

Tuesday, 27th March, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

## REPUBLIC OF KENYA

### SIAYA COUNTY ASSEMBLY

#### THE HANSARD

#### Second County Assembly - Second Session

**Tuesday, 27<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

DEMISE OF A STAFF MEMBER, BERNARD OMOLO

**Hon. Speaker:** Hon. Members, allow me to convey to this House the demise of one of our staff by the name Bernard Omollo. He was a serjeant- at-Arms in Siaya County Assembly. The late worked in police service as police constable before he joined the defunct Local Authority in Bondo town council in 2009.

He was seconded to Siaya County Assembly in September 2013 and was confirmed to the Assembly establishment on the 1<sup>st</sup> of July, 2015 after successful suitability interview. He has been in and out of hospital since early last year.

Before his death, he had been working in the serjeant-at-Arms department as serjeant- at-arms III. His date of birth is 1<sup>st</sup> July, 1973. His first appointment with the Kenya police was in 1994, and he passed away on the 26<sup>th</sup> March, 2018 at 3a.m.

His body is in Sagam Hospital mortuary and the condolence book is out there so we are signing, and may God rest his soul in eternal peace as I urge you to be upstanding for a moment of silence in his honor.

*(The House observed a minute of silence)*

“May the soul of Serjeant Bernard Onyango Omollo rest in peace.” Get seated.

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Hon. Members I had indicated that I will be giving direction on the nomination of County Executive Committee members, and I want to report to you that a letter has been dispersed to the office of the Governor and I read the letter;

That we acknowledge the receipt of your letter dated 12<sup>th</sup> March, 2018 on the above subject matter, which is the nomination of the County Executive Committee members. The Assembly Committee on Appointment during its meeting held on 20<sup>th</sup> March, 2018 considered issues raised there then and noted a series of legal and procedural issues surrounding the deferred nominations.

The issues sole noted include but not limited to pending court case, unprocedural issues emanating from the Standing Orders. The Committee consequently referred the matter to the Hon. Speaker for direction.

Hon. Speaker acting on the requests by the Committee made communication to the House during the afternoon plenary sitting on Tuesday, 20<sup>th</sup> March, 2018 that a direction on way forward and relation to the matter under consideration will be given not later than Thursday, 29<sup>th</sup> March, 2018 there upon a communication will be done to your office.

Kindly bear with the Assembly while still executing its mandate as per Law established. So I will do as directed by that letter.

Hon. Members, there is a matter before several committees here pertaining to Bills which had been published in the Kenya gazette during the reign of first Assembly, and the provisions of our Standing Orders is such that, they should stand first, and the position of the Government printer is that we should proceed with them and the point of second reading we make amendments including the authorship of the persons who have sponsored the Bills.

My directive is that these Bills be taken to respective Committees for pre-publication scrutiny so that you address yourselves to them and then the Bill introduced accordingly. And we have one on Siaya County solid waste management fund Bill. For fund bills you will have seek a fresh the write up from Budget and appropriation committee which will also be addressed to the office of the Speaker. So that goes to committee on Health services.

Then it was sponsored by Hon. Nicholas Ayima Were that is the Bill on the Siaya County laws inspectorate compliance and enforcement bill of 2017. I want you to consider them as legislative proposal that was sponsored by the then chairman of Governance and Administration, the Hon. Joseph Owuor; that goes to Governance committee. That is the Siaya County Entertainment and amenities Bill which was sponsored by the chairperson Education, Youth and Gender and Social services. So that goes to the Education committee.

There was Siaya County anti-pornography Bill which was sponsored by committee on Education and that goes to Education Committee. The Siaya County fire and rescue services Bill sponsored by then chairperson for Public works, Roads, Transport and Communication that goes to the Roads committee. There was the Siaya Health services Bill 2017 which has now administrative proposal, will be handled by Committee on Health then sponsored by the chairperson Nicholas Were.

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There is the Siaya County Gender equality and women empowerment Bill which was then sponsored by the chairperson Education committee and goes to the Education committee. Then the anticipated one which is the Siaya County village units administrative Bill of 2017, which was then sponsored by the committee on Governance and Administration, now goes to the committee on Governance.

**Hon. Oriaro:** Mr. Speaker, Sir; there are some of the things that the answers should carry for us. That one is very key.

**Hon. Madialo:** Mr. Speaker, Sir; the Statement as requested by Hon. Aringo is pertinent. I wish that the Statement be expanded to include Central Sakwa, West Sakwa and this is because this problem is rampant in that region. I would have also wished to request that the Statement deal not just with execration of the soil but soil that has been dumped as waste by previous Industrial investors.

**Hon. Andiego:** I rise on support of expansion of that Statement. In Central Sakwa, as mentioned by Hon. Madialo, there is gold extraction which has brought a lot of foreigners to that part of Sakwa of which we would want to know where the foreigners get the permission. Nowadays they have even ventured in the fishing industry; where you find Ugandans who have chased Kenyans from Uganda and they have even come to our waters and they have it very easy. I beg that the Statement be expanded, thank you.

**Hon. Speaker:** Do we have the Chair or Vice Chair of Roads here?

**Hon. Member:** Thank you, Mr. Speaker, Sir; we can go have a look at the Statement and we will response back.

**Hon. Otiao:** Mr. Speaker, Sir; the Chair is talking about coming back after recess which is possibly in May or so and with the extent of damage that this thing is causing. Even the County gave a license without approval of NEMA which by extent is illegal. It's something that need to move with speed, going to Yimbo East and getting directions from their need not to take 3months. I would request that the Committee move with speed.

**Hon. Speaker:** On the jurisdiction or the mandate of the Committee, let me rule what the Statement talks about; in the Statement the Chairman should respond to the following concerns: Is the County Government aware of the soil that is being quarried and ferried by trailers with foreign number plates and that the roads seriously damaged?

It goes ahead to ask about mineral deposits, also mentions that the extraction is being done through loud explosives that is affecting the residents especially students in nearby schools. The extraction has left deep valleys that cause great danger to both domestic animals and human beings and goes ahead to ask about the revenue.

The material that the person approving this Statement looked at was the serious damage done on the roads. The Roads Committee will deal with this; if you feel you need to consult the Finance Committee with a bit of revenue you are free to do that.

If you want to contact the Environment Committee you are free to do so. You are even free to do your investigations; Report on what is within your mandate and recommend to those other related Committees to proceed with the investigations in those areas.

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Roads Committee should do it and I agree that arrangements should be made in tomorrow's meeting so that we don't have to wait until May to have this responded to. We have a lot of things that we must do before the end of our recess; for example the laying of the Budget Estimates has to be done by 30<sup>th</sup> April.

Secondly, the CIDP we are supposed to dispense with we have discussed, we have the Public Accounts Report that we have to deal with before expiry of time and such very urgent concerns. We will make arrangements as we close in our deliberations tomorrow so that this is replied to before the end of the month mainly not sooner than Thursday or I can assure you now that by the time we open we will have done with it.

Committee on Budget; when I asked you to give us updates on the Supplementary Budget and the Chair is worried that we are almost closing; we cannot lay our hands on the approved Budget and Appropriation Bill and as late as last week the information reaching us is that the Controller of Budget is not yet using the Supplementary Budget for requisition, instead they are using the approved Budget because apparently the County Executive has not presented the Supplementary Budget after having been passed on the 22<sup>nd</sup> December, 2017.

**Hon. Madialo:** Thank you, Mr. Speaker, Sir; this morning I got in touch with the CECM Finance on this issue. It would seem the hard copy of the Budget has not reached the Controller of Budget, they have been proceeding on assumptions that the soft copy that was uploaded is insufficient.

I requested the CECM Finance to give me answer before this afternoon and unfortunately a team from Central bank came in at around 11.00 a.m. I intend to give you an answer tomorrow and it can be slotted for the afternoon session.

**Hon. Speaker:** He has promised to give an answer before we close. Yes, Hon. Shirly.

**Hon. Oyuago:** Thank you, Mr. Speaker. I would wish to tell the Chair Budget, to read the Report in an Official Sitting in this Assembly, not in Kamukunji, because we need the Report covered in the Hansard. Thank you.

**Hon. Speaker:** Sure. Yes, Chair Budget!

**Hon. Madialo:** Mr. Speaker, Sir, I am a worried man especially as a representative.

**Hon. Speaker:** Yes, Hon. Mboha. Hon. Oriaro, take your seat.

**Hon. Mboha:** Mr. Speaker, is it in order for the Member of Central Alego to come to the House improperly dressed.

**Hon. Speaker:** Hon. Oriaro, will you withdraw from the House? The longest serving is the least educated on proper dress code

*(Laughter)*

Yes, Hon. Opanga!

**Hon. Opanga:** Hon. Speaker and this Honorable House, some three or four weeks ago, this House requested for something very crucial that touches on the welfare of Members. The

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budget Committee had promised to Report back, but I think, Mr. Speaker, as the overall Chair, has the prerogative to give direction on the issue of Members.

**Hon. Speaker:** Hon. Opanga, don't talk about Members' welfare here, we know what you are talking about. The Chair of Budget knows what you are talking about. You don't have to reply.

**Hon. Madialo:** Mr. Speaker, I might not reply. I am only trying to inform Mheshimiwa that the Chair of Budget is interested in their welfare.

**Hon. Speaker:** Okay, point noted. I hope Hon. Opanga will know why I interrupt him. We appreciate Members of the public who are here, they are free to be coming all the time, and they are part and parcel of this discussion. Yes, any Members? Is there any contributions? Any other Statement? Yes, Member for South East Alego.

**Hon. Mboha:** Thank you, Mr. Speaker, Sir. There is something that came up the other time, about a Company that had been working in Bondo Sub County, and the Committee of Roads didn't involve us and tell us of the progress.

**Hon. Speaker:** Hon. Otiato, what was the issue?

**Hon. Otiato:** Mr. Speaker, if I am getting hon. Mboha right, he is trying to ask about the VOACOM limited and the possible flaunted laws in procurement. That is the main issue.

**Hon. Speaker:** They don't have a copy of the Statement, Hon. Mboha, do you have a copy of the Statement in writing?

**Hon. Mboha:** Yes, you did give us a bit of the task as a Committee of roads, but it touches largely on the Committee of Roads because it involves contractors, and it was even talking about the roads, and we went to visit those sites so that we could get acquainted with the matter.

**Hon. Speaker:** Oh! I remember. That Statement which was committed to Committee on Justice. It stands committed to Committee on justice. Committee of Roads, any matter that comes your way, you can go ahead and investigate. It doesn't have to be ignited by statement. So you proceed with the authority of Legal affairs, just proceed with it. The Committee on Roads, on your own Motion, at your own free will, you can investigate a matter and give a Report. Nobody stops you.

**Hon. Andiego:** On that note, Mr. Speaker, as Member of Roads Committee, that issue also generated some of the investigations that we were doing. I believe that when the Report for Roads will be out, it will also capture such issues, how the contractors are awarded the tenders and also their behavior after getting those tenders.

As the Committee of Legal Affairs is investigating, I believe Hon Mboha knows that we also have parts for such like people in our Reports, so it cuts across. We will also investigate and share when we bring our Reports.

**Hon. Speaker:** Does the Committee of Roads have a pending Report on the status of implementation?

**Hon. Andiego:** Yea, I think.

**Hon. Speaker:** Is it ready?

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**Hon Andiego:** I think the Report is ready.

**Hon. Speaker:** it should be ready

*(Laughter)*

**Hon. Speaker:** Yes, Vice Chair!

**Hon. Mboha:** Thank you, Mr. Speaker Sir. We are on the final part of the Report, I think by tomorrow we will communicate for it to be tabled.

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

**Hon. Juma:** Thank you, Mr. Speaker, Sir, just on a point of information. Last week I was not in the Assembly, but I think on issues of Statements, the Governance and Administration was also given a Statement and they were supposed to respond, and I don't see our Chair here always attending these sessions, so I don't know whether it has been responded to or we can include it before we go on recess.

**Hon. Speaker:** where is Chair Governance?

**Hon. Audi:** Thank you, Mr. Speaker. The matter is with the Chair, and they had even gone ahead to find out, and he was to table it today.

**Hon. Speaker:** Was the Report not answered? It was handled last week. Vice Chair, you are not aware?

**Hon. Audi:** Kindly, Mr. Speaker. We were out on Report on Water.

**Hon. Speaker:** Hon. Madialo. What is it?

**Hon. Madialo:** Mr. Speaker, the Vice Chair is not in Order to mislead the House, because the Vice Chair was present in the House when this Statement was being laid. So he was there.

*(Laughter)*

**Hon. Speaker:** When was the Report tabled?

**Hon. Audi:** Last week.

**Hon. Speaker:** Last week? The answer was given last week? Wednesday? The Vice Chair was away. You know, now things are happening funnily in this House. Those who have been here longest, don't know how to dress, those who have spectacles don't know how to see.

*(Laughter)*

I assume they have four eyes, now they should see properly

*(Laughter)*

Next Order!

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**MOTION**  
ADJOURNMENT

So, there being no other Business, will you be upstanding for adjournment.

Hon. Members, there being no other Business, this House stands adjourned till tomorrow  
Wednesday, March 28<sup>th</sup> at 9.30a.m.

The House rose at 4.00p.m.