

**REPUBLIC OF KENYA**  
**SIAYA COUNTY ASSEMBLY**

**THE HANSARD**

**Second County Assembly - First Session**

**Tuesday, 3<sup>rd</sup> October, 2017**

The House met at the County Assembly Chamber at 4.00 p.m.

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

**PRAYER**

**ADMINISTRATION OF OATH**

*(ODM party nominated Member, Ms. Jane Atieno Odhiambo, entered the Chamber escorted by ODM party Majority Whip, Hon. Andiego and Hon. Okwiry)*

**Hon. Andiego:** Mr. Speaker, Sir, allow me to introduce to you Ms. Jane Atieno Odhiambo who is a nominee of the ODM party for swearing-in.

The Oath of Allegiance was administered to the following Hon. Member:

Hon. Jane Atieno Odhiambo.

*(Hon. Atieno approached the Bar, bowed at the Chair and took her seat)*

**COMMUNICATIONS FROM THE CHAIR**

1. SAFETY OF MEMBERS

**Hon. Speaker:** Hon. Members, apologies for beginning our Session late. We had to indulge in matters pertinent to the functions of this House which we consider to be very key especially at a time when the membership is not yet sufficiently or adequately inducted.

Allow me to communicate to you that this morning, I received a report from our Serjeant-at-Arms that the matter we are debating today on the appointment of CECMs has attracted a lot of political interest and there were attempts from some quarters to disrupt the proceedings of the House. As you can hear, there is a lot of noise out there.

For that matter, I took measures to protect this House by ensuring that anybody who is coming to this House, the Speaker's Gallery and the Public Gallery is properly and thoroughly screened.

As your Speaker, I want to reiterate that all times, this House shall never and will never be intimidated by any actions from within or from without. You must be given the environment and the freewill to exercise your rights without undue interference.

However, we welcome members of the media and some members of the public who we felt are not a security threat to us. That will always continue anytime we are under any threats.

**2. PLANNED INDUCTION FOR MEMBERS**

Last week, I made communication, and I still do, that there are planned inductions by National Democratic Institute (NDI) for our female colleagues which will be communicated to them.

There is also another one by AHADI Kenya for all of us and it will be communicated in due course.

For the media, I want you to know that wherever the training will take place it is by the support of the convener which is not this House.

**3. DOCUMENTS PRESENTED TO THE ASSEMBLY**

I also need to communicate to you that there are some documents that have been presented to the Assembly i.e. The Annual Development Plan and The County Budget Review and Outlook Paper. There are other Reports here which we want the House Business Community to constitute as soon as possible, to come out in the calendar in our next Sitting and allocate them time as appropriate.

Finally Members, as by law provided we have this Business which we must dispense with today because the law provides that upon the expiry of the 14<sup>th</sup> day the names will be deemed to have been passed. My apologies that it has come late, I hope the Movers will go step by step so that we don't lose on any material segments of that Report. Next order!

**PAPERS****VETTING OF NOMINEES TO SIAYA COUNTY EXECUTIVE COMMITTEE**

**Hon. Madialo:** Mr. Speaker, Sir, may I on behalf of the Chairman, Committee on Appointments, lay on the Table of the House the report of the Committee on vetting of the Siaya Executive Committee for adoption.

*(Paper is laid on the Table)*

**Hon. Speaker:** Any Papers for laying again?

*(Loud consultations)*

**Hon. Speaker:** Okay, consider B (i) to be laid and B (ii) to be laid in that order. Next order!

**NOTICES OF MOTIONS**

- 1) VETTING OF NOMINEES TO SIAYA COUNTY EXECUTIVE COMMITTEE
- 2) NOMINATION OF MEMBERS TO SELECT AND SECTORAL COMMITTEES
- 3) RECRUITING OF NEW CHIEF OFFICERS

**Hon. Madialo:** Mr. Speaker, I stand to give a notice of Motion:

THAT this House adopts the report of Committee on Appointments on vetting of nominees of the Siaya County Executive Committee, laid on the Table of the House today Tuesday, 3<sup>rd</sup> October, 2017.

While I am still on my feet, allow me on behalf of the Majority Leader to put the House on notice of Motion:

THAT pursuant to Standing Order No. 200, this House adopts the following Members to Select and Sectoral Committees as laid on the Table of the House on Tuesday, 3<sup>rd</sup> October, 2017.

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

- 1) Hon. Winnie Akoth Otieno
- 2) Hon. Truphosa Apondi Odinga

Sectoral Committee on Lands, Physical Planning, Survey and Housing

- 1) Hon. Jane Atieno Odhiambo

Sectoral Committee on Justice and Legal Affairs

- 1) Hon. Jane Atieno Odhiambo

Sectoral Committee on Governance and Administration

- 1) Hon. Jane Atieno Odhiambo

**Hon. Speaker:** And I hope the House is in concurrence why he has moved that on behalf of the Majority Leader, it's for obvious reasons, we should not politicize it! Yes, Hon. Oriaro!

**Hon. Oriaro:** Thank you, Mr. Speaker, Sir. Allow me to give notice of Motion as listed in the appendix:

AWARE that article 201(d) of the Constitution of Kenya 2010 provides for prudent and responsible use of public finances, and that article 232 (1b) on values and principles of public services provides for efficient, effective and economic use of public resources. Further aware that the Executive arm of Siaya County Government through County Public Service Board is in the process of recruiting new Chief Officers in which vacancy declaration advertised had been done and subsequent processes currently underway.

Concerned that the period of contract of engagement of sections of in-post Chief Officers runs up to the year 2019 and terminating these contracts might result in serious financial losses by way of litigations thereof.

Further concerned that the method of recruiting the said Chief Officers might be suspect and might not fall within the standards of guiding Human Resource policies. This House resolves that the on-going recruitment of Chief Officers be stopped forthwith and that the Committee on Appointments investigates possible omissions and commissions in the whole process of the recruitment and report back to the Assembly within 60 days.

**Hon. Speaker:** Next order!

## MOTION

### NOMINATION OF MEMBERS TO SELECT AND SECTORAL COMMITTEES

**Hon. Madialo:** Mr. Speaker, on behalf of the Leader of Majority, I wish to move the Motion:

THAT pursuant to Standing Order No. 200 this House adopts the following Members to Select and Sectoral Committees as laid on the Table of this House today Tuesday, 3<sup>rd</sup> October, 2017.

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

- 1) Hon. Winnie Akoth Otieno
- 2) Hon. Truphosa Apondi Odinga

Sectoral Committee on Lands, Physical Planning, Survey and Housing

- 1) Hon. Jane Atieno Odhiambo

Sectoral Committee on Justice and Legal Affairs

- 1) Hon. Jane Atieno Odhiambo

Sectoral Committee on Governance and Administration

- 1) Hon. Jane Atieno Odhiambo

I ask Hon. Linda to second

**Hon. Juma:** Thank you, Mr. Speaker, I stand to second the Motion.

**Hon. Speaker:** Hon. Members, allow me then to put the proposition that pursuant to Standing Order No. 200 this House adopts the following Members to Select and Sectoral Committees as laid on the Table of the House today Tuesday, 3<sup>rd</sup> October 2017.

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

- 1) Hon. Winnie Akoth Otieno
- 2) Hon. Truphosa Apondi Odinga

Sectoral Committee on Lands, Physical Planning, Survey and Housing

- 1) Hon. Jane Atieno Odhiambo

Sectoral Committee on Justice and Legal Affairs

- 1) Hon. Jane Atieno Odhiambo

Sectoral Committee on Governance and Administration

- 1) Hon. Jane Atieno Odhiambo

I put the question, Hon. Members this is something we had discussed before; I put the question that pursuant to Standing Order No. 200 this House adopts the following Members to Select and Sectoral Committees as laid on the Table of the House today Tuesday, 3<sup>rd</sup> October, 2017.

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

- 1) Hon. Winnie Akoth Otieno
- 2) Hon. Truphosa Apondi Odinga

Sectoral Committee on Lands, Physical Planning, Survey and Housing

- 1) Hon. Jane Atieno Odhiambo

Sectoral Committee on Justice and Legal Affairs

- 1) Hon. Jane Atieno Odhiambo

Sectoral Committee on Governance and Administration

- 1) Hon. Jane Atieno Odhiambo

*(Question put and agreed to)*

**MOTION**  
ORDER OF MOTIONS

**Hon. Speaker:** I want to request that, with interest of time, we deal with the report of the Committee on Appointments on vetting and then we finalize with the Motion by Hon Oriaro. Is that agreeable with you, Hon. Oriaro?

**Hon. Oriaro:** Quite in order, Mr. Speaker, Sir.

**Hon. Speaker:** Thank you.

**Hon. Madialo:** Mr. Speaker, sir, allow me on behalf of the Chairman of the Committee on the Appointments on vetting of nominees of the Siaya County Executive Committee Members to move a motion:

THAT this House adopts a report on the nomination of the vetting of the nominees to the Siaya County executive Committee laid on the table today Tuesday, 3<sup>rd</sup> October, 2017. Hon. Audi may second that.

**Hon. Audi:** I stand to second the Motion.

**Hon. Madialo:** Mr. Speaker, sir, Time is of essence...

**Hon. Speaker:** Through the preposition, then you proceed. Let me just do the preposition, That this House adopts the report of the committee on Appointments on the vetting of nominees to the Siaya Executive Committee laid on the table of the House today 3<sup>rd</sup> October, 2017.

**Hon. Madialo:** Mr. Speaker, Sir, allow me to put a brief persuasion of the Members on the report of the vetting Committee by stating the following: That the Committee on Appointments is a Committee constituted pursuant to the provisions of the standing orders of this House, specifically order No.195. It has specified and defined duties. The duties are for the purpose of the vetting and others which include the board County Secretary and other appointments found within the County Government.

Mr. Speaker, I use the word on behalf of the Chairman because the chair of this Committee is the speaker himself that he speaks the importance attached to that Committee. The Committee consists of the Majority leader and the Majority whip and this is because we do not have the Minority whip or the Minority leader. They would also be members of that Committee and that shows how important the laws of Kenya are. Other members are; the member on his feet, Hon. Lorna A. O. Adida, Hon. Samuel Onyango Olasi, Hon. Abigael Perpetua Awino, Hon. David Onyango Audi and Hon. Joseph Peter Oduor.

Mr. Speaker, briefly this is one of the most challenging and burdensome roles this House was faced with. For those of us who were here knows how hill climbing you have to go to come up with this report and the extent of rumors and counter rumors that walk hand in hand with it.

I stand here, Mr. Speaker, to join other Members in proudly stating that we are reading this report the way it is because we did not give any undertaking to anybody for any

considerations that we are going to help them pass and because of that we have the courage to read it, noise from outside or from within will not intimidate us.

Mr. Speaker, before I start reading word by word, I want to add this; that everybody knows a nominee because they were sourced from Siaya County and everybody has talked or related with a nominee with the effect that we even have emotional attachment to some of the nominees and you get it very heavy making a decision about those nominees but we took an oath that without fear nor favor, we shall not favor and I know we shall not fear.

Now, Mr. Speaker, this Sectoral Committee was established under 195 as I said so Pursuant to Article 179(2)(b) of the Constitution, H.E. the Governor, forwarded to the Speaker of the County Assembly, the names of the following ten (10) nominees:

<b>S/No.</b>	<b>NAME OF MEMBER</b>	<b>RESPONSIBILITY</b>
1.	Dr. Nicholas Kut Ochogo	<b>Agriculture, Food and Fisheries</b>
2.	Joseph Odhiambo Ogutu	<b>Finance and Economic Planning</b>
3.	Dr. Elizabeth Achieng Odhiambo	<b>Enterprise, Energy and Industry</b>
4.	Adrian Ouma	<b>Physical Planning, Lands, Housing and Urban Development</b>
5.	George Rubiik Misore	<b>Water, Irrigation, Environment and Natural Resources</b>
6.	Dorothy Akinyi Owino	<b>Health and Sanitation</b>
7.	Mary Apiyo Omondi Olute	<b>Education, Gender, Youth and Social Services</b>
8.	Dismas Odhiambo Wakla	<b>Public Service and Governance</b>
9.	George Amenity Oyeho	<b>Public Works, Roads and Transport</b>
10.	Jaako Oburu Odinga	<b>Tourism, Culture, Arts and Sports</b>

A total of eleven sittings were undertaken by the Committee for the purposes of interacting with the nominees and putting questions looking at their documents for purposes of the vetting.

On behalf of the Committee on Appointments, I have the honor and pleasure to present the Committee's First Report on the nominees for appointment as members of the Siaya County Executive Committee. May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations and vetting of the nominees and they had even the courage and strength to put across difficult questions to persons known to them personally.

Going through the vetting exercise, this Committee considers section 35(d) of the County Government Act which states that the Governor shall nominate executive members of the County ensures that to the fullest extent possible, the composition of the executive committee reflects the community and cultural diversity of the county and takes into account the principles of affirmative action as provided for in the Constitution that is section 35(1) it is not (3d) it is a misprint correct, and then it goes further to say and please let us walk hand in hand in this one.

The county assembly shall not approve nominations for appointment to the executive committee that do not take into account and it is directed to the Honorable Members at the County Assembly not at the Governor that if not more than two thirds of either gender which means, Mr. speaker, I am sorry for explaining but the burden at hand requires that, that if we are given 10 nominees and among those 10 nominees we only see two women, we return the dispute.

If for example, today everybody passes except one woman, then the Cabinet is not properly constituted because 2 women will not make 30% of the Cabinet and it's risky. Now, representation of the minorities, marginalized groups and communities, as earlier stated informally, it is not for no reason that the people who make our Constitution targeted to say that Minorities include people with Disabilities and that Special interests or Marginalized Groups are also included. It is for good reason that you all know about.

So, I wish to report to the full House that the Committee in deliberation looked at this, to inform itself on whether the interests of our Youths, is taken care of, and the interest of that special group known as the people living with disability is taken care of. That was the duty, we discharged it. A person then, may be appointed if those three conditions are met.

Then, that person must be a Kenyan Citizen, we looked at that, satisfies Chapter Six of the Constitution, , we even advertised in the Newspaper what they were supposed to carry with them in view of compliance with Chapter six, has knowledge, experience and distinguished career of not less than 5 years, in the field relevant to the portfolio of the Department to which the person has been appointed. We looked at that. Our Report is informed by consideration of those provisions of the law and nothing else.

### **Appointment Process of the Nominees**

The Honorable Speaker, in communication with the House on the 20<sup>th</sup> September, 2017 informed the House that they had received the names of the said ten nominees and directed that the names and Curriculum Vitae of the said nominees be referred to the Committee on appointments for vetting and reporting to the House within 14 days

The public was invited to participate. The public gave this Committee several Memorandums, including the public, ascribed to Bunge la Wananchi, who were of the opinion, that out of the ten nominees, only one would be suitable for appointment based on knowledge, experience, and distinguished career relevant to the portfolio they were nominated to.

The issue raised in the Memoranda touch on their expertise, and integrity. That is added there and given emphasis so that we disabuse ourselves of the notion, that we are the only ones who know, that the people outside there do not know what is supposed to form the appointment of the CECM. Even those ones under the tree know what should be done. I am surprised they have not raised issues with disability, but I know soon it will come.

While conducting the vetting of the nominees, this Committee was guided by the provisions of section seven of the Siaya County Public Approval Act 2014, which is a law enacted by this Assembly and signed by his Excellency the Governor then, who is also the Governor now. Commission also verifies Section 35 of the County Government Act, and it provides that we look at;

#### **The procedure used at arriving at the nominee**

Constitutional requirement relating to the office in question

Suitability of the nominee in terms of experience, ability and relevant qualities.

That Act is attached to the Report, we move to Section 7, you will find it there; even the County Government Act is attached. On requirements, No. 2 and 3 on the County Government Act, provides that a person;

Should be a Kenyan Citizen

Is a holder of at least a first degree from a university recognized in Kenya

Satisfies the requirements of Chapter Six of the Constitution

Has knowledge, experience and distinguished career of not less than 5 years in the field relevant to the portfolio of the department to which the person is being appointed

I will come back to that because that supports the document. The Committee also made considered reflections on the precedence of the vetting process undertaken by the First Assembly and the grounds on which nominees were then found either suitable or not suitable.

The Committee noted that in one of the decisions which were sustained by the first Assembly, one **Ms. Judith Magundho** was found not suitable for nomination as the nominee for Agriculture, Livestock and Fisheries on the basis of lack of knowledge, and experience in the docket. She had a Bachelor's degree in Commerce but may I add that she had been nominated to the portfolio of Agriculture.

Perhaps our clerk did not add this also; that **Engineer Ouma**, department of engineering was nominated to the Department of Tourism and we turned back the paper, on the grounds that he did not have the experience and a career in the department of Tourism.

I wish to add for that on the record, that in looking at the documents of Chapter six, **Rosemary Owino** who is a Member of the Siaya County Public Service Board, came before this House 3 times, because she was unable to obtain in time, her KRA Certificate, we kept taking her back to the Governor until KRA gave us communication that she was cleared. She was then approved, went back to the Governor, then brought back to us, we approved her, and she was sworn in. She is serving her third year in out of the six year contract.



I also wish to add that during the Sittings held from Thursday, 28th September, 2017 to Friday, 29<sup>th</sup> September, 2017 in the County Assembly Boardroom 3, the Committee orally interacted with the ten nominees for appointment as Members of the Siaya County Executive Committee and made the following observations:

**Dr. Nicholas Kut Ochogo** holds a Bachelor's degree in Education Arts, a Master's Degree in Education, (Educational Administration) and a PHD in Distance Education from the University of Nairobi. He was nominated in the Department of Agriculture. In terms of experience, he is a Member of Siaya County Public Service Board, and is a full time lecturer of Education, at the University of Nairobi. He was located to the Department of Agriculture.

**Mr. Joseph Onyango Ogutu**; He is a Master's Degree Holder in Project Planning and Management from the University of Nairobi, Bachelor of Science in Mathematics and Computer Science from JKUAT and Diploma in Science and Technical Education.

He is an associate Member of Kenya Institute of Management.

He has been an Assistant Lecture at the School of Computing and Informatics at the University of Nairobi from 2007 to date

He has served as a Chief Officer in the Department of ICT, Tourism, and Wildlife Conservation and is currently the Chief Officer in the Department of Public Service and Governance of the County Government of Siaya. He was nominated to head the Department of Finance.

**Dr. Elizabeth Achieng Odhiambo**: She holds a Doctor of Philosophy degree in Literature from Maseno University, Masters in Literature from Maseno University, and Bachelor Education Arts from Moi University. She has been and still is a lecturer at Jaramogi Oginga Odinga University.

Dr. Elizabeth Achieng Odhiambo appeared before the Committee on Thursday 28<sup>th</sup> September, 2017.

She submitted the following statutory documents;

ID card; Curriculum Vitae; Compliance Certificate from KRA; Clearance Certificate from Higher Education Loans Board (HELB); Duly filled self-declaration form on Leadership and Integrity; Certificate of good conduct from CID; Clearance from Credit Reference Bureau; Duly filled vetting questionnaire form.

The Committee observed from the documents at its disposal that:

- i. She holds a Doctor of Philosophy in Literature from Maseno University, Master of Arts in Literature from Maseno University and Bachelor of Education (Arts) from Moi University.
- ii. She has 22 years of teaching experience and from September, 2011 to date is a lecturer of Literature at Jaramogi Oginga Odinga University of Science and Technology.
- iii. She is a member of Graduate Women International (Kenya Association of University Women) and was elected as the Deputy Chairperson in August, 2017.

After deliberations and oral submissions, the committee observed that the nomination of Dr. Elizabeth Achieng Odhiambo to the Department of Enterprise, Energy and Industry, does not meet the requirement of Section 35 (3d) of the County Governments Act, 2012 which stipulates that:

*A person may be appointed as a member of the county executive committee if that person—has knowledge, experience and a distinguished career of not less than five years in the field relevant to the portfolio of the department to which the person is being appointed.*

**Mr. Adrian Ouma**

Adrian Ouma appeared before the Committee on Thursday, 28<sup>th</sup> September, 2017.

He had submitted copies of the following documents:

- ID card, Curriculum Vitae, Valid Compliance Certificate from KRA, Valid Clearance Certificate from Higher Education Loans Board (HELB), Duly filled self-declaration form on Leadership and Integrity, Valid Certificate of good conduct from CID, Valid Clearance certificate from Credit Reference Bureau and Duly filled vetting questionnaire form.

**The Committee observed from the documents at its disposal that;**

He holds a Bachelor of Civil Engineering degree and is a registered civil engineer

After deliberations and oral submissions, the committee observed that the nomination of Mr. Adrian Ouma to the Department of Physical Planning, Lands, Housing And Urban Development, does not meet the requirement of Section 35 (3d) of the County Government Act, 2012 which stipulates that;

*A person may be appointed as a member of the county executive committee if that person—has knowledge, experience and a distinguished career of not less than five years in the field relevant to the portfolio of the department to which the person is being appointed.*

**Mr. George Misore Rubiik**

George Misore Rubiik appeared before the Committee on Thursday, 28<sup>th</sup> September, 2017.

He submitted copies of the following documents:-

ID card, Curriculum Vitae, Valid Compliance Certificate from KRA, Valid Clearance Certificate from Higher Education Loans Board (HELB), duly filled self-declaration form on Leadership and Integrity, Valid Certificate of good conduct from CID, Valid Clearance certificate from Credit Reference Bureau and duly filled vetting questionnaire form.

The Committee observed from the documents at its disposal that;

He holds Master's Degree in Political Science from University of Iowa (U.S.A), Masters in International Relations from University of Dares Salaam (Tanzania) and Bachelor of Arts in Political Science from University of Dares Salaam (Tanzania).

He, however, did not submit clearance certificate from Commission on University Education.

After deliberations and oral submissions, the committee observed that the nomination of Mr. George Misore Rubiik to the Department of Water, Irrigation, Environment and Natural Resources, does not meet the requirement of Section 35 (3d) of the County Government Act, 2012 which stipulates that:

*A person may be appointed as a member of the county executive committee if that person—has knowledge, experience and a distinguished career of not less than five years in the field relevant to the portfolio of the department to which the person is being appointed.*

**Ms. Dorothy Akinyi Owino**

Dorothy Akinyi Owino appeared before the Committee on Friday, 29<sup>th</sup> September, 2017.

She submitted copies of the following documents:

- ID card, Curriculum Vitae, Duly filled self-declaration form on Leadership and Integrity, Valid Certificate of good conduct from CID, Valid Compliance Certificate from KRA, Valid Clearance from Credit Reference Bureau and Duly filled vetting questionnaire form

The Committee observed from the documents at its disposal that:

- i. She holds a Bachelor's of Arts in Sociology, and a Master of Arts Degree in Population Studies from the University of Nairobi. She, however, did not submit Clearance Certificate from Higher Education Loans Board (HELB)
- ii. She has been serving as a Chief Officer of Health Services and Environment in the County Government of Siaya from 2014 after a short stint as Chief Officer in the department of Education, Youth Affairs, Gender and Social Services.

After deliberations and oral submissions, the committee observed that the nomination of Ms. Dorothy Akinyi Owino to the Department of Health and Sanitation, does not meet the requirement of Section 35 (3d) of the County Government Acts, 2012 which stipulates that:

*A person may be appointed as a member of the County Executive Committee if that person—has knowledge, experience and a distinguished career of not less than five years in the field relevant to the portfolio of the department to which the person is being appointed.*

**Ms. Mary Apiyo Omondi Olute**

Mary Apiyo Omondi Olute appeared before the Committee on Friday, 29<sup>th</sup> September, 2017.

She submitted the following documents:

A valid passport, Curriculum Vitae, Application for Compliance Certificate from KRA, Clearance Certificate from Higher Education Loan Board (HELB), duly filled self-declaration form on Leadership and Integrity, Certificate of good conduct from CID, Clearance from Credit Reference Bureau and duly filled vetting questionnaire.

The committee also observed that;

- i. She holds a Bachelor's of Education (Arts) Degree, Executive Master of Arts in Leadership and Policy in Education.
- ii. She has been serving as a Provincial Director of Education in Nairobi from 2009 to 2012,
- iii. She has been a Secretary General, Kenya National Commission for UNESCO from 2007 to 2009 and the deputy Secretary from 2005 to 2007.
- iv. She served as the Secretary for Teachers Service Appeals Tribunal (TSAT) from July 1999 to 2003 and an Assistant Director of Education in the Ministry of Education from June, 1996 to 1999.

After deliberations and oral submissions, the committee observed that the nomination of Ms. Mary Olute to the Department of Education, Gender, Youth and Social Services; met the requirement of Section 35 (3d) of the County Government Act, 2012, and hence is suitable for nomination in the stated docket.

**Mr. Dismas Omondi Odhiambo Wakla**

Dismas Omondi Odhiambo Wakla appeared before the Committee on Friday, 29<sup>th</sup> September, 2017.

He submitted copies of the following statutory documents:

ID card, Curriculum Vitae, Valid Compliance Certificate from KRA, Valid Clearance Certificate from Higher Education Loans Board (HELB), duly filled self-declaration form on Leadership and Integrity, Valid Certificate of good conduct from CID, Valid Practicing Certificate from Law Society of Kenya, Valid Clearance from Credit Reference Bureau and duly filled vetting questionnaire form

**The Committee observed from the documents at its disposal:**

- i. He holds a Bachelor's of Law (LLB) degree from the University of Nairobi.

- ii. He is an advocate of the High Court of Kenya and has been in private practice with more than 22 years' experience.

The committee noted that although the nominee had requisite qualifications, his experience is restricted to private practice and hence is deficient of the critical public practice experience.

After deliberations and oral submissions, the committee observed that the nomination of Mr. Dismas Omondi Odhiambo Wakla to the Department of Public Service and Governance, does not meet the requirement of Section 35 (3d) of the County Government Act, 2012.

### **Mr. George Amenity Oyeho**

George Amenity Oyeho appeared before the Committee on Friday, 29<sup>th</sup> September, 2017.

He submitted copies of the following documents:-

- ID card, Curriculum Vitae, Compliance Certificate from KRA, Duly filled self-declaration form on Leadership and Integrity, Certificate of good conduct from CID and duly filled vetting questionnaire form.

### **The Committee observed from the documents at its disposal that:**

- i. He did not submit the following documents; Compliance Certificate from KRA, Clearance Certificate from Higher Education Loans Board (HELB), Clearance Certificate from Credit Reference Bureau and Accreditation from the Commission of University Education for a foreign degree.
- ii. He holds a Bachelor's of Science in Management and a Master's degree in Public and Non Profit Administration from Metropolitan State University in the United States of America.

After deliberations and oral submissions, the committee observed that the nomination of Mr. George Amenity Oyeho to the Department of Public Works, Roads and Transport, does not meet the requirement of Section 35 (3d) of the County Government Act, 2012.

### **Mr. Jaoko Oburu Odinga**

Jaoko Oburu Odinga appeared before the Committee on Friday, 29<sup>th</sup> September, 2017.

He submitted copies of the following documents:

- ID card, Curriculum Vitae, Clearance Certificate from Higher Education Loans Board (HELB), duly filled self-declaration form on Leadership and Integrity, Certificate of good conduct from CID, Clearance from Credit Reference Bureau and duly filled vetting questionnaire form

The nominee shared with the committee that he had lost his certificates in Canada and efforts to trace them has not been of any success so far.

After deliberations and oral submissions, the committee observed that the nomination of Mr. Jaoko Oburu Odinga to the Department of Tourism, Culture and Sports, does not meet the requirement of Section 35 (3d) of the County Government Act, 2012.

### **COMMITTEE'S OBSERVATIONS**

The Committee observed that out of the 10 nominees submitted by the Governor for consideration for stated positions, only one met the requirements of the provision of Section 35 of the County Governments Act, 2012.

The Committee also observed that a consultant by the name Log Associates was allegedly contracted by the County Executive to conduct interviews for the nominees. Most Nominees were contacted for the interview, which was reportedly conducted in Kisumu, through either SMS or through phone calls.

An attempt was made by the committee to get clarifications of this submission via written correspondences. The County Secretary denied existence of any contractual engagements with the said firm for the said purpose. This, however, did not satisfy the members. A further investigation is recommended as a subsequence.

The committee expresses its dismay on the basis that H. E the Governor submitted names of whom majority had no requisite experience for the related departments, yet the previous Assembly had rejected nominees on similar grounds.

The committee observed that there was adequate public participation in the whole process of vetting as required by law.

The Committee also observed that the position of Public Service as presented and to which a nomination was made is inconsistent with section 44(3)(a) of the County Governments Act, which stipulates that the County Secretary shall be the head of the County Public Service.

### **COMMITTEE'S RECOMMENDATIONS TO THE HOUSE**

1. The Governor is obliged to abide by the requirements of the Section 35 of the County Government Act, 2012;
2. The Committee finds Ms. Mary Apiyo Olute to have fulfilled the requirements of the nomination but recommends that her swearing in be done subject to existence of quorum of the cabinet.

3. Nominations of all those who did not meet the statutory requirements be declared null and void.

**Hon. Madialo:** ---Mr. Speaker, if you allow me to expand on that *kidogo tu!* It would be dangerous to allow them swear- in even if we would have given them 4 or 5. It would be dangerous to allow them swear- in those ones if we are not certain that the gender rule or the regional balance will be fulfilled. And so, a quorum that takes care of those two basic constitutional rights of women and people living with disability and region balance within the County is taken care of.

So, we recommend the appointment of Mrs. Omondi but with that target that she awaits the formal appointment of other members of the Cabinet. We have done vetting before and besides Dr. Olang’o Onudi, that is the best qualified and strict to the law appointee and nominee that has come before us to the extent that you could not get a serious question to ask her because she knew everything you wanted.

And, if Hansard was to bear witness, there was not much we could ask her. Perhaps it was only the Majority Party Leader who was able to test her knowledge on how our students perform in exams within the County; which was ideally not within her mandate but, which she also answered gracefully. She deserves to be congratulated.

Another post that we want to point a finger at is the post to which nomination was made; the Public Service and Administration. If you look at the County Government Act Section 44 it says;

“The County Secretary shall be the head of the County Public Service...”

In other words; another head of County Public Service cannot be constituted because the Parliament of Kenya in Nairobi has already constituted an office called— County Secretaries’ Office and its mandate is exclusively that of the County Public Service Secretary.

The nomination for the Department could not have been passed genuinely. if you looked at the department he had been nominated for. I wish to add that before that, this department was called ‘Governance and Public Administration’. I wish they left it the way it was.

Now, this Committee looks at the nomination of those who did not meet the statutory requirements as null and void. It is therefore perceived as if there were no nominations and gives the Governor back his mandate and duty to nominate members of the County Executive Committee in accordance with the law.

I repeat, we have declared it null and void. It means we are looking at it as if nothing happened. There will be no penalties except if there will be penalty out of some wrong doing by another body concerning this nomination. I want to rest this presentation by stating its roles that without us going into the nitty-gritties and looking at what we have read the way it is. It will tell you that the rest are collectively not suitable.

They have been declared null and void but we would have said “not suitable” if we wanted to lock them out. We have left them out because of this; as you can see that Report; there is nothing on these people on issues of integrity. We have not addressed our minds to integrity, ethics and the rest. If you look at the Report; documents that touch on integrity were there. KRA, declarations, from EACC, CRB, HELB ; all those documents were there. So,

there is nobody amongst these people whose name could have been struck out on issues of integrity. We are only saying that place them where they are suitable.

Lastly as I sit down; I want to emphasize this point. As a Member in the informal --- had pointed out; there are some irreducible as our Prime minister sometimes says; these are irreducible terms. And I said earlier and I am repeating it that it is irreducible and we cannot ignore that factor that women must be taken care of. It is irreducible that youths must always be considered in appointments. If we consider them here; we must consider them in other bodies of the Government.

We can't say that youths have a right to be nominated and when it comes to appointment we close our eyes. We cannot say that people living with disability have a right to be nominated here in the Assembly but when it comes to other responsibilities; we close our eyes.

Mr. Speaker, I rest those submissions by repeating that we stand with our heads high and up because from the oath we signed nobody undertook for consideration, favour or any promise that any specific individual would be passed in any other way other than via the law. Mr. Speaker, I urge my sisters and brothers to adopt the Report as a Report of this House.

**Mr. Speaker:** Hon. Oriaro, Member for Central Alego.

**Hon. Oriaro:** Thank you, Mr. Speaker, Sir. As I speak on behalf of Central Alego that I adequately represent in this House, may I start by saying the Committee on Appointments has done us proud. In the body of the Report, one of our irreducible functions; is the aspect of vetting the nominees, number two is representation.

I am very happy by the exercise and this is unprecedented. The public by way of requisite channel had also come up on these issues that require our attention and the Committee has captured it.

Let me go back to the aspect of vetting. The principles of vetting as enshrined in our laws; they are basically three. The aspect of the origins of the names has been properly captured and the other one is the issue of integrity which has been captured clearly and lastly the issue of suitability. I must observe that the Constitutional order we are enjoying and its corollary statutes, the National statutes such as the County Government Act and even other corollary Acts like the County Government of Siaya Act on the same have got us somewhere.

It is that on Parliamentary practice we enjoy issues of democracy and this is rolled over democratic practice but in our Parliament we have Committees and Committees as even stated in the Standing Order have the powers of High Court, so when Committees transact, they must take cognizance of laws governing their practices. What the Committee has brought forth is a tether to legislations. We know for instance outside there when arguments are made in the court of law, nowadays the aspect of judicial activism; when a Judge makes arbitrary rulings the public can come up and petition.

We can see that in the case of Judge Ndungu. No one the way this thing is shall come to question what the Appointments Committee of Siaya had done; it is a tether to law, nobody will challenge this and we are very happy. In short, there is no shortcut, too soon when other names are brought forth; the lady in matters of Education Olute is a backbone she needs her companions.

The chance we are giving out as per the Report is that the Governor goes back without intimidation to look for ears in the Cabinet such that there will be requisite ears to be



by the lady Olute so that the County moves forward. We are not having anything in our minds, in fact let me declare my interest; the CECM nominee for County Public Service Board is my lawyer and representing me adequately but when it comes to this, there is no shortcut.

The naming of such a portfolio is misplaced; in this context, I advise the Governor that instead of referring to it as the CECM on Public sector, this is misplaced because he cannot be the boss of the County secretary as it is in the law if he goes back to consider it, let him name that department 'Governance and Administration.' We will be so much willing and courteous in so far conducting such business, I support.

**Hon. Ochola:** Thank you, Mr. Speaker, Sir; may I take this opportunity to make my maiden contribution in this Assembly. May I also take this opportunity to thank my constituency, North Gem for giving me this chance to come and represent them in the Assembly. I want to thank Members of the Committee on Appointments for the Report which they have tabled in this House and for having taken their time during the vetting process of the CEC members.

I want to agree with this Report but only up to some extent and thereafter I may propose some amendments. I commend how the Committee went by the law in vetting these nominees and there was no malice or ill intentions. My attention has been drawn to section 35(d) of the County Government Act and I want to read sub section 2(d) where it states among other things that ;

The County Assembly shall not approve nominations for Appointment to the Executive Committee that do not take into account—

(d) has knowledge, experience and a distinguished career of not less than five years in the field relevant to the portfolio of the department to which the person is being appointed.

Mr. Speaker, Sir; as I look right at the Report and the reasons given for objections by this committee- and I want this House to be very meticulous so that the Report we give out there cannot be challenged. In this last submission, the Committee did not consider the difference between knowledge and education because my understanding is that knowledge is gained through experience, is informal, while education is a formal process where somebody goes to college, school or university but this section talk of knowledge and not education from my understanding.

I request this House to have in this Report included the fact that we are .... because I am not new to these nominees here. If I go to Adrian Ouma who is proposed for County Executive Committee Member for the department of Physical Planning, Land, Housing and other developments; looking at his education background as he holds a bachelor of civil engineering degree and is a registered Engineer but the Report doesn't give us any other background knowledge that he has.

Probably to my understanding, this person is a civil engineer but he has knowledge in Physical Planning and Land matters. so that part of the documentation that should accompany this Report should not only be the degree certificates that we have been given here but should be accompanied by their curriculum vitae which would give us a picture or a preview of the knowledge that they have.

That will cushion this House from any litigation which can come out of our Report. I avoided something which was going to come into my point but I just realized later when Hon. Madialo was submitting that it must have been an error because if you look at Mary Apiyo Omondi Olute who has been proposed for CECM, department of Education, Gender and Social Services.

Very impressive academic papers, actually has experience in leadership, she has been the Provincial Director of Education in Nairobi, the Secretary General of KNUT, a Secretary in TSC and that resonates to me that this is a perfect nominee for the Department of Education, Gender, Youth and Social Services.

The reason for the rejection of Mr. Dismas Odhiambo Wakla, I don't know him either. He was nominated for CECM Public Service and Governance, very impressive career of Bachelor's in Law in University of Nairobi, an Advocate of the High Court and has been in private practice for more than 22 years. We have dropped this nominee because his experience has been limited to private practice and not public practice. I am not sure if his private practice experience can be rendered useless in the public sector.

I want to support this Report but let us include all this important information and let us have a clear distinction between knowledge and education. I agree with recommendation 1 and 2. This would be semantic but Hon. Madialo had explained because at some point I feared that declaring them null and void means that we totally want to see a different list but if the Governor for lack a better word can rearrange and reallocate his appointees to the relevant Ministries, that fulfills Section 35 of the County Government Act.

If it comes as it is then, to quote Justice Maraga at one point he said "If those that we say are not done and it is brought back, we will again nullify the election of Uhuru Kenyatta"

With those few remarks I wish to support but with amendments. Thank you.

**Hon. Speaker:** Yes, Hon. Ben Adalla.

**Hon. Adalla:** Thank you, Mr. Speaker, Sir. I am very impressed with the work that has been done by the Committee on Appointments. The environment under which you were working was not very easy but I am happy I was seeing women of substance in that vetting exercise. We have a document here that was well done.

There is something that has not gone down well with me on this Report. There is some element that is missing which has made me not be able to judge it fairly and objectively. I am here on behalf of the youth. I have had a look at this list and I can't see the ages so I don't know if that sector is well looked into or not. I also cannot tell who is representing persons with disability, so I don't know if it was intended that way or it was an omission. So I cannot make a very informed choice.

I have looked at the names of the 10 people and only one has passed the test according to the Committee. We have focused on d.) which talks of, this person has knowledge and experience but I want to refer you to the same Section on when the Assembly shall not accept names that have been sent here.

I am also seeing that one is that if the list submitted does not have 2/3 of gender, minorities are not represented and there is no cultural diversity then we can say no to the list. I am not seeing where it is saying that if a person has got no knowledge or experience then this Assembly shall say no to the list.

I am trying to look at it from the English perspective, when we look at ‘shall not’ and ‘may be’ there is a difference. If we are talking about shall not then I have got the condition stated here, Section 35 (3) (d) to me becomes null and void.

Having sat in the 5 Sittings I saw very sharp men and women who faced our panel. All of them did well except one that lacked intellect, forgive my language, but the rest were exemplary. If at all we are going to reject this list based on Section (3) (d) and I am guided by the fact that we should be looking at it from the law perspective then my thinking is that in your ruling make me understand which one is more important.

Going to school, reading and passing your exams might not necessarily mean that you can be a good leader when tasked with whatever you have been given. There is a person by the name Ms. Dorothy Owino that has been nominated for health. My understanding is that in the last 2 years this lady has been in the Health Sector in spite of the fact that she does not have medical back ground as required by the law.

We have come out to state that, but now that it has come time to move her a step higher then we are locking her out based on that.

I will need the guidance of Hon. Speaker so that I make an informed choice and in light of the fact that I have key information. This Report still does not meet what I expected as Hon. Bernard Adalla.

**Hon. Speaker:** Yes, Hon. Otiato, MCA for Yimbo East.

**Hon. Otiato:** Thank you, Mr. Speaker, Sir, I want to appreciate the work done by the Committee. My problem lies in a few areas, it might be English because this is what has been used it might not be our language. The language that has been used all through to reject the 9 names has been on one ground, that is Section 35 (3)(d) “the person has knowledge, experience and distinguished career of not less than 5 years in a field relevant to the portfolio of the Department which the person is appointed.

In my little knowledge field relevant is an adjective meaning closely connected or closely related to that particular field and that is why we do our research. We are being told of these portfolios and there is no explanation of what is expected from these portfolios and therefore we are told that this person does not fit requirements of those portfolios. What are the requirements of that portfolio?

The research that I go through sometimes before I Interview a particular person, I look at the related fields as it is required then I go into the advertisement. Take the perfect example of CECM Finance Mr. Joseph Ogutu; he doesn’t have a lot of background but we know that this guy has been working a lot. In one of his qualifications he holds a Masters in Project Planning and Management and the Department is called Finance and Economic Planning.

I did my own goggling and realized that in most Counties which have advertised a positions in a particular Ministry, they are look at related fields like Finance, County Economic planning, Agriculture and Economics and Mathematics. What has been done and presented today is that when you are dealing with Finance you must have a qualification in Finance with total neglect of related field as required and then they argue that these people don’t have papers in those areas. I request that we should actually we look at the role as it is.

I have looked at some of these qualifications and I appreciate that we have men and women who are capable and have decided to leave some of their areas to come and help us. A

qualification like a PHD coming to the County should be appreciated. When you tell me that somebody is having a PHD in Literature and therefore cannot lead in Agriculture or elsewhere but you are not telling me what you require in Agriculture.

As somebody who has written a thesis of 3000 words then this person will say he has the ability to organize an amount of information and present it in an organized way. If the Ministry of Agriculture wants someone who can organize information from other units then he qualifies.

You look at an experience of testing hypothesis, if he can be able to do that then he is good in problem solving and critical thinking. We should not limit our own brains with what we perceive a profession should be. Social sciences cut across all professions. I am saying this because I was advantaged to have gone to school a bit.

I did Diploma in Mechanical Engineering and I have also been in social sciences and I have gone through most of these units and if you do Law you find that the common units are the same all over. So when we are talking about related or interconnected experiences then we need to be very specific. Otherwise we are going to lock everybody out on this.

I will request that this House adopts the Report but with major amendments starting possibly with a case to case and then we need to debate this case to case. I have given you an example of somebody with experience in project planning and we are talking about economic planning. We had talked about civil engineering unless you don't know and you never had time to read the requirements for this position that is when you will say that a civil engineer has no knowledge on physical planning.

I have seen this lady like Hon. Adalla has said, Ms. Dorothy Akinyi Owino, what do we require in the medical field? We have social workers in this field that have been interacting with these people at all times. We have heard that this lady has been in this Ministry for this long. I happen to have done some courses in sociology and we have a particular unit called Medical Sociology and here we do medicine therefore we should not say that that particular degree is not related. We have social work which is related to medicine.

The general argument of this Section that has been used to knock out all these people to me does not add up and the reasons for the rejection for the CECM for particular Departments was not highlighted so that we just discuss and give a general position. I think it is malicious and somebody is having a hidden agenda. I request that we take case to case look at the ratio between those particular professions. Thank you.

**Hon. Speaker:** Yes, Hon. Erick Odawa.

**Hon. E. Odawa:** Thank you, Mr. Speaker, Sir. Let me thank the people of Sigomere Ward for giving me this opportunity to serve them. I would also like to praise the Committee who did this exemplary work. You realize that they were working under very difficult situations. They were able to deliver a Report without fear, favour or intimidation from within or without. They equally maintained the fidelity of the Constitution and I am citing here Section 34(d).

At this juncture I would like to request my brothers that this House must follow the law and that Section 34 (d) and we need to take it down to Parliament. We need to advise them to change as County Assembly it is our duty to follow the law as it is. The problem is that the people who were nominated, it is not that they were not qualified but they were just

misplaced. Therefore we would like to advise the Governor to rearrange the various roles to suit the various appointees and if you had in mind to bring new ones we would not object if they are put in the right position.

The other observation I have to make is we need to advise the Governor to make the observation that women, youth and people with disability be considered. It is a bit unfortunate that the person representing people with disability did not pointed out this issue earlier maybe I stood before him, next time when we are approving we abide by the law.

I would like to advise this House not to be intimidated by theatrics and external forces that we are hearing outside there and adopt this Report as it is so that it is taken back, looked at by the Executive, done a fresh and brought back to the House.

The other thing I wanted to say is that I am proud to be a member of Siaya County because from this Report you realize that Siaya County is awash with people with skills and knowledge. I believe that we are able to export these brains to the rest of the world. Thank you.

**Hon. Mboha:** Thank you, Mr. Speaker, Sir. I want to start by appreciating the Appointments Committee for working round the clock. I want to state that we can pass some of the Committee's recommendations with amendments. My suggestion is that we go through the names on a case by case scenario.

For instance, the nominee for Health, Dorothy Akinyi Owino. From Hon. Madialo's statement, her nomination was rejected because she doesn't have a d health related degree. I'm interested in Section 35 (3) (b) and (d) of the County Governments Act, 2012 on the appointment of County Executive Committee Members. It states that; a person may be appointed as a member of the county executive if that person-

(b) is a holder of at least a first degree from a university recognized in Kenya.

This part of the law does not talk about a relevant degree. It just says that one should have a first degree.

Part (d) talks of knowledge, experience and a distinguished career. I concur with Hon. Nick Ochola that we need to know the difference between knowledge and education. From whatever has been written here, she has been serving as the Chief Officer in the Department of Health; so, I am wondering what the problem now is yet all this time she has been serving in that department at a very senior level. I think her promotion to be the CECM Health should just hold. She has a degree and a master's degree in sociology and I don't think that should hinder her promotion.

We also need to look at Adrian, the nominee for Lands and Physical Planning. He has a bachelor's degree in civil engineering and is also a registered civil engineer. Looking at all the requirements, I don't know why his name has not been approved yet he has the knowledge and education.

I also want to look at the Joseph Ogutu, the nominee in the Department of Finance. He also has a degree certificate and a distinguished career. He is also an associate member of the Kenya Institute of Management.

Based on the above, I think we can adopt the Report, but with amendments. My proposal will be that we go through the names on a case by case basis.

Mr. Speaker, Sir, for the ease of work for Members of the County Assembly, you could also advise the Governor on the requirements necessary for every nominee so that we don't take a lot of time in rejecting the names he submits to this House. Thank you.

**Hon. Speaker:** Hon. Members, I want to urge you to be brief because darkness is setting in. Yes, Hon. Olasi.

**Hon. Olasi:** Thank you, Mr. Speaker, Sir. As you have said, I want to be very brief. First of all, allow me to thank the people of West Uyoima for re-electing me into this House. Back to the point. I want to base my arguments on Section 35 of the County Governments Act, 2012 and possibly give examples where necessary. You need not to be a lawyer to interpret Section 35. It says; a person may be appointed as a member of the county executive if that person-

(b) is a holder of at least a first degree from a university recognized in Kenya. There is no where it is stated that you must have a degree in water or a subject related to water for you to head the water docket. What is needed here is a first degree. Even at the National Assembly, this particular argument is not applicable.

I stand to be corrected, the CS Tourism, Hon. Balala does not have a degree. But in the County Assembly where we are, a degree is a must. So, the first thing the Committee looked at was to confirm if the nominee had a degree.

The (d) part of Section 35 says that apart from having a degree recognized in Kenya, the nominee must, have knowledge in that department, experience and a distinguished career of not less than five years in the related field. Mr. Speaker, Sir, we are saying that all the nominees have degree certificates and they qualify. But do they have the knowledge, experience and distinguished career in the fields they have been nominated to? That is where the argument should be headed to. Here, common sense dictates.

For example, Jaoko Oburu; a friend of mine. I interacted with him in the last Assembly. He was the Governor's investment adviser, but the thing is, he has been misplaced. He has been placed in the wrong docket. There is nothing wrong in advising the Governor that we need somebody else in the docket of Trade and Commerce. Let's just accept the facts.

Another example; people talk of Wakla Odhiambo, I knew Wakla in the year 2003 as a lawyer, he has stated that he has worked for 22 years in his private firm, that is what he told us and a Member of the Committee asked him whether he could perform in a public office, he stated that he has only worked in the private sector. He said in the public sector he was dealing with the public, in courts he would meet the public.

He qualifies but we are asking, like last year we had the CECM for Governance and Administration, Hon. Okello, what is wrong with renaming this public service and governance because we are told in Article 44 (a) that the public service is under the County Secretary. We talk of Dr. Kut, a career teacher, for your information a teacher of History and Theology! A teacher of History and CRE! And has not demonstrated in any way that he has handled agriculture in any way!

Allow me to say this, we have a retired soldier here, Hon. Booker, he has demonstrated to the people of North Uyoima that he knows matters to do with water. Go to his place, he has demonstrated that. We talk of knowledge and experience, he can demonstrate. Mr. Kut has not demonstrated that he can take Siaya to another level of

Agriculture! We are just saying that Dr. Kut Ochogo has been an administrator, he can lead us in another field all together not necessarily Agriculture.

Last but not least, we have Dr. Elizabeth Achieng Odhiambo, a teacher of literature. Am not cooking these things, they are in the report. She has been nominated in the portfolio of Energy and Industry. This is a teacher by career, she can take Siaya somewhere if put in the right docket. Before I rest my case as I support this document that let us advise the sender just to take the right people to the right department. Thank you.

**Hon. Speaker:** Hon. Omwende! 2 minutes will be sufficient.

**Hon. Omwende:** Thank you, Mr. Speaker. First and foremost I need assurance from you because it is at night and we need assurance of our security. Assure me!

**Hon. Speaker:** Hon. Omwende, for sure I cannot guarantee you your security but I as your Speaker I will ensure that you have a minimum of 10 armed security officers in the precincts of the County Assembly and I have equally ensured that people in the public gallery and in this House are people who were vetted before they came here. I am equally hoping that you are not armed here so that we are safe.

**Hon. Omwende:** Thank you, Mr. Speaker. The environment that is out is a bit hostile with us. I just need to be brief. First and foremost, I need to salute my party ODM that has given me the opportunity to represent persons living with disability in this House. Second, I normally speak when there is a need; I don't speak for the sake of it. Straight to the point, when the mover was moving the Motion, I really admired what he said especially representation of minority, marginalized groups and community.

He concluded by saying that, we should not close our eye over the minority, youths and marginalized groups. On these ground I really say that I even have data, I remember in the last government the person that was there as CECM was only one, that is the CECM for Finance, Mr. Ombogo. Right now Mr. Speaker, no one at all that will represent people living with disability in any of those departments.

So, my request was, if we advise the governor to realign those individuals in different ministries, where will the people living with disability be placed because there is no one in this list as person living with disability. I kindly request if possible not even to adopt but to reject the names because in the Disability Act 2010, under employment, there is 5%. Where is our 5% in our County? In the County Government Act it recognizes employment for people living with disability. For that reason, I am not for the adoption but for the rejection. Thank you.

**Hon. Speaker:** Hon. Wandera! Please let us be brief.

**Hon. Wandera:** I thank Sidindi Ward for electing me to this House. I made an observation in Section 35 (3). A person may be appointed as a Member of the County Executive Committee if that person...early in the day there was a clear explanation about the word 'shall be' and the lawyers were saying that 'shall be' means 'must'.

Grammatically 'shall be' when referring to 1<sup>st</sup> and 2<sup>nd</sup> person means a must. It has also said 'maybe', I think 'maybe' does not really mean a 'must'. So when we talk of these qualifications, they may not be a must. I wanted to talk about academic qualifications because when you wrote the advert you spoke of academic qualifications.

**Hon. Speaker:** Hon. Wandera, we did not write advertisements. Please proceed!

**Hon. Wandera:** Okay, I just wanted to point out that academic qualifications are there i.e. the first degree and I know this is one thing that takes people to a higher level of intellectuality. But when somebody says knowledge, experience and may add talent although talent was not mentioned.

I can say that the last three can outdo the first one but once somebody has acquired the academic qualification as required here, I think he/she may be competent in any other field. By the end of the day you will find that somebody who has a Master's in Education is talented in Agriculture.

I will give an example of myself. I am an educationist by profession but I am talented in agriculture, so I believe that if I am given that field of Agriculture I can deliver much better. What I am saying is, the report is very good but we should be considerate sometimes when we come to the idea of specialization. Thank you.

**Hon. Speaker:** Hon. Shirley! Please Members, let's be brief.

**Hon. Oyuago:** Thank you, Mr. Speaker, Sir. I appreciate the report made by the Appointments Committee. I would like to request that Appointments Committee deletes this statement on the one Nominee for Public Service and Governance, Dismas Odhiambo Omondi Wakla. The Committee noted that although the nominee had requisite qualifications, his experience is restricted to private practice and hence is deficient of the critical public experience.

I don't want to talk much on the requirements of the Act because they have been said by my colleagues. Secondly, I would reject even the name that was approved based on; the list did not meet the requirements. It must have considered the people living with disability, the youths, in the list

Thirdly, I would support your recommendations. It's not clearly the recommendations, but we talked in our informal meetings, that we must investigate this company that interviewed these people. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Madialo, I hope you are taking notes, because we shall call upon you to reply.

**Hon. Madialo:** Yes I am. Point of order, Mr. Speaker. I have looked at the watch, and we are almost running out of our timelines where our legislations will be valid. So I am just calling on Mr. Speaker to limit our time. We have about ten minutes left.

**Hon. Speaker:** Hon Members, I will allow an extension because we started late, but kindly, restrict yourself to the subject matter and don't go beyond 2 minutes.

**Hon. Oyugi:** Thank you, Mr. Speaker, Sir. First, may I take this early opportunity to thank the people of East Asembo for electing me, in the County Assembly of Siaya. Moving on, I appreciate the good work that was done by the Appointments Committee and coming up with this good Report, and in adherence to the Constitution and the rule of law. However, I would like some clarification. When the Committee was doing their vetting, was there consideration on Regional balance?

As much as you did well on following the Constitution, I feel that some Sub-Counties will feel slightly left behind in terms of numbers of the CECM nominated in their areas. I don't see it mentioned anywhere in the recommendation, whether they considered equality and fair sharing of the CECM in the different Sub-counties.



As you look at the nominees, you will notice that some Sub-counties have 3 nominees while some have only one. I do not think that this is due to lack of competent and qualified persons in other Sub-counties. Therefore I support the Report, however, with some clarification. Thank you.

**Hon. Speaker:** Yes, Hon. Opanga?

**Hon. Opanga:** Thank you, Mr. Speaker, Sir. First of all, allow me to thank the people of North Ugenya for voting me to represent them in this Honorable House. Going through this wonderful Report, I would like to commend the Committee for the commendable job, but I support this Report also with a few amendments.

There are people, (we have read through the County Government Act, Section 35,) who are experienced in other fields. There are also people who are working in the same fields, but they have different degrees. Like in Health, I would support my other colleague on the same, and on the side of finance, the person nominated on the finance side, Joseph Onyango Ogutu, he holds a Master in Project Planning and Management, Bachelor Science and Computer Science. HE is an associate Member of KIM. With these qualifications, I believe that this person if given the opportunity he would perform better.

I am a Member of KIM and I believe he went through the Finance aspect, he went through the Project Management Aspect, and he went through the HR management aspect. I believe if this person is given the opportunity I believe he would perform. Thank you.

**Hon. Speaker:** Hon. Members, stop being repetitive please. Whatever somebody has talked about let it rest. Yes Hon. Kinyanyi?

**Hon. Kinyanyi:** Thank you Mr. Speaker. Mine is just a small thing. I think, the panel that were interviewing these people, there were rules that were guiding them. We talk round and round. Please Mr. Speaker, give us some guideline. We follow the guideline; the guideline came out with this. What we are trying to argue out, is like a motion that we are trying to create, something that we are trying to relate to. Let's face the facts, we use when we do our selection.

I think if we follow that, we will come to an end of this. Going round is not helping us. These people, the Honorable Members followed the laid down procedure, and that's how they came up with this. It happened that I was in that interview. There are some other questions that people were asking that we are not discussing here. Let's follow the law and allow the law to guide us in this.

**Hon. Speaker:** Hon. Members, I will only allow 3 members now to contribute. Yes Hon. Oor?

**Hon. Oor:** Thank you Mr. Speaker. I may not refer to any document, but I have a point concerning what I saw last time. I was not in this Parliament. There was a senior person in this Parliament, who was an engineer who did not perform, and was sent home. So how do you compare learned people and how they have done their work, because somebody who went to school and is a teacher and can perform, why don't you consider him? Those with the qualifications in their portfolios, are they performing the way they are supposed to perform? Let's compare the talent and education. Thank you.

**Hon. Speaker:** Hon. Members, when you get out, please come back quickly because we want to close the Session. Hon. Otare?

**Hon. Otare:** Thank you Mr. Speaker sir, I want to thank the people of Siaya Township Ward for having elected me back to Siaya Township Ward as an Independent MCA, and may God bless them. Secondly, the Committee of Appointments has left some issues. If you look at the petitions that were brought by the public, I think most of those were incorporated. The reason why we are sticking on the knowledge and experience, look at Mdm. Dorothy Owino who was the CEO of Health. All the Members in this House know that the Department that has failed the people of Siaya is the Department of Health.

It will be unfair to the people of Siaya to promote the same person who has in that docket to head the needs of the people of Siaya. Let us do something nice to the people of Siaya. I support the Report, so that we give the Executive time to reorganize the appointments. Thank you.

**Hon. Speaker:** Yes, Hon. Okumu! Two minutes.

**Hon. Okumu:** First of all, thanks to the people of Alego for making me the MCA of the area. Mr. Speaker you now have to note that the House is now divided, and therefore as Hon. Oriaro says, the list is totally null and void. For example, for Joseph Ogutu. Mr. Ogaji talked of relevant information that can help. A person well learned in Mathematics, and the Degree is showing. That person we cannot disqualify to lead the finance office. We must be realistic.

Even we fellow Members, let us check this thing, whichever area we want. We were not elected to be super powers, we were elected to go and rule. We can't just come and disqualify things. This list we cannot disqualify. Let us go and select anybody with relevant information that can lead. A very good example is this person, Joseph Onyango Ogutu. With a degree in Science and Mathematics, this person can fit in whichever financial office that is given and anybody related to such an example, let us go deep to the list. Thank you.

**Hon. Speaker:** Yes, Hon. Helen Winga!

**Hon. Winga:** Thank you, Mr. Speaker, Sir; first and foremost I thank the ODM for nominating me...

**Hon. Speaker:** Hon. Members, there will be another time for maiden speech when you will thank those who elected or nominated you. It will be very irresponsible of me to keep you here when there is a lot of noise coming from outside. Hon. Members, I am only giving three of you chance to talk and if you go beyond 2 minutes I will discontinue you, please and be relevant!

**Hon. Winga:** Okay! I want to thank the Appointments Committee for work well done. All the names given here are people with bachelor's degrees but there is a difference in having knowledge and experience. If I am to say something on this gentleman on Water, Irrigation, Environment and Natural Resources, there is a time when we interviewed him and I know that he can perform.

In the 2007 to 2010 we were having water just because of him, therefore I know that he can handle that position and let us not brush off this list but rearrange the list if it is possible so that we do not appear as biased or "*kupigana na mtu*", thank you.

**Hon. Speaker:** Hon. Andericus, then only two Members then I will stop it. Ring the bell for Members to come in I want to put the question.

*(Bell rings for Five minutes)*

**Hon. Odhiambo:** Thank you, Mr. Speaker, Sir. First I want to thank the people of South Sakwa for electing me to this House. I think all we have been doing is beating about the bush because all that has been said here is just but repetitions. When we started there were guidelines and I think that Hon. Madialo highlighted this to us.

So I think people are just concentrating on some areas while some candidates did not present all the documents required and no one is talking about it. I want us not to have a fixed mind and let us reason. It is not that these people are bad but they are misplaced, so what is wrong if we rearrange them and place them in the right positions and give them a chance to serve, otherwise thank you?

**Hon. Speaker:** Hon. Omoro, one minute please then we come to two Hon. Members then we close.

**Hon. Omoro:** Thank you, Mr. Speaker, Sir, and Hon. Members, I would want that the Report be adopted with minimum amendments as people with disability are taken care of as well as the 2/3 gender rule. I therefore urge Hon. Members that we are equally of good will like any other person and should give the Governor a chance to readjust this and bring it back. Thank you.

**Hon. Speaker:** Hon. Willis, had you spoken on this Motion?

**Hon. Ochieng':** No!

**Hon. Speaker:** Hon. Willis, one minute then Hon. Andiego and then I ask the Mover to reply.

**Hon. Ochieng':** Thank you, Mr. Speaker, Sir, I want to first thank the Appointments Committee which in our Standing Orders is an extension of this House and I want to believe that this have a very competent Membership that if we delegate a duty to perfume they perfume it perfectly as they have done in this Committee.

I want to say that the law is very clear and as it is in the County Government Acts 35(1 to 3) I don't see anywhere where this acts limits us on how we can consider someone and as fellow Hon. Members have put it here, that there is this element of the County Government shall not approve nominees for the appointment to the executive Committee and No. 3 a person may be appointed as a member of executive Committee. I think these are just grammatical words that should not hinder us from doing as we are required by the law.

I want to put it here very clearly that as the chair of Committee on Agriculture that at times we expect not less than what is required by the law because we would want a CECM who is competent and has got experience to the respective department.

I also read on the daily newspaper that one nominee here saying that he has got experience just like any other farmer in the field Agriculture yet these are the same people who we want to expect to be advising the County Government of Siaya on how the Agricultural services should be carried County. I therefore support and urge the Governor to relook at his appointees and place them where appropriately, thank you.

**Hon. Speaker:** Hon. Andiego, before you take your seat, I take it as a serious upfront and insult of the dignity of this Assembly when Members of the public are outside there and shouting at us and mentioning our names, because they are not in this Assembly I am tempted

to think that perhaps there is leakage of information from this Assembly to those people outside there.

That is why they are able to mention people by name; they are saying who must go and who must not go. I am warning you today it is somebody else, tomorrow it will be you being nominated or your matter being handled here and the public are shouting out there. It really makes me sad! As leader of this Assembly I don't take it lightly because even if somebody has the good heart we will not accept to be intimidated in this House! We cannot be intimidated, never!

**Hon. Andiego:** Thank you, I will be brief! I am a Member of this Committee and you will allow me to appreciate each one of us who participated however much the environment was hostile and intimidating. We have come up with a report that is being discussed here and as a Member I want to tell Hon. Members that we didn't come up with these things or quote them from nowhere, we are citing each and every act and law from the books which we didn't take part in compiling.

We all know that laws may be translated according to somebody's wish and you may have translated it to suit you, but I am saying this is not the end and I am requesting that we adopt the report the way it is and give the Governor a chance to rearrange the list so that...

**Hon. Speaker:** Hon. Andiego, your time is up!

**Hon. Andiego:** Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** I know we have a Member of this House who will be talking to us about security matters at the end of these proceedings, in the meantime may I allow the Mover to reply.

**Hon. Madialo:** Thank you, Mr. Speaker, Sir, for observing that messages are coming from this Assembly and mentioning who has said what. Let me also confirm to you that I know which two people are doing it, and as I said yesterday, one of the nominees called me and said to me that "Madialo if I fail you are going to be personally responsible." You know people die and according to who shoots fast, so I do not take personal sides.

But I will say this; I will strike a blow for the Constitution and nobody will shut me down out of considerations that of which we are not sure. One of them is this; even if those who were elected or nominated to represent them do not take of them, we have the responsibility, Members to protect Devolution. Even if we left the issue of suitability as well as academic qualifications, we cannot pretend that we do not have people with disability in this County. We cannot consider a list that is so backward as not to consider people with disability, we cannot!

I don't know what goes with the denial that I have come across concerning the youths. The Constitution has stated that the rules must be considered. We want to close our eyes and say that some of the rules do not apply... No! The Constitution states that the youths must be given first priority. Not people with PHD.

Do we have youths that have degree in this County? The answer is yes! Do we have youths that have knowledge in some of those departments? The answer is yes! So, I started with emphasizing that we shall not consider it if we don't have some of those minority groups represented; people living with disability, youths and women.

We could have ended the list at that without talking about their qualifications; because the fact that the persons living with disability were not represented was enough. Mr. Speaker,

I urge you Members that even if we--- in other areas; can we take care of the vulnerable groups who don't have voice to even talk back at the noise makers outside. In fact they are also youths. You wonder; is that the best we can give our youths? And, when it comes to decision making we lock them out? That is purely constitutional.

Number two; Mr. Speaker, we have made a decision. Take this list back to the Governor and he should do this; for instance, Jaoko Oburu belongs to trade; he should nominate him to that department. That is what the law states that he qualifies for. What is so difficult in taking back this list and by Thursday Jaoko will be nominated to the right department that they are qualified for according to their portfolio. But, without living out the two groups that were left out of the list?

I want to rest my case Mr. Speaker, by urging that you'll note that there are two people, actually three people whose names were left out and we seem to know in detail what they did. I am saying this, as the person who brought this Motion on behalf of this Committee. Consideration must not be personalized. Let us look at this Report and the recommendations of the list according to what is in the interest of the people of Siaya generally. Not what is in the interest of Hon. Madialo, or Kut or any other person?

Mr. Speaker, I urge Members that we take back the list. We have not chased them. We have said it is null and void. The Governor should realign those people to the correct ministries and bring them back. Thank you!

**Mr. Speaker:** Hon. Members, wherever you are seated, we are asking ourselves; even if we were to do the wishes of the people making noise outside; your hearts must be very heavy. We should do it on the basis of a conscience and not on the basis of noise.

Amendments and proposals were brought forward and I want to address myself to these amendments. One; the issues of special interest groups, issues of age; those indeed if this Report is adopted; it can be addressed and cured by the nine positions.

There was proposal of amendment on case by case. I reject that proposal because the material substance in pronouncing ourselves in this nomination is null and void is based on the provisions of Section 35, 3 (d) which talks about distinguished career among other things. And, if you look at the dictionary, what does it say about 'distinguished?' It says, "Very successful, authoritative and commanding great respect"

The other things you are talking about perhaps are not.

On the issues on the advice to the Governor; I want to advice this Committee that it is his prerogative to do appointment. Our advice would be presumed to mean doing his role; which is not our intention. I therefore, will proceed to put this question. Tomorrow, Hon. Members when allocating money to the wards, insufficient or inadequate, and the contractors will be out there shouting at us; we will decide what to do.

*(Question put and agreed to)*

Next Order!

## NOTICE OF MOTION

### NOMINATION OF MEMBERS TO SELECT AND SECTORAL COMMITTEES

**Hon. Oriaro:** Thank you, Mr. Speaker, Sir; once more as per the Order Paper, I bring a Motion:

AWARE THAT Article 201 of (d) of the Constitution of Kenya 2010 provides for prudent and responsible use of public finances; and that Article 232, 1(b) on values and principles of public services provides for efficient, effective and economic use of public resources.

Further aware that; the Executive Arm of Siaya County Government through County Public Service Board, is in the process of recruiting new Chief Officers in which vacancy declaration advertisement had been done and subsequent processes currently underway concerned that the period of contract of engagement of Sections in post of Chief Officers run up to the year 2019.

And, terminating these contracts may result into serious financial losses by way of litigation thereof further concerned that the method of recruiting the Chief Officers might be suspect and might not fall within the standards of guiding human resource policies. This House resolves that the ongoing recruitment of Chief Officers be stopped forth with and that the Committee on Appointment; chaired by you, Mr. Speaker, Sir; investigates possible omissions and commissions of the whole process of the recruitment and the Report back to the Assembly within 60days.

Hon. Speaker, Sir; I call upon Hon. Kinyanyi to second.

*(Hon. Kinyanyi seconded)*

**Mr. Speaker:** Hon. Members, I put the proposition.

Aware that Article 201 of (d) of the Constitution of Kenya 2010 provides for prudent and responsible use of public finances; and that Article 232, 1(b) on values and principles of public services provides for efficient, effective and economic use of public resources.

Further aware that the Executive Arm of Siaya County Government through County Public Service Board, is in the process of recruiting new Chief Officers in which vacancy declaration advertisement had been done and subsequent processes currently underway concerned that the period of contract of engagement of Sections in post of Chief Officers run up to the year 2019.

And, terminating these contracts may result into serious financial losses by way of litigation thereof further concerned that the method of recruiting the Chief Officers might be suspect and might not fall within the standards of guiding human resource policies. This House resolves that the ongoing recruitment of Chief Officers be stopped forth with and that the Committee on Appointment; investigates possible omissions and commissions of the whole process of the recruitment and the Report back to the Assembly within 60days.

Hon. Oriaro, please and let's be brief.

**Hon. Oriaro:** Thank you, Mr. Speaker, Sir. The Motion in question resolves about the advertisement of 15 positions out of which ten were once bearing legally valid contracts out of which ten were once bearing legally valid contracts and indeed while they were created, they were in consonance with the departments as per Schedule 4 of the Constitution that talks about 14 but majored on the Sectoral ones which are ten. That is why we have ten CECMs.

Number two; there is an aspect of introducing the new CECMs. Mr. Speaker, Sir; the law stated here very clearly Of engagement of sections of in-post Chief Officers run up to the year 2019 and terminating these contracts might result I serious financial loses by way of

litigation thereof; further concerned that the method of recruiting the said Chief Officers might be suspect and might not fall within the standards of guiding human resource policies.

This House resolves that the ongoing recruitment of Chief Officers be stopped forthwith and that the Committee on Appointments, Chaired by you, Mr. Speaker, Sir; Investigates possible omissions and commissions in the whole process of the recruitment and report back to the Assembly within 60days. I call upon Hon. Kinyanyi to second.

**Hon. Kinyanyi:** I second.

**Hon. Speaker:** Hon. Members, I put the preposition, aware that Article 201(d) of the Constitution of Kenya, 2010 provides for prudent and responsible use of public finances; and that Article 232 (1b) on values and principles of public services provides for efficient, effective and economic use of public resources.

Further aware that the Executive arm of Siaya County Government through County Public Service Board is in the process of recruiting new Chief Officers in which vacancy currently underway;

Concerned that the period of contract of engagement of sections of in-post Chief Officers run up to the year 2019 and terminating these contracts might result I serious financial loses by way of litigation thereof; further concerned that the method of recruiting the said Chief Officers might be suspect and might not fall within the standards of guiding human resource policies.

This House resolves that the ongoing recruitment of Chief Officers be stopped forthwith and that the Committee on Appointments, Chaired by you, Mr. Speaker, Sir; investigates possible omissions and commissions in the whole process of the recruitment and report back to the Assembly within 60days. Hon. Oriaro.

**Hon. Oriaro:** Thank you, Mr. Speaker, Sir; the Motion in question resolves about the re-advertisement of 15 positions, out of which 10 bearing legally valid contracts and indeed while they were created they were in consonants with the departments as per the fourth schedule of the Constitution that talks about 14 but majored on the Sectoral ones which are 10. That's where we have 10CECMs.

There is an aspect of introducing new CECMs; the law stated here are very clear and I plea to Members to take cognizant of Article 101 of the Kenya Constitution. That Article is in chapter 12 and it talks about principals of public finance. (d) Talks of public money shall be used in a prudent and responsible way. (e); financial management shall be responsible and physical reporting shall be clear.

One of the things that should concern us, the fiscal year we are in never took cognizant of the creation of new offices. The new 5 CECMs, the question is when we recruit them and the law says budget process should be programed based. Where will Siaya County Government get money that those who will be enjoying those services in so far as remuneration is concerned; where will it come from genuinely.

Number two, these people, their contracts have been terminated; if you go by Section 74, of the County Government Act which is clear. County Public Service Board to regulate Appointment on persons of contract. These people are still in contract; we are aware all over where such precedents have occurred in Migori, staffs sue the Governor. These are matters reported in the dailies; we have seen Migori Governor barred from replacing Chief Officers. Let's say they are sacked and they go to a Court of law; where will we get money to

compensate these people and we know such an amount for the people who are sacked is not in the budget.

The question of regulating persons of contract as I have stated, if you had created persons to be on contract what are the services they were supposed to render? That is Section 60 of the County Act when it comes to the criteria for establishment of public office; 1. If the County Government had prudently utilized officers previously provided for in this establishment.

The ones they had created they did not make use of and that's why their contract is terminated. They are creating new ones but the law warns us against coming up with offices within offices or from offices if the ones currently in existence their validly being in place in so far as service delivery is questionable. Part (g), of Section 6 of the County Government Act; that is still on criteria for establishment of public office.

When funding for the office is established, is duly provided for; maybe if the County Executive had brought Supplementary budget and it's clearly recorded in programs that we are creating other new offices. The Assembly helps us pass money that shall cater for their remuneration and office operations entirely; we don't have that money.

I had quoted Article 232 of the Constitution, values and principles of public service and we talked of (b) for instance, efficient, effective and economic use of resources. If these people opt to go to Court and the Court resolves that they are paid up, those whose terms were to expire in 2022; the Court forces us that they are paid because the County Government unilaterally had breached their contract.

Where is adherence or pursuant to the fact of using public finance in efficient and effective manner or economic resources. We may see part (e) of Article 232; accountability of administration. It's still very clear when it comes to matters of creation of offices. The law is very clear; the Public Service Board must report to the House through the CEC member in-charge of such dockets. Assembly permission has not been sought to create those new offices. After all we don't have CECMs and even if they are in place they can effectively represent the County Government.

Where does the authority of the Board coming from because there is no relevant CECM to bring such matters for approval by the County Assembly. In short, there is no time that we want lives of our people to be one of a rehearsal; we believe that if ground of legitimacy are followed and that's why I urge Members to consider this Motion.

Chance is given to the Appointments Committee headed by you, Mr. Speaker, Sir; so that matters of omissions such as the ones I have talked about in my Motion; issues of possible omissions and commissions are investigated by the Assembly so that we advise the Executive accordingly so that service delivery is one geared towards the delivery of the democratic goods as stated in the County Government Act, a culinary of devolution which is Constitutional, thank you.

**Hon. Speaker:** Hon. Andiego.

**Hon. Andiego:** Thank you, Mr. Speaker, Sir; I will be very brief. I support this Motion in the following grounds; there must be value for money. As the Assembly we are mandated to oversight how public money is being spent. We all know about the wage bill of which many of our employees are supposed to lose their jobs because we spend a lot on salaries than what we spend in development.



We all know about contracts, if you have a contract with somebody and you breach the contract you know the effect on this. It means that once we unlawfully remove these Chief Officers at the end we must pay them. And when paying them, we pay them the same money and we also pay those who are newly employed.

*(Question put and agreed to)*

## MOTION

### ADJOURNMENT

**Hon. Speaker:** Hon. Members, before we adjourn I want to urge that as soon as I go out to unrobe, we will converge here to discuss on safety exit procedures that means as I go you will wait for me and our colleagues who are good in this department will help, Hon. Otiato is here with us. The common sense will prevail and we will be advised appropriately. Hon. Members, there being no other business this House stands for adjournment.

There being no other business this House adjourns until 17<sup>th</sup> October, 2017 on Tuesday at 2.30 p.m. in the Chamber.

The House rose at 8.27 p.m.