



REPUBLIC OF KENYA

SIAYA COUNTY ASESEMBLY

DEBATES OF THE COUNTY ASSEMBLY OF SIAYA

THE HANSARD

2013 HANSARD REPORTS

Thursday, 18th April to Tuesday, 10th December, 2013

.....

1ST ASSEMBLY

1ST SESSION

.....

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes Only. A Certified version of this Report can be obtained from the Hansard Editor.*

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Assembly Buildings, Siaya

LEADERSHIP OF THE COUNTY ASSEMBLY OF SIAYA

Hon. George Owino Okode	-	Speaker
Hon. Stephen Ouma Adera	-	Deputy Speaker
Hon. Edwin Martin Otieno	-	Leader of Majority
Hon. Charles Omollo Owii	-	Deputy Leader of Majority
Hon. John Ombewa Gare	-	Majority Whip
Hon. Booker Otieno Minami	-	Deputy Majority Whip
S Mrs. Dorothy Ayoma Owiro	-	County Assembly Clerk

SPEAKER'S PANEL

1. Hon. George Owino Okode	-	chairperson
2. Hon. Stephen Ouma Adera	-	vice chairperson
3. Hon. Silivester Madialo	-	member
4. Hon. Jared Abayo	-	member
5. Hon. Lorna, A, O. Adida	-	member

PARTIES OF THE ASSEMBLY

1. ODM

2. FORD KENYA

3. NVPK

2013 COUNTY ASSEMBLY OF SIAYA DABATES

MEMBERS AND THEIR PARTIES

NO	COUNTY ASSEMBLY MEMBER	WARD	PARTY
1.	HON. GEORGE OKODE	SPEAKER	
2.	HON. STEPHEN OUMA KADERA	UGENYA WEST	ODM
3.	HON. LORNA ACHIENG ADIDA	NORTH SAKWA	ODM
4.	HON. JOSEPH OMONDI AGOKO	SIDINDI	ODM
5.	HON. CHRISTOPHER APIYO APIYO	SOUTH UYOMA	ODM
6.	HON. JOSEPH AWUOR OLUOCH	YALA TOWNSHIP	ODM
7.	HON. JOHN OMBEWA GARE	WEST SAKWA	ODM
8.	HON. SYLVESTER OTIENO MADIALO	USONGA	ODM
9.	HON. BOOKER MINAMI OTIENO	EAST GEM	ODM
10	HON. PETER ODUOR MUHULA	WEST ALEGO	FORD KENYA
11	HON. JAMES ODHIAMBO MUNDA	WEST ASEMBO	ODM
12	HON. ERIC ODUYA NDONJI	EAST UGENYA	ODM
13	HON. WILLIS OKOTH OCHIENG	WEST YIMBO	ODM
14	HON. JOANNES ODONGO ANDIEGO	CENTRAL SAKWA	ODM
15	HON. PIUS OGUTU OMBIYO	NORTH ALEGO	ODM
16	HON. ELISHA OMONDI OKUKU	YIMBO EAST	ODM
17	HON. ANDREW OMOLLO OMWENDE	SIGOMERE	ODM
18	HON. SHABAN OMAR	UGENYA NORTH	ODM
19	HON. MATHEWS ODENY ONDURU	WEST UYOMA	ODM
20	HON. JARED ONYANGO ABAYO	WEST GEM	ODM

Disclaimer: The electronic version of the Official Hansard Report is for information purposes Only. A Certified version of this Report can be obtained from the Hansard Editor.

2013 COUNNTY ASSEMBLY OF SIAYA DABATES

21	HON. LEORNARD OTIENO ORIARO	CENTRAL ALEGO	NVPK
22	HON. JOSHUA OWITI OSURI	SOUTH EAST ALEGO	ODM
23	HON. JAMES OBIERO OTARE	SIAYA TOWNSHIP	ODM
24	HON. EDWIN MARTIN OTIENO	UGUNJA TOWNSHIP	ODM
25	HON. PETER OMBEE LOLWE	SOUTH GEM	ODM
26	HON. CHARLES OMOLLO KOWII	ASEMBO EAST	ODM
27	HON WILLIAM OWITI ANGUL	ASEMBO EAST	ODM
28	HON. NICHOLAS AYIMA WERE	NORTH GEM	ODM
29	HON. FRED ODHIAMBO OUDA	CENTRAL GEM	ODM
30	HON. NICHOLAS OCHIENG ANEME	SOUTH SAKWA	ODM
31	HON. JACKTONE OUMA ODINGA	UKWALA	ODM
NOMINATED MEMBERS OF COUNTY ASSEMBLY			
32	HON. CONSLATA AJWANG		ODM
33	HON. ANASTANCIA AKINYI AUGO		ODM
34	HON. PAMELA AKINYI MIDUMBI		ODM
35	HON. SYLVIA AKOMO MIGAYA		ODM
36	HON. PAMELA JANE NGURE		ODM
37	HON. BEATRICE AWINO OBONDO		ODM
38	HON. ROSEMARY OGUTU		FORK KENYA
39	HON. WALTER OCHIENG OKELLO		ODM
40	HON. MARGARET ADHIAMBO OKETCH		ODM
41	HON. ROSE ATIENO OKITE		ODM

Disclaimer: The electronic version of the Official Hansard Report is for information purposes Only. A Certified version of this Report can be obtained from the Hansard Editor.

2013 COUNNTY ASSEMBLY OF SIAYA DABATES

42	HON. SELA AKINYI OKWAKO		ODM
43	HON. ZILPA AWINO OMONDI		ODM
44	HON. TERESA AKUMU OSORE		ODM
45	HON. HILDA ACHIENG OTIENO		ODM
46	HON. MAUREY OUKO ASEWE		ODM
47	HON. KESIA ATIENO SIWA		ODM
48	HON. ANGELINE ACHIENG ODHIAMBO		ODM
49	HON. MARGARET ODIMA OLONGO		ODM

COMMITTEES

SECTORAL COMMITTEES

HEALTH

Hon. Mathew, O. Onduru	-	Chairperson
Hon. Nicholas Ayima Were	-	Vice Chairperson
Hon. Edwin Otieno Martin	-	Member
Hon. John gare	-	member
Hon. Charles Owii	-	member
Hon. Jack Odinga	-	member
Hon. Rose Otieno Okite	-	member
Hon. Maurey Asewe Ouko	-	member
Hon. Sylvia Akomo Migaya	-	member
Hon. Anastansia Augo	-	member
Hon. Margaret Olongo	-	member

EDUCATION, YOUTH AFFAIRS, GENDER AND SOCIAL SERVICES

***Disclaimer:** The electronic version of the Official Hansard Report is for information purposes Only. A Certified version of this Report can be obtained from the Hansard Editor.*

2013 COUNNTY ASSEMBLY OF SIAYA DABATES

Hon. Lorna, a, O, Adida	-	Chairperson
Hon. Andrew Omwende	-	vice Chairperson
Hon. Joshua Owiti Osuri	-	member
Hon. Charles Omollo Owii	-	member
Hon. Eric Oduya Ndonji	-	member
Hon. Booker M, Otieno	-	member
Hon. Walter Ochieng Okello	-	member
Hon. Zilpa Awino Omondi	-	member
Hon. Nicholas Were	-	member
Hon. Rosemary Adhiambo	-	member
Hon. Mary, C, Ajwang	-	member

PUBLIC WORKS, ROADS, TRANSPORT AND COMMUNICATION

Hon. Benson, O, Omondi	-	chairperson
Hon. Christopher Apiyo Apiyo	-	vice chairman
Hon. Pius Ombiyo Ogutu	-	member
Hon. Joannes andiego	-	member
Hon. Booker otieno	-	member
Hon. Andrew omwende	-	member
Hon. Edwin martin	-	member
Hon. Margaret odima olonga	-	member
Hon. Pamela akinyi midumbi	-	member
Hon. Maurey Ouko Asewe	-	member
Hon. Helida Akinyi	-	member

2013 COUNTY ASSEMBLY OF SIAYA DABATES

WATER AND IRRIGATION

Hon. Elisha, A. Okuku	-	Chairperson
Hon. Peter Lolwe Ombee	-	vice Chairperson
Hon. Christopher Apiyo Apiyo	-	member
Hon. Nicholas Were	-	member
Hon. Joseph Agoko	-	member
Hon. James, O. Munda	-	member
Hon. Mathew Onduru	-	member
Hon. Hilda Achieng Otieno	-	member
Hon. Teresa Akumu Osore	-	member
Hon. Pamela Jane Ngure	-	member
Hon. Pamela Midumbi	-	member

PUBLIC ADMINISTRATION AND GOVERNANCE

Hon. Joseph, O. kawuor	-	Chairperson
Hon. Joshua, O. Osuri	-	vice Chairperson
Hon. Peter Muhula	-	member
Hon. Nicholas Aneme	-	member
Hon. Fred Ouda	-	member
Hon. James, O. Munda	-	member
Hon. Mary Consolata Ajwang	-	member
Hon. Kesia Atieno Ouko	-	member
Hon. Anastancia Akinyi Ouko	-	member
Hon. Sella Okwako	-	member
Hon. Angeline Achieng Odhiambo	-	member

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes Only. A Certified version of this Report can be obtained from the Hansard Editor.*

2013 COUNTY ASSEMBLY OF SIAYA DABATES

TRADE, INDUSTRY, LABOUR AND FISHERIES

Hon. James, O. Munda	-	chairperson
Hon. Eric, O. Ndonji	-	vice chairperson
Hon. Nicholas Were	-	member
Hon. John Gare	-	member
Hon. Willis Ochieng	-	member
Hon. Peter, O. Lolwe	-	member
Hon. William Angul	-	member
Hon. Kesia Atieno Siwa	-	member
Hon. Angeline Ochieng Odhiambo	-	member
Hon. Beatrice Obondo	-	member
Hon. Teresa Osore	-	member

TOURISM CONSERVATION, WILDLIFE AND INFORMATION

Hon. Jared Abayo	-	Chairperson
Hon. Nicholas aneme	-	Vice Chairperson
Hon. John gare	-	member
Hon. Elisha okuku	-	member
Hon. James obiero otare	-	member
Hon. Benson onyango	-	member
Hon. Joseph Agoko	-	member
Hon. Anastancia Achieng Ouko	-	member
Hon. Mary Consolata Ajwang	-	member
Hon. Silvia Migaya	-	member

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Margaret Oketch - member

AGRICULTURE, LIVESTOCK AND COOPERATIVE DEVELOPMENT

Hon. Joseph Agoko - Chairperson

Hon. Willis Ochieng - Vice Chairperson

Hon. Mathew, O. Onduru - member

Hon. Joshua, O. Osuri - member

Hon. Eric Ndonji - member

Hon. Peter Lolwe Ombee - member

Hon. Pius Ombiyo - member

Hon. Zilpa Awino Omondi - member

Hon. Rosemary Odhiambo - member

Hon. Rose Okite - member

Hon. Kesia Siwa - member

LAND PHYSICAL PLANNING, SURVEYING AND HOUSING

Hon. James Obiero Otare - chairperson

Hon. Joannes Andiego - vice chairperson

Hon. Christopher Apiyo Apiyo - member

Hon. Willis Ochieng - member

Hon. Joseph Oluoch kawuor - member

Hon. Charles Omollo Owii - member

Hon. Leonard Oriaro - member

Hon. Peter Lolwe Ombee - member

Hon. Fred Ouda - member

Hon. Beatrice Awino Obondo - member

Hon. Sela Akinyi Okwako - member

SELECT COMMITTEES

COUNTY ASSEMBLY BUSINESS COMMITTEE

Hon. George owino okode (Speaker)	-	Chairperson
Hon. Stephen, O. adera	-	vice Chairperson
Hon. Edwin, M. Otieno	-	Leader of Majority
Hon. John Gare	-	member
Hon. James, O. munda	-	member
Hon. Andrew Omollo Omwende	-	member
Hon. Erick Oduya Ndonji	-	member
Hon. Joseph Awuor	-	member
Hon. Peter Muhula Odour	-	member
Hon. Willis Ochieng	-	member
Hon. Lorna a, O. Adida	-	member
Hon. Margaret Oketch Adhiambo	-	member
Hon. Zilpa Omondi	-	member

SELECTION

Hon. Edwin Otieno Martin	-	chairperson
Hon. John Gare	-	vice chairperson
Hon. William Owiti Angul	-	member
Hon. Joseph Agoko	-	member
Hon. Jack Odinga	-	member

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Nicholas Ayima Were	-	member
Hon. Joshua, A. Owiti Osuri	-	member
Hon. Elisha Okuku	-	member
Hon. Booker Otieno	-	member
Hon. Charles Omollo Owii	-	member
Hon. Pius Ogutu Ombiyo	-	member

APPOINTMENTS

Hon. George Okode	-	Chairperson
Hon. Stephen Ouma Adera	-	vice Chairperson
Hon. Edwin, M. Otieno	-	Leader of Majority
Hon. John Gare	-	Chief Whip
Hon. Benson Otieno Omondi	-	member
Hon. Christopher Apiyo Apiyo	-	member
Hon. Joannes Andiego	-	member
Hon. Sylvester Madialo	-	member
Hon. Jared Abayo	-	member
Hon. Lorna Adida	-	member
Hon. Sela Okwako Akinyi	-	member

APPROPRIATIONS, FINANCE, PLANNING AND VISION 2030

Hon. Jack Odinga	-	Chairperson
Hon. Peter Muhulah	-	vice Chairperson
Hon. Joseph Oluoch kawuor	-	member
Hon. James Obiero Otare	-	member
Hon. Jared Abayo	-	member
Hon. Sylvester Madialo	-	member

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes Only. A Certified version of this Report can be obtained from the Hansard Editor.*

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Nicholas Aneme	-	member
Hon. William Angul	-	member
Hon. Margaret Adhiambo Oketch	-	member

COUNTY PUBLIC INVESTMENTS AND ACCOUNTS COMMITTEE

Hon. William Owiti Angul	-	Chairperson
Hon. Fred Odhiambo	-	vice Chairperson
Hon. Nicholas Aneme	-	member
Hon. Jactone Odinga	-	member
Hon. Leonard Oriaro	-	member
Hon. Pius Ombiyo	-	member
Hon. Booker Minami Otieno	-	member
Hon. Elisha Okuku	-	member
Hon. Beatrice Awino Obondo	-	member
Hon. Mary Asewe Ouko	-	member
Hon. Pamela Ngunjiri	-	member

COUNTY ASSEMBLY PRIVILEGES, PROCEDURES AND RULES

Hon. George Owino Okode	-	Chairperson
Hon. Stephen Ouma Adera	-	vice Chairperson
Hon. Pius Ogutu Ombiyo	-	member
Hon. Charles Owii	-	member
Hon. Joannes Andiego	-	member
Hon. Joshua Owiti Osuri	-	member
Hon. Pamela Jane Ngunjiri	-	member
Hon. Sylvia Akomo Migaya	-	member

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Margaret Odima Olongo - member

**COUNTY COMMITTEE ON DELEGATED COUNTY LEGISLATION JUSTICE
AND LEGAL AFFAIRS**

Hon. Sylvester Madialo -Chairperson

Hon. Booker Otieno - vice Chairperson

Hon. Fred Odhiambo Ouda -member

Hon. Andrew, O. Omwende -member

Hon. Stephen Ouma Adera -member

Hon. Hilda Achieng Otieno -member

Hon. Pamela Akinyi Midumbi -member

Hon. Walter Ochieng okello -member

Hon. Teresa Akumu Osore -member

WELFARE COMMITTEE

Hon. Joannes Andiego - chairperson

Hon. Mary, C. Ajwang - vice chairperson

Hon. Edwin, M. Otieno - member

Hon. John Gare - member

Hon. Stephen kadera - member

Hon. Benson Onyango - member

Hon. Margaret Oketch - member

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Sylvia Migaya	-	member
Hon. Pamela Midumbi	-	member
Hon. Beatrice Obondo	-	member
Hon. Christopher Apiyo Apiyo	-	member

IMPLEMENTATION

Hon. Leonard Oriaro	-	Chairperson
Hon. Pius Ombiyo	-	vice Chairperson
Hon. Peter Muhulah	-	member
Hon. Angeline Achieng Odhiambo	-	member
Hon. Rosemary Adhiambo	-	member
Hon. Rose Atieno Okite	-	member
Hon. Walter Okello	-	member

LIAISON

Hon. Stephen Ouma Adera	-	Chairperson
Hon. Edwin Martin Otieno	-	member
Hon. Jack Odinga	-	member
Hon. William Owiti Angul	-	member
Hon. Sylvester Madialo	-	member
Hon. Mathews Onduru	-	member
Hon. Lorna Adida	-	member
Hon. Benson, O. Omondi	-	member
Hon. Elisha, O. Okuku	-	member
Hon. Joseph kawuor	-	member
Hon. James, O. Munda	-	member

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes Only. A Certified version of this Report can be obtained from the Hansard Editor.*

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Jared Abayo	-	member
Hon. Joseph Agoko	-	member
Hon. James Obiero Otare	-	member
Hon. Leonard Oriaro	-	member
Hon. Geogre Okode	-	member
Hon. John Gare	-	member
Hon. Joannes Andiego	-	member

COUNTY ASSEMBLY SERVICE BOARD

Hon. George Owino Okode	(Speaker)	-Chairperson
Hon. Edwin Martin Otieno	(Majority Leader)	-vice Chairperson
Hon. Margaret Aoko Olale	(4 th member)	-member (public Interest)
Ms Dorothy Owiro	(CAC)	-secretary

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

First County Assembly-First Session

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

Thursday, 18th April, 2013

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

OFFICIAL OPENING OF THE COUNTY ASSEMBLY OF SIAYA BY THE GOVERNOR

Hon. Speaker (Okode): As we remain standing, let's have a word of prayer from the clergy.

Clergy: Lord Jesus Christ, as members of your body, you have made us also members of one another and of this County. Help us now by the aid of the Holy Spirit to forget ourselves and to fill the burden of other's needs. Then Oh Lord through our

prayers and your interceding may your grace and power be upon us as you see is most for our good and in accordance with your will.

Oh God our Father, you meant people to live as brothers and sisters. Take from us all hatred, suspicion, fear and distrust and draw us into a closer fellowship one with another. Show us how to use the freedom you have given us for the establishment of your

2013 COUNTY ASSEMBLY OF SIAYA DABATES

kingdom in this County and make us instruments of your peace in our homes, in our neighborhood and in our County.

Lord God, You want the well being of people and not their distraction. Take all violence from our minds and extinguish hatred in our hearts. Cab the passion in us that makes us weak and seek each other's lives and give peace on earth and on this County to us and to all human kind. And us we pray for this Assembly. Almighty God, we come together this day in the service of your County as members with thanksgiving and all that you have been doing in our lives to prepare us for this County and to seek your guidance in the elections which took place. We pray that this may be something not just over business meeting but rather an occasion when we receive fresh encouragement in our work. Catch our elevation of your purpose and delegate ourselves new to your service.

We pray for the Speaker that you give him wisdom to direct and rule this Assembly. We pray for the Governor who will be working in this County for its prosperity. Bless us all, through Jesus Christ our Lord. Amen.

Hon. Speaker: May you take your seats. Your Excellency, the governor of Siaya County, your deputy, distinguished team, honorable Members of Siaya County, the clergy, representatives of the transitional authority, invited guests and other County Assembly staff; you are most welcome to this historical opening of the first County Assembly of Siaya. Your attendance will go down in history not just as mere participants but as the first participants in the first

County Assembly seating out of your free will.

Your presence has greatly donated the colour, pomp and zeal that is the very fundamental ingredient that makes this occasion a remarkable day to the people of Siaya County. Secondly, we are congratulating you sincerely for the election of these honorable offices that you hold. The campaigns were grueling, financially depleting and energy consuming, always kept you in constant competition with your family time.

I salute you for winning hearts of your people to be here because you deserve to be here. Not on your own behalf but on behalf of the people you represent. The irony of competitive politics, however, is that when you escape elections unscratched you emerge victorious; the opponents are always hook eyed waiting to attack anytime. At the same time the people's expectations increase in heights every passing day.

On this premise, I wish you the very best and my unwavering support your sterling performance on course to a level that your people will be so ready to at once get you back. May your best take you forward.

To your competitors, the worthy competitors, I have this message for them. You are still welcome to serve the people of Siaya from your various standmgj points. You don't have to be in this Assembly to buy shoes for the orphans or pay their fees. You don't have to be in this Assembly to hold fundraising for your African independent church whose roof has just been blown. You still have something to play in

2013 COUNTY ASSEMBLY OF SIAYA DABATES

building this County. But I have a message for you as the people who were not successful that uncalled for criticism is not the way, for the Kenyan people have no time for heating below the belt.

Honorable members, distinguished guests article 176 of our constitution establishes the County government, consisting of County Assembly and the County executives, you will agree with me that this provision does not separate us. The two arms must work in consultation and independently, walk together with the Siaya people, to deliver together for the Siaya people. There is no executive Siaya nor there is no legislative Siaya but we have the County of Siaya.

The only other Siaya I know about in the social circles in the United States of Siaya, popularly USA which translates into the distinguished people of Siaya County. That is the only Siaya that we must serve every time, all the time. All our energies and strength must focus on delivering efficient and prompt services to the people of Siaya.

As Siaya County we will either win together or fail together. For together we stand and divided we fall. As Siaya County Assembly, we will do our legislative role, and oversight role without fear or favour. We know that this is a role that is not on loan but a duty bestowed upon us by the constitution of Kenya and reinforced with various other pieces of legislation in this beloved country.

Article 1(2) of our constitution grants Kenyan people and for that matter the people of Siaya, the indivisible power to exercise their sovereign power either

directly or through their democratically elected representatives. As a matter of fact this House will go out of its way to do more than mere legislation and oversight. We will partner with other stake holders to bring development to our people. We want to be innovative in our approach and the end will justify the wings.

Your Excellency, this House will put your administration to account on behalf of people of Siaya. This House will put your actions in check not as a hobby but as a duty. Not in pursuit of cheap publicity, not for witch-hunt, but because the people of Siaya want us to do so if we want to realize the common dream of making Siaya the County to be. In doing so I can assure you we will be decent in our approach, honorable in our tone and distinguished in our style because we have to be reasonable we have ourselves as elected leaders and reasonable in our constituents. Honorable members, our in tray is already full and this honorable House is raring to go. We have put in place the instruments that will work with the executives.

Today we have constituted appointment committee. It is in place and it will vet nominees from the executive. We have put in place the committee on selections which will put or nominate the rightful persons into the relevant committees that will go a long way in helping this House and the executive deliver its mandate.

We have also put in place the officers that we require that the leader of majority, the chief whip and their deputies. We have in place the business the County Assembly business committee that will plan for this House. And we urge the executive

2013 COUNTY ASSEMBLY OF SIAYA DABATES

to move with speed to do its bit for time is of essence. We want the executive to submit the budget estimates and the list of appointees as soon as possible. For the people of Siaya want services as soon as yesterday and today is already too late. As a House we have our challenges ranging from lack of ward offices from where to effectively serve our people in adequate infrastructure and numeration but we will tackle them step by step, office by office. Of priority to this House now is service to the people.

Today is the official opening of Siaya County Assembly. The business before us today is to share with the governor his legislative agenda for Siaya County. We shall be glad to listen in silence today and discuss it in the coming days, line by line to avoid misunderstanding and to appear to be reading from the same script.

Ladies and gentlemen we have talked and speeches have been read, promises have been given. I know welcome you all to work hard to build this County. For the people out there want nothing other than prompt and efficient services. Thank you all and may God bless you.

To that end may I have the pleasure to invite the Governor!

The Governor (His Excellency, Hon. Rasanga): Hon. Speaker, all members of the County Assembly, the County Assembly staff present, National and County Government staff present, distinguished guests, ladies and gentlemen. It gives me great pleasure to address this August House, today as we mark the start of the first sitting of Siaya County Assembly since it became a County within the Republic of Kenya on 4th March, 2013.

As of that date, you have been entrusted with the significant responsibility to serve the general interest of the people of this County. I am deeply moved by the high honour the people of Siaya have accorded to you as the first members of this County Assembly. As much as we may belong to different political affiliations, our role is now to unite and contribute to the sustainable development of this County and Kenya in general.

Since my installation as governor, I have had privilege of meeting with people from all walks of life, committed to doing their part in nation building, dedicated to the course towards helping build a stronger and better Siaya County. My conversations with these persons have revalidated by conviction of the potential of this remarkable County.

Through my discussions with these persons I have learned that regardless of age or affiliation, people are looking both to the executive and County Assembly to create an enabling environment for opportunity to succeed. This is the basic reason for this gathering and the coming sessions of this Assembly. I have no doubt on your future performance both in this House and outside. I therefore wish you God's blessings and success as we start this journey.

Mr. Speaker, Siaya County consists of six sub-counties namely Alego-Usonga, Bondo, Gem, Rarienda, Ugenya and Ugunja, each with wards. Siaya County has a total of 30 wards which are all represented in this Assembly. I am however aware that a fully constituted County Assembly should include nominated members which have not been done.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Taking cognizance of unique resources and our diversity, it is important that governance, planning and budgeting and the general community development encourage participation. Thus as the government of Siaya County takes definite shape, it is clear that the governance cycle must be one of delegated authority and accountability. Processes must be transparent internally and externally to the citizens. This holistic approach not only improves the physical environment but also enhances the welfare of the people living in the communities.

Our diversity requires that we have a common identity. Consequently, in line with article 4 of the County governments act, 2012 on County symbols, I will submit to this County Assembly a bill on the County flag, County coat of arms and the County public seal for enactment.

Mr. Speaker, the objectives of devolution are: promote democratic and accountable exercise of power, foster national unity by recognizing diversity to give powers of self governance to the people and enhance their participation to recognize the right of communities to manage their own affairs and to further their development to protect and promote the interest and rights of minorities and marginalized communities. To promote social and economic development and the provision of proximate easily accessible services to the citizens, to ensure equitable sharing of national and local resources throughout Kenya, to facilitate the decentralization of state organ and to enhance checks and balances and the separation of powers.

Both the constitution and the County government act provide us with the blueprint for a government organization worthy of our County. We must therefore, move with haste to establish structures that respect separation of powers, determine the optimal human capital that is needed to discharge our mandate. Such include the establishment of County public service board, County executives committee, County Assembly service board, County administrative structures up to the village level and the attendant technical staff.

These are constitutional responsibilities which I wish to reiterate that I will strive as I said on oath to preserve, protect and defend not just in word but also in spirit. I therefore look upon you to make necessary legislation to make these a reality.

Mr. Speaker, the constitution provides for a transition period of three years. During this period, functions will be transferred to this County as consistent with the fourth schedule on the basis of readiness to perform those functions. While it would have been proffered that all these functions be transferred immediately, this cannot be so until we put in place structures and financial frameworks that guarantees quality service delivery to the citizens. We must therefore develop a framework for the comprehensive and effective transfer of functions as provided for under section 15 of the sixth schedule of the constitution.

Mr. Speaker, the performance of these functions will come at a cost. Costs which will have to be managed efficiently. It is imperative that we put in place financial systems to effectively mobilize resources locally, nationally and internationally. At

2013 COUNTY ASSEMBLY OF SIAYA DABATES

the local level, the County should enhance revenue generation by reviewing all sources with a view to harmonizing them, strengthening collection, enhancing compliance and where necessary stamping out those that may be punitive to general public.

At the national level, there is 15 percent minimum shareable fund as provided for the constitution and the devolved funds such as constituency level. In addition, my government will explore public-private partnership (PPPS) as a way of funding development programmes.

At the international level, my government will explore donor funding and bringing on board the Diasporas to augment our meager resources. It is worth noting that the County governments can also borrow to meet financing gaps and such borrowings to be guaranteed by the national government. My government will strive to explore ways and means to attract investors to help us realize the vision on job creation and reduction of poverty. I will therefore recommend bills on these proposals for consideration by this Assembly.

Mr. Speaker, Siaya County at the moment does not have a long term development plan defining programmes to be implemented in the next five years. This is no small undertaking as it will require broad private sector input and support. Through the development plan, my government will promote economic growth through investment in public programs by creating an enabling environment for business development. To support its socio-economic development, it is essential that Siaya County invests in the maintenance of

a durable weather proven economic infrastructure comprised of adequate housing, a good road network, adequate lighting, proper drainage and efficient waste disposal.

The development act plan should give critical consideration to programmes that contribute to employment and poverty reduction. Priority will be given to programmes such as agricultural and livestock production, health, education, infrastructure, trade and industry. Other areas that are on concern include water and tourism, environmental and sanitation, youth and women development, gender parity, social safety net and sports.

Further it is noted that there is need to develop County statistics on the various sectors to help in planning process. Statistics will help us determine by how much we are growing the economy of this County. In this regard my government will work closely with Kenya National Bureau of Statistics to develop a statistical bulletin for the County.

We look forward to this House to come up with frameworks to fast track the development of these sectors.

Mr. Speaker, towards the realization of our full potential as a County, a sense of peace and safety for residents and visitors is critical. Government's objective is to fight for a crime-free Siaya County, where law enforcement exudes confidence and citizens consider it their social duty to do their part in fighting crime. Crime against any resident or visitor is a crime against Siaya County. Our role therefore will be to work together with the National Police Service Commission apparatus to enhance security

2013 COUNTY ASSEMBLY OF SIAYA DABATES

as per the constitutional provisions for purposes of development. We will therefore recommend bills to this House aimed at bolstering security in this County.

Mr. Speaker, related to crime is the issue of corruption which stifles development. To ensure that service delivery is not compromised, those who will be identified to serve in any capacity in the public service of Siaya County will be subjected to chapter six of the constitution. We must face the dragon of corruption head on and act swiftly wherever this is detected. In this regard, we will cooperate with governance institutions in this County to the extent possible to make Siaya County graft free. The governance institutions envisaged include the Commission of Administrative Justice (commonly known as Ombudsman), Ethics and Anti-Corruption Commission amongst others.

Mr. Speaker, as my government pursues its policy plans it shall broaden its scope as made possible by the constitution. Siaya County will diligently pursue cooperation with fellow counties, national government and development partners. Critical in these is the expansion of horizons in terms of new investments and assistance as we set about to build a strong foundation for our County. In conformity with the constitution, cooperation will be guided by the Inter-Governmental Relations act 2012. I therefore wish to appeal to you all to utilize the provisions of this Act to enable this County forge ahead.

With the outlined vision and policy measures the government plans to create hope and opportunity for all residents of Siaya County based on a sound social and

economic foundation. Cognizant that it cannot accomplish this alone, my government invites all to participate in the execution and pursuit of its vision for a better and stronger Siaya. It is my vision that through concerted effort along the lines identified, we can grow the economy of Siaya County by 10 percent annually.

Mr. Speaker, my government will also seek cooperation in a special way with the counties that share Lake Victoria with the intention to have common management strategy. Critical in this case is the issue of fishing, environmental management and water hyacinth management.

Mr. Speaker, in an effort to ensure community participation in the development process of this County, I wish to inform this House that Stakeholders' Forum on budget for financial year 2013/2014 is scheduled to take place on Tuesday the 23rd April, 2013 at Mwisho Mwisho hotel, Siaya. The Forum will be used to prioritize programmes to be implemented in the next financial year beginning 1 July 2013. The budget estimates to be submitted to County Assembly by 30 April, 2013. All elected leaders, professionals, business communities, government ministries, department and agencies (MDAs), the private sector and the general public have been invited to attend. It is my humble request that the Hon. Members of County Assembly will take this advantage to raise issues affecting their wards in the forum for solutions in the next financial year. The occasion will be graced by me.

We also plan to host professional conference to engage our sons and daughters on development agendas suitable and

2013 COUNTY ASSEMBLY OF SIAYA DABATES

compatible with Vision 2030 and beyond for our County on 10 May, 2013 and to be followed closely with investors forum on 24th may 2013 both to be hosted at the Jaramogi Oginga Odinga University of Science and Technology.

Mr. Speaker, it is the role of the County Assembly to function as people's watchdog, enact laws to facilitate the due execution of the powers and functions of the County executive, receive, deliberate and approve development plans, borrowing by County government, appointments of

County secretary and chief officers of the County public service, appointment of a clerk to the Assembly and representing the electorate in the governance.

My government looks to you as political representatives of the people for your participation and your support in achieving this vision for the coming period in the interest of the people of Siaya County.

I wish you much wisdom, strength and God's blessings. Thank you and May God bless you all.

REPUBLIC OF KENYA

SIAYACOUNTY ASSEMBLY

THE HANSARD

First County Assembly-First Session

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

Tuesday, 23rd April, 2013

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

PRAYER

MOTION

ADJOURNMENT

Hon. Speaker: Honorable Members, welcome to this Assembly. I wanted to communicate to you that the Governor's speech will be our subject of discussion for the next four or three days and arrangements have been made that each of you has a copy of that speech. Please interrogate it in line

with our mandate then we discuss it. Moving also to the Business of day, budget making; I will urge you that as you leave here, you will be requested to go back to the budget making process until it is finished. Thank you.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Otieno: The honorable Speaker sir, I tend to give notice of the Motion that the thanks of the House be recorded for exposition of public policy contained in the address of the governor delivered on Thursday April 18th 2013. I will now ask the Honorable Gare to second.

Hon. Gare: Mr. Speaker sir, I rise to second.

Hon. Speaker: Honorable members, the presentation by the two honorable

members, it's too late that we need to adjourn this sitting and I therefore want to put a question that will as many as of that opinion say I

Hon. Members: "Aye"

Hon. Speaker: And will as many of that contrary opinion say "NAY".

The "Ayes" have it. So this sitting stands adjourned until tomorrow 9 am. Thank you so much honorable members.

REPUBLIC OF KENYA

SIAYACOUNTY ASSEMBLY

THE HANSARD

First County Assembly-First Session

The House met at the County Assembly chambers at 9.00 a.m.

Wednesdy, 24thth April, 2013

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

PRAYER

MOTION

GOVERNOR'S ADDRESS

Hon. Speaker: Honorable members, after morning sitting, we aske the Committee on Selection to assemble and discus with members so that we get a list of persons in Committees for discharging our duties from next week hence forth. As we agreed, we want that by Thursday, we have the names be brought before the floor for adoption. Thank you.

Hon. Otieno: Mr. Speaker, Sir, I beg to move the following Motion that the Business appearing in today's order be exempted from the provisions of standing

order 37(3) being a Wednesday morning, a day allocated for Business not sponsored by the Majority or Minority Party or a member belonging to the Majority or Minority Party or Business sponsored by a Committee. I will now ask Honorable Gare to second.

Hon. Gare: Mr. Speaker, Sir, I arise to second.

Hon. Speaker: Honorable members, you will understand that Wednesdays mornings are not as so expressed by the Honorable members who have just spoken. It's not a day of discussing this kind of

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Business but they have asked for an exemption. Is there any objection to that exemption? There being no exemption, no objection, I grant

The Speaker: Yes, Honorable Otieno

Hon. Otieno: Mr. Speaker, Sir, I beg to move the following Procedural Motion:-

THAT Pursuant to the Provisions of Standing Order 94 section 4, this House orders that Debate on the Motion on the address of the Governor be limited to not more than ten minutes for each member speaking, 30 minutes for the mover in moving and replying. I ask Honorable Gare to second

Hon. Gare: Mr. Speaker Sir I arise to second

Honorable members, you have heard that the mover of this Motion is asking that we take ten minutes in discussing the subject. Is there any objection? There being no objection I grant.

Clerk: Mr. Speaker Sir, order number ten, Motion

Hon. Otieno: Mr. Speaker Sir I beg to move the following Procedural Motion that the thanks of the House be recorded for the exposition of the Public Policy contained in the address of the Governor delivered on Thursday April 18th 2013. I beg Honorable Gare to second.

Hon. Gare: Mr. Speaker Sir, I arise to second.

Hon. Speaker: Honorable members the Governor's speech has been laid before the table. You are free to participate. I welcome to your participation. I'm hoping that we all have copies of that speech that

was delivered by the Governor. This is the opportunity we have to interrogate, you can support it you can support it; add flesh all in the view of making it the best that can suit our people and our County.

Hon. Speaker: Yes, Honorable Muhula!

Hon. Muhula: Mr. Speaker Sir, I think it's quite in order that this House acknowledges the significance of the what the Governor's has done in taking his time to come and address this House of the policies and manning of the Executive line with the activities of the Executive of the year 2013- 2014.

I want to agree with what was highlighted with the Honorable Governor he has actually indicate a few things on the social economic for the welfare of the citizens of the County. It is indeed agreeable that Agriculture will form a very big and distinct backbone development of Siaya County. If we can be able to come up with clear policies of how we can enhance some food Security in this County. Again, there is an element of development of the Youth and Women and the Governor's speech however I want to be taken or decorated to look at the Governor's speech without the frame hold, the premise that he is going to work on to achieve the ambition that he has put in his address here. Number three, infrastructure comes out very handy in the Siaya County.

Hon. Minami: Point of order, Mr. Speaker!

Hon. Speaker: Yes, Honorable Booker!

Hon. Minami: Thank you Mr. Speaker, Mr. Speaker, I arise in a point of order to ask your guidance that the mover of

2013 COUNTY ASSEMBLY OF SIAYA DABATES

this motion while moving this motion and you have given us the opportunity towards the motion whose mover has not said anything about it.

Hon. Speaker: Yes Honorable Booker, you are right, I think there is a practice of the House that a mover talks about the speech even in summary, so I'll ask the Leader of Majority to say something after Honorable Muhula has finished his submission. Honorable Muhula please continue.

Hon. Muhula: Thank you Speaker, as I was saying Mr. Speaker, it's an evident that infrastructure in Siaya County will be one of the worst. Looking at this time I go as the town comes ahead and the town starts that is the Siaya County, so if the Governor comes out very clearly and depicts the notion that infrastructure should be also within his plan, then we welcome. Again, the Governor was expected to have shown the way that he is going to get this funding to achieve the ambition of ensuring that all these roads are done that again there I would fault the Executive. In coming out with all these things without telling us what actually he is planning or where he is planning to get the funds would be like cosmetic placement that probably he wants to take this House for a ride.

Mr. Speaker, I would like by the time possibly, when the Leader of the Majority would be presenting or talking about possibly there are discussions and maybe something that he will tell us on the road map of achieving this ambitious address of His Excellency the Governor. With those few words, I beg to support the Motion.

Hon. Speaker: Thank you so much Honorable Muhula, are you ready Honorable Otieno or we give you some time. Just in summary, we know where we are coming from.

Hon. Otieno: Yes, Mr. Speaker, I rise to concur with what my counterpart Honorable member has said, I stand here to say to, to support or to a little bit go to House of the motion on the floor that the Governor heavily addressed this House for the way forward or suggested option for saying how we wanted our Siaya to grow.

Mr. Speaker, Sir, I stand here also to say that our able County Assembly members who represent various wards, you find that almost every problem is touched from where they come from. Infrastructure is touched so allow this House Mr. Speaker Sir, all these members to really discuss this motion as it is the one that will guide this, it is the one that will build our this County Mr. Speaker. On the same speech Mr. Speaker that was delivered by our Honorable Governor, I would like also to say that economic growth Public Investment and the Business development, Socio Economic development in our County...

Mr. Speaker, Sir, from what our Members will discuss here will come in handy to them grow Siaya. Never the less Mr. Speaker, let me continue to study it more again. Thank you, Mr. Speaker.

Hon. Speaker: Thank you so much, Mr. Otieno, I think as a House we will want to move forward with understanding that movers of every motion before this House will have an opportunity first to understand the motion before the House and explain to the House whether they had the privilege of

2013 COUNTY ASSEMBLY OF SIAYA DABATES

having seen before from the author so that we are given the opportunity to interrogate it further but for today, you are excused Honorable Otieno. Thank you so much. Yes, Honorable Oriaro

Hon. Oriaro: Mr. Speaker, Sir, initially I would like to point out that the fact that we are newly born, we are still in our embryonic stages so in that regard it is prudent to excuse ourselves from little scruples. I had the opportunity to get the speech from the cat's mouth when it was being presented here by Mr. Governor.

Mr. Speaker Sir, taking cognisance of the fact that the County has to demonstrate its ability and capability to generate its own resources, to generate its own revenue I would have expected the Governor to make it in title part of his speech how he will generate, how he will steer the County to generate its own revenue, I shall be talking about issues of investment. We have the dominion firm here. We know as a matter of tradition that such facilities have not been benefiting the locals.

I am of the idea that if the Governor in adding flesh here, his Excellency the Governor, had that courage to tell us how he will develop a wet land management plan to see to it that the availability of the swarms in this place because we know dominion firms has been causing problems a lot. He never touched on anything of that nature. Then number three, number two, in my conclusion, the issue of corruption has eaten into the public resources.

We understand and we all know that the Governor at one time, one point in time outside the Assembly, had mentioned the

fact of land grabbing in the County such that new investments cannot come up. He was even talking about how the former local authorities were still transacting only be it that he was the one to transact.

I would have expected the Governor to tell in the House how he would be dealing with the matter of corruption, the manner in which he will ensure that that the other firms wet land is steered towards having an investment plan that will create jobs etc. I never saw the issue of sports.

We all know that for the last three years Obama Quiz have been the national champions in the netball, that is a classic case for the evolution of our potential in matters of sports. So the issues of sports are not here. Sports has the capability of Job creation, income generation and even the tourism aspect. Mr. Speaker, sir, thank you.

Hon. Speaker: Thank you Honorable Oriaro. Honorable Fred, you had something.

Hon. Ouda: I was just rising on a point of order, Mr. Speaker, Sir, though now it has been over taken by events. I wanted to tell the Honorable member at least to withdraw the statement, 'THE CAT'S MOUTH' because this is His Excellency the Governor, but he is referring to him seriously even if it's a synonym, Mr. Speaker, Sir, kindly, please tell him...

Hon. Speaker: Point taken, Mr. Oruro. Point taken. Is there any other contribution, please?

A Hon. Member: Point of order, Mr. Speaker!

Hon. Speaker: Yes Honourable Madialo!

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Madialo: Mr. Oriaro and Mr. Fred honorable, are they in order to catch the Speaker's eyes by When they are supposed to stand up and protect their eyes.

Hon. Speaker: Honorable Madialo, I am the one whose eyes were being caught and I never saw children. Yes! Any contribution? Yes, honorable Elisha please!

Hon. Ochieng: Mr. Speaker, Sir, I raise to thank his Excellency the Governor for Siaya County for his speech whereby I would rather want to know the mechanism that the Executive has put in place to make our County a crime free. Mr. Speaker Sir, we have a toll order of crime along the Lakes, lake shores and Beaches and the executive should make the mechanisms that they want to put in place so that our County can be a crime free place whereas I would rather ask the Executive Mr. Speaker Sir to define and to put on risk that even our members our Honorable members like us should have definitely a body guard or somebody who can take care of the Honorable members, Mr. Speaker Sir. I never catch it on his speech, Mr. Speaker, Sir.

Hon. Speaker: Yes, Honorable Gare!

Hon. Gare: Thank you, Mr. Speaker, Sir. I am rising on a point of order. I wish to know from the Chair Mr. Speaker, that what the method of catching the eye is. Are we supposed to be folding our hands it will be like we are in like in classrooms and we are Honorable members? Or you are supposed stand to catch your eye as the best way because to me I think tying up your hands to cut your eyes, for this Honorable

House so I think this will demean this House Mr. Speaker. Thank you.

Hon. Speaker: Honorable, honorable Gare this House I don't think will be demeaned by the manner in which you catch the eyes of the Speaker. It is in your minds that when you raise your hands you are demeaned, just like it is in somebody's mind that when he stands up he is demeaned. I can assure you that sometimes for now let us use the hands. If we feel there is a better way, we will adopt it.

Standing, am imagining if thirty people stood at the same time, so how do I see who and you are all up standing if you had girls to dress that would reflect here, that is the modern way of doing it but until as late as I think as the previous parliament we have had people raise their hands. I can encourage you don't feel demeaned when you raise your eyes, when you raise your hands for now, thank you. Contributions please? Honorable Madialo please?

Hon. Madialo: Thank you Mr. Speaker. Mr. Speaker, I stand to comment although the address that has been raised before the House, that was brought before the House by the honorable. Mr. Speaker, this is a policy statement and the Governor really recognized that in conclusion it required that we promote identity. Mr. Speaker we are only thirty elected leaders. Out there are leaders who tried to defeat us but lost but have got electorates.

Mr. Speaker, before we came here some people were leaving the County, and although most of us arrived here late, I know the honorable James Ochange and Steven. And before Mr. Ochange came there was a mayor in this town and before that there was

2013 COUNTY ASSEMBLY OF SIAYA DABATES

another, one body represents a ward for example Mr. Speaker. And there was a Chairman there? And also the chairman of the old County Council of Siaya, and they were chairmen of Ugunja, Ukwala and other.

Mr. Speaker, I am saying that an important Policy Document like this one, like what we are debating today, he should come out before the House and we look at the County as an entity and we are to implement this in success, then there is every need, Mr. Speaker, the majority leader to communicate with the governor's office

We must recognize the existence of those leaders and invite them because it is on all relevance Mr. Speaker to come and understand what we are going to do for the whole year, and fail to understand that we need the cooperation of those leaders to implement them. Majority of those people are still alive but we didn't see them and they are members outside there.

Mr. Speaker, it is apparent and it is clear, that the Governor's speech was drawn to address us of what the governor he expect of us and we will be required to support what is in this speech as written. Mr. Speaker we are aware that the governor did recognize in his speech that there is a clear separation between the functions of his office and the functions of this Assembly under your leadership.

Mr. Speaker, we all know that the link between that of the office of the Governor with the Assembly is the Majority Leader and his Deputy and perhaps the whip and his deputy. It would be in order Mr. Speaker, that we see a demonstration when the policies of the Governor being ruled in

the House, we see a demonstration of people who are coordinated, it is clear here that the majority leader may have not talked about. And the governor's office has not enabled the majority leader to have and support their policies before us here to the extent that Mr. Speaker that the majority leader tended to support what honorable Muhulah was saying that he is critising part of the speech.

The minority leader is the governor's eyes and Mr. Speaker there is speech he well brought out but some was reasonable but perhaps in his wisdom or perhaps lack of it and elected to give us the skeletons of what we want to do but we don't know of how much meat is going to go to the arm, how much is going to the ribs, how much is going to the thigh it was just a skeleton yet it is proposed policy is going to done and by what means? And as Honorable has said doing and in all parts of the County.

Mr. Speaker, we do not, I do not want to suggest that we have ... reject the speech, because it was adopted for the County to move on but it would be important that the Majority Leader and the Chief Whip Of this development office, but with time they are going to give us a policy document, they'll add meat to it. We don't want to deal with skeletons. I want to rest by saying Mr. Speaker that when I looked at page 4 paragraph 2 of the written speech, and I was sad that the Governor's office seems to think that certain funds are so devolved that they are even separated and divorce from his office and Mr. Speaker, the CDF fund that is mentioned there as part of devolved funds in addition with 15% of minimum share of funds that the Counties are entitled to under the Constitution.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

This CDF fund reports to the CDF Act, it all surely ends up with the Governor and indeed the Counties representation in the CDF and some of the officers they appoints and brings here for approval, note that, Mr. Speaker, that proposal on the speech seems to be misplaced and if this is not addressed as a concern by the Majority Leader and the Governor on his behalf when he talks here, then to see that some forms that are supposed to be overseen are misused as supposed to be overseen by this Assembly, when we dispatch and be done with and without us then developing the role of an oversight.

Mr. Speaker, finally, those few tips if they are many, I would ask the Majority Leader to relieve me and I beg to move and the speech be supported.

Hon. Speaker: Thank you so much Honorable Madialo if you will realize I gave you more than ten minutes because we thought it necessary to not to stop people. Our standing orders require that when you talk about a motion once, you will not talk again so that is why I gave him that time.

I think we are also learning lessons from our contributions that when we have a Government motion coming to the Floor of the House, the person in charge or the Committee in charge needs to sit with the sponsoring Arm of the County and understand it in depth because the absence of the same might make this House, this Honorable House reject it in total and that would be disastrous so that again goes to inform the kind of Committee that we want to form and the leadership of those Committees because if they will not be in a position to present it as it is and it ought to

be then we are doomed not because perhaps the document is bad, but because the articulations and speculations of that document is wanting.

For the Leader of Majority I want to all say we all understand the way we elected the Leader of Majority officially the way it was done but now from now henceforth, we have agreed that there will be consultations in between. For now we still excuse you. Do we have any contributions please? Yes, Honorable Abayo.

Hon. Abayo: Thank you, Mr. Speaker, Sir, I would also like to make my submission, having read through the speech, Mr. Speaker, I want to support my colleague Honorable Madialo that Mr. Speaker Sir, in such a policy document or paper, we expected the Governor Honorable Governor to have been able to give a clear vision looking at the devolved functions of the Counties we ought to have seen the way outline of key issues that need to be raised and, Mr. Speaker, Sir, yesterday we were talking about Budget estimates. We expected this particular document to have given clear direction on areas we need to think about and that has not come out. It has been, it looks a bit general in terms of submissions made.

Mr. Speaker, we expected a bit of tangible statements a bit specific. If I give an example I did read some speech from Busia and there clear specifications talking about Agriculture, they went down to mentioning the number of tractors that they want and I also did see this with our honorable his Excellency the Governor, he talk about his during his speech he has not come out very clearly I have also listened to Joho from

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Mombasa talk about dishaemonisation plans of how they want to recycle the water.

So, I expected that we all have very tangible proposals that will guide our thinking, secondly Mr. Speaker Sir, because that has not been made specific. Even on the issue of accountability, we may not be able to say that we would want to hold or see how we support them or the Governor on issues of accountability and these were very specifically made we should see how we support that speech.

Secondly, Mr. Speaker, the Governor has mentioned and I want to really appreciate this about Lake Victoria. I want to say Mr. Speaker sir, that Lake Victoria has a very high potential and the way and the way it has been brought out here, in this policy here, fishing and abit of environmental conservation on the same, I expect Mr. Speaker and as we talked about this I want to persuade the Assembly, that we really focus on lake Victoria and its potentiality, it goes in record if you look at the revenue of this in Nyanza and see that the source of that revenue is this lake and for sustainability of Siaya I would want this Assembly to look at the modern picture of how we can utilize this lake. There are a number of ways that I can outline ... thank you, Mr. Speaker.

As mentioned by another colleague in this document the 15 % funds that we incur in the County, Mr. Speaker, this margin 15% I would like just to share with the Assembly and I stand to be corrected by my learned friend that could be here. That initially the government was devolving 5% of the funds to the councils through LATIF that was 5%. That responsibility has been

given to the County as it were. Mr. Speaker there were also national functions that have been devolved that is Agriculture, Health and housing, and in the wisdom of the Government indeed devolved 10% of the GDP to the County so when we talk about the 15% is very specific that the government is trying to see how. So I am talking about 10 % plus the 5 that was the formerly LATIF to form the 15.

Why am I raising this? It is because as an Assembly or as a County we need to know that Agriculture, Health and housing are totally devolved and as an Assembly Mr. Speaker, am thinking about our future and just want to persuade the Assembly to know that these are areas wholly devolved and we need to focus on them as a County. Health is devolved upto to the provincial hospitals. So I would want to urge that as we think about it, we need to know and therefore in the speech of the governor if these are not outlined then somebody will go wondering then what will be the 15 percent for if these are not well articulated in terms of giving direction.

The growth rate of 10% Mr. Speaker is quite encouraging, am happy with this. I expected a clear strategy of how we will be able to realize the 10% growth rate in this County. There is a clear vision of job creation and poverty eradication and I want to agree that this is a clear focus that we really need to have food on the table and money in our pockets. I want to urge that this is an area that we need to focus on. And again in the speech, this is not clearly highlighted of in some direction.

How shall we be able to achieve this? The 'how' question is for us to look at.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

And again Mr. Speaker as has been mentioned, resource mobilization is mentioned in this paper both at local, National and International. This is a window that we need to exploit that we are able to generate funds to top up on the 15% and I want to encourage that this House needs to think of how this would be able to achieve this. And if the governor has gone ahead to mention how this will be done I want applaud the same.

Lastly Mr. Speaker, in the speech there is inter County a possibility of inter County cooperation and that would be in the area of fishing and possibly other areas. I wanted to believe that Mr. Speaker before we reach that level it is a priority, we really need to set our base, we really need to focus on the areas that we will want to cooperate on so that it goes beyond the fishing areas and I think the governor had the idea of the lake but we need to explore possible other areas that we could be able to share, there are a number of areas.

Nothing is critical for the foundation and how we will grow. I five development plan is envisaged. I want just to add, Mr. Speaker, that I want to quote the governor saying that at one time that within 100 days we will have a plan and I think I want to urge the whole House that we work to support that direction because all that we need to do in this County we will come when it is put into a plan. This needs to be given, this Mr. Speaker I want to urge that it becomes a priority agenda. Thank you.

Hon. Speaker: Thank you honorable Abayo. Yes honorable Onduru please

Hon. Onduru: Thank you very much, Mr. Speaker, for giving me this

opportunity to share the speech of the governor. I would like to start by thanking the governor for giving a speech and indeed trying to touch on quality details on most of the areas which are devolved to us. And more particularly I was very impressed when in his speech he would like to engage with the private sector because the funds that we may get from the devolved fund may not be enough to do what we would like to do in the County. But again to mobilize resources locally, nationally and internationally I am very articulated but I would like to plead with donors to fund us that was very brilliant and I do support that.

I was very much concerned when I would have observation because if you look at what is devolved majorly and very majorly is Agriculture and Health, and if you look at this three, there is nothing at all that policy has talked about how the governor and the executive would like to have Health because whatever we want to do we want to for the citizens and so am very concerned about the Health of these citizens, so am very much concerned about this.

I don't know whether we will find a resolution or nobody thought of Health and for us we all need Health and we are providing services of Health and my dear honorable members this was a very sick document. I would like to tell you if you go to Kenya demographic Health survey. Siaya County leads in poor indicators of this country in fact in all the educators of Health we are the poorest if you don't know. And I am proposing in this House that I am going to avail to you the status of Health compared to other counties in this County and I know

2013 COUNTY ASSEMBLY OF SIAYA DABATES

some of you who have not seen this will really feel so bad.

Infant mortality rate, we are leading for your information. Maternal Health we are the leaders. Mothers who die when they go to give birth. Through death rate that means people die especially adults it's very high. Malaria in this place is the highest, HIV you are the highest. We have the lowest.....set at 22% and that means that our children are dying because they are not given proper services.

Very surprisingly, our coverage of pit latrines is only 22 and that means in Siaya most of our citizens defecate in the bush and the Governor did not mention anything on Health. So my dear colleagues and honorable members this is my concern because it is the area I am having authority. I am sorry if I use ..I think Mr. Speaker the way you are informed about the Health status of this County I know you should take it seriously because we to me we are providing services to sick people and we are not concerned. I wanted to say I reject the speech but now my other honorable members are saying we pass it so I join you in passing it

Hon. Speaker: Thank you so much. May I say this to the honorable House that figures are very sensitive and I would request that while any member that rises up to speak and support his speech with figures, he will do this House good if you quoted the source and the year of this survey so that the House is not just seen as talking of things that we don't know and others can also refer, I know he is an authority, I don't doubt what he has said but for future debate

tell us the Kenyan's report 2011 says these figures and these figures.

Tell us the Kenya indicator survey of this period says this and says this so that we will also give the Leader of Majority and his Deputy easy time when they go to the executive, they can tell with authority that these sources as was debated in this House we discover that we are performing below... And finally, the Majority Leader and Deputy are taking notes in the concerns of the House in discussing the speech .Yes, Honorable Aima.

Hon. Aima: Thank you Honorable Speaker, I want to appreciate the speech that was delivered in this House by his Excellency the Governor. The Governor's speech touched on all domains of County governance. It is a vision that was well thought of and well researched but one omission was staff development. For any County to grow, you need to develop your staff because staff is the backbone of policy implementation. We need impact skills on available staff; we need to give them job obligation in charge of that. The other area of omission was residence. This County has got sons and daughters who are in the Diaspora, who are very successful industrialists, who are very successful business men and women, who are very successful Educationists. If we touch on incentives, how do we bring them back? How do we give them the incentives to bring back their capital to bring back their skills to invest in this County. The governor, he talked about professionals who are in the Diaspora, it is one area that has to be looked at. The omission we own a large number of widows and children who are orphans.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Actually he didn't talk about how we will be able to address the challenge that has faced this County because of our large number of women who are widowed, our large number of children who are orphans and they need to be taken care of. Otherwise thank you very much for this chance.

Hon. Speaker: Honorable Kowii

Hon. Owii: I wanted to raise a point of order Mr. Speaker

Hon. Speaker: You said you will help us in future

Hon. Owii: He was trying to misinform the House Mr. Speaker sir. That from the governors speech, if you go to page four, the governor didn't cover that how he is going to bring on board the Diaspora on resources and I believe every bit of thing that he was saying he didn't put here, was abit broad based and people just want everything honorable members may want to name names but the truth is that he covered the Diaspora. Thank you.

Hon. Speaker: Thank you. In future, when we raise points of order, largely we talk about violation of our rules but we have taken note of your contribution. Thank you so much. Honorable Otare

Hon. Otare: Thank you very much Mr. Speaker, I just raise to appreciate the speech of the governor and I just have some concern of the speech because he has talked of many things here but only now needs implementation. And if you look at page 5, paragraph 4, when we are talking about sports honorable Speaker, this is something that needs an urgency because in Siaya County, we are having schools that perform the best in the country and is now having a top team in netball in the whole country.

Though bwana Speaker we should know that when we talk of course we talk of the actions so the honorable His Excellency the governor or the executive should do something about those girls that perform very well in the country about sports.

Another issue, Mr. Speaker, is about corruption. The governor has spoken very well about corruption and word honorable Speaker is that before any action is done, we should know and know why we are talking about corruption and what are the causes of corruption. Because bwana Speaker we realize that in this our County about the staff, you will come to know that our staffs in this Siaya County most of them have really been paid for the last three months. How are we going to deal with this corruption if we cannot look at the way that our staffs can be paid their salaries on time or in time so that they stop their corruption and that then bwana Speaker leads us and it's my prayer that they should be handled within this week because it will embarrass us from next week.

Bwana Speaker, as we go about the emergency that was on the Speaker's address yesterday we had our meeting as it was underlined in his speech and indeed it really took place yesterday but when we went there bwana Speaker I can assure the House if that the trend that we are going to work I don't think that most of our things are going to be prevented. Because what we see was in Alego Usonga we were just discussing about the budget and there authorities.

I don't know who are going to give these priorities to this people in the County executive board as the leader or related

2013 COUNTY ASSEMBLY OF SIAYA DABATES

leader, because we just discussed the priorities and we don't know which one is going to come first and which one is going to come last in this financial year.

Otherwise I appreciate because of the past things that we are doing and acknowledge for this new and I think the governor is new and I just appreciate what has been done. And last but not least is about the reply. Honorable Speaker we should look at our majority leader, should be in touch with the governor because other issues here need the reply and if he is here he did not give the reply so I don't how these answers is going to be replied. Thank you.

Hon. Speaker: Thank you honorable Otare. For the benefit of this House may I share with you our standing orders that we say that when you choose to go English you do English, when you choose to do Kiswahili, you do Kiswahili. As a matter of fact, bwana and nini are Kiswahili words. You know what I mean. Thank you so much. Honorable John Gare!

Hon. Gare: Thank you Mr. Speaker. I want to support this document. First of all we must agree that as much as there could be some omissions this document was well drafted and we can realize it was the sector of socio economic parts were highlighted. I want to draw your attention to page five paragraph two where it was said that development plan should be should give total concentration of programmes that are to go to employment and poverty reduction priorities given to programmes such as Agriculture and Livestock production, Health, Education, infrastructure, trade and industry are areas that are of areas of

concern Mr. Speaker and I want to agree that even though I want to say that water should have been given if not taken the top priority.

Mr. Speaker, we realize that water is life and where I come from West Sakwa Ward, water is a big problem. Without water, we are strong to water borne diseases, which is actually the main killer of children. When they have diarrhea and vomiting the main cause is water borne diseases and even in adults.

Mr. Speaker, when there is this County profile, County profile 2012, which says the statistics of 2012 says or County profile says that we have access to piped water in Siaya and every 10 to 6%. That is Siaya County. Now if you go to my ward, to where I come from West Sakwa Ward, I think it is 0.02. Those who can access the piped water, the clean water, I would imagine that water should be given priority because with water, even the tied problems that we are talking of will be minimized.

we would not say that that in my Ward each and every day they would tell you that they want a dispensary each and every day, while if we go physically we find the reason why these people are looking for a dispensary is because people have typhoid, people are diarrhoeing, are vomiting so the best we should go to first is water so that we minimize these kind of costs. Mr. Speaker, with water, we will even have investor confidence because with no water, even investors in the County, will not come to Siaya to invest.

I would want to say that the piped water should be given a priority and each and every ward we should make sure that

2013 COUNTY ASSEMBLY OF SIAYA DABATES

there is access to water and we move in from 0.02 like for my case in my ward to 0.03% to may be 3 or 4% Mr. Speaker, even in my area there are these farmers who are depending on our animals at home and dams are not there, you will find a mother going to fetch water in my ward walking 15 kilometers to fetch water even inspite time wasted she does not even have time to go to tills.. I would request that as much as we are looking for the piped water, we also go for dams so that the animals for those people can get easy access to those dams.

Mr. Speaker, I want to say that this document, I want to disagree with one of my honorable members who said that time was not taken care of but Health is a priority in the Governors speech here and I would wish to say that we give water a priority number two or three. Mr. Speaker, with those few remarks, I beg to support this document. Thank you.

Hon. Speaker: Honorable Aneme please!

Hon. Aneme: Mr. Speaker, first I want to support the document of the Governor and when I was looking into it, keenly, I realized that there are some areas which the governor did not tell us clearly. When I was looking into the areas where the Governor should have touched very keenly, our areas where we can get a lot of resources, there is an area which is touching on Tour zone which I may call it ministries; Tourism and wildlife conservation.

In this document, am not seeing where the governor is putting emphasis on how we can develop our tourism and wildlife conservation industry and again, I was trying to put together tourism and

wildlife tourism conservation together with Lake Victoria, if you are coming from our area there and our area Mr. Speaker, you will find that it is true that Lake Victoria is infact one of the gateways to our tourism industry, because quite a number of Wazungus are coming from south Nyanza coming to see the Siaya Ranch but I consider that as tourism industry, but if you look to our area there, I have never seen a situation where tourism industry begging visitors from outside either to Luanda, Migori to the South Nyanza side, it's an area which I think should be spelled out clearly and given its time and again, it's the same water when the governor talks about seeking cooperation in special ways, in other Counties that Siaya, it seems that we on the people who are on the other side of Lake Victoria have nothing to offer.

He should have also come up with tangible issues, things that we want to do so that even if we are going to share others, we should also have our pockets, we want this and that being done. On our side what do you offer? I think that is the case there but if you are going to, but if we are going to sit from the other side, as if we don't have any, it seems we are just naked in that area so I think there should be a very fast move to go into this area.

Again on the same water, nowadays if you go to our area down there Siaya, Bondo and Rarieda getting a fish there is difficult, probably you can get it in Siaya but even but even the ones coming Siaya I don't know they are coming from Busia. Better you get the fish from Kisumu or Bondo than if you go to the Lake itself which means there is a lot of deactivation which shall be

2013 COUNTY ASSEMBLY OF SIAYA DABATES

taking place there a lot of disruption of fishery industry so much so that getting the fish there is not easy.

It is because conservation is not done but we have so many breeding areas and if you talk to the fisheries department they say Bondo and Rarieda have so many of these breeding areas and are not being protected and the protection of that fish industry is not even stated in this honorable document. I really think that those omissions should be put into place when we start putting mechanisms to place to enable us atleast reach from to the lake. Thank you so much.

Hon. Speaker: Thank you, Honorable Aneme. I know you are advocating for my place but I will not excuse you from using the word wazungus. Honorable Ombiyo please!

Hon. Ombiyo: I want to thank you Mr. Speaker sir, I want to conclude this motion by first opposing it with the entire energy, in its entire totality. First because of the simple reason and sentiments that some of my honorable members and colleagues have already stated. Mr. Speaker, I am a true believer in equity and principle of devolution was brought to us to share resources and equity. This speech, Mr. Speaker, has not addressed the issue of equal distribution of resources. So the revenue that the County Government will collect and the revenue that they will get from the National Reserve, the speech says they will develop my, they will develop a plan that will reduce poverty yet it has not said the structures the one put in place to reduce this poverty. I would say it is empty and rhetoric with kind of potholes.

So, each of equitable distribution of resources is personal. The governor should address this thing by saying that now the revenue we will be getting is in Siaya County, how it will be shared. I have heard of some counties ...so that the people of Mageta can also develop the same level the people of Siaya will develop, so this comes to a proper infrastructure and service provision for the common mwanainchi. Another point I want to raise is that the government will be taxing the citizens and the traders.

I would expect that he should have come up with a mechanism of enabling a good trading environment by putting in the necessary infrastructure by proposing a location, I would have expected him to propose a percentage of the allocation that will go to help will go to Agriculture so that his vision can be realized that which has not been done in this city. So I don't support a speech which is empty, which is rhetoric and which has no structures of putting in place what he wants to deliver to wanainchi. Kindly Mr. Speaker, I beg to rest.

Hon. Speaker: Rest, Honorable Ben

Hon. Omondi: Yeah, thank you Mr. Speaker sir. I stand here to comment a little bit on His Excellency the Governor's speech that he made to this Assembly on the 18th of April this year. First of all most I wish to salute his Excellency the governor for the way he drafted the document though it is very general. I wish his Excellency if at all he wanted to do favour to the residents of Siaya, he could have been very specific. And one area of concern to me is the sector of Youth.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

As we are aware that youth are the majority not only in their County but in Kenya as a whole so the governor would have come up with the frame work on how he intends to empower youths. Because when we go to page 5 last paragraphs, he talks very much concerning peace unity and security and I want to believe that without job when youths are jobless that security cannot be there. When youths are jobless, that peace cannot be there. So I want to believe that in future speeches that will be made to this Assembly by His Excellency the Speaker, he needs to be very specific on what he intends to do. Not just bringing general teacher without specifications. Otherwise I intend to support.

Hon. Speaker: Honorable Kadera, please!

Hon. Adera: Thank you Mr. Speaker sir, I wish to support the governor's speech. Mr. Speaker sir, this is the foundation of development in the County that the governor has made for the Assembly we shall provide the engine for development to move on. Mr. Speaker sir, I wish to point out some few areas that His Excellency the governor made and touched in his speech.

We are Mr. Speaker, Sir; the governor did indicate that he will soon table in this Assembly a bill that will roll out County court of arm, County flag and the County seal. For the County to move on we surely need the items to make us move in as the County. Your honor I also wish to appreciate the speech for the governor which touched on corruption and I think corruption has let this County down, and if he is actually to the point that he will fight corruption with his two arms, then I believe

this County will develop in the next few years. Your honor I also wish to appreciate his speech on, he did engage that he will cooperate that he will cooperate with other counties. And even counties that are stretching on Lake Victoria. Your honor I think this will put more emphasis on water hyacinth. Your honour the moment we cannot get fish adequately we cannot get fish adequately at this ...

Hon. Speaker: Continue honorable Kadera, continue

Hon. Adera: Yes as we used to get fish many years back, because of water hyacinth if indeed the governor can eradicate water hyacinth then I believe this County is really developed. Your honor, the governor also indicated that he will strive to see that this County the GDP of this County gross at 10% your honor I believe I believe well....

Hon. Speaker: Honorable Kadera continue, I like being called your honor, yes continue. Yes say your honor and continue

Hon. Adera: I believe you are Mr. Speaker sir, his honorable Speaker

Hon. Speaker: Continue!

Hon. Adera: and the two words can be used in the Assembly. Yes Mr. Speaker sir, if our GDP can grow by 10% then I believe that in the next 5 years time this County will be the Dubai of Africa. But your honor, Mr. Speaker sir, I have few reservations with the speech. Your honor the speech did fail to address very crucial and very critical areas that touch on every part of this County. Your honor I will continue using the two words interchangeably because I believe they are allowed in this House unless otherwise.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Speaker: Is that your contribution honorable Kadera? Just contribute.

Hon. Adera: Mr. Speaker sir, the speech from the governor did fail to address the road network in this County. And we are all, Mr. Speaker, Sir, if you can look at the road network in this County we have got the poorest if we compare Siaya County with other regions. So Mr. Speaker sir, I believe this is an area which the governor ought to have addressed adequately.

Mr. Speaker, sir, the speech, of the governor did come at a time when we are experiencing flood problems your honor Mr. Speaker sir, I want to believe that His Excellency the governor ought to have talked about this issue. Apparently because this is one area that has affected the people of Siaya and especially in Alego Usonga and my area of jurisdiction which is West Ugenya.

So, failing to address the flood problem ought to give us mechanism that will erase this flood problem and it means that we shall be having floods year in year out. Mr. Speaker sir, the governor did fail to address issues to do with Agriculture. I want to concur with my honorable Gare, who did say that the things that honorable members have questioned about especially Health, Agriculture etc but your honor you will realize that unless you go through the document using your toothpick you may not find the areas or you may not see the relevance that ought to have been done.

Mr. Speaker, Sir, we were told that at page 5 page 5 that the governor did address the issue of Health and Agriculture but your honor, coming to the House and following

remarks that have touched Agriculture, roads, Health, Education that does not mean that you are prepared to address this conditions. He ought to have come to the House and explained to the House how he would wish to go about those problems. There are perennial problems that have really dragged the development of this County. If he can, if he can make use of the forum that we had yesterday, then I think he would cure what he failed to do on 18th through his speech.

Your Honor, I know there is no time that maybe we can call the governor to bring another speech. But whatever has come needs to be supported. So I will beg this House to support the Governor's speech for the County to move on. With those few remarks I beg to support.

Hon. Speaker: Thank you, I will ask honorable Madialo to say something because he had him raise points of orders before I give honorable Osuri time to talk before I come back to Honorable Odinga

Hon. Odinga: Thank you Mr. Speaker. I believe that. It is dead.

Hon. Speaker: The button how is it?

Hon. Odinga: Mr. Speaker I was addressing a point of order that, I wanted to remind my friend Mr. Madialo and myself, we guys are educated and I wanted to remind him we are not in court but the Speaker is Mr. Speaker

Hon. Speaker: Thank you so much, I also beg to correct honorable Madialo. We are two and half learned friends here because your Speaker is second year student and above all I have been tallying every little mention of the word Mr. Speaker and your honor and from my tallying the Mr.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Speakers were more. The Mr. Speakers have it. So I think for this House we will be using Mr. Speaker for the time being. Thank you. Is it a point of order:

A Hon. Member: Thank you Mr. Speaker sir. Mr. Speaker is it really in order for a member to say that there are only two learned friends in this House? Learned people? When the rest of us are here? What does that mean?

Hon. Speaker: I think the point is noted. We will see how to address that in the future. Yes honorable Osuri please.

Hon. Osuri: Mr. Speaker sir, I have noted with a lot of concern that His Excellency the governor did touch on key areas although I will not elaborate it a lot but I noted conspicuously the issue of Education. Mr. Speaker sir, if you want to kill a society then kill the Education. So I feel that His Excellency the governor ought to have given adequate address to Education. Mr. Speaker sir, all these other areas like Agriculture, you cannot improve Agriculture with unskilled manpower. Even if you talk about fertilizer, fertilizers are not just anyhow broadcast; there a specific rate of application and this requires trained manpower skills. So Education gets in. you can't talk about may be infrastructures like roads.

If you have covered roads in this County without educated people to get skilled employment they would not be able to buy vehicles and therefore the tarmacked roads will be used by the domesticated animals and the wildlife in basking. So I think all areas be it Health it requires Education and I feel that Education in this County needs to be addressed.

Historically, Mr. Speaker sir, Siaya has been known to be producing the administrators and this is the castle that Siaya has never heard. I feel this was conspicuously missing in the governor's speech. The other area is about Health, it is just touched lightly. We as leaders Mr. Speaker sir, it would be pointless to live a healthily particularly in the era of HIV and AIDS because it is eating into our manpower and therefore Health should be given a good place at that particular point.

Mr. Speaker, Sir, we also remember may be recently the National Government has created a registry of mining, this is not touched. If you go to my ward South East Alego gold is seriously being mined and this would be one great source of income to our County Siaya and it is not touched anywhere in the paper. However, Mr. Speaker, Sir, I would say that in time it's literally the best. Definitely, to identify the role of the board members in this House that is of uniting and contributing to the sustainable development of this County and Kenya in general. I did identify that.

You also notice our human potential in the Siaya as I indicated that in the area of Education Mr. Speaker sir, he also did the human resource, he identified that it is a potential that we have here. And we have been exporting the human resource and skilled manpower that we need in the labour force. If only the executive arm, this executive arm of this Assembly can pick the right people from the Anglicans as we had somewhere sometime to support their able legislator that we have here then this County can prosper to a greater height and indeed Mr. Speaker sir, we also identified that

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Siaya has a number of unique resources and we should strive to improve this to improve the welfare of the people we are representing.

The constitution as he has also outlined in his paper, has recognized the right of the communities and this is through our representation to manage its own affairs and further its development agenda. I did quite he also identified the need to streamline revenue collection.

This has been an area of concern in the past particularly in the past areas like municipalities, County councils, this has not been improved and I hope if he has identified it he will act action will be taken to streamline our revenue collection so that we don't have him just collecting with fake receipt in markets ending up in their pockets it's not accounted for and therefore we lack the revenue.

For example, we gain having investors like dominion which is a very big investor in this country, I wonder whether the revenue collection is really streamlined because that is our area or sources of income and I also believe that as he identified other areas of revenue like CDF I hope that with the members here I know there is also various circles by our counterparts, the MPs tried to come in come in to manage but I know it is within our docket. So if we can streamline this the use of CDF and other funds Mr. Speaker sir, I believe that this County can improve a lot. I therefore Mr. Speaker sir, with those just as he has identified and the missing ones I beg to support the governor's speech.

Hon. Speaker: Thank you, Mr. Osuri. Honorable Odinga, please.

Hon. Odinga: Thank you Mr. Speaker, first and foremost I want to pass kindly because ..I have carried my hand for so long, I don't whether am too black to be seen so then I will be standing. And don't know whether I should be the one talking last or am too short to be standing here

Hon. Speaker: Mr. Odinga, straight to your point. You are here to carry your hands for five years.

Hon. Odinga: Another thing Mr. Speaker sir, we know it is a new thing and there are times we feel that some people who are heard saying nini, nani these are the problems Mr. Speaker sir and I don't know how we are going to treat, I don't know whether it is an English word. Otherwise I want to say that the speech by His Excellency the governor was good although he highlighted he just gave a highlight on most of the key areas but he didn't go into depth. You know that the governor in his heart we have Agriculture.

He talked about Agriculture and he has been talking about things like buying tractors to improve on farming. I want to say that although he didn't go into depth explaining how it can be done I believe that he can be able to reach those professionals who give us new technologies to improve our farming activities that is for instance to importing to even exporting of large scale farming.

I want to say that the governor in his speech also supported devolution and separation of powers and took into account minority and the marginalized groups. I want to believe in the spirit of devolution and equitable distribution of resources on services to the people. I want to believe that

2013 COUNTY ASSEMBLY OF SIAYA DABATES

the governor will take this to heart because this is the reason why we are here. This is the main thing, the main component of the constitution 2010. That is to bring resources down to the people.

I want to say that in the speech of the governor we talked about 10% growth rate, I think this is too ambitious Mr. Speaker sir because this is a new child who has just been born and we cannot say that annually even by the end of this year by the end of this financial year that we will be having 10% growth rate. I think it should have started from somewhere like say 3%. Even in the National Government there are times when the growth rate even went to -0.2. It's when it's coming up its not yet even 3%, so I think we should not be too ambitious. We should deal with realistic figures.

And then the governor, Mr. Speaker sir did not give priority to infrastructure and especially roads. Where I come from I think it is like now when it is raining, you know even at this exorbitant rate, because you need to hire some men to come with you or perform upto Ugunja where it is tarmacked because it is pathetic. So I think priorities should be roads all over the County of Siaya and specifically on top of my area because it is pathetic everybody knows. And then on ICT when we are given the statistics yesterday that there are a few offices that cannot even access a radio so most of the residence are not informed. So I think on ICT we should do something because even in this House we can see the way we are moving with this microphone from this end to this end. At least we need to recognize him such that the general staff would see

and speak with you Mr. Speaker sir without letting these guys move from left to right

Another thing is on development plan. Five year development plan. In his speech, page 4 of the speech he said Siaya County at the moment does not have a long term development plan in defining programmes. He went along saying what development plan can do in the following page, page 5. He went ahead talking of social economic development and taking to account Agriculture, Livestock and all the bla bla blas but he didn't mention because this is a critical item critical document that we need to use in our County we need to develop a master plan. We saw the other time just yesterday we had problems just as other members said. In coming up with this, I mean next year's financial budget because some of the things were drawn directly from the National Government.

Those items which were involved by the National Government were given a pre-printed schedule structure so we are needed to put to just give an input on where we need to grow. I think we need to revert, we need to go back, we need to think and start developing our development programme in the Siaya County. This is most important, such that come next year, come the following year when we are going to do 2014/2015 budget, we will just be going to mark development plan, to pick on what we can do on that financial year and then we continue for the next five years. Then at the end of the five years we can sit back and see, review that from our development plan runs for one two three and four five remains for the following year.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Mr. Speaker, Sir, I want to say that the governor's speech was mostly relying onto vision 2030 status that is the socio and economic. He didn't talk so much on political, I didn't see him extending a hand through the other components, I didn't see him extending hand to bring peace to the whole of Siaya County although some of those we had a golden height but I didn't see in his speech extending his hand in all the components so that we build Siaya all of us. Otherwise I think it was a good highlight and I believe that in this budget it is going to present this House by 30th of April he will give us and we will be able to interrogate his budget in depth to see that this Agriculture, what exactly is he planning to do in that area? Thank you, Mr. Speaker.

Hon. Speaker: Thank you honorable Odinga. Honorable Fred, please take the Floor.

Hon. Ouda: Bwana spika, naomba nizungumze kwa lugha ya kitaifa, lugha ya Kiswahili. Mimi kwanza ningependa kumshukuru mheshimiwa bwana Jack Odinga kwa vile ni mtu anaye ielewa ama alielewa mambo ya bajeti na ameweza kuzungumzia mambo mingi ambayo yamesemwa ingawaje moja wapo nitajirudia na nitalirudia na nitalirudia. Na ningependa kumkuu aliyekuwa waziri mkuu wa taifa letu tukufu la Kenya Raila Amollo Odinga, aliulizwa maono yako kwa inchi kuu ya Kenya, ni nini alisema viundo msingi, viundo msingi viundo msingi na ningependelea bwana governor ama nilifikiri ama ningeliongelea siku nyingine ama ile siku. Bwana gavana angeweza kulitilia mkazo mambo ya viundo msingi lakini ilikuwa jambo na tukamwambia kiongozi

wa chama kikuu hapa bungeni ajaribu kuwapa mawaidha wale watu hao au ofisi ya bwana gavana ili siku nyingine akija bungeni wajaribu kutilia mkazo mambo ile wanainchi wangependa kuona. Lakini natumai katika kaunti letu la Siaya tuliwachilia mbali ushuru ambaye ni 15% ambapo itatoka kwa taifa letu kuu la kati.

Na sema sisi kama Siaya tunapinga pia tujiweze kuwa na ushuru wetu, kukopa ushuru wetu hapa Siaya.

Hilo ni jambo lingine muhimu ambapo alipokuwa akisoma kile kijikaratasi ama alipo kuwa akiwasilisha mambo yake hapa bungeni alijaribu kutilia mkazo sekta hii la ushuru ya hapa kaunti yetu ya Siaya na ambayo tumeongezelea, maana sisi tungependelea ile shilingi bilioni nne nukta tano, tungeweza sisi kama Siaya tungeliongeleza sisi liwe billion sita nukta tano.

Natumahi kwa miaka nyingine tano nikijaribu kumhukumu bwana Jack Odinga itakuwa mbaya ama bwana Osuri ambaye alisema kuwa pengine itakuwa kama Dubai nchi ya Dubai kwa hivyo tafadhali kiongozi wa chama kikuu hapa mjini jaribu kuwapa mawaidha ili watilie mkazo mambo ya ushuru yetu hapa kama watu wa Siaya. Tujaribu kujihusishia na kuweka kila kitu tuwezavyo kihakikisha kuwa tunajaribu kuinua ushuru wetu ya Siaya.

Na la mwisho pia tuna serikali mbili hapa chini na serikali yetu ya kaunti, na pia tuna serikali ya kati ambayo kwa hivi sasa na jaribu kusikia ama nasikia ama na ambiwa ama nilisoma kuwa tuna kiongozi ambaye pia anaitwa kamishna ya kaunti hii ya Siaya ambaye anaongoza serikali ya kati. Sisi kama serikali ya kaunti tuna mambo

2013 COUNTY ASSEMBLY OF SIAYA DABATES

ambaye tunazifanya na zile senti tutatumiwa ambaye ni 15% na ile yetu pia tutakayo okota hapa. Na pia akajaribu kutuambia kama ataweka kamati ambayo itajaribu kuangalia kuwa sirikali yetu ya kaunti, ile serikali ya clerk ambaye inaongozwa na bwana kamishna litaweza kufanya kazi pamoja ili tuzuilie, tusije pengine kwa mfano mimi niende nifanye, nifanye mfanyi kazi mmoja aende atengeneza daraja au barabara au tuekelee moja ya maji kisha wale wengine pia waajiri kuwa walifanya kazi hiyo ambaye pia sisi tulifanya.

Natumai najua kuwa Kiswahili sio lugha yetu lakini na jaribu kutumia ile lugha nyepesi ili wenzangu ambao haweelewi. Bwana spika, najaribu kumuelezea ngungu yetu bwana Edwin Otieno ambaye pia ndio kiongozi ya chama kikuu hapa bungeni kujaribu kuwapa mawaidhaile kamati ambayo itaweza kuangalia serikali ya kaunti na serikali ya kati yanafanya kazi pamoja.

Ili tuweze kutumia senti ambazo sisi kama serikali ya kaunti ndio tutumie vizuri na hao pia waweze kuajirika kwa hiyo senti ata mukikaa chini nitatoa mfano moja nap engine sikusikia pengine wengine wetu au mimi au wewe tunajua. Hivi majuzi tumekuwa na sherehe ya kumkaribisha bwana gavana au kuapisha bwana gavana na tuliweza kupata kwa tuliweza kupata tuliweza kupata maneno kutoka kwa bwana gavana ofisi ya bwana gavana na afisi ya madam clerk wetu kuwa senti zilitumwa kwa afisi ya afisi ya kamishna kuweza kusimamia jambo au kuapishwa kwa bwana gavana.

Sasa tunaangalia sasa kama ukiangalia vizuri utapata kuwa senti zikitumwa pande ile na pia senti zikitumwa

pande hii utapata wengine ukiangalia vizuri, lakini kama tunge ungeekelea kamati, ungeekelea kamati ya kutuweka pamoja ya kaunti ya serikali ya kati unapata kuwa kazi haijaendelea vizuri. Kwa hivyo mimi sitaki kupinga bwana gavana kwa maneno yake au kwa kijikaratasi aliyosoma hapa bungeni. Ningependelea kwa hivi sasa tunaanza na hii jambo jipya na hakuna anayeielewa. Hata mimi ambaye nina simama hapa sasa hivi ndio nina aanza kuelewa maneno pole pole tukiendeleo nimuunge mkono ilituweze kujenga kaunti yetu ya Siaya. Ahsante, bwana Spika.

Hon. Speaker: Asante sana mheshimiwa Fred. Maono mazuri hayo. Yes please, honorable Muhula!

Hon. Muhula: Mr. Speaker sir, I want to bring to your attention that the mover of this proceduration didn't indicate that members are going to be allowed to talk I within 10 minutes don't know why we will still stick to that information Mr. Speaker.

Hon. Speaker: I have noted but the chair felt it fit to give you the ample time to discuss it without stopping any one, all I would urge is that as much as possible we avoid repetition because without repetition I am sure we will do within the confines of 10 minutes. Okay so it is just in your best interest of this House that as allowed to extend. Honorable Kowii

Hon. Owii: I thank you very much Mr. Speaker sir, and the honorable House. Mr. Speaker sir, I want to support the governor's speech by raising some issues that emanated from his speech. I want us to accept to look at his speech broadly and know exactly what his take is to honorable members of this House. The governor Mr.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Speaker sir, tried to champion the question of enabling environment for opportunity to succeed together as the executive and the County Assembly.

It is upon us, Mr. Speaker, Sir, that as the Assembly to live to the task on unity of purpose in time of need. And I want to say in time of need. Mr. Speaker sir the governor's speech opened our eyes to the uniqueness of our resources and diversity and potentiality of the County. Ours is to put in place proper governance, proper legislation, planning and budgeting to make us realize this dream.

Mr. Speaker, Sir, from the governor's speech as I read through there was invitation and encouragement of participation of the general public Mr. Speaker in budget making since we have a common identity. Mr. Speaker sir, this has to be commended because even nationally Mr. Speaker, the budget breaking is just done by presentation? But he has accepted to roll down the community that has helped us make it to have atleast a word or two or put their input so that whatever we are discussing actually comes out of the blessing of the community.

I say this is supposed to be commended. And this approach of bottom up Mr. Speaker sir appears democratic according to me giving each and every level a playing ground to establish whatever they would want for their development in future. Mr. Speaker sir, I may end repeating but you will excuse me because when you speak much later like am now speaking when most of honorable members have contributed they may end up actually repeating themselves.

I am happy Mr. Speaker from the speech of the governor, that he said he was going to establish some important structures on separation of powers that will bring in place the establishment of very important boards like the County Public Board, County Public Service Board, County Executive Committee, County Assembly Service Board and Plans to the Board, The County Representatives Structures that will go up to the village level. That one talks volumes and I think this one needs to be supported.

Mr. Speaker sir, the constitution provides for a transition period of 3 years, this one was a reminder by our governor. And during the same time Mr. Speaker functions will be transferred to the I mean to our County and the Assembly should accept to adjust our speed to conform with the transition period because we may take too long discussing issues that will make us not match the speed of the transition. Mr. Speaker sir, from the governor's speech I saw one person who is out for outsourcing, he talked of public private partnership a way of adding our development programme, he talked of international level I mean exploration of international level by exploring donor funding to recommend our resources both nationally and possibly to the County level. This one will mean we will leave beyond our small budget of 4.5 percent.

Mr. Speaker ,Sir, I believe attracting investor to our County has helped us realize threshold which of course touches on job creation and poverty reduction, this one is something this important House should really commend. I want to encourage

2013 COUNTY ASSEMBLY OF SIAYA DABATES

ourselves that we should try to encourage those people to generate needs and these proposals that were put by the governor for the importance of development of this particular region.

On conclusion, Mr. Speaker, Sir, the speech of the governor promised or made promises on a long term development plan that is the road map or some sort of implementation? on programmes to be undertaken for implementation. Mr. Speaker sir, if would accept that this development plan would be ...as a early as now then certainly even the private sector, would come into support our development programmes as early as now because they will be exploited by the entire number of counties that we have.

We have very few private sectors in this country and if 47 counties would go out actually sourcing for their input their support then this one would mean that the issue of development plan as has been put by our governor should be put in place in good time and then that one will promote donor or private sector input. I want to end by saying that there were some areas of omissions small as they were or big as they were.

We are lacking, we are in a House that we used not to be in the position that you are giving us today as leader of government business I mean leader of majority and his deputy call for a lot of induction which of course you can give while you look for us too Mr. Speaker sir to help us actually to match these important parts. I want to say an important component like core particularly Rural Electrification Programme which according to me is a tool and a cardinal factor for industrial

development of Siaya was authorized but we will actually discuss the same with the honorable governor so that they can see how best they will do it.

But on conclusion I want to say Mr. Speaker sir that we are to give the flesh to this particular document. He has touched on all sectors, it is our duty now to see how best we have, we give flesh to this particular document by coming up with legislation that will benefit people out of the arrangement to where they are as now because if you read on page 5 it talks of the development plan should give critical consideration to programmes that will contribute to employment and poverty reduction. He didn't just stop there Mr. Speaker sir he said priority will be given to programmes such as Agriculture and Livestock production, Health, Education and infrastructure, trade and industry I don't know if at all he would have used a Kiswahili word for infrastructure. He talked about it.

Other areas of concern are also put there like water and irrigation Mr. Speaker sir tourism, environment and sanitation, Youth Women development, gender parity. All these things were mentioned. Mr. Speaker sir, I want to stop by saying that we have to do our part, we have to support this one, and we have to support it. Kindly I request the leadership in this House to accept and support this important document. Thank you.

Hon. Speaker: Thank you so much honorable Kowii. May I bring into the attention of this House that we have 40 minutes to break so whatever we are saying let us try to be mindful of time. Honorable Lorna!

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Adida: Thank you, Mr. Speaker and I come to support the document presented to us by our leader the governor and I want us to go to page 5 paragraph 2 and paragraph 4 which has applied all the necessities we need to use as the honorable members in the ...wherever we are coming from ...but my concern goes to page 6 almost the first paragraph which is talking on the issues of corruption. sincerely, in fact nationally we are intending to be corruption free but my concern is just about as the honorable members concerning our pay structure and depending on the nature of work that we have to do in this House, it is enormous and if I may say, okay, at no one, at no any given time, have I seen our governor also maybe trying to show some support for the, for our remuneration.

I would really request that that factor be put into consideration because with the kind of work ahead of us, we may be very much entitled to be corrupt with us but we need good pay, otherwise I stand to support the document. Thank you

Hon. Speaker: Thank you so much Honorable Lorna. First honourable 'kawuor'

Hon. Awuor: Thank you so much, Mr. Speaker, Sir, I stand to support the Governor's speech and before I do that I want to first of all, because this is my maiden Speech in this House. I want to first of all congratulate His Excellency the Governor, and my colleagues for having gone through the just concluded Elections. I also want to thank the people of Yala for having seen it fit to elect me to be first member of the County Assembly. Having said that Mr. Speaker, I want to say that the Governor, the Governor's speech covered

quite a lot of things but I want to say some of them were not detailed.

I don't know where we have the detailed statement but I want to say that in terms of tourism there are things within our County that some of my colleagues have talked about the lake we have the falls. We have very many rivers within us and I think those things should have come very clearly in his good speech that he put before us.

I want to say that I have seen his concern about corruption and I want to say that this has to be given a lot of strength. He just mentioned about corruption that corruption has really killed quite a lot of institutions and I want to say that in Nigeria, where the donations started, quite a number of state officers were arrested and jailed. Am saying that from the interview that Nancy Ronoh, the Chair person of anti Ethics Commission had on the 11th of last month, when she was talking about corruption that will devolve from Nairobi to the Counties so, I think this should come very clearly, and we should as a House, give it a stop.

I want to say that, the Governor, His Excellency the Governor, properly verbalized our role but I want to appreciate so much that despite the fact that we are the watch dogs we are going so by thought to look at the way the Executive walking. His Excellency the Governor saw it fit to have our inputs and develop... I think this is very good for members and we must support; personally I must support that. Investment was just mentioned by passing and I think the County needs to own, we need to own some assets, some good resources.

We do have a lot of problems when we have, when we have few resources; I

2013 COUNTY ASSEMBLY OF SIAYA DABATES

think we need to have, to own or to tap resources around here or at the County Assembly. I don't want to bore this House Mr. Speaker Sir, with a lot of things, but I want to just lastly say that I did not get it in the speech because all the authorities dined at the 4th of March and I think we had our last...

Now, I know and believe, that after the death of our Local Authorities, there were some assets and Liabilities. I believe we should have been very clear, in his speech to know how the debts are going to be cleared, how the assets are going to be utilized, how they come in here; I think that should be very clear. Mr. Speaker, I stand to support the Governor's Speech, thank you.

Hon. Speaker: Yes, honorable Booker!

Hon. Minami: Thank you Mr. Speaker. Mr. Speaker, I stand to support the governor's speech but with recommendations so that our County can start on the right foot. Mr. Speaker the governor gave a very long speech which was very general as certain members have noted. Mr. Speaker, I would like that the next time the governor comes to make a speech especially a maiden speech in the Assembly, he should outline very specific issues that will help to move this County forward Mr. Speaker.

Mr. Speaker, on the issue of funding or the issue of devolved government, Mr. Speaker you know that we have devolved government and we also know that funding has been devolved. Mr. Speaker, the governor's speech, he recognized the critical role that members of this Assembly are going to play to make sure that the

development agenda of this County is moved forward and in the right direction from the start.

Mr. Speaker, I would have wished to hear from the Governor's speech how after the Assembly has helped in passing government bills and motions, he is going to support the members of the County Assembly, he is also supporting the development agenda of the County Government. I would have wished Mr. Speaker for the governor to propose and involve funds at the ward level so that members of this Assembly would also be able to implement some of the projects and agendas that they promised their constituents when they were campaigning, Mr. Speaker.

So, I hope even though the speaker did not, even the Mr., the honorable governor did not highlight the issue of devolved funding from the County level to the ward level, am appealing to this House to consider devolving that fund because a person just passing notes representing our people we are also politicians who kept promises to our people that we are going to do a, b, c, d, and as things stand now members of this County Assembly are not in control or not advantaged to any funds at all.

Secondly, Mr. Speaker, I shall also propose that the governor when making his speech again, he should also consider other areas like the Natural Resources. We have a lake here that is not doing anything, I hear it is called Lake Kanyagoi, perhaps Mr. Speaker that is a resource that can be used for irrigation, tourist attraction or sanctuary, and those are avenues perhaps this County can have in terms of tax collection and

2013 COUNTY ASSEMBLY OF SIAYA DABATES

revenue collection. Third Mr. Speaker Sir, am sorry, we also have Natural Resources along River Yala, part of the Yala Swam, we have the Thermo Falls along river Yala coming from Yala town. Mr. speaker a survey was done almost thirty years ago which indicated that Thermo Falls can be utilized to produce electricity which can serve the whole of Siaya County and the neighboring counties such as Busia, Vihiga and Kisumu and Mr. speaker indeed that will also be a source of revenue in this County and the issue of power outages and power whatever will be a things of the past for this County.

Mr. Speaker, finally we have the issue of youths, as I said earlier, the governor just mentioned areas, but Mr. Speaker we need clear points to make sure that the youths of this County are utilized in a positive way not only for their own benefit but the benefit of this County Mr. Speaker. Mr. Speaker we have a lot of talents from our youths we have a lot of praise from our youths Mr. Speaker. What we need to do is to amnesty talent so that we can use it in a productive way to make sure that our youths earn a living, to make sure that our youths produce or contribute to the productive growth of this County Mr. Speaker. Mr. Speaker with those few remarks I beg to support the governor's speech. Thank you, Mr. Speaker.

Hon. Speaker: Honorable Ombee, please!

Hon. Ombee: Thank you, thank you Mr. Speaker sir, there is one area which the governor did not mention in the, our recent, as a member of the County Assembly and

ward offices. Now we are honorable members we need to have offices in our wards not in our homes with those few remarks I beg to support.

Hon. Speaker: Thank you so much. Honourable Munda

Hon. Munda: Thank you Mr. Speaker sir for the chance to contribute on the speech. First I comment of the speaker's speech because he touched about the issue of our County Siaya. We have different parties here, we have to be united, to have the unity although we are from different parties. He told us that he met people from all walks of life since he was elected.....he also talked about the objectives of devolution where we manage our own activities down to the communities, this is a very important thing.

The governor also talked about revenue generation, this is a very important tool in our County of Siaya because those of us who were in the last.....I myself and Mr. Kowii, honourable Ombee do concur with me that there was a lot of waste outside there, such collection was not being done in the highway and ...collection ...

He also talked about donor funding andthat is a very important area. You know the when it comes to donor funding on the national ...we cannot move..... He also talked about County long term development where he touched on livestock production, trade, tourism, agriculture, I think this could be done very urgently..... He also talked about security.

Lastly without wasting a lot of time, he recognized that this House should come up with frame works to prosper in the

2013 COUNTY ASSEMBLY OF SIAYA DABATES

development of centres ...in this House, and this is very important in our County of Siaya...to support the speech of the governor.

Hon. Speaker: Thank you so much honorable Munda. Honorable Apiyo, you have something to share with us?

Hon. Apiyo: Thank you, Mr. Speaker. Before I present my observation about His Excellency the Governor for the wonderful speech, first I support this speech, indeed it was wonderful. One Mr. Speaker I would tackle, he mentioned about the coalition. I would request both Homabay coalitions ---About Siaya County.

We have seen to be able to come in without ... like Bondo, Siaya and those are the two major towns and there is no parking space and I would as well request my colleagues, it is going to be one of the business to discuss and if at all the charges and the parking space to be charged fee. The fee we will discuss that, we discuss the figure and if possible the market places. There are revenue collection and how they will be collected. Our local money is not coming into the County, we as members

Mr. Speaker, Sir, I would also wish to talk about the fish. Those are the areas where we can collect the revenues.

REPUBLIC OF KENYA

SIAYACOUNTY ASSEMBLY

THE HANSARD

First County Assembly-First Session

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

Tuesday, 30th April, 2013

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

PRAYER

Hon. Speaker: Honorable members, I want to bring to your attention that we are awful sorry for this delay. The delay has been occasioned by the delay by the executive to submit to us the budget estimates. Today was the legal deadline. We had no choice but to wait. And I had a strong word from this Assembly that never again shall we condon this?

They have to be prompt, respect the deadlines for they are not there for fun. Honorable members, I wish also to talk about a matter that was mentioned in the beginning of our being here the question of Leader of Minority. I gave a word of commitment that I will give a ruling; I will give that ruling after the gazzetment of

nominated members. We will have the numbers to guide our deliberations.

Another issue is, that I know that the budget estimates according to our standing orders needed to have been submitted to us three days before being laid before this House for obvious reasons that members go through it. That never happened. I beg this honorable Assembly press into indulgence to accept matters as they are and accept to receive it but never again should that happen.

The other matter of concern is, honorable members would like to know when they receive their payments, their salaries. I have just been with the executive person in charge of finance and he told me that the requirement is that they be taken through systems and this week they are

2013 COUNTY ASSEMBLY OF SIAYA DABATES

going through training on a system called IFMIS which is International Finance Management Information System. And the whole of next week they will be going through another system by Central Bank. We asked them how about other County Assemblies and he said perhaps those people made mistakes. What the law requires is that they be taken through this and that is the position. Thank you.

Clerk of Assembly: Order number three messages

Order number four petitions

Order number five papers

Order number six notices of motion

Order number seven statements

Order number eight motion

Hon. Speaker: Yes honorable Otieno.

Hon. Otieno: Mr. Speaker sir, I beg to move the following motion that pursuant to the provision of the standing order number 152 this House approves the appointments of the following committee members to the interim County Assembly Business Committee. Mr. Speaker sir, I would like to say that these committees that will be brought before the House are the nerve set up of this Assembly business. I want also to say these important committees will ensure the daily running of this House and ensure the service delivered to our people of this County. We are saying we have tried to put all our honorable members in various committees. You may find that your interest was not served as you wanted but we are pleading and appealing you to accept where you find your name. We are also asking you that there is no important member than the other, we are all equal to this task of business in this House. I will therefore want now to call the list as all of you I think have copies so that we don't waste time. I will go through the list as it is. First we have the Committee for:-

County	Assembly	Business
Committee		
1. Hon. George Owino Okode		-
Chairperson		
2. Hon. Stephen O. Adera		- Vice
Chairperson		
3. Hon. Edwin M. Otieno		-
Member		
4. Hon. John Gare (Chief Whip)		-
Member		
5. Hon. James O. Munda		-
Member		
6. Hon. Andrew Omollo Omwende		-
Member		
7. Hon. Erick Oduya Ndonji	- Member	
8. Hon. Joseph Awour		-
Member		
9. Hon. Willis Ochieng		-
Member		
10. Hon. Lorna Adida		-
Member		
11. Woman designate	- Member	
12. Woman designate	- Member	
13. Woman designate	- Member	
On the standing order number 153, we managed to come out with the following members of the Committee on Selection , we have:-		
1. Hon. Edwin Otieno Martin		-
Leader of Majority party, Chairperson		
2. Hon. John Gare (Chief Whip)		-
Member		
3. Hon. William Owiti Angul		-
Member		
4. Hon. Joseph Agoko	- Member	
5. Hon. Jack Odinga	- Member	
6. Hon. Nicholas Ayima Were		-
Member		
7. Hon. Joshua A. Owiti Osuri		-
Member		
8. Hon. Elisha Okuku	- Member	
9. Hon. Booker Otieno		-
Member		
10. Hon. Charles Omollo Kowii		-
Member		
11. Hon. Pius Ogutu Ombiyo	- Member	

2013 COUNTY ASSEMBLY OF SIAYA DABATES

The other committee, Mr. Speaker, sir, that is

Committee on Appointment under standing order number 185 are the following:-

1. Hon. George Owino Okode – Speaker of the County Assembly, Chairperson
2. Hon. Stephen Ouma Adera -Vice Chairperson
3. Hon. Edwin M. Otieno - Member
4. Hon. Gare - Member
5. Hon. Benson O. Omondi - Member
6. Hon. Christopher A. Apiyo - Member
7. Hon. Lorna Adida - Member
8. Woman designate - Member
9. Woman designate - Member

Just as a continuation, Mr. Speaker sir, we have the Committee understanding order 187. This is the committee of

County Budget, Appropriations, Finance and Planning

1. Hon. Jack Odinga - Chairperson
2. Hon. Peter Muhula - Vice Chairperson
3. Hon. Joseph Oluoch Kawuor - Member
4. Hon. James Obiero Otare - Member
5. Hon. Jared Abayo - Member
6. Hon. Sylvester Madialo - Member
7. Woman designate - Member
8. Woman designate - Member
9. Woman designate - Member

I am now going to the next one, which is

County Public Investments and Accounts Committee under standing order number 186. We have:-

1. Hon. William Owiti Angul - Chairperson
2. Hon. Fred Odhiambo - Vice Chairperson
3. Hon. Lorna A.O. Adida - Member

4. Hon. Jactone Odinga - Member
5. Hon. Leonard Oriaro - Member
6. Hon. Pius Ombiyo - Member
7. Woman designate - Member

Mr. Speaker, Sir, I am now on the committee of

County Assembly Privileges, Procedures and Rules Committee understanding order number 188. We have:-

1. Hon. George Owino Okode - Chairperson
2. Hon. Stephen Ouma Adera - Vice Chairperson
3. Hon. Pius Ogutu Ombiyo - Member
4. Hon. Charles Owii - Member
5. Hon. Fred Odhiambo Ouda - Member
6. Hon. Joannes Andiego - Member
7. Hon. Nicholas Ayima Were - Member
8. Woman designate - Member
9. Woman designate - Member

Speaker sir, motion 14 under standing order number 196, the **Committee on Delegated County Legislation Justice and Legal Affairs**

This committee is chaired by:-

1. Hon. Sylvester Madialo - Chairperson
2. Hon. Booker Otieno - Vice Chairperson
3. Hon. Fred Odhiambo Ouda - Member
4. Hon. Joannes Andiego - Member
5. Hon. Nicholas Ayima Were - Member
6. Hon. Stephen Ouma Adera - Member

2013 COUNTY ASSEMBLY OF SIAYA DABATES

7. Woman designate -
Member

Motion 15 Mr. Speaker sir, standing order number 191 which provides for the

Committee Sectoral Committee on Health,

we have:-

1. Hon. Mathews O. Onduru - Chairperson
2. Hon. Nicholas Ayima Were - Vice Chairperson
3. Hon. Edwin Otieno Martin - Member
4. Hon. John Gare - Member
5. Woman designate - Member
6. Woman designate - Member
7. Woman designate - Member

Motion 16 Mr. Speaker, Sir, provides for the committee for

Sectoral Committee on Education, Youth Affairs, Gender and Social Services

Here we have:-

1. Hon. Lorna A.O. Adida - Chairperson
2. Hon. Andrew Omwende - Vice Chairperson
3. Hon. Joshua O. Osuri - Member
4. Hon. Charles O. Owii - Member
5. Hon. Eric O. Ndonji - Member
6. Woman designate - Member
7. Woman designate - Member

Mr. Speaker, sir, motion 17 understanding order number 191 also, there is a chair there again for Mr. Speaker sir, the **County Sectoral Committee on Education under Youth Affairs, Gender and Social Services**

Hon. Speaker: That is a typing error, just continue

Hon. Otieno: Yes, it's a typing error. Next

County Sectoral Committee on Public Works, Roads, Transport and Communication

We have:-

1. Hon. Benson O. Omondi - Chairperson
2. Hon. Christopher A. Apiyo - Vice Chairperson
3. Hon. Pius Ombio Ogutu - Member
4. Hon. Joannes Andiego - Member
5. Hon. Booker Otieno - Member
6. Hon. Andrew Omwende - Member
7. Hon. Edwin M. Otieno - Member
8. Woman designate - Member
9. Woman designate - Member

Motion number 18 Mr. Speaker sir, this is the

Committee on Water and Irrigation, standing order number:-

1. Hon. Elisha A. Okuku - Chairperson
2. Hon. Peter Lolwe Ombee - Vice Chairperson
3. Hon. Booker M. Otieno - Member
4. Hon. Nicholas Were - Member
5. Hon. Joseph Agoko - Member
6. Hon. James. O. Munda - Member
7. Hon. Mathews - Member
8. Woman designate - Member
9. Woman designate - Member

Mr. Speaker, Sir, motion number 19, here is the Committee on

County Sectoral on Public Administration and Governance

Here, Mr. Speaker sir, we have:-

1. Hon. Joseph O. Kawour - Chairperson

2013 COUNTY ASSEMBLY OF SIAYA DABATES

- | | |
|-------------------------|----------|
| 2. Hon. Joshua O. Osuri | - Vice |
| Chairperson | |
| 3. Hon. Peter Muhulah | - |
| Member | |
| 4. Hon. Nicholas Aneme | - |
| Member | |
| 5. Hon. Benson Omondi | - |
| Member | |
| 6. Hon. James O. Munda | - |
| Member | |
| 7. Woman designate | - Member |
| 8. Woman designate | - Member |
| 9. Woman designate | - Member |

Motion number 20 Mr. Speaker sir, that pursuant to the provision of the standing order number 191, this House approves the appointment of the following members, that one also is an error of the standing orders. This is the committee on

County Sectoral Committee on Trade, Industry, Labour and Fisheries

Here we have:-

- | | |
|-------------------------|----------|
| 1. Hon. James, O. Munda | - |
| Chairperson | |
| 2. Hon. Eric O. Ndonji | - Vice |
| Chairperson | |
| 3. Hon. Nicholas Aneme | - |
| Member | |
| 4. Hon. John Gare | - Member |
| 5. Hon. Willis Ochieng | - |
| Member | |
| 6. Hon. William Owiti | - |
| Member | |
| 7. Woman designate | - Member |
| 8. Woman designate | - Member |
| 9. Woman designate | - Member |

Mr. Speaker, Sir, motion number 21. This is the committee on

Sectoral committee on Tourism, Wildlife Conservation and Information

Mr. Speaker sir here:-

- | | |
|------------------------|---------------|
| 1. Hon. Jared Abayo | - Chairperson |
| 2. Hon. Nicholas Aneme | - Vice |
| Chairperson | |
| 3. Hon. John Gare | - Member |

- | | |
|------------------------|----------|
| 4. Hon. Joseph Agoko | - Member |
| 5. Hon. Elisha Okuku | - Member |
| 6. Hon. James O. Otare | - |
| Member | |
| 7. Hon. Benson Onyango | - |
| Member | |
| 8. Woman designate | - Member |
| 9. Woman designate | - Member |

Mr. Speaker sir, motion 22 understanding order, this is the committee members on

Sectoral Committee on Agriculture, Livestock and Cooperative Development

Here we have:-

- | | |
|---------------------------|----------|
| 1. Hon. Joseph Agoko | - |
| Chairperson | |
| 2. Hon. Willis Ochieng | - Vice |
| Chairperson | |
| 3. Hon. Mathews O. Onduru | - Member |
| 4. Hon. Joshua O. Osuri | - |
| Member | |
| 5. Hon. Erick Ndonji | - Member |
| 6. Hon. Peter L. Ombee | - |
| Member | |
| 7. Woman designate | - Member |
| 8. Woman designate | - Member |
| 9. Woman designate | - Member |

Motion number 23 Mr. Speaker sir, this is a committee on

Land Physical Planning, Surveying and Housing. Here we have:-

- | | |
|------------------------------|--------|
| 1. Hon. James Obiero Otare | - |
| Chairperson | |
| 2. Hon. Joannes Andiego | - Vice |
| Chairperson | |
| 3. Hon. Christopher A. Apiyo | - |
| Member | |
| 4. Hon. Joseph O. Kawour | - |
| Member | |
| 5. Hon. Charles O. Owii | - |
| Member | |
| 6. Hon. Leonard Oriaro | - |
| Member | |
| 7. Hon. Peter L. Ombee | - |
| Member | |

2013 COUNTY ASSEMBLY OF SIAYA DABATES

8. Woman designate -
Member
9. Woman designate -
Member
Motion number 24, which is for the interim
County Liaison Committee headed by the
honorable speaker,

- 1. Hon. George O. Okode -
Chairperson
- 2. Hon. Edwin Otieno Martin -
Member
- 3. Hon. Jack Odinga -
Member
- 4. Hon. William O. Angul -
Member
- 5. Hon. Sylvester Madialo -
Member
- 6. Hon. Mathews Onduru -
Member
- 7. Hon. Lorna Adida -
Member
- 8. Hon. Benson O. Omondi -
Member
- 9. Hon. Elisha O. Okuku -
Member
- 10. Hon. Joseph Kawour -
Member
- 11. Hon. James O. Munda -
Member
- 12. Hon. Jared Abayo -
Member
- 13. Hon. Joseph Agoko -
Member
- 14. Hon. James O. Otare -
Member
- 15. Hon. Leonard Oriaro -
Member .

Mr. Speaker sir, that list is that long
by the virtue that this committee requires
every chairman of other/various committees
to be here. The other motion number
25 under standing order number 189, the
Committee on Implementation. Here we
have:-

- 1. Hon. Leonard Oriaro - Chairperson

- 2. Hon. Pius Ombiyo - Vice
Chairperson
- 3. Hon. Peter Muhula - Member
- 4. Woman designate - Member
- 5. Woman designate - Member

Mr. Speaker, Sir, we have a
committee known as
County Assembly Service Board, the law
requires:-

- 1. Hon. George Owino Okode -
Chairperson
- 2. Hon. Edwin Martin Otieno - Vice
Chairperson
- 3. Mrs. Dorothy Owiro -
Secretary.

Motion number 27 Mr. Speaker sir,
we have the panel of the speaker,
The Speaker's Panel. Here we have:-

- 1. Hon. Stephen Ouma Adera
- 2. Hon. Sylvester Madialo
- 3. Hon. Jared Abayo
- 4. Hon. Lorna A.O. Adida

Motion number 28 Mr. Speaker sir,
this one is for the County Assembly Offices.
Mr. Speaker the motion 28 I repeat that
pursuant to the provisions of the standing
orders this House approves the appointment
of the following Members to the various
County Assembly Offices:-

- 1. Hon. Edwin Martin Otieno - Leader of
Majority Party
- 2. Hon. Charles Kowii -Deputy Leader of
Majority Party
- 3. Hon. John Gari - Chief Whip
- 4. Hon. Booker Minami Otieno - Deputy
Chief Whip.

Motion 29 Mr. Speaker sir, that
pursuant to the provisions of the Standing
Order

Hon. Speaker: Order honorable
Otieno. Ask somebody to second

Hon. Otieno: I now call my
counterpart honorable Kowii to second the
list tabled before the House.

Hon. Owii: Mr. Speaker sir, I stand
to second the list of members of various

2013 COUNTY ASSEMBLY OF SIAYA DABATES

committees starting from Motion number 8 to 28. I say this because going through the list I have noticed the following Mr. Speaker, Sir, that the selection committee that was working on this really recognized regional balance that was number one.

Number two, Mr. Speaker, Sir, in some instances as they were running through the interest of our honorable members, interest was considered, only in some cases where interest could not be considered is where one was moved to may be a different committee. I also want to say that there was consideration on the gender issue, the gender balance. I only fear that it appears that the slots that are remaining are only meant for ladies because it has been indicated.

I want to urge the Assembly Mr. Speaker sir, to accept passing the list as a whole because if we don't do otherwise then the whole list stands rejected and that will mean that we go back to the selection committee and start again. So my biggest appeal is that let us consider accepting and approving these list as it has come. Thank you Mr. Speaker sir.

Hon. Speaker: Thank you honorable Kowii. Before I open this for debate, I have made an observation and this Committee on Liaison. The name is donated by the standing orders, so I don't know it's a typal error or it is made to be the speaker. Honorable Otieno!

Hon. Otieno: Mr. Speaker sir, on the Liaison Committee, it is a typing error, it should be headed by honorable Kadera. On the same note Mr. Speaker, there is an omission also in the committee of County Budget, Appropriation, Finance and Planning, there is also one member whose name is not appearing that is none other than honorable William Onguru who happens to be a member in that committee.

Hon. Speaker: I invite member's participation. Honorable Erick Ndonji!

Hon. Ndonji: Thank you Mr. Speaker Sir. First I want to congratulate our colleagues who are in the Select Committee for the good job they have done but there is some issue that I have with the, The first one, the chair to the Finance Committee is included in the Public Accounts and Investment Committee which is an Oversight Committee. I don't see how the chairman can be in the committee that he is going to be auditing his job.

There is also a member William Ogul who is in all the committees, so I don't understand on these two committees. Secondly, my other concern was raised by deputy, leader of majority. He said ... who are coming ... Then lastly, order number 20, the list of members in Trade, Industry, Labour and Fisheries, the name Nicholas Aneme is appearing but the initial list had the name of Nicholas Were. So I don't know if it is typing error or if honorable Aneme is supposed to be there. Thank you, Mr. Speaker.

Hon. Speaker: Yes, honorable Muhulah!

Hon. Muhulah: Thank you so much Mr. Speaker. I rise to one; I want to congratulate the honorable members for the massive work that they engage in to come up with this committee. However, Mr. Speaker, I would want your guidance in the motion number 8 and 9. If you recall, Mr. Speaker, the direction of these committees was that the all the six sub counties were supposed to have been presented and that it was every sub County was to give a choice of their people.

I want to bring to your attention that in the County Assembly, Mr. Speaker, my sub County I was in the executive. In the Selection, sorry Appointment Committee, again the sub County of Alego Usonga was supposed to have been presented by honorable Silvester Oriaro. When I look at the final list that has been presented in this

2013 COUNTY ASSEMBLY OF SIAYA DABATES

House, Mr. Speaker I want to bring to your attention that I do not know whether the formula was changed or we still have to go with the formula that was proposed from the chair sir. I would request your indulgence on that issue. Thank you, Mr. Speaker.

Hon. Speaker: Thank you honorable Muhulah. As a matter of fact, two or three committees of this House had their membership put to the ballot and we had presentations from every constituency. The understanding of the chair is that any other name that is in these three committees that was not there before should only be that which is designated by law. Like in the County Business Assembly Committee, it is in law that the speaker is the chair, the deputy the vice, leader of majority and the chief whip. So if there are any people who are representing their constituencies in the constitution of these committees that their names are missing then we need to know who they are and that needs to be rectified. Yes, Honorable John.

Hon. Gare: Thank you Mr. Speaker sir. Mr. Speaker I want to agree with honorable Peter Muhulah that on motion number 8, there was actually an omission I think in the typing because the name that we took there were the names which were elected in this House and actually it was supposed that Mr. Peter Muhulah be on that list on County Assembly Business Committee, then the designate are now supposed to be two not three because his name ought to have been there for us to have that number.

Same to number nine with the Mr. Madialo, his name is supposed to be there. I think when we took them for typing the power was not there and now they have just been brought here when we were starting and there are errors which we can correct. Thank you, Mr. Speaker.

Hon. Speaker: I wanted to get a statement from the committee regarding

these types of errors. I think you mentioned it, that you did it in a rush. That is why we are having these issues so feel free to raise them but remember as we said in future we will respect our standing orders, timeline there inset. Yes, honorable Madialo please.

Hon. Madialo: Thank you Mr. Speaker sir. There is need to pass these list so that we whether to correct these anomalies we move the House by way of motion on the floor, we simply amend and correct, we go on so that we don't have a situation where.

Hon. Speaker: The chair agrees that if the issues we are having are typical related then we can adjourn for 10 minutes correct the list even if it is just hand written then we get a copy of that hand written and then we proceed with the debate. The chair has made a ruling honorable Odinga. Just join the rest in adjourning for 10 minutes. Thank you.

(Abreak of 10 minutes)

Hon. Speaker: Honorable Otieno is the list ready?

Apologies from the chair for that interruption of our proceedings. Honorable Otieno, you had gone to correct some anomalies, typal related in the list, can we get to know what you have corrected

Hon. Otieno: Mr. Speaker sir we come to you ask for apologies for the inconvenience we realized before the House. We have addressed the issue of omissions in our list and we also corrected the names that were transferred to different committees.

Honorable speaker sir, if you go to the County Assembly Business Committee we now included the name of honorable Mr. Muhulah as a member there. Come again to the Committee on Appointment, the omission of names of honorable Sylvester Madialo is now inserted, also honorable Jared Abayo, we also inserted that one. Motion 13, that is County Assembly

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Privileges, Procedures and Rules Committee, there was a wrong spelt name of the honorable Nicholas Were was appearing in this list when it was supposed to be honorable Nicholas Aneme which is now corrected. Anomaly was also in the County Sectoral Committee on Trade, Industry, Labour and Fisheries where we now have honorable Nicholas Were instead of Nicholas Aneme. Those are the corrections so far that are done.

Mr. Speaker, Sir, where I have ended is where your chair directed us to go and make corrections and we have done that. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Did you address the issue of women designate?

Hon. Otieno: Yes Mr. Speaker sir, they are now the nominees not women designate.

Hon. Speaker: Meaning?

Hon. Otieno: Meaning any other, however marginalized, women can now be inserted in those committees.

Hon. Speaker: Thank you. You realize the mood of the House is that as much we take cognism of gender rules or issues, we also take cognism of issues of marginalized persons, the youth and the people with disabilities. So I hope in your constitution of those committees you will factor in on that. Yes, the list is before the floor for debate. Any other contribution on the same? Honorable Kadera, do you have something?

Hon. Adera: Thank you Mr. Speaker sir, I wish to make contribution. First I wish to congratulate the Selection Committee for the good work. Actually it is not easy to slot various honorable members in various committees, but they tried their best. I saw them at the corner since morning, I thought that they were having a difficult issue that they were pressing and indeed they were having very hard time in

addressing the issue of balancing the equation. Mr. Speaker, there is a honorable member who had raised the issue of PAC and Finance Committee where some members were appearing in both.

Mr. Speaker, I wish to state that there is no harm for a member to appear in both committees because Mr. Speaker the government from the National level will have three arms of government. We have Legislature; we have the Executive and the Judiciary. At the County level Mr. Speaker we have two levels of government that are separate, that is the Executive and the Legislature which is seated here today.

Mr. Speaker, both the Executive and the Legislature all work separately and independently and the work of the Legislature is to supervise/monitor what the executive does. And the executive cannot go into....and therefore the committees which are formed, like the PAC its mandate is to monitor on the activities of the executives and therefore the better if we have a strong committee that will monitor the executive the better. Even if we can have a member appearing in both, I don't think its harm and that is aloud and Mr. Speaker you make a ruling on it. In my contribution I don't see any harm in any member to appear in both so long as they perform their role in the interest of the government. Thank you, Mr. Speaker.

Hon. Speaker: Honorable Omwende

Hon. Omwende: Thank you Mr. Speaker. On the Selection Committee, I wanted to know what criteria they use because I can see that some members are appearing 5 times. So, I need guidance from the Selection Committee if they can advise me.

Hon. Speaker: Did you have the name of that member appearing four/five times?

Hon. Omwende: I have the name.

Hon. Speaker: Please share with us.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Omwende: If you can see the whole list, there is honorable Mr. Joseph Agoko who is appearing 5 times

Hon. Speaker: The Selection Committee, a member can appear more than 5 times if one, his position is donated by the rules. For example the speaker, he chair for the oversight House Keeping Committees could be ten. Sometimes say the leader of majority where he is in a position donated to him by our standing orders he can appear more than five times. Diverse again there is honorable committee members to clarify to us because our standing orders, I think we had an understanding that members should appear in not more than three sectoral committees. As they peruse through any other contributions please. Yes honorable Odinga.

Hon. Odinga: Thank you Mr. Speaker sir. I just wanted to differ where the deputy speaker honorable Kadera has spoken about the membership of these committees. Initially just before we adjourned for ten minutes, there was a member honorable Odonji who infact called that the name Jack Odinga is appearing twice that is the Budget Committee and Appropriation Committee and PAC committee. I want to say that these committees what we should understand is that we are going to check on the executives. We are not going to check on our selves. If at all Jack Odinga was chairing the Budget Committee and at the same time chairing the PAC Committee then even myself I would have had an objection because you cannot chair two meetings which are related somehow.

The other thing, if you look at the standing order number 189 which talks about Implementation Committee, there are two members, honorable Oriaro and honorable Ombiyo who are also members of the PAC committee. If you look at the functions of the two committees it's like

they are more or less inter related, because committee on Implementation will do whatever resolutions that are passed by the House to make sure that are fully implemented by the executives. Honorable Oriaro is the chairman of that committee and also a member in the PAC committee. So I want to believe that this House should be guided that these committees are chamber of the executives. Thank you Mr. Speaker sir.

Hon. Speaker: Thank you. Honorable Kawour.

Hon. Awour: Thank you, Mr. Speaker, Sir. I stand here to support these. I want to first of all to congratulate those who won because some areas it was competitive. So I want to congratulate you. Mr. Speaker I had two issues that one was just to support the list and two I also stood on a point of order last Thursday, Mr. Speaker. Honorable member of---Stood on a point of order that there was a stranger in the House then you gave a direction.

You gave a rule that that person was not a stranger rather he was honorable member but you directed that he goes out and dress properly. I know Mr. Speaker, you don't see until you are reminded. I want to remind you Mr. Speaker, Sir, that we have an honorable member who is not dressed properly in this House. I had two issues Mr. Speaker that I wanted to put before you. Thank you Sir.

Hon. Speaker: Honorable members, look at yourself, if you are not honorably dressed to the complimentary standards. The standards of this honorably Assembly then do us the justice of doing so without us asking the sergeant at arm help you do it. Any contribution? Honorable Oriaro.

Hon. Oriaro: Thank you Mr. Speaker sir. Taking in view of the fact that the reasons for being of a government is well understood more so in a democracy is well understood in the context of the

2013 COUNTY ASSEMBLY OF SIAYA DABATES

delivery of the democratic tools. I arise to support the constitution of these committees bearing number one, that the oversight role of the House is well catered for in the belief that the County Government and our people should be seen as one engine that can only descend into motions by a sound role of the oversight and seeing that us in the opposition have been made to be part of the implementation committee which in my side I would see it as being supreme. I stand to say that our existence is catered for up to the task Mr. Speaker sir. Thank you.

Hon. Speaker: Thank you so much. Honorable Fred.

Hon. Ouda: Thank you, Mr. Speaker, Sir.

Hon. Speaker: Honorable Fred

Hon. Ouda: One

Hon. Speaker: Honorable Fred order. I don't know why I believe that you are not dressed properly.

Hon. Ouda: Mr. Speaker sir, last week I can quote you said not honorable dressed, and when we walked out they came back dressed in a nice shirt and a good tie like mine and you said that they are now in the House.

Hon. Speaker: Honorable Fred, even the chair can make mistakes, but the chair does not see. You saw I never saw. So for today I have seen you, please go and dress up properly.

Hon. Ouda: Sir, for today Mr. Speaker sir let me make my contribution then I walk

Hon. Speaker: I dispute. Honorable Fred, this chair is very far even when the chair is laughing. Please leave. Please tell honorable Erick to make it on your behalf. Tell honorable Erick to make it on your behalf.

Hon. Erick: Thank you, Mr. Speaker, Sir.

Hon. Speaker: Let him leave first then you continue.

Hon. Erick: His was a small point Mr. Speaker sir. He was saying that we are broke so when are we going to get our pay. Thank you.

Hon. Speaker: That honorable member forgot his coat; he even forgot what I had said. There was communication from the chair which said when we are likely to get our pay. Honorable Kowii, please.

Hon. Owii: Mr. Speaker sir, thank you very much. I believe that the point of order that was given by the honorable Ndonji didn't touch on only one member Mr. Speaker sir, and we have to honor this same House. There is one member in this House who is not properly dressed. Kindly ask him, kindly just to leave the House.

Hon. Speaker: Honorable ...The speaker does not have eyes but he can always see. So please go and dress out properly.

Hon. Andiego: Thank you Mr. Speaker. Mr. Speaker I didn't know that if I have a problem with my leg I cannot attend

Hon. Speaker: Now you know

Hon. Andiego: Kindly I am requesting if you don't mind because am sick. Sickness is a

Hon. Speaker: I wish you knew we are all sick but we are still sweating in these suits. So please leave. Yes honorable Osuri.

Hon. Osuri: Thank you Mr. Speaker sir. While I arise to support the list of committees Mr. Speaker sir, now that we have started a serious business of the House, can we get indulgence from your chair as to when we expect some of these our colleagues that we have left slots so that we can be moving together. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you so much honorable Osuri. The position in law is that we can, the nominated members can take off any time they are gazzetted in the Kenya gazette. What we saw a few days ago was for public consumption when the proposed

2013 COUNTY ASSEMBLY OF SIAYA DABATES

names just appeared on the local dailies. They had not yet been gazzetted.

There was provision for dispute; those with issues could rise so there is the Dispute Commission Committee that was listening to the particular concerns. That committee I was meant to understand had to give their verdict on ruling on the 27th on Saturday because of, they asked for an extension. So as soon as they are gazzetted, I don't have the timelines but as soon as they are gazzetted will have them in this House. Thank you. Yes honorable, honorable Elisha.

Hon.Okuku: Thank you Mr. Speaker, I rise to support the document and I would rather request my colleagues and the committee members, honorable members to work in harmony with the other people and consult widely so that we can steer up the County. Again I request the Selection Committee team to look on the errors, like when we go to motion number 18, you will find that Elisha A. Okuku is the chairman of Water and Irrigation while we don't have Elisha A. Okuku, we only have, Elisha O. Okuku. Thank you.

Hon. Speaker: Okay, noted. There was this issue of one member appearing more than five times. Yes honorable John.

Hon. Gare: Thank you Mr. Speaker. Mr. Speaker this work as other members have said is not as easy. Actually at times you can, but what we have done, actually after when the leader of majority was reading through he did not mention it but he realized earlier that, we had removed two so that we can remain with three and in motion number 21 where there is five, County Sectoral on Tourism, Conservation, Wildlife and Information he is no longer a member there. And then there is motion number 18 where there is Sectoral Committee on Water and Irrigation, he is not a member there. We are sorry for that. Thank you.

Hon. Speaker: Thank you. Yes honorable Muhulah.

Hon. Muhulah: Mr. Speaker thanks once again. I rise to support the work the honorable member's team. Mine is a concern which this House has to take considerably. I want to remind you Mr. Speaker that I belong to the constituency of disability and I see that one not to secure sympathy from the honorable House but to tell the honorable House that actually the right of the people with disability to be taken care of.

The House has started very seriously Mr. Speaker with contributions from honorable members. We have most of the people who we will be sitting in the galleries and they have problem of hearing Mr. Speaker. I wonder what your office is doing in terms of providing the people who can do the sign language for our brothers and sisters who are impaired in terms of hearing for them to also know or contribute or applause to support whatever this House is doing Mr. Speaker. It's a great concern. Thank you, Mr. Speaker.

Hon. Speaker: Yes honorable William, Willis sorry

Hon. Ochieng: Thank you Mr. Speaker. I thank the Selection Committee on good job done. I am seeking advice or direction on motion number 16 on Committee on Education, Youth Affairs, Gender and Social Services. Mr. Speaker sir, as you can see the committee on Education, Youth Affairs, Gender and Social Services and in the list am seeing here if I don't see well then remind me. Those representing the youth affairs are not in the committee here. So Mr. Speaker the selection committee should give us..

Hon. Speaker: Yes honorable John.

Hon. Gare: Thank you, Mr. Speaker. Motion number 16. There is number six is honorable Booker there? Then I think we are sorry for that I have a list

2013 COUNTY ASSEMBLY OF SIAYA DABATES

where honorable Booker is there and Booker is a youth.

Hon. Speaker: You have another list?

Hon. Gare: Mr. Speaker, you remember we went to correct some errors, during that correction, that was done and honorable member, leader of majority did not read it. Again I want to support it with the fact that there is also some nominee and we realized that we take this from women designate nominee such that we leave room for those who are coming. Some of them are even youths which will be in that committee. Another thing Mr. Speaker, you realize that when the honorable members gave us their area of interest, you will realize that some of the youths who want now their names to be there did not show interest in that committee. But all in all we have corrected and honorable Booker is there and nominee is also there.

Hon. Speaker: Honorable John. I just want one answer. One answer is convincing me. The others are not. If you tell this honorable House that you have noted the omission because in the list, nomination list we will have youths that you will put them in this committee that makes sense. But to say that people didn't show interest then you had a task of identifying what is missing where and that is not convincing enough. When you say that you have another list that the leader of majority did not read. Leader of majority, honorable Otieno, is it true that you never read that list or read out that name?

Hon. Otieno: Mr. Speaker sir, there were a lot of corrections with the entire list, that one will be done and this is now the last list that we came up with, which is not provided copies to members but will be done.

Hon. Speaker: So we have honorable Booker there?

Hon. Otieno: We have honorable Booker

Hon. Speaker: And we are not having honorable Booker in more than three committees? And we are sure honorable Booker is a youth? Honorable Booker. Yes, honorable Booker.

Hon. Minami: Thank you Mr. Speaker. I am standing on a point of order. In this House we only have honorable members, we don't have youths. May be what you have been saying, a honorable member representing the interests of the youths and calling a honorable member in this House Mr. Speaker, I think that is out of order.

Hon. Speaker: Point taken honorable Booker. We will proceed hoping that his name is, an honorable member representing youths is not in that list you make a point of appointing one. Honorable Madialo please.

Hon. Madialo: Thank you Mr. Speaker. I would want to make the following contributions. I had the members were not on the list. One the list seems to take care of certain interests, political, social, gender that is in the House. Mr. Speaker in this House there is no member who is disabled. In this House there are members today who won their constituencies. We were declared and gazzeted. And Mr. Speaker in this House there is no member who represents the youths.

There are only members who won in their constituencies. And Mr. Speaker therefore I urge you not to see any youth here and not to see anybody who is a disabled here. The disabled who have been gazzetted they will come. The youth who have been gazzetted they will come. Those who are here they represent those who they represent. They got those votes to represent. Mr. Speaker considerations that therefore touch on gender, matters that we have only

2013 COUNTY ASSEMBLY OF SIAYA DABATES

opposite gender in the House should not arise. She won in her ward and she has come here to represent her ward.

The women there and the men there. Mr. speaker because of time and we know that some of the committees are vital for the operationalisation of the activities of the House and probably the executive it will be prudent Mr. Speaker that we adopt the list and where necessary if there are no some standing orders we amend the standing orders of, correct the anomaly that might be there. Mr. Speaker has made the following the standing order donates to the Committee of Appointments of certain....

Mr. Speaker, if you go to the committees those same members have the same sitting powers. It means that the same persons who will be interviewing these employees will also be vetting them. Mr. Speaker I beg to move that we adjourn the list as presented.

Hon. Speaker: Thank you. If this honorable House allows, can we have the mover and reply.

Hon. Otieno: Mr. Speaker sir, I must say that the list has been well discussed. The list has most of the members that we have here. It has captured the interest of the majority amongst us here. Mr. Speaker for the sake of this County and this Assembly I now beg honorable members of this honorable House to kindly adopt this list. A lot of corrections are done, all the omissions that were there have been addressed. With those few remarks again Mr. Speaker may I kindly request the honorable members to adopt the list so that we move on. Thank you.

Hon. Speaker: So then I put the question. That will as many are of that opinion say "I"

Hon. Members: "I"

The Speaker: And will as many are of that contrary opinion say "NAY"

Hon. Speaker: The "I"s have it.

Clerk of Assembly: Order number 29 motion.

Hon. Speaker: Yes honorable Otieno.

Hon. Otieno: Thank you Mr. Speaker sir, I beg to bring a motion on this that pursuant to the provisions of the standing order 207, this House confirms receipt of the County Budget Estimates for the Fiscal year 2013/2014 and hereby commits it to the County Budget, Appropriations, Finance and Planning Committee for the consideration, discussion and review before being tabled before the Assembly. Mr. Speaker sir, I take note that the we are starting a system which is unique in this County.

The system which requires very close attention in terms of management and in larger extend, this to a large extend requires funding. For the central Mr. Speaker sir am humbled to table the budget estimates that shall help the County to run. The estimates cover infrastructure, education and security among other areas.

Members shall find more details as they go through the whole document. We indeed covered all sectors. Mr. Speaker sir, on that humble note I wish to table the document. I now well, honorable Gare to second the motion Mr. Speaker.

Hon. Speaker: Honorable Gare.

Hon. Gare: Mr. Speaker, I arise to second the motion but you realize that since we are starting a new thing, this document that we want to table today, ideally it should have come earlier and members would have gotten the copies. Members you realize that we started this session late because we were forced to wait for this document to come from the executive so that we table it to this House today. You realize that today is the deadline that each and every County, the 47 counties in this country, even the National today is the deadline and we could not go without tabling this document and you

2013 COUNTY ASSEMBLY OF SIAYA DABATES

realize it is a volume; it's not a one page thing.

The whole of this is the budget. So we want to table it in front of this House and then we make copies. First of all this document is going to be debated today. Budget Committee for discussion, deliberation and then they will bring back to this House. I therefore request that members adopt this document for this County to move ahead. Thank you Mr. Speaker.

Hon. Speaker: Honorable Agoko you have something? Yes please.

Hon. Agoko: Thank you Mr. Speaker sir. To respond on the request tabled, to request to adopt the budget, I would say Mr. Speaker sir, it is almost impossible for us to adopt it before we peruse it before we look at and with possible amendments. Thank you.

Hon. Speaker: I want to believe that that was a slip of the tongue. The issue at hand is tabling these budget estimates before this Assembly today after which we will commit it to the relevant committee. The committee will sit, go through it, hold public hearings on it, discuss with sectoral committees on the same within the time frames that are available in the Act, then it will be brought in this House in this House in form of a report, that we will discuss it. So we are not adopting the budget estimates. May I say this that today the issue was as simple as lying it before the House then we commit it to the relevant committee which is Budget and Appropriation Committee.

What I would want to urge is that I know that a lot of financial accounting works went to it and I would urge you to invite the person in charge of finance. In this particular case we still don't have the executive committee member in charge of finance but finance person is ready to meet you. Talk to him, share with him and then I would ask the Budget and Appropriation Committee within two weeks to have

engaged the public as much as possible. Let their proposals be factored in.

At the same time the Budget and Appropriation Committee to identify budgets that belong to sectoral committees in this House and commit the same for further discussions. That means that within three weeks the sectoral committees shall have looked at those estimates, given inputs with recommendations that will subject or present to the person in charge of finance from the executive.

We expect this report back to this floor by latest 30th of May. In between we have a lot of work. That is all that we can say about that budget estimates for today. Honorable Kadera, you have something so burning because I want to adjourn.

Hon. Adera: Mr. Speaker, I have the burning issue. Mr. Speaker we have to ascertain that the budget we are laying before this House is the budget prepared on. Mr. Speaker I have heard an opportunity to go through the budget estimates and it appears to me that perhaps the leader of majority brought in the wrong budget and perhaps left the budget that he was to bring in this House. Perhaps this one is from Kampala.

Hon. Speaker: Honorable Kadera Order, Order. We have a committee that will see it. Whether it is from Kampala or Tanzania. The Budget and Appropriation Committee will see into that. We trust that committee, it will see for the Assembly.

Hon. Odinga: Point of order Mr. Speaker.

Hon. Speaker: Is it so burning? Yes honorable Odinga.

Hon. Odinga: Thank you Mr. Speaker sir. Sorry to intervene, but what I wanted to say is that today we are receiving the budget for 2013/2014. I want to believe that whatever has been tabled before this House has been tabled correctly. And am also requesting that the executive should

2013 COUNTY ASSEMBLY OF SIAYA DABATES

also provide us with the soft copy. There are times when it is easier to work on a soft copy rather than hard copy. So am requesting if it is possible we be provided with a soft copy so that we can work easier. Thank you.

Hon. Speaker: That I think you will tell the executive because you will interact with them directly. I want to adjourn the House. What is so burning, honorable Osuri?

Hon. Osuri: Mr. speaker sir, it would it be in order before we adjourn, given that we are either accepting or not accepting, we are receiving the budget before we adjourn so that we know whether we are here to receive the right document or the wrong document before we adjourn Mr. Speaker sir. Thank you.

Hon. Speaker: Honorable Osuri, the budget we have no choice but must receive because of timelines, deadlines. We are receiving this budget. Let us not jump the gun. We have a committee that we trust, that will handle this matter. That because we trust that committee allow me to adjourn this House and the committees to get down to business and run with the items that we have on our table. Our in tray is full honorable members. May I adjourn this sitting for today until Thursday 2.30pm same venue. Thank you.

REPUBLIC OF KENYA**SIAYACOUNTY ASSEMBLY****THE HANSARD****First County Assembly-First Session**

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

Thursday, 2nd May, 2013

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

PRAYER**MOTION**

adjourn and move into our committees i.e. the Sectoral Committees and other House

ADJOURNEMENT

Hon. Owii: Mr. Speaker, Sir, the honorable members, I want to move a motion on adjournment of this House because of the following reasons:-

1) We have noticed that our prayers as they go up to number eight there is none that we are ready, that is readily available for us which would warrant any discussion.

2) It was just the other day when we established the budget committee and it was just the other day when we got our budget estimates for discussion and scrutiny. I wanted to appeal to this House to allow us

committees to discuss the budget further and then we see what we will bring to the for further deliberations. I want to call upon honorable Booker Otieno to second.

Hon. Otieno: Thank you Mr. Speaker. I stand to second the motion of adjournment with the reasons the honorable Kowii has given.

Hon. Speaker: Honorable members, I take note of the prayers that the honorable

2013 COUNTY ASSEMBLY OF SIAYA DABATES

members Mr. Kowii has just laid on the table and I wish to acknowledge that meetings of the committees are actually prudent and they will make this House to be more vibrant. I wish to allow the motion for adjournment and perhaps wish to advise more that assume it, you should always schedule your meetings to coincide with the meetings of the Assembly so that we avoid unnecessary expenses.

That is for now but in future maybe we will look into ways of how we can meet even on others days. For now to avoid unnecessary expenses lets confide ourselves into the meetings or the days when we are meeting at the Assembly i.e. Tuesday, Wednesdays and Thursdays. I therefore wish to adjourn this House until Tuesday in the afternoon.

REPUBLIC OF KENYA**SIAYACOUNTY ASSEMBLY****THE HANSARD****First County Assembly-First Session**

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

Tuesday, 7th May, 2013

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

PRAYER**MOTION**

Hon. Aneme: Mr. Speaker, I arise to second the Motion.

ADJOURNEMENT

Hon. Abayo (Yes honorable Gari

Hon. Gari: Mr. Speaker sir, I arise to move a motion of adjournment. Mr. Speaker considering we don't have a motion today to discuss on what to debate on. We realize we have some touchy issues which we want to discuss informally. Mr. Speaker, our Speaker was not there in the last session, he was in a meeting in Nairobi. He has just arrived but he has some issues we can only informally concerning our welfare. I would therefore move a motion of adjournment. Mr. Speaker I would call upon honorable Aneme to second. Thank you.

Hon. Abayo (Chair) Honorable members as has been proposed that we have an adjournment and has been rightfully seconded I want to ask what has been raised that there could be weighty matters that require this House moves into an informal discussion to discuss some issues that could be key in enhancing the performance of this House in light of a way forward. I want to

2013 COUNNTY ASSEMBLY OF SIAYA DABATES

agree that this House adjourns until tomorrow at 9.00am.

Hon. Oriaro: Mr. Speaker that is unprocedural, that is unprocedural, that is unprocedural. I detest, I detest, I detest.

Hon. Abayo (Chair) I would like to ask the honorable member that a proposal of adjournment has been done and duly seconded. I want to declare that we adjourn until tomorrow. Thank you.

REPUBLIC OF KENYA

SIAYACOUNTY ASSEMBLY

THE HANSARD

First County Assembly-First Session

The House met at the County Assembly chambers at 9.00 a.m.

Wednesday, 8th May, 2013

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

PRAYER

QUORUM CALL AT THE COMMENCEMENT OF DEBATE

(Quorum bell rung for 5 mins)

(Lack of quorum confirmed after 5 mins)

(Quorum bell rung for further 5 mins)

ADJOURNMENT

House adjourned at 9.15 a.m. for lack of quorum.

The House rose at 9.15 a.m.

REPUBLIC OF KENYA**SIAYACOUNTY ASSEMBLY****THE HANSARD****First County Assembly-First Session**

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

Thursday, 20th June, 2013

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

PRAYER

Hon. Speaker: Honorable members, the office of the governor has invited all honorable MCAs to attend Siaya County Conference at Jaramongi Oginga Odinga University of Science and Technology in Bondo tomorrow the 21st of June, 2013. There will be a meeting of Committee on Health on the 25th at 10.00 am and there will be a notice, there is a notice on supplementary budgets for the County of Siaya that we will charge to the Committee of Finance, you will liaise with the office of the Chief Finance Officer. Thank you.

Hon. Speaker: Yes, honorable Chair, Budget and Appropriation.

Hon. Odinga: Thank you Mr. Speaker sir, for giving me this opportunity. On behalf of the Budget and Appropriation

Committee I give a brief report concerning the Budget Estimates for Financial year 2013/2014. Before I do that I will seek your guidance now that the Principal Finance Officer is here. Is he allowed to say something?

Hon. Speaker: Just proceed.

PFO (Mr. Sang): Thank you, Mr. Speaker, Sir, honorable members of Siaya County Assembly. Before you today is our budget or our current development budget that we are going to present before you. However this budget shall be financially within our resources and also we shall receive donor funding to actualize the acceptance of the budget. With those few remarks I do hand over to the chairman of the committee.

Hon. Odinga: Thank you once again Mr. Speaker sir. I want to give you a

2013 COUNTY ASSEMBLY OF SIAYA DABATES

small background on the Budget Committee as I read a few remarks from a small report. Mr. Speaker sir, on behalf of the members of the Budget Committee and as required in article 221 of the constitution and also section 129 of the Public Finance Management Act as well as speaker's ruling ...2013. I take this opportunity to present to the House the committees report on the 2013/2014 Budget Estimates and the estimates of the Revenue and Expenditure. The report covers estimates on the executive as laid down by the Principal Finance Officer and estimates of the County Assembly as laid down by the County Assembly Clerk. Mr. Speaker sir, the Budget Committee has currently constituted comprises of the following members:-

1. Hon. Jack Odinga -Chairperson
2. Hon. Peter Muhulah -Vice Chairperson
3. Hon. Nicholas Aneme
4. Hon. Sylvester Madialo
5. Hon. Jared Abayo
6. Hon. Joseph Olouch Kawour
7. Hon. William Owiti
8. Hon. James Otare

Mr. Speaker, Sir, it is important that the new constitution has given the County Assembly more expanded roles in budget making process, it has changed the role of the Assembly from a budget approving institution to a budget making one. Indeed the responsibility includes the ability to decide on Revenue compensation, education, monitoring and control.

Pursuant on to article 2214 of the constitution on section 131 of the Public Finance Management Act the Assembly will only consider investments the Revenue and

Expenditure of the relevant committee, in this case budget and appropriation committee discusses a review of the estimates, update recommendation of the County Assembly. Examination of the estimates of Revenue and Expenditure. In review of the timetable of 2013/2014 Budget Estimates, the committee held its meetings in the following, 1) Principal Finance Officer and his budget team, 2) the County Secretary and the governor's official or officer that is COMESA, secretarial committee and all the members of the County Assembly.

The committee also held public hearings with the general public and organize the meetings at ward members, the meetings were held in all the County wards within the boundaries of the County Government of Siaya. Attendance list is here to our annexed this is in line with article 2215 of the constitution and is the inauguration of the County government estimates in section 1312 of the Public Finance Management Act. Further the committee received evident submissions from different organized groups which are also annexed in this report.

Mr. Speaker, Sir, after finding discussions at different levels, the estimates of Revenue and Expenditure for financial year 2013/2014 was review as follows, part (a) Revenue, National Government grant four billion, receipts from local sources 183,466,278 giving a total expected Revenue of 4,153,466,278. In terms of Expenditure, there are two items that is the current Expenditure and development Expenditure under recurrent Expenditure, the County Government of Siaya is said to

2013 COUNTY ASSEMBLY OF SIAYA DABATES

spend a total of 2,839,202,278, in terms of development a total of 3,098,952,000 giving a total Expenditure of 5,938,124,278. These will leave us with a deficit of 1,784,688,000. Mr. Speaker Sir you will note that there is a significant reduction in deficit that is from the original one of 2,278,000,267 to 1,784,688,000.

The committee so wishes that the development of funding should be geared towards the basic needs of Siaya County residents and this includes education, health, water, roads, improvement of markets, improvement of beaches, environment, sports and culture.

The committee also came up with some recommendations 1) that reinforcement of provision of local resources but will be consistent to approve physical framework and County allocation of Revenue Act. Number 2) identification of a tapped resources, 3) that members of the County Assembly to work hand in hand with the CDF offices in identification of other projects to avoid double funding or replication of projects. The 4) is that the executives and the members of the County Assembly should ensure that the constitution, orders and Acts, financial regulations and procedures are adhered to towards ensuring the development funds are fully utilized for intended purpose.

Acknowledgement, I want to acknowledge Mr. Speaker sir that the committee is grateful to the office of the governor, the speaker and the clerk of the County Assembly for the support received as it dispatched its mandate in discussing and reviewing the 2013/2014 Budget Estimates. The committee is also grateful to

the members of the County Assembly who exhibited their ability as representatives of the people during public hearings of their wards.

Mr. Speaker, Sir, lastly, I want to thank each and everyone who contributed either directly or indirectly towards preparation, discussion and review of Budget Estimates of the financial year 2013/2014. Let us pray for the full implementation of the same. Thank you all and may God bless you. And Mr. Speaker Sir with that brief report, I want to request that I propose that the Budget Estimates of 2013/2014 be approved by this House. I hereby ask Honorable William to second.

Hon. Angul: Thank you Mr. Speaker. I do stand to support and second the budget to be approved by us. Thank you.

Hon. Speaker: The matter before this House is whether the House will approve the Budget Estimates 2013/2014. Please contribute. Yes honorable Muhulah.

Hon. Muhulah: Thank you Mr. Speaker. Mr. Speaker I want to take this opportunity to than the Budget Finance Committee for a very good work that they did. Indeed if you look at the explanation of the Chair of Finance it indicates that the process was very elaborate going through all the 30 wards to get the views of the public on this.

As a part of the membership of the Finance Committee I did witness Mr. Speaker that all the considerations was put in making this budget and we will revisit the struggles in making sure that the deficit is lower than 2.2 billion to 1.7 Mr. Speaker. This was in view of considering that there was no clear indication of how this big

2013 COUNTY ASSEMBLY OF SIAYA DABATES

deficit was going to be reduced in future so that is why we thought that the little funds that was there was supposed to have been planned to finance most of the requirements of the public in line with the social requirement of needs of the citizens.

Mr. Speaker, I would want to ask of the honorable members who we equally accept the support that they have given us to approve this budget but with amendments Mr. Speaker that should somebody feel that there is something that is required to be added or changed then Mr. Speaker they should be allowed to the office of the budgetary office. I rise to support Mr. Speaker.

Hon. Speaker: Yes, honorable Were!

Hon. Were: Thank you, Mr. Speaker, Sir, for giving me this opportunity to look at the Budget Estimates 2013/2014. I have noted that the funding is internal and the funding of the projects will be external. External funding is not clear from the budget projects, it is a bit strange that the wards, some wards, I am saying that some wards will not benefit from the external funding. Notably I have looked at the number of projects that are supposed to be funded in North Ugemi Ward. North Ugemi Ward will only benefit from internal funding but not external funding. It is what mischief, what mischief if one of the wards will not benefit from external funding.

Other area that I looked at is the discriminate manner in which the projects are being funded. Notably Siaya as a County has got six sub counties and if you look at the break down Ugenya Constituency is going to go with 163 million. Ugunja as a sub County is going

home with 147 million. Bondo as a sub County is going home with 533 million. Alego Usonga as a sub County is going home with 542 million. You look at it and you ask yourself is it because the centre of governance is somewhere? Is it because the deputy centre of governance is somewhere? And you look at the budget itself notably, like if you look at the health care services you know I am the vice chair of the health care services in a committee of this Assembly.

60 tractors are going to be scouted for but somebody never thought of emergency ambulance facilities and already you know the policy is you know we have opened the doors for free maternity care and this County is confronted with a crisis, we have 73 dispensaries with no maternity wings, we have 34 health centers that are crying for expansion, we have a number of sub districts units and then district hospitals. Somebody never thought of purchasing ambulance services for this County and you know when you look at the area of health care, promotionally you have to talk of the facilities and then you have to increase and improve on access and then you reduce the mortality.

Somebody thought we should commit so much money in purchasing tractors and even the money for purchase to be retained somewhere for the purchasing officers to couple over, it is a bit sad.

When we come to electricity, you know it is a policy in this country that we should go rural but somebody is putting so much money in the cities and leaving rural areas with nothing. We talk of bus parks.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Kodiega has a bus park normally with rates of half a million shillings per month.

Normally, the Revenue that accrues from the vehicles that plight Busia, Kisumu, Kisumu Busia road, we have a collection of fourteen thousand sometimes fifteen thousand shillings per day and that maxi money comes to half a million shillings per month. Somebody never thought that we should plough money back to the cow that gives a lot of milk and then some centers that not even generate much money, they have pushed 20 million shillings to develop those centers. Otherwise I would give the County Budget Committee a D-. Thank you.

Hon. Speaker: Anybody? Honorable Kawour you have something to say?

Hon. Awuor: Thank you Mr. Speaker. I arise to support the approval of this budget. I want to support my chair who has spoken before me that though we did a perfect job that has registered some quarters, we had some challenges. We had quite a number of challenges that am happy we finished, and if you ask our neighbours in the other counties Mr. Speaker, we are very much ahead. Last night at around 2 in the morning we were busy organizing this document with the staff of this County.

I want to tell my colleagues that budget making process is really a tiresome and we did our best to come to where we are and my colleague honorable Muhulah as proposed Mr. Speaker that should we have some things to maybe adopt this with some adjustments I think we should do the same. I was calling my colleague, a neighbouring colleague about this budget, the process in my next County and he was saying we are

very much ahead. When we told them we are going to table the budget today, he was so surprised but I want to ask my colleagues that if we personalize the budget then we will not move far. If we look at it as individual's because we are here representing our people, respective wards and also representing the entire County. My wish to my colleagues is to address these projects soberly so that we move ahead. With those few remarks Mr. Speaker I thank you and I beg to support.

Hon. Speaker: Honorable Andiego.

Hon. Andiego: Thank you Mr. Speaker. I rise to support this budget however we have some few areas to consider. First and foremost I want to take this opportunity to thank very much the budget team. It wasn't an easy job as we may think and the timeframe was also too short. They have worked tirelessly to manage to bring us this document here today in this House. Thank you so much. I understand what you went through and I do believe that sometimes you went without eating to come up with this document.

I usually believe that our towns are developed, a lot of money has been circulating in towns and it is in these towns that MPs will go round, see the storey buildings, tarmacked roads and so many things. I do suggest Mr. Speaker that we see how we can do about with a lot of money which is placed for the towns.

We need this money back to our rural areas, where we are really suffering there are a lot of things that we lack there. As much as we may need this money I would suggest that even a quarter of what has been allocated for the towns be reversed

2013 COUNTY ASSEMBLY OF SIAYA DABATES

back so that our people can truly see that we are really devolved. There is something that has caught my eye about external and internal fundings, we do believe that internal is the money we have and now the external we still don't know whether it will come much more what we expect or what is in the budget. I will request Mr. Speaker that because we are budgeting with what we have I agree this one we accept. But when that one that we expect comes we again sit and see where to place it.

I am saying this because, okay it is an expectation but I believe we may get more than what we have. At the moment is that I check on this budget on those external my ward has got nothing and there is whatever money placed in so many places mostly in towns. So I am requesting that that one also when it comes, you give us the opportunity to increase the funding. Thank you, Mr. Speaker.

Hon. Speaker: Honorable Ben.

Hon. Omondi: Thank you very much Mr. Speaker Sir. First and foremost I wish to take this opportunity to sincerely thank the Budget Committee. Why am I saying so? I know the task that was ahead of them, it was very demanding, it was challenging, it was taxing and it was very tiresome so thank you very much for what you did.

In as much as am thanking you for the job you did I think last time when we were in Kisumu, the main purpose and objective of as committee as Assembly members went to Kisumu we came there purposely to present to you our proposed projects per ward but It is very unfortunate because having perused the document and

mostly my ward that is North Ugenya Ward no changes has been made as per my proposal. Secondly another issue that I would wish to categorize it is so unfortunate to tell your kid that my son in as much as this food is poisonous just take it then later on I will take you to the hospital. That is a mentality that should not be repeated. Thank you very much.

Hon. Speaker: Honorable Elisha, please.

Hon. Okuku: Thank you Mr. Speaker. I rise to support the budget with amendments. First and foremost, I want to thank the budget team for what they did. They have done some work and have made us reach where we are; we have two levels of funding, internal and external.

I don't have much at the level of internal funding but I have comments and amendments at external level Mr. Speaker One, as a member of Tourism Committee we met and agreed that Amoth Owiras home be deleted as one of the tourism centres, attraction centres and when I look at this budget am seeing under tourism that Amoth Owiras home is still looming, it is still here. I fail to understand why it's existing as Tourism Agricultural Centre.

I stand, Mr. Speaker to support the budget and to allow the budget team to amend that they delete the name of Amoth Owira because we thought it wise that it is not yet time and in order to start rewarding homes and individual names because they are in positions. We agreed that under tourism we end up with Kongelo, we take Got Ramogi, we take Lake Kanyaboli under tourism. I stand to support that that thing

2013 COUNTY ASSEMBLY OF SIAYA DABATES

should be amended after the passing of this budget.

Two, the issue of tractors, we talked and agreed that we should reduce the tractors may be to 40 of them to start with then we look at the ambulances for emergency cases and I think we even agreed that every ward should have at least an ambulance for facilitation of services to our people and to the community. I would rather request that the budget team to amend this so that they factor in the issue of ambulances, purchase of ambulances to reduce the tractors.

Mr. Speaker, Sir, I would rather request that when we get the external funding we should again go round or be called to have to do some justice to wards. Because the external funding has done a lot of injustices to some of the wards and I support that we pass the budget but with amendments. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Honorable Omwende please!

Hon. Omwende: Thank you Mr. Speaker. First may I take the opportunity to appreciate what the Budget Committee has done.

As I appreciate the work they have done, there is somewhere where I disagree with them. When we were at Kisumu, we agreed all of us that 30 million will be divided towards which all members support now. I didn't know that there is a blanket budget behind that which is now making me so much worried about my sub County Ugunja. I don't know which criteria they used to allocate much a lot of money to sub counties that is Gem 240, Bondo 533, and Alego 542 while Ugunja is the most

orphaned among those sub counties. I don't know which criteria these people used to award these sub counties such kind of package. Mr. Speaker before I echo more about that please I need clearance from them. Thank you.

Hon. Speaker: Honorable Opiyo please.

Hon. Opiyo: Thank you, Mr. Speaker. I rise to support this budget with some few amendments and I want to commend the authors of this project for having come with this document. I would want to say that making this budget, having perused it and having been authored by people must have its challenges, it cannot be perfect. But I would want to say that the authors at least tried to follow the law or the guidelines laid down by the law in making this budget.

Section 59 of the County Government Act, part 4(ii) lays down the procedures of coming up with the budget and how the funds should be devolved. It says the Assembly must ensure that its functions and provisions served by our County Government and centralize to urban areas and centralize one to urban areas and cities two to sub counties that is the constituencies three, the electoral ward and four to the village levels. And Mr. Speaker when I look at this budget, distributing 30 million to every ward I think they have tried to decentralize these funds and so I support.

I would want to say that the additional units that have been considered by the Budget Committee like sub County wards, they have been fattened but the area should have been used so that certain wards they won't get equal amount of money. Mr.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Speaker I believe in the principal of fairness and it would be unfair for a ward like South East Alego with a population of about 57 thousand be allocated the same amount of money as Usonga ward and you know Usonga is marginalized but with a population of 13,000 people be allocated the same amount 30 people wanted so a formula should have been used to allocate these funds according to prioritize areas which is fair to every ward and to the people of Siaya County.

Lastly Mr. Speaker, I want to move that the amendment proposed by the Honorable Elisha to amend and delete Amoth Owira home from funding be moved to, be put to question before the House so that it can be voted so that that amendment can be made. Thank you, Mr. Speaker.

Hon. Speaker: Honorable Ndonji

Hon. Ndonji: Thank you Mr. Speaker Sir, first I want to commend the job that was done by the Budget Committee but there are a few things that I want to talk on or have to comment about, we first have to accept our mistakes if we were to correct the mistakes in future. The disparity in the distribution of this funds has evidenced in this documents should be addressed in future. The budget itself, the one that we are having right now has preceded a budget that was prepared on assumptions and not on reality.

Despite the fact that Honorable members the Budget Committee went around to get the, I mean to get public views and to try and promote public participation, the participation was quite inadequate because it ok trying to, I mean the committee went everywhere but the truth is

that it never reached most parts of the wards because you will find that they would go to only one meeting with people from the ward and the way the wards are big we will find that some people were not getting to the place where they could contribute.

I want to urge the County Government and the Assembly that would be preparing the next budget let us start early so that at least we get views from each and every sub location. It is very difficult for a ward to come out and say that we have such a priority as a ward because these wards are made up of sub locations and each sub location are the sub location has a different priority from the other sub location. So it is important that when the next budget will be prepared let the committee and the Assembly staff move down to the sub locations so that we can get our priorities right.

The draft Budget Estimates to some extent influenced what the outcome of these estimates that we are having right now. And I want to propose that next time let us be more cautious because we are talking of devolution saying that 30, if each and every ward is given a minimum of 30 million shillings does not mean that that thing has been devolved to the ground. Because it is being sent 30 million at least but you will find that there are some that are getting up to 100 million shillings while others are getting only 30 million shillings. This trend of concentrating development projects and concentrating finances in urban areas should be stopped, we should also think that we got people down in rural areas for example, in the budget we have issues to do with street lighting. Street lighting is being given

2013 COUNTY ASSEMBLY OF SIAYA DABATES

priority while you find that we are lacking health facilities in rural areas.

Siaya is so big such that when somebody is coming from the other end, reaching Siaya as a town or reaching the urban areas where there are these medical facilities is very difficult. So this trend of trying to assume the rural fog should stop because we are representing these people and would like to represent them adequately. Otherwise Mr. Speaker, because I know that we are running out of time, I will support it but with reservations.

Hon. Speaker: Honorable Kowii then I will come to Honorable Osodo

Hon. Owii: Thank you very much Honorable Speaker sir and the committee members, first and foremost I want to thank the Budget Committee for spending their time well. That does not mean I am supporting the budget, they really spent their time well and they have come up with at least a document that can now give us some guidance. Mr. Speaker sir, I don't want to be convinced that the 30 million figure that was given to each and every ward, that is the first thing that I don't want to be convinced about because if you don't have eyes, then you may not see nothing like equality in the distribution of resources in our wards.

When you look at the 30 million for each and every ward which was given to all of the 30 wards, coming up to about 900 million, you would say if that one was the only thing that was seen then you would say it is okay.

Now, Mr. Speaker, Sir, if you go further into future Expenditure that is that will be funded externally then you just see that the disparity is that that wide. If you

read the mean above the total of that particular spending it comes to 1 billion, 1.7 billion and if a ward can come out with only 12 million, out of that kind of arrangement multiply that 12 million if at all it was spent averagely to all of us then you find that we are getting close to not even one million, twelve million times 30. But for the 30 million it is okay but now going to the external Expenditure, then it was only meant for some areas Mr. Speaker Sir.

This is evident and even on particular areas which of course were so important even to the local Revenue for this particular County. Like our local Revenue will only come from the lake that is the major source of our local Revenue Mr. Speaker sir and nobody wants to bother about that one. If at all people are talking about improvement of beaches they are only talking about Lake Kanyaboli, we are not comfortable.

We know it is our duty to rejuvenate that particular lake and change it, it is something that can give this County more than even 2 billion I now see what had happened. Even when people are building a modern fish plant, they only think of one particular area, this is sad. This is one budget that will never convince me, I may end up going by the majority but it will never convince me. That it is only focused as an Expenditure on two major areas that is if it is in Siaya South from River Yala it goes to Bondo, If it is Siaya North to River Yala then it is a lake we can't just accept such kind of arrangement. It is painful and most unfortunate it is happening when we are here.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

I am not convinced because education is the lifeline of development on this particular issue and if you see what we are spending on education is too little Mr. Speaker sir. As little as 250, is it 257 million? Only. The other day you sent us out here we were finding other places spending as close as 500 million on education and that is just ECD and this is one budget that is not even addressing issues that touches on nurturing education, nothing. And if they talk about tourism now look Mr. Speaker sir look at the lake, we had even made our own proposals and we know exactly what will come out of tourism in the lake.

The wazungu whenever they come here they just go to the lake, they go to Mombasa, they are very keen around those places what are we going to see in this tourism sites that are given here? The clothes of other people, what so and so used to wear? Is that tourism? That is just a mere joke and we are not a serious people. We are not here to grace other people, we are here to work and give services to our communities and the truth of the matter is that we are missing our goal. We are always scoring in the interest of some few people and more so people from without even members of this committee. I am not convinced Mr. Speaker sir that this is how the way to go.

Mr. Speaker, Sir, the issue of water, water is life the first thing that will make contact with life is water in the morning, first give me water to brush my teeth, give me water to wash my face, I have never had of one talking of any other rain when you want to make first contact in the morning.

Water is life, see what is given to water, peanuts. That will not actually change anything, and even places like the southern part of River Yala, that is Uyoma and those other places which do not need boreholes what is fixed is that you will, you must have a borehole.

A borehole and you know the salinity of water in those particular areas is so high that we don't even need such kind of arrangement. We had made our improvements when we were in Kisumu, those improvements that we gave to our dear friends they will never take two glimpses actually to put them in this particular budget.

I therefore want to say this, as I rebuild that if you only want to depend on the Revenue that will be coming from Nairobi, the money that will be coming from Nairobi you may not actually go far. If the past, the lake if at all be rejuvenated this day, like now the water hyacinth what are we talking about it? One is giving water hyacinth only two million to do what? It means that everything is not balanced it is only between the two people like I was being told that there are some two giants and wherever they fight, grass like me will suffer, grass like wards will now suffer. It will only be in the interest of some few people.

Personally, I am not of that kind of reign and I want to request that the giants have been given nil according to me I have tried to peruse I have not seen them if it was a delivery commission then it was there, Mr. Speaker sir even sporting activities if you look at it is always centered in two places, it is only in Bondo and this place and we get those proposals nobody wants to talk about

2013 COUNTY ASSEMBLY OF SIAYA DABATES

them, Agriculture it is only irrigation that can bail us out you have seen with your eyes the crop failure this side simply because of what we are depending on which is thread felt agriculture.

We made arrangements and in our earlier budget proposal they had actually put irrigation in some areas look this Is what we are talking about, decided to remove such they don't want to think of what will actually bring food on table for the ordinary mwananchi in Siaya?

I want to say that this, the 30 million mark which was given to us is okay that one I really appreciate. Thank you very much for making us be equal up to 30 million. For now for this external funding Mr. Speaker sir, I want to request and very kindly that changes must be made so that there has to be equality, there has to be equality in all wards, that if it is one billion, let that one billion be shared amongst the 30 wards. In the external funding the remaining 700 million we can leave to the head quarter. But one billion we have to share equally. Thank you very much, Mr. Speaker.

Hon. Speaker: Hon. Were, Honorable Elisha you had contributed, you had contributed.

Hon. Okuku: Order Mr. Speaker is it in order Mr. Speaker for us to continue debating then we propose to amendments?

Hon. Speaker: Honorable Elisha you had spoken. Honorable Osodo please

Hon. Osore: Thank you, Mr. Speaker sir, I want to thank first of all by commending the chairman of the budget and his team for the work that they did. More particularly for visiting the wards and actually coming to see what is happening in

the wards but Mr. Speaker sir before I either support or not I want to make this following observations if not for now but for future. I know the challenges that we are, you as the Budget Committee are facing and also what we are facing but that should not be a very good excuse. I know you are talking about time but I would recommend Mr. Speaker so that in future before we come to approve the budget and discuss it let the members be given the budget proposal at least three days in advance before the discussion so that we can have adequate input rather than giving it the last minute and then a few comments and then there we support.

Mr. Speaker, Sir, we are a young County all counties are just starting and we are making we are honored to make a foundation and this is very important if you want to construct a House, the most important thing is the foundation and you would agree with me my Honorable members that if we want to make a strong foundation for Siaya County then we have to have it in education and as I have seen the budget, the allocation that is given to the education is so small although somebody would argue that it has been devolved only the ECDE and the polytechnic but this is where we make it wrong in the education sector like you normally see in the education sector whether in the primary or in the secondary, people tend to rush to go and teach and over teach the standard eight because KCPE is just coming, to go and teach and over teach the form fours because KCSE is coming.

This is what we are doing here, by neglecting the ECDE and not giving it what it deserves as a foundation to make us

2013 COUNTY ASSEMBLY OF SIAYA DABATES

improve. So as a young County, I believe that we should give priority in our budgeting to the education particularly the ECDC so that we can give a smooth take off in the education sector and this has not been given adequate attention in the budget.

The other thing that has not been given adequate attention in the budget Mr. Speaker sir, we are talking about ICTC, we are talking about the jubilee, is it the jubilee laptops yet we don't even have electricity in some of this institutions. If they come are those gadgets coming to be installed without being used so I thought electricity particularly in the rural areas ought to have been given adequate attention in this particular budget.

The other observation is that I have also made, we have a very big challenge of youth and employment, I have not seen adequately how it is addressed here in the budget to ensure that the youth is approved to get employed. And I wish that could have been made more pronounced. Mr. Speaker sir the improvement of the infrastructure particularly in the agricultural sector, we are talking of the improving or increasing the production in the agriculture sector what about the marketing? We have very poor infrastructure even from the pictures we have seen vehicles getting stuck and this are perishable products that cannot reach the market.

Mr. Speaker, Sir, I want to say that also the visits by the team what we expected like I can recall very well when they visited my ward, South East Alego, we proposed things like even the educational resource centers, and amendments so I would end by requesting if by supporting this document

with amendments that what was included during your visit can it be included as you look at those proposals made by various wards. Otherwise with the amendments that I have proposed I stand to support the budget. Thank you, Mr. Speaker.

Hon. Speaker: Honorable, Onduru please!

Hon. Onduru: Thank you, Mr. Speaker, Sir, for giving me this opportunity. First and foremost I would to thank the Committee of Finance and the Budget, they did a good job. Thank you very much grouping and considering obviously discussing this issue since we came here, that a ward should at least have something to start with. We have something we are going to start with and we must also consider this is the first budget we are still adding and I think by next year we will be better off than what we are so members please let's support the budget.

I would like to say something which we must look at and be serious with because it will make us look like we are not serious and I support and say I support the budget but if you look at allocation by counties, Alego only is 500 million, if you add Gem and Ugunja and Rarieda they also add to 500 million so and you find these people, this Rarieda, you find if you look at Bondo and Alego is where our bosses, the governor and the deputy are coming from so if the public is looking at this what will they say? Security? set a school? we must look at this. Spread this money so that this sub County get at least maybe a bigger budget because we are sitting at the quarter or in short a big town university but the difference that one sub County takes the three sub counties total

2013 COUNTY ASSEMBLY OF SIAYA DABATES

budget, are we serious? This should be noted.

I am very happy with the tractors, because when we were campaigning, the governor would say tractor, tractor, tractor, he must also satisfy what he told the people and that is fine but a lot of tractors, if you look this paper today page 28 the governor's speech or whatever he stated here he says, he said, high poverty, poor health, food insecurity, problems of Siaya County but then this year if you look at peoples' tracts of land, we have not gone to harvest so even if there is a tractor, it is nothing.

So, me I am thinking we from wards, we wanted at least an irrigation at least to start with even one such that if the rain fails, because you know our places if rain fails we have something to work on and produce something to eat. That is what we want. I am asking amendments one on this preference in sub counties and then something should be done to at least an irrigation I don't understand where it is but at least that should be reflected so that we can be food secure.

Lastly, I don't want to go astray from what we are discussing out of place, we are convinced health, you know that without good health, without good health service, we are doomed. Even if we need a tractor and we are all attacked with diseases nothing would help us and we know this time the president said that maternity will be free. So if we were to go ahead to insisting emergency evacuation what are going to do? Me I suggest that we should at least allocate ambulances for each and every sub County if not a ward. Thank you very much. I support

Hon. Speaker: Honorable Adera

Hon. Adera: Thank you Mr. Speaker sir, I wish to register my disappointment to the budget team. Mr. Speaker, I am surprised with the turn of events, because this process has taken over one month they have been having this document for a long time. Mr. Speaker, the committee has been going round the wards in collecting people's bills. Mr. Speaker what they have come up with today is shocking. I can't see the reason why there is this big disparity if a sub County like Bondo and Alego can be given 542 million against a sub County like Ugunja with 147. Mr. Speaker if I look at the geographical area, the areas I am talking about are more or less the same and I don't see the reason as to why the difference must be this wide.

I am really disappointed and Mr. Speaker I will not be giving my vote on this. Mr. Speaker if it were not for the statutory requirement that this budget will be passed today, then we would reject this budget and return it back to the relevant committee for more deliberations.

Mr. Speaker, you realize that when the Honorable members were talking, some were celebrating and those who were celebrating are the people who have got the lion share. Mr. Speaker for those who do not have the lion's shares are saddened by the turn of events.

Mr. Speaker, the budget is people given exercise, we graduated from the old norm where the executive could sit at a corner draft the budget and bring it to the House. The process is now people to vet. These Honorable members have been going round the wards what have they come up

2013 COUNTY ASSEMBLY OF SIAYA DABATES

with? We have not seen any proposal we have not seen the people's wishes captured in the budget. Mr. Speaker I am saying that I am not registering my vote on this and whether we debate for how many hours, there is nothing that will change the budget has to be passed today it is very unfortunate but that is the law and Mr. Speaker at this juncture I just wish that you put the question we pass the budget or reject it but we have to pass it because of the time limit.

Hon. Odinga: Point of order, Mr. Speaker.

Hon. Speaker: Honorable Odinga you will have your time to reply not now please. Somebody had asked whether or not we can put an amendment and this is the directive from the chair that I would discourage a situation where we want to amend the whole budget because of specific projects. Those amendments we can make by way of motions, if we go the route of amend this name another one amend this name then we will be here for 30 days and still we will call it the same budget.

I want to say that when those motions come, we will commit them to the relevant committees, the committees will discuss with the authorship of the same budget then we will get a report on whether or not those projects should continue. Also to enlighten members is that we have room for supplementary budget pause to think what will happen if we fought here because of projects whose funding is still in the bush we don't have the money yet then when the money does not come we shall be have to discuss. I therefore advise that amendments on this budget be put to pause, we ask the mover of the motion to reply then I put a

question, you decide whether or not to pass it. Honorable Odinga

Hon. Odinga: Thank you Honorable Mr. Speaker sir. I want to start by saying that you even noted that when I was standing up to speak, I was commending the budget team for good work so it means they have done a good work. Number two I believe that we have some two learned friends here in this room. I am exempting you, some learned two friends and they will agree with me that equity is not equality. If I am wrong I stand to be corrected. What I want to say is, if you build a fire station in Siaya at the headquarter of the Siaya County it will definitely be in a ward, it will not hang in air, it will be in a ward. But the fire station and fire equipments will serve the whole County. So that allocation will rise ---of that ward but it will not specifically go to serve only that ward.

Number two, you have heard two members complain bitterly and I wanted to say when honorable Ndonji was here. The members who are complaining that the citizens were not consulted adequately they are the same members who did not mobilize their people until we went to the ground and we had to sit down and meet and do the mobilization ourselves.

We had to sit down and organize for people to come and these are the same people who are criticizing that members were not consulted adequately and even mobilization fee was given to these members. I even said in my statement that I really commend that majority of them in fact if not only two or three but majority of them did a good job and that when we went we

2013 COUNTY ASSEMBLY OF SIAYA DABATES

really interacted with the people and they left it was a free hand that we could interact with the people without their intervention and we came up with issues that were really touching on the residents within the Siaya County.

There was an issue of equal distribution Mr. Speaker sir, As much as even I from my ward where I come from, I would like to get an equal share but what we should understand is the principal of distribution of resources. If you look at the national grant that we get, to Siaya County is not getting same acres as Nairobi County, why? And in terms of development Nairobi is higher than Siaya. So I think members before we make comments, before we act we have to some issues also because the basic principles that are being put up in Revenue Allocations are there, fair and square.

There is another thing that education was not given more consideration and in the report we said that when we went round there was even a place where in South Uyoma residents said that you want to bring us roads, you want to bring us water, you want to bring us education, what we need here most is water then we will be comfortable. When we went for that retreat in Kisumu, I believe that we sat and talked with the members and agreed because initially allocation was not very equal but some would go with 17 million and some would go with as high as 200 million.

we agreed that the basic needs that even if in a ward we have two people, just the same as some wards we say 18 billion people are serving 57, Mr. Speaker, Sir, would you want to say that in a ward where

there are two people they don't need water they need as much as those people who are 57 thousand people also need water. So the problem is the question is, if we agree that these wards do not have the same number of people the same population then this means the allocation of funds cannot be equal because the fact of population should be considered. If you take water to a population where we say where we have 200 people in a village and you leave a population with 4000 people are you fair?

So, Honorable members I know and I believe that if we sit down same way we sat down we will agree that this is the fairest budget the first one in fact in the County the whole country in terms of the County budgets to be prepared.

Another thing that I want to say is that during the proposals there are some members who came with 5 year strategic work plans and it is notable, it is understandable that not everything could be captured in this budget, so what we are saying is that if we need water, education, roads, improvements of markets to tap more resources, improvement of beaches to tap more resources, an environment which cuts across, sports and social services, you will believe me that if this stadia which is in Siaya here holds some sports and social cultural services if it is upgraded then the very small say football teams at all levels will come converge here.

Of course what we know is that definitely the region will be tapping resources because of the people resources but this is not the first and final budget we are preparing, we have the second, third,

2013 COUNTY ASSEMBLY OF SIAYA DABATES

6. John Beylon Pius Omondi -Member
 7. Mr. John Wangach Okere -Member
- Then we had Executive Members

1. Judith Magundho
2. George Muga Odenyo
3. Christine Jennifer Akinyi
4. Dr. Sylvester Adala
5. Eng. Benard Odera Arum
6. Vitalis Olunga
7. Francis Ngesa Okumu

Mr. Speaker, the nominees were invited through an advertisement and they were invited to appear before the committee as from 17th June 2013 upto 19th June 2013. Mr. Speaker, the candidates did appear except for one candidate who failed to appear before the committee but the rest appeared before the committee and I wish to report that we had an interactive session with the candidates. The main issues that the committee was looking at were the procedure which was used to arrive to the names of the candidates, the suitability, chapter six of the constitution among other things.

Mr. Speaker, some of the nominees did provide the required documents as stipulated in law under chapter six of the constitution while some failed and at this juncture I wish to narrow myself to preservations of the committee and I wish to go into particulars, I wish to start with the **Joseph Aketch Donde**.

Honorable Donde appeared before the committee, subjected himself for the vetting as required. Mr. Speaker, he informed the committee that he is a holder of a degree from Wales and degree in Macro-economics, International Economics, Public Policy, Public Finance and Statistics.

He has a Post graduate diploma in Business Management from Greenwich College, London and he is currently the vice chairman, Kenya Medical Training College (KMTC), he is the chairman of Interest Rate Advisory centre, chairman of the Monetary Institution Watch, Director of TDA Trading Company Ltd, has worked as vice chairman of the Board of Trustees – Local Authorities Pension Trust Fund, he was the member of Assembly of Gem constituency between the year 1998 – 2002, he was a Financial Columnist in the Sunday Standard and Columnist in the Leader, he was a partner in Economy Freighters Ltd, self employed Financial Consultant, he was manager, Inexpo Kenya Ltd and sales executive Velco Properties Kenya Ltd. He has worked for Jockey Club of Kenya and honorable Donde did not submit the clearance certificates from the required statutory bodies but he opted to swear an affidavit a declaration which to him was a substitute of the requirements which he was supposed to present before the committee.

Mr. Speaker, the candidate has never been dismissed from the office for contravention of the provisions of Article 75 of the constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Assembly or any commission of Inquiry.

The findings of the committee, the committee considered so many things with the candidate. The findings were that they found that the nominee is unsuitable for appointment to the position which he had been nominated for. The reasons are that, he failed to provide proof of tax compliance, clearance with the police department,

2013 COUNTY ASSEMBLY OF SIAYA DABATES

clearance with CRB, EACC. He provided a certificate of good conduct which had been issued to him in the year 2006. As you know the law requires you have to issue the most current certificate. However he purported to submit these requirements with a statutory declaration as I had said he brought in an affidavit and you know we could not rely on that. Mr. Donde took the committee through his education history but he failed to provide his 1st degree certificate even after he had been given a second chance to provide proof of his academic credentials. His MBA degree certificate from Greenwich College, UK that he presented had not been verified. There was no proof of accreditation with the Commission for Higher Education.

I wish to proceed to the second candidate, **Agnes Atieno Ochieng**. This candidate failed to appear before the committee. She was locked out because the law requires that nominees from the executive must appear before the committee for vetting.

The third candidate was **Ismael Noo Onyango**. The committee having considered his curriculum vitae and heard his oral submissions during the vetting exercise made the following observations that the candidate was in the University of Nairobi awaiting his graduation later in the year, he has a diploma in Business Management, he did present his diploma certificate, he worked for the Kenya Posts and Telecommunications Corporation and its predecessor Telkom Kenya Limited, he is a member of Standing Committee General Assembly, Africa Union of Economics, Social and Cultural Council, Addis Ababa

Ethiopia, he is the chairman, BOG Goibei Mixed Secondary School, Bondo to date, he is a member Synod Anglican Church of Kenya, Diocese of Bondo. He has never been charged in a court of law, has no potential conflict of interest and has fully complied with his tax obligation.

He presented his clearance certificate from the KRA. He has never been dismissed from office for contravention of the provision of Article 75 of the constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Assembly or any Commission of Inquiry.

The findings of the committee were that they found the candidate unsuitable from the constitution, the main reason why the candidate was unsuitable is that he did not provide his Degree Certificate as required by law by the County Government Act if you look at Section 58 sub section 3 (d), which stipulates that a person to be appointed in such position must be a holder of a Degree so maybe you may you ask yourself, okay the candidate we discovered that has gone through education, university education and is just awaiting for his graduation but when his degree is needed maybe that is for the House to decide.

Then we have **Patricia Anne Oluoch**. Patricia did subject herself for vetting, the committee considered her curriculum vitae and heard her oral submissions through the vetting exercise and we made the following observations, she is an ongoing student at the Jomo Kenyatta University of Agriculture and Technology in Human Resource Management, she holds a Master of Business Administration, she

2013 COUNTY ASSEMBLY OF SIAYA DABATES

holds a Master of Arts, she holds a Degree in Bachelor of Education, works at Jaramogi Odinga Oginga University as an employee, works for Kenya Methodist University, she is a distributor with Nairobi Bottlers Limited, was an employee of Imprezza Secondary School, has ever been charged with a court of law and has no potential conflict of interest and has fully complied with tax obligations. She has never been dismissed from office, or for contravention of provisions of article 75 that is Chapter six and the committee made the following verdict;

That the candidate is unsuitable for the position. the main reason maybe you would be asking after going through that pregnant CV why would the committee deny this lady the job, I want to tell the members that we were considering regional balancing, we were considering what the law says, the law says that the governor when appointing or nominating shall consider regional balancing, gender etc you are well aware of that and when appointing we will consider the cultural diversity of the County okay? Of the County.

So, the main reason why we declined is that she revealed by herself that she is a voter in Nairobi and her permanent residence is in Homabay. However, her bio-data purported that she is a resident in Sidindi, Ugunja Constituency. Constitutionally, the appointments are required to demonstrate regional balance in the County and it would be fraudulent and unfair to purport that the sub County of Ugunja has been considered in this balancing by putting obviously a permanent resident of Homabay and pretending that

such appointment has taken into considerations the interest of Ugunja and here we were directed by the provisions of section 35 sub section 2(c). So, the lady was good, but considering her area of residence, we decided to consider the people of Ugunja.

So, we move on to **Florence Oketch**, the committee having considered her curriculum vitae and heard her oral submission during the vetting exercise made the following observations, she is yet to graduate with a degree of BA in Sociology and Political Science from Catholic University, she has also completed her studies but her graduation is due in either July or October, she didn't even produce a letter showing that she is due for graduation.

She also has a Diploma in Physiotherapy from KMTC, Diploma in Community Health, she started Naivasha Physiotherapy Centre before being displaced during the post-election violence. She worked for Mater Hospital, worked for Naivasha Physiotherapy Centre, worked as a community health worker at Chulaimbo Hospital, worked as a supervisor in the Cholera Response Evaluation Project, worked as a supervisor in CBIS project; she understands the roles of the County Service Public Board. On Gender rule she said that she would ensure that the third gender rule will definitely be applied.

She will further go out of her way to ensure women come out to higher positions of leadership. The candidate has never been charged in any court of law and has no potential conflict of interest and has fully complied with her tax obligation. She has never been dismissed from office for

2013 COUNTY ASSEMBLY OF SIAYA DABATES

contravention of the provisions of Article 75 of the constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Assembly or any Commission of Inquiry.

The verdict by the committee, the candidate was found unsuitable for the appointment because of the degree issue. I want members to relax because it is you who have the final verdict, ours is to recommend. The law says you have to appoint a degree holder. So, the reason is that she did not produce her 1st degree as required by law. However, she provided a letter drawn from the University of Registrar that she registered for her 1st degree in 2011 and has finished her course work and would graduate in October 2013 upon approval by the university senate. She fails because of the academic threshold dictated by section 35(3)b, I believe this is County Government Act.

We move on to John Beylon Pius Omondi. The committee having considered his curriculum vitae and heard his oral submission during the vetting exercise interview made the following observations from his C.V that Beylon has a degree in B.A. Education from the University of East Africa Dar es Salaam, he is a P1 Teachers College at Siriba Teachers College, was a tutor at Eregi Teachers College, was a deputy principal at Siriba Teachers College, he was a principal at Kaimosi Teachers College, was a principal at Egoji Teachers College, senior principal at Siriba Diploma Teachers College, was a chief principal of Bondo Teachers College.

He has never been charged in a court of law and has no potential conflict of

interest and has fully complied with his tax obligations. He has never been dismissed from office for contravention of the provisions of Article 75 of the constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report of Assembly or any Commission of Inquiry.

The verdict of the Appointment Committee is that the candidate is found unsuitable because he is a retired public officer earning pension. This is a full time job where he will earn a salary and at the end of it will earn some pension and the law says you cannot earn two pensions. Being a state organ there is a possibility of earning two pensions contrary to the constitution Article 77 (3).

Majorly, however, the committee is of the view that his age is so advanced that he would not import into office the competitiveness and competence required of an organ that is being initiated from, I wish to state that the candidate was about 75 years old and for sure if we have to send a cabinet/executive officer to the US and perhaps he is supposed to meet investors and he is supposed to climb upstairs upto may be 15th floor, then the lights go off/power, how will he do that?

The next candidate was **John Wangach Okere**. He did subject himself for vetting, the committee did consider his curriculum vitae and heard his oral submissions which were considered by the committee. we found that he holds a BSc. (Environmental Health) from Moi University, he has a certificate in HIV/AIDS/Health Planning and Management for Kenya Medical Training

2013 COUNTY ASSEMBLY OF SIAYA DABATES

College, he holds a MSc (Health System Strengthening) from Kenyatta University, he is the deputy programme director – Merlin International, a post he holds to date, he was a senior programme officer – World Vision International, MCH/RH/FP/ Manager (MSH/USAID), he was a technical specialist from January 2011 – February 2011, he was a programme coordinator (Lodwar IPA), he worked for World Vision Kenya International as a project officer. He has never been charged in a court of law, has no potential conflict of interest and has fully complied with his tax obligations.

He has never been dismissed from office for contravention of the provisions of article 75 of the constitution and the committee found the nominee suitable for the appointment because of the following reasons:- He provided all the documents in compliance with chapter 6 of the constitution, has a 1st degree and he is servicing or paying his HELB loan.

He has experience in several organizations in the private sector, by virtue of his age as a youth; the committee is persuaded to overlook the provision of distinguished service of at least 5 years as an affirmative action directed by the youth.

We move to **Judith Magundho**. This is now the executive. The committee considered her curriculum vitae, she also submitted herself for vetting as was required by law and during the oral submissions the committee found out that she did not apply for the job that she was nominated to, we found that she holds a Bachelor of Commerce Degree from the University of Nairobi and she has a certificate in program for Woman Enterprise, she worked with the

Government in 1982 as a Supplies Officer she also worked for the Kenya Power and Lighting for five years as a Senior Supplies Officer.

She worked for United Bible Societies, she ventured into the Business world in 2002 and she runs a school in Nairobi. Judith joined Maendeleo Ya Wanawake in 2003 and in 2006 she was elected the Chair Lady of Maendeleo ya Wanawake, a post she holds to date. She has never been charged in a court of law, has no potential conflict of interest and has fully complied with her tax obligation. Judith has never been dismissed from office for contravention of the provisions of Chapter 75 and the findings of the committee is that the committee found that the nominee unsuitable for appointment, the main reason why the committee found her unsuitable, is that there were two petitions which were presented by way of affidavits against her nomination alleging that she squandered 400,000 shillings from Poverty Eradication Programme for the groups through table banking.

She presents a sworn affidavit in reply and was cross examined the two gentlemen were petitioned were cross examined, the group found that, the committee felt that there was no sufficient evidence to prove the case. However, according to County Government Act section 35 subsection 3(d), the nominee did not demonstrate knowledge, experience and distinguished career for not less than five years you if you look at the section which I have just quoted, you realize that a candidate or a nominee should be put in a place where

2013 COUNTY ASSEMBLY OF SIAYA DABATES

she has knowledge and a distinguished experience in that particular area.

You cannot have experience in Land then you are taken to Health. She also revealed that she did apply and she was interviewed in the Finance and Planning docket and not in the area to which she had been nominated. This justifies the fact that she may not have experience in the docket in which she is nominated and in any event statutorily five years experience was mandatory and not optional.

The second nominee for the executive position was **George Muga Odenyo**. George Muga Odenyo did appear before the panel for vetting as by the law and in his oral submission the committee discovered the following, that he is a holder of MA Environmental Studies from York University Canada, she has a bachelor of Philosophy from the University of Nairobi, holds a BA (Hons) in Economics and Sociology from the University of Nairobi, worked for Ministry of Labor as a Human Resource Planning and Development, he did consultancy in the Prime Minister's Office in the year 2012, he was an executive director of PHD Africa since 2003-2008, he has never been charged in a court of law, has no potential conflict of interest and has fully complied with his tax obligation.

Odenyo has once been dismissed from office for contravention of the provisions of Article 75 of the Constitution which deals with conduct of state officers that are adversely mentioned in any investigatory report and the findings of the committee prior to the candidate found that he was unsuitable. The main reason is that despite having impeccable experience and

would be up to date with the task on close examination he disclosed that he departed from employment by way of dismissal as director of employment Ministry of Labor on Public interest based on allegations of abuse of office.

During our interaction with him, we did discover that he was discharged of his duties by way of dismissal. This was on cruise ship deal that was in the public domain. He attempted to explain his case but since he has not been cleared officially the committee felt that he had a case to answer and that would amount to breach of chapter 6 of the constitution. The foregoing notwithstanding the committee was quite impressed with the experience and knowledge demonstrated by the candidate and it was agreed that whether or not it is confirmed that he is in such breach as to fatally compromise his qualification to take office be left to the authority of the full Assembly.

We move on to **Christine Jennifer Akinyi**. Christine appeared before the vetting committee and she made her oral submission. During the submission the committee discovered that she holds a degree in Bachelor of Education from Egerton University, she got a P1 certificate from Kigali Teachers College, she was a deputy head teacher in Bar kawanga Primary School, she was a teacher at Uloma Primary School, and she runs a business in the name of Cajo Supermarket. She has never been charged in a court of law, has no potential conflict of interest and has fully complied with her tax obligation. Christine has never been dismissed from office for contravention of the provisions of article 75

2013 COUNTY ASSEMBLY OF SIAYA DABATES

of the constitution. And the findings of the committee are, the committee found the nominee to be suitable for the appointment.

The reason being that she has a 1st degree of Bachelor of Education because it is a requirement in the County Government Act though she quit teaching after attaining her degree and concentrated in business. So, you can ask yourselves when does experience start. Is it after getting the degree? She had taught as primary school teacher for a period of 17 years thus has experience as per the requirement. The County Government Act says the holder of the office shall have a degree one, then two it says that she shall have experience of not less than five years, so it still upon the House to decide.

The next candidate was **Dr. Sylvester Adala**, Dr. Adala did appear before the committee for vetting and we considered his CV and during the interactions the committee on appointments we did discover that, he holds a degree in Public Health from the University of Toronto, Canada, he has a degree in Clinical Management and Control of Hansen's Disease from the United States Department of Health and Human Services.

Holds a Bachelor of Medicine and Bachelor of Surgery from University of Nairobi, he is the Senior Assistant Director of Medical Services, he was an Assistant Director of Medical Services, he was a senior Medical Officer in Charge of Alupe Leprosy Hospital and Training Centre, he was a Medical Officer Intern at Kamiti Maximum Prison Hospital, he also runs Segla Cottage Hospital as a private business, he has never been charged in a Court of

Law, has no potential conflict of interest and has fully complied with his tax obligation.

He has never been dismissed from office for contravention of the provisions of Article 75 of the constitution and from the findings. In our own findings we reached a verdict that the candidate is suitable for the appointment because of the fact that he holds 1st degree certificate as per the requirement during the vetting he demonstrated wide experience, attended several seminars and conference and has educated many professionals in his area of expertise. The candidate actually did impress the panel.

The next candidate is **Engineer Benard Odera Arum**, candidate also appeared before the committee for vetting and during the interaction with the committee the committee discovered that he holds a degree in Bachelor of Science in Civil Engineering, he is Computer compliant he can surf, he is the General Manager of ALAB Contractor Company Ltd. Tanzania, he worked for Kitho Civil and Engineering Company Ltd. As an engineering Manager, he worked for CIVO Engineering Ltd.

As a projects Engineer, he also worked for Multiscope Consulting Engineers as Quality Assurance Engineer, he worked for the Ministry of Roads, Public Works and Housing Structural Department, has never been charged in a Court of Law, we didn't find any records and he has never been dismissed from office and the findings or the verdict pressed on him was that the candidate was found to be suitable the appointment because, he holds a 1st degree with wide experience as per the Act, he was

2013 COUNTY ASSEMBLY OF SIAYA DABATES

put to task over some work which was done in Simenya by his company, the work had been given to him by CDF Ugunja and during our interaction with we found that the accusations did not carry any weight, we did a survey to ascertain whether they were facts or not.

We move on to **Vitalis Olunga**, the candidate appeared before the board for vetting and during our interactive session , we found that he holds a PHD in Strategic Management from the University of Nairobi, he has an MBA in Business Administration from the University of Nairobi, he hold a BSc Electrical Engineering from the University of Nairobi, he has worked for GSM Association, he worked for International Telecommunications Union, he runs a Consultancy Firm as a director, has never been charged in a court of law, no records were found and has never been dismissed from office for contravention of the provisions of Article 75 and the committee found the candidate is unsuitable for the appointment because a petitioner presented a complaint by way of a sworn affidavit and was asked by the committee whether he wanted to reply to the affidavit on oath but he declined and the proceedings continued. However he later brought an affidavit in reply after the vetting.

The affidavit stated what while entrusted with public funds as chairman of BOG of Obambo Secondary School; he received money by way of a cheque of Kenya Shillings 20,000. When this was put to him he said he had received Kenya Shillings 100,000. While he was the chair, he was both a lender and was signing cheques to the school. In his affidavit

brought after the vetting he did not deny that he didn't receive the said amount of money. The committee feels that the nominee has demonstrated that his conduct is questionable as per article 73 (i) of the constitution.

In our view the nominee employed money belonging to the school to his own personal use, and as a nominee of Tourism and Wildlife Conservation Docket, he did not demonstrate knowledge and experience in the docket as per the statute. In fact when he was engaged on experience aspect he did say that I had travelled to White House so he wanted us to believe he had experience, he also said that, I can bring Omweri, we felt that he was a joker and that is the main reason why felt that he did not meet the threshold as required.

We move on to **Francis Ngesa Okumu**, I think this is the last. Francis did appear before the appointing committee and considering his curriculum vitae and in his oral submissions we discovered that he holds a MA in Development Economics from William College, USA, he holds a PHD in Economics from the University of Nairobi, he also holds a bachelor of Education in Economics from the University of Nairobi, he is working for Mesrose Consultants Ltd as an Economic and Financial Consultant.

He was a member of the Board of Trustees of the Central Bank of Kenya Pension Fund, he worked for Central Bank as Deputy Director, Supplies and Services Department and Head of Procurement, he was a deputy director, Bank Supervision and Head of Financial Analysis in Central Bank, senior Manager Bank Supervision

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Department Central Bank of Kenya, he was planning officer in the Ministry of Planning and National Development, he has never been charged in a court of law and has no potential conflict of interest and has fully complied with his tax obligation.

The candidate has never been dismissed from office for contravention of the provisions of Chapter Six of the constitution. The verdict of the committee is that the candidate did impress the committee, if at all were vetting candidates then personally I would recommend him and we were even wondering as why he was not nominated as the head. So he was suitable for appointment because one, he is a 1st degree holder as per the requirement and he was quite impressive with wealth of experience in Finance and Trade as required for the portfolio.

In conclusion, the committee recommends the following, that pursuant to Section 179 (2) of the constitution and Standing Order No. 185 (4), the Committee recommends that this House approves the following 13 names, the following 5 names, for appointment by H.E. the Governor as Member of the County Public Service Board and Members of the County Executive Committee respectively. That is five members for the Public Service Board and the committee rejects nine members and recommends that the appointing authority submits the names of other candidates for consideration in accordance with the Provision Section 7(10) of the Public Appointments Act 2011. The names that the committee is considering should be approved are:-

1. John Wangach Okere

2. Christine Jenifer Akinyi
3. Dr. Sylvester Adala
4. Eng. Bernard Odera Arum
5. Francis Ngesa Okumu

And that the House should reject the following names:-

1. Joseph Oketch Donde
2. Agnes Atieno Ochieng'
3. Ishmael Noo Onyango
4. Patricia Anne Aluoch
5. Florence Oketch
6. John Beylon Pius Omondi
7. Judith Magundho
8. George Mugo Odenyo
9. Vitalis Olunga

Mr. Speaker, having gone through that I wish to request that members in your wisdom you have the final say but let us be guided with wisdom. Siaya is still a young County which needs to grow and for it to grow we should give it the best that we can. If you want us to demonstrate to the people of Siaya, then this is your time, this is the opportunity to do that. The people outside there are looking at us with eyebrows and any action that you take in this Assembly there will be consequences. Thank you. I wish to request any member of the committee to second me.

Hon. Speaker: Yes, Honorable Madialo.

Hon. Madialo: Mr. Speaker, Sir, may I second this report as presented to us. Mr. Speaker as the vice chair of the committee has said, we did our work and we were not influenced by any consideration and in spite of that Mr. Speaker the people who were nominated, those people come from our

2013 COUNTY ASSEMBLY OF SIAYA DABATES

constituencies and they come from our wards and it was painful and sometimes difficult making a decision, you are vetting the person that you know and saying two or three cannot get the job.

Let us be aware of the fact that the people of Kenya in their wisdom confide on you under section 80 of the County Government Act that was enacted to operationalise the constitution with the heavy duty of ensuring credibility in the office of the public.

The constitution says that if you are going to go to office, then you better subject yourself to the test of integrity by way of vetting or go to the people and get elected in a free and fair election. If you think you can't be vetted the way we did then go out there and get elected.

The ladies and gentlemen that we were addressing are persons whoand remember our sister and brothers that as we were nominating and approving people, for example from the Public Service Board, people who are going to be tasked to appoint other people on merit and therefore if you start by breaking rules so that merit does not rule, my brothers and sisters that person who has come in without following the rules ...and so we were persuaded to follow the laid down regulations and present to you because as it were at the end of the day your word carries the day.

Hon. Speaker: Thank you so much, honorable members. I put it to you that the committee on vetting urges this Assembly to approve this report. The floor is open for debate. Honorable Fred please.

Hon. Ouda: Thank you, Mr. Speaker, Sir. I thank the committee for the

job well done. But I want to challenge something. Most of these nominees have been brought down because of a degree certificate. I have a nominee here by the name Florence Oketch and look what Florence Oketch was, she is yet to graduate to graduate with a degree of Bachelor Art in Sociology and Political Science from Catholic University of Eastern Africa, has a diploma in physiotherapy from KMTC, has a diploma in Community Health from Premese Africa. She started Naivasha Physiotherapy Centre, she worked for the Mater Hospital, worked for Naivasha Physiotherapy Centre, worked as a community health worker for Chulambo Hospital and that is an NGO, she worked as a supervisor in the Cholera Response Evaluation Project. She worked as a supervisor in CBIS project, she understands the roles of the County Public Service Board that is a committee in the vetting committee. On gender rule she said she will ensure that she will ensure that the third gender rule will definitely be applied.

She will further go out her way to ensure women come out to higher positions of leadership. She has never been charged in a court of law, has no potential conflict of interest and fully complied with her tax obligation. She has never been dismissed from office for contravention of the provisions of article bla bla bla. Now look at the reasons given that she did not produce her 1st degree as required by law and the same committee says that she however she provided a letter drawn and that letter can never be drawn without transcripts of the results of what you have been doing in that university. She has finished her course work

2013 COUNTY ASSEMBLY OF SIAYA DABATES

meaning all her transcripts are there and will graduate October 2013 this year. She failed because of one thing called academic threshold.

Just hold it there. I come to the same report and here I go again. I have another nominee here who now brings the entire conflict interest. This nominee is a young guy of 31 years of age, he has everything and says he is suitable. He provided all documents compliance with chapter six of the constitution. Has a first degree and is servicing his loan, has work experience in several organizations in the private sector. By virtue of his age as a youth, the committee is persuaded to overlook, underline the word OVERLOOK the provision of distinguished service of at least 5 years as an affirmative action, underline the word AFFIRMATIVE directed as a the youth.

I want to tackle my fellow colleagues in this House. If I am a youth of 31 or 33 years of age, applied for a job with another person of 58 years of age, I have all the qualifications in place and the 58 years man has all the qualifications in place, affirmative action therefore directs that since because we are of the same status everywhere then I should be considered in that provision but not to overlook. The committee was persuaded to overlook, underline the word OVERLOOK the experience of 5 years. They overlooked that in the name of affirmative action which is not correct. It is incorrect.

I go to this other nominee, Mr. Joseph Aketch Donde. Everything correct and then the committee says he failed to provide proof of tax compliance which is a

criminal offence if you are not compliant. Donde is around 65 years of age according to me. If he has not been paying his tax by now they would have caught up with him. Has not provided clearance with the police department the same committee says Donde has never been arrested in any court of law.

Hon. Madialo: Mr. Speaker

Hon. Speaker: Let honorable Fred continue!

Hon. Ouda: Thank you Mr. Speaker. Save me. Has not cleared with police department, clearance with CRB, EACC. He provided a certificate of good conduct issued in the year 2006, however this one is wrong he purported, he must have presented an affidavit signed and stamped by an advocate registered in this country who has gone to school for five years, went to Kenya School of Law, approved by the Republic of Kenya to perform his duties like for example my able and lawyer honorable Madialo who sits in this House. His fellow colleague signed that documents in other words he swore oath and everything he says in that oath is a lie the he stands to go to court of law and will be convicted not less than 3 years. He swore because he knew everything he said everything he has is correct and true to the best of his knowledge.

Now, Mr. Speaker, and I put this question before this House and am sorry to say this. If today I pick my honorable His Excellency, the governor of Siaya County and I take them and drive them to Lamu in the same car together with Joe Aketch Donde and I call some citizens just passerby and ask them between these two people who do you know better? They will tell you they

2013 COUNTY ASSEMBLY OF SIAYA DABATES

know Mr. Joe Aketch Donde. This is a man who has written a bill under his name, The Donde Bill, this is a man who has what it takes; this is a man who has what it takes to push this Siaya forward.

The same committee acknowledges that Mr. Donde has an appointment letter received from the president of the Republic of Kenya to be the chairperson of 30 institutions that is Kenya Medical Training College. I don't think in this country you will be appointed chairman of Kenya Medical Training College if you are of bad character, if you are not compliant to tax. Mr. Speaker sir, the recommendations are wanting, they are wanting and I cannot stand here and support that we adopt these recommendations, and if it has to be done, it has to be done with some changes. Thank you, Mr. Speaker.

Hon. Speaker: Thank you so much honorable Fred. May the chair give some directions on this. Unlike the first one, we have a case here where we have the names and when we have to rise and just talk without an action point or to follow we will miss the point. I suggest that because we have here 14 names, if a member feels that we need to import a name from the rejection list to the accepted list then you stand, contribute, the chair will put a question, if members feel we take from a rejected to accepted we do that.

If members feel we take from accepted to rejected we do that. I would imagine somebody like Fred who has talked the way he has done then we would follow with an amendment. We have the name of Florence removed or deleted from rejection list or unsuitability list to suitability list then

I pose a question. If you say we remove the name of honorable Aketch Donde from rejection to acceptance then we will do that. If that is agreeable that is the rule to take. I want to ask honorable Madialo to say something because I think he had something to clarify.

Hon. Madialo: Thank you Mr. Speaker. I intended to point out to honorable Fred. After the name of each candidate what you are reading there is an addition of what is in there CV. So when we say he has never been arrested that is not our word that is what he told us. Our findings are in bold but these others is a reproduction of what was given to us with the CVs, they are not our findings.

Hon. Speaker: Thank you so much honorable Madialo. Yes honorable Agoko.

Hon. Agoko: Thank you so much Mr. Speaker sir. Let me begin by appreciation the Appointment Committee for the job well done. The Appointment Committee made us proud, the Appointment Committee to the best of my opinion; to the best of my understanding they were very objective. I would call upon my fellow committee members, my fellow assemblers to be as objective as the Appointment Committee. I want to suggest going by the sentiments of the speaker who has just spoken before me. I want to say that honorable Donde showed utmost disrespect to the Assembly. The legislature was disrespected by appearing before the board twice and not presenting the requisite documents.

I just imagined what would happen if this man becomes the chairman of the County Public Service Board of Siaya. I am

2013 COUNTY ASSEMBLY OF SIAYA DABATES

imagining the level of his disrespect, the level of humiliation this gentleman will show or demonstrate to the Assembly and Siaya County at large. The proceedings of all these was being recorded by the media, everybody was seeing it all over the County. People were calling us, people were telling us this is wrong and this is bad. As we come here we represent the views of the silent majority of the people who voted for us. They are proud that the gentleman who showed disrespect to the Appointments Committee not be picked. I stand to recommend the passing of so.

Again, Mr. Speaker, Sir, on madam Florence Oketch going by what I gather here, going by the presentations of honorable Fred, I propose that this lady be taken into the board reason being her wealth of experience. Looking at the members of the National Assembly, National Cabinet, the said brothers and sisters who were appointed by President Uhuru Kenyatta, Najib Balala for example has no degree; Kazungu Kambi has no even a form four certificate. I don't want to say that Siaya County be taken back, looking at the wealth of experience madam Florence has, I propose we accept her. Thank you.

Hon. Speaker: I take that as a proposal is there any secondment? Honorable Odhiambo, please!

Hon. Odhiambo: Thank you, Mr. Speaker, Sir. I stand to support that Florence Oketch be included in that list of those who are accepted, reason being she is the only woman that we have here now. We cannot take to the governor just one person. I am requesting our honorable members to accept and we take two nominees to the

governor one being a woman and the other one being a man. The other reason is that she has proved that she can deliver given the places where she has worked; she has a lot of skills. I stand to support.

Hon. Speaker: I don't know but the chair is persuaded that whatever you have you can communicate it by vote because when you say no it will mean you are against it. If you say yes it will mean you support it. Honorable Elisha, what is burning?

Hon. Okuku: Thank you, Mr. Speaker sir. Mr. Speaker we are not here to glorify some of the members. Siaya is not ending today. A number of candidates are subjected because they don't own the degree. We cannot cheat ourselves that Florence Oketch is so instrumental, so useful that Siaya cannot do without her. If she doesn't have degree Mr. Speaker sir, I do concur with the Appointment Committee that we go by the names that they vetted and they brought to the House because what will we do then with Mr. Ismael Onyango Noo who also doesn't have a degree. Therefore Mr. Speaker I can't believe that the good work that the Appointment Committee has done to the people of Siaya want to be washed out by these honorable members because of one reason or the other Mr. Speaker. I stand to support just the list that the Appointment Committee presented to the House but I stand to oppose what honorable Agoko has suggested that Florence Oketch should be incorporated. Thank you.

Hon. Speaker: Honorable Elisha you will realize that where the chair sits all of you have one vote and voice and if we are

2013 COUNTY ASSEMBLY OF SIAYA DABATES

all to contribute the only surest way is to put it to vote. If we don't put it to vote we discuss, 30 people will talk 30 times. We will not leave this place. The committee did these they never had a solution, we made compromises. Please I want to move forward by way of voting. There is one proposal that we amend this report to include Madam Florence Aketch as a member of the County Public Service Board. May as many are of that opinion say Aye

Hon. Members: Aye

Hon. Speaker: And may as many are of that contrary opinion say Nay

Hon. Members: Nay

Hon. Speaker: The speaker has not caught the mood of the House, so we will vote. Can you give honorable Elisha that microphone please? There must be order and there must be a formula. Without a formula we will not get anywhere. I want to hear what honorable Elisha has to say. Give honorable Elisha the microphone please. Yes, honorable Elisha.

Hon. Okuku: I was just telling them that if we have to vote then we will vote for each and every participant who was here?

Hon. Speaker: We will vote as many times as you propose amendments meaning we can vote a maximum of 14 times and we will not fear voting because we are here for voting, debating and voting. If we are afraid of voting this is not the place for us. Please we are voting. May as many as of that opinion of inclusion of Florence Aketch's name in the accepted list say Aye

Hon. Members: Aye

Hon. Speaker: May as many as of that contrary opinion say Nay

Hon. Members: Nay

Hon. Speaker: The speaker cannot get the mood of the House. We are voting. Whatever you have put it in vote. Yes honorable Muhulah.

Hon. Muhulah: Mr. Speaker, I want to request the House for a motion of extension of time to debate Mr. Speaker.

Hon. Speaker: May as many as of the opinion of extension of time say "I"

Hon. Members: "I"

Hon. Speaker: May as many of that contrary opinion say "NAY"

Hon. Members: Silence

Hon. Speaker: The "I"s have it. We will extend. May we have order in the House please? Order everyone. If we have more than 30 votes cast then we will redo it because that will amount to rigging. How many are we?

Hon. Member: We are 29.

Hon. Speaker: Who is absent?

Hon. Member: Honorable Oriaro.

Hon. Speaker: Honorable Oriaro?

Hon. Member: Yes.

Hon. Speaker: Has he sent his vote through SMS? Honorable Agoko, please come and witness the counting. Another person? Honorable Elisha, please come and witness the counting.

(Votes counted)

The results are, the yeses are 16, and the no's are 12, perhaps one person never voted. So we move that amendment that Mrs. Florence Oketch be part of the people that this House has approved. Remember, I

2013 COUNTY ASSEMBLY OF SIAYA DABATES

have a word of advice that the committee report was not the report for the committee. it was a report on behalf of this Assembly. When we include a name or delete a name we must all take responsibility. There will be no time to go out there and say that as a committee we were so professional and rejected this name. We move together or stagnate together that is given. Any contribution please, Honorable Osuri, something has been burning you.

Hon. Osuri: Thank you Mr. Speaker sir. I want to start by commending the Appointment Committee however I have one issue, Christine Jennifer Akinyi. This is one person who quitted teaching during sometime yet she is being recommended in the docket of Education. I don't know whether it is the money issue that is bringing her back to that docket or it is interest because there is that issue of conflict. I don't know whether that was considered. That is my issue with that area.

Hon. Speaker: Honorable Osuri, what does money issue mean?

Hon. Osuri: Maybe, I don't know if she voluntarily quitted teaching either because of the low pay and now that may be she considered that the remuneration that is now attractive that makes her now wants to serve in this docket.

I also wanted to say that this member that was rejected looks so big; I don't know how they came to pass the test during the panel of interviewers such that most of them either passed and when they were asked for the documents at this second phase they could not present them. May be either for some of the dockets I would suspect that some of these people who were

interviewed and qualified for this second phase the other applicants were not perhaps considered. May be in future this can be looked into during the Appointment Committee such that all the applicants, curriculum vitae of all the applicants be availed to them in future. Otherwise thank you, Mr. Speaker.

Hon. Speaker: Honorable Osuri, honorable Osuri, are you therefore proposing?

Hon. Osuri: That if that issue can be considered from suitable to unsuitable.

Hon. Speaker: I want someone to second you then we can give the committee a chance to say something before we put it to vote. Who is seconding? Who is seconding? There being no seconder I think he loses it. I will minimize chances for members of the committee. Honorable Muhulah, please.

Hon. Muhulah: Thank you, Mr. Speaker. Mr. Speaker I want to bring to your attention, this lady Judith Magudho following the report that was read by the vice chair of the Appointment Committee. Mr. Speaker, if I got the vice chair very clearly this lady is a bachelor of commerce holder a degree that is so relevant in management. Mr. Speaker if you look at the background of this lady she has worked for some years. Today the cabinet secretary of the central government of Kenya Mr. James Macharia who was actually my colleague in NIC bank, he is the one heading the health docket Mr. Speaker.

He is going to that docket Mr. Speaker because of his capability in management Mr. Speaker. I really do not see reason that some people came brought in

2013 COUNTY ASSEMBLY OF SIAYA DABATES

a petition and when they were put task they could not verify this petition. Other than that petition Mr. Speaker, the Appointment Committee could not come out very distinctively Mr. Speaker what actually could drop this lady out of the docket of agriculture Mr. Speaker. This lady when you look at her she has a passion to serve this County and this is why she did apply. I do propose that the name of Judith Magudho be transferred to the nominated members of the docket Mr. Speaker. Thank you.

Hon. Speaker: Who is seconding? Give him the mic. Please.

Hon. Owii: Thank you very much, Mr. Speaker, Sir. I stand to recommend the proposal that was made by honorable Muhulah that the name of one Judith Magudho be included in the list of names of those who are cleared by this Assembly because of the following reasons.

Mr. speaker, Sir, just like the honorable Peter had said the truth of the matter is that it was in the interest of the group that were doing interview for these honorable ladies and gentlemen for these portfolios that saw it befitting that she comes to this portfolio/docket. Given her academic credential Mr. Speaker sir I believe that we may look for too long to get a lady that will take that one.

Mr. Speaker, Sir, yesterday I was watching TV in the morning when principal secretaries were being vetted and one of the nominees was by profession an engineer. He had applied for other positions but he was given the position of Vision 2030. And when he was given chance actually he really impressed the entire vetting committee because he said he would not do it for other

departments but when he was given water he could not do it to that level if at all he was not doing planning. So he could still plan and do the programmes of Vision 2030.

This lady I have a feeling the issue of petitioners that was the most key issue but the petitioners as we have been given the report from the vetting team they neither proved their case. She has actually impressed in all these areas that she has actually worked, a lot of experience. The kind of work that we are actually going to do is managerial skills. So I was seeing we take her to the governor as a nominee that we have approved because of this vast experience that she has. We should be considerate for this lady.

I have a feeling that the committee had a feeling for her but the fear was that she was so sincere to them. I saw His Excellency Uhuru giving the cabinet secretaries what he was giving. You could just be given what you had never tried in your life but you accept it. I don't know when one of our ladies, Rachael Omamo has ever been in defence but she is in defence. What is so special about Judith?

Why don't we give her a chance to try? And we are allowed by law; the governor is allowed by law and if we find that they cannot perform we fire them. We have accepted quite a number of people here whom I know that will not even perform but now we have been told that they are the best ...

Hon. Speaker: Honorable Kowii please, I want you to withdraw that for certain you know some people will not even perform? Can you withdraw that statement?

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Owii: I have withdrawn Mr. Speaker. I believe if they are given chance they will perform and that is why I am saying if at all we give Judith a chance she will perform and I want us all to have a soft spot to the ladies. Thank you Mr. Speaker sir.

Hon. Speaker: Thank you. Before I go there I want to give a member of the committee chance to clarify on that matter then we put it to vote. Yes honorable Madialo.

Hon. Madialo: Mr. Speaker sorry for talking too much. Mr. Speaker there is a difference between National Government and County Government.

The National Government does not have legislation that ties the president who to put where but the County Government Act tells the governor who to put where. Yes it is said that this lady is qualified but we agree in section 35 sub section 3(d), I will read, a person may be appointed as a member of the County Executive Committee if that person has knowledge, experience and distinguished career of not less than five years in the field of the portfolio the person is being appointed.

Florence is being taken to the Public Service Board. You don't need specific specializations to sit in the Public Service Boards. Brothers and sisters surely if we went For one candidate then let us amend and include everybody. Surely and if these people went on tomorrow and swear somebody you did not approve, will you cry? Will you say they are wrong?

So, the calculation here my brothers is this yes the National Government the president may appoint anybody to any

portfolio because there is no law telling him to put any specific ...anywhere but you go to the next provision of the constitution the principle secretary must have knowledge or experience. There is no way the personcould have answered the questions of Vision 2030 if he/she has not come into contact with planning. Please as we address this please let us have the scenario and remember the governor must have the cabinet. So let us not have a scenario where we pass people..

Hon. Member: Point of information Mr. Speaker.

Hon. Speaker: Declined. Continue honorable Madialo.

Hon. Madialo: Mr. Speaker, I wish to rest my submissions by saying that what we were doing was not informed by any other considerations other than we were directed by law to take people according to their experience or according to their career and with written law we can't amend it. Thank you, Mr. Speaker.

Hon. Speaker: Then I pose the question. That Mrs. Judith Magudho be one of the people approved in this report. May as many as are of that opinion say "Aye"

Hon. Members: "Aye"

Hon. Speaker: May as many are of that contrary opinion say "NAY"

Hon. Members: "NAY"

Hon. Speaker: The speaker can't catch the mood of the House. Please vote. I know some of you are thinking why don't we just raise hands and count. I am saying I will not allow this House to be a House where people keep grudges. We will go secret for that is the best way to go. Where is honorable Fred?

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Members: Fred has just gone out.

Hon. Speaker: The chair is wondering whether he had proposed an amendment on Donde's name or not. He did, let him come. Members just be patient, the chair is aware that this is more than one seating and we will see how to make a ruling on that.

Hon. Member: We are counting for the NO. one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen.

We are now starting for the YES. One, two, three, four, five, six, seven, eight.

Hon. Speaker: Eight plus fifteen? 23. About seven or six declined. So the No's have it. We move on. Any other proposal/deletion. Yes honorable Ombe.

Hon. Ombee: Thank you Mr. Speaker sir. I raise to support the approval. Mine is to congratulate the committee for the good work done. This is a wonderful document, better than the first one. Please keep it up.

Hon. Speaker: Thank you. Yes honorable Kawour please.

Hon. Awour: Thank you Mr. Speaker sir for this chance. I want to join my colleagues Mr. Speaker to congratulate you and thank you for the good job that you did. I want to say that I am happy with the way we are going. I was a little bit concerned when it was almost 6 but you allowed for the extension of the time and now we can debate until tomorrow in the morning. But my point is that I noticed that there are some areas that you were trying to look for information and some of the people

that you interviewed I want to believe were so free and some told you everything.

I have one issue with one George Odenyo, I saw your report that he was one of the best but he told you something that you suspected that he could not be fit to be in the office though he produced those documents that are required by law. That is the good conduct certificate, which indeed if he was charged in a court of law he could not have gotten it. He brought that letter from the CID which means he was cleared, so my point Mr. Speaker is we ask the House to support the inclusion of that particular person because we also need experienced people. I request the House to support one Mr. George Muga Odenyo to be included in that list. Thank, you, Mr. Speaker.

Hon. Speaker: Any secondment? Yes, honorable Odhiambo Munda.

Hon. Munda: Thank you Mr. Speaker for giving me the chance. I stand to second mnnnythat Mr. Odenyo be included in that list of those who were cleared simply because that day when you were there I was also there as a one of the public and he was very sincere. He told the committee that he was dismissed and the time he was dismissed that is when KANU was KANU. KANU was baba na mama and there is nothing he could do. He had to be dismissed and he was even threatened with death. That is why he chose to keep quiet. So am requesting that his name be included. Thank you.

Hon. Speaker: Yes honorable Omwende. Did you raise your hand?

Hon. Omwende: Thank you Mr. Speaker. First and foremost I have to

2013 COUNTY ASSEMBLY OF SIAYA DABATES

appreciate the Appointment Committee for what they have done. Mr. Speaker I need some guidance. If this is the way I think we are going to loose the focus Mr. Speaker. Because we are now person minded with this thing, we now want every person, it is now a matter that somebody from my ward must be included in the list. We are losing the direction so kindly requesting if possible the question could be, do we go for the list or we should not go for the list? They have not messed up with the list. Every person must in the list. The accepted and the rejected ones. The rejected are now being taken to the accepted. This will now even kill the morale of the Appointment Committee. Thank you, Mr. Speaker.

Hon. Speaker: Honorable members, honorable members. The chair must give everybody a chance and every view an opportunity. Remember the law doesn't say that the approval will be done by the Appointment Committee, the law says that the approval will be done with the Assembly. The view of the Appointment Committee is advisory. You have the final word. We must be prepared to do this as much as we are prepared to get tired. Honorable Booker please before I put it into vote. Honorable Booker!

Hon. Minami: Thank you Mr. Speaker. First of all I want to take this opportunity to thank the Appointment Committee for the work they did in vetting the nominees that were forwarded to them by the governor. Mr. Speaker I also wanted to support the inclusion of George Odenyo.

Mr. Speaker, according to the report given by the vice chair of the Appointment Committee is that Mr. George told the

committee that he was once dismissed. Mr. Speaker apart from being dismissed from the Public Service he was never taken to court so that the allegations that lead to his dismissal could be ascertained by a court of law.

So, Mr. Speaker, his dismissal could either be or could either have come about because of the work he was doing, the people he was working with but not because of the profession of the work that he was given to do. So, Mr. Speaker, I also stand to support that Mr. George be included in the names of those people that have been selected in the post of the Executive Committee. Thank you, Mr. Speaker.

Hon. Speaker: I want to put that to vote that we don't waste more time. That may as many as of the opinion of inclusion of his name in the report as one of the people approved "Aye"

Hon. Members: Aye

Hon. Speaker: And may as many as are of the contrary opinion say "NAY"

Hon. Members: Nay

Hon. Speaker: I can't catch the mood of the House. We will vote. And may be also to remind this committee, I heard the Committee on Appointment say that they will advise the appointing authority on two important things. 1) That if somebody was rejected because he never produced the documents required and there is new evidence to support what led to his dismissal/rejection then we are ready to receive that person again. 2) They said that the Appointing Authority need to consider regional balance as much as possible that when we will be debating the new names we will tie them to the names we have passed so

2013 COUNTY ASSEMBLY OF SIAYA DABATES

that we want to encourage the appointing authority that where may be somebody from a given area was rejected he needs to consider a replacement but that is his discretion. We will advise. Honorable Booker and then honorable Elisha you are permanently here.

An Hon. Member: We are counting NO. One, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen.

YES. One, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve

Hon. Speaker: Twelve plus fifteen. 27. The Nays have it. So we loose on that one. Next! Yes, honorable Willis.

Hon. Ochieng: Thank you Mr. Speaker, I will start to endorse or support Mr. Ismael Noo Onyango following the ruling of the vetting committee, that Mr. Onyango Noo did not provide his degree certificate as required as per the County Government Act. It says that sub section 3(b) However, he persuaded the committee that he is in the process of completion of his degree and he is working on it.

Following the ruling, I don't think that the results of the ruling that he was causing Florence to be out and I think we agree to accept her back but she did not produce her first degree as required by law. However, she provided a letter brought from University registrar that she registered for her first degree in 2011 and has finished her course work and would graduate in October the 2013 upon approval by the University. So, following the two readings, I see as if they fall in the same category and under that connection, I call for the approval of Mr. Ismael Noo Onyango to be considered as the

nominee or as one of the people in the Public Service Board. Otherwise thank you.

Hon. Speaker: Secondment please. Any secondment? You will lose it. The speaker gives the ruling. You are losing it. There being no seconder, you have lost it Honorable Willis. Any other? Honorable Otare, please.

Hon. Otare: Thank you very much Mr. Speaker sir, I just want to arise and say that the appointment committee have done a very good job and I have to appreciate what they have done and even bringing us to somewhere. Honorable Speaker what I can say is that if our appointment committee can also do the vetting without this appointment authority we would have been very far Mr. Speaker. So they have given us a very hard work to this appointment committee so I was just suggesting that next time let us also do the vetting for the appointing authority. Otherwise I do appreciate that job and I say that you have done a very commendable job thank you.

Hon. Speaker: Thank you so much unfortunately it is outside our mandate just like a Honorable member, Honorable Osuri had suggested that in future we need to get a list of all the people who applied for positions, unfortunately it is outside our mandate. Ours is only to look at the people whom have been recommended to us and anchor it on the suitability. Anybody Honorable members? Honorable Ben, yes.

Hon. Omondi: Thank you very much Mr. Speaker sir, and first and foremost I wish to take this opportunity to sincerely salute my fellow members, fellow colleague whom we were with at the appointment committee. To the best of my knowledge, to

2013 COUNTY ASSEMBLY OF SIAYA DABATES

the best of my understanding and to the best of my wisdom we did a quite a wonderful job but I want this one to be taken and let it be history that shall ever be remembered that we have accepted as a House to amend or bend rules to suite particular persons.

I want that to be on record. Personally and to my conviction, the only local document that is allowed in book other than certificate is the transcript. It is so embarrassing, annoying it is a disbelief because when we were doing this things, the fourth estate were there, they watched, they recorded and believingly those who were in support of the document as part of collected responsibility, as members of the committee today, now, are changing their positions.

I want to say that we have started to construct a House but it is so unfortunate that you are putting a very weak foundation that will haunt us for the rest of our four years. I want that one to be on record and if at all press are able to take that let it be there tomorrow that Ben a County Rep for North Ugenya that is my position. Never did I expect this that is happening but all said all done, God is our witness. Thank you.

Hon. Andiego: Thank you Mr. Speaker, I am on my feet just to clarify some few things to the members of this House. I want to let you know that you nominated a committee that is called appointment committee, it came from you and you gave us the mandate to go and vet. After vetting, before vetting you gave us rules and regulations to follow and indeed this are what we used to guide us.

Whatever we brought to you here is through the law, for example there was a rule that we appoint a degree holder that we

appoint somebody who has gone, who is having whatever has passed through Chapter six. I believe you know what Chapter six is and then after all these we bring you the report the report that is brought to you, you will either pass it as a House this report that we bring to you will look at it, go through it and you have power to either accept passing it or reject it and exactly what we are doing here today.

I believe that whatever you have done, maybe by pushing some names into the first list does not interfere with our integrity as a committee. it is within your power and don't go out of this House start saying that we have disciplined them. In our records we have whatever you have read here you know that we failed so and so because he never had, he does not have a degree, he is not a degree holder and that is why we left. We have left him or her because of a report given to us, so next time this our report I believe Mr. Speaker, this same House will use it to verify that did our committee do right job? I want you to have it in your mind as members of this House and thank you very much we appreciate we are still there to do the work and I think that Mr. Speaker it is through your advise that this committee can help the executive to appoint whoever they will need.

Hon. Speaker: Absolute no, we don't have the executive for that advice. Honorable Onduru, please.

Hon. Onduru: I would like to start by saying that the work which was done by the appointment committee is superb if I may use that word. They have done a good job. You know here when you are doing this thing you have a lot of things. It was

2013 COUNTY ASSEMBLY OF SIAYA DABATES

very difficult and I noted you voted people who were coming from your ward. Speaker sir when we were in Kisumu you told us something which you are good, I think that whatever you said you say it and we put in practice.

You said that you pick a time to talk and talk and talk and then you visualize what you have been doing, thank you very much. I am telling you my dear colleagues if you are chewing a sweet thing and you chew it for a long time it will become hopeless, the sweetness goes. We have chewed it enough, the sweetness of this thing is now gone. Mr. Speaker if we can close this by saying that we give you what we have given you

Hon. Omwende: Am I too short, Mr. Speaker, Sir?

Hon. Speaker: Order! Honorable Odinga

Hon. Omwende: Thank you, Mr. Speaker; I think that we have now come with an agreeable list that we must use. I just want to hear it from you or being that the list now the one that we are having I wanted to know on regional balancing purposes, I just want to know those nominees are coming from where because we may propose them and they are coming from even Rarieda and Bondo when in this area is remaining with nothing. So it is very important if possible Mr. Speaker I know the main class where they are coming from. Very important for regional balancing purposes.

Hon. Speaker: Honorable Members, do you think that will help us?

Hon. Members: No!

Hon. Speaker: Because we will not reverse what we have done. We cannot reverse what we have done. What we can

do as we advised is that I want to if you allow me to tax the committee on appointment to have a dialogue with the governor tomorrow and tell him, take him through the list that we have passed, take him through the list that we have rejected and communicate to him the concerns of this House that we will not look at the new list in isolation, we want to marry the new list with the old list so that we have a situation of regional balancing at the end of the day. Where we are heading we will hit a rock.

I advise that this committee tomorrow at 9.00am, you meet here, you look at the list with amendments, then if this House allows you meet the governor and have a dialogue with him on behalf of this House. Because I believe if we had had a dialogue with the governor earlier on we would not be rejecting these names. So that is the route I want us to take. Is there any other member? Honorable Odinga you had something?

Also, just for your information, remember that the Governor has only seven days within which to submit new names here. Meaning that in the next say 14 days or so we will have a chance to have a look at our entire cabinet. Let us not be swayed to look at this cabinet in a skewed manner of the people that have been passed today. That one will lose the point. Just like how many people they are about four members who have not been given to us by the governor so we expect there will be regional balancing. Yes, Honorable Odinga!

Hon. Odinga: Thank you very much, Mr. Speaker, Sir, and mine is just a piece of advice that it is true that the committee did a good job and that in the last page of page 35,

2013 COUNTY ASSEMBLY OF SIAYA DABATES

when giving the five lists of those who passed the test there was no clear distinction of who is under the Public Service Board and who is under the executive, it was just. And I could even realize that when the vice chair was going through; he could not state who is under the Public Service and who was under the executive. So for much appropriatory in future it would be better you can say if there are two people nominated for Public Service then it should be indicated clearly in your last recommendations.

Then number two I want to say Mr. Speaker, that reading I know the chair doesn't see, the chair doesn't hear unless his tone reading from the rule of the people. I think the list has been adopted with those few amendments of course you will seek guideline and also it is believed that if the governor so wishes that the names of those rejected we can still bring them back to the committee we may be convinced in the job, the affidavit or even the statements from him then they can be reconsidered we sit here to argue on this it will take the whole time so I think Honorable Mr. Speaker, Sir, that we may agree

Hon. Speaker: Honorable Ndonji, please

Hon. Ndonji: Thank you Mr. Speaker sir, first I want to say, I want to commend the appointment committee. When the appointment committee was being constituted, we gave them the mandate of vetting the nominees, they have done the job very well, because we entrusted them and we were sure that they will follow the mandate. Of the list that has come, I have to feed in that this people are working out of their conscience, and there was no malice

against anybody who was left in this list and I tend to feel that there was no favoritism for any person who made the list. I only want to say that in case the list is taken to the executive, are the names that in my talking the names that have been rejected today come back to the list, there has to be a very good reason because you only have to do what is being done at the National Assembly whereby a list is rejected, then the next day the same people are accepted.

I also want to say the whole thing to the executive that in case the House rejects this people, the executive should not do what we are seeing in other places that these people get sworn in, despite the fact that they have been rejected by the House. Because this will be a trend that might bring Siaya down and I think that when we were at Kisumu, I stated clearly that if you start on a wrong footing then you will bring down Siaya.

Siaya as a County is in the focus of the National Government and of the world and I am very sure that the enemies of devolution would like to see Siaya being the first County to fall down and be taken to the Central Government and they want to tell all Honorable members that if you support anything that will bring Siaya County down as a government we are all going home. So let us do what we think is best for the County for the development of the County and for the people of Siaya County. So I want to say that I have so much confidence in the job that was done by the committee and I want to support the document and employ the amendments that were made today. Thank you, Mr. Speaker, Sir.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Speaker: Thank you, before I give Honorable Otieno the mic or the chance to talk, I want also to further advise because I can read the mood that we further advise the appointing authority not to go ahead and publish these names until we get the full phase of the executive and the Board reason being that we don't want people to start saying that we are represented and we are not represented, that would help us. Again you look at the constitution of the board, you are talking of a board of seven people and this Assembly has only approved two, meaning that that board is not numerically fit to stand. So we hope that this will just be the first phase of his list when he brings the other list we work on it and then we have a full picture of the nominees and thoroughly appointed. Thank you. Somebody had something? Yes, Honorable Otieno.

Hon. Otieno: Thank you Mr. Speaker sir I rise to give the contribution that looking at the mood of the House, the

Hon. Speaker: Granted. Honorable Kadera please reply.

Hon. Adera: Thank you Mr. Speaker once more, I wish to thank the members for their generous contributions towards the two motions that we have laid on this table. Mr. Speaker I wish to make my short response because I know time is of essence and I wish to state that I am quite and I know it is the right of this House to debate and make amendments and even give their final verdict on a report that has come from the committee.

I am quite disappointed with the way they have exhibited this right because Mr. Speaker I could see people using toothpick to look at the list and say that oh! This one is from my ward, this one must be placed.

That is a bad precedence that we are setting in this House and it will haunt us in future.

I wish to say that the committee did quite an impressive job, we interacted with the nominees and even if you are asked today whoever was not there you may not know the kind of people whom we engaged with. I tell you some were very arrogant and some are just supporting simply because they want to talk in the House but you have not met the characters of the people you are talking about. On the issue of degree, personally as a lawyer I cannot compromise the issue. I know we have made the necessary arrangements, but I want to tell you that I cannot bend the law that we have set in place. So it is a bad precedence to us. I am not saying that we reverse it, it has already been amended, and I want to tell you that a letter from the University cannot act as a degree. A degree is only a degree after the Chancellor of a university confers on you the powers to read and write. I am..... it can never be a letter can never be a substitute of a degree.

On the issue of adjournment, I wish to say that this committee was lenient enough in fact we decided to bend the law in order to suite even the character or the personality of an individual although Honorable Donde saw well and going by the advert that we had put in the paper, this is a statutory requirement that after the governor sends, the executive sends the list of the nominees to the Assembly we have to take a certain period about seven days to notify the nominees and the general public.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Then they have to pick the form, the questionnaire which they have to fill and the law stated clearly that it was supposed to be returned by Friday 2.00 pm. And I know Honorable Donde is somebody just the way the Honorable member of is somebody who reads newspapers and if he doesn't then I am sure somebody must have informed him that this is the requirement which has been put in the advert by the County Assembly. I want to inform this House that Honorable Donde did pick the questionnaire I don't know when but he picked the questionnaire and he never returned it as required. Even when we were vetting he failed the vetting code without any document in fact he had a photocopy of his ID and a Clearance Certificate from the CID dated 2006 and this is somebody who had read the newspaper he knew very well that they were required and he did nothing about, it in fact he told us that when this one was ongoing, I decided, I had gone to Lamu, went to Voi to train some people there. You cannot take the business of this House lightly, this is an Assembly constituted by law and the business of this House must be taken very seriously.

Honorable Madialo will tell you that one principal of Equity says that he who comes from equity must do equity. What did he do? He saw the advert, he stepped on it in fact I am sure perhaps he was saying "this children want me to go before them to fill this form, I cannot. Perhaps that is what he said. So we did what any reasonable man or woman would do. In response to the issue of Okore, I wish to say that Okore being a youth, he complied with everything that was needed, the degree, and the clearance in fact,

he was the first person to comply. The only problem that we had with Okore was the experience issue and being a youth you know the law says that there must be a youth there but being a youth, even if we interview a hundred people we may not get a youth who fits that job even if we were to reinterview in a hundred days because a youth is somebody who has probably just come from college maybe about three or four or five years ago. We considered that but we were guided by principals and we also shared our reason.

I wish to say that the committee has done its part and the Assembly is now doing its part and I can assure you that the public is seeing what you are doing and you will be judged with your actions. Every action taken by you it will follow you, but I want to request that we do pass the list as it has been amended. I know time is moving and perhaps won't want to talk much. Thank you.

Hon. Speaker: Thank you so much Honorable Kadera and then I put the question to you, that this House adopts the committee report with amendments that have been put in place. May as many as of for that opinion say "Aye"

Hon. Members: "Aye"

Hon. Speaker: And may as many as of the contrary opinion say "NAY" The "Aye"s have it, thank you.

So, finally Honorable members I want to say that the chair is aware that we have sat here not for one session but about three sessions, so the secretariat will do the needful and you

2013 COUNTY ASSEMBLY OF SIAYA DABATES

comply, you know what I am talking about. Secondly I want to say that we will adjourn until you get communication, earlier we had said that we want to have the appropriation bill introduced on Monday the 24th, we are still waiting for the bill it needs to come from the executive but as a matter of law we must do it before the 26th and this House should be going somewhere on the 26th for a workshop you will be communicated for that information as soon as possible.

For the Appointments Committee, let us meet tomorrow here at nine. With the Health Committee we said 25th and other members who are going to Nairobi for an Agricultural Activity we wish you all the best. Thank you so much.

REPUBLIC OF KENYA

SIAYACOUNTY ASSEMBLY

THE HANSARD

First County Assembly-First Session

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

Tuesday, 16th July, 2013

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

PRAYER

Hon. Adera: ---Of 2012 the appointments act and the Public Ethics Act before reaching the conclusions or making the decisions. Mr. Speaker, I wish to categorically say that the members of this committee did a wonderful job and I believe the House or this Assembly will appreciate that the report that they are giving this House today is a thoroughly....document and as an Assembly, they also have the mandate to go through it and if they feel we included or omitted anything, it is their mandate now to go through the same and make any amendments which they feel

important, which they feel too. I wish to say that there are several names which were brought before this House for consideration and I will go through the names.

The Chairman that had been proposed for this position, Joseph Aketch Donde had been proposed for this position, Charles Otieno Rading', had been proposed for Secretary Public Service Board, Ismael Noo Onyango had been proposed as a member, Nicholas Kut Ochogo had been proposed as a member, and Rosemary Atieno Okumu had been proposed as a member and Philgona Atieno

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Ooko. Then we have Ezekiel Omwombo Abang' who had been proposed or nominated for the position of County Executive member in the Docket of Lands Physical Planning Survey and Housing, Stephen Aluoch Kopot had been nominated for the County Executive member holding Public Administration and Governance, Cleophas Okoth Ombogo had been nominated for the docket of Finance, Planning and Vision 2030, Salome Sarah Ondego had been nominated for the docket of Water and Irrigation and finally Vitalis Olunga had been nominated for the docket of Tourism Conservation, Wildlife and Information.

Mr. Speaker the Committee did make some findings in its sittings, there were about 8 sittings where we invited the nominees. All of them appeared before the committee, about nine were vetted, and three we did not vet. The reason being that they had been vetted earlier I think between 17th June and 19th June 2013. So the committee decided to use the records of their earlier vetting and perhaps advise the nominees to forward or submit any documentation that were missing or which they feel could help in justifying them.

Mr. Speaker, in consideration of the committee while vetting we were considering various things I have already stated that we looked at the Constitution of Kenya, we looked at the Public Appointments Act 2011, we looked at the County Government Act 2012, we looked at the Public Ethics Act and the same statics do .provide for procedures and even qualifications which a member or nominee

should meet before he/she is approved in the various dockets. And some of them were academic qualifications, employment records, professional affiliations, potential conflict of interest, knowledge of the relevant subject, overall suitability for the position, tax compliance, integrity which is under Chapter six of the Constitution. And during our sittings which we held 12th and 13th of July this year at Siaya Agricultural Training Center the committee orally interviewed eight nominees and eight nominees, there were nine nominees for the Public Service Board and the Executive Committee and I already stated that we did not vet three of the nominees who had been presented to us I have already given the reason why we did not do that.

Mr. Speaker, some of the documents that we required I think when we were vetting were the Copy of ID or passport, Curriculum Vitae, copy of the degree certificate, Compliance Certificate from KRA, Clearance Certificate from Higher Education Loans Board and Duly filled self declaration form of Leadership and Integrity, valid certificate of good conduct from the CID, Clearance from Credit Reference Bureau and an accreditation from The Commission of Higher Education it is upon the candidate to obtain his/her degree abroad because we need to approve by the universities recognized by the Commission of Higher Education (HELB).

We interviewed various candidates and interacted with them some, Mr. Speaker some of the candidates did not provide the documents as stated because we had put them in the advert while

2013 COUNTY ASSEMBLY OF SIAYA DABATES

some provided all the documents required and during the interaction with them, we discovered that some documents were missing from and they did not come with some of the things that were required and your Honor if you look at the integrity under Chapter Six of the constitution, it is the document that could guide us or could help us ascertain if at all somebody has been complying with his tax obligation or has not been proven with anybody or body or organization. We cannot ascertain that if maybe the KRA does not clear you so for us to know that you actually comply or you are a tax complier then it is mandatory that you give prove maybe by providing the Certificate of Compliance from the tax or from KRA.

Mr. Speaker, section 80 of the constitution states that parliament shall enact legislation and establishing procedures and mechanisms for the effective administration of Chapter Six. So if you look at the various Acts or statutes that I had mentioned earlier, they could give us, they do give us procedures or mechanisms of dealing with the same. Like the Public Ethics Act states clearly that if you want to know whether the person has been complying or has got no problem with the, has not been evading tax, then the person should provide the Clearance Certificate from KRA. So that is covered in Chapter Six of the Constitution. Mr. Speaker having interacted with the various candidates, we made the following observations for various candidates.

The committee, the first one is **Joseph Aketch Donde** who had been nominated as the Chair of the Board,

the committee taking into consideration its findings based on its previous interaction with nominee, and considering the documents brought later as aforementioned observed the following:- that the candidate submitted a copy of his ID, he brought KRA clearance certificate, he brought a Clearance from HELB, he brought a Clearance from Ethics And Anti Corruption Commission, he also brought a certificate of Good Conduct and also a Clearance from CRB. However, this same candidate did not submit an accreditation by the Commission for Higher Education in authentication of his academic certificates and more specifically for his degree mentioned he obtained abroad.

So, it was not easy for us to know whether the Commission of Higher Education recognizes the university where this candidate obtained his degree. And in conclusion of his part, the candidate failed to submit an accreditation by the Commission of Higher Education this is the third time, the committee observed that this is the third time that this committee was asking for the same document and the committee finds that without the accreditation, the candidate is found to be unsuitable.

Mr. Speaker our second nominee is **Charles Otieno Rading'**, the committee having considered his curriculum vitae and heard his oral submission during the vetting exercise observed the following:- that from the interaction that we had with him, he has an MBA in Strategic Management from the University of Nairobi, he is a CPS holder, Certified Public Secretary from Strathmore

2013 COUNTY ASSEMBLY OF SIAYA DABATES

University, he has a certificate in Guidance and Counseling from the University of Nairobi, the candidate has a Post Graduate diploma in Personnel Management and Industrial Relations from the University of Nairobi, he also has a Bachelor of Education in Arts from Kenyatta University, he was a teacher at St. Francis Rang'ala Girls' Secondary School for 7 years.

He was the head of Department at St. Paul, Sigomere Secondary School for over 5 years, he was a principal teacher at Tingare Secondary School for 3 years, Assistant Director of Training in the Ministry of Youth Affairs and Sports, he is currently the Interim Clerk of County Assembly of Lamu and in support of his case, he submitted the following:- a copy of his ID Card, Curriculum Vitae, Compliance Certificate from KRA, Clearance Certificate from Higher Education Loans Board, List of members of Good Standing from ICPSK, Certificate of good conduct from CID, Clearance from Credit Reference Bureau and Dully filled and signed vetting questionnaire. In our conclusion, the committee found the nominee suitable because he meets the academic requirements he submitted all the required documents. He has academic qualifications as provided for in the law; remember the law says that he must have a degree and he produced the same. And he is a Certified Public Secretary and he has the required five year experience in Public Service. Over five year experience actually. So the candidate was found to be suitable.

The third nominee is **Ismael Noo Onyango**, Mr. Speaker, Ismael Noo Onyango also did appear before the

committee in the first vetting and we didn't find it fit to rivet him. Because we believe the information he had given us in the first vetting was adequate and what he was required of was mainly to provide documents that were missing during the first vetting. Noo provided a letter from the University of Nairobi, School of Business stating that he has finished both his course work and final project and he is expected to graduate in December 2013. That was the letter that he produced is the one that is stated there that he is expected to graduate later in the year 2013. And as we had discussed earlier in our first debate, I don't know when the degree is a degree.

In my own opinion, a degree is only a degree when the Vice Chancellor or the Chancellor of a University confers on one the powers to read and write and not trespassing. So a letter cannot be a substitute for a degree. So in the conclusion, the committee stated this, that the mandatory requirement is the degree and which the candidate failed to provide, however, he provided a letter from the University of Nairobi indicating that the candidate is expected to graduate in the course of this year. The committee however categorically stated that the same does not amount to a degree. He is therefore unsuitable. Remember this candidate was coming to the Assembly for the second time.

Our next nominee is **Nicholas Kut Ochogo**, the committee having considered his curriculum vitae and heard his oral submission during the vetting exercise made the following observations that he is a doctor of Philosophy in

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Education, he has Masters of Education (Educational Administration and Planning), he has Bachelor of Education (Arts) degree from the University of Nairobi, he has a Diploma in Education from Kagumo Teachers College, he has worked as a Teacher in Koru Girls' High School, worked as a Senior Administrative Assistant, College of Education and External Studies in the University of Nairobi, he is working as an Assistant Registrar, Central Administration Academic Division in the University of Nairobi.

In his support, in support of his case, he submitted a copy of his ID, Curriculum Vitae, Compliance Certificate from KRA, and Clearance Certificate from Higher Education Loans Board, Duly filled self declaration form on Leadership and Integrity, Certificate of good conduct, Clearance from Credit Reference Bureau and dully signed vetting questionnaire. In conclusion, the committee found the nominee suitable on the following grounds:- that he provided all the relevant documents as required by law, that he has the academic qualification as exhibited by his Curriculum Vitae and during his oral submissions he stated the same, he has the required experience of over 5 years relevant to the portfolio he was nominated for, he meets the threshold as exhibited by various clearance certificates from Kenya Revenue Authority, Credit Reference Bureau, Higher Education Loans Board and the Police.

The next nominee is **Rosemary Atieno Akumu**, the committee having considered her curriculum vitae and heard her oral submission during the vetting exercise made the following observations

that, she has a Diploma in Development Administration from the University of Birmingham, UK, she has a Bachelor of Law degree from the University of Nairobi, she attended the Kenya School of Law in 1978, she did her East African Certificate of Education at Ngiya Girls' High School, she attended Moi Girls' High School in Form I and II, she worked as Deputy State Counsel (Public Prosecutions Department in 2007, she was a Town Clerk in the Municipal Council of Migori in the year 1999 to 2001, Rosemary also worked as a Town Clerk in the Municipal Council of Siaya in the year 1996 and 1999, she worked as a Deputy Town Clerk in the Municipal Council of Kitale between 1993 and 1995.

Rosemary, in support of her case, submitted the following: copy of her ID card, Curriculum Vitae, and Clearance Certificate from Higher Education Loans Board, Duly filled self declaration form on Leadership and Integrity, Certificate of good conduct from CID, Clearance from Respective Professional Bodies, Clearance from Credit Reference Bureau and duly signed vetting questionnaire form. She did not submit clearance certificate from KRA however she sent by email an unsigned affidavit submitting her correspondence with KRA. This candidate did, we gave her a go to maybe send us her documents because she had stated that she was making a follow up with KRA so that she could be cleared. So we told her that if she could maybe send us the KRA Clearance Certificate by Saturday noon or Sunday then we will consider the same.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

By the time we were compiling this report, she had not send any instead she sent an affidavit through email stating that, maybe I don't want to go through the affidavit because you know unsigned document is admissible so we cannot discuss the contents of the same, it was never commissioned and never signed, it had no date so for us we could not use it in this case. So in conclusion, the candidate did not submit any clearance certificate from Kenya Revenue Authority and as such has not been cleared by the same body.

She, however, submitted an unsigned affidavit which had not been commissioned. She also promised to bring evidence from Kenya Revenue Authority indicating that she has complied with her tax obligations by 15th July 2013 by noon but by the time of writing this report that Chairman I have already stated. The decision of the committee is that the candidate is unsuitable due to the fact that we have discussed.

The next nominee is **Philgona Atieno Ooko**, the committee having considered her curriculum vitae and heard her oral submission during the vetting made the following observations:- that Philgona has a Master of Science Degree in Agriculture, Education and Extension, she has a BSc. Degree in Agriculture and Home, she attended Mukumu Girls' High School for her A levels and Kerugoya Girls' High School for O levels, she is the Interim County Coordinator Agriculture Sector Development Programme in Kericho County, she worked as a part time lecturer at Egerton University between April 2012

and December 2012, she was deployed with the Ministry of Agriculture as a District Agriculture Officer Nakuru North District from year 2007 to 2012.

In support of her case, she submitted the following, a copy of her ID Card, a Curriculum Vitae, Compliance Certificate from KRA, Clearance Certificate from Higher Education Loans Board, Duly filled self declaration form on Leadership and Integrity, Certificate of good conduct from CID, Clearance from Credit Reference Bureau which she also submitted later we gave her a go to bring the same and well before we compiled the report, as we were writing the report she brought in the same and duly signed vetting questionnaire.

In conclusion, she provided all the required documents as stated in the law or as provided for under the statutes, the candidate had the academic qualifications as exhibited by the Curriculum Vitae and copies of her academic documents and oral submissions, the candidate has the relevant training, knowledge and experience in the portfolio nominated for, she passed the integrity test as provided for under Chapter Six of the constitution by providing all the relevant clearance documents from KRA, Police, Higher Education Loans Board and Credit Reference Bureau, she has the required experience in the relevant portfolio of over 5 years as required by law. The committee found the candidate suitable.

The next candidate is **Ezekiel Omwombo Abang'**, the committee having considered his documents or curriculum vitae and heard his oral submission during the vetting exercise,

2013 COUNTY ASSEMBLY OF SIAYA DABATES

made the following observations:- that Ezekiel holds a degree in Law from the University of Nairobi, Ezekiel went to the Kenya school of Law and passed his examination, he attended Maranda High School for his O levels and Alliance High School for his A levels, he worked as a District Officer in Tana River and Lamu Districts in Coast Province, he has worked as a District Magistrate in Lamu, worked as an Assistant Secretary in the Ministry of Agriculture, he has worked as the Treasury Assistant Secretary in the Ministry of Finance, Ezekiel was the secretary of Kenya Law Reforms Commission.

He submitted the following documents; a copy of his ID card, Curriculum Vitae, Compliance Certificate from KRA, Clearance Certificate from Higher Education Loans Board, Duly filled declaration form on Leadership and Integrity, Certificate of good conduct from CID, Clearance from Respective Professional Bodies, Clearance from Credit Reference Bureau and duly signed vetting questionnaire.

In conclusion, Ezekiel provided all the relevant or required documents as provided for in law, he had the academic qualifications as exhibited by his Curriculum Vitae and copies of his academic documents and oral submissions, Ezekiel has the relevant training, knowledge and experience in the portfolio he was nominated for, he passed the integrity test as provided for under Chapter Six of the constitution by providing all the relevant clearance documents that includes KRA, Certificate of good conduct, HELB and Credit Reference Bureau. He has the

required experience in the relevant portfolio of over 5 years as required by law, he convinced the Committee that his background in Law coupled with his vast experience in Public Service in the various Ministries in which he served including Lands, Physical Planning, Survey and Housing was enough for him to handle the docket he was nominated for. Ezekiel was found by the committee to be suitable.

The next candidate or nominee is **Stephen Aluoch Kopot**, the committee having considered his curriculum vitae and heard his oral submission during the vetting exercise made the following observations:- that he submitted a letter from the University of Nairobi showing that he was student in the Faculty of Law, he did not provide a Degree Certificate but there was a letter showing the same and in his submissions, he explained to the committee why he did not have the same, it got lost and normally the universities give letters so that was a reason enough. He attended St. Mary's School Yala for his O levels and Maseno High Schools for his A levels. He worked with Brooke Bond Kenya Limited as an Assistant Company Secretary and Legal Officer in the year 1997 and 1998, he was an associate and junior partner in Cheboiwo and Kasamani advocates that is in Kisumu, he is the proprietor of Kopot & Company Advocates, that is a law firm based in Kisumu, he is the secretary of the Law Society of Kenya, West Kenya precisely.

In his support, he submitted a copy of his ID card, his curriculum Vitae; he also submitted a receipt for payment of police clearance certificate. He did not provide a Clearance certificate or

2013 COUNTY ASSEMBLY OF SIAYA DABATES

the Clearance of good conduct at that particular time but he provided the receipt meaning that he had already subjected himself to be investigated by the police so that we can know his characters. He had a Clearance Certificate from Higher Education Loan Board, Duly filled self declaration form on Leadership and Integrity, Practicing certificate for year 2000-2013, a letter from University of Nairobi confirming that he was a student in the Faculty of Law and graduated in 1994 with a Bachelor of Law degree, Clearance from CRB and duly signed vetting questionnaire.

He has not however submitted a clearance from KRA and he said he sent a letter confirming, he sent a letter explaining that he was engaging the KRA guys to see if he can be cleared. So in our conclusion as a committee, we noted that the candidate did not submit any clearance certificate from Kenya Revenue Authority and as such has not been cleared by the same body. He however submitted an unsigned affidavit which had not been commissioned. The candidate promised to bring evidence from Kenya Revenue Authority indicating that he has complied with his tax obligations however just as in the case of Rosemary just as we were compiling the report we did not receive any clearance certificate from KRA and in conclusion, the candidate was found to be unsuitable.

Our next nominee is **Cleophas Okoth Ombogo**, the committee having considered his curriculum vitae and during the interactive session with the nominee we observed the following:- that he holds a Bachelor of Commerce degree in

Accounting from the University of Nairobi, he went to Thika High School for his A level and Sawagongo High School for his O level, he is a holder of CPA part II, he worked as an Assistant Auditor in the office of Controller and Auditor General between the years 1979 and 1981.

He worked as an Assistant Auditor, Kenya Tea Development Authority in the year 1981 and 1982, worked as an internal Auditor with Muhoroni Sugar Company Limited also worked as the Chief Accountant in the same company. In support of his case he submitted a copy of his ID Card, Curriculum Vitae, Compliance Certificate from KRA, Clearance Certificate from Higher Education Loans Board, Clearance certificate from Ethics And Anti Corruption Commission, certificate of good conduct from CID, clearance from Credit Reference Bureau and duly filled vetting questionnaire.

In conclusion, he provided all the required documents, and had the academic qualifications as exhibited by his Curriculum Vitae and copies of his academic documents and oral submissions, he has the relevant training, knowledge and experience in the portfolio nominated for, he passed the integrity test as provided for under Chapter Six of the constitution by providing all the relevant clearance documents from Kenya Revenue Authority, Police, Higher Education Loans Board and Credit Reference Bureau, he has the required experience in the relevant portfolio of over 5 years. The committee found the candidate certificate suitable.

Our next nominee is **Salome Sarah Ondego**, the committee

2013 COUNTY ASSEMBLY OF SIAYA DABATES

having considered her curriculum vitae and heard her oral submission during the vetting exercise observed that Salome holds a Masters Degree in Business Administration from the United States International University, Nairobi, she has a Bachelor of Science degree from the University of Nairobi, Salome went to Japan for 3 months in a Lake Water Quality Management Course, she is a Director of Geno Community Development initiative which is a local NGO based in Bondo District, Salome was the Head of Drinking Water Quality Surveillance Section in the Ministry of Water and Irrigation between the years 1998 and 2003, she was the Head of Raw and Portable Water Laboratory Unit in the Ministry of Agriculture between the years 1993 and 1997, she taught Chemistry at Dagoreti Boys High School Nairobi that is in August 1985. And in support of her case she submitted a copy of her ID Card, Curriculum Vitae, Compliance Certificate from KRA, Clearance Certificate from higher Education Loans Board, Clearance certificate from Ethics and Anti Corruption Commission, Certificate from of good conduct from CID, Clearance from Credit Reference Bureau.

In conclusion, the nominee provided all the required documents, the nominee had the academic qualifications as exhibited by her Curriculum Vitae and copies of her academic documents and oral submissions, she has the relevant training, knowledge and experience in the portfolio which she was nominated for and she passed the integrity test as provided for under Chapter Six of the constitution by providing all the documents

we had asked for. She has the required experience in the relevant portfolio of water, she has experience of over 5 years as required by law and the committee found her to be suitable.

Our last nominee is **Vitalis Olunga**, the committee taking into consideration its findings based on its previous interaction with the nominee and considering the documents brought later as hereto aforementioned the committee observed that this is one of the nominees who had been earlier vetted and his name was resubmitted back to the Assembly so the committee did not find it necessary to rivet him but instead advised him to submit any relevant documents that perhaps were missing or made him not suitable or any information that could maybe make him suitable this time. The committee observed that he has submitted a supplementary affidavit in response to a statutory declaration by Joseph Owino Odhiambo dated 16th June 2013 and he has not submitted CRB Clearance.

In conclusion, the committee taking into consideration its findings based on the previous interaction with the candidate, and considering the documents brought later as hereto aforementioned observed that he has submitted a supplementary affidavit in response to, in response to the affidavit which he had earlier brought in court, and he has not submitted a Clearance from KRA, the candidate has failed to clear his name against allegations which had been leveled against him through an affidavit from the public in relation to impropriety. And the

2013 COUNTY ASSEMBLY OF SIAYA DABATES

committee considered the above and found the candidate unsuitable.

Mr. Speaker, the committee recommended, made the following recommendations, that pursuant to Article 179 (2)(b) of the Constitution of Kenya 2010, Section 58(1) of the County Government Act 2012 and Standing Order No. 185 (4), the Committee recommends the following:- that this House approves six nominees for appointment by His Excellency the Governor as members of the County Public Service Board and members of the County Executive Committee respectively:-

The first being Charles Otieno Rading', nominee for Secretary County Public Service Board, number two Nicholas Kut Ochogo, nominee for member, County Service Public Board, number three Philgona Atieno Ooko nominee for County Executive member in the docket of Agriculture, Livestock and Cooperative Development, number four Salome Sarah Ondego, nominee for County Executive member Water and Irrigation, number five Cleophas Okoth Ombogo nominee for County Executive member Finance, Planning and Vision 2030, Ezekiel Omwombo Abang' nominee for County Executive member Land, Planning, Survey and Housing.

The committee rejects the rejects the nomination of five members and recommends that the appointing authority submits the names of other persons for consideration in accordance with the Provisions of Section 7(10) of the Public Appointments Act. The following names

were rejected by the committee: - Joseph Aketch Donde nominee for Chairman County Public Service Board, Ismael Noo Onyango nominee for member County Public Service Board, number three Rosemary Atieno Okumu nominee for member County Public Service Board, number four Stephen Aluoch Kopot nominee for County Executive member Public Administration and Governance, number five Vitalis Olunga nominee for County Executive member Tourism Conservation, Wildlife and Information.

Mr. Speaker I wish to state to this House that Siaya as a County is rich County in professionals, Mr. Speaker I want to congratulate the nominees who have made it to the first list and I wish to maybe tell the people in Siaya County that we are not closing the show, we still have an opportunity, the appointing officer still has an opportunity of bringing us new names. I don't understand why the appointing officer is recycling the names which have been rejected by the Assembly.

I have looked at the documents which they brought I have not seen anything that could change the minds of the Assembly, of the committee and even the Assembly. If we wanted, if the candidate had not been cleared by KRA, and you have not submitted such a certificate, what can make, or what can change the minds of these honorable members? Nothing.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

So, I would just wish that in future Siaya County has got so many professionals, Siaya County is the County where President Obama comes from, this is the County where Honorable Raila Amolo Odinga comes from, this is the County where our Speaker heads from, this is the County where Honorable Kadera Stephen standing on this floor heads from, Mr. Speaker we cannot say that Siaya County cannot get the right people for these dockets. If a person does not have a degree, and if you talk about degrees there are several people with degree certificates just lying around why can't we consult them call them for interview if they qualify we give them the jobs. Why should we stick to somebody who we are being told that will be graduating maybe next year, will be graduating in December? Are we so broke of business? That is not the case, Mr. Speaker.

In support of this motion Mr. Speaker, I wish to urge the Honorable members to debate this motion with sobriety and let the Siaya people see the quality of leadership that they are having. They entrusted us with a lot of respect because we have their hearts at hand. Anything that we do here, will count tomorrow and any decisions that we make today will haunt us in the whole of our lifetime and as we are members of this Assembly and remember it will be minding even to the assemblies that will come after us. So we are today making a law, if we pass anybody here who does not have a norm then even in 20 years time somebody who will be brought here, even a form four

leaver, a standard five dropout will be brought to this House.

If the law requires that he has a degree then he will use the decision that we are making today he will say that on the 16th day of July, you passed somebody without a degree. So we are using that as precedence.

So, for us to set the record straight let us stick to law. Let us be guided by law. I know some people from August for some quarters are saying that the Assembly and in particular the appointments committee have set the records very high that is one school of thought; another school of thought is saying that the Assembly is being guided by the law. They are following what the law says, so we have decided to be part of the second school of thought so that we are all guided by what the law says. If the law says that you must have five years experience, Mr. Speaker I believe we have a lot of men and women with the capabilities, with the experience that is needed that can handle, run and manage effectively the docket that we are talking about here.

So, for us I think I will oppose strongly anything or anybody who wants to come and convince me that we can even pass somebody with a degree or we can pass somebody who does not meet the threshold as required by the law. Mr. Speaker I beg to move the motion and support it.

Hon. Speaker: Secondment.

Hon. Madialo: Thank you Mr. Speaker I stand to second. And I wish to appreciate

2013 COUNTY ASSEMBLY OF SIAYA DABATES

myself for the able submission by the Honorable Kadera. I wish to add this Mr. Speaker, that if you took a black cow and you tie it on the rain and place it out for two hours, or even or four hours, that cow will not be brown and not there. There is nothing that will render an unqualified person qualified; it doesn't matter how many times you advertise this person's name in the newspapers.

Mr. Speaker, permit me to share with our colleagues the heavy heart that we shared in dropping the honorable Joe Donde but the point was that exceptions cannot be given where the rule is in black and white. Permit me also to share with our colleagues how much we felt that Stephen Kopot should be allowed a window to come in. and that is why if you look at the report we are giving him room to look for a certificate at KRA, bring it before we compile the report, the report is not compiled yesterday we are compiling it today, the KRA certificate is not there.

I now move to that direction Mr. Speaker because I wish to dispel the fear some quarters might have if there is anybody who wishes to score at least any of the nominees for reasons that are not relevant to the work that we were doing but above all Mr. Speaker my mind tells me to ask the members to have a look at the issue that one Mr. Kut Ochogo, Nicholas Kut Ochogo. This is a person who came on the second list, look at this man, PhD, Masters, Bachelors, but this man did not make it to the first list. Confirms that they didn't have some applicants who had degrees surely! Mr. Speaker I wish to point out to Honorable members that that which we plant

today shall mature with us and if we plant oranges, we will not expect at maturity to harvest mangoes.

It is my fear Honorable members and Mr. Speaker permit me to express it, it is my sincere fear that anybody who gets onto position with the authority by way of bending rules will not fear bending them for other unqualified persons when we did not have control over how he does it and that is a genuine.

If rules are drawn and you go through the list everybody who has been passed, who has been interviewed, brought all the documents that were advertised to be required. What criteria would anybody use to employ you? to exempt one person from producing the documents. Would it be fair to the people who are to go out of their way to maintain these documents? And if these documents were available for collection, to six people what reason will the other two have for not collecting their own?

The only conclusion, Mr. Speaker, in my mind would be that perhaps a document is coming because the person who is supposed to produce it knows that if it is produced then it might as well go against his interest or her interest. Mr. Speaker I want to conclude by urging that we should look at the larger point and ask ourselves that why is it that the appointments committee is reminding the appointing authorities that so and so does not have a degree? Why is it that candidates are being nominated and presented for appointment up to the level of reaching the Assembly ready to be approved and be sworn in and then it is at the Assembly's

2013 COUNTY ASSEMBLY OF SIAYA DABATES

level that we discover, look here this person has not cleared himself, is there somebody neglecting his work somewhere? Is there somebody who is doing this in the job?

Isn't there somebody who is sleeping on his work somewhere? And if across the board in a uniform manner everybody is coming who doesn't get surprised that we want this things and may I reveal if you permit me, may I reveal that all the documents were being looked for when we asked for them.

All the documents are dated as after the advertisement that they should bring them to the appointments committee which means the person who was interviewing did not ask for this most important documents. Mr. Speaker can this Assembly, although in our oversight role can we condone a sleeping executive? Have we allowed it? Can we close our eyes and say that the executive should ignore things that are basic before they execute appointments? And my humble answer would be a big no.

So Mr. Speaker I would support the motion and urge that we should know and understand that not all jobs will come through this vetting committee. And the people we give the role, the duty to employ, hire and execute policy, execute projects, execute developments in the County, those people should be people who themselves believe in the due process. And a person who wants to circumvolute due process, obviously will abuse the power of his service. It goes without say and that is our duty to prevent. Mr. Speaker, I support.

Hon. Speaker: I therefore propose the question that this

County Assembly approves the committee's report on nominees for the County Assembly Service Board and members of County Executive Committee. Debate, yes Honorable Muhulah.

Hon. Muhulah:

Thank you Mr. Speaker, Mr. Speaker this afternoon I want to take this chance to bow and congratulate the appointment committee Mr. Speaker for a job well done. Indeed, this time they have brought as even the details that tells us the reason why a member was either rejected or recommended for appointment. Mr. Speaker, some of the people that are here are coming to this House for the second time.

I want to pray and plead with the Honorable members that this is a House of just, this is a House of rules. That anything that this House will rule even if it is approving or rejecting the members, we are not doing it because we fear any person and we are not doing it because we are favoring any person. The constitution is very clear and the County Government Act is very clear on appointments. Mr. Speaker what this House sent out today, will be the precedence that will be a reference in future.

I will plead with the members that we are representatives of the entire County Assembly; means that every single moment that will helps us to think that it is the people of West Alego that are speaking in this House. So Muhulah is not speaking as an independent. So whatever decision that I will make in this House must only conform with the expectation of the West Alego people who actually did have faith and presented me to this House to talk on their behalf.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Mr. Speaker, the personalities that we are trying to debate about today I would argue with my fellow member, the Honorable Madialo that there are responsibilities that we are giving them in future. They are not only coming here to be approved to go and sit in their offices. We are having women and men who will bestow the authority to interpret the policies, the authority to create those policies and the authority to implement what this House has recommended Mr. Speaker.

Mr. Speaker, the CS board is going to be mandated to also look at the credence and approve from the people who are going to be employed to steer the development programme of this County to a success.

I want every member to have in mind that before we prove this one Honorable members I pray that let's be governed by the principle of Honesty and Integrity in when we are executing this mandate that we are being given by the constitution not by a personality. Mr. Speaker we know there are a lot of forces that are opposed and are even pushing their own interest in this House. We want to tell them that besides being also other personalities in the other areas, we are their representatives from the wards that they are coming in and they have to listen to us and they have to listen to us with reality that whatever we are doing here, we are doing to represent their ward as a whole and not them as a whole.

Hon. Minami: Point of order, sir.

Hon. Speaker: Yes, Honorable Booker.

Hon. Minami:

Thank you Mr. Speaker for giving me this chance. Mr. Speaker I am rising or I am arising on a point on order to ask is it in order for that Honorable member to insinuate that Honorable members of this House are being used by forces outside this House to perpetuate an agenda that is not within the requirement of the law of whatever you are supporting Mr. Speaker is it in order?

Hon. Speaker: Honorable Muhulah can you substantiate?

Hon. Muhulah: I am also glad Mr. Speaker, Mr. Speaker I want to respond to the standing order of the Honorable member unless he never got my English very well because some members think English is English. I never actually said that the Honorable members of this House are being pushed or I said that some of the members that we have brought here to approve have other forces that are pushing them. I want to substantiate that by saying, that some, when I stopped Mr. Speaker, you will realize that I said that some of the members that are in this report of the appointment committee are coming in for the second time.

They are coming in with a lot of despise, Mr. Speaker; I can say that with authority. There are some who are told to go back and bring accreditation and they have again failed and they still have their names brought here. I don't know what they want Mr. Speaker that they think that they will have to convince this House if

2013 COUNTY ASSEMBLY OF SIAYA DABATES

constitution will allow to be given this position in this committee, Mr. Speaker.

Hon. Speaker:

Honorable member it is a point of order that you use statements to mean these Honorable members of this House. It is equally out of order to talk about individuals who are not able to defend themselves in this honorable House. Please continue.

Hon. Muhulah: Mr.

Speaker I beg to withdraw. What I want Mr. Speaker is one thing that I said, that the hack of this County is going to be based on this ladies and gentlemen that we will approve in this House to possible steer us for five years Mr. Speaker. Five years Mr. Speaker it is not us pardon me it is not the County government that will be judged harshly Mr. Speaker, by the people of this County but it is the County Assembly that is going to be judges harshly because they had the mandate Mr. Speaker to approve or disapprove the people that are brought to them here to be appointed in the County Service Board and the County Executive Committee, Mr. Speaker.

I stand here to say that one thing Honorable members please I would plead with you let's have the conscience when it will reach the time that we will be approving these ladies and gentlemen for the success of this County. it will be determined by this House of just men and women, Mr. Speaker I beg to support the report that was submitted by the committee thank you.

Hon. Speaker:

Honorable
Oriaro!

Hon. Oriaro: As I

arise, Mr. Speaker, Sir, I will appeal to the House to take cognisance of the fact of the people currently. Msipitani is the new constitution on order we have in place. One of the prodigal seeds of this constitution is the seed of the devolved government. I am pleased to say before the House that as we stand, that seed has germinated into the County government and here we are as one of its appendages. In that regard Mr. Speaker, I want to point out that Siaya County and have men and women are well sound ringing that can only be sent by a productive work by a sound over sighting leadership initiative. Mr. Speaker sir we are not here to represent any interests but the interest that will be the main to the growth of this County as such as embryonic stages we are at if we do it in the wrong way we will be doomed, Mr. Speaker, Sir.

So, in short, Mr. Speaker, Sir, mine is to second we know very well that the secretarial committee that has tabled this document before us they are our key agents and we really had total confidence in them and we hereby stand to say that, I hereby stand to say that they have tried their best, they have tried their best those whom they have rooted out Mr. Speaker sir let it remain so. Those who have had the chance to claim the leading political element in this County government system Mr. Speaker sir let us give them the batteries that they deserve. I rise to second everything Mr. Speaker sir.

Hon. Speaker:

Honorable
Fred!

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Ouda: Thank you Mr. Speaker sir thank you for giving me the chance to promote or rather to build a base provided in this very important debate. Mr. Speaker sir I rise to adopt this document but with amendments. I support it but with amendments and I go on Mr. Speaker sir I still have one concern that I had in the first process that is one candidate by the name Mr. Joseph Aketch Donde. Mr. Speaker, Sir, with due respect, to the committee, this is a committee of this House duly elected, appointed actually after vetting and was given a mandate they have done a good job but Mr. Speaker sir, error is to human, and it is not wrong to hire someone and it is not wrong to have an opinion contrary to the rest, Mr. Speaker, Sir.

I agree with them they have done a good job but let's go to Mr. Joseph Aketch Donde as one of the nominees Mr. Speaker sir. The other document the first document that was when his name brought to this House, the complaint was that Mr. Joseph Aketch Donde was a rude man. Maybe after going through prayers Mr. Joseph Aketch Donde came back as a humble man. Mr. Speaker sir the conclusion in the other document was Mr. Aketch Donde did not provide the necessary documents especially the ones mentioned were,

An Hon. Member:
Point of order Mr. Speaker sir, Mr. Speaker sir, is it on order for the member to insinuate that the first recommendations from the appointment committee indicated that Mr. Donde was rejected because he was rude to the committee? He is misguiding the House, Mr. Speaker, Sir.

Hon. Speaker: Honorable Fred.

Hon. Ouda: Mr. Speaker I think my Honorable fellow colleague or fellow member was in a hurry before I concluded why he was rejected. I was on the same, I was on number two on why he was rejected and number two was I was going to inform...

Hon. Speaker: Was your point number one? You still stand with it?

Hon. Ouda: Yes Mr. Speaker sir but I can withdraw on behalf of this House. Number two Mr. Speaker sir was that this man did not produce the necessary documents that were needed. Mr. Speaker sir I have looked at the approach they took on this candidates they brought everything that was required of them in fact one, two, three up to the last one, they go up to number eleven Mr. Speaker sir. If I am working on an aggregate of 100%, then I would say each document carries nine points if I were in that vetting team. So Mr. Speaker sir before I go anywhere, I want you to see that out of the eleven somebody produces ten of them which are very vital when it comes to growth of this County and one he produces one with four are photocopies and maybe the original is not there and then you are thrown out.

I would even have given five marks out of the nine to give it at least if somebody has 90 then plus five is 95 minus four Mr. Speaker sir that is an A you have an A mean grade. Now Mr. Speaker sir Mr. Aketch Donde is well known more than any other person in this, okay we are all honorable members but he is a respected

2013 COUNTY ASSEMBLY OF SIAYA DABATES

member in this of the society and the republic of Kenya.

Mr. Aketch Donde has worked with some of the best companies in this country, Kenya Breweries being one of them very prestigious. Intex Expo he has worked there, Mr. Aketch Donde has gone to school and I want to be very categorical given another chance, Mr. Speaker, I will produce that evidence in this House, Mr. Speaker, Sir. He has learnt Mr. Speaker sir, Mr. Aketch Donde has gone to school with Professor George Ajuru, he is also the husband to the Minister of Internal Security South Africa the daughter of the famous Sisi Zulu, Mr. Speaker sir Mr. Joseph Aketch Donde has some of the most famous people in this country including the Jok Ajulu back in Britain.

Mr. Speaker, Sir, this is the same Joseph Aketch Donde who some of us today sit in this House and this republic cherishing and enjoying one of the best papers ever written in the Republic of Kenya famously known as the Donde Bill. By then chairing the Public Accounts Committee, we have in this House you cannot be given a committee to chair if you have no knowledge in that committee, even if you have nothing to do with that committee and Mr. Speaker sir for the National Assembly to honor Mr. Joseph Aketch Donde between 1997 and the year 2002, to chair one of the most powerful committees in that House that is the Public Accounts Committee, mark you in another regime that is deemed to be so unfair to the citizens of this republic.

Mr. Speaker, Sir, I want to say and I want to say with a lot of

humility, that the committee at times Mr. Joseph Aketch Donde sometimes he did not have the time to present the original document that you wanted but Mr. Joseph Aketch Donde presented a photocopy of a Masters Degree from a renown college or university in the UK Mr. Speaker sir and I don't think that is a reason enough to say that this person is unsuitable after presenting each and everything, he is not corrupt. This man has not stolen, this man has everything, this man has not stolen the tax from the people of the Republic of Kenya, this man is straight, never been arrested before, has worked in all these companies, he has even told the committee and the same committee can come to this House with a good report like this one and say we only knocked somebody because we needed accreditation from a certain university in the UK. Which maybe could even have taken a month and we needed those things here.

Mr. Speaker, Sir, I request fellow members in this House we need the brain of somebody like Aketch Donde in this republic. I request this House if at all we need Siaya to move forward, I humbly request let us include the name of Mr. Aketch Donde on this one because I know this man has papers and this man cannot go on TV, Kenyan television saying all these things and doing all this things if he had no papers.

Mr. Speaker, Sir, tell me today to write a bill concerning tax and interest rates. Mr. Speaker, you will get one of the poorest people you have ever seen in this country. I have no knowledge but because he has knowledge, this man did such a paper. This man is now working for

2013 COUNTY ASSEMBLY OF SIAYA DABATES

the Rwanda government as a consultant, Mr. Speaker, Sir. And we can sit here and say just because of a single paper that needed only a signature that now we are throwing out such a person Mr. Speaker sir. Please we represent Siaya, members, you represent your ward, but please humbly requesting let us include this name because we need the.... Thank you Mr. Speaker sir.

Hon. Speaker: Honorable Fred is that a motion you are moving?

Hon. Ouda: Yes, Mr. Speaker, Sir.

Hon. Speaker: Who is your seconder?

Hon. Ouda: I shall request Mr. Opiyo to second me.

Hon. Speaker: Is he ready to second, Honorable Opiyo are you seconding?

Hon. Aneme: Mr. Speaker, I want to second the mover of the motion that Mr. Joe Aketch Donde's name be included in the list of those approved by this House and I also rise to move that a decision bell be rang and a question be put before this House that the name Joe Donde be included in the list of those approved. Thank you.

Hon. Minami: Mr. Speaker, Sir, just a point of order before we vote.

Hon. Speaker: An amendment motion has been moved and seconded. We are taking a decision that the division bell be rang so that we put it to vote.

(Bell rings)

Hon. Speaker: So you close the door so the matter before us now is that Honorable Aketch Donde's name be included in the list. So will you have nominees ready please, Honorable members as we prepare for that may I put the question that will as many as of the opinion of amendments say "Aye"

Hon. Members: Aye

Hon. Speaker: And will as many as of the contrary opinion say nay

Hon. Members: Nay

Hon. Speaker: The Noes have it. So we precede, yes Honorable Elisha.

Hon.

Okuku: Thank you Mr. Speaker sir for giving me this opportunity to participate on the motion. I stand to support the work that the Appointed Committee has done on behalf of this Assembly. Mr. Speaker sir this is Siaya County and Siaya County comprises of regions Mr. Speaker sir.

Hon. Minami: Mr. Speaker, I have a point of order.

Hon. Speaker: Yes, Honorable Booker.

Hon. Minami: Mr. Speaker I don't know if I am the one who don't understand the standing orders but I am just wondering when the decision bell has been rung, is it in order for a question of those of either of similar opinion or of contrary opinion to be asked when the decision bell has already been rung when members are waiting to vote, Mr. Speaker.

Hon. Speaker: Hon. Booker you are right it is a technicality issue, may we proceed.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Okuku: Mr. Speaker, I arise to support what the Appointing Team has done on behalf of the Assembly. Mr. Speaker, Sir, Siaya is a County and Siaya as a County Mr. Speaker, is not ending today where we can rush with names of people who have not filled or meet obligations that has been given to them. Mr. Speaker sir, Siaya as a County we cannot stand as an Assembly to start qualifying some names in this Assembly Mr. Speaker sir. We are here to bestow the authority given with us, the authority given to us by the constitution of Kenya and to make sure that we obey the constitution of Kenya, Mr. Speaker, Sir. Mr. Speaker, Sir when you look at the appointment authority, which was done by the executive, you will likely to find that regional balancing was not made or was not considered Mr. Speaker. Like in my case where I come from, Yimbo was not considered Mr. Speaker in the appointment that my members or my colleagues went through.

Probably some names will open window for the Imbo community, for the Imbo people to be considered in this appointment Mr. Speaker. When you look at the constitution of Kenya, Article 27 Mr. Speaker sir, it talks about the discriminations I want to stand with authority and say that my people was discriminated by the time the executive was doing this appointment. And they did it against the will of the law of my area. Mr. Speaker sir, when you look at the constitution Article 35, it talks about all inclusive.

The Yimbo people was or were not included in this exercise of appointment on

the appointment list and by the appointment team of Assembly rejecting some names, I also want the committee to advise the appointing authority that now they must fulfill Article 35 of the constitution, Mr. Speaker, Sir. Mr. Speaker, Sir, I want you, I want this House to advise the executive that even if the Honorable members has compiled a list, or some names that we cannot take because of some technicalities, it is not their roles, it is not their duties to start asking us outside there that how did you do it? Where is Mr. so and so? We are not going to accept to glorify some names here. And I think that the constitution of Kenya has given us the mandate to protect the good will, to protect the rights of the people of Siaya Mr. Speaker sir. I stand, Mr. Speaker, to support the document thank you.

Hon. Speaker: Yes, Honorable Fred.

Hon. Ouda: Point of order. Mr. Speaker sir is it in order for the Honorable member to keep repeating a certain statement because it might be maybe repeating or maybe having as a personal choice because he said that it is not a duty to glorify some names here and he is repeating that we are glorifying names here, Mr. Speaker sir, I think according to my knowledge we are debating we are not glorifying names here. Is it in order?

Hon. Speaker: Honorable Fred it is out of order in the first place to be repetitive, the intention of repeating the words Honorable Elisha please substantiate.

Hon. Okuku: Mr. Speaker, Sir,

Hon. Member: Honorable member it is on.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Okuku: Mr. Speaker, Sir, I am not getting it on, Mr. Speaker sir we are not here to glorify some names of individuals Mr. Speaker, even if I am not given employment today as a member of Siaya County, somebody who belongs to Siaya saw will get that employment. We cannot keep recycling some names; it seems as if we must take Mr. so and so for employment, Mr. Speaker.

Hon. Speaker: Honorable the chair has a feeling that glorifying names is demeaning, can you withdraw it and continue.

Hon. Okuku: Mr. Speaker I withdraw.

Hon. Speaker: Thank you. Yes Honorable Agoko.

Hon. Agoko: Thank you Mr. Speaker sir, I rise to support the work done by the appointing committee, Mr. Speaker sir I want to request this Honorable House not to vindicate the work done by the Appointment committee. Mr. Speaker sir the Appointment Committee has done a reasonable job, they have done a good job they have made this House proud and I believe as Honorable Madialo said, the seeds which we plant today they will mature with us. I want to say that if we plant sour seeds today, we plant bad seeds today we will reap sour fruits by the time we come out of this Assembly.

I want to request my Honorable colleagues, that we adopt this document as it is. Time for other members will come I want to say Mr. Speaker sir this work to the best of my understanding, was done very objectively every reason is given against each and every name taken, against each and

every name rejected, reason is given why one is left out, why one is picked.

Reasons are given and I believe they are adequate reasons. Mr. Speaker, Sir, I find it necessary that we adopt the document and I will call upon my honorable colleagues that we close the debate, this is a fine document. This is a fine document the appointment and committee has made us proud. It is in Public domain that Siaya County Assembly are doing things right. It is in public domain that this Assembly are very objective in their deliberations are very objectives in their undertakings. I want to request my Honorable colleagues let's be objective.

I want to go by saying that one wise man Mr. Henry Ford who said that coming together is a beginning, we have come together, and this is the beginning of development. This is the beginning of a lot of achievements we are to make for this County and keeping together is progress and working together is success. Why don't we keep together, why don't we work together? If the appointments committee we have bestowed them with the mandate to do this work on our behalf, why don't we support the work, why don't we accept the work, why don't we honor it, why don't we own it? Mr. Speaker sir I raise my case by requesting this Honorable House to adopt the document.

Hon. Speaker: Honorable members Honorable Agoko is on his feet you cannot stand, please go down. Yes, Honorable Kawour.

Hon. Awour: Thank you Mr. Speaker, Mr. Speaker I want to thank you and your team for the work that you have

2013 COUNTY ASSEMBLY OF SIAYA DABATES

done, it was a very big task. But you have done it to your best, it is our mandate as County Assembly members to debate and where we have seen that there are some issues that should be clarified; it is upon us as the members of this Assembly to discuss and support. I would want to defer with my colleagues who are saying that we should leave this for the committee that whatever the committee has come up with we just support, we just rubber stamp. I want to totally Mr. Speaker, disagree with those colleagues.

Mr. Speaker, the word unsuitable, un is a very small word but it is a lethal word that some people will lose the job. Unsuitable and the reasons Mr. Speaker I want to be specific, I have looked at the document that the committee has gone through and I have seen some two names one, Madam Okumu who was once a clerk somewhere, I don't know where she comes from Mr. Speaker and we are told in this report that this Madam Okumu presented unsigned oath, un-commissioned and I believe this is a lawyer, the simple reason is that she had not been cleared by the KRA. Mr. Speaker I have seen another one by the name Stephen Aluoch Kopot, whom you gave time to come and present the clearance certificate. And in your report it is that he was supposed to bring it the other day in the afternoon which he did not.

Mr. Speaker, I want to share with my colleagues that you must be alert if you are lucky not to have problems with the KRA then you are a blessed one. This people called KRA personally Mr. Speaker I have a personal problem with them. So by the time work is done because of the time

frame of bringing a single document, I want to request my colleagues to open up just this issue of certificate of Clearance by the KRA. This people are dangerous, this people are dangerous I want to share with you one time you will be in the same hot soup that some people are in. On that point Mr. Speaker, I want to support the document that you have tabled here and I want to support it with amendments. That this two people, two personalities whose names I have mentioned be given a second chance. And their names be put on the list of nominated or they add members thank you, Mr. Speaker.

Hon. Speaker: Is that an amendment motion, who is seconding?

Hon. Awour: Yes, Mr. Speaker.

Hon. Speaker: Who is seconding you?

Hon. Awour: I want to ask Honorable Booker, Oh! Honorable Were yes.

Hon. Were: Thank you very much Mr. Speaker,

Hon. Speaker: Yes Honorable Were, Order! Order! Please, go ahead, Honorable Were.

Hon. Were: I am here to support with amendments, I have been on the floor since this debate started. I don't know whether you have seen me, it is a bit strange that this Assembly what we are doing here may come out with consequences. You know let us not destroy careers of our country men. Building a profession, you know for you to be a profession it takes years.

Hon. Madialo: Order, Order Mr. Speaker.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Is it in order for the Honorable member to insinuate that an opinion expressed on our understanding of the law amounts to attempting to destroy any people's careers?

Hon. Speaker: Honorable Were, what is your take on that?

Hon. Were: You know my statement was very nice unless somebody is becoming rectory because of underlying engagement. What I wanted to say, to become a professional it takes years,

Hon. Speaker: Honorable Were a member has just said that your insinuation of destruction of career is out of order, what is your take? You know it is out of order.

Hon. Were: You know I was making an observation

Hon. Speaker: Honorable Were it is out of order you need to accept and proceed.

Hon. Were: Okay I do accept. So I have looked at Rosemary Atieno Okumu, a lady who has worked in several local authorities, spanning several years and she is being barred because she did not produce something from the Kenya Revenue Authority and there is a testimony of intent, a testimony of intent showing that level of engagement. You know I was looking forward that in some few years this County we export labor, but you see now when we are sending out a wrong signal, that whoever seeks a small job in the County, merely makes a mistake to be opened up. I have looked at Stephen Aluoch Kopot, you know a practicing lawyer, at the moment secretary of the law society of Kenya, with a letter of practice that is expiring at the end of this year.

Hon. Onduru: Point of order, Mr. Speaker!

Hon. Speaker: Yes, Honorable Onduru!

Hon. Onduru: I would like to request the Honorable Were to be specific, is he talking about Okumu or Kopot because mixing the two is confusing the members.

Hon. Were: I have talked about Kopot, Stephen Aluoch Kopot.

Hon. Speaker: He was seconding an amendment motion.

Hon. Were: Yeah I am seconding and,

Hon. Speaker: For inclusion of Honorable Were listen, he was seconding an amendment motion for inclusion of two people, Mr. Kopot and Rosemary. Can you please continue and be specific.

Hon. Were: You know for one to be a secretary of the Law Society of Kenya, that eligibility is a ground. For one to have a practicing certificate you must meet all the requirements to be a practicing advocate. Somebody is telling us that he could not produce a clearance certificate. I don't know from where because he is already practicing and he has a letter that gives him the room to practice.

Hon. Muhulah: Point of order.

Hon. Speaker: Yes Honorable Muhulah.

Hon. Muhulah: Mr. Speaker is it in order for a member to come and confuse the House because if this person is a practicing lawyer, he knows by the statute of the law that he is supposed to have a certificate of clearance from Kenya Revenue Authority, why can't he produce in his support Mr. Speaker? We are not caring here about

2013 COUNTY ASSEMBLY OF SIAYA DABATES

profession what we are saying here is go to the Kenya Revenue Authority get your clearance certificate, bring to the appointment authority and that is period. So tell him I want him to tell the House let him not concentrate on things that are not demeaning that the appointment committee did not understand what it was supposed to be doing, Mr. Speaker.

Hon. Were: I have already talked about a testimony of intent. Kopot has got a letter showing that he is engaging the Kenya Revenue Authority and you know the timeline should not weigh the get in and get out. These are men and women of this County with very enviable record and I am going to sit down ladies and gentlemen and you look at me straight on the face, Rarieda has had their peg, Ugenya has had their peg,

Hon. Speaker: Honorable Were the Chair will not allow you to go that direction.

Hon. Were: I am just going down.

Hon. Speaker: No. You want to divide this House. We have no Rariedas here we have no Ugunjas here, what we have are members of Siaya County. Honorable Were if anything, all the wards of this County are represented here, could you please finalize.

Hon. Were: Okay, I wanted to thank Members of this County Assembly for being very inconsiderate as I go and sit down, tomorrow will come but we shall still be here because the judge is outside, thank you.

Hon. Speaker: Honorable members the two honorable members, one proposed an amendment and the other one seconded for the inclusion of two nominees

Mr. Kopot and Rosemary. Will as many as of the opinion of the inclusion say Aye

Hon. Members: Aye

Hon. Members: Will as many as of the contrary opinion say Nay?

Hon. Speaker: The “NAYs” have it proceed. Honorable Kowii.

Hon. Owii: Thank you very much, Mr. Speaker, Sir, and honorable members.

Hon. Speaker: Can we have order please.

Hon. Owii: Mr. Speaker I rise to support the report that has been tabled here by the appointment committee. One I want to say that indeed Honorable members you will share with me Mr. Speaker sir that the Appointment Committee is an extension of the Assembly. They were doing this work on behalf of the entire Assembly. Mr. Speaker sir the truth of the matter is that a journey of 17 km also starts with one step. I am really happy Mr. Speaker that up to today we have reached 12 steps Mr. Speaker we are about to reach the destination of our journey which is 17 steps.

What impresses me most is that the same burden we are carrying it back to the executive to give us some more names of ladies and gentlemen that may catch the eyes of the law not the eyes of the appointment committee. Mr. Speaker the gentlemen who didn't meet the requirement that could make them be made successful in this arrangements had very small little things. I believe if at all one says you must have a degree and the day is today and you might be getting that degree in the month of December then that is a tonner for you. I would even decide to resign from that arrangement, Mr. Speaker.

2013 COUNNTY ASSEMBLY OF SIAYA DABATES

For others I believe it is just like people who were sent home because they forgot certificates. Somebody forgot that he was supposed to carry something with him to the appointment committee, small, small little things. Mr. Speaker you may even remember, this honorable members can remember very well when we were going through the same exercise. We were asked to get almost everything and we did that is why we are here am I not right?

Hon. Members: Yeah

Hon. Owii: So I believe if one refuses to bring what actually we already know Mr. Speaker it is like putting a rope in his own neck. You may try to help like my colleagues are trying to help them but I think there is still a window. Why don't you just go and tell them hurry and bring, hurry and bring these small documents that will help you sail through.

It will help them like the gentlemen that you are talking about being one person actually known in the whole nation like oh! sorry that one does not warrant you to fail in paying tax or to evade tax. Here we are Honorable members we have no way but to pay tax. Even in a small little earning that we get from this House each and every little earning that we have is taxed. So I want to request this honorable House not to take even a long time debating even the obvious, we are seeing that we have done a good job today, the other time Mr. Speaker sir we bailed out six people today we are bailing out seven is it six and six plus six is twelve and we were supposed to bail only seventeen.

If we take this, I don't mind even if they are recycled how many times let them

be recycled again and again as long as they will provide what we want because we are law makers we are not law breakers. We can't just be here to break laws and you see the ordinary citizen up here what will they think about us if we start breaking laws today?

We have our Acts here County Government Act and we know exactly what these people should provide to bail them out. And we are saying no not today we can easily forget about those kinds of arrangements and bail them out. I want to request that if these people can be brought back and they can avail all these that is requested here, Mr. Speaker, Sir, I shall be the first person to stand to support them. But in the absence of all that is wanted by law, and we are law makers, no it is most unfortunate. We would only say sorry good friends try again.

I want to end by saying that the executive is doing a very good job that is what I want to tell you. We are saying a student can easily repeat a classroom Mr. Speaker sir, some of these people are repeating the class for the third time Mr. Speaker sir. And if you find that you are teaching the same lessons the same time every time you teach the child is not getting anything out of your teaching Mr. Speaker the best is to advice. This one is good for some different arrangements.

You know when I talk of education, the kind of arrangements maybe one is mentally retarded so he cannot be put in a normal class with students that are mentally fit. I am not abusing anybody but I am saying that if one may repeat the third time because we are giving them a chance now

2013 COUNTY ASSEMBLY OF SIAYA DABATES

and they fail to produce the same Mr. Speaker sir we will also say that anytime that their name is brought here we will even if they will bring all the documents the fourth time we will say no. Thank you very much, Mr. Speaker, sir.

Hon. Onduru: Thank you Speaker for giving me this opportunity to say a few words. First and foremost I would like to thank the committee, good job, continue. But again Mr. Speaker look at the mood of the House is it telling you enough is enough?

let's stop it but then I would like to say I support what my colleagues have said because of the following the work which was done by our able committee, my colleagues you are very bold I give you a tick for that, courageous another tick but above all you followed law and you are law makers what age do you fear? For that I thank you very much. Hon. Speaker: Honorable Members three honorable members had proposed that we have had enough debate I don't know if that is the feeling of the House?

Hon. Members: Yes

Hon. Speaker: I want to ask that may as many as of the opinion say "Aye"

Hon. Members: "Aye"

Hon. Speaker: And as many as of the contrary opinion say "NAY". The "I"s have it. So then I want to request the mover to reply.

Hon. Adera: Thank you once more Mr. Speaker, I wish to register my sincere congratulations to all the honorable members in this Assembly. We as the committee we played our part and I can say that you have also done your part. I also

want to congratulate the members who brought in or who proposed some amendments to the motion it is within your mandatory to do so. Do not feel intimidated; do not feel that you have not succeeded or that you have not won. It is a process and it is one of the processes that take place in this Assembly. So you are in order. Mr. Speaker I want to take a very short time to respond and perhaps if I may start by Joe Donde. I am very sympathetic to the people of Gem not even the people I want to be sympathetic to the Gem sub County.

Hon. Minami: Point of order, Mr. Speaker.

Hon. Speaker: Yes, Honorable Booker!

Hon. Minami: Mr. Speaker, I believe that the nominees whom you are talking about right now are nominees for the County of Siaya, so I don't know if it is in order for the honorable member to insinuate that certain people of this County should be sympathized or maybe one of those people who come from their area having been unsuitable for the position that he was nominated.

Hon. Speaker: All is the same.

Hon. Odinga: Point of order.

Hon. Speaker: Yes what is your point of order about?

Hon. Odinga: Mr. Speaker, Sir, I think Honorable Onduru just said that the mood of the House is that we adopt the report and the mover of the motion what he is required of is maybe to thank the members for the support they have given to pass the adopting of the document. We don't need the mover

2013 COUNTY ASSEMBLY OF SIAYA DABATES

of the motion to go back into explaining because we have the document.

Hon. Speaker: Honorable Booker you are right we don't want situations where we pull ourselves to sympathies, Honorable Odinga this Honorable member is right to thank the honorable members in the right way he feels to do it. I also hope he will look and read the mood of the House. Honorable Kadera continue.

Hon. Adera: Yes thank you Mr. Speaker the problem of rising on points of order without or before getting the point.

Hon. Adera: Mr. Speaker, as I was saying, Mr. Speaker, perhaps the honorable member who stood on a point of order did not get me clearly but I hope he will before I conclude. Mr. Speaker I want to say this that I don't understand why the executive spends a lot of money putting adverts on the newspapers inviting members of the public to apply for various positions in this County. We are wasting a lot of money because at the end of the day, at the end of the day we get people who have not even been invited for the interviews, they invite the public to apply for jobs but at the back of their minds they already have people whom they feel should take positions. Mr. Speaker I was talking about Gem because Mr. Speaker Gem is one Sub County where very big personalities head from. Mr. Speaker Gem is one sub County where one Omollo Okero heads from. We have Winnie Okwiri, Amos

Hon. Minami: Mr. Speaker, point of order!

Hon. Speaker: Order! Honorable Members, honorable Kadera, can you please reply without going so much into details.

Hon. Adera: I am going to reply.

Hon. Speaker: Honorable Booker, you are out of order. I know your feeling, the Chair has ruled Honorable Kadera can you please continue without sympathizing with Gem here anymore.

Hon. Adera: Thank you Mr. Speaker I wanted to say Mr. Speaker that that is one sub county where very able people come from and I am sure they have educated their children and grandchildren who are capable of filling such positions.

Hon. Members: Mr. Speaker, Order!

Hon. Speaker: Order order you are all out of order and we have a remedy, Honorable members listen we are as honorable as we listen to instructions and we are as honorable as we are patient with the directives. Honorable Kadera can you please reply without mentioning Gem. Honorable Odinga please sit.

Hon. Adera: Thank you Mr. Speaker I will precede and I will not mention any name.

Hon. Adera: I humbly withdraw the statement if it has infringed on anybody

Hon. Speaker: And apologize please.

Hon. Adera: I do apologize. Mr. Speaker, that is what democracy entails. Mr. Speaker I also wish to respond to what one honorable member had said that we are damaging people's careers. We are not damaging anybody's career in this House if anything we are building the careers of the young generation and the generations that will follow. Mr. Speaker I am very grateful for the members for the support they have given to this motion and hope that in future we will exhibit the same to any other motions that will come before the floor of this House thank you, Mr. Speaker.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Speaker: Thank you I put the question that this County Assembly approves the committee's report on nominees for County Service Board and members of the Executive Committee will as many as of that opinion say aye.

Hon. Members: Aye.

Hon. Speaker: And as many as of the contrary opinion say nay

Hon. Members: Nay

Hon. Speaker: The ayes have it. There being no other business this Assembly stands adjourned till such a time that will be communicated to you. The committee meetings continue and training plans remain on course. Thank you.

REPUBLIC OF KENYA

SIAYACOUNTY ASSEMBLY

THE HANSARD

First County Assembly-First Session

The House met at the County Assembly chambers at 9.00 a.m.

Wednesday, 24th July, 2013

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

PRAYER

An Hon. Member: Mr. Speaker, Sir, kindly allow me to introduce

Hon. Ajwang: I, Ajwang Consolata Mary, do swear that I shall always truly and diligently serve the people and the Republic of Kenya in the

Madam Mary C. Ajwang who has been duly nominated by the party, ODM office of the County Assembly of Siaya. That I shall diligently discharge my duties and perform my functions in the said office to the best of my judgment that I shall at all

2013 COUNTY ASSEMBLY OF SIAYA DABATES

times respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya. And that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the Laws, and the convention of Parliament. That I shall do justice to all so help me God.

(applause)

Hon. Adida: Mr. Speaker, may you allow me to introduce Madam Anastancia Akinyi Auko who has been duly nominated by the ODM party.

Hon. Auko: I Anastancia Akinyi Auko do swear that I shall always truly and diligently serve the people and the Republic of Kenya in the office of the County Assembly of Siaya. That I shall diligently discharge my duties and perform my functions in the said office to the best of my judgement is that I shall at all times respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya. And that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the Laws, and the convention of Parliament. That I shall do justice to all, so, help me God.

An Hon. Member: Mr. Speaker, Sir, May I have the honor of introducing Midubi Akinyi Pamela that has been duly nominated by ODM party.

Hon. Akinyi: I Midubi Akinyi Pamela do swear that I shall always truly and diligently serve the people and the Republic of Kenya in the office of the County Assembly of Siaya. That I shall diligently discharge my duties and perform my functions in the said office to the best of my judgement. That I shall at all times respect, uphold, preserve, protect and defend

this Constitution of the Republic of Kenya. And that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the Laws, and the convention of Parliament. That I shall do justice to all, so help me God.

A Hon. Member: Thank you Mr. Speaker sir. Mr. Speaker, Sir, allow me to introduce Madam Sylvia Migaya who has been duly nominated by the party of ODM.

Hon. Migaya: I, Sylvia Migaya Akomo do swear that I shall always truly and diligently serve the people and the Republic of Kenya in the office of the County Assembly of Siaya. That I shall diligently discharge my duties and perform my functions in the said office to the best of my judgment. That I shall at all times respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya. And that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the Laws, and the convention of Parliament. That I shall do justice to all, so help me God.

A Hon. Member: Mr. Speaker allow me to introduce Pamela Ngure who is duly nominated by ODM party.

Hon. Pamela: I, Jane Pamela Ngure, do swear that I shall always truly and diligently serve the people and the Republic of Kenya in the office of the County Assembly of Siaya. That I shall diligently discharge my duties and perform my functions in the said office to the best of my judgment. That I shall at all times respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya. And that I shall do right to all manner of persons in accordance with the Constitution of

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Kenya and the Laws, and the convention of Parliament. That I shall do justice to all, so help me God.

An Hon. Member: Thank you, Mr. Speaker. Allow me to introduce Obondo Beatrice Awino who is nominated by ODM party.

Hon. Awino: I, Beatrice Obondo Awino do swear that I shall always truly and diligently serve the people and the Republic of Kenya in the office of the County Assembly of Siaya. That I shall diligently discharge my duties and perform my functions in the said office to the best of my judgment. That I shall at all times respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya. And that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the Laws, and the convention of Parliament. That I shall do justice to all, so help me God.

Hon. Achieng: I, Angeline Achieng Odhiambo do swear that I shall always truly and diligently serve the people and the Republic of Kenya in the office of the County Assembly of Siaya. That I shall diligently discharge my duties and perform my functions in the said office to the best of my judgment. That I shall at all times respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya. And that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the Laws, and the convention of Parliament. That I shall do justice to all, so help me God.

Hon. Speaker: Who are the sponsors?

Hon. Oriaro: We have here Mr. Speaker, on behalf of the Ford Kenya colleagues, I on National Vision Party would like to inform that she is on a paternity leave.

Hon. Speaker: Thank you mheshimiwa (laughter). Mheshimiwa Oriaro if my ears serve me right is she on paternity leave?

Hon. Oriaro: I think irony in language is recognized.

(laughter)

Hon. Speaker: Okay thank you. Proceed please.

Hon. Member: Mr. Speaker may introduce to you Okello Ochieng Walter who has been duly nominated by ODM party.

Hon. Okello: I Okello Ochieng Walter do swear that I shall always truly and diligently serve the people and the Republic of Kenya in the office of the County Assembly of Siaya. That I shall diligently discharge my duties and perform my functions in the said office to the best of my judgment. That I shall at all times respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya. And that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the Laws, and the convention of Parliament. That I shall do justice to all, so help me God.

An Hon. Member: Honorable Speaker may I introduce to you Madam Oketch Adhiambo Margaret from the party of ODM.

Hon. Oketch: I Margaret Adhiambo Oketch do swear that I shall always truly

2013 COUNTY ASSEMBLY OF SIAYA DABATES

and diligently serve the people and the Republic of Kenya in the office of the County Assembly of Siaya. That I shall diligently discharge my duties and perform my functions in the said office to the best of my judgment. That I shall at all times respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya. And that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the Laws, and the convention of Parliament. That I shall do justice to all, so help me God.

Hon. Member: Mr. Speaker sir, allow me to introduce to you Madam Atieno Rose Okite who has been nominated by ODM party.

Hon. Okite: I, Okite Rose Atieno do swear that I shall always truly and diligently serve the people and the Republic of Kenya in the office of the County Assembly of Siaya. That I shall diligently discharge my duties and perform my functions in the said office to the best of my judgment. That I shall at all times respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya. And that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the Laws, and the convention of Parliament. That I shall do justice to all, so help me God.

A Hon. Member: Mr. Speaker, Sir, kindly allow me to introduce Mama Sellah Akinyi Okwako, who has been duly nominated by ODM party.

Hon. Akinyi: Mimi, Okwako Akinyi Sellah, naapa ya kwamba wakati wote nitawatumikia wakenya na Jamhuri ya Kenya katika afisi ya katibu wa baraza na

wakilishi wa kaunti ya Siaya. Kwa uwaminifu na uwangalifu kwamba nitatekeleza shughuli na kazi zangu za afisi hiyo kwa uwangalifu na kwa uwezo wangu wote na kwamba wakati wote nitakapo itajika nita mshauri Spika wa Kaunti ya Siaya kwa uwaminifu na ukweli, na kuwa nitatenda haki kwa watu wote. Ewe Mwenyezi Mungu nisaidie.

Hon. Speaker: Honorable members I think the Oath is not the same as the other. So I want the Clerk to read again.

Hon. Akinyi: I, Okwako Akinyi Sellah, do swear that I shall always truly and diligently serve the people and the Republic of Kenya in the office of the County Assembly of Siaya. That I shall diligently discharge my duties and perform my functions in the said office to the best of my judgment. That I shall at all times respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya. And that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the Laws, and the convention of Parliament. That I shall do justice to all, so help me God.

Hon. Member: Mr. Speaker sir allow me to introduce Madam Odima Margaret Olongo who has been nominated by the ODM party.

Hon. Odongo: I Margaret Odima Olongo do swear that I shall always truly and diligently serve the people and the Republic of Kenya in the office of the County Assembly of Siaya. That I shall diligently discharge my duties and perform my functions in the said office to the best of my judgment. That I shall at all times respect, uphold, preserve, protect and defend

2013 COUNTY ASSEMBLY OF SIAYA DABATES

this Constitution of the Republic of Kenya. And that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the Laws, and the convention of Parliament. That I shall do justice to all, so help me God.

Hon. Member: Mr. Speaker sir may I have the honor of introducing Madam Zilpha Awino Omondi who has been duly nominated on ODM party.

Hon. Omondi: I, Zilpha Awino Omondi do swear that I shall always truly and diligently serve the people and the Republic of Kenya in the office of the County Assembly of Siaya. That I shall diligently discharge my duties and perform my functions in the said office to the best of my judgment. That I shall at all times respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya. And that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the Laws, and the convention of Parliament. That I shall do justice to all, so help me God.

Hon. Member: Mr. Speaker allow me to introduce Madam Tereza Akumu Osore who has been duly nominated by ODM party.

Hon. Osore: I, Tereza Akumu Osore do swear that I shall always truly and diligently serve the people and the Republic of Kenya in the office of the County Assembly of Siaya. That I shall diligently discharge my duties and perform my functions in the said office to the best of my judgment. That I shall at all times respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya. And that I shall do right to all manner of persons

in accordance with the Constitution of Kenya and the Laws, and the convention of Parliament. That I shall do justice to all, so help me God.

Hon. Member: Mr. Speaker kindly allow me to introduce Madam Otieno Hilda who has been duly nominated by the party of ODM.

Hon. Otieno: I Hilda Achieng Otieno do swear that I shall always truly and diligently serve the people and the Republic of Kenya in the office of the County Assembly of Siaya. That I shall diligently discharge my duties and perform my functions in the said office to the best of my judgment. That I shall at all times respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya. And that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the Laws, and the convention of Parliament. That I shall do justice to all, so help me God.

A Hon. Member: Mr. Speaker sir allow me to introduce Mr. Asewe Ouko Maurey who has been duly nominated on ODM ticket.

Hon. Ouko: I Ouko Maurey Asewe do swear that I shall always truly and diligently serve the people and the Republic of Kenya in the office of the County Assembly of Siaya. That I shall diligently discharge my duties and perform my functions in the said office to the best of my judgment. That I shall at all times respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya. And that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the Laws, and the

2013 COUNTY ASSEMBLY OF SIAYA DABATES

convention of Parliament. That I shall do justice to all, so help me God.

Hon. Member: Mr. Speaker sir I have the pleasure to introduce Kezia Atieno Siwa nominee ODM party.

Hon. Atieno: I Kezia Atieno Siwa do swear that I shall always truly and diligently serve the people and the Republic of Kenya in the office of the County Assembly of Siaya. That I shall diligently discharge my duties and perform my functions in the said office to the best of my judgment. That I shall at all times respect, uphold, preserve, protect and defend this Constitution of the Republic of Kenya. And that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the Laws, and the convention of Parliament. That I shall do justice to all, so help me God.

Hon. Speaker: Honorable members, I have a few announcements to make,

1. From here we invite the newly nominated members of the Assembly for lunch same to the elected honorable MCAs. For the nominated members you are advised to go with two guests each to the Villa, lunch will be served from 1pm. Member of the Fourth Estate you are equally invited.

2. For the new members of the Assembly we want to set you free after that function that you can go do your celebrations until such a time that we will communicate to you to meet for orientation that will be followed with House Business thereafter. To the honorable members MCAs, elected honorable members after this because as you are all aware we should be going on recess in the month of August, we have a matter dispose off, a debate on the nominees, so this House will reconvene at 2pm for that matter.

Finally, the committee meetings as earlier scheduled will continue in our Monday meeting at 10am, will continue as scheduled. This House stands adjourned until as communicated.

REPUBLIC OF KENYA

SIAYACOUNTY ASSEMBLY

THE HANSARD

First County Assembly-First Session

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

Wednesday, 24th July, 2013

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

PRAYER

Hon. Adera: Mr. Speaker, this is a repeat of our earlier report which had been tabled and adopted by the Assembly in the course of last week. Mr. Speaker in our report today, I wish to table the report of the committee on Appointments which is two

nominees who had been nominated to the County Public Service Board. Mr. Speaker on the 16th day of July this year this Assembly Committee on Appointments presented to the County Assembly a report on various nominees and the list was given

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes Only. A Certified version of this Report can be obtained from the Hansard Editor.*

2013 COUNTY ASSEMBLY OF SIAYA DABATES

whereby some names were passed as suitable while some were rejected.

Mr. Speaker, among the rejected names was Rosemary Atieno Okumu and Joseph Aketch Donde. Joseph Aketch Donde had been nominated for the position of Chairman of the County Public Service Board while Rosemary Atieno Okumu had been nominated for the post of Membership of the same Board. Mr. Speaker the two names were rejected due to various reasons:

Joseph Aketch Donde.

The main reason why the nominee's name was rejected is because he did not have an accreditation showing or proving that the University where he obtained his second degree is indeed recognized by the Commission of Higher Education and Mr. Donde has since provided the same documents which was forwarded to this Assembly, the letter dated 22nd July 2013, Mr. Speaker, I have a copy here with me and I wish to table the same. Mr. Speaker this is a copy from the Commission of Higher Education confirming that the University of Greenwich is indeed recognized by the Commission of Higher Education. Mr. Speaker secondly the second nominee or the second candidate in our list today is,

Rosemary Okumu Atieno.

The name, the nominee had been rejected on the ground that she had not complied with her Tax and as I had indicated in this House, Mr. Speaker, by the time of compiling our earlier report she had not provided the same because she got the letter when she was still in Nairobi that she had got the document and she was coming with it. But Mr. Speaker as

we know the distance from Siaya to Nairobi is a very long distance and we didn't expect her to travel. Perhaps right after we had liberated on the report and adopted the same. However the nominee did bring the document indicating that she had complied with her Tax, the document from KRA and we have it with us. I also wish to produce the same, to table the same before this House.

Mr. Speaker, having said so it is my humble prayer that the grounds on which the nominees were found to be unsuitable have since been cleared. It is the finding of the committee that the candidates are now suitable and the names be adapted by this House and it is in the recommendation of this committee that this Assembly does approve and advise the Governor that Mr. Joseph Aketch Donde be appointed to the office of the Chair of the County Public Service Board and secondly that this Assembly does approve and advise the Governor that Madam Rosemary Atieno Okumu be appointed to the office of Member of the County Public Service Board.

Mr. Speaker, in doing so we would be complying with the law because when going through the vetting process there were essential things that the committee was looking for; Chapter Six, Academic Qualifications and Chapter Six talks about things like KRA, HELB, CRB and I can see that the candidates have tried and I wish to congratulate them for at least honoring our request that they do produce the documents otherwise we would not approve them. I wish to congratulate the candidates for trying their level best to come with the

2013 COUNTY ASSEMBLY OF SIAYA DABATES

documents, I know they have gone an extra mile of leaving other businesses they were supposed to do or family issues just to go to Nairobi in various offices in order to obtain the said documents. It is my humble request that this House approves the two names so that it can be listed under the submission. I wish to move this motion.

Hon. Speaker: Who is seconding?

Hon. Madialo: Mr. Speaker, may I stand to second the Motion. Mr. Speaker, the County of Siaya is the County of residence of the part of devolution and the County of Siaya must be seen to present candidates to portray an outlook that devolution can succeed and that the vessels and citizens of Kenya are handling their affairs according to the constitution and in the best interest of our citizens. And Mr. Speaker this involves the reason why this Assembly in its wisdom and some people say lack of wisdom and some people in its wisdom insisted that all requirements in copying assumptions of moves are provided.

When we look at Joe Aketch Donde, after providing his documents as I said earlier, finally we got the final one. Mr. Speaker, I urge that Mr. Joe Aketch Donde be appointed for the Chair of the County Public Service Board. Madam Rosemary Okumu was truthful, was sincere, was honest with us and she explained to us very well, she promised to bring these documents in due time, she was late for one or two hours but she did demonstrate that she is Tax Compliant. Mr. Speaker, except for any other provision whatsoever, we know that we might put her to restrictions or we may intervene as far as the Assembly rules are concerned, I urge that the House to find that

Rosemary is suitable for the office of Member of the County Public Service Board.

Mr. Speaker, may I ask to add that in this the Executive has let us down. We have been given less than two months to make this thing. The time between when the Executive was sworn in, the head of the Executive was sworn in and now, that time was a bit short to come up with people who were suitable in the offices. Indeed in those less than two months, Mr. Speaker, we complied with the requirements that we would use to ascertain this, that the public will participate, we have vetted now the third time, we have done our part. Mr. Speaker we urge that when we meet and talk with our leaders, and most of the leaders

who enacted the laws that we have been implementing in the National Assembly, and the Senate and even in the governorship we should emphasize the fact that here we will make that there is evidence...of the Executive, we mean it. We are not joking and we are not going to beg the Executive. I am saying this because Mr. Speaker there is nothing we have dealt here. We asked the Honorable Joe Aketch Donde to bring us evidence that Greenwich University is recognized in the United Kingdom and I believe had he not brought it we would still had refused to clear him.

We asked Rosemary Okumu to give us the evidence of Tax Compliance that which the Assembly said and she has brought it. And we have gone through it and this should not be consumed by the Executive or any other persons who might believe that this is impossible that we cannot take any action. We have done this because

2013 COUNTY ASSEMBLY OF SIAYA DABATES

they have now complied. Mr. Speaker this Assembly would agree with the report brought here if we adopted the report and recommend it to the Governor to endorse these people to the offices.

Mr. Speaker, the lastly we must not forget to note that the County the Sub County of Bondo is not represented in the County Public Service Board. Mr. Speaker even on balancing the cardinal requirement of the Constitution, and the importance of our league in the County Assembly and the Appointing Committee, it is important for the committee to advise that the County that constitute in the sentence must be taken into consideration according to the next persons' view nominated. They are still advertising and that...perhaps because the person that was not passed by the office has not satisfied the second rule. Mr. Speaker, this is not a warning and Mr. Speaker, the spirit of that provision is that we might not want to look at any person who is not from around.

Who isit is that when this report was given at the Assembly, Mr. Speaker they should have an added mind so that we should go engage ourselves....that we had added somebody from.... Mr. Speaker we also added in advance at the Executive that next time you go and bring people to us, they should interview them, it is not our work to interview these people. They should bring us people plus the certificates. It has reached a situation was and the people and we had an agreement in the vetting room and we reminded these people that if you have a degree... So that is how this programme was by giving them time to go back and bring the certificates to the committee. Mr. Speaker we have gone

through them, ... I am yet to see a scenario where a person who has come to look for a job takes the job and gives you certificates later or proves that he is responding later. Mr. Speaker, we are saying that we will not and we might not do it to

Hon. Speaker: Let him please second the motion, I shall give you time to talk.

Hon. Madialo: We might not wish to, in the future to bring to us two or three names, there is no time. Mr. Speaker....that gives us an impression that perhaps there might be some people who are entitled to cause and it is not allowed....as far as it is noted. Mr. Speaker may I seek to pursue the Assembly that we adopt this report.

Hon. Oriaro: Mr. Speaker point of order.

Hon. Speaker: Yes what is the Point of order?

Hon. Oriaro: Mr. Speaker in spite of the eloquence, logic and oratory skills in the presentation of this Motion by the mover and the proposer and seconder, the notice tabled before us in particular regarding to the name Rosemary Atieno Okumu lacks the authenticity to the kind of post such a person seeks. In the introductory part we are told that such a person seeks the post of the Public County Assembly Public Service Board, later on we are told of the County Public Service Board, so this is what the presentation lacks. So, I seek your guidance.

Hon. Speaker: Honorable Oriaro that is in order. May I appeal to this committee that I want to believe that is a typo error, as a matter of fact we have not discussed and we have not even tabled a

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Motion on County Assembly Service Board Member. Please take it that it is the County Public Service not County Assembly Service Board. Please, continue.

Hon. Madialo: Thank you Mr. Speaker. Mr. Speaker I will urge that the Deputy Speaker that before I sit down, I emphasize this, that we are committed, as we vet a candidate, we expect the candidate to have all the requirements, they are written in black and white, they are not subject of debate and apart from submitting those requirements, those documents, we shall see if they are suitable and we do not expect the submission of this..... Mr. Speaker I beg to support.

Hon. Speaker: I propose the question that this County Assembly approves report of the Committee on Appointment on the nominees in the County Public Service Board. We welcome to debate. Honorable Oriaro!

Hon. Oriaro: Mr. Speaker sir, I am in the concurrence that this time round the nominees before us who have displayed the requisite phrase to providing leadership that now stand before them. I only support it only with a little remark that in future the Executive should whole heartedly do try to ensure with all the energies that deserves that they off set the shame that this House has been made to commune in by bringing us names that are naturally not naturally but by design defective. I support the names presented before us Mr. Speaker sir. Thank you.

Hon. Speaker: Honorable Muhula please.

Hon. Muhula: Thank you Mr. Speaker. I stand to support this submission

by the Appointments Committee but with a disclaimer. However much we may Mr. Speaker want to talk on the preoperative of the Executive, I think the whole of the Appointing Committee must also... a stand Mr. Speaker, I mean a directive stand Mr. Speaker.

It is quite, as much as we are passing this document, Mr. Speaker, it is not an issue that we have to sit in the House debating on something that has been rejected twice and hoping that it is the best place we can want to... Mr. Speaker, yes indeed we will accept these two nominees to represent Siaya County but we wish them to come in to the Board not with celebrations that they have bitten this House but to know that this House, I will deliberately use the word favour, favour to give them three chances Mr. Speaker, to participate in this Board. And again I want to thank the Appointments Committee and also the humbleness that they have displayed and the union that they have in understanding that they must work together with this House Mr. Speaker. But again I beg from your Chair let us give a very strong indication to the Executive that this House will not be intimidated, this House will not be harassed.

Therequires that if you have to work with your partner then the collaboration must be there or the mutual understanding with respect for delivering services to the accomplished are respected. That report should be submitted to the Executives. But I want to once again to ask for the purpose of this County, for the purpose of this County of Siaya Government to know that I believe and pray that the House will accept this time to pass these two

2013 COUNTY ASSEMBLY OF SIAYA DABATES

names Mr. Speaker for the report to be inaugurated. I support, Mr. Speaker.

Hon. Speaker: The tradition now is to stand, so do you really want to talk? Honorable Jack Odinga.

Hon. Odinga: Thank you Mr. Speaker sir for allowing me. I want to say that if ...that the report from the Appointment Committee has been submitted by Honorable Madialo and Honorable members of the Assembly We are requesting that there could be some documents produced by these members... My request is that we pass these names by the entire members.

Hon. Speaker: Honorable Kowii, I am coming back to you. Honorable Odinga you have proposed that I put the question going by the mood of the House but allow the Chair to give the two to talk Honorable Kowii and Honorable Elisha. It is Honorable Kowii first.

Hon. Owii: Thank you very much Mr. Speaker sir. Mr. Speaker sir maybe let me take this time to support what the members have said. I am questioning myself with many questions. There is one thing that I wanted us to caution ourselves that Mr. Speaker sir if there is any body that was interviewing these people, we should put the blame on these people. I have never seen in my life, I have attended quite a number of interviews, I have never seen a situation where you are called for an interview and you refuse to carry what you were told to carry and you still expect the same to pass that interview.

Some of these candidates that we are discussing today, Mr. Speaker, Sir , it appears they never carried anything during

the first interview and those people decided to qualify them for these positions without literally taking interest on what was important like the documents that we have been talking about every time their names brought in here.

So I want to request that next time we should inform the office of the Governor or the Executive general that if at all they will bring one person that they have qualified and fails to give maybe papers which are necessary the Appointment Committee should just decide to disqualify that person and such names are not supposed to be brought before us here. Here we are just doing politics and personally I don't work under pressure, it's like some people are putting too much pressure in this Assembly that if we don't do this way then this will be done. Why don't they tell us exactly what will be done if we don't do it the way they want. May be next time, Mr. Speaker, Sir, some of us will try to disqualify ourselves to discuss even the obvious, like now some document I think it is that letter that was wanted, it was being circulated as I am talking I have not even seen it and I am told it was brought to the House. I have not even seen that letter and I was supposed to sign. If we are going to do things the way we are doing some people are going to succeed.

On the issue of not respecting regional balance, today is gone one month, and we know in store there is another one month that will come and very soon. So one area will have several members while others are coming with none at all, so I want to request that maybe in future, in a situation like this one we would even say this one we

2013 COUNTY ASSEMBLY OF SIAYA DABATES

are no longer discussing. But because I am also keen with the mood of the House, we are just accepting because we are now tired, we have heard enough of these people. I want to urge my people to accept that Joe Donde let us give him that particular position and let us see if at all he will give due respect to the Assembly that has been forced to approve him.

Hon. Speaker: Thank you Honorable Kowii, Honorable Elisha.

Hon. Okuku: Mr. Speaker, Sir, allow me to challenge and persuade myself to support this document on this particular day. Because if I look at the mood of the House, I don't want to be a minority in this House and I don't want to receive a sterling look in this ... Mr. Speaker, Sir, I want to support this document withMr. Speaker sir and that is why I decided to stand and talk in this House because I want to send a signal to the Executive this particular evening.

One, Mr. Speaker sir when I read what the Appointment Committee has concluded, they say that Regional balancing should be considered. Mr. Speaker sir, the Sub County of Bondo is not represented in the whole thing and Gem Sub County has enough Mr. Speaker sir because they have big things in this County of Siaya. If they have Donde today as the Chairman, they have the County Clerk, they have the County Secretary and they have a Ministerial Post also and now it is time to tell the Executive that it is now enough.

May I also ask that how much do we owe somebody, how much do the Assembly owe that we must pay byeven if we say no, this will be sent back. If we say no it

will be sent back, we must pass this name. Allow me Mr. Speaker to say that even though today we are beaten and we pass a certain name, a day like tomorrow will come, let those who have been given opportunity to work to perform, if they don't perform to meet the standards of this County, Mr. Speaker sir we will call them back. Allow me to say that the appointing authority take in record that the Sub County of Gem has enough and whoever is sent away from Gem let him not be assembled again now.

Hon. Speaker: Honorable Onduru, what is the point of order?

Hon. Onduru: Is it in order for the honorable Member of this House to say we as members we pass this under pressure? We are not under pressure! We make our own decisions.

Hon. Speaker: Honorable Elisha did you mean that this House has been passing these Motions under pressure or is passing this particular under pressure?

Hon. Okuku: The circumstances Mr. Speaker indicates that there is pressure that will cause somebody something

Hon. Speaker: Honorable Elisha from where I stand there is no pressure unless it is within you individually, so can you please withdraw that this House has pressure.

Hon. Okuku: Mr. Speaker it seems that there is pressure

Hon. Speaker: That is not what the Chair feels. There is no pressure.

Hon. Okuku: Mr. Speaker, I withdraw the statement.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Speaker: Thank you, please proceed.

Hon. Okuku: Allow me to continue. They must perform, if they don't we will come here back and recall them back Mr. Speaker, Sir. Thank you.

Hon. Speaker: Thank you. Honorable Members I had been asked to read the mood of the House and I differed that question and that there is nobody standing, I don't want to put the question on the mood of the House and therefore I want to ask the mover to reply.

Hon. Adera: Thank you Mr. Speaker. Mr. Speaker this evening I am very saddened. I am so sad and as the saying says that he who laughs last laughs last. I am sure the Executive today will be laughing last and the last man today will be laughing louder than any other person laughing. Mr. Speaker, I want to now

Hon. Speaker: Honorable Kadera are you distancing yourself from your Motion?

Hon. Adera: Mr. Speaker, I am supporting my Motion.

Hon. Speaker: The Speaker has granted you time, please continue.

Hon. Adera: As we pass this list I want to urge the honorable Members to pass the Motion as it is but at least I have a smile. Mr. Speaker, if I invite you to the last paragraph of our report, the last paragraph indicates that in view of the fact that no demands on regional balance in appointments to Public Office in nomination, the next and last person to the Board, the Governor be informed of the fact that the Sub County of Bondo is not represented in the Board and that it would be

....upon the County Assembly in determining the suitability of the said nominee to ensure as a matter of balance.

Mr. Speaker if we go to part three, the committee recommends that the Executive should ensure that in future they should not resubmit names of candidates or nominees who have been rejected and that the Assembly shall not discuss that nominee. Mr. Speaker, at least to that one now it puts a smile on my face because I know for sure in future this Assembly will never and ever allow any rejected name or names to be resubmitted back in this Assembly. At least that one gives me a smile, even the pending names, I know there are pending names and if they come back I will be the first to read them. Mr. Speaker with those few remarks I wish to congratulate Members, I know your feelings, I do not know the feelings of every individual but I have read the mood of the House and I can say that you pass this list. Thank you, Mr. Speaker

Hon. Speaker: Thank you. I now put the question that this County Assembly approves the preferred of Committee on Appointments on the nominees to the County Public Service Board. May as many as are of that opinion say Aye

Hon. Members: Aye

Hon. Speaker: May as many as are of the contrary opinion say Nay

Hon. Members: (few) Nays

Hon. Speaker: The Ayes have it. Honorable Members my words of finality is that I echo the same sentiments that you do. From the Chair, I think ...is real from the Executive that this Assembly has enough Business to transact and none of them is re sitting on one or two names day after day.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

We will not do that, this is not the spirit of the Assembly I know of but I can assure you one good thing, we can undo what we have done if they do not meet our expectations.

Thank you so much. With that may I say that this Assembly is therefore adjourned until such a time that will be communicated to you.

REPUBLIC OF KENYA

SIAYACOUNTY ASSEMBLY

THE HANSARD

First County Assembly-First Session

The House met at the County Assembly chambers at 9.00 a.m.

Wednesday, 31st July, 2013

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

PRAYER

MOTION

NOMINEES OF THE COUNTY
ASSEMBLY SERVICE BOARD

Hon. Adera: Mr. Speaker, I rise to move the motion for the approval of nominees of the County Assembly Service

Board. Mr. Speaker it's a great pleasure this morning that I wish to table the report of the Appointments Committee who did vet three nominees yesterday and came out with one single nominee.

Mr. Speaker, before I give the name of the nominee, I wish to take this House

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes Only. A Certified version of this Report can be obtained from the Hansard Editor.*

2013 COUNTY ASSEMBLY OF SIAYA DABATES

through the process that the Appointment Committee underwent. Mr. Speaker, the said position is provided under County Government Act Sectionwhere it is written that there shall be a County Assembly Service Board which shall constitute five persons, the speaker being the

chair, the leader of majority, leader of minority and the secretary of the same board shall be the one of the Assembly shall be from the Assembly and the fourth person comes from outside who shall be nominated by the Assembly through an appointment from the speaker. Mr. Speaker, the same position was advertised on our dailies and we received several applications, about 134 applications for the same position and we constituted through the Appointment Committee we constituted a panel which did the interview, they did the short listing before interviewing the candidates and shortlisted 14 applicants after which they were interviewed and came out with names of three nominees which they presented to the Appointments Committee this week on Monday. Mr. Speaker, there were three successful candidates who were shortlisted and their names were presented to the Appointments Committee. They include:-

Mrs. Margaret Aoko Olale

Mr. Sammy Ouma Ojenge

Mr. John Jacob Okong'o

Mr. Speaker, the three were invited for vetting on the 29th of this month at ATC Siaya and they all appeared before the vetting committee for vetting and the

committee settled on one name. Mr. Speaker I will settle on the name the committee considered, the academic qualifications, the experience and the docket which she was nominated for and again regional balancing. Another factor that the committee considered was the gender issue.

Mr. Speaker, it is in the public knowledge that the committee, the County Assembly Service Board already has members and it will be prudent for us tothe constitutional requirement of gender balance because it is important we be guided by gender rule and therefore we were persuaded to nominate the lady. Not only that she is a lady but her academic qualifications persuaded the committee to settle on her name. Mr. Speaker, just to be brief the lady in question has vast experience and has masters. She was born in Busia, Nambale but married in Alego Usonga that is in Siaya County, she is a retired officer with the World Bank after working for 20 years as a procurement officer.

The lady has supervised various projects in Western Kenya, Uganda, Lesotho and Zimbabwe. The lady has worked at the University of Nairobi and she is a community developer by profession. She worked closely with the Ministry of Finance and Central Bank. She is a small scale farmer, she is a member of several women groups, and she is also involved in Civic Education in YWCA.

She does monitoring and evaluation for St. Peter's Cathedral that is in Siaya. The lady in question is a representative of women in National Council for Churches in Kenya Nyanza region. She is a member of

2013 COUNTY ASSEMBLY OF SIAYA DABATES

the Chamber of Commerce. In her oral submissions yesterday she did indicate that she was supposed to be a judge yesterday at the Kisumu Agricultural Show but because of the vetting that was being conducted yesterday she had to honor the same and put aside the task that, to be a judge at the Agricultural Show in Kisumu. The lady has vast experience on the job and she said that she will ensure that there is regional balancing and gender balancing. She will be available for the work if appointed, if this Assembly will approve her. She is a good planner and manager.

Mr. Speaker, the lady understands the rules and functions of the County Assembly Service Board that came out during our interactions; she exhibited that through the oral interview with her. The lady also told the committee if she is appointed she will emphasize on Team Building and will undertake programmes that will enhance the ideals of parliamentary democracy. Mr. Speaker, the lady we are talking about also said she will link up with other organizations like UNDP for the benefit of MCA's.

She will provide facilities to capacity build MCA's and staff in ICT. She will also introduce an Award Programme for exceptional performance of officers in order to motivate them. When she was working with the World Bank she got 17 Spot Awards, those are awards given when you come up with a unique idea then you are given an award. She has vast experience in dealing with politicians, she did indicate that she contested for the gubernatorial position but due to financial constraints she decided to drop out of the race. She didn't make it to

the nominations but even after that she actually supported the party which she belonged to.

Mr. Speaker, the panel that came up with the three names was constituted by the Appointments Committee and it represented the religion, media, disabled, marginalized among other sectors. The law stipulates that there shall be five members in the panel and we managed to get highly qualified citizens in Siaya who carried out the vetting, short listing and interviewing and I wish to complement the panel for doing quite a good job.

Mr. Speaker, I wish to say that the panel was headed by a blind lady who was so much excited, she indicated that she has been having so many meetings, workshops and this is the first time that she has been given an opportunity to head those who have visual capacity. She was so happy and I wish to congratulate her also for carrying out a very good work. They were not influenced by anybody and I wish to congratulate them and the board headed by our able speaker because they did indicate that throughout their work nobody, no member or nobody from any quarter called them to give them direction. The decision that they reached was never influenced by anyone but it was their own independent decision.

Mr. Speaker, I wish to rest my case by calling upon the members of this Assembly to support this motion so that we can adopt name as already given and this body or this board will be charged with the affairs of the Assembly, recruitment of staff, deployment, restructuring among other things. For us to jump start the activities of

2013 COUNTY ASSEMBLY OF SIAYA DABATES

this Assembly approving this name is very vital and paramount for the business of this Assembly to carry on. I wish to rest my case and call upon members to support this motion. I wish to invite honorable Otieno to second the motion.

Hon. Otieno: Mr. Speaker, Sir, I stand to support the motion on the following notion. Mr. Speaker, I do realize that it has taken a long time to have this body in place. Mr. Speaker you find also a lot of things have stagnated in our Assembly, we need to recruit staff Mr. Speaker to make this Assembly move. We need deployment to be done, Mr. Speaker; we need issues like health facilities Mr. Speaker for us to identify a health service provider Mr. Speaker for our members to enjoy these services Mr. Speaker. You also realize that constitutionally it call for every board to be in place, Mr. Speaker.

Mr. Speaker, the issue of welfare, the issue of allowances that has been on the shoulder of the clerk to address, it has been very difficult on her side because everybody will rush to her. Once the board is in place I think this will now be an easy task for this Assembly Mr. Speaker to see into it. With those few remarks Mr. Speaker I urge the Assembly to adopt the name of the nominee who has been brought before the Assembly.

Hon. Speaker: I therefore propose the question which is:-

THAT this County Assembly adopts the report from the Committee on Appointments for the nominees to the County Assembly Service Board. You can debate. Yes, honorable Muhulah.

Hon. Muhulah: Thank you Mr. Speaker. I wish to commend the

Appointment Committee for the very wonderful job. Listening to the deputy speaker submissions on this nominee Mr. Speaker there are three things that I have been trying to look on this nominee. One is the credentials in terms of academic qualifications. Number two is credentials in terms of references of where she had worked. Number three in respect of the constitution by allowing a lady to be secretary meeting the threshold of one third rule of the constitution of the members of any committee.

Mr. Speaker, as you will agree with me the first months of the constitution of this County Assemblies Mr. Speaker it will be demanding for somebody to be there to address the issue of capacity building of which when you heard the deputy speaker read, this lady has a lot of interesting relevance to this because one, if we can get someone who can be able to engage the UNDP directly or World Bank directly I think that will be another easier way of creating a better relationship for us to forge ahead in terms of sponsorship Mr. Speaker.

Again, Mr. Speaker the relevance that this lady will have is her experience in dealing with management issues and possibly the personnel through the interactions that she has had with people outside or within the work that she has been engaged Mr. Speaker. I therefore do agree that this House will the appointment of the nominee into the County Service Board. Mr. Speaker she will be coming with a wealth of experience and of course in terms of advisory and possibly in terms of initiating of new ideas, Mr. Speaker.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

I want to praise this House Mr. Speaker for standing very firm and guarding themselves from the fears of intimidation Mr. Speaker to be able to deliver a credible board to this County Assembly Mr. Speaker. That one we must give a credit Mr. Speaker to our Appointment Committee which has done a very good and over whelming work. They have refused to submit to the pressure from people even outside who are saying that Siaya is late. Mr. Speaker I want this House to agree on one thing that however much we are late Mr. Speaker but at the end of the day we do what actually will be beneficial to this House, Mr. Speaker, let's not fear.

The same way again I will urge the honorable members to dedicate the same thing when it comes to appointments of the executive committee Mr. Speaker because we are charged with the responsibility of only doing a good thing for this County Assembly. We are not charged to do things to show people outside that we are just doing things, Mr. Speaker.

We must make a difference that our activities must bring a good end in terms of achievements we have Mr. Speaker. That we must be very able to discharge our duties without any cohesion from any corner Mr. Speaker that is why I want to congratulate and respect the honorable members for having taken their time Mr. Speaker to see that at the end of the day, it's not the end but that end must be an end that is not compromised, at the end there is a lot of diligence, a lot of diligence Mr. Speaker that will end up giving us competent ladies and men to serve this County Assembly. Mr. Speaker I stand to support that this

honorable nominee of the County Assembly Service Board be approved. Thank you, Mr. Speaker.

Hon. Speaker: I shall put a question if there is no other contribution. Yes, honorable Omwende!

Hon. Omwende: Thank you Mr. Speaker. I would like to support with amendments. There is a committee called Legal Justice Affairs. That committee should be given the mandate to go and scrutinize the report before bringing to the Assembly. It is difficult for that committee to survive without being given mandate to go and do thebecause this one am seeing that right procedure is not followed Mr. Speaker. Even the time for the motion to be brought in the Assembly we as the Assembly members we should be given time so that we also know more about the nominees. Mr. Speaker I kindly request for future we should be given this list prior so that we as the Assembly members we should know more about nominees. Thank you, Mr. Speaker.

Hon. Speaker: Thank you so much honorable Omwende. May I say this, in terms of procedure we are not out of order, for appointments we have Appointments Committee that does this and the procedure started with a panel that looked at these, the applicants, shortlisted the candidates, interviewed, submitted to the Committee on Appointments which is a committee of this House, vetted the candidates and brought it before the floor. That is quite in order. For issues of legislation then it will be mandatory that we through the Justice and Legal Affairs Committee.

2013 COUNNTY ASSEMBLY OF SIAYA DABATES

What is of concern to me is that members do not have a copy of the report. That is really worrying me and I want to make a decision as a penalty for this. This is the duty of the secretariat, I would have preferred even if it is one hour before this sitting we have the report with all members of this Assembly look at it so that as the deputy speaker reads or as the chairman presents you are also able to make references. Therefore I want to order that the head of the secretariat which is the clerk of the Assembly leaves this House we remain with the assistant clerk as a measure that will guide as in future. That when members come to floor they have to be given reports to read in advance. So madam clerk please the chair orders you out as a penalty for that.

Apologies to the members of the Assembly, sometimes we must take action because we cannot sit without any reports in front of your tables and then we are reading. So honorable Omwende point noted. Any other contribution? Yes, mheshimiwa Onduru.

Hon. Onduru: Mr. Speaker, you will forgive me, I didn't start with others. When I came in I was surprised when people are approving nominees without even knowing who the nominees are. I was wondering when I came in. The action you have taken is really something to commend because we cannot be here like unprofessional people, you approve, you approve, I think you have done the right thing. In future we should be having documents and talking to something that you have understood. I also say you have done a good job, we have been coming very slowly

and I also support and approve and I can see members.....why don't we approve and to other things?

Hon. Speaker: Honorable Odhiambo Munda!

Hon. Munda: Mr. Speaker I want to stand and congratulate you on what you have done just now because should know on what we are doing..... I want to congratulate the panel, the Committee on Appointments for the work that they did. I think they did a good job and from what I heard from the deputy speaker about the credentials of madam Margaret, her experience is fine I think we should approve and see to it that our Assembly moves forward. Thanks a lot.

Hon. Speaker: Could the mover reply now that there is nobody to contribute. Vice Chairman, please.

Hon. Adera: Thank you Mr. Speaker once again. I wish to thank all the members for their contributions. Mr. Speaker just in brief I wish to respond to honorable Omwende saying that this report passed the Legal and Affairs Committee and indeed it went through the said committee. I am wondering where honorable Omwende was because the report was discussed by the same committee and I didn't see honorable Omwende.

Hon. Speaker: Is the chair of that committee in this House?

Hon. Adera: The chair is not in Mr. Speaker.

Hon. Speaker: The vice chair? Honorable vice chair was there a meeting for Justice and Legal Affairs committee yesterday?

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Member: Thank you Mr. Speaker. The meeting was there.

Hon. Speaker: Okay thank you. Proceed honorable vice chair.

Hon. Adera: Thank you once again. Mr. Speaker I wish to repeat what I said earlier that the lady who has been nominated for this position has got vast knowledge and experience. Just from the report indicates that she is the right person for the position and I did forget Mr. Speaker to mention the names of the people who were in the panel that did the interview.

Just to be brief, the chairperson was Rose Achieng Koweru who comes from Rarieda, she is a professional. The lady is a lecturer at the Bondo University. We have Odeny Salim who represented the Civil Society. We have Riphinus Odhiambo from Ugenya represented Faith-Based Organization. We have Millicent A. Pedro from Alego Usonga who represented the marginalized community; she was a member

and Lawrence Aluru from Gem who represented the Media.

Mr. Speaker, the said committee did a wonderful job and from the report that they gave us I have already indicated was perfect and I give them a pat on the back and, Mr. Speaker, I stand to support.

Hon. Speaker: Honorable members I therefore put a question which is that this County Assembly adopts the report of the Committee on Appointment to approve the nominee to the County Assembly Service Board. May as many as of that opinion say Aye

Hon. Members: Aye

Hon. Speaker: May as many as of the contrary opinion say Nay.

Hon. Members: Silence

Hon. Speaker: The ayes have it. Honorable members there being no other business this House stands adjourned until as will be communicated to you. Thank you.

REPUBLIC OF KENYA

SIAYACOUNTY ASSEMBLY

THE HANSARD

First County Assembly-First Session

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

Thursday, 22nd August, 2013

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

PRAYER

Hon. Deputy Speaker (Hon. Adera):
Yes, Honorable Members, I have the communication and information to pass. We have an invitation from Center for Parliamentary Studies and Training. They

have invited two groups of committees, the PAC and PIC and the Budget Committee. The training will be held on 25th to 28th of August at Jumia Guest House in Kisumu and checking in is on 25th on a Sunday. So

2013 COUNTY ASSEMBLY OF SIAYA DABATES

the respective committees you will pick the letters then you can deliberate upon it.

Hon. Deputy Speaker: We also have the information from His Excellency the Governor. He has requested that we do, the Honorable Members do accompany him to Kisumu tomorrow in solidarity with him for the judgment which will be delivered tomorrow at the Kisumu High Court probably by nine, we should be guided. Thank you.

Hon. Deputy Speaker: Yes, Honorable Odinga

Hon. Odinga: Thank you Mr. Speaker sir. I beg to move the Motion on the approval and notification of the amended Siaya County Budget Estimates for the Financial Year 2013/2014. Mr. Speaker sir, that Pursuant to the provisions of Standing Order number 210, this House resolves to amend the following, Budget Estimates for Financial Year 2013/2014 that the sum of Ksh. 602,444,621, be issued from the County Revenue to meet Recurrent Expenditure during the Financial Year ending 30th of June 2014 in respect of County Executive. That a sum of Ksh. 682,432,319, be issued from the County Revenue to meet the Recurrent Expenditure during the year ending 30th of June 2014 in respect of the County Assembly of Siaya. That the sum of 379, 097,596, be issued from the County Revenue to meet the Recurrent Expenditure in the financial year ending 30th of June 2014 in respect of Public of Finance and Economic Planning. That the sum of Ksh, 73, 120,116, be issued from the County Revenue to meet the Recurrent Expenditure in the year ending on 30th June

2014 in respect of the Department of Agriculture.

That the sum of Ksh. 36,041,240 be issued from the County Revenue to meet the Recurrent Expenditure during the year ending 30th of June 2014 in respect of the Department of Environment and Natural Resources. That the sum of Ksh. 26,864,448, be issued from the County Revenue to meet the Recurrent Expenditure during the year ending 30th June 2014 in respect to the Department of Education, Youth Affairs and Social Development. That the sum of Kshs. 329,107,461, be issued from the County Revenue to meet the Recurrent Expenditure during the year ending 30th of June 2014 in respect of the Department of Health Services.

That the sum of Kshs. 78,493,863, be issued from the County Revenue to meet the Recurrent Expenditure in the year ending 30th of June 2014 in respect of the Department of Physical Planning and Development. That the sum of Kshs. 17,076,926, be issued from the County Revenue to meet the Recurrent Expenditure during the year ending of 30th June 2014 in respect of the Department of Transport. That the sum of Kshs. 37,512,568, be issued from the County Revenue to meet the Recurrent Expenditure in the year ending 30th of June 2014 in respect of the Department of Trade Development.

That the total sum of Kshs. 2,293,191,218, be issued from the County Revenue to meet the Total Recurrent Expenditure to the County Government of Siaya during the year ending 30th of June 2014. That the total, that the sum of Ksh. 142,164,000 be issued from the County

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Revenue to meet the Development Expenditure during the year ending 30th June 2014 in respect of County Executive.

That the sum of Ksh. 120 million be issued from the County Revenue to meet the Development Expenditure during the year ending 30th June 2014 in respect of the County Assembly. That the sum of Ksh. 289,450,000 be issued from the County Revenue to meet the Development Expenditure during the year 30th of June 2014 in respect of Department of Agriculture. That the sum of Kshs. 19,700,000 be issued from the County Revenue to meet the Development Expenditure during the year ending 30th of June in respect of the Department of Environment and Natural Resources.

That the sum of Kshs. 251,750,000 be issued from the County Revenue to meet the Development Expenditure during the year ending 30th of June 2014 in respect of Development, Communication, Youth Affairs and Social Development. That the sum of Kshs. 164,650,000, be issued from the County Revenue to meet the Development Expenditure during the year ending 30th June 2014 in respect of Department of Health Services. That the sum of Ksh. 49 million be issued from the County Revenue to meet the Development Expenditure during the year ending 30th of June 2014 in respect of Physical Planning and Development. That the sum of Kshs. 228,911,060, be issued from the County Revenue to meet the Development Expenditure during the ending year 30th June 2014 in respect of Department of Public Works and Services.

That the sum of Kshs. 353,500,000, be issued from the County Revenue to meet the Development Expenditure during the year ending 30th of June 2014 in respect of Department of Transport. That the sum of Ksh. 188,150,000 be issued from the County Revenue to meet the Development Expenditure during the ending year 30th June 2014 in respect of the Department of Trade Development. That the sum of 95 million be issued from the County Revenue to meet the Development Expenditure during the year ending 30th of June 2014 in respect of ... That a total of a sum of Kshs. 1,832,275,060, be issued from the County Revenue to meet the total Development Expenditure during the year ending 30th of June 2014 in respect of County Government of Siaya.

Mr. Speaker, Sir, as you know, the basic requisite of any County Government or any organization is to provide a Budget. As you know our previous Budget had a deficit of 1.7 billion, and we were advised by the Revenue CRA we do our Budget, we make amendments so that we take to them a balanced Budget. Mr. Speaker sir I want to inform you that this morning we had a committee of the whole House and some amendments were made. I want to believe that it is in the spirit of this House that we are behind the schedule. We need to pass this Budget so that we are able to get funding from the National Government. I beg to propose and I call upon Honorable Peter Muhula to second the Motion. Thank you.

Hon.	Deputy	Speaker: Yes,
		Honorable
		Muhula.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Muhula: Mr. Speaker, thank you so much to my Chair who has very elaborate explanations that we have gathered towards the Budget Estimates under conclusion for the year 2013/2014 physical year. Mr. Speaker, we shall recall about a month or two months ago we went through the same process of making this Budget, but unfortunately we were not guided very well by controller of Budget and also the Executive. I want to again resolve that the issue of deficit does not only come into the Siaya County. Deficit is something that is very normal in the financial planning.

As at today the Kenya Government has it also possibly the tune of 100 billion but what is possibly happening Mr. Speaker is that there has been a lot of talk in terms of resisting the commission. I want to agree that this could be one of the attempts that the Government, National Government, wants to use in order to micro manage the County Government. I would qualify this one Mr. Speaker, if the ministries that were formulated or the Kenya Government, we have a Ministry for Devolution and indeed we have to look into the reason as to why this Ministry was created, Mr. Speaker I get no reason.

It was brought in purpose Mr. Speaker to oversee the performance of County Government which I get... the reason why County Government was actually brought in. But we want to remind the National Government that there are 48 Governments in this Country. And all of them are the state only that they are intro-related that not anyone, any Government should feel supreme to overlook in terms of planning and of course also physical

planning in their Estimates and Appropriation.

Mr. Speaker, the reason I say that one is, when we were doing our budgeting there was no clear guideline from the Controller of Budget on whether the County Government were allowed to have deficit, that is the reason why we assumed and adopted the 1.7 Budget, which again the County Government from the Executive did not clearly indicate where actually they were going to get the 1.7 billion. We insisted many times as the committee of Finance that we wanted actually to look at the MOU, that possibly the Executive had agreed with the donors to confirm and have the ...that they had included 1.7 billion in our Budget then it was going to ... the deficit we were going to have.

Unfortunately, that one was not forthcoming. Mr. Speaker there is something I must report to this House, I did attend a symposium, symposium that was organized by the SCAN and a symposium that was organized by...Mr. Speaker. The issue of deficit was coming out very very clearly and again the issue of expenditure recurrent having taken the biggest chunk of development fund Mr. Speaker, was an area of concern.

On the same note Mr. Speaker, I want to commend the committee of finance and again the Executive through the County Executive for Finance for having looked at the entire Budget Mr. Speaker. And then relocated and possibly reduced that made us to do away with a whole 1.7 billion Mr. Speaker that has made us to do our planning on the appropriation and Estimates within the internal funding that we are going to

2013 COUNTY ASSEMBLY OF SIAYA DABATES

receive. Include plus whatever collections, whatever collections that the County Government was going to generate but that one totals approximately about 4 billion Mr. Speaker.

Mr. Speaker, the Government tells us that we should emphasize more on development. I want again to plead with the Executive through again the Executive Committee of Finance, that because we would want to constrain ourselves within the allocation that we are given by the National Government, we also have to look into things like Wage Bill for this County Mr. Speaker. Then I will also plead with the County Executive for Finance, that we should reduce and minimize in terms of wastages and we should emphasize more on the priorities that we feel and think we will be able to change the lives and improve the lives of citizens of this Siaya County. Mr. Speaker the area that are highlighted by the Chair of the committee Mr. Speaker, the area that we feel are of concern and are going to change the lives of our people Mr. Speaker. On this note Mr. Speaker, I beg, I beg and plead with the Honorable House and the Honorable Members that let we pass this because if we cannot pass this Mr. Speaker then accessing the funds that we have been allocated may not be very easy, Mr. Speaker.

So, we have very minimal time, our timeline to resubmit this thing back to the Controller of Budget Mr. Speaker is actually I think possibly it is supposed to be today Mr. Speaker if I am not far from truth, latest tomorrow. We need to pass this Budget and send it so that we can set the Motion in terms of development and all other things

that at the end of the day Mr. Speaker as elected Members here will stand to stamp our chests that we did struggle to ensure that the lives of Siaya County Members is good Mr. Speaker. I stand here and I beg to second that this appropriation Mr. Speaker approve ... of amended Siaya County Assembly Estimates Mr. Speaker be accepted. I stand to second Mr. Speaker. Thank you.

Hon. Deputy Speaker: I will now propose the question, that the Siaya County Budget Estimates for the Financial Year 2013/2014 Act be amended within the report by the Budget Committee to the tune of Ksh. 1,832,275,060 to be issued from the County Revenue to meet the Development Expenditure during the year ending 30th of June 2014 which has been dully tabled before this House and that the said report to be adopted as part of the Budget Estimates of 2013/2014 financial year.

It is now open for debate; anybody with contribution can do the same. Yes Honorable Members you know the tradition of this House you don't need to raise your hands. I will start with Honorable Abayo. Okay just reminding you, probably Honorable Abayo before you speak I wish to recognize the presence of the Executive Officer in charge of Finance, Mr. Cleophas Ombogo, maybe you can just stand up and wave to the Honorable Members. Thank you. Honorable Abayo

Hon. Abayo: Thank you, Mr. Speaker. I rise to support this Motion, that the report that as laid in this House by the chair proposing the amendments be approved because of the following reasons; Mr. Speaker as it has been highlighted by

2013 COUNTY ASSEMBLY OF SIAYA DABATES

the other Honorable Members, I want to believe that the Budget now presented before us has highlighted all the anomalies that had been listed in this particular paper.

We are all aware that this was in public domain that we had a deficit. I want to support this Motion because by this proposal there is no deficit and that Mr. Speaker Siaya County is not going to be or parade its..., it therefore means this Budget can balance itself. Secondly Mr. Speaker I also want to recognize that the current Budget as raised before this House is in compliance with the requirements as now guided by the Controllor of Budgets. That Mr. Speaker, our recurrent expenditure is around 55percent and the recurrent and development at 45. Mr. Speaker I want to believe that all Honorable Members are aware that this Budget has put forward the recurrent stands at 56 and the development stands at 45 as far as one minus one Mr. Speaker is... and I believe this is the impression that this particular amendment can---

Thirdly, Mr. Speaker, I want to appreciate that this Budget has highlighted in terms of allocation, the highest allocation has gone to transport at 343 million followed by the public, followed by Agriculture at 285 million, Education 251 million, Public Works at 229 million, and Health at 164, with that order Mr. Speaker we are talking about 5 pillars of development and with such development, I believe that with this arrangement and we focus in terms of the allocation Siaya should move to the next level. And lastly, Mr. Speaker I want to support this Motion that in terms of equity and equality and in terms of

development within the wards Mr. Speaker, further funding has been allocated as we have said that we are going to have 30 million per ward, this has been increased and I want to support, I want to thank the committee for this report and at the end of the day Mr. Speaker we will take Siaya where we expect it to be. Thank you, Mr. Speaker.

Hon. Deputy Speaker:

Thank you Honorable Abayo. Honorable Ndonji

Hon. Ndonji: Thank you Mr. Speaker sir. I first want to start by criticizing this issue of us being given information at the last minute, always being told that we have got to do it and if we don't do it, we submit this, that we are being forced to pass this thing at the last minute without having gotten proper information of what has been Budgeted. I think this one is being done maliciously, and it is in bad taste, it is meant to make us rush into making decisions which means that there is some cover up by the Executive and that is why, I don't know why is it that only for Siaya to have their things being done it is brought on the last minute.

So, I want to appeal to the Executive, that we want to be given enough time whenever there is something like this, we should be prepared at the right time, so that we have enough time to finish with those reports. Mr. Speaker sir, going through this document, the Budget Estimates and departmental analysis for the financial year 2013/2014, you will find that when it comes to item 2110100 which is basic salary for Public Officers, all the Sub Counties apart from Ugenya, there are basic salaries for

2013 COUNTY ASSEMBLY OF SIAYA DABATES

public officers. So I fail to understand if there will be no Public Officers in Ugenya Sub County.

So, despite the fact that I am supporting the Budget to go, actually I am being forced to support it to go. But I want amendments to be made so that we know, I wanted an explanation why is it that in Ugenya Sub County, there are no salaries for public officers? Does it mean that they are not there? Mr. Speaker, Sir, when I also add the figures of the Sub County, the other time Mr. Speaker there were two Sub Counties that were benefitting much much above other Sub Counties. Despite the fact that it has been a bitter better but the trend is still going on because when I add up the figures, I have realized that in terms of distribution, two Sub counties are going to get a total of 331 million.

Hon. Muhulah: Point of information, Mr. Speaker!

Hon. Deputy Speaker: Yes Honorable Member what information do you have?

Hon. Muhulah: Mr. Speaker, I have an information to give the Honorable Member, possibly he may not be aware that Ugenya is a new Sub County that did not have a local government before, so that one is the reason why probably we do not have a public officer now. But in future I want to assure you that they will be there.

Hon. Ndonji: Mr. Speaker, Sir!

Hon. Deputy Speaker: Honorable Muhulah do you think your explanation is satisfactory?

Hon. Muhulah: Mr. Speaker sir if is not satisfactory,

Hon. Deputy Speaker: I think you better liaise with the Chairman of the committee to perhaps give us an explanation later on when he will be responding because personally I don't think that explanation is satisfactory. You can liaise with the Chairman so that when he will be responding then he canHonorable Ndonji.

Hon. Ndonji: Mr. Speaker sir the Honorable Member is misleading the House, because I personally come from Ugenya, the Chairman of this committee comes from Ugenya.

Hon. Deputy Speaker: I have already made a ruling that he will liaise with the chairman. Proceed.

Hon. Ndonji: So I wanted to say that when I was adding up the figures for each Sub County, I realized that two Sub counties put together are going to get half of the other four Sub Counties put together. So Mr. Speaker sir I think that there should be explanations about this which has not been done to us up to now. We also ...and they always ask why is it that our Sub Counties are not getting what other Sub Counties are getting.

I understand, Mr. Speaker, Sir, that there could be issues for equalization, but I want to give an example of my area. Whereby Abuja was just a bush somewhere but because they wanted to bring up something, Abuja has been developed and it is now the capital city of Nigeria. So I wanted us to borrow from that, so that in future when Budgets are being prepared, let us also have in mind that even the people in rural areas are part and parcel of Siaya as a County. Therefore, there should be no

2013 COUNTY ASSEMBLY OF SIAYA DABATES

assumption that they don't need services; they don't require services that are coming from the Government of Siaya. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker:

Honorable Onduru!

Hon. Onduru: Thank you, Mr. Speaker, Sir. I rise to support the Budget and I want to start by thanking the committee Members they have...to look into the issues of this County and I also want to thank the Honorable Members particularly those who have risen before me for their contributions that their inputs were captured in what is needed in this document.

I am proposing this because..attention should have been given to key areas particularly Agriculture, food security is very important in this County, but I hope you took care of all the advisory centers etc as far as agriculture center is concerned. I also want to say... is the Budget adjustment we are going to amend, we need to reserve some of our people.

I agree entirely, Mr. Speaker, Sir the adjustment will address the...of Siaya as far as the required services are conserved. Mr. Speaker, Sir, I believe also very important there are two aspects of it, there is the aspect of passing the Budget, there is an aspect of implementation, as I rise to support, I think that after the adoption and passing of the Budget, the implementation part of it will be taken to consideration and time limit must be taken so that the first funds are released entirely so that we be taken to the grass root. I am also supporting those of the funds that have been given to the wards. This is the grass root and this is the start for development I hope that if implemented, our

people will benefit from it. Thank you, Mr. Speaker.

Hon. Deputy Speaker:

Thank you. Honorable...

An Hon. Member: Mr. Speaker thank you. I rise to give my submission of the approval of amendment of the Budget of Siaya County 2013/2014. Mr. Speaker, allow me to say that we are behind the schedule and we want to pass this Budget so that we get finances to our County. We know without finances nothing can move Mr. Speaker.

Allow me also to say that proper guidance was not given in the initial stages when we were doing our Budget which to some extent is convincing us that somebody somewhere is not for Devolution Mr. Speaker. We now agree Mr. Speaker to correct it or to redo it so that it passes for our people at the County to benefit. Where I come from Mr. Speaker, in Ugunja Ward, is really worried now that things are not moving and during our campaigns Mr. Speaker, they knew immediately we will come here life will start changing. So, Mr. Speaker, I stand here to let the House or to convince fellow Members that we pass this Budget.

Mr. Speaker, I cannot forget to give also injury on the same Budget, more so let me take for example Ugunja as a Sub County, you see we are the little, we are the Sub County which has been given the very little resources that is in terms of development, and all that is there. I can also not forget to say, Mr. Speaker, Ugunja as a Sub County being the minority, in future should be addressed well, Mr. Speaker, in terms of allocating funds for it.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

I must also say, Mr. Speaker, I am now standing to support it because the core issue which is agriculture is addressed even though the allocation is little but it is touched. On health matters it is touched. I therefore stand Mr. Speaker to remind the House that as fast as we do it as fast as we pass the Budget we shall improve the lives of the people of Siaya and the entire development will be realized in the County and with that I stand to support, Mr. Speaker.

Hon. Deputy Speaker:

Thank you. Honorable Kowii

Hon. Owii: Thank you very much, Mr. Speaker, Sir. I rise to support the implementation of the Budget Estimates, the amendment. Mr. Speaker, Sir, it is too late for us to maybe put our cry for our wards or our areas and Sub Counties where we come from because more than several times we have talked and this appears as if it is going to...Mr. Speaker, it is true that the way the Budget was made this year, given that it was the first Budget in the life of this County Government of Siaya, we would actually put some excuse. And it was like a Budget for two sub counties. It was like a Budget for the Sub County for Alego Usonga and Bondo.

I had actually spoken my mind even in the past on the same and I want to put a request here, some amendments should still be there on this particular Budget. More particularly when we were here talking informally, we were trying to find how we would raise some money to purchase ambulances for our Sub Counties. I looked around, Mr. Speaker, and if what I am seeing is what is still in the Budget, on the

improvement of our markets, the highest allocation was given to Bondo which was about, I think it was about 75 million. And the next allocation which was highest was Siaya fall in Alego Usonga Sub County.

I want to request that when we are starting let others be first amongst equal alright, but the difference should not be that big margin. This 75, if it is reduced to 50 so that Bondo and Siaya can start at the same footing, then we are going to save about 25 million which we can put to help us purchase six or more ambulances. This is my feeling and I don't know if it goes in record because it is important when we are talking of doing away with some tractors we found we are going to be stuck somewhere, now we have found a very fertile place here where we can easily scoop some money, put it there, nobody will complain, because they never used that money even in the past. So with the 25 million that we are going to get from Bondo we will now save our face in the purchase of these ambulances.

I want also to request because if you look at our Budget Mr. Speaker, you will find that if you come to environment, it is all Bondo and Alego Usonga. Now we cannot reduce those ones now, it will be too late. I only want to request that where some money was being consolidated, and we were not actually told exactly where this money is going to go, we are only told that this one will be for this kind of activity. I want to request that there should be some million whereby we will know that money that is consolidated will go for this purpose and where.

If it is meant for education, like location of trading centers, we now move it

2013 COUNTY ASSEMBLY OF SIAYA DABATES

directly to the ward where the particular activity will be done. But not just consolidative that one will, you know when you close a window like that, with the Kenya that we know, it may close till the end and other people I am sure even the gentleman in charge of finance is also here or in charge of our treasury, that is how our money will find its length out of the functions that they should do into the pockets of very few people here. I don't want to mention because I don't know where the money will go to.

I want to finish by saying that consideration should be made Mr. Speaker sir when we are trimming this Budget to suit the interest of our office in Nairobi that someone should be allocated, for the construction of a slaughter house in Madianyi Division that is in Rarienda Sub County. Because even health does not allow that you can carry meat close to 23 or 25 or 27km away or 47 km away because some will be taken to...from where we have a slaughter house, that one will be too far actually for us. So I want to request that let them trim the Budget at least to allocate even three million for just a construction of a slaughter house in Madianyi to cater for that wide part of Sub County.

Hon. Deputy Speaker:

Honorable are you bringing an amendment or you are contributing?

Hon. Owii: Both, I am doing both.

Hon. Deputy Speaker:

Honorable Kowii if you have to bring an amendment then you must table before the office of the Clerk before we come to the Assembly. You cannot do it

Hon. Owii: I have said that I was going to support this one with amendment. I wish you told me to sit down kindly, Mr. Speaker, Sir.

Hon. Deputy Speaker: Okay
I am giving you one minute to summarize it.

Hon. Owii: Thank you, all that I have said is exactly what I had in mind, and I believe if at all we want the Budget that is for the whole of Siaya then it should have the face of Siaya. With those few amendments I beg to support. Thank you very much.

Hon. Deputy Speaker: Thank you.

An Hon. Member: Thank you Mr. Speaker, I also stand to support the amendment of the Budget but I have some few comments here. I will start by

Hon. Deputy Speaker:

Honorable Kowii has just raised an issue that he would wish to propose an amendment, are you supporting this amendment or you are contributing on your own?

An Hon. Member: I am contributing.

Hon. Deputy Speaker: And
therefore Honorable Kowii you have nobody to support or second you and therefore your amendment cannot withstand.

A Hon. Member: Thank you, Mr. Speaker. ..., I am saying that the committee has allocated some good money on transport, agriculture, health, education and public works and those are the backbones of the activities of our County. I think they really did a good job and with that... stand to support. Thank you.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Deputy Speaker: Thank you.
Honorable
Adida!

Hon. Adida: Thank you Mr. Speaker. I stand to support the amendment regarding our Budget. And my main concern is to say that at least we all know that even Rome was not built in a day and all those amendments that we are still requesting for, I think as we said, this is just our first Budget and I know we have another four years to make our Budgets. And as at now we are aware that the people of Siaya are tired and they need action. And given the fact that we have been allocated some money not even little, to start us on. I can say that let us move forward and as at now we support the amendment so that the people of Siaya can start to see actions. Thank you, Mr. Speaker.

Hon. Abayo: Point of order

Hon. Deputy Speaker: Yes,
Honorable Abayo what is the point of order?

Hon. Abayo: Mr. Speaker, as it has been discussed by the Members who support this Motion, I wish to request you Mr. Speaker to invite the mover of this Motion on the floor.

Hon. Deputy Speaker:
Honorable Abayo you can't do that on a point of order.

Hon. Awuor: Thank you Mr. Speaker for having stopped Honorable Abayo to move that Motion be replied before I contribute. Mr. Speaker I want to just thank the Budget team for the good work that they have done. I want to appreciate that...that ...and we will come to where we are now. I want to say that this is

the best Budget in this Country. Siaya as a County has produced the best Budget because if you sat with the executives, they reduced, we agreed to reduce the cars that consume quite a lot of fuel to be part of not exceeding two thousand CC and I think this is great. I must thank the Executive and the entire committee for the good work that has been done.

Mr. Speaker, had we not been brought this issue of bringing in funding of the proposed external funding, I think our Budget was balanced. It was unfortunate that some people brought, snicked in some of the proposed Budgets to be funded by the donors into the real Budget and gave us this problem of having a deficit. Otherwise the initial Budget that was done then was balanced apart from being that the recurrent and developments were overlapping. So I think that also gave us that opportunity to work on the balancing of the recurrent with the impression of 45 percent and the development to be 55 percent or vice versa. The development to be 45 percent and the recurrent to be 55 percent. I just wanted to thank Members and urge the House to support this Motion. Thank you, Mr. Speaker.

Hon. Adera: Thank you
Honorable Kawuor, any other contribution?
Honorable..will be the last one.

An Hon. Member: Thank you Mr. Speaker for the opportunity to join the rest of the Honorable Members in supporting the approval of this Budget Estimates and as it has as well been captured by the speakers. Time is of essence here Mr. Speaker to cater for our County that the people have been waiting for development. The only thing I

2013 COUNTY ASSEMBLY OF SIAYA DABATES

can add is it is not ...out of our Budget. I know...but we must ensure that we exercise our role, our legislative role, our oversight role in ensuring that every item has been captured and ... as Honorable Kowii rightly observed some of these things were not looked at properly.

So, I have said the Budget discussions, that we did not have the public participation from the youth who I also represent in this House but it was explained that the Budget will be captured by the National Government, However for Siaya to realize the County...we are looking forward to recover the dream of industrialization and capture and see exactly how we can be industrialized so that we see how equitable we can be and also be able to raise our income. I rise to support.

Hon. Abayo: Thank you, Mr. Speaker. As I have hinted and you have seen that Members have adequately deliberated on this Motion of amendment of Budget Estimates. I would like to request Mr. Speaker that you invite the mover of this Motion to reply. Thank you

Hon. Adera: Yes Honorable Abayo I have noted your concern, it is true the debate has been exhaustive and I wish to call upon the mover of the Motion to reply, Honorable Odinga please. I am being persuaded to jump that I had not seen Honorable Omwende but kindly allow me to invite Honorable Omwende to contribute before you can reply.

Hon. Omwende: Thank you Mr. Speaker sir for that observation. First I will say to my colleagues that I understand by talking about the time, that time is bad on us we need to pass this, time is bad on us.

Every time that we converge in this our House somebody is under pressure to pass something or sometimes might even hinder in terms of development. So I will say to my colleagues that we should work with time and we should pass that Budget that is constructive, something that is so tangible to us, something that we think it is worth to us. And another thing I also have an observation to make, one, right now maybe it is very difficult to,

Hon. Muhulah: Point of order Mr. Speaker, could you please prevail upon the Member to understand that there is no any obligational pressure to pass this Budget but should use his concern with the understanding that the Budget is good for the Siaya County, Mr. Speaker. Is the Member actually right to say that he is under pressure to pass this Budget?

Hon. Adera: I think the Member is right because he had already read the concern that materials were not provided early in adequate time within the given framework.

Hon. Muhulah: Mr. Speaker, is he under pressure?

Hon. Adera: What he is raising is true, because he had said that they had not been provided with materials and therefore he has the right to say that materials should be brought within time, things should be done within the time framework. And therefore Honorable Omwende is right, Honorable Omwende proceed.

Hon. Omwende: Thank you Mr. Speaker for giving me that protection. So I will speak with audibility and power thank you for that. Another thing that maybe we cannot make any change but in

2013 COUNTY ASSEMBLY OF SIAYA DABATES

future we are not going to issues of what but we are going to know in terms of population. In population because when I was doing some research somewhere I found that some wards have got some in terms of population they are fewer than other wards. So in future me as an Honorable person I might even bring a Bill to the Assembly for tabling so that we should go for population than going for wards. Thank you, Mr. Speaker.

Hon. Adera: Thank you. I now wish to invite Honorable Jack Odinga the mover of the Motion to reply.

Hon. Odinga: Thank you Mr. Speaker sir. First and foremost I want to thank Honorable Members for the deliberations that they have made for the 2013/2014 Budget. I want to sincerely thank these Honorable Members because...and there are some concerns that are beyond us. For example time factor. Initially when we made the first Budget, we did in time; it was approved by this Honorable Assembly by 19th of June 2013. Now when it comes to the Controller of Budgets,...we were told that there were some amendments that we had to do, that we had to come up with a balanced Budget. This is why we presented the same so that Members would be able... Because also the Executive in charge of finance was given our Budget to go over the 1.7 billion, were also given the ...14 days, which was by the time when we were in Nairobi. So when we started working on this thing, we are reminded that today is on a Thursday. So I think that this committee did a commendable job, I want to...to make sure that we meet the deadline.

So, I want to say that there some things that come, there some conditions that are beyond us that we are unable to ...I also want to share with Honorable Members ...that today after the committee had just done the amendments, that we are heading to the Executive in charge of finance he told me that the Government, the National Government has gazetted ECD under the National Government and as now the ECD is funded by the National Government. So this information we are getting today at around one. So Honorable Members we ask that...and this was done through...number 16, .. Notice number 160.

So, you can imagine ...Mr. Speaker, Sir, I think one major problem I have noticed is that there are two Sub Counties which have got a relatively bigger allocation and I want to say this, we know that the County Government of Siaya we had ...so if for example Alego had the Municipal Council and County Council, then definitely it goes without say that the total number of staff within Alego is bigger if compared to a Sub County where there is only one Town Council. Same to Bondo, we have Bondo Town Council and Bondo County Council. So in terms of salaries and allocation, it goes without say that the two Sub Counties had a bigger number of staff. So, even in terms of salaries it has to be higher.

That is why you have seen here that in terms of salaries, their salaries are quite high. Because Alego has a town council, Bondo has a town council, there is Ugunja Town Council then Rarieda. Now also when we come to development, it is true, I can say that it is true that Bondo and Alego have very high and even...and the reason is

2013 COUNTY ASSEMBLY OF SIAYA DABATES

these Sub Counties have six wards each. So if you imagine you can take 30 times 6, Alego would get 180 million. Now a place like Ugunja, sub County of Ugunja only has three wards. So, 30 times 3 that will be 90.

So, I want to say that as much as we are trying to rationalize, to agree that we shall have equal amount in every Sub County in all the wards, it is practically impossible because of the numbers. So if you go...if you go to Ugenya they are 4, if you go to Bondo, I mean Ugunja they are 3. So with that it means that the allocations can never be the same. To have an equal amount, all the Sub Counties cannot have equal allocations.

Now, Mr. Speaker, Honorable Kowii was talking about....and I think during our amendments, we said clearly that everything that was under the standard Budget we will do away with it. ...it is not there, what is there is the allocation ward by ward. I think those are the major concerns Mr. Speaker sir, and just as I said earlier, that regarding all your contributions, I want to say that this Budget is very important for the running of this County Government of Siaya. I want to tell all the Members that a citizen down there, Atieno down there would like to see a road done, would like to go to school.....allocation of bursaries, so Honorable Members it is through your wisdom that the 2013/2014 amended Budget be passed by this Honorable House. I beg to move. Thank you.

Hon. Adera: Yes thank you Honorable Odinga. One point that you missed is that we are amending, it is now that we are amending the Appropriation Act, and we are not passing an amendment Act.

Okay I will now put the question, that the Siaya County Appropriation Act 2013 be amended to include the report by the Budget Committee to the tune of Ksh. 1,832,275,060 to be issued from the County Revenue to meet the Development Expenditure during the year ending 30th of June 2014 which has been dully tabled before this House and that the said report to be adopted as part of the Budget Estimates, as part of the Appropriation Act 2013. May as many as are of the opinion say Aye

Hon. Members: Aye

Hon. Adera: May those of the contrary opinion say Nay, the Ayes have it. And Honorable Members there being no other Business, I wish to adjourn until the date which shall be communicated to you.

An Hon. Member: Just a point of information!

Hon. Adera: You cannot raise a point of information now, perhaps we can adjourn.

An Hon. Member: For the benefit of this House Mr. Speaker.

Hon. Adera: We can adjourn then you can raise that question informally.

An Hon. Member: Informally Mr. Speaker? You have ruled halfway. Just one part of what we have proposed. Mr. Speaker you have not read the Executive, the current Executive Mr. Speaker.

Hon. Adera: You know what I did is to summarize. No, what I did was to summarize you know we had, you have heard when the mover was moving the Motion he read from, I know there are over 20 items and because of time, we know those items, we will not read everything more or less clarification.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Member: Mr. Speaker sir, if you may allow me

Hon. Adera: Okay that is a genuine point. Yes that is a genuine point, it had not been placed before me and I can now see it. I believe we have been debating on the same issues and we do not need to back to that. Yes I only need to put the question again that the House do adopt the report to include the recurrent expenditure which totals to 2,125,100,439

Hon. Member: Mr. Speaker point of order, the recurrent should be 2 billion, Mr. Speaker.

Hon. Adera: Yes let me consult with the Clerk. Yes Honorable Members I believe you have these copies with you. What I was having perhaps did not capture this. And we have total of the recurrent

expenditure which is 2.2 billion, then we have 1.8, then we have a total of 4.125 billion. Now we have to respect our question, I have so many papers before me, okay I will now put the question, that the Siaya County Appropriation Act 2013 be amended to include the report by the Budget Committee which has been tabled before this House today, that the said report be part of the Finance of the Appropriation Act 2013 which had been earlier passed. May as many as of the opinion say Aye

Hon. Members: Aye

Hon. Adera: May as many as of the contrary opinion say NAY, the 'I's have it. We are adjourning until the date which shall be communicated to you anytime.

REPUBLIC OF KENYA

SIAYACOUNTY ASSEMBLY

THE HANSARD

First County Assembly-First Session

The House met at the County Assembly chambers at 9.00 a.m.

Wednesday, 11th September, 2013

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

2013 COUNTY ASSEMBLY OF SIAYA DABATES

PRAYER

Hon. Speaker: Honorable members, I wish to draw your attention to the following issues: I wish to inform the Honorable members that members of the County Assembly of Siaya are expected to attend a meeting with the Speaker, member of the Speaker's Forum in Nairobi and that we are in the process of booking the flights and I want to ask the Honorable members to liaise with the office of the Clerk and confirm. The meeting is on Saturday and the booking will be done. Please confirm if you are going to attend, the departure is on Friday at 3 and it is expected that we return on Sunday at 10.

The departure from Nairobi to Kisumu will be at ten so please confirm with the office of the Clerk. Secondly Honorable members I want also to take this opportunity to thank the members of this Assembly for their participation of raising the occasion of the Swearing in of the Acting Governor, I think it was a good sign of solidarity at that point in time. I also want to inform you or to remind you that the Siaya County Integrated Development Fund, meetings are on and I want to thank the members that have participated it is still ongoing and I want to appeal to the members to be part of that process. Lastly, this is our official sitting, I want also to take this opportunity to inform the members that our acting, our Speaker, Honorable Steven Kadera is still in hospital. Reports reaching us from yesterday and even today that our brother is stable, I was personally there yesterday and he was able to walk without any support. With our prayers, all we believe shall be well.

Hon. Speaker: Honorable Madialo!

Hon. Madialo: Mr. Speaker sir, I rise to give notice of motion of the Siaya County Flag and other Symbols Bill by 2013. Mr. Speaker, I now table the proposed Siaya County Flag and other Symbols Bill in 2013.

A Hon. Member: Thank you Mr. Speaker, Mr. Speaker sir, I want to seek a statement of the relevant committee over the following Mr. Speaker. That this House commits that the committee that is in charge of security Mr. Speaker responds and tells us as we are here sitting Mr. Speaker of the status of security of Siaya County Mr. Speaker.

It is just within about 40 days that our own Speaker, Mr. Speaker, was stabbed and right now is operating from the hospital Mr. Speaker. It is not the first time that we are hearing about this so I wish the committee to respond very soon as possible Mr. Speaker for the sake of the status of the security of Siaya County. Mr. Speaker, I also want this House to commit the relevant committee to seek the response and know the status of the Siaya District Hospital Mr. Speaker on how best it can be resolved because from the information that we are getting and what we have seen coming out from that District Hospital Mr. Speaker are not so much pleasing Mr. Speaker, thank you Mr. Speaker.

Hon. Speaker: Yes, Honorable Madialo.

MOTION

PUBLICATION PERIOD OF THE COUNTY
FLAG AND OTHER SYMBOLS BILL OF 2013

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes Only. A Certified version of this Report can be obtained from the Hansard Editor.*

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Madialo: Mr. Speaker I rise to move a motion that pursuant to the provision to the Standing Order number 117 which is: THAT this House resolves to reduce the publication period of the County Flag and other Symbols Bill of 2013 from 14 to 1 day. The Honorable Martin Otieno will second.

Hon. Otieno: Mr. Speaker, Sir, and today I stand to second by unveiling the County Flag, Court of Arms and Seal. Mr. Speaker County Government is a replica of National Government which needs instrument of power to effectively discharge its duties. Without the said instruments Mr. Speaker which today we unveil, shall create uncertainty in the County relations, National Government and International Government. Mr. Speaker given the above instruments shall allow the Siaya County to effectively discharge its duties and mandate in carrying its activities with due diligence. Siaya has stagnated Mr. Speaker since its inception.

The above instruments have been lacking and hindering our local and global interactions. Mr. Speaker without the above mentioned instruments, County cannot trade with other counties and other governments. It is on this basis Mr. Speaker that the above instruments are very important to our County; I therefore stand barely to support or to second. Thank you, Mr. Speaker.

Hon. Speaker: Thank you, the County Assembly Flag and other symbols Bill of 2013 has been proposed and duly seconded I wish to propose that persons to the provisions of the Standing Order that this House is going to reduce the publication period of County Assembly, Siaya County

Flag and other Symbols Bill from 14 to 1 day, I therefore put the question, that the County Assembly, that the Siaya County Assembly Flag Report be reduced from 14 to 1 day, with as many as of the opinion say 'Aye'

Hon. Members: Aye

Hon. Speaker: May as many as of the contrary opinion say NAY, the ayes have it. And we open this to debate, Honorable Madialo.

Hon. Madialo: Mr. Speaker I rise to move that the County Flag and Other Symbols Bill, County Assembly 2013 be read for the first time.

Clerk: The Siaya County Flag and other Symbols Bill 2013

Hon. Speaker: I propose the question that Siaya County Flag and other Symbols Bill County Assembly Bill 2013 now be read for the first time. May as many as of the opinion say Aye

Hon. Members: Aye

Hon. Speaker: May as many as of the contrary opinion say NAY, the Ayes have it. Yes Honorable Madialo

Hon. Madialo: Mr. Speaker sir, I rise to move that the County Flag and other Symbols Bill of the County Assembly Bill of 2013 be read for the second time.

Hon. Speaker: I propose that Siaya County Flag and other Symbols Bill, County Assembly Bill of 2013 now be read for the second time. I put the question that this Bill, the Siaya County Flag and other Symbols Bill, County Assembly Bill of 2013 be read the second time. May as many as of the opinion say 'Aye'

Hon. Members: Aye!

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Speaker: May as many as of the contrary opinion say NAY, the Ayes's have it.

Hon. Madialo: Mr. Speaker,

An Hon. Member: Point of Order, Mr. Speaker!

Hon. Speaker: Yes!

An Hon. Member: Mr. Speaker, I want to ask you to give direction here. That we are reading the Bill for the first time, second time, and also the third time without debating it, Mr. Speaker. Is it procedural?

Hon. Speaker: Thank you, you want to respond or I reply?

Hon. Madialo: Mr. Speaker the Honorable Peter Muhula has jumped the gun. I was on my feet now to put across the debate.

Hon. Speaker: So the debate is going to resume right away and I want to call upon Honorable Madialo to proceed.

Hon. Madialo: Mr. Speaker sir, as earlier stated by the Honorable Majority Leader of this House, this is a Bill that should have been there yesterday not today. This is a bill that was long overdue from coming. Mr. Speaker.

An Hon. Member: Point of order, Mr. Speaker, Sir.

Hon. Speaker: Yes,! Honorable Odinga.

Hon. Odinga: Thank you Mr. Speaker sir, I just wanted a direction because once the Bill has been read for a second time, you being the Chair or the Speaker it is important for you that you leave the seat and it to be committed to the

whole House for a special so I need your direction.

Hon. Speaker: I would reply by saying the time that the Bill needs to be debated on and if there are any amendments be made and by the end of it I will be able to put the question for the second reading and committing the same to the committee of the whole House. Then we debate it.

Hon. Madialo: Mr. Speaker, may I proceed?

Hon. Speaker: Please, go on.

Hon. Madialo: Mr. Speaker this Assembly is not only...of the Constitution in Kenya. The Constitution of Kenya was implemented to guide this Assembly by way of County Government Act. Mr. Speaker, permit me to read the relevant provision and this is Section 4 of the County Government Act. And it provides that every County shall indulge in discretion, prosperity before any County assembles the County Plan, County Court of Arms and the County Public Seal. And Mr. Speaker the key word there is shall.

It is not a say or personal choice. It is a must that we enact laws that will provide and prescribe those three instruments. Mr. Speaker it is also important, it is also very important to appreciate that if we were to take our independent identity, as provided from the Constitution, let the necessity that we will be able to identify ourselves. Sometimes independent of the symbols of our national state hood because though we have got 8 governments, the constitution does recognize these governments as a government of its own grown on the soil of the constitutional provision. But, Mr. Speaker, that forms the objective of discipline.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Mr. Speaker, I wish to call upon the Assembly to appreciate and read together with me that the fact that the bill we have that this is a Bill of the Siaya County Flag and other Symbols. It is specific to Siaya. It does not refer to any other County, it does not subject itself to any other County. And Mr. Speaker we have appreciated also that this are instruments that we need to protect that we shall register and upon registration, we expect the National Government to offer protection and that is why with much thought and reason, this Bill does prescribe and does provide.

That we do not have any likeness or similarity with the symbols of the National Government and two we had left it in the National Government to help us enforce, protect and remove sanctions in the event that these symbols are breached that anybody who disobeys the rules and regulations that pertain that these are symbols in my opinion. Mr. Speaker, the schedule to this Bill has at the end the County Clerk of Siaya County.

Mr. Speaker, this flag is rectangular and it has four elements with the fifth one which is more or less an affiliate to the other four. Mr. Speaker the first on the flag, there is a shield and this shield Mr. Speaker is contained in the Court of Arms. And it is a symbol of our prosperity, our security, our justice and the good gift of life that will besiege that the County Government of Siaya will order for the people of Siaya. Mr. Speaker the Court of Arms represents all our efforts to leadership and commitments to service. Mr. Speaker green part is a symbol of a new dawn and development in the County and we intend that prosperity thrives

in this County. And this House and enlightenment of our people who are ready for this new day, Mr. Speaker the Statunga that was there, they are symbols of registry, they are symbols of energy, strength and courage. They are symbols that are always looking forward, that is why they face us. They are symbols that we intend to put our people towards prosperity. The blue stripe which I owe the privilege, that background is symbolic of the fact that we also improve our opportunities in water resources in this County.

Mr. Speaker, the court of arms is the official symbol in Siaya County and is made up of the following. It has the piercing spears, traditional school, water pass, fish, a boat, cotton, millet and two statungas facing each other and facing us. Mr. Speaker part three, the public seal of the Siaya County is a simplified representation of the County Court of Arms and it will be applied on all official documents of the County. Mr. Speaker, we respect the flag, we respect this court.

The bill provides us, Mr. Speaker, that to display the authority and the independence, in the independence as an entity of the County, our flag shall fly on the official motor vehicle or any other motor vehicle as long as the occupant is the Governor so the Governor shall fly it, the Deputy Governor shall fly it on his vehicle, the Speaker of this Assembly shall fly this flag on his vehicle, members of the County Executive committee and Mr. Speaker any other Senior officer of the County as they carry out by notice in the gazette authorized.

Mr. Speaker, we provided this for this organization because as the House is

2013 COUNTY ASSEMBLY OF SIAYA DABATES

aware, gazette notices are legal instruments and would have to pass through here so the Governor may not and will not give out flags as gifts, it will still pass through this Assembly. And that is why there is a requirement that it must be gazetted first. Mr. Speaker we have aligned this Bill and cross-referenced it to provide this with the Article of Flag Emblame and Names Act. So there is no contradiction between this Bill and the National Flag Emblame and Names Act.

Mr. Speaker, may I rest my presentation by calling upon members to appreciate the urgency, to appreciate the urgency with which, urgency that is required, urgency that is there for enactment of this act. Mr. Speaker if it is not enacted within the time we might have to wait for some time late next year and our contracts will be subjected to approval and in fact enforcement by national government because then we will have to use the savings of the National Government, in the event that we want to borrow as a County, in the event that we want to contract as a County. Mr. Speaker, may I rest my presentation by calling upon the Honorable Otieno to support it.

Hon. Otieno: Mr. Speaker I rise to second the Bill. Mr. Speaker just as I had said, that it is a long overdue issue, and today as the Assembly we are marking a historic moment Mr. Speaker by unveiling the County's first flag, the Emblame Logo as a seal. Mr. Speaker sir as I had said, without these instruments, this County cannot operate its duties effectively Mr. Speaker. Mr. Speaker, this County needs these instruments very urgently for us to

discharge its duties for the County to develop and trade with other counties and other governments. Mr. Speaker as I said the above instruments will now move Siaya forward from its earlier stage of stagnance and inception of these instruments Mr. Speaker, that has lacked for several months or for the time of its inception that has hindered our local trading and global trade, is now lifted after the acceptance of the same by the Assembly Mr. Speaker. Mr. Speaker just as I had said that on this basis, I stand to second.

Hon. Speaker: Yes, Honorable Muhula.

Hon. Muhula: Mr. Speaker, once again I want to thank this whole House for allowing me to thank the dedicated and efficient committees of Legal Affairs. By adopting these three instruments Mr. Speaker that one we are marking again a very historical moment as the Majority Leader has indicated. Mr. Speaker the Court of Arm Mr. Speaker defines the independence of any authority. It gives the authority, the power of security. It gives the authority the power of justice, it gives the authority the power to control Mr. Speaker. These instruments Mr. Speaker are what can make Siaya County be very much independent from one, the transitional authority and also to place herself in front of the National Government and we form an institution that can be able to map or charter the way forward for Siaya County Mr. Speaker. Mr. Speaker it is from the same law that this thing was not done but however, we say better late than never. Now that we have had it Mr. Speaker, it is the time now we start redefining the

2013 COUNTY ASSEMBLY OF SIAYA DABATES

direction that the Siaya County is supposed to go Mr. Speaker.

I want to agree with the people who actually they decided that the flag be flown, I want to say Mr. Speaker because the covering depicts the way that the Siaya County supports the following again we look at the yellow is a clear path and each has the very lines that support the following in terms of our aspirations and developments, when you look at the two animals that are portrayed there, an animal that actually we have in Siaya County, it include the fish, it includes again what we have in our region, cotton and millet Mr. Speaker, then of course issues of literacy which this County has been very proud of by giving our sons and daughters with the limelight of areas of this County, Mr. Speaker.

Mr. Speaker, however, with the Bill here is that I am not sure whether Statunga is an English word Mr. Speaker. In that case if it is not, then I would want that this document be passed with the amendment that Statunga should include open and closed so that it is assimilated as English word, we don't have to use Statunga in this document because it is not an English word Mr. Speaker. However I stand Mr. Speaker to support this Bill Mr. Speaker thank you.

Hon. Speaker: Honorable Booker

Hon. Minami: Thank you Mr. Speaker, Mr. Speaker I rise to support the motion Mr. Speaker. First of all Mr. Speaker, as the speakers before me have said, the bill that we want to pass here Mr. Speaker is long gone and for a County such as ours, a County that prides itself in doing things in the right way, in doing things the

way that the law requires. I think, Mr. Speaker, that we are delaying, we want to make history that we are going to have these instruments that will enable our County move forward. Mr. Speaker these instruments Mr. Speaker are going to make the Executive, the Assembly to perform their duties with the Executive anywhere within the County of this country or even outside this country, Mr. Speaker. So these things are very important, Mr. Speaker. Mr. Speaker, as I support the motion, I am going also to appeal to my colleagues to support this motion, we pass it. As the Chair of the committee has just said, we are rushing to beat a deadline on which we beat...our Assembly as a County we didn't draft the bill.

Mr. Speaker just to inform the House, we were just informed that this Bill or this seal or whatever we want to pass here must be taken to the AG's office for them to clarify Mr. Speaker and we are told that the AG's committee on this court of arm status whatever, sits only twice or if possible thrice in a year. And Mr. Speaker this year they are remaining with only one sitting which maybe will be on Monday, Tuesday or the next week Mr. Speaker. So if we don't pass this thing Mr. Speaker in the soonest time possible, we might wait up to maybe next year for us to be official in terms of conducting our businesses as earlier said by the Chairman. Mr. Speaker I don't have much to say, I just want to appreciate the work that has been done in coming up with the flag, with the seal and with the court of arms Mr. Speaker. Truly they depict what Siaya as a County stands for. So Mr. Speaker as I give my submission, I appeal

2013 COUNTY ASSEMBLY OF SIAYA DABATES

with my colleagues let us support the motion so that this County will move on thank you, Mr. Speaker.

Hon. Speaker: Honorable Benson!

An Hon. Member: Thank you very much Mr. Speaker sir and I want to say, first and foremost, it is my sincere thanks to the committee of Delegated Legislation and Legal Affairs and the drafters of this Bill for they have done a very super job. As other members have said, members who stood before me, it is a momentous period in our time because we are making history probably in the entire country as one among the first counties to have such a bill. So I say thank you very much to the drafters of this bill.

Secondly, I wish to say that it is something that was supposed to be done maybe some months back but still time is not yet out. And I want to urge my fellow colleagues that we need to move with haste so that this bill is approved so that we practice or we show the independence of Siaya as a County. so without repetitions, without mixing a lot of words, without saying what others have said, I want to beg fellow colleagues that this is the opportunity that God has brought before us let us approve this Bill so that we move on as a County. Thank you very much.

Hon. Speaker: Honorable Usula

Hon. Muhula: Thank you, Mr. Speaker, Sir; I rise to support the motion. I want to thank the Honorable members of this committee, for having taken their time and come up with such commendable work. Siaya as a County among the 47 counties, we need to start on and identify ourselves among the 47 counties and the only means

of identifying ourselves is coming up with other court of arms, the Seal, and also the flag to make us identified.

I want also to also recommend as I talk that committee did look at those Siaya as a County and come up with all the items that are common within the County particularly the animals, the school and the rest. I want to support that if possible, the only thing that I would like to bring up as an amendment would be since we have the book there with the court of arms on the seal, I think that it would have stood complete if we include a pen inside the book there to make it complete. That is the only thing that I would come up with as an amendment which can be included in or....Mr. Speaker otherwise I stand to support that motion that we adopt thank you.

Hon. Speaker: Honorable Oriaro!

Hon. Oriaro: Mr. Speaker sir, in arising to support the matter before us, I want to have a few lines. Number one, in a democratically elected government such as this one of ours, and forward to the delivery of the democratic rules, we need to have two basis of power. Number one is the majority. Our government was given the mandate by the majority, the people that is one of the basis of power. The remaining one is authority, and for us to have the authority, we need requisite symbols. One of them is the flag, the Court of Arms, and lastly the County Seal.

Hon. Odinga: Point of order, Mr. Speaker, Sir!

Hon. Speaker: There is a point of order Honorable Madialo.

Hon. Odinga: Thank you once again Mr. Speaker sir, Mr. Speaker sir there

2013 COUNTY ASSEMBLY OF SIAYA DABATES

is something which is bothering me. That there is a day when I stood on this floor they said that I am having a problem in putting on my tie and that if I could be allowed just to wear decently, that I can also put on a jacket without a tie and I was denied that, I was told that I have to bring a letter from the medical doctor to prove that I do that. Today Mr. Speaker sir some of our Honorable members who received messages of attending this Honorable House, Assembly today but they are not in a good attire. So I don't know Mr. Speaker sir whether the floor of this House it only cuts on me, or it is going on, it does not occur to the others.

Hon. Speaker: Thank you Honorable Odinga, and I think it has been raised. Honorable members, there is a code of dressing that is expected in this House and it is expected of all the members need to adhere to that. Both ladies and gentlemen, it is important and I want to plead with this House that today that we are marking as you have said, a historic moment that we are moving a first bill, substantive bill in this Assembly. Honorable members if you allow me to ask that the members who are not well dressed today will spare and remain in the House. Yes, Honorable Ben!

Hon. Madialo: Mr. Speaker, I was speaking, I was on the Floor, Mr. Speaker.

Hon. Speaker: It is a point of order!

Hon. Omondi: Thank you Mr. Speaker sir, Mr. Speaker sir I think the law is very clear, we are not supposed to be breaking a law and making another law. Everybody here is aware of the dressing code and Mr. Speaker sir people if we have been exempted for a very long time and we

have been excused for a long time. I tend to believe that Mr. Speaker sir you should not bend the law by allowing anybody to be inside this Honorable House not properly dressed, Mr. Speaker, Sir. Thank you.

Hon. Speaker: Honorable Ben is raising the issue that members should be dressed accordingly and I did say that we will not leave anybody spared. May I put it to you, on that strength I want to ask the Honorable Members who are not well dressed that you take this opportunity to leave the House and I want to ask Honorable Oriaro to continue with the submission?

Hon. Oriaro: Thank you Mr. Speaker sir, my adrenaline was high so it would force me in a task manner go through that I have talked about. I was saying Mr. Speaker sir, in my rise to support the matter with the business before us, I was saying that in forward the delivery of the democratic rules we need to have a legitimate government that we now have and the basis in the exercise of power we've got two levels of it, that of the genesis of power. One, is the majority, we were duly elected so we have got the power of the people before us and what is remaining is the requisite symbols, the Flag, the Court of Arms and the public Seal. Today we have to completely feel the void of power by having the Court of Arms.

These symbols will now make our government to exhibit authority. We have the majority, it is only the authority that was working. So, I arise to support the matter before us and especially so in observing matters of development the others of great land is the greatest facility for public exploitation for us to grow and develop.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

The Statunga we are having is a landmark in the wet lands just as it was variously expressed by the mover of the motion, the Statunga will exhibit all that will make us unique and intrinsic and more so that they come from my ward, my ward will be on the Google map. So, Mr. Speaker, Sir, I support with except a member raised a question of a review, the word Statunga, in Biological Science, we have what we refer to as the binomial nomenclature.

A system of giving an animal two names, the genus and the species, I would wish to inform the Member that such words are not necessarily English, they are Latin, Greek etc. So if it is with the problem to do with Statunga, we can use the English word Wind bucks, thank you, Mr. Speaker.

Hon. Speaker: Thank you, I want to inform before the order is raised, I wish to remind the members who are not decently dressed that don't allow me to reach at the point that I call upon the Sergeant at Arms to remind you that you are not well dressed according to the dress code. Honorable...yes, I said I would not want to ask the Sergeant at Arms. Sergeant at Arms I would want to call upon you to remind them. Kindly remind those who are not well dressed to leave the House and they dress accordingly. With that I call upon the Honorable member, Honorable Gari you were on a point of order and you are not well dressed. So kindly leave the House and dress accordingly. We shall continue the debate, Honorable Elijah. Yes Honorable Kowii has a point of order.

Hon. Owii: Thank you Mr. Speaker, Mr. Speaker sir I was raising a point of order in favor of my colleagues that were not dress

well. You had pleaded with the floor to make considerations that today is a very good day for all of us and the kind of issues that we want to address are important to all of us. Some of us came without even receiving the invitation for the meeting.

Hon. Member: Point of order, Mr. Speaker.

Hon. Speaker: Yes, Honorable Ndonji, Honorable Kowii, you may be seated.

Hon. Ndonji: Thank you, Mr. Speaker sir, the argument advanced by the Honorable member even has no weight to the reason why we should be properly dressed, because when we have important issues that is when we should be properly dressed. Secondly Mr. Speaker sir, I think the law is not that when we have these meetings, the law is that whenever we are at the proceedings of the Assembly, we should be properly dressed Mr. Speaker sir. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you, Honorable Ndonji and I wish to remind you that the committee of the Speaker has directed that those who are not well dressed should leave and that is therefore sustained. I wish to remind the House that I would also be able to confirm with the Clerk that we have the forum and we shall continue with the debate and they will only be back to this House when they are properly dressed. Meaning that we can proceed with the debate Honorable Elisha please.

Hon. Okuku: Thank you Mr. Speaker for giving me the opportunity to stand Mr. Speaker on the floor. Mr. Speaker sir thank you again for directing those who are not well dressed to go out and dress well

2013 COUNTY ASSEMBLY OF SIAYA DABATES

and we appreciate you for that. Because some of the members here Mr. Speaker, are doing what they know and they are trying to think that they know the Speaker's eyes, I want to thank you for directing them. Mr. Speaker sir I rise to support the motion and I have seen a very beautiful and recommendable Court of Arms of Siaya County. I have seen, Mr. Speaker, a very good Seal of Siaya. I have again looked at the Flag of Siaya Mr. Speaker sir and I have seen all the features of Siaya County taken into consideration in the flag of Siaya Mr. Speaker sir.

May I take this opportunity to congratulate and acknowledge the committee which did this very beautiful work. May I take this opportunity to thank them so much for the work they did and the time they took. I joined them and they took the most of their time to do this commendable work Mr. Speaker sir. I appreciate and I want to join my team and my supporters who has proposed and supported this motion on the floor. That as Siaya we must move as a team, and we must prove with the Republic Of Kenya that we are at par by passing this Bill Mr. Speaker. Thank you very much, I don't have much to say I just arise to support the mover of the bill and to appreciate the work of our committee thank you.

Hon. Speaker: Thank, you
Honorable
Odinga.

Hon. Odinga: Thank you, Mr. Speaker, Sir, and I want to tell you, Mr. Speaker, Sir, that I am not sick because I got your attention; there is a colleague of mine

Hon. Speaker: Honorable Odinga you have the time to make your submissions very clear you are safe.

Hon. Odinga: Thank you, Mr. Speaker sir I want to say that, I want first and foremost to commend the work of this committee, the committee on Legislation because these are instruments that are really giving life to this Siaya County Government. And also I want to talk of the public Seal of the Siaya County. You remember Mr. Speaker, Sir, when we prepared our first budget 2013/2014, there are some commitments which were made from the Governor's office. That they could be supported by the Governor, I believe when they went to the controller of budgets, they didn't not go through the approvaland therefore for the County Government, we have our seal so I believe that this is a very important document when it comes to making agreements both internally and externally.

Mr. Speaker, Sir, allow me to propose that we call upon the mover of the motion so that Siaya can be committed can be committed to the whole House because as my friend the Honorable has said, if Statunga is allowed to be used and also Mr. Speaker sir ...the word Statunga as it is put here, there is an apostrophe, so if that apostrophe is put there, to mean that they are two then it is wrong. We look at the Court of Arms, the last sentence there; we talk of a book and two facing statungas. The part two of it, so if that apostrophe is there to mean that there two then I believe it is not right. So I beg that when we go to the committee of the whole House, so I request

2013 COUNTY ASSEMBLY OF SIAYA DABATES

that you call upon the mover to commit that thank you

Hon. Speaker: Honorable Odinga has moved that we call upon the mover of the motion to decline and I therefore put the question.

Hon. Madialo: Point of order, Mr. Speaker!

Hon. Speaker: Yes, Honorable Madialo!

Hon. Madialo: I wish to ask, to remind ourselves that amendments are done at committee stage so that if we have amendments to propose, members who have amendments to propose you wait when we are at the committee that will proceed in a short while then you put in the proposed amendments.

Hon. Speaker: Yes, Honorable members, that is sustained and that is why when the amendments were mentioned, I did not put them provoked. So they are going to be substance to be discussed in the committee of the whole House. I wish to mention that there is a proposal that you call upon the mover. I wish to put, is the House agreeing that I call upon the mover of this motion to book, and may as many as of the opinion say Aye.

Hon. Members: Aye

Hon. Speaker: May as many as of the contrary opinion say nay, the Ayes's have it. And in that regard I call upon the mover Honorable Madialo to move.

Hon. Madialo: Mr. Speaker, I stand to reply. Mr. Speaker, the members, Honorable colleagues, press, members of this Assembly have unanimously supported the Bill. Mr. Speaker on that same direction, we have reached many ends for the direction

of the County of Siaya can have that was represented in the constitution, that was represented in the County Government Act and to represent by the people who gave us their votes have the opportunity and the power to determine what to be put as the seal of authority of this County.

Mr. Speaker, I agree with the members on their submission that this will bring life to the County of Siaya. And I wish to ask my brothers and sisters that support the bill that within a short period of time, we will already have enacted legislation of this Flag, of this Court of Arms, of this Seal that will be used by Governors in governance, Speakers and speaker of this County.....thank you Mr. Speaker.

Hon. Speaker: Thank you, Honorable Madialo, having replied, I wish to put the question that the Siaya County Flag and other Symbols Bill County Assembly Bill 2013 be read the second time and be submitted to the House today. May as many as of the opinion say 'Aye'

Hon. Members: Aye

Hon. Speaker: May as many as of the contrary opinion say NAY, the Ayes's have it. I now come to a point where I call upon Honorable Madialo to move the motion again.

Hon. Madialo: Madam Chairlady, I beg to move that the committee do resolves the House in consideration of the Siaya County Flag and other Symbols Bill 2013 and its approval thereof without amendments.

Hon. Chair: Okay, Honorable members I will put the question which is that the committee to do report to the House

2013 COUNTY ASSEMBLY OF SIAYA DABATES

in consideration of the Siaya County Flag and other Symbols Bill 2013 and its approval thereof without amendments. Will as many as of the opinion say Aye?

Hon. Chair: Will as many as of the contrary opinion say nay?

(Vote taken)

Hon. Chair: The nays have it. The chairman has not got the vote maybe I will repeat again. Will as many as of the opinion say Aye?

Hon. Chair: Will as many as of the contrary opinion say nay.

(Vote taken)

Hon. Chair: The Ayes have it. So the Bill goes without any amendment.

Hon. Member: Point of information,
Madam Chair!

Hon. Chair: Yes, Honorable---

Hon. Member: Mr. Speaker, Madam Chair sorry, any foreign words Madam Chair, any foreign word that is imported into an English word, can only be admitted in an English statement with an open and closed inverted comma to make it assimilated as an English word. Statunga is not an English word at all so what is the meaning of Statunga in a bill that is supposed to be defining a legal document, Madam Speaker.

Hon. Madialo: Point of order, Madam Chairlady,

Hon. Chair: Yes, Honorable Madialo!

Hon. Madialo: The speaker that has just spoken has said she adopts without

amendments and she is very sure it is adopted with no amendment and is very sure.....Chairlady. However the Honorable...was on his feet because he felt that a vote should have been taken that we adopt this with amendment. The Speaker that has just sat down should have been on his feet to support that we adopt the report otherwise the motion has been passed and what remains is that the speaker goes back to his chair and Madam Chair comes back to her seat and we go to the next stage.

An Hon. Member: Point of order, Madam Chairlady. Madam Chair, I think when a bill has been committed to a second reading, after second reading, it has been committed to the committee of the whole House and there are concerns during the second reading, there some words which need to be looked into. Now when it came to the committee of the whole House, this is the committee that is supposed to bring the whole document Clause by Clause. And if at all there are amendments we have all ...to make sure that the clause is reviewed. Mr. Chair I don't want this to go on record that from your Chair that procedure of the House was not followed. Madam Chair kindly observe procedures and that we make small very small amendments thank you.

Hon. Member: Point of order!

Hon. Chair: Honorable Elisha!

Hon. Okuku: Thank you, Madam Chair, we will be late and the questions that have been taken and the ayes have it. We have a lot of reading Madam Chair I think the one reading is out of order Madam Chair let's move on thank you.

Hon. Member: Order, Madam Chair!

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Chair: Honorable Oriaro!

Hon. Oriaro: Based on Parliamentary practices, whenever we have such like issues, the language of a bill prior to being accented to has always been allowed for the experts that is why for instance from National Assembly it goes to the Attorney General. So that is the missing link, it is not here, thank you Madam Speaker.

An Hon. Member: Point of order, Madam Chair

Hon. Chair: Honorable Gare

Hon. Gare: Thank you so much Madam Chair, Madam Chair I stand to support what Honorable Odinga has said. When a bill is put, when it is now in the committee of the whole House, when it is read the second time it has to be read clause by clause. We cannot just pass it in blanket and it goes like that is not procedural. Let's go with the procedure please.

Hon. Chair: Honorable Ndonji!

Hon. Ndonji: Thank you, Mr. Chair, I also rise to support what Honorable Odinga has just raised and also Honorable Gare. I think Madam Speaker the question just came too fast. I just don't understand when some members are not allowing us to make an amendment which is only trying to put it in the right way that it is supposed to be. I am an expert in English Madam Chair, and I have never come across that word Statunga in English.

I know that we use it and it is not an English word. So me I am not pleading with the Chair that anything is done but I am saying that let us go through the procedure, let us go through the document one by one so that we go through it using a And

come up with the right things that are supposed to be used when forwarding this Bill thank you very much Madam Chair.

An Hon. Member: Yes, thank you very much, Madam Chair, in every parliamentary purposes, we normally go with the majority as for that we are saying and I am saying on behalf of others that we are not going to be tongue twisted with the majority, the chair...

Hon. Madialo: Point of order, Mr. Speaker.

Hon. Chair: Yes, Honorable Muhula!

Hon. Muhula: I want again to remind the Honorable members that this House is a House of rules and procedures. And that any House has to follow the procedures and rules. And this House will go on record that we defied the procedures that is above in passing a bill that is going to be passed as a law, Mr. Speaker. Madam Chair, 'Sitatunga' can never be an English word and the mover of this bill will agree with me that English as it is used in the Legal terms is not the same English that is used locally outside when we are discussing ...so anything a clause, a code or any word changes the concept of the entire bill Madam Chair. Let's adhere to that one, we are not appeasing anybody because this bill is supposed to be for the whole County not for the people of...and I inquire the chair to please ask the members to change or withdraw that sentence Madam Chair.

Hon. Chair: Honorable members, going by the mood of the House, I can see that the majority are of the opinion that we do some amendments to the bill. And I think it would be in order if we go by the

2013 COUNTY ASSEMBLY OF SIAYA DABATES

majority. In connection to that, I will read the question again, and again propose the question. So that if the Nays will have it we will go the Nays way, if the Ayes will have it we will go the Ayes way. Yes Honorable.

An Hon. Member: Thank you very much Madam Chairlady, this is not the time for the Ayes to have it or the Nays. This is the time when we follow the whole thing procedurally and we come up with what is good for Siaya. We will not wish to see any other person challenging what we have done as Honorable members. I think just give us our time because we came to be here for the same business it can go until...so kindly you had put the question, all we want is that we all concur.

Hon. Chair: Sustained, Honorable members I think it will be relevant if we put the question again so that we can read the Clauses. Then finally we will call on whether with amendment or without amendment. So I will put the question again, which is that the committee do to the House, the committee do report to the House in consideration of the Siaya County Flag and other Symbols Bill 2013 and its approval thereof with amendments and without amendment, as many as of the opinion say 'Aye'

Hon. Chair: Will as many as of the contrary opinion say NAY

(Vote taken)

Hon. Chair: The moods cannot be read Honorable members. Honorable Omwende.

Hon. Omwende: Thank you Madam Chair, I have a personal concern

concerning what Mr. Speaker has said and my colleague. Madam you have to be careful a bit this is the only stage with the passing of the bill that amendments can be made. This is the committee stage so in the initial stage on the first reading second reading, amendment could not be made unless Honorable members have a hidden agenda behind this. But we kindly ask that you give us the opportunity to make amendments thank you.

Hon. Onduru: Thank you, Madam Chair and the colleagues, I would like to thank those people who have drafted this I think they did a commendable job. But the House seems not to accept that, understand the procedure I think this is what is confusing us. If we don't understand the procedure, we will be confused. Me I suggest it is now, why don't we go to a division and take things on paper and then we go on that is my proposal because even you cannot decide as Chair and sometimes you hear No's and sometimes Yes and then the best thing is to put on paper we call division and we go out.

Hon. Chair: Thank you Honorable members and may I call Honorable Andiego on the other side and Honorable Odinga on the other side to come forward so that we go for a division thank you

An Hon. Member: Madam Chair let me go on record that I am not willing to step there on a decision to challenge the legal procedure of the House. What I am asking is, at this committee stage, this is when members are and I believe they know some members who have even not gone through this bill. Because today in the morning when the mover was moving this

2013 COUNNTY ASSEMBLY OF SIAYA DABATES

motion, he requested to reduce the normal number of days from 14 to 1 day and the House approved that.

Now during this one day I believe there are members who have not even gone through this document. So at this committee of the whole House is when we are allowed to peruse page by page, line by line, and make some amendments which were being proposed at the second reading.

We have all proposed the passing this bill as it is but members don't understand what they are passing at committee stage level that is committee of the whole House. We are not opposing this Bill in fact we have supported it but now with some issues with the Statungas, the apostrophes the what, so members have to agree at this stage so after that members kindly note that there will be no voting. It is just a procedure and once it comes to the committee of the whole House that is when we are now....even ...So Madam Chair this is what I said, I am not willing to be coming over there let be on who is supporting and not. If I remain a minority let me remain a minority let it go on record that I passed a procedure to be followed and it was not followed.

Hon. Speaker: Okay, Honorable members, I think instead of going to the division, we will read clause by clause

Hon. Member: Order Madam Chair, you must have a stand. You have decided that you are going to have a division so let us decide Madam Chair. You cannot be confused by one person and you withdraw what you had decided Madam Chair. Give us direction because a division,

if it favors the majority then call it a day thank you, Madam Chair.

Hon. Member: Madam Chair, you can make a decision.

Hon. Chair: Honorable Members I think at this point because I can see people are also getting out of their way. Let's go by going through the clauses because this is for the benefit of the whole Siaya County and we should go into what should benefit Siaya. Madam Clerk

Hon. Chair: So Honorable members I propose the question that Clause two be part of the bill. As many as of the opinion say 'Aye'

Hon. Chair: As many as of the contrary opinion say NAY

Hon. Member: NAY

Hon. Chair: The Ayes have it.

Hon. Chairperson: I propose the question that Clause three be part of the bill and as I put the question that clause three be part of the bill. As many as of the opinion say Aye

Hon. Chairperson: As many as of the contrary opinion say NAY. The Ayes have it.

Hon. Chairperson: I propose the question that Clause 4 be part of the bill. And I put the question that Clause be part of the bill, as many as of the opinion say I

Hon. Chairperson: As many as of the contrary opinion say NAY, The I's have it.

Hon. Chairperson: I propose the question that Clause 5 be part of the bill and

2013 COUNNTY ASSEMBLY OF SIAYA DABATES

I put the question that Clause 5 be part of the Bill. As many as of the opinion say I

Hon. Chairperson: As many as of the contrary opinion say Nay. The Ayes have it.

Hon. Chair: I propose the question that Clause 6 be part of the Bill, and I put the question that Clause 6 be part of the Bill. As many as of the opinion say Aye

Hon. Members: Aye.

Hon. Chair: As many as of the contrary opinion say NAY. The Ayes have it.

Hon. Chair: I propose the question that Clause 7 be part of the Bill, and I put the question that Clause 7 be part of the bill. And as many as of the opinion say Aye

Hon. Chairperson: As many as of the contrary opinion say NAY, the Ayes have it.

Hon. Chairperson: I propose the question that Clause 8 be part of the bill and I put the question that Clause 8 be part of the bill. As many as of the opinion say Aye. As many as of the contrary opinion say NAY. The Ayes have it. I propose the question that Clause 9 be part of the Bill and I put the question that Clause 9 be part of the bill. As many as of the opinion say Aye.

As many as of the contrary opinion say Nay, the Ayes have it

I propose the question that The Schedule be part of the bill and I put the question that The Schedule be part of the Bill. Will as many as of the opinion say Aye.

Hon. Members: Aye

Hon. Chair: Will as many as of the contrary opinion say NAY,

Hon. Madialo: I believe I proposed some amendments and it is in part one of the schedules. Part one of the Schedule, The

Siaya County Flag under description, we said the flag is rectangular shaped consisting of four elements. I think it should be five elements. Because we know there is one, two, three, four, five. So it should be amended to say that the flag is rectangular in shape consisting of five elements not four.

We have the blue, yellow part, we have the green background, we have the Statunga, we have the blue strips so they are five. And then the other part, the fourth part of it, the Sitatungas. I was saying that if the word Sitatunga, if the names and there are two sitatungas there, the apostrophe should not be there. Because if the apostrophe is there then it means the seal is for the Sitatunga. So I propose that amendment be made to remove the apostrophe. I will also come back with part two.

Hon. Chair: May I have somebody to second!

Hon. Madialo: Honorable Muhula will second.

Hon. Muhula: Madam Chair, I stand to second the amendment proposed. This is a House of very intelligent men and women. And I would want to go on record that the two sitatungas in the understanding of the language of English was properly taken care of when we were reading adjectives but again if we walk with the identification that actually denied by the Honorable member, and passed this bill besides the clause and open inverted commas that I was talking, it is already giving the authority of this to the Sitatungas the way it sounds.

The whole thing that is written belongs to the Sitatungas. The two sitatungas, I have always said that if I speak

2013 COUNTY ASSEMBLY OF SIAYA DABATES

English people may not understand Sitatunga and Sitatunga's with that apostrophe on top. The understanding is that we come up with a clear document that it is to help the person who possibly will be reading the Bill will understand that it was clearly defined.

Hon. Madialo: I arise on a point of order, Madam Chairlady.

Hon. Chair: Yes, Honorable Madialo.

Hon. Madialo: Madam Chairlady the word Statunga may not be familiar to everybody as a name but it will be sad to debate Statunga without giving an alternative. And the amendment that the Honorable members are talking about should include Statunga in bracket something that the Honorable Madialo had not known.

If I just say remove Statunga because it is not an English name, while the animal remains. So even as we debate, the same time the amendment should read remove the word Statunga and use this other word or say Statunga in bracket wind buck. But we can't just say remove statunga, what should be there. Madam Chair what I am saying, we are not saying remove Statunga, Statunga word remains but for it to be assimilated in English is that we put open and closed inverted commas so that it remains Statunga that it comes in now as a assimilated in English. Second Madam Chair, I beg to support.

Hon. Chair: Yes, Honorable Oriaro

Hon. Oriaro: Madam Chair, as an Assembly we must take all reasons of the fact that we cannot be experts in everything. When I was submitting earlier, I said in the

science of giving names, called binomial nomenclature, as a subject under Taxonomy, species are given two names, one, is the genus and the other one is the species. So in this context, the species is statunga. We have got various types of antelopes so this particular type of endangered antelope called statunga that is borrowed from the word Bejinis. And when we go back to the sub species, we have got two types of sitatunga; one is called the Wind buck and the Water buck. The ones we have in Siaya are the wind bucks, the ones we have elsewhere are the water bucks so

Hon. Chair: Honorable Oriaro point of information.

Hon. Member: I think the Honorable Member seem not to be understanding what I am saying and I have heard the mover of this bill in understanding. Water buck and wind buck those are English words. But the word Statunga the way he's putting it is not an English word. So for it to be accepted as an English word, it can still remain but we put those apostrophes. Why is it that we cannot understand English?

Hon. Oriaro: Madam Chair, I was on the Floor, what you would have gotten rid of is the possessive aspect, the use of the word 'se' and apostrophe. So it should remain the Statunga not the Sitatunga. This is what English; maybe anybody in an English class would elect his colleagues slow in bracket if we like we can put the wind buck.

Hon. Chair: Honorable Kowii!

Hon. Owii: But Madam Chairlady, it is not English, that one we are in

2013 COUNTY ASSEMBLY OF SIAYA DABATES

agreement and we have agreed that if you put those apostrophes just to show that it is not English one then we are done that is one. Number two I am in support of this bill, but the truth of the matter is that I am not in support of one thing. That the Statunga will be translated with courage, it does not matter at all that is one thing I know about Statunga. Evenso I wonder how---thank you.

Hon. Chair: I think Honorable members we are all in agreement that we do an amendment and at this point, I will put a question that I wish to propose that the schedule be amended and I will put this one to question. The Schedule be amended that the amendment be part of the bill. And with as many as of the opinion say Aye

Hon. Chair: With as many as of the contrary opinion say Nay, the Ayes have it

Hon. Chair: I propose the question that the Title be part of the bill and I put the question that the Title be part of the bill. May as many as of the opinion say Aye.

Hon. Members: Aye.

Hon. Chair: As many as of the contrary opinion say NAY, the Ayes have it.

Hon. Chair: I propose the question that Clause 1 be part of the bill and I put the question that Clause 1 be part of the bill. Will as many as of the opinion say Aye

Hon. Members: Aye

Hon. Chair: Will as many as of the contrary opinion say Nay, the Ayes have it.

Hon. Member: Madam Chair we had agreed that we will do amendment just as the previous amendment was done. So it would be better we do amendment to include the fifth one. It would also be my

wish to carry the flag as a special member of the Assembly.

Hon. Chair: Honorable members, I think we have already passed I don't think it is in order for us to go backwards as of the opinion of Honorable Oriaro. So may I call Honorable Speaker to take back the seat. Mr. Speaker, Sir, I beg to report that the committee of the whole House has considered the Siaya County Flag and other Symbols Bill 2013 and approved that the Siaya with amendments.

Hon. Madialo: Mr. Speaker, Sir, I beg to move that the Siaya County approve it with the said report.

Hon. Speaker: I propose that the House do agree with the clarity in the said report and I put the question that the House do agree with the committee in the said report. May as many as of the opinion say Aye.

Hon. Speaker: May as many as of the contrary opinion say Nay, the Ayes have it.

Hon. Madialo: Mr. Speaker sir, I beg to move that the County Flag and other Symbols Bill 2013 be now read the third time.

Hon. Speaker: I propose the question that the Siaya County Flag and other Symbols Bill 2013 be read the third time and I put the question that the Siaya County Flag and other Symbols Bill 2013 now be read a third time. May as many as of the opinion say Aye!

Hon. Speaker: May as many as of the contrary opinion say Nay,

Hon. Speaker: Honorable members, I wish to declare this sitting adjourned until the time when we are able to convene. we

2013 COUNTY ASSEMBLY OF SIAYA DABATES

adjourn at this time and the House reconvenes at 2.30p.m.

REPUBLIC OF KENYA

SIAYACOUNTY ASSEMBLY

THE HANSARD

First County Assembly-First Session

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

Wednesday, 11th September, 2013

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

PRAYER

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes Only. A Certified version of this Report can be obtained from the Hansard Editor.*

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Speaker: Honorable Members, I am pleased to pass this information to you that honorable Elisha Omondi Okuku is inviting all the members of this Assembly to home coming service on 20th Friday, 20th September that is in his Ward in Imbo East, all are most welcome. Next order!

Hon. Speaker: Next order!

Hon. Speaker: Honorable Odinga.

Hon. Odinga: Thank you, Mr. Speaker sir. I wish to move a Motion that pursuant to the provisions of Standing Order 117, this House resolves to reduce the publication period of the County Tax Waivers Administration Bill 2013 (County Assembly Bill of 2013) from 14 days to 1 day and I wish to call upon honorable Joseph Kawour to second.

Hon. Awour: Thank you Mr. Speaker sir. I arise to second the Motion that pursuant to the provisions of Standing Order 117, this House resolves to reduce the publication period of the County Tax Waivers Administration Bill 2013 from 14 to 1 day. Thank you, Mr. Speaker.

Hon. Speaker: Honorable Members, following the mover who is the Chair and secondment by honorable Kawour that pursuant to the provisions of the Standing Order 117, this House resolves to reduce the publication period of the County Tax Waivers Administration Bill 2013 from 14 days to 1 day and I wish to put a question that the County Tax Waivers Administration Bill 2013, County Assembly Bill 2013 be moved from 14 to 1 day. May as many as of the opinion say Aye?

Hon. Members: Aye

Hon. Speaker: May as many as are of the contrary opinion say nay.

Hon. Members: (few) nays

Hon. Speaker: The Ayes have it. Thank you very much.

Next order!

Hon. Speaker: Honorable Odinga.

Hon. Odinga: Thank you Mr. Speaker. First I wish to thank my honorable colleagues for their wisdom for passing this Bill to discuss within a day that is from 14 days to 1 day. Mr. Speaker sir I wish to move that this Bill of the Siaya County Tax Waiver Administration Bill 2013 be read for the first time. I call upon honorable Muhulah, he is not in, I call upon honorable Aneme to second that this Bill be read for the first time. Thank you.

Hon. Aneme: Mr. Speaker, I rise to second this County Tax Waiver Administration Bill 2013 to be read for the first time.

Hon. Speaker: Thank you. Arising from that secondment I wish to propose that the Siaya County Tax Waiver Administration Bill 2013 be read for the first time. May as many as are of the opinion say Aye.

Hon. Members: Aye.

Hon. Speaker: May as many are of the contrary opinion say Nay

Hon. Members: (Silence)

Hon. Speaker: The Ayes have it.

Hon. Speaker: Honorable Odinga.

Hon. Odinga: Mr. Speaker, Sir, I once again want to thank my colleagues for the support they are showing in the first reading and I beg to move that this Motion The Siaya County Tax Waivers Bill,

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Administration Bill 2013 be read for a second time.

Mr. Speaker, Sir, I wish to make some statements again on the same that on 4th of March 2013 this year 46 County Governments came in place and Siaya County Government is one of them. Until today there has not been legislation, there are no laws, there no Acts put in place to permit this County Government of Siaya to make a harmonized in and charges schedules, at the same time Tax Waivers on some items. Mr. Speaker sir if you allow me, I know that Members will agree with me that Tax deposition, Tax collection in the County Government is a constitutional duty and if you may refer to the Constitution of Kenya 2010 Article 209 gives the County Government the Authority to correct on certain areas.

You go down to Article 210 the same gives the County Government authority to enact legislation for Waiver. I want to believe that Siaya County lives above poverty level, the highest number of the constituents of Siaya County living below poverty level, this is why as a committee we saw it wise to work hand in hand with the Delegated and Legislation Committee to see to it that those people, those residents who are poor and would wish to go and sell their wares in the markets that we have we give the Cabinet Secretary or the Executive in Charge of Finance an opportunity to come up with legislation to allow some items or even to Waiver Taxation on some items.

Mr. Speaker, Sir, I if you go to/if you refer to yesterday's paper, The Standard, there is an issue whereby the Government is

even trying to, the National Government is even trying to provide 'pesa ya wazee', they are trying to do this to bring those people who are poor, to make sure that these people atleast they are able to meet their daily needs. As you remember Mr. Speaker sir it is just recently when the VAT was passed by the National Government and we are already feeling the effect down here. So if we allow the charging of these items as it was done by the previous Local Authorities then it will be ...and will be over burdening the Wanainchi by Tax. So I would explain more but I would also like to call upon honorable Elisha to second. Thank you.

Hon.Okuku: Thank you Mr. Speaker. I stand to second that the County Tax Waiver Administration Bill 2013 be read for a second time. Thank you.

Hon. Speaker: Thank you. I wish then to propose that Siaya County Waivers Administration Bill 2013 now be read for the second time and I will put the question. That this Bill be now read for the second time. May as many as of the opinion say "Aye"

Hon. Members: "Aye"

Hon. Speaker: May as many as are of the contrary opinion say "Nay"

(Silence)

Hon. Speaker: The "Ayes" have it.

Hon. Speaker: Honorable Odinga.

Hon. Odinga: Thank you, honorable Speaker, Sir. I hope that now you have opened it for debate and I will also want to add more on what I said earlier that if you look at the Bill on Memorandum of Objects and Resource. It stipulates that the

2013 COUNNTY ASSEMBLY OF SIAYA DABATES

Bill proposes to give further effects to the principles and stipulations set on the Constitution by providing the position of Administration of Tax Waivers. You can remember Mr. Speaker, Sir that even the National Government there are certain situations when they waiver some penalties say for example payment of land rates.

This Bill if enacted into Law then I believe the executive in charge of Finance will now bring us a Bill, Finance Bill which will circulate which areas of concern that can be waived. Which areas maybe can continue collecting as ...I also want to say that I want to agree with members, we believe that if you go to a local market, a local market near you, you find that there are some old women, there are some old mamas who have just come there to sell their wares. Just to get something to support the ..., just to get something small to buy a bread, or unga. And if we continue charging these ladies then at the end of the day, we are not improving on their welfare but we are making them more and more poor.

So, Mr. Speaker ,I wish to say that if we think on that angle, and bringing everybody below poverty line then I think it will be wise for us to put this into legislation. Also Mr. Speaker sir, is that we are behind the schedule, we are behind time and that whatever we are doing, whatever provisions we are making now and whichever in case they are waivers, then we are doing them without proper legislation put in place and this is the instrument which is going to give power to transformation in tax waivers. Mr. Speaker sir I beg to move.

Hon. Speaker: Yes, Honorable Benson!

An Hon. Member: Thank you very much, Mr. Speaker, Sir. First and foremost it is my humble pleasure to sincerely thank this committee who saw it better or best to draft such a Bill. I want to say that us we are aware that the essence of devolution was to bring some essence and business of development next to wanainchi. So as a way of the going of the people, Tax Waiver is very prudent and it is one way that we have just really done something which is positive and is going to go a long way in the development of our people. Another issue that I would wish to say, we are very much aware that most of our people, the locals specifically Siaya District, majority of the biggest percentage, they truly get to survive on less than a dollar a day.

So, this is quite a number of people in this nature, suppose we don't waive the tax, surely they are going to have difficulties even getting a daily survival is going to be very cumbersome. And for that, I will say I urge my fellow colleagues that it is very important for us as an Assembly to pass or approve this Bill on Tax Waiver Administration. Otherwise thank you very much Mr. Speaker, thank you Chairman of the committee for work well done. Thank you.

Hon. Speaker: Yes, Honorable Muhulah!

Hon. Muhulah: Mr. Speaker, I rise to support the Bill on the context of first, that encouragement that this thing is going to portray to the tax payers and also the

2013 COUNTY ASSEMBLY OF SIAYA DABATES

County Government...the purpose or the reason of this Bill Mr. Speaker if you allow me to read the Article, it states very clearly that this thing is not supposed to be giving a lee way or loss of the tax but we carry them before on tax payers to be able to bring in enough tax that the County Government.... Mr. Speaker, the reason again why my chair had to bring this Bill is that very recently Mr. Speaker, we went round and there was this desperation one, of not knowing how to charge this taxes because of different variation or .. of business that people were doing, so we thought it very well, Mr. Speaker, that this waiver could possibly help and give the powers to the Finance Executive Committee member and the County Government Mr. Speaker to be able to come up with a regime and again a regime that as... of tax payers with a friendly way other than the antagonism that we have seen Mr. Speaker.

We had to go ahead, Mr. Speaker, in fact we had to go to public Accounts Manager the ...which again won in case there is some rogue Executive Member or state officer in charge of Finances who could use it for his own advantage Mr. Speaker. Mr. Speaker this thing will help us, as the Honorable members have just talked about is that the level of poverty or possibly the income that is revealed in this County is actually low, Mr. Speaker.

So, for the purpose of allowing those ones who have the biggest wares or the big wares to the market, to be able actually to be given some exemptions by the Executive Committee in charge of Finance that would actually give them a better way of understanding the reason why the

Constitution was promulgated to give the service that confirms to what we do and again give them truth of consideration Mr. Speaker that we also want the good of this County. This Honorable House Mr. Speaker should accept, all the devolution but include and resist the devolution of the workers Mr. Speaker, we must guard the Executive officer in charge of finance and also those people who are going to work under him for the misuse of the authority. I stand to support.

Hon. Speaker: Yes Honorable....

Hon. Member: Mr. Speaker, I stand to support the Motion strongly because I believe that you know we are a new Government now and the new Government which is in place and have already worked on a system inherited from an old system must have problems here and there like the problems we are undergoing today.

We find a situation where people are not charged with taxes in a very harmonised way. For example if you go to any market in Siaya, you will find a situation where somebody who is selling the stock, I mean the animals are charging something like say 50 shillings and as you go around the markets, the same market you will find somebody selling kukus the other side, which they are also being charged 50 shillings or 30 shillings.

So, if you compare the value of the stock and the value of the hens and the mbogas, it is very shameful to find a situation whereby some money are being taxed from people who probably could paying a minimum or go without paying anything to the Government.

2013 COUNNTY ASSEMBLY OF SIAYA DABATES

So, I believe that this Bill is going to harmonize and put a situation whereby some people will be set free to sell their things without taxes. Secondly I have witnessed a situation where you see this whole system that we are inheriting and we are practicing today, it cuts across the seven days a week and when you look at the money that they get in the market in seven days, sometimes it is not even much than a market which is working or operating for two days a week. Because these other days you just go to the pockets of the operators and they only emphasize on the distinct days, let us say for example like in Bondo, a market day is Tuesday and Friday, you find a situation whereby even 100,000 is being collecting in a day. But again on these other days, the market is as cold as yesterday but they get even 20,000 shillings.

So you wonder where do the other money go to these other days. So it is a situation which was giving very absurd ways of collectors ...and that is why we are sometimes talking throughout. So I believe if this Bill is put into cooperation, and these our markets are put in a distinct days and the system is revised properly. It will also improve the economy of the poor so that they know that these distinct days they paid without pain and these other days are given to them free.

It is going to increase the interest and give them morale of these people to pay taxes without complains. So I think this Bill has come in a good time and we should listen to put it in practice so that we improve the lives of our people who have been crying on from the Government taxpayers and tax collectors. Thank you

Hon. Speaker: Honorable Oriaro!

Hon. Oriaro: Thank you, Mr. Speaker. I rise to support the Business before us. Equity Mr. Speaker, it will be learnt that it was the electorate and the public in the central Alego electoral area through my leadership that came out with rates going out. This one was due to the fact that we were still trying as a new regime, as a new Government, we were still out to summon from the poor whose maker was of the old. So we were pushing for a regime where we use best practices that are in consonance with the new Government formation. So number one, this is a step forward to the midwifery of a culture whereby majority of our trades persons shall participate in the economy of Siaya County.

Number two, we all know that we can borrow from the concept of the economies of scale where the products are produced in large numbers and in so doing the prices go down and the essence of which huge profits are accrued. So by bringing in the concept of tax waivers, it will mean that the lower cover of a trade who only do it to make ends meet to have something in their stomach at the end of the day.

We have the financial days, we will have an economic leverage so that at the end of the day they go beyond trading for subsistence, they will raise revenue, they will raise money, they will save such that at the end of the day they will be moving from having few ware to huge ware and that will make their existence will be within the wider of development and even in matters of tax collection. So with specific examples for instance Mr. Speaker, in our markets, you find a mama, a mama showcasing a

2013 COUNTY ASSEMBLY OF SIAYA DABATES

ware whose overall cost hardly goes beyond 400, 200 shillings and they are being taxed at around 50 shillings and somebody in the same market sells a cow whose worth is 30,000 shillings and being levied at 50 shillings.

This would mean that we will be doing justice to our poor traders who have that enthusiasm to do trading to be at the radar of our Government in so far as the generation of revenue is concerned. And lastly Mr. Speaker, progressive economies can be talking of per capita income where the National income is divided by the population and then they talk about economic development. This one has misified our goal for many years such that every year the National budget and now we will be talking about County Government are being read, we will mask in development at the expense of our people.

If many people will be having, contributing towards National income, it would mean that a few people who are rich their income is not divided by the entire population of the County so we have a falsified figure. So majority will be contributing towards having the County income such that if we divide it by the number of the people, we will have a genuinely rated per capita income. Thank you, Mr. Speaker, Sir.

Hon. Speaker: Thank you. I just want to remind the Honorable Members that you have a choice to use English or Kiswahili in the House, and when you start to speak in English, continue in English. Honorable Members using any other language and having A's does not translate

to either Kiswahili or English, thank you. Honorable Elisha

Hon. Okuku: Thank you Mr. Speaker sir. I rise to support the Siaya County Tax Waivers Administration Bill 2013. And I want to take this earliest opportunity to applaud and congratulate the committee of Budget and Finance for the work they have done. Because one Mr. Speaker, this Bill is going to encourage the poor people at the village to do business with the County Government of Siaya but one Mr. Speaker, they must be effective and progressive on safeguarding double taxation Mr. Speaker. Because we may find that a trader wants to move from Usenge or Nyamonye to Akala, a market in Akala to take his or her fish at the Akala market day.

You will find that while Nyatinda is at Nyamonye she or he is taxed by the County Government of Siaya to pay in the name of paying sales or any other relevant name. And the same person when reaching at Akala market, which is still under the administration of Siaya County Government you will find that the same trader is again being taxed to pay another bill or another taxation fee for the same product that he or she was taxed by the time she was boarding a vehicle to the market. So we must protect this and see how this person can pay taxes once on the market day and for all not by taxing Mr. Speaker. Thank you very much I appreciate.

Hon. Speaker: Thank you and we will go to Standing Order number 78, that we expected the Members to take a maximum of five minutes, thank you. Honorable Osuri

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Osuri: Thank you Mr. Speaker sir. I arise to contribute to the Motion of tax waivers and administration Bill. Mr. Speaker sir I do agree that there is need for harmonization of tax to have the proper items uniformly taxed. But I want to say that whereas we would wish that the poor be waived from paying taxes but we must also take it and be aware that we as a county we also need revenue and therefore we must come up with appropriate mechanisms that will ensure and determine that who are the poor otherwise if we are not careful, we may end up with a inch....two, also age alone is not a determining factor to...we may have old mothers, old fathers but they are richer than the young ones. So we must come up with appropriate mechanisms otherwise if we go into it just like that, we might end up not getting the revenue.

As we also waive I will also propose that we also come up with ways of bringing a tax of revenue collection that I can propose. If it is posted that as a County we determine ways that submit that we do message our County de-taxed either by taxing them with the packing fee, when they come with those legal things into the County or as they enter our borders from other Countries. Then you will bring the taxes we waived from the poor we make another alternative way of getting the revenue. Otherwise I wish to support it but as a County we must be very careful because as the members for the County, we need the revenue to do give our people the services. So otherwise if those mechanisms are put in place, then I will support the Bill. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. Honorable Majority Leader

Hon. Otieno: Thank you Mr. Speaker. Mr. Speaker sir I want to first say that I appreciate this Bill so much and the drafters of this Bill. In fact I am very proud of them, they have now helped our people Mr. Speaker. I am standing now to support the Motion of the Bill on the floor with the following submissions Mr. Speaker. I want to say Mr. Speaker a lot of corruption exists, take for instance a market at my ward in Ugunja.

Mr. Speaker, just as some Members had contributed, a mama comes with a hen, the hen goes for about 300 shillings, she is taxed about 50 shillings, you enter the market you don't have that money Mr. Speaker that cock or that hen is taken away from you to a certain store, they wait for some few minutes if you don't produce the money they want, Mr. Speaker that hen disappears without it being auctioned anywhere and Mr. Speaker sir it is not in any logic to say that what would bring a hen at 300 shillings, then you tax 50 shillings which is even much over 15 percent or 18 percent that the National Government had raised in the VAT that we use in our Country Mr. Speaker.

Mr. Speaker, the traders in our local markets in Siaya County are seriously and are adversely affected in terms of over taxation Mr. Speaker. I therefore rise Mr. Speaker to call for a mechanism to look into this to reduce even the tax that are being done on our people Mr. Speaker. Mr. Speaker I want also to give an example of a mama mboga in our markets, you will find a mama coming with a basket of about 200,

2013 COUNTY ASSEMBLY OF SIAYA DABATES

500, amounting to 200 or 500 shillings, total of whatever she has brought to the market.

Mr. Speaker, you will find by the end of the day, she has returned, the tax is equivalent to over 40 percent of the total cost of her produce Mr. Speaker. I am therefore begging Mr. Speaker that we act with speed and to make an atmosphere favorable for these our people to do trade in our market, to sustain them to change their lives Mr. Speaker. I stand to support the Motion. On the same Mr. Speaker, I now ask you to let the discussion be brought to the Committee of the House so that we discuss more and on the same note I ask the mover of the motion to reply.

Hon. Speaker: Honorable Members it has been moved that I invite the mover to reply, do we have somebody seconding that? Yes Honorable Gare

Hon. Gare: Thank you Mr. Speaker. I arise to support that since other Members still want to debate on this, maybe we move this to the Committee of the Whole House and the mover replies then we get time there and discuss it. Thank you

Hon. Speaker: With that secondment, I wish to propose that I invite the mover to reply and I put the question that I invite the mover of the Siaya County Tax Waivers Administration Bill 2013 to reply, will as many as of the opinion say 'Aye'

Hon. Members: Aye

Hon. Speaker: May as many as of the contrary opinion say NAY. The "I"s have it and I call upon the mover to reply Honorable Jack Odinga.

Hon. Odinga: Thank you. Thank you Honorable members and Mr. Speaker

sir. I want to say I am really grateful on the contribution of the Members, Honorable Members towards the aspect of this Bill. I also want to say that it is true that as a County we need revenue and--- but what the Bill proposes to do is that we propose to do an equitable taxation that the richer should pay more just the way it was said that if you are selling an item 150,000 why should you be charged only 200 shillings the same as that of a mama who has brought a vegetable worth 200 shillings who also goes to the market. So what we are saying is that the Bill would like to spread the taxation in an equitable manner.

I also want to thank those who have not contributed I believe that in the Committee of the Whole House they are going to bring in their wisdom and that the interactive contributions we are going to have at the committee meeting is going to be very helpful in coming up with the Finance Bill which will later on be tabled in this House so that Members will look item by item which will be waived. I also want to finish by saying that a family that is able to consume and sell is a family with a future. Thank you Honorable Members, thank you Mr. Speaker sir. I beg to move.

Hon. Speaker: Thank you Honorable Odinga. I wish to move that the Bill be read a second time and I put the question that the Siaya County Tax Waiver and Administration Bill be read a second time and be committed to the Committee of the Whole House today.

Hon. Speaker: I wish to put the question that the House to move to the Committee of the Whole House. May as many as of the opinion say Aye

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Members: Aye

Hon. Speaker: May as many as of the contrary opinion say NAY. The “I”s have it.

**IN THE COMMITTEE OF THE
WHOLE
HOUSE**

Hon. Chair: Honorable Members, this is the Bill that introduce us, the Siaya County Tax Waivers Administration Bill, it is a Bill of 2013 which has gone through the first and second reading and it is now at committee stage. I wish therefore to invite the Clerk of this Assembly to read the process.

Hon. Chair: Honorable Members may I propose the question that Clause 2 to 6 be part of the Bill. And I now put the question that Clauses 2 to 6 be part of the Bill. May as many are of the similar opinion say Aye

Hon. Chair: May as many as of the contrary opinion say NAY. The Ayes have it.

Hon. Chair: Honorable Members may I propose the question that Clauses 7 to 10 be part of the Bill. I now put the question that Clauses 7 to 10 be part of the Bill. May as many as are of the similar opinion say Aye

Hon. Members: Aye

Hon. Chair: May as many as are of the contrary opinion say Nay. The Ayes have it.

Hon. Chair: Honorable Members I propose the question that the Schedule be part of the Bill. I now put the question that the Schedule be part of the Bill. May as many as are of the similar opinion say Aye

Hon. Members: Aye

Hon. Chair: May as many as are of the contrary opinion say NAY. The “I”s have it.

Hon. Chair: Honorable Members I propose the question that the Title be part of the Bill. I now put the question that the Title be part of the Bill. May as many as of the similar opinion say Aye

Hon. Members: Aye

Hon. Chair: May as many as of the contrary opinion say Nay. The Ayes have it.

Hon. Chair: Honorable Members I propose the question that Clause 1 be part of the Bill. I now put the question that Clause 1 be part of the Bill. May as many as of the similar opinion say Aye

Hon. Members: Aye

Hon. Chair: May as many as of the contrary opinion say NAY. The “I”s have it. Honorable members I now request the mover to move the Bill.

Hon. Odinga: Mr. Chairman Sir I would like to move that the committee ... House with consideration of the Siaya County Tax Waivers Administration Bill 2013 and its approval thereof without amendments and I call upon Honorable William to second.

Hon. William: Thank you Mr. Speaker sir. I arise to support the Tax Waiver ...so that the Bill may not be amended as it is in the paper....

Hon. Chair: Honorable members I will put the question which is that the Committee do report to House its consideration on the Siaya County Tax Waivers Administration Bill of 2013 and its approval thereof without amendments. I put

2013 COUNTY ASSEMBLY OF SIAYA DABATES

the question that the committees do report to the House its consideration of the Siaya County Tax Waivers Administration Bill of 2013 and its approval thereof without amendments. May as many as of the similar opinion say Aye.

Hon. Members: Aye

Hon. Chair: May as many as of the contrary opinion say Nay. The “I”s have it.

Hon. Chair: Mr. Speaker sir, I beg to report that the Committee of the Whole House has considered the Siaya County Tax Waivers Administration Bill of 2013 and approved the same without amendments.

Hon. Speaker: Yes, Honorable Odinga

Hon. Odinga: Mr. Speaker sir I would beg to move that the House do agree with the committee to the said report. And I hereby call upon Honorable William to second.

Hon. William: Thank you Mr. Speaker, I arise to support.

Hon. Speaker: Thank you. I therefore propose the question that the House do agree with the committee on the said report. And I put the question that the House do agree with the committee on the said report. May as many as of the same opinion say Aye

Hon. Members: Aye

Hon. Speaker: May as many as of the contrary opinion say Nay. The “I”s have it. Honorable Odinga

Hon. Odinga: Thank you Mr. Speaker sir once again. I want to congratulate my colleagues for seeing sense in passing the Bill without amendments. I also thank those who opposed that it is their opinion to oppose, this is why we are in a House discussing or debating. Mr. Speaker sir, I beg to move that the County Tax Waiver Administration Bill now be read a third time and I call upon Honorable Joseph Agoko to second.

Hon. Speaker: Honorable Agoko!

Hon. Agoko: Thank you Mr. Speaker sir, I arise to second.

Hon. Speaker: Honorable members I want to propose that the Siaya County Tax Waivers Administration Bill 2013 be read the third time. And I put the question that the Siaya County Tax Waivers Administration Bill 2013 be read the third time. May as many as of the similar opinion say Aye

Hon. Members: Aye

Hon. Speaker: May as many as of the contrary opinion say Nay. The “I”s have it. Honorable Members, thank you so much for the contributions and the debate for this Bill and I declare that this House stands adjourned until Tuesday next week at 2.30p.m.

REPUBLIC OF KENYA

SIAYACOUNTY ASSEMBLY

THE HANSARD

First County Assembly-First Session

The House met at the County Assembly chambers at 9.00 a.m.

Wednesday, 13th November, 2013

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

PRAYER

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes Only. A Certified version of this Report can be obtained from the Hansard Editor.*

2013 COUNTY ASSEMBLY OF SIAYA DABATES

An Hon.Member: Mr. Speaker, Sir, I have the honor of presenting to you Rosemary Adhiambo Ogutu, nominated member, Ford Kenya.

Hon. Deputy Speaker (Hon. Adera): Welcome. Next time she will master the practice, if it is the sponsor on the right and not the left.

Hon. Ogutu: I, Rosemary Adhiambo Ogutu do swear that I shall always truly and diligently serve the people and the Republic of Kenya in the office of the County Assembly of Siaya, that I shall diligently discharge my duties and perform my functions in the said office to the best of my judgment that I shall at all times respect, uphold, preserve, protect and defend this constitution of the Republic of Kenya and that I shall do right to all manner of persons in accordance with the Constitution of Kenya and the Laws and the conventions of parliament. That I shall do justice to all. So help me God.

(Applause)

Hon. Deputy Speaker: Honorable members, we can welcome our new honorable member honorable Rosemary for that reason. I have some few communications to make; we have been invited by His Excellency the Governor for a luncheon tomorrow at Kogello Hotel at 11.00, between 11.00 and 1.00 tomorrow. Kindly do not miss. Secondly honorable

Oriaro is having a function in his Ward, there is a graduation ceremony going on in his Ward and he has invited all of us today. So for those who would wish to attend the function you are most welcome and I would wish that all of attend the function. That is my wish. Those are the only announcements that I have for now and we will be having an informal meeting immediately after this so we don't walk away. Finally the Liason Committee should have the meeting immediately after our informal meeting. Thank you.

Next order!

Hon. Member: Mr. Speaker, Sir, I wish to pass a message that on 23 of this month as from 9.00am I will be doing my thanks giving in my Ward at ...Secondary School. Thank you.

Hon. Deputy Speaker: Welcome. Are you inviting us or you are informing us?

Hon. Member: Mr. Speaker sir I am welcoming all honorable members and their networks because my functions are people's centered functions. Thank you Mr. Speaker.

Hon. Deputy Speaker: Welcome. I can assure you that we will come in numbers. Next order!

Honorable members, from the mood of the House it appears that we don't have any other business and therefore we are adjourning.

REPUBLIC OF KENYA

SIAYACOUNTY ASSEMBLY

THE HANSARD

First County Assembly-First Session

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

Wednesday, 20th November, 2013

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

PRAYER

Hon. Deputy Speaker: Next order!

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes Only. A Certified version of this Report can be obtained from the Hansard Editor.*

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Owii: Mr. Speaker sir, Honorable Speaker sir, I wish to lay on the table before the honorable Assembly the proposed Finance Bill 2013 that has been prepared by the executive. Thank you, Mr. Speaker. Mr. Speaker sir, I also wish to lay

Hon. Deputy Speaker: Honorable Kowii, where is the post Finance Bill that you are laying? Where is the proposed Finance Bill that you are laying?

Hon. Owii: Thank you Mr. Speaker sir, I don't know where this Bill.

Hon. Deputy Speaker: It is laid on the floor of the House and it shall be submitted to the committee on delegated legislations for further action.

Hon. Owii: Mr. Speaker sir, I wanted to kindly request honorable Ochieng Aneme to second.

Hon. Ochieng: Mr. Speaker, I arise to second.

Hon. Member: Point of order Mr. Speaker.

An Hon. Member: The paper is ready Mr. Speaker.

Hon. Deputy Speaker: Yes I concur with you, once it is laid the procedure is that it is committed to the various or relevant committees for further action.

Hon. Owii: Thank you Mr. Speaker sir, honorable speaker I want to lay, I further wish to lay on the table before the honorable House the proposed County Integrated Development Plan that has been prepared by the executives. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: I direct that the same be directed to the committee on Delegated Legislations and Constitutional Affairs.

Hon. Owii: Mr. Speaker sir thirdly and finally, I wish to lay on the table before the honorable Assembly a proposed County Assembly Supplementary Budget Estimates for the year 2013/ 2014. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Honorable Kowii, in the order paper I can't see the County Assembly Supplementary Budget. Are you talking about Supplementary Budget for the financial year 2013/2014 or there is another Supplementary Budget that I can't see?

Hon. Owii: Honorable Speaker I said, I only wish to lay on the table before the honorable House, this honorable Assembly a proposed County Assembly Supplementary Budget.

Hon. Deputy Speaker: County Assembly and County are two very different things. I believe you were talking about County Supplementary Budget

Hon. Owii: Yes.

Hon. Deputy Speaker: Is that the correct position?

Hon. Owii: Yes, I think there was an error that was made, sorry, Mr. Speaker.

Hon. Deputy Speaker: Okay that has been noted.

Hon. Owii: I wanted to lay the County Supplementary Bill Mr. Speaker

Hon. Deputy Speaker: Fine, you can go ahead!

Hon. Owii: I said I wish to lay on the table before the honorable Assembly the proposed Assembly Supplementary Budget.

Hon. Deputy Speaker: Proceed just lay it on the Table.

Hon. Owii: For the year 2013/2014.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Deputy Speaker: And this one touches on two committees, main committees, I know maybe perhaps all committees would like to have a look at it but for now I want to direct that it be taken to the Finance Committee and Delegated Committee on Constitutional Affairs. Next order!

Hon. Deputy Speaker: Next Order!

Hon. Madialo: Mr. Speaker, Sir, we have response from the chairman committee on appointments. I stand to move the motion that this Assembly do adopt the report on the committee on appointments of the vetting of the County Executive Nominees dated 18th November 2013. The honorable Jared Abayo to second.

Hon. Deputy Speaker: Just before you sit, your motion is that the Assembly adopts which report?

Hon. Madialo: The report on the Committee on Appointments.

Hon. Deputy Speaker: Dated?

Hon. Madialo: 20th November 2013.

Hon. Deputy Speaker: Proceed

Hon. Madialo: Mr. Speaker I ask the honorable Jared Abayo to second.

Hon. Deputy Speaker: Yes honorable Abayo. Honorable Abayo it's your time. Okay, thank you. Now I will propose the question that the Assembly adopts the report on appointments committee dated 20th of November 2012. It is open.

Hon. Madialo: Mr. Speaker, Sir, I stand to move a motion this House does adopt the report on the Appointments Committee on the vetting of the Executive County Nominees. Mr. Speaker, on behalf

of the committee members and pursuant to the provisions of the Standing Order number 185, it is my duty to present to the House the committee's report on the Executive Nominees. Mr. Speaker, the Committee on Appointments was constituted by the House on Tuesday 30th April 2013 comprising the following members the honorable George Ojode as the Speaker of the County Assembly, the honorable Stephen Adera Deputy Speaker, he is the vice chair person of the committee, the honorable Otieno the Leader of the Majority, the honorable Gare the Chief Whip, the honorable Sylvester Madialo yours faithfully, the honorable Lorna Adida, the honorable Christopher Apiyo, the honorable Jared Abayo, the honorable Andiego, the honorable Benson Onyango and thereafter the honorable Stella Akinyi.

Mr. Speaker, pursuant to section 179 (2) of the Constitution the Governor forwarded to the Clerk of the County Assembly the names of the nominees by way a letter dated 15th November 2013 for vetting by the Committee on Appointment by the County Assembly for appointments as members of the Executive Committee,,. Name number one:

1. Ezekiel Abang -Lands,Physical Planning & Survey
2. Cleophas Okoth -Finance, Planning and Vision 2030.
3. Salome Sarah Ondego-Water and Irrigation
4. Phelgona Atieno Aoko - Agriculture,Livestock and Fisheries
5. Francis Ngesa Akumu-Trade, Industry Development

2013 COUNTY ASSEMBLY OF SIAYA DABATES

6. Christine Jennifer Akinyi -
Education, Youth Affairs, Gender & Social Services
7. Benard Okello Arum -Public
Works, Roads, Transport & Communication
8. Sylvester Adala-Health Services
9. Nicky Aduogo-Tourism and ICT
10. Onyango-Member of Public Service
Board and
11. Stephen A Okoth -
Administration & Governance.

Mr. Speaker, after due consultation, the Governor through a letter dated 18th revoked the earlier list and reattached it and submitted the new list by a letter dated 18th November, 2013 with the following new nominees

1. Ezekiel Omuga Abayo -
Lands, Physical Planning & Survey
2. Cleophas Ombogo -Finance,
Planning and Vision 2030
3. Salome Ondego -Water
and Irrigation
4. Phelgona Atieno -
Agriculture, Livestock and Fisheries
5. Francis Ngesa -Trade,
Industry, Labor &Development
6. Christine Jennifer Akinyi -
Education, Youth Affairs, Gender & Social Services.
7. Benard Arum -Public Works
Roads Transport & Communication
8. Sylvester Adala - Health
Services

The Clerk to the Assembly was then instructed to... should do that through negotiation. The public was invited to present any information to the... however by the time of vetting no member of the public had presented any affidavit. The committee convened their meeting at Siaya Agricultural

Centre during which 7 nominees out of the 8 appeared before the Committee on Appointments and were vetted in accordance with the Public Appointments Parliamentary Act number 33 row 2011 on appointments of members of the Executive Committee. Every Nominee who had been vetted by the committees was invited for interviews conducted between 17th June and 18th June 2013. The candidates--- and was consequently approved by the Assembly July 2013.

Seven people reported to their respective positions within the month of July before the Governors election was nullified by the High Court. These appointee's records, documents and testimonials were already part of the Assembly's Hansard. However, 7 of them appeared before the committee who examined them and their documents. Dr. Sylvester Adala the nominee for Health was unable to appear before the committee as scheduled on account of bad health. The committee then constituted a committee that visited him and interacted with him.

Now based on the records in the Hansard that are required on the nominees the committee recommends that this House adopts its earlier report on the nominees and appoint them to their respective portfolios as hereunder. We recommend that Ezekiel Omuga be appointed the Executive Member of Lands Physical Planning & Survey, Cleophas Ombogo be appointed Finance Planning and Vision 2030, Salome Ondego, Water and Irrigation, Phelgona Atieno Ooko, Agriculture livestock and Fisheries, Francis Ngesa Okumu, Trade Industry Development,

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Christine Jennifer Akinyi, Education Youth Affairs, Gender & Social Services, Benard Okello Arum, Public Works Roads Transport & Communication and Sylvester Adala, Health services.

Mr. Speaker, the vetting was quite short and it was short in form of the fact that hardly two months ago the committee had interacted with these individuals, vetted them and approved them as suitable to occupy the offices to which they were nominated. Mr. Speaker it is prerogative that section 35 of the County Government Act was bound together with the Public Appointments Act. Mr. Speaker, we considered and satisfied ourselves that gender rule be followed, that more than one third of the persons that we received to have approved by this Assembly constitute more than one third being female.

Mr. Speaker, their files, their documents and their testimonials confirm that they are graduates as per their documents and Mr. Speaker they have met the constitutional threshold required to confirm them into County office. Mr. Speaker, I urge that this House does adopt this report and that the recommendations taken to the Governor for further action. Thank you, Mr. Speaker:

Hon. Deputy Speaker: Thank you. Yes, hon. Ndonji

Hon. Ndonji: Thank you Mr. Speaker sir. I have gone through the report Mr. Speaker sir and there is one point that is coming through that I want to highlight. It is being said that the public did not participate in the exercise as was expected. I want to say that one of the reasons probably could be because the only media

that was used was the electronic media, particularly the--- determine who would participate.

All the same the report is okay but another thing that I wanted to talk about is about Dr. Adala the nominee for Health, the committee's recommendation is that it directs that since Dr. Adala did not turn up for vetting on account of sickness, his name be returned back to the executive for consideration at his discretion.

Mr. Speaker, Sir, I tend to think that if the committee was satisfied that Dr. Adala was actually sick then there is no need of taking back the name but I think a day should be arranged so that Dr. Adala can face the vetting committee. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you. Were you standing on a point of order, or you were contributing, supporting, or you were opposing the motion? You've not stated that clearly.

Hon. Ndonji: Thank you Mr. Speaker sir. I wasn't opposing the motion.

Hon. Deputy Speaker: You were?

Hon. Ndonji: I wasn't opposing the motion, I was supporting it, but I wanted also that the two issues that I have raised be taken into consideration.

Hon. Deputy Speaker: Let's hear that from the mover of the motion. The honorable Madialo can you respond?

Hon. Madialo: Mr. Speaker, I don't know because I didn't sign the report that I made in the House. The one that I signed does not rhyme the one I have. Mr. Speaker, may I know from the honorable Ndonji whether my signature is on that report?

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Awuor: Point of order, Mr. Speaker!

Hon. Deputy Speaker: Yes honorable Kawuor what is the point of order?

Hon. Awuor: Thank you Mr. Speaker. I want to say that we should be discussing this issue if the member who just talked had proposed the amendment and since that has not been proposed I think we went out of order. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Yes, I think honorable Ndonji has raised concern which we really need to look into. May I have the report which has just been laid on the table? And I would request that honorable Ndonji maybe give to the Speaker this report, the one he is referring to. Honorable Ndonji the report that you have laid on the table has no date and it is not signed and therefore I will go by the report that has been laid on the table by honorable Sylvester Madialo and I can also see the report you are having is volu minous if you look at the number of pages its about 19 pages. Oh they are different reports so let's discuss the report that has been laid on the table. Let's discuss the report that has been laid on the table. Honorable Madialo!

Hon. Agoko: Mr. Speaker sir, Point of order.

Hon. Deputy Speaker: Yes what is the point of order, Mr. Agoko?

Hon. Agoko: Mr. Speaker sir, I am sorry this House misleads people, we are heading to a situation whereby the reports tabled and reports circulated to members are different, and I am shocked that the Chair is disowning his own document.

How do we now come to believe what you are tabling is the correct one if what you had circulated to all these members is different from what you read and what you present and what you tabled and you want us to discuss what you are tabling which we do not have.

Hon. Deputy Speaker: Honorable Agoko.

Hon. Agoko: Mr. Speaker, Sir.

Hon. Deputy Speaker: Honorable Agoko the motion was to lay on the table a report from the Appointments Committee which they have done. So let us discuss the report which has been laid on the table. I will advise that maybe we can look at the reports that you have been and you can bring a motion later if you realize that there is a difference but for now let us discuss the report that has been duly laid on the table. Yes, honorable Kawuor.

An Hon. Member: Mr. Speaker, you had given me...

Hon. Deputy Speaker: I had given a chance to hon. Oriaro, I am sorry.

Hon. Ndonji: Point of order Mr. Speaker.

Hon. Deputy Speaker: Can we proceed? What is the point of order, Mr. Ndonji?

Hon. Ndonji: Mr. Speaker sir we are finding it difficult to participate on this matter because we have got two sets of documents that we are talking about. What has been tabled there may be different from what members are talking about. So Mr. Speaker sir I wish to urge the House that this session be deferred.

Hon. Deputy Speaker: Honorable Ndonji I have already stated clearly that

2013 COUNTY ASSEMBLY OF SIAYA DABATES

what has been laid before me is this one. You can liaise with the office of the Clerk to get you the copies of this one if you don't have it. For now let us discuss

An Hon. Member: A point of order.

Hon. Deputy Speaker: Lets us discuss the report which has been laid on the table. The one you are talking about has not been laid. If you want to lay this one then you bring a motion to do the same.

An Hon. Member: Mr. Speaker, point of order!

Hon. Deputy Speaker: Can we proceed please?

Hon. Members: We can't proceed because what you have we don't have, we can't proceed.

Hon. Deputy Speaker: I have already directed that you liaise with the office of the Clerk to get the document you deem important.

Hon. Member: (interruptions) we have two different sets of these things.

Hon. Deputy Speaker: Honorable Madialo maybe you can address that.

Hon. Madialo: Mr. Speaker.

Hon. Deputy Speaker: I don't know, did you circulate two different reports?

Hon. Madialo: Mr. Speaker, I participated, I was part of the committee that drew the reports that are laid. Both the reports we are seeing on the floor now, I am seeing for the first time.

I have liaised with the Clerk who has given me, Mr. Speaker I would require first and foremost the report before the House it becomes part of the--- And then we discuss it. We cannot discuss it by virtue alone that somebody gave members a wrong report if

it is a report at all. Mr. Speaker it is only a report if a member of the committee presents it.

Hon. Member: Point of order Mr. Speaker.

Hon. Madialo: I am still communicating Mr. Speaker.

Hon. Deputy Speaker: Let honorable Madialo proceed. Honorable Madialo proceed, precede, honorable Madialo.

Hon. Madialo: Mr. Speaker, thank you for protecting me. Honorable Speaker what is before the Assembly is a report that is already signed! If there is a problem with it then we will give an explanation, if you are not given an explanation as to why it is there, because it is not part of the papers that it is laid before you today. Mr. Speaker sir before it is laid before you I urge that we precede with the debate on the report that has already been laid.

Hon. Deputy Speaker: Honorable Madialo I had already made a ruling on that, you know we don't deal with speculations honorable Members, the procedure is that when you have a report. You file it with the Clerk's office then you first sign it then you put in Clerk's office and the madam Clerk will forward it to the office of the Speaker. Then the same report will be laid on the table without a signature and without a date then it cannot be laid on the table.

What you have, I think is speculations and it is not a mistake on the side of the Chair or of the Speaker because the representative of that committee has already told you that the report that they are aware of is signed and is dated and I have it duly tabled with me. So any other report

2013 COUNTY ASSEMBLY OF SIAYA DABATES

that is being circulated please discard the same. Let us proceed.

Hon. Member: Mr. Speaker!

Hon. Deputy Speaker: I had given the chance to honorable Oriaro. Let honorable Oriaro proceed.

Hon. Oriaro: Thank you Mr. Speaker sir, mine was just to bring to your notice that it would be out of place for us to discuss that which is not within our reach. Mr. Speaker, Sir, the House is only a House if the honorable Chairman works in tandem with its honorable members. So if honorable members are operating from without then this is no House Mr. Speaker. So it is my wish to move that we adjourn briefly so that the report before you that is in the order paper is circulated then we move in tandem with one another. Thank you, Mr. Speaker.

Hon. Speaker: Honorable Gare.

Hon. Gare: Thank you Mr. Speaker sir. Mr. Speaker I think it is right that what the honorable members have, the report that honorable members have is different from the one which has been laid.

Hon. Deputy Speaker: Honorable Gare I think we have passed that stage. I made a ruling that whatever you have is a speculation. What has been laid on the table procedurally is the report by honorable Madialo dated 20th November, 2013.

Hon. Gare: Mr. Speaker I was just trying to inform you that if the members don't have the report. Then why don't we adjourn for a while then the Chair circulates the right report then we discuss it in 5 minutes.

Hon. Deputy Speaker: Okay then, let's hear from about two or three people. Honorable Booker!

Hon. Minami: Thank you Mr. Speaker. Mr. Speaker first of all I would like to concur with my colleagues that the report that has been circulated which is not the report that the chairman has put across. As an Assembly we need to be given answers. Who is giving us a wrong report to discuss in the House? Secondly Mr. Speaker the Committee on Appointment, first of all should take responsibility and accept that an error has occurred and as members of this Assembly we can have some time to correct the error. Mr. Speaker

when I was sitting here after these documents had been circulated is when the mover of the motion was signing the report that he gave. It was signed before my eyes. So Mr. Speaker I want to concur with the Chief Whip that we adjourn briefly so that honorable members get the report that has been signed just a few seconds ago so that we can discuss and move on. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Honorable Aneme!

Hon. Aneme: Mr. Speaker I think if you assess the mood of the House, It is true that you have been insisting on a document that it is only you who have and we don't have it. So if they are these ones, that one of yours has only been signed a few minutes ago. Let us adjourn and then we collect all of them, these things if they are the same thing so that he signs them, then we come back and discuss the same thing, but insisting that that one is the right one then we should also collect these ones and

2013 COUNTY ASSEMBLY OF SIAYA DABATES

then abandon them somewhere and then you photocopy that one that is signed and then we read from the same message.

Hon. Deputy Speaker: Yes thank you. I can read the mood of the House and it is now crystal clear that most if not all most of the members do not have this report but honorable members I want to maybe inform you that a report, it does not matter where and when the report is signed it may be signed as you move it or before it is moved.

What matters is that by the time you are presenting it, by the time it is tabled it should have a signature and a date. And therefore I wish to request that the office of the Clerk to urgently make some copies. It may not be enough for all of us but kindly bear with us because this is a situation which may be we had not foreseen but kindly bear with us if you can share maybe even 5 or 10 copies let us share the same and then we reconvene within the next 10 minutes and proceed with the....

Hon. Madialo: Mr. Speaker I therefore move the Motion that this Assembly does stand adjourned for 10 minutes.

Hon. Speaker: I will allow for the adjournment.

Hon. Deputy Speaker: I only wanted to say that I will allow it if it is seconded which has already been done, and therefore the House stands adjourned for 10 minutes.

(House adjourned for 10 minutes)

Hon. Deputy Speaker: We can proceed from where we left. I want to

believe that we now have at least some copies that we can make reference to, they may not be enough for all of us, but at least we have some few copies. Honorable Madialo can you confirm that the copies given out are the same copies of the report that you were trying to move?

Hon. Madialo: Mr. Speaker, I would...

Hon. Deputy Speaker: Honorable Booker, now that your name has been mentioned; Confirm whether that is the same report.

Hon. Minami: Thank you Mr. Speaker. Mr. Speaker it is you who can confirm that the copy you are having is the same as the copy we are having tabled.

Hon. Deputy Speaker: Does your copy have a signature and a date at the back?

Hon. Minami: Mr. Speaker, it has...

Hon. Deputy Speaker: Okay let's proceed from there. Yes madam honorable Wanyala.

Hon. Manyala: Mr. Speaker, as much as we have agreed to share, we don't have any copies at all this side.

Hon. Deputy Speaker: They are bringing more copies please, but that is kind of you. Another one is there with Gare.

An Hon. Member: Mr. Speaker the honorable comes from the same House as the Chief Whip.

Hon. Deputy Speaker: Okay!

Hon. Aneme: Mr. Speaker our documents were collected but they are not yet back.

Hon. Deputy Speaker: Honorable Aneme I don't know who collected but we

2013 COUNTY ASSEMBLY OF SIAYA DABATES

talked about giving in reports that are signed, so kindly bear with us. reports are coming, if you have not received any copy. The ones that are collected perhaps the mover or the office has discovered that they had not been signed and maybe they are signing them. So I will put the question again that this House adopts the report by the Appointments Committee dated 20th November 2013.

Hon. Madialo: Thank you, Mr. Speaker. Mr. Speaker I am now reading the one that honorable has and I believe that the honorable Jareld Abayo will support me in this. That I had already put across our proposition that which I was supposed to be saying before the Assembly. Mr. Speaker I am calling upon the membership to unanimously adopt the report as laid. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Honorable Madialo just before honorable Abayo seconds the same. Would you maybe highlight the House on this other contact you are talking about because it seems like there were 2 reports; one has been signed and one has not been signed. Maybe just in a nutshell.

Hon. Madialo: Mr. Speaker a report is a report whether the authors have signed or not. It is a report where the committee owns it. I know, Mr. Speaker, that we have not seen such a report but what might have been transpired Mr. Speaker is that as we deliberated our committee secretary was taking notes, that is yesterday.

To arrive at a conclusion as to what the committee will present before the Assembly because the committee was deliberating and agreeing or disagreeing

Mr. Speaker. Mr. Speaker, when the committee sits.

Hon. Ndonji: Point of order!

Hon. Deputy Speaker: Honorable Ndonji what is the point of order?

Hon. Ndonji: Mr. Speaker sir the honorable member is misleading the House. There is no way they can bring us a report that they didn't have a conclusion at all to discuss. Each and every committee that tables a report should be having a conclusion from the meetings they have been having Mr. Speaker sir. At the same time whatever you are talking about it was not only the signature, that they were lacking signatures but the information that was there is not what we are being given, Mr. Speaker, Sir.

Hon. Deputy Speaker: Okay, thank you.

Hon. Madialo: Mr. Speaker I have received the Assembly orders, I don't know which order but I know it does not exist. That is what Mr. Speaker that we invest so that we meet deadlines and don't blame our Clerk or the secretary that typed our minutes. He or she might have typed in readiness for our conclusion, might have typed what we deliberated on and the suggestions because we had several suggestions including the exclusion of the name of the Honorable Silvester Adala from the list and I am seeing it in the other document. This is not something... Mr. Speaker somebody elected to give out the raw document rather than wait for the report.

Mr. Speaker, if you look at the document itself, it is not here you will see that even the provisions for signatures for

2013 COUNTY ASSEMBLY OF SIAYA DABATES

the Chair, Secretary and membership is not there meaning that it is not what we intended to sign. Mr. Speaker what I intended to sign we have signed. Mr. Speaker the honorable Otieno was a member and is a member of that committee and I will..

An Hon.Member: First and foremost, I am not Bernard I am not Otieno. I am Nickson. He is pointing at me. In as much as he is saying that I am a member of that committee, it is very true I am a member but on some provisions, I dissented and I am still ready and willing to dissent. Thank you.

Hon. Deputy Speaker: And that is in order because normally in committees it is not a must that all members should agree to a point. Normally when there is a contentious issue you vote and just what the honorable member has said is in order. Honorable Abayo you were supposed to second.

Hon. Abayo: Thank you so much, Mr. Speaker. Mr. Speaker, indeed I want to agree with our honorable Madialo that we go through the paper report that has been given to us. Mr. Speaker, reading between the lines we have and I want to second as a member of the committee Mr. Speaker that indeed as has been explained there have been the information, but I want to add that Mr. Speaker as a committee having looked at various options. One option that we did take up was that if indeed Dr. Adala was sick, as a committee we did take a decision that we visit Dr. Adala. Mr. Speaker I want to believe that

Hon. Deputy Speaker: Let's give him time to finish then I will come to you honorable Oriaro.

Hon. Abayo: Mr. Speaker, I am trying to shade light on the issue there so that we get to read from the same page. That we did task as a team that visited Dr. Adala in a way of doing the vetting like we did, and he is one person who did not come. Mr. Speaker sickness is not something that we would be able to anticipate. A team did visit, did talk to him like we talked to the others who we had seen earlier and the committee was convinced that Dr. Adala was ready to take the job. All of us in one way or another we get disposed. So it is of that line and that strength that we are asking this House alongside the other 7 names that we have looked at.

That you take the challenge and be able to pass this list including Dr. Adala who is actually recovering very well. Let us not punish him for sickness. Secondly, Mr. Speaker this is not the first time we are getting these names. We are advantaged to have been on behalf of this Assembly vet Dr. Adala when he was okay. All the committee members will agree with me that Dr. Adala would rank number one out of all the lists. I want to urge this honorable House that without any malice or without any prejudiced to what may have been the case we begin to get objectives and to be able to look at Dr. Adala and all the others. Thank you, Mr. Speaker. I therefore second that report.

Hon. Deputy Speaker: Okay honorable Oriaro

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Oriaro: Thank you Mr. Speaker sir, as I arose the other time I was to arise on a point of order but now I am ready to contribute. Number one Mr. Speaker sir; we are called upon to holistically adopt the great names to the Executive post in the County. Number one, Mr. Speaker, Sir, I want you to take note on the fact that one, when the mover was moving this motion his particulate nature was never made cetestrian and on the secondment is has been preempted and our eyes has been made to capture one thing which I want to move on, I mean discourse on.

Number one this House is a House of rules by the very honor bestowed upon it. Any extension, any tentacles of the House in the name of committees as they transact they should operate with the dignity that this House deserves and of course it operates as a High Court. When somebody is in a Court of Law Mr. Speaker sir any absenteeism can only be maybe brought to its notice by a way of maybe an advocate or such a person. So if the court or by extension the committee ought to have adjourned with respect to that particular name because the House does vetting.

Vetting is not merely the receiving and the adoption of papers, the person to be vetted must appear before the committee on behalf of the House so that his situations are assessed accordingly. Therefore I move the name Adala be set aside from the rest of the 7 so that the due process be followed. Indeed if the executive so wishes, the executive send the name back to the House so that he avails himself rightly as is

required and the public is allowed to participate. I like to oppose those conditions.

Hon. Deputy Speaker: Yes the honorable Andiego

Hon. Andiego: Thank you Mr. Speaker. I rise to support. I want to put it very clearly...

Hon. Deputy Speaker: What are you supporting? Honorable Oriaro has suggested that there be an amendment. Are you supporting the amendment or you are supporting the motion?

Hon. Andiego: I am supporting the motion.

Hon. Speaker: Okay proceed.

Hon. Andiego: I happen, Mr. Speaker to be a member of the vetting committee. I was there when Mr. Adala was alive and I want to tell this House that if any among the 8 cabinet secretaries, if any of them they are supposed to be ranked I would rank Mr. Adala number one and if we are also looking what somebody can look in Siaya, this is a man who should not be left out.

Mr. Speaker, anybody can fall sick even when we are in this House we may fall sick, even collapse but that does not mean you shouldn't be accepted because you were not there. Even those doing exams, vetting is like an exam and if somebody falls sick or maybe somebody is giving birth we take the exams to where they are, even in a hospital or in a jail. So I don't see why if the committee decided to take part of them to go and do this to a sick person..

Hon. Ombee: Point of order, Mr. Speaker.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Deputy Speaker: What is the point of order, honorable Peter? Which Standing Order do you think the honorable Member has breached?

Hon. Ombee: Mr. Speaker is it right for the honorable Member to, if I was meant to be vetted and I fell sick and I went to India for treatment. This House committee will take a plane and come to India to vet me? Is it in order Mr. Speaker?

Hon. Deputy Speaker: Honorable Member when you arise on a point of order, you need to site that point of order which has been breached and that one does not you under lie in any point order.

Hon. Andiego: Thank you Mr. Speaker for protecting me. In this case there was nobody who was taken or flown to India. So I would request this House that let us be sober and do the right thing. The committee has done their best, we have done our best and with even willing to go and look for this our patient Adala where we could get him. We vetted him and we realized that he is very much fit to perform the duties, so please kindly pass this list the way it is so that we can move on.

Hon. Deputy Speaker: Honorable Kawuor!

Hon. Awuor: Thank you Mr. Speaker. I arise to support the motion. Mr. Speaker despite all those issues that has arisen I want to say that the committee has tried its best to present before this House the list of nominees. Mr. Speaker I am a chair to a very important committee in this House, The governance and Administration and we stopped. I could not summon any cabinet executive officer before because they had not been there.

Mr. Speaker I initially thought the committee that vetted the executive members would take another 2 weeks.

I would have really opposed this motion, but I want to say that Siaya has been taken aback because of issues that I don't want to say in this House. This is the time that we must be sober we must support this list as it has been proposed and seconded. And also our colleagues have talked about that we have taken a lot of time, the list that has been presented before us was presented before us before an election which was done on 17th of last month. So Mr. Speaker I urge my colleagues to be quite sober support this motion, we move Siaya forward. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Honorable Omondi, the MCA for North Ugenya.

Hon. Omondi: Thank you very much Mr. Speaker sir. I stand to second honorable Oriaro that the motion should be accepted with amendments for the following reasons.

Hon. Deputy Speaker: Honorable Omondi that has already been overtaken by events. I thought you were contributing

Hon. Omondi: Let me contribute.

Hon. Deputy Speaker: He had made a proposal that an amendment be made and immediately after that there should be a seconder. Time has already lapsed for the same, unless you want to propose for an amendment then you propose it now.

Hon. Omondi: Thank you very much Mr. Speaker sir and that is what I want. That the motion on the floor be accepted with amendments. I therefore call any member to second me on the same. I

2013 COUNTY ASSEMBLY OF SIAYA DABATES

do hereby propose that the name of the executive in charge of health be removed from that list for the following reasons:

First, I understand that some fellow members whom I don't want to mention are saying that those are already been vetted. The constitution is very clear, once there is a vacancy in the office of the Governor. The executive ceases to exist so these gentlemen who are being vetted are starting afresh irrespective whether you had been vetted or not because that office was nullified, it was not there, whether they were vetted or not we are starting on a fresh note.

This House and I want it to be taken and to be on point, we are not here to confirm who is going to perform and who is not able to perform. So the issue of saying suppose who and who is ranked he could be number one should be null and void in this House. So Mr. Speaker sir for the sake of rule and law, we use the Public Appointments Act, the County Government Act and the Constitution which supersedes everything. It is very clear that public participation.

Hon. Deputy Speaker: Hon. Andiego you are standing on a point of order, what is the point of order?

Hon. Andiego: Thank you Mr. Speaker. Is it in order Mr. Speaker for a member of the same committee who brought the report in the House again to oppose it on the floor?

Hon. Deputy Speaker: Very much in order.

Hon. Andiego: Mr. Speaker you are the Chair

Hon. Speaker: Honorable Andiego when we are seated here as members of the committee, as members of the House we are all members and anybody may have a dissenting opinion whether you are a member of the committee or not. And therefore honorable Omondi is right to make any dissenting opinion.

Hon. Omondi: Thank you Mr. Speaker. so on that note I want to urge my fellow colleagues lets be sober. Being sober as my other colleagues had said does not mean breaking the law, being sober does not mean going to somebody's House to break it.

Hon. Deputy Speaker: Honorable Omondi please address the Chair.

Hon. Omondi: Thank you Mr. Speaker. For the time being I will rest my case there but the issue of saying so and so has not been vetted is null and void so I call upon honorable Oriaro to second the same.

Hon. Deputy Speaker: Honorable Oriaro!

Hon. Oriaro: Mr. Speaker sir it is clearer than crystal that this August House is a House of rules. I want to take cognizes on the fact that committees are extensions of this House so in their mandate they should act in the fashionably of the House. We are made to understand that the Committee on Appointment had operated outside the law to sending some of their elements to go and interview somebody in his own House. Mr. Speaker sir if that was..

Hon. Deputy Speaker: Just hold on. Honorable Madialo what is it?

Hon. Madialo: Point of order!

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Deputy Speaker: Honorable Apiyo Apiyo, can you kindly sit down.

Hon. Madialo: Mr. Speaker is it in order for a member to refer to other members as elements?

Hon. Deputy Speaker: That is unfortunate statement and honorable member I direct that you withdraw and apologize. We don't have elements in this House

Hon. Oriaro: Mr. Speaker I am withdrawing and I am apologizing. Thank you Mr. Speaker sir, I have withdrawn. So my view of pointing out that it was ... of members of the Appointment Committee to have allowed some of their colleagues to visiting somebody's House, that one cannot be accepted and therefore Mr. Speaker sir I second the motion that out of the 8 names Mr. Adala is on the spotlight. Due process be followed it be brought back if the Governor so wishes. Thank you.

Hon. Deputy Speaker: And I will now propose the question that the name of Dr. Sylvester Adala be removed from the list. May as many as are of the opinion say Aye.

Hon. Members: Aye (few)

Hon. Speaker: May as many as are of the contrary say Nay

Hon. Members:
Nay

Hon. Deputy Speaker: The Nays have it. Let us proceed with the main motion. Honorable Adida!

Hon. Adida: Thank you Mr. Speaker sir and I stand to support the motion. Honorable Members going by the records maybe just to quote that .we

know where we have come from though we don't know where we are going. I convincingly seek your guidance and even your approval on the 8 names and on confirming Mr. Adala's name. I stand to say that I am one of the elements as was quoted that went to visit Dr. Adala. Honorable members.

Hon. Deputy Speaker: Honorable Adida refrain from the word 'element.' We don't have elements in this House.

Hon. Adida: I have withdrawn, honorable Speaker.

Hon. Deputy Speaker: Proceed!

Hon. Adida: I am reporting to you because for sure it is not the wish of any member to call him and even on the day of the vetting I can report to you that one of the nominees reported to the committee that the member really sent apologies for not being there on the vetting day. So if we made the trip to go and see our nominee, I don't think whether it was not in order. Honorable members I am asking you to appreciate that we adopt this list because this member was one of the highly merited persons when they were doing the initial vetting on the same. And if ... we should not sanction him simply because

Hon. Deputy Speaker: I think we have passed on the name of Dr. Adala and we are now debating on the main motion. Do not concentrate so much on Dr. Adala because we have already passed that.

Hon. Adida: Yes honorable Speaker, so I am just asking my fellow honorable members that we support this motion so that we pass this list for it to

2013 COUNTY ASSEMBLY OF SIAYA DABATES

make us even as Siaya to move on and also catch up with other activities which are ahead of us. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Honorable Booker!

Hon. Minami: Thank you Mr. Speaker. Mr. Speaker I think that honorable Members have contributed and majority of the contributions are very positive towards the nominees. Mr. Speaker, call the mover to reply so that we can pass the names. Mr. Speaker, thank you.

Hon. Deputy Speaker: I would still allow 2 or 3 more contributions. Honorable Murrey!

Hon. Asewe: Thank you Mr. Speaker. I stand to support the motion. We are behind in whatever we are doing and the 8 names have been vetted and for me I support that the names be passed so that we move to the next agenda.

Hon. Deputy Speaker: Thank you. Honorable Ndonji, then I will come to you honorable Gare.

Hon. Ndonji: Thank you Mr. Speaker sir. I stand to support the motion Mr. Speaker sir. Though you said that Dr. Adala's should not be quoted but you find that at times you just have to talk about it.

Hon. Deputy Speaker: I have not said that Dr. Adala's name should not be quoted. Her contribution was limited to Dr. Adala and I was just advising her that we are now discussing on the main motion, the other motion was to make an amendment on Dr. Adala's name which we had already passed.

Hon. Ndonji: Thank you

Hon. Deputy Speaker: Proceed now!

Hon Ndonji: I want to say that it is long overdue, the constitution of our cabinet. We don't have a committee in place therefore there are so many things that are delaying in the County. I reiterate that by passing these names we will start moving forward Mr. Speaker sir. There are so many things that we are supposed to be passing which should be emanating from the said chairmen of these committees Mr. Speaker sir, from the executive.

So, Mr. Speaker, Sir, I support that all these names, the 8 names be passed and I want to say that on the case of Dr. Adala I would have supported that these people go there because they say they were going to vet him and actually it was very procedural for them to appoint a subcommittee that was going there Mr. Speaker sir. They have that mandate Mr. Speaker Sir and they did their job very well from what I am hearing from them, they have come out with a conclusion that Dr. Adala fits that position rightfully. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Honorable Gare.

Hon. Gare: Thank you Mr. Speaker sir. I arise to support the motion. I want to take this chance to first thank my fellow colleagues who have just spoken and supported it. First and foremost it is very true that the vetting committee did their best. They have vetted the 8 nominees. There is no law which they have broken. I want to say all the members know that we

2013 COUNTY ASSEMBLY OF SIAYA DABATES

just came from elections the other day. Siaya has been ranked number 45 among the Counties. We should move with speed to move Siaya up to a certain level. We should not start by dragging Siaya back.

An Hon. Member:
Point of order, Mr. Speaker!

Hon. Gare: Mr. Speaker sir, the executive committee that we are now putting in place.

Hon. Ndonji: Point of order, Mr. Speaker!

Hon. Gare: Mr. Speaker, please protect me.

Hon. Deputy Speaker: Honorable Ndonji, can you allow the contributor...

Hon. Gare: Thank you, Mr. Speaker.

Hon. Deputy Speaker: Honorable Ndonji let him finish then I will give you the chance.

Hon. Gare: Thank you Mr. Speaker sir for protecting me that much. I want to say that we are lacking the executive committee members in this County Government that is when we can now move. To me as a member of House Business Committee, I am aware that there are so many Bills pending and most of these Bills we cannot bring them to the floor if we are not having the executive members Mr. Speaker. I therefore want to urge this honorable House to pass these members, the 8 nominees as it is. Thank you so much. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Honorable Kowii I will give you a chance. I will give you a chance.

Hon. Owii: Thank you honorable Speaker. Honorable Speaker we are having so many meetings in the same House. I'm sorry to remind you the same

Hon. Deputy Speaker: Okay proceed. Proceed.

Hon. Owii: Honorable Speaker I stand to support this motion because of quite a number of reasons. One, we know our position as a County, we know where Siaya is and it is our concern as the representatives of the people. Quite a number of things as our colleagues said and that should be our concern. I want to say that from this particular report it's like vetting was not done. What was done was based on records in a Hansard and in that same Hansard one of the nominees whose name has been mentioned repeatedly was equally covered very well firstly as a House.

We are the same House that passed Sylvester Adala and others. I believe we would be trying to do a lot of injustice if at all we would deny.

Hon. Oriaro: Point of order!

Hon. Owii: Can I continue Mr. Speaker?

Hon. Deputy Speaker: What is the point of order honorable Oriaro?

Hon. Oriaro: The member on the floor is saying that this is the very House that validated those names yet we know then we were 30 and now we are 48 so it's not the same House, Mr. Speaker.

Hon. Owii: I have withdrawn, can I continue?

Hon. Deputy Speaker: Precede, honorable Kowii!

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Owii: Ooh the number is bigger. Mr. Speaker sir what I wanted to say is that there are things that we don't need to continue doing in future. In as much as we all accepting that we pass all the 8 names as they appear here. Maybe in future there are some things that we should not actually continue doing, I want to request that all of us should now accept the 8 names as they appear here Mr. Speaker sir and let's see how we can now engage with them in the near future so that we pass the necessary Bills that are before us. I therefore beg to support.

Hon. Deputy Speaker: Honorable Ndoji you still insist on your point of order?

Hon. Ndonji: Yes. There is some correction.

Hon. Deputy Speaker: Okay.

Hon. Ndonji: Thank you Mr. Speaker sir. The correction that I wanted to make was the (selection) by honorable Gare the Chief Whip that we were number 45. I want to correct it that during that period the Assembly of Siaya was ranked number one in the Country and not number 45, which was probably the executive. I also want to say that hon. Oriaro said that our number is bigger and I am very sure that the number is now bigger than the one.. . Thank you, Mr. Speaker.

Hon. Deputy Speaker: Okay thank you and looking at the mood of the House, I want to assume that the motion has been exhaustively debated and therefore I wish to call the mover of the motion to respond.

Hon. Madialo: Mr. Speaker, I stand to reply. Mr. Speaker, I start by thanking everybody who has supported the motion

and everybody who has contributed to the motion in the positive side. Mr. Speaker, I am grateful to the honorable George for pointing out that we were number one when the Assemblies were last rated. Mr. Speaker, our Assemblies are said to be number last but when you look at the corruption within counties we are number six among the best. Why don't you talk about that one?

Mr. Speaker, the executive is a necessary component of the County Government. When the executive does not exist or when the Governor rules alone is out of the constitution because it is a requirement that he has an executive and in fact he is given the numbers that must be there before it is said he has constituted a Government.

Mr. Speaker, I am grateful because today we will forward to the Governor names that will then make this County to constitute the vital arm of the Government of this County but Mr. Speaker as the mouth of the Governor in this Assembly the leader of majority has attempted to disown and Mr. Speaker am going to urge the Leader of the Majority while liaising with his principal

Hon. Deputy Speaker: Which leader of majority are you referring?

Hon. Madialo: The Leader of the Majority honorable Martin Otieno is not here but his representative honorable deputy the honorable Kowii, Mr. Speaker.

Hon. Deputy Speaker: I think that honorable Kowii was contributing at his capacity as honorable Kowii and not representing anybody.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Madialo: Thank you, Mr. Speaker.

Hon. Deputy Speaker: You should correct that.

Hon. Madialo: I have corrected it, in my mind Mr. Kowii the honorable Kowii has corrected. Mr. Speaker, the honorable Kowii is right that this should not be repeated and I urge the House to understand the situation brought before us. It is not true that we did not vet, we looked at documents, we talked to these people, we went back to their history and we satisfied ourselves that they are suitable.

We did vet, but this has been and we do appreciate and I do admit that it has been a rushed exercise, a rushed for the reasons that we explained needed to have the other vital number of the government in place and with the right vetting process.

We can endeavor as we did endeavor to follow the law to the letter. Mr. Speaker I urge that the document be passed as it is.

Hon. Deputy Speaker: I will now put the question that this Assembly do adopts the report by the House Committee on Appointments dated 20th November 2013. May as many as of that opinion say Aye?

Hon. Members: Aye

Hon. Deputy Speaker: May those of the contrary opinion say Nay

Hon. Members: Nay

Hon. Deputy Speaker: The Ayes have it. Honorable members there being no other Business this House stands adjourned.

REPUBLIC OF KENYA

SIAYACOUNTY ASSEMBLY

THE HANSARD

First County Assembly-First Session

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

Friday, 29th November, 2013

SPECIAL SITTING ON BUDGET APPROPRIATIONS

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes Only. A Certified version of this Report can be obtained from the Hansard Editor.*

2013 COUNTY ASSEMBLY OF SIAYA DABATES

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

PRAYER

Hon. Speaker: Honorable Members, I thank God Almighty for giving us this opportunity to converge here today as Members of one family, the County Assembly of Siaya. As we embark on this journey though it is a special sitting, may I take this opportunity to sincerely thank this House for maintaining the cool and the vigor in conducting the affairs when I was the other side? I thank particularly Members of the Speaker's Panel, the various Chairs, the Vice Chairs and the Members for various committees who made sure that there was vigor in this Arm of the County Government.

I want also to take this opportunity to thank you sincerely because when I was the Acting Governor you gave me the cooperation more than I deserved and I worked with you in an environment that was so cordial that indeed made us deliver what we did deliver.

I want to thank God Almighty again for making sure that some of us who were befallen with disease were either hospitalized or their Members, their spouses or children hospitalized are alive today. I know that some of us had their relatives Murray Asewe had the child in hospital was released, Annastancia Ouko was also in hospital, had an operation and God made it possible for her to be out, Rosemary Agutu had a spouse in hospital, Angeline Odhiambo, Jack Odinga had the daughter in

hospital. We had Members also who were hospitalized, we have Mheshimiwa Otare honorable Otare, we also had honorable Ombe whose spouse also was in hospital and any other perhaps that I have not mentioned. I thank God that they are out there alive.

Allow me to share with you certain things in this House. As we move forward, this is a House of order, I want to appeal to you to reserve in our sitting arrangements, reserve the front seats for the Chairs, the Vice Chairs or those with leadership positions in the Assembly then the other people will occupy the back seats. The back seat doesn't make you a lesser member of this Assembly; it simply makes you sit where you belong. Where you belong is important by virtue of being here not where you sit.

Allow me to say that I have noticed with concern that in our committees we increasingly decrease the use of the handset. We have the Hansard for record purposes; make sure that when you are in our committees, we use the Hansard to record our voices much as we also have the note takers. I am concerned, honorable Members that what we say sometimes or how we conduct ourselves sometimes out there can have repercussion on how we conduct our Business in here.

I want to plead with you if you are nominated Members to this Assembly we welcome you and make the work of the

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Chair be easy by not overstepping. When you go to a Ward, kindly advance the motive of your nomination and don't seem to antagonize the leadership, the political leadership of a Ward, same to the political leadership of the Ward.

I appeal to you very sincerely that conduct your Business without also degrading nominated member to the Assembly because at the end of the day if you are representing the disabled the disabled are so many out and there are issues that are so voluminous out there that you can engage. If you are elected as a member of the County Assembly you have so much work to do and you do not have any time to be around or to fight each other. Please let us operate within the boundaries.

I appeal to you, honorable Members, that when we are out there it is clear the spokesman of the County Assembly is. When you speak, speak much as politicians speak as politicians but within your jurisdiction. When you mention matters of the County Assembly then you realize you are overstepping your mandate. That is my special plea to you. May I report to you something on Salaries and Remuneration, the engagement of all Assemblies in this Republic with Salaries and Remuneration Commission has been a long journey and you all know where it started.

As at last week the Chair of this Assembly received a communication from SRC saying that adjustments have been made but the only subject with sanction of our Business operation in the Assembly and what they increased in the circular that we received was just transport allowance which was Kshs. 39,000 and sitting allowances

from Kshs. 3,000 to Kshs. 4,000 and from Kshs. 4,500 to Kshs. 5,000 like that, the details I will give you later. At some point our request for salary increment, there was a splinter group that engaged the SRC team and then therefore they allowed for job evaluation that all Assemblies did not subscribe to but all the same the other day, yesterday SRC invited the Speaker Forum which is now called the Assemblies Forum because they targeted other Members of the Assembly and they increased salaries. I think for the Members of the Assembly it was from Kshs. 79,000 to Kshs. 123,000 or something like that.

The position of the Speakers of the Assemblies Forum is that we requested for Kshs. 300,000 basic salary for MCAs and because that was not met, tomorrow we will have representatives, we will have the Deputy Speaker, the Speaker, the Majority Leader to Nairobi to form the Governing Council and discuss the rates that have been proposed by SRC.

From there the Assemblies will either be converged centrally or communicated to, they will make a decision whether we come back to the House or not. One thing that is important I do not want you to think for a minute that when you don't come to the Plenary then you are not working, you don't have to come to the Plenary to do oversight, you don't have to come to the Plenary to do representation, you are working and you deserves the pays that you earning.

Honorable Members may I also take this opportunity to welcome a member that was last sworn in this House when I was absent. I want to request her to feel most

2013 COUNTY ASSEMBLY OF SIAYA DABATES

welcome and let her feel to be part and parcel of this Assembly. This is one Assembly, there is no nominated, there is no disabled, we have one County Assembly of Siaya and that is how we must move.

I also thank the nominated MCAs for showing from where I sit I read an interpretation that we have one people, it is within us now to make it be so or destroy it but we must make it be so because we are one people we are one Assembly, I welcome you and feel most welcome, you belong here.

Lastly, there are certain things that we want to fast track as an Assembly that we will communicate later. I know in this Assembly we need to do our Strategic Plan, we need to serve the people from the peoples doorsteps that are having operational offices in the Wards. We also need to have offices at the Headquarters, those ones we must fast track; we must fast track recruitment of officers that will help us discharge our functions that we must fast track. We must also come up with regulations here and there that will help us discharge our functions as required. I am alive to that fact and it is Business, it is not Business as usual, we must move with speed.

I am a worried Speaker when my Members lives are threatened. I may not associate or link this to politics or by virtue of being leaders in the Assembly but it has reached me that some Members two or three have been threatened of late with SMSs and with calls, I may not mention their names but I am saying if it has connection with this Assembly or your Business in the Assembly then we will not hesitate to give you the full

force that it requires. My appeal to you again is watch your security at a personal level, what the leadership of the Assembly can do; interact with me so that we do it to ensure that you are safe not only here but also at home. On the same breath of security I thank God that the Deputy Speaker when I was the other side he was equally disposed on matters of insecurity, I thank God you are alive. And finally, finally and finally the Speaker's Panel, the people who handled integration of Nominated and Elected, I am very thankful to you that you made it happen. At one point I was worried because I used to be called every now and then that the Nominated are not with the Elected on the same page, I am proud today that we are on the same page. Thank you.

Hon. Odinga: Thank you, Mr. Speaker. Our Budget Committee was supposed to give a report and I wanted to ask for time because there are a lot of issues that are coming in, even as at today, Mr. Speaker, Sir, we have noticed that there is that Salaries and Remuneration Commission they are making a proposal to adjust salaries to the Members of the County Assembly. Giving a report today, I don't think Financial Year Budget 2013/2014 and excluding the inclusion of increment of those salaries and allowances then it will be taking us backs to bring another supplementary just in a weeks' time.

Also, Mr. Speaker, Sir, there are also other documents which are supposed to accompany this Budget and these documents one of them that we also need to have Appropriation Bill which will authorize the expenditure that is pending and then there is

2013 COUNTY ASSEMBLY OF SIAYA DABATES

also there is the Finance Bill and these two items have not been considered or taken into account by the Budget Committee. Also another thing, it is also important that it serve as a business for the preparation of this Budget. The just concluded CIDP report, we also need to discuss that and even in other sectors, other Sectoral Committees we also have to look at the CIDP such that when we come up with a final Budget for this Financial Year then it will be a comprehensive one. Based on that Mr. Speaker, Sir, I wish to request for three working days that is as from Monday to Wednesday so that we come up with a comprehensive report and I would like honorable Madialo to second.

Hon. Madialo: Mr. Speaker, I stand to second. Mr. Speaker it will be an exercising opportunity to be a registrar in a Supplementary Budget without demonstrating how we are going to Finance the Budget. The Finance Bill is not with us. Then permit me, Mr. Speaker, to invite my colleague to join me in stressing this point that we are where we are not because the County Assembly is not These were supposed to be done by the Executive and handed over to the Assembly for committal to the Budget Committee.

The Executive has failed to do so and they are unable to...recruits, Mr. Speaker it would be in any case a disservice to the people, if we were to address our minds to a budget and then thereafter tell them to pay taxes that we did not ..In the Budget for purposes of financing ...in the Budget. Mr. Speaker I therefore, I therefore urge that we given the time as requested by the Chairman of Budget Committee for three

days Mr. Speaker. More so Mr. Speaker given that the Majority Leader is actually in the House, Mr. Speaker I may urge that we urge the Majority Speaker to talk to the Governor and the Executive to ensure that in those three days we do sit as a Budget Committee and talk about, and those documents will be with us for discussion. Thank you, Mr. Speaker.

Mr. Speaker: Yes, talking on the same subject? Ok. Just wait. This Honorable House has these people who are either serving the interests of the County at large or at the Ward level of the people who they are nominated. We do not have the luxury of coming here for businesses that are not right therefore we ensure more that we must be doing this, coming here when we are not ready for Business. We end up to advice the Majority Leader to liaise with the Executive and ensure that they facilitate the process of having the Appropriation Bill ready by Wednesday 2.00pm and the Appropriation Bill should not come alone, we also want to unite it with the Finance Bill and CIDP so that we discuss a comprehensive, we have documents that will address our issues comprehensively.

It is important to note that the people of Siaya have been lagging behind because of obvious reasons and we do not want to be part of the team that will be lagging the people of Siaya. Services are needed, the people need services the three days you have given is just being too lenient. When after three days it is not yet ready, then you will see that the Assembly is powerful. Please let the documents be ready. Thank you. Next?

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Okuku: Mr. Speaker sir it is in the corporal knowledge of the public domain proving the reports as utterances of the quality...by a certain personnel might have been employed or accredited by the Executive without following these procedures.

Hon. Member: Point of Order, Mr. Speaker.

Hon. Okuku: I now wish to move the motion that Mr. Speaker at the parliament.

An Hon. Member: Point of Order, Mr. Speaker.

Mr. Speaker: Yes!

Hon. Member: Mr. Speaker, is the Honorable member properly on the Floor of the House is he moving the motion? The petition, making a statement, what is he doing? Or is he giving us a story or his own story?

Hon. Speaker: No, no, no, Honorable member, let Honorable Elisha continue.

Hon. Okuku: Thank you Mr. Speaker for protecting me. I now wish to move a motion that Mr. Speaker do direct the...by committees of this House to investigate this issue. I report to this House in any event Mr. Speaker, within these different areas in government and I therefore request Mr. Speaker Honorable Nicholas to second me on this issue.

Hon. Speaker: Now Honorable Aniangi just gave his contribution will not second you. Honorable Aniangi you want to contribute? Will you contribute?

Hon. Andiego: I want to contribute.

Hon. Speaker: Ok please go ahead.

Hon. Andiego: Mr. Speaker thank you, I do not want to second him but I want to contribute. It is true that my Honorable member mentioned something about employment. What touched me here is the employment. When we started this our government, our new government, it is true that quite a number of staff were employed from the Local Authorities. And apart from those who were absorbed and those who were remaining outside in the name of passports, these people some of them are still working in the County councils down there and even here. And we are complaining of being employed not being absorbed in the employment. I don't know whether they are the same people who are the same people who were absorbed and then dismissed. I don't know whether they were absorbed all of them? I don't know whether they were just sidelined and then the new ones were probably absorbed and then dismissed for the new ones probably who were selected with the new people or the new government.

So, Mr. Speaker, Sir, I think this is a critical issue which I think that as it was proposed that you probably delegate it to the relevant committees, it should be done so, so that we get to the core of this issue. It is ashaming the County because like what was mentioned in the papers, there is...in the Siaya County that Oh! You see that we are going to take the Governor to the Court again; it is just recently when we were coming out of the court. And now the people who were dismissed are talking about another court.

I don't know whether they are going to take the Governor to Court? Or

2013 COUNTY ASSEMBLY OF SIAYA DABATES

they were hoping to take the Public Service Board to Court or the Assembly, I don't know. So I think it is an issue that should be given the seriousness that it deserves. Thank you.

Hon. Speaker: Thank you

An Hon. Member: Mr. Speaker, direct.

Hon. Speaker: You want to say something?

An Hon. Member: Mr. Speaker direct the issue of employment is exactly an issue that is supposed to be within our jurisdiction, it is a wide coverage of the other side. To follow those statements that have been made without proof, we wanted that it get laid before this House I want to direct that further investigations be done on that subject and the following committee should sit not within three days. The people of Siaya deserve an answer within maximum one week. And I want to direct that this committee as I am going to mention must meet in public and you must invite the following: one, invite the County Public Service Board whose role is recruitment, creation of offices and the commission of offices.

They will explain to you why this recruitment company it just happened, why it was procedural, when it happened and there take on if serving has happened or not. You need to invite the HR, to also shed light on the staff base as at the time this County Assembly or the County Government came in place, ...surface, all these people are, ...or not, and then the admiration. You need to talk to the payroll and get evidence on who these people are how much they are earning and finally you

need to give us recommendations on our daily programme. That I say is within our oversight role. And may I say that we need the following copies on that subject: Committee on Appropriate, the Committee on Implementation, the Committee on Governance, the Committee on delegated Legislation and if you can finish this thing in one week, next week first of all you sit down you set your proper and I want your copy here on five days. Then the following week on Tuesday you give us your report or on Thursday whichever is fast that you shall have completed the investigations. Thank you.

Hon. Speaker: Yes, Honorable John!

Hon. Gare: Thank you, Mr. Speaker, Sir, I wanted to pass a concern. I wanted to request the members of the various committee...that the committees that have been mentioned there, we should also know about their sittings so that in case there is anybody in the Assembly who has something to present then they present it to them. Thank you Mr. Speaker sir.

Hon. Speaker: That is right, I think that is right. May the committee submit your paper to the clerk and then the clerk to submit to all members of the County Assembly and there you'll find also put it on the board that you will be sitting. The day you will be meeting the Assembly, the Service Board, the day you are meeting the people themselves who have been hired to sit in those I do not know whether they are there or not there, so you also invite the people also to be there because this one, they are people from Siaya, two these are

2013 COUNTY ASSEMBLY OF SIAYA DABATES

resources from Siaya. So that is important. Noted.

Hon. Ogutu: Thank you Mr. Speaker, I also have concern concerning the shortage of water in Siaya for the last three weeks. It has come to our notice as the leaders in Siaya and we are really talking a lot. Therefore I would like the committee of water to make the Executive through their minister and tell the people of Siaya why there is no water for the last three weeks. Another concern if you allow me, Mr. Speaker,

Mr. Speaker: Continue, this your maiden speech has she done it before?

Hon. Member: She has not!

Mr. Speaker: She has not? You can speak even up to tomorrow

Hon. Ogutu: Thank you Mr. Speaker, I also have a concern on the additional committee sittings to the Honorable members to the Honorable County members of this Assembly. I thought they said that we request you through the Chief Whip or the Chief Whip through you I stand to be corrected because I am a bit annoyed that we be given additional committee since we think that other Honorable members have more than enough committees in the House. And therefore that makes them incompetent.

Hon. Speaker: Hello Excuse, what did you say?

An Hon. Member: That makes them maybe they can't meet all the requirements that should be met.

An Hon. Member: Incompetent

An Hon. Member: I withdraw

Mr. Speaker: Proceed!

Hon. Member: So as the.... of this Assembly, a member cannot serve in more than three committees. And what I would like to say that I think if you are in more than three or four committees, you are not contributing wisely to the Assembly. Therefore,

Mr. Speaker: Honorable Rose your point is your seeking the indulgence of the Speaker to consider the inclusion of nominated members in other committees isn't it?

An Hon. Member: Yes!

Mr. Speaker: Point taken

Hon. Member: Thank you.

Mr. Speaker: So I want to request the Assembly to be lenient with procedures especially for the new people. Because if it is learning case sometimes we make mistakes but if the intention is not to break, the intention is to communicate then we just be very lenient. Honorable...you already know the rules what else do you want to ask?

An Hon. Member: Just a concern, Mr. Speaker.

Mr. Speaker: Yes, please!

An Hon. Member: Thank you Mr. Speaker, Mr. Speaker I am sorry there is an issue that is pressing me here.

Mr. Speaker: Say it!

An Hon. Member: When we are outside there Mr. Speaker, about this budget there are a lot of utterances that sometimes comes from the Executive. When they are asked why there is no water in Siaya they say that MCAs have refused to pass the budget. So I don't know who is or why is this budget being delayed. Is it the problem of this Assembly or it is the problem of the

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Executive? And we also be informed if it is the Executive that is delaying this budget they should come out and say because when we are walking out there, we are told we cannot make the roads because you have refused to pass the budget. Today it is being extended. Number two Mr. Speaker, we want the copy of this budget whether it is the one to be presented or the proposed one. We want to have it so that we can also go through it see what is what in that budget.

We are tired when we walk outside there somebody is asking you that this is there in the budget? Yet we don't know exactly whether it is there or not. Mr. Speaker it is also our concern it is known that we are only having first month to implement this budget. It is not easy as you,

Mr. Speaker: Are you talking about the budget? The budget will be discussed on Wednesday.

An Hon. Member: Thank you, Mr. Speaker.

Mr. Speaker: You have also pressed those matters that were pressing me now.

An Hon. Member: Just one minute, Mr. Speaker.

Mr. Speaker: Yes!

An Hon. Member: When you were making communications from the Chair, you talked of certain members who were supposed to be in Nairobi concerning the salary issue. Is it not supposed to Mr. Speaker sir? So my worry is the team that is supposed to be in Nairobi tomorrow, have they talked to members whether they know the position of members as at now? Thank you very much.

Mr. Speaker: It was not; the thing is that they are going to talk about; they are not going to decide this proposal. They are only seeking things then when they come back, the governing council is going to discuss the proposed salary increment. Then they will come back to the Assembly and share with you the decision of the governing council. Then there are things you will seek to know ok? Thank you so much. There being no other business, this House stands adjourned until next week Wednesday at 2.00 p.m.

REPUBLIC OF KENYA

SIAYACOUNTY ASSEMBLY

THE HANSARD

First County Assembly-First Session

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

Wednesday, 4th December, 2013

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes Only. A Certified version of this Report can be obtained from the Hansard Editor.*

2013 COUNTY ASSEMBLY OF SIAYA DABATES

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

PRAYER

Hon. Speaker: You are presenting the petition?

Hon. Oriaro: Mr. Speaker I was in a rush moment, I went; I understand that I was suffering from dire sweat.

(Laughter)

Hon. Speaker: The Speaker will grant you leave to go and either continue with the Business or you present it next time. Thank you, honorable Oriaro. Next order!

Hon. Odinga: Mr. Speaker sir, I rise to give a Notice that I am to move the motion of County Appropriation Bill 2013. Mr. Speaker, Sir, as I gave a Notice earlier I wanted to request that this order number eight is still a motion of Appropriation of County Appropriation Bill 2013 but right now after giving my report that is order number nine, I request that if you can allow me to move the Procedural Motion after giving the report to submit the Supplementary Budget. Thank you.

Hon. Speaker: I grant, go ahead.

Hon. Odinga: Thank you once again Mr. Speaker sir and my colleague Honorable Members. I want to believe that it is a cool evening that has not ...report for the Members. And I believe that by now in this House, I want to give a brief report on the County Government of Siaya, Supplementary report for the Financial Year 2013/2014. Mr. Speaker sir I will start by giving a background of the committee that is

the budget committee by giving a report on the Supplementary Budget of the Financial Year 2013/2014.

Mr. Speaker, Sir, on behalf of the Members of the Budget Committee and as stipulated in Article 223A and Article 244 in the Constitution of Kenya 2010, as well as the rise in provision of finding...2013, I take this opportunity to present to the House the committee report on the Supplementary Budget 2013/2014 and appropriation of the same. The basis Mr. Speaker was 2013/2014 Budget and Appropriation Bills as passed earlier by this House Kshs.... by 30th June 2013. Mr. Speaker sir, the Budget Committee as currently constituted, comprises of the following Members;

- Hon. George Odinga -The Chair
- Hon. Peter Muhula, -The Vice Chair
- Hon. Nicholas Aneme-Member
- Hon. Sylvester Madialo-Member
- Hon. Jared Abayo - Member
- Hon. William Agoko -Member
- Hon. James Otare - Member
- Hon. Kawour - Member
- Hon. Mathew Onduru -Member.
- Harriet Odera - Secretary.

Mr. Speaker, Sir, it is important to know that the New Constitution has given the County Assembly a long expanded law in budget making process. It has taken the role of the Assembly from budget approving

2013 COUNTY ASSEMBLY OF SIAYA DABATES

institutions to an institution that also involves the budget making process. Indeed there is the possibility that the Members understand the position, allocation, monitoring and even consulting. Mr. Speaker sir, this committee was legally constituted under Standing Order number 127, the committee also has the provision of the Constitution of Kenya 2010, Article 221(4) and the County Finance Management Act of 2010 Section 131.

The committee also has powers over County's Finance Management Act 2010 Section 135 on preparation and the submission of the Supplementary Budget which in our hand for consideration.

Under examination and preview, we say that during examination and preview by 2013/2014 County Budget, the committee held meetings with the following: The CEC in charge of Finance, Principle Finance Officer and his budget team, Members of the County Assembly and in charge of the Budget of the County Assembly. Mr. Speaker sir, after all discussions at different levels the budget was reviewed as follows:

1) On the National Government Land, Ksh. 3,972,000,

2) On Local Development Ksh. 153,100,439

Giving a total of Kshs. 4,125,100,439.

Expenditure under...Kshs. 2,872, 308, 845
On development expenditure Kshs.1, 251,210,068.

Giving a total of expenditure of Ksh. 4,188, 518,913

Meaning there is a surplus of Ksh. 1,181, 926.

Mr. Speaker, Sir, the details of revenue and expenditure are as stipulated in the Appropriation Bill 2013 of all to 2013 that is of today. It is also noted that the following departments, ministries are ones which are so devolved and that are fully budgeted for in the Supplementary Budget of the Financial Year 2013/2014. We have Agriculture, Environment and Natural Resources, Education, Youth Affairs and Social Development, County Town Services, Principle Planning and Development, Public Works and Services, Transport, ... Development, Finance and Economic planning and Town and Social Services. Mr. Speaker sir this Committee recognizes that the County Assembly allows this Supplementary Budget will go to some fewer Members as many may be mention of this House. So that we can give services required to the County residence as time is not on our side. Allow me to mention the following Mr. Speaker sir that this committee is very grateful to Members of the County Assembly, the Speaker and his office, the clerk and his office, and everybody that participated in the review and preparation of the County Supplementary Budget of the Financial Year 2013/2014.

Lastly, I want to sincerely thank Members of the committee who exhibited their ability and also worked tirelessly to ensure successful preparation of the County Supplementary Budget of the Financial Year 2013/2014. Thank you all and may God bless you and all the Members. Mr. Speaker the House speaks for itself and I would want to request that this House do consider adopting this document so that this County

2013 COUNTY ASSEMBLY OF SIAYA DABATES

does not fall into problems about the people. I would now like to table the report for further debate. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. With that presentation of the report, I want to ask the Chairman Hon. Madialo to come as I commit that report to the committee of the whole House to consider debating it before we resume further business. Hon. Madialo.

Hon. Madialo: Thank you Chairman. I want to urge this House to adopt the report of the committee without or with minor amendments. And I will request Honorable Muhulah to second.

Hon. Muhulah: Mr. Chair, thank you so much. I will equally do appreciate the committee for doing a wonderful job. Mr. Chair Supplementary Budgets are normal occurrence in any economy Mr. Speaker. There are a lot of reasons why budgets we have always been supplementary.

I want to assure the Honorable Members that again should there be anything that oppose a vote....you will be forced to bring a Supplementary Budget in this House. Mr. Speaker, Mr. Chair, we have already highlighted what is stipulated in the Supplementary Budget before the House.

Some of them are very critical that there is no way out the committee of Finance could have done as an indication to purport ray. Mr. Chair, it is within this dignity that we solve this thing to bring the Supplementary Budget in this House. More as we all know, the success as at now is the first and the committee to pass the budget, is the stop of the Honorable House of the County Assembly of Siaya. Equally again

the authority of this House is again bestowed to the Honorable House of the County Assembly of Siaya. If we oppose that, Honorable Members it will be a very big challenge and it will impact either in the year physical 2013/2014 and we start again or, the people we say we represent in this Honorable House will have to be arranged and because of poor planning and because of poor provision we fail to keep a tangible thing in line with the development aspirations as they look for us maybe in the year.

It is very necessary Honorable Members that we have to move with speed, and it is not just a speed for the sake of speed, it is a speed by a heavy watch. Watching the responsibility that we must just to do the right thing at the right time because that is what the efficiency and the effectiveness of this Honorable House.

B) It is a intercessory thing and it is my problem to go to a Budget that is not going to be passed, to start again recollecting and putting the points where they can be used best within this short time to go inside to the National Government and true indeed the County Government have enough absorption House and capacity to honour itself. If any information here comes up with a challenge that the County Government failed to undertake the responsibility in terms of government, that one will show a very bad indication to the National Government that truly indeed we cannot manage ourselves. Mr. Chair I once again want to appeal to the Honorable House passing this budget and allowing County Government to go and

2013 COUNTY ASSEMBLY OF SIAYA DABATES

stand, we do need to aim higher than the way you were yesterday.

Our reputation to the people who incurred the responsibility by the Constitution of Kenya and that we call the Sovereignty. That truly you are going to ... Consideration of the people. Please let us support this document and let's pass it. I want this document to be passed with the Chair as I stand to support it with an amendment or a typological error which instead of reading 39 million five hundred thousand read 30 million five hundred thousand. Mr. Chair I stand to support this document. Thank you.

Hon. Madialo: Honorable Members may I now put the question that the committee does consider the Siaya County Assembly Budget Committee report on Supplementary budget for the Financial Year 2013/2014 and the report may be adopted in this House. I now put the question that this committee, being brought to the House, its consideration on the budget report of the Supplementary budget of the Financial Year 2013/2014 and thus adopt it as a report of this ... May as many as of the same opinion say Aye,

Hon. Members: Aye

Hon. Madialo: May as many as of the contrary opinion say Nay

An Hon. Member: Nay

Hon. Madialo: The Ayes have it.

Hon. Madialo: Mr. Speaker sir, I beg to report that the committee of the whole House has considered the budget committee's report and Supplementary Budget of the Financial Year 2013/2014 and adopted it without amendments.

Hon. Speaker: Order what is the noise about?

Hon. Madialo: Mr. Speaker with amendments, the... development allocation from Kshs.30, 000,000 to Kshs. 29,500,000.

Hon. Speaker: Honorable Odinga.

Hon. Odinga: Mr. Speaker, I beg to agree with the report of the Committee of the whole House that the House adopts the report with one amendment that was on typing error so I beg to move.

Hon. Speaker: Thank you. I will propose the question which is that the House do agree with the committee of the said report then I will put the question, which is that the House do agree with the committee in the said report, may as many as of that opinion say Aye

Hon. Members: Aye

Hon. Speaker: And as many as of the contrary opinion say Nay.

An Hon. Member: Nay

Hon. Speaker: The Ayes have it. Next!

Hon. Odinga: Thank you once again Mr. Speaker sir. First before I move my procedural motion on the Appropriation Bill in the year 2013/2014, I want to take this opportunity to thank my colleagues for seeing that really we need this service to move the grades of the Siaya County. I want to thank them sincerely. And also I want to say that in my opinion I am also allowed because in a society service complete the .. is there, it is never complete though given right---

Another thing Mr. Speaker sir, I want to congratulate the Members of the

2013 COUNTY ASSEMBLY OF SIAYA DABATES

committee because they sacrificed a lot to make sure that this document goes down to Mwananchi. Mr. Speaker I have been given a notice that I would like to move a Procedural Motion on the County Appropriation Bill in the year 2013/2014.

Mr. Speaker, Sir, because of time, because we are behind schedule; we are behind in terms of implementation of this budget, I was asking this House, this House of rules and procedures that it may consider reducing the publication days from seven to one. Because Mr. Speaker sir, once we have approved this budget, this Appropriations Bill is the one going to allow the study of the same. If we are saying today that we pass the budget and we want you to start operating, then it goes without say that we also have to consider reducing the days of completion of the finance of Appropriation Bill from the normal seven days to one, which is today. With those few remarks I will request Honorable Kawour to second. Thank you.

Hon. Awour: Mr. Speaker I stand here to second the motion that the Bill as presented by the Chairman. I want to say, Mr. Speaker, that this is what will really help us get the money and it is in the public domain that if it is not done today I think you are going to lose. So I beg Mr. Speaker that I second this Bill. Thank you, Mr. Speaker.

Hon. Speaker: You second the procedural motion, deduction of time?

Hon. Awour: Yes from seven to one day.

Hon. Speaker: Thank you. Then I put the question that pursuant to provision Standing Order number 117, this House

results to reducing the application period for Siaya County Appropriation Bill County Assembly Bill number 23 of 2013 from seven days to one day. And I put the question, may as many as of that opinion say Aye!

Hon. Members: Aye.

Hon. Speaker: And may as many as of the contrary opinion say Nay

An Hon. Member: Nay

Hon. Speaker: The Ayes have it. Next!

Hon. Odinga: Mr. Speaker, Sir, again I want to thank Members as I can see, the Members are very serious in this development aspect of this County. Now based on that Mr. Speaker sir, I want to request, I want to know that this Bill, the Appropriation Bill 2013/2014 be read for the first time. Mr. Speaker sir I would call upon Honorable Aneme to second that the Bill be read for the first time.

Hon. Speaker: Honorable Aneme.

Hon. Aneme: I rise to second the Bill be read for the first time

Hon. Speaker: Next.

Hon. Odinga: Mr. Speaker sir, just as I requested earlier,

Hon. Oriaro: Point of order, Mr. Speaker.

Hon. Speaker: Yes, Honorable Oriaro.

Hon. Oriaro: It is procedural that that which is being read we operate in consonance with this move, so Mr. Speaker sir it is my wish that I be supplied with it so that we move in consonance with one another.

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Speaker: Copies please, that is a serious omission. How could you fail to give honorable Oriaro his copy?

Hon. Oriaro: The entire Members do not have copies Mr. Speaker.

Hon. Speaker: Order. There is a Chair in this House, Honorable Members. Order, Honorable Odinga, Honorable...do you have it?

Hon. Oriaro: It has just been presented; Lorna doesn't have it, Mr. Speaker, Sir.

Hon. Speaker: Take your seat. Yes proceed.

Hon. Odinga: Thank you, Mr. Speaker, Sir. Just as I have said, if there are accusations, that this Appropriation Bill has not been given to any Member,

Hon. Speaker: Honorable Odinga, proceed.

Hon. Odinga: Mr. Speaker, Sir, you have ruled.

Hon. Speaker: I have given a ruling, I am not ruling again.

Hon. Odinga: Mr. Speaker I said as I said earlier want I to congratulate and I want to thank my colleagues because they had seen the sense, the need of passing the Appropriation Bill and they even agreed to reduce the seven days to one.

They even agreed to reduce, to allow the reading of the County Appropriation Bill for the first time. I am now requesting that I beg to move that the Bill, The County Appropriation Bill 2013 to be read for a second time. I would like to request Honorable Otare to second me.

Hon. Otare: Thank you very much Mr. Speaker. I do second that the Bill be read for the second time.

Hon. Speaker: Next!

Hon. Madialo: Honorable Members, we have gathered as the committee of the whole House and I call upon the Chairman of Finance Budget and Appropriation to move.

Hon. Odinga: Thank you, Chairman, as I requested when I moved the procedural motion to have the Appropriation Bill be reduced from seven days to one day and also be passed today and it was passed in the first reading, second reading where it allowed for debate and also I request Mr. Chairman that the Appropriation Bill 2013 be put for debate and be adopted by this committee without amendments. Thank you, Chairman and just another request, Honorable Abayo to second me on that.

Hon. Abayo: Chairperson I rise to second this Motion that it be discussed by Members of the House. Thank you.

Hon. Madialo: Honorable Members I will now request the Clerk to read the clauses.

(Clerk-at-the Table read the clause)

Hon. Madialo: I will propose the question that Clause (ii) be part of the Bill. I put the question that Clause two be part of the Bill. May as many as of the similar opinion say Aye

Hon. Members: Aye

Hon. Madialo: May as many as those of the contrary opinion say Nay

(Silence)

Hon. Madialo: The Ayes have it.

Hon. Madialo: I propose the question that Clause (iii) be part of the Bill. I put the question that Clause (iii) be part of

2013 COUNTY ASSEMBLY OF SIAYA DABATES

the Bill. May as many as of the similar opinion say Aye

Hon. Members: Aye

Hon. Madialo: May as those are of the contrary opinion say Nay

(Silence)

Hon. Madialo: The Ayes have it.

Hon. Madialo: I propose the question:-

THAT the Schedule be part of the Bill. I put the question that the Schedule be part of the Bill. May as many as of the opinion say Aye.

Hon. Members: Aye

Hon. Madialo: May as many as of the contrary opinion say Nay.

Hon. Madialo: The Ayes have it.

Hon. Madialo: I propose the question:-

THAT the Title be part of the Bill. I put the question that the Title be part of the Bill. May as many as are of the same Opinion say Aye.

Hon. Members: Aye

Hon. Member: Mr. Chair in the title, there need to be a space between County and Appropriation.

Hon. Madialo: Move a motion.

An Hon. Member: I want to move a motion that there should be an amendment to create the space between County and Appropriation at the Title of this Appropriation Bill. I just noticed Mr. Chair, that it is a typing error so if you would allow that one Mr. Chair to be corrected. I call upon Honorable Were to second.

Hon. Were: Mr. Chairman I rise to second that the Title be corrected. Thank you.

Hon. Madialo: I propose the question that the title, that space be created between the words; County and Appropriation, between the words; County and Appropriation. Now I put the question that the Title be corrected for the sense that a space is created to separate the Words County and Appropriation in the Title. May as many as are of the similar opinion say Aye.

Hon. Members: Aye

Hon. Madialo: May as many as of the contrary opinion say Nay.

(Silence)

Hon. Madialo: The ayes have it.

Hon. Madialo: I propose the question that Clause (i) be part of the Bill. I put the question that Clause one be part of the Bill. May as many as of the similar opinion say Aye

Hon. Members: Aye

Hon. Madialo: May as many as of the contrary opinion say Nay

(Silence)

Hon. Madialo: The Ayes have it.

Hon. Speaker: Thank you.

Hon. Madialo: Mr. Speaker sir, I want to report that the committee of the Whole House has considered the Siaya County Appropriation Bill of 2013 and approved the same with amendment.

Hon. Speaker: Chairman, Honorable Odinga!

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Odinga: Mr. Speaker sir, I beg to move that the committee do agree to pass the report by the whole House. Thank you, Mr. Speaker, Sir.

Hon. Speaker: The ayes have it. Honorable Chairman, may you reply!

Hon. Odinga: Mr. Speaker, Sir.

Hon. Speaker: And I propose the question, which is of the Siaya County Appropriation Bill 2013 be approved with amendment and I put the question which is that the Siaya County Appropriation Bill 2013 be approved with amendments. May as many as of that opinion say Aye

Hon. Members: Aye

Hon. Speaker: May as many as of the contrary opinion say Nay.

(Silence)

REPUBLIC OF KENYA

SIAYACOUNTY ASSEMBLY

THE HANSARD

First County Assembly-First Session

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

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes Only. A Certified version of this Report can be obtained from the Hansard Editor.*

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Tuesday, 10th December, 2013

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

PRAYER

Hon. Deputy Speaker (Hon. Adera): Honorable members, it is a great opportunity that we are assembled in this Assembly today. It has been a long journey since we went on the recessed sine die and today we are back in the Assembly. I wish to welcome you all; I know we have been having our sessions while other Assemblies went on sine die. Siaya being a unique County we had several matters that we had to put our sine die aside and to attend to House activities. I want to appreciate your efforts that you have always made, you have sacrificed even when people went on recess sine die we decided to come back to the Assembly and do Businesses of the Assembly. Thank you so much for that good gesture.

I want to believe that from today we will carry on with our Business of the Assembly as usual, we have several Bills that have been lined up for deliberations and it is my belief that before we break or before you go on recess we shall have passed enough/a number of the said Bills. So honorable members you are most welcome and if there is any other member with any activity or any Bill then I want to urge you to register the same with the office of the Clerk so that it is put on the Order Paper then we can debate on it.

We have been sitting as committees and it is high time you bring reports through the Chairmen of various committees so that we evaluate ourselves and see how much we

have done and how much we still need to do. From next week on Tuesday we will be sitting and we expect Chairmen of various committees to table reports of their various committees. We should know as a House or as an Assembly how much the committees have done and plan for the next sittings so that we are at par.

If the committee on Water seats and the Committee on Education does not know what the Committee on Water has done then we may be moving on different levels. It is our right and our duty to know what we have all done as a House, so various Chairmen of various committees kindly prepare yourselves with the various reports; we want to table them by Tuesday. Thank you.

Hon. Deputy Speaker: Honorable Oriaro!

Hon. Oriaro: Thank you, Mr. Speaker. I arise on a petition ...

Hon. Deputy Speaker: Honorable Oriaro, I need to have a look at the copy of your petition.

Hon. Oriaro: Mr. Speaker, as a representative, I confess that this House is letting me down because I brought this to your notice as early as 10.00 a.m. today, Mr. Speaker, Sir.

Hon. Deputy Speaker: Okay we appreciate, I saw a copy in the office and when you came to the office you took again the same copy. I just wanted to make a correction so that we are together; you

2013 COUNTY ASSEMBLY OF SIAYA DABATES

should not think that I am thwarting your attempt to get rid of ... Continue honorable Oriaro. I have received the same and I will give you the opportunity.

Hon. Deputy Speaker: Mr. Speaker, Sir, I want to inform the House that ...while the conflicts have led to collapse of crops husbandry in Central Alego in each of its 8 sub locations that I currently represent in this honorable House. My appeal is that the House especially approves a committee on every... and wildlife. Practical installation towards the (surroundment) of such conflict once and for all. I want also to bring to the attention of this House that Wildlife in this whole fiasco include the wild beasts, the hippos.

I want also to note Mr. Speaker that hippos and wild beasts are joined in this queue by hyenas and leopards that cause havoc to the farmers and livestock. They are as well demonstrating the capacity to causing vital lifelong and physical damages to the local community and of course to the communities within the facility of my area. Thank you, Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you, honorable Oriaro. I wish to advise you to leaise with any member on Standing Orders then I want to invite you to consult Standing Order number 195 (1,2,3) and especially part 3 then you will see where we are heading to. On that note I will advise you, I will direct as the Chair or as the Speaker that the petition will be brought back to the Assembly after 7 days, that is as far as the Standing Orders. Thank you. We can move to the next order.

Hon. Deputy Speaker: Honorable Adida.

Hon. Adida: Thank you Mr. Speaker. I wish to move a Notice of Motion on Bursary Fund 2013.

Hon. Deputy Speaker: Honorable Ombiyo you have an issue? You have a Notice of Motion.

Hon. Ombiyo: Yes Mr. Speaker I have a Notice of Motion.

Hon. Deputy Speaker: Okay.

Hon. Ombiyo: Thank you Mr. Speaker. I rise to move a Notice of Motion..

Hon. Deputy Speaker: I will excuse you it is not in the Order Paper but I will save your Notice of Motion but by the time of the session the Order Paper was already out so you will bear with us members. I know it will disturb your minds, how comes he is moving a Notice of Motion which is not in the Order Paper. We did receive it, we have it in our office but by the time he brought it the Order Paper had been prepared and circulated. Honorable Ombiyo you can precede.

Hon. Ombiyo: Thank you, Mr. Speaker. May I rise to move a Notice of Motion on County Assembly Mortgage Fund 2013, that is Motion number one and Motion number two .The Ward Development Fund 2013. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Next order!

Hon. Deputy Speaker: Honorable Adida!

Hon. Adida: Thank you Mr. Speaker. I wish to move a Motion of Bursary Fund Bill 2013 and Mr. Speaker we realize that this Bill is very important

2013 COUNTY ASSEMBLY OF SIAYA DABATES

especially at this moment and time as we realize that education is the key and is the utmost we can give to students especially those in secondary and those in the university and even our needy students at the primary level. Honorable members if this Bill could sink through it will be of very great benefit to our students. I wish to call honorable Omollo Kowii to second. Thank you.

Hon. Deputy Speaker: Yes, honorable Kowii!

Hon. Owii: Thank you Mr. Speaker sir. I rise to second the Motion on Bursary Fund Bill 2013 that has been tabled by honorable Lorna Adida. Mr. Speaker sir all of us know exactly one of our mandates of being here is representation and we are representing the interests of people, our society. We have the orphans, Mr. Speaker sir we know the death rates in our community that is the Siaya community the results of HIV/AIDS. Mr. Speaker sir we know the problem of poverty in this particular region, the poverty index Mr. Speaker sir, Siaya is rated to be one of the poorest and I want to say that quite a number of our students both in secondary, in the middle colleges and the universities are falling out of school as a result of poverty, as a result of lack of school fees and if we as a House would accept to let this particular Bill see the light of the day I am sure Mr. Speaker sir we will save the lives of our people.

We have quite a number of people who will be engineers, who will be doctors that if they fall out of the way simply because of poverty index, simply because of the death rates. I am sure as honorable

members we are representing the interest of our people and we know what is exactly there, every single morning any member of the County Assembly we will receive one or two visitors in his home just talking about school fees. I want to say this is one of the remedies, this is one way we can actually remedy the problem of school fees in our place.

I am sure this is one Bill that will also make you be people in the .. just like the honorable MPs have their Bursary Fund actually in their set up. This is what we are trying to establish here which will change even our status. People will see us as people who are considerate, not just doing projects and forgetting education and Siaya is known for education. That is the best leadership that we can actually have around here that is education for our children. I support and I am sure honorable members will accept this Bill to see the light of the day. Thank you very much, Mr. Speaker, Sir.

Hon. Deputy Speaker: Thank you honorable Kowii. Honorable Lorna Adida now that the Bill has been seconded would you want the Bill to be ...to.

Hon. Adida: Honorable Speaker I know rise to request for the Bill to be read for the first time.

Hon. Deputy Speaker: I will put the question that the Bursary Fund Bill 2013 be read for the first time. May as many as are of the same opinion say aye?

Hon. Members: aye

Hon. Deputy Speaker: May as many as are of the contrary opinion say nay.

(Silence)

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. Deputy Speaker: The ayes have it. Let the Bill now be read for the first time.

(Bill read)

Hon. Deputy Speaker: I will commit the same Bill to the Education Committee and Legal and Constitutional Affairs Committee. Next order!

Hon. Deputy Speaker: Statements. Honorable Muhulah.

Hon. Muhulah: Thank you Mr. Speaker. I rise Mr. Speaker to seek some statement, one Mr. Speaker on the plight of the Ward Offices of honorable Members and also on the issue of furniture for the said offices Mr. Speaker. Number two Mr. Speaker I wish also to make a statement from the Agricultural Sector on the position of the County Government on the issue of farm inputs, fertilizer and seeds. Mr. Speaker, thank you.

Hon. Deputy Speaker: Thank you. Is the Chairman dealing with Ward Offices around? There is a committee which we created to look into the issue of Ward offices. I believe it is honorable Madialo. Is he around? The said honorable member is not around; I will direct that he responds to the issue on Tuesday afternoon. The same applies to Agriculture. Majority Leader do you have any word on the same?

Hon. Otieno: Thank you Mr. Speaker sir. Just as you said the concern raised by the member of West Alego you will get the response on Tuesday afternoon.

Hon. Deputy Speaker: What about Agriculture? Is the Chairperson Kawuor

here? What about his deputy? Both are not here?

Hon. Deputy Speaker: I am directing that he responds to the issue on Tuesday afternoon. Next!

Hon. Deputy Speaker: Honorable members it seems that there is no other Business and one of the members can move the Motion on adjournment. Honorable Kowii! Okay, honorable Ombiyo!

Hon. Ombiyo: Thank you, Mr. Speaker. There being no other Business I stand to move that this House stands adjourned and I request honorable Majority Leader to second.

Hon. Deputy Speaker: Honorable Ombiyo, you can only request!

Hon. Ombiyo: Mr. Speaker, I move a Motion:-

THAT the House adjourns. Thank you.

Hon. Deputy Speaker: That is now proper. Who is seconding you?

Hon. Ombiyo: Majority Leader will second the Motion.

Hon. Deputy Speaker: The Majority Leader, honorable Otieno.

Hon. Otieno: Thank you, Mr. Speaker, Sir. I rise to support the adjournment of the House.

Hon. Deputy Speaker: Honorable members, being our first day, I realize that we did not have much on our Order Paper. I therefore grant the prayer that this House adjourns until Tuesday in the afternoon. I now put the question:-

THAT this House adjourns until Tuesday, at 2.00p.m. May as many as are of that opinion say Aye?

Hon. Members: Aye

2013 COUNTY ASSEMBLY OF SIAYA DABATES

Hon. DeputySpeaker: May those
of the contrary opinion say Nay

Hon. Members: Nay

Hon. Deputy Speaker: The Ayes
have it.

APPENDIX**THE HANSARD TEAM****DEPUTY EDITOR**

Mr. T, O. Owenje

REPORTER

Ms. J, J. Ambunya.