

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Third Assembly – First Session

Tuesday 22nd November, 2022

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

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

PRAYERS

COMMUNICATION FROM CHAIR

WORLD AIDS DAY

Hon. Speaker: Hon. Members; I want to bring this communication to your attention; it's an invitation to Siaya County World Aids day commemoration. On the 27th October, 1988 the United Nations recognized the World Health declaration of 1st December to be World Aids day. Since then the day has been observed on this date every year. Kenya as a Country has been commemorating the World Aids day and has used the occasion to highlight some of the measures it has taken to combat the spread of HIV/Aids in the Country.

Siaya County remains one of the Counties with high HIV/Aids prevalence in Kenya hence requires to continue implementing measures that will spread of the virus. Commemorating World Aids day offers one opportunity to engage with citizens of Siaya on this public day health threat and Siaya County has faithfully observed this day each year.

Accordingly, the County Government of Siaya through the department of Health and Sanitation plans to commemorate this year's World Aids day on the 1st December, 2022. The venue for the celebration shall be at Bondo stadium, Migwena ground in Bondo sub county and H.E. the Governor shall be the Chief Guest.

It is in the forgoing spirit and tradition that the department of health humbly request you to grace the occasion as a guest during the celebrations. We also seek your indulgence to extend this invitation on our behalf to the Hon. Members of the County Assembly and particular to the Chairperson and Members of the Committee on health. We shall highly appreciate your

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Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

participation. It has been signed by Dismas Odhiambo, the County Executive Committee Member for Health and Sanitation. Members you are accordingly invited and guided.

PAPERS

REPORT OF THE COMMITTEE ON APPOINTMENTS ON VETTING AND APPROVAL OF CECM
NOMINEES

REPORT ON STAFF ESTABLISHMENT

REPORT ON SUPPLEMENTARY BUDGET

Hon. Odinga: We wish to lay on the Table of the House the Report of the Committee on Appointments on vetting and approval of nominees to the positions of members of the County Executive Committee for consideration and approval.

Hon. Madialo: Mr. Speaker, Sir; I wish to lay on the Table of the House the Report on the Committee on General oversight on the Siaya County Public Service Board authorized staff establishment laid on the Table of the House today, 22nd November, 2022.

Hon. Madialo: I wish to lay on the Table of the House the Report on the Budget and Appropriations Committee on the Siaya Supplementary program based budget for the year 2022/23 laid on the Table of the House today, 22nd November, 2022.

NOTICES OF MOTIONS

Hon. Odinga: Hon. Speaker, I wish to give Notice of Motion that this House approves the Report on the Committee on Appointments on vetting and approval of nominees to the positions of Members of the County Executive Committee laid on the Table of House today, Tuesday 22nd November, 2022.

Hon. Madialo: I wish to give of my intention to Move the Motion that this House approves the Report of the Committee on General Oversight on the Siaya County Public Service Board authorized staff establishment laid on the Table of the House on Tuesday, 22nd November, 2022.

Mr. Speaker, while still on my feet I wish to give a Notice of Motion the Report of the Budget and Appropriations Committee on the Siaya Supplementary program based budget for the year 2022/23 laid on the Table of the House today, 22nd November, 2022.

MOTION

REPORT ON THE COMMITTEE ON APPOINTMENTS AND APPROVAL OF CECM NOMINEES

Hon. Odinga: I wish to move the Motion:

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

THAT this House approves the Report on the Committee on Appointments on vetting and approval of nominees to the positions of Members of the County Executive Committee laid on the Table of House today, Tuesday 22nd November, 2022.

Hon. Speaker, the mandate of the Committee on Vetting and Approval of the nominees for the position of Members of the County Executive Committee is drawn from Article 179 (2b) of the Constitution of Kenya 2010 read together with section 4 of the Public Appoints County Assembly County Assembly Approvals Act 2017.

Article 179 (2b) of the Constitution of Kenya 2010 provides that the County Executive Committee consists of Members appointed by the County Governor with the approval of the County Assembly.

Section 4 of the Public Appointments County Assemblies Approval Act 2017 further provides that an appointment under the Constitution or any other law such as the case for Members of the County Executive for which the approval of the County Assembly is required shall not be made unless the appointment is approved by the relevant County Assembly in accordance with the Act..

Guided by the provisions of section 6(1) the Public Appointments County Assemblies Approval Act 2017 which provides that *an Appointing Authority shall upon nominating a person for an Appointment to which this Act applies notify the relevant County Assembly accordingly.*

H.E. the Governor; James Orendo wide a letter dated 26th October, 2022 addressed to the Speaker of the County Assembly of Siaya submitted names of persons nominated to various positions of CEC Members for vetting and approval by the House. Allow me to read aloud the names of the nominees for the CECM positions.

C.S. Agunda Ochanda for Governance and Administration; he comes from Ugunja sub county, Benedict Abonyo Omollo for Finance and Economic Planning and comes from GEM, Dr. Martin Odhiambo Onyango for Health Services comes from Ugenya, Dr. Caroline Onyango vetted for Water, Sanitation, Environment Climate change and National resources; she comes from Alego Usonga.

Others are George Odhiambo Nying'iro for Public Works, Roads, Energy and Transport comes from Bondo sub county, Sylvester Odhiambo Ko'koth vetted for Agriculture, Irrigation, Food and Livestock and he comes Alego Usonga, Dr. Edgar Ouko Otumba for Education, Youth Affairs, Gender and Social Services and comes from Rarieda sub county, Grace Agola for Trade, Enterprise and Industrialization.

She comes from Rarieda, Morris Otieno Makonege for Lands, Physical Planning, and Housing and Urban Development comes from Gem and lastly Angeline Atieno Oduor for Tourism, Culture, Sports and Arts and comes from Bondo.

The Committee undertook Vetting and Approval process for the nominees pursuant to relevant statutes and laws as explicated in the succeeding sections of this Report. The Governor pursuant to provisions of section 5 (1) of the Public Appointments, County Assemblies Approval Act 2017 placed an advertisement on the Daily Nation newspaper of 14th September, 2022 inviting suitable applicants for positions of County Executive Committee Members.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

In the advertisement the Governor specified desired qualifications and attributes as indicated in the attached copy of the advert. On Wednesday, 26th October, 2022 the Governor submitted the names of the 10 persons nominated to each department to the Assembly as required by the provisions of section 6(1) of the Public Appointments, County Assemblies Approval Act 2017.

Contingent upon the requirement Public Appointments County Assemblies Approval Act 2017 that the notification of the Assembly by the Governor must fulfill provisions of sections 6 (4), the Hon. Speaker noted the list and accompanying documents of the nominees submitted by the Governor was not complete with all the statutory requirements. For instance; there were no copies of academics certificates and testimonials for some of the nominees as required by law.

Consequently, the Hon. Speaker vide letter ref: CAS/ADM/22 dated 27th October, 2022 communicated the shortcomings of the notifications to the Governor. On Friday, 22nd October, the office of the County Secretary vide letter ref: CGS/CA/SS/CC submitted to the County Assembly the missing information and documentary evidence which had been requested for.

He said correspondence ensured that the list complied with provisions of section 6 (5) of the Public Appointments Approval Act 2017. The notification by the appointing authority to the Assembly in this regard was duly given on 28th October, 2022.

Pursuant to the provisions of section 7 (4) of the Public Appointments County Assemblies Approval Act 2017; the Assembly put up notification to the nominees and the public in the Daily Nation newspaper on 1st November, 2022 and on the Star newspaper on 2nd November, 2022 informing the candidates of the time and the place for approval hearing.

The public was also asked to present any Petition to the office of the Clerk about any nominee within specified timelines as guided by section 7 (10) of the Appointments County Assembly Approval Act 2017.

On Thursday, 10th November, 2022; the Committee undertook approval hearing for 5 nominees as per the notice on the newspaper as follows: This Report is a product of the Vetting and Approval process of the Governor nominees to the positions of members of County Executive Committee. The Report is ordered in 5 main parts; the first part is the background which gives the basis---

Hon. Deputy Speaker: Point of Order! I would like to request the Vice Chairman of this very Committee to be brief and go to findings and resolution of the Committee since Members have been furnished with documents and the Report and I believe all Members have got the Report with them.

Hon. Speaker: The Mover try as much as possible to not let Members get bored; you can just summarize because they have the Report but you are free to take the longest time but I am not sure if that will be pleasing to all Members, proceed.

Hon. Odinga: Thank you, I will try to be as brief as possible. The first is the background which gives the basis upon which the Committee undertook the vetting and approval process among other points.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

On behalf of the Committee on Appointments, I have the honour and pleasure to present the Committee's first Report on the vetting for nominee and appointment for members of the Siaya County Executive Committee.

(Hon. Odinga laid the document on the Table of the House)

I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations and vetting of the nominees. I would like to thank members of the media and public in general for any input or exposition expended in this noble process.

Allow me to call upon Hon. Madialo to second.

Hon. Madialo: I rise to second. From where the Mover has walked the Committee, section 35 of the County Government Act demands that in nominating persons to positions of the County Executive Committee; competence, education and integrity is put into consideration.

The relevance of the nominee's education to the docket to which he or she is nominated is statutorily provided for. Experience is expected of the nominee that is not less than 5 years in active interaction with action or a docket relevant to which that nominee is sought to be appointed.

The Constitution also directs that a person who has been dismissed from public office not to be legible for appointment to public office a second time. CS Agunda Ochanda was nominated for the CEC Member for Governance and Administration. He didn't have a First Degree but presented to the House and the Committee that he is a certified Public secretary and that certificate is the equivalent of a Degree.

There was no authentication but he provided the Committee with a newspaper cut out that pronounced that the CPS was equivalent to a Degree. He therefore did not meet the requirements stated in the advertisement that invited them to seek this job.

The Nominee had experienced in various positions but his last station of call was at the Moi Referral hospital where he was Deputy Director. Prior to that he had been a Chief Administrator officer at Kenyatta National Hospital for about two years.

The Committee was therefore of the opinion that he had gained relevant experiences in administrative issues, however, it couldn't confirm whether his experience in Governance matters was authentic.

This was on the basis of lack of documents that could be relied on to support such a claim. The Committee further observed that he had also applied for the position of CEC Member for Enterprise and Trade.

It was also noted that he was a certified human resource professional as indicated in his CV but during his own oral submissions he confirmed that he had not completed the requisite examinations for attainment of the qualifications.

By and large the presentations by the nominee did not convince the Committee that he had vast knowledge on policies, programs and laws that would underpin his functions if

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

appointed as the CEC Member for Governance and Administration. The nominee, however, was articulate in his responses and exhibited a desirable ability to learn.

Mr. Benedict Obonyo Omollo was nominated for the CEC Member for Finance and Economic Planning.

He submitted clearance from Kenya Revenue Authority, Higher Education Loans Board, Ethics and Anti-Corruption Commission, Certificate of good conduct and accreditation from the Commission from the Education University for his Master's Degree in Business Administration. This nominee holds a degree in Commerce, Finance option.

His education is relevant to the department which he was nominated. His work experience, however, couldn't meet the threshold in the advertisement of 10years experience in the field relevant to the position he seeks to occupy. The bulk of work in the field of Finance was in the private sector and Non-governmental organizations. His experience in a government institution was of two years with the Judiciary.

Mr. Speaker, Sir; allow me to state and emphasize that the Committee was awake to and not that he was dismissed from office as a Director for Finance at the Judiciary of Kenya in 2014. However, he introduced a saving argument or clause in his statement that the dispute touching on his dismissal is a dispute that is pending before a court of law and which is yet to be resolved.

In other words, he has challenged the dismissal. The Committee will not fail to Report that main stream media and troll indicated that the nominee was dismissed from the Judiciary on grounds Financial impropriety.

There was also a Report of the National Assembly Public Accounts Committee tabled on 11th January, 2016 in which it was documented and to which he conceded that there was irregular payment of some allowances at his authority and that he made advanced payments to contractors totaling Kshs. 120million without following finance regulations and procedure.

The Committee acknowledges Article 75 (3) of the Constitution which provides that a person who has been dismissed or rather has been removed from office for a contravention of the provisions mentioned in clause 2 is disqualified from holding any other state office.

Other Committee observations were; his experience in public sector Finance Management was 2years. The bulk of his experiences is in Non-Governmental Organizations and it was observed that he was claiming wrongful dismissal from the Judiciary which based on his personal subjective arguments and he provided no evidence to vindicate his assertions.

In addition, it was of the opinion of the Committee that finding on whether his dismissal was wrongful or not rested with a court of law and not his opinion as the litigant. He informed the Committee that he challenged his dismissal in court but the Committee has no evidence of whether his suite will succeed or not in court.

Dr. Martin Odhiambo is the nominee for Health. Dr. Odhiambo has got the relevant Degree. He has experience of more than 5years in that field to which he has been nominated. His experienced was a little bit confined to service in the Kenya Defense Forces and United Nation where the clientele are defined and enclosed.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

The Committee therefore cannot say with certainty that his experience is distinguished, more so in providing Health in a public facility like a County. The Committee further observed that the Nominee lacked knowledge of policies, legislations plans programs for Public Health Sector and County Health systems in particular.

The Committee also observed that the Nominee was not organized in his presentation and that he did not sufficiently address the questions posed to him by Members. In deed he seemed to lack knowledge of the functions of the CECM for Health services. However, in terms of training and qualifications, in terms of experience, the nominee meets the requirement of the law.

Caroline Phoebe Adhiambo Akinyi Onyango, alias Julie Anyango was the nominee with the longest name we have interacted with, nominated for the docket of Water, Environment, Natural Resources and Climate Change.

She presented clearance from KRA, HELB, EACC, Certificate of good conduct and Academic papers. She has a first degree and therefore meets the requirement of Section 35 (3) b of the County Government Act 2012, but the Committee notes that her degree is not relevant to the portfolio of Water, Environment, Natural Resources and Climate Change as per the requirement of the advertisement, and indeed Section 35 of the County Government Act read together with Section 7 of the Appointments Act.

From her oral presentations, she stated that she had worked as a Program Director at ECOERA International from November 2014 up to the time she was appearing on the Committee, but a search on the site of ECOERA reveals that ECOERA came into existence in the year 2019.

Her major roles in ECOERA really was substantially education with some indication of Energy and water efficiency, and in an organization called WASH, or Same-sky Kenya, she indicated as having worked for 2 years where key tasks included hygiene promotion activities, and during oral presentation, she emphasized her involvement with World Bank and USAID funded projects for 10 years, but there were no testimonials to this.

The Committee therefore did not find justifiable relevance between the Nominee's experience and the components of the portfolio of Water, Environment, Natural resources and Climate change.

We do acknowledge that she did have experience but in writing proposals to those disciplines. The Committee observes and notes that her identity in terms of names are peculiar. In her National ID, her name is Caroline P. Adhiambo Akinyi Onyango, in the presented Bachelor's degree certificate, the name indicated is Caroline P Akinyi Onyango, an attached sworn affidavit introduces another name Julie and explains that 'P' stands for Phoebe. And then she is also Phoebe, Akinyi Anyango Onyango but that is her name.

The relevance between Bachelor of Science in Bio technology degree; she argued that this degree can interconnect with everything, and that it is a degree that is important in using available technology to tackle emerging challenges in the docket like climate change.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

These proposals, the Nominee argues that her work involves reforestation, conservation, and ecosystem, but even the address of the Executive Director one David Myles as disclosed in her papers and proposal writing, that address when searched belongs to Richard Oduor.

The Nominee was also vague on the details of the existence of Eco ERA international in which she claimed to have gained enormous experience in relevant portfolio. While responding to the concerns of the Committee that the organization does not have even a web, notwithstanding having undertaken worldwide multimillion dollar project, she informed the Committee that Eco ERA is a recent innovation.

She says that this company was once called a Catalyst, but there is no corroboration that this name was changed to Eco Era consulting international, and there was no mention of water, climate, or environment related issues of a Catalyst that was reportedly formed in 1999.

The Committee is therefore in no doubt that the existence of Eco ERA International that the Nominee solely relied upon to prove her ability to lead the portfolio of Water, Environment, Natural Resources and Climate change do not include the functions that she will confront in the department in which she has been nominated.

After due diligence, the following discoveries have been made;

I). That Eco ERA is a consulting Company owned by the Nominee herself. She is the sole Director. It was registered on 21st June 2019 long after she had joined Eco ERA in November 2014, and as indicated in her CV and a signed declaration presented to EACC.

The contact details provided by Eco ERA are the same contact details provided by the Nominee that is her postal address and the phone number and the phone number provided by David Myles as I said earlier is registered under the name David Oduor.

This was the richest Nominee that faced the Committee. She says that she earns Kshs 1.1 million per month that she wants to substitute with a job of Kshs 440,000 per month, and when asked to produce evidence of payment, she gave copies of cheques valued at Kshs 770,000 as evidence of salary paid. We wonder as a Committee whether there is a company that pays that amount of salary by way of cheques.

The Committee doubts the authenticity of the letter purportedly written by the Director of Eco ERA David Miles indicating the Nominee's engagement with the company.

George Odhiambo Nying'iro- CECM Roads, Public Works Energy and Transport holds a Bachelor's degree from the University of Nairobi. His relevant experience to the docket which he is being nominated, includes financing contractors.

He did also add that he has done public works including cabros. However, the Committee observed that the Nominee doesn't have knowledge, experience and distinguished career relevant to the portfolio of Public Works, Roads and Transport.

More so he is far from satisfying Section 35 (3) d of the County Government Act 2012, that requires a candidate to have 5 years' experience relevant to the portfolio. In fact, his ten years by his presentation disclosed that he has 10 years' experience in forensic auditing and investigations.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

During approval hearings, this Nominee stated that he has a degree from University of Nairobi in Economics. However, the degree narration presented had no narration of the Economics. Made attempt to map out his experience in Roads, Public Works Energy and Transport by indicating some of his numerous works done by consultancies, there was no evidence to prove that.

Sylvester Odhiambo K'okoth- Agriculture, Food, Livestock and Fisheries nominee. He has a Bachelor's degree in Arts from the University of Nairobi. That is not relevant to the department of Agriculture.

The bulk of his experience was domiciled in the field of Sales and Marketing as was evidenced in the documents which he submitted to the Committee and which he confirmed orally. He worked at the Nairobi Coffee Exchange, Kenya Planters Cooperation Union and Midland Energy Limited.

He is currently working at the County Government of Siaya as Chief Executive Officer of the School Feeding Program. I need to add that should he succeed; he needs to resign from that position he is serving.

The nominee has an interaction with Agriculture during his one-year stint when he held the position of an acting Chief Officer of Agriculture in the County Government of Siaya. The Committee observes therefore that knowledge, experience and distinguished career of not less than 10 years in the relevant field as the advertisement invited was not met by the Nominee.

He also did not provide the testimonials to attest to his performance as the acting Chief Officer of Agriculture in the County Government of Siaya.

Going by his own self proclamations for an acting Chief Officer for Agriculture, the Committee questions why the Nominee was not substantively engaged after the period he acted as Chief Officer,

In the opinion of most members of the Committee, the school feeding program was successful, the Members therefore question the ability of the nominee to succeed in executing the functions of CECM for Agriculture.

The Nominee voluntarily presented photographs in a move to convince the Committee that he had knowledge in matters aquaculture and Business development.

It is the finding of the Committee that the photographs had been taken during a workshop in Nyeri and going by the photographs, the Nominee cannot claim competence and professionalism in aquaculture.

Dr. Edgar Ouko Otumba- Gender, Education, Youth Affairs, and Social Services has a first degree. He meets the qualifications required of him under section 35 (3) d. The Bachelor of Science in Mathematics is not relevant to the portfolio of Education.

He does not have 10 years' relevant experience as per the requirements of the advertisement, services. The Nominee taught at Huma Secondary School for 2 years after attaining his first degree, he has since then taught Statistics and Actuarial Science for the last 10 years at Maseno University.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

During oral presentation, the Nominee narrated his experience as a consultant with African Institute of Mathematical Sciences, and seemed to suggest that this had given him an insight into the challenges of the youth.

The Committee, however, doesn't find such one off consultancy arrangements as adequate in addressing the requisite knowledge and experience.

He was not well grounded on Education, Youth Affairs, Gender and Social Services especially those that relate to the devolved functions. He is, however, well grounded on matters Education at higher levels given his teaching experience at the university but not management of Early Childhood Centers in Educational Centers.

Grace Agola- Trade Enterprise and Industrial Development. She has a first degree from South Africa, it was accredited. The degree she has is on Business Administration, it is relevant. However, her experience from her oral presentation and testimonials are confined to Banking.

She attempted to relate her interactions with her customers at the Bank especially the corporate ones to experience with working at the cooperatives but the Committee does not find it to be related to distinguished experience and matters relevant to the portfolio to which she has been nominated.

There was an attempt to challenge her place of residence and perhaps her matrimonial home, but she demonstrated that she is a resident of Siaya, she comes from Rarieda and does not have integrity issues.

The Committee observes that she serves in the Siaya Municipal Board and the Committee stands to point out to the appointing authority that she should not be appointed until she resigns from that engagement.

Maurice Otieno Mcorege- Lands, Planning, Housing and Urban Development has two Bachelor's degrees, one in Arts and the other one in Philosophy and Economics. That is not relevant to Lands and Physical Planning. However, the CV and the testimonials submitted to the Committee found that the Nominee cannot build a career based on Lands, Physical Planning and Urban development.

It is therefore the finding that he has no knowledge, experience and distinguished career of 10 years as was expected of them by the advertisement and 35 (3) d that requires of them experience of not less than 5 years was not satisfactory.

I wish to add that he has a Master's degree in Business Administration and though he has limitations of knowledge and experience in the docket, he was very articulate in his submissions and ideas during the approval hearing.

One Member observed his demeanor as cool. The Nominee coined his mastery in development economy which in his opinion was going to help him in developing towns and urban areas within the County.

The Committee is of the opinion that this Nominee had vast experience in trade sector, going by his testimonials

Angeline Atieno Oduor- Tourism, Culture Sports and Arts. From the documents presented, she hails from Yimbo in Bondo Sub County. She presented clearance certificate from

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

KRA, HELB, EACC, Certificate of good conduct, and accreditation from the Commission of university for her Bachelor's degree in Mass Communication from Kampala Uganda.

Her degree has no relevance to Sports, Tourism, Culture and Arts. She does not have experience at all as required by Section 35(3) d. that she should have in the portfolio that she is being nominated.

She was first employed as a District Officer, now Assistant County Commissioner where she has worked for 8 years, she has worked for a further 4 years as a Senior Assistant Secretary state department of Social Protection Senior Citizen affairs, a position she held as of the time of appearing before this Committee.

Her position deals majorly with general administration of affairs, of the particular department, County or Sub County. Therefore, experience, knowledge and distinguished career as earlier said in Tourism, Culture, Arts and Sports is absent.

During hearing, the Nominee admitted lack of relevant experience as per the statutory requirements but intimated that her work generally as CECM would be administrative and she would be an experienced Administrator.

Asked whether she would be giving policy direction to the Governor and the Cabinet on administrative matters as opposed to those on tourism, she responded that she would rely on the input of the officers working under her.

Was she conversant with Section 35(4) of the County Government Act that prohibits a CECM from holding any other public office? She was not, but she stated that if appointed, she was going to seek to be seconded from her present place of work.

I would like to add that that is not tenable. A public officer cannot be seconded to a state office. When asked about the state of her residence, she said that she was a resident of West Yimbo location in Bondo, that she was married to one Felix Oketch Olwero, but had marital problems which she was not willing to disclose in that forum, but the Committee noted that she did not categorically state whether she was divorced or separated or single at that instant.

Upon scrutiny of documents presented to the Committee, it was noted that in the same declaration, she stated that she was married to the said Felix Oketch. The Nominee at the same time had enclosed a letter signed by the Chief of Yimbo location stating that she was indeed a resident of the location. When called upon to confirm the letter under oath on further interrogation with the Committee, the Chief stated that on the best of his knowledge, the Nominee was not married.

On the Committee's observation it is therefore not clear if Angeline is a resident of Siaya or Kisumu County. Appointing her therefore would contravene Section 35(4) of the County Government Act. In the course of vetting and approval, and this is very sad, her assumed associates working on her behalf or with her authority, and in social media with particularity to WhatsApp, dubbed 'the Siaya Political Forum' uttered indecent statements about the Committee and I dare say actually against the leadership of the Committee, and I dare say; maybe the House.

This has since been reported to the relevant agencies to determine any association between the Nominee and the associates and further the intention of committing such utterances.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

Section 26 (1) a of the Powers and Privileges Act 2017, states that a person shall not assault, threaten, use abusive language, obstruct, molest or insult any Member proceeding to being within or leaving the precincts of the County Assembly or endeavor to compel any Member by force, or menace to declare himself or herself in favor of or against any position or matter pending or expected to be brought before a County Assembly or any Committee.

The Committee therefore recommends that the appointing authority considers the results of the instituted investigation, to make a decision.

The Committee further recommends that pre appointment if the appointing authority determines to, then the Nominee must show evidence of resignation from the public office she holds today to the appointing authority before taking up the appointment of the state office of the CECM.

In making his recommendations and in speaking to the appointing authority in this case the Executive and its leadership, the Committee recommends that future appointments must be strictly guided by the articles of the Constitution 2010, Section 35 of the County Government's Act, Section 7 and 8 of the Public Appointments County Assembly Approvals Act 2017, and all other statutes that guide appointments to public office.

Having said all these, the House and the Committee is awake to the fact that decision making by the Executive requires that there are minutes overstating of the Cabinet and that the continued Limbo in which we have CECMs that are aware and are conscious of the fact that they are not there for much long and at the same time are anticipating appointment is not tenable and is a hamper to service provision to our County.

Standing here on behalf of the Mover, on behalf of the Vice Chair, Hon. Osewe, and on behalf of the rest of the Membership of the Committee, I urge the House that despite all that we have stated, that this House adopts the recommendation by the Committee, that the candidates, subject to the conditions that have been read be approved for appointment to the respective portfolios to which the Governor nominated them. Thank you, Mr. Speaker.

(Question Put)

Hon. Otiato: Thank you, Mr. Speaker Sir. Let me first congratulate the Committee for giving us a very elaborate Report, that whoever will read it, it will speak for itself.

From the observations of the Committee, the appointing authority advertised for the kind of people they want, and in line with the law, there are qualifications which were set. You have heard from number 1 to the last person, that today in the wisdom of the appointing authority, he found that in one way or another, the people he forwarded were meeting the requirements.

From the Governance, you realize that even the first degree is an issue, and knowledge and experience that is 35 (d) that is heavily talked about here has also been cited where we have people in this docket with no knowledge and experience, as has been rightly observed.

To me, maybe we are also testing our act where the Governor of Nairobi worked without a Deputy Governor. I would also like to join the Committee Movers in supporting that well, the

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

Appointing Authority has requested, we have done our part by vetting and giving it exactly what it is.

In Swahili we say ‘*Mtoto akililia wembe, mpe*’, as a House, we have been requested by the Appointing authority who knows, and what we can only do is to give him. We will be back in this House to follow up and know if these people are really able to do what they are supposed to do.

In record time we will be moving impeachments here if somebody fails to meet the requirements, and I hope this time when we find anybody incompetent in their office, let’s not be taken in circles and to courts like what happened in the last regime.

We request the Appointing Authority that whenever we find any incompetent person, let that person be relieved of their duty to give us way and for Siaya to move on. Otherwise we congratulate the Committee, and let’s give the Executive what it wants. Thank You.

Hon. Baraka: Thank you, Mr. Speaker, Sir. I want to first of all congratulate the Committee on Appointments for doing a good job. I think within their mandate they have been able to vet the nominees and I want to call upon this House and to request because our county needs to move on. We need to set our foot forward and things should start moving.

I want to basically request the House to help in approving these names so that our county can move forward, our budgets can be implemented and the people of this county can get their services.

There is always a chance that if anybody doesn’t perform and more so on these nominees I want to say that you can’t be perfect 100%. One person may have the qualifications academically but lack the experience.

One may be having the experience but lacks certain kinds of academic certificates but I want to call upon the House to approve this and give them a chance and support this government so that we can deliver for our beloved citizens of Siaya County.

Hon. Madingu: Thank you, Mr. Speaker, Sir. Let me take this auspicious occasion to congratulate and appreciate the work done by the Committee on Appointments. Indeed, you have done justice to this House by trying to describe it the way it is.

As I humbly request this House to approve these names so that we can give them a chance as Hon Baraka has said as you have done service the Governor who is now able to see an elaborate report and to know who he is going to deal with. This is a practical reminder that even as we give our CECMs a chance to serve us we know who they are.

We are watching. This House is going to be on their watch. We congratulate those who will be given a chance to serve but again just have to say thank you to the Committee on Appointments as I beg the House to support. Thank you.

Hon. Speaker: Yes Hon. Washington Booker, Member for North Uyoma.

Hon. Booker: Thank you, Mr. Speaker, Sir. I would like to commend the committee for a job well done. Today the honesty and steadfastness of this committee has been tested.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

As the Hon. Member representing the interest of North Uyoma people I always only talk about development. If dropping these names will be an impediment to the development of the people of North Uyoma then I support this report.

I also want to say something about the law. The law as concerns the County Government is very peculiar. You find in the national government they even support CECMs of Standard 6 qualification like Hon. Booker.

(Laughter)

I urge this House that if it is development then all of us were elected on the platform of developing our county and developing our Wards let us not come across this list so that nobody will blame us.

According to the requirements somebody somewhere did not do what they were supposed to do. As I have said, honesty and steadiness has been tested today, that is why I started by applauding this committee.

Let us allow *Nyalore Administration* to perform its duty. Let us not be between them and development so that they find a chance of blaming us. With all those many remarks I support and ask the House to support this administration to perform its duty. Thank you.

Hon. Speaker: Yes Hon. Gordon Onyango, member for East Asembo.

Hon. Onguru: Thank you, Mr. Speaker, Sir. Let me start by appreciating the work done by the Committee on Appointments on giving an elaborate report on the nominees of various departments as presented here by the head of the Executive, the Governor of Siaya.

It is worth noting that the House Committee on Appointments has done an exemplary job in letting us know who the CECMs whom we are expected to approve today are. Majority of them are dishonest as per the report but as the Bible says let's give Ceaser what belongs to Ceaser.

I know the appointing authority is the person who is going to be the prefect as they carry out their mandate but we have given the Executive and this county an opportunity to know who and who have been given portfolios to serve them.

It is sad to note that some of them would even incite their supporters to insult this House in a WhatsApp group. It is regrettable but let's give them a chance. I want to urge this House to adopt report.

Let us give the County Executive an opportunity to deliver to the people. We are time bared in terms of recruitments and in terms of passing these names and many people are expecting.

There was fatigue on the side of Executive apparently with the people who are serving the same portfolio knowing very well that their days are numbered. They are no more interested in delivering to the people and I would request the membership of this House to take an opportunity so that we can unanimously approve this report and allow them do service to the people. Thank you.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

Hon. Odongo: Thank you, Mr. Speaker, Sir. Allow me to commend the perfect output which is the work done by the Committee on Appointments for the last 2 weeks on vetting the nominees.

It is not just work that has been done by the committee but the work was huge. It is a verifiable fact that nominees possess requisite qualifications to serve in their respective portfolios. Equally it is not worthy that nominees have a wealth of experience both in public service and private sector which they will leverage on to guarantee best service delivery in our county.

We are also alive to the fact that during the vetting some nominees had little inconsistencies in their academic journey. Immense experience gained over the years will enable them deliver according to their expectations.

As we unanimously finally approve the nominees my caution to them is that they must not pursue selfish interests but only public interests to ensure that we improve the welfare of our people. With those few remarks I support.

Hon. Speaker: Yes Hon. James Otare, Member for Siaya Township.

Hon. Otare: Thank you, Mr. Speaker, Sir. I support the report from the Appointments committee and that is the reason I say that this report has taken the longest time possible and these are the reasons it took that long.

If you look at this report it is something that I must say and warn the Executive that next time in case they are going to advertise any vacancy let them follow the law considering if you advertise that you want a Degree then we do the vetting and you bring people that are not qualified for the position it is very disappointing.

Otherwise as the Hon Member of Siaya Township Ward I just support the report. They have given us exactly what was on the ground and this also can help the Governor and appointing authority to make sure that he knows every person that they want to work with.

It's not a must that he appoints them. He can go through this report according to the way the report is. He can decide and let some people not to come to this county government but otherwise we as the Assembly have done our best and are just appreciating the committee they have done a very good job for the people of Siaya. I am just going to wish them the best of luck. Thank you.

Hon. Speaker: Yes Hon. Andrew Omwende, Member for Sigomre Ward.

Hon. Omwende: Thank you, Mr. Speaker, Sir. I will speak as a diplomat so that everybody should be brought on board. While I agree with the Committee on Appointments there are other issues I was thinking are very necessary I cannot sit back and watch as a representative and things are not moving well.

One of them is women, the issue of gender is all over. When doing appointment, you have to consider 2/3 gender rule, this is not observed here. While mainstreaming or it is there in the Constitution that under Employment Act...

Hon. Speaker: Order! Yes Hon. Otiato.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

Hon. Otiato: I just want to get it right. When Hon. Omwende is saying based on Constitution gender was not observed and to my observation I think out of 10 we have 3 women. Is he in order or just misleading the House?

Hon. Speaker: Hon. Omwende the truth is that we have 3 women against 7 men. That is law I don't know how the calculation is done.

Yes Hon. Booker.

Hon. Booker: Maybe Hon. Omwende has something to say among the 3 women or maybe he knows something we don't know. Is there a man among them? We might be talking and he knows them more than we do.

(Loud consultation)

Hon. Speaker: Order! Hon. Booker, Hon. Omwende proceed.

Hon. Omwende: It is there in the public domain that Constitution do provide that especially for PWDs Employment Act at least and this one I would like to request the Mover that during the time that we will give him or her opportunity to reply.

I don't know whether there was a vetting committee because application was done and I believe there was a committee that was overseeing this. It is rare, these people are there with us I don't know whether they apply, the PWDs, or they didn't apply.

I don't know who will give me such information because it's very important to me so that I can tell the PWDs that sometimes you don't apply this is why you are not getting these opportunities. I would encourage them to apply for future. This is a county cake and if they are not there that means that their issues are also not there in the cabinet. Thank you.

Hon. Speaker: Yes, Hon. Cynthia.

Hon. Akinyi: Thank you, Mr. Speaker, Sir. I would like to congratulate the Committee on Appointments for a job well done. Going through the report I believe that when a job advertisement is done and qualifications for the same people are noted then there is a reason for it.

I also believe that there is a reason why to run for MCA you do not need a Degree but to be appointed a CECM you need a Degree. These are things which are well documented in the Constitution. I also believe that there is a reason our Constitution in Chapter 6 talks about integrity issues on public officers. For all these provisions I believe there is a reason.

As much as we would like our county to move forward; well not just moving forward. As Kiswahili says *tunataka maisha bora sio bora maisha* for that reason, I find all these nominees unqualified for these jobs. I beg to oppose.

Hon. Speaker: Yes, Hon. Bernard Adala, Member for North Ugenya.

Hon. Adala: Thank you, Mr. Speaker, Sir. I want to thank the committee for a job well done. Indeed I was in the last Assembly. We were faced by a similar scenario last time because this vetting has been thorough and really exposed so many things that you may have not known simply by looking at names.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

When names were advertised I was looking at Masters, PhD and I was mesmerized and I said okay, we have seen heaven on earth but upon starting the vetting we realized that certain gaps really arose in terms of expertise which begs the issue as to what is the place of education because I saw persons here with Masters they were put to task then somebody who had a Form 4 certificate would have done better.

But because in the National Assembly they are not looking for anything so long as you are a citizen of Kenya and that you can serve as a CS, I therefore do not see anything difficult with these 10 ladies and gentlemen if we have the likes of Aisha Jumwa in the National Assembly then I am very certain that the likes of Dr. Martin Odhiambo, Dr. July Phoebe Akinyi Anyango Odhiambo will serve the citizens of Siaya County.

In the last Assembly I voiced painfully about the youth inclusion in the cabinet. I am not certain if that has been factored in. I am very sure that it has not been factored in. when you are talking about 10 years' experience or 5 years of experience. Then I saw people in their 60's who could not really express themselves then I always say that the years of experience is overrated indeed.

I am even compelled to think that even persons with 1 year experience can therefore serve. Now that the appointing authority in this case His Excellency the Governor has done his bit and as a House we have also looked at the persons that were nominated, I will be supporting this list as it is without any further amendment.

I want to call upon whom it may concern that when we will be looking at the COs now, I really want to see the youth of Siaya in this list that we will be vetting next. That is my humble submission.

I noted that in as much as some of these people were wrongly placed in so far as relevant experience is concerned but I saw ladies and gentlemen who are very articulate in nature and persons whom I believe with the technical support will be able to steer this county forward.

Finally, we have a duty to oversight this government and that is why we have voted it in and that is why we swore an oath of office so we are duty bound to put the names of the ladies and gentlemen whose names will be passing today.

I am assuming because I have read the mood of this House. The names of the ladies and gentlemen will put them up to task and make sure that we have the best.

We have 2 more items I don't know whether we want to continue or we ask the Mover to reply.

Hon. Speaker: Yes Hon. Vincent Odawa, Member for North Alego.

Hon. Odawa: Thank you, Mr. Speaker, Sir. I would like to appreciate the committee on Appointments for doing a very good job.

Hon. Madialo: Various County departments and County Public Service generally. There were instances that were observed, discovered or noted of irregular instances where Human resource practices were not intarndem with the Law. Having observed this Mr. Speaker sir, the Committee in exercise of its mandate initiated investigations and fact finding into the Human resource practices in the County Public Service Board.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

During these interactions it was noted that the Executive had been reporting vacancies and recruiting persons in the Public Service Board without an established staff establishment as per Section B, 5(2) County Public Service Board Human resource manual required.

What does it say?

It says all vacancies will be in prescribed format and shall include the number of vacancies, whether the vacancies occurred, whether the vacancies within the authorized establishment and any other relevant details. The Committee having interrogated these practices made the following recommendations:

1. That the Siaya County Public Service Board initiates and completes the process of developing and authorize the County Staff establishment in line with relevant public service regulations by end of July 2022 and present the establishment for approval by the County Assembly.
2. The Siaya County Public Service Board as the custodian of staff establishment to ensure that all future recruitments, promotions, re-designation, and deployments are aligned to the approved staff establishment.

The Board in compliance with these recommendations of the Siaya County Assembly initiated, completed and submitted the authorized staff establishment to the County Assembly for approval.

The Committee observations were and upon review that the staff establishment in line with the relevant statutes and laws. the Committee then made observations on authorized staff establishment in post staff per department and out post per department and a table is attached that runs all the way from the Governor's office and his Deputy during their tour of duty to the County Service Public Board inclusive of the Siaya Municipal Board, intended Bondo Municipal Board, intended Ugunja Municipal Board and office of the County Attorney.

The Committee further observed that among the positions provided for the staff establishment were Ward administrators, staff of the municipalities, Early Childhood Development teachers, staff of the strategic service delivery and the resource mobilization unit and 5 heads of various departments.

The Committee recommends that the filling of vacancies available in staff establishment be done subject to availability of funds talking into considerations the present County staffing priorities.

That the Board in filling these vacancies be cognizant of the Wage Bill that those fillings will introduce to the County Fiscal instruments.

That the filling of the positions be on need basis, that competitiveness, merit and equity in the distribution of positions of various wards be observed not forgetting that there are none dominant ethnic communities living amongst us.

That vacancies filled on contractual terms of be service be reviewed after every 5 years or during the term of the office of the term of the Government, whichever comes first and be reported to the County Assembly.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

That affirmative action are taken to ensure that people living with disabilities, our youth, our women and other categorised minority groups are accommodated in filling these positions.

That any vacant position within the establishment as created not filled within one year be reviewed and reported to the Assembly.

I do not want to belabour the time for this Assembly, the need for staff, the need for personnel in service delivery. It is self-explanatory and it is a fact that is known to every individual that without relevant personnel with adequate energy to provide service then we shall not be able to provide service to the people who have entrusted us with the trust of taking care of their affairs during this tenure.

I therefore, urge this House to do honourably please adopt this report on the path of allowing the Government to recruit the personnel that have been allowed and authorized by this Committee under the report into the establishment structure.

I call upon Hon. Oguta to second

(Hon. Oguta seconded)

(Question propos)

Hon. Otiato: Thank you. It is a wise move, one of the requirements is that some of these offices have to be established and I think by doing these it is going to help us a great deal. You will realise that in the last regime almost for the 10 years it was very difficult to put a hand on even our payroll.

You would not even get the payroll because some of the positions were haphazardly created and therefore people were working under the mercy of somebody else just because they were not established properly.

With these I think we are in the right direction even though looking into some of the proposals of staff needed I can see the developers of the report have something in mind.

I would wish that as we move forward possibly in the next 4 or 5 months we really put into consideration the employment of these ECDE teachers and village administrators. The last thing that you can never tell us is that you want to enjoy the full force of development especially on Devolution when you do not have the root of Devolution while the root of Devolution where everything starts is the village administrator through the village council.

We are disorganized because we are starting Devolution from the top but leaving the grassroots soldiers. For instance if you look at how much our County Askaris earn it is around Kshs. 15,000 or Kshs. 20,000 but if you look at the contracted ones get it over Ksh. 35,000. So why spend Ksh. 35,000 contracting while paying Ksh. 20,000 for permanent? Look at how organized Bomet and the rest are organized having askaris in uniform while in Siaya we are still lagging behind.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

I really liked the police uniform because it is neat such that if you call a parade you see neatness and proper organization. Therefore, by having this gives us a leeway because we have around 600 vacancies in governance and so we will be headed towards the right direction.

Finally, there are these Boards and you know the major activity we have in Siaya now is employment at the County Government because we do not have anything else. Fish is no longer available and if you try trading in charcoal, you are arrested while sometime back we would sell firewood to the fishmongers and it is not possible because that fish is not there.

Even as we look for ways to create more income and collecting more revenue this is the best opportunity to actually govern and look at what is happening at the Executive. I would also urge the Committee on Governance to review and observe regional balance in the recruitment and have always said that with 1800 employees divided across all the wards it means each ward should have around 60 employees and you find that Yimbo has only 5 people while in reality you find that one sub county has over 70% of employees.

Where does the other 55 go to and this happens to almost every sub county? Therefore, if the Committee on Governance can give us an audit report we will be able to see how some of the wards and sub counties are disadvantaged.

So our request is just that when recruiting let us put more considerations on the current composition in terms of representation from Wards. I know Hon. Omwende will even ask that we consider PWDs because that is something from his heart, last time when we asked we were told that so and so is a stammerer, and he is employed so he represents the PWDs, meaning that even consideration of PWD's in our employment has been an issue so as I support this I support a creation that should give more opportunities to our people and I know Yimbo East will get its rightful share in this particular position.

Hon. Madingu: Thank you so much, on this Report I beg to support fully because as a person speaking on behalf of the Health Committee you realize that if you look at the difference we have under Health and Sanitation you realize that we have less employees.

If we look at the Budget and revenue collection in this County you will realize that Health is number one in terms of revenue collection. If we can collect that much with number of employees that we are having that are a bit demoted or maybe overwhelmed what about if we increase the workforce in that department in terms of revenue, then it therefore means that people will not be resorting to go to other Counties to get services because inability to be attended to on time.

Just to be precise in the Health and Sanitation docket before we talk about anything I would wish and I would request this noble government to look at this section because it's a matter of life and death.

As a Health Chair and a representative of the people of Central Gem I request that at least before we advertise any other positions the Health and Sanitation sector should be much urgency it requires. I beg to support.

Hon. Speaker: The Mover to respond.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

Hon. Madialo: Allow me to thank my brothers and sisters that have spoken up for supporting actively and thank you so much for those who have not spoken up for supporting silently. I urge that we support and let the County move forward.

(Question put and agreed too)

MOTION

THE SUPPLEMENTARY PROGRAM BASED BUDGET FY 2022/23

Hon. Madialo: I rise to Move the Motion:

THAT this House adopts the Report of the Budget Appropriations, Planning and Vision 2030 Committee on the Siaya County Supplementary Budget 2022/23. Going by its description is a Budget Supplemental of the main Budget which implemented by the government both the Assembly and Executive arm.

The Supplementary resource envelop as disclosed by this document so that Siaya is going to get its money as follows; Kshs. 6,966,507,531 will be equitable share will trickle in from Nairobi, own source revenue shall be collected to the tune of Kshs. 700,998,234.

That Kshs. 571,390,521 will be conditional grants and Kshs. 697,043,128, a rollover from the 2021/22. Conditional allocations in Kshs. 110, 638,298 being lease of medical equipment. Kshs. 125million for financing local climate action project. Kshs. 12, 206,000 from DANIDA, Kshs. 8,906,243 Agricultural Sector Development Support Project ASDSP and Kshs. 314,639,880 for Agricultural project KCSAP.

A major highlight on the Supplementary Budget vis-à-vis the main Budget discloses the variation in the positive the following departments; Agriculture, Irrigation, Food, Livestock and Fisheries as a department is having a positive variation of Kshs. 172,393,325. This variation has been injected by the attempt at the 'Nyalore' manifesto implementation that promised make available to our farmer's fertilizers and certified seeds.

I wish to add that as a way of value addition to our primary agricultural products it is also proposed if the House will allow subject to availability of funds that Kshs. 40million shall be available for the purchase of rice milling machine to be constructed and installed at Siriwo next to Bunyala irrigation scheme at the area called Mulwa Irrigation Scheme.

The other department that is having a major positive variation is the County Health services; again this attributable to the fact that the government in fulfilling its promises to the people is seeking to purchase pharmaceuticals and non-pharmaceuticals to be used in our hospital.

They propose subject to availability of funds and subject to available resource to upgrade the Siaya Referral hospital and at Bondo by introducing refrigeration kit in those mortuaries and on top of that purchase ambulances.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

On Land, Physical Planning, Housing and Urban Development; there is a proposal that money be allocated subject to availability of funds so that we provide seed money to enable us upgrade Ugunja and Bondo into municipalities. Earlier we had passed the establishment structure that introduced Bondo and Ugunja as possible stations of employment but this can only happen if we provide funds to turn them into employing units. It is also proposed that the personal emoluments do grow by about Kshs.85million in the department of Finance and Kshs. 20million in Governance.

This is supposed to address the structures and the offices that have been introduced earlier by the enactment of the establishment structure that this House has so humbly allowed the Executive to adopt. I have already said there is intention to purchase certified seeds and fertilizers.

There is also proposed as a way of bringing Health closer to the people the construction of a surgical theater at Siaya Referral Hospital. Lastly, it is proposed that in the future two health complexes be constructed at Siaya and Bondo town. Whether the designs are allowed right now or in the future depending on availability of funds the Executive proposes to undertake designs for those two health complexes.

I want to urge my brothers and sisters to be cognizant of the fact that we are in the month of November and soon we are in December and things are not moving and the spending of government money is a process, procedures must be followed, regulations must be observed. Unless, we move with speed at this juncture and do a Supplement to the fiscal instrument which is our budget to enable both this House and its Board and more important the Executive to start the implementation of the budget 2022/23 then it will be impossible to execute the programs that are contained in that fiscal instrument and it will just be paper.

The Committee interacted with the ministers, chief officers, directors, Clerk to Assembly and there I urgency in the voice of everybody including the Membership of the Committee and that of this House that something needs to be done to have projects rolling. In that spirit and in the spirit that I have heard as we interacted both formally and informally with our brothers across the road and amongst ourselves.

I urge this House to adopt the Report of this Committee and allow the Executive implement their manifesto and let us see if there shall be fruit of the work that we did in persuading people to vote for us and in persuading people that the leadership that was being brought in was the right one. Mr. Speaker, allow me to call upon Hon. Susan Okwiri to Second.

Hon. Okwiri: Mr. Speaker, Sir; I wish to put my voice into this. The issue of Budget is so honorary to our hearts most so Members of this Hon. House. A budget is one of the tools that we work with. Allow me thank my Chair and the Membership of that Committee for the commendable job. I have interacted with this document at length and I'm one of the authors by Membership so I won't take much to talk about it.

I want to echo the 'Nyalore' government for realization of working with what you have. It is good to plan and work with what you have and this by the Committee findings and observations.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

Like observation no.5 whereby some of items whose budgetary provisions have been proposed for reduction. I think this reduction will help us a lot. It will help us to plan and work within our means

How I wish the *Nyalore Government* will use the reduction for supplementing other activities and also will help us reduce the huge Pending Bills. I therefore urge my fellow Members to adopt this Report. Thank you.

(Question proposed)

Hon. Speaker: Yes Hon. Booker.

Hon. Booker: Thank you, Mr. Speaker, Sir. While reading the mood of the House, i hope the Report will be passed. Before we pass it, allow me to talk on the generality of the Report.

All these things are inclined in Chapter 3 annex 3. If you look at annex 3 you will definitely be convinced that the manifesto of the *Nyalore Government* is for the needs of North Uyoma and the basic needs of the people of North Uyoma and Siaya people at large.

While we are talking about all this, we have to ask ourselves the meaning of supplementary. It is to supplement and to enhance. This is what this Report is trying to show.

As a water and environmental expert, climate change has really affected rainfall pattern in this county and North Uyoma at large. If you define climate change, it is a shift in temperature and weather patterns...

Hon. Speaker: Yes Hon. Seth Baraka.

Hon. Baraka: I wish to ask the Hon. Booker to kindly substantiate or stop fooling the House. He is saying he is an environmental expert, as far as I am concerned I know he is a soldier. Can he please stop misleading the House? Thank you.

Hon. Speaker: Hon. Booker I give you the opportunity to expound your assertions if being an expert on matters water. Are you a rainmaker or what?

Hon. Booker: Allow me to tell Hon. Seth that you only find everybody who is well read not that am just a soldier but I am an adjudophysicalian, I am a driller by profession, you see that.

(Laughter)

So I am an environmentalist. Hon. Seth is trying to pull me down. Climate change is a shift in temperature and weather pattern. You cannot tell me today that according to the look, long rain patterns have not started today or yesterday. Look at your left, look at that woman from North Uyoma, she is crying and asking you when will she get tractors for ploughing and when will she get certified seeds so that she could continue planting.

I want to applaud the Chair of the Committee on Budget, I also want to congratulate the House for you spent a lot of time discussing about this Report and you made it good to meet every Member of the deapartment so that you can make things not go wrong in every aspect in this Report.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

I want to applaud the *Nyalore Government* because in this Report, the committee is trying to tell us that they want to supplement funds to purchase tractors that is Kshs. 131 million. I am telling you that this thing could have been passed sooner than yesterday because the people of North Uyoma and the people of Siaya are yearning for these things. Who is me to become an impediment to the health of the people of Siaya.

If the committee and the House and the *Nyalore Administration* says that they want to take funds to supplement for drugs. Who is me to oppose?

I want to urge this House as the Whip of the majority party of this House, I want to whip you to support this Supplementary Budget so that we can make Siaya move. If we don't do that, I was trying to tell you that me my language is development then i don't see.

Look at the project down there at the Wards. Everything has stalled. No procurement has been done because we need this thing sooner than immediately. I want to urge these people to pass this Report and to give *Nyalore Government* a greater hand to work.

Hon. Speaker: Yes Hon Otiato,

Hon. Otiato: Thank you, Mr. Speaker, Sir. I want to join some of the Members who have talked about this in supporting the passage of Supplementary Budget but with caveats.

We need to focus especially the *Nyalore Government* especially with this good intentions if at all we will be creating more and more jobs or in terms of new projects and some of the viable contractors who have worked for us cannot be paid then we will be doing a total injustice.

I am saying this in line that some of our contractors like in my Ward where a contractor worked and finished his job but he has not been paid to date so he has decided to lock down the ECDE classroom. The children are there studying under a tree just because the government has not paid the contractor. The contractor has deliberately refused to hand over the classrooms.

If we give priority to this, I am told that when we are interacting with this document. We have a pending bill currently that has been cleared of about Kshs. 600 million. How I wish that we immediately finalize with this by around next week. This KShs. 600 million if it is money within which is there it should be paid out so that our contractor can get back to our work.

We have even some of the projects which are still pending. A contractor has refused to go back to site because of even initial amounts that he was supposed to be paid has not been paid. While we are moving with this it is our prayer that serious priority will be given to payment of these pending bills.

Last time when you realized when we passed supplementary for 2021/2022, we had emergencies, there were no medicines, there were a lot of issues but immediately after passage, it took almost 6 months for that Budget to be implemented, almost going up to election when a Budget we passed for the government could not be implemented.

How i wish that through our own systems we ensure that if today the rains are here, there are roads, today I cannot to my home because of rains. As we are proceeding, you will also realize that after passage of this we will need around 28 days for contracting period that will be up to January.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

From now up to January possibly some of Yimbo East members whose roads are bad and yet those monies are in the budget. They cannot access their homes during the festive season.

I don't want you to come and help me in my Ward when I am beaten by those who are coming from Nairobi to enjoy their holiday that Hon. Otiato 'you are doing nothing! Look at the roads!' yet we had budgeted for this thing.

With the mood in the House being that we need these things to happen immediately i don't know how we are going to ensure that the Chair of Budget and the team push those guys that next week if possible we do it today that this good House approve this then possibly by weekend we are done with the issue of keying in so that by next week we get our contracts moving. How I wish that that would be achieved.

Otherwise I request this particular House that we move, and there is no need of much debate about it, that we pass this so that we realize within this short period that we are remaining with. Thank you.

Hon. Speaker: Yes Hon. Ben Adala, Member for North Ugenya.

Hon. Adala: Thank you, Mr. Speaker, Sir. I rise to support the Report and laud them for a job well done. We have already wasted 2 months and like he rightly said it, we are in themed of November. The cycle that we are left with is very limited time.

I would address myself to the issues of the Ward and reading the Report from the Committee on Budget they have said it very eloquently in number 5 that all the Wards within the county of Siaya shall have up to a minimum of Kshs. 20 million.

This will help us fast track on what we said when we were looking for votes. Because the Executive wing of this government wants to reinforce money for health. This is really going to help us so that we can very much address supplies for both farms and non-farms.

I don't want to speak a lot because God gave me a gift of foresight and He really helped me with the gift of vision to look and study the facial expression of Members and I can say without fear of contradiction that the mood of this House is that we pass this thing and we get rolling.

. Thank you, Mr. Speaker.

Hon. Omwende: Thank you, Mr. Speaker. I don't think any Member would object this, and I think all Members have interacted with this Report, in fact I would request that having studied the mood of this House I request you to call the Mover so that we can proceed.

Hon Oinga: Thank you, Mr. Speaker. I would wish to support the Report by the Committee on Budget and I am most likely to stress in one of the recommendations of the Report which is a step towards affirmative action, and it is the recommendation of the Committee that the three special interest groups be allocated a tune of Kshs 6.6 million so that the groups can also do projects and empower the Youths and persons living with disability.

Hon. Speaker: The Mover, can you reply?

Hon. Madialo: Thank you, Mr. Speaker. I would like to thank all the Members for contributing, and I thank you for supporting without talking.

Tuesday 22nd November, 2022 COUNTY ASSEMBLY OF SIAYA DEBATES

I urge that we adopt this Report so that we have seeds as *Mweshimiwa* Booker has put it, so that we have fertilizers, so that we have the first industry in the name of Rice Milling Machine at Siriu, so that we have drugs in our hospitals, so that we refrigerate the morgues in our two major hospitals.

(Question Put and agreed to)

COMMUNICATIONS

INVITATION BY THE AUDITOR GENERAL TO PIC/PAC COMMITTEE

INVITATION FROM NORTH UYOMA AND SIGOMERE.

Hon. Speaker: Hon. Members I have communications; The office of the Auditor General has extended invitation to 5 Members of the Committee on Public Accounts, depending on the resources they had, they only extended to 5.

I therefore ask the Committee to meet shortly after this to decide on the Membership, and the guidance is, you can pick on your Chair, Vice Chair, Committee clerk and two others, and depending on the training opportunity you will encounter, the Assembly can consider having one of the facilitators to come and give you a training as a Committee later on.

Secondly Hon. Members, it will be communicated to you that we will have 2 functions, one is on the 27th of November in North Uyoma, you are all invited, a communication will follow. That should be Sunday next week, and then 22nd December, we have another function in Sigomere which shall be communicated to you.

MOTION

ADJOURNMENT

Hon. Speaker: There being no other Business, Members will you be upstanding for adjournment.

There being no other Business, this House stands adjourned until tomorrow Wednesday November, 2022 at 9.30 am in the Chamber.

The House rose at 5.49 p.m.