

SAMBURU COUNTY ASSEMBLY



THE HANSARD

Wednesday, 22nd July 2015

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

Deputy Speaker, (hon. Lanyasunya) in the chair

PRAYER

MOTION

Chairperson Committee on Labour, Social welfare, Justice and Legal Affairs (Hon. Modesta Lalaikipiani): Pursuant to standing order 47(1) 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 recruitment of the County directors by the Samburu county public service board submitted to the county assembly of Samburu on 23rd April 2015, I beg to move. I call upon Hon. Sophie to second the motion.

Hon. Sophie Leajore bows Seconds

Deputy Speaker (Hon. Adamson Lanyasunya): I do not have the report. Hon. Members I now propose the question the motion as move by the Hon. Chairperson of committee on Labour social welfare justice and Legal affairs; pursuant to standing order 41(1), I wish to move a motion that this house debates and approves the report on the recruitment of the county directors by the Samburu county public service board submitted to the county assembly of Samburu on 23rd April 2015. Hon. Lalaikipiani

MCA Nominated, (Hon Lalaikipiani): Mr. Speaker sir I am pleased to table the report to the County Assembly the report regarding, the Samburu County Public service board on the recruitment of the county directors by the Samburu county public service board submitted to the county assembly of Samburu on 23rd April 2015. Mr. speaker sir, the mandate of the committee on Labour social welfare justice and legal affairs according to standing order 191(5) shall be to investigate, enquire into and report to all matters relating to mandate, management activities, administration and operation and estimates of the assigned department, study the program and quality objective of the department and effectiveness of the implementation. Study and review all county legislations referred to, study access and analyze the relative success of the department as measures by the result obtained as compared to the status objectives, investigate and inquire into all matters relating to assigned department as they may deem necessary and as they may be referred to them by the County Assembly. Vet and report on all the appointments where the constitution or any law requiring the county Assembly to approve, make reports recommendations to the county assembly as often as possible including the recommendation of proposed legislation. Mr. Speaker sir the committee on Labour social welfare justice and legal affairs comprises of the following:

1. Hon. Modesta Elly Lalaikipiani – chairperson
2. Hon. Sarah Lekisaat – vice chair
3. Hon. Fabian Lolosoli - member
4. Hon. Romano Leakono- member

5. Hon. Raisy Letura –member
6. Hon. Jonathan Lemoosa – member
7. Hon. Jackson Lelenkeju – member
8. Hon. Leitore Benjamin- member
9. Hon. Irene Leshore –member

Hon. Speaker sir, Hon. Adamson Lanyasunya requested for a statement regarding discrimination of Loosuk ward by the county public service board and the committee and the same on the board. The board responded to the statement which was tabled before the house and was found not satisfactory, in fulfillment of the object and principle of devolution in the Article 174 and 175 pursuant to Article 185 of the constitution of Kenya 2010 and the standing order 191(5) of County Assembly of Samburu. The committee on 17th April 2015 wrote to the board requesting for full information of the recruitment of all the persons starting from the lowest code to the chief officers. The board compiled a report of the directors, progressive reports and submitted it on 24th April 2015. Hon. Speaker the committee was of the opinion that the board should first submit the report on the scrutiny of the report, if the members find that it is necessary to invite the board or the public then the committee could have gone ahead and invite the board or the public but after going over the report, the committee did not find any reason to invite the board or the public therefore the committee is tabling this report. Hon. Speaker the progress report by the board for 2013/2014 is submitted to the Liaison committee as per the Samburu County Assembly interim standing orders and the committee is tabling the report on the recruitment of the directors.

Committee Recommendation

Hon. Speaker the following are the general recommendations from the committee:

1. There should be a legal frame work to guide the committee in meeting the constitutional requirements and regional balance, the board should be able to prepare a shortlisting and merit tools that ensure representation to all that the whole level is catered for in order to ensure that presentation of all wards in the county public service board is adequate.
2. The Samburu county government should come up with education policies that encourage best students to pursue best courses that the county has shortages of like medicine, Engineering, Surveyors, Lawyers and many others.
3. The Board should comply with section 59 (5) of the county government act 2012 which states that the report of the county public service board under sub-section 1(f) shall be delivered each December to the county assembly including all the decisions taken by the board and many others as testified in the act.

Mr. Speaker sir, the committee wishes to sincerely thank the office of the speaker and the clerk of Samburu Assembly for the necessary support extended to it in the implementation of its mandate. The chairperson of the committee takes the opportunity to thank all members of the committee for their patience, sacrifice and endeavors and hard work during the preparation of the

report. Finally, it is now my pleasure and duty as a chairperson of the committee on Labour, social welfare justice and legal affairs to recommend this report to the house pursuant to the provisions of standing order of the County Assembly on behalf of the committee; I request the house to adopt the report. Thank you Mr. Speaker

APPLAUSE

Deputy Speaker,(Hon. Adamson Lanyasunya): Thank you Hon. Chair person, as per the statement that you read as asked earlier it was based on employment status across the divide and the report presented has been done selectively just picked one category which is the Directors only. So based on the statement it does not give the status which would have answered the question whether there was a balance between employment across the wards. So I don't know, maybe you can explain about that because according to me it is one category against so many other areas of employment and there are no particular centres according to me that shows how the balancing has been done as far as the statement was requested. Hon. Leshoomo

MCA Lodokejek ward (Hon. Leshoomo): Thank you Hon. Speaker, Mr. Speaker sir, the statement that you said pertaining to the report Mr. speaker I think the question that was asked on the floor of this house was regarding the consideration of regional balances in its recruitment not in particular ward, I think it was across the whole of Samburu county. Mr. Speaker we are also saying that the board should put in place the people recruited in the past two years Mr. speaker in the whole county, so that we can know if there is any balancing criteria that people use in the county to ensure that the county employ people through equal distribution Mr. Speaker. Mr. Speaker I just went over the report quickly and it was based on Loosuk ward particularly. Mr. Speaker if you ask questions pertaining some justification in your ward that you know but it does not mean that the statement actually entails the requirement of the one ward and I think that most of us particularly some of our members are waiting for this report so that they can be justified in other wards; so Mr. speaker in my opinion I think the report should be taken back to the committee for more consultation thank you Hon. Speaker.

MCA Nominated, (Hon. Dube): Asante sana bwana spika, mwenyekiti nakuunga mkono lakini bwana spika ukiangalia mwenyekiti anasema kuna upungufu, walemavu hawajapewa nafasi. Bwana spika ni vyema kwamba watu wapewe usawa katika kuajiri kazi watu wapewe, ni vyema kuzipa wadi zote usawa si kwa kutumia umaharufu wa majina za watu. Hakuna walemavu walioajiriwa kama Chief officers, Director na sub-county, committee na public service board hazi wapi walemvu nyadhifa zozote. Asante msheshimiwa spika.

Deputy speaker, (Hon. Adamson Lanyasunya): Asante sana msheshimiwa Dube. Hon. John Lemulugo.

MCA Ang'ata Nanyokie ward, (Hon. John Lemulugo): Thank you Hon. Speaker, I concur with what the other members have said, Hon. Leshoomo has mentioned several issues and Mr. speaker I begin by saying that the Public service board of Samburu is one of the well rated departments. I question the way the current employment of more than 50 people were employed Mr. Speaker. Most of these people being employed are from very few wards Mr. Speaker, and even the very junior positions that cannot be filled by the people of every ward. They consider more of family than the members of the public; you can notice the same surname of the interviewer and the interviewee. When we speak of regional balance, we can never achieve balance because we have become the public service board employing people Mr. Speaker sir. You cannot be employed by the service board unless you are a friend or a very close person to the members of the public service board Mr. Speaker, and I can even mention some of them. There was one person Mr. Speaker who was qualified but was not employed because the person who was employed was the best man of the one in the public service board Mr. Speaker. As I support the committee coming up with this report Mr. Speaker, it is the public service board who are compiling this report for the committee on Labour. I don't know that is a good job, but it should be clear, our people so far have issues Mr. Speaker. We their representatives were elected by them Mr. speaker we are going to do everything to make sure that the regional balance is acquired, but we can only acquire if the people are going to be serious in their jobs. They even now days employ people in the buses, in the clubs and the list continues, that is why you see that even two weeks before short listing everyone is already aware of who is going to be employed, so the public service board should be summoned by this Hon. Committee to come to this house and explain to the members of this house Mr. Speaker, thank you.

APPLAUSE

MCA Wamba West Ward, (Hon. Benjamin Leitore): Thank you Mr. Speaker, my urge is to the members that the report is given but I would like to request the members to take their time to familiarize themselves with the report because as a committee at time Mr. speaker, it is good to comment on what you are fully informed. We took our time as committee on Labour social welfare justices and legal affairs to find out on all those issues that members are raising and we had to arrive to a conclusion based on articles of the constitution, County government Act and Mr. Speaker as I had said, a mistake cannot be a mistake until it is repeated, and two wrongs cannot correct one wrong Mr. speaker. We had also appreciated as a committee that members of the public service board had made several mistakes in the in the interviews and recruitments that were conducted since the establishment of the county government Hon. Speaker, but with all that in mind we had actually made some recommendations that are based on the laws governing the county government and even under the constitution of Kenya Hon. Speaker to make sure that such loopholes cannot happen again. Hon. Speaker as you recall the statement was sought on the

issue on directors by the Hon. Member for Loosuk (Hon. Adamson Lanyasunya) and that was actually mistaken the meeting with the service board and we actually had to pursue on that specific statement sought by the Hon. Member for Loosuk (Hon. Adamson Lanyasunya), and that gave us a chance to particularly consider in our report the answer to the statement as raised by the member Hon. Speaker in our conclusion because we did not want to go back on a lot of unnecessary mistakes that were made by the service board in order for us to move forward as a committee and as a house and as a county government. We first made such deliberations that will make sure that such mistakes cannot be repeated Hon. Speaker, and those recommendations were based on the laws or the County government Acts, if you refer to county government Act number 59(1) (d) and (f) that directs that the County Public service board should prepare regular reports for submission to the County Assembly on the execution of functions of the board; that has never happened Hon. Speaker since the establishment of the service board of Samburu. But we had actually directed in our report and made a strong recommendation that service board of Samburu and county public service board should consider preparing those reports as directed by the County Government Act, and that Mr. speaker the service board should evaluate and report to the County Assembly on the extent at which the value and principles in Article 10 and 232 are compiled within the county public service. Hon. Speaker I think it is also a recommendation as a house for us to move forward and in order for us to deliver on mandate as the committee empowered by the standing orders of this house we need to ensure that we follow the recommendations so that we can move forward because we also need to inform the house that we had identified those gaps as a committee both in recruitment starting from the ECD teachers(Early Childhood Development) and all other staff that were recruited and such mistakes were made the mistake of not considering the regional balance, the mistake of not considering all sexes and so many other mistakes Hon. Speaker. But we did not want to go into that because it will delay service delivery of the people of Samburu so Mr. speaker we urge the house to debate and approve the report as we had actually forwarded because it is our mandate and we had compiled the report on behalf of this house, thank you Hon. Speaker.

MCA Maralal Ward, (Hon. Elly Loldepe): Thank you Hon. Speaker, as I contribute I think you agree the committee has tried to do the work but Mr. Speaker my opinion is that it is not satisfactory, and why are we to say so Mr. Speaker, it is as I was to read the statement Mr. speaker. The statement initially sought request; one of the concerns is that there were other applicants who had even not been shortlisted and I think that it is even within the statement, that is annex one; there is an attachment, request for statement, requested by Hon. Adamson Lanyasunya MCA for Loosuk ward. Mr. Speaker within the report I did not see the anything that the committee attempted to show or to prove the statement otherwise Mr. Speaker sir, so in my opinion that;

1. This report does not address that

2. This statement asked why the board did not consider regional balance Mr. Speaker this report does not clearly show how the regional balance is; how it is biased Mr. Speaker, it does not answer the question in anyway so it leaves us hanging may be to peruse and answer for ourselves so I do not know Mr. speaker sir if that is what we should be doing, because the statement should have been clear and answering the questions earlier asked Mr. Speaker.
3. On the criteria the board is putting in place to ensure that all the wards are represented, I think it is not clear Mr. speaker, as Hon. Lemulugo had said Mr. Speaker, everything was known from the beginning and I cannot remember if it was posted in the social media but everything was known from the beginning and Mr. Speaker this house becomes the house of rubber stamps. We can even rubber stamp this report and move on because that has been the trend, but I do not think that that will add dignity to this house, so Mr. Speaker I think the committee should move on and answer those questions.
4. Mr. Speaker the report has not informed us whether this recruitment particularly that for the Directors, if it was really on merit because Mr. Speaker if we are to get deep into the report there is no merit in terms of directions nothing like that so if the committee was serious enough then they should have informed us why so and so was taken instead of so and so. They should have put it in the report clearly Mr. Speaker sir, so it does not answer the question on merit which was actually one of the reasons why this statement was sought. Mr. speaker unless otherwise or the members of this house want to be called members of the rubber stamp house this report needs to go back to the committee for them to tell us the truth so that we understand and move forward as a house. Thank you Mr. Speaker.

MCA Ang'ata Nanyokie (Hon. Lemulugo): Thank you Mr. Speaker, Hon. Speaker as Hon. Loldepe has contributed, I think this report should go back to the committee and actually I still request that Hon. Members of this committee to take longer steps to summon the public service board and inquire exactly how many people have been taken per each ward. That is the only way we can determine the fact that some wards are benefiting in employment than others Mr. Speaker, and I think we should also contact them to come and tell us why they leave some people behind and some are not shortlisted. Unless qualified ones are considered Mr. Speaker sir. The public service board should be summoned and come before the house and clarify to the house, thank you Mr. Speaker.

Majority Chief whip, (Hon. Benjamin Leitore): Thank you Mr. Speaker sir, in the extension of what members thought we had actually found deem or fit Mr. Speaker that as a house we need to move forward. Mr. Speaker if the members could remember, this report has taken long to be produce based on the fact that it always gets hard as members of this house to find time to sit and interrogate on positions for those that are in this county government and Mr. Speaker as it was

indicated earlier by Hon. Loldepe that we had also printed on those reports problems or issues on employment created by the board but we did not want to go back to that state because it would create bigger cracks to this County government. Mr. Speaker I think we heard a member who mentioned that one of the offices of one of the members of the public service board was employed we did not want to point out that other relatives were employed knowing very well that they are also members of this County government. They have been in this county but the criteria for employment could have created major problems if we keep on following each problem made by the service board, that is why we had decided to have a directive or strong recommendations based on the law in order for us to move on so we beg members that lets not drag the report so that we could move forward and stop dwelling on one issue for long because it will keep us mark timing as the County Assembly of Samburu. Mr. Speaker we also had the question from the Loosuk ward representative had also been answered on a statement form sometimes backs or when it was directed and that also gave us a chance next to address as sought by the statement. We did prepare the report based on the facts that we had found and made recommendations because all those recommendations consider both the previous and the forthcoming recruitments thank you

MCA Ng'iro Ward (Hon. Jonathan Lemoosa): Thank you Speaker Sir, I actually stand to plea with the Hon. Members to adopt the report basically on a few reasons. First, the whole report here attempts to address and answer the question sought by the Hon. Member for Loosuk, and with your permission, could I please refer a few reference on the report just to refresh you and to guiding of the members on what the report is attempting to answer the statement. For example, if you go response on the statement that was asked by his Hon. Member Hon. Adamson Lanyasunya that Loosuk ward has been neglected by the public service board in key employment areas, and in account to answer the same, there is a letter actually from the service board dated 19th March 2015 and with your permission I would just like to go through a few lines that can guide us on how this has been attempted to be answered. The letter was dated 19th March 2015 and it was addressed to the Clerk, it says 'Response for statement from the Samburu County Service Board; the board is in receipt of your request to your statement and I wish to respond to the matters raised as follows: First, is on the total discrimination of Loosuk ward, That the board did not advertise to recruit for the position of the County Executive Committee as alleged in the statement, this positions were filled prior of the board, and it further says "pursuant to section 45(a) of the County Government act No.17 of 2012, the board completely sourced the County Chief officers who were appointed by the Governor, and approved by the County Assembly, like Lydia Nkini Letinina, from Loosuk was appointed Chief Officer of Tourism and Cooperative and all that Speaker Sir. Further, they indicate that the ECD teachers; they attempted to explain , further, in page twelve you see that they have tried to say that they have challenges as a board and they try to explain the challenges as regional balance is a challenge as most of the applicants are from Samburu North Constituency. This is a challenge Speaker Sir, because once maybe the

applicants would apply then it becomes difficult to fill up. They also indicate that some candidates applied for positions that are not in their area of specialization, they further say that challenges faced by the board is that candidates faced by disability were not easily identified since they did not indicate in their applications. These are the challenges that the board faces, they are trying to explain to the Hon. House to try to bear and adopt the report, candidates could not be put into administrative force since they failed to indicate in their applications, Speaker Sir, on the same page twelve, 9.1, the board is in the process of drafting a bill, which will guide and meets the constitutional requirements like the gender rule, ensuring the 30% and all that, with this actually, I would like to plea with the Hon. Members just to adopt the report because if it goes through like what the Hon. Leitore has said and the chair, actually it is attempting to streamline this problem. They have noted the problems, they are attempting to streamline, first and foremost all of us had this problems and this is exactly why we as the committee having addressed that, we just plea that as the time goes and with this we will try to get all of them into the right track, by ensuring that they give the report as explained in the County Government Act that the board is subjected and is obligated actually to give the report actually to the Assembly quarterly and annually such that from there now can build say that this is where they went wrong and we can easily correct it, thank you Speaker Sir.

MCA Lodokejek Ward (Hon. Jarius Leshoomo): Thank you Hon. Speaker, I really thank the committee for doing their work, I want to inform the Hon. Members that we are not refusing to adopt the report as it is, but the report has a lot of loopholes. We do not want to pass a report in this house because it is mandatory that you must pass a report that may be of some help to this house, this committee is supposed only to inquire on two issues in this house, and report to this house. First; is why the board is not considering regional balance as requirement in its recruitment resulting into total discrimination Mr. Speaker. Secondly, the criteria the board is putting in place to ensure that members are represented in the recruitment. These are the two issues that this committee was supposed to report to this house, the report tabled here is only the report on the recruitment of County Directors that was tabled in this house Mr. Speaker, then which report are we discussing here, is it the report on why the board went for regional balance or is it the recruitment of County Directors. Who asked the report on the County Directors? the Hon. Member asked about the regional balance, we want the County Public Service Board to show this County Assembly how people were recruited per ward and per the sub county? They should also include the...you can also see in some wards that you can get two people out of two hundred people who are employed, we want the list to be tabled in this house so that we can approve this report with legality.

Nominated MCA (Hon. Modesta Lalaikipiani): Thank you Mr. Speaker, I understand the feeling of the members and as I said earlier the progressive report of the board 2013/2014, is submitted to the liaison committee as per the County Assembly interim standing order and the committee is only tabling the report of the recruitment of directors. This report is only for information purposes, the statement sought was answered even though the response was not satisfactory, the recommendation of the committee to the board was that the board should

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comply with the section 59 (5) of the County Government Act of 2012, which states that the report of the County Public Service Board under sub section...

The Deputy Speaker (Hon. Adamson Lanyasunya): What is the point of order Hon. Elly?

MCA Maralal Ward (Hon. Elly Loldepe): Mr. Speaker I am just getting confused because it is like the Hon. Chair is saying that this report is just for information, so I am just trying to think if I should continue sitting down or whether...because there is no need of having scarecrows in your farm when those scare crows cannot even scare dogs, so if this is the information then why do we debate. Thank you.

MCA Angata Nanyukie (Hon. John Lemulugo): Thank you Mr. Speaker; before the member sat I was also thinking of the same, I think that Hon. Leshoomo has just put it very clearly, that the report that we need here is not just about the report that directors, and I think that it is very clear. Mr. Speaker for the public service board to produce a list of all the ward people and also the sub counties, it is very easy and it is not the work of the committee, so it is not taking them long, so I urge the Hon. Member to agree that the public service board should produce the list of the people employed in every ward and in every sub county, so that we can see the gender balance and also that the gender balance to be considered, so that we can see if they are doing a good job or not, thank you.

MCA Wamba West (Hon. Benjamin Leitore): Mr. Speaker I think that we had pleaded with the Members so much and if members of this house and particularly Member for Maralal and Member for Angata Nanyukie, notwithstanding my closest friend of mine that is Hon. Member for Lodojek, Mr. Speaker I think that we had actually mentioned and we had said that this report has taken us long to produce based on the factors that we had not stated but there are a number of issues that members note to prepare this report in time. I think the report is clear and we do not want to go through every part of the report because there are correspondence, letters written from the service board, and there are correspondences from the service board, based on the issues that we raised. We cannot read each and every answer because it will complicate issues, that is what we had said, because members of this house have different views with the issues raised, and the service board also has different answers to the questions sought by this house. I would like to mention that this report would take us long to produce again, based on the fact that the answers given by the board will remain the same, the board has also indicated that it is also hard for the board to determine and to know which ward an applicant comes from, which sub county the applicant comes from, because most of the applicants do not indicate the wards or the sub county from which they come from, so basing it on the fact that we were convinced...

The Deputy Speaker (Hon. Adamson Lanyasunya): What is the point of order Hon. Lemulugo

MCA Wamba West (Hon. Benjamin Leitore): Hon. Speaker I do not think that the Hon. Member has raised on a point of order, it is very clear Hon. Speaker that when a member is standing on a point of order then the member should refer to the standing order...interrupted by the Speaker

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The Deputy Speaker (Hon. Adamson Lanyasunya): Okay continue Hon. Leitore

MCA Wamba West (Hon. Benjamin Leitore): Thank you Hon. Speaker, Hon. Speaker...interrupted by the Speaker.

The Deputy Speaker (Hon. Adamson Lanyasunya): What is the point of order Hon. Leshoomo?

MCA Lodokejek Ward (Hon. Jarius Leshoomo):Mr. Speaker I do not think that it is in order for the Hon. Member to pin point the three Hon. Members of this House for just putting their opinion on the floor of this house Mr. Speaker, knowing Mr. Speaker that the three of us are the voice of the voiceless in this house.

MCA Wamba West (Hon. Benjamin Leitore): Thank you Mr. Speaker, before I was interrupted by my good colleague member for Lodokejek, I was contributing Hon. Speaker and please protect me so I that could...

The Deputy Speaker (Hon. Adamson Lanyasunya): Hon. Lemulugo let the Hon. Chief Whip finish, what is your point of information?

MCA Angata Nanyukie (Hon. John Lemulugo): Mr. Speaker, I do not think that it is right for the Hon. Member to say that the public service board does not know where the applicants are coming from, this people come with IDs, so the County Public Service Board knows which wards these people are coming from, so I do not think that it is right.

The Deputy Speaker (Hon. Adamson Lanyasunya): Continue Hon. Leitore.

MCA Wamba West (Hon. Benjamin Leitore): Thank you Mr. Speaker, I was referring to the part of the report, so this is part of the report that was indicated in the report, and also indicated by the service board who are the respondents to the statement but it is hard to tell where an applicant comes from, because most of the applicants do not indicate their wards and sub counties, and that became legible because as the members of the sectorial labor committee who interrogated the board and also received documents from them, it also became difficult to identify or to tell if other applicants are from which wards or sub counties, because most of them do not indicate, so that is clear. Secondly, I did not have any bad motive when I mentioned that the three Members are vocal in this house, but is wrong for them to say that they represent the voice of the voiceless, because even the Hon. Member for Ng'iro is representing the voiceless in Nyiro. So it is very irrelevant if the member says that the members are representing the voiceless, I was referring and appealing with the Members that we should not take long on this report. we had decided to give some recommendations, so that this County could move forward, so that this County Assembly could move forward, because issues of women, disability and the regional balance are paramount, and also the issue of merit is also paramount, and that could delay the issue of service delivery we should keep conversing on each and every issue and also each and every applicant from specific wards, so I plead with the members that we pass the report so that we can move forward on. Thank you

MCA Ng'iro Ward (Hon. Jonathan Lemoosa): Thank you Speaker Sir, I still stand to plead with the Hon. Members to adopt the report basically on a few (inaudible) ways forward; for sure the question raised by the Hon. Member for Loosuk Hon. Adamson Lanyasunya was very clear in particular it was actually asking why Loosuk ward is marginalized, and if you go through the report, the board actually has a few members who were actually employed by the same County, through the same board. For example, I tend to say as a committee I am not the chair but I am sure that my chair will also take as a matter of urgency and then ask the board separately to produce the actual names of all County employees. I am sure it will take a bit of sometime but so on this matter I beg the Members that of course that we will take up the task of requesting or actually telling the board to produce, I think all the employees of the defunct County Council and now the inception of the County Government. Then we shall avail the actual report on the same when it is done, but for this particular report, I still plead with the house that we adopt and then we will give you a promise shortly that we will bring the names of all those who have been employed by the County, thank you.

The Deputy Speaker (Hon. Adamson Lanyasunya): Mheshimiwa Dube, nafikiria kuwa, kwasababu tumechangia katika huu mjadala, labda nitakupa wewe na mwingine mmoja au wawili zaidi, ndio tuweze kumaliza.

Nominated MCA (Hon. Osman Dube): Ahsante sana mheshimiwa Speaker, naomba uweke wiki nyingine ili tujue ni kitu gani ambacho kinaendelea kabla ya kupitisha, hilo ndilo ombi langu, ahsante sana.

MCA Maralal Ward (Hon. Elly Loldepe): Thank you Mr. Speaker, I am not convinced at all with this report because I can just give the issue of merit and why this report does not even qualify because it does not show within the statement that it was asking the issue of merit, and if we were to confirm if merit was met then I think we need to see the adverts of some of the positions which were directly asked, then it is not even attached here. Secondly, if you are to go into the shortlisting sometimes we can see very clear interests because there are departments where they are just putting that they have not been shortlisted because of the education not relevant but in other departments employed people with completely irrelevant education as per the advert which was initially raised and I think that maybe that is one of the reasons that maybe the advert was not even attached, so that if you were to look at it critically then you have issues that you have to hide Mr. Speaker. Mr. Speaker I think the committee needs to be serious, so, it is not about pleading with us, because if it is about us then you can plead with us, as most of the Hon. Members are rising to support are trying to plead with us. Then if it is about pleading with us then it is not about justice and what we want to plead with is about justice so if we can plead for justice to be done, then please let us plead for justice, let us pray for justice, let us walk justice, It is not about us, so as Hon. Leitore and also Hon. Lemoosa, I do not want a situation whereby it is about us but it is about what we need to see happening, thank you Mr. Speaker.

The Deputy Speaker (Hon. Adamson Lanyasunya): Thank you Hon. Members the business of the Assembly is to be dispensed with according to the terms of reference. First and I want the Members to be attentive, what is it Hon. Lemoosa

MCA Ng'iro Ward (Hon. Jonathan Lemoosa): Speaker sir I really want a little bit of guidance over this because I can see a merit list, merit tool for County Legal Officers, I really do not understand what Mheshimiwa...

The Deputy Speaker (Hon. Adamson Lanyasunya): Hon. Lemoosa, how many people from the department of livestock and veterinary have been employed from your ward, how many?

MCA Nyiro Ward (Hon. Jonathan Lemoosa): None

The Deputy Speaker (Hon. Adamson Lanyasunya): So is that report clear on that?

MCA Ng'iro Ward (Hon. Jonathan Lemoosa): Not really, but what I want to say is...what I really want to understand is the criteria which the members used in this answers brought, because we have tools of merit, we have those who are the applicants and as such can we be guided over this?

The Deputy Speaker (Hon. Adamson Lanyasunya): Thank you Hon. Lemoosa, Hon. Elly.

MCA Maralal Ward (Hon. Elly Loldepe): Thank you Mr. Speaker, if we talk about merit, I just want to ask the Hon. Member, let us take for instance the director for environment, if we are to talk about merit can you kindly show me, the advert for the record of environment, the advert what does it say about the directors of environment, what does it say, In terms of education background, terms of experience, if the advert is there then that is why you create the issue of merit tool, that you use for shortlisting, so the only thing that we are having here is the shortlisting thing. So if you were to compare it with what was needed then there is nothing at the moment that you can tell us because the advert is not there, because if they need what was in the advert then that can be called merit, but if they do not match with what is in the advert then that is why I was asking because in other departments when they were shortlisting they were saying, education irrelevant but in others they were only not even giving the reason. They were knocking out those with relevant education within the advert and taking those with irrelevant education, so if the advert was attached here then it could have been very clear but it is not attached, thank you.

Nominated MCA (Hon. Osman Dube): Ahsante sana mheshimiwa Speaker, nikiangalia katika Director of Social Services, Yule mama, kulikua na mtu mmoja ambaye ni mlemavu na alikua na alama asilimia sabini na tano, kwa hivyo hili jambo sio halali kabisa, naomba utupatie nafasi kidogo ili tuweze kuangalia, ahsante.

MCA Wamba West (Hon. Benjamin Leitore): Mr. Speaker it is always hard to give information that is not clear, because the information given by Hon. Loldepe is missing for some basis but the other information cannot be relied on, and Mr. Speaker as said by Hon. Loldepe that we are pleading, we are not pleading with the members, we as the members of the labour committee had the chance to interrogate the report, get the submissions, and got the responses from the service board, and this was our conclusions and the findings. Mr. Speaker we are giving information as per how we found it, this is a relevant omission, (inaudible), from the service

board but we had also indicated and the contributions of the members of the committee and other members. We are yet to borrow the ideas from them that we did not want to open old wounds that are there, we had also mentioned that we also appreciate that mistakes were made by the board based on the issues of recruitment, but we did not want to dwell much on that because that will drag us back in time, so we want to go forward as a committee and as an Assembly without opening up the wounds because each and every Member of this house will feel that they have been affected in one way or the other, that is why we were pleading with the Members that let us not dwell in the past. So let us focus...

The Deputy Speaker (Hon. Adamson Lanyasunya): So are you saying as a committee that there were some wounds?

MCA Wamba West (Hon. Benjamin Leitore): Of course Hon. Speaker there are there, if you mention and say that an employee, or a person who has been employed as a director does not meet the qualifications or does not have the relevant qualifications, then that will bring us into other problems, that is the way that we did not want to go Hon. Speaker, thank you.

The Deputy Speaker (Hon. Adamson Lanyasunya): Okay, thank you Hon. Whip, okay according to the mandate of the Assembly, I was saying that the business of the house should be dispensed. The terms of reference as ruled by the Assembly and on this report I will not rule anything on whether the house will adopt the report or not and also put the question to the on whether to adopt the report or to reject it. The terms of reference of this report, is that there is a statement raised by the Hon. Adamson Lanyasunya which was approved by the Speaker on the 18th March and it was very clear in terms of seeking the regional balance in terms of the recruitment of employees, and secondly, the criteria that the board has used and on the Speakers ruling also that there is a letter that was attempting as clearly put by the Hon. Lemoosa that the board attempted to answer the statement sought by the Hon. Adamson and that the board did not know who they were employing because the applicants did not mention where they are coming from. So how can they employ you without them knowing who they are employing, and again there is a letter which was written to the board on the 7th October 2014, and they were very clear that they should have been very clear on the report on the work done by the Samburu County Public Service Board since it came into office. So according to that letter they have not been given that report. Thirdly, analysis of the employment status of all the employees starting from the lowest cadre to the highest in terms of: Special groups, youth, gender, people with disabilities as proposed also by Hon. Dube, and marginalized groups. Also, regional balance i.e. employment status per ward. Fourth, a report in regard of the senior positions starting from the directors including the number and names of applicants, it says similar positions starting from the directors, the shortlisted ones, and the successful ones, there is also a letter written on the 22nd April 2015 to the board again and that required that the committee had...okay...that is a different one, but there is also another one that was written that they should also come with the reports when they appear before the committee. So this report actually is a report on the directors, it is not addressing the terms of reference that were given to the committee and so it does not show the criteria which was used by the board and I think the board should also be acquainted to know their functions because if you employ people terms of reference in terms of the department which are to be filled, which qualifications are required, the positions should be

very clear even when alienating the electoral boundaries, we consider community of interest and regional balance, gender, people with special interest groups. So I think when the board received people that they do not know as they claim, they should then advertise the criteria clearly and the applicant should indicate very clearly what they are doing as a board. The committee has done a good work and this is a very big book, and I think it is not only based on the terms of reference because as the Hon. Leitore said the committee did not want to open any wounds and these are the wounds and the gaps that were given as the terms of reference so if you say that you do not want to open any wounds then it means that you are telling the house that you are not able to do the work because these are the gaps that as an Assembly we wanted to address. But besides that, when you read the report, the public service board listed that all these allegations by the Assembly are baseless, so if you advocate for regional balance and everything and you afford the baseless, then I think at the same time you plead and say that let us support the board, so I think that it is upon you as the house to approve, if you think that it is okay then I will just put the question and then you approve the report, if you do not to approve the report then the committee then should follow the terms of reference and bring the report as indicated in the terms of reference, because for example now, there is no member in this house who can tell how many people have been employed maybe in each of the ministries and I think that this report which is comprehensive that can also govern the board. But in terms of the issue of recruitment I can govern the board that it was upon of the board to say these areas were filled by people from this areas so you can consider gender here, the disabled here in the subsequent recruitment it was also a tool that will inform the board but not a tool that will try to oppress the morale of the board. And that is why we have monitoring and evaluation in an organization such that it can guide the organization to perform their roles in a much better way, I am seeing that Hon. Members want to open the debate again, okay Hon. Leshoomo

MCA Lodokejek Ward (Hon. Jarius Leshoomo): Mr. Speaker, as per your guidance, and what you understand from the report Mr. Speaker that, the committee did not follow the mandate of the terms of reference, I do not think it is necessary for this house to put a question on the adoption and the duplication of the report if your opinion are against the rule of the law
Point of order

MCA Wamba West (Hon. Benjamin Leitore): Thank you Mr. Speaker, I am convinced from your sentiments from the statement from the chair, which you indicated there, before you make you contributions, that you are going back to put a question but in extension Hon. Speaker, that you talked much about the report and that is an indication that the report is not good and that as much as we could have divided and voted, we could have also given a chance to the report. So I am convinced because the chair has also declared the interest of the report that Hon. Speaker you can rule on the way forward of the report rather than posing confusion to the house because other members have also known the stand of the Speaker and that might bring a lot of problems because the chair had almost...(interrupted by the Speaker)

The Deputy Speaker (Hon. Adamson Lanyasunya): Order Hon. Leitore, I think the.....

MCA Wamba West (Hon. Benjamin Leitore): Mr. Speaker, I am saying that you almost ruled so you better rule rather than giving us...

The Deputy Speaker (Hon. Adamson Lanyasunya): You are totally out of order Hon. Leitore to tell the Speaker what to do, if I was against the report I could just rule that it is not satisfactory because I am the Speaker, but it is good that I give the democracy its chance and I am also giving what is written in the report, just a minute Hon. Lemoosa, it is very clear that the role of the Chair is also to guide the House and I am advising the House not based on a different report which is under the table. It is just the same report which has been presented to me, and the first thing that I do as a chair is to read the terms of reference, it was the other day that a report was brought here which was not signed by any member and I just said that it is not signed and it is not authentic. So I just read the terms of reference and because it is also my role as a chair to guide you on the report which is presented, so I rule that it goes back to the committee and if they saw that the committee report that they need more time to go and put the report in order basing on the reference but if you as a committee wants the report to continue then it is upon you to approve or reject because there is nowhere in the standing order that says that if the Speaker for example shows that there is some interest in the report that if you do pass it the Speaker will whip you at the end of the day, Hon. Lemoosa.

MCA Ng'iro Ward (Hon. Jonathan Lemoosa): Thank you Speaker Sir, I want to believe very sincerely that the committee has taken a lot of time actually to try and get all these facts and get them forward the report. It is also time consuming, the terms of reference of the report we have really tried to struggle and bring what there is in this report. I also want to believe as my colleagues Leitore, but Speaker Sir, without malice or prejudice, I want to believe that maybe because you are a mover of the same could be that he has not really as a committee passed the new facts that you really felt that to have wanted it but we promised that this particular as per the report we will also go back to the County's Public service board, put up a whole list of the employment. This is what we promised and that is exactly why we requested the house that we are pleading with democracy that let us embark on this route because we will still have the window to pull up other terms of reference when guided, thank you.

The Deputy Speaker (Hon. Adamson Lanyasunya): Hon. Lemulugo I can see that you also want to join the debate, so...

MCA Angata Nanyukie (Hon. John Lemulugo): Thank you Mr. Speaker, I am seeing that we are opening up the debate again, but Mr. Speaker I am surprised that even this Hon. Members who are trying to push the report to be passed. I do not think that they are themselves satisfied on the employment of this people in the public service board, because for us we are seeing a very big challenge because maybe even this people who are in the public service board are suffering on their own maybe, because I am sure that Hon. Lemoosa from Ng'iro was not satisfied on the employment of his people Mr. Speaker. I do not see the reason for this report to be passed Mr. Speaker, I think on this report we should give more time to the committee if possible, because the committee themselves are not members of the public service board. They are our members of this Hon. House, and they are the committee Hon. Speaker Sir, so we are not referring them as the public service board, we are not recognizing the service board Hon. Members

(Point of information)

The Deputy Speaker (Hon. Adamson Lanyasunya): Hon. Elly is already on the floor
MCA Maralal Ward (Hon. Elly Loldepe): Mr. Speaker I am wondering and I do not know if it is only my report but the entire thing is not even signed Mr. Speaker, what I have. I do not know whether this was from the bush but nothing is signed actually other than one stamp which is behind, only this, (Showing), for this one nothing else is signed, not even one committee, not even the chair has signed.

(Point of Information Hon. Speaker)

The Deputy Speaker (Hon. Adamson Lanyasunya): Okay I think as the Speaker that I should also have a report that is signed by the chair and the committee, it does not mean that a single Name of the committee

Hon. Leitore: (Point of information Hon. Speaker)

MCA Wamba West (Hon. Benjamin Leitore): I had indicated earlier that we did not want to brag ourselves in terms of service delivery to the people of Samburu, Hon. Speaker. We had considered all the issues raised by the Hon. Members, and Mr. Speaker when the report is not adopted that means that the report will become difficult for recommendations to be implemented, and once the report is not adopted on the floor of the house, or when the report is rejected on the floor of the house then that is a natural death of the report, and that means Hon. Speaker that the report has to be brought back to the house after six months, and by rejecting the motion then you bring down the report or you shake the process of bringing back the report and that will happen only in a period of 6 months, so Mr. Speaker that is as indicated earlier.

The Deputy Speaker (Hon. Adamson Lanyasunya): Is there a place which has tabled the employment process in the County in that report, is that what you are saying?

MCA Wamba West (Hon. Benjamin Leitore): No, Mr. Speaker, I am standing on a point of information, just to give the information, just to guide the house so as to make decisions that are informed by the law, thank you.

MCA Lodokejek Ward (Hon. Jarius Leshoomo): Hon Speaker, I think we have debated for too much on this report, but Mr. Speaker, I am only requesting that you can give us one more week so that the committee can go back and recollect the report. I also think that the Hon. Member who asked this statement should have a time to deliberate and argue on the report Mr. Speaker, I think it wrong for us to move debate this report while the mover of the statement is not here to agree and to contribute his views on the floor of this house his views on the report, Mr. Speaker, thank you.

The Deputy Speaker (Hon. Adamson Lanyasunya): Order Hon. Members

MCA Ng'iro Ward (Hon. Jonathan Lemoosa): Mr. Speaker Sir, I need some guidance

The Deputy Speaker (Hon. Adamson Lanyasunya): Continue Honorable Lemoosa

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MCA Ng'iro Ward (Hon. Jonathan Lemoosa): I seek your guidance and direction on this matter because the statement, that is if my mind serves me right, the statement asked by Hon. Lanyasunya, it has actually been...

The Deputy Speaker (Hon. Adamson Lanyasunya): I was actually ruling that the house debate on the report and there was even a ruling and in this report that the committee should bring full reports based on the criteria used.

MCA Nyiro Ward (Hon. Jonathan Lemoosa): Thank you Speaker sir for your guidance, on the same matter Mr. Speaker, if the committee has to deliberate on the report further, new terms of reference that was actually not included be given because to the best of our research, our findings we tried to give the best that we could, so the new terms of reference to guide us over again, should please be given to us, thank you.

The Deputy Speaker (Hon. Adamson Lanyasunya): Thank you Hon. Members, I think I will give my ruling, if you refer to standing order No. 50 on the manner of debating motions, when a motion has been moved and seconded, the Speaker shall propose the question there on the same terms as the same motion and definitely then take (*inaudible*) upon that motion. Secondly, that on the conclusion of the debate, the Speaker shall then put the question, Thirdly, beside paragraph 2, which is now due to the question above, the Speaker may, on the request of a member defer from putting the question in the following day in which case the Speaker shall there upon nominate a time from which the question will be put. Order Hon. Members, the chair for labour, let me give you also a chance to comment because this motion is also yours, whether as a committee you will want to put flesh on the report or I put the question.

Chair for Labour (Hon. Modesta Lalaikipiani): Thank you Mr. Speaker for giving me this chance, based on the knowledge as the committee of labor, we have done our best but according to our Hon. members, we are not satisfied with the report, so you can give us until Thursday next week, Mr. Speaker.

(Applause)

The Deputy Speaker (Hon. Adamson Lanyasunya): So will that time be enough to get all the report from the service board? If that is sufficient, because that time is short, so it can be a long period, I do not know

Chair for Labor (Hon. Modesta Lalaikipiani): So Mr. Speaker it is not sufficient, maybe one month or two.

The Deputy Speaker (Hon. Adamson Lanyasunya): Thank you Hon. Members the definite standing orders also gives the Speaker time to defer the motion and as also requested by the Chair because we give them more time to give us the report, based on the terms of reference, thank you.

Next order

Order No.9, the Samburu County Culture bill 2014, Samburu gazette supplement No. 3 bill No.7 committee of the whole house.

The Deputy Speaker (Hon. Adamson Lanyasunya): Chair

MCA Ng'iro Ward (Hon. Jonathan Lemoosa): Thank you Speaker Sir, the committee of the whole house has considered the Samburu County Culture bill of 2014 bill No. 7 of 2014, and approved it with amendments, amendment No.1, to replace the word Pokots by the Ndorobo and inclusion of the disabled on the appointment of the committee, thank you Speaker Sir,

The Deputy Speaker (Hon. Adamson Lanyasunya): Hon. Chair to read the motion, Hon. Lemoosa

MCA Ng'iro Ward (Hon. Jonathan Lemoosa): Speaker Sir, I stand to move that the County Assembly do agree with the committee in the said report of the Samburu County Culture bill of 2014, thank you Speaker.

The Deputy Speaker (Hon. Adamson Lanyasunya): Next order

Order No. 10, the Samburu County Culture bill 2014, Samburu gazette supplement bill No. 7, third reading.

The Deputy Speaker (Hon. Adamson Lanyasunya): Mheshimiwa (Hon.) Rebecca

Nominated MCA (Hon. Rebecca Lengupae): Thank you Mr. Speaker, pursuant to standing order No. 132(2), I beg to move that the Samburu County Culture bill 2014 be read a third time, thank you Speaker Sir.

The Deputy Speaker (Hon. Adamson Lanyasunya): Who is seconding the motion?

Nominated MCA (Hon. Rebecca Lengupae): I call upon Hon. Lemulugo to second.

Hon. Jon Lemulugo bows to second

The Deputy Speaker (Hon. Adamson Lanyasunya): I now put the question that the Samburu County Culture bill 2014, be now read a third time.

The question was put and passed

A bill for an act of the County Assembly of Samburu to support the preservation and the promotion of culture and the cultural heritage and powers within the County and to specify their duties and the activities of the responsible County Government and the mode of funding of issues related to culture thereto.

The Deputy Speaker (Hon. Adamson Lanyasunya): I now propose the question on the long title, an act of the County Assembly of Samburu to support the preservation promote the heritage

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of Culture, cultural duties and to support the duties and activities of the responsible County department and deal with all the issue related to culture, Hon. Members I now put the question on the longer title that an act of the County Assembly of Samburu to support the preservation and promotion of culture and the cultural heritage within the County and to specify the duties and activities of the responsible County Department and the modes of the planning of issues related to cultural affairs thereto.

The question was put and passed

Now Hon. Members the time being 15 minutes past five o'clock and there being no other business the Assembly stands adjourned until Thursday afternoon 23rd July 2015 at 2:30 pm. Thank you.