

THE REPUBLIC OF KENYA
THE COUNTY ASSEMBLY OF TURKANA

HANSARD

Thursday, 7th December 2017

The County Assembly met at the Turkana County Assembly Chambers at 9.00 am

Deputy Speaker (Hon. Michael Ewoi) in the chair

PRAYERS

D. Speaker (Hon. Mike Ewoi): Please you may be seated.

Next Order!

Communication from the Chair

**APPROVAL OF COMMITTEE ON APPOINTMENTS REPORT ON THE VETTING OF
CECM NOMINEES.**

D. Speaker (Hon. Mike Ewoi): Hon. members, I have this communication to make; Hon. members as we are all aware the County Assembly appointment Committee concluded the approval of hearings/ vetting's of the nominees for the positions of County Executive Committee members and they are out of the County for the report writing.

We are also needed as the County Assembly to conduct the approval hearings/ vetting of the nominees for the positions of the County chief officers as from the 8th of December, 2017 to 15th December, 2017. The vetting would be handled by the various sectoral Committees of this house and the venue will be St. Ann Nanjala Centre at 9:00 Am.

However, Hon. members there would be special sittings between Wednesday 13th December, 2017 and Friday 15th December, 2017 as from 9:00AM which will be held at the County Assembly Chamber in Lodwar. The main business would be reports of the Committee on Appointments on vetting of various County Executive Committee Members. Thank you, Hon. members.

Next Order!

STATEMENTS

D. Speaker (Hon. Mike Ewoi): Yes Hon. chair for labour, gender and social welfare, please proceed.

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Hon. Simon Nang'iro: Thank you Mr. Speaker Sir, I rise to give a response to a statement by Hon. Raphael Loperito on officers working on acting capacity in Turkana County government. I am not sure if the members have copies of this.

D. Speaker (Hon. Mike Ewoi): Order Hon. Simon, I understand the member who brought this statement to this house is not a round and for the benefit of that member who came up with a statement. I don't see if it would be in order for us to proceed with the response of that statement because the member is not in the assembly unless maybe there are members who are interested. Hon. Imana?

Hon. Patrick Imana: Thank you Mr. Speaker, Mr. Speaker you know when the report is in the house it becomes the property of the house and Mr. Speaker from yesterday we tried talking to Hon. Loperito. The reasons why he brought the statement and leaving for Nairobi, he whispered to a team of in the majority's office that members can proceed to debate and digest the report.

So, Mr. Speaker, I find it necessary we debate because this report is a bit important for members to understand the kinds of appointments that are in public service. Mr. Speaker the report is the property of the house now.

D. Speaker (Hon. Mike Ewoi): Thank you, Maybe I would allow if the member had given that okay to members of his coalition for the report to proceed. Hon. Chair you may proceed.

Hon. Simon Nang'iro: Thank you Hon. Speaker, I had indicated whether members have copies of this report.

D. Speaker (Hon. Mike Ewoi): You may proceed.

Hon. Simon Nang'iro: Thank you Mr. Speaker Sir, the County Assembly of Turkana second assembly first session, first report of the Committee on labour, gender and social welfare on response to a statement by Hon. Raphael Loperito on officers serving on acting capacities in Turkana County Government dated 7th December, 2017.

Hon. Speaker, Turkana County Assembly Standing Order No. 42 part C provides that a member may request for a statement from the Committee chairperson relating to matters that are under the mandate of the Committee and the speaker may either point a day for the statement or direct that the statement be issued on the same day. Mr. Speaker Sir, following a statement sought by Hon. Raphael Loperito on County officers on acting capacity in Turkana County Government, the Hon. members in the said statement sought on the following issues that the respondents should adhere to;

1. Provide a compressive list of all the acting capacity Department officers in Turkana County government.

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2. State the duration the latter officers have served in the acting capacity alongside the relevant qualifications as well as stating their job groups.
3. Further elaborate on the allowances of if any entitlement of the officers serving in the acting capacity.
4. Provide a list of all County government health officials in charge of various health Department facilities together with their respective remunerations, packages and allowances.

Mr. Speaker Sir, the statement had earlier been directed to the leader of minority as house Committee had not been constituted. The statement was later redirected to the chairperson of the Committee on Labour, gender and social welfare on 16th November, 2017 during the morning session.

The Committee in its prudence canvassed a meeting on 20th November, 2017 to deliberate on the matter. Their resolutions were to communicate to the County Secretary to respond to these issues raised in the statement.

I wish to bring to the attention of the house that on 27th November, 2017, the office of the Clerk received a response from the County Secretary in regard to the subject in question.

The Committee after its perusal was dissatisfied with the response paving way for seeking further clarity on the same in the office of the County Secretary. The Committee received a refined response from the office of the County Secretary on 5th December, 2017.

Mr. Speaker Sir, it is now my pleasure and duty to present to the house on behalf of the Committee the response from the County Secretary on the statement.

Committee findings, observations drawn from the County Secretary response

Mr. Speaker Sir, the County Secretary in his correspondence dated 1st December, 2017, highlighted that the Turkana County Public Service Board has not authorized staff establishment. The staff establishment inexistence was invalidated after the split of Turkana County into the seven sub-counties prior to the promulgation of the constitution of Kenya 2010.

In his subject to implementation of the capacity assessment and rationalization of report that would guide and enable the County human resource advisory Committee deliberate recommendations from chief officers on matters to do with acting appointments for onward transmission to the County Public Service Board for approval.

The position of director remains to be a position at apex of any designation at job group R and this occasioned the recommendation to the County Public Service Board to either confirm the officers to the position of director or to act in vacant positions.

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Further Mr. Speaker Sir, all officers in the County public service serving on common cadre position are not authorized to act on a vacant position that fall within band of rates designated as common cadre establishment. An example is nursing officers serving at job group K to N and possession of a degree certificate, these officers treated as serving in common cadre position and therefore drawing acting allowances will be an irregularity.

Mr. Speaker Sir, in responding to a request a list of all acting in the County Department in Turkana County Government, the County Secretary in his response stated as follows;

That Dr. Gilchrist Lokoel served as acting director or CEO Lodwar County and referral hospital for a period of six months and was therefore approved, confirmed and appointed to the directorate/CEO position at job group R in the County Department of health and sanitation. He holds a Bachelor of Medicine and Bachelor of Surgery at Moi University in the year 2017.

Dr. Epem Joseph Esekoni served as acting director public health and sanitation for a period of six months before approval and confirmation to directorate position at job group R in the County Department of health and sanitation. The officer also holds a Bachelor of Pharmacy from the University of Nairobi in the year 2006.

Dr. Nelson Lolos served as acting deputy director County medical services for a period of six months before he was approved and confirmed to the same position at job group Q in the County Department of health and sanitation. He possesses a Bachelor of Medicine and a Bachelor of Surgery from the University of Nairobi in 2010.

Dr. Bonventure Ameyo Masakoe served as acting deputy director Lodwar County and referral hospital for six months before approval, confirmation and appointment to the position he currently holds at job group Q in the County Department of health and sanitation. The officer has a master's in international health and medicine and additionally holds a Bachelor of Medicine and a Bachelor of Surgery from the University of Nairobi in 2007.

Dr. Benson Etelej Longor is acting director veterinary services, pastoral economy and fisheries whose period of service indicates 6 months. He holds a Bachelor of Veterinary Medicine from the University of Nairobi in 2002, he is placed at job group Q, the date of assumption of duty in acting capacity was 1st November 2016 which contravenes the period of six months purported to be the time the officer has served in acting capacity.

Mr. James Kuloba is acting director culture and art at job group R in the County Department of Education, Sports and social services. He had served for a period of 4 years and he is yet to be confirmed by the County Public Service Board and he is among the devolved staff. He holds a Bachelor of Arts from Kenyatta University in 1996.

Mr. Lawrence Obino Oigoro is acting director of agriculture at job group R in the County Department of water, agriculture and irrigation and he has served for a duration of 6 months and he is yet to be confirmed by the County Public Service Board and he is among the devolved

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staff. He holds a Master of Science in agriculture and rural development and in addition he possesses a Bachelor of Science in agriculture at the University of Nairobi in 1996.

Mrs. Stella Opakas is currently the acting Chief Officer in the County Department of energy, environment and natural resources at job group R, she possesses a Master of Science in chemical engineering and a Bachelor of Engineering and technology both in Russia state university in 2005 and 2003 respectively.

There are no acting directors in the Departments of; Public Service, Decentralized Administration and Disaster Management, Finance and Economic Planning, Infrastructure, Transport and Public Works, Trade, Tourism and Industrialization and Department of Lands, Physical Planning And Urban Areas Management.

Mr. Speaker Sir, for further clarity in regard to question one has raised in the statement by Hon. Raphael Loperito, I beseech that reference is made to annex b.

Mr. Speaker Sir, on the inquiry of officers' allowances, entitlement in the acting capacity, the County Secretary in his submission invokes section C, 14(1) of the civil servants' manual revised 2016 that stipulates when an officer is eligible for appointment to a higher post and he is called upon to act in that position pending advertisement of the post, he/she is eligible for payment for acting allowances at the rate of 20% of his/her subsequent basic salary.

In conjunction with that special duty allowance in accordance with section C, 15(1) of the civil servants manual revised 2016 stipulates that when an officer is called upon to perform duties of higher post but does not possess the necessary qualification for appointment to that post he/she shall be paid special duty allowance at the rate of 15% of the officers basic salary. The payment of special duty allowances would be subject to recommendations by the human resource management advisory Committee and approval by the authorized officer.

Mr. Speaker Sir, in responding to a list of all County government health officials in charge of various health Departments/ facilities together with their respective remuneration, packages and allowances, I urge Hon. members to refer to annex C. Mr. Speaker Sir, in conclusion the Committee observed the following;

1. Mr. Benson Etelej Longor acting director of veterinary services in the County Department of Pastoral economy and fisheries has served for 1 year and 1 month against the period indicated in annex B of the County Secretary's response. The officer has been placed at job group Q yet he is in position of a director.
2. In reference to the County Human Resource Management Act, Committee minute held at Sandfields Resort Camp on 24th November, 2015, a resolution was arrived at that Mr. Lawrence Obino Oigoro and Mr. James Kuloba be appointed to the position of Director for the County Department of Water, Agriculture

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and Irrigation as well as Education, Culture, Sports and Social Services at job group R respectively on a 5 year contract term with effect from that date of the meeting.

Committee recommendations

Mr. Speaker Sir, the Committee recommends as follows;

1. That the County Public Service Board should expedite the approval, confirmation and appointment of Dr. Benson Etelej Longor acting director of veterinary services, Mr. James Kuloba acting director Culture and arts and Mr. Lawrence Obino Oigoro acting director of water, agriculture and irrigation to the vacant position since their confirmation to this position is long overdue.
2. That the office of the County Secretary should be prompt in responding to various statements sought by Hon. members at whenever time of need.

Thank you, Mr. Speaker Sir, I beg to sit.

D. Speaker (Hon. Mike Ewoi): Thank you, Hon. members I would now wish to invite members who could be interested to give their observations and remarks in regards to the response to this statement. Yes Hon. Imana?

Hon. Patrick Imana: Mr. Speaker, I want first to allege on facts that direction of this statement was wrong in a way, why Mr. Speaker? if you read the County government act section 44 on the roles of the County Secretary and the statement sought, Mr. Speaker it is really contradicting because the functions of the County Secretary are totally different from what this statement was seeking about.

And Mr. Speaker that is where we got things wrong because this statement was supposed to be answered by the County Public Service Board because the County Public Service Board in section 45 of the County government act section 55 actually Mr. Speaker and specifically (d) if I may read says; provide a framework of uniform norms and standards to be applied in all counties in response of specifically I want to say;

1. Establish and abolish offices in the County public service
2. Appointment of persons to all or act in those offices
3. Confirming appointments or
4. Exercising disciplinary control over and removal of persons holding or acting in those offices.

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And if you read the functions of the County Secretary in section 44 of the County government act is the head of the County public service, be responsible for arranging the business and keeping minutes of County Executive Committees subject to the direction of the County Executive Committee, convey the decision of the County Executive Committee to the appropriate persons or authorities, perform any other functions directed.

So Mr. Speaker, the relevant organ was supposed to be the County Public Service Board to answer this statement but it was misdirected to the office of the County Secretary and that is why you can see this statement is really not answering the issues sought by Hon. Loperito.

From the first place it is Hon. Loperito who actually brought in the office of the County Secretary in this matter and now if you see right Hon. the Speaker, there are a lot of issues raised concerning here where you see now like where they say somebody Stella Opakas is currently acting chief officer of Energy, Environment And Natural Resources at job group R.

Mr. Speaker, I know that this officer is a director and you know the chief officer's position are positions of appointments through interviews. So, a director cannot step in the shoes of the chief officer, she is supposed to be a chief officer from another docket acting not a director acting for a chief officer. You know this is an abuse of this position, so it calls for us to look for the County Public Service Board to really answer this question not the County Secretary.

You see Mr. Speaker those are issues where we really need to get it clear because if you read all these officers; Dr. Gilchrist, Dr. Epem, Dr. Nelson Lolos and Dr. Bonventure Ameyo they are being promoted within the Department. I think public service is not aware of this if you read very well, so if they qualify to these positions then the Public Service Board must give us confirmation letters to these job groups and not the office of the County Secretary.

Mr. Speaker, I really need to say that we need to invite the Public Service Board over this matter and not the office the County Secretary and Mr. Speaker that is why we need to direct this statement correctly to the right offices.

The other issue Mr. Speaker is because the County Public Service Board does always deny us the County Secretary for the Public Service Board because that is the person who is supposed to keep records of this Department. That is why we don't have clear information who is supposed to act in the absence of the chief officer especially in the Department.

It is supposed to be another chief officer from another Department acting before you get that chief officer and not a director acting on behalf of a chief officer, it is totally wrong, they are not even within the same job groups, their standards of appointments is not the same and so it is totally wrong in the first place in this Department.

For Officers in health it has been debated ever since; when you were heading this Committee on labour in the last session, you brought a report in this house disqualifying all those acting officers in the public health and then the house ordered that the Public Service Board

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confirms those officers who meet qualifications but up to date we have not been served with any letter of confirmation of these officers to those positions.

But the same thing is happening now; it is like the Public Service Board is out of touch on all these matters. Mr. Speaker I seek clarification on those issues from the chairman, thank you.

D. Speaker (Hon. Mike Ewoi): Any other member interested? Yes Hon. Mathew Lonyait.

Hon. Mathew Alany Lonyait: Thank you Mr. Speaker for giving me an opportunity to contribute to this statement sought by Hon. Loperito. Mr. Speaker some things are good when put on a paper like this but when you interrogate them further you find a lot of problems.

I want to start from the basics before I even get into the report just outside here you are given names of officers positions of doctors who are serving in different positions, some of them being promoted after acting for a period of six months and others staying for more than 1 year without being promoted and that one raises eyebrows and questions why a human being who is serving in the same capacity like the other ones is not promoted after more than one year while others got a promotion or a confirmation after serving for 6 months.

Issues about human resource in any County are handled by the County Public Service Board; let me give this one a benefit of doubt just because it was directed to the County Secretary and in last responsibility there is a County Secretary, we have been told he can handle any issue that has been delegated to him. I don't know who delegated him this one, to my understanding maybe he was acting on that capacity.

Mr. Speaker we have Dr. Lolos; if you look at the qualification of Dr. Lolos and the position that he was acting, he has the same qualification just like other doctors who are serving in the capacity of a director and if you see Dr. Lolos here, he has been given a position of Deputy director when he has the same qualification and so he qualifies to become a director and not a deputy director.

Mr. Speaker going further into the details of the report; let me now come to dispensaries because I have seen a list here full of names of people who are supposed to serve in our dispensaries. Mr. Speaker, I don't know if this is the true position of what is happening down there because you will find some dispensaries outside there with no nurses when this list here shows almost all dispensaries in the County have nurses. But Mr. Speaker if you pay a visit to any of those dispensaries outside there even today, I am 100% sure you would not get some of these nurses in those dispensaries. They would only come when they want to distribute the nutrition food and the rest of the time you won't find them there, you will find them in this town saying they are going for polio, measles vaccination and this subjects our people to a lot of suffering.

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Mr. Speaker, maybe next time to my able chairman I would want you to establish if these people are on the ground. Recently I was going by my place and I visited one of them, I found so many people who were sick and they were being attended by a patient attendant and not a nurse who was supposed to serve in that dispensary.

Mr. Speaker, on what Hon. Imana said about somebody acting as a chief officer in a certain Department when she is in a position of a director; Mr. Speaker I don't know how the rest will pursue this but to me a director qualifies to be a chief officer and that is why even in the appointments that were done by the governor recently, you will find so many of those people who are promoted where directors in different Departments but their names were slotted in chief officers positions but in acting it is supposed to be a chief officer of a certain Department.

Mr. Speaker I agree with the recommendations of the Committee on labour that the three people that is Kuloba, Dr. Longor and Dr. Lawrence Obino who have served for more than 2 years without confirmation, let the Public Service Board confirm these people to these positions because they have served for a long period in those positions. Otherwise, I thank you Mr. Speaker.

D. Speaker (Hon. Mike Ewoi): Thank you. Hon. member representing Turkwel ward, proceed.

Hon. Stephen Edukon: Thank you Mr. Speaker for the opportunity. I rise to contribute to this statement by Hon. Raphael Loperito on officers serving in acting capacity in Turkana County.

POINT OF ORDER!

D. Speaker (Hon. Mike Ewoi): Hon. member representing Lopur ward, what is out of order?

Hon. Evans Ekai: Hon. Speaker, looking through the report, I wish the original statement was here as parts of the annex so that members are able interrogate the report based on question directly asked. Thank you.

D. Speaker (Hon. Mike Ewoi): Thank you. Clerk; please make sure the copies of the request are provided to the members. The request of the member was supposed to be form parts of the annex. Maybe you can look at your report because other members are claiming the attachment is there, you can proceed Hon. Ekamais.

Hon. Stephen Edukon: Thank you Mr. Speaker. I want to make these observations that we have reduced this report to be an issue of three individuals and yet most of the members or staff of the County government are also serving in acting capacity.

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More so, the member who sought the statement was requesting that he be provided with information from the various Departments but according to this report we have only dealt with the Department of Health, yet we were talking about the Turkana County government.

About confirmation of officers in acting capacity, it is not a requirement here because for you to be confirmed to a position, you must meet certain targets in your acting position. You cannot be confirmed if you are not competent for the position you are acting, so maybe some of the officers that have been mentioned have never achieved the target of the positions they have been acting for that period. It should not just be done for the sake of confirming individuals to certain positions, it is about service delivery; if individuals have not delivered as it is required then why confirm them?

The annexes for various Departments should have been attached here, I am only seeing those from the Department of Health, what of other Departments? There is a gap there. Then something on the recommendations of the Committee; this issue of officers in acting capacity, you see the Committee has only identified three names in the whole County and more so in the Department of Health we are not dealing with issues in the Department of Health alone in this Assembly when interrogating issues. We talk of issues that touch every Department and so I think narrowing it to the Department of Health alone leaves us with a lot of questions to ask. With those few remarks I wish to sit, thank you Mr. Speaker.

D. Speaker (Hon. Mike Ewoi): Yes, member representing Nakalale ward, proceed.

Hon. Nicholas Ewoi: Thank you Mr. Speaker. Mr. Speaker first I want to thank the CS and his representative who have managed to produce this report though we have a number of issues that we have to comment but basically, they have given us direction on how we can get some questions so that we can make remarks on what they have brought.

Mr. Speaker being one of the members of the Committee, the first response that was brought to the Committee was not being valid and we couldn't manage to bring it to the house and that is why we recommended it to be taken back so that they can bring more information that can give members an understanding of the situation that is taking place in the County as pertains to employees.

Mr. Speaker, the response which they have brought today is fairer than the one we received as a Committee. Mr. Speaker, about the response I really want to direct the house to go back to the question because some of the comments that have been brought to the house today by some of the members, we not included in the question. In as much as we are discussing this response, let's look at the statement request to appreciate the feedback.

Mr. Speaker if you can see question 1: provide comprehensive list of acting County Department officers in Turkana County. That has been answered as evidenced in the list of acting officers most of who are in the Department of Health. What we need to question is why the Department of Health has the highest number of officers in acting positions. It is the Public

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Service Board that will give us this response clearly. It is also important to note that the Public Service Board and the Department of Public Service and Disaster Management had no director in acting capacity.

Mr. Speaker, this seemingly shows Public Service Board is somehow forgetting the work they are supposed to do and that is providing a workforce to serve the members of the public in this County.

Mr. Speaker regarding why the County Secretary has provided this response; I want to say in the functions that have been read by Hon. Imana, the County Secretary is the head of Public Service in Turkana County. He has a prerogative to bring information to the house so that we can really understand what is taking place in the County Public Service Board (CPSB), and I believe the report is coming directly from the Board because the person who sought the questions was requesting the County Secretary to provide it.

Lastly, I want to say if you look at the academic credentials of the acting directors you realize they are almost similar. However, in terms of Job Group allocation, the Board has given them varying job groups, which is not right. Maybe they have their reasons, maybe it is about job distribution. However, what we need to question in this house is why several directors are in acting capacity, that is what the Department shed more light on.

Mr. Speaker, what Hon. Alany has said about the lack of staff especially nurses in the dispensaries is true. If you go to the wards you will find that there are indeed dispensaries without nurses. When you ask the in charge of their whereabouts you are told they have gone for other activities such as; polio immunizations, nutrition outreaches, which is really not part of their job description since they need to be in the dispensaries the whole week and maybe take days off during the weekend.

Therefore, I will continue interrogating the Department of Health to tell us reasons as to why these people are employed in every dispensary; yet you cannot get some of them in those areas. That is the clarification I want. I also wish to appreciate Hon. Loperito for bringing this statement so that all of us may have light on what we are doing.

Mr. Speaker, in as much as the issue of casuals was not in the statement request I request that the Hon. Member includes it so that it can be addressed. Casual workers in this county are so many and no one of them have been confirmed since they were employed. One cannot be a casual labourer for more than five years, these employees need to be confirmed so that they can get the job security they deserve to continue discharging their duties. I want to clarify that the response from the County Secretary is much better than the first one we got. Thank you.

D. Speaker (Hon. Mike Ewoi): Thank you. Hon. member representing Kibish Ward proceed.

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Hon. Jacob Nakuwa: Thank you Hon. speaker, mine is just to stand and suggest away forward for this report, now that even the originator of the statement is not here and the response does not go as per what was raised as cross cutting the County. It is better for this response report to be devoured so that the originator of the report as well can be satisfied with the response and the same the way Hon. members have also contributed.

The report is not specific to the request because you notice that some Departments are listed while others are ignored, we cannot get a way forward when this is not clear. When you mention some acting directors from one Department whereas the others are not mentioned we will be dealing with issues in bits. We better defer this so that the Public Service Board, the County Secretary and the Department of Public Service and Decentralized Administration plus the Human Resource officers in charge of any Department can gather information and bring clear information from their various Departments. Such that we know whether we have temporary and permanent staff in these offices. That's what I wanted to suggest because it is not good for us to keep referring to it as a good report when in fact it is not. Thank you.

D. Speaker (Hon. Mike Ewoi): Thank you Hon. Members. Since no other member is interested in commenting on this, I wish to direct that the Committee On Labour Gender And Social Welfare relooks into this matter. They should invite the County Public Service Board to appear before the Committee so that they can give more clarity on the issues raised by the Hon. members and especially issues regarding the employees serving on acting capacity in all the County Departments. They must also make a comparison between the response that has been provided by the County Secretary and the recommendations of the petition that was deliberated in this house. The report of that petition was submitted to this house by the Committee on Labour, Gender and Social Welfare. Finally, they should identify discrepancies in the two and report accordingly, so this can be done after we resume next year. Thank you, Hon. members. Any other a member with a response to a statement? Yes Hon. Rebecca Longole.

Hon. Rebecca Longole: Thank you Hon. speaker, I rise to give the response to the statement sought by Hon. Mathew Alany MCA representing youth.

D. Speaker (Hon. Mike Ewoi): You can proceed.

Hon. Rebecca Longole: Thank you Hon. Speaker, Turkana County Assembly Standing Order No. 42 provides that a member may request for a statement from the Committee Chairperson relating to the matter, under the mandate of the Committee and the Speaker may either appoint a day for the Statement or direct that the Statement be issued on the same day.

Hon. Speaker, the Committee following the Statement issued on the floor of the house by Hon. Mathew Alany on 30th November 2017 seeking the chairperson on Committee on implementation to inquire into the following matters;

1. What plans does the Department of Lands have in ensuring this fire engine is procured?

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2. If the fire engine procured was in the tender advert and if so which company was awarded the tender and when was the supplier of the engine expected to deliver it?

Hon. speaker sir, it is now my pleasure and duty to present to the house on behalf of the Committee the response in relation to the subject matter.

1. What plans does the Department of Lands have in ensuring this fire engine is procured?

Hon. speaker we came with answers

1. The director urban area management had written to the Director of Procurement on the delay in supply and delivery of firefighting tracks on 1st September 2016. The members can refer to annex 4
2. The senior procurement officer in the same Department on 24th March. 2017 wrote a letter to the director of Winston international limited on the delay for the supply and delivery of the firefighting tracks, and again they can refer to annex 3.

The Response from Winston international.

The response from Winston in a letter dated 4th December 2017 notified the CEC Lands, Energy, Housing and Urban Areas Management on the availability of the truck and further stated that it was awaiting inspection by SGS international inspection agent that works all over the world. They stated that they would deliver the truck mid-January 2018. Refer to annex 2.

Second question was if the engine was procured, was there a tender advert? and if so which company was awarded the tender and when was the supplier of the engine expected deliver it? The tender was advertised through a gazette notice, tender number as seen on the document is 2015/2016 and after evaluation Winston International Limited was awarded the contract to supply the fire engine within a period of 8 to 12 weeks after the issue of the Local Purchase Order signed for the contractor. Refer to annex 8.

General Findings and Observations.

The fire engine was budgeted for in the Fiscal year 2014/2015 but due to delay in procurement process it was carried over to Fiscal year 2015/2016 as committed.

The Committee Recommendations

Mr. Speaker sir, the Committee members agreed and recommended that the Department of Lands, Energy, Housing and Urban Areas Management should;

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1. Speed up the procurement process based on the work planned and time line.
2. Continue and timely follow up with the tenderer to deliver the truck by February 2018. Thank you.

D. Speaker (Hon. Mike Ewoi): Thank you, Hon. Mathew Alany Lonyait, you can give your observation and remarks, proceed.

Hon. Mathew Alany: Thank you Mr. Speaker, I sought this statement because I felt we have a lot of problems especially on the issue of fire not only in Lodwar town, but the entire County. I want to thank the Committee and the Department concerned because they have taken a short time to respond to this statement. I raised this last Thursday and this Thursday we already have a response.

However, I have a few issues, first, they have responded correctly to my first question on the tenderer and have even attached the entire document that I needed. But I have a problem with the second response, since it has taken around 4 years for this engine to be delivered and the company that was awarded the contract is trying to tell us that it needs more time for this engine to be inspected abroad before it is brought. Is the company, which was awarded this contract ready to make sure it has compensated our people who have lost property due to fire during the year 2014 to 2017?

They are talking of mid-January 2018 and yet this contract was given to them in the financial year 2014/2015. The Committee is talking about the procurement Department fast tracking the process of asking the contractor to deliver this truck yet already did their part. If the contractor was paid some amount of money, why is he or she not supplying the truck?

Mr. Speaker, 2018 mid-January is not far, and I am sure no matter how much time we give this contractor he is not going to deliver that truck. By mid-January 2018 this equipment will not be around because they are talking inspection till now and the dates for inspection have not been made known by this company.

I suspect this will probably take longer than stated because the inspection is probably not yet done and shipping this truck will take longer than 6 months which may lead us to mid next year 2018 even. What I am asking the Department concerned is it should continue to engage the contractor who was given this contract continuously because they have written only two letters and they are not writing to the contractor. They are again writing to the Department or to the procurement manager.

I want to ask the concerned Department Mr. Speaker to continue engaging the contractor so that even they can see how important this engine is for us. If it comes to it, this House should intervene so that the contractor is forced to compensate our people in case of any further fire

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disasters. Yesterday some houses were burned down in town because of these rampant fires; I was involved, and it was really a challenge trying to put off the fire.

Mr. Speaker once again I want to thank you for giving me enough time to at least give my views on this statement. I want to ask the humble Chairperson of this Committee to also continue engaging the concerned Department so that the Department will take up the responsibility of making sure that the contractor concerned submits this engine at the earliest opportunity. Thank you, Mr. Speaker.

D. Speaker (Hon. Mike Ewoi): Thank you. Yes Hon. member representing Lopur ward proceed.

Hon. Evans Ekai: Thank you very much Hon. Speaker. I wish to give some input on to this matter. I think what Hon. Lonyait has just mentioned is very significant that we just don't need one firefighting engine here but we need as many as possible but at least going in time the headquarter, the County headquarter requires this engine at this particular point in time Hon. speaker.

Hon. speaker, we have lost a lot of property, I have seen many houses and many businesses burnt down here and it is very shameful for such a County which receives more funding to lack an engine that costs 42 million, Hon. speaker. On that note Hon. speaker, I would want to ask our Committee chair, madam chair that as soon as this is brought, we don't just need one engine as a County we need at least 7 for every Sub - County. What happened if for example we have a fire break out at the Kakuma refugee camp? Would we send the fire engine in Lodwar to Kakuma to put out the fire? Madam chair in your process of trying to get this one ensure as a Committee you also look for at least seven others so that each and every sub County will have one firefighting equipment.

Finally, I would like to reiterate that the Committee through madam chair should ensure this issue is fast-tracked this process so that this January we have the firefighting engine at the County headquarter in Lodwar. Thank you very much Hon. speaker.

D. Speaker (Hon. Mike Ewoi): Yes Hon. member representing Kerio delta ward, please proceed.

Hon. Peter Ikaru: Thank you Mr. Speaker, I also would like to contribute to this statement. First, I would like to appreciate the Committee for sticking to the timelines given and responding to the statement.

My problem is on this issue of delays in the procurement process. I think the guidelines and regulations on procurement are specific, County government or whatever entity that speaks of delays in the procurement, yet our people are suffering, is not serious. This delay has gone on for 4 years. Why can't the Department just cancel the contract? I want to concur with the Hon.

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member who sought for this statement that the company that was identified or the contractor should compensate the properties our people have lost during the entire period.

Otherwise Mr. Speaker it does not make sense at all to wait for three consecutive financial years for something that can be done in one financial year. If this is how things are being done, then our suffering will be endless. I want to appeal to the government; the County government entities should ensure that the procurement process is made efficient as much as possible to put an end to this. Thank you, Mr. Speaker.

D. Speaker (Hon. Mike Ewoi): Yes Hon. member representing Katilia Ward.

Hon. Daniel Emekwi: Mr. Speaker sir, I also rise first, to appreciate the Hon. member who brought this statement to the House. It was surely a matter of County importance. I also want to appreciate the Committee and the Department for being sincere and giving an honest response even though it still requires some corrections.

The information provided in this report tells you that the Department is not serious with its work. How can they request for urgent procurement in 2014/15 and it is yet to be delivered until now? How sure are we that the contractor given this contract exists? What they should have done was to cancel this tender because it is needless to award somebody a tender and probably we never know maybe the company has even been paid. Probably the contractor of the company has disappeared with the County Government funds which is money meant for the Turkana community.

Going forward I would like to recommend we get a comprehensive report from the contractor on why there are delays. If this engine had been delivered, we could have procured more by now. Fire is a disaster that needs serious precautions to avoid destructions. A fire-fighting truck is a must have in every Sub-County. The Department had a very good idea, a well thought, vision but this vision has never been met. This town is growing rapidly, one firefighting engine is not enough; they should be at least three because if the fire breaks out in various neighbouring villages how will one engine save the situation? Thank you, Hon. Speaker.

D. Speaker (Hon. Mike Ewoi): Yes Hon. Imana.

Hon. Patrick Imana: Thank you Mr. Speaker, as per this issue I want to believe that I once shared that this Department of Land must be the most unfortunate ever. I don't even know whether those appointed to this Department take matters seriously. If you remember well, we budget for this engine in 2016.

The engine had disappeared since then, now that they are telling us about international standards. In another process we were told the money had been paid in full they were just waiting for certification somewhere. This is government is not serious about this fire-fighting engine. Mr. Speaker what I will urge you to do is maybe you can let the Committee on implementation deal with the matter with the Department responsible so that they get to the

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bottom of this matter. If they need money it is still on the budget because I don't see this engine in the budget anymore. Either money was paid that is why they are not even budgeting anymore. Where will we get the money if the contractor runs with the money? Mr. Speaker, I feel as if this issue will not be taken seriously unless some bigshot's house burns down, that is when this engine will be delivered very fast. If it is a common *mwana nchi's* house they will not bother. Some things we need to pray for them to happen so that the engine is delivered to this County. Otherwise Mr. Speaker it is serious because we budgeted for it...

D. Speaker (Hon. Mike Ewoi): Hon. Patrick Imana let me stop you, are you saying in good faith or not?

Hon. Patrick Imana: I wish to have some faith because really these things happen, sometimes we need to pray for something to happen with the big man's house or in this building. You know assembly when it burns everybody will cry but if it just this village Soweto or the rest is...

D. Speaker (Hon. Mike Ewoi): Hon. Evans what is it?

Hon. Evans Ekai: Why is Hon. Imana wishing bad for the government? Maybe we will throw it back by saying God forbid?

D. Speaker (Hon. Mike Ewoi): That is why I had asked him in the first place whether he is saying that in good faith or not. If at all something bad happens to the property of His Excellency, the Governor and he has already made such a statement then we will be regarded as the prophets of doom so that is why I intervened earlier, but he can proceed.

Hon. Patrick Imana: Yes Mr. Speaker, I don't pray for anything bad to happen and I cannot. It is just because something needs to happen Mr. speaker because if we count from 2016, around 2015 when we budgeted for this engine, I have just stated by saying this Department has a problem. Is it that the Department do not consider its priorities or what? The issue of the nutcracker that is collecting garbage in town, we are wrestling in this house to get them a garbage truck, but they want a truck that is apparently coming in pieces.

This is one of the Departments that when the Committee on Appointments tables their vetting report we need to deliberate on it seriously; because they have let down this County severally. Otherwise Mr. Speaker it is high time the Committee investigates this matter seriously to find out if the money is still there, or the contractor went with the money.

D. Speaker (Hon. Mike Ewoi): Thank you. Hon. member representing Kapedo/Napeitom, please proceed.

Hon. Nalimo Willy: Thank you Mr. Speaker sir, Mr. Speaker sir I rise to contribute to this statement. I am just wondering why this fire engine which was budgeted for long time ago then the tender awarded to Winston International who three years later are yet to deliver the

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engine. Was this company paid? If it was where did they disappear to? I am compelled to think the vendor must have used the funds for something else. It is easy to come to this assumption as they are nowhere to be found, even their offices have been moved to an undisclosed location.

We have been told that the engine has been procured and is just awaiting inspection. How long does it take to conduct inspection for a fire-fighting truck? Mr. Speaker sir, now that the Department wants to procure let's say 7 more engines for each Sub-County, how long will it take to get them here if it is taking one engine 3 years. My plea to this Hon. House is to ensure the Committee interrogates the procurement Department to clarify whether this money has been paid. Why it is taking the company this long to deliver? If the company is indeed qualified to deliver the fire-fighting engine. The period it has taken for him to deliver this Engine makes one suspect that he has disappeared into the bushes. Thank you, Mr. Speaker.

D. Speaker (Hon. Mike Ewoi): Yes Hon. member representing Lobokat ward, please proceed.

Hon. David Erukudi: Thank you Mr. Speaker. On a statement report given Mr. Speaker sir, it is a surprise to this Hon. House that from the time this tender was awarded the same people who were there are still in this Department are there; while those in the Committee on Implementation are still there. I am surprised that in the 3 or almost 4 years that this engine is yet to be delivered, nothing has been done. We have denied the people of Turkana their right.

I am sure that this company that was awarded the tender was given the 30% payment to begin the procurement process. We need to conduct further investigations to confirm whether this could be true. This is could be one case amongst many others, where contractors are paid before the job is done and instead of completing the job they abandon their work and disappear. I know it is a waste of time, it is a hide and seek game; that is why we are now being told that, it's just the inspection that is being done. How long does an inspection take?

In the normal procurement process, there is a time called lead time or lead period; which from what I have seen in this document, the company was given a period of 8-12 weeks to ensure the engine is availed. If the period was 8-12 weeks and we are now in the 3rd year of waiting, how many weeks are those? It has now turned to years, and we are still entertaining the supplier with a tender worth Kshs. 42 million or maybe more meant for the Turkana community.

Mr. Speaker sir, the advertisement attracted eleven contractors, on a normal occasion, the procurement Committee would pick 2 or 3 suppliers so that if the first option fails to deliver within the stipulated time, we would still have one or two other options. I know the Winston International might have only but played some games with the procurement team to win the tender and were probably in no position to supply. Most probably the 10 who were denied this tender would have been better placed to supply the engine but because of the decision of a few. That decision has ended up costing this County a fire engine and the Turkana people loss of property in destructive fire incidents.

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The first term of the governance has gone before the engine could serve the community. Now the second term senior chairmen of the various Committees. I am counting at least ten, maybe six plus and I know we will have counted to ten and this engine will not be here. If this engine had already been delivered in the first term, we would have been planning on how to procure for the other Sub-Counties as Hon. Members had proposed. However, with the time wasted on one engine I doubt how much would be wasted for 7 others.

How serious is the procurement Department in ensuring the needs of this County and those of the Turkana people is met? Mr. Speaker sir, I will refer the Committee to do further investigation and even confirm, they should not be cheated that this engine is will be delivered. I know the money might have been divided amongst the key people and this is just a waste of our time.

We know the schemes in the procurement, we know this has come and we must ensure the Kshs. 42 Million is brought back by that tenderer if it was given. It will be good if money was not paid to him, however, I know money was given because if it had not been given the second supply could have been engaged to finalize this supply. But because of money might have been given to that supply and the share if possible might have also been shared that is why it is becoming difficult to cancel and award to the second supplier. Thank you, Mr. Speaker.

D. Speaker (Hon. Mike Ewoi): Yes Hon. member representing Kakuma ward proceed.

Hon. James Ekaran: Thank you Mr. Speaker sir, I stand to contribute to this important issue. Mr. Speaker sir, protection of life and property falls under this important document. So many lives and property have been lost just because we don't have such important equipment in this County. Mr. Speaker sir, if you look at the procurement procedures here, it is state that fiscal year 2014 to 2015 is when this equipment was budgeted and then it was extended forward to 2015 to 2016 and now if you look at it, it has stopped there and nothing or not carried forward that is now 2016 or 2018 has been left with doubts.

Meaning the money has been exhausted in one way or the other, there is no more budget and we don't have these engine as we can see. If I look at this document very well, there is no money and if it has been paid then it follows to the point the Hon. Erukudi has just said, because there is nothing stating that now we are carrying it forward for 2017 to 2018. Therefore, my contribution is that we need this Department or the officers in this Department to appear before this Hon. House to explain what happened with the procurement of this engine? There is no other way to go about this because these people might have collaborated and that is why everything is now being kept quiet. Otherwise, this will just remain a game and this engine will not be brought home. Thank you, Mr. Speaker.

D. Speaker (Hon. Mike Ewoi): Yes, Hon. member representing Nakalale Ward proceed.

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Hon. Nicholas Ewoi: Thank you. Mr. Speaker. I feel like we are trying to go into a lot of stories that we could not be able to discuss in the house because the person who sought this statement is here. However, let me just contribute a little bit to this Mr. Speaker.

I thought we could move forward and conclude this issue, however I feel as though we are far from that. In my opinion Mr. Speaker, the Committee should go back and summon the Director of Procurement and the CEC responsible together with the directors of Winston. From there we can now deliberate on the report and make resolutions on whether to take people to court or not. This is the only way forward. It is very clear that this engine has not been supplied and is most likely not going to be supplied. Thank you.

D. Speaker (Hon. Mike Ewoi): Yes Hon. member representing Turkwel ward proceed.

Hon. Stephen Edukon: Thank you Mr. Speaker, I want to say that this is a critical issue in as far as this County is concerned because it touches on life and property. According to the document, this equipment was budgeted in 2014 to 2015 financial years and this award was given in 2016. This is not a serious company given that according to my analysis this is not a serious company, it wrote a letter on forth December 2017 this year. And then you can read from this letter that; “Kindly refer to the above and our discussion in regards.” What were they discussing? This is a serious issue that is guided by the procurement law and then they are talking of anticipated that it will take approximately 6 to 8 weeks depending on factual availability. There is no seriousness here, this company is not going to avail this engine. I don’t really see the point as to why we want to be gentle with such a company that is not serious with the assignment given.

It is not something to fear about cancelling such a tender, so this Committee looks at this issue and maybe meet even or summon even the Department officials so that this tender can become solid so that this County can get engine. Otherwise, we may lose a lot of money through dubious ways because all this is not very clear. You look at even the way this statement has been answered and what we are given us is quiet in adequate, the originator of the statement was fair to this report. He was saying this statement has been fairly answered but according to me this is quiet in adequate, it is important that because this is a serious issue, we need to take it seriously because a process was followed and there is nothing to discuss with a company that was awarded the job and they were supposed to deliver this equipment long ago.

It is long overdue, this equipment was supposed to be delivered long ago, now that they have not delivered, and they have taken the money, this is criminal. This tender needs to be cancelled so that we save this County instead of banking our hopes that this Winston Company will deliver this equipment. Thank you, Mr. Speaker sir.

D. Speaker (Hon. Mike Ewoi): Thank you. Yes, Hon. member representing Lokichoggio Ward proceed.

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Hon. Paul Louren: It is obvious that we may not get this engine anymore, because the timelines here is enough to procure this engine whether in Asia or in America and avail it within a reasonable time in this County. We have taken a long time to bring this issue here for discussion, maybe it was brought some time back in the past assembly, we are not sure because some of us are new comers in the house. But the fear is that we have taken three to four years discussing this issue at this level.

It is shameful for us because if we take this time as long as it is right, now in this house and given the features of procurement by the same calibre this means, this suggest that we may be headed for duke because we may not get this enginery. Within a reasonable time as much as we would want Mr. Speaker sir, I think what we need to focus right now maybe we use the Committee to summon the Chief Officer or the officers in the Department to bring them to task and ask them a few questions because we cannot wait any longer if they can get the root cause of this issue.

Then from there we can take a legal action because we have just exhausted all happenings to have this engine because it is shameful for us as a County to have no engine of this calibre in the headquarter of this County. It is exactly the way Hon. Patrick Imana was putting it. Maybe we are waiting until when we lose some of the bigger houses or bigger equipment so that we can accent this process of getting this engine. Why should we wait until that right time comes? We should be working a head of time so that we secure our facilities in this County because if it is not for this County to get this partnership process or to procured and be availed here then what about these other counties. Hon. speaker, we will just request away forward that if the Committee of implementation will be tasked to interrogate some of these officers then we can immediately get to the root cause of this engine. We are told the money for this engine has already been paid so, what we are waiting is only the engine to be availed. Thus far, I know just as most of my colleagues have said this engine will never be seen here unless another direction is taken through the directive of the Speaker. Thank you, Mr. Speaker.

D. Speaker (Hon. Mike Ewoi): Thank you Hon. members, Hon. members maybe before I give the direction on this matter I would have to invite the vice chair of the implementation Committee to reply on some of the concerns. Proceed.

Hon. Rebecca Epae (Vice chair): Thank you Hon. Speaker for giving me this opportune time. Hon. speaker sir, I...

D. Speaker (Hon. Mike Ewoi): Hon. Rebecca you can switch on your mike?

Hon. Rebecca Epae: Thank you for that. Hon. Speaker sir, I have already said I want to appreciate the members who have been contributing on this statement Hon. speaker.

Some points have been raised by the members which to me are all important to us as leaders. The issue was handled by the Committee, my Committee sat to seek for the two

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questions asked by the member who sought for the statement Hon. Speaker. The response we got from the Department is what you have been seeing in these responses and the annexes.

Hon. speaker, most of the members have talked about the truck how we should cancel the contractor. As a Committee we brought the response from the Department; but when we sat down looking at the answers from the Department, we found that we have a lot of gaps coming from that Department. I want to concur with the member who said as a Committee we are supposed to summon the officers from that Department.

Secondly Hon. Speaker, about the cancelling of the contract, as already seen from the responses said, they already paid that contractor. As a Committee, we felt the best way to go about it is to have a deadline as per our recommendations for early February.

Lastly, Hon. Speaker, most of the members have brought up the idea of purchasing more trucks. However, for now I would suggest that we follow up on the one we have been waiting for. As I take my seat, I will await your directive Mr. Speaker because this engine is very vital for our people. Thank you.

D. Speaker (Hon. Mike Ewoi): Thank you. Hon. members if you look at the responses from the County Department. I think the statement has been responded by the director in the Department. And the Hon. members if you look at article 183 of constitution of Kenya which is about the functions of the County Executive Committees, 3 says, order Hon. Mike. Hon. Mike you are out of order, how can you walk when the speaker is making a speech?

183 says the County Executive Committee shall provide the County Assembly with full and regular reports on matters related to the County. Hon. members if you look at the responses of this statement, the very person who has shared for this response is the director of that County Department. You know some of this County Executive Committee members are not serious with the business of this house. Hon. members please make sure it has been attended to by the right officers, the officers who are supposed to give us adequate report of their Departments, the Department that they are managing.

Hon. members, next time if such report is brought to the County Assembly or rather to this Committee please you need to get that report at that point so that it can be address by the right officers. Hon. members, having said that I wish to direct as follows, the Committee on implementation to scrutinize their undertaking and the decision given by the County Executive Committee member in charge of Lands, Energy, Housing and Urban Areas Management in regards to the fire-fighting engine. The Committee has to scrutinize this undertaking whether it have been implemented or whether they are going to implement it or not. Whether such implementation has taken within the minimum time necessary. What is lacking in some of these undertakings is the issue of time, and the procurement law is very clear on the timelines when such equipment is supposed to be delivered or supplied to the Department.

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The Committee should put more pressure on the Department in the supply and the delivery of these equipments. Finally, the Committee also must invite the County Executive Committee member in charge of Lands, Energy, Housing and Urban Areas Management for them to investigate this matter whose implementation is long overdue. This can be done after we resume next year in February 2018, so the Committee must dig deep into this matter for them to ascertain what must have transpired over the issue of supply and delivery of the fire -fighting engine.

Thank you, Hon. members. I wish I could have been given an opportunity to contribute. Thank you, Hon. members, I can see the chairman of Health Services and Sanitation, please proceed.

Hon. Evans Ekai (Chairman for Health): Thank you very much, Hon. Speaker, I thank God because Hon. Nicholas is within. I would wish to give a response to a statement sort by the Hon. Kerio Nicholas Ewoi MCA Nakalale Ward and the chief whip for this minority coalition. The Hon. Speaker, Turkana County Assembly Standing Order No. 42 (c) provides that a member may request for a statement from the Committee chairperson relating to matters under the mandate of the Committee and the speaker may ever appoint a day for the statement or direct that the statement be issued on the same day.

Mr. Speaker sir, following a statement issued on the floor of this Hon. House by member representing Nakalale Ward on 23rd November 2017 seeking me as the Committee chairperson on health services and sanitation to inquire into the following matters. And one of the matters that this Hon. member wanted me to inquire into is how many projects were allocated to each ward and how many have been completed per ward? What is the completion status of these projects in terms of percentages? Secondly which were the contraction companies that were given these jobs? Which were the companies that were given a responsibility to undertake these jobs? And a gain it can be or could be reputation percentage of work done. I think the first one was also asking the same extent of work completed. Thirdly and this work was not done what were the challenges and how these challenges could be addressed to enable members of the public who are the beneficiaries of this projects get these services promptly.

To be specific the MCA was asking a construction company that was awarded Lokore dispensary job that is an area under his jurisdiction and at what extent was this job done. If the company had not done any work in the project given for the last six months. What is the way forward? Hon. speaker it is now my pleasure and duty to present to the house on behalf of the Committee the response relating to this matter that is how many projects were allocated to each ward? And how many have been completed? Hon. speaker, a warded project for each ward has been tabulated below Hon. speaker. Hon. speaker, if you look at the table here we have in this table a round 4 to 5 columns.

In the first column we have the company name, the amount of money meant for these projects. Tender distribution that is now the specific areas where these projects were supposed to

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be, tender numbers and in the last column we have the ward, this is a report from the Department of Health, Department of supply chain management services. It is a summary sheet of this description. Hon. speaker, with your permission I would not wish to get into this meeting and because every member has got these documents before him. Maybe it will be an opportunity for the membership to scrutinize this document at a personal level without reading this part.

D. Speaker (Hon. Mike Ewoi): Yes you can proceed Hon. chairman.

Hon. Evans Ekai: Thank you very much Hon. Speaker, with your permission I can proceed, members the document is at your disposal, you can read those construction companies and maybe you do your personal evaluation basing on where or the areas you represent the Hon. Speaker. Hon. Speaker, the member was also inquiring that these projects were not done or shattered. What were the challenges and how these challenges could be addressed? Hon. Speaker, again the member for Nakalale Ward was asking the construction company that was awarded Lokore dispensary and to what extent as this project been completed. Hon. Speaker, Lokore dispensary was awarded to one company by the name Ewemas investment limited. And here has attached part of the annexes of this report or photographs on the extent this dispensary has reached, so we have with us here photographs showing the extent this dispensary, or this project has reached. Hon. speaker, the construction works has commenced on the ground and with the photographs there you can see some work being done and the MCA Nakalale Ward has also attested to this fact that there is something happening on the ground.

Hon. speaker, the construction status or the percentages of the work done, now that is reserved for the Department of Health or any Department to be very specific. Today we have an accounting monitoring and evaluation team and I think maybe after this some Departments are authorized by the County monitoring and evaluation to find the extent in which all of these County projects have been done. Hon. speaker, we have general findings and the observations. Mr. Speaker sir, the Committee came up with the following general findings and observations that;

The County Executive Committees members for health services and sanitation did not provide the completion status report of the said project which was factual for the fact findings on actual projects stages that will follow up to serve as a guide in the oversight role by the Hon. Committees. I said that the County Executive Committee member who is supposed to inquire for us from the County monitoring and evaluation team, the completion status of these projects.

D. Speaker (Hon. Mike Ewoi): Hon. Evans, you can proceed reading the report and if there are some issues you want to go over you can give that later after you are through with the report. Proceed.

Hon. Evans Ekai: Thank you for the guidance. The CEC Health Services and Sanitation did not do a schedule on the challenges that the contractors experienced that brought about delays in the completion of the projects stated.

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Committee Recommendations

Mr. Speaker sir, the Committee recommends that the County Department of health services and sanitation should fast track the completion of incomplete dispensaries and staff houses in order to enable function ability and operationalization of the said institutions for quality services delivery in the community.

Mr. Speaker sir, the Committee also requested that CEC health services and sanitation follows up the project managers and the County monitoring and evaluation Committee to submit their status of the project reports as well as percentages of work done in order to ascertain the report brought to the house for adoption since it is not understood the situation on the ground, unless otherwise the Committee will need facilitation to visit Lokore health facility to ascertain information brought forward by the Department on Health Services And Sanitation. Thank you, Hon. Speaker.

Attached here is, the statement from the County Department for Health Services And Sanitation and photos from the Lokore dispensary. With those few remarks I beg to sit Hon. Speaker.

D. Speaker (Hon. Mike Ewoi): Well, Hon. member representing Nakalale Ward you can now give your observation and remarks regarding to this response to a statement. Proceed.

Hon. Nicholas Ewoi: Thank you Mr. Speaker, Mr. Speaker first I want to thank the Chairperson for Committee on Health Services and Sanitation for giving out this response. Mr. Speaker, I normally say it is important for me to get light of what is happening so that we serve or contribute better in the House. Because Mr. Speaker what we are doing here is for the members of the public who have sent us here to represent them.

Mr. Speaker, in regards to the response I want to say this was a quick statement and the way the Department has acted is very valid, it is important to me because it has never taken long time even during the time of the Committee meeting. I was present, and I was very glad to see that the response has come even though it is not in depth. I want to appreciate the Department as well as the chairperson together with the Committee members for acting effectively.

Mr. Speaker, question one which was how many projects were allocated to each ward? They have answered Mr. Speaker that question and I have understood that it was only one dispensary which was supposed to be allocated in each ward which is apparently something I knew but I had some reasons as to why I asked this question Mr. Speaker. So that question is good, and it has been answered, the second question Mr. Speaker the construction which were the construction company that were awarded projects? And what is the percentage of the work done?

This is the question Mr. Speaker although the chairperson has explained something in regards to that question but here in the table there is one column which is missing on complete

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projects or not complete so that Mr. Speaker the members of this house who are representing each and every ward can also understand the projects they have in their areas are complete or not because we have new members here who do not know where were these projects are Mr. Speaker.

About the completion of the projects really it has never been shown and I don't know if the office all these projects listed here are complete or not. That is one thing that we must realize and understand. The other question was asking on the status of these projects. Mr. Speaker, I know it will come but I am trying to comment on this because we hear in the response we have monitoring and evaluation team which could have brought the issue of these projects. How these projects Mr. Speaker have been done whether complete or not.

What was the work of this monitoring and evaluation committee in regards to why the projects are not shown to the members if they are complete or not. Mr. Speaker I just want the chairperson to go and expound on this for us to understand surely what was taking place. Mr. Speaker, question number three is not done and it stated what are the challenges? Mr. Speaker, this one again was never answered because I believe from my length of service here and what has been going on since last government, I know we should have some challenges that caused the projects not to be completed. What were these?

Mr. Speaker if it is a matter of funds they should have to tell us, if it is construction so and so never did their work. The Department has never been good at their work because of this, it is better for us to understand what the challenges were? And if completed then they specify that there are no challenges Mr. Speaker.

Mr. Speaker, the chair has said something about referring to the annex, however I am not sure which one because the annex that I have here is only for Nakalale dispensary. There are no annexes for the other projects so that we see what standard of work has been performed by the construction companies Mr. Speaker.

Mr. Speaker, as I wind up, the question of Lokore dispensary is about my place, this work has been done immediately after I asked this question, when I asked this question last week Mr. Speaker I also went to the ground to see if something has been done. I don't know the reason was as to why it was never started in the first place. Mr. Speaker once you have awarded the contract you will try as much as possible to ensure the project has reached a certain status so that we also request the funds for payment. This is something that all members should understand, there are projects that people have already written vouchers whether there is work done on the ground or not and you know what that means.

Mr. Speaker, that is what I wanted to comment on. As a way forward, I want to recommend that the committee be given more time to conduct field visits to ascertain that what they have been given in this report is true. I am satisfied because I have seen mine and will continue to follow up until he finishes before he is paid anything.

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Otherwise, the issue of writing vouchers without evidence of completion of work Mr. Speaker that is not something we can talk about. Thank you, Mr. Speaker.

D. Speaker (Hon. Mike Ewoi): Thank you. Yes Hon. member representing Katilia Ward. Proceed.

David Emekwi: Thank you Mr. Speaker sir, I would like to respond to the question number one because this question seems to be looking answers from the individual Hon. members representing particular wards. I want to report to this house that from the list given I have seen one project which was meant for Katilia Ward that is Katilia dispensary plus staff houses. A report that I may give to you which is most sincere according to me nothing has been done on these projects, but I have seen a single pit latrine which has been erected in the community where the community proposed a dispensary.

So about the challenges and remedies, I think the Committee could have forwarded to this Hon. house the challenges and probably the remedies which will be taken, so that Katilia community can enjoy the services which were intended for them. And then there is one of the projects which I am quite sure and I am aware that the contractor has been struggling since 2015 to 2016 financial year to do at Lomunyen Akwaan that is Lomunyen Akwaan dispensary and staff houses. It has not been mentioned in this list likewise its amount, even the contractor I don't know what has happened because I know the contractor struggled up to the level of foundation.

He left it at the foundation level with some skeletons pirated with wires and then a luggage or some bags of cement, a good number of bags of cement were left across the river at Nakalei trading center which were not even kept in the house. I think rain has showered them enough to a point where they cannot be used anymore.

Hon. Members of this Committee, Lomunyen Akwaan dispensary has not been mentioned here meaning that even the information about the contractor and the amount has not been given yet the community is still waiting for the contractor to go back to complete the dispensary plus the staff houses.

My recommendation is to find out what has happened because I am very keen on making a follow up. For Katilia probably I may assume the contractor has not been paid because the financial year for 2016 to 2017 but nothing really happened. Hon. speaker, there is need for our Hon. Committees to be given time, to go out so that they may bring a real report about some of these projects. We rely on this Departmental report and be given a report which may not be realistic compared to actually visiting the areas where the projects were designed.

I appreciate the effort, the intention but the projects have not kicked off and the communities are still suffering, just to paint a picture, the distance between Katilia trading centre and Elelea is where the health facility is. It is about 8 kilometers and for a lady who goes on labour can she really make up to that place? Lomunyen Akwaan is about 93 kilometers from Lokori trading center, about 80 kilometers from Katilia. In case somebody falls sick how can that

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community member get help. So those preferred contractors have to be advised. So that they may go out and complete those projects that were meant for those communities, thank you.

D. Speaker (Hon. Mike Ewoi): Yes Hon. member representing Kerio Delta ward, proceed.

Hon. Peter Ikaru: Thank you, I want to appreciate the response that was given but I want to refer to what we started that how many facilities were awarded to each ward and extent to which they have been completed but as I go through the list the Kerio Delta ward is missing in the list and yet the question is seeking what each ward should be reported on. There is this contractor from Lokori/Kochodin Ward Kailarakin amount of money allocated to that OPD block is missing and that is why we want this report to be exhaustive and elaborate. We need to be privy to what is happening on the ground, sometimes the report comes from the CEC only as paperwork and the information is not the same as what is in the paper. I will recommend that before tabling any report the Committee concerned has to visit the area for fact finding so that whatever is tabled here is true and I would wish that the Committee to be given enough time to investigate the place if it is true.

If we rely on the report that comes from the Department we may not find the truth of as is on the ground. Mr. Speaker, as you directed in article 183 (3) of the constitution of Kenya 2010 that it is the obligation of the County Executive Member to respond to any statement needed by this house. If we look at this report it is not coming from the CEC herself, it originated from someone who signed for. That is why a problem such as omission of some of the critical information has been noted in this report. Mr. Speaker, we insist you give direction to whichever Committee that has been given a task to report to the house, anything to do with fact finding should be done and members have to go to the site and report what is on the ground, thank you.

D. Speaker (Hon. Mike Ewoi): Yes, Hon. member representing Kapedo/ Napeitom Ward.

Hon. Willy Lolimo: Thank you, first of all I would wish to appreciate the chairperson Hon. Ekai for this report, secondly there was a place in Lokitoenyala that we put a dispensary and staff houses awarded to Lokwadae Enterprises Limited and it has been placed in Kapedo/Napeitom Ward. Mr. Speaker, there is no place with such name in my ward, I need to be guided if it is in Kapedo/Napeitom Ward or elsewhere. Secondly, am aware of Ngilukia dispensary and staff houses in Ngilukia sub-location, this project has not yet started and some few weeks I was in the CEC's office and I saw there were some two projects that have not been shown here and it is very important to list them here. I believe the content is not exhaustive and there are some projects that are not listed here, and it is very important to list all pending projects.

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Mr. Speaker, it could be that people are given contracts and they never implement these projects to help people, it is a concern and I beg the chairman and his team to investigate further on this so that we may be clear on the status of this County, thank you.

D. Speaker (Hon. Mike Ewoi): Yes, member representing Kaputir Ward proceed.

Hon. Shadrack Lodonga: Thank you, I have nothing much to add, I am just pointing out a correction on page five, the company name is correct and the amount but they have written Kapelibok and there is no ward that is called Kapelibok, there is Kaputir ward mine is just a correction on page five in paper three. The company is correct, the amount is okay, thank you.

D. Speaker (Hon. Mike Ewoi): Yes member representing Lokichoggio Ward proceed.

Hon. Lourien Paul: Thank you. I would want to know how this process is usually done because in my area there was a dispensary and staff houses that was located at the border in Nadapal and as far as I know the contractor has never been paid a single cent and the contractor has managed to build up to roofing. As far as I know they usually give 30% for a project to begin, I heard from my colleague that there is a voucher that is prepared, and they have issued some companies which even have not completed foundation or started and I wonder why they are given money for doing nothing yet those that have are not even paid half the money. I request the concerned Committee to visit those projects and determine the status of the projects for this County, thank you.

D. Speaker (Hon. Mike Ewoi): Hon. Nicholas, I thought you had an opportunity?

Hon. Nicholas Ewoi: Thank you, I had an opportunity but there is information that I want to deliver to the house so that this work becomes easy, I see the time has gone.

D. Speaker (Hon. Mike Ewoi): You are right but you still have two minutes before you do so because the time now is 11:58am, you will do so at exactly noon.

Hon. Nicholas Ewoi: Thank you it is already noon.

D. Speaker (Hon. Mike Ewoi): Hon. Erukudi, you may proceed but in two minutes, let's give Hon. Nicholas time to proceed.

Hon. David Erukudi: Thank you, I think the attached photos herein are for the foundation, we expect by now it has reached some level of that structure. However, I would advise some Committees here to always confirm some of the reports before bringing them here to give a satisfactory response. Thank you.

D. Speaker (Hon. Mike Ewoi): Hon. Nicholas it is now noon you can now proceed.

Hon. Nicholas Ewoi: Thank you, you will give me a second because what Hon. Erukudi has said he is specifically for Nakalale Ward, nothing has started when I asked they rushed and worked for one day but the rest the chairman will tell us.

Mr. Speaker, according to the Standing Order No. 28 (3) the County Assembly may extend this sitting. I therefore request the current sitting to be extended for two hours to enable it exhaust its business. Mr. Speaker, we have procedural motion in order number eight that we are yet to discuss, I request the house to be extended so that we complete the order of the day, thank you.

D. Speaker (Hon. Mike Ewoi): The seconder of the motion.

Hon. Daniel Emekwi: Thank you I support the motion.

D. Speaker (Hon. Mike Ewoi): Hon. members, if I may read the Standing Order No. 28 (3), (a) that has been quoted by the Hon. member for the benefit of the members I will read 28 (1) it says unless the speaker, for the convenience of the County Assembly otherwise directs, the County Assembly, shall meet at 9:00am on Tuesday, Wednesday and Thursday at 2:30pm. On Wednesday, but more than one sitting may be directed during the same day.

Two says unless for the convenience of the County the Speaker or the chairpersons (as the case may be) direct earlier or later interruption of business at 12:30pm. Or (if it is an allotted day) at 1:00pm on the occasion of morning sitting and at 6:30pm. On the occasion of an afternoon sitting, the Speaker or the chairperson of Committees shall interrupt the business then under consideration and if the County Assembly is in the Committee of the whole house the chairperson shall leave the chair and report progress and ask leave to sit.

Three which is relevant to our case 3, notwithstanding paragraph (1) and (2), the County Assembly may resolve;

(a) to extend its time, or

(b) to meet at any other time on a sitting day or

(c) to meet on any other day in order to transact business.

We are interested in 2 (a) which extends its time, 4 says a motion under paragraph (3) (a) shall be moved at least thirty minutes before the time appointed for adjournment. The time appointed for adjournment is 12:30pm and exactly the whip of the minority has moved this motion, that is 30 minutes before appointed time for adjournment. Therefore, Hon. members, having guided on that I will now propose the question that this County Assembly extends its current sitting to enable us conclude this business, members you are now free to contribute to the motion on the extension of the time. Hon. members, I would now wish to put the question that this County Assembly extend its current sitting for two hours to enable the County Assembly to exhaust its business.

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Question Put and Agreed On

So Hon. members our sitting time has been extended for two hours to enable us to conclude the business in our order paper of today, thank you. Members you can proceed, Hon. Chairperson for Health and Sanitation you want to reply to the observations from the members, you can proceed.

Hon. Evans Ekai: Thank you, I would like to thank Hon. members who contributed to this statement and specifically to Hon. member for Nakalale Ward for his statement. But Mr. Speaker there is one thing that has dominated the completion of these projects and the ability for the Department to complete and I think that has been noted. The sentiment by member for Katilia, I have captured it and we promise as the Committee to follow up the issue and you know as the Committee we have been mandated to follow the issue up to the Department level as soon and as we get feedback, we will bring it to you.

The member from Kerio Delta has brought the issue to the house that most of the report brought to this house has not originated from the CECs, as you know this house only admits reports from the CECs and not to any other officer but if you look at this report by the chair lady for implementation this report has been signed by other person not the custodian. Mr. Speaker, I request you to help us in guidance so that we follow the right way, I think we have noted that.

The member for Kaputir Ward in his statement about the ward, I think that was maybe a typing error, member for Lokichoggio Ward also sighted a very important issue regarding payment of the contractors awarded work in his area and I am not able to respond to that because it requires a technical answer and that one will be answered by the chief officer and the procurement Department and I think money was the problem to that issue but once money will be available the issue will be resolved, thank you.

D. Speaker (Hon. Mike Ewoi): Hon. chair, before you sit there is this fact that was raised by the member representing Kapedo/Napeitom, he has denied the fact that in this report Lokitoenyala staff house is situated in Kapedo/Napeitom ward. Will you confirm to that as the chair of the Committee, then secondly the member who came up with that statement was asking the status of that project, that is one of the issues this statement sort to find out. What is the status of the work done in these dispensaries? It was not captured in this report maybe you can reply to the two, proceed.

Hon. Evans Ekai: Thank you, I apologize to the member for Kapedo, I didn't capture his question well, could he come up clearly?

D. Speaker (Hon. Mike Ewoi): Maybe he needs to clarify that in this list of dispensaries, in his ward. He says there is a construction of the staff houses and the location of the house is in Lokitoenyala which is not a site that is found in his ward. So would you clarify it was it an error or there is a new Lokitoenyala in Kapedo/ Napeitom ward.

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Hon. Evans Ekai: Just as I told you, I may not be able to give a satisfactory answer as you note this is just a report that originated from the Executive, I am presenting it as it was brought. Maybe in your intelligence it is special as it is required.

D. Speaker (Hon. Mike Ewoi): Thank you what of the status of other projects, the proportions of work done in a whole project in thirty wards.

Hon. Evans Ekai: I think you did not get me right, that was part of omission that is in this report and having communicated to the CEC it was clearly showing that it is the County monitoring team that does that. Maybe in the next session I will be able to answer that as a special issue, thank you.

D. Speaker (Hon. Mike Ewoi): Thank you, this will serve as a guideline for the other Committees if there is an issue which is not clear in the response given by the Executive. Please make sure you have invited the CEC to make clarifications so that when those issues arise in the house the chairperson of the Committee will be in a better position to respond accordingly, thank you. Hon. members, I would wish to direct that the Committee on Health Services and Sanitation be facilitated after we, resume that is when funds will be available, to investigate the status of the new dispensaries contracted in the financial year 2016/2017 and to ascertain the work done and their operations as well. So those are the issues that the Committee will be looking at when they will be facilitated, thank you.

Yes chairperson, Hon. member for education and vocational training, proceed.

Response to the Statement on the Turkana County Bursary Fund Disbursement

Hon. James Ikaru (Chair education): Thank you I rise to give a statement response for a statement sought by the member for Kaeris Ward, the Report on Early Childhood Education And Vocational Training in a response to a statement for Turkana County Bursary fund Disbursement.

D. Speaker (Hon. Mike Ewoi): What is it Hon. Nicholas.

Hon. Nicholas Ewoi: Thank you, it is good if Hon. Napion could be here because he was the one who requested for statement response, it was about for him to comment on some issues. So it is in your intelligence to defer it until he comes because he was the one who stood on the floor of the house, almost every time demanding for it, thank you.

D. Speaker (Hon. Mike Ewoi): Thank you, in as much as your concern is valid but I tend to believe that the issues of County bursaries affect all the thirty wards. Even if Hon. Napion is the one who came up with this statement, I will allow the Chairperson Early Childhood Education and Vocational Training to proceed with the response because this is the

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issue of County importance and it affects the vulnerable students from the thirty wards of our County, you can proceed chair.

Hon. Peter Ikaru (Chair education): Thank you, the Committee on Early Childhood Education and Vocational Training had a meeting on 5th December 2017 to go through the response from the County Executive Committee Member, on the request for a statement on Turkana County Bursary Fund disbursement by the Hon. Patrick Napion MCA Kaeris Ward. The matter is urgent and needs appropriate response, Mr. Speaker on acknowledgement the Committee would like to thank the office of the Speaker and the office of the Clerk for the support and the Committee for its commitment. Mr. Speaker, on behalf of the Committee on Early Childhood Education and Vocational Training I wish to table this report with the following observations.

Observations

During the scrutiny of the response the following was observed;

- a) The CEC responded appropriately to the request by Hon. Napion
- b) The school fees disbursement for FY2016/2017 had been delayed due to changes to section 11 of the principal act of the Turkana County Assembly on Turkana County education skill and development act 2014 as requested by the controller of budget.
- c) The delay of funds by the national treasury also contributed to delay in disbursing school fees on time. Phase one of the disbursement was done but only phase two was not done because FY2016/2017 elapsed as per the financial management act expected as the balance for the financial year.
- d) Funds for the FY 2017/2018 has not been disbursed for the County government Department but the request for the same has been placed. A list of their beneficiaries has already been prepared to enhance a list of the fund beneficiaries will be prepared once funds have been received.

Committee Recommendations

Mr. Speaker from the above observation the Committee unanimously made the following;

- a) The treasury releases money allocation in time.
- b) The Department concerned will be providing a list of all beneficiaries per ward to the Committee with the school fees documented.

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- c) The ward appraisal Committee should be strengthened and some will be deployed to be responsible for the funds to be fast tracked for fees disbursement.
- d) The membership of the ward appraisal Committee should be amended since the current composition put the ward education officer as the secretary to the Committee yet the County government has not employed such people.
- e) Public participation needs to be conducted about the changes done by the principle act since most of the public are not aware of the changes.

Resolutions

Mr. Speaker, following the unanimous adoption of recommendations of the report by the Committee members, the Committee on early childhood education and vocational training recommended the house to consider and adopt this report, thank you.

D. Speaker (Hon Michael Ewoi): Hon. members, now that the member who sought this statement is not in the house then I will give to any other member who is interested to give his / her remarks and observations in regards to this matter of County Bursary Fund, yes member representing Lobokat Ward.

Hon. David Erukudi: Mine is that in the Department the second disbursement was affected because the financial year ended and there were no funds carried forward to cater for the second phase. We used to have the same allocation even after the year ended yet once the financial year ends and funds have not been committed they cannot be allocated again. I don't know how it has been in previous financial years, where we used to disburse funds in the first and the second phase overlapping to the other year and why that was not considered for this second phase.

D. Speaker (Hon. Mike Ewoi): Thank you, any other member interested, yes member representing Katilia Ward proceed.

Hon. Daniel Emekwi: Thank you, surely bursary is a very important issue in most of our wards because of education of our children and this year most of the students were out due to lack of school fees and that is why Hon. Napion raised this issue. The bursary should be put first in our wards and all the money to be put aside for students' fees account and we will not be comfortable when our students stay at home while in other counties students are in school, thus end up failing their examinations.

Mr. Speaker, with the issue bursary I think the consideration was not taken at the initial stage, therefore I am proposing you give a directive because money will be released from the treasury if this issue will not be taken with the urgency it deserves between now and before the

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schools reopen. Otherwise the community out there may think that we are not considering it as a matter of urgency, thank you.

D. Speaker (Hon. Mike Ewoi): Any other member interested? Yes, member representing Nanam Ward, proceed.

Hon. Cosmas Longor: Thank you, I would like to respond to the Hon. Member representing Kainuk. In government procedures, when the financial year elapses money is usually held and no transaction will take place because the money has not been deposited into the Department's account. All money will still be in the treasury account when time elapses, the money is usually held that is why those money was not utilized. Another thing is effectiveness and the efficiency in the spirit of the devolution, this house is also mandated to create what we call Ward Development Fund so that any money that will be allocated to a ward, will be reflected at the ward level to agitate the spirit of effectiveness and efficiency, thank you.

D. Speaker (Hon. Mike Ewoi): Yes, Hon. Zainabu Lokaale, proceed.

Hon. Zainabu Lokaale: Allow me to put emphasis because the Department has prepared the list of the beneficiaries and now we don't have money. What about the students who are going to join form one next year because the documents have already been submitted to the Department and the lists have already been prepared? How are they going to assist those students? Another thing, when the year ended the list of the beneficiaries should have been prepared earlier by the concerned Department. Now the students waiting to join form ones are here and the last list of beneficiaries has been already submitted without their names. Where are we going to get other funds for these form ones? I think the Chairperson and the Committee should look at that. He should tell us where he will get school fees thank you Mr. Speaker.

D. Speaker (Hon. Mike Ewoi): Yes Hon. Member representing Kakuma Ward, proceed.

Hon. James Ekan: I rise to contribute to this important issue, as you know that this bursary is crucial, and it cuts across the 30 wards in this County. Therefore, as a member of the Committee, I would like to clarify that the delay of the bursary as been mentioned by the vice chairperson is due to the pending amendment of the Turkana Education and Skill Development Act of 2016 Section 11, of the principle act as directed by the Controller of Budget. We need to operate within the law and therefore we could not be able to distribute this money before the amendment of this act section 11, there could be no rules or regulation that could be used to disburse the second phase of the bursary to students. Hon. Zainabu Lokaale has just mentioned something very important that what will happen? I think it is our duty after this as the Committee with the help of this Hon. House to push the issue of the bursary so that the students in form ones with other students may be able to benefit from the bursary as early as possible in 2018. Thank you, Hon. Speaker.

D. Speaker (Hon. Mike Ewoi): Yes hon. Member representing Turkwel Ward proceed.

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Hon. Stephen Edukon: I rise to contribute to this statement being a member of this Committee, it is also important to emphasize that bursary is critical especially for Turkana County because not all parents have funds to fund education of their children that's why we have endeavoured in our Committee to follow up on this matter. Even this issue on the delay of funds we want to follow it up. What makes this money delay is because there were some amendments that needed to be done to the Turkana County Education and Skills Development Act of 2016? That is why the Department delayed in disbursing those funds because funds are disbursed in the confines of the law, the Department was really guided.

The form ones' issue that has been mentioned by Hon. Zainabu, was in the manifesto of the government of the day. They promised free secondary education for form ones and parents were told that they would not pay anything apart from requirements. Maybe this can be followed up with the Department of Education.

D. Speaker (Hon. Mike Ewoi): Order hon. Member representing Turkwel Ward I don't know whether what you are alluding is right? If it isn't you need to withdraw that statement because it will be misleading this house and the entire public because what we have been told is free day secondary schools. Therefore, it will be wrong for a member of this house to mislead the public that the parents will only be required to purchase the requirements. You need to withdraw that Hon. Ekamais.

Hon. Stephen Edukon: Thank you Hon. Speaker, I think this is a bit confusing but what is there, is the free education for form ones which is not going to pay anything but for form two, three and four they are going to pay school fees as usual but there is part of the government that is normally paid. I think that part is very clear.

D. Speaker (Hon. Michael): Hon. Ekamais, as much as that could be true we should be very careful with these political statements, they could be political statements and it will not be right for us to mislead the public because we have a new fee structure for the secondary schools and when you look at the difference of what they say free secondary school and what the parents have been paying these other years there is no big difference. I want us to concentrate on this subject so that we do not lose track, you know as a member of this house and a representative of Turkwel Ward those parents will come to you because you are elected representatives, they will not go to any other person, but they will come to you. Let us deliberate on this issue so that our people can benefit from this Fund. Thank you proceed from there.

Hon. Stephen Edukon: Thank you Mr. Speaker, I am giving information to the Hon. Members but if there is any inadequacy in the information I am giving, the County Director of Education can also provide extra information. However, the information about bursaries is something that we are still pursuing. About the Phase 1 of the financial year 2016/2017 that was already disbursed so what we are still following up is the second phase. One of the Hon. Members mentioned about the money for the second disbursement, however what I would like to

state is that the money that was returned was for the second disbursement. That's why they are saying the balance is not expected what is expected is the disbursement of the subsequent budget.

D. Speaker (Hon. Mike Ewoi): Yes Hon. Member representing Lokichoggio Ward

Hon. Lourien Paul: I will also contribute to this statement given that already payment vouchers for these bursaries are ready, what will happen since the money was returned to the treasury now that we have form fours who finished schools this year and most of them their names will still appear on the list of payment, the same to colleges and university students. What will happen for some who have managed their way through and they have finished the school meaning some of them their parents would have paid their school fees? What will happen to this list of payment? Will we not lose money since most of the children would have finished school?

I think this is a trend in this County, they lose a lot of money, if the list will not be worked upon, that the list that is prepared might be defective at the moment because time has gone and some parents at the moment regardless of the economic status, I am convinced that they might have paid fees already for their children either form fours or college students.

I suggest we jump start the process again if we all agree, so that we edit the list. Should we wait until the Act is ready to get funds or the money will be available even before the amendments? If the responsible persons were working to beat timelines, then the funds would be out before the end of the financial year. However, we are now inconveniencing our students in spite of the poverty levels in this County and if we continue to accept that monies are returned to treasury then we are not likely to meet the needs of this county. Thank you.

D. Speaker: (Hon. Mike Ewoi): Yes hon. Member representing Napeitom Kapedo ward.

Hon. Willy Nalimo: The amendment of section 11 contributed to the delay of these funds and this money was meant for form ones and not form twos and the rest, if there were any special cases that the respective Hon. member had they should revisit in their wards.

It can be a good idea if the money can be committed, preparing the list of the students with the report so that when it reaches the end of the financial year this money could appear in the current budget to support the form twos so that allocation of the forms fours would also be reflected and if not we request for double allocation because the document for the form twos is already in the Department awaiting this funding; so that it would not be affected because they will have so a lot of arrears in schools.

I suggest that if the money would be committed then this time around we could have given double allocation catering for form ones and form twos. However, the president said education is free, I don't believe that because even in the previous years they said the same thing, but we have been paying school fees for our children. Thank you, Mr. Speaker sir.

D. Speaker (Hon. Mike Ewoi): Yes Hon. Member representing Nakalale Ward proceed.

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Hon. Nicholas Ewoi: Than you Mr. Speaker, the only activity that will enable the public of Turkana County to go forward is education; which I believe will make this County at par with other Counties. As you know education is the backbone of the growing nation, we must consider that factor very much because that's the reason as to why hon. Napion was trying to follow this closely.

The Hon. Member for Lokichoggio ward said something about the form fours who have been beneficiaries, remember they also presented their fee structures for bursaries. They are probably listed as beneficiaries awaiting bursaries, yet they have already cleared their exams. However, I think there is still the issue of the certificates and any arrears that had been accrued. Therefore, I believe it would be unwise to revise the list of beneficiaries.

Secondly, to re-look the list again will give us a lot of work for the new Hon. Members, this is a tedious exercise, that is very involving. You will have to keep going back to the wards to ensure that all students have fee structures. Mr. Speaker you can also confirm this, it takes us about three months to get those fee structures and give them allocations. If we decide to go back and start the process afresh we will be denying some of those students money, once it is released from the National Treasury.

There is confusion although it seems political but sometimes it sounds very well to the members of the public when the president himself can announce there would be free secondary education. The minister also announced the same together with the Department of education, this announcement is normally made on social media especially in many of the local WhatsApp pages. As much as everybody is knows there will be free secondary education some of us know this is a political utterance. We need to inform our electorates to prepare themselves for anything. CS Matiang'i himself made this announcement when he released results, I happened to come across a fee structure sent by the Department of Education which showed that the amount of fees that would be demanded in schools had reduced considerably. That is why I am saying this is a great confusion amongst members of this house. Mr. Speaker let's be open to tell our people to prepare themselves in case something good happens we appreciate and if not, we continue as usual. However, I know there is no money paid by the national government like in 2002; Hon. Mwai Kibaki said the same thing and it became a burden for parents as they had not prepared themselves including myself.

That Act is there however without the necessary amendments that money will not be distributed; that is one thing we must look at. Mr. Speaker if it means creating an avenue where we can meet with Executive to discuss the way forward so that our children do not miss this money again we must. I also urge the members of this house that immediately we come back from recess let's consider advising the County Treasury to open an account for bursaries as it will assist us avoid this issue of money going back. So after recess we have to follow up on this matter to ensure we get separate accounts the same to Biashara Fund and all those funds so that we avoid hearing the same stories...

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D. Speaker (Hon. Mike Ewoi): Order Hon. Nicholas I would like to inform you that this fund has its own separate account and the fund account is operational same to the other accounts you are referring to; Biashara fund, Youth and Women Fund. Those accounts are operational, they have been already been established. You can proceed.

Hon. Nicholas Ewoi: Thank you Mr. Speaker for your guidance but bear with me, Mr. Speaker because you remember a time when we expected them to disburse money for the students; do you remember what they told us? They said this money have been used in a different function and we had to wait until they get another allocation from the National treasury that's why I said sometimes these account does not work well thank you Mr. Speaker. I support the motion.

D. Speaker: (Hon. Mike Ewoi): Thank you, maybe to clarify on the latter; what they have been doing is they have been transferring money from one account to another. That's how they have been doing it. Yes, you can proceed Hon. Member representing Kakuma ward.

Hon. James Ekanan: I support this motion. I also concur with what my colleague the Hon. Member representing Lokichoggio Ward said about re-advertising the beneficiaries because in some wards there were changes that took place especially during the last elections. Whereby some of the members or the students don't know where to take their statement forms and the previous ward appraisal Committees must have changed. These Committees handling the Ward bursaries are nowhere to be found, even the students selected as beneficiaries are unknown. For the second-time members like the Hon. Member representing Nakalale Ward; their Committees exist and they are part of them as well as the beneficiaries. However, for our case as newcomers like me, we also need to start at the beginning with the students and representatives as I move along with it. Basing on previous documents or Committee may mislead, so I support-----

D. Speaker: (Hon. Mike Ewoi): Order Hon. Member representing Kakuma ward we have an act called the Turkana County Education and Skills Development Act and in this Act, we have the Ward Appraisal Committee at ward level to have separation of powers. The Hon. Member of County Assembly is not supposed to be part and parcel of that Committee. Instead the Ward Administrator has been the secretary of the Committee until recently when the law was amended so that the position of the Ward Education Officer was created so that he could be secretary. However, the County Public Service Board is yet to employ officers to the positions. There is also a stipulated timeframe for the Ward Appraisal Committee to serve before the new Management Committee is appointed to take over. Therefore, for now we will continue with the current Ward Appraisal Committee until the end of their term. We have a law to that effect that guides the management of the Fund, you can proceed Hon. Member.

Hon. James Ekanan: Thank you Hon. Member for your guidance I stand to be guided Hon. Speaker its true we need to have such kind of circular so that we can be able to move. I support the motion thank you Hon. Speaker

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D. Speaker: (Hon. Mike Ewoi): Yes Hon. Lonyait

Hon. Lonyait: Hon. Speaker the issue of bursary to our youths is a matter of life and death that's why we don't want to take it casually as a Committee. Mr. Speaker before I forget we don't want to set a bad precedent; whereby anything that was done by our predecessors is wrong, because some of these things were guided by law. We are forced to follow the act if we try to revisit the issue of the bursary once again. Mr. Speaker it will take a lot of time and remember schools are reopening on 8th January next year. This is the only time we have and if we try to revisit the matter wholly our students may not get the money on time.

Mr. Speaker sir going to the economic situation in our County I am 100% sure a good number of our parents have not cleared money for their children who are schooling either in colleges or universities. I thought the Department of Education is waiting for the second disbursement from the last Financial Year. Then the one for the 2017/18 would carter for the form ones.

Statements made during political rallies or meetings cannot be taken seriously; especially the free primary education one. Furthermore, before that is implemented we must be prepared as a County to and as parents because it is our responsibility to pay fees for our children. That is why our Committee went further to engage the concerned team when schools opened to have something that will carter for form one students.

Mr. Speaker, the truth of the matter is 70% of our population depends on this money from the County Government and the Constituency Development Fund and last term most of our children in universities and secondary schools could not attend schools because this money had delayed. With the concerned team, we insisted that next time they get money, priority should be given to the Bursary Fund. This will help us avoid those lame excuses of how money had delayed from the Treasury. Sometime back we had an issue where the Ward Education Officer who was meant to oversee the Fund in the ward was not available for quite a long time. This caused confusion because the Ward Administrator, MCA and the Ward Appraisal Committee had a rough time trying to ensure those selected benefitted from the funds.

This issue of the Principle Act that brought about changes, should not have affected the disbursement. The funds should have been held somewhere just as Hon. Nicholas Ewoi had said. So that, by the time the Act was amended the fund would have been disbursed. However, this should not have prevented us from giving this money to children before it was passed by the Assembly, I am sure they understand took it positively and I know they will work on it. otherwise Mr. speaker I support the report the way it is thank you.

D. Speaker: (Hon. Mike Ewoi): Finally let's have Hon. Member representing Katilia ward

Hon. Daniel Emekwi: I want to inform Hon. Members there is an issue that is going around about the payments for form ones. I want to refer you to your ward admin and ward

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appraisal Committees I happen to interact with mine as they seem to have most of the information. They informed me that they have been already been taught how to distribute this funds and they have money for form ones and colleges; so, assume you know nothing and go back to your ward appraisal Committee and ward admin I think they will give you enough information.

The issue of free secondary education we don't need to talk about this issue because all government communications are done in circulars and therefore anything done in radios is not to be trusted. Let's wait for the right circular which states the areas where the government will give a helping hand and where the parents can chip in. As a long serving head teacher, free education either secondary or primary is partnership between the government and the parents. You cannot expect to send your child to a boarding school without any fees; how will that child survive? What about the essentials where will he or she get them from?

About the act, there are some areas where they spell the criteria which is used by the County Government or Education sector for distributing these funds. It has become a question in various audits conducted, of what exactly is being done by the relevant Department. What we should recommend is that, there is need of employing an Education officer to the ward level who will be responsible for this fund at ward level to ensure that the ward appraisal Committee disburses the fund in the right way. Thank you Hon. Speaker

D. Speaker: (Hon. Mike Ewoi): Thank you, Hon. chair you can respond to some of the comments made by Members.

Hon. Michael Ekai (Chairperson Education Committee): I thank members for their contributions. I will reply to some of the issues raised by Hon. Members, Hon. Erukudi what has been going on now that this second disbursement delayed, is that during the previous years the allocation or disbursement was within the time limit; however, the one we are talking about delayed because of delays in implementing the amendments made to the Act during the First Assembly so such delays may not come again.

Hon. Emekwi also said the bursary kitty was to be given the priority when funds are made available in the County because the Department had already requested for it; I want to believe that priority is going to be given now the National Treasury is releasing money to the County Government

Hon. Stephen Edukon answered Members issues of free education the way members have just put it, it's a political pronouncement but there is some free tuition for day schools however those in boarding schools should pay a specific amount.

The issue of repeating the process of allocation as quoted by Hon. Lourien is a bit tedious and the list which is prepared for form ones and twos I wish to appeal that the Department be allowed to pay for the fees of those students who have submitted their applications to the Department because if we continue with the delaying process, this one is not going to happen
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again because the Act has been amended and is in force. Mr. Speaker, some problems are likely to occur in cases where some of the form four students have cleared and those in colleges or universities have graduated then we might have a lot of floating cash in some institutions. This is the only instance that will require us to revisit the allocation that was given to students in the awaited bursary allocation. Otherwise Mr. Speaker, I wish to thank members and the whole house for their contribution to this statement. Thank you.

D. Speaker (Hon. Mike Ewoi): Hon. members I would wish to direct as follows, the Committee on Early Child Vocational Training, to invite the County Committee Member in Charge of Finance and Economic Planning and of Education Sports and Social Protection counterpart to appear before the Committee to shed more light on the second disbursement of the Turkana County Education and Skills Development Fund for the Financial Year 2016/2017. In some of the observations of the Committee they said there is a disbursement that was done and only the second phase was not done because the Financial Year 2016/2017 elapsed. As per the Public Finance Management Act, nothing is expected as a balance after the elapsing of the Financial Year.

Hon. members, the officers who provided such a response, are not honest because if there was some money which had not been utilized by the Department; that money would have been committed for use in the subsequent Financial Year. Therefore, they are lying to us by telling this house that the Public Finance Management Act advises that once the Financial Year has elapsed no money that can be utilized for a certain activity that was planned. That is why I have directed that the 2 CECs should appear before the Committee to shed more light on the same. Surely, we need this money to support our needy children. Apart from that, the Committee also should get a commitment from the Turkana County Treasury on the possibility of them prioritizing funds for the Bursary Fund for the students to proceed with their studies.

Hon. members this should be done by January 2018 and this is because of the urgency and the importance of this matter to the residents of this County so, Hon. Chair you have a task to make sure this has been done by January. Thank you, Hon. members.

Next Order!

PROCEDURAL MOTION

D. Speaker (Hon. Mike Ewoi): Hon. Nicholas Ewoi you can move that motion.

Hon. Nicholas Ewoi: Thank you Mr. Speaker, I would like to move the procedural motion that pursuant to Standing Order No.263, this County Assembly do now adjourn until Tuesday 13th Feb 2018 at 9 am.

Mr. Speaker, per our Committee of House Business we are really committed on organizing matters in regards to the processes and the progress of the house. This Committee is mandated to organize matters in regards to the house calendar. We realize what we are doing Mr.

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Speaker, is really what the members of this County Assembly as well as members of the public can understand.

This procedural motion had been brought because we want to adjourn this house it's what we have been discussing today especially this time round about students going to school. I know that is another important thing that we must do as Members of County Assembly. We need to find ways of sending our kids back to school in January so we need to have ample time to look for finances here and there.

Secondly, Mr. Speaker is the work we have ahead of us to vet and approve the Chief Officers and CECs. We need to have ample time to work on that so that by January our government will continue with its mandate after the National Government disburses funds from National Treasury.

Mr. Speaker, the other thing is that our voters, for the last three months since we were elected we have not gone back to say thank you. Therefore, this is a good time to go and do that as well as try to see the issues they need to be assisted with by this County Assembly. Mr. Speaker, we can't forget going home to our families as well as friends. The Christmas season is here and it is a good time to relate and bond with our kin.

Mr. Speaker generally these are the reasons why we want to conclude our calendar today and adjourn this House. We cannot continue with our usual business and at the same time proceed with the vetting exercise. Therefore, without wasting time I urge the Hon. members to support the motion. I request the member for Katilia to second the motion. Thank you!

D. Speaker (Hon. Mike Ewoi): Thank you, proceed Hon. member representing Katilia.

Hon. Daniel Emekwi: Hon. Speaker I second the motion because we approved our schedule and it is time for us to go and relax. It will also allow us attend the vetting of CECs and Chief Officers. Thirdly I second the motion because the break will allow us meet our voters and family. Thank you!

D. Speaker (Hon. Mike Ewoi): Hon. members, I would now wish to propose the question that pursuant to Standing Order No. 26 Paragraph 3, this Assembly do adjourn until Tuesday 13th February 2018 at 9.a.m. Hon. members you are now free to contribute to this procedural motion.

Hon. David Erukudi: Thank you. I stand to support the adjournment with the following comments. We should have in mind that we have pending issues to attend to and we need to take time off and attend to those matters. This time will also give us ample time to replenish and refresh our energies. Thank you!

D. Speaker (Hon. Mike Ewoi): Hon. Ekamais, proceed.

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Hon. John Lokwatubwa Ekamais: Thank you Mr. Speaker, I rise to support this procedural motion. Going for recess is good for us because we need to rest so that when we come back next year we'll be very energetic and ready for work. It will also enable us be with our families and our electorates. The adjournment will give us time and make it possible for us to vet and approve the CECs and Chief Officers. I enjoy Christmas at my rural home and going for recess will enable me travel there, thank you.

D. Speaker (Hon. Mike Ewoi): Yes, Hon. Lokaale.

Hon. Zainabu Lokaale: Going for recess is like going for R and R. I would like our board to prepare our mortgage so that when we go home, we will have something to do at home.

Hon. John Lokwatubwa Ekamais: Point of order

D. Speaker (Hon. Mike Ewoi): Hon. Ekamais what is out of order?

Hon. John Lokwatubwa Ekamais: Mr. Speaker, when we talk about adjournment, it is not about CASB and mortgage, it is something else altogether. When we discuss on adjournment it is important to be relevant to the same. Hon. Zainabu's opinion is different.

D. Speaker (Hon. Mike Ewoi): Can you please substantiate the mention of CASB in relation to recess.

Hon. Zainabu Lokaale: Thank you Mr. speaker, I didn't mean to say that we take anything home. I meant going outside Assembly precincts, I want to go out for my own leisure. I want to enjoy myself with my colleagues outside Lodwar. Everybody has his or her own way of enjoying the recess. So, I support the recess, thank you Mr. Speaker.

D. Speaker (Hon. Mike Ewoi): Hon. representing Lokichoggio.

Hon. Paul Lourien: Thank you Mr. Speaker, I want to support my colleague who just left the floor. We are going to recess and we have mentioned several issues that might cause us to not to go for recess. My hope is that if we go for a Kamkunji, it will sort out most of these issues. You know if we can get the mortgage before the recess, we could use these money to go to Mombasa or even Washington DC for leisure. Or even share the same with our electorates.

D. Speaker (Hon. Mike Ewoi): Order Hon. member representing Lokichoggio. You are out of order because money for car loan and mortgage is not meant for leisure. It is money provided for an intended purpose and that is well guided in the Act. What you supposed to agitate for is the salary for visiting those places. So be guided, proceed!

Hon. Paul Lourien: Thank you Hon. Speaker for the guidance. Those were some of the issues we were trying to advocate for. If we could get the salary, we will be very grateful. Thank you, Hon. Speaker.

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D. Speaker (Hon. Mike Ewoi): Yes, Hon. Mathew Alany, proceed.

Hon. Mathew Alany Lonyait: Hon. Speaker, I share the same sentiments with my fellow members. I was reading a certain newspaper and I read that money has been released to counties and that's why we are making that request. We can't celebrate Christmas or host visitors without anything in the pocket. Other things will come and I am sure they will be sorted. We have hope that things will be okay. I support the motion.

D. Speaker (Hon. Mike Ewoi): Hon. Nicholas do you wish to comment on anything.

Hon. Nicholas Ewoi: Yes Mr. Speaker.

D. Speaker (Hon. Mike Ewoi): Proceed!

Hon. Nicholas Ewoi: I want to appreciate the members who have contributed to this motion and give a small reaction on the comments by members. One is by the Hon. Member representing Lobokat about our car loans and mortgage. That's an issue that we will deal with later in a different motion. This is a house of rules, when we stand to discuss certain topics, we do them relevantly. Recess does not mean we are going home forever. After a week, we will come for special sittings and that means we will be within Lodwar for the same. So, I am not saying we should not discuss that but let's do so at the right time.

I want to agree with Hon. Ekamais' comment that we need to be with our people for the holidays. We have special times after recess to discuss our issues like welfare and that is something that is in process. My motion was for recess and not car loan and mortgage. CASB is an institution that co-ordinates the issues of this Assembly. I appreciate Hon. Alany for reading newspapers and updating us on current news. otherwise thank you and I reply.

D. Speaker (Hon. Mike Ewoi): Thank you Hon. members. Hon. members, as provided or guided in the Standing Orders. If you look at Standing Order No. 26 paragraph 3 says

“On a day that the County Assembly is scheduled to adjourn to a day other than the next normal sitting day in accordance to the County Assembly calendar, the Leader of the Majority Party or the Leader of the Minority Party or another Member of the County Assembly Business Committee shall move a Motion of adjournment which shall be debated for not more than three hours after which the County Assembly shall adjourn without question put.”

So, I am not going to put the question because you have deliberated over it.

Next order!

ADJOURNMENT!

D. Speaker (Hon. Mike Ewoi): There being no other business, this house stands adjourned until Tuesday February 13th 2018 at 9.00 a.m. Thank you Hon. Members.

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House Rose at 12.00 P.M.

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