

Wednesday, 6th August, 2019 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly-Third session

Wednesday, 6th August, 2019

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

PUBLIC VIEWS ON ANNUAL DEVELOPMENT PLAN FOR FY 2020/2021

Hon. Speaker: Hon. Members, it has been brought to my attention by the Chairperson of Budget and appropriations Committee that is inviting for the public view on the preparations of the 2020/2021 to one Annual Development plan and various dates have been slotted for these activities on various venues.

I therefore direct that the secretariat to have a copy of this, and then to be shared with all Members for involvement. Next Order. Yes, Chairman Finance.

PAPERS

1. REPORT OF COMMITTEE ON FINANCE, TRADE, INDUSTRY, LABOUR, AND COOPERATIVE
2. REPORT OF SELECT COMMITTEE INVESTIGATING CECM HEALTH

Hon. Oduor: Thank You, Mr. Speaker Sir, I wish to lay on the Table of the House the Report of the Sectorial Committee on Finance, Trade, Industry, Labour and Cooperative Development on the payment process and utilization of Project Management Committee funds.

Hon. Speaker: We can now ask the members of the public, especially the press to come in, we had stopped them. Lay the next Paper, yes Chairman.

Hon. E. Odawa: Thank you Mr. Speaker. I would like to lay on the Table of the House, Report of the Select Committee investigating the grounds of removal from office of the CECM for Health Services Department –Mrs. Dorothy Owino.

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Hon. Speaker: Hon. Members, we have the courtesy of hosting the Chief of Central Alego, Mr. Peter Ouma Osodo. Would you be standing so that the House sees you? We welcome him, attend another session another time.

(Applause)

Hon. Speaker: Next Order.

NOTICE OF MOTION

REPORT OF THE SELECT COMMITTEE ON REMOVAL OF CECM HEALTH

Hon. E. Odawa: Mr. Speaker Sir, I wish to give a Notice of a Motion:

THAT this House adopts the Report of the Select Committee investigating the grounds for removal from office the CECM for Health Services Department – Mrs. Dorothy Owino

Hon. Speaker: Next Order. Chairman Finance.

STATEMENT

STATEMENT RESPONSE TO HON. OTIATO ON RECRUITMENT AND REMUNERATION OF
MARKET CLEANERS

Hon. Oduor: Mr. Speaker sir, I would like to read the response from the Ministry of Trade, the letter from the Hon. Member Yimbo East, Hon. Otiato.

Recruitment of Market Cleaners and status of market refuse management.

In response to your letter of Ref. No. SC/CORRES/C.EXC/18 VOLXII-187 dated 12th April 2019, of Finance, Trade, Industry, Labour, and Cooperative Committee. I hereby put to your attention that the function of the solid waste management was initial in the department of Health and Sanitation, of FY 2016/17 and 2017/18 but later on it was transferred to the Department of Enterprise and Industrial Development in the FY 2018/2019.

The Department then generated a contract which has all the details of the casuals including the market they work in, capacity of engagement, number of days they work per week, the amount paid per week, the amount paid per day, and Bank account details including NSSF, NHIF numbers.

We therefore wish to state that the number of casual per ward as was provided by the department of Health and Sanitation is as follows

Ward	Number of casuals
1. West Asembo	20
2. East Asembo	19
3. West Uyoma	14
4. North Uyoma	14
5. South Uyoma	17
6. Siaya Township	32
7. North Alego	16
8. Central Alego	14
9. South East Alego	13
10. Usonga	13

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11. West Alego	14
12. Central Sakwa	13
13. South Sakwa	14
14. North Sakwa	36
15. Ukwala	24
16. West Sakwa	20
17. East Yimbo	13
18. West Yimbo	18
19. Central Gem	13
20. Yala Township	25
21. East Gem	13
22. West Gem	14
23. South Gem	17
24. North Gem	14
25. Ugunja	32
26. Sidindi	13
27. Sigomre	14
28. West Ugenya	17
29. North Ugenya	14
30. East Ugenya	14

WASTE MANAGEMENT

This is a function of the department that aims at managing waste for socio-economic and environmental gains. It is worth noting that clean and healthy environment is a constitutional right.

The focus is on the 4Rs

1. Refuse(Discourage)
2. Reduce (solid waste)
3. Reuse (separation)
4. Recycle (Investment)

This function is in line with the County's commitment in the Paris Agreement.

These commitments include:

1. Reduction of emissions of greenhouses gases (methane)
2. Reducing industrial waste
3. Ensuring non-profit run off and sewerage waste flow to our bodies

Legislation Requirements

1. Policy Document development
2. Authority to recruit /hire casuals (CPSB, PLWDs, Youth, and Women)
3. Optimal staffing levels (SCEDO, Supervisors, Cleaners, Operators, MMC)
4. Wages(NHIF, NSSF)
5. Operations and Maintenance

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Waste Management is devolved responsibility under the Constitution of Kenya 2010. As a County we are encouraged to establish frameworks to attract investment, share resources, and take advantage of the economies of scale by entering into inter county agreement with metropolis or other County groupings

Hon. Speaker: Hon. Peter, is that a Report or a Statement? A Statement? Have you shared with Hon. Otiato? How much more time? You are almost finishing? Okay.

Hon. Oduor: This also implies reducing risk for private sector participation for example providing long term contracts, a guaranteed fee and support through effective financial instruments.

Signed by Christopher Owang.

I want to bring to the attention of the House that Christopher Owang is the acting Chief Officer of Enterprise and Development. Even though he signed it, he signed it because he prepared the report and gave it to the CECM Mr. Bernard Mboha who signed it later on a cover letter.

Hon. Otiato: Thank you Mr. Speaker. You know, by the spirit of what you have read, we have been doubting the capacities of some of these people we are calling acting officers. Going by what you have read, I am so pleased that these are very good Members of the Google Community. They believe that this Assembly is stupid and we don't know what we are doing here. There is totally no answer as to what I had requested. My Statement request was, and I want to read verbatim;

1. In the Statement the CECM should share with the House copy of the policy document guiding the entire process and procedures of recruitment and remuneration of the market cleaners in the County.

You hear all these read stories, there is no policy document mentioned. Not even the status of this document.

2. A comprehensive explanation on the terms of engagement of the market cleaners including but not limited to the contract details. There is purely nothing.
3. In the absence of policy referred in (i) above, the CECM should give a comprehensive guidelines on how the department intends to implement the recruitment. We ought to have gotten this within 14 days. There is purely none.

Aware that this particular question was generated by the arguments that were fronted upon us, that the Governor was rewarding some of the ODM Members in some of our Wards, by the Market cleaning jobs by market cleaners, this was the issue.

Then the other question was if at all the jobs that the Governor can give are all over and he has to participate in recruiting the people who work at the market centers then it is so funny, and some of the members here who are independent candidates were equally asking a question. 'That okay now, if you say that we rewarding the ODM Members, where is the other people who were never with the ODM?

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Hon. Oriaro: Mr. Speaker on a point of Order, on a point of admissibility of this matter in question, because the Chair has said that thing was signed by a CECM and the report that we are having is an indication of an acting Chief Officer which the House had earlier pronounced its position as the origins which the House cannot deliberate on. Would it be that the report has been signed by the CECM, if not then in accounts of inadmissibility, the report is improperly in the House thus warranting no further discussion.

Hon. Speaker: Chair Finance, two issues are arising there. One Is the issue of the authenticity of the document having been signed by the acting Chief Officer when the House made a resolution not to be dealing with acting Chief Officers on account of the provisions of the law. Where the approval of the County Assembly is required, no appointment shall be made without approval of the g

Secondly, as you make the response, does it satisfy the needs of the people who asked, and do you really think that we should admit that report surely or it is a waste of the Assemblies time?

Hon. Oduor: As the person entitled to read the response, surely I am in agreement with the Hon. Member from Yimbo East that the answer is not satisfactory but on issue of authenticity, I would like to say that there is a covering letter by the CECM Hon. Bernard Mboha saying
'Please find the attached contents of the discussion list on the response to the Statement request by Hon. Francis Otiato Member Assembly.

Hon. Speaker: If we are to take action that the answers given are not addressing the relevant questions asked therefore we would site negligence, and a reason as to why somebody should go home. Who do you think will go home in this case?

Hon. Oduor: In this case the person who should go home is the CECM and not the acting person.

Hon. Speaker: I agree with Hon. Otiato and Hon. Oriaro that we do not want to accept that answer and we expect a comprehensive answer from you and Members; Chairpersons are not people who should read. We know how to read all of us; these statements to the questions we are asking require interrogation.

You don't interrogate by receiving and reading; you need to ask do these answers address the questions raised and then you give timelines if they don't respond then we expected you to answer here that we asked them on three occasions and they never gave answers or the answers they gave are no satisfactory and therefore we want to consider this as a matter of negligence therefore we recommend impeachment or we take action. So when can you give us a proper answer?

Hon. Oduor: I expect to give a proper answer after the recess.

Hon. Speaker: How long did it take?

Hon. Oduor: It took time; the Statement was asked in April.

Hon. Speaker: Hon. Oduor; we want a Report for the Committee addressing that gap tomorrow. Tell us we asked for this on this date and there was no answer; we asked this time

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there was no answer and the answer came after this period of time and was not satisfactory. We therefore recommend as follows.

Tomorrow table your Report; it can even be one page we want to see your recommendation. We want a reaction from the Committee or else the House will say the Committee is also incompetent and that would be so bad. Tomorrow Table your Report in the afternoon.

Hon. Odongo: Mr. Speaker, Sir; even if we were to go with what has been read I would also still beg to disagree with the Report because as he has mentioned that in my Ward we have 17 market cleaners; it is not true. Chair for Finance the Report that you were given even if we were to go with it; it's not true. I disagree in totality that the market cleaners in my Ward are 15 members.

Hon. Speaker: Anyway our rules is that when I rule that's the end of it but I was giving him chance so that the Chair can really see the gaps in his response because if I were you I wouldn't even present that without asking the relevant MCAs before you bring the Report you verify the information.

In fact, the question didn't ask how many; we wanted to get the names because how do you arrive at an irregular procedure or conflict of interest in appointments or awarding of jobs if you don't have those names. And a mere thing like policy simply saying we have or we don't have. Let's get your recommendation tomorrow on the way forward when a CEC Member is incompetent and cannot give the required answers.

MOTION

REMOVAL FROM OFFICE OF THE CECM FOR HEALTH SERVICES

Hon. E. Odawa: Mr. Speaker, Sir; I beg to Move the Motion that this House adopts the Report of the Select Committee investigating the grounds for removal from office of the CEC Member for health services department, Ms. Dorothy Owino. Due to the weightiness of this matter I will request the indulgence of this House to be patient enough so that we can get to the depth of it. I won't go through all the pages but there are certain areas which I will highlight.

We start from the background; On Thursday, 25th July, 2019, the Honorable Francis Otiato – MCA Yimbo East Ward, guided by the provisions of Section 40 (2) the County Government Act, 2012 and Standing Order Number 73 (2) of the County Assembly of Siaya Standing Orders, gave a Notice of Motion to remove the CEC – Member for Health Service – Mrs. Dorothy Owino from office.

The Honorable member, through his Motion which was signed by twenty one other Members of the House, Moved for the removal Mrs. Dorothy Owino from office on grounds of gross misconduct and violation of the law.

The allegations which tantamount to gross misconduct and violation of the law and form the basis for the Motion were that Mrs. Dorothy Owino presided over the following irregularities within the Department of Health Services: -

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- I. The department of Health Services lent Kshs. 865,000 to M/S Tough Construction Limited towards the completion of the maternity wing at Bondo County Referral Hospital. A project that has not been completed to date. Furthermore, she failed to provide the Assembly with the project's Bill of Quantities and membership of the Project management Committee, and further allocated Kshs. 1,000,000 to the same project in Financial Year 2019/2020.
- II. That she diverted 29% of funds meant for purchasing drugs in the Financial Year 2018/2019, to payment of debts without the approval of the County Assembly.
- III. The Department of Health misappropriated the funds meant for Linda Mama by utilizing the funds to pay casual workers, leaving the Assembly unaware of the fate of the budgeted sum for paying casual workers.
- IV. The Department of Health has embarked on recruitment of beneficiaries to the Universal Health Coverage (UHC) program without a substantive policy guiding the process therefore leaving the process open to abuse.
- V. That the CEC Member – Mrs. Dorothy Owino presented to the Public Accounts Committee a doctored MoU that was supposed to be guiding the lease of medical equipment to the County Governments, an assertion that was confirmed by the Auditor General
- VI. That the Department of Health has no register for the leased medical equipment and some of the equipment are lying idle in hospitals without any interventions from the CEC Member.
- VII. That the CEC Member – Mrs. Dorothy Owino has continuously disregarded the County Assembly resolutions, including but not limited to; formulation of a policy guiding the UHC program, providing the Assembly with a valid MoU guiding the lease of medical equipment

Consequently, the Motion was debated and adopted by a Majority of the members of the House on Tuesday, 30th July, 2019, during its Afternoon Sitting.

On Wednesday, 31st July, 2019, the Honorable Samuel Olasi, MCA – West Uyoma Ward, in his capacity as the Chief Whip of the Majority Party, Moved a Motion to appoint a Select Committee of five members to investigate the issues raised by Hon. Francis Otiato, and report to the House within ten days and that's how I became a Chairman of this Committee. The Committee is composed of the following members:

- | | |
|---------------------------------|--------------------|
| 1. Hon. Eric Odawa | Chairperson |
| 2. Hon. Jane Atieno Odhiambo | Vice – Chairperson |
| 3. Hon. Booker Washington Bonyo | Member |
| 4. Hon. Samuel Otieno Siguru | Member |
| 5. Hon. Filly Onditi | Member |

During the meeting of the Select Committee held on 30th July, 2019, it resolved to request the Hon. Francis Otiato (mover of the motion) and Hon. Abigael Awino (Seconder of the

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motion) to provide documentary evidence which they had relied on to find the CEC Member culpable of gross misconduct and violation of the law.

Furthermore, the committee resolved to invite Hon. Francis Otiato and Hon. Abigael Awino to its meeting for purposes of giving their oral submissions so that the committee could pick the finer details and enhance the focus and objectivity of the process.

In line with Section 40 (4) of the County Government Act, 2012, which provides that; *The county executive committee member has the right to appear and be represented before the select committee during its investigations*, the committee resolved to invite the CEC Member for Health Services – Mrs. Dorothy Owino, to appear before it with the view of exculpating herself from the allegations.

To this regard, the committee, through the office of the Clerk, wrote a letter to Mrs. Owino, Ref; SCA/ADM/CORRES/C.EXC/19 VOL. VIII – 40 dated 31st July, 2019 clearly highlighting the allegations and inviting her to appear before the Select committee on Tuesday, 6th August, 2019 at 10:00AM at the County Assembly Board Room.

The Objectives of the Committee are;

- I. To find if the allegations leveled against the CEC Member for Health Services – Mrs. Dorothy Owino, have been substantiated and meet the threshold of gross misconduct and violation of the law.
- II. To review the documentations relied on by the Hon. Francis Otiato while moving the motion including any audio recordings capturing the confessions of the CEC Member
- III. To recommend to the House, based on the findings and the law on whether the allegations levelled on the CEC Member have been substantiated and requisite action to be taken.

In a bid to find fact into the allegations levelled on the CEC Member – Health Services, the Committee adopted the following methodology, strictly guided by the objectives as highlighted above;

- I. Review of documentary evidence that Hon. Francis Otiato and Hon Abigael Awino relied on when drafting the motion against the CEC Member;
 - Report of the Health Services Committee on the operational Status of County Hospitals
 - Report of the Health Services Committee on the scrutiny of the Department of Health Services for the Financial Year 2018/2019 Budget Estimates
 - Minutes of the Health Services Committee for meeting attended by the CEC Member during the investigation on inquiry into the level of compliance to procurement procedures at Bondo County Hospital
 - Report of the Health Services Committee on inquiry into the level of compliance to procurement procedures at Bondo County Hospital
 - Budget Committee Report on the Budget Estimate for the Financial Year 2018/2019
 - Correspondences sent to the County Assembly by the CEC Member – Mrs. Dorothy Owino
 - Response to statement request by Hon. David Audi on the shortage of drugs in County Hospitals

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- Money lending agreements signed by Mrs. Dorothy Owino
 - Report of the PIC/PAC committee on the report of the Auditor General on the financial statements of the County Government of Siaya Executive for the Financial Year ending 30th June, 2018.
 - Hansard Audio recordings of the CEC Member – Mrs. Dorothy Owino, making presentations before the PIC/PAC and Health Services Committee
- II. Memorandum of Understanding relating to the provision of medical equipment and related services
- III. Oral submissions by the mover and seconder of the motion seeking to remove the CEC Member from Office; Hon. Francis Otiato and Hon. Abigael Awino respectively and the CEC Member – Mrs. Dorothy Owino
- IV. Review of statutes that could have been violated by the CEC Member – Mrs. Dorothy Owino through his actions. The following are some of the statutes reviewed.
- The Constitution of Kenya, 2010
 - The County Governments Act, 2012
 - The Public Finance Management Act, 2012
 - The Public Finance Management Regulations (County Governments), 2015
 - The Leadership and Integrity Act, 2012
 - Fair Administrative Action Act, 2015
 - The County Assembly Powers and Privileges Act, 2017
 - The Oath of Office taken by The CEC Member – Mrs. Dorothy Owino

On Tuesday, 6th July, 2019, the Select Committee met the CEC Member for Health Services, Mrs. Dorothy Owino, where she presented her defense to the committee as follows;

- I. THAT, she authorized the lending of Kshs. 865,000 to M/S Tough Construction Limited towards the completion of the maternity wing at Bondo County Referral Hospital. She further confirmed to the committee that the project was not yet complete.
- II. THAT, she was not aware of the process of procuring the services of the contractor.
- III. THAT, she could not confirm the validity of the money lending agreement form which she had signed.
- IV. THAT, the money lending agreement and process was witnessed and signed by an advocate identified and paid for by the contractor.
- V. THAT, there was no form of security that was deposited to the County Government to guard against possible loss of the money lent
- VI. THAT, as far as she is concerned, there was no sense of wrong doing in her actions.
- VII. THAT, she sanctioned the diversion of 29% of the funds meant for purchasing drugs in the FY 2018,19 to payment of debts without the express approval of the County Assembly.

The Select committee, after reviewing the documentary evidence presented before it, indeed confirms that the CEC Member – Mrs. Dorothy Owino:

1. In her capacity as Chief Officer, Health Services, irregularly lent money to MS Tough Construction Co. apparently for the completion of works of the maternity wing at Bondo Sub County Hospital. A project that has not been completed to date.

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2. The total amount lent to the Company was Kshs. 865,000 in two installments of Kshs. 400,000 and Kshs. 465,000 in the second installment on the strength of the money lent agreement signed on 4th May, 2018 and 30th June, 2018 respectively. A copy of that agreement is here and I think Members you can refer to it if you have it in your possession.
3. On this amount, Kshs. 465,000 has not been paid back and there is no commitment from the contractor to pay back the sum.
4. The committee further finds that there was no legal provision that Mrs. Dorothy Owino relied upon while lending money to the contractor, and there was not any form of security that was deposited to the County to guard against loss of the money. In essence, the actions of the Mrs. Dorothy were illegal as there exists no legal requirement permitting the County Government to lend out money to any contractor, for purposes of executing a project of the County Government.
5. Mrs. Dorothy Owino further used a doctored and illegal money lending agreement form, which she referred to as “*The Republic of Kenya Money Lending Agreement*”. After investigations, the committee confirms that there is no such a form as the “*The Republic of Kenya Money Lending Agreement*” either at the Central Government or at the County Government since there is no such action of lending money that are undertaken by either levels of Government.

A state of clarification is that we did not get proof of the contractor presenting a performance bond. Once a contractor presents a performance bond only then is when the contractor can be granted advanced payment not exceeding a certain percentage of that performance bond but since the performance bond was not issued hence there is no way you can lend out money, give out money if form advance payment in the absence of a performance bond. This is absolutely unacceptable, absolutely illegal.

6. The illegal money lending agreement and process was witnessed and signed by Kennedy Ochieng Omollo Advocates and Commission for Oaths who was identified, and paid by the contractor, thus leaving the County Government unrepresented in the process and thus susceptible to loss of the money.
7. Upon review of the Budget for the Financial Year 2019/2018, the committee found that the CEC Member has allocated Kshs. 1,000,000 towards the same project, which was to be paid to the same contractor (M/S Tough Construction Company) for the same project.
8. The committee also found that Mrs. Dorothy Owino did not have any knowledge of the procurement process for the project leading to the award of tender to M/S Construction Company which she had lent money. This was a clear display of incompetence from the CEC Member – Mrs. Dorothy Owino.
9. The committee after reviewing the response from the CEC Member – Mrs. Dorothy Owino vide a letter Ref: SYA/CEC/C.ASS/VOL. II (03) dated 2nd July, 2019 found that she confirmed spending 29% of money allocated towards medical supplies towards payment of debts and this was the reason for shortage of drugs in hospitals. This was a

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clear sign of miss planning by the department, which is glaring incompetency on the part of the CEC Member – Mrs. Dorothy Owino.

10. The CEC Member – Mrs. Dorothy Owino failed to display any iota of knowledge on the fact that pending bills are budgeted for separately, and that the allocated sum in any vote of the current financial year, cannot be used to pay a bending bill of the previous Financial Year.

11. The CEC Member therefore could not see any wrongdoing in her action and the fact that this action heavily affected supply of drugs in the hospitals, leaving the people of Siaya destitute at medical facilities within the County hospitals. As a Member of the County Assembly representing Sigmore Ward, Sigmore Ward has been lacking supplies and the people are really suffering due to this wrong judgment.

12. Based on these findings and observations of the Committee, it concludes that the action of the CEC Member – Mrs. Dorothy Owino, were in contravention of;

Article 201 (d) and (e) of the Constitution of Kenya, 2010 on Principles of Public Finance which states that;

(d) Public money shall be used in a prudent and responsible way; and

(e) financial management shall be responsible, and fiscal reporting shall be clear.

Article 73 (2) (d) and (e) of the Constitution of Kenya, 2010 which states that the guiding principles of leadership and integrity should include;

(d) accountability to the public for decisions and actions;

(e) discipline and commitment in service to the people

Article 75 (1) (c) of the Constitution of Kenya, 2010 on the Conduct of State Officers which provides that a State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids -

(c) demeaning the office the officer holds

Section 162 (1) and (2) of the Public Finance Management Act, 2012 on the Obligations of public officers with respect to County Government resources which provides that;

(1) Every public officer employed in or by the County Government shall comply with the Constitution and all laws relating to conduct of public officers when carrying out a responsibility imposed, or exercising a power conferred, by this Act.

(2) Every public officer shall also—

(a) Comply with the provisions of this Act so far as they are applicable to the officer;

(b) Ensure that the resources within the officer's area of responsibility are used in a way that—

(i) is lawful and authorized; and

(ii) Effective, efficient, economical and transparent; and

(c) Within the officer's area of responsibility—

(i) Ensure that adequate arrangements are made for the proper use, custody, safeguarding and maintenance of public property; and

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(ii) Use the officer's best efforts to prevent any damage from being done to the financial interests of the County Government.

Brothers and sisters, during her submissions madam Dorothy equally accepted when pinned down, we asked her if at all Bondo Maternity has been completed. She said it is partially completed. When again we asked her if the project has been handed over to the client? She said no, it has not been handed over.

We asked her if it is under use, she said that it is under use. That means that the patients of Bondo Sub County Hospital in the maternity wing are literally operating on a construction site which has not been handed over. It is very disappointing and absolutely unacceptable.

1. Based on the oral submissions, the documentary and material evidence presented, the Committee unanimously recommends THAT; the CEC Member – Mrs. Dorothy Owino, be DISMISSED on grounds of gross misconduct and violation of the law
2. On the other issues raised in the Motion i.e. - Utilization of funds meant for Linda Mama; disregard of the County Assembly resolutions; MoU presented to the Public Accounts Committee, the Committee recommends for further investigation by the relevant sectorial committees and the Ethics and Anti – Corruption Commission with a view to unravel any irregularities.

As I wind up Hon. Members, time has come for the people of Siaya to get their rightful share. As taxpayers, we should not demand anything but the best. Health is crucial for the welfare of any Nation and any County. For us to achieve the big 4 dreams that the President talks about, we cannot achieve them without health.

We cannot achieve them with officers who are not ready to be diligent, keen, observant and make sure that we don't lose monies. Siaya County has been on the press for all the wrong reasons. Time has come for us to stamp our foot down and put our authority and make sure that we use this lady as an example once and for all.

Moving forward, this House should not be taken for granted, there is no way that this House will accept situations whereby CECMs disregards this Assembly, makes decisions without consultation of this Assembly, without approval of this Assembly and they go scot free. At this juncture I want to call upon my brother Hon. Siguru to second.

Hon. Siguru: Thank you, Mr. Speaker, I rise to second the Motion as moved by the able Chair of the Select Committee. I was privileged to be part of the Committee that has done this report and in supporting this Motion, my submission would be that we need to be fair to our people who have given us the mandate to represent them in different capacities in this House. The glaring disregard to the rule of law in our County is really a disappointment to the people that we represent.

Noticing that we had drug shortage in our dispensaries over a period of time and doing investigations with the Department of Health and coming up with a report similar to what we have is really a worrying situation. It is time that we really need to rise up that we should not allow actions similar to what we have seen with the CECM for Health.

Probably going further, it is not only in the department of Health, in health we only dealt with Bondo Sub County Hospital and I am well aware that going deep into the Health Sector, we

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are going to find more serious findings much more than what we are calling the CEC for Health to vacate office.

It is also worrying that incomplete disregard of the law and procurement procedures, Siaya is the only County that can easily just lend contractor monies that are meant to serve the tax payers in different departments, it is lend to contractors. These contractors take advantage because they know we do not really follow due process and at the end of it they fail even to pay back the monies lent by our facilities.

Noticing that some of these things are done by the people we are supposed to be entrusting with responsibilities, we do not really to take this matter lightly. In supporting this Motion, I say that the report is comprehensive, we need to go by the report. It is a step towards the right direction and it should not stop at this, we know we have been part of this County Government as an oversight body and when the County Government of Siaya is failing and going down to its knees.

It will not go with the Executive alone but with the Assembly as an oversight body and we need to rise up to the occasion and say such actions as what you have seen in this we need to stop them and the best way to stop it is to support a move that we are making today. We send a strong message to the Executive that we should not be taken for granted.

We are performing poorly as a County and we should not just be seen as people who just sit and do oversight and we do not come up with solutions to the problems deviling our County.

I stand to support this Motion because it borders complete disregard of rule of law, procurement procedures as laid down in the Constitution. As a representative of East Gem, I know my constituents never had medical supplies over a period of time noticing that probably diversion of funds is what puts us in this problems, I rise to support and will stand by my position. Thank you.

(Question proposed)

Hon Oriaro: Thank you, Mr. Speaker Sir. As a member for Central Alego am duty bound to be people centric Mr. Speaker Sir. This Motion is in the hearts of our people and am left with no option but to supporting it in its entirety Mr. Speaker Sir.

Everything has been held bear it is all a question of helping the governor people have been asking themselves on how MCAs are supposed to help their governors, is it by accompanying the governor or any other public agora, public functions no Mr. Speaker Sir. We can only help our governor by prudently participating on matters that are germined of the wellbeing of the county in this honourable house.

Mr. Speaker Sir, it is all about the ternate to good governance, that's what we are discussing here. A question could be what do you understand by good governance? When we are in devolution Siaya County Government is a wing of the devolution principle Mr. Speaker Sir. Good governance is only proven by measuring that which you want to do against the constitution of Kenya 2010 corollary law such as The County Government Act and of course The Public

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Finance Management Act, County Government Act 2012, Public Finance Management Act 2012 and the regulation there of 2015 Mr. Speaker Sir.

The chair has pointed out many things and has brought our attention to the principle of Finance Management Act Chapter 12. He has sited certain areas where breaches have ensued Mr. Speaker Sir. Mr. Speaker Sir on the issue of for instance the use of money that was meant for the purchase of drugs at all is used for doing other things Mr. Speaker Sir.

If we read Article 207 the same principle of Finance Management Act talks about the power to appropriate, that one should be read by everybody. Who gave the CECM the power to appropriate? That's not with her, it is this house when we sanctioned appropriation by a way of a legislation we directed the department to doing things rightly, this was not done to helping the governor for instance today he has to react with speed even before receiving this report to see to it that that lady goes back home.

We have crossed the rubicon over this matter, there is no going back, oversighting on matters of oversighting Mr. Speaker Sir, by this Motion we have crossed the rubicon there is no shortcut here, there is no witch hunting and lastly Mr. Speaker Sir, the question is all about do we have CECM who are capable? We are washing our hands. The governor wanted his own CECMs.

A court had made a pronouncement over the people we are having in the name of CECMs the governor insisted on them now we are asking the governor; did he really know, was he briefed when an agreement was being arrived at of lending a contractor money? Governor has been doing memorandum of understandings (MOUs) why is it that this one is like he is nowhere in the picture. We are telling the governor that soon it will be with him because we are going to investigate more to this. So soon, he should get read of his CECMs by finding them unsuitable the better for us it will be better for him. I support.

Hon Opanga: Thank you, Hon. Speaker, I also rise to support this Motion brought in by the ad hoc Select Committee. Hon. Speaker, it is very sad as a county that most of our health centres don't have drugs, where a CECM can use county money to lend a contractor in the name of finishing a job that even up to now has not been concluded or even now the facility is not even in use.

Hon. Speaker again I've through the purported agreement where the purported agreement says that the money was to be refunded on or before the 30th of September 2018 and the same agreement says that in the event of breach on the part of the beneficiary, the beneficiary shall pay to the lender a third of the principle amount lent away of liquidated damages.

Hon. Speaker as we pass this Motion as an assembly I would also come up on my personal accord that the said contractor one, should be burned from any construction work within Siaya County Government simply because this a contractor that took the advantage he has refused to complete the work and he has refused to even surrender the said amount that was handed over to him to do the job.

Secondly Mr. Speaker it is very sad, I've checked at the people who signed this agreement the name of the Chief Officer in charge who is the current CECM Dorothy Owino is appearing and signed by the advocate, stamped before an advocate Kennedy Ochieng Amollo

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and Advocates Commissioner for Oaths but whereas the CECM, Miss Dorothy Owino says that she is not aware of the said transaction, it's very sad.

She signed or allowed the usage of the money and again disown that is gross misconduct and it clearly shows that the CECM slept on here job and deserves to leave the office for somebody who will come in and serve the people of Siaya in the right manner that it should be.

If the said money 800,000 shillings was used to purchase as a Hon, Member who receives on a daily basis phone calls from my constituents that our dispensaries don't have drugs, you go into a dispensary the only thing that the do is to prescribe for patients' drugs and tell them to go and buy.

If this money was used to buy drugs I would not support such a Motion but our money that was used to pay a contractor, a contractor that didn't even deliver and again lies to the same house that she is not aware whereas in the budget which are always prepared by the departmentals they budgeted for one million for the said construction. It is not acceptable and as a Member for this house I support. Thank you.

Hon. Otiato: Thank you Mr. Speaker. Mr. Speaker let me take this opportunity to actually thank the ADOK Committee for a good job and actually for confirming my initial allegations. Mr. Speaker as a house I think the key thing that we need to do is to ensure a proper use of our public funds.

It is now clear like you have heard from the Chair that we have a CECM one, some of these issues I also actually did a follow up to ensure that we get the right information. From the word go we said and it was from the bottom of my heart when I was moving the other Motion that once we get a proper explanation to this then we will be settled, we can be able to see on what; because at the end of the day we are interested in victimizing anybody but we want the right use of the public funds.

Mr. Speaker who are tough contractors we are now talking about this agreement that you see here and I want say for the purpose of records because in some other areas in social media and everywhere else there is a lot wars that are going on as If somebody was targeted but we are saying and the committee will con firm that this particular project giving is a lot of headache.

In Bondo there was a project started by the national government at a cost of 25million shillings, Mr. Speaker, Kshs.25 million by the time it was being handed over to the county government it had 15million shillings what lacked as we even talk today? I happen to have appeared before this committee as a friend of the committee just to listen, that we could not even be able to account for the 15million that was forwarded. In some other quotas I got even an audit report from the executive that in 2016/2017 there was an allocation in the budget line for this particular project, so other than 15 million there is another money.

Mr. Speaker because in the conclusive remark there is a recommendation that a further investigation be done. I want to confirm to you, Mr. Speaker that I have a statement of Bondo hospital for dates ranging from 1st June, 2017 to 5th September, 2017. This is a document that was printed yesterday and Mr. Speaker if you go by this Statement, what is clear is that in the use of the same company called TAF, allow me just to digress because I am handling a particular

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Company which is of interest. On 27th of December of 2018, we had got an audit report of Finance Siaya.

A report which was signed by somebody Edwin Oyindo and Kennedy Ooko who is the head of Quality Assurance, in a particular section under the Maternity completion in Bondo, that the Hospital Management committee had approved the completion budget of the maternity wing at 6 million. This is an inside report reconciled by the department of Finance, that there is another 6 million. We are not talking about it here because I didn't raise it in an omission but I am telling the Committee that is concerned that you need to follow up this 6 million.

I can tell you that this Kshs.6million which is being said to have been gotten from the Linda Mama programme to finance the completion of this maternity was received from this statement, a money which came into this account on 10th July, 2017 and 12th July, 2017 totaling to the amount of 6.2 million. This money went into the payment of people who are unknown. By the end of this result, we were only remaining with Kshs 6000 in the account. We don't know where this money went to! We have a lot to do.

Hon. Speaker: Could I have your documents so that we verify the authenticity?

Hon. Otiao: Mr. Speaker, I have forwarded the statement there, and then we are giving the report there, of the 27th December 2018. I am also forwarding ahead of our discussion, an audit report giving an internal memo, an ICU unit in the same facility, where Kshs 295000/= and the auditors were saying that the voucher vote head, they wanted that, but then they completed by saying that there was no certificate of completion and the Hospital Administrator to be surcharged for payment of work which was never complete.

These are documents which were forwarded to the department and being that she was the head and responsible for effecting this, nothing actually happened and they have not acted on this.

We also have taking over notes, where moneys were lost at intervals and we have the minutes for the meeting, 12th/9/2017 on;

1. There was allocation of Kshs 205,000 for the purchase of Printers, films and so on, in this particular department. The amount which was spent was Kshs 100,000/= which means that Kshs 105,000 was missing and it was not in the account. The account read nil in this department.
2. On the Dental department there was the spending of Ksh150, 000/=. In this department, items were brought but they were never paid for and the money was not there in the budget, psychotherapy and many others.

A total of Kshs 820,410/= got lost. The money was budgeted for, it was never withdrawn, the cheques were bouncing, and the money was never in the account upto date. We are dealing with rogues, we are dealing with a rotten system, that even the members of the 4th estate were here to be going down to this name calling that is here about this name calling and everything.

The CECM is responsible for this particular department, there are recommendations made for this department for these people, other to even be surcharged, there is nothing that has happened. I have just expanded on the few that I had, I wish I had more time, I would have also talked of going to unearth the truth from this facility where renovations, a contract is given to

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somebody of a hundred and something thousand and there is no tiles to date and the roof is leaking!

We are in a very pathetic state and just as our ADHOK Committee Chair said that even in Bondo, our patients are staying at a construction site.

I will not produce more.

(Laughter)

I will have to remain with these others, but I would also say that here is the private communication between individuals and girlfriends and money is being given for a particular purpose of even securing a title deed for a hospital, at the cost of Kshs 200,000/=

(Applause)

And that some of these girlfriends are very closely connected even to some of our Members here. Some of these people have been chased. They have been running cartels even in Bondo. They call themselves politically connected and nobody else can *bwogo* them in Bondo.

We know the person siphoning these moneys is a doctor who is still a civil servant working in this Government and the CECM cannot take action despite knowing this. Let her go home.

Hon. C. Andiego: Thank you Mr. Speaker sir. It is always good to have different professionals in this House. We thank Hon. Otiato for unearthing some of the things that we were not aware of. I want to be very brief. If we allowed all the CECM to go by this manner of forging documents in terms of Republic of Kenya money lending agreements, as a County we would not be having any money for development.

I would like to support this by saying look at the allegations; report has it that Siaya County has the highest mortality rate. On allegation number 2 which say that she diverted the funds meant for purchasing drugs, this is what is contributing to these cases. In Central Sakwa which I represent, we have 3 islands which have no hospitals, no dispensaries but we are working on it.

If the money for purchasing drugs have been used to pay debts in other sectors, those who come from the island and do not have access to the ambulances which can take them to the hospitals at the main land, this person is likely more to die.

We hoped that even when this budget was done, we hope that Oyamo, or Sifu, or Ndeda was budgeted for, for them to benefit from the drugs bought.

I was in Ndeda the other day, the dispensaries do not have drugs, even panadol, yet we are here discussing someone diverting funds meant for buying drugs in such areas, still in office,!

We have started with the CECM of Health and this is the right time to do this to all the CECs. I would like to applaud my friend Hon. Otiato. I think the profession you were in was a very good one. You should continue unearthing the problems so that we help the people of Siaya. I support in totality.

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Hon. Abigael: Thank you Mr. Speaker. I rise to support, with the facts all bare, you will realize that we have been dealing with somebody who doesn't take this House seriously. This is one person who says she is not aware of the procurement process. At the same time, she comes to sign a lending document as if she has turned Siaya into a shylock company/entity. When my Committee visited the Hospital we found an audit report by the County Government of Siaya, and the report is before you, laid down by Hon. Otiato.

There are issues which were raised. There is one which was about a notification of an award done on the 7th, and within 14 days, there was the first certificate of partial completion done which was never done as we realized when we visited the facility.

The same day, a voucher was done, a cheques written and withdrawal was done. Here we are dealing with somebody who is a con, who is taking us for granted. This woman must go home, and there is no witch hunt here.

When she presented herself before the Committee, she told the Committee that she was supposed to bring for us a valid document, MOU within a week, which has never happened to date, so are we dealing with somebody who is incompetent? Mr. Speaker, she should go. I let the governor give us somebody who is competent. I support, Mr. Speaker.

Hon. Atieno Mr. Speaker, Sir, I support the Motion. I found there were a lot of contradictions, especially on the 29% diverted to pay debts. This is where the contradiction is because she told us when she was answering the request from Hon. Audi, that there were no enough funds to buy drugs at the same time she's telling us that money has been diverted to pay debts, but for sure that drugs and the pharmaceutical equipment were budgeted for.

If they knew they had some debts to pay from the previous financial year, she should have budgeted for that amount why; is she saying that there is no enough money to buy drugs and yet you still take money out of that kitty? This is very contradicting.

The signing of the MOU that has been said here, he promised to bring the correct one. She gave the adopted one to the committee of Health. When we're asking her about this today she couldn't give a direct answer. It was like she didn't really know about it and with regards to lending money she used I don't know where that is. That document she used was not an official document, we couldn't find out where she got the document, and she couldn't explain where the document came from too. But the document was used to lend money to the contractor.

The document was called the Republic of Kenya money lending agreement, we tried to find out, to research where this document originated from, we couldn't find out she could not confirm where the document came from. So there is a problem here; we are using documents which are not legal to lend money to contractors, they can go to the bank and get money to do the job.

Why are we lending contractors money, which is not meant for paying them? There's something fishy here because when we try to actually ask directly, where did the document of lending this money come from? She could not answer that. So we are not witch hunting, as most people have said.

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I know when we started this most people say she is just a woman. So should we let a woman just to do things which are not supposed to be done just because she's a woman if something wrong is done? Let's pinpoint the person doing it, doesn't matter whether this is a woman or a man, there is a wrong here, which we must fix, I support the motion.

Hon. Omoro, thank you, Mr. Speaker I stand to support the report. It's clear that the allegations levelled against the CECM for Health, Madame Dorothy is in order and accurate because as we're looking at the findings of the committee and even this by her submissions. This CECM has come out clearly culpable. She lends money worth Kshs.865, 000 to a company known as MS Tough.

Secondly, she has also admitted that in the Financial Year 2019 /2020. She also factored in one million for the same company. Officials agreed that she diverted 29% money meant for buying drugs for the Financial Year 2018 /2019. This is grossly against the procurement Act and the Constitution of Kenya 2010. Mr. Speaker, you will also find that in the submissions there, madam CECM agrees that she diverted the monies meant for the Linda Mama Project to pay for the casual workers' wages.

Mr. Speaker, We should never just sit back and see misappropriation of funds in the name of CECMs who think that they are somewhat super, Mr. Speaker, I think it is just recently when we lost some of our honourable members in this Republic who succumbed to death as a result of cancer disease.

Mr. Speaker at what point of time will we allocate in our Budgets some good amount of monies to take care of the cancer as a killer disease if the little amounts we appropriate in the Budget are misappropriated at the lowest levels. I therefore stand to support the Report without much ado I would beg Hon. Members to support, thank you.

Hon. Odhiambo: Thank you, Mr. Speaker, Sir; I also stand to support the dismissal of the CECM Madam Dorothy Owino. I will not fail to say that the removal of Madam Dorothy Owino is in order and seemingly Madam Dorothy Owino is a money lender and not a CECM for this department.

I also want to say that Madam Dorothy Owino seemingly is one of the Members of the County Assembly in this County because it's only the County Assembly that has the mandate to appropriate funds. People are dying out here more so people who can't afford even the little money to buy painkillers and it is very sad that money meant to buy the drugs is being diverted to pay some debts which had been used wrongfully.

If you can check page 8; where it is stated that 29% of the money meant for purchase of drugs in fy 2018/19 was used to pay the debts and the worst part of it without the approval of this Assembly. To confirm that actually what we are discussing is a serious matter I have a number of health dispensaries and one health centre in my Ward.

Those dispensaries and even that health centre have casual workers who are employed by the County Government of Siaya under the department of health; these people have not been paid for the last 3months. How can you employ people to do jobs which are not paid; it means there is somebody messing up with the system.

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It has been stated here properly and a number of documents have been produced by our fellow Members Here the way money is being siphoned to other accounts. I want to say that if the investigation in the process continue to the latter; you will get some people hanging themselves in private rooms because there are a number of things which are dirty to this County. I want to support and say that the Hon. Members of this House stand firm and send Madam Dorothy home so that other CECM who are left in other departments to sense danger so that they perform.

Hon. Ochola: Mr. Speaker, Sir; I can assure you that this Motion which has been Moved by the Ad hoc Committee is going to pass in this House. As we are going to that direction I like the in-depth at which the Committee went through but I'm only pointing out a few things. Matters of impeachment are not child's play these are things that require beyond reasonable doubt. The money lending agreement is an illegal document but the disconnect that I'm having with this money lending agreement that in reply is that who holds the purse of the monies of Siaya County?

What is not coming clear is whether Madam Dorothy was holding this money in her pocket and she lent her own money to Bondo Referral hospital or these were monies that were in the ex-chequer or in the County's purse and also we know the procedures through which monies get out from the County's purse. Money gets out and there is what we call internet banking and we have people who sign for it. Having been presented by this illegal document; the Committee should have gone further to find out how---

Hon. Opanga: Hon. Speaker, I rise on a point of Order just to bring the Hon. Member on the Floor at par; in terms of withdrawals or storage of money in the County Government as peer this issue the Bondo Sub County hospital used the Linda Mama fund which is spent at the source. There isn't anywhere where the ex-chequer is involved. The Sub County hospital uses that money within the facility, thank you.

Hon. Ochola: The Linda Mama is a different allegation; whose allegations I really support and based on those other allegations I only have one issue. Those very serious crimes which have been committed against the people of Siaya. However; I'm also concerned that this Report is not going further because I want to be clear as I vote for this Motion. It's not going further to say what actions because it takes two to tango; the CECM was not tangoing alone.

We have a document where we have one medical superintendent of health who also penned his name into this and so that I should be clear that this is not witch hunt I would have loved a situation where some action is also recommended that so and so should also bear such responsibility.

When I vote for this Motion it is clear in mind that this is not witch hunt which is being perpetuated by some quarters that we don't understand. Lastly, I appreciate the speed with which the Ad hoc Committee was formed in a day in the following day they perused all the documents and eventually came up with a conclusion that an illegality was done and especially when the Speaker gave them 10days to go through this voluminous document in a record of two days.

I only want the Mover to reply so that I come clear in my mind so that when this Mover is going to come up then I will neither vote Aye or Nay depending on those issue which are

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coming up. I'm saying this because we have seen in record when an issue comes; when an illegality is done in a Government office and we have seen done in the cases of corruption.

The DPP sweeps that office including all the Members who are seating in that tender committee, including even the tea girl who are there because each and every person is culpable up to some level. You only don't take one person and you don't look at the culpability of the rest so that we are very clear when we are outside.

I will stand with my head high because we really gave enough evidence in this Floor that so and so was culpable but I won't stand with my head high when we give half-baked information or documentations which are not really convincing. Thank you for giving me the opportunity I will be waiting for the response from the Mover.

Hon. Speaker: Hon. Members for the guidance of the debate the County Government Act gives you powers to impeach CECMs; it doesn't ask you to impeach sweepers.

(Laughter)

Hon. Speaker: The other thing Hon. Members you are at liberty either by way of amending a Report or by introducing a new Motion as to actions that are supposed to be taken against any person that appears to breach the law. Will you be brief Members; we don't have to be repetitious. Hon. Otiato, are you on a Point of Order?

Hon. Otiato: Mr. Speaker, Sir; just for clarity purposes and even for our Hansard just like you rightfully put it. I thought it was so misleading that the Hon. Member was directing us that within this particular 10days we conduct an investigation yet a whole investigation to unearth all these others scandals that we are talking about and in this one under particular sections that we are dealing with that has made us sponsor this particular Motion here is an impeachment to a CECM.

We are looking at the reasons to why as a head of particular facility; even the chief officers are responsible. We are saying the CECM was not responsible I don't if it was actually right we be given or taken to a different direction of now looking into the other activities which can be done by the Public County Service Board in taking action against the civil servants.

Hon. Oriaro: Mr. Speaker, Sir, I was not comfortable in you allowing my colleague to ventilate on this matter because this one was a follow up courtesy of Section 40 of the County Government Act (2). The Motion is a follow up courtesy Section 40(3); it was a follow up of the earlier Motion.

When the Member contributed, he being a sponsor /petitioner of that very Motion, he was saying of the Floor his signature was there illegally and you had made a ruling that you will handle my friend. I was not comfortable in him contributing in this Motion yet he had misled the House, does it mean that he is a sellout? Sellouts are all over!

(Applause)

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Hon. Speaker: Order! We are debating a report. I was giving him also chance to debate on the findings of the report which he has raised issues and the mover will reply accordingly.

(Laughter)

Hon. Speaker: Hon. Audi!

Hon. Audi: Thank you, Mr. Speaker. I want to make the House aware that on this Motion I am the only MCA that is seriously under pressure due to the impeachment Motion that we passed. Members, since we passed this Motion we have been getting a lot of phone calls from professionals from Ward since she comes from my Ward.

I don't fear anything because what I want is delivery to my people of South Gem. I know Members have really explored the issues within this report, my only issue is that Siaya County Government does not even know amount of drugs that we consume each and every Financial Year. This will inform a kind of statement to show us or to give us the amount of drugs that each and every health facility of Siaya within a Financial Year dispenses. Thank you and I support.

Hon. Aringo: Thank you, Mr. Speaker. I have been listening here and on a light note I want to say that I did not want to contribute in sending my sister home, however, I can see her going home. I want to confirm to this House she has already boarded her vehicle home. I would like to request this Hon. House that our work should not just stop at sending Madam Dorothy home but we should go much deeper.

I had an incident yesterday night, one of my people has a snake bite and she was rushed to Bondo Hospital, unfortunately she could not be attended to because there was nothing like snake venom. Bondo is the biggest hospital in that Sub County. The same yesterday my grandmother was sick and was taken to hospital, I want to thank our Whip because he assisted me to get a vehicle to take her to Kisumu.

Prescription was done but my uncle was told that there was no such medicine within that facility. But when we went to buy her that drug at the pharmacy, he was told the attendant rang somebody in the hospital and confirmed that that drug was there. It is very unfortunate! This is a clear indication that there is corruption in that department. Thank you.

Hon. Oduor: Thank you, Mr. Speaker, Sir. I want to take this opportunity to thank the Ad Hoc Committee for work well done. As usual I don't talk much but today I am forced to rise and speak on this matter. It is very sad just like one mover has talked.

In my Ward, I have a health facility where we cannot get even panadol and there is one person who died of malaria some few weeks ago. If this is the norm of diverting money, the question I am asking, if this was done in one facility, how about the other facilities in Siaya County? How many deaths have occurred because of diverting this kind of money and not using it in a proper way?

If a CECM can become a procurement officer, can be become a lending officer then it means there is a lot of rot in Siaya County and it think this is just a tip in ice burg. There are so

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many things that are happening in Siaya and we don't know what is happening in other departments also. So, I rise to support, thank you.

Hon. Olasi: Thank you, Mr. Speaker. Going by the mood of the House, it is high time the mover should reply back. Allow me to state here clearly, going to page 7, the submissions from the CECM, her submissions alone, there is no witch-hunt here.

Some people are trying to talk to a manner to portray that some people are happy to send some people home. Dorothy is my mother, she was born and brought up in the same village with my mother, the almost age mates.

When a hon. Member talks about a resident of Siaya dying of malaria! In March this year in this particular House, I stated here clearly that it is because of lack of painkillers I lost a std. 3 child in my Ward. Let me remind the Members here, some people have a lot of sympathy for nothing; the electorates will not have sympathy come 2022.

Let your conscious dictate and you have nothing here to lose because whether you like it or not less than 10% will come back here and that is a fact. Today being the 6th of August, 2019 up to the time that I am talking it's when I am sure that I am the MCA because I don't know what is going to happen the next minute! But as long as the right thing happens, the laws and Acts are followed to the latter, even if you go home tomorrow, you will be a safe person I am telling you.

We are not fighting the Government, we all own the Government. Furthermore I am the Whip of the majority Members of this House. As I stand here I just want to tell the Members of this House who rushed to sign the petition and they are the same people who are disowning their own signatures because they share a Sub County with the culprit.

Hon. Ochola: Point of order!

Hon. Speaker: Yes, Hon. Ochola

Hon. Ochola: Thank you. It is very clear that we are handling two distinct situations. The first situation and let it be on record, I didn't disown my signature, I did sign and that was to bring the Motion so that we now debate as we are debating. I had to participate so that we get these facts. Today we have an opportunity now to debate on this based on documentation and facts which have been given. Supporting by way of signature for a Motion to be brought in the House is the best thing I should do as an MCA because that is my role to oversight!

I don't want to put things at the back! I think it should be very clear that we handling two distinct things here and I have a right now when documents have been brought to the House to seek clarity from the mover of the Motion so that I be convinced! The Hon. Odawa wants to convince us to vote for this Motion!

Hon. Speaker: Order! Hon. Nick Ochola, I think we will do another induction so that we are clear what happens when the Speaker calls you to take your seat. If that happens twice, you will go for 28 days! Just oblige when the Speaker tells you to take your seat, you will get another opportunity. On this this one, I agree with you, I had ruled on that matter, it should not come to his contributions. Continue!

Hon. Olasi: Thank you, Mr. Speaker. I wouldn't indulge myself in answering some of those questions but just allow me to conclude in a low tone. We are losing lives and some

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people are laughing, we are losing lives because somebody somewhere is not serious with the work they are doing.

Mr. Speaker what you can see in the department of health is just a tip of the iceberg. To be very sincere, all these departments I need not to quote what is happening in governance with regard to PMCs and I believe even if it means taking everybody home and that's why I said even ourselves we are not safe 2022 is far so be it as long as we can have good things.

We are tired of number 46 in everything, this is why we are number 46. You need not to be told and the common sense dictates so of these things, for how long will we be start seen from the last 47,46 the highest we've been is 44, and there is something going wrong

I can tell you I know and the results will be out before October, how I wish I would not be there not to see? Not that I am wishing to die no, so I support by sending my mother home for the department of health to be free and we get the right people to serve us, other things can be aside but health first. I support.

Hon. Odawa: Thank you so much Mr. Speaker. Mr. Speaker for once and always am very proud to be a member of this honourable house. The debates that have been on in this House for a period of time are quite encouraging and I think for once the executive should realise that the kind of brains and people of integrity that are here, are not people to be taken for granted.

You Members of county assembly have made me proud. I would just like to make a few clarifications, to my brother Nick Ochola I respect your views however as the Speaker said the buck stops with the CECM I wouldn't go deep into that.

In terms of when we talked about speed I thought the way you put it sounded as if we were being malicious or hunting someone; no and for the record I want to inform you that this is the seventh day you do your mathematics right in the near future because we need to handle the report within ten days maximum.

We can even handle it in one day if possible and when we have an engineer in charge that's how things work. For your statement about half-baked information, I think that's disrespecting the work of Health Committee, PIC and PAC and ad hoc Committee because we have attached documents and for further clarification you are free to consult, we have a lot more documents and you will be shocked at the depth we went to.

We just decided to zero in maybe one or two issues; at juncture I would like to thank the Health Committee from the health committee we used that one as stake where we got our stake from. I would like to thank the PIC and PAC department and I think if at all committees could start working the way these committees are working members of this assembly we are going to head somewhere.

I want to thank members of Select Committee who were here with me am proud of you, you've made me proud, you worked, you burned the midnight oil. I would like to thank the secretariat for a job well done, these young men and women were working tirelessly up to wee hours of the night; there efforts are not going to go unnoticed.

Wednesday, 6th August, 2019 COUNTY ASSEMBLY OF SIAYA DEBATES

I equally want to thank Madam Dorothy very much for giving us the fodder to nail her with. This one should now be a warning to all CECMs because flouting procurement procedures in Siaya must be thing of the past.

Procurement procedures must be followed to the later, the assembly must be respected and we have to end embezzlement of public funds in Siaya county. In Siaya county we must start observing contractual period like the period which the contract was awarded to the same contractor until now I think it's well over two years. You cannot have an indefinite contract, contracts have stipulated contract period and this one must be observed, quality control and testimonials attesting to that must be attached to these contract such that we must have a contract whereby we are sure that the people of Siaya once they pay their money value for money is got.

It's very unfortunate that people of Siaya; our mothers, sisters, children are delivered in construction sites: this is absolutely unacceptable. Contractual protocol must be followed and this one I am going to go deep into the department of roads and infrastructure to find out who the clerks of works are and how are they managing the contracts because contractual protocols are there and professionals must adhere to them.

At this juncture I want to thank my brother Otiato I think he should be christened Otiato FBI and I'd even request that something must be done about Otiato's security at this juncture. I am concerned about Otiato's security because the level of information that Otiato has at his disposal calls for something to be done about his security Mr. Speaker.

Mr. Otiato don't fear we are with you and we will give you the support needed and continue doing the good work; at one point somebody at the executive thought that this house was full of charcoal sellers and vegetable venders, time has come for them to know and realise that *operation safisha Siaya imeanza sasa*.

It's not going to end here we are going to go deeply in each and every department of Siaya county to make sure that the people of Siaya get value for money. Siaya is home of Raila Amollo Odinga, Bob Agrey Orendo, Luo Nyanza is home to Mbadi; we the Luo people have fought and died for good governance.

We fought so hard for us to get devolution because we are being marginalized, what have we done with this opportunity that we've got? We have squandered it, we are at the tail end of it, Luo Nyanza 47,46,38 yet those people who were enjoying the earlier time when we were being oppressed are number one and two, what a shame?

People like Madam Dorothy are the ones who are putting us where we are. We are not going to let that happen and at this juncture I would like to call upon our governor who we love so much, so dearly and actually we are helping him do his job, we are helping our governor clean his house, we are helping him come up with a proper legacy and people like Dorothy who are dragging behind must go.

This is the juncture when if indeed you love Siaya, Dorothy must go. If you love your electorate and you care for their health, Dorothy must go. If indeed you cherish life and believe that life is precious and must be guarded and protected at all costs in Siaya County so that we can have proper voters come 2022 and beyond, Dorothy must go. I thank you so much ladies and gentlemen for the good job, I beg that you support this Motion. Thank you and be blessed.

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(Question put and agreed to)

Hon. Speaker: Hon. Members, I want to draw your attention to the provision of the law on this matter. The County Government Act 2012 Section 40(4) which says *the county executive member has the right to appear and be represented before the Select Committee during its investigations. If the Select Committee reports that it finds the allegations, (a) unsubstantiated no further proceedings shall be taken or (b) substantiated the county assembly shall vote whether to approve the resolution requiring the County Executive Committee Member to be dismissed.*

Sub section 6, *if a resolution under sub section 5(b) is supported by a majority of the members of the of the county assembly (a) the speaker shall promptly deliver the resolution to the governor and (b) the governor shall dismiss the County Executive Committee Member.*

MOTION

ADJOURNMENT

Hon. Speaker: There being no any other business will you be upstanding for adjournment.

Hon. Members there being no any other business this house adjourns until tomorrow

Wednesday, 7th August, 2019 at 9.30 a.m.in the Chamber.

The House rose at 6.11 p.m.