

Tuesday 27th June, 2023 COUNTY ASSEMBLY OF SIAYA DEBATES

REPUBLIC OF KENYA

COUNTY ASSEMBLY OF SIAYA

THE HANSARD

Third Assembly-Second Session

Tuesday 27th June, 2023

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

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

PRAYER

PAPER

COUNTY INTEGRATED DEVELOPMENT PLAN 2023-2027
(CIDP)

The Speaker (Hon. Okode): Yes, Deputy Majority Leader.

Hon. Rabinya: I wish to lay on the table of the House the County Integrated Development Plan 2023-2027(CIDP)

The Speaker (Hon. Okode): I had directed that the Executive to furnish the Assembly with 50 copies of the same for your indulgence. Secretariat take note and make sure that by Thursday each Member has a copy of the same. Next Order.

NOTICE OF MOTION

SENATE SPECIAL COMMITTEE REPORT ON THE REMOVAL FROM OFFICE OF THE DEPUTY GOVERNOR, WILLIAM ODUOL

The Speaker (Hon. Okode): Yes, Hon. Peter Oduor. MCA for Ukwala Ward.

Hon. Oduor: Thank you, Mr. Speaker, Sir.

AWARE that the Senate Special Committee investigating the Motion on Removal from Office of the Deputy Governor of Siaya County – William Oduol, by Impeachment, found the Deputy Governor, guilty of the following charges:

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1. Gross Violation of the Constitution and other laws, on the allegation of interference with Procurement Process
2. Abuse of Office and Gross Misconduct. on the allegation of misleading the Public by Giving False information

NOTING THAT the Senate Plenary voting on the Report of the Senate Special Committee failed to remove from office the Deputy Governor – William Oduol by Impeachment. Considering that the decision of the Senate did not exculpate the Deputy Governor Siaya - William Oduol from culpability, The House Therefore Resolves;

THAT a Constitutional Petition be filed by the County Assembly of Siaya, at the High Court of Kenya at Siaya, to find the Deputy Governor, Siaya County, William Oduol unfit to hold Public Office.

THAT pursuant to the findings of the report of the special committee of the Senate on the proposed removal from office, by impeachment, of William Oduol, the Deputy Governor, Siaya County dated 26th June 2023, the County Assembly of Siaya do Petition the Ethics and Anti-corruption Commission to investigate and establish that the Deputy Governor, William Oduol is culpable for Violation of Article 10, and 232(1)(f) of the Constitution as read with Section 29 of the Leadership and Integrity Act, 2012, Section 19 of the Public Office Ethics Act, 2003.

THAT pursuant to the findings of the report of the special committee of the senate on the proposed removal from office, by impeachment, of William Oduol, the Deputy Governor, Siaya County dated 26th June 2023, the County Assembly of Siaya do Petition the Director Criminal Investigations to investigate and establish, with a view of Prosecution, the role of the Deputy Governor, William Oduol in interfering with the procurement of Seeds and Fertilizer contrary to Article 227 (1) of the Constitution as read with Section 176(1)(d) of the Public Procurement and Asset Disposal Act, 2015.

THAT County Assembly of Siaya do Petition, with a view of prosecution, the Director Criminal Investigations to investigate and establish the role of the Deputy Governor, William Oduol in the process of the renovations and purchase of furniture of the office of the Deputy Governor, Siaya County without budgetary provisions.

THAT the County Assembly of Siaya do recommend that the following actions be taken during the pendency of the aforesaid Investigations:

THAT the CEC Member, Finance and Economic Planning, Siaya County Government do ensure that no payments are made to the Suppliers and contractors for the renovations and purchase of furniture for the Office of the Deputy Governor, Siaya County Government, pending the completion of the investigations.

THAT the Chief Officer, Governance and Administration, Siaya County Government do ensure that the current office of the Deputy Governor, Siaya county be vacated (Never to be occupied) together with the furniture to be preserved (not to be used) pending the completion of the aforesaid investigations.

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THAT apropos to the aforesaid, the Deputy Governor of Siaya, William Oduol be provided with an alternative office pending the completion of the intended investigations by the Ethics and Anti-Corruption Commission and the Directorate of Criminal Investigations.

THAT the Governor, County Government of Siaya do revoke the letter to the Acting Chief Officer Finance dated 6th October 2022 and any such letter to County Officers requiring and or directing the said officers to report and or brief the Deputy Governor, William Oduol and that the reporting and or briefings by the officers in the establishment be as law established.

THAT until the final conclusion of the aforesaid investigations, the Governor, County Government of Siaya, do stop assigning the Deputy Governor, William Oduol any roles in the management of the County affairs of Siaya County Government.

The Speaker (Hon. Okode): Next Order

MOTION

SENATE SPECIAL COMMITTEE REPORT ON THE REMOVAL FROM OFFICE OF THE DEPUTY GOVERNOR OF SIAYA, WILLIAM ODUOL

Hon. Oduor: Thank You Mr. Speaker Sir. Aware that the Senate Special Committee investigating the motion on Removal from Office of the Deputy Governor of Siaya County – William Oduol, by Impeachment, found the Deputy Governor, guilty of the following charges:

1. Gross Violation of the Constitution and other laws, on the allegation of interference with Procurement Process

2. Abuse of Office and Gross Misconduct. on the allegation of misleading the Public by Giving False information

Noting that the Senate Plenary voting on the Report of the Senate Special Committee failed to remove from office the Deputy Governor – William Oduol by Impeachment. Considering that the decision of the Senate did not exculpate the Deputy Governor Siaya - William Oduol from culpability, The House Therefore Resolves;

THAT a Constitutional Petition be filled by the County Assembly of Siaya, at the High Court of Kenya at Siaya, to find the Deputy Governor, Siaya County, William Oduol unfit to hold Public Office.

THAT pursuant to the findings of the report of the special committee of the Senate on the proposed removal from office by impeachment of William Oduol, the Deputy Governor, Siaya County dated 26th June, 2023, the County Assembly of Siaya do Petition the Ethics and Anti-corruption Commission to investigate and establish that the Deputy Governor, William Oduol is culpable for Violation of Article 10, and 232(1)(f) of the Constitution as read with Section 29 of the Leadership and Integrity Act, 2012, Section 19 of the Public Office Ethics Act, 2003.

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Governor, William Oduol in interfering with the procurement of Seeds and Fertilizer contrary to Article 227 (1) of the Constitution as read with Section 176(1)(d) of the Public Procurement and Asset Disposal Act, 2015.

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THAT the Chief Officer, Governance and Administration, Siaya County Government do ensure that the current office of the Deputy Governor, Siaya county be vacated (Never to be occupied) together with the furniture to be preserved (not to be used) pending the completion of the aforesaid investigations.

THAT apropos to the aforesaid, the Deputy Governor of Siaya, William Oduol be provided with an alternative office pending the completion of the intended investigations by the Ethics and Anti-Corruption Commission and the Directorate of Criminal Investigations.

THAT the Governor, County Government of Siaya do revoke the letter to the Acting Chief Officer Finance dated 6th October, 2022 and any such letter to County Officers requiring and or directing the said officers to report and or brief the Deputy Governor, William Oduol and that the reporting and or briefings by the officers in the establishment be as law established.

THAT until the final conclusion of the aforesaid investigations, the Governor, County Government of Siaya, do stop assigning the Deputy Governor, William Oduol any roles in the management of the county affairs of Siaya County Government pending the conclusion of the investigations.

Before I call a seconder, I want to add something little to the report and this is because, when our team led by Hon. Otiato, called the Deputy Governor, Oduol, he was found guilty and so many things were unsubstantiated.

It was confirmed by the Senate team that the Siaya County team did a good job and that is the reason they ensured that same report was taken the Assembly. It was a matter of political interest that the Deputy Governor was given a second chance to come back and work as a Deputy Governor in Siaya County. I call upon hon. Otiato to second.

Hon. Otiato: Thank you, Mr. Speaker. As I laud our Hon. Member for this good job done, I do want to confirm to the House that indeed the Senate was happy with the quality of work done by Siaya Assembly.

In a panel of eminent Kenyans, including a retired judge, prof. of law and some good number of lawyers, who sat in a Senate Committee to deliberate on matters presented, looking

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into our evidences, they did confirm with us that the two grounds for gross violation of Constitution was proved and abuse of office.

And all these matters are key to impeachment. It turned out that way and it was never not a matter of protecting Devolution or looking into the real issues that affected us but it turned to be a revenge mission, the war between Kenya Kwanza and Azimio at the expense of looking at the real element that affected or we represented.

I do support this Motion. It has been substantiated that there were abuse of office, he misused the privileges. It was a privilege to be briefing the Deputy Governor not a right because the law stipulates how things are supposed to be done.

Like I said in some other forums, the Deputy Governor's office is a crime scene and the only way to deal with it is to seal it off until investigations are done and completed. When we are questioning the actual prices of the seats, the quality of work which was done, for sure, the particular office should be a crime scene until the investigations are done and are complete.

While doing the investigations, we shall get in touch with the quantity surveyors to come and look at the real issues. I urge all our Members to support, we were told that this is a political issue and we need to handle politically but I believe for the sake of Siaya County, let us do what is right. Thank you.

The Speaker (Hon. Okode): Thank you, Hon. Members, I wish to bring to your attention certain amendments on that Motion. The dates, especially on page 2 and 3, have indicated June 13th whereas it is June 27 and also the last part where it has indicated Siaya County Government to ensure that the current officer ...initially it has missed the Government, it was talking of the County Assembly.

(Question proposed)

Hon. Odongo: Thank you, Mr. Speaker. I am on my feet to support the Motion. I did not attend the Senate Sittings, I was on television throughout as the Motion was moved in their Special Sitting yesterday until the end.

It is in public domain that the Senate Special Committee upheld the charges the County Assembly (of Siaya) relied on to impeach the DG by all the 30 Ward representatives plus all the nominated Members in this House.

My only worry is that the Senate is complaining that they took a political path and brought back Hon. Oduol to the Siaya County, my question is, "How is he going to work when almost all Members are against him and are not ready tom work with him"?

I therefore, support the Motion for the fact that the DG cannot work closely with the Governor nor can his office be next to the Governor's. I suggest that the DG's office be moved for the time being as the matter is being sorted and it is in public domain that the matter took a political direction with Azimio supporting his removal while the other parties supported him.

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The matter should not be handled politically as it is being done currently. I support the Mover that we take another route by going to court because the Senators from Kenya Kwanza want to take this County to the old, dark days of single party.

That cannot happen in this County and I suggest that we take this matter to court so that we see how the Kenya Kwanza Senators can interfere with the process.

Thank you.

The Speaker (Hon. Okode): Hon. Ragen, Member for Central Alego.

Hon. Ragen: Thank you, Mr. Speaker, Sir. I am a very proud Member of this Assembly and the leadership led by you, Hon. Speaker. That we were able to do a report and take it to the Senate and the Senate found that the report was right, but am a little disturbed that the Senate has been reduced to a political battle field and they don't care whatever happens here.

I support this Motion because we don't have a DG in Siaya but an agent of Kenya Kwanza Government and whatever I saw yesterday, the discussion that was in the Senate it again brings some questions and that is why we have been advocating that our salaries should be increased because if you hear what was being discussed in the Senate then it leaves a lot to be desired.

I think the drafters of this Constitution knew why Senate was created and if it's about political scores, we have so many avenues to do that, we would have not taken it to the Senate.

It is very disturbing that for the past 2, 3 days our County has been on limelight and we have been a laughing stalk. They were talking about the Kshs. 1.12 million chair but the Senate saw nothing wrong in that.

It is evident that the DG had influenced the procurement process of those chairs. The evidence was there, what were they to do? I am happy because as an Assembly we have been exonerated and my question just as the Deputy Speaker said, we have been given a Government agent here and the question is, "How are we going to deal with him"?

The answer is the High Court, which is where we are taking our battle. There are legal procedures to be followed because it is not about politics every time. For the Senate to protect Devolution they must put aside the political interests and serve our people with decorum and diligence.

We are proud Members of Azimio and we know that the battle line has been drawn and we are ready. First, let's state this and use legal procedures to ensure that this agent is gone. Thank you.

The Speaker (Hon. Okode): There have been amendments and so that is why I will advise that the one that you want to share with the final one like the CEC there is M missing excreta. May I call upon the Mover to reply!

Hon. Oduor: Thank you. Going by how Members have responded to this Motion I would only urge Members to support it.

Thank you.

(Question put and agreed to)

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MOTION
ADJOURNMENT

The Speaker (Hon. Okode): Hon. Members would you be upstanding for adjournment.

(Members stood in their place)

Hon. Members, there being no other business this House stands adjourned until Thursday, 29th June, 2023 at 2.30 p.m. in the chamber.

The House rose at 3.41 p.m.