

THE HANSARD

Wednesday, 17th February, 2021

Assembly Building

The Assembly met at 9.00 a.m

[The Speaker (Hon. Roba) in the Chair]

PRAYER

PAPERS LAID

ISIOLO COUNTY PUBLIC SERVICE BOARD ANNUAL REPORT

Hon. Isack Fayo (Kinna): Hon. Speaker, Pursuant to the Provision of Section 59 (1) (d) of the County Government Act, 2021, I beg to lay on the table, the Isiolo County Public Service Board Annual Report, 2020 for consideration.

(Hon. Isack Fayo laid report on the table)

Hon. Speaker: The report is committed to Committee for Labour. We have a number of bills, policies and reports in the House and let the Committee gives direction on how to proceed but this is immediately committed to Chairperson for Labour Committee and I will also probably like to meet you to discuss and to look at other reports on the Isiolo County Assembly Service Board report, we should be bringing at the same time. I will ensure that will be presented on time so that we can look at the entire issue related to human resources in the County together but I think you should give us the timeline to work on it. Thank you. Proceed.

THE ISIOLO COUNTY ASSEMBLY MORTGAGES AND CAR LOANS
SCHEME REGULATIONS 2021

Hon. Isack Fayo (Kinna): Hon. Speaker, I beg to lay on the table, The Isiolo County Assembly Mortgages and Car loans Scheme Regulations 2021.

(Hon. Isack Fayo laid report on the table)

MOTION

ADOPTION AND APPROVAL OF THE ISIOLO COUNTY ASSEMBLY
MORTGAGES AND CARS LOANS SCHEMES REGULATION 2021

Hon. Isack Fayo (Kinna): Hon. Speaker, I beg this House to adopt and approve the Isiolo County Assembly Mortgages and Car loans Scheme regulations 2021. Mr. Speaker, I am sure the regulation is circulated to every Member, the regulation is very clear and I take Members through Clauses particularly Clause 5 which is on page three. Clause 5 (1) The initial capital of the Fund shall consist of the monies standing to the credit of the account on the date of the coming in to operation of these Regulations. Clause 5 (2) The County Assembly may appropriate additional monies to the Fund and Clause 5 (3) The Fund shall be administered as a special Fund in the County Assembly Fund and shall be operated by the officer administering the Fund. Clause 5 (4) The interest accruing to the Fund shall, where such interest constitutes a surplus after meeting the requirements of regulations 18(1) (b) be credited to the capital of the Fund. It means that all the interest that accrued to the investment of this fund shall eventually become part of the fund and then Mr. Speaker, I take the Members through Clause 6 on the mortgage and loans management committee. Clause 6 (1) There is established a committee to be known as the Members Mortgage and car loans management committee, which shall consist of :- (a) The Leader of Majority party of the County Assembly.

(b) The Leader of Minority party of the County Assembly.

(c) Officer at the time who is in charge of Human Resource.

(d) Officer at the time in charge of Finance.

(e) The Clerk of the County Assembly who shall be the Secretary to the Committee and Administrator of the Fund.

Clause 6 (2) ; The Committee shall administer the Fund and shall :-

- (a) Process applications for mortgage and loans in accordance with the existing terms and conditions of borrowing.
- (b) Liase with the mortgage institution (if any) to set up a revolving fund for the disbursement of the loans and
- (c) Supervise the day to day running of the Fund.

Clause 6 (3) The meetings of the Committee shall be convened by the Chairperson or the absence of the Chairperson by a Member designated by the Chairperson and shall be convened at such times as may be necessary for the discharge of the Committee functions.

Mr. Speaker, this regulation will allow the Members and the staff of County Assembly to benefit from the facility which is the car loan or the mortgage. Mr. Speaker, we are the conginzant of the time and circumstance we are in now. Mr. Speaker, I want to take the Members through the appendix attached to this regulation which is the letter from SRC and which stipulate on the next page. The SRC's Review:- Taking into account the principles of equity and fairness and affordability and fiscal sustainability, the SRC hereby reviews the Car Loan benefit as set earlier, to a Transport Facilitation Benefit in the form of a car Grant subject to the following implementation guidelines:-

- (i) The Car Grant is a Transport facilitation benefit payable to the Speaker and Member of County Assembly.
- (ii) Conversion of the Car Loan facility to a Car Grant will be undertaken within the available Car Loan facility funds of Kshs. 4.5 Billion and will affect the expenditure ceiling as provided by the CRA.
- (iii) Upon conversion, the existing Car Loan shall cease and the Speakers and Members of the County Assembly who have already benefited on the existing car loan shall convert their car loan to Transport Facilitation Benefit in the form of a Car Grant.
- (iv) In view of the ongoing remuneration review process to inform the 2021/22 – 2024/25 remuneration review cycle, the conversion of this

- benefit is only applicable to the current Speakers and Members of the County Assembly.
- (v) The operationalization of conversion of the Car Loan for the Speaker and Member of the County Assembly to Transport Facilitation Benefit in form of a Car Grant be undertaken administratively by the respective County Governments.

Mr. Speaker, the regulation we are about to adopt now is born out this Number 5 of the SRC letter. Mr. Speaker, I want to take Members to the back page, the last page of regulation. The Supplementary terms. Clause 21 (1) These Regulations shall be supplemented by such terms as may, from time to time be detailed in the application form supplied by the Committee and in the contract between the borrower, mortgage institution (if any) and the Board.

Clause 21 (2) Subject to these Regulations, the Committee shall issue guidelines on:-

- (a) The purchase and development of land and residential properties under these Regulations.
- (b) The utilization of surplus Funds for the purchase and development of land and residential property under these Regulations and
- (c) Such other matters as may be necessary for the proper management and administration of the Fund.

Mr. Speaker, my interest to that is this repeal of LN 0212014 (1) which I am about to read. Clause 22 (1) The Public Finance Management (Isiolo County Assembly Car Loans Members Scheme Fund Regulations, 2014 stand repealed.

Mr. Speaker, the effect of this regulation, it kisses the life of regulations which existed before we adopt this.

Clause 22(2) All funds and other assets, rights, powers and liabilities which immediately before the coming in to force of these Regulations were vested in or imposed on or enforceable against the former funds repealed by paragraph (1) shall be virtue of this paragraph, be vested in, imposed on or enforceable against the Fund.

Mr. Speaker, this one stipulate the transfer of all the funds, all the liabilities and if anything else, any Member benefited from that kitty that the liability and assests financed shall be transfered forward in to this new regulation. Mr. Speaker, this is for posterity, for future generation and new crop of leaders who will come in to this House, may be this regulation will be in exstience a decade or two after us. The only thing which will not be carried forward assumably from this regulation is the SRC letter that gave car grant to this Membership of this particular House, it may not be effected in the subsequent life of another Assembly. Mr. Speaker, having said all that, and I am sure having cleared all the facts to the Members and I request the Chair to the Legal, Justice and Ethics Committee to second this Motion and before then Mr. Speaker, the Transition Clause 23. SRC Circular No. SRC/TS/COG/3/48 VOL. II (113) on the Members car grant shall take precedence. Mr. Speaker, this one unlocks the circular letter for the benefit of the Members of this County Assembly. And I request the Chair for the Legal, Ethics and Justice to not only second but also to support and deliberate and ask other Members to support. Thank you Mr. Speaker.

Hon. Abdi Kunune (Nominated): Thank you Mr. Speaker. I rise to support the Car Grant Regulation. Mr. Speaker, first may I take this opportunity to thank His Excellency Hon. Uhuru Kenyatta because he is the one who introduced this one. Mr. Speaker, as it was stated by Majority Leader which is very clear, ours is to support because it is the right of Honorable Members to get transport facilitation. It is just like the other two Houses National Parliament and Senate to get car grants and mortgage loan and this is a priviledge and also it is long overdue regulation Assembly has waited for, it was to be done in 2013 but it was not accepted by SRC but today we have that priviledge. Ours is to support and another thing that makes me so happy is the additon of staff to get the same thing because sometimes Members benefit but staffs lag behind and today we are celebrating this, it is our right, it is not about BBI. So, Mr. Speaker, I Second and support, I also urge Members to support and I urge for speedy process on transport facilitation. Thank you.

(Question Proposed)

Hon. Speaker: Honorable Yarrow, the Vice Chairperson for Isiolo County Assembly Board, *nataka kusikia sauti yako nguruma haraka.*

Hon. Yarrow Hassan (Burat): Ahsante Mheshimiwa Spika, nachukua nafasi hii ku *support* hii *regulation*. Kabla sijachangia nachukua nafasi hii kushukuru *His Excellency* Uhuru Muigai Kenyatta kwa kutukumbuka, vile tunajua vile tumeingia mambo ya *mortgage* na *car grant* tulifuatilia sana lakini wale wako *National Parliament* walipitisha yao na sisi yetu ilibaki kama *loan* lakini naye wanyonge wakiomba Mungu siku moja Mungu atawasikia; leo *through President of Kenya* tumetambulika na ile *loan* tunakatwa iwe kama *grant* tunashukuru sana na pia hatujabaki nyuma kwa sababu hii Kaunti yetu ni changa na tulikuwa na bajeti yetu ilikuwa kidogo na hatungechukua *car loan* na *mortgage* lakini leo kwa uwezo ya Mwenyezi Mungu tuko na uwezo ya kufanya hivyo. Basi leo iko *clear* na *regulation* haijawaacha hata *staff* wa *Assembly* wata *benefit through* hii *car loan* na *mortgage*. Tunashukuru na mimi na *support* hiyo *regulation*. Ahsante.

Hon. Speaker:Majority Leader you can reply.

Hon. Isack Fayo (Kinna): Thank you Mr. Speaker. I appreciate the support Members have given to the Motion and the regulation that we are about to adopt Mr. Speaker. The said BBI gave us.. everything has a silverlining as it is said, and this has been our right denied for so long but thanks to BBI and our President to approve it through a directive from Sagana State House. This one has a rapid effect it wont go..it will not cut corners before we realise it. Indeed there is prosterity for our Assembly, the Members of Staffs, the future leaders, the state officers who will be in this House will have their car loan and mortgage anchored into a legislative piece meal which we are about to adopt and in that we look forward for better things to happen. This has already happened with passing of this regulation and the staffs and the future Members who will be here for posterity. I thank Members for the support they have given, we adopt it let ayes have it. Thank you.

Hon. Speaker: I now put a question; **That this House adopt and approve the Isiolo County Assembly Mortgages and Car loans Scheme regulations 2021.**

(Question Put and Agreed to)

Hon. Speaker: The House stands adjourned until today 17th February, 2021 at 2.30 p.m.

The House rose at 9.56 a.m.

