

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Wednesday, 15th April, 2020

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

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

PRAYER

COMMUNICATION FROM THE CHAIR

The Speaker, (Mr. Lempere Solomon): Hon. Members, I have a communication that I am going to make on Guidelines for County Assembly Plenary and Committee Sitings. Hon Members, as you are all aware, on 11th March, 2020, the World Health Organization (W.H.O) declared the Corona Virus (COVID - 19) as a health pandemic and on 19th March, 2020, the Ministry of health announced that it had confirmed the first case of corona virus in Kenya: As on 14th April 2020, the ministry of health had confirmed 216 cases, with 41 recoveries and 9 deaths. Further aware that, the ministry of health had issued guidelines in order to prevent, and where necessary, contain and mitigate against the spread of the COVID - 19. As you will recall, at the sitting of the County assembly held on Wednesday, 18th March, 2020, following a Motion moved by the Majority Leader relating to COVID-19, the Assembly resolved to adjourn its plenary sittings from Wednesday, 18th March, 2020 for four weeks so as to reconvene on Tuesday, 14th April, 2020

Further to this, in order to facilitate the smooth flow of legislative business in County Assembly Plenary and Committee sittings starting Tuesday, 14 April, 2020 and taking into account various measures that have been put in place by the Government to combat the COVID-19 pandemic, it has become necessary that I issue Guidelines to all members and staff of the County Assembly to be applied henceforth, until further notice.

1. The county assembly shall be having one sitting in each week, on Tuesdays for one month, until Tuesday 19th May. 2020. Therefore, the assembly should alter its calendar accordingly.
2. Plenary sittings shall be held in the County Assembly Chamber and shall commence at 2:30 p.m. and end no later than 4:30 p.m. This is to allow Members and staff to travel and arrive at their places of residence before the 7:00 p.m.

In order to ensure appropriate social distancing and necessary preventive measures

- a) The Chamber has been re-configured to sit a maximum of 15 members only. Accordingly, the Majority Leader and the Minority Leader have been requested to consult and designate the 15 members who shall attend the plenary sitting for the same period, until further notice. The Sergeant-at-Arms has been directed to ensure that only the 15 designated members attend the plenary sitting,
- b) For the 15 seats that have been made available in the chamber for use by the members whenever the house is schedule to hold a sitting, the clerk shall notify members using bulk SMS solution or other means, asking members to register their desire or availability to attend the particular sitting. The seats shall be accessible on first-register first occupy basis save for the designated seats for: The leader of majority, The leader of minority and a Member scheduled to move a business listed in the order paper for the particular sitting,
- c) In accordance with the Ministry of Health's advisory, members and staff aged 58 years and above are encouraged to abide by the Presidential directive dated 25th March, 2020 and thus work from home. But I will direct that all members and staff aged 50 years and above also to work from home;
- d) In accordance with the Ministry of Health's advisory immunosuppressed members and staff and those with chronic illnesses such as hypertension, diabetes, cancer and HIV are encouraged to work from home as they are more at risk of contracting COVID 19,

While in the Chamber, the 15 members shall use only the designated sitting spaces in the Chamber and hall, while in the Chamber, remain at their seats at all times and shall not share microphones.

The Public Gallery shall not be occupied by any person except the four technical staffers facilitating the sitting as advised by the Ministry of Health

There shall be no consultations at the Speaker's Chair or at the Clerk's Table and accordingly, it shall be out of order for a member to approach the Speaker's Chair or the Clerk's Table for purpose, and Members shall, while entering and leaving the Chamber, observe the social distancing requirements:

With respect to Committee sittings, following the resolution of the house leadership all committee sittings are suspended for a period of one month except where it is absolutely necessary and the measures in paragraph (3) above shall be applied, with necessary modifications. In addition, where it is absolutely necessary to hold a physical meeting of a Committee, Committee sittings shall be held only in the Assembly Chamber.

So as to allow time for adequate sanitary measures to be undertaken in the Chambers between Committee sittings- a) Not more than one Committee sitting shall be held in the Chamber on any day, and b) Committee sittings shall be held so as to end not later than 1:00 p.m.

The Assembly Chamber shall not be available for Committee sittings on the days on which the Assembly is scheduled to hold its sittings so as to ensure that the Chamber is adequately prepared for plenary sittings:

Each sitting of a Committee shall be staffed by one Clerk and one Sergeant-at-Arms. All other Committee staff shall continue to provide services to the respective Committees remotely.

The media and the public shall not be allowed access to Committee sittings. Accordingly, Committees shall, where required, make arrangements to receive written submissions or responses from the public; and

As part of the preventive measures in place, hand sanitizers and face masks shall be availed at the entrance of the Chamber for use by all members and staff as they enter the Chambers.

5. There shall be no catering services provided until further notice.

6. County Assembly shall not admit any visitors to its gallery to follow proceedings until such a time as it shall be communicated.

Hon Members, I urge all members and staff of the County to observe these Guidelines in order to ensure the smooth flow of legislative business while the COVID-19 pandemic persists. Noting that the situation continues to evolve, I shall, where necessary, provide further guidelines. Thank you.

QUESTIONS AND STATEMENT

The Speaker, (Mr. Lempere Solomon): There is a response for a statement

MCA Wamba West Ward, (Hon. Benjamin Leitore): Thank you Mr. Speaker. Mr. Speaker, I stand to respond on a statement raised by Hon. Lesoipa, MCA for Suguta Marmar Ward. The statement was raised on 27th February, 2020 on issues that touched on water projects in his Ward.

Mr. Speaker, I want to be categorical on the issues raised by the Member. There are specific water projects that he asked their status.

- i. Lorukoti borehole, its 95% complete, equipped and solar connected, community having water waiting for construction of water kiosk at the source. Mr. Speaker, on challenges there is system breakdown due to uncontrolled on and off switching of the system by everyone. Thus, the contractor needs to speed up construction of water kiosk for effective system control and safety. Contractor was informed of the breakdown and came to site, and diagnosed the issue. The problem was diagnosed as a blown up mortar and promised

to come back. NB: The contractor is insisting on advance payment in order to complete the remaining works according to signed contract agreement. On the proposed measure, the department is working to ensure that the contractor speeds up construction of the water kiosk.

- ii. Mr. Speaker, on Angata Lerai, Lmari borehole. Its also 95% complete, equipped and solar connected, community having water waiting for construction of water kiosk at the source. On challenges that are faced at that particular source; the system breakdown due to uncontrolled on and off switching of the system by everyone. Thus, the contractor needs to speed up construction of water kiosk for effective system control and safety. Contractor informed of the breakdown and came to site, and diagnosed the issue. The problem was diagnosed as a blown up mortar and promised to come back. The contractor is insisting as well on advance payment in order to complete the remaining works according to signed contract agreement. On way forward by the department, contractor needs to speed up construction of the water kiosk.
- iii. Loogese, Lorien borehole. 95% complete, equipped and solar connected, community having water waiting for construction of water kiosk at the source. On challenges that are faced in that particular source; uncontrolled on and off switching of the system by everyone in need of water. Thus damaging the controller. The contractor informed of the breakdown, came to site and diagnosed the problem as loose wiring connection and rectified. The contractor is insisting as well on advance payment at that particular source. The remedy as well is on speeding up construction of the water kiosk.
- iv. Borehole at Kaa0. 90% complete, equipped and solar connected, community having water waiting for construction of water kiosk at the source point. Community using the facility amicably. The challenge as well is uncontrolled on and off switching of the system by everyone in need of water. Thus, the contractor needs to speed up construction of water kiosk for effective system control and safety. The contractor informed of the breakdown, came to site and the problem was rectified.

The same contractor, Davis and Shirtliff, insisted on advance payment. The problem is as well as the water kiosk.

Mr. Speaker, the contractor indicated by the Department is Davis and Shirtliff and there are some works remaining particularly the water kiosks in four boreholes. The Department promised to speed up the follow up and ensure that the remaining works are completed within the shortest time possible so that the community receives the services as required. Thank you Mr. Speaker.

MCA Suguta marmar Ward, (Hon. Shadrack Lesoipa): Thank you Hon. Speaker. I thank the Hon. Chair for giving this response. It is embarrassing that the Hon. Member can read the current situation at the ground. I think the boreholes dried up a year and half ago.

Hon. Speaker these boreholes were drilled in 2015 cupped and later equipped late in 2017. They were used partially while not complete. The contract left the site before completing the work; these for boreholes were meant to serve different villages in that Ward.

It was a big challenge for the community when the borehole could not provide water, 2015 to now is a very long time to stay without water. It is a lie when the report reads that the current status is that the community has water, the Department does not tell us of the remedy to the contractor who insists on advance payment. Mr. Speaker, the first contract between the County Government and contractor had an agreement that the payments were to be made after a certain amount of work is done.

The contractor should speed up and construct the water kiosks because the Department has always informed us that the contractor will be back for past one year. There is no concrete information extracted from this report. You are not qualified to say that the community gets water while the borehole is partially equipped; it is disrespectful to this House.

I think the Hon. Member for Wamba West Ward demeans his position as the chairperson of Committee on Water, Environment, Natural Resources and Energy by reading that statement, this statement is misleading and unprofessional, thank you Mr. Speaker.

MCA Lodokejek Ward, (Hon. Jerias Leshoomo): Thank you Hon. Speaker. I rise to concur with the Hon. Member for Suguta Marmar Ward. The statement read by the Hon. Member for Wamba West Ward is misleading. Hon. Lesoipa raised a question regarding water in the whole of Samburu County. The statement categorically specified on the stall projects since 2015 upto-date not mentioning the boreholes in his Ward particularly.

(Point of information by Hon. Benjamin Leitore)

MCA Wamba West Ward, (Hon. Benjamin Leitore): Mr. Speaker I want to inform the Hon. Member for Lodokejek Ward that Hon. Lesoipa was categorical on the four boreholes mentioned, the issue was specific on his Ward as addressed by the Department. Mr. Speaker the statement made by Hon. Leshoomo is misleading.

MCA Lodokejek Ward, (Hon. Jerias Leshoomo): Thank you Hon. Speaker. Hon. Lesoipa was categorical when he gave examples from his Ward; we are all facing the same challenge in our Wards. My Ward has three boreholes that were drilled in 2015 but they are not yet complete until now.

The statement read should clear the issues raised concerning the boreholes in every Ward. We do ask questions concerning water every year in this House but the response is always that the contract insists on advance payment. Mr. Speaker, the Chairperson should furnish this House with more relevant information on the project, thank you Hon. Speaker.

MCA Ndoto Ward, (Hon. Raisy Letura): Thank Hon. Speaker. We are born of pastoralist communities and most of us doubt our ages, aware of corona pandemic, Hon. Leshoomo might mistake his Ward to be Hon. Lesoipa's Ward.

Hon. Speaker I stand to comment on the issue raised by the Hon. Member for Suguta Marmar Ward. I think the Chairperson is either misleading this House or lacks information to present to the House. Hearing Members say that boreholes were drilled in 2015 but not equipped till now arouses questions concerning both the projects and the contractor.

Hon. Speaker, every contract has time limit, if the people of Suguta Marmar are not receiving the water from the mentioned boreholes as well as the other Wards identified then what is the purpose of drilling them.

The Chairperson should have come up with a concrete answers from the Department concerning this issue. It leaves all of us confused or he is confused himself because Hon. Chair, what legacy are we leaving if you come and present to us and say “The contractor is saying I want complete payment.” I think procurement laws are very clear; that you finish your work then you’re paid the whole amount. Where are we when you come in between and say I want the whole amount to be paid because that’s the time I come to complete the work.

Which is which? Are we saying that we pay contractors in advance so that they go and do the work? That’s new, Hon. Speaker. I don’t know whether we have been approving projects that are actually paid in advance so that contractors can complete them as we give them money of which I think should be vice versa. You do your work, get a certificate of completion you come for payment. This is a strange one for department of water. Hon. Speaker when you hear the CEC saying it is like he’s telling the assembly to supervise the work till it is finished. How? I think Hon. Speaker, sometimes some people must actually try to wake up in their mindsets because today we need water like nothing else because of the disease that is affecting the globe. Today we are saying the boreholes that were drilled in 2015 are not yet equipped. Very soon you will see people coming here to ask for more funding for water because they want to intervene on issues Corona yet we have 15 to 20 boreholes that are not complete.

Just the other day there were some pending bills that the national government, especially the president himself directed that all Counties must settle. This issue should be taken with the seriousness it deserves. I suggest that the committee on water brings a comprehensive answer to this house, so that part of this fight against Corona, the 15 or so boreholes that are not equipped are looked into and the development funds from the National Treasury will be released to those who are depending on advance payment that cannot happen.

I think the Hon Chair for Water should table a comprehensive answer and we seek your wisdom. Any other member of this committee should not bring half-baked information to the House. We have had this issue from four weeks ago. Members come with a response that is not complete. We will go back to the committee and we will not meet every other time because there is Corona. This issue will take like the next six or seven months. What is that Mr. Speaker? We need to speed up this thing and be serious especially now that we have minimized the sittings and only focusing on a serious pandemic that is threatening the lives of our people and the entire world. Thank you, Hon. Speaker.

MCA Angata Nanyokie (Hon. Paul Leshimpiro): Thank you, Mr. Speaker. I just want to contribute to the statement given by the honorable member for Wamba West, that yes, the honorable member for Suguta Ward was categorical in asking for asking the status of his boreholes in his Ward. I remember at the same time we also contributed that it is a problem affecting all the other Wards and that the statement would bring the information about all other Wards that have boreholes which have not been completed.

Secondly, Hon. Speaker, since the beginning of March when Corona came, the department of water and natural resources has been requesting for more funding because of the pandemic. I don't know whether the money they are requesting additional funds, more than what their budget was, also includes those kinds of boreholes because I think the purpose would be is to provide more water to all the communities during this time of Corona. If that will be the case, then it means this department is requesting for double allocation to the same projects because there were first allocations to the projects. Then, on the same point, the department should have given us the amount of money paid to this contractor and the amount that is remaining so that we are able to say whether it is right even for the contractor to get more funding.

All the same, ideally, the project should have been completed and a certificate of completion obtained so that you are paid. It seems the contractor here has the upper hand and the department is left to follow what they request. So Hon. Speaker I just request that this house or through the

Chair direct the committee to investigate on this matter. First on the payment and then second I don't see how that department of water, despite the presence of corona needs to be funded more when they cannot do the right thing at the right time.

In my ward especially, also there are a number of boreholes I think were drilled in 2014 or 2015 thereabouts and are still capped up to date. They say the problem is that they probably are dry wells. There's no concrete information provided so that we take those boreholes as dry wells and take the necessary action to close it and do other things. I suggest that this committee goes back to the department and other interested members, especially the Hon. Member for Suguta, to summon them and direct their questions to them if they so wish.

Otherwise, this statement is really shallow. It is like give it back just because it was requested. Thank you Hon. Speaker.

MCA Wamba West Ward, (Hon. Leitore Benjamin): Thank you Mr. Speaker. On those other supplementary questions, placed by Hon. Leshoomo, Hon. Letura and Hon. Leshimpiro, I wish the Hon Members could put the questions down so that I can consult with the department for elaborate answers. On the issues of these specific boreholes, Mr. Speaker we took our time as a committee to consult with the department.

MCA Suguta Ward, (Hon. Lesoipa Shadrack): Information. Mr. Speaker I would like to inform the Hon. Member. Having said that the supplementary questions, the ones that were asked from the statement I raised in this house are very particular. There are issues of the BQs, issues on payment, agreements that were not raised in the response. So as the chair sought questions as he purports even to answer the exact questions that were raised in the statement.

MCA Wamba West Ward, (Hon. Leitore Benjamin): Thank you, Mr. Speaker. I was trying to inform the house that in our establishment as a committee, the four boreholes are at least giving some service to the community. So, when the Hon Member says there's absolutely no water in the four boreholes that is not correct. Also because of the current pandemic, the member may not have visited those sites in the recent past, Mr. Speaker.

MCA Suguta Ward, (Hon. Lesoipa Shadrack): Point of order, Mr. Speaker.

MCA Wamba West Ward, (Hon. Leitore Benjamin): Protect me, Mr. Speaker.

Deputy Speaker, (Hon Lemoosa Jonathan): Proceed Hon Leitore.

MCA Wamba West Ward, (Hon. Leitore Benjamin): Thank you, Mr. Speaker. At least the community is receiving some service from the boreholes. Having said that, it is also indicated in our response that the contractor is insisting on advance payment in order to complete the remaining works according to the signed agreement. The department entered into a signed agreement with the contractor that at some level the contractor needs to be paid in order to complete the work.

The point of conflict between the contractor and the department is that out of departmental assessment, the amount paid to the contractor is not yet utilized. I wish to request members on the said four boreholes; we will take our time as a committee to make sure the department speeds up the work for proper service delivery. Thank you, Mr. Speaker.

Deputy Speaker, (Hon Lemoosa Jonathan): Hon. Members, now that issues have been raised, some of which have been responded to some have not, with the not satisfactorily answered, I want to direct the whole issue of the statement to the committee on water and any other member who may feel like to be involved in the process and the committee to report to this House in the next one month which is on the 12th May 2020 and it will cover all the boreholes that are not complete in the County.

MOTION

The resolution of the Assembly to form a Covid 19 response AD HOC Committee.

Majority Leader, (hon. Christopher Lentukunye): Thank you hon. Speaker. I stand to move a Motion on the resolution of the County Assembly to form a Covid 19 response Ad Hoc Committee. Aware that the County has in place...

MCA Ndoto Ward, (hon. Raisy Letura): Hon. Chair I stand on a point of information where the hon. Majority Leader should abide by the rules of the pandemic and the reason of having a face mask is for you to prevent infecting ourselves and others. It is not only for cosmetic purposes. He should use the face mask so that the next person using the mask is not infected.

The Speaker, (Mr. Solomon Lempere): Hon. Majority Leader please use the face mask.

Majority Leader, (hon. Christopher Lentukunye): Thank you Mr. Speaker for that correction. I stand to move a Motion on the resolution of the Assembly to form the County Committee on the resolution of the County Assembly to form a Covid 19 response Ad Hoc Committee and aware that the County has in place an inter-agency Covid 19 response Committee. Further aware that the Constitution of Kenya 2010 in its article 185/3is instructional that a County Assembly while respecting the principle of separation of powers to exercise power over the County Executive Committee and any other County Executive organs. This Assembly resolves to:

- 1) Temporary County Covid 19 response Ad Hoc Committee whose mandate shall be to oversee activities and operations of the County inter-agency Covid 19 response Committee.
- 2) The Ad Hoc Committee shall exist for as long as the Country is dealing with the Covid 19 pandemic.
- 3) That the membership of the Ad Hoc Committee will be constituted by the following County Assembly Members:
 - i. Raisy Letura - Chair
 - ii. Hon. Doris Lenkirasi – Vice Chair
 - iii. Christopher Lentukunye – Member
 - iv. Hon. Jerias Leshoomo – Member
 - v. Hon. Lucas Lekwaale – Member
 - vi. Hon. Shadrack Lesoipa – Member
 - vii. Hon. Benjamin Leitore – Member

- viii. Josephine Lesilamba – Member
- ix. Hon. kalapata Lobura – Member
- x. Hon. Paul Leshimpiro – Member
- xi. Nicholas Leparsaiya – Member

I call upon hon. Letura to second the Motion.

(Hon. Raisy Letura bows to second the Motion)

The Speaker, (Mr. Solomon Lempere): Hon. Members I wish to propose the Motion that the Assembly resolves to form a Covid 19 response of the Committee as read by the Majority Leader. Members are allowed to contribute. I wish to put a question that the Assembly resolves to form a Covid 19 response AD Hoc Committee 2020 as read by the Majority Leader.

(Question put and passed)

MOTION

Majority Leader, (hon. Christopher Lentukunye): Thank you once again, I stand to move a Motion on the alteration of the County Assembly Calendar that aware that the Corona virus disease the Covid 19, a new strain of Corona viruses that was discovered in 2019 is an infectious disease known to cause respiratory infection ranging from cold, fever, tiredness, aches and pain to more severe health complications, cognisant that this epidemic has no known cure and has spread and killed many people overs several Countries and continents affecting a large percentage of the world's population as the impact of this virus is still unfolding.

Further cognizant that the World Health Organization has declared the Corona virus Covid disease as pandemic and further aware that the Government upon confirmation of Corona virus cases in the Country has taken many measures in containing the disease including the suspension of learning in all learning institutions and the need to minimize attendance to various gatherings. Acknowledging that Samburu County Assembly has high human traffic given any working day including Members of the County Assembly, staff, visitors, school children, visiting delegations

and witnesses appearing before the House Committees, given the need for the Assembly to institutionalize measures to mitigate the crisis caused by the virus and further recognizing the mechanisms set out in Standing Order number 26 to convene a special sitting of the County Assembly, now therefore notwithstanding the resolution of the County Assembly made on 13th February 2020, Pursuant to Standing Order number 25 approving the House calendar and 27 on the hours of meeting and owing to the need to compliment the efforts of the Government in containing the spread of the disease, the County Assembly now works to resolve to:

1. Adjust its hours of meeting as contained in Standing Order number 27 and the meet once every week on Tuesday afternoon at 2:30 pm starting today.
2. Alter its calendar accordingly.

(Hon. Leparsaiya bows to second the Motion)

The Speaker, (Mr. Solomon Lempere): Hon. Members I wish to propose the Motion that the County Assembly resolves to alter the Assembly calendar as read by the Majority Leader. Hon. Members I wish to put the Motion that the County Assembly resolves to alter the Assembly calendar as read by the Majority Leader.

(Question put and passed)

Hon. Members, before I read let us observe the guidelines given in seats, walking in and out of the chamber and the social distance.

Hon. Members, the time being two minutes past four o'clock and there being no other business this Assembly now adjourns until Tuesday 21st April 2020 at 2:30 pm.