

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Wednesday, November 4th, 2015

The County Assembly met at the County Assembly chambers at 2.30 p.m.

(The Speaker, County Assembly of Samburu (Mr. Steve Lelegwe) in the chair)

PRAYER

MOTION

The Samburu County Village units Delineation Bill 2015

Nominated MCA, (Hon. Irene Leshore): Thank you Mr. Speaker, Hon. Speaker sir before I move the motion, I would like to seek your direction because the oversight role concerning the report on public participation on the delineation committee. Mr. Speaker sir, the chairperson had tabled this report on 30th September 2015 order paper No. 75 at 9: 30 A.m. I wish to rectify that the report was tabled and I want it to be discussed as it was recorded in the hansard yesterday. Mr. Speaker I seek your guidance.

The Speaker, (Mr. Steve Lelegwe): Thank Hon. Irene Leshore, I think you can proceed with the motion as you have just mentioned that you seek to notify the house on the paper that report was tabled on the house that concerns the Land Delineation Bill that was tabled on 21/7/2015. Now we proceed because it is already in record that the report has been tabled and today, it is in the stage of moving the motion to be discussed by the house. Thank you.

Nominated MCA, (Hon. Irene Leshore): Thank you Mr. Speaker, Hon. Speaker sir, pursuant to Standing Order 47 part (i), I wish to move a motion that this house debates and approves the report of the committee on Labour, Social welfare, Justice and Legal Affairs on the public participation of the *Samburu County Village Units Delineation Bill 2015* tabled on 21/7/2015. Mr. Speaker sir, I am pleased to present and table the report on public participation of the Village units delineation bill 2015 to the County Assembly of Samburu by the committee of Labour, Social welfare, Justice and Legal Affairs with respective recommendations. Mr. Speaker sir the mandate of the committee on Labour, Social welfare, Justice and Legal Affairs according to Standing Orders 191 (iv) shall be:

- ✚ Investigate, inquire into and report on all matters relating to mandate, management, activities, administrations, operations and estimates of the assigned departments.
- ✚ Study the programme and policy objectives of the departments in the effectiveness of the implementation.

SCA/456/3/2015 (11) SAMBURU COUNTY ASSEMBLY DEBATE 1

- ✚ Study and review the whole county legislation referred to it.
- ✚ Study, asses and analyze the relative success of the departments as measured by the results obtained as compared to their stated objectives.
- ✚ Investigate and inquire into all matter related to the assigned department as they may be necessary and as it may be referred to them by the County Assembly.
- ✚ Vet and report on all the appointments where the constitution or any other law requires the County Assembly to approve.
- ✚ Make reports and recommendations to the County Assembly as often as possible including recommendations of the proposed legislations. Mr. Speaker sir the committee on Labour Social Welfare, Justice and Legal Affairs comprises of the following members:

Hon. Modesta Lalaikipiani- chairperson

Hon. Sarah Lekisaat- vice chairperson

Hon. Irene Leshore – member

Hon. Benjamin Leitore – member

Hon. Raisy Letura – member

Hon. Romano Leakono – member

Hon. Jonathan Lemoosa – member

Hon. Jackson Lelenkeju – member

Cognizant of the importance of the various interests of the public and the members of this House had on this bill, the committee facilitated all members of the Assembly in undertaking Public Participation and this has enabled the committee to undertake this exercise in three days, therefore, all members are involved in developing this report. The committee thanks the offices of the speaker and the clerk of the County Assembly of Samburu for the support extended to it in the conduct of public hearings. The committee also thanks in particular the members of the Assembly who participated in the public forums despite the fact that they are not members of the committee. Mr. Speaker sir, it is my pleasure and duty pursuant to Standing Orders 121 (iii) to

SCA/456/3/2015 (11) SAMBURU COUNTY ASSEMBLY DEBATE 1

present the report of the committee on Labour, Social welfare, Justice and Legal Affairs for consideration by the house, I call upon the Leader of majority to second the motion.

The Majority whip, (Hon. Benjamin Leitore): I second

The Speaker, (Mr. Steve Lelegwe): Thank you Hon. Members I therefore propose the question that this house debates and approves the report of the committee on Labour, Social welfare, Justice and Legal Affairs on the public participation of the Samburu County Village Delineation Bill 2015 tabled on 21/7/2015. Hon Irene Leshore.

MCA Nominated, (Hon Irene Leshore): Mr. Speaker sir I would like to give the members a brief over view of the report. The Village Units Delineation Bill 2015 originated from part six of the County Government Act 2012 which establishes the decentralized units at the County levels. Article 48 of each County Government Act states that ‘subject to section 3 the functions and provision of services of the County Government shall be decentralized to:

- (a) The urban areas and cities within the County established in accordance with the urban areas Act No. 13 of 2011.
- (b) The sub-counties equivalent to the constituencies within the county established under article 89 of the constitution.
- (c) The wards within the county established under article 89 of the constitution and Section 26. The Act also gives the County Assembly powers to determine the number of village units in each County. In establishing a village unit a county Assembly shall take into consideration the following:
 - (a) Population size.
 - (b) Geographical features.

SCA/456/3/2015 (11) SAMBURU COUNTY ASSEMBLY DEBATE 1

- (c) Community of interest, historical, economic and cultural ties.
- (d) Means of communication.

The bill was read in the Assembly for the first time on 21/7/2015 and committed to the sectorial committee on Labour, Social welfare, Justice and Legal Affairs pursuant to Standing Orders 121 (i). Pursuant to article 118 of the constitution and Standing Order 121 (i) of the interim County Assembly Standing Orders. The sectorial committee of the County Assembly of Samburu on Labour, Social welfare, Justice and Legal Affairs facilitated a public hearings fora that were held between 21 and 24 September 2015 at all the 15 wards within the Samburu County to take into account the views and the recommendations of the public when preparing of this report. Mr. speaker according to its objectives and its memoranda the bill seeks to provide for the delineation and establishment of the units in Samburu County so as to provide for further decentralization of the functions and provision of services by the Samburu County government in accordance to article 176 (ii) of the constitution. The committee on 23/7/2015 had a consultative meeting with the CEC (Executive Committee Member) Finance, Public Service Board and other stake holders in considering some of the missing sections of the bill as per the County Government Act and existing sub-locations in the County. The committee in considering the views of the CEC Finance and the Legal officer agreed to include the village council in the bill as it is in the Act. The committee held the meetings on Monday 28/9/2015 and 29/9/2015, considered the submissions from the public hearings and recommended that the Village Unit Delineation Bill 2015 be adopted subject to the amendments contained in annex one to be removed at the committee stage. Mr. Speaker sir, the committee recognizes the views of the public and concern that in order for devolution to achieve its objectives, the devolved units must be up to the village level. The community was concern that the current bill considered the sub-locations in which to some extent disadvantaged most wards. The views of the public and the Hon. Members are that the historical injustices brought by the former government cannot be addressed by considering the current existing sub-locations as the devolved units. The members agreed that due to budgetary constraints and difficulty in identification of the new village units which requires a lot of time and involves many Government agencies and stake holders, the bill

to be passed as it is without creating any new village units and provision of new village unit to be introduced to allow addition of units in the future. Mr. Speaker the bill has been processed by the committee and is now ready for presentation to the house for consideration. Hon Speaker I would now wish to read the findings and recommendations of the committee.

COMMITTEE FINDINGS

- (1) In order for devolution to achieve its objective and fulfillment of article 176 (ii) of the constitution, the County Government Act 2012 (vi) must be implemented to the letter.
- (2) That there is a deliberate omission of the village council in the Bill and needs to be incorporated.
- (3) That in all wards there is a general feeling that the community has been waiting for the implementation of the decentralized units as per the county Government Act 2012.
- (4) That the financial implication of implementation of the bill cannot be ignored as this will increase the wage bill of the county government.
- (5) That using the current existing sub-location as village units disadvantages most wards since these sub-locations were established very long time ago and have not been reviewed.
- (6) That there are some existing villages that have been left out and need to be included in the schedule.
- (7) That all the wards need at least an addition of three more villages in consideration of population, geographic and community interest factors.

- (8) That the village administrator needs to be the resident of the village and should have a post-secondary school education and experience is also important.
- (9) There is a need to consider people of high integrity and respected elders in the community in consideration of the village council.
- (10) That the village council should be selected by the community instead of village administrator as in the County Government Act and the Village Administrator.

COMMITTEE RECOMMENDATIONS

- (1) The village council should be included in the Bill as is in the County Government Act 2012 clause 53.
- (2) The office of the Governor to come up with a regulation that can operationalize clause six sub clause three of the bill.
- (3) A maximum of five elders per village to be selected to constitute the village council.
- (4) The village council should be selected by the community and not the village Administrator.
- (5) The village Administrator should be a resident of the village and not the resident of the County.
- (6) The village units should comprise of the currently existing sub locations and there should not be the creation of the new villages units for now.
- (7) A clause should be introduced in the bill that will allow for the addition of the village units in the future.

Thank you Mr. Speaker

The Speaker, (Mr. Steve Lelegwe): Thank you Hon. Members I can see that most of you are contented by the report as tabled by the chair we request your contributions otherwise if you have no contributions the chair can proceed to put the question. Hon. Loldepe.

MCA Maralal Ward, (Hon. Elly Loldepe): Thank you Mr. Speaker, first I wish to thank the committee for an elaborate report because I think the committee actually has done a good job taking and noting the concerns of the communities we represent Mr. Speaker because I think the report clearly shows all the concerns of the community as has been raised Mr. Speaker and I wish to commend the committee for the work done. Secondly, Mr. Speaker as I commend the committee I find some contradictions that the committee could have guided us on because in one hand they say that for devolution to be achieved that is in the committee findings, the County Government Act 2012 must be implemented to the latter. I don't see how it is being addressed fully in the same report.

Number two, Mr. Speaker, I do not know what the committee findings number two talks about because the committee finding says that there is deliberate omission of the village council in that the solution for the village council and it needs to be incorporated. So I don't know if this was deliberate or an oversight and I don't know exactly if there is someone who is deliberately making mistakes, deliberate meaning it is intentional so I don't know what the committee meant and who was that who made such deliberate mistake Mr. Speaker.

Thirdly; Mr. Speaker, in the committee findings, No. four that says "*the financial implications of the bill cannot be ignored seem to increase the wage bill of the County Government,*" Mr. Speaker I do agree with the committee on the same but I just wish to note that the county government of Samburu did know and did plan for the same and it is still written within the budget Mr. Speaker. So as we speak, this was already budgeted for and this is something that we are going to look for money to support this bill, because it is within the budget and even the supplementary budget that we were going through yesterday showed settlements for last six months.

SCA/456/3/2015 (11) SAMBURU COUNTY ASSEMBLY DEBATE 1

This has always been budgeted for, for the past three years so the financial implications are already known and noted by the County Government of Samburu. This we already know and we already planned for, Mr. Speaker there is also an issue in No. six in the committee findings that *“all wards need at least an addition of three villages in consideration of geographical location Community of interest and other factors.”* This is the committee findings but when you go to the committee recommendations the same committee that found out that there was need to do so says we cannot do so yet they found out that. So I don't know if this committee was somehow confused because we cannot say that we found out that this is needed and instead say we cannot do this as you find out, so Mr. Speaker if they found out that this was needed based on population and community of interest, why have they said again they do not need that? And Mr. Speaker if you can go back to the communities of interest, which have been said in this reports Mr. Speaker, it is not in every ward that the communities requested for an additional village. Some communities were contented as they are which is very clear within the bill but...
(Interrupted by the speaker)

The Speaker, (Mr. Steve Lelegwe): Hon. Loldepe you cannot refer the hon. committee of this house as confused in their findings and therefore you should withdraw your statement.

MCA Maralal Ward, (Hon. Elly Loldepe): Thank you Mr. Speaker, I withdraw but I think there is confusion there. Therefore I think that confusion should be cleared. If you were to look at what they said and what they recommended, they contradict. As I was saying, there are wards that are contented as they are, for instance if you go to page No. 10 that Maralal ward and I thank them for that for knowing and noting it on paper that Maralal ward participants were concerned that restricting the number of villages to the current sub-location will be a very unfortunate situation since Maralal has the population more than Samburu east constituency and that is what the committee found out and they put it on paper. So, if the committee found out that I wish the committee therefore...

MCA Ndoto Ward, (Hon. Raisy Letura): Point of information Mr. Speaker

The Speaker, (Mr. Steve Lelegwe): Continue Hon. Letura

MCA Ndoto Ward, (Hon. Raisy Letura): Thank you Mr. Speaker, I just wanted to...

The Speaker, (Mr. Steve Lelegwe): Hon. Loldepe you take your seat

MCA Ndoto Ward, (Hon. Raisy Letura): I just want to inform Hon. Loldepe that Samburu East sub- County is 59,094 persons while Maralal as per the official census record was 36,000 so I don't know where he gets to compare Maralal and Samburu East sub-county Mr. speaker

(APPLAUSE)

MCA Maralal Ward, (Hon. Elly Loldepe): Thank you Mr. Speaker may be for information the report I am reading is not authored by Loldepe, I am not a committee member, this is a report authored by the same Hon. member and it says...

The Speaker, (Mr. Steve Lelegwe): What is it Hon. Lemoosa?

MCA Nyiro Ward, (Hon. Jonathan Lemoosa): Speaker sir...

The Speaker, (Mr. Steve Lelegwe): Take your seat Hon. Loldepe

MCA Nyiro Ward, (Hon. Jonathan Lemoosa): Speaker sir actually when we sight Standing Orders No. 48 (c), Hon. Loldepe is used to bringing unclassified and without evidence he keeps on bringing false information to this house. Can he clarify the source of his information as per as the population? Can he table? Thank you.

SCA/456/3/2015 (11) SAMBURU COUNTY ASSEMBLY DEBATE 1

MCA Maralal Ward, (Hon. Elly Loldepe): Mr. Speaker I don't know if the member has the report that I am reading and maybe he should be given the report so that we can continue and open the report on page 10...

MCA Nyiro Ward, (Hon. Jonathan Lemoosa): Speaker sir I am not saying that I doubt the report, Speaker sir it is about...

The Speaker, (Mr. Steve Lelegwe): Order, Hon. Lemoosa, the Hon. member is reading the report of the committee on Labour, Social welfare, Justice and Legal Affairs and the information he is giving is contained in the report and he is informing you to go to page 10.

MCA Maralal Ward, (Hon. Elly Loldepe): Thank you Mr. Speaker for clarifying that information. On page 10 sub-section 3.3 submissions by Maralal town participants and this is what the committee wrote and the committee members are here, Mr. Speaker allow me to read their name.

The Speaker (Mr. Steve Lelegwe): Before you do that Hon. Loldepe, you are reading the views from the public and the information from the public is as contained in page 10 and you are reading to the house and not the findings of the committee, thank you, continue.

MCA Maralal Ward, (Hon. Elly Loldepe): Thank you Mr. Speaker I am reading the report as written and authored by the committee and as stated by them...

The Speaker, (Hon. Steve Loldepe): Order Hon. Members we let Hon. Loldepe continue with his contribution to the motion, continue Hon. Loldepe.

MCA Maralal Ward, (Hon. Elly Loldepe): Thank Mr. Speaker for protecting me, Mr. Speaker the report is very clear. If the committee had issues with the information submitted by the

SCA/456/3/2015 (11) SAMBURU COUNTY ASSEMBLY DEBATE 1

community, then they should have told the community the facts on the ground because they had facts. I am only reading the report as...

The Speaker, (Mr. Steve Lelegwe): What is it Hon. Letura?

MCA Ndoto Ward, (Hon. Raisy Letura): Mr. Speaker, the point of order is I want to enquire whether Hon. Loldepe is in order to keep on referring to the findings of the committee and the recommendations of the committee as their recommendations. Are we supposed to take all the recommendations of the committee or members can take orders with reasons?

MCA Maralal Ward, (Hon. Elly Loldepe): Thank you Mr. Speaker, I just wish that my friend and my colleague Hon. Letura goes through the report and understand it and not personalize what the report says. As personalizing issues raised and issues written by the committee will not give reason. What we need is a voice of reason than a voice of personalization. Because the moment we start personalizing...

The Speaker, (Mr. Steve Lelegwe): Continue with your contributions, Hon. Loldepe those are not contributions...

MCA Maralal Ward, (Hon. Elly Loldepe): Thank you Mr. Speaker, the same committee actually quoted the reference they would like to use in establishing the village units and that they did by actually quoting the County Government Act in page six, the Act says *that the Act gives the County Assembly power to determine the number of village units in each county*. My concern is, if we know and we have noted these factors, if we accept these factors as true that they should be considered, who should be considered? My one question to this committee is, if those are facts and laws then, why are we not agreeing with the same law? My simple urge to this house is is that we relook into the bill so that we may achieve not just equality but equity as well because if you do equality without equity then we are doing injustice. Thank you Mr. Speaker may be God will give us wisdom as we look into this bill then we look at it with a heart that we must

SCA/456/3/2015 (11) SAMBURU COUNTY ASSEMBLY DEBATE 1

always win. It is not always about winning, it is about doing service to the people and giving services that is with a reason. Thank you Mr. Speaker sir

(APPLAUSE)

MCA Ndoto Ward, (Hon. Raisy Letura): Thank you Mr. Speaker...

The Speaker, (Mr. Steve Lelegwe): Before I give you a chance Hon. Letura, we request Hon. Loldepe to state whether he supports or opposes the motion.

MCA Maralal Ward, (Hon. Elly Loldepe): Thank you Mr. Speaker I support the report but with the necessary amendments that need to be done so there need to be amendments on the report so that I support it fully.

MCA Ndoto Ward, (Hon. Raisy Letura): Thank you Mr. Speaker once again, I want to support the motion on the report of the committee on Labour, Social welfare, Justice and Legal Affairs as it is with the following reasons:

- ✚ I want to congratulate the committee on Labour, Social welfare, Justice and Legal Affairs for the job well done. The report is comprehensive and it has taken care of Article 176 of the constitution of Kenya, it has also taken care of section six part (c) of the County Government Act and section 53 of the County Government Act.
- ✚ the committee has drawn a very comprehensive report and taken into consideration the fact that we want the devolution services to reach the grassroots levels and that is why the committee has recommended the creation of village units and as per the understanding, this may go down in history if the report is approved as one of the first County Assembly to have passed the county villages and delineation bill. By doing so, this committee and this house have shown the seriousness of respecting the constitution and has also shown the seriousness of respecting devolution.

SCA/456/3/2015 (11) SAMBURU COUNTY ASSEMBLY DEBATE 1

- ✚ This committee has considered the reason of getting services down to the grass root as well as also the financial constraints of this bill. We all understand and we are all aware that the wage bill of this county is overshooting I think we are one of the counties experiencing financial constraint especially on the side of wage bill and therefore this house as an oversight of this county cannot pass bills for the sake of passing without considering financial constraint but this house will pass bill that are well informed by the extent it will affect this county financially.
- ✚ I fully agree with it because it has taken into consideration the different stake holders and we have seen the Executive especially Treasury being consulted, we have seen communities during public participations, we have even consulted high levels of the county government of Samburu and this shows how serious this committee was in undertaking its duties and reporting to this house.
- ✚ town we have decided to put a unit, This committee again has undertaken as under the County Government Act again consideration to see that we have also taken community interest we know that this county has various ethnic groups and that is why in the heart of Maralal we know if we got a village unit in Maralal township we know that different ethnic groups will be considered same applies to Baragoi and the rest. We have also gown down to say that the areas of sub-location levels some of them may not meet the population if other factors were considered but due to factors of community interest living in those sub-locations that is why this committee has decided to consider such factors to allocate every sub-location as a basis for village unit.
- ✚ the committee has also taken down as I said before the financial implications of this bill, we have seen there are almost 600 people who will be under payroll or salary and wages through allowances like the village council and that is why this committee has settled to say that this time round the basis for village units is sub-locations as also we improve on the formula that a village is to be created, therefore this committee has according to me done us proud to see that all these considerations has been taken and each and every individual of this county has been considered according to the report I have read of this

SCA/456/3/2015 (11) SAMBURU COUNTY ASSEMBLY DEBATE 1

committee with those few remarks Mr. Speaker I once again support the report, thank you.



MCA Waso Ward, (Hon. Fabian Lolosoli): Thank you Hon. Speaker, I rise to support the committee's report and I really like to thank this committee on the good job that they have done. The bill has taken a bit too long and people are very anxious out there; people want jobs are waiting for this bill to be passed. I am also supporting the recommendation that we use the sub-locations at least for now to be the smallest unit that is the village, the committee has also recommended that a clause be inserted into the bill to enable future village formation if it becomes necessary. In the bill, although am not actually looking at the report right now, Lerata has been indicated to be in Wamba East but it is supposed to be in Waso, and I have seen that they have recommended that it should be indicated in the right place so I request and pray to the house to kindly pass this report, thank you.

MCA Baawa Ward, (Hon. Pius Lobuk): Thank you Mr. Speaker for this opportunity, before I go further I support this bill, in my understanding the most important issue in all the content of this bill. It has taken care of the voiceless to be heard and not only to be seen as it used to be. This is the real essence of devolution. Devolving power to the lower levels, there is a difference between committee deliberations and resolutions, during the committee deliberations may be the committee members had forwarded their proposals we need additional village units but finally they resolved that there is no additional until the later stage and I am very happy for this report because the committee had considered that and the committee gave room or window of addition of new units to be established later. It is not a closed ended report it is open ended and I am also happy about the selection of the village elders. Let the community exercise their roles and elect those among them who they feel can represent them fully other than electing them from other sources I think this is the right direction, let them elect persons of their choice and let us not go and put our words into their mouths. I need some clarifications although I am supporting this bill. the report had stated five members per unit as they have not specified the composition of these members and as we know we are gender sensitive we need to go further and specify what are

SCA/456/3/2015 (11) SAMBURU COUNTY ASSEMBLY DEBATE 1

these five members and those of us who are requesting for additional village units I think what should we say about those among us who have got very large areas. If you look at this report we are given the ward in square kilometers, some areas are too big than even those who are requesting for additional units and all these areas are inhabited there is no deserted areas. What shall we say to those ones? I am happy that the committee had left a room for that. Finally, I appeal to this house, this report is overdue our communities are eagerly waiting for implementation of this bill. I think we are all concerned and especially those of us in this house. Our days are numbered in this house....

(APPLAUSE)

And if this house is dissolved and this report fails to be implemented I think you will go home faster than you came here.

(APPLAUSE)

Thank you, Mr. Speaker.

The Speaker, (Mr. Steve Lelegwe): Thank you Hon. Lobuk for your contributions kindly note that the composition of the village council will take into consideration the provision of the constitution of Kenya that is on the gender issue you are trying to raise about the composition of the village council. Hon. Lelenkeju.

MCA Wamba East, (Hon. Jackson Lelenkeju): Thank you Mr. Speaker sir I also stand to support the report though I have some few comments and some reservations as well. Having gone through the report and listening to the members that have spoken and I beg for your protection and guidance as well because I want to comment on some issues here and there this house being the house of Hon. Members and representative of all interested groups within the County. I would just request my Hon. Colleague (Loldepe) want to inquire one thing from him

SCA/456/3/2015 (11) SAMBURU COUNTY ASSEMBLY DEBATE 1

although I am not antagonizing Hon. Loldepe when we talk of population area and the specifics of the area for example just as to give an example, Maralal sits at the Headquarters of Samburu County and if being closer to the county is in terms of population then I think the nearest person who can achieve this both in this house and the Executive would be my colleague. Wamba ward has a population of 36,000 while mine is a few thousands Wamba East ward not to be specific but the kilometers covered is 1,754KM we can tell the difference within here and to access the headquarter from Samburu East it is 106 KMs away from this Hon. House and I am sure that the furthest distance my colleague would cross is 45 km if not less than that. In so doing, I would rather request that devolution came because of matters of being marginalized and I think the lowlands even in our county are further marginalized even if we got the devolution that is why I request that ladies and gentle men of this Hon. House that as we pursue and peruse through these issues, let us have mercy on our friends and those who are less fortunate unless you want to tell us what Chinua Achebe said in his Things fall apart that *“the sun will shine on those who are standing first than those who are still sleeping,”* if we take into consideration having said that I support this report I also have a serious reservation and I thank God because most of the members have accessed Meru, Isiolo and Nanyuki, using Samburu East route via Lerata. Lerata A sits on Wamba East ward and Nkoitin location and the chief is Lempagaani and my fellow Leader of Majority Hon. Fabian Lolosoli who comes from Waso, a good neighbor. We are divided by the tarmac road just across he is a good neighbour also has Lerata B in terms of Kalama as a polling station and Lerata is known very well and you can imagine the distance of representation from Lerata A to Wamba now to Maralal if you may say. I think that is subject to consideration may be today or in future but it is important that we also know that Lerata all the way to the first shops left side of Sereolipi, that is where the extent of Lerata goes, surely with all those mountains, the aridity in the areas plus all those things that must be geographical and of that is not geographical then what is geography? Kindly I beg through the indulgence of the Hon. House and through the speaker to seek out what is happening between Lerata because I am sure most of you are conversant with the region and I am not biased on my colleague. I just want people to realize proper representation without malice and without bias. if one of us gets one position guaranteed and clear we would stand singing and praying that at least this hon. House

SCA/456/3/2015 (11) SAMBURU COUNTY ASSEMBLY DEBATE 1

saw the interest of serving the needs of the low lands by at least knowing that this is a realistic situation that is realized and given by all part call it population, census or whatever you want to call it but at least people of Lerata do not have water, they do not have anything when they come to representation again I think they would be crying more than smiling and they are suppose to smile because they are in a devolution; a government of the people by the people and for the people, thank you Mr. Speaker sir, I support the report.

MCA Suguta MarMar Ward, (Hon Shadrack Lesoipa): Thank you Mr. Speaker, I also stand to support the motion even though I have some reservations as well. We all know that when we started looking for the seats we have now, the mandate which we were given by our people; there were some manifestos that we have to achieve by the end of our five years. We know very well when we are crisscrossing this county looking for these votes, and my good friends with whom we shared the same manifesto are here, during those campaigns, this is one of the areas which we talked about majorly. Telling the elders who were with us during the campaigns that we are going to reward them through this bill. We would also be making their work easier in terms of administration. What I am saying is there is a need. We have to look at the diversity of the areas we are living in. We need to approach this issue with a sober mind. Whenever we see that there is a need, we just have to consider. I normally say, during the last administration that was there, the identified units here are the sub locations. That is what necessitated us having the constitution which we voted in during 2010 with the devolved government that we have right now. It was because there is a lot of marginalization during that time. Those were the historical injustices. So if the hon. house has to think otherwise, I could have said that some areas need to be considered like *Lerata*. There is an also very vast area of Suguta Marmar towards Kaapedo; the far end of the boarder. Having an administrator in Loolmolog and that one person is supposed to administrate all the way to Lolonyokie, I do not think he can make. So if there are some considerations, then I also need to be considered. There is also another issue that members talked about; that there is this leeway for additional units in future. I beg the committee and the house at large to create that leeway in future. Otherwise you can now formalize this so that we can be able to be specific and have hope that probably by the next financial year, we will be having another

creation of villages like Lerata A and B and Suguta Marmar. I beg the committee to have those reservations to be part of their report so that we can be able to administer our people well. There is also another issue (and this is my own observation) the council of elders to be selected by the community. To me this might create chaos other than administration. It will be very difficult for the community to sit down and have those five people without conflicts. It will be even harder for a politician to be able to come up with the required five without murmur from the community. It will be a difficult exercise. Every village might come with its own people and this are the things we need to watch out as everybody awaits to be employed and I do not think we have the sovereignty for one to select the other. So for me I think otherwise. That the bill should remain as it was. That let the village council be under the village administrator. Otherwise I support the motion hoping that my good friends will be able to accommodate the reservations of hon. Lelenkeju, mine and that of the member for Maralal ward, thank you very much.

MCA Nominated, (Hon. Linda Naserian): Thank you Mr. Speaker, I stand to support the motion as well as the report of the committee of labour social welfare justice and legal affairs as it is with the following reasons:

- ❖ I would like to appreciate the constitution of Kenya 2010 especially chapter one which states that all the sovereign powers belongs to the people and that will be the people of Samburu and shall be exercised either directly or indirectly through democratically elected representatives and we are happy that we are the ones. That means that we are representing the interests of each and every person in Samburu County.
- ❖ I would also wish to appreciate the constitution of Kenya chapter 11 articles 174 that created the devolved governance. From article 174 the objects of devolved governments one of them is to give powers of self-governance to the people and enhance the participation of the people in the exercise of powers of the state in making decisions affecting them.

For all the various bills that this house has passed, I think this bill will be in a position to give the community powers to perform various roles in participating in the governance of their own county. The recommendations from the committee have given the community a chance to

SCA/456/3/2015 (11) SAMBURU COUNTY ASSEMBLY DEBATE 1

participate in the various tasks. For example, if it will be the community that will be choosing the village council, it will be the people that they trust most that will constitute the village council and their issues will be addressed the best way possible.

(APPLAUSE)

It will be ironic for this house to pass bills that will be difficult to implement putting into consideration the financial implications increasing the number of sub locations (villages. As much as we know that we have political interests to protect, it will be ironic for us to pass bills that we know that by the next election, we will not have implemented them. I think for the sake of the people we serve and who entrusted us with the power and resources, it will be very prudent for us to pass the bills which we know that they can be implemented the soonest time possible. I also know that once this bill has been passed, the committee concerned shall bring regulations that further simplify the bill. For example the composition of the village elders, I see it will provide the composition of the village elders and we hope that women will also be chairs of some of those villages. And as pointed out by the committee on the issue of the salary that was also pointed out in the county government act section 54, the regulation will address this issue and so let us not delay this bill further.

The report was supposed to be tabled 20 days after it was committed to the committee of the whole house. It is long overdue and failure to pass this bill will definitely create more issues as we are the same people being pressed at the grass root level because our people want employment; they want the county to move ahead. By failing to approve this bill will then delay so many matters in the county and that is why I urge this hon. house to support this bill and approve it, thank you.

(APPLAUSE)

MCA Nyiro ward, (Hon. Jonathan Lemoosa): Thank you Mr. Speaker sir, I stand to add my voice in support of the report and even the bill. I really want to draw the attention of the

SCA/456/3/2015 (11) SAMBURU COUNTY ASSEMBLY DEBATE 1

members of this hon. house to the committee report especially on page 24 when we had a consultation meeting with the many stakeholders, the legal officers, the CECs, and even members of this hon. house. Yes, there is a budget which takes care of this particular bill; the village units and the budget is very clear. The village units which were budgeted for are 109, nothing more than that. This is according to the report and the discussion we had. So when we take into account the input of the experts and we want to deviate from that, I am sure soon or later the county wage bill will be unmanageable. I just want to cite from the legal officer that gave the history of the bill and with your permission I would like to read line three that *“the coordination bill was unmanageable and the budget was more than that of the county government”*. If we bring the bill the way it is, by giving an additional village unit, I want to underline that the budget will be more than that of the whole county government. Mark you, our salaries of late are taking almost half of the three billions. Now, imagine of another additional half of that. I have interest as I too represent people who are actually live on the boundary of Marsabit and Samburu, Turkana and Samburu, Like Lare Orok and Kururngu. If for example we put together all the geographical, the communities, and the cultures etc., Kururngu or Lare Orok could even stand a better chance because if actually we will not put an administrator and may be Turkana county place one, then we would have lost our people if not the boundary. However, I am not going to advance this interest today because of may be what we are told. Taking back again you to what we have been saying on page 25, (the second paragraph from above) the concerns raised by the CEC finance, that on the addition of the village unit, the CEC finance advises us that let the one currently existing continue and a clause be added to allow for a future addition of a village units which will be determined by the boundary commission. If we will not be guided by a form of a criteria, then all we have suggested will be futile because the committee here was not confused as it was said, rather it is trying to apply what the constitution says. The constitution says that there are some units which will be devolved for efficiency. So, there is a need to cite that. But on the other side, the communities during public participation advanced their interests and additional suggestions. But the bottom line here is that we are guided by laws and finances too. So this is exactly why we want to say as a committee, (not because we do not have the areas of representation, not because we do not have interest as politician, we do as we

promised people many things) when we want to say the truth, when something is unmanageable, unrealizable, a times we have to bow down. And this is how I want to plead with the house that we ought to take the house the way it is and take care of 109. When I listen carefully to the member from Wamba about Lerata/Wamba issue, it is true. We are having one unit which we cannot have the 15 of us, so times we have to give in. for example South Horr to Kururngu, is around 16 kilometers though we also have other implications like the tribes and the boundary which we are likely to lose our people to the other side of Turkana. But nonetheless, Lerata to Wamba should be around 70 km. So, this beats up logic. So without wasting members' time, I really want to support the bill the way it is as it is a form of a guide other than bringing ourselves into confusion and conflict as at the end of the day, we have hope. But if we pull and push in the house time waits for no man and as hon. Lobuk has said, we have no time. Our time is almost over so if we keep all that, most of us will be rendered ineffective because we are not able to bring to the people what they actually expected from us. So why don't we pass this bill and give room for a space tomorrow? Thank you Speaker Sir,

(APPLAUSE)

The Speaker, (Mr. Steve lelegwe): Continue hon. Loldepe

MCA Maralal ward, (hon. Elly Loldepe): Thank you very much Mr. Speaker for giving me the second chance to contribute to this bill. Looking at the findings of the committee, committee finding number seven says “ *that the village administrator needs to be a resident of and have a post-secondary education and experience too* ” and I think the county government act section 52 is very clear on what is actually required of the village administrator. It says “ *that a village administrator shall have professional qualifications and technical knowledge in administration and shall be appointed by the County Public service board in accordance with the provision of this act* ”. Mr. Speaker, reducing it to post-secondary education will be against the law which is an act of parliament and I think an act of parliament will supersede what the county assembly

SCA/456/3/2015 (11) SAMBURU COUNTY ASSEMBLY DEBATE 1

does, so I think we need to correct that and recommend for amendment of this report by deleting that and put what the county government act says as I think that one contradicts the whole thing. On community recommendation number 4 says, “*The village administrator should be a resident of the village and not of the county*”. Although this might be an issue raised by the community, it will go against the principles that the county should open to access to all Kenyans and that will contradict county public service act section 69 subsection (ii). So I think that one should also be corrected to reflect what the law says. To me, I think those are the areas which need to be corrected. And if you permit me, I would wish to thank hon. Linda and hon. Lelenkeju for noting that the supremacy is with the people through the elected representatives and hon. Lelenkeju for noting that the issues and essence of devolution was to ensure service delivery without continued marginalization. My fear is those who are even more marginalized want to marginalize their people and I think by marginalizing your people is by not taking consideration of what the law allows you to take care of and I think this is the easiest way of you going home faster than when you came as hon. Lobuk said by choosing to remain with that which you already know. That is the worst thing of human life; that you just want to remain with what you know, you fear the unknown. I also wish that the hon. chair for budget should tell us facts as I was in the budget making process and I think he is misleading the house by saying the budget was with 109. I need him to proof that because...

(Interrupted by the Speaker).

The Speaker, (Mr. Steve Lelegwe): Hon. Loldepe, I think I gave you time to inform the house and you have already done that but you have given yourself more time to contribute again. Before I put the question, I now give the mover of the motion; the chair, time to reply.

MCA Nominated, (hon. Irene Leshore): Thank you very much hon. Speaker, I take this chance to thank the members who have contributed. I must say this was a lively and informative debate. I just want to inform the hon. members who still have a doubt in their minds that this committee did a lot of public participation and consultation with all the stakeholders and that there is a difference between recommendations and findings. The recommendations came from the

SCA/456/3/2015 (11) SAMBURU COUNTY ASSEMBLY DEBATE 1

committee after listening to the community and the stakeholders and the committee came up with the decisions. Therefore, the findings are not from the committee that is why you find that the committee is contradicting it is the findings and the recommendations that are different.

Another thing is, all members of this house were given permission to go for public participation for this bill. The 26 of us went for public participation in all the 15 wards and it is very clear here in the report. Therefore, if there were any issues during that time and we had also consultation with members from all the elected members from the 15 wards, so that we could not leave any of their interests out in this bill. For example, the members whom some of their sub locations were left out in the bill, they had time to come and inform the committee and I think all of them are captured in this report and I am sure they are coming up in the amendments.

Hon. Speaker, I would say that this is a very important bill as it brings services and leadership nearer to our people. Not only are we happy that we have the county government, now the leadership and services are going to the smallest units (villages). This bill is long overdue and I don't think we will do more justice to our people by delaying this bill any further. I urge this hon. house to support this bill and pass it as soon as possible for the benefit of our people.

The people who went for the public participation suggested that we add a few more units to every ward. For example looking at Maralal ward, Milimani, Ng'ari, Lpartuk all wanted an additional ward and Lodokejek and Baawa wards requested to have two more villages. So it was not exclusive to one ward, every ward wanted to have extra unit. But, as we are told because of budget constraints, we could not add any more villages, otherwise that will be unmanageable for the county. And again, as the members of this house, we all know that these laws are not cast on stones. We can always bring amendments when necessary and increase the number of these villages as i am sure, 10 years or 20 years from now, our population will have grown and the assembly of that time might see the need, they can always come up with amendments and they can add as many villages as they want. I think even fairness and equity had to be considered as well. And we cannot say that only areas with large population needed villages. We know that our county is vast like the ward of the majority leader, it runs 200 KMs from here and Maralal ward is only 45 km radius.

(APPLAUSE)

So if we say we add village units basing on the population that will be unfair to our people.

In conclusion, I thank all the hon. members who supported this report and the members of the labour committee who put up a lot of work. I also thank hon. Lobuk because he remembered the gender aspect and he knows we are very passionate about that as well as hon. Naserian and Lelenkeju as well as those who contributed and my fellow committee member; hon. Raisy Letura, thank you Mr. Speaker.

The Speaker, (Mr. Steve Lelegwe): Thank you hon. members for your contribution, I now proceed to put the question, that this house approves the report of the committee on labour social welfare, justice and legal affairs of the public participation of the Samburu county village units delineation bill 2015 tabled on 21st July 2015.

(The motion passed)

The Samburu county village units' delineation bill 2015, Samburu gazette supplement number 10 bill number 9 Committee of the Whole House.

COMMITTEE OF THE WHOLE HOUSE

The Speaker, (Mr. Steve Lelegwe): hon. Linda Naserian.

Nominated MCA, (Hon. Linda Naserian): Thank you hon. Speaker, I wish to report the progress of the committee of the whole house. the committee of the whole house has considered the bill; the Samburu county village delineation bill 2015 and has approved it with amendments.

The Speaker, (Mr. Steve lelegwe: Thank you hon. members, I now give the owner of the bill to.....

SCA/456/3/2015 (11) SAMBURU COUNTY ASSEMBLY DEBATE 1

MCA Nyiro ward, (Hon. Jonathan Lemoosa): Speaker sir the chair do agree with the adoption of the report and I beg to move a motion

Speaker (Mr. Lelegwe): Hon. Lemoosa, I think you are informing the house that the chair does agree with the committee in the said report, I now propose the question.

(The question is proposed, put and agreed)

The Samburu county Village Units' Delineation Bill 2015, Samburu gazette supplement number 10 bill number 9 third reading.

MCA Nominated, (Hon Irene Leshore): hon speaker sir, pursuant to standing order number 132 part (ii), I wish to move a motion that the Samburu county village units delineation bill 2015 be now read a third time, I beg to move.

I ask hon. LelenKeju to second

The Speaker, (Mr. Steve Lelegwe):

(The question is put, proposed and agreed).

A bill for an act of the County Assembly of Samburu to provide for the establishment of delineation units in the county and for connected purposes.

The Speaker, (Mr. Steve Lelegwe): Hon members, the time being 35 minutes passed five o'clock and there being no other business, the assembly stands adjourned until Thursday 5th November 2015 at 2:30 p.m.