

Thursday 16th March, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

COUNTY ASSEMBLY OF SIAYA

THE HANSARD

Third Assembly - Second Session

Thursday 16th March, 2023

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

BERNARD OWINO OLUOCH

Hon. Speaker: Hon. Members, we are pleased to host today Bernard Owino Oluoch, who is son to the MCA for East Ugenya. Will we welcome Bernard, kindly?

(Applause)

I wish you well to grow up to be like your father!

Hon. Speaker: Hon. Omoro, what do you have to say to your son?

Hon. Omoro: Thank you, Mr. Speaker. I take this opportunity to thank all the Hon. Members who have welcome my son. He has just completed his O level and he is to proceed with further education, so he urged me today that when I will be coming here, I walk him around to know how the House conducts its Business.

I think it is a learning process and it's good of him to get a glimpse of what is going on. Otherwise, I thank you.

MOTION**IMPEACHMENT OF DR. JULIE CAROLINE P. ADHIAMBO AKINYI ONYANGO**

Hon. Speaker: Hon. Members, before I invite the Mover of the Motion, allow me to communicate that pursuant to Standing Order No. 73, I am satisfied that the Motion is properly before the House, having been signed by 41 Members out of 42 as per the provisions of our Standing Orders.

Hon. Oguta: Thank you, Mr. Speaker, Sir. I beg to move the following Motion: **THAT, aware that** Article 185(3) of the Constitution of Kenya, 2010 mandates a County Assembly to exercise oversight over County Executive and any other County Organ,

FURTHER AWARE that Article 195(1) of the same Constitution gives a County Assembly powers to summon any person to appear before it for purposes of giving evidence or providing information;

COGNIZANT of the specificity of Section 39(2) of County Government Act, 2012 that obligates a County Executive Committee member to appear before a Committee of a County Assembly to answer questions related to the member's responsibilities;

Further in **RECOGNITION** of provisions of Section 27 (3)(f)& (g) of County Assemblies Powers and Privileges Act, 2017 that prohibits any person appearing before a committee of a County Assembly from intentionally deceiving or misleading it by producing false, untrue, fabricated or falsified document, or making a statement before the committee that is false or misleading;

NOTING that on three different occasions, Assembly Committee invited the County Executive Member for Water, Environment and Natural Resources, Dr. Julie P Onyango, to appear before it, in line with its oversight mandate;

CONCERNED that the CEC Member despite being informed of the obligation to appear before the Committee and incident consequences, by design or default, or contempt, failed to honor any of the invitations,

FURTHER CONCERNED that derivative information from a report of another Assembly Committee on the propriety of Dr. Julie P Onyango to steer the Executive department of Water, Environment and Natural Resources revealed incidences of falsehood, fraudulence, fabrications and unfettered dishonesty in the representations of the CEC Member;

Seriously **CONVINCED** that the observed consistent incapacity to obey simple statutory obligations and gross violation of guiding laws is curiously bolstered by the fact that the CEC Member used deceptive means to clinch the position;

DEEPLY CONCERNED that her continued stay in the key department of Water, Environment and Natural Resources or any other portfolio in the County Government of Siaya will expose the county administration and Siaya residents to goofs and unrepairable blunders, some of which have been starkly evidenced in her style of management and engagements;

This House **RESOLVES** that the CEC Member for Water, Environment and Natural Resources, Dr. Julie Caroline Phoebe Adhiambo Akinyi Onyango, be removed by way of

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impeachment, from the attendant docket on the grounds of Gross Violation of the Constitution and other laws and abuse of office, as espoused hereunder:

1. Failure to honor invitations and summonses by a committee of the Assembly.

A County Assembly, pursuant to provisions of Article 185(3) of the Constitution of Kenya, 2010, oversees County Executive.

One way through which an Assembly executes this mandate is by inviting a Member of County Executive Committee to appear before any of its committees for purposes of giving evidence or providing information in line with canons of Article 195 (1) of the Constitution.

A County Executive Committee Member is duty-bound to honor such invitations in furtherance to provisions of Section 39(2) of the County Government Act, 2012, read together with Section 18(1) of County Assemblies Powers and Privileges Act, 2017

On 9th January, 2023, an invitation was extended to the CECM to appear before the Committee of Water, Environment and Natural Resources on 12th January, 2023, to respond to concerns on matters within the jurisdiction of her department.

The matter had been certified urgent in line with Assembly Standing Order 43(3). The CEC Member to whom the invitation was extended failed to honor the call without any apology tendered.

Noting her defiance and considering the import of the matter she was required to substantively address, summon was given to her vide a letter dated 17th January, 2023 to appear before Assembly Committee on 18th January, 2023.

She reiteratively, failed to honor the invitation. The Assembly Committee subsequently met and resolved to send the Committee Chairman to engage her for purposes of fixing a date that would be convenient for her to meet the Committee, a duty which the Chairman diligently discharged.

Despite being given time to appreciate the olive branch extended by the Committee, she never gave any response in relation to the call. The penalties of a public officer refusing to appear before a parliamentary committee for purposes of giving evidence or information are clear in Section 22 of the County Assembly Powers and Privileges Act, 2017, which provides that;

(1) No public officer shall refuse to produce before a county assembly or a committee any paper, book, record or document.

(2) Any county public officer who contravenes subsection (1) commits an offence.

(3) Where a county assembly passes a resolution that a county public officer has contravened subsection (1), the resolution of the county assembly shall constitute a ground for removal from office of the county public officer in accordance with the Constitution or any applicable law

2. Lying Under Oath

The audacity with which the CEC Member for Water, Environment and Natural Resources ignored the summons of Assembly Committees caused a relook at the entry behavior of the Member, this being a very rare manifestation in Assembly-Executive operations.

The Assembly vetting report on the suitability of Dr. Julie P Onyango as the CECM for the docket to which she was appointed revealed startling conjectures which undoubtedly explains why she does not comprehend basic obligations of a CEC Member.

The following observations are evidences that Dr. Julie P Onyango may have misled the Committee for purposes of securing an appointment which she did not deserve. Dr. Julie P Onyango quoted and gave the following documents and information under oath;

1. Curriculum Vitae where she declared having been a Program Director with EcoERA International from November 2014 up to the date of the vetting
2. A certified testimonial dated 4th November 2022 and signed by a Daniel Myles (Executive Director – EcoERA Consulting LTD) appreciating her for having worked with them from August 2014. It is purported in the testimonial that Dr. Julie Onyango reported directly to the said Executive Director. Contact Details of EcoERA Consulting is given as hereunder;

P O Box 40924 – 00100, Nairobi: Telephone Number – 0702931951

Whereas Dr. Julie P Onyango was legally bound to be truthful in her presentations to the Committee that determined her suitability for the position of CEC Member for Water, Environment and Natural Resources, it was discovered that she breached the following provisions;

- i. *Section 12 (3)(b) of the Public Appointments (County Assemblies Approval Act, 2017 which states that “a person who is summoned by the Committee and who gives false or misleading information or refuses to be examined before...” commits an offense.....*
- ii. *Section 29 of Leadership and Integrity Act, 2012 which prohibits an officer from knowingly giving false information to any person*
- iii. *Section 30 of Leadership and Integrity Act, 2012 which further prohibits a State officer from falsifying records or misrepresenting information*
- iv. *Section 108(1)(a) of the Penal Code Cap 63 which classifies as Perjury the act of knowingly giving false testimony touching on any matter which is material to any question in any judicial proceeding.*

The Committee found out that while the CEC Member stated in her curriculum vitae that she was employed by EcoERA International in November 2014 and worked there up to the time of vetting, documents from the Registrar of societies indicated that EcoERA Consulting Ltd was registered in June 2019.

It therefore beats any sense how Dr. Julie P Onyango was employed in 2014 by a firm that came into existence in 2019. In real sense, the EcoERA Consulting Ltd that she relied on to prove relevance of her experience in the portfolio of Water, is her company. She is the sole

Director and shareholder. The company contact details are the same she used in all her application documents.

In one of her testimonials, certified and dated 4th November, 2022, and signed by an Executive Director called Daniel Myles, the committee noted open inconsistencies. The Contact Details used by Daniel Myles EcoERA Consulting are different from the firm's details in the registration certificate.

A search on the person of Daniel Myles reveals no results, indicating that this Executive Director could be a hoax. In fact the phone number purported to belong to Daniel Myles is registered under the name of a "Richard Oduor".

Curiously, Prof Richard Oduor is listed as one of the persons who have provided a testimonial to aid her application.

3. Harassment, Mistreatment and intimidation of junior officers

Section 11(b) of Leadership and Integrity Act, 2019 compels a state officer to '*treat members of the public and other public officers with courtesy and respect*'. It was observed, during an official engagement with one of the Assembly Committees, the CECM for Water publicly ridiculed and bashed one of her junior officers (Name withheld), for merely giving a honest response to the Committee.

In another incident, it was reported that the CECM abandoned a driver who was tasked to drive her to Nakuru at night without regard to the welfare of the driver. The driver had allegedly been asked to drive her to Nakuru after work without prior subsistence arrangements.

4. Assault on a Female Member of the Public

During one of her field official duties in West Sakwa ward to inspect incidences of unauthorized water connections, the CECM was part of the county officers who allegedly assaulted a woman who was suspected to have been an accomplice to unauthorized water connection.

She allegedly caused bodily harm to the suspect who had to be rescued from Dr. Julie's onslaught by members of the public.

Such behavior which violates public peace and order, and that which condemns a suspect unheard is common to persons who disregard provisions of Section 34 of Leadership and Integrity Act 2012. This provision prohibits a state officer from bullying any person, that is engaging in cruel, humiliating and vindictive behavior

We as a Committee had to receive all those allegations and we sat and made a resolution. I request Hon. Apodo, to second.

Hon. Apodo: Seconded

(Question proposed)

(Question put and agreed to)

Hon. Speaker: Hon. Members, the Motion having been approved, I will then guide that Standing Order No. 73 directs that the House then proceeds to constitute an Adhoc Committee to listen to these allegations. Therefore, I will invite the next order!

NOTICE OF MOTION

APPOINTMENT OF THE SELECT COMMITTEE

The Deputy Majority Leader (Hon. Rabinya): Mr. Speaker, Sir, I beg to give a Notice of the following Motion:

COGNIZANT OF the provision of Section 40 of the County Governments Act, 2012, on the procedure of removal of a Member of the County Executive Committee;

AWARE THAT Hon. Justus Oguta, MCA, West Uyoma Ward, supported by more than one third of Members of the County Assembly, sponsored a Motion for the removal of Dr. Caroline P. Onyango, the County Executive Committee Member for the Department of Water, Environment and Natural Resources,

FURTHER AWARE THAT in line with Section 40(3) (a) of The County Government Act, 2012, the County Assembly shall appoint a Select Committee comprising five of its Members to find if the allegations against the County Executive Committee Member are substantiated, and report back to the house within ten days.

NOTING THAT formation of such a committee must take cognizance of gender and regional balance, fair representation of both nominated and elected members and a reasonable balance of both political party representatives and independent members of the Assembly This House appoints the following Members to the Select Committee.

1. Hon Francis Otiato, MCA,
2. Hon. Lorna Adida, MCA,
3. Hon. Brian Chieng Abiero, MCA,
4. Hon. Benard Adala, MCA,
5. Hon. Cynthia Akinyi, MCA

MOTION

APPOINTMENT OF THE SELECT COMMITTEE

The Deputy Majority Leader (Hon. Rabinya): Mr. Speaker, I wish to move the following Motion:

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2. Hon. Lorna Adida, MCA,
3. Hon. Brian Chieng Abiero, MCA,
4. Hon. Bernard Adala, MCA,
5. Hon. Cynthia Akinyi, MCA

I call upon Hon. Lorna Adida to second.

Hon. Adida: Seconded.

(Question proposed)

(Question put and agreed to)

MOTION

ADJOURNMENT

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

(Hon. Members on their feet)

Hon. Speaker: There being no other Business, this House adjourns until Tuesday March, 21 2023 at 2.30 p.m. in the Chambers.

The House rose at 3.48 p.m.