

Wednesday, 21<sup>st</sup> March, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

## REPUBLIC OF KENYA

### SIAYA COUNTY ASSEMBLY

#### THE HANSARD

#### Second County Assembly – Second Session

**Wednesday, 21<sup>st</sup> March, 2018**

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

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

#### PRAYER

#### STATEMENT

#### CHIEF OFFICERS

**Hon. Temporary Speaker:** Hon. Vincent Odawa!

**Hon. V. Odawa:** Thank you, Mr. Temporary Speaker, Sir. I rise to respond to a Statement which was asked by Hon. Ambrose Akuno. I will start by apologizing to the Hon. House. This Statement was supposed to read in the morning session but I could not do it due to some avoidable circumstances. I kindly ask the Hon. House to bear with me.

The Committee on Governance and Administration received a Statement from Hon. Ambrose Akuno dated 15<sup>th</sup> February, 2018 where the Hon. Member requested knowledge of;--- But before I go to that I wonder why I Hon. Member so much want to have a Statement on an issue yet he takes the next flight to whichever destination. Let me proceed!

Hon. Ambrose Akuno wanted the Statement on;

1. The Current Chief Officers in all the County Departments.
2. Expiry of the term of each Chief Officer
3. Under what law are the acting Chief Officers working in the County Departments?

The Committee during its Sitting held on Friday 2<sup>nd</sup> March 2018 resolved vide minute no. PAGC/7 to write to the County Secretary as the head of County Public Service and the County Public Service Board, this was done vide letters SC/ASS/CORR/C.EXC/17X – 138 and SC/ASS/COUNT/PSB/16 VOL 11 – 35 respectively both dated 28<sup>th</sup> February, 2018.

Consequently, the Committee received the responses from the County Secretary and the County Public Service Board dated 7<sup>th</sup> March 2018 and 5<sup>th</sup> March 2018 in which the officers

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provided a list of Chief Officers, the departments they are in charge of, their date of appointments and the date for the end of their contracts. (see annexures 1 and 2). However, puzzling was that the responses also provided for the three officers who are acting as Chief Officers in various departments and shown below:

1. Peter Otieno                                      Acting Chief Officer    Education, Youth Affairs, Gender and Social Services
2. Sylvester O. K'Okoth                      Acting Chief Officer    Agriculture, Food, Livestock and Fisheries
3. Joseph Omondi                                Acting Chief Officer    Governance and Public Service

It is noteworthy that the three officers listed above have never held the position of Chief Officers in the County Government of Siaya. Upon further inquiry, the Committee established that the officers held substantive position in the County as follows;

1. Peter Otieno                                      Director Education and Training
2. Sylvester K'Okoth                            Chief Executive Officer School Feeding Program
3. Joseph Omondi                                Director Administration

The Committee therefore interrogated the County Government Act 2012 Section 45 which guides on the nomination and appointment of Chief Officers. Section 45(1)(a)(b) of the County Government Act, 2012 states as follows;

*The Governor shall;*

- a. *Nominate qualified and experienced persons competitively sourced and recommended by the County Public Service Board and*
- b. *With the approval of the County Assembly appoint Chief Officers.*

The Committee has considered the appointment of acting Chief Officers as extremely irregular as the officer acting were not at any time vetted by the County Assembly nor were they competitively sourced to serve in this position. The office of the County Secretary and the CSPB gives reasons for their appointment as a stopgap measure to ensure uninterrupted delivery of service by the departments.

In cases where there was need to appoint an acting Chief Officer, the appointing authority should have considered appointing already substantive Chief Officers to act as the seven existing substantive Chief Officers had been competitively sourced and appointed with the approval of the County Assembly. The Committee therefore, finds that the appointment of the below listed officers in acting capacities to be illegal and irregular and therefore must be rendered null and void.

1. Peter Otieno                                      Director Education and Training
2. Sylvester K'Okoth                            Chief Executive Officer School Feeding Program
3. Joseph Omondi                                Director Administration

The Committee recommends that:

1. The office of the Governor to invalidate the appointment of the three officers in the acting capacities and appoint any of the substantive Chief Officers in acting capacity or immediately undertake recruitment of Chief Officers to fill the three gaps of;

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Chief Officer – Education, Youth Affairs, Gender and Social Services

Chief Officer – Agriculture, Food Livestock and Fisheries

Chief Officer – Governance and Public Service.

2. The Sectoral Committee in charge of oversight of the three departments of Education, youth Affairs, Gender and Social Services, Agriculture, Food Livestock and Fisheries and Governance and Public Service should not transact any business with the officers in their acting capacities as Chief Officers as this shall be illegal and un-procedural.
3. The Sectoral Committee in charge of oversight of the three departments should further take up the matter with the County Secretary to ensure compliance with the County Government Act Section 45.

Thank you.

**Hon. Temporary Speaker:** Next order!

**MOTION**

ADJOURNMENT

**Hon. Temporary Speaker:** Will we be upstanding for adjournment!

*(Hon. Members stood on their feet)*

**Hon. Temporary Speaker:** There being no other Business to transact today, the House stands adjourned until tomorrow at 2.30p.m.

The House rose at 2.43p.m.