

**COUNTY ASSEMBLY OF NYAMIRA****THE HANSARD****Thursday, February 23, 2023***The House met at the County Assembly Chamber at 10:50 a.m.**[The Speaker (Hon. Okero) in the Chair]***PRAYERS***(Loud consultations)***The Speaker** (Hon. Okero): Order! Hon. Members.**PETITION****NON-PAYMENT OF STIPENDS FOR COMMUNITY  
HEALTH VOLUNTEER WORKERS**

**The Speaker** (Hon. Okero): Hon. Members, my office is in receipt of a Public Petition from the Community Health Volunteer Workers in regard to non-payment of their stipends and it was received in my office on February 21, 2023.

I therefore, commit it to the Committee on Public Service Management to look into the matter.

We have a Bill that was passed in this House in regard to the same. So, you will be able to furnish this Committee with the same. I enjoin the Chairman, Committee on Health Services to be in the team to facilitate the Committee on Public Service Management with any information required on the same.

So, Clerk, you can forward it to the Committee Clerk.

Thank you.

**MOTION**

**REMOVAL FROM OFFICE BY IMPEACHMENT OF MS. EMILY ONGAGA,  
COUNTY EXECUTIVE COMMITTEE (CEC) MEMBER,  
FINANCE, ICT AND ECONOMIC PLANNING**

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**Hon. Riechi** (Magombo/Leader of Minority): Thank you, Mr. Speaker. I rise to move a Motion THAT, this Assembly debates and adopts the Removal from Office of Ms. Emily Ongaga, County Executive Committee (CEC) Member, Finance, ICT and Economic Planning, County Government of Nyamira on the basis of reasons, grounds and particulars to be tabled and debated. I beg to move.

(Applause)

Mr. Speaker, Motion for Removal by Impeachment of Ms. Emily Ongaga, County Executive Committee (CEC) Member, Finance, ICT and Economic Planning.

Hon Speaker Sir, I beg to move the Motion;

THAT, pursuant to the provisions of the Nyamira County Assembly Standing Order (S.O) 46 (1) (2); which states;

(1) Except as otherwise provided by these Standing Orders, notice shall be given by a Member of any Motion which the Member or Committee proposes to move.

(2) Before giving Notice of Motion, the Member shall deliver to the Clerk a copy of the proposed Motion in writing and signed by the Member; and the Clerk shall submit the proposed Motion to the Speaker.

FURTHER, pursuant to S.O. 64 (1) (2) to wit:

(1) Before giving Notice of Motion under Section 40 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 requiring the governor to dismiss a Member of County Executive Committee on ground of gross violation of a provision of the Constitution or of any other law; where there are serious reasons for believing that the Member of the County Executive has committed a crime under national or international law; or for gross misconduct. The Notice of Motion shall be signed by the Member and the Clerk shall submit the proposed Motion to the Speaker for approval.

(2) A member who has obtained the approval of the Speaker to move a Motion under paragraph (1) shall give a three (3) days notice calling for dismissal of a Member of County Executive Committee by the Governor.

The above standing orders having been complied with;

AWARE THAT, Article 232 of the Constitution of Kenya, 2010 prescribes the values and principles of public service for all state organs that include;

- (a) high standards of professional ethics;
- (b) efficient, effective and economic use of resources;
- (c) responsive, prompt, effective, impartial and equitable provision of services;
- (d) involvement of the people in the process of policy making;
- (e) accountability for administrative acts;
- (f) transparency and provision to the public of timely accurate information;

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- (g) subject to paragraphs (h) and (i), fair competition and merit as the basis of appointments and promotions;
- (h) representation of Kenya's diverse communities; and
- (i) affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service,

FURTHER, Article 10, 73 and 75 (1) of the Constitution provide for national values and principles of governance, the responsibilities of leadership and the conduct of state officers respectively, which then requires all state office holders to exercise authority and public trust assigned to the office in a manner that demonstrates and brings – respect for the people; honour to the nation and dignity to the office; promotes public confidence in the integrity to the office and accountability to the public for decisions and actions, and in a manner that avoids conflict between personal interests and public or official duties; comprising any public or official interest In favour of a personal interest; or demeaning the stature of the office that officer holds as a key guiding principle of leadership and integrity.

FURTHER AWARE of the letter and spirit of Article 201 on principles of public finance will guide all aspects of public finance in the Republic—

- (a) there shall be openness and accountability, including public participation in financial matters;
- (b) the public finance system shall promote an equitable society, and in particular—
  - (i) the burden of taxation shall be shared fairly;
  - (ii) revenue raised nationally shall be shared equitably among national and county governments; and
  - (iii) expenditure shall promote the equitable development of the country, including by making special provision for marginalized groups and areas;
- (c) the burdens and benefits of the use of resources and public borrowing shall be shared equitably between present and future generations;
- (d) public money shall be used in a prudent and responsible way; and
- (e) financial management shall be responsible, and fiscal reporting shall be clear.

This Assembly now resolves to remove by impeachment from Office Ms. Emily Ongaga County---

*(Applause)*

County Executive Committee Member for Finance, ICT and Economic Planning, pursuant to Article 185 (3) of the Constitution, Section 40 of the County Governments Act, 2012 and Nyamira County Assembly S.O. 64 thereof.

Grounds of impeachment include;

1. Gross Violation of the Constitution of Kenya, 2010 and other laws; the County Governments Act, 2012; and the Public Finance Management (PFM) Act, 2012 and

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Public Procurement and Asset Disposal Act, 2015 by the following actions and errors or omissions.

- (a) The said CEC Member failed, neglected, refused and or ignored to disburse appropriated and approved budgetary allocations of Kshs. 127 million to the Members of the County Assembly; more specifically for Car and Mortgage Loans. This is a grave violation of the constitution that frustrates the constitutional mandate of the Members of the County Assembly who have budgetary timeframes to repay the loans, hence constraining Members in terms of repayment period.

(Applause)

- (b) Unsupported of goods and services.

The CEC Member for Finance, ICT and Economic Planning presided over the procurement goods and services and Kshs. 59,505,653 is not accounted for, leading to plunder and loss of public resources, breaching Section 48 (3) (b) and Section 106 (2) of the Public Procurement and Asset Disposal Act, 2015 (Annex A, Page 18) of the County Assembly Public Investments and Accounts Committee Report dated February 13, 2023.

(Applause)

2. Abuse of Office/Gross Misconduct.

- (a) Unilaterally and illegally appointing an Accounting Officer to the County Public Service Board. The CEC Member for Finance, ICT and Economic Planning unilaterally terminated the role of authority to incur expenditure for one Mrs. Anne Mwasi, CEO/Secretary to the County Public Service Board and in place assigned the financial role to a Junior Officer contrary to Section 58 (1) of the County Governments Act, 2012 which states;

58 (1) The County Public Service Board shall comprise-

- (a) a chairperson nominated and appointed by the county governor with approval of the county assembly;
- (b) not less than three but not more than five other members nominated and appointed by the county governor, with the approval of the county assembly; and
- (c) a certified public secretary of good professional standing nominated and appointed by the governor, with the approval of the county assembly, who shall be the secretary to the board.

Hon. Speaker, the County Public Service Board is a critical entity that is created and regulated by law and this is blatant abuse of office by the CEC Member even on the basis that

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the County Assembly was and has never been notified of the appointment of the unqualified officer and this may have led to plunder and massive loss of public funds.

*(Applause)*

(b) Discrimination and Skewed Payments of Salary Arrears.

The CEC Member paid salary arrears to herself, a few officers and indeed to H.E., the Governor thus leaving out a huge number of employees without payment of their legal and their bona fide entitlements that the members of staff have made several and numerous efforts and requests to have their arrears paid in vain. This is contrary to fair administration of justice and abuse of office and deliberate violation of Article 73 (2) (b) of the constitution that states;

73 (1) Authority assigned to a State officer - the guiding principles of leadership and integrity include-

(b) objectivity and impartiality in decision making, and ensuring that the decisions are not influenced by nepotism, favouritism, other improper motives of corrupt practices.

In paying the salary arrears, the CEC Member presided over an illegality as she exhibited a budget which had not been appropriated contrary to the provisions of Public Finance Management Act, 2012. This led to massive loss of tax payers' funds as there was no urgency to pay the salary arrears which ought to have waited for appropriation and approval by the County Assembly. Therefore, the Member caused abuse of office intentionally.

(c) Sabotaging County Finance operations by not assigning roles of Authority to Incur Expenditure (AIE) to County Chief Officers.

The Law provides that the CEC Member of Finance assigns roles to the Departmental Chief Officers as Accounting Officers to which the Member has intentionally neglected, refused and or ignored to assign to the officers the said roles in order to facilitate access to the Integrated Finance Management System. The CEC Member has instead, decided to manage the county finances for other departments that have independent budgets to account.

(d) Unrecovered loans.

Premised on the Audit Report, the statement of the financial position reflects current portion of long term receivable from exchange transactions balance of Kshs. 37,033,838 which includes non-performing loans owed by nine CEC Members and the late governor amounting to Kshs. 20,007,261.

However, no documentary evidence was seen to confirm whether these non-performing loans were fully insured and the mortgage properties secured through charges (Annex A, Page 2 of the Report of the Auditor General on Nyamira Car Executive Car Loan and Mortgage Scheme Fund for the year ended June 30, 2021.

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- (e) Withdrawal of Mortgage Funds in the name of emergencies.

The CEC Member unilaterally caused issuance of mortgage loans without a properly constituted Mortgage Committee as provided for in the Public Finance Management Act, 2012 and the County Car and Mortgage Loan Regulations, 2014.

- (f) Failure to Implement Nyamira County Health Facility Improvement Fund (FIF) Act.

The CEC Member has intentionally neglected, refused or ignored to fully implement Nyamira County Health Facility Improvement Fund (FIF) Act which was meant to improve the provision of health services in the County through ensuring that health facilities plan and manage their own resources.

The CEC Member has refused to operationalise Health FIF Act bank accounts so that hospital board committees can plan, budget and utilise their own revenue.

- (g) Failure to Provide Updated Statements of Expenditure for Nyamira County Municipality and Various Funds and Grants.

The CEC Member has disregard the PFM Act, 2012, Public Participation Act and County Governments Act, 2012 failed to provide for the County Assembly and public scrutiny updated financial statements indicating both recurrent and development budgets, itemised expenditure, procurement work plans and payment schedules for donor funds, for the Kenya Urban Support Programme (KUSP)-UDG, Kenya Devolution Support Programme (KDSP) 1, Transformation of Health Services Universal Care (THSUC) and the National Agricultural and Rural Inclusive Growth Project (NARIGP) leading to loss of donor funds and some of the donors withdrawing/withholding funds.

3. Incompetency.

The CEC Member has exhibited indolence, non-committal to the duties, obligations and responsibilities vested in her office.

- (a) Failure to Meet Statutory Budget Timelines.

The CEC Member has chosen to sit on key budget documents and is unable adhere to the strict budget timelines. Key budget documents include the County Integrated Development Plan (CIDP) and the Annual Development Plan (ADP) that should be submitted to the County Assembly for approval by September 1 of the year as provided for in Section 126 of the PFM Act, 2012 to inform the budgetary allocation and disbursement by the National Treasury in conjunction with the Controller of Budget. Efforts have been made by the County Assembly to have the said documents availed, but in vain as per (the Attached Letters from the County Assembly requesting for the Budget documents).

- (b) County Fixed Asset Register/Insufficient Disclosure on Fixed Assets.

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From the County Assembly Report of the Public Investments and Accounts Committee (Annex B), the financial statements reflect Kshs. 4,915,394,131 in respect of historical cost of assets as at June 30, 2020. However, the fixed asset register was not updated and did not include important information on the assets record. The missing information included the dates the assets were acquired and the costs of some assets. As a result, the assets register did not provide adequate disclosure as required in Regulation 136 (1) of the Public Finance Management (County Governments) Regulations, 2015.

In particular, the CEC Member is unable to account for motor vehicles; KBW 879V, KBW 880V, KBW 812V, KBW 873V and KBW 874V whose current holders according to the Nyamira County Assets Register are former CEC Members who her office cleared from service. There is annexure of audit report on financial statements on Nyamira County Executive Financial Statements for FY 2020. This is incompetence on the part of CEC Member and she should take responsibility of her own shortcomings.

Failure to honour county legal financial obligations; the suppliers of legal services to the County Assembly have not been diligently paid. So, litigants obtain decrees against the County Government due to their pending legal fees and costs. Warrants of attachment and impending warrant of arrest have been issued by the courts due to non-payment of decretal amounts. This has subjected the county government in bad faith and public ridicule. The CEC Member is clearly incompetent to handle these types of obligations.

Possible loss of funds to the Kenya Revenue Authority (KRA); the CEC Member has failed to intervene and provide leadership in solving inconvenience to the county leading to possible loss of funds through penalties due to late remittances of dues owed to the KRA in spite of delays in disbursement of funds from the National Treasury.

Failure to enforce Finance Act and address worrying issue of local revenue; the CEC Member has failed to effectively enforce the Finance Act and as a result, under her reign as the CEC Member for Finance, local revenues have continued to drop despite increased investment on automation and enforcement of revenue collection.

Failure to execute budget implementation through procuring of goods and services; CEC Member has revealed her incompetence by failure to effectively executive the Nyamira County Budget whose execution of development expenditure stands at less than 10 percent by the third quarter of the budget cycle leading to delayed development.

Poor leadership; the CEC Member has revealed her poor leadership in her department as two key departments; finance and revenue, have no designated directors for almost two years since the positions fell vacant. As a result, service delivery has greatly been impaired.

Failure to have an ICT and Disposal of Public Assets Policy; the CEC Member has revealed her incompetence by failure to have an ICT Policy and Disposal of Public Assets Policy despite the two policies being critical in the running of her department and the county.

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Hon. Speaker, the moment of reflection on the County Government of Nyamira operations has come. This is the moment that the Hon. Members must rise to the occasion and assert the Assembly constitutional mandate of legislation, oversight and representation in order to serve our good people of Nyamira County, by unanimously passing this noble Motion to pave way for due and legal process to impeach and remove from office Ms. Emily Ongaga as the Nyamira CEC Member for Finance, ICT and Economic Planning forthwith.

*(Applause)*

**Hon. Riechi** (Magombo/Leader of Minority): I beg to move and I now call upon, Hon. George Abuga to second the Motion.

**Hon. Abuga** (Bogichora): Thank you, Hon. Speaker. I want to re-emphasize what the Leader of Minority has said as his last statement, that this is the moment that Hon. Members must rise to the occasion and assert the Assembly constitutional mandate of legislation, oversight and representation. Hon. Speaker, it is now almost the third quarter of the year and specifically on development, we are not even 10 percent that has been quoted. It is zero for this year. 10 percent is when you consider the pending bills that have been paid and those relates to a different financial year. On the basis of that Hon. Speaker, I George Morara Abuga, representing the great Ward of Bogichora, second this Motion.

*(Applause)*

*(Question proposed)*

**Hon. Osiemo** (Nyamaiya/Leader of Majority): Thank you, Mr. Speaker Sir. Indeed Hon. Members, desperate moments call for desperate actions. Mr. Speaker Sir, we have our Standing Orders in this House that give us guidelines on how we are supposed to carry ourselves and conduct in terms of debate and our discussions. In this House we have the majority and we have the minority leaders, but I want to say this. When it comes to situations or when somebody trying to sabotage either or impede or even stand between our people and service delivery, then that person is not an enemy of the minority, is not an enemy of the majority, but is an enemy of this House.

*(Applause)*

This should also be a warning shot to the rest of the departments that going forward, from every disbursement with all our committees and the chairs of these committees, I challenge you that we rise to the occasion and we do our job without fear or favour. Therefore, as an elected

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Member of County Assembly from Nyamaiya Ward and the Leader of Majority, serving this House currently for that matter, I support.

*(Applause)*

**Hon. Masira** (Township): Thank you, Mr. Speaker Sir. Allow me to first of all thank the Leader of Minority for the first time I have seen him in his rights gears Mr. Speaker. This should be the very first day that I should thank the Leader of Minority and on this, as I am going through the guidelines that he has given us, the reasons why we should impeach CPA Emily Ongaga, I want to believe that for the people of Nyamira, especially the staff to receive their pay in time, CPA Emily Ongaga must go.

*(Applause)*

For the people of Nyamira, contractors to be very precise, to be paid in time, Emily Ongaga must go. For us to attain development in time, because I have heard from the seconder of the Motion saying that we have done barely nil in terms of development in this last quarter since we joined the Assembly, if we want to achieve that dream, CPA Emily Ongaga must go. On that basis, I support as the Member for Township Ward, who was elected through a very massive vigorous fight to see the light of the House. I support and I beg that you put the question and we finish this business and focus on other important business. I support.

*(Applause)*

**The Speaker** (Hon. Okero): Thank you, but I cannot put a question. I will allow other Members also to debate and give their views.

Thank you.

**Hon. Nyameino** (Gesima): Thank you, Hon. Speaker. Hon. Atuti Nyameino is the Deputy Leader of Minority in this Hon. House. He represents the great Gesima Ward.

First, I want to commend my Leader of Minority for coming up with such a Motion that this House needs to adopt without fear and favour.

I am the Chair of PIAC and I have seen most of the reasons that are tabled by the Leader of Minority and that we invited all Members to attend and see. I am happy that everyone is awake in this Hon. House that they need services to be given to our great people of Nyamira.

Without mincing words, I want to say that it is difficult to work with the CEC Member for Finance in this County. For one, it is hard to get documents availed to any committee in this House.

*(Applause)*

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You have to undergo persuasion and beg as if that is our responsibility. There are many issues that have been raised here about the performance and the low absorption as the budget chair has alluded, the absorption rate is low as at today, seven months down the line since elections were held. There is no single project that has been undertaken in my ward, Gesima. I have heard in the corridors and from other CEC Members saying that if we do not sit and sing to their tunes, we will not receive a single project. I now tend to believe that it is true. Seven months, more than half a year, we are coming to the end of the year financial year 2022/2023 in the next two months, but there is no single project that I will take to my people in Gesima.

Issues have been raised about the County Public Service Board irregularities. Those are under the PFM Act that has been directly violated and it is against the law and it is something that needs to be addressed in court.

Finally, there is an issue of even the abuse of office that is very evident. At the Senate, for those who were able to attend last week to early this week, Members, we saw one person coming from Job Group “K” given authority to act as the head of treasury. A person who has served as an accountant in the local authorities and a lot of irregularities and loss of money that was misappropriated. We asked for documents, to date we have not received. As a Committee, they have not been availed. As a Committee and Assembly when you go to Senate to report, you get embarrassed.

There is also an issue of taking shortcuts in executing mandates and duties by the CEC Member. It is very evident that there is open favouritism by the way she executes her duties and the way she is making payment to particular people who have offered services.

I therefore, wish that everybody in this Hon. House will concur and agree with this Motion that we dispense with it as soon as possible.

I know everybody will want to speak, but we want to save time so that we have time to peruse various papers that will be presented to enable this Hon. House act appropriately and at this very important time. I support.

*(Applause)*

**The Speaker** (Hon. Okero): Thank you. You have actually taken time for other Hon. Members. Allow them also to take some.

**Hon. Ombongi** (Bokeira): Thank you, Mr. Speaker Sir for this chance to also air my views. The role given to us is to; first, do legislation and most importantly to oversight and represent the people of Nyamira. We are here because there is a crisis and factors held constant, as my able friend is reminding me here, is that we are not here to receive favours. We are not here to beg for attention. We are here, this time round, to also act like we are not speaking so that we have a bargaining ground individually. We are here as a united Assembly.

*(Applause)*

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I think that is why this time round, we do not even need the question. We only need to say that we are in full support of this and the question comes that at times when we get equitable resources, equitable allocation from the national government, that is when there is a bargain of 'let us do this so that you do this.' Normally, the Assembly as an arm, gets the least yet we have revenue being collected in this county every single month and we do not receive any share so that we also continue running our activities. It is disappointing and with that in mind, I want to support that we should move in one voice and no turning back. We should go together because this issue affects each and every person whether elected, whether a resident, or whether directly or indirectly benefitting from Nyamira County. I support the Motion.

Thank you.

*(Applause)*

**Hon. Nyabaro** (Ekerenyo/Deputy Speaker): Thank you, Hon. Speaker. It is time indeed to stand and to be counted. It is not about debating, it is not about an individual, it is about the County Government of Nyamira. In fact, if there is a person who has subjected the workers of Nyamira County Government to psychological torture by delaying salaries, by not approving the necessary documents in time, it is Emily Ongaga.

*(Applause)*

It is emotional because since January, the workers of Nyamira who are guardians, parents, brothers and sisters supporting their siblings were subjected to psychological torture. They were crying all over; no salary! If a person can indeed stand on the way of implementing Health Facility Improvement Fund (FIF) where our people visiting the facilities are supposed to get little funds to improve and give good services, somebody has failed to implement. CPA Emily Ongaga should face the door. Mr. Speaker, when the said CEC Member came in to the County Government, she promised within 100 days in office she was to pump out the revenue cartels that exist in this county, but up to date, nothing has been done. Maybe she is a beneficiary. For the County Assembly to get its autonomy, the CEC Member, Emily Ongaga must go. I understand up to date, some funds for the soft landing of the County Assembly have not been released because she is a stumbling block on these issues.

Lastly, I have been made to understand that when I walked out the said CEC Member, while people of Nyamira are suffering and yearning for funds, she is seriously cat walking in Kisii County and Kisumu County in the name of getting funds for Nyamira County. I am yet to understand whether the Treasury is in Kisii or in Kisumu. I support the Motion that the CEC Member, Emily Ongaga must go.

Thank you.

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**Hon. Benecha** (Kiabonyoru): True, it is the mighty ward in Nyamira. You are right. I rise to support that this one Emily Ongaga should have left as early as yesterday. The weighty matter raised here in and those that have not been raised count to gross misconduct and violation of what is laid down for her to act. Take an example of the County Public Service Board where time and again, we have heard of ghost workers; people earning and even drawing loans from banks through payslips that have been made from this and I have come to learn that she rendered the County Public Service Board useless by empowering an incompetent person to take the place of the CEO and therefore, these things were much calculated to render the services useless. When all is said and done, I want to say that this CEC Member has made us drag behind in many spheres. When you are crippled from the Finance Department, you cannot move and for us to move, she has to go. Therefore, I say Emily Ongaga must go. I support the Motion.

**Hon. Matwere** (Bonyamatuta): Mr. Speaker, thank you for the opportunity you have given me to add my voice to this very important discussion this morning. Allow me thank my brother, Leader of Minority, Hon. Reuben Minda Riechi for a motion well drafted and well tabled this morning. I cannot forget the Leader of Majority who has very strongly this morning supported this Motion.

*(Applause)*

There is an indication that this is an issue of concern for all Hon. Members of this House. We must call the devil by its name. Allow me to begin by saying that we might have as a House missed a point somewhere in the case of vetting these officers. We vetted these officers and hurriedly gave them a clean bill of health and now they have started showing their true colours.

Some of them behave as kings and queens which is negative because when you serve the public, you are supposed to be a servant and not a king or a queen. The Chief Officers and the CEC Members were unanimously vetted by this office and we approved the same, but unfortunately, there are some people who passed through our hands and have become a thorn in the flesh. They have failed to implement some policies and resolutions that are passed by this Hon. House.

Allow me to say that we cannot as a House condone incompetence. Let me say that we cannot condone indolence and laziness. It pains when we look at various departments that have been affected. Look at the case of revenue collection. What we call digitalization has failed largely due to the incompetence of the said Emily Ongaga. We are losing a lot of revenue, we are losing important services as a result of incompetence of this officer.

I do not want to talk about the plight that the members who offer services in the name of contracts or rather contractors have undergone through the hands of this lady. Contractors have become beggars as a result. I want to say Emily Ongaga has to go so that the mighty Nyamira can regain its lost glory. I do not want to be labour the issues of County Public Service Board

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where you find the chairman is in charge of stationery and petty expenditure. The Chairman does not know his role. Emily has to go and she ought to have gone yesterday. I therefore, support.

Thank you.

*(Applause)*

**Hon. Obwaya** (Gachuba): Thanks Hon. Speaker for the opportunity and on behalf of my people of Gachuba Ward, I stand to support this Motion. When all these Hon. Members were campaigning, they promised our people development. Seven months down the line, not a single penny has been spent on development. How do our people view us?

Secondly, when we say that the Department of Roads which I chair has not done anything, they cannot do anything until the Department of Finance releases resources. The Department of Health cannot do anything before the Department of Finance releases resources and the Department of Agriculture cannot do anything before the Department of Finance releases resources.

So the Department of Finance controls what goes on in Nyamira County. With that in mind, this lady has been a stumbling block to the development of our people of Nyamira. For us to move forward, she must go.

Mr. Speaker Sir, we may dwell on this issue, but I think it is a foregone conclusion that we should put this Motion to a vote and Emily Ongaga must go home.

Thank you, Mr. Speaker Sir.

**Hon. Mose** (Magwagwa): Thank you, Hon. Speaker Sir. Setting the bar Hon. Speaker, my wife is okay, she has no problem, but has a problem because she has no money. This is because I have not received my salary. Hon. Speaker, Jesus once said this; when He was just advising and explaining some hard issues to his followers that, give Caesar what belongs to Caesar and give God what belongs to God and in this matter Hon. Speaker, Emily Ongaga must go and must receive what she deserves because we cannot have the CEC member who sabotages the work of this Assembly and the work of the people of Nyamira who elected us here.

Hon. Speaker and we are standing here regretting why we had to reappoint this CEC Member who had disturbed the entire Nyamira County in the last Assembly. She is a very weak vessel and she does not deserve any dignity. When we see our working staff undermined, working without pay, this is going against the labour laws and we have the budget. We are counting this is the eighth month since the budget was approved, but up to now, nothing has been seen working in this county. No development and no salaries to our people. People are crying, even at the health facilities, most of the medics are going to abscond duty because of non-payment of salaries. We want them to work and yet they have not received their salaries.

Hon. Speaker, I have overheard and this thing must be investigated, that the said CEC member has made her own revenue collection receipts where she collects money and takes to her own bank and that is why we have no revenue collection taking place. The automation method

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we had introduced, there is no implementation up to date. Hon. Speaker, we cannot allow only one person to cause all these problems to between 600,000 and one million people.

Hon. Speaker, on the road, the driver cannot spare one pedestrian and kill 60 passengers. We can just kill one pedestrian and leave the passengers to survive and the passengers we are carrying are the people of Nyamira and we want them to be safe. We cannot allow a pedestrian who is careless crossing the road---and let me tell you, I am just appealing to my governor, yes of course he wanted this lady to be appointed to save the situation, but we are sorry for this and at least, we made a very wrong choice.

He is my governor and this he is the one to correct because when we were going round to campaign for the governor, we promised people heaven, and they are on earth still. When are they going to see heaven? If the governor has the cabinet that sabotages the work he promised his people, Hon. Speaker with immediate effect, number one and we want to pass this one here, the Department of Finance should not just receive O and M and O finances. Let us freeze that one so that they do not operate, we do not want to see that department because they cannot be enjoying eating, paying themselves salaries while other workers are suffering. Let us freeze O & M so that they also suffer.

Hon. Speaker with this, I am very bitter because I have not delivered to my people in Magwagwa for all these seven months. It happened that we were in this Assembly when we were approving the budget, but seven months down the line, nothing has been implemented. Our people are crying. Hon. Speaker, with immediate effect we do not want to see this lady, she is not even a CEC Member. We do not want to see her. Hon. Speaker, I beg Hon. Members with immediate effect so that we remove this person even before mid-day.

Thank you, Hon. Speaker, I support.

**Hon. Okero** (Speaker): Thank you, but we must follow the law.

**Hon. Nyamanga** (Special-Elect): Ahsante sana Bw. Spika kwa fursa hii ili niweze kuchangia moja ama mawili kuhusu mjadala huu. Wengi watasema kwamba adui wa mwanamke ni mwanamke, lakini kwa ili lazima tukatae. Nimepitia nakala hii na sababu hizi zinatoshia kusema kwamba Emily Ongaga arudi nyumbani. Nyumbani ni home.

Jambo la pili, Waswahili wanasema yakwamba lila na fila havitangamani, kwamba hatuwezi tukateseka, kina mama, vijana na wasichana wadogo kwa sababu ya mtu mmoja. Na ikiwa hilo litatufanya wengine wetu pia tuambiwe ondokeni, niko tayari kama kiongozi wa kike katika jimbo ili. Tumesikia sauti nyingi, tumesikia watu wakilia, viongozi wanalia, ikiwa sisi tunalia, wale wa chini watafanya nini? Kwa hivyo ni wakati mwafaka sisi kama County Assembly hawa mimi kama Mhe. Dorris, niseme kwamba tumechoka na ni wakati mwafaka Emily asipite nyuma ya punda ambaye ameudhika, kwa sababu akijaribu kufanya hivyo, mnajua kile ambacho kitampata. Bila kupoteza muda Bw. Spika, mimi ninaunga mjadala huu kwamba Emily afike salama salimini.

Ahsanteni sana.

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**Hon. Marwa** (Special-Elect): Thank you, Hon. Speaker. Ninataka kuunga mkono waheshimiwa wenzangu kwa yale yote wamenena katika huu mjadala. Na kweli naunga dadangu sio kwamba tunapigana na mke mwenzetu, kwa kizungu tunasema “Nyamira County is bigger than Emily Ongaga”. Kutokana na malalamishi ambayo yamewekwa mbele yetu siku ya leo, ni huzuni yakwamba yale ambayo aliweza kuweka mbele, makaratasi na kazi haziambatani kwa maana hata mlipokuwa Seneti, ilitokea kwamba capacity ya wafanya kazi wa Nyamira County inahitaji. Ina shida kidogo kwa maana unapata watu wanaopata kazi hawafanyi kazi hiyo. Mtu mmoja anataka kufanya kazi zote. Hii inamaansa, unaona hapa Chief Officers hawajapewa majukumu yao kulingana na kazi waliyopewa.

Inamaanisha utenda kazi utaenda chini na watu wetu wa Nyamira hawapati, kwa kizungu, value for their money. Tunataka kama Assembly ya Nyamira, tufanye kazi yetu ya oversight. Na hii tunayofanya sasa ni kuchukua hatua ya kutofanya kazi vilivyo. Nikiwa nimejumuishwa katika Kamati ya PIAC, ilikuwa huzuni ya kwamba anaongoza kikosi cha fedha ambacho kinahudhuria mkutano bila kujipanga hata simple skills za office organisation ziko wapi? Kweli hawa ndio watu wanatufanyia kazi Nyamira? Tunakataa. Tunasema Emily Ongaga aende Nyumbani.

**Hon. Nyabaro** (Ekerenyo/Deputy Speaker): On a point of order. Mr. Speaker, in simple terms, the Hon. Member who has just sat is telling us that the CEC Members led by CEC Member, Finance are subjected to shame the way they were handling questions at the Senate.

(Applause)

Actually it was terrible.

Thank you.

**Hon. Sikweya** (Itibo): Thank you, Mr. Speaker. Today I am in the spirit of Prof. George Saitoti who said that, and I quote “There comes a time, when the nation is more important than an individual”.

(Applause)

Mr. Speaker, today the people of Nyamira have become more important than Emily Ongaga. As a Member co-opted in the PIAC Committee, in Nyamira there are wonders. The accusations of Emily Ongaga in front of this Hon. House, I can assert that they are true. When we look at our own sources of revenue everyday, Emily is failing us---automation of our revenue.

When I was in the PIAC Committee, I tried to look at the automation and manual way which we use to collect revenue. In automation, we spent almost Kshs. 15 million to award a company which was giving us these automation services. You find that revenue collected manually is higher than the one from the automated revenue collection system. I am really worried. When I was at the Senate, I learnt that up to date, we do not have an updated Register of Public Assets Disposal. Ms. Emily Ongaga said that the last update of this register was in 2006.

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The main reason is corona. Was there corona in 2006? Every reason we are being given by the Executive is corona. Every audit query is corona pandemic. Today corona must go.

*(Applause)*

I have looked at this report and incompetence is key to all this and it has no defence in this House. I want to echo what Hon. Nyabaro said; we must pass administrative action by revisiting these people of Finance even staff members are carrying out public participation exercise on the County Integrated Development Plan (CIDP) even without notifying area MCAs. Today, I belong to Nyamira. I am a Member of Nyamira County Assembly.

On the issue of mortgage, all my anger, as a commissioner representing this Hon. Members and staff, will go to Ms. Emily Ongaga because I am being asked every day where is our mortgage?. This is our money, we are not begging for our money. This is a revolving fund. Hon. Members, pay for their loans and when we are asking for our mortgage, we are begging.

We are begging to be given our mortgage. We are the ones who vetted these CEC Members and approved them in this Hon. House. There is a Swahili saying “mchama ago hanyeli huenda akauya papo hapo”. The person we vetted and approved in this House is the one punishing these Hon. Members. When I was at the Senate, Hon. Senator Onyonka asked the Governor and his CEC Members, we must have the autonomy of the Assembly and the Executive. Whenever there is money in the Executive, they say we cannot pay the Assembly and the Executive we have not been paid yet. We must have our autonomy. They are not observing the autonomy of this Hon. County Assembly.

As a Committee, while we were in Nairobi, our documentation which we submitted to the Committee, Hon. Kajwang referred to our documents like a file of a nursery school kid and those are the files of the people of Nyamira. I Lameck Onyancha, elected MCA, Itibo Ward, support this Motion.

Thank you.

*(Applause)*

**Hon. Mang'era** (Esise): Thank you, Mr. Speaker. I rise to support and I sincerely want to request that you allow me to read, I know it is not in order. I request that you allow me read just among the few duties of a CEC Member of County Finance and Economic Planning hoping you have given me the allowance. I just want to read three for the sake of our debate and having listened keenly to the Hon. Members and the mover of the Motion. I just want to add my voice by reading this; one of the duties of a CEC Member for Finance is mobilising resources for funding the budgetary requirements.

Another duty is to co-ordinate the implementation of the county activities that are running, managing the county government's public debts and other obligations.

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The last one that I want to consider is assisting the County Government in developing capacity for efficient, effective and transparent financial management. There are so many other duties, but when I looked at this, having listened to Hon. Members and having gone round in Nyamira, then I sincerely want to say that I support because she has failed in all these.

Thank you.

*(Applause)*

**Hon. Gisesa (Rigoma):** Mr. Speaker Sir, my fellow Hon. Members, you know my history. I am not used to going against women especially beautiful ones.

*(Laughter)*

But on this one, I wish to support this Motion with the following issues. Number in the 2022 elections some of us were in the same party with the Excellence the Governor Amos Nyaribo went around and campaigned for him. It was very difficult for those of us who came from a region where His Excellence does not come from Kitutu Masaba. When we campaigned for him, became a Governor, he gave us names of individuals whom we vetted and subsequently appointed them as County Executive Committee Members including the Member who is under discussion on this date. Unfortunately, since that day, not just this particular Member, even the other CECs, when you ask them anything about development they say we are waiting for the Governor. This Assembly did not approve His Excellency the Governor Amos Kimwomi Nyaribo. This Assembly vetted and approved County Executive Committee Members and Chief Officers who actually have the powers even to inform, advise and tell H.E., the Governor that you are going wrong on these issues.

Unfortunately, they do not want to carry out their mandate. This issue about Finance is not just about CPA Emily Ongaga. It is my request that this House especially, the Committee on Finance and the Committee on Budget can also take the same steps on the Chief Officer for Finance if you want sanity in that Department.

*(Applause)*

On the same note, I also hope that the two committees can look at the Department of Finance hierarchy including the appointments.

In an amendment which is my last statement which I am going to propose, it is very unfortunate that we have the Chief Officer for Crop Protection who is also serving as a substantive accounting officer in two departments.

As I finalise in my issues on S.O. 64, you have seen the weight of this issue. It is my request that we invoke this Standing Order as soon as possible which gives a timeframe of seven

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days in which you can appoint a committee to investigate, listen to the CEC Member and make a recommendation to this House. We want this issue to be handled as soon as possible so that it does not interfere with other budgetary cycles in this House.

Lastly, I am proposing an amendment to the Motion that the Select Committee which will investigate the CEC Member for Finance, CPA Emily Ongaga to also investigate unqualified appointments of officers to various roles including the Office of the Head of Treasury, the Accounting Officer in the Office of the Governor and the Department of Agriculture. I call upon Hon. Benecha to second.

**Hon. Nyameino** (Gesima) on a point of order. I want to inform the Hon. Member for Rigoma that it is not Selection Committee, but an *Ad-hoc* committee that is supposed to be formed in this Hon. House.

**The Speaker** (Hon. Okero): Come up with what you want to be seconded, Hon. Emmanuel Gisesa.

**Hon. Gisesa** (Rigoma): Mr. Speaker Sir, I am proposing an amendment to the Motion for Removal from Office of CPA Emily Ongaga to include or to extend to the appointment of unqualified and undesignated officers to various roles in the County Government of Nyamira including the Head of Treasury, the Accounting Officer in the Governor's Office and the Accounting Officer in the Department of Agriculture as one of the holder of substantive roles as an accounting officer.

Thank you.

**The Speaker** (Hon. Okero): That is an inclusion, in which number? You should give reference to the report. Or is an independent---

**Hon. Gisesa** (Rigoma): Mr. Speaker Sir, this is in regard to Section 2 of the Motion; abuse of office/gross misconduct, I want that to be included also among the grounds for her impeachment.

**Hon. Masira** (Township): On a point of order. Thank you, Mr. Speaker. I am informed that whenever we inquire into more so the said CEC Member, the *Ad-hoc* committee which will be formed will not be limited to what we have raised here. That is why we are going to form an *Ad-hoc* committee in this Hon. House which will look into everything, but not limited to what Hon. Minda Riechi has proposed. Anybody who will be in that committee will have the information as the issue Hon. Gisesa has raised will be included in the *Ad-hoc* committee inquiries.

So, we are in order. Let him keep this question in a safe place for the inquiry of the *Ad-Hoc* committee that will be formed.

Thank you.

**The Speaker** (Hon. Okero): Thank you. That is in order. Do you agree, Hon. Emmanuel Gisesa? The scope of investigation is open when the *Ad-hoc* committee has been formed.

**Hon. Nyameino** (Gesima): If the scope of investigation is not limited to what is appearing in this Motion, then I will support, but also Mr. Speaker Sir, it will add more weight if this issue is included as part of the substantive issue in this motion.

Thank you.

**The Speaker** (Hon. Okero): You can propose and include it, it is allowed.

**Hon. Gisesa** (Rigoma): I propose to include that the *Ad-hoc* committee investigates the crimes or the allegations against CPA Emily Ongaga to also consider appointment of unqualified and undesignated officers to various roles in the County Government of Nyamira not limited to the head of treasury and the accounting officer in Office of the Governor and in the Department of Agriculture whereby I am being reminded that two officers are serving in that department. One of them is Mwencha Nyasimi and the other one is Purity Moraa.

Thank you.

**The Speaker** (Hon. Okero): Thank you. I direct the Clerk to include that in the report.

**Hon. Benecha** (Kiabonyoru): Mr. Speaker, I was to rise and second what Hon. Nyambega has just said, but I want to thank you because your intervention has really given us morale that it will be included and I want to say that the scope of accusations look like they are many and I want to support that they are not limited to what is already in the Motion, but the Committee will ventilate into many areas. It looks like the incompetence of one Emily Ongaga are more and I support that the Committee looks into all the accusations to prevent further misbehaviour of CEC Members.

Thank you, Mr. Speaker.

**Hon. Keganda** (Bosamaro): Thank you indeed, Hon. Speaker for this good time. I cannot fear to say that this is a new dawn in this House and the first time since we were sworn-in in this Hon. House that I am seeing very bright faces in the entire House, Hon. Speaker. They are moving together and this is the trend and we pray that Lord gives us the blessings of moving together. Hon. Speaker, I will take a very short time because we want to give room so that documentation can be done to the Executive to enable the CPA lady move home before it gets dark.

Hon. Speaker, first I want to thank the Leader of Minority for bringing this Motion. I have been seeing him as a quiet man, but he is quiet with a lot of wisdom and he is brave. That is my neighbour. Hon. Speaker, I have perused this document of nine pages and it is only one line which missed, that the entire Executive is very disrespectful to this House and I know that.

With the ingredients of what I have said Hon. Speaker, one time when salaries were about to be released to us, there is an officer who mentioned categorically that there is no need of releasing salaries to us because we are equal, we are like other normal staff which of course Hon. Speaker, is very irritating and they must understand that we are elected leaders of this county.

Hon. Speaker, I want to talk on the vetting of the CEC Members very briefly, and that is what Hon. Matwere said. There is a saying which says that if you want to know one's character,

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stay with her or him for a few months and it has come a time that we are knowing the characters of these people. So, with time Hon. Speaker, much more is awaiting them.

Finally, I am requesting because there is nothing we can add, that this one is solely done. We want to move with speed, we form a committee and we get the report next week and the report is known Hon. Speaker. It is not something we are not again to---

**The Speaker** (Hon. Okero): So, have you already written a report?

**Hon. Keganda** (Bosamaro): Hon. Speaker, we are visionary leaders. So, we know. I am requesting that we go the Syria and Turkey way when they got the natural disaster of the earthquake which lasted for 45 seconds and what we have heard I am proposing that you put the question within that short period. Charles Keganda representing the good great people of Bosamaro and who happens to be the Chair of Finance, I support.

**Hon. Matundura** (Special Elect): Thank you, Hon. Speaker. I rise to support the Motion not that I hate a fellow woman, but just because we want sanity and professionalism in our County of Nyamira. The CEC Member, Emily Ongaga has let down the women of Nyamira because when we debate her here, that is evident that she is letting us down and it has been well known that women are the best performers in terms of finance, but here she is letting us down point blank in broad daylight. I can evidently say that CEC Member, Emily Ongaga is disrespectful and that is the reason why there is unsupported procurement of goods and services in this county and that is the reason why there is delayed salaries, the reason why we have not received our car loan and mortgage, yet other counties got it as early as October last year.

I confidently say that Emily Ongaga ought to be at home as at now. We cannot allow the people of Nyamira to suffer just because of one person. We exercise our mandate by bringing sanity to this able County of Nyamira. From the report whereby we have serious allegations, we can confidently say that Emily Ongaga has rendered her fellow officers ceremonial offices because they do not have freedom, they do not have a say in their offices because she is the overall, yes, as to one the Hon. Members have said that she is the prefect of everybody here. I now support the Motion my head high without regrets just because we want sanity in this county.

Thank you.

**Hon. Ogeto** (Manga): Thank you, Mr. Speaker for the chance. First, I want to thank the mover of the Motion, Hon. Minda Riechi for the wonderful presentation. What I never expected, and the many reasons he has given to as why we should impeach the CEC Finance. I think the reasons he has given are enough and we should move with speed and get her out of the office immediately. Mr. Speaker, we came to this House to do certain functions; number one, we represent the people who elected us and so, we are the people's representatives. Number two, we came here to oversight and legislate as the third function. We are doing our roles, we are over sighting and we are doing it as per the law. We have seen the many sections the good lady has violated and what has touched me most, is Kshs. 127 million, money meant for mortgage that



belongs to us. We are suffering. We will pay this mortgage back until the time we leave this office as MCAs.

We will continue paying and we repay a lot of money. We will not survive. We will go out for elections with no money because we are paying the mortgage. It is now six months down the line that we have not received money from the same place that serves other departments. That means we are not important. It disturbed me most. This is worrying and if we leave the same lady in the office, we will continue suffering. That is why it is very important we remove her immediately at the earliest time possible.

Thank you, Hon. Leader of Minority. I want to recognize you for this wonderful role as a Leader of Minority. She is a stumbling block in our development. When we came here as MCAs, we promised the people of Nyamira so many things we were going to do. We gave them heaven, particularly the people of Manga. Let me tell you, Hon. Members. I promised them heaven. That is why I was able to remove Hon. Okero because honestly, he had done a lot.

*(Applause)*

However, after promising them heaven, here I am now six months down the line, I have not done anything.

*(Applause)*

*(Loud consultations)*

We have done nothing six months down the line because of the same lady. Ladies and gentlemen; Hon. Members this cannot continue. We must stop it.

*(Applause)*

*(Loud consultations)*

We must stop this. The Commission for Revenue Allocation (CRA) proposed that Nyamira should collect internal revenue to the tune of Kshs. one billion, but when you look at what we are collecting, I am telling you it is only Kshs. 166 million instead of Kshs. one billion. The simple reason is that we have somebody not worthy in the office. She is incompetent. Action must be taken immediately. I strongly support what Hon. Gisesa proposed that we must enjoin these other officers who are reckless and non-performing. They must join her.

*(Applause)*

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Something must be done this early to save the great County of Nyamira. This is our home and we must save it. We must save our people who elected us and who have great hope in us.

We passed the supplementary budget and up to now, nothing has been done. We have been waiting for action. I have always gone to my home and several questions are asked; what have you done? I keep on saying that we passed the supplementary budget recently and we are waiting for money. That is nonsense. It is not worthy defending. That is no defence.

I want to support this Motion and we remove her the earliest time possible so that we have sanity in our finances, we have sanity in Nyamira and if the other CEC Members will not tow the line, we are here to do the same. I support.

**The Speaker** (Hon. Okero): Thank you, Hon. Members. I have heard. I have listened to your sentiments and now allow me to put the question.

*(Question put and agreed to)*

*(Applause)*

Hon. Members, as guided by the law, I am referring you to S.O. 64 (6) which says;

When the Motion has been passed by at least one third of all Members of the County Assembly, the Assembly shall within seven days appoint a special committee comprising of a third of the Members to investigate the matter.

Pursuant to Section 40 (3) of the County Governments Act, 2012 and shall within 10 days report to the Assembly whether it finds the allegations against the Member of County Executive to be substantiated.

The Office of the Speaker and the leadership will proceed with the same direct from the Standing Orders.

Thank you, Hon. Members.

**Hon. Riechi** (Magombo/Leader of Minority): Thank you, for indulging me. Mr. Speaker, I want to take this opportunity and honestly to thank all the Members of the County Assembly of Nyamira for the support and engagement they have given to this debate. I want from the bottom of my heart to thank them again and again.

**The Speaker** (Hon. Okero): Thank you very much and I also can confirm that instead of a third of the Members who are supposed to support the Motion, we had 33 Members signing the Motion.

*(Applause)*

Thank you, very much.

**ADJOURNMENT**

**The Speaker** (Hon. Okero): Thank you, Hon. Members. The House stands adjourned until April 23, 2023 at 2:30 p.m.

The House rose at 3:27 p.m.