

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Wednesday, 5th March, 2025

The Assembly met at the County Assembly Chambers at 9:30 am

The Speaker, (Mr. Lenamarle Stephen) in Chair

PRAYER

COMMUNICATION FROM THE CHAIR

The Speaker, (Mr. Lenamarle Stephen): Hon. Members, on 4th March, 2025, I made a ruling deferring to putting of the question on the Maralal Municipality Integrated Development Plan 2025-2030 until 11th March, 2025.

Pursuant to Standing Orders 54 (3) However, upon further consideration and in light of the urgency of the matter; particularly the impending deadline for the submission of the approved Integrated Development Plan (IDeP), I find it necessary to review this decision.

Recognizing the importance of this plan in guiding urban development attracting investments and ensuring equitable resource allocation for Maralal Municipality, I hereby direct that the Question for the Motion be put at the earliest available sitting to allow for timely approval and submission of the document.

I urge all Hon. Members to give this matter the serious consideration it deserves, I so rule.

MOTION

THE MARALAL MUNICIPALITY INTEGRATED DEVELOPMENT PLAN (IDeP) 2025-2030

The Speaker, (Mr. Lenamarle Stephen): Hon. Members, I propose the Motion **THAT, AWARE** that the Constitution of Kenya 2010 and the Urban Areas and Cities Act, 2011 mandates the County governments to provide governance and management frameworks for municipalities, including integrated development planning.

NOTING that the Maralal Municipality Integrated Development Plan (IDeP) 2025-2030 has been developed through extensive stakeholder consultations and incorporates key priority areas such as infrastructure, sanitation, water supply, waste management, transport, housing, economic planning and environmental conservation.

CONCERNED that without an approved IDep, the Municipality may struggle to coordinate development, attract investments and ensure equitable resource allocation.

NOW THEREFORE, this Assembly resolves to adopt and approve the Maralal Municipality Integrated Development Plan (IDeP) 2025-2030 as the official guiding document for urban planning and development.

MCA, Maralal Ward, (Hon. Loloju Joseph): Thank you Mr. Speaker Sir for the consideration of the said Motion since it regards the matter of urgency. I call upon the Hon Members that; having had debated at yesterday's meeting and the long consultative meeting we had regarding the same Motion, I call upon you to adopt it so that we make our Municipality move forward; bearing in mind that this one of the least municipalities in Kenya.

Hon. Speaker, the Chairperson is just seated across the table to maybe support or give highlights of what is going on in the Municipality, thank you Mr. Speaker Sir.

(Applause)

The Speaker, (Mr. Lenamarle Stephen): Order Hon. Loloju, you are not supposed to invite the Chairperson, it is me to invite...

MCA, Maralal Ward, (Hon. Loloju Joseph): Noted Mr. Speaker...

The Speaker, (Mr. Lenamarle Stephen): I just gave you the chance to present your submission because you are the mover of the Motion.

MCA, Maralal Ward, (Hon. Loloju Joseph): Thank you for correction

Chairperson Committee on Lands, Physical Planning, Housing and Urban Development, (Hon. Leerte Patrick): Ahsante Mheshimiwa Spika. Mheshimiwa Loloju saa zingine anaenda mbele ya saa, lakini tunakubaliana na yeye tu.

Mheshimiwa Spika, mimi kama mwenyekiti, nashukuru kwasababu kulingana na barua hii inaonekana kwamba ikona time frame yake na kama hatutapitisha mjadala huu kaunti hii itapoteza pesa kutoka kwa mfadhili. Mheshimiwa Spika nashukuru kwa hatua uliopitisha na naomba waheshimiwa kwamba manispaa hii ni yetu wote uwe unaishi ama hauishi humu. Manispaa inasaidia kwasababu ina pia watu wa eneo la Porro na Loosuk.

Mheshimiwa Spika nimeona huduma kama usambazaji maji, usafi, taka, usafiri na manyumba kwa orodha ya huduma zinazotolewa na manisipaa. Naomba waheshimiwa kupitisha mjadala huu, ahsante Mheshimiwa Spika.

MCA, Loosuk Ward, (Hon. Lenamparasio Phelix): Hon. Speaker. With the respect of our House leadership, you, Hon. Chairperson and Hon. Loloju; I stand to ask our Members that we support this Motion and dispense it as it is. But kindly Mr. Speaker I kindly asks that you give me some two minutes to make some reservation regarding this. We will support and just pass the Motion right now for once and for all.

Hon. Speaker, the reservation I want to make regarding the Maralal Municipality IDeP is that Mr. Speaker, if as this House we will not be careful on how the Executive is taking this Hon House; very soon they will deploy us to different Departments; you will get a letter here deploying Hon. Members to respective Departments.

Hon. Speaker, it is in by bad faith the each and every time, whenever anything is required to be done quickly, it is the Executive to determine when and how this Hon. House passes Bills. I do not think that the Municipality did not know that today would be the deadline for this paper; they could have started the process long time ago so that we pass it on time.

Second, we will not again agree for the Executive to come and tell us that we have a deadline today without a written law of the deadline of the said document. This document we are passing today, we were told that the deadline was yesterday midnight and we do not have any law telling us that this is the deadline. We do not know if it is just the Municipality Manager who woke up and said this is the deadline.

If the Executive is lazy doing their work then they should not transfer their laziness to this House, we asked you yesterday that you give us some two to three days to go through this paper so that we pass it on Tuesday, but we will do it today.

Hon. Speaker, you are the leader of this House; if the Executive continues taking this House the way they are then we will be doomed and that is the reason I am saying that if this Hon House is not careful, very soon you will get a letter deploying us to work in Departments. You will get Hon. Caunda being deployed may be to clerks of Lands; because everything we are nowadays doing in this House is dictated by the Executive.

We are Hon. Members, we are independent, this is an institution that is not an extension of the Executive and the way we are running our activities, we are becoming an extension of the Executive.

I am so sad that I will pass this Motion knowing that in the near future we will be an extension of the Executive. We are supposed to oversight them, if they are lazy, they should not transfer their laziness here but rather stay with it there.

It is very clear in the Public Finance Management Act, that 14th March is the deadline for passing of County Strategic Fiscal Paper(CSFP), If we were told that it is the CSFP that we are to pass; we would because the law is clear.

Two weeks ago, the Department of Environment, Water and Natural Resources had a report on Financial Locally-Led Climate Program (FLLoCA) for a full year that was not timely submitted to this House, the report was brought to this House recently and we are in the second year, we passed the report going contrary to what the law says.

Hon. Speaker, I just want to ask our Hon. Members to pass this Motion with that reservation. Personally; I as the Member for Loosuk Ward. If you are not going to take care of the respect of this House, then I do not know what we are going to do.

Hon. Speaker, we will soon have monitoring and evaluation of this House, I am sure that we will be rated below 10% because we are being dictated by the Executive; even a junior officer like Municipality Manager is dictating how we the Hon. Members should carry our mandate and work.

Hon. Speaker, I pass this Motion with the reservation knowingly that very soon I will just wait for a letter to be deployed to go and work anywhere at the Executive, may be even as a revenue clerk, I do not know.

The Minority Leader, (Hon. Leleruk James): Hon. Speaker, I rise to support the Motion. Yes, we sat as the leadership of the House and because of the urgency of the matter brought to us, we need to pass it. The reservation that the Member for Loosuk Ward has is well noted.

Hon. Speaker, while we are passing this Motion; we want that everything that is going on the Municipality be passed through this House so that we can be able to explain what is going on in the Municipal since our residents need to know.

We urge the Chairperson Committee on Lands, Physical Planning, Housing and Urban Development to be proactive so that if there is anything needs to be done then he is involved so that he can relay the information to this House. I thank the Hon. Members and urge the Members to pass this Motion so that we can do our work.

On the issue of posting; this will not happen. We will carry our oversight mandate as required, thank you Mr. Speaker.

Specially Elected MCA, (Hon. Lekireneyi Sarah): Ahsante Mheshimiwa Spika. Naunga mkono mjadala lakini nikona tashuishi kidogo. Upande wote wa bunge ya kaunti na serikali ya kaunti zote zikona shida. Ukiangalia, kamati yetu ya Ardhi, ripoti ileletwa mnamo tarehe 26. Ilipoletwa kwa bunge wakasema wanangoja recommendation kutoka kwa kamati na kutoka hapo, hatujawahi kukutana kama kamati, kwasababu tukona kazi nyingi, tukashika kazi za kamati zingine na kuacha kazi ya kamati zingine.

Ningependa kusema kwamba, sometimes pia hao wakileta mapema kama vile tuli table, hata sisi kama kamati tutekeleze kazi yetu, ahsante Mheshimiwa Spika.

Specially Elected MCA, (Hon. Nakinyi Jane): Pia mimi naunga mkono kupitisha mjadala huu. This is the first time since I came to this Assembly to hear that there is something concerning the Municipality to be brought to this House Mr. Speaker.

I do not know how things were done formerly, because definitely there was a budget for the Municipality. Sijui labda pengine mimi sijakuwa Assembly ndio sijawahi kuona mambo ya manispaa. Mr. Speaker, there are many things that we are supposed to ask about the Municipality and we are really in a dilemma because we do not know where and to whom we are supposed to direct our questions.

For the sake of the urgency of this Motion, we shall pass it but the Municipality should work with the House, thank you Mr. Speaker.

(Question put and passed)

THE SAMBURU COUNTY FINANCE BILL, 2024 (SAMBURU COUNTY BILLS NO.5)

COMMITTEE OF THE WHOLE HOUSE

The mace lowered

The Speaker Leaves the Chair

Hon. Lenamparasio Phelix takes the Chair

Chairperson Committee of the Whole House, (Hon. Lenamparasio Phelix): Hon. Members, I welcome you to the Committee of the Whole for the consideration of The Samburu Finance Bill, 2024

so I call the *Clerk* to read clause 2.

CLAUSE 2 (INTERPRETATION)

In this Act unless the context otherwise requires;

County means County Government of Samburu

Authorized channels means making payment to the County through an officer appointed by the County to collect revenue or through any other mode of payment as may be prescribed by the County.

Cess means fees charged for goods specified in fourth schedule.

Chairperson, Committee of the Whole House, (Hon. Lenamparasio Phelix): I now propose the question that Clause 2 be part of the Bill. I now put the question that Clause 2 be part of the Bill. You are not keen.

Specially Elected MCA, (Hon. Lenamatiyo Silapia): Chair?

Chairperson, Committee of the Whole House, (Hon. Lenamparasio Phelix): Yes. What are you consulting? Take your mic you know Committee of the Whole we are still in a session.

Specially Elected MCA, (Hon. Lenamatiyo Silapia): Chair you know the session is going on but Hon. Loloju who is the Chair for Finance is disturbing Members.

Chairperson, Committee of the Whole House, (Hon. Lenamparasio Phelix): Just move out. Hon. Leleruk.

MCA Suguta Marmar Ward, (Hon. Leleruk James): I think some of us here have a concern on this Bill. I do not know why you are reading and we have some very serious and we are passing something that time has passed. We have issues. Some of us need to be enlightened on what happened because we were not in the process of passing this Bill and even the Committee Members out there have issues with this Bill maybe it has been implemented so what are we doing?

(Point of Order by Hon. Leitoro)

MCA Elbarata Ward, (Hon. Leitoro Jeremiah): Hon. Chair I would like to bring to the attention of the Minority Leader that I do not know if he is aware that already the Bill has passed First Reading, Second Reading and now we are in the Committee of the Whole House so we cannot introduce any more discussion at this stage Hon. Chair. I was to inform him on the same. Thank you.

Specially Elected MCA, (Hon. Lenamatiyo Silapia): Hon. Chair I think that the House is not organized, everyone is just moving around. I also have reservations on the same and I just want to read on how our Constitution gives the timelines of the Finance Bill.

Chairperson, Committee of the Whole House, (Hon. Lenamparasio Phelix): Are you reading the Constitution and which Article, be specific.

Specially Elected MCA, (Hon. Lenamatiyo Silapia): Yes, From my phone, County Government Act 2012. It says that...

Chairperson, Committee of the Whole House, (Hon. Lenamparasio Phelix): Tell us the Section.

Specially Elected MCA, (Hon. Lenamatiyo Silapia): 133 of the Public Finance Management Act 2012.

Chairperson, Committee of the Whole House, (Hon. Lenamparasio Phelix): So are you reading the County Government Act or the PFMA.

Specially Elected MCA, (Hon. Lenamatiyo Silapia): PFMA. Allow me read. At deadline for submission of the County Finance Bill as the Law is 90 days after the approval of the County Annual Budget. That is 30th June I think to September after passing of the Annual Budget. It says the stipulated under Section 133 of the Public Finance Management Act 2012 of Kenya. The Act requires that the County Executive Committee Member for Finance shall submit the Finance Bill to the County Assembly within this period which is 90 days and the County Finance Bill outline the Revenue raising measures for the Financial Year and timeline submission is crucial to avoid delays in implementation of the Budget.

My concern is the timelines has already elapsed and this Finance Bill has delayed the implementation of the Budget. Even if we make any amendments anything else now the County Executive has already assumed that the County Assembly has already passed the Bill. My concern here is that we have come and learn how the Finance Bill has failed the County since we have none in place and it is a crucial document and a crucial step that guide the County on how to collect revenue. I think it is very important that we come up with other ways of making sure that the purpose that has timelines we must know how to handle it. Even though we are Members of this Assembly we are waiting for the Executive to bring the Bills we also have a role to play to make sure that for example it is the Finance Bill to be in the House on time.

If it is the County Strategy, Fiscal Paper to be in the House on time. We have already delayed and it is almost 180 days since the approval of the Annual Budget and we have already delayed so we just pass these things as we know that the Executive are already following this Bill which has not been approved by the Assembly so thank you Mr. Speaker.

Chairperson, Committee of the Whole House, (Hon. Lenamparasio Phelix): Thank you so much Hon. Silapia for your input. Hon. Leleruk has also raised the same concerns.

MCA El'barta Ward, (Hon. Leitoro Jeremiah): Thank you. I think the discussion we are having now is actually very right is very correct but I strongly believe that it is coming at the wrong time because if we start discussing on the issues of timeline and we are actually now doing the Committee of the Whole this issues could have come either at First Reading so that we intercept at that point. Actually, now we were supposed to do...after this supposed to be done at the Committee of the Whole House .

Majority Leader, (Hon. Lentukunye Christopher): Hon. Chair I think the concern of the Minority Leader was about the charges but I do not know whether we are already there because I believe and understand that whatever the amendment that Members may wish to bring I think they have the right to produce at this stage.

Chairperson, Committee of the Whole House, (Hon. Lenamparasio Phelix): I think Hon. Majority as for the amendment our Standing Order number 133 (2) says no amendment shall be moved to any part of the Bill by any Member other than the Member in charge of the Bill by any Member other than any Member in charge of the Bill.

That is now the Chair for Finance unless written notification of the amendment that have been given by the clerk 24 hours before the commencement of the sitting of which that part of the Bill is considered in Committee. So, there shall be no amendment to be introduced at the Committee of the Whole but you know Hon. Leleruk and Hon. Silapia are not talking about the amendment; they are talking about the timelines that we are doing something that maybe the timeline has elapsed and that why should be continue debating and engaging in a Bill that has its timeline elapsing long ago and not the amendment.

MCA Suguta Marmar Ward, (Hon. Leleruk James): Mr. Speaker the issue why I raise about timelines and also I had an amendment because the issue at hand the charges I know as Hon. Members that there is a day you know the taxes people demonstrating within Maralal and the issue is this way that if you see the charges that are being written here it is too much for the boda boda and for the taxi and Members if you are not hearing what the community say then what are we doing. I was not there when the Bill was being introduced but I have a reservation the charges issue. This is because the Executive are already using this Bill and they are telling the community that the County Assembly has already passed this Bill yet we have not, that is the issue.

Specially Elected MCA, (Hon. Lenamatiyo Silapia): Thank you Chair. I just want to inform Hon. Leleruk that once the timelines have already elapsed even though we do amendments and the Executive has already assumed that we have passed the Bill as it is. We should just pass it without the issues of amendments because the Executive are already using it. They use the same

document to charge the wananchi as the way it is indicated in this Bill. The issue on amendment will not work according to my understanding.

Chairperson, Committee of the Whole House, (Hon. Lenamparasio Phelix): I have just said the Standing Order 133(2) very clearly outlines that at the Committee of the Whole House there shall be no amendments and Hon. Silapia is saying that the Executive is already using this Finance Bill without the approval of this House and even if you do an amendment and already they are charging people using the same Bill the way it is will bring a lot of confusion out there. Let us wait two minutes as the clerks seek confirmation on it. This Bill has two issues, on the timeline we are doing in March yet we were supposed to do it in September last year almost six months past the deadline. Secondly the Executing is using this Bill without the approval of the House; they are already charging the parking and the cess.

We need to make a very wise decision because we are dealing with a Bill with a lot of issues. Hon. Silapia suggests that we pass it as it is and so do I then later get legal address on the same and the implications to it in case someone goes to court where we do not know what will happen.

Hon. Members I read you Standing Order number 133(9) and 54(3); 133(9) paragraph 3 of the Standing Order that 54 shall apply with necessary modification to the proceedings of amendments to Bill in the Committee. Let me read 54(3) despite paragraph 2 the Chair on the request of Members defer the putting of the question to the following day in which case the Chair may therefore nominate a time at which the question shall be put. Listening to your arguments we will defer this question to a later date so that we can maybe caucus as Members with the Speaker and then see the way forward. Let it stand as that so that we do not waste our time. This Committee of the Whole is now deferred to a later date according to our Standing Order number 54(3) and Standing Order number 133(9).

Specially Elected MCA, (Hon. Lenamatiyo Silapia): Chair please be specific on time.

Chairperson, Committee of the Whole House, (Hon. Lenamparasio Phelix): It is already directed. I think for the date we will discuss during our caucus. We have to caucus as Members either today or tomorrow then agree on the day and time.

(House resumes from Committee of the Whole House)

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

Chairperson, Committee of the Whole House, (Hon. Lenamparasio Phelix): Hon. Speaker I was the Chair of the Committee of the Whole House and I beg to report that during the considerations of the Samburu County Finance Bill 2024 for the Committee of the Whole we agreed as the present Members that following our Standing Orders number 54(3) and 133(9) we beg that we defer this session to a later date but after today 2:30 after the House we want to caucus as the whole House with you present for the way forward on this Bill so that we agree on a date for the resumption of the Committee of the Whole House regarding the Samburu County Finance Bill 2024. That is what I report Mr. Speaker.

ADJOURNMENT

Hon. Members the time being 28 minutes past 11 o'clock and there being no any other business this Assembly now adjourns until Wednesday 5th March 2025 at 2:30 pm.