

SAMBURU COUNTY ASSEMBLY



THE HANSARD

Wednesday, July 31st, 2019

The County Assembly met at the County Assembly chambers at 9 am

The Temporary Speaker, (Hon. Stephanie Lanyasunya) in the chair

PRAYER

PAPERS

Specially Elected MCA, (Hon. Elizabeth Kalapata): Thank you Mr. Speaker. I beg to table first report of the joint Committee on Appointment and Lands, Physical Planning, Housing and Urban Development on the vetting of the nominee for the Maralal Municipality Board. Thank you hon. Speaker, I table.

(Hon. Elizabeth tables the report)

Temporary Speaker, (hon. Stephanie Lanyasunya): Thank you hon. Member, the report is tabled.

NOTICES OF MOTION

Specially Elected MCA, (hon. Elizabeth Kalapata): Thank you hon. Speaker. I beg to give Notices of the following Motion that Pursuant to the County Assembly Standing Orders 47/1, this House debates and approves the first report of the joint Committee on Appointment and Lands, Physical Planning, Housing and Urban Development on the vetting of the nominee for the Maralal Municipality Board, thank you Mr. Speaker.

Thank you hon. Speaker, I beg to give Notices of the following Motion that Pursuant to the County Assembly Standing Orders 47/1, aware that the devolved Governments are a key component in the governance of Kenya established under article 11 of the Constitution of Kenya. Further aware that the office of the Member of the County Assembly has been strongly anchored as a fundamental component in the County Government administrative system cognate of the remunerative needs of each state and public officer to ensure adequate facilitation to ensure successful exercise of their duties and mandates.

Further aware of the existence disparities within the state of office within the republic for remuneration of the office holder particularly the payment of House allowance to which the Members of the County Assembly have to their detriment been deprived off. Nothing in the High Court in the republic as in Constitutional Petition number 328 of 2016 Council of Governors Verses Salaries and Enumeration Commission provides that denying certain state

officers certain benefits enjoyed by other state officers is discriminatory and unjustifiable selective and contrary to Article 27 of the Constitution accusing that such a conduct is a violation of fundamental right of the state officers which such a conduct is desirous of the desertion by the members of the County Assembly adnexa and where that the Governance Council of the County Assembly Governing Council of the County Assembly forum has resolved that the non-payments of the Housing allowance for the Members of the County Assembly is fundamental beneath the right of the Members.

Whereas the Governing Council has further resolved and directed that there be effective payment of Housing allowance for the Members of the County Assembly in tandem with the High Court findings and whereas the resolutions of the Governing Council findings was considered unrelative applicability from the parliament of Kenya payment of House allowance to its Members despite lack of salaries and remuneration commission directive in alternative of the same it is now therefore resolved that this House does approve and adopt the resolution of the County Assemblies Forum governing council that:

- 1) The Members of the County Assembly be paid House allowance in tandem with the ideal and adequate endearment.
- 2) That the payment of the House Allowance be effected and implemented as of the date of issue of the ruling of the High Court in Constitution Petition number 328 of 2016 being the fifth day of October 2018.
- 3) The implementation of the payment of the House allowance to be allowance to the Members of the County Assembly be commenced with immediate effect.

I thank you.

Temporary Speaker, (hon. Stephanie Lanyasunya): Thank you Deputy Majority Leader. Is that the second document that you are tabling?

(Inaudible)

QUESTIONS AND STATEMENTS

MCA Ng'iro Ward, (Hon. Jonathan Lemoosa): Thank you madam Speaker. I rise with concern on a Statement that was supposed to be responded to touching the issue of Mary Ekai. This Statement is long overdue. Please give guidance on when it should be responded to, thank you Madam Speaker.

Majority Leader, (Hon. Christopher Lentukunye): Thank you Madam Speaker. I remember that there was such a request but I gave the response. Was the response not sufficient?

MCA Ng'iro Ward, (Hon. Jonathan Lemoosa): Thank you Madam Speaker. It is true that you brought the response that had some facts but the Members wanted to know more? The Statement was supposed to be re-written by our assistant clerks and forwarded to the relevant department for more response.

Temporary Speaker, (hon. Stephanie Lanyasunya): Most obliged hon. Member. I think the clerks will follow up and it will be brought to conclusion.

Majority Leader, (hon. Christopher Lentukunye): Thank you Madam Speaker. I request that you give me time until tomorrow at 2:30 p.m. to find out more about the Statement. Most obliged hon. Member.

Specially Elected MCA, (hon. Elizabeth Kalapata): Hon. Speaker, we requested to have a minute of silence in honor of hon. Laboso.

Temporary Speaker, (hon. Stephanie Lanyasunya): Thank you for reminding me. Let us stand for a minute to honor her.

(Members stand for minute of silence to honor the late hon. Laboso)

Hon. Members the time being 40 minutes past 10 o'clock and there being no other business this Assembly now adjourns until Wednesday July 31st, 2019 at 2:30 p.m.