

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF SIAYA
THE HANSARD
SWEARING-IN CEREMONY

Second Assembly – First Session – First Day

Wednesday, 30th August, 2017

*(Second Assembly vide
Legal Notice No.1 of 2017)*

The County Assembly met at 9.30 a.m. at the County Assembly Chamber on Wednesday, 30th August, 2017, it being the first day of the first sitting of this County Assembly.

PRAYER

COMMUNICATION FROM THE COUNTY ASSEMBLY CLERK
FIRST SITTING OF THE SECOND ASSEMBLY

Clerk (Mr. Felix Olwero): Hon. Members, we did call you here yesterday for the orientation, however, one issue remained unmentioned. When you want to applaud or acknowledge a colleague, there should be no clapping or shouting. So please bear with us. Hon. Members of the County Assembly, it is my pleasure and privilege to welcome you to the first Sitting of the second Assembly.

In the same breath, I would also wish to congratulate you for having secured your seat following the gazettment by the Independent Electoral and Boundaries Commission. The Assembly Standing Order No. 3(2) (a) provides that on the first Sitting of a new Assembly after a general election, the Clerk shall read the notification of convening the Assembly as published in the gazette. Pursuant to this provision of the Standing Orders, I now proceed to read the notification of the Governor, Legal Notice No. 1 of 2017, the Constitution of Kenya, the County Government Act No. 7 of 2012.

Pursuant to Standing Order No. 3 (1) of the Siaya County Assembly Standing Order, it is notified for the information of the elected Members of the County Assembly and the general public that I, Cornel Rasanga Amoth, the Governor of Siaya County has appointed Wednesday, 30th August, 2017 at 9.00 a.m. in the County Assembly Building, urban area to be the date, time and place when and where respectively the first Sitting of the Second County Assembly shall be held.

I wish to refer you to the provisions of the County Government (Amendment) Act, 2017, Section 7A (1) which states that; *A County Assembly shall not be fully and dully constituted for that first Sitting after a General election unless all Members provided for under paragraphs (b) and (c) of Article 177 (1) of the Constitution have been dully nominated and their names published in the Gazette.* The Governor having been notified of a Court order on the matter in the High Court of Kenya at Nairobi Constitutional and Human Rights Division – Election nomination Appeal No. 34 of 2017 issued in Court on 21st August, 2017 before Hon. Mr. Justice W. Musyoka.

That an order of prohibition be and is dully issued by against the interested party from Gazetting and or considering the names of any person submitted to it by the respondent here to represent persons living with disability in the Siaya County Assembly, pending the hearing on 22nd August, 2017. Hon. Members, the order was extended to 4th September, 2017 following a hearing on 22nd August, 2017.

In the Gazettment of the first Sitting, the Governor invoked the provisions of Section 7A(2) which states that; Sub-Section (1) shall not apply where the nomination of a Member of a County Assembly under paragraph (b) and (c) of Article 177(1) of the Constitution is the subject of a Court Order stopping or otherwise pending the nomination of the Member.

However, I as the Clerk, is persuaded that this order being specific to nominations of persons living with disability does not affect Membership of County Assembly provided for in Article 177(1)(b), subject to interpretation of the Court. I would also wish to notify you that the Assembly was not served by this Court order and is not an interested party in this and therefore we shall be blind in this Court order.

PAPER

LIST OF GAZETTED MEMBERS OF COUNTY ASSEMBLY

Clerk (Mr. Felix Olwero): Hon. Members, Standing Order No. 3(b) requires that on the first Sitting of a new Assembly after a General Election, the Clerk shall lay a list of the names of persons elected or nominated. I will now therefore proceed to lay on the Table of the Assembly a list of persons elected and gazetted vide gazette notice 8240 dated 22nd August, 2017. Hon. Members, I would also wish to lay on the Table of the House persons nominated as Members of the County Assembly gazetted vide gazette notice 8380, dated 28th August, 2017.

(The Clerk laid the papers on the Table)

ADMINISTRATION OF OATH**AFFIRMATION OF OFFICE**

Clerk (Mr. Felix Olwero): Hon. Members of the County Assembly, Standing Order No. 3(1)(1) requires that on the first Sitting of a new County Assembly, pursuant to Governor's notification under Standing Order No. 3(1) of the Standing Orders, the Clerk shall administer the oath of Affirmation of office provided for in the first Schedule of the County Government Act 2012 to all Members present in the Assembly in the order set out in order 3(3).

Standing Order 3(3) provides that; The Clerk shall administer the oath of Affirmation of office to Members of the Assembly in Alphabetical order using the following precedence;

- a) Members with disability and I would wish to call upon the Serjeant- At- Arms to move around and confirm to us the persons with disability.

(One Member living with disability confirmed)

Clerk (Mr. Felix Olwero): Having confirmed that in our midst we have a Member representing persons living with disability, the said Member will therefore take precedence.

- b) Members with longest cumulative period of service in the Assembly and
- c) All others will follow.

Hon. Members of County Assembly, it is important to observe that Standing Order No. 4 provides that; Pursuant to Article 74 of the Constitution 2012 which states that "No persons shall assume or perform any function of the office of a Member before taking and subscribing to the oath of Affirmation of office provided for under order 3(2)(1).

At this juncture, I wish to draw your attention to Standing Order No. 3(5) which further provides that; When the Clerk is administering the oath of Affirmation of office to Members and before the Clerk has administered the oath of Affirmation of office to the Speaker, any question arising in the Assembly shall be determined by the Clerk, who shall during that period exercise the powers of the Speaker.

Pursuant to the provisions of Standing Order No. 3(3), I now proceed to administer the oath of Affirmation of office to all Hon. Members of County Assembly present in order of precedence that is set out in Standing Order No. 3(3). In order to facilitate this process, the name of each Member of County Assembly shall be called out. When called out, the Member of the County Assembly shall proceed to the podium on my right and thereupon shall have the option to take the oath or Affirmation of office as you may choose and in accordance with your respective religious persuasion.

After taking the oath of Affirmation of office, the Hon. Members of County Assembly shall proceed to subscribe to the oath or Affirmation of office at the Table by signing the oath book. On signing oath book Hon. Members, I wish to draw your attention to the provisions of the Leadership and Integrity Act 2017 under Section 40 and Regulation 34(2) of the Leadership

and Integrity Regulation 2015 which requires each state officer to: at the time of taking oath of office or within seven days of assuming state office, sign and commit to the specific leadership and Integrity code prescribed in accordance with Section 37 by the public entity to which he has been elected, appointed or nominated. I wish therefore to draw your attention to Legal Notice No. 2815 of 24th March, 2017, gazetting the Siaya County Assembly Leadership and Integrity code which was issued to you yesterday and for which you are required to sign and commit.

For this purpose, Form J has been provided together with the oath book and Hon. Magistrate is here to witness as required by the Act. We have the pleasure and honor to notify you that in our midst we have the Hon. Magistrate, Hon. Ogondo James Ogondo seated on my left and the High Court Registrar who will put the seal which in turn shall be forward to Kenya Anti-Corruption Commission confirming that you did commit yourself to the code of conduct as provided for in law.

Hon. Members of County Assembly, we are now ready to commence the process. I will ask that Clerk at the Table call out the names.

(The Oath of Allegiance is administered to the following Members :-)

1. Hon. Omolo Andrew Omwende	-	Nominated
2. Hon. Otare James Obiero	-	Siaya Township
3. Hon. Oriaro Leonard Otieno	-	Central Alego
4. Hon. Adida Lorna Achieng Ochieng	-	North Sakwa
5. Hon. Madialo Sylvester Otieno	-	Usonga
6. Hon. Odongo Joannes Andiego	-	Central Sakwa
7. Hon. Ochieng Willis Okoth	-	Yimbo West
8. Hon. Olasi Samuel Onyango	-	West Uyoma
9. Hon. Onyango William Kinyanyi	-	Yala Township
10. Hon. Adala Benard Onyango	-	Nominated
11. Hon. Aringo Morris Osewe	-	West Sakwa
12. Hon. Audi David Onyango	-	South Gem
13. Hon. Auma Ambrose Akuno	-	West Asembo
14. Hon. Awino Abigael Perpetua	-	Central Gem
15. Hon. Awita Emily Agnes	-	Nominated
16. Hon. Ayika Caren Atieno	-	Nominated
17. Hon. Bonyo Booker Washington	-	North Uyoma
18. Hon. Juma Linda Achieng	-	Nominated
19. Hon. Kidera Joseph Wandera	-	Sidindi
20. Hon. Mboha Joseph Oloo	-	South East Alego
21. Hon. Ochieng Fredrick Opanga	-	North Ugenya
22. Hon. Ochola Nick Evance Okoth	-	North Gem
23. Hon. Odawa Erick Z. Abungu	-	Sigomre

24. Hon. Odawa Vincent Otieno	-	North Alego
25. Hon. Odhiambo Edwin Otieno	-	South Sakwa
26. Hon. Odinga Truphosa Apondi Osewe	-	Nominated
27. Hon. Odongo Andericus Oduor	-	West Ugenya
28. Hon. Oduor Joseph Peter Omondi	-	Ukwala
29. Hon. Okumu Felix Ouma	-	West Alego
30. Hon. Okwiry Susan Achieng	-	West Gem
31. Hon. Omoto Fredrick Oluoch	-	East Ugenya
32. Hon. Onditi Akoth Filly	-	Nominated
33. Hon. Oor Benard Peter Odero	-	Ugunja
34. Hon. Otiato Francis Otieno	-	Yimbo East
35. Hon. Otieno Winnie Mercy Akoth	-	Nominated
36. Hon. Ousa Simeon Nyaji	-	South Uyoma
37. Hon. Oyugi Judith Anyango	-	East Asembo
38. Hon. Oyuoga Irene Shirly	-	Nominated
39. Hon. Siguru Samuel Otieno	-	East Gem
40. Hon. Wamwai Adhiambo Nancy	-	Nominated
41. Hon. Winga Hellen A	-	Nominated

Hon. Members, before we proceed I wish to confirm that all Members present have sworn and ascribed to the oath or affirmation of office. In the next exercise, we require that only Members that have been sworn in shall participate in the election of the Speaker. If there is any MCA who has not taken the oath, may you kindly proceed and take the oath of affirmation. From our records only one Member has not taken the oath. Her name is Miss Jane Odhiambo; if she is present may she proceed.

Having confirmed that all MCAs present have been sworn in, allow me to take this opportunity to congratulate you all most sincerely on your ascension to the office of the MCA in accordance to Article 74 of the Constitution.

I mentioned to you earlier that we have the honour and privilege of having the Principal Magistrate, Siaya who has witnessed both the oath and affirmation of office at the same time the ascription to the code of conduct on leadership and integrity Act. He is free to leave at his own pleasure, however, we still welcome him if he would not mind witnessing this coming exercise. Thank you.

(The Principal magistrate left)

Hon. Andiego: Point of order. When I go through Standing Order 4 which talks about election of Speaker, I wish that clarification be made to us why there is no election of Deputy Speaker.

The Clerk (Mr. Felix Olwero): I wish to draw your attention to the provisions of the Standing Order on the election of the office of the Deputy Speaker. It recognizes the Chairperson of the Committees of the whole House and it indicates that as soon as practicable after the election of the Speaker following a General Election, the Assembly shall elect the Member contemplated in Article 178 who shall, for purposes of these Standing Orders, be referred to as the Deputy Speaker or Chairperson of Committees.

I would also wish to read to you the provisions of Article 178(2)(b) of the Constitution, “In the absence of the Speaker another member of the Assembly elected by the Assembly shall take charge of the Assembly.” I would also wish to refer you to a judgment delivered by the High Court in Machakos that is petition 6 of 2016 where the judge ruled that, “arising from the findings in the foregoing provisions of the Act, it is evident that there is no provision or statutory position for a Deputy Speaker of a County Assembly created.

As of the petition case was the existence of such petition and given that the respondents followed the applicable procedure in their Standing Orders and to remove the petitioner as a chairperson of committees I find that they did not infringe on any position overwrite or legitimate expectation of the petitioner.”

In view of this judgment, the position of the Deputy Speaker is not tenable and you cannot hold an election for that position at this juncture and when we did make advertisement in the Gazette notice and media, we only advertised on the vacancy of the position of the Speaker and for that matter the Clerk is not aware of any interested persons who has applied for the position of Deputy Speaker.

The practice Siaya borrowed from parliamentary practices and for those of you who have been following the media you need note that already there are persons who have expressed interest for that matter to be elected in the position of Deputy Speaker at the National Parliament. In our situation we did not call for such applications and for that matter I would not be in a position to preside over that.

In the petition it was stated that the responsibility of interpretation of the Standing Orders in the County Assembly is the prerogative of the County Assembly Speaker. In the event that the Chairperson shall be elected and in this case by the chairperson of other committees and is designated as the chairperson of the Committee of the whole House.

If the Speaker rules that we make use of that person as a Deputy Speaker so be it but for the purpose of today’s sitting we will not conduct an election for the Deputy Speaker until an interpretation shall be provided for by the Hon. Speaker. Thank you.

ELECTION OF SPEAKER

COMMUNICATION FROM THE CLERK OF THE COUNTY ASSEMBLY

PROCEDURE TO BE FOLLOWED IN ELECTING THE SPEAKER

The Clerk (Mr. Felix Olwero): Hon. Members, Standing Order No. 4 provides that “A Speaker shall be elected when the Assembly first meeting after a General Election and before the

Assembly proceeds with the dispatch of any other Business except the administration of oath or affirmation of office to Members present.” We have just undertaken the exercise.

Standing Order No. 5 (1) requires “upon the Governor notifying the place and date of first Sitting of a new Assembly, pursuant to Standing Order No. 3 the Clerk shall by notice in the Gazette, notify that fact and invite interested persons to submit their nominations papers for the election to the office of the Speaker.

For that purpose a Gazette notice was forwarded to the Government Printers dated 25th August, 2017. The Clerk of the Assembly invited persons to submit their nomination papers for the election of the office of the Speaker. The same was also advertised in the print media for purposes of information and consumption of the public.

Standing Order No. 5(2) requires that “The names of candidates for election to the office of the Speaker shall be entered into a register upon nomination papers obtained from the Clerk and back to the Clerk at least 48 hours before the time appointed at which the Assembly is to meet to elect a Speaker.

Standing Order No. 5(3) requires that “The nomination papers of a candidate shall be accompanied by the names and signatures of at least two members who support the candidate and a declaration by them that the candidate is qualified to be elected as a Member of Assembly under Article 193 of the Constitution and is willing to serve as the Speaker of the Assembly.”

Standing Order No. 5(4) requires that the Clerk shall obtain a register in which shall be showing the date and time when each candidate’s nomination papers were received and shall ascertain that every such candidate for election to the office of the Speaker is qualified to be elected as such under Article 193 of the Constitution.”

For the benefit of Members, I would now wish to circulate the register.

(The register was circulated)

...The Biblical white smoke and for that reason I would wish that you be Honorable enough to stay in and maintain your peace until we conclude the process. During the process we will close and lock the bar.

Hon. Members, for that reason I would wish to call upon the Serjeant- At- Arms to confirm that we have 41 Members in the Assembly at this moment. Hon. Members, having circulated the list of the applicants who submitted their applications at the end of the nomination period, I would wish to draw your attention to Standing Order 5(5) which requires that,” immediately upon the close of the nomination period provided for in order No. 5(2) the Clerk shall; publicize and make available to all Members a list showing all qualified candidates and make available to all Members copies of the Curriculum vitae of the qualified candidates.”

I would wish to confirm that Members were issued with the list of qualified candidates; I have seen Members respond by a nod and therefore we have complied with the provision of that Standing Order and we will not be confronted with persons who are not known to us.

Hon. Members, the Standing orders also provide that we make available to all Members copies of Curriculum vitae of the qualified candidates and we did circulate in good time. For those who wish to confirm with the Serjeant- At- arms that they were circulated.

Hon. Members, I hereby confirm that a list showing all the qualified candidates was publicized and was available to all Hon. Members of the County Assembly. I further confirm that I made available to all Hon. Members copies of the Curriculum vitae of qualified candidates.

At this juncture, I want to confirm that we did receive five applications, one was removed from none compliance with the provisions of the nominations. I will not therefore disclose his name.

Hon. Members of County Assembly, for the position of the Speaker of the County Assembly, the following candidates were validly nominated as at the close of nomination period which was Monday, 23rd August, 2017 at 9.00am.

1. Samuel Owade Muga, 2. George Owino Okode, 3. Peter Nicholas Owino Abidha, 4. George Misore Rubiik.

Hon. Members of County Assembly, Standing Order No. 6(1) requires that,

The election of the Speaker shall be by secret ballot.

Standing Order No. 6 (2) further provides that,

The Clerk shall at the commencement of each ballot cause the ballot box empty and unlocked, to be displayed to the Assembly and shall in the presence of all Members lock the box which shall thereafter be kept in the full view of the Assembly until the conclusion of the ballot.

Hon. Members of County Assembly, I now direct that the ballot box empty and unlocked, be displayed to Hon. Members.

I further direct that the ballot box be locked.

Hon. Members of the County Assembly Standing Order No. 6(3) requires, “that the Clerk shall issue not more than one ballot paper to reach Member who comes to the Table to obtain it and arch Member who wishes to vote shall proceed to a booth or designated area prescribed by the Clerk for that purpose and located next to and within reasonable distance of the ballot box and shall while there, mark the ballot paper by placing a mark in the space opposite the name of the candidates for whom the Member wishes to vote, fold the marked ballot paper before leaving the booth or designated area and place the folded paper in the ballot box.

The polling booth is on my left at the Speaker’s dais as displayed.

Pursuant to Standing Order, I now direct that a ballot paper to be issues to each Member of County Assembly who comes to the Table to obtain it. To facilitate this process, the name of each Member of County Assembly shall be called out following which the Members shall come to the Table of my extreme left and obtain a ballot paper. Each Member shall then proceed to the polling booth which is clearly marked and while there mark the ballot paper and fold it.

The Hon. Member will then place the marked ballot paper in the ballot box.

We are now ready and shall commence voting process and the Clerk at the Table to call the names of Hon. Members of County Assembly.

Reference shall be made to Standing Orders No. 6 (5) which provides that, “The Clerk shall make such arrangements as may be necessary to enable any Members with disability to vote.”

Hon. Members you did note that we have Hon. Omwende who is a Member representing people with disability and for that reason in request that we allow Hon. Omwende to vote first at his convenience before the other Members are called upon to vote.

Members for that reason we will now proceed and I will call upon one of the polling Clerks and the Sargent at arms to escort the ballot paper to Hon. Omwende, where he is and also the ballot box to enable him vote, thank you.

The Clerk (Mr. Isaac Felix Olwero): Hon. Members, we have our form 34B and I will now proceed to tally the results. I will request the agents to sign the forms. Having successfully completed the process of ballot tallying which have been witnessed by the agents of various candidates, the results for the ballot are as follows:

NAME :	VOTES
1. Samuel Owade Muga	0
2. Peter Nicholas Owino Abidha	0
3. George Misore Rubiik	8
4. George Owino Okode	33

(The Clerk accordingly declared Mr. George Owino Okode, the duly elected Speaker of County Assembly of Siaya and directed the Serjeant-at-Arms to search for the said Mr. George Owino Okode and bring him to the Chamber)

(Applause)

(On arrival, Hon. George Okode was escorted to the Chair by the Serjeant- at -arms. The Clerk thereupon administered the Oath of Allegiance to the Speaker-elect, Hon. George Okode, who after the Oath took the Chair and the Mace which before lay under the table, was placed upon the table.)

(Applause)

Thank you. Honourable Members, you will agree with me that mine was not computer generated. Therefore, I don't expect any Petitions against my election. Allow me to read my acceptance speech.

ACCEPTANCE SPEECH OF HON. GEORGE OKODE, SPEAKER OF THE COUNTY ASSEMBLY OF SIAYA

Your Excellency, Cornel Rasanga Amoth, Governor of the County Government of Siaya; Honourable Members of the judiciary; Your Eminence Leaders of Distinguished Faiths; The Honourable Leaders and Members of the Assembly; Former political leaders of Siaya; present Representatives of the National Government; Ladies and Gentlemen; Fellow People of Siaya County; I thank you, firstly, for your time to be part and parcel of history in the making. Allow me to thank specifically Members of this second Assembly for my re-election as the Speaker of the second Assembly of Siaya. The confidence you showed in me is overwhelming. Every vote you cast was a vote of hope.

You hoped that I will not betray your course; you hoped that I will not betray the Constitution and the rule of law; you hoped that I will not be partisan; you hoped that I will not be petty; you hoped that I would stand firm; you hoped that I will exercise fidelity to the Laws of the Land; you hoped that I will not be vengeful; you hoped that I will stand with you in this House and outside; you hoped that I will be a role model; you hoped that I will lead this House in its representative, legislative and oversight roles without a blink. On oversight, you also hoped that I will not allow the Assembly to be an appendage of the Executive. I can assure you that I will walk this journey knowing that I am your hope.

Allow me to congratulate all people here in this House, in the galleries and outside the precincts of this Assembly who made it possible for me to be re-elected as Speaker of County Assembly of Siaya against all odds and propaganda. Through their prayers, support and good will we have worn this together.

I received messages of good will from across the political divide, men and women of all ages, the mighty and the underprivileged, the youth, the elderly, name it. Most of them were wondering if there was a way through which they could participate in my election over and above prayers. I urge them to share the love they have for me with you Members of this House because you made their dream come true.

I consider this win as a win by the Grace of God, the good will of good men and women within and without the precincts of this Assembly, the vote by well-meaning Members of this county Assembly, may God reward you abundantly.

To the candidates who showed interests, whether you showed it on your own or somebody else's agent, there must always be one winner. My message to you is that, good, respectful campaigns bring good results. In life always mean well even for your opponent, because after all God anoints the leaders. It does not pay to name call, insult your opponent for the electorates are sharp, bright and analytical. Feel free to join in the development of Siaya County in any capacity.

Congratulations to all Members who have arrived in this House by way of election and nomination. I congratulate you all for putting up a good fight to come to this Assembly which is a 42 Member House. Many more wanted to come but only a few of you made it. I recall with nostalgia, that some of you looked for votes aggressively, and when they got the votes, comfortably thinking they are home and dry, they started yet another painful nearly endless desperate journey, looking for certificates.

To the nominated, I also recall how nomination list kept changing until you were not sure whether you are in or out. You all agree with me, the journey has been long. So I congratulate you for travelling this long journey.

Honourable Members, join me in thanking the first Assembly for laying the foundation for this Honourable House. The infrastructure, the staff establishment, and the legislative software that they helped put together today is not a mean achievement. I give them credit and I urge you to give them credit where it is due. Let the second Assembly learn from their mistakes and build on their achievements so that we build a better County Assembly of Siaya for the Siaya people.

To the re-elected Members of the County Assembly, I thank you for being true, honest, and broad thinking by giving good testimonies about my experience with you, you painted a true picture of who George Okode is. Your colleagues who didn't make it to this House also did their bit. You are indeed the reference point of telling people my capacity when it comes to Members' welfare, interests and rights and by extension the people they represent. I will not let you down. The testimonies you gave about me will continue to be who I am.

To the newly elected Members, young and old, the people have given you their trust. I urge you not to let them down. I have seen young, vibrant, aggressive and ambitious elected legislatures in this House, I expect objective fireworks. Your agenda for re-election or advancement will be our shared agenda. Your ambitions will be our shared ambitions. I am proud to share with you that the 1st county Assembly of Siaya produced one Hon Fred Odhiambo Ouda who is currently the MP for Kisumu Central. This very House produced aspirants for the positions of Member of National Assembly in Rosemary Ogutu and Senate in Margret Okech. Successful or not; the message I'm conveying is the message of confidence and ambition. I salute them whole heartedly.

The elected gracious ladies, you are indeed champions. To get elected in a male political dominated society like ours is a great achievement which cannot go unnoticed. You have shown the world that indeed, women are up to the task. I urge you to inspire more girls and women to have the confidence to serve and lead in the entire County. I have seen some women in this House who are tough, aggressive, daring and firm what in local palace some call *unbuogable*. I welcome you to this House.

To the MCAs who made it as Independent candidates, you are not in this House by default, but by right. Take your rightful position in this House knowing that you have one vote just like Members sponsored by political parties and you represent wards just like Members of political parties. Your individual vote is not any lesser and your voice in this House is not any lower. The needs in the wards you represent are not less either. I expect you to rise to the occasion and fight for your people knowing that you matter. I can assure you as your Speaker that your wards will not be marginalized in any way under my leadership.

To the Nominated Members in this Assembly representing various interests e.g. women, people living with disability and youths, I urge you to leave a mark in this House by championing the rights of the people you represent without fear.

The positions you hold are not rewards but the dividends of your hard work to the course of democracy. Times will call for you to depart from the wishes of the appointing authority and side with the interests you represent. That will not be betrayal. Instead, that will be work well done. Don't allow to be stooges or agents of appointing authorities or parties because history will judge you harshly.

My final appeal to you is to resist the temptation at all costs to engage in for short-lived duels with the elected leaders from the areas you come from. Let your work be to complement what the elected leaders are doing, and not to derail what they are doing to the people, after all the judge is the people.

I have equally seen experienced elected county leaders who others call senior citizens. We will heavily rely on your guidance, patience, wisdom and steadfastness. I'll appreciate that you want to leave a legacy. That legacy is our shared legacy and we will help you leave that legacy. Count on our maximum support.

Honourable Members, under Article 174 (g) of the Constitution of Kenya 2010, on Objectives of Devolution; devolution is meant to ensure equitable sharing of national and local resources throughout Kenya. In the counties, the same spirit should be reflected in the distribution of resources. We expect this House to safeguard the spirit of equitable distribution of resources to the wards by all means possible.

We will resist in policy, in legislation, in conduct, and in vote any attempt that might be geared towards segregating against certain wards. We must aspire by all means to make leaders relevant, overtly by touching lives and changing lives beyond mere representation and oversight. We must domesticate National Constituency Development Fund, while respecting separation of powers, to suit our local situation at the wards or else we will surely remain a mere chatter box of leaders.

Honourable Members, from experience you will realize most people do not understand the role of the County Assembly and the standards set are so high and sometime the public expectations are outside our scope and mandate. We will endeavor as a House to create more awareness on our roles as a legislative arm of the County Government. We should be prepared to promote public participation by meaningfully involving Members of the public in what we do and how we do it. We want to be transparent, and accountable to the people.

What shall we be known for as the County Assembly of Siaya? A House of the people, by the people and for the people; a House united in purpose and in service delivery. We want this House to have a brand; a brand of fairness, firmness, and fidelity to the law. We want this House to be ready to cooperate and be ready to depart with their heads high depending on the situations and circumstances. When it comes to matters of service delivery and the interest of the people, this House will cooperate. When it comes to undermining the dignity and mandate or denying the citizens of Siaya their rights this House will surely disagree, any day any time.

We urge external forces and persons to give us a break and not to lecture us on what to do with ourselves, for ourselves or for the people we represent. As a House we demand respect, we have no doubt in our minds that we are up to the task. Keep your turf, we keep our turf, you can advise us but don't prefect us. I hope this is not asking for too much.

The law provides under section 9(3) Schedules County Government Act, No. 17 of 2012—

“Members of the County Assembly shall be sworn in by the County Assembly Clerk within fourteen days, after the announcement of the final results of an election...”

Any person who my omission or commission breached this provision of the law have delayed justice to the people and as you are all aware justice delayed is justice denied. It is my hope that will not repeat after future elections. I am aware you put your right feet forward yesterday evening that this even must carry on. You are the true heroes of this day.

Ladies and gentlemen; In accordance with the County Government Act 2012;

“The county Assembly shall: -

- (a) Vet and approve nominees for appointment to county public offices as may be provided for in this Act or any other law;
- (b) Perform the roles set out under Article 185 of the Constitution
- (c) Approve the budget and expenditure of the County Government in accordance with Article 207 of the Constitution, and the Legislation contemplated in Article 220 (2) of the Constitution, guide by Articles 201 and 203 of the Constitution;
- (d) Approve the borrowing by the County Government in accordance with Article 2012 of the Constitution;
- (e) Approve County development planning; and
- (f) Perform any other role as may be set out under the Constitution or legislation.”

Further, Article 185 of the Constitution of Kenya states that: -

“

- 1) The Legislative authority of a county is vested in, and exercised by, its county assembly.
- 2) A county Assembly may make any laws that are necessary for, or incidental to, the effective performance of the functions and exercise of the powers of the County Government under the Fourth Schedule.
- 3) A county assembly, while respecting the principle of the separation of powers, may exercise oversight over the county executive committees and any other county executive organs.”

Let us reflect on our roles as we embark on serving the people.

Honourable Members, the joy of winning elections is soon coming to an end and will be a thing of the past. The real work is about to begin in earnest. I plan that as soon as we adjourn today; plans will be put in place for the acquisition of ward offices, recruitment of ward staffs, and familiarization with existing budgets, orientation so that we are well equipped to discharge our duties much more quickly.

Finally ladies and gentlemen, the standing orders provide that following the election of the Speaker the House shall stand adjourned until the date and time of the opening of the Assembly. I therefore declare this House adjourned until Tuesday, 12th September 2017 at 2:30pm in the chambers. In the meantime, Members will be re-called informally from time to time to do Housekeeping chores.

MOTION

ADJOURNMENT

Hon. Speaker: This House adjourns until Tuesday 12th September 2017 at 2.30 p.m. in the Chambers.

Thank you.

God Bless You.

The House rose at 1.12 p.m.