

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Tuesday, 18th February, 2025

The Assembly met at the County Assembly Chambers at 2:30 pm

Temporary Speaker, (Hon. Lenamparasio Phelix) in Chair

PRAYER

STATEMENTS

Temporary Speaker, (Hon. Lenamparasio Phelix): Hon. Member, it is notified that the Speaker has approved the following request for statements today Tuesday 18th February, 2025 at 2:30 PM pursuant to Standing Order 45 (c):

1. Statement No. 001/2025, Requested by Hon. Lenamparasio Phelix, MCA; Loosuk Ward, to the Chairperson Sectoral Committee on Finance, Economic Planning and ICT, regarding the provision of pending bills for the Financial Year 2024/2025.
2. Statement No. 002/2025, requested by Hon. Lemartile Francis, MCA; Wamba West Ward, to the Chairperson Committee on Medical Service, Public Health and Sanitation regarding the employment, management and remuneration of casual workers in Health Department.

Let me give Hon. Silapia to read statement request for statement No. 001/2025 on my behalf.

002/2025: PROVISION OF PENDING BILLS FOR

THE FINANCIAL YEAR 2024/2025

Specially Elected MCA, (Hon. Lenamatiyo Silapia): Thank you Hon. Speaker, allow me to read the statement request on your behalf.

Hon. Speaker, pursuant to Standing Order No. 45 (c), I rise to request a statement Chairperson Sectoral Committee on Finance, Economic Planning and ICT, regarding the provision of pending bills for the Financial Year 2024/2025.

Hon. Speaker, the issue of pending bills remain a significant concern in public financial management as it directly affects service delivery, former projects and economic stability within the County. The Public Finance Management Act, 2012, The Public Procurement and Asset Disposal Act, 2015 and Guidelines from the National Treasury and Controller of Budget emphasizes prioritization of pending bills before new expenditure are incurred. Despite these legal provisions, there are concerns regarding the allocation settlements and transparency of pending bills in Samburu County for the Financial Year 2024/2025.

Therefore, I seek a detailed response addressing the following issues:

1. Total allocations for provision of pending bills in the Financial Year 2024/2025, what was the budgetary allocation for the settlement of pending bills across all Departments in the Financial Year 2024/2025? Provide breakdown of these allocations per Department
2. Settlement for pending bills for the Financial Year 2024/2025: How much of the allocation funds for pending bills have been settled so far? Provide list of settled projects including: project name, budget allocation, amount paid and implementation status.
3. Compliance with the public finance laws: were the settlement procured aligned with section 125 of the Public Finance Management Act, 2012 which requires transparency and public participation in budget execution?
4. Were the payment made in accordance with The Public Procurement and Asset Disposal Act, 2015? Particularly; regarding to contract fulfillment and adherence to payment timeline. Has the County Treasury followed the directives from the Controller of Budget regarding the clearance of pending bills

Hon. Speaker I seek a comprehensive response to these concerns, to ensure accountability, fiscal discipline and transparency in service delivery within Samburu County. Thank you Hon. Speaker.

Temporary Speaker, (Hon. Lenamparasio Phelix): Thank you Hon. Silapia for reading on my behalf. I do not see Hon. Loloju, the Chairperson. Vice Chairperson, Hon. Charity.

Vice Chairperson Committee on Finance, Economic Planning and ICT, (Hon. Lenyakopiro Charity): Hon. Speaker, I have heard the statement request by Hon. Silapia, it is hard for me to answer those questions so we need more time to look at the response and then respond next time.

Temporary Speaker, (Hon. Lenamparasio Phelix): Hon. Vice Chairperson I think you only have to clarify the timeline you need to have the statement for the statement to be responded to, you are not supposed to respond to it today.

Vice Chairperson Committee on Finance, Economic Planning and ICT, (Hon. Lenyakopiro Charity): Thank you Hon. Speaker, I think two weeks, Tuesday 4th March, 2025

Temporary Speaker, (Hon. Lenamparasio Phelix): Fourteen days? Hon. Silapia

Specially Elected MCA, (Hon. Lenamatiyo Silapia): Hon. Speaker, I just want to inform the Hon. Member that it is not on her to respond to the statement but rather the Department. She just needs to direct the Clerk to make sure that the statement reaches the Department on time so as to bear with the two weeks' timeline because the issue with pending bills is more detailed.

Specially Elected MCA, (Hon. Jane Nakinyi): Hon. Speaker, I conquer with the Vice Chairperson because we know we are going to adjourn the House this evening and the Chairperson Committee on Finance, Economic Planning and ICT is not around, so let us accept the two weeks' timeline requested.

The statement sought is a very sensitive hence it requires enough time for the Department to articulate it, thank you Hon. Speaker.

Temporary Speaker, (Hon. Lenamparasio Phelix): Thank you Hon. Nakinyi. I just want to remind you that it is not the Hon. Member to respond to the statement but rather the Department, she only needs to deliver the statement to the Department and then the Department will work on it.

Let us agree with Tuesday, 4th March, 2025 at 2:30 PM.

Hon. Lawrence I saw your hand up? I have already ruled.

MCA, Nachola Ward, (Hon. Lorunyei Lawrence): Hon. Speaker I think there is nothing new since we were in the office, everything done is filed so all information is ready as long as it followed the procedure of executing, reporting and recording or filling. It just a matter of collecting the file containing the information.

We are not casuals, we are in a digital era where we are helped by this gadgets Hon. Speaker. The Department will just go to its archives are retrieve the information at any time required since it is a public document in a public office not with an individual, thank you Hon. Speaker.

Temporary Speaker, (Hon. Lenamparasio Phelix): Thank you Hon. Lorunyei. We are so blessed to have a senior Member like Lorunyei. Hon. Members, I hope you have taken the advice from Hon. Lorunyei.

002/2025: EMPLOYMENT, MANAGEMENT AND REMUNERATION OF CASUAL WORKERS IN THE HEALTH DEPARTMENT

MCA, Wamba West, (Hon. Lemartile Francis): Hon. Speaker, pursuant to Standing Order No. 45 (c) I hereby request a statement from the Chairperson Committee on Medical Service, Public Health and Sanitation regarding the employment, management and remuneration of casual workers in the Health Department.

Hon. Speaker, this request is necessitated by serious concerns highlighted by the Auditor General's Report which revealed the following:

1. An expenditure of KShs. 36, 441, 690 paid to casual workers in Health Department without proper documentation and legal compliance.
2. Lack of staff rationalization to justify the hiring of casuals workers.
3. Failure to involve County Public Service Board in the recruitment process contrary to The County Government Act, 2012 and The Employment Act, 2007.
4. No master roll was provided, raising concern of possible ghost workers.
5. Casual worker engage in legality allowed; which is a three month period, this leads to violation of section 37 (1) (b) of The Employment Act, 2007 which states that: "*where casual employee performs work for more than three months, the contract of service shall be deem to be one where wages are paid monthly and section 35 (1) (c) shall apply to that contract of service*"

This breach of the law exposes the County Government to litigation risk due to continued engagement of workers under unlawful terms.

Hon. Speaker, I want the Department to clarify on some of the question raised by the Auditor General:

1. On recruitment of the casual worker: how many casual workers have been recruited by the Department since January, 2023?

2. What justification was used for their hiring given that no staff rationalization was conducted.
3. Why was the County Public Service not involved in the recruitment process contrary to the County Government Act 2012 which mandate the County Public Service Board role in hiring County employees.
4. Provide a list of all casual workers including their names work stations duties and the ward they come from.

2.FINANCIAL IMPLICATIONS AND PAYMENT STATUS;

1. The Department should outline the total monthly remunerations for the engaged casual workers.
2. As the Department adheres to section 18/2 of the employment Act 2007 which mandate timely payment of wages.
3. Provide a breakdown of months that have not been paid and an explanation for the delay.
4. If the Auditor General report indicates regular payments what steps have the Department taken to rectify the financial mismanagement

3.CONCERN OF ENGAGEMENT AND LEGAL COMPLIANCE

1. What are the specific terms of engagement of these casual workers?
2. Give that some casual workers have been engaged beyond three months why was the Department fail to regularize their contract as required by Section 37/1/b of the Employment Act 2007.
3. Does the Department provide any form of medical cover or insurance for these workers as per the requirement of the work inquiry benefit Act 2007?

4.MASTER ROLE AND WORK ATTENDANCE RECORD

1. The Department should provide as the current master record to confirm the attendance and actual work done by the casual workers.

2. What measures have been put in place to ensure proper record keeping and accountability to avoid payroll fraud?

5. FUTURE PLANS FOR IRREGULAR ENGAGEMENT OF THESE STAFFS

1. I wish the plan that the Department has to regularize or terminate the employment of these workers while ensuring compliance with the employment laws.

2. How will the Department adhere to the Public Finance Management Act 2012 Section 196 to avoid further irregular expenditure?

3. What corrective measures have been taken to prevent future legal and financial risk arising from non-compliance with labor laws?

6. FACILITIES WITHOUT CASUAL WORKERS OR SUPPORT STAFFS

1. I wish the Department to give us what plans does the Department has for health facilities that currently has no casual workers or adequate support staffs.

2. How does the Department intend to address staff shortage in these facilities while ensuring fairness in employment distribution?

3. Is there a long-term strategy to ensure adequate staffing in all health facilities across the County?

Mr. Speaker, given the urgency and the gravity of the concern I urge the Chairperson to provide a detailed and evidence backed response including;

1. Copies of contracts or appointment letters issued to these casual workers.
2. A list of all the engaged casual workers with their deployment detail payroll record including payment receipts evidence of County Public Service Board involvement or reason for their exclusion.

This Statement is crucial in ensuring transparency compliance with labor laws and accounting in public service management, thank you Mr. Speaker that is the information I sought from the Department of health the Hon. Speaker and this House bear with me that we have several health facilities to dispensaries which has no casual workers and to the report of the Auditor General 400 plus casual workers were attached to health and they were not fairly distributed, that is why I

south this statement for us to get equality in resource sharing within this Department, thank you Mr. Speaker.

Temporary Speaker, (Hon. Lenamparasio Phelix): Very well Hon Francis. Chair for Health?

Chairperson, Committee on Health, (Hon. Leitoro Jeremiah): Thank you Mr. Speaker. I would like to take this opportunity to appreciate the Statement sought by the Hon. Member for Wamba West who also doubles us as my Chair for the Committee on PIC and PAC. I really want to register my appreciation to my Chair PIC and PAC because as you can be able to see the question that has been sought from this Statement has been obtained by the Auditor General reports so these are detailed information actually with facts.

I also serve in the PIC and PAC Committee and I understand that we have already interrogated a number of reports and it is only waiting for the reports to be tabled on the floor of this Hon. House. With his leadership we will be able to table these reports, something that has never happened since devolution. In that regard I want to thank my able Chair.

We also understand that most of the time when we sought responses from the executive they normally give us written responses and at times we are not even able to defend responses written to us to come here and read. Sometimes I feel that we as the Health Committee are supposed to interrogate these Statements sought responses from the Department I also see an opportunity where as you know last time we tried to find solution to having these CECs to actually come here and defend their responses, in that regard the Statement sought is bulky in nature and requires time and I want to request we be given time not less than three weeks.

However, I also have a request and through you I want also to request my able Chair PIC and PAC because most of the queries raised here have also been raised in the Auditor General's reports and most of these reports have been tabled. It would be prudent if my Hon. Chair and us the PIC and PAC Committee because we have powers to actually call these CECs to come here and explain all these issues that has been raised in the Auditor's general reports because Auditor General's reports are supposed to be interrogated by the PIC and PAC and not the Health Committee.

Mr. Speaker I want your protection because I know my Hon. Chair will be able to agree with me that issues to do with general reports especially the Auditor General Reports are interrogated by the PIC and PAC and they have the opportunity to have a one on one conversation.

MCA Elbarta Ward, (Hon. Leitoro Jeremiah): I do not want us to waste a lot of time in dealing with this issue. This matter ought to be taken back to *PIC* and *PAC*. This is because every question that has been raised here can still be asked at the Committee level. Do not punish the Committee of Health. I know issues that have been raised here are serious and I will not be able to defend because I will be given responses just for the sake of responses. I will come here read and everyone will start raising hand and point of Orders and I will not be able to defend whatever I will be given.

If you can be able to allow us to take this issue back to *PIC* and *PAC* and if that is difficult then I request you give 21 days.

MCA Wamba West Ward, (Hon. Lemartile Francis): Thank you Mr. Speaker I think Hon. Members should understand or differentiate between the two. When I asked the statement, I am here to represent people of Wamba West Ward. And when I sit as a Chair of County Public Investment Committee, I sit there with restriction to the question raised. I will not ask about the facility in Lodung'okwe or the facility in Ngaroni and they will not also.

This is when I have to represent my people and seek information and know why Wamba West facilities have no single Casual workers in their dispensaries. I do not see Chair held something heard about, because it is for you to give them this information. If also it should be an advantage for them to prepare themselves earlier before the *PIC* and *PAC* if the information, they will give from this statement will assist them to clarify the information when the Public Investment Committee invites somebody to appear before to answer question in general of the Auditor General.

I request you to let them come with this information so that I understand which facilities in my Ward have a Chair which has no share. Secondly, I was from the Ward and I visited three facilities. The casual who are there may be a watchman and a cleaner who have been there for almost 10 years without a single statement. That is what necessitated and need to bring the statement so that I get clarity and take back to them.

Let them come and explain and give us information how many casual workers because the statement requires the department to clarify. Let them clarify this before answering this question as I have requested. Thank you, Mr. Speaker.

Temporary Speaker, (Hon. Lenamparasio Phelix): Thank you so much Hon. Francis. Hon. Members I have listened to you both the Hon. Chair and Hon. Francis who sorted the statement and areas where to make my directive based on some two issues here: Hon. Francis requested statement because there some issues in his ward where he represent and he want the issue to be addressed as quickly as possible. Like any member here would have done.

Secondly, I know and understand points raised by Hon. Leitoro Jeremiah but I don't think there is any reason to make us wait for PIC and PAC Reports which we do not know when it will be tabled in this House. We have some very sensitive issues to be raised. Hon. Members I direct this statement goes to the department and it be responded by 11th March, 2025 by 2:30pm.

MOTION

MCA Nachola Ward, (Hon. Lorunyei Lawrence): I had an issue on statements because the statement which I had asked earlier about the sources of waters in Nachola especially the borehole which has not been taken care of. Which I asked last time and it was tracked that it is going to be given response. When we ask for statements in this House we need to come to a conclusion and not leaving statements hanging.

So, there was that statement and was being tracked by the Clerks. I want to know when will I get the right information and if the Committee is unable, we need to form another Committee and then we go for fact findings. I am concerned because Lochoto may fight for it and no borehole there.

Temporary Speaker, (Hon. Lenamparasio Phelix): Thank you, Hon. Lorunyei .Very sorry for that I have been in this Assembly a number of times when you are raising an issue of that statement on Lochoto borehole. A number of times the department has been asked to respond to your statement which I think it were responded sometime. But I want to direct this that next week Tuesday at 2:30pm that statement should be responded in this House failure to which it has to go to the next step.

Chairperson for Environment, Water, and Natural Resources (Hon. Lemartile Francis): Thank you, Mr. Speaker the statement asked by the Hon. Member for Nachola was brought to this House and responded. The member was not in so I think if the member can follow up and get the respond so that incase, he is not contented with respond given we can clarify further and sort other information. Thank you.

Temporary Speaker, (Hon. Lenamparasio Phelix): Hon. Chair of water is it possible that after this House the Hon. Member to get the response? So that on Tuesday he comes and makes a statement regarding the borehole. Is it possible immediately after this House to get the response from the Clerks?

Chairperson for Environment, Water, and Natural Resources (Hon. Lemartile Francis): Correct I will direct him to the clerk water.

Temporary Speaker, (Hon. Lenamparasio Phelix): Immediately as we leave this House, I direct that you be given a response. And then on Tuesday during statements time you will be given an opportunity to deliberate on your stand or whatever you feel is concerning to the statement.is it an Order Hon. Lawrence?

MCA Nachola Ward, (Hon. Lorunyei Lawrence): It is okay Mr. Speaker.

Temporary Speaker, (Hon. Lenamparasio Phelix): Just make sure that Hon. Francis immediately as we leave hand over the statement to the Hon. Lawrence. Thank you so much.

MCA Nachola Ward, (Hon. Lorunyei Lawrence): Mr. Speaker I beg to move the next motion that Pursuant to standing order 27(4) This Assembly resolves to alter its calendar to adjourn today 18th February, 2025 and resume on 25th February, 2025. As members we will be attending County Assembly Forum and Special General Assembly meeting on 19th to 21st February, 2025 in Nairobi. Thank you. I ask Hon. Dube to second.

MCA Specially Elected, (Hon. Dube Osman): Hon. Members I now propose that Pursuant to standing order 27(4) this Assembly resolve to alter its calendar to adjourn today 18th February, 2025 and resume on 25th February, 2025. As members we will be attending County Assembly Forum and Special General Assembly meeting on 19th to 21st February, 2025 in Nairobi.

Temporary Speaker, (Hon. Lenamparasio Phelix): I now put the question that Pursuant to Standing Order 27(4) This Assembly resolve to alter its calendar to adjourn today 18th February, 2025 and resume on 25th February, 2025. As members we will be attending County Assembly Forum and Special General Assembly meeting on 19th to 21st February, 2025 in Nairobi County.

(Question put and passed)

ADJOURNMENT

Hon. Members the time being 28 minutes to 4 o'clock and there being no other business the House now adjourns until 25th February, 2025 at 2:30 pm.