

# COUNTY ASSEMBLY OF NAKURU

## THE HANSARD

**Third Assembly (Second Session)**

**Wednesday 19th April 2023**

**Assembly Building**

**The House met at 03:05 PM**

*[Deputy Speaker (Hon. Joseph Ngware) In the Chair]*

### **PRAYERS.**

### **COMMUNICATION FROM THE CHAIR**

#### **PETITION TO THE SENATE**

**The Deputy Speaker** (Hon. Joseph Ngware): We have a Communication. This is to bring to your attention that, That pursuant to the provision of Article 37(119) of the Constitution as read together with Standing Order 225 of the Senate Standing Orders, the County Assembly of Nakuru wishes to petition the Senate to consider various subject matters under their jurisdiction which includes amendment of the Constitution to incorporate the County Ward Equitable Development Fund to enact a legislation to provide for the administration of the County Ward Equitable Development Fund, first tracking of the County State Officers Pension Bill 2020 and exception of paying Taxes with regards to Motor Vehicles Reimbursement among other issues.

You are therefore requested to pick a copy of the Petition from the Sergeant At Arms and append your Signatures for onward transmission to the Senate. Thank you. Next order.

### **QUORUM**

**Hon. George Tallam:** Honourable Deputy Speaker we do not have quorum in the House.

**The Deputy Speaker** (Hon. Joseph Ngware): Thank you Honourable Tallam for alerting the Chair and I request the Sergeant at Arms to confirm whether we have the Quorum. Thank you, Sergeant, At Arms. I direct that you ring the bell for ten minutes.

*(The quorum bell was rung for ten Minutes)*

**The Deputy Speaker** (Hon. Joseph Ngware): Sergeant at Arms you can be working on the microphones if they are not working. I think we have attained the quorum and we can now proceed.

**Hon. Philip Wanjohi:** Whatever is contained in the Petition is what we want to go to the Senate. That is my humble request Honourable Deputy Speaker.

**The Deputy Speaker** (Hon. Joseph Ngware): I also want to support him and I want to award him like five minutes to take us through the Petition because I think it is of importance to the County and also to the Members of County Assembly (MCAs). It is your time Honourable Karanja to take us through the Petition for five Minutes.

**Hon. Stanley Karanja:** Thank you Mr. Deputy Speaker.

This is a Petition that when we went for the Liaison Training and we were taken through some of the things by the facilitator Mr. Deputy Speaker, we decided as Liaison we come up with a Petition. And this Petition is supposed to be taken to the Senate so that Mr. Deputy Speaker some of the issues that we have dealt with can be clearly addressed by the Senate.

Mr. Deputy Speaker, you know very well that the role of these Members seated here. One of them is Legislation. Mr. Deputy Speaker, you also know that we do Oversight. We oversight the Executive and the work the Executive does Mr. Deputy Speaker.

You also know that without the budget, no work can be done in a County Mr. Deputy Speaker. So within these roles that we do as an Assembly Mr. Deputy Speaker, the cardinal, spirit and role of the devolution was to make sure that the Mr. Deputy Speaker, that we bring the government closer to the people, Mr. Deputy Speaker, and that Government, was now the devolved unit. Therefore, the assemblies were supposed to be equally treated, the way the Senate is treated, the way the way the National Assembly is treated. Mr. Deputy Speaker, it is really disheartening that after all what has been done the Salaries and Remuneration Commission, Mr. Deputy Speaker, when we were in campaigns reduced the Members and enumeration Mr. Deputy Speaker to the level that we started the Assemblies with in 2013.

And therefore Mr. Deputy Speaker, this Petition as Members go through it, we have the pleas that we are making today, which I will go through because it is the cardinal essence of this Petition.

Now, therefore, our Prayers are this to the Senate Mr. Deputy Speaker: that the inclusion of Ward Equitable Development Fund in the amendments to the Constitution, and this will give effect to Chapter 11 Mr. Deputy Speaker of the Constitution on the objects of Devolution.

Mr. Deputy Speaker without developing the ward, Mr. Deputy Speaker, you know it is a zero sum game Mr. Deputy Speaker; and that is Prayer number one. Prayer number two Mr. Deputy Speaker is that Bill of Article 204 of the Constitution with respect to County Ward Equitable Development shall provide us that each County Government shall allocate the funds comprising of the Counties Annual Budget Estimate as advised by the Commission.

Mr. Deputy Speaker, if you go to; I am giving the power to number one, through three, then Mr. Deputy Speaker Parliament to enact a Legislation to provide the administration of County Wards.

When you go to no. 5 where I want the Members to be now, it is enhancement Mr. Deputy Speaker of remuneration of Members of the County Assembly Cognisant to the critical role that they play in Governance, taking into consideration the principles of equity and the prevailing market rates.

Mr. Deputy Speaker when we were elected last time, what was the price of petrol? Right now Mr. Deputy Speaker even coming to the Assembly is a nightmare. Mr. Deputy Speaker that is why we are saying that this in view of the fact that Gazette Notice, and I want Members to take cognisance of that, 8792 of 27th July 2022 reviewed the Members of the County Assemblies salary downwards. Mr. Deputy Speaker, you know you cannot review a salary downwards. It is not practical. Mr. Deputy Speaker, we know some people do this without public participation. How do you review a salary of any Member downwards? That one has never been heard of; and reviewed the Members of the County Assemblies downwards in comparison to SRC Circular dated 27<sup>th</sup>, 2013. Can you imagine the MCA who was elected in 2013 was paid better than you? That is why we are saying that, that Circular that was there in 2013, if everything has to go to a standstill, we ought to remain with the 2013.

You also know that this is the only Assembly where we will not now be having what is called annual increment. *Ile mshahara umewekewa ni kama imewekelewa jiwe. Ile uliwekewa ndivyo itabaki mpaka uzeke hapa miaka tano.* This is what we are fighting.

If you check number 6, fast tracking the County State Officer Pension Bill 2020. If you compare Hon. Palang'a and Hon. Waseges; Hon. Palang'a even after serving for 20 years, he will not get the pension. He will stay like that and that is why we are saying that this is very serious. When President Uhuru Kenyatta finished the 10 years, we are now giving him pension; *ama sivyo?* When Hon. Moody Awori finished being the Deputy President, he is now enjoying pension. Hon. Kalonzo Musyoka is enjoying pension. When Hon. Raila Odinga finished the work of being the Prime Minister, he is now enjoying pension but an MCA like Hon. Palang'a, after serving for 20 years, he will go home like Hon. Kajoyce who is here digging graves. Therefore, this is what we are saying that it must be effected.

The last one is that Members of the County Assembly currently, we are given car reimbursement. Even that car reimbursement that we are given, we are supposed to buy a vehicle then you get the same amount of money that you used. It is what you should be given. We are asking the Senate to make sure that we are not being double taxed. We are taxed when we buying the vehicle then you are taxed again when you are given reimbursement. If it was Kshs 2.2 million which I used to buy the vehicle, I was taxed at the source when buying the vehicle. Therefore, KRA should give us back our sh. 650,000. Those are some of the prayers that we are asking the Senate to do.

I am asking the Members, that is why we gave this Petition that if there is something that we have left, this Petition is not for the Liaison, not for me but it is for the whole Nakuru County Assembly. Therefore, I would ask the Members that whatever they want to add here to add then after we are through, we set a date so that this Petition will be taken to the Senate and then we be given an Ad Hoc Committee of maybe 10 or so; including the Leadership so that when we are taking it, we are taking this Petition as Nakuru County Assembly and then we talk on behalf of Kenyans.

You know that we formed a group that is supposed to fight for welfare and we will be meeting on 3<sup>rd</sup> May, 2023. As we do that, we let the Senate be working on it. That is the prayer that we are asking the Senate to do and I think Members now can add, subtract, empower and add meat to the skeleton that we have drawn. Thank you Mr. Deputy Speaker.

**The Deputy Speaker** (Hon. Joseph Ngware): The Minority Leader you can have your one minute.

**Hon. Philip Wanjohi:** Mr. Deputy Speaker, I wish to congratulate the Hon. Karanja on behalf of the other Members. What he has just presented is not his personal document. That is a document that has been enacted, discussed by the Members of this Assembly and therefore we own everything that he has said. Like he has rightfully put it, if you have any other issues that you wish to bring forward, kindly do it between today and tomorrow so that next week we take this document to the Senate. Thank you.

**The Deputy Speaker** (Hon. Joseph Ngware): Is there any other Member with an addition? Yes.

**Hon. Alex Bor:** Thank you Mr. Speaker for giving me this opportunity. First I would like to commend the work that Hon. Karanja has done. I want to say that if the Members of the National Government are treated as we know, then we are also supposed to be treated as they are treated because their work is equivalent to our work.

I want to just make a comment on the Prayer no.7; that if it is a reimbursement, it is not supposed to be subjected to double taxation. The Constitution provides that no Kenyan is supposed to be subjected to double taxation.

I therefore support this Petition and just as the Member has said that we all as a House need to have our input so that Hon. Karanja can have our blessings. Thank you.

**The Deputy Speaker** (Hon. Joseph Ngware): Members can we move on and agree that the document is now our document? It has transitioned from the Liaison to the House. Can we adopt it? Can I put it to question that we adopt it?

*(Question put and agreed to)*

## **STATEMENTS**

**The Deputy Speaker** (Hon. Joseph Ngware): We have two Statements. Two from Hon. Wanjohi. Kindly, the floor is yours.

**Hon. Philip Wanjohi:** Thank you Mr. Deputy Speaker, pursuant to Standing Order 47 (2) (c) I rise to request for a Statement from the Chairperson of the Committee on Finance concerning the revenue generated from cess collection in the County of Nakuru. As we may be aware, the County Governments relies on cess collection as one of its key Strategic Revenue Generating Streams.

Currently the Cess Points are distributed in various points across the County but there is lack of clear information on how such points are managed. As the House we have been charged the responsibility to exercise Oversight and ensuring the County Government puts in place proper strategies in mechanising maximum revenue collection.

It is important that we get accurate and verifiable information on key financial matters to enable the House make its decisions. I therefore request the Chairperson Committee on Finance to respond to the following:

1. Give to this House a list of all legal authorised Cess Collection points and their locations.

2. Give us the names of Cess Points that are gazetted
3. Present to this House the total revenue collected from the respective Cess Points in the Financial Year 2020/21 and the 2021/22.

Thank you Mr. Deputy Speaker, I have...

**The Deputy Speaker** (Hon. Joseph Ngware): Thank you Hon Wanjohi for that Statement request and it stands committed to the Committee on Finance; and in 30 days, the Committee is expected to give us a Report. Proceed Hon. Member

### **STATEMENT(s)**

REQUEST FOR STATEMENT CONCERNING THE DATABASE OF HEALTH WORKERS IN NALKURU COUNTY

**The Minority Leader** (Hon. Philip Wanjohi): Thank you Mr. Deputy Speaker for making that declaration; I have a second Statement that; Pursuant to the Standing Order 47(2) (c), I arise to request for a Statement from the Chairperson Committee on Health Services concerning the database of Health Workers in the County Government of Nakuru.

Hon. Deputy Speaker, Health is a critical health function under the Forth Schedule in the Constitution and as such should be treated with utmost consideration in terms of recruitment, distribution and the management of the Health Workers. As we may be aware, the Health Department consumes the highest percentage of the County Budget due to the nature of services provided; the number of personnel engaged in the Department. It is therefore important that this House interrogates the management of Health Services in the County to ensure fairness and equity. I therefore request the Chairperson Committee on Health Services to respond to the following: -

1. Provide a list of all Health Workers and their job cadres employed by the County Government of Nakuru.
2. How the Health Workers and one above are distributed across the Health Facilities in the County
3. The terms of engagement of Health Workers in one above

So Mr. Deputy Speaker, we need to know in the County Government of Nakuru how many Health Workers are permanent, we need to know those working on contract and in case we need casuals if any, we need to have the database provided to this Assembly. Thank you Mr. Deputy Speaker.

**The Deputy Speaker** (Hon. Joseph Ngware): Thank you Hon. Members for the Statement request and that Statement stands committed to the Committee on Health and we expect a Report from that Committee in 30 days. Thank you.

### **MOTION**

THE HOUSE ADOPTS THE REPORT OF THE COMMITTEE ON HEALTH SERVICES ON THE VISIT TO BONDENI SUB COUNTY HOSPITAL ON 28<sup>TH</sup> FEBRUARY, 2023.

We have a Motion from the Chairman Health Services Committee Hon. Njuguna Mwaura. Is the honorable Member in the House? The Vice Chairman Committee on Health? Okay we differ that Motion to another date.

### **ADJOURNMENT**

Having accomplished the Orders of the day, this House will stand adjourned until next week on Tuesday. After this Sitting, we shall be having a brief *Kamukunji* to do some other Business.

**The House rose at 3.35pm**