

Wednesday, 13th November, 2019 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA
SIAYA COUNTY ASSEMBLY
THE HANSARD

Second County Assembly - Third Session

Wednesday, 13th November, 2019

The House met at the County Assembly Chamber at 9.30 a.m.

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

PRAYERS

MOTION

VILLAGE ADMINISTRATION UNIT BILL
(BILL NO. 9 OF 2018)

Hon. Deputy Speaker: Yes, Hon. Vincent Odawa, chairman for Governance and Administration Committee. Members, remember this is a continuation of the previous discussion on the same Bill.

Hon. V. Odawa: Mr. Deputy Speaker, Sir, just as you have rightly said it is a continuation, we tabled it sometime back and Members deliberated and we felt that there were some contentious issues that Members needed to iron out. I can report here that under the leadership of our able Speaker last week we had a Committee of General Oversight.

Members deliberated, and the gray areas have now been whitened. I therefore, believe that Members can now pass the report with a record speed and we do not need to Labour the Members again by going through the document again. Should I just go through it?

Hon. Deputy Speaker: Yes, I would request you as the chair to take the House through the Bill.

Hon. V. Odawa: Thank you, Mr. Deputy Speaker Sir. I believe Members have been provided with the Bill Report and I would first like to do the acknowledgement.

ACKNOWLEDGEMENT

Mr. Deputy Speaker, Sir, I wish to record the committee's gratitude to the House for having entrusted the Committee with the execution of the important duty of contributing to the efforts of streamlining the Governance and Administration Department in Siaya County. The

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committee is thankful to the entire membership for their dedication and commitment during the fact-finding and deliberations that made this report a reality. The Committee wishes to thank the offices of the Speaker and the Clerk of the Assembly for the support extended to it in conducting its public hearings. The Committee also thanks all stakeholders for their valuable indulgence in the Bill.

Mr. Deputy Speaker Sir, It is now my pleasant duty, on behalf of the Committee on Governance and Administration to present this report for immediate consideration and adoption by the house. The committee prays that this honorable House adopts the recommendations proposed in this report. It is now my pleasant duty to present this Report of the Sectorial Committee on Governance and Administration on the County Village Administrative Unit Bill, 2018.

Mr. Deputy Speaker Sir, kindly allow me not read the background and go directly to the views that we got from some stakeholders.

VIEWS FROM THE STAKEHOLDERS

1. The Chairperson of village unit Committee to have a stipulated term
2. The number of persons in the village unit committee to be either nine or thirteen.
3. **In East Asembo**, the proposed clustering of villages is as follows:
 - Omia Malo should be stand-alone unit because of its population and geographical size.
 - Omia diere and Omia Mwalo to form one village unit because of their small population.
4. The responsibilities of the village administrator should be outlined in the Bill.
5. The village administrators should be residents of the villages they are responsible for and therefore not transferable to other villages.
6. **In North Uyoma**, the units should be as follows;
 - Ragengni and Ochieng'a should form one village unit
 - Katweng'a village is large with a big population and should therefore stand alone.
7. **Ukwala** to be as follows: Doho, Siranga and Kondiek.
8. **West Ugenya** to be as follows: Karadolo, Masat, Sifuyo, Uyundo and Ndenga
9. **North Ugenya** to be as follows: Jera, Segal and Kagonya
10. **In Sidindi**, the units to be as follows: Ruwe, Yiro West and Rangala
11. **In North Sakwa** the units to be as follows: Abom, Ajigo, Barkowino East and Barkowino West.
12. **In South Gem** the village units to be as follows: Gombe, Ndori and Kaudha
13. **In North Uyoma** Ward the units to be as follows: West Katweng'a, East Katweng'a, Ochieng'a, Ragengni and Masala.
14. **In Yimbo East** Ward the units to be as follows: Bar-Kanyango, Nyamonye, Got-matar, Usigu, Got-Ramogi and Aduwa.

15. **North Alego** Ward the units to be as follows: Kowet, Nyalgunga and Umala.
16. **In Yimbo East** the Units to be as follows: Usenge, Got-Agulu, Mahanga and Mitundu
17. Minimum age for appointment to the Village Council should be 21 years of age instead of 18 years.
18. The minimum educational qualifications should be a KCSE certificate.
19. In case of any dispute in relation to the restructuring process, the County Assembly should have the final word but in consultation with the public.

Proposed Amendments From The Department Of Governance And Administration

Upon request by the committee, that the C.E.C.M Governance and Administration do review and identify gaps in the Bill and communicate the same to the committee, the C.E.C.M governance and Administration through a letter dated 14th January 2019 outlined the following amendments:

- I. In section 3 (1), the number of village units is indicated as 75 but in the schedule it is indicated as 79. 79 be taken as the correct number and be applied uniformly throughout the Bill.
- II. Section 8(1) states that any person above the age of 18 years is eligible for appointment as a village elder. This is not practicable for the simple reason that by all standards a person of age 18 is still a youth and lacks the requisite experience to be a village elder. We suggest that the minimum age be changed to 35 years.

We converted sub-locations to village units and I urge all the Members representing Wards to go through the report and confirm if the village units on the paper are the same as on the ground.

Hon. Deputy Speaker: Hon. Vincent Odawa, can you kindly take the House through the report?

COMMITTEE RECOMMENDATIONS

1. Section 3 (1) to be amended to read;

There is established one hundred and eighty-nine (189) village units in accordance with Section 48 (1) (d) of the County Government Act.

2. Part IV to be amended;

The term village elder used in this part should be replaced with member of the village council

3. Section 9 be amended to read;

A member of the village council shall be paid such allowances as shall be determined by the County Public Service Board in consultation with the Salaries and Remuneration Commission and approval by the County Assembly.

4. Section 11 is amended to read

The members of the village Council to be engaged on a three years' renewable contract basis, based on their performance and delivery

5. Section 4 (2) of the bill to be amended to read

The village administrator shall have professional qualifications and technical knowledge in administration and shall be competitively appointed by the County Public Service Board on a three-year renewable contract with the approval of the County Assembly.

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The committee further recommends that the basis for delineating the village should be premised on the already established sub – locations and hence these sub locations will be villages, as documented in table below.

I wish to call upon my able vice chair to second.

Hon. Audi: Thank you, Mr. Deputy Speaker, Sir. If you look at the Committee recommendations ...

Hon. Deputy Speaker: Hon. Audi you have been called upon to second so if you are not in a position to second let someone else do it before you raise your concerns.

(Question proposed that the Bill be read a second time)

Hon. Oriaro: Thank you, Mr. Deputy Speaker, Sir. Briefly, I want to thank the House Committee on Governance and Administration for having strenuously seen to it that we have a report that is acceptable. It was not easy because the creation of units usually goes by emotions because units are nearly physical in nature and ones you have been isolated from one geographical area to another generally you lose a sense of belonging.

I can recall I was very much emotional on this because the earlier configuration was to a greater extent a report or a document that would have brought about a legislation that is ultra-vires the provisions of Law especially the Constitution of Kenya.

I am happy to say that now we have agreed that sub-locations remain the County Village units. We would have prayed that we split them so that we take governance closer to the people because that is what the Constitution talks about and that is the essence of Devolution.

In supporting this, history is made without even our efforts for instance Central Alego Ward is now making history because if you look at the report we are the number one County Villages.

I can see Ojwando A already baptized number 1 village, Ojwando B number 2, Kochieng' A number 3, Kochieng' B number 4, Koyeyo number 5, Kakum number 6, Kadenge number 7 and Obambo number 8. However, only one little correction because this would go for grammar the number 6 should read Kakum Kombewa and he should know that because he is our neighbor.

Earlier when I said that it was not easy, Kadenge was lumped with Obambo and Kakum Kombewa yet for you to move from Kadenge and Obambo in South Central Alego you criss - cross three other villages that is Koyeyo, Ojwando A and B of Central Alego location then you reach Kakum Kombewa. Oriaro is supporting, thank you.

Hon. Audi: Mr. Deputy Speaker, Sir; I support the document and even the tabulation on the fact that now the sub-locations will be actual village administrations. I only have one thing on the Committee recommendations. Section 3 where there is established 189 village units in accordance with section 48 (1d) of the County Government Act.

If you look at the exact schedule now as per the number of sub locations; there are 188; I don't know whether Members can see it. There is a bit of difference; the actual one is 188 and

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what should be there as an amendment should be 189. I don't know where the mistake is coming from.

Hon. Deputy Speaker: Hon. Audi; I thought that you were one of the Committee Members of Governance.

Hon. Audi: I am saying that it may have been a misprint which of course Members should know the actual one.

Hon. Wandera: Thank you, Mr. Deputy Speaker, Sir; I am the happiest person because I am one of the people who wished that the idea of amalgamation of sub locations should not have arisen. The intention of devolution was to bring services closer to the people like Hon. Oriaro said.

It's only unfortunate that he got to speak first being a senior he should have left us to start first then he can summarize. I am happy because devolution was intended to be brought closer and if there were funds, in fact even the sub locations would have been split to make two administrative units.

In Sidindi Ward; they were amalgamating Uhui which is at the furthest end of the Ward with Rang'ala which is to another furthest end. It wasn't really reasonable but now I appreciate under the Chairmanship.

The Chairman is very wise for what you have done except in Sidindi; in the early notes you have really stated wrongly that Sidindi comprises of Rue, Yiro West, Simenya and Rang'ala. In those notes they are only unlike in tabulations which you are right because every sub location stands alone but in the notes you have omitted Uhui and Yiro East.

Hon. Oyugi: Thank you, Mr. Deputy Speaker, Sir; I stand to support this Report. First, I would like to appreciate the Chair and his Committee on coming up with this Report and on listening to the people's voice on the need of the sub locations to be village units given the diversity of the population and clannism in certain areas.

Secondly, I would urge the Committee to act with speed to ensure the implementation of this Report keeping in mind that this is something which has been in need for a long time and we want our people to enjoy the fruits of devolution with this village unit.

Lastly, I would just want to bring the attention to my Ward, East Asembo Ward where you have named one of the village units Umiadi. There is no area called Umiadi it's called Umiadiere; you can make that small correction. I support the Report.

Hon. Omwende: Thank you, Mr. Deputy Speaker, Sir; it seems that you are forcing other Members to speak but they aren't intending to. I am supporting the Report and I would also assimilate myself with this Committee so that other Committee with pending Bills should follow suit.

Siaya will be the 29th County that is implementing this; it is very important to Siaya and it will be in history. I must say that this is something to associate with. In the future we should have a broader perspective towards looking into these village units. In 2020, if I will still be here I will come up with disability units, thank you.

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Hon. Winga: Thank you, I stand to support the Motion because the services have been taken closer to the people creating the village units. Since it has been per sub location this is when our people are going to get the real effect of devolution.

Hon. Adalla: I commend the Committee for a job well done and for having taken their time to really get to the sub counties to get the opinion of the people. My only concern is in section 5, 4(2) as you have amended it.

That the Village Administrator shall have professional qualifications and term of reference the Committee is saying that they will serve on a renewable contract. I recall we were specific that it can be renewed once but as it is if it is left this way then it means that we can have somebody sitting in it term after term. In our thinking it was that if I serve in this term then I can just renew it once then I get out of that position.

Hon. Atieno: Thank you, Mr. Deputy Speaker, Sir; being a member of this Committee, there are a few corrections I would like to make. Kochieng should have an apostrophe, it's not Katweng'i but Katweng'a; those small corrections should be made and Ochieng'a is not Ochienga.

Hon. Odhiambo: I would also wish to commend the Committee for a job well done as well as the Committee of the whole House who also consulted with the Committee so that this Bill could be successful.

It is true that we are passing the Village Administration Bill which is one of the key Bills before us apart from the ones which are not already in the House but I would just request that as much we are passing it let it not be in the library but should be practical.

It should be something which should be implemented to help the people of this County and as much we have done this it is going to be put very clearly to those that this department falls under.

Secondly, I know it might be a typing error or maybe the person who was doing it was not very much keen; if you look at the areas where there are some amendments in the Village Units, it might be a repetition but the minor details are just correct.

We have two Yimbo East, we have 2 but the other one if you check number 16, is supposed to be Yimbo West, because Mahanga is in Yimbo West. Finally I would like to say that, there are very important Bills that should be brought into this House which is the Co-operative Bill.

I think we should also have that one to be passed in the House. It is even more important than what we are doing now. Otherwise I support and urge other Members to support too so that this Bill be passed and let it be functional. Thank you.

Hon. Deputy Speaker: Hon. Members, I wanted to read something on gross disorderly conduct, the Member who walked out when his phone was ringing is not yet back. Therefore let me request the mover to reply.

Hon. V. Odawa: Thank you, Mr. Speaker. I would like to thank all the Members for supporting this proposed Bill. I really appreciate. There was a concern from one of the Members, Hon. Oriaro about one of the Units, Kakum Kombewa; it will be corrected to read KakumKombewa that will be taken care of.

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Then there is also a concern by Hon. Audi, who happens to be my Vice Chair, about what happened to the number of villages listed. Ofcourse I would say that we have 89, but when you go down and count them physically, they are 189. I think that when we were looking at this Bill, in the oversight meeting in Kisumu, we found that that there were units that---

Hon. Wandera: Thank you, Mr. Speaker. Is it in order for the Chairman to say that Hon. Audi just happens to be the Vice Chair and is not the Chair? He happens to be!

Hon. Deputy Speaker: Hon. Wandera, point taken. I think Chair will respond on that.

Hon. V. Odawa: Thank you, Mr. Speaker. You know Hon. Wandera happens to be a teacher and teachers are always good in English. Thank you for correcting me. Anyway that one will be corrected. It happened that the true pictures if I am correct, they will be 188. That will be subject to correction.

So give me time, by the time we come for 3rd reading, I will have corrected that. I also thank Hon. Wandera for his accommodation of the Committee, having considered his Ward for that, and then there was some input by Hon. Judy and Hon Edwin I believe that the Hon. Members know that this ends here after third reading so the implementation rests with the Executive.

Hon. Judy talked about Omiya D, which will be corrected to Omiya Diere. Hon Omwende recommended that in one time we should have atleast one unit reserved for people living with disability. I think that is a discrimination of the highest order. You cannot take our brothers and sisters who are maybe challenged in different ways and set a unit for them somewhere. Even the Constitution cannot allow that.

Hon. Deputy Speaker: Yes Hon. Omwende, what is your point of order?

Hon. Omwende: Thank you, Mr. Speaker. Is it in order for the Chair of Governance and Administration, whom I know very well to come up with issues that I didn't even say? Because what I meant is quite different from what he is talking about.

Hon. Deputy Speaker: Chair kindly correct your sentiments. Hon. Omwende is denying that that is not what he said. Is it in order?

Hon. V. Odawa: Thank you, Mr. Speaker. You know one word can be said and then it is interpreted differently by different people. I am sorry if my interpretation of what he said is not what he meant. I apologize for that.

Hon. Adala talked about what was agreed upon that the contract for the employment be one year and not beyond. I think it was generally agreed that it should not be just one term; actually Members agreed that it should be renewable so that if you have somebody, you can always renew the contract. That is what was agreed upon as much as it was against my wish. Anyway I thank Members for supporting this proposed Bill.

Hon. Deputy Speaker: Thank you, Chair Governance. You have realized that the obstacle in this Bill was the amalgamation of the Villages and how far they were. I believe that the Members are in agreement.

I wanted to read something, since the Members; Hon. Audi and Hon Booker are back, on the Standing Orders on Grossly Disorderly Conduct. Let us move to

- (i) Acts in any other way to the serious detriment of the dignity or orderly procedure of the House.

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I can remember under the Speaker's rule of the House, we always urge Members to put our phones on silent mode, and we have seen what happened sometime back with our Hon. Member which is not a subject of discussion right now. I just wanted to highlight on the Grossly Disorderly Conduct.

(Question put and agreed to)

MOTION
ADJOURNMENT

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

There being no other Business, the House stands adjourned until today Wednesday Afternoon at 2.30 pm in the Chamber

The House rose at 10.39 a.m.