

Tuesday, 13<sup>th</sup> November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

# REPUBLIC OF KENYA

## SIAYA COUNTY ASSEMBLY

### THE HANSARD

#### Second County Assembly – Second Session

**Tuesday, 13<sup>th</sup> November, 2018**

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

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

#### PRAYER

#### COMMUNICATIONS FROM THE CHAIR

1. SUPPLEMENTARY BUDGET
2. THREATS AND INTIMIDATION DIRECTED AT MEMBERS OF THE ASSEMBLY
3. LEGAL STATUS OF ACTING CHIEF OFFICERS

**Hon. Speaker:** Hon. Members, I wish to communicate that last week on Thursday, the office of the Governor presented to the County Assembly Supplementary Budget for the FY 2018/2019. Upon receiving, communication was made in this House and we embarked on analysis of the same by our Budget and legal teams combined. The analysis was shared with you in an informal meeting and this afternoon procedurally we lay the report whose content you are privy to and debate for consideration on the same document.

Also allow me to make communication which I committed to last week on threats and intimidation directed at Members of this Hon. House.

Hon. Members, on the 6<sup>th</sup> November, 2018 during the Afternoon Sitting of this Honorable House, the Honorable Member representing Central Alego Ward, the Hon. Leonard Otieno Oriaro brought to the attention of the House that his life was threatened by his Excellency the Governor, Siaya County. The Hon. Member stated, and I quote;

*“Mr. Speaker, Sir, while attending to the cause of my representative mandate on behalf of this House at a County Assembly Forum in Mombasa on Wednesday, 31<sup>st</sup> October, 2018, I want to report that the County Government of Siaya Governor, Hon. Cornel Rasanga, made a phone call to me and through that phone call he threatened my life.*

*Mr. Speaker, Sir, on Tuesday of that week, before 8.00a.m. via radio Mayienga, his usual public political entertainer, Mr. Makamu, did a phone call to radio Mayienga and made a threat*

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*and I quote “we are prepared to deal with Oriaro perpendicularly” adding that “it’s no laughing matter” So, I want to report to this Honorable House of which I am a member, that my life is in danger”*

I directed the Honorable Member to report officially to my Office and he did so on 6<sup>th</sup> November, 2018. HonorableMembers will recall that similar actions, aimed at coercing, intimidating and threatening to cause harm to Members of this House have occurred in the past. For instances; the House, while holding its Sitting at Bondo Sub-County Hall on 4<sup>th</sup> March, 2015 was attacked and Members insulted by goons.

Consequently, this House, while debating the Report on Vetting of the CEC Members by the Committee on Appointments, on 4<sup>th</sup> October, 2017 was attacked and Honorable Members pelted with stones in a bid to intimidate, coerce and threaten them with the intention of directing Members’ opinions in considering the report.

HonorableMembers, the legislative authority of the County Assembly is clearly espoused in Article 185 of the Constitution of Kenya, 2010, read together with Section 8 of the County Government Act, 2012. These roles and responsibilities have been bestowed on Honorable Members by the electorate guided by Article 1 (1) and (2) of the Constitution of Kenya, 2010 which states as follows;

*(1) All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution.*

*(2) The people may exercise their sovereign power either directly or through their democratically elected representatives.*

While discharging these roles, Hon. Members enjoy certain powers, privileges and immunities which are clearly entrenched in parliamentary traditions and backed by several legislations. Key among these is Article 117 of the Constitution of Kenya, 2010; Section 17 of the County Governments Act, 2012 and Section 26(1) and (2) of the County Assemblies Powers and Privileges Act, 2017 which fervently protects Members from instances of intimidation, coercion and threats to cause harm and state as follows:

26. (1) A person shall not-

- a. *assault, threaten, use abusive language, obstruct, molest or insult any member proceeding to, being within or leaving the precincts of a county assembly, or endeavor to compel any member by force, insult or menace to declare himself or herself in favor of or against any proposition or matter pending or expected to be brought before a county assembly or any committee;*
- b. *Assault, threaten, use abusive language, interfere with, molest, resist or obstruct any member of staff while in the execution of his or her duty;*
- c. *Assault or threaten a member or unlawfully deprive a member of any benefit on account of the member's conduct in a county assembly;*
- d. *while a county assembly or a committee is sitting, create or take part in any unlawful disturbance which interrupts or is likely to interrupt the proceedings of a county assembly or any committee while a county assembly or the committee is sitting;*

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*(2) A person, including a member who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or to a term of imprisonment not exceeding two years or to both.*

HonorableMembers, I wish to bring to your attention that matters of intimidation and threats to Hon. Members as the case of Hon. Oriaro, if proved, amount to contempt of the House and are considered to be breaches of privilege. This argument is bolstered by the ruling of Speaker Lamoureux in 1973 when he stated that he had, *“no hesitation in reaffirming the principle that parliamentary privilege includes the right of a member to discharge his responsibilities as a member of the house free from threats or attempts at intimidation”*;

This perspective is also shared with Speaker Bosley through his ruling in 1986 where he stated that; *“If a Hon. Member is impeded or obstructed in the performance of his or her parliamentary duties through threats, intimidation, bribery attempts or other improper behavior, such a case would fall within the limits of parliamentary privilege. Should a member be able to say that something has happened which prevented him or her from performing functions, that he or she has been threatened, intimidated, or in any way unduly influenced, there would be a case for the chair to consider”*.

Honorable Members, it is in this regard that I wish to reaffirm that this House shall go to all heights in protecting its powers, privileges, immunities and integrity and that of its Members. This Honorable House shallnot allow any form of intimidation, coercion and threats to dissuade it from undertaking its legal mandates and upholding the supreme law of the land which it swore by.

It is in lieu of the aforementioned, that I direct the Serjeant – at – Arms to liaise with the Director of Criminal Investigations (DCI), Director of Public Prosecution (DPP), the Ethics and Anti – Corruption Commission (EACC) together with Hon. Oriaro and any other Honorable Member of this House; who feels threatened, intimidated, or coerced in relation to the discharge of their functions, to speedily conduct investigation into this matter with a view of holding to account persons who seem not to respect, not only the sanctity of this Honorable House and its Members, but also the law of the land.

We have three Communications but I just want to confine myself to two so that we are able to proceed. The other Communication I will make tomorrow.

Communication from the Chair on the Legal Status of Acting Chief Officers.  
Honorable Members, you will recall that on Wednesday, 9<sup>th</sup> May, 2018 during the Morning Sitting of this Honorable House, the Member representing West Asembo Ward – Hon. Ambrose Akuno sponsored a Motion on the appointment of Chief Officers in the County Government of Siaya.

Prior to this Motion, the Member, (Hon. Ambrose Akuno) had sought knowledge on the legality of having officers who have never been vetted and approved to undertake the duties and responsibilities of County Chief Officers in the County Executive Departments.

In addition, Hon members, my attention has been drawn to a plethora of communications that have been done to Assembly Committees by individuals alleging to be Acting Chief Officers

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for various departments yet an examination of the records of this House reveal that these individuals have never been vetted nor approved to undertake duties and responsibilities as Chief Officers.

Honorable Members, the law is clear and overly descriptive on the appointment of persons into the positions of Chief Officers. Section 45 (1) of the County Governments Act, 2012 on appointment of County Chief Officers provides that;

*45. (1) The governor shall—*

*(a) nominate; qualified and experienced county chief officers from among persons competitively sourced and recommended by the County Public Service Board; and*

*(b) with the; approval of the county assembly, appoint county chief officers.*

*Subsection (5) further provides that; The governor may re-assign a county chief officer.*

Section 64 (1) of the same Act provides that no unqualified person may be appointed in acting capacity and it goes further to state that;

*64. (1) A person shall not be appointed to hold a public office in an acting capacity unless the person satisfies all the prescribed qualifications for holding that public office.*

Honorable Members, to give further emphasis on this matter, Section 4 of the Public Appointment (County Assemblies Approval) Act, No. 5 of 2017 stipulates that;

*(4) 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.*

In a thumbnail, Honorable Members, the law espouses that for the appointment of County Chief Officers, competitive sourcing and nomination by the Governor for vetting and consequent approval by the County Assembly cannot be wished away.

Honorable Members, it must be earnestly noted that the concept of parliamentary vetting and approval has been hailed as one of the key revolutionary aspects of the Constitution of Kenya, 2010. At the African Legal Experts Convention in Tanzania in 2013, it was declared that the idea of vetting and approval widens democracy by allowing the public to participate in the appointment of persons who will serve them.

It was also viewed as a measure to mitigate corruption and abuse of office. Despite the fact that Section 45 of the County Governments Act, 2012 bestows on the Governor the power to appoint Chief Officers, this appointment MUST be approved by this County Assembly, short of which, that appointment is invalid, illegal and irregular.

To this regard therefore, it is my considered ruling that the appointment of Chief Officers in acting capacity without due regard to the provisions of Sections 45 and 64(1) of the County Governments Act, 2012 read together with the Public Appointments (County Assemblies Approval) Act, 2017 is irregular and hence illegal.

I therefore direct that this House, together with its Committees shall cease forthwith to undertake official dealings with individuals purporting to be appointed as acting Chief Officers without competitive sourcing, nomination and approval by this Honorable House. I further direct

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that the House shall only admit communications from County Executive Departments which have been duly signed by;

1. The respective CEC Members appointed pursuant to Article 179 of the Constitution of Kenya, 2010; guided by Section 39 (2) of the County Government Act, 2012.
2. The County Secretary, appointed pursuant to Section 44 (2) of the County Government Act, 2012 and guided by Section 44 (3) (c) of the same Act.
3. Substantive County Chief Officers appointed pursuant to Section 45 (1) (a) and (b) of the County Government Act, 2012, guided by the provisions of Section 45 (2), (3), and (4) of the same Act, and/or reassigned by the Governor subject to Section 45 (5) of the County Government Act, 2012, which states that;

In addition, Honorable Members, the appointing authority is advised to promptly advertise for the position of Chief Officers for departments where there are none, nominate qualified individuals and forward the names to this House for vetting and approval, in line with Section 45 (1) of the County Government Act, 2012.

Considering that this is a matter open to interpretation, I direct that in the meantime an advisory be sought by this House on whether or not the Governor can appoint County Chief Officers in acting capacity from outside the approved list of persons by the County Assembly. The House stands guided!

I will keep the other Communication for tomorrow on Summoning of witnesses. Next order!

## PETITIONS

**Hon. Speaker:** Hon. Members, we have Petitions processed last week by this Hon. House, I hope that the relevant institutions have been duly informed for action to course. Next order!

## PAPER

### SIAYA COUNTY SUPPLEMENTARY PROGRAMME BASED AND LINE BUDGET 2018/2019

**Hon. Madialo:** Mr. Speaker, Sir, I rise to lay on the Table of the House a report of the joint Committee on Budget and Appropriations, Justice and Legal Affairs on the Siaya County Supplementary programme based Line Budget 2018/2019 this 13<sup>th</sup> November, 2018 Tuesday.

**Hon. Speaker:** Next order!

## NOTICE OF MOTION

### SIAYA COUNTY SUPPLEMENTARY PROGRAMME BASED AND LINE BUDGET 2018/2019

**Hon. Madialo:** Mr. Speaker, Sir, I rise to give Notice of the intention of the joint Committee on Budget and Appropriations and Justice and Legal Affairs Committees to move a

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Motion for the adoption of the joint Committees report on the Supplementary Programme based and Line Budget 2018/2019 laid on the Table of this House on 13<sup>th</sup> Tuesday, November, 2018.

**Hon. Speaker:** Next order!

**STATEMENT**

HON. ORIARO - ABUSE BY THE GOVERNOR

**Hon. Speaker:** Hon. Oriaro, did you want to say something regarding your matter?

**Hon. Oriaro:** I am humbled, Hon. Chair. One thing I want to add, last week on Sunday when a funds drive was taking place in my Ward at ACK, parish Okoyo and in attendance we had the Governor of Siaya, the Senator of Siaya, Alego Usonga MP, Gem MP, Kasipul Kabondo MP Hon. Ong'ondo and Rangwe MP Hon. Lillian Gogo.

The spirit of abusing me was eminent and the Governor was bragging in public, he is still bragging in public that nothing can happen to him. I was abused and some of it I have documented, the media documented that.

This matter I am treating is of grave concern, I still want to tell the Inspector General of police, a constitutional office, the Director of Public Prosecution and I want to ask the Directorate of Criminal Investigation to investigate this matter so that my participation can be addressed when I am still alive. I don't want a situation whereby when am dead is when they are moving up and down doing commissions that attributed to such consequences. I am alive and I am ready to avail myself whenever I am wanted.

The communication of threat from the Governor was live and can be traced. The communication by his public entertainer was done in local stations. The National Government can take this as their point of entry in investigating this matter because some of the things we have been talking about and people are asking me 'what are you saying about it, Hon. Oriaro?'

The DPP gave a directive that the Governor of Siaya be arrested by the IG for prosecution on matters of embezzling public funds for private use in travels. This is what I had echoed, questioning why such arrests were not made. My appeal is that this matter is live, it be looked into. Was the DPP office coerced? It is a question of integrity, is a question of Chapter 6. I rest my case.

**Hon. Speaker:** Hon. Olasi!

**Hon. Olasi:** Thank you, Mr. Speaker, Sir. Mine is just a statement. Given the statement for our senior colleague, allow me to state here categorically without fear or favour. A threat to a Member in this House is as good as a threat to all of us and we cannot condone it at any level.

*(Applause)*

As I said last time, I cannot be in the leadership of an Assembly that has no voice. If you have the concern of the people that you represent then you are threatened, we are not taking it lightly. Thank you.

**Hon. Speaker:**Next order!

### **BILLS**

1. *The Siaya County Honors and Awards Bill, 2018 (Bill No. 23 of 2018)*  
*First Reading*
2. *The Siaya County Public Entertainment and Amenities Bill, 2018 (Bill No. 22 of 2018)*  
*First Reading*

**Hon. Speaker:** Hon. Members, the two Bills together with the previous Bills that under went First Reading, the concerned Committees re-consolidate them, publicize public participation initiatives and make sure that we conclude that before we go for the long recess. Next order!

### **MOTION**

#### SIAYA COUNTY SUPPLEMENTARY PROGRAMME BASED AND LINE BUDGET 2018

**Hon. Speaker:** Chairman, Budget Committee!

**Hon. Madialo:** Mr. Speaker, Sir, I rise to move the Motion:

THAT this Hon. House adopts the report of the Joint Committee on Budget and Appropriations and Justice and Legal Affairs on the Siaya County Supplementary Programme Based and Line Budget, 2018. The two Committees are comprised of the persons identified and so named at page 2 of the report. I believe that each Member has the report.

The Joint Committee was chaired by yours faithfully and co-chaired by the Hon. Francis Otiato who is the Chairperson of Justice and Legal Affairs. The report is neither so voluminous nor is it so thin that I will be able to read it line for line, page for page.

The introductory pages and specifically as we read from page 5 all the way to page 7, touch on the statutory background that informs traces, the process of a Supplementary Budget making and ingredients that would render such a process valid. That would not be for the Chair of Budget Committee to ventilate on and I jump that so that the Chair, Justice and Legal Affairs who is in the House will deal with that.

In Budget making we deal more with numbers and figures. I want to start by stating what would be the tail end of the report so that we know where we are heading. That would be for the reasons that I am going to give in brief and which the Hon. Otiato will ---upon.

The joint Committee has recommended that this House rejects the Siaya County Supplementary Budget and returns it to the County Treasury for non-compliance with the provisions of Section 112 and 135 of the Public Finance Management Act and regulation 39 of

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the Public Finance Management Regulations 2015 and Section 115 of County Government Act 2012, the actual provision of which the Hon....

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

**Hon. Adala:** Thank you, so much Mr. Speaker. I was requesting if we could be supplied with the report. Thank you.

**Hon. Speaker:** Clerks, ensure that all Members have copies. Make sure Hon. Adala has one and any other Member who does not have.

**Hon. Madialo:** Thank you, Hon. Speaker. The Hon. Otiato will be telling us percentage within which variation may be permitted of an Annual Budget Estimate to give back to a Supplementary Budget. But for our purposes, I wish to call our attention to page 10 of the report.

Page 10 has got two tables, vote details and vote heads or what we refer to as departments. County Assembly, the variation is not there. Governance and Administration, the variation is Kshs. 35million and it is so listed but what I wish to call the attention of the Members, is the analysis of table 3 on that page.

In the approved estimates of the Siaya County Budget FY2018/2019, there was provision for good reason that equity in development would be ensured by providing for each elective Ward a sum of Kshs. 30million in development allocation so that we see some equitable spent for development within the County.

Identification of which projects would be financed through those allocations was left to the residents of those Wards and both the executive and the Committee on Budget and Appropriations of this House went to all the 30 Wards and took the opinion and views of the residents of those Wards.

Indeed, all the projects that went to be financed by the Kshs. 30million per Ward were projects as identified by the people. However, the Budget Estimates are sought to be reviewed by way of Supplementary to reflect as follows;

- |                            |                   |
|----------------------------|-------------------|
| 1. Central Alego Ward have | Kshs. 6.5million  |
| 2. Central Gem             | Kshs. 3million    |
| 3. Central Sakwa           | Kshs. 6million    |
| 4. East Asembo             | Kshs. 2.5million  |
| 5. East Gem                | Kshs. 2.5million  |
| 6. East Ugenya             | Kshs. 2.5million  |
| 7. North Alego             | Kshs. 2.5million  |
| 8. North Gem               | Kshs. 4.08million |
| 9. North Sakwa             | Kshs. 4.03million |
| 10. North Ugenya           | Kshs. 6.4million  |
| 11. North Uyoma            | Kshs. 2.5million  |
| 12. Siaya Township         | Kshs. 2.5million  |
| 13. Sidindi                | Kshs. 3.9million  |
| 14. Sigomre                | Kshs. 3.9million  |



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15. South East Alego	Kshs. 6.08million
16. South Gem	Kshs. 3.5million
17. South Sakwa	Kshs. 3.9million
18. South Uyoma	Kshs. 4.9million
19. Ugunja	Kshs. 4.3million
20. Ukwala	Kshs. 2.5million
21. Usonga	Kshs. 3million
22. West Alego	Kshs. 2.5million
23. West Asembo	Kshs. 2.5million
24. West Gem	Kshs. 2.9million
25. West Sakwa	Kshs. 2.5million
26. West Ugenya	Kshs. 2.5million
27. West Uyoma	Kshs. 2.5million
28. Yimbo West	Kshs. 9.5million
29. Yala Township	Kshs. 3.1million
30. Yimbo East	Kshs. 4.6million

The total amount of allocations due to the Wards and identified by the persons resident in those Wards was Kshs. 900million. A variation of Kshs. 785,943,202 has been introduced. I said the percentages allowed under law for variation will be presented by the Hon. Otiato but that is almost 900%. For that reason alone, the Committee has recommended that this Supplementary Budget Estimates be rejected.

That is not as far as the figures go. Our Constitution recognizes the role and importance of the woman in our society and to an extent that in this Assembly as in any other, the importance of a woman is so recognized that there are people who sit in this Assembly by reason alone that they are women. They represent the importance that has been identified in a woman but which was not given the due weight in history.

In the original budget estimates presented to this House, there was no provision for the Woman. In consultation with the Chair of this House, the Chair of Budget and Appropriations presented to the Committee on Budget and Appropriations a proposal that we create and source for resources within that resource envelope a provision that would be specific to women affairs.

In the same line, applying the same pedestal, people living with disability were left out and the Committee in consultation with the Speaker's office agreed and determined and purposed to ensure that there was provision that was specific and particular to people living with disability and so it was with the youths. In total, there was a provision that was at Kshs.7.5 million for each of those interest groups that are specifically mentioned in the Constitution.

Even that meager provision, Kshs. 7.5 million for women has been reduced to Kshs. 1.7 and Kshs. 7.5 for people living with disability have been reduced to Kshs.1.7. I do not pretend to represent those special interest groups, they do have representatives here, but as Chair of Budget and appropriations, I do not intend to cooperate in the reduction of those figures. For that reason, I know that supplementary budget would be rejected.

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In the appropriations act that is running our budget, even as I am speaking, moneys were appropriated for constructing both the Governor's Residence and the Speaker's residence, for purposes of constructing an office complex to house the Assembly.

Mr. Speaker, I do know that this term you will not enjoy staying in that house, and I don't think you will enjoy the complex. None of us will, but we have a duty, when we go away to leave structures, for those who will come after us.

Communication in this House is by way of record keeping, it is supported by Hansard. This means that we will stop using these papers, and sometimes as we debate, we will be using the modern gadgets. We will be digital. The provisions for acquiring modern communication gadgets for this House have been removed. This include, Speakers residence, Assembly complex, the centers of contact with the public which are Ward offices, have been removed.

The law itself says, that the Member of the County Assembly must allow convenient contact with the people he/she represents. This having been appropriated for use by the County Assembly. The County Assembly has got its own independent accounting officer, the de appropriation of the funds already appropriated for use by the County Assembly, would be reason for rejecting the supplementary budget.

There is another reason, we have reduced and eliminated construction of health centers, we have reduced and eliminated construction of ECDEs, and we do not want to maintain roads. Then the money we have reduced, we have increased the money for traveling by 19 million, by a percentage of 234.08 percent. It doesn't make sense.

There is a proposal to increase subsistence from 16 to 29 million, and to increase fuel lubricants for transport from 5 million to 15 million. Sometimes I wonder why we travel with 7 vehicles. If we are going to reduce drugs so that we have so many people running after us, and give them fuel, that is not good use of public funds. For that reason, this should be rejected.

*(Applause)*

Tourism is proposed to have contracted professional services, and they are increasing the cost of that, from Kshs.1 million to Kshs.15 million. For roads, they are increasing it from 1million to 19 million, and for CHEW, it is coming from 8 million to Kshs.17.5 million. Well, those increments, if justified are okay, but how do we want to finance the deduction? We want to finance the deduction by taking away all the wages due, for people who sweep the markets, so that wages for people who sweep the market is zero, and money for putting fuel for running around is increased three times.

The person who cleans the market is a very small man/woman, let us have mercy. This should be returned so that the money due to the sweepers is brought back. How again do we want to finance? We have reduced the amount of drugs we are supposed to purchase. The Committee of budget had given 85 million shillings for purchase of drugs, the supplementary proposes, that money for purchase of drugs be reduced to Kshs.79 million.

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If we had been looking at the budget estimates as a Committee, and as Chair I would have said, increase the money for buying drugs, and increase the money for traveling.

*(Applause)*

They are proposing to reduce the money for dressing and non-pharmaceuticals. The dressing that we use for delivery of our mothers, sisters and spouses when they are due for delivery. The money that the Committee proposed was 47 million, and they are proposing, we reduce it by 11 million.

Another one that goes for the small man and the small woman; in the year passed, the immediate one, we were able, as a County Government to collect only Kshs 127 million from the revenue. To be precise, in 2016 we collected Kshs. 135 million, in 2017, we collected Kshs. 172, last year we collected Kshs.127, and now we are proposing to tax our people, so that we are able to get money from Kshs.127 to Kshs. 350 million.

If we are going to get those from our old women selling mboga in the market that is very wrong. That is a reason to reject it, because we cannot budget with the small person in the market, for the purposes of financing what I have just mentioned, traveling and subsistence.

Our figures, that is as far as they come, what are the projects that have made it necessary to introduce these estimates?

1. Rehabilitation of 5 dams at Kshs 28million.
2. Eco ablutions which is another name for toilets, at Kshs 135 million.
3. Construction of Ngeta Kapongo water project at Kshs 25million
4. Got Mbaga-Uranga-Nyadorera water pipeline at Kshs 15 million
5. Centre of Excellence at Kshs 20 million
6. Construction of Maternity wings at Madiany, Ambira and Ukwala at Kshs 75million.
7. Upgrading of Bar Kowino –Nango road at Kshs.350 million
8. Upgrading of Opoda- Nyakasumbi road at Kshs.70 million
9. Upgrading of Segere-Ogaso road at Kshs. 210 million.

Those upgradings are wonderful. Those are beautiful projects. Except they are just beautiful end of story. From the analysis given to us from us by experts, Bar Kowino-Nango road has another name. It's also called Liunda Beach to Bondo. It's the same road. Now, the National Government has budgeted for Liunda Beach to Bondo road. Now we are budgeting for Bar-Kowino –Nango road, and it's the same road.

I have no problem with any of the roads being tarmacked, but it is a National function, and I know the tarmacking of roads has the support of everybody here, and even our Members of Parliament are very particular that this must pass.

I only want to invite them that in fact I salute them, but could they also donate CDF, because this is a National function, so that we do it quickly. Let us not stop talking about roads, and perhaps they should tell us why they should not push for money from National Government to do a National road function. Why are they coming to the devolved money?

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I want to sum this like this; we are not discussing the details of the Supplementary Budget. The reasons we have given is such that the fairest thing to do is to send it back to sender, and allow them the opportunity to redo the document if they wish to, and come within reasonable and practicable provisions.

I also want to address something that has been bothering people in here, and outside there; rollovers. In a simple language, it's the balance of money that remains when you close the Financial Year, and you have not spent all the money you have. It does not just remain in the air, it remains in the projects, so when you are rolling over the money, you also roll over the projects.

In circumstances where you cannot put your fingers on the projects, you cannot roll over the money, because budget making for the County Government is programme based. You don't say I am rolling over the money. You say I am rolling over the Kshs.1 million, which is for the construction of such and such a road, maintenance of such and such a road.

The project that was not done, that has given rise to the balance, must be mentioned. As at the time of budget estimates, the Chair standing before you was advised that there were rollovers worth Kshs.1.7billion. Of course I did not do it alone, I asked for this in a Committee set up. The advice came, but the items were not available, but there was good reason for not availing the items, the good reason was that at that time in June, in fact, when we were doing the Budget estimates in April, payments were still being done against the previous budget. Somebody could not tell which road will not be done by 30<sup>th</sup> June, but now it is common knowledge that there has been a problem about the roll overs of Kshs.1.7 Billion and that's why they were not captured.

Our analysis of the roll overs reveals that it was not Kshs.1.7 billion but Kshs.1 billion. I don't want to comment further on that because we are not discussing the supplementary budget as a supplementary budget, however, perhaps that should go a long way in educating us both inside and outside the public so that we appreciate that it is very dangerous to play politics with something like roll overs.

It is very dangerous to try perhaps to demonstrate that Hon. Audi is in the wrong place knowing that what I am saying about Hon. Audi is a lie. But why do I narrate all this? The proposed variations figure wise in the proposed supplementary budget vis-à-vis the approved Budget estimates is 50% way above what is allowed by the Law and that Mr. Otiato will deal with and for that reason estimates ought to be rejected without necessarily having to discuss it.

Lastly, I said earlier that we went out there to spend public monies collecting views. We went to each Ward in this County; our people, the citizens we represent their views must be respected and honored, their needs must be taken care of, we cannot ignore them, we cannot collect them to talk to us as from 7.00 a.m. to 6.30 p.m. and say that they are not the owners of the money we will do what we wish, the projects they identified must be the budget.

The projects they identified must be implemented, the spirit of public participation must be enhanced; not diluted, and therefore, the Joint Committee has recommended on the basis of the figures I have mentioned that the percentages do not add up and we are asking the House to adopt our Report and recommendation that this supplementary be taken back; we reject and return to the treasury so that it is aligned properly with what is allowed in the supplementary budget.

Hon. Otiato will second.

**Hon. Speaker:** Yes, Hon. Otiato.

**Hon. Otiato:** Thank you, Mr. Speaker Sir, as I second I would like to proceed with the legal aspect surrounding the supplementary budget.

**Legal basis for the Preparation and Submission of the Supplementary Budget Estimates.  
Public Finance Management Act, 2012**

Section 135 of the Public Finance Management Act (PFMA), 2012 provides for the circumstances under which a supplementary budget may be proposed. In considering the proposed supplementary budget, the Joint Committee sought to find out whether the supplementary budget is aligned with budget making documents such as the County Fiscal Strategy Paper, Annual Development Plan, County Integrated Development Plan approved by the County Assembly.

*“(1) A County Government may spend money that has not been appropriated if the amount appropriated for any purpose under the County Appropriation Act is insufficient or a need has arisen for expenditure for a purpose for which no amount has been appropriated by that Act, or money has been withdrawn from the County Government Emergency Fund.*

*(2) A County Government shall submit a supplementary budget in support of the additional expenditure for authority for spending under subsection (1).*

*(3) In complying with subsection (2), a County Government shall describe how the additional expenditure relates to the fiscal responsibility principles and financial objectives.*

*(4) Except as provided by subsection (5), the approval of the County Assembly for any spending under this Section shall be sought within two months after the first withdrawal of the money.*

*(5) If the County Assembly is not sitting during the time contemplated in subsection (4), or is sitting but adjourns before approval has been sought, approval shall be sought within fourteen days after it next sits.*

*(6) When the County Assembly has approved spending under subsection (2), a supplementary Appropriation Bill shall be introduced for the appropriation of the money spent.*

*(7) In any Financial Year, the County Government may not spend under this Section more than ten per cent of the amount appropriated by the County Assembly for that year unless that County Assembly has, in special circumstances, approved a higher percentage.*

**PFM (County Governments) Regulations 2015**

*Reg. 39(1) states that each Accounting Officer shall within the guidelines of the supplementary budget circular and in conformity with budget guidelines issued by the County Executive Committee Member, prepare revised budget estimates in the format to be issued by the Cabinet Secretary.*

*Reg. 39(2) states that prior to incurring any expenditure under paragraph (1), Accounting Officers shall seek the approval of the County Treasury and if approval is granted by the County Executive Committee Member, it shall be communicated to the Accounting Officers through a notification which shall be copied to the Auditor General and the Controller of Budget.*

*Reg. 39(3) states that the purpose for which approval is sought for a supplementary budget shall be-*

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- a) *Unforeseen and unavoidable, in circumstances where the budget provision was made; or*
- b) *Unavoidable, in circumstances where there is an existing budgetary provision which, however, is inadequate.*

*Reg. 39(4) for purposes of paragraph (3), the following shall not be considered unforeseen and unavoidable expenditure-*

- a) *Expenditure that, although known when finalizing the estimates of the original budget, could not be accommodated within allocations.*

*Let me put it clear that under these regulations you will find that the Act provides for the origin of supplementary which is the Accounting Officer to originate this supplementary and therefore just as my co-chair has mentioned that throughout all discussions or through our supplementary there was no proof that there was a request from any of the accounting officers originating based on our last budget requiring a supplementary.*

*Therefore, this particular withdrawal whether removal or anything else like we are very much aware that some of the changes the accounting officer per department including the Assembly whose accounting officer is the clerk, we have not heard any approvals or request by the clerk that we need a supplementary to that particular aspect or maybe what has been done like the removal of things like the complexes. Therefore, the question begs who did the changes?*

*We are told because of the unforeseen circumstance, what are these unforeseen circumstances? Section 112 of the PFM Act defines the unforeseen event as one which—*

- ✓ Threatens damage to human life or welfare; or
- ✓ Threatens damage to the environment

Mr. Speaker, I don't understand whether rehabilitation of dams or building of these toilets were threatening human life or welfare which was unforeseen or threatening or damaging the environment because all through I was even thinking that I will be seeing a priority on anything threatening life or so for Dominion farms which is lost in water to be part of it which is not. We are talking of building of roads so am not under any circumstances convinced that these are unforeseen circumstances.

What do we have as the legal provisions on supplementary budget?

Section 135 of the Public Finance Management (PFM) Act, 2012 as read together with, Section 112 of the PFM Act, 2012 and Regulation no. 39 of the PFM Act, Regulations 2015 provides for certain circumstances under which a supplementary budget may be prepared as we have just highlighted above;

Now, according to variation between the proposed supplementary budget and the approved budget;

- a) Regulation no. 39(6) of the PFM Act Regulations, 2015 specifically states that “The request for supplementary budget in paragraph (5) shall be presented in a format that facilitates comparison with the **original budget** and shall contain all the information necessary to enable a decision on the application to be reached and shall include”

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39 (6)(a) “ The vote, program, sub-programme and a broad expenditure category which is desired to supplement, **the original sum voted** thereon and any supplements which may have since been added. Like you have heard this particular regulation 39(6) which is guiding our supplementary, can we compare these two budgets, the supplementary and the original budget?

The law is very clear that it should be in a format that we can compare. When we are talking about a road we can compare this road and the other then the changes which are the unforeseen circumstances are the maximum allowable difference which is 10%.

So when you have a budget like now you will find people talking of the Ward fund and the rest. These are just Ward projects which have been identified and budgeted under one allocation. If you find a percentage of recurrent, a percentage that is going beyond 21%, some are even going even on the Executive expenditures that the change in budget is to the tune of one thousand times then do we even need to waste time to have such a Budget discussed in this House?

Therefore we say that the Assembly cannot proceed to approve the proposed supplementary Budget as that will contravene the provisions of Section 135(7) of the PFM Act 2012 and the regulation 39(9) of the PFM Act 2015

If you read Section 108(1) of the PFM Act it is very clear that what we are supposed to be doing our particular budgetary process even the supplementary must be in line with the Budget documents. Budget is not instantaneous we have the budgetary documents including County Fiscal Strategy Paper which informs and guides the process.

The Act is very clear that when we are making a Budget what must control our estimates is the County Fiscal Strategy Paper after its passage here as if the CECM Finance has no any other duty to perform but to ensure conformity to that particular Fiscal Strategy Paper.

There has been communication from outside there and some people you will hear say that the work of the Assembly is to change 0.01%. True! But not when you decide to go against the law. We have given the County Fiscal Strategy Paper which CECM Finance should follow in making the law.

The Executive deviates in total from that particular document then you ask, where is this Budget coming from? Then you break the law and tell the Assembly to abide by the law that you have broken. Therefore we are having a 10% when we have gone beyond the 10% as required by law.

Thus forming the basis of our rejection of this particular Supplementary Budget, allow me to make these two comments as a Member of this House other than the Chair. The so called flagship projects that we see here running around; I want to make it clear to the mind of anybody doubting that even a single item like ECDE or the few health centers that you see around have only been done by the Kshs. 30 million which was taken to the Ward. We have not seen anything under the Executive Finance Bill.

*(Applause)*

As Francis Otieno Otiato, MCA representing Yimbo East, I cannot be convinced to add more money to the Executive. Look at the status of the projects for FY 2016/17, all of them are

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frustrated. If they have been frustrating all the projects from 2013 even implementing Kshs. 30 million is a problem. They are now asking you want to absorb Kshs. 200 million on a road within 3 months, can it happen?

By January we are remaining with three months to go to another FY, it is next to impossible! The so called Kshs. 30 million is not money to any MCA. What we are saying is very simple, there is nobody in Yimbo East Ward who will tell you we need a flagship project called a stadium or revamp a Referral Hospital or do a complex in Siaya or Speaker's residence in Siaya for Yimbo East Ward.

The Governor is having a lot of money for his development but as we are focusing on the flagship projects, the small projects then life must continue on the other regions. Kshs. 30 million times 30 Wards is Kshs. 900 million. What is Kshs. 900 million? That is averagely about a billion and we are having about Kshs. 7 billion and we are only saying that what is going to remain within your docket is Kshs. 8 million.

Like you will look at the Executive Budget, if you remove the expenditure left, Hon. Madialo would confirm that we are having about Kshs. 3 billion for development. In the Assembly we are only talking about Kshs. 1 billion to be spread around so that those people don't make noise that the flagship project we are talking about is in Alego Usonga Sub County so that they also see some things happening.

We are not against this flagship. What can we do? If we look at the best they want to do in Ramogi Forest better than even the one I see in Kakamega is costing us around Kshs. 260 million. The stadium is around Kshs. 350 million. We had a very good donor who wanted to partnership with us to ensure that we have a fish processing factory in this county. We only needed a county investment of about Kshs. 200 million. What cant the Governor do with Kshs. 2 billion that it reaches a point where we have to even interfere with these small monies?

Today we are crying that even Kshs. 2.5 million which was meant for the bursaries, was efficient when it was at the Ward levels. When it was brought under the Executive now we are crying our kids cannot get bursaries.

The interference that has gone even to our mamas who are sweeping down there, somebody feels that the Governor should have a hand in appointing even those who are sweeping in my village and it is the cause of removal of this money.

*(Applause)*

What we are requesting that as we move let this House be very responsible what we need at the end of the day the Kshs. 30 million was not meant for us. We only say give us and my mother down there in Yimbo East an opportunity to identify a project worth Kshs. 30 million which is actually being implemented by the Executive . They do everything including procurement. With us we are only saying do that for us and that is all.

The law is very clear on what projects are not supposed to be regarded as, which includes the projects which could not be accommodated in the last Budget. You cannot bring them as unforeseen when this particular Assembly said that for now we need more grants in hospitals.



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We don't need a center of excellence. A secondary school is a function of national government. Then today you create an unforeseen project. No!

*(Question proposed)*

**Hon. Speaker:** Yes, Hon. Eric Odawa.

**Hon. E. Odawa:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. I would like to take this opportunity to thank the Executive and appreciate them for exposing their ignorance and disrespect to the law internationally not even nationally.

In the same breath I want to thank the authors of the new Constitution who had in their wisdom included the issue of checks and balances. Hon. Members, it is because of this that this Assembly has a noble obligation of being very keen and checking on the excesses of the Executive and that is exactly what we intend to do today.

On the same breathe I want to thank the Siaya County Assembly for portraying a very mature, sober, reasonable image that the other counties that can see in Nyanza Province. I would like to appreciate you my fellow Members,

It is very wrong for us to be insulted and threatened because as Siaya County Assembly, instances of threats to one of us is insults and threats to all of us. We are not going to take it lightly; neither are we going to be intimidated by anyone. We won't be intimidated by anyone!

County issues cannot be discussed in funerals, churches, harambees and public gatherings. The Executive if they have issues with some of us be sober enough to come and face us so that we can discuss them as mature leaders to avoid unnecessary confrontations. We must learn to respect both the elected and nominated leaders. They are all leaders in their own right and leaders in the Executive should carry themselves with the decorum that they deserve. I want to remind you that the absence of war does not necessarily mean the presence of peace.

In Siaya County Assembly right now from the Report that you have gathered here today we have a lot of simmering issues, really burning issues and we are not going to be taken for a ride this time round.

At the same time I would like to advise the Executive, they should not fear failure because at least they will be used as bad examples but they should not drag us in their failures. Failing to plan is planning to fail. In their wisdom and they have several technocrats they should have had these flagship projects in the CIDP before we brought them in the Budget so when they fail to plan they plan their own failure and we are not going to be part of their failures

I Eric Odawa MCA for Sigomere Ward, my first allegiance is to God and then to my electorate whose interest I must serve and I will serve effectively. The other day in a public gathering we had one member of the Executive said that he built a home and made 30 new gates. I want to remind him that Siaya is not his personal property it is us the people of Siaya who built a new home and he is the watchman.

It's not the other way round; this one has to be made very clear to him. He is there to care for our interest and do what the people of Siaya want through public participation and through

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the MCAs who were elected and nominated. He shouldn't confuse the two. It's important also that we have to really appreciate the importance of public participation.

This is why we spend a lot of money going round the whole County seeking views of our people and while seeking views of our people there is nowhere in any Ward that people talked about the numerous travels which we have nothing to show absolutely because the Executive have been globe-trotting.

There was a time that the Executive was literally absent from the County and if you ask what we have to show for it zero; we are not going to sacrifice monies for the Wards to be used holidaying around the world. The Executive must learn to respect the law and procedures; if the law says that you cannot vary a supplementary budget by 10% and you want to vary it by 50% or 100% meaning you are not fit to be in that position.

When the Executive is insensitive towards women, youth, and persons with disability; I am telling my brothers and sisters this is jinx of absolute arrogance and absolute ignorance. Lack of transparency and accountability in roll over projects whereby a whooping Kshs. 700Million cannot be accounted for is nothing to smile about and we are going to take it very seriously.

After studying this so called supplementary budget, I have realized this is not a supplementary budget, it is an alternative budget and we are not here to discuss an alternative budget. I want to assure you that this budget is dead on arrival. I want to sum up by saying that this supplementary budget is not worth the paper that it's written on. I want to request my fellow Members to reject this thing not even on arrival but on the point of conception.

**Hon. Speaker** (Hon. Okode):Hon. Oriaro.

**Hon. Oriaro:** Thank you, Mr. Speaker, Sir; I want to purely to a near unity address myself to matters of law because as a legislature we are anchored in law. No. 1 as my point of departure into ventilating into either approval of this Supplementary budget; let me consider the programme based budget 2018/2019 as a valid thing.

On matters of law our brothers have spoken with great reference to the Public Finance Management Act 2010 and the regulations anchored in 2013 document. Let us address ourselves to Constitutional matters. I am convinced and I have been hearing that the Chief Officer of this County might have gone through a school of law and that's why last year he graduated with masters in law so he should be knowledgeable.

Hon. Oriaro never went to any school of law but I am very happy. I am a good student as a human rights defender having clear background in civil societies. Guiding principles as to Public Finance Management are anchored in the documents my brothers have talked about. Primarily is County Integrated Development Plan; that is a five year document that if Governor wants to register in heaven as having done wonders he must adhere to from that document on annual basis to meet the five year plan.

We must talk about Annual Development Plan, County Fiscal Strategy Paper and annual estimates that I would believe is the basis of this supplementary budget. The Governor says he wants to do in total 20km tarmac; in the current County Integrated Development Plan, the Governor is only allowed to achieve 3km worth of tarmac road.

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Where has he come up with 18kms; where did that one come from? The 3kms is not tethered to an obvious Financial Year. In Annual Development Plan that we have that in the end brought about the programme based estimates of 2018 and that document came from the Governor himself.

In our Annual Development Plan of 2018/19 fiscal year, the issue of tarmacking is not there. We did approve County Fiscal strategy paper; the current one and that one is not there. This is somebody who tells the public that he did law; where did he get all that from, Article 201 of our Constitution; the key principle of public finance talks about public participation.

When we talk about those statutory papers that anchor development, statutory development and legal development; no member of the public was consulted; so Mr. Governor if you went to a school of law and we have even employed people who are purportedly to be of legal background; the County attorney because when matters to be anchored in law are to be brought to the House they must go through the County attorney and even away from that Governor wanted ministers of his own. He has got a minister; is he using the knowledge of that minister, he has got a CEO of his own choice. Did he use the legal take, the pedagogy of those County officers enjoying public money?

*(Laughter)*

We must be having a C.O. of the County, who is outside the County itself; to that extent, Tuesday, 13<sup>th</sup> November, 2018 is the birthday of the legendary Elvis Presley the king of Rock and Roll; he is the one who came up with return to sender so we join the chorus in telling the Governor that his supplementary budget estimate is returned to sender and because he has been using our MPs telling us that whether we like it or not this one will pass I want to tell him to take it to those MPs to help him approve the budget.

*(Applause)*

As I conclude here a matter that is not being addressed here and it will still haunt us especially, MCAs who are currently serving; we have read everything and if supplementary budget has got its origin at the programme based budget that I carry on the grounds of inadmissibility I was assuming grounds of admissibility and that's why we are discussing this. On clear grounds inadmissibility we ought not to have accepted the supplementary estimates because their origins is neither here nor there.

The Programme Based Budget as we know it and I am talking as a Member of this August House, as a legislature, as a representative and I am addressing matters of oversight because matters that will call for oversight must be of the origin of this House. I give only reference to programme for Wards and the amounts therefore we had approved.

On reading this; in fact the Governor has helped us to expose himself. These estimates we are having before us are not the estimates we had approved and our attention has been drawn.

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Everybody has been saying and we almost said it here that we want our Kshs. 30Million which indeed we had approved anchored in the Fiscal Strategy Paper we had opted to arrive at a compromise on but what we now see here is only Central Alego because Hon. Oriaro has got a big mouth whose Kshs. 30Million is intact.

Others including those who are singing chorus elsewhere; it's like the Governor sat somewhere, diluted the supplementary budget, others having reduced it to Kshs. 15Million, Kshs. 8Million; what will you tell the public? Soon we are through with this and I will initiate an inquiry into circumstances under which we approve the budget according to law; we approve even appropriation law and then the Governor knowingly with his own do their own mathematics and literature and the public believes that it is intact.

The House is called upon to stand up; we must be out to fight for what we believe and wish to be. The dignity of this August House and the peace and security of our County on matters of development which must be supported by representative equip, legislative equip and the honour of this House.

The Governor must be investigated and I am calling upon the D.P.P, the Ethics and Anti-corruption Commission, the Inspector General to come and investigate who usually interferes with that which we have approved, thank you.

**Hon. Booker:** Thank you, Mr. Speaker, Sir; for those who went to the old school and those who happened to learn history; the very things that are happening in Siaya County are the very things that led to the French revolution and they are the very things that made Napoleon Bonaparte organize a revolt against King Louis XVI and his wife.

*(Applause)*

Mr. Speaker, our people in Uyoma North have been degraded politically, they have been exploited economically to a point where somebody thinks Uyoma North people are incommunicado. They don't know that they chose a representative by the name Booker Washington Bonyo also known as *Dasani* who is representing them here today.

In Siaya County today; we are at a cross roads and especially the elected leadership. From the controller of budget, somebody was given Kshs. 75Million for the bursaries and he went on only disbursing Kshs. 30Million, where is the rest? Is this not outright theft; as elected leaders we know Hon. Rasanga stole our Kshs. 35Million that was meant for our children and we are just keeping quiet.

I believe that is outright theft; yester week a boy died in west Uyoma, when he was taken to the hospital he couldn't even access aspirin if not panadol and this guy is so daring he is going on as far as removing, slashing money for health and beefing up his traveling allowance from Kshs. 8Million to Kshs. 27Million. What kind of a Governor we have?

Where is the presence of devolution; where is the presence of equitable distribution of wealth because to me I see devolution in Siaya County was only made for Rasanga, his wife and colleagues which is very unfortunate. What am I going to tell people from Uyoma North? If

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recently we had public participation and these people said they want a borehole in Ragegni, Nyamasore and Chianda, they want Matera dispensary. A woman recently gave birth on the road and the baby died because the hospital is very far; what am I going to tell these people?

If they said they want Matera dispensary, they said they want a borehole and those are the problems our people face in Uyoma and now you telling me that you are slaying Kshs. 30Million from Uyoma North people and we are only being given Kshs. 2.5Million. Go and tell Hon. Rasanga that I am very much capable; Kshs. 2.5Million I can give my people.

I cannot depend on Rasanga. What is Bondo- Nango road helping Uyoma people with? Even if you tarmac Segere road what is going to help my people with? This is not a laughing matter and I support Hon. Oriaro that this is outright theft because if you can put Kshs. 350Million to a National government road which has already been budgeted for in the National level. Why do we allow Hon. Rasanga to steal from our orphans? I can't support stupidity; that is bad.

Mr. Speaker, you are at his level; you are a president of a County Assembly and he is the president of the County. Approach him and tell him we are soon revolting and remind him there is a war he is trying to wage. Advise him there is now winner in the war; the winner goes to jail and loser dies.

**Hon. Aringo:** Thank you very much, Mr. Speaker, Sir; I rise in support for the adoption of the Report before us. As I can read the mood, the Report has passed already. Before I came to this House, I was serving the people of West Sakwa in another capacity but when I came here I learnt one thing. I learned how difficult politics is; like Hon. Andiego told us, Hon. Edwin, Hon. Olasi... they will agree with me that politics is as difficult as controlling the movement of fish in Lake Victoria.

I want to support the projects of his Excellency the Governor; tarmacking Bondo-Nango road is very good and it's even overdue. Tarmacking Opoda- Bondo- Nyakasumbi road which is a halfway tarmacked from the junction and work is ongoing is a very bright idea truly speaking. Even tarmacking Sigere road, I don't know where it is leading to but as Hon. Booker said; of what benefit are they going to be to the people of West Uyoma?

Over the weekend I was at home and as in Opoda area, I told them about the good ideas of the Governor but they asked me one question; while you were there in Maranda did we ever mention a project called Opoda-Nyakasumbi road? What we said is water. I want to say that building ablution blocks in unspecified areas within the County are a very good idea; they can even be built along Bondo-Siaya road. The people of west Sakwa Ward told me to say this; they are saying that however good, however nice, however sweet those projects are or maybe they are unacceptable to them.

Reason being because they are the ones which are going to collapse the Ward based projects that is the only bone of contention. While we were budgeting we knew we were budgeting with a figure of Kshs. 30Million; I am surprised today to learn that if the supplementary budget East Yimbo is located Kshs. 4.6Million, West Yimbo Kshs. 9.5Million, North Sakwa Kshs. 4.036Million, Central Sakwa Kshs. 6Million, South Sakwa Kshs.

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3.939Million and West Sakwa where I represent Kshs. 2.5Million; tell me what am I going to tell my people?

What can Kshs. 2.5Million do actually? What he would have said is that he is allocating zero amounts to Wards; otherwise what resolve did they use to arrive at those figures? These are unjustified; I therefore request my fellow colleagues to kindly reject this in totality, thank you.

**Hon. Opanga:** Thank you, Mr. Speaker, Sir; I rise to reject or to support the Report by the joint Committee as far as the issue of supplementary estimate is concerned. While rejecting the supplementary as the Chair for Implementation Committee, I am a sad man. Two weeks ago we did a spot check within Siaya Referral and Bondo Sub County hospital.

The state of Siaya Referral, leave alone Bondo as a Referral hospital is pathetic and within the health docket someone is proposing a reduction that touches on the livelihood of our people, that is unacceptable. I therefore support the Committee's recommendations.

In the same breath as the Members of the Fourth Estate can confirm, the state of Siaya morgue, leave alone the hospital itself we cannot even talk about it in this House. When we did the previous budget we did pass certain areas of support to our women, youths and even the elderly that is where we can put them to work for 3months and get some meager payment to enable them sustain themselves rather than giving money on a daily basis.

As we speak right now, within my Ward of North Ugenya; we have sweepers that were engaged previously before we engaged them in the current sweepers who haven't been paid and their fate of payment is unknown.

I have tried following up and it's an issue and it has come out clearly that even the current sweepers who were there; their state of payment is unknown because as per the proposal it's that whatever they were to be paid has been scrapped off. I will not support the document. As I conclude, just two weeks ago as I sat down with my Ward Development Fund committee and I would want the public to know the notion that is being spread all over the county that the MCAs want the Kshs. 30 million for their own use. It is a lie and it is propaganda to portray these Hon. Members in the eyes of the voters that our interest is money, our interest is not money.

The law is very clear we do the oversight and coming up with the equitable distribution was a way of having something that your people can pinpoint that that was done from the county coffers because even the status reports of all the projects that have been done, if you check around the budgeting you can point. It is the structured way that was put across by allocating funds to the Ward and you can point that this one was done.

The Ministry of Water has a very good plan but the execution of that plan is unknown and that is why these Hon. Members had budgeted within their Wards in support of the voters of those Wards and areas that they would want boreholes to be done, water pumps repaired etc. but right now as a young politician who would want to grow in this field, I am a sad man because am at pains to explain to my voters that the money that we had budgeted for during the public participation has been scrapped off by the Executive.

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That by itself is telling me that 2022 I am going home, I will not allow myself. Let me have the Kshs. 30 million and go home because of my own problem rather than accept not to have it because this is the right of the people for North Ugenya

**Hon. Speaker:** Yes, Hon. Shirley.

**Hon. Oyuago:** Thank you, Mr. Speaker, Sir, I support the Report. It is a shame and we are very much disappointed with this government. We have Hon. Members who are very close to the MP's who shouted in the funerals over the weekend. We want the same Hon. Members to go and share this document to the MP's to go and shout again during the weekend.

*(Applause)*

It is a big shame! I am very sure the MP's who were shouting in the funerals had not seen the document. Even some of us who supported it in the media are surprised with the document. It is a great shame people in West Yimbo are waiting for Got Agulu Sub County Hospital to be equipped nothing is taking place in the hospitals and somebody is telling us that he is removing the money from health to travels to go and travel to Europe or to France to go and learn ECDE. What are those? We cannot entertain such kind of bullshit!

What we were being told which maybe some of us could buy is that we are going to have some of the mega projects that are going to help Siaya but what we are seeing now is totally different. I wonder the people who advice this government even if you look at page 8 of this Report, Center of Excellence at Kshs. 20 million that is not our mandate as a County Government. Why should we put Kshs. 20 million in a national government function and we have things that are a priority for our people in County Government. We don't have nurses and drugs in hospitals. People are dying aimlessly because of lack of drugs. Look at the mortuary and yet you want to take Kshs. 20 million to do a national government function.

Look at page 10 of the Report. We are still in a stalemate. As a County Assembly we are not aware even up to today in the morning we met the CECM Finance. He could not even explain to the Assembly where the Kshs. 37.5 million went to for the bursaries and yet somebody is taking another Kshs. 32 million to his docket to give out for scholarship which cannot even be tabled evidence for the monies that you have been giving out. We are very disappointed in this government and I am very sure nobody is going to support this thing. Even the people who went to the radios nobody is going to support this thing. I rest my case.

**Hon. Speaker:** Yes, Hon. Otare.

**Hon. Otare:** Thank you, Mr. Speaker, Sir. I rise to support the Report. This is robbery without violence! The Governor may be daydreaming and I want to tell him that we were also elected like him at the time he was campaigning we were also campaigning.

When we are making the Budget we are guided by ceilings, it is unfortunate that the Governor consumed all the ceilings in less than two months. It is very unfortunate!

When you look at this Supplementary Budget the problem that arose after a month is the coming of Chinese contractors. This Chinese contractor was awarded the stadium. We know very well how he got the award. The Governor wants the project to be done with the Chinese

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contractors. He is now neglecting the local contractors that supported him in the campaign. This is very unfortunate and I am saying that the Governor is daydreaming!

This is a Report that we have to pass. Anybody that may think to support the Governor at the expense of *Mwananchi* will see. I was ready to bring my people here it is only that Hon. Speaker you told me to stop but I wanted my people that participated in public participation to come here and see how these Members are debating

They were supporting the Governor yesterday, why can't they stand here and support this document so that we can see how they are going to vote in front of the public. Otherwise we must support this Report the way the committee brought it here.

**Hon. Speaker:** Yes, Hon. Adala.

**Hon. Adala:** Thank you, Mr. Speaker, Sir, let me first start by acknowledging the level of English in this House today. It has gone a notch higher. How I wish we can be having this document every day.

Matters of health are always so dear to me in the sense that how my mother gave birth to me, I stayed in that womb for eleven months. I then became alive because of some other things and I was lucky that my father had something. I know you know what I mean if I say something. He had money to look into a really good system on how I could have been helped. Supposing my father was not endowed where would I be? Most likely I would have died in the womb.

Somebody in his wisdom is trying to convince me as Vice Chair of Committee on Health that I should be able to reallocate Kshs. 11 million from the Health Department which is meant for buying drugs for something else. Even if it was being reallocated to help us buy laptops, I would say no in the sense that when I fall sick even here the first health service I will visit is here in Siaya before Hon. Speaker in his own wisdom will deem it fit to now airlift me based on the fact that I am a Hon. Member to another hospital but the first I will get service is here in Siaya

I am disappointed to say the least if I am only able to pick that and having looked at that alone I doubt if the Governor whom I know for a very long time is aware. My spirit tells me that the Governor that I have known since I was four years old till now and whom I have sat with time and again, I think somebody somewhere has lied to him on that. Based on health I feel that my spirit is broken.

I want to urge the Members of this House to resist the temptation of viewing Siaya from our villages where we come from because when we take that route then nothing will ever happen in this county. It is rather disturbing for me if we are sitting in this House and saying how does a road being built in Sega help me in Yimbo?

If we are to go that direction for example I stand and say that my home is in Sega why should we allow the County Government of Siaya to spend hundreds of millions in building a stadium in Siaya Township Ward.

Those of us that I sit with in sports, you realize that I am very passionate about Got Ramogi to the sense that we have been saying let us do it once and for all. I want to plead with my colleagues that the moment that we will keep on looking at the village where I came from then sometimes something will come that is expected to be done in Usonga Ward somebody in



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North Ugenya will ask, “How is that benefiting me in North Ugenya?” So it is my urge that while we look at this document let us first and foremost realize that we were elected from our various Wards to serve our people.

**Hon. Speaker:** Yes, Hon. Oriaro.

**Hon. Oriaro:** I want to draw the Member to Article 74 of the Constitution; the objects of Devolution to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State in making decision that affect them. The least placed is the village and that is why the Constitution even says we have village Administrators. So instead it is ultra-virus in the provision.

**Hon. Speaker:** Hon. Adalah, could you proceed please, and I want now to urge us to be brief in the interest of time.

**Hon. Adalah:** Thank you, Mr. Speaker Sir. Hon. Oriaro, mine is a wakeup call that whereas I represent the Siaya Youths in the Siaya Assembly, where I come from, where I was born in Sega so I must stop seeing things from the lens of Sega. We have a duty to serve those people who elected us which is fine. But I am also urging and appealing that when things are brought to the table, let us be objective by way of looking at it.

Finally, as I wind up and having read the mood of the House anyway, I would want to just say that it is important for both the Assembly and Executive to stick to what the law says. We cannot apply law selectively when it serves us but when it doesn't, we do not. By saying such it is very clear that the exercise of making of the Budget is an Executive function and the law states that the Assembly will approve.

**Hon. Speaker:** Yes, Hon. Otiamo.

**Hon. Otiamo:** Thank you, Mr. Speaker Sir. Is it in Order for the Hon. Member to mislead this House that the budget making is the function of the Executive? Which particular section of the law is he referring to?

**Hon. Speaker:** Yes, Hon. Adalah, which law guides you in that? If you don't have it will you withdraw it please?

**Hon. Adalah:** Thank you, Mr. Speaker Sir. Let me rephrase it that it is the function of both the Assembly and the Executive and that can now go on record.

**Hon. Speaker:** Are you withdrawing your earlier comment that it is the function of the Executive alone?

**Hon. Adalah:** I did, Sir.

**Hon. Speaker:** Can you proceed and be brief please.

**Hon. Adalah:** Yes, I will be very brief. While at it, let us also be cognizant of the fact when we are expected to look at the budget. What does the law says; up to what percentage can we amend? What does the law says the Executive can change? So that as we do what we will do in a few minutes and having read the mood of the House, am sure there is still an opportunity that this document can have a better version reproduced.

I summarize by saying that we apply the law in equal measures.

**Hon. Speaker:** Hon. Awita. Members, be brief as you contribute.

**Hon. Awita:** Thank you, Mr. Speaker Sir. I stand here to complement the Budget Committee but again I stand here a very disappointed lady because I know that women are normally dignified, they are Honorable and people of Siaya are. I stand here trying to convince the Members not to accept this report because it touches on women and youths. So I stand here to accept the report even with the Committee but again to reject whatever has been changed in

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the report. And I say that because a youth is power and a woman is also power and medical also is very important in our lives.

So if the changes have affected those areas I've mentioned negatively, I reject the changes but I support the report. Thank you.

**Hon. Speaker:** Hon. Omwende.

**Hon. Omwende:** Thank you, Mr. Speaker Sir, just as you have said, I will be very brief. On the report, I agree with the Committee on its recommendations and I will quote the Bible where it says that "I was in the prison and you didn't visit me, I was lacking clothes you didn't clothe me and I was homeless but you didn't shelter me."

I have the opportunity to have sat in both the previous Assembly as well as this and I want to say that this is the first Committee to have given privilege to the PWDs which I want commended so much. The PWDs have been experiencing a lot of challenges and therefore it can be very awkward for me to go against this report, in fact, it would be barbaric and I don't even know how the people I represent would look at me.

It is high time we solved this problem because this is an issue that will be a repetition in every budget making process. Who altered this report? We can't let this go just like that and I would even request the Committee to dig deeper and tell us who really did this. Thank you.

**Hon. Speaker:** Yes, Hon. Olasi.

**Hon. Olasi:** Thank you, Mr. Speaker Sir. I support the report but I want to remind Members that you took an oath.

First, you took an oath to protect the Constitution.

Secondly, to do justice to all that's before we said "So help me God" that was on Wednesday, 30<sup>th</sup> August, 2018 except for one Member Hon. Jane Odhiambo who did it on 3<sup>rd</sup> October, 2018 which is a fact. I like talking of facts because I love history.

It is a fact when Hon. Dasani says that a boy died in West Uyoma, I am a representative of the people of West Uyoma in this Assembly and here is the OPD book that the boy used to go to hospital. The boy died on 8<sup>th</sup> and was buried on 9<sup>th</sup> at Akuom village, one of the 34 villages in West Uyoma.

The boy was taken to Wagoro dispensary on 6<sup>th</sup> November, and was prescribed cough syrup and coartem which the dispensary didn't have and that is a fact! I took it upon myself to call the CEO and the CECM who said that they were sorry and I have the text with me and she promised that yesterday by 12.00 noon the dispensary would be supplied with drugs.

They want to take away Kshs.11 million to go and build a road while this is a department that we need. How is that road going to help the poor people of West Uyoma? Wasonga, the boy's father, Doreen Mwajuma who was born and bred in North Gem, a very senior visitor who came just to bury a very innocent boy who died in the shamba when the mother, not even the farther, went fishing so as to get money to take him to the hospital.

Look at it. Very horrible state! Then you come here to change the Budget that is to buy drugs. We cannot accept that and it cannot be effected and that is a fact, the rest will follow.

We are being told that Kshs.21 million that was meant for the cleaners has been taken away and the remaining balance is zero, surely! They are even lying to the Assembly that they want their revenue to reach Kshs.350 million. Who will pay for services which are not there when doing their business? It's impossible and a total lie, the people who work in these markets are people we know very well; they are the disadvantaged people. As we speak five years down the line, they are still yet to be paid and here it's voted out completely. Are we helping Siaya?

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I appreciate and adore both Committees for the good work and I want to tell my Chairperson, Legal and Justice Committee and my able chair, Budget that we cannot allow this. The chairperson Health has been on her neck when the acting CEO was trying to tell me that the drugs have been transferred to the National Government. What a lie? Furthermore he is an acting CEO, no, no way!

Thank you, Mr. Speaker and Hon. Dasani for bringing this up but before I stop, I have been triggered to say this; we passed the Budget on 28<sup>th</sup> of June, and each Ward had an allocation of Kshs.30million. Who changed our Budget between the Governor's office and Nairobi?

We sat together with the Chair, Budget and Appropriations and allocated each Ward Kshs.30million. How come in the approved Budget, the West Uyoma had Kshs.17 million, while Central Alego had Kshs.30 million, Yimbo East had Kshs.22 million, West Gem had Kshs.8.7 million, but we passed it! Just look at it!

I have tried all the scenarios; I have tried all the formulae;  $\frac{1}{2}$  base times height, to get the area of a triangle, it is not working!

**Hon. Speaker:** Order, Hon. Olasi. Try that formula and sit down first

*(Laughter)*

Hon. Oriaro, what is it?

**Hon. Oriaro:** Mr. Speaker, the answer is, my mouth is 'bad' and that is why my Kshs.30 million was not reduced.

**Hon. Olasi:** Mr. Speaker, I am just ending my contribution. Why was I talking about the formulas? Now, West Gem, in this Supplementary has Kshs.4.9 million, from Kshs.8.7 million. Yimbo East from Kshs.10.2 million is now having Kshs.4.6 million; Central Alego from Kshs.30 million now is having Kshs.6.5 million. Now the West Uyoma Ward is from Kshs.17million to Kshs.2.5 million. Which formula, by the way, did they use?

We need not to be economical with facts. Let us tell them. They cannot intimidate us in churches, in funerals, after changing the programs that we have in this House, in the name of MPs, particularly from South Nyanza, Homabay County, who have failed remarkably to come and show us how to do the budgeting. No! We cannot allow that. Let them go amicably, and sort out their problems with their County before they come to Siaya. Thank you so much.

**Hon. Speaker:** Hon. Okwiry.

**Hon. Okwiry:** Thank you, Mr. Speaker, I want to thank the joint Committee for working tirelessly round the clock. On behalf of people of West Gem, and on my own behalf, I take this opportunity to reject the document. When I look at this document, it reminds me of a book that I read during my high school, 'Shamba la wanyama' by George Orwe, and I quote "wanyama wote ni sawa, lakini baadhi yao ni sawa kuliko wengine"

That is what this document states. What made the difference, as Hon. Olasi has asked for West Gem to get the least allocation at Kshs. 8.7 million and Central Alego to get Kshs.30 million? This document is a true picture of what I undergo in my Ward, from the Governor, to the Governor's friends, to my MP. It is a true thing, that they are out there peddling some rumors that they are out to frustrate my tenure. I don't fear them, and I am out to face them.

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This is an act of discrimination. Allow me to read. If you look at the Chapter 12 of the Kenyan Constitution, 201 part B; ‘The public finance system shall promote an equitable society. Is there any equitable distribution of resources in this document? I don’t fear and stand firm to reject it, and I humbly request other Members to join in saying this must return to the sender. Thank you.

**Hon. Speaker:** Hon. Omoro.

**Hon. Omoro:** Thank you, Mr. Speaker sir. I stand to support this Report and say that, whether it is with the knowledge of the Governor or not, the Budget brought to us as a supplementary one is totally a mutilation of the program based budget.

Devolution was meant to devolve services to the ground; this is why there was a structure, anchored on the Constitution, that there be an office of the MCA, whose one of the functions is to do oversight. Now what are we going to do if there are no projects being undertaken on the ground? By reducing the Ward fund from Kshs.30 million, to Kshs.2.5 million, on behalf of the people of East Ugenya, I see this as a menace.

By allocating the Kshs.30 million to the Ward, we have in mind that the economic empowerment would be to the people on the ground, because the moment projects worth Kshs. 30 million are undertaken in the Ward, there would be cases of employment to our youths, women, and thus economic empowerment.

On another note, reducing money for buying drugs by Kshs.11 million and instead putting up an eco-ablution block is very bad. If we walk around our hospitals, the response we get is wanting. Most of our people are succumbing to premature deaths, due to lack of drugs in the hospitals.

I would want to put it clear that I happen to be a Member of the Health Committee, and when we went round and did a report and brought to the House, it was clear that our hospitals were lacking money to procure drugs. Therefore, reducing the money for drugs is not in order.

The other issue is about garbage collectors or market cleaners; the Supplementary Budget has removed the Kshs.29 million meant for them.

May I tell the House that the work of garbage collection is the only one I would term as minimally competitive, where minimal academic background is required, somebody who even never attended class one can just do the cleaning in the market and get their livelihood. These are minimally paid wages. To the best of my knowledge, these people are paid Kshs 350 a day and they work two or three times a week which translates to only Kshs 1000 a week and Kshs 4000 a month.

By saying they are going to reallocate the Kshs.29 million; and in my Ward of East Ugenya, there is a group of people who were engaged and worked for three months and they have not yet been paid, the other batch has also been engaged and their fate is also not known because by sweeping away the Kshs.29million, it’s true that these people are not going to be paid.

Going by the Human rights, the supplementary budget has infringed on the rights of the people with disability, Women and youths by reducing the allocation because whereas you find

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that the previous Budget allocated Kshs.17 million, this margin has been reduced up to one million shillings. What can a million finance in six Sub counties that form Siaya County? That is very minimal and we can never accept such mischief.

I therefore support this report and say it should be returned to the sender so that amicable resolutions are reached for us to get an agreeable Budget that would help Siaya as a County.

Thank you.

**Hon. Speaker:** Please Members, be brief. Yes, Hon. Jane.

**Hon. Atieno:** Thank you, Mr. Speaker, Sir. I stand to support the report and I need your protection because every time a nominated Member says something, we are being reminded that we are supposed to support the Budget. That is what I was reminded of when I went to see the Governor about the supplementary Budget. So I asked the Governor; so if you are nominated you are not supposed to think for yourself? That is very sad!

*(Applause)*

About the Kshs.30 million awarded to Wards, I inquired from him; we went round during Public Participation. So, how do we go back and tell them that the Kshs.30 million is not there? I was told, “Forget about Public Participation, what is public participation?” So this is somebody who is supposed to know better, is telling us wananchi do not matter, the people do not matter. He matters. What he thinks. ‘This is my Budget’, that is what matters. Is it personal? No. The Budget is for the people.

Then he went further. ”What I am trying to bring to you guys, even *Jakom* supports it”. What does that mean? Why do you bring *jakom* in this? This is something that is for the Siaya County. How does *Jakom* come in? I asked him. Okay you are talking about a legacy. Surely, when we started working on the Budget, you must have known the kind of legacy you want for Siaya. “No! It is mine. You can’t do anything about it” Okay, so why are you calling us if it is your budget?

*(Laughter)*

About the women cleaning the Markets, there is no money budgeted for them. We always have cholera around Siaya, several times in a year. So the markets are not going to be cleaned, the health budget has been reduced, so when cholera breaks up, what happens?

I asked about the School of Excellence. I said where is the mandate of the County, on the center of excellence? “Oh you see, it is my legacy. When I am through with my term, I will have something to do. So really it is personal. It is not even for the County.

*(Laughter)*

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I am nominated; I am not supposed to speak. I am supposed to support blindly. That is why I am seeking your protection, Mr. Speaker. I reject the Supplementary Budget and support the report. Thank you.

**Hon. Speaker:** Hon. Kinyanyi.

**Hon. Kinyanyi:** Ahsante sana, Bwana Spika. Wote wamezungumza, na tumeyasikia, ila naomba kuiunga mkono ripoti hii, nami pia sina mengi. Mie nimechaguliwa na watu wa Yala, naona hapa tumepewa shilingi milioni tatu nukta moja. Yala tunayo Sablokesheni nyingi. Mie nashindwa, hiyo itaingia kwenye barabara gani! Au katika miradi ipi!

Kama ingelikuwa vyema, Gavana mwenyewe angefikiria kuwa, Siaya kama mji mkuu wa Kaunti hii, ingekuwa inang'ara kuliko kukaa kwenye nyumba ya mbao. Angejaribu mji huu ung'are. Lakini tunavyoona, mji unakaa vibaya sana hata wewe mwenyewe ukija huku, unaona jinsi inavyokaa vibaya.

Barabara ya Bondo kule, Bondo kwanza ukilinganisha na Siaya, ipo katika kiwango cha juu. Ningeomba tuweze kuangalia jinsi barabara zetu zipo, tuweze kuzirekebisha.

**Hon. Speaker:** Yes, Hon. Omwende.

**Hon. Omwende:** Ahsante sana, Bwana Spika. Je, ni sawa kwa Mwakilishi kuchanganya ndimi katika kikao hiki?

**Hon. Kinyanyi:** Bwana Spika, ningeomba basi utupe mwelekeo, kwasababu lugha hii ambayo naizungumza, inaeleweka kwa kila mtu hapa.

**Hon. Speaker:** Order! Tafadhali rudia. Kufanya lugha nini? Kuchanganya lugha!

**Hon. Omwende:** Tafadhali Bwana Spika, kuchanganya lugha hapa Bungeni si vizuri.

**Hon. Speaker:** Bwana Kinyanyi, Mwakilishi wa Yala, tafadhali endelea, lakini usichanganye ndimi.

**Hon. Kinyanyi:** Sijui kama nimechanganya lugha, lakini Kama nilivyosema, Mimi kama Mwakilishi wa Yala, Yala tunayo Sablokesheni kumi, milioni tatu nukta moja, na barabara zile tunazo, hakuna yale tunaweza kufanikisha na hiyo pesa kidogo. Ni vizuri pia kama mwanadamu ninaposema kuwa Gavana atengeneze afisi zake zikae nzuri.

Lakini tunapoangalia bajeti, yale ambayo yamepelekwa kule Bondo, Bondo tayari ipo sawa. Ukiangalia Bondo, yafaa ata iwe mji mkuu wa Siaya, kwa hivyo ni vizuri tuangalie Siaya, tuangalie jinsi tunaweza kuifanya iwe sawa. Ni vizuri wakae vizuri watuambie jinsi mambo yanaendelea, watuambie mwelekeo ni upi.

Yale ambayo tunazungumza hapa, hayatusaidii sana. Mwenyewe naunga hii ripoti mkono, vile Bajeti imekuwa, irudishwe kule ilikotoka, iwekwe kitandani ipate usingizi mnono. Asanteni.

**Hon. Speaker:** Hon. Judy.

**Hon. Oyugi:** Thank you, Mr. Speaker. I stand to support the Report of the joint Committee and to reject the Supplementary Budget. I cannot sit and support a report that mutilates the constitution, the rule of law, and the wishes of the people of Siaya County. I don't know what informed the changes that necessitated the supplementary report, because I am not

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sure why the projects by the Governor in the CIDP, in the ADP he forgot to put them in the Budget. Is that what informed the changes? If so, I think we should be informed.

Secondly, I cannot support a supplementary budget that kills its own people. I am a Member of the health Committee, and I am sure everyone here knows the state of our hospitals and dispensaries.

Our people are dying because of lack of medication, infrastructure and hospital equipment. Instead of increasing money allocated to it, we are reducing. What message are we telling them; that they can as well die?

Thirdly, on the market cleaners, apart from not providing for them in the Budget, they have been working on the markets for the last five months without pay. Which message are we sending to them? We are not even providing for their pay in the Budget!

Lastly, as a representative of the people of East Asembo, I cannot carry Kshs.2.5 million and take to them after we had sat, budgeted, carried out Public Participation, and agreed on Kshs.30 million, now we are taking them Kshs.2.5 million. I reject the Supplementary Budget. Thank you.

**Hon. Speaker:** Hon. Wandera.

**Hon. Wandera:** Thank you, Mr. Speaker, Sir. I stand to reject the Supplementary Budget. I want to describe the so called Opoda -Nyakasumbi road. I taught in Opoda, and the road is not Opoda Nyakasumbi, it is Opoda junction- Nyakasumbi road and really it's not a road, but a diversion which was used during the construction of the main road.

What priorities informed the allocation for the diversion? I also want to say that as a Member representing Sidindi Ward, we budgeted for Kshs.30 million which is well stipulated in this programme -based budget, but somebody comes up with Kshs.3.8 million for Sidindi, whereas besides the Kshs. 30 million, I expected the supplementary to inform the roll overs.

In Sidindi, we have roll overs amounting to Kshs.15 million. So Kshs.30 million plus Kshs.15 million now should be Kshs.45 million for Sidindi Ward. So instead of Kshs.45 million, now somebody gives me Kshs.3.8 million. What am I going to do with it? My people who participated in the budget making process during the Public Participation, what are they going to tell me?

If this Supplementary Budget can go through, then we are finished on the ground and we have no business being MCAs. What are we going to oversee? Because that is our core duty. Are we going to oversee the School of Excellence, yet we are based in various Wards? So may I say that I support.

**Hon. Speaker:** Hon. Linda. Let's be brief and not repetitious.

**Hon. Juma:** Thank you, Mr. Speaker. As a nominated Member of this Assembly, I want to urge my sister that, not every time that somebody calls you, you have to make a decision based on whatever they want. You are a free person, even though you are brought here to defend the interest of the party, as an individual, you make your own decisions because you are here representing the interest of women.

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Today I came fully armed and for the first time I carried even the Constitution because I came knowing very well that I am going to challenge this document. You know when the report came; I got a little bit of chills in my body. I even lost my appetite. I was with Hon Adalla when we were eating. I could not even eat fish properly the way I do, because the report was self-explanatory and it only takes an insane person to support.

*(Laughter)*

We love our Governor; we love this County, and actually, telling the Governor that this document is not right does not mean that we are really not in the obligations to whatever he wants. We believe that he really wants to leave a legacy behind and we are really in support of that. One question though that we are asking is; can the legacy be at the expense of everything that is touching on the common Mwananchi?

If the Legacy is going to kill our people in hospitals then to hell with legacy. If the legacy is going to affect the women that I represent in the House then to hell with it. This is the first House that actually considered women and gave us an allocation that we would even go out there and become proud, saying that as women we have a voice as nominated ones, but as it is now, Kshs.1 million, how can you go to all the six Sub counties with Kshs.1 million shillings! It's a shame I cannot support.

Just the other day, the Committee of roads went to Kakamega. Every time we talk of Kakamega, references are made to Kakamega; you know Kakamega is a County we would love to reckon with. One question we ask ourselves though, how is Governor Oparanya doing it? It's because he has the right legal minds advising him on what to do. I know with Siaya, we have people who have price tags on their backs. Every time they want to make decisions in this County, they always think of themselves first before the County. That is why we cannot go the right direction.

This is the reason I am saying that our Governor should seek for good advisers, to give him good direction because I remember even the last time, he made us go on cross roads with our Budget Committee Chairperson, that he signed Appropriations Bills.

**Hon. Speaker:** Yes, Hon Whip.

**Hon. Olasi:** Is it in order for a Hon. Member to tell us that all the CECMs, including the County Attorney with legal minds that we passed have price tags to them? I believe that is a total lie to these people who are paid to do their work. We know exactly what kind of a Governor we have.

We need not lie to ourselves. How many times has he called people here? Even our able Chair, Committee of Budget plus the Speaker himself was called to his place, and he totally dismissed them. That is his nature. You cannot lie to our people. Thank you, Mr. Speaker, Sir.

*(Laughter)*



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**Hon. Speaker:** Order! Yes, Hon Linda, Just proceed please.

**Hon. Juma:** Thank you, Mr. Speaker for protecting me. As I was saying, our Governor needs people who can advise him rightly because just last time, he was saying that he signed the Appropriations Bill without knowing that the rollovers were not in it, and the question we were asking ourselves as a House, who represents him in the Budget Committee? That is the CECM Finance.

That is his point man to show him everything. So this time round I tend to think that he doesn't have a clue of this document, but if he does then I don't think he is fit for that office as County Governor of Siaya and therefore I reject the report.

*(Applause)*

**Hon. Speaker:** Yes, Hon. Nick.

**Hon. Ochola:** Thank you, Mr. Speaker, Sir. Allow me also to add my voice into the debate on the report that has been tabled for the Supplementary Budget. I wish to start from the point that I am disappointed by the document which was brought to our Committee for;

*(Applause)*

1. I am a believer of the rule of law.
2. I cherish that Siaya as a County should also look like other Counties where we see key projects having been done like the Bukhungu stadium and even just the other day Her excellency Charity Ngilu initiated a textile industry and many others.

I cherish to see that and that is why I will now be positive with the fact that we will start building the stadium that is a key project. During the time that there was some lobbying at the Executive, I was on record that I would reserve my comments on the Supplementary Budget until we see the Budget.

Since the contention was that there are certain key projects that His Excellency the Governor wants to fulfill which is a very good thing to do except that we need that such kind of thinking be brought within the confines and premise of law.

So this morning when I got the opportunity to look at the Budget, I thought somebody didn't do the right thing to this document. Somebody must have been in a delete mode such that all he did was delete! Delete! Delete, until they forgot and deleted even the salaries of those who are already in service. That was disappointment number one.

Number two, it is very clear on the percentage at which the main Budget can be changed and actually supplementary is legal and you can introduce an item based on how the chair of Legal Committee had told us, introduce an item in the Budget but doing a 50% change or coming up with new projects worth a billion shows that somebody somewhere didn't know what they were doing.

So I suppose that this document was properly brought to the House but not properly done. For the purpose of records, when we started the joint Committee, I was the first person to say unanimously that we take back this document so that a proper Supplementary Budget is brought to us in conformity with what the law stipulates.

Otherwise, it will be quite not in Order to pass a document which is not in tandem with the law. So I go by the resolutions of my Committee that this document be returned then a proper Supplementary Budget is brought to us on the Floor of the House then we scrutinize it.

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**Hon. Speaker:** Yes, Hon. Shirley, I want to give each and every one of you a chance to talk but please don't repeat yourself.

**Hon. Oyuago:** Thank you, Mr. Speaker Sir. Is it in Order for the Hon. Member to address the House dressed like somebody going to the market?

*(Laud consultations)*

**Hon. Speaker:** Hon. Felix Okumu, take your seat first!

Yes, Hon. Audi.

**Hon. Audi:** Thank you, Mr. Speaker Sir. I rise to reject the Supplementary Budget and I see someone who was picked by the road side to work for the people of Siaya and was probably not ready to work for us as tax payers.

If I look at the document again I see someone who travels outside the Country with public funds with nothing fruitful for Siaya tax payers. If I look at the document again, I see key advisers like Makamu as the authors of this document.

Members of Siaya have been going through this document and have seen that like in South Gem a lot of projects have been scrapped yet I had a lot of projects including the Kshs.3 million that I had for women revolving fund. We had Kshs.2 million for the youths and boda boda, we had Kshs.1 million for livestock and production. Members, let us reject this document because for one it is an embarrassment to the people of Siaya. Thank you.

**Hon. Speaker:** Yes, Hon. Abigail.

**Hon. Abigail:** Thank you, Mr. Speaker, Sir. I am really wondering why we are debating on this dead on conception Supplementary Budget! First of all I think with someone possessed and arrogant since he can say that the Budget is his. When we cite the Constitution of Kenya Article 1, which states that all sovereign power belongs to the people of Kenya, exercised through their elected leaders. And he comes to tell us that the Budget is his! He is either possessed or is being rouge.

We had already passed the Kshs.30 million; somebody sat somewhere, a rouge officer and decided to capture his own things when dreaming maybe in the bedroom on the Budget. Do we have a tool to punish or discipline such a rouge officer?

I will not dwell so much on what others have said like on the health department, I would say it is very sad that even tomorrow I am going to bury a baby who died because of malaria. It's very sad. We have been going round, our facilities are pathetic yet someone comes here to tell us that roads are more important than hospitals, are we crazy? I am not boarding!

*(Applause)*

And by so saying you know you cannot push a camel through the eye of a needle and as a representative of the people of Central Gem I reject the Supplementary Budget and support the report. Return to sender very fast!

**Hon. Speaker:** Yes, Hon. Felix Okumu.

*(Laud consultations)*

**Hon. Okumu:** Thank you, Mr. Speaker Sir. As a Member of West Alego, I almost shade tears simply because we really fought for the Governor to come back and finish his term, in fact;

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I am one of the people who gave him the most votes. So for me to see West Alego having only Kshs.2 million really pains me, is that really helping the people?

*(Laughter)*

I want to give a brief History on Ethiopia and relate it to our situation in Siaya and I want Members to take note. There was Menelik II of Ethiopia and the battle was at Adowa; we are now the Menelik II and these are our warriors and they have come out firmly to fight the white colonialist who is now the Executive, therefore we should emulate the manner in which the warriors got motivated to a point where even the ones who got shot still pushed others to fight. Thank you.

*(Applause)*

**Hon. Speaker:** Hon. Edwin and Members, can we be brief, we don't have time.

**Hon. Odhiambo:** Thank you, Mr. Speaker Sir. I think Hon. Okumu almost crowned everything but just allow me to add my voice that first I want to thank the Joint Committee for doing a wonderful job together with other Members and more so the legal team in this Assembly for giving the right advice as compared to the legal team at the Executive.

I want to confirm to Hon. Members that we have the mandate and I think we had been sensitized on this. So we are not going to step on anybody's toe but to do the right thing. We love our Governor because he is like the president of this County but I don't know who to blame, whether the electorate or the mighty; those who run the County.

If you look at this document and you relate it to the devolved government, I don't know how they are going to match it with the electorate because the aspirations of the electorates are not captured here. And as Edwin, in fact, as a messenger, I only bring here what I have been given or told to present by my people as we now articulate it here.

If some few people can go and sit somewhere and decide for the whole County I don't think it is practical and I want us, plus our Hon. Speaker, if there is any way we can change the appointments of the implementers that is the people employed at the Executive level, even at home if you employ a cleaner they will only do what you want them to do which also applies to the Executive level here, the people we employ will work at the voice of the Governor and this is practical because even when we meet these people with the Governor when we have a joint meeting with them these people have no voice.

I just need to be guided if I am saying the wrong thing but I think that if the system can be changed such that the appointing authority is not the Governor then everything will be okay because these people will never go against the Governor.

So I kindly want to support the report and I think our able chair of Budget has really taken us through on what they did during the Budget process and as well as chair for Legal has also taken us through what is expected as per the law. Otherwise, I want to support the joint report and reject the Supplementary. Thank you.

**Hon. Speaker:** Hon. Helen Winga, please one minute because we don't have much time.

**Hon. Winga:** Thank you, Mr. Speaker, Sir. First of all I congratulate the joint team who worked on this Report. May God bless them.

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The Supplementary Budget before us is not something that we should take serious because so many people have talked about it and as we sit now it is just a repetition. Our people do not eat roads. The money which is taken to roads could have been taken to Agriculture where our people get their livelihoods.

Secondly on health, as I sit here I was given prescription just to go and buy medicine very far away. I used transport a lot of transport money but for the common man where could they get that money? So the money which was actually taken away from health should be brought back.

I wish this Assembly good health because I didn't know that the Assembly was called ... from what was said and today I am a happy mother but not very happy because the Kshs. 7.5 million has been withdrawn from what I had expected. Thank you.

**Hon. Speaker:** Yes, Hon. Peter Oduor.

**Hon. Oduor:** Thank you, Mr. Speaker, Sir. Those people who think that they have been given money, first of all they should know Kshs. 2.5 million may go to bursary. I don't know the amount you are going to remain with within your Wards.

When we were electing our Governor we thought we were electing an honest person. If you go through the Budget and what we were being given all those years he was purporting to be giving the Wards Kshs. 30 million and in real sense he was giving less money. Everyone who is here if you go back to your Ward and the money that has ever been given out has never reached Kshs. 30 million.

Like my Ward last FY it was Kshs. 15 million meaning if we go by that, the Governor has been remaining with 85% of development money of Siaya County. I am wondering what he wants to do with 15% that he could not finance with 85%

Now that he is possessed with 'legacy' such that he would want to have jagged projects continue raping Siaya out of its resources. When the money was being given to the Wards, the village contractors could get something small but now that he has resorted to mega projects it means that there is nothing that will go down to our unemployed youths and these administrations that I know will be done by himself and his cronies.

I am not happy when we take the resources of the County and turn them into white elephants. We have projects that had been started in the Wards; these projects are going to die a natural death. We have dispensaries, village polytechnics, ECDEs that will never be operational or equipped; they will be there as monuments. If yours is equipped it will be only if you persuade him and he thinks that you are the best person that can represent his interest. Thank you.

**Hon. Speaker:** Hon. Charlton Andiego, MCA for Central Sakwa. This being your maiden speech, take this opportunity to thank the people of Central Sakwa for electing you then you proceed.

**Hon. C. Andiego:** Thank you, Mr. Speaker, Sir, I want to thank the Members who worked tirelessly to ensure that I am here to deliver on the promises to the people of Central Sakwa and also on the policies of us as an Assembly. As I stand here I want to say thank you to all Members who came and those who didn't come but you prayed for me and gave me advice. I want to thank you dearly for that.

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As I stand here representing the people of Central Sakwa, I support the Report. As the youngest Member of this House I am riding on the back of someone who the people of Central Sakwa know was delivering on their promise. It would be very bad if I supported this Supplementary Budget because the people of Central Sakwa had passed through Public Participation on what should be done to them when their MCA was elected.

As the predecessor, I would not want to go back to the people of Central Sakwa and tell them that what they passed during the Public Participation which was Kshs. 30million has been reduced to Kshs. 6 million.

Some Members might say that I should be supporting the Budget because the road goes from Bondo to Nango. I will not support that because when I was campaigning I was telling them categorically that I want to deliver on their promises which was health, water ... and Kshs. 350million being taken to a road from Bar Kowino to Nango that is not what they want.

I want to thank the Governor for making sure that as a young legislature in this House, our political dreams are going to be shattered before we even begin legislating this. I support this Report and I reject the Supplementary Budget. Thank you.

*(Applause)*

**Hon. Speaker:** Yes, Hon. Majority Leader.

**Hon. Oor:** Thank you, Mr. Speaker, Sir, let me take this opportunity to thank the committees who have made the Report which people have supported and I want to support those Hon. Members who have supported this Report with reason.

Our Governor should form a team for benchmarking with Kakamega County Governor to know that the work he has done in his County is not good.

*(Applause)*

A bad Governor and a good Governor should know his role for people to assess his work. If somebody can remove sweepers from the markets, is he wise?

*(Laughter)*

Most of our sweepers are the poorest in the community. On this note let us go back to Public Participation. I am supporting this Report. Not anymore! The Governor cannot sit with his team to know what to do. Thank you.

**Hon. Speaker:** Yes, Hon. Deputy Speaker.

**Hon. Odongo:** Thank you, Mr. Speaker, Sir, allow me to reject the Supplementary Budget and to support the Report.

It is so sad as a Member representing North Ugenya Ward to go back and tell my constituents that the allocation for my Ward is Kshs. 2.5 million. What I have realized with the

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person who prepared this Supplementary Budget is that I don't believe this is the real Governor that we elected.

We are aware that each and every Ward did public participation and each Ward worked and selected the projects that were supposed to be done for them. As people of West Ugenya, we had really based our minds on water and now we are being told that water will not be sold in West Ugenya Ward rather the road will be done in Nango.

It has been brought to my attention that the Governor of Siaya County signed the whole document without scrutinizing. It is a shame if a whole Governor can sign a document without going through or knowing what is in the document. The Governor was on vernacular radio and he has realized that he has done nothing for the last six years.

*(Applause)*

It is so disturbing! Completely nothing! And now if he has done nothing for the last six years what assurance do we have that in these three remaining years the Governor will make the legacy.

*(Applause)*

The Governor that we have must be taken to Mathare Mental Hospital. I support the Report.

*(Laughter)*

**Hon. Speaker:** I call upon the Mover to reply. I will give the two of you chance because you co-chaired. Yes, Hon. Otiato.

**Hon. Otiato:** From my senior and Deputy Speaker possibly we have got a mental issue and going by Section 251 of the Constitution gives ground for the removal from office.

Let me thank this Hon. House for the kind of debate and the mood that is in the House. I am so pleased by what you are able to show, some have even witnessed this in social media

Some people think you can call two or three MCAs aside and maybe give them a token to go contrary to what is legal. It is going to be a statement that it cannot happen to this Assembly and if you have good money, give us; we will eat but we will follow the law.

*(Applause)*

There is this debate that has been here about the arguments that we have in the villages; I want to say that the County government Act section 102 talks about promotion of equity on resource allocation within the Counties. Now how do we promote equity on resource allocation; does this budget promote equity?

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How will I go and convince someone in Yimbo East that with a 158km<sup>2</sup> area I only have Kshs. 2Million yet West Yimbo which is 40km<sup>2</sup> is having Kshs. 10Million; do we have equitable distribution even in this supplementary? No, it violates the Constitution.

Mr. Speaker, Sir, according to the law, the Act also provides that we need to make steps to ensure that marginalized areas are brought up; is that reflected here? No, there is the other discussion that has been doing rounds and I want to make it clear with regards to law. We have been talking about Kshs. 30Million; do we have any law? It is regrettable that we are talking about a Governor who is claiming to be signing things into law.

The budget is a process not a single incident that you will stand by a road side and say this is it. We started this by CIDP then to ADP and this has proceeded on to a point where we have got County Fiscal Strategy Paper, these are being signed by the Governor and it was well in the mind what was in it.

It is so sad that at this moment when we have already passed the Budget, the Governor can confirm that they had no idea of what has been going on in this County. It gives us to start thinking otherwise just like some Hon. Members have said that possibly we don't have *Amoth Rasanga manewang'eyo* (Amoth Rasanga the one we knew).

Let me finalize by saying this; the budget comes from the CIDP and carries ideas or proposals from the public and I celebrate the fine days I was in one of the radio stations when we were discussing about this. One of the clips is very clear what the Governor said, the budget is not his but for the people. The people made proposals in the CIDP and anything else we are doing we are just generating from there.

If the budget belongs to the people, the Constitution is very clear on the power Article 1, 2 and 4; all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the law. The people may exercise their sovereign power either directly or through the democratically elected leaders.

In Siaya democratically elected leaders we have got the 41MCAs and one Governor; so you know where the power of the people is. On the discussion of at what point; one of our Hon. Members has argued about the selective application of law. I want to make it clear and in record that we shall follow the law as it is. We are not going to apply the law selectively in that when it's clear that the Executive are going to be guided by County Fiscal Strategy Paper which was signed in law by the Executive itself and then it decides to go contrary to that then you ask yourself.

If the Assembly representing the interest of the majority according to the Constitution has only 0.01% and somebody fails to follow the law by avoiding following the strategy paper as required by law then what do we do and why do we go to the public? Yes, you have brought a budget of Kshs. 2Million or Kshs.4million; the public says they want a budget at Kshs. 30Million, at what point do we factor the public opinion into the budget if you want to give us a limit?

I summarize by saying that I want to thank this particular House for this good job. I know we are sorry for the fact that this decision might affect our contractors. The only problem that we

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have is that somebody has decided deliberately to do this so that tomorrow he gets something to go with to funerals that our hands are tied up, we cannot proceed on because Assembly has refused. It is not Assembly refusing what we are saying; just follow the law.

Contractors need to be paid, we know but how much? The money which is given to the Budget Committee was Kshs. 1.7Million; what we are given now is Kshs. 1Million. Where is the Kshs. 700,000? Things are not clear in this and therefore I will finally say that yes this House is going to make a decision but for the good of this particularr County. Generally, I would not wish to talk about the threats that we have heard. I am happy that in this Assembly when you are making a decision, do it clearly.

We are among the few people whom the threats cannot work very much on. We will defend what we can because we are able to. Some of our MPs who are busy abusing our Assembly, I would want to make it very clear that we know you very well from your academic record so you cannot challenge us on anything academic. I hear of another MP whom when I was an OCS in Mumias he was a factotum of Kidero (former Chief Executive Officer, Mumias Sugar Company and immediate former Governor, Nairobi City County) in Mumias Sugar.

*(Applause)*

Today Otiato is nonsense to him; he can abuse and tell this Assembly composed of engineers, doctors to be nothing to him. We know somebody here; an MP when he was working at National bank as head of the credit union. We know what they did; we are not going to allow you to do that in Siaya. Hon. Members, we are ready and I thank you for supporting the Report, thank you.

**Hon. Madialo:** Mr. Speaker, Sir; allow me to thank Hon. Members for supporting the Report. I will be brief but I wish Mheshimiwa Linda could bring me to her scope. Don't think if you asked me a question I will get annoyed because you didn't know the person you are dealing with and what was happening between you was a divided rule which if I give you an opportunity for another three months you will wean yourself out of it.

If you are new, you would think but if you said so and so said this; those have been said several times and I sincerely believe and that's why I didn't answer much. When somebody talks about you to 40 people then you are a great man.

I wish to appreciate your position; that of saying I wanted to understand, I have looked at it and I think something is wrong here and indeed something is wrong. Mr. Speaker, Sir, I wish to ask our colleagues because I have said it to the Executive as Budget Chairman. The Budget Committee will bear me witness that I had asked several times where our flagship projects and in the last Budget interaction I was told that we are going to ensure that our major flagship project is the stadium.

I believe if I heard them well but my brothers and sisters look at the Supplementary Budget; we want to build the stadium but have they allocated money to it? It is now roads, it's no



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longer the stadium; the stadium has been allocated a traditional Kshs 30Million and we need Kshs.380Million but that is not for us to decide.

I wanted in reply to state that every single individual in this Assembly is ODM and so we all serve the interest of ODM. There is nothing like somebody is nominated to serve interest of party that somebody is elected so you won't serve the interest of the party.

The Governor is elected on ODM party and the policies he implements are supposed to be ODM policies; we are all ODM legislators so there is no party interest that is specific to an individual. A question arose as to whether these items are in the ADP; the answer is no, were these items in the CIDP the answer is yes, 3kms; are they in the Fiscal Strategy Paper, the answer is no but another one is this---

Even the one we are preparing now for the next Financial Year, the roads we are shouting about are not there, leave alone the one we are arguing about now. Even the one we want to enact for the next Financial Year, they have forgotten; I remind them because it's a good idea to do so. Even as we speak, those things are not possible to provide even in the next FY.

I want to use an historical statement by the person who defined democracy. President Abraham Lincoln said a long time ago, "A government by the people, of the people for the people," we were elected democratically. This is a government by the people of the people for the people, the Budget belongs to the people.

*(Applause)*

Somebody asked if the Governor is aware of what is in the Supplementary; well he may not be but the Constitution provides that he should be aware. We don't want to investigate who is aware and who is not. The CECM is a principal advisor on finance to the Governor; he might not be aware.

I want to rest my case by answering my younger brother in response by stating that I as Madialo, Chair of Budget; I am proud to be a villager and to think of my village because from the village you come and if your village is not going to be comfortable, you can never be proud of what is good in Nairobi. If your village is not comfortable, KICC doesn't do you much good, does it? But it gives Kenya an image.

Even as we look at what will make us advance generally we must look at our villages. The 0.0 of 1% is a provisional regulation, the provision that people should decide is a constitutional provision. The Constitution at any time is superior to any regulation, so we cannot ignore the Constitution and talk about a regulation, the regulation is enacted by people who are related by the Constitution.

You don't ignore the Constitution and say 0.0 of 1% but I want to put it in a simpler way, we have a resource envelope of Kshs. 7billion, if the Executive brings us a Budget of Kshs. 10million, do you leave it the way it is because you are not allowed to change more than 0.0 of 1%? If the Executive tomorrow says, well we have looked at the Budget, now we want to build

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and invest so this is Kshs. 7billion, we want to build a university at Kshs. 6.5b, do you sit back and say the Executive has spoken?

I have emphasized that because it is a very fallacious argument, 0.0 of 1% applies. Yes, if in applying it good reasons and common sense prevail, if it does not then it doesn't apply!

I want to thank my brothers and sisters and by pointing out the following; that we are only returning the estimates, the budget that we enacted still exists. The Kshs. 29million for the sweepers is still there, but if we had passed the supplementary then it goes, now that we have not passed the supplementary, the Kshs. 29million is still there.

The money for hospitals remain the way it is and the money for non-pharmaceuticals remains the way it is until there is reconciliation on the way forward and a new supplementary is brought and a new Appropriations Bill is signed into Appropriations Act of this Assembly. May I call upon my brothers and sisters to adopt the report.

*(Question put and agreed to)*

*(Applause)*

**Hon. Speaker:** Emanating from that debate, allow me then to direct the two Committees; the joint Committee on Budget and Justice and Legal Affairs to investigate into the alleged discrepancies on the Ward allocations from the approved budget and the figures in the proposed Budget as the benchmarks for allocations and report to this House within 7 days. Next order!

### **MOTION**

#### **ADJOURNMENT**

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

*(Hon. Members rose on their feet)*

**Hon. Speaker:** Hon. Members, you remember you had some appointment with some NGO, they are still waiting. Those who can manage, pass by there, I will personally do so and ask them to come tomorrow to the Assembly.

There being no other Business, this House adjourns until tomorrow the 14<sup>th</sup> of November, 2018 at 9.30 a.m. in the Chamber.

The House rose at 7.02 p.m.