

REPUBLIC OF KENYA



COUNTY ASSEMBLY OF SIAYA
SECOND ASSEMBLY
(SECOND SESSION)

THE COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT

**ON THE PETITION TO THE COUNTY ASSEMBLY OF SIAYA, TO FIND
THE CHAIRMAN OF SIAYA COUNTY PUBLIC SERVICE BOARD, HON.
JOE AKETCH DONDE IN CONTRAVENTION OF THE LAW**



1. EXECUTIVE SUMMARY

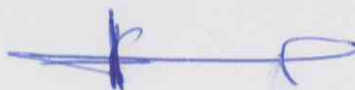
The mandate of the County Assembly to consider any petition from members of the public is vested in Article 119 of the Constitution of Kenya 2010 read together with Section 15 of the County Government Act 2012. The County Assembly of Siaya Standing Orders Part XXIV further provides for the procedure of transacting public petitions reported to the County Assembly.

The allegation presented in the petition by Mr. Ismael Noo Onyango; a member of the public and a member of the County Public Service Board, is that the Chairman of the Siaya County Public Service Board (CPSB) Hon. Joe Aketch Donde; acting unilaterally, suspended two members of the Board and put the Vice – Chairman of the CPSB on compulsory leave without any known legal guidance/provisions bestowing upon him the jurisdiction to exercise disciplinary control over members of the CPSB. In addition, the suspensions have called into question the composition/quorum of the board and its ability to effectively undertake its activities, considering the provisions of the County Government Act, 2012 Section 58. Hence the chairman has violated Article 251(1) of the Constitution of Kenya 2010 and Section 58 (5) of the County Government Act no 17 of 2012.

In a bid to establish truth in the allegation, the committee reviewed literature and legislations that were relevant to the allegation including court rulings on similar matters, obtained documentary evidence to assess the gaps and support the findings, carried out investigative interviews with key informants such as the Kenya Law Reform Commission, and the Public Service Commission and recorded oral submissions of key witnesses.

It was the finding of the committee that the Chairman of the CPSB did not act in accordance with the law, by exercising disciplinary action which was not within his mandate and jurisdiction as the Chairman of the CPSB, thereby violating Article 73 (1) and (2) of the Constitution of Kenya 2010 on responsibilities of leadership.

In addition, the grounds that the chairman alluded to did not satisfy the threshold set for suspension that was provided for by the Public Service Commission Act 2017 which the chairman quoted. The petitioner and Mr. Okere were neither at any time before the suspension charged with a serious criminal offence as stipulated under Public Service Commission Act,



2017 Section 71(1) nor did they have proceedings for dismissal taken against them that would warrant their dismissal. In essence, there was doubt in the allegation made by the chairman and hence this could not warrant a suspension.

Consequently, these disciplinary actions (suspensions and compulsory leave) led to the loss of public resources as the members of the County Public Service Board were paid their full salaries despite them not rendering any service to the people of Siaya which was act in disrespect of the Public Finance Management Act 2012 section 149 (1) and (2) and the Constitution of Kenya Article 226 (5).

With regard to the quorum of the County Public Service Board, the committee established that, the requisite quorum for the Board was four members as three members (who were currently present at the Board) out of the total six members, were not a majority and hence could not make official and binding decisions.

The committee consequently made the following recommendations;

- 1. That His Excellency the Governor to suspend the Chairman of the County Public Service Board – Hon. Joe Donde, with the view of establishing a tribunal to investigate the matters raised in the petition and instigate measure to remove the chairman.*
- 2. The CEC Finance to recover money paid to the members of the County Public Service Board as salaries during their time of “suspension”, from the County Secretary - Mr. Dave Anyona and the Director Human Resource Management - Mr. Dismass Obondo in line with the Public Finance Management Act, 2012 section 149 (1) and (2) and the Constitution of Kenya 2010, Article 226 (5). The CEC Member to report to this house in four weeks on the status of the recovery.*
- 3. Considering that the County Government Act 2012 which establishes the CPSB is not explicit on its operations; leaving legal gaps that have been negatively exploited by irresponsible leadership, this committee recommend that the Honorable house to enact a Siaya County Public Service Board Act with the aim of addressing germane matters of law not provided for in the County Government Act, 2012 with regard to the CPSB.*



2.0 MANDATE OF THE COMMITTEE

The mandate of the Committee on Justice and Legal Affairs is derived from the second schedule of the County Assembly of Siaya Standing Orders and is mandated to deliberate on;

"All matters related to administration of law and justice, constitutional affairs including elections, ethics, integrity and anti – corruption"

3.0 MEMBERS OF THE COMMITTEE

		SIGNATURE
Chairman	Hon. Francis Otiato	
Vice – Chairman	Hon. Helen Winga	
Members	Hon. Leonard Oriaro	-----
	Hon. Fredrick Opanga	
	Hon. Edwin Odhiambo	-----
	Hon. Winnie Otieno	
	Hon. Jane Odhiambo	-----
	Hon. Simeon Ousa	-----
	Hon. William Kinyanyi	



5.0 BACKGROUND

The mandate of the County Assembly to consider any petition from members of the public is vested in Article 119 of the Constitution of Kenya, 2010; read together with Section 15 of the County Government Act 2012. The latter expresses as follows;

15. Right to petition the County Assembly

- 1. A person has a right to petition a county assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislations.*
- 2. Each County Assembly shall prescribe a procedure for exercising the right under sub-section (1).*

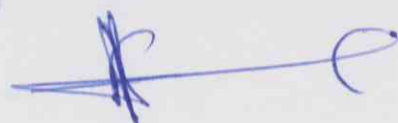
The County Assembly of Siaya, while respecting the provisions of Section 15 (2) referred to above, has provided for the procedure for processing petitions received by the Assembly as highlighted in **Part XXIV** of the Standing Orders of The County Assembly of Siaya.

During the afternoon sitting of the honorable House held on Thursday 28th June 2018, the Honorable Speaker guided by Standing Order 209 (1) and (2) (b), reported a petition from a resident of Siaya County, and a member of the Siaya County Public Service Board Mr. Ismael Noo Onyango; to find the Chairman of Siaya County Public Service Board herein referred to as (CPSB), Hon. Joe Aketch Donde in contravention of the law. The Honorable Speaker, further guided by the provisions of Standing Order No. 211 (1), committed this petition to the committee of Justice and Legal Affairs for investigation and reporting to the House as provided for by Standing Order No. 211 (2).

After preliminary review of the petition, the committee deduced that the key prayers of the petitioner were that the County Assembly, after considering his submissions to:-

1. Suspend the activities of the CPSB until it's established beyond reasonable doubt that the Board is properly and lawfully constituted.
2. Find that the Chairman of the CPSB, Hon. Joe Aketch Donde acted unlawfully by authoring a letter ref: **SYACNTY/PSB/DIS/11/17(1) dated 9th November 2017** by executing powers ultra vires.
3. Find that the Chairman of the CPSB, Hon. Joe Aketch Donde, having continuously acted unlawfully, be subjected to the provision of **Article 251(1) of the Constitution of Kenya 2010** and **58 (5) of the County Government Act no 17 of 2012** and therefore **declared unfit to continue holding public office.**

With the above as the main objective of the committee, the members resorted to assess the legal framework upon which these prayers could be anchored and answered and also to review any other statutes and past rulings on similar cases.



5.1 Legal Framework of the County Public Service Board

The CPSB is established subject to the County Government Act, 2012 Section 57 and its composition is clearly highlighted in Section 58 (1) as follows;

Composition of the County Public Service Board

(1) The County Public Service Board shall comprise—

- (a) a chairperson nominated and appointed by the county governor with the 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.*

Section 58 (5) of the County Government Act, 2012 further provides and sets the grounds for the removal of members of the CPSB as follows;

The members of the Board may only be removed from office—

- (a) on grounds set out for the removal of members of a constitutional commission under Article 251(1) of the Constitution; and*
- (b) by a vote of not less than seventy five percent of all the members of the county assembly.*

The Constitution of Kenya, 2010 Article 251 (1) provides for the grounds for the removal of members of the Independent Commissions (other than an ex officio member) or the holder of independent offices. These grounds are as elucidated below;

- (a) serious violation of this Constitution or any other law, including a contravention of Chapter Six;*
- (b) gross misconduct, whether in the performance of the member's or office holder's functions or otherwise;*
- (c) physical or mental incapacity to perform the functions of office;*
- (d) incompetence; or*
- (e) bankruptcy.*



5.2 Committee Consideration

The committee held a total of four meetings to deliberate on the matters raised in the petition, and a retreat where the committee considered the submissions of the parties and prepared this report

1. At the first meeting, the committee tabled the petition and assessed the submission of the petitioner raised therein, where it established that the submissions of petitioner had grounds worth the consideration of the committee.
2. During the second meeting, the committee prepared and adopted the terms of reference that would guide the investigation of this petition and the lien of questioning of witnesses.
3. At the third meeting, the committee met the and cross examined the petitioner (Mr. Ismael Noo Oyango), together with the other two members of the Board whom the Chairman had taken disciplinary action on; Mr. John Okere Wangach and Ms. Florence Oketch. In a bid to underscore the merits in the petitioners' submissions.
4. During the fourth meeting, the committee interrogated the CEC Member for Governance and Administration – Mr. George Rubic, together with the Director for Human Resource Management and the Director for Administration – Mr. Dismass Obondo and Mr. Joseph Omondi.
5. A representation of the committee also met officers from the Kenya Law Reforms Commission, The Public Service Commission and office of the Attorney General to get legal and procedural insight on the issues that were raised in the petition.
6. The last meeting of the committee on this matter was a retreat where the committee considered the submissions of the parties in this petition, wrote and adopted the recommendations in this report.

6.0 Submissions by the petitioner

The petitioner Mr. Ismael Noo Onyango, presented this petition to find the chairman of the Siaya County Public Service Board, Hon. Joe Aketch Donde in Contravention of the law and further made an oral presentation to the committee. The grounds that the petitioner gave for the removal of the Chairman of the CBSB – Hon. Joe Donde are as follows:-

1. That he is a member of the Siaya CPSB, having been appointed as per the provisions of section 58 (1) (a), (b), (d), (2) and (3).
2. The Chairman of the CPSB, Hon. Joe Aketch Donde, had authored a letter of suspension to the petitioner reference **SYACNTY/PSB/DIS/11/7(1) dated 9th November 2017**.
3. Cognizance of the provisions of the Constitution of Kenya 2010 Articles 235 and 236 read together with the County Government Act Section 58 (5) and 58 (5) (b), there are no legal remedies that expressly provides for disciplinary measures against members of the CPSB, whether exercised or purported.



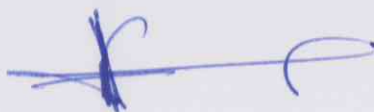
4. A court ruling in the Employment and Labour Relations Court in Kisumu, petition no 43 of 2017 before Hon. Justice Mathews Nderi Nduma ruled that the County Government Act, 2012 Section 77, stipulates that appeals on actions by the CPSB lies with the Public Service Commission (PSB) yet it was not clear to him whether his suspension was an action/decision of the CPSB or a sole decision of the Chairman, Hon. Joe Aketch Donde.
5. That the actions of the Chairman, Hon. Joe Aketch Donde has violated the provisions of the law contrary to the oath of office he took, specifically, the provisions of the Constitution of Kenya 2010 Article 251 (a) and (d).
6. That due to the actions of the Chairman, Hon. Joe Aketch Donde he has been unable to perform his duties as a member of the CPSB as envisaged in the County Government Act 2012. This in turn had compromised the effective functioning of the Siaya CPSB taking into account that the board was constituted, appreciating regional balance with himself representing the interest of Bondo Sub – County, and the County Government Act Section 58 (1) (b).
7. That he is immensely affected and suffers great loss occupationally as his employment is a one term contracted employment and the continued stay in office of the Chairman of the Board denies him and other board members (One served with a suspension letter like himself and the other on compulsory leave) his/their entitlement.
8. That the legal advisor to the Governor (the petitioners' appointing authority), Mr. Leonard Okanda vindicated his testimonies vide a legal advice Ref; **CGS/PSG/GVN/DO8/VCOL.1 (17) dated 17th November 2017.**
9. That despite his continuous absence from duty, together with his colleagues (Mr. Okere Wangach and Ms. Florence Oketch), they have been continuously earning their full salaries and they therefore feel that this is in contravention of the spirit of the Public Finance Management Act 2012.

Submissions by Hon. Joe Aketch Donde Chairman of the County Public Service Board

Vide a letter from his lawyer, W.E.O K'Ochieng of Otieno Ogola and Company Advocates Ref; OO/GEN/SPSB/4/18, the Hon. Donde responded to the allegations of the petitioner in their entirety as sub – judice, and hence according to him, the prayers should not warrant any form of consideration by the County Assembly, he went further to refer to the **Court of Appeal Civil Application No. 39 of 2018**, filled in Kisumu which he claimed to be the same issue as what was before the committee.

COMMITTEE FINDINGS AND OBSERVATIONS ON THE CLAIMS OF THE PETITIONER AND THE RESPONSE BY THE CHAIRMAN OF THE CPSB – HON. JOE AKETCH DONDE

Considering the claims that the matters raised in the petition were sub – judice, the committee endeavored to asses this claims with respect to the **Court of Appeal Civil Application No. 39 of 2018**, and the doctrine of separation of Powers, and found as follows;



The sub-judice rule is described in **Section 6 of the Civil Procedure Act** as follows:-

“No Court shall proceed with the trial of any suit or proceedings in which the matter in issue is also directly and substantially in issue in a previously instituted suit or proceeding between the same parties or between parties under whom they or any of them claim, litigating under the same title, where such suit or proceeding is pending in the same or other Court having jurisdiction in Kenya to grant the relief claimed”.

1. The petition which forms the basis of this report was presented to the Assembly after the **Court of Appeal Civil Application No. 39 of 2018**, filled in Kisumu. After review of the application and the petition the committee noted that it did not in any way, directly and substantially touch on the Court of Appeal application, since the substance of the matter in Court of Appeal Civil Application No. 39 of 2018 was purely on the interpretation of the law; where the petitioner and Mr. John Okere Wangach had sought to know if the Chairman of the County Public Service Board had any legal jurisdiction to discipline the members of the CPSB.
2. The petition which forms the subject of this report has prayers to dismiss the Chairman of the CPSB; which is a matter purely for the consideration of the County Assembly as provided for in Section 58(5)(b) of the County Government Act, 2017. The petitioner further prays to the County Assembly, to establish if the quorum of the CPSB as currently constituted is legal, and hence the CPSB can effectively and legally perform the functions set out in the County Government Act 2017 Sections 59 – 75. These prayers are not substantially under consideration in the Court of Appeal Civil Application No. 39 of 2018.
3. Furthermore, recent rulings at the National Assembly and the Senate have shed more light on matters sub – judice that have been considered before these assemblies and hence form precedence to the County Assemblies. For instance, Speaker Marende’s ruling given on 30th July 2009, on the question of sub – judice stated that *“the sub – judice rule was not created to fetter the ability of the House to pronounce itself on matters of national importance. To interpret the sub – judice rule in this manner will reduce the Honorable house to a bystander watching helplessly and unable to intervene as the rights of Kenyans are impaired”.*
4. In a subsequent ruling delivered on 10th September 2009 Speaker Marende ruled that in matters of public interest; in this case, such matters as recruitments of persons into the county public service, abuse of office by members of the CPSB, incurring of public expenditure without any service delivery are of county and national interest and hence the House should entertain and debate. The Hon. Marende stated as follows;
“I am clear in my mind that in a matter of immense public interest, where there is a doubt, unless sound grounds are advanced, a presumption should exist in favour of allowing debate in the house as opposed to the application of sub – judice rule to suppress debate”



5. This viewpoint has been reiterated by Speaker Lusaka in his considered ruling delivered on 2nd August 2018 on the issue of Solai Dam tragedy, the Speaker informed the Honorable senators that *"going forward I wish to observe that people should not rely on the sub – judice rule to defeat the law, the Constitution or even gag Parliament from debating matters of national importance and public interest."*
6. It is therefore the considered finding of the committee that the Chairman of the CPSB Hon. Donde was acting to defeat the law and attempted through his lawyer to gag the County Assembly of Siaya from entertaining this petition which has grave concerns to the residents of Siaya County.
7. Consequently, the committee decided to consider the matters raised by the petitioner by addressing itself to three profound themes that ran through the submissions of the petitioner;
 - A. The law with regard to discipline
 - B. Power to discipline members of the CPSB by the Chairman of the Board
 - C. Quorum of the CPSB

A. The law with regard to discipline

1. The County Government Act, 2012 Section 58(5), restated above, makes reference only to the removal of the members of the CPSB, and this according to the Act is the preserve of the appointing authority (the Governor) with a seventy five percent approval of the County Assembly. However, this act does not in any way envisage any other form of discipline such as suspension or even compulsory leave for the members of the CPSB as with the case that the Committee was inquiring into.
2. What is clear from the County Government Act is that punishment of officers in the public service shall not be contrary to the Constitution of Kenya, 2010, Section 76 (2) of the act clearly states that;
(2) No public officer may be punished in a manner contrary to any provisions of the Constitution or any Act of Parliament
3. Alive to the fact that matters of discipline do not only involve removal from office which is the only action provided for in the County Government Act 2012, the committee embarked on the review of other National Legislations with regard to discipline guided with Section 8 (2) of the County Government Act 2012 which gives the County Government the power to use national legislations with necessary modification.
4. The Constitution of Kenya 2010, Article 47 on Fair Administrative Action provides that
(1) Every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.



- (2) *If a right or fundamental freedom of a person has been or is likely to be adversely affected by administrative action, the person has the right to be given written reasons for the action.*

5. In addition, the Fair Administrative Action Act, 2015 particularly Section 4, reaffirms the principles in Constitution quoted above and give further illustrations of the issues to be considered as follows;

Administrative action to be taken expeditiously, efficiently, lawfully etc

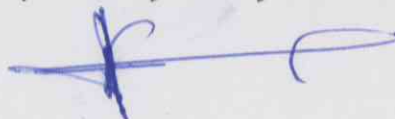
- (1) *Every person has the right to administrative action which is expeditious, efficient, lawful, reasonable and procedurally fair.*
- (2) *Every person has the right to be given written reasons for any administrative action that is taken against him.*
- (3) *Where an administrative action is likely to adversely affect the rights or fundamental freedoms of any person, the administrator shall give the person affected by the decision-*
- (a) prior and adequate notice of the nature and reasons for the proposed administrative action;*
 - (b) an opportunity to be heard and to make representations in that regard;*
 - (c) notice of a right to a review or internal appeal against an administrative decision, where applicable;*
 - (d) a statement of reasons pursuant to section 6;*
 - (e) notice of the right to legal representation, where applicable;*
 - (f) notice of the right to cross-examine or where applicable; or*
 - (g) information, materials and evidence to be relied upon in making the decision or taking the administrative action.*
- (4) *The administrator shall accord the person against whom administrative action is taken an opportunity to-*
- (a) attend proceedings, in person or in the company of an expert of his choice;*
 - (b) be heard;*
 - (c) cross-examine persons who give adverse evidence against him; and*
 - (d) request for an adjournment of the proceedings, where necessary to ensure a fair hearing.*
- (5) *Nothing in this section shall have the effect of limiting the right of any person to appear or be represented by a legal representative in judicial or quasi-judicial proceedings.*



6. It was the committees finding that the Chairman of the CPSB Hon Donde, neither adhered to, nor respected the Fair Administrative Action Act, 2015 which is based on the principles of Common Law and natural Justice when he authored the suspension letters to the petitioner (Mr. Ismael Noo Onyango) and Mr. John Okere, considering that the suspension was left open with no time limits, the members were not at any time given the opportunity to be heard before the suspension was made, and after the suspension, Hon Donde did not instigate any process to expedite the lifting of the suspensions. This further calls into question whether the administrative active actions were undertaken in good faith as is required by law.
7. The Employment Act, 2007 guides and governs employment related issues with regard to the employees in Contractual terms such as the petitioner and other members of the CPSB Section 12 of the Act provides that a contract document shall provide for statements on disciplinary rules, it elucidates that;

A statement under section 10 shall—

- (a) specify the disciplinary rules applicable to the employee or refer the employee to the provisions of a document which is reasonably accessible to the employee which specifies the rules;*
 - (b) specify the person to whom the employee may apply—*
 - (i) if dissatisfied with any disciplinary decision relating to the employee; and*
 - (ii) for the purpose of seeking redress of any grievance relating to his employment and the manner in which an application shall be made; and*
 - (c) where there are further steps to be taken consequent to any such application, explain the steps or refer the employee to the provisions of a document which is accessible to the employee which explains the steps.*
8. It was the finding of the committee that the Contract of the petitioner and the other members of the CPSB, to whom the Chairman had taken disciplinary measures, did not indicate anywhere that the members could be exposed to suspension form the Chairman of the CPSB and by undertaking this suspension the Chairman was acting in contravention of the contract.
 9. The letter of suspension and compulsory leave issued to the members did not in any way specify to the members to whom they could apply if they were dissatisfied with the disciplinary decision, an act in disregard to the Employment Act, 2007, Section 12 (1) (b).



10. That notwithstanding, The Interpretation and General Provisions Act, Section 51 provides for Power to appoint to include power to suspend, dismiss, etc., and to reappoint, etc. and it states that:

- (1) Where by or under a written law, a power or duty is conferred or imposed upon a person to make an appointment or to constitute or establish a board, commission, committee or similar body, then, unless a contrary intention appears, the person having that power or duty shall also have the power to remove, suspend, dismiss or revoke the appointment of, and to reappoint or reinstate, a person appointed in the exercise of the power or duty, or to revoke the appointment, constitution or establishment of, or dissolve, a board, commission, committee or similar body appointed constituted or established, in exercise of the power or duty, and to reappoint, reconstitute or re-establish it.*
- (2) Where the power or duty of a person under this section is exercisable only upon the recommendation, or is subject to the approval or consent of another person, then the power shall, unless a contrary intention appears be exercisable only upon that recommendation or subject to that approval or consent.*

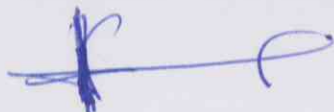
11. Considering the provisions of sub – section 1 referred above, it is the committee finding that that the Chairman – Hon. Donde having no powers to appoint the members of the CPSB therefore has no power to undertake any form of disciplinary action on, any member of the CPSB. The power to appoint these members rests with the Governor as is stipulated under Section 58 (2) of the County Government Act 2012, and it's only the Governor therefore who could suspend the members.

12. In addition and referring to The Interpretation and General Provisions Act, Section 51(2) quoted above, where that power to appoint is subject to approval and in this case the approval of the County Assembly; the power to suspend or take any other disciplinary measure shall be exercised subject to the approval of the County Assembly.

13. In this regard therefore the committee established that the Chairman of the CPSB did not act in accordance with the law, by exercising disciplinary action which was not within his mandate and jurisdiction as the Chairman of the CPSB, thereby violating Article 73 (1) and (2) of the Constitution of Kenya 2010 on responsibilities of leadership.

B. Procedure of Suspension and Compulsory leave of members of the CPSB by the Chairman of the Board

1. After assessing the legal provisions with regard to discipline, the committee found that the Chairman acted in total disregard of the law and hence his actions were ultra vires.



However, it was important for the committee to establish cause and events that may have led to the actions of the Chairman and his subsequent authoring of the letters for suspension and compulsory leave.

2. The petitioner and the two other members who appeared before the committee ably informed the committee that their woes with the Chairman of the CPSB – Hon. Donde ensued after they blatantly refused to take part in an irregular recruitment exercise which this House Committee on Governance Administration had declared irregular and hence null and void. The petitioner provided the committee with copies of letters addressed to the chairman protesting this recruitment and emails between them and the Chairman which depicted disagreement between them and the chairman.(See Annex)
3. The committee could not however pronouns itself on this matter since the Chairman Hon. Donde, despite being given opportunity to respond to this allegations, decided to exercise his right to silence wrongly guided by the sub – judice rule.
4. Consequently, the committee decided to review the matters raised in the suspension letters and the letter on compulsory leave which were authored by the Chairman – Hon. Donde. In the letter sending Ms. Florence Oketch on compulsory leave, Ref; SYSCNTY/PSB/CHAIRMAN/VOL.2 (27) dated 30TH April, 2018, the allegation documented in the letter is absconding of duty.
5. The procedure for dealing with the offence on absconding of duty is clearly spelt out in the Public Service Commission; Discipline Manual for the Public Service of May 2016. Section 4.4 of the manual stipulate as follows;


4.4 ABSENCE FROM DUTY WITHOUT LEAVE

Where an officer is absent from duty without leave, reasonable or lawful cause, the following steps shall apply:

- (a) *Establish the exact dates the officer was absent from duty. If not traced through personal contacts and next of kin within a period of ten (10) days from the commencement of such absence, the salary and other remunerative allowances shall be stopped with effect from the date of absence, and a report of the missing officer be made to the nearest police station and the Commission for appropriate action.*
- (b) *The officer shall be addressed a registered 'show cause letter' through his/her last known address, giving a reasonable period within which to respond but not less than ten (10) days. The nature of the offence and the contemplated action shall be stated clearly in the letter. A scanned copy of the show cause letter may be sent to the officer through electronic mail. (Sample letter is provided as Appendix VI.)*
- (c) *If the officer does not respond, the case shall be submitted to the relevant Human Resource Management Advisory Committee which shall make a recommendation to the relevant authority empowered under the regulations for decision.*
- (d) *If the officer has responded, the representations shall be analyzed alongside the charges and the findings submitted to the relevant committee for recommendation to the Authorized Officer.*



- (e) *The decision of the Commission or Authorized Officer and the right of appeal or application for review shall promptly be communicated to the officer.*
- (f) *Such decisions will also be communicated to the relevant professional body, where applicable.*
6. The committee found no evidence that this procedure was followed in determining that the Member, Ms. Florence Oketch who is also the Vice Chairman of the CPSB had indeed absconded duty to warrant compulsory leave.
 7. What was even more puzzling was the fact that the Chairman of the CPSB as indicated in the letter, had to wait for three months of constant absenteeism of the member before he could undertake any action considering that the manual calls for action to be taken after 10 days of absence.
 8. The Chairman further indicates in the letter that this was a decision of the CPSB by loosely stating that *"it had been decided that you be sent and you are sent on compulsory leave"*, without any reference to the minutes of the CPSB or the deciding parties, furthermore, it calls into question the authority of the Chairman to communicate decisions of the CPSB considering that the CPSB had a Secretary as provided for in Section 58(1)(c) of the County Government Act, who has the legal mandate to communicate decisions of the CPSB.
 9. This house in the first assembly, had also directed in a report of the committee of Governance and Administration (Report No. 4 of 2016), that the Chairman should cease communicating the decisions of the CPSB, as this was the function of the Secretary/CEO of Board, all communication done by the Chairman, unless a contrary intention appears, shall be considered invalid, null and void.
 10. This evokes questions as to whether this was a decision for the CPSB or the Chairman. Due to lack of evidence of the minutes underpinning this decision, the committee finds that the chairman – Hon Donde acted unilaterally in sending the members on compulsory leave an action which he has no legal mandate to undertake as deduced in the preceding paragraphs.
 11. On the matter of suspension of the petitioner and Mr. John Wangach Okere as addressed in the letters Ref; SYACNTY/PSB/DIS/11/17(1) and SYACNTY/PSB/DIS/11/17(2) both dated 9th November 2017, the Chairman alleged gross misconduct and insubordination of his office which arose from cases of absenteeism from full board meetings. The petitioner and Mr. John Okere, while responding to the committee on the issues that were documented on the letters, agreed to have been absent at the full board meetings where some of the members had been sitting to rationalize a recruitment process which was illegal and irregular and which they had earlier registered his dissenting opinion vide a letter dated 17th October 2016 signed by Ms. Florence Oketch – Vice Chairperson of the CPSB, Mr. Ismael Noo – Members of the CPSB, and Mr. Johaness Okere – Member of the CPSB, and subsequent emails between the members of the CPSB on 1st August 2018.



12. The Chairman in the suspension letter quoted the Public Service Commission Act, 2017, Section 71 upon which he rests' his powers to suspend the members. Section 71 of the Act states as follows;

71. Suspension

- (1) Where a public officer has been charged with a serious criminal offence, an authorized officer shall suspend the public officer from the exercise of the functions of the public office pending consideration of the public officer's case under this Act.*
- (2) An authorized officer may suspend a public officer against whom proceedings for dismissal have been taken if, as a result of those proceedings, the authorized officer determines that the public officer ought to be dismissed.*

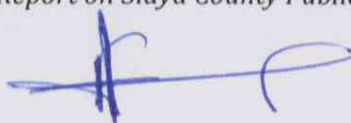
13. Upon review the committee found that the grounds that the chairman alluded to did not satisfy the threshold set for suspension that was provided for by the Public Service Commission Act 2017 that the chairman quoted. The petitioner and Mr. Okere were neither at any time before the suspension charged with a serious criminal offence as stipulated under Public Service Commission Act, 2017 Section 71(1) nor did they have proceedings for dismissal taken against them that would warrant their dismissal. In essence, there was doubt in the allegation made by the chairman and hence this could not warrant a suspension.

14. The Chairman further instructed the authorized officer at the payroll, to pay the petitioner and Mr. Okere half their basic salary as stipulated in the Public Service Commission Act, 2017 Section 71 (3) *A public officer who is suspended shall receive a half basic salary and full house allowance but other benefits shall be withheld by the authorized office.*

15. When communicating these suspensions, the Chairman continuously used the phrase "*it has been decided*" without reference to any meeting where this decision was made. There are no minutes of the CPSB where such an agenda for suspension was discussed and a resolution arrived at, this decision; as is the finding of the committee was therefore made by the chairman himself and not the CPSB.

16. Furthermore, if it were a decision of the CPSB, then the rightfully and legally recognized person to make the communication was the Secretary/CEO of the CPSB and not the Chairman of the Board, in this regard therefore the committee found the Chairman – Hon. Donde to have disregarded due procedure in so far as management of Boards and corporate governance is concerned.

17. More astonishing to the committee was that the Chairman of the CPSB – Hon Donde, continually cited the Public Service Commission Act, 2017 without any knowledge whatsoever that the Act did not in any way apply to the Offices under the County Public



Service; The Constitution of Kenya 2010 Article 234 (3) (d) is very clear on application of function and powers of the Public Service Commission.

(3 Clause (1) and (2) shall not to apply to any of the following offices in the public service:-

(d) an officer in the service of a county government, ...

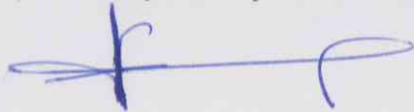
18. In addition, the Public Service Commission Act, 2017 Section 3, on the scope of the act provides clearly on its jurisdiction and application and makes further reference to the Article 234 of the Constitution of Kenya 2010 cited above and eliminates an office in service of the county government as being under its jurisdiction.

(3) Scope and application

Subject to Articles 155(3)(a), 158(3), 234(2)(a), 234(3) and 252(1) of the Constitution and section 28 of the Kenya Defence Forces Act (No. 25 of 2012), this Act shall apply to all public bodies and persons holding office in the public service

It is therefore the finding of the committee that the chairman did not only misguide himself on the section of the act but also relied on an irrelevant act which does not in any way apply to the members of the CPSB as they are officers under the service of the county government.

19. The committee is therefore of the opinion that the Chairman of the CPSB – Hon Donde either blatantly refused to adhere to the dictates of the law, both the Constitution of Kenya 2010 and the Public Service Commission Act 2017, an act against his oath of office; or that the Chairman lacks basic legal knowledge to administer his office which is a severe case of incompetency depicted by his actions.
20. Further investigation by the committee revealed that upon the receipt of these letters of suspension by the County Secretary – Mr. Dave Anyona, he (the County Secretary), directed the Director for Human Resource department of the County Executive – Mr. Dismas Obondo to effect, through the Integrated Personnel and Payroll Database (IPPD) the half basic salaries earnings for the petitioner and Mr. Okere.
21. However, considering the irregularity of this disciplinary action, IPPD could not undertake the instructions of the Director HR – Mr. Dismas Obondo, and instead, it gave the petitioner and Mr. Okere zero pay as evidenced in their pay slip for the month of November 2017 (See Annex). This is in contradiction of Section 18 of the Employment Act, 2007, on protection of wages. Since in that month the members suffered loss by not receiving their wages.
22. On realizing this, the Mr. Obondo quickly reinstated full pay for the two members of the Board, who have been continually earning without undertaking any duty in the County Public Service. The continuous earning of these members without undertaking their duty is in contravention of the principles of public finance as spelt out in the Constitution of Kenya 2010 Article 201 (d) and (e) on the principles of public finance which states as follows:



201. The following principles **shall** guide all aspects of public finance in the Republic:-

(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

23. The Public Service (Values and Principles) Act, 2015 Section 6, on the use of public resources provides as follows;

(6)Efficient, effective and economic use of resources

(1) A public officer shall use public resources in an efficient, effective and economic manner.

(2) For the purposes of subsection (1), a public officer fails to use public resources in an efficient, effective and economic manner if, in the process of their usage—

(a) the public officer has used the public resources in a manner that is not prudent;

(b) there is unreasonable loss;

(c) there is deliberate destruction; or

(d) the effect is to reduce the effectiveness of the public service.

24. The Public Finance Management Act, 2012 Section 149 (1) and (2) further provides that;

(1) An accounting officer is accountable to the county assembly for ensuring that the resources of the entity for which the officer is designated are used in a way that is:-

(a) Lawful and authorized; and

(b) Effective, efficient, economical and transparent

25. This clear violation of the Constitution of Kenya, 2010 and the Public Finance Management Act, 2012 coupled with the insensitivity to loss of the public resources by the Human resource department of the County Executive formed the basis for the summoning of the County Executive Committee Member for Governance and Administration – Mr. George Rubic together with the Director for Human Resource Management – Mr. Dismas Obondo and Director for Administration – Mr. Joseph Omodi who appeared before the committee on 18th September 2018 who the following submissions;

Submissions from CEC Member and the Directors of the department of Governance and Administration

1. They acknowledged receipt of the copy of the suspension letter on 9th November 2017, which the County Secretary – Mr. Dave Anyona marked to the Director of Human Resource – Mr. Dismas Obondo for his immediate action.
2. They saw no illegality or any form of irregularity with the decision of the Chairman of the CPSB and believed it was within his mandate and jurisdiction to suspend the members of the CPSB.

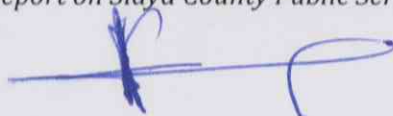


3. On an attempt to half the salary of the Petitioner and Mr. Okere, the IPPD failed to take the instruction and instated gave the two members of the Board no pay, an action that contravenes Section 17(10) of the Employment Act.
4. The failure of the IPPD to undertake the instruction called for a discussion at the executive, where they resolved to continue paying the members their full salary; with the view that in case the suspension was not lifted and the members dismissed they would recover the pay from the members' gratuity; which they could not confirm for certain that would be sufficient for the recovery.
5. They confessed that the IPPD was programmed in line with legal instruments and human resource regulations and therefore would not process an illegal or irregular salary, yet this did not provoke them to review the decision of the Chairman as being illegal and irregular.
6. The executive also presented that they were satisfied that the CPSB had requisite quorum to undertake its mandate and currently the CPSB was in the process of recruiting officers into the County Public Service.
7. The County Secretary in his written response dated 31st August, 2018 Ref: CGS/OCS/C.ASS CORR/3/VOL. X(143) alluded that according to him, the matters in question by the committee were sub-judice and hence do not warrant the discussion by the committee.

COMMITTEE FINDINGS AND OBSERVATIONS ON SUBMISSIONS BY CEC MEMBER AND THE DIRECTORS OF THE DEPARTMENT OF GOVERNANCE AND ADMINISTRATION

After examination of the submissions by the officers from the department of Governance and Administration the Committee found as follows;

1. It was clear from the petitioners' and Mr. Okere's pays slips that they do not have a basic salary, what they are paid, is a consolidated figure which does not clearly depict the amounts payable as basic salary or house allowance, hence for the Director Human Resource Management- Mr. Dismas Obondo to have even attempted to half their basic salary; which did not exist, was either an act of impunity or untamed ambition. The committee therefore finds that the Director – Mr. Obondo obeyed illegal instructions by both the Chairman and the County Secretary without questioning, by attempting to half the salary of the petitioner and Mr. Okere.
2. On the matter of agreement with the actions of the chairman, the committee found the CEC Member to be lacking in basic knowledge of the law which may not need anyone to be a lawyer in order to comprehend. The CEC Member either chose to deliberately ignore the contents of the letter, the legal grounds and procedure of suspension or was honestly ignorant of these basic human resource procedures. This calls into question the competence of the CEC Member, considering that the Human Resource directorate of the county executive is domiciled under his department of Governance and Administration



3. On the Director HRM, - Mr. Dismas Obondos' assertion that there was an internal discussion at the executive, where it was agreed that the petitioner and Mr. Okere to continue being paid their full salary, the committee found this action unfounded and lacking in merit since the director did not produce any minutes of such a discussion and the resolution thereof, furthermore the director confessed to having not communicated this decision to both the affected members of the board and to the Chairman of the Board, which was in contravention of Article 35 (1) (b) of the Constitution of Kenya 2010 on the right of access to information held by another person and required for the protection of any right or fundamental freedom.
4. The committee therefore found the Director HRM – Mr. Dismas Obondo and the County Secretary – Mr. Dave Anyona culpable on the grounds of violation of the fundamental rights and freedoms particular the right to fair labour practices as encapsulated in the Constitution of Kenya Article 41 and the right to fair administrative action provided for under Article 47 of the Constitution.
5. In addition, the County Secretary – Mr. Dave Anyona and the Director – Mr. Dismas Obondo were individually and collectively responsible for the loss of public resources, considering that the members of the board were earning their full salary without delivering any service to the county government due to an act of omission by the County Secretary and the director who decided to recognize irregular instructions by the Chairman of the CPSB.
6. On the assertion by the County Secretary that the matter raised in the petition were sub – judice, the committee found that the County Secretary's' submission were intended to gag the house on asserting itself on the matter and a deliberate action to avoid responsibility on the illegalities committed by his office and himself. The committee further found that the County Secretary – Mr. Dave Anyona was insensitive to the loss of public resources, as his actions were in disregard of the Constitution of Kenya 2010 Article 73(1) and (2) on leadership and integrity and against the Leadership and Integrity Act, 2012 Section 7 which states as follows;


(7.) *Rule of law*

- (1) *A State officer shall respect and abide by the Constitution and the law.*
- (2) *A State officer shall carry out the duties of the office in accordance with the law.*
- (3) *In carrying out the duties of the office, a State officer shall not violate the rights and fundamental freedoms of any person unless otherwise expressly provided for in the law and in accordance with Article 24 of the Constitution.*

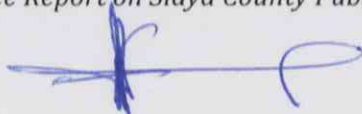
C. Quorum of the County Public Service Board;

For the avoidance of any doubt, the committee relied on the definition of quorum as in the Black's Law Dictionary (10th Edition) which defines quorum as "*the smallest number of people who must be present at a meeting so that **official** decisions can be made*"

1. The matter of quorum came under heavy deliberation by the committee, due to the fact that as presently constituted, and out of a membership of six the CPSB has a total of three members since two were on "suspension" and another on "compulsory leave".
2. In order to determine the quorum of the CPSB, bearing in mind that the County Government Act, 2012 in itself only provides for the composition under Section 58 and is silent on the requisite quorum for undertaking the activities of the CPSB, the committee relied on comparative analysis of other independent national commissions and similar cases before any legal courts in Kenya. The Committee examined The Independent Electoral and Boundaries Commission Act, 2011, The National Gender and Equality Commission Act, 2011, The National Cohesion and Integration Act, 2008 and The Public Service Commission Act, 2017 and determined as follows;
3. The National Gender and Equality Commission Act, 2011 Second schedule paragraph 3 provides that; *Subject to subparagraph (2), the quorum of the meeting shall not be less than half of the appointed members.*
4. The argument for half of the appointed members to form a quorum is also shared with The Independent Electoral and Boundaries Commission Act, 2011 cited in the Second schedule paragraph 5, and states that *The quorum for the conduct of business at a meeting of the Commission shall be at least half of the existing members of the Commission,*
5. Alive to the fact that these two commissions (the National Gender and Equality Commission and the Independent Electoral and Boundaries Commission), have an odd number of membership; half the membership could only be by fact a majority of the members.
6. Other legislations and independent commissions have however differed with this notion of the half membership arguing that since most commissions are constituted with an odd number of members, loosely putting the quorum at half opens unnecessary debate on clarity of the quorum considering that there cannot be a half a person. For instance the IEBC with a total of seven members, half of the membership would constitute three and a half persons making it impossible to determine whether to settle on three or four members to form the quorum. To this regard therefore, other legislations have expressly provided for the number of commissioners that would constitute a quorum.
7. The National Cohesion and Integration Act, 2008, Third schedule paragraph 3 stipulates that *The quorum for the conduct of business at a meeting of the Commission shall be seven members* which is a clear majority of the possible twelve commissioners.
8. The Public Service Commission Act, 2017, which is a fairly recent legislation and establishes a commission with very close functional and structural relations with the County Public Service Board; similarly gives an express number of commissioners who shall provide quorum for its meetings. In the Third schedule of the Act paragraph 5 it states that, *The quorum for the conduct of business at a meeting of the Commission shall be at least five members of the Commission,* which is a clear majority of a possible nine commissioners.



9. It is therefore impossible that half of the members of Siaya County Public Service Board, as presently constituted could form a quorum, considering that three members out of the total six was not a majority and hence cannot make **official and binding decisions**.
10. In addition, in the ruling on Petition 212 of 2018 in the High Court of Kenya at Nairobi; Isaiah Biwot Kanwony vs Independent Electoral and Boundaries Commission and the Attorney General; Justice Okwany pronounced himself that *"the issue of quorum, apart from being a matter provided for under the statute, is also a matter of common sense and construction depending on the total number of the commissioners appointed at any given time because it is the total number of commissioners appointed that would determine the quorum of the commission and not the other way round"* this however must be done guided by the dictates of Article 259 (1) of the Constitution of Kenya 2010 which provides that the Constitution shall be interpreted in a manner that advances the rule of law and human rights, permits the development of the law and contributes to good governance. These good governance principles include; inclusivity based on majority views in decision making.
11. In another case of Katiba Institute & 4 Others vs. The Attorney General & 2 others [2018] Justice Mwita J. pronounced himself on the issue of the quorum of the commission as follows: *"Quorum being the minimum number of Commissioners that must be present to make binding decisions, only majority commissioners' decision can bind the Commission..... In that regard therefore, in decision making process where decisions are to be made through voting, only decisions of majority of the Commissioners should be valid. Short of that anything else would be invalid..... plainly skewed and unconstitutional."*
12. In view of the foregoing, the committee found that for the CPSB, as currently constituted lacked the requisite quorum to undertake its functions. The CPSB had three members against the current total membership of six. Three was clearly not a majority of the members and hence their decision could not be **binding and official**. The committee therefore determined that the quorum for the CPSB considering the current total membership of six is four members.
13. Furthermore, members of the CPSB had been drawn from various sub counties with the view to satisfy regional representation and inclusivity in decision making. The intention of the law, the appointing authority and the County Assembly was that a majority of the voices of the people and the sub counties shall be heard on matters relating the functions of the CPSB. Therefore, to have only half of the sub – counties decide for the entire county is not in agreement with the edicts of inclusivity and good governance.
14. It was therefore the considered finding of the committee that the activities and functions that the CPSB undertook, including resolutions at meetings of the CPSB where only three members were present were not legal and binding whatsoever, since a majority of the members were not present.



EMERGING ISSUES

1. On the legal advice by Mr. Leonard Okanda delivered vide letter Ref; **CGS/PSG/GVN/DO8/VCOL.1 (17) dated 17th November 2017**, and presented to the committee by the petitioner; it was the resolution of the committee that it was not admissible and the committee therefore shall not rely on it as an evidence of fact. This was guided by the view that however much the sentiments of the legal advisor vindicated the submissions of the petitioner and reiterated the illegality and the irregularity of the actions of the Chairman of the CPSB - Hon. Donde, it was unclear to the committee how the petitioner could have sourced for the advice which was not copied to him.
2. Before purportedly sending the Vice – Chairperson of the CPSB – Ms. Florence Oketch on compulsory leave; the Chairman, - Hon. Donde appointed Ms. Rosemary Atieno Okumu – a member of the CPSB to the position of Vice – Chairperson as is evidenced vide a letter dated 20th March 2018 Ref; SYCNTY/PSB/CHAIRMAN/VOL.2 (27). This action of Hon. Donde was in total contravention of the County Government Act, 2012, section 58(6) which states that
58(6) The Board shall elect a vice – chairperson from amongst its members
There was no evidence of minutes of the CPSB where it held an election and elected Ms. Rosemary Okumu as the vice – chairman of the CPSB and hence it would be illegal for Ms. Okumu to assume the powers and functions of the vice – chairperson of the CPSB. It is therefore the decisions of the committee; that Ms. Florence Oketch is the valid vice – chairperson of the CPSB and any recognition, by any party of the appointment of Ms. Rosemary Okumu as the vice – chairman would be invalid, null and void.
3. Towards the end of the committees’ investigation on this petition, the chairman of the CPSB – Hon Donde, vide a letter dated 10th September 2018 Ref; SYACNTY/PSB/CHAIR/VOL.1 (58) purported to have lifted the “suspensions” of the petitioner and Mr. Okere, the committee observed this action as contradictory, since the chairman in his earlier submissions to the committee, was of the opinion that discussing and acting on this matter was in fact sub – judice. The committee therefore finds that Chairman of the CPSB – Hon Donde to be an irresolute officer, with an insatiable appetite to violate laws and due procedure.
4. In addition, the letter lifting the suspensions did not meet the standard set for such letters as prescribed by the Public Service Commission; Discipline Manual for the Public Service for May 2016, Appendix V as it lacked form and requisite content.



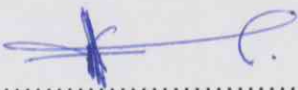
7.0 RECOMMEDATIONS;

1. Having considered the provisions of Articles 73, 75, and 251 of the Constitution of Kenya, 2010 read together with Sections 58(5) and 8(2) of the County Government Act, 2012; and, having considered the provisions of the Leadership and Integrity Act, the Leadership and Integrity Regulations; the Committee unanimously reports to the House that the Petition discloses grounds for removal of Hon. Joe Aketch Donde as Chairperson of the County Public Service Board and recommends to the House as follows: -
 - (a) That the House resolves that the Petition herein together with the materials in support thereof be sent to His Excellency the Governor, pursuant to Article 251 of the Constitution;
 - (b) That the House resolves that His Excellency the Governor appoint a tribunal to deal with the matter in accordance with Article 251 (5) of the Constitution;
 - (c) That considering the matters to which the Petition herein relate, the House resolves that His Excellency the Governor suspends the Chairperson of the Siaya County Public Service Board – Hon. Joe Aketch Donde, pending the determination of the tribunal.
2. On the basis that the County Secretary – Mr. Dave Anyona Kanundu and the Director for Human Resource Management – Mr. Dismas Obondo individually and collectively, and by an act of omission, caused the loss of public resources, by paying the petitioner and Mr. Okere their full salaries for ten months, despite them not rendering service to the people of Siaya; the committee recommends that the CEC Finance to recover this money paid to the members, from the County Secretary - Mr. Dave Anyona and the Director Human Resource Management - Mr. Dismass Obondo in line with the Public Finance Management Act, 2012 section 149 (1) and (2) and the Constitution of Kenya 2010, Article 226 (5). The CEC Member to report to this house in four weeks on the status of the recovery.
3. On the activities of the County Public Service Board and the meetings undertaken where less than four members of the Board were present, the committee finds that those activities and resolutions are neither official nor binding as any number of the members less than four is not the quorum for the CPSB and recommends that those activities and resolutions are to be considered by any affected party as invalid, null and void.
4. On the grounds of suspension and compulsory leave; the committee finds that these actions by the chairman are illegal and irregular, and therefore to be considered invalid, null and void. To this regard therefore, the committee recommends that Mr. Ismael Noo Onyango (the petitioner), Mr. John Okere Wangach, and Ms. Florence Oketch to resume their duties at the Siaya County Public Service Board **IMMEDIATELY**. By a copy of this report, the Secretary of the CPSB – Mr. William Luballo is to report to this house on the resumption of duty of the members of the board within seven days after the tabling of this report.



5. On the matter of appointment of Ms. Rosemary Okumu as the Vice – chairperson of the CPSB, the committee finds that this appointment is irregular and illegal as it violates the provisions of the County Government Act, 2012 Section 58(6). The committee therefore recommends that this appointment be considered invalid, null and void, including any transactions of the board undertaken by Ms. Rosemary Okumu as the vice – chairperson.
6. The committee further recommends that Ms. Florence Oketch to resume her duties **with immediate effect** as the validly elected vice – chairperson of the Siaya County Public Service Board. By a copy of this report, the Secretary of the CPSB – Mr. William Luballo is to report to this house the resumption of duty of Ms. Florence Oketch as the vice – chairperson of the board within seven days after the tabling of the report
7. On the grounds that there exists no legal framework to guide the operations and transactions of the Siaya County Public Service Board, and considering that the County Government Act, 2012; which establishes the CPSB is not explicit on its operations; leaving legal gaps that have been negatively exploited by irresponsible leadership, this committee recommend that the Honorable house to enact a Siaya County Public Service Board Act with the aim of addressing germane matters of law not provided for in the County Government Act, 2012 with regard to the CPSB.
8. The committee finally recommends that this report be addressed to the petitioner, CEC Member for Finance, CEC Member for Governance and Administration, the Secretary/CEO of the Siaya County Public Service Board, office of the Governor and other oversight institutions including the Ethics and Anti – Corruption Commission and the Auditor General for appropriate legal action.

N

Signed  Date 08-10-2018

Hon. Francis Otiato, MCA
Chairperson, Committee on Justice and Legal Affairs
County Assembly of Siaya

