

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Tuesday, 26th July, 2016

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

The Deputy Speaker, County Assembly of Samburu (hon. Adamson Lanyasunya) in the chair

PRAYER

STATEMENTS

The Deputy Speaker, (hon. Adamson Lanyasunya): Hon. Members, it is notified that pursuant to Standing Orders No. 41 (2) (c), the Speaker has approved the following tentative statements for responses for Tuesday July, the 26th, 2016:

1. Response to statement No.014/2016 from the Chairperson of the Committee on Gender, Culture and Social Services concerning the misappropriation of funds and the wanting operations of the department from Member of County Assembly, hon. Modesta Lalaikipiani.

MCA Lodokejek Ward, (hon. Jerias Leshoomo): Thank you hon. Speaker, we interviewed the CEC and the CO in respect to the statement and the report is with the clerks yet to be presented to the committee on Gender, Culture and Social Services and I beg for more time until Tuesday at 2:30 p.m. so that the committee can deliberate and table the report.

The Deputy Speaker, (hon. Adamson Lanyasunya): You will bring the report... (*Interruption*)

Specially Elected MCA, (hon. Modesta Lalaikipiani): Point of order hon. Speaker.

The Deputy Speaker, (hon. Adamson Lanyasunya): What is the point of order hon. Modesta?

Specially Elected MCA, (hon. Modesta Lalaikipiani): Hon. Speaker, our county is bigger than the department or an individual. The entire county of Samburu is important than anybody and justice delayed is justice denied. Article 185 (3) of the Constitution of Kenya states that, “*a county assembly, while representing the principle of separation of powers, may exercise oversight over the county executive committee and any other county executive organ*”

Section 9 clause (1) (b) of the County Governments Act, 2012 states that, “*a member of the county assembly shall present views, opinions and proposals of the electorate to the County Assembly*”. I believe that it is within my mandate as stated above to request for a statement from the department. I once said that the members of the county assembly, both elected and specially elected, hold sovereign powers on behalf of the people and we represent both the privileged and

underprivileged. We therefore, need to put the interest of the people we represent above our own personal interest.

The committee seems to have some calculated moves to ensure that this issue will not see the light of the day. With all due respect, I believe that the Committee on Gender, Culture and Social Services is protecting the department. The statement was sought on 9th July, 2016 and the Speaker's ruling was to be answered on 14th July, 2016. But what the committee tabled was a mockery to the County Assembly as an institution mandated by the Constitution to carry the oversight role. The House rejected the response and the committee was again directed to respond on 21st July, 2016 and on that day the committee... (*Interruption by hon. Leakono's point of order*)

Protect me hon. Speaker so as I finish what I was saying.

The Deputy Speaker, (hon. Adamson Lanyasunya): Continue hon. Modesta.

Specially Elected MCA, (hon. Lalaikipiani): On 21st July, 2016 on which the committee again asked for more time until Tuesday, the 26th of July. The committee's behavior is one that makes us believe that they know everything and they do not want the truth to be told.

(*Applause*)

The committee did not make any effort to ensure that my concerns in the statement are answered within the specific period leading to my conclusion that the committee is in collaboration with the department to ensure that the truth will not prevail. The department is employing delaying tactics in order to pass time so that the statement remains unanswered for a long time hence the statement is swept under the carpet.

The assembly has the oversight responsibility on the county's operational activities and if the committee responsible fails to perform this, the county assembly can still proceed to form an *Ad Hoc* Committee to investigate the matter. I am therefore, requesting an *Ad hoc* Committee to be formed in order to bring this matter to an end.

I am surprised when the acting chair of the committee is asking for more time. Which more time do they require? It is a whole month since I requested for a mere statement and here they are requesting for more time. Justice must be done as justice delayed is justice denied.

MCA Elbarta Ward, (hon. Romano Leakono): Thank you hon. Speaker, I was to stand on a point of order because the member was anticipating a motion as I could see her reading from a statement which was already prepared. That is against the law.

The Deputy Speaker, (hon. Adamson Lanyasunya): Then that point of order was overtaken by events, hon. Lemulugo?

MCA Ang'ata Nanyokie Ward, (hon. John Lemulugo): Thank you hon. Speaker, I remember the statement was brought to this House and it was not satisfactory and the committee requested time to investigate further and come with more detailed report and the committee interrogated the CEC of the said department. I do not see why the hon. Member, who sought the statement, should be more passionate on the same when the Chair has already asked for more time to answer the same. I think it is within your best knowledge that committees do ask for more time when asked to answer statements and there is nothing wrong with that. The hon. Member says that the committee is collaborating with the department and I do not think that is in order.

Specially Elected MCA, (hon. Osman Dube): Asante sana Bw. Spika, kila mara statements zinaahirishwa Jumanne, Jumatano na hili jambo sio nzuri. Ya pili, kama pesa imepotea au la, basi tupewe ripoti kamili na kama sio hivyo, *Ad Hoc* Committee iundwe.

MCA Lodokejek Ward, (hon. Jerias Leshoomo): Thank you hon. Speaker, I want to inform hon. Modesta that the committee is not safeguarding the department and we did say that we need a comprehensive statement in regard to the statement raised by hon. Modesta. In line, some accountants were interrogated from treasury to ascertain the vouchers that were said were paid in duplicates. We are making sure that we will table a comprehensive statement and not deliberately delaying the response.

MCA Maralal Ward, (hon. Elly Loldepe): Thank you hon. Speaker, I wish to echo the sentiments of hon. Modesta and it is in common knowledge of everyone in this House that there are three roles of the members of this House:

1. Oversight
2. Legislation
3. Representation

Through committees of this House, the oversight role is almost gone and I think it is high time to say good bye to our oversight role as oversight body in this county. I say that without fear of contradiction. Any issue which requires utmost attention of this House has never received that attention from the hon. Members as well as from the committees. The committees should know one thing; that they are not there to be a protective arm of the county executive. Their mandate is to bring issues as they are. Nothing more than that. We only need to know what transpired.

I happen to have participated in one of the meetings which I was almost chased off by the committee and I say that without fear; here inside this chambers. The committee almost chased me out as they did not want questions asked and I do not know why the questions raised in this House the committee does not want to be asked to the concerned individuals. I also doubt the information that the committee is bringing to this House because, I was told not to ask those questions because I am not a member of that committee but they allowed me to participate in the meeting. Because of that incident, I do not believe the credibility of the committee and we did not believe from the beginning the credibility of this committee.

(Applause)

We still cannot believe the credibility of that committee because they are almost synonymous to the executive. When the people speak the truth... *(Interruption)*

MCA Elbarta Ward, (hon. Romano Leakono): Point of order hon. Speaker.

The Deputy Speaker, (hon. Lanyasunya): What is the point of order hon. Leakono?

MCA Elbarta Ward, (hon. Romano Leakono): Thank you hon. Speaker, through your indulgence, I do not need to be on a point of order now that the hon. Member has already finished what she had to say but I still request for your indulgence to contribute on the same, thank you hon. Speaker.

Specially Elected MCA, (hon. Irene Leshore): Thank you hon. Speaker, I think there is something being hidden by this committee about this department. It has been a whole month we have been waiting for answers for this statement. What is so important about this statement? We are asking statements every day in this House. Are there some members of the county executive who are more special than others so that they are untouchable and no statement which regards them will have answers? We have no confidence in the Department of Culture to bring that statement and we said the other day, the House is unanimous that we don't have confidence in them. Most of them have interest... (*Interruption*)

MCA Elbarta Ward, (hon. Romano Leakono): Point of order hon. Speaker

The Deputy Speaker, (hon. Lanyasunya): Order hon. Leakono. Let the member finish and I will give you time.

Specially Elected MCA, (hon. Leshore): Most of the members of that department have interest in that matter so as this matter will never see the light of the day. We need justice for that department. If there was nothing hidden in that department, why are they afraid of bringing answers to this House? They are buying time because they know very soon we are going on recess and they have that statement as they were given last week by the CEC but they are refusing to bring it to this House. It is the same statement; there is nothing different.

Everybody knows in this county that the CEC does not know what is going on in that department. He has only been in the office for four months. He is not in charge; he is not in control and he said the same to the committee and now they do not want to come and tell this hon. House what they were told. They are buying time telling us Tuesday, Wednesday until we go on recess and that we will not accept. We cannot accept this matter to be swept under the

carpet. If this matter cannot be sorted out in this House, we will look for other ways to sort it out. We will go every length to make sure that justice is done in that department, thank you.

Leader of Majority, (hon. Christopher Lentukunye): Thank you hon. Speaker. I also believe that justice delayed is justice denied. Some issues are very critical such that they require patience. Based on the reasons given by hon. Leshoomo that the department met and interrogated the CO, the committee should be given time for them to compile and bring a comprehensive report regarding the matter. Thank you.

MCA Nachola ward, (hon. Lawrence Lorunyei): Thank you Mr. Speaker. We have left our oversight role or we don't know our mandate as MCAs. A member is supposed to attend and listen in any committee only that s/he does not have the power of voting. But chasing a member from a committee discussing a matter of this house means that there is something hidden.

The statement was brought on 9th of this month and now is 26th which is 17 days later. As said in this house, the statement is ready and this is just a matter of buying time (*Interrupted by a call for a point of order*)

The Deputy Speaker, (hon. Lanyasunya): What is the point of order hon. Leshoomo?

MCA Lodokejek ward, (hon. Leshoomo): Mr. Speaker, can the hon. Member inform the house what he means by saying that the statement is ready while as a committee we know it is not ready and we are in the process of completing the report. It is not prudent for him to say that the statement is ready.

MCA Nachola ward, (hon. Lorunyei): Mr. Speaker, when the statement was brought here, they set time and only the CEC was the one remaining to be summoned. How long has this taken? They say that the statement is with the clerks which mean that the competence in performing their work is not there. That is why we say that we don't have confidence in this committee because they have interests. If you see members defending the executive instead of over-sighting them, they behave like the executive. We ask for your indulgence so that we can have an *ad hoc* committee so as to fasttrack the report. Thank you.

MCA Suguta Marmar ward, (hon. Shadrack Lesoipa): Thank you hon. Speaker. Everyone knows why they are here and the role that one is playing in this house. It is an abuse to refer to members as no longer legislatures, representing the people or carrying out over-sight roles given by the constitution.

It is sad that members of this house have no faith with the committee assigned duties by the hon. Members. It is wrong for some of the members to double-speak and forgetting what they previously assumed. This is not the first time that we are standing in this house asking for equity and justice. We have been talking about the same culture and the hansard records are very clear that the hon. Members who are purporting to be for justice are the ones that deny the children, men and women of this county justice.

Let us give the committee time until Tuesday, which is not very far, for justice to be seen. Let us not rush into forming an *ad hoc* committee. It was very clear in your ruling and these are some of the issues we have been avoiding for us to be together in this house. We are fond of forming *ad hoc* committees and any matter before the house is referred to *ad hoc*.

We are not at a dead end. Let us get the report and when the matter is hard we will go for that option. We said the report is half-baked and we returned it for more information to be tabled in the house. I don't see why we say the report is ready while the members that were to undertake the task say that the report is not ready. If they are able to bring the report on Tuesday, I don't see an emergency that cannot wait if we need a good report.

I urge the members to have faith in one another. Let us not witch-hunt every committee as we might take this house in the wrong direction. Let us avoid saying that the county assembly is part and parcel of the executive. Such statements are strong and needs to be substantiated. This is a house of proof and facts.

We are here, as a united house, working to represent our people and over-sighting the executive. If we accuse each other as if members of the assembly are collaborating with the departments in

misappropriating funds, then we are losing the track. Nobody here loves the executive more than the people who elected us.

I cannot stand here by two individuals in the executive while the women and the disabled of Suguta Marmar are not getting services. I need votes from these people. Let us be united and fight for the rights of our people together. If we give those forces to come and divide us, there is no way we can stand and defend the right of the people that we represent. We love our people more than individuals.

If the report proves as something to be adopted and money was misappropriated, I will stand here to protect the constitution and the right of the people.

MCA Elbarta ward, (hon. Leakono): Thank you Mr. Speaker. I want to echo the sentiments of hon. Lesoipa for the advice to the house. When I stood on a point of order, I could see a lot of issues coming up. The more we personalize the social services issues; it is not going to be in the interest of anyone and we will fail in our role as representatives of the people. The results would be detrimental. When we serve the people, we are supposed to be non-partisan, neutral and we should not be assuming things until we have proof.

When the land issues of Barsilinga and Sarima were brought to the house, their statements are still pending until today. I have never heard the members crying as much as they are crying on this issue yet we are still in the process of handling it professionally. On statements requested for the last three years from PIC and PAC, I have not heard any member here... *(Interrupted by a call for a point of order)*

The Deputy Speaker, (hon. Adamson Lanyasunya): What is the point of order hon. Irene?

Special Elected MCA, (hon. Leshore): Mr. Speaker, the member is misleading the house. Is it in order for him to justify why statements are not coming to this house? Because the other statements have not been brought even this one should not be brought.

MCA Elbarta ward, (hon. Leakono): Thank you Mr. Speaker. When we asked for departmental reports for the last four years... *(Interrupted by a call for a point of information)*

The Deputy Speaker, (hon. Lanyasunya): What is the point of information hon. Elly?

MCA Maralal ward, (hon. Elly Loldepe): Mr. Speaker, I want to inform the hon. Member that why we are lacking faith in the said committee is because of the exact issues that he is mentioning. Why we say that our over-sight role is dead is because every issue that goes to the committee, they become defensive. We should tore our line and speak the truth because that is what we need. Thank you.

MCA Elbarta Ward, (Hon. Romano Leakono): Thank you Hon. Speaker and Hon. Elly for agreeing that this is not the only statement that has been wanting. I am being fair and honest. You cannot just demand justice in the morning and forget it in the afternoon session and later demand it in the evening, we have to be consistent with our practice. We are not delaying as said but the first time the report was brought did not answer your questions as asked. We went ahead to interrogate the CEC and the CO. We have also done some investigations as a Committee.

(Point of order by Hon. Lawrence Lorunyei)

The Deputy Speaker, (Hon. Adamson Lanyasunya): What is the point of order Hon. Lorunyei?

MCA Nachola Ward, (Hon. Lawrence Lorunyei): Thank you Mr. Speaker. He is the Leader of Minority and he is supposed to punch and know the truth and keep the department on its toes. I do not know why he is talking like *(Interrupted by the Deputy Speaker)*.

The Deputy Speaker, (Hon. Adamson Lanyasunya): Order Hon. Lorunyei, you stand on a point of order when a particular Member is out of order. Hon. Leakono is contributing. Continue Hon. Leakono.

MCA Elbarta Ward, (Hon. Romano Leakono): Thank you Hon. Speaker Sir. We want to bring you a comprehensive report, we are not angels, we do not want to assume and we want to bring facts. For cases that we cannot get facts then we will bring it as it is for the House to make a

decision that is fully prepared. Hon. Lesoipa once said that, when we form opinions and when we do not have faith on the Committee of this House, even if we bring a super report that is close to heaven, it may not be enough because there is already an opinion that it is not good. We are not going to anticipate coming with a half-baked report or a defensive report. I request our dear Members of this House that we are together in this. None of us is an executive in this case.

We are all Hon. Members. We all have our time and day. We are still going to take the Health report to Labor. Hon. Modesta, you are going to soon have a report on your lap to present to this House. It goes on and on. With those few remarks, I ask the Hon. Members to be positive and not have negative attitude towards Members. This makes us ask why we are even here, what this House is for and who is the super Member and who is the rogue Member. We should respect the Hon. Members of this House according to the Constitution and as a practice of this House. Let us have faith in one another otherwise we will not achieve our goals. Thank you.

MCA Ang'ata Nanyokie, (Hon. John Lemulugo): Thank you Hon. Speaker. I want to echo the sentiments of the Members who have spoken before me. It seems that this report is special. The Committee is doing their work. They need to summon the CEC and interrogate him. This statement is going on the wrong direction since the seeker of the statement is trying to push the Committee that the Committee should respond so quickly. Why the rush? If the money is missing then

(Point of order by Hon. Modesta Lalaikipiani)

The Deputy Speaker, (Hon. Adamson Lanyasunya): What is the point of order Hon. Modesta?

Specially Elected MCA, (Hon. Modesta Lalaikipiani): The Hon. Member on the floor says that I have much interest in the social department yet there are nine departments, I just asked for a statement in that department. Maybe he is interested in the department or the statement himself that is why he is talking like that.

The Deputy Speaker, (Hon. Adamson Lanyasunya): Continue Hon. Lemulugo.

MCA Ang'ata Nanyokie, (Hon. John Lemulugo): Thank you Mr. Speaker. I have no interest at all in that department and I am not even a Committee Member in that department. I know nothing about that department. Let us not lie to each other. It is very clear that money was misappropriated based on the report brought long ago by the Hon. Member, the Hon. Members also know that. These are the same Members who are speaking after the other one was fired. They were protecting the CEC when we brought the motion here yet they are witch hunting the other one now. It is not fair that we are making...

(Point of order by Hon. Irene Leshore)

The Deputy Speaker, (Hon. Adamson Lanyasunya): Order Hon. Lemulugo. What is your point of order Hon. Irene?

Specially Elected MCA, (Hon. Irene Leshore): Is it in order for a Hon. Member to intimidate other Members from speaking in this Hon. House with issues that have passed along time ago in this House?

The Deputy Speaker, (Hon. Adamson Lanyasunya): That is not in order Hon. Lemulugo. Focus on the statement.

MCA Ang'ata Nanyokie, (Hon. John Lemulugo): Thank you Mr. Speaker, I withdraw and apologize. I am trying to put things clearly. I remember one of the Members that spoke...

The Deputy Speaker, (Hon. Adamson Lanyasunya): Order Hon. Lemulugo. We are not discussing about the Members, focus on the statement based on the facts presented.

MCA Ang'ata Nanyokie, (Hon. John Lemulugo): Thank you Mr. Speaker that is what I am doing. The CEC was interrogated here by the Committee and the report has just been compiled...

The Deputy Speaker, (Hon. Adamson Lanyasunya): Order Hon. Modesta.

MCA Ang'ata Nanyokie, (Hon. John Lemulugo): and the report brought to this House for the Members to understand the misuse of the money. We are not going to protect anyone. If anyone

misappropriates funds belonging to this County then we are ready to do all that is necessary as an Assembly. We are going to work together. This is not a matter of a few Members. This is a matter of the whole House. I want to make it clear based on the fact that some of the Hon. Members are saying that the CEC claims that he is not aware, then why is he even there. He is incompetent. We are working as Hon. Members of this House...

The Deputy Speaker, (Hon. Adamson Lanyasunya): Order Hon. Leakono.

MCA Ang'ata Nanyokie, (Hon. John Lemulugo): The Committee should be given time. Wednesday or Thursday is not so far. If the House sees that the Committee has failed then it is the responsibility of the Speaker to rule on the formation of an AD HOC Committee. Thank you.

The Deputy Speaker, (Hon. Adamson Lanyasunya): Hon. Osman Dube, order Hon. Leakono.

Specially Elected MCA, (Hon. Osman Dube): Maneno haya ni kidogo. Hakuna haja ya kujipa mkazo. Tunapokutana katika nyumba hili, tunazungumza kuhusu haki ya wananchi. Unapona kuwa mambo hayaendi sawasawa ni lazima kila mmoja ajitolee kuongea. Jumanne na Jumatano haiku mbali, lakini tutavuta muda na kusema hadi juma lingine, hatutaki hayo. Mambo ni moja tu, haki ifanyike au iwe sawa, hakuna haja ya kusema mapendekeo Fulani. Hakuna mapendeleo hapa. Kila mmoja amefanya kazi yake kwa kuingi katika nyumba hili.

The Deputy Speaker, (Hon. Adamson Lanyasunya): Order Hon. Leakono.

Specially Elected MCA, (Hon. Osman Dube): Mheshimiwa spika tunaomba kuwa utuelekeze ili tuone kuwa haki imefanyika kwa wananchi, Asante.

(Point of information by Hon. Romano Leakono)

MCA Wamba West, (Hon. Benjamin Leitore): Thank you Mr. Speaker. Although I was late I will still contribute. From the records of the Assembly, this is the second time that this report has been postponed. This is an indication of inability by the Committee to respond. Justice delayed is justice denied.

(Point of order by Hon. Romano Leakono)

The Deputy Speaker, (Hon. Adamson Lanyasunya): What is the point of order Hon. Leakono?

MCA Elbarta Ward, (Hon. Romano Leakono): Is it in order for the Hon. Member to mislead this House...

MCA Wamba West, (Hon. Benjamin Leitore): Mr. Speaker please control the House.

The Deputy Speaker, (Hon. Adamson Lanyasunya): Order Hon. Leitore, what is it Hon. Leakono.

MCA Elbarta Ward, (Hon. Romano Leakono): I do not think that it is in order for the Hon. Member to mislead the House by saying that this statement has been postponed for the second time.

The Deputy Speaker, (Hon. Adamson Lanyasunya): It is true Hon. Leakono. Order Hon. Leakono you had enough time. Continue Honorable.

MCA Wamba West, (Hon. Benjamin Leitore): What I was saying before I was cut short by the Hon. Member for Elbarta was that that the people of Samburu County have been denied justice and services. The tactics of delaying is actually a denial of justice to the people of Samburu County. This is an important statement to this County. It has attracted a number of people and organizations that are following up on the response to this statement.

Giving a breakdown of SH 800,000 is simple and can take a day. It won't even take a month. I am foreseeing forces that try to block the answering of this statement. It is a trend in this County that forces ensure that there is protection of people that misappropriate funds from this County. It is deliberate. I also see from the Members of this House that we are already taking sides even before the answers are given. What are we doing as overseers and legislatures of this side of the Government? Until the report is brought, it is too early to say that the mistake has already been done. Members are trying to speak on the floor of this House and ask why it is that out of the nine departments only this....

TAKE D (LEMETEKI)