

Wednesday, 8th August, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA
SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly - Second Session

Wednesday, 8th August, 2018

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

COMMEMORATING 8TH AUGUST, 2017 GENERAL ELECTIONS

Hon. Speaker: Hon. Members, I know this is a very special day to most of you especially for those who went to the ballot because a time like this last year you were eagerly waiting to go to Canaan; you had cast your votes and you were just waiting for the results. I congratulate you for making it to this House.

(Applause)

NOTICE OF MOTION

BUDGET APPROPRIATION, PLANNING AND VISION 2030

Hon. Madialo: Thank you, Mr. Speaker Sir. I rise to give a Notice of my intention to move a Motion:

THAT this House adopts the Report on Budget Appropriation, Planning and Vision 2030 Committee on Siaya County Integrated Development Plan 2018/2022 laid on the Table of the House on Tuesday, 7th August, 2018.

Hon. Speaker: Hon. Member for Yimbo East.

Hon. Otiato: Thank you, Mr. Speaker, Sir. I rise to seek a statement from the Chair on Sectorial Committee of Agriculture, Livestock and Fisheries on the conversion of Agricultural Training Centre (ATC) to a university, Barack Obama University. In the statement the chair should respond to the following concerns;

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1. Under what circumstances was Agricultural Training Centre (ATC) converted to a university. That is, was there a County Executive resolution? And if so, please furnish the House with the evidence to that effect.
2. Should the whole process of conversion found beyond reproach then under which budgetary allocations/ line it being financed.
3. Agriculture is a devolved function pursuant to the 4th schedule of the Constitution of 2010 and the training is a key component to the agricultural development. What is the fate of all training and agricultural extensions activities originally domiciled in the institution. That is all.

Hon. Speaker: Hon. Ochieng', when do we expect your response?

Hon. Ochieng': I think in two weeks' time.

Hon. Speaker: This is the last week Hon. Otiato, are you comfortable with that or is the matter too burning?

Hon. Otiato: It's okay Mr. Speaker Sir.

Hon. Speaker: Hon. Lorna.

Hon. Adida: Thank you, Mr. Speaker Sir. I rise to seek a statement from the chairpersons On Health and Trades Committee. Pursuant to Standing Order No. 41 (2c), I rise to seek a statement from the Chairpersons of Committee of Health Services and on the Operationalization statusat Udimba dispensary in North Sakwa Ward.

1. In the statement the chairperson should state why Udhilo dispensary at Bar Kowino has not been equipped and is not operational since its completion in the FY 2015/2016.
2. Explain why Kasule dispensary in Abom sub-location has not been equipped and is not operational since its completion in also FY 2015/2016.
3. The chairperson should explain plans if any by the County department of Health to equip and operationalize the two facilities in North Sakwa Ward.

Hon. Speaker: Chair Health, kindly remember that we will be going on recess by the end of this month.

Hon. Adida: Thank you, Mr. Speaker Sir. I will give a response in two weeks' time.

Hon. Speaker: Last week of August, kindly Members ensure that the response has come.

Hon. Abigael: Thank you, Mr. Speaker Sir. I rise to seek a statement from the chairpersons on Committee on Education on the status of Nyadonde youth polytechnic in Central Gem Ward. In the statement the chairperson should;

1. Confirm the completion status and hand over of the construction of the youth polytechnic in the Ward.
2. If complete, the chairperson should explain why since its completion the youth polytechnic has never been equipped and operationalized.
3. Explain why the polytechnic is exposed due to that fact there is not fence an indication that the project has been abandoned.
4. Explain plans if any by the CECM to operationalize the project and by when?

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I also rise to seek a statement from the chairpersons of Committee on Finance on the status of the payment for works done in Nyandiwa - Uyu road and Uyonga- Sirandu road in Central Gem Ward. In the statement the chairperson should;

1. Provide the list of contractors who were contracted for the construction of Nyandiwa - Uyu road and Uyonga- Sirandu road.
2. Confirm whether the payment were directed to the legitimate contractor as per the list of the contractors submitted and not any other contractor who was not engage for the road project.
3. Confirm the status of the payments for the works.
4. Submit details evidence of payment for the project.

Thank you.

Hon. Speaker: Chair Education, Hon. Lorna Adida to answer.

Hon. Adida: Thank you, we will be able to respond in three weeks.

Hon. Speaker: So both of you are asking about penalization.

Finance!

Hon.Oduor: Yes, Mr. Speaker, Sir. I ask for two weeks.

Hon. Speaker: Yes, Hon. Adida.

Hon. Adida: Thank you, Mr. Speaker Sir. I rise again to seek a statement from the chairpersons of Committee on Health Service on management of Manyonge dispensary in North Sakwa Ward. In the statement the chairperson should note that;

1. The community around the dispensary has reported cases of mismanagement by the officer in charge of the dispensary.
2. The said officer has opened a parallel private facility/ pharmacy in the same facility and reportedly swindle drugs meant for the dispensary to his pharmacy hence, raising concern of conflict of interest.
3. The officer hires and fires casual workers at will and in any time he pleases in disregard of the policies and legislations on recruitment of casual workers.
4. The operations within the facility have since been halted due to in accessibility by the from the hostile environment caused by the intolerance of the members of the public.
5. Explain why the County Government of Siaya Health Service department has not of the facility despite reports by various stakeholders and the community.
6. Explain measures put in place to ensure that the said officer is held accountable for any losses and damages if any arising from the unbecoming characters of the said officer.
7. Explain measures that are put in place by the CECM Health to restore services in the facility.

Thank you.

Hon. Speaker: Chairperson can answer.

Hon. Abigaël: In two weeks' time.

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Hon. Speaker: My advice to irrespctive Chairperson, when you get lettered enquiries just go over and above what you have been requested to provide. Like if it is on operationalization of dispensary, other than addressing this particular one you can also go farther and enquire about more; that makes your work easily fair and standardized answers. Next Order!

MOTION

COUNTY DEVELOPMENT PLAN 2018-2022

Hon. Madialo: Mr. Speaker, Sir; I rise to Move a Motion:

THAT this House adopts the Report on the Budget, Appropriation Planning and Vision 2030 Committee on the Siaya County Development Plan 2018-2022 laid on the Table of the House on Tuesday, 7th August, 2018.

Mr. Speaker, Sir; the County Integrated Development plan is the mother policy document that informs other development policy document that are generated and used for implementation of projects and services like the government.

Mr. Speaker, Sir; apart from this the House has already passed the budget estimates 2018/19 and the annual development plan as policy documents that will inform fiscal exercise during the year 2018/19. Participation via this Assembly and various Sectoral Committees has been wide. Sectoral Committees of this Assembly have participated in the development of this document and this Report.

Having looked at what the Siaya County Executive projects as their projection for development in the next 5 or 4 years; the Committee had the following observations and revelations; The County Government is yet to prepare the 10 year long term plans e.g. the Sectoral and Spatial Plans as envisaged in Sections 109 and 110 respectively of the County Government Act (CGA), 2012. Linkage of the CIDP to these plans (Sectoral and Spatial) was therefore not possible.

Though the County Government has outlined its development strategies for the next five years, the indicative budgets/costs attached to the development strategies may not be realistic. The costs/indicative budgets may not be based on any feasibility studies or market surveys.

The proposed CIDP 2018-2022 does not provide information in relation to development status of different parts of the County (there is no demarcation between the least and highly developed areas in the county). It is therefore not possible to establish if the strategies as outlined in the CIDP are intended to address issues in the least developed areas or not. Similarly, it is not possible to establish if there is equitable distribution of resources across the County or not.

The proposed CIDP 2018-2022 does not provide evidence of public participation. The County Government only mentions that public participation took place. Copies of minutes and deliberations (including proposals made) during public participation exercise should be attached to the CIDP as annexes.

Furthermore, despite public participation being a core function in county planning and that the County Government has expressed an intention to enhance public participation over the next planning period, the document was silent on whether the Government intends to form the County

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Budget and Economic Forum (CBEF) in accordance with Section 137 of the PFM Act, 2012. By forming this forum consultations during planning process will be enhanced.

The County Government failed to capture any information relating to poverty level in the background information.

The County Government failed to capture the amount of equitable share it has received for FY 2017/18 up to the period of preparation of this document.

Information provided in the expenditure analysis was not the similar information provided in other reporting tools e.g. the County Budget Review and Outlook Paper (CBROP). This is illustrated below;

The actual expenditure reported in the proposed CIDP 2018-2022 was Kshs. 1,609,946,774 for compensation to employees in FY 2014/15. However this was not similar to Kshs. 1,658,968,338 as was reported on Pg6 of the CBROP, 2015 which reviewed the budget implementation for FY 2014/15.

The actual expenditure reported in the proposed CIDP 2018 – 2022 was Kshs. 1,489,365,905 for operations and maintenance in FY 2014/15. However this was not similar to Kshs. 1,419,022,246 as was reported on page 6 of the CBROP, 2015 which reviewed the budget implementation for FY 2014/15.

The actual expenditure reported in the proposed CIDP 2018-2022 was Kshs. 1,625,065,169 for development in FY 2014/15. However this was not similar to Kshs. 1,589,314,175 as was reported on pg6 of the CBROP 2015 which reviewed the budget implementation for FY 2014/15.

The actual expenditure reported in the proposed CIDP 2018-2022 was Kshs. 2,219,084,848 for development in FY 2015/16. However this was not similar to Kshs. 1,830,884,455 as was reported on pg6 of the CBROP 2016 which reviewed the budget implementation for FY 2015/16.

The actual expenditure reported in the proposed CIDP 2018-2022 was Kshs. 2,176,632,198 for development in FY 2016/17. However this was not similar to Kshs. 1,975,468,783 as was reported on pg9 of the CBROP 2017 which reviewed the budget implementation for FY 2015/16.

The first budget estimates prepared by the County Government was for FY 2013/14 which formed the baseline. In the Proposed CIDP 2018-2022, the County Government provided budget estimates for FY 2013/14 and other subsequent years. However it was silent on how the roll overs were treated across the board in the subsequent budgeting years as they formed part of the budget estimates for the preceding Financial Years.

The County Government reported to have irrigated 132 hectares of land against a target of 1170 hectares but failed to mention specific areas where this was done. This information is critical and should be disclosed.

Though the County Government captured all the achievements for the previous years in the proposed CIDP 2018-2022, from the document provided it may not have been easy to ascertain if these achievements mentioned were actually realized or not.

It was clear from the proposed CIDP that the County spatial plan was not in place contrary to the requirement of Section 110 of the County Government Act, 2012, which states that “there

shall be a ten year county GIS based database system spatial plan for each county, which shall be a component part of the county integrated development plan”.

The County Executive through the department of Governance and Administration planned to construct Ward offices at a cost of Kshs. 150M over the next three years. Likewise the County Assembly has made provisions for the same (construction of Ward offices) over the next two years at a cost of Kshs. 90M. The two departments should agree on which one should construct the Ward offices and at what cost.

The proposed CIDP 2018-2022 did not provide an elaborate plan on how the County Government intends to offer/provide support (enhance operational efficiency) to water supply agencies e.g. SIBO and Community based water projects.

Improved extension services have been captured as one of the key inputs under general administration, planning and support services. Whereas general administration, planning and support services deals with daily operations, support and co-ordination within an institution, extension services extends support outside offices. It is therefore important to capture extension services as a stand-alone programme with key outputs in areas like crop, livestock, fisheries and veterinary services.

One of the flagship projects the Education department intends to implement is construction of center of excellence for girls (Starehe School model). The County Government may not handle this singly as functions of primary and secondary schools were not devolved.

One of the achievements realized by department of Public Works as reported in the proposed CIDP was “establishment and operationalization of the county mechanical transport fund”. Though this was implemented outside the CIDP 2013 – 2017, the County Government plans to establish mechanical transport fund in the next planning period (2018-2022).

The County Government under its priorities plans to upgrade some airstrips within the county which may not be a function of the County Government as provided for in Schedule Four of the Constitution of Kenya, 2010. Even if it were the function of the County Government, there was no demonstration of an immediate need of airstrips within the County.

Three departments, that is, the County Assembly; Tourism and Sports; and Finance and Economic Development were not entrenched in Chapter Six under monitoring and evaluation impact and performance indicators.

The County Government has planned to implement several projects as flagship. For purposes of this CIDP, flagship projects are those with high impact in terms of employment creation, increasing county competitiveness, revenue regeneration etc., or can generally be defined as projects characterized by large investment commitment and can have long lasting impact on the economy, environment and society.

These projects attract a lot of public attention because of substantial impacts on communities, environment and budgets. This Committee therefore recommends that the County Government should pick just one or two flagship projects per year so as to create high impact in terms of employment creation, increasing County competitiveness and revenue generation among others. These should then be financed to completion before new ones are initiated.

The CIDP should provide information that demarcates the least developed areas (using various parameters such as: access to improved water, health care, etc.) and the intended steps to reduce inequalities. The CIDP should make provisions on how public services provided in the most developed areas are maintained (holding harmless) as it promotes development in other areas.

This Committee recommends that the County Treasury should bring to reality the estimated costs and further ensure that feasibility study is effectively done. This will enable proper planning of the County programmes and set priority activities to be implemented during the 5 year period.

To demonstrate that public participation was carried out during the preparation of this proposed CIDP, this Committee recommends that the County Treasury attaches evidence that this activity was undertaken. Such attachment should include the selection process of the participants; structures (programs and scripts used) of the public participation exercise; and the public proposals on the County Development strategy.

The County Treasury should ensure that there is a clear linkage between the CIDP and any other planning document that may have been discussed by this County Assembly. This should begin right from the first year of implementation of this CIDP – FY 2018/2019 and will ensure that the Annual Development Plans, the Fiscal Strategy Papers and the Programme Based Budgets are clearly derived from the CIDP.

Having engaged the County Assembly on its proposed CIDP, this Committee recommends that the attached schedule be approved and incorporated as the County Assembly's CIDP during the 2018-2022 planning period.

It is important to note that during preparation of this document (CIDP 2018-2022), the national government had not concluded on the preparation of the Third Medium Term Plan (MTP III). However, the County Government's strategies as proposed in the CIDP 2018-2022 should clearly be aligned to strategies of the Third Medium Term Plan which is the third one in a series of successive 5-year plans under which the Kenya Vision 2030 is to be realized. Furthermore, there would be need to review the CIDP so as to ensure it is aligned to the MTP III.

The County Government should move with speed and embark on preparation of 10 year long term plans as Section 109 (2)(b) of the CGA states categorically that "the County Sectoral plans shall be the basis for budgeting and performance management".

Implementation of projects which are not in the approved CIDP should highly be discouraged as this contravenes Section 104 (1) of the County Government Act, 2012 which states that, "A county government shall plan for the county and no public funds shall be appropriated outside a planning framework developed by the county executive committee and approved by the county assembly".

The County Government should state clearly if the development plans and valuation roll were prepared for Siaya and other markets or not. Further it should state the markets whose development plans and valuation rolls were prepared. The act of valuing and rating of property

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should be able to be seen across the County. The County should move to declare the properties within the County before valuing of such properties is done.

The variances in reporting noted in observation (vii) above should be corrected to reflect the correct position.

An accounting system should be put in place so as to ensure that SIBO effectively delivers services and remains as accountable as possible.

The contents of this Report are contents that are perfectly within the knowledge of all Members of this Assembly, they having picked a copy each yesterday and I trust they having burnt the midnight lamp to equate themselves with the contents. I beg to urge my colleagues to adopt the Report. May I request the Hon. Majority Whip to second.

Hon. Speaker: I propose the question that this House adopts the Report on the Budget, Appropriation Planning and Vision 2030 Committee on the Siaya County Development Plan 2018-2022 aid on the Table of the House on Tuesday, 7th August, 2018.

Hon. Oriaro: Thank you, Mr. Speaker, Sir; it is adequate that this House adopts this Report so that the use of finances can have their legal space because without this document we will not be planning at all. One of the observations in this Report because I have not seen a very specific elaborate recommendation as per it.

Various plans like the special planning are yet to be undertaken by the County Executive because you cannot plan in the air, you plan on the land. I would wish that the Executive in areas where they are tip toing there is still a demonstration of a great deal of non-chalice they now act with speed. The Governor has got various CECMs and I believe there is one on planning because those were his own choice. I would believe that such persons would be better placed to steer development. We don't want to see aimless spreading of development minus proper planning especially when we talk about urban development.

Recently, the revenue team was in one of the markets in my Ward and the locals chased them away. Ndere market is within the municipality but even where to put toilets, where to place the market there is no proper planning. Aimless chasing away of hawkers or maybe kiosk owners; if we had a proper plan our traders would not be suffering so we want detailed plan in so far as the infrastructural layout of facilities in our urban centres utilities that are supposed to help the people we represent enjoy various services etc.

The aspect of planning, such plans I am talking about even having C.I.D.P in place in the end may not make our people adequately and reasonably get proper services. We can now see how devolution is being done in Nairobi sanctioned by the president; it is illegal like Taj Mall. These things were done in Nairobi, however how vulnerable we can be as a mere County if we don't have pro-intellectuals professionals to advising the County adequately with the emergence of such plans. I support Mr. Speaker, Sir.

Hon. Opanga: Point of Correction!

Hon. Speaker:What is it Hon. Opanga.

Hon. Opanga:Taj is not in Kileleshwa.

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Hon. Oriaro: Mr. Speaker, Sir; maybe some of us are not informed. You may have branches. One of the branches is at Kileleshwa. Even java has branches everywhere.

(Laughter)

Hon. Speaker: Now you have to withdraw...

ENDS 18

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FROM 18

---withdraw the term 'adapted'.

Hon. Oriaro: Mr. Speaker, you adapted, that is why I said at times I was. I was talking in the past...

Hon. Speaker: Withdraw the statement.

Hon Oriaro: I withdraw, Mr. Speaker.

(Laughter)

Hon. Speaker: Yes, Hon. Otiato

Hon. Otiato: Thank you, Mr. Speaker, Sir, I rise to support this document. Only that I have missed to see a certain part. In it there is that section that I have just asked a question to deal with Agriculture, where we are saying that the department should factor in the construction of one laboratory, at the Agricultural Training Centre (ATC) which is important in providing guidelines in the acidity.

You realize that this is one of the key functions of the County Government which is being taken away and that particular institution being given away for some other function in form of a University. Being that it is also appearing in our CIDP, it is also crucial that we have a look at it.

On the same, you realize we have no idea if any investment has taken place, not even a fish factory. In Nyeri, an investment of Kshs.60million was done to construct a factory, based on the fish ponds that were there. We have a very lucrative industry that is the fish caging, and now the market is becoming a problem because we cannot export those tons of fish that we produce.

As much as that is not appearing there, we hope that in future, the Budget Committee will identify a budget line under which focus is on this particular industry. That is the only industry that exists today. In fact in Siaya, other than having Nyandong Kayiere in Yimbo West, we don't have any other industry to support this. So if you could do this, and possibly in the near future,

focus on construction of some fishing industry, I would be very happy. Otherwise I beg to support.

Hon. Speaker: Yes, Hon. Ben Adalla.

Hon. Adala: Thank you, Mr. Speaker. I want to say that the Committee has done a good job, because we are all aware that the first step as we plan for a County is the passing of the CIDP, then from there, every other thing comes fourth. However late we might be doing this, I don't think we are so much late.

I am very thankful because the Committee has really looked at the Universal health care, and in line of the big four agenda, cognizant of the fact that a majority of the Siaya residents whom we serve cannot access health care due to reasons that we are all aware of, when there was a discussion between the Executive and the health Committee, we were at a loss that how then do we start implementing UHC, without having the policies in place. So we were at a loss that do we say yes or do we say no.

I want to thank the Budget Committee that in their wisdom they have realized that it is something that we need to have, and they are suggesting that we implement it in phases so that we first look at the issues of the policies that will be able to undertake that.

Going to the Education department because that is where my interest is, and that is the umbilical of Siaya, we did have a meeting with the Executive and cord that we were having is that it is not fashionable that to this year since the inception of the County Government, that Siaya County still lacks Youth Bill, and having looked at the Report at a glance.

I have seen that that as well is being looked into, and I want to believe that as Members of the Education Committee, while we will be looking at the Bursaries, and where the money is, we will be very much focused on the Youth Bill, so that we put it as a matter of priority, to even this financial year so that it is really put in place.

Otherwise I don't have much to say, because if a report has been done well, then my work is always very simple, that of reading the mood of the House, and Mr. Speaker if you can allow me, then I can authoritatively report that the mood is ripe. Thank you, Mr. Speaker.

Hon. Speaker: Any other contributors? What is it Hon. Winnie?

Hon. Otieno: Hon. Adalla has read it

(Laughter)

Hon. Speaker: Hon. Adalla does not have the authority to authoritatively report.

(Laughter)

There being no other contributors, I would like to call upon the mover to reply

Hon. Madialo: Mr. Speaker, may I thank my colleagues for supporting the report. Just one observation that I wish to emphasize, I wish to assure my brother from East Yimbo, the fact alone that they have a sign board, telling the House that that is a university, doesn't mean that it

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is a university. A university must have a charter or letters of interim authority, and my memory doesn't tell me that such a thing has happened at ATC.

So in the eyes of the Committee of Budget, ATC is an institution being run by the County Government under the department of Agriculture. I say once more that I am grateful to my colleagues save for if we could join hands, and emphasize to the Executive, under recommendations:

1. That when we talk flagship, perhaps we could just concentrate one, and take the stadium, and complete it, instead of lumping them. Given that TAJ Mall might be in very many places, and we are unable to comment much about TAJ Mall, probably Mheshimiwa thinks it's in Mageta. I beg to urge colleagues once more, to support this Report.

(Question put and agreed to.)

MOTION

ADJOURNMENT

Hon. Speaker: Hon. Members, there being no other Business, will you be upstanding for adjournment.

There being no other Business, this House stands adjourned until tomorrow Thursday, 9th August, 2018 at 2.30 p.m. in the Chamber.

The House rose at 3.00 p.m.