REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Thursday, 25th June, 2020

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

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

PRAYERS

PAPER LAID

HIND MAST FLOODLIGHTS

Hon. George Meshami: Thank you, Mr. Speaker, Sir. I wish to lay on the table the report on hind mast floodlights oversight visit by the County Cohesion and legal matters Committee on an oversight visit. Thank you.

(Hon. George Karuiru laid the Paper on the table)

NOTICE OF MOTION

HIND MAST FLOODLIGHTS

Hon. George Meshami: Thank you, Mr. Speaker. I beg to give notice of the following motion;

THAT this Assembly adopts the County Cohesion, Justice and Legal Matters Committee report on hind mast floodlights oversight visit dated 17th June, 2020.

STATEMENT

STATUS OF THE LAIKIPIA COUNTY COOPERATIVE DEVELOPMENT REVOLVING FUND

Hon. Stephen Ndiritu: Thank you, Mr. Speaker. There is a statement I wish to respond to in this House and I believe that every member has a copy of the same because we had placed the response in the pigeon holes since yesterday morning. I believe that the Members have gone through and scrutinized it as well.

Mr. Speaker, a statement was tabled in this Assembly by Hon. Catherine Kibui on 27th may, 2020 requesting for a response regarding the Laikipia County Cooperative Development Revolving Fund. The statement was committed to the Committee on Trade, Tourism and Cooperative with a directive to table a response before the House on or before 10th June, 2020.

Mr. Speaker, the committee did a letter to the County Executive committee member, Trade, Tourism and Cooperatives vide REF: CGL/CA/CM/002/09 dated 27th May, 2020 requesting for the submission of response to the statement on or before 3rd June, 2020. The attached response was received on 16th June, 2020 addressing the issues raised in the statement as follows;

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1. Regulations on Laikipia County Cooperative Development Revolving Fund.
2. Composition of the Board and letter of Appointment.
3. Appointment of Fund Board.
4. Submission of Annual Report/ Financial Report.
5. Chairpersons Report.
6. Disbursement of fund since inception of the fund.
7. Disbursement of fund in 2018/2019.

On these eight questions, the department has responded as follows;

1. Regulations on Laikipia County Cooperative Development Revolving Fund.

On this matter, we address the Honourable House as follows;

- The establishment of the fund, its operations and other pertaining matters were legally anchored in the Laikipia County Cooperative Societies Act, 2014 and its subsequent amendments.
- Sometimes in 2015, the department through its CECM made rules for the better meeting of the objects of the fund.
- The referred rules were gazetted as required by law but unfortunately the department learnt later through communications from the House that the requirements of the Statutory Instruments Act on submission to the County Assembly within seven days was, regrettably not met.
- Following the realization of this oversight of non-adoption of the rules by the honourable House and informed by the anomalies in the 2015 rules, my department started a process of making a substantive Statutory Instrument to govern the operations of the fund through a consultative process involving the cooperative department, the fund board, the legal department and the Laikipia County Cooperative Societies forum.
- Sometimes in early December we were able to come up with a final copy of the regulations which was forwarded to the cabinet for adoption and further consultation.
- The regulations were forwarded to the government printing press and a pro-forma invoice obtained on the 18th of March, 2020. Because the Members have got this document, they can therefore see the attached receipt as an evidence that the government has forwarded the regulation to the government printer.
- There was a long delay in the gazettement of the regulations from the government printing press as a direct consequence and impact of the prevailing Covid-19 pandemic which has brought operations at the press to a bare minimum.
- We are pleased to inform the Hon. House that we now have gazetted copies of the Regulations and that the same has been forwarded to the Assembly as required. The regulation is now with the Assembly and I believe that the committee that deals with regulations have got that document.

2. Composition of the Board and letter of appointment.

In this document we have the letter of appointment and the Members can see it and the composition of the board consists of;

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- Benjamin Rono
- Faith Njeri Muchoki
- John Kibe
- Ann Wanjiru Githiri
- Mr. Oseko.

3. Submission of annual report/Financial report

The CECM responded as follows;

Hon. House, the fund has previously been submitting its progress report to the department of Trade, Tourism, Enterprise and Co-operatives for onward transmission to the department of finance and economic planning but on August 2019, the acting fund administrator received a standard template for reporting and therefore starting using it. It was not clear on how and to who the fund should report. This has been sorted out and agreed as per the PFM Act 2012, Section 166 that the fund will be submitting it's the report to the Department of Finance and Economic planning by 15th of month after the closure of every quarter report and the same department, which is Finance and Economic Planning, and Members to note that, should take charge of the scrutiny and forward the report to the relevant office including the Assembly before 30th of the month.

It is important to note that the financial reports for2018/2019 and first quarter, second and third quarter of 2019/2020 are already forwarded and attached with the copy. The report has been submitted and if Members can look at this document they will see that the document was forwarded to the County Assembly and is with the Clerk of this Assembly. So they can go to the Clerk and see that report. I do not know how it went because this document has been in this Assembly and the Committee on Trade has not seen it through the Clerk. I do not know what I will call it…

Speaker: I have two documents

Hon Stephen Ndiritu: Yes, this is the quarter report. I have it and if you look at this document it is written Laikipia County Cooperative Development Revolving Fund, quarterly report and financial statement for the second quarter ended 31st. This means that all the other reports are with the Clerk of the County Assembly

Speaker: This is a report that was received by the Clerk on 15th of this month?

Hon Stephen Ndiritu: Yes, this is the latest Mr. Speaker. Thank you

Speaker: I have seen it. It was received on 31st January, 2020.

Hon Stephen Ndiritu: Yes. Number four is the Chairman's report. In this quarterly report financial statement there is the Chairman's report and the Members have gone through it. The Hon. Member who requested the statement has had enough time from yesterday to go through it. I expect that this report will be adopted by this Hon. House because we have brought it in good time. Number five is submission of funds since inception of the fund and because the Members have the same they can go through it and…

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Speaker: Hon. Ndiritu, this is more of a statement that should be read in the House for the HANSARD recording. Unlike what we do with the other reports, for a statement we have to go through it.

Hon Stephen Ndiritu: Thank you Mr. Speaker. I will go through it letter by letter because you have guided.

4. Chairperson's report

Again Hon House, the Chairperson and the fund administrator have provision to report on page eight, nine and ten of the standard template of the financial statement. Attached hereto find the copies of the report as submitted in the financial report 30th December, 2019 and the final copy of the audited financial report for year 2018/2019

5. Disbursement of funds since inception of the fund

Allow me Hon. House to briefly highlight on this fund in terms of funding. In 2014/2015 October the fund received Kshs.8 million that was given to twenty-five co-operative societies in December 2015 amounting to Kshs.5.5 million shillings and later in July 2016 issued Kshs.2.4 million to 9 co-operative societies. In October 2016, the fund received Kshs.1 million that was meant for capacity building and sensitization of co-operators and the general public on the operation framework and the overall objective of the fund.

In 2015/2016 and 2016/2017 the Controller of Budget recommended that the legal framework be amended to be in line with PFM Act 2012 and therefore the fund did not receive any funding from the treasury until towards the closure of the financial year 2017/2018. This resulted in the first amendment of the Laikipia County Co-operative Societies Act 2017 and the law there under.

In November 2017 and May 2018 under the new government dispensation the three Co-operative societies were funded to promote sorghum farming in the county with Kshs. 4,743,450. Toward the closure of 2018/2019 the fund also received Kshs.20 million and in 2018/2019 the fund also received Kshs.20 million in the course of the year. In the year 2018/2019, the fund managed to issue Kshs.34.3 million to 46 co-operative societies in the county and in the year 2019/2020 the fund has already issued Kshs.31.75 million to 17 co-operative societies in the county. Cumulatively, the fund has managed to issue Kshs.78.75 million to 100 co-operative societies in the county as at 31st March, 2020. Attached find the above for verification as categorized in phases. I think the Members have the document so they can look at it.

6. Disbursement of funds in 2018/2019

English is becoming a challenge to pronounce. Attached find the schedule that is inclusive of phase 4, 5 and 6 that were specifically issued in the year 2018/2019 amounting to 34.3 million shillings issued to 46 co-operative societies. The ward, amount and contacts are indicated in the schedule. I think Members have this document and can go through it and find how the money was allocated to those co-operative societies per ward and how much the co-operative societies got.

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7. Loan repayment, defaulters and actions thereof

The loan recoveries and loan turn off has been going on as expected and some societies repaying in their repayment before the stipulated time. However, there is indication of the society assuming that this is government fund emanating from political notation. This scenario is one of the major issues that have made the board to amend the legal framework in order to enhance recovery. Attached find the schedule for the period up to 30th April, 2020. The board has used the following strategies to ensure recovery of the loan;

- Writing to the society and using of the public relation approach that has resulted to management board undertaking to pay as individuals. For instance, Nturukuma dairy FCS Limited, Nalepo Boda Boda SACCO Society limited and Segera Youth SACCO Society limited are dormant but the individual board members who were issued with the loans are currently paying as individual although on a slow phase.
- Te issue of sorghum contract farming has been a critical issue that has compelled the board to develop mechanisms of rescheduling the loans. Currently, the board has recovered the loan from Ng'arua Cereals and Produce Co-operative Society Limited and Sipili Cereals Co-operative Society Limited respectively. However, for NECCO FOSA the board decided to reschedule loans to monthly instalments of 100, 000 shillings per month.
- Due to various charges of low prices of milk last year, uncertainties of market in last year but one for maize price and inadequate management practices, the board decided to revise and develop new regulations that incorporate strict measures on the recoveries. These includes signing of indemnities by the officials as guarantors, engage on a Commission of Oath advocate appointed by the Legal Services Department, recommended for the fund be considered as body corporate through a proposal bill to be tabled in the County Assembly soon and eventually listing the stubborn defaulters in the CRB and declining to give further services to them in terms of loans.

Mr. Speaker, I think I have brought this report in the right way. The committee has burnt the midnight oil to make sure that this report is brought to this House. I also want to thank the Clerk Assistants for helping the committee come up with this report. This is the only comprehensive report or statement that has been forwarded to this Assembly recently. I think the Members will adopt this statement. Thank you, Mr. Speaker.

Speaker: Thank you, Hon. Ndiritu for reading through that long response. I wish to now give Hon. Catherine Kibui, the Member who requested for the statement, to also register her satisfaction or dissatisfaction.

Hon. Catherine Kibui: *(Off record)*

Speaker: Is the microphone working?

Hon. Catherine Kibui: Thank you, Mr. Speaker, Sir. I want to thank the Committee on Trade from the onset of the timely response to my statement. However, I would like to seek

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for some more time to allow me go through this document for further interrogation. Thank you, Mr. Speaker.

Speaker: Hon. Ndiritu in his starting remarks even before he read the statement, he really emphasized that the report was placed in the Member's pigeon hole since yesterday morning. I do not know whether you looked for it in the pigeon hole or you did not find the same. I am just interested to know. If it was placed yesterday in the morning in the pigeon hole then I think that was enough time to have looked at the report.

Hon. Catherine Kibui: Asante, Mheshimiwa Spika. Hata kama taarifa ilikuwa kwa *Pigeon Hole* hii ni stakabadhi muhimu sana. Ni stakabadhi kubwa. Hivyo basi nahitaji muda zaidi wa kuipitia.

Speaker: Okay.

Hon. Stephen Ndiritu: Mheshimiwa Spika, ningetaka mwongozo wako. Tulipotoa ripoti hii na kuileta, tulihakikisha ya kwamba tumekaa kama kamati na kuiangalia. Tulihakikisha ya kwamba hii ripoti ilikuwa hapo jana asubuhi. Labda Mheshimiwa Kibui hakuwa na haja na hii kazi. Imetuchosha kwa siku hizo zote hadi tukaleta stakabadhi kama hizi. Niliamka saa moja na kuipitia hadi saa mbili ambapo nilikuwa nimemaliza.

Mheshimiwa Spika, hakuna mambo mengi yaliyo hapa. Hii ni kuangalia wanachama wa bodi aliouliza na wako hapo pia unaangalia kama robo ripoti ziko halafu unasoma na kuweka chini. Unaingia katika hii stakabadhi na kuangalia ni nani waliopewa na wako hapa. Unasoma. Hiki ni kitu cha kuangalia. Inaonekana kama ni mchezo kwa sababu Mheshimiwa Kibui amekuwa na hii ripoti tangu asubuhi.

Mheshimiwa Spika, labda utoe mwelekeo mwingine. Kama utasema tuje kesho basi niko tayari kwa hayo. Niko hapa kufanyia mwananchi kazi. Sijaelewa, lakini pia ningeomba mwelekeo kutoka kwa nyumba yako. Tungekuwa tunaulizwa maswali mengine ya kutufanya eti tuwe *busy* ilhali hakuna kitu wanachotaka.

Speaker: Kina nani?

Hon. Stephen Ndiritu: Pole, Mheshimiwa Spika. Nimesema labda…

Speaker: Kina nani?

Hon. Stephen Ndiritu: Mheshimiwa Kibui. Nimeacha kusema na wengine. Nafikiri nimejibu ya kutosha lakini kama atataka kesho basi nitakuja nisimame kusikiza.

Speaker: She is not disputing that you have done your work. In fact, she congratulated you. She said from the onset that she wants to thank the committee for the job well done but she still felt that there are some things that she wants to confirm as she continues interrogating the report.

Hon. Mary Samken: Thank you, Mr. Speaker. I also wanted to say the same. She started by saying that she congratulates the committee for the good work. I was listening to my good friend, Hon. Stephen. I wonder why he wanted to show this Hon. House that Hon. Kibui had no interest in looking at the report when she had just asked for more time to go through the report.

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When a Member comes in this House with their statement it means that you are interested to get some information about that statement. For the Hon. Member standing to say that because she had seen the documents since yesterday morning it shows that she has no interest, when she has just asked for more time to go through the report so that she can register her satisfaction. I think the Hon. Member is out of order. He should withdraw that statement that Hon. Kibue had no interest in this report.

Hon. Catherine Kibui: Asante sana, Mheshimiwa Spika. Nashangaa sana Mheshimiwa Stephen A.K.A akisema niko na mchezo. Nadhani sikuletwa katika hii nyumba nije kucheza. Nina haki yangu ya kuuliza *statement* yoyote ambayo ningetaka kujua. Niko na sababu zangu za kusema kuwa nataka kupitia hiyo *document.* Nimekuwa katika hii nyumba ya heshima Waheshimiwa wengine wanaposema wanataka kupatiwa *time* na unawapa. Hata mimi niko na *right* yangu ya kupewa *time* niende *through*.

Speaker: Hon. Member, I would kindly request you to only use Kiswahili or English so that you do not confuse the HANSARD people.

Hon. Catherine Kibui: Naomba unipe nafasi ili nipitie haya makaratasi kwa sababu sio ya mzaha. Hii ni pesa ya wanalaikipia. Nataka kujua kiini na maana iliyotuma niulize hii taarifa. Nataka kuipitia pole pole. Tukirudi wakati mwingine nitakuwa nimemaliza. Asante, Mheshimiwa Spika.

Hon. Mutahi Muritu: Asante sana, Mheshimiwa Spika. Kusema ukweli taarifa yenyewe ni kubwa sana ninavyoiona. Iliwekwa jana ama juzi. Naona ni kwa busara yako kupitia kiti chako kutoa mwongozo kwamba watu wapewe muda zaidi tuweze kuona hii nyaraka. Naomba Mwenyekiti aridhie hayo ili tuweze kusonga mbele. Asante.

Hon. George Meshami: Asante sana, Mheshimiwa Spika. Nafikiri kila Mjumbe ana haki ya kuuliza masuala anayohitaji kuuliza. Kama hakuridhika na maswali aliyokuwa ameuliza, naomba apewe nafasi ya kutosha ili apate kuridhika. Huenda labda ametumwa na wale anaowakilisha hapa. Ni muhimu sana swali lijibiwe kulingana na lilivyo na apewe majibu ya kutosha. Ni haki yake na ya wale anaowakilisha. Asante sana, Mheshimiwa Spika.

Hon. Veronica Ikunyua: Asante sana, Bwana Spika. Pia nami nasimama kuungana na Waheshimiwa wenzangu. Hii ripoti ni nzuri na ni kubwa. Mheshimiwa Kibui vile alivyoomba apewe nafasi aipitie. Shirika ziko nyingi sana upande wa Ngobit. Watu wa Ngobit labda wangependa kujua vile kunaendelea. Ziko nyingi sana Ngobit, za boda boda na za maziwa.

Hapa kwetu ziko na zinaendelea vizuri na kwa hivyo kuitisha ripoti sidhani kuna shida. Najua Mheshimiwa wa Ngobit, Robert anakubaliana na mimi. Hata yeye angetaka kujua vile kunaendelea. Ni vizuri tusome na ni sawa, mimi naomba umpe hiyo heshima.

Hon. George Karuiru: Thank you, Mr. Speaker. I take this opportunity to first of all congratulate my fellow Hon. Member of Thingithu, Hon. Stephen Ndiritu. Coming up with such a big document with all the resourceful information that the Member would require. I want to remind him that maybe, according to him he can go for a novel of a thousand pages within a day.

An Honourable Member begging for some additional days should be an acceptance from his own heart. Well, I prepared these documents and now this is the position. The additional time through the Speaker can be given a week. Hon. Stephen has a very huge

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document. Going through it page by page, I slept at three trying to peruse the same document. I have not also finished.

He is beating drums for himself saying that this is the best document so far in this Assembly. Hon. Speaker, we should be not addressing him that this is the best report ever. I am not saying it is the best. We have fronted many other reports but he should wait for people to say, congratulations this is the best Committee. It is not actually.

Somebody told me that some time a lizard jumped from on top of a *nini.* It found that no one recognized that favour, it had to just clap on its own. I would beg the Hon. Member to just accept the additional days.

Hon. Chris Mark: Mr. Speaker, I am a bit worried. We are talking about my Hon. Chair Trade and putting an example of a lizard. I just want a clarification. I would want to defend my Chairman he is not made an example of with a lizard. I wish it was a lion, I would not have woken up. Or a lamb or a goat, but not a lizard Mr. Speaker.

Speaker: Hon. Karuiru, you said a lizard jumped from a *nini.* I did not get it very well. Maybe you could clarify.

Hon. George Karuiru: Thank you, Mr. Speaker. It is the way Hon. Ndiritu had put it. This language came with a boat or something like that. The lizard jumped from a house. Once it realized that nobody clapped for it for that task it clapped for itself. The Hon. Member clapped for himself. Once he realizes that nobody will acknowledge that the report is a good report and it is the best ever in this House. That is what I wanted to mean.

My fellow Hon. Member, Hon. Chris, even if we say or give an example of God or satanic things and you are relating the person to a hero. It does not mean the wide scope of an animal or something so that you mean what you want to say. I embrace that he did like that lizard, I am not demeaning him. In fact, I am praising him because he realized nobody might tell him he did a commendable job. Thank you, Mr. Speaker.

Speaker: I wish to direct, I do not know whether Hon. Ndiritu has something to say before I make the directive.

Hon. Stephen Ndiritu: Bwana Spika, nilikuwa na jambo la kusema. Ni sawa na mimi sina shida yoyote ya Mjumbe kupatiwa nafasi ya kusoma. Ni haki yake kusoma na kuangalia hii ripoti. Hii ripoti mimi mwenyewe ni kuletewa nimeletwa na leo nilikuwa nimejipanga iwapo kuna swali atauliza. Nimejipanga na kuangalia vile kitabu iko ili niweze kujibu.

Akija baada ya wiki moja, itabidi niketi nianze kuinukuu. Hii ni ripoti iliyowekwa na Waziri na nilikuwa tayari kujibu kupitia hizi karatasi. Iwapo utampa hata mwezi mmoja ili aweze kuridhika, niko tayari apewe muda. Bora tu aniambie anataka siku fulani. Nijipange kama wakili ambaye atakuja kujibu maswali fulani hapa, asante.

Hon. George Karuiru: Mr. Speaker, I think it is not in order for the Member to tell the other Member that he had crammed the report for today. Sometime if the Member asks the same question, the House will not be in order.

Speaker: Did he say he had crammed?

Hon. George Karuiru: He will have crammed, that is what in the opening remarks the Hon. Member said. *"Maybe some other time I will not be remembering what the statement*

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was". He needs some more time also to be told in advance that the Hon. Member will enquire the statement on a particular date. It should be on his fingertips because he called the Department and it was *antagonized* to him and…

CONSIDERED RULING

Speaker: Hon. Karuiru, you know Hon. Members have a lot of business and a lot of things to do. He just said here that he had prepared himself for today. I believe even the greatest professors in this world. Every time they are going for something like an interview they will always have to prepare. No one likes exams. I heard somebody say that the one thing he longs for to go to heaven is because in heaven there is no exam.

Every exam he has done has always left him with water in the belly. I wish to direct when the statement will come back to this House. Hon. Ndiritu, it is not Hon. Catherine who will give you the time. I will give you the time right away, we will be looking at this statement on Wednesday, 1st July, 2020 morning at 9 a.m. That will have given the Hon. Member some enough time to interrogate the report. She can also register her satisfaction in that response.

Importantly to note, this is an excellent job. I do not want to lobby for the response. I want to say that anyone who has ever promised to bring a comprehensive statement to this House. This is an example of a comprehensive statement, or a comprehensive response to a statement in this House. I want to congratulate the Committee for doing all these. Being able to take us through, whether information therein is accurate or may not be.

What they have received from the Executive is something that shows, whoever did this honours this House. That is what we want the other members of the executive committee and the departments of the executive to carry this House with a lot of honour. Any time they are called to respond to any statement in this House, it should be treated with the seriousness it deserves. If you look at this, it has all things.

I liked it when the Member was saying, you needed the invoice and it is attached. It is in this document and this is in this report, and I think we should do that. I must congratulate the Chair and Members of the committee for what they have done. Hon. Catherine Kibui, you have until Wednesday morning to interrogate the report. We will give you a chance to register your satisfaction or dissatisfaction with the report. You will have a full understanding of the content of the same. Thank, you.

MOTION

POLICY FOR ECDE TEACHERS

Hon. George Karuiru: Thank you, Mr. Speaker. I wish to defer the motion till next week.

Speaker: Till next week when, or any other time next week?

Hon. George Karuiru: Yes, Mr. Speaker.

Speaker: The motion stands deferred until Tuesday, 30th June, 2020 at 2.30 p.m.

(Motion deferred)

ADJOURNMENT

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Speaker: Honourable Members, this House now stands adjourned until Tuesday, 30th June, 2020 at 2.30 p.m.

The House rose at 9.54 a.m.

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