

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Wednesday, 30th November, 2022

The Assembly met at the County Assembly chambers at 9:00 a.m.

The Deputy Speaker, (Hon. Lelenkeju Jackson), in the Chair

PRAYER

NOTICES OF MOTION

The Majority Leader, (Hon. Lentukunye Christopher): Thank you Hon. Speaker. I beg to give a notice of the following Motion **THAT**, Pursuant to Article 37 and 119 of the Constitution of Kenya, this County Assembly **RESOLVES** to petition the National Assembly individually and collectively as the County Assemblies Forum (CAF) and Members who are Members of County Assemblies in Kenya for the National Assembly to intervene and ensure;

THAT, the County Wards Equitable Development Fund be incorporated in the proposed Constitutional Amendment Bill before the National Assembly by Hon. Stephen Mule, MP and Hon. Gichimu, MP, alongside other proposed funds namely:

National Government Constituencies Development Funds (NGCDF), National Government Affirmative Fund (NGAF), The Senate Oversight Fund and the Economic Stimulus and Empowerment Fund either prior to the publication of the said Bill or before it is referred to the Senate in accordance with rules of procedures of parliament.

THAT, the proposed Constitutional Amendment Bill in amending Article 204 of the Constitution should provide for the following with respect to County Wards Equitable Development Fund:

1. **THAT**, each County Government shall allocate funds comprising of a certain percentage of the respective total county's Annual Budget Estimates or as shall be advised by the Commission on Revenue Allocation (CRA) during the enactment of the County Allocation of Revenue Act to cater for County Wards Equitable Development Fund
2. **THAT**, all monies allocated to County Wards Equitable Development Fund shall be considered as funds allocated to wards pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of an act of Parliament.
3. **THAT**, parliament shall enact a legislation to provide for the administration of the County Wards Equitable Development Fund.

Thank you.

MOTION

Resolution to Petition the National Assembly on County Wards Equitable Development Fund

The Majority Leader, (Hon. Lentukunye Christopher): Thank you once again Hon. Speaker. That with the leave of the County Assembly, I beg to move the following Motion **THAT**, pursuant to Article 37 and 119 of the Constitution of Kenya, this County Assembly **RESOLVES** to petition the National Assembly individually and collectively as the County Assembly Forum (CAF) and Members who are Members of County Assemblies in Kenya for the National Assembly to intervene and ensure;

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3. **THAT**, parliament shall enact a legislation to provide for the administration of the County Wards Equitable Development Fund.

I call upon Hon. Paul Leshimpiro to second the Motion

(Hon. Leshimpiro bows to second the Motion)

The Deputy Speaker, (Hon. Lelenkeju Jackson): Hon. Members, I now propose the Question that;

With the leave of the Assembly, I beg to give a notice of the following Motion **THAT**, Pursuant to Article 37 and 119 of the Constitution of Kenya, this County Assembly **RESOLVES** to petition the National Assembly individually and collectively as the County Assemblies Forum (CAF) and Members who are Members of County Assemblies in Kenya for the National Assembly to intervene and ensure;

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Commission on Revenue Allocation (CRA) during the enactment of the County Allocation of Revenue Act to cater for County Wards Equitable Development Fund.

2. **THAT**, all monies allocated to County Wards Equitable Development Fund shall be considered as funds allocated to wards pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of an Act of Parliament.
3. **THAT**, Parliament shall enact a legislation to provide for the administration of the County Wards Equitable Development Fund.

Hon. Leshimpiro.

MCA Ang'ata Nanyekie Ward, (Hon. Leshimpiro Paul): Thank you Hon. Speaker. I beg to support the Motion.

First, we need to understand that; it is with the permission of the House and that is why the Motion says “with the leave”, then we are very much in order to discuss on a Motion immediately, in the same session with the Notices of Motion.

Secondly, there is this tendency whereby the Hon. Members have been somehow compromised in the oversight role. One of the reasons, not intention is that; unless otherwise, you are in good terms with the Governor it tends to be that resources to your Ward has challenges.

Mr. Speaker, if this law is anchored in so that it does not become a gentleman's agreement, then it is very much in order that it is incorporated so that the County Assemblies have this Bill and the resources are allocated to the Wards equitably but not necessarily equally.

In this case, there is also uniformity in the law once it is approved in the National Assembly, the Senate or in both of them and then we will have a uniform law in all our Counties.

The other challenge that projects have in our Wards is sustainability. You drill a borehole and equip it but after a few days the community vandalizes the solar panels or the electricity. Mr. Speaker, to overcome this challenge is to ensure that those projects are initiated by the community members themselves and actively participate from the beginning until the end of the project.

Mr. Speaker, this is also one way we can perform our oversight mandate without fear of intimidation by the Executive. I am a second term Member in this House and I have seen Chief Executive Committee Members (CECMs) allocating resources to the Wards which they come from not in an equitable manner.

Mr. Speaker, there is also intentional delays in procurement by the procurement officers if you are not in good terms with the Governor or the CECM. There is a tendency of the procurement officers delaying procurement process for projects in those Wards whose Member is not in terms with the Executive.

(Applause)

With this Bill we are going to be far much safe and we will play our oversight role correctly, thank you Hon. Speaker.

MCA Elbrta Ward, (Hon. Leitoro Jeremiah): Thank you Hon. Speaker. I stand to support the Motion for the following reasons:

As stipulated by Hon. Leshimpiro, the most important thing here Mr. Speaker is that this will be able to liberate us from our respective Wards for being allocated development projects on the mercy of the Governor and the Executive.

Mr. Speaker, this will also ensure equity in distribution of development projects across the Wards. It will also ensure proper planning and implementation of projects as it is because we have seen on several instances where development projects are being subjected to Supplementary Budgets, thereafter converted to recurrent expenditure and at the end of the day you find that development projects that have been done are minimal.

Mr. Speaker Sir, another important point is that; despite our core mandate being legislation, oversight and representation; Mr. Speaker, this will also give us an opportunity to deliver on our manifesto as we promised our electorates. As far as it is concerned now, it is like we are only concentrating on the manifesto of the Governor yet we as the Members of the County Assembly

had presented our manifestos while we were lobbying for votes. Furthermore, the only way we can be able to deliver on that is through this kitty, thank you Mr. Speaker.

The Majority Leader, (Hon. Lentukunye Christopher): Thank you Hon. Speaker. I want to thank the Hon. Members who have contributed in favour of the Bill.

Mr. Speaker I just want to inform the House that County Assembly is just like any other House created by the Constitution of Kenya like the Senate and National Assembly. Previously, there was Constituency Development Fund (CDF) and the Senate is also coming up with a proposal of a fund called Oversight Fund. Mr. Speaker, County Assemblies should also not be left behind because just as any other legislative House in Kenya, we should also be part of them and enjoy what they are enjoying.

Mr. Speaker, this is also another way for me as an elected Member to give back to my people the pledges and for Members of County Assemblies to give back to the people by fulfilling the pledges they gave during the campaigns.

Mr. Speaker, this is also another way of ensuring equity in resource allocation. Mr. Speaker with those reasons, I request the Hon. Members to pass the Motion, thank you Mr. Speaker.

(Applause)

The Deputy Speaker, (Hon. Lelenkeju Jackson): Thank you Majority Leader. Silence means Members are in agreement. I now move to put the Question:

THAT, Pursuant to Article 37 and 119 of the Constitution of Kenya, this County Assembly **RESOLVES** to petition the National Assembly individually and collectively as the County Assemblies Forum (CAF) and Members who are Members of County Assemblies in Kenya for the National Assembly to intervene and ensure;

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2. **THAT**, all monies allocated to County Wards Equitable Development Fund shall be considered as funds allocated to wards pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of an Act of Parliament.
3. **THAT**, Parliament shall enact a legislation to provide for the administration of the County Wards Equitable Development Fund.

(Question put and motion passed)

ADJOURNMENT

The Deputy Speaker, (Hon. Lelenkeju Jackson): Hon. Members, the time being quarter to 10 O'clock and there being no other business this Assembly now adjourns until Tuesday, 6th December, 2022 at 2:30 Pm.