

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

SIAYA COUNTY ASSEMBLY

THE HANSARD

Third Assembly – Second Session

SPECIAL SITTING

GAZETTE NOTICE No. 6748

Wednesday 22nd May, 2023

The House met at the County Assembly Chamber at 9.30 a.m.

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

PRAYERS

PAPERS

Hon. Madialo: I rise to lay on the Table of the House the Report of the Budget, Appropriations, Planning and Vision 2030 Committee on the Siaya County **Supplementary Appropriations Bill 2023**.

I rise to lay on the Table of the House the Report of Committee on General Oversight; a **Report on the allegations raised by the Deputy Governor** Hon. William Oduol on corruption and mismanagement in the County Executive of Siaya.

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NOTICES OF MOTIONS

Hon. Madialo: I rise to give Notice of my intention to move a Motion:

THAT this House adopts the Report on the findings on allegations raised by the Deputy Governor, Hon. William Oduol on corruption and mismanagement in the County Executive of Siaya.

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

SUPPLEMENTARY APPROPRIATIONS II BILL, 2023
(COUNTY ASSEMBLY BILL NO 1 OF 2023)

Hon. Madialo: Mr. Speaker, Sir; the contents of the County Supplementary Appropriations Bill II of 2023 has been laid on the Table of the House. The Committee on Budget and Appropriations undertook interactions with Executive, CECM in charge of the Treasury for Finance, the County Assembly Public Service Board and other persons of interest and probed the contents of the Bill as presented by the Siaya County Executive Committee through the CECM for Finance.

Allow me to emphasize as early as stated to the membership in other forum that the Bill is set to introduce very few changes to this Budget and the major one is the introduction of establishment of Industrial Park, a requirement by the National Government for every County within the Republic of Kenya and that adjustments have been done to accommodate women in these requirements to the tune of Kshs. 100,000,000.

There was need also to settle the savings that were going to be realized by the inputs on the employees and the outputs. Towards this end money have been distributed against the savings to take care of the supply of pharmaceuticals and non-pharmaceuticals, take care of pensions, take care of drainage works at the stadium and take care of accommodation for the new refrigeration facilities at Siaya Referral Hospital morgue and other expenses.

Apart from these ones they have not made much adjustments to the Budget and I wish to urge my colleagues having interacted with this document before to adopt the report. Allow me to ask Hon. Booker Bonyo to second.

(Hon. Booker seconds)

Hon. Speaker: Hon. Members I will propose the question which is that the Siaya County Supplementary Appropriation Bill II 2023, County Assembly Bill no. 1 of 2023 be now read a second time.

(Question put and agreed too)

(The Bill was read for the Second time)

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

COMMITTEE OF THE WHOLE HOUSE

The Speaker (Hon. George Okode) left the Chair)

IN THE COMMITTEE

(The Chairperson (Hon. Andericus Odongo) took the Chair)

Hon. Madialo: I rise to propose that Clause 2 schedule 1 and schedule 2 be part of the Bill with amendments.

(Question Proposed that Schedule 1 and 2 be part of the bill with amendments)

(Question put and agreed to)

Hon. Madialo: I rise to move:

THAT this Bill be reported to the House with amendments.

(Question proposed that Bill be reported to the House with amendments)

(Question put and agreed to)

(The House resumed)

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

SUPPLEMENTARY APPROPRIATIONS II BILL, 2023,

(COUNTY ASSEMBLY BILL NO 1 OF 2023)

Hon. Odongo: Mr. Speaker, Sir; I beg to Report that the Committee of the Whole House has considered The Siaya County Supplementary Appropriations bill, 2023 and approved the same with amendments.

Hon. Madialo: Mr. Speaker, Sir I rise to move:

THAT the House do agree with the Committee in the said Report.

(Question put and agreed to)

Hon. Madialo: Mr. Speaker, Sir; allow me to beg that the Siaya County Supplementary Appropriations Bill, 2023 be now read a third time.

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

Hon. Speaker: Hon. Members, I will propose the question which is that the Siaya County Supplementary Appropriations Bill, 2023 be now read a third time

(Question put and agreed to)

(The Bill was accordingly read the third time)

MOTION

REPORT ON THE FINDINGS OF ALLEGATIONS RAISED BY THE DG ON CORRUPTION AND MISMANAGEMENT IN THE COUNTY EXECUTIVE

Hon. Madialo: I now move the Motion:

THAT this House adopts the Report of the Committee on General Oversight in the allegations raised by the Deputy Governor, William Oduol on corruption and mismanagement in the County Executive of Siaya.

The Committee on General Oversight is a Committee that is established pursuant to the Standing Orders of this House and specifically Standing Order no. 162 (a) of the Siaya County Assembly Standing Order.

This is a Committee that bears the uniqueness of being manned by all the members of the County Assembly and in its mandate the Committee is allowed to invite to its meetings members of the Executive to address matters that relate to more than one County Department, to address questions that are needed to be addressed by the Committee and deal with matters which in the opinion of the Speaker can be better handled outside the other House Committees.

The Committee on General Oversight is a culmination of investigations undertaken by the Committee on the allegations of corruption and mismanagement in the County Executive; allegations that are stated and proven by the Deputy Governor.

These investigations were launched by the Hon. Francis Otiato who invited the Deputy Governor to appear before the Committee on General Oversight and provide Media platforms and evidences that he made on various social media platforms; the fact that there was corruption and mismanagement at the County Executive. Allow me to state from the word go that none of the Members of this House is a member of the Executive.

On the 23rd March, 2023, this House adopted a Motion to invite the Deputy Governor to appear before the County Assembly Committee on General Oversight to shed light on the import on utterances that I have stated here before.

The Motion documented instances and utterances in Social gatherings and comments in Siaya Political Forums; social media to the effect. The administration in which the Deputy Governor is also the Deputy Chief Executive would be worse than past administrations of the former Governor. That the Governor is a hands-off administrator who has given questionable characters the opportunity to steal from the County resources.

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

That there was discrimination in budgetary allocations to the disadvantage of residents of the Alego Usonga Sub County. The distributions of intervention programs like Bursary and seeds were riddled with corruption.

That officers were being targeted for removal on account of the Sub County they come from and particularly Alego Usonga. Money that had been allocated to construct Siaya County Stadium within Siaya Township had been reallocated to Migwena Sports Center and there are people in the County Service who want the Deputy Governor out of office on accounts of his stand on corruption.

The Deputy Governor was invited to this House on the 12th April, 2023 and it transpired that the Deputy Governor accompanied himself with documents that required time to peruse and appreciate by the Committee on General Oversight.

The position of the Deputy Governor was whether the County Assembly can summon the Deputy Governor to answer allegations and whether the allegations referred to fell within the scope of the oversight role of the County Assembly.

I do not want to belabor on the matter further by reciting our loss but allow me to state that the Constitution of Kenya insures the legislative authority and the roles of the County Assembly. In particular Article 185 of the Constitution states that a County Assembly while respecting the principles of separation of powers may exercise oversight authority over the County Executive Committee and other County Executive organs.

The Membership of the County Executive Committee is constituted by the Governor and the County Executive Committee Members appointed and approved by this House. This House cannot only summon CECMs; it can summon the Governor himself. Allow me state that our mandate in oversight include summoning of both the Governor and the Deputy Governor and CECM and any other Executive officer that we deem fit to summon.

On Wednesday 12th April, 2023, the Deputy Governor appeared before the Committee on General Oversight and was armed with an advocate. Considering that the documents were coming that morning the documents were submitted and retained but some being not there before the Committee at that time, the Committee determined that the Deputy Governor be given time to do a presentation.

It could have been oral or written. In this case it was written for consideration by the County Assembly. This written submission was to reach the County Assembly by Friday 14th April, 2023 before the close of business. This House constituted as a General Oversight Committee then determined to consider the written submission without engaging on oral submissions because in its wisdom what was submitted was sufficient for purposes of arriving at a decision.

This House then looked at the draft Kenya National Audit Report 2022/2023, The Ouko Task Force Report on January 2023, The Financial Management Audit Report of 2020/21, the imprest bank statement from Equity bank of July 2022 to February 2023, the extract of the Supplementary Budget I FY-2022/23, an analysis of the imprest and recurrent account, office of

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

the Controller of Budget monitoring report, auditor end of service report, County secretary resignation and Governor's acceptance letter.

In addition, Governor's message at Migwena and KTN news, a request from Jack Odinga, who, for purposes of record is the acting Chief officer for Finance and Economic Planning but substantively the Director in the directorate of Budget and planning, letter from the DCI to the County Secretary on Financial embezzlement with names of the persons of interest. Responses were requested and required of those persons that I have mentioned.

These included reviewed attachments, IFMIS printouts, reconciliation reports, letters of appointment, transport management, salaries and remuneration commission advisory request for impost, tender evaluation report, EACC letter dated 23rd January, 2023, procurement plan for the Agriculture department and email communications with the Deputy Governor.

On the exclusion criteria on the allegation raised by the Deputy Governor, this Committee focused on only the occurrences which happened on the 25th August, 2022, 12th April, 2023 and 25th August, 2022. Being the date when the Deputy Governor appeared before the Committee on General Oversight on 12th April, 2023.

The Report interrogated financial transactions which took place before the current administration was sworn in; that was the report by the Ouko Task Force and a Gazette Notice no. 26(90) of 15th April, 2016. This current administration was not in existence and they were allegations of transactions that took place before the current office came into office.

The Committee did not admit the allegations raised by the Deputy Governor on the draft Report of the General Auditor for year ended 30th June, 2022. This was because the period of the audit is 2021/22 that is before the current administration.

Secondly, a draft Report is by no means conclusive; it remains a draft then going by section 32 (1) Public Audit Acts; all reports of an audit shall be submitted to parliament or relevant County Assembly.

In this case the County Assembly wouldn't be able to address matters of that Report before it is formally put before it by law and committed to the relevant Committee to probe, interact and make a relevant Report. That would be jumping the bridge before you reach the river.

The allegations raised by the Deputy Governor that relied on the findings of the Siaya Task Force or the Ouko Task Force was not admitted because that is a Report on internal management processes instituted by the office of the Governor and the purpose of the audit if you read it was to review the internal financial systems of the County Executive and advice the Governor on sector based growth and development.

Furthermore, the Ouko Report focused on historical transactions of the County Government and in any event that report had not been officially submitted or tabled before the County Assembly for consideration.

In so far as the County Assembly is concerned, that Report doesn't exist and the Committee has refused to entertain the accusations by the Deputy Governor against officers in the County Government who by virtue of the offices were not accountable officers. Allow me to

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

add that names were mentioned of junior personnel who have no role in accounting as per the law.

On irregular financial transactions the Committee looked at the transfer of funds irregular payments of imprest. Alleged payroll fraud of Kshs. 5,443,000 and another one of Kshs. 2,500,000.

Other allegations that the Committee looked into were that some people want the Deputy Governor out of office.

That there is discrimination in Budget allocation to Alego Usonga, Bursary allocation is riddled with corruption, maize seed distribution is riddled with corruption, fertilizer and seed tendering is suspicious and certain officers from Alego Usonga are targeted for removal.

We further probed where Siaya stadium money had been reallocated to and then we looked at persons of interest with particular emphasize on Mr. Jack Odinga.

Irregular disciplinary procedure within the County Executive and participation in Cabinet meetings by the Deputy Governor.

On allegations of transfer of funds into the County imprest account; the response to this allegation was sought by the acting Chief Officer Finance. Mr. Odinga who stated that in line with regulation 91 of the Public Finance Management regulations, a County Government is allowed to open and operate an imprest account.

It is not irregular for a County Government to allocate or transfer money to the imprest account. Section 154 (2) of the Public Finance Management Act provides that an accounting officer or County Government entity may reallocate funds between programs or between sub votes in the Budget for a Financial Year.

It is not irregular to do those transfers and there is no indication or evidence that the transfers resulted in loss of public funds. The Committee observed that an accounting officer is allowed to make transfers to fund programs as long as those votes are within the Budget and provided for and that those transfers must have the approval of the CECM in charge of Finance. There is evidence that the CECM Finance was aware and approved the transfers and that it was not the action of the Chief Officer individually.

Evidence or proof of loss is not there; allow me to say that there is no substantiation in regard to irregular transfer of funds.

On irregular payments the response was the management of funds in Kenya is provided for and in it usage of imprest to make payments which cannot be conveniently made through the cash office is allowed or through the bank.

Regulation 91 of the PFM regulations provide for a County Officer to authorize an officer to hold and operate an imprest. The Act further provides for the management of imprest account in the County Government including recovery measures in the event there is failure by an authorized officer to account for the imprest.

Payment of officers from the County imprest account is therefore allowed. All the payments on imprest were and are still processed upon formal application through imprest warrants. All transfers to imprest accounts and withdrawals are done for the purposes of

facilitating County Government operations which perhaps cannot be conveniently made through the cash office. And all activities facilitated by the transfers, withdrawals were properly budgeted for.

These allegations on irregular payment of imprest to an unauthorized person was not substantiated. Fraud at the payroll; there was allegation that there was payroll fraud that led to loss of Kshs. 5.4million and later in March there was another one that led to loss of Kshs. 2.5million.

The response by the Chief Officer is that there was verification and reconciliation of salaries and wages for the month of December, 2022 and it was brought to his attention the variance of Kshs. 5.4million which was over and above the monthly payable salaries and wages and that the variance was due to suspicious schedule for payments of casual wages that had been presented for payment.

That the Chief Officer ordered for the stoppage of those payments and that he could confidently confirm to the Committee that the money was not paid and no public money was lost. That he had instituted internal investigations into the matter which was ongoing and that he stopped the processing of the suspicious voucher.

For the Kshs. 2.5million, after verification and reconciliation of salaries and wedges they noticed that there was an error of Kshs. 2.5million which had been charged in a wrong account by inflating the figures by a similar margin. This was then corrected and the Kshs. 2.5million was later charged to the correct account and payments were there after rightfully processed.

Mr. Speaker, that the Committee having considered the responses and allegations concluded that in both instances there was an allegation of loss in the transactions but no documentary evidence in proof of those losses. That allegation stands unsubstantiated.

Withdrawal of transport and personnel entitlement; I don't want to dive in this so much because its public knowledge that the Deputy Governor is entitled to 5staffs, one police officer around the clock, entitled to security at home, is entitled to one vehicle of a capacity that is defined by SRC.

The staff that the Deputy Governor must have by law are personal assistant 1, personal office assistant 1, senior driver 1, a receptionist and a body guard and security at the residence. I said I don't want to dive so much on it because on allegation that there was withdrawal of additional personnel.

I am wondering where this House appropriated money to give any of our top officers personnel and security to pay them. Leave alone withdrawal; Why are they there in the first place? We have a ceiling when we do our Budget for the department of governance and administration.

Payment of salaries, payments of their staffs under governance is within that ceiling. It would be irregular to suggest that the Deputy Governor and the Governor have been drawing additional privileges, additional facilities outside what is defined and outside what we provided for in the Budget by seconding them to department of Finance or Trade.

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

I was wondering whether enforcement officers that are employed to enforce collection of revenue in the market are trained to provide body guard services. In so far and the House should be concerned and Mr. Speaker, Sir; allow me to courageously say on behalf of the House that such officers accompanying the Governor or Deputy Governor would be mere passengers.

In any event the persons that are referred to have been withdrawn are defined as enforcement officers and not body guards. Two gentlemen are stated to have been dismissed on accounts of association with the office of the Deputy Governor and the person in occupation thereof.

There was an explanation that one of them was employed as an enforcement officer and the other one action was taken on because he participated in a political event in which he then assaulted members of the public.

That is criminal but that is disciplinary action within the department into which perhaps this House should not even have invited to deal with. In County Executive Committee Meetings there was an allegation that the Deputy Governor is excluded from these meetings and the response was that the Deputy Governor has been attending and participating in the Executive committee meetings.

That all the decisions of the County Executive committee have been taken by consensus; that the Deputy Governor not only participated on meetings but has chaired several sub committees of the CECMs including the committee on Pending Bills, subcommittee on Completion of Siaya Stadium and subcommittee on Digitization.

Constitution practice require that decisions made in a Cabinet meeting be owned collectively by members of that Committee. In-house disagreements are not withstanding and in any event not our business because the occurrence within that house are supposed to be confidential.

The House went out of its way and reviewed the attendance register which were submitted by the County Secretary and the Deputy Governor himself and there was no indication that in the decision making that involved what are being complained about that the Deputy Governor registered a contrary opinion to the decisions that were being undertaken by the County Executive.

This was not captured by way of letter or of minutes. In an involvement in decision making therefore cannot be moved because attendance is proven and descent is alleged.

Reallocation of Budget to the disadvantage of residents of Alego Usonga. In this House the Committee that deals with allocation of resources and that deals with budgeting is chaired by a person who represents a ward in Alego Usonga and the membership in addition to that a very senior person in terms of longevity in political office who also comes from Alego Usonga.

It would be atrocious to suggest that the Chairman of the Budget Committee that comes from Alego Usonga would preside over the removal of resources from Alego Usonga. Even without exhausting our time to explaining all these allow yours faithfully to confirm that there were no removal of resources from Alego Usonga to the advantage of some other sub counties. The County Executive presided over on that day by the Governor, James Orengo and the Deputy

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

Governor, William Oduol presented to this House a Supplementary Budget that they were of the feeling would address the manifesto or proposals even in small way of the *Nyalore* manifesto and allow me to admit that there were variations.

The variations included the following; there was removal of money for the construction of County Public Service Board building because it was at Kshs. 5.5million and in any event it was not going to undertake that project.

It was too little; there was removal of Kshs. 5.5million for the construction of annex office for Finance department, removal of Kshs. 31million from the construction of the Deputy Governor's residence, removal of Kshs. 4.4million for the maintenance of Ukwala Hera-Masamra Primary School road.

There was removal of Kshs.20million for tarmacking of Segere- Ogaso road.6.5kms cannot be tarmacked with Kshs.20million. These removals came from the Executive Committee sitting as a Cabinet; they were not done by the Committee of this House. They were done in this House sitting on Plenary but for sake of the knowledge by the public that we work for.

These removals included the county Assembly letting go of Kshs. 300 million that was meant for the Speaker's House and the County Assembly Complex even temporarily for that matter and all these were not removed to advantage anybody.

The committee that deals with budgeting together with this House approved that these monies be removed and spent on the construction of a surgical theatre at Siaya Referral Hospital at Kshs. 68 million. These monies were removed and taken for the renovation of Urenga Health Centre in Ugenya and Hawinga Health Centre in West Alego.

These monies were removed and employed towards initiating the construction of a Rice Milling plant at Siriwo to serve lower Nzoia Rice Scheme in Usonga. These monies were removed for purposes of introducing seeds, seeds that were distributed free of charge to the extent the government was able to the residents of this county.

These monies were removed and employed towards purchase of fertilizer that was subsidized in price to be given to our people for purposes of improving food production. These monies were removed and employed towards repair of tractors and purchase of tractors that were given out and ploughed in most instances free of charge the farms that belonged to the people that elected us.

It is not true that it was supposed to disadvantage any region in this county. I emphasize this because appropriation of monies in the county is not a role of the Executive, it is our role. It is the role of this House. If the appropriation is done to the disadvantage of any region you don't blame the Executive you blame the Assembly. We did not do that.

The programs that I have mentioned, all of them, seeds and I forgot that we boosted the payment of the pending bills for drugs that were making the agency that provides drugs, not to be in good terms with us moneywise and these monies were removed and given out to the Executive for purposes of ensuring that we are in a position where we can requisition for drugs even on credit and be listened to.

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

I wanted to emphasize that these programs; drugs, seeds, tractors, fertilizer are things that the Deputy Governor and Governor saw in the vote before we even elected them and so it would be strange that even after we have elected them, if we employ money towards that then we are wrong.

The Budget approved, the Supplementary one, if we exclude grants, the additional ones to be implemented in the county and I say this from the strength of a person who sits in the Committee on Budget and chairs it as follows; Alego Usonga, Kshs. 252 million, Gem and Seth Baraka is going to forgive me for this,

(Loud consultations)

Kshs. 40 million, Bondo Kshs. 72 million, Ugenya Kshs. 20 million, Rarieda where the person who presides this House comes from, nil. Discrimination is not proven

Allow me from where I stand to report that the monies that were available at the main Budget for Siaya Stadium as balance for completion was Kshs. 50 million, after the Supplementary Budget we added Kshs. 839,000 so that what is available is now Kshs. 50.8 million.

It was not removed. So the allegation that money had been taken away for the stadium in Migwena is a lie but may I add that in the long term planning of the county and in the long term arrangements that are captured in our fiscal instruments, Migwena will eventually be constructed as a sports centre and that is most likely to be done during this tour of duty.

Certain officers are targeted for removal. There was specific reference to two gentlemen and allow me to confess that it was of concern to all of us that represent Wards that are domiciled in Alego Usonga but then in the response it is quite clear from the report that Mr. Joseph Ogutu was complicit in his own resignation and that he was not forced to resign. It is quite clear there.

If the affected person himself is saying, "I was not targeted for removal, I have done a letter to resign, my resignation letter has been accepted," then that is it. That is between the employer and the employee. I believe he must have sent this to the Public Service Board and the appointing authority that is the Governor and well, being targeted, of course he resigned. Targeting is not an issue there.

May his soul rest in peace, the late Dr. Elijah Achoch is alleged to have been targeted. It is unfortunate that Mr. Achoch transited to rest with our Lord before we reached this day. There is evidence that a doctor recommended to Dr. Achoch to take leave from work on account of health.

He sought leave and before one week was over one obtained. I am not a health officer; I do not want to speculate but if there was a letter asking that he takes leave on ground of health then you pass on one week later!

Bursary allocation riddled with corruption because there is inadequate participation and beneficiaries of heads of the beneficiary institutions of selection. The CECM for Education has

demonstrated the procedures that are employed towards disbursement of the bursaries which I don't want to delve into so much because the procedures are generated from here and they follow those procedures as we enact them into law.

It is a fact that we all know that heads of institutions have a role. They declare the academic performance of the beneficiary, they declare the fee balances or the fee challenges that the beneficiary confronts and they sign on the forms. There is lack of mechanism to coordinate Bursary and scholarship support among National Government and County Governments.

The department of Education in the county really cannot talk for the National Government, cannot speak for coordination of Bursary between the County and the National Government.

Late disbursement of Bursaries for eligible students is most of the time delayed because of delay in submitting the merit list by Ward bursary committees. Disbursement of bursaries is guided by law, in fact by a law enacted by this Assembly. What causes delays?

Most of the times we are aware that sometimes the delays are not within anybody's control. There was no evidence that there is loss of Bursary funds. Of course principals are participants in determining how the committee in determining who eventually gets to benefit.

It would have been on the parts of the Deputy Governor or the Governor, the CECM Education or the Chief Officer if there are issues on delay by the committees to take it up with those committees after all they direct them on dates and they pay their allowances. Of course there is no evidence that an opinion or a contrary opinion or a dissenting opinion on issues Bursary had been raised by the Deputy Governor in the correct forum that is the cabinet.

I had already spoken to unfair distribution processes that the two gentlemen had spoken about; one was not supposed to be security officer and the other one is an enforcement officer who has been redeployed.

Maize seed distribution, fertilizer and seed tendering process. The process of awarding tenders, the process of procuring public utilities, the process of disposing of public property is defined for the Chain Supply Management Department and it is not something that anybody comes up to determine by himself or herself.

The Public Procurement and Assets Disposal Act 2015 defines who and where and how we arrive at those who provide services and those who supply and those who undertake constructions and those who undertake work for the government.

The Director Chain Management responded and responded in lengthy provisions of the law. Members have them and I would ask you to read from page 30 of the report and go all the way, Hon. Oguta you might become a lawyer after all this.

I wanted to add that if these procedures were not followed, there are agencies that are constituted properly by the law in Kenya by the Constitution. These agencies have got the capacity to undertake investigations and make determinations with police and EACC. Perhaps those allegations should have belonged to those agencies not media.

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

We are not just speaking, the Director attached the tender advertisements, the tender valuation reports, termination of procurement proceedings, professional opinions, EACC letters, inventory of documents, agriculture, procurement plan and email communications.

From a far, this Director seems to be suggesting that there was perhaps an attempt on the part of the Deputy Governor to influence the direction of his decision but trained in what he does as he is he was careful and did not breach the public procurement laws.

Mr. Jack Odinga, I have already explained that he is enabled as a Chief Officer to transfer imprest, to transfer monies on approval by the CECM Finance. On allegation that he approved transfer and withdrawal of Kshs. 100 million within 6 months and this is what he says, the year 2022 during the period that is spoken to most of it, Mr. Jack Odinga was not the Chief Officer of Finance and this is 1st July 2022 to September 2022.

He was not a Chief Officer. He was the substantive Director of Budget and Economic Planning and so was not authorized in the first place during that period to undertake financial transactions and that being true because this is communication on appointment that comes to this Assembly and this Assembly is aware that he was not Chief Officer, the allegations that these transactions were done by him are false.

Mr. Jack Odinga says that it is his finding, of course it is not for him to find but he says, "The Deputy Governor has lied to the House and misguided himself. What he has quoted is total misrepresentation of the regulations, that regulation 82 (1)(b) of the Public Finance Management Regulations 2015 states that,

"Any National Government entity which draws over 75% of its resources from the National Government ex chequer account shall apply for opening and operating of bank account at the Central Bank of Kenya unless exempted."

This is in response to the allegation that he has opened an account which he withdrew over Kshs. 100 million in 6 months.

July-30th September 2022 there is an allegation that Kshs. 250 million was withdrawn within that period, the agents have not been mentioned. Mr. Jack Odinga responds, "It is amorphous to allege that over Kshs. 250 million has been withdrawn from the County Government coffers. There should be accuracy because it is impossible for him to confirm the allegation. However, I have reviewed the IFMIS Statement for the period July 2022 – September 2022.

It reveals that there are financial transactions that are not only advanced to members of staff but also payments to various contractors, service providers, salary by products which were due for month of July and August and occasioned by delay in exchequer disbursement, a fact which the Deputy Governor has failed to reveal to the House. It is worth noting that during this period, I was not the Chief Officer."

Now on the list of officer and amount withdrawn from the imprest account observations, a review of the transactions in the deposit bank account revealed that the account had a balance of Kshs. 9,218,000 as of 1st July 2022, Kshs. 17, 778,000 were received in this account during the period under review.

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

About Kshs. 25, 694,000 was paid out to the contractors. Closing balance on November 2022 was Kshs. 1, 502,000 consequences in ability to pay retention money is breach of the law litigation the rest he is quoting the law.

On the allegations of payment of Kshs. 4 million on emergency account for supply of pharmaceuticals; Mr. Jack Odinga says that during the Financial Year 2021-2022, the County Assembly appropriated Kshs. 80 million to be expended in the Emergency Fund Account in line with the Siaya County Emergency Fund Act.

The County Assembly approved spending of Kshs. 70 million towards procurement of pharmaceuticals and non-pharmaceutical supplies to the county health services and it should be noted that the matter was raised in the management letter of the Auditor General on the Siaya County Government Financial Statements on the year that ended on 30th June 2022, Mr. Jack Odinga requests that we allow the Audit process to run its full course.

The Revenue Fund Account, there is an allegation that the balance carried forward in the CRF was Kshs. 614 million as at 28th July, 2022 and that this balance should be reconciled with the balance brought forward of Kshs. 697 million in the Supplementary Budget that is Supplementary Budget I of 2022-2023.

Mr. Jack Odinga responds, “The balance of the Siaya County Revenue account as at 28th July, 2022 was Kshs. 614 million, the balance carried forward in Supplementary Budget was Kshs. 697 million creating a discrepancy of Kshs. 82 million.

” It should be noted that this was a matter of reconciliation to ensure that the balances at the end of 2021-2022 speak to the balances as at the time of preparation of Supplementary Budget for 2022-2023 such reconciliations would see payments worth Kshs. 82, 610,000 processed through internet banking and failed to run through to the end of payment we adjusted the balance brought forward at the Supplementary Budget.

On the withdrawal of Kshs. 22 million on assumption of office; the assumption of office committee withdrew Kshs. 22 million and officially spent only Kshs. 3.9 million, that is the allegation and that the balance of the money Kshs. 17 million was misappropriated again under Mr. Jack Odinga’s watch and no one has been held responsible. The provider of the service, Ciala Resort, only got Kshs. 10 million sometime in July. 2022.

News that this Kshs. 10 million is outside the stolen Kshs. 17 million. This was his response, “Assumption of Office of Governor’s Act provide for the procedure for ceremony and assumption of the office. The Act provides for persons who constitute the assumption of office committee and which is responsible for budgeting and execution of the assumption of the office by the Governor Elect and one must be the Chief Officer for Finance”, at that time Jack Odinga was not the Chief Officer for Finance.

Borrowing and transfer of funds to imprest account; Kenya Urban Support Program borrowing of Kshs. 6. 5 million and transfer to imprest account against donor policy universal health care account withdrawal of Kshs. 13 million. Transfer of Kshs. 6.5 million from Siaya Municipality Bank, Mr. Odinga responds that 154 of Public Finance Management Act provides for possibility of reallocation of funds.

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

Reallocation of the said funds were therefore requested, approved, spent and as per law established. Further, note that the Deputy Governor has not presented any documentary evidence to suggest that there was loss of public funds in this process.

Harassment of people that are close to the Deputy Governor. There are allegations that persons close to the Deputy Governor are roughed up and punished and denied services. Specific examples, I don't know these persons, but specific examples were given of one Sheila Olwanda and Lydia Smiling, Mweshimiwa Oduor Odongo might know her..

(Laughter)

They claim to have been beaten during a music extravaganza at the KMTC.

Well, they are not in the Assembly and the Executive is also saying these are people that are not in their service as public servants. Beating somebody is criminal and it would have been incumbent upon those two, the names suggest they are ladies, to go to the police and make a report and in any event in the absence of a police report, there is no confirmation that they were harassed, beaten, roughed up.

Nor are we aware that they were in the music extravaganza. We don't even have a mechanism of knowing which dancer is close to the Governor and which dancer is close to the Deputy Governor.

Accountability to the Deputy Governor, correspondences came from the Deputy Governor and he suggests that he is not accountable to the Governor but only to the people who elected him, he states on a letter dated 20th April, 2023, remember I am elected and not appointed, I have a Constitutional right and duty to attend cabinet meetings and prosecute matters therein.

The oath of office to be the Deputy Governor and signing of the integrity code is commitment and pledge by the state officer to the public that during their tenure of office they will uphold good governance and will not engage in any forms of corruptions.

This is our observation, Article 179 of the Constitution provides that members of the Executive Committee are accountable to the County Governor for the performance of their functions and exercise of their powers and 39(1), the members of the Executive Committee are individually and collectively that is 39(1) of the County Government Act.

They are individually and collectively accountable to the Governor and based on this, the Deputy Governor deems himself a member of the Executive Committee is accountable to the Governor and in the exercise of his powers and performance of his duties and responsibilities in the county.

The Report is long, it has laboured our time. I will be praying from where I stand that everybody out there appreciates that this House is a House of both rules and records and that we deal with only those records that are before us and which we have as property of the House and that anything that I state within the House is guided by our mandate and duties as defined by the Constitution of Kenya. We are not influenced by what we are stating, in what we are saying, in

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

what we are talking about, in the actions that we are taking by anything that is outside the records that are before us.

I wish to note for the records that we shall have noted that this House, this committee and the Report has not spoken to the allegations outside there that there is an authority that has been dealing individually or collectively. I don't know because I have not been a participant in it and giving out this and that for Members to attack the Deputy Governor.

We have not spoken to that because we are aware to the fact that we are supposed to be neutral. We know that we are supposed to be neutral and we know that what is said out there on funerals if it touches on us, it's not a consideration in arriving at decisions that we arrive at.

Forgive me for adding that we omitted to talk about allegations against ourselves, purposefully, so that the pedestrian walking along Ahindi Gardens is able to tell that we are not biased in what we are doing and so I just pray that today we shall be having this topic, these issues, fighting rest.

At least for purposes of the Motion that was brought in here by my brother Hon. Otiato and we are aware as to what prayers he sought. We know what prayers he sought and we guide ourselves by the prayers he sought and we are not introducing or allowing talking to any decision that is outside what Hon. Otiato asked for.

This is the recommendation of the House that; having determined that all the allegations as presided to the House in writing by the Deputy Governor stand unsubstantiated, have not been satisfactorily substantiated and having therefore looked at this as perhaps mere conjecture without, proof without substance.

What is not substantiated in other words has no substance, this House directs that in the future any State Officers within this government and that includes ourselves and public officers must desist from making allegations public or private, official or unofficial, formal or informal that when called upon to engage and substantiate, they cannot substantiate.

In the future, any State Officer, and I add again Executive or Assembly or Public Officer in these two arms of government that once you make public complaints or even private and the management of County Government affairs must process their issues and proceed through duly established institutions and agencies so that you speak as an officer to what you can be held to account for and to which you can account satisfactorily and to which you can provide substance satisfactorily and which you can substantiate before man and before God.

Allow me ask Hon Otiato to second.

Hon. Otiato: Thank you, Mr. Speaker, Sir. As I second this report, I was waiting to at least speak to it later but allow me to make some small observation...let me talk later.

(Question proposed)

Hon. Speaker: Yes, Hon. Otiato.

Hon. Otiato: Thank you, Mr. Speaker, Sir. Once again let me take this opportunity to thank our able technical team and the committee as a whole for this serious work done. It was really very hard for us to come to this conclusion. When we started this journey to try and understand where there can be a problem within our Executive and I said it here in moving the Motion that possibly there is just a misunderstanding at our Executive or broken channels of communication and this has given a lot of room for rumours and a lot of name calling.

Allow me to say that going by the allegations that were put forth, it is good for the people of Siaya to know the actual truth. Having gone through the documents because I asked for these documents from the Deputy Governor and it was presented. So far I would say and support the finding of the General Oversight that on issues like say first issue on bursaries riddled with corruption.

All the three angles of this issue of Bursary there is no specific reference like if you suggest, he is making a policy suggestion that the Principals or the Head Teachers of the benefiting institutions need to be incorporated.

I think when we were passing or doing amendment of our Bursary Act, I do recall very well that some of these were part of the considerations and that the application forms were being used and had to be signed by the heads of institutions.

In his own right the Deputy Governor has suggested that we need to get these people involved failure to which then it is riddled with corruption. I am just wondering, in Yimbo East, about 300-400 students every Financial Year benefit and from different institutions.

Some come from even Kapedo, Mombasa, our students are there, will tell you that it would be untenable for us here in Siaya to invite Head teachers for all the 300 schools to come here so that our Bursary is not riddled with corruption. It was a proposal that is subject to a discussion.

Even the thinking that there are people who are having double allocations, how I wish that we got even a single reference that this particular student in this particular school has gotten money from the County Government and has gotten money from this other agency and maybe Equity Bank or so without this, those issues about corruption and Bursary were to me not right.

Interestingly there is something about this issue of seeds or fertilizer. The seeds and fertilizer, when you read the response from our Director of Procurement he tells us that at a point he was threatened by the Deputy Governor. He is so concerned on the interest of the Deputy Governor with the procurement processes of the county.

The Director Procurement makes a mention on trying to infringe the secrecy of tendering process by Deputy Governor ordering that some of the documents being used for procurement before completion be released to his office.

What would be the interest in doing that? And within that particular time based on our record, you hear that the procurement is not over but already the EACC is investigating and wants papers. Investigating what? A process that has not started!

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

It technically means that there is a problem within our structures and going by this when we read the full Report, then possibly part of major issue can it be that the cause of this battle is on procurement in the county? Not anything else?

When we talk about people being targeted, you now hear the kind of responses we have found and I am wondering when you go to Alego Usonga and say so and so is being targeted. We started by even a basic thing that we were doing here as a House when we were vetting or moving onto impeachment Motion and that was a target all operations of a county are target.

What would be the interest of a Deputy Governor maybe if he stands and says that you see Mr. Ogutu was forced to resign, the County Secretary himself says, "I was not forced to resign, I decided I was going for some studies." What was he aiming at? What was he supposed to achieve by doing that? He is not a mad man, he must be knowing why he was taking that trajectory.

We are in a very awkward situation and as I have seen rightly put on our recommendation that now it has reached a point where everybody in Siaya, the whole House is compromised, all other deals are fishy, then I don't think we are going to make a step.

My humble request is that possibly on getting a way to deal with this conclusively, the DG is a very good friend of mine but then in this, for purposes as I am moving because then when he is a DG and he believes that the House is bribed like what Hon. Madialo was saying that you go to a National TV and say that some of the Members are not doing their work, their work is being given money to go and fight me.

So how do you want to engage in the next five years if in his mind all Members are corrupted? Thank you.

Hon. Baraka: Thank you very much, Mr. Speaker. I also beg to contribute on this Report. I will first of all start by questioning the motive of what we are now discussing. I think this is a House of rules and order and I find it very malicious that an issue has been brought before this House and before we are given time to conclude on what is being investigated, it is all over in the media.

I want to say categorically that nobody, be it the Governor or the Deputy is immune to the procedures of this House. It is so sad when this House can be accused yet we are following the procedures that we are supposed to follow. Maybe, I see a problem in the Executive department probably when they took government they were not given their job descriptions.

It seems somebody somewhere is not doing what they are supposed to while somebody somewhere feels that somebody is doing much that they are supposed to do.

I have studied these allegations bit by bit and surprisingly I want to make my observations objectively. I am surprised that some of these allegations of the monies that are claimed to have been withdrawn or taken from the accounts, I may not be good when it comes to accounting but I must say that I know how to count money.

I may not be an expert in audit but it beats logic when somebody says that money has been withdrawn and has been used on activities that are not there yet the said money that has

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

been withdrawn there is an evidence that even the person talking about this money was a beneficiary.

When you look at this Report keenly, page 15, some of these monies that are said to have been withdrawn, we are told from the evidence that some of them were used to facilitate the Deputy Governor and his entourage to attend a meeting at Ciala Resort.

We may not have the mechanism on how it was paid but there is an evidence that part of the money was used to pay for the DG.

I am a bit perplexed may be seeing the number is about Kshs. 623,800, maybe it was less according to them and that is why they see there is a problem. That is not our issue as a House. When I speak, I speak from my mind. I am very sure we have various agents within any government that will ensure that the money is used appropriately.

I am not sure if the Siaya County Government has got an internal auditor, but if there is an internal auditor, then we need to know, what is their take as regards to this misappropriations?

I believe we also have the EACC that would also find interest in investigating what is happening in Siaya. Before I dismiss this Report, or before I say it is true or false, I look at the allocations and I am speaking in this House as a representative of East Gem Constituency.

It is so sad if somebody can say that some money has been taken from Alego to Bondo to do something else. Yet when I look at the Budget, even if you take Kshs. 100 million from Alego, it will still not match what Gem is having. Even if you take Kshs. 130 million, Alego still has more than what Gem is having.

I am not afraid to say and I want to be quoted, if we can do the County audit and find out how many employees are here in Siaya, how many are coming from Alego, and how many are coming from Gem, I am surprised that the Budget where Alego is getting Kshs. 252 million, Rarieda is getting nothing and yet somebody wants to go and fool the common mwanainchi outside there that Alego is being disadvantaged.

I think sometimes in Siaya, we have to get serious. We cannot politic for 5 years, we are going to be left behind. Alego should appreciate. If they can have Kshs. 252 million and yet another Sub County has nothing and this one brings me back to the Budget, I think this time round we have to be serious.

The main reason we have Devolution is to ensure that we have equitable distribution of resources. Why would one Sub County get Kshs. 250 million while another Sub County gets nothing! Are we not paying taxes? Are the Rarieda people not paying taxes to this Nyalore Government?

I am convinced to say that most of the things you have been hearing up and down in radios, most of them are just malice. How I wish I would have been told that Kshs. 1million was withdrawn and taken to so and so.

Saying that money was withdrawn and the records are showing that you are also a beneficiary because you were having an activity that is legal. Why do we have to tarnish or blame other people and we are the same people benefitting from that.

As a House we need to revisit ourselves so that we can ensure that each and every Sub County at least has a fair share of our County resources. With this trend, we are going to leave other Sub Counties behind yet we all voted and require these resources. How I wish that the Executive would sit back and rediscover themselves because the electorates are suffering.

We are kept here discussing allegations, Siaya is all over in the media because of Kshs. 2 million, 5 million yet we need to buy medical equipment for our people in Siaya. People are

moving from Siaya to go and get medication from other Counties yet we are capable of taking Siaya to the next level.

I beg to say that based on what has been discussed in the Report, I am talking about what I am holding, what I can comment on, I don't want to talk about the issues on the social media.

I am talking about the Report that is here, depending on the findings and evidences that were brought. I beg to say that I am not convinced that there is that level of misappropriation being purported by the said person. Thank you.

Hon. Madingu: Thank you so much, Mr. Speaker. On behalf of the people of Central Gem, I am very disappointed having gone through the submission of the Deputy Governor. By the words of Chinua Achebe, he said that a mad person might speak a correct word but by watching you will soon realize that this person is speaking out of his madness.

Sometimes appearance verses reality differs. For this Hon. House to have the honour it deserves, respect must prevail. There is no way you will bring a document in form of a file, you want this Hon. House to go through and before we comprehend and come up with a substantive decision you are already in the public media showing the people how you don't have faith in that Hon. House.

Even saying that some of us have been bribed. If you believe that people cannot reason once they have been paid, then you should also be able to pay people.

If you look at the Report, in the Supplementary Budget we have just passed today Alego has Kshs. 252 million plus while sub counties like Gem where I come from, we have Kshs. 40 million while Rarieda and Ugunja have nil.

In the spirit of give and take, we are talking of equal distribution of resources in this County. In the next FY, if Gem gets Kshs. 300 million, Alego should be the first to stand in the gap and support because in this one we are supporting.

To prove to the people of Alego that we love them so much, we want to tell them we have able brains in Alego that can become the best leaders in this County. We cannot become a County of hearsays, whereby when we have DG that is speaking with a lot of sobriety instead of focusing and trying to bring organizations and some partners that are able to improve our great County, he is doing a disservice in this County by trying to blackmail the Government that he is serving. This is very wrong.

We cannot have two Governors in a County, we can only have one Governor and there is no co-Governor. What is the role of a deputy? The role of a deputy is to stand in for the Governor when called upon. Who calls the deputy governor to stand in? The deputy governor is supposed to be given instructions and stand in the gap.

This Hon. House must go down on history that it is a House that can never be intimidated. I heard the deputy governor saying in a radio station and he had a lot of information that some he could not bring in this Hon. House.

Since he has incomplete documents, maybe the documents he is holding could help us have Solomonic wisdom when it comes to determining his case. If this document is submitted, the decision we are going to make is probably what suits the submission he gave us.

In your wisdom, we want you to take mandate of this House. We want you to guide this House to become a House that can never be belittled based on what people are going to say in media. I can tell you as a person representing the people of Central Gem, the people of Central Gem want to see the Budget that we passed, action to be taken on ground.

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

For instance there is no way I am going to tell the people that we are busy discussing the DG and they cannot see a road that I have already submitted to the Budget Committee and was passed, the tender awarded and there is no contractor on the ground.

We have bigger problems as people of Siaya that listening to one individual who cannot say any positive thing in the government that he took an oath to serve in. We want to see that in this Hon. House that no one intimidates us. We want to tell the DG, we must not think his way, that if we think otherwise we have been bought.

As I sum up, I want to say that we want to make sure that this Hon. House, by the time we are getting into August, we must reflect back and see what the achievements we have made as a people are.

If he says that our role as an Assembly is oversight, you cannot cry more than the bereaved, we are the people tasked by doing an oversight role, and we have said, so far so good. And if there is going to be a problem in future, we are going to complain and we are going to talk at the top notch of our voice because that is why we took an oath to stand in the gap of the silent majority.

As we are going to sit in our first Budget, some of us are new in this Assembly, I want to learn quickly from people like Hon. Kinyanyi, who is my mentor. I want to learn quickly from people like Hon. Madialo, but I don't want to learn on how they are fighting the DG.

I want to learn on how we are going to put resources to impact the lives of our people! We want to see people getting happy with the Nyalore Government, seeing the promises that probably we promised them. I want to request each and every Hon. Member not to be victims of hearsays.

Let us be people who are going to be remembered by the impact we are going to create in the life of the people we are serving. Therefore, I beg to still think about this thing as I wait for the guidance of the Hon. Speaker. Thank you.

Hon. Adala: Thank you, Mr. Speaker. First, let me laud the Committee for doing a good job to even get us the Report. Unlike my Chair for Health, who is still waiting for your guidance, I rise to support this Report as read by the Chair. We have series of months where Siaya County has been in news for all the bad reasons.

Sometimes news, whether good or bad is still news but when the source of news is coming from the second in command then that is a matter that needs to be looked at. I will address myself to page 20 of the Report where the DG is alluding to the fact that certain allocations were removed from Alego and sent to some other places.

There is a reason why we do Supplementary Budget. And this is not the first time neither will it be the last time. We do it when new funds come but were not factored in by the time we were making the original Budget. The Budget that we are implementing now, all of us are aware that it was passed in the last regime.

The purpose for supplementary one that was discussed and adopted by this House was to address the emerging issues. The emerging issues that we were to address are things that arose from pledges that we made, and the DG was at the heart of the campaigns when we were telling

our people that upon assumption of office, the people will not suffer thinking about seeds and fertilizer.

I was in this House when we were thinking in the last Assembly that some of our roads need to be raised up to the standard. And from the Report, 6.5Km. road cannot be done with the money that was set aside for it. So Hon. Oduol, in his wisdom wanted this House to just have the small money which we knew was not going to be sufficient to undertake what it was meant for.

Hon. Members, we are not discussing Alego Constituency here, it must go on record. We are discussing Hon. William Oduol, we thought he had robust ideas, little did we know that his ideas were just mirage. Walk with me to page 29 of the Report. From page 28, Hon. William Oduol, is alluding to the fact a one friend of mine, Austin Ogola, who was employed by the County Government was wrongly dismissed or suspended for that matter.

Chapter 6 of the Constitution speaks to matters of integrity and that can neither be any doubt about it. In the response from the Executive, the friend of mine in question, physically assaulted in full glare of members of the public, a fellow civil servant and as a DG you don't see anything wrong with a member of the staff that you are working and a senior attacking people physically and you want us to take that likely.

We recently impeached Dr. Julie, on the verbal spats that she had issues that we raised. That was physical and verbal exchange that she had. Lucky enough this House is so much awake. County Government of Siaya has got two arms, the Executive and the Assembly.

The Assembly is meant to by and large oversight the Executive, the success of this County Government therefore means that both the Wings must work in harmony, Which explains reasons as to why the senior members of the Executive must always have meetings with the Members of the County Assembly, not for any other thing but for us as a County to plan for Siaya.

In page 14, they have the audacity to be raising issues why the Members of the County Assembly were having meetings with the Members of the Executive, meetings which you were part of and we all know that we were looking at matters beneficial to the County Government of Siaya.

So, if you had issues with the members of the Executive meeting with the Members of the County Assembly, the question therefore, why did you attend? Lest you came to pose for photo sessions with the hope that you may use them later when you are looking for the seats of Siaya. That is a pipe dream that might never come to reality.

There is no reason of every allegations that were raised by William Oduol, none has been substantiated. I take great exception with the habit of people trying to coerce Members of the Assembly in to doing what they want. This House works with its systems and matter of time.

That you raise issues on the Floor of the House and you don't give us the ample time to really look at the matter and you are all over radio Victoria, Namlolwe, Mayienga and every other media and you think that by so doing you will box us into submission! We refuse to be cowed by anybody least of all William Odhiambo Oduol Denge.

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

I want to end by saying that I want to support this Report and request the Members that we adopt it in order that it becomes a lesson. We have incidences in the past where members of the Executive just wake up and say, we budgeted this thing but it was removed by the Assembly.

In order that we cure this cancer, before we get to this new FY Budget estimates, we are adopting this and for gross insubordination on the Governor, Hon. James Aggrey Bob Orenge, and for insulting the integrity and wisdom of Siaya people and for not having respect for the Rt. Hon. Raila Amolo Odinga, who came here and really spoke to this. We are passing this and then William Oduol, we are coming for you, thank you and I rise to support.

Hon. Omwende: Thank you, Mr. Speaker. I will be very precise, because from the Report I don't have much to say. I would like to engage to a report where we have merits and demerits. But from the report, what I have seen is just demerits.

What I have to say, from Article 179, Constitution of Kenya 2010, has summarised everything. A State Officer you have to know who your boss is. The DG is answerable to the Governor. The hearsay noisy thing, he is not guided by that. I have respected him so much but I don't know how, you may think education humbles someone but sometimes someone has some disability.

From the Report, while supporting this, in future, the Budget of 2022/2023 this one can go but in future, in our Budget I will not be part to see some Sub Counties progressing while others go down.

I will not be party to this, I am a Member of Budget and I am keen this time, the Budget of 2023/2024 it must include Sub County allocations. The County resource envelope must be indicated that Ugunja how much, Alego how much, Gem how much etc. I will not look and watch this space going forward. Thank you.

Hon. Oinga: Thank you, Mr. Speaker, for giving me this opportunity to also air my view on this Report. It brings me to Section 36(1a) of the County Government Act which places the Deputy Governor as a member of the County Executive Committee the obligation to check some of the issues that you raised in this House. From the Report, it is very evident that there were no evidences which were provided by the Deputy Governor to show that he tried this internal mechanisms and failed to work.

This in my view is a breach of the law. He took an oath while assuming his office that he will truly and diligently serve the County. Now, an advice to the Deputy Governor, he has been on record claiming that the MCAs are not doing their oversight role and if so he will continue to do this oversight role.

He will then do the honourable thing of resigning from his seat and probably go to West Alego and vie for an MCA position so that he can come to this House oversight the County Government of Siaya from this House. Thank you.

Hon. Booker: Thank you, Mr. Speaker, for giving me this opportunity to air my views. First of all I want to thank the Committee for doing a very good job but I have not stood here to comment very much but I only want to say that I support.

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

I have stood here to lament, I am an MCA representing the people of North Uyoma in Rarieda Sub County, Rarieda Constituency. When I was in my old school, I read a book by the name *Carcass for Hounds*, in that book Major Mwangi lamented that a toad does not sleep in day time unless there is something to eat.

If it were not for this Report, then my fellow MCAs from Rarieda would not have known that Rarieda is being tossed right, left and center. There is nothing to laugh about, if the Hon. Madialo is reading from the Report and you hear with your ears that another Sub County has gotten over Kshs. 250 million while Rarieda has nothing completely.

I allowed the Report because of that but I am standing here to lament. I want to urge my fellow Members from Rarieda that we should not play pikipiki ponky, let us tell them that we from Rarieda are not going to allow this Government again to toss us left right and centre.

We only pray for peace, I support the Report but without peace we are heading nowhere because a divided House or a divided County may not go far. Next time just like the Hon. Omwende has said, we would like to see the essence of Devolution, and that should be equitable distribution of resources such that when Bondo gets, Alego Usonga gets, Ugunja gets and even Gem gets something.

I wonder if we were having peace and Rarieda is still side lined like this then what will happen now that there is war. I feel like Rarieda will even be removed from the map of Siaya County and as I had said if we are not worthy to be in this County then take us to Uganda.

It is very painful that a sub County gets 250 million while Rarieda gets nothing. I urge my fellow MCAs from Rarieda that lets stand together and tell this Government in one voice that in the next financial dispensation we are not going to allow this.

Thank you, and may God bless Siaya and may we have peace.

Hon. Speaker: Yes, Hon. Arika Member for North Sakwa.

Hon. Arika: Thank you, Hon. Speaker, Sir for giving me the opportunity to air my view. I rise to support the Report and for the best interest of the public, there are somethings that I would really want to put straight on issues of internal mechanism that...

Hon. Speaker: Yes, Hon. Seth, what is the point of Order?

Hon. Baraka: Thank you, Hon. Speaker, Sir. I rise on a point of order and sorry to Hon. Arika but is it in order for Hon. Booker to incite Hon. Members from Rarieda against our own Speaker that where you come from there is nothing in the Budget.

(Loud consultations)

Hon. Speaker: Yes, what is it Hon. Booker?

Hon. Booker: Hon. Speaker, Sir, it is a pity that ...

Hon. Speaker: Hon. Booker just take your seat.

Hon. Baraka, I come from Siaya County, do not worry. Hon. Arika continue.

Thank you.

Hon. Arika: Thank you. I wanted to talk about internal mechanism that was referred to by the Deputy Governor. It is actually evident that we first learnt of the allegations by the Deputy Governor from the public forums though the Deputy Governor has been alleging that he is the one who brought himself to this House, I do not think that is right.

I think it is through the Motion brought by Hon. Otiato that is when the DG was called to come and shed light on the allegations he was making in public. Indeed, he did honor the invitation and he came.

On that day he presented a magnitude of documentation and in your own wisdom, Mr. Speaker, Sir, you ruled that this House be given time to scrutinize those documents yet he went back to those public forums. However, what surprised me is that the DG has been complaining that he brought the evidence in the House and the MCAs have been sleeping on those evidences.

On Friday, you did gazette a Special Sitting that is taking place today but he went ahead to a radio station on Friday and stated very clearly that he is aware that the House will water down the documents and the evidence he brought before us. However, he was warning us that he had critical evidence in his possession that he didn't present to the House.

Therefore, the question he left me asking is, if in deed he was so serious about what is taking place in our County what stopped him from submitting all those incriminating evidence. Having said that, it is actually a fact that all projects whether Ward based, whether Executive they are done in our Wards such that as junior as I am, if a project could be probably removed from South Sakwa to North Gem I would be the first person to make noise.

As I was going through the Report, I realized that the DG was alleging that a project was removed from Siaya Township, a Ward that is headed by a renowned politician who has been an MCA since the Devolution, a very senior MCA and we all know him. A project be removed from his Ward and he fails to make noise? I really found such allegation baseless.

I have always said that he is the Deputy Governor of Siaya County not a particular region. If you look at where he has been alleging all this allegations these are forums that have been taking place in a particular region.

I was going through the document on page 28, the DG would pick a project that was removed from Siaya Township but would not comment on a project that was removed from Ugenya Sub County, a project that was removed from Rarieda Sub County or Gem Sub County but he is specific. Have always said that the DG is Governor in waiting, so in the unlikely event that this fellow becomes the Governor where are this other Sub Counties going to go?

I am happy that my able colleague Hon. Seth has introduced a very nice storybook and the storybook is so interesting, it is about distribution of resources. A mouth may lack teeth but it is still mouth and am specifically talking about Bondo Sub County.

It may lack senior representative at the Executive level but it is still a Sub County. The storybook is interesting and I know this is not the right forum but I pray and wish that one day we get a good forum to read the storybook that was introduced by Hon. Baraka.

The DG is a renowned CPA and my able friend Hon. Okeyo will tell you that numbers count and they only count if they can add up or balance. If a DG, a stature of CPA would make a

baseless allegation against what transpired at the Executive. I think it is high time we put this to a stop.

We were never invited to this House, we were elected and some of us were nominated to be here. We have been called thieves and the DG said we have been put in one basket and we are helping the Executive to steal from Kenyans. My mom comes from Alego and it is so sad that when I went to visit my grandmother 2 weeks ago I gave her Ksh. 1000 to go buy sugar but do you know what my grandmother told me?

She told me, “*Nyakwara ageno ni maye ok mukwalo gi Orengocha.*” I asked her what is wrong! It happens my grandmother comes from where the DG comes from. She told me, “*Nyathi owadwa osewachoni un ukweloga mana gi Orengo e i Alegoka.*”

Now my grandmother of over 85 years old knows very well that whatever amount of money I give her has been stolen from the Executive! As an MCA my reputation has been injured and something has to be done and I agree with my senior colleague Hon. Adalla that something must be done.

It is not going to end here, the repercussions, the magnitude are well clear and it is stipulated in our Constitution that someone of the stature of the DG should not just make baseless allegations and we leave it that way. I urge fellow Members to support the Report and if it is within our powers, let us dismiss this report with the cost slapped to the Deputy Governor. I therefore pray...

Hon. Speaker: What is it Hon. Adalla? It is a slip of the tongue.

(Laughter)

Hon. Adalla: Thank you. I just wanted to find out if Hon. Arika is dismissing the report or approving the same.

Hon. Arika: No! No! Sorry. Probably I was referring to dismissing the allegations by DG with cost and allowing our Report with the cost awarded to us.

Hon. Speaker: With cost! It is okay.
Hon. Michael Adiala.

Hon. Adiala: Thank you. We are living in interesting times, during the general elections I came across two terms that were generally used; the first one was Hot air and the second one was Wild goose chase. I have never met those terms but I can say that the Report we have here can be termed as Hot air.

The DG has reached a place called a cul-de-sac. He cannot move forward, he cannot move backward. What is more interesting is how this whole issue is maligning the name of these Hon. Members.

Today I was on a group that someone asked me for Kshs. 50,000 that is from the Kshs. 300,000 that all the MCAs were given. You know the public has persecuted us yet they have not heard our side. When we look at the time when this Report came to this assembly there are

procedures to be followed for the report to be discussed, but what we saw was that the DG went to all media stations and tried to claim that we have not given him a hearing.

My fellow colleagues have said a lot but I think this should not end here. It has to proceed forward because in a marriage if things do not work and you divorce, you do it peacefully. You do not divorce making a lot of noise.

Therefore, I would really wish to urge Members that we know that for Siaya to attract investments, what we call grants and funds from partners we need cool and enabling environment.

We know that donors fear noise so when they hear things like these about Siaya they will automatically chicken out. I agree and support the able team of the clerks for coming up with the Report. I support and it is time for us to detonate the bombs that are with the DG, thank you.

Hon. Speaker: Hon. Eng. Bismark Olang'o Member for Central Sakwa.

Hon. Eng. Olang'o: Thank you, Hon. Speaker, Sir for the opportunity to also put my voice to the debate. I rise to support the adoption of the Report but I would like to put forward a few comments as my justification for approving the report.

Before I go to the report, let me congratulate the team that compiled the report for doing a good job as agreed at the General Oversight Committee. Article 75 of the Constitution of Kenya 2010 provides that:

75. (1) A State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids—

- (a) Any conflict between personal interests and public or official duties;
- (b) Compromising any public or official interest in favour of a personal interest; or
- (c) Demeaning the office of the office holder.

Being residents of Siaya and leaders of Siaya, when you look at the whole issue just as Hon. Adiala has said that he has come to terms to the Hot air that was being talked about last year by the Supreme Court. When you look at the allegations by the DG whom Hon. Adala has purported to be the former you will notice that it is a lot of air.

Of particular interest that concerns me is the fact that the DG as has already been mentioned by other Hon. Colleagues acts as if he is the DG for Alego Usonga constituency and not the whole of Siaya County.

As a Member representing the interest of people of North Sakwa Ward, which happens to be in Bondo Sub County I am offended when the DG makes noise or purports to make noise that money is allocated to a project within our Sub County.

In our Report, you get that the DG alleged that money was reallocated from the stadium in Siaya to Migwena stadium. For a DG who is supposed to be a DG for the whole of Siaya County, he should not be taking any issue when money is reallocated to any particular project within the County.

However, the fact that he blatantly even lies about the reallocations really speaks a lot to the personality and character of our Deputy Governor. I am also concerned by our Report on

page 35 where we got response from supply chain department where we have details of the actions the DG did concerning procurement.

As a Member of Roads Committee and a chair for that matter, when we were concerned about the issues of delays in procurement department, we even summoned the supply chain Director and the Water CECM in our oversight role when we were trying to find out the steps they were making to ensure that they do the procurement in time so that we would absorb out budgets in timely manner.

It was agreed when the department informed us of their plans in procurement to ensure that the contracts would be framed in such a manner that one contractor would not be awarded so many contracts that would delay implementation. Therefore, when I look at the report and I realize that the DG on page 35 demanded constant briefings during procurement.

In one particular instance in early February, 2023 the DG directed that the department of supply chain to remove a condition in roads tenders limiting the number of tenders/ directors bidding under different companies can participate in and or be awarded contracts. Insertion of the condition was a departmental decision, which he could not unilaterally remove as it was not illegal and was to bring equity in contract awards.

In page 36, that his efforts to convince the roads department leadership to discourage the condition was unsuccessful but the DG was adamant and even harshly threaten that the Director of supply chain management that he would find it very difficult to continue working in the County if he did defy his directive as an elected leader.

When you read that and you look at Article 75 of the Constitution that I had earlier alluded to, my reading as a layman because I am not a learned friend like Hon. Madialo and Hon. Arika who have attended law classes. From my point of view...

Hon. Omwende: Point of Order!

Hon. Speaker: Yes, Hon Omwende. What is the point of Order?

Hon. Omwende: Is it in Order for the Hon. Member to talk more than 5 minutes given that our SO gives time limits for contributions?

Hon. Speaker: Hon. Eng. Bismark, I think what he is saying is that time is of essence.

Hon. Eng. Olang'o: Thank you, Hon. Speaker, Sir. I dully note the concern of my friend Hon. Omwende, but I was just about to conclude.

My point was that it appears that the problem we are having in the County as regards the DG issue and his noise in radio stations is a misunderstanding of his role as a DG, which the Report has captured very well at the last page that DG is answerable to the Governor. Therefore, it is like it is the part that he does not understand.

I therefore, support the Report that all the allegations by the DG are unsubstantiated and as he claims in his many radio interviews that he has another secret weapon, I urge this House to dismiss his allegations and dare him to continue with his many threats.

Thank you.

Hon. Achieng': Thank you, Hon. Speaker, Sir. I also want to thank the Committee for giving us the Report and I want to say that as I stand here I represent the people of South Sakwa.

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

I want to say that the DG messed up when he was saying that money has been taken from the stadium, which is a big lie.

I am Member of the Budget Committee and I did not see anywhere where money was transferred to Migwena and if it was taken then it was taken from elsewhere not to Migwena. I feel the DG is planning to go back to campaign again therefore I would like to inform him that he is DG for Siaya County not Alego Usonga only.

As a Member of this Hon. House am not happy more so when I heard him on radio saying that he has taken over our roles. I do not understand how one person can take the role of 42 people in the Assembly! All I can tell him is to discipline himself otherwise; we can go for another election. Thank you.

Hon. Speaker: Yes, Member for Yimbo West.

Hon. Angule: Thank you. I stand to support and I only have one or two things to say on the outgoing DG. First, is that the DG is a greedy man, why do I say that? This is a man who cannot even make a good father, and if you cannot be a good father in a family then you cannot lead a County.

I say this because you find that the DG is crying that he has been deprived of his bodyguards yet he has over 7 staff in his office. He has a Personal Assistant, a personal Office Assistant, a senior driver, receptionist, a messenger, a senior driver other two more.

Therefore, this is a person that when given time to lead Siaya I think he might even employ the whole of his family. Because if he has a Personal Assistant then he would even want an assistant who takes him to the bathroom because with all the staff he has he is still crying for more.

I think this man should be sent home immediately because if we leave him, I think he had the notion during the elections that when Orenge becomes the Governor then he will be busy in Nairobi and he will be the one running the show back in Siaya.

Unfortunately, Governor Orenge stayed in Siaya and that is why he feels that he is being sabotaged. So when one has about 7 staffs while the MCA who oversees him has none, I do not know what else the person wants.

I support and I would just urge Members to send Denge home. Thank you.

Hon. Speaker: The mover, will you reply.

Hon. Madialo: Thank you, Mr. Speaker, Sir. I will be brief in reply but may I first reiterate to Members that this was not an impeachment Motion and the Motion has no capacity to send the DG home. The recommendation was as state officer speaks to things you can substantiate.

I want to reiterate for the purpose of records that this House has not impeached the DG. I want to thank Members for supporting the Report and if you allow me a minute, I will be able to speak to our Members from other Sub Counties that Hon. Arika when Migwena gets Kshs. 150 million Gem will be on your neck so don't talk of Alego much.

Monday 22nd May, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

Hon. Booker in the Budget Committee knows that the multimillion cold room in Luanda Kotieno that is Rarieda Sub County. Let us not lament it is still early, it is just 8 months we still have 4 years to go.

Hon. Speaker: Yes, Hon. Booker!

Hon. Booker: Mr. Speaker, Sir, allow me to remind the Mover of the Motion that the cold room is a project of the National Government therefore, he should not cheat us.

Hon. Speaker: Hon. Booker, take your seat.

Hon. Madialo: Thank you. The Hon. Member was in the Committee that gave the money. Now I urge that when the Speaker puts the question my brothers and sisters will say 'aye' including my able Member Hon. Booker. Thank you.

(Question put and agreed to)

Hon. Speaker: Yes, what is it Hon. Onguru?

Hon. Onguru: Thank you, Mr. Speaker, Sir. I arise to give a notice of Motion.

Hon. Speaker: What is your Notice of Motion, which Motion?

Hon. Onguru: That taking note of our Standing Order 72, I Hon. Onguru, a dully elected Member of the County Assembly of Siaya representing East Asembo Ward propose to move a Motion to impeach Hon. William Oduol the Deputy Governor of Siaya for;

1. Gross violation of the Constitution of Kenya 2010 and other laws.
2. Abuse of office and gross misconduct.

The specific grounds for the Motion are outlined in the Motion.

Hon. Speaker: Hon. Onguru, I would have wished to defer that to tomorrow but now that we are on recess let me be guided by the Standing Orders.

Standing Order 71 talks of procedures for the removal of the Governor by impeachment and it says;

Procedure for removal of Governor by impeachment 71.

(1)Before giving Notice of Motion under section 33 of the County Governments Act, 2012 the Member shall deliver to the Clerk a copy of the proposed Motion in writing stating the grounds and particulars upon which the proposal is made, for the impeachment of the Governor on the ground of a gross violation of a provision of the Constitution or of any other law; where there are serious reasons for believing that the Governor has committed a crime under national or international law; or for gross misconduct or abuse of office.

The Notice of Motion shall be signed by the Member who affirms that the particulars of allegations contained in the Motion are true to his or her own knowledge and the same verified by each of the Members constituting at least a third of all the Members and that the allegations therein are true of their own knowledge and belief on the basis of their reading and appreciation of information pertinent thereto and each of them sign a verification form provided by the Clerk for that purpose.

So may I establish whether you got approval from the Clerk?

(Hon. Onguru laid the signed document by about 30 Members on the Table)

There are many to confirm.

Hon. Members, I confirm that the Notice of the said Motion has met the threshold, has been received by the Clerk and signed by over 26 Members of the Assembly and therefore I will guide as follows;

That pursuant to SO 71, 4 and 5;

(4) Upon the expiry of seven (7) days, after notice given, the Motion shall be placed on the Order Paper and shall be disposed of within three days; Provided that the House is not then sitting, the Speaker shall summon the Assembly to meet on and cause the Motion to be considered at that meeting after notice has been given.

I therefore direct that the Motion having been admitted and having met the threshold that the Speaker shall appoint a date upon which the Motion will be placed on our Order Paper and considered, disposed of as soon as possible and that date should not be as soon as possible and that date should not be earlier than 29th May, 2023.

Where the 29th will be the expiry of the 7 days' notice. In essence, it means that your Motion has met the threshold and it will be tabled for consideration not earlier than 29th because the Standing Order directs that after the expiry of 7 days.

So not earlier than 29th but when we are on recess I will put a Special Sitting, the Motion will be placed on the Order paper and you will discuss on merit.

MOTION

ADJOURNMENT

Hon. Speaker: Hon. Members, would we be upstanding for adjournment. Hon. Members, there being no other business this House stands adjourned as per the calendar or on notice.

The House rose at 12. 44 p.m.