

**SAMBURU COUNTY ASSEMBLY**



**THE HANSARD**

**Tuesday, October 22<sup>nd</sup>, 2019**

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

*Temporary Speaker, (hon. Paul Leshimpiro) in the chair*

**PRAYERS**

**QUESTIONS and STATEMENTS**

**Specially Elected MCA,** (Hon. Asha Mohammed): Thank you Hon. Speaker. This is a response to a Statement sought by Hon. Jerias Leshoomo regarding the County Executive staff audit and various queries. I beg to read: *‘Further to your letter ref: SBU/CA/CK/CLA/VOL/1<sup>st</sup> 02, 2019 dated 17<sup>th</sup> October 2019. I am pleased to forward here with a statement on appointment to Mary Kanyaman Ekai as requested. Kindly receive the statement and report back to the Assembly as necessary. The County Executive of Samburu avails itself to this opportunity to renew to the County Assembly of Samburu the assurance of its highest consideration’.* Signed by the Acting Secretary

In response to a request for a statement by Hon. Jerias Leshoomo, invites the Clerk of the County Assembly letter Ref: *SBU/CA/CK/CLA/VOL 1<sup>st</sup> 02, 2019, dated 17<sup>th</sup> October, 2019, I wish to state as follows:*

- 1. Conditions of employment of Mary Kanyaman Ekai: Mary Kanyaman Ekai is an employee of County Government of Samburu being one of the staff of the Governor in an advisory capacity.*
- 2. Ms. Mary Ekai was employed on contract terms as the Gender Advisory to the Governor and she is in job group R or County Public Service Board scale 3 and a copy of a letter of appointment is attached here to an appendix 1.*
- 3. Ms. Kanyaman designation in the payroll is indicated Director ECDE as the current IPPD coding do not have provisions for advisors and other cadres like the newly created M&E department, consequently, they are all coded as directors administration.*

**Qualifications of Mary Kanyaman:** She holds a Bachelor of Science degree in Micro Biology and Bio Ecology from University of Nairobi and a diploma in Medical laboratory Technology

from the Mombasa Polytechnic and copies of these certificates are attached as appendix 2 (a & b).

Secondly, Advisors to the Governor requires at least five years' experience in the relevant field and at least a first degree. Mary has served for five years as a CEC Member for Education and Health and comes from a minority community. The appointment of Mary Ekai therefore, meets the set criteria and the recruitment process was fully compliant to the stipulated procedure.

***Findings of the HR report:*** The Governor commissioned a staff audit exercise in 2018 that will among other tasks carry out a staff head count and verify existing staff on payroll and posts biometrically capturing their particulars.

The preliminary report indicated 67 personnel on payroll were not available for biometric capture. Among them were staff on leave, maternity leave, sick leave and those on terminal leave. The list included seven doctors, a deputy director and an assistant director, a senior public health official, and Mary being the senior officer was not captured and an administrative action was taken including issue of show-cause-letters and affected staff has since come forward to explain their lack of verification. The affected staff has presented themselves for verification of biometric capture and the list has reduced to 32 in the final report presented to the Governor by 30<sup>th</sup> October. Ms. Kanyaman is one of those who have explained their case and have been expended from the list of un-captured staff.

Legal fee paid for Mary court cases: I categorically state that the Office of the Governor has at no time approved, processed or made any payment whatsoever towards any of Ms. Kanyaman court cases in Nakuru, Nyahururu or Nanyuki.

Hon. Speaker, at the time of appointment of Mary Kanyaman, she was a student of Strathmore University pursuing a Master's programme in Public Administration and she requested for time to continue with her studies and was granted. She reported to the Chief of Staff when she was not in session. Attached is a copy of her request approved by the CO in appendix 3. Further to your

recent application, am pleased to advise you that you have been appointed as a Gender Advisor in the Office of the Governor pursuant to section 31 (d) of County Government Act, 2012.

The terms and conditions attached to this appointment letter are as follows:

Grade and remuneration: Grade job group R, Salary scale is Ksh 11... *(Interjection by the Temporary Speaker)*

**Temporary Speaker**, (Hon. Paul Leshimpiro): I think those ones are available for the Members and I think they can go through them

**Vice Chair, Committee on Labour, Social Welfare, Justice and Legal Affairs**, (Hon. Asha Mohammed): Thank you Hon. Speaker.

**Temporary Speaker**, (Hon. Paul Leshimpiro): Hon. Members, I think the Hon. Member who requested for this statement is currently not in the House but I give the opportunity to the Members to deliberate on the same, thank you.

**MCA Elbarta Ward**, (Hon. Peter Lempei): Thank you Hon. Speaker. I am privileged to be a member of the Committee on Labour, Social Welfare, Justice and Legal Affairs. Our procedures provide for conditions for dissent. I therefore, Mr. Speaker, proceed to dissent.

Mr. Speaker, I have a lot of sympathy today for Hon. Asha because what she read is a report in my view that is completely insufficient and does not meet the standard of it being presented in front of this House and the following are my reasons Mr. Speaker:

Mr. Speaker, first of all the construction of the letter from the County Secretary who represents the Executive is so incompetently written and it is something that could have taken him five minutes to understand that from the wordings themselves. I have never seen this kind of English being brought to an August House and in the question of language, I think it should be returned back to the sender.

Mr. Speaker, you will look at paragraph two which says “*kindly receive the statement I report back to the Assembly*”. Mr. Speaker, that is serious. How would a member of the Executive be writing a letter and telling us to report back to the Assembly while we are an Assembly ourselves?

To that extend, the first statement will tell us that it is completely out of character for anyone to present to us a report that is incompetently written. Look at the last paragraph, “*the County Executive of Samburu shall avail itself*” what is that the County Secretary is saying? “*Of this opportunity to renew County Assembly of Samburu the assurances of the highest consideration*”. Mr. Speaker this just requires due diligence and seriousness.

Proceeding on to the body of this response, *the Hon. Member for Baawa Ward had specified things that must be supplied in the statement and it’s requested the finding of Human Resource (HR) report be provided*. In the attachments I went through, there is no HR report to that effect. Mr. Speaker, that is to tell you that the response in regard to the employment conditions cannot be said by the County Secretary. It can only be appended here as a report by the HR.

Hon. Speaker, the Member further requested for the explanation of the legal fee. Who pays the lawyers for Mary Ekai Kanyaman? And we have been told that the Office of the Governor has not at any time and it is stated categorically. Mr. Speaker, we did not ask for the Governor to say that he has not authorized but we are asking that they respond as Government whether the Government of Samburu County is paying for the legal fee and to that extent we would have expected to get a report from Chief Officer (CO) for Finance to confirm that no money had been withdrawn from the exchequer to pay for the cost of someone who is working on a private capacity. To that extent, I would still request that you hold and find that the CO for Finance be summoned before this House or before the Committee of Labour, Social Welfare, Justice and Legal Affairs so that he can explain if there is money withdrawn from the Treasury and from the County Government of Samburu for the cost of Kanyaman.

Proceeding further, Mr. Speaker, the Member for Lodokejek Ward asked for other various issues which are insufficiently addressed in the entirety of this letter. So Hon. Speaker, what I would request is that, owing to the insufficiency, looking at how insufficient the response has been provided, I request that you find and hold that this report is insufficient and it got to be provided all other reasons, evidence and information we had requested so that we can expeditiously get into this matter.

Mr. Speaker, it is confirmed that the qualification of Mary Kanyaman Ekai is that she is a microbiologist. Look at the mis-match a microbiologist being an adviser of the office of the Governor on Gender matters and that is expected that the County Government of Samburu pay a non-qualified person in regard to the relevant field despite the mis-match.

Mr. Speaker I am the Chair of the Budget Committee and in the Budget of the financial year we did not approve the salary of that position. It would be unfair that we don't have prudent financial Management in regard to mis-allocating resources so Mr. Speaker from a Chairman point of view I have a serious query on how money can be withdrawn from our treasury to go and cater for an activity that we did not intend.

Further Mr. Speaker it is confirmed that Mary Ekai Kanyaman is drawing money from ECD. Mr. Speaker it will be very unfair for the money we allocate as the Chairman Budget Committee to our children for salary to be drawn for someone and the system does not recognize her in the first place. Mr. Speaker, this is a massive fraud, an illegality and the report is insufficient. I request that further a Statement be made and the report to be returned back to the Committee for considerations and summoning of all other people who will be interested to confirm that indeed massive irregularity had been going on in our County Government.

Thank you Mr. Speaker I don't intend to take much time but maybe on behalf of the Hon. Members we would welcome our distinguished guests who arrived today to listen to us debate our university Students.

**Specially Elected**, (Hon. Osman Dube): Mweshimiwa Spika kama mwana kamati ya Labor, Social welfare, Justice and legal affairs, tukiangalia hii report sio sahihi kwasababu Mary Kanyaman mara ni CEC mara Director na Mweshimiwa Spika tunataka kujua ki halali Mary Kanyaman ni director wa kweli ama bandia.

Mweshimiwa Spika hii report ya County Secretary haijafanywa vizuri mimi naomba hii reporti irudi kamati ya Labor, Social welfare, justice and legal affairs tuichunguze vizuri natulete report halalai kwa sababu Mweshimiwa Spika kama Mary Kanyaman ni mfanyi kazi wa County na anapeleka Kortini Nakuru, Nanyuki sijui ni binadamu wa aina gani, Mweshimiwa Spika ningomba repoti hii irusdisha kwa kamati.

**Temporary Speaker**, (Hon. Paul Leshimpiro): Thank you Mr. Speaker sir, Mr. Speaker when you go through thus report it leaves a lot to be desired.

Mr. Speaker sir it says in the report that Mary Ekai is on Contract as Gender advisor to the Governor at job group R but in the payroll she is indicated as the director ECD and the reasons they are stating here is that the RPPD coding do not have provision for Advisors. Why is a position created yet it can't follow the rule of law, Mr. Speaker sir, she is earning through the department of education as the director ECD we know the challenges at ECD's and we also know that it is a foundation for our Children. When you go to nursery schools there is no food and also other ECD's children go to school without uniforms and I believe this is the money that is supposed to buy uniform and food for our children and it is being pocketed by one Mary Ekai Kanyaman.

Mr. Speaker sir, we are not satisfied as a House with this report we need more answers and if a position has been created particularly there should be procedures to be followed. And I urge this House to be very serious with our duties, our roles as the legislatives and representative of our people we should commit and get serious. Since we are not satisfied with this report we need more answers from the County Secretary. Thank You Mr. Speaker Sir.

**MCA Loosuk Ward**, (Hon. Adamson Lanyasunya): Thank you Hon. Speaker, I would like to contribute to the response brought to the Assembly, I think when the House or a Members seeks for a Statement it is good due diligence is taken and answers that are authentic. In totally this Statement is very much inconsistent from the first page as Hon. Lempei had commented it is very hard to understand if we do not know where the letter is addressed to in the first place. Without going to the critics of the Statement; it is not addressed here that it requires the evidences of the Human Resource status of our County which is not attached. On the payment of legal fees, the evidence should have been attached and even if the evidence was coming from the owner then it should have been attached to show that it is not from the County Government. Another total confusion for effective service delivery to our people, then it is good for our County to align specific professions that people are qualified to.

When you read on gender requirements and micro biology, they are two different fields because micro-biology is the study of microorganisms or things that cannot be seen by the naked eye; it gives further to say that it includes bacteria, viruses and fungi where we need someone qualified to see the needs and development requirements of our women and gender issues in our County. I would request that this Statement be referred to the Committee concerned and I think that the Committee should also make its report and attachments and also advice since the Committee's purpose is to advice the House on Statements that are referred to it. Maybe the Committee also forgot to read the first page, thank you.

**Temporary Speaker**, (hon. Paul Leshimpiro): For the hon. Member who was answering the Statement and also the Chair to the Committee of Labour who is also not present, as it is now, Members are not satisfied with the information not provided. I direct that this Statement be returned to the Committee of Labor and the hon. Members have given you the guidelines that you need to seek so as to have that efficient report at the end of the day. The recommendation of the report is also very important which is lacking here which means that the Committee did not take any role and only that they were only provided and decided to read it as it is. We are also requested that the HR report be provided as evidence. We also request that the CFO needs to

prove that the money withdrawn is evidenced. The essentiality of a person to serve in a certain department especially of advisor and gender needs to have some gender qualifications around that field. The Hon. Member Chair of Budget is lamenting that probably it is not budgeted.

This needs to be proved that during the last budget before the recruitment of that employee there was budget or no budget in regards to that position. The Members also inquired on the source of legal fees and where does she get the money to pay for the court cases. If it is from her own pocket it need to be evidenced that she paid or someone else paid. This evidence is also required. The Member who requested this Statement is hon. Leshoomo who is also the MCA Lodokejek ward and not Baawa as corrected by hon. Lempei. I direct that this Statement be returned to the Labour Committee and they should give an exact date when they will provide the evidences required and the report itself.

**Specially Elected MCA**, (hon. Asha Mohamed): Thank you hon. Speaker. We will report in two weeks.

**MCA Elbarta Ward**, (hon. Peter Lempei): Mr. Speaker, two weeks is too long for a response. Two weeks means that she will draw another salary from the exchequer something that we are already questioning. I request that you find two weeks as a very long time.

**Specially Elected MCA**, (hon. Asha Ahmed): One week is enough. Next week on Thursday.

**Temporary Speaker**, (hon. Paul Leshimpiro): That will be on Thursday next week which will be on 31<sup>st</sup> October at 2:30 pm.

**Specially Elected MCA**, (hon. Asha Mohamed): Thank you hon. Speaker.

**MCA Elbarta Ward**, (hon. Peter Lempei): Much obliged hon. Speaker.

Hon. Members the time being four o'clock and there being no other business this House now adjourns until Wednesday October 23<sup>rd</sup>, 2019 at 9:00 am.