

Tuesday, 8th May, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly – Second Session

Tuesday, 8th May, 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

TEAM FROM MADISON INSURANCE

Hon. Speaker: Hon. Members, feel most welcome to this Hon. House from your recess. I wish to communicate to you the presence of a team from Madison Insurance and we welcome them in our usual way. Led by;

1. Japheth Oliech
2. Cathy Akumu
3. --- Ouma
4. Washington Odhiambo
5. Graphins Okoth

(Applause)

There was a senior citizen who had indicated to the Speaker he will be around, called Willis Ogola Okendo, I think he has left. He had introduced himself as the founder of independent candidates in Kenya, he comes from North Uyoma. Having said that Hon. Members, feel most welcome and we engage constructively during this Session.

I am also aware that our calendar heavily borrowed from the Senate and its discussions on the House Business Committee, we align our calendar with the National Assembly other than Senate. Because our calendar indicates that we have this Session from the 8th of May which is today to 21st June the same as Senate while the National Assembly one will have their Sittings

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running from 5th of June to 12th of July. I know the House Business Committee will indulge accordingly to ensure that we take cognizance of the Budget making process and the timeline therein. Next order!

NOTICE OF MOTION
REVIEWING RECOMMENDATIONS

Hon. Oor: Mr. Speaker Sir, I beg to give Notice of the following Motion:

Aware that Section 15 of the County Government Act, 2012 provides that a person has a right to petition a County Assembly to consider any matter within its authority including enacting, amending or repealing any of its legislation.

Further aware that the County Assembly on 7th November, 2016 was petitioned to intervene and address the plight of the former councilors who served the defunct local authorities in Siaya County since independence.

Noting that the Assembly considered and made recommendations and submitted to the Siaya County Executive for implementation, concerned that no action has been taken on the recommendations on benefits, among other issues raised by the Assembly. This House resolves THAT pursuant to Section 15 of the County Governments Act, 2012, the Committee on Justice and Legal Affairs review the recommendations and report back within 14 days for action.

Hon. Speaker: Hon. Willis Ochieng, MCA for West Yimbo Ward.

Hon. Willis: Mr. Speaker, I beg to give notice of the following Motion. Aware that there are enormous challenges bedeviling the fishing industry in Siaya County including but not limited to; the use of non-authorized/non-recommended fishing gears; use of poorly built and weak fishing equipment, inadequate market of fish and fish products, not to mention the constant accidents in the lake.

Further aware that the fishing industry contributes immensely to the Siaya County economic basket by offering thousands of employment opportunities, millions of shillings in terms of revenue amongst other benefits. Noting the contributions of the County Government of Siaya in the crops and dairy farming sectors of the County fisheries and Aquaculture Bill 2017 had been passed by the County Assembly, assented to but yet to be published into an Act.

Noting that there is need to provide for the sustainable utilization, management and development of fisheries, aquaculture and other aquatic resources within the County, this House resolves that the County Government of Siaya develops and submit to this House for consideration within 21 calendar day a comprehensive policy to comprehensively support the fishing gears/equipment, structured marketing and enhanced security and County law enforcement mechanisms.

Hon. Speaker: I direct that the secretariat concerned the facts behind the assenting to the Bill by the Governor and if not the Motion be amended accordingly so that we establish as to whether it is true it was assented to or the House passed the Bill but there was not assenting to it.

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Hon. Siguru is giving a Notice of Motion on behalf of Hon. Ambrose Akuno, MCA West Asembo Ward.

Hon. Siguru: Mr. Speaker, Sir, I beg to give Notice of the following Motion:
Aware that Section 45 of the County Government Act, 2012 provides for mandate of the Governor to appoint County Chief Officers with the approval of County Assembly. Further aware Section 64(1) of the same Act states that; *A person shall not be appointed to hold office in an acting capacity unless the person satisfies all the prescribed qualifications for holding public office*, providing conditions under which a person may be appointed in acting capacity under County Public Service Board.

Noting that Section 4 of the Public Appointments (County Assemblies Approval) Act No. 5 of 2017 provides that; *An appointment under the Constitution or any other law for which the approval of a County Assembly is required shall not be made unless the appointment is approved by the relevant County Assembly in accordance with this Act.* Concerned that some Chief Officers have been appointed in acting positions in the County Public Service Board.

Noting that Section 4 of the Public Appointments (County Assemblies Approval Act) No. 5 of 2017 provides that; *An appointment under the Constitution or any other law for which the approval of a County Assembly is required shall not be made unless the appointment is approved by the relevant County Assembly in accordance with this Act.* Concerned that some Chief Officers have been appointed in acting positions in the County Public Service without due regard to provisions of Section 64(1) read together with Section 45 of the County Governments Act, 2012 and Section 4 of the Public Appointments (County Assemblies Approval Act) 2017.

Further concerned that nothing stands in the way of the appointing authority in appointing substantive Chief Officers in the incident dockets and that the appointment in an acting capacity undermines expeditious appointment of competent persons to the offices as provided for in Section 64(4a) of the County Government Act, 2012.

This House resolves that all the positions occupied by acting Chief Officers be filled with substantive ones with immediate effect. Thank you.

Hon. Speaker: Notice is given for moving tomorrow. Next order!

STATEMENTS

STALLED PROJECT AT MIGWENA SPORTS GROUND

Hon. Speaker: Yes, Hon. Edwin Odhiambo, MCA for South Sakwa!

Hon. Odhiambo: Thank you, Mr. Speaker, Sir. Pursuant to Standing Order No. 41(2), I rise to seek a Statement for the Chairperson, Committee on Education, Youth Affairs, Gender and Social Services on the stalled project at Migwena Sports Ground started in the FY 2016/17. In the Statement, the Chairperson should respond the following concerns;

1. Is the department aware that the construction of the said blocks has been on and off and for the last 5 months there has been no work going on at the site?

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2. Provide facts about the status on the construction taking note that ---construction Ltd. that was awarded the projects started the work and appears to have abandoned the project thereafter.
3. Give details about scheduled projects, amendment, completion dates and payment made if any. Thank you.

Hon. Speaker: That Statement stands committed to the relevant Committee. Next order!

MOTION
ADJOURNMENT

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

(Hon. Members rose on their feet)

Hon. Speaker: I am reminded by the Leader of Majority that you will stay behind after adjournment for a word from the visitors. There being no other Business this House adjourns until tomorrow Wednesday, 9th of May, 2018 at 9.30a.m.in the Chamber.

The House rose at 2.42 p.m.