

COUNTY ASSEMBLY OF NAKURU**THE HANSARD****Wednesday April 1, 2015***Assembly Building**The House met at 2.50pm**[Temporary Speaker (Hon. Eunice Muriithi) in the Chair]***PRAYERS****MOTION**

COUNTY GOVERNMENT TO ESTABLISH A COMMITTEE OF EXPERTS TO DRAFT A FORMULA FOR SHARING DEVELOPMENT FUNDS AMONG THE WARDS

Temporary Speaker (Hon. Eunice Muriithi): Honorable Ambale; is he absent or outside? Did he give a notice to postpone his Motion?

Well, since there is no one to move the Motion on behalf of Honorable Ambale, we go to Standing Order no. 52; time for moving a Motion, the County Assembly Business Committee shall allow the time and sequence of the publication in the order paper of every Motion approved by the Speaker where a Member moves a Motion at the time specified or under this Standing Order. Such Motion shall not again be published in the order paper during the same session except with the leave of the Speaker. Okay, are we together? So we cannot have it again in this session but we shall probably give him another chance after a few months to come and table the Motion again so the Motion stands differed.

Hon. Joseph Waithaka: Thank you Madam Temporary Speaker, the House Business Committee happened to have sat yesterday and after deliberations, the location of time for today and tomorrow was not communicated in this House and that could have been the reason why honorable Ambale was a bit late because he did not know that his Motion was to be moved today. He came late and was not properly informed by the Leader of the Majority so I beg for your indulgence.

(Loud consultations)

Temporary Speaker (Hon. Eunice Muriithi): Order! Order! Members; well because of the sentiments that have been put forward by honorable Waithaka, we can still give honorable Ambale a chance to move his Motion. Honorable Ambale you are late and we had used the Standing Order no. 52 to drop your Motion. And now that the Leader of the Majority has also just walked in and again during yesterday's meeting of the Whole House Committee the

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deliberations were not well communicated and probably the reason you are late, I will give you a chance to move your Motion.

Leader of the Minority (Hon. Daniel Ambale): Thank you Madam Temporary Speaker for your understanding and giving me this chance. I beg to move the Motion;

THAT aware that the Constitution of Kenya 2010 provides for equitable distribution of resources ; Further aware that various wards in Nakuru County have different demographic, geographically and economical characteristics and given that this County lacks a formula for equitable and fair distribution sharing of resources hence disadvantaging wards with unique characteristics; This Assembly resolves that the County Government do establish a Committee of experts, draft a formula that shall guide sharing of development funds among the 55 wards. Madam Temporary Speaker...

Temporary Speaker (Hon. Eunice Muriithi): Just a minute honorable Ambale. Is this microphone functioning well?

Leader of the Minority (Hon. Daniel Ambale): Am I too close? Is it okay now? So Madam Temporary Speaker, I want to call upon Members to consider this Motion in this perspective. Though I may not be having the actual figures, if you use the facts and data that we have had before, you will realise that there are very wide disparities to the extent that I have been confronted by members of the public urging me to call upon this House to consider equity and equitable distribution of resources. We all know that the Constitution of Kenya 2010 provides for object and principles of devolution and equitable share of resources is one of these objects.

Madam Temporary, the essence of devolution is to ensure that every person living in this Country accesses equitable share of the available resources. I have noted that we have previously done things in this County and in this Assembly without consideration of the factors that might help us achieve this. I believe if left on their own, the Members of the Executive may not have the capacity to come up with a formula of ensuring that we share resources equitably in this County. Madam Temporary Speaker, I therefore feel that it would be wise for the County Government to get a committee of experts that would advise us on how best we can share resources equitably like bursaries. I realize that the differences between the most populated and the least populated ward in this County is over 60 000 students and I think just being there and imagining that the number of students in various learning institutions in these wards is equal would be totally deceiving ourselves. Bursaries are basically based on population meaning that where the population is high we will have more students in schools and vice versa.

Madam Temporary Speaker, that aside, in agriculture, the way the resources have been shared before has not been fair and I remember there was a time where every sub County was being given 1000 bags of fertilizer and I do not think the urban centres would have the same agricultural activities like the rural areas. So let us have a formula that dictates how these resources are shared because the fertilizer distribution was based on farming activities. I understand the importance of urban centres in terms of consumption of agricultural products and therefore I would maybe expect on urban centres, we spend more on resources geared towards expansion of markets and industrialization as opposed to raw production which is done in rural areas.

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Madam Temporary Speaker, if you are to take a tour of our County to establish how many kilometres of roads are tarmacked verses those that have not been tarmacked, you will realize that though some wards may have very small population they are very wide therefore have so many road connections yet they may not be tarmacked. So when we sit and think of how we should allocate money for roads development we should have a guideline and allocate the resources accordingly.

Madam Temporary Speaker, there was a time we sat here and spoke of allocating Kshs.80 m for development of a market in Biashara ward. That was a County project and I know another Member from maybe Kuresoi may ask why do just a market of such an amount in Biashara ward and not a similar one at just Kshs.20m maybe in Molo? We need experts who will guide us on how to distribute resources equitably so that we can abide by the principles of devolution. I therefore urge this House to resolve that the County Government establishes a committee of experts to draft a formula that shall guide the sharing of development funds among the 55 wards.

Madam Temporary Speaker, I am aware that we have a Ward Development Fund Bill which is yet to become an Act but I also want to say that development is not solely limited to development funds. Development is a very broad term and we allocate a lot of funds for that and specialized funds like Ward Development Fund may have their own way of distribution. But in the event that we want to talk about the County, like on funds for people with disabilities, I would disagree with anyone who would believe that we have an equal number of people with disabilities in all the wards, just like people living with HIV/AIDS cannot be the same in slum areas and those in rural areas because of the difference in population and other factors.

Madam Temporary Speaker, I urge the House to support this Motion, thank you I beg to move.

Temporary Speaker (Hon. Eunice Muriithi): Someone to second the Motion.

Hon. Catherine Waweru: Thank you Madam Temporary Speaker, I second and would also want to bring to the attention of this House the National Commission for Revenue Allocation that guides the National Government on how funds are shared amongst different Counties and my greatest concern would be for the marginalized wards in this County and by supporting this Motion, it would enable such wards get equitable resources that would put them on the same level with the rest. As we do development we should also consider population because as it is currently it is not being done fairly so things like setbacks and challenges should guide allocation of resources in this County. I rise to second and support, thank you.

Temporary Speaker (Hon. Eunice Muriithi): Thank you honorable Catherine, honorable Waithaka.

Hon. Joseph Waithaka: Thank you Madam Temporary Speaker, I rise to second this Motion and before I do that I would wish to remind honorable Members to consider where we are coming from. The first Budget that we did as a County, every sub county was allocated Kshs.50 m for development and when we were sharing it, my sub county of Subukia, Kabazi ward got Kshs.15 m, Subukia ward Kshs15 m and Waseges got Kshs.20 m. This was not the same with what residents of Naivasha sub County got because they were sharing the same amount of Kshs.50 m amongst 8 wards. Madam Temporary Speaker that was the highest level of inequality

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that we have ever had because I believe we are all equal and therefore equally entitled to the resources of this County. The idea of sharing resources equally should come to an end Madam Temporary Speaker. There would be no fairness if I were to get a grader to work in my Kabazi ward for one week and Kuria of Biashara ward be allocated the same for one week

Madam Speaker there should be a consideration of the vastness of the Ward before we come to the allocation of time for that grader, at the same time I would wish to say that when we allocate twenty five million for Kabazi Ward and twenty five million for Mariashoni Ward which has half the population of Kabazi Ward, then you are doing a disservice to the people of Kabazi because if we were to share the amount of money allocated per person, people in Kabazi ward would be getting fifty cents while Mariashoni will be getting two shilling per person ,that will be unfair because you realize that even the income that we are sharing in this County part of it is gotten from our Wards and the contribution to the County kitty is not equal Madam Speaker, we should consider the population of the Wards, the income from the respective Wards before we come to share what we are sharing.

We do not have some wards which are a burden to other Wards, it is important that we render service according to what we are getting from our respective wards.

Temporary Speaker (Hon. Eunice Muriithi): honorable Agnes

Hon Agnes Salimu: Honorable Temporary Speaker I would wish honorable Waithaka from Kabazi to give more elaboration of Mariashoni because I do not think he knows more about Mariashoni more than I know.

Hon. Joseph Waithaka: It is important to realize and we all know that Mariashoni Ward was created to take care of the marginalized Ogiek, it did not meet the population quarter that other wards had to meet before they were created

Temporary Speaker (Hon. Eunice Muriithi): Honorable Waithaka I would kindly ask that you deviate from being too personal. One minute honorable Agnes, just have a seat all of you so that this discussion can be orderly and when you contribute just give the facts that one knows.

Hon. Joseph Waithaka: Thank you, I am just emphasizing and giving examples when I say Mariashoni, I do not particularly mean Mariashoni it is just an example of a Ward and for that matter I will not use Mariashoni neither will I use Kabazi ward but I will use some other Ward, at the same time when we consider the number of school going children or the number of students in secondary and universities in different wards, you will realize that we have a big inequality or a big difference and for this reason it is biting on us when these students from universities for example Egerton university when they get the list of bursary allocation and you realize some students in some other wards are getting Kshs 2000 while other in some other Wards are getting Kshs 10,000, the students will come back to us complaining why are you allocating me two thousands while some other student in the same County is being allocated ten thousand by the same County.

This is out of the disparity in the population of students and this should be a consideration when we shall be disbursing our bursary money. I would wish that as we go we support the idea of a

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technical team and I propose that the technical team should consider the vastness of the Wards that we are having, it should consider the poverty index in our respective Wards, it should consider the population, it should consider income from that ward and at the same time it should consider affirmative action so that we will not have some wards that are left lugging behind while others are progressing in a different velocity or speed. I beg to support this Motion and urge other members to support it, thank you.

Temporary Speaker (Hon. Eunice Muriithi): Thank you honorable Waithaka for your contribution, honorable leader of Majority Party.

Leader of Majority (Hon. Samuel Njane): Thank you very much Madam Temporary Speaker, I would also want to rise in support of this Motion, first and foremost when I was looking at the Order Paper I was of the opinion that the Motion was not timely but in fact when the mover of the Motion elaborated on the Motion I was really carried. Madam Temporary Speaker it has come to my mind that the formula that we use when we are distributing these development money to our various wards is a formula that can only be applicable when we want to distribute money to individuals. It is not a formula that can apply when distributing money to our various Wards whereby we are having a lot of disparities when it comes to population, demographic and geographical characteristics.

Madam Temporary Speaker I would say we need to support this Motion and citing some few examples, when you get to Naivasha East it is a Ward that is ninety one square kilometers, when you get to a ward like Maai Mahiu it is a Ward that is over five hundred square kilometers, when you get to a ward like Lake View in Naivasha which is sixteen kilometers square, I am wondering if we want to provide our people piped water and we give five million to Lake View Ward and we give the same to Maai Mahiu bearing in mind that they will have to do it in over five hundred kilometers square, while lake view will do it within sixteen square kilometers only , it is not applicable.

Madam Temporary Speaker as it has been put I want to believe that the higher the population the bigger the magnitude of the services that the people require, it is well known that even the probability of death where the population is high it is high. When it comes now to distributing development money, we started in the first financial year distributing our development money equally, actually it was fifty million per constituency and we got it very rough we as people of Naivasha or members of this assembly.

When we tried to divide the fifty million amongst the eight wards that are in Naivasha Constituency, there was nothing compared to a constituency like Subukia even our people were asking us which formula did we use and we were unable to answer some of this questions.

I would want to say even some of the wards that we have may be when it comes to health facilities they do not even require hospitals, they are within towns where this facilities are unlike wards like Maai Mahiu which do not have even a dispensary. Madam Temporary Speaker I want to say that we need to support this Motion so that we can distribute this money equitably so that we can be able to render proper services to our people, bearing in mind that when we get to the poverty index we cannot rank our wards at the same level.

I would also want to say that it is high time that we go in conformity with other institution in this Country, when you get to Parliament and the commission of revenue allocation this is what they do and it is high time we did the same. I would like to congratulate the leader of Minority Party for this Motion and I support the Motion, thank you.

Temporary Speaker (Hon. Eunice Muriithi): Thank you leader of the Majority Part. Honorable Vitalis

Hon. Vitalis Okello: Thank you Madam Temporary Speaker for giving me this opportunity, this Motion if passed will give this County one of the greatest discrimination and for that reason I would like to oppose it. This is a Motion that will open windows for discrimination because how are you going to measure the poverty index in different wards because according to the arguments of some of the Members are that we are going to consider population, but you find that there are some areas or some wards with a lot of people but the poverty index is low, you will find that in some wards some of the residents cannot uplift themselves from the dehumanizing poverty.

For that reason even if a ward has so many people it does not mean that those people might need more resources, they may be well of. So we are supposed to look into that, also giving power to others to dictate development, the so called the committee of experts, we are not sure how they are going to do these or come up with the formula the mover of the Motion is trying to put forward.

For that reason I am for the opinion that the recourses should be distributed equally at this particular moment but not equitably. I also want to oppose one of the Speakers who said that some wards are marginalized, I think this is misleading this Assembly because previously the money has been shared equally, twenty five million for each ward so I do not know where the marginalization of the wards come in.

I would like to urge this County Assembly that if they let this Motion pass they will be climbing the ladder with both of their hands in the pockets. So I oppose this Motion.

Temporary Speaker (Hon. Eunice Muriithi): Thank you, honorable Chebor.

Hon. Paul Chebor: Thank you nery much Madam Temporary Speaker, I rise to oppose this Motion because I have seen the reasons are demographical, geographical and economical characteristics. I want to say that the first thing to be considered should be the poverty index, we want to borrow that formula from the Constituency Development Fund, and they considered the poverty index. Number two is the one for County government, they considered first considered the poverty index and that is why you get Turkana County getting the largest amount of money. You cannot compare a ward like London Ward where most people come from up country and they are claiming that is their population, it is not their population; they are people from other counties.

So I want to urge this House that we consider the poverty index, imagine you compare Biashara Ward with Solai Ward which is over a hundred kilometers without a single tarmac road, people

from Solai Ward see a tarmac road on television and you want to give the same money to Solai and Biashara wards.

I want to urge this House that we upgrade our people from down there ,they do not have anything, even bursaries ,one of our MCAs was talking about bursaries and many things, how can you compare a child from Waseges Ward and a child in London Ward who has everything including vehicles and electricity.

Let me tell you today that we have never seen electricity in my ward and you can compare, so my prayer to this House is we consider first the poverty index and those people who were proposing the wards considered so many factors and you cannot say Mariashoni is a small ward, they considered it and put it as a ward because those people had nothing in terms of roads and water. So my big point is that we consider poverty index.

I travel about seventy kilometers off road to reach my Ward and an MCA from London Ward use fifty shillings to reach his ward while I use three thousand. Maiella Ward for hon. Mujing'a cannot be compared with Naivasha town, so Madam Temporary Speaker let us consider poverty index. Thank you.

Temporary Speaker (Hon. Eunice Mureithi): Hon. Chebor I did not quite get you, are saying that we include an amendment of poverty index?

Hon. Paul Chebor: Yes, Madam Temporary Speaker

(Loud consultation)

I am not talking to you.

I am opposing because of that amendment.

Temporary Speaker (Hon. Eunice Mureithi): You want it amended or are you opposing the whole Motion?

Hon. Paul Chebor: Let us amend.

Temporary Speaker (Hon. Eunice Mureithi): Okay Hon. Mujing'a.

Hon. Mujing'a Kariuki: Thank you Madam Temporary Speaker, if you look at the first line of the Motion reads: aware that the Constitution of Kenya 2010 provides for equitable distribution of resources, and I want to tell; this House that equitable does not mean equal. So actually when we are dividing resources here equally we are going against the Constitution.

If you look at the National Government and the CDF money is divided against poverty level, population density and so many other things, if you come to Counties, Turkana is getting a lot of money next to Nairobi reason the population density is very high in Nairobi and poverty level is very high in Turkana.

I am totally supporting this Motion and I want to say that the way Committees are distributed in this Assembly, they should be equitably divided because you find that one Member is having

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more than eight Committees while another Member is having four Committee, same you find that some wards are being marginalized.

Temporary Speaker (Hon. Eunice Muriithi): now Hon. Mujing'a I think you are now getting out of order because we are not talking about the Committees but resources in the County.

Hon. Mujing'a Kariuki: what I am trying to explain is that I said that equitable distribution of resources, so if one has more than eight Committees those are resources. Thank you.

Temporary Speaker (Hon. Eunice Mureithi): We have a point of information from the mover of the Motion.

Leader of Minority (Hon. Daniel Ambale): Thank you Madam Temporary Speaker, I want to inform Members that poverty index is a demographic factor so when we talk about demographic factor poverty index is automatically a factor.

I also want to inform this House that it may not be our business to determine how it will be done, that is why the Motion talks about creating a Committee of experts, it is possible it is being done in Kenya, it is being done in National Government, the CRA is doing it, CDF has also come up with that and the same way we want people who will consider all these factors. Thank you.

Temporary Speaker (Hon. Eunice Muriithi): Hon. Gicamu.

Hon. John Gicamu: Ahsante sana mheshimiwa Spikla wa muda, nasimama kuunga mkono mjadala huu ambao nafikiri sisi tukiwa Kautni kwa miaka miwili tumekuwa tukiwanyanyasa watozwa kodi wa Kauti ya Nakuru.

Kama vile ambavyo muwakilishi wa mjadala huu amesema ya kwamba Katiba ya Kenya imekataa kugawa rasri mali kisawasawa. Nashangaa hata kama ni wewe na uko na watoto wawili na mimi niko na watano hatuwezi gawiwa sawasawa.

(Applause)

Nataka kukusomea Katiba ya Kenya (makala) 201: kanuni zifuatazo atawaongoza masuala yote ya fedha za umma katika jamhuri.

kuwa mfumo wa fedha za umma atakuwa kukuza jamii usawa.

Temporary Speaker (Hon. Eunice Muriithi): What is it Hon. Wang'ombe.

Hon. Michael Ngeshu: Bi Spika wa muda ningetaka kujua kama mheshimiwa Gicamu ako na ruhusa ya kuchanganya lugha wakati anachangia huu mjadala.

Kuna katiba kwa lugha zote mbili ambazo ni kiingereza na hata Kiswahili pia, na yeye aliweza kuchangia kwa lugha ya Kiswahili basi ingefaa aendelee vilevile kutoa maaoni yake kwa lugha ya Kiswahili kwa sababu haikubaliki katika sharia za bunge zetu kuchanganya lugha.

Temporary Speaker (Hon. Eunice Muriithi): Hon. Wang'ombe I think you are out of order because he is quoting. Carry on Hon. Gicamu.

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Asanti Bi Spika wa muda kwa kuweza kunitetea kwa maadui wangu katika Bunge hili

(*Shangwe*)

Hon. John Gicamu: tukienda kwa ibala ya tatu inasema hivi :

matumizi itakuwa kukuza maendeleo ya usawa wa Nchi ikiwa ni pamoja na kuweka masharti maalum kwa ajili ya makundi yaliyotengwa na maeneo.

Kama vile naibu wa kiongozi wa walio wengi alivyosema mpaka wakati huu kuna sehemu watoto hawajui lami ni nini na hizo sehemu tunastahili kukuza zote kwa kisawasawa

(*Makofi*)

Panastahili kua na njia za kukuza kaunti yetu kwa pamoja lakini kusikue na sehemu ambayo inakuzwa na ingine kubaki nyuma.

Pesa mabazo tunazozitumia katika Kaunti ya Nakuru zinapofika kutoka Nairobi sisi hatugawi sawa. Nakuru iko na sehemu yake, Mombasa vile vile, Tana River iko na sehemu yake. Kwa nini tusitumie ile mpangilio inayotumiwa kule Nairobi tututmie mpaka huku mashinani kwa sababu kuna ule mpangilio unaotumiwa na serikali na inazingatia idadi ya watu, ukubwa wa sehemu na kila kitu iwapo tutakuja hapa tena tunganishe kisawasawa tunaenda kinyume cha sharia ya Kenya.

Iwapo kuna sharia ambayo imeletwa kwa wakati wake ni sharia hii ambayo imeletwa na mheshimiwa Ambale na kwa hivyo niko hapa kuiunga mkono.

Temporary Speaker (Hon. Eunice Muriithi): Hon. Wang'ombe.

Hon. Michael Ngeshu: Thank you Madam Temporary Speaker, I want to contribute by referring to a few examples in this Assembly that has portrayed the level of equality in this Assembly.

If we would use the example Hon. Waithaka use of Naivasha getting over Ksh 50M when they are eight wards it is quite unfair and again we have a ward by the name Rhoda it is 1.1Sq kilometer while Naivasha 5 Wards got Ksh 50M that ward where someone can walk within one hour you got 12.5m.

We have complained day in day out about the unfair distribution of graders in this County and it is that ward that has been considered as equal to Mariashoni Ward which is 198 sq km, it is very unfair.

There are some Wards, like Hon. Chebor has said that do not know what tarmac means yet when it comes to finances they get the same as Hon. Kuria's ward which almost 90 percent has been tarmacked. Some of this parameters need to be considered, for example development index, poverty index, marginalized areas, streets where some wards have street lights and almost 90percent of the money we leave to the Governor is given back to this towns yet people in the rural are suffering.

I want to thank Hon. Ambale and we need to get some experts to get quantitative data of the development in wards and County so that when it comes to distribution of resources we do it

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fairly and because our God is very just, to remind you 90 percent of human beings are either male or female, have two eyes and two legs and somehow God has shown some equitable distribution of resources, He has given all of us hair and I am not saying it is equal...what I am saying is that we pass this Motion so that we distribute the resources by considering demographic factors which are dynamic.

And remember as the first County Assembly in this County we will go down in history as people who thought well of people of Nakuru County.

I want to rest my case there and urge Hon. Members to support this Motion so that the like of Hon. Mujing'a coming all the way from Maiella and by the way his ward is equivalent to Molo Constituency and he got only Ksh 5m while Wards in Molo got Ksh 10m, he should have gotten Ksh 50m. And when we do this alignment we should ensure what Hon. Mujing'a loss is recovered.

(Laughter)

Temporary Speaker (Hon Eunice Muriithi): Hon. from Sirikwa

Hon. Peter Macharia: Thank you Madam Temporary Speaker, I rise to oppose this Motion for this reason, as we are aware devolution is new and we have like 3 to 4 years to go. And before devolution was created there was a formula of creating the Counties and Wards and respective Sub-Counties in order to distribute the resources.

Bearing in mind that IEBC is the one that deals with boundaries and it is a fact that each ward that was created and being specifically in Nakuru County there was a reason why that ward had to be created.

These issues of demographic, poverty index and economic characteristics are issues that IEEBC had already factored and that are why wards were created.

(Hon Wang'ombe stood in his seat)

Temporary Speaker (Hon. Eunice Mureithi): Hon. Wang'ombe sit down

Hon. Peter Macharia: I do not need information.

Temporary Speaker (Hon. Eunice Mureithi): sit down please. No! Just take your seat Hon. Wang'ombe.

Hon. Peter Macharia: when we say about equitable shares currently this is what is being felt in Nakuru County and I will give an example of some wards which are specifically in the center and if you look like a ward from where Hon. Ambale is coming from, also Nakuru East and West all those wards or majority of them are being funded by KISIP this is an issue of funding from donors and are currently receiving that benefit not because they were to be distributed equitably or equally in Nakuru County but the factors that have been looked at gives them the credit of being accredited that amount from KISIP. This issue of coming up with expertise is not timely, the reason being when these boundaries were being created there is always a threshold of 8 years

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for a boundary to be reviewed and I would tell Members instead of now coming up with poverty index, demographic characteristics. I do not know why we should not wait for eight years for the boundaries to be reviewed so that if there was any ward that was not created in a manner that could have been an advantage to the people of that specific ward, it will be reviewed after eight years, this is why that equitable distribution could be revisited. I oppose the Motion because it will bring political, social and economic crisis in Nakuru County; that is not worth in this time

Temporary Speaker (Hon Eunice Muriithi): Hon Steve

Hon Stephen Kihara: Thank you and I am happy that I am not as transparent; you have been able to see me. I do not know whether it is because I came late that I failed you...

Temporary Speaker (Hon Eunice Muriithi): Hon Steve, I wish you withdraw those remarks because I do not know what you mean; I do not think there is a member who is transparent and the other who is not transparent!

Hon Stephen Kihara: I am simply saying that I am happy that you have seen me...

Temporary Speaker (Hon Eunice Muriithi): You are accelerating your tone too high, just make your contribution

Hon Stephen Kihara: You know Madam Speaker about the tone and the volume I use it is at my prerequisite. I rise to support this motion...

Temporary Speaker (Hon Eunice Muriithi): Yes hon Gichamu

Mhe. John Gicamu: (kwa hoja ya nidhamu) Madam Spika, naomba kujua kama mheshimiwa ambaye yuko jukwaani anachangia kwa lugha ya kiheshima ambayo ina ambatana na kiti hicho chako mheshimiwa Spika ?

Temporary Speaker (Hon Eunice Muriithi): I think when everybody is making their contributions here, we say this is a house of procedures and also we need to respect one another, it is not about me but it is about the office., when you rise to contribute respect other members and to put forth your sentiments on every motion put on the floor. Kindly deviate from using inflammatory utterances that hurt other members. Carry on

Hon. Stephen Kihara: Thank you, I want to do my contribution and I want to be very clear that I support this Motion for obvious reasons that today anyone can move to court and challenge what we have done in the last two years. It is merely unconstitutional for us to distribute resources equally, Article 231 clearly outlines that resources from national government should be shared shared equitably. I want to give a case study where county of Turkana with less than a population of 500,000 people gets over 13 billion from national kitty. Why that county with less population receives highest cash transfer, it is simply because there are various parameters laid down constitutionally to arrive at money going to various counties. For instance population is one of the indexes, geographical features and poverty indexes and many other parameters; and for us to continue denying the people of Nakuru county what is rightly theirs as per an example given by hon Wang'ombe, that Biashara ward has 90 per cent tarmac of road, there are wards that have not seen an inch of tarmac and they only see it when they come to town. If we continue

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doing this we will continue to make some wards more privileged than others. In that regard, I want to support the idea for us to come out with a formula of sharing resources. In my ward I have used it numerically whereby the Dundori Ward is divided into two; there is urban Dundori and lower Dundori. The urban area has a population of 3,500 people with a very small geographical area. With resources from county, I cannot share them equally because I will be putting the people of lower Dundori in a disadvantaged position from acquiring what is rightfully theirs. In that regard I allocate highest amount of money to areas with highest population and largest geographical area. In that regard I request that this House supports this motion because if we continue doing what we have been doing, we will one day be challenged and be rendered unlawful. I therefore request you, Madam Temporary Speaker, to put it to question

Temporary Speaker (Hon Eunice Muriithi): Yes hon Vitalis, what is your point of order?

Hon Vitalis Okello: Madam Temporary Speaker I stand on Standing Order 38 which talks about quorum in the House.

Temporary Speaker (Hon Eunice Muriithi): Hon Virginia, is there a quorum?

Deputy Chief Whip (Hon Virginia Wamaitha): Madam Temporary Speaker, is the hon member in order to notify you about the lack of quorum while he too is also in charge of whipping the members? I think the issue of quorum should not arise and so I suggest we proceed.

Temporary Speaker (Hon Eunice Muriithi): Although hon Steve has left, he was actually out of order when he said after contributing I put it to question. I would like to remind you that whenever a Motion is being discussed, only one member should contribute at a time; even if you stand the ten of you, one member will be given an opportunity to contribute to the debate depending on the sentiments given forth. Usually we need to support one another. I am now going to put the Motion into question but before that, I shall give it back to the mover to make his final contribution.

Hon Daniel Ambale: Thank you Madam Temporary Speaker. I like to respond and also take this opportunity to thank members for their contribution to this Motion. I think I have noted with great concern that members have come up alive to Article 174 (g); which I want to quote as I respond to this motion. Article 174 (g) is part of 'Objective and principle of devolved government' that reads that "The objective of devolved government is to ensure equitable sharing of national and local resources throughout the country. That is supported by Article Two as members have also noted. Members responded with concern about reservations that a few members had on this motion. I want to say we cannot run away from constitutionality when we want to run this county

Temporary Speaker (Hon Eunice Muriithi): What order hon Malel?

Hon David Malel: Is it in order Madam Temporary Speaker that we continue with the debate when there is no quorum as you have been alerted?

Temporary Speaker (Hon Eunice Muriithi): I thought the message I got from the whip is that there was a quorum.

Hon David Malel: The Whip said she is not getting sentiments from her colleague who is also a whip and at the end of the day; we have no quorum and are here discussing issues

Temporary Speaker (Hon Eunice Muriithi): Hon Virginia, let the bell be rung for five minutes as you help whip our colleagues; as you know, the sitting allowances cannot be paid to members when there is no quorum

(The bell was rung for five minutes)

Hon Virginia Wamaitha: Madam Speaker, we have the quorum

Temporary Speaker (Hon Eunice Muriithi): Thank you very much.

Hon Daniel Ambale: Madam Speaker I continue to respond and as I said before, I have taken the entire Member's concerns and reservations. I want to inform them together with this House that none of their reservations would warrant the failing of this motion. If they have expressed concern about equitable sharing of resources, I want to give them confidence that there is need for establishment of a Committee of Experts to look into these issues. These are people with knowledge in matters of population, knowledgeable in economic analysis, and development issues. They will put ideas and data together and then they will give us a formula so that citizens in Mariashoni and a citizen in Maiella or at Biashara Ward have equitable access to county resources. I also want to allay the fears raised by saying that even though IEBC ignored some factors and set boundaries, we have the Commission on Revenue Allocation. The commission is able to determine how national resources should be allocated differently and these factors were used to determine how large or small counties were created. CRA is therefore working on that perspective, we are thinking of bringing this formula down to county level. We are here to serve our people and have all reasons to think critically on how best to serve this county. I urge this house to adopt and support and vote for this Motion.

Temporary Speaker (Hon Eunice Muriithi): Thank you very much hon Ambale, according to few notes that I took, there appears to be no amendments being recommended; because words 'poverty index' is same as 'demographic' or 'the marginalized', so I shall put it to question that resources in Nakuru county be shared equitably in various wards and a Committee of Experts be established to draft the formula that shall guide sharing of development funds among the 55 Wards.

(Question put and agreed to)

Temporary Speaker (Hon. Eunice Muriithi): Thank you very much, the house stand adjourned until tomorrow at 2.30 pm

The House rose at 4.00pm