/Hawinga	967	1786	2163	3949	12.6	313
	ALEGO							
USONGA	SOUTH	Sumba	985	1882	2127	4009	35.3	114
	WEST	Nyadorera `A`	1413	2349	2865	5214	20.4	256
	ALEGO	Nyadorera `B`	1144	2037	2341	4378	26.5	165

*Data*                      *Source:*                      *Kenya*                      *Population*                      *Census*  
-2009

Bondo Constituency has two divisions covered by the Yala Swamp; Usigu, which is composed of four locations of Central Yimbo, East Yimbo, North Yimbo and West Yimbo with seven (7) sub-location. Of these, the most densely populated sub-location is Usenge (820) and the least Got Ramogi (111). Maranda Division, which forms the second division in

Bondo, has one (West Sakwa) location located within the wider Yala swamp with only one sub-location of Usire with a population density of 132. The entire population of the two divisions is 44,754. Other details are included in the table below;

**Table 2: Population of Division of Bondo County covered by Yala Swamp**

DIVISION	LOCATION	SUB/LOC	NO. HHS	MALE	FEMALE	TOTAL	AREA KM <sup>2</sup>	DENSITY
USIGU	CENTRAL	Got Ramogi	791	1658	1773	3431	30.9	111
	YIMBO	Usigu	1100	2326	2460	4786	24.6	195
	EAST	Othach	1136	2437	2645	5082	30.2	168
	YIMBO	Pala	955	2098	2179	4277	21.1	203
	NORTH	Barkanyango	536	1211	1141	2352	17.0	138

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## 2015 SIAYA COUNTY ASSEMBLY DEBATES

YIMBO								
WEST	Got Agulu	1338	2726	2779	5505	13.5	408	
YIMBO	Usenge	4142	7964	8237	16201	19.8	820	
MARANDA WEST	Usire	720	1570	1550	3120	23.7	132	
SAKWA								

Honorable Speaker, in an endeavor to execute its mandate, the Committee adopted a multi-dimensional approach by undertaking the following:

10. Reviewing of the Task force report
11. Attending relevant workshops and seminars on Yala Swamp
12. Convening consultative meetings with stakeholders including the CSOs, Dominion Farms Limited, and relevant government agencies
13. Public hearings and field visits.
14. Reviewing of Secondary data/information on Yala swamp
15. Reviewing the status of compliance with MoU and Lease Agreements by Dominion Farms Ltd.

### COMMITTEE MEETINGS

#### Review of the task force report

The Honorable Speaker, the first step the Joint Committee took was to analyze the task force report with special emphasis on the findings and recommendations. The objective of this analysis was to verify the facts stated in the report, consider the findings and recommendations and find out

gaps if any. This analysis therefore informed subsequent work plan of the Joint Committee.

It's important to note that the committee concurred with the Taskforce on a number of issues on one hand but also challenged others as covered later in this report. For instance both the Taskforce and the Joint committee agree on the need to re-look at the MOU with the view to determining the extent of compliance.

On the other hand, recommendation by the Taskforce to reduce the height of the weir to 5.5m as recommended by the government in order to reduce flooding, the committee could not determine the source of this information. It therefore requires validation. In this regard, the committee could only confirm the height of 4.6m as specified in the WARMA permit of 2006.

#### Attending workshops and seminars on Yala Swamp

Mr. Speaker, Sir, prior to the presentation of the taskforce report to the County Assembly and subsequent ruling by the Chair that led to the formation of a joint

committee, the Committee on Tourism, Wildlife Conservation & ITC had organized a retreat on 13<sup>th</sup> January 2015 at Namsagali hotel with the aim of reviewing the development plans for Yala swamp and the associated challenges arising thereon. The CECs, Chief Officers, directors and chairpersons of Tourism, Agriculture & Environment & Water sectors/committees, Tourism committee members, representatives of KWS, NEMA, WARMA, Nature Kenya and Members of County Assembly of the 5 wards surrounding the swamp totaling to 29 attended this seminar. This retreat laid the foundation for this work and its recommendation for the formation of a joint working committee is noteworthy.

Secondly, on 19<sup>th</sup> August 2015, 5 members of the committee attended the Yala Swamp Land Use Plan (LUP)/Strategic Environmental Assessment (SEA) process workshop with county leaders and stakeholders at Villa hotel, Siaya. The workshop was organized by Nature Kenya in collaboration with other national government agencies and departments i.e. NEMA, National Land Commission, Ministry of Water & Sanitation including representation from Busia County Government.

The ultimate goal is to develop a land use plan for River Yala delta borrowing on the previous experiences from the successful development of the Strategic Environmental Assessment and R. Tana Delta Land use plan (*copies available*). A similar stakeholders consultative meeting was held on 25<sup>th</sup> and 27<sup>th</sup> Nov 2015 at Rastopark Hotel, Busia where Yala Swamp SEA and Land use plan progress report was presented to the stakeholders from Siaya and Busia counties for input. The County Government was well represented in these meetings

#### **Meeting with Government Agencies/Departments**

Mr. Speaker, Sir, the Committee organized consultative workshops and meetings where key stakeholders gave their views. These stakeholders include; taskforce members, National Environment Management Authority (NEMA), Kenya Wildlife Service (KWS) etc. On 7<sup>th</sup> April 2015, the Joint Committee held a meeting with the Task force Members from the Executive.

The meeting was convened to further interrogate the task force members on their scope, methodology, findings, recommendations and any other incidental

issues that may have not been fully addressed in the content of their report. The Joint Committee made a commitment to pursue the areas of controversy with all the affected parties to bring into view a clearer understanding of the facts and propose solutions thereafter.

Mr. Speaker, Sir, the Joint Committee also held a meeting with Mr. Peter Ombweke, the Kenya Wildlife Service Warden at Lake Kanyaboli. This meeting's objective was to receive updates on the experiences of KWS as they worked in the swamp with regard to the gazetted Lake Kanyaboli National Game Reserve. It was further meant to interrogate and come up with recommendations on the challenges and possible opportunities within the swamp with regard to the Wildlife Conservation & Tourism development in the County.

The Joint Committee explored the current potential of Yala swamp in-terms of tourism and more importantly the conservation of the ecosystem. He stated that peaceful and sustainable co-existence between the local communities, Dominion Farms and KWS and the human and wildlife conflicts were crucial agenda that needed to be explored. The committee observed that the local people had extensively cleared large tracks of land particularly in Yimbo

East and Usonga for agriculture and other uses leading to loss of trees, papyrus, and habitats for various animals and fish species. He added that wild pig is the greatest danger to the farms and that the areas where there is constant human- wildlife conflict include West Alego, Yimbo East, and Usonga. .

The Joint Committee further held a meeting on 20<sup>th</sup> April, 2015 with Mr. Leonard Ofula, the County Director of NEMA to brief the Committee on their past activities within Yala Swamp. NEMA is a regulatory authority established under the Environmental Management and Coordination Act (EMCA) No.8 of 1999 as the principal instrument of government in the implementation of all policies to the environment.

Mr. Ofula explained that there has been an allegation that the Dominion Farm Limited had compromised them and he made it clear that this was not the case. It was also clear that NEMA has not approved a number of activities in the swamp hence there could have been disregard to environmental regulations that govern usage of such wetlands.

#### **Meeting with other stakeholders**

The Honorable Speaker, in a bid to get a deeper understanding of the issues

bedeviling Yala Swamp, the committee felt that there was need to engage with other stakeholders. In this regard, the committee met Dominion Farms Limited Management and the Farms Legal Team, representatives of Seeds of Peace Africa (SOPA), Friends of Yala Swamp Network and Nature Kenya. The Joint Committee therefore met and interrogated the Managing Director of Dominion Farms Limited, Mr Philip Otieno Abir on 18<sup>th</sup> May, 2015. The purpose of this meeting was to get first hand responses on critical issues that had been raised against the farm management by the local community and the other stakeholders who have worked in the swamp and its environs.

During the engagements, Mr. Abir was of the opinion that majority of the residents were not fully conversant with the potential benefits the farm had in store for them; and this was one of the reasons for occasional hostility and misunderstanding between the two parties.

He felt that there is increased interest in the swamp by new players, each with its own unrevealed objective. He added that some had even taken them to court, hampering their progress in meeting their crucial timelines.

In addition to this, the Joint Committee discussed the two legal

instruments (MOU and Lease Agreement) in detail and raised pertinent issues about compliance with the MoU by the Dominion Farm. It was therefore imperative that the committee solicits views of the Farm's legal team and probe areas of discontent. As a consequence, the committee developed a questionnaire and submitted it to Dominion Farms to respond as they had requested.

Dominion later submitted their responses in writing (*see dominion responses attached*). In view of this, the Joint Committee held two meetings with Dominion legal team on 22<sup>nd</sup> June, 2015 and 6<sup>th</sup> July, 2015 to further shed light on the contentious issues in the MoU and Lease Agreements.

Mr. Speaker, Sir, on 20<sup>th</sup> April, 2015, the Joint committee met with Civil Society Organizations namely Seeds of Peace (SOPA), Action Aid International, Friends of Yala Swamp (FOYS) and Nature Kenya. Friends of Yala Swamp is a lobby group that formed itself into a network comprising of a number of CSOs notably Community Initiative Action Group Kenya (CIAG-K), Action Aid Kenya, Seed of Peace Africa (SOPA), Ujamaa Centre, Kenya Organization on Environment Education, Wetland Forum, Institute of Law and Environmental Governance, Bondo Resident

Association, Ugunja Resource Centre, RECONCILE and Kenya Land Alliance with the view to mobilizing the residents who were approximate to the swamp to secure space in the governance and management of the Yala swamp.

The establishment of the network was largely informed by the coming of Dominion Farms Ltd into the region in 2003 for the purpose of economically developing the swamp by reclaiming the wetland and transforming it into an agribusiness environment. They asserted that as much as Dominion Farm Ltd and associates were able to inject economic life in the region, the contest has been that, the living condition of the residents of Siaya and Bondo has failed to match the economic gains made by the farm.

FOYS therefore informed the committee that the main focus of the FOYS lobby entailed the following: land and natural resource issues; environmental justice; legal framework relating to investment, trust land and the environment; wetland management; corporate governance and advocacy and community organizing.

In a nutshell, the Joint Committee found that FOYS campaign position was based on the fact Dominion Farms project had paid scanty attention to the numerous

negative effects of the various stages of its implementation; that the socio-economic dimensions of the project had been ignored and the local communities had to contend with serious transgressions on their rights to land, livelihoods, grazing land, water, fishing areas and swamp resources; that the defunct county councils of Siaya and Bondo did not exercise their mandate of trusteeship fairly and entered into a contract without consulting the people on whose behalf the land was held.

Mr. Speaker, Sir, Nature Kenya is a Non-Governmental organization undertaking conservation of Yala swamp ecosystem. During a meeting with the Joint Committee, Nature Kenya Coordinator in the County Ms. Emily Mateche stated that their main objective within the swamp is to develop an evidence-based business case for the sustainable management of Yala swamp; restore and protect wildlife habitats in and upstream of the delta; improve the livelihoods of the local communities in a sustainable way; encourage ecotourism and ensure that lessons learned have a major influence on wetland management not only in Kenya but East Africa.

She stated that the organization had launched a programme to secure the future of Yala swamp, recognizing both

development and conservation needs and provide similar models for other Kenyan deltas.

Mr. Speaker, Sir, the committee also held a special session on 14<sup>th</sup> August 2015 at Siaya ATC with Seeds of Peace Africa (SOPA). They made a presentation to the committee with the heading: Harnessing the Yala Swamp Ecosystem Capital for Sustainable Development presented by Prof. Romulus Abila, Ph.D. and Margaret Awuor Owuor, MSc. SOPA asserts that the ecosystem capital in question includes the ecological and environmental issues – water quality, biodiversity & carbon sequestration and socio-economic – livelihood support systems & agro-industrial development activities with the view to addressing abject poverty in the midst of plenty witnessed in Yala swamp and its environs today.

They emphasized on the need to undertake a baseline survey and mapping of Yala swamp wetland resources as a first step towards developing and implementing a Community Development Action Plan and an integrated natural resource management plan for the wetland. As a way forward, SOPA and her technical team in environmental management and natural resource management promised to offer expertise in this process when called upon.

To demonstrate their commitment to making a difference in the conservation of the swamp, SOPA presented a Declaration of Intent for the conservation of Yala swamp wetland – Lake Kanyaboli ecosystem and biodiversity for sustainable development to be signed between SOPA and the County Government of Siaya. This declaration would suffice as a template for engagement with any other organization willing to undertake any activity in the swamp.

Mr. Speaker, Sir, the joint committee also held meetings with various political and opinion leaders from Siaya County in an endeavour to get a lasting solution to the issues surrounding Yala Swamp.

On 15<sup>th</sup> August, 2015 at Siaya ATC, the Joint Committee met with Mr. Oscar Wambia, Personal Assistant to Hon Muluan Omondi who is the sitting Member of Parliament of Alego -Usonga where the Yala Swamp partly lies and on 21<sup>st</sup> August, 2015 met with Mr. Sammy Weya, former MP for Alego Usonga constituency.

There were obvious reasons for them to be invited by the Joint Committee to express their views and experiences in the swamp on behalf and for the benefit of people of Alego-Usonga. On 15<sup>th</sup> August, 2015, the Committee met with Hon. Gideon Ochanda, MP for Bondo Constituency

where part of the swamp falls to express his views in terms of challenges that face his people and how they can be solved. He shared his expectations with the committee moving forward.

Similarly, the Committee met with Hon. Jakoyo Midiwo MP for Gem Constituency on 16<sup>th</sup> August 2015 at Miriam Hotel, Kisumu to give his perspective on the role the District Development Committee played when Dominion Farms Ltd ventured into Yala Swamp. In 2004 Hon. Midiwo was a Member of the District Development Committee (DDC). District Development Committees were mandated to approve development/investment projects within the former Siaya and Bondo County Councils.

Mr. Speaker, Sir, it is important to note that the Committee also invited Mr. Edwin Ngonga and Mr. William Oduol but could not attend due to their pre-planned engagements elsewhere. The two were invited to appear before the committee due to some of the activities that they undertake around Lake Kanyaboli and to provide the requisite support documents that gave them authority for the same. Besides, they are opinion leaders in the area and could therefore provide great insights on their experiences in the swamp as residents of the area.

It is also worth mentioning that two other key meetings took place in Siaya County that were relevant to the committee's jurisdiction with regard to the sugarcane production and establishment of sugar mill at the swamp by Dominion Farms Ltd. On 4<sup>th</sup> September 2015, Agriculture, Fisheries and Food Authority (AFFA) through the Sugar Directorate convened a stakeholders meeting at Dominion Farms to get views/opinion of the public on the setting up of a sugar-milling factory by Dominion Farms Ltd. However, the meeting never took place due to disagreements between two opposing groups to the process

Similarly, another meeting was organized by NEMA on the 30<sup>th</sup> September 2015, at Obambo Chiefs camp to get the views of the public on the Environmental Impact Assessment for the proposed sugarcane plantation and processing mill developed by Dominion Farms at the swamp. The County Commissioner moderated the meeting and NEMA was supposed to submit its final report within two weeks from the meeting date. The report of the meeting is already out.

### **PUBLIC HEARINGS AND FIELD VISITS**

The Joint Committee held two public meetings at Gendro village-Kadenge in

Central Alego ward and Daraja centre in East Yimbo ward to engage with the community members on their experiences with Dominion Farms Ltd and in the swamp and what they think needs to be done to mitigate the causes of conflicts that had characterized their existence within the swamp

### **Meeting at Gendro Village, Kadenge Sub-location**

The Joint Committee visited Gendro village-Kadenge Sub-location in the morning on 1<sup>st</sup> April 2015 and held a meeting with the residents to seek their views regarding the disputed land boundaries between the community and the Dominion farms as well as looking into the effects of the artificial flooding on the community farmlands. The residents made the following submissions:

They complained that Dominion farms increased the height of the weir, which has resulted to flooding of their upland farms, and hence they are not able to cultivate their land and there are also occasions when Dominion Farms open sluice gates resulting into flooding of nearby community farms thus destroying their crops. This is a case that the committee physically witnessed with disbelief. The vegetables farms were progressively flooded

and when the Dominion Farm management saw the committee, they dashed to go and close the sluice gates.

The Residents also raised the issue of lack of grazing land for their animals as Dominion Farms had fenced off the areas in which they used to graze their animals. One of the residents Mr. Peter Ouma Osodo mentioned that on 28<sup>th</sup> March 2015 Dominion Farms, Director Mr. Chris Abir accompanied by police officers chased their animals that were grazing in the farm.

The residents also stated that the public road linking Alego and Yimbo had been closed by the investor and this makes the community travel a longer distance from Yimbo to Alego and vice versa posing a challenge during emergency cases as most residents from Yimbo are treated at Kadenge- Ratuoro health centre. .

Mr. Stephen Ochieng Odera a resident in Kadenge village claimed that he works in Dominion Farms and they are paid Kshs. 205 per day and work from 6.00am to 6.00pm. He added that the firm does not provide any protective clothing or gears to its employees hence predisposes them to many health hazards. Mr. Abir confirmed to the committee that for cost effectiveness, the employees are meant to buy their own gears\

### **Meeting at Daraja Centre, Yimbo East**

The Joint Committee visited Daraja Centre in Yimbo East on 1<sup>st</sup> April 2015 and held a meeting in the afternoon with the residents to seek their views regarding their co-existence with Dominion Farms. They made the following submissions:

There is no clear boundary demarcation of the land to be farmed by Dominion Farms and Community land and this normally leads to conflicts because any time the community farm their land, Dominion farms would destroy their crops.

Dominion Farms sometimes blocks water that passes under the bridge thereby exposing the residents to diseases since the mud that flows at times carry dead animals, which can be a health hazard. The residents also claimed that Dominion Farms sometimes restricts them from using the bridge.

Mr. Alex Oonje noted that Dominion Farms has not fulfilled its corporate social responsibilities, which included; rehabilitation of Ulungo and Ogam hospitals, maintenance of roads and electricity provision. There are poor working conditions in Dominion Farms, staff work from 6.00am to 6.00pm without any protective gears like boots exposing them to grave dangers.

### **Agricultural Activities**

Dominion Farm Ltd came into operation in 2004 and has been engaged in various agricultural activities. Mr. Abir informed the committee that besides commercial rice production, which covers over 3000 acres, there is fish production (200 acres) in 14 ponds with projected production of 2 tons per month and fingerlings- 1 million pieces per month; bananas (10 acres), livestock production in a test for dairy and beef production (Zebus-260, Pure Jersey – 7, F1 – 59, F2 – 21 and steers – 95); soya beans (600 acres), Sugarcane (400 acres) planted.

With the sugar mill it is expected to produce 9000 bags of sugar per day and feed mill for the production of chicken and fish feeds. The Company is also selling fingerlings at Ksh 7 per fingerling. There is great contention as to whether Dominion Farms is authorized to undertake livestock production as may/may not have been envisaged in the MOU and Lease Agreement.

### **Prime Harvest Academy**

The Joint Committee visited the Prime Harvest Academy hosted in the Farm on 7<sup>th</sup> July 2015 and noted that that the total number of students was 38 in and the total number of teachers was 13. It runs from

class one to class five. The pupils are picked from the local community by an academy bus at the rate of between Kshs. 600 – 1000 per pupil per month depending on the location. The committee was provided with the enrolment data and the fee structures. This is a private enterprise.

### **Dominion Training Centre**

Mr. Speaker, Sir, The farm also hosts a residential vocational centre – Dominion Training Centre to train youth in modern agricultural practices in rice, dairy, and poultry farming and small-scale aquaculture. The fee paid by the students was Ksh. 6500 per month. Registration of the college with

the relevant authorities is still pending. The committee was informed that the training centre is targeting youth out of school and farmers to advance their capacity to build a better life by developing them into agricultural entrepreneurs. It is sited on 200 acres of land with livestock, fishponds, poultry houses and horticulture farms for training. There is also a large established repair workshop for electrical, welding, motor mechanics and tractor maintenance /repair works.

On staff establishment, Dominion farms provided a report that detailed the following staffing position:

NO	SECTION	CASUALS	CONTRACTED	PERMANENT	TOTAL
1	Rice Production	500	22	5	527
2.	Livestock	10	4	-	14
3.	Aquaculture	11	11	3	25
4.	Soya	10	1	-	11
5.	Sugarcane	200	3	-	203
6.	Training Centre	9	7	1	17
7.	Academy	8	4	-	12
8.	Workshop	4	19	7	30
9.	Stores & Maintenance	7	4	2	13
10.	Security	-	65	1	66
11	Finance/ Administration	9	9	2	20
12.	Banana	-	1	1	2
13.	Marketing	5	8	2	15
	<b>Total</b>				<b>955</b>

The Committee could not determine how many of the staff employed came from the local community or from Siaya County

### **Flooding Area**

Flooding is one of the major issues causing conflict between the investor and the people. It is said that artificial flooding from Dominion farms, is a great hindrance to farmers realizing their harvest after

planting. The people of Aduwa and Abidha areas raised this complaint. It is alleged that the weir constructed by Dominion Farm whose height is higher than what was recommended is the major cause of this kind of flooding upstream. They proposed that Dominion lowers the height of the weir to 5.5m as proposed by the Government. Sometimes artificial flooding is also caused when dominion open the floodgates which results to destruction of the surrounding community.

The Committee witnessed actual flooding of private parcels at Gendro village. The committee was informed that the most affected areas by flooding include but not limited to Magombe, Achudho, Barkanyango, Got Ramogi, Goye, Yimbo West, Aduwa, Abidha, Gendro, Seje, Kanyumba, Ndisi, Kalule, and Ulungo

#### **Kadenge Ratuoro Health Centre**

The committee visited Ratuoro health centre on 6<sup>th</sup> July 2015 as part of the corporate social responsibility of Dominion Farms to determine the actual rehabilitation works that may have been done to the facility. The facility in charge confirmed that Dominion Farms assists in the provision of a vehicle in cases of referrals, partially funded the installation of two water tanks,

construction of a laboratory and extension of electricity to the facility particularly provision of wiring materials and underground cables.

#### **Use of Riparian Areas**

The Honourable Speaker, a riparian area is the interface between land and watercourses and water bodies. Typical examples include flood plains and stream banks. They are distinctly different from surrounding lands because of unique soil and vegetation characteristics that are strongly influenced by the presence of water. Riparian areas are significant in ecology and environmental management because of their role in conservation, habitat diversity and the influence they have on fauna and aquatic ecosystems.

On 24<sup>th</sup> August, 2015, the Joint Committee visited the surrounding areas adjacent to Lake Kanyaboli and noted that various places had been encroached by some people who have gone ahead to construct jetties (*a structure that projects from land out into water*) particularly next to Sammy Weya, Edwin Ngonga and William Oduol's homes without due regard to the rule of law. For example Environmental Management and Coordination Act, 1999, Section 42 (1) a – g reinforced by Legal Notice no. 19 of 13<sup>th</sup> February 2009- The Environmental

Management and Coordination (Wetlands, River banks, Lakeshores and Sea shore Management) Regulation, 2009.

Regulation no. 12 on Wetland Resource use permit: states that *Subject to the provisions of Section 42 of the Act, no person shall carry any of the following activities stipulated therein without a permit issued by the relevant lead agency and an Environmental Impact Assessment license issued by the Authority where applicable*

Read together with Regulation 14 (1) on Duty of land owners, users and occupiers: which states that *Every owner, occupier or user of land which is adjacent or contiguous to a wetland shall, with advice from the Authority, have a duty to prevent the degradation or destruction of the wetland, and shall maintain the ecological and other functions of the wetland. (2) Any person who fails neglects or refuses to protect a wetland under sub-regulation (1) commits an offence*

Mr. Speaker, Sir, Mr Weya on his part provided a letter ref. no SCC/AGR/1/6/20(27) dated 13<sup>th</sup> August, 2008 from the defunct Siaya County Council authorising him to use the lake Kanyaboli frontage and a copy of the receipt confirming payment of Kshs. 35,000 to the

council for survey, application, permit and development plan fees.

What is quite interesting is that the miscellaneous receipt to Four Winds Communications for this payment was written on 28<sup>th</sup> July 2005. What a contradiction in the two dates. In a nutshell, the committee is not in possession of relevant documentation as required by law for the said activities within the riparian area not even in the lake. The regulations were clear on the process of change of use under Trust land Act Cap 288 and defunct local authority Cap 265, which provide for full council resolution before the Commissioner of Land seals the process. So if this was not done then the allocation is an illegality.

But even if it were that they had the documents, following the provisions of EMCA, Legal Notice No. 8 of 1999 Section 12, Dr. Ayub Macharia AG Director General of NEMA wrote to the Permanent Secretary, Ministry of Lands revoked all land allocations in the riparian areas within three months through a Press release on March 8<sup>th</sup> 2011 entitled ***NEMA orders those encroaching into Wetlands adjacent Riparian land to vacate***, In this communiqué, he directed that those who fail to comply with the provisions of Environmental Management and

Coordination Act, 1999, would on conviction lead to imprisonment for a term of 24 months or fine of Kshs. 2 Millions or both as provided for in the Act.

## **REVIEW OF SECONDARY**

### **DATA/INFORMATION ON YALA**

#### **SWAMP**

Mr. Speaker, Sir, the challenges that have characterized Yala swamp for over 10 years now, have raised a lot of interest in the swamp and therefore a number of studies, reports and research papers have been done by various organizations, scholars/ researchers, environmentalists, media, local community groups and individuals etc. Consequently, the committee undertake a systematic review of the secondary information/documentation available to inform some of its observations/findings and recommendations. These documents form part of the annexure to this report.

Similarly, the committee noted that the Kenyan Government has undertaken reforms aimed at conservation of environmental resources including wetlands. This includes enactment of legislations related to conservation and management of wetlands in the country. The relevant laws include the Environment Management and Coordination Act (section 42), the Lakes

and Rivers Act (Cap 409), the Wildlife policy and Acts and the Water Act (2002), which deals with management, conservation and control of water sources.

The government has also developed strategies for water services development and water resources management. It has also gazetted regulations geared towards protection of wetlands. These include the EMCA Water Quality Regulations, 2006 that sets stringent standards for effluent discharge into aquatic bodies. In spite of the above reforms, Yala swamp is still greatly threatened by degradation. The committee explored to what extent various laws related to Environment were being implemented at the swamp and its environs.

## **COMMITTEE**

### **OBSERVATIONS&FINDINGS**

The Honorable Speaker, in the process of the Joint Committee's interaction with the local communities and stakeholders, it became evident that the relationship between the local residents and the Dominion Farms Ltd were very conflictual. When Dominion farm came to the region it made promises to transform the region by creating jobs, improving infrastructure and transfer of technology to the locals.

Apart from job creation through agribusiness, the project would also ensure accessibility of clean water, improved health services, improved and well equipped primary schools thereby alleviating poverty in the area. Instead of cooperation between the Dominion farm and the locals as had been envisaged, what transpired was and continue to be series of accusations and counter accusations. The residents have raised a flurry of issues regarding the farm operation to date. The findings therefore clearly reveal that the conflict has been attributed to the following factors:

### **1. Poor working condition**

Mr. Speaker, Sir, most of the people working for Dominion Farms are subjected to pathetic and inhumane conditions. Women stand in cold water in rice plantations for very long hours (12 hours from 6 am to 6pm) at a meagre pay of Kshs. 205 per day or even less. Labour laws are not followed and the workers are not allowed overtime pay or even to join labour unions. There are no protective gadgets as workers handle corrosive chemicals and no compensations for injuries arising there from.

The farm is mechanized hence laying off most of the local community members without any regard to the due

process. The workers deserve better and favourable working conditions. Residents have complained of not being paid for days for their hard work, only to be relieved off their jobs when they complain, others are threatened by the farm management.

### **2. The land issue**

Mr. Speaker, Sir, the Government of Kenya enacted a comprehensive National Land Policy ('NLP') to deal with the thorny issue of land in Kenya. The Vision of the NLP is *"To guide the country towards efficient, sustainable and equitable use of land for prosperity and posterity"*. Its main objective is: to promote and ensure wise use of land, guide allocations, prevent degradation and resolve conflicts. The area residents especially blame the farm for lack of consultation in the purchase of the community land.

The increasing landlessness being reported by the residents, has consequently led to a number of open confrontation between the Dominion farm workers and the local people. There have been for example, compulsory eviction and resettlement arrangements for communities that are being forced to vacate their lands for Kshs. 45, 000 per acre, a factor that has contributed to the increasing degree of landlessness within the region.

Mr. Speaker, Sir, to make matters worse, even the 300 acres that was to be set apart by Dominion Farms for community use as per the MOU was never done or used for the intended purpose, leave alone the failure to process the land and give it to the local people. In clause (xviii) (a) 7, it was agreed that *Dominion set aside 300 acres for the local community use – 150 for Siaya and 150 for Bondo.*

However, in order to actualize this provision, Yala Swamp Group of Farmers Committee (YSGF) and Dominion Farms got into another Community Agreement signed on 8<sup>th</sup> October 2007 between Calvin R. Burgess, President/Director representing Dominion Farms on one hand and the chairman, Gilbert Obare and secretary, Caleb O. Obonyo representing YSGF on the other hand. The agreement state in part that *‘Dominion agrees to give 1500 bags (50kg) of rice per year to the communities (750 bags to Bondo and 750 bags to Siaya) for payment for use of a total of 300 acres of land, otherwise to be utilized by the community.*

An addition of 100 bags (50 Siaya and 50 Bondo) will be added each year for 15 years. This undertaking took place just for a few years and not in the proportions stated thus a major cause of conflict. What

should the local people do to address this height of injustice?

### **3. Issue of pasture and frequent flooding**

Honourable Speaker, the need by local residents for land to graze animals is another source of conflict. Since the size of land is reducing courtesy of forced evictions and the frequent floods caused by the farms activities, local residents have been forced to trespass the borders into the Dominion farm, for the sake of looking for greener pastures for their livestock.

The Dominion farm has put up a perimeter fence, which denies local residents easy access to pasture and water within secured places near the swamp. The conflict has been propagated by the community’s fear that all the secured areas around the swamp are communal, yet snatched from them.

The Committee noted that the height of the weir might have exceeded the recommended height of 5.5m as was stated in the Taskforce report which causes flooding to community land and thus the community cannot cultivate their land. The committee also found out that Dominion farm has been buying neighbouring pieces of lands, which get flooded due to back flows. The farm believes that doing so

compensates the communities for the submerged lands near to R.Yala banks and the Yala swamp.

The weir causes the backflow with regulated openings constructed across river Yala, to redirect water to canals for irrigation. The residents have been compelled by the frequent flooding to sell off their land to the Dominion Farm, something that they see as a motive to render them landless. More than 500 acres of land have been submerged.

Dominion Farms controls water through sluice gates and when it opens water, it causes flooding that affects the neighbouring homes forcing them to flee without any compensation. The homes affected do not constitute the land given to Dominion but the government has constantly failed to intervene.

Hampered by more harsh condition and lack of enough space for grazing, the residents have consistently disrespected the issue of property rights conferred to Dominion farm. The Dominion farm in retaliation has been reported to have purportedly poisoned the grass and waters along their perimeter fences, resulting into the death of many animals belonging to the local residents. There are cases of the villagers encroaching on the farm's land,

cutting the security wires to access the farm resources without consulting or informing the concerned authorities.

According to Mr. Philip Abir, "the farm was allocated 6,900 hectares of land at the swamp with the first face accounting for 3,700 hectares and the second phase, which is yet to be reclaimed accounting for 3,200 hectares. Mr. Abir showed the committee a revised MoU, by both the county councils which read in part: "The land to be held by Dominion as tenant for a period of 50 years from 26, May 2009".

The MoU is a revised one from the first agreement where the company had been given a 25-year lease but with equal acreage of land. According to the committee the second MOU is null and void because the relevant authorities did not officially sign it. On the same strength, it is the position of the committee that the second phase of 3200 hectares is not owned by Dominion Farms and therefore they should not use it despite the fact that they have been paying the land rent for the same.

### **The Memorandum of Understanding discrepancies**

Mr. Speaker, Sir, the residents also point out that the Dominion farm has failed to respect the MoU that they had entered

into. The Dominion farm and the two county councils of Bondo and Siaya signed an MoU, stipulating how the farm was to carry out its operations and how the returns would be distributed for the purposes of economically developing specific areas in the two districts.

The farm was to build and renovate schools, health centres and establish recreation centre. The communities therefore accuse the Dominion farm of disrespecting the MoU by under developing the two regions, taking advantage of poverty status of the people in the two-districts to exploit their natural resources with impunity.

The farm however claims to be a caring neighbour, citing various activities it sponsors in the communities. The Dominion farm for example boasts of rehabilitating five schools and two medical dispensaries as part of the ongoing community development programme. The community members on their part have denounced any initiative conducted by the Dominion farm within the two county councils of Siaya and Bondo, arguing that they were spearheaded with sectarian interests betraying the stipulations of the MoU. The community in Bondo in particular close to the wetland for example,

refutes claims by Dominion of any school and health facility renovations.

On the Lease Agreement, it was noted that in Clause 3, Dominion Farms was supposed to submit from time to time triplicate copies of the plans, drawings and building specifications of buildings that Dominion proposes to erect... To this day, Dominion Farm has not complied with this clause. There is no evidence of the plans, drawings and building specification provided by the Dominion farm.

### **Corporate Social Responsibility**

Arising from the findings above, Mr. Abir provided a detailed account of Dominion Farms undertakings as records of corporate social responsibility to the local community upon which the committee has reiterated its findings as follows:

<b>No.</b>	<b>Activities undertaken</b>	<b>Stated Cost</b>
1	Maintaining and repairing Dominion to Nyamonye and Dominion to Siaya roads for the last 6 years	6.9 million
2	Maintaining canals namely the one feeding Lake Kanyaboli and the one keeping the ecosystem alive in the swamp	3 million
3	Reclaiming 1000 acres of the swamp for community, which is	



growers programme with a donation of about 4.3 million for land preparation and provision of seed etc

An investigation of these allegations by the committee however indicates that the farm has renovated only one school (Nyalula sec) and one health centre (Ratuoro Health Centre), but it was not easy to establish how much money the two institutions had been given to help in the renovations. According to the MoU, the renovation of public schools and health centers is well stipulated in Clause xviii (a) 8.

This is depicted as a commitment drawn within a legal framework, which consequently attracts community attention and question on the same. The areas around the wetland indeed lack adequate health facilities, and are characterized by poorly constructed primary schools ie Kanyaboli primary school.

### **Issue of biodiversity**

Mr. Speaker, Sir, the committee observed with concern that the ecology of Yala swamp (a wetland) is gradually being distorted. The Papyrus which is the swamp's most dominant vegetation and which provides resources for handcraft, mats making and animal feeds is for example, slowly disappearing. The sitatunga, a reedbeek and a bird called gonolek which

used to inhabit the wetland, are also decreasing in number as the wetland is being reclaimed.

The filtering effect of the swamp of the pollutants from R. Yala before the water is discharged to the lake has also been tampered with and the breeding and nursery grounds for fish and birds have technically ceased to exist. The fish species e.g. *mbiru, fulu, kamongo, okoko, nyamami, ningu, fwani, and adel* that used to be common in these three lakes are nowadays rarely found. These birds and animals disappearing is an evidence of the destruction that the swamp has undergone.

### **Water management and resulting pollution**

Mr. Speaker, Sir, apart from the ecological destruction, the residents also complained about water pollution citing aerial spraying which contaminated the water from the swamp and R.Yala. Locals have accused the farm for using chemicals harmful to human beings and livestock in killing weeds. They argue that the chemicals find their way into R. Yala and then to the Yala swamp.

There are also reports of health complications by the locals who use the water for drinking and cooking purposes. To these locals, prior to the coming of

Dominion farm, the swamp water was safe. The swamp has served the adjacent communities since time immemorial as a source of fish, water, agriculture, pastures, wild animals, trees for constructing houses, sources of wood fuel and medicinal plants. The Dominion farm had however promised to transform the area by ensuring provision of clean portable water and improved health service but this has not become a reality

Mr. Speaker, Sir, tests on soil and water samples taken from the Yala River and sections of the swamp, carried out by the government chemists in 2009, at the request of Action Aid International found the existence of heavy metals and presence of chemicals in the water. For instance the analysis revealed the presence of dieldrin, a chemical in pesticides linked to breast cancer that was banned in the USA (1987) by Environmental Protection Agency.

The pesticides (Fenthion) were used to kill bird's i.e quelea. This claim is however refuted by Mr Philip Abir. According to him, the water is not contaminated as the farm also uses the same water for drinking and in their modern fishponds. He asserts that the aerial spray consists majorly of a fertilizer, which is harmless with components of nitrogen, potassium and phosphate. Only 10% of the

aerial spray is done to kill weeds and in this regard the farm uses servian and round up, both of which are harmless herbicides.

### **Political issues**

Mr. Speaker, Sir, without any fear or favour, the committee waded into the mucky waters of the political overtones of Yala swamp since Dominion Farms made entry into the swamp. There is a group of political leaders opposing the methods used by the Dominion farm to interact with the local people and manage the natural resources. To this lot of politicians, the activities of the Dominion farm are chaotic and directed by greed.

On the flip side of it, there is another group of political leaders praising the current activities of the farm, emphasizing their stand as having been informed by the dire need for a catalyst in the region to initiate economic development as a vehicle towards combating illiteracy, ignorance and diseases and thus the best strategy to fight poverty.

It is therefore the considered opinion of the committee that these two opposing groups have failed to resolve their differences, trickling down the net effect to the local residents who in return have been loyal to dance to their (politicians) tune. It is a fact to say the least that Yala swamp has

been a political campaign tool in the previous political contests. Owing to the persistent pressure from the villagers, intensified by the local political in fights, Dominion farm has been engulfed in the cobweb of uncertainty and in 2008 threatened to close down its multi-billion shillings rice farming venture and relocate to the neighbouring country-Uganda.

### **Issue of Payment of land rent**

Mr. Speaker, Sir, according to the financial records availed to the committee by Mr. Abir, it is so clear that Dominion farm is not up-to-date with payments for the land leased to them as per the MOU. The total payments made so far in favour of Siaya County Council/County government from 2009 – 2015 are Kshs. 29,731,219. Out of this Kshs. 2,050,000 were paid to the County Government in 2014 and 2015. It is also important to note that as at the time the committee met with Mr. Abir, Dominion Farms Ltd owed the County Government Kshs. 7,098,600 between 2013 -2015. This is a violation of the MOU, which states in part that.... *‘the following rent shall be paid in advance each year.....’*

This notwithstanding the fact Dominion Farms Limited never pays sufficient amount of money for leasing this land. For instance Kshs. 1,254,782 per

annum for 3,700 hectares translates into Kshs. 339.15 per annum per hectare or a paltry Kshs. 28.00 per hectare per month (Kshs. 70 per acre per month). There is nowhere in this country that arable land can be leased for such a low price. As a result, there is need for re-negotiation of Memorandum of Understanding that brings on board all relevant stakeholders inclusive of effective public participation as per the law.

The committee also reliably found out that Dominion Farm did sub-let some tenants where their offices are (formerly owned by LBDA) against the tenets of the Lease Agreement (Clause 8). These included one Kenya Commercial bank manager and Administration Police Commandant. The question is to whom should such rent be paid and shouldn't Dominion Farms be paying rent for all the buildings (offices) on plot 899 and to whom including any interest as per Local Authority Act (Cap 265)? – LBDA or County government?

On the other hand, the committee found out that Dominion Farms is up to date with the payment of the single business permit as per the provisions of the Siaya County Finance Act, 2014.

**Other investors interested in the swamp**

The Committee was informed that there were other interested investors in the swamp as follows:

a.) **Gurmej Industries Ltd** that is based in Kisumu had applied for allocation of land in the swamp to the Siaya County Council through a letter dated 6<sup>th</sup> January 2012 to set up a sugar mill. On 22<sup>nd</sup> March 2012, they received an approval letter and were requested to pay Kshs. 587,000 towards survey, which was done by JRR Aganyo & Associates, August 2012.

The committee is in possession of the survey report and the business plan to this effect. They still await feedback from the Governor of Siaya County whom they have been engaging with. It is also important to note that the Committee on PIC/PAC had discussed this application and subsequently presented a progress report to in August 2015.

b.) Rai Group of Companies operating under the banner of **West Kenya Sugar Company Ltd** also made an application through a proposal to invest in sugarcane farming in Siaya County dated 12th November 2013. Through a letter referenced SYA/CG/AGR/18/1/VOL.II (66) - dated 26<sup>th</sup> October 2015 to the Clerk to the County Assembly, the County Secretary

confirms that the County Executive Committee meeting held on 10<sup>th</sup> February, 2015 deliberated, recommended and approved the company to be given an opportunity to operate in Yala swamp. The minutes of the meeting and the project proposal are available.

c.) Farmlands of Africa Inc. USA ([www.farmlandsofafrica.com](http://www.farmlandsofafrica.com)) through its Kenyan subsidiary **Godavari Enterprises Ltd** (GEL) has expressed interest to invest in organic farming in Siaya County. The company submitted a detailed project report for organic crop development of 6,000 acres and setting up Agro-Processing units. In a letter referenced SYA/CG/SEC/C.ASS/CORR/3/VOL.VI (95) addressed to the Speaker and the Clerk to the County Assembly, the County Secretary again stated that the County Executive Committee in its meeting of 22<sup>nd</sup> October, 2015 under minute No. 24/22/10/2015 considered the company's proposal and approved the allocation of the 6000 acres of land within Yala swamp. The company's proposal and the minutes mentioned were attached to this communiqué to the County Assembly.

**Gazettement of Lake Kanyaboli National Reserve**

Mr. Speaker, Sir, the economic potential of Yala swamp within which Lake Kanyaboli falls cannot be over emphasized. It's a wetland of national importance, which has been recognized as an important biodiversity hotspot. It is for this reason; there was the need to establish L. Kanyaboli Conservancy, leading to the gazettement of Lake Kanyaboli National Game Reserve. However, there were those opposed to the conservation of the lake arguing that the plight of the over 200,000 people, who will be displaced by the project, had not been addressed adequately, and wanted the entire process carried out afresh.

They alleged that the proponents of the project were serving their own vested interests, and in total disregard to the alternative views and opinions of the local communities who live around the lake. This result into court battles that ultimately quashed the decision on 1st September 2010 vide legal note No. 158 of 2010 revoking the arbitrary award or setting apart of land parcel measuring 41.42 sq Km situated in the swamp for Wildlife conservation purposes.

#### **Access road within the swamp**

The Committee observed that the public road linking Alego and Yimbo had been closed by the investor making the

community travel a longer distance from Yimbo to Alego and vice versa posing a challenge during emergency cases as most residents from Yimbo are treated at Kadenge- Ratuoro health centre.

The fact that access road was blocked also aggravated their discomfort with the activities of Dominion farms despite the benefits that could have arisen out of their engagement. Public rural access road from Ojur through the former intake to Matera was also completely submerged rendering it completely impassable. It forces people to go through Bar-Olengo to Matera, which is a very long distance, and steep as well. The local community demands that all the roads should be made accessible.

#### **Wildlife Management Policy**

Committee members observed that there was no domesticated policy regarding management of wildlife and general ecosystem of Yala swamp during its engagement with the stakeholders. This gave rise to lack of awareness and under-utilization of tourism potential of the swamp resource. KWS tried to undertake outreach activities, which were met with resistance due to limited awareness and in limited cases, lack of political support. KWS is in the process of developing a strategic plan for

the management of the L. Kanyaboli national game reserve

### **Environmental Impact Assessments**

The Committee noted with great concern that there was virtually no Environmental Impact Assessment that the farm has undertaken when engaging in new activities besides rice production according to the provisions of Section 58 (1), (4) of EMCA No. 8 of 1999 and as particularly illustrated in the Second schedule of the Act Part 8(e) which states that introduction of new crops and animals must undergo EIA.

The schedule therefore clearly stipulates that the following activities at the swamp required EIA as follows: all roads in the wetlands, this includes the dyke (part 3(b), aerial spraying (part5), use of pesticides and use of fertilizers (parts 8(b) and (d) respectively, large scale agriculture-sugarcane, livestock (part 8(a), irrigation (part 8(e)), creation of game reserves and buffer zones (part13 (a)) etc.

In addition to this, Dominion Farms did not obtain authority to breed fish (produce fingerlings) according to Regulations 27 of the Fisheries Act (Cap 378) Laws of Kenya if they are not in possession of a special licence to do so. None of such was produced. It was further noted that the construction of retention

dykes at Lake Kanyaboli had hindered the breeding and free movement of fish from both in land and foreign water bodies in contravention of the Fisheries Act.

On the other hand, it's important to note that Dominion Farms provided the following documents to the committee which they had presented to NEMA for consideration: Annual Environmental Audit (EA) report August 2014 (as per Regulation 68 of EMCA, 1999); Environmental Impact assessment (EIA) project report on the proposed sugarcane plantation, November 2013 (Ref. no NEMA/PR/SYA/5/2/129) and Environmental and Social Impact Assessment (ESIA) study report on the proposed sugarcane plantation and processing mill for Dominion Farms (Ref. no. NEMA/EIA/5/2/2010).

However, despite the notification by NEMA through a letter dated 31<sup>st</sup> December 2013 that no development works should commence before receiving communication from NEMA, Dominion has gone ahead to plant several acres of sugarcane. The same has happened with the construction of the sugar mill, which has continued unabated despite the stop order. In this regard, the committee awaits the NEMA report on the proposed sugar factory that underwent public participation last month.

### **Wetland Management Plan**

Mr. Speaker, Sir, the interaction of the committee with various stakeholders revealed that there were several issues, which needed to be addressed in Yala Swamp in order to enhance the co-existence between the community and other stakeholders. These include need for policies and legislations to safeguard the interest all stakeholders, need for social responsibility and conservation of biodiversity, need for designated areas for cultivation, conservation and development and need to empower the locals economically.

These issues if addressed will go a long way in protecting the ecosystem thus the need to develop the Wetland Management Plan. NEMA informed the committee that there exists a Yala Swamp Management Plan, which was developed in 2009, and that it will require the involvement of the County government to fast track its completion.

### **Compulsory acquisition of land**

The Committee was found out that the local communities living around the swamp were majorly fishermen and small scale farmers. Since the entry of Dominion farms into the swamp with mechanized agriculture, the locals have raised several issues including claims of compulsory

acquisition of their land without compensation thereby aggravating their poverty level. However, this was informed that some of the affected persons were given meagre compensation of Kshs. 40,000 per acre but without consultation with the affected families. This amount could not help some families to relocate to new sites.

In Kenya, compulsory acquisition arises when the state/Government decides to take over a property without any private negotiation, thus the term ‘compulsorily’ acquire the property for

Public use without the consent of the owner, but with a just compensation. The biggest questions that needs to be asked is if Dominion took private land from people by force, then which law did they use or when did the project change status from private investor to state owned project? It’s only government that is allowed to take land for projects that are meant to benefit the community as a whole using this law.

It is in this light that Action Aid Kenya commissioned a land survey exercise by Winam Surveys in Yala swamp area with the view to establishing legitimacy of community allegations to ownership and encroachment of their land. In the Yala Swamp Encroachment report, Winam Surveys confirms that the government did

in deed acquire individual land without compensation as provided for in the Land Acquisition Act Cap 295.

### **Water Extraction Permit**

Mr. Speaker, Sir, on the authority to extract water by Dominion Farms for irrigation and power generation uses, the committee is in possession of a water extraction permit from WARMA Ref. no. WARMA/LVC/8 of 23<sup>rd</sup> November 2006 as per Water Act 2002. This permit lapsed on 23<sup>rd</sup> November 2011 and no evidence/proof of an extension was provided by Dominion Farms. In addition to this, on the permit is a rider under special conditions which states that

“ This permit will be automatically cancelled when the authorised period expires without any further reference to you unless extension of the time is applied for prior to date of expiry of the permit” It therefore implies that Dominion Farms does have a current water extraction permit as the Law and therefore all that is happening is an illegality and should be brought to WRMA’s knowledge for action.

### **Future potentials of Lake Kanyaboli**

Mr. Speaker, Sir, having gone through the above findings the Committee is of the opinion that Yala Swamp wetland is in grave danger. It therefore requires a

robust comprehensive community driven development and environmentally friendly investments for instance promotion of sports tourism.

It is in view of this that the County Government in partnership with SOPA and Athletics Kenya (AK) organized the inaugural Lake Kanyaboli Half Marathon on the 8<sup>th</sup> day of August 2015 with the aim to raise awareness on the conservation of L. Kanyaboli; promotion of community based tourism enterprises; enhancing peaceful co-existence between the local community, existing and future investors around the swamp and finally development of a regional sports talent and community development resource complex. In this regard, one Mr. Ambrose has donated 6 acres of land for the establishment of the complex

Secondly, the Committee found out that the Kenya Rowing and Canoe Federation did write to the County Government on 18th May 2015 Ref no. KRACAF/0121/05/2015/03 seeking partnership in the development water sports at L. Kanyaboli particularly rowing and canoeing. It is important to note that a water sport is a flagship project in the Kenya Vision 2030 strategic plan.

In their letter they also requested for allocation of a piece of land as a basic requirement for water sports development to the L. Kanyaboli Rowing and canoe club and to develop water sports infrastructure on the allocated land namely water sports ramp and jetties, boat house, water sports stadium, offices, hospitality infrastructure, recreational park and equipment etc. The committee confirmed that there is a 2-acre piece of land strategically located next to the lake that was initially earmarked for a cattle dip.

#### **Development of Land use plan**

Mr. Speaker, Sir, the Government of Kenya has made great strides in institutionalizing the sustainable management of deltas in the country's national development framework. In 2011, the Government established an Inter-Ministerial Technical Committee (IMTC) to oversee policy direction, the planning and conservation of major deltas in the country namely Tana, Yala, Omo, Malewa, Nyando, Sondu-Miru and Nzoia, all of which are experiencing unprecedented threats due to human activities and impacts of climate change.

Through the Deltas secretariat, IMTC in collaboration with the County Governments of Siaya and Busia have

started working on Strategic Environmental Assessment and Land use plan for Yala swamp. Two meetings have been held as stated above.

In addition, an Inter-County LUP Steering Committee has been put in place drive the agenda with representation from both the Assembly and Executive wings of Siaya and Busia County Governments. The process is progressing well and it's expected that the final draft will be ready by April 2016.

#### **CONCLUSION**

Mr. Speaker, Sir, this distinguished Joint Committee wishes to submit that this matter is a very sensitive issue and quite close to hearts of many local people. Many stakeholders, lobby groups and individuals have raised concerns on environmental destruction and injustices by Dominion Farms in Yala Swamp. The main accusation against the Dominion farm by the communities is that the farm is threatening the integrity of the Yala Swamp ecosystem and the health and well-being of hundreds of thousands of residents while at the same time ignoring them in the management of the wetland.

The flooding of the private agricultural and grazing lands, is also forcing thousands of people (without

compensation) to relocate against their wish. The contaminated water that the people and animals use for drinking is however a result of poor management of the wetland by the farm. In light of these accusations, it is vital that the Dominion Farms' proposed new projects are thoroughly and independently assessed for the impacts they will have on the swamp ecosystem and the human population.

Despite the conflict, what is important to emphasize however is that, the role of the Dominion farm in the development of the areas in discussion cannot be ignored, and that the farm is important in terms of revenue and job creation. What is also true is that the development of the community falling within the wetland environs should form part of the farm's strategic interest if harmony is to be achieved and sustained.

County Government and other stakeholders must therefore exhaust all diplomatic mechanisms of settling the dispute between the Dominion Farm and the local community in order to ensure maximum utilization of the natural resource for the benefit of the people of Siaya County and Kenya at large.

## COMMITTEE RECOMMENDATIONS

The following are recommendations of what County Government of Siaya and members of the community should do so that peaceful co-existence prevails and for commercial exploitation of Yala swamp.

### 1. Land Use Plan

Following the unprecedented conflicts that have been witnessed at the swamp due to climate change, increasing population, competition for land, declining natural resources, encroachment into the fragile ecosystems as well as escalating poverty levels, there is need for a framework to provide environmental –based evidence for decision-making on how to effectively and sustainably use this resource.

There is therefore urgent need for the County government to liaise with the Inter-Ministerial Technical Committee (IMTC) to fast track the ongoing process of undertaking Strategic Environmental Assessment upon which to develop a land use plan for Yala Swamp. This process will improve integration of environment and development; identify new opportunities; prevent costly mistakes and most importantly building public engagement processes. The Land use plan will assign specific areas of the swamp to various uses

for example community use, biodiversity and for development /investment.

This will clearly give direction to any private enterprise and place experts on ground to weigh the situation as deemed necessary, ending the wetland destruction and conflicts that are currently being experienced. In this regard, the County Government should with immediate effect issue a memorandum halting all new activities by Dominion Farms and overtures that have been made by other interested investors until the land use plan is finalized and approved by the County Assembly.

## **2. Investment/Partnership Policy**

There is a dire need for a comprehensive investment/partnership policy, which captures the interest of the County government, local community including the poor and marginalized. The investment policy must bargain for reasonable shareholding portfolios in all the investment firms that shall be privileged with public license to operate at the Yala Swamp wetland including other places within the county where public land is set apart for public investment. Further that investment policy will also be dictating terms such that local communities are reserved justifiable percentages on gainful employment opportunities.

In addition, the county government of Siaya needs to structurally encourage both local and multinational investment co-operation through entrepreneurial programmes in exploiting for the numerously abundant local the local resources for common good. Policy and instruments to be enacted by the County Government of Siaya so that current investor and as well as new investor(s) at the Yala Swamp shall reasonably allow for structured community/public shareholdings in the resultant investment ventures.

## **3. Control of Environmental Pollution**

Relevant government agencies/departments as well as the County government must investigate the issue of environmental pollution from aerial spray by the Dominion group Farms that kills cattle and affects health of the members of the community.

With clear results, it will be easy to know where the causes of water borne, vector borne and other diseases are coming from. This finding will give an insight into the current cause of conflict and the steps to be taken. NEMA and WARMA should be consulted to share copies of annual reports with the relevant county departments for information.

In regard to the setting up of the sugar factory in Siaya County, the committee welcomes the idea but is strongly opposed to the establishment of the mill within the swamp and therefore recommends that the factory be located upstream on R. Yala or R. Nzoia and that the County current construction be stopped forthwith as per the recommendation of NEMA. The reasons for this are as follows:

16. Following the submissions of the environmentalist during the public participation on the NEMA report on the establishment of a the factory at the swamp, it was reiterated that the mill would destroy the environment with adverse impact on the flora and fauna for instance that the smoke from the factory will kill the birds within the ecosystem
17. Being within the wetland, its of great concern on where will the treatment and discharge of effluents be done. It's a known fact that negative effects of Mumias sugar factory are at times felt at the swamp. What of a sugar factory within the swamp?

However, the committee is in support of the setting up of sugarcane plantations within the swamp on condition that the local communities are effectively

engaged, out grower and shareholding strategies put in place and EIA requirements fulfilled

#### **4. Yala Swamp Consortium**

As can be observed, there are a number of CSOs and government agencies both at county and national levels that are interested in Yala swamp for various reasons that have been advanced in this report, it is incumbent upon the County Government to take leadership in setting up a joint framework/platform/consortium upon which to coordinate the activities of all interested parties in the swamp in a more coordinated, beneficial and sustainable manner.

#### **5. Re-Negotiating the Dominion MOU and Lease Documents**

The Committee strongly recommends that the MoU that was signed be re-opened for negotiations. Following the commencement of the county system of government, there is good reason to deal with the transition issues that preface this agreement. The MoU in its current form fails to meet the thresholds of public participation of the local communities and input of all stakeholders as required by the Constitution of Kenya 2010.

There is need for clarity on what the land size that should be subject to lease should be. There is also the question of

amounts that should accrue to the county together with special arrangements on community benefits, which will enable especially the local communities to appreciate the project, own it and identify with it leading to its success. This review is also necessitated by the fact that Dominion has failed to comply with a number of provisions in the MOU and the Lease Agreement as has been stated.

The County Government of Siaya Executive has a year timeline before the commencement of the next Financial Year 2016/2017 during which the review shall have tenably and reasonably concluded, with a review of, but not limited to, seeing to it that there is upward annual chargeable fees per acre from the current one of Kshs. 150 to a level in conformity with market rates.

#### **6. Empowerment Opportunities**

Dominion farm should create sustainable empowerment opportunities for the community members to curb unemployment, rather than scouting for cheap labour that is “on and off”. Dominion should focus on its mandate as an enterprise that is here to make profit but must work with the county government and adjacent communities to help in the development of the area and the lives of the locals. The department of agriculture through Siaya

Agricultural Training Centre should also explore the possibility of partnering with Dominion Farms on practical trainings for instance in the area of agri-business etc. What the farm should ensure is that as much as it is gaining from the agricultural venture, it should avoid putting the lives and future sustainability of the locals in danger.

#### **7. Fresh Survey of Yala Swamp**

The County government through the Ministry of Lands, Physical Planning, Surveying and Housing, and the Ministry of Finance in collaboration with other relevant institution should undertake a survey to establish a clear demarcation of the extent of coverage of Dominion farm, the conservancy, community land, public and private road networks and the overall size of the swamp area.

The department of Finance should as a matter of priority develop a concept on the survey of the swamp upon which budget allocation shall be made for survey latest in the FY2016/17 if not in the forthcoming supplementary budget in order to end the growing conflict. A conclusive survey of the entire arable land and setting apart land for community use should precede any subsequent allocation of land to any approved prospective investors.

#### **8. Welfare of the employees**

A relationship between the farm and workers must be demanded that respects the labour codes of the Republic of Kenya as regards working hours, protective clothing, and equal pay for equal work, freedom to join and form trade unions, full time employment after consistent engagement for 3 months among other provisions. An audit by the Ministry of Labour ought to be undertaken immediately to punish wrong and failure to obey the labour laws.

Terms of engagement of all employees of the Dominion farm should be revised to reflect compliance with current labor laws. The committee recommends that the local community should be given first priority in labour recruitment and capacity building for sustainability. Dominion Farms must be compelled to provide protective clothing to its employees and Workers Unions must be allowed to operate in the farm forthwith.

### **9. Integrated Natural Resource Management Plan**

The committee recommends that the relevant department(s) of the County Government of Siaya should engage with other partners notably SOPA to develop an integrated natural resource management plan for the Yala swamp wetland. This may require developing a wetland policy and/or

legislation (ie Natural Resource Management Bill) for approval by the County Assembly to guide management of the Yala swamp and similar ecosystems in the county. This should take into account-cited challenges in this report.

### **10. Unlawful Occupation of riparian land**

The County Government should confirm availability and authenticity of all permits and licenses of all private developers/users within the riparian land within 30 days as per the provisions of the Amended EMCA Act, 2015 Section 64, which states that *the authority has directed that a fresh environmental impact assessment be carried out or that new information is necessary from the project proponent any environmental impact assessment licence that has been issued may be cancelled, revoked or suspended by the authority.*

### **11. Flooding problems**

Flooding is one of the major issues causing conflict between the investor and the people majorly due to the adjusted height of the weir and unpredictable opening of the floodgates. This has been a great hindrance to farmers optimizing their harvest. In this regard the committee recommends that the County Government and Dominion Farms should commission the

services of an independent expert with the view to determining the current height of the weir.

Should it be confirmed be that its higher than the recommended height of 4.6m as re-designed by Log Associates in 1996, the County Government should ensure that Dominion Farms reduces the height of the weir within 60 days. On the destruction of crops caused by artificial flooding as a result of Dominion Farms' activities in the lower areas, the Agriculture department shall do an assessment so that Dominion farm pay for the damages caused and apprehended for malicious damage.

### **12. Environmental Audits**

There is need for continued and regular Environmental Audit. Dominion needs to do annual environmental audit, according to EMCA. The provision in clause (xi) for an Environmental Impact Assessment report is insufficient. Dominion need to be compelled to do annual environmental audit to fulfil the requirement of EMCA Act, for it's like this part of the law is being disregarded with impunity.

For example, recently NEMA issued a stop order on the construction of a sugar factory at Dominion Farms but the investor continued with the works. The County

Government should as a matter of urgency petition NEMA to administer a stop order on all the activities being undertaken by Dominion Farms without EIA to stop with immediate effect as per the provisions of Schedule 2 of EMCA, 1999 Section 58 (1).

### **13. Problem of community land**

Under an order of urgency CECM Lands should set apart at least 3000 acres of land for community use to the local communities living around the swamp in both Bondo and Alego-Usonga constituencies. This should be taken into account as the recommended re-survey exercise is being undertaken in line with the provisions of The Trust Land Act (Cap 288) Section 7(1) which states:

*“Where written notice is given to a council, under subsection (1) of section 118 of the Constitution, that an area of Trust land is required to be set apart for use and occupation for any of the purposes specified in subsection (2) of that section, the council shall give notice of the requirement and cause the notice to be published in the Gazette”*

In doing this, the CECM in charge of Lands, should be cognizant of the fact that the conflict in usage of land has been dominant in Yimbo East, Central Alego and Usonga wards where communities are

already engaged in farming activities including livestock grazing within the swamp and whose inherent or apparent rights to such usage is a constitutional right.

#### **14. Compensation**

The Committee recommends commensurate compensation for the pieces of land that have been submerged in water for the past 10 years and those that were compulsorily acquired by the government as highlighted in the Winam Survey report and according to the provisions of Trust Land Act (Cap 288) Section 8(1) which states that – *“Where land is set apart under section 7 of this Act, full compensation shall be promptly paid by the Government to any resident of the area of land set apart who—*

*(a) under African customary law for the time being in force and applicable to the land has any right to occupy any part thereof; or (b) is, otherwise than in common with all other residents of the land, in some other way prejudicially affected by the setting apart”*

.This should consider developments – schools, and other social amenities, lost livelihoods and displacements of the people. The County government to come up with a mechanism for sharing the allocated land amongst the local communities

#### **15. Opening of the access roads**

The committee recommends that the County Government order Dominion Farms to open the access road from Yimbo to Alego across the farm within 14 days lest they face prosecution

#### **16. Payment to the County Government**

It is important to calculate and determine what Dominion Farms owes the County Government of Siaya for the building structures housing Dominion headquarters since money was invested in it and the MOU of 2004 did not cover the same. The County Government should also charge the single business permit on both the privately owned academy and the vocational training centre as per the provisions of the Finance Act 2014 and demand all the arrears accrued there from.

Secondly, the department of Finance through the revenue office should verify the pending payments to date as regards the land rent and make sure the books of Dominion balances then issue a demand order for all pending payments to be executed within 30 days including a surcharge on any omission or commission on the part of Dominion Farms Ltd. Most importantly, the County Government should stop forthwith receiving the land rent for the phase two 3200Ha for it constitutes an illegality.

### **17. Exploiting the potentials of Lake Kanyaboli**

Mr. Speaker, Sir, the future of L. Kanyaboli in terms of tourism potential as has been noted is not in dispute. The County Government of Siaya should therefore:

- i. Through the department of Tourism and Wildlife Conservation adopt the L. Kanyaboli Half Marathon and Kanyaboli Rowing and canoeing as annual national sporting events and subsequently make budgetary allocations for the development of the same
- ii. Through the department of lands and Surveying ascertain the existence of a 2 acre piece of land (formerly meant for a cattle dip) at L. Kanyaboli; process change of user and allocate the piece of land to the Lake Kanyaboli Boat Rowing and Canoeing club for the development of sports infrastructure. This should be subjected to public participation.
- iii. Through Roads and Infrastructure department open and/or grade the 42 km ring road around L. Kanyaboli to demarcate the riparian area of the

lake from the rest of the individual farms

- iv. Through the department of Finance put in place within 60 days, a mechanism to collect revenue from the many visitors who tour the area.

### **18. Other investors interested in Yala Swamp**

Mr. Speaker, Sir, within 30 days of submission of this report, all the prospective investors interested in Yala wetlands to be officially made public and all their respective business plan /proposals be subjected to public participation and appraisal for choice acceptance for eventual approval by the County Assembly.

A databank of all public land should be made available their geographical locations and sizes including their suitability for specific crop husbandry so that other investors can be accommodated in other areas of Siaya County other than Yala Swamp for the eventual decentralization of investment opportunities county wide.

### **19. Revenue Plough-back to Riparian Area and Communities of Yala Swamp**

Mr. Speaker, Sir, towards speedy institutional, infrastructural sustainable growth and development of the Riparian zones of the Yala Swamp, the County Government of Siaya resolves to set aside a

reasonable portion of overall revenue resultant from the exploitation of the Yala Ecosystem for a common local public good.

Mr. Speaker, Sir, I now call upon the Honorable Members of this House to adopt this report. Thank You.

*(Applause)*

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

**Hon. Oriaro:** In the name of the Father, the Son and the Holy Spirit---

*(Laughter)*

Mr. Speaker, Sir---

**Hon. Okello:** Point of order, Mr. Speaker, Sir!

**Hon. Speaker:** Yes, Hon. Okello!

**Hon. Okello:** Mr. Speaker, Sir, I rise on Standing Order No.90 which talks about order in the Assembly. I wish to seek clarification whether the Member on the Floor is in order to be present in the House with regalia that looks like herbs---

*(Laughter)*

*(Applause)*

**Hon. Speaker:** Hon. Oriaro, you know this is not a House of bushmen and bush women; this is a House of decent men and women. I have noted that the regalia has

been taken away, so Member for Central Alego, you may continue.

**Hon. Oriaro:** Thank you, Mr. Speaker, Sir. First I must thank Members of this Hon. House for having come out in the spirit of Article 1 of the Constitution which says that the sovereignty of the people is vested in their representatives.

I must also thank the pioneers of reforms, more so the living legend- Prime Minister Raila Odinga for having fought so hard so that we have the new dispensation.

The problems at the Yala Swamp have persisted for more than thirteen years. They have undergone stratification politically, socially and economically. In the science of dialectics, these problems have been undergoing synthesis to the extent that when the people are out for a cry of justice, nobody can understand their ordeal.

I must also thank proponents of reforms in the civil society who have stood by the people.

Back to the Motion, Mr. Speaker, Sir; Fred Pearce, is a renowned human rights defender and journalist based in the United States of America; he wrote a book in 2008 about land grabbing in Kenya and Mozambique. That book has so far sold over 10 million copies. Incidentally, I was captured in that book---

*(Laughter)*

And the issues we addressed have been captured and magnified by the Committee's report. The grabbing of the public land linking Yimbo and Kadenge and the areas of Mur Malanga--there is no known legal space for public utilities to be grabbed. All mechanisms of justice were considered. Even the Kenya National Human Rights Commission was approached to come and hear the people's grievances but they ducked.

In the old constitution, the law of setting a part was clear. They could have applied it when they were accepting Dominion. The idea of giving the community the 300 acres of land was in consonance with the law of setting apart. For over thirteen years, locals have not seen this land. A map was created but it's being used by the investor for self-gain. This is a classic case of land grabbing. The issue of displacement of persons is a crime enshrined in international law and it can even be addressed by the ICC. All these have remained under because people feared these issues.

Even the issue of livelihoods; natives---

*(Laughter)*

Locals have been displaced from their native sources of livelihood. Poverty has gone to a level beyond unity just because of land grabbing. Now is the time to correct this. I don't want to delve into the deadlines given here but they must be adhered to. As the Chairperson of the Implementation Committee, I will strive to ensure that issues are addressed without any egos attached to them. Now is the time that the idea of ploughing back is seen not only when it comes to Dominion Investments, but even for future investments. If you rear a cow and you want milk, you have to feed the cow. So portions of the revenue got from the credible use of the swamp should be directed to common good i.e. infrastructure.

Mr. Speaker, Sir, the issue of pollution has been talked about and documented by governmental agencies; what was lacking was implementation. Locals in some villages cannot do poultry or livestock due to constant pollution. This issue should be looked at objectively without any fear.

Mr. Speaker, Sir, it's not that we don't want investors; but the issue is that when an investor does not follow the law, it's normal; when a local man negates the constitution out of ignorance, it becomes an illegality. We are very much objective and

we will accept investors. But this must be preceded by the survey as it has been objectively talked about. We can reap millions from Yala Swamp. Even though it is not documented here, our MPs said that they can apportion some CDF funds and even the County Government can do something in the next financial year---. If any investor feels that the land is good and they want to extend, they must wait.

Dominion came like a god. Many people left their churches. It was all about the proverbial weaverbird coming in and everybody welcoming it.

**Hon. Speaker:** Hon. Oriaro, will you summarize.

**Hon. Oriaro:** I'm summarizing, Mr. Speaker, Sir. In short, no investor will be allowed before a survey is done. As ably captured in the report and the recommendation, redress time is now and communities should be given their 300 acres of land. The Millennium Development Goals are there.

They give farm implements to farmers and they get yields to the tune of 60 bags and at times 40 bags and then a few bags are taken for feeding in primary schools. With the government we have in place, the use of the land shall become productive that even small amounts can be

taken back as overhead expenditures and can feed ECDEs all over the county for the good of all.

I say, Amen!

*(Laughter)*

**Hon. Speaker:** Hon. Members, I didn't bring it to your attention that the whole Ward of Central Alego has been here with us. So they must be celebrating the vigour in which their leader is talking. Yes, Hon. Madialo.

*(Laughter)*

**Hon. Madialo:** Thank you, Mr. Speaker. Permit me to begin by saying that I support this report. Mr. Speaker, you have recognized the people of Central Alego; their leader has good English like otoch----

*(Laughter)*

**Hon. Speaker:** You don't know that one; it's not your English.

*(Laughter)*

**Hon. Madialo:** I don't know that one, but I know that English was brought here by the ship.

*(Laughter)*

Mr. Speaker, in ordinary language that will be understood by our people, there are three points that I would like to appreciate about the report. Mr. Speaker, the

spirit of the report, as presented ably by the Chairman, has recognized the following;

We are not averse to the investments that are already within the precincts of the Yala swamp and we are not at war with the investor known as Dominion Farms Limited; but we are saying that even as the investment stays, let the rights of our people not only be considered, but also be recognized with action.

*(Applause)*

Mr. Speaker, Sir, to my second point; Hon. Oriaro talked with a lot of vigour and you know that he has been in the cells over this, just like Hon. Okuku. They have landed in cells. I'm the only around there that doesn't go up to cells.

*(Laughter)*

It's probably because I know what to say to the police.

*(Laughter)*

Mr. Speaker, Sir, it has to be recognized that the survey that this report envisages is not a survey that we want done in the next six months; it is a survey that we want to be done immediately.

*(Applause)*

Immediately because we have no intention of repelling any of the prospective

investors. And if you read carefully the wordings of the report, this Assembly is saying; yes, the Executive go ahead and identify the investors, but before you move the investor in, kindly ascertain how much land is in the swamp.

Something pleases me about this report; the main reason why the people of Kadenge have a problem with Dominion Farms Limited is because at the point the Farm was coming, their leaders did not take care of the interests of the people first. So, Dominion was allowed in and after they had started their work, then issues started arising. Mr. Speaker, that's why we are saying that while the County Government is setting apart land for the investor-- 3000 acres of land has to be set apart for the community.

*(Applause)*

Mr. Speaker, this will not be very difficult because when we were settling on 3000 acres, we didn't get this figure out of the blues. We do know that in Yimbo, within the swamp, there are farmers who are doing horticulture and maize farming. We also know that in Usonga, right inside the swamp, there are people doing horticulture and various farming activities, and we do know that there is a problem in South East

Alego and dominantly in Central Alego about pastures for our livestock. So it's a matter of going to the farms and determining the extent to which the locals have farmed inside the swamp and delineating the land in which locals are and then we will be home and dry.

Perhaps, Mr. Speaker, may I also add that these investors might also be important because where I come from; we are no longer going into the swamp because the water is a bit deep. If an investor comes, they will dry the water again and we will move in again.

*(Laughter)*

We never used to get into this thing before Dominion came because there was too much water. Mr. Speaker, I wish to urge my colleagues that let us adopt this report; there is a sense of urgency because investors are not people who wait for you with their capital. If our Executive takes too much time in doing the survey, the investor might carry the capital to other areas. There are other counties that need that capital.

I will be a very happy man when we say that now we have done demarcations and our people are farming and grazing legally. Mr. Speaker, I beg to support.

**Hon. Speaker:** Member for Yimbo East, the one who has been to the cells.

*(Laughter)*

**Hon. Okuku:** Thank you, Mr. Speaker, for giving me the opportunity to support this report. As you all know, I represent Yimbo East Ward which is partly covered by the Yala swamp. Our people have suffered for too long in the hands of grabbers pretending to be investors. The person involved in the Yala swamp has grabbed land from our community.

Today, I don't want to talk much because our views have been captured in the report. I just want to thank the Committee that was chaired by Hon. Abayo for taking its time to deal with this matter. I also want to thank the Hon. Speaker and the community that elected us so that we can argue on their behalf. They have always supported us in our bid to ensure that land grabbing does not escalate to other places.

It is written in the Holy Bible that there is a time for everything. There's a time for crying and there's also time for laughing. The people of Yimbo East who I represent have gone through difficult times and this now is their moment of laughter because we have reached the end of the tunnel and we have seen the light. I want to categorically

tell the Executive- headed by the Governor, that the report is self-explanatory and it should be implemented with immediate effect so that our people can come out of bondage.

Dominion came like an angel but has really disappointed our people. Let the 3000 acres of land be set apart and be divided between the people of Yimbo and Alego Usonga so that we can farm peacefully. We are not going to allow any further investor to the land before we see the success and implementation of this report.

*The Speaker (Hon. Okode) left the Chair*

*The Temporary Speaker (Hon. Madialo) took the Chair*

Let the Governor know that we are fed up with people coming in as investors and at the end of the day, they mistreat our people. Please wake up, do the right thing so that all of us can enjoy.

Mr. Temporary Speaker, Sir, I want to rest my case by saying that the time is today and the time is now. Thank you very much.

*(Applause)*

**Hon. Gare:** Thank you, Mr. Temporary Speaker, Sir. First and foremost,

I'm on my feet to support this report and may I take this opportunity to thank the Committee for this report. I know it has not been easy for them but finally they have the report.

One thing that we must all be aware of is that this problem is not Hon. Oriaro or Hon. Elisha's; the people of Siaya County are becoming poorer each and every day and are getting sick as a result of serious environmental pollution that has been caused by aerial spraying of corrosive chemicals and pesticides.

I can tell you for sure that the effects of the pollution will manifest in our people's lives later on. They will have serious diseases. There are mothers that stay in water for twelve hours and at the end of the day they get only Kshs. 205. Staying in water for that long makes them prone to diseases such as bilharzia and cholera.

Yes, we are happy that the day is today; but we have not yet reached there. There is a disease in this County that no matter how many reports this County Assembly passes, no matter how good the recommendations are; no matter the timelines we give; they are never implemented!

*(Applause)*

So, time is not yet today until we see that our people are safe and out of the problems that they are currently facing. We want to urge the Committee concerned with ensuring that Assembly reports are implemented to move with speed to ensure that our recommendations are followed to the latter.

Finally, Mr. Temporary Speaker, Sir, I want to say that there's a problem in this County in that every investor coming to this County is looking for Yala swamp. The County Government of Siaya has been in existence for three years now and it still doesn't have a databank of public lands.

We cannot take all investors to Yala swamp yet there are other lands in the County. Some people can be taken to Uyoma, some to Rarieda and some to Gem. Why is it that all investors must go to Yala swamp yet our people are suffering there? We thought that the coming of investors will enrich our people, but now it's the opposite; our people are becoming poorer each and every day while the investors are getting richer day in day out.

*(Applause)*

We want to refuse this and say that implementation should be done faster so that

the timeline that has been given by our able Chair, Abayo *wuod Onyango* can be met.

*(Laughter)*

Mr. Temporary Speaker, Sir, I want to rest my case by saying that there is a disease that if cured, Siaya people will get what they deserve. The disease is implementation.

*(Applause)*

**The Temporary Speaker** (Hon. Madialo): Member for South East Alego.

**Hon. Osuri:** Thank you, Mr. Temporary Speaker, Sir, for recognizing me. I want to start by thanking the Committee for having come up with a report that has been ably presented by the joint Chairman. I am on my feet to support this document.

Much has been said by my colleagues; however, I want to talk about opening of the access roads. Mr. Temporary Speaker, Sir, we need to have a county where our people can interact freely and share ideas. We want to see even the youth from Yimbo coming to play football in Alego. Our people should interact freely.

*(Applause)*

But this been hampered by the investor who has blocked the road. If this

recommendation can be implemented, then things will be well.

Mr. Temporary Speaker, Sir, the issue of underpayment and exploitation has been well captured in the report. Our people work for long hours without even protective gears. Even when it comes to grazing fields; we know very well that the people of Mur Malanga who I represent, are the people who started the Mur Malanga dairy which is near the Siaya stadium. They have been denied grazing land because of one investor. I'm happy that this report has recognized the existence of the local people. The so called investors should know that they are being hosted by locals who deserve to be respected.

Our people should also be given priority when it comes to allocation of land. The investors should not occupy huge tracts of land while our people are left with nothing. My people of Bar Olengo and Mur Malanga have continued to lose their livestock because of the aerial sprays coming from the investors.

Flooding problems have been indicated here and how I wish that those who have been hugely affected should be immediately and adequately compensated. Thank you!

**The Temporary Speaker** (Hon. Madialo): Members, before I pick on another person, I would wish to request that we stick to the provisions of the Standing Orders because many people would want to contribute. Yes, the Deputy Majority Leader.

**An Hon. Member:** Gender!

**Hon. Owii:** Thank you, Mr. Temporary Speaker, Sir. Kindly try to protect me, Sir; I'm also in the arrangement of gender.

*(Laughter)*

**The Temporary Speaker** (Hon. Madialo): Deputy Majority Leader, permit me to remind the House that, when contributors stand up and a member of the leadership of the Assembly is up, he takes preference.

**Hon. Owii:** Thank you, Mr. Temporary Speaker, Sir. I want to first of all thank the Committee for bringing to us a very comprehensive report that doesn't need a lot of deliberations because all that we can say are captured in the report. This is one report that shows some human face on issues that were not addressed during the times of the defunct Bondo and Siaya county councils. The lot of that time never thought of their people. I have to say that if at all these recommendations will be

implemented; our people will see a very big change; the change will not only cover Siaya but Rarieda also.

Mr. Temporary Speaker, Sir, I'm not against the timeline, but my worry is that if we talk of thirty days and the money for survey was not actually captured in our budget, then what to do we do? Allow me suggest that the County Government would accept to talk to the interested investors to move with speed and meet the conditions of the timelines like survey. They can afford to do it even outside the budget.

This is one report that we should not oppose; it is hard to oppose it because one key thing is that we all have interests of industrializing Siaya. The kind of jobs that people do at the swamp may actually make even the employer or people like Dominion behave the way they are behaving. But with industries, things will not be the same. So we cannot industrialize Siaya unless and until we improve on our production.

Mr. Temporary Speaker, Sir, I want to close by saying that if we are to go through this report word by word and react to everything that the chair has raised, we may take some other six hours. Hon. Abayo has read out the report in a very simple language that we all understood; if we want these things implemented, then the next

thing is that we give you time to only ask us if we are in agreement or not and then we call it a day.

*(Applause)*

**Hon. Ngure:** Thank you, Mr. Temporary Speaker, Sir. I stand to say that I'm in agreement. I stand here as somebody who has come from two homes. My original home is Yimbo East and my current home is in Uyoma West. So whatever has taken place in the area of Yala swamp affects me personally and I know how people have suffered there.

This is a very good report. Many a times we have seen this Committee go to Yala swamp to an extent that it became a song in this Assembly. We have now confirmed that it was not in vain.

Mr. Temporary Speaker, Sir, no country, and by extension no county, can ever prosper from small scale farming and manual labour work. We need industries in our county. If we are to grow like other counties, then what has been started by this report will help us to see the light of the day.

Recently, we had a meeting with certain investors and what we fear is that they might also walk into the Yala swamp just like everybody else has walked into the swamp claiming to have a portion of it yet

not proper feasibility study has been done, no survey has been done. If all these will now take place because of the work done by this Committee, then we will gain massively not only from Yala swamp but also from other parcels of land that investors might be interested in. I support this report.

**The Temporary Speaker** (Hon. Madialo): Members, I'm now going to limit your contributions to exactly three minutes per person. Yes, Hon. Booker Minami.

**Hon. Minami:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to also share my sentiments. I was seeking that because majority of those who have been so much concerned with the Yala swamp issue have all contributed and are in support of this report, Mr. Temporary Speaker, Sir, I want to request that the Mover be called to reply so that we pass this report immediately.

*(Applause)*

**The Temporary Speaker** (Hon. Madialo): Noted. May I allow only two more contributions; a lady and a male. Hon. Okello, the last time I checked on your age

*(Laughter)*

**Hon. Okite:** Asante sana, Bw. Spika wa muda, kwa fursa hii. Ningependa kuipongeza kamati hii kwa ripoti yao

murwa. Ripoti yao imeweza kugusia kila mahali. Aliyekuwa waziri mkuu, Mheshimiwa Raila Odinga alipigania sana ugatuzi, na jioni ya leo, tunashuhudia matunda yake. Awali, watu wawili wangeketi chini na kufanya uamuzi wowote. Dominion ilipata mwanya wa kuingia hapa kwetu kwa sababu watu wachache walikutana na kutia sahihi ili waje hapa. Wananchi hawakuhusishwa.

*(Applause)*

Biblia yasema kwamba nyakati za mwisho, patakuweco na manabii wa ukweli na wale wa uongo. Wana Dominion walipokuja Siaya, walikuja na Biblia na walikuwa wakihubiri amani na usawa kwa wote. Walahi shetani unayemjua ni bora kuliko malaika usiyemjua.

Mimi natoka Yimbo na ningependa kusema kwamba ukitaka kuja Siaya kupitia Dominion, sio jambo rahisi. Utatumia shilingi elfu moja ukipanda piki piki. Hii imewafanya watu wetu kupitia Bondo maanake itawagharimu shilingi mia tano kuenda na kurudi. Hatuwezi kuwaacha watu wetu wawe watumwa. Hii ni unyapara wa hali ya juu.

*(Applause)*

Kazi wamepeva ya kuingia majini na wakati mwingine wanaumwa na

wanyama wa majini huku wakikimbizana na ndege. Watu wetu wanakaa masaa kumi na mwaiti juani. Kitambo watu wetu walikuwa wakienda Muhoroni kukata miwa na Kericho kuchuna majani; walipokuja hawa wazungu, tulidhani kwamba mambo yatabadilika. Tulidhani kwamba wazungu wote ni matajiri, kumbe kuna wazungu masikini!

*(Applause)*

**The Temporary Speaker** (Hon. Madialo): Hon. Rose Okite, to refer to anybody as *mzungu* is racist.

*(Laughter)*

**Hon. Okite:** Pole. Watu wetu wamehangaika sana na tunatumai kwamba ripoti hii itawapa nafuu iwapo itatekelezwa. Kwa hivyo, nazidi kuipongeza kamati hii kwa kazi nzuri waliofanya. Naunga mkono.

**The Temporary Speaker** (Hon. Madialo): May I now call upon the Mover to reply. Hon. Abayo, note that the main concern of Hon. Osuri is that ladies of Yimbo are no longer getting married in South East Alego.

*(Laughter)*

Perhaps with the exemption of Madam Pamela Ngunge--

**Hon. Ngunge:** Mr. Temporary Speaker, Sir, point of clarification! The ladies from Yimbo never get married in Alego. We don't make that mistake! Uyoma is the best!

**Hon. Osuri:** Since when? We have them!

*(Laughter)*

**The Temporary Speaker** (Hon. Madialo): Hon. Abayo, note that one; they go to Uyoma.

**Hon. Abayo:** Thank you, Mr. Temporary Speaker, Sir. The Members of this House have spoken and I want to take this opportunity to thank Hon. Members for supporting this Motion. Nobody has attempted to oppose this report because as it has been said, it has touched on key issues that needed to be addressed.

The issue of the implementation agency has been raised and the amendments done in this report should be effected and the final copy of this particular report be presented for implementation.

Mr. Temporary Speaker, Sir, in a very special way, I want to thank the members of this Committee. You've seen the emotions that have gone with this report. It is true that even managing this Committee

was not very easy because of the level of emotions.

*(Laughter)*

Mr. Temporary Speaker, Sir, the level of inventory in terms of knowledge as regards Yala swamp—with Hon. Oriaro, I can do a thesis on the swamp. The emotions demonstrated by Hon. Elisha Okuku who has been to the cells because of the swamp—these are issues we had to manage. Thank you so much, Hon. Members, for supporting this Motion.

*(Applause)*

*(Question put and agreed to)*

*(Applause)*

**The Temporary Speaker** (Hon. Madialo): Yes, the Hon. Majority Leader.

**Hon. Otieno:** Thank you, Mr. Temporary Speaker, Sir. Allow me to give a brief remark on the end of this Session as stipulated in the Standing Orders then I move a Motion on adjournment.

It is my humble pleasure to thank all Members of the Assembly for the achievements this Honourable House has been able to make in this Third Session. I want to appreciate the manner in which we

have been able to handle the challenges that have come with devolution.

I appreciate the Hon. Members for the objective and impartial manner in which they deliberated on issues of concern for this County. We have demonstrated true leadership in the exercise of the sovereign powers delegated to us under the constitution.

*(Applause)*

Mr. Temporary Speaker, Sir, during this Session, quite a number of Bills, Motions, Statements and Reports have been deliberated on the Floor of this Honourable House. I believe the honest resolutions made by this House will go a long way in steering this County to greater heights.

Mr. Temporary Speaker, Sir, I wish to applaud the efforts made by the Office of the Assembly Clerk in ensuring that your Office and all Members are well facilitated in terms of financial, human resource and other logistical support required in carrying out the legislative roles.

As we go on long recess according to our calendar, I wish all Members and staff, all the best, a Merry Christmas and happy New Year.

*(Applause)*

Mr. Temporary Speaker, Sir, having said the above, allow me to move a Motion, which is that;

Pursuant to Standing Order 26(3) and 25(1), this Honourable House adjourns for long recess from today and commences sittings for the Fourth Session on the second Tuesday of February which shall be on 9<sup>th</sup> February. 2016.

*(Applause)*

I wish to call upon Hon. Booker Otieno, the Deputy Chief Whip, to second the Motion.

**Hon. Minami:** Seconded

### **ADJOURNMENT**

**The Temporary Speaker** (Hon. Madialo): Hon. Members, there being a matter expressly provided for under Standing Order No. 25, this Assembly stands adjourned on the first Thursday of December, and will automatically reconvene on the first Tuesday of February, 2016.

The House rose at 4.49 p.m.

## SPECIAL SITTING

**THURSDAY, 17TH DECEMBER, 2015**

The House met at the County Assembly Chamber at 2.30 p.m.

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

### PRAYER

### COMMUNICATION FROM THE CHAIR

#### SPECIAL SITTING

**Hon. Speaker:** Hon. Members, I take this opportunity to thank you very sincerely for finding time to come and discharge an important function that has a bearing on the lives of people of this County. I further take this opportunity to welcome Members of the public who have shown great concern to be involved in affairs of their County and we keep encouraging them to come in large numbers.

Allow me to communicate to you that when we adjourned last week for the long recess, there was consensus that we endeavor to call a Special Sitting to dispense with the supplementary budget then communication pursued between the Budget Committee and the office of the Majority Leader and I was requested to Gazette this Special Sitting on the 15<sup>th</sup> December, 2015, a Gazette Notice was issued and it reads the Siaya County Assembly Standing Orders, Special Sitting of the County Assembly.

Pursuant to Standing Orders and following a request by the leader of Majority Party in consultation with the Committee on Budget and Appropriations, it is notified for the information of Members of the County Assembly and the general public that there

will be a special sitting of the County Assembly which shall be held in the County Assembly Chambers, in Siaya on Thursday, 17<sup>th</sup> December, 2015 at 3.30pm for purposes of Consideration and Approval of Supplementary Budget for FY2015/16.

Apologies for starting late, we needed to have started at 3.30pm and finally Hon. Members we have three Committees which have pending business which they need to finalize.

The Committee that worked on the Yala Swamp Report, kindly find time tomorrow; go through the Report, making the editing, correct the editing issues, let it be signed and circulated accordingly. The same applies to the Committee on PIC/PAC, you also need to make sure you meet tomorrow go through the Report as you would agree, proof read it, have it signed by the Clerk and circulated accordingly.

Finally, the Committee on PIC/PAC; you have a pending business, you are supposed to meet the Executive regarding that Petition and my last directive is that you have to meet the Executive not later than Monday and if they don't turn up, write a Report that they never came and recommend accordingly, latest is Monday so you have that Report ready with all the Petitioner's and the Executive cannot pull us down because of laxity on their part, thank you.

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

**PAPERS**SUPPLEMENTARY BUDGET  
ESTIMATES FY- 2015/16

**Hon. Odinga:** Mr. Speaker, Sir; I wish to lay before this House the Siaya County Government Supplementary Budget Estimates FY- 2015/16. If you look at our Order Paper, item b, I also wish to lay on the Table the Siaya County Supplementary Appropriations Bill, 2015 for consideration.

**Hon. Speaker:** Next Order!

**NOTICES OF MOTION**SUPPLEMENTARY BUDGET  
ESTIMATES FY- 2015/16

**Hon. Odinga:** Mr. Speaker, Sir; I wish to give Notice of Motion that Pursuant to Standing Order no.117, the Supplementary Budget for Siaya County for 2015/16. If you allow I may also give a Notice of Motion that I will be moving a Procedural Motion on reduction on publication period for the Siaya County Appropriation Bill, 2015.

**MOTION**SUPPLEMENTARY BUDGET  
ESTIMATES FY- 2015/16.

**Hon. Odinga:** Mr. Speaker, Sir; earlier on I gave a Notice of Motion, I beg to Move a Motion that this House adopts the Siaya County Government Supplementary Budget Estimates for the Financial year 2015/16 on the Table of the House today, 17<sup>th</sup> December, 2015 and I wish to call upon Hon. Muhula to Second.

*(Hon. Muhula Seconded)*

**Hon. Speaker:** Hon. Members, allow me then to propose the question which is that that this House adopts the Siaya

County Government Supplementary Budget Estimates for the year 2015/16 on the Table of the House today, 17<sup>th</sup> December, 2015.

**Hon. Odinga:** I want to take this opportunity to thank my colleagues and also to thank the Members of Budget Committee for their time during that period when we were working on the Siaya County Government Supplementary Budget Estimates.

Before you and before the House is a Report from the Siaya County Budget and Appropriations, Finance and Planning Committee following a Report which was laid before this House from the Executive and the Siaya County Supplementary Budget 2015/16. Mr. Speaker, Sir; if you allow; I want to say that On behalf of the members of the Budget, Appropriations, Finance, Planning and Vision 2030 Committee, and pursuant to provisions of Section 135(2) of the Public Finance Management Act, 2012 which states that, “... a County Government shall submit a supplementary budget in support of the additional expenditure for authority for spending”, it is my pleasant privilege and honour to present to this County Assembly, the Committee’s report on the first Siaya County Supplementary Budget Estimates for 2015/2016.

Mr. Speaker, Sir, the Committee on Budget, Appropriations and Finance, as was constituted by this Assembly, and pursuant

to the County Assembly of Siaya Standing Order 187(2), comprises of the following Members: - Hon. Jack Odinga, MCA, Hon. Peter Muhula, MCA, Hon. Joseph K'awuor, MCA, Hon. Jared Abayo, MCA, Hon. Sylvester Madialo, MCA, Hon. Margaret Oketch, MCA, Hon. William Owiti Angul, MCA, Hon. Nicholas Ochieng Aneme, MCA, Hon. James Obiero Otare, MCA.

Mr. Speaker, Sir, the Committee on Budget, Appropriations and Finance was established under County Assembly of Siaya Standing Order No. 187(3) and is mandated to do the following:-

Investigate, inquire into and report on all matters related to coordination, control and monitoring of the of the county budget;

Discuss and review the estimates and make recommendations to the County Assembly;

Examine the County Fiscal Strategy Paper, as presented to the County Assembly;

Examine Bills related to the budget, including Appropriations Bills; and

Evaluate tax estimates, economic and budgetary policies and programmes with direct budget outlays.

In reviewing this first Siaya County Supplementary Budget Estimates for

Financial Year 2015/2016, the Committee held fifteen meetings, from Friday 27<sup>th</sup> November, 2015 to Wednesday 16<sup>th</sup> December, 2015, with a team from both arms of the county government i.e. the Executive and the Assembly. These teams were led by the CEC Finance and the County Assembly Clerk respectively. The two arms gave clarity on specific issues contained in the said Supplementary Budget Estimates. These presentations by the County officers were also backed up by documents as to the projects which had been implemented and those lined up for implementation. The recommendations arising from these deliberations are included in this report.

Mr. Speaker, Sir, the Committee extends its gratitude to the office of the Controller of Budget, Siaya County and all representatives from the Executive and Assembly arms of the county government who appeared before it. The Committee is also particularly grateful to the offices of Siaya County Assembly Speaker and the Siaya County Assembly Clerk for the support received as it discharged its mandate of examining and reviewing the first Siaya County Supplementary Budget Estimates for Financial Year 2015/2016.

Special appreciation also goes to the Clerk to the Committee together with the other staff members attached to this Committee who, on several occasions, had to go beyond the normal call of duty. The commitment and devotion to duty of all those involved in this noble task made the work of the Committee and production of this report a success. We thank each one of them.

It is therefore my pleasant duty and privilege, on behalf of the Budget, Appropriations and Finance Committee, to table this report and recommend it to the Assembly for adoption.

In line with the provisions of Section 135 (2) of the Public Finance Management Act, 2012, the budget estimates and related documents for the two arms of the county government, namely, the County Executive and the County Assembly were tabled in this County Assembly on Tuesday, 24<sup>th</sup> November, 2015. The Budget and Appropriations Committee was therefore required to discuss and review the estimates and make recommendations to the County Assembly for consideration.

This first Supplementary Budget Estimates for 2015/2016, has been necessitated by the following major factors; to incorporate the additional revenue to the

County pursuant to Section 5 of the County Allocation of Revenue Act (CARA), 2015; to roll over projects worth Kshs.

636,592,606 which were not rolled over by 30<sup>th</sup> June, 2015; and to review the budget estimates in order to finance the budget deficit of Kshs. 358,773,642.

Mr. Speaker, Sir, a total of Kshs. 3,253,000,000 was allocated for the development projects. By the end of the financial year on 30<sup>th</sup> June, 2015, projects worth Kshs. 800,336,616 were rolled over to FY 2015/2016. During the Committee meetings with the County Executive, this Committee was informed that as a result of the collapse of the system towards the end of the financial year as well as the fact that some projects were not done to completion as was anticipated by the County Executive, projects worth Kshs. 636,592,606 budgeted for in the FY 2014/2015 were not rolled over to the FY 2015/2016 budget.

This created a need to absorb these unrolled over projects into the budget. Further, considering that the cash brought forward (cash available to finance the projects not rolled over) was Kshs. 277,818,964, this implies that there is a deficit of Kshs. 358,773,642.

Mr. Speaker, Sir, while engaging the County Executive regarding the composition

of the deficit above, the Committee was informed that this was due to the cumulative revenue shortfall of Kshs. 211,000,000 for the last two financial years. Also contributing to this deficit, as the Committee learnt is the variation in projects between the budgeted amounts and the contracted amounts, the cumulative variations being Kshs. 147,773,642.

Mr. Speaker, Sir, the last five items of revenue in table 1 above are allocations from the national government as conditional grants to the Counties pursuant to Section 5 of the County Allocation of Revenue Act, 2015. Out of the conditional grants, the county is only allowed a free hand budget with the User Fee Forgone of Kshs. 19,634,077.

In their submission, the County Executive had proposed certain expenditure items to be considered into the budget and those to be deducted from the budget as explained in the Table.

Mr. Speaker, Sir, in the course of the Committee deliberations and in considering the views of the CECM, for Finance as provided for in Section 131 (2) of the Public Finance Management Act, 2012, the following came out as the justifications for the new proposed priorities. The Committee also made observations and has come up

with the recommendations for the respective project as reported.

A total of Kshs.92 Million was initially allocated for the refurbishment of this hospital. During the Department of Public Works' assessment of the works to be done, there was need to include the renovation of the mortuary block as well as the hospital gate. Considering the condition of the patients, there was further need for the refurbishment works of this hospital to be done once and for all so as to avoid any sense of disturbance to the patients.

According to the County Engineer's estimates, the renovation, if done at once, would cost a total of Kshs.128, 817,910. However, during the procurement process, the lowest bidder quoted Kshs. 119,000,000. The Committee learnt that so far, the works for the earlier allocated funds had not begun. This Committee therefore dropped the proposed Kshs. 27 million and recommends that the Kshs. 92 million be exhausted before any further allocation may be proposed for the facility.

In their presentations, the County Executive informed the Committee that in the 2 financial years preceding, upon requests from the community, it had undertaken, as additional priority, projects worth Kshs. 12,951,760 and Kshs. 40,000,000 on

boreholes and roads respectively, as attached in appendix 1.

Therefore, in order to capture the above boreholes and roads in the budget, this Committee recommends that upon verification of the projects, the Kshs. 52,951,760 be rationally charged against the allocations to the respective wards.

Mr. Speaker, Sir, Members of this County Assembly will be aware that, in the FY 2015/2016, Kshs. 3 million had been allocated for the completion of the slaughter house in Yala. The National Environmental Management Authority (NEMA), following its assessment, disapproved the project given its proximity to the river.

Due to the above technical challenge, the County Government sought the views of the residents of the area who led by the local leadership, resolved that the project be modified into a resource center. To successfully do this, including fencing, there is need of Kshs. 3 million. In the meantime, the locals will look for an alternative land for the construction of a slaughter house.

Mr. Speaker, Sir, public money having been spent on this project to the level it has reached, this Committee recommends that the Kshs. 3 million be sustained as was proposed by the County Executive for the completion of the project.

Mr. Speaker, Sir, during the consideration of the 2015/2016 budget estimates in June, 2015, these two expenditure items were indeed proposed by the County Executive. However, this Committee had in its recommendations passed by this Assembly on 29<sup>th</sup> June, 2015, opined that no further budgetary allocation should be made unless regulations and/or policy is in place to aid its accessibility and disbursement.

In interaction with the CECM, Education, the Committee learnt that this proposal for bursary would go towards making payments for the school/college fee commitments that had been made by the County Government. On the other side, the earlier allocation of Kshs. 9 million, for Social Empowerment Fund, approved by this Assembly on 29<sup>th</sup> June, 2015 had not been spent. In view of the above, this Committee recommends that the proposed Kshs. 15 million and Kshs. 3 million for Social Empowerment Fund and bursary respectively, be shelved until such a time as there will be regulations or legal structures to operationalize the implementation of the programme.

The County Executive had proposed Kshs. 15 million in preparedness for mitigation of any damages to life, or to

property or destruction of people's daily livelihood by the rains

Important to note is that, pursuant to the Second Schedule of the County Allocation of Revenue Act, 2015, Siaya County has been allocated Kshs. 93,617,021 towards the County Emergency Fund.

Noting the above, this Committee therefore recommends that this allocation for the El Nino rains be employed towards reduction of the deficit.

Mr. Speaker, Sir, during the financial years 2013/2014 and 2014/2015, Kshs. 14,800,000 million and Kshs. 33 million respectively were allocated for the supply and installation of solar lights. However, this Committee in its interaction with the County Executive team learnt that the distribution of these lights was so unbalanced that some of the wards which had provided for this in their budgets did not receive the solar lights while some of those which did not provide for the solar lights ended up with several.

Further to the above, this Committee observed that the County Government has so far not commenced the procurement process for the solar lights already having an allocation of Kshs. 37 million in FY 2015/2016 budget estimates

In view of the above, this Committee therefore recommends that no further funds

should be allocated for solar lights until and when the Kshs. 37 million is spent and equitable distribution of the procured solar lights is demonstrated and/or otherwise justified.

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Further to the above, this Committee observed that the County Government has so far not commenced the procurement process for the solar lights already having an allocation of Kshs. 37 million in FY 2015/2016 budget estimates

In view of the above, this Committee therefore recommends that no further funds should be allocated for solar lights until and when the Kshs. 37 million is spent and equitable distribution of the procured solar lights is demonstrated and/or otherwise justified.

In addition to the above development projects, the Committee recommends that the following Departmental Reallocation Recurrent Expenditure items be approved in this Supplementary Budget.

Mr. Speaker, Sir, in its meetings, the Committee observed that the County Executive had proposed to reduce some projects earlier approved to be done at the ward level, i.e. the ECDE blocks, the roads, the ward offices and the water projects. Similarly, the County Executive had proposed to reduce some allocations earlier approved for the renovation of various hospitals. However, this Committee recommends that the proposed deductions of the wards projects mentioned above and the

allocations for the renovations of the various health facilities be dropped. For the Ward offices, this Committee recommends that Kshs. 200,000 be allocated, because these are projects that had been awarded, as it awaits enhancement in the next budget making process.

During the engagement with the County Executive, this Committee was informed that in the next financial year, 2016/2017, a substantial amount of money shall be allocated for the construction of the ward offices.

Having deliberated on and considered the views of the CECM for Finance, this Committee therefore recommends that the following expenditure items

Mr. Speaker, Sir, in the course of the Committee's deliberations with the Executive on the first Siaya County Supplementary Budget Estimates for 2015/2016, the following general observations were made:-

The Committee noted that some projects for FY 2013/2014 have not been done to completion. This indicates the inefficiency in the project implementation system within the County. In essence, this has delayed the intended benefits of these projects to the residents of this County. This

delay, as indicated by the County Executive, arose as a result of challenges like introduction of e-procurement system and the stringent conditions attached thereto with obvious impact on project implementation.

The County Government, in its revenue projections, expects to collect Kshs. 7,500,000 and Kshs. 555,000 from liquor license and trade respectively in this financial year 2015/2016. This is despite the fact that to date, the County Assembly is yet to receive the Liquor Licensing and Trade License Bills from the County Executive for consideration and enactment.

The County Government of Siaya had proposed to collect a total of Kshs 3,500,000 during the FY 2015/2016 from the *boda boda* operators. However, there is no tangible evidence of a strategy to realize these revenues.

The Committee was notified that the Counties within the Western region of Kenya had formed an economic bloc namely, the Lake Basin Regional Economic Bloc, whose main objective is to promote socio-economic development activities within the region. A copy of the Memorandum of Understanding (MoU) signed by the regional offices of the County Governors was availed to the Committee

which then advised that this be ratified formally through this County Assembly.

This Committee notes that there are variations in development projects undertaken by the County Executive cumulatively in the last two financial years. In particular, the Committee observed that there inadequate data about the ECDE blocks across the County. This unclear data is specifically about the number of completed blocks since FY 2013/2014 to date, the work in progress and their status report to date.

Mr. Speaker, Sir, the Budget, Appropriations and Finance Committee having examined and discussed the first 2015/2016 Supplementary Budget Estimates as was laid in this House on 24<sup>th</sup> November, 2015, and in consideration of the views of the County Executive Committee (CEC) Member for Finance, the Members of this County Assembly, the Siaya County Assembly Service Board and all interested parties, wishes to make the following recommendations;

For the residents of this County to get the intended benefits of the budgeted projects, the County Government should ensure that the development projects are implemented within the estimated time, probably within the financial year.

Mr. Speaker, Sir, in the last two financial years, allocations for the construction of ECDE has been limited to the blocks. To ensure seamless learning in such institutions, this Committee recommends that in future, budgeting for the ECDE should incorporate a full package including a modern toilet, furniture, equipment, water tank among other necessities.

The Committee noted various discrepancies relating to projects more so with roads some of which were; description and naming of the roads; location of the roads; length and costing of the roads; among others. The Committee therefore recommends that an exercise of verification in respect of highlighted areas be undertaken with a view to correcting discrepancies.

The Committee further recommends that upon completion of verification exercise, any variations if properly solved be captured in the subsequent supplementary and/or financial year budget estimates.

In complying with Section 166 of the Public Management Act, 2012, various accounting officers shall include in their quarterly reports briefs on the implementation of the projects. This Committee urges various Sectoral Committees to be pro-active and where

necessary, demand, in line with the above provision of law, the quarterly reports for their deliberations and laying before the House.

Mr. Speaker, Sir, the Committee therefore requests this Assembly to adopt this first Siaya County Supplementary Budget Estimates for Financial Year 2015/2016 and further resolve that the proposed recommendations as contained in this Committee Report be adopted with amendments. I further resolve that the proposed recommendations are contained within this Committee Report be adopted also with amendments, Thank you.

**Hon. Speaker:** Hon. Oriaro!

**Hon. Oriaro:** Thank you, Mr. Speaker, Sir; I'm forced to bite the bullet in support of the current discuss with amendments. I have been in agreement that the Kshs.13Million that would have gone to the Governors Council is deleted and indeed this is pursuant to even the Assembly resolution in the PIC/PAC Committee where I sit that it was illegal that for the last two financial years that the Executive pays the Council of Governors yet it is the treasurer who was to pay these people and alongside that in our recommendations was; those who were in charge paying those amounts to be surcharged including returning those

amounts because it was an illegality that by passing the document without our amendments.

We would have given such like counties a clean bill of health. The law governing the issues of budget making, nowadays in the score the budget cycle and it often starts with what is referred to as budget policy paper. To that extend some of the things that are troubling us here is that fy-2013/14, fy-2015/16; the Executive led by the Governor was pre-occupied with doing projects outside the budget which is totally illegal, they contracted them and if the County Assembly cannot come on board we saw the issue of Anglo-leasing where the County was supposed to be surcharged and it was forced to pay Kshs. 45,000.

The contractors have genuine contracts, means saving the Governor or half accepting what is not good. In view of that we also know that genuine contractors in those financial years were never paid hence the word it is us delaying those payments.

I support it but with caution that beginning by budget policy paper that should be a total projection that what will come from the National Government is this amount that will shall be generated from within is this amount that be and if at all in a subsequent financial year there were deficit

then if we deficit in 2013/14 then that budget policy paper of 2014/15 ought to have reflected of this projects and to that extend also the budget policy paper that saw the beginning of the budget cycle 2015/16 ought to have captured that which was done outside the budget that we are now doing. We are supporting it---

**Hon. Adera:** Point of Order, Mr. Speaker, Sir.

**Hon. Speaker:** Yes!

**Hon. Adera:** Mr. Speaker, Sir; the volume that the Hon. Member is using is beyond the recommended volume.

*(Laughter)*

**Hon. Speaker:** Order! Order Hon. Members, I did not tell you to speak; I asked Hon. Oriaro reloaded to speak. Let him speak.

**Hon. Oriaro:** Thank you. I'm always peptic politico and also a human rights protector so it is normal. On 16<sup>th</sup>, the Assembly Committee on Implementation that I Chair had its Report brought Here and unanimously adopted as some of our observations we can recall and I can read, it is good because we also have the public and these matters are in the public domain.

That the Committee was at pain to locate for oversight inspection all the projects expressly identified profiled and

prioritize by the County Executive away from the eye of the public or end users for implementation of FY- 2013/14 and 2014/15. Where we are now and in our recommendation and I can read it here; The County Executive, Ministerial and departmental is given 14days which elapses on 31<sup>st</sup>. That the---

**Hon. Madialo:** Point of Order!

**Hon. Speaker:** Yes, Hon. Member for Usonga!

**Hon. Madialo:** My last reading of the Standing Orders was that we take 5minutes in debating, two, is the Hon. Member in Order to re-read for us a Report that has already been adopted in the name of polluting this Motion.

**Hon. Speaker:** Hon. Madialo, I want to take it that the Hon. Oriaro is just referring---

*(Applause)*

**Hon. Oriaro:** Thank you. Mr. Speaker, we had given the Executive 14days to prove to this House that projects outside the budget are truly in existence which they failed to do within the 14days. Yes, we are giving them a chance to spend on the projects we did not know, to me as the Chair of Implementation we are put in an awkward

situation but they do it and it will be upon this House to prove that these projects were truly in existence because if we give them a blanket opportunity to spend on projects which this Assembly is at pain to prove of their existence and even the public then it shall remain that the House was used to protect the Executive, to protect impunity, protect issues of corruption.

I held my case by observing that the document is already in public; let us not create a precedent to allow an exception is not to creating a precedent. Let us just adopt it but let this House come to its feet in the public's space that we did bite the bullet but issues that we are allowed to happen, there veracity is made public so that a precedent is not created so that whoever duped the Assembly into doing things wrongly is held responsible.

**Hon. Speaker:** Yes, Hon. Muhula!

**Hon. Muhula:** Thank you. Mr. Speaker, Sir; I wish to thank the hon. Members for having taken their time from the holidays to come for this successful day. However, we must understand from today that institution that lacks procedure and systems we end up having things done this way.

Mr. Speaker, Sir; there is a reason why programme budget has to be done each

and every financial year and the controller of budget says you must adhere to that. As a Committee Member I did advice this Government that we are going to get stuck after 90days from the date of the budget adoption date.

When these issues that we are talking about in this House, the issue of supplementary has been warranted by two critical issues which are the creation of the Executive; one is lack of collection of revenue that they have already projected, the second one is doing things outside the budget. We are not here to judge people wrongly but as a House of rules and procedures we need to tell the Executive that you must follow the rules and procedures. That the issue of coming in and trying to divide the unified Assembly of Siaya because they want to do projects in different Wards with a lot of prejudice. Some of these projects when they were being done some of us were belittled as having failed to work in the Wards.

*(Applause)*

That meant that in the distribution of these projects, there was no equity that is what has brought a lot of commotion in this House. Other Hon. Members were enjoying more favour from the Executive than others. I want to agree with Hon. Oriaro, we are doing this not to strain the face of the

Governor but because we are patriotic enough to think about the citizens of Siaya.

That person who has genuinely worked but has not been paid e.g the *juakali* man and those hardworking Siaya people who have not been paid salaries up to today, that is the reason we are passing this supplementary. If that was not there then the Executive would have helped the money by not taking public money to pay these people.

*(Applause)*

Hon. Chair read about the justification of those programs. I want to reiterate to this House that Hon. Members, not any of your money is going to be taxed and if it is to be touched then justification has to be done very carefully and we authenticate through dedication whether 1 km was done then changed to 3 Kms. and then reverted back to 1 km because that is what is supposed to be happening.

**Hon. Adera:** Point of Order!

**Hon. Speaker:** Yes, Hon. Adera

**Hon. Adera:** Is the Hon. Member in order to say our money should not be taxed? Do we have money in this Budget? Can he clarify? We don't have any allocations as individuals.

*(Applause)*

**Hon. Speaker:** Will you substantiate whose money it is!

**Hon. Muhula:** When I speak here I do not speak as Hon. Muhula I speak on behalf of people of West Alego and they are taxed dearly!

*(Applause)*

Possibly my English could be very difficult for the Hon. Member.

*(Laughter and applause)*

**Hon. Speaker:** Are you implying that the Hon. Deputy Speaker is linguistically myopic to the extent that he cannot presume what you are saying.

*(Laughter)*

On a light note. Please proceed.

**Hon. Muhula:** You can alternatively use the word redundancy.

*(Laughter)*

As I was saying, the Hon, Oriaro has said a very good thing that truly there should never be precedence set in this House that we correct things that are done wrongly. It should be the last time. I pray that this Hon. House will take this thing very seriously that this should be the last time where things are done wrongly outside and we come and correct. We are telling those Hon. Members who have been the better animals in the farm...

*(Applause)*

...that next time these people come to your area ask them where the money is. There has never been equitable distribution of resources in this county. Today I am coming here saving somebody who had actually dug holes to bury me alive in 2017; it is only that Muhula is not easy to threaten.

*(Laughter)*

We may be laughing but some of us are at pain because of what we are doing which is the public finance management. There is prudence in the management of public fund and the custodian is the Executive but let Executive know that they can never do anything if this House refuses to bank roll it.

Now the ratification that was being said, the document that has come to this House has a face and can actually be assumed to have things that are going to change the lives of the people of Siaya and the County Government of Siaya.

How I would wish and pray that this House adopts this supplementary for the betterment or for Siaya face to be saved. I want to say clearly here that the rumour that is said outside here that the County Assembly is refusing to pass the supplementary must be discouraged.

*(Applause)*

It is not the County Assembly that does the Budget; it only scrutinizes it and then passes appropriation so outside there I want to tell the people of Siaya that the Assembly will never stall the operations of Siaya. It is the making of the Siaya County Government whose spinal is His Excellency the Governor Colonel Rasanga.

*(Applause)*

We are letting them off the hook today but let it be noted that every day is not Sunday. Sunday is only once a week that one time on a Monday he may not pray that this thing passes. I beg to support.

**Hon. Speaker:** Yes, Hon. Whip.

**Hon. Gare:** Thank you, Mr. Speaker, Sir, I am also on my feet first and foremost to thank this committee for the Budget. I know it has not been an easy task for them. They have personally come here for an informal meeting and at times we send them away but finally they are here.

I am on my feet to support this document but I want to plead with my fellow Members to pass this document

because if it is passed then today I am going to sleep.

**Hon. Members:** Why?

**Hon. Gare:** The why is what I am coming to, we have been stopped outside here that it is us refusing the people of Siaya from getting these services. Even the contractors have come to our offices asking why we are refusing to pass the Budget so that they get their money.

I want to tell the Executive today that we are passing it and throwing the ball to them. Can we see within 6 months if they will implement what we are passing today because we are tired of this rolling out of the projects? This is what is bringing these issues; we pass a Budget here then it takes long when the year is ending almost a billion is rolled over.

For your information the dates are already on the wall that we are coming back and we are going for another election but if it is being rolled over like this it therefore means that they are going to go back but leave 1 year with projects not being done. We want to send the Executive and we want the public to know that they have been sent by the county Assembly who has refused to pass the Budget.

I want to plead with Hon. Members to pass the Budget then we look at the Executive and then we tell them to implement within the 6 months so that at the end of this FY we will not have the same problem of rolling over of projects.

*(Applause)*

It has been said here and it is also in the Report that the Executive wanted some projects not to be done in our Wards. This is what was making some of us not to sleep because it is the same Executive who went out there through public participation and

the people of Siaya said their priority of the projects that they wanted to be done.

We passed the Budget here then us as the MCAs we went back and told them that there is going to be an ECDE in Sinapanga, West Sakwa Ward. How then do I go back and tell them that now it has been scrapped off by the Executive?

If they did not want this they should not have gone down to the people for public participation. We are saying that this was very wrong but I am happy the committee saw the sense and has saved us.

You have saved me from West Sakwa people who are now wondering that the projects they had passed are not going to be implemented but you have also saved me from the contractors and even the people of Siaya who were stopping me on the way and telling me it is us who have refused to pass the Budget and therefore they cannot get the services.

We want to request the Executive we are throwing the ball to them, can we see the projects being implemented within the shortest time possible. Thank you.

**Hon. Speaker:** Yes, Hon. Uzima.

**Hon. Were:** Thank you, Mr. Speaker, Sir, I want to support this Motion just to offer a lifeline to our country men and women who are starved of funds and development. This County is in cobatose.

*(Laughter)*

The situation in the countryside is desperate, hopeless and pitiable. The public has been waiting for this Assembly to midwife the supplementary Budget. We will do it with a passion and jumpstart this county to move forward.

I want to appreciate and commend the Committee on Budget for panel beating this supplementary Budget that was delivered on the Floor of this Assembly in a

very terrible state. You would look at the workmanship and you wonder whether professionals really worked on it.

*(Laughter)*

For the last 3 years this county has not witnessed any reasonable development in the 30 Wards and you look at the people walking around like grasshoppers not really knowing what they are supposed to do.

*(Laughter)*

It is an appraisal performance of how this County has been able to do their jobs. When you look at the release from the Commission of Revenue Allocation; these are periodic release. And, if you look at Siaya, 96 percent is still held in Nairobi. Whereas, Nairobi; only have one percent that is not utilized, a backward place like West Pokot; have only 5 percent of the money that is not utilized, and, Siaya, the home of professionals, the home of the fathers of devolution taking the tail. And then you'll go walking round saying you are with *Jakom*.

*(Laughter)*

It is today; that this Assembly has to pass the message across to the Executive that this Assembly will not be used as a conveyor belt of what should be done. It is a bit strange that we have our country men who are professionals and judge...may be able to do contracts in this country. And, already the auctioneers are at their doors.

We are going to pass this Budget; the Auditor's Report is already out and it is not business as usual. This is just a warning; we are passing the Budget because of public interest and not because of them. Tomorrow, they have to wake up, they have to hygiene themselves if they have to live in this century.

**Hon. Speaker:** Hon. Osuri!

**Hon. Osuri:** Thank you so much, Mr. Speaker; I am on my feet to contribute to this Report. The huge deficit that we have been given here is mainly due to poor revenue collection. Unless appropriate measures are put in place; we are likely to have the same problem in the future.

Mr. Speaker, you don't expect to collect revenue from the public if there are no services provided. For example; in my case of South East Alego Ward, I am happy it is very clear in page 13 and 17 particularly on solar lights. I am surprised that even those who did not budget for these solar lights in their wards as contained in this document, benefited from this.

Yet, you expect to collect revenue from Ng'inya Market, Nyang'oma and excreta. It is proved here, I have had a problem. The Executive wherever they go; keep telling the people that your ward representative did not budget for these.

Mr. Speaker, if you look at the South East Alego Ward; it is clearly indicate here that Ksh12 million was spent. And yet, we keep on telling the public; yet they don't understand these terms such as 'rolling over'. They expect implementation. If there is no light, no toilets...the other day; the market cleaners were on the streets because of nonpayment.

How do you expect to collect revenue from a market that is not cleaned? If these people are unable to...some markets are water logged. If you go to Dondkoki Market next to Karego; it is water logged. There are no services offered there. Until recently, two weeks ago, I had to plead with some church members to help in cleaning.

This is very wrong and must be looked into despite the fact that we are passing this Budget. The delay in payment; just like everybody here, some contractors that completed their projects and were given their certificates have not been paid up to

date. And, they think that the House Assembly is the one sabotaging their payments. Yet those budgets were passed long time ago.

We are wondering where those monies went to. This is clearly contained in the report that we recently adopted, the PAC (Public Accounts Committee) Report. And yet, some projects; as contained in the PAC Report had already been paid. They are a lot of bias.

Mr. Speaker; we should be able at this juncture to differentiate ward projects and Executive projects. There is a lot of confusion. Some of the projects are undertaken in our wards are later transferred to be ward projects.

And there is no proper balancing. We have no problem with the projects being implemented by the Executive. But, let there be balance in some of these projects. And, let them be subjected to public participation so that the public can have their views in them.

Mr. Speaker, although; it is contained in that Report of Reduction Purchase of Seed and Fertilizer to the tune of Ksh10 million; we have been told that the Executive is prepared to undertake some of these Agricultural projects.

In the past we have been very much concerned about food security and there has been delay in procurement of fertilizers such that even the fertilizers like the DAP that are meant for planting; planting season starts around February, yet the fertilizers are brought around May when the crops are da.... We wonder, we have real problems...

Mr. Speaker, as we pass this Budget; I know the House Assembly has been going for trips, and this is where we are usually accused. Yet this House usually brings reports. Some of these trips that are undertaken and we have no control; we should monitor them as far as their benefits to the County are concerned.

So that when they come back, even if they take a few Members from this House, when they come back we need to have a report and their impact because it is tax payer's money that was utilized. That is very important. I am really in support.

And, even this issue of Elnino that Siaya County was given Ksh93 million, we would wish to know from the Executive has used that money; there is a report that we brought to this Assembly; we have a number of issues in our wards, there are roofs that have been blown off, for instance; in my ward, on off the ECDEs at was blown off and we made a report to the Executive through the ward representative. We would love to know how that money was utilized as soon as possible. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Otieno.

**Hon. Otieno:** Thank you, Mr.

Speaker. Allow me explain to this House what has enabled us to be here this afternoon. It is importance for the public to know as Siaya, and also as Members. As you are ware, we had gone for a long recess and we went before debating on this issue of Supplementary Budget.

It wasn't our making Mr. Speaker, but the Executive delayed with the Budget and after bringing it had to go to the Budget Committee. They took their time, and I have to appreciate them for having brought a very good report.

It forced me to invoke the Standing order No. 27, 3 that made me write you a letter to allow this Sitting here; which was gazette and it's here Mr. Speaker, which cannot be challenged. And, that is why we are here, Mr. Speaker.

On contributing on this; I want to say that it is in the public domain that Siaya has consumed very little money in terms of development. The Siaya ...says that 118 percent is yet to be consumed in terms of development. So, Mr. Speaker, I am happy

that if this Supplementary Budget is passed; it will allow the Executive to implement the remaining projects.

Mr. Speaker, calling the debate today was viable. I also must thank the residents of Siaya for being patient enough to wait for our Budget Committee that really did a good work and has brought it today, which was almost dividing this Assembly.

The rumours had hovered the entire County that the Budget Committee was not doing a good job, that the Budget Committee was not bringing an up to date Document to this floor, but today, they have challenged everybody in Siaya, that they have done a good job, the malice in our words are not touched, and majority of us are supporting the supplementary Budget.

I must also appreciate the office of the Clerk, your office Mr. Speaker for having tirelessly ensured that this supplementary is brought today, so that the Siaya people benefit out of it. We have now complied, the issues that were there honorable, it took us a lot of time to sit with Mr. Speaker and the Budget Committee. We had to talk with Hon. Oriaro, Hon. Elisha; Hon. Madialo also explained eloquently what is in this together with the Chair of Budgets and his CECM, the Executive team that came has enabled us today, to see that this Supplementary sees the light of the day.

I want to thank the Members, who in their very tight schedules, managed to come and show patriotism in them, to come to this sitting today and ensure that Siaya moves forward. Without boring the House, I beg to sit and support and ask Members to support. Thank you

**The Speaker:** Honorable Rosemary?

**Hon.Ogutu:** Thank you, Mr. Speaker, Sir, I also want to add my voice to support this Motion. As I add my voice, I

would like to add, my colleague Members, Time has come, that we stand with our mandate in this House. We are not the implementers, we are the policy makers. Implementation is done by the Executive and not us. What has gone round, it's like we are refusing the Siaya people their money. I want to tell this House that it is not our own making. It's a matter of non-adherence to the Budget estimates.

I want to tell this House that the so called last minute budgetary allocated which had brought in this House, are the ones hindering us to do our work so well. As I want to congratulate the Budget Committee, I would also ask them, that they together with the Financial Department, they bench mark without these Counties because it's now a matter of competence.

If Migori County, our neighbor here has got a balance of 5% at the treasury or at the Central Bank, Bomet, a balance of 1%, what is wrong with Siaya! With a balance of 108%, what's wrong? It's a matter of competence. That is what I can say.

**The Speaker:** Is Hon. ---on a point of order?

**Hon. Ogutu:** Yes, he is listening. Mr. Speaker sir, I don't want to bore you, but only to say a good work for the Siaya people, especially the Contractors who the Banks are on their necks. As I am speaking today, some of our contractors are even in the ICU! Because of the debts or the Banks, I plead with the House that we pass this Budget but we stand by our guards as my Chair for the implementation has said.

When we talk here, it's like we are quarrelling, we are making noise, or we are not for our big man here. No, it's a matter of telling the truth so that we can prosper. As I finish, the projected revenues which is supposed to be collected in our County

cannot reach the maximum because of public participation.

Nobody is aware, awareness is not there. Like you are saying that you are supposed to collect so much from the Boda boda people. Have they been told? Are they aware? Have we reached them? No. I support

**The Speaker:** Honorable Madialo?

**Hon. Madialo:** Thank you Chair. Permit me first and foremost to appreciate the Committee, and above all the Chairman. While our colleagues may not know where, but they must remember that when the Chairman came last, to give an informal visit, he was alone with his Vice. It's because, as a Committee, we were not in agreement and it took an effort from you to collect us together again. I say this so that we do not take the desktops and imagine that some people were not feeling the pinch to what was being proposed.

I am supporting this document, but as you might have observed, I had a heavy heart. You know, we state and unstate, but perhaps sometimes, we should ask ourselves, yes we are in agreement that for us to have 101 or 100% balances in the Central Bank, is abnormal. But it also abnormal, that a County would digress like our neighbor somewhere here, the K'awuor relatives.

They have 2% remaining in the Bank, and in the Kenya Commercial Bank, they have 2billion debt. They are borrowing from the Bank and they have 5% remaining in the Central Bank. I want to ask, whether that is the direction, any should take. But there is something we keep repeating here.

Let me take just one example. Allocations for Social Welfare. Moneys for people living with disability. You know we can talk from January to December, but the

fact is, money was allocated and has never been spent. Reason? That we cannot access that money until certain things are put in place. So you look at the recommendations as read by the Chairman, One of the recommendation is:

We the Chairs of the Sectorial Committees, now that we know that there will be a challenge, on the part of the Executive, take your time and demand for those Reports, demand for that Policy, demand for that Regulation, so that we get the results, otherwise come January, we will start talking about people being with disability, Social Welfare, we will allocate, we will blame somebody for removing it, and next December, the old men will not have received a cent.

It goes to the other side, if you look at this, 2013, 2014; he gave 5 million to Social Welfare, it could not be spent. We rolled it over to the next Financial Year, added 3.4 which was rounded to 9 Million; you know this 9million is 5 million in 2013, 2014, and 4 million in 2014, 2015. We were now quarrelling, that we should add money so that it becomes 15 million. Without asking ourselves the question, what prevented us from spending the money that was allocated in 2013, 2014? And why didn't we then spend the cumulative? 2013/2014 and 2014/ 2015?

My very good Sister, and Friend, Hon. Lorna Adida, collect for us this money. That is one of the sad facts Mr. Speaker. It is not a fault on your part, and perhaps you interact with these people, the Budget Committee and other Committees. Perhaps sometimes, there is shortage on personnel, or perhaps no one the other side.

Another one is Projects. Something which did not come out clear but which was verbally stated to us by the Executive was

that, one of the reasons why they had a problem with the Nursery Schools, was because we were just building blocks and that is a fact. The blocks we were building, especially if they are outside Primary Schools have no toilets. So we have kids that are seven years old going to schools and this are rural areas we might not be able to afford pampers.

We are sending them there without toilets. How will the head teacher deal with this issue? In nursery schools the children play therefore they need playground and the equipment. Though we have taken care of the chairs the worst aspect of this is; what happens if Kamrembo where Jack comes from and you know Kamrembo is a small village! I would have called it another name for instance Santiago the way Hon. Were calls it.

*(Laughter)*

**Hon. Odinga:** Point of Order!

**Hon. Speaker:** what is the point of Order?

**Hon. Odinga:** Mr. Speaker Sir, with due respect for my colleague Hon. Madialo I don't know whether he is referring to Hon. Jack Odinga or Jack Odinga somewhere in Kamrembo because I don't understand when he is saying Jack Odinga from Kamrembo. Who is Jack ...?

**Hon. Speaker:** Do you come from Kamrembo? He is not sure, proceed Hon. Madialo!

*(Laughter)*

**Hon. Madialo:** What I was observing is this; once you put a nursery school in that village the next time you go for public participation this village they want a nursery and it's captured. Where will you get all the teachers in one sub location when you have 10 villages in one sub location? Where will get the pupils and what

about salary, house allowance and travelling allowance as well? This are the failures of the executive in advising us and as well as advising the public.

Lastly, this is a very critical aspect because you should have observed that if you were a critic of the Governor like my brother here and brother there you will find that those projects you talk about are so many in their Wards. People like my nephew; Hon. Ndonji as he is called, you know has so many of those projects because the only method of having those projects is if you criticise the Governor.

**Hon. Speaker:** Hon. Ndonji! What is the point of Order?

**Hon. Ndonji:** Mr. Speaker, Sir, with due respect to my uncle I want to put it clearly to this House that my Ward has never benefited from roadside declarations and I also don't intend to request for such declarations. I want that anything that is being done in my Ward to be done through the budget, thank you.

**Hon. Oriaro:** On a point of Order Mr. Speaker!

**Hon. Speaker:** Yes! Hon. Oriaro.

**Hon. Oriaro:** In view of the fact that my Report we are at pain and the Assembly approved that we don't know the existence of some of this projects. Is Hon. Madialo proving to be a contractor to know where these projects are because he is more of a friend to the Governor?

*(Loud consultations)*

**Hon. Speaker:** Hon. Members we do not have much time, Hon. Madialo proceed.

**Hon. Madialo:** What I was trying to say is that I do not think the Hon. Oriaro would deny, quarrel, shout or even be annoyed if anything was done in

consultation with himself if an emergency was brought to his attention. Polite consultation is very important perhaps just inform that MCA that this interest group petitioned the executive about this road because of the following and we intend to allow their request. That will go a long way in eliminating these problems. I seat down by reiterating that I am neither a grasshopper as they say and if Hon. Muhula is putting that rule I will attend his funeral.

**Hon. Speaker:** Hon. Member for Central Gem and Hon. Members let us avoid being repetitious because we have another Bill which we have to go through. Yes! Hon. Fred Ouda.

**Hon. Ouda:** Nashukuru sana bwana Spika kwa kunipa nafasi hii ya kipekee pia nataka nishukuru mwenyekiti kamati ya bajeti pamoja na kamati lake mzima kwa kazi mzuri ambayo walifanya, vile vile nataka nishukuru wajumbe wezangu maana ukingalia nyuso zao wanafuraha sana na ...

**Hon. Speaker:** when did you last see the Members because this is how they have always been?

*(Laughter and loud consultations)*

**Hon. Ouda:** kwa muda mchache uliyopita nyuso zao hazikuwa zinanga vile zina ngaa sasa hivi na nawashukuru kwa hayo sana. Ya tatu, mimi kama mjumbe wa Gem ya Kati nataka kusema kwamba nina furaha mimi mwenyewe kama Fred Ouda pamoja na watu wa Gem ya Kati tunaunga ama mimi naunga bageti. Inayonifurahisha zaidi ni kuwa tashwishi si nyingi kwa hivyo mimi na sema sana sana kwa wale waliopewa kandarasi hapa Siaya sasa watalipwa. (In fact) ama ni Kiswahili inanipa furaha ...

*(Laughter)*

**Hon. Speaker:** Hon. Ouda can you imply your direct translation? Mwanakandarasi continue!

**Hon. Ouda:** Bwana Spika mimi sikupewa kandarasi lakini waliopewa kandarasi Siaya ni mandigu zetu na madadazetu kwa hivyo kama watalipwa ninafurahi. Ningependa nikuombe kwavile nikiangalia wliotangulia kuzungumuza ni kama tuko pamoja na hatujatafautiana sana. Madam Augo tulikuwa na wewe katika darasa la Kiswahili! Mimi kama Ouda nilikua naomba kiti chako kwavile masaa imeenda sana pengine umuulize mwenyekiti wa Bageti aje ajibu kasha twende zetu tukasaidie wakazi wa Siaya na wanakandarasi, asante.

**Hon. Speaker:** It looks like there is still a lot of an interest! Let's allow the Deputy Speaker to now contribute then three of you will contribute and then we call the Mover to reply. It is not objected. Hon. Adera!

**Hon. Adera:** Thank you, Mr. Speaker, Sir, allow me also to add my voice to the many voices which have contributed to this Motion. First I want to congratulate the Budget Committee for doing a wonderful work, in deed what was initially brought to this Assembly and I had an opportunity of perusing that document and I can say that MCAs cannot turn a blind eye to a document that we know has got some irregularities and I thank them again for seeing it fit to harmonize the same to a level that even the Executive am sure will be happy with the document that we are now deliberating on.

As I support the document I wish to warn the Executive. It has developed a tendency of bringing us the Budget or critical documents at the last minute so that we pass it and then they draw all the blame

on us that it is the Assembly that has refused to pass the Budget. I think our mandate is to scrutinize the Budget. The Budget is voluminous as you can see it has got so many pages and for the Budget Committee to go through it within 1 day and then pass it the following day I think we would be pretending.

It requires ample time to scrutinize and even if people make noise that should not bother us but I again give thumbs up to that committee for staying calm even when there were stormy statements being thrown to them, *walikaa ngumu*.

Thank you. I support.

**Hon. Speaker:** Yes Hon. Member for Sigomere. I remind Members to try to be brief because we don't have much time.

**Hon. Omwende:** Thank you, Mr. Speaker, Sir, I will observe that. First and foremost am supporting this. Secondly, I am traumatized especially on the distribution of County resources. I am not happy about the distribution of resources.

I really appreciate the documents that we got from the Budget Committee initially. This is our one eye opener. The distribution of the County resources are discriminative and other Wards are really benefiting while others are behind that is my worry. I would really urge the Executive because I was going through Sub Counties; others are getting Kshs. 300 million while others are getting Kshs. 200 million.

If you go ahead to Wards others are almost...

**Hon. Oriaro:** Point of Order!

**Hon. Speaker:** Yes Hon.

**Hon. Oriaro:** Is it really fair for the general membership of my colleagues lamenting that others are benefiting more yet he is here to approve what is right or wrong

and to reject what is wrong. It is like he is reducing us to his raccoons!

*(Laughter)*

**Hon. Speaker:** I hope you are referring not to the individuals but to the Wards. Could you just proceed please.

**Hon. Omwende:** Thank you, Mr. Speaker, Sir, like Alego Sub County gets almost Kshs. 85 million while Ugunja is only getting Kshs. 17 million. To me that is not fair.

*(Applause)*

I agree to support but I have to caution the Executive, there should be equal distribution of resources to Sub Counties and even the Wards. That's my caution and I am keen even if time would come I could give a statement to know which criteria the Executive use to distribute these resources. Thank you.

**Hon. Speaker:** Hon. Members we just allow the 3 of you. Just be brief so that everybody gets a chance. Yes, Hon. Murray!

**Hon. Asewe:** Thank you, Mr. Speaker, Sir, I want to add my voice to what other Members have said. I will be very brief so that we don't take more time just as you have requested.

The law is very clear this is a House of laws and procedures. We need to follow what is actually meant to be done. Our role here is to represent the people of Siaya. The population of Siaya which is almost 1 million cannot fit in this House and that is why we were elected or nominated to represent their interests.

I don't think it is wrong if we reject what is wrong and accept what is right. Prudent use of public money must be protected at all costs. Budget was done,

procedure was followed and public participation was done the correct way.

The Executive had all the chances to select on the projects that were brought by the public and implement them. There is no way it can be brought to this Assembly first and again changed later to an authorized project. This is wrong and cannot be accepted.

I represent a Ward that has over 70,000 people. Since the beginning of devolution no allocation has been done to this Ward. It is this FY that some allocations were made to people with disability in Siaya. Within that small allocation there was problem but I am happy that the committee saw the need to protect that money.

The next question is, there is some money that was allocated in 2013 for some specific projects and these ones have not been used some of them in 2014/2015. Some projects are still lagging behind and have not been implemented. I don't understand why the money that was allocated to PWD's is still held up in the hands of the Executive without implementing what it was meant for. We will push for it at all costs.

Otherwise I support these amendments. Thank you.

**Hon. Speaker:** Hon. Ndonji.

**Hon. Ndonji:** Thank you, Mr. Speaker, Sir. I also want to throw my weight behind this document. I want to put some clarification on what the Members have been saying. It can be misconstrued that the Members are passing the Budget that was brought initially. The Budget was passed in an informal meeting. I want to say my support for this document is not the Budget that was brought but because of the creation that has been made by this Report.

If you look at the document that was brought earlier it was not because of the

people of Siaya that I would have said I was going to pass it. I was going to reject it because it was not going to serve the interest of the people of Siaya and it was going to serve individuals. It should be corrected so that everybody knows that what we are trying to pass right now is not the supplementary Budget that was brought initially which we were against. If it were that one I would have stood here to speak against it.

The Executive has been having a tendency of not adhering to the Reports of the Assembly. I hope this time round whatever we have been giving will be adhered to by the Executive. If you look at the document that was brought earlier, it was not because of the people of Siaya that I was going to pass it. I was going to reject it because it was not going to serve the interest of the people of Siaya. It was going to serve individuals' interest.

Mr. Speaker, I should be corrected so that everybody knows that what we are trying to pass here, is not

I stood here to speak against it. As we continue talking, the Executive has been having a tendency of not adhering to the reports of the Assembly. And I hope this time round, whatever we will be given here today; will be adhered to by the Executive.

Apart from that, there is this issue of some payments that were made on projects that were not budgeted for. I don't know how this is going to be handled. It was said to be about Ksh40million shillings. If it has already been paid; my take Mr. Speaker, Sir, was that there should have been some disciplinary action that was supposed to be taken against the officers who were accomplice in this matter.

And if possible, we can go the way that it was done elsewhere in which these people are supposed to be surcharged. So, that we don't give them room for repeating

such malpractices Mr. Speaker. At the same time, there are claims that some of these projects that were being said to have been paid for and were not budgeted for had actually not been done.

And it was said here in the Assembly that the Executive was being given 14 days to prove that these projects were actually done. As I stand here today, I do believe that I will only do what I was brought here to do with the people of East Ugenya.

And if anything was going to affect the people of East Ugenya negatively, I will stand up and say no to it even if I remain alone in this House. For that reason; the recommendations are good. And they are long overdue. For example; this issue of saying that projects should be done within a span of one year, and we should be having a time frame for projects is long overdue this is one thing that should have been done from the inception of this particular Government Mr. Speaker.

I rest my case by saying that I support it. I also want to urge the House to be very strict and ensure that the Executive adhere to what has been passed in this House. Thank you.

**Hon. Speaker:** Hon. Owii.

**Hon. Owii:** Thank you very much Mr. Speaker and the Hon. House, the House has spoken and today, we are making history by deciding to call filth, filth no matter the package. Even if you decide to wrap it in some paper written—happy Christmas, if it is filth it will be filth

The issue before us is nothing other than management crisis. You wake up to go to work and you don't know what exactly you are going to do. You meet some people and then you start talking and you assume that you have worked.

I don't know if I am understood. Mr. Speaker, there are times when you have stop leading the crisis. The time is now. Why do i

say that? If it were the era of the late President Moi---

*(Laughter)*

Then this road sign declaration could have been there and work could have been easy. But the times are not the same. And that is why the piles of problems that we have here are because of road side declarations which turned the projects in our wards not on demand of member of Assembly of a particular ward but the request of the interest of the people of that particular ward. Put to His Excellency the Governor, and he saw them with his human face and he told them let there be a road and there was a road.

*(Laughter)*

I want to request that there is only one thing that should be unconditional; forgiveness of sin; but this one we have to put conditions that this issue of management by crisis should stop. We should not allow it in our future arrangements. Undertaking projects that were not budgeted for should stop. It is something that has been...

Today, while I was coming here. Particularly in the afternoon, around one; I knew that we were coming here to say—rest in peace Supplementary Budget. Because I knew it was going to die. But, God is there.

And I believe that the authors of this particular document should actually remove your **hearse** to our Budget Committee so that if we touch the ward projects; that was going to be the beginning of the war between the Assembly and the Executive.

Some of us, who are branded to be close to the Executive; I don't want to deny that because I work in the Government of ODM (Orange Democratic Party). I cannot be out to oppose ODM all the time or this Government. I want to tell you Mr. Speaker, if it was not for the wisdom of these hon. Members that sit in these committees. Things would have been bad.

You have seen, they decided to come up with petty issues that were going to raise issues in this Assembly. We have reduced them to the level that all of them have now been accepted. I didn't know it could happen this is here.

I want to close by saying that projects of Financial Year 2013/2014; is bad news, we shouldn't even talk about them now. Some have not been undertaken up to now. Even if you are rolling projects, for how long will you roll out the projects?

The intention of rolling projects is for...I was in the County Council; projects should not be rolled like that and by the end of the term you will find that the Clerks, Treasurers name them. They will find that that is the money they were spending. In fact that is the way they enrich themselves. I am not saying I know them. There is none here.

*(Laughter)*

I want to say that the projects of Financial Year 2013/2014, 2014/2015, 2015/2016, should all be completed within six months if the Executive are serious. As has been put in general recommendations of this Committee

I want to say that the dream of playing around with our ward projects never came to be true. And that saved the face of this County. Next time when we key in such mistakes; I don't know how we will behave. Because, even our closest friends of ours will move very fast from the Executive, you cannot pack...and call it a present. Thank you, Mr. Speaker.

**Hon. Speaker:** The Mover had actually called to pass a point to the replier. I can see the point had been passed across.

**Hon. Odinga:** Thank you, Mr. Speaker, Sir. I want to take this opportunity to thank my colleagues for objectively debating on this Report. However, there are a number of issues raised by my colleagues that need some clarification. Mr. Speaker, one; Hon. Osuri, Member for East Alego

was asking for a breakdown of the Ksh93 million of the El nino, Emergency Fund. I wanted to put it clear that this is still a proposal; it is not money that has been received by the County Government.

These are what we meant when we mentioned what necessitated the preparation of this Supplementary Budget; then we said that they are the new funding to this County Government of Siaya. This is new it has not yet been seen, if we pass this Supplementary budget, then that is when the National Government or the CRA (Commission on Revenue Allocation) will disburse these funds to the County Government of Siaya.

I believe that Hon. Rosemary was encouraging us to do benchmarking with the Executive. Mr. Speaker, I want to make it clear that Budget Committee is also an oversight Committee in the County Assembly. And, when we do benchmarking, we do it as a Committee from the Assembly and not with the Executive.

Mr. Speaker, Sir; Hon. Osuri Member for East Alego Ward was asking for a breakdown Kshs. 93Million, the emergency fund or Elnino fund. I want to put it clear that this is still a proposal; it's not yet money that has been received by the County Government remember these are what necessitated preparation of this Supplementary Budget and we also said there were new funding's to this County Government of Siaya.

This is new and has not yet been received and if we pass this Supplementary Budget is when the National Government through the CRA will disburse these funds to the County Government of Siaya. I believe that Hon. Rosemary was trying to encourage us to do benchmarking with the Executive; I wanted to make it clear that Budget Committee is also an oversight Committee in the County Assembly and when we do benchmarking we do it as a

Committee from the Assembly not with the Executive.

It should not be construed to mean that when we are bringing the Budget or writing Reports for Budget is that we are working for the Executive, we are working for the Assembly and this is why we are inside Here today trying to defend our recommendations.

On public participation; she was asking whether whatever proposals from the Executive on 3.5M for *boda boda* expected revenue; there was public participation. We believe that when we receive our Finance Bill which is now an Act, there was public participation by the Executive and through that those issues would have been raised at that level.

However, I am congratulating them for bringing up these issues because we are saying that however much we try on public participation we still need to sensitize the public; the need to come to these forums to give our views.

I want to thank my colleagues once again; looking at the mood of Members and going by the debate I see that Members are for the interest of the Siaya people and more so we are saying that when we pass this document, drugs will come to our hospitals, the *jua kali* sector; those young men and women who work in the *jua kali* sector who have worked for Siaya County Government will get paid, those contractors who work for Siaya County Government in various projects will be paid, that local mother who needs water, road and other amenities will access this through adoption of this important document.

Lastly, as was said by my colleague that distribution resources need to be looked at. As we know there are various principles which are looked at when making

distribution; some of them equity, quality and other parameters like population and poverty levels. On behalf of the Committee and on behalf of my colleagues who also said that; we want to urge the Executive to look into these principles of revenue distribution so that all Wards benefit, might not be equal but equitably, thank you, Mr. Speaker, Sir; I beg to Move and ask my colleagues to support this document.

**Hon. Speaker:** Allow me to put the question.

*(Question put and agreed to)*

### PROCEDURAL MOTION

**Hon. Odinga:** Mr. Speaker, Sir; once again I thank my colleagues for seeing to it the need of not stalling the Siaya County Government operations by passing the Supplementary Budget and based on that I wish to Move a procedural Motion because by the passage of the Siaya County Supplementary Budget then it means that the Appropriation Bill we passed on 29<sup>th</sup> June 2015 no longer exist.

I wish to Move a procedural Motion on reduction of publication period that Pursuant to the provision of Standing Order no.117 this House resolves to reduce the publication period for Siaya County Appropriation Bill, 2015( County Assembly Bill no. 14) of 2015 from 7days to 1 and I call upon Hon. Nicholas Aneme to second.

*(Hon. Aneme Seconds)*

**Hon. Speaker:** Hon. Members, allow me to propose the question which is that Pursuant to the provision of Standing Order no.117 this House resolves to reduce the publication period for the Siaya County Supplementary Appropriation Bill, 2015( County Assembly Bill no. 14) of 2015 from 7days to 1.

*(Question put and agreed to)*

## 2015 SIAYA COUNTY ASSEMBLY DEBATES

**BILL**

THE SIAYA COUNTY SUPPLEMENTARY  
APPROPRIATION BILL (COUNTY ASSEMBLY  
BILL NO. 14 OF 2015)

**Hon. Odinga:** Having reduced the publication period for the Siaya County Supplementary Appropriation Bill, 2015. I request that the First Reading of this Bill be done and I call upon Hon. Madialo to Second.

*(Hon. Madialo Seconds)*

*(First Reading of the Bill)*

**Hon. Speaker:** Hon. Members, allow me to propose the question which is that the Siaya County Appropriation Bill, 2015 (County Assembly Bill no. 14) of 2015 be now read a Second Time.

**Hon. Odinga:** Thank you, Mr. Speaker, Sir; as I said earlier that this House having considered the approval adoption of the Supplementary budget 2015, the other Bill that we passed on 29<sup>th</sup> June seizes to exist and as at now we need to authorize withdrawal the Supplementary Budget we just approved. This is a legal requirement and that is why it was gazetted for today. This is what is going to operationalize the withdrawal of the same from the treasurer, thank you.

**Hon. Muhula:** Mr. Speaker: as much as we would want to look at the urgency of this Bill and of course Supplementary Budget which has... by 20<sup>th</sup> of this month. However, I wish that this House looks at the Bill and possibly pass it with amendments.

**Hon. Speaker:** The amendments in the Supplementary are the same amendments that we have carried forward in this document. If there are no contributions,

I will ask the Mover to reply. The Mover be called upon to reply.

**Hon. Odinga:** I just to thank my colleagues because having explained earlier they have understood it and they have seen the reason why we need to pass this Bill the same we need to adopt the other Report so I want to thank them so much and I wish to reiterate that it shows unity for purpose, thank you.

**Hon. Speaker:** Hon. Members allow me then now to put the question.

*(Question put and agreed to)*

**BILL**

SIAYA COUNTY SUPPLEMENTARY APPROPRIATION  
BILL, BILL NO. 14 OF 2015. SECOND READING

**COMMITTEE OF THE WHOLE  
HOUSE**

*[The Hon. Speaker (Hon. Okode) left the  
Chair]*

*(Question proposed)*

*(Question put and agreed to)*

**IN THE COMMITTEE**

*[The Chairman (Hon. Adera) took the  
Chair]*

**Hon. Chairman:** Hon Members, we are not yet done; we are now in the Committee of the Whole House. Hon. Members, can you be seated! Hon. Selah, the Bill has not been passed; okay! Can we therefore all be seated for the remaining Session?  
Okay, we can proceed.

*(Clause 2 to 3)*

*(Question, that Clause 2 to 3 be part of the  
Bill, proposed)*

*(Question that Clause 2 to 3 be part of the Bill, put and agreed to)*

**Hon. Oriaro:** I cannot see that Clause, where is it? You want me to pass a Clause that ...

**Hon. Chairman:** Hon. Oriaro you do not interfere with us if you are tired you want to go home, go home in peace.

*(Schedule 1 to 2)*

*(Question, that Schedules 1 to 2 be part of Bill, proposed)*

*(Question, that Schedules 1 to 2 be part of the Bill, put and agreed to)*

*(Title)*

*(Question, that Title be part of the Bill, proposed)*

*(Question, that Title be part of the Bill, put and agreed to)*

*(Clause 1)*

*(Question, that Clause 1 be part of the Bill, proposed)*

*(Question, that Clause 1 be part of the Bill, put and agreed to)*

**Hon. Chairman:** Hon. Odinga, chairperson of the Committee on Budget!

**Hon. Odinga:** Mr. Chairman, Sir I beg to Move that the Committee do Report the House its consideration of the Siaya County Supplementary Appropriation Bill, Bill number 14 of 2015 and its approval thereof with amendments.

*(Question, that the Committee do Report the House its consideration of the Siaya County Supplementary Appropriation Bill, Bill number 14 of 2015 and its approval thereof with amendments, proposed)*

*(Question, that the Committee do Report the House its consideration of the Siaya County Supplementary Appropriation Bill, Bill number 14 of 2015 and its approval thereof with amendments, put and agreed to)*

*(The House resumed)*

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

**Hon. Adera:** I beg to Move that the Committee of this Whole House has considered the Siaya County Supplementary Appropriation Bill, Bill No. 14 of 2015 and approved the same with amendments.

**Hon. Odinga:** I beg to Move that the House do agree with the Committee in the said Report.

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Temporary Speaker** (Hon. Madialo): Chairman!

**Hon. Odinga:** Mr. Temporary Speaker, Sir, first of all I want to once again thank my colleagues and I now beg to Move that the Siaya County Supplementary Appropriation Bill, Bill No. 14 of 2015 be now read third time. I want to call upon Hon. Adida to second.

*(Hon. Adida seconded)*

*(Question proposed)*

*(Question put and agreed to)*

**Hon. Temporary Speaker** (Hon. Madialo): Majority leader!

## ADJOURNMENT

**Hon. Temporary Speaker** (Hon. Madialo): Majority is not there but we have concluded the business of the House as per the Standing Order on business of the day.

Therefore being no other business, this  
House adjourns until the 8<sup>th</sup> February, 2016.

The House rose at 5.23 p.m.

**APPENDIX****THE HANSARD TEAM****DEPUTY EDITOR**

Mr. Tobias, O. Owenje

**REPORTERS**

Messrs. A, O. Onyango, T, B. Oduor, B, M. Ochieng.

Ms. J. Ambunya, Ms. L. Odinga, Ms. Y. Obare and Ms. J. Emali

