

REPUBLIC OF KENYA



BOMET COUNTY ASSEMBLY

ASSEMBLY DEBATES

(OFFICIAL REPORT)

DAILY HANSARD

Wednesday, February 18, 2015

PLENARY

February 18, 2015 (Morning Sitting)

COUNTY ASSEMBLY
OFFICIAL REPORT
Wednesday, February 18, 2015
The House met at 10.55 a.m.
[The Speaker (Hon. G.K. Korir) on the Chair]
PRAYERS

COMMUNICATION FROM THE CHAIR

- ❖ **THAT THERE BE A SPEAKER'S KAMUKUNJI AFTER THE SESSION TO DISCUSS SOMETHING**

Hon. Speaker: Honourable members I would like to request you after this session we have a small Speaker's Kamukunji to discuss something. As you are aware, the budget for 2015/2016 preparation is underway and we have since received communication from CRA that public participation has been done and whatever the budget, it needs to be put in the website of the County Assembly as well as the website of the County Government. I want to request you that after this session we can have a small discussion on the same, and secondly so that we can discuss the way forward and have our technical team taking us through on the issues pertaining to our current budget; especially the supplementary budget. I hope after the session we will be able to meet and discuss including other pertinent issues that affects the Assembly.

I also want to give updates on the meeting that was done in Nairobi on Monday where the Clerk and the Speaker attended the meeting as requested by SRC (Salaries and Remuneration Commission). I will update you on that including the proposed meeting with the Governing Council where you chose two honourable members; honourable Serbai (Robert) and honourable Bency Too. These are some of the key things that we need to discuss so that as they go on a meeting on Monday they will have the contributions from members. I hope we have a small Kamukunji after this and be able to discuss on the way forward.

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NOTICE OF MOTION

- ❖ **THAT THE COUNTY ASSEMBLY URGES THE COUNTY GOVERNMENT OF BOMET TO URGENTLY REHABILITATE CULTURAL SITES AND FACILITIES AND COME UP WITH A POLICY TO PROMOTE AND PROTECT CULTURE CULTURAL HERITAGE IN THE COUNTY**

Hon. Speaker: Honourable Samson.

Hon. S. Towett: Thank you for this chance so that I can table a notice of motion; that aware that cultural activities including museums and cultural facilities is one of the functions devolved to the County Governments under part two of the Fourth Schedule of the Constitution of Kenya 2010, also aware that there exist various cultural sites in the County which have not been fully exploited, also aware that these cultural sites are potential tourist attraction sites in the County which may assist in creating employment and other benefits for the Community, deeply concerned that these cultural sites have been neglected and left under deplorable conditions, this County Assembly urges the County Government of Bomet to urgently rehabilitate these cultural sites and facilities and come up with a policy to promote and protect culture cultural heritage in the County. Thank you honourable Speaker.

Hon. Speaker: Members are notified of the notice of motion and I hope the House Business Committee will be able to sit and allocate time and date for debate. The members should be given copies so that they will be able to prepare. Honourable Bett.

Hon. R. Bett: I am rising to ask that yesterday I deposited a notice of motion in the Clerks' Office and was subsequently handed over to your office and my motion was not approved and I have not known the reasons and I seek clarifications on the same because I am seeing that there are a lot of injustices which were preferred against me and more importantly to the members, thank you.

Hon. Speaker: Honourable Bett, it is very funny for you to say that there are a lot of injustices. You know the procedure and our Standing Orders are very clear. For you to say there are injustices you are creating a mountain out of a small hill because the procedure is very clear. It is only yesterday that I received your notice of motion and I referred back to the Clerk the same motion seeking a legal opinion from him, and secondly the content of the said Notice of Motion is the same as the statement which was sought by honourable Korir last year, and I had referred

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the matter back to the Clerk so that he can give me a legal opinion because I wanted to get a proper guidance on the same. No one has refused your Notice of Motion to be read. It is just that we are taking time because the Clerk needs to advise the Speaker whether the motion should proceed or not and the Speaker has powers within our Standing Orders if he sees that the motion is not proper then he has the powers to reject but as at now I am expecting your opinion and I told them that they should do so within a short time. I am asking you to preserve. Just relax and we will take up the matter after the Clerk has advised me on the way then I will give you the way forward. I hope you will be satisfied with that. If it has taken two weeks or one month I expected you to complain but just a day; less than 24 hours and you are already complaining honourable member.

Hon. R. Bett: Other motions even take less than 30 minutes to be approved but I deposited mine very early in the morning yesterday and others were read here. Even another Notice of Motion was given by honourable Ng'eno...

Hon. Speaker: Honourable Bett

Hon. R. Bett: Let me say that I am accepting your position and say that I am looking forward to having my motion, thank you.

Hon. Speaker: Just relax, we are working on it and we will give you an answer by next week. If it will be ready by tomorrow I will give you, honourable Ng'eno.

Hon. B. Ng'eno: We have been raising the Notices of Motions that are of great importance to the development projects within the County Government of Bomet. I have never seen at one the honourable member pushing for the Notices of Motions that are directly reflecting on the lives of the people in the village but when it comes to a Notice of Motion that is to shoot at the foot of the Assembly he is very fast and he is pushing for that directly.

Hon. Speaker: Honourable Ng'eno let's put an end dot that debate. I have just said we are working on it and let us persevere. Honourable Bett your Notice of Motion is being worked on. I expect an advice and then from there we will be able to move forward.

STATEMENT

- ❖ **THAT FOR ALL THE PENDING ISSUES THAT WERE IN THE LAST SESSION, THEY NEED TO BE STARTED AFRESH**

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Hon. Speaker: Honourable Ngetich.

Hon. J. Ngetich: In the second session I sought for a statement as per the mode of payment to the elderly persons and up to date I have not received an answer.

Hon. Speaker: Honourable Ngetich you were not there when I communicated that in the tradition of the National Assembly and Senate Assembly, for all the pending issues that were in the last session, you need to start afresh and that is why I was telling the table clerks about that and you can bring it in a fresh because this is a new session. Anything that was in the last session lapsed and we need to bring it in afresh. We are still trying to get proper interpretation but if it was not cleared last session; you can see even the Bill on Cooperatives they had to republish for 2015 because they had published in 2014. I hope you will get that and ask afresh.

MOTION

- ❖ **THAT THE THANKS OF THE COUNTY ASSEMBLY BE RECORDED FOR THE EXPOSITION OF PUBLIC POLICY CONTAINED IN THE ADDRESS OF SENATOR TABLED ON 17TH FEBRUARY, 2015.**

Hon. Speaker: Honourable Benard Ng'eno.

Hon. B. Ng'eno: I rise to move a motion that pursuant to Standing Order 24 (2) the thanks of the County Assembly be recorded for the exposition of public policy contained in the address of Senator tabled on 17th February, 2015.

We are all aware that yesterday was historic since the Senator of the County Government of Bomet who is representing us in the Senate came to the Assembly and he gave his speech as is required by in the law and Standing Orders.

He went as far as congratulating the Majority Leader, Minority Leader, Chief Whip and the entire members of this Assembly and the speech confirmed that the core roles of every member of County Assembly is to do with representation and he urged the honourable members to uphold integrity as is stipulated in Chapter six of the Constitution of Kenya.

He also noted that in the second year the Assembly has undergone several challenges including engaging in an election of the Speaker for the second time and he stated very clearly that

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regardless of such, the Assembly has made milestone in having the agenda of the Assembly move forward.

He also noted that the Assembly has done a commendable job in passing the bills that so far stand at 21. We started with the Bomet County Appropriation Bill, Bomet County Finance Bill 2013, Bomet County Appropriation Bill 2014, County Collection of Revenue Bill, Bomet County Finance Bill and because every honourable member is having a copy of the same, it contains a list of the bills that the Senator was commending the Assembly about based on the roles of legislation.

He also urged the Assembly to reconsider bills on Environment and habitat, Agri-Business and Lands.

On the issue of oversight, the speech touched on the role of the County Assembly and he stated clearly that the County Assembly has direct contact with the people through public participation and he urged that for every activity done within the Assembly, the views of the people should be captured through public participation.

On issues to do with budget, he stated clearly that it is the responsibility of the Assembly to ensure that budget is passed and implemented accordingly and that any amendment to the Budget must go through this Assembly and attains the appropriate consent.

In Article 185 (3) of the Constitution, it is stating clearly that while respecting the principal of separation of powers, the Assembly may exercise oversight over County Executive Committee and any other Executive organ.

It is now very clear that the oversight role may be exercised by the Assembly over the Executive and while doing that the oversight role must be independent and alive to the constitutional powers to point out none compliance.

He noted with sadness that despite the good job of the Assembly, the reports from the Controller of Budget and Auditor General raised numerous queries on administration and management of financial affairs of Bomet County. These queries have been answered or have not been explained to Senate that has the role as stipulated in Article 96 (3) of the Constitution of Kenya.

There were certain areas of concern raised in the report from the Office of the Auditor General. It was noted that the County Government failed to charge recurrent expenditures to respective core

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centres or departments which made it difficult to ascertain how much individual departments incurred during the period under review.

The County Government spend KES 59.1 million as cash transfer for the elderly and an item again whose funding has not been requested for approval or approved by the Controller of Budget. This implies that funds approved for other activities per submitted work plans are channelled to this activity.

Also there is lack of monitoring and evaluation network for development projects which contributed to delay in reporting of some development activities; there is a frequent access to overdraft facility without approvals and the defunct County Councils spend money without passing through the County Assembly.

Among other challenges that the County Government and its residents faces is an issue of employment and he was aware of some positions that were not properly established nor did they appropriate an element of equity among the Sub-Counties; this was not exercised.

Procurement procedures in the County Government has not been cleared and not in concurrent with the County Assembly i.e. the method in which the road construction tenders are awarded is opaque.

30 per cent tender to youth, women and disable allocation was not attained.

Disbursement of education bursary is ill defined.

In conclusion, the Senator confirmed that he will do everything possible to mobilize adequate resources to ensure that the County Government and the County Assembly are adequately funded for efficient delivery of services and rapid Socio-Economic transformation of Bomet County.

In summary, this is the speech that honourable Senator gave and based on the Standing Order 24 (2) the County Assembly is eligible to debate on the same and they give their view based on the speech that was given by the Senator, thank you.

Hon. Speaker: Who seconds? Honourable Samson.

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Hon. S. Towett: I want to second the motion that has been moved by honourable Ngeno in respect to the speech that was delivered to this House by our honourable Senator for the County of Bomet, Prof Lesan.

I want to start by thanking the Senator for finding time to come and address us as an Assembly and in his speech he touched on numerous areas whereby we have dwelled on as an Assembly. It tells me that our Senator is also keen to know what we are doing as an Assembly, and I want to appreciate the fact that he is also aware of the many motions that we have passed as an Assembly and the fact that he also understands the efforts that this Assembly has put in to ensure that we passed laws and legislations that are going to ensure that various activities that are done in this County are done in the right way and for the best interest of the people of this County.

I have seen that there are a number of areas which the Senator has touched on; one is that he has asked us as honourable House to ensure that we observe the issues of integrity to make sure that whatever we do we do it the right way and that we follow the law in everything we are doing.

In his speech, I also see some key areas which he touched on that this House should be independent in dealing with issues that really affects the resident of this county at large. Honourable Speaker, when we brought up this issues I sat down and asked myself and the answer I got was that at times we have not been independent. Many a times we have not passed resolutions in this House which would correct anomalies being done by the executive. But somewhere down the line before the resolutions are made we are up again wanting to rescind the resolutions. I know we have rescinded resolution not once and after the problems continue to affect us and we come back wanting to reinstate the same resolution which in essence tells that we have not stood ground on our role. And it tells that we need to always stand by our resolution because by the time we are passing those resolutions it means that we were doing the right thing. I remember we wanted to impeach the finance minister and even we prepared ourselves to rescind that resolution and there was also a report by the ad hoc committee to investigate the Public Service Board and even though we had good resolutions in the report we ended up not passing the same. And somewhere down the line we are now facing the same challenges and I think it should eye opener that we need to stand by the report from various committees. Mr. Speaker, the Senator touched on environment and habitat, if we walk around our home and towns litter are spread and asking myself that the diseases affecting our people is because of the littered material every could be the causer. The faster we move to develop these bills to protect our people. If you look at our rivers they are almost drying up and it is because we have not

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protected their catchment and riparian lands. Remember the motion on the same and the budget in this financial year has funds to ensure these areas are protected and for last six months I have not seen any move the executive has taken to protect these places. Water in our rivers is polluted and thus spreading diseases affecting our people and thus reducing their productivity and the development of this county. Honourable Speaker, we know the county is endowed, we have arable soil and to this far we have not developed any policy to assist in the side of agriculture. We do not have policies to assist tea farmers as far as crop and disease management is concerned and even on marketing. We have discussed severally and the technical teams have been reluctant to develop the same policies with empty promises to this house. But I know that the most undoing thing that has been affecting this depart is staff turnover. We have had four CECs in the same department and it is affecting the policy development. It is about time that I ask the CEO of this county that whenever a CEC is not performing he should not be transferred but dealt with and asked to leave the depart. Honourable Speaker we have not had policies developed on pyrethrum and currently we are being told a kilogram of pyrethrum is sold at KES 200 which is a lot of money and Bomet is good for the crop and it can be an option to cushion farmers. We have the area of maize and in the past few years we have had problem on Maize Lethal Necrosis diseases that has affected food security but we have not had any policies to cushion farmers on the same. We have not seen or even told about neither it nor even seen experts from the national's government working to ensure that this disease is actually contained. I would only thank the department because when the disease was reported they went around teaching what the farmers should do to check it. Mr. Speaker we have potatoes which we are being told is the best for making crisp but what are our farmers getting. They are being paid peanuts and yet the processor earns profits and we should be thinking of value addition to assist these farmers earn more from their produces. We have other crops like onions which are being sold and it is about time we do value addition. The issue of milk, we have a processing plant in the region that is the KCC, so honourable Speaker, we are farmers from the region but most milk that is processed is from outside the county. Where is our milk being taken to? Why is it then that our milk being taken out of the county? We need to come up with a plan to add value for better returns. We also keep beef animals and we do not have value addition plant and we are not getting a gain better return. On the issue of land, we know that there are a number of lands leased out and some of the leases are now elapsing and I believe we should be preparing legislations and policies to assist know us what we are going to do with these lands. Those are some of things brought about by the senator. The senator has also asked us to play the oversight role as expected and as stipulated by the constitution. When we are coming up with the budget he has asked that the CIDP is

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adhered to. All the programs should come from it. He has also brought out that the programs captured are not being implemented as anticipated and has brought out that it is us as the Assembly to ensure they are implemented and we should ask why they are not being implemented. I will concur with him, we passed the supplementary budget and we set a side KES 70 million for loans and the money was not allocated and we do not have an answer to date. Where is the money? That is the question we are asking ourselves. Honourable Speaker, I do not want to move further than that. I want to say the message is an eye opener and we should stand up and play our role as per the mandate that we have been given. With those few remarks I want to support this motion and that together we support what the senator has told and implement what is within this report.

Hon. Speaker: Thank you honourable Ngeno and Samson. I now propose the question that pursuant to the Standing Order 24 (2) the thanks of the County Assembly be recorded for exposition of the public policy contained in the address of the senator tabled on the February 17, 2015. It is now open for debate. Honourable Korir.

Hon. Julius. Korir: Thank you honourable Speaker, I rise to support the motion before the floor of this House; that is the speech by honourable Senator. Indeed, if there is one county that has a Senator who is knowledgeable, vibrant and active then it's Bomet. The little information we have about our Senator is that he is among the few professors, of which he is a resource to our county. His speech yesterday was deep and I liked in it some issue such as that there was a responsibility for this House. His speech was good. I was touched on how talked of the oversight role of this County Assembly. This was a good observation by our honourable Senator. As a role of the County Assembly we are entitled to do oversight. You will allow me honourable Speaker to quote some part of the speech, he said for effective implementation, he urged this House that for us to have powers on oversight, we have to deal with first his concern that we must have our independence in this House so that we have effective powers to provide full oversight over the executive function of this House. So honourable Speaker he again asked for the reports that we have tabled in this House from the Auditor General, from the Controller of Budget that had raised a lot of queries. So I think again this one was another eye opener that we need to be active because at the end of the day honourable Speaker, we usually know whether east or west , north or south all the problems that the people of Bomet are going through at the end of it all this County Assembly carries it all. So the motion by honourable Ngeno will need to be adopted by honourable House, so that some of the issues can be consumed by the members of the public of this county. I was also again touched when we talked about CIDP being the integral arm of

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development in this county and as the honourable House we need to fast track how the County Executive is implementing the CIDP that we passed so that it can change the lives of our people. We also need the County Governor to be active and be informed that going to the senate to answer some queries will not subject him to death penalties. I think those were the messages that were passed and we need to support this report, we also need to pick some information that can help us discharge our duties as an honourable House; thank you.

Hon. Speaker: Honourable Bett then honourable Kirui

Hon. R. Bett: I also stand to support this speech. Hon. Speaker, this is a speech which is long overdue. We would have deliberated on some other issues in which others have already run out of control. Hon. Speaker, I want to thank the Hon. Senator for visiting us, giving this address and highlighting key areas where both the County Assembly and County Executive have performed, and the challenges in several places Hon. Speaker. I want to underscore that this is indeed a well-researched speech outlining several issues but I want to challenge the County Assembly on key areas where the Hon. Senator pointed out that we need to legislate upon so that whatever law we have passed be effectively used so that whatever we are intending to do can be realized. Hon. Speaker, one area which really touched me most is on the issue of land where the Hon. Senator clearly stated that the County Assembly has a role in this as well as developing regulations which safeguard the local interests and at the same time encourage foreign investors. Hon. Speaker, we know that we have multi-nationals within our county, that land issues are emotive, and that we do have the National Land Commission and County Land Board. Hon. Speaker, as an Assembly we need to come up with a regulation so that we know whatever the activity carried out within these lands which are under lease, each and every citizen of the County of Bomet should know what is going on. Hon. Speaker, the Hon. Senator pointed out on the oversight role of the County Assembly and indeed he gave us the direction. We know that we are still learning and I want to urge the Hon. Members to at least implement the shortcomings on what we have been doing. There is one area which I wanted the Hon. Senator to clarify to this County Assembly that we have been struggling with the issue of budget and under capacity within the County Assembly because of facilitation. Hon. Speaker, sometime last year, the Senate passed the ceilings for every County Government and I would have wished the Hon. Senator to clarify to us how they came up if they were indeed driven by some other forces to adopting those ceilings and if they have, what do they have for the betterment of County Assemblies especially because we are almost underperforming because of under facilitation. So I hope the Hon. Senator will bring

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some clarification on the same. Otherwise, the speech was good and Hon. Senator has got good intentions for the County Government of Bomet, thank you Hon. Speaker.

Hon. L. Kirui: Thank you very much Hon. Speaker for allowing me to also contribute towards this motion. Hon. Speaker, first of all, I want to congratulate the Hon. Senator for having gotten time to come and address this House. If the decision was from him then it was excellent though it is indicated here that he was invited by the Hon. Speaker. So I must also thank you for thinking towards that line in inviting our Hon. Senator to this House to at least interact with us because we do have a number of issues that need to be addressed. Hon. Speaker, the report from the Hon. Senator was good, issue-based and shows clearly that he is somebody of high integrity especially when it comes to the sector of education. So I must congratulate him for that. Hon. Speaker, I must also appreciate him for urging us to be persons of integrity. He even quoted chapter six of the Constitution which of course is the determining factor towards the achievement that we are going to have. I only question some few things that I thought somebody learned like him ought to have known on the leadership of this House that it includes a Majority Leader. This is depicted from the way he expressed his gratitude to the Majority Whip, Minority Whip and their deputies leaving our own Majority Leader. So I think next time we need to empower him to know what exactly takes place in this House. Hon. Speaker, I would also like to congratulate him for being concerned on the challenges affecting this House like lack of physical facilities such as functional debating chambers, adequate office spaces, research materials and personnel. Hon. Speaker, I want to urge this County Assembly that it should also take heed of this advice and we need to see how we can handle this issue. I liked him when he said that he is up to the task to solicit for resources that can easily assist us. So, we need to pursue on this issue and see if there are facilities that might not be funded by County Government. Hon. Speaker, it is good because he knows exactly what has been taking place especially when it comes to bills and policies that we have been passing in this House. For naming all the 21 bills and policies shows that he must be up to date on what is taking place in this House. Hon. Speaker, I like the comments that he gave us when he highlighted the Bomet County Collection Revenue Bill where he talked of areas that we were supposed to have touched like Agribusiness, Land, Environment and Habitat. Hon. Speaker, it is up to this House to take the advice because he is the father of oversight and this County Assembly as well but this is long overdue. If we could have gotten this information early, we could have made sure that we included it in our revenue bill. As stated by Hon. Korir that the Hon. Senator is a professor so we should be taking the advantage of consulting him when we are dealing with the issues or even him himself should also look at the avenues on how he should be

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assisting us in this House so that before we pass any bill, he should be in a position to have seen it. It is good that most of the work that we are doing in this County Assembly is posted on our website, so we want to urge the Hon. Senator that he be going through the website and when he finds some important things like what he has pointed out here, he should make sure that we get the information early so that at least we can include. Hon. Speaker, I also thank him for seeing the sense that the County Assembly has direct contact with the people and that it should be us who should be guiding a lot of issues. Hon. Speaker, in his earlier speech the other time he had said that he will see a way on how he could be included in some of the committees of the County Assembly, and I think that should be the solution to most of the things that we are facing here because he could be in a position to give us the information on how we can deal with our issues. So I was expecting him in his speech to say that this is the far we have reached as we are trying to get involved together with the committees of this House. If he hasn't done anything Hon. Speaker, I think we do have powers to see on how we can form a committee that incorporates the Hon. Senator. Maybe it requires some research on the same but with me; I see it as of importance for him to come to our committees. There are some information that he has highlighted here that needs to be followed up, for example lack of monitoring and evaluation framework for development projects which contributed to the delay in reporting of some development activities. Another issue stated here is that the procurement procedure in this County hasn't been clear and not concurrent with the County Assembly. I think these are the information we ought to have been given early and need to be taken to the relevant committee so that these can also be the guidelines as we are over sighting the County Executive in this House. So I don't think it will be timely if we wait him for 2 years to come and make a speech on the same and maybe others could have been the guidelines earlier before getting this information. So I think that will assist us if we allow him get involved in our activities. Nevertheless, I want to tell the relevant committees that the points that the Hon. Senator highlighted need to be followed up and if we find that there are some truth in the same, then we need to look for a way on how we can handle such issues because these are pertinent. So we need to interrogate them well. Hon. Speaker, I like when he said that the road ahead of us is very *rocky* to mean we must be very aggressive in dealing with most of the issues if we want to make the road to be smooth but we must be close together to achieve this. Also, we want him as the Hon. Senator to be consulting with us not necessarily only when he is invited by the Speaker to address the House. We need to share what we have so that we safeguard the interests of this County. On the issue of ceilings, I wish that the standing orders could have allowed us maybe to exchange some information; we could have asked him to really tell us what the Senate is saying as far as the issue of ceilings is concerned.

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The other issue is how the Senate is safeguarding the legislation that we are undertaking in this House because the National Assembly is almost trying to hijack our process especially in legislation. Hon. Speaker, I think you are aware that our legislations sometimes aren't seen as laws because of the roadblocks that are there. So we wish that the Senate should be the one protecting the legislation undertaken at the County Assemblies. The Senate need to address this issue by passing a law that whatever we have passed here at the County level and is gazetted should automatically become a law. Our legislation shouldn't be subjected to some other areas for them to become laws. Otherwise, I really support the report from the Hon. Senator but he should correct some few mistakes I have highlighted, thank you Hon. Speaker.

Hon. A. Chepkirui: Thank you very much Hon. Speaker for giving me this opportunity to contribute to this motion. Hon. Speaker, I am also one of the members supporting this motion. First of all, I sincerely want to thank the Hon. Senator for coming and giving us his address. I also want to thank you for inviting him. When I go through the report, I can see that he touches on so many issues touching this County. He also touches on the roles of the Hon. Members of County Assembly, which are the representation, legislation and oversight roles. He highlighted the bills that we have done and I must thank the County Assembly of Bomet for the effort or the hard work they have put in working on those bills and policies. Hon. Speaker, he also mentioned on the representation and oversight roles. In his speech, he said the oversight role is still wanting and I think it is high time that we rise and work on this role. Hon. Speaker, I don't want to repeat much that has been raised by Hon. Members who have spoken before me, I just want to mention some few areas he talked about that we can still do legislations on the same. He talked about the environment and habitat, and I remember that there was a motion close to that that was brought by a Hon. Member of this House touching on the environment. We haven't not really done much. There is no bill that we have passed that is really touching on the environment apart from the one that was dealing with the Disaster Management Bill. Hon. Speaker, if you go along, you find that people are washing their motor bikes and even their vehicles along the river bank which is very wrong. I heard another time, a member from RUA (River Users Association) talking about the same but I think that they have been trying to control this and haven't been in a position to really control that effectively. So it is true that we need to come up with a bill that addresses that problem. Under agribusiness they were speaking of a bill that addresses agricultural produce cess where we are encouraging farmers to do their best and we support them. Sometimes we will need to give some small cess to the County as we also need to develop our revenue base and as county, to do this, we must come up with such a bill on agricultural

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produce cess. Someone has also talked of bills and as a County Assembly; we are trying much to see that things are done constitutionally. But it is unfortunate that while we are trying very much, another arm of the Government is not serious and if we had people who are passionate about what is happening and want to do the best in their Departments for the county we are all sure we will be very far as a County in what we are doing. It is high time that the Executive pulls up their socks and they work hard and we move together with the same speed. There are several policies we are waiting for in the House and one that comes to mind is the Tariffs and Pricing Policy which should be done to guide us on cess charges and taxes and needs to be done. In page three, the Senator talked about that the County Assembly has been doing a good job and this is true despite the challenges here and there. Let me also clarify on page 5 where the Senator talked of certain areas of concern in the reports from the Office of the Auditor General and we only got one report and it did not highlight on the issues which are there and the one which did this was the annual report from the Controller of Budget 2013/2014 which as a Committee on Budget we are working on it, and we tabled it in the House. I must say that we are almost done with it and we are waiting for the CEC Finance to come and iron out the issues in that report and on the first three issues in that report, we are waiting for the CEC on the 16th February we had tasked the CEC to explain the items and he gave a response which we are still looking at we are waiting to inform the House to debate on the same. On what was mentioned about ceilings, I know it is the work of the CRA to recommend and they took it to the Senate and they recommended it and I wish the Standing Orders could allow so that we invite the Senator and we raise some concerns as a House and also there are some policies which were brought to the House and we were they were to be discussed only in the Senate and maybe if we get another chance with the Senator we will give him these ideas and he will table them in the Senate and maybe if passed our citizens will be supported. So we request that they debate the issue of the ceilings and I know they amended the PFM Act and inserted subsection 2 somewhere, I can't recall if it is 190 or 191 which was amended using the CRA recommendation and if possible we see how, they as Senate, are going to remove that thing since the ceilings have been limiting us and we cannot even do public participations which is a constitutional right of the people of this county and country to be involved in what we are doing and we cannot do what is required by law. Thank you, I support the motion.

Hon. Speaker: Honourable Ng'etich

Hon. J. Ng'etich: Thank you. I also thank the Senator for coming up and addressing us. The Senator mentioned something about oversight on the CIDP and he insisted we stick to the CIDP

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in doing our budgets and we failed during the implementation, and so the ball is on our side and also on the issues of the 30% preferential procurement where women and persons with disability should be given priority. In the County we have not attained this and the Senator objectively said this and there are some issues the honourable members said which we need to iron out. Thank you; I support the motion.

Hon. Speaker: Honourable Chebomui; then honourable Ngeno.

Hon. B. Chebomui: Thank you. I support the motion and I thank the Senator for coming to see us and giving us a report on the performance of the County Assembly and County Executive. Much has been said and let me appreciate the honourable members positively and as the Chair, Committee on Urban Planning, let me say that there are areas of great importance the Senator highlighted; these are environment, habitat and agribusiness and land and oversight role of the Assembly. I want to say that let us stick to this as it will be our guide line in the Assembly and it will assist the Assembly and Executive to implement projects and which will show our efforts as we end our term in the County. We will keep the statement and refer to the areas the Senator said are priority and these include lack of monitoring and evaluation framework in the projects which delayed some development activities and it is the role of the Assembly to do this in the County. Let me emphasize this role to the members as history will judge us right or wrong at the end of our term if we don't do monitoring and evaluation. There is also the report from the Controller of Budget and which the Chair, Budget and Appropriation Committee said she is going to table and the recommendations of the Controller of Budget and Auditor General which we are going to take seriously and we correct in this House. Otherwise, I am grateful to the Senator and we can have a Kamukunji and we air out our challenges on the Ceilings of KES 265 million and we see if we can sort out the issue. Thank you.

Hon. Speaker: Honourable Ng'eno.

Hon. B. Ng'eno: Thank you. Let me also thank the members for the positive contributions on the matter as the Senate ensures revenue is allocated to the Counties. Yesterday, as the members have agreed, was historic, timely and long overdue as we have often wondered why the Senator who represents this County has never come to the Assembly and yet we are approaching the end of term but I believe he has started the journey of having the County Government move in the right direction. In the Bible, we have the two sons of Isaac; Esau and Jacob and they were blessed differently and Esau was the first born followed by Jacob but unfortunately during a time of hunger Esau exchanged his birth right for food and the two can represent the Executive and

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the Assembly and the finally the blessings landed on Jacob because Esau exchanged his birth right for food. It is the same principle used by the cannibals in Central Africa as the shortest route to reach the soul or the heart of an individual is through the stomach. I am saying the Assembly should not relinquish the Constitutional role of oversight, legislation and representation as per article 185 sub articles 3 of the Constitution. The Senator was right to inspire the House that they need to engage in their constitutional mandate regardless of whether food is in the table or not so that we achieve our targets. I thank the House for seeing light in the speech and I hope the Senator in future will visit so that we can be in a position to work together. As I end, the Senate engages the National Government just the same way we engage the County Executive and we don't expect him to attend all the Committee Sittings in the Assembly as he is busy with Committee Sittings in the Senate and I heard a member say we can have an exchange programme with the Committees in the Senate. There is a time the Senator made some effort and brought the Committee on Education to meet one here in the Assembly and that was in order. So I thank the members for their contributions and for supporting the motion and I want to encourage that we support the motion. Thank you.

Hon. Speaker: Thank you. I now put the question that pursuant to Standing Order 24 (2) the thanks of the County Assembly be recorded for the exposition of public policy contained in the address of Senator tabled on 17th February, 2015.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: I had requested we meet after the session to deal with some of the issues. I request we have a small session after this. There being no further business to be transacted, the House stands adjourned until 2.30 p.m.

The House adjourned at 1.18 p.m.