

Wednesday, 25th August, 2021 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Second County Assembly – Fifth Session

Wednesday, 25th August, 2021

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

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

PRAYERS

PAPERS

SIAYA COUNTY APPROPRIATIONS BILL 2021,
(COUNTY ASSEMBLY BILL NO. 6 OF 2021)

Hon. Ochola: Hon. Members, we are giving first chance to projects that we had started or rolled over. As we move towards our sunset of being in this House; with less than a year to go we shall be proud and walking with our heads high that I started this project and it has been accomplished during my life time.

I wish to point and support what the Chairman has really observed; that sometimes we under budget or we under allocate funds to various projects. It is highly recommended in the report that at least this be looked unto so that we don't have white elephant projects.

I support as has been put by the Chairman of the Budget Committee that we do pass this Appropriations Bill for 2021/2022, thank you, Mr. Speaker, Sir.

Hon. Speaker: I will then propose the question which is that the Siaya County Appropriations, Bill 2021, County Assembly Bill no. 6 of 2021 be read a Second time.

Hon. Otiato: Thank you, Mr. Speaker, Sir; I rise to oppose the adoption of the report on very few grounds. When you look at it, we are talking about trying to do an implementation of a Budget of Kshs. 2.9billion. All Members can actually confirm that the extent of implementation is the Kshs. 19million that is going to our Wards directly.

We understand that the delays up to today are because of issues which were supposed to have been sorted out; the issue of LAPFUND, the issue of PMCs', issue of taxes... Have these matters been addressed, have they fully been addressed yet?

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Mr. Speaker, Sir; let's not sell this County that we want to please somebody, let's do what is right. We are here to oversight and let's do exactly that. You will realize that last time we were debating, the issue that I brought first was that the monies that are appearing as roll overs, the amount of monies which was pending all came.

Are you aware that there are contractors who took loans and are now not able to pay their loans because their monies came but they were never paid? That up to about Kshs. 480million that came to the IB in the final ledger, a lot of money was misused and taken to some operation accounts?

Can a Member tell me if they know even one roll over? And if the rollover was not addressed in that main Budget we were waiting for. Last week when we had our last meeting the direction was very clear that let the rollovers be made clear to us.

It will be a shame on this House to say that actually we were delaying this process for us to get a rollover and now where we are we are passing an Appropriations Bill without knowing the rollovers. We are shaming ourselves...

Hon. Ochola: Point of Order!

Hon. Speaker: Yes.

Hon. Ochola: Mr. Speaker, Sir; with due respect don't think it will be in order for the Member who was just on the Floor to mislead this House because as far as we know the Committee generated a list of rollovers which were given to us from the Executive because they were the implementers of these projects and that list was distributed to Members of this House.

They were told to go through the list, look at the rollovers which were given for each and every Ward, ascertain that it is correct and should there be any questions or any issues get in touch with the Committee and then you give us the true position of the rollovers.

It may not be in order to start misleading us that nobody knows about rollovers and yet he was given a list on the rollovers.

Hon. Speaker: As far as I am concerned that information was communicated and what happened after that whether you verified or not...

Hon. Otiato: Mr. Speaker, Sir; I want to be factual about this; when there was list of projects that were presented Here purported to be the rollovers belonging to the Wards. I did find a list but the list was exhaustive. Personally, I can confirm that I talked to the director budget and I can confirm that I visited that office and later I was told that some of these were missed but they were going to fix them.

Hon. Madialo: Point of Order! I want to correct the Member on the Floor; the communication I remember very well was they referred the rollovers and gave them to the Budget Committee.

I can confirm that eleven Members have looked at the rollovers and have handed over to the Budget Committee and some have confirmed that theirs are perfect. It won't be in order to suggest that Members look at the rollovers and go back to the purported wrong list...

Hon. Speaker: Hon. Madialo, confine yourself to your Ward in terms of information.

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Hon. Otiato: I am confining myself to my Ward; the rollovers that I was looking for were particular to my Ward. The Budget Committee was very clear that even some of the payments they were not sure about. I was to go to the department to confirm.

I made it clear that even we asked for the vote heads because whatever was appearing in the Budget was not what was in the vote head. When we ask these questions like I gave an example where I had put Kshs. 1.6million for boda boda training.

In the Budget it was indicated as Kshs. 1.6million; but when the payment was being done the contactor was told the only amount available was Kshs. 1million. Where is the Kshs.0.6million? We need to move back and now confirm in these projects that we have.

We might be having a project for Kshs. 3million or Kshs.4million but in actual sense that money isn't there. With that then I made confirmations and my communication was given to the clerk assistant of Budget and he did confirm also that yes they were not appearing before us. This list was not conclusive but those projects were not factored.

Personally, within my Ward have not received final list on rollovers of what was confirmed and what was missing. I will be sick and thick to pass an Appropriations Bill before knowing where this money is.

When we were in general oversight you made a very good observation and asked if these people really need money to pay PMCs and you suggested to sort out this mess. We really need to know how much is missing so that it can be fixed.

Whatever investigations will be done later on where the money went to but let's not proceed on with this matter as it is with our people making noise about the PMCs. Can we fix the matter of the PMC now? The CECM Finance was here; how I wish we took our time to do an inquiry, let's get a statement. Our CECM Finance cannot convince us on these monies and actually it's like we don't know.

We made a step, we have called even other people from outside, LAPFUND and the rest. Can we just take a little more time so that we get the actual amount from the bank? We put money if there is no money so that we sort out this issue of PMC once and for all so that if at all it is LAPFUND that we can solve then let us sort it out.

I conclude by saying this; the whole County is looking at us and word is doing rounds, today even in breaking news Siaya is on the headline (for the wrong reasons). Let's not shame this Assembly, let's do what is right. It will not cost us anything if we pass this Bill next week. If we can adjourn and get the right items, if they want us to vote then let's vote for it.

Hon. Opanga: Mr. Speaker, Sir; I stand to support and I will limit myself to the facts and issues at hand. On the House investigations that have been conducted there were issues that were raised and the main one was whether we are passing the Budget.

Are we sure that the Bursary issued was as per requested or not? As per communication and the facts we have gotten, the Bursary was never issued because of the few technicalities that occurred and meaning that it has been rolled over.

Mr. Speaker at the moment schools are going for half term and if we delay the process as my able Chair is suggesting we might not issue that Bursary as we intended to maybe in

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September or October. It will also give us problems because we are going to another Financial Year with another Bursary that we might not have proper time for issuing it as per the requirement.

My second reason for supporting is that I am requesting my fellow Members to support it so that we pass once and for all. The said nurses and staff that we are also talking about their lifeline and salary depends on this. If we delay it the same people will not receive their salaries and it won't be only about the 42 MCAs who are seated here.

It will be about 1000 people who depend on this document. I beseech my fellow Members that let us put the County interests in front so that we pass this document and we finish with it and also handle other issues as has been directed by the Chair, thank you.

Hon. Oriaro: Mr. Speaker, Sir; on the issue at hand my intention was not to invite myself to the participation on many aspects. The report by the Hon. Chair is clear that the Executive will address those statutory deductions. The fear of which the Kenya Revenue Authority shall reign on us and we will start to lose everything, there is no clarity on that still yet.

We know very well that when we are through with this; we are not even asking where they took that amount that is not our concern. Our concern was if they really pay and the question would be from which source?

The source would have been the Budget to which we are now to address in its Appropriation law Article 224. We are enacting that law; do we have those statutory deductions in this Budget? Do we really have an answer?

It still means even the amount we refer to as development we may still lose it. My brother has talked of what is in the media; it is what is in the news plate how we have received money so that we can participate in an illegality.

If we really mean well; what Hon. Otiato has said maybe good for our public relations and especially for the public relations of the House. Why must we approve it today? Why can't we only delay for one week so that it will be noted that we approved it not based on any strings attached the way it is known publicly that we are here today to approve it because we received money.

Failing to approve it today just pushing it even for a week may do for the House real public relations; that's my humble appeal. Based on now matters illegality, we don't want to bite the bullet if that is the case that we must then I am simply saying Article 224 gives this House the power to approve. If you check on Article 201 where principles of Public Finance Management is concerned. It says so many things and I will read which we might not want to associate with, 201; the following principles shall guide all aspects of public finance in the Republic--

- (a) there shall be openness and accountability, including Public Participation in financial matters;

Leave alone public we have been dealing with the Executive, how Fiscal matters are handled is very clear that this aspect 201 (a) is not adhered to. That is why even money outside programmes like PMCs cannot be explained who authorized them to use it. Even statutory deductions because that is PFM, we have workers and everybody else is there an indication that they involve them?

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So this aspect alone may not allow Central Alego where Hon. Oriaro is to invoke 224 the power to appropriate now not Executive to just give them money, give them money to do what? Did they convince Hon. Oriaro for Central Alego where money for his PMCs are? Because if I enact it will be Hon. Oriaro didn't allocate the Kshs. 6 million, the pending Bill or rollover for the first and second one.

On my part we can bite the bullet, but I pray to save our face, let us give them time so that we can adopt this in a few days' time. However, we are not saying that we give them time to look for the money, looking for the money from where with the timelines they were saying?

That Lapfund they were told next month when we know that treasury will not be open next month for them to pay this. Therefore, let us be truthful! It not easy for us just to appropriate, it will be a mechanical duty not a statutory duty that we just approve it and I may not approve based on such circumstances.

Hon. Mboha: I want to concur with the other speakers and I think time is of essence as we discuss this particular document. We are holding so many other activities by not going through the document at the right time.

1. I think the time is right and the way we have heard from other speakers is that by passing this particular document then our students will be able to access their bursaries.
2. We have sat on this document for a long time and I think going by what has been put or recommended here. It is our duty to look at the broader picture of the County and not necessarily looking at the other small Bills that can be done by way of other Motions in regards to those things like statutory reductions.

Therefore, we need to address ourselves to the fact that there are so many people including ourselves and the other staff of the County that their salaries are stuck here.

3. As we talk today, other Counties have started looking at Annual Development Plan in preparations for FY 2022/2023.

I think anything that has not been addressed by this particular document we should be able to address it by way of supplementary Budget so that we do not have this document getting into this other FY that we are talking about. We have a very strict timeline in regards to project implementations because there are processes that are going to be followed as soon as this document is passed.

Since we do oversight we should have in mind that project implementation is going to be delayed and this is going to lead to accumulation of so many rollovers that are going to come to this FY 2022/2023.

As we address ourselves to this issue and other matters that fellow Members were raising can be brought by way of Motion but allow the process to continue so that we are able to look at other documents that are coming up like the Supplementary Budget and also the coming FY.

Therefore, we have very limited time bearing in mind also that we have general elections this coming year.

Hon. Speaker: Hon. Felix Okumu.

Hon. Mboha: Thank you, Mr. Speaker, Sir. Let me tell fellow Hon. Members that we are not here to please the media but to work and please the electorate the people who brought us here.

The people who voted for us do not understand what Lapfund is but they want to see how the County is doing and they want to see us unlock the stalemate of the payments.

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Three days ago, I heard one of the senior Committee Member Hon. Lorna Adida, who went to the media and made it known to Kenyans what is going on in our County. So why do we come back and say the opposite of what we said hence putting the County at a standstill?

Lastly, to Hon. Otiato, he said that he did not know that there were rollovers then later confirmed that he is very happy because there are rollovers meaning that he also has rollovers. Therefore, if there is anything that he is not getting let him solve it with the office of the Executive.

(Applause)

Hon. Adallah: Thank you, Mr. Speaker, Sir. I rise to support the report as laid by the Chairman of Budget and Appropriations Committee. I will address myself to one, the issue of service. I have heard contributions on the Floor of the House as to whether what we are doing is in Law or otherwise.

From where I sit I don't think there is any law that we are not in line with looking at this document today, but if there is one, let someone inform me because I don't see any wrong we are doing.

Looking at the report it is clearly stated that our fears as to Lapfund, NSSF and those other things...by the way I don't care about Lapfund in the sense that even if we don't sort it here there are legal roots that will still address them. Therefore, it is upon the person responsible who will face the wrath of the Law, whether it is the CECM or the CEO, I do not care! It is up to the person who messed the County.

There is a certain Widow in Segu, Ywaya village where I come from who right now is not able to access basic things like health care. Continuing to postpone this, one as a representative of the people we have a task back in the places where we come from.

I am very certain that when a student will be back home this day and by next week they will be expected back a parent somewhere will be calling you to help them with school fees. So if looking at this document will help us unlock the problems then so be it.

The staff that we are even having here in this Assembly are not worried about the pending Bills they are looking at when their salaries will be paid. Unlocking that is resting on this House.

As to other issues of our names out there, Hon. Members we are in politics and if you are not ready for these things then you had better resign because what has happened has happened and extending it by one week will not change that some of us have been mentioned adversely in social media.

If at all, postponing it by one week will remove my name from that purported list of some of us who got some monies, which I do not know. Nevertheless, there is nothing it is going to solve. By the way, even if you escaped that final list I can assure you somehow or someway you will still find yourself in some other list either this week or next week.

Hon. Omwende: Thank you, Mr. Speaker, Sir. First and foremost, I must take this opportunity to thank you personally because most of the issues have been address during General Oversight meetings, which makes it easy to debate on this matter at hand.

If I can give you a little of my biography of how I really suffered when I wanted a conducive environment to do my course it forced me to go all the way to Thika Technical Training Institute because that is the only place I could do my course with ease, accessibility and other things were easy.

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I do represent people with disability and when I joined, there was an elephant project that was there within three sub Counties namely Bondo, Gem and Alego. They were construction of sheltered workshops but the other sub Counties were left out.

Therefore, the agreement with my Constituents was that I do everything possible so that the other 3 sub Counties get sheltered workshop. As I speak, today already 2 sub Counties have constructed sheltered workshop so now people living with disability do not have to go far away in search of sheltered workshop.

I am only remaining with one sub County that is Rarieda and my answer is really relying on this document because that is where my future is such that when I leave this House people I am representing will remember with what I did as a landmark. Therefore, nobody can stop me because I am focused. I support the report.

Hon. Olasi: Thank you, Mr. Speaker, Sir. I want to be very brief and very honest with Members here. We had the last three weeks General Oversight talking about these things then for the last two weeks we have been condemning this document based on these 2 issues, which is PMC and Bursary.

Even as I support the document the two variables if I can borrow from Hon. Omwende's words, to some degree they had been sorted out in the General Oversight. So when we say that we want to postpone this Bill for two or three weeks to salvage our image, I know image is everything and it is a fact but can you compare your image with people of West Uyoma missing drugs?

Can you compare your image with failure of implementation of projects of FY 2021/2022 leave alone the rollovers? Are we really serious!

We talk of by products; the first recommendation of this document is going to be sorted out by this. The Members who are opposing this Bill are saying that the Contractors have not been paid, how are they going to be paid? They won't be paid unless this Bill is passed. By the way. Why do we contradict ourselves?

Hon. Otiato: Point of Order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Otiato

Hon. Otiato: I just wanted clarification from our Hon. Whip, on how this Appropriations Bill is addressing lost monies meant for taxes and Lap fund in the report.

Hon. Speaker: Let's proceed.

Hon. Olasi: Hon. Members, some of these things if we are not lying to ourselves, they are beyond us. They have been taken to the agencies concerned, that's a fact. What will we do to the lost funds? The world has known that Siaya has lost money, but they were sorted here under the recommendations. Kindly go through the recommendations.

So I would say, the heat that we are going to get from the people we represent from lack of track and implementations of the projects is heavier than the image and the perceptions about us, Thank you.

Hon Speaker: Yes Hon. Willis.

Hon. Ochieng: Thank you, Mr. Speaker. I would like to believe that the document that we are discussing is Appropriations Bill and as per the procedure we only discuss it after the passage of the Budget which we did way back, one month down the line now and the document before us is one that will just authorize the spending of the monies that we passed in the other Budget.

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I would like to state it categorically that we should not be preaching water and drinking wine. Some of those who are opposing this document are stating here that there are some contractors who have not been paid which you also know, because those contractors also did some work in our Wards.

On the observation of this report, Number 4, Kshs 2,051,054,088 has been set aside for settling pending Bills and rollovers. I think, and this is what also the Chair put clearly, that we were given these pending bills list some weeks ago, and we went through our pending Bills and Rollovers.

We should not be lying to each other that the pending Bills, all the rollovers were given to us and more so I as Hon. Willis who is representing Yimbo west, I verified my list and submitted it back to the Clerk Assistant of the Budget Committee.

Let us proceed on and pass this Appropriations Bill today, so that when you hear CECM Finance talk today, he was saying that they are paying Kshs 10 million for the PMCs and on that PMC accounts, they borrowed some money to help them run the Government.

By running the Government, during the month of July and August, there were no monies that were coming from the National Treasury to the County Government, and we are all aware that the County Government has been operating. There is no department in this County Government that has stalled because there are no monies coming from the National Treasury. So when the CECM said that they have borrowed money, why can't we now allow them (yes they borrowed the money) for that money to be taken back and for our PMC Members to be paid, we must pass the Appropriations Bill so that they now get back the monies to the relevant accounts.

So I want to urge our fellow MCAs that let us run away from these kick fights to face the reality and pass the Appropriations Bill so that our County can move forward. I support.

Hon. Omoro: Thank you, Mr. Speaker. I would like to say I support the Appropriations Bill, and being elected by our electorates, at times we must be very ready to address them, and that which we can do we must candidly iron here.

I think everybody is aware that our Health sector has gone on its knees because we cannot access the funds to buy the pharms and non-pharms. For example if you go to a Dispensary in East Ugenya Ward like Badeng, you find that there is totally nothing, and people are really crying over this, because some of the electorates would think that we procure some of the pharms and non-pharms directly not knowing that this is done by the Executive.

The Appropriations Bill is the strength and the spending power of the Executive, and as much as we will be sitting on this, and I think also we have really dragged this Bill for a longer time, it's not the first time that we would want to extend the passage of the Appropriations Bill, we have held meetings even with the Executive, and they have brought us up to speed on how they were going to recover the monies that were seen as not being in tandem with the Budget.

We have also been told how the salary by products is going to be recovered. We even had in the Budget report that among the amounts by the agencies that were claiming the money is from us, the Bill being a part of it were accrued interest that maybe were not in line with what it is, for the Executive to iron it out with the agencies.

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This time round is the only year when we had two academic years because when we first had the first entry in January, we also had our children transiting to the next classes. The parents had very big financial turmoil coupled with the Covid-19 situation, that has rendered most businesses less profitable, seeing most of our business men going under in terms of finances, and some of their property being attached, seeing that most of them were operating under loans.

If we pass the Bill today, we shall give the Executive the strength to disburse the Bursaries. The bigger question here is the Bursaries. The due process is done, the list is out and the only thing remaining is where the money is, and the Executive explained to us that they did the requisition late and therefore the money never came in that Financial Year. Therefore it is in this FY, by passing this Bill will give us the space to access the Bursary.

We liaised with the Executive, the whole House, and we were told that the PMC issue is sorted, and we even got information from Faulu Bank that the process is ongoing. Let us have the plight of our people at heart and pass the Appropriations Bill so that we get moving and also putting into consideration that the next Financial circle FY 2022/2023 is already at our doorstep and is already in the media and it has already been advertised.

Let us do this so that we don't have a lot of baggage in our hands. Thank you.

Hon. Adida: Thank you, Mr. Speaker Sir. Allow me as a Member of North Sakwa Ward to also add my voice on this Bill. I support, with so many reasons which have also been mentioned by my fellow colleagues, but Members, I think we all represent the people and we know what is really happening on the ground.

Right now we have 100% transition in Education and we were talking about the issue of Bursaries, and it is true our Bursaries were not disbursed just the way we had followed it with the Executive, and we are really hoping that it will be.

Right now we are processing the form one Bursaries, but it is true to say that majority of the students have not gone to school, and most parents are really looking forward to accessing some Bursaries from the County and therefore if we don't pass this Appropriations Bill, it is still not going to unlock any operations in Siaya.

If you look at the Health Sector, most of them are at a really sad state. Most health centers are closed these days, meaning that nothing is going on. If you look at even our market centers, the sweepers who are sweeping in these markets are not able to do their jobs because there are no monies to be paid to these people. Take a walk even in Bondo for example, you will find that garbage has piled up because no work is being done.

I know there comes a time when there are real issues to be discussed but I think even after passing this Appropriations Bill, we will have an opportunity to even have a Supplementary Budget, and other issues that may crop up can be well addressed in the Supplementary Budget, but for now let us breath a lease of life to the people of Siaya so that things can move. Thank you.

Hon. Odongo: Thank you, Mr. Speaker. I would like to appreciate the Budget Committee for the work well done. I want to say that it has taken this House a number of weeks even close to months to discuss matters of this House with the Executive whereby the resolution

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and where we are today, the payments that have been indicated here by the Executive is because of the discussion of this House and the Executive.

I would like to tell some of my colleagues and Hon. Members that we cannot stop the issues of this Honorable House because of the rumors outside, media and propaganda from the people that are not in this House. The House must move on, whether the propaganda is being spread or not.

This is not the first time that we have heard the rumors in radios and Televisions. The last one was about Uganda, but that did not stop the operations of this House. I want to say that some of the Members have been thinking that there is a stalemate in this County, and it is clear that you have been giving the directives on the discussions of this House based on the issues that have been resolved

Mr. Speaker. I believe that there is no stalemate in this County. The Appropriations Bill has not been passed, not that there has been a stalemate, but because of other engagements and digging deeper to know where the facts are and how they can become accurate. If we cannot do this today, then we will still continue lamenting on the disbursement of Bursaries and unlocking some issues. That is the truth. If we are to postpone the passing of this Appropriation Bill.

It is only last week that we were seated here and we witnessed some other bodies telling us that they had engaged with the Executive and those dates are clearly stated in the minutes as you know in your office Mr. speaker. As we continue postponing, the days are being counted. We are still putting this County in a very big mess.

Let us be our Brothers' keeper, but how do you become your brother's keeper if you cannot feel the pinch that the people that we are representing are feeling. Those that are employees, the staff of this County, their fate lies with us on passing this Bill, but if we cannot do this, like I am taking an example of myself.

I am earning almost Kshs 144000, apart from whatever I earn outside this, but if someone, a staff of this County is earning Kshs 50,000 and a person who is earning Kshs 144,000 was not able to pay school fees when the schools were opening, how do you think another staff earning less is feeling?

Now our students are coming back for half term and will be expected to pay fees when schools resume. If you are an elected Member and the heat is too much for you just resign because we cannot keep the County on ransom because of one person. Thank you so much.

Hon. Madialo: Thank you, Mr. Speaker. I want to thank those who have supported and those who have not supported because of democracy. I urge my brothers and sisters that we look at our images in two ways. There is the image that the electorate has and what is out there is even among staff is they have no hope because we have refused.

They are not thinking about Lap fund. So let us look at the two images. Thank you, so much for emphasizing Bursary, which goes to a poor child, to the helpless and that Bursary cannot be released unless there is an Appropriation Act. Lastly as I sit down, if our reasoning is that money was lost, we wait for one, 10 years, lost money is lost money and that is why I

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support what Hon. Whip was saying. Otherwise thank you so much for supporting it, thank you so much for opposing it.

Hon. Speaker: Hon. Members, I said that in the spirit of protecting the dignity of this House, we will vote by secret ballot. So I will put the question and you don't have to respond, the Table Clerks will call your name out and you come and vote then we will count at the end. I do not want people to be associated in this and that and you will use your conscious.

(Question put)

Hon. Speaker: If you support the second reading of the Bill, you write YES, if you are opposed you write NO.

(Names called in alphabetical order)

(Members voted)

(Results)

YES 23

NO 13

Hon. Speaker: Okay Hon. Members, I will then announce the results. Absent 6, abstain none, NO 13, YES 23. You realize even if the six voted in one category, they would not affect the outcome. I therefore declare that the 'Ayes have it.

(Applause)

(2nd Reading of the Bill)

Hon. Speaker: Hon. Members, now that you can see the direction is not likely to change, even in the subsequent questions, I therefore advise that I go straight to proposal and putting the question for third reading unless there is an objection.

(Question proposed)

(Question put and agreed to)

(3rd Reading of the Bill)

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MOTION
ADJOURNMENT

Hon. Speaker: Hon. Members, there being no other Business will we be upstanding for adjournment:

(Hon. Members on their feet)

Hon. Speaker: Hon. Members, there being no other Business, this House adjourns until Thursday, 26 August, 2021 at 2.30 p.m. or as will be communicated to you.

The House rose at 4.38 p.m.