

Wednesday, 26th February, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly – Fourth Session

Wednesday, 26th February, 2020

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

LACK OF ORDER PAPERS

Hon. Speaker: Hon. Members, the secretariat apologizes for having not issued you with Order Papers for the reason that they were not able to print them but you have them in your email addresses.

We only have two Businesses. There should be a Motion whose notice was given yesterday. I have been sharing with the Mover and a decision will be taken before he proceeds further. Secondly, there is a Statement request this afternoon from the MCA from Ugunja Ward so bear with the secretariat.

PETITION

BUSAA CLUB MEMBERS ON INCREASED LICENSE RATES

Hon. Speaker: Hon. Members, there is a Petition. It doesn't meet the threshold of a Petition but sometimes we admit them when we feel there are matters which should go to the committees.

There is a team of *Busaa* Club Members from Ugunja sub county, 9 of them going by the names Peter Musingo, John Oganga, Zachary Oluoch, Jenifer Oguna, Merab Ogada, Joyce Awuor Kitoi, Yahuma Okoko, Philip Maroko and Hellen Akinyi. They are petitioning this House on a matter of local brew.

May your pleasure allow us to address you on the above subject: The Finance Bill for the year 2018/2019 shows that the local brew license was Kshs. 1,000 for a period of 1 year i.e from 1st January to 31st December, 2019 but in 2020 we are being asked to pay Kshs. 15,000 for license from 1st January to 31st December, 2020

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We appeal that the increment be reviewed as the local brew is for the low income citizens. We will appreciate as this business is normally done by the elderly persons. Thanks in advance, members of Ugunja sub county *Busaa* Club.

I have asked the clerk and the chairperson of Committee on Finance to convene a meeting with Members and ask from the Executive the operational rate as per the recommendations of this House.

As far as I can recall, the Bill had provisions for Kshs. 15,000 but the House resolved to reduce it to Kshs. 1,000 for *Busaa* brew. That information should reach this House not later than tomorrow because this is very simple. Latest Tuesday next week.

We simply want to know if the Executive is implementing the Finance Bill rates as was recommended by the House or are doing it outside the directives of the House. That can only be verified by one having a copy of the Act and if possible if we could also have an invoice issued by the County Government to these traders. Then we will know before we conclude that they ignored the resolutions of the House.

STATEMENTS

VILLAGE ADMINISTRATIVE UNITS BILL

Hon. Speaker: May I ask at this point the fate of the Village Administrative Units Bill (the memorandum from the executive).

Hon. Otiato: Thank you, Mr. Speaker, Sir. Last time when we got a communication from the chair of the committee, I think there was a proposed resolution that we revert back to the locations.

It was not agreeable with some of us and there was a concern. We were to meet then it was to be discussed in details. Otherwise it was that we now revert to the locations instead of sub locations which could come to around 98.

Hon. Speaker: Can I direct that Wednesday next week in the morning session we have an informal meeting to conclude with the position of the House on that Bill then in the afternoon we can deal with it formally and conclude it.

The committee be guided that you meet before then and on Wednesday next week in the morning we conclude this matter.

SUPPLEMENTARY BUDGET

Hon. Speaker: May I ask the position of the supplementary Budget?

Hon. Madialo: We had an agreement between the House and yourself in Kisumu some one month ago that Members that had some grey areas to highlight were to give us in writing.

Permit me to report that as of yesterday only 4 members had given us their concerns, much as nearly everybody had concerns when the directive was being given. We have determined as a committee if at the end of today those issues have not reached our secretariat then we are going to proceed as if the 4 Wards that have raised issues are the only ones that have got them. We should be able to present a report on the Supplementary Budget by latest Wednesday next week.

Hon. Oriaro: It is appalling that only 4 people have reacted but it could be by chance to our advantage and of the people we represent. I was yesterday surprised when we bumped into the projects that are being launched in the so called supplementary documents we had, we could see projects.

I was surprised that we have so far done two launches but as of yesterday the projects that I thought would be carried forward, some are not appearing. It means that we really need to interrogate that which is being launched because it would be very much germane to have a credible intake on that supplementary issue.

I can be very specific. Two projects worth Kshs. 12 million were not appearing and interestingly some of the projects which were not even appearing in earlier documents were being launched yesterday in my Ward.

Hon. Odongo: Thank you, Mr. Speaker, Sir. Maybe I was not there when this was being conveyed but I would like to request the Chair that if this message was conveyed by the Chair who is Mr. Speaker, then this needs to be reannounced. I am not aware of what the Chair is saying, that it was communicated that those with issues in the supplementary document to put them in writing.

What I am aware of is that earlier during the preparation of the Budget, those who were complaining in the previous Budget that their projects were removed, this is what I know and this is the message that was conveyed in this House; put them in writing and take them to the Speaker's office.

In the supplementary Budget, I believe that it was communicated and we agreed unanimously that each and every Member be furnished with the copy so that we get to go through the Supplementary Budget and then we discuss later

Hon. Speaker: For the benefit of all of us, may I direct that the clerk of Committee on Budget and Appropriations to communicate today latest 2.00 p.m. to all Members that they officially present their views on the Supplementary Budget by latest Tuesday 3rd of March to the Office of the clerk Assistant of Budget.

The Committee on Budget to look at those issues and on Wednesday in our informal meeting to give us a road map of how the Supplementary Budget can be concluded and by when, taking into account that the House will be going on short recess on the 19th of March.

Hon. Otiato: Thank you, Mr. Speaker, Sir my concern is that I did a letter to your office and then again a Statement Request. Now that my statement Request is still a matter to be resolved by the Committee on Budget, I don't know if from your side I will take this then it remains unresolved until maybe the Committee on Budget calls the CECM so that we can sit and resolve it and see if it can be effected from the Supplementary Budget

Hon. Speaker: Just give it to the Committee on Budget and maybe if you have issues and experiences like the ones Hon. Oriaro had where during launching of projects you realize there are some variances then you can also enhance your request. Are you agreeable to that directive?

Hon. Madialo: I am agreeable I only wanted to point out that the directive you are giving out is the third directive. The directive was given in the presence of all of us and if we continue postponing, it is making our work very difficult.

I would wish to point out to Members that anchored on the directive you have given, please attend to these issues with the knowledge that you can never cure problems that touch

on resources 100% so the more you wait for curing it the more time we waste. If we could adhere to the deadline of Tuesday I would be a very grateful man.

Hon. Speaker: May I ask again the fate of the Membership for the PIC Committee? Whip!

Hon. Olasi: Thank you, Hon. Speaker. Last time the House resolved that the composition was not meeting the threshold in terms of gender balance. I would give assurance to the House that before end of Business tomorrow, together with the Majority Leader, we can put our heads together and bring a balanced list to the House tomorrow, thank you.

Hon. Speaker: Tomorrow afternoon, make sure the list comes to the House without fail. The next order is no. 8. Is there a statement request? Yes, Hon. Samuel Olasi!

Hon. Olasi: Thank you, Hon. Speaker. Pursuant to Standing Order no. 41 (2c), I rise to seek a Statement on behalf of Hon. Peter Odero Oor, MCA Ugunja and the Majority Leader of the House from the County Executive Committee Member of Roads, Public Works, Transport and Communication on the maintenance of the street lights in various road networks in the County. In the Statement, the Hon. Member wants explanation/reasons;

1. For the constant street light black outs in most market centers and road networks across the County.
2. The Member wants to know if there is any mechanism put in place for the continuous maintenance of the street lights including but not limited to the payment of associated electricity bills for the said street lights.

Thank you.

Hon. Speaker: Is street lights under roads or under trade? Hon. Odawa!

Hon. E. Odawa: Thank you, so much Mr. Speaker. I think there is confusion on that because knowing whether it falls under Public Works or under Trade is a very tricky thing because normally Trade is the one that procures street lights.

Hon. Madialo: When it is in the major towns like Siaya, the ones along the road, those are in Public Works. When they are in the market centers, they are under Trade.

Hon. Siguru: We will be able to give a position within 14 days.

Hon. E. Odawa: Thank you, so much Mr. Speaker. I just needed some clarification. The issue of street lights is a very tricky issue. In all our Wards, street lights have been erected, surprisingly, the Members of Parliament are the ones claiming credit on the street lights that have been erected yet it is the County Government which again foots the bills.

We need some clarifications here so that we can equally put it clear to the public to know who has done what because when the street lights go off, it's the MCAs and when they are being erected, the MP takes credit. Thank you.

Hon. Speaker: Can you pick that in one of your interrogations with the CECM in charge of Roads so that you can find out and you report to the House how street lights are being erected and how the bills are being paid by who so that that clarification comes out clearly? Yes, Hon. Otiato!

Hon. Otiato: Mr. Speaker, just on the same, how I wish that maybe the Chair of Trade is equally taking notes on this. From the Statement we have heard Majority Whip asking about the maintenance and you will realize that some of this particular items maybe the cost of that particular street light is maybe Kshs. 300,000 and maintaining cost will be

around Kshs. 200,000. I don't know who will be asking generally to know the status of implementation to some of these street lights that we actually proposed.

I fear to the extent that yes, we give out about Kshs. 26 million to give out street lights when the Budget was being proposed. What I realized the other day through my proxy some awards that have been given to the street lights to the tune of Kshs. 1.9 not Kshs. 1.3. It means therefore that we will not raise the 30 and I am reliably informed that the numbers reduce from the projected 30 to about 16 or so.

The other thing, like what Hon. Odawa, has said. We have got issues like in my area, the MP has provided for the street lights/the mast and the CDF does not have recurrent budget to maintain the mast. So we have the mast but then mama mbogas contribute to pay for the electricity bill for those particular masts.

Sometimes you find they go in darkness and I was wondering how do we go about this, the infrastructure has been provided by the National Government but now the maintenance cost, how it can be done. Thank you.

Hon. Speaker: Yes, Hon. Oriaro!

Hon. Oriaro: I want to take this opportunity to donate a very simplest idea on the issue of street lights because the people are in need of it but whoever was implementing at the executive the other side never had a sense of sustainability.

This is where the problem is, because we have got knowledge that some MPs have chosen to doing it, County Government also opted for it but it flopped and the National Government vide the Kenya Power with the help of sponsorship is also doing it. When they interrogate this, let your boys and girls, when they meet the executive the front for one thing. We have the street lights in Nairobi, it's not Kenya Power

Hon. Speaker: Yes, Hon. Madialo!

Hon. Madialo: Mr. Speaker, is the Hon. Member in order to refer to availability of some girls and boys that belong to you in this House?

Hon. Speaker: Yes, Hon. Olasi!

Hon. Olasi: Thank you, Mr. Speaker. Just on the same strength and vigor, is the Hon. Member in order to call the Hon. Colleagues your boys and girls that you own? Secondly, the Hon. Members is always the first person to Google, can he Google and tell us the meaning of boys and girls in this House before we proceed?

Hon. Oriaro: I apologize and withdraw but I was entrenching the concept of gender parity.

(Laughter)

Hon. E. Odawa: I just want to bring to your attention, Hon. Oriaro, has a habit of calling people juveniles and pediatric politicians, political toddlers. I think he must desist from this! It is not the first time that he has used such terms; I am requesting you prevail upon Hon. Oriaro, to respect Hon. Members of this Assembly, the Siaya County Assembly. These are Hon. Members, ladies and gentlemen, please desist and I hope you will not make such mistake next time. Thank you.

Hon. Oriaro: In Nairobi we have street lights, has our governor ever compared notes with his colleagues how they are managing the issue of street lights. The idea is very simple

and Siaya County ought to have adopted this much earlier. Let us go the business way, public private partnership, we have got Candela here, why can't they have their billboards there then they are the ones footing the bills.

We have got Siaya Centre, Cooperative Bank, Villa and all that, they can overtake the running of each mast, whatever they are and place there advertisement there baring their own business entities and a compromise arises on how/they negotiate issues of rates.

This how it is done all over because when they were launched, it is the governor but when it is now dark, the governor is not there now. We can recall how that exchange emanated between Ken Obura of Central Kisumu and Ranguma, how they were jostling over street lights.

Hon. Speaker: Hon. Members, I think that is quite too much for the Member to deal with within 14 days. Because you are going to look at the issues of installation, maintenance, the cost effectiveness and sustainability with a view to finding out the best way forward. Is that something you can combine with that Statement request and bring a report within 14 days?

Hon. Kinyanyi: Thank you, Mr. Speaker. About what you are talking about the street lights, I think I have some ideas about it. The bills are for the County, maintenance if for the Kenya Power. There is an agreement of 4% that the County pays.

Hon. Siguru: Thank you, Mr. Speaker. Having noticed that technicalities have arisen from the Statement, I had asked for 14 days to give a response, but this is a position that we still need to discuss with the executive.

I don't really know how fast we shall be able to communicate to the House based on the engagement that we need to have with the executive, the concern that you have which make sense, we can probably adjust the days to 21 days.

Hon. Speaker: For Hon. Oor's, you can just give a report within 14 days but this extended enquiries, you can maybe add an additional week so that you conclude the other bit

Hon. Odongo: I would also rise to add something on what has been brought before us and has raised eye brows of each and every Hon. Member. I am a victim of the same; in my Ward, Aboke area where street lights were installed. They are non-functional and people are in darkness.

I would like to request the Committee not to be added more time; they should move with a lightning speed to make sure that we address this issue since a Hon. Member has also risen up and brought to the Committee's attention that he has an idea. Therefore, when they request or invite the Executive I would also request them to invite one of the Hon. Members that has an idea in this to assist them.

Hon. Speaker: Well the time the Speaker has given 7days to address that because I know it will involve even some statistics; working out the cost implications. How much was put in erecting it? How much are we paying for the bills? Who maintains it?

I agree during the sessions you will be having with the Executive; invite those with knowledge like Hon. Kinyanyi and also invite those who have problems like Hon. Odongo so that they are all there.

MOTION

Hon. Oriaro: Thank you, Mr. Speaker, Sir; for this wonderful opportunity; happy holy Ash Wednesday. I was very much prepared to move this Motion but after an afterthought I am asking for your permission to withdraw it for now until another time we will come to terms with it based on some realism.

I am a humanist and is in the new humanist movement for those who are conversant with it and one of the principals and in deed laws of the new humanist movement is that concept and the principal of coordination and the law states that things are well when they move together and not in isolation.

I have been this morning touched by that and reasons why I ask for that permission to withdraw I would easily state them. In Facebook accounts belonging to Members; I saw a Member from Gem really lamenting to a point that we would empathize with him.

In the ongoing project launching he was forced to go and chase away the team led by the minister who came to launch it because his people and him were not mobilized neither were members of the public invited objectively meaning the project would be launched without PMCs being installed.

I am also a victim; yesterday at around noon I was called by the finance CEC Member asking where I was that he was launching projects in my Ward at noon when I was prepared to lay this Motion yesterday but I challenged him.

He told me that his attention was drawn to the issue of launching at around midday when he was through with a session with the Governor. If a substantive CECM is also informed at 11. 00 a.m.; this morning, I grasped the entire list of launching.

I learnt that yesterday 12 projects worth Kshs. 17million were to be launched in my Ward led by the CECM whose attention was just drawn to it. I didn't attend that meeting; I told him just to continue then later on I was alerted that the CECM on Education was also heading to Gendro primary school to launch an ECDE project. It forced me to attend...

Hon. Speaker: Hon. Olasi?

Hon. Olasi: I am attracted to statement on the value of the money of Kshs. 78million project being launched in a Ward and it's common knowledge that the Hon. Member shares the Ward with H.E. the Governor. Is it because of that relationship?

Surely, because all that we know even together with the rollovers we went to the minimal of Kshs. 15.5million per Ward and together with the rollovers of Kshs. 23million of the other time can't reach Kshs. 50million. Can the Hon. Member come out clearly to state which projects were worth that Kshs.75million?

Hon. Speaker: Hon. Olasi you are a Member of the Budget Committee; can you share with this House how many Executive projects are in Central Alego and of how much?

Hon. Olasi: Mr. Speaker, Sir; as from where I stand I don't have that information with me.

Hon. Speaker: Ok, fine. Hon. Odawa you have something?

Hon. E. Odawa: Thank you, I think the matter at hand is not as light as we may take it to be. I have been lamenting and complaining about ,,,,,,, awarding of contracts and some areas being given favor over others.

All Sub Counties are equal and even if you look at in terms of employment in the Executive office I think the top 3 or top 4 from one Sub County is not acceptable. Right now we are being told about a Kshs. 75million contract; I would also like to inform you that launching of projects in my Ward have been cancelled.

I am equally informed that launching of projects in Siguru's Ward have been cancelled, I am equally informed that launching of projects in Odongo's Ward have been cancelled simply because we don't sing the same tune with the Executive. We must as a House stand for each other and this time round the Budget department should not take us for a ride.

This is a matter of urgency and we want to get those details as soon as possible. If possible we want to get the data; the much spent per Ward and we want to know if at all for one to get development in their Ward one must come from one Sub County or be a drum major of the Executive.

Hon. Otieno: Hon. Oriaro was on his feet maybe to tell us why the Motion of today was suspended, he hadn't finished.

Hon. Speaker: He is obliged to talk on facts; when in his contributions something appears not to be factual, any Member is right to rise on a point of order. In other words, if Hon. Oriaro mentioned a matter of Kshs.78million which in the opinion of a Member of the House is not true, like, if you say something that is not factual then one can rise on a point of order.

I allow the points of order raised. Hon. Oriaro will you proceed with your persuasion or you want to withdraw.

Hon. Oriaro: Thank you, Mr. Speaker, Sir; maybe the spirit I said of new humanist movement is already demonstrated in their concerns. It forced me to go and attend Gendro ECD launch. Interestingly, apart from the headmaster and the teachers there were only two residents; it forced me to tell off CECM education that it won't proceed.

A common denominator was that they were also complaining that they were just alerted last evening. I was the one sponsoring this Motion but on realizing I have such like problem in my Ward for this one to give room for each Member of this House they belong to their own Wards.

To go and also do soul searching so that everybody views this Motion on objective grounds because a certain matter maybe dividing us and they are secondary. It's a critical one; I'm having a soft copy of the official launching program even the ones going on today and I'm not present.

There is a need for Members to go benchmark in Meru County and I will write a letter after this Mr. Speaker, Sir for you to see the need of sending of brothers and sisters of this House to go and see I for themselves. The kind of Committee very much is analogues to the one we are Here to propose and deliberate on.

Lastly, if you go to the Senate and even National Government the question shall be; because we know when we are divided tantrums are thrown all over and there is confusion, that is dialectics.

We know CDF is implementing projects and some of the projects are even National Government based. In the National Assembly we have got Sectoral Committees but we also got a Standing Committee on the CDF. The mere fact that we have got other Committees like

the implementation Committee, their mandate is very clear. Members have been lamenting all over including the questions raised here.

How projects are being done and days are going. We are only remaining with one active year, and then it will be politics. This Committee will be a very special one, helping Members raise their voice on the credible issues, the processes and all that thus giving Members time, apart from 2 or 3 mandates, I would propose monitoring the implementation of Ward Projects.

Hon. Omoro: Thank you Mr. Speaker. I think what Hon. Oriaro stood for, was to tell us the reason as to why he was shelving off this, but now it's turning out clearly that Hon. Oriaro is trying to convince us on the treason as to why we should support this. He should stick to one because if he is saying that he has withdrawn then he should kindly withdraw.

Hon. Speaker: Hon. Oriaro is convincing the Speaker, because even if he decides now, that he is not withdrawing, or even you if you decide that you are not withdrawing and you are not moving it, what will happen? So he is convincing me. Just convince me Hon. Oriaro

(Laughter)

Hon. Oriaro: Mr. Speaker, one of the mandates of the Committee, I said is;

- a. To monitor the implementation of the Ward development projects.
- b. To investigate and inquire all matters relating to Ward development projects or programs as may be referred to it by the County Assembly.
- c. Coordinate the implementation of the identified Ward projects into the respective County Government departments
- d. Any other matter which may be referred to this Committee by the House.

Above all, Committees have their powers expressed in the Standing Orders. Another way of convincing me to withdraw is that the Members explore the mandate of that Committee by other ways they may feel, it will also make them feel if they can add something, because when I thought of this, I just thought it as the son of Thomas Oriaro Awange of Kamlang and Agnes Apondi, but it is us not even Oriaro, because I may not be there even tomorrow.

So based upon such realism, I am persuading you to allow for its withdrawal until such a date when Members will have soul searched even having you sent some of our colleagues to Meru, the Senate and even the National Assembly, to know that there would be no conflict of interest. Thank you.

Hon. Odongo: Mr. Speaker, it is good and now again I would appreciate the Executive for doing things without planning because it made me know a lot in the budget, and now this is to the Chair, budget and the entire Committee, that this is the reason that we have been lamenting on the recommendations that we are always furnished with every year. You can now realize that there is no equity in the disbursement of funds in the County.

Hon. Speaker: Order! I am trying to imagine that if I task him to furnish the House with evidence on that that project was a project in our budget, or even that it was another project by the donor which was launched by the Governor, or it is a project which is in the budget. We really need to discuss from a point of concrete information.

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It is really simple Hon. Members. If that which Hon. Oriaro has said ignites a feeling of distribution which is not equitable, it's very simple. Take the budget, as you take the budget, look at it and see if it contains what you have asked, then now you can argue, that we never allocated the 78 million for example for the project.

Where is this coming from? Then we now deal from a point of information, but a mere statement, which I cannot now ascertain whether it is in the budget, whether it was a project funded by the donor, I can't tell. Yes Hon. Odongo

Hon. Odongo: Mr. Speaker, I would rest my case by saying that I have scrutinized the budget and I would like to affirm that what Hon. Oriaro is saying is that it's not only Central Alego, but a number of Wards that have the highest allocations and I will table that. Thank you.

Hon. Speaker: But why we are you implementing projects outside the budget approved by the House. If at all that is proved to be true. So I want you to liaise with him so that by Tuesday we have that Statement. Hon. Oriaro the request for the withdrawal is permitted so that you beef it up and you lobby your colleagues around it. Next Order.

MOTION

ADJOURNMENT

Hon. Members, there being no other Business will you be upstanding for adjournment.

Hon. Members, there being no other Business, this House stands adjourned until tomorrow Thursday February, 27th 2020 at 2.30 p.m. in the Chamber.

The House rose at 4.21 p.m.