

## SENATOR'S ADDRESS TO THE KAKAMEGA COUNTY ASSEMBLY

ON 8<sup>TH</sup> MARCH 2018

Mr Speaker sir, distinguish honourable members,

I will begin by congratulating each and everyone of you for emerging victorious in the past election as a consequence of which you were given this daunting mandate by the Electorate to serve as members of the county assembly for Kakamega. It need not be gainsaid that this mandate, as enshrined in the constitution, vests in you an enormous responsibility.

So, at the very onset of everything, you must properly and clearly understand your roles, first as public servants and secondly as members of the County Assembly of Kakamega. In my introductory remarks, therefore, I will begin by highlighting salient features which, as the Senator of Kakamega, I hold dear to the people of Kakamega County and which are embedded in your three tyre roles as members of this honourable house.

## Legislation

Honourable Members,

In the last assembly, I had the privilege of sitting in your position as a Member of County Assembly representing the People of Mahiakalo Ward. I spearheaded and brought to the floor of this house several motions and Bills; including but not limited to the Equity and Equalization Bill, the Ward Development Fund Bill, the **Education support regulations** among others. The upshot of this is the interest of the local Mwananchi at heart.

Mr Speaker, Honourable Members,

Legislation is the foremost role that sets you apart from the former county councillors and puts you in a similar position as Members of Parliament and Senate. You must therefore understand that through legislation, you will give legal recognition to the policies that will emanate from the executive arm of the county government.

Mr speaker sir and distinguished honourable members,

Through legislation, you will turn around the economy of this county.

Through legislation, you will protect the sovereignty and independence of institutions, cultures and values of our people. Through legislation, you will correct social injustices meted on the minority and majority clusters respectively. Through legislation, you will actualize the desires and aspirations of the people of Kakamega.

This Honourable assembly, must rise to the occasion to pass the many bills that will fully operationalize the principles of devolution as enshrined in our constitution. Considering the weak financial backgrounds of all our constituents, I challenge this house and its members to fast-track its legislative agenda, giving priority to the economic welfare of the middle and low income earners who form the bulk of our labour force. To this end, I remind this house about the CESS BILL which had far reaching ramifications for the development of our sugarcane growing zones. It is disturbing to note that, whereas the sugar milling companies are making periodic remittances to a central county pool, the development of roads and infrastructure of these sugarcane growing zones remains wanting.

This assembly needs to relook into the effectiveness of the said bill with a view of reinventing and reinvigorating the law so as to bring the development directly back to the locality where the factories are situated.

## **Representation**

This is the Second County Assembly of the Great People of Kakamega. It is intrinsically and extrinsically different from the first County assembly, in which I served, for the following broad reasons. One, in the last Assembly, we grappled with the task of demystifying our roles as enshrined in the constitution.

There was a Transition Authority whose mandate more often than not, made our duties cumbersome to discharge. That Transition Authority is no-longer there. On the other hand There was parliament passing laws that operationalized our activities at the county level. These laws, have similarly been passed. When we came into this house, we faced a task to shed off the old misconception of county councils but I am glad that here, the men and women are well informed and competent enough to discharge their mandate without fear or favour.

Secondly, and most fundamentally, the transition from the old constitutional dispensation and the teething problems that come with is now over and all the relevant institutions charged with the proper functioning of the County Governments are properly in place.

Representation is the most humbling task that you as honourable members swore your oath of office into. Our people, collectively put, are going through hard economic and social problems. The national economy as computed by National Institutions places us squarely within poverty brackets. Our roads are still impassable. Our farmers are still struggling with farm inputs. Our cash crop farming is still on its death bed. Our cottage and established industries are collapsing. Our giant sugar miller- Mumias sugar company, is still in the woods. Our economy is slowly grinding to a halt. All this and much more needs to be voiced here on the floor of the house so that you transform this house into a solution making organ of government. Representation is a mandate, which is somewhat emotive, and has the potential of aligning us on tribal lines.

Although we are fragmented into the 60 wards that make up Kakamega county, I challenge you, Honourable Members, to conduct your business homogenously, only differing on matters of principles and not on personal, egoistic and egocentric levels. As a member of the County Assembly in the last Assembly, I was publicly vilified and at times attacked by members of the last assembly for standing outside the crowd. I remained steadfast and focused in airing the grievances and problems of the electorate, their social standing notwithstanding. My sincere prayer is that this house will be more vocal on the issues that directly touch on the social and economic welfare of the people within the jurisdiction of Kakamega County.

## **Oversight**

Mr speaker sir and distinguished honourable members,

I strongly believe that we are men and women of integrity as required by chapter six of the 2010 promulgated constitution. Oversight is the parent principle entrenched in the county government act. It is this role that elevates your position of MCA to the extent of being the people's watchdog.

It is the principle that operationalizes the separation of powers as envisaged by our constitution. I need not to remind you, that the framers of the constitution were very clear in separating government both horizontally and vertically. Horizontally, at the county level, there must be a clear demarcation and distinction between the Executive and the County Assembly. Checking the performance of members of the County Executive doesn't in any way amount to opposing their mandate. If they error in any way, do not shy away from pointing out this mistakes and misjudgements on their part. Ladies and Gentlemen, that is why you are paid from public coffers. Do not tire in putting the officers charged in handling public resources on check.

Do it, even if you will be shunned by all and stand alone. History will judge you right and the electorate will never forget your invaluable contribution. In the same skein and purview, being a darling of the executive does not translate to preferential treatment. The moment you become bedfellows with the executive, you will lose the moral authority to speak out on critical issues where oversight is concerned.

Hon members, allow me to address the issue of collaboration between the executive and the county assembly, as far as oversight is concerned. My experience in this assembly has made me gain the experience that points to members' misconception of collaboration amounting to sycophancy. If you clearly understand chapter eleven of the constitution, you will not hesitate to point out the shortcomings arising especially from the executive. In fact, that role spills over to pointing out errors happening in this county assembly.

Let collaboration between the assembly and the executive remain only in principle and not in supporting certain partisan agenda for short term political gratification. The citizenry are always watching and making their private judgement. Without mentioning names, I will remind the new members of this assembly that almost all the MCAs in the first assembly who declared in public and in private that they were conjoined with the executive, MCAs whose core business was to heap praise and adoration even to the ills committed by the executive, were sent home by the electorate. The 15 or so members of county assembly who made it back, are those who clearly made the distinction between collaboration and sycophancy. They remained steadfast on their role of oversight.



Honourable members ,

Allow me now to enumerate my aspirations to you in more specific terms. As the senator of Kakamega County my core duty is to work in consonant with this house for the betterment of the people who jointly elected us.

The Senate as established under article 96 of the COK has three major functions; Legislate on county affairs, represent the county and oversight the county. Ladies and gentlemen, you are therefore aware that the roles of a senator are not so dissimilar to your roles as MCAs and therefore the only way I shall play my role exhaustively is in collaboration with you Members of the County Assembly in the following ways: -

1. I propose that in fact and in practice, the County Assembly financial accounts be completely separated from the County executive accounts to enable the Assembly effectively play its oversight role and capacity build without due influence from the executive. I shall not belabour to point out that once there is financial dependence of any sort by the Assembly to the executive, the independence and separation of powers will severely be mutilated.

2. Secondly, I encourage the County Assembly through the enactment of the county assembly service board act to hire more qualified, competent and passionate support staff who will help generate business of the house and spur relevant legislative agenda in the County. I am aware that whereas we all come from different professional backgrounds, once we take oath of office, we immediately must discharge the legislative mission. To this end, I propose that you adopt a blueprint akin to what happens at the senate. The legal office reserves a pool of highly competent draftsmen who will translate pedestrian ideas into a legal paper for immediate deliberation.

3. This assembly must develop capacities that will enable them effectively participate in the budget making process, the implementation and oversight of the same budget, not as mere spectators of what has been prepared and tabled by the executive. I propose that members benefit from bench marking visits even outside the country, so that it adopts the best international best practices on budget making and oversight.

To this end, I also propose that the Public Accounts Committee undertakes a separate benchmarking initiative to build their capacity to oversight and monitor the implementation of the annual budgets.

4. Fourthly, I propose that the assembly works closely with the office of the Senator because the senator is the guardian angel of devolution and their representative at the national level. My doors are open for consultation, clarification and dissemination of relevant information. I have said in my introductory remarks that the senate and the county assemblies are like conjoined twins and therefore they cannot operate autonomously. In the coming days through my leadership I will facilitate members of this honourable house for a benchmarking exercise at the senate. You should feel free to visit the senate and sit in some relevant committees to learn more.

5. The Assembly to Creatively come up with relevant revenue enhancement legislation though not burdensome to help the county generate more income that must be used in developing the county.

It is sad to note that the defunct county councils used to collect more revenue than the current county establishment. It is even more sad to

report to this house that the county government was penalized a whopping 100 million shillings in the 2017/2018 disbursements by the commission of revenue allocation just because we did not meet the local revenue collection target in 2016/2017 financial year.

It must not go unmentioned that the wage bill for revenue collectors in our county is more than the revenue they collect. This simply means they collect revenue to pay themselves and even stretch their needs to the funds disbursed from the national government.

6. As the Senator of Kakamega County, I promise to champion the operationalization of the Ward Development framework. My contribution will be premised on the fact that this was the focal idea behind the principle of devolution, to channel resources from the top to the lowest unit of the devolved structure. Just like the president, the Member of Parliament and all elected leaders, the MCA campaigned on the platform of implementing their manifesto and therefore it is imperative to have the Ward Development Monies available to them to deliver these promises. The Counties ward development bill has been presented to the senate for deliberation.

I promise to be on the forefront to lobby, persuade, convince and counsel my fellow senators to pass this law and have the said money released to you. In the same breath, I shall endeavour to open structured dialogue with the governor with a view of finding a legal way of reinstating the Education Bursary funds in the 2018-2019 financial year.

7. I hereby promise this Assembly that once the Senate Monitoring and Evaluation fund is operationalized, I will work together with this Assembly to ensure that the county government is transparent, accountable and lives to the promises of the people of the great Kakamega County. This I promise, as I challenge you to reread chapter six of the constitution and hope that we shall jointly walk this talk without fear or favour.

8. In as much as the Kakamega County executive is doing a good job in fast-tracking development in our County, I wish to categorically state that as members of this Assembly, you should not loosen your belts to oversight these development projects. Through your relevant committees, I beseech you not to let public money go to waste.

Today, I also take this opportunity to warn cowboy contractors who have developed a habit of implementing shoddy projects with no value for the people's money and remind this Assembly that you must be on the watch out to flush out such contractors; arrest, forward them to relevant judicial mechanisms for punitive actions; including black listing their businesses in the county.

9. Penultimately, I wish to remind honourable members that the core mandate of the Senator is to fight for adequate allocation of national revenue to the counties. As your Senator, I hereby make my promise to you to ensure that Kakamega county receives its rightfully amounts of monies in the division of revenues, pushing this allocation higher than the previous allocations. Kakamega, is second to Nairobi in population and it must be the region's economic powerhouse.

All said and done, this enormous task will not be achieved if the welfare of the members of this assembly is not properly and adequately taken care of. A member of County assembly deserves a decent welfare package that includes but is not limited to a house mortgage, a car loan, proper subsistence while traveling outside their work station, just to mention but a few. This must go in tandem with the welfare of the staff of this Assembly because a discouraged heart cannot give optimum output

In my valedictory remarks, it would be treasonable if I conclude my address to this assembly without conveying heartfelt greeting from the People's President, his Excellency President Raila Amolo Odinga and also congratulate you for passing the People's Assembly Motion. It will be inscribed in the annals of history that you played a focal role in the fight for third liberation in the Republic of Kenya. We must remain steadfast in the war against electoral injustices, police brutality, and strengthening the independence of constitutional commissions.

I want to thank the speaker for giving me this opportunity to address this assembly. I shall henceforth be addressing this house on matters arising

as and when there is need. Thank you and may God bless you and may  
God bless the Great People of Kakamega County. Tibim!!!!

Signed by

HON CLEOPHAS MALALAH

SENATOR, KAKAMEGA COUNTY