

Thursday, 7th December, 2017 COUNTY ASSEMBLY OF SIAYA DEBATES

## SIAYA COUNTY ASSEMBLY

### THE HANSARD

#### Second County Assembly – First Session

**Thursday, 7<sup>th</sup> December, 2017**

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

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

#### PRAYER

### COMMUNICATIONS FROM THE CHAIR

#### 1. LONG RECESS

**Hon. Speaker:** Hon. Members, allow me to take this opportunity to thank you for your time and valuable contributions that you made during this session. We are all aware that today is the end of our session although we had agreed we will be calling Special Sittings from time to time. We are aware that ahead of us is the Supplementary Budget, the list of CECMs and many others so as need will arise we will invite you as a House together with the management to ensure that during this long break we will be able to equip you with the necessary skills and knowledge in conducting Business of the House and in the committees.

We hope that during this break where necessary we will always have committees going on. I appeal to you to make prior arrangements so that we do not disrupt the administration in organizing such meetings. As an administration, we are committed to ensuring that you are given ample time and necessary environment to conduct your Business for the good of not just the House but the entire County.

#### 2 .APPOINTMENT OF CECMS

I also need to communicate to you that discussions are ongoing between the Office of the Speaker and the Office of the Governor so that when we have the list that meets the threshold then we will notify you, members of the public and the nominees so that we can expedite the process of appointment of CECMs. Thank you.

#### 3. PETITION

##### REMOVAL OF CS AND SCPSB MEMBERS

**Hon. Speaker:** Hon. Members, there is a petition that was brought to the attention of the Office of the Speaker, it is to the County Assembly of Siaya for the removal of the CS David Anyona Kanundu, Chairman of SCPSB Joe Aketch Donde, Secretary to SCPSB William

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Onyango Lubalo, Ms. Rosemary Okumu and Dr. Nicholas Kut Ochogo who are members of the SCPSB over illegal recruitment of officers to public offices and it reads;

“We the undersigned citizens of the Republic of Kenya and residents of Siaya County draw the attention of the County Assembly of Siaya to the following:

1. That the CS David Anyona colluded with SCPSB Chairman Joe Aketch Donde, Secretary to SCPSB William Onyango Lubalo, Ms. Rosemary Okumu and Dr. Nicholas Kut Ochogo to undertake recruitment and engagement of about 70 officers to the public service, save for 8 officers of personal staff allowable under permanent and pensionable basis on tour of duty of the Governor without any regard to the mandatory provisions by the Constitution of Kenya 2010 and the County Government Act 2012.

2. That Mr. David Anyona ordered the SCPSB for a letter referenced here to recruit officers for service on permanent and pensionable basis by merely conducting suitability interviews in total disregard of the prescribed legal procedure.

3. That Mr. Joe Donde, William Onyango Lubalo, Ms. Rosemary Okumu and Dr. Nicholas Kut Ochogo subverted their fiduciary duties and presided over the illegal recruitment ignoring the mandatory requirements of Article 232 and the Constitution of Kenya on values and principles of public service which requires accountability for administrative acts and fair competition and merit as the basis for appointments and promotions in doing the recruitments.

4. That the current Wage Bill of Siaya County stands at 50% of the total revenue against recommended 30%. By employing 70 more people the Wage Bill has ballooned to more adverse levels.

5. That the close to 70 positions filled, were not provided for in the 2017/2018 Budget and will therefore cause undue strain on the limited county financial resources. This is contrary to Section 62 of the Constitution and the County Government Act which states that “in determining the provision of funding under Sub-Section (1) (g), the County Public Service Board shall take due regard to the need to limit the component of personnel emoluments to a level that does not adversely affect other budgetary provisions in the recurrent vote”

6. That some of the positions filled are at senior scales and are supposed to be subjected to open competition as provided for in the County Government Act Section 66 which states that “If a public office is to be filled, the County Public Service Board shall invite applications through advertisement and other modes of communication so as to reach as wide a population of potential applicants as possible and especially persons who for any reason have been or may be disadvantaged.” And those positions are indicated.

7. That suitability interviews conducted by the same members of the Board can only be done to an existing employee for suitable placement or low cadre personal staff like cooks, gardeners but not to fresh persons at senior positions on permanent and pensionable terms.

8. That the SRC and other relevant regulations allows for 5 advisors and 4 domestic staff to be recruited under ‘tour of guide of the Governor’ yet the Board recruited 14 Advisors and Deputy Advisors and 12 Domestic Officers contrary to the provisions of the said policies.

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9. That some of the positions recruited under ‘tour of guide of the Governor’ are a duplication of each other and therefore not necessary as shown below: The Committee will have a look at it, we have Principal Information Officer, Investment Advisor etc.

10. That the CS, Chairman and members of the SCPSB singularly or in collusion initiated and presided over actions that are completely ultra vires to provisions of the Constitution and other relevant laws in undertaking recruitments to public offices.

11. That provisions recruited either do not exist or the resulting total number exceeds the total number in the establishment.

12. That the power of the SCPSB to make appointments originates from the following stated Sections 63(2) of the County Government Act which states that “The relevant County Chief Officer of the Department to which the appointment is to be made”

You realize in the drafting of the County Government Act the original drafters had thought that the County Assembly will be under the supervision of the Executive.

On the SCPSB motion account of best interest on the contrary, there is no evidence that the said members of the Board be observed and the provisions while undertaking the referenced recruitments.

13. That Mr. Joe Donde, William Onyango Lubalo, Ms. Rosemary Okumu and Dr. Nicholas Kut Ochogo presided over illegal creation of public offices contrary to Section 60 of the County Government Act and 62(2) of the same Act which states that “If the Board intends to establish or abolish an office it shall submit its proposal to the County Assembly for approval through the County Executive Committee Member responsible for the County Public Service.”

14. That the CS, Chairperson and Secretary of the Board have subsequently violated the following sections of the Constitution of Kenya 2010 Articles 10-32 and the County Government Act Sections 60, 62, 63, 64 and 66.

15. That the matters in the Petition are not pending in court of law or any other legal institution and that we made the best efforts to have this issue addressed by the relevant authorities without any dependable outcome. Here fore, your humble petitioners pray that, one; the County Assembly of Siaya investigates and confirms issues raised in this petition. Two, removes Mr. Dave Anyona as the CS and Mr. Joe Donde as the Chairperson of the Board, Mr. William Lubalo as the Secretary, Ms. Rosemary Okumu and Dr. Nicholas Kut Ochogo by virtue of their qualifications and job descriptions.

Three, declare the positions filled as a result of the ‘suitability interviews’ as null and void.

The petitioners are Jane Adhiambo Otieno and Cleophas Ochola and they have copied this to Ethics and Anti-Corruption Commission, Office of the Ombudsman, Commission of Revenue Allocation, Salary and Remuneration Commission, Controller of Budget and Editors of leading newspapers.

I commit this to the Committee on Governance and Administration but I also advise that this being a sensitive matter ensure that as much as you handle it, you involve the experts and don’t shy away from involving the Commissions that are relevant like Public Service Commission. It will be of use to you.

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I also direct that being a touchy matter at the earliest opportunity you can bring this to the attention of the Governor and the Board before you even start the actual investigations so that if need be and the supremacy caves, they can put mechanisms in place.

## **PAPERS**

### **PROPOSED AMENDMENT ON STANDING ORDER**

**Hon. Opanga:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table:  
The Report of the House Business Committee on the proposed amendments to the Siaya County Assembly Standing Orders

*(Hon. Opanga laid the document on the Table)*

### **SIAYA COUNTY SUPPLEMENTARY BUDGET ESTIMATE 2017/2018**

**Hon. Oor:** Mr. Speaker, Sir, I beg to lay the following Paper on the Table:  
The Siaya County Supplementary Budget Estimate 2017/2018

*(Hon. Oor laid the document on the Table)*

**Hon. Speaker:** It stands committed to the Committee on Budget and Appropriations as we had directed. Make sure you handle it as soon as possible and you will engage the House during recess and a Special Sitting will be convened if need be for disposition of this

## **NOTICES OF MOTION**

### **ADOPTION OF REPORT ON THE PROPOSED AMENDMENT ON THE STANDING ORDERS PURSUANT TO STANDING ORDER NO.236**

**Hon. Opanga:** Thank you, Mr. Speaker. Hon. Members, I am a bit tall. Maybe sitting down will give me the leverage to use this microphone. All the same; Mr. Speaker, Sir, I wish to give Notice of Motion:

THAT this House adopts the Report of the House Business Committee on the proposed amendments to the Standing Orders pursuant to the Standing Order No. 236.

### **SUBMISSION OF ANNUAL REPORTS TO THE COUNTY ASSEMBLY BY THE COUNTY EXECUTIVE ARM**

**Hon. Speaker:** Yes. The other Motion is for Hon. Olasi.

**Hon. Olasi:** Thank you, Mr. Speaker. I wish to move Motion No. 10.

**Hon. Speaker:** So, the two are for Motions for this Afternoon Sitting.

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Next Order!

## MOTION

### PROPOSED AMENDMENTS TO THE STANDING ORDER

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

**Hon. Opanga:** Mr. Speaker, Sir; I wish to give Notice of Motion that this House adopts the Report of the House Business Committee on the proposed amendment of the Standing Order pursuant to Standing Order No.236.

The House Rules and Business Committee is a Select Committee of the County Assembly deriving its mandate from Standing Order No.161 which states;

- 1) There shall be a Select Committee to be designated the House Rules and Business Committee consisting of;
  - a) The Speaker;
  - b) The Deputy Speaker;
  - c) The Leader of Majority Party Leader;
  - d) The Leader of the Minority Party; and
  - e) Not less than five or more than eleven members, who shall be nominated by the County Assembly parties and approved by the County Assembly at the commencement of every session, reflecting the relative majorities of the seats by each of the County Assembly parties in the County Assembly and taking into consideration the interests of Independents.
- 2) The House Rules and Business Committee shall be appointed within seven days on assembly of a new County Assembly.
- 3) In nominating the Members to the House Rules and Business Committee, each County Assembly party shall include its Whip into membership.
- 4) In the absence of the Speaker, the Deputy Speaker shall Chair the meetings of the Committee.
- 5) The House Rules and Business Committee shall—
  - a) In respect of the House Business-
    - i) prepare and , if necessary, from time to time adjust the Assembly calendar with the approval of the House;
    - ii) monitor and oversee the implementation of the House Business Committee and programs;
    - iii) implement the Standing Order respecting the scheduling of programming of the Business of the House and functioning of the committees of the House;
    - iv) determine the order in which the reports of committees shall be debated in the House;
    - v) may take decisions and issues directives and guidelines to prioritize or postpone any business of the House acting with the

concurrence of the Leader of the Majority Party Leader of the Minority Party, as the case may be; and consider such matters as may from time to time arise in connection with business of the House and shall have and perform such powers and functions as are conferred on and ascribed to it by these Standing Orders of from time to time by the House.

vi) Consider and report all matters relating to the Standing Order

6) In respect of matters under sub-paragraph 5 (b), the Committee may-

(a) Propose amendments to the Standing Orders and any such amendments shall upon approval by the House; take effect at the time appointed by the House.

(b) Propose rules for the orderly and effective conduct of Committee business and any such rules, shall upon approval by the House, continue in force until amended or repealed by the Assembly.

7) Any rules approved under paragraph (6) shall be annexed to the Standing Orders and shall be binding upon committees to the same extent as these Standing Orders.

### **Committee Membership**

The Committee comprises of:-

Hon. George Okode- Chairman; and members Hon. Peter Odero Oor; Hon. Vincent Odawa; Hon. Judith Oyugi; Hon. Fredrick Opanga; Hon. Simon Ousa Nyaji; Hon. Irene Shirley Oyuago; Hon. Emily Agnes Awita; and Hon. Samuel O. Siguru.

The Committee held a meeting on the 7<sup>th</sup> December, 2017 and reviewed the Standing Orders. This was necessitated by the need to include the Committee on general oversight in the Standing Orders of the Assembly.

Hon. Speaker—

That pursuant to Standing Order No. 236, this House proposes the following amendments to the Standing Order;

Inserting new Standing Order No. after Standing Order No. 162 as follows;

Committee on General Over sight

162 (B)

1) There shall be a select committee to be designated committee on General oversight to be chaired by the Speaker or on his absence the Chairperson of Committees.

2) The Committee on General oversight shall be a committee of the Whole House membership

3) the committee may pursuant to section 39 (2b) of the County Governments Act 2012 invite members of the County Executive Committee to answers relating to the members responsibilities as raised by the members under Standing Order No. 43

4) The Committee may invite to its meeting;

a) More than one member of the County Executive so as to address matters relating to more than one County Department;

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b) The member who addressed the question being addressed by the Committee

c) The Committee shall deal with matters which in the opinion of the Speaker can be better handled outside the other House Committees.

**Speaker's Committee**

162 (C)

(1) There shall be a select committee to be designated Speaker's committee

(2) The Committee shall comprise the Speaker as the Chairman, the Leader of Majority Party, the Majority Party Whip and a Member nominated to the County Assembly Service Board.

(3) The Committee will be a link between the County Assembly Service Board and members of the Assembly and will consider all matters relating to welfare of the members of the Assembly.

Hon. Speaker; I wish to call upon the Honorable House to adopt the Report of the House Rules and Business Committee on the proposed amendments to the Standing Orders pursuant to Standing Order No.236 and the said committee be part and parcel of Siaya County Assembly Standing Orders.

**Hon. Speaker:** Who is seconding?

**Hon. Opanga:** *Mheshimiwa* Nick Achola to second

**Hon. Achola:** Mr. Speaker, Sir, I second the Motion that it be adopted by the House.

**Hon. Speaker:** Hon. Members, I propose the question that this House adopts the Report of the House Business Committee on the proposed amendments to the Standing Order pursuant to Standing Orders No. 236.

*(Question proposed)*

*(Question put and agreed to)*

COMMITTEE OF THE WHOLE HOUSE  
IN THE COMMITTEE

*[The Chairperson (Hon. Speaker) took the Chair]*

ADOPTION OF THE REPORT ON AMENDMENT OF THE STANDING ORDER NO.236

**The Chairperson** (Hon. Okode): Hon. Members, this is the Committee of the Whole House. Occasionally, the Speaker can always chair.

Therefore, I will propose the question. I invite Hon. Opanga to move the Motion. Yes, Hon. Opanga

**Hon. Opanga:** Mr. Chairman, Sir, I beg to move that the Committee of the Whole House has considered amendments to the Standing Orders and approved.

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*(Applause)*

**The Chairperson** (Hon. Okode): Hon. Members, I beg to propose the question that this House or Committee adopts the Report of the House Rules and Business Committee on amendment of the Standing Orders pursuant to Standing Orders No.236.

*(Question proposed)*

*(Question of amendment put and agreed to)*

*(The House resumed)*

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

## **REPORT**

AMENDMENT OF THE STANDING ORDERS PURSUANT TO STANDING ORDER NO.236

**Hon. Opanga:** Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in said Report. Thank you

**Hon. Speaker:** Hon. Members, I propose the question that the House do agree with the Committee in the said Report

*(Question proposed)*

*(Question put and agreed to)*

Next Order!

## **MOTION**

SUBMISSION OF ANNUAL REPORTS TO THE COUNTY ASSEMBLY

**Hon. Speaker:** Yes, Hon. Olasi

**Hon. Olasi:** Yes, Mr. Speaker; I beg to give Notice of the following Motion: THAT Mr. Speaker; Section 47 (3) of the County Government Act; requires the Executive County Government---

**Hon. Speaker:** Hon. Olasi, you are moving the Motion. You had already given a Notice of Motion. Just move it.

**Hon. Olasi:** Yes, Mr. Speaker, sorry about the mix-up.

Aware that Section 47 (3) of the County Government Act requires the Executive Arm of the County Government to submit annual performance reports to the County Assembly for scrutiny and consideration;

Further Aware Section 9 (1)(d); of the same Act mandates members of the County Assembly to provide a linkage between the County Assembly and the electorate on public service delivery, thereby giving the members an important mandate of over sighting expenditure of allocated public funds;



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Noting that this House allocated and approved funds for development projects to be implemented by various departments of the Executive in all the wards in this County;

Concerned that we are approaching the end of the 2<sup>nd</sup> quarter of Fy 2017/2018, yet we have not received any performance reports from and departments of the Executive for Fy 2016/2017, more practically on the status of the ward development projects as required by law.

Further Concerned that this House and most importantly members of this County Assembly shall be judged to have failed if they do not ensure that public funds are used for the intended benefit of Siaya County residents;

This House resolves that all the departments of the County Executive submit 2016/2017 FY performance reports, detailing the status of implementation of development projects in all the wards within a period of four weeks from the date of this resolution of this Motion.

Mr. Speaker, I call upon the Hon. Member Joannes Andiego, Member for Central Sakwa to second.

*(Hon. Andiego seconded)*

**Hon. Speaker:** Members I propose the question, which is: that aware that Section 47 (3) of the County Government Act requires that the Executive Arm of the County Government to submit annual performance Reports to The County Assembly for scrutiny and for consideration. Further aware that Section 9 (1d) of the same Act mandates Members of the County Assembly to provide a linkage between the County Assembly and the Electorate on Public Service delivery thereby giving the Members an important mandate of over sighting expenditure of allocated public funds, noting that this House allocated and approved funds for development Projects to be implemented by various departments in the Executive, in all the wards in this County.

**CONCERNED THAT** we are approaching the end of the Second Quarter, 2017/2018 Financial Year, yet we have not received any performance Reports from the Departments of the Executive, for 2016/2017 Financial Year. Particularly on Ward development projects as required by the law. Further importantly that this House, and more importantly, this County Assembly shall be judged if they will not ensure that public funds are used for the intended benefit of Siaya County's residents.

This House **RESOLVES** that all the departments of the County Executive submit 2016/2017 financial year performance reports, detailing the status of implementation of development projects in all Wards within a period of four weeks from the date of resolution of this motion.

Yes, Hon. Andiego!

**Hon. Andiego:** Thank you, Mr. Speaker. This is one of the best motions that have been presented in this Second Assembly. As representative of the people, we do sit, learn, and at times

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many occasions we do public participation where we and our people decide on the projects that are supposed to be done on our Wards.

As I have been privileged to be in my Second term in this Assembly, where my first term started 2013 up to date, we have many projects that up to date we do not know their status. Some projects are stalled, some have not been started. Therefore this motion will let us, as Assemblers know actually the existence of our projects. I wish it would have been done in the previous Assembly. That each department; our CECMs, our Cos would give us the Reports of our projects. This will also relieve us individual MCAs, where we walk in each and every department looking for the status of our projects. We have been made messengers to these offices.

You walk there in the Morning; you walk into another one, asking for those projects. Yet even those who we have as our Ward Administrators, sometimes we don't know what they are doing Therefore I appreciate and I urge Honorable Members that this Important Motion be passed as it is, so that we get the status of our projects on time. I support.

**Hon. Speaker:** Yes, Hon. Nick!

**Hon. Ochola:** Thank you Mr. Speaker, Sir. Allow me to support this motion tabled by Hon. Olasi. This Motion vindicates us, more so as Members of the Budget Committee. More so when we were going through last year's entire budget. We could not make head or tail of what has been done and what has not been done. That we were doing a lot of guess work, based on the fact that some of these projects are initiated in our Wards, but what we see on paper is not what we see on the ground.

This Motion has come timely, to help this House go into the future analysis and the preparation of reports when we analyze budgets and also when we look at the--- progress of the County Government.

I will go by the Notice of them giving us 4 weeks as proposed, but this was kind enough. We would have asked for this document to come here in 2 weeks' time, because the assumption is these people have these documents sitting in their offices, unless these people who are there are not doing their work, or there are things which are questionable that are being done in terms of the projects, that are not supposed to be undertaken.

So I wish not to deliver much on this Motion, I think it is detailed, precise, and I support that the House adopts the Motion presented by the mover. Thank you.

**Hon. Speaker:** Yes, Hon. Otare!

**Hon. Otare:** Thank you, Mr. Speaker. I just want to support this Motion and say 'better late than never'. Many of us are elected Members, and at times we cannot give the electorate Reports of these projects. I think that this time, if we can get this Report even less than four Weeks, then the Members can know where to start when they are with the members of the public.

I just want some clarifications, because the mover is only talking about Ward development projects, but I think he should also talk about the County projects, because if we dwell specifically on the Ward projects, the Executive may not give us the full Report of County

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Projects because all projects that are being done within the County are part and parcel of this Assembly.

Lastly, we are talking of 2016/2017, and you know very well that we had a budget here of 2017/2018 which at this moment have not started and we don't know when it shall start, and you find that next year February we are going to start another budget, 2018/2019. I wish the Committee involved in this project should do so immediately so that we know how we are moving. To add on top of that, is on the issue of bursaries.

As was discussed here before, you find that we had a bursary of 2016/2017, 2017/2018, all these we should be given Report so that we know the status of the projects of Siaya County Government. Otherwise I support this Motion, and to make a plea to the mover to make sure to bring this kind of Motion on time.

I can recall that we changed the Standing Orders of the General Oversight Committee, and the Committees are now going to do the biggest work because these Executive Members have been refusing to come to this Assembly because they know very well that the Standing Orders do not allow them to come.

I appreciate the Member that introduced the General Oversight Committee, has given us a very strong mandate to ensure that the Executive do their job. Otherwise, *ahsanteni Sana*.

**Hon. Speaker:** Yes, Hon. Otiato!

**Hon. Otiato:** Thank you, Mr. Speaker; I also stand to support the Motion. For sure it reached a point that the Ward administrators forgot that they are some of our employees and are earning out of some of our pockets. Some of them have not been very ready to support us, or even show us the levels of these developments. I think this is a very good move; we are going to get the information faster here and add to what we are having.

Also, I think, in some of our budget, that we have been talking about 30 million to Wards every year, but through a slight survey on some of the budgets, like I was going through mine, I realized that if there is a budget we are having a project written all over, because it was written for 5 million, and they only did a job of 3 million. The other one is all over.

So at the end of the day, the budget when you go into inner details, you find that the total budget you are given, maybe 30 million, but the project if it were funded in the prior years and what has been brought, they first of all rolled over, and then they come into the New Year. Then it means that there is some money, which after being rolled over, disappeared. Then the new budget takes over, and the projects are made, and the new monies are allocated. So this will be very important for us as we will be getting back in January, we will be getting into the circle of budget again.

I wish that this could have been done earlier, so that our interests are factored in, when we are going with supplementary. So far, all is well with it and I support.

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

**Hon E. Odawa:** Mr. Speaker Why supporting the motion? First and foremost we must congratulate ourselves for passing this Motion. It was timely, and I believe this is the only

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routine for us to exert our authority as a House, so that we are no longer going to be taken for granted by the Executive.

I would also request that when they will be giving their presentations, they should give us the status Reports as comprehensive and detailed as possible, such that projects ongoing should be given percentages, in work done and payments made. The other thing all of us have noticed is that most contractors in Siaya County have been having problems of payments. Some of who have borrowed heavily, paying interests, and delaying payment makes projects very exhausting, thereby discouraging our contractors from working for Siaya County.

I would like to request that while they are tabling the Report, we raise questions, as per availability of funds, such that we give contract only when we have funds to fund the contract. Such will minimize the problems that we are going through in the Contract. I support.

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

**Hon. V. Odawa:** Thank you, Mr. Speaker, Sir, I want to support this Motion by Hon. Olasi. This Motion will now keep us safe in our Wards as Members of the County Assembly. Other than us over sighting, I wish that we would have given on the Report, that when they are presenting the Report, they should also indicate that the money which was supposed to be given to PMC is there and if it's not there, they should also tell us where the money has gone to.

Remember, we here as the Members of County Assembly of Siaya, we are here to carry the manifestos of our Party ODM. Manifestos state that we should empower people. How do you empower people? By giving projects to our people and making sure that the projects done by the people within the Wards or in the villages, the funds reach our people, and how does it reach our people? By PMCs---

**Hon. Odhiambo:** Point of Order, Mr. Speaker.

**Hon. Speaker:** Yes, Hon. Edwin!

**Hon. Odhiambo:** My colleague Hon. Odawa is improperly dressed.

**Hon. Odawa:** Mr. Speaker sir, first I am apologizing. Actually I had attended a funeral, and I had no time to go and----

*(Laughter)*

*(Several Members talked out of order)*

Hon. Speaker: Order Hon. Members. Hon. Member, are you saying this House is an extension of a Funeral?

*(Laughter)*

**Hon. Odawa:** I am sorry sir, the respect I give to this House; I thought that if I go to my place to dress up, maybe put on a tie, I would be late.

**Hon. Speaker:** Order, Hon Members. Hon Vincent if you know you are not properly dressed could you withdraw from the Chambers, Thank you. Hon Mboha! Yes?

**Hon. Mboha:** Thank you, Mr. Speaker. We have wished to adopt the Report. My main concern is that what we could do is that we could give the Report to various Departmental

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Committees so that if you have a comprehensive Report on matters of roads, then we have the roads Committee handle all those Reports, because we if we want something from as down as 2014, we get them.

We would wish that we have these Reports, but various departmental Committees to handle those Reports then they bring us the Report as the Committee of the whole House. That is my only recommendation. Otherwise thank you and I support.

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

**Hon. Opanga:** Thank you, Hon. Speaker. Mr. Speaker, Sir as I rise to support this motion, it is a good motion that will give the new members I happen to have interacted with the few projects that were done in my ward but the most disserting thing is that you find that even the people around that if you ask them for the PMC they tell you that they don't know only the contractors came, did the project and may be the projects were not done to the conclusion so I think with this motion it will give us the path to follow so that we will know what we want to do as a follow up whether this project to its conclusion or maybe somebody was just paid the money and went away without proper services delivery to the people. I rise to support

**Hon. Speaker:** Yes, Hon. Hellen.

**Hon. Winga:** Thank you, Mr. Speaker, Sir; I want to support the Motion because this shows the seriousness

*(Applause)*

This shows the seriousness of the assembly because just some left back we are almost being scrambled because of the dalliance in submitting the bursary. This is what we have in place, we wanted the Executive to meet the executive to give us because we heard complaints from the public that our names our children's names were taken some were given bursaries some have not yet received, where are they?

So this motion as it is going to enable us now to know what is happening on the ground like the projects .I would argue the mover of this motion this would make those who are going to vie again to get a grammar of topic to deliver. I support the motion.

**Hon. Speaker:** Yes, Hon. Willis, Member for west Yimbo.

**Hon. Ochieng:** Thank you, Hon. Speaker, I rise to support the motion and I want to add my votes to Honorable Members who have just voted one of them being Hon. Opanga who have just said have interacted with the projects I was just wondering how far he has interacted with the projects Mr. Speaker maybe you can just give him a chance to elaborate for us later. Mr. Speaker as you know very well that one of our roles in this Honorable House is to oversight and we can only oversight what we know and understand very well.

After passing all this budgets in this Honorable House we all know that implementers are the Executive and here comes a case that just like other Honorable members have just said it there are a number of projects that we pass in this Honorable House but when now waiting for their implementation we don't see them implemented. I think this the high chance that the Executive can bring this projects into details so that the Honorable members here made to

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understand the various projects that are their wards and same that are budgeted by the Executive so that we can be able to understand all the projects that we have and they should be done within the time frame that is given.

Mr. Speaker you find out that some of our projects that were to be implemented in 2014-2015 financial year up to date have never been implemented and you can count the number of financial years that we have under gone, this is where some of our moneys get lost because of the undone projects and tidy done projects. Last Mr. Speaker just a recent example that I can give we passed here our budget for 2017-2018, when I went to the budget office Mr. Speaker to check on the status of the projects that we are passing on this Honorable House I found like 80% of the projects that were prioritized by the Wanainchi have been charged.

This is the time that when they provide us with this list, we will understand and get to know what are the projects that were passed in this Honorable House what are the projects that have been implemented and which ones have not been implemented so that we be on the same side Mr. Speaker otherwise I want to thank the mover of this motion and argue the Members to support the motion. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon Odawa was interrupted continue with the speech.

**Hon. Odawa:** Thank you Mr. Speaker, sir; I would like to apologize for the second time for having not dressed in order. Mr. Speaker, you can always protect me because this people are

*(Applause)*

Taking advantage of me being a stammer Hon. Speaker knew very well that if he attacks me I may not respond very fast. Mr. Speaker, sir, I was in support of this motion by Hon. Olasi and I was just on the point of informing the House that the main mandate of our party ODM is to empower our people and when empowered our people by having so many projects being done within the ward and how can that one help just by way of making sure that the people in our communities or within villages or within the wards are involved in this projects. And how do they get involved? By being members of these projects that are going on.

We may not have experts or they may not be experts in the projects but if they are involved as PMC'S they own these projects and they will feel part of the projects and there is a provision that PMC'S there is a question for them and is 5% so they has always been complaints by the villagers from where the projects are being done. They know their rights you know this day's most people know their rights and they are quite aware that there are provisions which they are supposed to benefit from the projects being carried out within their areas.

So I would wish that the report by Hon. Olasi of money by PMSV be included so that we have to know exactly this allocation by our PMC where does it go if at all they don't use it. That is my humble request that provision be included in this motion by Hon. Olasi.

Advise me, Hon. Speaker; there is this saying that some contractors are being branded as difficult and you know very well that there is always first time and you must start from somewhere even those better contractors must have started from somewhere and we have to

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encourage our contractors especially the upcoming guys, they must start from somewhere and that is why we must encourage as many young people or our people to come up and get to import in the province as contractors, otherwise I support this Motion. Thank you, Mr. Speaker, Sir.

**Hon. Speaker:** Yes, Mheshimiwa....

**Hon.....:** Thank you, Mr. Speaker. I stand to support the Motion through Hon. Olasi from west Uyoma and have realized some mistakes in this County government which has landed us into lots of problems

- i. As we understand the County government we have two arms that is the executive and the legislature and as we stand here we are elected by the people and when we see the executive there is only one person elected but with us we are 30 are elected and 12 nominated. I think it is we where we can make some laws also to help us handle our things in the local and therefore I want to say that this is the only time I want to ask the Honorable Members that for us not to be requesting this people too much on what they are supposed to do is that we just make a law which will force the contractors to come to us that is when they have completed their work at our wards let us be given a space to sigh so that we confirm that these projects are done and are completed in time otherwise I strongly support this motion Mr. Speaker and thank you very much.

**Hon. Speaker:** Hon. Shirley!

**Hon. Oyuago:** Thank you, Mr. Speaker I arise to support the motion and I really want to thank, Hon. Olasi for this motion. This has been my...before Mr. Speaker if you walk around Siaya County the status of the projects that have been implemented by the County government or the executive wing of County government of Siaya they are very pathetic and if you get us as the legislatures of Siaya County Assembly being attached to the projects a shame to arise, now anyone to support this motion. I wish the mover had placed that we get the reports as at 2013-2017 Mr. Speaker so that we can be able to know the status of this projects that have been implemented by Siaya County executive wing since 2011. I arise to support the motion.

**Hon. Speaker:** Hon. Oduor!

**Hon. Oduor:** Thank you, Mr. Speaker. I arise to support this Motion brought forward by MCA of West Uyoma, Hon. Olasi because it will quickly give us a glimpse of the status of the projects on the ground because it will very fast show us the over view of the previous projects cause have been having a major problem with this cause as we know I head from a ward which are battles of projects on over so having been trying to isolate them one by one for example I have two bridges which were previously given a location then later on part of the money was withdrawn so the contractor could not do that contract cause he claims that the amount that was left was too minimal.

The contact was 8 million then later on part of the money was withdrawn and the remaining amount was 2 million which could not do a project then recently I talked to the contactor am trying to consult the budget department and the part that was withdrawn is already instilled and that we are waiting to supplement the budget. The contactor told me that this

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projects that moment you start doing them without ensuring that it is properly supplemented and passed in the County Assembly you may end up doing a project and later on you do not get your pay.

so I think this motion will enable us to shake off the projects back dots that were never paid and in fact there is also a contractor who called me he did a dispensary he was requesting me to kindly help me pursue some money cause he did a project like 2years ago and he has ever gotten any payment and up to now the contractor has declined to give out the key to the dispensary and therefore wanainchi are wallowing in a state of confusion as why not to use the dispensary yet they money has been used into that so I therefore support the motion and urge my fellow Members to kindly put effort in this specula

**Hon. Speaker:** Yes, Hon. Linda

**Hon. Juma:** Thank you Mr. Speaker as it is it's like the House has adopted the report and actually they are in support of the motion and I would argue the Honorable member the mover of the motion to stand up and respond to the motion, Am also in support, thank you.

*(Applause)*

**Hon. Speaker:** Yes, Hon. Ambrose, I think we all want to hear that.

**Hon. Auma:** Thank you very much Mr. Speaker as we support this motion Mr. Olasi you are my survivor Mr. Speaker I have problem where contractors, ward administrator and road inspectors just follows me to my home, to the office and here at the Assembly almost for three days now trying to convince now that they did a note in September last year and it was under quoting so I should ask them if it's a big project almost 3.8million being money for my...already it is impossible but here is a contactor trying to convince me to allocate 3.8million to a project. When I ask them for any document for prove they are telling that it came from the executive the Governor ordered for it to be done without any document Mr. Speaker it is challenging that is why I fully support this motion.

**Hon. Speaker:** Yes, Honorable Audi!

**Hon. Audi:** Mr. Speaker, sir point of order I think it is very odd for Honorable Members to dress how Ambrose has dressed.

**Hon. Speaker:** Mr. Ambrose next!

**Hon. Auma:** What is wrong with me?

*(Applause)*

**Hon. Speaker:** Honorable Members, you are turning the Assembly into the dressing room. Yes Hon. Audi.

**Hon. Audi:** Mr. Speaker, I stand to support the motion. For one, this motion will actually confirm part of our roles. It also enhances transparency. It will also help us compare the workmanship to the amount of money paid on the projects. Sometimes back when I was not an MCA, I attended a public participation whereby an engineer had a Report that a certain road in



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my Ward had been built, it was completed and at the same time the community actually knew that it had not. This Motion will help us to save the public funds from other funny contractors. Thank you and I beg to support.

**Hon. Speaker:** Hon. Lorna Adida!

**Hon. Adida:** Thank you, Mr. Speaker. I also rise to support the Motion. If this Motion is passed, it will save the face of this Assembly. It is true to say that we have a problem because since 2013 almost all projects are not complete. There is a tendency here which I feel if we would be getting these reports; there is this tendency of reallocating funds by the Executive.

You realize that a project is allocated at the first stage but later during the Supplementary budget the funds are again removed. I feel this Motion will give this House an opportunity to always be asking why the funds are being reallocated. If we adopt this report I think we are going to solve these problems. Thank you.

**Hon. Speaker:** Hon. Akoth then I will call the mover to reply.

**Hon. Akoth:** Thank you, Mr. Speaker. This Motion is going to help us fight the corruption. Thank you.

**Hon. Speaker:** Hon. Members, allow me to invite the mover to reply. Yes Hon. Olasi!

**Hon. Olasi:** Thank you, Mr. Speaker. Before I thank Hon. Members for their contribution, allow me to thank your office and the office of the Clerk for allowing this particular Motion to appear in this Order Paper. Having said that, allow me to say that, I was triggered with something and that something again has been confirmed today by amending our Standing Orders and now we can allow the general oversight as a Committee.

I happened to visit or to attend the Water Committee on Monday and that one alone triggered this Motion you are seeing here today. What did I see? Already the Water Committee has with them a Supplementary Budget from the Executive signed by the Chief Officer. I had a glance of that particular document on Monday and I again happened to join them during their normal Committee meeting. When I say that is important we have a Committee of general oversight, I tend to disagree by some Members of this Hon. House who say that we need to subject this particular arrangement that each and every department gives us the report. I beg that the report be given to the Committee of the Whole House.

I went to the Budget office to ask for my 2017/2018 budget before the Supplementary, I could not get it, the officers in that office cannot allow you to access it. One of the things that I noted from the Water Department Supplementary budget was, some of the contracts of 2016/2017 have not been contracted to date and the Chair of that Committee can bear me witness. From West Alego the drilling of a borehole at a tune of Kshs. 2 Million has not been contracted to date. In the same Ward, West Alego, there is this borehole that was supposed to be done, not yet contracted to date. There was this extension of water pipeline from Kadiaga in South Uyoma, it has not been contracted to date. In East Asembo there is another project of that nature. Most interestingly, in one Sub County, Kshs. 29 Million has been allocated to a project that people never proposed and has been awarded to one contractor. I don't know what is happening in Roads, Lands not to say Tourism of which I am the Chair.

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Going by what is in today's newspaper, most of the Counties have their supplementary ready, and we are being informed when we are closing that we need to discuss our supplementary budget. Hon. Omwende asked something about the PMCs. There is money allocated to PMCs Committees, these are the people in the grass root. We come to Siaya every day to do our role.

These people, every contractor will be deducted from his amount 5%. I asked this question last year, the Hon. CECM Finance, Mr. Ombogo, allow me to quote him, authoritatively informed us that he had over Kshs. 110m and there is nobody to claim. These are the people that you want to entrust with the projects. Hon. Mboha comes from a very vast area, over 11 Sub locations, other Hon. Members like me might be lucky to have 2 or 3 Sub locations. Common sense dictates, you cannot be in all these places every time.

This Motion is about the Ward development, what about the Executive development projects? Allow me to end my speech, it can be long given the nature of this Motion and I believe in the truth alone. It is not a must that you have to be back here in 2022 as an MCA but you should be appreciated for the work you have done. Thank you.

*(Applause)*

**Hon. Speaker:** Allow me just to give you some guidance on some of the issues which were raised and have also been alluded to by the mover of the Motion. On the issue of PMCs, I want to assure all the Committees in this House that it is within your rights to summon the CECMs and ask them some of these questions; it doesn't have to be solved by this one Motion. Feel free to move ahead. Same to whether we should address these things at departmental Committee levels, nothing stops you from doing the same but you will agree with me that because you are still new, this could be an entry point.

Nothing will stop for example the Committee on Roads to ask for the same information and debate in this House, bring a report and we debate in this House that will improve on service delivery. The issues of bursary that we had talked about with the Committee on Education, Nothing is lost.

*(Question put and agreed to)*

**MOTION**  
**ADJOURNMENT**

**Hon. Oor:** Mr. Speaker, Sir, pursuant to the Assembly Standing Order 25(3) On a day when the Assembly is scheduled to adjourn to a day other than the next

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normal sitting day in accordance with the Assembly calendar, the Leader of the Majority Party or the Leader of the Minority Party or another Member of the House Rules and Business Committee shall move a Motion of adjournment which shall be debated for not more than three hours after which the County Assembly shall adjourn without question put.

According to the Assembly Calendar regular Session for the year 2017, the first Schedule of this Second Assembly end today on 7<sup>th</sup> December, 2017. The Liaison Committee meeting held this morning noted that most Committees still have a number of pending Businesses including report on statutory document submitted by the County Executive and other policy documents that require deliberations and resolutions of this Hon. House. We will therefore, if need be, request you to convene a Special Sitting to deliberate on urgent Business during the recess period.

In this regard and pursuant to Standing Order 25(3) I wish to move that this Hon. House adjourn today for the long recess and resume its Sitting on Tuesday 12<sup>th</sup> February, 2018 at 2.30pm. Thank you.

**Hon. Speaker:** Ordinarily a time like this you just move the Motion and if Hon. Members have something to say they say because there is no question being put then we just rise and adjourn.

*(Silence)*

There seems to be no contributions, so will we be rising for adjournment.

*(Hon. Members rose for adjournment)*

Today being the final day of this Session, this House do adjourn until the 12<sup>th</sup> February, 2018 or at a time that will be communicated to you for Specialittings. This House adjourns until then in the Chamber.

The House rose at 3.52 p.m.