

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Tuesday, 19th May, 2020

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

Temporary Speaker (hon. Doris Lenkirasi) in the Chair

PRAYER

MESSAGES

Temporary Speaker, (Hon. Doris Lenkirasi): Hon. Members, pursuant to Standing Order 41 concerning messages from the County Governor, shall read it as follows;

CEC nominee for Gender, Cultures, Social Services, Sports and Youth Affairs. In accordance with Article 179(2) (b) of the Constitution of Kenya and pursuant to section 35(1) and (3) of the County Government Act (CGA), No. 17 of 2012, I am pleased to submit herein the nominee for the above mentioned portfolio in the County Executive Committee for consideration and approval by the County Assembly in line with section 35 (2) of the CGA. The particulars of the nominee and the respective portfolio are listed here under.

Name; Rosemary Twenty Paul, Portfolio; Gender, Cultures, Social Services, Sports and Youth Affairs. He has given her telephone number; 0705521676.

Kindly, receive the nomination and expedite the review, vetting and approval process to enable us fill the vacant County Executive Committee establishment at the earliest opportunity. Signed for the Governor His Excellency Moses Lenolkulal.

Hon. Members, having read the notification message from the Governor pursuant to section 7 of the Public Appointment County Assembly Approval Act, 2017, I hereby commit it to the Committee on Appointment which shall consider the nomination and table its report in the County Assembly for debate and decision within the shortest time possible. Thank you.

PAPERS

Leader of Majority, (Hon. Christopher Lentukunye): Thank you Madam Speaker. Madam Speaker, I beg to table the Public Finance Management Samburu County COVID-19 Emergency Response Fund as the regulations 2020. I beg to table. (*inaudible*)

Temporary Speaker, (Hon. Doris Lenkirasi): Hon. Members, having laid before the Assembly the Public Finance Management Samburu County COVID-19 Emergency Response Fund

Regulations 2020, I hereby commit it to the *Adhoc* Committee on COVID-19 to consider it and make report to the Assembly pursuant to Standing Order 196 (3). Thank you.

QUESTIONS AND STATEMENT

MCA Wamba East Ward, (Hon. Lucas Lekwale): Thank you Madam Speaker. Madam Speaker, I am rising for the fourth time again to inquire and ask on the statement that I asked earlier, I think one month ago. And again I asked on Tuesday last week on 12th the statement from Chair of Education and Vocational Training on ECD school feeding program popularly known as supplementary feeding. So Madam Speaker, I am rising again to follow up and ask for the same statement for the fourth time Madam Speaker. Thank you Madam Speaker.t

Temporary Speaker, (Hon. Doris Lenkirasi): I can't see the Chair for the Education Committee, the Vice Chair please.

Specially Elected, (Hon. Elizabeth Kalapata): Thank you Madam Speaker. Madam Speaker, I beg to request for more time because we have been following with the Executive to try answer that question. But they were not in the office I do not; maybe it is because of COVID-19. Everybody is quarantining, limiting time of working. Thank you Hon. Speaker.

MCA Elbarta Ward, (Hon. Peter Lempei): Madam Speaker, thank you very much giving me to ventilate on this issue this afternoon. This is an issue that is so crucial to our people. I sympathize with the Hon. Member this afternoon, giving us a response that they require to more time to respond to crucial issue as serious as COVID-19. When the Hon. Member raised this issue a month ago, and went to follow up more than four times, in which this House has pronounced itself that every time, a week 7 days after it would be responded to then surely it erodes the authority of this House.

Madam Speaker, this is not a possible matter. This is a quite a serious matter because it touches on the soft belly of our children. It is about food. It is about how that food can be put into a new use in the event of the risks we are facing now as county and country. To come and tell the

House that COVID-19 has denied the Executive chance to respond to a one page statement. One page statement that has specific questions that is about three. On an Executive that is supposed to have all that information in a computer. That it has to be reduced into writing to respond to the statement of the Hon. Member then surely that is taking this House for granted.

Madam Speaker, our Standing Orders are also clear on demanding answers from the Executive as an oversight role. And they give limits to the number of times on which the issue has to be responded and in the event it is not to, the House pronounces itself and asserts the authority. You are Speaker of our County Assembly. That arm of government and you have given directives that final; that by Tuesday last week, an hour like this, the Speaker pronounced that she directs that this be brought before the House today. And the person acting for Education Committee is telling us COVID-19 has denied somebody to come write a report that is supposed to be right in front of a laptop.

I am glad that the Chairperson has just arrived and Madam Speaker I am not sure if he is properly dressed or we declare him a stranger, but we will sympathize with that because he wants to take an escape route and be declared a stranger... (*Interjection by Temporary Speaker*)

Temporary Speaker, (Hon. Doris Lenkirasi): Hon. Member please take your seat, you have something to answer.

MCA Elbarta Ward, (Hon. Peter Lempei): Madam Speaker for the purpose of the arrival of the Chairperson, I will summarize what I was saying. For the information of the Chairperson, we have just been confirmed that the report he undertook last week to bring to this Assembly today have not been brought. It is the official position of the Committee now that it has been pronounced by the vice Chairperson of the Committee.

Therefore, we proceed on to say that this a matter that touches all the soft belly of our children. Food was procured or purported to have been procured, food ought to have been in place before the schools are closed because of the risk we are facing.

Schools are closed; this House should look at other emergencies and commit to that particular resource to dealing with the problems of our people now that the procurement processes are spelt

by the regulations that had been tabled before this House which we are yet to discuss. The procurement processes will be committed to the long and tiresome Government processes.

This House would be looking at a resource like that so that it could be committed to those particular emergencies that we are facing. The information that the Chairperson and the Committee is giving to this House is that COVID 19 has denied the accounting officer and the minister of the Department whom I meet every day and for the purposes of this we go to those offices. to tell the Honourable Members that they are not in the office and we do see them every day surely that is taking the Honourable members for granted.

The issue on hand is on a procurement process and does not require the Minister but rather a clerk who would reduce the communication into writing so that we know the official position and we take decisions consequent to that. Hon. Speaker, I ask the Hon. Speaker to find the Chairperson and the Department in contempt of this House and issue sanctions to the Chairperson, the Committee and to the accounting officer; that power is bestowed on you in law Madam Speaker. That is why in the National Government when the Speaker pronounce itself the Ministers come running, Madam Speaker let them be found in contempt and be reprimanded accordingly, thank you Madam Speaker.

Temporary Speaker, (Hon. Doris Lenkirasi): Thank you Hon. Lempei. I think it is only fair that we give the Chairperson Committee on Education and Vocational Training to answer.

Chairperson Committee on Education and Vocational Training, (Hon. Shadrack Lesoipa): Thank you Madam Speaker. Let me apologize to this House for not tabling the required statement response. Hon. Speaker these are some of the gaps we have been discussing before during the first Assembly.

Although it is my responsibility as the Chairperson to give a response but it is unfair for the Hon. Members of this House to be carrying blames that has been committed by this House. It was a tradition in the previous Parliament those days that the Minister of a particular ministry be present in that Parliament to answer question.

Much has been said, we have been discussing with some of the Hon. Members present on what measures to be taken. I was in contact with the clerks of the relevant Committee.

(Technical error)

We expected that the statement response be brought to this House, employed the necessary procedures only to find out that the responsible officers were not present in their respective offices.

Madam Speaker, we took some initiatives as a Committee that we are going to sermon the concerned officers of the Department of Education and Vocational Training to present themselves to this Committee so as to give a direction concerning this issue for once and for all in addition to this Committee getting concrete and convincing answers to table in this House.

Hon. Speaker, with your wisdom and guidance allow us to sermon the officers responsible. It is sad that this House is able to request for more than two weeks and the statement is not availed, it is also disgusting and embarrassing to report to an office where people are absent to inquire for information, I also feel what the Honourable Members feel.

Madam Speaker I beg that you give my Committee more time so that we can sermon the officers responsible before Tuesday next week so that we get concrete information to present to this House on Tuesday, thank you Madam Speaker.

Temporary Speaker, (Hon. Doris Lenkirasi): Hon. Majority Leader.

Majority Leader, (Hon. Christopher Lentukunye): Thank you Madam Speaker. This debate has been in this House for the last three weeks and reading from the response that both the Chairperson and the Vice Chairperson of the Committee shows that the Committee and the Department is not serious.

Madam Speaker the conduct of the Department on Education and Vocational Training is wanting, the problem is not only the distribution of food but also the services and all that is supposed to be done by this Department is not going in the right direction. Madam Speaker this House needs to pressure the Committee to play their oversight role because I really do not know

how I can differentiate the Committee from the Executive. I do not think it is in order for the same question being asked in this House every week but no substantial response is given.

Madam Speaker, in addition to the question regarding the distribution of food as raised by the Hon Member there are a lot of other issues that need to be addressed in this particular Department. Madam Speaker, even the projects. I have severally gone to the Department of Education and Vocational Training offices and at most cases never found the CEC (Chief Executive Committee Member) and the Chief Officer present but only the junior officers.

Madam Speaker that being the case I think the Committee of Education need to take their duty seriously on what to do with the Committee since we are not satisfied with their conduct. They need to wake up and do as they are required by the law to ensure that the questions asked here are taken seriously for us to give our electorates their deserved services. I request this House with you as the Chair to direct that according to the time he requested he gives the required response, thank you.

MCA Wamba West, (hon. Benjamin Leitore): Thank you Madam Speaker. I am worried on the Education issue since I heard the majority Leader say that we have discussed this Statement for three weeks yet this Statement has pended for the last three months. This is a clear indication of lack of seriousness by the Committee and the Department. Every Member knows that when it comes to the budget allocations, this is the department that have touched on the Ward funds and projects; the only department that has changed our Ward projects and basically Education classrooms to other projects without consulting the Members, this tells you that there is a clear disregard by this Department.

I heard that most of the senior officers in that department do not spend much time in their offices; they have other activities in the County. This tells you that when you for services...

(Point of Order by hon. Leshoomo)

MCA Lodojek Ward, (hon. Jerias Leshoomo): I stand on Point of Order number 83.

MCA Wamba West, (hon. Benjamin Leitore): Please let him quote that Order for me to sit down.

Temporary Speaker, (hon. Doris Lenkirasi): Please quote it.

MCA Lodojek Ward, (hon. Jerias Leshoomo): We were discussing on a Statement on the ECD food, some Members are diverting to other issues. Members need to know that we are totally... *(Interrupted by a point of Order by hon. Peter Lempei)*

MCA Elbarta Ward, (hon. Peter Lempei): Hon. Leshoomo has quoted Order number 83 which is information and so I do not think that there any relevance there.

MCA Wamba West, (hon. Benjamin Leitore): It was unnecessary interruption because I know the hon. Leshoomo is an interested party and he is trying to act as a CEC of the Education Department. As i said earlier, when you go and follow up on the Development Projects or seek any other assistance you hardly get these people. I heard that some have gone political to unseat Members of this House and this is a fact. This clearly tells you that these people are no longer interested in their office work but only on other duties outside. If you follow the food distribution since 2017/2018, 2018/2019 and 2019/2020, the food has not been properly distributed to a point that food was only distributed to our ECD centers at the closure of the school. The school is not delivered when the school opens; it is being taken to our ECD centers as our school closes.

It is to be believed that the normal rations given are not taken to these schools. At this time, we are told that the food has been procured and it is in the stores, the Government is trying to feed the people and the most vulnerable are the children and the old. The ECD food program is to feed the school going children where is this food going to? The Members are voting for modality that this food to be given to the school going schools. These kids require food even if the schools are closed so that we can use this food to feed the neediest. We wish for your direction since this is a very serious matter and we can even term it as a serious fraud coming from this department. In some stages these situations lead to formation of an AD Hoc Committee since it is clear that the Sectoral Committee is unable to handle this matter. This requires the attention of the entire House and yours too.

MCA Elbarta Ward, (hon. Peter Lempei): It is clear Madam Speaker that you are about to give a direction, I want to refer you to Article 195 of the Constitution of the Republic of Kenya, Sub Section one indicates that the County Assembly or any of its Committees has powers to summon any person to appear before it for the purpose of giving evidence or providing information. Sub Section two says that for the purpose of sub section one, the Assembly has the same powers as the High Court, 2(1) enforce the attendance of a witness and examine them on oath, affirmation or otherwise. (C) Issue commission or request to examine witnesses. That is the formation in our Constitution.

In our Standing Orders, we are provided for the summoning of whoever we think should be given the information. On a follow up on what hon. Leitore and the Leader of Majority have said clearly and also the admission of the Vice Chair of the Committee that indeed staff of that department are not attending their duties for the reason that they fear Covid 19 than the Members of this House; please find them in contempt and properly invoke article 195 of the Constitution because we no longer have the belief and the confidence of the Committee indeed we will provide this House. Two times is too much, for time is much and you can hear also issues surrounding that department that they are weighty. Find them in contempt and invoke Article 195 of the Constitution accordingly.

Temporary Speaker, (hon. Dorcas Lenkirasi): Hon. Members considering the intensity of the matter before us, I would like to direct the Chair on Education hon. Lesoipa that you have the outcry of the Members and they really want to know how this food is distributed. I therefore direct that...since you have begged that you be given time, make sure that you meet with the Executive by the end of the week in the department of Education so that on Tuesday next week we will have that Statement ready in the House, thank you.

Hon. Members, the time being 20 minutes to four o'clock and there being no other business this Assembly now adjourns until Tuesday 26th May, 2020 at 2:00 pm.