

Tuesday, 8th October, 2019 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly – Third Session

Tuesday, 8th October, 2019

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

WELCOME FROM SHORT RECESS

Hon. Speaker: Hon. Members, feel most welcome from the short recess we had, we had adjourned to participate in the CASA games and cultural festivals held at Uasin Gishu County from the 27th to 5th October and the theme of the edition was *sports and culture as a means of National Cohesion*.

I want to take this opportunity to congratulate you sincerely for having participated not just in spirit but physically. I want to register that we participated in the following games; Football men, Net ball, Volley ball men, Volley ball ladies, Badminton, Table tennis, Cultural dance, Athletics and Tug of War for men.

We registered stunningly better results than we did last time and a final report will come out but at this juncture also allow me to congratulate ourselves for being in second position in both Football and volley ball men, third position in both Volley ball men and table tennis.

There are two which I am contesting; one in the songs we were not number one so we are contesting that one. Another one we are contesting is Hon. Bernard Adalla; who was no.1 in the first race and second race no. 4 but we all believe he was no. 3.

A final Report will be out otherwise your participation is really appreciated and next time as I said before '*they will know they don't know;*' we will beat all of them. Tomorrow we shall have lunch with ourselves and members of staff and those staffs on contract basis. The luncheon will be from around 1.00 p.m. to 3.00 p.m. we will be together to also receive the trophies, thank you so much. Next order!

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MESSAGE**MEETING ASSEMBLY COMMITTEE ON GENERAL OVERSIGHT**

Hon. Speaker: This House through the general oversight on the 17th September, 2019 wrote an invitation to the Governor of Siaya County to appear before it on a number of issues. The letter reads; to a meeting with County Assembly Committee on general oversight the above matter refers.

‘The Assembly general oversight is constituted pursuant to the provision of Standing Order no. 162 (b) and is mandated to exercise oversight over the County Executive Committee and any other Executive organ in line with Article 185 (3) of the Constitution of Kenya 2010.

The Committee during its sitting held on the 17th September at County Assembly Chamber resolved to invite you pursuant to the provision of Article 195; of the Constitution of Kenya 2010 during the meeting scheduled for Wednesday, 25th September at 10.00 a.m. at the County Assembly Chamber.

The Committee shall seek to know your position on the continued non-implementation of the County Assembly resolutions some of which are outlined below: That on the 90th May, 2018 that all positions occupied by the acting Chief Officers be filled with substantive ones pursuant to section 64 (1) of the County Government Act 2012 and section 4 of the public appointments, County Assemblies Approval Act 2017.

On the 27th March; the County made a resolution that the County Assembly gets Report on the challenges in the implementation of the Budget that causes the County Assembly to be continuously poorly ranked in the Country.

That on the 23rd April, 2019 a resolution that you give a state on the County address in line with the County Assembly standing orders no.19 (one attached). That on 16th August, 2019, that you dismiss the CECM for Health services following procedural resolutions with the County Assembly in accordance with section 40 (6b) of the County Government Act.

The objective is to know the reasons behind the delay in dismissing the CECM within the period from 16th August to 9th September when stay orders were issued.

The Committee in its resolution prefers dialogue with you as opposed to the following options which were also considered with respect to disregard of County Assembly resolutions:

Escalating the issues to the senate by way of Petitions in accordance with Article 119 in the Constitution of Kenya.

Referring cases to external agencies especially in cases of alleged abuse of office or those with elements of criminality.

Following statutory let down procedures in dealing with cases where law is believed to have been contravened, opting to severe interactions with the officers believed to have contravened the law in all dealings with the County Assembly.

Kindly take note that this is not a summon but an invitation aimed at nurturing dialogue between the two arms of County Government for purposes of future fruitful engagement. I look forward to your confirmation to this invitation.’

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Today I have received a response from the Governor which I will read tomorrow morning and communicate to you what his position is on that letter we wrote to him.

PETITION
FINANCE BILL

Hon. Speaker: Hon. Members, I have received some form of Petition but it is in relation to the Finance Bill which is before this House. It is written by Bondo small scale traders union. They are protesting against taxes imposed in the Finance Bill and I don't want to belabor it because it will be committed to the Finance Committee.

Finance committee; make sure you take this Petition and any other Petition. What I have seen them raise here like how can plot rent of temporary structures and 10 by 10 shoot from Kshs. 1,000 to Kshs 10,000.

Mortuary fee Kshs. 1,000 to Kshs. 3,400 and a person from outside Kshs. 2,000 to Kshs. 4,600. Therefore, why don't you create a room to reason over these issues; why rush with everything? The world is not ending tomorrow so take that into consideration.

STATEMENT
TENTATIVE ORDER OF HOUSE BUSINESS

Hon. Olsi: Thank you, Mr. Speaker, Sir; I stand on behalf of the majority leader to give the tentative business for the House between today 8th of October, 2019 to the 17th October, 2019. Mr. Speaker, Sir; it is to notify members that the House business Committee in their last meeting approved the following tentative business to appear in the Order Paper for the next two weeks commencing from today 8th to Thursday, 17th 2019.

The first Sitting that we are attending today we should have the Siaya County Project Management Bill 2019 first reading then we have Siaya County Finance Bill 2019 first reading. Hon. Speaker, tomorrow we expect the response from the Committee on Roads, Public works and Communication on the following Statement request:

We need to get a response for the Statement request by Hon. Morris Aringo regarding a classroom roof in Nyawita primary school that was blown off by wind, Statement by Hon. Peter Odero Oor on the construction and maintenance of drainage system in the major towns in Siaya County.

Tomorrow morning, we expect a Statement request by Hon. Edwin Odhiambo regarding the grading, culverting and murraming of Kothacha Ooya wich lum road in South Sakwa Ward. Tomorrow we are also expecting Statement request by Hon. Otiato on the status of implementation of National Land Commission ruling on historical land injustices with regard to River Yala water.

We also expect the response to a Statement request by Hon. David Audi on the improvement of drainage system and graveling in Akala Market in South Gem. The first four

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will have the responsibility of the Chair of Roads Hon. Odawa Eric and then the last one we expect Hon. Peter Oduor, the Chair Finance with regards to the Akala. In the afternoon session we expect the Tabling of the Report on Education, Youth Affairs, Gender and Social Services on the Statement request by Hon. Leonard Oriaro on mismanagement of Liganwa VTC by the Board and be discussed in the afternoon.

Next week 15th October, 2019 afternoon sitting we will be having the Siaya County Laws Inspectorate and Reinforcement Bill, 2019 Second Reading and the House will be taken through by Hon. Odawa, the Chairperson on Governance.

We have the second reading in the afternoon then the same Siaya County Laws Inspectorate and Reinforcement Bill, 2019. On Wednesday, Siaya County Laws Inspectorate and Reinforcement Bill, 2019 and the Committee on the Whole House, thank you.

THE SIAYA FINANCE BILL, 2019
(BILL NO. 9 OF 2019)

Hon. Speaker: Hon. Members, it is important that we as a House express our dissatisfaction with late submission of the Finance Bill. If you look at the Public Finance Management Act section 32 which talks on submission and consideration of the revenue raising measures in the County, *each Financial Year the County Executive Member for Finance shall with the approval of the County Executive Committee make a pronouncement of the revenue raising measures for the County Government.*

The County Executive Member for Finance shall on the same date that the revenue measures are pronounced submit to the County Assembly the County Finance Bill setting up the revenue raising measures for the County Government together with a policy statement expounding on these measures.

Any recommendations made by the relevant Committee or adopted by the County Assembly on revenue matters shall ensure that the total amount of revenue raised is consistent with the approved fiscal framework and the County Allocation Revenue Act. Take into account the principles of equity, certainty and ease of collection.

Consider the impact of the proposed changes on the composition of tax revenue with reference to direct and indirect access. Consider domestic, regional and tax trends. Consider the impact on development investment, employment and economic growth and take into account the taxation and other tariff agreements and obligations that Kenya has ratified including taxation and tariff agreement under the East African Community.

The recommendation of the County Executive Committee Member for Finance shall be included in the Report and tabled in the County Assembly. Hon. Members, this Finance Bill is coming so late in the implementation of the Budget that we just passed; I have also not seen the policy statement expounding on these measures and I didn't know of pronouncement.

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We admitted it and those concerns we raised them through the Finance Committee. Make sure the relevant CECM is put to task to explain on the delay and the absence of the missing elements of this Finance Bill.

You need to warn them that next time we will not treat it kindly. The Bill is committed to the Committee on Finance and you are directed to ensure that each Member has a copy of this Bill by tomorrow.

You also move with speed to ensure that Public Participation is costed on the Bill and give the public a notice of 7days and make sure you collect views from as many people as you can. Yours is just to provide the venue then we will consider it. Stern warning to the CECM in-charge of Finance for the late submission.

THE SIAYA PROJECTS MANAGEMENT BILL 2019
(BILL NO.7 OF 2019)

Hon. Speaker: Hon. Members, that is a private Member's Bill which has been drafted or sponsored by Hon. Ambrose Akuno. In the current dispensation there is very thin line between private Member's Bill and that of the House.

This is because what they now consider public interest Bill is that which attracts the interest or attention of the general public and private members tend to link it to what benefits an individual.

This matter as much as it has been proposed or authored by one Member to be committed to the Finance Committee, the Finance Committee will look at the Siaya County Projects Management Bill; you also have the Finance Bill and I am aware you also have the Cooperatives Fund Bill.

You need to move with speed to ensure that these matters are concluded and consult as many Members as possible because the issue of project management is a matter of concern to elected leaders or to leaders in this Assembly. Take it very seriously.

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

ADJOURNMENT

Hon. Speaker: Hon. Members, there being no other business this House adjourns until tomorrow Wednesday, 8th October, 2019 in the Chamber at 9.30a.m.

The House rose at 3.10p.m.