

COUNTY ASSEMBLY OF SAMBURU



THE HANSRD

Thursday, 18th February, 2016

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

Temporary Speaker (hon. Linda Naserian) on the chair

PRAYER

PAPERS

Controller of budget report for the fiscal year 2014/2015

MCA Baawa Ward, (hon. Pius Lobuk): Thank you madam speaker, I rise to table controller of budget report on monitoring for Samburu County, fiscal year 2014/2015.

NOTICES OF MOTION

MCA Baawa Ward, (hon. Pius Lobuk): Madam Speaker, I wish to give a notice of the following motion, that this House adopts the report of the controller of budget laid on the table of this House today, Thursday, 18th February, 2016.

Statement of amenities in the livestock markets within the County

MCA Poro Ward, (hon. Lazaro Letiktik): Thank you madam speaker, mine is a response for the statement brought last week by hon. Jerias Leshoomo, MCA Lodokejek ward. A request for the statement on 11th February, 2016, from the chair on Agriculture, Livestock and Fisheries concerning the social amenities in the livestock markets within the county.

Madam Speaker, the committee conveyed the request for the statement to the responsible CEC member and on behalf of the committee, I wish to convey the communication received from the CEC member for Agriculture, Livestock and Fisheries. I, therefore request to read the response as it is detailed. *“Re: instatement on the Samburu livestock market”*. The constitution of Kenya 2010 in the fourth schedule which refers to the distribution of functions between the national government and the county government devolved livestock market, herein referred to as *livestock sell yards* to the county government.”

The department further appreciates the role the livestock market plays in lives and the economy of the people of the Samburu County where 90% depend on livestock. This is demonstrated by the volume of trade volumes that take place during the livestock market days, driven by sales of livestock revenue collected from livestock sector. The revenue from livestock markets in Samburu grew to Kshs.22 million from Kshs.1.5 million before devolution. This is where the

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department is investing in livestock marketing infrastructure both through county funds and donor funds. Since devolution, a number of sell yards namely:

- ❖ Ilaut
- ❖ Tankar
- ❖ Sere-olipi
- ❖ Lengusaka
- ❖ Poro
- ❖ Suguta Marmar
- ❖ Lekuru
- ❖ Maralal

Plans are underway to construct Latakweny, Nkorika, Nairimirimo, Ndonyo-wasin and Nkutuk e Lmuget.

Madam Speaker, the department is aware that alongside infrastructural facilities of sell yards, which include assembly of holding structures, fence, crushes and a loading ramp. There are other amenities needed like, water source and watering troughs, toilets and trading shade which are missing in most sell yards. The department has a budget of two millions for the rehabilitation of sell yards of which most will be in the construction of toilets. The rehabilitation work is at the BQ stage. Therefore, further construction of sell yards includes toilets. Madam Speaker, I beg to give a response again another statement as I was to respond to two statements.

Temporary Speaker, (hon. Linda Naserian): Order hon. member, you should give members time to react to the first statement. I therefore call upon the hon. member who had requested for a response from the said statement, that is, Jerias Leshoomo to react to the response. What is it hon. Leitore?

Chief Whip, (hon. Benjamin Leitore): Madam Speaker the member has gone to Nairobi on an official duty and he gave me the mandate to interrogate on his behalf.

Temporary Speaker, (hon. Linda Naserian): Continue hon. member.

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Chief Whip, (hon. Benjamin Leitore): The concern of the member for Lodokejek ward was, when is the department planning to implement this having in mind that the statement has touched on a number of issues and particularly the time frame on when these developments will be implemented? This is because it has been a long time promise by the department which has taken a long time. So the concern of the member is when does he expect this to happen?

MCA Ang'ata Nanyokie Ward, (hon. John Lemulugo): Thank you Madam Speaker, I appreciate the response from the member for Poro ward as put clearly put by hon. Leshoomo; member for Lodokejek ward. There are so many programs by the said department which are yet to be implemented and I remember that we budgeted in the last budget. At Nkorika, there was also sell yard which was to be constructed there but we have not seen any progress and I believe there are also other places experiencing the same. So, I appreciate that the member came up with the response and I think it is clear, thank you.

MCA Poro Ward, (hon. Lazaro Letiktik): Thank you Madam Speaker, hon. Leshoomo was asking about the toilets and in the last paragraph of the response I was reading, the department budget for KSh. 2 million for rehabilitation of the sell yards most which will be in the construction of toilets and the rehabilitation work is at the BQ stage. Madam Speaker, I beg to give the response again as sought by hon. Shadrack Lesoipa... (*Interruption by the speaker*).

Temporary Speaker, (hon. Linda Naserian): Hon. Member, we are through with the first statement. (*Silence*) Hoping that the hon. member who had sought the statement is contented, I therefore put the case to rest. There is also... (*Interruption*), what is it hon. Letiktik?

MCA Poro Ward, (hon. Lazaro Letiktik): Madam Speaker, I have two statements to respond

Temporary Speaker, (hon. Linda Naserian): It is on record, continue hon. member.

MCA Poro Ward, (hon. Lazaro Letiktik): Madam Speaker, hon. Lesoipa, MCA Suguta Marmar requested for a statement on 11th February, 2016 from the chair on Agriculture, Livestock and Fisheries concerning vaccination against PPR, CPP and Foot and Mouth Diseases in Loolmolog and Loongewan. Madam Speaker, the committee conveyed the request for statement to the responsible CEC member and I wish to convey the communication received from the CEC member Agriculture, Livestock and Fisheries. Hereby attached, I therefore request to read the

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response in detail. Madam Speaker, the statement on the outbreak of FMD, PPR and CPP in Suguta ward, I refer to give statement regarding the outbreak as per ref SBU/CA/CK/ALS/VOL 1/002,

1. An outbreak is said to occur when a disease is reported to a larger number that is expected in a smaller geographical area over a short period of time. Going by this definition, the office is not aware of any FMD, PPR or CPP outbreak in the mentioned areas. Field technical officers and the community disease reporters (CDRS) have not reported any disease outbreak. When a disease is reported, a civilian team is immediately dispersed to the area to go and investigate; collect the necessary samples and take it to the veterinary laboratory for confirmation of diagnosis, in our case; the Kabete lab is not convenient.
2. Regular vaccination against FMD, PPR and CPP are carried out over a year by the staff of the directorate of veterinary service. In the year 2013, 60,000 gallons of (inaudible) were used in Samburu central.

In 2014, the following vaccination was carried out in the whole county. 115,000 heads of cattle were vaccinated against FMD, 340,000 goats were vaccinated against CPP and about 900,000 thousand sheep/goats were vaccinated against PPR

Last year, 2015 the following vaccinations were carried out vaccination was conducted and a total of 30,000 heads of cattle vaccinated against FMD of which 20,000 were from Nyiro ward, 10,000 were from Suguta Marmar ward. These were the areas of suspected cases of FMD were reported.

In this year 2016, the following vaccinations are planned and are in progress,

- ✚ Vaccination against FMD and FGP is going on in Samburu north and Samburu east.
- ✚ Vaccination against MMD, SGP and CCP in Samburu central will start on 17th February 2016; that is, yesterday.
- ✚ Vaccination against PPR is set to start on May 2016.

- ✚ The bating stray dogs to control rabies is said to start next week in all the trading centres in Samburu central.
3. A permanent solution is needed indeed. This involves creating public awareness on the need of pastoralist farmers to present their livestock for vaccination even when there is no outbreak. This is because immunity produced during vaccination reduces gradually as time passes and therefore there is need to give regular boost vaccination so as to maintain immunity required to keep the disease at bay. This can be done through mass extension services such as vernacular radio programs on the best practice on animals' health.
 4. (*Inaudible*) the county department of Agriculture, Livestock and Fisheries tends to place adequate disease control regime. However, the livestock owners' pastoralists, have to be encouraged to be ready and willing to present their animals when such vaccination schedules rolled out.

There is a need for more functions for disease control, management and surveillance funds is required for purchase of vaccines and for logistics to deliver the vaccines to the animals. CCPD and CGP require annual vaccination as immunity lasts for six months.

Samburu County is in a partnership with FAO to implement a global strategy to eradicate PPR/FMD vaccination schedule in May and November but the practice is not strictly adhered to due to the unavailability of funds as well as limitations of having single country producer of vaccine, i.e. Kenya Veterinary Vaccines Production Institute. This leads to the challenge of acquiring enough vaccines for the whole county.

The county overall objective is to control and manage Trans boundaries Animal Diseases (TADS) through regular vaccination and disease surveillance as to create a disease free zone and this will open up our livestock lucrative international markets.

However, this is only achievable if our neighboring counties regularly vaccinate their animals. The ideal institution is where the vaccines schedules are synchronistic, thank you.

Temporary Speaker, (hon. Linda Naserian): I now give this chance to hon. Shadrack Lesoipa to react on the response, what is it hon. Leitore?

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Chief Whip, (hon. Benjamin Leitore): Sorry Madam speaker but I think we are just in Order Number... *(Interrupted)*.

Temporary Speaker, (hon. Linda Naserian): Hon. Member you have just got in and now you want to react to the statement. You have not even heard what the hon. Member had just reported; we are in Order Number seven hon. member.

Chief Whip, (hon. Benjamin Leitore): Madam Speaker, I have just been informed by my colleague that we are in Order No. 8.

(LAUGHTER)

Temporary Speaker, (hon. Linda Naserian): We are still in Order Number seven hon. Member, continue hon. Elly(Loldepe)

MCA Maralal ward, (hon. Elly Loldepe): Thank you Madam Speaker, though this statement was requested by hon. Lesoipa, I have some few concerns. According to the response given, the department seems to be unaware of the disease and I wonder what the issue was then if they are saying they have field technical officers and they also have Community Disease Reporters yet this was reported sometimes back and has been ongoing within the communities.

I do not know then if the office did not have any information or they did not want to take any action. What I say in the statement is more reporting on the progress and more of reporting on what to be other than what the department is going to do on the disease that was reported in this hon. House and as requested by the hon. Member. So I am wondering whether this statement really answers the question or just what the department is doing. They are only saying what ought to be done under normal circumstances and we thank them for informing us what normally happens or on how vaccination is normally carried out, but what we would have preferred is the actions the department is taking because in this statement what we were given is only a half as it is only one out of three pages. May be it was intentional so that we will not respond to it fully. So what we have just heard is more of history. We did not ask them for the progress and the hon. member did not ask them what they did last year or the other years and the issue of synchronization of vaccination, (yes, that is wonderful) but they have not even said whether they have already liaised with those other Counties like Laikipia, Turkana, West Pokot and Marsabit

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but only talked of the ideal situation where vaccination is synchronized. We are not asking for ideal situations but rather actions and what the department is doing. I therefore think this statement, in my opinion do not meet the threshold and do not answer the question asked, thank you.

Temporary Speaker, (hon. Linda Naserian): Thank you hon. Member, basing on my understanding of the statement which inquired the same ministry to give information concerning vaccination against PPR, CPP and FMD in Loolmolog and Loongewan, and from the first paragraph of the statement, the department has mentioned that the office is not aware of the PPR, CPP or the FMD outbreak in the mentioned areas. So I guess that is the response from the department and the other part is just to inform the hon. House how the vaccination is done because they have just mentioned that they are not aware of any outbreak of the said disease.

MCA Maralal Ward, (hon. Elly Loldepe): Thank you Madam Speaker, yes, I do agree with your sentiment but the hon. member said the disease is already reported within the area. What I would have preferred is if the department would have said that they have sent or requested the Community Disease Reporters and their technical officers in the field to investigate the allegation as raised, so that is my major concern as they have said they are not aware and they have not said whether they have instructed those field officers to report back to them so that these diseases can be control, thank you.

MCA Baawa Ward, (hon. Pius Lobuk): I think the modern reporting of the outbreak of diseases by the department is through their Community Health Workers in the field and other extension officers. So far, they have told this committee that there are no outbreaks reported anywhere and I think that was what is entailed in that statement. We cannot compel the department to report what was not there. So in my understanding nothing has been reported so there was no disease outbreak.

Temporary Speaker, (hon. Linda Naserian): Precisely, yes hon. Lemulugo.

MCA Ang'ata Nanyokie Ward, (hon. John Lemulugo): Thank you Madam Speaker, as put by hon. Lobuk, statement sought by hon. Lesoipa and even though the department did not get the annual report from the health workers from the field, I think we remember that we read a report

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that there was an outbreak. So the department should investigate and if they get to know that there was an outbreak in the said area then they should rush and go there. So I disagree with hon. Lobuk that there is no disease outbreak, but the member for Suguta Marmar reported the outbreak in his area and so the department should rush there, thank you.

Chief Whip, (hon. Benjamin Leitore): Thank you Madam Speaker, I want to disagree with response from the department particularly when it comes to reporting because I expect the department to respond that due to lack of information pertaining to the said diseases, then they take their time to find out whether these diseases are there or not. Because to rule out the information brought out by the representatives of the people; constitutionally representatives then you want to disqualify that the information is wrong or incorrect then I think it is not right as we have the mandate as the elected members of this hon. House to represent our people, our communities and forward issues or problems affecting our people.

Madam Speaker, we are always in touch with our people day in day out. There is no a weekend that the elected member of this House will not be in his/her ward. It is totally different from the departmental officers who can only visit our wards when there is an outbreak when there is something to be found out. So I am not contented with this answer and I think the department should take its time to find out the issues pertaining to these diseases mentioned by the hon. member for Suguta Marmar ward so that they could ascertain whether the disease outbreak is there or not.

Madam Speaker, we are really in problems especially in high lands here within central as in the low lands especially in Baragoi and Wamba, we had enough December rains so there is enough vegetation for the livestock so they are not likely to be affected by the mentioned diseases. We are therefore concerned especially in the mentioned areas as there were no rains in December. So we expect the department to take its time and see whether these diseases are there or not.

Temporary Speaker, (hon. Linda Naserian): Thank you hon. members, to my understanding of the English language, the hon. member had sought for a statement concerning vaccination against the said diseases, and not the existent of the diseases. So I think the hon. member who had table the statement did tabled a very wrong thing as the said hon. member is very much aware that the diseases are in the said places and he wanted to know what the department is

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doing concerning the vaccination. So the other part of the response of the statement is to give the hon. members some knowledge of the practices being done but they have not told this hon. House whether they have any plans to provide the vaccination against the said diseases or not. So the first response is very wrong as the hon. member did not want to know if the diseases existed or not. So I therefore refer the statement back to the said committee to provide response as the requested statement (*applause*) and I therefore give a ruling that the said committee should respond to this hon. House by Tuesday next week at 2:30 p.m.

There is also a statement number 039 2015 for the chair on Physical Planning, Housing and Urban Development regarding the leasing of Maralal energy company to operate in Nyiro ward. I call upon the chair of Physical Planning, Housing and Urban Development to give a response to the hon. House. Continue hon. Leakono.

MCA Elbarta Ward, (hon. Romano Leakono): Thank you Madam Speaker, mine is just to register the disappointment that some of these questions the members ask on behalf of their people and they have been asked severally but it seems there will not be any answer forthcoming I this...(*Interruption by the speaker*).

Temporary Speaker, (hon. Linda Naserian): Are you the chair, vice chair or the member of the said committee hon. member?

MCA Elbarta Ward, (hon. Romano Leakono): None

Temporary Speaker, (hon. Linda Naserian): Then please take your seat hon. member, yes hon. Lobuk.

MCA Baawa Ward, (hon. Pius Lobuk): Madam Speaker, I support the initiative taken by hon. Leakono since he is the minority leader and the chair is not around, maybe he is the only one who can shed some light to this hon. House (*Applause*).

Temporary speaker, (hon. Linda Naserian): I had first given that chance to the chair, vice or any other member of the committee before giving the chance to present leader of the House to respond to it. And in the absence of the chair, vice or any member of the said committee, I

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therefore give this chance to the leader of majority to respond to the concern of the members of this House.

Leader of Minority, (hon. Romano Leakono): Thank you hon. Chair (*Interruption*).

Chief Whip, (hon. Benjamin Leitore): Point of order madam speaker.

Temporary Speaker, (hon. Linda Naserian): What is it hon. Leitore and please state on which point of order you are standing.

Chief Whip, (hon. Benjamin Leitore): Madam Speaker I am standing on a point of order 87 as you directed that the answer be given to the leader of majority but instead, the leader of minority had risen up. So, is it in order?

Temporary Speaker, (hon. Linda Naserian): And in his absence, I therefore give a chance to the hon. leader of minority.

Leader of Minority, (hon. Romano Leakono): (*I thought we are already in 2018 that is why I was very humbled to wake up as the leader of majority (laughter) on a lighter note*). Actually I wanted to register my disappointment as the leader of minority in this House as most of these statements have been asked and whoever asks these statements asks on behalf of the people he represents. And when these statements are not answered by the chairs, for a very long time, it leaves this House with bad name because we are here as the representatives of the people of Samburu County. Therefore, the chairs should be now responsible because what we do is for the people of this county and not for the individual member who asked the statement, thank you madam speaker.

MCA Nominated, (hon. Irene Leshore): Thank you madam Speaker, I also rise to give a concern about the department of Lands, Physical Planning and Housing. We know that many statements have been brought to this House concerning very sensitive issues like land and they have never been answered. Even previous statements like the issue of Sarima, we are still waiting for it two years down the line and no response has ever been given to that statement. So I urge the hon Speaker to make a very tough ruling about. Is it a coincident that seven members of the committee on lands are not in this house today? Or are they deliberately avoiding answering

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these questions? This response was supposed to be given today and it is in the order paper. Surely, even if the chair and the vice chair are not present, is it a coincident that not any member of the committee is in the House today, thank you.

Temporary Speaker, (hon. Linda Naserian): Continue hon. Lemulugo.

MCA Ang'ata Nanyokie Ward, (hon. John Lemulugo): Thank you Madam Speaker, I want to concur with the hon. members who have just spoken about the department statement raised by members, particularly the issue on the lands committee. Because if my memory serves me well, I remember there were several statements asked by so many members which have never been answered from the said committee. So we need to be very keen to identify the committees which are not ready to respond to their statements. I remember the statement sought by hon. Lesoipa a very long time ago and I think it has never been responded to by the said committee. Some members of the committee are seated in this house right now. This committee on lands is apparently having so many pending statements which need to be answered.

MCA Nominated, (hon. Ousman Dube): Asante sana Madam Speaker, hii Kamati ya Ardhi inaonekana iko na shida. Hon. Loldepe ni mmoja wao lakini anaonekana anajificha. Inaonekana basi hii kamati haina nguvu. Wao wanaonekana kama wamechoka na kazi kwa hivyo wanaweza wacha. Kila mara *statement* inayohusu hii kamati haijibiwi kwa wakati ifaayo, na mmoja au wawili wako hapa sasa lakini wanajificha, asante.

MCA Maralal Ward, (Hon, Loldepe): Thank you Madam Speaker, I am a member of the said committee but I chose to take some time to listen to the sentiment of the hon. members of this House. I have raised several concerns in this House and all members are aware though all of us keep burying our heads in the sand like Ostriches pretending that the danger will always pass away. Being a member of the committee, sometimes even bringing statements to this House that have not been looked into by the committee is a problem and cannot be allowed into this House. I think it is in public knowledge that the committee chairperson as stated in Standing Order number 161 (c) is the spokesperson of the committee and the vice takes over when the chair is not there... (*Interruption*).

Temporary Speaker, (hon. Linda Naserian): What is the point of order hon. Leitore?

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Chief Whip, (hon. Leitore): I am quoting point of order number 87 that the member should have a responsibility to substantiate or give a correct response as I wonder whether the member for Maralal is in order to tell this House that they have not sat as a committee to deliberate on these issues having in mind that most of these issues had a period of not less than two years like the Sarima issue. Maralal wind power has a period of not less than two months being in this House. So does he want to mislead this House that they have not sat as a committee to deliberate on the same? Having in mind as well that last week the leader of majority who is also the vice chair of the committee also directed and requested that they be given to respond today? So; is he in order to mislead this way?

MCA Maralal Ward, (hon. Elly Loldepe): Thank you Madam Speaker, I keep on wondering whether the hon. member is aware of what he is saying but madam speaker, I just wish to state that I was saying initially, that as stated in Standing Order number 161 (c) that the spokesperson of the committee is the chair person and the vice chair takes over from the chair in his absence and Madam Speaker in the absence of the two, Standing Order number 169 says, “in the absence of the chair and the vice chair in any meeting, a member designated by the chair will chair the meeting. In the absence of the designated member, the members present shall select one other member to chair the meeting”.

I wish to state that severally I have raised some concerns in this House that it has been a problem sitting as a committee and we have requested for several meetings though it has been a problem in one way or another. Having said that, yesterday members requested to meet but due to unavoidable circumstances; the chair, vice chair and other members were not available too. So on behalf of the committee, if this House allows I wish to take personal responsibility and be given more time up to Tuesday next week. So that within the next three days, we can look for ways to make the committee sit and then report back to this House as required by the Standing Orders of this House, thank you.

Temporary Speaker, (hon. Linda Naserian): Hon. members, basing my ruling on the provision of the County Assembly Standing Order 192 which states the responsibilities of the Liaison Committee, the first one being *to guide and coordinate the operations, policies and mandate of all committees* and part (d), *to ensure that committees submit reports as required by Standing*

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Orders and also putting into consideration Standing Order 193, section (ii) paragraph one: *the speaker may in special circumstance refer a matter to the committee* and also basing on the fact that the said committee has failed to provide the response as required by this hon. House concerning the issue which happens to be very sensitive needs an urgent response and therefore refer the matter to the Liaison Committee. *(Applause)*

There is also a response to statement No. 35, 2015 from the chair on Implementation Committee concerning Financial Report for all departments and the Progress Report sought by hon. Romano Leakono. I call upon the chair to give a response.

MCA Baawa Ward, (hon. Pius Lobuk): Madam Speaker that Statement was asked and I inform this House to give that statement next week Tuesday.

Temporary Speaker, (hon. Linda Naserian): Accepted hon. member, what is it hon. Leakono?

MCA Elbarta Ward, (hon. Leakono): I have statement to request.

Temporary Speaker, (hon. Naserian): Is it in today's order paper?

MCA Elbarta Ward, (hon. Leakono): Yes your honour.

Temporary Speaker, (hon. Naserian): Continue hon. Leakono.

MCA Elbarta Ward, (hon. Leakono): Thank you Madam Speaker, (the members are really exited after I called you 'your honour' but you are actually your honour as you are the speaker). Pursuant to Standing Order No. 42 sub section (ii), (c), I wish to request for a statement from the chair of the sectoral committee on Environment Water and Natural Resources regarding the employment criteria by SAWASCO.

The recent concluded recruitment by SAWASCO has marginalized communities from Samburu North and particularly Elbarta ward favoring only those from other sub counties. Elbarta ward has educated youth, yet they did not get chances to work in the company after serving the same company for 17 months as casual workers.

Regional ethnicity has normal criteria used when hiring. It is imperative to ensure that all communities are justly represented. It is undoubtedly injustice when other tribes and clans are

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also part and parcel of Samburu not included. The new constitution champions for equality and more so equal opportunity for all. Now that the state of affairs in this county is known, the next step is to find solutions for equal representation of all residents of Samburu County.

In view of this, the chair should inquire into and report on:

- Why Samburu North Sub County and Elbarta ward residents were left out during the recent recruitment by SAWASCO?
- Give reasons why 17 casual workers of SAWASCO were replaced by other people from other sub counties.
- Give reasons why the whole recruitment process of SAWASCO should not be terminated since the qualified people were left out in managerial positions among others.
- To shed some light on the mode of transition for the 17 workers of BAWASCO to SAWASCO.

Just to add a piece, we started piping water to town after it has been in disarray for some years. We started it as the people's initiative by Amos Lentoimaga who was the chair of the committee and with his own committee, and help from the area leaders, we started piping water to Baragoi town to a point where by you can at least get for the first time, tapped water. Then after running for at least less than a year and this is when the SAWASCO came and saw that we were progressing well. The umbrella body came too and operated through BAWASCO. It has been that way until SAWASCO came in. SAWASCO as it saw the work done by the community and appreciated by employing the 17 casual workers for the last 17 months. Only recently they were told to reapply. Most of them did reapply. The problem is, after they have reapplied, all of these casuals were kept aside and some new people were taken. The thing is if these casual are not returned, then we can as well close SAWASCO in Baragoi; we can as well go to the rivers and fetch water from there as we used to do previously. Otherwise, I feel that this is a big mistrust by SAWASCO to the people of Elbarta, thank you, Madam Speaker.

Temporary Speaker, (hon. Naserian): I call upon the chair of the sectoral committee on Environment, Water and Natural Resources, to respond to the statement. Hon. Lobuk.

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MCA Baawa Ward, (hon. Lobuk): Madam Speaker, I am not a member but I would like to add some input in what hon. Leakono has just said. There is big outcry concerning the employment by that company which was done I think, earlier this week. There are so many anomalies in that process and I would like to add what hon. Leakono has just tabled that, in that statement, we need too to be included, that is, we need the chair to table all the successful candidates to this hon. House, those who were given jobs by that panel so that we verify to know where each candidate comes from. So we need that information so that we can also give our take on the issue.

Chief Whip, (hon. Leitore): Thank you Madam Speaker, having in mind all the issues raised by members, I would to inform the House that the chair of the committee is not in the House and as a member of the committee would like to request that we be given until Thursday next week.

MCA Elbarta Ward, (hon. Leakono): Thank you Madam Speaker, I request that Thursday is very far for the people of Elbarta. Sincerely speaking, it is a very sensitive issue and we would like to get the response on Tuesday if you may, hon. chair.

Chief Whip, (hon. Leitore): Madam Speaker it requires a bit of consultation to get preparation of this document from SAWASCO to the House and that is why I feel Tuesday is a bit closer to give enough evidences to the statement so I feel that Thursday next week will be the appropriate time, thank you.

Temporary Speaker, (hon. Naserian): Ok, hon. members I now give the direction that the statement be responded to on Thursday next week in the afternoon.

MOTION

Chief Whip, (hon. Leitore): Thank you Madam Speaker, pursuant to the provision of the interim Standing Orders No. 152 (i) (d), this assembly approves the appointment of the following members of the County Assembly Business Committee for the fourth session of the first County Assembly:

1. Hon. Ltumbesi Lelegwe (the speaker) – chair.
2. Hon. Adamson Lanyasunya (deputy speaker) – vice chair.

3. Hon. Fabian Lolosoli - majority leader.
4. Hon. Romano Leakono - minority leader.
5. Hon. Benjamin Leitore - chief whip.
6. Hon. Sophia Leajore - minority whip.
7. Hon. Lawrence Lorunyei – MCA.
8. Hon. Raisy Letura – MCA.
9. Hon. Rebecca Lengupae – MCA.
10. Hon. Shadrack Lesoipa – MCA.

I call upon hon. Pius Lobuk to second the motion

(Hon. Lobuk bows)

Temporary Speaker, (hon. Linda Naserian): I now propose the question that pursuant to the provision of the Interim Standing Orders No. 152 section (i) (d), this assembly approves the appointment of the said members to the County Assembly House Business Committee for the fourth session of the County Assembly:

1. Hon. Ltumbesi Lelegwe (the speaker) – chair.
2. Hon. Adamson Lanyasunya (deputy speaker) – vice chair.
3. Hon. Fabian Lolosoli - majority leader.
4. Hon. Romano Leakono - minority leader.
5. Hon. Benjamin Leitore - chief whip.
6. Hon. Sophia Leajore - minority whip.
7. Hon. Lawrence Lorunyei – MCA.
8. Hon. Raisy Letura – MCA.
9. Hon. Rebecca Lengupae – MCA.
10. Hon. Shadrack Lesoipa – MCA.

The floor is now open for the members to deliberate on the motion (*Silence*). There being no any deliberations, I now put the question.

(The question is put and agreed on).

Temporary Speaker, (hon. Naserian): Yes hon. Leitore

Chief Whip, (hon. Leitore), Thank you Madam Speaker, pursuant to the provisions of the interim Standing Order No. 185 (ii), this assembly approves the appointment of the following members to the County Assembly Committee on Appointment for the remainder of the County Assembly remaining term:

1. Hon. Steve Lelegwe - Speaker
2. Hon. Fabian Lolosoli - majority leader
3. Hon. Romano Leakono - minority leader
4. Hon. Benjamin Leitore - chief whip
5. Hon. Jonathan Lemoosa - MCA
6. Hon. Lawrence Lorunyei - MCA
7. Hon. Raisy Letura - MCA
8. Hon. Linda Naserian - MCA
9. Hon. Sophia Leajore - MCA

I call upon hon. Statian to second

(Hon. Statian bows)

Temporary Speaker, (hon. Naserian): I now propose the question that, pursuant to the provisions of the interim Standing Order No. 185 (ii), this assembly approves the appointment of the following members to the County Assembly Committee on Appointment for the remainder of the County Assembly term:

1. Hon. Steve Lelegwe - Speaker
2. Hon. Fabian Lolosoli - majority leader
3. Hon. Romano Leakono - minority leader
4. Hon. Benjamin Leitore - chief whip
5. Hon. Jonathan Lemoosa - MCA
6. Hon. Lawrence Lorunyei - MCA
7. Hon. Raisy Letura - MCA
8. Hon. Linda Naserian - MCA

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9. Hon. Sophia Leajore – MCA

What is it hon. Loldepe?

MCA Maralal Ward, (hon. Loldepe): Thank you Madam Speaker, I am looking at the membership of the committee and I have some reservations of the committee as it is constituted at the moment and I wish to state that:

- ✚ Samburu County is divided into three sub counties: North, Central and East sub counties. Now, looking at the committee, majority of the members are from North and two from East, so nobody is representing central. This committee is very important as it does the vetting of the people who come in to work in Samburu County and sometimes this is politics and so if interests are not represented then that is a problem. Therefore, based on that, I have reservations and I think this committee should be reconstituted in a way Madam Speaker.
- ✚ Looking at this committee, the issue of party strength and I think it is stated in Standing Order No. 185 (i) that *“there shall be a select committee to be designated. The Committee on Appointment to be appointed by the County Assembly consisting of the speaker as the chair, leader of the majority party, leader of minority party and not more than three other members nominated by the County Assembly Business Committee on the basis of proportional party membership.”*

Therefore, I think the issue of party membership has not been taken into consideration too. So I think they should have considered that. I also do not know in terms of numbers whether this committee is more than what is provided for by the Standing Orders as Standing Order 185 (i) still says, *“the committee shall consist of the Speaker as the chair, leader of majority, leader of minority and not more than three other members.”*

Therefore, this committee at this level is still more than what is provided for by the Standing Orders of this County Assembly. I think this should be taken back to the constituting body to look into it again and do the necessary amendment, thank you.

Chief Whip, (hon. Leitore): Madam Speaker we had forwarded the list of the committee as it appeared before and this did not contradict our Standing Orders having in mind that this house

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made a review of Standing Orders and it is only that it had not been brought to the House for review.

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

Temporary Speaker, (hon. Linda Naserian): Continue hon. Leakono.

MCA Elbarta ward, (hon. Romano Leakono): Thank you Madam Speaker. It will be very absurd if the hon. Member can stand here and mislead the house. If you cannot table the Standing Orders as amended, then you should forget it and use what you have. Thank you.

Temporary Speaker, (hon. Linda Naserian): Thank you hon. Member, since you are aware that we do not anticipate debate in this hon. House, I will therefore call on you to substantiate the statement that the interim Standing Orders were amended.

Chief Whip, (hon. Benjamin Leitore): Thank you Madam Speaker. It is just but passing information to the house. I thought that it was important but where the house feels...
(Interrupted by the Speaker)

Temporary Speaker, (hon. Linda Naserian): The house is not aware of it and we are currently working with the existing Standing Orders. So, I ask you to withdraw that statement.

Chief Whip, (hon. Benjamin Leitore): Thank you Madam Speaker. I withdraw. Other than the membership of the committee, other issues raised especially as per the guidance of the Standing Order 185, which is the criteria we used to constitute this committee. Because the member for Maralal ward has skipped some very sensitive parts of the Standing Order 185 that says other than the membership, the committee, for the basis of proportional party membership in the county assembly, taking into consideration the numerical strengths of the parties and interests of the independent members. All that has been considered because this is a house with the responsibility of representation, oversight and legislation, we felt that we are here as the County Assembly of Samburu without dividing ourselves into sub-counties.

If you keenly look at the membership of this committee, this assembly has four members who are not from the ruling party. Three of them are members of the committee and I can point out hon. Romano Leakono, a Minority Leader who represents the opposition, hon. Lawrence

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Lorunyei, a KANU member and hon. Sophia Leajore has also been nominated by ODM. The opposition is represented as required by the Standing Orders, therefore, I don't think that the member has any point to raise on lack of representation because the key thing to consider is the numerical strength of the parties. Thank you.

Temporary Speaker, (hon. Linda Naserian): What is it hon. Loldepe?

MCA Maralal ward, (hon. Elly Loldepe): Madam Speaker, I need to ask for your pardon as I think the hon. Member is misleading the house. What I am referring to is Standing Order number 185. Playing around with the language so as to create confusion is wrong and the member should avoid this. What the Standing Order says is that there shall be a select committee to be designated the Committee on Appointment to be appointed by the County Assembly consisting of, in terms of numbers, the Speaker, one, who shall be the chair, Leader of Majority, two, Leader of Minority, three, and not more than 3 other members nominated by the County Assembly's Business Committee on the basis of party proportions. So, it is not more than three other members and this committee should have been six members at most. Having nine members is against the Standing orders which is the law that we are using in this house. If you contravene the law in a house of rules, then I don't know what we stand for, thank you.

(A call for a point of information)

Temporary Speaker, (hon. Linda Naserian): Whom do you want to inform hon. Leakono?

MCA Elbarta ward, (hon. Romano Leakono): Madam Speaker, I would like to inform the whole house that the numbers had been decided because in practice, there are two ways in which we operate. One is by precedence and practice and the other is by law in black and white. I would like to remind hon. Loldepe that the number nine has come as practice. We combine the two in our operations, thank you.

Temporary Speaker, (hon. Linda Naserian): From where?

MCA Elbarta ward, (hon. Romano Leakono): Madam Speaker, every house has its own unwritten rules. And once it is accepted by the members in law and practice, then it becomes a custom. Thank you.

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Temporary Speaker, (hon. Linda Naserian): Thank you hon. Members, you know very well there are rules that guide the operations of this hon. House and that is the Constitution of Kenya, 2010, the county assembly Standing Orders, the County Governments act and several other laws. Something becomes a custom of this house as long as it does not contravene the other existing laws.

MCA Elbarta ward, (hon. Romano Leakono): Madam Speaker, may I withdraw my statement and say that we go by the rules.

Temporary Speaker, (hon. Linda Naserian): Continue hon. Lemulugo.

MCA Ang'ata Nanyukie ward, (hon. John Lemulugo): Thank you Madam Speaker. I concur with the hon. Loldepe that we have to go by our Standing Orders and we have to go by the rules of this house which we use to conduct our business. We have seen that we have three more members and I ask if you can defer putting the question so that we can deliberate in our *kamukunji*.

Temporary Speaker, (hon. Linda Naserian): Thank you hon. Members, as requested by hon. Lemulugo and basing on the provisions of Standing Order number 50 section three, that is the Speaker may, in the request of a member, defer the putting of a question to the following day, in which case the Speaker may appoint a time when the question shall be put. I therefore defer the putting of the question in the said motion to Tuesday, next week, at 2.30 pm. Hon. Leitore.

Chief Whip, (hon. Benjamin Leitore): Thank you Madam Speaker, pursuant to the provisions of Interim Standing Order number 186 (4), this assembly approves the appointment of the following members to the County Assembly's County Public Investments and Accounts Committee for the remainder of the County Assembly's term:

1. Hon. Raisy Letura – Chair
2. Hon. Irene Leshore – Vice Chair
3. Hon. Elly Loldepe – Member
4. Hon. Shadrack Lesoipa – Member
5. Hon. Ltipilisa Lekupe – Member
6. Hon. Peninah Lemarle – Member

7. Hon. Benjamin Leitore – Member

I call upon hon. Loldepe to second.

(Hon. Loldepe bows in seconding the motion)

Temporary Speaker, (hon. Linda Naserian): I now propose a question that pursuant to the provisions of Interim Standing Order number 186 (4), this assembly approves the appointment of the following members to the County Assembly's County Public Investments and Accounts Committee for the remainder of the county assembly term:

1. Hon. Raisy Letura – Chair
2. Hon. Irene Leshore – Vice Chair
3. Hon. Elly Loldepe – Member
4. Hon. Shadrack Lesoipa – Member
5. Hon. Ltipilisa Lekupe – Member
6. Hon. Peninah Lemarle – Member
7. Hon. Benjamin Leitore – Member

The floor is now open for members to deliberate. Hon. Irene Leshore.

Special Elected MCA, (hon. Irene Leshore): Thank you Madam Speaker, I stand to support the motion but with a few reservations. I have been proposed as the Vice Chair of the committee but our Standing Orders number 159 section 1 (a), says that a select committee shall upon appointment elect its chair and vice chairperson from among its members. According to my understanding, I think the Selection Committee should only select the members of the committee and the members then select their chair and vice chair.

As the Vice Chair of the PIC and PAC Committee for the last three years, this is a very crucial committee of the house because it oversees funds which are entrusted to this county to manage for the people of Samburu County. We should not take it lightly like any other committee. I feel privileged to be selected and to serve for a second term as a member of this committee. I urge the members to take their roles seriously because we know for the last three years, we have only tabled 1 report yet there are many pending reports. We have very many issues concerning

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misappropriation of public funds in this county which never comes to light because as a committee, we are not following up on these issues.

Even as I support the motion and putting the blame on myself, I urge my fellow members to pull up our socks so that in the remainder of our term, at least something is done. But I would like your guidance on the election of the chair and the vice chair. Thank you.

Special Elected MCA, (hon. Osman Dube): Asante sana Spika, ukiangalia kamati zote, sumu iko katika kamati hii. Mwenyekiti akishika kamati kadhaa, hakuna kitu kitakachoendelea. Katika kamati hii, Mhe. Raisy Letura ako katika Kamati ya Ardhi. Hapo kuna shida na kwa hivyo, naona mwenyekiti au naibu wake atolewe hapo na tuweke mtu mwingine. Asante.

MCA Elbarta ward, (hon. Romano Leakono): Thank you Madam Speaker. Mine is on two issues. One is that this committee normally is the domain of the opposition. That is why it has never functioned for the last three years because we have been having the same people in the government running a very crucial committee in this county. It is the eye of the people of Samburu. I have a reservation on the selection of the members because it is a domain that should be chaired by the opposition.

Two, in Standing Order 186 sub-section (iii), it is only supposed to have the chair and four other members making them all five. Again here, if you go by the laws, we are excess by two members. I request that the proposed members be sent back to the Select Committee so that we take care of the law as it says. Thank you.

Temporary Speaker, (hon. Linda Naserian): Continue hon. Leitore.

Chief Whip, (hon. Benjamin Leitore): Madam Speaker, in reference to the issues raised by members, we had forwarded the committee as it appears before and it is our feeling as the leadership of this house that we should not have displacements of our members especially within the committees in order for them to execute what is before them. I say this because our term is almost ending. We have less than one and a half years to go and the membership of the committee depends on the members who have experienced issues within those committees. We deliberated as a house before approving these names when we constituted the house and we

agreed, having in mind the Standing Orders, to have a membership of seven for PIC and PAC and nine for Appointments. *(Interrupted by a call for point of order)*

Temporary Speaker, (hon. Linda Naserian): What is the point of order hon. Leakono?

MCA Elbarta ward, (hon. Romano Leakono): Is it in order Madam Speaker that the hon. Member keeps on misleading the house that because we erred in the first place, we should keep on until we end our term while breaking the law from the beginning to the end?

Temporary Speaker, (hon. Linda Naserian): It is completely not in order and it is provided for in Standing Order 156 section (2) that whenever approval of a list is moved to the hon. House, it is subjected to objection and the objection shall be formulated under the proposed membership as a whole. Continue hon. Leitore.

Chief Whip, (hon. Benjamin Leitore): Thank you Madam Speaker, I concur with that and on the second point raised by hon. Leakono that the membership needs to be dominated by the members of the opposition, it is within the tradition of this house that as a leader of this house, I am failing to understand who the members of the opposition are, because the Leader of Minority has appeared to be more of a member of the government rather than being anti-government. Madam Speaker, please protect me. We only have four members of the opposition in this house. Hon. Leshoomo and hon. Leakono who are pro-government and two other members. That is why even the hon. Member for Maralal ward appears to be more of opposition than pro-government because the members of opposition are not playing their role. We had agreed that the membership of this committee be constituted the way we felt better because members have decided to side with the government no matter the numbers that they have...*(Interrupted by a call for a point of order from hon. Leakono)*

Temporary Speaker, (hon. Linda Naserian): What is the point of order hon. Leakono?

MCA Elbarta ward, (hon. Romano Leakono): I think the hon. Member should withdraw his statement and apologize. It is constitutionally known and noticeable that the hon. Members of opposition are here and we are not rubber stamps of anybody. Therefore the opposition exists as per the constitution of Kenya.

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Temporary Speaker, (hon. Linda Naserian): Hon. Leitore, withdraw and apologize for mentioning members in such a compromising situation.

Chief Whip, (hon. Benjamin Leitore): Thank you Madam Speaker, I withdraw and apologize for mentioning member's names but this is... (*Cut short by the Speaker*)

Temporary Speaker, (hon. Linda Naserian): Take you sit hon. Leitore. After apologizing, you don't need to explain. Continue hon. Lobuk.

MCA Baawa ward, (Hon. Pius Lobuk): Madam Speaker, to my understanding and what I have been going through since hon. Leitore presented this list, to be sincere, our brothers from the opposition have been fully incorporated in all the lists (*Applause*). We have done the fairest we could do. What we are discussing now, the PIC and PAC list, it seems that we have maintained the status quo and I think the list have just come here for confirmation. So, membership should remain as they were according to what the list is telling us. Otherwise, for the period this list has been in operation, I think we have been moving very fairly without any hiccups. So, why don't we confirm the list and move ahead?

Temporary Speaker, (hon. Linda Naserian): Continue hon. Lemulugo.

MCA Ang'ata Nanyukie ward, (Hon. John Lemulugo): Thank you Madam Speaker, I concur with hon. Lobuk that the list should remain the way it is. The only thing that I see, for the committee to be active, the members can change the leadership of their committee and not the membership. I believe that our brothers from the opposition side should not complain a lot because they are in all the committees. If members of the opposition are not playing their roles, it shows that other members are playing the roles of the opposition in tasking the government. Because, we have never seen any member of the opposition bringing motions and when the members of the government side bring motions, they are always opposing. So, I don't know what their roles are as members of the opposition side. Thank you.

MCA Maralal ward, (hon. Elly Loldepe): Thank you Madam Speaker, I wish to raise my reservations as initially raised by hon. Irene. First, I thank those who nominated me into this committee. I am privileged to serve in this powerful committee. But I am still discontented a lot. I also wish to state that I am a member of the Selection Committee and what the law says is that

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the Committee on Selection shall nominate members to serve in committees save for the membership of the County Assembly's Business Committee and the Committee on Appointments. The list I am seeing in this house has not been selected by members of the Select Committee. If I am a member of the committee and I have not been informed about the composition of this committee, then what is my role as a member of the committee?

Temporary Speaker, (hon. Linda Naserian): Hon. Member, are you trying to tell this house that the list is not from the Selection Committee?

MCA Maralal ward, (hon. Elly Loldepe): Yes Madam Speaker.

(Call for a point of order from hon. Lobuk)

Temporary Speaker, (hon. Linda Naserian): What is the point of order hon. Lobuk.

MCA Baawa ward, (Hon. Pius Lobuk): Madam Speaker, we need your direction because it is amazing that hon. Loldepe seconded this list. How comes he is criticizing it again?

MCA Maralal ward, (hon. Elly Loldepe): Thank you Madam Speaker. I had reservations and I think you noted from my face when I was standing up, I only bowed and I did not utter a single word. Protect me. *(Asked to continue by the Speaker)* Being a member of a committee is not just by name because it is tiring when you are not playing the role. Being a member of the Selection Committee who has not been involved is the first point of difference.

Number two, selected the chairs and the vice chairs of a committee is not the role of the Selection Committee if it is the committee that did this. That is a failure because the committee members, as stated by the Standing Orders, appoint those to serve as chair and vice chair. I think hon. Irene clearly quoted the Standing Orders as it says.

Thirdly, it is parliamentary practice that the chairing of this committee is very critical and is normally chaired by the opposition.

Fourthly, this committee has been in existence for the last three years. As hon. Irene said, we still have many concerns that have not been addressed. We have reports not tabled despite the fact that we have completed them. That is why it is shameful, for some of us, to be members of a

committee and yet you still have some reservations. It is good to say what we feel and I think we have raised these concerns several times. Other than putting the question, we still request that, as initially requested by hon. Lemulugo, it be deferred and the Committee on Selection sits and thinks about the list. Thank you.

Chief Whip, (hon. Benjamin Leitore): Madam Speaker, I am shocked when members contradict themselves. I appreciate that hon. Loldepe is a member of the Select Committee but there was a meeting chaired by the Leader of Majority and that is why I forwarded these names on his behalf... *(Interrupted by a point of order)* Madam Speaker, please protect me so that I can communicate.

Temporary Speaker, (hon. Linda Naserian): Please, let the member complete his point.

Chief Whip, (hon. Benjamin Leitore): Madam Speaker, we had approved the composition of the House Business Committee when the member for Maralal ward was seated here. He did not question why that did not go through the Select Committee. Then with his own interest, because of the PAC, he has raised the issue here. We are only discussing the composition of the committee and not what it has done or failed to do. That goes back to the committee and it can also be taken back to Liaison whether this committee is working or not.

Temporary Speaker, (hon. Linda Naserian): But there must be concerns from the hon. Members if the same members are re-elected to the said committee and it is reported that the committee has not done anything for the last three years.

Chief Whip, (hon. Benjamin Leitore): Madam Speaker, I am saying that the motion before this house is on the membership of the committee and not what it has done or not. On the issue of chair and vice chair, through your direction, this can be referred back to the committee that it goes back as proposed here and select their chair.

Temporary Speaker, (hon. Linda Naserian): What of the membership of the committee? The number that should constitute the committee.

Chief Whip, (hon. Benjamin Leitore): We had previously said, as also pointed out by hon. Lobuk, this is the composition of the committee as it used to appear. And members of this house

have been here since the establishment of this house, especially members for Elbarta and Maralal wards. There were Standing Orders guiding us. Why now ... *(Interrupted by a point of order)*

Temporary Speaker, (hon. Linda Naserian): Continue hon. Leakono.

MCA Elbarta ward, (hon. Romano Leakono): Thank you Madam Speaker. Is it in order for the hon. Member to keep on misleading this house that we have been here for the last three years and the law has been broken? But if today is the day that the Lord has opened our eyes and ears can we say no? I think it is in order for us to follow the rules and it does not matter whether we erred before. Thank you.

Temporary Speaker, (hon. Linda Naserian): Hon. Members, having deliberated on the issue at length, I now defer the putting of the question to Tuesday, next week, at 2.30 pm. Hon. Leitore.

Chief Whip, (hon. Benjamin Leitore): Thank you Madam Speaker, pursuant to the provisions of Interim Standing Order number 187 (4), this assembly approves the appointment of the following members to the County Assembly's Budget and Appropriation Committee for the remainder of the county assembly term:

1. Hon. Jonathan Lemoosa – Chair
2. Hon. Benjamin Leitore – Vice Chair
3. Hon. Adamson Lanyasunya – Member
4. Hon. Lazaro Letiktik – Member
5. Hon. Pius Lobuk – Member
6. Hon. Sarak Lekisaat – Member
7. Hon. Modester Lalaikipiani – Member

I call upon hon. Lemulugo to second.

(Hon. Lemulugo bows in seconding the motion)

Temporary Speaker, (hon. Linda Naserian): I now propose a question that this assembly debates and approves the said motion as it is. I call upon hon. Members to give their views concerning the motion. Yes hon. Irene Leshore.

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Special Elected MCA, (hon. Irene Leshore): Madam Speaker, I rise to support the motion and to congratulate the members who have been nominated to the committee. But I would like to remind the mover of the motion about Standing Order number 159 section (a) on the selection of the chair and the vice chair. I think the committee members should be allowed to select their leaders. I would also like to congratulate the Chief Whip because he seems to be in all the four committees that we are approving today. *(Laughter)* I don't know if it is a coincidence or by design. Congratulations hon. Leitore. Thank you.

Special Elected MCA, (hon. Osman Dube): Asante sana Spika. Labda hata akisoma kamati ingine, Mhe. Chief Whip (Kiranja wa wengi bungeni) badala ya kuangalia maslahi ya wenzake, yeye bado yuko tu. Asante sana. *(Loud laughter)*

(Hon. Leitore calls for a point of order)

Chief Whip, (hon. Benjamin Leitore): Spika ningependa kuuliza kama ni vyema wawakilishi wakiongea jambo kuhusu mwakilishi mwenzao. Kwa sababu katika kamati zile ambazo tuko nazo, kuna 20 ilhali tumezungumza juu ya kamati nne tu. Sijui kama ni vyema kwao kungea juu ya Kiranja kwa kuwa katika kamati hizo nne ama ni sarcasm (kejeli). Naona kama ni njia moja ya kuingilia uongozi kwa yale ambayo tunapeana katika jumba hili.

Temporary Speaker, (hon. Linda Naserian): Kweli, si vyema kabisa na wawakilishi wanapaswa kuzungumzia swala kwa jumla lakini sio kuhusu mwakilishi binafsi. Kwa hivyo ningepomba wawakilishi ambao wameongea kuhusu Mhe. Leitore kibinafsi, waombe msamaha.

Special Elected MCA, (hon. Irene Leshore): Madam Speaker, I would like to apologize to hon. Leitore though it was not on a bad note but on a light note.

Temporary Speaker, (hon. Linda Naserian): It was just to congratulate you hon. Member for being a member of four committees. Congratulations. Continue hon. Lobuk

MCA Baawa ward, (Hon. Pius Lobuk): Madam Speaker, I think that is why hon. Leitore is presenting these lists. The Budget Committee has been a very active committee and we have seen tangible results every time. If we did not, our budgeting process would have come to a halt

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but it has never. Our budgeting process is around the corner and we don't want to delay the confirmation of this committee. I appeal to this hon. House that let us confirm this list.

MCA Elbarta ward, (hon. Romano Leakono): Madam Speaker, with your permission. (*Member is allowed to continue*). As much as we say that the Budget Committee is better than many, led by the hon. Lemoosa, I would like to point one thing so that it goes on record. That is, the Select Committee has no mandate to select the chairs of committees. Therefore, I request that because of that error, this motion be deferred to another day so that the appointed member sits and comes up with a report on the selection showing that hon. Lemoosa is coming back as the chair of the same committee. Just to be on the right foot and for purpose of records and archives of this house, this question should be deferred on that issue so that the committee can go and elect their chair, thank you.

Temporary Speaker, (hon. Linda Naserian): Continue hon. Lemulugo.

MCA Ang'ata Nanyukie ward, (Hon. John Lemulugo): Thank you Madam Speaker, I stand to support the committee. The member has just put it that the committee is always working and doing a good job. The budget is around the corner as put by hon. Lobuk. If we defer this committee, it will take us a long time and the budget needs to come so that we have projects going on and other things running. Our budget always comes on time and I don't see any problem of us approving this committee. Thank you.

Chief Whip, (hon. Benjamin Leitore): Thank you Madam Speaker, I want to concur with the contribution made by hon. Lemulugo, hon. Pius Lobuk and hon. Irene that the work of this committee is very important. Sometimes, we need to be sincere when it comes to issue of performance and non-performance. When a committee performs, we need to applaud it to encourage them to perform even better. I want to report to the house that there is a County Annual Development Plan before the committee. There is also the coming up of the Strategic Plan for the county that is to be forwarded to this house through the Budget and Appropriation Committee on the 28th of this month. Further delay on the approval of this committee will cost this county a lot. This is an issue of county importance that we need to adhere to by approving this committee so that they could constitute to take up their mandate. At the moment, this committee cannot have meetings or produce documents forwarded to them by the Finance

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department as they are not legally approved by this house. So, I call this house to approve the committee as it is because it is the mandate of the committee to change the chair.

MCA Elbarta ward, (hon. Romano Leakono): Thank you Madam Speaker. I think we are just saying the same thing that the members in that committee have been doing a good job. Nevertheless, I don't think it is right for members to say that because of the importance of the committee, we break all the rules of the Standing Orders. I don't want to be a member supporting that. If we don't live by the rules, then we have no business being in this house because we would be doing what our hearts tell us. Under all those circumstances and all the pressure, we must follow the rules. The Select Committee has done its part albeit some errors and this should be deferred until Tuesday. We cannot just close our eyes and say because this is urgent, we should break the rules. Thank you.

Temporary Speaker, (hon. Linda Naserian): Thank you hon. Members, since the member has requested for the Speaker to defer putting the question as it is provided in the Standing Orders, I now defer the putting of the question to the said motion to Tuesday afternoon at 2.30 pm. Hon. Lemulugo.

Chair, Committee on Medical Services, Public Health and Sanitation, (Hon. John Lemulugo): Thank you Madam Speaker. Pursuant to standing order 47(1), I wish to move a motion that this house debates and approves the report of the Committee on Medical Services, Public Health and Sanitation on employment of ambulance drivers. I beg to move. This is the report of the committee on the said issue.

On 14th October 2015, Hon. Jerius Leshoomo, MCA Lodokejek ward, sought a statement from the department of Medical Services, Public Health and Sanitation concerning the employment of ambulance drives and pursuant to Standing Order 191(5), the Statement was committed to the Committee on Medical Services, Public Health and Sanitation.

The committee conveyed the same to the department on a letter dated 15th October, 2015, reference number SBU/CA/CK/MSPS/VOL.I/004. The department replied through a letter

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received on 21st October, 2015; reference number MOH/SC/CAC/15. The committee found that the response was not satisfactory.

The committee then decided to write a full report on the matter and all relevant officers and the Chairperson, CPSB, were invited to appear before the committee. These are:

1. Mr. Saidimu Lenarongoito - Chairperson, County Public Service Board
2. Mrs. Mary Ekai – CEC, Health,
3. Mr. Julius Leseeto – Chief Officer, Health
4. Mr. Antony Runo – Hospital Administrator
5. Mr. Meshack Kariuki – Paying Cashier
6. All Ambulance drivers

The committee was also able to interrogate all the above officers except Mr. Meshack Kariuki who did not honour the request to appear before the committee. Mr. Meshack Kariuki was the Paying Cashier and would have been of great help to the committee if he had turned up.

Despite the various challenges the committee was able to gather all necessary information and therefore, after careful consideration of the facts wishes to submit the following report on the matter.

The statement sought by Hon. Jerias Leshoomo concerned the employment of ambulance drivers but upon interviewing the drivers, the committee discovered that not only did the drivers suffer due to their state of being casuals for more than three years, but also their names were used, by the corrupt officers, to syphon public money from the department.

Those drivers were paid by the health facilities under Health Sector Service Fund (HSSF) a funding by the national government and at the same time paid by the county government of Samburu.

The committee discovered that the drivers were only paid by the facilities through the HSSF after every three months and the drivers did not receive any salary from the county government of Samburu. The committee realized that the county government usually wires the money

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through the account of Mr. Antony Runo, as an imprest, who withdraws the money and hands over to the Paying Cashier who was supposed to pay the drivers and doing the transaction without keeping any records.

Annex 3 is a payment schedule or payroll by the department which was supposed to have been used to pay the drivers. At the scrutiny of the payroll, the committee was able to identify a lot of discrepancies in respect to the payment of the ambulance drivers. The drivers claimed that they did not sign the payment schedule and the appended signatures were not theirs. The drivers from the following health centres disowned the appended signatures for the months indicated as follows;

1. Suguta Marmar Health Centre – April, May and June.
2. Kisima Health Centre – April, May and June.
3. Sereolipi Health Centre – March, April, May and June.
4. Wamba Health Centre – April, May, June, July and August.

This brings to a total of Ksh.147, 582 as the money claimed by the drivers not to have been paid.

The report is divided into three main parts:

Section 1: Internal request for the statement and response

Section 2: Contains the committee's observations and recommendations and

Part 3: Contains the attachments to the report.

I therefore call upon hon. Loldepe to second.

MCA Maralal ward, (hon. Elly Loldepe): Thank you Madam Speaker. I rise to second the report as tabled by the hon. Chair. At the same time, I request the hon. Members to support the passing of this report. As we were interrogating about the issue of the ambulance drivers as initially requested by hon. Leshoomo, we realized, as the report puts clearly, that the drivers were being used. And the recommendations provided for by this committee, will seek to address the issues. We wish to request that the findings and the recommendations of this committee be adopted by this house so that justice can be done to the drivers. I wish to draw the attention of the members to the following parts, although our report is not fully numbered but I want to refer

them to a submission by one Mr. Runo, the Hospital Administrator. I read: Mr. Antony Runo being the hospital administrator confirmed to the committee that he was fully aware of the jeopardy but never took the obligation of informing the top management.

He informed the committee that the money is usually wired to his account, he withdraws and directs to the Paying Cashier, Mr. Kariuki, to do the payments to the ambulance drivers. There were no records showing the transaction of the money between him and Mr. Kariuki. If you go back and see what the ambulance drivers were going through, these are people who we entrust with the lives of others. They transfer patients even without sleeping. Some of them even confessed that they used to sleep in the ambulance. They sometimes take patients with severe conditions to far places but they end up sleeping in the ambulances, which is unfair. The committee found out the following which I wish to draw to the attention of the members:

1. That the whole recruitment process was not formal. This needs to be formalized.
2. That there were no records kept during transactions.
3. That the Paying Cashier has been signing for the driver's salary on their behalf. I think this is ridiculous that the money is never even given to the drivers.
4. That most drivers are still in the payroll despite the fact that they were not paid by the county government by then but were paid by the hospital facilities.

I also want the members to clearly note that, despite the fact that money was being wired from the county government, the money was not being given to the drivers. The money is withdrawn but it goes to the pockets of few individuals and not the people doing the work. That is the worst kind of injustice that can be done to those people.

5. That all the drivers received temporary appointment letters on 28/10/2015 and not when they were recruited.

I think it was just a day before our meeting. Most of them confirmed that they were just called to have the appointments letters because they were coming for the committee meeting. It was irregular.

6. That the identity card numbers of the drivers in the payroll differ from those being used in paying and those that the drivers had.

If you had to go through the whole report, you will note a lot of unfairness. I wish also to draw the attention of the committee to the fact:

7. That the Paying Cashier never showed up even after an official invitation from the committee. He actually refused to turn up.
8. That most drivers do not receive their per diems or allowances whenever they transfer patients to other referral hospitals.

That is also completely unfair and this is what is contributing to the drivers sleeping in the ambulances. You entrust someone with the life of a patient but the person, himself, is not comfortable. That is a very big risk that we are putting other people into by not taking care of the drivers that we have employed.

9. That committee observed that the drivers from the following health centres claimed that the appended signatures were not theirs:
 - a) Suguta Marmar.
 - b) Kisima.
 - c) Sereolipi.
 - d) Wamba.

The actually disowned the signatures within the report which is about Ksh. 143,582 in terms of the money that they were supposed to have been paid for the months of April, May and June for Suguta Marmar and Kisima, March, April, May and June for Sereolipi and April, May, June, July and August for Wamba.

I wish this house adopts the committee's recommendations which the Chair could have read so that this house adopts for immediate action to be taken against those who have been unfair to the drivers. Thank you.

Temporary Speaker, (hon. Linda Naserian): Thank you hon. Member, I just wish to enquire on where the recommendations of the committee are.

(The Speaker is assisted by the Clerk to identify the page on which the committee's recommendations are)

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I now propose a question that this house debates and approves the report of the Committee on Medical Services, Public Health and Sanitation. I now invite hon. Members to give their views concerning the said report. Hon. Irene Leshore.

Special Elected MCA, (hon. Irene Leshore): Thank you Madam Speaker. I rise to support the report of the committee, of which I am a member. I would also like to congratulate the committee for the comprehensive report. I would like to inform the house that this work had been done in a span of around five months. So, the committee put in some extra hours and a lot of hard work to bring the report to this house. This is because we wanted to get to the bottom of this issue of misappropriation of money which was meant for drivers. I would like to urge the hon. Members to adopt the recommendations of the committee and if you allow me to read them. In light of the above, the committee recommends that:

1. The Chief Officer should take administrative action, immediately, against the officers involved (Mr. Anthony Runo and Mr. Meshack Kariuki).
2. The CPSB to regularize the recruitment of the ambulance drivers.

I urge the hon. Members to adopt the recommendations and stern action taken against those officers who have been misappropriating money meant for the innocent drivers. This is just the tip of the iceberg and there is more underneath. There must be more money which has been misappropriated in this department and if appropriate action is taken against these people, others will not be tempted to misappropriate public funds. Thank you.

Chair, Committee on Medical Services, Public Health and Sanitation, (Hon. John Lemulugo): Madam Speaker. As hon. Irene has just read the recommendations of the committee and as put by hon. Loldepe, this is ridiculous that people are using other people's names to get a lot of money from the county government. It is not just in this department but also in others. If only the committee could do the same thing and interrogate even the junior officers from the department, that is when we will realize that there are so much public funds misappropriated in this county. People are taking a lot of money from departments without anyone noticing. This is just the start in our department but the people who took this money are not even scared. It seems

like this is a normal business. The drivers are claiming all this money and as put by hon. Loldepe, some of them even transfer patients from Maralal to Nairobi and sleeping in the vehicle and the following morning, they travel back to Maralal without receiving even a coin. That is a big shame.

I urge the members of this house to support and pass this report so that the few individuals can realize that they did something wrong in the eyes of our people which should be stopped. It is failure of the committees sometimes that we do not dig deep to get real information so as to discover that money is lost. When we call the CECs, they never say the truth. So, sometimes dig more by even inviting the junior officers so as to get the real story. I also want to take this opportunity to thank members of this committee who participated in bringing the report. It took us a lot of time and energy. I also wish to thank the Offices of the Speaker and the Clerk for their support. Thank you.

MCA Baawa ward, (hon. Pius Lobuk): Madam Speaker, I support the report and the recommendations of the committee. It is shocking and fascinating to see human resource being misused to this level. Even the paying cashier who was tasked with the welfare of this people did not turn up after being summoned by the committee. That is belittling the committee of this house which is mandated to act on behalf of the oppressed members of this county. Every organization has its terms of service, norms and standards to be followed. But when you go through this report, none of this has been applied. I support that the staff who have been doing this shocking revelations to others to be fully disciplined, summoned, interdicted or surcharged.

Temporary Speaker, (hon. Linda Naserian): Having heard from the hon. Members, I now put a question that this hon. House approves the report of the Committee on Medical Services, Public Health and Sanitation that has just been debated.

(Question put and motion passed)

Just take your seats please. I thank the committee for tabling that report and also for the members who have approved it. I urge the relevant authorities to ensure that those recommendations are

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implemented. The interests of the people whom we represent are being compromised. When misappropriation of funds is involved, it is a serious issue that needs to be taken care of. I also urge the Committee on Public Investments and Accounts to pick up from where the Committee on Medical Services, Public Health and Sanitation has left so that we ensure that we play our roles of representation and oversight well. The time being 25 minutes to 6 o'clock and there being no other business, this assembly stands adjourned until Tuesday afternoon, the 23rd February, 2016, at 2.30 pm. Thank you.