

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly – Second Session

Wednesday, 21st November, 2018

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

[The Deputy Speaker (Hon. Odongo) in the Chair]

PRAYER

NOTICE OF MOTION

STATUS OF DISBURSEMENT OF BURSARY FUND, FY 2017/18

The Deputy Speaker: Hon. Lorna Adida, Chairperson for Education, Youth Affairs, Gender & Social services.

Hon. Adida: Thank you, Mr. Deputy Speaker, I stand to move a Motion: THAT this House adopts the Report of the Committee on Education, Youth Affairs, Gender and Social Services on status of disbursement of bursary fund FY 2017/18 laid on the Table of the House on Wednesday, 14th November, 2018 at 2.30p.m.

MOTION

IMPLEMENTATION OF THE SIAYA COUNTY PROJECT MANAGEMENT POLICY

The Deputy Speaker: Hon. Samuel Siguru; standing in for the Chair, Committee on Finance, Trade, Industry and Cooperatives.

Hon. Siguru: Mr. Deputy Speaker, Sir, I stand to move a Motion: THAT this House adopts the Report on the Committee on Finance, Trade, industry and Cooperatives on implementation of the Siaya County Project Management policy, 2015 laid on the Table of the House on Wednesday, 14th 2018 at 2.30p.m.

On behalf of the Committee I will straight away move the Motion on behalf of the Committee as per the Report which I believe has been circulated to all the Hon. Members and in the interest of saving time I can only touch on important key issues that will lead us to the recommendations. I will first go to the background.

The management of Project Management Committees in Siaya County has been a thorny issue since the advent of devolution. The involvement of this House with the PMC issues and its

Disclaimer: The electronic version of the official Hansard report is for information purposes Only. A certified version of this version can be obtained from the Hansard Editor.

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

oversight thereof dates back to over three statement requests by various members all of which have always been responded to in writing by various authorized and in some cases- unauthorized representatives of the County Executive.

It is important to note that not until this House started investigating the general management of PMC issues and payments, all the PMCs for various projects across the County since the advent of devolution had not been paid. This is despite the admission by the County Executive Department of Finance that the County Government of Siaya has been deducting a 5% PMC fee from all payments owed to all contractors.

This has resulted to huge sums of public money accruing from PMC deductions whose utilization has been shrouded with lots of mystery and lack of accountability contrary to the provisions of the Constitution of Kenya 2010 and the PFM Act No. 18 of 2012 (2015) on management of public funds.

The County Assembly Committee on Finance has been doing its best to put the Executive to account with regards to accounting for the PMC funds, albeit with mixed reactions and responses. The Committee has been receiving various contradicting reports on the same but attempts to have the CECM Finance appear before in vain ending with an impeachment Motion by a Member on various charges including contempt of Committee summons and invitations.

Following the previous contradicting responses from the CECM Finance on the payment of PMCs, contempt of Committee summons, invitations and the subsequent impeachment Motion moved against the CECM-Finance, the House mandated the Committee to follow up on the two key recommendations adopted in one of previous response reports on PMCs in order to offer a comprehensive and objective guidance on the impeachment Motion before the House.

The issues were the provision of and analysis of a certified copy of the PMC funds bank account statements for the period FY 2013/2014, FY 2014/2015, FY 2015/2016, FY 2016/17 and FY 2017/2018; for purposes of oversight over the deductions of and utilization of PMC funds. Provision of a detailed report- by the Executive –of the specific project PMCs claims amount that have been paid in each Ward and for which period, pending project PMC claims in each Ward and period.

The concept of the project management committees is meant to involve the views of the people in general execution of all projects and activities of the County Government in line with the provisions of the Constitution of Kenya 2010 and related legislations on Public participation. The concept is executed based on County specific legislations and policy guidelines unique to each jurisdiction but all in the fulfillment of the provisions of the Constitution of Kenya 2010 on public participation.

In November 2015, Siaya County Government developed and approved policy guidelines on project management to guide the implementation of all projects within the County. The main objective of the policy was to establish an appropriate management structure (governance) for projects.

The policy guidelines provide for the definitions of PMCs, Membership of PMCs, roles of PMCs, PMC meetings, and funding for PMCs.

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

The Number of PMC meetings shall not exceed 5 in the lifetime of a project. The meetings should be properly documented and paid in phases during the lifetime of a project. The PMC activities will be funded by a 5% project management fees. The 5% will be a deduction of project funds from all payments made to contractors and shall be regulated by the CEC Member for Finance.

The PMC members shall be remunerated at Kshs. 1000 per member to cover lunch and transport costs. The County Government of Siaya officials who are members of PMCs shall, however, be given lunch allowances while on duty in the field by their respective departments at the official rates.

The concern over payment of PMCs was first highlighted by the Roads committee in one of their reports on project implementation of various projects tabled and adopted by this House. This was responded to via a letter dated 8th March, 2018.

In response, the County Chief officer in charge of finance stated that the PMC account had a total of Kshs. 110,031,525.66 comprising of Kshs. 22,714,652.60 and Kshs. 87,316,873.06 for FY-2015/16 and FY-2013/14, FY-2014/15, FY-2017/18. That the PMC funds were utilized in the FY-2017/18 for payment of contractors due to liquidity constraints. The amount that was utilized was, however, not stated.

That the finance department had reconciled the payments and deductions made from PMC account and the same were to be refunded to the account for subsequent PMC payments in the month of May, 2018.

In another response to PMC issues raised by Hon. Francis Otiato via a statement request, the County Executive chief officer for finance and economic planning responded via a letter dated 23rd May, 2018, thus that all project committee members in the County had not been paid, he cited inadequate documentation in the claims for payments as the reason for the delay in payments.

Properly documented claims worth a total of Kshs. 3,015,000 had been received by the date of the response and were being processed in another correspondence on the PMC payments sent to the executive via letter referenced Siaya County /CORR/C.EXEC/18 dated 2nd October, 2018. The County Executive Department on Finance responded via letter dated 10th October, 2018 and stated as follows:

The 5% PMC costs were deducted from project from payments from the County Development Account but not remitted to the County Deposit Account thus creating a surplus in the County Development Account

The PMC funds in the County Development Account were then used to pay some projects. However, the Executive is not in a position to identify the specific projects paid using these funds since the funds were in a pool at the County Development Account

The PMC funds used to pay some projects have since not been refunded because of purported delay in exchequer releases experienced in the FY ending 30th June, 2018

The County Treasury has since processed and paid PMC claims of approximately Kshs. 5 million

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

The County Deposit Account has always had enough funds to pay PMC allowance/claims

Committee findings

The committee held it's Sitting on Monday, 20th August, 2018 and resolved to write to the CECM Finance, Economic Planning and vision 2030 to provide a written response to the committee on the latest issues emanating from the impeachment Motion and based on previous Executive responses on PMC issues.

The Committee did not receive any response to this correspondence. In a follow up sitting held on Friday, 14th September, 2018 the committee resolved to do a follow up letter on the same vide letter referenced SC.ASS/CORRES/C.EXC/18 VOL XII - 5

On Thursday, 18th October, 2018 the committee received a response from the County Executive but Members were concerned that the response had been authored by a stranger to the Assembly by the name Mr. Hezron Mariwa purporting to be the Chief Officer Finance in disregard to the law.

The response was rejected by the committee and it was resolved that the committee should seek the guidance of the Hon. House on the frustrations from the department regarding the PMC issues inter alia with an aim of escalating it to the Committee on General Oversight.

A notice of impeachment Motion against the CECM Finance and Economic Planning sponsored by Hon. Ambrose Akuno, MCA West Asembo Ward was moved on accounts of incompetence and gross misconduct in line with Sections 40 of the County Government Act No. 17 of 2012.

In relation to the impending Motion, the Hon. Speaker directed that Finance, Industry, Trade and Co-operatives investigate matters surrounding the projects committee allocations FY 2016/2017, 2017/2018, 2018/2019 and report back to the House. The committee held its sittings on Wednesday, 31st October, 2018

I would request for comprehensive Report and also invite the CECM Finance and Economic Planning to this. He was therefore expected to

- a.) Provide evidence of the disbursement of Project Management Committee Funds of the FY 2016/2017, 2017/2018, 2018/2019
- b.) Explain how much was spent in the form of payments to PMC's for the three Financial Years and which particular PMCs were paid
- c.) Provide details of PMC balances (if any) from the disbursement received from the three financial years
- d.) Explain how much funds are unaccounted for (if any) for the PMC from the National Treasury for each of the three Financial Years
- e.) Give details of pending balances from PMC allocations for the three financial years
- f.) Provide details of PMC amounts not paid in each of the three financial years and for what reason if any
- g.) Explain the measures put in place to pay the outstanding PMC funds and by when
- h.) Explain to the committee if there has been any bottleneck in payment of the PMC and give recommendations for seamless payment of PMC allocation going forward

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

We received written responses attached to the Report. I will go through the responses we got from the CECM

Submissions by Hon. Joseph Warega, CECM Finance, Economic Planning and Vision 2030:

Following the a foregoing gaps in reporting the PMC payments by the County Department of Finance, the County Assembly Committee on Finance invited the CECM Finance to a joint meeting via correspondence REF No. SC.ASS/CORRES/C.EXC/18 VOL XII-82 dated 7th November, 2018

The joint meeting of Committee on Finance, Committee on Powers and Privileges and Committee on Education was then held on the 13th November, 2018 in which the CECM Finance was in attendance. He however failed to provide written submissions in line with the foregoing issues raised in the correspondence REF No.SC.ASS/CORRES/C.EXC/18 VOLXII-82 as listed in section 2.1 above

The meeting therefore resolved that the CECM puts all his submissions in writing and submits to the committee before the close of Business on 13th November, 2018

In his submission REF. NO.SYACUNTY/FPV2030/4/25 VOL.1 (50) dated 13th November, 2018 item 5.0 titled 'Submission of project management committee report'- the CECM Finance confirms that the report on PMC was prepared and submitted as per the matters which were raised in the Assembly correspondence REF.NO.SC.ASS/CORRES/C.EXC/18 VOL.XII-82 dated 7th November, 2018

This therefore confirms that the CECM-Finance stands by the previous submissions by the department on the status of PMC payments pursuant to the Executive responses dated 8th March, 2018 and 23rd May, 2018 on the same PMC payment issues

However, a similar response on the same subject dated 11th October, 2018 was rejected by the committee and is not admissible for it had been prepared and signed by a stranger whose purported actions as acting Chief Officer Finance is deemed by the committee and the House as unlawful, un-procedural thus not recognized and is not authorized to act on behalf of the department.

The previous responses alluded by the CECM Finance held that;

The response dated 8th March , 2018 stated as follows; The PMC account had a total of Kshs. 110, 031, 525.66 comprising of Kshs. 87, 316, 873.06 for FY 2015/2016 and FY 2016/2017 respectively as at the date of the response (8th March, 2018). However the department did not disclose the figures for FY 2013/2014 and FY 2014/2015.

That the PMC funds were utilized in the FY 2016/2017 for payment of contractors due to liquidity constraints

That the Finance Department had reconciled the payments and deductions made from the PMC account and the same were to be refunded back to the account for subsequent PMC payments in the month of May 2018

The response dated 23rd May, 2018 stated as follows:

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

That all project committee members in the county had not been paid as at the date of the response (23rd May, 2018). Inadequate documentation in the claims of payments was cited as the reason for the delay in payments as at the date of the response (23rd May, 2018)

Properly documented claims worth a total of Kshs. 3, 015, 000 had been received and were being processed for payments as at the date of the response (23rd May 2018)

The response stated that since no payment had been made, they were not able to state whether there would be any savings from the payments

The observations may still dwell so much on the same things that we have gone through so allow me to go to the recommendations.

Recommendations

Based on the submission that I have just read, I tend to think that there are particular places that I will skip but I will only go to recommendations given that that's where probably we are going to have our debates on.

Based on the forgoing Committee findings and observations in the PMC payment issues, the Committee makes the following recommendations;

1. With regards to the PMC payments and having snubbed the Finance Committees invitations and sittings on 14th September, 17th October and 31st October, 2018 this Committee recommends that Pursuant to section 27 of the County Assembly Powers and Privileges Act 2017 this House finds the CECM Finance Mr. Joseph O. Warega liable for snubbing Committee invitations, sittings and failing to provide information on PMC payments, and be charged a fine of KSH. 200,000 payable to the County Assembly clerk within 14 days upon the adoption of this report. The money is not to be withdrawn from any of the County budgets.
2. By a copy of this report the County Assembly clerk immediately invites the Kenya National Audit office upon the approval of this report for a special audit and further investigation of a possible loss of over Kshs. 110, 031,525.66 public funds meant for payments of project management Committees through the Siaya project management Committee account and any transaction therein for FY 2013/2014, 2014/2015, 2015/2016, and 2016/2017 plus the current one which is 2018/2019.
3. The CECM Finance puts in place a comprehensive management policy addressing the management of PMCs and their payment among other project management issues including but not limited to project planning, project budgeting, implementation and monitoring and evaluation. This policy should be availed to the House within 21 days upon the approval of this report.
4. His Excellency the Governor as the appointing authority moves with speed and competitively source for a substantive CO or deploy an existing vetted CO from other department in an acting capacity to handle the finance docket pursuant to Section 45 of the County Government Act 2012. The Committee will henceforth not recognize and will not deal with unauthorized officers illegally acting as CO finance and will

only register reports and correspondences from the office of and signed by the CECM finance economic planning and the County Secretary.

5. That the County Secretary and the Director of Human Resource to proceed and recover from responsible officers if any public monies that have been paid to Mr. Hesbon Mariwa for the period he has been illegally acting as the CO Finance.
6. The Committee demands that going forward the CECM Finance should always provide quarterly reports to the Committee on Finance, Trade, Industries, Labour cooperatives and the Committee on Implementation on the status of the management and the implementation of PMC money as the required by the County Government Act No. 17 of 2012.

Based on the summations have done on behalf of the Committee, I tend to think that we are noticing and we are seeing that we are handling a matter that is seriously mishandled. In discharging our duties as representatives of the people we should think and deliberate soberly and see into it that we at least we put systems into place.

So there are weighty issues and we have done them on the report so my simple submission as the Vice chair of Finance is that at least we urge this House probably put our foot down to see into it that we have the best practices done in our County in terms of managing our resources not necessarily on project management Committees but also any other programmes that we have.

I would request Hon. Shirly to second the report. Thank you.

Hon. Deputy Speaker: Hon. Irene Shirly, are you ready to second the report?

Hon. Oyuago: Thank you, Mr. Deputy Speaker Sir. I don't remember when I became a member of that Committee. It is very difficult for me to second or support the report.

Hon. Siguru: Mr. Deputy Speaker, Sir, I will have to apologies for that. I tend to think that am supposed to invite a Member of Finance Committee to second as part of the Committee. So I will withdraw my remarks that Hon. Shirly seconds my report and instead call upon Hon. Willis to second.

Hon. Ochieng: Thank you, Mr. Deputy Speaker Sir. I rise to second this report as a Member and I just wanted to put it clear that as much as Shirly is not a Member of the Committee this is something that is in public domain and how I wish she would have just seconded the report.

(Laughter)

Anyway, I would like to take this chance to also give my contributions aware that I am also a Member of the Finance Committee. It took us really difficult time to go through this report because as it has been read by the Mover, having the CECM with us to give us

Hon. Deputy Speaker: Hon. Willis, you were requested to second the report then you can contribute as a Member.

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

Hon. Booker: Thank you, Mr. Deputy Speaker Sir. I think Hon. Willis is very much in Order to second and contribute at the same time not unless you do not understand the Standing Orders.

(Laughter)

Hon. Deputy Speaker: Hon. Booker, resume your seat.
Hon. Willis, proceed.

Hon. Ochieng: Thank you, Mr. Deputy Speaker Sir. As I was saying, it took us time...

Hon. Deputy Speaker: Hon. Willis, I am requesting that you second and allow me to propose the question then you contribute.

Hon. Ochieng: I have seconded.

(Question Proposed)

Hon. Deputy Speaker: Yes, Hon. Oriaro.

Hon. Oriaro: Thank you, Mr. Deputy Speaker Sir, for having given me this opportunity on behalf of people of Central Alego Ward and Siaya public ubiquitous as we ventilate on this matter. I want to admit that the 8 recommendations in this report have overwhelmed me in terms of agreeability with it and a lot need not be added.

However, my attention has been drawn to page 9 of the report, roman III part (d) and I read that the PMC funds in the County development account were then used to pay some projects, however, the Executive is not in a position to identify the specific projects paid using these funds since the funds were in a pool at the County Government account.

The duty to approve main estimates or even supplementary estimates and the duty to enact the law, the main appropriation at the supplementary appropriation rests with us and if you go through the PFMA regulation of 2015 the issue pertaining to the use of public funds is very elevated in terms of the guiding principles.

When we talk about the budget making process and at the tail end we would come up with approval of the estimates like the laws, the matter to be addressed as the law even going by Chapter 12 of our 2010 Constitution Article 101 especially part (a) is all about doing a budget based on programmes such that when it comes to the use of money, it must remain a tether to the stated programmes such as in the CIDP and ADP, and we may also talk about the enumeration of those programmes in the budget estimates.

What we are learning here is one, PMC money was used and even when it comes to requisitioning, the Controller of Budget will only allow the release of money after having confirmed if it was rightly in those statutory papers, the budgetary documents, and an amount was tied to the programme.

How did these people come to use money meant for PMCs to pay for programs that are neither here nor there? Because when it comes to requisitioning, this amount ought to have been

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

for the PMCs. This is outside the established principles, the established procedures, outside the 2010 Constitutional provisions, outside the County Government Act, the Public Finance Management Act. As I have stated, I want to say that our Report will be incomplete without recommending that the matter must be investigated further.

I am proposing in advance, that I will lay a Statement and even to do a Motion, to know as to investigating, the circumstances under which the money which was attached to the programme of PMC, the paid projects, which the executive is not ready to share with this House.

It is this House that represents the public. If they are not ready to share it with us, do they want to share it with the people in the *matangas*? Does he want to share it with his household? This matter must be addressed appropriately.

Lastly, I want to agree that the abuse we help handle and the recommendations that we have agreed, has to a great deal sub hindered the conscience of the public. Abuse of office. I am saying that even though the substantive CECM Mr. Warega, is only surcharged Kshs 200,000, this is too little.

Our attention is drawn to the National Assembly, where the Nairobi Governor was told to pay Kshs 500,000. So this is too little, we would have done more to stamp our authority. In short, no shortcut sanity must prevail, and sanity can only be aligned by the representative voice of this House, I support. Thank you.

Hon. Deputy Speaker: Hon. E. Odawa.

Hon. E. Odawa: Thank you so much, Mr. Speaker Sir. First I would like to state that I am a member of the Finance Committee and I would like to congratulate my colleagues for a job well done during the fact finding mission on the monies for the PMCs.

Secondly, the money that was proposed to be surcharged from Mr. Warega is quite in order and I believe we should also be humane when dealing with the sons and daughters of Siaya County, whereas Mr. Warega happens to be one of them. I want to emphasize the importance of inviting the KENAO auditors to come and investigate this issue.

As you can remember when I was presenting the Roads Report, PMC moneys accruing to Kshs 110 million was very contentious issue and up to now, there is no clarity of how and where the moneys were used, because the Finance office claims that the PMC moneys of Kshs 110 million was used to pay contractors.

We know very well that as my Brother Hon. Oriaro said that we operate on projects which have already been funded and projected amounts of money allocated for those projects. Meaning that the 110 million which was actually used to pay these contractors was misappropriated, and that is a crime, according to Finance Management Regulations.

I equally want to state very clearly that there is need to go deeper into the PMC issues. There are departments like Health Centers which have been constructed who have PMCs who have not been paid. Youth Polytechnics have been constructed, there were PMCs who were involved in the contract and they have not been paid. There were boreholes which have been sunk, there were PMCs who were involved and have not been paid.

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

There are ECDs. There are PMCs who were involved, and have not been paid. That means the amount of moneys owed to the PMCs, should be much more than Kshs 110 million. This is a very serious issue, that if at all we don't follow up this issue, then the PMCs moneys will be used with a lot of pilferage of moneys, owed from the County will be used as a conduit to siphon moneys out of coffers. I support.

Hon. Deputy Speaker: Yes, Hon. Edwin.

Hon. Odhiambo: I also stand to support the report, but I think in the Report, it is stated very well that there was a guideline which was approved in this Assembly. These things are not working in the County Government of Siaya, but I want to advise, or ask fellow Members, that let us do our work and make sure that all that has been passed in this Assembly has been adhered to, because if someone is given a job to do, there is a salary at the end of it.

The PMCs who are at our ward levels to monitor the projects going on, have not been paid since 2013 up to now, and somebody is claiming that there are two accounts, that is County deposit account and the County Development account. How can somebody vetted by this County Assembly, not know where to deposit the money?

That is very wrong and our people cannot work with an empty stomach, so I want to recommend this Report and ask everybody to adopt it.

As Implementation Committee, we are going to make sure that whatever has been passed here has to be implemented, and we are going to start from this one and the rest will follow.

There was something I was looking at, whatever the MCA for west Asembo brought here as an impeachment Motion, I want to confirm that the MCA was very right and I want to link it to the placement of funds money in the wrong account. I want to say that the incompetence and the gross misconduct of the CECM Finance is very right. Otherwise I ask all the Hon. Members to support this Report. Thank you.

Hon. Deputy Speaker: Yes, Hon. Truphosa Odinga.

Hon. Odinga: Thank you Mr. Speaker Sir. First I want to thank this Committee and myself as well, being the only woman in this Committee. I find it very cruel for whoever transferred the PMC money from the account it was supposed to be, being that the PMC Members down where they are, we all know where they are, and what they do.

First of all, these people do not have any other means of living (I suppose, I am not sure). I find it is very cruel, for respectable officer from the Executive or wherever the money was transferred from, or whoever gave the authority for this money to be transferred.

I think this act must not be allowed at any point. So I also urge other Committees Members, that should they sense any cruel act, like we sensed and approved in the Committee of Finance, they should also come up, stand on their feet and refuse such acts, so that this House can serve Siaya County ordinary people with diligence and transparency. As for such I support.

Hon. Deputy Speaker: Yes, Hon. Shirley.

Hon. Oyuago: Thank you Mr. Speaker. I stand to support the Report and categorically state that failure of this House begins with the implementation Committee, who's Chair just spoke some few minutes back, Hon. Edwin.

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

Hon. Deputy Speaker: Yes, Hon Edwin, what is your Point of order?

Hon. Odhiambo: thank you, Mr. Speaker. I think today afternoon, we are not here to lament on the failures of every Committee, but I want to confirm to the Hon. Member, that we have the time limit to follow up on all these projects. So when you see us not really at the point of what we are supposed to do, it means that the time has not yet elapsed. So you wait and you will get everything on time. Thank you.

Hon. Deputy Speaker: Hon Member, are you the Chair of Implementation as it has been reported?

Hon. Odhiambo: Yes.

Hon. Deputy Speaker: Yes, Hon. Adalla, are you on a Point of Order?

Hon. Adala: Yes, Mr. Speaker. Is it in order for Hon. Edwin Odhiambo to mislead this House that he is the Chair of Implementation, yet we know he chairs nothing here?

Hon. Deputy Speaker: hon. Edwin, resume your seat. What is your Point Of Order?

Hon. Odhiambo: Mr. Speaker, I think when the Chair is not there; I stand in for the Chair, so I am not misleading any House here. At the same time, it is wrong for the Hon. Member to address us when he is not in a coat.

Hon. Deputy Speaker: Hon. Edwin, you are protected. When the Chair is not there, the Vice Chair stands in for him. Hon. Shirly, proceed.

Hon. Oyuago: Thank you, Mr. Speaker, but I want the Hon. Member to know that we have been here for more than one year and we know the time frame for implementations to begin at one month. This is a good Report, and just as other Members have debated, the CECM for Finance deserve to be in Kodiaga Prison.

If you watched the news yesterday night you will know that Siaya is one of the Counties that returned development moneys. All development starts with the department of Finance. I wonder how this CECM, works in his department.

What I would tell the Committee is that we have even the internal auditors, and we should trust even the auditors that we have around, before moving to KENAO, we should have invited the auditors we have around to help with the investigations, so that we can have two reports even from the KENAO and the internal auditors.

Another thing commend from the Report is the recommendation number 4. It recommends that His Excellency the Governor move with speed and competitively source for a substantive Chief Officer pursuant to the law or deploy an existing Chief vetted Officers. This could bring an excuse from the department that they do not have a substantive Chief Officer.

So I have recommended that let the Governor move and bring in a substantive Chief Officer by the Assembly. Thank you.

Hon. Deputy Speaker: Yes, Hon Adala. Hon Booker what is your Point of Order?

Hon. Booker: Hon. Speaker, is it In Order for the Hon. Member to address the House when not smartly dressed? Now is this a House for dressing up?

Hon. Deputy Speaker: Hon. Adala, you should take note that this is not a dressing room as mentioned by Hon. Booker. Proceed.

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

Hon. Adala: Thank you Mr. Speaker. Indeed this has never been a dressing House, but only a House of rules. I stand to support the Report by the Committee, indeed it is a work well done. If we take note of the work that is being done by the PMCs, in fact the biggest team that supervise how work is done is the PMCs, and when we want to look at the projects being done in the manner that they should have been, then the people that we really need to uncover are the PMCs. How then do you get somebody to work when he/she is not upto speed by way of reimbursements?

It beats logic that we can be sitting here, that we are seated here discussing about Kshs 110million that was meant to be paid to other people that have been lost somewhere. So I agree with the recommendation of the Finance Committee, and while at it, I want to point out that recommendation number one is very lenient! That we are talking about a CECM, that is in the public domain as having been summoned, not once or twice but four times and only came when the heat was a lot now.

The Committee in its own wisdom finds it right that this gentleman by the name CECM Warega should only be fined Kshs 200, 000. This is lenient for somebody who has watched Kshs 110 million disappear mysteriously. It would have been my wish that this gentleman would have gone home as early as yesterday. In fact this is a gentleman that is been part of the problems facing Siaya. So I would go by it that the beauty of it is that the law allows me to come up with other Motions, especially for this man called Mr. Warega.

Recommendation number six again for me appears weak, by way of how it has been framed; we are saying that, the Committee demands that going forward; the CECM should always give us reports. I don't think it is a matter of should, because what we are asking for here, is really entrenched in the law.

So it should be, the CECM 'must always'. If we leave it at 'should' then he can say he will or not, but in line with the law, it is something that the Executive is expected to be doing. While we are passing this Report, and I can definitely read the mood of this House that it will pass, the question is, how will it be implemented?

We must not turn into a House that makes resolutions that are not really implemented. Without fear of contradiction, the Committee that is failing recommendations passed in this House is none other than the Committee of implementation. So as we pass his, we want to really re- affirm and really stress to this Committee on Implementation. That moving ahead it is not going to be Business as usual.

That we come here, and pass things then we go and wait and nothing happens. We are looking at this now, and in a few minutes we are going to look at another one and another one, we cannot be a House that passes things that are not done.

We have passed here issues of C.Os who are not rightly appointed, and even as we speak now, those that are not rightly appointed are doing their work. So, are we a House of talks, whose verdict means nothing? If that is who we are then it is very unfortunate. I support the Report.

Hon. Deputy Speaker: Hon. Omoro.

Hon. Omoro: Thank you, Mr. Speaker Sir, I also stand to support the Report on the PMCs and the conduct of the CECM Finance. It is evident or rather clear that the policy was developed to streamline the PMCs and the mode of disbursement of their moneys. Most of our projects have either been done shadily or not done at all, and payments thereafter done, because there are no PMCs on the ground to follow this to the latter.

It is in common knowledge that anybody employed, whether earning salaries or wages should always be paid promptly for such people to carry out their duties promptly. I am of the opinion that by denying these people these PMCs their monies since the advent of devolution, this has led to a lot of underperformance in Siaya projects.

I also support this document because, going by what the Committee went through and disclosed, it was discovered that there was a total of Kshs.110 million that was meant for PMCs and was only for FY 2015/2016 and 2016/2017 and what we are not properly told is about FY 2013/2014 and 2015/2016. The status of the PMC payment is not envisaged here properly.

It is very wrong to say it out categorically that the monies spent to pay PMCs were used to pay contractors as if there were no allocations for the contractors. I think the PMCs money is only 5% of the general contract sum and I therefore wonder how come the 5% was used to pay contractors.

Could this 5% meant for PMCs be enough to pay the contractors? And going by the submission of the CECM Finance that the document was signed by somebody known as a stranger, I don't know if in finance there are people termed as strangers who could be given the audacity to sign documents and there is somebody by the name of Hezron Mariwa who is purported to be the CO Finance.

I don't know to what extent we could be black mailed that documents are signed by strangers. Going by this I think the County has lost huge sums of monies because there are no due processes or clear cuts procedures followed to make sure that we shelve the money meant for development as much as possible.

The contact of the CECM Finance Mr. Warega of not responding to the invitations made extended to him by the Finance Committee is evident that Mr. Warega is not ready to work and is not ready to make sure that financial capability of Siaya is enhanced so that our projects are done in time or the payments are done in time. So I support the report that the CECM Finance should have gone even by yesterday. Thank you.

Hon. Deputy Speaker: Yes, Hon. Lorna.

Hon. Adida: Thank you, Mr. Deputy Speaker Sir, for also giving me chance to add my voice by thanking Finance Committee for the good work. Allow me to say that the plight of our people who are the PMCs their situation is very sad and in fact, to date some of them may have died before even tasting this money. It is very sad because these are the people on the ground to ensure that the projects are done according the specifications required.

But you realize that this 5% is normally deducted from the contractor and while these contractors are undertaking their projects on the ground you find these contractors are the same

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

people who go deep into their pockets to give the PMC something small for transport yet there is a 5% deducted at the County.

Why do we deduct these monies? If the County cannot be able to give this money to the PMCs then it is needless to deduct it, let the contractor have even this 5%. It is hard when a whole CECM Finance says that part of the PMCs money was paid to some contractor. It makes you think of asking then what happened to the money meant for the contractors. If this is what is happening in Siaya County then it okay to say that whoever the chief administrator of finances in this County is a total let down to the people of Siaya.

It is true that nothing is moving in Siaya and at the same time when we call upon the CECM Finance by the Committee to answer question he doesn't come which amounts to insubordination. In real sense that is somebody who is not even worth to hold any position in Siaya County more so the Finance department because at the end of the day it is the Siaya people who will continue to suffer. Thank you, Mr. Deputy Speaker Sir, and I support.

Hon. V. Odawa: Thank you, Mr. Deputy Speaker Sir, you know I am always not repetitive and therefore, I totally agree with the conditions by this committee, the finance committee and that means I support.

My attention is drawn by the policies and I am aware that I cannot change the policies nor can the committee and we are aware that mostly the number of PMCs are around 8 to 10 and going by this PMC policy guidelines. If 5% is to be deducted from the total sum, let's say project is worth even a million, 5% of it is what?

So going by this percentage here let's say if PMCs are 80 in number it will be like 8 times 1000 because the recommendation is that they are supposed to be 1000 per visit that would be 8 times 1000 times the maximum number of meetings they should hold and that's a maximum of 5 that will bring around 10, I mean Kshs. 40,000.

If the deduction is 5% of a million or 5 % of 3 million is so much way above Kshs. 40,000 so we should be clear of what is over and above the money that will go to PMC. Where does it go? But that's food for thought. Otherwise, I really support this recommendation by the Finance Committee, thank you.

Hon .Deputy Speaker: Hon. Filly Akoth .

Hon. Akoth: Thank you, Mr. Deputy Speaker Sir. Allow me to support the Finance Committee for the work well done. As a member of the implementation as you have been complaining, may I assure that we are going to follow the mismanagement very categorically because we are the people responsible for the follow up, thank you.

Hon. Deputy Speaker: Thank you Hon. Member for being brief. Can I call upon the Mover to reply? Is there another Member? Majority has something to say then the Mover can wait.

Hon. Oor: I arise to support the report of finance the way they have done it correct and I think all the contributors are also in support. I want to urge the Honorable members to do oversight without fear or favor. If they cannot do the right thing because Siaya County has been

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

receiving a lot of money and we don't see tangible project in Siaya today even the sweepers of the market cannot be paid in time, where are you taking this project?

Hon. Deputy Speaker: Yes, Hon. Shirly do you have something to say?

Hon. Oyuago: Thank you, Mr. Deputy Speaker Sir. I have tried to go through the report have not seen what majority is trying to debate here Mr. Deputy Speaker. Have not seen where it's written sweepers, I am requesting the honorable member to confine himself within the report.

Hon. Deputy Speaker: Thank you, Hon. Oyuago. Honorable Majority do you want to proceed or you are done? Yes, proceed but be as short as possible.

Hon Oor: Let me respond if you allow me, you are there to allow Members to talk whether negative or positive. In the last report CMCM Finance is not responding to the Committee of Finance, is he protected by somebody or not? Let us know that because he is there to respond to this Assembly and if he cannot respond where is the problem?

(Applause)

Hon. Deputy Speaker: Let the mover reply so that we can put the question in the procedure.

Hon. Siguru: I would really like to the house membership for having supported the report and a bit of probably do a bit of clarity I tend to think have heard concerns about the Kshs. 200,000 fine which to sounds probably very little. We were guided by a maximum ceiling and therefore I couldn't find anything more than Kshs. 200,000 because by the rule we are only supposed to do a maximum of Kshs. 200,000.

On policy guidelines we heard honorable Member mention that we've done in the report that PMC members are supposed to be doing five meetings and they are entitled to Kshs. 1000 per meeting which does not translate to 5% and I agree that the Kshs. 1000 per sitting is only a sitting allowance.

It means that this is sitting allowance and at the end of the project they are supposed to be getting the difference so I just to be clear on that one, but in replying I want to thank the House membership for having supported this Report and henceforth if we do serious Reports like this one and then the House supports I believe that we are going to drive the disorders that we have and probably have orders in our system.

(Question put and agreed to)

CONDUCT OF CECM FINANCE AND THE COUNTY SECRETARY

Hon. Siguru: I beg to Move the following Motion:

THAT this House adopts the Report of the Committee on Powers and Privileges on the conduct of the County Executive Committee Member for Finance, Economic Planning and Vision 2030 and the County Secretary laid on the Table of the House on Wednesday, 14th November, 2018 at 2.30 p.m.

Disclaimer: The electronic version of the official Hansard report is for information purposes Only. A certified version of this version can be obtained from the Hansard Editor.

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

The Report has been circulated and most of the Members have gone through it. I seek your indulgence that you allow me to go through only two sections because it touches on the Report that we have read from the Department of Finance.

Committee Findings: After a thorough perusal of the aforementioned documents, undertaking of a wide research on the occurrences in other jurisdictions and having a meeting with the CECM for Finance and Economic Planning, the following were the Committee findings;

That the CECM for Finance and economic planning failed to recognize the House resolution made On the 8th of May, 2018 stating that the positions occupied by acting chief officers be filled with substantive ones with immediate effect.

That the CECM for Finance and economic planning declined to respond to the Committees' inquiry on the circumstances under which Mr. Mariwa was appointed in complete disregard of section 45 (1) (b) of the County Governments Act, 2012.

That the CECM for Finance and economic planning ignored the Finance, Trade, Labor and Cooperatives Committee invitations

That the CECM for Finance and economic planning gave false information to the joint Committee sitting in as far as not being aware of the Committee invitation was concerned since the response done from his department couldn't have been forwarded to the Assembly without his instruction thereby contravening section 27 (g) of the County Assemblies Powers and Privileges Act.

The CECM for Finance and economic planning claimed ignorance of the law in his letter referenced SYACUNTY/FPV2030 16/VOL.VIII (44) by saying that he was not aware that Mr. Hezbon Mariwa, the 'acting' Chief Officer is undertaking the duties of the office of the Chief Officer Finance and Economic Planning un-procedurally, illegally and in contravention of section 45 (b) of the County Governments' Act, 2012 which cannot be a defense because this is a public office and decisions about the people of Siaya County at stake.

Section 45 (4) of the County Governments Act, 2012 states that *the county chief officer shall be the authorized officer in respect of exercise of delegated power*. It therefore means that the person undertaking the duties of the authorized officer in the department of Finance and Economic Planning is in that office illegally and his decisions can easily be rendered null and void.

To sum it all up, the aforementioned findings culminate into contempt of the County Assembly and are acts in utmost and complete disregard of the County Assembly Powers and Privileges and a clear breach of article 185 of the Constitution of Kenya, 2010, section 39(2) of the County Governments Act and section 18 of the County Assemblies Powers and Privileges Act, 2017.

In the process of conducting the inquiry on the conduct of the CECM for Finance and Economic Planning, the Committee also realized that incidents of ignoring invitations has occurred when the County Secretary failed to honor three invitations by the Committee on implementation as documented below.

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

On 2nd May, 2018 the Committee invited the County Secretary vide letter referenced SC.ASS/CORRES/C.EXEC/18VOL.XI-13 to its sitting on 7th May, 2018 to give clarification on the status of several acts passed by the Assembly.

The invitation was not honored and the Committee wrote a reminder to the County Secretary vide letter referenced SC.ASS/CORRES/C.EXEC/18 VOL. XI-17 dated 10th May, 2018 this too not honored.

A final invitation was done on 18th October, 2018 vide letter referenced SC.ASS/CORRES/C.EXEC/18VOL.XI-68 which like the other two, the County Secretary did not find it important to respect.

On all the above instances, the County Secretary did not even find it important to send a correspondence to the Committee on why he could not attend their sittings. This is an act of outright defiance and demeaning of the powers and privileges of the County Assembly bestowed on it by the Constitution of Kenya, 2010 which this Honorable House cannot condone and has to deal with as provided for in the County Assemblies Powers and Privileges Act, 2017.

Recommendations: The Committee therefore recommends that the Committee on implementation and the Committee on Finance, Trade, Labor and Cooperatives:

Initiate the impeachment process of the County Secretary and the CECM for Finance and Economic Planning respectively in accordance with Standing Order number 73

Utilize the summoning process by involving police officers as elucidated in section 18 (4) of the County Assemblies Powers and Privileges Act, 2017

Explore the options set out in section 27 of the County Assemblies Powers and Privileges Act 2017 in dealing with defiant officers.

It takes us further to serious concerns because we are noticing from the submissions that our summons as committees are not taken seriously. The officers who are serving from the sections courtesy of the people we represent whom they are supposed to be serving have constantly been invited to appear in our committees and adamantly and blatantly failed to respond without making any communication or without sending representatives if need be

Based on the report we have gotten from the Committee on Powers and Privileges I tend to think that this show that if not taken very seriously taken then it will be a House that will be toothless and not in a position to summon CECMs to give information or summon Chief Officers. With this submission we should have this Report adopted. We will not be feeling comfortable in a House that is powerless and without privileges

We do not call these people just because we want to make stories with them we call them because we want information that can help us to discharge our duties as legislators so if the said is not happening we need to adopt such a Report and take the recommendations very seriously.

I ask the Vice Chair, Hon. Emily Ayika to second.

Hon. Ayika: I rise to second.

(Question proposed)

Hon. Deputy Speaker: Yes, Hon. Eric Odawa

Hon. Odawa: Thank you, Mr. Deputy Speaker, Sir. Once again Mr. Warega is back on the spot. I think we have had enough of this gentleman. If he cannot work then it's time for him to pack his things and go. There is no way that CECM Warega can decide not to respect this Hon. House. This House is actually a creation of the Constitution of the Republic of Kenya and in the wisdom of those who drafted the Constitution of Kenya; drafted it with separation of powers.

The Executive have its role to play and the legislative arm of the government has its role to play both of which are complementing each other and must be respected. If at all the same officer doesn't honor summons, doesn't honor invitations, cannot even keep tab of PMC monies mark you the Kshs. 110million we are talking about is monies lost in only roads department.

We don't know how much has been lost in Education, in department for water, health, polytechnics. This man is a disaster to this County; I will request that because in the interest of time and now that we are equally very busy he doesn't have time to honor summons, invitations. I think he is not even worth our time discussing; we just proceed and get rid of this man as soon as possible, thank you.

The Deputy Speaker: Hon. Winnie.

Hon. Otieno: Thank you, Mr. Deputy Speaker, Sir; I also want to concur with Members on sending the so called CECM Warega home. I want to categorically state before this Assembly that if we really want to redeem the name of this Assembly then CECM Warega must be sent back home. If we want to see our women smile again in this County, CECM Warega must go. If we want our schools to get bursaries on time then he must go.

If we want this County to realize devolution then he must leave. I stand to support the Motion and I would urge the privilege and rules Committee that the impeachment Motion be brought to this Assembly as soon as tomorrow if not today, thank you.

Hon. Adalla: Mr. Deputy Speaker, Sir; I rise to support the Motion by saying that no. one; CECM Warega must go---

Hon. Olasi: Point of Order!

The Deputy Speaker: Yes, Hon. Whip. Hon. Adalla, resume your seat and allow Hon. Whip on his point of order.

Hon. Olasi: Thank you, Mr. Deputy Speaker, Sir; we always say and it is a fact that this is a House of rules and order. The Hon. Member who just talked a few minutes ago; first I believe is not properly dressed. Secondly, the Hon. Member doesn't obey the Chair as much he did catch your eyes you did not give him the opportunity to speak in this particular House at this particular moment, thank you.

The Deputy Speaker: Thank you, Hon. Whip on your point of order. Hon. Adalla, it is not an allegation but you are also aware that rules of this House must be followed and be respected. You must respect this House because it is the House of rules. Yes Hon. Ayika.

Hon. Ayika: Thank you, Mr. Deputy Speaker, Sir; I really stand Here as a sad Member because last week it was CECM Warega, this week CECM Warega. I come to believe that he has a godfather but deep in us I think this is the best County Assembly in the whole of Kenya. We

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

are very humble and we have the best Speaker and when it comes to point I think we have given him enough and I think enough is enough. I just urge fellow Members we don't put our tools down and this money must leave the office. Otherwise within 3 years time Siaya will not be Siaya; our kids won't go to school, our hospitals are going to be closed. CECM Warega must be voted out.

Hon. Oyugi: Mr. Deputy Speaker, Sir; first I would like to take this opportunity to appreciate the work of the powers and privileges Committee for coming up with comprehensive Report. Secondly I would just like to highlight that for a public officer to ignore summons by the Committee of the House is total disregard for the Committee and for the Assembly as a Whole.

It shows that they don't appreciate the Assembly. They don't respect the Committee and for that matter we need to take serious measures against them and also to avoid this happening with any other officer who intends to follow the same path therefore we have to take serious measures and ensure that this doesn't happen again.

It is very interesting for CECM Warega to say that he doesn't receive the summons from his office; it simply means that he is not competent to hold that office. If an officer can reply summons of the Committee and he has no idea and he can confidently stand and say that he didn't get the letters. Simply meaning he is not in touch with his people and therefore not fit to hold that office. I support the Report that CECM Warega must go.

Hon. Ayika: I'm the Vice chair of powers and privileges; if Members of this Assembly cannot impeach CECM Warega, I will face him head on because this is Siaya and we don't want to fail, we want to succeed.

(Applause)

Hon. Atieno: Mr. Deputy Speaker, Sir; thank you for giving me this opportunity, for me I don't think its CECM Warega. There is somebody behind him, the big man behind CECM Warega. Stopping him from coming here to tell us what is going on in that office. I am supporting this Report and I think CECM Warega must go but before he goes let us find out who is stopping him from attending the summons. I think he is acting on someone's behalf, thank you.

The Deputy Speaker: I just wanted to urge Hon. Ayika not to face him head on in public because in the House of rules and regulations. We follow the rules and rules will remove him out from the office.

Hon. Audi: Thank you, Mr. Deputy Speaker, Sir; I have stood to support the adoption of this Report but more so in all our recommendations we should carry with it timeframes. If you look at this Report you will find that CECM Warega's issue is appearing in kind of corruption and at the same time somebody Harrison the stranger who is the chief officer so the recommendations should even touch the issues of this chief officer and timeframe after the adoption and also the County secretary. This is one of the big fishes that should go away, thank you. I beg to support.

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

The Deputy Speaker: We now call upon the Mover to reply. Do you have something, Hon. Mboha or you are stretching?

Hon. Mboha: Thank you, Mr. Deputy Speaker, Sir; I was stretching but I think I have a few comments. The Motion has taken a better part of the debate but I wish to say that---

Hon. E. Odawa: Point of Order!

The Deputy Speaker: Yes, Hon. Odawa.

Hon. Odawa: Is the Hon. Member right to insinuate that this House is driven by Motion and not reason. I think he should withdraw that and apologize.

The Deputy Speaker: Hon. Mboha is that what you have said?

Hon. Mboha: I have said debate; this particular one has been---

The Deputy Speaker: Hon. Mboha, is that what you have said? I believe Hon. E. Odawa sits next to you and he couldn't have missed what you said.

Hon. Mboha: I have withdrawn; I have also observed a little things and I don't think I will support but to some extend and even the previous Report---

The Deputy Speaker: Hon. Mboha you don't think you support the Report?

Hon. Mboha: I support the Report; I am saying there are parts of this Report maybe we should have looked at a little bit better because from my point of view I sit in the Committee of Budget and our summons with the CECM Budget, he always comes to our Budget Committee meetings and we have some other Members.

Hon. E. Odawa: Mr. Deputy Speaker, Sir; the point of contention is not between the Budget Committee and CECM Warega. It's between the Finance Committee and the CECM Warega and the Finance Committee is equally an important Committee just as Budget Committee.

(Applause)

The Deputy Speaker: Hon. Mboha can you kindly deliberate within the Report...

Hon. Mboha: I have not finished, Mr. Speaker. What I am saying is that I am wondering. Why is it that when he is summoned by other Committees, he comes, but when summoned by others, he doesn't come. I am just trying to reason here.

(Members talked out of Order)

Hon. Deputy Speaker: Order, Hon Mboha. Hon. Mboha, are you telling this House that Hon. Waringa respects the Committee of Budget more than other Committees, there must be something happening in that Budget Committee. Is that what you are trying to say? Yes, Hon. Awita.

Hon. Awita: Thank you very much Mr. Speaker. *Mheshimiwa*, please be straight forward and don't go round, I don't think Mr. Warega's case is pinching you. So just respect the House be straight forward. Face Warega.

Hon. Deputy Speaker: Yes, Hon. Audi, on a Point of Order?

Disclaimer: The electronic version of the official Hansard report is for information purposes Only. A certified version of this version can be obtained from the Hansard Editor.

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

Hon. Audi: Hon. Mboha, please respect this House. It's like you are being somebody's lawyer that is not even in this House! Secondly, this so called contentious issue of Warega, there are questioned you asked in the Assembly that you should be asking Warega himself, not us as the Assembly. Thank you.

Hon. Oyuago: Point of Order Mr. Speaker Sir.

Hon. Deputy Speaker: Yes, Hon. Shirley.

Hon. Oyuago: Mr. Speaker, it is good to confine ourselves within the report, but it's not bad for Hon. Mboha to talk the way he is talking because we know the interest they serve with Mr. Warega, so Hon. Mboha you may continue.

Hon. Deputy Speaker: Hon. Shirley, are you the one conducting the House?

(Laughter)

Hon. V. Odawa: Hon. Speaker, I know you may throw me out because I am out of Order, but I think Hon. Mboha was not the cause of all this. You are the cause of all these.

(Laughter)

Hon. Deputy Speaker: Hon. Odawa, Hon. Mboha carried up his hand, and that is why he was chosen, and now allow me to call the Mover to reply. Hon. Mboha, resume your seat, and allow the Mover to reply.

Hon. Olasi: Point of Order, Mr. Speaker sir.

Hon. Deputy Speaker: Yes, Hon. Whip.

Hon. Olasi: Thank you, Mr. Speaker Sir. Allow me to start from where I left, and if you decided to give Hon. Mboha a chance to speak, you should not be guided by a Hon. Member to remind you of his duty. It was his time even if he is not speaking sense. So I am saying Mr. Speaker, that a Member, should now not 'order you', to go and stop Hon. Mboha from speaking, and he was talking. Hon. Mboha is entitled to his own opinion.

(Applause)

Hon. Deputy Speaker: Let us first resume our seats, and have some order. It is now enough that we have already deliberated on the report, not unless you have a Point of Order to put across, Hon. Mboha resume your seat. I am the one who gave you this chance and actually you were outside the report that is why I dismissed your points. So we have another Motion coming, kindly be brief. Hon. Truphosa, you have risen on a Point of Order.

Hon. Odinga: Mr. Speaker, the Hon. Members are entitled to debate. I find it very harassing for every Member to stand and start condemning Hon. Mboha before he expresses his views. Any Member must not be harassed, while expressing his views. It's really wrong. I would rather kindly request, let Hon. Mboha to finish his debate, otherwise I would term it very unfair.

Disclaimer: *The electronic version of the official Hansard report is for information purposes Only. A certified version of this version can be obtained from the Hansard Editor.*

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

Hon. Deputy Speaker: Hon. Odinga, I stated clearly that I dismissed Hon. Mboha's deliberation because he was irrelevant, he was outside the topic. Not unless Hon. Mboha is ready to deliberate within the Report that we are reading. Not outside the report.

Hon. Mboha: Mr. Speaker, when you say that I was deliberating outside the report, whatever I was trying to bring on my point is, we are talking about impeachment, and what is the basis of impeachment? Are we talking about summons?

Hon. Deputy Speaker: Discuss the report, Hon. Mboha.

Hon. Mboha: Yes! That is what I am saying. You need to listen. Sometimes we speak too much before we listen. My point is, I am supporting the report, but the question that some Members were purporting that I was asking the House, it was a bit rhetorical, and before I was even done with my submission, then other issues started coming up.

I was just asking the House to dig deep into some of these facts. For instance, we are having so many issues on Hon. Warega alone. Let's say the Kshs 110 million, money meant for the PMCs. Even there are some other reports that are not there. We don't supporting have documents for these.

My second point is, we are talking about Hon. Warega and even the County Secretary, but on what grounds do we want to base our impeachment on? Is it because of the summons or the moneys that have been lost?

I remember some Members were confusing when people were talking about the Kshs 200,000 fine that was supposed to be obtained from Mr. Warega. It was based on the time that Members spent but he did not come. It was not born from the Kshs 110 million. So, my point is, we want to impeach the CEC Finance, and the County Secretary, but what are our grounds? What are looking at? Do we base our facts on the non-attendance of the meetings?

Hon. Deputy Speaker: Yes, Hon Ben Adala.

Hon. Adala: Mr. Speaker, this is a recommendation to the effect that the CECM for Finance should be impeached. All the factors, we will look at them at that time. Thank you.

Hon. Deputy Speaker: So I was right that Hon. Mboha was outside the report. He is misleading the House. The Report has not indicated that the CECM Finance be impeached.

Hon. Mboha: Let me finish. I was just looking at one of the recommendations that were there. I am not against it, but we need to be factual, and maybe facts need to ride on our heads. I am done with my submission.

Hon. Deputy Speaker: Yes, Hon. Olasi.

Hon. Olasi: Thank you, Mr. Speaker. The first recommendation is urging us to initiate the ways through which to send Hon. Warega home. I happened to be a Member of the Finance Committee, and I need not to remind the Hon. Members that have just spoken that we don't lack crowds. We have nine findings here. Just go back to the findings. The findings have initiated the recommendations, so we need not to lie. It is a fact.

There is a lot of money that has not been utilized under the PMCs moneys. Hon Odawa was trying to put it that Kshs. 100 million as at the last financial year under roads department only. These are big moneys. So there are times that we have to accept that we are in a House of

rules and orders. If there is a Committee to initiate, I think the Implementation Committee will get recommendations. The findings and the recommendations here alone is enough to initiate the impeachment.

I think we are not overusing the tools that we have as a House. We have reached the maximum. That is a heavy word that cannot be used for nothing. We have reached the brim. So when we are talking about it, let us not remind us that maybe he feels that Budget is more superior to the Trade and Finance Committee, and we believe as I am saying in this House that all Committees are the same.

So if he has interest in the Committee of Budget and Planning, we in the Committee of Finance we don't care! We care about our children staying at home; we care about the substandard works being done, because the PMCs have not been paid, now the contractors get their way by bribing those who should do these jobs because the contractors know that in the Committee there is nothing beside the fact that the 5% will always be deducted from the payments of the contractors. So this is the right way. Who is going to initiate this? It is the Committee on Trade.

Hon. Odhiambo: Thank you, Mr. Deputy Speaker, Sir, I am just told right now to confirm that the Report of the Committee on Powers and Privileges have done a very wonderful job. I want to remind the Hon. Members who are debating outside the Report that it is brought here by the Committee on Powers and Privileges and the Report is relaying on the conduct of the Executive CECM Finance

That is why it was brought to the Committee on Powers and Privileges to now articulate the laws governing this county. Under the powers of this Assembly Article 125 of the Constitution of Kenya 2010 outlines what the members of this county are supposed to do and that is why the CECM Finance and County Secretary are liable for the failures of these activities in all projects done in this county.

I want to support that it might not be real that Mr. Warega is fully involved but the way it has been stated in all these findings there are even cases where he has been summoned but he has failed to come. It means that he respects the Committee on Budget but it is not the only committee in this Assembly and even last time when we were interrogating the CECM and the County Secretary together there was a lot of confirmation that we did as the Committee on Implementation

As a committee our work is to do a Report and take it to the Clerk or the Secretary to the committee to take it to the Clerk. It is not our duty to bring it to this Assembly. Therefore I support this and if we are going to start with the big fish I think the small fish will work efficiently. Thank you.

Hon. Deputy Speaker: I now call upon the Mover to reply.

Hon. Siguru: Thank you, Mr. Speaker, Sir, I want to thank the Members who have supported the Committee Report and the submissions. You people are really passionate about the things that happen in this county there are times that it calls for a wake up.

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

We either have to wake up ourselves or wake up those people who are sleeping on the job. With the submissions I urge that you support the Report being that it is one of the ways that is going to help us probably make strides towards seeing Siaya better than where we are today.

(Question put and agreed to)

STATUS OF DISBURSEMENT OF BURSARY FUNDS FOR FY 2017/2018

Hon. Adida: I beg to Move the following Motion:

THAT, this House adopts the Report of the Committee on Education, Youth Affairs, Gender and Social Services on the status of disbursement of bursary funds for FY 2017/2018 laid on the Table of this House on 14th November, 2018 at 2.30 p.m.

The Sectorial Committee on Education, Youth Affairs, Gender and Social Services was constituted pursuant to the Standing Order 200 (4) and (5) read together with part 2 of the Fourth Schedule of the Constitution of Kenya, 2010 much of it is in regards to the Budget of the committee

The committee appreciates the enormous support given by the Hon. Speaker towards the realization of this Report. The commitment by Members and the Committee Secretariat...

Hon. Deputy Speaker: I request Hon. Chair of Education to move a bit faster to the findings because I am aware that members are with the copies of the Report.

Hon. Adida: Thank you, Mr. Deputy Speaker, Sir, The committee appreciates the enormous support given by the Hon. Speaker towards the realization of this Report. The commitment by Members and the Committee Secretariat which compelled them to work round the clock for this crucial Report cannot be gainsaid

It is my pleasure and pleasant honour to present this Committee Report on the status of disbursement of Bursary Fund for FY 2017/2018 and urge the Honorable House to adopt it.

The County Government of Siaya initiated the bursary program to assist the bright and needy students in schools, colleges, youth polytechnics/vocational training centers and universities to meet part of their fees. In the FY 2013/2014 a total of Kshs. 30 million was allocated for bursary to cater for bright and needy students. This was equivalent to Kshs. 1 million per Ward. The demand for bursary was really overwhelming as the money allocated could not be enough for all the needy cases.

In the FY 2014/2015, the County Government of Siaya allocated Kshs. 49, 800,000 for bursary to cater for bright and needy students in schools and colleges. The amounts could not meet the needs of all the applicants. This necessitated the need to allocate more funds to the bursary kitty and therefore in the FY 2015/2016 the County Government of Siaya allocated Kshs. 76, 700, 000 for bursary to assist the bright and needy students in various learning institutions

In the year 2016/2017 Kshs. 75 million was set aside for the county bursary. This translated to Kshs. 2.5 million per Ward. Before the disbursement of this money the County Bursary Committee met to deliberate on the bursary report for the FY 2016/2017

Disclaimer: The electronic version of the official Hansard report is for information purposes Only. A certified version of this version can be obtained from the Hansard Editor.

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

The Report came up with modalities of overcoming some of the loopholes that had been experienced during the previous financial years that is 2015/2016 bursary disbursement. As a result of the meeting all loopholes for processing the bursary were sealed thus guaranteeing successful disbursement of bursary fund to the beneficiaries in the financial year 2016/2017

In 2017/2018 a total of Kshs. 75 million was allocated to bursary kitty to cater for education of bright and needy students. By the end of the financial year even though the full amount had been received from the National Treasury as evidenced in the attached Siaya County Revenue Fund bank statement for the FY 2017/2018 only half (50%) was disbursed to the mapped schools in their respective accounts. The remaining half (50%) could not be accounted for by the department. There was no evidence of expenditure to show case that the money was spent for the intended purposes

The methodology used for the information gathering: The Committee invited the CECM and the technical team from the Department for Board Room meetings to submit written responses pertaining to disbursement of bursary fund for FY 2017/2018

The committee developed a questionnaire to guide the enquiry. The CECM was required to respond to the following questions:

- a.) How much funds were allocated for bursary for the FY 2015/2016, FY 2016/2017 and 2017/2018 to provide financial assistance to eligible students
- b.) How much was disbursed from the exchequer for the three financial years
- c.) How much was paid in each Financial Year? Who were the beneficiaries? (provide a list of beneficiaries)
- d.) Who are the beneficiaries yet to receive payments?
- e.) The list of schools who benefited from the last disbursement in the FY 2017/2018 and the evidence of payment
- f.) The fate of undisbursed monies to schools
- g.) What are your comments on the current mode of disbursement of bursary funds to schools
- h.) In your opinion, is the cheque system as a way of disbursing bursary funds to schools effective?
- i.) What is your take on the allegations of the unaccounted bursary funds (if any)

Mr. Deputy Speaker, you will allow me to go through the submission by the CECM Education. The CECM- Education reported that in the FY-2017/18, the department allocated a total of Kshs.37million to bursary fund kitty to cater for education of bright and needy students.

The CECM pointed out that at the moment, the bursary beneficiaries who were yet to receive payments were not known. A similar pattern replicated itself towards the end of the FY, 2017/18, specifically on 28/06/2018. An introspection of the Bank Statement from Central Bank of Kenya Account No. 1000171464 revealed that a total of Kshs.37.5million meant for bursary fund account as envisaged in the attached CRF- Bank Statement for the financial period 01/07/2017 to 30/06/2018.

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

The Committee noted with concern that half (Kshs.37.5million) of bursary funds transferred from the County Revenue Fund account on 28th June, 2018 could not be accounted for by the CECM –Education since there was no evidence of expenditure returns (Refers to the attached document from the Department).

Members observed that there was high turnover of CECMs of the department within a period of four months between the FY 2017/18 and FY 2018/19. The same pattern was witnessed in the office of the accounting officer i.e. Chief Officer. This could have compromised the reliability of information given to the Committee pertaining to bursary fund during the aforementioned period.

Even though the CECM-Education had reservations with the Cheque system which had previously been used to disburse the funds, the Committee preferred the system to the current mode of transferring funds directly to the accounts of mapped schools. Members observed that the Cheque system had minimum challenges compared to the direct transfer of funds to the identified schools accounts.

This is contrary to communication from the department vide Ref. SC/EDS/CAS/3/6/VOL.I (111) dated 9th November, 2018 which revealed that only 37M was allocated for bursary fund in the FY 2017/18. (Refer to the attached documents from the department).

The Committee found out that the Act was being implemented without regulations to guide its implementation. This was contrary to Section 25 of Siaya County Bursary Fund Act.

The CECM- Education to make regulations in line Section 25 of the bursary fund Act to guide the implementation of the Act within 30 days from the date of adoption of this Report. The aforesaid regulations to be approved by the relevant House Committee.

Committee recommendations; upon approval of this Report, the Clerk of the County Assembly to invite an investigate agency to conduct a special audit to ascertain the status of 37.5M transferred from the Siaya County Revenue fund on 28th June, 2018 as evidence in the Bank Statement for FY2017/18.

The Committee recommends that the appointing authority moves with speed and competitively appoint the substantive Chief Officer in line with Section 45 (1) or deploy an existing and vetted Chief Officer in acting capacity to deal with issues in Education Department in line with Section (45) (5) of the County Government Act, 2012.

The Committee recommends that Cheque system as a mode of disbursing bursary funds to successful bursary beneficiaries be re-introduced forthwith. The CECM-Education to report implementation status of the same within 14 days from the date of adoption of this report.

As the investigation into the status of the unaccounted Kshs. 37.5million bursary fund for FY-2017/18 continues, processing of bursary forms for FY-2018/19 be speeded up by the CECM-Education to enable successful bursary applicants receive bursaries by beginning of first term of 2019. This will prevent a repeat of the occurrence in the FY-2017/18.

The Deputy Speaker: Yes, Hon. Mboha.

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

Hon. Mboha: The Report that we have doesn't contain the recommendations that she is reading. I don't know if we can get copies that have the recommendations that she is reading.

The Deputy Speaker: Some don't have but just sit down the sergeant at arms is working on that. Allow the Hon. Member to proceed.

Hon. Adida: The CECM- Education to make regulations in line with Section 25 of the bursary fund Act to guide the implementation of the Act within 30days from the date of adoption of this Report. The aforesaid regulations to be submitted to the Assembly for approval.

Mr. Deputy Speaker, Sir; that is the end of our Report and therefore we have attachments for our perusal and I would kindly ask Hon. Winnie Otieno to second.

The Deputy Speaker: I know propose the question that this House adopts the Report of the Committee on Education, Youth Affairs, Gender and Social Services on the status of bursary fund 2017/18 laid on the Table of the House on Wednesday, 14th November, 2018 at 2.30p.m.

Hon. Booker: Thank you very much, Mr. Deputy Speaker, Sir; for giving me this time to contribute to the Report. Allow me to say that this bursary issue is not a matter that we should take for granted and it's not a laughing matter.

As I had reiterated before when I was contributing to another issue in this House; I said according to the controller of budget who spoke clearly here on phone saying that they had disbursed Kshs. 75million towards this bursary issue and to that effect instead of giving the children of Siaya the whole Kshs. 75million they went and gave Kshs.37million.

I told this House that this is outright theft; what do we do with a thief? As I stand Here maybe to support in half this Report I would have really liked to see the Education Committee including that the CECM Education be impeached also together with CECM Warega and the County Secretary because if from the controller of budget Kshs. 75million was disbursed and then they went as far as giving out only Kshs. 37million and they cannot explain the whereabouts of the remaining Kshs.35 million, what can we say? Tell me, Mr. Deputy Speaker, Sir! What is this?

Hon. Deputy Speaker: Thank you, Hon. Washington. Hon. Odawa Erick .

Hon. Booker: I have not finished but the Member is already up on a point of Order!

Hon. Deputy Speaker: I thought you had finished. Yes, do you have a point of Order?

Hon. Okumu: The point of Order is not to distract but to add value, it is out of the law to mention Kshs.37 million, it is pinching and itching that Kshs.37 million did not go to those accounts. If you check well no university received any money from...

Hon. Deputy Speaker: The Floor is yours, Hon. Washington.

Hon. Booker: Thank you very much, Mr. Deputy Speaker Sir, and I also want to thank Hon. Judy for adding impetus to my contribution. We are at cross roads today that even our children cannot go to school; in fact allow me to condole with the people of Siaya for electing a dead Government. This is a dead Government and I don't know what we can do with it. Therefore, allow me to request the Committee on Education to include the impeachment of the CECM Education if we cannot impeach the Governor. Thank you.

Hon. Deputy Speaker: Yes, Hon. Odawa Erick. Hon. Wandera, take a seat.

***Disclaimer:** The electronic version of the official Hansard report is for information purposes Only. A certified version of this version can be obtained from the Hansard Editor.*

Hon. E. Odawa: Thank you so much, Mr. Deputy Speaker Sir. I think time has come for Members of this House to open their eyes to the trickery that is happening here. You realize that the time when the Kshs.37 million was disbursed was around the nomination period. You equally realize that at the same time if you look at item No. 4; Members observed that there was a high turnover of CECMs of the department within a period of 4 months between FY 2017/2018 and 2018/2019. The same pattern was witnessed in the office of the accounting officer i.e. the CO. what are they telling us here?

I think these things stick to the highest office in Siaya County because what we are witnessing here is a choreographed thing; the changing of CECMs is actually out of convenience for the Chief Executive of Siaya. There is no way a CECM can withdraw Ksh.37 million without the knowledge of the Governor.

I think this is not the small fish, but the big one itself. Then they want to hide this thing as a mystery they keep on changing the officers in Education and finance out of convenience so that the paper trail is lost. This is theft on the side of the Governor of Siaya County. We should say it as it is, we should not be scared. This is outright theft!

So by us impeaching CECM Education is not going to solve the problem. The Governor is still going to walk scot free, I don't know if we have the capacity summoning the Governor to come and answer these questions. Because there is need for him to come very clear about this and trying to change the CECMs day in day out so that he can hide behind them.

This will not work this time round. If he stole the money he should come and tell us that he stole the money and if the money was used for something else he should tell us where it was used and who gave him the authority to use the money because we are tired of being asked bursaries day in day out in our Wards.

There is no way that big fish can be eating money from small fish, peasants who are suffering in rural areas. This is tax payers' money! We are talking about fighting corruption; it should start with Siaya County from the top. If you ask me as MCA for Sigomre Ward I can clearly state here that I see the hands of the Chief Executive in this directly and chances are that these monies were used during the nomination period of 2017 election. Thank you.

Hon. Deputy Speaker: Yes, Hon. Wandera.

Hon. Wandera: Thank you so much, Mr. Deputy Speaker Sir, for this chance. I want to observe with concerns that even the batch that was disbursed to institutions there is a public outcry right from the highest to the lowest that the monies have not reached their destinations. So we are making an observation that even the secretariat under the so called acting CO is inefficient, so that when we are talking about acting CO then even the whole secretariat should go home.

Now, on the Kshs.37.5 million it is really a concern because actually if by 28th June, it had been disbursed from the exchequer to the department; what happened after or before the IFMIS was opened on August such that the money could not be disbursed? So I call upon this House to recommend for expulsion or impeachment of certain people from the CECM to the

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

secretariat and happy that even the CO is not recognized in that post. Otherwise, I support the report.

Hon. Deputy Speaker: Yes, Hon. Awita. Members, let's be brief observing the time.

Hon. Awita: Thank you Mr. Deputy Speaker Sir. When it comes to education really the Siaya County should take it seriously. When that money came from the National Government to here and was awarded 75million then they slashed into half I think that is not fair.

We should take into account that schools need things like apparatus and you can see this is why schools in Siaya have not done well in exams. Look at a place like Migori and Homabay they got the full amount, so I say that impeachment should be done. It is not fair to do such a thing in a County that is going up, I beg to support.

Hon. Deputy Speaker: Yes, Chief whip, Hon. Olasi.

Hon. Olasi: Thank you Mr. Deputy Speaker Sir, two wrongs don't make a right and we need not to be economical with the facts. We are talking of 75 million not even 37.5 million. The least common denominator in all these is the CO of the County. Even Warega was not there as the CECM when we are talking about the implementation fact, as well as the CECM for Education was not there then when we were missing this money and even the Deputy Governor was not there when we were missing this money.

The only person who was there then and is still there up to now, and allow me to support one the Hon. Members that that person is the Governor of the County.

(Applause)

Let's call a spade a spade. I believe as I am talking that if there is a way we can impeach the Governor then that is the right way to go, these other things are side shows.

(Applause)

We can tell you categorically why the CECM Education sometime in the first session was changed and later brought back. That is a fact! And it is not that when we speak we speak out of nothing, am even aware that the CO of the County knows that we know that as we contribute on this Floor he is told who is contributing and what he/she has said. It's not only today he is informed all the time the House is on session and if he was to act, that is the CO all these people we are talking about could not be in office.

So I am saying that as we demand for the money, I think the last time we were here that is on 14th, August that is the time we were told by the acting CO of education and we rejected that we don't recognize him that the money was wired to student's accounts. Then we are told that this money the 37.5 million was released on 28th June two days to the close of IFMIS.

The Education Committee has come up with so many reports which are even now confusing. We need facts! There is one we discussed last time that recommended this body KENAO to do for us exactly to give us a proof in this House that this money was really released from the exchequer but was not used for the intended purpose. That is where we are.

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

So as we call for Warega, Oluke and the CO to go home, why do we fear to call the CO of the County to go home?

(Applause)

So as I speak now I know that he is getting live information directly from this House because even me as I stand here I am the CO of West Uyoma, ask me which road was done last in West Uyoma? I don't care who did it but it was done to the perfection of the people of West Uyoma and everybody was calling me and that is why I was not here in the morning because I wanted to confirm and truly it was a good job.

At the same time if something wrong is going on they will always call me, like last time I put here evidence that a child died because of malaria. Two days later the CECM Health as promised sent the drugs. I don't know if it was done to other dispensaries if not hospitals around. Must we wait for a child to die for medicine to be realized to the dispensary? Must we wait for the Committee on Roads to come and tell us what we have known that Kshs.100 million for PMCs has not been disbursed to date? Thank you very much, Mr. Deputy Speaker, Sir.

Hon. Deputy Speaker: Yes, Hon. Helen Winga.

Hon. Winga: Thank you, Mr. Deputy Speaker, Sir. Much has been said and let me remind this House that all the Committees have actually done a good work and they have recommended to the section which is supposed to take action on all these issues even if it is an impeachment. We can do that after our recommendations have either been done with or thrown out that is when we can go ahead and do the impeachment.

My main concern is on bursary, bursary is a very sensitive issue and telling as that bursary was paid through I don't know direct system. That one will not work! I am offering myself, let us go back with the cheque in which for schools within I will not bother myself but if it is an institution outside Siaya I will use my own means to deliver those cheques and come back with the receipts so that we give the Auditor easy time.

The way things are, I thought I was going to see a list of the beneficiaries attached here which is not. We cannot continue behaving as if we are in a signing competition at the music festival, so please let us be serious given that the House has got very many Committees for instance the Implementation Committee and now that all the recommendations have been given please Implementation Committee do follow for us and come back with results. Otherwise, I support the Motion. Thank you.

Hon. Deputy Speaker: Thank you Hon. Helen for volunteering to disburse cheques to our various schools.

Yes, Hon. Odawa!

Hon. V. Odawa: Thank you, Mr. Deputy Speaker, Sir, this is a serious matter and much has been said about it, but going by the recommendations by the Committee I don't think they are serious for instance, if you look at the first recommendation they say that there should be an invite to an investigative agency and I think there is a fraud here.

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

So I don't know if it is an audit agency or crime investigating agency that should be invited here because I think crime has been committed and we are supposed to even invite many other agencies; for instance the most important one being Anti-corruption agency followed by an Audit agency and lastly the CID. So this is a serious issue and I think serious agencies should be involved. Thank you and I support.

Hon. Deputy Speaker: Hon. Jane, do you have something to say?

Proceed.

Hon. Atieno: Thank you, Mr. Deputy Speaker, Sir; from the submission of the CECM No.2, he points out that at the moment the bursary beneficiaries who were yet to receive payment were not in order., that it is a very serious submission and that tells you that something is wrong somewhere. The other day we were talking about education, about a legacy of a school.... "What is the name of the school?"

Hon. Members: Centre of Excellence.

Hon. Atieno: Yes! Centre of Excellence, and yet our poor children those who come from poor families including the orphans are not given bursary allocated to them and here we are we want to build a Centre of Excellence for the rich!

A Centre of Excellence is not a school where the poor children can go schooling, No! You cannot give them bursary yet you want to build a Center of Excellence, what for? What a shame?

When it comes to the Lake Region Economic Bloc, Siaya was given Education because this is where the serious minds come from. And do you know that the results which just come out yesterday, Siaya is not where it used to be, but why? Our children cannot go to school because even the little money we allocate to them is not given to them and it cannot be accounted for. There is something wrong in our County which I as a mother is very sad. Okay, maybe I can afford to pay school fees but outside here there are a number of children who cannot afford to, and during examination I paid for a few of them who could not sit for the exams because they were waiting for bursary.

It is sad because we are here talking about..... I don't know what! It is a sad day for Siaya and we need to do something about this and we also need to find who benefitted from the Kshs. 37.5 million and who didn't benefit. We need a list of where the money went to and we need the money to be accounted for. Where did the money go? I heard in some quarter's people saying that the money was used during campaigns, which is very sad.

The Committee on Education please, get the people responsible, but we also want the Governor here to tell us where the Kshs. 37.5 million went. Well I don't know which is which but some people are saying it is Kshs. 37 million while others are saying its Kshs. 37.5 million, therefore we don't know where the Kshs. 0.5 million went.....

Hon. Deputy Speaker: Yes, Hon. Olasi, the Chief Whip.

Hon. Olasi: Point of Order Mr. Deputy Speaker, Sir, going by the statement of the Hon. Member, "Hon. Member, are you trying to say that the money meant for bursary was used in the campaign? Secondly, are you trying to purport that Siaya County given the result that come out

just recently we did that poorly, and yet the money allocated for bursary has not reached our people?”

Hon. Member, if you can confirm, I am not speaking on your behalf but if these are the facts that you are trying to say then Hon. Speaker my stand that this stands with the CEO of the County remains, thank you.

Hon. Deputy Speaker: Hon. Member, proceed!

Hon. Atieno: I am supporting the Motion that we need to know exactly what happened to the money of the bursary. We need to know the beneficiaries, we need to know those who did not benefit, the list is there, so let us have it. Thank you.

Hon. Deputy Speaker: Yes, Hon. Audi!

Hon. Audi: Hon. Members, these are serious issues in our reports. Actually we know very well that we are taken as toothless when we have the tools that we can use. From this report, the so called as may call because somebody just using or misusing the public funds, he is the same person who doesn't know the kind of problems that we have back at home.

The poor citizens that we represent! He doesn't care about them, he takes advantage of us and you know very well that he brags and says that all your recommendations, where will they take you? You know that Hon. Members of the Assembly. Let us use the existing tools to curb all these things, let us use all those required tools to stop corruption in Siaya. I beg to support, thank you.

Hon. Deputy Speaker: Hon. Edwin Odhiambo!

Hon. Odhiambo: Thank you, Mr. Deputy Speaker. First I want to remind the Committee that next time when bringing their report to this House let us have a final copy, we are having two copies which cannot even be merged properly. Secondly, I want to say that Siaya is not a home for somebody; Siaya is a home of people.

I want to confirm that let us not blame the Governor so much because we employed people who are professionals, the CO, CECM if somebody is sleeping on his job let him go home! Let us go direct to the CO of each and every department and the CECM as well as the director.

(Hon. Olasi on his feet)

Hon. Deputy Speaker: Yes, Hon. Olasi!

Hon. Olasi: Mr. Deputy Speaker, these are the things that I said. When all these things were happening, most of the CECMs that we have today were not there then. I ought to have said what the Hon. Member is saying, a little bit confusing, either to reject this report completely to go and be redone.

The Hon. Member was talking about going for people in these positions now. The report that we have need to include those people who were part and parcel of this thing, all these people we are talking that we go for were not there. The only person who was there was this person that we don't want to talk about. The report stands to be rejected.

Hon. Deputy Speaker: Hon. Odhiambo!

Wednesday, 21st November, 2018 COUNTY ASSEMBLY OF SIAYA DEBATES

Hon. Odhiambo: I want the Hon. Member to get me right. I said that we go for CECMs, Chief Officers and the directors because the director is the one who advises the Chief Officer but whether or not the CECM or the CO is on leave or is at large the law will not understand that. Let the person who was responsible by then because they appended their signatures, be brought on board. I also want to remind the Education Chair, compile the report so it can be filed for future reference. Otherwise I support what you people are intending to portray and I concur with you. Thank you.

Hon. Deputy Speaker: I hereby call the mover to reply.

Hon. Adida: Thank you, Mr. Deputy Speaker. Allow me to thank the Hon. Members for their contributions. The matters of bursary are very painful for Siaya County. It may be seen that it is only the Hon. Members who are in pain but ideally the people/students of Siaya are in pain. The issue of money has always been a circle, it is important that we call upon an investigative authority as recommended that the issue of Kshs. 75million be an Act so that we can categorically know that the money was eaten and who ate it so that the matter of bursary can be brought to a rest.

We do not want a repeat of 2018/19 bursary to be treated the way 2017/18 bursary has been treated. By investigating and bringing the people responsible to book, this will make the implementers know that we have higher authorities which can come in hand to stop misappropriation of public funds. Thank you and I beg Hon. Members to support.

(Question put and agreed to)

Hon. Deputy Speaker: Next order!

MOTION ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, can we be upstanding for adjournment!

(Hon. Members on their feet)

Hon. Deputy Speaker: Hon. Members, there being no other Business, this House stands adjourned until tomorrow the 22nd November, 2018 at 2.30 p.m.

The House rose at 5.05 p.m.