

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Wednesday, 24th July, 2024

The Assembly met at the County Assembly Chambers at 2.30 pm

Speaker, (Mr. Lenamarle Stephen), in Chair

PRAYER

STATEMENTS

The Speaker, (Mr. Lenamarle Stephen); Honorable Members it is notified that the following statements are due to response today Wednesday 24th July, 2024 at 2:30pm, pursuant to standing 45C statement number 034/2024 requested by Honorable Lawrence Lorunyei to the chairperson the select committee on implementation regarding the implementation status of resolution pass through a motion by this house on February 2024 concerning formation of village resource distribution units (VRDU).

Any member from the implementation committee? Any member from that committee on implementation? Hon. Silapia

Specially Elected MCA, (Hon. Lenamatiyo Silapia); Thank you Mr. Speaker I am not aware of that either there is a response that was brought since we just came yesterday from the recess and also the member who is the chair on implementation committee he is not since he got an emergency so we have no any response at the moment

The Speaker, (Mr. Lenamarle Stephen); Hon. Jane are you a member of that committee? Ok.

Specially Elected MCA, (Hon. Loregae Jane Nakinyi); Thank you, Mr. Speaker I also sit on that committee and the way my colleague has said that we are not also aware of that statement whether it was brought but we shall enquire and see what we can do about it but also the chairperson is not around and the vice also I think he had another problem maybe we shall sit as committee and see what we can do. I hope Hon. Lorunyei will consider that. Thank you, Mr. Speaker.

The Speaker, (Mr. Lenamarle Stephen); Majority leader

MCA Wamba North, (Hon. Lentukunye Christopher); Thank you, Mr. Speaker It is quite unfortunate that members who sit in the said committee all denying having knowledge about this statement. This statement has been before this house for quite some time, it is so many times that Honorable Member for Nachola Ward has raised this issue. So Mr. Speaker I request that you give the Solomonic wisdom on this matter and give this house direction on this because we want to break this tradition of members being asked to give information regarding some things within the department but it is always the like chair being the briefcase of the department information.

I believe that whatever that pertains any department it should be the responsibility of all members not the chairman because I don't think whether the chairman has that monopoly of everything that concerns the department I think it should be across, it should be all members not one person because a chairman is a member of that committee so this blame of chairman being not present and the information that the chairman is required to give on behalf of the committee we want that to stop, we want your direction because this statement was long time sorted by Hon. Lorunyei.

So Mr. Speaker I don't know because I am reading something maybe because sometimes some of us are used to be called the opposition members but I don't think whether information regarding certain departments or County Government is for some members it is for the good of people of this county, is for the good of this house it is not a merits to seek information regarding certain aspect but I don't know whether this is unwillingness of the concern to give information or a sabotage. I request that the chair or The Speaker to give direction on this because it is more than a year that this statement is before this house. So Mr. Speaker I want to rest my case here and I request that you give direction a firm direction because it is like a joke people are taking us in samples every now and then. So let me rest this case and I hope that other people, other chairs or other committees should also think that whatever that is supposed to be debated here it is for the importance or for the good of the people of Samburu County. Thank you, Mr. Speaker.

The Speaker, (Mr. Lenamarle Stephen); Honorable Lorunyei

MCA Nachola Ward, (Hon. Lorunyei Lawrence); Thank you, Mr. Speaker As per the standing order 188 of the County Assembly of Samburu this color, report on County Assembly resolutions. May I read Hon. Speaker; "Within 60 days of resolution of the County Assembly or adoption of a Report of Select Committee, the relevant County Executive Member under whose portfolio the implementation of the resolution falls shall provide a report to the relevant Committee of the County Assembly. In accordance with Article, 183/3 of the Constitution.

Mr. Speaker Article 183/3 of the Constitution is about the functions of the Executive in which in 3 it states that the CEC responsible should give reports or every report to the County Assembly so the time was within 60 days according to the Standing Order of the County Assembly of Samburu.

The process was that a Sector or Committee responsible for follow up. If we go to the Standing Order 195 about the Committee on Implementation and I read;

1. There shall be a Select Committee to be known as the Committee on Implementation.
2. The Committee shall scrutinize the resolution of the County Assembly, including adaptive Committee Petitions and undertaking given by the County Executive Committee and examine;
 - a) Whether or not such decisions and undertakings have been implemented, where implemented, the extent to which they have been implemented, whether such implementation has taken place within minimum time necessary.

Addition to the powers given to that Committee in Standing Order number 195/3, the Committee may propose to the County Assembly sanctions against any Member of the County Executive Committee who fails to report to the relevant Sectoral Committee on Implementation status without justifiable reasons.

According to the Constitution 185 on the power of the County Assembly, the legislative authority is vested in an exercise by the County Assembly. If I can go further to 2 that a County Assembly may make any laws that are necessary for legislation for the effective performance of the functions and exercise of the powers of the County Government under the Schedule 4. That is the resolution we give Mr. Speaker.

The role of the County Assembly that is the County Assembly Act Article 8; The County Assembly shall vet, approve nominee for appointment to the County public offices as may be provided for in this Act or any other law.

There are many laws there under Article 185 on the functions of the Executive but because of time I cannot read. What I am interested in is Article 9 of the County Governments Act which is for the Member now on the role of the Member of the County Assembly on number 9/1, A Member of the County Assembly shall maintain close contact with the electorate and consult them on issues before or under discussion in the County Assembly like now the information response I sought for the Village Resource Distribution Unit; it is there at the Committee level because they do not know the line in between the Village Council and the Village Resource Distribution Unit.

Whether they have been displaced or not, and where it is in the Constitution,

- b) Present the views, opinions and proposals of the electorates.
- c) Attend sessions of the County Assembly and its Committee.
- d) Provide linkage between the County Assembly and the electorates on public service delivery.

Mr. Speaker this is the house of legislation, giving direction, giving instruction authority which is not honored, it is no longer authority because we here the house of giving authority is very shame fool for me to cry in the media or outside there any yet I got tools of execution we got power to summon, to listen, to fire because we vetted this people about two years now thus office called VRDU is functioning and yet there is no any anger (inaudible) and that is why this house is giving instructions so it is money wastage and misuse and we have given enough time to the concern.

1833 of the constitution says that the function of the county executive committee (3) the county executive committee shall provide the county assembly full and regular reports on the matter but we don't have those reports honorable speaker which mean there is something wrong somewhere and according to your communication yesterday we saw that laxity you guided us that we need to wake up, we need to be vibrant we need to be out with the task we need to play our lane of lane and to follow our roles.

But now Mr. Speaker I wonder because if I can read the constitution, the county government act about the now again the role of the member of the county assembly which say the members of the county assembly should not directly or indirectly involves in the executive functions of the county government or administration we are not the extension we got our own works Mr. Speaker be or deliver od services as the member is officer or the employee of the government.

We are here to play our role Mr. Speaker that is why I say that if you go outside to Naserian , or unto the streets or demos who is going to be our saver it means we don't know our works we got all the tools because I has taken long that this resolution we got no any report or regular reports on this resolution Mr. Speaker and according to 185 standing order to that committee they were to take sanctions. It is high time we take sanctions as the house Mr. Speaker.

The time will work not to cry am not here to sugarcoat or to be sycophant that am the member of the county assembly, I have got all tools to act on yet cry and I want to use those tools to enforce the resolutions, the instructions, dictions of this honorable house Mr. Speaker that is why I say that we don't need to give other times it is high time we discuss about that member concern because 60days they had given day 1 to 60s no reports we summon here and we go to the next step honorable speaker of tamping the authority of this honorable house Mr. Speaker. I sit waiting for your direction Mr. Speaker, thank you.

MCA Porro Ward, (Hon. Leerte Patrick): asante mheshimiwa spika mimi pia na simamam kwa yale mheshimiwa Lorunyei amasema. Siyo kauli moja iliwadia bunge na ikakuwa haileti majibu hili bali ni nyingi ukiwa mmija wa washahidi kwa hivyo mheshimiwa spika tukiendelea kufanta kazi namna hiyo. Mimi kwa maoni yagu itakuwa hii bungeni halina maana kwa sababu kama maelekezi zilitolewa wewe ndiye uliyepeana mwelekezo kwa hivyo hizo mwezi zote haijikuwa inaonekana mheshimiwa spika

...ni kama ni madharau iko kwa sababu mwenye alifaa kuleta ripoti hayuko ng'ambo, hayuko mbali iko hapa karibu na hata afadhali na hata aseme ile tu ya kufunikafunika macho lakini kama hakuna jibu inakuja ya ya kauli, naunga mkono mheshimiwa Lorunyei kwamba ni wakati bunge kama nilivyo peana mwelekezo yale tunasema kulingana na sheria zingatiwe kwa hivyo mheshimiwa spika, naomba ipewe mwelekezo ambayo inaweka bunge mahali inataka na kupatia bunge heshima zake, Asante.

The Speaker, (Mr. Lenamarle Stephen): Honorable Lenamparasio.

MCA Loosuk Ward, (Hon. Lenamparasio Phelix): Thank you honorable speaker I rise here to support what honorable member of Nachola have said and Hon. Leerte as well, Mr. Speaker this is not the first statement that have not been answered in this house by executive I think it is a number of statement that have not been answered but the biggest problem we have in this assembly is that all those statement that have not been answered nothing have been done. I think that that is the biggest reason as to why you see executive are not taking us seriously because each and every time we give them time to respond, then time elapses and they just forget and it looks as usual.

Mr. Speaker looking at the date we passed the motion here I was among the members who passed that motion 20th February and the sixth day was supposed to elapse 19th of April that was supposed to be the last day that executive was supposed to give the report on that implementation as I stand here we all know today is 24th of July so its 122 days since we pass that motion here I think it is 6months I think this is the only assembly that such matter of sought can take place and be treated as usual

So briefly Mr. Speaker I just want to stand here to say I beg this house the honorable members that there is no need again with the guidance from the speaker that, we don't want to add any single day to the response to any single matter, the only thing we need in this house is that, the concern people if am not wrong I think the county secretary and the county attorney they should be summoned they should appear before this house so they explained to us themselves the reason as to why the implementation as not taken place since the day we passed this motion.

I think honorable speaker even the recent bursary distributed by the county government was done By VRDU that is there months after we passed the motion here the same VRDU are the same ones that distributed that bursary after being disbursed by the county government recently that show that executive does not respect assembly taking it as a usual thing, so honorable speaker through your guidance we don't want to add any time to the executive rather than having the concern people appears before this honorable house and explain themselves why that implementation have not taken place.

As honorable Lorunyei have said we have the powers we vetted here so we all came to this house as the power confirmed to us by the constitution by the county government act by the county assembly act all this act we all as well has the power to fire them than being one of the biggest example of incompetency as we have some of the members in the executive, thank you hon. speaker I beg you guide us accordingly, thank you.

The Speaker, (Mr. Lenamarle Stephen): I want to give directions that since the chairman is not present, I want to give direction to the committee on the implementation that they take the matter seriously they go back to the person who is concern, give us the report here in this house within 14days, if you don't have the report I think I should summon the person responsible whom I think it is county secretary, so let's give them to 14days they bring the report failure to that I think the county secretary should be summon to this house.

Statement No028/2024 requested by honorable Lawrence Lorunyei to the chairperson on committee of labor social welfare and justice and legal affairs in regards to status of village council in the county.

Any committee member? On labor social, justice welfare and legal affairs?

Honorable Lorunyei can you reschedule that we are not sure if there is a response here is no even a single member for that committee.

MCA Nachola Ward, (Hon. Lorunyei Lawrenc): Thank you honorable speaker being guided by the precedence you gave out here yesterday and we are still making this as usual this is an office the village council is an office Mr. Speaker under the law, under the constitution and the act of the government article 53, I will because of the inconvenience that are there Mr. speaker may I say that any...

..Anything that comes to the floor of this house becomes a property of this house Mr. Speaker; not of the Chairperson or anyone else's. Because if we say that no member is around, I agree with you but when are we going to get the response? The Authority losing its meaning means we are doing nothing. This is a house of authority and we need to stand as an authority, thank you Mr. Speaker.

The Speaker, (Mr. Lenamarle Stephen): Hon. Lorunyei, the assumption that I want to make is that the response is ready but it is only that nobody is presenting it. So, that is why I am directing the clerks to let it appear in the Order Paper for tomorrow 2.30PM when we will have the representation of the Committee at this House.

Specially Elected MCA, (Hon. Lenamatiyo Silapia): Thank you Mr. Speaker, I rise to make my concerns on the issue you have just mentioned, about the response being there. I think.

The Speaker, (Mr. Lenamarle Stephen): I am just assuming, yes

Specially Elected MCA, (Hon. Lenamatiyo Silapia): I am also aware that the response is just around this County Assembly, but the reason of it not being in the Order Paper, I think it is not satisfactory for the response not being in the Order Paper while it is just within the Assembly. I also think that the Assembly is failing us, but I do not know who is. Because other Members can even read the response to the House, so how sure are we that the response is within?

The Speaker, (Mr. Lenamarle Stephen): Hon. Silapia, what I said is that as at now, the response is not here because it is not in the House. But the Statement is in the Order Paper. But now, there is not even a single member of that Committee available at the House. That is why we are assuming that the response is there. So, we are going to put it in the Order Paper again tomorrow at 2.30 PM so that if it is within, then somebody should just read it. If it is not there tomorrow, then I will give out on other directions. Is that okay Hon. Lorunyei?

MCA Nachola Ward, (Hon. Lorunyei Lawrence): Yes Mr. Speaker.

ADJOURNEMENT

Hon. Members the time being 25 Minutes Past 3 o'clock and there being no any other business, this assembly now adjourns until Thursday 25th July 2024 at 2.30PM.