

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Wednesday, 6th December 2023

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

Temporary Speaker, (Hon. Lemoosa Jonathan), in Chair

PRAYER

PETITIONS

Temporary Speaker, (Hon. Lemoosa Jonathan): Hon. Members, we have a petition and I so wish to read the content of the petition.

LACK OF TEACHERS AND FURNITURE AT MARTI EARLY CHILDHOOD DEVELOPMENT EDUCATION CENTER AND WAMBA WEST WARD

Hon. Members, in accordance to Standing Order No. 210 (2) (a) I hereby report that a petition has been submitted to the County Assembly of Samburu through the Office of the Clerk by the representatives of Marti village, Lodung'okwe Location, Lpusi Sub-Location, Wamba West Ward, Samburu East Sub-County in Samburu County; concerning children not going to school due to lack of teachers and furniture.

Article 37 of the Constitution of Kenya gives rights to every person to petition public authorities under section 1 (b) of the County Government Act, 2012 gives a person a right to petition County Assembly to consider any matter within its jurisdiction including enacting, amending or repelling any of its legislations, Section 88 of the County Government Act, 2012 also gives citizens right to petition and challenge County Government on any matter under the responsibility of the County Government.

Hon. Members, the salient issue raised in the petition are as follows:

THAT, the ECD center was constructed in 2013 and the County Government has never deployed a teacher in the institution.

THAT, since January 2019, over 50 children who attended Marti ECD center have not been going to school since there was no teacher and furniture.

THAT, the absence of teacher and furniture not only violates the Constitution and other laws, but also denies the children right to quality education.

The petition has therefore prayed **THAT**, the County Assembly of Samburu to intervene in this matter with the view to do the following:

1. The County Government to deploy at least one professional and qualified ECD teacher to the school by 8th January, 2024 when the schools will be opening to ensure all those children go to school.
2. Supply fifty (50) seats of child appropriate furniture to the school.
3. Provide the children in the school with meals.

Hon. Members, pursuant to Standing Order No.211, I will allow limited comments, observations or clarification in relation to the petition.

Hon. Members, I now open the floor for ventilation, thank you. Hon. Phelix Lenamparasio.

MCA Loosuk Ward, (Hon. Lenamparasio Caunda): Thank you Hon. Speaker. It is so unfortunate that the community out there can just sit down and write a petition concerning the learning kids, especially the ECD. As we know, the County Government is in-charge of the ECDs and that is why we have the Department of Education and Vocational Training and Mr. Speaker, I am yet to understand if that ECD previously had a teacher or maybe they need a teacher now; but the biggest thing that we have been seeing in our Wards is that the County Government employed ECD teachers and they are just out there, nobody is supervising them, nobody is in-charge of those teachers and it so unfortunate that I think most, even half of the ECD learning centers in Samburu County have no teachers. Some have employed teachers drawing salaries from the exchequer but are not teaching the kids.

For example, in my Ward I think tomorrow I will be having a meeting because I think the other day a whole village came to my home claiming that for three consecutive years no kid proceeded to class one and this school had an ECD teacher employed by and drawing salary from the County Government and this teacher has never stepped to that ECD center for the last three years even for a single day. Mr. Speaker that is something we should take extremely very seriously; we should be serious on this as this House to see on how we can reclaim the ECDs so that it can come to glory.

If there is a Department that is failing in this County is the Department of Education

(Applause)

And you know all the basics that our kids learn is in the ECD and translates to what the kids become when they grow up and proceed to the primary school, secondary and universities and if these ECDs are not taken care of we will end up producing kids that are not learned you know. Education starts from ECD and we should take these Department into account so that all these ECD teachers be supervised and go to their schools and teach so that when they get their salaries, they earn for what they have done.

For those schools that do not have teachers, I think it is their mandate to ensure that whenever they construct an ECD School, they have to avail a teacher to that school. Mr. Speaker I am in support of that one hundred percent.

MCA Ang'ata Nanyokie Ward, (Hon. Leshimpiro Paul): Hon. Speaker thank you for giving me an opportunity to say a word in this. We have been constructing several ECD centers across the County, in every part of our County. The wrong part of it is that there is no recruitment of teachers being done and I think the percentage of teachers being recruited versus the number of children in need of a teacher is too big.

I do not find the rationale of why we continue building ECD centers yet we do not recruit teachers because each need one another; the teacher needs the pupil and need the classes. I know that there are teachers who have been there and some are as old as the County and they were recruited while they were half-baked, they were not fully trained. Now that we have fully trained teachers, some are diploma holders and they do not find job, where do we want those teachers to go to and what is the importance of us having an ECD training center and continue pushing our students to go to that ECD center to become teachers and we do not give them an opportunity and we have plenty of gaps in our ECDS.

Hon. Speaker I wish we take this matter seriously, I at one time tried to suggest even to the Executive that if it is a question of wage bill, if that is the problem, there are critical areas that cannot stay or cannot be used to ascertain the wage bill. One of the areas is the ECD teachers, ECD Centers and even the health. Those areas are critical and they do not need to be used to curtail the employment of those teachers based on that wage bill.

We need to have a different approach. I was suggesting to them that if they have a money problem why do they not allow us to allocate some money from the Ward Fund so that we can

engage them on contract basis? If they can allow us to do that, then we will not be having such problems. Otherwise we do not have to continue budgeting for classrooms when we do not have a budget for teachers. Thank you, Hon. Speaker.

MCA Poro Ward, (Hon. Leerte Patrick): Asante Mheshimiwa Spika. Asante kwa kunipa nafasi niweze kusema kitu. Kama walivyosema wenzangu, kuna shida kwa ECD. Sujui kama executive wanaona ama ni kupuuza wanapuuza kwa sababu kuna wodi kama Poro amabapo kuna walimu wamestaafu, wengine wamefariki na hadi wa leo hakuna waliopewa nafasi zao. Wengine wamejiamisha bila barua. Ukifuatilia kwenye idara ya elimu, hawa walimu wanakaa kama ng'ombe wasiokuwa na mchungaj. Wanafanya vile wanavyotaka.

Bwana Spika sisi kama bunge tunafaa kutilia jambo hili maanani kwasababu ni maisha ya watoto wetu. Ikiwa hatutaanzakwa mzingi mzuri ktuoka ECD, watoto hawa wakiwa wakubwa hawatakuwa na mzingi mzuri. Tuwajibike kama waheshimiwa tutiliemkazo na ECD iwe na mikakati ya kusaidia. Kwa hivyo naunga mkono.

MCA Wamba West Ward, (Hon. Lemartile Francis): Thank you, Hon. Speaker. The school that was mentioned is in my Ward and I confirm I know the place. It is a very remote area. There is no other government institution or facility in that area. It is so unfortunate that the school was constructed in 2018. Public money has been utilized but the community has not achieved the intended purposes.

When the education committee went around to confirm the school feeding program, it was one of the schools with questions. The report from the department said there was no distribution of food to that center but when the committee came back, the school was in the list and being allocated food. That is why on that day I raised a query on which report we will go by because the two reports differ. The committee and departmental reports differ. So Mr. Speaker, because I know the area, when that report came I made an effort to visit that ECD Center and I found it to have been occupied by a certain family.

It is no longer a public utility. Personally I did not know it was constructed by the County Government. I thought it was the family that assisted the village by donating one room for the students to learn in. It is so unfortunate that we construct schools and we do not follow up to

make them institutions to assist the community. This is not the only school that has been occupied by families, there are several of them in our County.

The department cannot ascertain whether the school exists or not. As my colleague said, if the money allocated to the department is not enough we can increase the amount so that they can employ more teachers to suit those schools. I beg you give us direction for the committee to go and confirm that and bring us a concrete report and follow up with the department to find out when the school was started and what went wrong around that period.

Specially Elected MCA, (Hon. Lenamatiyo Silapia): I also rise to raise my sentiments on the same matter. The community has seen the importance of education at the grassroots level. I know you understand that education is one of the devolved functions on the side of ECD Centers. Hon. Speaker, we see that we have so many challenges. That is why the community sat down and brought petitions to this honorable house so that their prayers will be heard.

I request this honorable house and the concerned committee to take the matter seriously. I think Marti ECD school is one the schools that raised so many complaints because according to the department's report, they normally get allocations. When the committee visited the school, there were no learners. Nothing was there. The community saw that it is good to petition this house so that their prayers can be heard.

This is an issue that is being raised all over the County. The other day I was in Wamba North Ward, Ngilali location. I saw a school whose building is almost collapsing and children are learning in it. In 2021 I raised the same issue. Up to date the department has made no effort to ensure that those children learn in a safe and conducive environment. Hon. Speaker, those children are now learning in trees beside a building that was constructed by the County Government in 2019.

Now it is just a white elephant, standing there and nobody is using it. Marti ECD school is standing there and is not in use because there is no teacher. We see so many issues arising from the department of education. It is my prayer to this house and the committee to seriously look into this matter. The other day I brought up the matter of one of the ghost schools that the department is saying they receive food and the committee confirmed that they are not getting anything because there are no learners there. It is just a building.

Member confirmed here that it just a personal House or whatever. My request Hon. Speaker is that the prayer of that community to be heard and the Committee also to follow up so that we can get a teacher who can perform their duties and also the community to own that project as their project. The community saw that this is a school with no teacher. It is my prayer and request to the Hon. Members that we look to this matter in seriousness because when you read the mood of the Members this issue is experienced everywhere, thank you Hon. Speaker.

Temporary Speaker, (Hon. Lemoosa Jonathan): Thank you the Hon. Silapia. Hon. Lealmusia Ali.

MCA Ndoto Ward, (Hon. Lelamusia Ali): Thank you Mr. Speaker Sir. I also raise to concur with this community that has brought this Petition to this Hon. House. It is very clear from my colleagues who spoke before me that we have a very serious problem as far as ECD is concerned; in my Ward I have some 62 ECD centers and only 25 teachers that is less than a half. So, you really wonder how about the 50 plus percent of these schools.

This has even become a teething problem to the community because we have constructed ECD classes and we have no teachers. The community is forced to go deep into their pockets and get somebody who is not even well trained to assist these kids. This shows how our people down there really value Education because if they can volunteer their resources it is apparent that they really need this service.

As far as the ECD Department is concerned it is the most affected. We have officers in charge of these nurseries in all the Wards and they give their monthly reports which makes me wonder why the Executive is not doing anything. I thought Education should even call Leaders, we sit down and agree on how to manage this because it is becoming an embarrassment.

I think they are only active when they are adding up their numbers because of the ration they provide to these centers so that they can benefit which is very wrong. We must have a way of handling this issue. Even the other day you realized that we had some replacements which did not take off because of the misunderstanding between the Board and the Education Department which is very embarrassing. Up to now this has not been solved and you realize that the other day the advertised some 22 vacancies and we had over 400 applicants and so you can imagine this.

If we have people who are out there who did this ECD education and they are out there looking for these jobs and we have several ECD Centers which do not have teachers, what is the point for us to be Budgeting to that Department. I suggest to this Hon. House that we should deal with this Education Department honestly, we deal with them and ensure they do not supply that kind of...because it is better for us to have enough teachers that even having food that is being sold in this town for the purposes of this kids or fake ECD Centers to justify their expenditure.

I would really suggest that we must do something as an Honorable House and we must save our children to ensure that they have good Education. We want our primary schools to have kids from these centers because that is where we have a bigger enrolment who go through this ECD classes. I really thank this community for Petitioning to this House and we must do something, thank you Mr. Speaker Sir.

Temporary Speaker, (Hon. Lemoosa Jonathan): Thank you Hon. Lealmusia Ali. We had ventilation on this and I want to agree with the Hon. Members that we have challenges on this service knowing very well that it is a co-function of the County Government and it is a devolved function. We got some information like what the Hon. Paul Leshimpiro is saying that whether we have Financial challenges but of course we can have an alternative. We can use a bit of the Ward Fund to have a few volunteers here and there as they await full time employment.

We also have Quality Assurance Officers (QUASO) being an issue and maybe they are not really up to their task, this is what the Members have said. It is true that it is an issue that affects each and every Ward on issues or matters, furniture matters, teacher's shortage, matters quality and such. Therefore Hon. Members. Pursuant to Standing Orders 22/12/1, the Petition should be committed to the relevant Committee for its consideration in this case and I therefore direct that the same be committed to the Sectoral Committee on Education and Vocational Training in terms of Standing Order number 212/2, the Committee is required in not less than 60 Calendar days from the time of reading this Paper which is today the 6th December 2023 to respond to the Petitioner by way of report, address to the Petitioner and lay on this table of the County Assembly the same report. Hon. Members I sincerely thank you.

MOTION

MCA Lodokejek Ward, (Hon. Lekuchula Leinas): Thank you Mr. Sir. I raise to move the Motion that this House Debates and Approves the Report of the Committee on Roads, Transport and Public Works on the site visit to consider the Implementation status on Roads projects done during the Financial Year 2022/2023. This is just a continuation of the Motion that we had the other time.

I think it was on November 28th when we debated about the documents there was some missing information that was required by this House and I want now to report to this Honorable House that we have no the required report that concerns about the project done in Samburu Central. I think every member has a copy and you have just to attach copy to the other document that we debated the other time, as I said this document has been discussed it was only remaining to be put to the question when this remaining information furnished to this House, so I beg Hon. Lenamparasio to add any information concerning the document, thank you hon. Speaker.

Temporary Speaker, (Hon. Lemoosa Jonathan): Very well Hon. Lekuchula the Hon Felix Lenamparasio.

Loosuk Ward MCA, (Hon. Lenamparasio Felix): Thank you Hon. Speaker, with the permission from my able chair here, I think the missing part of the information I think was, the missing part of the document was a report was for Samburu north and some part of Samburu west so hon. Speaker I have that report here, I was among the members who went on Samburu north and Samburu west. This report is attached to that document I just want to support that it is true, this is are the findings we got from the ground and just because this attachment is attached to that document I do not know if am in order to go through by reading but I just support that this is the report that we got from Samburu north and Samburu west, Thank you Hon. Speaker.

Temporary Speaker, (Hon. Lemoosa Jonathan): Very well the Hon. Felix Lenamparasio Hon. Members hopefully of course each and every Member has the annexure report of what was being discussed before I can also say within the annexure there is something of Nyiro Ward, Nyiro Ward is not available in the annexure just because I was able to meet the Committee the Department and we sorted few things which were actually challenged. So, now we the Honorable Members having the chair the committee having actually take troubles to input the information which was actually amassed now allow me we Honorable Members put a question a question

THAT, this House debates and approve report of the Committee on the Roads, Transport and Public Works on the site visit to consider implementation status of the roads projects done during the FY 2022-2023.

(Question put and passed)

SECOND READING

Temporary Speaker, (Hon. Lemoosa Jonathan): The Hon. Francis Lemartile

Wamba East MCA, (Lemartile Francis): Thank you Hon. Speaker, I beg to move the following Motion **THAT**, the Samburu county Finance Bill 2023 now be read the second time thank you Hon. Speaker and I beg Hon. Leerte to second the Motion.

Porro Ward MCA, (Hon. Leerte Lawrence): Very well

The Samburu County Finance Bill 2023

A Bill for an act of the County Assembly of Samburu to provide for reposition the variation of various permit sheet, licenses, fees of charges and for connected purposes

Wamba West MCA, (Hon. Lemartile James): Honorable Asha take your seat, now let us go to the Business of the day, Committee of the Whole House. Procedures in the committee of the whole chair guide he Samburu county Finance Bill 2023 and let the clerk read the preliminaries part 1

PRELIMINARIES

Par tI preliminaries which is part is clause 2; interpretation in this act unless the context otherwise requires county means County government of Samburu authorized itinerary means making payment through an officer appointed by the county to collect revenue or through any other mode of payment as may be prescribed by the County. CESS means fees charged for goods specified

Wamba West MCA, (Hon. Lemartile James): Ok now I propose the Question **THAT**, clause 2 be part of the Bill

(Question put and passed)

Clerk to read next clause.

Part II which is which is fees, charges, licenses SBP and CESSSES.

Charges- the services listed in the first schedule shall be charged at a fee at the rates specified in the last column.

Licenses and Permit –a person shall not carry out any business listed in the second schedule within the County without a valid license or permit

A person who intend to carry out any of the business listed in the second schedule shall apply for a license from the County offices

A person applying for license under sub-section 2 shall be charged a fee specified in the second schedule depending on the location the size of the business

A person who contravene any of the provisions of this section commits an offence

Fees- A person who carries out an activity listed in the third schedule shall be charged a fee at a rate therein there is CESS and FEES on markets there is the charges and the fees for that and other fees and other fees again. I proposed the question that clause three to close twelve be part of the bill. I now put question that clause three to clause twelve be part of the bill.

(Question proposed, put and passed)

Part 4; payments (clause 13th)

Clause 13th reads, any payments to the county shall be paid through an authorized tender. An officer appointed to the County to collect revenue should have an identification card issued by the County officials.

County official receipts shall be issued for all payments made to the County. The person shall not receive or collects any money on behave of the County unless he has been appointed to do so or has authority as the receiver and collector of the County revenue. A person who contravenes the provision of this section commits an offense.

I propose the question close thirteen be part of the bill, I now put the question that close thirteen be part of the bill.

(Question proposed, put and passed)

PART 4: OFFENSES AND PENALTIES

It has two clauses, 14 and 15 and has no amendments

I propose the question that clause fourteen to close fifteen be part of the bill. I now put the question that close fourteen and clause fifteen be part of the bill.

(Question proposed, put and passed)

PART 5: MISCELLANEOUS

There are no amendments.

I propose the question that close sixteen be part of the bill. I now put question that close sixteen be part of the bill.

(Question proposed, put and passed)

SCHEDULES

1ST SCHEDULE

I proposed question that first schedule be part of the bill. I now put question that first schedule be part of the bill.

(Question proposed, put and passed)

2ND SCHEDULE

There is a proposed amendment by the Hon. Charity Lenyakopiro and the chair lady.

I proposed amendments in the 2nd schedules as follows;

1. Kiosk lights or temporary constructions less than five-meter cube to be charged 1000
2. Small transportation companies from two to five vehicles to be charged 10,000
3. Minimum petroleum stations from four to six dispensers or with garage workshop and retail shops to be charged 20,000

4. Small petrol stations, filling stations from up to three dispensers and without garage, workshop and retail shops to be charged 10,000

I now proposed question that 2nd scheduled as amended be part of the bill. I now put question that 2nd scheduled as amended be part of the bill.

(Question proposed, put and passed)

3RD SCHEDULE: LAND RATES

There is a proposed amendment by Hon. Charity Lenyakopiro.

I proposed amendment that 3rd schedule as follows:

1. Plots application fees to be refundable in case one has been given a plot.

I now proposed question that the 3rd schedules as amended be part of the bill. I now put question that the 3rd schedules as amended be part of the bill.

(Question proposed, put and passed)

4TH SCHEDULE

Proposed amendment by charity Lenyakopiro.

I proposed amendments in 4th schedules as follows:

Maralal municipalities amends as follows:

1. Timber cess per vehicle to be increased to ksh. 4000
2. All cess per vehicle to be increased to ksh. 4000

Cess amends as follows:

1. Livestock, Donkeys cess to be reduced to ksh. 100 per head to both the buyer and the seller
2. Sand export cess per vehicle to be increased to 6000

I now proposed the question that the 4th schedule as amended be part of the bill. I now put question that the 4th scheduled as amended be part of the bill.

(Question proposed, put and passed)

5TH SCHEDULE.

5th schedule has no amendments.

I now proposed the question that the 5th schedule be part of the bill. I now put question that the 5th scheduled be part of the bill.

(Question proposed, put and passed)

6TH SCHEDULE

6th schedule has no amendments

I now proposed the question that the 6th schedule be part of the bill. I now put question that the 6th scheduled be part of the bill.

(Question proposed, put and passed)

7TH SCHEDULE

7th schedule has amendments

I proposed the amendment by Hon. Charity Lenyakopiro.

I proposed the amendment in the 7th schedules as follows:

Legalizes fees amendment as follows:

Liquor license fees amendment as follows;

- i. Wines and spirit be amended from Ksh.30 to Ksh.50 for retails and Ksh. 50,000 to Ksh. 70,000 for wholesalers.

I now propose the question;

THAT the seventh schedules as amended be part of the bill.

(Question proposed, put and passed)

I propose question;

THAT eighth schedule be part of the bill. I now put the question;

THAT the eight schedule be part of the bill.

(Question proposed, put and passed)

I propose the question;

THAT ninth schedule be part of the bill. I now put the question;

THAT the ninth schedule be part of the bill.

(Question proposed, put and passed)

I propose the question;

THAT the long the long title be part of the bill. I now put the question;

THAT long title be part of the bill.

(Question proposed, put and passed)

SAMBURU COUNTY FINANCE BILL

A bill for an act of the County Assembly of Samburu to provide for the imposition or Variation of various firming fee sales, licenses fees or charges for connected purposes by the county Assembly of Samburu.

CITATION OR SHORT TITLES

I propose the question;

THAT the short title be part of the bill. I now put the question;

THAT short title be part of the bill.

(Question proposed, put and passed)

SHORT TITLE AND COMMENCEMENT

This act may be cited as the Samburu County Finance act 2023 and can come to operation on the date of publication on the Kenya Gazette. In this act, unless the contract otherwise requires county needs County Government of Samburu authorize alternate means making payment to the County through an officer authorized by the County to collect revenue or through any other mode of payment as maybe prescribed by the County.

MCA Ang'ata Nanyokie Ward, (Hon. Leshimpiro Paul): Hon. chair, I beg to move that the committee do report to the Assembly its consideration of the Samburu County Finance bill 2023 and its approval. Thereof, with amendments.

Temporary Speaker, (Hon. Lemoosa Jonathan): I will put the question;

THAT the committee do report to the House its consideration of the Samburu County Finance bill 2023 and its approval. Thereof, with amendments.

(Question proposed, put and passed)

MCA Wamba East Ward, (Hon. Lemartile Francis): Hon. Speaker, I beg to report that the committee of the whole has considered the Samburu County finance bill 2023 and its approval, therefore with its amendments. Thank you, Hon. Speaker.

MCA Ang'ata Nanyokie Ward, (Hon. Leshimpiro Paul): Thank you Hon. Speaker, I beg to move that the House do agree with the said report. I request the Hon. Silapia to second the motion.

Specially Elected MCA, (Hon. Lenamatiyo Silapia): Thank you Hon. Speaker, I beg to second the motion.

Temporary Speaker, (Hon. Lemoosa Jonathan): Very well Hon. Silapia, the Hon. Members I will propose the question;

THAT the House do agree with the committee in the said report. The Hon. Members I now put the question;

THAT the House do agree with the committee in the said report

(Question proposed, put and passed)

THE SAMBURU COUNTY FINANCE BILL 2023

THE SAMBURU COUNTY BILL (3)

THIRD READING

MCA Wamba East Ward, (Hon. Lemartile Francis): Hon. Speaker, I beg to move the following motion;

THAT the Samburu County finance bill 2023 be read a third time. Thank you Hon. Speaker and I beg Hon. Kagiri to second the motion.

(Hon. Kagiri bows to second the motion)

THE SAMBURU COUNTY FINANCE BILL 2023

A bill for an act of the County Assembly of Samburu to provide for the imposition or variation of various firming fees, sales, licenses fees or charges and for connected purposes by the county Assembly of Samburu.

ADJOURNMENT

Hon. Members the time being 5 minutes past 4 O'clock and there being no any other business, this Assembly now adjourns until Thursday, 7th December 2023 at 2:30PM. Thank you.