

Wednesday, 18th September, 2019 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly-Third session

Wednesday, 18th September, 2019

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

[The Temporary Speaker (Hon. Jane Atieno) in the Chair]

PRAYER

MOTIONS

1. THE SIAYA COUNTY LAWS INSPECTORATE, COMPLIANCE AND ENFORCEMENT BILL 2018
(BILL NO.3 OF 2018)

Second Reading

The Temporary Speaker (Hon. Atieno): This one is being deferred. Hon. Members, the Motion for The Siaya County Laws Inspectorate, Compliance and Enforcement Bill is being deferred to a later date. Next Order.

2. THE SIAYA COUNTY VILLAGE ADMINISTRATIVE UNIT BILL 2018
(Bill No. 10 of 2018)

Second Reading

The Temporary Speaker (Hon. Atieno): Hon. Odawa please.

Hon. V. Odawa: Thank you, Madam Speaker. I wish to lay on the Table of the House the Motion of the Siaya County Village Administrative Unit Bill 2018 for the 2nd reading. This Bill was introduced into the Assembly and went through first reading, pursuant to County Assembly Standing Order number 128 on 15th November, 2018. The Standing Order number 129 (1) provides that a Bill having been read first time, stand committed to the relevant Sectoral Committee.

The Bill was committed to the Committee of Governance and Administration which conducted a Public Participation on 27th November, 2018 in all the Sub Counties. Allow me to convey the views we got from the Stakeholders.

From the public, e.g. from East Asembo, they proposed the clustering of villages as follows:

1. Omiya Malo as a stand-alone unit because of its population and developmental size.

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Wednesday, 18th September, 2019 COUNTY ASSEMBLY OF SIAYA DEBATES

2. Omiya Diere and Omiya Mwalo to form one unit because of their small population size.

I believe that Members have these papers which have been distributed to them, and I don't want to bore the House by reading all through if you allow me. I can go straight to the recommendations by the Committee of Governance and Administration.

Upon request by the Committee that the CECM Governance and Administration do review and identify gaps in the Bill and communicate to the Committee on the same, the CECM through a letter dated January 2019 outlined the following amendments:

1. In Section 3 (1) the number of Village units is indicated as 75 but in the schedule it is indicated as 79. So the number 79 be indicated as the correct number and be applied uniformly throughout the Bill.
2. Section 8 (1) states that any person above the age of 18 years is eligible to be appointed as a village elder. This is not practicable for the simple reason that a person of age 18 is still a youth and lacks the requisite experience to be an elder. We suggest that the minimum age be changed to 35.

We have the schedule there for the Members to go through and we took into consideration the input of Members and I can say confidently in this House that every Member of this House is satisfied in all the input they had given this Committee to take into consideration.

With the establishment of this Village Administration, I believe it will make the spirit of Devolution be felt on the ground, in that currently as we speak, we know that the lowest level of Executive is the level of the Ward Administrator and you know how our Wards are very vast. You find that those who are supposed to be getting the services are not even feeling them; most of them do not even know their Ward Administrators.

So if we have the village councils in place then the spirit of Devolution will be much felt on the ground. In most cases you find that the Ward Administrators brush shoulders with the sitting MCAs. You find this happening because they do not have touch with people on the ground because mostly they come from different areas and not from the Wards they are working in.

You find that they are foreign to these Wards that they are working in. So they may not be working in tandem with the requirements of the Ward. So you find that there is always a rift between the Ward Administrators and the MCAs of the area. With Village Council in place, will create opportunities for employment and employment comes with many benefits, money will circulate in the Wards and villages.

This will make our people to be happy and if they are happy we MCAs will also be happy and that is why I support this Bill. For that matter I call upon Hon. Abudi to second.

Hon. Aringo: Seconded.

(Question proposed)

Hon. Oriaro: Madam, on a point of order. I had thought that this report needs to be debated upon. I will agree with the report and if you read Article 175 of our Constitution where the objects of devolution are spelt, it is to remove the seat of power not just from Nairobi,

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not just from the Headquarter of Siaya; it should go down to the door steps of the public because not everybody will move to major centers in order to table their concerns.

It should be the known practice that Public Participation meetings are free meetings where people go at will. In regions where we come from where there is poverty, members of the public have always believed that they must be ferried to those places. The nearest place to me especially village administration should be much closer.

So the question will generally arise because we know what has happened to Kisumu this week. Hon. Anyang Nyong'o had assented to a similar Bill. The question is, why do we merge Sub Locations? Had we been so revolutionary we would have even split even sub locations into two so that in each sub location we have two village administrators and councils.

One of the reasons the Punguza Mizigo was rejected was the fear of merging existing administrative units, merging constituencies. That was a threat because we are removing the power to commune with our governments, decision making and sharing of resources.

This one is all about merging. I am trying to imagine Central Alego which should be split and I will push for that so that it becomes two Wards, as big as it is, why must we remove our leaders, the people we represent from their closeness with centers of power?

To me, I may not be comfortable with merging and even for instance Okumu Kombewa where the Chair comes from, it will be like we are creating a new Central Alego. As a representative from Central Alego Ward, I am not comfortable with the philosophy that had informed this one.

I believe if we read the County Government Act on the Power to Petition where only 25% of signatures are collected, I believe the people of Central Alego will say we did not participate in this. Clustering us this way will be a democratic sin, therefore I don't support it. We are likely very soon when this one is assented to we will collect signatures to denounce it as a public.

Hon. Odongo: Thank you, Madam Temporary Speaker. First allow me to thank the Committee on Governance and Administration on the report after the Public Participation but I believe Hon. Oriaro, has captured almost $\frac{3}{4}$ of what I wanted to air out. I stand on behalf of West Ugenya.

I remember when this issue was brought to our attention it really raised eyebrows of villagers. I am almost not comfortable with West Ugenya as it has been stated here although I cannot remember the first schedule that has been amended here which I would request the Chair of this Committee to help us with the copies of the schedule that has been amended.

My people who were there during the Public Participation in West Ugenya totally disagreed with the proposal that is now in this schedule that has been brought before us. My people were not comfortable especially Karadoro East and West. I remember very well and it was everywhere in all forums and in Facebook.

The people who went for Public Participation can remember what happened. If you look at Karadoro East and West, which brought a lot of issues, we also moved to Nyalenya and Ulondo where the villagers disagreed and this is due to population that has been mentioned by

Wednesday, 18th September, 2019 COUNTY ASSEMBLY OF SIAYA DEBATES

Hon. Oriaro. I therefore disagree with the report of the Committee on Governance. I request the Chair to avail the copies of the schedule that has been said to be amended. Thank you.

Hon. Odhiambo: Thank you very much, Madam Temporary Speaker. I have also stood to air my views in relation to the report. My fellow Members who have just talked have addressed some but most importantly I wanted to address the way the segregation of these villages was done.

Even right now or sometime back the Census was going on to help us to distribute development equally. When you check at this report a number of Wards or villages have different population. I think those who were taking the statistics could have helped us in or could have verified how the village demarcations were done.

As the area MCA of South Sakwa, it has not been distributed well; I would propose that we do the sub location way so that when we are bringing other projects it is seen to brought per sub location.

Again if not that we could have reason in a way that the villages we are creating here could be demarcated according to the population within a village because if they are just distributed without population I think some areas may not be represented well.

The purpose of doing village demarcation is very important and this is one of the ways those who can't reach the Ward level for public participation can also have a chance to discuss their views with the Executive and the County Assembly.

They find it so difficult moving long distances and you may get that some people remain back at the village with very important points to put across. It is a very important move and the only thing which should be put in place is that let us put it in a more organized way that the population dictates the number of villages we have in this County. I hope the Chair is also keen on that so that we have equal distribution of resources as per the villages.

Hon. Aringo: Thank you, Madam Temporary Speaker; I want to say that the mandate of the Committee was to go round and collect the views from the various Wards. I want to confirm that it was done and what is being presented before this House this evening is the views from the people concerned.

When it is said that the Committee to look at it again I don't know whether that means that the Committee should just sit alone and decide for the people or it is the Committee to get back to the people.

I am sure that at the time the Committee was going round; it was in the know of all the MCAs and we safely believed that it was in the know of the Hon. Members of the County Assembly of Siaya that which was given by the people from the various Wards were known to them. I still stand to support the Report, thank you.

Hon. Ochieng: Thank you, I want to start by saying that this Bill has been due since the first Assembly. I want to believe that when everyone walks within Siaya County they complain why the County Government of Siaya has not employed village administrators.

When benchmarking with other Counties; we have heard Busia has put in place the village administrators also in Homabay County, Kisumu County and I want to also say that as

Wednesday, 18th September, 2019 COUNTY ASSEMBLY OF SIAYA DEBATES

much as we would discuss this Bill we want to believe that the General public outside this Hon. House are waiting these village administrators put in place.

It will be very difficult sometimes to discuss over a Ward that you don't represent but I want to believe that the Committee given mandate were given some guidance on how to establish these villages.

I think one of them was population and square area; originally were looking as per the sub location to be the village which means we were being guided by the error of jurisdiction as per the National Government. When we go as per our wish---

The Temporary Speaker: Sergeant, can you take the account and let's see.

Hon. Odongo: As I said earlier; I reminded Hon. Oriaro over quorum but he mentioned that Members are just outside for nature calls. As you can see some two Members have walked in now; I would request us to proceed to allow the Member who was on the Floor to proceed with this contribution as we wait for other Members coming in.

The Temporary Speaker: Let the sergeant-at-Arm come back and tell us whether we have a quorum or not.

Hon. Odawa: On a point of order; somethings we don't need second opinion from Sergeant- at- Arms on. We know we started this debate when we had a full House.

The Temporary Speaker: We have just realized we don't have a quorum; let us give it two minutes to see if we can have a Quorum or otherwise we adjourn.

(Sergeant- at -Arms confirmed lack of quorum)

The Temporary Speaker: We have realized that we don't have quorum. If at any time after the Chair is taken or when the House is in Committee a Member objects that there is no Quorum present. The Speaker or the Chair person shall count the Members in the House or the Committee as the case maybe.

If on the account under paragraph one a Quorum doesn't appear to be present, the Speaker/Chairperson shall cause the division bell to be rang on a division and if no Quorum is present at the expiration of the eight minutes;

a) if the Speaker is in the Chair he shall adjourn the House until the next sitting without question put and b) if the House is in Committee the Chairperson shall leave the Chair and Report the fact to the Speaker who shall adjourn the House until the next sitting without question put. You just noticed we sent out a sergeant at arms to ring the bell, the time has passed and we still don't have a Quorum.

Hon. Ochola: Thank you for ruling and clarification; however, it will be good to go on record that we know when the count was done how many Members were in because at this point you have left us blank. What should be the Quorum and how many people were there for the purpose of the record before we adjourn.

The Temporary Speaker: Hon. Ochola, we have eleven Members and the Quorum is supposed to be fourteen. Next Order!

Hon. Members there being no other business can we be upstanding for adjournment.

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MOTION

ADJOURNMENT

The Temporary Speaker: Hon. Members this House stands adjourned until tomorrow at 2.30pm in the Chambers.

The House rose at 2.56 p.m.