

Tuesday, 19th June, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly – Second Session

Tuesday, 19th June, 2018

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

[The Temporary Speaker (Hon. E. Odawa) in the Chair]

PRAYER

MOTION

ENGAGEMENT WITH THE STAKEHOLDERS (CECMS)

Hon. Opanga: Mr. Temporary Speaker, Sir, I rise to move a Motion: THAT this House adopts the report of the Committee on Implementation on their engagement with the stakeholders (CECMs), laid on the Table of the House on Tuesday, 27th March, 2018.

The report was given out on Thursday to Hon. Members and the appendixes were also given out and I believe we have gone through the report.

On the back ground information, the Implementation Committee in the process performing their mandate came to a realization that there was need for them to meet its stakeholders for official introduction of its new members, clearly spell out its mandate to the stakeholders, and state the committee expectations of the stakeholders hence this meeting that took place between 29th January – 2nd February, 2018.

The stakeholders who were the County Executive Committee Members County Government of Siaya and their Chief officers were expected to have a written submission detailing their specific departments mandates(including vision and missions), challenges ,partners ,pending projects(If Any),and their expectations of the County Assembly through its committee on Implementation.

The Implementation committee was able to gather documentary and verbal reports from the stakeholders and compiled this report which will assist the County Assembly of Siaya committees carry out their work diligently and will be a point of reference especially on pending projects for the Sectoral Committees. Hence this report titled;REPORT OF THECOMMITTEE

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ON IMPLEMENTATION ON THEIR ENGAGEMENT WITH THESTAKEHOLDERS,
(CECMs).

COMMITTEE MANDATE

The committee on Implementation is established under Standing Order number 198 which states that:

- (1) There shall be a committee to be known as the committee of Implementation;
- (2) The Committee shall scrutinize the resolution of the County Assembly (including adopted committee reports), petition, and undertakings given by the County Executive Committee and Examine:-
 - a. Whether or not such decisions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary;
 - b. Whether or not legislation passed by the County Assembly has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.
- (3) The committee may propose to the county Assembly, sanctions against any member of the County Executive Committee who fails to report before it on Implementation status without justifiable reasons.

COMMITTEE MEMBERSHIP

The Committee on Implementation as constituted on Wednesday 31st September 2017 is composed of the following Members:

1. Hon Fredrick Opanga - Chairperson
2. Hon Edwin Odhiambo - Vice Chairperson
3. Hon Emily Awita - Member
4. Hon Filly Onditi - Member
5. Hon Caren Ayika - Member
6. Hon Maurice Aringo- Member
7. Hon peter Omondi - Member

OBJECTIVES OF THE MEETING

The objectives of this exercise was for the committee to create rapport with its stakeholders, for the committee to understand roles and mandatesespecially of specific Executive departments,and the departments to be able to share their pending businesses that would act as reference documents for the Sectoral committees' and to establish operational challenges that are obstacles to the Executive departments inhibiting them from implementing House resolutions.

PROCEDURE ADOPTED

In carrying out this obligation, the committee majorly relied on documentary analysis of written submissions' handed to the committee from every department of the county government of Siaya.

The committee also had formal engagements with the County Executive Members and their chief officers through the office of the County Secretary in a meeting in Kisumu dated 29th January – 2nd Feb 2018 where there were verbal reports that were captured that has enabled drafting of this report.

EXECUTIVE SUMMARY

The Implementation Committee of County Assembly of Siaya felt that since the members of the committee were new in this 2nd assembly there was need for them to meet the stakeholders to enable them have official introductions and set rules of engagement to start working for the people of Siaya on a clean slate with clear understanding of each other roles.

The committee took five (5) days in meetings with the Executive who submitted written submissions to the committee itemizing their specific departments' mandates (including vision and missions), Challenges, Partners, Pending Projects, and their expectations of the County Assembly through its Committee on Implementation.

The committee hence analyzed and came up with this report evidently stating their Observations, findings and recommendations that shall assist the County Assembly of Siaya Sectoral committees', Implementation Committee and the County Government Executive Committee Members efficiently and effectively implement their mandate to an acceptable level and serve the people of Siaya County.

Special appreciation goes to the Chairperson and Members of the County Assembly Committee on Implementation, and the staff who participated in this exercise and ensured the success of this exercise. The Committee would wish to extend its gratitude to the office of the Speaker and that of the Assembly Clerk for its support towards the planning and facilitating the exercise.

The Committee would wish to further extend its gratitude and appreciation to the County Executive Committee members and their Chief Officers who religiously availed themselves for the meeting in Kisumu County. On behalf of the Implementation Committee, it is my pleasant duty to present this report to County Assembly of Siaya.

In our first engagement, we met the department of Agriculture. The Implementation Committee was made aware that Agriculture is the backbone of the economy of the citizens of Siaya County and that food security is a major problem to the County Government of Siaya.

The committee was further made aware that the department has three (3) sub- sectors namely Crops, Livestock and Fisheries Sub – Sectors and that the Department has more than twenty (20) partners supporting it to achieve its Vision which is Siaya County to be a food secure County with commercially oriented Agriculture Sector. (Attached find the Pending projects per ward in

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Siaya County - Appendix 1).The committee was informed that the following are some of the problems that made implementation of projects difficult in the department;

- 1) Low budgetary allocation to the agricultural sector in Siaya county
- 2) There was declining arable land sizes in Siaya county
- 3) Low productivity in agricultural produce
- 4) High post – harvest losses
- 5) Weak governance in farmer Organizations’ especially the co-operatives
- 6) Low uptake of appropriate agricultural technologies
- 7) Irrigation based farming is limited.

HEALTH DEPARTMENT

The committee was made aware that the Health Department has a mission to provide quality healthcare for all and that the sector has a Nurse population ratio of 1:1997, Doctor population ratio of 1:38511 and a total number of 2148 Community Health Volunteers for Community Health Service in Siaya County.

The department has a total of twelve (12) partners who have been assisting the department achieve its mandate and its mission and have been facing the following challenges impeding them from achieving their goals;

Unrest in the health sector, inadequate staff, low uptake of health insurance, inadequate funding to the department, too many health facilities build/constructed and are not in use due to lack of staff, equipment and medicine for the facilities to operate.

Lands department: The implementation committee was informed that Lands department consists of four (4) directorates namely Lands, Physical Planning , Survey and Housing with a Vision to provide excellence land and housing management for sustainable development and a Mission to facilitate administration and management of land and access to adequate and affordable housing.

The directorates in the Lands department have different and specific areas of work to handle and have been able to Complete 9.52% of projects that were budgeted for in FY 2016/2017 , and 90.48% projects’ are yet to be done and are on- going (appendix 3).

The following are some of the challenges reducing speed of work in the department;

low budgetary allocations for the department yet the third highest revenue collector in the county, lack of mobility since the department has no vehicle for field work, lack of technical staff to execute mandate of the department, preparation and implementation of the county spatial plan that will facilitate collection of revenue for the county government in terms of billions.

Finance department: The department submitted to the Implementation committee a written submission (Appendix 4) on their mandate, partners and pending projects and clearly stated that they monitor, evaluate and oversee the management of public finances and economic affairs in County Government of Siaya.

They also listed seven (7) partners’ who assist them in working towards vision 2030 and one pending project which is the automation of revenue collection.

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The Finance Department are facing the following challenges and many more, that are derailing their work towards offering services to the people of Siaya County; delays in receiving funds from the national treasury into the county revenue fund which should always be dispatched by every 15th day of each month, personal emoluments and operations and maintenance continue to be a dominant consumer of county budgets hence slows capital formation and growth, inadequate skilled personnel especially in areas of public finance management e.g. procurement, finance, and accounting and technical challenges regarding use of technology mainly IFMIS and E- procurement.

Education department: The department submitted to the Implementation committee a written submission (Appendix 5) on their mandate which included and not limited to, increasing enrolment in early childhood education and ensuring quality education and training in vocational training centers (VTCs).

The department also presented to the committee a total of nine (9) policy and legal frameworks that they had developed namely; Policy framework for the Siaya county preprimary school feeding programme, Siaya county preprimary education policy, Siaya county early childhood education policy, Siaya county social protection policy, Siaya county youth policy, Siaya county education bursary policy, Draft Siaya county vocational training policy, Public finance management (Siaya County Older persons cash transfer fund) regulations 2016, Public finance management (Siaya county youth, women and PLWDs Enterprise Fund) regulations, 2016

They presented to the committee lists of projects from FY 2014/2015, FY 2015/2016 and FY 2017/2018 for their consumption (attached find a copy, appendix 5) and the committee understood that the following were some of the challenges the department faced; inadequate staff i.e. the current number of staff is below optimum in all sectors i.e. ECDs, VTCs, Youth and Gender affairs, ambiguity on mandate between the national government especially on areas of social services, youth and gender affairs, sports and VTCs, this means that the county government cannot levy fees on registration of entities or collect revenue from certain public facilities.

Trade department: With a mission to formulate, promote and coordinate trade development policies and programs in Siaya County the department submitted that they have five core values namely Integrity, Teamwork, Creativity and Innovation, Quality Service and Professionalism.

They also went on to submit a list of 126 projects carried out in FY 2016/2017 and their Implementation status (attached find appendix 6).

The department carried out SWOT analysis and a Need Analysis of their department and stated some of the following challenges; lack of proper physical planning in major urban areas like Bondo, Siaya, Usenge and even markets example Ugunja, Ukwala, Yala, Madiany, Sega and Wagai, poor saving culture hampering growth of cooperative movements, lack of policy guidelines to enable disbursement of funds created in the sector e.g. the cooperative Fund.

Water department: With eleven (11) partners assisting the department of Water implement its projects to a satisfactory level, the department submitted that they had a mission to

promote, conserve and protect life, environment and improve access to water and sanitation for sustainable development.

The department also presented a list of 69 pending projects (attached find appendix 7) and that the following were some of the challenges preventing the implementation of these projects; underfunding of projects, low technical staff, low capacity of some contractors.

Roads department: The department presented before the committee a list of projects carried out in FY 2016/2017 and status of their implementation (appendix 8), the list also has specific Wards that the projects were carried out.

Tourism department: The department stated that their mandate is; to manage all tourism sites and identify new ones, and promote them, they submitted that the department was added more responsibility in terms of handling Sports and Cultural aspects of Siaya County.

They also stated that they had the following pending projects; development of Got Ramogi Cultural Center, construction of Luo traditional home symbolizing the Luo clans at Got Ramogi, landscaping at Got Ramogi, development of Mageta Island colonial cells, Miss tourism Kenya beauty pageant, tourism promotion & marketing, rehabilitation of Odera Akang'o Cultural sites, promotion of culture and heritage

The following issues affected the implementation of the above mentioned projects; limited financial resources, low /unsatisfactory release of funds from the county treasury, inadequate legislative frame work for tourism

The Committee made the following Observations / Findings:

The committee observed hesitance from some of the CECs and some kind of fear to attend the meeting and a few even expressed fear stating that they imagined that the meeting would turn out to be chaotic as it used to happen in the First Assembly and it was not so.

The committee noted that all Departments of the County Government of Siaya raised concern over low allocation of funds to their departments.

The committee also realized that all the departments' raised concern over inadequate skilled staff and yet the wage bill was too high.

The committee also found out that there were several projects that had not been completed example constructed health units that are not functional due to lack of personnel and equipment and irrigations schemes e.g. Obenge and Kasiri that are now white elephants.

The committee reiterated the need for the CECs and the Chief Officers to present themselves before the committees of County Assembly of Siaya when required to do so and must present to the relevant select committee documentation if need be.

The committee also realized the need for the CECs to be treated with respect, professionalism and decorum to dispel the perception that had been created of harassment and fear during meeting where the CECs are invited.

The committee observed that centralization of finance department operations including procurement and accounts sections and systems slowed down implementation of all projects in the County.

9.0 COMMITTEE RECOMMENDATIONS

Mr. Temporary Speaker Sir, the committee recommends that;

- 1) The CECM Finance to prioritize funds to the most crucial projects per department per every financial year to enable the county government of Siaya departments operate efficiently and effectively and reduce the complaints on low budgetary allocation and the respective CECMs of each department to use the available recourses' prudently since financial recourses' will always be insufficient.
- 2) The CECM finance to decentralize his services to all the departments to enable quick release of funds from the county treasury by start of FY 2018/2019.
- 3) The CECM Agriculture to create awareness on use of agricultural technologies to eliminate issues of declining arable land, low productivity of agricultural produce, harvest losses, and limited irrigation based farming.
- 4) The CECM Health to plan, budget and provide equipment, personnel and personnel emoluments for the health workers in the next FY 2018/2019 to avoid the unrest in the health sector.
- 5) The Siaya County Service Board to consider carrying out suitability tests to the available staff, training and re - training of this staff, re – aligning /deployment of this staff to various department of Siaya county government to solve the problem of Inadequacy of skilled staff, this is because 75% of Siaya county government goes to personal emoluments which is not sustainable and way above the recommended 35% of the budget for every county.
- 6) The CECM Lands to prioritize and budget for a vehicle in the next the FY 2018/2019 to enable his department carry out activities that involve field work with ease.
- 7) The CECM Lands to budget for the Siaya County Spatial Plan in three (3) phases in the next the FY 2018/2019 and FY 2019/2020 and provide plans for the following towns Bondo ,Siaya ,Usenge and markets such as ; Ugunja,Ukwala,Yala,Madiany,Sega and Wagai to enable collection of revenues for the County Government.
- 8) The CECM Education working in conjunction with the sectorial Committee on Education County Assembly of Siaya to look into and clear the ambiguity on mandate between the National Government especially on areas of Social Services, Youth and Gender Affairs, Sports and VTCs, within a period of 120 days from the date of adoption of this report.
- 9) The CECM Trade to fast – track the processing of the Cooperative Fund Bill to enable disbursement of funds budgeted for in the sector for accountability and openness sake.
- 10) The CECM Finance to ensure that all projects budgeted for in FY 2017/2018 and FY 2018/2019 is tendered to qualified contractors whose capacity to carry out the job is not questionable.
- 11) The CECM Tourism to budget and come up with policies framework for Tourism Department in order to facilitate the operations of the department.
- 12) The attachments' to this report be handed over to the relevant Sectorial Committees' for their consideration and utilization.

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In our recommendation as a Committee we have realized that the most complaints from most of the departments was the decentralization of the procurement department, and also you find that this thing is done within one department. We therefore recommended that if we want to tackle this issue we must decentralize to every department. Let every department carry out its procurement because every department has a CEO who is the accounting officer.

I would wish to call upon Hon. Peter Oduor to second.

(Hon. Oduor seconded)

(Question proposed)

Hon. Temporary Speaker: Yes, Hon. Juma!

Hon. Juma: Thank you, Mr. Temporary Speaker, Sir, let me also add my voice to this Motion of Implementation Committee and allow me to congratulate the chair for having brought us a good report as we all know that Implementation is a process that turns strategies and plans into actions and orders to accomplish strategic objectives and goals.

We also know that Siaya as a County has a vision to be a role model of the County committed to quality service delivery and sustainable development. We all know that almost all Committees in this House depend on this Implementation Committee to give a good report on each and every aspect or project that they want to be done in this Assembly.

It is notable that the recommendations of this Committee actually has brought a lot to be wanting and especially as an African woman we are aware am a Member who likes to speak best on where I know best and actually understand more.

You find that almost each and every department is allocated a small amount of money that cannot actually enable them to implement whatever exercises or activities they always want to do in their Wards and especially in agriculture where we normally say that it is the backbone of each and every economy and especially in Siaya. If this department is given enough funds then it can serve this County without any failure so to say.

In this report we also see that we have unskilled staffs who are employed in almost each and every department, and one question that I ask my self is that are we really serious in Siaya that actually we want to achieve the mission and vision of Siaya County which talks of development in each and every Ward come 2030.

Just recently we saw a report on Governance which is headed by Hon. Odawa Vincent as chairman where most of these unskilled members of staff were employed based on suitability test. Looking at this report there are parts that I quite don't agree with and I would like them to be amended for example there is a section where the report says County Service Board should carry out suitability test to the available staff.

To me the suitability test is what has put us to be where we are today as Siaya County and when we say that we do this suitability test to already employed staff, to me it doesn't sound good. I would rather support the section where it says these untrained staff be retrained and aligned to their various designations of their various professions where they belong. And so I propose that this section where the Committee recommended that we do suitability test

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be struck out and at least replaced by training these staff a fresh and align them to their various designations.

Mr. Temporary Speaker, Sir, when we talk of untrained staffs and we find that it falls even under different departments like in health, I am a woman, and sometimes when we go to these hospitals and we find the untrained staffs it brings chaos and misunderstandings because they are practicing what they don't know. Therefore, I recommend and support that they be trained but not on suitability test.

Mr. Temporary Speaker, Sir, last week Hon. Otiato, from Yimbo brought a Motion on Decentralization of procurement and we debated it here to the fullest. I want to encourage us because it is a report that has also occurred in this document of today in the plenary that the other side of the Government that is the Executive decentralizes each and every finance to the Ward level so that every development that has been put in place be realized in good time so that we move forward as a county

As I said earlier this department is very crucial because it is the department which sees to it that everything we propose here as the County Assembly in terms of development be achieved in all the Wards as it indicates a good time and good condition.

I want to support this document and I want to encourage each and every Member in this House to support it and give it light because we believe that development is what brought us here for the people that we represent in this Assembly.

Otherwise, I want to say that let us not just talk the talk but also walk the talk and believe that everything we say in this Assembly one day will come to realization.

Hon. Temporary Speaker: Hon. Odawa Vincent.

Hon. V. Odawa: Thank you, Mr. Temporary Speaker, Sir. I want to commend the Committee on Implementation for good work they have done. The report is entirely good except for some recommendation like the one pointed by Hon. Linda on the staff we have currently.

She has pointed it out and I don't need to go through it but just to put more emphasis on it, we should never have this thing called suitability test because it is the one bringing us the problem of wage bill because you find that people are just employed arbitrarily without taking into account their expertise.

So what should be done to this County should be retraining that is bringing experts to retrain the staff in their various fields.

I also have problem with recommendation number 10 where the Committee recommended that CECM finance to ensure that all projects budgeted for FY 2017/2018, 2018/2019 is tendered to qualified contractors is not questionable.

I think if we leave it at that stage, is where the Executive may take advantage and bring in then leave to those who are supposed to carry out the contract in Siaya County, because the essence of devolution is to bring money to the people of our Community, and if you say that only those qualified, qualifies to work, because one starts from somewhere, so long as all those who apply, have the pre-requisite documents, like which support billing, vide the Board or the

Management which qualifies the contractors for bidding, so long as the contractor has the requirements, he should be allowed.

So, if we leave it like this, we still have problems with many of our contractors, being locked out and not having work to do. Otherwise, I support, but my concerns must be addressed. Thank you.

The Temporary Speaker (Hon. E. Odawa): Yes, Hon. Edwin!

Hon. Odhiambo: Thank you, Mr. Speaker, but we are one year older but you cannot remember your fellow colleague. Anyway, I want to congratulate the whole Committee which I also belong to.

I want to say that, just as my Chair has just noted, there are a number of points to be noted, more so, I would like the Hon. Members to take note of those, because they are the ones who are going to act upon this, and I want to remind the Hon. House, that this Committee of implementation has the powers just like the High Court of Kenya who can summon a Chief Officer or Minister for any queries.

I want to say that as per report, that the low budgetary allocation has been mentioned, I think this has been facing the people of Siaya because there are cases whereby the Hon. Members tend to lie low to their constituent that is when they are protecting their constituents, and even where they are not supposed to protect them.

I know that by the time the spatial plan will be over, the Siaya County shall have enough revenue, and we will meet this low budgetary allocation, so as to have enough money. So I would like to encourage the Hon. Members that there are things which if not fast tracked will remain the same. Maybe this is not only affecting the Executive but also us.

We were also talking about unskilled workers. This one was brought by the defunct system that is before the devolved Government. People were just being employed, so long as you were a relative of the bosses, you could get employment.

The Temporary Speaker (Hon. E. Odawa): Yes, Hon. Odawa.

Hon. V. Odawa: It's not related to what Hon. Is saying, but we had placed a caveat, for us Members not to go out, I don't know whether it still stands, because I want to answer to that of which I don't want it to be on record, to be captured by the Hansard. I want to go out and answer to the obvious.

(Laughter)

The Temporary Speaker (Hon. E. Odawa): I think you can call for NIS and come back sir. You can proceed.

Hon. Odhiambo: So I was talking about unskilled staff, they were being employed in relation to that order. There is much concern that we must employ skilled staff, those who can do a good job to the community or to the County.

Therefore, when my Chair read about the suitability test, we also noted that not everybody would be having the distinct career to perform. That is why he was talking of the suitability test and you know there are people, who can be given some simple question, to know

they can handle the public, and I know not everybody will be having the skills, thus the suitability test.

He talked about training and retraining of those who were employed, so that we get good results at the end. Another Hon. Member said that we had a debate last week about the centralization and decentralization of finances. I think that if the finances are decentralized, things will be perfect, jobs and these projects will be done at the right time.

The Chair also talked about the disbursement from the National Treasury. I don't know how this one will be solved. I know the County Government is aware of the delayed disbursement.

Last but not least, there are some projects or things which cannot be done if some bills are not fast tracked since we came, bills and policies. I know there is a bill for corporative, that is the department of Trade. This one has to be fast tracked so that the Corporative Societies would get this money and devolve it back to the Community so that it can be used in the Community so that they can be used for future. Otherwise Hon. Members, I would also request you that you support the document; let us also make a follow up of the same.

I know people have been confusing what the Implementation Committee is supposed to do. After this Report has been read here, we are supposed to give them around six months to follow up the Implementation. Otherwise, thank you and may God bless you.

The Temporary Speaker (Hon. E. Odawa): Hon. Bazaar? And please be brief, precise and to the point.

Hon. Oduor: Thank you Mr. Speaker, first of all, I would like to remind you of my names. I am sorry I am not Bazaar. My name is Peter Omondi Oduor, MCA of Ukwala Ward.

The Temporary Speaker (Hon. E. Odawa): Thank you for that correction.

Hon. Oduor: I will not take much of your time. First I would like to commend our able Chair of Implementation, I was part of this Report, and it was actually done well. All those personnel that we required to give us Report, all of them came, all the departmental heads, and the only thing that came out of it was only complains.

These were only complains, and the complains were: Lack of funds, decentralization, inadequate or qualified personnel. We found out like in water, when we called them, they told us they could not go everywhere, the work was being done. The shallow wells, we had a problem with the shallow wells, and you know I have one in my Ward. I think when the Water Committee was here it was also mentioned, where a pit latrine was dug and they said that was water well.

The Temporary Speaker (Hon. E. Odawa): Hon. Member, can you be specific? A pit latrine and a water well? Differentiate the two.

Hon. Oduor: Yea, it was supposed to be shallow well, but it was never to be, because they dug a pit latrine, meaning it was dug and there was no water in it, and it was not even covered, so they simply dug a pit latrine.

So, the complaint was, they could not move the sites because of lack of funds, personnel and mobility. Thank you.

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The Temporary Speaker (Hon. E. Odawa): I would like to call upon the Mover to reply.

Hon. Opanga: Thank you, Mr. Speaker Sir. I would like to thank all the Hon. Members who contributed to this Report, may God bless you. Thank you.

(Question put and agreed to)

MOTION

ADJOURNMENT

The Temporary Speaker (Hon. E. Odawa): There being no other Business, Members, would you be upstanding for adjournment.

There being no other Business, this House adjourns until Wednesday, 20th June, 2018 at 9.00 a.m.

The House rose at 3.30 p.m.

