

Thursday, 4th March, 2021 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA
SIAYA COUNTY ASSEMBLY
THE HANSARD

Second County Assembly – Fifth Session

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

REFERRAL OF LEGISLATIVE PROPOSALS TO RELEVANT HOUSE COMMITTEES

Hon. Speaker: Hon. Members, I wish to make this communication on referral of Legislative Proposals to relevant House Committees. Under Standing Order No. 119 (1), a Legislative Proposal for which a Member or a Committee is in charge shall together with the memorandum setting out his objective and matters specified in the standing Order No. 122, be submitted to the Speaker.

Hon. Members, I have received six Legislative Proposals namely:

- a. The Siaya County Evaluation and Rating Bill, 2019
- b. The Siaya County Agriculture Input Grants and Subsidies Bill, 2020
- c. The Siaya County Climate Change Bill, 2020
- d. The Siaya County Sports Management Bill, 2020
- e. The Siaya County Public Service Bill, 2021
- f. The Siaya County Youth Service Bill, 2021.

I have considered the mentioned Legislative Proposals and direct that they be committed to the relevant Committees for pre-publication scrutiny, during which the Committee shall engage the County Executive for their input. After scrutiny, the Bills shall be compiled and a report submitted to the Office of the Speaker within two weeks.

I further direct that soft copies of the draft Bills be provided by the sponsors to the office of the Clerk, and thereupon approval of the stated Bills the County Executive to publish at least 200 copies of each Bill for consideration by the House, except the one that is a private Member's Bill, I think two of them. There's one for Youth and the other one is Sports Management. Those ones will be taken care of by the Assembly.

In short we are saying that with these Legislative Proposals, let Committees that they are referred to work on them within a week, look at the bullets, and when you pick issues that you want addressed before publication, you share with the Executive.

That happens within the next week, then the following week you should be able to; for the one sponsored by the MCAs directly take to the government printers and for the one

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sponsored by the Executive we shall ask them to take to the government printer or meet the cost so that we can have them processed beginning next month.

I am also aware I have talked to the Chairman for Water and we are having a meeting this evening, with the sponsors of the Bill and the development partners then we shall have a discussion and see the way forward. Hon. Members, you have an opportunity.

At this point you don't necessarily have to ask the Executive for facilitation because this is a proposal and once we have looked at it we give it back to them and tell them to now have it in the yellow copy.

Once it is in the yellow copy then it comes it is committed to the Committee you will undertake Public Participation. It is at that point where now you can ask the Executive to sponsor you for a meeting. For the Legislative Proposals you may not have to, because it will be a very short exercise.

The other one is a bit lengthy. So either way you will still tell them more on the ones that are sponsored by them. The ones that are sponsored by us we may just have to deal with them as quickly as possible.

PETITION

Posting Order

Hon. Speaker: Hon. Members, I mentioned to you this week that there is a petition to the County Assembly by some citizens of Siaya and the petition talks about Posting Order that was released on the 21st January, 2021 that due to the public outcry on the impact of the postings which were never discussed in any meeting, the CECM for Health Services instructed the acting Chief Officer for Health to suspend the Posting Order awaiting further instructions.

In other words somebody posts an Order and then the CEC Member suspends after an outcry. Afterwards an Ad Hoc Committee was constituted to look into the postings and reports to the Office of the County Secretary, that the Posting Committee was later constituted by the CECM for Health Services on the 9th February.

Other than the Ad Hoc Committee, there is a Posting Committee that sat on the 9th to discuss the postings and the petitioners alleged that during its sitting, neither did the Committee discuss the Posting nor its addendum. Then thereupon inquiry the petitioners could not get any indications of the Department's leadership sitting to discuss the fate of the employees affected.

That on the 18th February, the CECM for Health services gave a Directive that the undiscussed postings be effected immediately. You realize posting order suspension, Ad Hoc Committee constituted, and other posting Committee constituted as per the petitioners. The findings are not discussed, but again the CECM member who suspended gives instruction that the orders now be effected immediately.

However, the petitioners are saying that they are trying to reach the office of the acting Chief Officer for Education for an explanation on the questionable postings without success. Their prayer is that The Assembly analyses and provides them with a copy of the Ad Hoc Committee Report and then;

- a) Establish if the department has the authority to effect the changes;
- b) Establish whether an acting CEO has the legal authority to effect transfers;

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- c) Ascertain the basis or legality of the transfers and look into the individual files to confirm whether there were removed persons with technical expertise from their fields;
- d) Ascertain that by placing individuals without Senior Management courses to hold positions of management is in order;
- e) That the Committee having analysed the posting order and process therein to make recommendations to remedy the situation including taking appropriate action on Officers found culpable.

I am always hesitant to admit petitions that border on administration, but when the effect is adverse like this one and where you see some circus, where somebody stops another time without explanation, again allows effective immediate implementation, then the Committee has to sit now and reveal what the issues are.

I direct that this be concluded by the Committee within 14 days and you consider inviting the following persons:

- a) The Acting Chief Officer, not as an acting Chief Officer but as a person who signed the posting order;
- b) The CS, as a person of interest having been the one to receive the report, whether he received it or not;
- c) The CECM. You consider inviting him to explain the circumstances under which he's --- and again directed implementation.
- d) The Union. You need to get views from the Unions how they have taken this, and then the so called posting Committee, you also need to invite them and get their view on this and the Ad Hoc Committee.
- e) Finally, you need to invite the affected staff. This is because maybe the staff are saying they are comfortable. Maybe they'll share with you their predicament, and then you use that to conclude on this matter once and for all.

PAPERS

EVALUATION AND RATING BILL
 INPUT, GRANTS AND SUBSIDIES BILL
 CLIMATE CHANGE BILL
 SPORTS MANAGEMENT BILL
 PUBLIC SERVICE BILL
 YOUTH SERVICE BILL, 2020

Hon speaker: The Bills are here. I think you will just distribute them accordingly. I may not have told you which one goes where, but I can:

- i. The Siaya County Evaluation and Rating Bill be committed to the Committee of Lands, Physical Planning, Surveying and Housing;
- ii. The Siaya County Input Grants and Subsidies Bill, be referred to the Sectoral Committee of Agriculture, Livestock and Fisheries;
- iii. The Siaya County Climate Change Bill, be referred to the Committee on Water and Natural resources;

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- iv. The Siaya County Sports Management Bill be referred to the Committee on Tourism, Conservation, Wildlife and Information;
- v. The Siaya County Public Service Bill be referred to the Committee on Governance and Administration;
- vi. The Siaya County youth service Bill, 2020 be referred to the Committee on Education, Youth Affairs, Gender and Social Services.

So make sure Members get copies and then you come up with a timetable of when they are considering these Bills. If need be, invite the Executive.

MOTION

EXPOSITION OF PUBLIC POLICY CONTAINED IN THE COUNTY ADDRESS
(CONTINUATION OF DEBATE INTERRUPTED ON WEDNESDAY, 3 MARCH)

Hon. Speaker: I think the motion has been exhaustively discussed unless there's some more contributions. Yes hon.

Hon. C. Andiego: Thank you Mr Speaker, sir for giving me this opportunity. I just want to say that I have been here for the debate on this Motion from when it started up to today. I wanted to say that the speech had three Enablers. On the Economic Enabler, the third Enabler, under which the speech was addressed, under the finance, I wanted to say that next time when the Governor will be giving a speech maybe he should tell us how our PMCs that have been working in the County since when the devolution came into place will be paid.

There is a public outcry out there and we expected that when he was giving out his speech maybe he would mention something to do with how the PMCs money was going to be handled and how their money was going to be off-sated. So I wanted just to add that to this exposition and thank you for giving me this opportunity.

Hon. Ochieng': Thank you, Chair. I want to add my voice on the Governor's speech that was made in this honourable House. Mr. Speaker, having gone through the speech and also having walked all over the Siaya County.

I want to say that much in that speech has been done in the entire County and I just wanted to add that concerning the Road openings, the number of kilometres that were opened I also happened to be representing a ward that covers an Island and I want to say that in those thousands of kilometres that were opened, Mageta Island was among those roads that were opened and they were never done manually but heavy machines were involved and even as we speak, some of the machines are still there working on the roads.

So I just want to thank the Governor and his administration and I would urge him that apart from opening the roads, we should have a mechanism of routine maintenance so that those that have been opened should be taken care of so that they serve their purpose.

Secondly, when it comes to Health, I also want to thank the Governor and his administration for having constructed a number of Health facilities but unfortunately most of them lack personnel to make sure that they serve the community in those respective areas.

I would kindly urge the Governor to move with speed to see into it that he deploys Health personnel in those respective Health facilities more so the dispensaries to make sure that they serve the intended purpose.

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On medication, some of the Health facilities still lack basic drugs whereby you find that the patients going for treatment in these facilities are sent away due to lack of drugs. So it's upon the County Government of Siaya to do the staffing and make sure that the facilities are equipped in a manner that all the community members who walk into those facilities to get the rightful services they expect.

Mr. Speaker, I would not talk much because much has been said but I urge the CO of the County who is the Governor to continue with the same spirit to make sure that Siaya is ranked among the top performing Counties just like others. Thank you.

Hon. Winga: Thank you, Mr. Speaker for giving me this opportunity to air my view. It is something that I have been wondering because from where I was, we used to have State address by our bosses but here when 2019 ended, I was asking myself what was happening.

Now that the State of County address was done by the Governor, I can see that this address has three main pillars which are enablers, economy and social and all these pillars touch on the departments which are actually doing something good to the Siaya people.

In Education, ECDE classrooms have been built all over, in Health, there is also construction of maternity wards in our hospitals. So I would say that this is a good idea but as he mentioned earlier that there were some challenges, he could budget like for equitable share, whereby you budget for something with certain amount and what you receive is less goes to own source revenue and conditional grants so that would also make him not to fulfil all that he had said but now that things are the way they are, we hope that the next address will touch on many areas.

As we can see Siaya now, with Governor's Office and even the gardens within the town has really changed the face of our County and we hope that he will continue that way. Otherwise thank you and may God bless you.

Hon. Oduor: Thank you, Mr. Speaker, Sir. I would also like to add my voice on the Governor's speech. When I went through it, through the 3 pillars, most of them are actually good apart from a few corrections that I would like to talk about.

One is about road maintenance. They talked very well about the thousands of miles of road that were opened in Siaya County, and in my ward, but my concern is on maintenance. I would suggest that they should come up with a policy that makes the roads that have been opened maintained regularly without being budgeted for again with the ward fund so that it automatically goes to the Executive Budget.

Another one is the fuel levy which we have found that is not distributed equally. I think the department should come up with a policy so that every ward receives its equitable share. Another thing is the Bursaries which is a thorn in the flesh.

I have found out that most of our students who get and feel the benefit of the bursaries are those that come from the schools around. There is a concern, like if the student is in Garisa TTI, the money will appear to have been sent there but when you go to the ground there is nothing.

I think the department of education should come up with a policy to see into it that all the student beneficiaries should actually receive this money in their schools. I think this has also been said so much here but it seems they have never thought of working on it properly, to avert what has been happening. Thank you.

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Hon. Speaker: Contained in the state of the County Address by the Governor, you don't put question on this, because if you do, and you say Nay, what is the implication. Will we not have discussed? So this one you don't put a question.

You see when we have our calendar, like the appointed day for recess is like a day like today, then we don't put the question, because if we put question and people say No, so that means that you continue until when?

So usually when you want to elongate your meetings then you move another Motion of extension. So this one is just one of those that we discuss, and once we have exhausted, what now happens is that we just go to the next order.

What will follow, is that the secretariat is hereby advised to compile the votes and the proceedings and communicate to the Executive within 7 days so that the thanks of the County assembly be recorded for the exposition of the public policy contained in the state of the County address by the Governor Siaya County delivered Thursday the 28th of January 2021, and laid on the Table of the House, on Tuesday 23rd of February 2021, has been exhaustively discussed and within the 4 sittings timelines. Next Order.

MOTION
ADJOURNMENT

Hon. Speaker: There being no other Business, Hon. Members will you be upstanding for adjournment.

There being no other Business this House adjourns until next week Tuesday the 9th of March at 2.30pm in the Chamber.

The House rose at 3.30 p.m.