

Tuesday, 6<sup>th</sup> March, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

## REPUBLIC OF KENYA

### SIAYA COUNTY ASSEMBLY

#### THE HANSARD

#### Second County Assembly – Second Session

**Tuesday, 6<sup>th</sup> March, 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

##### ELECTION PETITION

**Hon. Speaker:** Hon. Members, I have communication to make from the High Court of Kenya at Siaya. It reads, ‘Certificate pursuant to Section 86(1) of the Elections Act 2011.

Whereas the election of Cornel Rasanga Amoth as the Governor for Siaya County was challenged in the High Court at Siaya Election Petition No. 3 of 2017 Eng. Nicholas O. Gumbo VS The Independent Electoral and Boundaries Commission, Ruth K. Kulundu and Cornel Rasanga Amoth. And whereas the Court heard the petition and after considering the evidence and submissions, the Court made the following declarations:-

1. That the petitioner’s petition dated 4<sup>th</sup> September, 2017 is dismissed with costs to the respondents.
2. That this court confirms and determines that Cornel Rasanga Amoth was validly elected as the Governor for Siaya County.

Given under any hand and seal of the High Court at Siaya this 26<sup>th</sup> day of February, 2018.

Issued at Siaya this 26<sup>th</sup> day of February, 2018.

Signed by E.N. Maina, Judge, High Court of Kenya at Siaya.

*(Applause)*

So that remains the decision unless challenged for appeal.

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Secondly is, communication coordinated by the Committee on Agriculture on sensitization of County Assembly Committee Members responsible for Agriculture on 8<sup>th</sup> of March, 2018 at Sovereign Hotel Kisumu. So the Committee on Agriculture will coordinate so that Members of that Committee and representatives of Infrastructure Committee, Water, Environment and Natural Resources Committee, Finance and Planning Committee, the Committee Clerks together with their leadership Members. Next order!

**MESSAGE**

**CORD COALITION**

**Hon. Speaker:** Hon. Members, there is communication from the CORD Coalition which I think the Whip and the Majority Leader will communicate after the adjournment of this Session. As soon as we are done with the Sitting, kindly stay put for that Communication. Next order!

**PAPERS**

1. COUNTY FISCAL STRATEGY PAPER FY 2018/2019

**Hon. Oor:** Mr. Speaker, Sir, I wish to lay on the Table of the House the County Fiscal Strategy Paper (CFSP) for FY 2018/19.

2. STATUS OF THE COUNTY DAIRY FARMING PROJECT

**Hon. Ochieng:** Mr. Speaker, Sir, I wish to lay on the Table of the House the report of the Committee on Agriculture on the Status of the County Dairy Farming Project.

**Hon. Speaker:** Thank you. So, Hon. Members on the County Fiscal Strategy Paper, my direction is that the Committee does not engage on it until when we have the ADP (Annual Development Plan) read together with the CIDP because it is not a standalone document.

The secretariat is further advised to make communication to the CECM Finance that the Assembly will not address itself to this Paper in isolation. They will have to furnish us with the CIDP, the CFSP and the ADP because those documents have to be looked at together.

The report of Committee on Agriculture, the secretariat is advised to make copies available to Hon. Members so that tomorrow if you will be ready you debate it in the morning; if it won't be ready you defer it in the afternoon.

That will depend with the House, if the House will deem fit to debate in the morning tomorrow well and good; if you are not prepared the mover will seek for leave so that you debate it in the afternoon. Next order!

**STATEMENT**

**Hon. Speaker:** There are some two statements which were sort last week and I think there was commitment to give answers on Thursday last week. Hon. Members, why I insist that

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we need to know our Standing Orders is that we don't reduce a House to a House of gossip and rumor mongering so that even when a statement is asked or is sort, then you go telling people that a Motion was passed.

A Statement is a mere question. You are asking the CECM or the relevant person to give you answers. To ask about how many COs we have is not to pass a Motion that we are disbanding the positions of COs. So that you want to go to please somebody telling them how you are doubting who wrote or who asked the question.

A statement is a very simple thing. I told you the last time you can ask that Mr. Speaker, 'can the CECM in charge of Roads through the chairperson of Roads Committee explain to us the status of Kadenge – Siaya Road?' It is a question, it is not something to go and use to seek favors to belittle the House and the integrity of the House, it is not right. That is a statement, you are asking questions!

I say that because somebody was almost being strangled to have a read a statement on behalf of another Member. You can write a statement and when you are away you seek an authority or you ask one of your colleagues to read that statement for you or even move a Motion for you! That was a mere statement.

**Hon. Speaker (Hon. Okode):** Yes, Hon. Andiego, you had something to say?

**Hon. Andiego:** Thank you, Mr. Speaker, Sir, on behalf of the Chair of Budget Committee; there was a Statement from M.C.A. Hon. Ambrose Akuno of West Asembo ward seeking to know the issues of the budget estimate and with its relative papers. I'm requesting that when a Member raises a Statement we need to engage with him /her. We are requesting that you give us time as a Committee on Budget and when he comes we will engage with him and then we bring---

**Hon. Speaker (Hon. Okode):** Hon. Andiego, read to us the Statement and where you think an engagement is necessary. Those are things you can go answer where you are. Can you read the Statement it's a very straight forward thing.

**Hon. Speaker (Hon. Okode):** Do you have it?

**Hon. Andiego:** Yes, I have the Statement but I'm speaking on behalf of my Chairman that you allow us to bring the Report next week.

*(Laughter)*

**Hon. Speaker (Hon. Okode):** Because as far as I'm concerned it simply asked about the budget circle which comes first. You don't even have to go seat, you just look at the Public Finance Management Act but you are not prepared. Unfortunately, the person who asked is not there but there is somebody who asked on his behalf. Hon. Fred Omollo; are you agreeable to represent next week on Thursday?

**Hon. Andiego:** Yes, Next week on Thursday because from tomorrow the Budget Committee will be out for some days but if allowed I can answer because I belong to that Committee.

*(Laughter)*

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**Hon. Oyuago:** I think next week on Thursday will be late because we are already receiving papers and we need to know based on the clue that you have given us what is entailed in the question but he doesn't want to read the Statement but we really wish to know what is there in the Statement.

**A Hon. Member:** Thank you, Mr. Speaker, Sir; I think communication for the time we gave though I was communicating on behalf of another Hon. Member but they requested time on that day which I think the Chair ought to have done his work. We can allow them up to Thursday so that any of the Members can come and communicate because it's a Committee that has Members.

**Hon. Speaker (Hon. Okode):** Hon. Member you are the same Member who said he had answers; do you want to proceed or you want to wait until Thursday?

**Hon. Andiego:** Mr. Speaker, Sir; I can answer the questions but if given permission by my Chairman.

**Hon. Speaker (Hon. Okode):** Which Standing Order stops you from answering on behalf of your Chairman? I want to be sincere with you because you know, it's also within our rules that you be responsible for the facts. If you are not sure then you better not answer and you answer on Thursday because if you give answers and they are wrong answers then the House will hold you accountable. What do you think? Do you still want to answer?

**Hon. Andiego:** No, thank you.

**Hon. Speaker (Hon. Okode):** So we will give you until Thursday.

**Hon. Member:** Mr. Speaker, Sir; this is the Statement on the C.O.'s and it's on the desk of the Chair of Governance and Administration but meanwhile we have not received any communication from the relevant department. We request for more time.

**Hon. Speaker (Hon. Okode):** Did you put your communication in writing?

**Hon. Member:** I brought the information to the Chair and actually he got the requirements from the Clerk. He told me that he is fully aware and he called a meeting on the same.

**Hon. Speaker (Hon. Okode):** There is a growing trend which is very worrying if you are not careful this House will be reduced to nothingness. If we allow as a House to communicate to the Executive and they choose to answer or not to answer and to answer at their convenience, my friends we won't be having a House. I think we will have to address ourselves to what happens when answers are not forthcoming. I'm aware in this House under the Committee on general oversight invited the CEC in charge of finance to appear before with copies of approved budgets 2016/17, 2017/18 and a supplementary there of. They never communicated, they have never given answers. To date they are taking the Committee on Budget Appropriation in circles so that as we speak even you Members; if I asked you today to produce the supplementary budget for Siaya County Government today, you don't have. Even if a member of the public asked you; we don't have the document. We must start taking our work seriously; the issue that is raised on C.O.'s is a really straight forward issue. You simply ask these people; give us the names of

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C.O.'s that you have, that was the question. We need to be a bit more serious and vigilant. If we are not vigilant it doesn't mean we are fighting just a passion for your work.

**Hon. (Bonyo):** Mr. Speaker, Sir; I have got a suggestion. That if the Executive is taking us round like that then why would the Budget team move with them to Kisumu tomorrow? They should decline that so that it's seen that we are serious on our side.

**Hon. Member:** Thank you, Mr. Speaker, Sir; I support what Hon. Booker is saying and in fact I would rather request the Committee for Budget should they decline the request by the Executive so that they should come to this Assembly and address our queries, thank you.

**Hon. Member:** Mr. Speaker, Sir; just on the same issue. I think when we did our Supplementary we were only given the ward based projects for me I would request the subsequent coming budget. Let us be given the entire document because we realize maybe the changes were meant for the ones we were doing but whatever was in the entire document some of us didn't know. The finance ended up doing what they know best, I would kindly request the Budget Committee to provide the House with the entire document so that even those who don't have a specific constituency to represent can have a look at the document, thank you.

**Hon. Speaker (Hon. Okode):** Hon. Members, I hope the Budget Committee Members have heard your concerns, my cry as your Chairman is that even from where I seat I cannot produce a copy of the Siaya County Supplementary Budget and this is a public document which should even be accessed in the website. It's a sorry state of affairs and then that now stops at the desk of the Budget Committee.

Whatever you are doing, wherever you are going that our next meeting by Tuesday next week how I wish you could give us answers as to do we have a budget estimate or not and where is it? Can we see it and what can we do about it? That would be the best thing you can ever do to this entire County.

You have heard how Members are concerned and the same Budget Committee remember there are other Members who were not remunerated when we went to Kisumu the other time. Those are some of conditions you should put in your meetings, Next Order!

**Hon. Speaker (Hon. Okode):** There being no other business would we up standing for adjournment.

### **ADJOURNMENT**

**Hon. Speaker (Hon. Okode):** There being no other business, this House adjourns till tomorrow Wednesday, 7<sup>th</sup> March, 2018 at 9.30 am.

The House rose at 4.14 p.m.

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