

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Wednesday, 14th December, 2017

The Assembly met at the County Assembly chambers at 2:30 pm

The Speaker, County Assembly of Samburu, (Mr. Lempere Solomon) in the Chair

PRAYER

COMMUNICATION FROM THE CHAIR

The Speaker, (Mr. Solomon Lempere): Communication from the Chair on the long recess: Hon. Members, in accordance with the Samburu County Assembly Standing Orders No. 28, the House is expected to break for a December long recess and commence on the second Tuesday of February, 2018, therefore the House will adjourn today and resume on 13th February, 2018.

Hon. Members, during recess period, committee operations will be on but members will break for few days between end of December and 6th of January, 2018 for Christmas and during school opening to allow members to be with their families during this festive period and also to prepare children to go back to school.

During recess period, there are a number of issues which as Members we are expected to address. That is: the issue of Chief Officers and we expect to be given names by the Executive and therefore a special sitting may be called for.

Secondly, we might have committee trainings and I call upon Members to avail themselves when they are requested to.

Thirdly, in performing the oversight role, the committees are expected to do monitoring and evaluation of their respective departments and therefore I request them to utilize this recess period to perform this role.

The chairpersons of all committees and their vice-chairs to prepare their committee work plans and forward to the Liaison Committee to compile and approve as required.

Hon. Members, the importance of committees cannot be gainsaid and the committees have as the reference point for legislation, oversight and involvement of the public in the affairs of legislature. In accordance with our constitutional roles of legislation, oversight and representation, there is a lot that is expected from the committees this is with consonance of the expectations of the general public.

I thus, expect the House to be full of agenda as we plan to resume for the next session on 13th of February, 2018. As a result, the committees are expected to internalize their respective roles in view of the departmental works that ought to be undertaken as we get into the next year.

Each Chairperson or vice-chairperson and the committee Members to come up with expected Bills per department for the year, issues that are expected to be addressed as far as the oversight roles are concerned and the plans that each department has in the implementation of the budget and the various roles that they have to, to ensure that we respond with the oversight role of the Assembly. Having said this, we expect the House to be full of agenda in the next session.

Hon. Members, I wish to thank you all for the cooperation and commitment you exhibited during this session, the short period that we have had with the long electioneering period and I am looking forward to a vibrant 2nd session of the 2nd assembly of Samburu.

Finally, I wish you all a Merry Christmas and a happy new year, 2018. Thank you.

STATEMENTS

Leader of Majority, (hon. Christopher Lentukunye): Thank you hon. Speaker. Hon. Paul Wonyang' requested for a statement from the County Public Service Board, and the County Secretary concerning the establishment of public offices without due process being followed.

Hon. Speaker, we wrote a letter to the County Secretary and copied it to the County Public Service Board for response. The County Public Service Board conveyed the following response to the County Assembly:

"The County Public Service Board is in receipt of the minutes deliberated by the County Executive Committee on 29th November, 2017. Upon receiving the minutes, the Board deliberated and came to an agreement that it was necessary to split these departments as per the reasons stipulated in minutes of 3rd November, 2016. The Board further advised the Executive to factor in budget for the additional departments in accordance to section 59 (i j) of the County Government Act 2012.

The Board therefore requests the County Assembly to approve the establishment of the five new departments which will go a long way to reducing the workload of these departments and to be responsive to the needs of the local communities and facilitate a culture of public service and accountability in the county public service.

Attached is a copy of the minutes deliberated by the County Executive Committee. Thank you for your continued support".

MCA Waso Ward, (hon. Paul Wonyang'): Thank you hon. Speaker, looking at the response provided for this statement, it is unsatisfactory and this House should not accept a letter that is already erroneous. Looking at the dates of the minutes attached as part of this statement, 29th November, 2016. If you look further into the details of this letter, we are seeing hon. Mary Kanyaman, the CEC Health, CEC Education, H E Deputy Governor; Joseph Lemarkat and so we cannot assume that the dates of this minutes is 2017 of November. Therefore, these minutes cannot be for 29th November, 2017.

Secondly, this hon. House is being taken for granted and it is upon us as a House to always do the right thing. We cannot be a House that legislates and we cannot follow legislations. The response is unsatisfactory as the letter is already erroneous. The people in this letter are no longer in this government as alluded in the letter read by the Leader of Majority. The budget again is that of 2016/2017 instead of 2017/2018. The letter is a copy pasted letter and I do not think the officer who did this is aware of his job. They need to respond properly to this statement because if they do not do it, we are not going to approve the illegality.

The letter is again, the Executive wrote to the Board and it says again, the Board advised the Executive. Where is evidence of that advice because in government any communication has to be written?

MCA Elbarta Ward, (hon. Peter Lempei): Thank you hon. Speaker. I rise to respond to the response and the minutes that are attached to it. The minutes explain to us the decision that was taken in 2016 in presence of these other people who were mentioned in the minutes. Therefore, the genesis of what was purported to be a statement rose from the minutes of 2016 which included all the CECs then, the Deputy Governor then and all the people. So, the ground for purported statement that was given to us arose from those minutes. I personally have no problem with the minutes, what I have problem with is the culmination of things that gave rise to a letter that was given to us by Patrick Lekimain who is said to be the acting secretary and acting CEO.

We did not ask the Executive to bring to us an approval; rather, we asked them to explain to us why an illegal process has taken place and gave rise to five illegal ministries being created. Instead of the Executive responding to us why they created the five ministries, they give us the minutes that they are aware that they were to discuss as an Executive. That after that as the procedures of the law, they are going to take it to the Public Service Board. The procedure does not stop there, after they have agreed, it comes to this House for approval.

That is the statement that this House is requesting. Not a letter from an acting CEO approved because anyway, they have been created. So, there is no response from this House. What is before this House is minutes of an agreement that was made in 2016. After making those minutes, they did nothing about them until the Assembly questioned why an illegal process did take place. Then they went ahead and gave us a letter to tell us to approve.

To me, the letter was written on 12th December and the letter is explaining things of 3rd November, 2016 when we are in 2017. The entire thing is an attempt to backdate. There are certain unparliamentary languages and does not mean when it is not parliamentary, it is not legal.

Therefore, we do not have a substantive response yet. We do not have a response yet. We have minutes of the Executive which is not what we asked for. We have a letter which is asking us to approve an illegality; an admission that indeed everything is illegal. So I beg to sit and note that this is the 4th time that we asked for a statement which was incompetently brought before this House. What I am saying is, this House cannot be taken for granted anymore. We are going to resist attempts by the Executive to take us as an extension of their own. We are not an extension of an executive (*Applause*), we are Members of the County Assembly and we are supposed to oversight, thank you Mr. Speaker.

MCA Suguta Marmar Ward, (hon. Shadrack Lesoipa): Thank you hon. Speaker. It is too unfortunate that I wanted to support the creation of these offices knowing that the purposes of the creation might be valid but the irony in the response has surprised me. The minutes tabled in this House dated 29th November, 2016 at 10 am held at the County Assembly's boardroom which is also surprising, listed the members present. There is also a member absent with apology and that His Excellency, Joseph Lemarkat, the former Deputy Governor but the signature beside the name that copied the CTC was on 11th December, 2017. My surprise is the connection between the name and the name that was bared in the rubber stamp. What could be the purpose of signing the minutes on that date while the member no longer had business with the Samburu County? That is what put me off although I was in a position to support this creation to ease the work load at the County Government but I could not close my eyes knowing well that I am going into a deep tunnel leading to hell.

MCA Lodokejek Ward, (Hon. Jerias Leshoomo): Hon. Speaker, I want to inform hon. Lesoipa that the CTC is a copy of the original copy; it doesn't matter whether the minutes

were taken in November but it is to give authority of the identity of the minutes to the House. This is just a true copy of the original. Thank you.

MCA Suguta Marmar ward, (Hon. Shadrack Lesoipa): Thank you for your information, but I think that I am very much informed. The authenticity of the letter should not be required when a statement is sort but it should bear the date when the rubber stamp is made. Hon Leshoomo, I appreciate your information but it is too little to inform.

Specially Elected Member, (Hon. Stephanie Lanyasunya): Thank you Mr. Speaker. I thank the hon Member for Waso Ward for seeking this statement. Secondly, I want to state that I have nothing against the Executive's good intention of adding the departments in our County to improve service delivery to our people. However, I do not understand why the rules and regulations of appointing officers to any department were not followed; this is a test to this Assembly that some people want to see if we allow this to happen knowing that it is not right. I urge the Members that this should be the stand in future. Thank you.

MCA Maralal Ward, (Hon. Fred Kiragu): Mr. Speaker, I smelt a rat when response to the statement delayed for no particular reasons. Every time it was brought up it's either the Majority Leader is not around or nobody was assigned to respond. This response is here when we are breaking for a long recess. This House should be treated with dignity it deserves not being threatened like the former councilors. I was a concillor and the Clerk did everything and just brought information. We had a number of illiterates and carelessness but this is a House that is well educated and informed and steps should be followed to the later.

This could have been passed by the last Assembly because when the minutes were being written the First Assembly was still in session. They could have moved with speed to put this in proper records. This House should not be used as a rubber stamp. As much as I believe some of these departments need to be split we cannot accept when it has not passed the process, how do you go ahead and advertise for posts not approved by the County Assembly? That is treating us like mediocre because as we sit now, these posts have already been advertised and the citizens of this county have applied for them. This might be the need of one or two from the executive to please their colleagues to create posts for friends and not to ease work. The Assembly should have known the departments that needed their work eased if that was the case then passed before posts are advertised.

When proper regulations are not followed, we are being treated like rubber stamps. Maybe there could be other departments that have heavy loads than the ones that appear here. Since

we started the session, only two statements have been sought and they have been delayed and when they come, they still leave us dissatisfied. I should advise that a letter written during a public holiday or on a weekend is an illegal document. Thank you.

MCA Ang'ata Nanyukie Ward, (hon. Paul Leshimpiro): Thank you Mr. Speaker...
(Interrupted by hon. Peter Lempei on a point of Order)

MCA Elbarata ward, (Hon. Peter Lempei): Mr. Speaker I don't know why he wants to overrule me on your behalf but I was wondering who the stranger is because he is improperly before the Assembly *(Members laughing)*

The Speaker, (Mr. Solomon Lempere): This is the first time the Member has been caught off-guard wrongly dressed so let us allow him to proceed for today.

MCA Elbarata ward, (Hon. Peter Lempei): Much obliged Mr. Speaker.

MCA Ang'ata Nanyukie Ward, (hon. Paul Leshimpiro): Thank you Mr. Speaker for protecting me. There could be a need to create some more offices but there are two things to consider before creating new offices as stipulated by the County Governments Act;

- 1) The need for creation of a new office apart from the already existing one
- 2) There is no duplication of roles

Creating a new department or ministry, it has to be that nobody is doing the same role from the one that you are creating. If this was the case, then they were right to create the offices.

When we are talking of a bloated wage bill suggests that we are trying to minimize the salaries for the civil servants but we are not doing the right thing by creating more offices. Look at it this way that the Samburu County Assembly only have 15 elected MCAs which is the minimum according to the County Government's Act. I am covering Ang'ata Nanyukie and Barsaloi which is a very wide area and there was a need, there could be plans to create a new ward. The salary paid to an elected MCA is half or far much below that of a CO (Chief Officer). We want to lower that wage bill so that the money is directed to development funds to our communities but it is the opposite. One philosopher said Africans are full of contradictions. We want to minimize the wage bill but we still want to create more departments, it is not logical. There is a need for consultation and cooperation and that is what was missing in the creation of the new ministries. We are not ruling out the need to create them but the protocol to their formation was not followed. The statement is not

answered, according to us, and should be reverted back to the concerned authorities to come up with a better explanation to the statement. Thank you.

Specially Elected MCA, (Hon. Antonella Lobura): Thank you Mr. Speaker Sir. The creation of new offices is also beneficial to our community but this did not follow the right channel. They even went further to advertise and interview the applicants. Even the board that did the interviews was not complete. The Chair was not there and the Secretary is not certified. The House should ensure that those given jobs should be competent enough. Even the person who wrote the letter tells that the people are not competent enough. They have copy pasted letters and brought them to the House. Thank you.

MCA Wamba West Ward, (Hon. Benjamin Leitore): Mr. Speaker it is evident that the answer before the House is not satisfactory. I therefore seek for your indulgence or the direction that this should take knowing that the created positions are likely to be forwarded to the House.

Specially Elected MCA, (Hon. Asha Mohammed): Thank you Mr. Speaker. There is no problem with creating new offices but we cannot allow being taken for a ride. The statement has taken long and I urge the Members of this House to refuse the names of the nominees without a satisfactory answer. Thank you.

MCA Waso Ward, (Hon. Wonyang' Ekutan): Mr. Speaker, before you give a direction to this matter, you realize that the statement was supposed to be answered in two:

- 1) Evidence that these offices are budgeted for but we are not seeing that in the response.
- 2) Evidence that the County Public Service Board consulted the County Assembly on creation of the new offices and that does not exist.

That is why we say the process was not followed to the letter. Thank you Mr. Speaker Sir.

The Leader of Majority, (Hon. Christopher Lentukunye): Mr. Speaker, I wish to thank the hon. Members for their concerns and I concur with their sentiments that the response presented is not satisfactory. I, therefore, request that I give a response on Thursday next week because this statement was before the House for a long time... *(Interjection by Hon. Asha on a point of order)*

Specially Elected MCA, (Hon. Asha Mohammed): Mr. Speaker, we will be on recess on Thursday, is it in order for hon. Lentukunye to mislead this House?

(Several calls for a point of information by Members)

MCA Wamba west, (Hon. Benjamin Leitore): Mr. Speaker, we need to clearly understand our Standing Orders. Standing Orders 87, requests that every Member standing on a point Order should speak on facts, you should actually give these House facts and a recess to this House has not been passed and the House has not been adjourned. What the Member is trying to point out is only anticipation.

Majority Leader, (Hon. Christopher Lentukunye): Thank you hon. Speaker. This is a House of procedures and the hon. Members should familiarize themselves with our Standing Orders. This is because before any Motion is passed in this House no Member should anticipate what will happen. We have not yet moved a Motion on adjournment. I request for time to give response to this Statement. I request to furnish this House with the necessary information on Thursday next week. Thank you.

The Speaker, (Mr. Solomon Lempere): I now give directions that we give the executive more time through the request from the Majority Leader for more time to give them a more substantive response to the Statement.

ADJOURNMENT MOTION

Majority Leader, (Hon. Christopher Lentukunye): Thank you Mr. Speaker Sir. I seek to move that Pursuant to the provisions of Standing Order number 28/1/2/3 and 4, this House adjourns until 13th February 2018. Since we are approaching Christmas holidays and we have taken a long time deliberating on issues that helps this House to serve our people, it is important that this House seeks leave to interact with our electorates and also see our families. Every time is important and every time has its business. In this period, I find it necessary for the hon. Members to get time to interact and see the needs by moving around visiting their people and electorates.

It is important that after the elections we should give thanks to our people for giving us another opportunity to serve them in this hon. House. I find it prudent that this House adjourns for recess. I call upon hon. Leshoomo to second the Motion. Thank you.

(Hon. Leshoomo bows in secondment)

The Speaker, (Mr. Solomon Lempere): Hon. Members, I now propose the question that pursuant to the provisions of Standing Order number 28(1)(2)(3) and (4), this House adjourns until 13th February 2018.

MCA Elbarta Ward, (Hon. Peter Lempei): Mr. Speaker I rise to oppose the adjournment because there was a Communication from the Chair on that process. We are aware that our Standing Orders require a substantive Motion requiring this recess. We have all unanimously as a House agreed that indeed the creation of Ministries and all that is the issue of serious public importance. The mover of the Motion has confirmed to us that he wants to bring a Statement on Thursday next week. He is not going to ambush us. In military, this is called an ambush. We are awake to the fact that the intent of saying Thursday next week is because a Motion was coming to say that indeed we go for a recess until February.

We are aware that the issue that we are discussing today is already in the public domain to the extent that there is a petition by the public questioning the entire process of the executive and legality of the process of creating illegal Ministries. These things touch on my budget as the Chairman of the budget Committee. As a committee, we will not allow the executive to get from the public coffers what is going to be an illegal expenditure. We will not die if we extend a little longer to wait for the response from the Majority Leader which he has confirmed about seven times that he is going to bring a Statement and it always comes with an incompetent letter written on Jamuhuri day.

I want to ask the hon. Members to resist going on recess this week until a substantive answer is given this Assembly as confirmed by the mover of the Motion as he said that he will present it on Thursday. The seconder of the Motion hon. Leshoomo gave this House an explanation of a certified true copy. I agree with hon. Leshoomo that indeed it doesn't matter when the copy is certified as long as it is original. I beg and hope that hon. Leshoomo will support this Motion.

MCA Lodokejek Ward, (Hon. Jerias Leshoomo): Thank you hon. Speaker. I stand to support the adjournment of this Motion for the following reasons; a Statement cannot deter this House from going for recess. The response of this Statement comes from the Executive. We cannot refuse to adjourn the House because of a Statement from the Executive. The issue of the Cos can wait until the opening of the House; this is because what the hon. Members are questioning is the process. The Executive have done their part as the Cabinet of the County by creating the departments concerned.

The response of this Statement comes from the Executive. We all know that this is the December Holidays. The Executive will go for their Holidays. I do not think that think House can refuse to adjourn due to a mere Statement even if it has a weighty matter. Thank you hon. Speaker.

MCA Wamba West, (Hon. Benjamin Leitore): Thank you Mr. Speaker. I would like to indicate that I support the adjournment Motion. Since August to the 26th of October, this Country and County have been in an election mood. Before and after the Members of this House were elected and Members also nominated by their parties, we were so committed that we did not have time to consult with our electorates to say thank you to them and even have time with our families. We are trying to follow the normal calendar of the House.

The mandated committee is House Committee mandated to prepare the House calendar. It specifies when the recess is going to start and when the House is going to have sittings. I would like to request our hon. Members that whenever there was an important issue to the entire County the leadership of this House is at liberty to call for a Special Sitting. The Statement can also be read after one or two years. We understand how Statements are delayed. The Statement that the Executive is trying to play with cannot delay the hon. Members of this House time to go and interact with the electorates. We wish to remain politicians even after the period of this House. The leadership is mandated to call for Special Sittings even on the 1st of January 2018 or any other time. I support the adjournment Motion. We have had a very committed leadership since September; this is because we went for trainings and inductions. This never gave us time to mingle with the electorates. I support the Motion.

Specially Elected MCA, (Hon. Zamzam Ismail): Thank you Mr. Speaker Sir. I stand to support the adjournment of the House. When you look at the minutes in front of us on the 29th of November 2016; there was a meeting held at the boardroom, the whole Executive were there. We see the nine ministers, the Governor and the County Secretary. There was an apology from the Deputy Governor. There was also an apology from the Chief Officer. They saw the need to create offices. This was done at the end of the financial year. This means that they had budgeted for the salaries. The Members are so worried since they feel that some of their projects may go down the drain. I think that the executive have done their mathematics very well because you cannot advertise a post knowing in mind that...

(Point of information)

(The Speaker directs Hon. Zamzam to proceed)

(Hon. Zamzam Ismail proceeds): I want to remind hon. Member for Elbarta that I stood to support the adjournment. The executive saw that there was need to have more officers. I urge the hon. Members that we need brains and officers in place.

(Point of order by Hon. Wonyang')

(The Speaker directs Hon. Zamzam to proceed)

(Hon. Zamzam Ismail proceeds): I say this because if we cannot hire our people yet this is their own County then where do you expect them to go and look for employment; thank you Mr. Speaker Sir.

Specially Elected MCA, (Hon. Osman Dube): Asante sana Mheshimiwa Spika. Tangu tumalize kura, waheshimiwa wengi hawajarudi nyumbani, akina mama wameanza kulalamika. Tunataka tunaporudi katika bunge tuwe tumepumzika.

MCA Waso Ward, (Hon. Paul Wonyang'): Mheshimiwa Spika niruhusu kuongea kwa kiswahili manake wengine wanaongea kuhusu adjournment na wengine kuhusu Statements. Ni dhahiri kuwa inaonekana kuwa Mheshimiwa amepokea bahasha kutoka kwa executive.

(Point of Order by Hon. Lentukunye and Lesoipa)

MCA Suguta Marmar Ward, (Hon. Shadrack Lesoipa): Is it in order for the Member to use un-parliamentary language against hon. Ismail Zamzam? He should withdraw and apologize.

The Speaker, (Mr. Solomon Lempere): Withdraw and apologize.

MCA Waso Ward, (Hon. Paul Wonyang'): Naomba pole na nimerudisha maneno yangu ndani. Nasimama kuunga mkono swala la

(Point of information by Hon. Leitore)

MCA Wamba West, (Hon. Benjamin Leitore): Mr. Speaker I want to be informed since seems I do not understand Kiswahili that well. I want the Member to tell this House what he means when he says "Nimerudisha mambo yangu ndani". We want to understand the meaning of every word used in this hon. House.

MCA Waso Ward, (Hon. Paul Wonyang'): Nasimama kuunga mkono swala ya sisi kuenda nyumbani na ningepomba kuwa Majority Leader asilete majibu hayo pasipo kuwa na washemiwa hapa. Asante sana bwana Spika.

Specially Elected MCA, (Hon. Asha Osman): Ningependa pia kutumia lugha ya kiswahili. Naunga mkono mjadala wa sisi kuenda nyumbani. Namwomba Mheshimiwa wa Ngilai kuwa tukirudi tutazungumzia hayo mambo; si vile unasema kuwa ni Alhamisi. We are ready for that on the day that you will present the response.

The Speaker, (Mr. Solomon Lempere): There being no comments, this House adjourns until the 13th of February 2018.