

REPUBLIC OF KENYA



BOMET COUNTY ASSEMBLY

ASSEMBLY DEBATES
(OFFICIAL REPORT)

DAILY HANSARD

Thursday, April 28, 2016

PLENARY

April 28, 2016**COUNTY ASSEMBLY
OFFICIAL REPORT****Thursday, April 28, 2016****The House met at 2.31 p.m.****[The Speaker (Hon. G. K. Kipng'etich) in the Chair]****PRAYERS****COMMUNICATION FROM THE CHAIR****That The Speaker Will Be Away on Official Duties Attending Training for All Speakers in Addis Ababa, Ethiopia**

Hon. Speaker: Honourable members I apologize for starting late because there was lot of rain. The Speaker will be away on official duties attending training for all the Speakers in Ethiopia Addis Ababa the members of the Speaker's panel and members of staff will be running the House

Hon W. Mosonik: Point of order.

Hon. Speaker: What your point of order.

Hon W. Mosonik: Thank you Mr. Speaker. My point of order is that I was expecting the communication from the Chair about the Lap fund AGM, in Mombasa

Hon. Speaker: That one was approved by the County Assembly service board. All the issues to pertaining to the preparation have been done and based on the members we meet yesterday are supposed to leave after this session and the House agreed yesterday in the small Kamukunji we had yesterday.

Hon. R. Serbai: Mr. Speaker the honourable member from Mogogosiek has made a very good remark that you were supposed to consider in the communication because I was to raise an issue about the same. The communication we received in our mobile phones is that if a member does not go to the venue, he should go to the procurement dept. to register so that he can accommodate other members. What kind of other members are these who are sharing a bed? Why should we call ourselves honourable members? In the National Assembly members enjoy their own privileges. I also need my privacy; why should I share with another member.

Hon. Speaker: I think honourable members I said we are supposed to sort out some of the issues in a Kamukunji. The accounting officer of the County Assembly the Clerk should be able to sort it out. Though there is a problem, but it boils down to outings. However much we are saying you

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have your own privacy we are supposed to meet as members and agree to some of the issues. From where I sit there was a miscommunication we had agreed that we can sort out in small Kamukunji after this sitting session and be able to find out especially that matter including other outstanding issues. I hope that satisfies you. I hope you are okay if we meet after the session.

Hon. R. Serbai: Mr. Speaker I want these to be known by the public, and go on record that I am not entitled to fuel, yet the members of the Parliament are given. It is my right and not being favored. We have never heard members of the National Assembly being told that; why members of the County Assembly.

Hon. Speaker: Hon Serbai that is the roles of the accounting office and personally I will have no problem if you are fueled, but we will sort it out in the Kamukunji.

PETITION

Petition by a Community Water Project.

Hon. Speaker: There was petitioning honorable Bor.

Hon. S. Bor: Thank you. Allow me to table this petition on 28th April 2016 by the committee on Water, Energy, Environment Forestry, and Natural Resources. A petition by a community water project.

Hon. Speaker: I want to direct that the table office contacts the petitioner so that they can be facilitated to attend and we get comments of their petition and views by the members on Wednesday during the Afternoon sitting.

NOTICE OF MOTION

That The County Assembly Urges the County Executive Committee to Fast-Track Issuance of Title Deeds to Residents of Siongiroi Ward that the defunct local authorities compulsorily Acquired Land From.

Hon. Speaker: Honourable Kirui.

Hon. L. Kirui: That, aware that the defunct local authorities compulsorily acquired a piece of Land from the residents of Siongiroi ward under the repealed Land Acquisition Act Cap 295, further aware that Article 40(3)(b) of the Constitution gives power to the state to compulsorily acquire private property for a public purpose or in the public interest and that such acquisition requires that there be prompt payment in full of just compensation to the person; also further aware that the defunct local authorities as a way of compensation resettled the said residents of Siongiroi ward in a village currently referred to as Legetetiet village; deeply concerned that since resettlement, the said residents have not been issued with the title deeds and that such delay has

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crippled dealings on the land by the said residents; this County Assembly urges the County executive committee to fast-track the issuance of title deeds to those residents of Siongiroi ward.

STATEMENTS

- a) **Pending statement sought by Hon J. Molel from the Committee on Health**
- b) **Statement Sought From The Chairperson, Committee On Lands, Urban Planning And Housing Regarding The Construction Of Siongiroi Primary-Siongiroi Market Centre Feeder Road**
- c) **Statement Sought From Chairperson Committee on Gender, Culture, and Social Services concerning the National Hospital Insurance Fund (NHIF) of the elder persons in Siongiroi Ward.**
- d) **Statement Sough From The Chairperson, Committee On Agriculture, Livestock And Fisheries Regarding The Stalled Chepwostuiyet Cooling Plant**

Hon. Speaker: There was a pending statement sought by Hon Molel which was supposed to be answered by the Chair person, committee on health.

Hon. L. Kirui: I want to report to this House we have not received any report from the CEC and the summon letter has been sent. I even ordered my clerk to give me a copy to show these House today. I want to say we still get time to follow a due procedure and it seems we are having a problem with some of the offices. We sometimes realize that the summons delay to be sent form the Clerk's office. We had a meeting prior to these meeting and we had assurance that the summons must be taken to the relevant office.

Hon. Speaker: Hon Molel, the question is actually long overdue. I think it's now four months down the line that they are now summoning the Chief Officer. I want to know if or when these people should summon the chief officer.

Hon. Molel is exasperated

Hon. L. Kirui: Point of order

Hon. Speaker: What is your point of order?

Hon. L. Kirui: Is honorable Molel in order to react that way yet he is in the same committee? We have been doing the same together and he knows the procedure. He could have raised these in the committee stage.

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Hon. J. Molel: I rise to say this; how comes that a report may take one year to get a response but in the actual sense it should not take more than two months.

Hon. R. Serbai: I rise to contribute on the sentiments by honorable Kirui; that I congratulate the committee on health for being the first committee to do shallow work; on roads where the honorable Molel is the Chair, he has never done so. Honourable Kirui has done very great work and I urge other Chairs to do the same and gave us a shallow report.

Hon. Speaker: What you point of order?

Hon. J. Molel: Is the honourable member in order to for the honourable member to raise a different issue from the subject of the day? And if the report was shallow then there was no member who raised the query and that means members were satisfied.

Hon. D. Rotich (Big five): Is it in order for the member to demonize another member, protect me Honourable Speaker.

Hon. Speaker: What is your point of order?

Hon. R. Serbai: I don't know if its matter of English or what Mr. Speaker, Is it in order for the member to say I am demonizing the other member. Can the member really tell these House what it is? Who am I to demonize.

Some members are laughing

Hon. Speaker: What is it honorable Siele; I rarely see you laughing.

Hon. P. Siele: Nothing really. I am also wondering why you are asking me, yet I was busy concentrating on other things honorable Speaker.

Hon. Speaker: I saw the three laughing. But let me assume the Speaker has no eyes and ears. Honourable big five.

Hon. D. Rotich (Big five): Mheshimiwa Spika.....

Hon. Speaker: Hon. D. Rotich (Big five): you are out of order; you were speaking in English why you should wait for someone to raise it?

Hon. D. Rotich (Big five): I rose to ask about the statement by honourable Molel, who was asking in good faith. Honourable Kirui has tried his best answering and Hon. Serbai said I am demonizing him.

Hon. R. Serbai: I don't know what the honorable member means. Can he withdraw this word so that we stop these because I believe that this word comes from the word demons?

Hon. Speaker: Honourable majority. As one of the most sincere people in these House I want to register my dismay...

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Hon. J. Kirui: I want to say it's not proper for honorable Molel to say that he is not satisfied, yet he has not been attending to the committee meetings, and that is why honorable Joyce and Siele who are members are laughing.

Hon. Speaker: Are you a member of that committee, I cannot doubt that and I know you are very sharp I but know you could not hear what they were discussing.

Hon. J. Kirui: I am member of that committee. I wish honorable Molel to withdraw and apologize to the able Chair.

Hon. Speaker: Honourable Mosonik.

Hon. W. Mosonik: On several occasions the Chair has tried to summon the CEC but the concerned committee clerk was on paternity leave. So I support the Chair when he says we have done.

Hon. Speaker: Honorable Metet.

Hon. R. Metet: I want to confirm that the committee for health was directly responding to what they have tried doing. In fact I found him this afternoon looking for details trying to compile the answers to make sure that the report is there. I believe he was frustrated trying to bring the answer.

Hon. Speaker: Honourable Chepkwony. You will be the last one.

Hon. J. Chepkwony: I am not a member of health. I stand to support the members for health. The members are arguing here for nothing. Whether he is a member of the committee or not, he is asking as representative and part of his representation mandate. Thank you.

Hon. Speaker: Honorable Kirui you said you summoned the chief officer health?

Hon. L. Kirui: To be very clear we summoned the office of the chief officer. I am afraid how Hon. Molel is asking as if he is not the member of the committee. We invited the CEC three times, we summoned him, and since he did not get time and had a court case, we started once more to invite the chief officer health three times and until now are summoning him.

Hon. Speaker: Let's close the matter. I personally signed the summons and I know he will come and I know you will have seven days to report after the day of summons. What's it.

Hon. W. Mosonik: We did not know to the letter has reached your desk. There is no summoning that will happen without my approval.

Hon. R. Serbai: Is honorable Mosonik in order to say unless it has reached your desk. It's good you gave the members to deliberate on first and inform them because they would have said you are supporting the Chair.

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Hon. Speaker: Let's proceed to the next level. The Next statement sought by honorable Molel. The Chair or Vice Chair or member of the committee on Water, Energy, Environment, Forestry, and Natural Resources. Perhaps the Chair should come to my office to explain the matter. We will follow up and answer it another time next week Tuesday afternoon. The next is comprehensive statement we also take it to next week Tuesday afternoon. The Chair education has requested that the answer is ready and has discussed with honorable Samson. Is that the case honourable Samson? He can be able to answer during the Wednesday morning sitting. Chair Labour and Public Service.

Hon. B. Too: The Chair has the answers.

Hon. Speaker: You have until next week Wednesday. What is it honourable Kirui.

Hon. L. Kirui: I was expecting to respond to a statement by honourable Chelule. I also have a statement to seek.

Hon. Speaker: Is it approved?

Hon. L. Kirui: Yes, I seek a statement from the Chairperson, Committee on Lands, Urban Planning and Housing regarding the Construction of Siongiroi Primary-Siongiroi Market Centre feeder road;

In the Statement, the Chairperson should State:-

- 1) Whether he is aware that there is a big trench in that road which blocks accessibility to Siongiroi Market Centre.
- 2) The reason why there is delay in the repair of that road yet there was budgetary allocation to that effect.
- 3) The steps that have been taken to resolve the issue and the expected date.

Hon. Speaker: I commit to the Committee on Urban Planning Lands and Housing and you have 14 days to get back to the House; proceed.

Hon. L. Kirui: Statement sought by Hon. Leonard Kirui from the Chairperson Committee on Gender, Culture and Social Services concerning the National Hospital Insurance Fund (NHIF) of the elder persons in Siongiroi Ward.

In the Statement, the Chairperson should State:-

- 1) Why is it that not all the beneficiaries of the County stipend have been issued with the NHIF identification cards?
- 2) How the said elderly persons will identify themselves in case they attend hospital.
- 3) How the said elderly persons will get to know the status of their monthly subscription?

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- 4) What plans the department has to avail the identification cards to the elderly persons since it is a crucial card which eases access to NHIF services?

Hon. Speaker: I commit to the committee on Gender, Culture, and Social Service and you have 14 days to get back to the House

Hon. L. Kirui: I seek a Statement from the Chairperson, Committee on Agriculture, Livestock, and Fisheries regarding the stalled Chepwostuiyet cooling plant.

In the Statement, the Chairperson should State:-

- 1) The total money allocation that was allocated to the construction of the cooling plant.
- 2) The reason why the construction of the project has stalled.
- 3) The plan which the department has towards the completion of the stalled project and the expected date of completion.

Hon. Speaker: I commit to the committee on Gender, Culture, and Social Service and you have 14 days to get back to the House. The statements dully become the property of the House. The statement for Irwaka let it be Wednesday Morning. Next order?

MOTION

The Bomet County Public Service Board Bill 2016; Third Reading.

Hon. B. Too: Honourable Speaker, I take this opportunity to move that the, The Bomet County Public Service Board Bill 2016 be read the third time and following the amendment that had been done earlier, I request honourable John Ngetich.

Hon. J. Ngetich: I second!

Hon. Speaker: I now propose that The Bomet County Public service Board Bill 2016 be read the third time. So it's open for debate. The Chair.

Hon. B. Too: Honourable Speaker I take this opportunity to thank the honourable members for supporting the Bill. It will support the public service board operations. This will provide for procedural inquiries by the board in their mandate. I beg the honourable House to support.

Hon. Speaker: I now put the question that The Bomet County Public Service Board Bill, 2016 be read the third time these day of 28th April 2016.

Question put and agreed to.

Hon. Speaker: The Bomet County Bill can now be read the third time.

The Bomet County Public Service Board Bill 2016, Third Reading. A Bill For An Act Of The Bomet County Assembly Of Bomet To Further To Article 235 Of The Constitution

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Sections 57, 58 and 59 Of The County Government Act that Provide For Membership, Powers And Functions Of The Board And Connected Purposes.

Hon. Speaker: The Bill having been read the third time, it now becomes the law and becomes an act after the governor has assented to it; so vide standing order No.139, I would as the Speaker within 14 days present it to the governor so that he can be able to assent to it or send it back through a memorandum. Thank you very much.

MOTION

Approval of the Report on the Construction of the Modern County Assembly Chamber

Hon. Speaker: Chair Budget and Appropriation. Hon Samson?

Hon. S. Towett: On behalf of the committee of the budget and appropriation, I beg to move this motion that, this County Assembly resolves to approve the report of the budget and appropriations committee on the construction of modern assembly chamber and other associated facilities, laid on the table of the County Assembly on 26th April, 2016.

Mr. Speaker Sir,

On behalf of the Members of the Budget Committee and as required under standing order No. 190, I take this opportunity to present to the House, the Committee's Report on the proposed construction of the modern County Assembly Chamber and other associated facilities as per the County Assembly Service Board report tabled in this House on 6th April 2016.

Mr. Speaker sir,

The Budget and Appropriation committee as currently constituted comprises of the following Honorable members:

1. Hon. Benard Ngeno – Chair person
2. Hon. Reuben Langat- Vice Chairperson
3. Hon. Leah Kirui
4. Hon. Robert Serbai
5. Hon. John Molel
6. Hon. Samwel Bor
7. Hon Samson Towett
8. Hon. Phillip Siele
9. Hon. Wilson Keter

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10. Hon. Julius Korir
11. Hon. Josphat Kirui
12. Hon. Leonard Kirui
13. Hon. Andrew Maritim

1.1 Mandate of the Committee

The standing order No. 190 establishes the Budget and Appropriation Committee with specific mandate to;

- a) Investigate, inquire into and report on all matters related to coordination, control and monitoring of the County Budget.*
- b) Discuss and review the estimates and make recommendations to the County Assembly.*
- c) Examine the County Fiscal Strategy Paper presented to the County Assembly;*
- d) Examine Bills related to the County budget, including Appropriations Bills; and*
- e) Evaluate tax estimates, economic and budgetary policies, and programmes with direct budget outlays.*

1.2 Examination of the proposed construction of the modern County Assembly Chamber and other associated facilities

Mr. Speaker sir,

The committee reviewed all the documents touching on the proposed project. Specifically, the committee reviewed the contents of consent entered between the executive and assembly on 2nd November 2015 and subsequent court order issued by the high court dated 6th November 2015. The committee also reviewed approved planning policy and budget documents including Annual Development Plan 2016/2017 financial year and Medium Term County Fiscal Strategy Paper, (CFSP) 2016.

Mr. Speaker sir,

For the first time involving a major project in the County, the committee organized and conducted a successful public participation forum on the proposed County Assembly Modern chamber and other associated facilities on 14th April 2016 at the County Assembly grounds. This was meant to give the members of the public an opportunity to present their views on the proposed project.

1.3 Acknowledgement

Mr. Speaker sir,

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The Committee is grateful to the Offices of the Speaker and the Clerk of County Assembly for the support received as it discharged its mandate. The committee is also grateful to the members of the public and interest groups who took their time and turned up in large numbers to participate in the public forums and whose views have helped this Committee to prepare their report within the shortest timeframe.

Mr. Speaker sir,

It is therefore my pleasant duty and privilege, on behalf of the Budget Committee to table this report for noting, information, and record.

Signed-----

THE HON. BENARD NGENO

CHAIRPERSON, BUDGET AND APPROPRIATION COMMITTEE

Date-----

We, honourable members of the Budget and Appropriation Committee, do hereby affix our signatures to this report to affirm our approval and confirm its accuracy, validity and authenticity:-

No.	Name	Position	Signature
1.	Hon. Benard Ngeno	Chairperson	
2.	Hon. Reuben Langat	Vice Chairperson	
3.	Hon. Leonard Kirui	Member	
4.	Hon. Samwel Bor	Member	
5.	Hon. Josphat Kirui	Member	
6.	Hon. Philip Siele	Member	
7.	Hon. Andrew Maritim	Member	
8.	Hon. Wilson Keter	Member	
9.	Hon. John Molel	Member	
10.	Hon. Leah Kirui	Member	
11.	Hon. Samson Towett	Member	

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12.	Hon. Julius Korir	Member	
13.	Hon. Robert Serbai	Member	

2 VIEWS AND OPINIONS OF THE PUBLIC AND OTHER INTEREST GROUPS

Mr. Speaker Sir,

The committee on Budget & Appropriation organized and conducted a successful public participation forum on Thursday, 14th April, 2016 at the County Assembly ground. The impressive turn out and active participation is a proof of the significance of the project in the County. I wish to appreciate and thank the County Assembly administration for their support in effectively neutralizing those who had ill intentions of disrupting the event.

The choice of venue, **Mr. Speaker Sir**, was influenced by proximity to the project site; nature of presentation (power point) and ease of access by the participants to appreciate the current facilities. Participants comprised of: Budget and Appropriation committee members, public works architects, members of the County Assembly Service Board, members of the public from various wards and other interest groups. Prior to the meeting, the public visited the proposed site and the current makeshift chamber. The committee received written memoranda from individuals and other interest groups.

The views and opinions of the public and other interest groups were as follows;

2.1 Written Memoranda

Written Memoranda were received from the following;

- i. Emikwen Community Development Programme (ECODEP)
- ii. Strategies for Peace, Education, Research and Development (SPERD)
- iii. Former Member of Parliament
- iv. Representative from Bomet Youth Organisation
- v. Representative from Bomet Teachers Community

2.1.1 Emikwen Community Development Programme (ECODEP) Bomet

The Directors of Emikwen Community Development Programme (ECODEP), an NGO organization supported the construction of the Modern Chamber due to the following reasons;

- i. A modern County Assembly Chamber is necessary as it carries the image, culture, values and aspirations of our community- the people of Bomet County
- ii. That the new chamber will ensure timely and effective delivery of service by the County Assembly vital to the community.

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- iii. That the two arms of government, Executive and Assembly, have distinct roles in ensuring timely and seamless delivery of service to the county residents
- iv. That the NCAC will have necessary facilities required by the County Assembly to ensure that there is adequate oversight over executive arm in their implementation of policies, programmes and projects. It will further ensure continuous effective representation of the electorate through timely legislation
- v. That the current aging facilities used by the Assembly risk being condemned by public works and if condemned, it will severely interrupt service delivery to the county residents.
- vi. That construction of modern County Assembly Chamber was long overdue. Bomet County Assembly is one of the few remaining Assemblies yet to put in place proper infrastructure for effective delivery of service.
- vii. That the current glamour to merge counties to reduce their number could finally come to fruition. In view of this therefore, there is need to strategically position ourselves as a county to benefit from the same due to the proximity and central nature of our County to the neighboring counties namely, Narok and Kericho. Aware that existence of adequate facilities will be one of the key parameters in consideration, existence of a modern chamber will put the County at an advantaged position to benefit from the proposed merger. The proposed chamber should therefore be expanded to accommodate a minimum of one hundred (100) members complete with their offices.
- viii. That the current hall being used as a chamber does not provide space for the public to follow the proceedings. Whereas the members of the business community for example, would like to follow the debate and proceedings during the passage of the Finance bill by the Assembly, the public gallery can only accommodate a few persons thereby locking out several members of the public keen on following such proceedings touching on their livelihood.
- ix. The old dilapidated former St. Michael Secondary school kitchen and dining portray bad image to dignitaries from other counties and countries that pay homage or visit the assembly. The high drop toilets which the public and honourable MCAs queue to use, worse during rainy season, was an eyesore to the visiting dignitaries.
- x. The current assembly structures do not inspire youth to appreciate our heritage and be motivated to achieve better things yet they hold our generational strength and hope for posterity.
- xi. The world over, people pride themselves in construction of landmark buildings and structures. These land marks leave a lasting impression in the minds of state/county

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quests or tourist. The County Assembly modern Chamber will be the county's first architectural land mark master piece.

- xii. Proper legislation cannot be done without a well-equipped County Assembly library. The current facilities have no space for setting up and equipping of a modern library with adequate references for ease of legislation.
- xiii. There is need to prioritize meals safety and security of County Assembly members. The need for a proper County Assembly kitchen and dining facilities cannot be overemphasized which former St. Michael dilapidated structures cannot accommodate.

2.1.2 Memorandum by former Member of Parliament, Konoin Constituency

Hon. Terer, a resident of Bomet County and a former member of parliament expressed his support for the construction of modern County Assembly Chamber and associated facilities. He stated that having previously visited the Assembly, he was aware of the difficulty within which the members of the County Assembly have to go through in pursuit of service delivery. He also stated that, the current state of the Assembly facilities negatively affects the oversight, legislation, and representation role of the Assembly members.

The following is an excerpt of his concerns;

- i. ***“Inefficient Hansard production:*** *Hansard form the official record of what transpires when the House is in session. On a number of occasions, I inquired from your office the official Hansard to understand what was discussed on a given day on a matter I had interest. However, the requested documents are hardly availed on time. In comparison with the national parliament, official Hansard was always available in a record 24 hours after a House session ends. I was informed that the delay was occasioned by inadequate infrastructure to support efficient and effective Hansard production. I however note and appreciate the fact that the new chamber has catered for adequate infrastructure to enable timely, effective and efficient Hansard production.*
- ii. ***Inadequate MCA's offices:*** *The current County Assembly premises do not have offices for the members of the County Assembly hence making it difficult for residents of the county to access and discuss issues with their MCA's. I noted that the assembly has four offices for Majority leader, leader of minority, Chief whip, and Deputy Speaker. All members of the County Assembly should be allocated offices for effective performance of their duties and for ease of access by the county residents. I also noted that the new chamber included offices for members of the County Assembly.*
- iii. ***Lack of enough committee rooms:*** *The County Assembly has various committees to handle respective matters as mandated by the constitution. The current committee offices*

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are inadequate and small in terms of space. I learnt that various committees have to queue in order for them to have meetings. Additionally, the rooms are so small such that members have to squeeze in order to accommodate the whole committee members. The new chamber should ensure every committee will have its own room equipped with recording devices which will provide conducive environment for proper processing of committee business. Cases of data loss/recordings will also be minimized.

- iv. ***Lack of Assembly debating chamber:*** *The current makeshift chamber is not only inadequate for members of the County Assembly to ensure proper debate but it also does not provide adequate space for public to follow proceedings. I was made to understand that on a number of occasions, visitors who come to the County Assembly including school pupils and students to follow proceedings for learning purposes were being forced to split classes in order for them to be accommodated. I am however optimistic that the new chamber will address the issue.*
- v. ***Inadequate space for public participation:*** *I noticed that the current assembly ground has no ample space for conducting efficient public participation. Public participation is a constitutional requirement on matters affecting county residents such as bills. The Assembly should therefore provide for adequate space within the assembly grounds to accommodate members of the public during such forums.”*

2.1.3 Memorandum by Strategies for Peace, Education, Research and Development (SPERD)

SPERD organization supported the proposed construction of modern Assembly Chamber and associated facilities as it will accommodate reasonable number of members of the County Assembly with public and Speakers gallery. The organization wanted to see a situation where pupils and students can conduct educational tours to the assembly and follow the day's proceedings in a comfortable environment, a public, and Speaker's galleries which are easily accessible by PWDs and the elderly in line with article 21 of the constitution.

The organization also supported construction of the following offices;

- i. Office of the Speaker complete with Secretarial space; PAs, protocol officer's, legal researcher's
- ii. Clerk's office with secretarial space, PA's office, open office with various work stations, Clerk's boardroom.
- iii. Committee rooms, ICT department, Assembly Library and other offices

2.1.4 Representative from Bomet Youth Organisation

The youth supported construction of Assembly's modern chamber as follows;

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“We petition the County Assembly of Bomet on issues we hold to be of fundamental importance in the context and content of the construction of the new chambers within the premises of the County Assembly. We believe that the objective of the new structure is to ensure equitable, efficient, productive, and sustainable service delivery to the residents of Bomet County. These are central tenets in promotion of societal justice and the realization of the potentials of all Kenyans.

To further exacerbate the problems being faced in the County Assembly, we have made several visits to the County Assembly chambers and what we observed to be of serious concerns that warrants immediate attention are the following:

- (a) The physical planning is poorly done or has never been done
- (b) There are no pavements at all to allow free access to Assembly offices
- (c) There are no special amenities for the Hon. Members and staff of the County Assembly like Modern toilets and cafeteria
- (d) The Chambers is small and squeezed and is not enough to accommodate the Hon. Members and even the members of the public
- (e) There is no designated parking yard where the Hon. Members, staff and even the members of public can park their vehicles within the County Assembly

Recommendations

In order to address both immediate and future issues of concern, we hereby demand that:

1. The physical planning needs to be re-designed in line with the new chambers
2. Pavements should be put in place so as to allow free access to Assembly offices even during the rainy season
3. For the convenience of the Hon. Members and staff of the County Assembly, special amenities like refreshment room; banquet hall and private dining room; medical examination center; and a lounge should be incorporated in new structure
4. Other facilities like library; research and reference office; computer centre; press and public relations office; media center; press briefing room; bureau of parliamentary studies and training; auditorium; committee and conference rooms; and a parking yard should be availed for the Hon. Members at the County Assembly.

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2.1.5 Bomet Teachers Community

The Bomet Teachers fraternity was generally appreciative of the Assembly's proposed construction of modern chamber owing to its importance to regular visits by students and pupils for learning purposes.

The teachers recommended the following;

- i. After carrying out the situational analysis of the same design, we as the teachers agree on the design of the project especially after evaluating on the 2nd Level Layout of the design we welcomed it because it provides a spacious public gallery for the visiting students. We also welcomed the general design because it will provide history and the visiting students will be able to tour and view the all assembly. In the past, our visiting students often complain of the small public gallery which usually gets hot and squeezed. We are happy as teachers that the new design offers a 200 seater gallery which will be spacious and comfortable.
- ii. When we study the 3rd Level layout plan as the teachers' community we recommend that the layout should put great emphasis on young people to the extent of having a dummy assembly within the main assembly on a separate room where young people come and hold mock parliamentary sessions.
- iii. The new building is fitted with modern facilities and will enable the MCAs to perform their duties effectively. The assembly will now televise its sessions from the chamber, which has modern electronic systems and Hansard equipment and the school children will be able to follow the proceedings at their respective stations.

3 COMMITTEE FINDINGS AND OBSERVATIONS

Speaker Sir,

The committee reviewed various documents touching on County Assembly's infrastructure development and made the following findings and observations;

3.1 Consent and Court order

The committee noted that the consent recorded on 2nd Nov 2015 between the County Assembly and the County Executive and subsequently adopted as an order of the court on 6th Nov 2015 authoritatively provided as follows;

KESs.10M shall be retained in the County Assembly's development vote for facilitation of public works design works and associated expenses for the County Assembly Chamber and any other amount required over and above the KESs. 10M shall be provided by the executive through a supplementary budget.

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THAT other development issues which include purchase of land, landscaping, and pavements and construction of Assembly residential buildings and committee rooms shall be discussed before end of February 2016 and included in the Annual Development Plan, County Fiscal Strategy Paper, and Budget Estimates.

The consent was signed by Governor Isaac Ruto on behalf of the Executive and County Assembly Speaker Hon. G.K. Kipng’etich on behalf of the County Assembly witnessed by Dr. Peter Koros the C.E.C member for Finance and Mr. Isaac Kitur the Clerk of the Assembly in presence of their respective legal officers.

The committee therefore considers the above stated consent and respective order to be authoritative and should be respected in the latter and spirit of its intended objective at all cost.

3.2 Annual Development Plan for 2016/17 financial year

The committee observed that Annual Development Plan for financial year 2016/17 approved by the County Assembly had adequately provided for County Assembly infrastructure development as follows;

Strategic Objective	Measurable Objective	Performance Measure	Estimate 2016/2017	Public Comments	Approved allocations
County Assembly Infrastructure Development	Construction of Modern design	Project completed,	398,634,000	Approved	398,634,000
	County Assembly Chamber, offices, Committee rooms	percentage status of completion			
	Purchase of land for residential buildings (5 acres)	Acquisition of land title deed	5,000,000	Approved	5,000,000
	Construction of County Assembly	Project design completed,	30,000,000	Approved	30,000,000

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residential buildings (Phase 1)	percentage status of completion				
Installation of solar panels	Number of solar panels acquired	600,000	Approved	600,000	
Construction of ward offices (10. No.)	Number of ward offices constructed	50,000,000	Approved	0	

The committee further established that the above stated annual development plan approved by the County Assembly had also been ratified by members of the public. Specifically, the public approved allocations for County Assembly infrastructural development which comprised of modern County Assembly chamber, adequate committee rooms, and residential buildings, purchase of land as well as Members of the County Assembly ward offices. The Members of the County Assembly however postponed the construction of their ward offices due to budgetary constraints.

3.3 The County Fiscal Strategy Paper 2016

The committee established that the members of the public approved allocations for construction of County Assembly modern chamber and advised that it be implemented in phases or through public private partnership.

The committee further established that the County Assembly allocations in the approved County Fiscal Strategy paper 2016 amounted to **KES 636,291,043** comprising of **KES 522,909,336** for recurrent and **KES 113,381,707** for development.

3.4 Joint Task Force Report

A taskforce was appointed on August, 2015 by the Governor and the County Assembly Service Board to identify, analyze and recommend a suitable site for the proposed County Assembly Chamber and offices.

Having reviewed the report, the committee agreed and in fact ratified the stated taskforce report recommending parcel A as the ideal location due to its accessibility, security, topographical characteristics, proximity and low disturbance.

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In view of the above, the committee established that the proposed construction of modern Assembly Chamber and associated facilities had gone through all the prerequisite stages of approval as required by law.

4 COMMITTEE RECOMMENDATIONS

Mr. Speaker Sir,

In view of its findings and observations, the Committee recommends as follows:

1. Having considered the space required as per the designs, public views and the task force report recommending construction in parcel A for putting up the proposed modern Chamber and associated facilities, the committee therefore settled for a minimum of 5.5 acres in parcel A.
2. That construction of the County Assembly Chamber and other associated facilities be divided into three phases in line with public views as follows;
 - i. Phase one- Construction of Modern Chamber
 - ii. Phase two- Construction of administrative and members offices
 - iii. Phase three- other facilities including Health Club, restaurant and residential buildings
3. That the County Assembly Service Board should prioritize construction of the first phase of the project- Modern County Assembly Chamber ahead of offices and other facilities
4. That the County Assembly Service Board should move with speed to the tendering stage of the project as **KES 113,381,707** has already been allocated in the approved Medium Term Fiscal Strategy Paper 2016/17 financial year for County Assembly infrastructure development which should be provided for in the Budget estimates 2016/17 f/y and appropriated for in the Bomet Appropriation Act 2016.
5. That the Assembly where necessary should allocate more resources via supplementary budget up to KES 200 million in order to complete the first phase of the project.
6. That the County Assembly Service Board should present the proposal before senate for consideration of a special allocations being a support from National allocations to counties over and above the normal allocations.
7. That public procurement and disposal Act should be adhered to in all stages of the project.

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8. That local contractors should be considered where possible within the law in line with the request by the members of the public
9. That any amount of funds which may remain from KES 10 million allocated in f/y 2015/16 for facilitation of public works design works and associated expenses should urgently be used to construct an ablution block, associated works and gate to serve in the meantime in the current Assembly premises

Honourable Speaker, I may not want to go further than that, the committee has done some good work and if we may put up the new gate, it will surely assist us. We may not sit in the new chambers but the new member who will come will come and appreciate the good work we have done.

If they come and find we have done nothing, they will ask themselves what we have been doing and if we did not realize that we needed a new chamber and other decent facilities including the toilets restaurants and even the modern committee rooms where we should be conducting the meetings. We should be having our ward offices within the assembly, So that when members of our various wards come we can host, welcome, and listen to them. With those few remarks we urge the members that together we support this motion for this work to start.

I beg honourable Korir to second,

Hon. Speaker: Honourable Korir.

Hon. Julius Korir: Thank you honourable Speaker. The Assembly will start its journey of construction by approving this report. A County that prospers is a county that has invested in constitutional developments. We should have a historical facts stored safely, and a good environment in a conducive facility. The members are in dire need of this chamber and other facilities. I also urge my colleagues that we join the other members who have worked tirelessly to ensure we have this report.

Mr. Speaker it is in the public domain that, we are using a condemned facility and therefore not fit to be used. These are the reason there was reluctance in the ministry of public works as it would result to collapse. Other counties have put up chambers and executive offices and developed good program. It is great shame that we are still conducting our programs here and having no plan to develop. This is a constitutional body where it can even attract national and international visitor like ambassadors and international investors. An investor would not risk his money investing because of members who are uncivilized in life and are not ready to transform even themselves.

We were in Meru County Assembly yesterday and we found out that it is well done and they intended the president to launch the assembly but only because of politics he did not. Go to the

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West Pokot County that is believed to be backward and you will realize that it has done a lot. The public private partnership is important and good as proposed by the executive but the challenges that we will encounter are many. To have the PPP will involve more than three parties. If a member is re-elected or nominated then you will feel ashamed to come and sit in the same House once more. The money that is supposed to be used to construct the chambers and is used in the development and yet these is of paramount importance too.

I therefore wish to inform the House that we support these so that the assembly service board can take the next step towards the construction of this. After we saw it in the architectural pictures I had one of the members saying that I wish I step in these colorful building before 2017. In fact honourable Chang'morik told me that he is praying to the God whom he worships at his local church as the assistant pastor, that these building be done well, so that if he is re-elected and I assured him I would elect him as the majority leader.

Hon. Speaker: Hon. D. Rotich Big Five:

Hon. D. Rotich Big Five: Is the honourable member in order to mention honourable member adversely?

Hon. Speaker: Honourable Korir,

Hon. Julius Korir: Honourable Big five did not get my point well. I said honourable Chang'morik's prayer is to be re-elected so that he can further use the facility. It is through my prayers that I saw a vision that I was with him in the new chamber, honourable Speaker. Thank you.

Hon. Speaker: Honourable Chang'morik if the Honourable Member doubts that you are assistant Bishop in your local church then I can confirm to him that you are indeed a serious one. It's now my turn to propose the question **THAT**, this County Assembly resolves to **Approve** the Report of the Budget and Appropriation Committee on the Construction of modern Assembly Chamber and other associated facilities, laid on the table of the County Assembly on 26th April, 2016. It's now open for debate. Hon Chang'morik.

Hon. S. Chang'morik: I am indeed a pastor in my local church and I want to say clearly what the honourable member told me that in case he sees that His Excellency the Governor may win the election then, he will not vie for the Kembu ward. Since he is aware that he is going to win then I am in the process of thinking of being the next Deputy Governor since I will be coming to this House to give the state of the County Address and this is the reason I want to support the construction of the same. We are yet to discuss in the budget the amount we are allocating for the chamber construction.

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I have been trying to say that we have been discussing these and we haven't agreed on the procedure of starting construction. I also have the faith of wishing the members to come again for the 2nd Assembly of Bomet. We also have you as the Speaker and it is my prayer that the members elect you as the Speaker in the next assembly. I hope God catches their minds and their hearts so that they can say this Speaker was able as I know that too. I really thank you, because you really want it to be build and you will be on record that you were the first Speaker to build these chambers. We have done a lot as compared to other counties in your presence as compared to the earlier Speaker from Bomet East. I really support the negotiation and the effort to start the County Assembly.

I also went to Meru County Assembly and I visited some sections and realized that it was a nice County Assembly and they were optimistic the president was supposed launch the Assembly. I also know that you will be among the invited guest at the County opening ceremony of the assembly.

Hon. Speaker: What you r point of order honourable member.

Hon. L. Kirui: I want to ask whether he is in order to name the president, and as I was in Meru I heard that the president was unable to come simply because he sent the CS for devolution.

Hon. Speaker: Hon Chang'morik.

Hon. S. Chang'morik: The person who was sent to represent the president was there but also the president invited them to another function; yet they were the host.

Hon. Speaker: Honourable member precede you are almost digressing.

Hon. S. Chang'morik: When the Meru County Assembly was opened then, I was convinced that we should start ours. We want to lead in everything. We want the assembly to sit and clearly give us a proper way on this. We need to know which agreement is it.

(Hon. Speaker exits and is replaced by The Deputy Speaker, Hon. Joyce Korir)

Hon. Joyce Korir: What you point or order?

Hon. W. Mosonik: Hon. Speaker, you should be sharp to realize that honourable Siele did not Bow when entering the chambers?

Hon. Joyce Korir: Honourable Siele Bowed. Honourable Majority.

(Hon. Speaker resumed the Seat)

Hon. Speaker: I was not here and the Speaker does not have eyes nor ears but I can smell that honourable Siele Bowed. Let's proceed.

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Hon. J. Kirui: I was in the process of confirming that honourable Siele bowed but honourable Joyce cannot see. Honourable Chang'morik let's move very fast.

Hon. S. Chang'morik: I Support the construction of this chamber.

Hon. Speaker: I want to appreciate the fact that all the members are in support of this construction of the chambers. This time we are all in agreement unlike when we began. I would be happy, if it's constructed while we are here so that we use them and urge the members to come back once more. I congratulate the panel and the committee. Thank you and I support.

Hon. Speaker: Honourable Nancy, Honourable majority, Honourable Siele.

Hon. N. Chepkirui: Thank you for the chance; I appreciate the leadership that was there during and St. Michael that has sheltered us for three years. We also congratulate the Meru County Assembly chambers and therefore I support this motion. We have persevered challenges e.g. washroom and compound where sometime it's occupied by water. Last I am not pleased with these committee, we have only one lady out of thirteen.

Hon. Speaker: Honourable majority.

Hon. J. Kirui: I want to register my dismay, as the Chair and vice Chair of this committee are not present while we are discussing such an important document. The construction needs quite a hefty pay which cannot be made on a single budget but the Chinese say a distance of one thousand miles begins with a single step. It's good money has been set aside for this construction and I believe that history will judge us harshly because we have members who will go to the national parliament in the capacity of Women Representative and some Members of parliament or senate. Just as my colleague has put it we may have a deputy governor from these House and I pray to the living God, and I hope you will find a comfortable life too, and the legacy you will leave is that you come as the MCA and you will find it good. Thank you I support.

Hon. Speaker: Honourable Siele.

Hon. P. Siele: I want to say that if the Speaker has no eyes, then why he did not see me bowing? It's really a progress if we come up with this chamber. To make a comment, these are crosscutting issues. We find that even the white settlers build their Houses even after their time had lapsed in 1963 and they still exist to the moment. That is over 50years ago. We need to leave a legacy. I want to concur with Korir that we come back. If at all there will be new members that will come it will not surprise them as to that what were we doing all the time. I want to assure you that we are behind this chamber construction.

Hon. Speaker: Any dissenting opinion? The mover?

Hon. S. Towett: I want to thank my colleagues. As support, people pride themselves in the construction of the land mark buildings or structures. These are the state, county, or tourism. The

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County Assembly Modern chambers will be the first architectural land mark piece. These will enable us to really have a place next time as we come back. There are other counties that have done and put up modern county assemblies and remember we have modern issues that touch on members of the public following the proceedings from the windows due to lack of enough space in the public gallery.

As a result of these then it means we will be having more space to accommodate them. I would imagine other visitor from other counties coming and they would put us in a shameful position. Honourable Chang'morik asked how much we are supposed to use to construct these chambers. I want to say most of these things have been factored in the budget plan. Let more negotiations be done upwards so that it enables the construction to be fast. Honourable Majority said the Chair and the Vice Chair were held up elsewhere and they informed me to move the motion. As I understand, there will be Women Reps, Senators and MPs here and even the Deputy Governor, may the prayers of these honourable members come true. Thank you. Thank you, honourable members.

Hon. Speaker: Thank you honourable Samson on behalf of the Chair and the committee. It's now my turn to put the question. That This County Assembly resolves to approve the report of the budget and appropriation committee on the construction of modern County Assembly chamber and other associated facilities today tabled on the County Assembly on 26th April 2016.

Question put and agreed to.

Hon. Speaker: Next order.

MOTION

That, Pursuant To Standing Order 28(4), the County Assembly Resolves To Alter Its Calendar So As To Go On Recess on 12th May, 2016 Instead Of 6th May, 2016

Hon. Speaker: Honourable Majority.

Hon. J. Kirui: Than you. I want to move the motion that, pursuant to Standing Order 28(4) this County Assembly resolves to alter its calendar so as to go on recess on 12th May, 2016 instead of 6th May, 2016. I choose to move this motion because we still have a lot of issues to do and we have the supplementary budget honourable Speaker. It would be good if we go on recess and by the time we come back and we will be remaining with the passage of the budget only. We can also use these opportunity to reorganize the committees which have been hectic in this honourable House We may resolve to go on recess on 12th may instead of 6th May. We also want members to be enjoying equal privileges Hon. Speaker. I move this motion that we may alter our recess to start on 12th May. Thank you.

Hon. Speaker: Who seconds?

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Hon. D. Rotich Big Five: I Second!

Hon. Speaker: Thank you honorable big five. I now propose the question that, pursuant to Standing Order 28(4) this County Assembly resolves to alter its calendar so as to go on recess on 12th May, 2016 instead of 6th May, 2016. I proceed to put the question if there is no objection. What is it honourable Joyce.

Hon. Joyce Korir: Thank you very much. I would like to request that you give us some time we consult on the number of issues that are still pending. The reason is that we come and deliberate on this issue, I have a lot of reservations on this.

Hon. Speaker: On these and what are these reason that you cannot advance to convince the other members. The issue of the supplementary budget is very critical and we hope that it will be tabled next week and if it is tabled on Wednesday, the members might be able to clear it. So what is the reason?

Hon. Joyce Korir: The number of reasons is that we still have Tuesday; we also have the supplementary budget that still comes when we are in recess. These recess also goes for about two months and we have a lot of issues to handle pertaining to the budget and remember we have just approved the construction of the chambers, and number of documents that I feel we should do example are the quarterly reports, and we request that we discuss the issue at length and all the member, to see the sense of at least reducing the number of days we are going on recess. Honourable Speaker, instead of rejecting we defer it until Tuesday Honourable Speaker.

Hon. Speaker: Honourable Joyce is disclosing that on Tuesday you will extend or you are rejecting date 6th May. You are not disclosing full facts.

Hon. Joyce Korir: This is to reduce the number of days for recess due to the fact that we have a number of businesses.

Hon. Speaker: Honourable Joyce it could be you who has a lot of businesses Let me hear from the other members; honourable Samson.

Hon. S. Towett: Looking at the calendar before we go on recess, it means the time we will be going on recess we shall include that one week prior to the recess and there will be another motion that will come on during the recess that requires this House to resolve, for me as to how it is now there is no problem and I support it be passed as it is.

Hon. Speaker: Honourable Joyce I wish I was privy to all this. So honourable Majority.

Hon. J. Kirui: I wanted to interject before I give a reply on the concerned raised by Joyce about bringing amendment to the date. Based on the business that will be there on Tuesday, I don't know whether it will be mitigated by honourable Samson. I resolve to alter its calendar so as we go on recess on 12th May, 2016 instead of 6th May, 2016. Thank you.

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Hon. Speaker: We may proceed but if honourable Joyce wants to increase from 12th May to another day, a motion can be brought before 12th. She can be able to come up with a motion and move because the standing order is very clear on how to reduce the number of days of going on a recess. I will put the questions that, pursuant to Standing Order 28(4) this County Assembly resolves to alter its calendar so as to go on recess on 12th May, 2016 instead of 6th May, 2016.

Question put and agreed to.

Hon. Speaker: Next order.

ADJOURNMENT

Hon. Speaker: There being no other business this House stands adjourned until Tuesday 3rd May 2016.

The House adjourned at 4.50 p.m.