



REPUBLIC OF KENYA



COUNTY ASSEMBLY OF SIAYA

THIRD ASSEMBLY
(SECOND SESSION)

THE COMMITTEE ON POWERS AND PRIVILEGES

REPORT ON THE INITIAL AND FINAL DECLARATION OF INCOME, ASSETS
AND LIABILITIES COMPLIANCE STATUS FOR STATE OFFICERS

(FEBRUARY 2023)

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1. Preface

Section 4 of the Specific Leadership and Integrity Code of Conduct for Members of County Assembly of Siaya provides that the provisions of Chapter Six of the Constitution of Kenya, 2010, the Leadership and Integrity Act, 2012 and the Public Officer Ethics Act 2003 shall form part of the Code.

The Code is intended to provide standards of ethical conduct and integrity in the leadership of the Assembly by ensuring that State Officers respect the values, principles and requirements of the Constitution in the discharge of their duties.

In fulfilling this requirement and in accordance with Part IV of the Public Officer Ethics Act, 2003, a State Officer is required to submit to the responsible Commission, Declaration of the Income, Assets and Liabilities of himself/ herself, his/her spouse or spouses and his/her dependent children under the age of 18 years upon entry or exit of Public Service.

In the Assembly, the Powers and Privileges Committee is the responsible entity for State Officers and is required to undertake the following responsibilities relating to Declaration of the Income, Assets and Liabilities:

- i. develop and implement administrative procedures for management of the declaration process
- ii. keep custody of declarations
- iii. verify content of declarations
- iv. investigate breaches
- v. take administrative sanctions on breaches
- vi. monitor compliance on declarations made by State Officers
- vii. seek clarification of the declarations within six months from the date of submission by State Officers.

Following the General Election that was held on 9th August, 2022, the Committee had an obligation to report to Ethics and Anti- Corruption Commission on the Initial and Final Declaration of Income, Assets and Liabilities Compliance status of State Officers in the County before 31st July 2023.

This report presents the observations, findings and recommendation on the status of compliance with respect to State Officers Initial and Final Declaration of Income, Assets and Liabilities.

2. Acknowledgement

The Chairperson of the Committee takes this opportunity to thank the Committee membership for their immense dedication and contribution to the analysis that culminated into this report. The Committee wishes to thank the office of the Hon. Speaker, the Office of the Assembly Clerk and the Executive for the requisite support and cooperation extended to it in the execution of its mandate.

On behalf of the Committee of Powers and Privileges, I have the honor and pleasure to present this report to the House.

.....
..... /  15/21, 2023

The Hon. Andrew Omwende

Vice Chairperson, Committee on Powers and Privileges.

3. Establishment and Membership of the Committee

The Committee of Powers and Privileges is established pursuant to section 15 of the County Assemblies Powers and Privileges Act, 2017. The Committee consists of nine members, the Hon. Speaker being the Chairman and eight other Members appointed in accordance with the provisions of the Standing Orders.

Membership of the Committee

- | | |
|-------------------------------|---------------------------|
| 1. Hon. George Okode | – Chairperson |
| 2. Hon. Andrew Omwende | – Vice Chairperson |
| 3. Hon. David Ragen | - Member |
| 4. Hon. Lorna Adida | - Member |
| 5. Hon. Michael Omondi | - Member |
| 6. Hon. Dorah Obonyo | - Member |
| 7. Hon. Benard Adalla | - Member |
| 8. Hon. Rose Rabinya | - Member |
| 9. Hon. Sylvester Madiallo | - Member |

4. Committee Mandate

The Committee of Powers and Privilege draws its mandate from the Constitution of Kenya, 2010, the Public Officers Ethics Act, 2003, The Leadership and Integrity Act, 2012, the County Assemblies Powers and Privileges Act, 2017 and the County Assembly of Siaya Standing Orders which assigns the Committee various functions.

The County Assemblies Powers and Privileges Act, 2017 establishes the Committee of Powers and Privileges in Section 15 as follows;

(1) There is established, for each county assembly, a committee known as the Committee of Powers and Privileges consisting of—

(a) the Speaker, who shall be the chairperson of the Committee; and

(b) such other members of the county assembly as may be provided in the Standing Orders of the county assembly.

(2) The quorum of the Committee shall be a third of the members of the Committee, including the Speaker.

(3) Subject to this Act and the Standing Orders of a county assembly, the Committee shall regulate its own procedure.

(4) The functions of the Committee of Powers and Privileges shall be to—

(a) inquire into the conduct of a member whose conduct is alleged to constitute a breach of privilege in terms of section 16; and

(b) perform such other functions as may be specified in this Act.

5. Background

Article 177 (4) of the Constitution of Kenya, 2010 stipulates that “A County Assembly is elected for a term of five years”. Following the General Election held in 9th August 2022, New Members were Elected and Nominated to the Assembly and the County Executive while other Officers exited the Public Service.

Accordingly, the Officers joining and exiting the Public Service were required to submit an Initial or Final Declaration respectively as the case may be in accordance with Section 27 of the Public Officer Ethics Act, 2003.

This report on the Compliance Status on Initial and Final Declaration of Income Assets and Liabilities for the Officers provides information on the following;

1. The number of Officers who were required to make Declaration
2. The number of Officers who complied with Declaration requirements
3. The Officers who have not complied with the requirements for Declarations
4. List of Officers who did and did not submit the Declarations

6. Observations

1. 29 MCAs, the Governor and Deputy Governor were elected on the General Elections that were held on 9th August 2022.
2. 12 MCAs were re- elected and 2 MCAs were re-nominated.
3. The number of Former MCAs was 26.
4. The Governor and the Deputy Governor were sworn in on 25th August, 2022.
5. The Hon. Speaker was elected on 20th September, 2022.
6. 40 MCAs and the Honorable Speaker were sworn in on 20th September, 2022.
7. Hon Brian Chieng Anyango Obiero representing South Gem and Hon Fredrick Odhiambo Oloo were sworn on 8th February 2023 and 11th October, 2022 respectively.
8. The County Executive Committee Members were sworn into office on 28th November, 2022.
9. The Number of Former County Executive Committee Members was 12.
10. The newly elected and nominated MCAs and the Hon.Speaker were required to submit their Declaration within thirty days from the date of Swearing in i.e. 20th October 2022.
11. The Former Governor, Former Deputy Governor and 26 Former MCAs were also required to submit their Final Declarations within a month from the date of the Election i.e. by 9th September 2022.
12. The 10 Former County Executive Committee Members were required to submit their Final Declarations by 28th December, 2022.

13. The total number of State Officer required to submit Initial Declaration of Income, Asset and Liabilities was 57.
14. The total number of State Officer required to submit Final Declaration of Income, Asset and Liabilities was 38.
15. The Former County Executive Committee Members were reminded to submit their Final Declaration of Income, Asset and Liabilities vide letter Ref. CAS/ADM/46(1)- 58 dated 15th December, 2022.
16. The County Executive Committee Members were reminded to submit their Initial Declaration of Income, Asset and Liabilities vide letter Ref. CAS/ADM/46(1)- 57 dated 15th December, 2022.

7. Findings

1. Out of the 57 State Officers required to submit Initial Declaration of Income, Assets and Liabilities, 55 Officers complied and submitted their Forms within the prescribed timelines depending on when they were sworn in as indicated above while 2 Officers did not comply.

Table 1 provides the details of compliance of State Officers with Initial Declaration.

Table 1: Initial Declaration Submission Compliance Status

No	Designation	Number of Officers required to submit declaration	Date of Swearing in of Officers into Office/Entry	Declaration submission deadline	Number of Officers who Complied with Declaration requirements
1.	Governor	1	25 th August, 2022	25 th September,2022	0
2.	Deputy Governor	1	25th August, 2022	25th September,2022	0
3.	Hon. Speaker	1	20 th September, 2022	20 th October, 2022	1
4.	Newly Elected MCAs	30	20 th September 2022 (29 MCAs) 8 th February, 2023 (1 MCAs)	20 th October 2022 (29 MCAs) 8 th March 2023 (1MCA)	30
5.	Nominated MCAs	14	20 th September,2022 (13 MCAs)	20 th October 2022 (13 MCAs)	14

			11 th October, 2022 (1 MCA)	11 th November, 2022 (1MCA)	
6.	County Executive Committee Members	10	28 th November, 2022	28 th December, 2022	10
7.	County Assembly Services Board Members	2	15 th December, 2022	15 th January, 2023	2
TOTAL		59			57

2. Out of the 38 State Officers required to submit Final Declaration of Income, Assets and Liabilities, 27 Officers complied and submitted their Forms within the prescribed timelines depending on when they exited public while 11 Officers did not comply. Table 2 provides the details of compliance of State Officers with Final Declaration.

Table 2: Final Declaration Submission Compliance Status

No	Designation	Number of Officers required to submit declaration	Date of exit of public service	Declaration submission deadline	Number of Officers who Complied with Declaration requirements
1.	Former Governor	1	9 th August, 2022	9 th September, 2022	0
2.	Former Deputy Governor	1	9 th August, 2022	9 th September, 2022	0
3.	Former MCAs	26	9 th August, 2022	9 th September, 2022	26

4.	Former County Executive Committee Members	10	28 th November, 2022	28 th December, 2022	1
TOTAL		38			27

8. Conclusions

The Committee concludes that the non-compliant Officers be referred to EACC for Action in accordance with Siaya County Assembly Powers and Privileges Committee Procedures for Administration of Part IV of the Public Officer Ethics Act, 2003 that provides as follows: -

(5) If no explanation is given, or if after considering any explanation the declarant may give, the Secretary or Designated Officer is of the opinion that the conditions in subparagraph (1) (b) still exist, the Secretary or Designated Officer may with the approval of the Committee, in addition to any other action including investigations and commencement of civil proceedings, take disciplinary or other appropriate action against the state officer.

9. Committee Recommendations

1. EACC to take appropriate action on Officers who did not submit their Declaration Forms as provided for in Part IV of the Public Officer Ethics Act, 2003.

Appendix 1: Initial Declaration of Income, Assets and Liabilities Compliance Status

1.1 List of MCAs who submitted Initial Declaration of Income, Assets and Liabilities

No	Name	Designation/Ward
1.	Hon.Odinga Truphosa Osewe	West Sakwa
2.	Hon.Olang'o Bismark Otieno	Central Sakwa
3.	Hon.Arika Oliver	North Sakwa
4.	Hon. Achieng' Eunice Rahel	South Sakwa
5.	Hon. Angule Simeon	West Yimbo
6.	Hon. Otiato Francis Otieno	Yimbo East
7.	Hon. Bonyo Booker Washington	North Uyoma
8.	Hon. Onguru Gordon	East Asembo
9.	Hon. Okeyo Mark Okeyo	West Asembo
10.	Hon. Adiala Michael Otieno	South Uyoma
11.	Hon. Oguta Justus	West Uyoma
12.	Hon. Ochieng' Seth Baraka	East Gem
13.	Hon. Okwiry Susan Achieng'	West Gem
14.	Hon. Madingu Silas	Central Gem
15.	Election Postponed	South Gem
16.	Hon. Oluoch Philip	North Gem
17.	Hon. Onyango William Kinyanyi	Yala Township
18.	Hon. Okumu Felix Ouma	West Alego
19.	Hon. Odawa Vincent Otieno	North Alego
20.	Hon. Madowo Scolastica	South East Alego
21.	Hon. Madialo Sylvester Otieno	Usonga
22.	Hon. Ragen David Omondi	Central Alego
23.	Hon. Otare James Abiero	Siaya Township
24.	Hon. Adala Benard Onyango	North Ugenya
25.	Hon. Omoro Fredrick Oluoch	East Ugenya
26.	Hon. Odongo Andericus Oduor	West Ugenya
27.	Hon. Otieno Edwin Martin	Ugunja

28.	Hon. Apodo John Otieno	Sidindi
29.	Hon. Omolo Andrew Omwende	Sigomre
30.	Hon. Brian Chieng	South Gem
31.	Hon. Adida Lorna Achieng' Ochieng'	Nominated
32.	Hon. Arunda Wilfrida Gundha	Nominated
33.	Hon. Okelo Julie Akinyi	Nominated
34.	Hon. Awita Emily Agnes	Nominated
35.	Hon. Onyango Cynthia Akinyi	Nominated
36.	Hon. Osoo Ann Wanzila	Nominated
37.	Hon. Oinga Dorothy Awino	Nominated
38.	Hon. Ochieng Dorah Abonyo	Nominated
39.	Hon. Otieno Shalom Oduor	Nominated
40.	Hon. Fredrick Odhiambo Oloo	Nominated
41.	Hon. Onyango Rose Rabinya	Nominated

1.2 List of Services Board Members who submitted Initial Declaration of Income, Assets and Liabilities

No	Name	Designation
1	Hon. Okode George Owino	Chairman
2	Hon. Oduor Joseph Peter Omondi	Vice Chairman
3	Olale Margaret Aoko	Member
4	Onyango Eliud Owino	Member

1.3 List of County Executive Committee Members who submitted Initial Declaration of Income, Assets and Liabilities

No	Name	Designation
1.	K, Okoth Sylvester Odhiambo	CEC- Agriculture, Irrigation Food, Livestock & Fisheries
2.	Dr. Onyango Caroline	CEC-Water, Sanitation, Climate Change Environment and Natural Recourses

3.	CS Ochanda Agunda	CEC- Governance and Administration
4.	Nyin'giro George Odhiambo	CEC-Public Works, Roads, Energy and Transport
5.	Dr. Otumba Edgar Ouko	CEC- Education Youth Affairs ,Gender &Social Services
6.	Omollo Benedict Abonyo	CEC- Finance and Economic Planning
7.	Agolla Grace	CEC- Trade, Enterprise & Industrial Development
8.	Dr. Konyango Martin Odhiambo	CEC- Health
9.	Oduor Anjeline Atieno	CEC- Tourism Culture, Sports and Arts
10	Maurice Otieno	CEC- Lands , Physical Planning , Housing and Development

1.4 List of County Executive Committee Members who did not submit Initial Declaration of Income, Assets and Liabilities

No	Name	Designation
1.	His Excellency James Orengo	Governor
2.	His Excellency William Oduol	Deputy Governor

Appendix 2: Final Declaration of Income, Assets and Liabilities Compliance Status

2.1: List of Former MCAs who submitted Final Declaration of Income, Assets and Liabilities

No	Name	Designation
1.	Hon. Oriaro Leonard Otieno	Former MCA
2.	Hon. Mboha Joseph Oloo	Former MCA
3.	Hon. Ocholla Nick Evans Okoth	Former MCA
4.	Hon. Siguru Samuel Otieno	Former MCA
5.	Hon. Audi David Onyango	Former MCA
6.	Hon. Kidera Joseph Wandera	Former MCA
7.	Hon. Odawa Erick Z. Abungu	Former MCA

8.	Hon. Oduor Joseph Peter Omondi	Former MCA
9.	Hon. Ochieng' Fredrick Opanga	Former MCA
10.	Hon. Ousa Simeon Nyaji	Former MCA
11.	Hon. Olasi Samuel Onyango	Former MCA
12.	Hon. Oyugi Judith Anyango	Former MCA
13.	Hon. Auma Ambrose Akuno	Former MCA
14.	Hon. Ochieng' Willis Okoth	Former MCA
15.	Hon. Andiego Charlton Odhiambo	Former MCA
16.	Hon. Odhiambo Edwin Otieno	Former MCA
17.	Hon. Caren Atieno Ayika	Former MCA
18.	Hon. Benard Onyango Adala	Former MCA
19.	Hon. Filly Akoth Onditi	Former MCA
20.	Hon. Irene Shirly Oyuoga	Former MCA
21.	Hon. Hellen A. Winga	Former MCA
22.	Hon. Jane Atieno Odhiambo	Former MCA
23.	Hon. Linda Achieng' Juma	Former MCA
24.	Hon. Nancy Adhiambo Wamai	Former MCA
25.	Hon. Truphosa Apondi Osewe Odinga	Former MCA
26.	Hon. Winnie Mercy Akoth Otieno	Former MCA

2.2: List of Former County Executive Committee Member who submitted Final Declaration of Income, Assets and Liabilities

No	Name	Designation
1.	Dorothy Owino	Former CEC- Governance and Administration

2.3: List of County Executive Committee Members who did not submit Final Declaration of Income, Assets and Liabilities

No	Name	Designation
1.	His Excellency Cornell Rasanga	Former Governor

2.	His Excellency James Okumbe	Former Deputy Governor
3.	Odhiambo Elizabeth Ochieng	CECM Agriculture
4.	Adrian Ouma	CECM Tourism
5.	Jaoko Oburu Odinga	CECM Public Works
6.	Charles Ogada Oduor	CECM Water
7.	Richard Mungla Akeyo	CECM Enterprise
8.	Rosenell Odondi	CECM Education
9.	George Misore Rubiik	CECM Lands
10.	Wakla Dismas O. Odhiambo	CECM Health
11.	Cleophas Ombogo	CECM Finance