

**COUNTY ASSEMBLY OF SAMBURU**



**THE HANSARD**

**Wednesday, 24<sup>th</sup> February, 2016**

**The Assembly met at the County Assembly chambers at 2:30 p.m.**

*The Deputy Speaker, County Assembly of Samburu (Hon. Adamson Lanyasunya) on the chair*

**PRAYER**

## **STATEMENTS**

**MCA Ndoto ward**, (hon. Raisy Letura): Thank you Mr. Speaker. I want to bring to your attention Standing Order number 31 that states that the quorum of a county assembly or a committee of the whole house shall be a third of its members. As per the observation, the membership in the house is not up to quorum. We need your guidance.

**The Deputy Speaker**, (hon. Adamson Lanyasunya): I call upon the Clerk to confirm the quorum. *(The Speaker consults with the Clerk)* Thank you hon. Members, according to the Standing Order number 32, during the proceedings of the county assembly, if, at any time after the chair is taken or when the assembly is in committee, a member notes that there is no quorum, the Speaker or the Chair shall count the county assembly or the committee as the case maybe.

If on the account of paragraph one, a quorum does not appear to be present, the Speaker or the Chair shall cause the division bell to be rung and if no quorum is present at the expiry of 8 minutes. I order the bell to be rung as we wait for the expiry of the 8 minutes. Thank you.

*(The Sergeant-at-Arms rings the division bell)*

**MCA Ndoto ward**, (hon. Raisy Letura): Mr. Speaker, I want to bring to your attention that the 8 minutes are over.

**The Deputy Speaker**, (hon. Adamson Lanyasunya): Order hon. Members, I have received communication from the Clerk that there is quorum.

## **MOTION**

**MCA Poro ward**, (hon. Lazaro Letiktik): Thank you hon. Speaker. I beg to move the motion that pursuant to Standing Order number 47 (1), this house debates and approves the report of the Select Committee on Privileges on the public participation report of the Samburu County Assembly' Powers, Privileges and Immunities Bill, 2015, tabled on 24<sup>th</sup> February, 2016. I call upon hon. Raisy Letura to second the motion.

*(Hon. Letura stays put)*

**The Deputy Speaker**, (hon. Adamson Lanyasunya): Hon. Letura, you have been called upon by hon. Letiktik to second the motion.

**MCA Ndoto ward**, (hon. Raisy Letura): Mr. Speaker, I don't know whether it is right for me to second a motion that I am not aware of.

**The Deputy Speaker**, (hon. Adamson Lanyasunya): It is because you are busy speaking when the session is on.

**MCA Ndoto ward**, (hon. Raisy Letura): Mr. Speaker, it is not a matter of being busy. I think that before you second a motion, you have to be alerted first so as to know what to do.

**The Deputy Speaker**, (hon. Adamson Lanyasunya): Hon. Letiktik, you can call another member who is aware.

**MCA Poro ward**, (hon. Lazaro Letiktik): Thank you hon. Speaker. I call upon hon. Lesoipa to second the motion.

*(Hon. Lesoipa bows to second the motion)*

**The Deputy Speaker**, (hon. Adamson Lanyasunya): Hon. Members, I now propose a question that pursuant to Standing Order number 47 (1), this house debates and approves the report of the Select Committee on Privileges on the public participation report of the Samburu County Assembly' Powers, Privileges and Immunities Bill, 2015, tabled on 24<sup>th</sup> February, 2016. Order hon. Letura and hon. Lesoipa. Hon. Letiktik?

**MCA Poro ward**, (hon. Lazaro Letiktik): Thank you hon. Speaker. It is a honour to present this report of the Samburu County Assembly's Powers, Privileges and Immunities Bill, 2015, to the house. The Bill was received by the Samburu County Assembly as a legislative proposal from the Samburu County Assembly, and the same committed to the Committee on Privileges on

Tuesday, 20th April, 2015 for the Committee's considerations under Standing Order number 124(1). The committee was expected to report on the Bill within a period of 21 days.

The Bill was read for the first time in the County Assembly on the same day and, in line with Standing Order number 124, the Committee was expected to table its report on Tuesday, 18th May, 2015.

However, due to logistical challenges posed by conducting public participation forums, the tabling of the Committee's report before this hon. Assembly was extended by the hon. Speaker to a later date.

The Committee came up with a public participation schedule to collect the views of the members of public in respect to the Bill in the three (3) Sub-Counties of Samburu County. The Committee decided to conduct public participation forums at the sub-county level as opposed to the ward level as the latter posed insurmountable logistical and financial constraints.

The Committee conducted public participation forums, pursuant to Article 196 (1) (b) of the Constitution of Kenya 2010 and as per the above schedule, where there was interaction with the public and stakeholders on the Bill. During the public participation forums, the public had an opportunity to air their views and make proposals for incorporation into the Bill.

However, the public participation forums in some parts of the County were characterized by low turn outs; a fact that the Committee attributed to the short notice of the forums and inadequate mobilization of the public during the forums.

The views aired by the public during the public participation forums and the feedback obtained from the industry stakeholders have been factored into this report, and form a significant part of the amendments to the Bill proposed by the Committee.

**Recommendations on the Bill**

The Committee draws the following conclusions from the views obtained from the public participation forums, and from its own examination of the Bill:

The views aired by the public during the public participation forums and the feedbacks obtained from the industry stakeholders have shown no deviation from the Bill and it was agreed at all levels. The members offered excellent guidance and leadership throughout the exercise of public participation on this Bill on the date aforementioned, and thereafter committed themselves to put into consideration all the views and inputs submitted by the public, and came up with a conclusion that the bill should be passed without any amendment.

Finally, I wish to express my appreciation to the hon. Members of the Committee who sacrificed time to participate in the activities of the Committee including attending the public participation forums and working overtime to ensure that the Committee effectively discharged its mandate in the consideration of this Bill.

Lastly, I wish to confirm that the recommendations of the Committee in this report were adopted by the Committee as undersigned by the respective Committee members.

It is therefore... *(Interrupted by a call for a point of order)*

**The Deputy Speaker**, (hon. Adamson Lanyasunya): What is it hon. Letura?

**MCA Ndoto ward**, (hon. Raisy Letura): Mr. Speaker, I want to bring to your attention Standing Order number 87 that states responsibility for a statement of facts. Part 1 reads that a member shall be responsible for the accuracy of any facts which the member alleges to be true and maybe required to substantiate any such facts instantly.

As I read part of the report saying, I wish to confirm that the recommendations of the Committee in this report were adopted by the Committee as undersigned by the respective Committee

members. As per the copies that I have here, none of the members have signed the report. That brings to your attention whether the report is authenticated or not.

As a house of rules and procedures, we should own whatever we write and bring to the floor of this house. We seek your guidance whether it is right for the assembly to continue debating on the report that is not authenticated.

**MCA Lodokejek ward, (hon. Jerias Leshoomo):** Thank you hon. Speaker. I think the original copy was signed and the copies that we have here are just photocopies of the original copy of the report.

**The Deputy Speaker, (hon. Adamson Lanyasunya):** In the copy that I have, some members have not signed. I refer the report back to the committee to be fully signed and I will put the question tomorrow at 2.30 pm. Although the Standing Orders require two thirds of the members to sign but for full ownership and to expel any doubts, the committee should sign fully.

**Special Elected MCA, (hon. Linda Naserian):** Thank you Mr. Speaker. I also wish to inform the house that the full signing of this report is very necessary because from how it reads, the Bill went through its first reading in April, public participation in September and the report is being brought in February. If the committee cannot own this report, we are left wondering when the second reading might happen. It can happen in December. We require this committee to be serious and bring us a complete report. Copies of a report should be made after the members have gone through it and signed. That is when copies are made and not before completion of the report. (*Applause*)

**The Deputy Speaker, (hon. Adamson Lanyasunya):** Ok, let me bring to your attention (*Inaudible*) committees, 180 sub section (ii), the report of the select committee having been adopted by the majority of the members shall be signed by the chairperson on behalf of the committee. So, the committee has at least did a good job and the majority and even the law requires that the chairperson can also sign on behalf of the rest of the committee members but because I have already ruled out I have deferred putting that motion for the discussion of the

report and election at 2:30 p.m. tomorrow. The chairperson of the committee should now make sure that the committee members sign the report. Hon. Letura.

**MCA Ndoto Ward**, (hon. Raisy Letura): Hon. Speaker, I am just trying to give a reason outside the box because if you look at this report, it was prepared in advance and if you can agree with me as the hon. Leader has put it, we are supposed to make a report and the members to sign or even the chair to sign it after it has been made. But as you can see, the report has been prepared and may be that is why the chair was coaxed to sign because what we are seeing here, none of the names bears the signature.

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

**MCA Lodokejek Ward**, (hon. Jerias Leshoomo): Hon. Speaker, you have already rule the report to go back to the sectoral committee in tomorrow's deliberations. So, hon. Letura is trying to argue when the speaker has already ruled, thank you.

**The Deputy Speaker**, (hon. Lanyasunya): Ok, thank you hon. Leshoomo but the chair should take note the circulated copies to sign so that we avoid the anomalies, next order, hon. Leshoomo.

**MCA Lodokejek Ward**, (hon. Leshoomo): Thank you hon. Speaker, pursuant to Standing Order No. 47 (i), I wish to move a motion that this House debates and approves the report of the sectoral Committee on Finance, Economic Planning and Marketing on the Samburu County *(Inaudible)* 2015 tabled on 7<sup>th</sup> October 2015.

**The Deputy Speaker**, (hon. Lanyasunya): Thank you hon. Members, I now propose the question that, pursuant to Standing Order No. 47 (i), I wish to move a motion that this House debates and approves the report of the sectoral Committee on Finance, Economic Planning and Marketing on the Samburu County Budget and Outlook Paper 2015 tabled on 27<sup>th</sup> October, 2015. Hon. Leshoomo.

**MCA Lodokejek Ward**, (hon. Leshoomo): Thank you hon. Speaker, the County Budget Review and Outlook Paper (CBROP), 2015 was supposed to be tabled on September 2015. The document was given to this County Assembly on 22<sup>nd</sup> October 2015. As the procedure for the budget making process the report was delayed until this month and that is why we want to table the paper to facilitate the beginning of the budget process for this financial year 2016/2017.

Hon. Speaker, The Public Finance Management Act section 118 says that, the county treasury shall prepare and submit the applied document to the County Executive by 20<sup>th</sup> September every year. In accordance to the law, the document was submitted to the County Assembly by the County Executive for discussion and tabled to the county assembly on 22<sup>nd</sup> October 2015. The main objective of this outlook CBROP paper for the recent development and the recent fiscal performance of the financial year 2014/2015... (*Interruption*).

**The Deputy Speaker**, (hon. Lanyasunya): Order hon. Linda and hon. Letura, I can see you are persistently having a discussion when the session is on, kindly stop talking while the session is on, continue hon. Leshoomo. What is the point of order hon. Linda Naserian?

**MCA Nominated**, (hon. Linda Naserian): Thank you hon. Speaker, I stand to be guided if it is in order for the hon. Member and the hon. House to continue debating an expired report because this is a very important report and it was supposed to be tabled on 13<sup>th</sup> of September, 2015 and now it is three months down the line and it is a money report if I can say and the hon. Member should just be responsible for the statement by telling the House that without substantiated reasons the House can continue debating this report.

**MCA Suguta Marmar Ward**, (hon. Shadrack Lesoipa): Thank you hon. Speaker, it is not in order for the hon. Member to mislead the House that this House normally sits to pass formalities. If my ears serve me well, the hon. Member said that we are passing this report for formality and I do not think these are the responsibilities of this House. The issues of this report are very important and I think this paper here reflects the previous budget and the exact activities that were done and it could have been very prudent if the members had time to go through this



CBROP paper so that we can be able to know if what we budgeted in the last year have been achieved. And I think there are timeframes for the passing of this crucial CBROP paper, I think this paper need up to 14 days up for tabling after tabling from the executive and we are now on February 2016 and the report had been tabled on October 2015. So, with a lot of seriousness, this is not a House of formalities; we cannot sit down and pass papers for formalities and for your guidance, the hon. Member is out of order.

**MCA Ndoto Ward**, (hon. Raisy Letura): Thank you hon. Speaker once again, I also wish to echo the sentiment of my colleagues in at the way they have put out the issues concerning the CBROP paper. Hon. Speaker, the report for this CBROP paper is long overdue and I think this is an abuse to the people of Samburu when you bring a paper that was supposed to have been tabled 14 days and you bring it on February telling this House that you are passing it for formality.

Hon. Speaker, this is a House of procedures and rules. We are supposed to respect the rule of law, the constitution, the Public Finance Management Act and to respect the sanctity of Samburu our people. I do not even think it is in order for any member or the chair of this committee to table an expired report and tell the members of this House to pass the report for formality. I think this is more than serious. The hon. Chair is seeing a joke in this. To me, this one does not guarantee such kinds of jokes which we take on a light note. This is because we know the impact of this paper, we are supposed to have looked at what had happened in the last financial year, we know we are supposed to know where we are heading to and the midterm results so that we can make good decisions for this coming financial year (*Applause*).

But if the members of the public or the members of this House are not supposed to be given that chance to interrogate the CBROP paper early enough but rather you have made it late; delaying it for more than half a year and you come and tell us we should table the report and pass it for formalities. It is a shame for the chair of such a committee even table this report the way it is. We need to be serious and see that the paper here does come in time so that the members of this House can have time to debate and come up with informed decision in the coming financial year.

As a member of this House, I beg that you give us guidance and not only a guidance of overruling this report but also interpretation of the law on what is supposed to be done as the county treasury or the CEC in charge of finance has failed in this. With your wisdom, give us an interpretation as this is not the report of the committee on finance but the chairperson and the CEC's report and you need to through it away as it is even long overdue and cannot help now. This report is coming to mock the people of Samburu after six months which is supposed to have been tabled long ago so that the budget that you are going to undertake is also uninformed, thank you.

**MCA Lodokejek Ward**, (hon. Leshoomo): Thank you hon. Speaker, I am also aware the County Review and Outlook Paper is long overdue. I think it is prudent for us in this House as the hon. Members to discuss and interrogate the report whether it is late or not hon. Speaker. The constitution says the paper, after 14 days should go automatically to the budget process, so my opinion is for this House to discuss and interrogate the paper whether it is long overdue or not for the sake of the people of Samburu County (*interruption*).

**The Deputy Speaker**, (hon. Lanyasunya): What is the point of order hon. Naserian?

**MCA Nominated**, (hon. Naserian): Thank you hon. Speaker, is it really in order for the hon. Member to keep insisting that we shall discuss the report whether it is overdue or nor? Does it mean that the committee is waiting for the time to elapse so that this House cannot make any impact to the report? That is what the hon. Member is trying to imply, that the report has already gone through with or without our contribution, it is a report that has already been adopted. Is it in order for the hon. Member to refer to this House as a rubber stamp such that we are just there to adopt the reports without our inputs?

**MCA Lodokejek Ward**, (hon. Leshoomo): Thank you hon. Speaker, I was not saying that this House should approve and adopt the report; I was saying that the House should discuss, deliberate and get findings. Whether to approve or not is my wish.

**MCA Suguta Marmar Ward**, (hon. Lesoipa): Thank you hon. Speaker, I think the report has gone through the committee and from this committee, I was expecting to have seen some recommendations from the committee pertaining to the paper. There are no any recommendations from the committee itself that we need to adopt from the CBROP. What is the hon. Member trying to tell us? That this House to debate on illegal issue? Therefore, with your wisdom, do give us direction. I was expecting a recommendation from the chair of finance pertaining to the same but I am not seeing anything showing the committee sat and come up with recommendations for the House to be able to get an overview of the report. Therefore I think that the member is out of order.

**MCA Ndoto Ward**, (hon. Letura): I just want to seek your guidance on this hon. Speaker. Is it right for this House to continue debating on illegality? As hon. Lesoipa has put it, what are we debating? Are we debating on a report from county treasury from the CEC finance? Where is the report from committee on finance, unless this committee has been merged with the county treasury? I never expected them to bring a report but rather committee findings and recommendations to this House.

How can you come and tell the members of this House that whether we want it or not, the report has passed? That is an abuse to the members of this House. You cannot use the members of this House as rubberstamps I am left wondering whether the hon. Chair for finance is working at the county treasury. We need to debate on CBROP report but not a report from the CEC finance. This is a very ambiguous report. We have never seen a chair from this House bringing a report direct from treasury to this House. We need your strong guidance rather than giving the hon. Chair to continue abusing members of this House because it is an abuse to say that because the days have elapse so whether you want it or not, just discuss the report, thank you.

**Chief Whip**, (Hon. Benjamin Leitore): Thank you Mr. Speaker. I want to echo the sentiments contributed by the Members of this House, especially Hon. Lesoipa, Hon. Letura and Hon. Linda and with due respect for the Hon. Member for Lodokejek. It is categorical that this report has been overtaken by events. The law requires that on 30<sup>th</sup> September, this report should be

forwarded to the County Assembly for approval. This has not happened. If you consult the Public Finance Management act, 2012, number 118/4, it states that not later than 7 days after the County Budget Review and Outlook Paper is approved by the County executive on 30<sup>th</sup>, the County treasury shall:

- a) Arrange for the paper to be laid before the County Assembly.
- b) As soon as practical, after having done so, publish and publicize the paper.

This has not happened. So what are we discussing really? These are issues that have been overtaken by events. So we are doing an illegality now. It is not within the law. Every action that is undertaken by the County Government is guided by the law. These are law books that need to be consulted by the executive and the Assembly. (*Inaudible*) normally lays down the budgetary plans for the County.

If you take into consideration the budgetary plans of this County Government on this financial year 2015/2016, almost 80% of the budget has already been implemented. We all understand that they are trying to beat the deadline of 30<sup>th</sup> March to do the payments before they are locked out by the complicated systems of payments. So, what are we discussing now? I think that the remaining part which is 10% is the upcoming supplementary.

I seek your indulgence on this because I think that it could have been good if the Chair for Finance feels it better to withdraw this report because it is no longer necessary. We call upon him to withdraw the report with due respect that we have for him and apologize to this House. He owes this House an apology for bringing this report late. Thank you Mr. Speaker (*Applause*)

**MCA Ndoto Ward**, (Hon. Raisy Letura): Thank you Mr. Speaker. I think that I am attracted by the words of Hon. Letore. Through your guidance, I want to say that this is a mockery for the people of Samburu and a joke to this House. A team needs to be established to ascertain what really happened and why the CEC in charge of finance deliberately delayed this report. This is either for his benefit or the benefit of the Chair. You cannot delay the report of the House for five

months while you know the constitutional guidelines yet you bring us the same report and you under instructions that you must pass it because the time has already expired.

I think that the members of this department and the CEC should also respect Samburu and the rules to this House. We must also form a team that excludes the Chair for Finance who should be given the mandate to enquire what transpired.

We cannot continue debating on reports that are supposed to be informative when already they are expired and not even known by the public. There are no recommendations from the Committee and when only one person owns them yet we still want to say that we are in the right direction.

Mr. Speaker, starting today; form a team that will ascertain exactly what happened. Was this report under the Chairman's custody or deliberately left out by the CEC in charge of Finance or collusion by both? We do not need to leave it at that. We need to do more as Hon. Leitore said. The Hon. Member should put it on the records of the Hansard of this House to withdraw the report and apologize to the people of Samburu and the Members of this House. With those few remarks I beg to stop.

**The Deputy Speaker**, (Hon. Adamson Lanyasunya): Thank you Hon. Members. You have discussed the report and it is very clear that the Chairperson of the Committee has indicated that the report has been overtaken by events. So there is a bit of contradiction and if the report is rejected then it will go to the Implementation Committee to see why the delay occurred. It is very clear that it should be tabled within the specified period. Since the motion was moved and seconded then I will put the question for the House to determine what they will do with the report.

Pursuant to Standing Order 41(1), I wish to move a motion that this House debates and approves the report on the Sectoral Committee on Finance, Economic Planning and Marketing on the Samburu County Budget Review and Outlook Paper, 2015 tabled on... *(The Speaker pauses then continues)*.

Thank you Hon. Members. It is very clear that the report has been overtaken by events and when you read the County Government Act section 26 and 118 as documented by Hon. Leitore, it has been overtaken by events and it means that there are two underlying factors. If the House rejects the report, then it dies completely. If it has been overtaken by events, then it means that the report will be adopted the way it is. I rule that there is no need of discussing a report that has been overtaken by events (*Applause*) it stands as it is.

**MCA Lodokejek Ward**, (Hon. Jerias Leshoomo): Thank you Hon. Speaker. Pursuant to Standing Order 47/1, I wish to move a motion that this House debates and approves the report of the Sectorial Committee on Finance and Economic Planning Marketing on the Samburu Annual Development Plan, 2016/2017, tabled on the 1<sup>st</sup> September, 2015.

**The Deputy Speaker**, (Hon. Adamson Lanyasunya): Seconder

**MCA Lodokejek Ward**, (Hon. Jerias Leshoomo): I call upon Hon. Lemoosa to second.

*(Hon. Lemoosa bows in seconding)*

**The Deputy Speaker**, (Hon. Adamson Lanyasunya): Thank you Hon. Members. Pursuant to Standing Order 101, I wish to move a motion that this House debates and approves the report of the Sectorial Committee on Finance and Economic Planning Marketing on the Samburu Annual Development Plan, 2015/2016, tabled on the 1<sup>st</sup> September, 2015. Continue Hon. Leshoomo.

**MCA Lodokejek Ward**, (Hon. Jerias Leshoomo): Thank you Hon. Speaker, as required under the interim Standing Order number 191/5, I am pleased to present and table the report to the County Assembly by the Committee on Finance, Economic Planning and Marketing regarding the Samburu Annual Development Plan. The second schedule of the Standing Orders establishes the Finance, Economic, Planning and Marketing Committee to deal with the subject area of all matters relating to the County Treasury, Revenue Policies, County Economic Planning and Development including statistics and information, Communication and Technology.

I wish to express my sincere gratitude to the Members of Finance, Economic Planning and Marketing Committee who committed their valuable time and worked tirelessly in preparing this report. The Committee is also grateful to the offices of the Speaker and the Clerk of the County Assembly for the support received as it discharged its mandate of reviewing the Medium-term County Annual Development Plan (ADP), 2015.

It is therefore my duty and privilege, on behalf of the Finance, Economic, Planning and Marketing Committee, to table this report and recommend it to the House for adoption to pave way for the approval of the Samburu County Annual Development Plan, 2015/16, in line with the stated recommendations pursuant to article 220(2) of the Constitution and PFM act section 126, 2012.

The Committee on Finance, Economic Planning and Marketing performed a scrutiny of the Samburu County Annual Development plan, 2016. This is in regard to the Speaker's ruling on 1<sup>st</sup> September, 2015. Samburu County Annual Development Plan (ADP) was formulated in the presence of the current Medium Term Expenditure Framework (MTEF). The plan was prepared in line with the requirement of section 126 of Public Finance Management Act, 2012 and in accordance with article 220(2) of the constitution.

The annual plan contains the strategic priority development programs/projects that shall be implemented during financial year 2015/2016. The plan covers the following broad areas in review of the fiscal performance of the financial year 2015/2016: Broad strategic sector priorities and policies for the medium term and the medium term fiscal framework. This fiscal framework presented ensures a suitable financing while allowing continued spending on priority programs. The achievement of the set objective calls for greater transparency, effectiveness and efficiency in public financial management in order to ensure fiscal discipline.

The Committee recommends that:

1. the Annual Development Plan, 2015/16 and further recommends that the list of projects for year three as contained in the CIDP as approved by the County Assembly shall be

implemented in line with the approved budget estimates for the year ending 30<sup>th</sup> June 2016.

2. The following development projects amounting to KSH 1,589,533,888 shall be part of the 2015/16 Annual Development Plan and will be implemented by the County Assembly in line with the approved budget estimates for the year ending 30<sup>th</sup> June, 2016.
3. The Economic Planning department of Samburu County should ensure timely forwarding of annual development plan for approval on time as per the section 126(3) of the (PFM) Act, 2012.

**The Deputy Speaker, (Hon. Adamson Lanyasunya):** I now put the question that pursuant to Standing Order number 47/1, I wish to move a motion that this House debates and approves the report of the Sectorial Committee on Finance, Economic Planning and Marketing on the Samburu Annual Development Plan, 2015/2016 tabled on the 1<sup>st</sup> September, 2015. That the Committee finally recommends that Economic Planning department of Samburu County should ensure timely forwarding of Annual Development Plan for approval on time as per section 126(3) of the PFM Act, 2012.

*(The question was put and motion passed)*

Thank you Hon. Members, the time being 9 minutes past 4 o'clock and there being no other business, this Assembly stands adjourned until Thursday afternoon, the 25<sup>th</sup> of February, 2016, at 2:30 pm. Thank you.