

# REPUBLIC OF KENYA

## SIAYA COUNTY ASSEMBLY

### THE HANSARD

#### Second County Assembly – Fourth Session

Tuesday, 3<sup>rd</sup> March, 2020

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

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

#### PRAYERS

#### STATEMENT

#### COUNTY'S PREPAREDNESS FOR CORONA VIRUS

**Hon. Andiego:** Pursuant to Standing Order 41(2)(c) I rise to seek a Statement from the CECM in charge of Health Services on the County's preparedness, prevention and response to the threat of Corona Virus as follows:

Aware that His Excellency the President Uhuru Kenyatta vide Executive Order No.2 of 2020 dated 28<sup>th</sup> February 2020 ordered and directed that the identification and preparation of isolation and treatment facilities in Level 5 and Referral Hospitals across the country be concluded by the 15<sup>th</sup> of March 2020.

That the national emergency response committee on Corona Virus be established. I would like to ask how the county is prepared to encounter the threat of Corona Virus in regards to the presidential Executive Order in terms of personnel facilities and medical supplies?

**Hon. Speaker:** Hon. Members, we must remain consistent. When we decide not recognize the existence of a CECM then we can't ask them questions. You must redirect your Statement to the CO Health. Otherwise we can't say we don't want you to come before us or recognize your responses but we can go ahead and ask you questions. May it be redirected to the CO Health. Chair of Committee on Health when do you think we can get a response?

**Hon. Andiego:** Thank you, Mr. Speaker, Sir. I am contented with 2 weeks but the committee should rush.

## STATUS OF DEVELOPMENT PROJECTS

**Hon. Siguru:** Thank you, Mr. Speaker, Sir. I rise to give a Statement on behalf of Engineer Eric Odawa, MCA Sigomere Ward.

Pursuant to Standing Order 41(2)(c) I rise to seek a Statement from the CECM in charge of Finance Planning and Vision 2030 on the launching of projects by the County Executive in the Financial Year 2019/2020 as follows:

Aware that the County Executive through its various departments are launching development projects in the County. In his response the CECM should address the following:

- a.) Launched projects
  - i.) Name of project launched per Ward and indicate whether they are Executive or Ward based
  - ii.) Name of the projects so far launched per Ward
  - iii.) Projects done of all the projects launched
  - iv.) He current budgetary allocation for FY 19/20 per project launched per Ward
  - v.) The cost of each project launched per Ward
  - vi.) Name of the contractor per project launched per Ward.
- b.) Projects not yet launched
  - i.) Name of project per Ward not yet launched and indicate whether they are Executive or Ward based
  - ii.) The cost of each project not yet launched per Ward
  - iii.) Budgetary allocation for the projects not yet launched per Ward
  - iv.) Some of the projects not yet launched per Ward
  - v.) Plans for launching of the projects

**MOTION**

## MEMBERSHIP OF PUBLIC INVESTMENT COMMITTEE

**Hon. Odongo:** I rise to get a clarification from the Hon. Member who was the Mover of this Motion. This motion was tabled the other time which I am not sure of. I would like to know if at all notice was given in this House. Hon. Whip has said he had already given notice of this Motion which is not true, before we proceed.

**Hon. Speaker:** Yes, Hon. Olasi.

**Hon. Olasi:** Thank you, Mr. Speaker, Sir. The notice was given on 7<sup>th</sup> of August 2019 and I believe that during this Debate there was provision that the 8 names that were presented to the House there was only one lady.

The Members said that because of the composition they needed one more lady for gender balance. It was to be withdrawn for amendment so that we capture that part of the inclusion of the other gender.

**Hon. Odongo:** I am not satisfied. The notice that was given to this House was incomplete list of the required names and that is why Hon. Olasi was requested to withdraw and prepare a new one.

**Hon. Speaker:** I rule that notice was given it was just amended. Kindly proceed with the Motion.

Tuesday, 3<sup>rd</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

**Hon. Olasi:** I wish to move the following Motion:

Aware that Wednesday, 7<sup>th</sup> August, 2019 this Hon. House amended the County Assembly of Siaya Standing Order 196 to constitute 2 separate committees i.e. the Public Accounts and Public Investments.

Further aware that Section 196(a) of the Siaya Assembly Standing Orders provide for the amendment of Public Investment Committee.

Having considered the provision of the Standing Orders, this house resolves that the following Members of the House to serve in the Public Investment Committee:

1. Hon. Peter Odero Oor – Majority Leader
2. Hon. Samuel Siguru – MCA East Gem
3. Hon. Leonard Oriaro
4. Hon. Filly Onditi
5. Hon. Winnie Otieno
6. Hon. Fredrick Opanga
7. Hon. Simeon Ousa
8. Hon. Abigael Perpetua
9. Hon. Lorna Adida

While supporting this list and though it was not easy having withdrawn the first one we are alive to the fact that we are from 6 sub-counties and the membership that we were looking for was 9 which is an odd number that will help the house in case of any division.

I tried by putting two members from the Sub-Counties and we were getting an even number which is 12 which is not practical and it is against our Standing Orders.

In that concept it was definite to me that some sub- counties could only give one person to represent us in this committee unlike the first list that contained 3 members from Alego-Usonga Sub-County. This time around we tried and on the list that I have just read we have 2 members from Gem, 2 from Alego, 2 from Bondo, 1 from Ugunja, 1 from Ugenya and 1 from Rarieda.

It was not an easy task on who is who and what is what as far as making this list was concerned and going by who we are, given the time that we have taken in this House we have known ourselves.

I called some Members, some of them not appearing here but it was not deliberate or even my name could be here. I could also say let Gem have 1 and Rarieda have 2 again it was not easy! All formulae were applied, I did my best.

I call upon Hon. Willis Ochieng to second.

**Hon. Ochieng:** I second.

*(Question proposed)*

**Hon. Odongo:** Thank you, Mr. Speaker, Sir. Allow me to congratulate and appreciate the work done by the Hon. Whip. I support the list by reminding our Whip that even though I don't know the criteria used, going by his words that the number was odd to form that committee.

We know the practice in this House. I request Hon. Whip that next time, recognize Ugenya as it is now; some other Sub- counties have benefitted by getting 2 slots. I support.

**Hon. Speaker:** Yes, Hon. Wandera.

---

*Disclaimer: The electronic version of the official Hansard report is for information purposes Only. A certified version of this report can be obtained from the Hansard Editor.*

Tuesday, 3<sup>rd</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

**Hon. Wandera:** Thank you, Mr. Speaker, Sir. Before I support the Motion, although the Whip was trying to convince the House on the criteria he used to nominate the Membership, one would wonder why he mentioned one Sub County as having three Members and another one having one. Why didn't he distribute so that the Sub County with one Member has two and that with three has two.

Secondly, I don't know whether he was considering Membership frequency in Sectoral Committees because you will realize some of these Members are appearing more than seven times in these Committees.

Whereas we have Members still appearing four times in Sectoral Committees so that instead of nominating a Member for example I won't mention his name but he knows himself who appeared nine times in Sectoral Committees and now being nominated here he seems to be appearing the tenth time. Until that one is clarified I am not supporting this list.

**Hon. Adala:** Mr. Speaker, Sir; I rise to oppose this Motion. Sometime back we amended Standing Order no.196 which has allowed us to have two Committees of PIC/PAC. There was a reason why that was done; it wasn't done for the sake of having so many other Committees but this was done with the reason that services and roles were done very effectively.

My reason for opposing this list; if you look at the composition of this list we are having two in this list who are also in PIC/PAC. My thinking was that if we are having a new Committee of PIC/PAC then it is just common sense that those who are in PIC/PAC should now remain in PIC/PAC and this new one can have individuals who are not in the other list.

Unlike Hon. Wandera who may not want to mention; I will mention and rightly as such that Hon. Oriaro and Hon. Abigael are Members of PIC/PAC. It beats the logic and the reasoning for having this other Sectoral Committees whose works are somehow related.

It is my feeling that if it's a new one with a good mandate then let these individuals remain in PAC and we replace them with a team that is not in PAC. Mr. Speaker when the whip who is also my senior and I respect so much was making his submission; he was so much on I tried to, it was not easy for me.

It was about the whip; from where I sit composition from the Committee should be the role of the House leadership and from where I sit the leadership of this House entails Majority leader and the assistant.

In his submission; he is saying that the document we are working on was what he did make as an individual or is it a list that was looked at by the whole Committee? Finally, we have so many Committees in this House; the composition of these Committees involves a few individuals whom you will always find in these any new Committee. In the spirit of fairness, I think some of these things must be considered when you are making the list, I oppose.

**Hon. Odongo:** I was on a Point of Order although your eyes didn't catch me; I wanted to get clarification from Hon. Adala on the Standing Order that guides and also that bars the Hon. Whip or any Member on formation of a new Committee.

I would request that Hon. Adala that has just spoken would have appreciated that the Members that have been in PAC that have also slotted in PIC be appreciated because they have knowledge on what is supposed to be done. Having indicated in some number of areas. I don't know the criteria Hon. Adala is referring to.

Tuesday, 3<sup>rd</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

**Hon. Adala:** there is no specific rule of the House which says that you cannot be in PIC/PAC; that is now when we are looking at 42 Members and we are saying in the aspect of common sense. If the Deputy Speaker wants to peg his reasoning on that section being here, then it is not there.

When the Deputy Speaker talks about any law that stops whip then somebody will ask what is the role of the leadership of the House is if it can be a one-man show. The Deputy Speaker is among the leadership of the House and when you talk about experience of those who have been in PAC; we came in here when only four or five were here in the last Assembly.

All of us were not inducted but then we learnt after induction so if at all we stuck to the rules of House that after sometime we restructure Committees and that was done. Will be also have been right to say he cannot to health because he has never been there.

**Hon. Omwende:** Thank you, so much Mr. Speaker, Sir; may I also add my voice to this Motion. I have been very keen during the formation of various Committees and there has been a taboo in this Assembly.

It has been repeated severally and this is not good in terms of welfare of other Members. Mr. Speaker at a given point you as a Member should also think twice because other Members are not getting opportunity but yourself you are getting more opportunity than other Members.

In fact, at a given point if you are a diplomat say no; you better give another person the opportunity. The record is clear that there are other Members that do enjoy that provision of sitting in more Committees than others and this is unfair.

We are all equal, nobody is a lesser MCA than the other; while opposing this one seriously there are other Members that for sure and I have the record that others Members are appearing in only four Committees and other Members do enjoy even seven Committees. While we have mandated the Selection Committee to do this job; they should be fair.

This is because everybody in this House do enjoy that provision of sitting in those Committees. What is confusing Members more is this issue of Sub Counties where you won't even know which Members because there are Members in that Sub County.

To confuse us by telling us Ugunja is having one Member that will now represent Ugunja. For sure we have many MCAs from Ugunja so if you can tell us that one has been represented while others are having four Committees; I think this is unfair.

**Hon. Oponga:** Thank you, Mr. Speaker, Sir; I rise to support the Motion not because I'm a Member but because in our earlier deliberation we had proposed to split PIC and PAC to have two Committees. Personally, I would use my experience; for the past three years that I have served in this Assembly I have never sat in any sectoral Committee.

I am not a Member of any Sectoral Committee; I'm a Member of the panel, House Business and Implementation and those are not sectoral and I have endured along that maybe today God has opened a way that I sit in one and legal and justice.

**Hon. Speaker:** Yes, Hon Otiato.

**Hon. Otiato:** Mr. Speaker, Sir; I am a Chair of legal and Justice Sectoral Committee; is the Member disowning and saying that he is no longer interesting in being a Member?

**Hon. Oponga:** Mr. Speaker, Sir; maybe it escaped my mind but to me I didn't know that legal and Justice Committee is a Sectoral Committee. Maybe I need to be taken for

Tuesday, 3<sup>rd</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

another induction but all the same I was among the Members who were in very few Committees and I would kindly urge my fellow Members that this Committee is long overdue, let's pass it so that we work. Thank you.

**Hon. Wandera:** Just before Hon. Opanga sat he spoke of splitting the Committee but is he aware that the Committee is not really split when we still have some Members in the old Committee or the former Committee appearing in the new Committee?

**Hon. Otiato:** Thank you, Mr. Speaker. I rise to oppose this Motion on various grounds;  
One, when you directed in this House that having passed the Motion to form these Committees, you did not direct Hon. Olasi, as the Chief Whip to come up with the Committee.

This was directed to a Selection Committee and what we then expected is a report from the Selection Committee and therefore it means this is not works of the Selection Committee but works of Hon. Olasi and we are waiting for the report from the Selection Committee.

If at all the Selection Committee would have discussed this document we would be getting something different and I want to say, like Hon. Adala, has talked about Members of Public Accounts Committee being in the PIC and it's a continuation, Hon. Whip is not kind enough to us by actually coming out clear and telling us, I called so and so from this and he was not interested. He is saying, I called some people and I don't want to mention them here, who are these people?

He has gone against your directive by bringing us a list without passing through the Selection Committee and now he tries to convince us that he talked to some people. Let me go to the list; Hon. Peter Odero Oor, he is in nine Committees, Hon. Francis Otiato, is in four Committees.

Generally if you look at the distribution of Committees here, the least number of Committees that a Member is having is 4, those are the sufferers here. Among this list, I know Hon. Samuel Siguru is having 4, Hon. Leonard Oriaro, 4, Hon. Onditi, 4, Hon. Winnie, 5, Hon. Opanga, 5, Hon. Ousa, 5, Hon. Abigael, 4, Hon. Lorna, 5 Committees.

By any other standards, instead of adding any other additional, is it just a matter of being in Committees, why do you want to have 20 Committees? I am not advocating so that I be added in other Committees because I am struggling with the three that I have.

For the goodness of this House, are we genuine to ourselves? Are we suggesting that going by this list, when added, some of these Members with 5 Committees will now be hitting their 6<sup>th</sup> Committee?

Will they deliver if I am struggling with 4? I oppose this Motion but as I oppose it, there is one thing that I do request; it is procedural for us to get a list here from a Member other than a Committee. I rise to oppose.

**Hon. Oduor:** Mr. Speaker, is Hon. Otiato, in order to tell this House that the Members that have been selected in this Committee will not bring anything substantial to this House?

**Hon. Speaker:** I want to ask the Mover if he has something to say, then I want to make a few clarifications because I am also noticing that Members are not even conversant of the decision this House has taken before, even the provisions of our Standing Orders. You

Tuesday, 3<sup>rd</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

have all reasons to reject a list and just laugh, you don't give reasons but it is wrong to advance what you feel is logic when it is not factual.

Hon. Olasi, do you want to proceed with your list? From where I sit I am trying not to interject but I cannot sit when statements that are being aired on the Floor are not factual. Yes, Hon. Olasi!

**Hon. Olasi:** Thank you, Mr. Speaker. I am not replying but I will state here with a lot of confidence that no matter which Committee is being formed in this House, the Membership must be triggered using a certain formula. Hon. Ochola, has a background in a particular area, that is also a formula we can use in this House.

Any Member disagreeing with the leadership who proposed this list on the ground of regional balancing in terms of Sub County, think twice! A Member said that how come there is a Sub County represented by 3 Members? That is not true, there is no Sub County which has 3 Members or more than 2 Members in the list.

Secondly, when a Members says PIC and PAC, there is no way a Member can serve in PIC and PAC then the same reason somebody will reason, there is no way a Member will serve in Education and Health, all Members will bring their own reasons!

I take the responsibility with the team that we served with, the formula that we used to get these names. Thank you.

**Hon. Ochieng:** Thank you, Mr. Speaker. I am in support of this list. I want to say that the list we are having has come from our Hon. House and I believe that Members whose names appear in this list are not lesser MCAs and I believe they can perform their tasks well. I urge this Hon. House to kindly accept this list so that we get moving.

When we were amending our Standing Orders to split the PIC and PAC Committee, I think we were all in this Hon. House and we knew that we could have a Committee from our Membership. I want to believe that being a Member of PAC, our sister Committee will do what is intended.

I urge the Chair that immediately after passing this list, we organize for them an induction so that they know what they are going to do. There is a SIBO Water report waiting for them which will be a test for them.

Let me wind up by wishing them all the best in their upcoming activities. My worry is, most of our Committees are crying of lesser funding and now that we have added another Committee which also need funding for it to operate, I request the person who sits where Committees are allocated funds to adjust on the allocations of the Committees. Otherwise, thank you, and may God bless you.

**Hon. Odhiambo:** Thank you, Mr. Speaker, Sir. I want also to take this opportunity to contribute to the list which has been brought to the House by the Hon. Whip and before I move further I want to oppose the list with the following reasons.

One, when I look at the Standing Order, whereby there is a Select Committee known as Selection Committee, which comprises of the leadership of this House, I think it is wise for the Hon. Members who are leaders in that Committee to see into it that there is no way somebody would have 9 Committees and another has 4!

I think it is not mandatory and I again since the PIC is a splinter Committee, I think we are not sure who is going to come back here. It is very important that we be conversant with all these committees so that if by chance someone comes back he would in a position to

Tuesday, 3<sup>rd</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

lead the House just like the Members who came back. It is not mandatory that somebody who came back in a department now knows investigations more than others.

We are here to learn and therefore it is very important that we intermingle as well in this other committees. I oppose this list and the idea of even checking the sub- counties is important *ndiyo* but...

**Hon. Odongo:** Point of Order

**Hon. Speaker:** Yes, Hon. Odongo

**Hon. Odongo:** Is it in order for the hon. Member to use un-parliamentary language *ndiyo* in this House.

**Hon. Odhiambo:** Thank you, Mr. Speaker, Sir, I know you are protecting me in that event because it is one of the languages recommended to be used in this House. I stand to be corrected because it is a Kiswahili word.

If this list is passed the way it is, the Standing Order also reminds us of the time frame in which we should be changing the committees. It is also in order that if the time is elapsing we could also check on that.

Also maybe somebody was good in another committee but the House didn't realize. So it is also important that when we are effecting the changes so that when you are pushing behind you can also tie in front and you push in the right direction. Thank you.

**Hon. Speaker:** Yes, Hon. Odawa

**Hon. V. Odawa:** Thank you, Mr. Speaker, Sir. I stand to oppose the list and not because I am one of those Members that are deprived of serving in Sectoral committees but by simple reason that I cannot support a contradiction. It was pointless to separate PIC from PAC. They could have just let those who are serving in the PIC/PAC to continue.

I am not supporting it with a very heavy heart because this would have given my senior chance to be Chairman. The leadership can take it back and constitute a new list where our senior Hon. Oriaro can be Chairman. Thank you.

**Hon. Ochola:** Point of Order!

**Hon. Speaker:** Yes Hon. Ochola

**Hon. Ochola:** There are some points of order and facts which have been brought on the Floor as we are going through this Debate. I would like to get your indulgence and seek direction as to whether we are on the right track with this Motion.

I want to draw our attention to the House Rules and Business Committee 162 which says there shall be a select committee to be designated.

Selection Committee comprising the Leader of Majority Party who shall be the Chairperson, the Leader of Minority and not less than 9 Members who shall be nominated by Assembly Parties and approved by the House. That Section provides that we have a select committee whose mandate includes appointing Members to any select committee of the House.

Secondly, I want to draw out attention to Section 164(1) which says in nominating Members to serve in a select committee, the Selection Committee shall ensure that the membership of each committee reflects the relative majority of the seats held by each of the Assembly Parties in the House and despite paragraph 1 that I just read, a Member belonging to an Assembly Party or Independent Member may be nominated to serve in a select committee and the allocation of membership in select committees shall be as early as

Tuesday, 3<sup>rd</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

practicable proportional to the number of members belonging to such parties and independent.

Lastly, except as House may otherwise resolve on the recommendation of the Committee on Selection reason to be stated no Member shall be appointed to serve in more than 3 Sectorial Committees.

Based on the Standing Orders I am confused because there was a contribution by Hon. Otiato on whether this selection was supposed to be done by Whip or by the Committee on Selection as it were.

I may not have it at my fingertips but I would request I am not sure which rule but you will guide that we set this Motion aside then we get clarification on the formation of the membership of the committees that we have as we currently stand.

I am not privy to the document that Hon. Otiato was reading but we add to the facts that it is true one Member is in more than 4 sectorial committees. Whether it is true or just hearsay so that the Mover of this Motion can reintroduce.

**Hon. Speaker:** Allow me to clarify as follows: from where I sit as your Speaker I am disturbed that we make amendments which some of us do not know and if I look at the attendance list, you all signed.

From where I sit the Committees on Selection, Privileges in our amendments were meant to be ad hoc committees because they were inactive and in our resolutions we said that they will be constituted from time to time depending on need.

For example, a selection committee which constitutes committees just once and then they go dormant. We did not see the need of having that committee standing throughout the Privileges Committee.

When we made that amendment we directed that in the meantime before selection committee is constituted, the leadership of the House; the Whip and the Majority Leader will be bringing names to belong to any committee. This Motion is procedurally before the House as a result of that amendment.

I am also aware that you are referring to a Standing Order which does not have an annexure. I direct that we have a way of printing our current Standing Orders. If this was happening and people were in the public gallery it would be very sad on us that we amend, we sign having been present but we are not up to date with information. That is why I allowed the Motion to come.

I heard one Member say that appointment to committees is the Business of the House leadership. It says 'of the political party' and as far as we are concerned Majority or Whip brings a list here and it is not contested by their deputies we don't want to know whether they were involved or not. We don't want to know for them.

If for example a report comes here and it is signed by the Chair we do not want to ask if the Vice-Chair so that we believe it is a report of the House. Have you posed to imagine the first list that ever came to this House? Was there a committee in place? It was brought by the Leader of Majority or the Whip.

I want you to know that it is their duty to remove you from committees and put you in committees as they please from time to time and also to know that one committee cannot be used to fix all our desires to belong to various committees. That is why you realize Parliament will a lot of times bring list of committees at the same time.

---

*Disclaimer: The electronic version of the official Hansard report is for information purposes Only. A certified version of this report can be obtained from the Hansard Editor.*

Tuesday, 3<sup>rd</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

If I may share with you, you cannot amend that list by rejecting 1 or 2 people. It is either it goes in total or rejected in total. That is the practice you cannot start singling one person you don't want and another one you want and you realize when most parties bring lists and they see there is contention they would rather just withdraw it because the results of rejecting the whole of it is just as good as going and withdrawing the list.

No law or practice stops someone in PAC from sitting in PIC. Some people have argued before that when you are in PAC then you cannot be in Budget or when in Budget you cannot be in Finance. All this do not have the backing of parliamentary practice. You can belong to any committee. There is no committee overlooking the other. There is no such thing.

In terms of frequency or the number belonging to Sectoral committees because this is going to the Hansard I do not want to answer Hon. Nick Ochola but remember when we were fixing membership in committees, there are compromises you made, one was that when the membership is 7 we say let us make it 9, we shall regularize it.

That is the time you had this urge of belonging to many committees. Now people in 4 committees, if you look at attendance, they cannot even constitute quorums in those Committees. However, when it says you should not belong to more than three in the Standing Orders, but is it what we are following? The issue of replacement; I have said you cannot replace a Name on that list, either it goes as it is or you withdraw it all or you fail it all and reconstitute it.

The House leadership has advised and there is an issue of -So I have said the Majority leader as well as the Whip can bring names, they can add and they can remove anytime. So as I said we are not in a crisis, if you feel the list does not meet your expectations you fail the list then the Speaker will direct that the SIBO report goes to PAC Committee and in the meantime we operate the way we are then we will wait for that time we are ready.

My direction again would be that the leadership to try as soon as possible to reconstitute the Selection Committee if need be. However, even if there is no Selection Committee the revised SO allows you to bring names because at the end of the day it is the leadership of the political parties that bring list.

The Selection Committee is just where they discuss it. Look at for example the Liaison Committee; the Liaison Committee does not really control you. You go there just for purpose of comparison. However, you see there is no day this Committee will now start directing the leadership of a political party on whom they want where, that is the practice of Parliament.

So having clarified that I want to ask the Mover if he feels he wants to proceed with the Motion to proceed we put a vote to it if it passes fine but if it is rejected we proceed.

**Hon. Otiato:** Thank you Mr. Speaker Sir. There is an aspect that you have not actually addressed, and I would like to address that Hon. Nick Ochola brought it up especially when we are dealing with PIC and PAC Committees. In Parliamentary practice we have always had that the Chair to these Committees are from the minority, which we see it in practice where ODM has been doing it.

In our Assembly last time we did agree that we incorporate an independent candidate who actually the SO allows to be in that Committee and in PAC the vice chair is an independent candidate who is here.

---

*Disclaimer: The electronic version of the official Hansard report is for information purposes Only. A certified version of this report can be obtained from the Hansard Editor.*

Tuesday, 3<sup>rd</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

It is good we can say that the parties bring the list but here it is a unique situation because we have an independent candidate and by this, you realize that even in our list you realize that there is no independent candidate to that particular provision.

Sorry, am told that Hon. Ousa is there.

**Hon. Speaker:** Your concern was about the character of a Committee. The character of a Committee it is said that you strive as much as possible just like you can do Liaison Committee for example. Do you know we say we want 1/3 of any gender to be in a Committee, but what about when all the chairpersons are men, do you call that Committee illegal? It is still legal.

If for example we have a PAC, PIC or an Oversight Committee whose chair is a member of the dominant party, does it become illegal? No! It is a practice, which people say we want a minority to chair.

How about if you have a case where independent are two and party of minority are two and they are going to vote because again the Law say you vote for your chair. If they vote and they vote the Member from minority party, it does not validate the composition of the Committee.

These are just good manners that we have. We strive to have the good manners. If for example he was constituting the Committee, he would have wished to have at least a Member from independent, I would be comfortable with that.

Nevertheless, are we not going to say that that one person will say he is belonging to 13 Committees because we must arrive at a position that will not attract criticisms? If for example that independent for example a man and we are looking at gender and you have considered all other things and have women then you will again say no. So we look as if we have violated any Law.

We want to strive to something but when we cannot reach there, do you even know for example you can even have an Assembly with entire Membership from one political party, will you not then have a chair for PIC and PAC? We will still have. So it is striving, we strive to have leaders for example that belong to one gender but what about if we have all Members being independent and they are of same gender, how will you nominate?

Have you ever asked yourselves such questions? We have all 47 of us independent candidates then we are told we want to have gender representation in Committees. Where do you get the gender because independence will not be given chance to nominate gender top ups. Therefore, these are the things that we must always ask ourselves.

Mover do you want to proceed with the Motion or not? I can see Hon. Nick has something to say.

**Hon. Ochola:** Thank you, Mr. Speaker Sir for the direction. At this point in time I may request that we be supplied by updated SO, so that we at least keep abreast. I know we do amend our SO from time to time so that we are in sync with what is there. It is just a request Chair.

**Hon. Ochola:** Thank you, Mr. Speaker, Sir. I am not intending to withdraw but am requesting the House just I stated earlier here that at any given moment we would look for a formula. You have reminded us here of how at times we pass Motions here and forget very fast.

Tuesday, 3<sup>rd</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

I can remember sometimes here in June when the Committee on Privileges and Selection, we agreed here and passed a Motion that when called upon before we constitute one we will call upon either the Speaker or the Deputy Speaker to select a Member.

In this House, a Member gave us a good example of some Committees that are always chaired by either opposition or minority. I can say here categorically that in this House we are blessed to have even those who call themselves independent being nominated by the Senator of this County as a Member of the party and that is a fact. So if we want to divide ourselves using small things that we have strived to...

**Hon. Speaker:** Yes Hon. Otiato.

**Hon. Otiato:** Is it in Order for the Hon. Whip to take our comments here especially when we are referring to the matter that is it not a fact that we have independent Members of County of Siaya and ODM Members of County of Siaya?

**Hon. Speaker:** Hon. Olasi, without giving you a chance that is out of order! The issue raised are legitimate and it is a fact that we consider in nomination. You can only be gentle enough to say that it escaped you and you will fix it in future than to reduce it to small things. Will you withdraw and proceed!

**Hon. Otiato:** Thank you Chair. As I withdraw and proceed, I would remind this Honorable House that we have things and values that have kept us solid from day one and I would request that going forward we still value the factors that still hold us together. As we support because even the Members we are planning for in the other list are still Members who are serving in this House. Therefore, I would request the Members to support the list, thank you.

**Hon. Speaker:** I will put the question and if you want to lobby, you will lobby and even Hon. Odawa had already given somebody the chair. Chair, what is it? You are seeing us going for division I give you time to lobby.

Allow Members to come in before I put the question. Even the people who have been nominated are absent. Those are spoilt votes. It is only Hon. Opanga who has put up his case.

*(Laughter)*

*(Loud Consultations)*

*(Question Put)*

*(The division bell is rung)*

Secretariat, arrange for division. It was a matter involving Executive. Hon. Members, this is an internal matter, whichever direction it takes you still have a free hand to rectify it tomorrow or in the future.

If it is a NO, nothing stops you from correcting it and bringing it tomorrow, if it is a YES, nothing again stops even the Mover who is a leader of a political party to re-arrange a name or two tomorrow and have the list.

---

**Disclaimer:** *The electronic version of the official Hansard report is for information purposes Only. A certified version of this report can be obtained from the Hansard Editor.*

Tuesday, 3<sup>rd</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

The fact that it passes doesn't mean that it must remain that way, you could be persuaded by something and say that I have reconsidered, I am withdrawing this Member and fixing another Member, and then we vote on that person also. So, it is not life and death, 'hii ni yetu ya dani'.

Order Hon. Members! Let me give you guidelines, the question was on will as many as of the opinion say Aye, meaning when your name will be called you will write YES if you support and NO if you don't.

1. Hon. Andricus Odongo
2. Hon. Winnie Otieno
3. Hon. Bernard Adala
4. Hon. Nancy Adhiambo
5. Hon. Caren Ayika
6. Hon. Odhiambo
7. Hon. Judith Oyugi
8. Hon. Samuel Olasi
9. Hon. Sylvester Madialo
10. Hon. Odinga Truphosa
11. Hon. Joseph Wandera
12. Hon. Simon Ousa
13. Hon. Edwin Odhiambo

**Hon. Speaker:** We were using two signs, either YES or NO, not tick or ex. Have some people done ticks? So, we agree, YES is for a tick

*(interruptions)*

**Hon. Speaker:** I will rule on that, let's proceed!

14. Hon. Charlton Andiego
15. Hon. Fredrick Opanga
16. Hon. Andrew Omwende
17. Hon. Francis Otiato
18. Hon. Emily Awita
19. Hon. Abigail Awino
20. Hon. Willis Ochieng
21. Hon. Vincent Odawa
22. Hon. William Kinyanyi
23. Hon. Samuel Siguru
24. Hon. Nick Ochola
25. Hon. Susan Okwiri
26. Hon. Phili Onditi
27. Hon. Leonard Oriaro
28. Hon. Fred Omoro

**Hon. Speaker:** Can we get into counting. I want one representative from the YES and another one to represent the NO.

---

*Disclaimer: The electronic version of the official Hansard report is for information purposes Only. A certified version of this report can be obtained from the Hansard Editor.*

*(YES 11 votes, NO 18 votes)*

*(Applause)*

**Hon. Speaker:** Hon. Members, we therefore rule that the ‘Nays’ have it.

*(Applause)*

**Hon. Speaker:** Usually when a Motion is dispensed, it takes six months except in exceptional circumstances. This is equally exceptional circumstances, so if there is need to re-introduce a Motion on the constitution of the PIC, share with the presiding officer or the office of the Speaker but for now I direct that the functions which are intended for PIC to be performed by PAC with immediate effect and the SIBO report to be handled by PAC with immediate effect.

*(Applause)*

The Whip, the leadership of the political parties, if there is need to re-constitute the Committee you can still liaise with the office of the Speaker to see whether or not it can be considered for re-introduction before the 6 months elapse. Next order!

**Hon. Speaker:** Before adjournment I want to get some updates on Village Administrative Bill. We had agreed that tomorrow we converge here and you share with us so that we be done with it. What is the status of that Bill?

**Hon. V. Odawa:** Thank you, Mr. Speaker. Following your directive, we consulted with the Members in various Wards, we had a meeting yesterday. We are planning to meet members from Rarienda and Bondo Sub Counties on Thursday morning before we converge for the plenary and then Ugunja, Ugenya and Alego on Friday. I believe that by next week on Tuesday will be through.

**Hon. Oduor:** Thank you, Mr. Speaker. I would like to request the Hon. Chair that on Friday we will be having a commitment in Ugenya. We have a funeral of one fellow who is going to be buried on Friday. I would ask him to select another date.

**Hon. Speaker:** That you can share with the Committee informally you see how to reschedule. Budge, we have agreed that you are supposed to collect comments from Members by Tuesday today. What is the update?

**Hon. Ochola:** Mr. Speaker, Sir, by the time we were having this session the process was still going on but I do not have the final figures, I will consult the clerk after this and we will update Members.

**Hon. Speaker:** You will tell us tomorrow morning.

**MOTION**  
ADJOURNMENT

Tuesday, 3<sup>rd</sup> March, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

**Hon. Speaker:** There being no other Business, will we be upstanding for adjournment!

*(Hon. Members on their feet)*

**Hon. Speaker:** There being no other Business, this House adjourns until tomorrow Wednesday March, 2020 at 9.30 a.m. in the Chamber.

The House rose at 4.36 p.m.