

Wednesday, 16th October, 2019 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly – Third Session

Wednesday, 16th October, 2019

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

RETURN OF HON. MBOHA FROM SUSPENSION

Hon. Speaker: Sergeants, invite Hon. Mboha to stand at the bar.

(Hon. Mboha ushered in)

Hon. Joseph Mboha, the Chair wants to bring it to your attention that this House had considered your matter of attempting to storm the County Assembly in the company of unruly youths, jumping over the Assembly security wall aided by a gang of goons, assault on an assembly staff who was in line of his official duty and shouting disenchanting words bordering on insults against the Assembly leadership in the full presence of staff and other visitors.

In considering the matter, the Assembly invited you and made the following recommendations which were adopted by the committee which were later adopted by the House:

All media personalities to be accredited before being allowed entry into the County assembly precincts from the date of adoption of the report

As for the staff of the Executive who accompanied you while storming the Assembly, the matter be reported to the Executive and the police for further investigations and action and that they are hereby barred from accessing the County Assembly precincts

The County Assembly Clerk to report members of the public who accompanied you and participated in the creation of disturbance to the police

The management of the County Assembly to re-enforce security within the precincts

The Committee of powers and privileges to deal with matters whose discussion was stayed by the Siaya High Court as per the decision of the court

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That Committee on Powers and Privileges and the Committee on House Business and Rules, the Speaker to reveal with immediate effect the Siaya County Assembly specific code of conduct and the County Assembly Standing Orders in relation to the conduct of members within the precincts of the County Assembly to instill order and decorum and that you be suspended for a further 45 days upon the expiry of the 28 days

Hon. Members, Hon. Mboha has served his term of suspension and it is his time now to come back to the Assembly. I admit him myself and I urge you to accept him as one of you. Give him the necessary support that he deserves.

I will give him an opportunity when we shall have admitted him to talk to you and maybe say if he is apologetic or not. At that time, I will not allow any member of the public in the gallery or the media because it is an in-house matter.

I also want to report to you as your Speaker that I have had discussions with him, he is remorseful. He has committed to respect this House and always be guided by the principles of decorum. Please do not discriminate against him. As his leader I am convinced he has shown remorse and is ready to discharge his duties diligently and with respect.

Hon. Mboha I welcome you back can you come and take your seat.

(Applause)

(Hon. Mboha took his Seat)

There is the matter of his membership in committees. I will give directions; in the meantime let him resume the committees he had been serving in.

NOTICES OF MOTIONS

MEMBERS OF PUBLIC INVESTMENT COMMITTEE

Hon. Olasi: Thank you, Mr. Speaker, Sir. I beg to give notice of the following Motion:

Aware that on Wednesday, 7th August, 2019, this Honorable House amended the County Assembly of Siaya Standing Orders 196 to constitute two separate committees that is Public Accounts and Public Investments

Further aware that section 196(A) of the Siaya County Assembly Standing Orders provide for the mandate of the Public Investment Committee. Having considered the provision of the Standing Orders, this House resolves that the following members to serve in the Public Investment Committee

Hon. Peter Odera Oor

Hon. Samuel Siguru

Hon. Leonard Otieno Oriaro

Hon. Sylvester Madialo

Hon. Winnie Otieno

Hon. Fredrick Opanga

Hon. Simeon Ousa

Hon. Charlton Andiego

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Hon. Speaker: Hon. Nick, I know you shared with me this list but I am getting worried about gender. You may have to withdraw it. Let's not debate it now. You even want people with disability and youth? You will consider gender which is very key.

We shelve it for now. Even if they are 9 we have two ladies assuming the other person is a lady does that make it 2/3? You can consult if you want to add another lady now it's okay. Later? Okay the Motion is withdrawn.

(Motion withdrawn)

Hon. Adala: You also need to be keen on regional balance because as it were Alego is appearing so many times in this list because out of a list of 8... so you consider that as well.

Hon. Speaker: Maybe Ugenya is under represented or all the regions apart from one are underrepresented? Point noted.

We had given notice yesterday on education? Give it now.

MISMANAGEMENT OF LIGANWA VOCATIONAL TRAINING CENTER

Hon. Adida: Thank you, Mr. Speaker, Sir. Allow me to give the following notice of Motion:

THAT, this House adopts the Report of the Sectoral Committee on Education, Youth Affairs, Gender and Social Services on the Statement request by Hon. Leonard Oriaro on mismanagement of Liganwa Vocational Training Center by the Board laid on the Table of the House on Tuesday, 15th October, 2019

STATEMENTS

STALLED CONSTRUCTION OF ECDE PROJECTS IN CENTRAL GEM WARD

Hon. Abigael: Hon. Members, pursuant to Standing Order 126 I rise to seek a Statement from the CECM Member for Education on stalled construction of ECDE projects in Central Gem Ward.

In the Statement, the CECM should explain why the following ECDE projects in Central Gem are currently stalled and exposed to harsh weather conditions risking possible destruction. The projects include karariu ECDE, Nyawara ECDE and Kojuok ECDE

The CECM should explain the plans the County Government has in completing the said projects. I will be willing to receive the committee for an inspection if they so wish to come to my Ward

Hon. Speaker: I hope you will stick to the 14 days practice. You will give the report within 14 days. You ensure the Member who has raised the Statement is part and parcel of your investigation and if you can find time you go and see the centers by yourselves.

HON. MBOHA

Hon. Speaker: Yes, Hon. Mboha.

Hon. Mboha: Thank you, Mr. Speaker, Sir, for giving me this opportunity to talk to Hon. Members. I want to thank you as the Speaker and the Members for being patient with me with regards to the incident within the last 4- 5 months.

I am very remorseful about those particular events and I am willing and ready to work with the Members as a team and cooperate with my Members as we have been doing before. I humbly ask all the Members that let's work together. I pray that moving forward all will be well.

I know that I am going to follow the rules and regulations that are there within the Assembly so I want to say thank you for taking the leadership roles and talk to me as a person and so many other members talked to me individually in regards to such so I want to appreciate all the efforts that are made towards that.

I am your prodigal son maybe you can organize for me a bash after lunch. From the bottom of my heart I love you people, I missed you for the duration that I was away. Thank you.

BILL

(Second Reading)

THE SIAYA COUNTY LAWS, INSPECTORATE COMPLIANCE AND ENFORCEMENT BILL 2018

(COUNTY ASSEMBLY BILL NO. 3 OF 2018)

Hon. V. Odawa: I wish to move:

That The Siaya County Laws, Inspectorate Compliance and Enforcement Bill No. 3 of 2018 be read for the second time.

We have the mandate of the committee and I am sure each Member of this House has the Report with them. I take this opportunity to thank your office and that of the Clerk.

It is 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 recommendation of this Report.

It is now my duty to present this Report of the Sectoral committee of Governance and Administration on the Siaya County Laws Inspectorate Compliance and Enforcement Bill 2018.

I have a brief on the background of the Bill. In line with the provision of Article 183 of the Constitution of Kenya 2010 one of the functions of the County Executive Committee is to implement both County and National to the extent that the legislation require. Article 189(1)(b) further gives the county government a responsibility to support in the implementation of legislation of other levels of government especially the national government.

In addition, Article 185(2) gives the county assembly powers to make laws necessary or incidental to the effective performance and exercise of the powers of the county governments as provided for under the Fourth Schedule.

It is on this regard that the Siaya County Laws Inspectorate Compliance and Enforcement Bill 2018 should be considered to actualize the implementation of the attendant provision of the Constitution

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With your mandate we went to the public and heard their views. I will sample some of the views from the public like in part 3 of the Bill provide for the procedure of appointments, deployments, ranking and discipline of the officers under the inspectorate unit

The County Public Service Board should be responsible for the recruitment of the officers as well as their deployment. However, the Bill that we took to the public unfortunately ignores role of the Board when it comes to discipline of the same officers.

It was a public view just like any other officers in the county government service, the County Public Service Board should play a major role in the discipline of these officers. The role of the disciplinary committee may only be to hear the cases but the County Public Service Board should make the final decision just as it does with other staff.

The Bill also provides for the power of the officers under the Bill to enter premises. It was the view of the public that this part must be carefully thought out guarding against the violation of the right to property and the right to privacy of individuals as provided under Article 31 and 40 of the Constitution of Kenya.

Further in pursuing compliance and enforcement objectives, the enforcement officers must operate in a manner that is fair consistent and without bias and in accordance with the legislation.

In fact, I am amazed that the members of the public are so much enlightened these days that they proposed some amendments which to me seems like the ones that we have in 3rd Reading. Since every Member has these amendments with them I don't need to go through them.

I ask Hon. Audi to second.

Hon. Audi: I second

(Question proposed)

(Question put and agreed to)

Siaya County Laws Inspectorate Compliance and Enforcement Bill 2018, a Bill for an Act of the County Assembly of Siaya to provide for the establishment of Siaya County Laws Inspectorate Unit and for matters connected thereof

BILL

(Second Reading)

THE SIAYA COUNTY HONOURS AND AWARDS BILL 2018

Hon. V. Odawa: Thank you, Mr. Speaker. I wish to move the Motion:

THAT the Siaya County Honors and Awards Bill, 2018 be read for the second time. Just like the last Bill which I have just read, this one also has the mandate of the Committee.

I will go straight to the views we had from the public. We went to all the six Sub Counties and I will sample views from Ugenya Sub County held at Ukwala Town Hall.

- i. The County Assembly leadership should not be part of Honors and Awards Advisory Committee to enable effective oversight.
- ii. A member of the public should be identified to be member of the Committee.

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- iii. The Bill should provide for Advisory Committee in every Ward.
- iv. The County Advisory Committee should include one member from a Religious Organization. The Award should also come with some monetary provisions.

Alego - Usonga Sub –County at Agricultural Training Centre

- i. Section 4; composition of the County Honors Advisory Committee

The following members should be incorporated into the committee;

- Representative from the veteran association in the County
- Representative of the Youth, people living with disability and women

- ii. Third schedule

The awards should not be categorized for specific persons but they should be open to everybody.

- iii. Section 4; establishment of the Committee

The membership of the County Honors Advisory Committee should be reviewed and that it should only consist of one representative from the County Executive and the rest from the public

Ugunja Sub-County at Ugunja Town Hall

- i. There was a view that the bill had no weight and will not help the Citizens of Siaya, the Siaya County Government should hence concentrate on crucial issues like development.
- ii. Others appreciated the bill and held the idea that Siaya County had so many heroes and heroines and that this honoring should have started early.

Bondo Sub – County - CDF Hall

- i. Honors and awards should extend to the families of the heroes.
- ii. Persons with disabilities should also be considered for awards and in the composition of the advisory committee
- iii. Where a honor includes any activity in the name of a hero or heroine, the activity should be done/ implemented in the locality/ area where the hero or heroine comes from
- iv. Honors or awards to include acts of community development such as; continuation of the activities previously executed by the hero or heroine
- v. Bill to consider hardworking non-professionals as well.

VIEWS FROM THE DEPARTMENT OF GOVERNANCE AND ADMINISTRATION

- i. In part II of the bill the word ‘honours’ has been used instead of ‘honors’. This should be remedied for the sake of uniformity.
- ii. The Bill fails to prescribe for the quorum of the committee. This is important as to determine the legality of the decisions of the committee. The assembly should therefore prescribe for it.
- iii. Section 5(4) provides that decisions shall be by consensus, and where there is no consensus, a decision shall be made by the majority. This should not be the case, and all decisions should be made by majority.
- iv. Section 5(5) should be amended to read “..may meet and transact business at...provided there are five or more members present”

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- v. Section 5(6) should be added to read the decision arrived at by the members present shall be deemed to be the decisions of the committee.
- vi. Section 14(4) is unclear. The bill need to provide the procedure for how this conferment will be done for example, time of conferment, shall it be when they have assumed office or when they are leaving office? Is that conferment going to be automatic on assumption of the office or will the committee do a proposal?
- vii. In section 21, the Executive Committee Member should also make regulations to govern the procedures for meetings of the Honors and Awards Committee.

COMMITTEE RECOMMENDATIONS/ AMENDMENTS

1. Section 4 is amended by deleting the following –

(d) The Speaker of the County Assembly

(f) The Leader of Majority in the County Assembly

(g) The Leader of Minority in the County Assembly”

2. Section 4 is amended by adding;

(d) The County Executive Committee Member responsible for Finance

2. Section 5(4) is amended to read;

A decision of the committee shall be made by majority of the members

3. Section 5(5) is amended to read

The Committee may meet and transact business provided there is quorum

4. Section 14(4) is amended to read

Notwithstanding the provisions of this section, persons elected to the office of the Governor and Deputy Governor of Siaya County, shall automatically after the announcement of official results of the election, be deemed to have been conferred with the respective medals applicable to them as specified in the Second Schedule

Thank you. How I wish Hon. Otiato to second it.

Hon. Otiato: Seconded

(Question proposed)

(Question put and agreed to)

(Bill read a second time)

COMMITTEE OF THE WHOLE HOUSE

[The Speaker (Hon. Okode) left the Chair]

IN THE COMMITTEE

[The Temporary Chairperson (Hon. Madialo) took the Chair]

HONORS AND AWARDS BILL, 2018

(Clauses 2 to 3 agreed to)

Clause 4 & 5

Hon. V. Odawa: Chair I move that Section 4 is amended by deleting the following; The Speaker of the County Assembly, the Leader of Majority in the County Assembly, the Leader of Minority in the County Assembly

(Question proposed)
(Question put and agreed to)

(Clause 6 to 13 agreed to)
(Clause 14 agreed to)
(Clause 15 to 22 agreed to)
(Schedules 1 to 4 agreed to)
(Title agreed to)
(Clause 1 agreed to)

THE SIAYA COUNTY LAWS, INSPECTORATE, COMPLIANCE AND ENFORCEMENT
(BILL, 2018)

(Clause 2 agreed to)
(Clause 3 to 10 agreed to)
(Clause 11 to 20 agreed to)
(Clause 21 to 24 agreed to)
(Schedule 1 agreed to)
(Title agreed to)
(Clause 1)

Hon. V. Odawa: Thank you, Chair. I beg to move that the Committee do report to the House its consideration of the Siaya County Honors and Awards Bill 2018 and its approval thereof with amendments.

(Question put and agreed to)

Hon. V. Odawa: I beg to move that the Committee do report to the House its consideration of the Siaya County Laws, Inspectorate, Compliance and Enforcement Bill, 2018 and its approval thereof without amendments.

(Question put and agreed to)

(The House resumed)

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

Hon. Speaker: Hon. Members, you will note that we have students from the public gallery and I will recognize them and ask the Member representing the Ward where Liganwa

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Vocational Training Institute is premised to say a word of welcome. On the public gallery are students from Liganwa Vocational Training Institute, will you welcome them?

(Applause)

Hon. Oriaro: Thank you, Mr. Speaker. I am overwhelmed by the presence of the students of Liganwa. I am aware that they had concerns and they were brought to this Hon. House. I really appreciate their presence as to getting first hand implementable response to their concerns and especially their wellbeing. Karibuni!

Hon. Madialo: Mr. Speaker, Sir, I beg to report that the Committee of the Whole House has considered the Siaya County Honors and Awards Bill 2018 and approved the same with amendments.

Hon. V. Odawa: Thank you, Mr. Speaker, Sir. I beg to move that the House do agree with the Committee in the said report.

(Question proposed)

(Question put and agreed to)

Hon. Odawa: I beg to move that the Siaya County Honors and Awards Bill 2018 be read a third time.

(Question Proposed)

(Question put and agreed to)

(Bill read a third time)

Hon. Speaker: Hon. Members, I give appreciation to the author of the Bill because the Committee took the Bill from a private Member, the Hon. Member for South East Alego, Hon. Joseph Mboha, was the author of the Bill.

We encourage as many of you as possible to participate in initiations of Bills because this will be a milestone noting that on the 20th will be having celebrations and if we had had this much earlier, perhaps we would have had an opportunity to give our needy hero and heroines awards on that day. Thank you, Hon. Mboha. Next order!

Hon. Madialo: Mr. Speaker, I beg to report that the Committee of the Whole House has considered the Siaya County Laws, Inspectorate, compliance and Enforcement Bill 2018 and approved the same with amendments.

Hon. V. Odawa: Thank you, Mr. Speaker, Sir. I beg to move that the House do agree with the Committee in the said report.

(Question proposed)

(Question put and agreed to)

Hon. V. Odawa: Thank you, Mr. Speaker, Sir. I beg to move that the Siaya County Laws, Inspectorate, Compliance and Enforcement Bill 2018 be read a third time.

(Question proposed)

(Question put and agreed to)

(Bill read a third time)

MOTION

MISMANAGEMENT OF LIGANWA VOCATIONAL TRAINING CENTRE BY THE BOARD

Hon. Adida: Thank you, Mr. Speaker, Sir. Allow me to move a Motion: THAT this House adopts the report of the Sectoral Committee on Education, Youth Affairs, Gender and Social Services on the Statement request by Hon. Leonard Oriaro on mismanagement of Liganwa Vocational Training Centre by the Board, laid on the Table of the House on Tuesday 15th October, 2019.

We have the report and the Committee has taken a lot of its time, approximately three weeks and based on the voluminous nature of the report, I want to seek your indulgence if I could read it page by page or give advice on the same.

Hon. Speaker: I will advise that you go straight to the recommendations but because I can see the students here, on a light note just touch areas of your investigations and the findings then you concentrate more on the recommendations because we had this report as early as yesterday.

Hon. Adida: Thank you, Mr. Speaker. Allow me to start by giving the background information. The Committee on Education, Youth Affairs, Gender and Social Services received a Statement request from Hon. Leonard Oriaro (MCA – Central Alego) dated 10th September, 2019 referred from the House for consideration and reporting on Tuesday, 17th September, 2019. The Statement sought for response on the alleged mismanagement of Liganwa Vocational Training Center by the board.

Specific objectives of the Statement;

- a) state and give details of the policy being used to manage the County Vocational Training Centers including Liganwa Vocational Training Centre
- b) Explain how the policy has been used to address the relationship between the County Government and management of County Vocational Training Centers including Liganwa Vocational Training Centre
- c) Give details of the procedure used to appoint County Vocational Training Centers Board members, Managers and Deputy Managers and their assuming office including Liganwa Vocational Training Centre
- d) Explain the outcome of the numerous petitions addressed to the CECM Education and the Executive at large on the interferences of normal operations of Liganwa Vocational Training Center by the Board Chair and members of his wing
- e) Explain the professional grounds used to suspend the current Liganwa Vocational Training Centre Manager and the transfer of her Deputy

- f) Explain measures already put in place to replace the services previously rendered by now suspended Liganwa Vocational Training Center Manager and her transferred Deputy, particularly the successful preparation of students for the final exams
- g) Give details on how matters of procurement services are handled at the County Vocational Training Centers including the Liganwa Vocational Training Centre

COMMITTEE INVESTIGATIONS

Procedure adopted by the Committee during information gathering

The Committee employed a multifaceted approach to gather information during the investigation. These include but not limited to: invitation of witnesses to make oral and written submissions, field visit/factfinding mission and in-depth analysis of written submissions and evidences presented by invited witnesses.

The Committee during its Sitting held on Wednesday, 11th September, 2019 in Boardroom-IV at 1.00p.m. resolved to invite witnesses in line with Article 195 (1) of the CoK, 2010 to provide information to the Committee on the alleged mismanagement of Liganwa VTC.

These include but not limited to;

1. Area MCA, Hon. Leonard Oriaro (MCA – Central Alego)
2. CECM, Director and Youth Training Officer Department of Education, Youth Affairs, Gender and Social Services
3. Manager and Deputy Manager – Liganwa VTC
4. Chairman and Board Members– Liganwa VTC

Submission by Hon. Leonard Oriaro (MCA – Central Alego)

Hon. Leonard Oriaro made the following remarks when invited by the Committee during its Sitting on Thursday, 12th September, 2019;

- i) Inquired whether the CECM – Education had a representative on the Board. He questioned the criteria used to appoint the representative of the CECM on the Board. He raised concern on the legitimacy of two officers i.e. Madam Melany Anyango and Ethelbertha Akinyi who were both purporting to represent the CECM on the Board.
- ii) Inquired whether action had been taken on the petition presented to the CECM-Education on the alleged mismanagement of Liganwa VTC by the Board
- iii) Raised concern over the fate of about 200 students taking Hair Dressing and Beauty Therapy handled by the Manager on compulsory leave and ICT students handled by the transferred Deputy Manager. He questioned arrangements which had been put in place by the Institution to ensure successful preparation of students towards NITA/KNEC final exams
- iv) Questioned why the Deputy Manager who ought to have taken the leadership mantle while investigating the Manager was transferred in a hurry
- v) Raised concern why the CECM – Education recalled the Manager to sign a cheque while she was away on compulsory leave. He applauded the Manager for failing to heed the call

- vi) Raised serious concerns about the procurement process. He accused the BOM Chair Paul Oganga and close allies of doing business with the Institution contrary to the stipulated procurement procedures
- vii) Requested the Committee to dig deep and unearth all issues ailing Liganwa VTC and ultimately recommend appropriate intervention measures

Submissions of CECM, Director and Youth Training Officer

The Committee invited the CECM, Director and Youth Training Officer– Department of Education, Youth Affairs, Gender and Social Services to provide information on the alleged mismanagement of Liganwa VTC.

CECM – Education, Youth Affairs, Gender and Social Services

The Committee invited the CECM – Education vide a letter ref. no.

SCA/ADM/CORR/C.EXC/19 VOL. XIII – (81) dated 11th September, 2019. Consequently, the CECM made oral and written submission as outlined;

Details of policies being used to manage the County VTCs including Liganwa VTC

The CECM tabled before the Committee the following policies being used to manage VTCs in Siaya County in order to achieve financial prudence in accordance with regulations 130, 131, 132, of the Public Finance Management (National Government) regulations 2015.

- a) Technical and Vocational Education and Training Act, No. 29 of 2013 revised Edition
- b) The Education Act 2011 Revised Edition 2012 (1980)
- c) State Department of Vocational and Technical Training Directorate of Vocational Education and Training Policy guidelines on the Implementation of Subsidized Vocational Training Centers Support Grant (SVTCSG).

How the Policies have been used to address the relationship between the County Government and Management of VTCs including Liganwa VTC:

The CECM pointed out that she has used the provisions in the policy documents to manage the VTCs in the County. Some of the actions CECM has taken guided by the policies include;

- a) Suspension of BOM of Liganwa VTC to pave way for investigations on complaints regarding management issues
- b) Auditing of VTCs. Liganwa VTC being audited to establish the truth regarding allegations of mismanagement of funds
- c) Suspension, transfer and redeployment of staff. Liganwa manager has been sent on compulsory leave to give room for investigations on the alleged mismanagement of funds in the Institution
- d) Postponing the opening of Liganwa VTC from 9th to 12th September, 2019 to allow for smooth transition of management

Details of the Procedure used to appoint County Vocational Training Centers

Board Members, Managers and Deputy Managers and their assuming office including Liganwa

The procedure for appointment of Board of Management Members (BOM)

- i) CECM initiates the nomination process by requesting names from sponsors, Education officers, Chiefs and local communities.

- ii) CECM vets the nominees
- iii) CECM makes appointments in writing
- iv) CECM gazettes names of the appointees
- v) The Department of Education convenes the inaugural meeting where members are inducted and BOM Chair elected
- vi) BOM members are required to accept or decline appointment in writing

The CECM further pointed out that the current BOM of Liganwa VTC was appointed during her predecessors' tenure in office.

The procedure for appointment of Manager for Vocational Training Centers (VTCs)

- i) Positions are advertised by the County Public Service Board (PSB)
- ii) Shortlisting done by PSB
- iii) Interviews done by PSB
- iv) Successful applicants are issued with appointment letters by the Director Human Resource

The procedure for appointment of Deputy Manager for Vocational Training Center (VTC)

- i) The procedure for appointment of Deputy Manager is the same as that of a Manager. However, the BOM may appoint one serving instructors to serve in acting capacity pending a substantive appointment by PSB
- ii) The CECM's office may also make such appointments

Outcome of petitions addressed to CECM – Education and the Executive at large on the interference of normal operations of Liganwa VTC by the Board Chair and members of his wing;

Petitions received were from;

Liganwa BOM

Three members; Mr. Oganga, Mr Mayamba and Mr., Ahawo came to CECM office on 15th July, 2019. They in the presence of the Chief Officer and the Director of Vocational Training accused the manager of; flaunting procurement/ tender regulations; spending money before receipting, making big payments without authority from the Board;

Making rent payment in advance for 10 months to the Director without consulting the BOM; refusing to comply with BOM instructions, leaking BOM meeting deliberations to students and finally, using a particular rouge male student as her body guard and to intimidate other students

Petition from Instructors;

Oral Response by the CECM Education, Youth Affairs, Gender and Social Services
In addition to the written submission where the CECM responded to the questions as per Hon. Leonard Oriaro Statement request, the CECM appeared before the Committee on Monday, 16th September, 2019 for further interrogation as per the invitation letter ref. no. SCA/ADM/CORR/C.EXC/19 VOL. XIII – (81). She responded to Members subsidiary questions as follows;

- i) Informed the meeting that board members of Liganwa VTC were handpicked by the board Chair without official appointment letters. Further informed members that the Governor had constituted an ad hoc Committee Chaired by the County Secretary (CS) to investigate issues surrounding Liganwa VTC. She promised to act based on the findings of the Committees' report which she believed will be based on facts.

- ii) Accused the Manager of colluding with the Director of Education Mr. Peter Otieno to open a branch of Liganwa VTC at Mr. Otieno's paternal home in Hawinga. She wondered why a public institution was located in a private home. She classified the act as conflict of interest. She informed the Committee that she acted on the matter by writing a report about Hawinga Branch of Liganwa VTC and a confidential report about the corrupt deals of Mr. Peter Otieno to the Governor. She described Mr. Otieno as a corrupt officer who had misled the board on several occasions. She further pointed out that Mr. Otieno irregularly appointed Madam Ethelbertha Akinyi into the board despite the fact that Madam Melany was already representing the Department at the board.
- iii) Raised concern about unprofessionalism of the Manager and corrupt deal of Mr. Otieno. The Manager wrote a cheque of Kshs. 1,134,925 in favour of Tunzo which was a company of the Chair. Raised concern that officers of Coop bank, the board Chair and Mr. Otieno colluded to withdraw the money from school grant account without one of the mandatory signatory – Madam Melany Anyango. Pointed out that it was alleged that Mr. Otieno took part of this money, Kshs. 200,000 claiming that CECM wanted the amount but failed to remit the same
- iv) Reported that Mr. Otieno was sourcing money from contractors claiming that he was taking to the CECM. Raised serious concern about the behavior of the Director of Education Mr. Peter Otieno whom she claimed was working behind her back and backbiting her.
- v) Informed Members that the Manager wrote a cheque of Kshs. 100,000 advance payment to Mr. Otieno to cater for rent for Hawinga branch. She described the action as conflict of interest. Denied claims that she took bribe of Kshs. 300,000 from the board Chair to go slow on Liganwa predicament.
- vi) Confirmed that procurement of materials at Liganwa VTC is done by the board. The board Chair was the sole supplier of maize and beans through his wife. Further confirmed that the BQ for construction of twin workshop which was won by Tunzo the Company of the board Chair was altered more than once. For instance, the floor of the workshop was changed from terrazzo (tile) to cement (red oxide) to 'save' money from the project for the benefit of the Chair.

Three members; Mr. Oganga, Mr. Mayamba and Mr. Ahawo came to CECM office on 15th July, 2019. They in the presence of the Chief Officer and the Director of Vocational Training accused the manager of flouting procurement/ tender regulations; spending money before receipting, making big payments without authority from the Board; making rent payment in advance for 10 months to the Director without consulting the BOM; refusing to comply with BOM instructions, leaking BOM meeting deliberations to students and finally, using a particular rouge male student as her body guard and to intimidate other students

Instructors

Three instructors; Mr. Lawrence Okwany (Deputy Manager), Ms. Flavian Audi and Mr. Paul Owino came to the CECM office on 15th July, 2019. They reported that there was poor working relationship between the Board and the Manager. They also stated that during a

BOM meeting of 10th July, 2019, students overheard the Chairman shouting at the Manager. This made them demand for dissolution of the Board.

Students

Students came to the office on 15th July, 2019 and demanded for the removal of BOM Chairman. They also demanded for a better kitchen, more dormitories, enough chairs and tables, more water tanks, enough learning materials and a conducive working environment for staff

Liganwa VTC Manager

The Manager of Liganwa VTC, Ms. Lilian Awuor Atiang' complained of highhandedness and abusive ways of the BOM Chair. She alleged that due to this, an accounts clerk resigned. She pointed out that the Chairman had threatened to close the school. She reported that BOM members wanted only locals to be employed in the Institution. She further complained that the Board comprised of handpicked close relatives and friends of the Board Chair. She finally reported that the BOM Chair had fixed mind on how he wanted the Institution to be run.

Outcome of the Petitions;

- a) After hearing reports from all the parties, the CECM directed the Board to keep off Liganwa VTC until further notice.
- b) The CECM made a report to the Governor on the occurrences at Liganwa VTC based on the petitions
- c) The Governor directed the CS to constitute an ad hoc Committee to investigate the issues raised on Liganwa VTC
- d) BOM members were suspended
- e) The Manager has been sent on compulsory leave for 30 days with full salary to pave way for investigation
- f) An acting manager has been appointed and is fully in charge
- g) The Manager was asked to appoint an acting Deputy Manager amongst the Instructors
- h) A recommendation of Audit for Liganwa has been initiated
- i) CECM and other officers from the Department held a meeting with Liganwa staff on 9th September, 2019 to brief them on the developments and actions taken. The staff promised to co-operate with the acting leadership.
- j) The CECM postponed the opening date from 9th to 12th September, 2019 to avert an alleged impending strike of the student
- k) The Department was aware of plans of some outsiders to incite students to strike

Professional grounds used to suspend the current Liganwa VTC Manager and the transfer of her Deputy

- i) A resolution of the ad hoc Executive committee sanctioned the suspension of the Manager. This was to pave way for investigation
- ii) Both the BOM and the Manager had poor working relationship, which resulted in division amongst the BOM, staff and incitement of students. The situation had become volatile and students were agitating to strike. This could lead to destruction of property and instability in the Institution.

- iii) The Deputy Manager was transferred to create harmony. He had been found by the Department to be partisan. It was feared that his continued stay at Liganwa VTC could compromise the ongoing investigations

Measures already put in place to replace the services previously rendered by the Manager and Deputy Manager particularly the successful preparation of students for the final exams

- i) A caretaker Manager has been appointed from within for continuity. He knows the College politics, Students and Teachers. He is experienced in management of VTC Institutions. He comes from outside the County. He is therefore unlikely to be influenced by local politics
- ii) The Manager was directed to appoint an assistant from among the instructors of the Institution
- iii) No major changes were made that would negatively affect learning as well as preparation of students for national examinations

Details on how matters of procurement services are handled at the County Vocational Training Centers including Liganwa VTC

All County VTCs being public Institutions including Liganwa VTC are expected to abide by the Public Procurement and Asset Disposal Act, 2015. The Act gives guidelines on procurement procedures.

Oral Response by the CECM Education, Youth Affairs, Gender and Social Services

In addition to the written submission where the CECM responded to the questions as per Hon. Leonard Oriaro Statement request, the CECM appeared before the Committee on Monday, 16th September, 2019 for further interrogation as per the invitation letter ref. no. SCA/ADM/CORR/C.EXC/19 VOL. XIII – (81). She responded to Members subsidiary questions as follows;

- vii) Informed the meeting that board members of Liganwa VTC were handpicked by the board Chair without official appointment letters. Further informed members that the Governor had constituted an ad hoc Committee Chaired by the County Secretary (CS) to investigate issues surrounding Liganwa VTC. She promised to act based on the findings of the Committees' report which she believed will be based on facts.
- viii) Accused the Manager of colluding with the Director of Education Mr. Peter Otieno to open a branch of Liganwa VTC at Mr. Otieno's paternal home in Hawinga. She wondered why a public institution was located in a private home. She classified the act as conflict of interest. She informed the Committee that she acted on the matter by writing a report about Hawinga Branch of Liganwa VTC and a confidential report about the corrupt deals of Mr. Peter Otieno to the Governor. She described Mr. Otieno as a corrupt officer who had misled the board on several occasions. She further pointed out that Mr. Otieno irregularly appointed Madam Ethelbertha Akinyi into the board despite the fact that Madam Melany was already representing the Department at the board.
- ix) Raised concern about unprofessionalism of the Manager and corrupt deal of Mr. Otieno. The Manager wrote a cheque of Kshs. 1,134,925 in favour of Tunzo, which

was a company of the Chair. Raised concern that officers of Coop bank, the board Chair and Mr. Otieno colluded to withdraw the money from school grant account without one of the mandatory signatory – Madam Melany Anyango. Pointed out that it was alleged that Mr. Otieno took part of this money, Kshs. 200,000 claiming that CECM wanted the amount but failed to remit the same

- x) Reported that Mr. Otieno was sourcing money from contractors claiming that he was taking to the CECM. Raised serious concern about the behavior of the Director of Education Mr. Peter Otieno whom she claimed was working behind her back and backbiting her.
- xi) Informed Members that the Manager wrote a cheque of Kshs. 100,000 advance payment to Mr. Otieno to cater for rent for Hawinga branch. She described the action as conflict of interest. Denied claims that she took bribe of Kshs. 300,000 from the board Chair to go slow on Liganwa predicament.
- xii) Confirmed that procurement of materials at Liganwa VTC is done by the board. The board Chair was the sole supplier of maize and beans through his wife. Further confirmed that the BQ for construction of twin workshop, which was won by Tunzo the Company of the board Chair, was altered more than once. For instance, the floor of the workshop was changed from terazo (tile) to cement (red oxide) to 'save' money from the project for the benefit of the Chair.

Director - Education, Youth Affairs, Gender and Social Services

The Committee invited the Director who appeared before it on Tuesday, 17th September, 2019 and made the following submission;

- i) Informed Members that Mr. Paul Oganga was the maker of Liganwa VTC board. He literally handpicked board members and ensured that five were his relatives. Board members were not issued with appointment letters as required by law. Acknowledged that the current Liganwa board was not procedurally constituted, as such the board is illegal. Accepted that as the Ag. Chief Officer, he acted outside his mandate when he wrote an appointment letter to Mr. Steven Ahawo to become a board member.
- ii) Informed the Committee that Madam Ethelbertha Akinyi has been attending board meetings at Liganwa VTC because the board Chair invited her despite the fact the legitimate officer who was appointed as a representative of the CECM in the board was the Youth Training Officer, Madam Melany Anyango. Acknowledged that it was an irregularity for two members of the same Department to attend board meetings.
- iii) Accepted that he was aware that another branch of Liganwa VTC was opened in Hawinga. Board members looked for a suitable place and settled on his paternal home. A deal was struck with his brother that he would be paid a monthly rent of ksh. 10,000. Clarified that board members reached the deal with his brother behind his back, he learnt about it later. Explained that when he learnt about it, he declared his interest on the matter by filling the conflict of interest book in the Department. He agreed that the cheque was written in his name and he received the amount. He further agreed opening Hawinga branch at their paternal home was an irregularity and receiving ksh. 100,000 as rent for his house was an illegality. He pleaded with members to surcharge him and let the matter rest.

- iv) He surprised the Committee when he pointed out that he had spent a lot of money from his pocket to support Hawinga VTC branch. He even donated chairs and the blackboard. When put to task by committee members to explain why he had a lot of interest in the branch to the extent of spending personal money on public property, he said that as an alumnus of Starehe boys he had learnt to give back to the society.
- v) Pointed out that he doesn't have any relationship with the Manager of Liganwa VTC. Reported that Mr. Mayamba and the board Chair, Mr. Oganga were micro-managing Liganwa VTC. The duo uses the VTC to serve their personal interest. Traced the challenges facing Liganwa to the dictatorship of these two board members who must get their way in everything they want at the expense of the welfare of students. Observed that infighting by the board Chair and Mr. Mayamba verses the VTC Manager is motivated by the control of ksh. 3.7 million Conditional grant which is in the school grant account.
- vi) Accepted that on 26th June, 2019, a total of Kshs. 1,134,925 was withdrawn from the school grant account un-procedurally. Explained that all transactions were appropriately done but the money was withdrawn without the signature of one of the mandatory signatory – Madam Melany Anyango. He acted by raising his concern on the matter with the manager of Cooperative bank. He denied the claims that he took part of the money Kshs. 200,000 to take to the CECM – Education but failed to remit. He wondered how he could take that colossal amount without any written documentation as evidence. He as well denied allegations that Mr. Mayamba had given the CECM – Education Kshs. 300,000 as bribe to go slow on Liganwa issues.
- vii) Reported that Madam Lilian Atiang', the VTC Manager had requested for transfer due to frustrations by the board Chair and poor working relationship with Mr. Mayamba but he was reluctant to execute the transfer due to the fact that she was overseeing the implementation of conditional grant at the VTC. He described the Manager as a very hard-working lady who had the VTC at heart. She does everything to ensure that students' welfare is taken care of. For these reasons, students love her so much; some of them call her 'mama' because she is motherly.

Youth Training Officer – Education, Youth Affairs, Gender and Social Services

The Committee invited the Youth Training Officer who appeared before it on Tuesday, 17th September, 2019 and made the following submission;

- i) Informed Members that the board was not constituted procedurally. Board members were not formally appointed with appointment letters as dictated by law. Instead, the board Chair Mr. Paul Oganga handpicked board members and ensured that five of them are his relatives. Thereafter, Mr. Oganga installed himself as the Chairman of the board. During board meetings, the Chair bulldozes everybody; he doesn't respect the opinion of other board members.
- ii) Explained that the CECM assigned her the responsibility of attending board meetings when the Director Vocational Training Mr. Momanyi who used to represent her in the meeting was transferred.

- iii) Informed Members that the Director of Education Mr. Peter Otieno assigned Madam Ethelbertha Akinyi the responsibility of attending board meetings when she was away on sick leave. Thereafter, she remained permanently in the board. She clarified that Madam Ethelbertha Akinyi does not attend board meetings in other VTCs. Pointed out that Madam Ethelbertha Akinyi became very close to the Chair. Even though she was the legitimate representative of the CECM on the board, the board Chair preferred working with Ethelbertha because she represents his interest.
- iv) Reported that the working relationship between the board Chair and the VTC Manager is sour. The high turnover of Managers at Liganwa VTC is manifestation that the BOM rocks the VTC from within to serve their personal interest. This is not common in other VTCs. Raised concern on the compulsory leave of the Manager when over 200 students who were taking hair dressing and beauty therapy were in dare need of her services as the only instructor in the VTC. She observed that the fate of the aforementioned students was sealed given that KNEC exams was forthcoming
- v) Confirmed that the board Chair does business with the VTC through his Tunzo and Mapi Companies. The board Chair was the chief supplier of maize and beans to the school. The owner of Tunzo is a son to the Chairman's cousin, Mr. Fura who is also a Member of the board.
- vi) Informed Members that she was surprised when she discovered that Kshs. 1,134, 925 was withdrawn from the school grant account in Cooperative Bank without her signature as a mandatory signatory. She inquired from the Branch Manager why the cheques were paid without her signature. The Manager failed to provide a satisfactory response. She also reported the case to the Director – Mr. Peter Otieno and the Co-Education Mr. Henry Ouma. The Co – Education advised her to write a report which she did.
- vii) Confirmed that Hawinga VTC, a branch to Liganwa was in Mr. Peter Otieno's paternal home. Further confirmed that the Manager wrote a cheque of Kshs. 100,000 in Mr. Otieno's name, being payment of rent for Hawinga branch for 10 months. The board approved the payment of the rent to Hawinga branch.

Submissions by the Manager and Deputy Manager of Liganwa VTC

The Committee invited the Manager and Deputy Manager of Liganwa VTC vide a letter ref. no. SCA/ADM/CORR/C.EXC/19 VOL. XIII – (82) dated 11th September, 2019.

Manager - Liganwa VTC

The Manager appeared before the Committee on Friday, 13th September, 2019 and made the following submission.

- a) The Manager informed the Committee that the current BOM has been in place since 2016 with Paul Oganga as the Chairman. She brought to the attention of Members that all Board members except Mr. Steven Ahawo were not formerly appointed to the Board through letters of appointment. She added her voice that this was illegal as it contradicts Section 5(3) of TVET Act, No. 29 of 2013
- b) Reiterated that the Chair, four of which were related to the Chair, handpicked BOM members. She pointed out that the Board Chair incorporated his girlfriend Madam Ethelbertha Akinyi from Education Department to take care of his interest in the

Board despite the fact that the CECM had appointed her representative Madam Melany Anyango in the Board.

- c) Reported that Mr. Joseph Mayamba, who was an appointee of the Chair, conducts all financial transactions on behalf of the Board. He harasses staff members and disapproves requisitions meant for normal learning operations and exams.
- d) Pointed out that the Chairman runs the Institution single handedly. Any time there is a Board meeting, the Chair makes decision alone in total disregard to other members wish. Most of the time, sentiments of the Manager are not taken into account
- e) She informed the meeting that Liganwa VTC has a policy guide which is not in use
- f) Reported that students had demonstrated twice, one in March 2019 and the other one in July 2019 due to mismanagement at the VTC. So far, no serious action has been taken by the Department to address grievances of students
- g) On procurement of materials at the Institution, competitive process is not done as per the provisions of Public Procurement and Asset Disposal Act, 2015. The Chairman quarrels whenever tender adverts are pinned in public notices and market centers. Tenders and supplies of materials are done by the Chairman and his cronies.
- h) She pointed out that the Board Chair - Oganga and close family associates;
 - Supply foodstuffs to the VTC specifically, rotten maize and beans which is unfit for human consumption through Tunzo Enterprises registered under the son of Oganga's brother.
 - Forced the VTC to buy a piece of land to construct a dormitory
- i) Informed the meeting that while she was away serving her compulsory leave, the CECM recalled her to sign a cheque. She reported that she never heeded to the call
- j) Reported that the Chair had threatened to shoot her, the Deputy Manager and students who led the strike
- k) Brought to the attention of Members that the Chair colluded with Steven Ahawo and withdrew Kshs. 1,134,925 from the school account in Cooperative Bank to pay 50% of the renovation of twin Workshop at the school without the signature of Madam Melany Anyango, the Youth Training Officer who is a mandatory signatory

4.4.2 Deputy Manager – Liganwa VTC

The Deputy Manager Mr. Lawrence Omondi Okwany appeared before the Committee on Friday, 13th September, 2019 and made the following submission.

- a) He informed the Committee that as a Deputy Manager of Liganwa VTC, he is the Chairman of tender Committee, he is the one in charge of discipline of students, the head of ICT and the Christian Union (CU) patron
- b) Brought to the attention of Members that trainees have demonstrated twice, one in March and the other one in July, 2019 due to dictatorship of the Board Chair and mismanagement of funds by the Board Chair and Mr. Joseph Abonyo Mayamba, the finance Chair.
- c) Reported that the Board Chair Mr. Oganga is a stereotype person, what he says is law. He forces everybody with his views without question. He runs the Board single handedly. He described the board Chair as highly corrupt and egocentric. He is a stumbling block towards the success of the Institution

- d) Brought to the attention of Members that the board Chair and Mr. Mayamba frequently harass students and kitchen staff. He also pointed out that the duo has on several occasions abused the Manager and Deputy Manager openly before students. The Chair had gone ahead and threatened to shoot the Manager, Deputy Manager and some 5 students whom he claimed were allied to the Manager.
- e) Informed Members that the Board Chair and Mr. Mayamba micro-manages the board. They award themselves tenders in total disregard of the law. No competitive process in the tendering of goods and services at the Institution. The manager insists on single sourcing to serve his own selfish interest. For instance, the chair is the sole supplier of foodstuff to the school, which he does through his wife.
- f) Reported that the composition of the current board of the VTC was skewed in favour of the board Chair. The board chair handpicked all board members. He ensured that five board members were his relatives. None of the board members was given appointment letters.
- g) Surprised the Committee when he reported that the board Chair took advantage of his absolute powers at the board and pointed his girlfriend Madam Etherlbertha Akinyi into the board to serve his interest even though he knew that Madam Melany Anyango was representing the CECM at the board.
- h) Pointed out that the board Chair has been colluding with the Education Department particularly the CECM in managing the affairs of the VTC. Further reported that the duo had a common interest. Many a times, the CECM Education protects the board Chair
- i) Informed the Committee that the board is divided into two factions; one faction advocating for effective management of the Institution guided by relevant policies. The other wing led by the Chair and Mayamba working hard to break down laid down structures so that they can squander the VTC
- j) Raised concern on the hurried manner in which his transfer was conducted. He wondered what triggered his transfer amid allegations of mismanagement of funds by the Manager yet he was not a signatory on any school account. He observed that his urgent transfer affected the smooth operations of the VTC since he would have acted as the Manager in the absence of the substantive Manager. He pointed out that his absence and the Manager has sealed the fate of about 6 ICT and over 200 trainees taking hairdressing and beauty therapy who are in dire need of their services in readiness to KNEC exams.
- k) Recommended the dissolution of the board to salvage the VTC from possible collapse. He described the board as serving their interest contrary to the objects of the board.
- l) Raised concern on the Ag. Manager who he said was hardly a month old in the VTC. He observed that the Ag. Manager was appointed to serve the interest of the board Chair.

- m) Reported that as a result of lawlessness in the VTC occasioned by the manner in which students welfare are handled by the board, majority of students had opted to stay at home. Some even dropped out of school due to shortage of instructors in their areas of training.
- n) Informed the meeting that the Chair has been calling some students to his home to incite them to prepare parallel strike against the School administration. Further pointed out that the Chair has been restraining the school administration from spending money on important activities of the school such as graduation, payment of exam fees, issuance of certificates to trainees so that more money is saved by the school to his advantage.

Submissions by the Board Chair and Board Members of Liganwa VTC

The Committee invited the Board Chair and Board Members of Liganwa VTC vide a letter ref. no. SCA/ADM/CORR/C.EXC/19 VOL. XIII – (83) dated 11th September, 2019.

4.5.1 Board Chair - Liganwa VTC

The Board Chair – Mr. Paul Oganga Ogada appeared before the Committee on Monday, 16th September, 2019 and made the following submission.

- i) Pointed out that Mr. Peter Otieno, the Director of Education called him and informed him that he had been appointed as the Chairman of the board. There was no formal letter of appointment. He confirmed to the Committee that the board was not properly constituted.
- ii) Raised concern on the behavioral expenditure of the Manager whom he accused of fond of spending school fees collected from students at the source without banking even a penny. Reported that the Manager has on several occasion disobeyed the rule of thumb of ‘No cheque without voucher.’ Reported that the Manager was not keen on producing supportive documents on the utilization of conditional grant from the Central Government. This compromised prudent use of public resources.
- iii) Confirmed to the meeting that Tunzo Company won tender for construction of twin workshop. Informed Members that he doesn’t have any relationship with the CECM – Education. He admitted that he was related to the proprietor of Tunzo Investment Company, who he said is his cousin, a matter, which he accepted, was conflict of interest. Confirmed to the Committee that his wife was supplying foodstuff to the VTC. Explained that the wife was roped in to rescue the situation when the school account dried up and students had to eat.
- iv) Reported that the relationship between the school administration (Manager and Deputy Manager) and some BOM Members was bad. He pointed out that the Manager uses 5 boys whom she calls her security to harass other students. As a result of this poor working relationship, particularly with the Manager, BOM has failed to effectively manage the VTC to greater heights. Further explained that his attempt to resuscitate this poor relationship has in several occasions reached a dead end.
- v) Confirmed that the BQ for construction of twin workshop was reviewed upwards from 1.6M to 2.669M. He advised that it was not wise to construct the floor of a workshop with tiles (terrazzo) which are fragile and can easily break. He explained

that due to this reason, the floor was changed from terrazzo to cement (red oxide). Informed the meeting that Mr. Peter Otieno, the Director of Education pushed for part payment of ksh.1,134,925 for renovation of twin workshop without one of the mandatory signatory, Madam Melany Anyango because he had interest in part of the amount. Further pointed out that he was surprised when he noticed that Mr. Peter Otieno had received advance payment of Kshs. 100,000 being payment of rent for 10 months for Hawinga branch of Liganwa VTC. He attributed this to collusion between Mr. Peter Otieno and the VTC Manager.

- vi) Informed the Committee that it is Mr. Peter Otieno who incorporated Madam Ethelbertha Akinyi into the board. He clarified that Madam Ethelbertha was a friend to his wife and not his girlfriend as alleged by some witnesses. Reported that the Manager of Liganwa VTC was Mr. Peter Otieno's relative. He denied that he was not related in any way to the CECM – Education. He as well denied allegations that the CECM – Education received a bribe of Kshs. 300,000 from Mr. Mayamba to go slow on Liganwa issues.
- vii) Accused the Manager of inflating the total number of students to gain more funds from the Central Government on Subsidized Vocational Training Centers Grants (SVTCGs). Doubted the total number of students, which stood at 495. Encouraged the Committee to conduct a spot check at the VTC to validate the figure. When asked to confirm whether he owns, a gun, since other witnesses particularly the manager and Deputy had alleged that he had threatened to shoot them, he declined in totality. He refuted allegations that he had been threatening the Manager, Deputy Manager and some students whom he claimed are allied to the Manager with a gun. He wondered how this could happen yet he doesn't have a gun.

Board Members – Liganwa VTC

Board Members appeared before the Committee at different times and made their submission as follows:

Mr. Julius Okoth – Board Member

Mr. Julius Okoth appeared before the Committee on Friday, 13th September, 2019 and made the following submission;

- i) Informed the meeting that he was contacted by the local chief to join the board. He accepted the offer as a social corporate responsibility. He eventually joined the board towards the end of November, 2018
- ii) Reported that since he joined, not much has occurred. Though meetings are called, very little business takes place. Key decisions of the board are pre-planned by the board Chair. Board meetings are called to rubber stamp resolutions reached outside the meeting by the board chair and his cronies. He pointed out that this demeanor has frustrated his efforts to contribute positively in the board.
- iii) Described the management of the VTC as a one-man show, the board Chair dictates major decisions of the board. He gave a classic example of abuse of power by the board Chair where the decision of tender Committee was nullified by the Chair accusing the Manager of advertising tenders in Market centers and public offices. He pointed out that the Chair has a lot of interest in the tendering process of the VTC. That is why he wants to manipulate the tendering process to his advantage.

- iv) Described the Chair as a very proud man, very arrogant, petty and is not a good manager. Pointed out that the relationship between the Chair and the VTC administration (Manager and Deputy Manager) was chaotic. In most cases, the Chair quarrels the Manager and the Deputy Manager openly before students. He pointed out that the continued existence of the Chair in the board would make the VTC sink. He promised to resign if the manager is removed and the Chair retained in the board.
- v) Reported that the board is divided into two factions. Those who are pro the Chair and his misdeeds – his friend Mayamba and his relatives in the board and those who support the manager who insist on prudent use of public resources and efficient management of the VTC guided by relevant policies. He attributed the worry state of affairs at Liganwa VTC to the selfish manner in which the board Chair conducts board matters
- vi) Pointed out that the VTC is managed without any guiding policy. Decisions of the board are made without adhering to any laid down procedures due to the absence of management policy. He wondered why the Deputy Manager was hurriedly transferred by the Department when the manager was sent on compulsory leave. He read malice in the transfer of the Deputy who would have taken over when the Manager was away for smooth continuity.
- vii) When asked the relationship between the board chair and the CECM – Education, he responded that the two are not related. Informed the meeting that the representative of the CECM in the board Madam Melany Anyango was replaced by Madam Ethelbrtha Akinyi, the girlfriend of the Chair. He clarified that the bad relationship between the board Chair and Madam Melany might have informed the change.
- viii) He gave a classic example of abuse of power by the board Chair where the decision of tender Committee was nullified by the Chair accusing the Manager of advertising tenders in Market centers and public offices. He pointed out that the Chair has a lot of interest in the tendering process of the VTC. That is why he wants to manipulate the tendering process to his advantage.
- ix) Described the Chair as a very proud man, very arrogant, petty and is not a good manager. Pointed out that the relationship between the Chair and the VTC administration (Manager and Deputy Manager) was chaotic. In most cases, the Chair quarrels the Manager and the Deputy Manager openly before students. He pointed out that the continued existence of the Chair in the board would make the VTC sink. He promised to resign if the manager is removed and the Chair retained in the board.
- x) Reported that the board is divided into two factions. Those who are pro the Chair and his misdeeds – his friend Mayamba and his relatives in the board and those who support the manager who insist on prudent use of public resources and efficient management of the VTC guided by relevant policies. He attributed the worry state of affairs at Liganwa VTC to the selfish manner in which the board Chair conducts board matters

4.5.2.2 Mr. Steven Ahawo – Board Member (Chairman Curriculum Committee)

Mr. Steven Ahawo appeared before the Committee on Monday, 16th September, 2019 and made the following submission;

- i) Informed Members that he joined the Board in 19th October, 2018 to replace Mr. Vincent Mwalo who was the former chairman. Explained that the board Chair Mr. Paul Oganga hand picked him to join the board. He felt uncomfortable because the procedure of appointment was not followed. This informed him to demand for an appointment letter before attending the 1st meeting which he was ultimately given. He confirmed to the Committee that majority of board Members do not have formal appointment letters including the Chair
- ii) Realized that BOM meetings were chaotic. The board Chair and the Manager were disagreeing in almost all issues. He noticed that there were groupings in the BOM which spilled out to students. He differed with the Chair in one of the board meetings when he questioned the high level of nepotism in the board; about 5 board Members were related to the Chair (Jokaruoth).
- iii) Reported that the major cause of division in the board is the dictatorship of the Chair. The manager was sent on compulsory leave because she did not tolerate the Chairman's mischief. The Chair insisted that he must supply maize and beans to the VTC. Pointed out that the tendering Committee is being manipulated by Mr. Mayamba and the board Chair. He surprised the Committee when he reported that all supplies and contracts to the VTC is being manipulated by Mayamba and the Chair through Mapi enterprises owned by the Chairs wife and Tunzo Company owned by the son to the Chairs' brother.

4.5.2.3 Mr. Joseph Abonyo Mayamba – Board Member (Chairman Finance Committee)
Mr. Joseph Abonyo Mayamba appeared before the Committee on Monday, 16th September, 2019 and made the following submission;

- i) Reported that the former Manager Mr. Okuku called him to inform him that the former Chief Mr. Thomas Ochieng proposed his name to become a board Member. He accepted the offer without formal appointment and has been a board member since mid-2017.
- ii) Notified Members that there is total mismanagement of funds at the VTC by the Manager. He produced documents to demonstrate that the Manager, Madam Lillian Otiang'a was mismanaging funds at the Institution. He tabled a report from the Manager on monies received and banked from partners in favor of Liganwa VTC. The report indicated that the VTC had received Kshs. 1,000,000 while the actual amount in the bank was Kshs. 3,000,000 thus bringing a variance of Kshs. 2,000,000. He informed Members that in some cases, students paid money in cash but records indicate that the same amount was received through cheque. He pointed out that he had reported the matter to the board Chair. Attributed the financial mess at the Institution to spending at the source.

5.0 FIELD VISIT/ FACT FINDING MISSION

The Committee met on Tuesday, 17th September, 2019 in BR-III at 6.00pm and resolved to conduct abrupt field visit/fact finding mission to both Hawinga and Liganwa VTCs mainly to;

- a) Dig deeper into issues surrounding Hawinga VTC, the new branch of Liganwa VTC
- b) Validate both oral and written submission by the various witnesses on the alleged mismanagement of Liganwa VTC by the board

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5.1 Committee Observation at Hawinga VTC (Branch of Liganwa VTC)

The Committee made the following observation at Hawinga VTC;

Committee Members observed that this institution was domicile in the home of the Director of Education. Those are the pictures on the annexures; I believe that Members have seen.

Number three where the Members observed a sample of chairs which were donated by Tayari Kenya at the expiry of their tenure to the Department of Education. The hair dressing instructor Madam Judith Atieno Onyango found at Hawinga VTC pointed out that Mr. Otieno took 10 seats which were donated by Tayari Kenya. This confirmed the submission of the CECM -Education that Mr. Peter Otieno (Director of Education) took furniture which was donated by Tayari Kenya for personal use thus denying ECDE Centers furniture which they badly needed.

5.2 Committee Observations at Liganwa VTC

The Committee made the following observations at Liganwa VTC;

- 1) The Committee observed that Liganwa VTC was in a deplorable state with students learning in a pathetic environment depicted by dilapidated physical infrastructure such as classes, kitchen, bathrooms and dormitories as shown in the pictures below. Moreover, the students are also fed on rotten maize and beans unfit for human consumption.
2. Members observed that besides the board chair Mr. Oganga contravening procurement procedures by supplying maize and beans to the VTC through a company owned by his wife, a clear conflict of interest, the cereals which were being supplied by his Tunzo Company were rotten and unfit for human consumption as depicted in the pictures captured during the field visit. During the visitation, students complained that they were being forced to eat rotten maize and beans. A sample of the same was carried by the Committee as an affidavit.
3. Members observed that the VTC lacked crucial amenities such as toilets for students and teachers – teachers were sharing toilets with students. Similarly, students lacked essential teaching and learning materials such as tables, chairs and stationaries. For example, there were no chairs in the motor vehicle class, students were sitting on benches as depicted in the snap shot
4. Members observed in the notice board in the Manager's office (as evidenced in no. 9 in the snap shot) that Education Department was being represented in the BOM by two officers i.e. Madam Melany Anyango – the Youth Training Officer and Madam Ethel bertha Akinyi – Assistant Director of Youth Affairs, Gender and Social Services contrary to the submissions by the CECM-Education that only one legitimate officer, madam Melany Anyango was representing the Department at the BOM.
5. Members observed that the school vehicle depicted which students use for instruction was grounded because Mr. Mayamba took a spare part from it and has never returned. This move has denied motor vehicle students opportunity to train.

5.3 Emerging Issues at Liganwa VTC

The Committee conducted due diligence on issues surrounding Liganwa VTC and discovered that the CECM – Education recalled the Board Chair Mr. Paul Oganga and Mr. Joseph

Mayamba to sign cheques on behalf of the VTC while serving their suspension. This necessitated the need for the Committee to invite the CECM -Education and the duo (Mr. Mayamba and Mr. Oganga) for a meeting in Kisumu – Pinecone Hotel from Monday, 7th to Tuesday, 8th October to shed light on the bank transaction.

The CECM and the duo responded on the Committees' invitation and made the following submission;

- i) The CECM confirmed that she recalled the suspended board Chair and Mr. Mayamba to sign three cheques for various reasons in order to avert operation crisis at Liganwa VTC.
 - a. Kshs. 61,550 - to settle delayed staff salaries
 - b. Kshs. 24,800 - to purchase food stuff for students
 - c. Kshs. 7,000 - to purchase materials for practical lessons
- ii) The CECM reported those signatories to the school bank accounts include; three board members i.e. the board Chair, Mr. Mayamba, Madam Caroline Tembe, the treasurer and the Manager of the institution who is a mandatory signatory.
- iii) The CECM explained that the Ag. Manager of the VTC replaced the substantive manager as a signatory to the school account. She clarified that the substantive manager declined to sign cheques while she was on compulsory leave. This necessitated the need to change the school account signatory in KCB Bank to include the Ag. Manager. She reported that the decision to change the signatory was arrived at during a special senior management meeting held on 6th September, 2019 in her office (refer to the minutes attached in Annex 2). This was to avert a possible operation crisis at the institution.
- iv) The CECM reported that the Department was in the process of recruiting new instructors for Liganwa VTC to curb the acute shortage of instructors in the institution. In the meantime, part time instructors had been hired on temporary basis to handle students who were preparing for the forthcoming NITA and KNEC exams. This takes me to the submission of **Gabrielle Mboya**.

The Committee further invited the Ag. Manager - Mr. Gabriel Mboya and student leaders on Friday, 11th Oct, 2019 within the precincts of the Assembly to shed light on the current status of the VTC. In their submissions;

- i) The Ag. Manager confirmed that indeed there was a change of school account signatories that saw the removal of the former signatories and the inclusion of; the acting manager, a representative of the department of education – Madam Melany Anyango and another representative of the finance department. He further clarified that the change was necessitated by refusal of the substantive manager to sign cheques while serving her compulsory leave.
- ii) The Ag. Manager further confirmed that several transactions have been made in the interest of continued operations of the school. The Ag. Manager additionally provided documentary evidences on how each of the funds was utilized as attached in Annex 3, as can be seen by the Members.

7.0 RECOMMENDATIONS

The committee therefore makes the following recommendations;

1. THAT the CECM – Education to legally constitute the BOM of Liganwa VTC forthwith in line with Section 5(3) and 7(1) of the Second Schedule of TVET Act, No. 29 of 2013 and report to the House within 30 days from the date of adoption of this report. In addition, the CECM to conduct an introspection of all BOM for all VTCs within the County to ascertain their legitimacy and reconstitute illegal ones guided by requisite laws.
2. THAT the Chief Officer Education to ensure that no further payment be made in respect to Hawinga branch of the VTC and that the contract should NOT be renewed at its current location and future establishment of the VTC branch/branches be done in line with Section 18 and 19 (1) (2) of TVET Act 2013.
3. THAT upon adoption of this report, the Chief Officer in the Department of Education to immediately commence the process of recovering Kshs. 100,000 from the Director of Education and Training, Mr. Peter Otieno who admitted before the committee to have received the funds for the irregular establishment of Hawinga branch of Liganwa VTC at his paternal home without declaring conflicts of interests. The Chief Officer-Education to submit a status report to the House on the recovery and action taken on the officer within 30 days from the date of adoption of this report.
4. THAT the Chief Officer Roads and Public Works in consultation with the Chief Officer Education to immediately deploy a qualified County Engineer to verify/ compute the amount and value of works that were required in the renovation of the twin-workshop at Liganwa VTC with a view of redeeming possible waste of public funds. In the meantime, all pending payments/ financial transactions on the renovation of the twin workshop are suspended until the conclusion of and reporting on verification of the works by the County Engineer. The correct/recommended amount arising from the engineer's verification shall then be used to determine the payments that ought to have been incurred. Any variations thereof to be appropriately addressed. The CECM-Education to ensure compliance and ensure that the engineers report on the BQ is tabled in the House within 30 days from the date of adoption of this report.
5. THAT the CECM-Education to immediately put in place appropriate measures to ensure that learning continues in the school uninterrupted -including but not limited to; additional recruitment of instructors and rescinding the transfer of the Deputy Manager of Liganwa VTC (who is not adversely mentioned in the alleged financial mismanagement of the VTC) to tentatively take over the management of the VTC for continuity and adequately address the academic needs of the students.
6. Having NOTED that there was no County specific legislation addressing the unique needs the VTCs in Siaya County, the Committee recommends THAT the CECM-Education to prepare a County specific proposed legislation addressing the unique needs of Siaya VTCs i.e. the Siaya County Vocational Training Centers Bill and submit the same to the Assembly for consideration in line with Article 183 (3) of the COK, 2010 within 60 days from the date of adoption of this report.

7. THAT all issues noted by the committee on procurement malpractices by the Liganwa BoM including conflicts of interests by the board, the management and the director of Education be further investigated by the Chief Officer -Education and a report be shared with the House within 30 days upon adoption of this report. Failure to which the House shall invite the Office of the Auditor General to conduct further investigations on the same.
8. THAT upon the adoption of this report, and based on the findings of the Internal Audit report and other reports by the Executive on the Liganwa VTC, the Committee shall still be open to conduct further investigations on any emerging issues surrounding mismanagement of the VTC including but not limited to the irregular bank transactions (withdrawal) of Kshs. 1,134,925 public funds from the VTC account number 6125895400 on 26th June, 2019 at Cooperative Bank, Siaya Branch.
9. THAT the various bodies constituted by the executive arm of the County Government investigating issues surrounding Liganwa VTC to share their reports, including but not limited to the Internal Audit report, to the House within 30 days upon the adoption of this report for considerations and further action.

I would like to call upon Hon. Joseph Wandera to second.

(Question proposed)

(Question agreed to)

Hon. Oriaro: Thank you for having been very much out to donate words of wisdom in so far as our operations are concerned. The issue of Liganwa as rightly put indeed falls in my Ward and a section of its population come from Siaya County and I am happy that some of the beneficiary constituents are also here. I want to be very particular because one of our mandates is representation.

My Statement request was holistically anchored on another mandate of oversight. On the mandate of oversight we are even given powers to even give red card and observe in cognizance with existing laws.

To that extent, I am also aware that the Committee has got powers to do their own things in their own Motion but whenever Statements come and requests put, the Speaker decides as may be requested by the Statement originator in the hope that issues are addressed by the relevant committee it was committed to.

I want to confirm that the seven issues raised in my Statement, none has been responded to. What has been recommended on, we are talking about Liganwa and if you read the spirit of my Statement, it is not only Liganwa but issues of policy are countrywide and touches even other polytechnics.

The spirit of the report goes hand in hand with day to day running of that facility and not my statement. Let me read one of the recommendations; “it is recommended that the CECM Education legally constitute BOM of Liganwa forthwith in line with Section 53, Section 5(3) and 7(1) of the second schedule of TIVET.

Let me read 2 which they did not quote here. “In appointing and reappointing members of the board of governance, the cabinet secretary shall ---the commencement of

dates of some members to maintain a proportion of a new membership that requires continuity in the affairs of the board". The Liganwa Board is illegal; I draw the attention of the members as the process of appointment. The case of Liganwa, all these people are illegally in place.

Assuming that they are legally in place, how will you be terminating the membership of each and then staggering, we have got no control over that. For that extent, such recommendations falls short of legal threshold and the threshold of policy bearing to informing matters of legislative processes.

I take you to Article 183 of the current Constitution; I said my issues were merely on policy. In parliamentary practice, you cannot have legislation without policy, they didn't have a policy and the law says the role of the Cabinet Secretary in that Act is that they implement legislation.

Provision number two says that you implement National legislation. The CECM operations have not been backed up by law and even the Committee does not mention their interrogative approach backed up by law. The CECM has been in office for more than 3 good financial years.

To that extent let me take Members to areas where there is number one witness but there is no quotation of my references just as they are quoting from other Members. Let us see where the weakness is, they only pointed out as law officers, it is like when you were sending Mr. Olwero, we direct our energies at small officers, let us look at what the law says, what the CECM ought to have implemented.

Refer to 1st Schedule, let us go to page 608, where the gap is and that's why I insist the report deliberately avoided my concerns and reported on normal matters of the Committee not my Statement.

In the constitution of the Committee, that is schedule one, it is very clear, this is a CECM who has been office for the last three financial years. The membership of the board is the chairperson appointed by the CECM, representative of the principal secretary (CO) and six other board members.

Qualification is leadership and management, financial management, industry, technology, engineering, information and communication. These are some of the things that I wanted to be addressed against the existing law. The people who are in place, did they have these? Let us look at the very schedule, provision number 5(I & ii).

In carrying out its functions as provided for under this Act, the Board of governors and this one should be very clear, there should be no excuse that somebody blocked me from doing my duties. In the provision of this Act, the board in consultation with the cabinet secretary (CECM) the board does not operate without consulting the cabinet secretary. Issues of conditional grants, when we were doing the budget, each wanted to where grant is taken.

Provision number F of the very schedule we are talking about, that is page 870 where a member is a representative, has his appointment revoked by the nomination body/authority. These talks of the representative of the department, it is observed in the report that in Liganwa, two people were representing the facility.

It is clear here that it is the CECM and I even evoked the provision of the constitution of the board and it is the CECM to know who represents her! It is the CO of that department to know who represents them.

It is noted that they did withdrawals after suspension, fortunately were it not for my paparazzi way of intercepting those I would say that even the Committee would have not known withdrawals were taking place. I shared that in our What Sapp group. What is the law about Board of management? Authority of such facilities is vested in the board!

How come Waziri and her team decide to do transaction in a facility yet they don't have express powers? Inviting selected Board Members; what does the law say here provision number 14; The Board must serve the majority quorum. What was wrong even for her to invite the entire Board so that it appears as if it is the Board's decision?

It is like, were it not for the issues that brought about my Statement request, this matter would not have come into focus. It is reported that waziri began investigation only two days after realizing that Hon. Oriaro is preparing to react that is why I came to this House by a verbal Statement. I thank you, Mr. Speaker, Sir you allowed that.

Were it not for that, would there be investigation? What is in the provision number 22, a Board of Governance of a Public Institution shall prepare annual estimates of revenue and expenditure for the institution under its charge, in such a form and as such times as the Cabinet Secretaries may have stated on the issues of budget.

The last 3 financial years, Waziri has been in place. The Board doing their budget, let's say it was an illegal board, who approves that financial budget? The same Waziri. Below that, what does the law say on audit? The law is very clear on that. That the financial wellbeing of that institution needs to be audited.

Away from the auditor general we have internal auditor. What they are seemingly saying is that they are doing audit report and all that for the last three financial years. If the department did not have an internal auditor for instance, why couldn't they use the County Internal Auditor?

The law still says, 'upon presentation of the audit report to the auditor general, just as SIBO did theirs the other time, the audit report was brought to us. Waziri, for every financial year, should be having a copy of audit report. That would have told her that in the first financial year that there was a misappropriation.

Waziri was not even concerned, she was not even aware that she has got an obligation, to having the rights to access audit reports and such audit reports in law have to be shared by the Assembly. Mine is very simple. My issue has been bundled. Other findings are non-findings.

Hon. Speaker: Order, Hon. Oriaro. I want you to take your seat, I want to give guidance. I have heard you speak and I have also been looking at the law. You are of the opinion that the Statement you sought has not been adequately resolved by the findings of this report. True? So then the Speaker should give guidance.

If I am satisfied that the concerns have been addressed then we will proceed. If perhaps I am persuaded by your argument then I am left with the option of giving guidance. With regard to your question, and the matter before the House, I will be looking at the role of an MCA, and also the roles of the CECM.

Matters rose in the audit queries and the findings in the report before the House is weighty matters which the House cannot just assume.

Therefore I direct that we continue debating on the report and take a position on it based on the findings of that report. On the issue of policy, we will debate this report as a

report that came to the House. We will forget about the manner in which the investigations were initiated, but on the findings of the report, we will debate. On the issue of compliance with the law, I have looked at the role of a CECM which has featured a lot in your presentation.

The functions of a County Executive Committee Member under 36 (1) talks of:

- a. Supervise the administration of the department and the delivery of service in the County and the decentralized units and the agencies in the County.
- b. Perform any other functions conferred on it by the Constitution and the National Legislation
- c. Carry out any functions incidental in any of the assigned duties.

I have also looked at what amounts to the removal of office which I hear largely from your presentation, and it talks of;

Removal of County Executive Member can be done on the following grounds
Incompetence, Abuse of office, gross misconduct, failure without reasonable excuse or a notice from the Governor to attend 3 consecutive meetings of the County Executive Committee, Physical or mental incapacity, rendering the CECM incapable of performing the duties of that office and gross violation of the Constitution or any other law.

Hon. Oriaro, I want you to draft a fresh statement which in my opinion will be confined to the following:

Whether or not the CECM Education has been carrying out her duties as the CECM Education, violated the TVET act and which amounts if it qualifies, to gross violation of the Constitution. Well the law says gross violation. It is not mere violation.

So I am asking you if you can draft that Statement now so that I commit it to another Committee, then I will assume this is investigations and that Committee will only look specifically at the legal compliance in relation to the functions of a CECM.

These are the functions of a CECM I have read, these are the laws. Have these laws been violated or not? Which laws are they? And if you establish the violation, does it amount to gross violation of the Constitution?

Now before we finish, I will have committed it to the Committee that I feel will handle it and a Report will be brought within 14 days. Otherwise this debate will continue.

Hon. Oriaro: Mr. Speaker sir, I was only remaining with two observations. You have tapped legal sense, moral sense in me, that in the report, unfortunately one you have captured the role of a CECM. Grave matters, and it is capture in the report, the CECM writes to the Governor. It is known that the Departmental functions are to be carried by a CECM to the Cabinet. That is a classic case of confirmation that a County officer is empty of the regular mode of operation.

Lastly, for the last 30 days, majority of the students who are preparing for the exams, right from the end of this month, have not been to school, and have not been taken through the processes of learning. Most of them are doing practical exams.

We can recall that even in our days when we were doing practical exams, we were being prepared in advance, because the facility is lacking the substantive instructors who are doing all that. Fortunately the students are here.

The House should come out so that sanity prevails from tomorrow, so that normal learning is done and we expect good results. Thank you.

Hon. Speaker: The Statement, then if not I will guide it, but your draft is guided by the provisions of Section 36 on the functions of the CEC Member. We want to commit this to the Committee of Justice and Legal Affairs, to establish whether or not the CECM of Education has violated any laws, TVET in particular, and any other laws in the management of TVET, which amounts to gross misconduct, pursuant to Section 40. Then the Committee will pick it and we need a report within 14 days. Otherwise let's proceed. Yes. Hon. Otiato.

Hon. Otiato: Thank you, Mr. Speaker. First allow me to congratulate the Education Committee for this wonderful work done. I think this is an eye opener to most of the problems that we have been having. The rot has been exposed and the people responsible are well known. Going by the recommendations, I was just consulting with my colleague Hon. Adalla here, whether some of these are going to suffice.

When we are going step by step that we have a possible rot in Liganwa, maybe it is not only Liganwa, this applies to all these other facilities that we have. Noting that we are getting an average of 80 million from the National Government. This is the first time that I am taking interest in knowing what happens.

You now realize that even the tendering process in some of these facilities is a problem. That is not only to Liganwa; leave alone even now what we are saying about this facility being given to the Chair.

I happened to have noted that even this one called the purchase of tool and learning equipment is a preserve of a particular person who is well connected and is supplying these things of over 20 million shillings, and he has been doing it annually, that before even the money comes, it is known, who will be doing the supply. The advert is done and they are told that for this one we are going to procure from the County, and you will never find it advertised.

So I think this is a very serious report that needed very drastic actions against some of these individuals. What is shocking is when we are getting the reads about the CECM, about how acknowledges some of the rots, that okay we have learnt that this person did this, we have learnt that there was misappropriation, we have learnt that there was this, then a letter is written to the Governor for an action. Then who is the head of the Public Service? Is it the Governor? Why are we not dealing with this thing directly?

Again it is going to be shaming that a House that is doing an oversight, when a particular department and its head made it clear that they are aware of this rot, and then we take a middle level ground recommendations. Like now when we say, this person has stolen.

That he has taken students to his parent's home, meaning if that place remains to be--- I don't know how to refer to it in English but I know the Luo term. If that place remains to be *gundath* then he decides to utilize it as a source of earning to him.

Using his parent's home as a school. Started un procedurally, there was no Cabinet to it, we cannot even say that there was a department meeting to it and then he goes ahead to be doing withdrawals to pay himself rent and even un procedural withdrawals that some moneys are removed without even complete signatures.

It is very clear that when we are crying about the loss of monies in terms of bursaries, in terms of now this contract, the multi millions we have been talking about is getting lost in this line. That somebody can even come today and when they are three signatories, two people will come and withdraw money.

Do we really need to waste any more time? Because it is clear we have lost a lot of money. Like now we have lost a lot of money. For example we are now talking about Kshs 100,000. That one was for rent, and we are told to recover this Kshs. 100, 000.

I am happy that the committee has referred us back and recommended that further audit needs to be done but then what do we do with this particular officer? Noting that we were making a lot of noise the other time that we don't want people to be in acting capacity.

People whom we have not vetted people whom we don't know their integrity to be acting. This particular individual has acted for about 2-3 years in this capacity so how much has been lost?

We are only talking about Liganwa. This overriding statement that we always say the recovery process of this money should start. We have failed to recover Kshs. 19.3 million and all these monies we have always recommended to be recovered. Are we sure that these Kshs. 100, 000 is going to be recovered leave alone Kshs. 100, 000.

We are now dealing with a very complicated situation. A particular individual has proved to be a problem to a department. How I wish that we would take a position with that person and then say, okay we can only take away that which we can give, of which we would know only fire and hire CECMs and Cos but this Director if at all there was a recommendation for maybe a disciplinary process because this is now stealing where it is a very proper ground for summary dismissal.

We only need to have a 7 days Report and have you summarily dismissed. Let him go to court and then they fight it over there but if the department and the CECM can say all this and they are still working together. This person is still in this office as much as we are not here to be taking people home but we are also here to ensure that we protect public funds.

These kids are now here, they need to do exams. They are going to get to the exam rooms without proper preparation. The manager is not there and the board is taking over this other side. I am told that that manger is now handling hair dressing and there is one handling ICT and these people are all headed and there is only one teacher.

I just wished that there was something else that we could do maybe out of this Report after we are done. It is good you have shaded light and this light needs to go everywhere so that people don't just say Hon. Oriaro was just making noise, MCAs are just making noise.

Let people know the rot that has been here and let it be clear that the person who has the same rot who has solely accepted to be involved in this rot has been behind all these millions of shillings we have been crying about in terms of bursaries that to date we are not sure of where it is.

Let it be coming out clearly and let's make a final word as Assembly that like we did the Dorothy case that we have done our bit. We are done with you, we don't recognize you, we don't know you. If the Executive want to proceed on with them let them do whatever they can do. As we sometimes avoid going to the EACC and even referring this matter to some other organizations you cannot *pamba* everything *kuna* some hard core criminals that if you ever try to keep them close to you they will start eating you. Thank you.

Hon. Oyuago: Thank you, Mr. Speaker, Sir, first and foremost I want to applaud the Committee on Education for this good job they have done. This is a very good spirit I wish it was developed a long time ago. We would not have been crying of these monies getting lost on bursaries.

I am going to support the Report in totality. I want to put this before the House. The Report is very straight forward and it has touched almost every point that we could have been debating before this House.

This started with the Committee on Health when the committee got some information that there was some misappropriation in Bondo Hospital and I want to tell you it is now coming to the department of education it means that this happens in almost every department. If we can take our time, the sectorial committees to go deep on all these institutions that are within our county. I am very sure these rats are lying in each and every institution in Siaya.

The spirit that the owner of the Statement had was very good and it has exposed the rot in Liganwa and just as it has been stated by the Hon. Otiato. This Director, these kind of people we should not even meet them on the street walking. Somebody just taking people's money directly.

There is a point where he accepted he even went to the contractor demanding for Kshs. 200, 000 that was sent by the CECM and when he was grilled before the committee he accepted and he said that the CECM did not send him to take the money and the contractor gave him the money he even accepted before the committee that the contractor gave him the Kshs. 200, 000.

This person goes even ahead building an institution in their home and this is the same person that handles our bursaries I think he should be held responsible even before investigating. He should be held responsible for all the monies that have been getting lost in the department for bursaries.

I have nothing much to say on the Report it is very straight and even the recommendations are very straight I will just sit down by supporting the entire Report in totality.

Hon. Adala: Thank you, Mr. Speaker, Sir, I rise to support the Report Tabled by the Chair of Committee on Education. Let me reaffirm that I am a member of the Committee on Education and as such am also very involved in this thing.

Let me appreciate the gentleman who came up with this statement in whose Ward the VTC Hon. Oriaro because his Statement has also really helped us unearth lots of other things so I want to say thank you so much for having done that.

While at it I also want to thank you because you have rightly ruled and you have showed us how it should be because I sat here and was a bit worried that we have worked for one month and it appears that the objective of the Statement hasn't been met but then as you have rightly explained then we have understood where what he wanted of course that which was not based in his statement and now I think based on the subsequent one that will come then I know that his intention will be rightly addressed but as it were based on what was submitted to us I want to reaffirm that we have handled it very well.

We did have meetings with several people I think we have met almost 30 witnesses just to get to understand what is really happening in this institution known to us or few of us everything that happened in the VTC is because of the board and a gentleman called Mr. Peter Otieno. As we engaged at the start they were working as one team both the Board Manager and Mr. Otieno and along the long way things went wrong

When things went wrong there is a section of the Board that stayed on its own led by the very rude chairman of the Board and then Mr. Otieno moved away with the manager. So

we were having two camps and somebody would want to ask then how come the CECM stayed mum? When we did ask her what happened her response was that she was kept in the dark by Mr. Otieno and this was affirmed by the student who paid her a visit in her office raising these fundamental things in so far as that VTC is concerned.

In that meeting she learnt that the student had already written a letter of complaint to Mr. Otieno which he never shared with her boss who is the CECM.

That is not to exonerate somebody but then somebody somewhere would ask that how comes we did not find fault with the CECM. If you are our Speaker here, you might not know what Ben in Segia is doing unless somebody raises this up with you then it becomes very difficult and this was affirmed but when she came to learn of this what action did she take?

She did her own investigation and she wrote a Report which was shared by his Excellency and the same report was shared with us as Committee on Education, once this was done His Excellency in his own wisdom decided to initiate an ad hoc committee which would now look into this meaning at that time the roles were now hived from her to this team but this thing started way before this statement was read here meaning that when we were having this statement some actions were already being done. That is to respond to the issue of the big fish that we feel has missed in this Report.

We tried the avenues in which we could put these things in her doorstep it was not forthcoming. There were allegations that she takes bribes but when we asked Mr. Otieno who said this and he said that is false then how could we have tried to get a wrong when there was nothing wrong that she did.

My concern is on the students and I am aware I have talked to them quite a number of times when they come to our committee and in light of the fact that I also sit in this Assembly courtesy of them I feel the pain that they are about to start exams in less than one month.

In our engagement we were asking what have you put in place and we were told that they had reassigned some instructors within that very facility to take care of those classes affected while advertisements were being done. Advertisements were done and I want to confirm that this morning we were informed that two instructors have since been employed in that school.

I know of VTC's in Siaya that just have one. A case is West Ugenya for Hon. Odongo which only has one which also means that as we look into this Report we should also look at the bigger picture in terms of running of these facilities in Siaya County. It is not just about the one we are having now there are several of them and that are understaffed. This is an area that we also need to look into.

Interestingly I have worked with youths and I have also done psychology to some point and they need to be very honest in this meeting. To some point I also felt that a section of the students were also involved in the happenings of that school.

We have had demonstrations not once or twice but three times but when these things were happening the manager at that time is the same one who was sent on leave ironically he was now when we were having sessions with the students they speak so nicely about their manager and that she is so good, she understands us and we want her back and that should she fail to be back then we fear we may not do wells

One would want to ask if she has been so good then how come you have been on the streets not once or twice but a record of three times but that point in time we get to learn that according to the students it is the Board that is at a mess and not the management.

One would want to ask and think aloud, how does a student who does not sit in the BOM, does not even meet them understand that the wrongs happening in the school are as a result of the BOM and not the management that meets them daily?

So at certain points in our interactions we felt that somehow somewhere a section of students were involved in this matter and we advised them that this matter is before the Assembly and your wish is to have back your manager who you say is so good, which I agree with you.

In the event that that does not happen because if you look at our recommendations and I am saying this because the students are here. We say that the suspension if sustained; meaning that she will come back once everything has been looked into and she is not found guilty.

With this in mind, it is my appeal to the section of the students who are here that that be the case, what is of importance now is you and your books, you and NITA and you and KNEC. The result will not be based on who was the manager at the time you were sitting the exam, but the safety that you had, the life that you took and the focus that you did not put.

I am again appealing to you that if you want to leave here and still mourn you will mourn, but if the resolution is passed here, she will not come back until every other thing is done and found not guilty.

Finally, there is a very interesting thing about the students in the school. We are not able to ascertain how many students are in the school and stage after stage we felt that the enrollment was inflated extensively so that Liganwa VTC could access funds. Because when we asked BOM they gave a different figure, the manager gave a different figure, even the students gave us a different figure and interestingly the acting manager confirmed to us that it was 154 students if I am not wrong.

It does not need rocket science for one to understand that when you had 566 students in a school, it needs a miracle for 500 of them to disappear in a school even if a strike is there. We are also thinking that the figures at Liganwa were exaggerated so that it gets funding.

In conclusion, Mr. Otieno is not going scot-free because I am someone who is very human in nature and again I am somebody who does not like it when someone suffers. However, here we are talking of somebody who took things meant for education to his house for example the chairs.

The gentleman we are talking about oversaw Kshs. 1.1 million being overdrawn without the signature of a mandatory signatory, *Mr. Speaker, hapa vitu kwa ground ni different*. You cannot convince anybody that as a Director of Education you were not aware that your home was being used as a learning Centre.

When we asked the Board, the Board said that the place is in Hawinga while Hawinga is a village and not home to Otieno and the Mother. Therefore, Otieno in conjunction with the Manager decided to put this thing in their home.

Again, if you are stealing you must have wisdom because there is no reason what so ever as to why a cheque can be written in the name of an accounting officer within the same organization then you tell us “surcharge me then we finish.”

How I wish the Assembly had powers to raid in on some of this people, Mr. Otieno would have been sent home. It is my wish as we have recommended that his actions will be sent back and we are expecting a report within one month on what would have been done to Mr. Otieno. The rot in education starts and ends with one Mr. Otieno and if it were my wish he would have just gone home. *Maneno ya Otieno ni sawiya na ujinga, sarakasi na mazingaumbwe.*

(Laughter)

Hon. Odongo: Mr. Speaker, Sir. Hon. Adalla is using two languages in his conversation, which is not allowed in parliamentary practice.

Hon. Adalla: Mr. Speaker, Sir, I withdraw and apologize accordingly and this was just to show that I am equally good in Kiswahili. Therefore, disciplinary measures have not been left out and I want the House to understand that there are recommendations that we can do and some we cannot.

It is just unfortunate that this that touches on the main person here is not within our mandate and that is the reason why we are recommending to the department to initiate its own investigations. Meanwhile let it also be known that as we are looking for the report they are already in their own process. Therefore, based on the report that they will come up with I am sure we will send Mr. Otieno home.

Finally, I want to wish our students the very best in their forthcoming exams and once again reaffirm that I really empathize with them and the status that you find yourself in now. By the way this things are normal and you are not the first undergo through such a thing.

I remember when I was doing class eight there was a strike and we stayed home for a whole month, but when we went back, I still scored 564 marks. Again, when I was in form four that is at Maranda High School, third term before sitting our exam there was a strike of the teachers and we were left alone for a whopping 2 months, which did not prevent me from scoring a B.

Nonetheless, my urge to fellow youths is that there are things that you can change as a student and there are those that you cannot change however much you riot, strike or demonstrate. One of it is who becomes a Manager in the school that is beyond you. Focus on the things that are within your reach knowing your success lays in your hands, thank you.

Hon. Madialo: Thank you, Mr. Speaker, Sir. Much of what I would have talked about this young man Hon. Adalla has said. He was saying very tough Kiswahili, thank you for saving us from his Kiswahili.

Going by your guidance earlier to the seeker of the Statement I would wish to join hands with the Committee and state that what the Committee has brought out is quite comprehensive and quite a lot has been revealed by the exercise they were involved in. A matter or two or a worry, given the guidance you gave and the indication that I trust Hon. Otiato that he will get to the root of this.

So my fear was that if it is the position that the report by the Education Committee has not answered what the Statement sought and you have given wise guidance that then the Statement be redrawn. The TVET act is a 2013 act while the Constitution we operate under that created devolution is a 2010 Constitution.

When the TVET act was coming into force this Constitution was already there and it had already said which roles were going to be devolved. Therefore, even as my brother picks the wisdom and seeks to redo the Statement there is need to ask ourselves whether Parliament was not aware when they were doing the TVET act that the County Assemblies were there.

The roles in the act are saying the cabinet secretary and principle secretary. I don't know and I have not read the act but I would be fearing that Hon. Otiato is going to do investigation which may result into a report and I am not pre-empting, that is not again acceptable because one of the things is Cabinet secretary is not the alternate of Member of County Executive Committee under the act.

Hon. Speaker: Yes, Hon. Oriaro.

Hon. Oriaro: Thank you, Mr. Speaker, Sir. Is the Member saying that now the CECM is operating in the law of the jungle? Moreover, if it is the law of the jungle even the strength with which we want to fix Mr. Otieno is also a law of the jungle because the National law section 183 is very clear, in the absence of the County legislation the National legislation is applicable and is in place. Mr. Speaker, Sir, do you see that?

Hon. Speaker: Oder, Oder! Hon. Oriaro. I direct that Hon. Madialo be part of that Committee then you go and deal with those issues in the Committee.

Hon. Madialo: Mr. Speaker, Sir, I am not a Member of the Committee but I stand guided.

Hon. Speaker: You be coopted in that matter.

Hon. Madialo: Mr. Speaker, Sir, so that being addressed then I would like to support the Report and I believe that the wisdom of this House does not include and must not include whether the Minister or the Director. I do not ascribe to the notion that there was a deliberate attempt from what I have read from the report; the one of yesterday and the one as amended. A deliberate attempt to fix any member of staff of the department of Education.

I wish to disclose because as my colleagues you already know that Mr. Otieno is a very close friend of mine, he was my desk mate at secondary school and we were student association members during the same period.

One of the things I would not wish to see is Mr. Otieno being pushed aside out of gainful employment. I would not wish to see that today, tomorrow and even yesterday. However, at the same time even as we look at things we must also be awake to the fact that the Committee had a role to play and they plaid their role, and I can see that Mr. Otieno has not been fixed.

Sanctions have been imposed and I think the Committee has imposed it to the extent that was available to them. Does the Minister hold responsibility and was it her responsibility? I do not know because a finding has not been made on that and I believe that is what Hon. Member is keen about.

I wanted to join hands with my colleagues in the Education Committee in saying that the Report is well done, the research was well done and the capturing of the content of the exercise they undertook has been well done, so I support.

Hon. Atieno: A lot has been said about Liganua vocational center and a lot has been emphasized on the corruption which has been going on and I think we are not looking in totality of what has really been going on. Most people have talked about the part played by the Director leaving out the board of management.

This should be actually pointed out clearly; this board was handpicked the way it has been said. Maybe one was given the letter of appointment but the rest of them were handpicked but it wasn't clear who handpicked them. What comes clearly here; the mismanagement really happened because of the board of management.

The Committee Members have agreed that the Chair of the board is very arrogant to the students, instructors and villagers where this facility is. He is the one who has been supplying rotten maize and beans. He is running this facility as his personal property; this is an institution and not a person property.

Who is supposed to be running this institution; this institution belongs to the County and who is heading the institution? It is the CECM; I am not saying that she is wrong but it seems like she has not been playing her part.

The students confirmed all this time they had problems; she has not even gone to the institution to check what is going on. She is a friend of mine but that does not mean that we should not say it as it is.

She has been sending Mr. Otieno who is now being accused here to go and check and see how things are. At the same time Mr. Otieno is being blamed for doing the wrong things. Let us be sober and talk about what is really going on here.

The Education department should be totally blamed for what is going on at the institution because the students have been on strike since March. Has the head of the Education department been there to find out what is really going on? The people she is sending there are the ones she is blaming for mismanagement of the department.

Hon. Omoro: Thank you, Mr. Speaker, Sir; I have risen on a Point of Order over the Statement of the Member who has just sat down insinuating that the CECM Education was sending the Director and that is the reasonable cause as to why the malpractices of corruption has been rampant in Liganua. Even before the CECM came in force as the CECM Education; these malpractices have been sighted herein even dated to very previous days, thank you.

Hon. Atieno: I am saying we should see this in totality not just blaming one person; the Board should be blamed for their part and any other person involved.

Hon. Oyuago: Mr. Speaker, Sir; I am rising on a Point of Order on the Statement that has just been mentioned by Hon. Atieno. I think these things were allegations before the Director was grilled and it is clearly indicated on the Report that the Director accepted and he admitted before the Committee that he took the Kshs. 100,000 and even took Kshs. 200,000 from the contractor.

The institution that was built in his compound; the Committee visited the same institution and they found that the institution was there. Nobody is accusing anyone here; he admitted that he took all the monies and every allegation that was placed before was found to be right and they are all clearly indicated on the Report.

Hon. Speaker: This will be discussed in a Report that will come from the Committee on Justice and Legal Affairs in terms of compliance.

Hon. Atieno: The Board of management has a big part to play here and we should not leave them out because the students have been out of school for quite some time. We should thank the students for going on strike because we would have not known the rot going on in Liganua.

I am not saying that Mr. Otieno has not done wrong but there are some other parts of the institution that have also played their part. Let us put them all together and deal with the problem. The problem here for me is the board members of this institution who have been running this thing as their personal property. Let them run this thing as an institution which belongs to the Siaya County and it's not their personal property and let it be run properly.

Let the department of Education in our County take charge and instill proper running of this institution. Let us not just leave it for people we don't even know how they came to run the property. Let them take charge and run the institution properly, get the instructors who are qualified because this is not being run professionally. I rest my case.

Hon. Omoro: Thank you. Mr. Speaker, Sir; I rise to support the Report by the Education Committee. I think it's high time we bit the bullet and call a spade a spade. There is no need of beating about the bush. I think the Report by the Education is very categorical and clear based on facts.

It's not a one-man business; it's a Report based on facts that were collected by the Education Committee. In the oral and written submissions by CECM Education; the CECM categorically cites the regulations that she used to manage Liganua.

You will find that from the submissions of the CECM; it's clear that the CECM came to realize of the rot in Liganua when the petitioners went to her office. The petitioners included the board, the B.O.M member, the instructors and the students and this would candidly show that something was a mess.

The CECM took action and wrote to the Governor who later on instructed the County Secretary to form an Adhoc Committee to investigate into this matter. I think without blame games the facts put here in have tied anyone who is culpable of this to where he/she fits best.

We have found that the B.O.M has been laid off and at the same time the people adversely mentioned the B.O.M, the Chair, the manager, the director; actions to be taken thereafter and therefore let us not lament saying that some people have been left out of this corruption chorus.

I pray that the due diligence; the law will take its own course so that we make sure that the corrupt entities would be brought to books. I urge my fellow Members to stick to our oversight roles without fear or favor. With those few remarks I beg to support.

Hon. V.Odawa: Mr. Speaker, Sir; I first want to thank Hon. Oriaro for bringing this one up to the attention of the House so that now we know the rot in Liganua village vocational training center. The center may be in Oriaro's Ward but majorly the majority of the students there come from my Ward.

I take this opportunity also to thank the Committee for doing a splendid job by coming up with the recommendations. I will be go by the recommendation will remedy the rots that has been unearthed in the Liganua VTC, I support.

Hon. Oor: Thank you, Mr. Speaker, Sir; I first want to thank the Committee on Education for making a good Report. Secondly, my prayer is how the students can go back to

school because exams are just around the corner. Can we look for ways on how these students can go back to the institution to learn?

This issue of other institutions like Sigulu in Fred's Ward; there was a manager who was appointed without a letter to go and head that institution which is very wrong and I called Mr. Otieno to explain because the Board came to me one day to inquire how that man went to that institution.

Hon. Omwende: Thank you, Mr. Speaker, Sir; It will look awkward if I don't speak on the matter pertaining to this House. I must take this opportunity sincerely to thank the Committee on Education; indeed, they have done extra work. I will seek for your guidance because there is one part that is not covered; reason being time.

To extend our invitation to other VTCs in Siaya County. How I wish we could add the Committee more time to go and investigate those other polytechnics that we have within us.

Hon. Adida: Thank you, Mr. Speaker, Sir; allow me to thank all the Hon. Members for the support that they have given the Committee in regards to this Report. The Committee acted within its mandate and there is nobody who fixed this Report. The Report is based on the real findings from the ground.

I want to tell Hon. Atieno that the B.O.M Committee in Liganua was handpicked by Mr. Oganga and that one is clearly indicated in Report. I want to thank the students from Liganua vocational training for their persistence and consistency. There were students who were ready to give their views in regards to how Liganua is operated and all the activities that are going on in Liganua.

I want to advise them that there are certain times when certain decisions are beyond your control and as students it is always very important that you stick to your books because it is your books that took you to that institution and wish you all the best in your forth coming exams. I also want to inform Hon. Oor that the school is ongoing and students are in school.

(Question put and agreed to as amended)

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

ADJOURNMENT

Hon. Speaker: Hon. Members there being no other business this House stands adjourned until today Wednesday afternoon at 2.30 p.m. in the Chamber.

The House rose at 4.58p.m.