

Wednesday, 21st March, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly-First session

Wednesday, 21st March, 2018

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

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

PRAYER

STATEMENT

The Temporary Speaker (Hon. Madialo): Yes, Hon. Vincent Odawa

Hon. V. Odawa: Thank you, Mr. Speaker Sir; I rise to respond to a Statement request from the Hon. Ambrose Akuno on the employment of acting Chief Officers, in the County Departments.

I will start by apologizing to the Honorable House. This response I was supposed to give in the Morning session, but I could not do it due to unavoidable circumstances. I kindly ask the House to bear with me.

The Committee of Governance and Administration received a Statement request from Hon. Ambrose Akuno, dated 15th February this year where the Member requested knowledge of...but before we move to that Mr. Speaker, I wonder why a Member would so much want an answer to a Statement, yet he takes the next flight to whatever destination. However, I believe the Statement is for the House.

He wanted Statements on the following issues; One, The current Chief Officers in all the County Departments. Two, the Expiry of the term of each Chief Officer, and three, under what law are the acting Chief Officers working in the County Departments.

The Committee during its sittings held on Friday 2nd of this Month resolved, vide minute number PAGC/7 to write to the County Secretary as the head of County Public Service and the County Public Service Board. This was done vide letters, SC/Assembly/Correspondence/Chief Executive/17X-138 and SC/Assembly/County/Public Service Board/16 VOL 11-35, respectively, both dated 28th February, 2018.

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Consequently, the Committee received the responses from the County Secretary and the County Public Service Board dated 7th and 5th of this Month in which the officers provided a list of Chief Officers, the departments they are in charge of, the date of appointments and the date for the end of their contracts. This is found in the annexures 1 and 2 provided. However, the puzzling thing is that the responses also provided for three officers who are acting as Chief Offices in various Departments as shown below.

In that list we have Peter Otieno, who is acting Chief Officer of Youth Affairs, Gender and Social Services. In the same list we have Sylvester O. Okoth, who is acting Chief Officer Food, Livestock and Fisheries. Then we have Joseph Omondi, who is acting Chief Officer of Governance and Public Service. It is noteworthy that the three officers listed below, have never held office of Chief Officers in the County Government of Siaya.

Upon further inquiry, the Committee established that the officers held substantive positions in the County as follows: Peter Otieno previously held the position of the Director of Education and Training, Sylvester Okoth was Chief Executive Officer, School feeding program. Joseph Omondi was Director in charge of Administration.

The Committee therefore integrated the County Government Act 2012, Section 45(b) on the nomination and appointment of Chief Officers. Section 45(1) (a), (b) of the County Government Act, 2012 states as follows: The Governor shall;

- A. *Nominate qualified and experienced persons, competitively sourced and recommended by the County Public Service Board.*
- B. *With the approval of the County Assembly, appoint Chief Officers.*

The Committee has considered the appointment of the acting Chief Officers as extremely irregular and the Officers acting were not at any time vetted by this Assembly nor were they resourced to serve in these positions.

The Office of the County Secretary and the County Public Service Board gives reasons for their appointments as a stop gap to ensure uninterrupted delivery of service by these Departments. In cases where there was need to appoint acting Chief Officers, the Appointing Authority should have considered competitive sourcing with the approval of the County Assembly. The Committee therefore finds that the appointment of the below listed officers in their acting capacities were illegal.

The below listed acting Officers are: one, Peter Otieno, who is acting Chief Officer Education, Sylvester Okoth, Acting in Agriculture, Livestock and Fisheries docket, and then Joseph Omondi, acting Chief Officer of Governance and Administration.

The Committee therefore recommends that the Office of the Governor to validate the appointments of three officers with acting capacities, and appoint any of the substantive Chief Officers in acting capacity, or mildly undertake recruitment of officers to fill the three gaps of Chief Officer Education, Chief Officer Agriculture and Chief Officer Governance and Administration.

Another recommendation is that the Sectoral Committee in charge of Oversight of the three Departments; that is Education, Agriculture and Public Service does not assign any

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Business to the Officers in their acting capacity as Chief Officers as this shall be illegal and unprocedural.

The third one, the Sectoral Committee in charge of the oversight of the three departments should further take up the matter with the County Secretary in compliance with the County Government Act Section 45. Thank you.

The Temporary Speaker (Hon. Madialo): Next Order!

ADJOURNMENT

Would you be standing for adjournment?

There being no other Business, this House stands adjourned until tomorrow at 2.30p.m.

The House rose at 3.00p.m.