

Tuesday, 14th April, 2020 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly – Fourth Session

Tuesday, 14th April, 2020

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

GUIDELINES ON CONDUCT OF BUSINESS

Hon. Speaker: Hon. Members, I wish to make the following Supplementary guidelines on the conduct of sittings of the House and Committees during the Covid-19 pandemic period. Hon. Members, you recall that on the 17th March during the afternoon Sitting I issued guidelines to all Members and staff of the County Assembly consequent to the declaration of Covid-19.

Guidelines shall be adhered to in the course of conducting business in the Assembly. Plenary sittings shall be held in the Assembly Chambers; afternoon sittings shall commence at 2.30p.m. and end at not later than 4.00 p.m.

In order to ensure appropriate social distancing and necessary preventions, the Assembly isreconfigured to include both the Public Gallery and Speaker's Gallery as debating chambers. In this regard, the members of the public and media are not allowed; the ICT officers are directed to provide screens at designated areas within the Assembly buildings for members of the public to follow proceedings.

A register of Members at designated areas within the Assembly building shall be taken by the Serjeant- at -Arms while in the Chamber Members shall use only the designated seating space and shall, while in the Chamber, remain at their seats at all times.

The allocated spaces within the Chamber shall be occupied on first come first served basis. The use of microphone is hereby suspended; there shall be no consultation at the Speaker's Chair, at the Table Clerks' and among Members.

Members shall, when leaving, observe the social distancing requirement and the serjeant-at- Arms are directed to disinfect the Chambers immediately, before and after a Sitting. In Committee Sittings the above rule shall apply and Committees are encouraged to transact as much business as possible. Where it is absolutely necessary to hold physical sittings of the

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Committee depending on the Membership, meetings shall take place in venues with adequate space and shall ensure social distancing.

For this reason, the Member's lounge has been designated as a Committee room. Where it shall be extremely necessary for another Committee to use same area for its meeting after a previous Committee has used it; adequate time shall be provided between the interval for sufficient sanitary measures.

During the meeting; Members shall observe social distancing and the Committee meeting shall be structured and coordinated with the office of serjeant-at-Arms and Committee Clerks to reduce physical contact. Furthermore, Committee sittings held in the Chamber shall end by 1.00 p.m., each sitting of the Committee shall be facilitated by a reduced number of staff. The media and members of the public shall not be allowed access in the Committees.

The Assembly communication and media liaison officer shall design modalities for publicizing the Committees and Plenary proceedings. In line with these guidelines, the head of Committee services is hereby directed to review the schedule of meetings as part of the preventive measures in place.

All Members and staff have been provided with hand sanitizers for their use and several handwashing points have been placed within the Assembly buildings. In addition, Members and staff aged 58 years and above who have pre-existing conditions are encouraged to abide by the guidelines set by the Ministry. Where their participation is required, prior arrangements be put in place to accord necessary support that will facilitate participation and reduce exposure.

All Members and staff shall strictly wear masks within the Assembly and during this period there shall be no catering services within the precincts of the County Assembly. Only drinking water and soft drinks only if need be shall be provided.

With the aim of reducing crowding in the Assembly, Members are encouraged to self-drive while attending plenary sittings but where it is extremely necessary, the Member shall be dropped off at the Assembly parking and driver or any accompanying persons shall be required to find suitable place to wait for the Member. These guidelines should be adhered to together with those issued by the National Government.

Members are further encouraged to seek assistance and make enquiries through telephone calls rather than physically visiting the offices. In conclusion, I urge all of you and members of staff to observe these guidelines in order to stay safe and ensure smooth flow of the tentative business while the Covid-19 pandemic persists.

Noting that the situation holds, I shall, where necessary provide guidelines, let's stay safe. Hon. Members there is some communication; it's not really addressed to me but it is copied to the Clerk. Much as I don't agree with some sections of it going by the decision of this House and acting capacity but for information's sake allow me to communicate this to you.

That a letter signed by H.E. The Governor Cornel Rasanga Amoth on the 6th April, 2020; it is addressed to one Richard A. Mugla, the then CECM Finance and Economic planning. The letter reads that; 'the above subject matter refers; section 103 (3) of the Public Finance Act 2012

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restores on you the position of the head of County treasury with the responsibility of providing leadership there within the framework of the law.

Among the responsibilities envisaged under section 135 of the PFM Act is the preparation of the Supplementary Budget within the parameters defined therein and submitting the same to the County Assembly for processing. It is expected that as the head of the County Treasury you should take a lead role on all matters that touch on the Budget making process and ensure that the process fully complies with the law.

Regrettably, you may already be aware that the just concluded process for the preparation of the Supplementary Budget which you are actively spearheading was marred by secrecy to the extent that almost no information on the process was ever shared with anyone including my office.

The final product unfortunately fell short of accompanying the law ending with the publication of the Appropriation Act. I don't agree with that, I have never seen the Act myself nor assented to it. It remains unclear how the document ended up at the Government printers for publication and what authority if any was used to effect the publication.

As far as I am concerned, Hon. Members we processed the Bill after which the Speaker signs and it is taken to the Governor for assent. I am not aware that an Act was assented; this omission is grave especially because it exposes the County Government to the risk of using a Budget whose process that has been very opaque and its integrity cannot be verified.

It has the obvious possibility of affecting service delivery at the expense of people who have trusted us with high responsibility of representing them. The effect of this is that I have decided to send you on compulsory leave for a period of 30days from the date of this letter.

This is meant to give us ample time to investigate the circumstances leading to the processing of Supplementary Budget in subsequent publication of the Appropriations Act which I never assented to. Please note that this doesn't amount to dismissal as such; you may be called upon to discharge certain critical assignments from time to time.

Another letter is addressed to Dennis Ariango Nyonje; just for information. Appointment to the position of Chief Officer, Finance and Economic Planning. This is to inform you that I have appointed you to the position of Chief Officer, Finance and Economic Planning in an acting capacity with immediate effect. You are required to take over this position within 48hours from the date hereof.

In your new position, you will report to the County Executive Committee Member for Finance and Economic Planning. Additionally, you may be required to brief the County secretary on portfolio progress on a weekly basis frequently when called upon request.

By a copy of this letter the CECM for Finance and Economic Planning is required to notify me when you report to your new office. There is another one addressed to Hesbon Kadundo Mariwa, the subject is redeployment to the department of Enterprise and Industrial Development.

You are hereby redeployed to the department of Enterprise and Industrial Development; this deployment takes effect immediately. In your new portfolio you will report to the County

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Executive Committee Member for Enterprise and Industrial Development who will facilitate your taking over of your portfolio from Christopher Ouma. Kindly ensure that you handover all that pertains to the office of the Chief Officer Finance to Mr. Dennis Nyenje and take over your new portfolio within 48 hours from the date thereof.

Additionally, you may be required to brief the County secretary on your portfolio progress on a weekly basis more frequently upon request. By a copy of this letter the CECM Enterprise and Industrial Development is required to notify me when you report to your new office to facilitate your take over.

I wish you the very best in your assignment. Another letter to one Christopher Juma Owan; revocation of appointment as acting Chief Officer for Enterprise and Industrial Development. This is to inform you that my letter on 21st May, 2019, appointing you as an acting officer for Enterprise and Industrial Development is revoked with immediate effect.

You will be required to maintain your initial substantive position which you had prior to the appointment as an acting Chief Officer. You are therefore required to hand over to Mr. Hesbon Mariwa, who will take over as the Chief Officer for Enterprise and Industrial Development.

I want to thank you for your dedication during the period that you served as an acting Chief Officer, Enterprise and Industrial Development and wish you well as you resume your position.

As I said, in terms of facts, I take exception and I have just notified you for information, it was not addressed to me, it is copied to the Clerk and there are Committees that interact with the Executive to stay informed.

As to whether we want to recognize the Acting Chief Officers, the resolution of the Assembly still stands. As to whether the content of the letters are factual, the addressees, the persons to whom they have been addressed should respond accordingly. Next order!

PAPER

COVID 19 WORKSHOP

Hon. Aringo: Mr. Speaker, Sir, I wish to lay on the Table of the House, the report of the Committee on General Oversight on Covid 19 sensitization workshop for adoption.

NOTICE OF MOTION

COVID 19 WORKSHOP

Hon. Aringo: Mr. Speaker, Sir, I wish to give a Notice of Motion:
THAT this House adopts the report of the Committee of General Oversight on the Covid 19 sensitization workshop laid on the Table of the House today Tuesday, 14th April, 2020.

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MOTION

COVID 19 WORKSHOP

Hon. Aringo: Noting that the County Assembly is part of the County Government, it is essential to ensure that it is in the fight against Covid 19. To ensure unified reports in the County Emergency Committee, the County Assembly should establish an Ad Hoc Committee and further Sub County based Emergency Response Committee to be met within the framework and actions towards fighting Covid 19.

A Member of the County Assembly should sponsor a Motion on formation of this Committees guiding legal provisions/County Assembly to commit resources towards the running of the Committees and the war against the virus.

Hon. Speaker: Who is seconding you?

A Hon. Member: Seconded

(Question proposed)

(Question put and agreed to)

MOTION

COUNTY RESPONSE TO COVID 19

Hon. Otiato: Thank you, Mr. Speaker, Sir. Aware that the Coronavirus has been declared a global health pandemic resulting in an unprecedented global health crisis that has now manifested internationally in over 184 Countries and Territories, with escalating numbers of new cases being reported with over 1,900,000 confirmed cases and over 119,000 deaths worldwide and over 200 confirmed cases and 9 deaths in the Country as at Monday, 13th April, 2020.

Further aware that the Senate Ad Hoc Committee on the Covid 19 situation in Kenya progress report dated 8th April, 2020 recommended that at the preliminary stage, there is need for a more structured coordination between the two levels and three arms of government in ensuring a seamless response to the Covid 19 pandemic in Kenya.

Noting that the County Assembly is part of the County Government such that the Assembly should be involved in all the steps and actions required of and undertaken by the County Government,

Cognizant that governments and health authorities in the affected Countries have taken various measures aimed at containing the spread of the pandemic mainly through travel and behavioral restrictions.

Appreciating the policy measures and interventions taken by the Government through the National Emergency Response Committee on coronavirus in the containing the spread of the pandemic and cushioning Kenyans against economic effects of the pandemic including up scaling of medical facilities, imposition of travel restrictions, suspension of physical learning in

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all educational institutions, changes in fiscal and monetary policies and reinforcement of behavioral protocols.

Further appreciating that the National Government in liaison with the County Executive has constituted a County Emergency Response Committee on Coronavirus in containing the spread of the pandemic within the County and further established Sub County Emergency Response distribution units,

Cognizant that health services and other service sectors key to the implementation of the pronounced policy measures, guidelines and interventions are devolved functions. Further cognizant that some of the pronounced policy measures, guidelines and interventions require legislative intervention and approval at the County level.

Recognizing the need for an integrated and multi-sectorial intervention by all levels and arms of the County Government and sectors in the society towards a harmonized comprehensive response to the pandemic,

Noting the bipartisan legislative approach taken by legislative in other jurisdiction in participating towards the containment of the coronavirus and its attendant economic effects, Deeply concerned over the reported breach of public health guidelines in the disposal of a body in our County Siaya.

Cognizant of our statutory role pursuant to Article 185 of the Constitution of Kenya, 2010 and Section 8 of the County Government Act, 2012. Conscious of the need to complement the efforts of the National and County Governments in containing the spread of the pandemic and cushioning Kenyans from the shocks arising from the pandemic, arising the interaction between the Assembly Committee of General Oversight and County Public Health Department; the County Assembly resolves to:-

a) Establish an Umbrella Ad Hoc Committee of the Assembly to be known as County Assembly Emergency Response Committee for Covid 19 disease and further Sub County based Emergency Response Committees to be known as Sub County Emergency Response Committee for Covid 19 disease to complement within the framework of the law, actions and measures taken by the County Government in addressing the spread and effects of Covid 19 in the County and shall address the following, among other matters:

- i) Liaise with County Executive to enable provisions of testing and medical equipment, including adequate ventilators in identified health facilities in the County
- ii) Liaise with the County Emergency Response Committee
- iii) Liaise with the Sub County based Committees to liaise with the Sub County Response Committees
- iv) Spearhead awareness of preventions among the citizenry within the established guidelines
- v) Advocate for compliance with the set national guidelines on the prevention of Covid 19
- vii) Provide feedback to the relevant sectoral Committees of the Assembly where necessary in relation to Covid 19 interventions
- viii) Perform any other function within the mandate of the County Assembly committed to it by the Speaker from time to time in relation to Covid 19 disease.

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As I move this Motion for our discussion, we always talk about a reason why we establish Committees and that is when there is need. We have realized that deliberately all out of some other interests that this particular House has not been engaged in this war on how the attack on COVID – 19 is going to be dealt with.

We are not as a House been part even at County level or any other level engaged and by doing that we will only be coming Members of rubber stamping and we have been having issues on how to look at what is being done. So, this Motion would now be encouraging Members that now we be proactive that we are not just going to be rubberstamping and taking issues without looking at it.

You realize that this matter of Covid -19 is now above any other Committee that we can now not see that it is health, because other than health, it incorporates other issues like behavioral changes and political field.

Looking back in the history of this County, you will realize that we have lost a lot of moneys. You realize that last time we had a miscalculation in issuing out in bid to purchase some item then it ends up being misused.

To date, we have been deliberating with some Members here, and one of the key questions that is there, that over time we are being attacked and being asked from other quarters, that what are we doing as a County?

These answers to what we are doing cannot reach our Members because none of these our Members here is in any emergency Committee, and nobody outside there has seen it wise to come and share with us the policies that they have in place, whatever they have domesticated,.

You look at what happened there. Part of this communication, we are talking about the burial protocol, which is set internationally by both WHO and we have a National guideline, but we saw what happened. We take it as a panic on our people who are ill prepared to handle the Covid -19 situation.

It was worrying when we were discussing the matter of Paul Oyugi here. He is dead in a private hospital. I happened to have listened to the events that led him to being taken at 2am in the morning and even being buried, that even our response team was called about 5 in the evening, to be told that we are having a patient who is exhibiting symptoms of corona.

Then our response team whom we cannot even claim that we have other cases that they could claim that they were committed somewhere never responded. They said that they would be coming the following day.

This person dies at around 8 or 9pm, they could still not respond, to the following day at around 9am it's when they were going to that private facility. By that, it shows that we as the oversight authority, and by our constitutional mandate, possibly we have not had something to engage the Executive directly how they are responding to this, and there is a lapse.

I am aware that if we pass Kshs 17 million for emergency, out of Kshs 17 million, we have another Kshs 117 million that we passed the other day. There is nothing that has been tangibly been seen as having been done to our Wards even where we come from. Not even a pail of 100 bob with a tap.

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So, by allowing us to have this Adhock Committee, specifically to deal with the policy issues and the matters and activities that are related to the Covid 19. Some of these answers are going to be resolve.

I expect that when this particular Committee comes into force immediately, I am taking reference to Nakuru case which is very specific, that we have a budget, because again what we are going to see, you realize that when we were passing the Supplementary Budget, the hard question that we were asking ourselves that as a House, we were going to fight Covid -19, but which part of Covid -19 were we going to fight?

In making reference to what we have seen somewhere, the law is very clear. That in terms of security we are going to do this, because back at home, we have masks into all our markets, and here is how we are going to get them. We need to get food. As we talk today, our policy is not very clear, on how we respond to a situation if we ever have a lock down today.

I have seen in Mombasa, The Mombasa Governor is calling for more investors to bring food. We have seen all these other organizations bringing food to not be distributed out but taken to the stores because they are doing a situation analysis.

To the best of my knowledge, the only donation that we ever got was those from Kisumu. I don't know whether we are not able to martial support from some of our developing partners, and therefore as we talk today, just by that shock that we happened to have seen one person dead, like the first case and we mishandled it.

As we are awaiting response from those who were taken to quarantine, about the 76 of them, (I was talking to Hon. Adala the other day because it was my concern. That okay how many people do we have in quarantine, and I was given an estimation of about 76 of them.) That if at all only 6 out of 76 will test positive.

I want to assure you that I don't know how we are going to help Siaya. Out of 76 if 15 should turn out positive, we only have 2 quarantining centers which is here at Siaya Referral Hospital having 6 and Bondo having 6.

So if they are 15, the next 3 will not go anywhere. So we are in a bad state, that we now need to stamp authority as a House, because we are now becoming the laughing stock. Thank you. Allow me to call upon Hon. Irene Shirley to second.

Hon. Oyuago: Mr. Speaker, this Covid 19 pandemic should be a collective responsibility to each and every one of us, and that is why we have seen it wise to form Committees to handle all matters Covid 19 in the County. It is very unfortunate for the County of Siaya to appear on the negative side of almost every Media house just because there was no collective responsibility.

While we were on the Committee of General Oversight, before we came in for the Plenary, after you had left we had some discussions, on the preparedness of the County Government of Siaya, and we discussed half way and we agreed that after the Plenary, we convene, and that is why I have stood here to support the Motion.

I wanted to communicate that because you said that there was no a lot of consultations, that consultations be minimized, so I couldn't come there and consult with you, but Mr. Speaker,

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it is my humble request that after the Plenary we can get back to discussing the preparedness of the Country Government of Siaya in the Covid 19 pandemic . Thank you. I second.

(Question proposed)

Hon. Speaker: Yes Hon. Oriaro

Hon. Oriaro: thank you Mr. Speaker. I want to thank the originator of this Motion, towards the formation of the Covid 19 response entity on the part of the Assembly at the County level and as well as the Sub County level. This kind of Business is timely as we have had a lot happening within the County. Members of the County, Members of the Ward have really questioned us on what we are really doing on the substantive basis.

Such questions or concerns of the public border on representation must be preceded by consultation, we have always lacked a structured manner to table our representative concerns. We have seen such a case as Bungoma. This is very interesting, when the Senator for Bungoma said it earlier without proper room for verification.

I am very happy that he has addressed that matter in the Senate today as I am speaking, that a Jeri can worth Kshs 100 bob was bought in Bungoma, in one single day the order was bought at Kshs 10, 000.

This is all about oversight, so when we have a Committee, it would be very much easier to have a structured path towards which we anchor issues. Other issues border on policy, I am addressing myself to the phenomenon, and I am saying that I went public, and before that people were quiet and the matter has been picked in Luo land on the issue of hurried burial.

We know what the law says. The WHO guidelines which were anchored in the National Statutes, in the form of regulations to back up the Public Health act. The manner in which we handled the Covid 19 issue, how somebody was buried, it is matter of policy.

It is matter of concern that we screen the issues of policy. This is a forum of us having the Covid based Committee will help us screen issues based on Policy, issues based on oversight and properly report, and issues based on representation.

Objectively we can come out as an Assembly to now dig into the manner in which people did abdicate. Initially the County Government of Siaya led by our Governor had supported the process under which Mr. Oyugi was buried and when they realized that this matter was chaotic, the Governor came out and disowned his very structure of communication

So it means we have lapse. The Committee is timely; we give it a nod and let it begin operationalization this very time. We will a structured approach towards even selecting members of the public in our Wards, a maximum of 15, us included.

So as to properly report to them and properly report to the public by way of inviting even the press. Thank you and I support and come up with ways of operation and report to the Assembly.

(Question put and agreed to)

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Hon. Speaker: Therefore, Hon. Members, that means that each response Committee will meet and elect their chairperson. We did not attach because when we attach issues of allowances come up which we will provide to you the payment guidelines at the Committee level.

MOTION
ADJOURNMENT

Hon. Speaker: Hon. Members would we be upstanding for adjournment. Hon. Members, there being no other business this House stands adjourned until tomorrow Wednesday, 15th April, 2020 at 9.30 a.m. in the chamber.

The House rose at 4.38 p.m.