REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Tuesday, 17th August, 2021

The House met at the Assembly Chambers at 2.30 p.m.

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

COMMUNIATION FROM THE CHAIR

WELCOMING OF MEMBERS BACK FROM SHORT RECESS

Speaker: I just want to welcome the Members back because we have been on recess for the last two weeks and therefore I wish to welcome all of you back. I believe that you had a good time to interact with the residents of your wards, the members who voted you in to this Assembly. It is always important to have a rest and go back to the people who gave you the mandate so that you can interact with them. So during this period when we are on session, you can be able to contribute in the House taking into account the information that you got after interacting with the members of your ward.

Otherwise welcome so much. Obviously we expect that after the short break we are now relaxed and refreshed and therefore we are able to handle and address the business of the House with energy. I hope that we shall have a good time together.

PAPERS LAID

EDUCATION AND ICT COMMITTEE QUARTERLY REPORT AND FINANCIAL STATEMENTS.

Hon. Catherine Kibue: Thank you. Mr. Speaker. I beg to lay the report on the Education and ICT Committee on County Government of Laikipia (County Executive) quarterly report and financial statements for the quarter ended 31st March, December, 2019 dated 13th August, 2021.

(Hon. Catherine Kibue laid the Paper on the table)

FINANCE COMMITTEE QUARTERLY REPORT AND FINANCIAL STATEMENTS

Hon. Joseph Suge: Thank you, Mr. Speaker. On behalf of Hon. Mary Samken, who is the Chair Finance and County Planning Committee, I beg to lay the report on the Finance and County Planning on County Government of Laikipia (County Executive) quarterly report and financial statements for the quarter ended 30th September, 2019 dated 17th August, 2021.

(Hon. Joseph Suge laid the Paper on the table)

HEALTH SERVICES COMMITTEE QUARTERLY REPORT AND FINANCIAL STATEMENTS

Hon. Catherine Nyawira: On behalf of the Chair Health Services Committee, Hon. Veronica Ikunyua, I wish to lay the report on the Health Services Committee on County Government of Laikipia (County Executive) quarterly Report and financial statements for the quarter ended 31st December, 2019 dated 13th August, 2021.

(Hon. Catherine Kibue laid the Paper on the table)

NOTICES OF MOTIONS

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.*

FINANCE COMMITTEE QUARTERLY REPORT AND FINANCIAL STATEMENTS

Hon. Mary Samken through Hon. Joseph Suge: Thank you, Mr. Speaker, Sir. On behalf of Hon. Mary Samken, the Chairperson for Finance and County Planning Committee, I beg to give notice of the following motion;

THAT this Assembly adopts the report of the Finance and County Planning on County Government of Laikipia (County Executive) quarterly report and financial statements for the quarter ended 30th September, 2019 dated 17th August, 2021.

EDUCATION AND ICT COMMITTEE QUARTERLY REPORT AND FINANCIAL STATEMENTS.

Hon. Catherine Kibue: Thank you, Mr. Speaker, Sir. I beg to give notice of the following motion;

THAT this Assembly adopts the report of the Education and ICT Committee on County Government of Laikipia (County Executive) quarterly report and financial statements for the quarter ended 31st March, December, 2019 dated 13th August, 2021.

HEALTH SERVICES COMMITTEE QUARTERLY REPORT AND FINANCIAL STATEMENTS

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

THAT this Assembly adopts the report on the Health Services Committee on County Government of Laikipia (County Executive) quarterly Report and financial statements for the quarter ended 31st December, 2019 dated 13th August, 2021.

MEMORANDUM FOR THE APPROPRIATION BILL, 2021

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

THAT pursuant to the provision of Standing Order No. 134(3) this Assembly adopts the Laikipia County Appropriation Bill, No. 7 of 2021, referred back by H.E the Governor to this Assembly with a memorandum dated 12th August, 2021 outlining the reasons for the referral.

STATEMENT

EXTENSION OF TIME IN RESPONSE STATEMENT ON COUNTY GOVERNMENT ASSETS

Hon. Joseph Suge: Thank you, Mr. Speaker. I wish to seek an extension of time to respond to the statement on County Government Assets. A statement was raised in the Assembly by Hon. Christopher Mark Said on 21st April, 2021 requesting of a response regarding the statement of the County Government Assets.

Mr. Speaker, the committee sent two letters to the County Secretary as indicated dated 21st April, 2021 and Ref No. as indicated dated 19th May, 2021. Thereof upon his failure to respond, the committee sent another letter REF CGL/CA/CM/007/02/VOL.2/037 dated 27th May, 2021 inviting him to present himself. The County Secretary did attend the committee meeting and later presented some documents to the committee on the matter.

Mr. Speaker, Sir, the documents presented to the committee, however, were illegible and lacked some crucial information. The committee hereby requests for an extension of fifteen days period so as to table a comprehensive response on the statement. A letter REF: CGL/CA/CM/007/02/VOL.2/038 dated 06th July, 2021 was sent to the County Secretary requesting for the same. No response has been received by the committee.

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.*

Mr. Speaker, Sir, the committee hereby requests for an extension of fifteen days' period so as to table a comprehensive response on the statement. That is a kind request from the committee. We still seek for an extension as we work to conclude our findings. Thank you.

Hon. Chris Mark: Thank you, Mr. Speaker. First I am glad we are back in safe hands. Now that Corona is ravaging, I advise people to take the vaccination. Mr. Speaker, this is the third extension. If they are not able to get answers from the CECM or the department, why can't they summon him.

As you can see the first one was an extension on 26th May. They insisted on getting more time. Another one came on 10th June and now 17th August. If we continue with this we will never have answers. That is the purpose we are here or even any business running in this House, we must take the work of this House very seriously. I cannot even see the Members of this committee. I doubt that Hon. Suge is just an amicus to the committee.

This committee is not serious. I am urging you to stamp the authority and give them three days or one day to respond to this. If you can calculate all these days, they will be equalling to more than a month. Even if you remove the time we were out for recess, they still had ample time. This is a disappointing matter and these two weeks are a joke. We shall come and again they will tell us unless the Executive admits that the county has no assets they can register. That they do not know how many cars they have, what are the properties and where the title deeds are. They should admit that and this matter rests. Thank you, Mr. Speaker.

Speaker: Thank you, Hon. Chris Mark. Now that you have said that you think that Hon. Suge is an amicus, that says that the Chair is not here to say whether he can be able to do that in three days. That still gives them the benefit of time. We will give those fifteen days to respond. I do not know whether Hon. Suge has something to say.

Hon. Joseph Suge: Mr. Speaker, I wanted my colleague to withdraw the statement of referring to me as an amicus. I am a rightful member to the committee on Finance and County Planning. I beg that he withdraws it.

Speaker: Hon. Chris Mark, kindly be advised and withdraw.

Hon. Chris Mark. Sorry, I withdraw that statement. No pun intended for the leader of our headquarters. I take him seriously because if the rightful things would have been followed he would have been sitting in his word today as we do these sessions. Mr. Speaker, even if we give them another fifteen days, then what happens if they still…

Speaker: Hon. Chris you are raising to withdraw the statement.

Hon. Chris Mark: I withdraw.

Speaker: I am giving them fifteen days but this time round the committee should bring us a comprehensive statement. If you cannot get this information from the Executive, then you are supposed to summon the concerns because you have the powers to do so that you can get one on one information. It is very important not to be slow with the business of the House. We have to move very fast so that this will not be overtaken by events.

As the Hon. Member said, we believe the Executive has the assets registered and all that is required with this information. Kindly make sure that we do that in the next fifteen days.

MOTION

MEMORANDUM FOR THE APPROPRIATION BILL, 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. Joseph Kiguru: Mr. Speaker, Sir, I beg to move the following motion;

THAT pursuant to the provision of Standing Order No. 134(3) this Assembly adopts the Laikipia County Appropriation Bill, No.7 of 2021, referred back by His Excellency the Governor to this Assembly with a memorandum dated 12th August, 2021 outlining the reasons for the referral.

Mr. Speaker, Sir, because the Hon. Members have the same document of the memorandum on resubmission of memorandum, section 24(2) of the County Governments Act provides that;

The Governor shall within fourteen days after receipt of a bill

a. *Assent to the bill; or*

b. *Refer the bill back to the County Assembly with a memorandum outlining reasons for the referral.*

Mr. Speaker, Sir, being dissatisfied with the Laikipia County Appropriations Bill as forwarded (this is from the Governor) to me for assent on 29th July, 2021, I hereby refer it back to the County Assembly as per the provisions of Section 24 (2) (B) of the County Governments Act. I have also prepared a memorandum outlining my reasons for referring it back to the County Assembly.

Please find attached the Laikipia County Appropriations Bill forwarded to me for assent by the County Assembly; Memorandum dated 9th August, 2021; and, the Laikipia County Appropriations Bill as prepared by the County Executive Committee as per the requirements of Section 129 (7) of the Public Finance Management Act for your positive consideration.

For clarity, the Laikipia County Appropriations Bill as prepared by the County Executive Committee as per the requirements of Section 129 (7) of the Public Finance Management Act resolves the issues that I have raised in my Memorandum and ought to have been the County Appropriations Bill first considered by the County Assembly. I call upon the County Assembly to take into account the legal issues that I have cited in my Memorandum and approve the Laikipia County Appropriations Bill as prepared by the County Executive Committee to avoid contravening the law. Thank you in advance.

Mr. Speaker, Sir, I have here the Memorandum and as I have stated, I think all Members have the same. The Laikipia County itself fought to support the citizen and economy during the pandemic and in partnership with the National Government. In September, 2020, it came up with the Laikipia County COVID-19 Social Economic Re-Engineering Strategy 2021.

Mr. Speaker, allow me to go directly to the issues raised: one, whereas the County Assembly forwarded to me a Vellum of the Laikipia County Appropriations Bill 2021 on 29th July, 2021 for my assent. Whereas Section 24 (2) of the County Government Act provides that the Governor shall within 14 days after receipt of the Bill assent the Bill or refer the Bill back to the County Assembly.

Issue number A is: approval of the County Fiscal Strategy Paper as all Members know the issue that brings about this crisis. I will go directly to the removal that the Governor stated that he is not comfortable with. One: removal of County Spatial Planning and Titling Fund. Another issue is reduction in funding of contingent liabilities, reduction in funding of universal healthcare, allocation to road network and reduction in the leasing rental obligations and so on and so forth.

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.*

Mr. Speaker, Sir, I would just want to take this opportunity to give Members time, but first I will call upon Hon. Jacob Endom to second this motion and also urge Members to go directly and internalise all the quarrelsome statements that the Governor has put in this document and also to take with a lot of concern and with the responsibility put upon this Assembly to make sure that we do what is right, and not just that, but what is right for the Laikipians. Thank you, and I would urge my brother to second this motion.

(Hon. Jacob Endom seconded)

(Question proposed)

Hon. Catherine Nyawira: Hon. Speaker, I rise to make my contribution to the Memorandum that was submitted to this House by the Governor. I will go straight to the First Amendment which seeks to delete the Kshs. 7,329,370,993.30 and substitute it for the figure Kshs 8,570,747,400 whenever the same appears. This statement is very clear that it is the re-introduction of the Infrastructure Bond which was introduced to this House in the Debt Management Strategy Paper. The DMSP did not go through in this House and Members rejected it heavily.

Mr. Speaker, it is good to note that one of the things that the DMSP requires is that it reflects on the CFSP, but the CFSP submitted to this House did not have the bond and therefore a DMSP could not introduce the bond without relating themselves. The DMSP also failed to show where the actual cost of these projects that were being introduced to Laikipia County had come from. It did not also show the risk of borrowing and therefore it failed to meet the threshold that is required in a Debt Strategy Management Paper.

Mr. Speaker, it also did not show the risk should we be unable to pay but the truth is, should we be unable to pay this money it will directly affect our salaries and the revenues that we collect. We will be penalised heavily should we fail to meet our targets at the national level and wanjiku will suffer further because the revenue raised will mean that business permits will go up.

Mr. Speaker, I believe that those were the feelings of Members at that time. Today nothing has changed because the Debt Management Paper failed to meet this threshold and no bill of quantities were shown to show the costing of the projects and how they were done. A feasibility study was not done for example to show, whether when Wangwachi Dam will be providing water to the farmers, whether these projects would be able to pay itself or Laikipians would have to dig deeper into their pockets.

One case in particular which I wish to give is the BJ Project which is the county project financed through the budget of this county. When you look at the cost of this vehicle, it is about Kshs.400, 000. A second hand Toyota would be costing Kshs.180, 000 or 100, 000. So does it compete? No, because if I can get something of the same calibre at Kshs. 100,000 which is made in China or Japan world class kind of the weight designed, then it does not compete.

I am not saying that borrowing is bad because we all borrow and I am even heavily indebted because I have some loan in the bank but this is the life of wanjiku. As Members, we are not denying Laikipians projects or money. This money is not being given to us but being lent to us. So the reintroduction of the Kshs.1.2 billion in the amendment section 2 of the bill, to me stands without basis.

Mr. Speaker, I wish to repeat that if this county would have wanted to do these projects in the infrastructural bond, then they should have been done as flagship projects such that every year a section of money should have been set aside to do those projects. So I feel that this

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.*

memoranda and especially section 2 of the bill, money set aside for the introduction of infrastructural bond does not meet the threshold.

If you look at the other amendments R001, R002, R003, R005 up to R0016, this only requires this County Assembly to include the words pending bills in their relevant departments so that contractors can be paid their monies. This is quite in order and I believe that sitting in the Budget Committee as a Member, we did that and we will continue to insist that monies for contractors be paid. Monies in every department to pay these contractors. So I feel that this memorandum does not meet the threshold on the 1st amendment and therefore according to me it does not sit well. Thank you.

Hon. Stephen Ndiritu: Asante, Bwana Spika. Nasimama pia kutoa mchango wangu kuhusu hii risala ambayo imeweza kufika kwa Bunge. Mimi nafikiria ya kwamba wakati sisi tuliketi katika Bunge, kuna zile bajeti ambazo tulipitisha na pia CFSP ambayo tulipitisha. Hesabu zozote ambazo zinafaa kuwa katika hii risala zinafaa kuambatana na CFSP na pia bajeti ambazo Bunge lilipitisha.

Bwana Spika, katika hii risala, imeongea kuhusu *Infrastructural Bond* ambapo sisi kama Bunge tumepewa nguvu na sheria na tuliweza kuiondoa na kusema ya kwamba kama tunakopa ni lazima tupitie taratibu zote ambazo zinastahili. Ukiangalia hii risala inaweka mambo ya *Infrastructural Bond* ambapo hata hili Bunge halijawahi kupitisha.

Jambo la pili ni kwamba risala ambayo iko hapa inafaa kupelekana na bajeti ambazo sisi tulipitisha. Kwa mfano, ukiangalia hii risala utakuta ya kwamba hesabu nyingi ambazo tulipitisha katika CFSP haziko hapa. Utakuta ya kwamba yale ambayo yanaongelelewa hapa ni kinyume na yale ambayo tulipitisha. Kwa hivyo ninapinga vikali hii risala kwa sababu inakiuka haki za wanalaikipia. Jambo lingine…

Speaker: Hon. Member for Umande.

Hon. Daniel Mugweru: Thank you, Mr. Speaker. The issue that is in the House is an issue that touches the whole county and every Member in the House is touched in one way or the other. For that reason, I am rising to beg that we as Hon. Members to get at least 20 minutes to have a dialogue on the same and then come back. We would really have a good way forward after we sit down and come up with something that would benefit the whole of Laikipia. Thank you.

Speaker: Anyone who is seconding that?

Hon. Stephen Ndiritu: Bwana Spika, nafikiria pia mimi naweza ungana na Mheshimiwa Mugweru kwa sababu yale ambayo tunazungumzia hapa ni mambo ambayo inahusu Laikipia, maendeleo ya Laikipia na pia inahusu vile Laikipia itakaa kwa muda wa mwaka mmoja. Kwa hivyo hata kama Mheshimiwa Mugweru amenikatisha, kupitia hekima ambayo tuko nayo na Mugweru na pia hekima ya hili Bunge, mimi naweza kuungana naye na niweze kusimamisha yale naongea kwa sababu yale ambayo tutaweza kuzungumza inaweza kuwa zaidi kwa wanalaikipia.

Speaker: If I propose the same, I want to be very keen on time because you said 20 minutes.

Hon. Daniel Mugweru: Mr. Speaker, we can make it 30 minutes.

Speaker: Hon. Ndiritu, you are also seconding 30 minutes?

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. Stephen Ndiritu: Yes, Mr. Speaker I am seconding what Hon. Mugweru from Umande has said.

(Question proposed)

Speaker: What is the feeling of Members?

Hon. Chris Mark: I couldn't agree more with my colleagues because on such matters, it is good that we consult widely and therefore 30 minutes would be prudent.

Hon. Catherine Kibui: Thank you, Mr. Speaker. I also rise in support of that.

Hon. Jacob Endom: Bwana Spika, hata mimi naungana na wenzangu tupate nafasi ya kujadili kwa sababu vile tunafanya hapa, inahusu Kaunti nzima ya Laikipia. Kwa hivyo ni vizuri kama Wabunge tukutane ili tukubaliane.

Speaker: Hon. Mugweru, could you give a reply.

Hon. Daniel Mugweru: Thank you, Mr. Speaker. I wish to thank all the Hon. Members for agreeing on 30 minutes because that will make us have a good direction as a House. So thank you and I support the same.

(Question put and agreed to)

(The House was suspended for 30 minutes and the mace covered)

(The House resumed)

Speaker: Now I believe that we are back. The House was suspended for 30 minutes but went up to 45 minutes. Therefore, Serjeant at Arms you can now uncover the mace.

(The mace was uncovered)

Speaker: So Hon. Stephen Ndiritu was contributing before he was interrupted by Hon. Mugweru.

Hon. Stephen Ndiritu: Asante, Bwana Spika. Nilipokuwa naongea kuna jambo ambalo lilitokea lakini sasa naona kama nitaendelea hadi mwisho…

Hon. Joseph Kiguru: Thank you, Mr. Speaker, Sir. I request the Chair to allow me defer this motion until further notice because the issue at hand is very sensitive. I would urge the Members to allow the suspension of this motion because as I look at this House either approval or disapproval of the issue at hand will affect the Laikipians. So I would urge until further notice to allow me as a mover to defer this motion. Thank you.

Speaker: Who is seconding?

Hon. Joseph Kiguru: I would ask Hon. Mugweru to second the deferment of this motion.

Hon. Daniel Mugweru: Mr. Speaker, I second.

(Question proposed)

Speaker: What is the feeling of the Members?

Hon. Joseph Suge: Thank you, Mr. Speaker. I rise to concur with the Hon. Majority and the seconder that we defer the contribution of this motion to either tomorrow or the other

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.*

day for the Members to have a consultative forum because this is a very sensitive issue. It concerns both this Assembly and the entire Laikipia County.

Hon. Stephen Ndiritu: Thank you, Mr. Speaker. I rise to make a contribution on this one because there are some issues that I have seen in this motion which maybe needs to be consulted widely. I am a person who has wisdom and there is a saying that goes *"if you cannot beat them, better join them".* Therefore, I support the deferment of this motion. Thank you.

Speaker: The mover to give a reply.

Hon. Joseph Kiguru: Thank you, Mr. Speaker. I appreciate the contribution of Members on deferment of this motion.

(Motion deferred)

ADJOURNMENT

Speaker: The House now stands adjourned until tomorrow Wednesday, 18th August, 2021 at 9.00 a.m.

The House rose at 4.23 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.*