REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Thursday, 23rd September, 2021

The House met at the Assembly Chambers at 9.00 a.m.

[The Speaker (Hon. Patrick Waigwa) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

COURT ORDER

Speaker: Hon. Members, I have a communication to make that I have just received in regards to;

THE REPUBLIC OF KENYA

IN THE TRIBUNAL OF KENYA AT NAIROBI CITY

COUT NAME: TRIBUNALS

CASE NUMBER; PPDTC

In the political party's dispute tribunal complaint no. E017 of 2021, in the matters of Section 40 and 41 of the political parties Act, and in the matters of Article 10, 27, 38,47,50,73 and 1592D of the Constitution of Kenya, and in the matter of Article 19 of the Jubilee Party Constitution, and in the matter of Section 10 of the County Government Act, 2012, and in the matter of Standing Order 19 of the Laikipia County Assembly Standing Orders, and in the matter of Hon. Joseph Maina Kiguru, Member of County Assembly of Laikipia the complainant versus Jubilee Party respondent and Hon. Raphael Tuju, acting Secretary General Jubilee Party who is the 1st interested Party, the County Assembly of Laikipia the 2nd interested party, the Hon. Speaker, County Assembly of Laikipia, the 3rd interested party, Hon. Peter Thomi Waigwa, the 4th interested party and Hon. John Mutahi Muritu, the 5th interested party.

It is hereby ordered;

1. That the notice of motion application dated 21st September, 2021 be and is hereby satisfied urgent for consideration ex-parte in this first instance only.
2. That the complaint and notice of motion application dated 21st September 2021, be served upon the respondent and interested parties immediately.
3. The respondent and interested parties to file and serve their responses to the pleadings within 7 days of the date of service.
4. That notice of motion application dated 21st September, 2021 to be mentioned inter parties on 5th October, 2021 at 2.30 p.m. virtually via video link for further directions.
5. That pending the hearing and determination of this application inter parties, this Honourable Tribunal hereby issues interim conservatory orders staying the decision of the respondent through the 1st interested party contained in the letter

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

dated 13th September, 2021 purporting to remove the complaint from the position of the Leader of the Majority Party in the Laikipia County Assembly and purporting to appoint the 4th interested party to replace the complainant in the position of the Leader of the Majority, Laikipia County Assembly, as well as staying the implementation of the said decision by the 2nd and 3rd interested parties and or taking over of the position of the Leader of the Majority Party by the 4th interested party.

GIVEN UNDER OUR HAND AND SEAL OF THIS TRIBUNAL ON THE 22ND DAY OF SEPTEMBER, 2021.

That is the communication that I had and therefore that one causes the status quo where Hon. Joseph Maina Kiguru remains as a Majority Leader. Therefore, it annuls the decision that the County Assembly and the Speaker made in the House where the 4th interested party, Hon. Peter Thomi Waigwa became the Leader of the Majority Party. Therefore, that one is annulled; Thank you. I think with that communication, then it still makes Hon. Joseph Maina Kiguru to be the Leader of the Majority Party and the Hon. Peter Thomi Waigwa ceases. The same does not talk of the Deputy Majority Leader because no one has complained. There was only one issue raised. Hon. Thomi?

Hon. Peter Thomi: Thank you, Mr. Speaker. I have heard a little of what you have said on whatever is being called a court order. Really, I do not understand it and I am here and I am not brought here by the court. I am here because I am elected by the people of Githiga and there is no time that I have relied on the court to be in this House and transact my duties. I disagree with the court order and I want to know how the court has come into this matter. What evidence does the court have from the Jubilee Party to give instructions and directions on how and who should be the Majority Leader in this House.

So, Mr. Speaker, as far as I am concerned, I disagree with the communication you have made and do not recognise what the court has said. As an elected Member by the people of Githiga and elected Member by the Members of this House, I believe I am the Majority Leader until proven otherwise.

Mr. Speaker, Hon. Kiguru, the one you have termed as the Majority Leader, I want a letter given to me showing that he was one day given authority by Members of this House and that Jubilee has that copy saying that Hon. Kiguru was one day elected as Jubilee Leader of Majority in this House. This is information that I do not have and as a result, I disagree with your communication. Thank you.

Hon. Chris Mark: Thank you, Mr. Speaker. I just want to be cautious because when a matter is in court, you cannot really discuss it in depth. What I would say is that it is nothing to celebrate. Like I always say, both are our colleagues, and I never thought that it would get to a place where we would go to the courts. I always thought that it is the party that either nominated or elected us that would sort these issues hereby. At the end of the day, we said we want harmony and peace in this House.

Mr. Speaker, it is this same House where people got into a car and went somewhere and pinpointed things and Members were summoned. I never thought we would get to a place where we go to institutional organs to pinpoint that this one did not do this or that. I always thought we would deal with them in-house. Be as it may, the matter is no longer an internal matter but a public matter in the court.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

I would tell Hon. Thomi that if he is on the right side of history, I know the courts will do justice. If it is Hon. Kiguru, the same courts will see the light and what have you. I would say that as Honourable colleagues, it is time even after this that we deliberate and talk and see a way forward because when some of these things go to the courts they can even be more unfair to the people who have taken the issue to court.

Let us not discuss it further. I would say that we maintain soberness because this is neither something to celebrate nor something to be sad about. It is something that happens in a democracy and Members deliberate. I personally have never seen that that is the way forward. I have been a victim of the courts, I and other nominated Members. It is never a good issue. We were there for almost two and a half years. So when I hear that the courts have been brought in I always wonder whether we exhausted the mechanisms to resolve the dispute or even to sort out the issues at hand. If they were exhausted and Members felt, that is their constitutional right. Thank you.

Speaker: Hon. Members, I do not want us to dwell on that so much. I have read the orders as they are and I want to agree with Hon. Chris Mark that the court will do justice. The issues which Hon. Thomi may also disagree with, and Hon. Kiguru may disagree with others; that will be determined not by this House. Now that the matter is in court, I think it is only the court that can make that determination. The court does not order that Hon. Kiguru becomes the Majority Leader forever. It says that he remains to be the Majority Leader pending the determination of the case. So the determination is within the court. I think that is all I can be able to say and leave the rest for the court to determine.

Hon. Peter Thomi: Mr. Speaker. As much as we have courts in Kenya and it is good to talk, the first time it was said that I have been ousted as Leader of Majority, I followed the right channel and there has never been a determination on my case. There was no resolution as to why I was ousted as the Majority Leader until recently when the party concluded on that matter. I still believe that my case was concluded just the other day, so that Hon. Kiguru could go to court, on what case is he going to the courts? Because the case was mine, where is he coming in from?

Why would he be following what I did, while mine had not been resolved, until recently? Who gave Hon. Kiguru that position, while I had complained to the party to give me back my position, since I had not been given a good hearing. After I have been given a good hearing and the resolution made, you were ousted and told that you are on the wrong, then again you proceed to court so that the case becomes yours and not mine.

Mr. Speaker, whether there are courts or no courts, I "*over my dead body"* will not allow this. We know these courts instructed the Finance Minister, Murungi Ndai to stay away from his office, but he is still there and signs our salary. Mr. Speaker, I respect you and your Chair. The truth is I am the Majority Leader of Laikipia Assembly and unless you bring another seat here, *hapa sitoki!!*

Speaker: Honourable Members, I did read the decisions and made the communication. It is up to this House, to implement the decision of the court. I will not allow any more discussion on that because we all know that when a matter is in court, we do not continue to debate on the same. The Serjeant at Arms must stop that confusion that I have made a communication and any other time I make such communications; we always effect it. Thank you.

STATEMENTS

NOTICE PAPER

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Daniel Nyausi: Thank you, Hon. Speaker. It is notified that the HBC has approved the following tentative business to appear on the order paper for Tuesday afternoon, 28th September 2021.

A. PAPERS- County government of Laikipia, Department of Infrastructure, Land and Urban Development, quarterly report for the financial statement for the period ended 31st March 2020 by Transport and Public Works Committee.

B. NOTICE OF MOTION-County Government of Laikipia, Department of Infrastructure, there will be a notice of motion the same day, Tuesday by Department of Infrastructure, Land and Urban Development, quarterly report for the financial statement for the period ended 31st March 2020, by Transport and Public Works Committee.

C. MOTION- County Government of Laikipia, Department of Agriculture, Livestock and Fisheries, quarterly report for the financial statement for the period ended 31st March, 2020, by Agriculture, Environment and Natural Resources Committee.

On Wednesday morning session, it is notified that the HBC has approved the following tentative business, to appear in the order paper for Wednesday morning, 29th September 2021.

A. MOTION- County Government of Laikipia, Department of Water, Environment and Natural Resources, quarterly report for the financial statement for the period ended 31st March 2020 by the Agriculture, Environment and Natural Resources Committee.

On Wednesday afternoon session, it is notified that the HBC has approved the following tentative business to appear on the order paper for Wednesday afternoon, 29th September, 2021.

A. MOTION- County government of Laikipia, Department of Trade, Tourism, Creative Economy and Cooperative, quarterly report for the financial statement for the period ended 31st March 2020 by Trade, Tourism and Cooperative Committee.

On Thursday, it is notified that the HBC has approved the following tentative business to appear on the order paper, 30th September, 2021 afternoon.

A. MOTION- County Government of Laikipia, Department of Infrastructure, Land and Urban Development, quarterly report for the financial statement for the period ended 31st March, 2020 by Transport and Public Works Committee.

Thank you Hon. Speaker. I kindly request the various Chairs to ensure this business will appear in the order paper next week as planned by HBC. Thank you Honourable Members.

MOTION

QUARTERLY REPORT & FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31ST DECEMBER 2020 FOR DEPARTMENT OF MEDICAL SERVICES AND PUBLIC HEALTH

Hon. Catherine Nyawira: Thank you, Hon. Speaker. On behalf of the Chair of the Health Services Committee, Hon. Veronica Ikunyua, who is away, I beg to move the following motion;

> THAT this Assembly adopts the report of the Health Services Committee on County Government of Laikipia quarterly report and financial statements for the period ended 31st December, 2020 for the Department of Medical Services and Public health dated 14 September, 2021.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Speaker, Honourable House, I wish to take this opportunity, to first thank the Clerk of the Committee, for taking this committee through and the members for their commitment to put together a voluminous report and bring it to this House.

Hon. Speaker. The Members of the committee are:

1. Hon. Veronica Ikunyua - Chairperson.
2. Hon. Catherine Nyawira - Vice Chairperson
3. Hon. Daniel Nyausi - Member
4. Hon. George Meshami - Member
5. Hon. Peter Thomi - Member

Mr. Speaker. By the end of the second quarter, the county had only realised 34% of its Revenue Budget, it attained 27% budget utilisation at the end of the second quarter, due to cash flow challenges experienced in the entire half year, having not received disbursement from the National Treasury for the 2 months, which are November and December equitable shares and grants.

Equitable share and grants

Critical expenditure such as salaries were paid through bank borrowings and repaid upon receipt of cash from National Treasury, while essential services and Covid-19 activities were paid using available opening balances and local revenue collections. This then meant that in the table that is below, you will find that a lot revenue targets were not met, due to such constraints.

Hon. Speaker, Health is one of the key departments in the County Government and during the period ended 2020, the reports and financial statements were as follows for the medical services department.

The hospital revenue had a total budget of Kshs. 350,000,000 and amount realized totalled to Kshs. 79,373,128. There was a shortfall of about Kshs. 8 million. The table is on page 4 and 5 so you will see there is medical leasing equipment, MOH Covid-19 funds, UNICEF Primary Health Care Grant, Transforming health care system and DANIDA. Some of these were the grants that were not submitted to the county during this quarter.

The total revenue realised from the hospital revenue stream was Kshs. 79,375,000 representing 0.227% of the expected income. This revenue represents a shortfall by Kshs. 8,126,872 of the quarter's expected collection, the hospital was expected to have realised. The conditional granted expected to be received during the quarter performed very poorly. Remember that I have just made a statement that this was not submitted and was not received by the County Government. That caused the poor performance.

The County managed to receive a total of Kshs. 1,385,200 out of the budget of Kshs. 374,341,395. This represents 0.37% of the budget. The county budgeted Kshs. 132,021,277 to be received from the leasing of medical equipment. This amount is a non-cash benefit and hence should not be appearing in the cash budget.

On page 6, we have the expenditure analysis and you can see what was spent during this quarter. There is the programme, description, final budget and what was utilised in the second quarter. If you divide that into four quarters you will see that there was less money being utilised. If you divide the final budget 384,588,997 by four you will see 35,862,972 was

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

utilised. You will find that less money was utilised because of money not being submitted to the County Government.

The department was operating on a cash budget of Kshs. 781,084,274 which translated to an expected expenditure of Kshs. 190,271,068 per quarter. The county managed to spend Kshs. 98,194,052 which represents a shortfall by Kshs. 92,079,016 of the expected expenditure. This is almost half of the amount.

The highest spending programme was preventive health services which managed to spend a total of Kshs. 45,045,184 during the quarter. Members, you remember this was a Covid year and therefore preventive health maintenance was very important with protecting people by trying to ensure that people keep healthy and take precaution.

The programme health services improvement managed to spend Kshs. 35,862,975 against a budget of Kshs. 384,588,997 which represents 9.32% of the budget. The programme general administrative and planning services had spent a total of Kshs. 17,287,395 representing 20% of its total budget.

Mr. Speaker, the absorption rate of preventive and promotive health was at 10.167, 47.22% for general administrative and 42.49% of community health strategy programmes respectively. The committee observed that;

1. That the department was not able to meet expectations on revenue generation.
2. That there was minimal disbursement of funds from the treasury to the departments.

As a committee, we recommend that;

1. There is a need to for an enhanced effort to improve on the revenue generated since the budget activities which will be greatly affected by slow uptake of revenues.
2. The medical services allocation should be enhanced bearing in mind that the department's contribution to the revenue collection is also very high.

We ask the House to adopt this Health and Services report. This is a self-explanatory report and I wish to request Hon. Nyausi to second this report.

Hon. Daniel Nyausi: Thank you, Hon. Speaker. I rise to second the report brought to the floor of this House by our able Vice Chair, Hon. Catherine Nyawira. It is a very self-explanatory report, brief and precise. I am very sure that the Members have gone through the report and I will just request the House to consider the recommendations in this report, because that will improve the lives of our people bearing in mind that at this particular session we really had Covid-19 that has shaken the world.

We really need to be ready any other time. It has prepared us psychologically that we need to put structures because it is the first time where all hospitals could be full. In the beginning days we really suffered and panicked a lot and it was really hard for anyone to access facilities. So it shows us clearly that it is very wise that we equip and have our own facilities just in case. Otherwise it was a great lesson. So, I kindly ask the Hon. Members to support and consider the committee's recommendations and to implement the same when the time comes. Thank you.

(Question proposed)

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Speaker: The mover to give a reply.

Hon. Catherine Nyawira: Thank you, Hon. Speaker and Hon. Members for listening through the report and internalizing it. I urge you to support it and adopt it. Thank you.

Speaker: The question on the same will be put on Tuesday, next week at 2.30 p.m.

(The putting of the question was deferred)

ADJOURNMENT

Speaker: This House now stands adjourned until Tuesday, 28th September, 2021 at 2.30 p.m.

The House rose at 3.00 p.m.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*