

Tuesday, 30th July, 2019 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly – Third Session

Tuesday, 30th July, 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

- 1) GENERAL OVERSIGHT – PMC
- 2) NOMINEES - COUNTY PUBLIC SERVICE BOARD

Hon. Speaker: Hon. Members, I have some Communications to make. The Speaker had directed last time that members of the Executive come here to address us in the Committee of General Oversight on matters PMC. They wrote to us a letter; Invitation to General Oversight Meeting.

This is to acknowledge receipt of your letter referenced above and wish to request that the meeting of Tuesday 30th July, 2019 be rescheduled to 6th August, 2019 since the invited members of the Executive will be attending a meeting with the Senate Committee on Public Accounts and Investment in Nairobi.

Thereafter, they will be participating at the 5th Lake Region Economic Bloc Summit scheduled for 1st and 2nd August, 2019 at JOOUST Bondo. It is my hope that this request will meet your kind consideration. Signed by the Acting County Secretary.

I still direct that the secretariat ensure that the meeting for Wednesday and Thursday takes place without fail.

Members, I have also received Communication from the Governor which I want to bring to your attention. Nominees to the positions of Chairperson and Members of the Siaya County Public Service Board. The above subject matter refers; Hon. Speaker, Section 58 of the County Government Act 2012 provides for the appointment and composition of the Public Service Board. In particular, subsection (1) of that provision confers on (as the Governor) the power to

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nominate and appoint upon approval by the County Assembly persons competitively sourced in accordance with subsection (2) thereof to occupy positions of chairperson and members of the Public Service Board.

Mr. Speaker, advertisements calling for application for positions of chairpersons and members of the Board was placed in the daily Nation of 26th February, 2019. Interviews were then conducted for shortlisted candidates between 15th to 18th of July, 2019.

A report of successful candidates submitted to me for nomination of suitable persons as per provisions of Section 58(1) of the County Government Act for onward transmission to the Assembly for further processing. It is in exercise of the said power that I hereby nominate and submit to you the candidates whose names appear in the table below for approval by the County Assembly as is required by law;

- | | | |
|------------------------------|---|-------------|
| 1. Dr. Elijah Ochieng Achoch | - | Chairperson |
| 2. Gondi Hezbon Olum | - | Member |
| 3. Consolata Adhiambo Onguto | - | Member |
| 4. Joan Atieno Odawa | - | Member |
| 5. Anne Akinyi Ludenyo | - | Member |
| 6. Dr. Margaret Akinyi Oloo | - | Member |

The above nominations have been done in full compliance with the law, and as such you may proceed and process their approval within the framework provided for in law. Kindly therefore find enclosed herewith copies of the curriculum vitae, academic certificates and other relevant clearances envisaged under Chapter Six of the Constitution of Kenya for all the nominees. Signed by His Excellency Cornel Rasanga Amoth, EGH, Governor.

I direct the nomination list to be committed to the Appointments Committee and as soon as next within 7 days, by next week Wednesday or Tuesday if we can be having public participation on Tuesday so that by Thursday next week we be done with this list. Thank you, next order!

MOTION

IMPEACHMENT OF CECM, HEALTH SERVICES

Hon. Speaker: I am informed that this notice was given last week on Thursday, on Impeachment Motion. I have gone through the law and the requirements and ensured that there is compliance and therefore it is properly before the House for debate. We will proceed after which I will give direction accordingly. Yes, the mover!

Hon. Otiato: Thank you, Mr. Speaker. Allow me to move the Motion: THAT Pursuant to section 40 of the County Governments' Act, 2012 and section 73 (2) of the Standing Orders, I rise to move a motion seeking the removal of Mrs. Dorothy Owino as the County Executive Committee Member for Health Services by H.E the Governor on grounds of gross misconduct, incompetence, abuse of office and gross violation of the Constitution of

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Kenya, 2010, the Public Finance Management Act, 2012, Public Officers Ethics Act, 2003, Leadership and Integrity Act, 2012 and the Public Procurement and Assets Disposal Act, 2015.

Aware that a County Government is authorized to lend money pursuant to Section 145 of PFM Act, 2015; a role only bestowed upon the CECM for Finance upon satisfying conditions stated in subsections (3) and (4) of Section 145 of the Act.

Noting that the CECM for Health Services – Hon Dorothy Owino while previously performing in the position of Chief Officer for the department of Health Services, together with the Bondo County Referral Hospital Medical Superintendent, lent Kshs 400,000, public money, to a contractor (M/S Tough Construction Co Ltd), for purposes of constructing a maternity wing at the Bondo Hospital on 4th May 2018, in complete disregard to provisions of Sections 147 and 148 of PPAD Act, 2015 and those of Section 145 of PFM Act 2015.

Concerned that the lent amount has not been repaid and the construction work has not been completed with the said contractor reportedly demanding for another payment of Kshs 1 Million for the same work, an amount the CECM Health has factored in the F/Y 2019/2020 Budget estimates.

The same contractor was further lent Kshs 465,000 for the same work of constructing the maternity wing on 30th July, 2018. Further concerned that the project in question does not have a PMC nor a Bill of Quantities and therefore making it impossible to determine the exact project timelines, project specifications and budgetary requirements,

Observing that leasing is a form of borrowing that must be informed by County Government Debt Management Strategy pursuant to Sections 187 and 188 of PFM Act Regulations, 2015, such borrowings are effected after formalization by means of an MOU between the County Government and the Lending agency pursuant to Section 189 of the said regulations. Further observing that reports by the Assembly PIC and PAC Committee unearthed that the leasing agreement was effected using a doctored MOU.

Noting that the CECM Health had committed to provide to the Assembly with proper documentation related to the MOU before 19th July, 2019, an obligation that she has failed to honor. Concerned that there is no known asset register for the leased medical equipment; some of the equipment are not functional because of non-availability of 3-phase power supply in hospitals, a connection which would cost less than two million.

The County continues to expend repayments with related interests now amounting to Kshs. 95, 744, 681 while equipment are lying idle and residents of Siaya County continue to suffer seeking services which have been made deliberately unavailable in distant places.

Further concerned that funds allocated to Linda Mama project have continually been used to pay hospital casual workers when there have always been adequate funds allocated for such payments in the budgets, pointing towards possible misuse and diversion of public funds. This goes against section 43(c) of the Public Finance Management Act, 2012.

The department of Health Services diverted 29% of the funds meant for purchasing drugs in the 2018/2019 FY to payment of debts without the approval of County Assembly thereby

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causing serious drug stock outs in the facilities and contravening section 43(d) of the Public Finance Management Act, 2012

Aware that while approving the County Budget for F/Y 2018/2019, the County Assembly stated that the allocation for Universal Health Care (UHC) shall only be accessed by the department of Health Services upon the submission and approval of a policy on UHC, a document which was to be presented in this House before the commencement of the third quota which was January, 2019.

The Policy was submitted to the Assembly in April 2019, considered by the Committee and returned to the department for corrections and returning back to the Assembly for approval. However, the CECM for health services confirmed to the health Services Committee that recruitment of beneficiaries had begun by June, 2019 in complete disregard of the resolution of this Honorable House.

Deeply concerned that the CECM for Health Services runs the affairs of the department with impunity resulting in pathetic service delivery in a very important function in the livelihoods of the citizens, defying the edict of Article 43 (1) the Constitution of Kenya 2010,

It is my plea that this House resolves that H. E. the Governor dismisses the CECM for Health Services on the Grounds of incompetence, Abuse of office and Violation of amongst other laws, the supreme law of the Land; The Constitution of Kenya, 2010, the Public Finance Management Act, 2012, The Public Procurement and Asset Disposal Act, 2015.

The gist of the matter here is about fault. We are referring to Section 145 of the PFM Act with regards to lending. We are talking about a Chief Officer who has taken powers bestowed in law to a CECM Finance and he goes forward to loan money from a health facility to contractors and therefore we are asking one, where did she get these powers?

While I will be moving, I will be presenting some of the documents that I would wish that you admit. On 30th July, 2018 there was an agreement between Bondo County Referral Hospital represented by Dr. Willis Ochieng Oboch, Med. Supp. signing for a release of money to one Edwin Otieno Oliwa of Tuff Construction.

This particular amount was totaling to Kshs. 465,000, this is an agreement between an individual and a contractor. A County Government giving out a contract job to a contractor and giving money to that contractor to do the work. I would wish to table this for your reference.

(Document is tabled)

On 4th May, 2018 there is another agreement, money being given to the same contractor to complete the same project that is maternity hospital in Bondo. An agreement which has been co-signed by both Dr. Willy Ochieng Oboch, who is the Medical Superintendent and the Chief Officer Dorothy Owino, borrowing money totaling to Kshs. 400,000. I also want to table that as part of the evidence.

(Document is tabled)

I will want to make reference, allow me to make reference to this Sections I have quoted in regard to lending, that is Section 145 (3); *Money loaned under this Section is payable only from an appropriation for development expenditure or from some other authority approved by the County Assembly for the purposes for which the loan is made. The County Executive Member for Finance shall ensure that a security given in respect of a loan under this Section is given in the name of the County Government.*

The only person allowed by law to lend money is the CECM Finance and there must be a security to that effect, not a Chief Officer and with this you find there is approval of the Assembly. This was never done, this is a breach of law and for Siaya to move forward and avoid this kind of behavior Dorothy must go!

Key to issue is that there were no collaterals towards this payment or this loan and the contractor having received money has refused to complete the project, till to date! Now, the same contractor is demanding money! While we are crying for projects not having money because our monies have been deducted, we have projects even in our Wards which we don't have even drugs.

You realize that the first priority that the department is giving money is another Kshs. 1million is put in the current budget to pay this particular contractor who has been loaned money and has refused to finish the job.

What best can we refer to that? The same work we are talking about it was started amorphously, maternity is being built, we don't have a BQ, we don't know how much is actually supposed to be involved, we are even wondering whether it ever existed in any budget line and what was actually supposed to be paid to this! How this contract was even awarded to this particular individual?

These are facts which are not clear and an attempt by the Committee on Health to get this information turned futile, they could not get any information on this line. We are talking about Kshs. 800,000 is gone and another Kshs. 1million is going but we don't know what we are paying. There is no PMC composed to supervise this particular work.

On the same ground, we are still looking at Bondo. I want also to go to leasing of equipment. We are told Siaya County has leased equipment worth Kshs. 95,744,681. We leased equipment and some of these equipment's are stationery not working in facilities and we are paying the loan.

You hear that this machine is not working because we don't have a three phase, three phase is costing less than Kshs. 2million to install. We are paying Kshs. 95m for machines which are not working, some are not working because we don't have a technocrat who has been hired to use that machine, why do we then pay the loan?

As we talk even now, we don't know but when we were going for a loan what were we given? We don't have a register or equipment! What we have is what we were supposed to have or they were less so the few that we have seen are not working. Why do we need to have a CEC

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of this caliber earning salaries every month and our people are suffering? We are paying debts that we are not consuming, our people are not benefitting from these debts that we are paying!

We have another aspect, Linda Mama programme. You go to somewhere like Usibu, you will be surprised that almost the last 6 months people have not been paid. The Committee of Public Accounts, there was an audit query on payment of casuals. We approve budgets here, we have a budget line of over Kshs. 35m of paying casual workers.

As we talk today, the payment of workers is not being done by that money, the money being used for payment of those casual workers are Linda Mama money not the money that is coming from the County that we are budgeting for. Last time when we were at the Public Accounts Committee, we did raise this question and our CECM could not be able to give us answer.

We are looking at the withdrawals, the amounts on the IFMIS is indicated to have been taken to the facilities to pay casuals, and we demanded to know. In Usigu Health facility I know all the workers who are there, how many casuals did you pay and to which account of casuals did they receive the money? We ended up realizing that there was not even a list of a single casual who was paid but the money living the IFMIS is that they are going to pay casual workers.

The money going to Usigu, but when we follow up with the management of the hospital they say these were monies for Linda Mama. The CECM could only tell us that you know we decided to de-salvage the situation because the hospitals were growing in bigger debts; we opted to remove the money and give them in place of Linda Mama.

Then we asked, okay you did that, well the money for Linda Mama came, where is it? They were not able to answer. Who is this CECM who is able to transfer monies meant for other programmes to other programmes without Assembly approval! She must be a very super CECM! She must be having something that no any other CECM is having and a I am asking, is this the CECM that we want?

You heard the other day, we had an issue here when Hon. Member for South Gem was asking a very simple question, 'in my Ward there are no drugs, what is happening?' The answer we get from the CECM if not rude I don't know how to refer to it and I would wish to also table it.

The answer we received and the first question is that in the last FY2018/19 the allocation for medical supply and pharmaceutical drugs was inadequate and 29% of it went into paying debts for 2017/18, this left the department with inadequate funds for procurement of drugs. Let me table that.

(Document tabled)

My question would be very simple, do we have to play around with health? If CECM is telling us that 29%, that is almost 30% of financial year budget to purchase pharmaceuticals and drugs can go to repay loans/debts, how were those debts incurred? Do we mean that the department is purchasing other things outside the budget? And where did she get the power to

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transfer money from a program to pay debts without passing through the Assembly? Best answer is impunity and she knows that she is protected.

We have a universal health care, we have a report here that was done by the Committee on Health instructing, because we have seen this small times where there is a program we are told that this is for this particular program, you bring in the money but the money goes for consultancy other than doing the work.

Therefore the Committee on Health said, we are giving you money about Kshs. 85m. We gave Kshs. 85m for universal health care but on one condition that we are not going to allow you spend this money until you have the policy. Because what we have seen in the other previous, you will put money for universal health care then you hear that Kshs. 85m has been paid to a consultant on how to map the process or develop a policy. Instead of doing the actual thing it is all going to the consultant.

That is how we lost money for the Governor's Headquarters when Kshs. 50m was spent on a consultant before even the start of the work. When they brought the policy document, three months later, the Committee returned that we have got this correction which has to be made. Later the CECM says we have spent part of the money, we already started recruitment. Question is, and you were doing recruitment using which policy?

Still we are going back to the impunity. We have been taken for granted for a long time, it sometimes make me ashamed when I walk around and I start complaining about poor service and I am told, you are the oversight. What are you doing about it? You come to cry to us here in the funerals on how the County is not working, you are doing the oversight, then you must not be knowing your role!

I call upon the House that we have seen, you have heard on what is going on in this particular department and it is not only this one. I call upon this House that for us to maintain our role as an oversight, oversight means supervision, we should not go back home to complain that County Government of Siaya is not working. It must work, we must fix it and the only way to fix it start by this, Dorothy go home. I call Hon. Abigail to second.

Hon. Abigail: I second.

Hon.Speaker: Hon. Members, I want to propose the question which is that this house resolves that His Excellency the Governor dismisses the CECM for Health Services Ms. Dorothy Owino on the grounds of incompetence, abuse of office and violation of amongst other laws the supreme law of the land the constitution of Kenya 2010 Public Finance Management Act 2012 and the Public Procurement and Disposal Act 2015

Hon. Speaker: Yes, Hon. Oriaro

Hon.Oriaro: Thank you Mr. Speaker Sir, for this opportunity also to on behalf of Central Alego Ward people that I ably represent to be heard on this particular motion as ably moved by Hon.Otiato for East Yimbo.

Mr. Speaker Sir, one in his persuasion the issue of leasing of equipment's has been pointed out here Mr. Speaker Sir. Based on my representative knowledge Mr. Speaker Sir, we know that counties lease equipment from the national government. It is an issue that started

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much earlier NASA governors initially objected but later on they accepted this so we know that every budgetary fiscal year we have an allocation towards addressing to offsetting that financial burden

A question arises though, that's my concern the issue is not about leasing or not, budget making process is participatory process and the principle of public civic education as espoused in County Government Act I think it is 98 onwards is very clear Mr. Speaker Sir and this goes for prioritization.

Why did we prioritize as a department to necessitate, we talk of scarce resources other needy areas we deny because of opportunity cost, money to pay loans following leasing and we are not ready to utilize the equipment year in year out are we really competent as department? It is the CEO to be held responsible that's the only ground where failing to plan is like planning to fail, so equipment's are laying derelict.

So on this alone Mr. Speaker falling to plan we deny other aspects funding aspects as proposed by the public and you direct money to address something that you'd leased and you are not ready to use, so that is one of the heights of incompetency and the CECM as the policy bearer in that department Madam Dorothy she has to go Mr. Speaker; not just going anywhere but going out of providing services to the County Government of Siaya.

Number two am only concerned of one area I don't care how money is used ours is to oversight indeed, County Government Act says that we approve. Yes, the budget we approve but the PFM Act gives us tifas to approval without strings attached.

It takes us back to the principle of finance management that is I think chapter 12 and read from article 201 going upwards on strings attached to approval by us the highly underscored one is the power to appropriate.

Appropriate on programs we don't just appropriate, we don't just approve a budget but budget lines are tied to programs at no one time Mr. Speaker Sir, did we give the department when we said we appropriate for the purchase of drugs and the related as a program purely is that.

We did not surrender that power to appropriate when it comes to use to remove it from drugs to doing other things. Where did the CECM get the power to walk from the budget and you know in the end Mr. Speaker Sir, budget making process when it culminates into an appropriation law, it's a law.

Where did the CECM get the powers to operate ultra-virus the appropriation law then. The CECM should be relieved and indeed must be relieved of her services to the County Government Mr. Speaker Sir; also tied to appropriation Mr. Speaker Sir, am a member of health committee what Hon Otiato it is using to battle his Motion has come from our department.

I am a member of Public Accounts Committee and us of money outside the program Linda Mama Initiative is known countywide that money comes from them we just incorporate it in our budget strictly for that, the protection for mother and a child.

Here is a CECM to be seen to be in charge endangering the lives of our mothers and their children by using the amount meant to secure their lives to do other things. Mr. Speaker, there is

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no option here we have crossed the rubicon we don't voice ourselves not because of any other thing am a human rights defender.

Dorothy is a county mother, I don't know but I believe she has got a family, she has got loved ones but she took an oath; that's why it is us to approve the list of CECMs she has missed the threshold of service Dorothy has to go home I support.

Hon. E. Odawa: Thank you so much Mr. Speaker, while my brother Otiato MCA for East Yimbo was making submissions I was very keen and took my time hear him out clearly after hearing out what the chair lady for health laid in front of this house sometime back. The most important duty of CECMs is to follow regulations and procedures, that's why they put there.

So failure to follow regulations and procedures in itself is wrong and unacceptable, lending money to a contract while its ongoing without minutes to approve the payment, without a PMC Committee in place and we need to find out this, if at all treasury signed part of the voucher and those who signed the voucher must be held to account.

If at all there was a clerk of works also, must be held to account how did it come about raising a voucher of roughly 861,000 shillings to pay the contractor, if there was a Ward Administrator involved because I believe there was a procedure that was used to pay these monies. So I think we need to go a step deeper to find out all those officers who went in, who signed all these documents and they all must be surcharged and disciplinary actions must be taken against them.

Terms and conditions of contracts vary and they vary depending on what the contract says for instance if at all there was a performance bond which was issued and the contract may stipulate that it allows for advanced payments may be made I think we also need to go deep into the document and find out if that was the case.

If that was not the case, then the CECM for health must be held accountable if the payment certificates were they signed that's very important. The other day when the chair lady for health was giving us submissions, we learnt that there's lack of asset register, lack of inventory in a department and I think that's one of the first obligations and duties of a CECM that when you go into an office number one you have to find out what assets are held in that department.

You need to find out where your roles are where you started, where you end, what do you own, how do you put it in the best use? There's no such register that's the height of incompetence

The area where we have idle equipment, idle equipment which is supposed to be saving the lives of people of Siaya. I come from Sigomre Ward and I must say that in Sigomre Ward we have a big problem, the health centre is in a pathetic state. There is a construction of some staff houses going on there, we wrote to the department through the committee which is supervising the work that the works being done were shoddy.

We went there with the then CO for works Engineer Oduor who attested to the fact that indeed the works were shoddy, nothing was done the contractor proceeded with the work and

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claimed to have completed the work yet the quality of the work being done were terrible and as an engineer I'll tell you for free that even if you were to go and take tests, the results of that structure right now the way you can take test results, there even no wall passes on the walls, the quality of the blocks that were used are terrible, the walls were not aligned properly, the ring beam was done in a poor way, the mix design was terrible

I think we need a little professionalism when we are handling some of these works because building buildings is not sketchy it is a science whereby when a government undertakes certain contracts then they must be followed up with test result at various stages to make sure that the tax payer gets value for money.

So it's important for us also to implore our pound upon the ministry of Public Works to start a joint laid down principles of fidec whereby we must have those test results to make sure that quality is observed and which must be attached to the payment vouchers only then is when we can be sure that we are getting value for money.

Adding equipment when people of Siaya are dying, I think is unacceptable and when we have our CECM invest in equipment am told 90 million and they are idle. If you invest in equipment for 90 million, then you need to invest in man power I think it goes without saying any professional, anyone in his or her normal senses should be able to know that's very disappointing.

The other day when we were looking at the department of health report we learnt that there are no shelves in Bondo health centre and food were being put on the floor in a health centre where we are supposed to have the highest level of hygiene and the CECM is there. What is she doing?

We learnt the other day that there is no inventory of drugs whenever drugs are brought in which means that there's a lot of pilferage of drugs which come in and if there is no inventory no one is to receive the drugs then easily there are people who could take the drugs to the private dispensing chemist.

These are the same people who are messing up the name of our governor that we love so much. I think we are literary helping the governor do his job because if you have such officers who are underperforming and the assembly is here it's our duty to assist the governor. I think he should take this opportunity to thank dearly for a job well done by sacking this officer.

I think it goes without saying that any professional or anyone in his/her normal senses should be able to know that, it's very disappointing. The other day when we were looking at the department of health Report we learnt that there are no shelves at Bondo District Hospital and food was being put on the floor.

In a hospital where we are supposed to have the highest level of hygiene and yet the CECM is there, what is she doing? We learnt the other day that there is no inventory on drugs whenever drugs are brought in which means that there is a lot of pilferage of drugs which come in and if there is no inventory then there is easily there is people to take out the drugs and take them to their private chemist.

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These are the same people who are messing up the name of our Governor that we love so much and I think we are literary helping the Governor do his job because if you have such officers who are under performing and the Assembly is here it's our duty to assist the Governor I think he should take this opportunity to thank us dearly for a job well done by sacking this officer. It's terrible, like in Sigmore they even lack drugs, lack draping's and even the bedsheets in the hospitals are not there.

I have complained several times bur I have not got any response now to the extent that even the staff there are ill motivated. I have even complained about the staff in Sigmore health centre; there was a time when we had a problem of insecurity and people were being butchered left right and center.

The staff there would tell my people who are literally my employers that who told them to walk around at night? That is not the work of the people in the health centre; they take time to attend to patients or they leave the patients bleeding until the next day in morning when the staff come sluggishly at 9am to stitch the patient. It's not possible that we can have a project running without a bill of quantities; basically, how did the contractor get this job? How did he come up with a contract sum?

There is no Bill of Quantities, there is no contract agreement; this is a crime because it is only the bill of quantities after the drawings are done then you come up with the bill of quantities which the contractor is able to bid for that contract.

If you have no bill of quantities no minutes recommending payments to be done even if at all she felt so philanthropic to give some advance payment to the contractor; it should be done under certain specified ways. This is the same equally happening to Kimwarer and Aror dams; where people were being given money without any securities.

It's happening in the National Government and its equally happening here in Siaya. It's time for this House to rise up to the occasion and put a stop to this misuse and plunder of public resources at the expense of the innocent Siaya residence who are also tax payers of the Republic of Kenya. I would recommend that apart from impeaching officers, it's time to go for recovery of these monies which are lost; I think that's most crucial. We must go for each and every one who was involved in this process particularly in the construction works.

We must know all the officers who colluded to pay this contractor for a shoddy job done and we must equally involve a technical department i.e. laboratory dept. to come check and verify the quality of works done and if work was not done effectively then we must recover monies from the contractor. Equally we must recover money from all the officers because I believe that if this was done it was not only the CECM who was involved there so many officers along the chain.

We must recover the money and disciplinary action must be taken because sometimes the CECMs take so much of the burden yet the junior staff is equally not doing their jobs. It's important for us to have value for money from all the way from top to bottom and all the people who were in this line must be held accountable, I support.

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Hon. Ochola: Thank you, Mr. Speaker, Sir; for giving me an opportunity to contribute to this Motion. I want to laud this Motion and also to point up some gap in equal measure and make my stand on the Motion. Let me congratulate the Mover of the Motion---

Hon. Speaker: Hon. Nick Ochola matters like this is no double speak; did you sign this Motion as having agreed to it come to the Assembly? You didn't sign anywhere? This would be serious because two things; if you are denying what you did then we want to question the integrity or if somebody faked your signature what I have that allowed me to allow this debate to proceed has your signature as having sponsored or supported this Motion.

Kindly confirm to me if this is your signature and did you read the Motion before you signed it? By the time you were signing how many names had signed ahead of you? Which names can you recall to have seen?

Chair of Health Committee did you procure his signature through deceit?

Hon. Abigael: Mr. Speaker, Sir; I would say that Hon. Nicholas Ochola, MCA for North Gem is lying to this House because I told him specifically to read the first page which he actually did and he even asked me you mean you want to dismiss Madam Dorothy? He knew, he should stop lying to this House.

Hon. Speaker: Hon. Nicholas what do you have to say about this comment?

Hon. Ochola: This House to start talking against what I was opposing in terms of signature.

Hon. Speaker: Do you support the Motion?

Hon. Ochola: No, I have reservations about the Motion and I will not support the Motion.

Hon. Speaker: I want to remind Members on the provision when you sign. removal of Member of County Executive Committee; a Member of the County Assembly supported by at least 1/3 of all the Members of the County Assembly may propose a Motion requiring the Governor to dismiss a County Executive Committee Member on any of the grounds set out in section one which grounds have said to be:

Incompetent, abuse of office, gross misconduct, failure without reasonable excuse or written authority of the Governor to attend three consecutive meetings with the County Executive Committee, physical or mental incapacity rendering the Executive Committee Member incapable of performing the duties of that office or gross violation of the Constitution or the law. If the Motion is supported by at least 1/3 of the Members of the County Assembly.

The County Assembly shall appoint a select Committee comprising of 5 of its Members to investigate the matter. The select Committee shall Report within 10days. Under Standing Order no. 73 (5) that any signature appended to the list as provided under paragraph 4 shall be withdrawn and in your contribution you appear to want to withdraw your signature and if you insist you are not aware then because we cannot at this point ascertain who is saying the truth I will not just give you the opportunity to contribute then I will investigate this and if I discover that you are not being factual then there are consequences to that because we don't want to allow

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an Assembly where today you say this and you stand with it and then when the public gallery is full you change tune.

I am not saying that's what you have done but I'm saying that is what we don't want to allow. The beauty is you still have an opportunity even if this matter succeeds then there is an opportunity for the said CECM to appear before a Committee with representation. You will still have time at that point to appear before the Committee as even a friend of the Committee and talk to your colleagues.

You also have a chance when the Committee will be bringing its Report but to allow you to contribute at this point will amount to withdrawal of this signature which is not what I'm going to allow. I'm not going to give you chance on this. What is it Hon. E. Odawa?

Hon. E. Odawa: I hope I will be right; I'm just concerned with this habit of double speak in this Assembly---

Hon. C. Andiego: Thank you, Mr. Speaker, Sir; as an elected Member from Central Sakwa Ward I would like to support this by stating the following that; as elected leaders we have different roles and the most important one is representation of electorates who brought to the Assembly whether elected or nominated.

Noting that this is a House of rules I would like to state that according to the following things in this Motion I would like to support that the CECM for Health Madam Dororthy Owino--. The Member for Yimbo East talked about how she undertook a role that is bestowed upon CECM for finance. It is stated here upon satisfying conditions stated in sub section 3 and 4 of section 145 I think on the first page the CECM Dorothy took some money 29% that was in the Statement that was Tabled by the Hon. Member for South Gem Hon. Audi that the CECM channeled 29% of money meant for drugs and pharmaceuticals to pay some pending bills that were not passed through this Assembly.

This year we have Kshs. 68million for drugs and pharmaceuticals what of if its 29% of this amount that is meant to buy drugs and pharmaceuticals? I would like to support this Motion by saying that if you go to Central Sakwa Ward where I come from; it is the only Ward that doesn't have a stretch of tarmac; that means if somebody gets sick in Central Sakwa there is a high possibility of him dying before getting to the hospital at Bondo.

If the CECM for Health can take money that is meant to provide for the people of Central Sakwa in Hospitals like Oyamo, Ndeda and Sifu that are in the Island then the CECM for Health wants the electorates of Sakwa to die. I'm supporting this Motion because I'm tired of going to funerals every weekend on things that we can prevent as an Assembly, I think all these Members will support me on that.

We us Members both elected and nominated are bestowed with roles that we have to play and the most important one is to represent the electorates who brought us to this House. That is why I'm saying this CECM must go because I cannot be going to Nang'o health centre and Uyawi health centre which is the largest in the Central Sakwa and when you go there you find there are no Panadol or paracetamol. You cannot find them in the hospital because the CECM has taken this money and paid some pending bills which the Assembly doesn't know about.

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Since the CECM for health started working in her office; Siaya County is leading in HIV prevalence in the whole Nation and she is doing nothing about this.

There is very little awareness being made and very little campaign to curb the disease in this County. I will also like to state here that there is also the high mortality rate in Siaya County that has been influenced by very poor governance in the health sector that is being managed by the CECM for health.

That is according to the daily Nation review that Siaya is has the highest numbers in mortality rate in Kenya and a person living in Siaya is three times more likely to die than a person living in Nairobi. A recent report by the world vision stated that the infant mortality rate in Siaya County has passed National figure for infant mortality rate.

For every one thousand live births, the infant mortality rate stands at 132 in Siaya County as compared to the National figure of 52 for every one thousand births. A clear sign of poor health services in this County. I would like to support this Motion that the CECM should----, in fact she shouldn't even be in office because the electorates in Siaya County are suffering. People have been moving to Gobei which is a very small hospital and when they go they are referred to Bondo district they cannot find drugs, not find equipment.

Some Members were talking about lease of equipment, when you go to Bondo are there but not being utilized while our electorates are going there for medication. They can't find it there; they are referred from our own County to go to Kisumu County for treatment.

Recently somebody was involved in an accident and he was taken to Bondo hospital; at the hospital they couldn't manage normal first aid and they referred him to Kisumu for treatment. We wonder what we as Siaya County are doing to help our constituent or our electorates? I signed that I support this and I support in totality.

Hon. Odongo: Thank you, Mr. Speaker, Sir; first before I contribute to the Motion I would like to remind the Hon. Member on our Standing Order no. 112 (i) that is grossly disorderly conduct as he has deliberately given false information to the House. I would like to know the charges and also like to thank Hon. Otiato the Mover of the Motion---

Hon. Speaker: Whom are you referring to?

Hon. Odongo: Hon. Ochola.

Hon. Speaker: From where I sit I cannot know whether he lied or not and therefore what I direct is that both Hon. Nicholas and Abigael to write statements as per the circumstances under which one gave the other to sign and the other signed knowing or not knowing and the statements should reach my office by tomorrow 9am so that I'm able to give direction whether this matter ----

Hon. Odongo: Thank you, Mr. Speaker, Sir; I don't want to dwell on that but it's a norm. We also experienced this during the Roads Committee when they brought the Report but that is discussion for another day.

Allow me to congratulate Hon. Otiato, MCA for East Yimbo who has realized that we have necessary tools as stipulated in the Constitution. I agree with the Motion because our main role is to oversight. The Motion brought before us I believe that it is part and parcel of our role

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that is oversighting. For us to have drugs in our health centres and dispensaries; Dorothy must go home. To avoid the deaths that have been mentioned here in our Wards, Dorothy must go home. For the Executive and CEC Members to confirm and realize that the Assembly is existing she must go home. I support fully.

Hon. Akuno: Thank you, Mr. Speaker, Sir; the fact that I might be supporting the Motion but I have some contrary opinion. I would prefer that the Mover investigate further to make sure we remove the chief officer and the CEC Member for health. If you remember I was the whistle blower concerning the Bondo district hospital.

I went there in person; for the first time I saw a rat bigger than a cat inside a Ward. I did my investigations and I can confirm to this House that the chief officer is more powerful than the CEC. I wish the Mover could have included the chief officer---

Hon. Speaker: Hon. Akuno, please stay relevant to the Motion. You have all the latitude to bring any matter before this House but remember we must within the provisions of the law whether we can impeach chief officers or whether we can recommend action against them sighting their violations. You focus on the CEC Member for Health; that is the debate we have, proceed.

Hon. Akuno: What I believe the CEC Member is under siege; remember there is a time our Governor complained that his hands were tied and I believe even Madam CECM her hands were tied.

Hon Olasi: I stand to support that the Honourable CECM, Madame Dorothy must go home. Mr. Speaker, the mover has laid bare all the facts, including the provisions of the acts plus the constitution we need not to belabour much.

Article 212 states clearly that a county government may borrow money only if the national government guarantees the loan, with the approval of the county assembly. That's a law. Mr. Speaker.

Last week, we passed Appropriations Bill after passing the Budget almost two weeks ago and in that Budget, Kshs. 68 million meant to pay creditors under drugs and supplies.

What was difficult for the CECM to bring that 29% of the supplies that she is claiming that she couldn't supply the drugs to the hospitals that she used to pay the creditors who passed for her those monies? Violation of the act, we cannot allow that.

So without stating much, how many times have we approved here over Kshs.30 million to go replace cabro from the main road to the Hospital containing the equipment that we are paying Kshs.95 million lying idle the reason we do not have three phase power supply it doesn't make sense. Somebody must go home in the name of Dorothy Owino.

Mr. Speaker, early this year, there was death in West Uyoma the people that I respect most, my employers, a child of class two died the reason they could not manage to get a pain killer; leave alone the malaria drugs from Wagoro Dispensary, I had a statement here.

I don't know how the CECM heard about it; she called me and told me that the following day the drugs would be available, just imagine! Must we be pleading for mercies for our people to get the services? No, somebody must go home. that's a fact.

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We need not lie that our dispensaries, our health centres, our sub county. Mr. Speaker I am even humbled before this House, a member who took his time to go to Bondo sub county hospital and give a statement which led to how this money was allocated is here double speaking, he doesn't understand and I fail to understand how some people reason.

He is same Member who almost caused a total confusion in the House because the member represented the same area was not aware they were visiting his ward, He is now here defending the CECM because she is a woman; which provision in the constitution states that women should be impeached and states only men should be held responsible? I feel sorry for the Hon. Member

Hon. Speaker Focus on the motion, Hon. Olasi

Hon. Olasi. Mr Speaker, allow me to feel sorry

Hon. Speaker Order, Order, yes, Hon. Akuno What is it?

Hon. Akuno It's so unfortunate here. Is it in order for Hon. Olasi to say I went to Bondo Sub County Hospital without informing the area MCA, Hon. Aringo I think my people are also referred to the same Hospital.

Hon. Oriaro. Do we have strangers in the House occupying the space on the Floor and could it be the stranger is so much awake knowing what we are talking about?

Hon. Ochola on appoint of order I don't know how North Gem is coming in at this point yet you have ruled on my matter coz I was very clear that the sponsor of this matter is Hon. Otiato, not Hon Abigael.

Hon. Speaker. Hon Ochola, can you get out of the House! I have told you in the three occasions to observe our Standing Orders but you have ignored...

(Laughter and Applause)

on the matter of double speak. I have ruled on it. Hon. Olasi, focus on the Motion, Hon Akuno don't worry

(Laughter and Applause)

(Loud consultation)

Hon. Speaker: If were to cite the provision that was cited by Hon. Deputy speaker on misleading the House, then Hon Oriaro you have also misled the house

(Laughter and Applause)

Will you proceed, Hon. Olasi.

Hon. Olasi I am about to conclude. The honourable CECM must go home. We

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allocate monies and we approve the Budget, money is appropriated in the name of pay the casuals being then Linda mama project also provides money from the National Government, double locations, it is not a coincidence but a planned thing thinking that the assembly or the committee of health is blind to recognize those monies allocated.

Then that money should go to another project which can develop Siaya and such people we want to call CECM and such people must go home who are not them. Who else do you think? Dorothy must go home.

Hon. Omoro I have really been beckoning so that you may spot me but I know this digital thing as they normally fail because I've really tried to press it several times as hard as the serjeant has been really instructing me.

Mr. Speaker, I stand to support the Motion because, I have observed that there are people who would want to divert our attention from discussing this.

And Mr. Speaker, I think all Hon. members know that Health is a very touchy issue, is about life and death. And therefore regardless of where you come from, whether you're elected or nominated, you should stand tall and agitate for the rights of our electorates and we should make sure that in the health sector they do procedures are followed by pertaining to the work as stipulated.

Hon. Speaker, the Motion brought by the MCA Yimbo East Hon.Otiato is in good taste because I sit in the Health Committee and the issues brought in here, I have really scrutinized. We have called the CECM and her department, and the answers given are really never satisfying. Therefore it is in order that we discuss this today and make sure that Hon. Dorothy goes home.

The points given here are facts, which shows that when the CECM was a CO of Health and together with the Med Sup of Bondo Sub county , they went contrary to the PFM laws and Procurement and Asset disposal act and lent some of the money to the contractor a sum totaling to 400,000/=. The contractor known as Ms. Tuff Company during the construction of Bondo Maternity.

You find that at the same time, the CECM has gone ahead to factor in 1 million for the same contractor! Is something not nasty here? If the other amount was lent to the contractor outside the law, in the subsequent Financial Year, the same CECM goes ahead and factors in another one million to the same contractor!

What is it that is special with this contractor? Because I know that Contractors normally win awards with the contracted sum properly, clearly stipulated, and therefore there should never be small amounts lent to the contractors, and if there is any lapses, or the sum isn't enough, then the remaining amount should be factored in the supplementary.

Doing a project without CECM translates to total misuse of funds. With that I think Hon. Dorothy should go home. Even now as we grapple with the National Government to make sure that we get enough moneys, to do our Budget in the Counties, there are some CECs who are just seated in their offices with every intention to misuse our monies.

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There is no way a project can be implemented without a scope of work, without the BQs, without the PMCs who would be following the work. You find that the same CECM, Madam Dorothy, had and engages in a lease of Medical Equipment worth 95 million without any due signed MOU, between the County Government and the lending agents. This is contrary to the PFM act and the Public Procurement Assets Disposal Act. So I find it prudent for the CEC Madam Dorothy to go home.

Working in a hospital where there is no Asset register, which was evident in Bondo Sub County Hospital, when we went there incognito and tried to at least ask the officers to give us the register they have been using, they were half hazily running, bringing documents that were not tallying, even on the dates. You find a project that was started in 2018 and the PMCs supervision done in 2019 which made all these not tally.

On double allocation, in one of the meetings with the CECM, the Committee questioned her over the Linda Mama initiative double allocation, and she said, ‘you know the money is meant for Linda Mama but you should also factor it for us in the Budget, but in now came out clearly from the Committee of PIC/PAC which showed double payment.

The CECM also diverted 29% of the moneys meant to buy drugs. Even in East Ugenya right now there are numerous Health Facilities that are lacking drugs. Now when asked why we do not have drugs, we normally receive different unsatisfying answers. This clearly shows that the CEC diverted the 29 million to pay for other debts.

The Health Committee once sat with the CECM Health and her team in Kisumu, and we agreed to appropriate money for UHC, but with a reservation that money must be put in place. Later on she was to do the corrections and bring to the County Assembly for approval. To my dismay when we called her later on she told us that she had already started the registration of UHC. How did she start this? And with the view of misusing the money?

With the few remarks, I hope Hon. Members will support this that the CEC alongside whoever she will be charged with, should show us their backs, should withdraw from their offices, thank you.

Hon. Speaker: I would urge Hon. Members to be brief now, stop being repetitious; time is not on our side, kindly. Yes Hon. Lorna.

Hon. Adida: Thank you Mr. Speaker. Allow me to support this Motion too. Allow me to say that this is a House of rules, and any kind of spending in this County must always be approved by this Assembly. The fact that the said CECM has even gone ahead to divert funds meant to be utilized in this County to be given out is a total violation of the Act. We have so many challenges in this County which are being allocated to other areas should be utilized. This is a County that doesn’t even have access to the ambulances.

The said CECM has been there for quite so long, as even the CO of the docket, and I think these could have been the main projects that she could be working on. This is the same CECM to whom this Assembly passed 809 million in the past Financial Year. The money which was meant for Universal Health Care Coverage, and to date our people are suffering, our people are dying because they cannot access this kind of facility.

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Speaking on what the County Government of Siaya has done in in terms of health, in coming up with dispensaries, truth be said, there are so many dispensaries in this Count that are not yet operationalized. These are the kinds of funds that could have been used to operationalize these dispensaries that can even bring the said services to the people.

I want to say that the said CECM is a woman. I heard one of my Hon. Members saying that it's like we want to crucify women. I am a woman too, and women are known for best deliveries. When something is wrong is wrong and it's very important that we call a spade a spade when things are really not right.

It's true that the people of Siaya are really suffering, therefore I want to add my voice in supporting this Motion, and I think that this CECM should even have gone based on the challenges that we are facing. Thank you.

Hon. Speaker: Hon. Edwin.

Hon. Odhiambo: Thank you Mr. Speaker Sir. I would like to support and I want to congratulate the Mover of this Motion for doing that. I want to confirm to this House that we have been hunting the wrong person.

Sometimes back I heard that people were hunting for our Governor, but the Governor gave people work to do. The people given work to do are the ones failing this County. I believe it is not late and it is the right time for us to understand how the system works. So this time round I think 2 years down the line we have learnt exactly how to supervise.

So I think the Mover of this Motion is right and we are going to start with the CECM Health, Madam Dorothy who has really been sleeping on the job. Today I came late just because I went to one of the facilities in my Ward, what is being deliberated here is actually what is happening in our back yards. The lending factor, which the Hon Member has quoted the Constitution and the Act which is guiding us right now, I will not repeat on what has been said but the line which the CECM took was a very wrong line. Maybe she is in the wrong job.

As we are waiting for these things happening in our Wards, how can someone employ casual workers without pay? People are working tirelessly morning and evening, yet it's now three months and the workers have not been paid? How is this happening yet we budget for this in every Financial Year? I think the CECM is not doing her work.

On drugs, one of the Hon. Members talked about the inventories which cannot be followed because there is no proper record! This is also affecting the availability of drugs which should be availed to our people in the hospitals. This is not being done and that is why they do not know the number of people that are being treated in a day, even for the whole year.

If the records are kept well then I think we will know how much we need in our Hospitals. We will not sit away while we have numerous debts in our Wards. The Legislatures who are now dying of cancer are dying because of the stress given by the electorates. Cancer is brought to them by the electorates.

(Laughter)

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So I don't believe I will sit here and wait to die of cancer in the next 5 years. Otherwise I believe all the Hon. Members will support this Motion and if not all then ¾ will support and Dorothy will go home. Thank you.

Hon. Ochieng: Thank you Mr. Speaker. I want to congratulate the Mover for bringing this Motion, and I want to say that I dint sign the Motion by the time Hon. Nick was signing but having gone through the Motion, I have a reason to support.

(Laughter)

Hon. Ochieng: Mr. Speaker, I want to believe that not every citizen of Siaya should sit in that Health Office, but whoever is given that seat should bear the woes of each citizen of Siaya and feel the pinch on what the citizens of Siaya are really facing. Right now the whole Nation is mourning; our Leaders are dying of Cancer. If we don't take matters of Health seriously in this honorable County, then we will also be mourning our electorates.

For example the projects named in the Bondo Sub district Hospital, the Maternity wing block, a project started all the way back before the inception of the County Government, started by the National Government when the Counties were still not there, up to date, it is not in use and we are being told that the CECM is still borrowing money left and center to pay the contractor, who has not finished the work as per the BQ.

I want to say that Bondo is one of the facilities that have the worst maternity in this County and that is a project which has lasted for less than 7 years. Therefore the present CECM for Health is not a serious person and is not someone that we can trust in that position.

I want to believe that if the CECM borrowed the money and this facility is completed and in use, right now we would be saying different things. We would be defending the CECM because she borrowed the money and the facility is in use. Just as a Christian, when you read the Bible there is a day Jesus healed a sick person on a Sabbath day while the others were saying that this person is healing someone on a Sabbath day!

Jesus answered them by saying, when your cowing gets stuck in a hole on a Sabbath day, you will not leave it in the hole. If the facility would be complete, we will be talking of other things and if that didn't happen, we are seeing money being borrowed and not seeing the maternity in use. This is one of the reasons why the Hon. CECM must go home and a competent CECM be appointed to deliver service that the residents of Siaya County want.

When we talk of UHC, right now our residents are really suffering. Some of them are sickling back at home and they don't have money to go to hospitals and get treatment. When things happen without any guiding policy then someone can just do something as he/she wishes. When we say that we have passed this money in the budget and the CECM is running fast to start recruiting the beneficiaries, on which ground is she doing this?

What is guiding her on the recruitment on these beneficiaries of UHC? We are seeing this Hon. CECM is messing this entire County and we cannot sit and relax back when things are messing. There is a reporting that we were discussing in the other Assembly, the same report for

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Health when Members were saying that if we cannot send some of these CECMs home then we are the people who will be sent home come 2022 Mr. Speaker.

I want to thank the entire honourable House Mr. Speaker for having stood upright Mr. Speaker so that they defend their seats come 2022 Mr. Speaker and I want to bless those who are debating on this Mr. Speaker that those who will support this I pray for them so that the electorates should not send them back home.

This is a declaration that we made in the other Assembly Mr. Speaker when we were discussing on a report on health. Mr. Speaker I happen to be a board member of the referral hospital and last week on Friday when we went for a board meeting, we saw a very nice house that has been constructed by the national government Mr. Speaker and a CT scan machine.

That was my first time to see a city scan machine Mr. Speaker and when we asked the in charge, they told us the county has not funded the face three line to make sure that the city scan gets to operation Mr. Speaker and this the same government where they borrow money to do other things that don't add value to the electorates of Siaya.

This is a CT scan where any citizen from Siaya county Mr. Speaker who wants to go for a CT scan service is referred to Kakamega, Eldoret or Kisumu while we have got a machine that has been brought and when you go and look into that facility, it's among the best facilities in that hospital Mr. Speaker.

If all these can lie minus someone who is serious that can make sure that these things work appropriately Mr. Speaker, then if it is a matter of Madam CECM Dorothy going home Mr. Speaker, then so be it so that we get a competent CECM that can deliver services to our electorates.

Having read the mood of the House, Mr. Speaker, and having blessed those who have contributed towards this Motion, so that they can be re-elected come 2022 after sending here away Mr. Speaker why can't you give the mover of the motion to reply, otherwise I thank you and may God bless all of you who will be coming back in 2022 Mr. Speaker

Hon. Oyuago: Now that the mood of the house is so positive and now that I am mourning my great friend the late Hon. Ken Okoth that's why I am in black who passed on the other week because of poor health systems in Kenya Mr. Speaker, just call upon the mover to reply.

Hon Otiao: Thank you Mr. Speaker let me take this opportunity to first of all thank members who have positively contributed towards this motion. I know Mr. Speaker, when we are here a lot of interest come in especially sometime you might be able, you know we are in a political system and for you to remain relevant you must look at your back.

You might be failing to get your daily earnings and that might be leading us somewhere else. I want to confirm that one of the issues that have been raised I have heard one Hon. Akuno because when we are moving we know that what we are doing we are doing right and we are within the law and nothing else is changing into the position.

There are reasons we have brought the CECM for Health; we are talking about a system where a chief officer can be powerful than a CECM and therefore we need to go to a chief officer and leave alone the CECM.

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Section 45 (3) of County Governments Act says a County chief officer shall be responsible to the respective County Executive Committee Member for the administration of the County department as provided under the section 46. Meaning that the head of the department whom the Chief Officer is reporting to is the CECM. Going by the argument of the Hon. Member that the chief officer is more powerful than the CECM then the CECM should go home and the chief officer become the CECM.

There other time I was being called at Ulungu dispensary where a mother gave birth and didn't have anything to eat. The lindamama program ni maisha bora ya mama akizaa, so we need to provide the basic things for that mama gives birth at the local level that is why that money is coming but in Siaya we steal the money meant for paying the workers and use the linda mama to pay the casual workers.

It's a matter of money for porridge in the hospital but we use it to pay the cleaner and in the budget we have money for that. The CEC Member who is in charge of the department must just go home. A concern has also been raised through the aspect of the gender among the three but she is not the only woman who can be heading that department.

We are not saying that when she goes home there is no any other woman shouldn't be appointed in that position. This is a woman who is putting lives of women in danger; a woman who instead of giving chance for the woman who has come to give birth opportunity to get a proper care.

They use their money to do something else. She doesn't care about the woman so on the spirit and understanding of the woman where my mother comes in---. One of these fine days I was at a hospital; my mother in law was sick and I had to take her to the hospital. I never disclosed who I was; I was in the facility for about 4hours at night only to carry a result of malaria and medication then later, I am told that there was a mix-up so some people followed us with a motorbike, that you know that the one you are having is ours so meaning when they were writing the report the names changed.

The report for this person is different from the other person until very late what we were diagnosing and we were attending to the hospital late I was told after about six months that is cancerous and I am dealing with a cancer patient, the misdiagnosis started from Bondo.

There's a day when I was seated there, I also went to see another patient when I was asking now, because I also went to the people and got in and like them you know what the laboratory can be tested, the Labatory Technician come at their own time but we need to know what is supposed to be tested and the amount that is involved that cannot be found.

The machine which we are using for the laboratory test is so analogue, but this one, we need around one million to buy another So Mr. Speaker, this woman must just go home

There is also another Member who has a recommendation near for recoveries, I will advise that when we are moving into the other aspects of like looking at what point did you decide to spend the money out of the law, the ad hoc committee should proceed on by actually even giving us the actual amount, the point of deviation from what has been spent out of the law.

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Then what I expect, Mr. Speaker that when madam Dorothy is going home, she should not just go home, this is not a county where we should be stealing and going home, she should be going home directed to the EACC and recovery units do that immediately and I expect that for fellow members who will get to opportunity to be within the ad hoc committee.

This will be our next recommendation to set an example so that we move forward in good spirit for the better of our County. Mr. speaker, I conclude by saying that Members while we are voting this we vote, this is one in mind that we have neglected our duty and accepted the roles over executive to a level where we go to funerals and we are subjected to questions that should be answered by the executive.

We swallow such, come back and they take advantage of that when you are asked about the drugs in hospital you are not the Executive supplying the drugs and the pasta Budget that the money is not to supply the drugs rocks when you are asked about bad road you are not the one to make the roads.

In fact, today if you go to Kakamega, no MCA will be asked about roads because the governor ensured all roads are tarmacked but in our case I will have to struggle with answering questions about bad roads in Yimbo East. So we have given a job to get the people of the left the agenda for us.

The only solution is this that we come here. If you cannot do your job, well go home, bring another person if they cannot perform, go home because if you don't do it, it is as good as my Speaker. Thank you very much and again, I want to thank this honourable House for the support they have given.

(Question put)

Hon. Speaker: Having passed that Motion, Hon. Members, I want to take you through the next phase. I told you Section 40 sub section 3 says, if a Motion under sub section 2 is supported by at least 1/3 of the Members of a County Assembly, the County Assembly shall appoint Select Committee consisting of 5 of its Members, the Select Committee shall report within 10 days to the County Assembly whether it finds the allegations against the County Executive Committee Member to be substantiated.

The County Executive Committee Member has the right to appear and to be represented before the Select Committee during its investigations. The select Committee reports that its findings, the allegations are substantiated, no further proceedings shall be taken, and if substantiated, the County Assembly shall vote to approve the resolution requiring the Committee Member to be dismissed.

Therefore I direct that the Leadership of the House, the Majority Leader and the Majority Whip to ensure that we get this list of Members tomorrow morning, as much as possible, consider Gender and also where possible, consider Members who are known to be fair, that we are not biased, consider Members who are not from the Health Committee, and maybe Public Accounts and Investments because they have been mentioned here severally as though there are reports on the grounds upon which this is done..

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It is not a requirement, we just want to appear to be as objective as possible, these are only 5 people, and I know you can get that. Then those Members give sufficient Notice. I would advise, within 7 days to invite the CECM, so that next week by Tuesday, 7 days is reasonable, then you can invite the CECM on Tuesday and when Wednesday or Thursday we Table this Report, for debate. Next Order!

MOTION
ADJOURNMENT

Hon. Speaker: There being no other Business will you be upstanding for adjournment. There being no other Business, this House adjourns to tomorrow the Wednesday of 31st July, 2019 in the Chamber.

The House rose at 5.45 p.m.